Office of County Recorder
Wabasha County, Minnesota
Doc. No. **A364227**

Certified, filed, and or recorded on
August 17, 2026 12:05 PM

Stephanie E. Teachout, County Recorder
By JT Deputy
Fees: $0.00

364227

AMENDMENTS TO CHAPTER 14 OF THE WABASHA COUNTY ZONING ORDINANCE

County Ordinance Number 94

Effective Date July 7, 2026

Wabasha County Board of Commissioners

Resolution No.: 2026-132

Whereas, The Federal Emergency Management Agency (FEMA) has updated its flood maps and requires local governments to adopt the changes by July 21, 2026 and in conjunction with these map changes the State of Minnesota has added several updates to its model ordinance; and

Whereas, a public hearing was held by the Planning Commission on June 22nd, 2026 to consider public comments on the proposed Floodplain Management Regulations amendment language; and

Whereas, The Wabasha County Planning Commission on a vote of 5-0 recommends that the County Board approve of the proposed Floodplain Regulations amendments; and

Now Therefore be it Resolved by the Wabasha County Board of Commissioners that, that the County Board agrees with the Planning Commission recommendation and approves the adoption of the proposed Floodplain Regulation amendments.

Adopted this 7th day of July, 2026 by the Wabasha County Board of Commissioners.

By: _____
Board Chair

Attest:

By: _____
Board Clerk

ARTICLE 14

FLOOPLAIN MANAGEMENT REGULATIONS

SECTION 1.0 STATUTORY AUTHORIZATION AND PURPOSE

1.1 **Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

1.2 **Purpose**

1.21 This ordinance regulates development in the flood hazard areas of Wabasha County. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

1.22 This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.

1.23 This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.

1.24 This ordinance is also intended 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.

1.3 **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

1.4 **Warning and Disclaimer of Liability.** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped. Larger floods do occur and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of Wabasha County or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

1.5 **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

SECTION 2.0 DEFINITIONS

2.1 **Definitions.** Unless specifically defined, words or phrases used in this article must be interpreted according to common usage and so as to give this ordinance its most reasonable application. The definitions found within Article 14 shall apply to Article 14. Definitions found within Chapter 2 of

this Ordinance shall apply to this Article also, except as they may be in conflict with those found in Article 14, in which case those found in Chapter 14 shall prevail.

2.111 Accessory Structure. A structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

2.112 Base Flood. The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

2.113 Base Flood Elevation (BFE). The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

2.114 Basement. Any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all sides, regardless of the depth of excavation below ground level.

2.115 Building. See *Structure*.

2.116 Channel. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

2.117 Conditional Use. A land use or development that would not be appropriate generally, but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood

2.118 Development. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

2.119 Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

2.120 FEMA. Federal Emergency Management Agency.

2.121 Farm Fence. An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02, Subd. 1(a-d).

2.122 Flood. A temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.

2.123 Flood Fringe. The portion of the one-percent annual chance floodplain located outside of the floodway.

2.124 Flood Insurance Rate Map (FIRM). An official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

2.125 Flood Insurance Study (FIS). The study referenced in Section 3.2, which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

2.126 Floodplain. The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.

2.127 Floodproofing. A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

2.128 Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

2.129 Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used 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 so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

2.130 Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

2.131 New Construction. Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.

2.132 Principal Structure. The main building or other structure on a lot that is utilized for the property's principal use.

2.133 Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

2.134 Recreational Vehicle. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term "recreational vehicle" is synonymous with the term "travel trailer/travel vehicle."

2.135 Regulatory Flood Protection Elevation (RFPE). An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

2.136 Special flood hazard area (SFHA). An area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

2.137 Stage Increase. Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

2.138 Start of Construction. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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 the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the 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.

2.139 Structure. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 11.22, shall also be considered a structure for the purposes of this ordinance.

2.140 Subdivision. Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.

2.141 Substantial Damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.142 Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is defined in 44 CFR § 59.1.

2.143 Variance. "Variance" means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 394.27, Subd. 7.

2.144 Violation. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation of until such time as that documentation is provided.

2.145 Watercourse. A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

SECTION 3.0 JURISDICTION AND DISTRICTS

3.1 **Lands to Which Ordinance Applies.** This ordinance applies to all lands within the jurisdiction of Wabasha County within the Special Flood Hazard Areas (SFHAs) identified on the Flood Insurance Rate maps identified in Section 3.2. Areas within the SFHA are within one of three districts: the Floodway, Flood Fringe, or General Floodplain.

3.11 The Floodway, Flood Fringe or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.

3.12 These regulations apply to all areas within the SFHA. If areas below the Base Flood Elevation (BFE) extend beyond the mapped SFHA based on actual field conditions, the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain and these regulations apply to the outer boundary of the one-percent annual chance floodplain.

3.13 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

3.2 **Incorporation of Maps by Reference.** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Wabasha County, Minnesota, and Incorporated Areas and the Flood Insurance Rate Map panel numbers 27157C0025D, 27157C0028D, 27157C0029E, 27157C0033E, 27157C0034E, 27157C0040D, 27157C0041E, 27157C0042E, 27157C0043D, 27157C0044D, 27157C0055D, 27157C0061E, 27157C0065E, 27157C0070E, 27157C0090E, 27157C0095E, 27157C0110E, 27157C0116E, 27157C0117E, 27157C0118E, 27157C0119E, 27157C0130D, 27157C0135D, 27157C0140E, 27157C0141E, 27157C0145E, 27157C0155E, 27157C0160E, 27157C0165E, 27157C0170E, 27157C0200E, 27157C0210E, 27157C0220E, 27157C0225E, 27157C0230E, 27157C0235E, 27157C0240E, 27157C0245E, 27157C0260E, 27157C0280E, 27157C0281D, 27157C0282E, 27157C0283D, 27157C0284D, 27157C0301E, 27157C0305E, 27157C0306E, 27157C0310E, 27157C0315E, 27157C0320E, 27157C0340E, 27157C0350E, 27157C0375E, 27157C0385E, 27157C0400E, 27157C0430D, 27157C0435E, 27157C0475E, 27157C0500D, all dated July 21, 2026, all prepared by the Federal Emergency Management Agency. The maps shall also include the West Newton Special Use District Map and Description, dated October 15, 1991. These materials are on file in the Wabasha County Planning & Zoning Office.

3.3 **Districts**

3.31 Floodway District. Those areas within Zone AE delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in Section 3.2 and those areas within Zone A determined to be located in the floodway based on the delineation methods in Section 7.4.

3.32 Flood Fringe District. Those areas within Zone AE located outside of the delineated floodway as shown on the Flood Insurance Rate Maps referenced in Section 3.2, and those areas within Zone A determined to be located in the flood fringe based on the delineation methods in Section 7.4.

3.33 General Floodplain District. Those areas within Zone A or AE that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 3.2.

3.34 West Newton Special Use District. The West Newton Special Use District shall include those areas designated on the West Newton Special Use District Map and description adopted in Section 3.2.

3.4 **Annexations.** The Flood Insurance Rate Map panels referenced in Section 3.2 may include floodplain areas that lie outside of the corporate boundaries of Wabasha County at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into Wabasha County after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in Section 3.2 require ordinance amendment in accordance with Section 15.0.

3.5 **Municipal Boundary Adjustments & Townships.** The Flood Insurance Rate Map panels referenced in Section 3.2 apply countywide. If at any point any lands come under the jurisdiction of another local government, the following shall apply:

3.51 City adjustments of corporate boundaries, including but not limited to annexations and detachments, shall shift floodplain administrative authority of all affected lands immediately upon the date of the boundary adjustment occurring. Cities retain jurisdiction for all incorporated lands, and the County retains jurisdiction under this ordinance on all unincorporated lands, except as provided under Section 3.52 below or through some form of administrative agreement.

3.52 Townships adopting official controls under Minnesota Statutes, Section 394.33 may only obtain zoning authority for floodplain controls when they have adopted an ordinance that is approved by the Department of Natural Resources and has formally enrolled in the NFIP. Until this occurs, the county shall retain jurisdiction under this ordinance on all unincorporated lands. If a township returns zoning authority, the county shall resume that authority.

SECTION 4.0 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

4.1 **Permit Required.** A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:

4.11 The erection, addition, modification, maintenance, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 13.13.

4.12 The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction. Farm fences, as defined in Section 2.0 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit.

4.13 The change or expansion of a nonconforming use.

4.14 The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

4.15 The placement of fill, riprap, excavation, utilities, on-site sewage treatment systems, or other service facilities.

4.16 The storage of materials or equipment, in conformance with Section 4.22.

4.17 Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.

4.18 Any other type of "development," as defined in Section 2.0 of this ordinance.

4.2 **Minimum Development Standards**

4.21 All development must:

A. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. Be constructed with materials and equipment resistant to flood damage;

C. Be constructed by methods and practices that minimize flood damage;

D. Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;

E. Be reasonably safe from flooding and consistent with the need to minimize flood damage;

F. Be assured to provide adequate drainage to reduce exposure to flood hazards;

G. Not be detrimental to uses in adjoining areas; and

H. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

I. Ensure that any fill or other materials are protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.

4.22 Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

SECTION 5.0 FLOODWAY DISTRICT

5.1 **Permitted Uses in Floodway.** Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. No structures, as defined in Section 2.0, are allowed in the Floodway District, except as provided within subsection 5.15. The following uses and activities may be allowed with a permit, subject to the standards in Section 5.2:

5.11 Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.

5.12 Roads, driveways, railroads, trails, bridges, and culverts.

5.13 Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.

5.14 Grading, filling, land alterations, and shoreline stabilization projects.

5.15 Structures accessory to the uses detailed in Sections 5.11 and 5.31

5.2 **Standards for Permitted Uses in Floodway.** In addition to the applicable standards detailed in Section 4.0:

5.21 The applicant must demonstrate that the development will not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a "no-rise certification."

5.22 Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12, and FEMA has issued the CLOMR. Map revisions must follow the procedures in Sections 11.15 and 15.0.

5.23 Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sections 11.15 and 15.0.

5.24 Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.

5.25 Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters.

5.3 **Conditional Uses in Floodway.** The following uses and activities may be permitted as conditional uses, subject to the standards detailed in Sections 5.4:

5.31 Commercial extractive uses, and storage and stockpiling yards.

5.4 **Standards for Conditional Uses in Floodway.** In addition to the applicable standards detailed in Sections 4.0, 5.2 and 11.2:

5.41 Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by Wabasha County.

SECTION 6.0 FLOOD FRINGE DISTRICT

6.1 **Permitted Uses in Flood Fringe.** Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Sections 6.2.

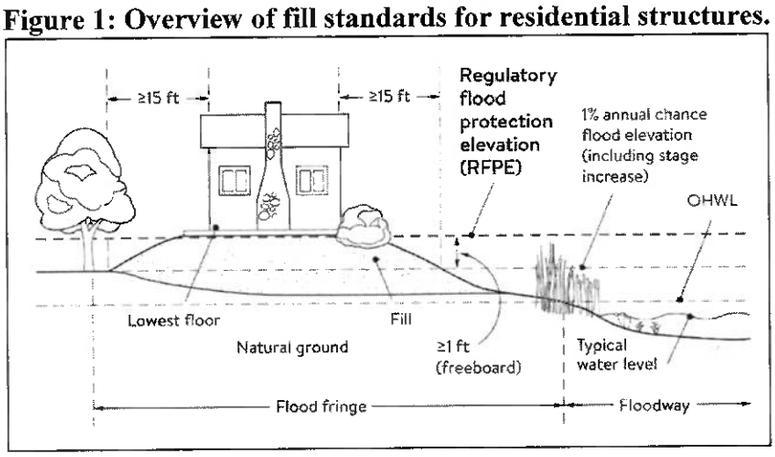
6.2 **Standards for Permitted Uses in Flood Fringe.** In addition to the applicable standards detailed in Section 4.0:

6.21 Residential Structures.

A. Elevation on Fill (Figure 1). Structures erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 2.0 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land

surveyor or other qualified person designated by the Zoning Administrator. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided in Section 6.31 of this ordinance .

Figure 1: Overview of fill standards for residential structures.

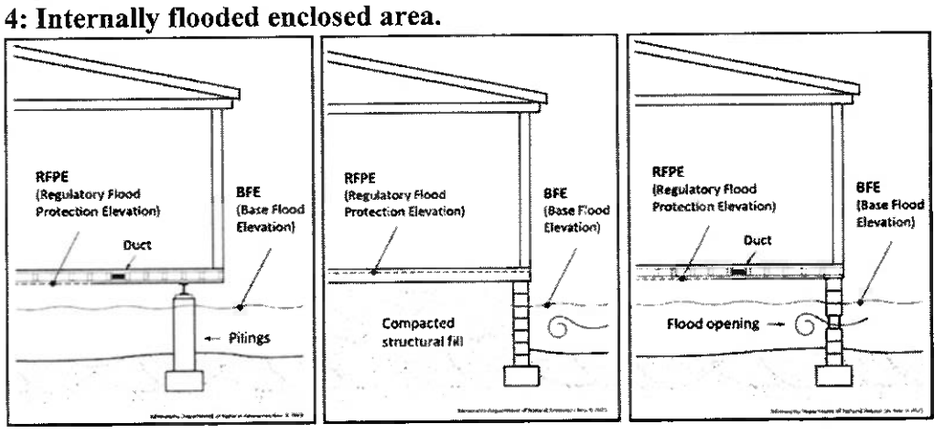


6.22 Nonresidential Structures. Nonresidential structures must meet one of the following construction methods:

A. Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 6.21.A of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.

B. Alternative Elevation Methods. Structures may be elevated using methods alternative to the fill standards in Section 6.21.A of this ordinance. Such methods include the use of blocks, pilings (Figure 2), filled stem walls (Figure 3), or internally-flooded enclosed areas (Figure 4) such as crawl spaces, attached garages, or tuck under garages.

Figure 2: Blocks or pilings. **Figure 3: Filled stem walls.** **Figure 4: Internally flooded enclosed area.**



Designs accommodating for internally-flooded enclosed areas must be certified by a registered professional engineer or architect, or meet or exceed the standards detailed in *FEMA Technical Bulletin 1*, as amended, as well as the following standards:

(1) The lowest floor, as defined in Section 2.0 of this ordinance, shall be elevated at or above the Regulatory Flood Protection Elevation (RFPE).

(2) The floor of the enclosed area must be at or above the exterior grade on at least one side of the structure.

(3) To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings below the base flood elevation on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

(4) Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Bathrooms and toilet rooms shall not be allowed.

C. Dry Floodproofing. Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:

(1) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);

(2) Must meet the standards of FEMA Technical Bulletin 3, as amended; and

(3) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.

6.23 Accessory Structures. In addition to meeting the standards in Section 4.21 of this ordinance, all accessory structures must meet the following standards:

A. Structures shall not be designed or used for human habitation.

B. Structures will have a low flood damage potential.

C. Structures shall constitute a minimal investment not to exceed 600 square feet in size, one-story in height, and shall only be used for parking and storage, except as provided under Section 6.23.E.

D. Structures with two or more rigid walls, must meet one of the following construction methods:

(1) Wet Floodproofing. Structures may be floodproofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

(2) Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 6.21.A of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure.

(3) Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Section 6.23.D(2), and must meet the standards in Section 6.22.B of this ordinance.

(4) Dry Floodproofing. Structures may be dry-floodproofed, or watertight, meeting the standards in Section 6.22.C of this ordinance.

E. Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, meeting the standards in Section 4.21 of this ordinance may be located at an elevation below

the Regulatory Flood Protection Elevation, exceed 600 square feet in size, and may include uses as provided under Section 6.1.

6.24 Any facilities used by employees or the general public must be designed with a flood warning system acceptable to Wabasha County that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

6.25 Manufactured homes and recreational vehicles must meet the standards of Section 11 of this ordinance.

6.3 **Conditional Uses in Flood Fringe.** The following uses and activities may be permitted as conditional uses, subject to the standards in Sections 6.4:

6.31 Alternative Elevation Methods – Residential Structures. Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Section 6.21.

6.4 **Standards for Conditional Uses in Flood Fringe.** In addition to the applicable standards detailed in Sections 4.0, 6.2 and 12.2:

6.41 All residential structures with lowest floors elevated through alternative elevation methods must meet the standards in Section 6.22.B of this ordinance.

SECTION 7.0 GENERAL FLOODPLAIN DISTRICT

7.1 Permitted Uses in General Floodplain District

7.11 Until the floodway is delineated, allowable uses will be restricted to those listed in the Floodway District, Section 5.0

7.12 All other uses are subject to a floodway/flood fringe determination as provided in Section 7.4, in addition to the standards provided in Sections 7.2 and 7.3. Permitted uses shall be determined as follows:

A. If the development is determined to be in the Floodway District, Section 5.0 applies.

B. If the development is determined to be in the Flood Fringe District, Section 6.0 applies.

7.2 Determining Flood Elevations

7.21 All development requires a determination of the Base Flood Elevation (BFE). Proposed developments of more than 50 lots or 5 acres, whichever is lesser, must use detailed methods for determining the BFE. This may include use of supporting A Zone modeling and the "shoreland method," when eligible, on lakes. Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR's Lake & Flood Elevations Online (LFEO) Viewer).

7.22 The Regulatory Flood Protection Elevation (RFPE) can be determined by assuming a one-half (0.5) foot stage increase to accommodate for future cumulative impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.

7.3 Encroachment Analysis

7.31 Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point, unless through a map revision following the procedures in Sections 12.15 and

15.0. This evaluation must include the cumulative effects of previous encroachments, and must be documented with hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.

7.32 Alterations or changes that result in stage decreases are allowed and encouraged.

7.4 **Standards for the Analysis of Floodway Boundaries**

7.41 Requirements for Detailed Studies. Any development, as requested by the Zoning Administrator, shall be subject to a detailed study to determine the Base Flood Elevation (BFE) and the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and *FEMA Guidelines and Standards for Flood Risk Analysis and Mapping*, as revised. Additionally:

A. A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half (0.5) foot at any point. This determination should include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result; and

B. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.

7.42 Other Acceptable Methods. For areas where a detailed study is not available or required:

A. Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.

SECTION 8 WEST NEWTON SPECIAL USE DISTRICT

8.1 There will be no additional primary or accessory structures after the date of adoption of this Ordinance.

8.2 Permitted Uses. The uses listed in Section 5.1 of this Ordinance shall be permitted uses.

8.3 Conditional Uses:

8.31 An existing structure can be replaced only by elevating the whole structure on floodproofed pilings so that the lowest floor is at or above the Regulatory Flood Protection Elevation (RFPE). An existing structure can be expanded only by elevating the addition or the whole structure on floodproofed pilings so that the lowest floor is at or above the RFPE.

The floodproofed pilings and the structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the RFPE. The pilings must be designed to minimize obstruction to flood flows.

8.32 No fill will be allowed that will cause any increase in the stage of the regional or one-percent annual chance flood. Fillings will only be allowed by conditional use only after the Board of Commissioners has considered the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

8.33 An emergency evacuation plan must be developed which must require evacuation of the structures during periods of threatened flooding. The evacuation plan shall be updated annually and filed with the Wabasha County Sheriff and the Emergency Management Director.

8.34 All of these requirements must be registered on the deed of each of the properties so that future property owners will be aware of the strictions on development.

8.35 Other floodplain development or zoning matters not specifically addressed in this Special Use District shall be considered under Section 5.0 of this Ordinance.

SECTION 9.0 SUBDIVISION STANDARDS

9.1 **Subdivisions.** All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

9.11 All lots within floodplain districts must be suitable for a building site outside of the Floodway District.

9.12 Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on Wabasha County.

9.13 All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by Wabasha County.

9.14 The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

SECTION 10.0 PUBLIC AND PRIVATE UTILITIES, SERVICE FACILITIES, ROADS, BRIDGES, AND RAILROADS

10.1 **Public Transportation Facilities.** Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

10.2 **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, parts 4725.4350 and 4725.5850.

10.3 **Private On-Site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.** Private facilities shall be subject to applicable provisions detailed in Section 10.2. In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment

to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

SECTION 11.0 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

11.1 **Manufactured Homes.** Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

11.11 New and replacement manufactured homes must be placed and elevated in compliance with Section 6.0 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

11.12 New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 9.0 of this ordinance.

11.2 **Recreational Vehicles.** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

11.21 Meet the requirements for manufactured homes in Section 11.1, or

11.22 Be travel ready, meeting the following criteria:

A. The vehicle must be fully licensed.

B. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.

C. No permanent structural type additions may be attached to the vehicle.

D. Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 4.0 and 6.23.

SECTION 12.0 ADMINISTRATION

12.1 **Duties.** A Zoning Administrator or other official must administer and enforce this ordinance.

12.11 Permit Application Requirements. Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:

A. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.

B. Location and detail of grading, fill, or storage of materials.

C. Copies of any required local, state or federal permits or approvals.

D. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

12.12 Recordkeeping. The Zoning Administrator must maintain applicable records in perpetuity documenting:

A. All certifications for dry floodproofing and alternative elevation methods, where applicable.

B. Analysis of no-rise in the Floodway District, as detailed in Section 5.21, and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Sections 7.22 and 7.31.

C. Final elevations, as applicable, detailing the elevation (in relation to mean sea level) of the lowest floor, including basements, of all new and substantially improved structures. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.

D. Substantial damage and substantial improvement determinations, as detailed in Section 13.2, including the cost of improvements, repairs, and market value.

E. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

12.13 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.

12.14 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

12.15 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, Wabasha County must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within the General Floodplain District, approval from the Commissioner of Natural Resources is needed prior to permitting any development that results in a stage increase between 0.5 and 1.0 feet; a map revision is only required if development results in stage increases greater than 1.0 foot.

12.2 **Conditional Uses and Variances**

12.21 Process.

A. An application for a conditional use permit will be processed and reviewed in accordance with the provisions of this ordinance.

B. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, Section 394.27, Subd. 7 and this ordinance.

12.22 Additional Variance Criteria. The following additional variance criteria must be satisfied:

A. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances from the provisions of this ordinance may only be issued by a community upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

C. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.

E. Variances may be used to modify permissible methods of flood protection, but no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).

F. The Zoning Administrator must notify the applicant for a variance in writing that:

(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

(2) Such construction below the base flood level increases risks to life and property. Notification must be maintained with a record of all variance actions.

12.23 Considerations for Approval. Wabasha County must consider all relevant factors specified in other sections of this ordinance in granting variances and conditional use permits.

12.24 Conditions of Approval. Wabasha County may attach such conditions to the granting of variances and conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

A. Limitations on period of use, occupancy, and operation.

B. Imposition of operational controls, sureties, and deed restrictions.

C. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

D. Other conditions as deemed appropriate by the Zoning Administrator, Planning Commission or Board of Commissioners

12.3 **Notifications to the Department of Natural Resources**

12.31 All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.

12.32 A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

SECTION 13.0 NONCONFORMITIES

13.1 **Continuance of Nonconformities.** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

13.11 Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Section 7.3, or when the floodway has not been delineated), any expansion or enlargement of uses or structures is prohibited.

13.12 Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

13.13 If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 13.2, it may not be reconstructed except in conformity with the provisions of this ordinance.

13.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.

13.2 **Substantial Improvement and Substantial Damage Determinations.** Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

13.21 Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.

13.22 Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.

A. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.

B. Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.

13.23 Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 2.0 of this ordinance.

A. For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all rehabilitations, additions, or other improvements completed since the community has adopted floodplain standards impacting this structure.

B. If any nonconforming structure experiences a repetitive loss, as defined in Section 2.0 of this ordinance, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this ordinance.

13.24 Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

SECTION 14.0 VIOLATIONS AND PENALTIES

14.1 **Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.

14.2 **Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by Wabasha County or the Department of Natural Resources.

14.3 **Enforcement.** Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. Wabasha County must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

SECTION 15.0 AMENDMENTS

15.1 **Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 3.2 of this ordinance.

15.2 **Required Approval.** All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval.

Adopted by Wabasha County Board

This 7 of July, 2026

(Day) (Month) (Year)

Attest: _____, County Board Chairperson

(Name of Elected Official)

Attest: _____, County Administrator

WABASHA COUNTY ZONING DEPARTMENT

625 Jefferson Avenue
Wabasha, MN 55981
Ph: 651-565-3062 Fax: 651-565-3159

NOTICE OF PUBLIC HEARING BEFORE THE WABASHA COUNTY PLANNING COMMISSION

The Wabasha County Planning Commission will conduct a public hearing starting at 7:00 p.m. on June 22nd, 2026 for the purpose of hearing any testimony regarding the following requests:

1) Public hearing on the application submitted by Rhonda Albert of Olson Explosives, Inc. requesting a Conditional Use Permit to operate a commercial explosives products, blasting and delivery service business. The subject property is identified as Wabasha County parcel R14.00144.00 and is located in Section 22, Township 108 North, Range 11 West, in Plainview Township.

2) Public hearing on the application submitted by Bryce DeCook requesting a Conditional Use Permit to transfer one (1) dwelling density unit from Wabasha County Parcel R16.00154.00 to Wabasha County Parcel 16.00153.00. The subject properties are identified as Wabasha County parcels R16.00153.00 and R16.00154.00 and are located in Section 25, Township 110 North, Range 12 West in West Albany Township.

3) Public hearing on a second application submitted by Bryce DeCook requesting a Conditional Use Permit to transfer one (1) dwelling density unit from Wabasha County Parcel R16.00154.00 to Wabasha County Parcel 16.00153.00. The subject properties are identified as Wabasha County parcels R16.00153.00 and R16.00154.00 and are located in Section 25, Township 110 North, Range 12 West in West Albany Township.

4) Public hearing on the Environmental Assessment Worksheet (EAW) submitted by Milestone Materials as a requirement prior to submitting a Conditional Use Permit Application for the proposed Highland Quarry non-metallic mine. The subject property is identified as Wabasha County Parcel R06.00259.03 and is located in Section 29, Township 109 North, Range 11 West of Highland Township.

5) Public hearing on the Wabasha County amendments to the dwelling density requirements of the Agricultural Protection District (A-1), Agriculture/Urban Fringe District (A-2), and Agriculture/Low Density (A-3) District. The Chapters and Sections to be amended are: Chapter 4.01; 4.04; 4.05; 5.01; 5.04; 5.05; all sections of Chapter 6; Chapter 10.05; Sections 3.2 and 5.2 of the Wabasha County Ordinance to Regulate Cannabis Businesses; and Section 6.5 of the Wabasha County Solar Energy Systems Ordinance. The proposed amendments address the dwelling density requirements for the A-1 and A-2 Zoning Districts, the elimination of the A-3 Zoning District, and references to the A-3 Zoning District.

6) Public hearing on the Wabasha County Floodplain Management Regulations amendments. All sections of the regulations are to be amended per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Wabasha County. In addition, The State of Minnesota has added several updates to it's model ordinance. The proposed amendments address: definition changes, jurisdiction and districts to which the Ordinance applies; incorporation of the new FIS and FIRMs; requirements for floodplain districts; minimum development standards; floodway district uses and standards; flood fringe district uses and standards; general floodplain district uses and standards; West Newton Special Use District standards; subdivision standards; Public and private utilities, service facilities, roads, bridges, and railroads regulations; manufactured homes and recreational vehicle regulations; administration and enforcement; nonconformities; and violations and penalties.

7) Public hearing on the Wabasha County Subdivision Ordinance Amendments. All 13 Articles of the Subdivision Ordinance contain proposed amendments. The proposed amendments address: general provisions; rules and definitions; types of subdivisions and their criteria and procedures; design standards, and required improvements.

The public hearing will take place in the County Board Room, Courthouse Annex, 625 Jefferson Avenue, Wabasha, Minnesota. Any interested person may provide testimony whether in person or by way of written comment submitted to the Wabasha Zoning Department. Written comments will be read into the record during the respective public hearing.

Any questions regarding this matter should be directed to the Wabasha County Zoning Department. You can contact the Zoning Department by phone at 651-565-3062, or by email at jkaltenbach@co.wabasha.mn.us.

Respectfully,
Wabasha County Planning Commission

AFFIDAVIT OF PUBLICATION
THE WABASHA COUNTY HERALD

State of Minnesota }
County of Wabasha } ss.

Michael T. Stumpf being duly sworn, on oath say that they are the publishers of the newspaper known as THE WABASHA COUNTY HERALD, and have full knowledge of the facts which are stated below: (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended. (B)Mortgage Foreclosure Notices [Effective 7/1/15]. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in WABASHA County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.
(C) The printed Notice of Public Hearing - 06.22.26

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks, it was first published on Wednesday, the 9th day of June, 2026, & was thereafter printed and published on every Wednesday to and including Wednesday, the 9th day of June, 2026 ; and printed below is a copy of the lower case alphabet from A to Z which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: _____
Publisher

Subscribed and sworn to before me on this 9th day of June, 2026

Notary Public,
Wabasha, Minnesota

TRACY A. PETERSON
NOTARY PUBLIC
MINNESOTA
My commission Expires 1-31-27

RATE INFORMATION

1) Lowest classified rate paid by commercial users for comparable space	$12.25 per inch
2) Maximum rate allowed by law for the above matter	$10.60 per inch
3) Rate actually charged for the above matter	$10.60 per inch

NOTICE OF PUBLIC HEARING

The Wabasha County Planning Commission will conduct a public hearing starting at 7:00 p.m. on June 22nd, 2026 for the purpose of hearing any testimony regarding the following requests:

1) Public hearing on the application submitted by Rhonda Albert of Olson Explosives, Inc. requesting a Conditional Use Permit to operate a commercial explosives products, blasting and delivery service business. The subject property is identified as Wabasha County parcel R14.00144.00 and is located in Section 22, Township 108 North, Range 11 West, in Plainview Township.

2) Public hearing on the application submitted by Bryce DeCook requesting a Conditional Use Permit to transfer one (1) dwelling density unit from Wabasha County Parcel R16.00154.00 to Wabasha County Parcel 16.00153.00. The subject properties are identified as Wabasha County parcels R16.00153.00 and R16.00154.00 and are located in Section 25, Township 110 North, Range 12 West in West Albany Township.

3) Public hearing on a second application submitted by Bryce DeCook requesting a Conditional Use Permit to transfer one (1) dwelling density unit from Wabasha County Parcel R16.00154.00 to Wabasha County Parcel 16.00153.00. The subject properties are identified as Wabasha County parcels R16.00153.00 and R16.00154.00 and are located in Section 25, Township 110 North, Range 12 West in West Albany Township.

4) Public hearing on the Environmental Assessment Worksheet (EAW) submitted by Milestone Materials as a requirement prior to submitting a Conditional Use Permit Application for the proposed Highland Quarry non-metallic mine. The subject property is identified as Wabasha County Parcel R06.00259.03 and is located in Section 29, Township 109 North, Range 11 West of Highland Township.

5) Public hearing on the Wabasha County amendments to the dwelling density requirements of the Agricultural Protection District (A-1), Agriculture/Urban Fringe District (A-2), and Agriculture/ Low Density (A-3) District. The Chapters and Sections to be amended are: Chapter 4.01; 4.04; 4.05; 5.01; 5.04; 5.05; all sections of Chapter 6; Chapter 10.05; Sections 3.2 and 5.2 of the Wabasha County Ordinance to Regulate Cannabis Businesses; and Section 6.5 of the Wabasha County Solar Energy Systems Ordinance. The proposed amendments address the dwelling density requirements for the A-1 and A-2 Zoning Districts, the elimination of the A-3 Zoning District, and references to the A-3 Zoning District.

6) Public hearing on the Wabasha County Floodplain Management Regulations amendments. All sections of the regulations are to be amended per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Wabasha County. In addition, The State of Minnesota has added several updates to it's model ordinance. The proposed amendments address: definition changes, jurisdiction and districts to which the Ordinance applies; incorporation of the new FIS and FIRMs; requirements for floodplain districts; minimum development standards; floodway district uses and standards; flood fringe district uses and standards; general floodplain district uses and standards; West Newton Special Use District standards; subdivision standards; Public and private utilities, service facilities, roads, bridges, and railroads regulations; manufactured homes and recreational vehicle regulations; administration and enforcement; nonconformities; and violations and penalties.

7) Public hearing on the Wabasha County Subdivision Ordinance Amendments. All 13 Articles of the Subdivision Ordinance contain proposed amendments. The proposed amendments address: general provisions; rules and definitions; types of subdivisions and their criteria and procedures; design standards, and required improvements.

The public hearing will take place in the County Board Room, Courthouse Annex 625 Jefferson Avenue, Wabasha, Minnesota. Any interested person may provide testimony whether in person or by way of written comment submitted to the Wabasha Zoning Department. Written comments will be read into the record during the respective public hearing.

Any questions regarding this matter should be directed to the Wabasha County Zoning Department. You can contact the Zoning Department by phone at 651-565-3062 or by email at jkaltenbach@co.wabasha.mn.us.

Respectfully,
Wabasha County Planning Commission
June 9, 2026

AFFIDAVIT OF PUBLICATION
THE WABASHA COUNTY HERALD

State of Minnesota }
County of Wabasha } ss.

Michael T. Stumpf being duly sworn, on oath say that they are the publishers of the newspaper known as THE WABASHA COUNTY HERALD, and have full knowledge of the facts which are stated below: (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended. (B)Mortgage Foreclosure Notices [Effective 7/1/15]. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in WABASHA County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.
(C) The printed Notice of Public Hearing - 06.22.26

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks, it was first published on Wednesday, the 9th day of June, 2026, & was thereafter printed and published on every Wednesday to and including Wednesday, the 9th day of June, 2026 ; and printed below is a copy of the lower case alphabet from A to Z which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: _____
Publisher

Subscribed and sworn to before me on this 9th day of June, 2026

Notary Public,
Wabasha, Minnesota

TRACY A. PETERSON
NOTARY PUBLIC
MINNESOTA
My commission Expires 1-31-27

RATE INFORMATION

1) Lowest classified rate paid by commercial users for comparable space	$12.25 per inch
2) Maximum rate allowed by law for the above matter	$10.60 per inch
3) Rate actually charged for the above matter	$10.60 per inch

NOTICE OF PUBLIC HEARING

The Wabasha County Planning Commission will conduct a public hearing starting at 7:00 p.m. on June 22nd, 2026 for the purpose of hearing any testimony regarding the following requests:

1) Public hearing on the application submitted by Rhonda Albert of Olson Explosives, Inc. requesting a Conditional Use Permit to operate a commercial explosives products, blasting and delivery service business. The subject property is identified as Wabasha County parcel R14.00144.00 and is located in Section 22, Township 108 North, Range 11 West, in Plainview Township.

2) Public hearing on the application submitted by Bryce DeCook requesting a Conditional Use Permit to transfer one (1) dwelling density unit from Wabasha County Parcel R16.00154.00 to Wabasha County Parcel 16.00153.00. The subject properties are identified as Wabasha County parcels R16.00153.00 and R16.00154.00 and are located in Section 25, Township 110 North, Range 12 West in West Albany Township.

3) Public hearing on a second application submitted by Bryce DeCook requesting a Conditional Use Permit to transfer one (1) dwelling density unit from Wabasha County Parcel R16.00154.00 to Wabasha County Parcel 16.00153.00. The subject properties are identified as Wabasha County parcels R16.00153.00 and R16.00154.00 and are located in Section 25, Township 110 North, Range 12 West in West Albany Township.

4) Public hearing on the Environmental Assessment Worksheet (EAW) submitted by Milestone Materials as a requirement prior to submitting a Conditional Use Permit Application for the proposed Highland Quarry non-metallic mine. The subject property is identified as Wabasha County Parcel R06.00259.03 and is located in Section 29, Township 109 North, Range 11 West of Highland Township.

5) Public hearing on the Wabasha County amendments to the dwelling density requirements of the Agricultural Protection District (A-1), Agriculture/Urban Fringe District (A-2), and Agriculture/Low Density (A-3) District. The Chapters and Sections to be amended are: Chapter 4.01; 4.04; 4.05; 5.01; 5.04; 5.05; all sections of Chapter 6; Chapter 10.05; Sections 3.2 and 5.2 of the Wabasha County Ordinance to Regulate Cannabis Businesses; and Section 6.5 of the Wabasha County Solar Energy Systems Ordinance. The proposed amendments address the dwelling density requirements for the A-1 and A-2 Zoning Districts, the elimination of the A-3 Zoning District, and references to the A-3 Zoning District.

6) Public hearing on the Wabasha County Floodplain Management Regulations amendments. All sections of the regulations are to be amended per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Wabasha County. In addition, The State of Minnesota has added several updates to it's model ordinance. The proposed amendments address: definition changes, jurisdiction and districts to which the Ordinance applies; incorporation of the new FIS and FIRMs; requirements for floodplain districts; minimum development standards; floodway district uses and standards; flood fringe district uses and standards; general floodplain district uses and standards; West Newton Special Use District standards; subdivision standards; Public and private utilities, service facilities, roads, bridges, and railroads regulations; manufactured homes and recreational vehicle regulations; administration and enforcement; nonconformities; and violations and penalties.

7) Public hearing on the Wabasha County Subdivision Ordinance Amendments. All 13 Articles of the Subdivision Ordinance contain proposed amendments. The proposed amendments address: general provisions; rules and definitions; types of subdivisions and their criteria and procedures; design standards, and required improvements.

The public hearing will take place in the County Board Room, Courthouse Annex, 625 Jefferson Avenue, Wabasha, Minnesota. Any interested person may provide testimony whether in person or by way of written comment submitted to the Wabasha Zoning Department. Written comments will be read into the record during the respective public hearing.

Any questions regarding this matter should be directed to the Wabasha County Zoning Department. You can contact the Zoning Department by phone at 651-565-3062, or by email at jkaltenbach@co.wabasha.mn.us.

Respectfully,
Wabasha County Planning Commission
June 9, 2026

NOTICE AND SUMMARY OF WABASHA COUNTY FLOODPLAIN MANAGEMENT REGULATIONS ADOPTION

The Wabasha Board of Commissioners adopted a newly revised floodplain ordinance at the July 7th, 2026 regular board meeting. The ordinance was based off the Minnesota DNR model floodplain ordinance, to satisfy the state and federal standards detailed in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program in 44 CFR 59 to 78. The ordinance provides the general regulations for development in floodplains, as well as procedures guiding administrative responsibilities.

A copy of the ordinance in its entirety is available for inspection at 625 Jefferson Avenue Wabasha, MN 55981from 8am- 4pm Monday – Friday and on the County Website at www.co.wabasha.mn.us.

AFFIDAVIT OF PUBLICATION
THE WABASHA COUNTY HERALD

State of Minnesota
County of Wabasha } ss.

Michael T. Stumpf being duly sworn, on oath say that they are the publishers of the newspaper known as THE WABASHA COUNTY HERALD, and have full knowledge of the facts which are stated below: (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended. (B)Mortgage Foreclosure Notices [Effective 7/1/15]. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in WABASHA County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.
(C) The printed Notice and Summary of Floodplain

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks, it was first published on Wednesday, the 14th day of July, 2026, & was thereafter printed and published on every Wednesday to and including Wednesday, the 14th day of July, 2026 ; and printed below is a copy of the lower case alphabet from A to Z which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: Michael Stumpf
Publisher

Subscribed and sworn to before me on this 14th day of July, 2026

Tracy A. Peterson
Notary Public
Wabasha, Minnesota

TRACY A. PETERSON
NOTARY PUBLIC
MINNESOTA
My commission Expires 1-31-27

RATE INFORMATION

1) Lowest classified rate paid by commercial users for comparable space	$12.25 per inch
2) Maximum rate allowed by law for the above matter	$10.60 per inch
3) Rate actually charged for the above matter	$10.60 per inch

NOTICE AND SUMMARY OF WABASHA COUNTY FLOODPLAIN MANAGEMENT REGULATIONS ADOPTION

The Wabasha Board of Commissioners adopted a newly revised floodplain ordinance at the July 7th, 2026 regular board meeting. The ordinance was based off the Minnesota DNR model floodplain ordinance, to satisfy the state and federal standards detailed in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program in 44 CFR 59 to 78. The ordinance provides the general regulations for development in floodplains, as well as procedures guiding administrative responsibilities.

A copy of the ordinance in its entirety is available for inspection at 625 Jefferson Avenue Wabasha, MN 55981 from 8am- 4pm Monday – Friday and on the County Website at www.co.wabasha.mn.us.

July 14, 2026

LAKE CITY GRAPHIC - AFFIDAVIT OF PUBLICATION

[FORM Rev.08/25]

STATE OF MINNESOTA)

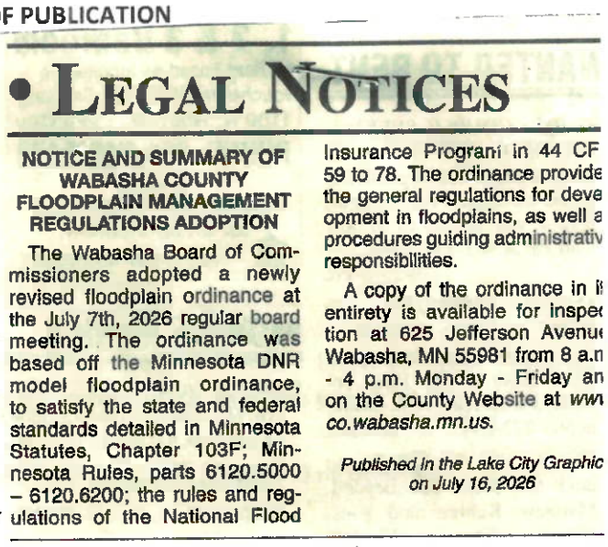
) ss.

COUNTY OF WABASHA)

Dean T. Schumacher, being first duly sworn, on oath stat

1. I am the publisher of the LAKE CITY GRAPHIC, or the p knowledge of the facts stated in this Affidavit, which is made pu

2. The newspaper has complied with all of the requirem under Minnesota law, including those requirements found in Mir



• LEGAL NOTICES

NOTICE AND SUMMARY OF WABASHA COUNTY FLOODPLAIN MANAGEMENT REGULATIONS ADOPTION

The Wabasha Board of Commissioners adopted a newly revised floodplain ordinance at the July 7th, 2026 regular board meeting. The ordinance was based off the Minnesota DNR model floodplain ordinance, to satisfy the state and federal standards detailed in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program in 44 CF 59 to 78. The ordinance provide the general regulations for deve opment in floodplains, as well a procedures guiding administrativ responsibilities.

A copy of the ordinance in i entirety is available for inspec tion at 625 Jefferson Avenu Wabasha, MN 55981 from 8 a.n - 4 p.m. Monday - Friday an on the County Website at ww co.wabasha.mn.us.

Published in the Lake City Graphic on July 16, 2026

3. The attached public notice was published in the newspaper on Thursday, the 16th day of July, 2026.

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: $13.50 per column inch.

5. Mortgage Foreclosure Notices Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Wabasha County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

Dean Schumacher

Publisher

Subscribed and sworn to before me on

this 6th day of August 2026.

Notary Public

Janet L Borcherding
Notary Public
Minnesota
My Commission Expires January 31, 2030

AFFIDAVIT OF PUBLICATION
THE PLAINVIEW NEWS
409 W. BROADWAY
PLAINVIEW, MN 55964

State of Minnesota

County of Wabasha } **ss.**

Michael T. Stumpf, being duly sworn, on oath says that he is the publisher of the newspaper known as THE PLAINVIEW NEWS, and has full knowledge of the facts, which are stated below: (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statutes 331A.02, 331A.07, and other applicable laws as amended. (B) Mortgage Foreclosure Notices (Effective 7/1/15). Pursuant to Minnesota Statutes § 580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Wabasha County. The newspaper complies with the conditions described in § 580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

C)The printed Floodplain Mangement

which is attached was cut from the columns of said newspaper, and was printed and published once each week for 1 successive weeks, it was published on Thursday, the 16 day of July 2026 and was thereafter printed and published on every Thursday to and including Thursday, the day of 16 of July 2026 and printed below is a copy of the lower case alphabet from A to Z which is hereby acknowledged as part being the size and kind of type used in the composition and publication of this notice:

abcdefghijklmnopqrstuvwxyz

By:

Publisher

MELISSA ANN HARTERT
Notary Public
Minnesota
My Commission Expires
Jan 31, 2031

Subscribed and sworn to before me on this 16 day of July 2026

Notary Public
Plainview, Minnesota

RATE INFORMATION

1) Lowest classified rate paid by commercial users for comparable space	$13.00 per inch
2) Maximum rate allowed by law for the above matter	$12.00 per inch
3) Rate actually charge for the above matter	$10.05 per inch

NOTICE AND SUMMARY OF WABASHA COUNTY FLOODPLAIN MANAGEMENT REGULATIONS ADOPTION

The Wabasha Board of Commissioners adopted a newly revised floodplain ordinance at the July 7th, 2026 regular board meeting. The ordinance was based off the Minnesota DNR model floodplain ordinance, to satisfy the state and federal standards detailed in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program in 44 CFR 59 to 78. The ordinance provides the general regulations for development in floodplains, as well as procedures guiding administrative responsibilities.

A copy of the ordinance in its entirety is available for inspection at 625 Jefferson Avenue Wabasha, MN 55981from 8am- 4pm Monday – Friday and on the County Website at www.co.wabasha.mn.us.

ARTICLE 14

FLOODPLAIN MANAGEMENT REGULATIONS

SECTION 1.0 STATUTORY AUTHORIZATION AND PURPOSE

1.1 **Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

1.2 **Purpose**

1.21 This ordinance regulates development in the flood hazard areas of Wabasha County. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

1.22 This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.

1.23 This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.

1.24 This ordinance is also intended 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.

1.3 **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

1.4 **Warning and Disclaimer of Liability.** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped. Larger floods do occur and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of Wabasha County or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

1.5 **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

SECTION 2.0 DEFINITIONS

2.1 **Definitions.** Unless specifically defined, words or phrases used in this article must be interpreted according to common usage and so as to give this ordinance its most reasonable application. The definitions found within Article 14 shall apply to Article 14. Definitions found within Chapter 2 of

this Ordinance shall apply to this Article also, except as they may be in conflict with those found in Article 14, in which case those found in Chapter 14 shall prevail.

2.111 Accessory Structure. A structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

2.112 Base Flood. The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

2.113 Base Flood Elevation (BFE). The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

2.114 Basement. Any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all sides, regardless of the depth of excavation below ground level.

2.115 Building. See *Structure*.

2.116 Channel. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

2.117 Conditional Use. A land use or development that would not be appropriate generally, but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

2.1189 Development. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

2.11920 Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

2.12021 FEMA. Federal Emergency Management Agency.

2.12122 Farm Fence. An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02, Subd. 1(a-d).

2.1223 Flood. A temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.

2.1234 Flood Fringe. The portion of the one-percent annual chance floodplain located outside of the floodway.

2.1245 Flood Insurance Rate Map (FIRM). An official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

2.1256 Flood Insurance Study (FIS). The study referenced in Section 3.2, which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

2.1267 Floodplain. The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.

2.1278 Floodproofing. A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

2.1289 Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

2.12930 Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used 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 so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

2.1301 Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

2.1312 New Construction. Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.

2.1323 Principal Structure. The main building or other structure on a lot that is utilized for the property's principal use.

2.1334 Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

2.1345 Recreational Vehicle. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term "recreational vehicle" is synonymous with the term "travel trailer/travel vehicle."

2.1356 Regulatory Flood Protection Elevation (RFPE). An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

2.1367 Special flood hazard area (SFHA). An area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

2.1378 Stage Increase. Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

2.1389 Start of Construction. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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 the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the 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.

2.13940 Structure. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 11.22, shall also be considered a structure for the purposes of this ordinance.

2.1401 Subdivision. Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.

2.1412 Substantial Damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.1423 Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is defined in 44 CFR § 59.1.

2.1434 Variance. "Variance" means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 394.27, Subd. 7.

2.1445 Violation. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation of until such time as that documentation is provided.

2.1456 Watercourse. A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

SECTION 3.0 JURISDICTION AND DISTRICTS

3.1 **Lands to Which Ordinance Applies.** This ordinance applies to all lands within the jurisdiction of Wabasha County within the Special Flood Hazard Areas (SFHAs) identified on the Flood Insurance Rate maps identified in Section 3.2. Areas within the SFHA are within one of three districts: the Floodway, Flood Fringe, or General Floodplain.

3.11 The Floodway, Flood Fringe or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.

3.12 These regulations apply to all areas within the SFHA. If areas below the Base Flood Elevation (BFE) extend beyond the mapped SFHA based on actual field conditions, the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain and these regulations apply to the outer boundary of the one-percent annual chance floodplain.

3.13 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

3.2 **Incorporation of Maps by Reference.** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Wabasha County, Minnesota, and Incorporated Areas and the Flood Insurance Rate Map panel numbers 27157C0025D, 27157C0028D, 27157C0029E, 27157C0033E, 27157C0034E, 27157C0040D, 27157C0041E, 27157C0042E, 27157C0043D, 27157C0044D, 27157C0055D, 27157C0061E, 27157C0065E, 27157C0070E, 27157C0090E, 27157C0095E, 27157C0110E, 27157C0116E, 27157C0117E, 27157C0118E, 27157C0119E, 27157C0130D, 27157C0135D, 27157C0140E, 27157C0141E, 27157C0145E, 27157C0155E, 27157C0160E, 27157C0165E, 27157C0170E, 27157C0200E, 27157C0210E, 27157C0220E, 27157C0225E, 27157C0230E, 27157C0235E, 27157C0240E, 27157C0245E, 27157C0260E, 27157C0280E, 27157C0281D, 27157C0282E, 27157C0283D, 27157C0284D, 27157C0301E, 27157C0305E, 27157C0306E, 27157C0310E, 27157C0315E, 27157C0320E, 27157C0340E, 27157C0350E, 27157C0375E, 27157C0385E, 27157C0400E, 27157C0430D, 27157C0435E, 27157C0475E, 27157C0500D, all dated July 21, 2026, all prepared by the Federal Emergency Management Agency. The maps shall also include the West Newton Special Use District Map and Description, dated October 15, 1991. These materials are on file in the Wabasha County Planning & Zoning Office.

3.3 **Districts**

3.31 Floodway District. Those areas within Zone AE delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in Section 3.2 and those areas within Zone A determined to be located in the floodway based on the delineation methods in Section 7.4.

3.32 Flood Fringe District. Those areas within Zone AE located outside of the delineated floodway as shown on the Flood Insurance Rate Maps referenced in Section 3.2, and those areas within Zone A determined to be located in the flood fringe based on the delineation methods in Section 7.4.

3.33 General Floodplain District. Those areas within Zone A or AE that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 3.2.

3.34 West Newton Special Use District. The West Newton Special Use District shall include those areas designated on the West Newton Special Use District Map and description adopted in Section 3.2.

3.4 **Annexations.** The Flood Insurance Rate Map panels referenced in Section 3.2 may include floodplain areas that lie outside of the corporate boundaries of Wabasha County at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into Wabasha County after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in Section 3.2 require ordinance amendment in accordance with Section 15.0.

3.5 **Municipal Boundary Adjustments & Townships.** The Flood Insurance Rate Map panels referenced in Section 3.2 apply countywide. If at any point any lands come under the jurisdiction of another local government, the following shall apply:

3.51 City adjustments of corporate boundaries, including but not limited to annexations and detachments, shall shift floodplain administrative authority of all affected lands immediately upon the date of the boundary adjustment occurring. Cities retain jurisdiction for all incorporated lands, and the County retains jurisdiction under this ordinance on all unincorporated lands, except as provided under Section 3.52 below or through some form of administrative agreement.

3.52 Townships adopting official controls under Minnesota Statutes, Section 394.33 may only obtain zoning authority for floodplain controls when they have adopted an ordinance that is approved by the Department of Natural Resources and has formally enrolled in the NFIP. Until this occurs, the county shall retain jurisdiction under this ordinance on all unincorporated lands. If a township returns zoning authority, the county shall resume that authority.

SECTION 4.0 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

4.1 **Permit Required.** A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:

4.11 The erection, addition, modification, maintenance, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 13.13.

4.12 The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction. Farm fences, as defined in Section 2.0 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit.

4.13 The change or expansion of a nonconforming use.

4.14 The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

4.15 The placement of fill, riprap, excavation, utilities, on-site sewage treatment systems, or other service facilities.

4.16 The storage of materials or equipment, in conformance with Section 4.22.

4.17 Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.

4.18 Any other type of "development," as defined in Section 2.0 of this ordinance.

4.2 **Minimum Development Standards**

4.21 All development must:

A. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. Be constructed with materials and equipment resistant to flood damage;

C. Be constructed by methods and practices that minimize flood damage;

D. Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;

E. Be reasonably safe from flooding and consistent with the need to minimize flood damage;

F. Be assured to provide adequate drainage to reduce exposure to flood hazards;

G. Not be detrimental to uses in adjoining areas; and

H. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

I. Ensure that any fill or other materials are protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.

4.22 Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

SECTION 5.0 FLOODWAY DISTRICT

5.1 **Permitted Uses in Floodway.** Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. No structures, as defined in Section 2.0, are allowed in the Floodway District, except as provided within subsection 5.15. The following uses and activities may be allowed with a permit, subject to the standards in Section 5.2:

5.11 Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.

5.12 Roads, driveways, railroads, trails, bridges, and culverts.

5.13 Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.

5.14 Grading, filling, land alterations, and shoreline stabilization projects.

5.15 Structures accessory to the uses detailed in Sections 5.11 and 5.31, **which require a CUP under Section 5.32**.

5.2 **Standards for Permitted Uses in Floodway.** In addition to the applicable standards detailed in Section 4.0:

5.21 The applicant must demonstrate that the development will not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a "no-rise certification."

5.22 Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12, and FEMA has issued the CLOMR. Map revisions must follow the procedures in Sections 11.15 and 15.0.

5.23 Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sections 11.15 and 15.0.

5.24 Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.

5.25 Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters.

5.3 **Conditional Uses in Floodway.** The following uses and activities may be permitted as conditional uses, subject to the standards detailed in Sections 5.4:

5.31 Commercial extractive uses, and storage and stockpiling yards.

5.32 Structures accessory to uses detailed in Sections 5.11 and 5.31.

5.4 **Standards for Conditional Uses in Floodway.** In addition to the applicable standards detailed in Sections 4.0, 5.2 and 11.2:

5.41 Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by Wabasha County.

5.42 Accessory Structures. Structures accessory to the uses detailed in Sections 5.11 and 5.31 must be constructed and placed so as to offer a minimal obstruction to the flow of flood waters, and are subject to the standards in Section 6.23 of this ordinance.

SECTION 6.0 FLOOD FRINGE DISTRICT

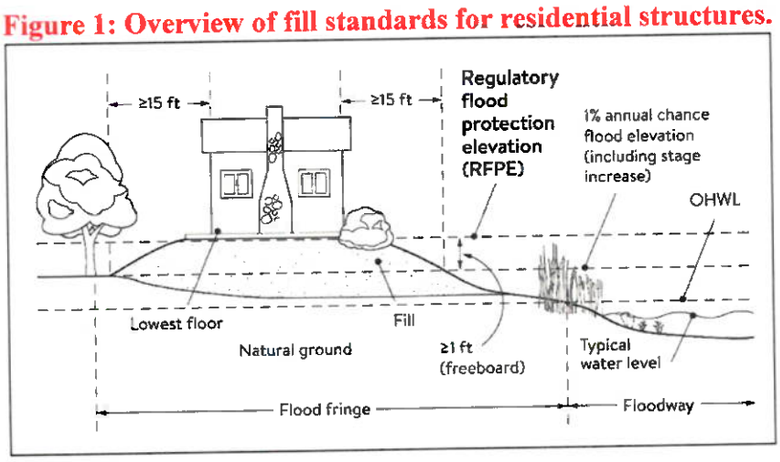
6.1 **Permitted Uses in Flood Fringe.** Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Sections 6.2.

6.2 **Standards for Permitted Uses in Flood Fringe.** In addition to the applicable standards detailed in Section 4.0:

6.21 Residential Structures.

A. Elevation on Fill (Figure 1). Structures erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 2.0 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided in Section 6.31 of this ordinance .

Figure 1: Overview of fill standards for residential structures.



6.22 Nonresidential Structures. Nonresidential structures must meet one of the following construction methods:

A. Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 6.21.A of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.

B. Alternative Elevation Methods. Structures may be elevated using methods alternative to the fill standards in Section 6.21.A of this ordinance. Such methods include the use of blocks, pilings (Figure 2), filled stem walls (Figure 3), or internally-flooded enclosed areas (Figure 4) such as crawl spaces, attached garages, or tuck under garages.

Figure 2: Blocks or pilings.

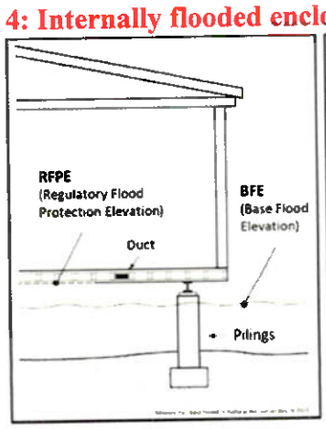


Figure 3: Filled stem walls.

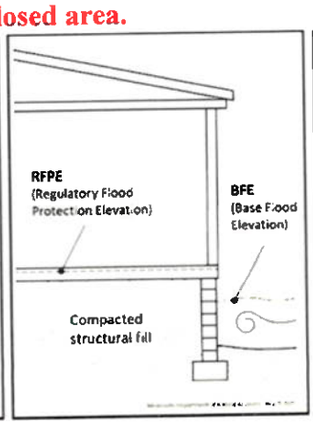
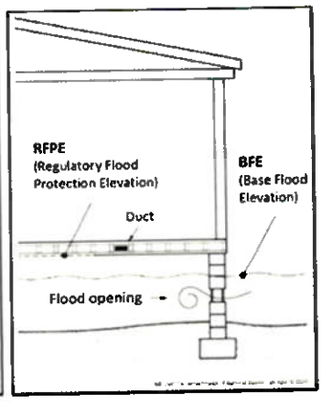


Figure 4: Internally flooded enclosed area.



Designs accommodating for internally-flooded enclosed areas must be certified by a registered professional engineer or architect, or meet or exceed the standards detailed in *FEMA Technical Bulletin 1*, as amended, as well as the following standards:

(1) The lowest floor, as defined in Section 2.0 of this ordinance, shall be elevated at or above the Regulatory Flood Protection Elevation (RFPE).

(2) The floor of the enclosed area must be at or above the exterior grade on at least one side of the structure.

(3) To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings below the base flood elevation on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

(4) Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Bathrooms and toilet rooms shall not be allowed.

C. Dry Floodproofing. Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:

(1) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);

(2) Must meet the standards of FEMA Technical Bulletin 3, as amended; and

(3) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.

6.23 Accessory Structures. In addition to meeting the standards in Section 4.21 of this ordinance, all accessory structures must meet the following standards:

A. Structures shall not be designed or used for human habitation.

B. Structures will have a low flood damage potential.

C. Structures shall constitute a minimal investment not to exceed 600 square feet in size, one-story in height, and shall only be used for parking and storage, except as provided under Section 6.23.E.

D. Structures with two or more rigid walls, must meet one of the following construction methods:

(1) Wet Floodproofing. Structures may be floodproofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

(2) Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 6.21.A of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure.

(3) Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Section 6.23.D(2), and must meet the standards in Section 6.22.B of this ordinance.

(4) Dry Floodproofing. Structures may be dry-floodproofed, or watertight, meeting the standards in Section 6.22.C of this ordinance.

E. Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, meeting the standards in Section 4.21 of this ordinance may be located at an elevation below the Regulatory Flood Protection Elevation, exceed 600 square feet in size, and may include uses as provided under Section 6.1.

6.245 Any facilities used by employees or the general public must be designed with a flood warning system acceptable to Wabasha County that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

6.256 Manufactured homes and recreational vehicles must meet the standards of Section 11 of this ordinance.

6.3 **Conditional Uses in Flood Fringe.** The following uses and activities may be permitted as conditional uses, subject to the standards in Sections 6.4:

6.31 Alternative Elevation Methods – Residential Structures. Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Section 6.21.

6.4 **Standards for Conditional Uses in Flood Fringe.** In addition to the applicable standards detailed in Sections 4.0, 6.2 and 12.2:

6.41 All residential structures with lowest floors elevated through alternative elevation methods must meet the standards in Section 6.22.B of this ordinance.

SECTION 7.0 GENERAL FLOODPLAIN DISTRICT

7.1 **Permitted Uses in General Floodplain District**

7.11 Until the floodway is delineated, allowable uses will be restricted to those listed in the Floodway District, Section 5.0

7.12 All other uses are subject to a floodway/flood fringe determination as provided in Section 7.4, in addition to the standards provided in Sections 7.2 and 7.3. Permitted uses shall be determined as follows:

A. If the development is determined to be in the Floodway District, Section 5.0 applies.

B. If the development is determined to be in the Flood Fringe District, Section 6.0 applies.

7.2 **Determining Flood Elevations**

7.21 All development requires a determination of the Base Flood Elevation (BFE). Proposed developments of more than 50 lots or 5 acres, whichever is lesser, must use detailed methods for determining the BFE. This may include use of supporting A Zone modeling and the "shoreland method," when eligible, on lakes. Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR's Lake & Flood Elevations Online (LFEO) Viewer).

7.22 The Regulatory Flood Protection Elevation (RFPE) can be determined by assuming a one-half (0.5) foot stage increase to accommodate for future cumulative impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.

7.3 Encroachment Analysis

7.31 Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point, unless through a map revision following the procedures in Sections 12.15 and 15.0. This evaluation must include the cumulative effects of previous encroachments, and must be documented with hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.

7.32 Alterations or changes that result in stage decreases are allowed and encouraged.

7.4 Standards for the Analysis of Floodway Boundaries

7.41 Requirements for Detailed Studies. Any development, as requested by the Zoning Administrator, shall be subject to a detailed study to determine the Base Flood Elevation (BFE) and the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and *FEMA Guidelines and Standards for Flood Risk Analysis and Mapping*, as revised. Additionally:

A. A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half (0.5) foot at any point. This determination should include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result; and

B. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.

7.42 Other Acceptable Methods. For areas where a detailed study is not available or required:

A. Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.

SECTION 8 WEST NEWTON SPECIAL USE DISTRICT

8.1 There will be no additional primary or accessory structures after the date of adoption of this Ordinance.

8.2 Permitted Uses. The uses listed in Section 5.1 of this Ordinance shall be permitted uses.

8.3 Conditional Uses:

8.31 An existing structure can be replaced only by elevating the whole structure on floodproofed pilings so that the lowest floor is at or above the Regulatory Flood Protection Elevation

(RFPE). An existing structure can be expanded only by elevating the addition or the whole structure on floodproofed pilings so that the lowest floor is at or above the RFPE.

The floodproofed pilings and the structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the RFPE. The pilings must be designed to minimize obstruction to flood flows.

8.32 No fill will be allowed that will cause any increase in the stage of the regional or one-percent annual chance flood. Fillings will only be allowed by conditional use only after the Board of Commissioners has considered the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

8.33 An emergency evacuation plan must be developed which must require evacuation of the structures during periods of threatened flooding. The evacuation plan shall be updated annually and filed with the Wabasha County Sheriff and the Emergency Management Director.

8.34 All of these requirements must be registered on the deed of each of the properties so that future property owners will be aware of the strictions on development.

8.35 Other floodplain development or zoning matters not specifically addressed in this Special Use District shall be considered under Section 5.0 of this Ordinance.

SECTION 9.0 SUBDIVISION STANDARDS

9.1 **Subdivisions.** All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

9.11 All lots within floodplain districts must be suitable for a building site outside of the Floodway District.

9.12 Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on Wabasha County.

9.13 All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by Wabasha County.

9.14 The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

SECTION 10.0 PUBLIC AND PRIVATE UTILITIES, SERVICE FACILITIES, ROADS, BRIDGES, AND RAILROADS

10.1 **Public Transportation Facilities.** Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

10.2 **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to

eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, parts 4725.4350 and 4725.5850.

10.3 **Private On-Site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.** Private facilities shall be subject to applicable provisions detailed in Section 10.2. In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

SECTION 11.0 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

11.1 **Manufactured Homes.** Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

11.11 New and replacement manufactured homes must be placed and elevated in compliance with Section 6.0 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

11.12 New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 9.0 of this ordinance.

11.2 **Recreational Vehicles.** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

11.21 Meet the requirements for manufactured homes in Section 11.1, or

11.22 Be travel ready, meeting the following criteria:

A. The vehicle must be fully licensed.

B. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.

C. No permanent structural type additions may be attached to the vehicle.

D. Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 4.0 and 6.23.

SECTION 12.0 ADMINISTRATION

12.1 **Duties.** A Zoning Administrator or other official must administer and enforce this ordinance.

12.11 Permit Application Requirements. Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:

A. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.

B. Location and detail of grading, fill, or storage of materials.

C. Copies of any required local, state or federal permits or approvals.

D. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

12.12 Recordkeeping. The Zoning Administrator must maintain applicable records in perpetuity documenting:

A. All certifications for dry floodproofing and alternative elevation methods, where applicable.

B. Analysis of no-rise in the Floodway District, as detailed in Section 5.21, and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Sections 7.22 and 7.31.

C. Final elevations, as applicable, detailing the elevation (in relation to mean sea level) of the lowest floor, including basements, of all new and substantially improved structures . Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.

D. Substantial damage and substantial improvement determinations, as detailed in Section 13.2, including the cost of improvements, repairs, and market value.

E. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

12.13 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.

12.14 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

12.15 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, Wabasha County must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within the General Floodplain District, approval from the Commissioner of Natural Resources is needed prior to permitting any development that results in a stage increase between 0.5 and 1.0 feet; a map revision is only required if development results in stage increases greater than 1.0 foot.

12.2 Conditional Uses and Variances

12.21 Process.

A. An application for a conditional use permit will be processed and reviewed in accordance with the provisions of this ordinance.

B. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, Section 394.27, Subd. 7 and this ordinance.

12.22 Additional Variance Criteria. The following additional variance criteria must be satisfied:

A. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances from the provisions of this ordinance may only be issued by a community upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

C. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.

E. Variances may be used to modify permissible methods of flood protection, but no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).

F. The Zoning Administrator must notify the applicant for a variance in writing that:

(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

(2) Such construction below the base flood level increases risks to life and property. Notification must be maintained with a record of all variance actions.

12.23 Considerations for Approval. Wabasha County must consider all relevant factors specified in other sections of this ordinance in granting variances and conditional use permits.

12.24 Conditions of Approval. Wabasha County may attach such conditions to the granting of variances and conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

A. Limitations on period of use, occupancy, and operation.

B. Imposition of operational controls, sureties, and deed restrictions.

C. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

D. Other conditions as deemed appropriate by the Zoning Administrator, Planning Commission or Board of Commissioners

12.3 Notifications to the Department of Natural Resources

12.31 All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.

12.32 A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

SECTION 13.0 NONCONFORMITIES

13.1 **Continuance of Nonconformities.** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

13.11 Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Section 7.3, or when the floodway has not been delineated), any expansion or enlargement of uses or structures is prohibited.

13.12 Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

13.13 If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 13.2, it may not be reconstructed except in conformity with the provisions of this ordinance.

13.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.

13.2 **Substantial Improvement and Substantial Damage Determinations.** Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

13.21 Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.

13.22 Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.

A. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.

B. Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.

13.23 Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 2.0 of this ordinance.

A. For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all rehabilitations, additions, or other improvements completed since the community has adopted floodplain standards impacting this structure.

B. If any nonconforming structure experiences a repetitive loss, as defined in Section 2.0 of this ordinance, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this ordinance.

13.24 Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

SECTION 14.0 VIOLATIONS AND PENALTIES

14.1 **Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.

14.2 **Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by Wabasha County or the Department of Natural Resources.

14.3 **Enforcement.** Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. Wabasha County must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

SECTION 15.0 AMENDMENTS

15.1 **Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 3.2 of this ordinance.

15.2 **Required Approval.** All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval.

Adopted by Wabasha County Board

This _____ of _____, _____

(Day) (Month) (Year)

Attest: _____, County Board Chairperson

(Name of Elected Official)

Attest: _____, County Administrator