

45 **6. Zoning Ordinance Discussion: to consider language/revisions toward greater clarity in**
46 **the Winona County Zoning Ordinance (WCZO)**

47 Similar to the August meeting, short items from the WCZO were discussed with a goal to clean
48 up some language to increase consistency between chapters and to decrease ambiguities for
49 applicants, as requested in the memo from the Planning & Environmental Services Director. To
50 aid the September discussion, Assistant County Attorney shared her multi-county research and
51 gave a PowerPoint presentation on four WCZO topics for potential revision: recreational
52 cabins/seasonal dwellings, second was whether a variance or CIUP reapplication should or
53 could be submitted again shortly after a denial, Interim Use Permit transfer or renewal and last,
54 how Variance/CIUP voluntary relinquishment is handled at the request of the holder of the
55 permit/property owner. Planning Commission members received language that would
56 potentially strike the definition of seasonal dwelling and change it in one other location in
57 chapter 13 (septic-related) to recreational cabin. For recreational cabins, the suggestion was to
58 add the words “structure footprint” in front of “size of nine hundred (900) square feet” in the
59 ordinance. In addition, Planning Commissioner members reviewed a proposed revision to
60 eliminate the “4 continuous months per calendar year” and substitute it with “shall not be
61 occupied for more than 180 days in any calendar year.”
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63 Recreational Cabin vs. Seasonal Dwelling Discussion

64 The Planning Commission discussed the seasonal dwelling portion of the Planning Memo and
65 there was a consensus among the members to move forward with removing the definition of
66 seasonal dwelling and utilizing the term recreational cabin for both to reduce confusion for
67 applicants. Lew Overhaug gave some background information about the purpose that the
68 designations was spelled out in the 2011 WCZO for the other aspects of Recreational Cabin
69 language under discussion. The ordinance was created to accommodate small hunting shacks,
70 generally with limited or no sewer, septic or water. It involved structures that were then easily
71 permittable without a public hearing or having to consider lot sizes, obtain driveway access
72 permits, road improvements, meet density requirements, etc. Generally, the structure is one that
73 has limited use with limited services. Discussion ensued about the length of occupancy
74 language during the year. The proposal to clarify the cabin size (regarding the request to add
75 words “*structure footprint*” in front of the size of 900 sq. ft. in the existing Ordinance)
76 centered around whether current language refers to the structure footprint or the living space,
77 heated space, and how to consider attached space (i.e. garage, screened in porch, etc.). The
78 Planning Commission also had incidental questions on how recreational cabins were taxed vs:
79 regular dwellings in assessing them. The Assessor’s office will provide information on the
80 taxation question, which will be sent.
81

82 At a future meeting, Assistant County Attorney Stephanie Nuttall will provide other MN
83 County zoning ordinance comparisons that might be applicable.
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85 Reapplication After Denial

86 At this time, WCZO does not address reapplication of a variance or CIUP, if the request is
87 denied. Attorney Nuttall stated that most MN Counties give a timeframe, such as 6 months or 1
88 year, during which an applicant must wait to reapply with the *same* petition. An exception is if

89 there is a substantial change or new evidence provided, reapplication may be accepted which is
90 already the case in Winona County. A restriction on reapplication without substantial change
91 was believed to have been a part of the WCZO prior to the 2011 ZO updates and this language
92 did not make it into the most recent version. It was proposed by staff to have a 1 year wait for
93 reapplication, to avoid redundancy and to allow for new petitions, unless, again, the application
94 has substantial changes or there is evidence that was not available at the time of the original
95 consideration. The Planning Commission and staff discussed what needs to have changed to
96 justify reconsideration and who should make the decision. The Planning Commission
97 wondered if the one MN County that does not have a reapplication rule, finds the reapplication
98 process to be a problem. The consensus of the Planning Commission was that a rule may not
99 be needed so no action would be taken by staff on this item.

100 101 Interim Use Permit Renewal/Transfer

102 In the past, the Planning Commission has suggested that a streamlined process for renewing or
103 transferring an Interim Use Permit may be appropriate. Planning Department staff are still
104 bound by notice, public hearing and decision requirements. Discussion ensued about some of
105 the elements involved, including the ability of the Planning Director to waive fees to expedite a
106 renewal of this sort, however, that is also not codified in the Winona County Zoning
107 Ordinance. The Planning Commission and staff discussed ways to streamline the process,
108 possibly by reframing the IUP permits in conditions to say something similar to “This will be
109 reviewed in 5 years and if the permits meets X, Y and Z, it will be renewed for another 5
110 years.” By adding that into the permit language, it could streamline a renewal without needing
111 a full application. Potentially waiving or decreasing the permit fee could be a part of it, but
112 would need to be part of the established fee schedule structure which is reviewed annually.
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114 Relinquishment of Variance or CIUP

115 At this time, there is not a set process if a landowner wishes to relinquish a Variance or CIUP.
116 The Planning Department stated that it comes up seldom but within the past year two requests
117 had been received. The Dept. did not charge fees and paid the recording fee to the Recorder’s
118 Dept., the petitioner did not pay. The ability to relinquish Variances or CIUPs allows for
119 cleaner property records that do not include unused/unnecessary CIUPs or Variances. At a
120 recent training Stephanie Nuttall attended, it was shared that property owners have the right to
121 have the permits taken off their property and it was suggested the County Board acknowledge
122 the relinquishment before it is recorded. In some MN counties, CIUPs expire after being
123 unused for a certain length of time. Is language needed in the WCZO for the process? The
124 consensus amongst the Planning Commission was that a brief process description could be
125 helpful in the ZO; language to be brought back to the Planning Commission for review at a
126 future meeting.
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128 7. Updates

- 129 • **Board of Adjustment** – The BOA approved two septic setback variances within the City
130 of Dakota. Liaison Jordan Potter talked about the inefficiencies of having many septic-
131 related variances in this area that do not meet standards, as opposed to more active City of
132 Dakota collective problem-solving efforts possibly being renewed with State agencies.

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- **County Board** – The County Board approved the Wobschall CUP.

8. Adjourn

On motion by Kelley Stanage and seconded by Lynn Carlson, the Planning Commission adjourned at 8:45 p.m.

Respectfully Submitted By,
Anne Schwertel, Administrative Specialist

Signed By: _____

Planning Commission Chair/Vice Chair

Date