



**NOTICE OF VARIANCE OR CONDITIONAL/INTERIM USE DECISION**

BOARD OF ADJUSTMENT (Variance)

APPROVED

DENIED

WINONA COUNTY BOARD

APPROVED

DENIED

Zoning Ordinance Amendment – Timber Harvesting and Recreational Cabin

PLEASE SEE ATTACHED RESOLUTION.

Winona County PL&ES  
Request for Recording

## **ORDINANCE AMENDMENT**

WHEREAS, the Winona County Board of Commissioners, Winona, Minnesota has on the 27th day of December 2022, amended Winona County Zoning Ordinance Chapter 4.2: Definitions, Chapter 6.9: Commercial Timber Harvesting Permits, Chapter 9.15.3: Timber Harvesting Standards, Chapter 9.6: Recreational Cabins, Chapter 13.6.2(D): SSTS Standards – Holding Tanks; and

WHEREAS, a Notice of Intention to Consider the Winona County Zoning Ordinance Chapter 4.2: Definitions, Chapter 6.9: Commercial Timber Harvesting Permits, Chapter 9.15.3: Timber Harvesting Standards, Chapter 9.6: Recreational Cabins, and Chapter 13.6.2(D): SSTS Standards – Holding Tanks amendment to the Winona County Zoning Ordinance on November 17, 2022, at the 7:00 p.m. Planning Commission Meeting in the Commissioner’s Room, County Office Building, Winona, Minnesota was published in the Winona Daily News on November 6, 2022 and a second notice of intention to consider the Winona County Zoning Ordinance Amendment on December 13, 2022, at the 7:00 p.m. County Board Meeting in the Commissioner’s Room, County Office Building, Winona, Minnesota was published in the Winona Daily News on November 27, 2022; and

WHEREAS, proof of such publication is now on file; and

WHEREAS, the County Board of Winona County hereby finds that the Winona County Zoning Ordinance was updated based on direction from the County Board, Public Hearings held on November 17<sup>th</sup> and December 13<sup>th</sup> and the Planning Commission findings; and

WHEREAS, the Winona County Board of Commissioners, at the December 27, 2022, County Board meeting, hereby finds that the proposed amendments are required by reason of public necessity and general welfare.

NOW THEREFORE, the Winona County Board of Commissioners hereby amends Winona County Zoning Ordinance Chapter 4.2: Definitions, Chapter 6.9: Commercial Timber Harvesting Permits, Chapter 9.15.3: Timber Harvesting Standards, Chapter 9.6: Recreational Cabins, Chapter 13.6.2(D): SSTS Standards – Holding Tanks.

### **Timber Harvesting**

#### **6.9 Commercial Timber Harvesting Permits**

- 1. No person shall commercially harvest trees from their property if the harvesting is occurring on one (1) or more acres within the Natural Features Overlay Districts or the harvest is occurring within or involves five (5) acres or more of land outside the Natural Features Overlay Districts without first securing a Commercial Timber Harvesting Permit from the Planning and Environmental Services Department. The focus of the Winona County Natural Features Overlay Districts includes the critical geological and*

*environmental attributes found throughout the County in the forms of shorelands, floodplains, wetlands, steep slopes, bluff lands, and karst features. An additional goal of the overlay district is protecting natural resources for their public benefits. These resources include surface and ground water, riparian buffer areas, ground water recharge areas, and native plant and animal communities. The Winona County Planning and Environmental Services Department encourages applicants to utilize the Minnesota Department of Natural Resources' "Sustaining Minnesota Forest Resources: Voluntary Site Level Forest Management Guidelines for Landowners, Loggers and Resource Managers" when designing plans required for project approval.*

2. *Approval process and permit conditions:*
  - a. *The Planning and Environmental Services Department or their designee shall verify that the permit application is complete and includes a Timber Harvesting Plan that complies with the performance standards set out in Chapter 9.15.3 Timber Harvesting Standards and is consistent with current State of Minnesota DNR Timber Harvest Project Plan templates.*
  - b. *The permittee is responsible for successful completion of the Timber Harvesting Plan and conducting Best Management Practices during the harvesting process. The permittee shall be responsible for all costs incurred, including environmental restoration costs, resulting from noncompliance with approved plans.*
  - c. *Any proposed modification to approved plans shall be approved by the Planning and Environmental Services Department or their designee prior to implementation of said changes.*
  - d. *The permittee shall notify the Planning and Environmental Services Department prior to commencement of timber harvesting.*
  - e. *The Winona County Planning and Environmental Services Director may submit the application for review to the State Forester, regional and consulting foresters, and/or other natural resource specialists for comment prior to permit issuance.*

### **9.15.3 Timber Harvesting Standards**

1. *A timber harvester of land shall be deemed to be in compliance with this Section of the Ordinance if the following conditions exist:*
  - a. *The land occupier is using an approved soil conservation plan by the Soil and Water Conservation District.*
  - b. *Timber harvesting methods to not create erosion or sediment problems on adjoining properties or adjacent water resources.*
  - c. *Land in the Shoreland District is meeting the standards outlined in Chapter 11.*
2. *Forest conversion to another use, except for authorized public services such as roads and utilities, and residential development that conforms to the woodland conservation provisions in section 9.15.3 shall not be permitted.*
3. *Each person or land occupier engaged in timber harvesting not meeting the criteria set forth in Section 9.15.3(1) and 9.15.3(2) shall be required to work with the Winona County Soil and Water Conservation District and/or MN DNR Forestry in developing a conservation plan to minimize soil erosion.*
4. *All timber harvesting activities shall conform to soil and erosion control and access standards set forth in Chapter 9.*

## **Recreational Cabin**

### **4.2 Definitions**

*'Seasonal Dwelling definition removed'*

### **9.6 Definitions**

*The following performance standards shall apply to recreational cabins that are not associated with commercial recreation campgrounds:*

- 1. A recreational cabin shall have a maximum structure footprint size of nine hundred (900) square feet and have an overall building height of no more than eighteen (18) feet. Structure footprint shall not include garages, or screened or open porches.*
- 2. There may be no more than one (1) recreational cabin per parcel of land.*
- 3. The minimal continual parcel size for a recreational cabin shall be one (1) acre.*
- 4. Recreational cabins shall not be occupied for more than 180 days in any calendar year.*
- 5. All performance standards including but not limited to bluff, property line/road setbacks, vegetative removal, sensitive lands, floodplain and shoreland standards must be observed.*
- 6. Treatment of sewage waste generated at the site shall be treated by an approved MN SSTS method. Privies and composting sewage treatment systems are also permitted and shall be designed and constructed to MN SSTS rules. Plans/designs shall be reviewed/inspected by the Planning Department prior to approval of Development Certificate for cabin.*
- 7. Recreational cabins shall be exempt from driveway/access dimensional standards.*

### **13.6.2(D) SSTS Standards – Holding Tanks**

*(a) Standards*

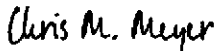
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*(ii) Winona County will prohibit or severely limit the use of holding tanks. Yet, holding tanks are a practical method of handling wastewater for a variety of applications where water use is low such as in recreational cabins, buildings located on sensitive sites, dairy/livestock barns, parks, playgrounds, service station drains, hair salons, etc. However, reliable management, which ensures that the tanks are pumped and the contents are land applied and treated, are hauled to permitted treatment facilities, is a critical and necessary element of holding tank use. Proper management assured, holding tanks offer safe, effective and affordable options for low water use applications.*

A complete copy of this ordinance marked "Official Copy" is on file in the County Auditor's Office for review and use by the public during normal business hours.

This ordinance is hereby ordered effective December 27, 2022.

Passed and adopted this 27th day of December 2022.

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Chris Meyer, Chairperson  
Winona County Board of Commissioners

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Maureen Holte  
Interim Winona County Administrator

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Kay Qualley  
Planning and Environmental Services Director