



## **Memorandum**

**To**            Winona County Board of Commissioners  
**From**         Brian P. Bender, AICP – Planning Director  
**Date**           November 5, 2009  
**Subject**       Houston County Zoning Definitions

Chairperson Ward recently asked staff to review three definitions found in the Houston County Zoning Ordinance to determine if they have any applicability with the proposed Ordinance. The definitions included *Buildable Lot*, *Good Neighbor Plan*, and *Hardship*.

\* **Buildable Lot** - A lot of record, or other lot, tract, or parcel legally recorded with the County Recorder that meets the requirements of this Ordinance and which has 150-foot frontage on an improved and maintained public road. The buildable lot shall have the minimum lot area required for the district in which it is located, and which not more than ten (10) percent of the required lot area is collectively comprised of:

1. Area of a slope in excess of twenty-four (24) percent.
2. A shoreland impact zone as defined by this Ordinance.
3. Protected waters as defined in this Ordinance.
4. Wetlands as classified in the U.S. Fish and Wildlife Service. Circular No. 39.

In addition, all access roads that service a new building site or dwelling shall be constructed with a final slope of less than 12%.

Non-farm dwellings shall not be located on Class I-III soils as rated in the Soil Survey, Houston County, Minnesota, Soil Conservation Service U.S.D.A. 1984.

**Staff Comment** – The method employed by Houston County to establish a *Buildable Lot* is similar to the performance standards contained in the proposed Ordinance. The notable exception is the use of soil classifications, and the lot coverage percentages.

- \* Good Neighbor Plan - A *Good Neighbor Plan* consists of a plan that the feedlot applicant is required to complete at the time of application for a feedlot permit. This plan addresses odor control, manure application, and weight restrictions for the site and operation. The Feedlot Officer has the authority to review and approve the plan.

Staff Comment – Houston County uses the *Good Neighbor Plan* as a means to self regulate feedlot operators.

- \* Hardship - The term “Hardship”, (M.S. Chapter 394.27, Subdivision 7.), as used in connection with the granting of a variance means:

1. The property in question cannot be put to reasonable use if used under the conditions allowed by the official controls.
2. The plight of the landowner is due to the circumstances unique to the property and not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.

Staff Comment - The definition of a *Hardship* originates in Minnesota Statutes regarding Zoning Authority. The Winona County definition of a *Hardship* lies in Chapter #4 of the proposed Ordinance, and the content of the definition parallels the Statutes.