

To: Winona County Planning Commission
From: Stephanie Nuttall, Assistant Winona County Attorney
Date: April 20, 2023
Subject: Planning Commission Action Following Public Comment Regarding Dog Kennel Facilities and the Winona County Zoning Ordinance

Background:

On October 25, 2023, the Winona County Board directed the Planning Commission to study and receive public comment regarding the current status and regulation of dog kennels in Winona County and determine whether any revision to the Winona County Zoning Ordinance is needed. At the March Planning Commission meeting staff provided information regarding the current laws and status of dog kennel facilities in Winona County. At the April Planning Commission meeting a public comment period will be held to allow members of the public to speak to the Planning Commission on the topic of dog kennel facilities and the Winona County Zoning Ordinance.

Planning Commission Options:

Following the public hearing, the Planning Commission will discuss and determine the next course of action regarding whether a zoning ordinance amendment should be considered. The Planning Commission can take either of the following actions:

1. Pursue potential zoning ordinance amendment(s). The Planning Commission can discuss potential amendment options at the April Planning Commission meeting or schedule a working session discussion for the May Planning Commission meeting. Once working sessions have generated potential amendment language (if any), the ordinance amendment process would be initiated and followed. Findings would be developed regarding any recommended amendment at that time.
2. Recommend to the County Board that no action be taken to amend the zoning ordinance. Draft findings and recommendation have been prepared and attached here, based on the presentations and preliminary discussion at the March Planning Commission meeting. These findings can be revised as desired by the Planning Commission.

Staff will work with the Planning Commission to pursue whichever option is determined appropriate.

WHEREAS, on October 25, 2023, the Winona County Board directed the Planning Commission to study the current status and regulation of dog kennels in Winona County and determine whether any revision to the Winona County Zoning Ordinance is needed.

WHEREAS, on March 16, 2023, the Planning Commission received information from the Winona County Planning and Environmental Services Department and the Winona County Attorney's Office.

WHEREAS, on April 20, 2023, the Planning Commission held a public comment period and received comments regarding dog kennel facilities and the Winona County Zoning Ordinance.

The Winona County Planning Commission hereby makes the following **FINDINGS**:

1. Minnesota Statutes Chapters 343, 346, and 347 address animal welfare and breeder licensing in the State of Minnesota.
2. Minnesota Rules 1721.0490 – 1721.0520 provide the rules for animal breeding facilities in the State of Minnesota.
3. The Minnesota Board of Animal Health is charged with the protection of welfare of domestic animals, licensing and regulating commercial dog breeders, and promulgating rules of operation and best practices for dog kennel facilities.
4. The Winona County Sheriff's Office is charged with the enforcement of criminal statutes and ordinances and with reporting animal maltreatment to the board of animal health.
5. The purpose of the Winona County Zoning Ordinance is to regulate the use of land in order protect public health, safety, order, convenience, and general welfare.
6. The Winona County Zoning Ordinance allows for dog kennel facilities as conditional/interim uses in the Agriculture/Resource Conservation and Rural Heritage Districts.
7. The Planning and Environmental Services Department staff is charged with the enforcement of the Winona County Zoning Ordinance, and any conditional/interim use permit issued pursuant to the ordinance.
8. All conditional/interim use permits issued to dog kennel facilities require operations to comply with all regulations and standards of Winona County and the State of Minnesota, and may include other specific conditions such as limiting the number of adult dogs and other relevant requirements.
9. There are currently 12 dog kennel facilities in Winona County, 10 of which are active.
10. Nine of the facilities have an active commercial breeder license from the Minnesota Board of Animal Health, which requires inspection for compliance with State laws and rules, with one active facility not required to have such a license.
11. The Board of Animal Health has found no animal welfare-related violations of the licensed facilities.
12. Seven facilities have an active USDA commercial animal breeder license, with two facilities not required to have such a license.
13. Planning and Environmental Services staff inspection of all active sites in February 2023 yielded no concerns regarding compliance with conditional/interim use permit conditions.

14. Unlike the Board of Animal Health, Planning and Environmental Services staff do not have the expertise to adequately enforce animal welfare regulations.
15. There is no need to further regulate animal welfare in the Winona County Zoning Ordinance when there are already statutes that regulate animal welfare and breeding facilities, when other entities are responsible for the enforcement of animal welfare regulations, and when the existing facilities appear to be in compliance with State law and local ordinances.

Based on these findings, the Planning Commission hereby **RECOMMENDS** that **NO ACTION** be taken to revise the Winona County Zoning Ordinance at this time as it relates to the permitting of dog kennels.

Date: _____

Chairperson, Winona County Planning Commission