



May 12, 2021

ELMER A YODER & MARTHA M YODER & HENRY YODER  
16752 SANDSTONE DR  
UTICA, MN 55979

Re: *Board County Board Decision*

Dear ELMER A YODER & MARTHA M YODER AND HENRY YODER:

This letter is official notice the Winona County Board of Commissioners approved your interim use request to allow a dog kennel as described in Section(s) 5.5.4.1 & 10.4.6 (14) of the Winona County Zoning Ordinance (WCZO), for property located in Section 30 of UTICA TOWNSHIP.

Enclosed, please find a copy of the Interim Use Permit. The original will be recorded and kept on file at the Winona County Recorder's Office. Please take special note of the conditions included as part of your Interim Use Permit approval.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink that reads 'Kay Qualley'.

Kay Qualley  
Winona County Planning & Environmental Services Director

cc. Eric Johnson, Zoning Administrator

Recorded: May 20, 2021 8:05 AM

By Deputy: NJ

Robert J. Bambenek, County Recorder  
Winona County, Minnesota

Fee Amount: \$0 Total Pages: 6



( ) \$5.00 Cons Fee: ( ) WDC Fee: Received

Winona County Planning Department  
Request for Recording  
Name: ELMER A YODER & MARTHA M YODER  
Henry Yoder  
Parcel Number: 15.000.2370

**INTERIM USE PERMIT**

Winona County, Minnesota

Permit number 1315 has been issued to: ELMER A YODER & MARTHA M YODER and HENRY YODER

For the purpose of **allow a dog kennel**

Under Section 5.5.4.1 & 10.4.6 (14) for the following described property:

*See attached legal description*

This Interim Use Permit is issued on 5/11/2021 and will terminate when the business is discontinued or the property is sold to an owner other than the petitioners, unless amended through the Conditional/Interim Use Permit process.

This permit is subject to the following conditions:

1. *The owner(s) of the property to which this Interim Use Permit is issued will abide by all representations and commitments made during the permitting process as well as before the Planning Commission, in accordance with all conditions to the conditional use permit, taken as a whole, as approved by the Planning Commission and the County Board.*
2. *The owner(s) shall comply with Chapter 9.9 of the Zoning Ordinance relating to Advertising Devices.*
3. *The owner(s) shall meet sanitary requirements for the collection of dog waste and wastewater and be required to obtain a Septic Permit for the installation of a holding tank, if applicable.*
4. *The owner(s) shall comply with all relevant regulations and standards of Winona County and the State of Minnesota.*
5. *The number of adult dogs on this site shall be limited to fifty (50). The petitioner shall send the County Zoning Administrator a signed report with the number of adult dogs each January to verify compliance.*
6. *The owner(s) shall maintain an outdoor socialization yard.*
7. *The owner(s) shall, upon demand or if complaints have been received, produce the most recent results from the Board of Animal Health in verification of the humane treatment of the animals in their care.*
8. *The owner(s) shall obtain a Development Certificate for the construction of the proposed additions and associated improvements for the kennel facility.*
9. *The owner(s) shall allow Winona County staff to execute random inspections of the property as necessary to evaluate compliance with the Interim Use Permit.*

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This permit is granted upon the express conditions that said owner and his/her contractors, agents, workmen and employees shall comply in all respects with the Ordinances of the County of Winona and the laws of the State of Minnesota.

This permit is granted following a formal public hearing by the Winona County Planning Commission on 4/15/2021, and approved by the Board of Commissioners of Winona County on 5/11/2021.

Passed and adopted on 5/11/2021.

Dated: 5/11/2021

Attest: Ken Fritz

**Clerk/County Administrator**

Marcia L. Ward

**Chairperson of the Board**

Given under the hand of the Planning & Environmental Services Director of Winona County

Dated: 5/11/2021

  
\_\_\_\_\_

**Kay Qualley**

Winona County Planning & Environmental Services Director

**Winona County  
Planning Commission  
Recommendation**

The Winona County Planning Commission hereby recommends that the Winona County Board of Commissioners adopt the attached proposed Findings of Fact and:

APPROVE    DENY

the Interim Use Permit.

Date: April 15, 2021



\_\_\_\_\_  
Chairperson, Winona County Planning Commission

## Findings of Fact

Findings shall be made in recommending that the County Board grant or deny an application for a Conditional/Interim Use Permit. Winona County Zoning Ordinance 5.5.4.1 requires that the Planning Commission ensure the request fulfills all specific standards of the Ordinance and that adequate evidence for the following findings exists:

1. The use will not create an excessive burden on existing parks, schools, streets/roads and other public facilities and utilities which serve or are proposed to serve the area.  
*There will be a low intensity of visits to the facility associated with the proposed use.*
2. The use will be sufficiently compatible or separated by distance or screening from adjacent land so that existing properties will not be depreciated in value and there will be no deterrence to development of vacant land.  
*The existing metal pole shed that will be used for the kennel is consistent with the rural area of the county. The rural setting of the kennel and its location on the property is more than 1,200 feet from the nearest neighboring dwellings, which should minimize neighbor concerns regarding barking dogs.*
3. The structure and site will have an appearance that will not have an adverse effect upon adjacent residential properties.  
*The proposed structure would resemble common architectural styles for accessory structures in the immediate area and overall agricultural zoning district.*
4. The use is not reasonably related to the overall needs of the County and to the existing land use.  
*Although the kennel is allowed as a conditional/interim use in the Agricultural/Resource Conservation District and would provide another form of income for the family, the applicant has not demonstrated how the proposed kennel and demand for the animals is reasonably related to the needs of the County and existing land use. The petitioner already has a conditional use permit to operate a dog kennel on another parcel in the Township.*
5. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.  
*A dog kennel is a permitted use in the Agricultural/Resource Conservation District, provided it adheres to the specific conditions identified and is conformance with the Winona County Zoning Ordinance.*
6. The use is in conformance with the Comprehensive Plan of the County.  
*The Comprehensive Plan describes Agricultural/Resource Conservation activities as those that "protect the working agricultural landscape" of Winona County as a means to ensure the continued viability of resources. A dog kennel operation would add an income stream to a small family farm and allow for the continued viability of a working agricultural operation.*
7. The use will not cause traffic hazard or congestion.  
*Township and County roads adequately serve the petitioners' property and the kennel operation will not place demands on public services or road facilities in excess of their capacity. The only visitors to the site will be veterinarians, the broker, and the USDA/Board of Animal Health inspectors.*

Winona County Zoning Ordinance 5.5 requires that the Planning Commission determine whether the use has an identifiable date or event for termination. Regarding this petition, the proposed use does have an identifiable date or event for termination:

*This Interim Use Permit will terminate when the business is discontinued or the property is sold to an owner other than the petitioners, unless amended through the Conditional/Interim Use Permit process.*

Based on the foregoing findings, the Winona County Board of Commissioners

APPROVES  DENIES

this petition for the following Interim Use Permit:

*to allow a dog kennel to be located within the Agricultural/Resource Conservation District, pursuant to Chapter 10.4.6(14) of the Winona County Zoning Ordinance*

for parcel 15.000.2370, described as:

*An approximately 120 acre parcel located within the SW ¼ of the NE ¼, NW ¼ of the SE ¼, and the SW ¼ of the SE ¼ of Section 30, Utica Township, Township 106 North, Range 09 West, Winona County, Minnesota*

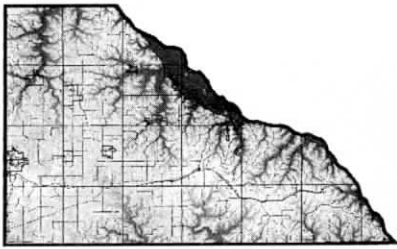
so long as the following conditions are met:

1. *The owner(s) of the property to which this Interim Use Permit is issued will abide by all representations and commitments made during the permitting process as well as before the Planning Commission, in accordance with all conditions to the conditional use permit, taken as a whole, as approved by the Planning Commission and the County Board.*
2. *The owner(s) shall comply with Chapter 9.9 of the Zoning Ordinance relating to Advertising Devices.*
3. *The owner(s) shall meet sanitary requirements for the collection of dog waste and wastewater and be required to obtain a Septic Permit for the installation of a holding tank, if applicable.*
4. *The owner(s) shall comply with all relevant regulations and standards of Winona County and the State of Minnesota.*
5. *The number of adult dogs on this site shall be limited to fifty (50). The petitioner shall send the County Zoning Administrator a signed report with the number of adult dogs each January to verify compliance.*
6. *The owner(s) shall maintain an outdoor socialization yard.*
7. *The owner(s) shall, upon demand or if complaints have been received, produce the most recent results from the Board of Animal Health in verification of the humane treatment of the animals in their care.*
8. *The owner(s) shall obtain a Development Certificate for the construction of the proposed additions and associated improvements for the kennel facility.*
9. *The owner(s) shall allow Winona County staff to execute random inspections of the property as necessary to evaluate compliance with the Interim Use Permit.*

Date: May 11, 2021 | 3:43 PM PDT Marcia L. Ward  
Chairperson, Winona County Board of Commissioners

15.000.2370

The West Half of the Southeast Quarter ( $W \frac{1}{2}$  of  $SE \frac{1}{4}$ ) and the Southwest Quarter of the Northeast Quarter ( $SW \frac{1}{4}$  of  $NE \frac{1}{4}$ ), all in Section Thirty (30), Township One Hundred Six (106) North, of Range Nine (9), West of the Fifth Principal Meridian, Winona County, Minnesota, known as Lots Thirty-One (31) and Thirty-Six (36), Plat of Subdivision of Section Thirty (30), Township One Hundred Six (106), Range Nine (9).



# Planning W I N O N A C O U N T Y Commission

PLANNING DEPARTMENT 507.457.6520 FAX 507.454.9378

## **Staff Report**

Report Date - April 1, 2021

<u>Agenda Item:</u>	PC-04-15-21-03
<u>Hearing Date:</u>	April 15, 2021
<u>Petitioner:</u>	Henry & Elmer Yoder
<u>Initial Reviewer:</u>	Eric Johnson - Zoning Administrator
<u>Staff Coordinator:</u>	Kay Qualley - Planning & Environmental Services Director
<u>Zoning:</u>	Agricultural / Resource Conservation (A/RC) District
<u>Address:</u>	16752 Sandstone Drive
<u>Township:</u>	Utica Township - Section 30
<u>Parcel Number:</u>	15.000.2370
<u>Submitted Materials:</u>	C.U.P. / I.U.P. Petition Detail/Information Sheets from Applicant Site Plan Township Acknowledgment Form GIS Mapping & Photo exhibit



## OVERVIEW

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### REQUEST

The petitioners seek a **Conditional Use/Interim Use Permit** for the purpose of allowing a dog kennel facility pursuant to Chapter 10.4.6 (14) of the Winona County Zoning Ordinance. The Planning Commission and Board may evaluate the petition as either a CUP or an IUP depending on if IUP requirements are in evidence.

### SUMMARY OF NOTEWORTHY TOPICS

The request stems from the petitioners' goal of establishing a new kennel operation.

The Planning Commission and County Board should note that in 2015, the co-applicant (Henry Yoder) received a C.U.P. for a similar operation in Section 31 Utica Township (Parcel 15.000.2515 located at 27167 County Road 33). At this time, Henry has stated that he would like to remodel an existing agricultural building (58' x 40') that is on his father's farm (Elmer Yoder-Parcel # 15.000.2370, 120 acres) and work his way into ownership of this farm. As mentioned, his request would be to establish *an additional* dog breeding and kennel operation in Section 30 of Utica Township. Henry Yoder has not yet decided on the direction for the existing operation (Parcel 15.000.2515), as to selling the business to a new owner, or if he will continue the dog business at that location as well. Note, the terms and conditions of the Conditional Use Permit granted on 1/5/2016 by the County Board of Commissioners, would not prohibit this transfer of ownership, if the status and conditions stay consistent (see C.U.P. # 1194, (in packet) recorded as deed document # 555819).

Regarding this new petition, the applicant has indicated that it is the intent to sell puppies to one general broker, and not the general public so additional traffic to the site will not be generated.

The petitioner proposes to operate the facility from an existing 58' x 40' storage building for machines and hay, after renovations such as the addition

of a 12' x 22' office, and 12' x 20' stove room are completed. Additionally, the applicant would create and maintain open areas outside and adjacent to the kennel designated as "dog runs" or common exercise areas.

Waste generated by the dogs in the facility is proposed to be collected and land applied on the surrounding agricultural fields. The applicant may propose to install a septic holding tank to collect all wastewater associated with the facility, and be pumped-out as needed.

Similar to past requests for kennel facilities, this petitioner has indicated that the only people accessing the kennel besides the family operators, are the purchasing brokers and veterinarians. The United States Department of Agriculture (USDA) licenses the site and completes a yearly inspection. Also, future animal health is regulated by the State of Minnesota Board of Animal Health and their inspectors, not Winona County planning and zoning staff.

As shown on the mapping exhibit, the site appears to accommodate the number of visitor vehicles regarding parking and access to the kennel.

### **APPLICANTS COMMENTS**

*We currently have a kennel and are now buying my Dad's farm of 120 acres located 2 miles south of Utica & ½ mile east on Sandstone Drive.*

*The reason we want to go on with the dog kennel business is we have a family of 9 children & they can all help with the work in our kennel. Playing with puppies helps to keep our dogs social & people that purchase a puppy from us, get a happier & healthier puppy that keeps our customers happy too. We love what we do.*

*We have exercise yards that we put them out 2 times a day. We have water nipples where they can get fresh water at all times. We feed our dogs every day so they get fresh food so we can get a healthy body score from our vet. The vet comes out on weekly basis. We interact with our dogs on a daily basis. We go through our kennel daily, we address any deviation we see, so that if our USDA*

*Inspector shows up, we are on top of it. We have a Vet Protocol we go by to worm our dogs on a regular basis. (As to grooming & nails) we clip and trim them as necessary. Euthanasia is handled and given by Vet. We have an Emergency Plan available in our Vet Protocol.*

*Our dogs have up to 2 times more space then recommended. Our primary enclosures are constructed so there is no sharp edge or point to cause them any injury. We have in-floor heat, we keep our temperature from 70 to 75 degrees in the winter months, and in the summer it will average from 70 to 80 degrees in the warmest days.*

*We have tile flooring in our kennel which is much better than my own house. We use battery lights to provide regular lighting cycle for our dogs. We keep pine shavings in all primary enclosures. We clean & add new shavings 2 times daily. We are a family-owned & operated business.*

In regard to the application, the petitioners have also submitted a supplemental information sheet with further clarification in regards to the intended use. Staff would like to highlight the main points:

Dog numbers/amount: *Approximately 50 adult dogs.*

Puppies: *Approximately 45*

Type: *Yorkies*

Duration of Stay for Puppies: *Until 8 to 10 weeks of age, and then picked up by broker/distributor via a transport van equipped with internal kennels.*

The number of animals requested is not dissimilar to kennel operations permitted in Winona County in the recent past.

### **TOWNSHIP & NEIGHBORHOOD COMMENTS**

The Utica Township Board considered this application during their March 2021 Township Board meeting. The Township Board has indicated “**no comments**” in the response section of the form. (see Township Acknowledgement Form dated 3/9/2021 and signed by Chairman Mark Daley).

The April 4th edition of the *Winona Daily News* contained the legal notice of the petition. Staff mailed thirty-two (32) notices of the hearing to the adjacent and neighboring property owners, and at the date of this Staff Report, has not received any additional comments.

Utica Township offers the following Land Philosophy in the 2014 Comprehensive Plan:

*“ Most of the area in the township consists of agricultural land and for this reason the land use plan has designated most of the area for Agriculture Natural Resources to encourage agriculture and protect agricultural land. Development in the floodplains will be further restricted through the adoption of floodplain overlay district. A substantial portion of the township to the southwest also consists of Karst geography where development and intense agriculture will be regulated to minimize pollution problems. The area surrounding Lewiston and Utica has been designated as Agricultural Natural Resource to further restrict development until annexation is appropriate. Some areas have also been designated as industrial commercial to reflect existing land use. Some areas have been designated rural residential service.”*

### **SITE CHARACTERISTICS**

The approximate 120-acre site lies at the end of private drive that extends 570' feet in a northerly manner off of Sandstone Drive, and the proposed use would be located in an existing building that would be remodeled and added onto. The building will be similar to other agricultural buildings in the area.

The Minnesota Department of Transportation lists Sandstone Drive as a ***Local Road***. The primary function of a ***Local Road*** is to provide direct access and adequate capacity with traffic generated by the abutting properties. The setback for all structures from Sandstone Drive is 65', measured from the road centerline.

Hoopeston Sandy Loam (1936) underlies the structure location. The Winona County Soil Survey notes the following soil characteristics has slopes ranging from level to 2%, considered a potentially highly erodible, and a somewhat poorly drained soil.

The Geologic Atlas of Winona County shows the property is located in an area of *High Sinkhole Probability*. Pockets or clusters of sinkholes are known to exist approximately ¼ mile to the northeast and to southeast from the site in question.

The Planning Commission may reference Chapter #10.4.1 of the WCZO which defines the purpose of the “Agricultural/Resource Conservation District” in that it is established to protect the working agricultural landscape of Winona County as a means to ensure the continued viability of this resource as called for in the Comprehensive Plan.

The said Chapter continues to define the A/RC District as where “owners, residents and other users of property in this zoning district or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to, noise, odors, dust, operation of machinery of any kind including aircraft, the storage and disposal of manure or the application of fertilizers, herbicides and pesticides. Owners, residents and users of this property or neighboring property should be prepared to accept such inconveniences or discomfort, and possibly injury from normal operations, and are hereby put on official notice that the state Right-To-Farm Law (Minnesota Statute 561.19) may bar them from obtaining a legal judgment against such normal operations.”

### **ACTION**

Staff recommends that the discontinuance of the business or sale of the property to an owner other than the petitioners be used as an identifiable event for termination and that the petition be evaluated as an **Interim Use Permit**.

Consider the request for a Conditional Use Permit/Interim Use Permit, with conditions. This action would be consistent with the findings of the Report. New or revised conditions must be included with the motion.

### **APPROVAL CRITERIA**

The following Draft Findings have been prepared and attached based on the information available to staff at the time of this report. The findings may be revised as the Planning Commission determines supportable during its decision-making process.

Chapter #5.5.4.1 of the Winona County Zoning Ordinance contains the following approval criteria to consider when reviewing this petition in the Agricultural/Resource Conservation (A/RC) District. The Planning Commission, before making a recommendation to the County Board regarding a Conditional Use /Interim Use request of this nature, shall ensure the request fulfills all specific standards of the Winona County Zoning Ordinance, and shall find adequate evidence to the following standards:

- (1) Will not create an excessive burden on existing parks, drainage structures, emergency services, schools, streets/roads and other public facilities and utilities which serve or are proposed to serve the area.

Staff Analysis: The request as presented *will not* create an excessive burden on existing or proposed improvements to area parks, drainage structures, emergency services, schools, streets/roads, and other public facilities or utilities that serve the immediate area because of the low intensity of visits to the facility associated with the proposed use.

- (2) Will not change the essential character of the area, and through its design, construction, operation, and maintenance is harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

Staff Analysis: The existing kennel structure consisting of a metal pole shed style construction, *would be consistent* with this rural area of the county. Staff has not identified any elements of the structure that would not be harmonious or appropriate with the rural character of the location (*is consistent*). The rural setting of the kennel and its location on the property is fairly distant (approximately excess of 1200' feet) from the six (6) nearest neighboring dwellings, other than the applicants' own residences. This is important because barking dogs can generate complaints when in close proximity to neighboring homes.

- (3) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

Staff Analysis: The proposal indicates that the proposed structure would resemble common architectural styles for accessory structure that are commonly found in the immediate area and overall agricultural zoning district, *therefor consistent within this setting and in this context*.

- (4) The use is reasonably related to the overall needs of the County and to the existing land use.

Staff Analysis: The proposed kennel is allowed through the CUP/IUP process within the Agricultural/Resource Conservation District. The petitioner has indicated that the kennel will be family owned and operated and provides another form of income for the family. The County allows for different land uses in the A/RC Zoning District, however the applicant has *not* demonstrated how the proposed dog kennel and demand for these animals is reasonably related to the needs of the County and existing land use, as the petitioner already has a CUP to operate a dog kennel on another PIN in Utica Township.

- 5) The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Staff Analysis: A kennel operation *is* a permitted use in the Agricultural /Resource Conservation District. The petitioner would be required to adhere to the specific conditions assigned, to be in conformance with the Winona County Zoning Ordinance.

(6) The use is in conformance with the Comprehensive Plan of the County.

Staff Analysis: The Comprehensive Plan describes Agricultural/Resource Conservation areas as lands “protect the working agricultural landscape of Winona County as a means to ensure the continued viability of this resource as called for in the Comprehensive Plan.

The dog kennel operation adds an income stream to a small family farm, allowing for the continued viability of a working agricultural operation speaking to support and *continued viability of farming*.

(7) The use will not cause traffic hazard or congestion.

Staff Analysis: Township and County roads adequately serve the petitioners’ property, and the kennel operation should *not place demands on public services and road facilities in excess of their capacity*, based upon the petitioner indicating that the only visitors to the site are veterinarians, the broker, and USDA/Board of Animal Health inspectors.

## **RECOMMENDATION**

Staff recommends the Planning Commission consider the Conditional Use Permit/Interim Use Permit to allow for the existing kennel pursuant to Chapter 10.4.6 (14) of the Winona County Zoning Ordinance. Staff suggests the Planning Commission attach the following conditions to the approval:

1. The owner(s) of the property to which this Conditional Use Permit/Interim Use Permit is issued will abide by all representations and commitments made during the permitting process as well as before the Planning



Commission, in accordance with all conditions to the Conditional Use/Interim Use permit, taken as a whole, as approved by the Planning Commission and the County Board.

2. The petitioners shall comply with Chapter 9.9 of the Zoning Ordinance relating to Advertising Devices.
3. Petitioner must meet sanitary requirements for the collection of dog waste and wastewater and be required to obtain a Septic Permit for the installation of a holding tank if applicable.
4. Petitioners shall comply with all relevant regulations and standards of Winona County and the State of Minnesota.
5. The number of adult dogs on this site shall be limited to fifty (50). The petitioner shall send the County Zoning Administrator a signed report with the number of adult dogs each January to verify compliance.
6. Maintain an outdoor socialization yard.
7. The petitioner shall, upon demand or if complaints have been received, produce the most recent results from the Board of Animal Health in verification of the humane treatment of the animals in their care.
8. The petitioner shall obtain a Development Certificate for the construction of the proposed additions and associated improvements for the kennel facility.
9. The owner(s) of the property shall allow Winona County staff or Sheriff's Department to execute random inspections of the property or as necessary to evaluate compliance with the Conditional Use Permit or Interim Use Permit.

## Winona County Planning Commission Recommendation

The Winona County Planning Commission hereby recommends that the Winona County Board of Commissioners adopt the attached proposed Findings of Fact and:

APPROVE    DENY

the Interim Use Permit.

Date: April 15, 2021

\_\_\_\_\_  
Chairperson, Winona County Planning Commission

## Findings of Fact

Findings shall be made in recommending that the County Board grant or deny an application for a Conditional/Interim Use Permit. Winona County Zoning Ordinance 5.5.4.1 requires that the Planning Commission ensure the request fulfills all specific standards of the Ordinance and that adequate evidence for the following findings exists:

1. The use will not create an excessive burden on existing parks, schools, streets/roads and other public facilities and utilities which serve or are proposed to serve the area.

*There will be a low intensity of visits to the facility associated with the proposed use.*

2. The use will be sufficiently compatible or separated by distance or screening from adjacent land so that existing properties will not be depreciated in value and there will be no deterrence to development of vacant land.

*The existing metal pole shed that will be used for the kennel is consistent with the rural area of the county. The rural setting of the kennel and its location on the property is more than 1,200 feet from the nearest neighboring dwellings, which should minimize neighbor concerns regarding barking dogs.*

3. The structure and site will have an appearance that will not have an adverse effect upon adjacent residential properties.

*The proposed structure would resemble common architectural styles for accessory structures in the immediate area and overall agricultural zoning district.*

4. The use is not reasonably related to the overall needs of the County and to the existing land use.

*Although the kennel is allowed as a conditional/interim use in the Agricultural/Resource Conservation District and would provide another form of income for the family, the applicant has not demonstrated how the proposed kennel and demand for the animals is reasonably related to the needs of the County and existing land use. The petitioner already has a conditional use permit to operate a dog kennel on another parcel in the Township.*

5. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

*A dog kennel is a permitted use in the Agricultural/Resource Conservation District, provided it adheres to the specific conditions identified and is conformance with the Winona County Zoning Ordinance.*

6. The use is in conformance with the Comprehensive Plan of the County.

*The Comprehensive Plan describes Agricultural/Resource Conservation activities as those that "protect the working agricultural landscape" of Winona County as a means to ensure the continued viability of resources. A dog kennel operation would add an income stream to a small family farm and allow for the continued viability of a working agricultural operation.*

7. The use will not cause traffic hazard or congestion.

*Township and County roads adequately serve the petitioners' property and the kennel operation will not place demands on public services or road facilities in excess of their capacity. The only visitors to the site will be veterinarians, the broker, and the USDA/Board of Animal Health inspectors.*

Winona County Zoning Ordinance 5.5 requires that the Planning Commission determine whether the use has an identifiable date or event for termination. Regarding this petition, the proposed use does have an identifiable date or event for termination:

*This Interim Use Permit will terminate when the business is discontinued or the property is sold to an owner other than the petitioners, unless amended through the Conditional/Interim Use Permit process.*

**Based on the foregoing findings, the Winona County Board of Commissioners**

APPROVES DENIES

**this petition for the following Interim Use Permit:**

***to allow a dog kennel to be located within the Agricultural/Resource Conservation District, pursuant to Chapter 10.4.6(14) of the Winona County Zoning Ordinance***

**for parcel 15.000.2370, described as:**

*An approximately 120 acre parcel located within the SW ¼ of the NE ¼, NW ¼ of the SE ¼, and the SW ¼ of the SE ¼ of Section 30, Utica Township, Township 106 North, Range 09 West, Winona County, Minnesota*

**so long as the following conditions are met:**

- 1. The owner(s) of the property to which this Interim Use Permit is issued will abide by all representations and commitments made during the permitting process as well as before the Planning Commission, in accordance with all conditions to the conditional use permit, taken as a whole, as approved by the Planning Commission and the County Board.*
- 2. The owner(s) shall comply with Chapter 9.9 of the Zoning Ordinance relating to Advertising Devices.*
- 3. The owner(s) shall meet sanitary requirements for the collection of dog waste and wastewater and be required to obtain a Septic Permit for the installation of a holding tank, if applicable.*
- 4. The owner(s) shall comply with all relevant regulations and standards of Winona County and the State of Minnesota.*
- 5. The number of adult dogs on this site shall be limited to fifty (50). The petitioner shall send the County Zoning Administrator a signed report with the number of adult dogs each January to verify compliance.*
- 6. The owner(s) shall maintain an outdoor socialization yard.*
- 7. The owner(s) shall, upon demand or if complaints have been received, produce the most recent results from the Board of Animal Health in verification of the humane treatment of the animals in their care.*
- 8. The owner(s) shall obtain a Development Certificate for the construction of the proposed additions and associated improvements for the kennel facility.*
- 9. The owner(s) shall allow Winona County staff to execute random inspections of the property as necessary to evaluate compliance with the Interim Use Permit.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Chairperson, Winona County Board of Commissioners



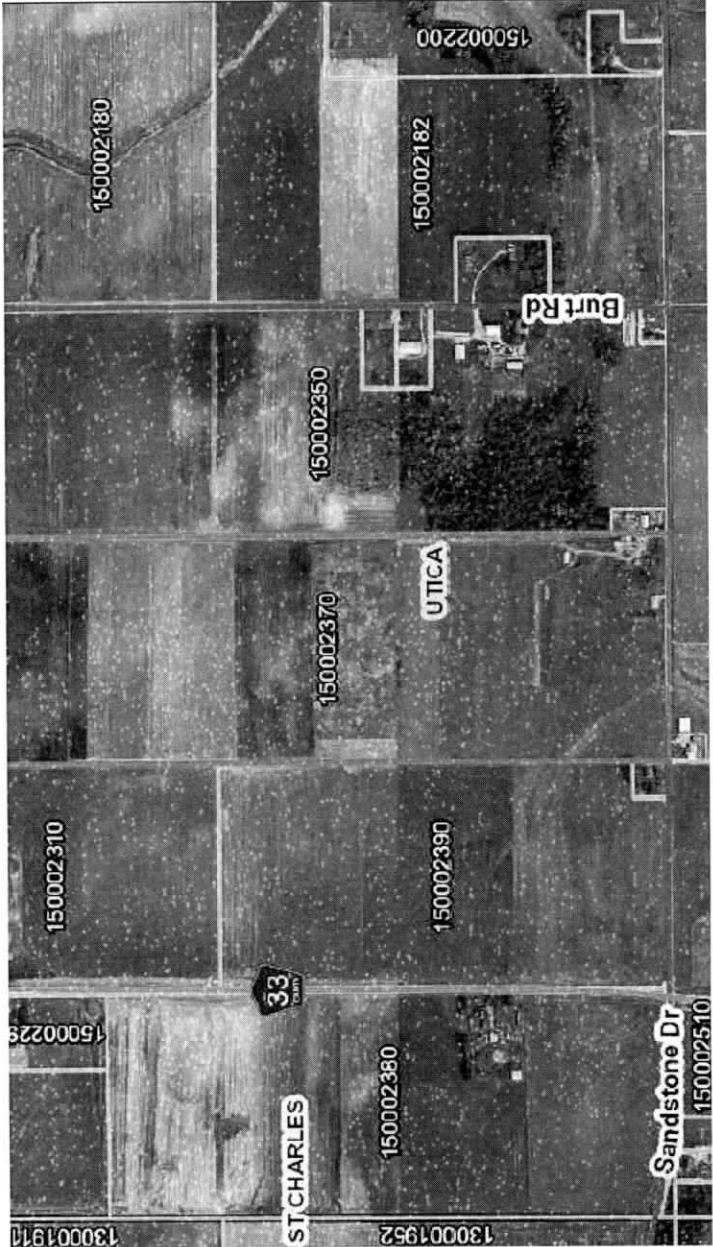
PLANNING

W I N O N A C O U N T Y

COMMISSION

## Petition PC 04-15-21-01

- CUP/IUP request from Henry Yoder and Elmer Yoder
- To allow a dog kennel in Utica Township, Section 30
- Request pursuant to Chapter 10.4.6 (14) of the WCZO



**Site Location:**

- **Utica Township,  
Section 30**
- **15.000.2370**
- **16752 Sandstone Dr.**

# Project Overview

- Site will not generate retail traffic, intent is to sell puppies to one general broker, not general public
- An existing 58' x 40' facility will be remodeled to add an office, a stove room, an open area and dog run/exercise yard. Animals will have twice the required space according to petitioner, in-floor heat is provided
- Waste and wastewater will be land applied
- 50 adult dogs, and 45 puppies, are anticipated to be housed and cared for; Yorkie breed

150002350

UTICA

40' x 58'  
Proposed  
(Kew-Nel Bldg)

150002370





## Discussion Points

Petitioner was granted a CUP in 2015 for a similar operation in Section 31 (PIN 15.000.2515) at 27167 County Rd. 33. Site is still owned by co-petitioner Henry Yoder who does not, at this time, intend to relinquish this CUP and may continue the dog business at this location or possibly sell the business there to a new owner. The CUP #1194 approved by the County Board would not prohibit this transfer of ownership.

# Additional Discussion Points

Staff has evaluated this petition as an IUP with the idea that a terminating event would be discontinuance of the business or sale of the property to an owner other than the petitioners to be used as the identifiable event for IUP termination.

## Utica Township

 Acknowledgement was received

- Utica Township met in March 2021 and indicated “No Comment” in regard to the request.
- No comments have been received at the time of the staff report and this presentation.

## Recommendation

- Consider all testimony and materials before making findings for the criteria that support the Planning Commission's recommendation
- If decision is to recommend approval, Staff has included conditions for consideration



QUESTIONS?

Eric Johnson  
Zoning Administrator  
Planning & Environmental Services  
Thank You!

**WINONA COUNTY  
NOTICE OF A PUBLIC HEARING  
ON AN INTERIM/ CONDITIONAL USE PERMIT**

The public is hereby notified that the **Winona County Planning Commission** shall meet on **Thursday, April 15, 2020 at 7:00 p.m.** Due to the ongoing Coronavirus (COVID-19) pandemic, a **Ring Central virtual meeting** will be held for the April 15, 2021, Planning Commission meeting to consider the petition of **Henry & Elmer Yoder**, of 16752 Sandstone Drive, Utica, MN 55979, in regards to the following Interim Use/Conditional Use Permit request:

- Allow a Dog Kennel to be located within the Agricultural/ Resource Conservation (A/RC) District, pursuant to Chapter 5.5.4.1 and 10.4.6 (14) of the Winona County Zoning Ordinance.

On the following described property:

An approximate 120 acre parcel located within the SW ¼ of the NE ¼, NW ¼ of the SE ¼ and the SW ¼ of the SE ¼ of Section 30 Utica Township, Township 106 North, Range 09 West, Winona County, Minnesota.

Parcel # 15.000.2370

*(Complete Legal Description on file with the Winona County Recorder's Office).*

**COMMENTS:**

Written comments will be accepted via email, mail, fax or dropped off at the Planning & Environmental Services counter at the County Office Building - 202 West Third St, Winona.

**JOIN THE MEETING:**

Join from PC, Mac, Linux, iOS or Android: <https://meetings.ringcentral.com/j/1446311954>

For the best audio experience, please use computer audio.

Or Telephone: (720) 902-7700

Meeting ID: 144 631 1954

For additional information, you may contact:

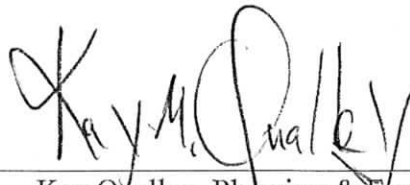
Winona County Planning & Environmental Services

202 West Third Street Winona, Minnesota 55987

Telephone: 507-457-6520

Fax: 507-454-9378

Date: April 1, 2021



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Kay Qualley, Planning & Environmental Services

KQualley@co.winona.mn.us

A copy of the Winona County Zoning ordinance can be found on the Winona County website: <https://www.co.winona.mn.us/sites/co.winona.mn.us/files/files/Ordinances/Ordinance41.pdf>

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**10.4 Agricultural / Resource Conservation District****10.4.6 Conditional or Interim Uses**

1. A new animal feedlot or change in the operation of an animal feedlot which results in a feedlot having in excess of three hundred (300) animal units but not more than one thousand and five hundred (1,500) animal units.
2. Agriculture oriented businesses such as grain and feed sales, general repair and installation services, custom meat processing.
3. Airports.
4. Bed and Breakfast
5. Broadcasting towers: radio and television appurtenant structures.
6. Cellular Communication Towers and auxiliary equipment sheds.
7. Churches, chapels, temples, synagogues, cemeteries, hermitages and monasteries with normal accessory buildings for education and living quarters.
8. Commercial grain storage and drying.
9. Commercial outdoor recreation areas that are similar to public recreation areas including private campgrounds.
10. Commercial sawmills and lumber processing and treatment plants.
11. Commercial WECS subject to standards in Chapter 12.
12. Convalescent, health, convention facilities and business existing at the time of the adoption of this Ordinance.
13. Demolition waste facilities.
14. Dog kennels.
15. Essential services located outside of public right-of-ways and power transmission lines up to 35kV. Services located outside of public right-of-ways must have a minimal twenty five (25) foot setback from the right-of-way.
16. Extraction pits and mining operations
17. Festival and mass gathering events
18. Full-season recreation campgrounds.
19. Golf courses and/or associated restaurants.
20. Home occupations complying with the Standards of Chapter 9.
21. Horse boarding facility and riding clubs.
22. Land Disturbances exceeding one thousand (1,000) cubic yards.
23. Livestock sales barns and accessory facilities.
24. Meteorological Tower (WECS) subject to standards in Chapter 12.
25. Museums.
26. One (1) manufactured home, in addition to other permitted dwellings, when the manufactured home is occupied by family members providing health care to or needing health care from one or more residents of the permitted dwellings and for part-time farm help when established upon the land where the work is being performed.
27. Other uses similar to those listed as permitted and conditional uses.
28. Outdoor recreational facilities and outfitters.
29. Public Display Garden.
30. Public and private harbors and landings.
31. Public and Private schools.
32. Railroad staging yards including repair facilities and operation centers.

33. Regional pipelines, power transmission lines over thirty-five (35) KV relay, radio, television and commercial towers.
34. Salvage yards.
35. Sanitary landfills and solid waste and hazardous waste disposal facilities.
36. A. Single family dwelling on less than forty (40) contiguous acres and not subject to the exceptions listed in Chapter 5. Chapter 5 lists the approval criteria for the granting of a Conditional Use Permit to allow for a dwelling to be placed in less than forty (40) acres in the A/RC District.
  - B. One or more secondary dwellings on parcels of less than 40 acres in the A/RC Zoning District shall be exempt from the feedlot setback requirements for a non-feedlot owner/operator and entitled to the farm ownership/operator setback exemption as stated in Chapter 8.5.1, 2, a, on the condition that:
    - I. The dwelling is not sold within a 5 year period commencing at the issuance of the applicable conditional use permit, or:
    - II. The County waives the 5 year requirement stated above upon a showing of extenuating circumstances by the owner, including but not limited to financial hardship or other calamity.
37. Solar Energy Systems subject to standards in Chapter 9.
38. Subsurface Mineral Exploration borings.
39. Temporary housing for migratory or other farm workers.
40. Temporary small businesses
41. Wine Tasting Facility.

Winona County Zoning Ordinances are located on the Winona County Website: [www.co.winona.mn.us](http://www.co.winona.mn.us)



Receipt Number

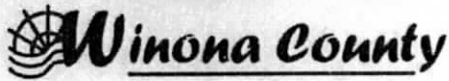
654050

pd 3/17/2021

Timeline

example.

Winona County Planning & Environmental Services  
 202 West Third Street  
 Winona, MN 55987  
 Phone: 507.457.6520  
 Fax: 507.454.9378  
 www.co.winona.mn.us



Friday - noon / April 15th  
 March 19th

Planning Commission Meeting

Petition for Conditional Use or Interim Use Permit

Fee: \$450.00 (permit not processed until information is complete and fee is received)

General Information

Owner Name	Henry Yoder	
Address	27167 Cty Rd 33	
	Utica, Mn. 55979	
City, State, Zip	Utica, Mn. 55979	
Telephone	Home	Work / Cell
Mailing Address (if different)	16752 Sandstone, Dr.	
	Utica, Mn. 55979	

Property Information

Please provide a complete legal description of the property. The legal description can be found on your deed, abstract or the Minnesota property tax statement.

PIN #	15,000,2370	Section	30	Township	Utica	106-	Range	09W	
Property Size	Site width	1/4 Mile		Site depth	3/4 Mile				
	Square feet			Acres	120				
Existing Structures (include completion dates)	Dog Kennel								
	Hope To Have Structure Completed By Dec. 31-2021								
Is the property Legal Description included with the application?						YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

Request Information

Intended use of structure	Residential <input type="checkbox"/>	Commercial <input checked="" type="checkbox"/>	Agricultural <input type="checkbox"/>	Industrial <input type="checkbox"/>		
Class of work	New <input type="checkbox"/>	Addition <input type="checkbox"/>	Alteration <input type="checkbox"/>	Repair <input checked="" type="checkbox"/>	Demolition <input type="checkbox"/>	Relocation <input type="checkbox"/>
Description of Request	Conversion of an existing buildings (58' x 40') into Kennel ES 3/17					
	<input type="checkbox"/> Is this a temporary use? If so, can a date or event be identified for the use to end? Check box					
Explain:	Planning For and on going Business, Dog Kennel					
Structure dimensions	Length	58'	Width	40'	Height	
Setbacks (ft)	Side yard (near) 120' Side yard (far) 1190' Rear yard 3,500' Road centerline 570' Shoreline					

Business Only

# of Employees:	yourself & family	Current:	(2 adults 9 children)	Proposed:
Parking Spaces:		Customers:		Employees:
Explain Signage Size /Type:				
Explain what flammable or hazardous materials will be present:				
Explain hours and days of operation:				
7 Days a week				

# Required Information and Exhibits

1. Completed application, including the names and addresses of the petitioner or petitioners and their signature to the petition and a statement of the requested Conditional Use/Interim use. At least one petitioner must currently own the property.

2. A legal description of the property for which the Conditional Use/Interim Use is requested.

→ 3. A statement of reasons warranting the intended use in the zoning district to insure compatibility of the proposed use with the County Comprehensive Plan. *Letter explaining the proposal in detail*

4. A site plan of the property. The site plan shall include, as pertinent but not limited to, the following information: the location of proposed structures, existing structures, geological features, floodplains, architectural plans, traffic generation, signs, drainage, water table, flood proofing, landscaping plans, lighting arrangements, placement of solid waste, hours of operation, utilities, topography, vegetation, soils information, adjacent land use, roads, property lines, waterways, sewage treatment areas, water supply systems, parking, road access, filling, dredging, grading, channel improvement, storage of materials, water supply, sanitary facilities, specifications for building construction and materials.

5. The petitioner must submit to the Planning Department a Township Acknowledgment Form. The petitioner is responsible to contact the Town Board where the subject property lies to seek a place on their agenda as a means to advise the Town Board of the proposal. After considering the proposal, the Town Board will record any concerns, observations, and/or recommendation on the Township Acknowledgment Form for the Planning Commission to consider during their review of the request.

6. Any other relevant information and material requested by the Planning & Environmental Services Director or the Planning Commission. The application is not considered complete without the completed Township Acknowledgment Form and may be turned back to applicant as incomplete.

**\*Application not complete until all materials are submitted and fee is paid**

## ALL APPLICANTS MUST SIGN

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for staff of Winona County to enter my property for the purpose of collecting information, shooting video to be used as part of the public hearing process, and inspections in the future to verify compliance with conditions should CUP / IUP be approved.

Owner Signature

*Henry Yoder*

Date 3-8-21

Agent / Representative Signature

*Elmer A. Yoder*

Date 3-8-21

**Note:** At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of his/her application. All site plans, pictures, etc. become the property of the Department and will remain in the file.



## Criteria to Grant Conditional Use / Interim Use

### 5.5.4.1 Criteria to Grant a Conditional Use / Interim Use Permit for a Request that is not a Livestock Feedlot or a Dwelling on Less than Required Acreage in the A/RC District

The Planning Commission before making a recommendation to the County Board regarding a Conditional Use / Interim Use request, shall ensure the request fulfills all specific standards of the Winona County Zoning Ordinance, and shall find adequate evidence to the following findings:

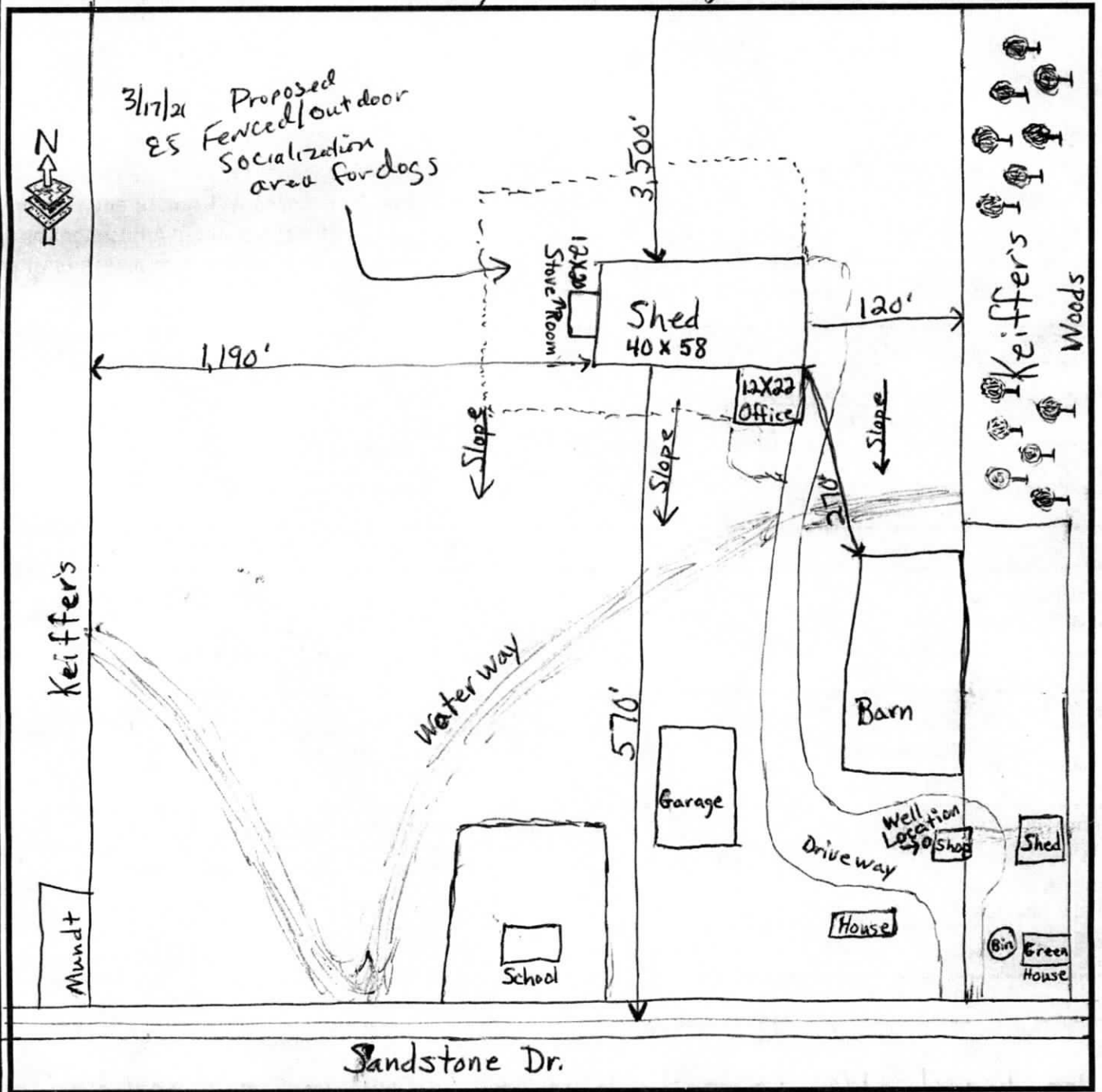
1. The use will not create an excessive burden on existing parks, schools, streets/roads and other public facilities and utilities which serve or are proposed to serve the area.
2. The use will be sufficiently compatible or separated by distance or screening from adjacent land so that existing properties will not be depreciated in value and there will be no deterrence to development of vacant land.
3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
4. The use is reasonably related to the overall needs of the County and to the existing land use.
5. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The use is in conformance with the Comprehensive Plan of the County.
7. The use will not cause traffic hazard or congestion.

### 5.5.4.2 Criteria to Increase Residential Densities in the Agricultural / Resource Conservation (A/RC) District

The Planning Commission before making a recommendation to the County Board regarding a Conditional Use / Interim Use request to increase residential densities in the A/RC District, shall ensure the request fulfills all specific standards of the Winona County Zoning Ordinance, and shall find adequate evidence to the following standards:

1. Will not create an excessive burden on existing parks, drainage structures, emergency services, schools, streets/roads and other public facilities and utilities which serve or are proposed to serve the area.
2. Will not change the essential character of the area, and through its design, construction, operation, and maintenance is harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
3. The proposed lot takes advantage of its proximity to other non-farm residences, the configuration of the original tract, or the location of waterways and other natural features to use the site for residential purposes instead of agricultural uses.
4. The proposed lot consists of Class IV through Class VIII soils as identified in the Soil Survey of Winona County as a means to prevent the disturbance to prime soils. An applicant may also develop a site if the proposed lot consists of forty (40) percent or less of Class I through Class III soils.
5. The proposed residence shall not adversely affect environmentally sensitive areas or result in the disruption of wetlands, or other environmental features.
6. The evidence reveals the proposed lot has existed as a non-tillable area for at least ten (10) years.
7. The residence would not substantially restrict the expansion of adjacent agricultural activities.
8. County and Township roads and/or highways adequately serve the proposed residence, and the residence will not place demands on public services and facilities in excess of current capacity unless planned improvements will occur.
9. The proposed density is determined to be acceptable as a long-range land use for the County as evaluated against the land use policies of the Winona County Comprehensive Plan as depicted on the Final Composite Map (Figure #49) in the Winona County Comprehensive Plan.
10. The request is either consistent with the existing residential development pattern of the area as characterized by the presence of similarly sized residential lots within one thousand (1,000) feet of the proposed lot boundary, or located within a quarter (0.25) mile of an unincorporated community and/or within a half (0.5) mile from any corporation limits.

# Site Plan for Henry Yoder Dog Kennel



## Required Sketch Information

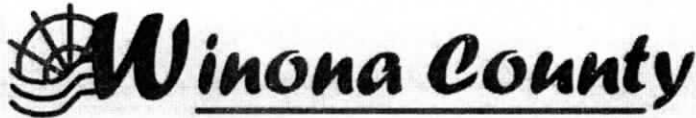
- |  |   |
|--|---|
| <input checked="" type="checkbox"/> All NEW and EXISTING Structures                                    | <input checked="" type="checkbox"/> Direction of Runoff     |
| <input checked="" type="checkbox"/> All Structure Dimensions   | <input checked="" type="checkbox"/> Easment(s)              |
| <input checked="" type="checkbox"/> Structure Setback Distances<br>(centerline of road/property lines) | <input checked="" type="checkbox"/> North Arrow             |
| <input checked="" type="checkbox"/> Neighboring Property Owner   | <input checked="" type="checkbox"/> Road Names              |
| <input checked="" type="checkbox"/> Sewage Treatment System (and alternate area)                       | <input checked="" type="checkbox"/> Well(s) and Water Lines |
| <input checked="" type="checkbox"/> Karst features (sinkholes etc...)                                  | <input checked="" type="checkbox"/> Driveway Permit         |
| <input checked="" type="checkbox"/> Wetlands, streams, springs (water features)                        |   |

Average slope (%) at building site 2-4%

Average slope (%) at building site (2nd) \_\_\_\_\_

Parcel Number 15-000, 2370

Signature Henry Yoder Date 3-8-21



## Township Acknowledgment Form

Winona County Planning  
 Winona County Government Center  
 202 West Third Street  
 Winona, MN 55987  
 Phone: 507.457.6520  
 Fax: 507.454.9378  
 www.co.winona.mn.us

Pursuant to the Winona County Zoning Ordinance, a petitioner seeking a Variance or a Conditional Use/Interim Use is responsible to contact the Town Board where the subject property lies to seek a place on their agenda as a means to inform the Board of the proposal. After considering the proposal, the Town Board will record any concerns, observations, and/or recommendation on the Township Acknowledgment Form for the Board of Adjustment or the Planning Commission to consider during their review of the request. An application is not complete until the petitioner fully satisfies this requirement and submits the form to the Planning Department.

Name	Henry Yoder	
Address	27167 Cty. Rd 33	
City, State, Zip	Utica, Mn. 55979	
Telephone	Home	Work
Mailing Address (if different)	16752 Sandstone Dr. Utica, Mn. 55979	

Property Information

PIN #	15.000.2370	Section	30	Township	Utica	106 - Range	09 W
Property Size	Site width	1/4 Mile		Site depth	3/4 Mile		
	Square feet			Acres	120		
Zoning District	Natural Features Overlay District						
If not the current owner, please provide the name of the owner(s)				Activity Type (check one)			
				Agricultural <input checked="" type="checkbox"/>			
				Nonresidential <input type="checkbox"/>			
			Residential <input type="checkbox"/>				

Existing Conditions

Statement as to the existing and proposed use(s) of the property or building	
Dog Kennel, We Currently have a Kennel and are now buying My Dads Farm of 120 acres Located 2 Miles south of Utica & 1/2 Mile East on Sandstone Dr.	
The reason we want to go on with the Dog Kennel Business is we have a family of 9 Children & they can all help with the work in our Kennel, Playing with Puppies helps to keep our Dogs Socialist & People that Perchas a Puppie From use, get a Happier & Healthier Puppie, that keeps us & Our Customers Happy to & We Love What We Do	

The Town Board after receiving information from the petitioner or their authorized agent(s) describing their intentions to obtain zoning or planning approval for a land use proposal from Winona County has the ability provide comments and execute one of the three options listed below.

Should the Town Board have questions or need more information regarding the proposal either from the applicant or the Planning Department please contact the appropriate entity prior to completing the acknowledgment form below.

Township Response

Sign below this entry acknowledging the petitioner advised the Town Board of the proposal, and the Board has no comments regarding the request. The petitioner will return the signed form to the Planning Department with staff informing the Board of Adjustment or the Planning Commission the Township has provided no comments.

Township Official

*Mark Dalry*

Date

3/9/21

Sign below this entry acknowledging the petitioner advised the Town Board of the request, and the Board supports the proposal and will compose a written statement explaining its support to the Planning Department.

Township Official

Date

Sign below this entry acknowledging the petitioner advised the Town Board of the request, and the Board does not support the proposal and will compose a written statement explaining its concerns to the Planning Department.

Township Official

Date

Township Comments:	

### Applicants Signature

The Township Acknowledgment Form is part of the process of obtaining zoning and planning approval in Winona County. It is understood and agreed by the petitioner that any error, misstatement or misrepresentation of fact or expression of fact in the application, either with or without intention on part of the application, such as might, or would cause the issuance of an approval in direct opposition to the Winona County Zoning Ordinance, shall constitute sufficient ground for the revocation of the approval at any time.

*Henry Yoder*  
Petitioner

3-17-21  
Date

# Conditional Use & Interim Use Permits

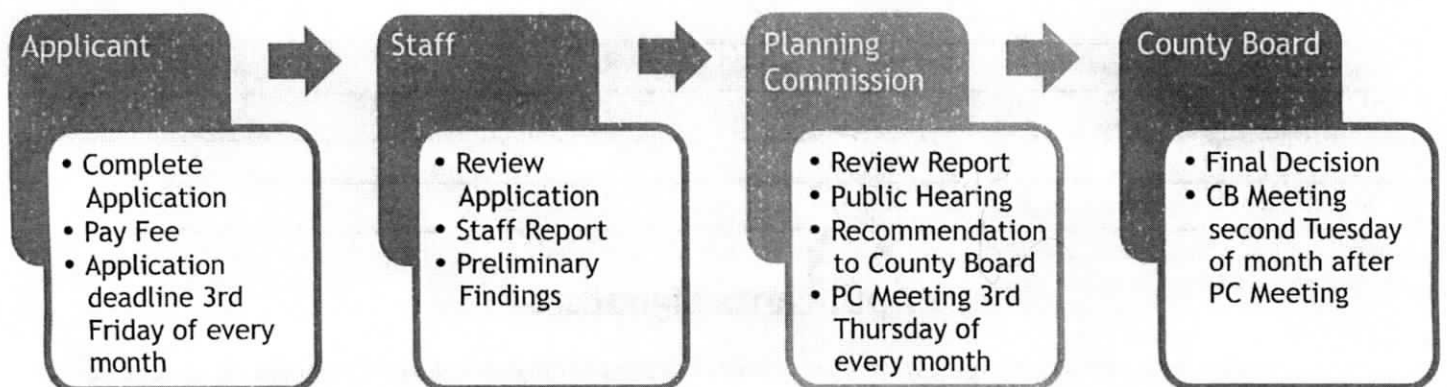
A Conditional Use / interim use is a land use listed in a zoning ordinance that is specifically allowed in a zoning district as long as certain criteria are met. Interim uses are similar to conditional uses except that interim uses are temporary in nature and have a specific date or event that will terminate the use.

A Conditional Use Permit (CUP) or Interim Use Permit (IUP) is required because there are challenges inherent in the use itself or presented by its proposed location. The CUP / IUP process affords an opportunity for public review that ensures the proposal meets the applicable criteria and ordinance standards. In addition, reasonable conditions may be attached to the permit in order to address potential impacts identified during the process.

Applications are due the third Friday of the month in order to be placed on the Planning Commission agenda for the following month. The Planning Commission meets the third Thursday of every month at 7:00 p.m. The Planning Commission holds a public hearing on the proposal and makes a recommendation to the County Board who is responsible for making the final decision.

Applicants will need to fill out this CUP/IUP application describing the nature of their proposal. If the request is temporary in nature and a specific date or event for expiration can be identified it will be evaluated as an IUP. The petitioner may submit information with their application that supports either a CUP or IUP. The Planning Commission may also recommend one or the other to the Winona County Board after making findings to support their recommendation.

A Conditional Use / Interim Use Permit may be amended or renewed through a process similar to that required for a new Conditional Use or Interim Use Permit. Such amendments or renewals shall include any request for changes in conditions or renewal/extension of a permit that is set to terminate, or as otherwise described in the Winona County Zoning Ordinance.



This handout is intended to provide a summary of the CUP / IUP process. Please see the Winona County Zoning Ordinance for a complete, detailed explanation of the process. CUP / IUP procedures can be found in Section 5.5 of the Zoning Ordinance. If you have any questions about these requirements, please contact Winona County Planning & Environmental Services to speak with a Planner.



Overview



Legend

- County Assigned
- Roads**
- Other
- Interstate
- US/State Highway
- City Streets
- County Road
- Township Road
- Private Drive
- Municipalities
- Winona Boundary
- Parcel

Parcel ID	150002370	Alternate ID	n/a	Owner Address	YODER, ELMER A
Sec/Twp/Rng	30-106-009	Class	101 - AGRICULTURAL		MARTHAM YODER
Property Address	16752 SANDSTONE DR UTICA	Acreage	120		16752 SANDSTONE DR UTICA, MN 55979
District	UTICA TWP				
Brief Tax Description	Sect-30 Twp-106 Range-009 120.00 AC 40 AC IN LOT 31 80 AC IN LOT 36 SUBD SEC 19 & 30 (Note: Not to be used on legal documents)				

Note: This map is created from data contained in Winona County GIS and is for reference purposes only. While significant effort has been invested to depict boundary extents as accurately as possible per existing records, this map should not be considered a replacement for professional land survey.

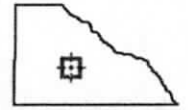
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Developed by  Schneider  
GEOSPATIAL





**Overview**



**Legend**

- County Assigned
- Roads**
- Other
- Interstate
- US/State Highway
- City Streets
- County Road
- Township Road
- Private Drive
- Municipalities
- Winona Boundary
- Parcel

Parcel ID	150002370	Alternate ID	n/a	Owner Address	YODER, ELMER A
Sec/Twp/Rng	30-106-009	Class	101 - AGRICULTURAL		MARTHA M YODER
Property Address	16752 SANDSTONE DR UTICA	Acreage	120		16752 SANDSTONE DR UTICA, MN 55979
District	UTICA TWP				
Brief Tax Description	Sect-30 Twp-106 Range-009 120.00 AC 40 AC IN LOT 31 80 AC IN LOT 36 SUBD SEC 19 & 30 (Note: Not to be used on legal documents)				

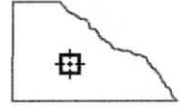
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Date created: 3/3/2021  
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Developed by Schneider GEOSPATIAL



**Overview**



**Legend**

- County 2011 Zoning**
- Agriculture/Resou
  - Conservation
  - Business & Recreational
  - Commercial
  - Community Development
  - Community Development 2
  - \*Industrial
  - Rural Residential
  - Urban Residential
  - Rural Heritage
  - Municipality
- Roads**
- Other
  - Interstate
  - US/State Highway
  - City Streets
  - County Road
  - Township Road
  - Private Drive
- Municipalities**
- Winona Boundary
  - Parcel

Parcel ID	150002370	Alternate ID	n/a	Owner Address	YODER, ELMER A
Sec/Twp/Rng	30-106-009	Class	101 - AGRICULTURAL		MARTHA M YODER
Property Address	16752 SANDSTONE DR	Acreage	120		16752 SANDSTONE DR
	UTICA				UTICA, MN 55979
District	UTICA TWP				
Brief Tax Description	Sect-30 Twp-106 Range-009 120.00 AC 40 AC IN LOT 31 80 AC IN LOT 36 SUBD SEC 19 & 30 (Note: Not to be used on legal documents)				

Note: This map is created from data contained in Winona County GIS and is for reference purposes only. While significant effort has been invested to depict boundary extents as accurately as possible per existing records, this map should not be considered a replacement for professional land survey.

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American Kennel Club's Care and Conditions of Dogs Policy

Category	General Standard	Meets Standard*			Comments
		Y	N	BOA Issue	
Care of Dogs	Dogs should have access on a daily basis for play and exercise.	X			We have exercise yards, we put them out 2 times a day
	Dogs must have access to fresh water as appropriate.	X			We have water Nibbles where they can get fresh water at all times
	Dogs must have access to fresh food provided at appropriate intervals to maintain a healthy weight.	X			We feed our dogs every day so they get a healthy body score from our vet.
	Dogs must be provided appropriate health care, including routine and preventative care.	X			The Vet comes out on weekly basis
	Dogs should be provided with daily positive human contact and socialization.	X			We interact with our dogs on a daily basis
	Each dog should have its overall health and behavior assessed daily. Any deviation in its health must be addressed expeditiously and appropriately.	X			We go thru our kennel daily, we address any deviation we see, so that if our USDA Inspector shows up, we are on the top
	Dogs should be free from internal and external parasites.	X			We have a vet protocol we go by to worm our dogs on regular basis
	Dogs should be afforded regular grooming to ensure health and comfort	X			We clip them when necessary
	When euthanasia is necessary, it must always be performed humanely.	X			Euthanasia is handled and given by vet
Kennels and Housing	The primary enclosure must be large enough to allow the dogs to sit, stand, lie down, or turn around comfortably without overcrowding	X			Our dogs have up to 2 times more space than recommended
	The primary enclosure must be constructed and maintained so that (1) dogs are securely confined and (2) it does not cause them injury	X			Our primary enclosures are constructed so there is no sharp edge or point to cause them any injury
	Facilities must provide protection from adverse or extreme weather conditions	X			We have in floor heat, we keep our Temp. from 70° to 75° in the winter months
	While flooring that provides solid footing is preferred, if wire is used as flooring of a primary enclosure, it should be composed of a material featuring a protective coating, be of an appropriate size to prevent injury (especially to feet), and must be kept in good repair. If wire is used, a solid platform of sufficient size should be provided to allow the dogs to attain solid footing and to offer a space for resting.	X			in the summer it will average from 70° to 80° in the warmest days
	Facilities must be lighted to provide a regular lighting cycle for the dogs.	X			We have tile flooring in our kennel which is much better than my own house
	Bedding material made available to dogs should be clean and not pose a risk to them.	X			We use battery lights to provide regular lighting cycle for our dogs
Operations	There must be a sufficient number of staff to carry out appropriate levels of care and conditions for the number of dogs kept.	X			We keep pine shavings in all primary enclosures. We clean & add new shavings 2 times daily
	Facility and primary enclosures should be clean, free from debris and odor, and feces should be picked up and disposed of as frequently as necessary to maintain the dogs' health.	X			We are a family owned & operated, we have 9 children & we like our dogs as a family business
	Each kennel should maintain an adequate emergency preparedness plan for the type of facility owned and breeds of dogs maintained therein	X			We clean & add new shavings 2 times daily, we spot clean 1 time daily
		X			We have an emergency plan available in our vet protocol

\*Suspected cases of animal neglect will be reported to the County Sheriff, USDA, and Minnesota Board of Animal Health.

The County reserves the right to hire an independent veterinarian to inspect suspect animal health concerns.

BOA: Board of Animal Health

Dog Kennels

Suggestions for Conditional Use Permit letter.

What is the general purpose of the dog kennel? Who are you raising the dogs for? Who are the dogs going to sold to **A Breeding Facility** **The general Public**  
**Distributors**

Dogs

1. Dogs amount
2. Types
3. The length of time
4. Weigh
5. Number of puppies. Number of Adults dogs

**50**  
**Yorkies**  
**Continues, Permanent**

**45** **50**

Manure

How is the manure going to be handled?

**We use small Hand Held scrapers & a dirt Pan to Clean up wet Debris Shavings & feces**

Stored or spread and how much manure.

**Manure will be spread with a team of Horses and manure Spreader**

Traffic

**There is aprox. 10 gal. manure Daily**

1. Who will be picking of the dogs **Distributor**
2. When will they be picking up the dogs **when Puppies are 8 to 10 wk of age**
3. How will the dogs be picked up **Distributor Transport Van**

This is a very general list of suggestion for a CUP letter. It is suggested that all and any extra information that the committee may need to make the most informed decision as possible be included.

**346.39 DOGS AND CATS.**

Subdivision 1. **Food.** Dogs and cats must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight. Feed standards shall be those recommended by the National Research Council.

Subd. 2. **Water.** Dogs and cats must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water source.

Subd. 3. **Transportation and shipment.** When dogs or cats are transported in crates or containers, the crates or containers must be constructed of nonabrasive wire or a smooth, durable material suitable for the animals. Crates and containers must be clean, adequately ventilated, contain sufficient space to allow the animals to turn around, and provide maximum safety and protection to the animals. Exercise for 20 to 30 minutes and water must be provided at least once every eight hours. Food must be provided at least once every 24 hours or more often, if necessary, to maintain the health and condition of the animals.

Subd. 4. **Shelter size.** A confinement area must provide sufficient space to allow each animal to turn about freely and to easily stand, sit, and lie in a normal position. Each confined animal must be provided a minimum square footage of floor space as measured from the tip of its nose to the base of its tail, plus 25 percent, expressed in square feet. The formula for computing minimum square footage is: (length of animal plus 25 percent) times (length of animal plus 25 percent), divided by 144. A shaded area must be provided sufficient to protect the animal from the direct rays of the sun at all times during the months of May to October.

Subd. 5. **Exercise.** All dogs and cats must be provided the opportunity for periodic exercise, either through free choice or through a forced work program, unless exercise is restricted by a licensed veterinarian.

Subd. 6. **Group housing and breeding.** Animals housed together must be kept in compatible groups. Animals must not be bred so often as to endanger their health.

Subd. 7. **Temperature.** Confinement areas must be maintained at a temperature suitable for the animal involved.

Subd. 8. **Ventilation.** An indoor confinement area must be ventilated. Drafts, odors, and moisture condensation must be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, must be used when the ambient temperature rises to a level that may endanger the health of the animal.

Subd. 9. **Lighting.** An indoor confinement area must have at least eight hours of illumination sufficient to permit routine inspection and cleaning.

Subd. 10. **Confinement and exercise area surfaces.** Where applicable, the interior surfaces of confinement and exercise areas, including crates or containers, must be constructed and maintained so that they are substantially impervious to moisture and may be readily cleaned. They must protect the animal from injury and be kept in good repair.

Subd. 11. **Drainage.** Where applicable, a suitable method must be used to rapidly eliminate excess fluids from confinement areas.

Subd. 12. **Sanitation.** Food and water receptacles must be accessible to each animal and located so as to minimize contamination by excreta. Feeding and water receptacles must be kept clean. Disposable food receptacles must be discarded when soiled. Measures must be taken to protect animals from being contaminated with water, wastes, and harmful chemicals. Wastes must be disposed of properly. Where

applicable, flushing methods and a disinfectant must be used periodically. Bedding, if used, must be kept clean and dry. Outdoor enclosures must be kept clean and base material replaced as necessary.

**History:** 1983 c 358 s 5

