

DOCUMENT A- 609362

Recorded:
April 11, 2018 10:55 AM

Winona County Planning Department
Request for Recording
Name: ERICKSON FAMILY SHADY MAPLE
Parcel Number: 16.000.1720
Brandon Erickson 16.000.1720 per PL

Signed: 

ROBERT J. BAMBENEK, COUNTY RECORDER
WINONA COUNTY, MINNESOTA
Total Pages: 6



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

CONDITIONAL USE PERMIT

Winona County, Minnesota

Permit number 1260 has been issued to: ERICKSON FAMILY SHADY MAPLE

For the purpose of **dog kennel**

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

See attached legal description

This permit is issued on 4/10/18 and is valid until Revoked.

This permit is subject to the following conditions:

1. *The owner(s) of the property to which this Conditional 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 petitioners comply with Chapter 9.9 of the Zoning Ordinance relating to Advertising Devices.*
3. *Limit the number of adult dogs to fifty (50).*
4. *Allow random inspections and consent to access by County staff or Sherriff's Department.*
5. *Petitioner meet sanitary requirements for the collection of dog waste and wastewater, and should an acceptable method not be employed, the petitioner shall be required to obtain a Septic Permit for the installation of a holding tank.*
6. *The petitioners obtain a Development Certificate and comply with all relevant regulations and standards of Winona County and the State of Minnesota.*

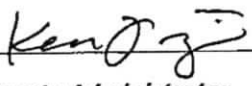
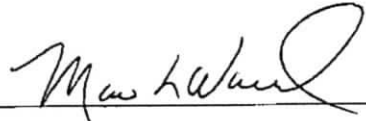
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This permit is granted upon the express conditions that said owner and his/her contractors, agents, workmen and employees shall comply in all respects with the Ordinances of the County of Winona and the laws of the State of Minnesota.

This permit is granted following a formal public hearing by the Winona County Planning Commission on 3/15/2018, and approved by the Board of Commissioners of Winona County on 4/10/18.


Passed and adopted on April 10, 2018.

Dated: 4/10/2018

Attest:  
Clerk/County Administrator **Chairperson of the Board**

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

Dated: 4/10/2018


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 Conditional Use Permit.

Date: March 15, 2018



Eugene Hansen
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 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.
The request as presented will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities or require installation of additional services because additional traffic related to the proposed kennel will be minimal.
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 kennel is approximately 300 feet from the nearest neighboring dwelling to the southwest. No plan for screening has been submitted. Noise levels from barking dogs in the exercise area may impact adjacent properties at certain times.
3. The structure and site will have an appearance that will not have an adverse effect upon adjacent residential properties.
The proposal indicates that the proposed structure would resemble common architectural styles that are commonly found in the immediate areas and agricultural zoning district, which will not have an adverse effect.
4. The use is reasonably related to the overall needs of the County and to the existing land use.
The proposed kennel is allowed through the conditional use permit process within the Agricultural/Resource Conservation district and would provide supplemental income to a farming family.
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.
The proposed kennel operation is an allowed use in the Agricultural/Resource Conservation district through the conditional use permit process. The Zoning Ordinance (10.4) states that: "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..." A kennel is not an agricultural practice, so noise issues may be called into question at times of the day when farm equipment is typically not operating.
6. The use is in conformance with the Comprehensive Plan of the County.
The 2014 Comprehensive Plan in the Agricultural Areas section states under Policies #2 that "...encouraging non-agricultural development in agricultural areas on areas other than tillable land" and #7 "Carefully control the location and size of feedlots and other animal confinement areas in the County to minimize pollution and nuisance problems..." regarding manure dispersal.

The petitioner is planning to spread manure generated by the dogs in area fields, therefore this use appears to be in conformance.

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

County roads adequately serve the petitioner's property and the kennel operation will not place demands on public services and facilities in excess of current capacity.

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

APPROVES DENIES

this petition for the following conditional use permit:

to allow a dog kennel pursuant to Chapter 10.4.6(14) of the Winona County Zoning Ordinance

so long as the following conditions are met:

1. *The owner(s) of the property to which this conditional 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 petitioners comply with Chapter 9.9 of the Zoning Ordinance relating to Advertising Devices.*
3. *Limit the number of dogs to twenty (20) adult dogs.*
4. *Allow random inspections and consent to access by County staff or Sheriff's Department.*
5. *Petitioner meet sanitary and any applicable feedlot requirements for the collection of dog waste and wastewater, and should an acceptable method not be employed, the petitioner shall be required to obtain a Septic Permit for the installation of a holding tank.*
6. *The petitioners obtain a Development Certificate and comply with all relevant regulations and standards of Winona County and the State of Minnesota.*

Date: 4/10/18



 Marcia Ward
 Chairperson, Winona County Board of Commissioners

16.000.1720

The East 120 acres of the Northeast Quarter of Section 19, Township 106 North, Range 8, West of the Fifth Principal Meridian, Winona County, Minnesota.

Excepting therefrom the three following described parcels of land:

Parcel 1: That part of the South Half of the Northeast Quarter of Section 19, Township 106 North, Range 8 West, Winona County, Minnesota, described as follows: Commencing at the Southeast corner of said Northeast Quarter of Section 19; thence Westerly along the centerline of County State Aid Highway No. 25, said centerline also being the South line of said South Half of the Northeast Quarter of Section 19, a distance of 1,321.80 feet to the point of beginning of the land to be described; thence continuing Westerly along said centerline and said South line a distance of 322.63 feet; thence Northerly deflecting to the right 90°20', a distance of 270.03 feet; thence Easterly deflecting to the right 89°40', a distance of 322.63 feet; thence Southerly deflecting to the right 90°20', a distance of 270.03 feet to the point of beginning, containing 2.00 acres, subject to the right-of-way of said County State Aid Highway No. 25. The right-of-way of said County State Aid Highway No. 25 is included in the above acreage.

Parcel 2: That part of the South Half of the Northeast Quarter of Section 19, Township 106 North, Range 8 West, Winona County, Minnesota, described as follows: Commencing at the Southeast corner of said Northeast Quarter of Section 19; thence Westerly along the centerline of County State Aid Highway No. 25, said centerline also being the South line of said South Half of the Northeast Quarter of Section 19, a distance of 1,644.43 feet to the point of beginning of the land to be described; thence continuing Westerly along said centerline and said South line, a distance of 322.63 feet; thence Northerly deflecting to the right 90°20', a distance of 270.03 feet; thence Easterly deflecting to the right 89°40', a distance of 322.63 feet; thence Southerly deflecting to the right 90°20', a distance of 270.03 feet to the point of beginning, containing 2.00 acres, subject to the right-of-way of said County State Aid Highway No. 25. The right-of-way of said County State Aid Highway No. 25 is included in the above acreage.

Parcel 3: That part of the South Half of the Northeast Quarter of Section 19, Township 106 North, Range 8 West, Winona County, Minnesota, described as follows: Commencing at the Southeast corner of said Northeast Quarter of Section 19; thence Westerly along the centerline of County State Aid Highway No. 25, said centerline also being the South line of said South Half of the Northeast Quarter of Section 19, a distance of 1,321.80 feet to the point of beginning of the land to be described; thence Northerly deflecting to the right 90°20' a distance of 270.03 feet; thence East parallel with the South line of the Northeast Quarter of said Section 19 a distance of 250 feet; thence South parallel with the East line of the Northeast Quarter of said Section 19 to the South line of said Northeast Quarter; thence West along said South line to the place of beginning, excepting therefrom that certain Tract to be conveyed to the County of Winona pursuant to that certain Contract for Deed dated April 2, 1990, and recorded in the office of the County Recorder, Winona County, Minnesota, on August 6, 1990, Document No. 343937.