#### DOCUMENT A- 593209

Recorded: February 01, 2016 9:35 AM

Signed:

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

W-LL CERTIFICATE: Received[\_\_\_\_]

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# **CONDITIONAL USE PERMIT**

This cover sheet is now a permanent part of the recorded document

Winona County Planning Department Request for Recording

Winona County Finance Number: 164849 Name: <u>LEROY YODER & ANNA YODER</u>

Parcel Number: 15.000.2641

#### **CONDITIONAL USE PERMIT**

Winona County, Minnesota

Permit number 1193 has been issued to: LEROY YODER & ANNA YODER

For the purpose of Allow a Dog Kennel

Under Section 10.4.6 (14) for the following described property: See attached legal description

This permit is Issued on 1/5/2016 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.
- Petitioner meet sanitary requirements for the collection of dog waste and wastewater, and should not an acceptable method be employed, the petitioner be required to obtain a Septic Permit for the installation of a holding tank.
- Petitioner comply with all relevant regulations and standards of Winona County and the State of Minnesota.

3 31 t

- Reduce and limit the number of adult dogs to eighty-five (85) within six (6) months.
- Allow random inspections and consent to access by County staff or Sherriff's Department.
- 7. Allow other County staff to perform inspections at 3, 6, 9, and 12 months and then annually thereafter.
- Maintain an outdoor socialization yard.
- Continue veterinary visits on a regular basis.
- Increase the amount of natural light to the area.

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 12/17/2015, and approved by the Board of Commissioners of Winona County on 1/5/2016

Given under the hand of the Planning Director of Winona County

Eric Evenson-Marden

Planning and Environmental Services Director

Document NUmber: 500443

h.uber: 506443

Parcel Number: 15.000.2641

15.000.26/1

# Exhibit "A"

That part of the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 33, Township 106, Range 9, Winona County, Minnesota described as follows:

Beginning at the southwest corner of said Southwest
Quarter of the Southwest Quarter, thence on an assumed
bearing of South 89 degrees 43 minutes 54 seconds East,
bearing of South 89 degrees 43 minutes 54 seconds East,
along the south line of said Southwest Quarter of the
Southwest Quarter, 315.27 feet; thence North 00 degrees
Southwest Quarter, 315.27 feet; thence North 89
Thence South Seconds West, 320.79 feet to the
degrees 45 minutes 06 seconds West, 320.79 feet to the
west line of said Northwest Quarter of the Southwest
West, along said west line, 1358.50 feet to the point of
beginning.

Subject to the right of way of Cemetery Road and County Road No. 14.

#### CONDITIONAL USE PERMIT - LEROY YODER & ANNA YODER

Approved a Conditional Use Permit for LEROY YODER & ANNA YODER to allow Allow a Dog Kennel under Section 10.4.6 (14) of the Winona County Zoning Ordinance for the following described property:

See attached legal description

#### with the following conditions:

- 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.
- Petitioner meet sanitary requirements for the collection of dog waste and wastewater, and should not an acceptable method be employed, the petitioner be required to obtain a Septic Permit for the installation of a holding tank.
- 4. Petitioner comply with all relevant regulations and standards of Winona County and the State of Minnesota.
- 5. Reduce and limit the number of adult dogs to eighty-five (85) within six (6) months.
- 6. Allow random inspections and consent to access by County staff or Sherriff's Department.
- 7. Allow other County staff to perform inspections at 3, 6, 9, and 12 months and then annually thereafter.
- Maintain an outdoor socialization yard.
- Continue veterinary visits on a regular basis.
- Increase the amount of natural light to the area.

Passed and adopted on 1/5/2016.

Dated:

Attest: Lem the J. Jing Clerk/ County Administrator

Chairperson of the Board

3/11/2016

Le Roy Yoder 27768 Cemetery Road Utica MN. Parcel 15.000.2641

Category		Meets Standard*			
	General Standard	BOA			
		Y	N	Issue	Comments
	Dogs should have access on a daily basis for play and				
Care of Dogs	exercise.	x		,	
= = = = = = = = = = = = = = = = = = = =	Description of the second of t				
411	Dogs must have access to fresh water as appropriate.	х			
	Dogs must have access to fresh food provided at				
	appropriate intervals to maintain a healthy weight.	х			
	Dogs must be provided appropriate health care,				
	including routine and preventative care.			X	
tiner -	Dogs should be provided with daily positive human				
180	contact and socialization.	X			Children were playing with the dogs in yard
1.00	Each dog should have its overall health and behavior				×
OF STATES	assessed daily. Any deviation in its health must be	ì			and the
	addressed expeditiously and appropriately.	ĺ		200	
				X	
'a 'egar :	Dogs should be free from internal and external				
	parasites.  Dogs should be afforded regular grooming to ensure	_	-	X	None were visable
Lare of F	health and comfort	l,			an shear
	When euthanasia is necessary, it must always be	X	-	-	
	performed humanely.			x	
	The primary enclosure must be large enough to allow	-		<u> </u>	
ennels and	the dogs to sit, stand, lie down, or turn around	1			
ousing	comfortably without overcrowding	l,			
ousing	The primary enclosure must be constructed and	Х	-		
	maintained so that (1) dogs are securely confined and				
	(2) it does not cause them injury	×		1	l e
	Facilities must provide protection from adverse or	^		_	
	extreme weather conditions	x			
		<u> </u>	_	-	
	While flooring that provides solid footing is preferred, if	l			3. 1 340.4
- 2	wire is used as flooring of a primary enclosure, it should				
	be composed of a material featuring a protective				1.0
	coating, be of an appropriate size to prevent injury				The state of the s
	(especially to feet), and must be kept in good repair. If			1	Dr. Better
	wire is used, a solid platform of sufficient size should be				1, 2,4
	provided to allow the dogs to attain solid footing and to				All kennels that dogs were in had proper coated
	offer a space for resting.			1	wire cages with mat resting area.
( )	Facilities must be lighted to provide a regular lighting	-	<del>                                     </del>	-	and copes with more county or co.
	cycle for the dogs.				Unknown, area in back had little natural light.
	Bedding material made available to dogs should be				l l l l l l l l l l l l l l l l l l l
	clean and not pose a risk to them.	x			
	There must be a sufficient number of staff to carry out				
	appropriate levels of care and conditions for the number				Dogs were not counted, but he has until June to
perations	of dogs kept.	?			get down to 85 adult dogs
	Facility and primary enclosures should be clean, free				
	from debris and odor, and feces should be picked up		1		
	and disposed of as frequently as necessary to maintain		1		
	the doos' health	x			
	Each kennel should maintain an adequate emergency				
	preparedness plan for the type of facility owned and	1	1	1	
	breeds of dogs maintained therein			x	There were vet reports posted

<sup>\*</sup>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

LeRoy Yoder Parcel 15.000.2641 6/13/16

Category	General Standard	Meets Standard*			- September - Sept
		BOA			- 11
		Υ	N	Issue	Comments
	Dogs should have access on a daily basis for play and				
Care of Dogs	exercise.	x			
	Dogs must have access to fresh water as appropriate.		1		- 1
	T. 1	х			
	Dogs must have access to fresh food provided at				
	appropriate intervals to maintain a healthy weight.	х			
2.0	Dogs must be provided appropriate health care,				
mer ca .	including routine and preventative care.		1	x	A.
	Dogs should be provided with daily positive human				
You	contact and socialization.	х	┼	-	
Link week	Each dog should have its overall health and behavior				Maria de la compania
	assessed daily. Any deviation in its health must be				
	addressed expeditiously and appropriately.				
Liegitry			-	X	
CHESC MARINES	Dogs should be free from internal and external		1		No outernal parasites were changed
are of Deg.	parasites.  Dogs should be afforded regular grooming to ensure	×	-	-	No external parasites were observed
					5 3.1 0 (0000000000000000000000000000000000
	health and comfort When euthanasia is necessary, it must always be	х		-	
	performed humanely.			×	
	The primary enclosure must be large enough to allow		-	^	
annala and	the dogs to sit, stand, lie down, or turn around				
ennels and					Section 2015
Housing	comfortably without overcrowding The primary enclosure must be constructed and	x	+	-	
a Santon	maintained so that (1) dogs are securely confined and				and the second s
	(2) it does not cause them injury Facilities must provide protection from adverse or	×	+	-	1,000
	extreme weather conditions	l.,			
THE PL		X	+	+	1 - 1
The sales	While flooring that provides solid footing is preferred, if		İ		
	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	İ			
	(especially to feet), and must be kept in good repair. If				
11.00	wire is used, a solid platform of sufficient size should be				The second district
	provided to allow the dogs to attain solid footing and to				
9 1 E E	offer a space for resting.				1
	Facilities must be lighted to provide a regular lighting	^	+	1	
	cycle for the dogs.	×			
	Bedding material made available to dogs should be	^	+	1	40 PM (2.15)
	clean and not pose a risk to them.	x			The second secon
	There must be a sufficient number of staff to carry out		+-		There were 85 adult dogs on site. It was difficult
	appropriate levels of care and conditions for the number				to tell the difference between adult toy dogs and
Operations	of dogs kept.	x			puppies
- portations	Facility and primary enclosures should be clean, free		_	1	
5	from debris and odor, and feces should be picked up				
	and disposed of as frequently as necessary to maintain				
		x			
	the dogs' health. Each kennel should maintain an adequate emergency	1			4-7
	preparedness plan for the type of facility owned and	1			
Dec. 10. 21	breeds of dogs maintained therein	1		×	

<sup>\*</sup>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

LeRoy Yoder 27768 Cemetary Road Utica, Minnesota 55979 Parcel 15.000.2641 10-3-16

0.1		Meets Standard*			
				BOA	1
Category	General Standard	Y	N	Issue	Comments
	Dogs should have access on a daily basis for play and			T	
Care of Dogs	exercise.	Х			
	Dogs must have access to fresh water as appropriate.	x			
	Dogs must have access to fresh food provided at				
	appropriate intervals to maintain a healthy weight.	x		1	
	Dogs must be provided appropriate health care,				
	including routine and preventative care.	X			
. ner	Dogs should be provided with daily positive human				
- 16y 5	contact and socialization.	Х			
alce!	Each dog should have its overall health and behavior				
a transmi	assessed daily. Any deviation in its health must be				9 4 3
	addressed expeditiously and appropriately.				
				Х	
Lotegor,	Dogs should be free from internal and external				
	parasites.	Х		-	External parasites were not seen
C13011	Dogs should be afforded regular grooming to ensure health and comfort	v			Total Asia Salahan
	When euthanasia is necessary, it must always be	Х	-	-	
	performed humanely.			x	100-70
	The primary enclosure must be large enough to allow		-	^	
Kennels and	the dogs to sit, stand, lie down, or turn around				
Housing	comfortably without overcrowding	x	1	1	
lousing	The primary enclosure must be constructed and	^	-	-	
	maintained so that (1) dogs are securely confined and			1	
	(2) it does not cause them injury	x			****
100	Facilities must provide protection from adverse or	^	_	-	
	extreme weather conditions	x			
		^			
	While flooring that provides solid footing is preferred, if				5 707
A. H02-51	wire is used as flooring of a primary enclosure, it should				
	be composed of a material featuring a protective				0 0 0
	coating, be of an appropriate size to prevent injury				
	(especially to feet), and must be kept in good repair. If		1		-
	wire is used, a solid platform of sufficient size should be			1	
	provided to allow the dogs to attain solid footing and to				
nels	offer a space for resting.	X			
	Facilities must be lighted to provide a regular lighting				
	cycle for the dogs.	X			
	Bedding material made available to dogs should be				
	clean and not pose a risk to them.	Х			
E 3850	There must be a sufficient number of staff to carry out				
20	appropriate levels of care and conditions for the number				
Operations	of dogs kept.	Х			
	Facility and primary enclosures should be clean, free				
	from debris and odor, and feces should be picked up		l		
	and disposed of as frequently as necessary to maintain				
	the dogs' health.	X			
	Each kennel should maintain an adequate emergency				130
	preparedness plan for the type of facility owned and				
	breeds of dogs maintained therein es of animal neglect will be reported to the County S			Х	

<sup>\*</sup>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

		Meets Standard*			
Category	LeRoy Yoder 27768 Cemetary Rd. Utica 2/3/17		Г	BOA	1
		YN	N	Issue	Comments
	Dogs should have access on a daily basis for play and				
Care of Dogs	exercise.	x			
	Dogs must have access to fresh water as appropriate.	x			18.71
	Dogs must have access to fresh food provided at				
	appropriate intervals to maintain a healthy weight.	X			
	Dogs must be provided appropriate health care,				
	including routine and preventative care.	X			
THE	Dogs should be provided with daily positive human				
	contact and socialization.	Х			
	Each dog should have its overall health and behavior				
Nacional Control	assessed daily. Any deviation in its health must be				e do en
	addressed expeditiously and appropriately.				
		X			
Cotegory	Dogs should be free from internal and external				
one manufacture is a second	parasites.	Х			There were no observed external parasites
".reof s	Dogs should be afforded regular grooming to ensure				
	health and comfort	Х		<u> </u>	
	When euthanasia is necessary, it must always be				
	performed humanely.			Х	
	The primary enclosure must be large enough to allow				DE X 11 000 970
Cennels and	the dogs to sit, stand, lie down, or turn around	0000			
lousing	comfortably without overcrowding	X			
	The primary enclosure must be constructed and				
	maintained so that (1) dogs are securely confined and				
	(2) it does not cause them injury	X	-		Stainless steel and heated tile
Con 181 Sec.	Facilities must provide protection from adverse or				
	extreme weather conditions	Х	_	-	There is heated inside kennel and outside runs
	While flooring that provides solid footing is preferred, if				
Le gegin	wire is used as flooring of a primary enclosure, it should				52 S 50 S 50 S
	be composed of a material featuring a protective				1.00
i em	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				
1.00	provided to allow the dogs to attain solid footing and to				100
	offer a space for resting.	l.,			3.0 0.00
in tale,	N N N N N N N N N N N N N N N N N N N	X			
ing Hop	Facilities must be lighted to provide a regular lighting	J.			0.000
	cycle for the dogs.  Bedding material made available to dogs should be	х	-	<b>+</b>	
	clean and not pose a risk to them.	x			1 10
		<u>^</u>	+		
4/16/	There must be a sufficient number of staff to carry out appropriate levels of care and conditions for the number		1		There was one adult and two children present in
Operations	of dogs kept.	x	1		the kennel when I arrived unanounced
operations.	Facility and primary enclosures should be clean, free	^_	$\vdash$	+	The Reliner When I dillifed diffullounced
	from debris and odor, and feces should be picked up		1		
	and disposed of as frequently as necessary to maintain			1	
		x	1		Each kennel is cleaned daily
	the dogs' health.  Each kennel should maintain an adequate emergency	^	+	+	Laci Keiller is cleaned daily
	preparedness plan for the type of facility owned and			1	
	breeds of dogs maintained therein	x	1		
	ses of animal neglect will be reported to the County				<u></u>

<sup>\*</sup>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