

1
2
3
4
5
6

**WINONA COUNTY PLANNING COMMISSION MINUTES
RING CENTRAL VIRTUAL MEETING
APRIL 15, 2021 at 7:00 PM**

7
8
9

Members Present: Commissioners Mark Clark, Steve Jacob, Patrick Byron, Michael Flynn, Lynn Carlson, Arlie Herber, Lewis Reiman and Board of Adjustment Liaison Jordan Potter

10
11

Absent: Kelley Stanga

12
13
14
15
16
17

Others present: Kay Qualley, Planning & Environmental Services Director; Stephanie Nuttall, Assistant County Attorney; Eric Johnson, Zoning Administrator; Lew Overhaug, Planner; Megen Kabele, Planner/Feedlot Officer; Carly McGinty, Feedlot Officer and Anne Schwertel, Administrative Specialist

18
19

1. Call to Order: Chair Mark Clark called the meeting to order at 7:00 p.m.

20
21

2. Pledge of Allegiance: The Pledge of Allegiance was recited.

22
23
24

3. Approval of Agenda: On motion by M. Flynn and seconded by L. Reiman, the Planning Commission voted to approve the agenda. Vote: Yes – All.

25
26
27
28

4. Approval of Minutes – March 18, 2021: On motion of A. Herber and seconded by M. Flynn, the Planning Commission voted to approve the minutes. Vote: Yes – All.

29

5. Docket # PC 04-15-21-01

30
31

To consider the petition of Craig Spies, who seek Conditional Use Permits in regards to the following:

- 32
33
34
35
36
37
38
39
- Allow for the placement of a dwelling, to be located within the Agricultural/ Resource Conservation (A/RC) District, on less than forty (40) acres (proposed 5 acres or more) pursuant to Chapter 5.5.4.2 and 10.4.6 (36) of the Winona County Zoning Ordinance
 - Allow for the placement of a dwelling, to be located within the Agricultural/ Resource Conservation (A/RC) District and the Shoreland Natural Feature Overlay District, pursuant to Chapter 5.5.4.5 and 11.3.5 (3) of the Winona County Zoning Ordinance.

40
41

Chair M. Clark introduced the petition.

42
43

E. Johnson gave a power point presentation that included overview maps of the parcel and proposed building location, project details, New Hartford Township acknowledgement and

44 prime soils and shoreland information as related to the parcel. Planning Commission asked
45 questions pertaining to elevation of the parcel and driveway location.

46
47 Chair M. Clark asked if the petitioners wished to speak on behalf of the application.

48
49 Petitioners Jeff Ryg and Shannon Spies Ingersoll, of Winona County, shared that the purpose
50 of the request was to be close to Shannon's parents. They also clarified some driveway
51 questions.

52
53 On motion of L. Carlson and seconded by A. Herber, the Planning Commission voted to open
54 the public hearing. Vote: Yes – All.

55
56 Chair M. Clark asked three times if anyone wished to speak for or against the petition; no
57 response.

58
59 On motion by S. Jacob and seconded by P. Byron, the Planning Commission voted to close the
60 public hearing. Vote: Yes – All.

61
62 The Planning Commission, staff and petitioners discussed the well and septic for the property
63 as well as shoreland buffer regulations.

64
65 On motion by S. Jacob and seconded by A. Herber, the Planning Commission voted to adopt
66 the Findings of Fact as presented and recommend approval of the CUP to the County Board
67 with the conditions as recommended. Vote: Yes – All

68
69 **Findings of Fact:**

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

73 *There is ample road capacity for the addition of one new residence, and it will not create*
74 *appreciable impact on services or schools.*

75 2. The use will not change the essential character of the area, and through its design, construction,
76 operation, and maintenance is harmonious and appropriate in appearance with the existing or
77 intended character of the general vicinity.

78 *A single family home on generous acreage will not appear out of place in the Township. The*
79 *essential character and property values of the locality will not be altered, as the area in question*
80 *has been farm and woodland, and the proposed siting of the house can preserve portions of the*
81 *agricultural field and the natural resource areas.*

82 3. The proposed lot does take advantage of its proximity to other non-farm residences, the
83 configuration of the original tract, or the location of waterways and other natural features to use
84 the site for residential purposes instead of agricultural uses.

85 *The tract contains marginal agricultural land, woods, and pasture with a stream corridor. The*
86 *proposed lot takes advantage of the natural features without being a detriment to them, and takes*

87 *advantage of proximity to a neighboring residence to provide assistance to the petitioners' parents*
88 *who own the neighboring parcel.*

89 4. The proposed lot does consist of Class IV through Class VIII soils, or consists of less than forty (40)
90 percent or less of Class I through Class III soils, as identified in the Soil Survey of Winona County as
91 a means to prevent the disturbance to prime soils.

92 *The site selected for the new dwelling avoids prime soil areas.*

93 5. The proposed residence does not adversely affect environmentally sensitive areas or result in the
94 disruption of wetlands, or other environmental features.

95 *Although the property is located in the vicinity of a floodplain district, the dwelling site was*
96 *selected to avoid adverse impacts to environmentally-sensitive areas.*

97 6. The evidence does not reveal the proposed lot has existed as a non-tillable area for at least ten
98 (10) years.

99 *The parcel has been tilled or part of row-cropping use in recent history.*

100 7. The residence would not substantially restrict the expansion of adjacent agricultural activities.

101 *There are no feedlot operations located within applicable setback distances from the proposed*
102 *property.*

103 8. County and Township roads and/or highways do adequately serve the proposed residence, and
104 the residence will not place demands on public services and facilities in excess of current capacity
105 unless planned improvements will occur.

106 *The new dwelling will use existing infrastructure and add only minimal traffic.*

107 9. The proposed density is not determined to be acceptable as a long-range land use for the County
108 as evaluated against the land use policies of the Winona County Comprehensive Plan as depicted
109 on the Final Composite Map.

110 *The Future Land Use Map of the 2014 Comprehensive Plan recommends agricultural/natural*
111 *resource activities for the subject site. Such activities are defined as those "established for the*
112 *purpose of protecting, promoting, maintaining, and enhancing the use of land for agricultural and*
113 *timber harvesting purposes". The petitioner's proposed property has a score of 168, on a scale of 1*
114 *(most desirable) to 200 (least desirable).*

115 10. The request is either consistent with the existing residential development pattern of the area as
116 characterized by the presence of similarly sized residential lots within one thousand (1,000) feet of
117 the proposed lot boundary, or located within a quarter (0.25) mile of an unincorporated
118 community and/or within a half (0.5) mile from any corporation limits.

119 *There are ten (10) other residential dwellings within approximately a quarter (0.25) mile of the*
120 *proposed site. The corporate limits of the City of Dakota are approximately 6,800 feet to the east,*
121 *which is more than a half (0.5) mile away.*

122 **Winona County Zoning Ordinance 5.5.4.5 requires that the Planning Commission ensure the request**
123 **fulfills all specific standards of the Ordinance and that adequate evidence for the following findings**
124 **exists:**

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

128 *There is ample road capacity for the addition of one new residence, and it will not create*
129 *appreciable impact on services or schools.*

130 2. The use will not change the essential character of the area, and through its design, construction,
131 operation, and maintenance is harmonious and appropriate in appearance with the existing or
132 intended character of the general vicinity.

133 *Minimal impact will occur in order to build a new dwelling and install a new septic system because*
134 *of the generous amount of acreage for the site. The site consists of a large, open agricultural field,*
135 *segments of woodland, and natural vegetation barriers between the stream segments and the*
136 *proposed building site. The site has been farmed with the surrounding existing natural resource*
137 *features, which will, for the most part, continue to be preserved.*

138 3. A thorough evaluation of the water body and topographic, vegetation and soils conditions has
139 been made to ensure:

140 a. The prevention of soil erosion or other possible pollution of public waters, both during
141 and after construction;

142 b. The visibility of structures and other facilities as viewed from public waters is limited;

143 c. The site is adequate for water supply and on-site sewage treatment; and

144 d. The types, uses and numbers of watercraft that the project will generate are compatible in
145 relation to the suitability of public waters to safely accommodate the watercraft.

146 *Compliance with the applicable Agricultural/Resource Conservation District and Shoreland*
147 *Developmental and Performance Standards, and particularly stream setback requirements, height*
148 *limitations, minimum vegetation and topographical alterations, and property line setbacks must*
149 *be adhered to in the final site plan proposal. The parcel is large enough for appropriate on-site*
150 *septic system siting. The watercraft standard is not applicable.*

151 4. Other conditions necessary to fulfilling the purposes of the Ordinance have been attached.

152 *Conditions requiring compliance with Shoreland regulations have been included.*

153 **Winona County Zoning Ordinance 5.5 requires that the Planning Commission determine whether the**
154 **use has an identifiable date or event for termination. Regarding this petition, the proposed use does not**
155 **have an identifiable date or event for termination.**

156 *A dwelling is not a temporary use and has no date or event for termination.*

157

158 **With the following conditions:**

159 1. *The owner(s) of the property to which these Conditional Use Permits are issued will abide by all*
160 *representations and commitments made during the permitting process as well as before the*
161 *Planning Commission, in accordance with all conditions to the conditional use permit, taken as a*
162 *whole, as approved by the Planning Commission and the County Board.*

- 163 2. *The storage or processing of materials on the property that are, in time of flooding, flammable,*
164 *explosive, or potentially injurious to human, animal, or plant life is prohibited.*
- 165 3. *The dwelling and all future accessory structures, if any, must meet all Shoreland criteria prior to*
166 *construction.*
- 167 4. *The owner(s) obtain a Development Certificate and Septic Permit. Proposed sewage treatment*
168 *system must meet standards set forth in Chapter 13 of the Winona County Zoning Ordinance.*
- 169 5. *The proposed new driveway shall adhere to the standards described in Chapter 9.7 of the Winona*
170 *County Zoning Ordinance, to include receiving a permit from the New Hartford Township, if*
171 *applicable.*
- 172 6. *The owner(s) shall comply with all applicable federal, state, and local regulations*
- 173 7. *The owner(s) of the property shall allow Winona County staff to inspect the property annually or as*
174 *otherwise necessary to evaluate compliance with the Conditional Permits issued.*
- 175 8. *That during construction, erosion control measures will be implemented, based on staff*
176 *recommendations (silt fencing, etc.).*
- 177 9. *The following statement shall be recorded on the deed, along with the Conditional Use Permits:*
- 178 *“Owners, residents, and other users of property in this zoning district or neighboring properties*
179 *may be subjected to inconvenience or discomfort arising from normal and accepted*
180 *agricultural practices and operation, including but not limited to, noise, odors, dust, operation*
181 *of machinery of any kind including aircraft, the storage and disposal of manure or the*
182 *application of fertilizers, herbicides and pesticides. Owners, residents and users of this property*
183 *or neighboring property should be prepared to accept such inconveniences or discomfort, and*
184 *possibly injury from normal operations, and are hereby put on official notice that the state*
185 *Right-To-Farm Law (Minnesota Statute 561.19) may bar them from obtaining a legal judgment*
186 *against such normal operations.”*

187

188

Docket # PC 04-15-21-02

190 To consider the petition of Chelsi Low, who seeks a Conditional Use Permit in regard to
191 the following:

- 192 • To allow a commercial recreational campground with eight (8) campsites to be located
193 within the Agricultural/ Resource Conservation (A/RC) Zoning District pursuant to
194 Chapter 10.4.6(9) of the Winona County Zoning Ordinance.

195

196 Chair M. Clark introduced the petition.

197

198 L. Overhaug gave a power point presentation that included overview mapping exhibits of the
199 parcel and proposed camping sites, project details and Elba Township acknowledgement and
200 concerns. L. Overhaug also highlighted neighbor concerns and responses from the petitioner.
201 The Elba Township did not support the petition citing concerns regarding emergency response
202 to the camping sites.

203
204 The Planning Commission and staff discussed parking, the logging road, elevation to the camp
205 sites and permitting through the City of Elba, which did grant approval for the portion of the
206 project within city boundaries.

207
208 Chair M. Clark asked if the petitioner wished to speak on behalf of the application.

209
210 Petitioner Chelsi Low, of Winona County, thanked the Planning Commission and continued by
211 sharing the vision and intention of the proposed rustic campground and highlighted the work to
212 be done for the project. She explained the target clientele being people who are into hiking and
213 getting away from cars/pavement. The campground would not utilize golf carts; guests would
214 not drive up the logging road, they would hike to the camp sites. She was open to emergency
215 services using the logging road. She shared information regarding parking, the logging road,
216 elevation, proposed months of operation, erosion control and permitting through the City of
217 Elba.

218
219 On motion of L. Carlson and seconded by P. Bryon, the Planning Commission voted to open
220 the public hearing. Vote: Yes – All.

221
222 Chair M. Clark asked if anyone wished to speak for or against the petition.

223
224 Sheryl Langer, the Elba Town Clerk, spoke on behalf of the Elba Township. She spoke of
225 concerns with emergency response to the camping sites. There is not an ATV available for the
226 emergency response crews to use on the logging road.

227
228 Chair M. Clark asked for a second time if anyone wished to speak for or against the petition.

229
230 Chelsi Low, the petitioner, wanted to share information in regards to a concern presented by
231 the Elba Township on behalf of adjacent parcel that is owned by avid hunters. The concern was
232 that, per MN DNR regulations, hunting cannot take place within 500 feet of a building. Elba
233 Township felt this would limit the owner of the adjacent parcel. Per Chelsi Low, in speaking
234 with the MN DNR, the 500-foot rule is for rented hunting land, so not applicable in this case.

235
236 Kelly Nesler, daughter of Chelsi Low's neighbor Dean Todd, claimed the road up to the camp
237 sites is new and did not feel the road is safe.

238
239 Greg Heim, Elba Township Chairman, spoke of emergency response concerns utilizing the
240 logging road. In addition the camp sites would have fire pits and he was concerned about the
241 fire department being able to respond in case of a fire.

242
243 Chair M. Clark read a concern brought up by Fr. Tim Biren – St. Aloysius Cemetery, via Ring
244 Central chat. The concern was with environmental impacts to the properties below the
245 petitioner's parcel.

246

247 Chelsi Low, the petitioner, said she spoke with the City of Elba Mayor regarding water runoff
248 from her parcel. Culverts already exist and they both determined that the water runoff is not
249 something she is contributing to nor able to make an impact with. She stated that minimal
250 disturbance and grading for these primitive camp sites would be needed. A neighboring street,
251 Kieffer Drive, deals with water runoff as it is located in a gully.

252
253 Chair M. Clark asked two more times if anyone wished to speak for or against the petition; no
254 response.

255
256 On motion by P. Byron and seconded by J. Potter, the Planning Commission voted to close the
257 public hearing. Vote: Yes – All.

258
259 The Planning Commission discussed the logging road and emergency personnel access and the
260 fact that Elba Township did not support the project citing emergency response concerns.
261 Additionally, the Planning Commission and staff discussed that a campground with less than 5
262 sites would not need a permit from the County. The petitioner was aware of the threshold
263 triggering a CUP.

264
265 On motion by M. Flynn and seconded by L. Carlson, the Planning Commission voted to adopt
266 the Findings of Fact as presented and recommend approval of the Conditional Use Permit with
267 the conditions as recommended.

268 Vote: Yes – 5 (MF, LC, AH, JP, MC); No – 2 (SJ, PB). Lewis Reiman was not online at the
269 time of the vote. Motion carried.

270

271 **Findings of Fact:**

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

274 *The small scale recreational tourism business will not create an excessive burden on existing public*
275 *facilities and utilities that serve the area. The campground consists of eight (8) hike-in campsites in*
276 *addition to the three existing small camper cabins located in Elba.*

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

280 *The site is located on twelve (12) acres of wooded land adjacent to an agricultural field. There are*
281 *no homes nearby and, due to topography and access, the area is unlikely to be developed. The*
282 *campground is of a small enough scale, separated by distance and screening, and sufficiently*
283 *compatible with the adjacent land that it is unlikely to deter potential development or depreciate*
284 *neighboring property value.*

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

287 *There are no adjacent residential properties and the topography and wooded hillside screen the*
288 *proposed campground and campsites from both travelers on County Road 26 and adjacent*
289 *properties. The small scale of the campground will further minimize any adverse effect.*

- 290 4. The use is reasonably related to the overall needs of the County and to the existing land use.
291 *The proposed campground is located on twelve (12) acres of bluff that is currently being used as*
292 *recreational land by the owners. The campground would add to outdoor recreation-based tourism*
293 *that currently exists in the County and offers a unique experience for the area.*
- 294 5. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning
295 district in which the applicant intends to locate the proposed use.
296 *A commercial recreational campground supports the outdoor recreation-based tourism industry in*
297 *the blufflands of the area. The purpose of the Agricultural/Resource Conservation District*
298 *recognizes the recreational opportunitie that the blufflands offer residents and visitors alike and*
299 *aims to support the long-term sustainability and productivity of agriculture and forest resources*
300 *and their supporting industries.*
- 301 6. The use is in conformance with the Comprehensive Plan of the County.
302 *The Future Land Use Map of the 2014 Comprehensive Plan recommends agricultural/natural*
303 *resource activities for the subject site. Although the 2014 Comprehensive Plan describes*
304 *Agricultural/Resource Conservation areas as lands “established for the purpose of protecting,*
305 *promoting, maintaining, and enhancing the use of land for agricultural and timber harvesting*
306 *purposes”, it also support economic activities, open space preservation and recreation. This*
307 *proposed campground utilizes an area that is not in agricultural or timber production, but would*
308 *promote recreation to take advantage of the unique natural resources of the region.*
- 309 7. The use will not cause traffic hazard or congestion.
310 *The campground is a small-scale operation that will not generate excessive traffic. The Winona*
311 *County Highway Department has reviewed the access location and issued a Driveway Access*
312 *Permit.*

313 Winona County Zoning Ordinance 5.5 requires that the Planning Commission determine whether the use
314 has an identifiable date or event for termination. Regarding this petition, the proposed use does not have
315 an identifiable date or event for termination.

316 *No identifiable date or event for termination can be identified.*

317

318 **With the following conditions:**

- 319 1. *The owner(s) of the property to which this Conditional Use Permit is issued will abide by all*
320 *representations and commitments made during the permitting process as well as before the*
321 *Planning Commission, in accordance with all conditions to the conditional use permit, taken as a*
322 *whole, as approved by the Planning Commission and the County Board.*
- 323 2. *The campers must be required to sign acknowledgments recognizing that access to the campsites*
324 *by Township and County emergency personnel is limited, and the acknowledgments must be*
325 *retained by the campsite owner/operator for the duration of the current camping season.*
- 326 3. *The development of the campsites (flattening, grading, etc.) shall not create additional runoff or*
327 *erosion. Erosion-control measures such as silt-fencing, etc., must be in place until sites and*
328 *vegetation repair have been completed.*
- 329 4. *The petitioner shall comply with all applicable federal, state, and local regulations.*
- 330 5. *Applicants shall submit final plans in conformance with Minnesota Department of Health*
331 *requirements, and Chapter 9.4 of the Winona County Zoning Ordinance.*

- 332 6. Applicants shall obtain the required Septic Permit for any bathroom, outhouse, or other
333 wastewater generating facilities.
- 334 7. The owner(s) of the property shall allow Winona County staff to inspect the property annually or as
335 otherwise necessary to evaluate compliance with the Conditional Use Permit.

336
337 **Docket # PC 04-15-21-03**

338 To consider the petition of Henry & Elmer Yoder, of 16752 Sandstone Drive, Utica, MN 55979,
339 in regards to the following Interim Use/Conditional Use Permit request:

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

343
344 Chair M. Clark introduced the petition.

345
346 E. Johnson gave a power point presentation that included project details, 2015 CUP
347 information for a kennel on another parcel owned by one of the applicants, an overview
348 mapping exhibit and Utica Township Acknowledgement. E. Johnson did make the petitioner
349 aware of a neighbor letter received by Planning & Environmental Services, which was in
350 opposition of the dog kennel. He stated that the petition had several aspects to it which would
351 indicate that an IUP might better suit the project, should it move forward.

352
353 The Planning Commission and staff discussed responsibility and frequency of dog kennel
354 inspections, which falls on the United States Department of Agriculture (USDA), and the MN
355 Board of Animal Health. In the case of excessive barking violation, occasionally, the Winona
356 County Sheriff's Office intercedes on behalf of neighbors. The Planning Commission
357 questioned the intention of the petitioner with his current dog kennel site previously permitted
358 with a CUP.

359
360 Chair M. Clark asked if the petitioners wished to speak.

361
362 Petitioner Henry Yoder, of Winona County, stated his plan was to sell his current property and
363 was not planning on running two kennels. If someone buys his property and would like to
364 continue the dog kennel business, that would be up to them. Additionally, he shared that E.
365 Johnson did make him aware of the neighbor letter submitted. He did not know anything about
366 the animal abuse claim made by the neighbor as he does not own a dog as described by them.
367 Henry Yoder said that neighbor lives approximately 1 mile from his current residence and 1.5
368 miles from the 16752 Sandstone Drive residence. The dogs he will be raising are Yorkshire
369 Terriers that will grow to about 6-11 lbs total.

370
371 On motion of P. Byron and seconded by L. Carlson, the Planning Commission voted to open
372 the public hearing. Vote: Yes – All.

373

374 Chair M. Clark asked three times if anyone wished to speak for or against the petition; no
375 response.

376
377 On motion by P. Byron and seconded by M. Flynn, the Planning Commission voted to close
378 the public hearing. Vote: Yes – All.

379
380 The Planning Commission discussed again the noise complaints or an active abuse of an
381 animal situation would likely be handled by the Winona County Sheriff's Office. The
382 landowner is given copies of the inspections done by the USDA and MN Board of Animal
383 Health so they could be presented upon request. They are public information. M. Flynn pointed
384 out that suggested conditions # 4, 7 and 9 may satisfy the animal health concerns.

385
386 On motion by M. Flynn and seconded by A. Herber, the Planning Commission voted to adopt
387 the Findings of Fact as presented and recommend approval of the Interim Use Permit with the
388 conditions as recommended.

389
390 P. Byron stated he had concerns with Finding of Fact #4 and the petition as a whole. The
391 applicant has not demonstrated how the proposed kennel and demand for animals is reasonably
392 related to the needs of the County and existing land use.

393
394 Vote: Yes – 7 (SJ, MF, LC, AH, LR, JP, MC); No – 1 (PB). Motion carried.

395
396 **Findings of Fact:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

438

439 **With the following conditions:**

- 440 1. *The owner(s) of the property to which this Interim Use Permit is issued will abide by all*
441 *representations and commitments made during the permitting process as well as before the*
442 *Planning Commission, in accordance with all conditions to the conditional use permit, taken as a*
443 *whole, as approved by the Planning Commission and the County Board.*
- 444 2. *The owner(s) shall comply with Chapter 9.9 of the Zoning Ordinance relating to Advertising*
445 *Devices.*
- 446 3. *The owner(s) shall meet sanitary requirements for the collection of dog waste and wastewater and*
447 *be required to obtain a Septic Permit for the installation of a holding tank, if applicable.*
- 448 4. *The owner(s) shall comply with all relevant regulations and standards of Winona County and the*
449 *State of Minnesota.*
- 450 5. *The number of adult dogs on this site shall be limited to fifty (50). The petitioner shall send the*
451 *County Zoning Administrator a signed report with the number of adult dogs each January to verify*
452 *compliance.*
- 453 6. *The owner(s) shall maintain an outdoor socialization yard.*
- 454 7. *The owner(s) shall, upon demand or if complaints have been received, produce the most recent*
455 *results from the Board of Animal Health in verification of the humane treatment of the animals in*
456 *their care.*

- 457 8. *The owner(s) shall obtain a Development Certificate for the construction of the proposed additions*
458 *and associated improvements for the kennel facility.*
- 459 9. *The owner(s) shall allow Winona County staff to execute random inspections of the property as*
460 *necessary to evaluate compliance with the Interim Use Permit.*

461
462

463 **Docket # PC 04-15-21-04**

464 To consider the petition of Glen & Cindy Sue Glawe in regard to the following Interim
465 Use/Conditional Use Permit request:

- 466 • To allow operation of retail store for sale of homemade quilting products, self-authored
467 books, local artwork, and related goods as “Pickwick Creations LLC” pursuant to WZCO
468 Chapter 9.13, Temporary Small Business, and Chapter 5.5, Conditional or Interim Use
469 Permits

470
471

Chair M. Clark introduced the petition.

472

473 M. Kabele gave a power point presentation that included overview mapping exhibits of the
474 parcel and container location on the property, property photos, project details and Homer
475 Township acknowledgement. Additionally, M. Kabele explained the need for a retaining wall
476 and possible easement with a neighboring property owner.

477

478 The Planning Commission and staff discussed parking for the business.

479

480 Chair M. Clark asked if the petitioners wished to speak.

481

482 Petitioners Glen and Cindy Sue Glawe, of Winona County, explained their plans with the
483 temporary container building as a store and the proposed location which would likely need a
484 retaining wall next to the driveway. Parking accommodation for two cars was mentioned as not
485 a problem because the homeowners keep their own cars in the garage. The intent is to open the
486 shop in late fall.

487

488 On motion of M. Flynn and seconded by P. Byron, the Planning Commission voted to open the
489 public hearing. Vote: Yes – All.

490

491 Chair M. Clark asked three times if anyone wished to speak for or against the petition; no
492 response.

493

494 On motion by M. Flynn and seconded by P. Byron, the Planning Commission voted to close
495 the public hearing. Vote: Yes – All.

496

497 On motion by M. Flynn and seconded by P. Byron, the Planning Commission voted to adopt
498 the Findings of Fact as presented and recommend approval of the Interim Use Permit with the
499 conditions as recommended.

500 Vote: Yes – All

501

502 **Findings of Fact:**

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

505 *The proposed use will not create an excessive burden on existing roads because retail sales traffic*
506 *is low and sporadic. Parks, schools, and other public facilities are not located in the immediate*
507 *vicinity and therefore will not be impacted by retail sales at this location.*

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

511 *Operating a small retail store at this location will not depreciate adjacent lands because the store*
512 *building and signage are relatively small and hours of operation are minimal. The container will be*
513 *set back from the center of the road approximately 53 feet, and the nearest neighboring dwelling*
514 *is 240 feet away.*

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

517 *The steep slopes on the site limit the ability to see the structure from Pickwick Loop Road. The*
518 *container will be tan and will blend into the existing area, residence, and other containers used*
519 *onsite. The signage meets Zoning Ordinance requirements.*

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

521 *The operation of a small retail store encourages programs that will promote diversified economic*
522 *development in the County, including industrial, retail, trade, and service industries, a recognized*
523 *need and value in the Winona County Comprehensive Plan.*

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

526 *The operation of a small retail store meets the intent and purposes of promoting orderly*
527 *development and redevelopment of the residential, commercial, industrial, and public areas as well*
528 *as the preservation of agricultural areas; and, providing for the compatibility of different land uses*
529 *and the most appropriate use of land throughout the county.*

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

531 *The Future Land Use Map of the 2014 Comprehensive Plan recommends fostering the growth,*
532 *retention, and diversification of business activity to benefit the County by providing employment*
533 *opportunities and a strong tax base.*

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

535 *Increased traffic to the retail store will be minimal and will not impact congestion or cause undue*
536 *hazards on public or private roads.*

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

540 *This Interim Use Permit will terminate when the container unit is abandoned/removed or the*
541 *business discontinued, or after ten (10) years, unless amended/renewed through the*
542 *Conditional/Interim Use Permit process.*

543

544 **With the following conditions:**

- 545 1. *The owner(s) of the property to which this Interim Use Permit is issued will abide by all*
546 *representations and commitments made during the permitting process as well as before the*
547 *Planning Commission, in accordance with all conditions to the conditional use permit, taken as a*
548 *whole, as approved by the Planning Commission and the County Board.*
- 549 2. *Owner(s) shall comply with all applicable federal, state, and local regulations.*
- 550 3. *The owner(s) of the property shall allow Winona County staff to inspect the property annually, or*
551 *as otherwise necessary, to evaluate compliance with the Interim Use Permit issued.*
- 552 4. *The owner(s) will submit a comprehensive site plan for approval by the Planning Department prior*
553 *to soil excavation required to place the container unit in the proposed location. The site plan will*
554 *include a soils analysis, landscaping plan, retaining wall drawings (both aerial and cross-section),*
555 *and stormwater drainage. Owner(s) shall obtain a formal land agreement regarding any*
556 *neighboring property on which the wall will be erected.*
- 557 5. *The owner(s) will notify Winona County staff if the retail store container size is increased, if it*
558 *becomes a permanent structure, if exterior signage or lighting increases, or if business operations*
559 *are suspended or closed.*

560

561 **6. Updates**

- 562 • Board of Adjustment – The Board of Adjustment did not have an April 2021 meeting.
563
- 564 • County Board – Per Steve Jacob, the County Board approved the Karr Solar CUP.
565

566 **7. Adjourn**

567 On motion by P. Byron, the Planning Commission adjourned at 9:21 p.m.

568

569

570 Respectfully Submitted By,

571 Anne Schwertel

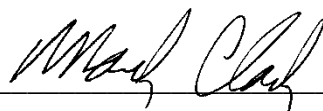
572 Administrative Specialist

573

574

575

Signed By: _____



Planning Commission Chair

5-20-2021

Date

576