



**WINONA COUNTY PLANNING COMMISSION MINUTES  
JULY 15, 2021 at 7:00 PM**

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

**Absent:** None

**Others present:** Kay Qualley, Planning & Environmental Services Director; Stephanie Nuttall, Assistant County Attorney; Eric Johnson, Zoning Administrator; Lew Overhaug, Planner and Anne Schwertel, Administrative Specialist

- 1. **Call to Order:** Chair Mark Clark called the meeting to order at 7:00 p.m.
- 2. **Pledge of Allegiance:** The Pledge of Allegiance was recited.
- 3. **Approval of Agenda:** On motion by L. Reiman and seconded by M. Flynn, the Planning Commission voted to approve the agenda. Vote: Yes – All.
- 4. **Approval of Minutes – June 17, 2021:** On motion of M. Flynn and seconded by L. Reiman, the Planning Commission voted to approve the minutes. Vote: Yes – All.

**5. Petitions**

**Docket # PC 07-15-21-01**

To consider the following Interim Use/Conditional Use Permit request from Erickson Family Shady Maple Farm:

- 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

Chair M. Clark introduced the petition.

Staff member E. Johnson gave a power point presentation that included overview mapping exhibits of the parcel and buildings to be used for the dog kennel business, photos of the sheds and property, Warren Township acknowledgement, and discussion points for considering the petition as an Interim Use Permit. It was noted that the petitioner and family members were granted a CUP in 2018 for a dog breeding operation.

Planning Commission member Arlie Herber stated he is somewhat related to the family but does not have any financial interest in the petition. He asked if he should recuse himself from



45 this discussion and input for recommendation to the Winona County Board. Per Assistant  
46 County Attorney Stephanie Nuttall, since he does not have any financial interest in the  
47 proposal, he can participate in the discussion and recommendation.  
48

49 The Planning Commission and staff discussed state Board of Animal Health and federal  
50 licensing thresholds, such as socialization yards, vet protocol and inspections for the animals'  
51 health. What elements might be involved with retrofitting of the existing sheds for the dog  
52 kennel business were also mentioned.  
53

54 Chair M. Clark asked if the petitioner wished to speak on behalf of the application.  
55

56 Petitioner Greg Erickson, of Winona County, stated he would be the full-time employee of the  
57 operation, his application gave an approximate number of customers but that would depend on  
58 the number of puppies born. He explained the exercise lots will run north and east on the  
59 property, the dogs will be of mastiff breed and poodle breed and he is hoping his grandchildren  
60 will assist in the operation. He shared his love for dogs and the desire to do well with this  
61 business. It is a way to provide for his family. An information gathering discussion ensued with  
62 the Planning Commission regarding general breeding practices and the socialization of the  
63 dogs. Per Greg Erickson, his intent is to sell dogs to individual parties, not brokers.  
64

65 On motion of L. Carlson and seconded by K. Stanage, the Planning Commission voted to open  
66 the public hearing. Vote: Yes – All.  
67

68 Chair M. Clark asked if anyone wished to speak for or against the petition.  
69

70 Ann Olson, of Animal Folks, spoke in opposition of the petition citing concerns with the  
71 treatment, socialization and care of the dogs at dog kennels. She stated the issued was the mass  
72 production of dogs for profit and added that some facilities will cut corners to increase profits.  
73 She asked that the Commission either deny the permit or place a moratorium on permits for  
74 dog breeding to allow for a good faith study of the issue, pursuant to law.  
75

76 Chair M. Clark asked two more times if anyone wished to speak for or against the petition; no  
77 response.  
78

79 On motion by S. Jacob and seconded by L. Reiman, the Planning Commission voted to close  
80 the public hearing. Vote: Yes – All.  
81

82 A motion was made by L. Remian and seconded by A. Herber to adopt the Findings of Fact as  
83 presented and recommend approval of the IUP to the County Board with the conditions as  
84 presented.  
85

86 K. Stanage stated she appreciated the comments made by the public regarding animal welfare  
87 but felt that the proposed small family operated business fell within the ordinance and the  
88 comprehensive plan for the county.



89

90 A. Herber thought the Animal Folks had valid concerns about animal welfare but since he  
91 knew the Erickson family, he believed the animals would be well cared for.

92

93 L. Carlson appreciated the research and work of the Animal Folks. She does not believe  
94 Winona County has the ability to inspect and ensure animal welfare, due to limited staffing.

95

96 On motion by J. Potter and seconded by M. Flynn, the Planning Commission voted to amend  
97 condition number 5 to read that the number of dogs shall be reported to Winona County in  
98 July, not January, to align with MN Board of Animal Health reporting period. A. Herber and L.  
99 Remain agreed to the amendment to their motion. Vote: Yes – All.

100

101 S. Jacob asked if he would be able to stop by the dog kennel to see the operation and how  
102 things functioned.

103

104 Petitioner G. Erickson said an invitation to stop by his dog kennel business is extended to the  
105 board members, not the public.

106

107 The Planning Commission voted on the motion to adopt the Findings of Fact as presented and  
108 recommend approval of the IUP to the County Board with the amended conditions.

109 Vote: Yes – 8, No – 1 (PB). The motion passed.

110

### 111 **Findings of Fact:**

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

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

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

118 *The proposed kennel would be located within an existing pole shed, milk house, and parlor building  
119 that are consistent with the area. The main portion of the kennel would be approximately 340 feet  
120 from the nearest neighboring dwelling.*

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

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

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

126 *The proposed kennel is allowed as a conditional/interim use in the Agricultural/Resource  
127 Conservation District and would provide another form of income for the family. The use of existing  
128 dairy buildings on a farmstead to generate additional income is a reasonable need and use of  
129 existing idle buildings.*

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



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

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

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

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

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

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

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

151

152            **With the following conditions:**

153            1. *The owner(s) of the property to which this Interim Use Permit is issued will abide by all*  
 154            *representations and commitments made during the permitting process as well as before the*  
 155            *Planning Commission, in accordance with all conditions to the conditional use permit, taken as a*  
 156            *whole, as approved by the Planning Commission and the County Board.*

157            2. *The owner(s) shall comply with Chapter 9.9 of the Zoning Ordinance relating to Advertising*  
 158            *Devices.*

159            3. *The owner(s) shall meet sanitary requirements for the collection of dog waste and wastewater and*  
 160            *be required to obtain a Septic Permit for the installation of a holding tank, if applicable, should*  
 161            *run-off or pollution issues be identified or arise in the future.*

162            4. *The owner(s) shall comply with all relevant regulations and standards of Winona County and the*  
 163            *State of Minnesota.*

164            5. *The number of adult dogs on this site shall be limited to twenty (20). The petitioner shall, in July of*  
 165            *each year, verify the number of adult dogs with the Planning & Environmental Services*  
 166            *Department.*

167            6. *The owner(s) shall maintain an outdoor socialization yard.*

168            7. *The owner(s) shall, upon demand or if complaints have been received, produce the most recent*  
 169            *results from the Board of Animal Health in verification of the humane treatment of the animals in*  
 170            *their care.*

171            8. *The owner(s) shall allow Winona County staff to execute random inspections of the property as*  
 172            *necessary to evaluate compliance with the Interim Use Permit. Inspections by the Planning and*



173 *Environmental Services Department will relate to the requirements of the Winona County Zoning*  
174 *Ordinance.*

175

176 **Docket # PC 07-15-21-02**

177 To consider the following Conditional Use Permit request from Rosanne Naunheim:

178

- 179 • To allow a new dwelling within three-hundred (300) feet of the top of the bluff in the  
180 Mississippi River Bluffs (MRB) Overlay District, pursuant to Chapter 11.6.4(3) of the  
181 Winona County Zoning Ordinance.

182

183 Chair M. Clark introduced the petition.

184

185 Staff member L. Overhaug gave a power point presentation that included mapping exhibits of  
186 the parcel, proposed building location and driveway with respect to the bluffs, soil  
187 classification as well as township acknowledgement from Homer Township. Additionally, L.  
188 Overhaug shared a project overview and photos from HWY 61, from Government Pointe Rd  
189 and from on the parcel. The HWY 61 photos were part of the Viewshed analysis and due  
190 diligence by staff. The staked out building site will need to be adjusted to ensure it is 100 feet  
191 from the top of the bluff, if it is recommended to the Board and approved there. He stated that  
192 the Mississippi River Bluffs Overlay District had restrictions for building and roof color (earth  
193 tones) and lighting to reduce impacts.

194

195 The Planning Commission and staff discussed elevation of the parcel, other possible building  
196 sites, determination of 100 feet from the top of the bluff, exterior lighting requirements and the  
197 archeological review of the parcel. Planning & Environmental Services Director K. Qualley  
198 added that the Naunheim's received a prime soil variance at the Board of Adjustment meeting  
199 earlier in the day for this project making the entire parcel available for building.

200

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

202

203 Petitioners Rosanne and Dennis Naunheim, currently residing in MO, stated the parcel is  
204 family land that used to have a house on it. They would like to build on the parcel to live there  
205 upon retirement. Staff explained that outdoor lighting constraints existed and R. Naunheim  
206 stated that they appreciate the dark sky and enjoy astronomy.

207

208 The Planning Commission discussed the home location and other possible building sites  
209 further from view.

210

211 On motion of P. Byron and seconded by J. Potter, the Planning Commission voted to open the  
212 public hearing. Vote: Yes – All.

213

214 Chair M. Clark asked two times if anyone wished to speak for or against the petition.

215



216 J&M Construction, business out of Fountain City, WI, stated they will build a home to blend in  
217 with the bluff and will work with Lew Overhaug for the dwelling location.

218  
219 Chair M. Clark asked for a third time if anyone wished to speak for or against the petition; no  
220 response.

221  
222 On motion by S. Jacob and seconded by A. Herber, the Planning Commission voted to close  
223 the public hearing. Vote: Yes – All.

224  
225 A motion was made by A. Herber and seconded by L. Reiman, to adopt the Findings of Fact as  
226 presented and recommend approval of the CUP to the County Board with the conditions as  
227 presented.

228  
229 The Planning Commission and staff discussed viewshed and neighboring parcels on the bluff  
230 with dwellings.

231  
232 A motion to amend Findings of Fact 4, 5 & 6 to read “is” instead of “is not” was made by S.  
233 Jacob and seconded by J. Potter. The Planning Commission discussed reasoning for the change  
234 to support the finding. Vote on the amended Findings of Fact 4, 5 & 6: Yes – 8, No – 1 (KS).  
235 Motion passed.

236  
237 The Planning Commission voted on the motion to adopt the Findings of Fact as amended and  
238 recommend approval of the CUP to the County Board with the conditions as presented.  
239 Vote: Yes – All.

240  
241 **Findings of Fact:**

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

244 *Government Point Road has sufficient capacity to handle the small amount of low density housing*  
245 *and agricultural activities in the area.*

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

249 *The proposed site is approximately 900 feet from Government Point Road and 1,200 feet from the*  
250 *closest neighbor. There are trees between neighbors and the proposed dwelling that will provide*  
251 *screening, though it will be visible across a field from Government Point Road. The distance from*  
252 *the neighbors is enough to ensure existing properties will not be depreciated in value and there will*  
253 *be no deterrence to development of vacant land.*

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

256 *The Mississippi River Bluff (MRB) overlay district requires additional performance design standards*  
257 *that are aimed at preserving the essential character of the area. The home will be 31 feet in height,*  
258 *which is taller than typical for rural residences and is not ideal for this setting. However, existing*  
259 *vegetative screening and distance from neighbors will help mitigate the negative impacts*



260 *stemming from the height and mass of the home, provided the conditions for added screening are*  
261 *complied with.*

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

263 *Although, the location on the parcel, where it is in view from the Mississippi River Valley, conflicts*  
264 *with the goal of protecting the viewshed in the corridor because it will be visible in winter, single-*  
265 *family residential dwellings are permitted uses in this zoning district, if they meet minimum lot size*  
266 *and other setbacks and standards, which this proposed dwelling does.*

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

269 *Although the Agricultural/Resource Conservation Zoning District supports both agricultural and*  
270 *new single-family dwellings that meet the density standards of the district, the purpose of the MRB*  
271 *overlay district is to protect and enhance the intrinsic natural and scenic qualities of the bluffs*  
272 *along the Mississippi River. The 31-foot high dwelling will be located just outside the 100-foot*  
273 *setback from the top of the bluff, and screening from existing trees may only partially obscure the*  
274 *residence from below. However, additional screening may further mitigate this concern.*

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

276 *The building height and location on the parcel are such that the dwelling may be seen from below*  
277 *for six months of the year, which is not in conformance with the goal of protecting major natural*  
278 *resource areas of the County. However, the proposed dwelling is in conformance with the goal of*  
279 *promoting agriculture as a viable land use activity, in that it is in an area that is not intensely*  
280 *farmed and would not negatively impact neighboring agriculture uses. The site does not promote*  
281 *agriculture, but is located so as to minimize impact on farming areas by preserving better soils. ,*

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

283 *The low number of existing homes and traffic in the area will ensure that changes for traffic*  
284 *hazards and congestion are minimal.*

285

286 **With the following conditions:**

287 1. *The owner(s) of the property to which this Conditional Use Permit is issued will abide by all*  
288 *representations and commitments made during the permitting process as well as before the*  
289 *Planning Commission, in accordance with all conditions to the conditional use permit, taken as a*  
290 *whole, as approved by the Planning Commission and the County Board.*

291 2. *The proposed new driveway shall adhere to the standards described in Chapters 9.7 and 11.6 of*  
292 *the Winona County Zoning Ordinance and obtain a Driveway Access Permit from Homer Township,*  
293 *if required.*

294 3. *The owner shall obtain the required Development Certificate and Septic Permit, and comply with*  
295 *all relevant regulations and standards of Winona County and the State of Minnesota.*

296 4. *Existing trees along the edge of the bluff between the house and the valley below will be retained*  
297 *and replaced as needed to maintain a vegetative screen of the dwelling from the valley below.*  
298 *Additional trees and plantings to augment the existing trees shall be planted post-construction,*  
299 *with landscaping plans to be submitted for review and approval by Planning Department staff.*

300 5. *The following statement shall be recorded on the property deed:*



301 "Owners, residents and other users of property in this zone or neighboring property may be  
302 subjected to inconvenience or discomfort arising from normal and accepted agricultural  
303 practices and operation, including but not limited to, noise, odors, dust, operation of  
304 machinery of any kind including aircraft, the storage and disposal of manure or the application  
305 of fertilizers, herbicides and pesticides. Owners, resident and users of this property or  
306 neighboring property should be prepared to accept such inconveniences or discomfort from  
307 normal operations and are hereby put on official notice that this declaration may prevent them  
308 from obtaining a legal judgment against such normal operations."

309 6. A phase one archaeological survey shall be required, pursuant to Chapter 11.6.5, prior to issuance  
310 of a Development Certificate for the proposed dwelling.

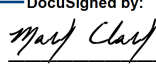
311  
312 **6. Updates**

- 313 • Board of Adjustment – Board of Adjustment Liaison Jordan Potter shared that the BOA
- 314 approved a prime soils variance to Rosanne Naunheim.
- 315
- 316 • County Board – Per Steve Jacob, the County Board approved the Allen-Abnet CUP.
- 317

318 **7. Adjourn**

319 On motion by A. Herber and seconded by K. Stanage, the Planning Commission adjourned at  
320 8:46 p.m.

321  
322  
323 Respectfully Submitted By,  
324 Anne Schwertel  
325 Administrative Specialist  
326

327  
328 Signed By:   
329 9938FBAC3456481...  
Planning Commission Chair

September 17, 2021 | 1:38 AM PDT  
Date