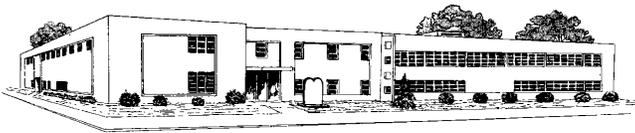


MOWER COUNTY

AUSTIN, MINNESOTA

55912



November 27, 1990

Minutes of the Mower County Planning Commission Regular Meeting

Members Present: Gary Braaten, MeriJo Lonergan, Keith Vorhees, Herb Hanson, Don Olson, Oliver Hillier, Steve Wieland

Members Absent: Bob Werner, Bob Finbraaten

Others Present: Daryl Franklin, Katie Losness

Chair Hanson called the meeting to order at 2:00 p.m. on Tuesday, November 27, 1990, in the Commissioner's Conference Room of the Mower County Courthouse in Austin, Minnesota. The minutes of the October 30, 1990, meeting were approved as mailed on a motion made by Mr. Hillier, seconded by Mr. Braaten and passed unanimously.

Conditional Use Permit #413 for Filling and a Structure Accessory to an Open Space Use in the Floodway District - Ramsey Golf Club: This petition had been tabled from last month. Ms. Losness informed the Planning Commission that this petition has been withdrawn by Ramsey Golf Club since they felt it would be prohibitive to place the amount of fill necessary to be above the flood elevation. No further action necessary.

Conditional Use Permit #415 for a Dog Kennel in the Agricultural District - Laura Tuttle: Ms. Losness read the staff report. Laura Tuttle is requesting a conditional use permit for a kennel to allow her to have six of her own dogs and other dogs on a temporary basis for breeding on her property at 2704 12th Street SW (E 1575 ft N 138 ft S 1027 ft NE 1/4 Section 16, Austin Township). Existing land use is residential and zoning is Agricultural District. Surrounding land use is as follows: North and South is residential, East is residential and agricultural and West is agricultural. Surrounding zoning is Agricultural District.

Ms. Tuttle, speaking in favor of her petition, explained that she purchased the home specifically to accommodate her dogs. She has five dogs in the house and lets them out for approximately 15 minutes a few times a day under her supervision. She bred one litter last spring and most of the puppies were gone before four months of age. She has no outbuildings for dogs; she keeps them in the house.

Ms. Losness read a letter from Twyla Tinney who resides at 2708

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12th Street SW in support of the petition. She stated that the dogs are "very rarely outside, and when they are they do not cause a nuisance. They are not outside at night and are always confined to her property." Ms. Tuttle has "consistently made every effort to minimize any problems her dogs may cause." She also stated that she is confident Ms. Tuttle will continue to cooperate to eliminate any problems that may arise.

Dennis Kolb, 2700 12th Street SW, spoke in opposition to the petition. He presented the Commission with sheriff's reports, copies of a petition and pictures of the property. Larry Hegna, 2609 12th Street SW, also spoke in opposition stating that last summer they were constantly barking but acknowledged that the situation has improved since summer.

Chair Hanson stated that he had been on the investigation with Mr. Werner and said that while he is not opposed to what she's doing now he didn't feel the house was an appropriate place to have a kennel. He asked staff to read a letter from Mr. Werner who could not be at today's meeting. Ms. Losness read the statement which said that Mr. Werner also felt the present use of the property is acceptable but felt the property "as is" would not be suited for commercial use as a dog kennel. For lack of adequate facilities, he recommends denial of expanding the applicant's use to include kenneling of dogs. Chair Hanson reminded the Commission that if they granted the petition they could put conditions on it.

Ms. Tuttle stated that this is not a commercial venture. These dogs are her pets and she occasionally has a litter as a hobby. She doesn't consider breeding until she knows she has a market for the puppies.

There was some question as to what was allowed without a permit so staff suggested the petition be tabled until they received clarification from the County Attorney. After further discussion, Mr. Olson made a motion to table the petition until the December 18, 1990, meeting at 2:00 p.m. at which time they will have something in writing from the County Attorney. The motion was seconded by Mr. Vorhees and passed on a 5-2 vote with Chair Hanson and Mr. Braaten voting nay.

There being no further business to discuss, the meeting adjourned at 2:40 p.m. on a motion by Mr. Braaten and seconded by Mr. Olson.

Respectfully submitted,



Katie Losness