

**WRIGHT COUNTY PLANNING COMMISSION**

**Meeting of: August 18, 2016**

**MINUTES – (Informational)**

The Wright County Planning Commission met August 18, 2016 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 7:30 p.m. with all members present. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning Office. Greg Kryzer, Assistant County Attorney, was legal counsel present.

**MINUTES**

On a motion by Bravinder, seconded by D. Thompson, all voted to approve the minutes for the July 21, meeting as printed.

1. **KEVIN E. BUTCHER** –APPLICANT ASKED FOR DISMISSAL – See Agenda Item #2

LOCATION: 10006 Fenner Avenue SE – North 26 acres of the N ½ of the NE ¼, lying east of the town road, Section 25, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-251102 & -251100 Property owner: Morrow

Petitions to rezone from AG General Agricultural to A/R Agricultural-Residential (COUNTY BOARD APPROVED REZONING ON 6/21/16) and a Conditional Use Permit for an unplatted two-lot residential subdivision (north lot to include existing house) as regulated in Section 603 of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: Kevin Butcher

- A. Riley reviewed the action to rezone from AG General Agriculture to A/R Agricultural-Residential. The subdivision was continued for borings and site work. The owner has found that the configuration of the wetlands would make the proposed division difficult. A dismissal of the CUP is requested and the following request on the agenda is to rezone it back to AG allow the house to be divided off as an AG division with an access strip back to a five acre lot. The remainder of the property would be restricted, could be sold without an entitlement or someone could come back to try to rezone and develop it in the future.
- B. J. Thompson moved to dismiss the application for a Conditional Use Permit without prejudice, as requested by the applicant. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **KEVIN BUTCHER** – New Item

LOCATION: 10006 Fenner Avenue SE – North 26 acres of the N ½ of the NE ¼, lying east of the town road, Section 25, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-251102 & -251100 Property owner: Morrow

Petitions to rezone from A/R Agricultural-Residential back to AG General Agricultural as regulated in 155.027, 155.028 & 155.048 of the Wright County Code of Ordinances. (Property owner has decided to pursue another option to divide off the existing house.)

Present: Kevin Butcher

- A. Riley noted as explained in the previous item, the property had been zoned A/R and the applicant is requesting to go back to the AG zone to allow an administrative split. The subdivision would be allowed a different configuration.
- B. Butcher – stated this will be more cost effective for the landowner and will not impact wetlands.
- C. Pederson agreed this would make more sense to go back to the Ag zone.
- D. Bravinder –understands the remainder parcel will be restricted land. Riley stated that is right.
- E. Butcher felt if someone in the future wants to pursue building on the rest, it would be up to them. Asked if that would take a variance? Riley indicated no, the property would have to be rezoned to A/R to get an entitlement and establish that it is buildable. The restricted parcel could also be sold to someone else.
- F. Mol asked for public comment, hearing none, discussion returned to the Commission.
- G. Borrell moved to approve the rezoning to the County Board of Commissioners to rezone the property from A/R Agricultural Residential to AG Agricultural to allow the applicants to divide the property under the AG standards noting a deed restriction must be filed for the administrative division under the AG standards. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **JAMES R. BOSSERT** – Cont. from 6/30/16

LOCATIOIN: 10690 Hwy. 25 SW – Part of W ½ of SE ¼, Section 25, Township 118, Range 26, Wright County, Minnesota. Tax #220-000-254200 (Woodland Twp.)

Petitions to rezone from AG General Agricultural and S-2 Residential-Recreational Shorelands to R-2a Suburban Residential (minimum 5-acre lot requirement) and S-2 and a Conditional Use Permit for a two-lot unplatted residential subdivision as regulated in Section 606 & 612 of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: Jim Bossert and George Schaust

- A. Riley reviewed the previous hearings, with the original rezoning request and approval for A/R. The subdivision details determined the property was short the acreage needed for two ten-acre lots. Township has also asked that the division follow a ditch. The applicant came back with a request for the R-2a zone and met again with the Town Board. An exhibit was displayed to show the proposed division line.
- B. Borrell noted the Town Board had wanted the ditch all on one property. Bossert stated that was right and wanted the line moved 10' to the south so the ditch is all on Parcel A.
- C. Mol asked for public comment, hearing none the discussion returned to the Commission.
- D. D. Thompson moved to approve a conditional use permit for a two lot un-platted subdivision in accord with the survey completed by Wenck Associates dated 4/27/2016; Project No. 5971-0001 with the condition that no further subdivision is allowed on either newly created lot and all SWCD requirements and wetland regulations must be met prior to the issuance of any building permits.  
Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **SCOTT T. ANDERSON** – Cont. from 6/30/16

LOCATION: 3511 Darlington Avenue SE – Part of N ½ of SW ¼ and the SE ¼ of NW ¼ of Section 22, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-223108 Property owner: Orval Anderson Living Trust etal

Petitions to rezone from AG General Agricultural to A/R Agricultural-Residential a Conditional Use Permit for an unplatted five-lot subdivision as regulated in Section 504, 505 & 603. of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: Scott Anderson and Paul Otto, Otto Associates

- A. Riley stated the property was rezoned by the County Board on July 19, to A/R. The hearing before the Commission is for the five-lot residential subdivision. One of the lots includes the existing house; two others come off the township road. The County Highway Department has given approval for each driveways for the other two lots as long as there is proper spacing. One access exists. A location map to show the property location in the Township was viewed. Mol asked if all lots can meet the 300' width? Riley stated they all meet the width on the road, one because of the length one line, is less in the back, but meets the dimensional requirements.
- B. Mol opened the hearing for public comments, hearing none brought the matter back for action.
- C. Felger moved to approve a conditional use permit for a subdivision of the existing 57.50 acre parcel for a unplatted five-lot residential subdivision, one lot to include the existing home, in accord with the survey completed by Otto Associates 8/11/2016; Project No. 16-0157 with the following conditions: 1) Access permits will need to be obtained from the Township and the County prior to construction; and 2) All Environmental Health and Point of Sale requirements must be met. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **LINDA K. YONAK** – Cont. from 7/21/16

LOCATION: 1179 County Road 37 NE – Part of the W ½ of the NW ¼, lying south of County Road 37, Section 32, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-322202

Petitions for a Conditional Use Permit as regulated in 155.03(25), 155.029, 155.048 of the Wright County Land Usage and Zoning Ordinance for Commercial Agricultural Tourism to allow seasonal outdoor use with primary focus to be an apiary (bees – honey production). Activities to include education and to introduce the public to the operation and the ag environment and food production with some retail sales. Also, group events (proposed is a maximum of 65 large events a year - up to 250 guests for each event) supported by tents and outdoor biffs with the potential accessory use of barn, if brought up to code.

Present: Linda & Kevin Yonak, Dave Pooley and Gary Kjellberg

- A. Riley reviewed the property as shown on an air photo, the property is zoned Ag and in the Land Use Plan for AG. The Commission continued for a site inspection to look at the site. The proposal is for a Commercial Ag Tourism conditional use permit with a good amount of outdoor activities, an apiary and farm uses and use of the agricultural barn.
- B. L. Yonak stated she just received a copy of the Staff Report and felt was incorrect. Para. C. states that the Planning Commission would have to decide if this fits with other uses that were given permits. She explained the 65 events includes both the large and small events and is the most she could foresee operating on the weekends. Riley – referred to other operations such as the wineries where they have been given a limit of 15 large events. If only 25 people are coming out to look at the bee operation or farm, they are not counting that as a large event. Mol further clarified, the bee business or gardeners with 15-20 people that is part of doing an ag business. L. Yonak – she is unsure how this will be received or how many events there might be. She has some interest with having the Master Gardeners or the Bee Association out. She is trying to see what she can do so she can formalize her plan. She noted an article handed out at the last meeting, a wedding barn and felt that is a false comparison. The operation in Scott County is operating on 9.87 acres. That is no comparison to her 60 acre parcel. A second article for another venue was provided, they are making use of that barn. She felt the use of these barns are relevant and she thinks it is important and shares the property and the nostalgia of the farm.
- C. Felger – asked what the number 65 was meant to represent? L. Yonak – she counted up the days in the weekends and did not think about whether it was five people or more. K. Yonak – in reading the Ordinance, he did not see a reference to numbers, questioned where Staff was getting that. Riley – explained it is from established uses and conditions set by the Planning Commission. Kryzer added, the purpose of the CUP hearing is to apply conditions that have to do with the health, safety and welfare for the general public around it. The Commission will establish limits and regulate it by numbers.
- D. Bravinder – asked the applicant how many large events they would like for events with 100-250 people. L. Yonak – considering she works full-time, for operations between April-November, 30 would be the most. K. Yonak – upgrading the barn to code will be a very

expensive; this is a new Ordinance and different than the other applicants, it is hard to limit them to less than 30-40 because it will not be cost effective. If they are going to be considered commercial, that is not like a business that is open 365 days a week. Riley – stated this business does not require the barn if just outside. The two businesses in newspaper articles were covered because they used barns. The difficult debates were about the use of a barn. Kjellberg – explained the barn is the big draw. They have to have something that draws people to the site. The maximum events could be determined by the number of weekends. They have to build up the business, there may only be a couple the first year. Mol suggested asking for 15 and then come back and amend the CUP to increase the number of events. If the business has a good record, the Commission can consider it. Once they operate, they can see if there are impacts on the traffic, parking and effects on neighbors. If there is amplified music, a neighbor to the east has no screening. Noted in the other directions there is a field or some screening. The other permit given was an owner who put a lot of money into that building, but was only given 10-15 events. Riley stated that use is primarily outdoors, building was only allowed during specific weather conditions and will use tents. K. Yonak – asked if they are limited to music indoors. Riley – since things are outside requirement is not to amplify. Kryzer – the Commission cannot consider the applicant’s financial situation.

- E. Borrell – felt Mol makes a good point, the Commission can review the number again in the future and if the operation has been working well it could be considered. During that time it would allow the applicant to start some screening so it is in place when they want to expand. Understands the applicant wants to get the entire project, but if the Commission does not hear any complaints and they address the concerns, he did not think this Board would have a problem allowing expansion.
- F. D. Thompson had understood the big events were going to be outside and maybe some meetings, educational sessions with only 20-25 people in the barn. Riley the applicant did not say 65 events with 200 people; she was including all activities. If 20-30 events is what is going to happen in the barn, they are back to the building code issues. Most event activities, wineries and orchards, come back because they have been successful and the Commission usually has allowed them. K. Yonak – noted the Rockford Town Hall facility has large events. Riley those are public buildings built to high commercial standards. K. Yonak – however, there are no limits on the number and are also in an AG district. Riley – those are public town halls, paid for by the residents. Mol felt that is comparing apples and oranges, that is a government building, owned by the public and this is a farm and private property. K. Yonak – disagrees he is comparing the zoning and did not think the town property should have more rights. Mol – the Commission is not talking down on this, they talked about coming in with an apiary and are considering 65 large events and the Commission is trying to explain they have not allowed more than 20 events, the rest related to the apiary or buying honey is related to agricultural.
- G. L. Yonak – just came up with a number that would allow her to operate within the permit. If the Commission feels that is too much she is willing to dial it back. K. Yonak – because he was just provided the Staff Report before the meeting, he could not adequately address it. Riley – stated Staff get information up to the end of the day of the meeting and then it is completed. K. Yonak stated he was bothered by Staff suggesting reduction of the number of events by a third. Bravinder stated this Board does not always follow Staff’s

recommendation. He appreciates the information the Staff gives them, they take it seriously. Scott County Ordinance does allow more, but the Commission is trying to help the applicant. Mol – explained the Commission has to make decisions within the Ordinance.

- H. Felger – the Commission has to look at each application differently depending on the size of the property, ability to provide enough parking, etc.
- I. J. Thompson – the Ordinance specifies what is allowed for a particular use and neighborhood, they can allow it only through the CUP, but it is not a given. The Commission can only go by what they are told by the applicant and the clearer they can be makes it easier for the Commission to make a decision. She would ask they request something reasonable and go by the Ordinance. The bee operation is an agricultural use and the other events such as weddings and events bring about a number of other concerns because it would affect the surrounding community and neighborhood. It is not personal.
- J. Joan Reed – directly north – the barrier did not do anything on the evening of July 23. She was outside trying to enjoy the weather, it was pretty loud. The DJ’s music was heard clearly at her home. At 10:00 p.m., the crowd got loud when approximately 10-12 Chinese lanterns were set off. Some came over their house and is when she called the police. She wondered if they needed a permit to do this. The lanterns could have landed on a house or hay and started a fire. The police came out about 10:30 and the noise did not go down until about 11:30. This was a good taste of what they might be experiencing two week-end evenings all summer long. Two neighbors went to complain to them on Sunday. She provided a copy of the noise complaint, which she read. There were no less than 100 people on site and 250 people would be worse. The trees to the north mentioned did not buffer them at all. A neighbor to the west wondered why their windows were shaking.
- K. Christine Chastek – lives directly north and next driveway to the applicant. She was home that night and also outdoors that night. She was notified they were having her nieces’ wedding that night. It was a stormy day and they were outside in the evening and it was not that loud. Everyone had their central air on and could not hear the noise. If anyone researched the Chinese lanterns, they are like a hot-air balloon and does not come back down until they are burned out. They are bio-degradable. This was a family event and there were no problems with the traffic or noise. The applicant is only looking for an occasional weekend event. She does not see a problem as it did not disturb them.
- L. Jeff Young –pointed out on the map where he lives across the road – Chastek rents the home she lives in, where they own their property and their windows were rattling. The bee operation they support. He does not feel this belongs in an agricultural community. They have owned their farm for generations, but felt they need to get the number down.
- M. Chastek – they do rent the property, own a home in Litchfield and because she works at the Buffalo Hospital and does not want to commute, they would like to make this their home after living here two years. Young followed up that Chastek actually rents from the applicant.

- N. L. Yonak – addressed the lanterns, a sample was presented. The company is Eco-Wish Lanterns and make them out of flame proof paper. Would not have allowed them, if it had been a dry period, but there was a large amount of rain that day. These were lit to honor the best-man in spirit, a service man killed in Afghanistan. She expressed dismay that someone would have objected to this. Because she anticipated complaints, she played an audio recording of the music being played in front of Reeds that evening. On July 23, at 9:23 p.m. and also at the adjacent neighbor, Renee Behrends and confirmed with that owner that she had no objection. Two times that night they recorded to make sure they were not disturbing anyone. She talked to Davidson, next to Behrends, to see if he could hear anything and he could not. K. Yonak –as the audio shows, all that could be heard was the traffic. L. Yonak stated as people leave it is intermittent, neighbors Miller, Davidson and Behrends indicated they did not notice more traffic or bothered by the noise. K. Yonak – stated the previous owner of the rented house, was Al Horton who used to have race cars that were loud and shooting trap and never heard about that from the two residents now complaining.
- O. Riley asked about the police report and asked if Yonak talked with the officer. K. Yonak – the deputy first talked to his nephew and then to him and he said he got a complaint on the lanterns. Riley stated he usually gets a copy of the complaints and would have asked the office for his objective opinion. Weddings for friends and families do not require a CUP. Asked about problems with a large number of cars after a heavy rain. K. Yonak – they had no problem with getting the cars in and out. Riley – noted the public buildings have parking lots and have no problem getting in and out as they are improved and hard surfaced.
- P. Borrell –noticed the officer says he did not have contact with the person who complained. Riley stated he could not speak to it and would have to talk to the deputy. K. Yonak the deputy did not ask them to turn the music down, just asked how late it would go. They had an open wall tent and this was a unique situation because of the location and heat and location on the west side of the lawn near the house is not where they are proposing events.
- Q. Pederson – the neighbor concerns relate to a CUP and they have to consider how it will affect the neighbors, who are used to their current lifestyle and this could change that. The Commission has to be very careful about that and take the impact on the community into consideration. This is an agricultural community and residents have an expectation of what can go on in that district. Need to be very careful about that.
- R. D. Bravinder – as far as traffic, he has had experience with having a couple weddings on his place. With the location on County Road 37 the amount of traffic would not be noticed because it is constant on a regular place. The applicant has stated they would hire a deputy during events and he would not have an issue with that part of the activity. He asked about the location of the family wedding as they did not look at that area. Yonak – pointed out the location near the home where the tent was set up. The proposed event area was noted by the barn. Bravinder questioned the number allowed for the Martin property in Maple Lake Township for up to 200 people on about six acres. He would not object to 250 people as there appears to be ample parking. As far as the number of events, he would suggest they stay consistent with what they allowed in the past, understanding they can come back and ask for more. Riley reviewed Martin does not have small events; only the large events

to be held outdoors. If he was going to do more, he would have to make changes to make the building legal. Bravinder – stated he has had experience with the lanterns and did check out the safety and she is right in how they work.

- S. Felger – with the Martin CUP they set a maximum number a year. Riley – they set so many for each season with a maximum number of people.
- T. Mol – large events have to be clarified, is it 50 people. The agricultural events may 15-40? Riley – the wineries have both and it was clear. The Cadillac Ranch (Martin) was only the large events. 100 people attending might be considered a large event. Felger – suggested those events that require a caterer, such as wedding. Riley – stated a winery caters snacks and cheese, but might only have one or two dozen people at a time. Defining it by a number would be best. Borrell – not only the size, but the timing of the event is important and has a different impact. Riley the other difference is the large events are going to be on the weekends.
- U. J. Thompson – a friend has an event barn that is located in a different County. They have some events that bring in their own food. Suggested they start with a smaller number, see if it is acceptable, if everything is going well with the neighbors; and then they could consider a higher number. The Town Board has suggested review in a year. Her friends have put limits on themselves to avoid conflict with the neighbors and only allow them to go until 10:30 for a wedding. Start out slow because it is hard to go back the other way. She suggested they build it up gradually and it is not the Commission’s job to make sure it successful, but to grow it over time. The Commission has to consider this could be a neighborhood impact. She supports the apiary, but the big issue is the event barn. The bee people are not going to be out here late or be drinking. She supports what they want to do, but a wedding is not an agricultural use. If they allow this they have to define that to make it work for the entire community.
- V. Pederson – find a way to demonstrate to the neighbors that all events are not going to be the weddings. The neighbors interpretation is not the same, they are concerned because this is coming into their community and have concerns. The Commission supports the bee business and could limit it to that to start with, not sure how to move forward and develop a relationship with the neighbors. He does not like to see something that will cause issues with the neighbors.
- W. K. Yonak – they have all known people that are never happy, complain about everything. It is human nature that these are people that you cannot make happy. As a Town Board member, he understands complaints, such as with the dog kennels. How many people does it take, they have some closer neighbors that are not here to complain. Is it fair to have the mob rule, and why can dictate they what they can do on their property, they have property rights also. An instance was relayed about shot gun shells that were hitting him and went to talk to that neighbor about direction of his shooting. He felt good neighbors talk to each other about an issue. What is the criteria for Boards, there are always people who will never be happy, that is a concern. Kryzer responded 155.029 lists out the criteria, the Commission looks at the health, safety and general welfare, and when they rely on concrete evidence from one neighbor, they can use it to deny a CUP along with the six criteria. Borrell did not think they have concrete evidence. J. Thompson – noted the complaint was

on noise. Borrell – that was the complaint, not the officer’s report. Riley – stated that was one event, not ten. Variable neighbor opposition alone does not require denial. K. Yonak felt they refuted the complaints on music by the recording, just could hear the traffic. Mol – agreed a family event is different. The request is for commercial events, there are a number of different codes and laws to abide by. One person with concrete evidence is all that it takes. The Commission is trying to work through it. L. Yonak – they would not have taken the recording if they were not concerned about their neighbors. They have tried to be good neighbors. Yonaks felt they were being targeted because of the landfill.

- X. D. Thompson – when does it become a large event, when does it require security and if there is a proposal to carry this to another meeting, get some feedback from the officer, and give them some time to get the building up to code for indoor meetings. Riley a couple options, there is a suggested motion that they can accept or modify. After a long discussion they could continue, if the applicant wants more time to better address the large number and the discussion tonight. Mol – it is the applicant’s choice, but suggested they work with Staff to bring down the large event number. In the past, it has been a dozen or 18 events. The 15-30 people are small groups and not the large events. Could they spell things out clearly? Riley some discussion on the numbers, or a time element to that. This number is good until the next season and then come back next year and could modify the request. K. Yonak would be willing to cut it in half to 32 and a maximum of 200 people. With the construction season coming to a close, he cannot prepare the site in the winter. Weddings and events are planned a year in advance so if they want to invest money, time is of essence. L. Yonak 18 events for Martin, who is on six acres and operating without a permit. She is trying to come in above board and because they are own a lot more land, 30 would be the most she could do anyway.
- Y. Pederson – back to the large events and asked if they can assure the neighbors that the large events would not become a nuisance. K. Yonak if they could move the music indoors that would alleviate the sound concern. L. Yonak – the location of the family wedding was unfortunate, it was located in the shade in a low spot because of the heat. They are planning events back behind the barn and move music indoors. Riley – Staff have talked about what the building needs. L. Yonak – right. J. Thompson – she would like to see them come up with a legitimate business plan, number of events and what they are going to do. Similar to the apple orchard, which detailed everything so the Commission could address it. They understand what is expected and it is up to them on how they can address the Ordinance. The Commission does not want to tell them how to run their business. Suggested a continuation to allow for that. 60 events is out of question in relation to what they have allowed in the past. They are talking about indoors, outdoors, and tents, what exactly they are talking about.
- Z. D. Bravinder would disagree, should approach this as the Martin request which is similar, other than they came after the fact. This applicant is trying to go about this in the proper order. They have some intentions and they cannot foresee how many people might come in to this. Their role is to set parameters and do it similar as to the Martin permit. Riley – that is what is in the Staff Report, they have reduced the number to 30-32 and the Commission should decide on the request before them and decide on what has been presented and what has been allowed. Mol – and allow according to what the Ordinance says. J. Thompson asked Riley if he is saying what was allowed Martin has to be allowed here. Riley-no each

case is based on its own merits-saying Martin is similar to the outdoor component and that was limited to under 20. Riley if you decide to make a motion in favor, Staff have provided a motion that is similar to another use given-Martin. This is unlike the apple orchard who was able to explain what they have done for years, this application does not have the history. Not sure a continuation would help define anything. Pederson asked if there was opposition to Martin's? Riley there was a couple who lived a distance away that reported he heard music when they were in their home. A neighbor who mentioned a sex-offender's house in the area; an owner who owned the farm field surrounding and said they do not hurt his farmland; and a neighbor had no objection.

- AA. Felger – a condition speaks to amplified music, and any other must cease by 11:00 p.m. he questioned what kind of music is not amplified? Borrell they can only have it inside or set a decibel. Kryzer stated they cannot regulate by decibel. Riley – noted Norm's outside of Buffalo is limited to acoustic music outside. Mol – or allow it in a shed that has been brought up to code. Felger – would that mean until the applicant can bring the barn up to code, there would be no music? Bravinder – amplified means you cannot plug it into an amplifier and does not mean mic. Riley, used as an example was the winery, a different setting with 10-12 people sitting around outside and a person had a guitar, etc. Outdoor recreation is the point, it is not to have amplified that would disturb the surrounding area. Borrell noted that would mean they cannot have a DJ. Discussion on how the sound can be controlled outdoors. Mol – felt they should stay with what they have done in the past. Felger stated he is hung up on the condition on amplified music because what music is not amplified. J. Thompson – acoustic, D. Thompson – folk music. Borrell felt the people will regulate it themselves, because they will want more events in the future.
- BB. Felger moved to approve a Conditional Use Permit for commercial outdoor recreation for group events in accord with the narrative and site plan on file with the following conditions: 1) The maximum number of people on site at any one time must be limited to 200; 2) Large events are limited to a maximum of 18 per year; and are only allowed on weekends and during the months of May through October; 3) Events to start no earlier than 11 a.m. and all activities must cease by 12 Midnight; 4) All music must cease by 11:00 p.m. and the amplification level will be regulated by the owners and be responsible for such activities; 5) Overnight stays or camping on the premise as a result of a business related activity is prohibited; 6) All food and liquor must be catered in with licensed caterers and cannot be prepared on site; 7) Security must be present at all large events; 8) Parking is approved in accord with plans presented, however the County reserves the right to require improved parking in the future if complications arise. No parking on the road at any time; 9) All events must take place outdoors and the use of any buildings are prohibited with tents allowed for the events and shelter but must be removed after the event is over; 10) Porta-potties would need to be provided for each event and meet County guidelines; 11) Township reviews the request in a year and then every other year, thereafter; 12) Existing feedlot needs to be registered; and 13) Any changes or expansions to the use or these conditions would require an amended Conditional Use Permit.

*DISCUSSION: Kryzer –asked for clarification on what a large event is and suggested they add a condition the music cannot cause a nuisance to neighboring properties. Felger – clarified more than 100 people; and yes, would add that condition on music. Riley, indicated the CUP was notified as Commercial Agricultural Tourism for clarification as that is the*

*only way to allow or discuss the building. Leave it as stated or add what is in parenthesis regarding the use of the building. Anything different or additional things would require a new hearing at this time. The decision is whether they should come back once they have made the changes to the building; or decide at this time if they make the changes so the building can be used.*

Felger amended his motion to change the use from Commercial Outdoor Recreation to Commercial Agricultural Tourism; and add to condition #4) the music cannot cause a nuisance to neighbors; & # 9) (it is approved for the use of the barn for indoor activities at this time and required upgrades must take place first). D. Thompson seconded the motion.

**DISCUSSION ON THE MOTION CONTINUED:** *Felger explained the intention of the wording of his motion is so the music does not become a nuisance; and, if the neighbors ask that the music is turned down, that this applicant would do that. D. Thompson – will the Commission review this or is just the Town Board. Kryzer – the Commission can review it if they want to. Riley – the motion is after the first year the Township would review and every two years after. Mol – in general, the township is out there and monitors it and if they have a problem they will send it back to the Commission. L. Yonak – questioned the use of the building, in the application she states the barn would have no occupancy until it is brought up to code. Does she need to come back, or can they start working with the building inspector. Felger if the motion is accepted, once the barn is up to code, she is good to go forward with the interior use. Kryzer, clarified this motion allows use of the building once brought up to code; however, the other conditions still apply and the number is still 18 events a year. Mol noted, the applicant can ask to amend the permit at any time. L. Yonak asked if this is modeled after the Martin conditional use? Felger – right. Mol – noted that another use in Clearwater is similar in number and is primarily outdoors with same conditions. Riley noted Martin must come back for a new CUP to use the interior. L. Yonak asked how the nuisance is determined, by the neighbor or police officer on site. Kryzer, by this Board. Bravinder verified groups under 100 are not large events.*

**VOTE:** CARRIED, NAY: Pederson and J. Thompson

Borrell commented that music would travel on a calm night and the owners should take that into account. Pederson stated he voted against it, but suggested if they come before the Commission in the future, would suggest they show how they can make the business fit into the neighborhood.

6. **DISCUSSION** – Mulvaney kennel

Riley informed the progress in reducing the number of dogs made by Susan Mulvaney. She has adopted dogs out, met the requirements in August; however, one with hip dysplasia was returned, but that dog is not a barker. Permit expires in a year. If she gets down to four she would not have to come back and get a CUP. Neighbors will likely say there is barking whether there is four or five dogs. He asked how the Commission want to proceed, if they feel it is not a good situation they could hear it. Kryzer – feels the applicant has made a good faith effort. Riley – the Staff have reached out to others to see if anyone is interested in the dog. Kryzer – noted Staff have worked with the applicant. Riley – that particular dog is older. No action is needed, this is just an update. Borrell – Deputy Anselment felt the cases were cleared and complaints not valid.

7. **DISCUSSION – Home Extended Business conditions**

Riley and Kryzer stated they have attempted to define outside storage for the Home Extended Business use. There is some language that allows them to consider it; does not mean it has to be allowed. Bravinder – felt the use before them last month was ag. related. Riley asked if the language is acceptable. Mol – agreed and likes that they are not allowing just trees as screening because they can take a long time to provide an adequate buffer; often times they die. Bravinder – there are a number of things that can be done and noted metal siding that matched the pole building was extended out and looked attractive. The proposed use before the Commission with barrels was in a location and it appeared everything was out of sight. Borrell – stated he had suggested that screening as approved by the Commission. He felt because the location makes a difference, such as a 300-acre farm where it would not be needed.

8. **UPDATE ON SOLAR WORK GROUP AND FEEDLOT WORK GROUP**

Riley minutes for the Solar Work Group have been provided, and if they are done in August, they should set up a Workshop meeting for discussion. The public hearing could be held yet this fall. Discussion on a date for a Workshop for the Commission. Mol tentatively set September 8, after the public hearings, after the regular agenda, if the Work Group is completed.

Riley informed the Commission the hearing on the changes to the Feedlot Ordinance are being scheduled for September 28.

Meeting adjourned at 9:50 p.m.

Respectfully submitted,

Sean Riley  
Planning & Zoning Administrator

SR:tp

cc: Planning Commission  
County Board of Commissioners

Kryzer  
Twp. Clerks  
SWCD