

**Laketon Township Planning Commission
Public Hearing Minutes of July 14, 2010**

CALL TO ORDER:

Chairperson John McDonnell, called the meeting to order at approximately 6:00 PM

MEMBERS PRESENT: Cindy Zaagman, Bob Schalow, John McDonnell, Mary Marcil, Cindy Ackerman & Eric Anderson

MEMBERS ABSENT: Lynn Stel

ALSO PRESENT: Supervisor Kim Arter, Recording Secretary Veronica West, Building Inspector Rod Siegel, Zoning Administrator Dick Grenell, Trustee Tom Kane, Attorney David Bossenbroek, Applicant Rex Kuhn, Dennis Dunlap of Westshore Consulting, Township Planning Consultant Brenda Moore and approximately 20 area residents.

APPROVAL OF MINUTES:

- Bob Schalow moved to approve the regular meeting minutes of June 9, 2010 as presented. Mary Marcil supported the motion. Motion carried by voice vote.

NEW BUSINESS:

Public Hearing: Chairperson John McDonnell briefly explained the public hearing process and read the parcel numbers (#61-09-014-100-0006-00, # 61-09-014-100-0008-10, #61-09-014-100-0008-20, #61-09-014-100-0008-30, #61-09-014-100-0009-00, #61-09-014-100-0010-20, #61-09-014-100-0012-00, #61-09-014-300-0002-00 and #61-09-014-300-0009-00. These parcels are an area of land bounded in general by Fenner Road on the north, Bear Lake Road on the east and Buys Road on the west and on the south by the northerly line of Burns subdivision in Section 14 of Laketon Township) and the request for Item #1 (A proposed rezoning request of the above parcels from R-3 Single Family Residential to R-2 Single Family Residential, decreasing the housing density permitted on these parcels) and Item #2 (A proposed special land use request for the above land for a horse stable and a training facility under Section 17.05 (P) of the Laketon Township Zoning Ordinance). Chairperson McDonnell turned the floor over to Planning Consultant Brenda Moore to discuss the project and her suggestions.

Planning Consultant Moore briefly explained the R3 and R2 zoning districts and request for a change on these parcels from R3 to R2 which would lower the permissible density, require larger parcels should the land be split and allow for a horse stable. She noted there are 3 separate items to discuss, the zone change, the special land use and a private road. She explained the procedures and the roll of both the Planning Commission and the Township Board. She added that the zone change and the private road are processes where the Planning Commission provides a recommendation to the Township Board and the Township Board makes the final decision. However the Special Land Use request procedure gives the Planning Commission the final decision.

Next to speak was the property owner Rex Kuhn. Mr. Kuhn gave a very detailed description of his intentions for the property which leaves much of the land unchanged and natural, but that in a portion of the northern & western part of the property he desires to construct a horse stable, utility building and eventually an indoor riding arena along with 3 separate green pasture areas and will employ 3 full time workers. He also noted he desires to create about 8 miles of trails for horseback riding, hiking and cross-country skiing on the property. He explained the project will fence the entire perimeter of the property for the purpose of containing horses in the event one escaped the pasture or stable areas and keep them from running onto adjacent properties or into the road. He explained the perimeter fence is being requested at a height of 8 feet (6 feet of wire fence fabric and a single wire cable at a height of 8 feet) to prevent as much deer/horse commingling as possible because of diseases deer can pass to horses. He also added the wire fence will have large enough openings to allow the movement of other small animals (rabbits, raccoons etc) thru the fence. He explained it is possible there could be a maximum of 30 horses on the property when the project is complete but anticipates a number closer to 20. Mr. Kuhn distributed photos of the perimeter fencing, utility buildings and a horse stable similar to what he intends to construct. He also noted he desires to construct a trainer's residence so there would always be someone there to tend the animals. He added that the project will only bring in a low volume of traffic – perhaps a few cars per day. He commented that the property has an “up-north” feel while being close to the amenities of town and he desires to keep that feel for the proposed future homes that may be built in the northern and eastern portion of the property, perhaps as many as 10 to 15 homes are what he envisions some time in the future.

Planning Consultant Moore spoke again and explained procedures for the special land use and the authority of the Planning Commission to place conditions on any approvals it may grant. She further explained that any approval granted for a special land use “runs with the land”, meaning that if an approval is granted for a special land use and the current owner sells the land, any new owner can go ahead with the special land use, provided any and all conditions in the

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approval are followed. Ms. Moore noted she was relieved to see the property owner want to “down zone” to a lower density for this property due to it’s unique character and many acres of wetlands. Ms. Moore went on to summarize her recommendations for conditions on the special land use request (see Ms. Moore’s staff report – an official attachment #1 to these minutes).

Chairperson McDonnell read the public participation rules. Mary Marcil moved to open the public hearing for public comment. Cindy Zaagman supported the motion. A voice vote was taken and the public hearing public comment portion opened at approximately 6:45 pm.

Jim Rogers of 214 N Buys Rd expressed concern over the 8 foot tall fence, stating he does not feel the 8 foot height will keep the deer out and that he feels the cable will be unsightly. He also expressed concern over the large piles of dirt on the northern part of the property near Fenner Rd. Brenda Moore responded that the Township has addressed the dirt piles and they must be removed by September 2011. Mr. Kuhn added that some of the dirt will be used as a base for the private road he is requested to construct to access the training facilities requested in the special land use.

Carolyn Weng of 317 N Peterson Rd expressed concerns regarding the level of nutrients that would be released into the soil and if Westshore Consulting has any expertise in this topic. Mr. Kuhn expressed confidence that there would not be any overloading of nutrients and Ms. Moore stated there are accepted Best Management Practices that include a manure plan available and can be a condition the planning commission places on any approval granted.

Cathy Berntson of 12 S Bear Lake Rd stated she has asked for previous property owners to have a natural resources assessment done on this property and asked how close the trails would be to the actual wetlands. Mr. Kuhn stated some trails may be right alongside the wetland boundaries and even cross narrow wetland areas, noting that it is permitted to cross areas up to 20 feet wide.

Ed Hill of 80 N Bear Lake Rd asked how far from the edge of the road the perimeter fenceline would be. Mr. Kuhn explained that at the closest, it could be 10 to 15 feet from the edge of the pavement but that easements along Bear Lake Rd for a bike trail could push the fenceline much farther away from the road. Mr. Hill also asked if there would be and horses being ridden along the roads. Mr. Kuhn noted he believes riding along the road way is legal but does not anticipate much of this to occur with the miles of trails he plans to create.

Bob Ackerman of 2195 Scenic Dr stated he feels the zone change lowering the density is a great idea as is the special land use for a horse training facility. He did add he feels it should be required for there to be an adequate manure management plan due to the wetlands on this property.

Bernie Berntson of 12 S Bear Lake Rd commented he approves of the rezoning request.

Darrell VanFossan of 138 Bear Lake Rd wondered who would be responsible for removing manure left alongside the road should riders chose to ride along the roads.

There was no further public comment and Bob Schalow moved to close the public portion of the public hearing. Cindy Ackerman supported the motion. The public portion of the meeting closed at approximately 7:05 pm after a voice vote on the motion.

The Planning Commission decided to discuss each item individually. Discussion on Item #1 – a rezoning request from R3 to R2 follows.

Bob Schalow commented that he feels the zone change from R3 to R2 is a good idea due to the lower density and he asked Mr. Kuhn about his timetable for constructing the future homes and hooking them to sewer and water services. Mr. Kuhn stated that at this time he anticipates it could be several years and the homes will be hooked to city water and sewer services but the stable and utility building being on the western side of the property will be too far to hook up and will be utilizing well water and a septic system.

Mary Marcil confirmed that the request to re-zone has nothing to do with any potential homes that may be built on this land. Eric Anderson commented that the property owner would have the right to develop and build homes under either the current or requested zoning provided he followed the rules of that district.

Brenda Moore reminded the Planning Commission that they need to take a look at all uses permitted in the requested zoning district of R2 to be sure they are comfortable with them for these properties.

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Cindy Ackerman asked if Mr. Kuhn were to acquire additional property, would they automatically become zoned R-2 as well, or would they remain zoned as they are. Brenda Moore noted that this request to re-zone is for the parcels listed only and any additional properties Mr. Kuhn may acquire would not be affected.

Chairperson McDonnell reminded the Planning Commission their roll is to make a recommendation to the Township Board regarding this rezoning request.

Cindy Zaagman moved to recommend to the Laketon Township Board of Trustees the approval of a zone change on the requested properties from R3, Single Family Residential to R2, Single Family Residential. Bob Schalow supported the motion.

A roll call vote was taken. Voting in favor of the motion: Cindy Zaagman, Bob Schalow, Mary Marcil, John McDonnell, Cindy Ackerman and Eric Anderson. Voting against the motion: None. Motion Passed.

It was noted that this item will be discussed by the Laketon Township Board of Trustees at their August meeting which is held on the third Thursday of the month at 6:00 pm.

Discussion on Item #2 – Special Land Use Request for a Horse Training Facility, including an 8 foot tall perimeter fence and Private Road follows:

Chairperson McDonnell stated he feels all of Ms. Moore's recommended conditions are appropriate.

Bob Schalow had questions concerning the setback from the wetlands for the horse pastures as Mr. Kuhn wants 25 feet, Ms. Moore recommends 50 feet and the Zoning Ordinance requires animal holding areas to be 75 feet from surface waters. Eric Anderson commented he believes the 50 foot wetland setback is sufficient.

Bob Schalow asked about horse trailer parking. Mr. Kuhn noted there would be space for 5 horse trailers near the utility building and perhaps some overflow near the northern most pasture if needed. There was additional discussion on horse trailer parking, how many would be permitted and how the northern pasture parking area would be accessed. Mr. Kuhn stated they would be accessed by the existing entrance on Fenner Rd and he does not anticipate needing to park more than 10 trailers total on the property.

Cindy Ackerman asked about the amount of acreage included in the pasture area and noted the ordinance requires minimum property area per horse. Ms. Moore clarified that the minimum property required per horse is total property, not just pasture area, but a condition of the special land use could be that a minimum amount of pasture area must be provided if that is what the Planning Commission wishes.

Eric Anderson asked Mr. Kuhn to expound on the perimeter fence and the material to be used. Mr. Kuhn stated it would be woven wire farm fence with larger openings at the bottom and smaller openings at the top to allow small animals to continue to move around and through the fence. The fence material will be galvanized and the posts are treated 4 x 4's. Mr. Kuhn added that most of the fence will be in the wooded areas and not highly visible, but where it crosses open areas he intends to plant grapevines on it to somewhat camouflage it as well as plant a white pine tree in front of every post provided the adjacent property owners agree to the pine tree. He added that only 5 to 8 percent of the fenceline will be exposed to road frontages, the vast majority of the fenceline will be in the wooded areas of the road. There was extensive discussion about the need and effectiveness of the extra cable at the 8 foot high point. Mr. Kuhn stated that he realizes that the fence will not keep out 100% of the deer herd but he is trying to keep out as many as he can, otherwise he may go to the DNR to get permission to cull the herd.

Chairperson McDonnell asked Mr. Kuhn to expound on the tree management plan he intends to implement. Mr. Kuhn stated he will be working on opening up the old logging trails on the property and will be working to go around the existing large trees.

Cindy Ackerman asked if the horses would be kept in the pasture or if they would be free to roam the entire property. Mr. Kuhn stated they would be in the pasture or in the stable unless accompanied by a human. Cindy Ackerman added that her biggest concern is protecting the wetlands as the Township Master Plan intends and is concerned about the manure and the composting near the wetlands. There was extensive discussion on best management practices and actions to best handle the manure and protect the wetlands. The proposed location of the composting activity is about 240 feet from the wetlands.

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Cindy Ackerman also asked about insulating the barn and providing shelter in the pasture areas as the ordinance requires. Mr. Kuhn stated an insulated barn is not good for horses because of the temperature change from hot to cold. He added the healthiest horses spend most of their time outside, but that during times of inclement weather, they would be in the stable and trees would be the shade and wind breaks in the pasture areas.

Bob Schalow asked if noxious odors would be an issue. Mr. Kuhn stated he currently lives in a horse community of approximately 6 acres in size which is surrounded by other residential neighborhoods and has had no complaints from the neighbors.

Ms. Moore noted she had some additional recommendations based on public comments. Mary Marcil stated she would like to hear Ms. Moore's additional recommendations and then table discussion of the special land use until the next meeting which will be after the Laketon Township Board has made a decision on the requested rezoning. She noted the reason for this is due to the fact that if the rezoning request is not granted by the Board, the special land use request is no longer a factor as the special land use requested is not permissible in the R3 zoning district.

Ms. Moore quickly noted some additional recommended conditions, such as a manure management plan, a natural resources assessment should be discussed, conditions to leave a certain amount of the property in a natural state, maximum trailer storage areas, DNR best management practices, requirement that horses remain in barn or pasture areas unless accompanied by a human. Ms. Moore's written recommendations are to be provided as an official attachment #2 to these minutes.

Mary Marcil also asked about gates at entrances. Mr. Kuhn noted there will be gates at all points of access to the property to be sure that an horse that accidentally gets loose can be contained on this property.

Eric Anderson stated the drawings show some encroachments. Mr. Kuhn stated these buildings no longer exist. Mr. Anderson asked to have more accurate drawings created and submitted.

Discussion of the private road included timeline for construction, emergency vehicle access and turn-around capabilities and how it will be surfaced. Mr. Kuhn noted that to begin with it will be an aggregate surface but in the future will be paved with asphalt. Mr. Kuhn also noted the fire department will have minimum requirements for emergency vehicle access and turn-around dimensions which will be followed.

There were additional questions regarding dust, flies and other insects and fertilizers. Mr. Kuhn responded that the future indoor arena will have a composite material, not "beach sand" which will be kept damp to keep down any dust as dust is bad for horses respiratory systems. He added that he uses sticky "fly strips" and other natural & chemical controls to address insects as needed, but keeping a clean facility is the best way to control the flies. He also added that fertilizers are bad for the horses and not heavily used, but could be used on "resting" pastures.

Chairperson McDonnell stated he felt a lot of information has been covered and would like to take some time to study and digest this information.

Cindy Ackerman moved to table making any decision on the Special Land Use request for the horse training facility including the 8 foot high fence until the next regular monthly Planning Commission meeting. Cindy Zaagman supported the motion. The motion carried by voice vote.

There was discussion of the timetable for construction and Mr. Kuhn noted that the longer it takes to get an approval the further out it pushes his construction plans. He also noted that some of the dirt pile that needs to be removed from the property will be used to construct the roadbed.

Eric Anderson stated he is comfortable with the private road request as there already approved land splits and an existing easement for accessing these parcels. Eric Anderson moved to recommend approval of the private road as requested to the Laketon Township Board of Trustees. Bob Schalow supported the motion. The motion carried by voice vote.

There was additional discussion regarding the fence and Mr. Kuhn asking to have permission on the 8 foot fence separate from the special land use. It was noted that a zoning compliance permit has already been issued for the fence to be 6 foot high with 8 foot posts.

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UNFINISHED BUSINESS:

- **Review Proposed Wind Energy Conversion System Ordinance Language** – Bob Schalow moved to table discussion of the Proposed WECS ordinance language until the next regular monthly meeting. Cindy Ackerman supported. Motion carried by voice vote.

REPORTS, CORRESPONDENCE & COMMUNICATIONS:

- **Planning and Zoning News – June and July Issues** distributed for informational purposes only – no discussion.

PROJECTS/DISCUSSION ITEMS: None.

AUDIENCE PARTICIPATION: For non-public hearing topics – None.

ADJOURN: Bob Schalow moved to adjourn the meeting. Cindy Ackerman supported the motion. The motion carried by voice vote and the meeting adjourned at 8:32 pm.