

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Special Meeting
At the Courthouse-7:00 PM
September 15, 2015**

Call to Order: Mel Gratton called the meeting to order at 7:00 p.m.

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- ✓ Nick Tranel
- ✓ Laura Winter
- ✓ Ron Mapes
- ✓ Gary Diedrick
- ✓ Jody Carroll, Alternate

Staff & County Board Members:

- Steve Keeffer, Highway Engineer
- Matt Calvert, JDC Health Dept.
- John Hay, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ John O'Boyle, JDC Board Member

Approval of Minutes: A motion was made by Ron Mapes to accept the August minutes. Seconded by Gary Diedrick. Voice Vote: All Ayes

Mel Gratton swore in all who might want to testify on any request this evening.

New Business

Linda Delvaux reads a statement from the State's Attorney, 'The County Board members that are present tonight, it is permissible to ask questions for clarification, but you may not give testimony or state opinions in reference to anything that is on the agenda tonight.'

The recommendations from this board will go forward at the November County Board meeting provided there is a recommendation from the Zoning Board of Appeals.

Linda read into the minutes the Resolution from the County Board on how we got here tonight.

Jo Daviess County Board, (address: 330 N Bench Street, Galena IL), requesting a Text Amendment to the Jo Daviess County Zoning Ordinance

Linda Delvaux, representing County Board

- This is to correct a typographical error instead of 32 feet it should have been 32 square feet.
 - i. **8-4C-2,A,5: Typo – Bulletin boards not over thirty two feet (32') in area, for public, charitable, or religious institutions which are located on the premises of said institutions. – change to add in underline word stating - Bulletin boards not over thirty two square feet (32') in area, for public,**

charitable, or religious institutions which are located on the premises of said institutions.

Public Testimony

Steve McIntyre, County Board Member District 8

- In July of 2015, there was a Supreme Court ruling, not sure if this changes this or not. It was ruled that a church used bulletin boards and not sure if having religious institution in there violates that.
 - Linda Delvaux states we currently have that in the Ordinance already. This is something that we will bring to our State’s Attorney to address and if it needs to be changed then we will have to bring that forward later.

Public Testimony Closed

A motion was made by Tranel to recommend approval of the change as presented for 8-4C-2,A,5 – Adding the word square.

Seconded by Winter

Roll Call: Ron Mapes – Aye Nick Tranel – Aye
 Gary Diedrick – Aye Mel Gratton – Aye
 Laura Winter – Aye

- ii. **8-5A-6 – Festivals/Events/Fundraisers - moved to end of items.**
- iii. **8-5A-6: Use Table – Add Wholesale Greenhouses as Permitted uses in the AG District (55ILCS 5/5-12001)**

Linda Delvaux, representing County Board

- This was omitted when the Comprehensive change was done and the Illinois Compiled Statutes indicates that it needs to be a permitted use in the Agricultural District.

Public Testimony

None

Public Testimony Closed

A motion was made by Mapes to recommend approval of the changes as presented for 8-5A-6: Use Table, add Wholesale Greenhouses as Permitted uses in the AG District.

Seconded by Diedrick

Roll Call: Gary Diedrick – Aye Mel Gratton – Aye
 Laura Winter – Aye Ron Mapes – Aye
 Nick Tranel – Aye

- iv. **8-5A-6: Use Table – Add “Areas of natural historical/cultural, geological, educational, or research significance” and Interpretive Center” as permitted uses in the AG and Conservation Districts with definitions for**

each.

Linda Delvaux, representing County Board

- This is something that we have had in the Zoning Ordinance, but have not had a definition for. In the previous ordinance Areas of natural historical/cultural, geological, educational, or research significance were permitted uses. In 2009 they were changed to a special use. We are asking to have these be permitted uses along with interpretive centers and have definitions for each. We have many areas within the county that fall under this and would like to not restrict them to promote the area. The definitions were compiled while working with Steve Barg, executive director of the Jo Daviess Conservation Foundation.

Public Testimony

None

Public Testimony Closed

A motion was made by Diedrick to recommend approval of the changes as presented to add “Areas of natural historical/cultural, geological, educational, or research significance” and Interpretive Center” as permitted uses in the AG and Conservation Districts with definitions for each.

Seconded by Tranel

Roll Call: Laura Winter – Aye Ron Mapes – Aye
 Nick Tranel – Aye Gary Diedrick – Aye
 Mel Gratton – Aye

- v. **8-5A-6: Use Table – Add Guest Accommodations as permitted use in the AG District and the Commercial District**

Linda Delvaux, representing County Board

- Adding Guest Accommodations as permitted uses in the AG and Commercial District. We have come across properties that would more than meet the requirements for rental, but were zoned agricultural or commercial. This would allow less of an encroachment on adjoining neighbors.

Public Testimony

None

Public Testimony Closed

A motion was made by Mapes to recommend approval of the changes as presented to add Guest Accommodations as permitted use in the AG District and the Commercial District.

Seconded by Winter

Roll Call: Nick Tranel – Aye Gary Diedrick – Aye
 Mel Gratton – Aye Laura Winter – Aye
 Ron Mapes – Aye

vi. 8-5A-6: Use Table – Add Solar Energy, both Commercial as a special use permit and Private as a permitted accessory use.

Linda Delvaux, representing County Board

- We are seeing an increase in solar energy and the ordinance is currently silent on this use. We are asking for two types of uses: Commercial, to be allowed as a Special Use in the Agricultural District and Private, to be allowed in all districts to be used as an accessory to established principal uses.

Public Testimony

Steve McIntyre, County Board Member District 8

- I did not find a definition for private or commercial in the ordinance. What was the intent here?
 - Linda Delvaux states the intent is Private for a residential homeowner or farmer to use the energy produced by the solar for their own use and there can be some incidental that can be sold off or traded with utilities. The commercial would be a solar array or solar farm when the intent is to be sold off to the energy company and then sold to the consumer.
- So if a commercial hotel wanted to put up solar for their own usage would that be private or commercial.
 - Linda Delvaux states that it would be a private usage, because they are doing it to supply their own energy even though they are a business. They are not primarily selling the energy, only the excess energy.
- Do we need a clarification in the ordinance?
 - Linda states we can discuss that to see if that is something needed, but we can't make that decision tonight because it was not on the agenda.

Rick Dittmar, County Board Member District 15

- For a solar energy for a private use for a farm or residence is there a fee involved.
 - Linda states that if it is for ag there is no fee, if it is for residential then we charge the building permit fee.

Gratton asks Steve McIntyre if he feels we need definitions for solar commercial and solar private.

- Steve McIntyre states that we have similar situation with wind energy, if someone is generating excess energy and selling back so that they are net zero power, from a commercial standpoint to a private standpoint I think there is a gray line there. Commercial may be defined as making money. Some existing solar may be making money because of the excess they have.

Gratton states that he has researched that utility companies are only buying back so much, they treat that differently.

Diedrick states that we can go ahead and make recommendation, but to define them it would have to be later brought forward.

- Linda states that I keep a running list of things that we come across to possibly propose changes to, the Zoning Ordinance is a living document, so changes are expected.

Gratton talks about different situations of private and commercial.

Steve McIntyre asks if the committee discussed adding this as a commercial use in the RP District.

- Linda Delvaux states they did not.

Public Testimony Closed

A motion was made by Mapes to recommend approval to add Solar Energy, Commercial as a special use permit in the AG District and Private as a permitted accessory use in all Districts.

Seconded by Diedrick

Roll Call: Mel Gratton – Aye Laura Winter – Aye
 Ron Mapes – Aye Nick Tranel – Aye
 Gary Diedrick – Aye

vii. 8-5B-16: Standards, Home Occupations – Add uses or loosen restrictions

Linda Delvaux, representing County Board

- The Home Occupations are being addressed here with multiple changes in this section. Just to summarize some of the changes proposed, the number of employees who do not reside in the home currently is “no more than one”. What is being proposed is to provide no limit on the number of employees. Language has been changed to promote the majority of sales on the site to be goods made on site, but, allow for incidental sale of goods made off site as well. There are a few changes proposed on limiting some of the conditions upon some of the listed permitted uses, as well as adding a couple of uses.

Going over each item individually within Hope Occupation

- 1 - this is to strike the basement floor area from the standard
- 2 – This will change from allowing currently one employee that does not reside in the house to removing that and not giving a number, but shall not constitute a nuisance taking into account the character of the surrounding area or neighborhood.
- 3 – Adding majority of sales shall be goods made, assembled, or otherwise prepared on the site, but incidental sale of goods made offsite shall also be allowed.
- 5 – adding in clarification of the sign section
- 9 - No traffic shall be generated by the activity of the home occupation which creates a nuisance taking into account the character of the surrounding area or neighborhood ~~is abnormal to a residential neighborhood. This provision shall also include the prohibition of regular delivery by trucks in excess of a two (2) ton capacity.~~
- 10 – Clarifying that these are not the only things approved, but these are examples only. – Took out things within the examples – remove instruction is limited to five (5) pupils at one time under are, dancing, and music schools; Contracting... took out limit 1 vehicle; Housecleaning...took out limit 1 vehicle; Locksmith...took out limit 1 vehicle; Offices...added legal services and counseling services; Pet Grooming... removed no boarding, training or veterinarian services allowed;

Security Service...took out limit 1 vehicle; Swimming pool cleaning... took out limit 1 vehicle.

- 11 –This is a list of home occupations that are not allowed - we have changed equipment rental to Heavy equipment rental; Veterinary clinics...removed kennels and stables; Added Kennels

Public Testimony

Don Zillig, County Board Member District 2

- Why do we have the last sentence on #2? If someone is never going to visit or work at the home why do we need that in there?
 - Linda states that sentence is part of the existing ordinance currently, but I think it was included because they wanted to allow additional employees if they would never be at that particular home. Example air conditioner repair service where they do the work offsite, they never do work or visit where the home occupation runs out of.
- John O’Boyle, County Board Member states would a laundry service be a better example.
- Linda states that if I had a couple washing machines and you brought me your laundry, I would be the one that would have the home occupation and you would be my customer. This is not what it means. Example with the air conditioner, Mel works at my home helping with bookwork and taking phone calls. You never work or visit my home; you would go to someone else’s house to repair their air conditioner. That would allow me to have additional employees, but never visit my house.

Dan Caswell was sworn in.

Dan Caswell, Berreman Township

- This sentence is technically unnecessary, but it does no harm.
 - Linda states that before it has meaning, but if this is approved with the changes then it has no meaning. If this is not adopted then it has meaning.

Don Zillig, County Board Member District 2

- We are not talking about the number of employees the home occupation can have only the people living in the home.
 - Linda states if the changes are made then it means nothing, but if they are not made then it means something.

Jody Carroll

- Asks was there a need in the county for a business to make this change for?
 - Linda states I am not aware of any. This originated on a master list that went to the Development & Planning Committee that was compiled by others as well as the Building and Zoning Office.
- I wonder about the heating and cooling guy who went and bought the commercial property and then you have someone that is doing this from their house.
 - Peter Taylor (Elizabeth Scales Mound Road, Elizabeth) the county zoning wouldn’t apply to properties in town.
- Asks if all the towns have zoning
 - Linda states no they do not.
- He states that people say if a town does not have zoning then they should refer to the

county zoning

- Linda states that they may say that, but that is not correct. This would affect anything in the unincorporated areas of the county. There are some populated areas in the county.
- If I am a neighbor and have an issue, how do I resolve that?
 - Linda states it's subjective, difficult at best.
 - Gratton states that this is permitted in Ag, R-1, R-2 and RP Districts so we have to look at the areas that could be
 - Jody Carroll states that some areas may not be an issue, but if you have cluster of residential it could affect them.

Merri Berlage, County Board Member District 13

- On #1 why do you feel there needs to be a percentage on the house?
 - Linda states that the 25% is already in our ordinance, they are looking to take out the 'shall not occupy more than 50% of the floor area of the basement.' The committee felt that they should leave some type of percentage in there to help maintain a residential feel versus utilizing the whole home.
- Who is going to go out and check?
 - Linda states that it would be me. It is kind of an impossible to do.

Dan Caswell, Berreman Township

- We have a new and developing economy and encouraging home occupation especially in the rural and rural residential areas is what we are talking about seem like a positive thing from a development point of view. Yes we want to maintain certain prohibitions and we have done that, but where rules seemed unduly restrictive or not making sense across the board to give a little leeway there for the home occupation, simply to encourage development and opportunity. Our county could benefit from this. This was the philosophy from my view what they were looking at.

Gratton states that we do have a definition for home occupation, 'Any occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes.'

Merri Berlage, County Board Member District 13

- So if I in my house making Christmas wreaths, I use my garage, kitchen, and dining room, I am using more than 25% of my home, am I in violation of this ordinance.
 - Linda states that it would look that way, yes.
- Peter Taylor states that she is not doing that all year long though.

Public Testimony Closed

Mapes states that I struggle with this because of opening this up for bigger things and the areas it can be in. I go to small towns that have vacant buildings all over, these buildings are going to be left vacant and the home occupations expanded, but I think they should be in towns. I think our current home occupation is good the way it is.

Gratton states we reviewed the ordinance previously to try and bring it in line with the Comprehensive Plan. One of the main provisions at that time was the importance of contiguous growth areas, we were trying to help direct business and development to those

areas that could benefit. Small towns are struggling because the lack of business and store fronts. I agree with the changes except #2. If you read #2 the way it is now in the ordinance how do you interpret that.

- Linda read the current ordinance, ‘No more than one employee who does not reside in the house may work at the location of the home occupation on any single day. The number of employees that never visit or work at the home occupation location shall not be limited.’ I will do an example to show, I am a seamstress in my home, I can hire Laura to come to my house, and my daughter that lives in the house can work as well. I can also hire Melissa who would go to Nick’s house to do fittings, but never come to my home to work. I would have 4 employees total.
- Gratton agrees with the interpretation. I think that is in line with what a home occupation is. It doesn’t look any different than the other houses on the street. You encourage this and that is important. The other one that I would change is the Art, dancing, and music schools – do not take out ‘provided that instruction is limited to five (5) pupils at one time.’ Do we want the whole ballet class or group lessons repeatedly? I think we need to look at these, these are not all in the ag with acreage they may be smaller lots in residential areas.

Mapes asks about #9 and if part is stricken then trucks over 2 tons can come in.

- Linda states that there would be no restriction.
- Mapes states that an electrician was under a home occupation and they grew so he bought a vacant building in town, but if this is passed he could have continued at his home.

Gratton states that we do have provisions in the ordinance under special uses for people in the right place can do all of these things. Other counties are similar to what we have in our ordinance now and the provisions for special use permits.

Diedrick asks with all of this discussion do we maybe want to table or have another meeting on it.

- Linda states that if you table you can’t discuss it, you don’t want to do that. If you don’t feel a resolution can be made tonight you can continue to another meeting, if you want changes you can make recommendation for changes to it, you can recommend approval as is, or recommend denial as is.

Public Testimony opened

Steve McIntyre, County Board Member District 8

- Question about the art, dancing and music lessons, my pastors wife does piano lessons and a family pulls up with 6 members of their family for lessons, that would be in violation of the home occupation.
 - Gratton states that it would.
 - Winter states that there are probably not 6 pianos, yes they would be taking a lesson, but not at the same time.

Dan Caswell, Berreman Township

- I would agree with Laura Winter on the piano lesson question. I think we are being silly in some of the restrictions the way I look at it and control too much.

Rick Dittmar, County Board Member District 15

- Is working out of your home the same as working out of your garage? With all of

these restrictions we are going to have to hire more to help Mr. Mensendike enforce these otherwise these rules don't mean anything.

Gratton asks if we have had any issues with the existing requirements.

- Linda states this has actually been one of my least enforcement issues. Either they are all being followed or they are in violation and I don't know about it. I have more issues with nuisances.
- Gratton states that if we don't have issues why fix something that may not be broken.
- Jody Carroll states that if they start in their home and grow they will probably have to go somewhere else; the problem probably takes care of itself for the most part.
- Gratton states at what point do you go from a home occupation to a full blown commercial endeavor.

Peter Taylor, Elizabeth Scales Mound Road, Elizabeth

- I have a question if you farm and do custom combining is that allowed.
 - Gratton states that is ag, that is allowed.
 - Rick Dittmar asks even with 3 or 4 employees
 - Linda states that it is agricultural; this would not fall under home occupation.

Steve McIntyre, County Board Member District 8

- I grow cucumbers on my property and now go into my house to process those pickles, is that a home occupation of doing the pickle processing.
 - Linda states I would consider that home occupation, but you better have your food license to do that.
- Once I start processing that does it change anything.
 - Linda states that you are a home occupation as long as you have permits and food requirements.
- What if I want to go sell like Grandpa's Pickles and have employees?
 - Linda states that if you and your wife do that not an issue, but if you hire 16 people that would be more of a commercial business. Once you get into the commercial feeling of that your use changes, if you just sell over the internet okay, but become a storefront that is commercial entity. We have to have some reasonableness when we come to some of these things.

Dan Caswell, Berreman Township

- I agree with Linda on the reasonableness of things. If Steve currently has 2 employees he would be in violation of the home occupation, does that seem reasonable, but if he has 16 not so much. We are trying to draw lines, I think give more leeway as operations grow bigger they tend to decide they need bigger or better facilities and kind of takes care of itself.

Public Testimony Closed

Winter states that removing the limiting one vehicle is important because like my husband is an electrician and he has a truck, a bucket truck you cannot do everything out of one truck even if you are a single employee.

Tranel states that I think we need to continue this and clean it up. #1 I would end the sentence after premises and leave out the percentages.

A motion was made by to continue 8-5B-16: Standards, Home Occupations to the September 23, 2015 Zoning Board of Appeals meeting.

Seconded by Diedrick

Roll Call: Ron Mapes – Nay Nick Tranel – Aye
 Gary Diedrick – Aye Mel Gratton – Nay
 Laura Winter – Aye

viii. 8-5b-37: Temporary Uses – Temporary Emergency Shelter

Linda Delvaux, representing County Board

- This was brought forward by the Building & Zoning Office to the Development & Planning Committee because of a request to our office. The current Zoning Ordinance lacks an opportunity to help those who have experienced a fire or natural disaster resulting in the partial or total demolition of a residence. What is proposed here is an opportunity in those instances to allow for temporary shelter to be brought in while they are rebuilding.

Public Testimony

Steve McIntyre, County Board Member District 8

- Is there a fee associated with this?
 - Linda states there is not a fee for Temporary Use Type 4 currently, County Board would have to address that in a fee Resolution if they feel a fee is required.

Public Testimony Closed

Gratton states from the Ad-Hoc committee it was unanimous to add this.

Diedrick asks if we have to address the fee

- Gratton states that is not our purview to address the fee.

A motion was made by Diedrick to recommend approval to add 8-5b-37: Temporary Uses – D. Type 4 – Temporary Emergency Shelter as presented

Seconded by Tranel

Roll Call: Gary Diedrick – Aye Mel Gratton – Aye
 Laura Winter – Aye Ron Mapes – Aye
 Nick Tranel – Aye

ix. 8-5B-46: Standards, Guest Accommodations and Guest Houses/Homes – review changing setback requirement to be no greater than the maximum number of occupants based upon the 5 foot per bedroom equation.

Linda Delvaux, representing County Board

- The proposal addresses the setbacks per # of bedrooms in the GA Standards of the ZO. It would seem to reason if we are going to max out occupancy why would we be allowing the setback to go on indefinitely with the number of bedrooms. If you can have sixteen people in a seven bedroom and also only have 16 people in a 10 bedroom, why would we apply a 35 foot setback to the 7 bedroom and a 50 foot setback to the 10 bedroom when their occupancy will be the same. What is proposed here is to max the setback out at 35 feet.

Public Testimony

None

Public Testimony Closed

A motion was made by Tranel to recommend approval to add to 8-5B-46 Guest Accommodations and Guest Houses/Homes 4. a. adding - and a maximum requirement of thirty-five feet (35')

Seconded by Mapes

Roll Call:	Laura Winter – Aye	Ron Mapes – Aye
	Nick Tranel – Aye	Gary Diedrick – Aye
	Mel Gratton – Aye	

ii. 8-5A-6: Use Table – Festivals/Events/Fundraisers – Temporary Uses and definitions

Linda Delvaux, representing County Board

- The names have been changed again and now is Amusement Activities of Public Interest Type 1 & Type 2. This was brought up because the Zoning Ordinance doesn't currently provide an opportunity for these types of uses to take place in the County other than approaching them as a special use permit. The basic principal behind the proposed text is to insert these types of uses in such a way that we would allow the lesser intense type of uses in all districts, but provide some sort of standard for the uses to follow. These are identified in the Use Table as Amusement Activities of Public Interest Type 1 and have a use standard attached. It is requested in the draft that an event organizer register the event at the B&Z Office. At the same time we are addressing these types of uses that can have a larger attendance and be more intensive by inserting them as a Temporary Use, which would be Type 2, of which you would be required to procure a temporary use permit from the zoning office. These would be called Activities of Public Interest Type 2. Again there are requirements which will need to be met in order to get the temporary use permit. By asking the Type 1 use to register and having the Type 2 use procure a temporary use permit it allows for the Sheriff, all emergency responders, Health Department, Highway Dept. and the CVB to be aware of the activity in the County should an emergency occur and responders would have to be dispatched at least they would have some sort of idea what they are heading into. The Ad-hoc Review Committee had much discussion on the types of uses this type of amendment should cover and what it shouldn't, henceforth, the definitions attached to both Type 1 and Type 2 were born.

Gratton states that we struggled with this when the comprehensive text amendment was being drafted back prior to 2009.

Public Testimony

Dan Caswell, Berreman Township

- I am still not sure if it is right, but a lot of work was put into this. Willowfest is a folk festival that has taken place in Berreman Township for the last 48 years. It can draw more than 750 people, but even more than that its primary focus is music and they do use speakers. If you read this I think that is not permitted at all. I don't think that is right under our zoning ordinance. I think the Zoning Ordinance would consider this a non-confirming use that has been in existence and no complaints on the event. How does that fit with what we are doing here?
 - Linda states that this is difficult and I just read in the paper that they had more than 750 people. We have considered a different number. You said they use speakers or are the instruments amplified.
 - Dan Caswell states that the instruments may be amplified.
 - Linda states that this would definitely affect Willowfest and next question is how do we work it and deal with it.

Jim Schubert, 11815 E Schuller Road, Stockton

- The music at Willowfest is all acoustic, but there are speakers that they would have, no amplification is done.
 - Linda states that I thought our intent at the meetings were to allow music with speakers, but not have amplified plugged in music. Maybe this is something that needs a little more work at the drawing board.

Dan Caswell, Berreman Township

- I would advocate for not creating an ordinance that would eliminate something that has been operating successfully for 48 years. I would think that the non-confirming section would be what they fall under as long as they would not expand in size.
 - Linda states I hear what you are saying, but I think the intent maybe was for an avenue for new opportunities to come into the county. This would allow for new things to come to the county that can't qualify under the non-conformity section.

Gratton states that I hear different concerns out of this, but we want to encourage ones to continue, but also allow new to come into the county. In 2009 when public hearings for the text amendment were going on we talked a lot about Special Events and we had a listing of different events. We had criticism on wanting to maybe micro-manage, this was then pulled from the text amendment. I am not sure I am convinced this is the best we can do. I don't think it flows well. I like the ideas and intent for the county, but it needs work.

Diedrick states the hang up seems to be the amplified music, can that be fixed by defining amplified music – electric guitar would be amplified music and an acoustic guitar with a microphone would not be amplified music.

Jim Schubert, 11815 E Schuller Road, Stockton

- At Willowfest they may have 750 people, but only have one person or group at one time so it is not very loud at all.

Gratton states that the original had a list so someone could look at it and know.

Diedrick states that I like the way it reads, this was not specifically made for Willowfest as much as it was discussed, this would encourage additional events and establish guidelines for additional events. I don't think we want to see that go away.

Don Zillig, County Board Member District 2

- How many complaints do we get about music in general?
 - Linda states that I have not had many, but if there are noise complaints I don't get them the Sheriff's Department would. The only thing I have to base recent activity on is the request we had on the Poor Farm in the county for music festivals and events. There was a lot of concern from adjoining landowners. The gentleman at the end withdrew his request because he was overwhelmed by the opposition. I have gotten a few complaints that it is loud at LeFevre Inn, typically they call Sheriff's Department.

Peter Taylor, Elizabeth Scales Mound Road, Elizabeth

- Was there a request for events at Council Hill a few years ago?
 - Linda states they did get a special use permit and there were conditions that were attached, such as hours, music, events. They have held events and I have not had any complaints. We have had a special use permit request for a winery off Ford Road and we did have an issue with music at that one. It was addressed in the conditions of the special use permit.

Jody Carroll

- At what point is this not a zoning issue and a noise issue.
 - Linda states that we do not have a noise ordinance.

Dan Caswell, Berreman Township

- We have been focusing on the noise and amplified music, the goal is to try and encourage the type of things that fit with tourism and not getting into regulating the private wedding or reunion.
 - Linda states that we wanted this to be able to let the Sheriff's Department, EMS, emergency services, and Health Department aware of events and just in case of situations where they were called out for something.

Don Zillig, County Board Member District 2

- Can't you just pass it and deal with the issues afterwards if there are any issues?
 - Gratton states that Type 1 is just a register your event and Type 2 is the larger event with the larger number of people where you then make sure you have parking, sanitary services and so on. We are trying to be proactive with events and helping them succeed. The Council Hill Station and winery are different because they are doing this at a place of business and not just one time a year. Willowfest could apply for a special use to be able to carry on every year conforming.

Diedrick states that maybe Willowfest should come forward for a special use permit to be able to carry on every year. The Type 1 & Type 2 would then not apply to Willowfest. The special use permit fee is a onetime fee.

Steve McIntyre, County Board Member District 8

- Is the triathlon and duathlon held at Apple Canyon Lake a non-confirming event since it was carried on prior to 1995?
 - Linda states there are a lot of them that happen in the county. That would change by adopting that because it will make them permitted and making them a temporary use.
- By adopting this we are making them confirming.
 - Linda states when you have a use that is non-confirming, a use that does not fit in the district it is in, you change the laws that make it conforming, it is not non-confirming anymore. You are providing an avenue for them to become confirming.
- You are also providing them a way to be permitted through permits and conforming to the ordinance and requirements of the standard. Because of those restrictions it may disallow some events if they don't meet.

John O'Boyle, County Board Member District 17

- Is this non-confirming event grandfathered and can continue?
 - Linda states it is a use that has been carried on and can continue, unless this text amendment is approved then they would not be considered non-confirming, they would have to apply for a permit or register based on what type of event.

Dan Caswell, Berreman Township

- I would agree with what Linda stated, but I don't think that would do that for Willowfest, and it would remain a non-confirming use.
 - Linda asks is that because of the music.
- That would be correct. I would hope they would not outlaw something that has been carried on for 48 years.

Gratton states that this needs to be understandable so people will comply with the requirements.

John O'Boyle asks how do you get that information out to the public.

Gratton states that we use to have the newspapers present at meetings and explain why we are doing something. We could have Linda do a column in the paper.

Linda does do press releases.

Steve McIntyre, County Board Member District 8

- Maybe we publish this as an encouragement to bring things into the county. Our Comprehensive Plan encourages this, but we don't want to detract from other areas.

Gratton states I do agree that some events need to come forward for special use permits. The hearing is a place for public to voice their opinions.

Public Testimony Closed

Gratton states that I would be willing to attend more meetings with the Ad Hoc committee to review this further.

Tranel states that there are some things that need to be reviewed further.

Mapes agrees that things need to be reviewed further.

Linda states that you have options to continue to another meeting, pass it, deny it, but you cannot send it back to the Ad-Hoc Committee. If you felt it needed more work you would want to make that part of the motion to send to the County board.

Gratton asks if he has the authority to create a committee to do fact finding.

- Linda states there is nothing in the Zoning Ordinance that allows that.

Gratton asks if we deny this request can we state we would like that to go back to the Ad-Hoc Committee.

- Linda states you could make that statement and reasons why. County Board then would decide whether to follow through with your recommendations.

A motion was made by Gratton to recommend denial of the request to add 8-5A-6: Use Table – Festivals/Events/Fundraisers stating the following:

1. Temporary Use still has inadequacies, not that we are not in agreement with it
2. Not the intent that they are looking to cover
3. Format needs work to clean it up and make more user friendly
4. Would like this to be denied and sent to an appropriate committee for review again

Seconded by Mapes

Roll Call: Nick Tranel – Aye
 Mel Gratton – Aye
 Ron Mapes – Aye

Gary Diedrick – Aye
Laura Winter – Aye

Reports and Comments:

Merri Berlage, County Board Member asked why some items from the original list were not brought forward such as Sea Containers. I thought they would come forward for public hearing.

Linda Delvaux stated that the Zoning Ad-Hoc Committee did not recommend a change to the ordinance for those items so they were not put on the agenda. The Zoning Ad-Hoc Committee was to review and make recommendations to County Board.

Nick Tranel made a motion to adjourn at 9:30 PM. Ron Mapes seconded. Voice Vote: All Ayes