

**OFFICIAL PROCEEDINGS OF THE  
RICE COUNTY PLANNING COMMISSION  
Commissioner's Room / Government Services Building  
Thursday, January 4, 2018 at 7:19 p.m.**

**I. Call to Order**

- A. Roll Call - The meeting was called to order by the 2017 Chair Tom Sammon at 7:19p.m. Members present were: Tom Sammon, Preston Bauer, Michael Streiff, Charlie Peters. Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Administrative Coordinator Anna Aguilar. Others present: see sign-in sheet. Joe Horejsi was absent.

**B. Reading of Notice**

**Motion by Bauer, seconded by Streiff, to read the notice into the minutes.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters
<b>ABSENT:</b>	Horejsi

**C. Motion by Streiff, seconded by Bauer, to approve the agenda as presented.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters
<b>ABSENT:</b>	Horejsi

**D. Motion by Peters, seconded by Streiff, to approve the minutes of November 30, 2017.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters
<b>ABSENT:</b>	Horejsi

**II. Other**

**1. Election of 2018 Planning Commission Chair**

**Motion by Bauer, seconded by Streiff, to approve the election for the Chair of the Planning Commission for 2018.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters
<b>ABSENT:</b>	Horejsi

TS - Nominations are open for the 2018 Chair of the Planning Commission.

PB - I will make a motion to cast a unanimous ballot for Tom Sammon as Chair of the Planning Commission.

MS - I'll second.

Motion made, seconded, and approved.

Tom Sammon was elected as Planning Commission Chair for 2018.

**2. Election of 2018 Planning Commission Vice Chair**

**Motion by Streiff, seconded by Peters, to approve the election of the Vice Chair of the Planning Commission for 2018.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters
<b>ABSENT:</b>	Horejsi

TS - Is there nominations for the 2018 Vice Chair of the Planning Commission?  
MS - I will cast a unanimous ballot for Preston Bauer to be Vice Chair of the Planning Commission.  
CP - Second.

Motion made, seconded, and approved.

Preston Bauer was elected as Planning Commission Vice Chair for 2018.

**3. Appointment of the 2018 Planning Commission Secretary**  
**Motion by Peters, seconded by Bauer, to delegate the secretary duties to Environmental Services Staff for the 2018 Planning Commission.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters
<b>ABSENT:</b>	Horejsi

TS - Is there a motion to nominate Staff as the 2018 Planning Commission Secretary?  
CP - I'll make a motion to keep Staff as Secretary.  
MS - I'll second.

Motion made, seconded, and approved.

The Environmental Services Staff were delegated as Planning Commission Secretary for 2018.

**4. 2018 Planning Commission Meeting Schedule**  
**Motion by Bauer, seconded by Peters, to approve the attached 2018 Rice County Planning Commission meeting schedule as presented by staff.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters
<b>ABSENT:</b>	Horejsi

TS - Meeting schedule is the same as the Board of Adjustment. Is there a motion to approve as printed?  
PB - I'll make the motion to approve.  
CP - Second.

Motion made, seconded, and approved.

**5. Public Comment Time Limit for 2018 Planning Commission Meetings**  
**Motion by Peters, seconded by Streiff, to approve a three (3) minute time limit per person for public testimony at the 2018 Rice County Planning Commission meetings.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters
<b>ABSENT:</b>	Horejsi

TS - The Public Comment Time Limit has been three minutes. Is there a motion?  
CP - I'll make a motion we keep it at three minutes.  
MS - I'll second.

Motion made, seconded, and approved.

The Planning Commission recessed from 7:23pm until 7:30pm to adhere to the Public Hearing scheduled time of 7:30pm.

### III. New Business

#### 1. 7:30 PM - Public Hearing of Resolution #18-004/Amending Zoning of Property - Bauer - Section 33, Cannon City Township

Public hearing on adoption of zoning map amendment to rezone property from UR, Urban Reserve to A, Agricultural. The property is described as: Part of the N1/2 of the NE1/4 of Section 33, Cannon City Township, Rice County, Minnesota. The property address is: 3505 197th St E, Faribault, MN 55021. PID #: 11.33.1.00.001.

**Motion by Streiff, seconded by Peters, to recommend adoption of the request to rezone the property from Urban Reserve to Agricultural for Michael Bauer, on behalf of property owners Orville & Marion Bauer. The property is located in Section 33 of Cannon City Township.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters
<b>ABSENT:</b>	Horejsi

#### **Public Hearing of Resolution #18-004/Amending Zoning of Property - Bauer**

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**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

TM - This Item was in front of you on November 30, 2017 at the request of the applicant for the rezoning of approximately 100 acres which is approximately a half mile east of the City of Faribault. You made a recommendation to proceed with the rezoning. That was heard by the County Board on December 12, 2017 where they accepted that recommendation and scheduled the rezoning for a public hearing and published a Notice of Intent to make that change. With that public hearing being scheduled for tonight at 7:30pm.

*(TM showed slides)*

TM - As you know from the agenda, the applicant does have a conditional use permit which for is applied for as well. That is the next item. That is a separate action item, separate hearing on that request. This is the Public Hearing on the change of the zoning from Urban Reserve to Agricultural for the parcel. It is not specific to any use at this point.

TS - Procedure question. The applicant does not come back again for the rezoning?

TM - Not as an applicant. At this point, it is the County Board sending you a request to have the hearing and action on it. The applicant is allowed to speak as part of the public comments.

PB - Do we have any input from the City?

TM - Not anything specific to the rezone, no.

Chair Sammon opened the public testimony portion of the item to the public and the following spoke:

Brock Lund - Owner of the property just north of the rezone. I am going to start by saying that I oppose the rezoning from Urban Reserve to Agricultural. I realize that the Planning Commission is well down the road to approving this but I object because the neighbors, the tax payers, did not have meaningful notice of why this parcel was to be rezoned. We did not

know a hunting club was going to be proposed. The applicant states that the hunting club should not have an impact to property values. This will have an impact on property values. I have spoken to both a real estate attorney and a broker. They are in agreement with me. The Urban Reserve was put in place to protect the city but it was also put into place to protect the residents and investments.

Mark Amman - My property is directly north of this property, even more north than Brock. I don't think the zoning should change. It will certainly affect our property values. I believe it will bring them down. It is one thing when you have something like your home already there and your value is there and something is trying to come in or if the hunting club is somewhere and you choose to live beside it. I think that is a huge consideration that should be made in regards to zoning. The zoning was already made as Urban Reserve and I believe it should stay that way. None of us purchased property thinking the zoning was going to change from Urban Reserve to Agricultural. I jog in the Falls Creek park area there. I take my dog out and I am all over that area. I don't need to be jumping every time a gun goes off. My official stance is in opposition of this.

Rachel Flocchini - I live right next store. We share a driveway. I also oppose the rezoning. My husband and I just purchased our home and moved in less than 6 months ago and if we would not have known what was potentially in the works for the adjoining property, we wouldn't have purchased the property we just purchased. We choose the site we did for the peace and quiet and for the location and the value of the property. We would like it to stay as it was when we moved there.

Joe Finley (St. Paul) - I am Brock Lund's father-in-law and spend a lot of time down at their house and have a great interest in it. My family was originally from Shieldsville and Faribault. I am a retired lawyer but did land use planning for about 38 years and I just want to give a little context to Urban Reserve if I can. If Rice County did not have a zoning ordinance, you do have a zoning ordinance, but if you didn't, Faribault would have the right to extend its zoning two miles out from the city. You do that to protect the rights of people who are essentially living in suburbs of the city. It keeps out uses that would stop the city from expanding or defeat the expectation of someone like the last speaker. Because you do have a zoning ordinance, Faribault cannot extend its ordinance out two miles. You can use an Urban Reserve to do what Faribault did. Faribault had a half mile ring around the city that Rice County passed as an Urban Reserve. Later you made it a one mile ring. That is not a very big ring. If you did not zone it, there would be a two mile ring around Faribault and there is no way this would be permitted. As you think about whether this rezone is a big deal or not, a one mile wide strip around Faribault, protecting what many areas are folks who are mixed suburban Faribault people. The Agricultural uses are not the same as in more remote areas. It's a really big deal and my view as a former real estate lawyer is that one something goes into a preserve like this, it stays into it because people rely on it.

James Dietz - I am basically the next door neighbor. My building site is in the pictures of this. I am personally more of an active farm than what this is right now, so I am concerned why we are switching things that the previous gentleman just mentioned about the sprawl of the city. I am opposed to this too. I think I would be limited very much to what I can do in my current situation. I would imagine if I wanted to increase my farming operations there, it is going to be a lot noisier, a lot more neighbors or more traffic in the neighborhood on a small township road. I am opposed to it also.

Mike VanHaren - My property sits just south of this and we are part of the Urban Reserve. I run a business with a Conditional Use Permit and if I have to follow the rules of the Urban Reserve, I think everybody that fits in there should follow the same rules. I oppose changing it.

Sean Francis - I am straight east of that property. I have two parcels right over there. One of the things I am looking at is with all the shooting, I have 4 little kids: 9, 7, 5 and 2. My kids doctor said that all of that shooting is not healthy for their mental state as little kids. I also pasture right up against their Agricultural side. My fence line and their fence line are the same. With ammunition traveling, bird shot can go about 700-ft before it drops and at the altitude we are at, we are about 1200-ft above sea level, the ammunition will go about 1,000-ft. So if you are shooting a pheasant that flies up, you are not seeing what is in the

background and if one of my kids is in the pasture, I am sure the bird shot will get them or one of my livestock.

Michael Bauer - I grew up on that farm and have always been a good steward of wildlife. The big intent here was to create a fun environment for the wildlife sportsman folks. I want to correct Trent. The city did comment on it. The city planner did take it to the DRC committee and they thoroughly liked the idea. At the same time, I want to be mindful of the neighbors. I have always been a good neighbor, our family has always been very good to all the neighbors around us. I think I am one of maybe three people in this room that actually grew up out there. I do not want to create any kind of adverse effect on relationships out there. I want you to understand that but I do think that it isn't going to be as big of a deterrent as I think it is been laid out to be. However, I do want to be mindful of their opinions and I will follow whatever you say. I mean that sincerely.

TM - I just wanted to point out that the City comments were not on the rezone but they were on the Conditional Use Permit. I know they are related and get mixed together.

TS - This item before us is the rezoning, not the Conditional Use Permit.

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

PB - I do have one more question for staff in regards to a zoning change. Does the County contact the City with a notification of potential zoning change in the Urban Reserve?

TM - Yes, all of the cities in Rice Count and all of the Townships are notified.

PB - Ok, and there was no response from the City of Faribault?

TM - Not with the latest notification. They sent information related to the Conditional Use Permit.

MS - I can personally relate to a lot of the comments that were made. I live out in Northfield Township. My farm is right up against the DNR Prairie Creek acreage out there. It is kind of an unmanaged thing. The DNR manages it but people are out there hunting and shooting all the time. I have beef cattle. I have nine kids running around from 16 all the way down to 16 months. We have not had any issues. We have had people run four wheelers on our place from time-to-time but there is no management. This seems like there will be pretty good management in place and if there are issues, it could be worked out. I can relate, I understand the fears that are there but at the same time, all my kids have no health issues with people blazing away and I have not had any cattle shot or anything like that. The zoning is different were we are at, it is Agricultural.

CP - If it gets to the Conditional Use part, we will have conditions on there. Right now, I do not see any problem with changing the zoning back to Agricultural on that parcel.

TS - I am in total agreement. I am in favor of the rezone.

PB - Looking, plain and simple, at the changing of the zoning and nothing else.

TS - That is what we are.

Jeff Docken (JD) - That is the hard thing to always separate. It is two different subjects. The Conditional Use Permit and most of the comments were directed towards the Conditional Use Permit. We change, anytime that it is continuous with another Agricultural zone and the landowner comes in. I don't know that we have denied that yet. It is always hard to separate between that and the purpose of changing it. I understand.

PB - As far as access, there is not a public road but there is a discretional Township road that runs to it but it is not along a paved road access. It is fairly remote. There will have to be some extensive work before the city can even move utilities out this way for even residential development. It was former Agricultural land, I think it is CRP now and it is primarily Agricultural land around it. The adjoining property is in the Agricultural district.

TS - CRP is Agricultural land.

JD - One more question for staff. Notices don't go out for the rezone, but they do for the Conditional Use Permit. Am I correct in that?

TM - Notices also go out for the rezone.

TS - Is it the same criteria for the rezone as it would be the Conditional Use Permit as far as

what gets sent out?

TM - It ends up being the same notice. There are different distance for that. The rezones are actually further out then the Conditional Use Permits are. For this instance, it was part of the same notification.

TS - So everybody here tonight that spoke and claimed to boarder it, would have gotten notice.

TM - They should have. Notices were sent out to all properties within one half mile.

MS - I make a motion to approve the rezoning of the subject site.

CP - I'll second that.

TM: I do have two findings to highlight from the discussion. This is continuous to the Agricultural district, not just a spot in the Urban Reserve and there are no short term plans for annexation in the city which is what the Urban Reserve is protected for.

Motion to recommend approval made by Streiff, seconded by Peters, and approved.

**2. CUP - Bauer - Section 33 & 34, Cannon City Township**

Michael Bauer, on behalf of property owner Orville & Marion Bauer, has applied for a conditional use permit for a private hunting club. The property is described as: Part of the N1/2 of the NE1/4 of Section 33 and Part of the NW1/4 of the NW1/4 of Section 34, Cannon City Township, Rice County, Minnesota. The property address is: 3505 197th St E, Faribault, MN 55021. PID #: 11.33.1.00.001 & 11.34.2.25.001. The property is Zoned A, Agricultural.

**Motion by Peters, seconded by Streiff, to recommend approval of the Conditional Use Permit with the following conditions and findings for Michael Bauer on behalf of property owners Orville & Marion Bauer. This property is located in Section 33 & 34 of Cannon City Township.**

<b>RESULT:</b>	Withdrawn [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters
<b>ABSENT:</b>	Horejsi

**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

CP - Was there a distance from livestock for shooting too?

TM - There is not anything prescribed in our ordinance for that. The per-scripted part of the ordinance is the 500-ft setback from neighboring residences.

PB - Were these 11 conditions just a draft from another Conditional Use Permit for a hunting preserve?

TM - They are from other project sites we have had and some from the application itself, with some of the standards that have been asked for.

PB - Is there a description of hunting clubs in the zoning ordinance such as size and scope? From Private to Commercial?

TM - Not within the zoning ordinance definition. It does not get into the size or scope of that. The DNR has some permitting authority over the facility dealing with the birds and hunting and there are some sizes there. My understanding is the site must be 100 acres and there has to be a minimum of 1000 birds released on the site per year.

TS - That driveway, that ends at the residence? The road coming down in those photos; that is the last residence?

TM - I am not able to address whether that is a township road or driveway. I have hear both. But it does end at the home there, yes. It does not continue on.

PB - Currently, there is no documentation of that ever being an adopted road. The property over to the north, there is no documentation of that being a township road over and through as well. We had other issues with the driveway regarding maintenance and stuff, so we looked at it a little bit. The township did end up maintaining it but it does go across another property for a person to access a home, that home is obviously pretty old.

The PC asked the applicant, Michael Bauer (MB), to come forward to add comments or answer questions regarding the request.

MB - As I mentioned earlier, our desire was to create a game farm on the property and create a fun area of wildlife sportsmen. I was raised on this farm and have always been a good steward of the environment. There are some conditions in the 11 conditions that were left blank. I don't have any issues with any of the 11 items. Item 8, I would like to insert 20 persons on that one, that is my recommendation, and then up to 100 birds housed on the site. This accommodates up to 100 birds to potentially be released in a week's time.

PB - can you give a brief summary of the plans as far as scope, size and capacity? How many birds you plan on raising?

MB - I would not be raising birds, I would be purchasing birds. Everything that would operate on the property would be under the strict direction of the DNR. They have a thick pamphlet of requirements that you have to adhere to. That is where a lot of the documents in my application came from. The thought was to have a limited number of members and create a fun environment for people to come and bring friends out and entertain. The club house would be more like a man cave, not too crazy but just a fun place to gather.

MS - You would be the main manager of it?

MB - I would be the main manager, correct.

MS - For the applications of membership, you would have to approve everyone?

MB - Correct.

MS - How many people are you thinking would be members after the first year?

MB - I was actually going to start with creating a group of four to six guys that would actually buy the property from my parents. Then we would take it over and be the core nucleus of the ownership group to start with. My intent is not to blow this up into the Sportsmen's Club or like a Horse and Hunt Club in Prior Lake or anything like that. That is not my intention.

CP - The only shooting would be to planted birds?

MB - Correct, and deer hunting.

CP - So when you take a group out, it would be like 10 people per group and a couple dogs?

MB - Yep, exactly.

CP - When you have the 250 people events that would just be like the group getting together for a BBQ, not a trap shoot or anything?

MB - Correct. There might be a few people going out and doing a shot prior too, but more of what I wanted to do was create a fun environment to do fund raisers to help out, whether it is the Cancer Society or MS. It could be the Hockey Association in Faribault here. I have been successful in my business for years and I feel it is time for me to give back and one of the things I like to do is create fun environments for people raise money. I raise money for people all the time. That is my intent here.

PB - Will you need the 250 people max on site?

MB - Not necessarily but again it is about creating a fun environment to raise money for people. That is what that intent was for.

PB - How about housing? Would there be people staying overnight?

MB - In the club house, I was going to create an area for three bunk beds and the house was intended to be rented out so there would be someone there year round.

PB - This would be pheasant only?

MB - Yes, it would be pheasant only.

MS - So with the deer hunting?

MB - Technically I can be deer hunting because of the natural ability to do so during deer

hunting season.

MS - But not with a big event.

MB - No, not at all.

CP - So it is basically two groups of 10 or 20 people at one time who would be handling guns and dogs?

MB - Correct.

PB - I did some reading on the DNR website and there is different licenses for hunting clubs. One is for private and one is for commercial based on size and scope. What would you be licensed under?

MB - It would be commercial and the reason why is because the DNR only allows the private ones to release 300 birds per year and that is only allowed in a very narrow section in the northern part of the state. Why I don't know but in the southern two-thirds, they only allow the commercial one at 1000 birds per year.

PB - It says the perimeter shall be fenced. What were you proposing for fencing?

MB - The fence needs to be very visible and it needs to be posted every 300 or 500-ft stating that it is a private hunting club. Whatever I do there, there will have to be the standards fence posts, that will withstand time, with a one or two fence around it. Pretty minimal. Most hunting clubs have a fairly minimal fence around them.

PB - From what I understand, a lot of this is Conservation Reserve or Farm Service Agency program land. Have you talked to the Farm Service Agency regarding your intention?

MB - I talked to the DNR yesterday about this and the gentleman that actually runs the program.

PB - The CRP program?

MB - Not the CRP program, I have not no, I'm sorry.

PB - I heard they have certain rules and stipulations about fencing of CRP ground. That is something for you to checkout.

MB - Sure.

MS - We are looking at this from a private standpoint, but the DNR is looking at it from a commercial standpoint.

MB - Correct. The DNR will only allow that.

TS - Is it all CRP?

MB - Virtually yes.

TS - How many years into the contract are you?

MB - The furthest 20 acres to the east was just renewed last year and the balance of it is coming up this year, 2018. Our intent was to renew that.

PB - As far as shot requirement? I live east of this about a mile and a half. I just have a comment regarding the regenerating Eagle population. It has been pretty noticeable in the past five to ten years and eagles are really sensitive to lead.

MB - Right, one of the requirements by the DNR is to use steel shot.

PB - I have no idea what the eagles' nesting periods are or anything like that. I know CRP and I am on a Farm Service Agency board and the nesting periods were obviously not disturbed by the CRP at that time. That would all have to jive as well.

MB - The DNR considers the hunting season as September 1st to roughly April or May 1st. The end date is a little soft for the reason that the people who raise birds are starting to run out of pheasants and then they have the new hatch they are raising to be released in or sold in September.

MS - You seem like you want to do the right thing and are attentive. How you are going to keep control and ensure that those that have a part of it have the same mentality as you? Say you are not out there and there is something going on. Obviously you cannot control everyone but how are you going to ensure that every hunt or shoot that happens out there is done is following this mentality?

MB - Part of it is I have two of my very close friends that are retired, one raises dogs and the other is an avid hunter. I would actually have them on site. If I am not available, they will be on site.

CP - I would imagine where you plant the birds, you can be selective. You can stay away from the eastern boundary if you needed.

MB - Correct. Right now I belong to the Minnesota Horse & Hunt Club. When we go out, we are actually very mindful and we talk about if there is a building over here or a house over there. We are very mindful of that and we talk about that safety before every single shot.

MS - Do you need to have a hunting license to hunt in a private hunting club?

MB - No you do not.

PB - Getting back to Mike's comment regarding onsite supervision?

MB - The requirement we would have is that you have to have a member onsite, on hunt every time. Nobody can be hunting without a member. Most hunting clubs are that way.

MS - It sounds like your intent is to keep it fairly limited to hard members?

MB - Correct, that is the intent.

MS - It's not going to be like where there is 200 members a day bringing people out there.

MB - No it is not. Absolutely not.

MS - So someone would be there, whether yourself or someone with close ties to you, so if something got screwed up or someone is upset, you or them could deal with it?

MB - Correct.

Chair Sammon opened the public testimony portion of the item to the public and the following spoke:

Grant Modary - I own property to the north of this one, adjacent to it, 29 acres. I have a couple of concerns with this. I bought this property a couple years ago for recreational property for my family and to get my children out with a safe place to go hunting and camping. My concerns with it is I didn't really know what was scheduled for this private hunting club. Was it going to be pheasants? It sounds like that is the case. With events there, I think there is a concern with traffic flow into that area and if you have an event, you have none members that are going to be shooting at some point. These numbers of we are going to try to keep it at 20 or 200, if this proceeds forward, that needs to get narrowed down to what is actually going to be happening here. The notice shows a private hunt club but it is not, it is a commercial hunting club. That is the license he has to have. He is having a commercial business in a now potentially rezoned agricultural area a half mile from the city limits. My other concern was whether there was going to be trap shooting there. That goes from 100 shots a day to thousands of shots a day. The other part was, I saw on the overlay and would assume if you are putting a whole property into a commercial hunting club and they have this 300-ft overlay of the creek that goes through there, that means no hunting is allowed within that creek whether bird or deer hunting. That is something that is for the applicant because I know they like deer hunting. We see them out there. Also the potential of how many people will be out there doing that. I know it is not open for that but that opens up a big potential on a bunch of members doing what they want. The rules seem pretty open right now and we do not have a lot of information on it but it seems like a tough fit in a very populated area to have a populous coming through there that isn't supported with it very well. I think a lot of the ins and outs of how that business would run are pretty vague to make a decision on what the numbers are and how it is going to go. We want to present it as a small private little fun club with the potential to have events and multiple people and multiple members with no real numbers on it.

Mike VanHaren - I live just south of here. Like you mentioned, people hunt around your place but are they out there nine months a year? That is a completely different scale. I am against it.

Brock Lund - I submitted earlier to Mr. McCorkell in writing, I am sure you have it, a list of requests for this Conditional Use Permit. There are about 12 of them on it and I would like those to be considered. One thing I would like you to keep in mind, most hunting clubs are located in far more remote areas, not a half mile from cities. I agree with Mike, the nine month window is way too big. If it were a standard six to eight weeks, I think we could live with that but nine months is not something we want our kids to listen to shotguns for nine months. The skeet shooting or target practice would have to not be allowed.

Joe Finley - I really trust what Mr. Bauer is saying. He sounds like he is an honest steward and he grew up on the farm and he wants to produce fun for people. The issue here is noise.

The folks here today want to make sure their kids can have fun too. It is a tough thing. There is this area of law called nuisance were you do things on your land and it's fine but if you do things on your land that really affect the lives of others off your land, society starts to balance these things. I really believe he wants to do what is best and you guys have kind of nibbled around what the real issue is, the scope and scale of this. He can hunt deer, he can hunt pheasant in season with bag limits and licenses; it's his right. The issue here is there is no season, no bag limits, people do not have to have licenses. It may be run very well under Mr. Bauer's stewardship but the Conditional Use Permit, unless there is something in your code I don't know about, run forever. Under state law, once a conditional use permit is on land, it runs forever. So if you give carte blanche operations to something that is a half mile from the city of Faribault and surrounded by people who are raising families there, you really haven't taken into account the tax payers around it and what they feel. If I were you, and I am not, you can do whatever you want, this thing doesn't seem right to me yet. I would set it over for a month and I would task Trent and the applicant and maybe some of the other neighbors to figure out or at least talk to figure out what the scope is going to be, put some reasonable conditions on here to ensure that if Mr. Bauer and his group sells the land in five years and you basically have a carte blanche to do commercial hunting on here, how have you protected the residents and landowners around here. I really think you need to do a little more work on this permit then what I have seen so far.

Mark Amman - The last gentleman said that you guys can do whatever you want but you really can't. You should be doing what we want. We are the one here, it is our properties that surround the area. I understand that Mike wants a business and he does seem very genuine, I appreciate that. And he lived in that property and grew up hunting, I understand that but that is not what is going to happen in the future. All of us in that area can go out hunting and abide by the rules. He is talking about a private and then commercial license, so no longer private, it's commercial. Like the last gentleman said, once that is approved, it is approved forever. Mike also talked about selling that land; right now, within this context, the property is already going to change hands. If you pass this, it is done for all of us surrounding this area. We went into it with the area as it is. I know you cannot stop progress but you should be able to have some effect on it and it doesn't seem like we have had that this evening so far. I am not against hunting. You want to bring some guys down and have fun, you are still part of the property, bring them down and have fun. But this is getting into a lot bigger thing then I feel it needs to be, especially this close to town. It is less than a mile from town. Those guns, however many times you're firing off, everyone is hearing those things. It should be further away from town.

Rachel Flocchini - Mike nothing personal but you said that one of your big intents for this is to provide entertainment for people. I like to entertain at my house too and I would rather if I could have company without them having to hear gunshots nine months out of the year, seven days a week. We bought our homes so that we could move somewhere quiet and peaceful and raise a family maybe. This does not sound quiet and peaceful. It is not what we got in for. I am hoping you are not taking any of this personally because I want to be a good neighbor too but I oppose.

James Dietz - My questions are: How are these birds going to be feed? I am not sure what pheasant survives on all year round but if there are neighboring crop farms, corn soy beans, all of that. What is going to keep these birds inside a barbed-wire fence? Then we have the noise and excess traffic, as other people have said, just a half mile from town. It is a fairly quiet neighborhood. I am probably the noisiest neighbor in the neighborhood with my farming and my trucks. I will say I am not the quietest neighbor in the neighborhood but I am not out shooting off guns weekly. You are out in the pasture like that and you hear gunshots and think, what was that? Where was that coming from? When hunting season shows up, you know to stay out of the field during the daytime hours and those kind of things but when it's eight months out of the year, who is going to keep everybody in track? There needs to be more than a single barbed-wire fence or a couple strings of barbed-wire around something like that to keep the right people in and other people out. Say somebody's child walks away and crawls under the fence not really even knowing where it is at, how do you stop that? Oh there is something making noise over there, there are people that shoot first and question

what they shot at later. I am just concerned that is all.

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

CP - I have some concerns about the big groups. If it is just going to be a BBQ, yeah fine as long as there is no shooting going on. If it turns into a trap shoot or sporting clays, then it could get loud. The other concerns, the birds are planted and I have been on a couple of these myself. They are actually real organized and there is not a lot of shooting. Most are really well organized and the birds are planted. Usually you can scratch hunt or they fly to the neighbors and they are fair game for everybody else. The big thing I have an issue with is having 250 people on site and the length of the season. Nine months seems pretty long for me, otherwise the rest of it seems fairly organized.

PB - I am in the same ball part as Mr. Finley in regards to tabling the issue to get things more defined. Maybe after taking some input for consideration based off quite a few things. The driveway, the access, fencing questions, nesting periods for anything that may be federally protected in the Falls Creek Valley area, some public land with a park and the size and scope and what capacity with parking space. If you are going to have 250 persons there, you are going to have to consider where are they going to park? ATV/UTV, we don't know anything about that. We all know noise is the biggest issue when it comes to Conditional Use Permits. We do not know the effects or the carry of the shotgun noise. Being from there and on the Planning Committee, fortunately the east side is pretty boring. Compared to what we have seen from the northern and western parts of the county or anything along the freeway. Noise is an issue. Shotgun does carry and is something to be considered. Trap shooting, there was no discussion on that on whether it was intended or not. Animal types sounds like it is just going to be pheasant. Hours of scope and operations. Another thing is we have a park to the southwest. Those are some of the reasons I propose tabling to get things more defined. WE have 11 general conditions but they are pretty vague.

MS - I share the same concerns they have. My biggest concern is looking at the definition. The DNR is looking at it more from a commercial standpoint. We are looking at it from a more private standpoint. The length of the season seems a little excessive. 250 people is a little high, I think, and then the clarification on the trap shooting.

TS - Is this point I would like to have the applicant come back up and address some of these issues that have been brought up.

MB - What I wanted to address right now is that I have listened to everybody's concerns and I would like to respectfully withdraw my request here and let these people have their peaceful lives because they deserve it too.

Jeff Docken - You are a man of integrity and very concerned about your neighbors. We appreciate that.

MB - You're welcome. Like I said, I want to do the right thing.

TS - We have to applicant withdrawing his application. The chair is open for a motion to accept the withdrawal.

CP - I will make a motion that we accept the withdrawal.

MS - I'll second.

Motion to accept the withdrawal made by Peters, seconded by Streiff, and approved.

#### **IV. Adjournment**

Hearing no other items before the PC, a motion was made by Bauer, second by Streiff, to adjourn the meeting at 8:30 pm. Motion carried 4-0.

**Respectfully Submitted**

**Planning Commission**

**Anna Aguilar**  
**Administrative Coordinator**

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**Tom Sammon, Chair**