

STAFF REPORT

Application:	Requests related to the continued use of a golf course to accommodate wedding, corporate or other larger gatherings. Approvals required include a renewed Interim use permit for the use of the property as a Rural Tourism and Event Center in the Rural Residential zoning district.
Applicant:	Tadd Usher
Property Owner:	Headwaters Country Club
Agenda Item:	4(a)

Background Information:

- **Proposal:** The applicants applied for an interim use permit in early 2021 to operate a Rural Tourism and Event Center from the clubhouse and an adjacent outdoor patio area they were constructing/modifying at that time. The use allowed for wedding, business and other similar events at the golf course.

The interim use permit was approved at that time by the Township for a three (3) year period of time. The applicant is now asking that the interim use permit be renewed (for a requested timeframe of ten (10) years. The Township can authorize a renewal of the interim use permit for whatever timeframe it feels is appropriate.

- **Location:**
 - Property address: 20018 County 1
 - Sec/Twp/Range: 12-140-35
 - Parcel number(s): 27.12.00100
- **Zoning:** Rural Residential
- **Lot size:** Approx. 125 acres according to County GIS estimate.
- **Septic System Status:** The property is served by a full septic system that was modified in 2021 after the IUP approval to have more septic tank capacity. The modifications passed inspection at that time. Previously, it had last been inspected and found compliant in 2010 when it was expanded in size at that time.
- **Natural Features:**
 - Floodplain: The existing and proposed structures are not within an identified floodplain.
 - Bluff/Steep Slopes: The lot does not contain a bluff. The lot does not contain steep slopes that would impact the proposed improvement(s) to the property.
 - Wetlands: There are not wetlands that are likely to be impacted by the proposed improvement(s) to the property.

Planning Commission Action: The Planning Commission may recommend approval of the variance request, denial of the request(s), or tabling the request(s) if the Commission should need additional

information from the applicant. If the Commission should recommend approval or denial of the request, the Commission should state its recommended findings which support either of these actions.

Staff Comments:

1. Staff has not received any complaints about the operation of this site as a place for weddings and other similar gatherings.

Staff Recommendation:

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval (or tabling of the application to allow for review of revised plans consistent with the following):

1. The activities and events encompassed by this interim use permit shall be limited to the following activities:
 - a. Those activities and events which make use of the proposed patio area adjacent to the clubhouse, such as weddings and wedding receptions, corporate picnics, and other similar events;
 - b. Those related activities and events which have historically occurred on the property - specifically the use of the property for youth cross-country foot races and golf tournaments. Except as provided above, golf-related activities which traditionally occur at a golf course are not subject to the conditions of approval listed below. Non-golf related activities or events not specifically approved above shall require the written permission of the Town Board, which may be subject to additional conditions.
2. The interim use shall be valid for a period of _____ years from the date of approval by the Town Board. The Landowner may apply for a renewal of the interim use permit, subject to the requirements of applicable ordinances at the time, at any time within the last six (6) months of the initial permit period.
3. Activities allowed under the approved IUP shall not create excessive noise. Amplified noise or other noise generation shall comply with the State of Minnesota Noise Rules established by the MPCA. The Township may require Landowner to prepare a noise control plan for approval by the Town Board if there are valid complaints. Landowner shall comply with any noise control plan approved by the Town Board.
4. All lighting associated with the proposed patio and bathroom/beverage/food service building shall meet the requirements of Section 6.15 of the Todd Township Land Use Zoning Ordinance 2020.002.
5. All signage to be placed or erected on the property or on any structure shall comply with the requirements (including separate permitting) of Section 9.0 of the Todd Township Land Use Zoning Ordinance 2020.002.
6. The Landowner shall maintain, or create, adequate off-street parking sufficient to accommodate all vehicles for users of events which primarily make use of the proposed patio area and the clubhouse. The Township recognizes that parking on County road rights-of-way has historically occurred during cross-country races and golf tournaments and that Hubbard County has

enforcement authority over such parking in their right-of-way. Should the County limit or prohibit such parking in the future, Landowner shall provide, or create, adequate off-street parking sufficient to accommodate vehicles for users of all events which take place on the property.

7. The Landowner shall maintain, or create, adequate space for traffic circulation related to events held at the Property including, but not limited to, the proposed patio area, including circulation that may be needed for emergency service vehicles.
8. If requested by the Town Board, Landowner shall provide an emergency shelter and/or evacuation plan for any proposed event which must be approved by the Town Board. Landowner shall comply with any noise control plan approved by the Town Board.
9. All requirements of Section 7.15 of the Todd Township Land Use Zoning Ordinance 2020.002 shall be met, including, but not limited to:
 - a. No more than 300 persons at any one time may attend any event at the Property including, but not limited to, an event making use of the patio area, unless specifically approved in writing by the Town Board;
 - b. No overnight camping shall be allowed on the Property unless specifically approved in writing by the Town Board;
 - c. Any food service shall be catered, or pre-packaged, except where on-site preparation is specifically allowed in writing by the Town Board, subject to evidence that all local, state or federal permits and licenses have been obtained and are current;
 - d. The on-site subsurface sewage treatment system shall meet all local and state design requirements;
 - e. Parking shall meet the requirements of Section 6.21 of the Todd Township Land Use Zoning Ordinance 2020.002;
 - f. Any signage associated with the site shall meet the requirements of Section 9 of the Todd Township Land Use Ordinance 2020.002; and
 - g. The Property and all structures within shall at all times be maintained in a clean and safe manner.
10. The operation of the Rural Tourism and Event Center shall be seasonal in nature, with events to be limited to the months of March through November unless otherwise approved in writing by the Town Board.
11. Hours of operation for all events which make use of the patio area shall be limited to between 8:30 a.m. and 1:00 a.m. unless otherwise approved in writing by the Town Board. Events which make use of the golf course shall be limited to between 5:30am and 11:00pm, unless otherwise approved in writing by the Town Board.
12. The Landowner shall, upon reasonable advanced notice, provide the Township staff and/or its agents with access to the Property for inspection for determining compliance with this IUP.
13. Landowner shall consult with the local fire and sheriff's department and comply with any and all requirements they may have regarding the Property, unless specifically waived in writing by the Town Board.

14. Issuance of the IUP is not a substitute for any other permit required in conjunction with events that may be held at the Property, including but not limited to building permits, electrical permits, and road permits. Landowner shall be responsible for obtaining any and all other necessary federal, state or local governmental permits and/or approvals for the proposed use. If requested by the Township, Landowner shall submit evidence of all required permits. Upon written notice of any violation of this condition the Landowner shall promptly remedy the violation within the time period specified by the Township. Any violation not remedied or addressed shall be subject to IUP review and may be basis for IUP termination.
15. Landowner shall at all times comply with the approved application narrative and project plans, the conditions of this IUP and with all Township, County, State and Federal laws applicable to the Property and the use of the Property. Upon written notice of any violation the Landowner shall promptly remedy the violation within the time period specified by the Township. Any violation not remedied or addressed shall be subject to IUP review and may be basis for IUP termination.
16. Landowner is to notify the Township prior to May of each year of any operational changes or site improvements at the Property to determine compliance with the IUP or need for any additional approvals.
17. A certified copy of the IUP shall be recorded by Landowner with the Hubbard County Recorder or Registrar of Titles.
18. Landowner shall reimburse the Township for all administrative, legal, planning, engineering and other professional costs incurred in the creation, administration, enforcement or execution of said IUP application or this IUP. Landowner agrees to pay all such reasonable costs within 30 days of billing by the Township. Bills not paid within 30 days of billing by the Township shall accrue interest at the rate of 6% per year. Further, if Landowner fails to pay said amounts within the time permitted, the Township may specially assess such costs against the Property. Landowner by accepting this IUP knowingly and voluntarily waives any and all rights to appeal any certification/assessment under any applicable statutes, the Constitution, and case law.
19. This IUP shall not go into effect unless Landowner signs this IUP agreeing to the terms and conditions contained herein.

Applicable Statutes/Ordinances: See Appendix A.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) The maintenance of safe and healthful conditions as well as the general health, safety and welfare of the residents.

Findings Supporting Approval

The primary impact on the health, safety and welfare of Township residents would likely be from increased traffic and potentially increased noise. These potential impacts can be adequately mitigated by ensuring adequate off-street parking for the anticipated number of event participants plus golfers and limitations on the hours of operation for outdoor events and/or limitations on volume levels for any outdoor speaker systems. The Township has not received

any complaints since it was first approved in 2021.

Findings Supporting Denial

None

2) The prevention and control of water pollution including sedimentation.

Findings Supporting Approval

All stormwater that would be running off of the proposed improvements would be adequately handled on-site without creating a negative impact on public waters or wetlands.

Findings Supporting Denial

None

3) The impact on existing topographic and drainage features and vegetative cover on the site.

Findings Supporting Approval

The proposed use will change the topography of the site near the clubhouse, but should not have any significant impact on the pattern of drainage onto adjacent properties or vegetative cover on the site.

Findings Supporting Denial

None

4) The location of the site with respect to existing or future access roads.

Findings Supporting Approval

The proposed use would not appear to create the need for any future access roads.

Findings Supporting Denial

None

5) The compatibility with uses on adjacent land.

Findings Supporting Approval

The proposed use is commercial in nature and is compatible with the historical use of the property as a commercial golf course. Surrounding uses are primarily residential, but are sufficiently separated by distance and vegetative screening that it should not create any significant issues of incompatibility with those residential uses. The Township has not received any complaints since it was first approved in 2021.

Findings Supporting Denial

None

6) The compatibility with a desirable pattern of development in the area and in the township.

Findings Supporting Approval

The proposed use should not have any significant impact on the development of surrounding land as the primary use of the property will remain commercial in character and the holding of relatively small events on the property will not change that. The Township has not received any

complaints since it was first approved in 2021.

Findings Supporting Denial

None

7) The adequacy of the proposed wastewater treatment system for the new use.

Findings Supporting Approval

The site is served with an existing septic system installed in 2010, expanded in 2021, and found compliant in 2021.

Findings Supporting Denial

None

8) The compliance with the Todd Township Community Comprehensive Plan and other Todd Township Ordinances, as amended or any other ordinance, rule or statute.

Findings Supporting Approval

The proposed use is allowed by the Todd Township ordinance and the proposed clubhouse addition and outdoor patio/ dining area will meet all required setbacks from property lines.

Findings Supporting Denial

None

9) The proposed use can be accommodated with existing public services and will not overburden the town's service capacity.

Findings Supporting Approval

The proposal should have no significant impact on public services as the site is already served with electric service and is accessed via two county roads.

Findings Supporting Denial

None

10) The traffic generated by the proposed use is within the capabilities of the roads serving the property.

Findings Supporting Approval

The proposal is not known to have created significantly higher traffic levels beyond what previously existed or that has over-burdened the roads leading to the property. The site is accessed via two County Roads - County Roads 1 and 103 that are both designed to handle higher levels of traffic.

Findings Supporting Denial

None

11) The effect of the proposed use on groundwater, surface water and air quality.

Findings Supporting Approval

With proper management of stormwater, the impact on groundwater, surface water and air

quality will be minimal.

Findings Supporting Denial

None

12) Whether such use will tend to or actually depreciate the value of other properties in the area in which it is proposed.

Findings Supporting Approval

Given the mitigation measures proposed by the applicant and the nature of the proposed use, there should be no significant impact on the value of other properties.

Findings Supporting Denial

None

13) Will terminate upon a date or event that can be identified with certainty.

Findings Supporting Approval

Provided a date is specified in the conditions of approval for the termination of the interim use permit, this condition is met.

Findings Supporting Denial

None

14) Will be subject to any conditions that the board deems appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

Findings Supporting Approval

The nature of the proposed use of the property is such that if the interim use were not extended, they would still have value to the landowner and would not need to be removed to protect the Township.

Findings Supporting Denial

None

Appendix A

Applicable Statutes and Ordinances

Todd Township/Hubbard County Regulations

3.15 INTERIM USE PERMITS

The purpose of an interim use permit is to allow a use that is not a permitted, provisional or conditional use, for a limited period of time, subject to conditions set forth in this ordinance.

3.15.02 Criteria for Considering an Interim Use Permit

The criteria for considering an interim use permit shall be the same as for a conditional use permit as provided for in Section 3.13 of this ordinance.

3.15.04 Standards for Issuing an Interim Use Permit

The board may issue an interim use permit only if it finds that such use at the proposed location:

- A. Meets the standards of a conditional use permit contained in Section 6 and Section 7 of this ordinance;
- B. Will terminate upon a date or event that can be identified with certainty;
- C. Will be subject to any conditions that the board deems appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit; and

3.15.07 Termination

An interim use permit shall terminate upon the occurrence of any of the following events, whichever occurs first:

- A. The termination date or event stated in the permit; or
- B. The interim use permit is revoked following the same procedures for the revocation of a conditional use permit pursuant to Section 3.13 of this Ordinance; or
- C. The use has been discontinued for a minimum period of one (1) year.

5.04 Rural Residential District

A Rural Residential district is intended to provide somewhat limited residential development opportunity on land that is near lakeshores and growth areas. The rural residential district is a transitional district, and to minimize future land use conflicts, new animal feedlots shall be prohibited and to maintain the area's rural characteristics, conservation design development shall be encouraged. This district is intended to meet the following Todd Township Comprehensive Plan goals:

- o Promote land conservation / compatible land uses
- o Preserving nature and flavor of the quiet open space character of the township
- o Conservation based subdivision work –facilitate a preference for conservation designed work in the township for development

- o Consider green spaces / buffers – preserving and/or creating new green spaces with and around developments and differing land uses
- o Implement mobile home regulations to address problems
- o Allow some types of home business uses
- o Enforce parking / signage
- o Consider home versus commercial uses /standards
- o Review subdivisions concerns regarding roads and construction
- o Consider the total carrying capacity of township
- o Work towards identifying population growth and implement lifestyle housing for all landowners in the township to meet the changing times and aging population
- o Pave roads in new developments through developer's agreements and contracts

5.04.01 Lot Requirements

- A. Minimum acreages: 2.25 acres
- B. Minimum lot width: 150 feet
- C. Setbacks from:
 - Property line – 20 feet
 - Public road right of way – 35 feet (from right-of-way) or 65 feet from the centerline of the traveled roadway, whichever is more restrictive.
 - County right of way – 35 feet
 - Township and other rights-of-way – 35 feet
- D. Maximum impervious lot coverage – 20%
 - 1. The allowable impervious coverage may be increased to 30% on legal nonconforming lots smaller than 2.25 acres by conditional use permit and with the submittal and implementation of a comprehensive stormwater management plan acceptable to the Township that emphasizes the onsite treatment and storage of stormwater and any irrigated water through a combination of methods which may include buffer strips, swales, rainwater gardens, retention or infiltration ponds or other acceptable best management practices. The Township may require such plans to be designed by an engineer or other qualified professional and reviewed by an independent engineer or other qualified professional before approving such plan.

5.04.02 Permitted Uses

The following uses are permitted subject to any applicable performance and general development standards contained in Sections 6 and 7 of this ordinance:

- A. Conservation designed developments
- B. Dwelling-single family
- C. Earth shelter home

- D. Existing agricultural uses
- E. Family daycare
- F. Garage – attached and detached
- G. Guest cottage – less than six hundred (600) square feet
- H. Licensed residential programs
- I. Licensed nonresidential programs
- J. Public parks and trails
- K. Residential accessory buildings
- L. Solar Energy System – Accessory

5.04.03 Conditional Uses

The following uses may be allowed as conditional uses following the procedures set forth in Section 3.13 of this ordinance and further subject to the performance and general development standards contained in Section 6 and 7 of this ordinance.

- A. Antennas, personal wireless
- B. Bed & breakfast inns
- C. Cemeteries
- D. Churches
- E. Schools
- F. Dwelling-multifamily
- G. Golf course
- H. Guest cottages – greater than six hundred (600) feet but not more than 700 feet
- I. Manufactured home park
- J. Conventional designed developments

5.04.04 Interim Use Permits

The following uses may be allowed as interim uses subject to the procedures set forth in Section 3.13 of this ordinance and further subject to the performance and general development standards contained in Sections 6 & 7 of this ordinance:

- A. Concrete (ready mix) or asphalt mixing facility, temporary
- B. Group family day care
- C. Home business
- D. Home occupations
- E. Outside storage/display of goods less than 2 months
- F. Secondary dwelling unit
- G. Temporary uses/special events Rural Tourism and Event Center