

Minutes of AARC Meeting December 14, 2016

Present

John Wilhoit, Skip Phillips, Lindy Huber, Lori Garkovich, Pattie Wilson (Planning Director)

Applicant Michael Duckworth

Approval of minutes of April 13, 2016 – Motion to approve by Lori Garkovich, 2nd by Skip Phillips, all voting in favor.

New Business

Review of Application #012-007-2016 - Michael and Debbie Duckworth of 661 Shannon Run Rd, Firegate 57 - A1 District - Owners are seeking a review for the operation of an agri-tourism enterprise to host events that are based on existing and proposed agricultural activities on their farm.

On Wednesday, December 7th, 2016, all the members of the AARC as well as Pattie Wilson (Planning Director) and Isaac Hughes (Building Inspector) met with Michael Duckworth at the farm located at 661 Shannon Run Rd where the agri-tourism enterprise is proposed. The purpose of this site visit was to visually evaluate the possible impacts of the proposed agri-tourism enterprise on the character of surrounding properties.

Background

This is a 32 acre farm in the following uses:

- 19.2 acres are used for rotational grazing of heifers;
- 1.5 acres are for the raising of pumpkins, sweet corn, and vegetables for family use;
- A stocked 3.2 acre pond that family and friends fish in; and,
- 2+ acres that will be planted with Christmas trees for self-cut sale.

A 2400 sq foot barn was recently built on the property to host a family member's wedding, and is currently being used to store machinery. This barn is the proposed event site.

The barn is approximately 900 feet from the western back edge of the farm. In addition, there is a 35 foot wide gravel road outside the Duckworth fence that further separates

the barn from the Gaybourne subdivision. As a result, the Gaybourne subdivision is not classified as adjacent property to the applicant.

The barn is approximately 700 feet north of Dr. Gary Priest's equine barns and paddocks which are currently rented by Jerry O'Meara. Finally, the barn is approximately 800 feet southwest of Dr. Gary Priest's tenant house which was vacant at the time of the site visit but is now occupied, and sits on acreage that is used for hay production.

It is the intention of the owners to plant a double row of fast growing trees (deciduous and evergreens) as a screen along an interior fence line behind the barn as well as the northern fence line, to provide additional separation from other properties.

The farm has a wide entrance and shortly after one enters a graveled road splits off to the barn. The 2.1 acre grassy field at the front of the farm will be where all parking for events occur. This field has less than a 2% slope and is planted in cold season grasses.

However, the headlights of vehicles leaving the farm will strike about one quarter of the home opposite the applicant's farm on Shannon Run Rd. This is especially true during the winter, but will be less of an issue when the trees on that property are in leaf during the event season.

All music will be confined to inside the barn. Events will end by 10 PM on Fridays and 11 PM on Saturdays. All music will cease by 10 PM on event nights. There is a grass pad on the south side of the barn which is available for a tent with additional seating. All exterior barn lights above the doors are directed downward and only string lights will be allowed as extra lighting outside.

The owners seek to host primarily weddings as well as church and youth groups from April to October on select Fridays and Saturdays. More specifically, the owners seek conditional use for a total of 30 events during the April to October season.

Discussion at meeting based on decision tree

This will be a seasonal activity from April through October on Friday and Saturday which is 7 months or 28 weeks for a potential total of 56 events. But applicant is seeking approval for a total of 30 events.

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| 100 pts | 1. On an active farm |
| 20 pts | 2a. Distance from adjacent properties |
| 0 pts | 2b. Car lights will impact residence across the street from the farm entrance |

50 pts	3. Family member will be present during all events
20 pts	4. Property not under 10 acres
30 pts	5a. Distance to neighboring agricultural enterprise
20 pts	5b. Type of agricultural activities on adjacent properties
50 pts	6. Will be using local products through the contracted caterer
50 pts	7a. No water quality impact
25 pts	7b. There is a plan for managing storm water runoff
10 pts	8. Has liability insurance
10 pts	9. No visitors out of sight of owner
30 pts	10. There is a potential noise impact
0 pts.	11. Music allowed but only inside barn and ends by 10 PM
0 pts	12. Open bar available
30 pts	13.No lighting that will trespass on neighbors' homes
30 pts.	14. New structure built within last year but a classic barn
50 pts.	15. Clear plan for parking
525 pts	Total

Recommendation

The proposal will be forwarded to the Board of Adjustment with a point total of 525 pts and the following statement.

The recommendation of the AARC is that this proposal requires additional review by the Board of Adjustment for a conditional use permit based on the decision tree score. However, the AARC recommends approving the application with the following conditions in addition to those already agreed to and specified in the application (e.g, rental contract, insurance).

1. A total of 30 events permitted but a maximum of 8 would be allowed to have amplified music.
2. The neighbors on three sides (excluding Gaybourne which is not contiguous) are notified one week in advance of the scheduled events with amplified music.
3. Signage is placed at the entrance to the farm to indicate the location of the event.
4. Screening plants will be planted in 2017 and will be a mix of deciduous and evergreens in a double row planting.

Motion to approve by Lindy Huber, second by John Wilhoit. Voting in favor Garkovich, Huber, & Wilhoit. Voting against, Phillips.

Discussion overview

The distances to the neighbors are immutable. So it is not possible to accrue additional points for this major segment of the decision tree

A key concern is the noise impact on neighbors as well as livestock on adjacent properties (question 10). The guiding rational for question 10 on the decision tree is:

“The average noise level in rural/agricultural areas is lower than in an urban area and the “quiet” is a component of the “character” of rural areas. But it must also be acknowledged that agricultural activities can also produce noises from the operation of equipment. So, the issues with respect to noise are: Is the nature of the noise similar to or different from the noise that normally occurs in rural/agricultural areas? If not, will the noise associated with the activity be daily, seasonal or event-based? And, is it possible to buffer the noise? Noise diminishes the quality of life for neighbors, and so must be a factor in evaluating development proposals.”

For this applicant, it is not possible to increase the points scored to meet the automatic approval level. But the design of the site and the buffering by the owner suggest this would be an appropriate location for these types of events.

Based on the extended discussion, the AARC agreed to have a work session in January to see how we might tweak the decision tree to assure consistent and logical scoring to maximize agri-tourism opportunities for farm families in Woodford County while balancing the quality of life interests of rural neighbors.

