

Draft

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

The Goodhue County Planning Advisory Commission was called to order at 7:00 p.m. by Chair B. Overby in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Bernie Overby Dan Rechtzigel Tom Webster Richard Bauer
H. Stenerson Brandon Schafer Michael Wozniak

Absent: S. Blue L. Olson M. Patterson

¹Motioned by R. Bauer and seconded by B. Schafer to approve the October 19, 2009 agenda. Motion carried 5-0.

²Motioned by T. Webster and seconded by R. Bauer to approve the September 21, 2009 minutes. Motion carried 5-0.

H. Stenerson arrived.

STAFF UPDATES M. WOZNIAK GAVE UPDATE ON 5 YEAR COMP PLAN REPORT. MAY OR MAY NOT HAVE NOVEMBER MEETING, NO AGENDA ITEMS, MAY SEND OUT READING MATERIALS.

D. RECHTZIGEL ASKED IF DECEMBER PAC MEETING.

M. WOZNIAK SAID DEPENDS IF ITEMS.

B. OVERBY ASKED IF REPORT INSTEAD OF NOVEMBER MEETING. HE ALSO ASKED DO WE HAVE AG TOURISM IN COMP. PLAN.

M. WOZNIAK SAID REPORT FOR SURE, AG TOURISM NOT IN SPECIFIC LANGUAGE YET, SOME TIES IN ECONOMIC DEVELOPMENT SECTIONS.

B. OVERBY ASKED PAC IF NEED ANOTHER 2009 MEETING.

M. WOZNIAK EXPLAINED SCHEDULE.

CONFLICT/DISCLOSURE OF INTEREST

OLD BUSINESS:

NEW BUSINESS:

Summary

The Goodhue County Planning Advisory Commission is currently considering an amendment to the Goodhue County Zoning Ordinance that would accomplish the following:

- 1) Recognize "Farm Wineries" as a permitted land use within the County's A-1, A-and A-3 Zone Districts: and

Draft

**PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES**

- 2) Add performance standards and applicable permit requirements for Farm Wineries; and
- 3) To define “Agricultural Tourism” and to reference various agricultural tourism related uses as accessory to principal use of property for agriculture.
- 4) To establish permit requirements to regulate various activities or events associated with agricultural tourism related uses.

The Goodhue County Planning Advisory Commission considered this proposed zoning ordinance text amendment at its August 17, 2009 meeting and held a public hearing to receive comment. Warsaw Township and Cannon Falls Township Officials both offered comments that were generally supportive of the amendment. The County conducted a workshop and invited township officials to attend on September 21, 2009, so they could learn more about the proposed amendment and have an informal opportunity to ask questions and to offer ideas. Based upon input received during the September 21st workshop and additional staff research some adjustments to the draft ordinance amendment language have been reflected in the current “draft”.

Background

During the past couple of years Goodhue County has approved conditional use permits for “special events” to be held at a vineyard and for a proposed “farm winery”. In addition the County has received numerous inquiries from agricultural land owners asking about County requirements related to vineyards and wineries. Viticulture research conducted by the University of Minnesota has yielded cold hard varieties of grapes that have made it feasible to successfully grow grapes suitable for winemaking in Minnesota. Also, the topography and soil conditions found in Goodhue County offer the right conditions to for the growing of grapes.

The County specifically recognizes viticulture as a permitted agricultural use. The single farm winery that was approved by the County was reviewed as an agricultural related business through a conditional use permit process. Also, the approval to hold “special events” at the Cannon River Winery’s Vineyard was also authorized through a conditional use permit. The request to hold wedding ceremonies and/or receptions and like events was considered to be accessory to the principle use of the property as a vineyard.

The significant interest in viticulture among property owners in Goodhue County as well as the controversy that has been generated related to regulation and permitting of “special events” and “farm wineries” suggests that establishing more specific zoning requirements for these land uses would be beneficial.

Land Use Management Staff has conducted extensive research to examine various policies and regulatory approaches to appropriately govern wineries and associated agricultural tourism related activities or events. Examples of plans, policies and regulations from local governments throughout the United States as well as some Canadian jurisdictions were studied. In particular work done by the Michigan Agricultural Tourism Advisory Commission including a “Report of Recommendations – January 2007” and “Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provisions – January 2007” have been helpful in crafting an approach for dealing agricultural tourism related uses including farm wineries and related activities/events that may be most appropriate for Goodhue County. The Zoning Ordinance of Bigham Township, Leelanau County, MI, has also proven to be extremely valuable as an example for how to regulate

wineries and related events.

Agricultural Tourism is a growing segment of the regional economy and directly relates to land use decision making in Goodhue County. Land Use Management Staff have drafted a proposed Zoning Ordinance Text Amendment that would recognize farm wineries and various agricultural tourism related uses as either, permitted, permissible by conditional use or interim use permit, or as accessory uses that may require issuance of a zoning permit. This proposed amendment represents a new approach to dealing with a range of agriculture and agriculture related use. These proposed regulations would allow agriculturally property owners the opportunity to generate revenue through direct retail sales of agricultural products and value added products and through Agricultural Tourism and Non-Agricultural Uses associated with Agricultural Tourism. Some of the benefits to Goodhue County anticipated by allowing these various land uses to occur within the County's A-1, A-2 and A-3 Zone Districts include:

- Increased farm revenues through direct sales
- New agricultural crops and value production of value added products
- Jobs related to direct sales of agricultural products, value added agricultural products, the sale of associated products and agricultural tourism related activities
- Additional property tax base related to property improvements

Pages 3 through 11 of this document include various "draft" amendments to the Goodhue County Zoning Ordinance.

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

Amend **ARTICLE 10 (RULES AND DEFINITIONS)** to add the following definitions:

(these definitions will be inserted in alphabetical order and the various subdivisions (other definitions) will be renumbered accordingly:

Agricultural Tourism. Ag-tourism” and/or “agri-tourism” means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, vineyard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

Value-added agricultural product. This means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.

Agricultural product. Includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

Agricultural related products. Means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farms and agriculture in Goodhue County and value-added agricultural products and production on site.

Non-agricultural related products. Means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

Agricultural related use. Means activities that are accessory to principal use of the property for permissible agriculture use that predominantly use agricultural products, buildings or equipment including activities, events or uses that represent “agriculture tourism” in Goodhue County as defined in this section, including but not limited to:

- *Bakeries selling baked goods containing produce grown primarily on site*
- *Barn dances*
- *Corn mazes or straw bale mazes*
- *Educational events including but not limited to: activities associated with the promotion of wine usage, viticulture or viniculture classes, historical agricultural exhibits, and farming and food preserving classes.*
- *Gift shops for the sale of agricultural products and agriculturally related products.*
- *Petting farms, animal display, and pony rides*
- *Playgrounds or equipment typical of a school playground*

Draft

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

- *Pumpkin rolling*
- *Sleigh/hay rides*
- *Vineyard harvest festivals*

Non-agriculturally related uses. Means activities that are part of an agri tourism operation’s total offerings but not tied to farming or the farm’s buildings, equipment, fields, etc. Such non-agriculturally related uses include but are not limited to:

- *amusement rides*
- *art or cultural related festivals*
- *Gift shops for the sale of non-agricultural products, limited to 25 percent gross sales. non-profit benefits*
- *Kitchen facilities, processing/cooking items for sale (subject to State of Minnesota, Department of Public Health standards)*
- *temporary camping (subject to State of Minnesota Department of Public Health Standards for Recreation Camping)*
- *wedding ceremonies or receptions*
- *wine and catered food events*

Farm Market/On-Farm Market/Roadside Stand. Means the sale of agricultural products or value-added agricultural product at least 50% of which are produced in Goodhue County directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.

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Amend Article 4 (CONDITIONAL USES), SECTION 1, to read as follows:

SECTION 1. CONDITIONAL USES AND INTERIM USES

Within the unincorporated area of the County, all uses except permitted or accessory uses shall be required to obtain a conditional use permit *or an interim use permit* by the Board of County Commissioners. *An interim use permit may be used to in lieu of a conditional use permit to regulate various land use activities that the Board of County Commissioners at its sole discretion determines should be permitted for limited duration. Application submittal requirements and review procedures for interim use permits shall be the same as those of conditional use permits unless expressly stated otherwise in this Ordinance.*

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Amend ARTICLE 20 (A-1 AGRICULTURAL PROTECTION DISTRICT)

Amend Section 2 (PERMITTED USES), to replace Subd. 5 and add new Subd. 10 to read as follows:

Subd. 5. Direct marketing of produce in a Farm Market/On-Farm Market/Roadside Stand in a structure not to exceed 2400 square feet in area.

Draft

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

Subd. 10. Farm Wineries in buildings up to 30,000 square feet subject to approval of a zoning permit by the Zoning Administrator subject to approval of a zoning permit by the Zoning Administrator (see Article 11, Section 28).

Amend title of SECTION 3 to read as follows:

SECTION 3. CONDITIONAL USES AND INTERIM USES

Add new Subd. 21, Subd. 22 and Subd. 23 to read as follows:

Subd. 21. Non-Agricultural activities (as defined in Article 10)

Subd. 22. Direct marketing of produce in a Farm Market/On-Farm Market/Roadside Stand in a structure that exceeds 2400 square feet in area.

Subd. 23 Farm Wineries in buildings exceeding 30,000 square feet subject to approval of a zoning permit by the Zoning Administrator (see Article 11, Section 28).

Amend title of SECTION 4 to add the following text:

Accessory uses in the A-1 District shall included Agricultural Related Uses as defined in Article 10 of this ordinance subject to performance standards set forth in Article 11 of this Ordinance.

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Amend ARTICLE 21 (A-2 AGRICULTURAL DISTRICT)

Amend Section 2 (PERMITTED USES), to replace Subd. 5 and to add new Subd. 10 to read as follows:

Subd. 5. Direct marketing of produce in a Farm Market/On-Farm Market/Roadside Stand in a structure not to exceed 2400 square feet in area.

Subd. 10. Farm Wineries including Tastings Rooms in buildings up to 30,000 square feet subject to approval of a zoning permit by the Zoning Administrator (see Article 11, Section 28).

Amend title of SECTION 3 to read as follows:

SECTION 3. CONDITIONAL USES AND INTERIM USES

Add new Subd. 21, Subd. 22 and Subd. 23 to read as follows:

Subd. 21. Non-Agricultural activities (as defined in Article 10).

Subd. 22. Direct marketing of produce in a Farm Market/On-Farm Market/Roadside Stand in a

Draft

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

structure that exceeds 2400 square feet in area subject to approval of a zoning permit by the Zoning Administrator (see Article 11, Section 29).

Subd. 23 Farm Wineries including Tasting Rooms in buildings exceeding 30,000 square feet subject to approval of a zoning permit by the Zoning Administrator (see Article 11, Section 28).

Amend title of SECTION 4 to add the following text:

Accessory uses in the A-1 District shall included Agricultural Related Uses as defined in Article 10 of this ordinance subject to performance standards set forth in Article 11 of this Ordinance.

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Amend ARTICLE 22 (A-3 URBAN FRINGE DISTRICT)

Amend Section 2 (PERMITTED USES), to replace Subd. 4 add new Subd. 9 to read as follows:

Subd. 4 Direct marketing of produce in a Farm Market/On-farm market/roadside stand in a structure not to exceed 2400 square feet subject to approval of a zoning permit by the Zoning Administrator (see Article 11, Section 29).

Subd. 9. Farm Wineries including Tasting Rooms in buildings up to 30,000 square feet subject to approval of a zoning permit by the Zoning Administrator (see Article 11, Section 28).

Amend title of SECTION 3 to read as follows:

SECTION 3. CONDITIONAL USES AND INTERIM USES

Add new Subd. 22, Subd. 23 and Subd. 24 to read as follows:

Subd. 22. Non-Agricultural activities or events including but not limited to non-profit benefits, weddings, wine and catered food events, and vineyard harvest festivals that are accessory to farm wineries.

Subd. 23. Direct marketing of produce in a Farm Market/On-farm market/roadside stand in a structure that exceeds 2400 square feet in area subject to approval of a zoning permit by the Zoning Administrator (see Article 11, Section 29).

Subd. 24 Farm Wineries including Tasting Rooms in buildings exceeding 30,000 square feet (see Article 11, Section 28).

Insert new SECTION 4 to add the following text:

SECTION 4. ACCESSORY STRUCTURES AND USES

Accessory structures and uses customarily incidental to any of the above permitted uses shall be

Draft

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

permitted when located on the same property. Refer to Article 11, Section 5 for further regulations on Accessory Structures. Accessory uses in the A-1 District shall included Agricultural Related Uses as defined in Article 10 of this ordinance subject to performance standards set forth in Article 11 of this Ordinance.

Renumber Section 4 (to 5) and Section 5 (to 6).

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Amend Article 11 (Performance Standards) to add new SECTIONS 28, 29, and 30 to read as follows:

SECTION 28. FARM WINERIES

Subd. 1. Statement of Purpose. Wineries are welcomed by Goodhue County as appropriate farm activities. It is the intent of this section to promote local agriculture production by allowing construction of a farm winery with tasting room and retail sale of winery products in the A-1, A-2 and A-3 Zone Districts. It is also the intent of this section to encourage the growing of wine fruit and production of wine as an integral component of the rural and agricultural ambiance of Goodhue County and to maintain the viability of fruit farming through value added processing and direct sales of wine and wine related beverages made from locally grown fruit.

Subd. 2. Definitions

A. Farm winery. "Farm winery" is a winery operated by the owner of a Minnesota farm which produces table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota.

B. Wine. "Wine" is the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, sherry and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for non-industrial use. Wine does not include distilled spirits as defined in Minnesota Statutes.

C. Fortified wine. "Fortified wine" is wine to which brandy, or neutral grape spirits, has been added during or after fermentation resulting in a beverage containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use.

D. Table or sparkling wine. "Table or sparkling wine" is a beverage made without rectification or fortification and containing not more than 25 percent of alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey.

F. Distilled spirits. "Distilled spirits" is ethyl alcohol, hydrated oxide of ethyl, spirits of wine,

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

G. Tasting Room. A room in conjunction with a farm winery where:

- 1) Tasting of wine, fruit wines, and nonalcoholic fruit juices takes place at a charge or no charge to the individual; and*
- 2) The retail sales of winery products, incidental retail sales of non-food items, products by the bottle for off premises consumption and food items are allowed as provided herein. On premise consumption (wine by the glass) is also allowed.*

Subd. 3. Performance Standards.

A. Farm Wineries are permitted, provided:

- 1) The farm winery is licensed by the US Treasury, Bureau of Alcohol Tobacco & Firearms; and the State of Minnesota Department of Public Safety. In addition, the farm winery must operate in conformance with all applicable local, state and federal laws, rules, and ordinances.*
- 2) The minimum parcel size required to construct and operate a farm winery shall be ten (10) acres or the minimum parcel size required for the construction of a structure in the Zone District the property is located within, whichever is greater.*
- 3) The farm winery parcel shall have a minimum of two planted acres of fruit maintained pursuant to generally accepted management practices.*
- 4) The total land area covered by buildings and structures used for wine processing, storage and sales does not exceed two percent (2%) of the contiguous lot area. If the total land area covered by buildings and structures used for wine processing, storage and sales exceeds thirty thousand (30,000) square feet, the project is subject to approval of a conditional use permit.*
- 5) The above ground portion of any individual building shall not be greater than 20,000 square feet.*
- 6) All farm winery buildings shall comply with minimum yard setbacks for the zone district of the parcel. However, if the farm winery building is open to the public, that building shall be set back at least 100 feet from any lot line. To encourage the use of existing buildings, the setback requirements may be reduced to the other standards of the districts, subject to site plan review.*
- 7) Sales. Farm wineries licensed by the State of Minnesota operating in Goodhue County may sell, on the farm winery premises, of table, sparkling, or fortified wines produced by that farm winery at on-sale or off-sale, in retail, or wholesale lots in total quantities not in excess of 50,000 gallons in a calendar year, glassware, wine literature and accessories, cheese and cheese spreads, other wine-related food items, sale. A farm winery may provide samples of distilled spirits manufactured pursuant to Minnesota Statutes 340A.315 distilled spirits only through a licensed wholesaler. Samples of distilled spirits may not exceed 15 milliliters per variety.*
- 8) There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County.*

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

Parking areas must be a minimum of forty (40) feet from all property lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.

- 9) Outside, activities must be completed during daylight hours. Inside activities must be completed by 10:00 p.m.*

SECTION 29 AGRICULTURAL TOURISM ACCESSORY USES

Subd. 1. Agricultural related uses are permitted as accessory uses within the A-1, A-2 and A-3 Zone Districts subject to approval of a zoning permit by the Zoning Administrator. Evidence in the form of a site plan and description of the use must be provided to indicate compliance with the following standards and any other applicable requirements set forth in this Ordinance.

- A. Parking areas must be off-road, forty (40) feet from all lot lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.*
- B. The operator must have a written statement from the County Environmental Services indicating the maximum number of persons that can be accommodated with existing toilet facilities and additional portable toilets must be provided for any guests exceeding the aforementioned number.*
- C. Outside, activities must be completed during daylight hours. Inside activities must be completed by 10:00 p.m.*
- D. With the exception of hor'deuvres, snacks or products regularly produced on the premises, food provided for the activity must be prepared off site. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State or Local Standards.*

SECTION 30 FARM MARKET/ON-FARM MARKETS/ROADSIDE STANDS

Subd. 1. Farm Markets/On-Farm Markets/Roadside Stands in buildings up to 2400 square feet as permitted uses within the A-1, A-2 and A-3 zone districts are subject to approval of a zoning permit by the Zoning Administrator. Evidence in the form of a site plan and description of the use must be provided to indicate compliance with the following standards and any other applicable requirements set forth in this Ordinance. The site plan and description must at a minimum include the following:

- A. Plan drawn to an appropriate scale for effective interpretation.*
- B. Property boundaries, onsite parking areas and access roads.*
- C. Existing uses on adjacent properties and distance of dwellings within 500 feet of the property boundary.*
- D. Existing and proposed structures with maximum capacity of each building where guests have access as required to comply with building code and applicable fire*

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

safety requirements.

- E. Location of any existing or proposed wells or Subsurface Wastewater Treatments Systems (SSTS).*
- F. Location of temporary or permanent toilet facilities, which may be required.*
- G. A written description of the planned Farm Stand/On-Farm Market/Roadside Stand.*
- H. Proposed hours of operations and duration of operations if seasonal or temporary.*
- I. Anticipated number of vehicles trips per day.*
- J. Any proposed lighting or landscaping.*

Subd. 2. Performance Standards. In addition to compliance with all other applicable zoning ordinance requirements Farm Markets/On-Farm Markets/Roadside Stands in buildings up to 2400 square feet must meet the following performance standards

- 1) There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County. Parking areas must be a minimum of forty (40) feet from all property lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.*
- B. The operator must have a written statement from the County Environmental Services indicating the maximum number of persons that can be accommodated with existing toilet facilities and additional portable toilets must be provided for any guests exceeding the aforementioned number.*
- C. Outside, sales related activities must be completed during daylight hours. Inside activities must be completed by 10:00 p.m.*
- D. With the exception of hor'deurves, snacks or products regularly produced on the premises, food provided for sale must be prepared off site. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State or Local Standards.*

Subd. 3 Farm Markets/On-Farm Markets/Roadside Stands in building exceeding 2400 square feet as permitted uses within the A-1, A-2 and A-3 zone districts are subject to approval of a conditional use permit or interim use permit. In addition to submittal requirements set forth Article 4 (Conditional and Interim Uses), the following information must be provided with a conditional use permit or interim use permit application.

- A. Plan drawn to an appropriate scale for effective interpretation.*
- B. Property boundaries, onsite parking areas and access roads.*
- C. Existing uses on adjacent properties and distance of dwellings within 500 feet of the property boundary.*
- D. Existing and proposed structures with maximum capacity of each building where guests have access as required to comply with building code and applicable fire safety requirements.*
- E. Location of temporary or permanent toilet facilities, which may be required.*

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

- F. Location of any existing or proposed wells or Subsurface Wastewater Treatments Systems (SSTS).
- G. A written description of the proposed Farm Stand/On-Farm Market/Roadside Stand including a listing of products to be sold.
- H. Proposed hours of operations and duration of operations if seasonal or temporary.
- I. Anticipated number of vehicles trips per day.
- J. Proposed site lighting or landscaping.

Subd. 4 Performance Standards. In addition to all other applicable zoning ordinance requirements including but not limited to the review criteria (findings) included in Article 4, Section 5, the following items shall be considered by the Planning Advisory Commission and County Board when reviewing a Conditional Use Permit or Interim Use Permit Application:

- 2) *There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County. Parking areas must be a minimum of forty (40) feet from all property lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.*
- 3) *There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County.*
- 4) *All State of Minnesota and Goodhue County requirements related to Water and Subsurface Wastewater Treatment Systems must be met.*
- 5) *Outside, sales related activities must be completed during daylight hours. Inside activities must be completed by 10:00 p.m.*
- 6) *With the exception of hor'deuvres, snacks or products regularly produced on the premises, food provided for sale must be prepared off site.*
- 7) *The size of the maximum size of the Farm Stand/On-Farm Market/Roadside Stand at the sole discretion of the County based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate that there will be no unreasonable adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the County.*
- 8) *The County may require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.*

SECTION 31 NON-AGRICULTURALLY RELATED USES ASSOCIATED WITH AGRICULTURAL TOURISM

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

Subd. 1. Non-agriculturally related uses that are associated with Agricultural Tourism as defined in Article 10 (Definitions) may be permitted in the A-1, A-2, or A-3 Zone Districts subject to approval subject to approval of a zoning permit by the Zoning Administrator for up to two (2) events/activities per calendar year. The right to utilize property for more than two events/activities per calendar year is subject to approval of a conditional use permit or an interim use permit by the Board of County Commissioners. The following information must be provided with a zoning permit, interim use or conditional use permit: In addition to submittal requirements set forth Article 4 (Conditional and Interim Uses), the following information must be provided with a conditional use permit or interim use permit application.

- A. Plan drawn to an appropriate scale for effective interpretation.*
- B. Property boundaries, onsite parking areas and access roads.*
- C. Existing uses on adjacent properties and distance of dwellings within 500 feet of the property boundary.*
- D. Existing and proposed structures with maximum capacity of each building where guests have access as required to comply with building code and applicable fire safety requirements.*
- E. Location of temporary toilet facilities, which may be required.*
- F. Location of any existing or proposed wells or Subsurface Wastewater Treatments Systems (SSTS).*
- F. A written description of the planned activities providing including maximum number of guests/visitors.*
- G. Frequency and number of activities proposed in a calendar year.*
- H. Hours of Operation/Activity including set-up/clean-up for activities and events.*
- I. Maximum number of guests for any activity.*
- J. Proposed site lighting or landscaping.*
- K. Anticipated maximum number of vehicle trips per day.*

Subd. 2 Performance Standards. In addition to all other applicable zoning ordinance requirements including but not limited to the review criteria (findings) included in Article 4, Section 5, the following items shall be considered by the Planning Advisory Commission and County Board when reviewing a Conditional Use Permit or Interim Use Permit Application for various Non-Agricultural Uses associated with Agricultural Tourism.

- A. The size of the function and the number of expected guests on the property at one time shall be determined at the sole discretion of the County based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate that there will be no unreasonable adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the County.*

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

- B. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County. Parking areas must be a minimum of forty (40) feet from all property lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.*
- C. The County may require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.*
- D. All State of Minnesota and Goodhue County requirements related to Water and Subsurface Wastewater Treatment Systems must be met.*
- E. Outside, sales related activities must be completed during daylight hours. Inside activities must be completed by 10:00 p.m.*
- F. With the exception of hor'deurves, snacks or products regularly produced on the premises, food provided for sale must be prepared off site.*
- G. The maximum size of the Farm Stand/On-Farm Market/Roadside Stand shall be established at the sole discretion of the County based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate that there will be no unreasonable adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the County.*
- H. The County may require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.*
- I. The owner/operator will maintain a log of the activities occurring at the including activity/event dates, group identity, times and number of guests.*
- J. The site plan with the above written descriptions along with any condition added during Planning Advisory Commission and/or County Board review will become a part of any approved conditional use permit or interim use permit and will be recorded against the subject property.*

Discussion:

M. Wozniak gave summary. Started with updates since August 2009 PAC meeting, including September 21st workshop and document adjustments. Some things still warrant discussion and questions. Copies of current draft distributed for the audience. He noted page 3 of staff report for adjustment of items in categories from non-ag to ag-related uses, and vice versa to recognize uses. He explained current land use and addressing of items thru zoning and modernizing the standards of it over time since the 1970's. Returned to page 3 items, and explained ag related use. Weddings kept by staff as non-ag related on list although proposal made to become ag-related at workshop. Up to PAC for direction on that. Always things not covered by zoning, Ronstock example from 2008. What is included however on page 4, non-ag uses includes temporary camping. The State of MN. regulations says five tents or five RV's or more is camping, so has to stay under or go by state level oversight.

D. Rehtzigel asked if Ag-Related uses would be handled by office, non-Ag as CUP.

M. Wozniak said yes, exactly. Where to draw line on uses important. If landowner knows full intent they should get CUP first if needed.

D. Rehtzigel gave one day vineyard harvest festival example, why would we need to know, just have sheriff know, alluding to when to permit if serving wine.

B. Overby said harvesting of grapes takes a few weeks. Do they have them all as festivals, he thinks grapes like corn and just let them do their harvest.

M. Wozniak said lets distinguish the difference as harvest versus business venture in CUP or IUP process.

B. Overby asked if tasting when harvesting is ok.

M. Wozniak said maybe past product from another year.

D. Rehtzigel said for one time harvest no CUP, but if frequent CUP.

M. Wozniak said we can reference that in definition.

H. Stenerson said ok'ing one party versus another complex; distinguish catering versus tasting; tell them x number of events or above that number get a CUP.

M. Wozniak said we will get to that in language, up to 2 per year administratively, on Page 10 Section 31, subdiv. 1, trying to find a way if someone is doing one or two events that are not ongoing parts of an operation during a calendar year.

B. Overby asked how are we handling ag uses now.

M. Wozniak said 3 ways; one is for sales for farm produce is a provision of onsite farm produce language for temp farm stands. Two is listing for each of ag zones businesses intended to serve the ag community as another way as ag related. Three is as a home occupation in a building up to 2,000 square feet admin by staff and if over that by CUP. Allow many things now as home occupations.

B. Overby said getting back to ag; could someone build a lean-to and not talk to staff, are we getting more restrictive, thinks no to restrictions.

M. Wozniak said staff has identified broader language now.

H. Stenerson said everything tonight would lead to requiring a permit.

M. Wozniak noted what is ok as just permitted and what is threshold for some level of oversight with reasonable zoning standards is what PAC is here to consider. A lot of it could be an honor system.

H. Stenerson asked would they have to get a permit.

M. Wozniak said indicated as administrative permit or CUP.

B. Overby asked would that cost the applicant.

M. Wozniak said administrative land use permit /zoning permit is 50 dollars.

H. Stenerson asked about section 28.

M. Wozniak directed discussion to section 30. Up to PAC what you are comfortable with.

D. Rehtzigel said also if opening up house to guests need to know it is safe, like in barn dance situation, don't need it to collapse.

M. Wozniak said right, some minimal level of oversight.

B. Overby said it boils down to what you can do is ag-related and not have to come get a permit for. Have to allow as much as possible without a 50 dollar permit.

H. Stenerson said he does not want to adopt this and then have to make egg salesman who sales 5 dollars of eggs a week have to get permit.

M. Wozniak said that would not rise to enforcement level. Have to be careful of unexpected situations. Staff has received suggestions on word-smithing from some farm wineries for page 7 on definitions for farm wineries on para G subpara 2. language from MN State. Noted suggested change on language for tasting rooms as added sentence.

D. Rehtzigel asked if typo on page 4 section 20 subdiv 10 lack of tasting rooms in language in A-1 area, and another in subdiv 23.

M. Wozniak said yes, in err, will correct to make all same in all A-1,2,3.

C/B. Overby opened the discussion to public comments.

Lou Schmidt, Kenyon Township, several concerns. He said he takes a different path than Mike Wozniak on Zoning Ordinances about whether if not prohibited or covered by law actions are prohibited; either have it as statement or ordinance that says if it doesn't come under regulations then its prohibited or all ok, that prohibitive direction will make Land Use staff become a arbitrator in every dispute.

M. Wozniak asked do you have as suggestion.

L. Schmidt said make statement as described for or against zoning on prohibited uses.

M. Wozniak said it is explained now under each zone district.

L. Schmidt said it does not address everything else.

M. Wozniak said as the devils advocate and gave adult business example.

L. Schmidt said different. It is assumed down the line. Farm markets language taken from Michigan; also states uses by right, go there and not have permits, because under current definitions of road side stands that included a lot of people and small guys.

M. Wozniak said that is not what it is for, it covers for temporary sale of farm produce.

L. Schmidt said it does not say temporary. If this passes as is, direct sales farmers or 3 hog kid salesmen has to jump here six pages and comply with section 30.

M. Wozniak said current ordinance does not have it either.

L. Schmidt said we are both going in the same direction, study Michigans right to farm provision and leave it at that. Jump back and put in statement if not covered it is a permitted activity. Zoning cannot regulate everybody, sheriff covers noise and Environmental Health covers other items.

M. Wozniak and L. Schmidt agree about allowing more opportunities.

Scott Halverson said don't go after little guys, just prohibit things instead of oversight of all. Will older land uses be grandfathered in.

M. Wozniak said good judgement has to be used, if broadening land use then apply regulations, have to use judgement if happening after a long time.

S. Halverson said already needs building permit for expanding.

M. Wozniak explained building code occupancy, challenging with those situations with code and environmental health in expansions.

B.Overby clarified Halverson statement that just outline prohibited uses, then everything else is ok if it related.

M. Wozniak explained current land use standards and how challenges develop. Balancing act.

D. Rehtzigel said breakdown in rural Goodhue area about this is ag versus this is not ag and what should be allowed out there, purpose to make it clear for what is allowed out there. That is why County wants to allow and encourage and make it clear to everyone. Also fine line on adding land uses that may not fit.

M. Wozniak gave expo example on hunting preserve for alternate organization.

S. Halverson asked if permits would be done yearly.

M. Wozniak said land use/zoning for one or two per year, or CUP or Interim use with time limit like 5 years.

Larry Beckman, Warsaw Township, thought going to have to have written in level of people as permit factor so they don't get so big like 40,000 person event.

M. Wozniak said trying to find balance.

L. Schmidt asked if someone came in where would you show him in the ordinance where it is prohibited. If he goes and does it what would you charge him with.

M. Wozniak said misdemeanor.

L. Schmidt said he would like you to go the other way, under right to farm act, other events separate. Divide this out into 2 separate areas under right to farm. Circus, weddings, etc treated as amusement.

H. Stenerson asked L. Schmidt asked how do we decide what is farming.

L. Schmidt said show me where your definition of farm is.

B. Overby read definition in Goodhue Ordinance and read Michigan examples.

L. Schmidt said other issue happening is down in Wanamingo a road side stand for corn or whatever and between here and there find 15 more and won't be permitted across the board. If established ordinances, have to go proactive and enforce all in equal protection clause. Many businesses on his drive not regulated.

M. Wozniak said many situations dealt with over the last year. All of you are the eyes and ears for the county.

Schmidt said what definitions B. Overby read needs to happen without permits.

M. Wozniak asked L. Schmidt about hybrids of off site products and onsite products for sale versus onsite sales under temp conditions. Example of what we are trying to come up with to appropriately cover value added products.

L. Schmidt said appreciate that, some things already regulated by other agencies. Why go there if you don't have to.

D. Rehtzigel said over use of township roads is part of it. Talking about common things.

L. Schmidt said list them, or court challenge later. Gave turkey manure example on highway 56.

M. Wozniak said certain things are prohibited or make them cease and desist if found after start.

H. Stenerson said two separate things in broader concept. This item brings it all to the front. Well worth debating when time allows. Third direction is leave as is.

M. Wozniak said what can be helpful now is he would ask about the farm winery provisions in general as a topic.

B. Overby asked about winery versus growing corn.

M. Wozniak said vineyard ok, farm winery is permitted process. Recognize in agricultural use as viticulture.

B. Overby asked if it says here they can start vineyard without talking to staff.

M. Wozniak said in definitions in existing there already as viticulture as ag use.

D. Rehtzigel asked about proposed winery in Vasa Township, not CUP for vineyard but for winery under old not new and a building permit requirement.

Tom Swarda asked if small no need for permit, but a dollar threshold for permitting.

B. Overby agreed, no need for some for 50 dollar permit. Gave small direct sales examples.

D. Rehtzigel said if we are regulating, take on what we can handle.

H. Stenerson said we have to be careful. He farms and sales direct to customers. Intent of current ordinance has no rules against that, so does this change alter that. Concern is turning grapes into wine, or butchering turkeys into processed goods instead of raising them onsite for sales.

B. Overby agreed if it is not processed what is wrong with direct sales.

M. Wozniak said farm market examples with increases in people become usual complaints in rural area.

D. Rehtzigel said new ways of farming and different types of farming is part of recognition. Ag will stay on cutting edge.

L. Schmidt said have to tell people that sheriff handles traffic concerns not zoning.

H. Stenerson said most of these things will not be an issue, this talks about building a market or store, not walk in buyers of produce onsite. Separate thing, not seeing small things addressed or prohibited.

M. Wozniak said we could put in permissible clause for small operations without building structures. Some things like permanent store then lead to building codes.

B. Overby asked what can you do for temporary produce sales now.

M. Wozniak said temp stand is ok, if store front different.

D. Rehtzigel said if problems the building officials go out later. Some situations like barn dances could come up to.

L. Schmidt said section 30, page 8, somebody has to jump thru hoops to sell hogs as example.

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

M. Wozniak said all we have now is for temp produce stands.

L. Schmidt said along with Howards point. Defining on who makes the most money, if I stay in poverty then no permit.

M. Wozniak gave Ferndale Market example. PAC has to decide if that's ok everywhere.

L. Schmidt said it would come up with building permit when square footage comes up. What's the difference in examples of 20,000 square foot building for storage versus sales.

H. Stenerson said this is not regulating what is out to pasture, but if I put up a sign and gave public sales hours it would be different. Markets in facility different than storage of your product.

With no further public comment it was motioned by R. Bauer and seconded by T. Webster to close the public comments. Motioned carried 6-0.

M. Wozniak said timetable open, no pressure for PAC to decide now, let staff know.

D. Rehtzigel said good comments brought up about small operations not needing hurdles. Not our intention, if people move in on each other it protects against future land use litigation if permitted right. Look at other counties about small operations. Volume of people would be a trigger issue, what is the big thing we are worried about here is question.

M. Wozniak gave Cherry Grove Airpark Picnic and event example. Stores and also events and activities happen all over the place. Staff can continue to look at other examples and see what is just permitted without permits.

B. Overby said growing something without a building should be no cost or problem whatsoever, unless its marijuana.

H. Stenerson said all for adding small sales provisions. How do you decide ordinance side of language and how to define that.

T. Webster asked if we should be looking at this in concept of a farm. If putting special events on and related to what you are doing, agree with comment that was some enforcement available outside of the zoning office. If a corn maze got 40,000 people big not sure zoning should be the referee. Township and County Roads made to use, against trying to stop successful people after the fact. Not gung-ho on keeping down successful people. Wineries whole different animal, regulate similar to corn dryer, etc. Ask for permit to build it and regulated by state based on production. Feeling that PAC is trying to restrict successful people.

B. Schafer agreed, crossing of selling products and selling activities. Selling experience different after 50 dollar permit as threshold as separation and notice where ag ends and experience begins. USDA cares already, not county oversight responsibility for slaughtering hogs as example.

M. Wozniak gave intentions, not expecting county to be overtaken by these types of direct sales.

B. Overby asked if B. Schafer comments could re-write suggestions.

M. Wozniak said yes, challenge is where land uses and experiences mesh. Christmas tree and festival mesh example.

B. Overby said separate amusement from ag sales.

D. Rehtzigel asked if CUP for amusement. Where is CUP threshold. Not simple as black and white , things do mesh as you said.

B. Overby said define ag uses again.

M. Wozniak gave farm retreat CUP example of a mesh. Not all totally new.

B. Overby said dividing line of growing and sales. Determine how to handle that.

M. Wozniak gave Massachussetts examples of produce and tourism areas. Big farm stands and stores at farm markets, and other stuff from year round vendors.

H. Stenerson said it is a pendulum from when 20 to 30 years ago it swung from family to corporate farms now swinging back to lifestyle of family farm. Vineyard versus cornfield is 10 acres of grapes can provide a living. Small have to diversify and market by attracting public. Design ordinance separate from entertainment starts getting into where do you cross the line, distinction is, is the entertainment part of marketing or the primary use. Design ordinance to answer is it ok or not. Do we put right to farm ordinance in here. Problem is some kind of permit for everything.

R. Bauer said eliminate all people from permits except those who need entertainment to survive as amusement and retail with smaller group of people.

M. Wozniak said agree with Howards comment of not seeing pure examples of marketing versus entertainment.

B. Overby said re-write farm definitions from 40 acres language now.

H. Stenerson said this applies to sub-set of new types of ag operations that only need entertainment with marketing with small operations as intent.

B. Overby stressed that direct produce sales should not need permits.

R. Bauer said he thinks the same too.

M. Wozniak said we can move away from that, just focus on imported product sales, etc.

R. Bauer added about road and health issues.

B. Schafer said this came about from situational conflicts and mass customer events. We need to figure out how to address them.

H. Stenerson said farmers not a problem, shops create a whole new category when public brought in and health issues. Doesn't public need some protection then by rules. Talking about businesses not sales of a couple pigs or produce hand to hand.

- B. Overby said so what if he sales what he grows without a building.
- M. Wozniak said building code does not care about certain things, zoning does.
- R. Bauer said number of people going to site is important trigger for land use permitting.
- H. Stenerson said he cannot find things noted in ordinance if outside buildings. How do you decide how many people come, would staff audit.
- M. Wozniak said count sales if needed.
- H. Stenerson said as how he reads it, if 40,000 person corn maze without building could fall thru the cracks.
- M. Wozniak said raises a good point about interpretation, Cannon Falls Township made it clear at workshop corn mazes a no-go for ag. related. Staff can adjust report if he is hearing this all right. Is there a scale threshold issue for oversight and as T. Webster was saying we want success. It is a matter of what could later be a problem for us.
- D. Rechtzigel said approach in regards to non-ag as secondary uses. It is when those activities become primary then we move into a different process. Home grown ag products welcome, entertainment by disguise not promoted. Get buyers and sellers together is good intent, but not secondary to entertainment.
- M. Wozniak said set proper level of oversight, not increase bureaucracy. Some things that mesh are the challenge.
- H. Stenerson said is there a size to regulate on stands is the question. Pros and cons of regulating. Where to draw the line, helpful to make that decision.
- B. Schafer asked to kick around an idea, gave feedlot committee example, rural Goodhue at crossroads, and we should maybe have small committee to drive this.
- M. Wozniak said fine idea. Food for thought is that many of these things were historically a part of rural society and there was more entertainment in the rural area do to travel limitations and sales of produce too. Seeing a movement somewhat back to local now. Opportunities for niches for folks and trying to find right role for government in this.
- B. Overby said many cities have big farmers markets.
- R. Bauer said Zumbrota EDA encouraged Farmers Market. Big numbers not issue yet. Pretty low profile now, no worries yet.
- M. Wozniak said vendors follow people often, some rural sites would work too. He asked does PAC want this to come back or seek a committee.
- B. Overby said committee can work good, but is it necessary here. What does PAC think. Can Mike re-write this from tonight.
- M. Wozniak said yes, or either way. Sooner or later. Like to have something in place for next year.

Draft

PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
October 19, 2009 MEETING MINUTES

D. Rehtzigel said re-write and see what it looks like next month.

M. Wozniak said lets break off farm winery and get it done asap if PAC comfortable.

B. Overby asked where did size restrictions come from for farm wineries.

M. Wozniak said related to Bingham Township example in Michigan as best example staff found. Idea is to grow on property what you would sale as minimum. Building size was adopted as proposal as recognizable standard.

B. Schafer said home occupations lately may venture into things that really do not need consideration.

M. Wozniak said a lot of cities regulate home occupations and related percentage of house to distinguish it as residential versus business property. I agree 2,000 square feet comes up often.

B. Overby said majority of farmsteads demographic has changed a lot in last 10-20 years.

M. Wozniak said we hear a wide cross section of opinions on these matters.

R. Bauer said mixed use discussion in Zumbrota had many varied opinions.

M. Wozniak said we can bring this back in November.

H. Stenerson said it would be nice to have by next year. If Committee brought in they could focus, let us see how next month goes before going to Board to ask for committee. Or only bring back wineries and get that one issue resolved. Whole meeting next month for this again.

M. Wozniak said have been things for years.

³Motion by H. Stenerson seconded by B. Schafer to Table The Zoning Ordinance Text Amendment for Agricultural Tourism and Farm Wineries. Motion carried 6-0.

H.S. asked would County Board need to budget committee.

⁴Moved by D. Rehtzigel seconded by R. Bauer to adjourn the October 19, 2009 Planning Advisory Commission meeting at 21:24 p.m. Motion carried 6-0.

Respectfully Submitted,

Kelly Moriarty
Recording Secretary

MOTIONS

¹ APPROVE the October 19, 2009 agenda. Motion carried 5-0.

² APPROVE the September 21, 2009 minutes. Motion carried 5-0.

³ TABLE the Zoning Ordinance Text Amendment for Agricultural Tourism and Farm Wineries. Motion carried 6-0.

⁴ ADJOURN the September 21, 2009 Meeting at 21:24 hours. Motion carried 6-0.