

PLANNING ADVISORY COMMISSION  
GOODHUE COUNTY, MN  
November 16, 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 M. Patterson  
H. Stenerson Brandon Schafer Michael Wozniak S. Blue L. Olson

Absent:

<sup>1</sup>Motioned by D. Rechtzigel and seconded by R. Bauer to approve the November 16, 2009 agenda. Motion carried 7-0.

<sup>2</sup>Motioned by L. Olson and seconded by T. Webster to approve the October 19, 2009 minutes. Motion carried 8-0.

H. Stenerson arrived.

**STAFF UPDATES**

M. WOZNIAK STATED SPECIAL DECEMBER MEETING OPTIONS AND 2 SITUATIONS.

B. OVERBY ASKED PAC ABOUT DECEMBER.

D.RECHTZIGEL SAID IT DOESN'T MATTER TO HIM.

B. OVERBY ASKED ABOUT FINANCING.

M. WOZNIAK SAID MONEY A BOARD ISSUE, IN PAST OUT OF SEQUENCE MEETING S BEARED BY APPLICANTS.

B. OVERBY SAID THAT WOULD BE APPROPRIATE.

M. WOZNIAK SAID IF 2 APPLICANTS COST COULD BE SPLIT.

S. BLUE ASKED IF ACCEPTED IF COMPLET E APPLICATION BY FRIDAY.

K. MORIARTY AND M. WOZNIAK SAID YES, USUALLY AND WOULD WORK WITH APPLICANTS.

B. OVERBY HAD CONFLICT WITH 14<sup>TH</sup>.

L. OLSON SAID NO CONFLICT.

T. WEBSTER ASKED HOW MUCH DIFFERENCE IN TIME.

M. WOZNIAK GAVE TIME TABLES AND CHOICES.

B. OVEBRY ASKED IF ALL OK WITH A DECEMBER MEETING.

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ALL- OK FOR EITHER IF NOT OTHERWISE STATED.

B. OVERBY GAVE INTRO TO APPLAUSE OF DEPARTING PAC MEMBERS FOR 2009-2010.

M. WOZNAK EXPLAINED PLAQUES AND GAVE THANKS.

S. BLUE HAD GOING AWAY COMMENTS. SHE IS LOOKING FORWARD TO FUTURE WORK ON A-3 WITH COMMUNITY HELPING TO ACCOMPLISH THAT AND OTHER ITEMS. THANK YOU VERY MUCH.

M. PATTERSON HAD GOING AWAY COMMENTS AND THANKED BOARD FOR ALLOWING HIM TO SERVE A GOOD NINE YEARS, ENJOYED PROCESS. THANKS.

**CONFLICT/DISCLOSURE OF INTEREST**

**OLD BUSINESS:**

**NEW BUSINESS:**

B. Schafer arrived.

**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-2, and A-3 Zone Districts; and
- 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 21<sup>st</sup> workshop and additional staff research some adjustments to the draft ordinance amendment language**

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were considered at the October PAC Meeting. The PAC directed staff to revise the provisions related to Farm Markets/On Farm Market and Roadside Stands to eliminate requirements to obtain a Zoning Permit for such activities. Adjustments have been made to the current draft to allow Farm Markets/On Farm Market and Roadside Stands up to 2400 square feet without a zoning permit (over 2400 square feet would required a conditional or interim use permit). In addition staff has reduced the building size for farm wineries to 10,000 square feet by zoning permit with larger structures subject to a conditional use permit. Staff will further explain these revisions at the upcoming PAC Meeting.

### **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

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

**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*

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*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*
- *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.*

=====  
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

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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.*

=====  
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.*

*Subd. 10. Farm Wineries in buildings up to 10,000 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 structure that exceeds 2400 square feet in area.*

*Subd. 23. Farm Wineries in buildings exceeding 10,000 square feet (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.*

=====  
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.*

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*Subd. 10. Farm Wineries including Tastings Rooms in buildings up to 10,000 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 structure that exceeds 2400 square (see Article 11, Section 29).*

*Subd. 23 Farm Wineries including Tasting Rooms in buildings exceeding 10,000 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.*

=====  
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.*

*Subd. 9. Farm Wineries including Tasting Rooms in buildings up to 10,000 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.*

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*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 (see Article 11, Section 29).*

*Subd. 24 Farm Wineries including Tasting Rooms in buildings exceeding 10,000 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 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).

=====  
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*

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*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, 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 ten thousand (10,000) 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.*

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- 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. 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.*

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

*Subd. 1 Farm Markets/On-Farm Markets/Roadside Stands in buildings or structures 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.*
- 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. 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:*

- 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.*
- 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.*
- 3) All State of Minnesota and Goodhue County requirements related to Water and Subsurface Wastewater Treatment Systems must be met.*

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- 4) *Outside, sales related activities must be completed during daylight hours. Inside activities must be completed by 10:00 p.m.*
- 5) *With the exception of hor'deuvres, snacks or products regularly produced on the premises, food provided for sale must be prepared off site.*
- 6) *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.*
- 7) *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

*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.*

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- 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.*
- 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'deuvres, snacks or products regularly produced on the premises, food provided for sale must be prepared off site.*
- G. *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.*
- H. *The owner/operator will maintain a log of the activities occurring at the including activity/event dates, group identity, times and number of guests.*
- I. *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.*

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**DISCUSSION:**

M. Wozniak gave summary of changes since last meeting to report and text as per page 1 of report. He gave Ferndale Market example which needed a CUP before, but because of less than 2,400 square feet a business of that nature would not need that in the future. He noted threshold of 10,000 sq ft for farm wineries. He noted Drake Anderson example of 5,000 sq. ft. in past CUP. He mentioned a recent telephone call from Scott County reviewing Goodhue County's report so far. Open for questions.

B.Overby said page 9 of 11, B at bottom already N/A and redundant inadvertently. Page 11 C and G are the same, which eliminate.

M. Wozniak said eliminate G.

B.Overby said also on top of page 9 D comments.

D. Rehtzigel asked why wouldn't we allow catering, are we afraid it would turn into a restaurant.

M. Wozniak said that was the thinking, if you want to allow for food preparation we should write that in as permitted.

S. Blue said that would be a good discussion item. Good food handling practices are important, each quality event is something that brings a hundred people into your town. Tendency to look at ag- tourism as quasi-businesses, but look at all impacts to community as actual business.

H. Stenerson said we should look at food not at a Joe's restaurant, but apple pies at an orchard ok and Pac review them as case by case in CUP process. If they can come in and show that it works for their business, but only under CUP or necessary for marketing, not for restaurants.

S. Blue asked about inspections covered by food business, episodic for catering, there is need for oversight.

M. Wozniak said under administrative permits we do call out bakery or produce onsite, not all else, how far do we want to go.

S. Blue said language inadequate , trading occurs in apple orchards as example. Need oversight to keep it friendly to zone it occurs in.

B.Overby asked again about D and if put into CUP phrases in all sections.

D. Rehtzigel asked if restaurants would need a CUP in those zones.

M. Wozniak said we don't recognize restaurants now in agriculture zones. He gave Welch Ski Hill food service examples under Commercial Recreation. Golf courses if they came in for approval for a commercial kitchen, suspect approval as CUP. Don't list rest per say, how broad should we be with this.

H. Stenerson asked what if about kitchens under future circumstances.

M. Wozniak said not accounting for major food prep, just limited under ag uses and farm wineries. Not written for full food service or restaurants now. It could be changed.

B.Overby asked could they do it as written now.

M. Wozniak said no.

S.Blue asked do you want it catered episodically.

M.Wozniak gave Scott County Pizza Farm example.

B.Overby asked does anybody have apple orchards, should we allow full service menu out on the farm.

D. Rehtzigel stated CUP versus prohibited paths for oversight or not. Probably not prohibit outright.

B.Overby said agree put in all three areas of agriculture zoning text as option.

M. Wozniak asked are we talking about restaurants or onsite food preps like banquets.

D. Rehtzigel said like Pizza Farm example range of options.

S. Blue gave Vino in the Valley and pizza examples, getting common.

B.Overby asked R. Bauer what he thought.

R. Bauer said he was wondering how to phrase it as what percentage as part of income as oversight, small scale no objections , but over 100 people is a whole nother animal.

S. Blue gave existing regional examples in summer. Road issues for sure.

H. Stenerson motions to strike D about food prep off site. Section 3 page 6 state CUP and then add sentence in article ten that defines it.

M. Wozniak gave alternate wording to leave it open, but if subject to Cup we would have to speak to that.

H. Stenerson said in article 10 non-ag uses and read kitchens, etc. that would need Cup if prepping food and allowed on case by case basis.

B.Overby asked how would D now read.

M. Patterson said keep last sentence and delete first sentences completely.

B.Overby asked about hog roast example onsite for sandwich sales.

S. Blue said need CUP for that.

B.Overby asked about Hordevors or snacks.

M. Wozniak said referenced in farm wineries.

HS explained kitchens, etc.

M. Patterson noted page ten letter E for elimination.

M. Wozniak said appropriate and also subject to all applicable rules anyway. If they don't comply then it would be grounds for revocation of a future permit.

B.Overby asked about Kenyon hog roast example every year.

D. Rehtzigel said that is not a business example, it is a organization like churches.

D. Rehtzigel asked M. Wozniak are we talking about just businesses right, not community stuff.

M. Wozniak said right, challenge is what is out there not yet acknowledged in zoning, gave Welch Ski Hill wedding examples. Think we have to evaluate situations as they come up later.

S. Blue said a distraction for non-ag stuff that's recreation like paint ball and motocross.

M. Wozniak said we have Commercial-Recreation in zoning already, this a little more specific.

H. Stenerson said concern not over imposing, can go in and say only so many events per year though before triggering CUP.

D. Rehtzigel said use wording like sporadic versus continual instead of a number trigger.

M. Wozniak said if operations not on commercial basis then not subject to this anyway.

S. Blue said why a number trigger.

H. Stenerson said traffic concerns, etc. come into play to go through CUP process.

S. Blue said why is that not a Commercial-Recreational thing, but because its at an ag thing limit it, why not open it up to be a business.

M. Wozniak said as we have this written now, up to 2 non -ag events ok by admin zoning permit, but CUP if over that in current text. He was thinking that multiple events have more potential impact. Trying to work to comfort level here. Not necessarily new items.

B.Overby said not wanting large events every Saturday.

S. Blue said she disagrees and we do want that to occur to boost economy.

D. Rehtzigel said his biggest concern is lack of law enforcement and fire crews on call in rural examples. He had in mind safety issue of where are people best designed to have these events.

H. Stenerson said we aren't saying they can't have events just need to go through CUP process then, if occurring on a regular basis.

M. Wozniak used Afton Apple as common example. That place could accommodate 300 people, we would need CUP for that. He thought it will need thorough review to happen. Cannon River Winery Vineyard had thorough review.

D. Rehtzigel said maybe 2 event trigger too low, maybe 4 or 5 as trigger.

M. Wozniak said how that number developed in prior drafts.

B.Schafer said if admin at 2 its ok, not in ordinance that it's a ordinance rule, don't want variances arising later.

B.Overby restated again this is about 2 non-ag events.

S. Blue agrees to disagree. People buying land and planting grapes, buying local foods trend, etc, we are at the front of something.

B.Overby asked would this affect winery at 2 events.

M.Wozniak said permitting events for that, if holding catered events or wedding then subject to this, and if more than 2 CUP for other things.

HS addressed page 5 near the top under the bullets comments. The wording is a violation to the Constitution, we cannot regulate garbage disposal or such across state/municipal boundaries, re-phrase for technicality. Other thing is if land on boundary of different municipalities. Probably never come up.

B.Overby said what do we take out.

H. Stenerson said you cannot say produced in your state. Have to say produced by the owner or on the owners farm.

B.Overby said say on the premises.

L. Olson gave cantelope appraisal examples.

S. Blue gave Ellsworth,Wi. example.

H. Stenerson said trying to help local farmers sell product, need to identify intent to tell them we are helping them to sell a local product. Explain in Ordinance.

M. Wozniak said ordinance now has same issue about temp sale language now.

M. Patterson said Hwy 52 example approval in past.

D. Rehtzigel said in rules and definitions note definition plainly.

S. Blue gave Stillwater example.

M. Wozniak re-mentioned definition. Asked is it ok for small landowner farm market without business associations.

B.Overby had no problem with that.

S. Blue asked if in definition, affects other things in Goodhue County.

M. Wozniak said in this draft up to 2,400 square feet no CUP, if over CUP or IUP.

S. Blue gave text limitation, will not matter though in CUP correct.

M. Wozniak said now only provisions for temp sales of produce or tree farms. This text would allow more than currently referenced in the zoning. We have referenced businesses that serve agricultural community like Ferndale Market.

S. Blue said a lot of agriculture going in this direction. Trying to keep lid on it will be hard. If you define farm market and they come in and don't meet criteria, is that 50 percent in pounds or in gross sales.

M. Wozniak asked should 50 percent go- wording be eliminated.

All sad yes.....

D. Rehtzigel gave re-wording.

M. Patterson said strike middle part (at least 50 percent in Goodhue County).

H. Stenerson asked about addressing non-agricultural uses for CUP anyways, do we want limit on.

D. Rehtzigel asked do you want to be studying receipts Mike.

M. Wozniak said no, oversight of non-agriculture by intent would lead to CUP then.

S. Blue asked what whole point here to protect traditional agriculture, but add non- traditional agricultural uses. But not as far as Door County.

B.Overby said do they do anything.

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S. Blue said cherries and other things, cranberry fests, etc. with direct to consumer events.

M. Wozniak said this is all about reviewing area land uses in broader terms.

S. Blue said with an eye on safety.

B.Overby said we could get a heck of a lot of complaints.

L. Olson said life changes and people need to move forward. Would like traffic on Hwy 52 back the way he knew it when he moved there, but things get busy as time goes on. That's the way it works.

H. Stenerson said retain some form of historical agricultural flavor in the county.

D. Rehtzigel said trying to strike a balance here.

M. Wozniak said if board adopts we will find the bugs and then we'll fix and adjust, not perfect, but a good thing to let folks use their property and bring money into Goodhue County. Asked PAC if any other points.

H. Stenerson asked on page 9 of 11 setbacks item A parking, do we need that number of 40 feet and let CUP decide later.

M. Wozniak said from other example used. The 40 feet could logically provide separation from noise and dust. We don't have any driveway setback or parking standards. It is up to PAC if appropriate or not.

H. Stenerson asked if parking in other ordinances.

M. Wozniak said lax in other articles, site plan reviews in building permits and staff reviews currently with parking spot number standards.

M. Patterson does not have issue with that.

M. Wozniak said most rural properties will have enough room so that's not an issue.

H. Stenerson said last time versus now change. CUP for CUP, building permits for smaller operations, but not CUP.

M. Wozniak asked are we talking about agricultural uses on page 4 of 11. Good point. Right now we are saying bakeries selling baked goods, nixing onsite, etc. and in the agriculture related area we are saying it requires an admin zoning permit due to basic standards they need to meet.

B.Overby said if agriculturally related they do not need permit in his opinion. Would hay ride need that.

M. Wozniak said if a popular corn maze is made, some level of oversight may seem appropriate. Hard thing is if you want performance standards, but no permitting, then it is hard to educate landowners of what standard applies. If for profit they would need to permit.

D. Rehtzigel said if only doing 2 it could get admin ok'd even for profit.

M. Wozniak said yes.

H. Stenerson said he is confused. Doesn't need permit for corn changing to soybeans in fields, what is difference in accepted or permitted use versus CUP use.

M. Wozniak said mining listed as permitted under certain amount and as CUP above that amount.

H. Stenerson said we have this broke out as permitted uses or CUP , but no fees noted.

M. Wozniak said function of Board for fee schedule, 50 dollars for admin land use permit now.

H. Stenerson asked if he would need permits for certain things and not others and offered numbers.

M. Wozniak said tell staff what you are comfortable with.

H. Stenerson asked 2 corn mazes a year, or 2 days a year, or what.

B.Overby asked what does PAC think. Is it alright for public hearing.

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

Lou Schmidt, Kenyon Township, happy to see changes since last months report. He still has a problem with wording of structure of size at 2,400 square feet versus 10,000 square feet operation is an issue. Hog building issue example given, adopt language that relates to retail sales specifically.

M. Wozniak said we would not want to preclude that example from happening, defined retail space to specify.

D. Rehtzigel said in page 5 in section 20 add retail ahead of structure.

L. Schmidt said he does not want retail sales with onsite farm sales confused down the road.

B.Overby said if adding to A-1 language, then also A-2 and A-3 retail wording.

*With no further public comment it was motioned by L.Olson and seconded by S. Blue to close the public comments. Motioned carried 9-0.*

H. Stenerson said staff should retype and PAC vote at later meeting after seeing new version of text.

D. Rehtzigel and B.Overby agreed to redraft then vote.

H.Stenerson said table to next meeting.

<sup>3</sup>*Motion by H. Stenerson seconded by L. Olson to Table The Zoning Ordinance Text Amendment for Agricultural Tourism and Farm Wineries. Motion carried 9-0.*

<sup>4</sup>*Moved by S. Blue seconded by M. Patterson to adjourn the November 16, 2009 Planning Advisory Commission meeting at 20:24 p.m. Motion carried 9-0.*

Respectfully Submitted,

Kelly Moriarty  
Recording Secretary

MOTIONS

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<sup>1</sup> APPROVE the November 16, 2009 agenda. Motion carried 7-0.

<sup>2</sup> APPROVE the October 19, 2009 minutes. Motion carried 8-0.

<sup>3</sup> TABLE the Zoning Ordinance Text Amendment for Agricultural Tourism and Farm Wineries. Motion carried 9-0.

<sup>4</sup> ADJOURN the November 16, 2009 Meeting at 20:24 hours. Motion carried 9-0.