

SHERBURNE C O U N T Y



*Sherburne County
Planning Advisory Commission Meeting Minutes
April 20, 2023
6:00pm*

The Sherburne County Planning Advisory Committee met in the Board Room at the Sherburne County Government Center in Elk River, Minnesota on April 20, 2023, to hold a public hearing for all unincorporated areas of Sherburne County in which the County has zoning and land use authority, along with the Township of Big Lake and the Township of Livonia, to consider the evening's agenda and other planning and zoning related topics.

Adams called the meeting to order, and roll was taken.

The following members were present:

Chair, Brian Adams, Orrock Township; Vice Chair, Bruce Aubol, Big Lake Township; Terrance Vandereyk, Clear Lake Township; Steve Demeules, Palmer Township; Francine Larson, Blue Hill Township; Butch Hass, Livonia Township; Kathi Sims-Kosloski, Haven Township; David Jehoich, Santiago Township, Gary Gray, County Commissioner

The following staff members were present:

Lynn Waytashek, Zoning Administrator; Marc Schneider, Senior Planner; Carrie Winter, Secretary.

Adams stated that the meeting was being recorded. Adams added that the Planning Commission is a recommending body. These items heard tonight at the Planning Commission Public Hearing will be heard by the County Board of Commissioners on May 16th, 2023, at 9:00am.

Demeules made a motion to approve the minutes from the March 16, 2023, Public Hearing. Larson seconded. Motion carried and the minutes were approved for the March 16, 2023, Public Hearing.

Aubol made a motion to approve the Public Hearing Agenda for April 20, 2023. Jehoich seconded. The motion carried and the Public Hearing Agenda for April 20, 2023, was approved.

Agenda:

1. **Carol and Anthony Zimmerman** Requesting a Conditional Use Permit for a Farm Related Business, Small Winery
2. **Subdivision Ordinance Amendment** Section 11. General Regulations, Subdivision 4. Buildable Lot Standards
3. **Comprehensive Land Use Plan Policy Discussion**

Agenda Item #1-6:01pm

Carol and Anthony Zimmerman Requesting a Conditional Use Permit for a Farm Related Business, Small Winery

PID 45-021-2405 Address: 15913 41st Street Becker, Sec 21, Santiago Township on 5 acres in the Agricultural District

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the Board Packet, Attachments and Comments.

PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Written Description of Business
- C. Site Plan
- D. State and Federal License Provide by Applicant
- E. Copies of Alcohol and Tobacco Tax Trade Bureau (TTB), Food and Drug Administration (FDA) and Certificate of Label Approval (COLA) approvals
- F. Liquor Liability Insurance
- G. On-Site Photos

SANTIAGO TOWNSHIP: (received February 12, 2023) Recommended approval of the CUP unanimously all favorable comment.

1. The applicant is requesting a Conditional Use Permit for a Farm Related Business to establish a small outdoor Farm Winery on their 5-acre parcel, in Santiago Township. This property is within the Agricultural Zoning District and is assessed as Residential. Farm Related Business are allowed in the Agricultural Zoning District with a CUP from the County.
2. This is a unique request; the Zoning Department has never processed a Farm Related Business CUP for a Farm Winery. The applicant reviewed the County’s Zoning Ordinance and felt that a Farm-Related Business (per Sec. 16. (Conditional Uses), Subd. 2.8, A.3) fit their proposed business.
3. The Zoning Ordinance provides that a business is primarily farm related if it meets one or more of the following criteria:
 - a. The business provides a repair or maintenance service for equipment unique and necessary to agricultural operations.
 - b. The business produces a product or involves a process that utilizes locally grown or produced commodities.
 - c. The business involves sales and/or purchasing of products of the local agricultural economy or of goods unique and necessary to agricultural operations.
4. The proposed business may qualify as a farm-related business under the Zoning Ordinance as long as the business is limited to selling wine, cider and similar products produced on the property and as long as the product utilizes locally grown agricultural commodities.
5. The applicant’s written description states they intend to use fruits grown on their property to make wine and cider beer. They are planning to expand the amount of fruit grown on their property to support this business, but they have indicated they may need to supplement their produce with purchased juice to make wine.

6. To qualify as a farm related business, the applicant may not resell wine, cider or other products that are not produced on the property or are not locally grown agricultural commodities.
7. The applicant intends to allow their guest to utilize their yard and 20'x30' open-air pavilion to sample and sell wine made under their farm related business CUP.
8. Guests will not have access to indoor bathrooms. The applicant will use temporary toilets for guests, which will be located west of the existing accessory building.
9. Guests will not have access to the residential house located on this property. Guest are only allowed in the designated areas identified on the site plan provided by the applicant (Packet Attachment D).
10. No live or amplified music is proposed or will be permitted by the conditions of this permit.
11. The applicant has proposed to operate this business a limited number of weekends during the year. They are requesting to be open 2 weekends a month (first and third weekends) from Memorial Day through the first weekend in October. Hours would be 12:00 pm - 6:00 pm on Fridays and Saturdays and 12:00 pm to 5:00 pm on Sundays.
12. The parking area designated by the applicant provides space for 20 vehicles. No parking will be permitted on the street or the road right of way.
13. The applicant has provided the approvals they have obtained from the TTB (Alcohol and Tobacco Tax Trade Bureau) to make wine as well as the FDA (Food and Drug Administration) and COLAs (Certificate of Label Approval) (see Board Packet Attachment F).
14. Before any on-sale or off-sale distribution of liquor can occur at this property the applicants must apply for and obtain a County Liquor License through the County Auditor/Treasurer Office. The applicant will also need to obtain a Farm Winery License from the State of Minnesota.
15. Under State law, a Farm Winery is "a winery operated by the owner of a Minnesota farm and producing 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." To obtain a State License for a Farm Winery operators must be located on land that is agricultural classified, zone or under a conditional use permit.
16. The applicant should provide copies of State and local liquor licenses to the Planning and Zoning Department prior to opening to the public.
17. The applicant has been put in contact with Auditor/Treasurer staff and been provided with an outline of the process of obtaining a license. If the County Board chooses to approve this CUP, the applicant will not be able to operate until they obtain the license described above.

RECOMMENDED CONDITIONS IF APPROVED:

1. This Conditional Use Permit (CUP) is for the sole operation of a Farm Related Business for the purpose of making and engaging in on-site and off-site liquor sales for products produced on the property using locally grown or produced agricultural commodities.
2. This CUP does not grant authority to this property to be utilized as a venue for Occasional Special Events, Rural Tourism (weddings or events) or similar uses in the County's Zoning Ordinance as those uses require separate permits from the County.
3. This CUP does not grant authority to sell or resell wine, cider or other, including any food or food products that are not produced on the property or are not locally grown agricultural commodities.
4. Prior to engaging in on-site or off-site liquor sales under this CUP, the applicant must notify the Planning and Zoning Office Department by email zoning@co.sherburne.mn.us and provide a copy of their Minnesota Farm Winery License and the Sherburne County Liquor License.

5. All farm related business activities must be limited to the “winery” and “parking” areas identified on the site plan included with the application and as Packet Attachment C.
6. There shall be no more than 40 people at the property at any given time.
7. All customer parking must be limited to the parking area identified on the site plan (Packet Attachment C). No parking is permitted on 41st Street SE. No more than 20 customer vehicles are permitted on-site at any time.
8. Days and hours of operation shall be: two weekends a month (first and third weekend) Memorial Day weekend through the first weekend in October. Permitted hours of operation are 12:00 pm - 6:00 pm on Fridays and Saturdays and 12:00 pm to 5:00 pm on Sundays.
9. Any outdoor lighting must be limited to those areas marked as “winery” “parking” or the sanitary services identified on the site plan and must not be directed toward neighboring properties.
10. No live or amplified music is permitted on the property as part of the farm related business or during the hours of operation permitted by this CUP.
11. Adequate sanitary services shall be made available to anyone using this property. Sanitation services shall be located on the area marked on the site plan. A copy of the service contract shall be provided to the County, if requested.
12. The existing house and accessory structures shall not be used by guests in connection with the activities permitted by this CUP. The only building permitted for use by the public is the 20’x30’ (600 sq. ft.) open air pavilion in the location identified on the site plan.
13. There may be one non-illuminated sign totaling no more than 12 sq. ft. in size located on the property, but outside of the public right-of-way.
14. There may be no employees other than residents of the property.
15. The property owner shall permit the County to inspect the property during normal business hours.
16. The owner will maintain a log of the activities occurring on-site that includes dates, times and number of guests are on site and make available to the Planning and Zoning Office if requested.
17. The applicant shall maintain compliance with all local, state and federal laws.
18. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the CUP.

Planning Commission Discussion:

Demeules asked about the Condition that states that the wine produced on site must be made with local produce and the comment that the wine will be produced with not only locally grown produce, but purchased juice, etc. For the wine to be considered produced with only locally grown produce, is this based on percentage of ingredients or must all of it be locally grown?

Schneider stated that the Ordinance states that it must be local commodities. It doesn’t have to be solely produced on the property of the applicant. Minnesota State Statute did have a percentage requirement at one time, but that has since been removed. Under state law, a winery operated by the owner...with a majority of the ingredients produced in Minnesota. This is different than County Ordinance which uses the term locally grown.

Waytashek clarified that the wine needs to be produced on the property as well as the Cider, even if the ingredients are purchased elsewhere.

Schneider confirmed that the recommended Condition #3 states:

“This CUP does not grant authority to sell or resell wine, cider or other, including any food or food products that are not produced on the property or are not locally grown agricultural commodities.”

Hass stated that based off of his experience and driving past the property, the applicant will have a hard time growing grapes, apples, etc. do they know what percentage they will be able to grow on site?

Carol Zimmerman and Anthony Zimmerman, 15913 41st SE, Becker came forward as the applicants. Carol stated that as far as the grown fruit, Schneider had told her today that this was to be 50% grown on site. They will be very small, only in the summer, only twice a month. Years ago, she started experimenting with things in her large garden and she first started making wine with rhubarb. She has been making wine for 5 years for friends and family. As far as how many people will be there, she doesn't know. She had to do a certificate of liability and in that process the insurance person asked how much money she would be making on the weekend. She doesn't know how many to expect, she knows that there is a maximum of 40 people and 20 cars in the parking area. She has some wine made now, but she doesn't know how much she will need.

Anthony Zimmerman addressed the comment about the grapes; they are working with neighbors near them who have more land and more sun exposure to grow grapes.

Adams asked if more than the grapes are used to make the wine.

Carol Zimmerman stated that for the cider she uses her apples, pears, rhubarb and berries.

Schneider added that previous legislation stated that 51% of the ingredients needed to be locally grown, whereas new State rules state that it's a majority of ingredients should be grown or produced in Minnesota. The local Ordinance states that ingredients must be locally sourced.

Carol Zimmerman stated that Norms is just down the road from them and sells a ton of things, they are thinking farmers markets, etc. (to get additional ingredients).

Adams asked the applicant if she understands and can abide by the (18) recommended Conditions.

Both Anthony and Carol Zimmerman confirmed.

Adams asked about Condition #14 regarding no outside employees, however the applicant is proposing that family and friends help on the weekends.

Waytashek added that the applicant stated that they drank the wine with family and friends, not that they would be helping.

Carol Zimmerman has told family and friends that they are not paying them for anything as she has no idea if this will even be profitable.

Anthony Zimmerman said that they are not planning on any employees.

Adams asked if they are just helping and not being paid, is that different?

Schneider added that with the local liquor license, this requires background check, etc. for anyone who is serving on site.

Adams stated that he is amazed at the number of hoops that need to be jumped through to start a winery and congratulated the applicant for completing the steps.

Carol Zimmerman added that she made it through the process, and if she knew then what she knows now she may have just kept it at the friends and family level.

Vandereyk asked if she has any idea of how many liters or gallons will be produced.

Carol Zimmerman stated that there is a maximum that can be produced and that is a lot more than she could ever make.

Vandereyk asked what is a lot?

Anthony Zimmerman said that he thinks it's about 6,000 gallons.

Schneider added that previous legislation was 5,000 and this has been modified.

Vandereyk added that if they are proposing up to 40 people, twice a month.

Zimmerman corrected that it's only for the summer.

Vandereyk stated that this is still quite a volume of wine.

Zimmerman stated that she makes 6 gallons at a time.

Schneider added that the amount of wine to not be exceeded is 75,000 gallons rather than the 5,000 previously stated, which is for distilled liquor.

Vandereyk stated that he has an associate that can produce 250 gallons on a half-acre vineyard in a good year and with the expected crowds, this is not a lot of wine.

Carol Zimmerman stated that 6 gallons is about 30 bottles, and she will have 2-3 carboys going at a time and the cider bear which is served in 22 oz bottles. Maybe she can't make enough.

Anthony Zimmerman stated that they are looking at 32-34 days for the season.

Aubol stated that the only difference that he sees here is that people often do this without approvals, but the Zimmerman's don't have a lot of answers because they are getting their approvals first.

Anthony Zimmerman stated that the amount of money that they have spent in the certifications and liquor liability, especially at the State and Federal Level is eye opening.

Carol Zimmerman added that she first had to get the liquor liability license.

Aubol replied that he understands how they don't know the level of success because they haven't started yet.

Hass stated that he too makes wine and if Zimmerman makes 30 bottles of wine, this is a lot of wine. So, say that she does 50 gallons a month and that is a lot of wine for 2 weekends. In his opinion, this seems more fitting than the application that was approved on Briggs Lake.

Gray stated that there are 18 recommended Conditions, and this is a great amount of them. How will this be enforced by the County especially if this is taking place on the weekends? This is on a 5-acre parcel, which is zoned Agricultural but to him is more of a residential area.

Schneider stated that he has visited sites on the weekends after receiving a message from a previous Commissioner. The Conditions are lengthy because we need to have boundaries for the applicant to lie within and to be enforced.

Gray stated that the understands this and wants to know the plan for enforcement.

Schneider stated the number of Conditions helps with enforcement.

Waytashek added that they have a lovely website and the website states that over Memorial Day weekend the site will be opened on Friday, Saturday, Sunday and Monday, the recommended Conditions on the permit are only Friday, Saturday and Sunday.

Carol Zimmerman stated that her daughter created the website and has not been available to help with changes to the website. Originally, she had Monday-Friday 8-5 which is overzealous. They will make changes.

Waytashek then stated that the CUP hours are and the website as Friday, Saturday and Sunday and the recommended Conditions say these hours for Friday and Saturday, but on Sunday, the hours are to be 12-5.

Carol Zimmerman agreed.

Waytashek asked how they will handle it if too many people show up?

Anthony Zimmerman replied that they will have to police it.

Waytashek stated that the concern is that they are in a residential area, and on the weekends the neighbors will be home and we want to be respectful of them to reduce conflicts as best as we can.

Both Anthony and Carol Zimmerman agreed.

Waytashek stated that neighbors are good about letting the County know if there are concerns.

Schneider added that the benefit of a log is also for the applicant so they can keep track of who is there and this assists in responding to concerns. Many of the Conditions are as requested.

Sims asked why this is a CUP and not an IUP?

Schneider stated he is unsure of the justification of this, but it's set as this in the Ordinance and cannot be changed.

Sims added that a CUP stays with the property.

Schneider confirmed that a CUP is good unless revoked later by the County so the Conditions will assist in making things clear for any future owners.

Demeules said that the application says that they will allow guests to sample the wine and buy it. Will you be set up like a bar where people will be continually drinking?

Anthony Zimmerman stated that with their liquor license they will be serving glasses of wine.

Schneider confirmed that staff interpreted the application in this way as well; that they would be serving wine on site; not just sampling and that the liquor license will allow for on and off-sale.

Adams opened the Public Hearing.

Pam Price 15597 41st St, she lives at the end of the Cul-de-Sac, and She said that this is a great thing that the Zimmerman's are doing, but she does have concerns. She moved there 24 years ago and wanted quiet. She is concerned that this will add extra traffic, and especially as this will take place on the weekends when more people are out and about and going up and down the road. How will this affect their residential community.

Daniel Beaving, 15679 41st St Becker came forward and said that they feel comfortable with the small volume of wine and that this will be just fine.

Sarah Beaving, 15679 41st St Becker came forward and said that she has known Tony for the last 25 years, she has also been helping Carol make wine. She doesn't see anything that would cause harm to the neighborhood. This would bring positivity and allow people to come out and enjoy themselves on the weekends.

Hallie Neu, 15851 41st St, Becker came forward and they moved in 2 years ago. She said that the Zimmerman's are very courteous and respectful as neighbors, and they will be the first to take care of any issues that arise. She has no concerns.

Demeules made a motion to close the Public Hearing. Sims seconded.

The motion carried and the Public Hearing was closed.

Adams asked the applicant if they have a response on the traffic issues.

Anthony Zimmerman stated that if they do reach the 20-car mark and this becomes an issue, then it will be addressed then. This will be an addition to the neighborhood, and he asks that everyone tries to give it a chance. All of the parking is expected to be on the property

Adams asked if Zimmerman is aware of the potential issue?

Anthony Zimmerman confirmed and added that this is about the only issue that they can foresee.

Schneider asked how long the Zimmerman's have lived there.

Anthony Zimmerman stated that he built the home in 1999 and moved in in 2000 and he has seen neighbors come and go.

Waytashek asked if the Zimmerman's have talked with any of their neighbors who reside next to them and what are their feelings?

Anthony Zimmerman stated that Michael and Allie Neu are on the West Side and Michael and Jody Boughton are on the East, then across the road are Andy and Laurel Trisko and they have spoken with them many times. In fact, they talked with these groups before they pursued this.

Hass stated that he would like to give this a chance. Hass made a motion to recommend approval of the CUP for Farm Related Business-Small Winery, with the (18) recommended Conditions and Findings of Fact. Jehoich seconded.

Conditions:

1. This Conditional Use Permit (CUP) is for the sole operation of a Farm Related Business for the purpose of making and engaging in on-site and off-site liquor sales for products produced on the property using locally grown or produced agricultural commodities.
2. This CUP does not grant authority to this property to be utilized as a venue for Occasional Special Events, Rural Tourism (weddings or events) or similar uses in the County's Zoning Ordinance as those uses require separate permits from the County.
3. This CUP does not grant authority to sell or resell wine, cider or other, including any food or food products that are not produced on the property or are not locally grown agricultural commodities.
4. Prior to engaging in on-site or off-site liquor sales under this CUP, the applicant must notify the Planning and Zoning Office Department by email zoning@co.sherburne.mn.us and provide a copy of their Minnesota Farm Winery License and the Sherburne County Liquor License.
5. All farm related business activities must be limited to the "winery" and "parking" areas identified on the site plan included with the application and as Packet Attachment C.
6. There shall be no more than 40 people at the property at any given time.

7. All customer parking must be limited to the parking area identified on the site plan (Packet Attachment C). No parking is permitted on 41st Street SE. No more than 20 customer vehicles are permitted on-site at any time.
8. Days and hours of operation shall be: two weekends a month (first and third weekend) Memorial Day weekend through the first weekend in October. Permitted hours of operation are 12:00 pm - 6:00 pm on Fridays and Saturdays and 12:00 pm to 5:00 pm on Sundays.
9. Any outdoor lighting must be limited to those areas marked as “winery” “parking” or the sanitary services identified on the site plan and must not be directed toward neighboring properties.
10. No live or amplified music is permitted on the property as part of the farm related business or during the hours of operation permitted by this CUP.
11. Adequate sanitary services shall be made available to anyone using this property. Sanitation services shall be located on the area marked on the site plan. A copy of the service contract shall be provided to the County, if requested.
12. The existing house and accessory structures shall not be used by guests in connection with the activities permitted by this CUP. The only building permitted for use by the public is the 20’x30’ (600 sq. ft.) open air pavilion in the location identified on the site plan.
13. There may be one non-illuminated sign totaling no more than 12 sq. ft. in size located on the property, but outside of the public right-of-way.
14. There may be no employees other than residents of the property.
15. The property owner shall permit the County to inspect the property during normal business hours.
16. The owner will maintain a log of the activities occurring on-site that includes dates, times and number of guests are on site and make available to the Planning and Zoning Office if requested.
17. The applicant shall maintain compliance with all local, state and federal laws.
18. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the CUP.

FINDINGS:

No Conditional Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:

Schneider read the Findings while Hass provided the responses.

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. **YES** or **NO** **WHY?**

Yes, the proposed use of the property as a Farm Related business winery is not anticipated to diminish or impair values within the immediate area provided the applicant maintains compliance with their operation plans and the conditions of this CUP.

2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **YES** or **NO** **WHY?**

Yes, all the adjacent lands to the north, west and east are already developed for residential use and the land to the south is assessed as Rural Vacant Land. The establishment of this limited use will not impede development of vacant property to the south.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. **YES** or **NO** **WHY?**

Yes, adequate utility, access and drainage are provided for the proposed use.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **YES** or **NO** **WHY?**

Yes, the applicant has sufficient parking space to accommodate the proposed 20 additional vehicles.

5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. **YES** or **NO** **WHY?**

Yes, it is not anticipated to cause offensive odor, fumes, dust, noise and vibration to the immediate area if operated in compliance with the conditions of this permit.

The motion carried with 7 in favor and Vandereyk opposed; the CUP for Farm Related Business-Small Winery, with the (18) recommended Conditions and Findings of Fact has been recommended to the County Board for approval.

Agenda Item #2 -6:41pm

Subdivision Ordinance Amendment Section 11. General Regulations, Subdivision 4. Buildable Lot Standards

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the Board Packet, Attachments and Comments.

PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Draft Ordinance

PLANNING & ZONING STAFF COMMENTS:

Zoning staff is proposing to make an amendment to the County's Subdivision Ordinance to codify past zoning practices into Ordinance. The proposed amendment will establish an exemption to the Buildable Lot Standards of the Subdivision Ordinance for properties where an existing residence is being subdivided from a larger track of land. This Ordinance amendment will only apply to 1-lot Simple Plats where the remnant land conforms the minimum lot size for the related zoning district. Eligible parcels will not be required to demonstrate there is 40,000 sq. ft. of buildable land as part of the Simple Plat process. This

amendment does not exempt these properties from any other performance standards or requirements of the platting process, it must be demonstrated that the proposed lot has a complying septic system with two suitable locations for sewer treatment systems.

Draft Ordinance: (Language to be removed ~~stricken~~ language to be added)

Subdivision 4. Buildable Lot Standards

- A. In addition to meeting the buildable lot area requirements of the applicable zoning district, ~~all~~ newly created lots for residential building purposes, where public sanitary sewer is not available, must have at least 40,000 contiguous square feet of the required minimum platted lot area at least three (3) feet above the highest known water table.
1. Simple Plats consisting of one (1) lot with a residence existing prior to May 16, 2023, may be allowed without meeting the standards of Subdivision 4.A. of this Ordinance if the remaining unplatted parcel meets the minimum metes and bounds lot size requirements for the applicable zoning district.

Planning Commission Discussion:

Waytashek added that as an example, in the Ag District you need at least 45 acres to do this, with a lot size of 5 acres and minimum metes and bounds as 40 acres. In the General Rural District, you would need 22.5 acres, so you have at least a 2.5-acre parcel and then the minimum remaining is 20 acres or more.

Adams asked if the one that is splitting off doesn't need to meet the 40,000 sq ft standard?

Waytashek confirmed and stated that by State Statute there must be a primary and alternate Septic site. You would need to show that there is an alternate site.

Adams stated that there needs to be 40,000 square feet.

Demeules replied that it could be less, and it could be more.

Waytashek confirmed.

Schneider added that they would not need to get a soil scientist to confirm the 40,000 sq feet.

Adams asked what is driving this change?

Schneider stated that this was allowed in past practices. Waytashek recently had a request, and the Ordinance does not make this Black and White that this is allowed. This helps to clarify it.

Waytashek stated that she does not like gray, this is not to make this more difficult for property owners, for example years ago, we changed the rules where 75% is wooded and then we exempt the house and outbuildings. We try to help out farmers who would want to break off the homestead.

Hass asked if someone has 7 acres and they want to split that again, is that allowed?

Waytashek clarified that if each lot had 200 ft of road frontage, with 40,000 ft of buildable area for each lot, then they may be able to split it. This wording does not do anything for that case.

Sims asked for clarification.

Waytashek stated that this is for bigger parcels who want to split off 1 house.

Demeules stated that this has happened in Palmer, and they needed to split off the 5 acres.

Waytashek confirmed that they would still need to split off those 5 acres, but wouldn't have to have a soil scientist for the 40,000 sq ft.

Schneider stated that we are trying to make a 1 lot simple plat a lot simpler and not requiring a soil scientist to identify that alternate site.

Sims added that it's really decreasing the burden for something that already exists.

Schneider confirmed, that when a homestead is trying to break off, they don't have to hire a soil scientist or bump into an issue where they don't have the 40,000 sq ft.

Waytashek stated that they have run across this a lot in Santiago Township with the high water table are looking for a way to make it work.

Adams opened the Public Hearing.

No comments were received, nor were any members of the Public at the Public Hearing.

Demeules made a motion to close the Public Hearing. Aubol seconded.

The motion carried and the Public Hearing was closed.

Aubol moved to recommend approval of the Ordinance Amendment for Section 11. General Regulations, Subdivision 4. Buildable Lot Standards. Sims Seconded. The motion carried and Ordinance Amendment is recommended to the County Board for approval.

Agenda Item #3-6:48pm

County's Comprehensive Land Use Plan Discussion:

Presented by Marc Schneider.

PLANNING COMMISSION PACKET ATTACHMENTS:

1. To be added

DISCUSSION AND FEEDBACK ON *DRAFT* TOPICS IN THE COMPREHENSIVE PLAN:

- 1. Rural Residential Lot Sizes:** As a small city grows, farmland usually faces pressures from development. Often these rural estate developments have large lots that consume significant tracts of farmland. In addition, wildlife habitat and natural areas are lost because they become too small as they are chopped up between individual lots and are not protected from individual landowner development. Given the spacing between the lots, road and utility infrastructure, such as sewer services, requires significant investments.

Minimum residential lot size rules determine how small a parcel of land can be subdivided. Larger lots allow for fewer homes that can fit in a given area, this can encourage auto-orientation (building more roads) and increased segregation of land uses.

Policy: It is the County's policy to maintain a minimum lot size of 1 unit per 2.5 acres in rural residential areas, while supporting smaller lot sizes when subdivisions apply conservation design techniques or when city services can easily be extended.

2. Home Extended Businesses

Similar to home occupations, home extended businesses are on the rise as more people seek entrepreneurial endeavors in the rural and agricultural areas. This demand has steadily increased over the years as it has become easier to do business virtually and the increased flexibility people have to work from home. However, some of these businesses can have a "visual" and "physical presence" on site (e.g., contractors' yards, hobby farms, cottage industries, repair shops, event space, boutique shops, and agritourism,) that can impact the agricultural and rural character of the community. However, there is a strong desire to increase the flexibility for businesses to operate in the Agricultural and Rural areas without negatively impacting the environment, general character of the neighborhood or taking industry from commercial/industrial areas. To achieve this goal, the County will need to consider performance standards that ensure businesses can coincide with the agricultural and rural environments. Providing some flexibility to allow new businesses to operate in these areas can provide the following benefits:

- Strengthens the rural economy
- Provides greater opportunities for rural communities to thrive
- Supports a greater diversity of businesses in underserved areas
- Creates additional economic opportunity for a wide variety of occupation types
- Retains and attracts residents.

Policy: It is the County's policy to support home extended businesses that do not negatively impact the environment, general character of the neighborhood, or existing commercial/industrial districts.

Closing:

Demeules made a motion to adjourn the meeting. Sims seconded. The motion carried and the meeting was adjourned at 7:39pm.

Submitted by Carrie Winter, Secretary.