

EUREKA TOWNSHIP
Dakota County, State of Minnesota

AGENDA
PLANNING COMMISSION PUBLIC HEARING
To consider amendments to the Township Code Chapter 240 Zoning pertaining to
Agricultural District: Conditional Use and Structures, and Definition of Agritourism.

June 18, 2024, at 7pm

- I. Call to Order
- II. Purpose of Public Hearing
- III. Public Comment
- IV. Planning Commission Discussion and Recommendation
- V. Adjournment

A quorum of the Town Board may be in attendance. No Town Board discussion or action will be taken.

If unable to attend in person, you can join via Zoom Meetings one of the following ways:

1. Navigate to: <https://zoom.us/j/3134376987?pwd=V3VRRkJKblUxeUY1elJBdmVNUmUrdz09>
Meeting ID: 313 437 6987
2. One tap mobile: dial 1-312-626-6799,, 3134376987#

Notice
and
Proposed Text

**EUREKA TOWNSHIP
DAKOTA COUNTY
STATE OF MINNESOTA**

**NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO TOWNSHIP
CODE CHAPTER 240 ZONING PERTAINING TO AGRICULTURAL DISTRICT:
CONDITIONAL USES AND STRUCTURES AND DEFINITIONS OF AGRITOURISM.**

NOTICE IS HEREBY GIVEN THAT the Eureka Township Planning Commission will hold a public hearing on Tuesday, June 18, 2024, at 7:00 p.m. at the Eureka Town Hall located at 25043 Cedar Avenue, Farmington, Minnesota 55024 for the purpose of hearing, considering, and making a recommendation to the Town Board regarding proposed text amendments requested by property owner Kathryn Parranto to allow agritourism and associated agritourism infrastructure as a condition use in the Agricultural District and adding definitions of those terms. The application materials are posted on the Eureka Township website and can be obtained by contacting the Town Clerk at (952) 469-3736. Anyone desiring to be heard regarding the proposed amendments should attend this meeting. If you are not able to attend, you may submit written comments prior to the meeting to the Town Clerk at: clerk@eurekatownship-mn.us.

Dated: June 3, 2024

/s/

Liz Atwater, Clerk/Treasurer

EUREKA TOWNSHIP
DAKOTA COUNTY, MINNESOTA
Ordinance No. _____

**AN ORDINANCE AMENDING CHAPTER 240 OF THE CODE
OF THE TOWN OF EUREKA REGARDING AGRITOURISM**

The Board of Supervisors of the Town of Eureka ordains:

Section 1. Agricultural District. Section 240-7(C) of the Code of the Town of Eureka is hereby amended by adding a new use to the list of conditional uses as follows:

(13) Agritourism activities, including associated agritourism infrastructure.

Section 2. Definitions. Section 240-64 of the Code of the Town of Eureka is hereby amended by adding new definitions as follows:

AGRITOURISM ACTIVITY

An activity carried out on a farm or ranch that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural activities, including, but not limited to: farming; viticulture; winemaking; ranching; farm markets; freshly made and packaged food and beverage; and historical, cultural, recreational, farm stay, gleaning, harvest-your-own, or natural activities and attractions including but not limited to: site related and agritourism related retail; educational programs; fire pits; hay pyramids; corn mazes; games and sports; mechanical and non-mechanical rides; camping; arts and crafts; music; and markets. An activity is an agritourism activity whether or not the participant pays to participate in the activity.

AGRITOURISM INFRASTRUCTURE

Includes, but is not limited to, utility services, parking, buildings, kitchens, fixtures, signage, bathrooms, storage, tents, seating areas, canopies, landscaping, workshops, fencing, hardscape, and offices in service to an agritourism activity.

Section 3. Incorporation of Amendments. The Town Attorney and Town Clerk-Treasurer are hereby authorized and directed to incorporate the amendments made by this ordinance, and any previous amendments that have not been incorporated, into the Code of the Town of Eureka, including updating the table of contents and making non-substantive corrections as may be needed. Such updated document shall constitute the Town's official Code of the Town of Eureka.

Section 4. Effective Date. This ordinance shall be effective upon the first day of publication after adoption.

Adopted on the ____ day of _____ 2024.

BY THE TOWN BOARD

Pete Storlie, Chairperson

Attest: _____
Liz Atwater, Clerk-Treasurer

New material is shown in double underlining and deleted material is shown in ~~strikeout~~.

Application
and
Representative
Form

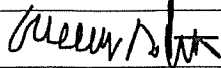
EUREKA TOWNSHIP

TEXT AMENDMENT APPLICATION

Eureka Township / 25043 Cedar Avenue, Farmington MN 55024
Phone: (952) 469-3736 / Email: deputyclerk@eurekatownship-mn.us

SITE INFORMATION Eureka Township		PIN# 130040075020	Permit# _____
Site Address: 22702 Hamburg Ave		City Eureka Township	Zip 55044
PROPERTY OWNER INFORMATION			
Name Kathryn Parranto (**See Attached Representation Authorization Form)		Email	Phone
Address		City	State Zip
Cell Phone [REDACTED] (William Rueter, Representative)		Day Time Phone	Fax
NATURE OF REQUEST			
Application is hereby made to amend the Zoning Ordinance <u>240-7</u> , Section <u>C</u> and <u>240-64</u>			
<p>Proposed Text: New Section 240-7C(13) to be added: "(13) Agritourism Activities including associated Agritourism Infrastructure."</p> <p>New Definitions to be added to Section 240-64: "Agritourism activity" Activity carried out on a farm or ranch that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural activities, including, but not limited to: farming; viticulture; winemaking; ranching; farm markets; freshly made and packaged food and beverage; and historical, cultural, recreational, farm stay, gleaning, harvest-your-own, or natural activities and attractions including but not limited to: site related and agritourism related retail; educational programs; fire pits; hay pyramids; corn mazes; games and sports; mechanical and non-mechanical rides; camping; arts and crafts; music; and markets. An activity is an agritourism activity whether or not the participant pays to participate in the activity.</p> <p>"Agritourism Infrastructure" includes but is not limited to utility services, parking, buildings, kitchens, fixtures, signage, bathrooms, storage, tents, seating areas, canopies, landscaping, workshops, fencing, hardscape, and offices in service to an agritourism offering.</p>			
Is the text amendment consistent with the Eureka Township Comprehensive Plan? <input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No			
<p>Reason for requesting the text amendment (Explain): Applicant is seeking zoning text which would support their concurrent application for a Conditional Use Permit to operate the property commonly known as Applewood Orchard as an agritourism operation.</p> <p>***Application does not trigger review from Vermillion River Watershed District.</p>			

I hereby certify that the information provided in this application is true, correct and complete. I understand that this is an application for a zoning ordinance text amendment only, and that approval does not absolve me from obtaining all other applicable permits, such as land use or building permits. I understand that I shall be responsible for all expenses and outside fees incurred by the Town Board in processing this application; that the Town Board shall require escrow of funds for fees for attorneys, professional services, and/or other outside expenses prior to incurring such costs/ and that I shall be permitted to withdraw this application at any time in writing, but shall not be entitled to refund of escrow funds already expended.

Signature of Applicant: 	Date: 5/24/24
Printed name of Applicant: William Rueter	

EUREKA TOWNSHIP

Representative Authorization Form

Eureka Township / 25043 Cedar Avenue, Farmington MN 55024
 Phone: (952) 469-3736 / email: deputyclerk@eurekatownship-mn.us

SITE INFORMATION Eureka Township	PIN#	Permit#
Site Address: 22702 Hamburg Rd	City Lakeville	Zip 55044

PROPERTY OWNER INFORMATION			
Name Kathryn Parranto	Email		Phone
Address 22702 Hamburg Rd	City Lakeville	State MN	Zip 55044


REPRESENTATIVE INFORMATION			
Name William Rueter	Email billy@endurancefarmpartners.com		
Address 1252 Union St	City San Francisco	State CA	Zip 94109
Cell Phone	Day Time Phone		Fax

By signing this document, I/We the above-named PROPERTY OWNER(S) hereby legally authorize the REPRESENTATIVE named above to act on my/our behalf before Eureka Township Planning Commission, Town Board and/or Board of Adjustments and Appeals in all matters related to my/our APPLICATION for:

Approval for agritourism-related zoning ordinance modifications for the property at 22702 Hamburg Rd. With application being made in May or June 2024

(Include Type and date of application for the property involved)

This authorization includes answering questions about the APPLICATION and entering into legally binding agreements with Eureka Township related to the APPLICATION.

Authentisign


05/22/24

Property Owner signature

Date

Property Owner signature

Date

Township Use Only

Received by: 5/28/2024 - Liz Ahoater via email

Zoning Administrator: [Signature]

Date: 5/28/24

Notes:

Power Point Presentation

Submitted by applicant



Applewood Orchard

Materials 5/14/2024

Applewood Orchard

- “Applewood” began when Kathryn & Mark Parranto bought the 60-acre farm in 1995 which they opened to the public in 1999 with 20+ acres of u-pick apple trees
- Over the past 25 years, Applewood became a seasonal destination for families drawn to the wholesome outdoor experience of picking apples, the opportunity to learn about farming, and the experience of tasting fresh food & drinks made at the farm.
- The farm was listed for sale in October 2023. In April 2024, our group of experienced farmers and agritourism pioneers was selected as the buyer. It is our desire to preserve the Parranto family’s legacy and enhance Applewood to serve as a gateway to learning and enjoying a true Minnesotan farm

Applewood Aerial



Airport

Airport

Lafrance

Applewood

Airport

Temple

Garden center

Airlake Airport

130th Composite Squadron, Civil Air

Greenwood Cemetery

Nurseries

Lao Buddhist Temple of Minnesota

Sweet Harvest Foods

Menasha - Cedar Warehouse

Old Dominion Freight Line

Cedar Ave

Ced

Our Goals Today

- (1) Introduce our team and purpose
- (2) Provide an overview of agritourism
- (3) Share ideas for Applewood
- (4) Share ideas on how we could work with Eureka to help us enhance this vibrant, seasonal property
- (5) Take suggestions and answer questions

Who We Are

Experienced team dedicated to preserving farmland and sharing educational, wholesome, delicious, agrarian experiences with visitors



Wayne Bishop

Farmer and agritourism expert. Owner of Bishop's Pumpkin farm in Wheatland California, welcoming over 150k visitors per year – 8k in field trip visitors alone



Billy Rueter

Real estate entrepreneur. Experience with construction, planning, and development across five states – future Eureka resident



Jeff Manley

Farmer and agritourism expert. Former manager of the The Rock Ranch in The Rock, GA. Speaker on agritourism across the country



Chris Fuller

Small business investor. A career supporting talented entrepreneurs acquire and grow small businesses across the country

Agritourism – Focus on Families

Creating traditions in Eureka Township

Apple
picking

Experience
the farm

Family
time

See
neighbors

Homemade
cider donuts

Fresh
apple cider



What is Agritourism

- Agritourism is a form of commercial agriculture with visitors to a farm participating in recreation, entertainment, consumption, or education related to farming and / or a rural setting
- Agritourism is a defined term by more than 25 states
- In the state of Minnesota: “ “Agritourism activity” means any activity carried out on a farm or ranch that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural activities, including, but not limited to: farming; viticulture; winemaking; ranching; and historical, cultural, farm stay, gleaning, harvest-your-own, or natural activities and attractions. An activity is an agritourism activity whether or not the participant pays to participate in the activity.”

Applewood - A Destination for families

Build on Applewood's longstanding activities

Audience: Goal to attract family visitors from our local communities of Eureka and Lakeville

Continue Applewood Tradition:

- U-pick: Apples, pumpkins, flowers
- Activity yard: Safe, farm play area for kids
- Hayride: Access to entire orchard
- Corn maze: Fun way to explore

Enhanced offerings:

- Baked goods: Cider donuts & apple baked-good
- Apple cider: Fresh cider pressed on site
- Fresh food: Snacks & lite faire

Local vendors: Focus on stocking Applewood's main barn with local produce, products and retail assortments

Community-led and locally run: Operated by a manager who lives and works at Applewood



Education – A Keystone of our plans

Entertain and educate local students

Audience: Students (Fifth grade and younger) from local schools, after-school programs, and camps

Programming:

- How to grow apples and maintain an orchard
- “What’s in a wetland?” vs. “What’s in a stream?”

Interactive Learning:

- Apple lifecycle: planting, germination, fruit development, ripening and harvesting
- How organisms symbiotically support different ecosystems

Minnesota Produce: Focus on how Applewood’s soil supports specific apples including the Honeycrisp

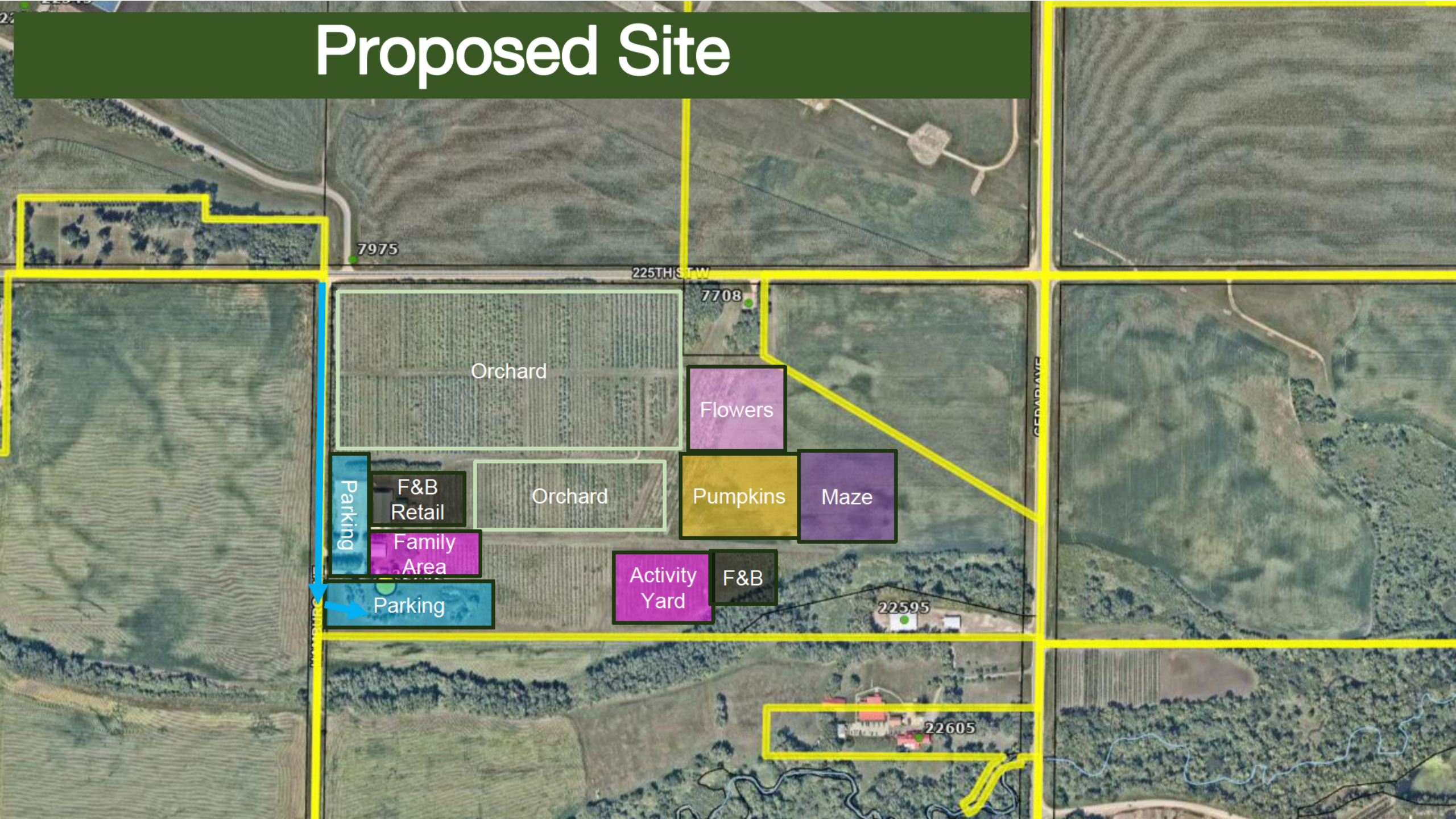
Farming: Show how Minnesota farmers work to produce hearty, fresh fruit



Existing Agritourism Farms

Benchmark	Applewood	Fireside	Abelman's / Apple Creek	Crazy Legs	Brand Farms	Afton Apple Orchard	Waldoch Farm	Montgomery Orchard
Location	Eureka	Northfield	Faribault	Farmington	Farmington	Hastings	Lino Lakes	Montgomery
Distance to Applewood	N/A	19 min / 15 miles	34 min / 32 miles	15 min / 9 miles	16 min / 9 miles	40 min / 35 miles	50 min / 50 miles	80 min / 60 miles
U-Pick	Apples (Pumpkins, Flowers)	Apples	Apples	Pumpkins, Flowers	Apples, Eggs	Apples, Pumpkins	Veggies	Apples, Xmas Tree
Corn maze	Historically Yes	No	No	Yes	No	Yes	Yes	Yes
Activity Yard	Yes	Small	Small	Moderate	Moderate	Large	Large	Small
Farm Store	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Food & Beverage	Donuts, hot dogs, pies, caramel apples, cider	Baked goods, sandwiches, soup, pies, cider etc.	Pulled pork, pizza, donuts, nachos, kettle corn, candy etc.	Unknown	Baked goods, Eggs	Baked goods, ice cream, pies, etc.	Chicken, hot dogs, kettle corn, cheese curds, fried dough	Cider & Wine, candy, caramel apples

Proposed Site



7975

225TH SW

7708

Orchard

Flowers

Parking

F&B
Retail

Orchard

Pumpkins

Maze

Family
Area

Activity
Yard

F&B

Parking

22595

22605

GERARD AVE

Eureka Township Comprehensive Plan

Our plans for Applewood would further the Township's goals for:

- (1) Land use*
- (2) Agricultural resources*
- (3) Natural resources*

We will bring more opportunities for connections, culture building, jobs, awareness, and pride in the rural and agricultural traditions of the Township

We will enhance connections local food and to "farm-to-table" by offering table-to-farm food experiences

We will make rural and agricultural land more viable and durable by keeping up with commercial agriculture trends of direct consumer sales

Introduction

Residents of Eureka Township prize their community's rural character. Farms, waterways and water bodies, woods and forests, high quality natural habitat, rural historic and cultural sites, and wide open spaces are defining features of Eureka's rural character. These attributes can be considered the Township's natural, agricultural, and cultural resources.

This chapter:

- Identifies Eureka's natural, agricultural, and cultural resources;
- Identifies issues and priorities for protecting these resources; and
- Sets out goals and policies to guide local decision-making.

Why you might support Applewood

Reason	Explanation
Family Tradition	Continue Parranto Family's 30-year legacy at Applewood and create new, farm-based traditions for guests
Support Farmers	Help farmers thrive by supporting agritourism which allows them to create direct-to-consumer experiences
Agricultural Land	Preserve farming and natural resources by diversifying and strengthening income sources for farms
Education/Field Trips	Introduce children to farms via field trips, planting days, interactive learning experiences
Local Employment	Applewood plans to employ 15 to 20 people across diverse skillsets, experience levels, and time availabilities
Local Businesses	Chance to sell local produce and goods on site to members of the community
Tax Revenue	Plan to work with the township on ways to share and benefits of a successful farm welcoming guests
Thoughtful Zoning	Introduce zoning and professional standards that other farms & townships could follow
Demarcate Township	Enhance an attractive, financially vibrant farm at the border with Lakeville
Adjacent Parcels	No adjacent residences. North is airport, East is airport, South is temple farmland, West is open farmland

Why you might not support Applewood

Concern	Description	Mitigant
Traffic	<ul style="list-style-type: none">Worried about road traffic	<ul style="list-style-type: none">Applewood is on the outskirts of the Township & on roadway already doing between 11,000 and 23,000 cars per day
Precedent	<ul style="list-style-type: none">Other farms would want to follow suit	<ul style="list-style-type: none">Working together to be the agrarian destination for families is good for everyone

Appendix

Road Infrastructure

Figure 3.6: Number of Lanes – Principal and A-Minor Arterials

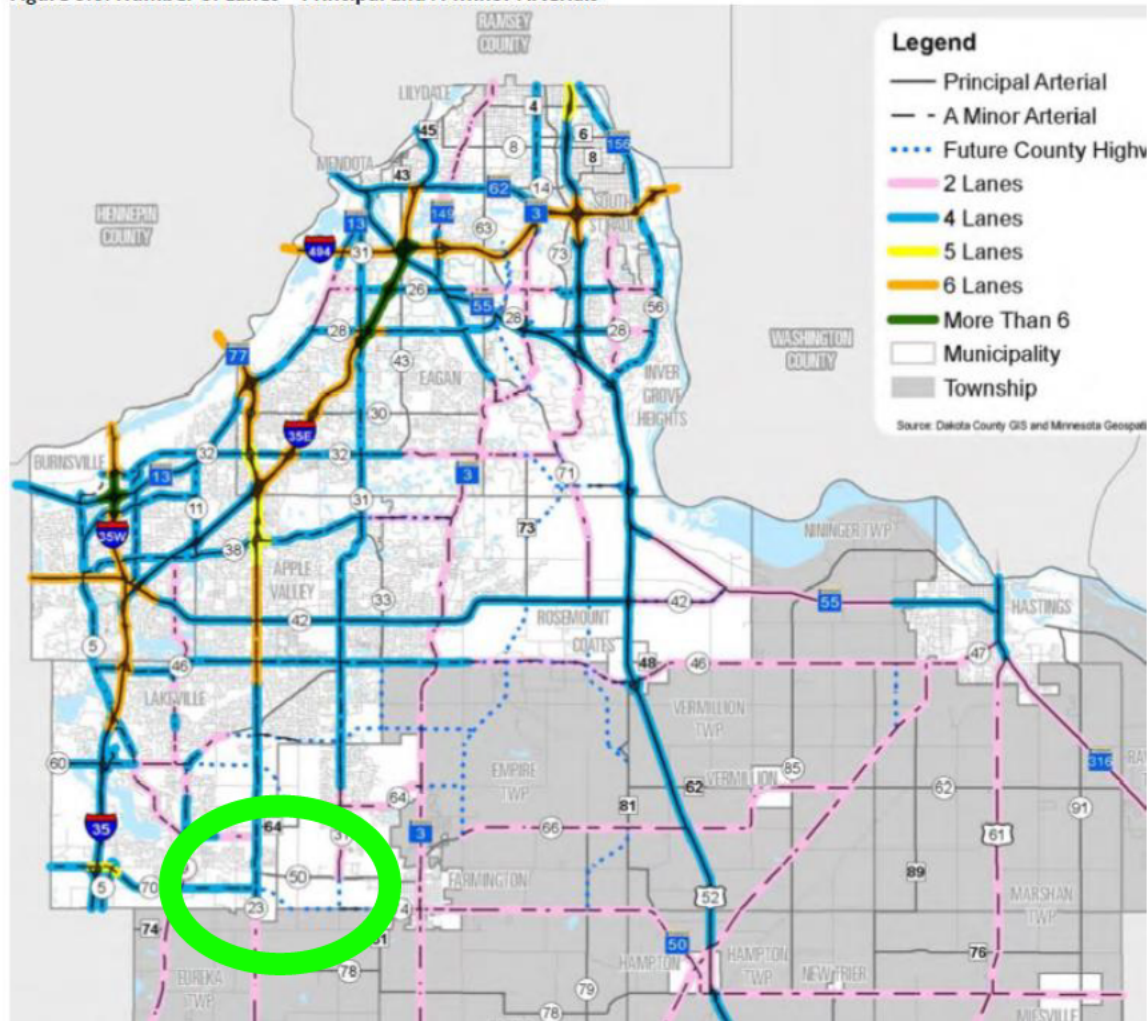
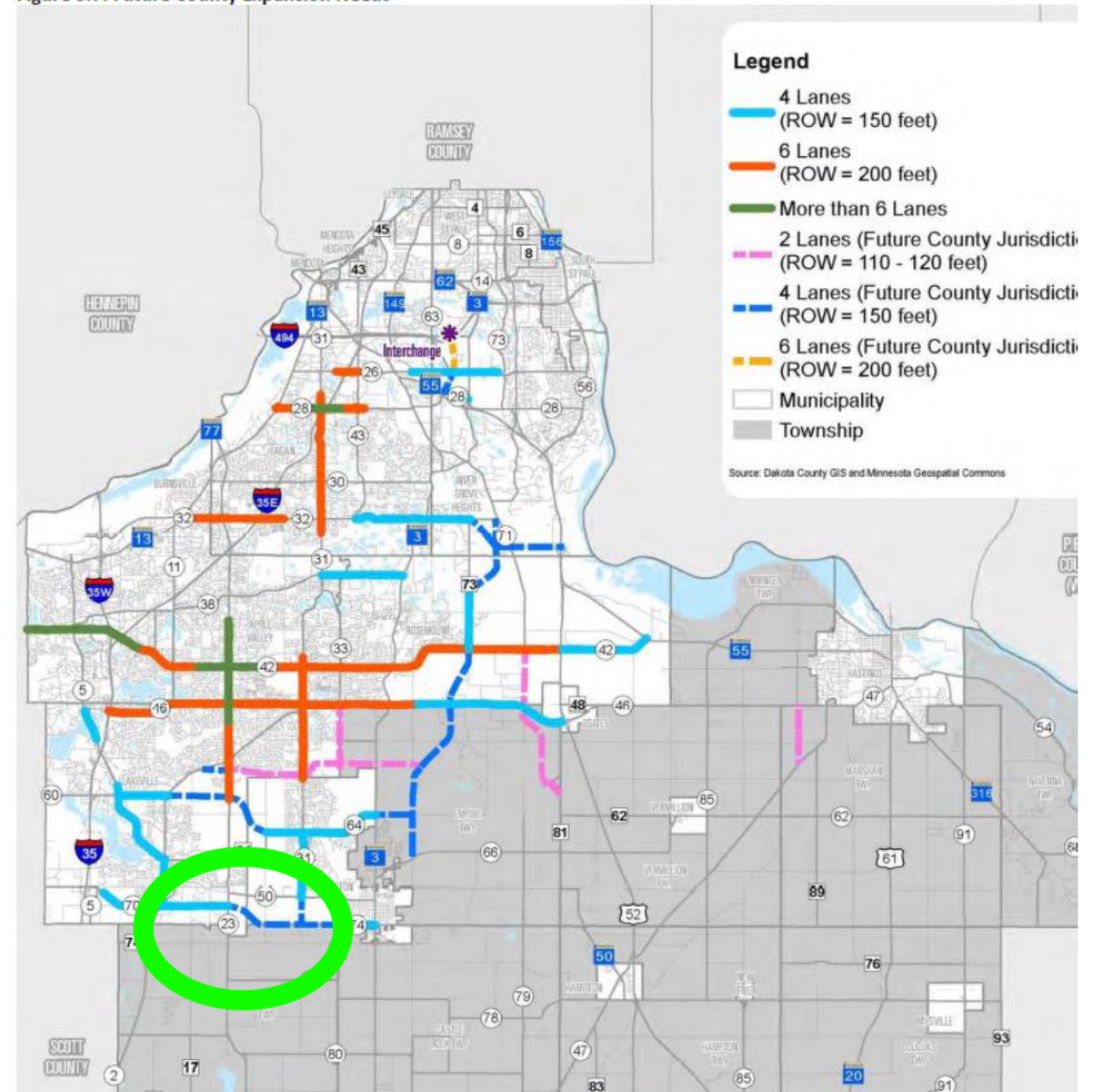


Figure 3.7: Future County Expansion Needs



Agricultural Resource Issues

- *Local foods and locally supported agriculture*
- *Fresh food as opposed to processed food*
- *Cultural connections and pride in farms*

Agricultural Resources Issues and Priorities

Loss of farmland near urban areas is a national phenomenon, and the Twin Cities metropolitan region is no exception. Farmland is a finite natural resource, and once lost is difficult to reclaim. Eureka Township seeks to continue being a rural community, and recognizes that farms are an important part of that identity.

Commercially viable farms are necessary in order for Eureka Township to maintain its rural character. Farming is a business activity that also provides public benefit.

- Farming is part of the rural lifestyle, local economy, and heritage of Eureka Township.
- Agricultural land can offer environmental benefits including wildlife habitat and groundwater recharge.
- Studies show that privately owned and managed agricultural land generates more in local tax revenues than it costs in services.
- Public health depends on the quality and availability of the food supply.



The nature of farming is changing. For row crops and larger scale operations, land is being consolidated under the operation of fewer farmers. Large blocks of agricultural lands are needed for such operations. In addition, markets are shifting in part due to the biofuel market. Traditional, larger scale farming operations have contributed to the Township's rural landscape and continue to be an asset to the community.

Another trend in farming is growing interest in locally supported agriculture and organic products. According to the Minnesota Department of Agriculture, demand for organics has outpaced supply. An increase in awareness of and demand for locally grown food has joined the public's interest in organic products. Farms that produce these higher-value, direct-marketed products are generally of a smaller scale and have different needs and attributes than larger scale row crop farms and livestock operations. Eureka Township seeks to be supportive of smaller scale as well as larger scale farms.

As a component of public health and safety, local food systems are capturing the attention of local government across the country. Fresh food, as opposed to processed food, helps combat the obesity epidemic. A local food supply contributes to the security of the metropolitan area, in the event of a natural or other disaster that would cut off transportation routes and access to national and global food products. Local food systems connect farmers to residents of the cities and suburbs, to the benefit of both parties. For example, Community Supported Agriculture allows farmers to share the risks of farming with shareholders, while shareholders gain cultural connections to farms as well as fresh food.

Natural Resource Goals

- *Preserve open space*
- *Protect water sources and natural areas*

Goals and Policies

The following goals and policies will guide local decision-making in protecting Eureka Township's natural, agricultural, and cultural resources.

Natural Resource and Aggregate Resource Goals

1. Protect priority water resources and natural areas for future generations to enjoy.
2. Protect the significant regional groundwater recharge areas in the Township by managing growth and land use in the short-term and long term.
3. Preserve open space for the benefits of public health, property values, and rural community character.
4. Protect surface waters and wetland areas to promote recreation opportunities, aesthetic qualities, natural habitat areas, surface water quality, and ground water recharge.
5. Protect the habitat and biodiversity of the area.
6. Provide for the economic availability, removal, and processing of sand, gravel, rock, soil, and other aggregate materials, while protecting against adverse impacts.
7. Protect access to direct sunlight for solar energy systems and permit development of accessory solar energy systems to utilize solar resources.

Policies

To achieve these goals, the Township will:

1. Encourage minimal tree loss during development of home sites and roads, and encourage protection of high quality woodlands.
2. Recognize land stewardship practices by private property owners that protect natural areas. An example of recognition would be an article in the Eureka Township newsletter.

Agricultural Resource Goals

Our plans for Applewood align with all four agricultural resource goals of the Township:

- We protect and promote the rural and agricultural character of the Township*
- Will be more economically viable*
- We will prevent development and encourage surrounding agriculture to preserve the experience of being on our farm*
- We will be growing and processing products for local consumption on site in the Township at our farm*

Agricultural Resources Goals

1. Protect the Township's rural and agricultural character.
2. Promote the economic viability of farming operations.
3. Protect agriculture and farm operators from development that may contribute to the loss of farmland, land use conflicts and/or nuisance complaints.
4. Promote agricultural operations that grow products for local consumption.

Policies

To achieve these goals, the Township will:

1. Maintain Eureka Township's agricultural zoning of one housing unit per quarter-quarter section.
2. Continue to support the Right to Farm when using generally accepted agricultural practices. The Township recognizes that with farming come smell, noise, dust, and slow-moving vehicles.
3. Limit the subdivision of the Township's farmland for housing and other non-farm land uses. Allow limited non-farm development provided that the impact on other land uses is minimized.
4. Provide information to residents of the potential conflicts or incompatibilities that can arise between development and agricultural uses.
5. Provide for adequate separation of new non-farm houses from existing confined animal feedlots or manure storage facilities.
6. Use local ordinances to support the commercial viability of farming.
7. Work with County and State officials to improve programs that assess farmland at a lower tax rate.
8. Encourage enrollment in farmland preservation programs.
9. Encourage units of government, institutions, or other entities doing business in Eureka Township to consider local agricultural products when making purchasing decisions.
10. Be receptive to adjusting local ordinances so that local farms can adapt to new trends in farming.
11. Avoid fragmentation of farmland in order to support a "critical mass" of farms, making farming activity more viable in the Township through the zoning ordinance requirement for a minimum of one single-family dwelling unit per each quarter-quarter section.

Land Use Goals

Our plans for Applewood align with all of Eureka's land use goals including:

- Helping maintain the geographic boundaries of the township*
- Keep agriculture and a rural character protected, preserved, and prioritized*
- Further the standard setting of a land use that keeps the rural character of the land and shares an appreciation for it with the general public*

Goals and Policies

The following goals and policies will guide local decision-making related to land use.

Land Use Goals

1. Allow land uses that will maintain Eureka Township's rural character.
2. Encourage protection of priority natural areas and natural resource corridors through local land use decisions.
3. Promote the continuation of agriculture as the primary land use.
4. Allow limited non-farm development provided that the negative impacts are minimized.
5. Maintain the geographic boundaries of the Township.
6. Provide for the economic availability, removal and processing of sand, gravel, and other aggregate materials vital to the economic well-being of the region.
7. Protect solar resources and permit and regulate development of accessory residential and agricultural solar energy systems in the Township.

Policies

To achieve these goals, the Township will:

1. Maintain Eureka Township's agricultural zoning of one housing unit per quarter-quarter section.
2. Discourage pipelines, power lines, and other utility uses which fragment the Township's agricultural land, natural resources, aggregate resources, or that would otherwise be in conflict with the goals of the Comprehensive Plan.
3. Maintain the Township's transfer of housing rights program to achieve the following goals:
 - a. The program should be useful in achieving the goals of the Comprehensive Plan.
 - b. The program should help relieve development pressure on large blocks of agricultural property.
 - c. The program should allow property owners to gain revenue by selling housing rights.
 - d. The program should be compatible with the Metropolitan Ag Preserves Program. Property owners should continue to have choices to use their land in ways that maintain eligibility in Ag Preserves.
 - e. The program should protect opportunities for efficient and cost-effective land development for a time when public sewer and water services may become available. Such opportunities include the creation of a suitable commercial/industrial area in the Township.

Local Food in Eureka

- *Using the strategic positioning to serve growing demand for local ag products*

Eureka Township is strategically positioned to serve the growing demand for local agricultural products.

- Eureka's convenient location within the metropolitan region is a natural fit for the local foods movement.
- The Township has a diversity of farms already growing food for Twin Cities' farmers' markets and grocery stores.
- As the metropolitan area becomes more culturally diverse, farmers from immigrant communities are introducing their cultures' farming methods, crops, and markets. This diversity in farming contributes to Eureka Township's agricultural character.
- Nurseries are growing trees and other landscaping materials, serving local as well as wider markets.



Eureka's location at the edge of the metropolitan region presents challenges as well as assets for farmers. Potential barriers for farmers of small scale and large scale operations alike include:

- High land and housing costs for new-entry farmers
- Active farmers reaching retirement age without a "next generation" farmer to take over the farm
- Lack of nearby processing facilities and farm-related services
- Lack of housing for seasonal workers and intern/apprentice housing
- Limited options for sale of products within Eureka Township (roadside stands or local market)
- Conflicts between agricultural and residential land uses.

Town Hall Park

Our plans for Applewood would offer the opportunity for park-like facilities integrated into our agricultural setting that could be an amenity to the township during hours they are available

- **Town Hall:** Rural communities that have a single, local park facility tend to attach it to Town Hall property. If local demand grows in Eureka Township for active park facilities, such as a ball field or playground, the Township may wish to consider creating a park at or near the Town Hall. This would allow for indoor/outdoor community events or recreation programming, and would make efficient use of restroom facilities, water supply, and parking.



Example of a Town Hall park

Citizens Comments

June 2, 2024

To all the planning commissioners:

My name is Kathy Parranto. I am the owner of Applewood Orchard which is now for sale. The group that has made an offer and that I have accepted is waiting to close the agreement. They need to be sure that Eureka Township will continue to support the Agritourism already in place at Applewood Orchard and that they will be able to expand it.

As I understand the process, after the last town board meeting on May 28th, the planning commission has been given the task of defining Agritourism. I think this falls under your zoning ordinance 240.

I thought I might help by giving you some of the current definitions of Agritourism.

The Minnesota state statute is # **570.85**

“It is the intent of the Legislature to promote agritourism as a way to support bona fide agricultural production by providing a stream of revenue and by educating the general public about the agricultural industry.”

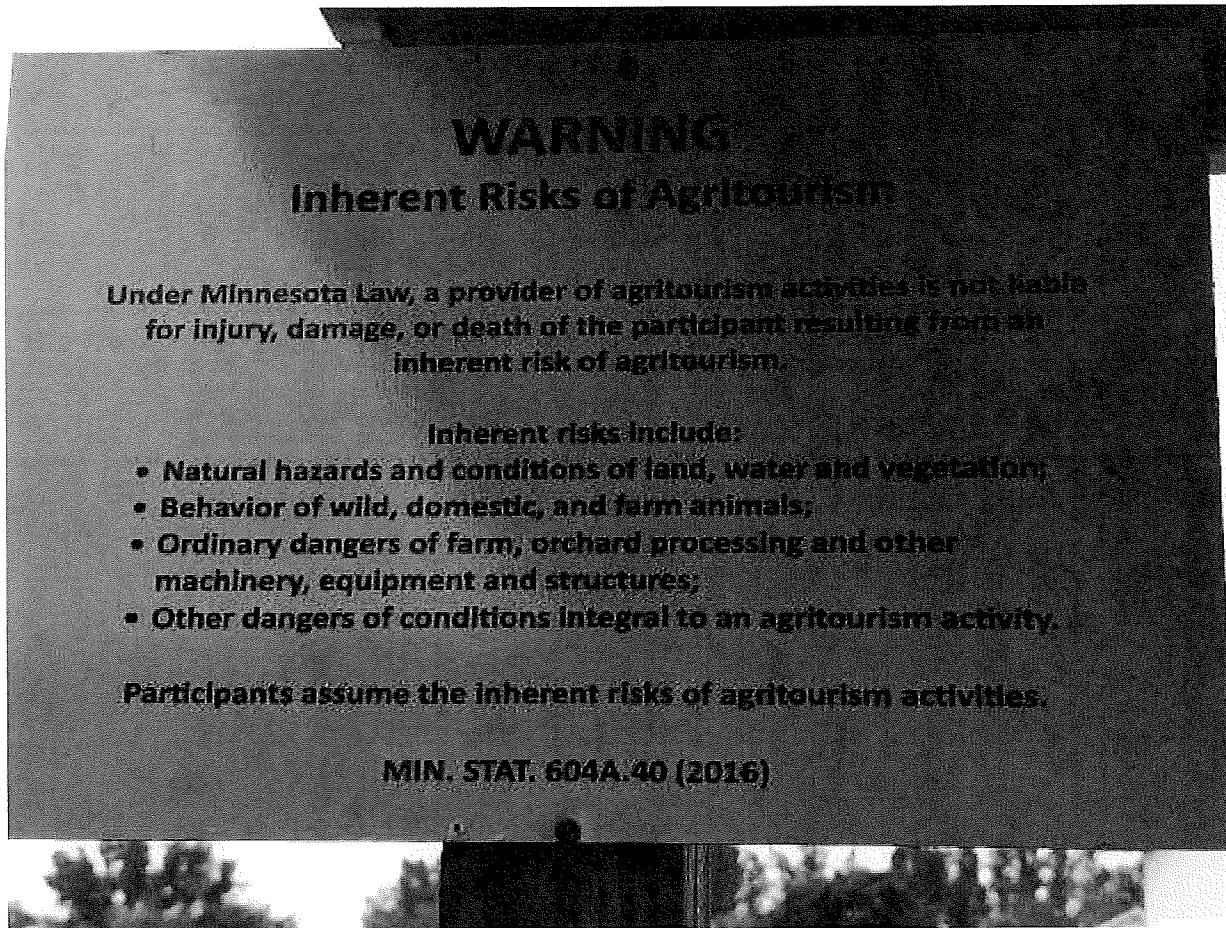
Another Minnesota statute is # **604A.40** This statute limits the liability of an Agritourism business.

The **University of Minnesota** also has much information on agritourism.

The website for the University information is:

<https://extension.umn.edu/tourism/agritourism>

We also posted signs about Agritourism where our customers could see and read them. This is the sign: <https://photos.app.goo.gl/P1rxEDm7iRKjGNjv9>



You might also want to contact other townships and cities near Eureka Township to see if they have any Agritourism businesses.

If I understand correctly, you then have the option to set up a public meeting to address the issue of agritourism in Eureka Township. The planning commission then lets the town board know what the consensus is from the public hearing.

If agritourism is able to continue in Eureka Township after the public hearing I understand a special town board meeting can be set up. It would give the buyers for Applewood Orchard the confidence to buy it.

These buyers have indicated to me their intent to educate children in particular about how apples grow, like we did for many years. I think that they would be a good agritourism business and increase sales at Applewood Orchard that would also impact the township positively.

As you all know there are deadlines for every type of sale. In this instance, we have an end of July deadline.

Please contact me with any questions you might have about the agritourism that we practiced at Applewood Orchard for about the last 30 years. My phone number is [REDACTED], my address is 22702 Hamburg Ave.

Atina Diffley
25498 Highview Ave
Farmington, MN 55024

June 6, 2024

Dear Members of the Eureka Town Board,

I am writing to express my enthusiastic support for the proposed ordinance change adding agri-tourism to the list of conditional uses in Eureka Township currently under consideration. As a resident of Eureka Township, I believe that the implementation of this ordinance will bring significant economic, social, and cultural benefits to our community.

Agri-tourism, the intersection of agriculture and tourism, offers a unique opportunity to diversify our local economy and support our farming community. By opening up our farms to visitors, we can showcase the rich agricultural heritage of Eureka, provide educational experiences about farming practices, and create new revenue streams for our farmers. This, in turn, helps to sustain family farms, promote local products, and enhance our rural way of life.

The benefits of agri-tourism are numerous:

- 1. Economic Development:** Agri-tourism can stimulate the local economy by attracting tourists who spend money on local accommodations, dining, and other services. This influx of visitors supports not only the farms but also other local businesses. It also provides new employment opportunities, giving our youth the chance to access jobs in the summer that will enrich their lives. It also provides opportunities to diversify income streams making Eureka township farms more resilient to weather and market impacts.
- 2. Preservation of Agricultural Lands:** By generating additional income, agri-tourism can help keep farmland in active production and prevent it from being sold for non-agricultural uses. This helps maintain the rural character and scenic beauty of our community.
- 3. Education and Community Engagement:** Agri-tourism provides educational opportunities for both residents and visitors, fostering a greater understanding and appreciation of agriculture. Activities such as farm tours, u-pick operations, and workshops can engage the community and create meaningful connections between farmers and consumers.
- 4. Cultural Enrichment:** By celebrating our agricultural heritage, we can preserve and promote the traditions and skills that have shaped our community.

Utilizing the Conditional Use Permit (CUP) process will allow farmers to plan and invest in infrastructure with clear guidelines that will help minimize impact on neighbors. Including agri-tourism as a CUP activity also provides protections for neighbors and other community members who may be impacted by the operation. Neighbors will have a process to influence impacts during the CUP process.

In conclusion, I strongly urge the town board to adopt the agri-tourism ordinance as a permitted CUP activity. This forward-thinking initiative will not only bolster our local economy but also strengthen our community's ties to its agricultural roots. Thank you for considering my perspective and for your dedication to the prosperity of Eureka Township.

Sincerely,

Atina Diffley

Eureka Township Deputy Clerk

From: [REDACTED]
Sent: Thursday, June 13, 2024 12:17 AM
To: Eureka Township Deputy Clerk
Subject: Input for 6/18/2024 Agritourism Hearing
Attachments: AGRITOURISM ACTIVITY EDITED.docx; 2024-05-13 AgriTourism excerpt from Special TB and PC meeting packet.pdf

Hi Amy,

Please include this email with attachments for Planning Commission consideration in advance of the Public Hearing to make the best use of their imposed time frame.. I will be providing additional comments at the hearing itself.

Thank you!

Jeff Otto

To Planning Commission Members:

Some of you may be aware that I made a public comment at the Tuesday 6/11/2024 Board Meeting expressing the unfairness and inappropriate push by the Board to rush the Agritourism Text Amendment through without allowing a realistic opportunity for the Commission to evaluate public input and recommend any text adjustments. The Board has a Special Meeting scheduled only a day and one-half after the 6/18/2024 hearing at 1pm 6/20/2024.

I have been active in Eureka Township for 17 years in various volunteer roles and served as Board Chair 2 years of my three-year term. I led a 2009 team that described the proper recognition of Grandfathered housing rights for the first time in spite of the rules existing at the State level that should have been properly described in Eureka ordinance since April 12, 1982. I chaired the Housing Rights Transfer Task Force and was the primary architect of the ordinance. I have provided free training for Eureka staff over the years on Eureka's unique zoning. I also spearheaded a major update and clarification of the Zoning ordinance 2021-2023 based on our experience since its 2013 implementation. I also designed and programmed a database of all Eureka properties and populated the database with analyses of every property as to housing right status, possible grandfathered rights, and permits of various types approved over the years.

The Agritourism amendment text is the most poorly written and potentially damaging to residents' property values and quality of life *ever proposed*. The text is extremely open ended as to what could qualify.

As I stated to the Board, first in line is a new owner planning to continue the 25-year legacy of the Parranto apple orchard operation. That appears to be a worthy continuation of a wonderful community asset.

The problem is the amendment text that could potentially allow far more impactful activities anywhere in the Township to the detriment of property owners. More of this will be presented at the hearing.

Given the extremely short time allowance for Planning Commission consideration of public input and your own thoughts, I have attached two documents for consideration.

The “Agritourism Activity Edited” document is offered as a time-saving draft suggesting better language to try to resolve some of the most egregious loopholes in the proposed amendment.

The second document, **“2024-05-13 AgriTourism excerpt...”** is a far more thoughtful and carefully constructed ordinance created by the AgriTourism Task Force in 2013-14 over several months of consideration. This document is the full 2014 proposed text for a “Chapter 10” and its page numbers simply reflect that this was part of a recent larger “packet” file for the 5/13/2024 joint Roundtable Meeting with the Board.

Mr. Parranto himself was a key member of the 2013-14 Task Force. It had been through the amendment process but the Board then dismissed it as unnecessary at the time. It is time to seriously reconsider it and it is ready to progress.

I encourage you to recommend the clearly more thoughtful and citizen-protecting language of the 2014 draft proposal.

You of course certainly may wish to also progress an edited version of the current amendment proposal for the Board to choose from. I hope you will indicate your preference for the clearly more thorough 2014 version.

This will put the Planning Commission on record as standing for fairness and property values for ALL the residents of Eureka Township.

Thank you for your consideration.

Respectfully,

**Jeff Otto
25580 Dodd Blvd.**

EUREKA TOWNSHIP
DAKOTA COUNTY, MINNESOTA
Ordinance No. _____

**AN ORDINANCE AMENDING CHAPTER 240 OF THE CODE
OF THE TOWN OF EUREKA REGARDING AGRITOURISM**

The Board of Supervisors of the Town of Eureka ordains:

Section 1. Agricultural District. Section 240-7(C) of the Code of the Town of Eureka is hereby amended by adding a new use to the list of conditional uses as follows:

(13) Agritourism activities, including associated agritourism infrastructure.

Section 2. Definitions. Section 240-64 of the Code of the Town of Eureka is hereby amended by adding new definitions as follows:

AGRITOURISM ACTIVITY

An Accessory activity carried out on property whose primary use is active farming or ranch that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural farming related activities, including, but not limited to: farming; viticulture; winemaking; ranching; farm markets; freshly made and packaged food and beverages; and historical, cultural, recreational, farm stay, gleaning, harvest-your-own, or natural activities and attractions including but not limited to: site related and agritourism related retail; educational programs; fire pits; hay pyramids; corn mazes; games and sports; mechanical and non-mechanical farm tour rides; single night camping; arts and crafts; music; and markets. An activity is an agritourism activity whether or not the participant pays to participate in the activity. All activity must be of low impact in terms of noise, dust, traffic congestion, lighting, and visual appearance compatible with the Eureka Township Comprehensive Plan.

AGRITOURISM INFRASTRUCTURE

Includes, but is not limited to, utility services, parking, buildings, kitchens, fixtures, signage, bathrooms, storage, tents, seating areas, canopies, landscaping, workshops, fencing, hardscape, and offices in service to an agritourism activity. All infrastructure must be of low impact in terms of noise, pollution, dust, traffic congestion, lighting, and visual appearance compatible with the Eureka Township Comprehensive Plan.

Section 3. Incorporation of Amendments. The Town Attorney and Town Clerk-Treasurer are hereby authorized and directed to incorporate the amendments made by this ordinance, and any previous amendments that have not been incorporated, into the Code of the Town of Eureka, including updating the table of contents and making non-substantive corrections as may be needed. Such updated document shall constitute the Town's official Code of the Town of Eureka.

Section 4. Effective Date. This ordinance shall be effective upon the ~~first~~ tenth day of publication after adoption,

Adopted on the ___ day of _____ 2024.

BY THE TOWN BOARD

Pete Storlie, Chairperson

Attest: _____
Liz Atwater, Clerk-Treasurer

New material is shown in double underlining and deleted material is shown in ~~strikeout~~.

Edits in this version are ~~red strikethrough~~ for deletions and yellow highlight for additions.

ORDINANCE 10: AGRITOURISM

CHAPTER 1: TITLE

This Ordinance shall be known and cited as the Township of Eureka Agritourism Ordinance, except as referred to herein as “this Ordinance.”

CHAPTER 2: PURPOSE

The purpose of this Ordinance is to protect the public health, safety and welfare through the following:

- A. Establish permitting requirements and performance standards to regulate Agritourism and agricultural direct-market business.
- B. Establish standards that allow operators of agricultural operations to conduct Agritourism activities and agricultural direct-market activities while preventing or minimizing environmental and aesthetic impacts on adjacent properties and the community as a whole.

CHAPTER 3: DEFINITIONS

- A. **Agricultural Operation.**
As defined in Ordinance 1, Chapter 4 of Eureka Township Ordinances.
- B. **Agricultural Direct-Market Business.**
A seasonal or year-round agricultural business operated on a farm upon which commercial agricultural operations are currently being conducted, selling farm-raised products, including animal products such as meat, fish, and eggs, produce, bedding plants, plant or wood materials, or any derivative thereof, such as jams, jellies, wool products, maple syrup, and similar products. Products are sold directly to consumers without an intermediate wholesaler or distributor. This use may include but is not limited to, pick-your-own operations, roadside stands, farm fishing, and similar businesses.
- C. **Agritourism.**
Activities offered on a seasonal, occasional, regular or year-round basis to the general public, invited groups, or visitors on a farm upon which commercial agricultural operations are currently being conducted for the purpose of economic enhancement, education, enjoyment or active involvement in an agricultural use. Activities must be related to agriculture and accessory to the agricultural use on said property. Agritourism shall not include activities that include the discharge of firearms, competitions among motorized vehicles, or other events that the Township determines to be incompatible with the community’s character or intent of this chapter
- D. **Farm.**

As defined in Ordinance 1, Chapter 4 of Eureka Township Ordinances.

E. Non-Agricultural Products.

F. Operator.

Operator is any person or persons, partnerships, corporations or assignees engaging in commercial agricultural operations.

G. Town Board.

The Board of Supervisors of Eureka Township.

H. Township.

The Township of Eureka, Dakota County, Minnesota.

I. Zoning Administrator.

As defined in Ordinance 1, Chapter 4 of Eureka Township Ordinances.

J. Zoning Ordinance.

The Eureka Township Zoning Ordinance.

CHAPTER 4 - PERMITTED USES

Subject to full and complete compliance with the standards set forth in this Chapter, the following uses are Permitted Uses and structures in the Agricultural District:

Section 1 - Agritourism

Agritourism is permitted if the use and structures comply with all of the following standards listed below:

1. The minimum parcel on which the Agritourism use is located shall be at least ten (10) acres in size. The use shall be accessory to the agriculture use of the parcel.
2. The primary use of any property shall be to conduct agricultural operations as defined in Ordinance 1, Chapter 4 of the Eureka Township Ordinances. Any use permitted or allowed under this ordinance should be secondary to the agricultural operation and should not become the primary use of the property.
3. All Agritourism use shall comply with the regulations contained in Ordinance 3, Chapter 4, Section 1, and with all Township Ordinances applicable to commercial uses and nuisances, specifically, Ordinance 5, Chapter 4, sections 1 — noise and nuisances, 2 — odors, 3 — toxic matter, 4 —exhaust emissions, 5 — lighting, 6 — miscellaneous nuisances. (Resolution 59, 8-13-2007), and the Township's Noise Ordinance #2011-5.

4. All structures, including temporary structures, shall meet the minimum setback requirements of the zoning district. All buildings used in conjunction with the use shall meet the requirements of the State Building Code.
5. Activities may not begin before 7 a.m. and must be completed by 10 p.m.
6. A structure may include a kitchen for proper assembly, service and storage of food catered from another location. Any on-site preparation and handling of food or beverages must comply with all applicable federal, state or local standards. The full-scale preparation of food, a restaurant, bar, or other defined commercial food preparation activities are not allowed. Limited food preparation may be completed on site. A kitchen for the purpose of producing value-added food products from farm products such as jams, jellies, pickles, pizza, fermented foods, milk products, pies, jerky or similar products is allowed. Food preparation on site is limited to items, which are directly connected to the Agritourism use, such as pies, sandwiches, salads, snacks, pizza, and other items needed to accommodate typical events as permitted on the property.
7. All other parts of the township ordinances apply to this use.
8. The Agritourism use shall provide adequate on-site or portable sewage treatment facilities for the proposed activities that meet all applicable codes and standards.
9. All Agritourism uses shall provide adequate off-street parking for all employees and customers so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Parking areas must be at least 10 feet out of the road right-of way, and thirty feet from a neighboring property.
10. Agritourism uses may use up to 100 square feet of retail display floor space of the business to sell non-agricultural products.
11. No more than 500 square feet of building is used by the public for Agritourism.
12. No external lighting is to be used for the Agritourism use, except as required by building code.
13. The Agritourism use does not generate additional traffic of more than 30 cars per day on a dirt road or 75 cars on a paved road. *(Waiting for response from Attorney Lemmons)*
14. The Agritourim use does not result in visitors of more than 100 people daily on a weekly basis.

Section 2 - Agricultural Direct-Market Business

Agricultural Direct-Market Business if said use and structures comply with all standards set forth below.

1. The majority of the product sold on the property shall be grown or raised on the property.
2. An Agricultural Direct-Market Business may use up to 100 square feet of retail display floor space of the business to sell non-agricultural products. Non-agricultural products may only be sold during periods that agricultural products are also sold.
3. No sale of product shall take place on any County/Township Road or right-of-way.
4. All Agricultural Direct-Market Business Use shall comply with the regulations contained in Ordinance 3, Chapter 4, Section 1, and with all Township Ordinances applicable to commercial uses and nuisances, specifically, Ordinance 5, Chapter 4, sections 1 — noise and nuisances, 2 – odors, 3 – toxic matter, 4 – exhaust emissions, 5 – lighting, 6 – miscellaneous nuisances. (Resolution 59, 8-13-2007), and the Township’s Noise Ordinance #2011-5.
5. All structures, including temporary structures, shall meet the minimum setback requirements of the zoning district. All buildings used in conjunction with the use shall meet the requirements of the State Building Code.
6. A structure may include a kitchen for proper assembly, service and storage of food catered from another location. Any on-site preparation and handling of food or beverages must comply with all applicable federal, state or local standards. The full-scale preparation of food, a restaurant, bar, or other defined commercial food preparation activities are not allowed. Limited food preparation may be completed on site. A kitchen for the purpose of producing value-added food products from farm products such as jams, jellies, pickles, pizza, fermented foods, milk products, pies, jerky or similar products is allowed. Food preparation on site is limited to items, which are directly connected to the Agricultural Direct-Market Business, such as pies, sandwiches, salads, snacks, pizza, and other items needed to accommodate typical events as permitted on the property.
7. All other parts of the township ordinances apply to this use.
8. A single structure no greater than 2,999 square feet in area may be open to the public for the Agricultural Direct-Market Business.
9. No external lighting is to be used for the Agricultural Direct-Market Business, except as required by building code.
10. The Agricultural Direct-Market Business does not generate more than 30 car trips per day on a dirt road or more than 75 car trips on a paved road. (*Waiting for response from Attorney Lemmons*)

If the Town Board finds that any of the standards set forth in Section 1 for Agritourism or Section 2 for Agricultural Direct-Market Business have been violated, the Operator shall immediately cease the use. The Operator shall then apply for Interim Use Permit pursuant to the provisions of this Ordinance. The use shall not recommence until such time as an Interim Use Permit is issued.

CHAPTER 5: PERMIT REQUIRED

Section 1 – Permit Required

In the event any person, firm, company or corporation is unable to satisfy all of the performance standards set forth in Chapter 4, Section 1, or Chapter 4, Section 2, it shall be unlawful for said person, firm, company or corporation to conduct said Agritourism activity or Agricultural Direct-Market Business activity without first obtaining an Interim Use Permit as required in this Ordinance. Operating without a Permit will result in imposition of penalties as set forth in this Ordinance, which penalties will be strictly applied.

Section 2 – Criteria for Granting Permits

In granting a Permit, the Eureka Town Board shall consider the advice and recommendations of the Planning Commission and the effect of the Proposed Use upon the health, safety, morals and general welfare of the occupants and owners of surrounding lands. In determining whether or not to grant a Permit, the following standards shall be considered:

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities, which serve or are proposed to serve the area.
2. The use will be sufficiently compatible with or separated by adequate distance or screening from adjacent agriculturally or residentially used land so that existing property will not be depreciated in value and there will be no deterrence to development of vacant land. (Resolution 59, 8-13-2007)
3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
4. The use is accessory to the primary agricultural use. (Resolution 59, 8-13-2007)
5. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The use is not in conflict with the Comprehensive Plan of the township.
7. The use will not cause traffic hazards or congestion.
8. The proposed use must meet or exceed the performance standards set forth in this

Ordinance, as well as the Zoning Ordinances and other applicable Township Ordinances.

9. If a transfer of ownership occurs and there is not a change in impact to surrounding properties, the Permit can be transferred to the new owner. If there is a change in impacts, the Permit shall be subject to a review by the Town Board.
10. The township has the right to vary hours of activities from the noise ordinance.

CHAPTER 6: PERMITTING PROCEDURE FOR INTERIM USE PERMIT

Section 1 – Application

An application for either an Agritourism Permit or an Agricultural Direct-Market Business Permit shall include, but not be limited to, the following information:

- A. Name, address, phone number, contact person for the operator and signature of a legally authorized representative.
- B. Name, address, phone number and signature of the landowner.
- C. The type of permit being applied for.
- D. Acreage and complete legal description of the property on which the proposed use will be located, including all contiguous property owned by the land owners.
- E. A detailed description on the proposed use.

Section 2 – Supporting Documentation

The application shall also include all supporting documentation deemed necessary by the Zoning Administrator to consider the application. Said supporting documentation shall include, but not be limited to, the following:

- A. Survey showing the location of any improvements, either temporary or permanent, to be constructed.
- B. Plans and specifications for all temporary or permanent structures.
- C. Location and specifications of all on-site or portable sewage treatment facilities.
- D. Location and specifications of all off-street parking for all employees and visitors.
- E. Proposed external lighting plan if required.

- F. Noise abatement policy.
- G. Proposed hours of operation.
- H. Total estimated amount of all daily vehicle traffic from workers, visitors, and service vehicles. This estimate shall also include a description of the estimated average daily and peak daily number of visitor vehicles.
- I. Plans for emergency shelter for all visitors.

All plans, specifications for permanent structures, and on-site sewage treatment facilities will be supported by documentation provided by a registered engineer or architect licensed within the State of Minnesota.

Section 3 – Application Procedure

- A. Any applicant applying for either an Agritourism Permit or Agricultural Direct-Market Business Permit, shall complete the registration form provided by the Township and submit the completed form to the Zoning Administrator. The Zoning Administrator shall then review the application and if it is found to be incomplete, shall return the application with written instructions as to additional information required to complete the form. An application shall not be deemed to have been accepted by the Township until such time as the Zoning Administrator determines the application is complete. In addition, an application shall not be considered complete until all application fees have been paid, including any outstanding fees due to the Township.
- B. Upon receipt of a completed application, the Township Planning Commission shall review the application and set a date for a hearing, at which the applicant shall appear to answer any questions and provide any additional information requested by the Commission.
- C. After closing it's hearing, the Planning Commission shall forward its recommendation to the Town Board.
- D. The Town Board shall then review the application and the Planning Commission's recommendations and conduct a hearing before a final determination is made regarding the application.

Section 4 – Conditions of Approval

In granting either an Agritourism Interim Use Permit or an Agricultural Direct-Market Business Interim Use Permit, the Planning Commission may recommend, and the Town Board may impose, additional conditions for the purpose of protecting the health, safety, morals and general welfare of the occupants of surrounding lands and water bodies, as well as the community as a whole. These conditions may include, but are not limited to, the following:

- A. Limiting the height, size or location of structures, structures and gathering spaces must be

located and designed in such a way as to minimize the impacts on surrounding properties. If the Agricultural use terminates, the associated structures must be returned, or converted to a permitted or accessory use, or removed entirely.

- B. Controlling the location and number of vehicle access points, location and number of parking spaces. Screening may be required to mitigate identifiable impacts to adjacent residences.
- C. Temporary parking areas may be approved at the sole discretion of the Town Board.
- D. The board may require screening to mitigate identifiable impacts to adjacent residences (Ord 2010-1, 6-14,2010).
- E. Increasing the street width: If the capabilities of the roads are limited, and cannot or will not be improved, the IUP may be denied or limited in scope. The Planning Commission/Town Board may require the applicant to complete a traffic study prior to the issuance of any IUP. The Town Board may require dust control, turn lanes, or other road improvements based on the traffic that may be created by the use.
- F. A Subsurface Sewage Treatment System (SSTS) may be required for the use that complies with the Eureka Township Ordinance 2010-3. The Town Board may require portable sanitation facilities, as it deems necessary.
- G. The Town Board may require a representative or employee of the applicant to be on site at all times during events and activities, and may also require the presence of a person responsible for traffic control, security, and parking.
- H. The Town Board may limit the size and frequency of Agricultural use events or activities.
- I. Limiting the number, size, location or lighting of signs.
- J. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- K. Annual review. (Resolution 59, 8-13-2007).
- L. If the primary agricultural use terminates, the IUP shall terminate.
- M. Additional conditions may be imposed by the Town Board to ensure that the proposed use is compatible with the surrounding land uses.

Section 5 – Review of Permit

Each permit wrote shall be reviewed annually. The operator will, 30 days prior to the anniversary date of the Interim Use Permit, provide the following information to the Town Board and pay the review fee established in this Ordinance:

- A. History of applicant's compliance with the conditions of this Ordinance, as well as any conditions contained in the Interim Use Permit issued to the applicant and any other governmental regulations related to the applicant's use.
- B. History of any complaints received by the applicant regarding the use and what steps the applicant took to address said complaints.
- C. All information in the applicant's possession dealing with average daily vehicle count and peak daily vehicle count.
- D. Evidence that insurance is still in force and effect.
- E. Any change in ownership and/or operator. This shall include any change in ownership of the land, which is subject to the permit.
- F. Other items of information requested by the Town Board.

In its review, the Town Board shall examine the information provided by the operator, and the Town Board shall determine whether the use is in compliance with this Ordinance and the conditions imposed by the permit.

Section 6 – Amendment to Interim Use Permit

Any changes involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the Interim Use Permit issued, shall require an amended Interim Use Permit, and all procedures set forth in obtaining an original Interim Use Permit shall apply. The Zoning Administrator shall maintain a record of all Interim Use Permits issued pursuant to this Ordinance, including information on the use, location and conditions imposed by the Town Board, time limits, review dates, and such other information as the Zoning Administrator, in their sole discretion, deems necessary.

CHAPTER 7: PERFORMANCE STANDARDS

Section 1 – Agritourism Performance Standards

The following performance standards apply to all Agritourism permits issued by the Township:

- A. The minimum parcel on which the Agritourism use is located shall be at least ten (10) acres in size. The use shall be accessory to the agriculture use of the parcel.
- B. Any Agritourism use must maintain its demonstrated agricultural relationship and at no point shall the use of the property be converted to, or operated as a stand-alone business or industrial use.

- C. All Agritourism use shall comply with the regulations contained in Ordinance 3, Chapter 4, Section 1, and with all Township Ordinances applicable to commercial uses and nuisances, specifically, Ordinance 5, Chapter 4, sections 1 — noise and nuisances, 2 - odors, 3 - toxic matter, 4 -exhaust emissions, 5 - lighting, 6 - miscellaneous nuisances. (Resolution 59, 8-13-2007), and the Township's Noise Ordinance #2011-5.
- D. All structures, including temporary structures, shall meet the minimum setback requirements of the zoning district. All structures used in conjunction with the use shall meet the requirements of the State Building Code.
- E. Activities may not begin before 7 a.m. and must be completed by 10 p.m.
- F. A structure may include a kitchen for proper assembly, service and storage of food catered from another location. Any on-site preparation and handling of food or beverages must comply with all applicable federal, state or local standards. The full-scale preparation of food, a restaurant, bar, or other defined commercial food preparation activities are not allowed. Limited food preparation may be completed on site. A kitchen for the purpose of producing value-added food products from farm products such as jams, jellies, pickles, pizza, fermented foods, milk products, pies, jerky or similar products is allowed. Food preparation on site is limited to items, which are directly connected to the Agritourism use, such as pies, sandwiches, salads, snacks, pizza, and other items needed to accommodate typical events as permitted on the property.
- G. All other parts of the Township Ordinances apply to this use.
- H. The Agritourism use shall provide adequate on-site or portable sewage treatment facilities for the proposed activities that meet all applicable codes and standards.
- I. All Agritourism uses shall provide adequate off-street parking for all employees and customers so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Parking areas must be at least 10 feet out of the road right-of way, and thirty feet from a neighboring property.
- J. Agritourism uses may use up to 100 square feet of retail floor display space of the business to sell non-agricultural products.
- K. No external lighting is to be used for the Agritourism use, except as required by building code.
- L. **Farm stays do not have more than two sleeping rooms.** *Farm stays was removed in Chapter 4 – it was item 13, but was not removed in this section.*

Section 2 – Performance Standards for Agricultural Direct-Market Business

The following performance standards apply to all Agricultural Direct-Market Business uses in the Township:

- A. The majority of the product sold on the property shall be grown or raised on the property.
- B. An Agricultural Direct-Market Business may use up to 100 square feet of retail floor display space of the business to sell non-agricultural products. Non-agricultural products may only be sold during periods that agricultural products are also sold.
- C. No sale of product shall take place on any County/Township Road or right-of-way.
- D. All Agricultural Direct-Market Business Use shall comply with the regulations contained in Ordinance 3, Chapter 4, Section 1, and with all Township Ordinances applicable to commercial uses and nuisances, specifically, Ordinance 5, Chapter 4, sections 1 — noise and nuisances, 2 - odors, 3 - toxic matter, 4 -exhaust emissions, 5 - lighting, 6 - miscellaneous nuisances. (Resolution 59, 8-13-2007), and the Township's Noise Ordinance #2011-5.
- E. All structures, including temporary structures, shall meet the minimum setback requirements of the zoning district. All buildings used in conjunction with the use shall meet the requirements of the State Building Code.
- F. A structure may include a kitchen for proper assembly, service and storage of food catered from another location. Any on-site preparation and handling of food or beverages must comply with all applicable federal, state or local standards. The full-scale preparation of food, a restaurant, bar, or other defined commercial food preparation activities are not allowed. Limited food preparation may be completed on site. A kitchen for the purpose of producing value-added food products from farm products such as jams, jellies, pickles, pizza, fermented foods, milk products, pies, jerky or similar products is allowed. Food preparation on site is limited to items, which are directly connected to the Agricultural Direct-Market Business, such as pies, sandwiches, salads, snacks, pizza, and other items needed to accommodate typical events as permitted on the property.
- G. All other parts of the township ordinances apply to this use.
- H. No more than 2,999 square feet of a structure may be open to the public for the Agricultural Direct-Market Business.
- I. No external lighting is to be used for the Agricultural Direct-Market Business, except as required by building code.

CHAPTER 8: TERMINATION, VIOLATIONS AND PENALTIES

Section 1 – Termination

Any Interim Use Permit issued pursuant to the terms of this Ordinance shall be terminated on the happening of any of the following events:

- A. The date or event of termination specified in the Interim Use Permit.
- B. Upon a violation of condition under which the permit was issued, but only after the Town Board has first provided written notice to the operator and land owner (if different from the operator) describing the specific violation and steps necessary to be in compliance with the permit and after having been given a reasonable opportunity to remedy the violation, but in no case longer than five (5) business days. *(Waiting for response from Attorney Lemmons)*. The first violation of any condition will result in a written notice and appearance before the Town Board. A second violation of any condition will result in a written notice and a misdemeanor. A third violation of any condition will result in written notice and termination of permit.
- C. Each day that a violation continues beyond the allotted time to correct the violation constitutes a new violation.

Section 2 – Misdemeanor Penalty

Any person who violates or fails to comply with any provision of this Ordinance shall be subject to the provisions of Ordinance 8, Township of Eureka.

Section 3 – Data Practices Act

All complaints must be in writing and available for public viewing provided that the identity of complainant is confidential pursuant to Minnesota Data Practices Act.

Section 4 – Verification of Violations

All violations must be verified by the Town Board before action is taken.

CHAPTER 9: ENFORCEMENT

Section 1 – Inspection

The operator grants the Township, its officers and representatives, access to the facility during normal operating hours to inspect the facility and enforce the provisions of this Ordinance.

CHAPTER 10: LIABILITY INSURANCE

Section 1 – Indemnification

The operator shall hold the Township harmless against all claims by third parties for injuries, damage or costs related to the activities allowed under the permit. The operator shall indemnify the Township for all costs, damages, or expenses incurred by the Township arising from such claims, including attorney's fees.

CHAPTER 11: VALIDITY

Section 1 – Validity; Severability

Should any provision of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof, unless so specified in the judgment. If the courts declare the application of any other provisions of this Ordinance to any individual use, property or structure to be invalid, such judgment shall not affect the validity of said application of any provisions to any other individual, use, property or structure, unless so specified in the judgment.

CHAPTER 12: EFFECTIVE DATE

The Effective Date of this Ordinance shall be upon passage and publication according to law.