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REGIONAL SUSTAINABLE DEVELOPMENT PARTNERSHIPS

# Local Foods Planning and Zoning

UNDERSTANDING CHALLENGES AND BEST PRACTICES

Presented by Thomas P Krumel Jr



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**February 28, 2015**

Presented by Thomas P Krumel Jr

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## 1. INTRODUCTION

Agricultural Protection Zoning has been enacted to prevent the development of agricultural lands into non-farm uses. These zoning ordinances are enacted at the county or municipality-level and are often contained in the comprehensive zoning plan. The comprehensive zoning plans contain the goals of a community in terms of growth which are created by planners and confirmed through a series of public hearings run by a Board of Commissioners or City Council. “Plans may include or recommend specific policies to protect agricultural resources and to head off potential land-use conflicts” (The Farmland Protection Toolbox). While utilizing these tools to protect agricultural land is a noble endeavor, it does have the potential to create unforeseen consequences that could harm or deter certain farm enterprises.

“In the end, it is important to pass the right zoning, but it is even more important to do this through a process that brings a community together and strengthens the culture of agricultural support.”

Joel Russell,  
American Planning Association (2009)

The tool which many of these zoning ordinances rely upon is a prescribed lot size that is required for development. The thought behind this is that lots utilized for agricultural purposes tend to be larger in size and having large-lot minimum zoning deters residential development on agricultural land, thus protecting the land for agricultural uses.

A potential issue with Agricultural Protection Zoning comes into the fold when considering small-scale farms that are below the minimum lot size. This form of farming is actually hindered by these ordinances, in spite of the fact that small-scale farming has been gaining momentum in the last couple of decades. Much of the momentum gained has been in urban areas, though the rural-urban fringe has also seen expansion. There are potential solutions on a situational basis, such as conditional ordinances; however, at the moment, this is still a challenge that should be explored.

In light of the described challenges, this research sets out to:

- 1. Ascertain challenges local foods producers are facing in rural Minnesota as a result of zoning ordinances.
- 2. Identify planning and zoning best practices that have been used to support or promote local foods in rural communities throughout the United States.
- 3. Pinpoint lessons learned among the communities that have successfully implemented ordinances which support local foods.

The remainder of this study will be set up in the following manner. Section 2 will act as a literature review, highlighting pertinent research with regards to agricultural protection zoning and small-scale farming solutions. Section 3 will describe a survey that was carried out to gain an understanding of the zoning issues being faced by farmers in Region Five Development Commission’s jurisdiction (Cass, Crow Wing, Morrison, Todd and Wadena counties) as well as the outlying counties. Section 4 will dive deeper in the zoning issues befalling this region by describing two focus groups that were convened, one containing small-scale farmers and the second containing

planning and zoning professionals. Section 5 will describe some zoning ordinances undertaken by communities around the United States that are related to the issues uncovered in the previous portions of this document and could be utilized to alleviate issues currently hindering small-scale farmers in the region. Section 6 will conclude and will make some overall recommendations.

## 2. LITERATURE REVIEW

### a. Agricultural Protection Zoning

The Law field has recently seen an expansion in the topic of small-scale farming and its relation to agricultural protection zoning. Concerns that have led to agricultural protection zoning stem from the fact that the rural landscape has faced increasing pressure to develop. Agricultural protection zoning was originally enacted to give these communities the tools to protect their agrarian quality, especially against land conversion. Two studies that explore this issue at the state-level are examined below.



A study based on Ohio’s zoning regulations written by Clark (2007) outlined the type of agricultural zoning, which included exclusive (only agricultural purposes) and non-exclusive (permitting non-agricultural uses). Within the non-exclusive zoning, large minimum lot sizes and area-based zoning are the two tools most often utilized. The study concluded with concern that “[n]ew and creative approaches to agricultural zoning are not evolving” (Clark, 2007, 22). Additionally, their suggested typology makes mention of:

Include offering voluntary exclusive agricultural districts; utilizing small maximum lot sizes (ex. 1 acre) in exclusive agricultural districts; prescribing different lot sizes for different uses within the same district; limiting the number of lots splits from an original parcel; providing for local conditions, such as general type of agriculture, average size of farms, or unique or locally important soils to determine such factors as locally relevant lot sizes or location of new development; and, planned unit development standards for agriculture that allow for flexibility in incorporating agriculture-related development and/or other types of development and agricultural uses (Clark, 2007, 20).

Also touching the issue of agricultural protection zoning from a state perspective was Daloz (2010). Examining Vermont, difficulties identified include the, “succession and the increasing average age of farmers place doubt as to the viability of the next generation of farmers” (Daloz, 2010, 428). Additionally, housing centers have expanded to formerly rural and agrarian areas. The development pressure was the basis and motivation for this article, which outlines many of the land preservation techniques utilized in the state:



1. Lowering the costs faced by farmers.
2. Hindering or prohibiting development pressures on certain lands.
3. Expressly highlighting and promoting the value of active farmland in regional and local planning.

After an extensive examination of some of these tools, the author concludes by stating that:

[n]onetheless, many of these same tools that are put in place to protect farmers can also constrain their activities, impact their financial foundations, and welcome in the type of development pressures they were drafted to avoid. The threats of decreased land equity, increased rural sprawl, and encumbered land can also work to grind down a farmer's reserves and push them out of business. This is not to suggest that more regulation or land-use tools are needed. To the contrary, wiser policy and additional techniques are vital to farming's long-term sustainability. The challenge that many of these land-protection programs face in preserving farms in the state is that they are only able to address some of the pressures facing farmers today (Daloz, 2010, 452-453).

## **b. Small-Scale Farming Solutions**

Expanding upon the academic literature in support of small-scale farming with regards to zoning ordinances is the Resilient Region: Central Minnesota Sustainable Development Plan. This Sustainable Development Plan is a collection of policy research reports (much in the same vein as this one) examining the same region as this report. The Resilient Region: Central Minnesota Sustainable Development Plan addresses four main objectives for sustainability: housing, land-use, transportation and economic development. Utilizing the previous land-use research of Central Minnesota will provide a theoretical backing to further explore this issue.

The overarching document is titled *Resilient Region Plan Mission*. The mission is described as:

The mission of the R5DC Central Minnesota Sustainable Development Planning Project is to create a Community driven - University assisted partnership around planning sustainable regions that integrates the disciplines of housing, transportation, natural environment (land use) and economic development (including energy and local foods); and that encompasses in-reach strategies through HIGHLY involved civic engagement in efforts to build an inclusive region that will provide opportunities, be free from discrimination and improve the quality of life of ALL residents (1).

In this plan, the small-scale agriculture issue specifically receives mention in two separate sections:

1. Housing Issues and 2. Economic Engines Issues.

The housing issue puts a different spin on Agricultural Protection Zoning by acknowledging “the importance of local agriculture, the preservation of small farms and community supported agriculture (CSA) as it concerns policies such as zoning, agriculture appropriate real estate taxation and development” (5).

This sentiment is further developed in the section on Economic Engines Issues, though it also incorporates concepts used in the Agricultural Protection Zoning. The sentiment is also seen in the Agricultural Protection Zoning in keeping “prime farmlands in production rather than fragmenting and converting them to subdivisions” (32). Where this plan differs from Agricultural Protection Zoning is that supporting small-scale farms are the goal and action plans set out to incentivize this.

Also noteworthy, this plan calls for sustainable zoning which is described as:

Communities should look beyond merely dividing municipalities into geographic districts (Euclidean zoning) and consider more creative zoning approaches. This could include using performance-based zoning (also referred to as outcome-based zoning), form based zoning, and a public values-driven collaborative process. These alternatives will give local governments, landowners, and developers the flexibility they need to work together and maximize the public value of private development (17).

Taking these three recommendations together, it is apparent that Central Minnesota values small-scale farming and calls for flexibility in zoning ordinances to allow for a more public values-driven collaborative process that would facilitate the development and support of small-scale farming.

In *Land Use Policy Analysis For Todd, Morrison, Cass, Crow Wing, and Wadena Counties*, it was found that Morrison County uniquely has “[d]evelop[ed] incentives and support legislation providing tax incentives to maintain small or family farms” (9). As such, a more detailed exploration of Morrison County’s support legislation should be examined.

A model Agriculture and Forest Protection District is set in *Model Comprehensive Plan Policies and Model Ordinances to Implement the Livability Principles* researched by two law students at the University of Minnesota. Deserving of discussion from this document is the fact that the model ordinance, which was based CR Planning Model Ordinances and the Morrison County Zoning Code, does set an acreage definition at 25 acres for agricultural land. Also of note are the conditional uses, which include some applicable uses to farms not fitting the acreage definition, including single-family dwellings. This document provided an opportunity to orient and also to work within the current framework. It also shows areas of

improvement that can be made when considering the sustainable zoning described in the *Resilient Region Plan Mission*.

The final relevant policy research report that is a part of the Resilient Region: Central Minnesota Sustainable Development Plan is the *Regional Land Use Practices: How Central Minnesota Can Become*



*More Sustainable.* This research examined the three previously discussed documents and extended out some of their conclusions. With regards to the *Resilient Region Plan Mission*, the *Regional Land Use Practices* study concludes that “a community must insert the values of sustainable land use into their long-term vision that is then officially expressed in their comprehensive plan, in their policies, and ultimately in their ordinances” (7).

In summation of the above reports, some tools for executing what we are setting out to accomplish are already in place in Central Minnesota. Also, the commitment from stakeholders appears to be there. It is now about collecting the supplemental information to execute the prescriptions from the



Resilient Region: Central Minnesota Sustainable Development Plan. To help facilitate this next step, identifying communities that have gone through the process to enact zoning ordinances to promote small-scale farming should be explored.

### 3. SURVEY ANALYSIS

A survey was conducted from October 24, 2014 to November 25, 2014 to better understand the current challenges that small-scale farmers are facing in and around the Region Five Development Commission’s jurisdiction (Cass, Crow Wing, Morrison, Todd and Wadena counties) with regards to planning and zoning. The survey was sent out as a result of compiling two lists provided by research partners on this project (the SPROUT growers list provided by SPROUT and the Local Foods Survey Database provided by the Region Five Development Commission). In total, the survey was sent out to around 80 farmers in the area and the total number of completed responses was 33.<sup>1</sup>

Examining the results from the overall completed surveys, 69 percent of respondents live in the Region Five Development Commission’s service area and 31 percent of respondents live in border counties. 80 percent of respondents farm less than 100 acres of land and 53 percent of respondents farm on 40 acres or less. 84 percent of respondents have their homestead on their property and only 16 percent of respondents live away from their farm. A little more than half of the sample are SPROUT growers at 52 percent. 60 percent of respondents utilize high tunnel farming on their properties, but only 13 percent of respondents have had any zoning issues related to their high tunnels. A little more than a third of respondents have had zoning issues related to their farming operation at 34 percent, though, only 17 percent of respondents have applied for a conditional use

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<sup>1</sup> Many of the farmers from the Region Five Development Commission’s list were farmers whose size removed them from being the focus of this analysis. As such, the response rates should be viewed as much higher percentage, though with the caveat of a smaller sample size. All inferences should be viewed in this light accordingly.

permit. Finally, 19 percent of respondents are aware of other farmers in the area that have had issues related to zoning.

Viewing the survey data at a finer granularity, by examining the farmers who farm on 100 acres or less exclusively, we find that 80 percent of respondents make their homestead on the land that they cultivate and 56 percent of respondents are SPROUT growers, very much in line with the overall sample. 68 percent of respondents utilize high tunnel farming and only 10 percent of respondents have had any zoning issues related to the use of high tunnels, again not exhibiting much change. Exactly one third of respondents have had zoning issues related to their farming, with a quarter of these issues relating directly to the small acreage size of the farms being examined (with the issues being related to residential zoning on agricultural land and tax classification). Additional zoning issues that are of importance to small-scale farmers include agritourism, free range chickens and sign ordinances. 17 percent of these respondents have applied for conditional use permits and are aware of other farmers in the region who have faced challenges related to zoning.

Taking this a step further, the percentage of small acreage sizes becomes even more prevalent when examining farms that are 40 acres or less. Of the farms that have this qualification, half of the zoning issues encountered by survey respondents were related to small acreage, which amounts to 12 percent of all farmers included in this subset. The increase in percentage is indicative of the fact that this is a challenge that small-scale farmers might be facing with some regularity.<sup>2</sup> When examining the aggregated data, this issue specifically appears to be less rampant, but examining the subset of the sample with farmers cultivating 40 or fewer acres, it materializes as more ubiquitous. Also of note, and discussed in more detail in the next section on Focus Groups, this is an issue that could be more common outside of the Region Five Development Commission's jurisdiction, as the percentage drops considerably, to just a third, when the border counties are removed. Even with this drop, it is something that the counties that make up the Region Five Development Commission should be aware of as a potential issue.

#### 4. FOCUS GROUP ANALYSIS

On November 14, 2014, two focus groups, one containing small-scale farmers and the other containing planning and zoning professionals, were convened in Staples, Minnesota with the objective of understanding planning and zoning issues facing small-scale farmers in and around the Region Five Development



<sup>2</sup> As mentioned above, because of the small sample size, the word indicative was carefully chosen. While not to be taken as proof, it does appear that this is an issue that could be of some significance for farmers cultivating under 40 acres, especially with relation to the Minnesota Agricultural Land Preservation Program.

Commission's jurisdiction. In order to obtain a fuller understanding of the issues that local small-scale farmers are facing, it was important to discuss the issue from the perspective of the small-scale farmers in the first meeting. With a stronger foundation and additional insight into the issues that are presently the most meaningful to the small-scale farmers, the next step was to discuss the policy implications with the planning and zoning professionals. The ideal outcome from both meetings was an intricate understanding of the challenges that small-scale farmers are currently facing in the region and some potential planning and zoning tools to attempt to alleviate those challenges, with the end result being enhancing the economic vitality of the region. The focus groups were kept small to allow for a deeper dive into the issue, with five small-scale farmers and seven planning and zoning professionals participating in the focus groups. A more robust understanding of the issues that small-scale farmers are facing was certainly achieved, as was a more thorough acumen of the planning and zoning regulations with relation to agriculture in the counties that make up the Region Five Development Commission. Both of these results will be important in continuing to reduce challenges for small-scale farmers in the region in the future.

Entering the day, much of the preparation had been spent examining instances where the zoning condition was too restrictive and caused challenges to small-scale farmers as a result. Somewhat surprisingly, the major concern discussed by the group of regional small-scale farmers was actually the opposite, instances where zoning is not restrictive enough. This is a concern to small-scale farmers because large commercial agricultural production is purchasing more and more land in the region. These commercial operations are utilizing pesticides and fertilizers, which produces negative externalities from the applications that drift onto the land being cultivated by the small-scale farmers. Many of these small-scale farmers operate at or near the organic standard and these negative externalities produced by their large commercial neighbors make adhering to these standards more challenging. With lax to nonexistent planning and zoning regulations, these counties believe that they are facilitating agriculture to exist in abundance; however, as was brought up in this focus group, this type of planning and zoning could be benefiting a particular type of agricultural operation disproportionately.



The comparative advantage for many of these small-scale farmers comes from being able to participate in a niche market, at or near the organic standard. A more conscious celebration by consumers with regards to where their food comes from has led to the farm-to-table movement. By making it more challenging for small-scale farmers to adhere to organic standards, the large commercial operations are encumbering the comparative advantage of

these farmers. Many of these small-scale farmers are more productive per acre cultivated than their larger neighbors. With more productive acreage, the small-scale farmers have the potential to bring more money into the community. As has been already mentioned in this document, the Resilient Region Sustainable Development Plan views small-scale agriculture as a budding economic driver for the counties in the Region Five Development Commission and continuing to advance this economic driver is a long-term goal in the region.

A solution on how to implement more restrictive zoning measures that will aid small-scale farming was not garnered from this first meeting, though a conclusion was that it is something that definitely needs to be explored in more detail. Other conclusions from the first meeting include small-scale farmer perceptions that current planning and zoning reflects conventional agriculture from 40-50 years ago, and has not evolved with the recent changes in agricultural production. Additionally, consistency in planning and zoning across political entities would be helpful; however, not at the expense of flexibility.



The afternoon session illustrated that the importance of agriculture for the different counties in the Region Five Development Commission varies considerably. Some counties in the region have a strong agricultural base, while other are less grounded in agriculture. Cass and Wadena Counties appear to have the most relaxed zoning regulations in the region. The planning and zoning professionals did show a willingness to continue to meet and discuss issues that are important to small-scale

agriculture in the region. The discussion from this focus group is indicative of the fact that this willingness will have the potential to troubleshoot future issues that do come up. A final issue that came up in both the morning and afternoon sessions in relation to lot sizes is the succession of land, i.e., parents bequeathing land to their children and the impact that current regulations will have on that process. As lot sizes are nearing the lower limit, whether a residence is able to be made on all of the bequeathed land is an issue of concern.

An area outside of the Region Five Development Commission that was represented at the focus group for small-scale farmers and deserves individual attention moving forward is Stearns County. The case of Stearns County conforms to the preconception coming into the meeting, that restrictive zoning regulations are causing challenges for small-scale farmers. The specific instance involves land that is zoned for A-40, but is farmed at a smaller acreage amount. Stearns County was a unique instance in the discussion and future research should be aimed at comparing Stearns County to surrounding counties to determine if the planning and zoning regulations in the county are making them less competitive with attracting small-scale farmers and thus missing an economic development opportunity. Even though Stearns County was unique in this instance, based on the zoning regulations discussed with the planning and zoning professionals, it is possible to foresee

circumstances that could develop in a similar manner in some of the counties in the Region Five Development Commission. As such, it's important for these counties to be aware of the possibility and to work to accommodate such an enterprise if issues were to arise. That stated, Stearns County even came up in the focus group with the planning and zoning professionals and one participant stated that Stearns County zoning is so restrictive that several people from their subdivision who are retired farmers would not be able live on their current residence, if their current residence was in Stearns County.

The overall conclusion of the focus group confirms the preconceived opinion, that zoning issues are complicated. Consistency is thought to be a good thing in most instances; however, there needs to be room for flexibility. Relaxed zoning can be a major benefit, but there are cases where more restrictive zoning would be preferred. Major issues that came up from the small-scale farmers' perspective were related to residence location, agritourism and local vs. industrial. Of these issues, the planning and zoning professionals confirmed that in some cases large scale farmers are pushing out the small family farms in the region. Most importantly from a policy side, the planning and zoning professionals indicated a willingness to meet in the future, in order to have discussions to calibrate the zoning ordinances as issues arise.

## 5. POLICIES ANALYSIS

Motivated by the results of the survey analysis and the discussion that occurred at the focus group, a quick examination of best practices related to zoning issues uncovered in the region were explored on a national-scale. The process by which these best practices were discovered was by performing Google Searches with keywords related to the major zoning issues, as well as, the exploration of the Growing Foods Connections Database maintained by the University at Buffalo, The State University of New York. This database was created to “identify innovations in local and regional public policy that strengthen community food systems in order to better support underserved residents and farmers, especially small and mid-sized farmers” and serves as a good base to explore what has already been discovered as a best practice related to this issue. After the best practices were identified, they were then contextualized to the zoning issues currently being experienced in the Region Five Development Commission’s jurisdiction and outlying areas.

### A. Story County, Iowa – Local Food and Farms: Growing Story County

In much of the same vein as this research, Story County, Iowa dove into the issue of local food systems planning. The objective that they undertook was to “outline specific policy changes and implementation measures,” which would ultimately be considered by the County Board of Supervisors. In this process, they were able to identify eight obstacles in their county that hindered the mission they were trying to achieve: “To promote a locally-based food and farming system that advances Story County’s economic, environmental and social well-being, through public policy recommendations and implementation strategies incorporated into daily practices.” The eight obstacles included:



1. New and Diversifying Farmers
2. Farm Labor
3. Accessing Farmland by Aspiring Local Farm and Food Producers
4. Systems for Processing Local Food
5. Systems for Distributing Local Food
6. Telecommunication Infrastructure
7. Secure Markets for Wholesale Producers
8. Centralized Organization Coordinating Local Food

Most related to the issues that were uncovered in the community outreach portion of this research is Story County’s third obstacle “Accessing Farmland by Aspiring Local Farm and Food Producers.” The manner in which the county describes this issue is by stating that:

Accessing an appropriate size and affordable tract of farmland is one of the most difficult tasks for aspiring farmers. Local farm and food production in Story County is characterized by smaller acre production per farm. Based on current information, local food producers in Story County farm anywhere from one to 100 acres. Accessing productive farmland at this scale is difficult for aspiring farmers as many tracts of productive farmland are sold in larger acre holdings.

Two solution strategies were suggested to overcome this issue. The first was to support leasing public land for local food and farm production. One example of this model in the region is the Agua Gorda farmer cooperative in Long Prairie (Todd County). Renting 3.5 acres of land from the city, Agua Gorda started its second season with \$60,000 in signed contracts from restaurants and other food businesses in Minnesota (Meersman, 2014). This is a creative strategy that allows the county or city to lease some of the publically owned farmland specifically for crop production as a beginning farmer incubator. This overcomes the concern that many municipalities face with regards to protecting agricultural land, as the county or city would have control over the lease conditions of the land. This would also have the potential to facilitate the training of beginning farmers in an environment that is conducive for small-scale growers.



The second strategy is to undertake a comprehensive review and assessment of adopted plans and regulations to define barriers. This is very similar to the work that is being accomplished in this study; however, it is being performed on the county-level. This strategy has a benefit over this research in that an assessment at the county-level, by individuals working for the county, will have a more robust understanding of the county they are working in. Story County did this by reviewing adopted plans to determine if barriers to small-scale farming existed and reviewed potential amendments needed to encourage small-scale farming. Additionally, Story County examined the possibility of providing incentives to encourage local foods.

The strategy by which they achieved this was to first perform an analysis of their current policy on land use in the county. Second, they worked with the County Assessor's Office to identify vacant parcels and farmsteads that offer opportunities for small-scale farmers. Finally, they reviewed potential tax incentive programs and analyzed the cost of implementing such programs. As a next step, this could be an approach the counties in the Region Five Development Commission's jurisdiction use to expand on this research.



As a next step, this could be an approach the counties in the Region Five Development Commission's jurisdiction use to expand on this research.

## **B. Tillamook County, Oregon – Small Farm and Woodlot 10 Acre Zone**

Directly related to the issue of minimum lot size for a residence to be made on land that is being cultivated is an ordinance from the state of Oregon. This zoning ordinance was discovered on the books for Tillamook County, Oregon; however, the understanding of the county official contacted was that this is a state-wide policy. The specific zoning ordinance sets a minimum lot size of 10 acres for:

Small-scale farms and large acreage rural residential home sites on land that has potential for small-scale farm or forest uses, but because of limitations it is impractical for the Farm or Forest zone. It also provides a buffer between non-resource uses and lands that are managed for farm or forest uses, thereby assuring that the conversion of such lands to higher density uses occurs in an orderly and economical manner.

By making a distinction between land that is zoned for farm purposes and land that is zoned for small-scale agricultural uses, and by allowing residential home sites to be maintained on land that is zoned for small-scale agricultural use, there is the potential to overcome some of the issues that were expressed in the community outreach performed in this study. Land that is specifically zoned for small-scale agricultural uses would reduce the risk of large lots being broken up and developed for residential subdivisions, which is the fear in many Agricultural Protection Zoning practices and it would have the potential to facilitate more widespread development of small-scale agriculture in the region, a goal of the *Resilient Region Plan*. As small-scale agriculture continues to grow regionally, having zoning ordinances on the books that promote its growth is vital.

### C. State of Florida – Agritourism Statute

One of the more novel zoning challenges discussed at the focus group was related to agritourism. As agritourism is a more recent phenomenon, it is a form of agriculture that states and counties are still adapting to. The state of Florida enacted a statute to promote agritourism, as they see agritourism for what it is, a combination of their two largest industries, agriculture and tourism. The statute defines what constitutes agritourism to break down barriers of local regulation and liability for agritourism operators. The definition that Florida uses as “any agricultural related activity consistent with a bona fide farm or ranch or in a working forest which allows members of the general public to view or enjoy activities related to farming, ranching, historical, cultural or harvest-your-own attractions for recreational, entertainment or educational purposes.” With an appropriate definition in place, agritourism operators receive protection from issues of liability, as well as, protection from overregulation at the local government-level. Adopting a similar definition, either at the county or state-level, would help to promote agritourism in the Region Five Development Commission’s jurisdiction.



### D. Lancaster County, PA – Agritourism, Development Intensity and Lot Size Requirements

Lancaster County, PA has a number of plain sect farmers, which has transformed the county into a tourist destination. Recognizing the importance of this industry the county created guidelines to assist municipalities to plan for and regulate these types of businesses. Lancaster County created the guidelines to:

1. Identify the types of “authentic” agritourism related activities, experiences, and uses that would support the primary use of the farm, which is farming, and that should be permitted within local agricultural and/or rural zoning districts;
2. Develop guidelines which will ensure that the agritourism related activities that are permitted in an Agricultural or Rural District meet the legitimate public health, safety and welfare concerns of the local governments, and;
3. Create a recommended administrative process for reviewing and permitting proposed agritourism related ventures within a municipality.

The county views the guidelines as a way to promote and protect the agritourism that is occurring as a result of the plain sect farmers that reside in Lancaster County and the county obviously views this industry as a major economic driver.

Also of note in the case of Lancaster County, is that they have enacted a set area-based allocation system which ties the amount of permitted development to the size of the parcel being subdivided.

The first is a set system where the land owner can build one dwelling unit or subdivide one lot per specified acreage owned. The second is a sliding scale where the number of houses or lots permitted decreases as the size of the parcel increases. The current system in place has resulted in 11 townships in Lancaster County having adopted agricultural zoning that limits residential development to one lot permitted to be subdivided or dwelling constructed per 50 acres owned, or less. An additional 27 townships have adopted some version of one lot or dwelling per 20 or 25 acres owned. The majority of the townships in Lancaster County have acreage limits on dwellings that are markedly less than currently exists in the state of Minnesota.



## 6. CONCLUSION

A number of important issues surfaced as a result of this research. Overall, the region being examined is doing a pretty good job promoting small-scale agriculture currently, especially when compared to surrounding areas, which are potentially harming, rather than promoting, small-scale farming. One major challenge that small-scale farmers in the region are currently faced with is regulation that is not restrictive enough with regards to large-scale agricultural producers, thus harming their ability to

produce at or near the organic standard. Other major issues could arise with the manner in which the zoning ordinances are currently constructed and as such, the fact that zoning professionals in the region are willing to discuss issues as they come about is a very good thing. The Resilient Regions Plan calls for sustainable zoning, and these future discussions definitely fit in the mold of sustainable zoning.

Sustainable zoning is also being proactive and attempting to anticipate challenges that are on the horizon. This research hopes to be illustrative of some of these issues. An interesting case study is Story County, Iowa, in that they took it on themselves to evaluate zoning conditions for food systems planning. This would be an ideal outcome from this research, to encourage the counties being examined to reflect inwardly on current zoning ordinances and improve the situation for small-scale farmers in the region who could potentially face challenges. For instance, though not directly a major issue in the Region Five Development Region currently, lot sizes in relation to agricultural residence could present an issue in the future, especially with regards to farm succession. As such, it seems that creating a specific designation for small-scale farming, much like is done in Oregon, could mitigate this issue. This process would protect the agricultural land from being developed for other purposes and would remove potential barriers to small-scale agriculture in the region, as well as helping to assign the correct tax classifications. Another area for improvement could be to firmly define agritourism like the state of Florida, which would have the potential to break down barriers and liability for farms that are destination sites. Lancaster County, PA could serve as an example for both of these issues as well.

Some significant successes are occurring in this region with regards to small-scale agriculture, both with the food hub and agritourism. The region seems to have a burgeoning market for small-scale agriculture and further promotion will have the potential benefit of increased economic development in the region.

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## 8. APPENDIX

BELOW IS THE SURVEY DISTRIBUTED TO SMALL-SCALE FARMERS THROUGHOUT CENTRAL MINNESOTA IN OCTOBER-NOVEMBER 2014 TO GAUGE ZONING CHALLENGES.

Thank you for your time in commenting on how specific zoning ordinances are currently affecting your ability to farm at desired capacity! Zoning challenges affecting regional growers is an issue that is being assessed by a partnership between SPROUT MN, Region Five Development Commission, UM Central Regional Sustainable Development Partnership and the Center for Urban and Regional Affairs, Community Assistant Program at the University of Minnesota. We believe that it is important to understand the challenges small-scale farms are currently facing.

Please submit your survey response by November 10 and provide your email at the end of the survey to be entered into a drawing to win one of the books about food in Minnesota.

If you have any questions about the questions contained in this survey or on the project itself, please contact Thomas Krudel, Research Assistant for and the Center for Urban and Regional Affairs, Community Assistant Program at the University of Minnesota at [krume004@umn.edu](mailto:krume004@umn.edu).

1. What County do you currently farm in?
  - a. Cass
  - b. Crow Wing
  - c. Morrison
  - d. Todd
  - e. Wadena
  - f. Other (w/ fill in the blank)
  
2. How many acres do you currently farm on?
  - a. Under 10
  - b. 10-20
  - c. 20 – 40
  - d. Over 40
  
3. Is your homestead currently located on the same property as your farm?
  - a. Yes
  - b. No
  
4. Have you personally had any difficulty with a specific zoning ordinance related to your farming in your current residence?
  - a. Yes
  - b. No
  
5. If you have had difficulty with a specific zoning ordinance, please describe the issue that you faced and the specifics of the ordinance (in as much detail as possible).
  
6. Have you ever applied for a conditional use permit related to your farming in your current residence?
  - a. Yes

b. No

7. If you have applied for a conditional use permit related to your farming, please describe the nature of the permit and any details or challenges of the process (in as much detail as possible).

8. Are you aware of other farmers in the region who have faced challenges with regards to zoning ordinances?

a. Yes

b. No

9. If you are aware of other farmers in the region who have faced challenges with regards to zoning ordinances, please describe the nature of their issue, as you are aware of it (in as much detail as possible).

10. Gender

a. Male

b. Female

11. Age

a. Under 20 years old

b. 20-30 years old

c. 30-40 years old

d. 40-50 years old

e. 50-60 years old

f. 60-70 years old

g. 70-80 years old

h. Over 80 years old

12. If you want to be entered to win one of the books about food in Minnesota, please include your email address below.

BELOW ARE THE DISCUSSION GUIDES FOR FOCUS GROUPS CONDUCTED WITH LOCAL PRODUCERS AND PLANNING/ZONING STAFF TO GAUGE ZONING CHALLENGES AND BEST PRACTICES.

**Local Foods Planning and Zoning Focus Group  
Local Producers**

**November 14, 2014 from 10:00 am – 11:30 am  
Region Five Development Commission Office, Staples, MN**

**AGENDA & DISCUSSION GUIDE**

Intro and Welcome

- Welcome to all and thank you for being here!
- Ask all moderators to intro themselves (brief intros –name and org)
- Brief (a couple minutes) on research project and purpose of today’s grower focus group

Discussion Format

- Small group discussion guided by a series of questions to better understand your experiences and opinions. We encourage free-flowing, open dialogue throughout our time together.
- We want you to do the talking. We would like everyone to participate. I may call on you if I haven't heard from you in a while.
- There are no right or wrong answers. Every person's experiences and opinions are important. Speak up whether you agree or disagree. We want to hear a wide range of opinions.
- What is said in this room stays here. We want folks to feel comfortable sharing when sensitive issues come up.
- We will be tape recording the group. We want to capture everything you have to say. We won't identify anyone by name in our report. You will remain anonymous.
- Throughout our discussion, please help yourself to coffee and refreshments or use the restrooms as needed (restrooms are just down the hall. . . .)
- We greatly appreciate everyone’s time and will honor our commitment to wrap up the conversation by 11:30 am

Questions

1. Please introduce yourself and share how long have each of you been farming?
2. Where is your farming operation currently located?
3. Give a short description of your farming operation.
4. Have you ever encountered any issues related to zoning ordinances with regards to your farming operation?
5. What are the specifics of the zoning ordinance that you have had challenges with.
6. What steps have you taken to overcome the zoning challenges that you have faced?
7. Now that we have brought these issues to the table, what is your ideal outcome?
8. Is there anything else that you would like to say with regards to small-scale farming and zoning ordinances and/or the comprehensive plan in your community?

## Wrap up

- Thank you again for your time and invaluable input!
- Brief description of research next steps (i.e. research throughout fall semester; final report and information-sharing late Dec)

### **Local Foods Planning and Zoning Focus Group P&Z Stakeholders**

**November 14, 2014 from 1:00pm-2:30pm  
Region Five Development Commission Office, Staples, MN**

### **AGENDA & DISCUSSION GUIDE**

#### Intro and Welcome

- Welcome to all and thank you for being here!
- Ask all moderators to intro themselves (brief intros –name and org)
- Brief (a couple minutes) on research project and purpose of today's grower focus group

#### Discussion Format

- Small group discussion guided by a series of questions to better understand your experiences and opinions. We encourage free-flowing, open dialogue throughout our time together.
- We want you to do the talking. We would like everyone to participate. I may call on you if I haven't heard from you in a while.
- There are no right or wrong answers. Every person's experiences and opinions are important. Speak up whether you agree or disagree. We want to hear a wide range of opinions.
- What is said in this room stays here. We want folks to feel comfortable sharing when sensitive issues come up.
- We will be tape recording the group. We want to capture everything you have to say. We won't identify anyone by name in our report. You will remain anonymous.
- Throughout our discussion, please help yourself to coffee and refreshments or use the restrooms as needed (restrooms are just down the hall. . . .)
- We greatly appreciate everyone's time and will honor our commitment to wrap up the conversation by 2:30pm

#### Questions

1. Please introduce yourself and share how long have you been working in the planning and zoning field?
2. What community are you currently working in?
3. What zoning ordinances do you currently have on the books related to agriculture?
4. Does your community have a comprehensive plan? If so, what aspects are related to agriculture?
5. Are you aware of any issues that have come up with regards to small-scale zoning in your specific community?
6. What options are available to farmers who have zoning challenges and what is the process like to work around their challenges (i.e., conditional use permit)?

7. We heard this morning from a group of small-scale farmers that a, b and c are challenges that they are currently facing with regards to zoning ordinances. What steps can we take to address these issues to improve efficiency on these farms? What are the potential drawbacks from a planning and zoning perspective?
8. Is there anything else that you would like to say with regards to small-scale farming and zoning ordinances and/or the comprehensive plan in your community?

#### Wrap up

- Thank you again for your time and invaluable input!
- Brief description of research next steps (i.e., research throughout fall semester; final report and information-sharing late Dec)