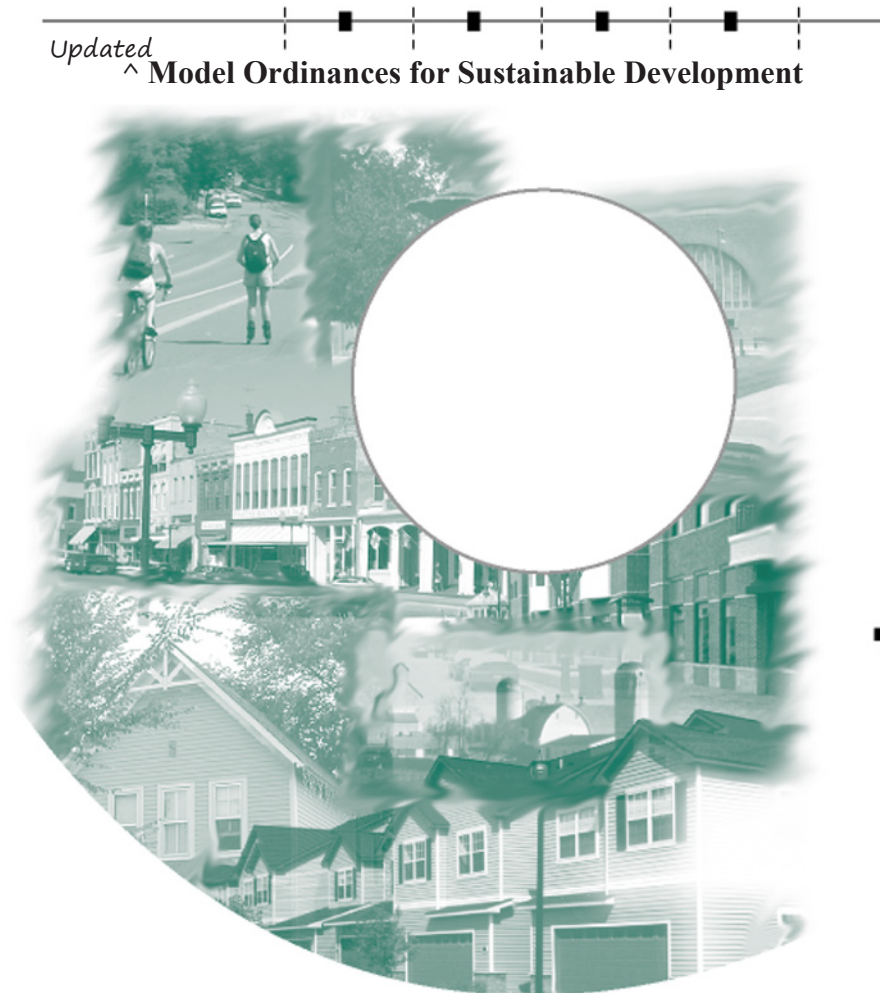


From Policy to Reality



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INTRODUCTION

As diesel fuel prices approached \$5 per gallon in 2008, consumers began to see sharp increases in the price of food. One explanation; food production in our country was inexplicably tied to the cost of oil – the oil-based production inputs like fertilizers, the dependence of large-scale agriculture on diesel- and gasoline-powered heavy equipment, and the cost of transporting food in diesel-powered trucks and trains from the production and processing plants to the consumers.

Furthermore, there is a growing recognition by consumers of the sometimes destructive effects of some traditional agricultural practices on natural systems. Manure management problems (smells, spills) are documented with increasing frequency in newspapers and on television. Soil erosion is a major contributor to both local and national water pollution. Sediment and nutrients are a major reason for many of the impaired water designations for Minnesota’s surface waters and for the sea-life “dead zone” in the Gulf of Mexico. Critical habitat for game and non-game species is created and destroyed in the cycle of land in and out of the Conservation Reserve Program as commodity prices rise and fall.

Finally, development around our metropolitan areas seeks out the character of rural landscapes, but through development then destroys the very character that makes these areas desirable. Laws and ordinances are frequently based on the notion that development of agricultural areas is inevitable. City and some county comprehensive plans portray the value of agriculture only as a land use holding pattern until infrastructure can be extended.

A burgeoning response to these issues is the “local foods” movement. Local foods generally thought of as those produced near to the ultimate consumers, and usually also meeting a standard for sustainable or organic production. Accommodating the local foods movement is a challenge for the traditional language of most zoning and development ordinances.

Local food production offers significant economic, environmental and social benefits to a community.

Credits

- *City of Bainbridge Island, Washington, Municipal Code*
- *New York Direct Marketing Association, Model Zoning for Roadside Stands and Farm Markets*
- *Minnesota Pollution Control Agency, Pasture Operations and Minnesota Feedlot Rules, Water quality/feedlots Fact Sheet #6-53, Updated November 2003, <http://www.pca.state.mn.us/publications/wq-f6-53.pdf>*
- *Policy Guide on Community and Regional Food Planning; American Planning Association; <http://www.planning.org/policyguides/food.htm>, 2007*

Traditionally, planners have attempted to draw clear lines between the urban and the rural, essentially creating areas of food production and food consumption. However, this dichotomy often proves to be an oversimplification and may be harmful to the socially desirable goal of sustainability. Likewise, given the complex nature of land use patterns, it is helpful to recognize an urban/rural continuum rather than the traditional dichotomy. . . Key areas of concern that can be addressed with zoning include the production of food in rural and urban areas, the protection of agricultural land, and enhancing markets for local foods.

Source: Putting Sustainable Community Development in Context: A Look at the Food System; Hemert, J., Holmes, J.; Rocky Mountain Land Use Institute, 2007, P. 5

I. Why Sustainable Local Food Systems are Important

- A. Fosters economic development by capturing value-added production and services
- B. Limits escalating costs due to transportation
- C. Protects farmland and rural community character
- D. Reduces the carbon-foot print of food production by using fewer fossil fuel inputs, decreasing transportation needs, and addressing other environmental impacts of traditional agriculture by building soil nutrients and limiting erosion.

II. Economics

- A. Buying food locally fosters economic growth and development. When community members buy locally produced food, their dollars stay in the local economy rather than being exported to other parts of the country or world. One recent study found that if southeast Minnesotans were to buy 15 percent of their food from local sources, it would generate as much income for the region as two-thirds of farm subsidies.
- B. Creating value-added agricultural products locally can also strengthen the local economy. Value-added products are those that have been processed or modified to increase their value to the consumer. Examples of value-added products made in Minnesota include jelly, cheese, sausage, and maple syrup. Some producers may choose to process their crops themselves on-site while others may choose to sell their crops to a local processor. In either case, processing agricultural products locally creates jobs and economic growth within the community.
- C. Cultivating a local food network is one way to protect community members against the escalating cost of food transportation. The American Planning Association, in its policy statement on urban food sources, notes that the average American meal travels 1,500 miles before reaching the dinner table. With petroleum prices on the rise, transportation represents a significant portion of the cost of food items.

III. Social - Many of communities on the outskirts of developing metropolitan regions would like to maintain their rural character. Unfortunately, because conventional farming becomes unprofitable in the face of increased development pressure, many communities lose their rural character when farmers begin to sell their land to developers. Because local food production strengthens the agricultural economy, it can help to preserve the rural character more so than conventional agriculture. Local food producers often require less land and operate under a different business strategy than conventional commodity producers. These differences allow local food producers to continue farming in communities where conventional producers are not able to be profitable. Thus, local food production can help to maintain key elements of rural character such as open fields, pastures, woodlands, and, most importantly, farm families.

IV. Environment - Locally produced food generally has a smaller carbon footprint because it is not transported as far as most industrially produced foods. Moreover, when food is produced locally, consumers tend to be more aware of the environmental effects of agriculture and may be more likely to participate in decisions about the environmental impacts of agriculture. For example, individuals who buy food directly from a farmer may demand that the crops are not treated with chemicals; that the farming practices used to produce the crops do not cause soil erosion; and that farm animals are raised in a humane, environmentally-friendly manner.

V. Encouraging Local Food Networks

A. Local governments can adopt two strategies to encourage a local food network:

1. Facilitate individual's efforts to grow their own food through community gardens and private gardens or "edible landscaping."
2. Create regulation in the rural/urban interface that protects local farming practices, integrates it with other land uses, and accommodates vertical-integration to make local farming economically viable.

B. This model presents two versions of ordinance language that encourages local food networks. First, the landscaping ordinance provides language for regulating front-and back yard food production, in addition to minimizing stormwater and drinking water problems associated with traditional turf landscaping. Second, the local food production ordinance addresses issues for integrating agriculture and other land uses on the development fringe of urban areas. The local food production ordinance provides:

1. Definitions that distinguish between locally-focused and commodity-focused agriculture,
2. An example of a local food production district for a zoning code, and
3. Performance standards for direct marketing facilities for local food producers.

Agricultural Retail – The sale of crops grown or livestock raised by a farmer or value added products made from crops grown or livestock raised by the farmer, agricultural-tourism, and incidental associated agricultural products sold on-site where agricultural crops or livestock are grown or raised that is subordinate to the actual agriculture on site.

Community Garden – A piece of land gardened and maintained by an organized group of community members generally for personal use or consumption. The land may be owned or rented by the group or owned publicly.

Produce Farm – Farms that primarily produce fruits, nuts, or vegetables for sale.

Community Supported Agriculture – A farm that sells seasonal shares to individuals. In return for purchasing a share, shareholders regularly receive baskets of seasonal produce and other products produced on the farm.

Animal Husbandry – The practice of breeding and caring for farm animals for profit.

Horticultural Nursery – A place where plants are propagated and grown until ready to be sold or transplanted to other locations.

Farmer’s Market – An event where a group of farmers sell their products directly to customers.

Road-Side Stand – A temporary or seasonal stall for an agricultural producer to sell products directly to customers.

Agricultural-Tourism – Agriculturally related accessory uses, that are subordinate to the growing of crops or the raising of livestock, designed to bring the public to the farm on a temporary or continuous basis, such as U-pick farm sales, retail sales of farm products, farm mazes, pumpkin patches, farm animal viewing and petting, wagon rides, farmland and facility tours, horticulture nurseries and associated display gardens, cider pressing, classes or workshops, wine or cheese tasting.

Direct Marketing – The marketing and sale of farm products from the producer to the consumer.

Value-Added Products – Goods made from harvested crops that have been processed in order to increase their worth such as jelly made from berries or cheese made from milk.

Farm Building – Any building used for agricultural activities such as storing agricultural equipment or farm produce, housing livestock or poultry, or processing dairy products provided that the activity is necessary for the production of a product for retail or wholesale sale. The term “farm building” shall not include dwellings.

On-Farm Store – A building located on a farm used for displaying and selling farm products directly to consumers.

Seasonal Agricultural Sales – Agricultural retail sales of farm products occurring during a time in a calendar year when the crop being sold is actually being harvested lasting 12 weeks or less.

Minor Agriculture Retail Sales – A direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced as well as locally produced agricultural products, value-added agricultural products and handmade crafts.

Major Agricultural Retail Sales – A permanent structure, operated on a seasonal or year-round basis that allows for agricultural producers to retail their products and agriculture-related items directly to consumers and enhance income through value-added products, services and activities.

Locally Grown Crops – Crops produced within 20 miles of Model Community.

Defining Ingredient – The part or component that describes the distinguishing characteristic of a product.

Animal Feedlot – A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.

Pasture – An area, including winter feeding areas as part of a grazing area, where grass or other growing plants are used for grazing and where the concentration of animals allows a vegetative cover to be maintained during the growing season except that vegetative cover is not required: 1) in the immediate vicinity of supplemental feeding or water devices, 2) in associated corrals and chutes where livestock are gathered for the purpose of sorting, veterinary services, loading and unloading trucks and trailers, and other necessary activities related to good animal husbandry practices, and 3) in associated livestock access lanes used to convey livestock to and from areas of the pasture.

Rotational Grazing – A livestock production system where livestock graze in one portion (a paddock) of a pasture that has been divided into several paddocks. Livestock are systematically moved from paddock to paddock based on the stage of growth of the forages and on the objectives of the grazing system.

Rotational Grazing

*The Minnesota Department of Agriculture defines rotational grazing and provides assistance, along with the U.S. Natural Resources Conservation Service (NRCS), to agricultural producers developing a rotational grazing plan.
Source: www.mda.state.mn.us/animals/grazing.htm*

- I. **Purpose** - The purpose of the local food production district is to protect the ability of agricultural producers to produce and market food and value-added agricultural products within the Model Community. Local food production is the predominate use; however single-family dwellings and hobby farms exist within the district. By creating a land use district that encourages local food production, Model Community will achieve the following Comprehensive Plan goals:
 - A. Maintain an active agricultural economy.
 - B. Create economic development through local food production and processing.
 - C. Protect rural character and open space.
 - D. Reduce the risk of increased food cost due to rising transportation costs.

- II. **Permitted Uses** - Local food production uses are permitted including:
 - A. Produce farms
 - B. Horticultural nurseries and greenhouses
 - C. Community supported agriculture
 - D. Community gardens
 - E. Public and private forest and game management areas

III. Provisional Uses - The following are provisional uses within the local food production district:

A. Animal Husbandry - Animal husbandry is permitted by and subject to the following provisions:

1. Land owners may keep no more than 20 animal units per 40 acres according to the following definition of animal units:

| Animal | Animal Units |
|--------------------|--------------|
| Dairy Cow | 1.4 |
| Heifer | 1 |
| Calf | 0.5 |
| Steer or stock cow | 1 |
| Feeder or heifer | 1 |
| Cow and calf pair | 1.9 |
| Hog <55 lbs | 0.05 |
| Hog 55-300 lbs | 0.4 |
| Hog 300 lbs+ | 0.4 |
| Duck | 0.02 |
| Turkey +10 lbs | 0.018 |
| Turkey -10 lbs | 0.01 |
| Horse | 1 |
| Chicken + 5 lbs* | 0.005 |
| Chicken – 5 lbs | 0.003 |
| Sheep or lamb | 0.15 |

* Dry manure management

2. For animals not listed above, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.
3. Feedlot conditions are not permitted within the Local Food Production District.
4. Liquid manure management is not permitted.
5. Animal owners are permitted to keep animals within pasture areas.
6. Rotational grazing is an acceptable use of pasture areas.

- B. **Residential** - Residential not associated with local food production.
- C. **Food Processing** - Food processing facilities are allowed only as an accessory use.
- D. **Agricultural Retail** - Major and minor agricultural retail are allowed only as accessory uses.

IV. Conditional Uses - The following are conditional uses within the local food production district.

- A. Aquaculture
- B. Kennels – Commercial
- C. Schools – public or private
- D. Community buildings

V. Accessory Uses - The following are accessory uses to local food production:

- A. **Food Processing** - Processing food products whose defining ingredient was produced locally, subject to the following conditions:
 1. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
 2. The processing operation shall not generate excessive traffic that is detrimental to the rural character of the local food production district.
 3. The processing operation shall not generate hazardous or excessive waste unless a plan for off-site management of waste is approved.
 4. Off-street parking shall be provided for any non-resident employees in a manner that does not significantly change the rural character of the property.
- B. **Heavy Equipment Storage** - Storage of heavy equipment used for agricultural purposes.
- C. **Minor Agricultural Retail** - A temporary produce stand and consequent seasonal agricultural retail sales for the sale of products grown or livestock raised primarily within Model Community consistent with Model Community's Performance Standards for Major and Minor Agricultural Retail.

On-Site Processing

Selling value-added products can improve the profitability of local farms. Unfortunately, some farmers are prohibited from constructing buildings or using equipment necessary for on-site processing because of restrictive zoning. While on-site processing might not be acceptable in all locations, a sustainable zoning code should identify locations where on-farm processing is an appropriate use. Factors to consider include:

- *Traffic – truck traffic and customers.*
- *Smell and noise associated with processing.*
- *Number of outbuildings to allow in agricultural districts.*
- *Allowing processing activities in agricultural districts (food processing might be considered an industrial process allowed only in industrial districts)*

- D. **Major Agricultural Retail** - Retail sales of crops grown, or livestock raised within Model Community, or value added products made from those crops or livestock or agricultural-tourism associated with the growing of crops or raising of livestock, or incidental associated agricultural products, that meets the criteria found in Model Community's Performance Standards for Major and Minor Agricultural Retail.

VI. Performance Standards for Residential Uses Not Associated with Local Food Production

- Residential uses not associated with local food production shall conform the following standards:

- A. **Setback from Local Food Production Uses** - Non-agricultural single family residential dwellings shall be setback 200 feet from the following uses:
1. Animal husbandry operations
 2. Local food processing operations
 3. Major and minor agricultural retail
- B. **Residential Density Requirement** - Four single family residential dwelling unit shall be allowed per 40 acres. Clustering or lot averaging to protect agricultural or natural resources is encouraged.

VII. Lot Requirements - Lots shall conform to the following standards:

- A. **Residential** - Residential lots shall conform to the following standards:
1. The minimum size for a single family residential lot shall be one (1) acre.
 2. The minimum median lot width shall be 150 feet.
 3. The location of any lot in the Local Food Production District that is not associated with local food production uses shall be located so that the Residential Dwelling unit can meet the Residential Performance Standards of Subsection G of this Ordinance.
- B. **Local Food Production Uses** - The minimum lot size for local food production uses shall be 20 acres.

Agri-Tourism

Agri-tourism is a style of tourism in which the public is invited to a farm to participate in activities such as U-pick produce sales, corn mazes, farm and garden tours, animal petting, wagon rides, wine or cheese tasting, classes, or workshops. Enabling farmers to offer agri-tourism activities provides an additional source of revenue and offers superb marketing opportunities. Appropriate land use regulation can allow agri-tourism to thrive without conflicting with other uses. Regulatory factors to consider include:

- Traffic
- Parking
- Number of outbuildings allowed.
- Allowing commercial/recreational activities in agricultural districts

Allowing farms that also offer some tourist activities without allowing inappropriate tourist uses in agricultural districts.

VIII. Setback Requirements - All buildings shall conform to the following minimum building setbacks:

- A. **Side** - 50 feet
- B. **Rear** - 50 feet
- C. **Front** - 100 feet from road center line

IX. Height Requirements

- A. **Non-Agricultural Buildings** - Buildings, other than agricultural buildings, shall not exceed 35 feet in height except.
- B. **Agricultural Buildings** - Agricultural buildings shall be exempt from the height requirement.

I. Agricultural accessory use with review

- A. **Purpose** - To provide for the economic viability of Model Community local food producers by allowing certain on-site retail activities as an administrative conditional use in zoning districts where agriculture is an allowed and preferred use.
- B. **Approval Process**
 - 1. Minor agricultural retail complying with the standards established in subsection B shall be permitted in the local food production district and the A-40 district in which agriculture is a permitted and preferred use.
 - 2. Major agricultural retail activity complying with the standards established in subsection C shall follow an administrative conditional use permit process as outlined in ____.

II. Standards for Minor Agricultural Retail Sales - Minor agricultural retail in the local food production district and the A-40 district, shall meet all of the following standards:

- A. **Accessory to On-Site Food Production** - The retail activity shall be on site(s) where crops are grown or livestock is raised. Joint use of farm stands by multiple producers is allowed, including use of retail sites for pick-up of Community Supported Agricultural (CSA) deliveries.
- B. **Subordinate to Food Production** - The retail activity shall be subordinate to the agricultural activity on site.
- C. **Locally Grown** - Products sold shall be primarily locally grown crops, value added products if the defining ingredient was locally grown, and associated products that are incidental to the agricultural activity on the site.
- D. **Parking** - Parking shall be provided on site that does not adversely impact sensitive areas or water quality and accommodates the anticipated traffic volumes.
- E. **Signs** - Signs are allowed, but cannot be placed anywhere it would create a traffic hazard. All other Model Community signage regulations may apply.
- F. **Lighting** - No outdoor lighting shall produce glare beyond the boundary of the property. No rotating or flashing lights on advertising signage shall be permitted.
- G. **Automobile Traffic** - No more than 60 (round trip) retail related automobile trips per day (on average, annually) shall be generated except that:

Direct Marketing

Selling farm products directly to consumers allows farmers to capture revenue that would otherwise be lost to third-party marketers and processors. Thus, direct marketing can greatly improve a small, local farm's economic viability. Direct marketing opportunities can take many different forms including farmer's markets, on-farm stores, roadside stands, or Community Supported Agriculture (a farm that sells annual shares to individuals who regularly receive baskets of seasonal produce in return). To foster a thriving local food network, communities must enable farmers to take advantage of direct marketing opportunities. However, roadside stands, on-farm stores and farmer's markets can create nuisances, and may not be appropriate in all locations. Carefully crafted ordinances and zoning code can ensure that direct marketing opportunities are integrate into the community fabric in a seamless manner. Factors to consider include:

- Increased traffic
- Parking space
- Lighting for after-dark sales
- Encouraging local farmers without conflicting with the Interstate Commerce Clause
- Setbacks for roadside stands
- Appropriate use of signs
- Whether roadside stands are seasonal or permanent
- Location of roadside stands: only on farmer's property; on city-owned property that farmers rent for the day/ week/ season; on major roads or minor roads; in business parking lots; residential or commercial districts.

1. An agricultural retail operation within a local food production district or A-40 zoning district, that is located on a road classified as a secondary arterial or above, and has the capacity on-site to accommodate the required parking may generate an unlimited number of automobile trips per day for agricultural retail activities.
2. If an agricultural retail operation generates more than 60 (round trip) retail related automobile trips per day and it is located on a road classified lower than a secondary arterial, the operation shall be considered a major agricultural retail operation subject to an administrative conditional permit process and to the standards for major agricultural retail listed in subsection C.

III. Standards for Major Agricultural Retail - Major agricultural retail in the local food production district shall meet the following standards:

- A. **Accessory to On-Site Food Production** - The retail activity shall be on site(s) where crops are grown or livestock is raised. Joint use of farm stands by multiple producers is allowed, including use of retail sites for pick-up of Community Supported Agricultural (CSA) deliveries.
- B. **Subordinate to On-Site Food Production** - The retail activity shall be subordinate to the agricultural activity on site.
- C. **Locally Grown** - Products sold shall be primarily locally grown crops, value added products if the defining ingredient was locally grown, and associated products that are incidental to the agricultural activity on the site.
- D. **Parking** - To ensure public safety, major agricultural retail sales will be required to have off-street parking with adequate ingress and egress with an area for turn-around. A minimum of one 10 x 20 parking area per 200 sq. ft. of selling and display area, with a minimum of two spaces, shall be required. For the purpose of calculating the required number of parking spaces, production facilities, garden plots, planting beds and outdoor storage area opened to the public are excluded. The above notwithstanding, adequate off street parking shall be provided. Parking spaces are exclusive of driveways and turnarounds. Entrances and exits onto roadways must have an all-weather surface.
- E. **Signs** - Signs are allowed, but cannot be placed anywhere it would create a traffic hazard. All other Model Community signage regulations may apply.
- F. **Lighting** - No outdoor lighting shall produce glare beyond the boundary of the property. No rotating or flashing lights on advertising signage shall be permitted.

G. **Potable Water** - On-site potable water is required.

H. **Setbacks** - Setbacks shall meet the following standards:

1. **Frontyard** - 20 feet from the right of way line to front of sales area, excluding production facilities, garden plots, planting beds and outdoor storage areas open to the public. No parking is allowed within frontyard setback or within 20 feet of the edge of roadway, whichever distance is less.
2. **Sidyard** - 20 foot setback from property line.
3. **Rear** - 20 foot setback from property line.

IV. **Time Limitation** - Major and minor agricultural retail are subject to the following:

- A. **Pre-Existing Retail** - Agricultural retail operations shall continue as long as the use continues to comply with the criteria that were in effect at the time of original approval and as long as the business complies with the conditions established in for the site and with any other applicable city, county, state or federal regulations.
- B. **Time Limit** - Any on-site agricultural retail activity that ceases operation for more than one year (four consecutive seasons) shall be required to reapply.

V. **Enforcement**

- A. **Notification** - Upon notification that a violation of the required criteria may have occurred, the Model Community staff shall notify the property owner of the alleged violation and a code enforcement investigation shall be conducted.
- B. **Compliance** - If it is determined that there was a violation of the criteria found in ____ the Model Community staff shall notify the owner of the property by certified mail of the findings and required actions for compliance.

Roadside Stands

“The purpose of a roadside stand is to allow farmers, who are actively farming, low cost entrance into direct marketing their farm products. It is characterized as a direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced as well as locally produced agricultural products, enhanced agricultural products and handmade crafts. Permitted activities include: the marketing of agricultural products, products that are agriculture-related, including specialty foods; pick-your-own fruits, vegetables and nuts; community supported agriculture (CSA).”
 Source: Model Zoning for Roadside Stands and Farm Markets, New York Direct Marketing Association.

Farm Markets

The purpose of a farm market is to provide opportunities for actively producing farms to sell their products directly to consumers and enhance income through value-added products, services and activities. Permitted activities include: the marketing of agricultural products, products that are agriculture-related, including specialty foods; crafts; agricultural commerce, agricultural tourism, pick-your-own operation; community supported agriculture; farm vacations. The following are allowed as accessory uses to the farm market operation: Petting zoo and animal attractions; children’s games and activities; crop mazes; holiday-oriented activities; miniature golf course, incorporating farm themes; food service if growing any portion of the food served, such as vegetables with a deli, fruit in desserts, etc; horse-back riding arenas.