

Un-Official

ATHENS TOWNSHIP PLANNING COMMISSION

Minutes of July 21, 2016

Athens Township Government Center

1. *Pledge of Allegiance:* The Pledge of Allegiance was recited.
2. *Roll Call:* The meeting was called to order at 7:01 p.m. by Chairman Lyle Reynolds. Members present were Lyle Reynolds, Marlys Balfany, Cindy Anderson, Dan Woodfill, Ian Ebeling and Dave Henderson. Absent was Jake Carpenter. Also present were Jim & Carolyn Braun, Staff Members. Guests included Dave & Kathy Beckstrom, Richard Johnson, Cindy Reynolds, Mark Hedin, Steve Stranlund Jr. and Mike & Kathy Peters.

Note: It was noted that Approve Agenda was missing from the agenda. It was a mistake when typing the agenda. It will be on the next agenda.

3. *Minutes of May 19, 2016:* A motion to approve the minutes as presented was made by Dave Henderson, seconded by Dan Woodfill. Motion carried unanimously.
4. *Open Forum:* No one was on hand for the open forum portion of the meeting.
5. *Public Hearings:*
 - (a) *Conditional Use Permit – Farm Winery*
 - (b) *Conditional Use Permit – Rural Tourism Business*

Note: Because both requests are for the same property (parcel) and the uses may coincide with each other the hearing will consider both permits at the same time.

Background Information:

David and Kathy Beckstrom, Stone Lion Winery, are requesting a conditional use permit for a farm winery and a conditional use permit for a rural tourism business on property located at 24542 Verdin Street Northwest. The site is approximately 30 acres and includes two vineyards along with the home site. The nearest home to the site, in Isanti County, is approximately one-half mile away. The site is screened from the neighbors by distance as well as significant tree cover.

The property has direct access from Isanti County Road 69. Access to the winery and future tourism venues will be from a driveway that was installed last year, located about six feet south of the north property line. Parking will be located on the northern part of the site, approximately 1200 feet from County Road 69 and will be wholly contained on the site. Parking will be provided according to ordinance standards to accommodate a crowd of no more than 300 persons.

The future winery will include a tasting room for sampling and purchase of wine, a production area, lab, storage area and space for indoor events. Both indoor and outdoor seating areas will be provided. Food service is planned as permitted by the zoning ordinance. Catering may be used for some events. Liquor will be served for rural tourism events and/or guests may bring their own liquor. Ordinance standards require that food and liquor service must be provided by state licensed vendors. Music may be provided but will not include concert venues. Construction of a future building is also planned to allow for rural tourism events. Planned hours of operation are from 9 am to midnight, Monday through Sunday.

Signage will include one permanent sign (as allowed by ordinance) and two flag signs.

Discussion:

Carolyn Braun gave an overview of the requests. Marlys Balfany questioned the statement that guests may bring their own liquor. Dave Beckstrom said that it is allowed such as private parties, graduations, home weddings and etc. Even though it is allowed, Dave will carry a one million dollar liability policy on the venues in case there is ever a problem. Dave Beckstrom handed out some color photos to help the Commissioners on the layout of the property.

Dave Henderson asked how many bottles of wine could be made off of the size vineyard that the Beckstrom's have. Dave responded that until he is setup for large production it's hard to say. For this year a small number of bottles were made and the balance of the crop was sold to another winery. Storage of the wine until bottled was discussed. Storage can be in oak barrels, plastic containers or stainless steel containers. Dave noted that barrels are very expensive to be used for storage containers while the wine ages.

During discussion of the site plan Dave Beckstrom noted the possible position of the winery building showing that there are no problems with setbacks. Other areas of note were the parking area, the vineyards, a wetland area and the possible location of a structure for weddings or gatherings under the rural tourism permit. That structure may start out as a tent or a pole type structure with open sides that may be fitted with canvas sides if the weather is bad. The structure may be used for storage of equipment during off season times.

Jim Braun questioned Dave Beckstrom about the timeline he has for the winery structure. Jim asked if the processing would be done in the house structure, Dave responded that as soon as all the permits are processed he would be looking at the winery structure. A possible timeline would be next season to start on the building on a smaller scale and enlarge as needed. Lyle Reynolds questioned if we had to decide on building size at this meeting. Jim responded that his site plan shows the maximum size building that he proposes for the record, but he certainly can build smaller and it doesn't have to be decided at this time.

Dave Beckstrom told the Commission that he applied to Isanti County Highway Division for the driveway permit. He was told that the apron coming off the road could be Class 5 Gravel. The driveway itself is thirty feet wide and will be graveled to the area of the parking lots.

Dave Henderson asked what would happen if Dave Beckstrom did not set up to process his crop of grapes, what are his alternatives. Dave Beckstrom answered he could either sell the grapes or have someone else process them for him. Dave also noted that he can only process 200 gallons of wine for his own personal use.

Chairman Reynolds opened the public hearing to the audience at 7:28 p.m.

Richard Johnson, Chairman of the Board of Trustees, Trinity Lutheran Church spoke about Dave Beckstrom mowing a small strip of grass on their property. Richard did not want to have this "unintended consequence of being construed as an adverse possession claim" Dave Beckstrom explained that he has been mowing a small strip of grass on their property in order to control pocket gophers. Dave has used the "gopher machine" and has placed poison along the parcel line to control the gophers so they don't destroy his grape vines. Jim Braun noted that this situation (complaint) has nothing to do with the request but should be worked out as neighbors (*letter enclosed*). Mr. Johnson did wish him well and supports his endeavors.

With no more comments from the audience, Chairman Reynolds closed the public comment portion at 7:37 p.m.

Carolyn had given the Commission a number of conditions of approval to consider:

1. The applicant shall obtain all building permits. Plans for any buildings must meet all applicable ordinance standards.
2. Permitted site signage includes one permanent sign according to ordinance standards and two flag signs.
3. Any existing buildings used for the winery/rural tourism business must be certified to meet current structural standards.
4. Any existing SSTS systems must be certified to meet current standards for an increase in occupancy of gallons per day. Until permanent structures are built portable rest rooms are required to accommodate the size of the venue.
5. The site and structures shall be subject to periodic inspections by the Township Zoning Administrator.
6. On-site parking shall be provided according to the Township Zoning Ordinance.
7. The applicant shall obtain and maintain all Federal, State and/or County licenses and permits. Current copies of all licenses shall be forwarded to the Zoning Administrator.
8. The site shall be limited to no more than 300 guests, including staff, at any one time.
9. Food and liquor service must meet ordinance standards.
10. Proof of insurance with copy to Zoning Administrator.
11. No overnight accommodations are allowed.
12. Portable signs warning of larger events and parking for traffic safety to be placed on the County Road.
13. Permanent No Parking signs to be placed along the driveway to assure emergency vehicles safe passage.
14. Winery will be open according to State requirements if any. Applicant can rent out the winery structure during off season winery use for rural tourism venues.

With no more comments a motion was made by Dave Henderson to recommend approval of the request for the CUP for the winery and the CUP for the rural tourism business, both with conditions discussed. The motion was seconded by Ian Ebeling. Motion carried unanimously.

6. *Old Business:* None

7. *New Business: Opt out Temporary Healthcare Housing Ordinance.* Carolyn Braun told the Commission that there is a new statute that allows temporary health care dwellings. Carolyn went on to say the statutes allow municipalities to opt out of these requirements.

The law allows landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling up to 300 square feet in size with temporary utility service. People who may call this type of unit home on a temporary basis must be a mentally and/or physically impaired person requiring assistance with two or more instrumental activities of daily living. Documentation signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state is required. These types of units are considered exempt from certain elements of local zoning regulations by law. The law allows these types of units through a permitting process and grants a timeline of 6 months for the use of the unit and allows an extension of 6 additional months to the permit, if requested.

Staff recommends at this time to exercise the opt out provision. Some requirements of the law are unclear as to implementation and in some aspects will be difficult to administer. Further, the Athens Zoning Ordinance already includes standards for temporary farm dwellings for farm workers, health care workers assisting farm residents or for ailing parents of children.

After some discussion, Marlys Balfany made a motion to recommend the Board of Supervisors, opt out from the ordinance regarding temporary health care dwellings. The motion was seconded by Cindy Anderson. Motion carried unanimously.

8. *Miscellaneous:* The agenda doesn't have any business to discuss. Dave Henderson said that it would be helpful to the Commissioners to see the results of the recommendation that are made to the Board are handled. Jim Braun said that copies of any documents could be included in the next Planning commission packet. Dave also requested a list of all building permits so that the Commission is aware of who has permits in case they see someone working without a permit they could notify the Zoning Administrator. Jim Braun said that the Board of Supervisors get a detailed list of permits every month and he sees no problem with adding that list to the Planning Commission packet.

Jim Braun informed the Commission that Brennan Cox has applied for a Conditional Use Permit for a Rural Tourism Business which will have a public hearing at the next Planning Commission meeting on August 18, 2016.

9. *Adjournment:* Being that there was no further business a motion was made by Marlys Balfany to adjourn the meeting, seconded by Dave Henderson. Motion carried unanimously at 8:07 p.m.

Respectfully Submitted,

Jim Braun
Recorder Pro-Tem