

Land Use and Development Code Amendment: Agricultural Tourism

**Town of Gorham
Planning Board Meeting
March 7, 2022**

ITEM 2 - Land Use and Development Code – Public Hearing: – Proposed amendment to the Land Use and Development Code to allow for agricultural events and agricultural tourism.

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AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)	August 3, 2021
Planning Board - Meeting Discussion	The Item was forward to the PLBD Ordinance Committee for review and recommendations.	September 13, 2021
PLBD Ordinance Committee	The committee request staff provide additional performance standards for review.	October 4, 2021
PLBD Ordinance Committee	The committee reviewed the additional standards added and recommended no further changes. The committee forward the item to the next available Planning Board meeting for a public hearing.	December 6, 2021
Planning Board – Public Hearing	The Planning Board forward the item to the PLBD to outline some more permitting requirements for larger events.	January 3, 2022
PLBD Ordinance Committee	Rescheduled from February 7, 2022. The Committee reviewed proposed changes by staff, took public input, and recommend a revised craft for public hearing.	February 14, 2022
Planning Board – Public Hearing		March 7, 2022

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

Memo completed by Thomas Poirier, Director of Community Development.

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1. Overview

The Planning Board's Ordinance Committee held a meeting on February 14 to discuss the Board's and public comments from January 3, 2022 Board meeting. The comments were for the Ordinance Committee to review and make recommendations on the following: a tiered approach to the size of event being allowed, adding a limit on the number of larger events being held on a property, and outlining permitting requirements for larger events.

The committee reviewed proposed changes drafted by staff and are shown **red, bolded, underlined and struck through**. The committee thought that the proposed changes addressed the comments from the January 3rd meeting. The committee opened the proposed changes for comments from the attendees. The attendees thought that the changes provided protection for abutters but did not overly burden the farmers with regulations.

Below information shown in italics are comments from the October 4th, 2021 staff notes. *The Town Council forwarded a request to the Planning Board to allow existing farms to utilize agritourism as a way to generate revenue. This is not a zoning change to allow for dedicated event centers in old barns; that is something that would need to be done under a contract zone as outlined under the new Rural District's performance standard G, 13. The amendment includes adding new definitions, new permitted use in the Rural District, as well as new Rural District performance standards. The Town Council has forwarded the drafted ordinance amendment identified below with proposed changes shown as underlined. The Town Attorney has reviewed and provided edits to the proposed ordinance which have been incorporated.*

The Planning Board may want to review to see if there are any farms in the Suburban Residential District that could utilize the proposed amendment. If so, the Planning Board may want to consider an amendment that would allow agritourism in the Suburban Residential District.

Proposed Amendment:

Chapter 1: ZONING REGULATIONS SECTION 1-5 – Definitions

Agriculture: The science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products.

Agritourism: Any agricultural activity carried out on a farm or ranch that members of the general public are allowed to view or participate in, including farming, ranching, historical and cultural activities, harvest-your-own activities and attractions related to farming or ranching, including, but not limited to, marketing or selling of any products from the farm or ranch. Examples of agritourism include farm markets; roadside stands; enjoyment the farm environment; harvest your own operations; ice cream/bakery facilities; Maine Maple events; Christmas tree farm, including cut your own operations; wineries, winery tours and tastings; local product retail operations; corn mazes; farm-related interpretive facilities and exhibits, agricultural education programs and experiences; agriculturally related fairs and festivals; on-site farm, garden and nursery tours; trails; farm stay; recreation related operations; horseback riding; weddings; corporate events/retreats; and banquets. An activity is an agritourism activity whether or not the participant pays to view or participate in the activity.

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Farming: The commercial production of agricultural products as a livelihood and includes dairy farming; raising livestock, freshwater fish, fur-bearing animals or poultry; producing, cultivating, growing and harvesting fruit, produce or floricultural or horticultural commodities; or any practices on a farm or ranch that are incident to or in conjunction with these farming operations, as defined by the Maine Revised Statutes, Title 7, Sec. 251, as amended.

Marketing: The promotion of buying and selling a product or service, including agritourism, which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation.

Section 1-8 – RURAL DISTRICT

B. PERMITTED USES

24) Agritourism

G. Performance Standards for Agritourism Activity

1. The farm must be an existing and operating working farm.
2. Agritourism activity must be incidental to ~~and directly supportive of~~ the agricultural use of the property.

a. Events that have under one hundred (100) attendees or less at any one time are required to have ten (10) acres under continuous ownership or leased farmland uses for the location where the agritourism activity will occur.

b. Events that have one hundred (100) to two-hundred and fifty (250) attendees at any one time are required to have twenty (20) acres or more under continuous ownership or leased farmland uses for the location where the agritourism activity will occur.

3. Permits: Events under this section are exempt from site plan review. **Events with more than one hundred (100) attendees at any one time are required to get an Agritourism Event Permit from the Code Office for each event. The applicant will identify how the event will comply with standards outlined under this section.**

4. Applicants, vendors, and owners are required to obtain all required local, state, and federal permits for each agritourism activity.

5. The attendance at any such event shall be limited to two-hundred and fifty (250) **people attendees** at any one time. **Any event larger than two-hundred and fifty (250) at any one time shall be reviewed under the Large Outdoor Event Ordinance. The number of events with over one hundred (100) attendees at any one time shall be limited to 10 events in a calendar year with no more than 3 events occurring in a calendar month. Events that occur over multiple days shall constitute a separate event for each day the event occurs.**

6. The use of any structure ~~used~~ for agritourism activities is required to meet all local, state, and/or federal codes including but not limited to building and fire codes.

7. Adequate bathroom facilities, either portable or permanent, shall be provided to accommodate all attendees.

8. Any service, sale or consumption of alcoholic beverages shall be in compliance with State law.

9. Such events may include the provision of goods and services by third-party vendors, including but not limited to catered food preparation and serving and musical performances or other

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entertainment. Third-party vendors are required to obtain all required, local, state, and federal permits for the events they are participating in.

10. Agritourism activities are required to meet the Town's noise standards under Chapter 2 Performance Standards, Section 2-1 Environmental, H. Noise Abatement.

11. Signage may be used as prescribed by Chapter 2, Section 2-3.

12. Hours of event operation are limited to:

a. Sunday through Thursday: 8:00 am to 8:00 pm.

b. Friday through Saturday: 8:00 am to 10:00 pm.

c. Setup and take down for an event is considered to be separate from the hours of operation of the event and shall not be considered part of the event itself. **Setup or take down shall not occur between the hours of 11:00 pm and 7:00 am.**

13. Events that do not conform to the standards above may be considered under the Contract Zoning Chapter 1 Section 1-1.

14. Vehicular access into the agritourism activity will provide for safe and convenient access.

15. None of the agritourism activity shall be located in any required side, rear, or front setbacks.

PROPOSED MOTION:

Move to recommend adoption of the proposed Zoning Amendments to provide for Agricultural Tourism under Chapter 1, Section 1-5 – Definitions, and Section 1-8 – Rural District (as amended by the Planning Board).