

## Minutes of March 9, 2022 AARC Meeting

### Present

Member: Lori Garkovich, Skip Phillips, Floyd Raglin, Bob Rouse

Planning Director: Pattie Wilson

Guest: Chris Batts

Motion to approve minutes of Feb 9 2022 meeting. Floyd Raglin made the motion, Bob Rouse seconded. Approved.

**WORK SESSION CONTINUED:** Tourist Destination and Tourist Destination Expanded, Article II (306 A&B); and, Article VII, Section 701.8 and Definitions, A-H.

### Background from December 8, 2021 AARC Work Session discussion

AARC members identified key questions to guide this discussion:

- Do the ordinances add to or diminish the effectiveness of the planning process in achieving the land use goals of Woodford County, if so, how?
- Do the ordinances add value to the planning process, if so, how?
- Does the language of the existing ordinances need to be modified, if so, how and why?

When AARC is limited to evaluating ONLY the noise, lights and special events effects of Tourist Destinations, the ability to contribute to an assessment of the impact of a Tourist destination on adjacent agricultural enterprises is diminished. It is logical that AARC should make CONDITIONAL USE recommendations to the Board of Adjustment for any type of Tourist destination.

With Tourist Destination defined as a **principle use**, the assumption is that this property owner's rights to use their land displaces (and thereby dismisses) the property right interests of all neighbors adjacent to or on the way to the proposed Tourist destination.

The only differences in the language of the Tourist Destination and Tourist Destination Expanded are:

- Tourist Destination Expanded is a **conditional use**;
- Tourist Destination Expanded has no limit on guest rooms nor seating at an attached restaurant nor the number of special events except those set as conditions by the Board of Adjustment.

The general sense of the AARC members was:

- **Remove Tourist Destination Expanded (306B)** from the zoning ordinances.
- **Redefine Tourist Destination as a conditional use** that is reviewed by the AARC.

- **Add caps on the number of** permitted guest rooms, seating at an associated restaurant, and the number of special events.
- **Clarify the definition** of what constitutes a Tourist Destination (e.g., landmark; historical structure; natural landmark; Strike “if only” from the following definition of Tourist Destination: “while allowing for the continued use of the subject property for agricultural purposes, ~~if any~~, and preservation of the landmark or historic structure”).
- **Clarify the language/definitions associated with** the Tourist Destination ordinance (e.g.,) to emphasize the need for activities associated with the Tourist Destination to be consistent with the overall purpose of the A-1 District.
- Clarify the definition of Landmark (266A)

*General discussion Re: AARC processes*

Should there be a time period for current use of land for agricultural purposes to demonstrate commitment to agricultural production in hand with an agri-tourist activity? (Pattie will contact legal counsel to see if this is permissible and enforceable).

**March 9, 2022 Discussion**

The nature of the language for Tourist Destination/Expanded is that there are really no limits on scale, frequency, or impact on neighbors. Furthermore, there is no opportunity for neighbors or the public in general to weigh in on the impact of the proposed Tourist destination on the community in general. There is no transparency in the decision to create a Tourist destination nor is the decision reflective of the goals and objectives of the Woodford County Land Use Plan. Tourist Destination/Expanded simply reflects the desire of the landowner, which while important, may not be reflective of the best interests of the community at large. The purpose of Planning and Zoning is to balance the interests and needs of the property owner and the community. This is based on health, safety and welfare of the community.

The discussions have led the AARC to conclude that the AARC should recommend the following to the Planning Commission:

1. Remove Tourist Destination Expanded from the Zoning ordinances.
2. Include Tourist Destination only in the A-1 and I-2 zones with the following revisions:
  - Redefine Tourist Destination as a conditional use that must go through a review by the Board of adjustment and a public hearing, after review by the AARC.
  - Clarify the definition of what constitutes a Tourist Destination (e.g., landmark; historical structure; natural landmark; Strike “if only” from the following definition of Tourist Destination: “while allowing for the continued use of the subject property for agricultural purposes, ~~if any~~, and preservation of the landmark or historic structure”).

- Add new smaller caps on the number of permitted guest rooms, seating at an attached restaurant, and the number of special events.

Continue to meet re improvements in the agriTourist ordinance and definitions in order to answer the question: Do we need to recommend additional changes in other parts of Planning ordinances?

- Do the definitions in the agriTourist amendment and Tourist Destination reflect the goals of our Land Use Plan?
- Is there is a need to more clearly define “agricultural plant” to assure that such facilities fit within the land use goals and objectives of Woodford County. For example, do we want to assume that a distillery, a solar farm, a sawmill, a meat processing plant, or a CAFO have the same impact on our county’s agricultural resources and character?
- Should the definition and components of a Tourist Destination include greater specificity in people per acre or units per acre as a measurable component of the definition?
- Should Level of Service of roads where Tourist Destination and/or proposed agriTourist activity is located be incorporated into the language? Is there a need to recognize the difference between traffic impact over a day as opposed to traffic impact from a specific event? If so, how will the AARC incorporate this into the points awarded on the Decision Tree?
- Should consideration be made to create an A-3 zoning classification that would require a zone change application and that would include “agricultural plants” as a use?

## **REFERENCE MATERIALS AARC HAS EXPLORED**

### **Language from South Kenton County Citizens Group proposal to their planning authority**

#### **Definition of agriTourist and proposed text amendments**

Any agricultural, horticultural, or agribusiness operation for the purpose of education, active involvement, or enjoyment in the activities of the farm, ranch, or rural enterprise. These activities, which generate supplemental income for the owner, must be directly related to agricultural production or natural resources of an operating farm. The proposed agriTourist enterprise is a source of income accessory to the existing agricultural income reported by the farm.

Vehicle traffic and attendance at agriTourist events shall not be of such a scale that they impede the safety of nearby residents or farm operations, including use of roads or access to property. Event organizers shall consult with local law enforcement to determine if police services are necessary for security or traffic. Organizers shall pay for such services if determined by local law enforcement to be needed.

The purpose of permitting agriTourist activities in an agricultural zone is to open opportunities for farmland owners to maintain their land in agricultural operations. Only those proposed activities accomplishing this objective shall be permitted.

### **Their rationale for all proposed text amendments**

The proposed amendments in support of agriTourist are designed to ensure that farmers have opportunities to supplement their farm income while safeguarding the rights of other farmers, neighboring landowners, and the rural community. They are designed to limit such enterprises to “authentic” accessory uses that support and promote working farms and to avoid the commercial development of tourist or recreational facilities incompatible with rural character that may eventually undermine the viability of agricultural operations.

**Sanitation, erosion, and environmental impact:** Changes in watershed are particularly critical in an agricultural area where only septic systems are present. Storm water runoff can easily affect neighboring properties and downstream water sources. Impervious surfaces, changes in topography or removal of earth are factors that can have significant environmental impact.

**This should be added to the Decision Tree more clearly.**

**Traffic:** Rural roads have limited capacity to safely manage high volumes of traffic. Many are hilly and curvy with sight distance compromised. Backups and congestion on such roads can lead to accidents. On most two-lane rural roads, the run-off ditches alongside do not allow residents or farmers with large vehicles to safely pass around traffic jams.

**This should be added to the Decision Tree more clearly.**

**Motion to adjourn:** Motion was made by Bob, second by Floyd, with all voting in favor.

**From the World Heritage Convention** <https://whc.unesco.org/en/conventiontext/>

### **Definition of the Cultural and Natural Heritage**

#### **Article 1**

For the purposes of this Convention, the following shall be considered as "cultural heritage":

**monuments:** architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

**groups of buildings:** groups of separate or connected buildings in precisely delineated areas which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

**sites:** works of man or the combined works of nature and man, and precisely delineated areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

## Article 2

For the purposes of this Convention, the following shall be considered as "natural heritage":

**natural features** consisting of physical and biological formations or groups of such formations in precisely delineated areas, **which are of outstanding universal value** from the aesthetic or scientific point of view;

**geological and physiographical formations** and **precisely delineated areas** which constitute the habitat of threatened species of animals and plants of **outstanding universal value** from the point of view of science or conservation;

**natural sites** or **precisely delineated natural areas** of **outstanding universal value** from the point of view of science, conservation or natural beauty.

## Definitions of Tourist Destination

Tourist destination means a populated area that contains natural, cultural, historical or other landmarks of importance for Tourist, the utility, transport or Tourist infrastructure, as well as facilities and other amenities for the accommodation and stay of tourists

The key difference between destination and attraction in Tourist is that destination is an area which has some attractions and earns money from Tourist whereas an attraction is a place which attracts Tourist.

The degree, to which each geographical unit is considered a Tourist destination, depends on three main quality factors: attractions, amenities and accessibility (Burkart & Medlik, 1974). In addition, according to Jensen, Hansen and Metz (1993) a tourist destination contains a specific landscape, cultural characteristics and offers visitors an outstanding experience. In accordance with this notion, Mill and Morrison (1992) consider the Tourist destination as a mix of interdependent elements (i.e. attractions, facilities, infrastructure, transportation and hospitality) which can provide tourists with a satisfying vacation experience. The importance of attractions, such as cultural activities, historical heritage and events, is also outlined by Cooper et al. (1993) who define destinations as the reason why Tourist exists and their attractions as the source of tourist visits. This is reiterated by

Franke (2001) adding that Tourist destinations are dynamic as they are characterized by the economic and human interaction of tourists, resources, firms and elements.