



**PLANNING COMMISSION
WORK SESSION
ANOKA CITY HALL COMMITTEE ROOM
Tuesday, July 19, 2016
6:00 P.M.**

CALL TO ORDER:

The Work Session of the Anoka Planning Commission was called to order at 6:02 p.m.

ROLL CALL:

Commissioners present: Chair Don Kjonaas, Borgie Bonthuis, Sandy Herrala, Karna Brewer and James Cook.

Commissioners absent: Peter Rech and Manley Brahs.

Staff present: Chuck Darnell, Associate Planner.

DISCUSSION ITEMS:

1. Discussion – Cottage Food Law & Home Occupations

Associate Planner Darnell introduced the topic, and explained that at a recent City Council meeting, a resident brought to the Council's attention a new law that was enacted by the state that would allow individuals to prepare and sell food from their home. The law is referred to as the Cottage Food Law or Cottage Food Exemption, and is included in Minnesota Statutes 28A.152. The law allows for individuals to be exempt from normal food handling and food production licensure processes. It does not allow for businesses to operate under the exemption, which would include firms, partnerships, cooperatives, societies, associations, companies, and corporations. It allows solely for individuals or individuals registered as a sole proprietorship to operate under the exemption.

Associate Planner Darnell also explained that the Cottage Food Law only allows for production and sale of food that is not defined as "potentially hazardous", such as baked goods, jams, jellies, pickled items, and canned items with pH values of 4.6 or less. The Cottage Food Law requires that an individual sell their food products directly to the ultimate consumer. The Law allows for the food products to be sold at a community event or farmers' market, but also allows for the food products to be sold directly from the individual's home to the consumer, to the extent allowed by local ordinance. The Cottage Food Law requires

that individuals register with the Department of Agriculture.

Associate Planner Darnell stated that currently the City of Anoka prohibits “preparation of food for sale” as a home occupation. An ordinance amendment would be required to allow for the type of food production activity that is allowed under the Cottage Food Law.

Chair Kjonaas asked whether sellers of products at the Anoka Farmers Market would be in violation. Staff stated that if the seller lives in Anoka and produces their products in their home, technically they would be in violation of the home occupation regulations.

Commissioner Brewer stated that the Cottage Food Law regulations would be difficult to enforce, and was concerned about how anyone would ensure that the food producers were following all of the requirements, including the income restrictions, labeling, and packaging requirements. Staff stated that the City would not be enforcing any of the actual Cottage Food Law regulations, and the Department of Agriculture would be responsible for that.

Commissioner Brewer asked how the City would enforce the sales of the food products. Staff stated that anyone producing food in their home, if permitted, would still need to follow the City’s home occupation performance standards.

Commissioner Herrala asked why the preparation of food for sale was originally included on the list of prohibited home occupations. Staff stated that they could not find any record of why that particular home occupation was prohibited, but that it must have been related to how that type of activity would impact the health, safety, and welfare of the surrounding neighborhood.

Commissioner Brewer stated that the City could possibly allow only the type of food production that is allowed under the Cottage Food Law exemption. Staff stated that this is likely what staff would recommend if the Planning Commission and City Council want to move forward with amending the permitted and prohibited home occupations.

Commissioner Bonthuis asked if the City could be found liable if someone gets sick from purchasing food products from someone in the City of Anoka. Staff stated that they would investigate that further and receive guidance from the City Attorney.

Commissioner Cook stated that once the consumer purchases the food products from the person that produced the food, they would have the ability to share or sell those products to anyone else. Staff stated that technically that was true, as the Cottage Food Law requires that the food producer only sell their products directly to the ultimate consumer. However, the food producer would not be able to control what happens after they sell their products to what they think is the ultimate consumer.

Commissioner Bonthuis asked whether the City could be more restrictive than the regulations under the Cottage Food Law. Staff stated that the City could be more restrictive, as the Statute allows for local ordinances to preempt the Statute language.

Chair Kjonaas stated that as the zoning ordinance is currently written, a Dayton resident could produce food products and sell them in Anoka or directly to Anoka residents.

However, an Anoka resident would not be able to produce food products and sell them in Anoka or to anyone from their property. Chair Kjonaas stated that he felt this was restrictive and didn't really protect Anoka residents that could be consumers.

Associate Planner Darnell stated that the consumer or buyer would take on some risk in purchasing and consuming products from someone that operated under the Cottage Food Law exemption. However, the food producer would be required to label and package their foods properly, and a consumer could report any suspected violation to the Department of Agriculture.

Commissioner Cook stated that it would be easier to continue to not allow this type of food production activity to occur in Anoka's residential neighborhoods.

Commissioner Herrala stated that the safety concerns may have been the original reason for the preparation of food for sale to be placed on the list of prohibited home occupations. She also suggested that staff investigate how other cities are handling the new Cottage Food Law, and whether other cities prohibit this type of activity as a home occupation.

Commissioner Bonthuis clarified that by allowing this type of activity as a home occupation, the City would be regulating the production of the food within the City's residential neighborhoods. The City would have no involvement or role in regulating the sale of the food products.

Commissioner Cook stated that it would be difficult for staff to enforce and determine whether residents were in compliance with the Cottage Food Law regulations. Staff agreed, but also stated that the City would get involved with enforcement if they became aware that any performance standard was being violated.

Commissioner Cook stated that the City could require that residents producing food under the Cottage Food Law be required to hold product liability insurance.

Chair Kjonaas asked the other Planning Commissioners whether they were closer to allowing this type of home occupation, or whether there were too many concerns.

Commissioner Bonthuis asked whether the City should be more restrictive and only allow some types of non-potentially hazardous foods to be produced as a home occupation, such as canned goods.

Chair Kjonaas asked whether we could permit only the type of food production allowed under the Cottage Food Law, and still prohibit other types of food production. Staff stated that this is what staff would likely recommend.

Commissioner Bonthuis also asked whether the City should be more restrictive on how the sales of food products could occur, such as allowing only the sale of goods at community events and not directly from the home.

Commissioner Herrala stated that she was comfortable with allowing sales from home, as long as all of the other home occupation performance standards were being abided by.

Commissioner Brewer stated that she did not think that sales from the home should be allowed. Chair Kjonaas stated that the City allows for other type of home occupations to sell their goods from the home, so the Planning Commission would need findings of fact to support restricting the sale of food products more so than other types of home occupation products or goods.

Staff stated that they would investigate some of the concerns raised further, and that they would investigate how other cities are handling the new Cottage Food Law exemption. Staff also stated that the City Council would be discussing this same item at their upcoming work session meeting.

Chair Kjonaas advised staff to complete the additional research, and depending on direction from the City Council, to bring forward staff recommendations at a future meeting.

2. Other Staff Updates

Associate Planner Darnell provided an update on other development projects occurring across the City, including the Walker Plaza Gardens, Gladstone Cooperative, Vista Outdoors, and Eagle Brook Church projects.

Time of adjournment 7:05 p.m.

Submitted by: Chuck Darnell, Associate Planner