

**Charter Township of Elmwood
Planning Commission Special Workshop Meeting
Elmwood Township Hall (10090 E. Lincoln Rd.)
September 5, 2023 at 1:30 PM**

A. Call to Order: Chairman Bechtold called the meeting to order at 1:35 PM.

B. Pledge of Allegiance: The Chair led the Pledge of Allegiance.

C. Roll Call: Present: Chris Mikowski, Doug Roberts, Kendra Luta, Rick Bechtold, Jeff Aprill (1:48 p.m.)
Excused: Nate McDonald, Jonah Kuzma

D. Agenda Modifications/Approval: MOTION BY COMMISSIONER ROBERTS, SECONDED BY COMMISSIONER LUTA TO ACCEPT THE AGENDA AS PRESENTED. MOTION PASSED 5-0.

E. Declaration of Conflict of Interest: None

F. Purpose of the Meeting: The Planning Commission discussion on amending Zoning Ordinance for special event facilities.

Chairman Bechtold stated they had a consultant there, Sara Kopriva, from Beckett and Raeder who developed proposed language and concepts for this. Currently, in the Township, they really don't have any ordinances that readily address the event facilities on agricultural zoned properties and most of the Township is Zoned Agricultural and they want to preserve the agricultural and rural heritage of the Township, so they have asked the consultant to give them language to guide their process.

Sara Kopriva briefly talked about what was in the packet. She noted the Commission had met the end of June to talk about the language and what they'd like to see. She took their comments and put in guidance and regulation related to the comments heard at the meeting as a starting point. She approached it as 'less is more' in the regulations, hit on the very specific regulations they're looking at and then relying on the Special Use Standards that are already in the Ordinance for when they make their decision. That's where they can go through and determine if it's compatible with the neighborhood, etc., that's all in their Standards, so you can look at those in the Zoning Ordinance. Any spot they think may be lacking in those standards would be good to bring into these requirements, specific to the use. She also included a map, so when they talk about parcel size, they can decide what makes the most sense. The map shows the 20- acre parcels in the Township, including parcels not zoned Agricultural-Rural. This will give them an idea of where those parcels are located in the Township, she wanted to get a visualization of how many parcels potentially could be allowed with this use at 20-acres and what that looks like. That's the purpose of the map. At the bottom they have the statistics, keeping in mind that is the whole Township, they've got 4% of the parcels which are over 20-acres, which is almost 50% of

the acreage. She suggested that the best path forward would be to get some general comments on the language that was prepared and then they can walk through some specifics that are highlighted as they haven't yet been discussed.

Chairman Bechtold said one of the thoughts he had, is they're in the process of reviewing their Master Plan and he doesn't think it currently addresses this, so if it proceeds and becomes a live Ordinance, they'll need to make sure the language in their Master Plan reflects the utilization of the AG. Kopriva noted that much of the language in the Master Plan is broad and they will need to make sure the language fits within the Master Plan.

Commissioner Roberts liked what they have before them. As to the hours of operation and number of events, he said they have other areas of the Ordinance that cover hours of operations they might consider consistency for some of those things. Chairman Bechtold asked how the Commissioners felt about the minimum lot size. Commissioner Roberts said he had a different question; how many active farms there were in Elmwood Township because under Section 2(a) of the prepared text, (a) is what is necessary to assess the impact of the proposed Ordinance. Kopriva responded and said she would have to get with the Assessor to see what is listed as an active farm, but that is still difficult because it's the assessing component for someone getting the AG exemption, but if you have a house on the property, you may not have an AG exemption. Kopriva noted that you may have a piece of property right now that is not active and there would be nothing stopping it from becoming active.

Commissioner Luta said that some of the goal of the use would be to promote more active AG land. She asked if there was any kind of restriction of a property owner having multiple 20-acre parcels being able to have multiple event facilities. Kopriva responded by indicating there was no discussion about that, everything is supposed to be on the same parcel, but there would be nothing to exclude them from having multiple facilities.

Commissioner Mikowski asked if they are looking at licensing them. Kopriva responded by saying she would have to talk to Staff to see if they spoke with the attorney about that. Commissioner Mikowski said that might help alleviate multiple facilities by one owner.

Chairman Bechtold thought finding out about the number of active farming would be a good start. He asked again if 20 acres would be a good minimum size and the 2.5% permitted for the use. Kopriva indicated that the 2.5% was from the old Ordinance and that came from when we had winery related activities.

Commissioner Roberts asked if other maps showing other parcel sizes (40, 60). Kopriva said she hadn't but can if the Commission wants. Commissioner Roberts said he would like that visual representation.

The Commissioners further discussed parcel size, what "outdoor" meant in regards to speakers. They then discussed the importance of ensuring that the use is associated with an active farm. Commissioner Aprill said past production would show that you're an active

farm, not what you intend to do. Chair Bechtold recognized John Gallagher Sr who said that any commercial farmer is signed up with the Farm Service Agency. Commissioner Aprill again said that they need to remove 'the intent to' as that's bad; someday he may intend to grow Christmas trees. Kopriva used that example: say you have Christmas trees, so if you're growing your trees, how long does it take to grow a tree? Can you not start your special event facility until you start selling your trees? Commissioner Aprill said yes. Kopriva continued with that example and noted that there is work and maintenance that goes into growing such trees. Commissioner Aprill said that the language needs to be able to help the true farmer. Kopriva asked if the same would apply to apples, grapes, and cherries; they would have to get to a certain point, to which Commissioner Aprill said yes. Commissioner Roberts asked Aprill if it would help if language was added indicating that certain documents or registrations would be required to show it's a commercial, to which Aprill said yes. Aprill added it wouldn't help the tree farmer, which we don't currently have in the Township. Kopriva asked if they wanted a maple syrup farmer to be able to have a special event facility, to which Aprill said no. Other Commissioners said if it's a diversified farm, yes.

Kopriva asked if any Commissioners wanted to add anything under 1 a-d; Commissioners said it was a good start. Kopriva was asked to work on language narrowing ag related businesses. Kopriva noted that this is a workshop meeting so no final decisions will be made. Kopriva asked about section 2. Kopriva was asked to add language regarding being registered with the Farm Service Agency. Commissioner Aprill asked about the 2.5% and said that it may get into splitting hairs; if someone is growing trees, someone may say that should be considered as part of the farm operation because that will be harvested every 8-10 years; is that active farm? Should there be yearly active farm? How do we characterize that. Kopriva questioned including regulations stating how many acres in active farm operation because then we end up with someone who ends up planting that acreage and then you're arguing if they've met that 5acres. What is in the proposed language is more flexible. Commissioner Luta said that they need to make sure that the language is beneficial. John Gallagher Jr. was recognized and relayed that if someone buys a 20 acre parcel, not all of it is tillable (slopes) and by the time a 20' road is installed for the fire department, it's hard to meet the requirements. Commissioner relayed that with any Ordinance, we're limiting what is allowed and we need to make sure it works. The Commissioners discussed the limitation of the use at 2.5%. John Gallagher III was recognized and suggested that to be consistent with other Ordinances to relate it to impervious surfaces; parking on the grass wouldn't be counted, etc. Commissioner Aprill said that the big thing is that it is taking away from the farm. Kopriva said that she'll make a note that they can come back to this. Commissioner Aprill said it would be interesting to see how many parcels could meet these requirements.

The Commission then discussed parking, screening, hours of operation, number of events. They then discussed sound. The previous Ordinance allowed amplified sound, but required that it be moved indoors (building; enclosed tent) after a certain time. The Commission then discussed what would be considered indoors and enforcement. The Commission discussed permitting amplified music until 8 and then acoustic. Rose Gallagher was

recognized and noted that with their clients, acoustic music occurs later and then they typically have a DJ. The Commissioners then discussed a decibel level or that the music cannot be a nuisance to a reasonable person at the property line.

The Commission then discussed 'indoors' and determined to circle back. The Commission then discussed hours of operation vs determining it on a case-by-case basis. Chair Bechtold said having a standard would be helpful to applicants. Commissioner Roberts suggested the Commission look at other Townships and what they require as hours of operations. The Commission agreed, but to resurrect the regulations from the previous Ordinance for now.

The Commission then discussed number of events. Kopriva said the old Ordinance referenced number of events, but the draft doesn't have a number because they didn't talk about it at the last meeting. The Commission moved forward with the number from the previous Ordinance.

Commissioner Aprill asked for clarification on if there is any language regarding special event facilities in the current Ordinance to which Kopriva said there is not. Kopriva added that they had language and it was removed due to many components which were legally challenged. Commissioner Aprill said it would be good to look at what was in the old ordinance to make sure they are not missing anything, to which Kopriva indicated that information had been previously provided to the Commission. Chair Bechtold said that in the packet there was a memo from Counsel about moving forward. Chair Bechtold suggested that Staff touch base with Counsel to see if there's any new case law that the Commission should be considering. Commissioner Aprill said that Counsel should work on language. Kopriva said that she knows the Zoning Administrator had worked with counsel originally when this application was filed to try to craft some language, and then the applicant resubmitted old language so that's when we came back and said alright, we'll just work through it and come up with language.

The Commission discussed the 2.5% requirement again.

Kopriva stated that she would take the comments, rework some language, and get some more information for the Commission to look at. Commissioner Aprill said that what would be helpful for him is the old ordinance and solutions from the Township Attorney regarding the old ordinance. Kopriva stated that no judge has made a ruling on what was in the old ordinance; it was settled before a decision was made by a judge. Kopriva said that she thinks that if the Commissioners have questions on anything specific that can be sent to the Attorney for input. More work is needed on the text and at this time, asking the Attorney to go through the whole document item by item, unless the Commission wants, may not be a good use of time and money. The Chair noted that counsel will ultimately have to look at the proposed language they have and he thinks they've made it abundantly clear that farming production is a key element to the whole component of event facilities.

G. Public Comment: None

H. Adjournment: MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER LUTA TO ADJOURN MEETING AT 2:56 PM. MOTION PASSED UNANIMOUSLY.