



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, February 20, 2012

Meeting called to Order with the Pledge of Allegiance at 7:00 p.m.

Members present: J. Zollinger (Chair), B. Carstens (Vice Chair), S. Feringa, R. Hardin, K. Wentzloff, D. White

Members excused: V. Tegel, P. Yamaguchi

Staff Present: S. Vreeland, Township Manager/Recording Secretary
P. Kilkenny, Deputy Zoning Administrator & Planner
J. Jocks, Legal Counsel

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

APPROVAL OF AGENDA: Motion by Carstens, support by Wentzloff to approve the agenda as amended to add a special presentation regarding the County Master Plan. Motion carried unanimously.

1. Continuing Education/Special Presentations:

- a. **Grand Traverse County Master Plan – John Sych & Tina Allen:** County Planning Director Sych and Consultant Allen brought a series points of information and questions from each committee working on the County Master Plan update. The questions will be asked of the Commission this evening to provide feedback to the process. There are 17 Planning Commissions and 119 Commissioners in Grand Traverse County who are being included in the process. Allen asked the Commissioner to respond not only as representatives of Acme, but as citizens of the region who travel throughout the county.

Protecting Natural Resources, Open Space and the Landscape

The key question was what issues Commissioners are concerned about and might like to work with others to solve. Deep injection wells for wastewater was the first issue discussed. Concern about the limitations on what townships can do to address potential harmful side effects on groundwater were raised, and it was evident that individuals feel relatively helpless in the face of this issue. Carstens noted that Mayfield Township has attempted to address this concern through ordinances. Feringa observed that dealing with fracking will be important, and also managing sanitary wastes and sanitary system infrastructure in coordination with other entities.

Commissioners have expressed that on many other potential environmental issues, such as dealing with invasive Phragmites, the township has already been able to effectively partner with other local governments and agencies to positively impact these problems. Carstens does feel that East Bay Township is ahead of Acme Township in creating buffers and natural areas around creeks to protect or enhance surface water quality.

Feringa stressed the need to share assets rather than competing with surrounding units of government. For instance, Acme has direct bay frontage that other communities do not, but other communities have assets such as the Kalkaska Trout Festival that we do not. Zollinger offered the M-72 East Corridor Study Group as an example of a group that has worked together off and on to serve an asset that crosses boundaries. Feringa offered Yuba Creek as another, and Zollinger mentioned the

VASA trail, again as assets that could be better promoted in the regional community. Hardin offered the TART as an example of broad benefits of jointly promoting connectivity.

Protecting Agricultural and Rural Land

Acme Township has a successful millage-funded PDR program. Much of the success of our program comes through partnering with the Grand Traverse Regional Land Conservancy. We originally asked for our millage at the same time as four other townships, some in Grand Traverse County and some in Antrim County, but it only passed here.

Revise Development Standards

Carstens expressed a feeling that the township expresses in its Master Plan a need for more affordable housing, but has yet to translate this into successful ordinances that cause it to occur. Lower wage workers at the G.T. Resort could use walkable or bike-able nearby residential options. White noted that workers at Shoreline Fruit could use such options as well. Wentzloff offered that one thing needed to accomplish affordable housing is to combat the stigmas often associated with it.

Wentzloff noted that we have heard a lot recently about the commercial real-estate market bottoming out in Acme Township. We are working on placemaking for our shoreline business district to encourage a revival, and also are working on creating a town center. Progress has been cautious and consensus on what direction to take has yet to be achieved. Zollinger noted that traffic concerns are often raised; if people can't turn in or out safely and conveniently they are likely not to visit a site. Acme does want to concentrate density in key areas.

The township is working towards updating its ordinances to encourage the type of growth envisioned in the Master Plan to occur. Carstens expressed the conflict between the Master Plan vision of creating a unique place and real-world pressures to construct run-of-the-mill developments.

Plan for Town Centers, Village Centers and High Density Areas

The township has identified places where it would like to see a town center and corridor development. It is included in our master plan. Zollinger noted that several projects have been proposed but never completed. The township may be somewhere between pushing town center/corridor development and letting it come naturally. Carstens stated that it has been an active effort to create a New Urbanist Town Center but that it has yet to be entirely effective. He also noted that we are working on placemaking in our shoreline district – an effort to redesign a one-mile stretch along US 31 to promote multi-modal transportation and perhaps have that area become a town center for us. Businesses can be better linked to waterfront parkland.

Planning for Transportation, Infrastructure & Corridors

The township favors the concept of fixed-route BATA service and having transfer stations where public transportation systems from various areas can meet and riders can switch. We are seeking to enhance multimodal transportation. Acme has joined other townships in exploring opportunities for a new sewer authority to better coordinate sanitary infrastructure service. Zollinger believes that if the M-72 Corridor is ever to be improved it will require more than one township or the existing committee to accomplish. Unless flow problems on US 31 are solved, improvements to M-72 can't be fully successful. Hardin noted that public wi-fi seems to be approached from a piecemeal perspective by different municipalities, and perhaps it would work better if coordinated on a County level. No one entity can provide this all by itself. Wentzloff noted that the ability to get to and from destinations on either

side of US 31 must be addressed as a matter of safety for residents and visitors. Carstens added that getting to the TART from Deepwater Point on a bicycle right now is not possible to do safely. Zollinger noted that when townships work individually, projects can be more expensive than if municipalities work together.

Collaborate and Plan Together on Common Land Use Issues

Zollinger believes that everything is bigger than one boundary. The good hospitals that brought some people here are not in our township, as an example. Children go to schools in different parts of the region at different ages. Jobs are going to be critical to retaining and bringing younger people to the community. Carstens suggested that expanding NMC to a top-notch four-year institution would attract more young people in combination with already excellent recreational opportunities. Feringa noted that we need affordable housing for young people new in their careers, but the cost of land can be so high that this is difficult to achieve. Zollinger added that the wage a new graduate can earn in this region is not as grand as what they can earn in a larger city. Wentzloff noted that Ferris State University has a satellite program here that can be helpful to attracting young people. Providing more internships can help get young people here to discover the opportunities that exist, even if they only stay for a short time.

Plan for Housing

The biggest perceived barrier to a broad spectrum of housing stock is the cost of land. The township and county as a whole need more apartments. Allowable land use densities may not be high enough. Offering density bonuses for certain types of development may be helpful. Promoting the Land Bank program at the county level could be beneficial.

Fostering Economic Development

Zollinger feels this has been a particular struggle for the township. At one time the community was divided fairly evenly between people who wanted more economic growth and people who did not, and the debate was intense enough that it may have scared off some potential investors. Carstens noted that we do have space in our light industrial park area where new businesses could locate and grow. Zollinger feels that the county as a whole needs to sell itself better, not just by individual townships. There is a perception that the majority of people who live in Acme work in Traverse City, Elk Rapids or Kalkaska. There is a perception that few people who work in Acme live in Acme. Many of our residents are retirees.

Allen encouraged the Commission to come to any committee meetings or forward on any additional thoughts they might have. The County website, Planning & Development Department also has information about the process including comments from the other communities surveyed. Their focus is on communication between entities and where different groups can work together on an ongoing basis to resolve issues.

2. Consent Calendar:
Motion by Wentzloff, support by White to approve the Consent Calendar as presented, including:

- a) **Receive and File:**
 - 1. **Draft Unapproved Minutes of:**
 - a. Board [2/7/12](#)
 - b. Farmland Advisory [01/18/12](#)
 - c. Shoreline Advisory [01/18/12](#)
 - d. Parks & Rec Advisory [01/19/12](#)

2. Planning & Zoning News January 2012
3. Planning Commissioners Journal Winter 2012
4. [Planning & Zoning and Administrative Update February 2012](#)

b) **Approval:**

1. Minutes of the [01/30/12 Planning Commission Meeting](#)

Motion carried unanimously.

3. **Limited Public Comment:**

Charlene Abernethy, 4313 Westridge Dr., supports the proposed zoning ordinance amendment regarding agritourism.

Laura Westerman, 3854 Haven Hill Ln. thanked the Commission for its hard work regarding the Meijer store application.

Rachelle Babcock, 4261 Bartlett Road, supports the proposed zoning ordinance amendment regarding agritourism. As the culture changes, so must agriculture.

Steve Duell, Garfield Township, owns a horse facility on Silver Lake Road and supports the agritourism amendment. He had a situation where his township was attempting to change their zoning classification because their horse-related facility was not considered an agricultural business. He ended up testifying at state hearings where horses were finally recognized as an agricultural operation rather than a commercial operation. Had his taxes been raised from an agricultural basis to a commercial basis, his farm would have gone out of business. He asserted that the agricultural workforce in Michigan is aging, but by permitting agritourism the younger people can re-invigorate the industry with new ideas for new farm operations.

4. **Correspondence:**

- a) [02-20-12 Placemaking Committee and RFP Update](#)
- b) [02-01-12 Village of Elk Rapids Notice to Plan](#)
- c) **Correspondence supporting the proposed agritourism ordinance amendment:**
 - 1, [Paul & Amanda Brink, 02/17/12 e-mail](#)
 2. [Gene Veliquette, Elk Lake Road in Whitewater Township, 02/17/12 copy of undated Garvey Letter with Mr. Veliquette's signature](#)
 3. [02/20/12 copy of e-mail from Bob Garvey signed by Ryan Dobry Hunt and James M. Hunt](#)
 4. [Undated letter from Bob & Kathy Garvey](#)
 5. [02/17/12 letter from Pat Salathiel](#)
 6. [02/20/12 letter from Jean & Bob Aukerman](#)
 7. [02/16/12 e-mail from Christine Varner & Peter Romeo](#)

5. **Reports:** None

6. **Public Hearings:**

- a) [Agri-Tourism in the Agricultural District](#): Kilkenny summarized the history of the Commission discussions to this point, which was also set out in his staff report. Zoning ordinances from other townships in the region including Solon and Bingham Townships have been reviewed to see how they approach agricultural and agritourism regulation. Also provided was a Michigan Department of Agriculture agritourism model ordinance. The current draft proposed ordinance amendment consists of a broad definition for "agritourism" and the inclusion of agritourism as an allowable use with special use permit in the agricultural district. The Commission has raised questions about whether agritourism could conflict with participation in the

township's purchase of development rights (PDR) program, so Kilkenny provided a copy of a relevant portion of the township's standard PDR easement.

As to the PDR easements, Farmland Preservation Specialist Brian Bourdages from the GT Regional Land Conservancy, who works with the township in support of our PDR program noted that there is boilerplate language but that each easement is customized to each particular parcel of protected land. The key question is whether the proposed agritourism use has a connection to the permitted agricultural use of the land. Conservation easements are fairly uniform in prohibiting commercial activities that bear no reasonable relationship to the agricultural activity on the land. The township's standard conservation easement document contains flexibility provisions because there may be types of viable agriculture here in the future that have yet to be thought of today. Years ago nobody knew we would have vineyards and be growing grapes. The definition of agricultural uses in the easement template is consistent with the state definition and specifically allows for associated labor camps.

White asked Bourdages what he would consider "agricultural uses." Bourdages replied that he's not a farmer, and his area of expertise is specifically conservation easements. White asked if a slaughterhouse would be consistent with a conservation easement; under the township's easement template "storage, retail or wholesale marketing or processing of agricultural products" is permitted under certain conditions, including that at least 50% of the product processed be from that particular farm operation in 3 of the immediate past 5 years and that it be part of a "farmstead complex." White asked if tractor sales, or a complex such as Frog Pond Village would be acceptable. He is trying to identify the line between "agritourism" and general commercial operations. Jocks noted that just because something would be allowed under agritourism by the Zoning Ordinance does not mean that it would be acceptable for the PDR program. For instance, if a farmer ceased agricultural operations and opened a wedding facility, the township could say that this is not permitted under a conservation easement on the property even if it is allowed under the zoning ordinance. What is allowable under the proposed ordinance and what is allowable under the PDR program may or may not intersect, but they are separate and unique.

Bourdages was asked to attend this evening to answer an earlier question about whether a property engaged in agritourism could still be eligible for the PDR program. Each PDR deal and easement is unique. Agritourism is not necessarily incompatible with the PDR program as long as it is clearly related to a larger farm operation. Carstens asked a question to clarify that a farm family could place part of their land holdings under conservation easement but not all of it, and could engage in agritourism on the portion of the land not under the easement.

Public Hearing opened at 8:32 p.m.

Denny Hoxsie, 6578 M-72 East, asked what would be considered an "agritourism event." This term has not been precisely defined, but his reading of the proposed ordinance indicates that an SUP is required. How would he know what type of event would require an SUP if the term is not defined? Kilkenny noted that family events would not require an SUP, but if you are marketing your space for agritourism events such as hosting school field trips, weddings or other events that make your farm a destination you would require an SUP. Mr. Hoxsie asked if an SUP would be required for hayrides, and would it be required annually? Kilkenny stated that an SUP would be required, but once granted would apply to the land continually in perpetuity. Mr. Hoxsie was concerned that the way the ordinance was written each specific event would be a separate request. Kilkenny responded that an SUP request

for an agritourism use including repeated or ongoing things such as hayrides or weddings could be requested. Kilkenny cited the proposed definition of "agritourism:" such as but not limited to: on farm weddings, events, fundraisers, catered food events, harvest festivals, art and craft fairs, car shows, agriculture education events, etc."

Mr. Hoxsie asked what the length of the process to obtain an SUP would be; Kilkenny estimated an average of three months. This would be a one-time process. Feringa suggested that there should also be a good list of uses by right that don't require an SUP process. Mr. Hoxsie stated that if the proposed amendment makes agritourism difficult, it may be of little use.

Chuck Walter, 6584 Bates Road, stated that he has neighbors who have agritourism events, and he has never heard of any complaints related to such uses. To the contrary, many people are happy that those neighbors can use their property in this way. Mr. Walter does not favor an ordinance that directs or limits what can be done on a farm for profit.

Dave Hoxsie, 6259 M-72 East stated that he has a hay ride business and he often books hayride through the Resort only days in advance. Would he require an SUP for that? Jocks stated that in general terms, and making no guarantees about his particular property, if someone has been conducting a land use before there is a regulation for or against it, the use may be continued as a "grandfathered" use. If a landowner knows they want to have a certain type or types of events seasonally or annually, they could come to apply for that range of uses once and be able to do them every season or annually after the use is approved.

Jocks noted that the Commission has discussed a variety of ways to address this issue. If they choose to substantially change the text of the proposed zoning ordinance, a new public hearing would have to be held on the revised language. Bob Garvey, Deepwater Point Road, asked why this would have to be. He suggested that some of the uses being discussed should be by right, but that others such as barn weddings should be subject to SUP. The ordinance amendment adding agritourism as a use by SUP could continue as constructed tonight, and a separate ordinance adding other uses to the list of uses by right could be commenced separately. Mr. Garvey also stated that he thinks he could pursue having barn weddings on his property purely under state GAAMPS despite township zoning regulations, but he is not seeking to push that point of view this evening.

Ken Engle, 6754 Yuba Road, said he had questions and concerns about the whole process. Perhaps it would just be easier to allow barn weddings on one specific property in the township and be done with the subject. But, on the other hand while he needs a big barn for his farm equipment now, in the future perhaps he won't need the equipment and could use the barn for weddings. Then again, he recalls the concerns raised during creation of the winery ordinance and during the SUP hearing process for his winery about the impacts of events in an area where agricultural production is occurring, including traffic impacts. One big concern that was discussed during the winery discussion was trespass. Next to his winery property is a neighbor with a sweet cherry orchard. That neighbor would probably appreciate the special events at the winery being far enough away from his cherry trees that people aren't as tempted to come and pick fruit for free. Hours of operation guidelines in the winery ordinance were key, and the township should think hard about how late events should go because when they are over the traffic will leave. What type of lighting should there be in the parking areas, and does the proposed ordinance address this question adequately? Should parking areas be pervious or impervious

surfaces? Metro Emergency Services and the Health Department should weigh in. In summary, Mr. Engle has concerns but there are people in the room he is trying to help in light of gaps in the zoning ordinance. What is the appropriate definition of “commercial agriculture,” and does the land where the agritourism event is planned truly meet that definition?

Jean Aukerman, 4155 Huntington Drive, likes the idea of agritourism from what she has read. Other communities have done this successfully, so is there anything we can learn from them to save us some time and difficulty? Kilkenny’s packet includes Solon and Bingham Township ordinances. One can’t adopt another’s ordinance wholesale; some things don’t fit. We have reviewed them as group and tried to lift out and apply the portions that fit our township.

Mr. Garvey stated that the proposed ordinance amendment started out as a request from him to use a barn on his Lautner Road property used for barn weddings. He sees no need for food inspection because no food is produced on site. He has no objection to safety inspections. He asserted that his property is a legitimate commercial farm and that he believes that his proposed use meets the definition of a “farm market.” He does not know why the proposed ordinance would be opposed by farmers because it would give them more options. The proposal would give the township a chance to regulate the use and the landowner to decide if they want to operate under the proposed regulations.

White stated that he is less concerned about Mr. Garvey’s particular property than what other landowners might do with the same opportunity. The Planning Commission has to consider the potential impact on all properties subject to the ordinance and consider the possible worst-case outcome of the regulation. A debate grew about a use being suitable for one agriculturally-zoned property and not another, versus this being the precise reason for regulating a use by SUP – that it’s a use that might be suitable on one property in a zone but not another.

Mr. Engle noted that in one of the other township ordinances reviewed, and in the township winery ordinance there was an explicit ability for an SUP to be revoked if the land use got “out of hand.” He believes that such a provision is needed for an agritourism ordinance.

Mr. Duell was reminded of a movie involving a father and daughter holding a fundraiser in a barn. If agritourism uses are required to provide elevators or other things this can take away from the agricultural environment. He can understand the potential need for a revocation clause. Mr. Duell thinks that that Mr. Garvey is requesting is a cool and unique idea for the county.

Kilkenny stated that the township has the ability to revoke any SUP for a variety of reasons, including violation of terms of an SUP or terms of the ordinance. Also, nobody is suggesting that there would automatically require that the environment be changed from rural to commercial.

Mrs. Aukerman is hearing that the request is for agritourism under an SUP where individual landowners come to the township with their unique proposal to seek permission for ongoing implementation on a case-by-case basis. Just because an SUP for barn weddings is granted to one property does not mean it has to be granted to another.

Mr. Engle feels White made a good point that Mr. Garvey’s property is unique and perhaps well suited for such events. However, the zoning ordinance states that if an

applicant meets all the applicable standards for a land use, the township is required to grant the permit. If a property meets all the requirements but it's not a good idea at that location, can the township turn the application down?

Public Hearing closed at 9:12 p.m.

White feels some good questions were raised this evening. He didn't think that some things like corn mazes or harvest festivals would require an SUP, but the way the draft is currently proposed such events would require an SUP. He does not feel that this is precisely what the Commission intended. Perhaps more work needs to be done on the ordinance to specify what activities would and would not need an SUP. The activities in the state model ordinance for uses by right are not all listed in our ordinance as uses by right. Feringa feels that a strong section of uses by right should be provided if we are going to require others to be by SUP.

Carstens asked if the GAAMPS provide a list of land uses that are automatically allowed as part of an agricultural business. Vreeland replied that the GAAMPS are not laws and don't grant rights for activities in that fashion. They are sets of guidelines specific to different activities such as raising poultry or cattle. If you follow those guidelines and someone tries to sue you saying that your activity creates a nuisance, then they should lose. It is nothing more than a way to protect farmers in the course of performing their normal business activities. Also, just because you are following GAAMPS does not generally exempt you from following local zoning regulations.

Many people expressed confusion about the direction the proposed ordinance is taking. Some expressed that the direction seems to change with each meeting. Wentzloff is struggling with the difference between agriculturally-related events and non-agriculturally related events. There are many uses that if not included by right would create grandfathered non-conformances that could be difficult to track effectively.

Looking at the list of recommended uses by right beginning on page 23 of the state model ordinance, items 1, 4, 5, 6, and 8 were deemed either already in our uses by right or appropriate to add to our uses by right. It was also decided to explicitly add "agricultural festivals" to the list of use by right.

Looking at the list of recommended uses by special use permit starting on page 24 of the state model ordinance, items 1, 2 (already dealt with as "farmer's roadside market"), 3, and 4a and 4c with the addition of "other similar events" (but not 4b or 4d) were deemed either already in our uses by SUP or appropriate to add to our uses by SUP.

It was also decided to incorporate suggested state model ordinance language from the parking section, items 2 and 3 only, as modifications to the standard SUP parking requirements to allow for non-paved parking areas for agricultural applications.

Motion by Carstens, support by Wentzloff for staff to amend the proposed ordinance draft as discussed this evening and set a new public hearing on the revised draft for the March meeting.

Mr. Engle suggested that the uses by SUP require that the subject property erect fencing to prevent trespass onto neighboring properties. This could require extensive fencing. Mr. Garvey suggested that a fencing requirement should be considered on a case by case basis. There was also discussion about what should be required for

setbacks for such uses, and the requirements for special events space for wineries were cited.

Motion carried unanimously.

7. **New Business:** None

8. **Old Business:**

- a) **Public Land Uses Ordinance Amendment:** Kilkenny summarized the staff memo provided. The Commission found the updated proposal generally appropriate.

Motion by Carstens, support by Wentzloff to recommend that the Board of Trustees adopt zoning ordinance Amendment #17 to include:

- **The definition for “Public Uses” to be added to Article III of the Acme Township Zoning Ordinance will be:**

Public Uses:

Critical: such as but not limited to; fire station, ambulance service, police station, etc. and associated facilities.

Essential: i.e. the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare. Buildings associated with Essential Services require Special Use Permit approval, pursuant to Section 9.1.

Supporting: such as but not limited to; township hall, library, civic center, official government office, authority office, post office, etc. and associated facilities.

- **“Public Uses: Critical” will become an allowable use by Right in the following districts: B-1P, B-1S, B-2, B-3, and B-4 and an allowable use by Special Use Permit in the following districts: R-1, R-1MH, R-2, R-3, and A-1.**
- **“Public Uses: Essential” will become an allowable use by Right in all zoning districts.**
- **“Public Uses: Supporting” will become an allowable use by Right in the following districts: B-1P, B-1S, B-2, B-3, and B-4 and an allowable use by Special Use Permit in the following districts: R-1, R-1MH, R-2, R-3, and A-1.**
- **“Essential Services,” “Public Uses,” “Public Service Facility and Buildings,” and “Public Buildings” language will be removed from the Acme Township Zoning Ordinance in the A-1, B-1S, B-1P, B-2, B-3, and B-4 zoning districts and replaced with the aforementioned Public Uses ordinance amendment language where applicable.**

Motion carried unanimously.

- 9. Items Removed from Consent Calendar:** None
- 10. Public Comment/Any other business that may come before the Commission:**
Bourdages commended the Commission for its hard work on the proposed agricultural ordinance amendment and in general.

Meeting adjourned at 10:11 p.m.