

**SUGARCREEK TOWNSHIP
BOARD OF ZONING COMMISSION
TUESDAY, JULY 12, 2016**

This regular meeting of the Sugarcreek Township Board of Zoning Commission was held on Tuesday, July 12, 2016 at the Sugarcreek Township Administration Office, 2090 Ferry Road, Sugarcreek Township, Ohio at 7:00 p.m.

Everyone present stood for the Pledge of Allegiance.

Mrs. Hellmann asked Mrs. Tilford to take roll. Upon call of the roll, the vote resulted in the following:

Mrs. Gallagher-present
Mr. Baldino-present
Mrs. Hellmann-present
Mr. Schieman-present
Mr. Betz-present

Ms. Moore and Mr. Schleich, alternates, were also in attendance.

Mrs. Hellmann noted that the first item on the agenda was case BZC03-2016 related to agritourism. She noted that a meeting was held last month, Stephanie Hayden from the Prosecutor's Office was here to discuss agritourism and the Regional Planning and Coordinating Commission provided draft text. Mrs. Hellmann opened the public hearing.

Mrs. Tilford provided the Staff Report for BZC03-2016. The Sugarcreek Township Zoning Commission initiated, by passage of a motion, a text amendment to the Sugarcreek Township Zoning Resolution. The text amendment initiated establishes agritourism uses as permitted in every zoning district subject to standards. Included in the amendment are associated definitions. She noted the Regional Planning has recommended approval. She explained that in May, the legislature passed Senate Bill 75 and it was subsequently signed into law by the Governor. It will become effective August 17, 2016. The law allows townships to regulate agritourism uses on a farm in a limited manner – the size of a structure used primarily for an agritourism use, setback building lines, size of parking area and ingress/egress to protect public safety. She noted that associated definitions as specified in the Ohio Revised Code are included in the text amendment. She stated that the Greene County Regional Planning and Coordinating Commission provided model text for the townships in Greene County to consider. The amendment being considered is based on that model text and would make agritourism uses permitted in all districts. The model text includes a requirement that the agritourism provider show evidence that the farm is ten acres or more in area, or show that it is enrolled in the Current Agricultural Use Value program or produces an average yearly gross income of at least \$2500. It also requires that the agritourism provider identify the educational, entertainment, historical, cultural, and/or recreational relationship of the agritourism activity to the existing agricultural use of the property and the surrounding agricultural community in general. A site plan is required, as well a floor plan. The proposed text establishes setbacks for buildings used primarily for agritourism activities (measured from any existing residential structure). Mrs. Tilford elaborated on the need for a building to be used primarily for an agritourism use and the

importance of that distinction. She explained that the number of parking spaces required would be determined based on similar uses identified in our parking regulations (or the APA Parking Manual, as provided in our parking regulations when a similar use is not able to be identified).

Mr. Baldino noted that on page 63 he believes that language should read equal to or greater than five not more than five. He recommends that this be changed.

Mrs. Tilford noted that she would like to understand where that language is coming from; if it is coming from the bill itself then we would not want to change it.

Mr. Baldino noted that five acres is a typical lot size and this text excludes lots that are not greater than five acres.

Mrs. Tilford stated that the agricultural exemption from township zoning is specific to lots greater than five acres; however, we have always interpreted this as 5 acres or more. 5 acres would qualify for the exemption, 4.99 acres would not.

Mrs. Tilford expressed a desire to look into this issue further, as it applies to the agritourism text.

Mr. Baldino stated that this issue will be left to staff to determine if the delineation of more than five acres is necessary.

Mrs. Gallagher noted that she does not have five acres but they have had the neighbor's alpacas on their lot.

Mrs. Tilford noted that the ORC provides townships with the ability to regulate the keeping of animals on lots of less than five acres; however, the Trustees have opted not to regulate that.

Mr. Betz asked if we had any agritourism uses in the township.

Mrs. Tilford noted that we had a haunted maze proposed a few years ago that did not fall under the agricultural exemption and that would most likely qualify as an agritourism use. She noted that the maze itself would not be subject to regulation.

Mrs. Hellmann asked if parking would be regulated for a haunted maze.

Mrs. Tilford stated that if we determined that the use met the definition of an agritourism use, then we could regulate parking but only its size and we could regulate ingress and egress too.

Mr. Baldino asked about the use of a building being primarily for an agritourism use. He asked what we would do if a barn is used for agriculture half the year and agritourism half the year.

Mrs. Tilford noted that the statute does not give us any guidance. We might look to the revenue of one use versus the other; it is a determination that we will need to make on a case by case basis taking into consideration all the facts related to that particular agricultural use.

Mr. Baldino asked if he had a wine business and nine months out of the year he used it for making wine and three months out of the year he wanted to have people cook steaks and stomp grapes, how would that be looked at.

Mrs. Tilford noted that would probably already be exempt noting case law specific to viticulture uses.

Mr. Baldino asked if he were to build a structure for catching greased pigs if it subject to this regulation.

Mrs. Tilford said it would be.

Mr. Baldino asked he were to build a structure for raising pigs if it would be subject to this regulation.

Mrs. Tilford said that it would not be.

Mr. Baldino stated if one weekend a month he would have people catch pigs would it be subject to this regulation.

Mrs. Tilford stated that it would not.

Mr. Baldino asked why we are doing this.

Mrs. Tilford stated that the law gives us the ability to regulate certain aspects of agritourism uses. We feel that it is important to look an ingress and egress, the size of parking area, etc. with these uses and that is why we are doing this. We don't want to be in a position where something really needs that kind of review and we aren't able to do it because we did not act.

Mr. Schieman noted that Mr. LeBlanc stated that our regulation appears to follow the law, noting that his sentence appeared carefully worded.

Mr. Baldino asked if we have to keep the language primarily in our text.

Mrs. Tilford indicated that we did. The statute included that language and our text needs to be consistent with the statute.

Mr. Baldino discussed the setback table and suggested it would be clearer if the heading read Setback from an existing Residential Structure versus just Setback. It is in the text, but people may just glance at the table and not pick up on the reference in the text.

Mrs. Tilford agreed, noting that the table can be easily updated.

Mrs. Hellmann asked for any public comments on the case. There being none, she closed the public hearing.

Mr. Baldino asked if it would be clearer to note that structures not used primarily for agritourism uses are exempt.

Mrs. Tilford noted that the general agricultural exemption is found in another section of our Zoning Resolution and it isn't necessary to address it within the agritourism text.

Mr. Schieman made motion to recommend approval of the proposed text amendment to the Sugarcreek Township Board of Trustees, subject to adding text to the table heading (changing it from "Setback" to "Setback from Residential Existing Structure") and subject to staff conferring with the Prosecutor's Office on the verbiage of more than five acres (versus using a standard of five acres or more), which was seconded by Mr. Baldino. Upon call of the roll, the vote resulted in the following:

Mr. Betz-yes
 Mr. Baldino-yes
 Mrs. Gallagher-yes
 Mr. Schieman-yes
 Mrs. Hellmann-yes

Mrs. Tilford noted that Ms. Moore provided two corrections to the minutes, which Mrs. Tilford reviewed.

Mr. Baldino made a motion to approve the June 7, 2016 Minutes, which was seconded by Mrs. Hellmann. Upon call of the roll, the vote resulted in the following:

Mr. Betz-yes
 Mr. Baldino-yes
 Mrs. Gallagher-abstain
 Mr. Schieman-yes
 Mrs. Hellmann-yes

Mrs. Hellmann asked for any new business.

Mrs. Tilford noted that Mr. Obert has applied for Phase 4 of the Landings and that will be an August case. She noted that Stephanie Hayden will also be present to discuss the surface mining/mineral extraction at the August meeting.

Mr. Schieman noted that lighting has been discussed by the board previously indicating a preference for full cutoff. He would like to see the board move this issue forward.

Mrs. Tilford noted staff can do an evaluation of our current text for discussion and to help the board determine where changes may need to be made.

Mr. Schieman noted that he understands that there may not be some kind of emblematic representation of a fixture being dark sky compliant at some of the stores but we need to work toward that.

Mr. Baldino stated that as more jurisdictions require it, more products will become available at the stores. More options are available at a lighting retail store than at Lowe's or Home Depot.

Mrs. Hellmann moved to old business. She noted that Stephanie will be in attendance at the August meeting.

Mrs. Tilford noted that she was unavailable to attend tonight.

Mr. Schieman stated just to be consistent for the record, he previously asked if there were any meetings discussing this topic that he be invited. He asked if there have been any meetings.

Mrs. Hellmann stated no there have not but noted to have a meeting like that would be a quorum with a public hearing announcement.

Mr. Schieman stated that was not the intent of his request, his request was that if staff or...he didn't intend to violate the quorum he just asked to be included in any meetings that the township has with Stephanie to discuss this topic. He noted that he was asking broadly with no intention to create an issue with quorum. He noted again that he had broadly asked to be included in any meetings that the township has to discuss this issue with Stephanie stating that his question is have there been any meetings.

Mrs. Tilford and Mrs. Hellmann indicated no.

Mrs. Hellmann noted that she saw on the CBS morning program a segment on agrihoods.

Mrs. Tilford stated that she watched the segment. These types of developments are becoming more common. She explained the premise of agriculture taking a prominent role in the community. She feels that we would be able to accept this kind of development within our current zoning classification scheme should one be proposed here, noting that it seems like it would be a great fit for us.

Mrs. Hellmann stated it was at least 100 acres and homes were situated around the farm.

Mrs. Tilford noted that it has some new urbanist qualities, curvilinear streets, front porches. It is a really interesting concept. They had a commercial area, their own school.

Mrs. Hellmann stated it was really a community within a community. She encouraged the board to view the segment. In the south part of the township it might be appropriate.

Mrs. Tilford stated it appears to be very successful and sought after.

A question was posed about the goat farm.

Mrs. Tilford stated it was sold to Martin Land Company. The last we heard was the plan was to raise lambs.

Mrs. Gallagher made a motion to adjourn, which was seconded by Mr. Baldino . Upon call of the roll, the vote resulted in the following:

Mr. Baldino-yes

Mr. Betz-yes

Mr. Schieman-yes
Mrs. Gallagher-yes
Mrs. Hellmann-yes