

Milton Township  
Planning Commission  
Unapproved Special Meeting Minutes  
July 6, 2023

Members present: Chairman Hefferan, Renis, Peters, Warner, Standerfer, Ford, and Merillat.

Also present: Many audience members and applicants Chantel Lefebvre and Mike Neumann.

Members absent: None.

Hefferan called the meeting to order at 7:00pm.

Public Comment:

Ron Boals said he was hoping the ZA and supervisor would be here tonight. You have put a lot of time and effort into this and for the township board to reject it is confusing. I have read the letter from Pharo and he seems to be in agreement. I am disappointed. You have got a lot of farmers sitting here tonight and everyone is aware of the struggle farmers are going through. Anything the planning commission or township board can do to relieve this or to make the challenge less challenging would be appreciated. Last time you looked at the master plan, the average age of farmers was 65. The young farmers in the community are really struggling. I understand there was a conflict between short term rentals. Pharo points this out well. We are not talking about residential properties. In general, the neighbors are in support of it. They need to keep the business viable. Thank you for your efforts.

Craig Oakley of Sutter Road came to support the winery. I do not know what better definition for agritourism is than what this would be. The township should support this

Dwayne Meyer of NW Torch Lake Drive. He is in full support of this planning commission's decision. You have processes that work and I appreciate the work you did.

Nate McGuire of Quarterline Road said there is the Right to Farm Act for a reason and the township is overstepping its boundaries. It is written here that winery is not doing anything wrong. There should be some review of state law before decisions are made otherwise this township could get in trouble.

Steve Langusch of Waring Road is in favor of the farmers. We have a duty as a township to make this work for farmers. People are struggling. Farmers are tearing out their orchards. What would keep our kids here after they graduate school? I think we need to figure out how to do it the smart way. Have we had committees that investigated other townships to see what they have done to compare how we stack up? It seems that we are looking at everything negatively here.

Haley Bruniser operates Undertoe Farms on Winters Road in Kewadin. She is in full support of the proposed ordinance amendment. I understand the challenges of operating a small farm. They are good and thoughtful stewards of the land and they are setting a good example for our

children and the community. Farming has changed through the years. It is noisy and it is part of what we accept. If there is any notion of being afraid of noise, neighbors are saying they are not seeing that affect. Small farms need to diversify in order to be sustainable. What they are asking for is reasonable.

Applicant Mike Neumann addressed the objection about why should one industry be allowed to do guest quarters and others not. I think it should be looked at as a model to apply to other farms. The fact is you have a township winery ordinance. You already have special treatment for the winery. It is expensive to grow grapes. It is not farming because you are pulling grapes off and selling them. It is value added. Staying on our property and learning about it is part of the value. If you do not diversify with events or rentals, you are not going to survive. The ordinance did a great job showing how this could work. I do not think this is a flood gate to allow everyone this right. When you have the framework in place, not everyone can come forward to say they want guest quarters.

The issue with adjoining properties. We could put a pig farm in. We could put a processing facility in. We would not have to ask you to do it. I would like the township board to put it into prospective. I do not feel it should be micromanaged more than it is. Some are fair points and we can talk about tinkering with it, but I am not convinced that we are not wasting our time.

Chantel Lefebvre, applicant, said she feels there was a lot of throwing around the sentiment of rural character. This is recognized as open space, historical spaces and farmland. People say they want rural character. This has no private value to the farmer. We do not get anything out of that. You hold it so dearly, and yet we get no value from it. That must be considered when thinking about how farms can be viable. There have to be some concessions to make it realistic and viable for the farmer so the township can keep its rural character and the farmers can sustain themselves.

Nate McGuire said Michigan is a right to farm state. He read from the law discussing farm tours, marketing events and guest quarters which are allowed according to the state law.

Sue Calliou of Sutter Road asked what stopped this? Who stopped this and why? Hefferan said he will clarify when done with public comments.

Mark White of Sutter Road said he grew up here. Back then everyone had a few cows and a few cherry trees. These folks are one of the last people to buy a farm and every time they try to improve it, they run into a brick wall. If you do not work with us, you need to understand what that means. It will be house after house after house. The farmers will sell their land to developers.

Karen Bargy of Cairn Hwy gave statistics on how we are losing AG or forest land to residential or commercial and not gaining farm land. Your master plan indicates protecting rural character is very important. This includes views of farms. In the same master plan people indicated supporting farm probability ranked last. Everyone wants the free view, but no one wants to pay for it. The master plan indicates no future commercial development and creation of a farmland preservation.

The master plan says to guide growth while still allowing rural character. That will not exist if there are no farms. You are not allowing for the management and growth of those farms and those businesses. Cherry orchards are not profitable anymore. We pulled ours out. Farmers are losing money staying in cherries and with the high price of land, the value is in the land and it will not stay for long. The township is looking to provide the benefit of the land without paying for it. We do not tell any other business how to run their business. But we are doing this to our farms. To this commission's credit, you allowed them to expand a business within the confines of our zoning. What you put forward does not need changes. The objection to the ordinance is in the details. As many beds they can fit in there, it does not matter. If you say it is allowed, it is allowed. Thank you for addressing this.

Karen Paradis is in support of everything that has been said today.

Carol Oakley of Sutter Road supports the applicants. They are great stewards of the land and I can imagine I would like to go stay there just to experience the farm and to learn how they have made it into what it is today. To me, the B&B part is like having guests to your home. They want to share it with others. I am in support and I hope we can come to agreement.

Chantel Lefebvre, applicant, said as she reviewed the minutes and there has often been this notion that AG is not commercial. AG is commercial use. We are a commercial business and as such we are entitled to those things allowed for a commercial business. This is our business. It is commercial. There is a lot of language about this. The township does not want farms to become commercial operations. The reality is, we are already. Everyone on the planning commission recognizes this. Thank you for that.

Karen Bargy said the township is afraid of opening this door and it getting out of control. Not allowing it is not managing the growth and that is the responsibility of the township board.

Approval of Agenda:

**Motion** by Ford to approve the agenda. Seconded by Warner. **Motion carried.**

Hefferan explained the reason for the special meeting. On May 3, 2023, the planning commission voted 6-1 to send this amendment to the township board for approval. On June 12, 2023, the township board met and the motion was to refer this ordinance back to the planning commission. I asked for this special meeting since it was referred back to us.

Merillat said they did not vote to turn it down. If we made no changes, what would happen? Hefferan we can talk about the comments that were made. We have questions from the board and we should discuss those.

Warner said in regard to the short-term rentals, Standerfer, Ford and I were on the subcommittee and that was the main concern in constructing the language that showed the STRs have nothing to do with this aspect of allowing 3 units on AG land. It would be supervised because the only time they would be utilized was when the business was open and owner was on site. The difference between STR is this is a business overseen. You are not allowing someone to come in

and set up and party and become an nuisance to their neighbors in a residential district. This is a fair standard.

Renis said we have a vacation rental ordinance, not a short-term rental ordinance. We are throwing out this term incorrectly. This is a guest house and not a vacation rental home.

Merillat said guest quarters do not meet the definition of a vacation rental. Guest quarters are not allowed to have cooking facilities.

Hefferan said Pharo sent an email supporting the amendment as is.

The commission reviewed the questions provided by the township board via email on July 5, 2023.

#### Food Truck Questions:

Question: Because Marketing Events are allowed year-round (as long as guest count is limited to 50), then catered food is allowed year-round, along with food trucks, year-round. Is this the intent?

Answer: Yes. Ford said as long as they are operating. The business must be open and functioning.

Question: Do we require zoned AG Land be licensed by the State of Michigan as “Agricultural Use”, or can anyone apply and receive zoned AG Land as long as 50% is farmed?

Answer: We do not understand the question.

Question: If food trucks are allowed, how many?

Answer: Ford said based on the event, you would get the number of trucks you needed to accommodate. If there is a concern that there would be too many, I am not sure what the logic is? Warner said you are only going to have one or two because they will not come if they are not able to make money. We agree there should be no number on that.

#### Marketing Event Questions:

Question: Because d) limits guests to 100, and e) states guest count over 50 is limited to four (4) per month, is it the intent to provide no limit on events, year-round, as long as the guest count is 50 or below?

Answer: Yes.

Question: Is 50 guest limit pertaining to; at any one time, or total for the event?

Answer: Any one time. Peters said attendance will be controlled by occupancy. Standerfer said many events may be outside. Warner said what difference does it make if people are coming and

going. Renis said attendance is limited at 100. How do you manage this? Warner said it is splitting hairs. Standerfer said he does not understand why we are limiting attendance? Is it health safety or welfare? Warner said if you do not have some kind of limit, you can have something like Bliss Fest when they had 8,000 people. We have regulations for parking. If you are managing a capacity in the building, maybe we should not put a limit on that? Hefferan said there was a lot of dialogue on this and we set this limit. It was an upper limit. We are not putting limits on event count.

Question: Is it important to state how they are to limit number of guests, i.e. ticket sales to limit total number of attendees to eliminate an influx of cars down Sutter Rd waiting for seating to an event?

Answer: Parking is already discussed in the ordinance. It must be within the parking lot of the facility and cannot be on the road.

Guest Quarters Questions:

Question: 7 a) "Guests shall only be permitted to stay on the property when the tasting room is open and available to the public". Does this mean seasonally, or daily?

Answer: Seasonally.

Question: Do any other zoned communities allow Guest Quarters on AG Land?

Answer: Yes. It is an up-and-coming new trend according to Merillat.

Question: Ag Land is allowed, through a special use permit, to have a Bed & Breakfast. Why is there a need to allow unrestricted Guest Quarters when they are allowed to have a B&B?

Answer: Renis said they are restricted.

Question: Is it the intent to allow all AG Land with min. 20 acres to have "guest Quarters"?

Answer: No, we are only talking about our winery ordinance. If someone else comes to apply, we will look at it. Standerfer said we have a farmer who has cattle and horses and may want to have a dude ranch. We are enabling that down the road.

Question: If yes, what is the definition of Short Term Rentals and Guest Quarters?

Answer: There is no STR definition but we do have a definition of guest quarters. It is at the bottom of the winery ordinance. Ford read from the definition. 7E also describes the guest quarters.

Question: If 20 acres is required today for guest quarters, will 10 acres ultimately be allowed someday if someone with 10 acres wants the same benefits of use?

Answer: We cannot predict the future. Warner said 10 acres is a small plot to run any farm

project if you have to create income from the land itself. But not everyone is a row cropper. The door is open but if someone wants to, they would have to come to us.

Question: If the intent is to allow all AG Land to have Guest Quarters, is it the intent to allow all other farm producing industries to have Guest Quarters as well? If someone wants to start a lavender farm, sunflowers, apple orchards, cherry orchards, will they be entitled to the same Guest Quarters?

Answer: There is a lot of presumptions. Is the presumption to allow all AG land to have guest quarters. No. This is a template for us to try to think more outside the box on how to support AG in Milton Township. If someone wants to have a X farm, the answer is the same.

Question: Is Guest Quarters a “farm related activity” per Agritourism?

Answer: Yes.

Overall Concerns:

1. What is allowed today within one industry, will ultimately be allowed within another industry, due to our inability to deny the same benefit to similar situations.

Commission Response:

This is not a permitted use. This is a special land use. I would not agree with that. We would have to look at it at the time. Renis said you have to look at the support of the neighbors. You cannot say everyone will request it, we will have to look at each request.

Merillat said the issue he has is there is no difference between a winery and a farm market. We would lose if we went before a judge involving a farm market and wants guest quarters. We need a bigger discussion involving all of AG rather than for one segment of the industry. We are differentiating because of what they grow. We should have a discussion about what is fair for every farmer. Peters said if the concern is having quarters other than the owner, how is it different from the large farmers who have guest quarters for farm workers? Renis said they are integrating it into their business. It is not just making money solely for profit from the guest quarters. Standerfer said under the farm market GAAMPS, you can have guest quarters as long as 51 % of sales come from what you grow at your farm. The guest quarters have to be less than that.

2. Once an activity is allowed, it’s just a matter of time for the next ask, and the question always becomes; can you or should you allow unlimited events and/or guest quarters on all AG Land?

Commission Response: The last point is a statement. This is not unlimited or unrestricted. We have talked about a lot of limitations and restrictions.

Hefferan said he hopes that the township board looks at the AG zone and what is a permitted use right now. Because it is fairly extensive. I do not see this as any more intrusive as any other permitted use in the AG zone. Standerfer said it went to the county and was approved. They did

not find any conflict.

Merillat said the board had questions and we answered those questions, now the board can either vote to approve or deny this. Warner said his understanding was that this opened the door to a problem and two members of the board felt this was not a good policy. It was a 5-0 vote to send it to the planning commission. But they did not tell us what we were to do. Merillat said we cannot do anything right now without the board voting it up or down. Hefferan said we have done a lot of work and here is our recommendation. Now, I think they could do line item strikes if they wanted to instead of striking it down entirely. But I am not sure what we are supposed to do. Renis said they are using the term short term rental language. We do not have a short-term rental ordinance. They must change their language. I think they are asking why is not this a vacation rental. Peters reviewed the board's concerns in the minutes and those have been addressed. Merillat said we cannot do anything without a new public hearing.

**Motion** by Ford to forward ZO 2023 01 back to the township board with our clarifications. Seconded by Standerfer. **Motion carried.**

The township board meets Monday. Renis is discussing with the board to get this on the agenda for Monday night. Hefferan said he would like the board to review this on Monday at their next meeting.

McGuire asked why a special use permit is necessary? Hefferan said that is how the township set it up.

Lefebvre said addressing Merillat's concern about this being a broader issue, we have all of these farm people who have come to support us. We are trying to pool together to create the plan for ourselves, but they are in support and they are also interested in these issues for themselves as well. If others approach and want farm stays, this is something we have talked about as a farm community and there is interest. We are not trying to push this through as our own agenda.

Hefferan asked the audience to speak up to the township board.

Meeting adjourned by order of the chair at 6:11pm.

Respectfully submitted,

Joseph Merillat