

February 10, 2022
Citizens' Agricultural Advisory Committee
Study Session
Packet Addition

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Jenn Cram

From: Rebecca Chown <clerk@peninsulatownship.com>
Sent: Wednesday, January 26, 2022 11:45 AM
To: Brit Eaton; Dave Edmondson; Elise Holman; Erin Gartland; Grant Parsons; Isaiah Wunsch; Jennifer Venegoni; John Jacobs; John Wunsch; Julie Alexander; Lew Seibold; planner@peninsulatownship.com; Rebecca Chown
Subject: ordinance suggestions for the citizens' ag committee from Louis Santucci

Good morning,

Please see the suggestions below submitted by Louis Santucci.

Becky

From: louis santucci <santucci.louis@gmail.com>
Sent: Wednesday, January 26, 2022 9:12 AM
To: Susan Piehl <officemanager@peninsulatownship.com>
Subject: would you pass these comments on to the ag committee members

Thank you

Suggestions for the ag committee

As many farmers on the peninsula also engage in sales of their produce and other products the ordinance needs to be farmer friendly with regard to such operations.

The zoning ordinances with regard to farm stands should be scrapped and at the very least replaced by the GAAMP (Generally Accepted Agricultural Management Practices) that has been established for Farm Markets which would include farm stands under the Right To Farm Act and thus supersedes the township ordinance. This GAAMP was established in 2021 after our zoning ordinance which has not been updated to reflect the GAAMP for farm markets.

Two provisions of note are cited below and should be made part of the ordinance.

A farm market is a year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. While the location must take place on property controlled by the affiliated farm, it does not have to be a physical structure such as a building. Fresh products as well as processed products may be sold at the farm market. At least 50 percent of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or 50 percent of the average gross sales for up to the previous five years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least 50 percent of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

Use of space A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made. The farm market must be located on property owned or controlled (e.g., leased) by the producer of the products offered for sale at the market. All retail space, farm market structures, and locations where transactions occur, at a new or expanding farm market, that are greater than 120 square feet must meet a minimum setback of 165 feet from all non-farm residences and all new or expanding farm markets are not authorized under this GAAMP on platted lots within a subdivision created under the Michigan Land Division Act (Act 288 of 1967, MCL 560.101, et seq.) or preceding statutes and on condominium units within a condominium (sometimes referred to as "site-condos") created under the Michigan Condominium Act (Act 59 of 1978, MCL 559.101, et seq.); however, farm markets are permitted in such areas if authorized by association rules or pursuant to a local ordinance designed for that purpose, unless prohibited by association rules. A farm market should have a written site plan for potential MDARD review that preempts local government regulation

Note that this would mean that for example the 150 square foot limitation on a farm stand is contrary to the RTFA. In addition it is unclear whether or not there is an actual limitation on what products can be sold on a farm stand or in a farm market but in any event if the limitations found in the farm processing facility are meant to apply to farm stands or farm markets then those limitations should comply to the farm market Gaamp which states:

At least 50 percent of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or 50 percent of the average gross sales for up to the previous five years or as outlined in a business plan.

Even though this GAAMP is less restrictive than the town's ordinance it as well as the township ordinance limiting the amount of produce that must be grown on the farm may be a violation of the interstate commerce clause of the constitution. A recent federal case found that requiring a certain amount of grapes be local in the wines made by the winery in question was unconstitutional. Accordingly my recommendation is to scrap such a requirement in its entirety.

Signs

The size and number of signs allowed for a farm is too restrictive.

The size is of no use to speeding traffic especially on center road. The size limit should allow signage that can easily be read without requiring the motorist to slow down or come to a full stop in order to read it.

I have witnessed road rage when people slow down to pull into my farm stand area or worse negligent driver who swerve into the other lane going in excess of 55 mph when coming down the hile past Edmundson's stand and notice at the last second someone waiting to make a safe turn into my yard because of oncoming traffic.

So why not allow one sign up to say 24 square feet. They could be limited to the months that the farm stand is in operation.

The number of signs should be greater than 2. Produce signs of say eggs for sale or tomatoes could be 6 square feet with an allowance of up to 4 signs as long as they are removed when the particular item on offer is no longer offered.

Greenhouse

Under the township rules an SUP is required for a greenhouse. This may be a violation of the right to farm act and as a greenhouse is an accessory farm building.

Airbnb

Farmers should be allowed to host guests on their farm via airbnb or other platforms. If the residence is owner occupied that should provide necessary protection for keeping guests from creating disturbances etc.

Farm to table dinners

The right to farm act allows for farm dinners and the ordinance should provide that farmers be allowed to host such dinners

Land Use Permits

Farmers should not have to obtain a land use permit for an agricultural building. The fee should be waived and the location etc requirements should be simplified. The township need only require the location and size of the building

Procedural rules

I believe that in order to expedite action within the bureaucracy, any permits dealing with agricultural issues should be deemed granted if they have not been acted upon within 60 days.

Events, weddings, farm dinners, barn storage etc.

To truly support farmers they should be allowed to host weddings, dinners or events without the need for preapproval. A simple notice should suffice to allow the township to determine if extra resources are needed such as traffic control etc.

Wineries

The rules for wineries should be addressed separately once the lawsuit is settled. In the meantime the moratorium for ag SUPs should be lifted.