

**Brunswick Hills Township
Zoning Commission
Regular Meeting Minutes – June 7, 2018**

REGULAR MEETING

Chair Jenkins called the June 7, 2018 Zoning Commission Regular Meeting to order following the public hearing to order at 8:03 p.m.

- **Board Members in Attendance:** Mrs. Jenkins (Chair); Mr. Mickas (Vice Chair), Mrs. Porter, Mr. Fulkerson; Mrs. Kijek
- **Others in Attendance:** Trustee Michael Esber, Zoning Liaison; Evelyn Czyz, Zoning Inspector

Approval of the Minutes - Approval of the May 3, 2018 Minutes

Edit/changes to the minutes: Mrs. Jenkins noted on page 6, second paragraph; third sentence that Mr. Mickas's name was misspelled; correction made. **Motion to Approve the Minutes:** Mr. Mickas made a motion to approve the May 3, 2018 meeting minutes as corrected. Mr. Fulkerson seconds the motion. **Roll Call:** Mr. Mickas-yes; Mr. Fulkerson-yes; Mrs. Kijek-abstain; Mrs. Porter-yes; Mrs. Jenkins-abstain.

Continued Business:

1. Agritourism (Senate Bill 75 – Ohio's New Agritourism Law)

Ms. Czyz stated that the Agritourism Senate Bill 75 is still in discussion in the Senate and will probably stay there till September.

2. Review of the Brunswick Hills Township Zoning Resolution

Chair Jenkins stated we are still reviewing language in the Brunswick Hills Zoning Resolution.

A. Sec 303-10E. Conditionally Permitted Uses In Intermediate Regional Flood Plains

- a. → Also under review in relation to Flood Plains: **Sec. 303-11 Riparian Setbacks**

Mrs. Jenkins stated prior to the meeting she asked the Zoning Inspector (Evelyn Czyz) to contact Andy Conrad in the Medina County Engineer's Office regarding his comments on this section. Ms. Czyz has not heard back from Mr. Conrad yet. Ms. Czyz stated that Sec. 303 on Riparian Setbacks is set by the County. Mrs. Jenkins stated correct, but they are saying we have to go by the new verbiage they have. Ms. Czyz stated it is new verbiage but the intent is the same and the way she has to measure it will still be the same.

B. Sec 703 Continuation of Existing Uses Conditionally Permissible Under This Resolution

C. Sec. 902-2.E. Submission of Applications

D. Sec. 904-3 Referral to Zoning Commission

Mrs. Jenkins stated these sections still need some language changes and suggested that when we don't have a public hearing scheduled we can look at these and discuss in more detail. Mr. Mickas stated he was trying to pull together more information on Sec. 703 to get to the Board but as he continued reading other Township Zoning books on Wadsworth, Bath and Powell, he found that this section is not in a lot of the other books. Mr. Mickas stated he is still interested in what the intent of Sec. 703 really was. Mr. Mickas stated he may reach out to Mr. Brian Richter regarding this section. Ms. Czyz stated when you start going into the south and other areas you have to remember that we are just a regular Township, we are not a Home Ruled Township – there is a difference so keep that in mind. She said a Home Ruled Township has a lot more authority than we have and the cost is a lot more because they have to have and Administrator and a Law Director. She said so when you start going outside of Medina Township to look at other areas, many of them are more rural like Homerville where they have a 10-acre minimum to build a home so you have to look at comparable Townships.

Mr. Mickas stated Sec. 703 refers to re-issuing zoning certificates and there is another section in there talking about non-conforming certificates so there is still some confusion on this. Mr. Mickas asked the Zoning Inspector if we issue non-conforming certificates at this time? Is this something that is common? Ms. Czyz stated no.

Mrs. Jenkins stated that we just want to make sure our zoning book is up to date, clear and concise so this has been a work in progress, so if there aren't any other comments or concerns on this we will continue to work on these sections.

New Business: None

Additional Business: None

Public Input:

1. **Greg Clement, 296 Pearl Road (Mapleside Farms), Brunswick Hills, Ohio.** Mr. Clement stated when he was here a few months ago he explained to the Board that he's been working with Senator Obhof's office on Ohio's law that was passed in 2016 SB-75 that has a lot to do with Agritourism. He said it protects the farms from being sued and it has other issues. He referred to the document Ohio Legislative Service Commission which he received from George McNab from the Ohio Department of Agriculture. Mr. Clement stated he's been dealing with Tom Hancock the Chief of Staff at Senator Obhof's office and he sent me the actual Bill that was passed, Ohio Revised Code Sub-SB #75. He stated that George McNab sent him the final analysis which is the summary essentially. Mr. Clement stated the questions he had for them was that Mapleside Farms is multiple parcels and the question is if parcels connect to one another is that still considered a farm. So rather than one big parcel being a farm of 100 acres, if there are 10 parcels of 10 acres, is that still considered a farm and can it be connected and protected under SB-75? Mr. Clement stated their answer was yes. He urged the Board to look in the Ohio Legislative Service Commission document on page 3 and read: *"A farm is land that is composed of tracks, lots or parcels holding not less than 10 acres devoted to agriculture production, or totally less than 10 acres devoted to agriculture production. If the land produces an average of income of at least \$2,500 yearly gross income from agricultural productions..."* Mr. Clement stated that Mapleside Farms would meet both of these requirements essentially so I think that is the answer to the first question, which is pretty cut and dry.

Mr. Clement stated he also talked to them about parking. He stated if you look at the map, Mapleside (Blue Apple LLC) purchased three parcels. He said two parcels on Pearl Road and one parcel Boston Road. He stated the parcels on Pearl Road are both around three acres, plus or minus; the property on Boston Road is about 14 acres at 13.89 acres. He stated before we purchased those properties a few months ago, Mapleside farms was 100% in the City of Brunswick because it annexed to the City. Mr. Clement stated originally it was in Brunswick Hills forever and when Parkview Homes was going to develop the property in 2007 or 2008, the Eyssen's annexed into the City. He said the majority of Mapleside is in City. He said we have the 83-acre apple orchard; we have roughly 18 acres here that goes out to Boston Road and then all the Commercial parcels upfront are in the City. He said so there are six parcels that make up Mapleside in the City; 3 parcels that connect/contiguous so Mapleside Farms is now essentially 9 parcels at almost 150 acres of land.

Mr. Clement stated our plan originally was to have an ingress, so that's why I wanted to work with the Township to get guidance on how to do this the right way and that's essentially to use part of the 14 acres that we purchased in the middle/back of the property as rotating parking. He said one of the big reasons Ohio passed the SB-75 was to help farms with Agritourism operations to run and operate their business. Mr. Clement stated he thinks it recognizes the unique nature of that type of business, which is the type of business we run at Mapleside Farms. Mr. Clement stated their business is seasonal; essentially we have very busy days out of the year but we're not busy year round. He said we are especially busy in the fall and on the weekends. He said we don't have to go through the entire SBB-75 to see how it protects Mapleside from lawsuits.

Mr. Clement referenced page 4 of the final analysis is the exact language for County and Township Zoning regarding Agritourism. Mr. Clement stated essentially it says we need to work with the Township on ingress/egress, the size of parking area to be used, etc. Mr. Clement stated that is mentions, which he agrees with, and that is we don't want to have any paved parking because it is not necessary and we would like to rotate our crops, whether its corn or pumpkins.

Mr. Clement asked the Zoning Inspector if she mentioned SB-75 earlier in the meeting – something in September? Ms. Czyz stated I said that they are going to be talking about this in the Senate and potentially there could be a modification to this Bill. Mr. Clement said ok, but this Bill is valid right now, is that correct? Ms. Czyz stated to Mr. Clement that he should come to her office to talk about this because one of the biggest problems she sees here where it says parking is in Brunswick Hills. She said you have no agriculture in Brunswick Hills so you want it for your City lot; that is where you are doing you farming. Mr. Clement stated right. Ms. Czyz stated you have two different municipalities so we are going to have to go over some of these hurdles and I think that is the format you need to follow. Mr. Clement and Ms. Czyz agreed to meet next Wednesday at 9:00 a.m. in her office.

Trustee Michael Esber asked Mr. Clement, didn't you say you've talked to Senator Obhof's office about having parking in different municipalities and you said they had ruled on that or no? Mr. Clement stated there is no ruling on it, but all of the authorities (Larry Obhof's office and the Department of Ohio Agriculture) he spoke to are in the firm belief that SB-75 is law. He said so as it stands, the entire law is written saying that a farm, like Mapleside, is not limited to one parcel – it's all the parcels that encompass it. Ms. Czyz stated she agreed with that, however, she thinks they all have to be in the same municipality. Mr. Clement stated they don't. Ms. Czyz stated she wants to talk to Senator Obhof herself to get more information from him before she and Mr. Clement meet. Mr. Clement stated the Ohio Department of Agriculture told him that multiple farms in Ohio cross County lines; a farm can be in the middle of the road where there is one County here and another on the other side of the road – it's still a farm under SB-75 essentially. Mr. Clement and Ms. Czyz confirmed their meeting time and Mr. Clement asked so it that the next step for me? Chair Jenkins stated yes, you need to meet with her first and then she will decide where it goes from there. Mr. Clement thanked the Board for their time.

Announcement of Next Meeting Date: Thursday, July 5, 2018 @ 7:00 p.m. where we will continue our public hearing and have our regular meeting.

Motion to Adjourn the Meeting: Mr. Mickas made a motion to adjourn the meeting. Mrs. Kijek seconds the motion. **Roll Call:** All in favor to adjourn. Meeting officially adjourned at 8:26 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

Sandra Jenkins, Chair

Date