

**HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION**  
**Special Meeting Concerning Farm Stands**  
**April 20, 2021**

Chairman Hoeve called the meeting to order via ZOOM due to the Coronavirus (COVID-19) pandemic at 7:00 pm and asked for a roll call of members present.

**Present:** Chairman Marion Hoeve (Holland Charter Township, Ottawa County, MI), Vice-Chairman/Secretary Jack Vander Meulen (Holland Charter Township, Ottawa County, MI), Members Doug Becker (Holland Charter Township, Ottawa County, MI), Randy Kortering (Holland Charter Township, Ottawa County, MI), and Miska Rynsburger (Park Township, Ottawa County, MI). Also present were Community Development Director John Said, Assistant Community Development Director Corey Broersma, Recording Secretary Tricia Kiekintveld and Township Attorney Ron Bultje.

**Absent:** Member Dennis Gebben.

Mr. Hoeve opened up the meeting by explaining that the purpose of tonight's meeting is for the Commission to look at where farm stands are currently allowed in the Township and where the Commission feels the community would benefit from having farm stands and, from there, see if any changes need to be made to the Zoning Ordinance. This is not to look at one piece of property for one applicant. Mr. Hoeve also reminded the public that they are permitted one comment time limited to 3 minutes.

**Public Comment:**

**Rev. Ren Broekhuizen of 1057 South Shore Dr., Holland, 49423.** Rev. Broekhuizen said that his understanding is that the primary focus for civil government is to keep the citizens of the Township safe. Holland Township officials are elected by the citizens to fulfill that mandate. He stated that Visser Farms has been patiently waiting for the Planning Commission to grant them a Special Use permit at the location on Chicago Dr. to be able to sell fresh produce. Rev. Broekhuizen asked how would allowing them to open a farm stand be a threat to the safety of the community? He is asking that elected officials grant the amendment as requested.

**Mr. Bill Sikkel of 42 E Lakewood Blvd.** Mr. Sikkel stated that during the last Planning Commission meeting Staff presented a map created by Prein and Newhof that showed two-thirds of the Township is already zoned to allow farm stands. Mr. Sikkel believes that this map did not take into account the residential areas. He also pointed out that putting a farm stand in an industrial area is not a desirable location for a farm stand. Mr. Sikkel stated that at the last meeting it was talked about allowing farm stands in practical areas and the practical areas would be along the major corridors. Mr. Sikkel pointed out that putting a farm stand on Chicago Dr. makes sense because that area is a food desert area with no grocery stores along that corridor and therefore would fulfill a need in that area. Mr. Sikkel stated that the US-31 corridor was talked about at the last meeting as a possible overlay area and he would like to make sure that if that area is considered that the Commission makes sure the area is large enough to include more than a single property owner. His concern would be limiting it to say the outlet mall property because

that is a single property owner and that property owner may or may not have any interest in allowing farm stands on their property.

**Ms. Kathleen Schripsema of 134 Garnet Dr., Holland, 49423.** Ms. Schripsema stated that she noticed the Commission is talking about farms stands – plural. She noticed that during the summer there are musicians along the streets and she is wondering if the Township could allow farm stands under the same allowance as allowing the musicians and entertainers that are downtown along the street? She also asked how could Bowerman Blueberries be allowed and not Visser Farms? Ms. Schripsema stated that people want these farms stands and feels it can be done safely.

Staff responded to some of the public comments that were made. First, regarding the map provided by Prein and Newhof. Staff pointed out that Prein and Newhof did take into account the residential areas when creating the map. Second, they also addressed the issue of industrial areas not being practical. Staff stated that they feel there are industrial zoned locations along both Chicago Dr. and Lakewood Blvd. and some other areas of the Township that would achieve the goal they believe the Commission is after. Third, Staff addressed the statement of a food desert along Chicago Dr. Staff pointed out that there are approximately 18-20 grocery stores located either in the Township, in the City of Holland or the City of Zeeland so they do not feel that the Chicago Dr. area would qualify as a food desert. Forth, they addressed the statement made regarding Township Officials. Staff explained that the Planning Commission is comprised of appointed Commissioners not elected officials. One of the things they are required to do is review Township ordinance requirements and consider potential changes. Staff also pointed out that at this time there is no mechanism by which the Planning Commission can review a Special Use application for any farm stand. Staff pointed out that this is not about one location or one user but rather a time to consider if the Township should revise its Zoning Ordinance to include language that would allow farm stands in other areas. Staff also pointed out that this could be a long, detailed conversation that may last over several meetings to decide if they want to propose any changes. Staff also addressed the comment made about the musicians on the sidewalks. They pointed out that those musicians are in the City of Holland along 8<sup>th</sup> Street and not in Holland Township. Staff also stated that the orientation of the Township is very different from the orientation of the City of Holland due to the walkability of the downtown area with limited traffic flow along 8<sup>th</sup> Street.

Mr. VanderMeulen pointed out that people don't seem to realize that it is state law that prohibits farm stands in platted areas and that is the stumbling block we are up against here. He stated that we as a Planning Commission are obligated to follow state law. For people to say that the Commission is not interested in allowing farm stands is not right, it is the fact that the Commission needs to abide by state law and there would be consequence for our actions if we went against state law.

Staff then showed the Commission some topics that they may want to address during the meetings. Staff clarified that an overlay is but one option available and if an overlay district is done this would be a zoning ordinance change. A change could be done via a text amend or an overlay, but an overlay would still require a text amendment along with a map amendment.

Mr. Bultje stated that the first thing the Commission really needs to do is decide where farm stands are allowed, where are they not allowed, and where the Commission feels they should be allowed. Any changes the Commission wants to make can be done via a text amendment or can be done

with an overlay. An overlay would take a text amendment and a map amendment or changes can be done strictly with a text amendment.

Ms. Rynsburger stated that there is something unique about a temporary use of a property that doesn't fit into residential or a specific commercial zone. It seems like because it is a unique use it would need a unique overlay of uses. Mr. Bultje stated that he was thinking along the same lines that there could be language for a special use, if the Commission chose to go that route instead of an overlay, and include language of where and in what districts, the special uses would be allowed.

Staff showed several maps that depicted areas that currently allow farm stands, a map that shows the different zoning districts, and showed them merged into one map. Mr. Bultje pointed out that the only thing the state law excludes related to condominiums is the site-condos, not all condominium areas. Staff stated that they will have to clarify with the engineers that they only excluded the site-condo areas. Staff also pointed out that these maps are a rough approximation of where farm stands are allowed.

Mr. Becker asked for the steps it would currently take for someone to open a farm stand in an area where they are currently allowed. It was noted that the applicant would have to adhere with the State of Michigan Right to Farm Act and any potential licensing requirements that the State may have. The applicant would also have to have a lease agreement with the land owner if the stand was not located on their own property. Mr. Bultje also noted that if they were to have a physical structure on the property, they must also meet all Township building code requirements as well as all state construction codes. They must also meet requirements for parking, driveways – which may be vegetative, paved or other suitable material - signage (must meet local requirements), and any ingress and egress requirements by the Ottawa County Road Commission.

Ms. Rynsburger asked if there are currently any regular farms stands in the township in the allowed areas? Mr. VanderMeulen stated that there is a small 3' x 5' stand every year in the area of 104<sup>th</sup> and Chicago Dr. Staff noted that there is usually a farm stand on the Carini property as well as the Veldheer property for selling blueberries in the summer.

Mr. Hoeve asked how would the Commission go about doing an overlay? Mr. Bultje answered that the area in the overlay would have an overlying zoning, but the properties would maintain their original zoning.

Mr. Becker stated that the alternative would be a text amendment. Mr. Bultje stated that the text amendment would need to address areas where farm stands are not allowed currently.

Ms. Rynsburger stated that she wants to make sure that the areas they choose are convenient for residents. She would like the Commission to look for areas that are conducive for farm stands. Ms. Rynsburger asked if the Commission should first make a list of qualities that they are looking for in potential areas? Mr. Becker agreed that they should come up with a list of qualities they are looking for. Mr. VanderMeulen added that there may be areas along Butternut and Chicago Dr. that fall outside of the gray areas indicated on the map. He also stated that he likes Ms. Rynsburger's idea of listing qualities then figuring out what areas meet the qualities we are looking for. Then from there the Commission can decide how many areas they would like to include.

Mr. Kortering went over his slide which included what he feels his goals would be along with 2 potential areas he feels would be appropriate areas to match the goals he laid out. His goals were to create an area in C-2 platted areas, supporting the 2020 Comprehensive Plan to

strengthen the relationship with local producers. He listed qualities as places where residents travel frequently access through bike paths or sidewalks and be accessible in a safe manner. His first area would be the US-31 corridor, specifically the Westshore Mall hub including the outlet mall property. The second area would be the Federal District area specifically the 8<sup>th</sup> Street and Chicago Dr. areas. Mr. Kortering excluded the 16<sup>th</sup> St. corridor due to the close proximity to Meijer. And the Ottawa Beach Rd. area due to the farm stand currently operating in Park Township right down the road. Mr. Kortering also wanted to clarify the different terms used for places to sell produce. He pointed out that there are farmer's markets (on the farm location), farm stands (temporary stands) and roadside stands (on residential property where they grow the produce). It was stated that they all are allowed under different zoning requirements. Staff noted that roadside stands are allowed with a special use permit on residential property. It was also pointed out that they need to sell the produce grown on that property.

Staff is concerned as they move forward in setting a precedence. Staff is concerned that if they go with the overlay option for one type of use, farm stands, then does that set a precedence for other types of products people want to sell. Staff noted that they get many requests to allow the selling of fireworks in the Township. They fear that if they allow this overlay then the people wanting to sell fireworks will want the same thing.

Mr. Bultje thinks we can sufficiently protect the Township with the wording and doesn't feel that would be a big concern. If we come up with rules for farm stands based on what the state has described for farm stands, he feels we would be well protected by the state.

Mr. Bultje suggested that the Commission come up with an area say from this cross street to this cross street, along the road (not 300' into the property), and generally describe the qualities of the land that would be allowed to have a farm stand that would be a good place to start.

Staff clarified with Mr. Bultje that an overlay would be similar in nature to a flood plain area. Mr. Bultje said yes it would be similar to that. Staff then stated that any property that is located in the overlay area would require the Township to notify the property owners and possibly even receive approval from them. Mr. Bultje did clarify that with an overlay the land keeps its original zoning it's just an overlay overtop of that zoning; therefore, the land itself is not actually rezoned.

Mr. Kortering asked if we can take a step back and come up with what we want and possibly where and get those ideas to Staff and Mr. Bultje and have them come up with the legalities of the wording. Mr. Hoeve mentioned that he would like to make sure we consider areas to the north as well. Mr. Kortering stated that he would like to see these areas in frequently traveled sections of the Township and not conflicting with any grocery stores.

Ms. Rynsburger is concerned with creating something that locks us into a specific area. She stated that things in the township are constantly changing and evolving and we do not want to leave an area out because right now with what it currently there it doesn't make sense but what if in a few years things change and now that area would be a perfect place for a farm stand, we want the language to allow those areas as well. Ms. Rynsburger is wondering if an overlay is too restrictive and a text amendment where we list criteria for a location would be a better way to go.

Mr. VanderMeulen agreed that he doesn't want to see the future a map filled with 'pot holes.' He would like to be able to have farmers get a temporary license for a specific time period. Mr. Hoeve asked isn't an overlay a permanent thing? Mr. Bultje answered that yes, it is. Mr. Bultje likes the idea of language that lists qualities of property that would accommodate farm stands rather than limiting to specific pieces of property. Mr. Bultje suggested creating a text amendment with

subsection A addressing qualities and subsection B listing properties. Then the Commission can decide if the applicant's location meets the list of qualities. That also leaves the ability to add and remove properties as the township changes.

Mr. VanderMeulen asked if we want to pose the question to the Commission if they want to move forward in looking into this or not? Mr. Hoeve, Ms. Rynsburger, Mr. Kortering and Mr. Becker all stated that they are in favor moving forward with the discussions and bringing something to the Township Board.

Mr. Hoeve asked the best way to move forward? Mr. Bultje answered that we need to identify the properties where state law doesn't allow farm stands but where we want them allowed. Then we identify the characteristics we are looking for in a property. Mr. Bultje stated that he feels the Commission should start by listing the criteria and the properties and this can be done by Staff, by a subcommittee or by the whole Planning Commission. Mr. Kortering stated that he would be willing to move forward as a group.

Mr. Hoeve asked if we have the tools to be able to go through the map in detail? Staff answered that they would go back to Prein and Newhof and ask them to give us a new map that shows only the C-2 areas that do not have the underlying green (where farm stands are already allowed) so that the Commission can see very clearly the areas they are working with moving forward.

Ms. Rynsburger stated that she doesn't want us to get caught up in specific locations but more on the criteria that we would like the properties to have that we would allow farm stands on. Ms. Rynsburger is asking for a totally different approach of not really even looking at the map but just listing criteria and then if an applicant wants to put up a farm stand, they can then look at the criteria and if they feel they meet the criteria then then can apply and at that point the Commission would hear their request and be able to approve or deny based on the criteria laid out in the text amendment. Staff responded that this suggestion would be like the criteria for pylon signs that the Township currently has. Staff agrees that limiting this to specific location seems like a very dangerous thing to do legally. Ms. Rynsburger reiterated that things are constantly changing and do we really want to lock ourselves in by listing specific property that will allow farm stands. If we only allow temporary allowances for farm stand for say one season then if that property owner changes the next year, then they may not be granted a special use for the next year because now they no longer met the criteria. Mr. Kortering feels that this option would be a good way to go because it would allow for a public hearing and give neighbors the chance to voice their opinions of the location prior to the Commission making a final decision.

Staff asked if we were allowing farm stands by way of a text amendment and then using the standards of county highway and county roads do we run into road blocks or speed bumps if some parcels are platted and some are not, because the state says only un-platted. Mr. Bultje answered that the applicants would need to meet the criteria laid out in the zoning ordinance and the property can't already lie in the area that the state says you are permitted by right to be in.

Mr. VanderMeulen asked if we then able to approve or deny a request for someone that is applying with land that is already allowed by the state right now? Mr. Bultje answered no we cannot supersede the state and not allow a farm stand where the state says they are allowed. We could only add to that area not take anything away.

Mr. Kortering summarized the process that an applicant would go through if they went this route. The applicant would submit a special use request, they would come before the Planning Commission for a Public Hearing, the public would have a chance to voice their opinion, then the

Commission would then approve or deny the request based on the criteria laid out in the text amendment. The Township Board would not need to be involved in the approval of individual requests, like any other special use request. Mr. VanderMeulen stated that this is very similar to what we used to have set up for firework sales in the Township and that worked well. Mr. Kortering then stated that we just now need to come up with the criteria such as defining the types of roads.

Staff suggested that they not get locked in by vehicle traffic maybe we want it more quaint and have them be in a more walkable area instead. Mr. Kortering stated that is why he likes the Westshore Mall area due to its walkability. Mr. Becker agreed that he likes the walkability idea as well. Mr. VanderMeulen also likes that the Federal Area is large enough that it is not limited to just one spot.

Staff talked about how to move forward from here. Sounds like they have a framework for coming up with a proposal to bring back before the Commission. They could prepare a text amendment from this formally and have the Township be the applicant and have that ready to come before the Commission at the June meeting. Mr. Bultje stated that he thinks having this ready to come before the Commission in June is a bit constricting on time. Mr. Bultje then suggested that the Commission members write down characteristics they would like to see for the properties. Mr. Bultje state that at this point he thinks Ms. Rynsburger is correct that we don't want to focus on specific properties rather focus on the characteristics of the properties. We could also have a "living" list of properties that can be changed as the Commission sees fit.

Mr. Kortering stated that the criteria need to be really detailed. He thinks that we should have another work session to make sure they have a good list of criteria. Ms. Rynsburger stated that we need to be very careful in our wording as to not exclude a valid applicant.

Mr. VanderMeulen suggested that the Planning Commission members submit their criteria ideas to Staff and then Staff can compile them into a comprehensive list for the next special meeting for farm stands. Mr. Kortering suggested also adding criteria that would not be allowed.

There was more discussion regarding how roadside stands are permitted. The main difference being a structure for a farm stand where a roadside stand is not a structure.

It was determined that the Commissioners would submit their ideas for criteria to Staff by next week Tuesday, April 27, to give Staff time to prepare for a meeting later in May. Mr. Hoeve pointed out that with the elections on the 4<sup>th</sup> and the next regular Planning Commission meeting on the 11<sup>th</sup> the next opportunity for a special meeting wouldn't be until May 18<sup>th</sup>.

There was more discussion regarding whether or not to make a list of locations to put in the ordinance. Mr. Bultje suggested it would be best to focus on a list of criteria/characteristics rather than specific locations. Staff agreed to work with the list of criteria/characteristics that the Commission gets to them by next week and be ready to share that with the Commissioners at the next meeting which is yet to be scheduled.

Meeting was adjourned at 8:29pm

Respectfully submitted,

Tricia Kiekintveld  
Recording Secretary