

Willig, Robert A.

From: [REDACTED]
Sent: Monday, June 24, 2019 9:09 PM
To: Willig, Robert A.
Subject: Re: Carroll Township denial

We are challenging Carroll Townships decision to deny our application and believe the township has violated ACRE.

The township used Article X I Industrial District, 138-74, letter P, to deny our conditional use application to operate a farm business. Letter P permits the manufacturing, compounding, processing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, pharmaceutical, and food products, except vinegar, yeast and the rendering of refining of fat and oils. Because we bake bread and other baked goods, using our agricultural commodities, the township classified us strictly as a bakery. The township ignored our full application which explained that we would be growing wheat on the farm, milling it into flour and baking it into bread, all of which we had currently done in their township. They also ignored that we would be using the kitchen to process other commodities grown on the farm into value added agricultural products. We stated in the testimony that we would be planting an orchard, growing vegetables, and raising animals for meat, along with other farming activities. Our intend use was given in written form and was verbally explained during the Board of Supervisors hearing and is documented in the transcripts. We also stated that we would be growing at least 50% of what would be sold on the farm.

In the townships denial letter under 11., Findings of Fact, number 5, they classify our farm business as a bakery. Numbers 13 & 18 classify what we labeled on the plat plan as Food Prep Area, as a 'Bakery', although we did not label it as such because the building was planned to be used for the processing of agricultural products which was stated in our intended use. Processing can include baking but also includes food preparation, cooking and preserving.

Under 111. Conclusion of Law, number 4, the township states that based on the testimony presented at the hearing, the proposed use is a food store and bakery. Please refer to the transcripts for our testimony, which clearly explains that our intended use is a agricultural business, not an industrial bakery as they classified us.

Number 3 states that a bakery is only a permitted use in the Industrial District, therefore is not an allowed conditional use in the Village District, hence their denial.

I hope this answers your request. Please let me know if you need anything else.

Thank you



Willig, Robert A.

From: [REDACTED]
Sent: Tuesday, February 26, 2019 10:56 AM
To: Willig, Robert A.
Subject: right to farm - township denial

My name is [REDACTED] My husband and I own a 45 acre farm in [REDACTED], Carroll Township. We currently grow a small amount of wheat that we mill on farm. It is then used to make artisan breads. We are zoned agriculture/residential and we have a 'home occupation' permit through the township to run our bakery, which is attached to the back of our home. We also raise meat chickens, laying hens, and a small amount of produce. We sell our products at 3 farmers markets and have a few wholesale accounts. We bought our farm with a Farm Service Agencies loan as they consider us a farm.

We are currently in a sales agreement to purchase a different farm in the same township. It has an old house and outbuildings that lay within their Village zoning district and the back half of the farm is zoned agriculture/residential. We are hoping to grow our farming business to include a store front (aprox 1,200 sq ft) so we can sell all of our farm products with hopes to eventually get out of some of our markets that require us to drive down to DC twice a week. Our town is in desperate need of a place where community members can buy fresh, seasonal and local agricultural products.

We applied for a conditional use permit back in November of 2108 to have a retail and food store, which are both permitted uses under the village district. We had plans to use the old bank barn on the property as a food processing kitchen, that would be an accessory use (also permitted under village zoning). On our plat plans, we labeled this building as food prep/bakery. We used the word bakery as a general term because it is a word we use often now as the majority of our sales are bread. The township is very much aware of how we have conducted our business here for the last 4 years.

On the night of the Planning Committee meeting, one board member recused himself, as him and his family have had interest in purchasing this farm in the past. During the meeting, the board members had many concerns including the size of our flour mill (21 square feet), the sound, and also if our bakery was going to be industrial. We explained our intended use and also explained that we are by no means industrial, as our bread is made by hand and is very labor intensive. We also explained that we would be using the building not only for baking but also to make many other value added agricultural products like ready to eat foods with the meat, eggs, vegetables and fruits we would be growing on the farm. After a long discussion they recommended that we clean up our application and submit a new one. Then they passed a motion to continue on to the Board of Supervisors.

After meeting with our engineer, we decided to remove the term bakery from our application. We submitted a second application which labeled the out building as 'Food Prep Area'. We felt this was a better title since we were not using the kitchen strictly for baking bread. We also wrote up a detailed description of our intended use to make them aware of exactly what it was we were planning to do. In our description we made it clear that we would be growing at least 50% of all the products we planned to sell on the farm. We stated that we would be putting in an orchard, growing grains, vegetables, and raising livestock. I also printed up the Right to Farm Act. We gave copies of both items at the Board of Supervisors meeting.

We had a Board of Supervisors meeting on January 10th. After many questions and problems the board decided to continue our application until the next meeting scheduled for February 12th. At this time, they called our application to order and denied us because a bakery is not a permitted use in the village district. We have their

denial letter along with copies of minuets, our applications and plat plans from our engineer. They made their decision based off of our first application and failed to acknowledge our agricultural farm business. They stated that our business is a bakery and set their conclusions based off of their incorrect assumption.

There is a lot more to this issue. I wanted to reach out before we decided to file a claim with the State Attorney General. From what I understand he has 120 days to respond to our claim. We currently have an offer on our farm so we are on a time constraint! We have been in communication with [REDACTED] and are debating whether or not we should to file an appeal. Unfortunately we can not afford the high fees but will try to figure out a way to pay if we think we have a good case.

I am hoping maybe you could give me an idea as to what would be the best route and if you think we have a good case under Right to Farm. We don't want to loose our current on our farm because it is unique property that is hard to sell!

I understand you are very busy but would greatly appreciate it if you wouldn't mind giving me a call or messaging me back with some advice for what might be the quickest way to resolve this issue.

Thank you for taking the time to read this and hope to hear from you soon!

[REDACTED]

[REDACTED]

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