

**Case Number:** 24-BZA-006

**Request:** Agritourism Site Plan Review

**Applicant:** Endurance Farm Partners agent for Hidden Valley Orchard/Lane5 LLC, Randal Lane

**Staff Report:** Completed by Jeff Palmer, Director of Planning & Zoning

**Hearing Date:** September 10, 2024 tabled to October 8, 2024

**Updated Report Date:** September 26, 2024

**Current Zoning of Properties:** Neighborhood Business Zone “B-1” & Open Space Rural Residence Zone “OSR-1”, Open Space Rural Residence Zone “OSR-1”, Residence Zone “R-1”

**Description of Properties:**

1. 5474 N SR 48 (Parcel Id 09-35-400-024) is 5.01 acres in size. The parcel is zoned Neighborhood Business Zone “B-1” & Open Space Rural Residence Zone “OSR-1”.
2. 5460 N SR 48 (Parcel Id 09-35-400-023) is 30.6058 acres in size. The parcel is zoned Open Space Rural Residence Zone “OSR-1”.
3. N SR 48 (Parcel Id 09-35-400-022) is 28.3893 acres in size. The parcel is zoned Open Space Rural Residence Zone “OSR-1”.
4. Applewood LN (Parcel 09-29-315-005) is 1.1404 acres in size. The parcel is zoned Residence Zone “R-1”.
5. A total of 65.1455 acres.  
(See Exhibits: Location Map, 1B, 2B, 3B, 4B)

**Background on the Nature of the Request**

Staff Comments:

The submittal is for an Agritourism Site Plan Review per Section 21.01 (G) of the Clearcreek Township Zoning Resolution. This section outlines the minimums for submittal and review of an Agritourism Site Plan. An additional application form has not been required to be submitted for this type of request.

The applicant has provided a purpose statement in Updated Exhibit 5B. The applicant has provided an Agricultural Plan in Updated Exhibit 5D. A site plan has been provided in Updated Exhibit 5K1-2 and New Exhibit S3A-B.

The Ohio Revised Code (ORC) Section 519.1(C)(4) provides the regulatory parameters for the term Agritourism. “However, a board of township trustees, as provided in Section 519.02 of the Revised Code, may regulate such factors pertaining to agritourism, except farm markets as described in division (C)(1) of this section, as size of a structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily for agritourism, and egress or ingress where such regulation is necessary to protect public health and safety.

Nothing in division (C)(4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.” (See Exhibits: 13A-D)

ORC Section 901.80 defines Agritourism: “means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.” (See Exhibits: 14A-C)

Clearcreek Township Trustee Resolution 3480 was approved on December 10, 2008 and established the term agritourism for the first time in the Zoning Resolution. Clearcreek Township Trustee Resolution 5050 was approved on September 11, 2017. This update reclassified the uses that

were previously considered Agritourism to Farm Based Tourism. This update also defined Agritourism to mimic the Ohio Revised Code with an additional sentence: “Activities shall be connected with agricultural production and/or processing.” This text amendment also provided guidelines for Agritourism Site Plan Review. (See Exhibits: 11A-12F)

In order to determine if the proposed uses for this request met the definition of Agritourism and or if the use(s) met the definition of Farm Based Tourism, I requested in addition to the site plan, a list of uses and an explanation of how each was connected with Agriculture. I used Clearcreek Township Zoning Resolution Section 3.027 and the governing law “fact test”: “In order to qualify as an agricultural use or incident to an agricultural use there must be sufficient evidence that the structure-use is directly and immediately related to agricultural use. It must be either usually or naturally and inseparably dependent upon agricultural use.”

The applicant has provided example Agritourism Activities that are planned to occur on the property either within a structure (permanent or temporary) or outside of a structure on the properties in assembly areas. The following listed uses fail to meet the review criteria to be Agritourism and are more appropriately classified as Farm Based Tourism or confined to the Neighborhood Business Zone “B-1”: Live Music, Corporate Events and Weddings, Adult Beverages, Bingo and Trivia Nights, Tractor Painting, Mining Station, Pedal Carts, Barnyard Bounce, Ohio Tiny Town, Hillside Slides, Fire Pits. The applicant was notified of my interpretation prior to their initial submittal. (See Exhibits: Updated 5J , Updated 5W, Updated 5X)

My review excludes the above list from consideration. Several options exist regarding these uses if the applicant desires the use(s) for the site: 1. The applicant can appeal my determination with the Board of Zoning Appeals through an Administrative Appeal. 2. The applicant can apply for a Farm Based Tourism Conditional Use Permit that requests the use(s). 3. The applicant can discontinue these uses on the property zoned Open Space Rural Residence Zone “OSR-1” and/or Residence Zone “R-1”. 4. The use(s) could be confined to the Neighborhood Business Zone “B-1” provided the use is a listed permitted use. 5. Uses found on the parcels that fail to meet the definition of agriculture, agritourism, an approved Conditional Use Permit for Farm Based Tourism or a permitted use in the Neighborhood Business Zone “B-1” will be pursued as zoning violations.

**Clearcreek Township Zoning Resolution 21.01(G):**

**AGRITOURISM SITE PLAN REVIEW:**

1. The parcel, on which the Agritourism use is proposed, must be enrolled in the current agricultural use value (CAUV) system through the Warren County Auditor’s Office.
2. The site plan shall contain the following information for the proposed/existing Agritourism use(s):
  - A. Location from all property lines for all Agritourism structures.
  - B. Size dimensions (length & width) of all Agritourism structures.
  - C. Location and size dimensions (length & width) of Agritourism parking areas.
  - D. Location and size dimensions (length & width) of existing and proposed driveways utilized for the Agritourism use.
3. **STANDARDS FOR AGRITOURISM SITE PLAN REVIEW:**

Standards should ensure that the use: is compatible with the area in form and function, will not endanger public health or safety, is designed in such a way to mitigate potential conflicts with adjacent and nearby land uses and that:

  - A. The proposed use shall be physically suitable for the parcel on which it is proposed.

- B. The proposed use shall locate structures in an area that limits the impact to adjoining properties.
- C. The proposed use shall provide for access by public emergency equipment such as: fire, ambulance and police vehicles.
- D. The proposed use shall provide for adequate pedestrian circulation, vehicular traffic movement and off-street parking.

**Clearcreek Township Zoning Resolution, CHAPTER 3, DEFINITIONS**

**SEC. 3.027** **Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and accessory uses such as packing, treating, storing or selling produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**SEC. 3.028** **Agritourism:** Agriculturally related educational, entertainment, historical, cultural or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in or enjoy that activity. Activities shall be connected with agricultural production and/or processing.

**SEC. 3.07** **Assembly Area:** A definable open area, a partially enclosed structure or a fully enclosed structure used or intended to be used primarily for entertainment events, expositions and other public gatherings.

**SEC. 3.3101** **Farm:** A parcel of five or more contiguous acres that is used for the production of agricultural products, including related structures thereon. The parcel shall be enrolled in the current agricultural use value (CAUV) system through the Warren County Auditor's Office.

**SEC. 3.3102** **Farm Based Tourism:** Activities conducted on a farm and offered to the public or to invited groups for the purpose of recreation, entertainment, hospitality, or unable to be classified as agritourism. The activities shall co-exist with the operation of the farm and may include the following:

1. Recreation: (fishing, wildlife study, horseback riding, sleigh/carriage/wagon rides, stargazing, hiking, community gardens).
2. Entertainment: (concerts, barn dances, haunted house, haunted hayride, miniature golf, toddler rides, play ground areas, scavenger hunts, craft fair, antique shows, art shows).
3. Hospitality services: (bed & breakfast, retreat center, assembly area, country weddings, party receptions, picnic, campfires, family reunions, catering, country store, gift shop, fair food, camping).
4. Other uses as determined appropriate by the board of zoning appeals.

**SEC. 3.57** **Parking Lot:** An area of land devoted to unenclosed parking spaces, either permanent or temporary agritourism in design materials.

**SEC. 3.58 Parking Space, Permanent:** A surfaced area of not less than one hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveways and access drives, reserved for the parking of a motor vehicle.

**SEC. 3.5801 Parking Space, Temporary Agritourism:** A permeable area reserved for the placement of vehicles designated by the operator of the event.

**SEC. 3.69 Structure:** Anything constructed or erected, the use of which requires fixed location on the ground or attached to something having a fixed location on the ground, including permanent buildings, signs, pergolas, swimming pools and telecommunication towers.

### **Clearcreek Township Zoning Resolution, CHAPTER 5, GENERAL PROVISIONS**

**SEC. 5.08** Nothing contained in this Code shall prohibit the use of any land for agricultural purposes or the construction or use of any building or structure incidental to such agricultural use, and no zoning certificate shall be required for any such agricultural use, building or structure.

**SEC. 5.09** Agritourism shall be subject to site plan review by the Board of Zoning Appeals.

#### **Review of Site Plan and Submitted Information:**

1. The parcel, on which the Agritourism use is proposed, must be enrolled in the current agricultural use value (CAUV) system through the Warren County Auditor's Office.

The applicant states: "Yes, shown in tax records in appendix." (See Exhibits: Updated 5AG-5AJ)

*Staff Comments: The four (4) properties are currently enrolled in the CAUV program. (See Exhibits: 1B, 2B, 3B, 4B, Updated 5AG-5AJ)*

2. The site plan shall contain the following information for the proposed/existing Agritourism use(s):
  - A. Location from all property lines for all Agritourism structures.

The applicant states: "Shown in Exhibit A attached." (See Exhibit: Updated 5K1-2, New Exhibits S1A-S3B)

*Staff Comments:*

1. *Since the original staff report, the applicant has clarified "The existing structures in the plan are retail/commercial B-1 buildings or are agricultural in nature". (See Exhibit: 1C, Updated 5AG, Updated 5AH, Updated 5AI, Updated 5K1-2, 23C, New S1A-S3B)*
2. *The setbacks for the proposed Agricultural/Agritourism permanent structures have been provided. (See Exhibits: Updated 5K1-2, Updated 8B1-8K)*
  - a. *The closest proposed Agritourism Structure to the northern property line is the Farm Kitchen, 169' setback. (See Exhibits: Updated 5K1-2, Updated 8B1, Updated 8E)*

- b. *The closest proposed Agricultural/Agritourism Structure to the western property line is an Animal Barn (either Petting Zoo location), minimum of 250' setback. (See Exhibits: Updated 5K1-2, Updated 8B2, Updated 8H, New S3A-B)*
- c. *The closest proposed Agricultural/Agritourism Structure to the southern property line is the Education and Craft Barn, 258' setback. (See Exhibits: Updated 5K1-2, Updated 5W, Updated 8B2, Updated 8C, New S3A-B)*
- d. *The closest proposed Agricultural/Agritourism Structure to the eastern property line is the Apple Barn, 828'. (See Exhibits: Updated 5K1-2, Updated 8B2, Updated 8F, New S2A-S3B)*

B. Size dimensions (length & width) of all Agritourism structures.

The applicant states: "Shown in Exhibits A & B attached." (See Exhibits: Updated 5K1-2, Updated 8B1-2, New S1A-S3B)

*Staff Comments:*

- 1. *The size of the existing structures have been specified from the Warren County Auditor's Office Website print outs. The applicant is not required to identify the size of these structures on the site plan. (See Exhibits: 1B-C, 2B, Updated 5K1-2, Updated 5AG, Updated 5AH, Updated 5AI, Updated 5AJ)*
- 2. *Staff calculated the existing structures to total 25,501 sq. ft. (See Exhibits: (See Exhibit: 1B-C, 2B, Updated 5AG, Updated 5AH, Updated 5AI, Updated 5AJ, Updated 5K1-2)*
- 3. *Staff calculated the proposed permanent and declared temporary Agritourism Structures and Agricultural Structures to total 23,200 sq. ft. (See Exhibits: Updated 5T, Updated 5U1-2, Updated 8B1-2)*
- 4. *The former list totals to 49,001 sq. ft (Existing Agricultural Structures, Commercial Structure, Proposed Agritourism Structures, Proposed Agricultural Structures). (See Exhibit: 1B-C, 2B, Updated 5T, Updated 5U1-2, Updated 5AG, Updated 5AH, Updated 5AI, Updated 5AJ, Updated 5K1-2, Updated 8B1)*

C. Location and size dimensions (length & width) of Agritourism parking areas.

The applicant states: "Shown in Exhibit C attached." (See Exhibits: Updated 5K1-2, New S1A-S3B, Updated 5M1-2)

*Staff Comments:*

- 1. *Prior to the September 10, 2024 BZA public hearing, the Township discussed the need to improve access to the properties with the applicant over multiple meetings.*
- 2. *On September 9, 2024 Bree Hetzel from ODOT provided an email that outlined that ODOT had no concerns with the applicant's plans and no traffic study or analysis would be required. (See Exhibit: 15)*

3. *On September 11, 2024, I spoke with Bree Hetzel and requested ODOT perform a site visit to better understand the sight distance challenges for both north and south lanes of travel as vehicles stack on SR 48 waiting to enter the property.*
4. *On September 16, 2024 the Township provided the applicant with the requested Supplemental Response that was requested on September 10, 2024. This document outlined the historical actions taken by the Township to address safety concerns for this section of SR 48, identified unaddressed complaints and current practices to address access to the site. Ultimately the Township outlined a plan to address the limited sight distance issues at the market entrance, established a barrier between pedestrian and vehicular traffic around the market entrance, addressed stacking issues consistently and reclassified the current exit as the single point of access for the site. (See Exhibits: 18A-D)*
5. *On September 20, 2024, ODOT sent an email that requested the Township to consider their updated requirements for accessing the properties. ODOT is requiring the consolidation of the northern access points (adjacent to the market) into a single access only point that aligns with Spring Blossom Dr., allows the southern access to remain exit only, the applicant would be required to perform a sight distance study and perform traffic counts, outcomes of the study would determine any required road improvements. On September 23, 2024 I informed ODOT, the Township was in agreement with the direction and requirements. (See Exhibits 19A-B)*
6. *On September 23, 2024, ODOT emailed the applicant the updated comments and requirements. (See Exhibit: 20)*
7. *On September 24, 2024 the applicant, ODOT and I met to review the updated comments. ODOT emailed details of the outcome of that meeting. ODOT also committed to performing a speed study. The applicant prepared the updated parking plan that incorporated the agreed items. (See Exhibits: 20, 21A-C, 24, New S3A-B, Updated 5M1-2, New S4)*
8. *For the Commercial section of the site: (See Exhibit: 1D)*
  - a. *Staff counted 31 existing asphalt permanent parking spaces.*
  - b. *Staff counted 41 existing gravel permanent parking spaces.*
  - c. *This totals 72 existing permanent parking spaces.*
  - d. *Based upon the updated plan, the number of permanent parking spaces will be reduced to 53 parking spaces to allow for the redesigned access point. (See Exhibits: Updated 5M1-2, New S3A-B)*
  - e. *Based upon the 7,997 sq. ft. structure: (See Exhibit: 1C)*
    - i. *Per Section 16.02 of the Clearcreek Township Zoning Resolution, a minimum of 40 parking spaces are required for retail uses.*
    - ii. *Per Section 16.02 of the Clearcreek Township Zoning Resolution, a minimum of 80 parking spaces are required for a restaurant.*
9. *Proposed gravel/grass parking for Agritourism:*

- a. *The updated site plan depicts 741 parking spaces for the entire site (53 paved/gravel permanent spaces and 688 overflow spaces). (See Exhibits: Updated 5G, Updated 5M1-2)*
- b. *A typical parking space is 12'x20' or 240 sq ft. (See Exhibits: Updated 5M1-2)*
  - i. *Per Section 3.58 of the Clearcreek Township Zoning Resolution, permanent parking spaces are required to be a minimum of 180 sq. ft.*
  - ii. *The proposed sizes exceed the requirements of the Zoning Resolution.*
- c. *The Parking Plan expects 3.5 people to arrive per car (this calculates to 2,593 people on the site at one time). (See Exhibits: Updated 5M1-2)*
- d. *The plan doesn't specify a separate location for employees to park. (See Exhibits: Updated 5M1-2)*
- e. *The plan doesn't incorporate a two-way vehicle travel lane that bisects the permanent parking lot (north to south), from which vehicles can find parking and exit the parking area. The applicant responded "All parking aisles are wide enough for backing out and two way movements and were designed to be so." As currently depicted, vehicles travel over marked parking spaces to get to a space. If all the spaces fill up south of the parked vehicle, it is unable to exit the permanent parking lot. This element of the plan will need to be further discussed with the Police Department and Fire Department. (See Exhibits: Updated 5M1-2, 25)*
- f. *The plan doesn't clearly define if the bollards are "temporary" or able to be driven over by emergency vehicles. It appears via the provided option that landscape planters would be installed to help barricade the access. The applicant responded to that "Flexible and/or movable barriers such as flexible bollards and planters are contemplated." This element of the plan will need to be further discussed with the Police Department and Fire District to ensure consistent and timely response from those departments. (See Exhibits; 5M1-2, 25)*
- g. *The plan doesn't address how deliveries will be made to the exiting structures. When asked for clarification on this issue, the applicant stated "Large deliveries are infrequent and unlikely during public hours of operation. Should a large delivery occur during public hours we have easement rights to the North and/or can temporarily halt pedestrian traffic while a large vehicle maneuvers. Smaller deliveries can be managed and maneuvered around the site conventionally." Updated Exhibit 5M1-2 identifies flow from the referenced easement to be "No public vehicle access". This element of the plan will need to be further discussed with the Police Department and the Fire District. (See Exhibits: Updated 5M1-2, 25)*

D. Location and size dimensions (length & width) of existing and proposed driveways utilized for the Agritourism use.

The applicant states: “Shown in Exhibit A & C.” (See Exhibit: *Updated 5M1-2, Updated 8C-E, Updated 8G, Updated 8I-K, New S3A-B*)

*Staff Comments:*

1. *The widths of driveways range from 10’ in width to 25’ in width. See Clearcreek Fire District comments regarding compliance with and for required modifications to the access drives. (See Exhibits: Updated 5K1-2, Updated 8C-E, Updated 8G, Updated 8I-J, New S3A-B, 22A-B)*

**The Board of Zoning Appeals will consider the below standards to ensure that the use: is compatible with the area in form and function, will not endanger public health or safety, is designed in such a way to mitigate potential conflicts with adjacent and nearby land uses. The Board of Zoning Appeals will determine whether or not the Agritourism Site Plan is approved or denied.**

A. The proposed use shall be physically suitable for the parcel on which it is proposed.

The applicant states: “70-acre working farm with 25 acres actively cultivated.” (See Exhibit: Updated 5G)

*Staff Comments:*

1. *Per the Warren County Auditor’s Website and the applicant’s submittal the combined parcels total 65.1455 gross acres. (See Exhibits: 1B, 2B, 3B, 4B, Updated 5AG-5AJ)*
2. *Exhibits Updated 5J, Updated 5K1-2, Updated 5W-X depict the uses for the site. See above for Staff’s determination on what uses have been excluded from this review because each fail to meet the definition of Agritourism.*
3. *Staff calculated the structures to be 49,001 sq. ft or 1.12 acres in size (Existing Agricultural Structures, Commercial Structure, Proposed Agritourism Structures, Proposed Agricultural Structures). (See Exhibits: 1B-C, 2B, Updated 5T, Updated 5U1-2, Updated 5AG, Updated 5AH, Updated 5AI, Updated 5AJ, Updated 5K1-2, Updated 8B1-2)*
  - a. *These structures calculate to 1.7 percent of the total acreage.*
4. *In addition to the Agritourism Structures, outdoor/assembly areas will be used for Agritourism:*
  - a. *Farm Experience & Education Area, Children’s Education & Activity Area, Great Lawn are specified to total 6.5 acres. (See Exhibit: Updated 5L, Updated 5K1-2, Updated 5W-X, Updated 5AA)*
    - i. *These uses calculate to 9.98 percent of the total acreage.*



- b. *Since these areas lack a permanent structure, the areas have not been specified with a setback on the Site Plan. (See Exhibits: Updated 5K1-2, New S3A-B)*
- 5. *Staff calculated the existing paved parking and gravel parking to be approximately .64 acres in size. (See Exhibit 1D)*
  - a. *This use calculates to .98 percent of the total acreage.*
  - b. *The conversion of existing permanent parking west of the market building to pedestrian access, reduces the above amount to .59 acres or .91 percent of the total area. (See Exhibits: Updated 5K1-2, Updated 5M1-2, New S3A-B)*
- 6. *Staff calculated the proposed overflow gravel and grass parking to be approximately 5.61 acres. (See Exhibits: Updated 5M1-2, Updated 5K1-2)*
  - a. *This use calculates to 8.61 percent of the total acreage.*
- 7. *The applicant specified Rotational Crops and Apple Orchards to consume up to 30 acres. (See Exhibit: Updated 5L)*
  - a. *These uses calculate to 46.05 percent of the total acreage.*
- 8. *Structures, outdoor assembly areas, parking and area for cultivation calculate to 43.82 acres. After this sum is subtracted from the starting size of 65.1455 acres, 21.33 acres remains. The applicant has not specified what activities will consume the remaining 21.33 acres of the site. (See Above)*

B. The proposed use shall locate structures in an area that limits the impact to adjoining properties.

The applicant states: “The majority of agritourism activities and offerings are located at a buffer of ~300’ to the property lines.” (See Exhibit: Updated 5G, New S3A-B)

*Staff Comments:*

- 1. *Since the original staff report, the applicant has clarified “The existing structures in the plan are retail/commercial B-1 buildings or are agricultural in nature”. (See Exhibit: 1C, Updated 5AG-I, Updated 5K1-2, 23C, New S1A-S2B)*
- 2. *The setbacks for the proposed permanent Agricultural Structures and Agritourism Structures have been provided. (See Exhibits: Updated 5K1-2, Updated 8B1-2)*
  - a. *The closest proposed Agritourism Structure is the Farm Kitchen. This structure has a 169’ setback from the northern property line. (See Exhibits: Updated 5K1-2, Updated 8B1-2, Updated 8E, New S3A-B)*

C. The proposed use shall provide for access by public emergency equipment such as: fire, ambulance and police vehicles.

The applicant states: “Hardscaped access roads run through the property. Sufficient open turn areas and/or radius to be provided.” (See Exhibit: Updated 5G)

*The following issues need to be considered:*

1. *The widths of the accesses and the internal road network have been specified. (See Exhibits: Updated 5M1-2, Updated 5O, Updated 5K1-2, Updated 8C-K)*
  2. *The Clearcreek Township Fire District provided comments before and after their site visit: (See Exhibits: 10A-B, 22A-B)*
    - a. *“Need for all access roads to comply with 503 of the 2017 Fire Code.”*
    - b. *“Existing and proposed road need to be usable for emergencies including fires and medial calls. Lanes and roads will need to be maintained year-round access.” (See Exhibits: Updated 5K1-2, 5M1-2, New 3A-B)*
      - i. *“Existing and proposed roads are usable with the following exceptions:*
        1. *Parking in front of the main barns will need to be eliminated.”*
          - a. *The updated plan complies with this request.*
        2. *“Area will be needed for turning radius of equipment.*
        3. *Lane between the barns will need to be posted as a fire lane.*
        4. *Lane between the barns will need to be widened at the point of left hand jog to facilitate medical and fire apparatus.*
        5. *Lane used for emergency access cannot have any permanent structures obstructing the lane. The pedestrian access point will need to be reviewed to ensure passage of medic and fire apparatus.” (See Exhibit: Updated 8G)*
        6. *“Area leading to Children’s Education Activity Area will need to be improved and widened and turnaround will need to remain.” (See Exhibits: New S3A-B)*
        7. *“Covered bridge is impassible for medic and fire apparatus.*
        8. *Applewood Lane will be needed for access point to Chutes and Ladders, Apple Barn and Storage Building. Access lane through the field and rotational crop field will need to be improved , knox box if gate is used.” (See Exhibits: Updated 8F, Updated 8I-J, New S3A-B)*
- D. The proposed use shall provide for adequate pedestrian circulation, vehicular traffic movement and off-street parking.

The applicant states: “Exhibit C, 741 max total parking spaces as designed is 3X more than max 4-hour window of arrivals we expect on our busiest day” (See Exhibit: Updated 5G)

*Staff Comments:*

1. *The updated site plan incorporates the recommendations of ODOT to increase safety at the reconfigured ingress access point. The applicant is required to conduct a sight distance study and perform traffic counts. ODOT will conduct a speed study. The*

- data will be reviewed by ODOT and the applicant will be required to install any additional required improvements. (See Exhibits: Updated 5M1-2, 20. 21A-C, 24)*
2. *The installation of “temporary” bollards will force ingress traffic to funnel into an on-site stacking lane. This lane is bound on one side by a permanent island that separates vehicles from the parking area and from pedestrians outside of the parking lot. The temporary bollards will also allow for emergency access to the site. (See Exhibits: Updated 5M1-2, 22A-B25)*
  3. *A marked pedestrian path has been established to help bring attention to the potential conflict when customers change from drivers to walkers on the site. Once the flow through the permanent parking is addressed, the more convenient permanent parking area can be used by handicapped users. (See Exhibits: 5M1-2)*
  4. *The utilization of signage and the option for parking attendants to direct traffic to the southern exit will help to increase the user experience after the new pattern for access has been established. (See Exhibits: 5M1-2)*
  5. *Applicant has specified that they will work with Police and Fire to ensure access roads provide appropriate turning radius for emergency vehicles. (See Exhibits: 22A-B, Updated 5O-P)*

**Staff recommends Case 24-BZA-006 be APPROVED as submitted. Staff’s rationale is outlined below:**

**Review of Site Plan and Submitted Information:**

- A. The proposed use shall be physically suitable for the parcel on which it is proposed.  
*The Agritourism uses appear to be physically suitable for the parcels as proposed. Less than 14 acres of the 65.1455 combined acreage will be in the form of structures, defined assembly areas or parking areas. A minimum of 30 acres is devoted to rotational crops and apple orchards.*
- B. The proposed use shall locate structures in an area that limits the impact to adjoining properties.  
*Permanent Agritourism structures have been placed away from property lines in an attempt to limit the impact occurring in an around the structures. The closest permanent Agritourism structure is 169 feet from the property line. Structures designated for only agricultural use are exempt from meeting a minimum required zoning setback.*
- C. The proposed use shall provide for access by public emergency equipment such as: fire, ambulance and police vehicles.  
*Emergency access will be maintained through the use of “temporary” bollards at the reconfigured ingress access point. The applicant will work with the Clearcreek Fire District to address any internal access required improvements. The posting of fire lanes will help to allow for the timely response of emergency equipment and providers.*

- D. The proposed use shall provide for adequate pedestrian circulation, vehicular traffic movement and off-street parking.

*ODOT requirements will help to increase the safety of the northern access point by realigning the access point and restricting it to an ingress only traffic movement. Stacking of vehicles will occur on-site prior to entering a parking lot. The posting of fire lanes will help to allow for the timely response of emergency equipment and providers. The plan separates incoming vehicles from pedestrians through the use of “temporary bollards”, permanent islands and a designated pedestrian pathway from the temporary parking through the permanent parking.*