

# PENINSULA TOWNSHIP

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## Township Board Regular Meeting

January 14, 2025, 7:00 p.m.

### Township Hall

### Minutes

1. **Call to Order** by Sanders at 7:00 p.m.

2. **Pledge**

3. **Roll Call**

Present: Sanders, Clark, Milliken, Alexander, Wunsch, Sanger, Chown

4. **Citizen Comments:**

**Erica Hansen, 13795 Center Road:** I've lived here for five years, but I'm a boomerang; I grew up here. I am here to speak in support of approving the Lightwell Lavender Farm amendment without restrictions for a few reasons. When I initially heard about the idea of a sauna and cold plunge featuring the lavender grown right on the farm, I thought it was brilliant. It reminded me of a prior experience. When I was living in Boston, I spent five years with tech executives from Fortune 100 companies sharing ideas and brainstorming solutions, and these were companies from different industries. What I saw time after time is how standard practice in one industry was viewed as an innovation in another. The sauna and cold plunge trend has been going on for a while, but to bring it onto a farm and combine it with the farm's products is exactly what I view as being an innovative way to approach sales in a different industry.

This approach also capitalizes on what is called experience marketing, which is a proven way to increase sales and create brand loyalty. As an example, consider all the wineries on the peninsula. If you go for a tasting, you may find a wine you love and buy a bottle right then and there. Later, you may or may not remember that bottle. However, if you sit on the winery's patio and enjoy that wine while eating and having a conversation with someone, it is a complete experience, engaging more of your senses. That experience will be connected to that particular wine and winery and your brain puts a different tag on the memory.

I should mention, I do neuroscience and coaching. If it's enjoyable, you will buy a bottle right then, but you also might come back to that patio again and again because of that experience and the connection to all your senses. That's what experiential marketing is, and that's why creating an experience with the farm's lavender in the sauna on the farm, which will be experienced with other people, will result in higher sales of their lavender products while creating brand loyalty and returning customers.

As an example, Crystal Mountain Spa has a eucalyptus-infused sauna I experienced once. The next year, when I decided to go on another spa retreat, I chose that one in large part because of my experience with that sauna.

The last thing I want to say is that I did read that you may tonight ask for a reduced number of sessions per day, fewer than their business plan specifies. Running any business is difficult. It's something I do. Trying something new is risky. I've read through the business plan. All of the

research is thought out, is intelligent, and it will be successful. But if anybody in any business is told they have to limit their product, not because of shelf space or availability but because of the newness of the idea, it won't sustain that limitation. I am worried that you won't just be setting it up for failure but shutting down future innovative ideas from other farmers. I believe the idea is good. As a community member, I believe it could be an innovation that lifts up all the lavender farms on the peninsula. As a side note, this is how much I believe in this opportunity: I'm highly allergic to lavender. I will not be able to experience this sauna, but I believe in the innovation so much that I wanted to come here and speak to it. Thank you.

**Michele Zebell, 2616 Bower Harbors Road:** I'm here representing the parks committee in a brief report. Our clerk, Becky Chown, needs to be recognized for her incredible effort on behalf of the Hemlock Wing at PNA [Pelizzari Natural Area]. This project has been her passion. She has been an unstoppable force in educating residents and seeking grant funding for this beautiful grouping of hemlocks and what needs to be done to protect them. It is a major project requiring significant funding, and her hard work and partnership with residents, philanthropists, and grant organizations has been something to behold. With the agenda the length that it is and our clerk's modesty, I asked her if she would say something and she said, "You will have to read it in the newsletter." You need to know that this is amazing, and we should all be grateful. If you haven't walked the Hemlock Wing at PNA, you need to. It's almost a spiritual experience.

Next, I want to talk about something the committee is also celebrating, the signage. It has been a meticulous process, but the design for PNA is done. This is a milestone, as it will be the template for signage throughout our parks. The Grand Traverse Regional Land Conservancy [GTRLC] partnered with the committee, generously sharing its kiosk design and content with us and providing guidance as we worked through the long editing process. We need to give special thanks to GTRLC's Erin Schug for her editing skills and supreme patience, as we repeatedly tweaked content. And also to equally patient trail expert Steve Lagerquist for his guidance.

It was our work on the wayfaring signage that led to the resolution you'll be voting on tonight. Given the newly designed beautiful map of our parks, the moniker "the expansion" given to the 60 acres attached to Bowers Harbor Park was woefully inadequate. The township and GTRLC worked together to acquire the acreage. A committee worked with Beckett & Raeder to develop a park plan that honors the ecology of the property. It is truly a gift to the community, as many who walk it frequently attest. We could not designate on every map throughout this peninsula a name that sounded so much like an afterthought.

The committee has carefully vetted the name change, contacted those who played a role with this land in the past, and received the support of GTRLC. All parties support the name change. The committee unanimously supports the name Bowers Harbor Natural Area. We feel it honors the land while simultaneously defining the mission ahead, to work with nature to restore ecosystems and habitats within the park. GTRLC has provided us with its species list and a strategic plan for where to work. There's quite a list, but it's inspiring. They also sent their intern to take me on a tour of this park I have walked many times. I also walked it with the Invasive Species Network, which is rather overwhelming, but when I walked it with Tyler, he took me to places that had rewilded with native species. Honestly, I was filled with joy. When I think about the whole park looking like those little areas I saw with Tyler, I am thrilled. I can't imagine a better name. So as a member of the community, and on behalf of the committee, I urge you to pass the resolution.

**Shaina LaFond, 3117 Ogidaki Trail:** I'm speaking tonight in favor of Amendment #1 to SUP #138 as a community member, not in my capacity as a part-time township employee. While my role gives me a closer perspective on the work of the planning and zoning department, my comments come from a deep personal commitment to fairness, equity, and upholding the integrity of our

governance processes. While I fully support Erin's incredible work on her farm, my focus tonight is on the importance of the process itself.

Erin has shown us the right way to work within our zoning ordinance, setting a standard of compliance, accountability, and responsibility. This stands as a refreshing contrast to those who choose to bypass the rules for personal advantage, creating unnecessary challenges for everyone involved in governance. By supporting Erin's application, we're not only recognizing the tangible and communal benefits of her operation, like regenerative farming, improved soil health, and carbon capture, but we're also reinforcing the integrity of our zoning process.

If we fail to support farmers like Erin, who align with our ordinances and contribute to the community, we risk losing these valuable assets. Worse, we send the message that ignoring the rules is easier than following them, and that undermines the long-term success of our township. I understand the concern that approving this amendment could open the floodgates to similar requests, but let's be honest, denying this amendment won't stop others from bypassing the process entirely. And approving it under the strict conditions of the special use permit won't lead to saunas sprouting up on every corner. It's about striking a thoughtful balance.

While I understand the caution stemming from past challenges, we shouldn't let those experiences lead to undue hesitation when we have a thorough process in place. By trusting the wisdom and expertise of our planner and legal counsel, we can confidently move forward in support of deserving applicants. We don't have to assume this amendment will certainly set off a cascade of zoning challenges.

In my months of observing the workings of this township, I have learned, among other things, that special use permits and amendments are designed to address unique circumstances on a case-by-case basis, not to set broad precedents. Each application undergoes rigorous review for impacts like traffic, noise, and environmental compatibility, with tailored conditions ensuring the approval is specific to the property. Future requests will go through the same thorough process, with public input to safeguard fairness and accountability.

This particular request seems to simply ask to expand activities already approved for the farm. The proposed aromatherapy sauna is part of an educational experience that connects customers more deeply to the lavender products. It's akin to a winery adding a tasting room, an immersive way to enrich the experience and strengthen the connection to the place.

Ultimately, the question is whether we support a responsible, transparent process that aligns with community values or allow fear of precedent to block thoughtful, compliant development. By approving this amendment, we reaffirm our commitment to integrity, responsible land use, and a community that values those who do things the right way. I hope we set that standard tonight, and by doing so, foster progress that benefits us all.

**Megan Alexander, 1202 Londolyn Terrance West:** as an Old Mission native, I am here in support of the amendment for Lightwell Lavender Farm. I'm coming a little bit more from a consumer perspective in a lot of ways. Growing up here, to get almost every single thing I needed or wanted, we had to go into town. To experience certain things, you had to go into town. And if you wanted food, if you wanted to do almost everything besides walk beautiful trails, you had to go into town. As time has passed, more experiences have been approved on this peninsula, making it somewhere that as a resident I can enjoy without having to go into town. I don't have anything against town, but if I want to have a glass of wine, I can do that out here. If I want to take a walk or maybe get some milk, I can do those things out here. But to limit some of the experiences that residents here can have, when it is as previously stated allowable as part of that permit with the right approvals, seems like not a step forward. It would be great to be able to experience more of the joys of life in a quieter setting than in town. Thank you.

**Bill Ryan, 2364 Twin Eagle Drive:** along with me tonight is my buddy Bill Stott. We are here to pledge our support to both the Traverse City Track Club and the Bayshore Marathon. Both Bill and I are members of the Peninsula Community Library [PCL] Friends Group. Our job is to help PCL prosper. One of the things we wanted to do tonight is say thank you to the TC Track Club and the organizers of the Bayshore Marathon along with our sheriff and all the people who support that. Once a year we get together, pick up about 28 to 30 peninsula residents, gather at some ungodly hour in the morning, and run an aid station for all the people who walk, trot, crawl the course. This group of volunteers spends pretty much the whole day preparing and executing the race. At the end, we clean up and everything's taken care of. We try to leave it the way we found it. Also, we get a stipend. Every dollar we get from the Traverse City Track Club and Bayshore Marathon goes right back into our community library for programs, kids, patrons, books, etc. We're really pleased we're able to participate. For us, it's a community event. It's a volunteer event. But since they're going to give us a stipend, we're going to make PCL an even better place. Thank you for listening. And thanks to the track club and Bayshore Marathon.

**Chown:** Bill Stott and Bill Ryan also pick up the litter at the lighthouse. Their report is in this packet. Thank you very much for that work.

**Amanda Kogelmann, 13277 Blue Shore Drive:** I'm here as a community member to express my support for the proposed aromatherapy sauna at Lightwell Lavender Farm. This initiative represents a unique opportunity to introduce an alcohol-free wellness activity to our community. In a region known for its wineries and tasting rooms, this sauna offers a refreshing alternative that promotes relaxation and well being. It's a way to bring people together for a health-focused experience aligning perfectly with the natural, serene atmosphere we cherish on the peninsula. Further, this project is vital to small business sustainability, particularly during the off season. It would provide a more consistent revenue stream, helping to keep the farm operational year round, and it also has the potential to attract visitors during the winter, supporting other local businesses in the process. Allowing this sauna would not only benefit the farm but also contribute to the diversity and resilience of our local economy while offering residents and visitors a new healthy way to enjoy the beauty of the peninsula.

5. **Governmental Updates:** none

6. **Approve Agenda:**

**Sanders:** I would like to add item ten. Gourdie-Fraser (GFA), our engineer of record for the township, will be picking up the temporary permitting for the planning department. GFA will issue permits starting tomorrow. We are bringing GFA on for this high-level review and permitting authority at \$125-\$150 an hour, depending on the level of review.

**Cram:** since this is my last meeting with the board, I want to give everyone a binder that includes the master plan and codified zoning ordinance so you have all the documents you need in one location. I also created a binder for the parks committee that will live in the town hall so that when I'm not here to answer questions, [they] have a book.

**Wunsch moved to approve the agenda as amended with a second by Alexander. Motion passed by consensus**

7. **Conflict of Interest:**

**Milliken has a conflict of interest with business item three.**

**Chown has a conflict of interest with business item four.**

8. **Consent Agenda:**

1. Invoices (recommend approval)
2. Reports

- A. Treasurer's Office Cash Summary by Fund
  - B. Fire Department
  - C. Peninsula Community Library
  - D. Mission Point Lighthouse Park Litter Collection Annual Report for 2024
  - E. Poison Ivy and Autumn Olive Control in Central and Northern Peninsula Township in 2024
3. Minutes from December 10, 2024, Township Board Regular Meeting; December 11, 2024, Township Board Special Meeting; December 16, 2024, Township Board Regular Meeting (3:00 p.m.); and December 16, 2024, Township Board Regular Meeting (6:00)
  4. Third Addition to the Plat of Peninsula Township Cemetery
  5. Employment agreement between Peninsula Township and Frederick Gilstorff
  6. Vacancies on the Peninsula Township Purchase of Development Rights Selection Committee
  7. Organizational and Functional Analysis of Peninsula Township government: The Maner Costerisan Report
  8. Grand Traverse County Board of Commissioners Meeting Notice 2025
  9. Board of Review Member Appointments
  10. Updated Fee Schedule to Include Land Division Appeal Application Fee
  11. Letter of Gratitude to Jenn Cram
  12. RFP for Sustainable Trail at Pelizzari Natural Area

**Chown:** I'd like to add an item: RFP for the Hemlock Wing Sustainable Trail at Pelizzari Natural Area. The material was in the packet addition.

**Chown moved to approve the amended consent agenda with a second by Sanger.**

**Roll Call Vote:** yes – Clark, Milliken, Alexander, Wunsch, Sanger, Chown, Sanders **Passed unan**

**9. Business:**

1. Public Hearing on Large Event #2025-01- Bayshore Marathon (Cram)

**Cram:** the Traverse City Track Club has submitted a complete application for the Bayshore Marathon, scheduled for Saturday, May 24, 2025. The course remains the same. We received complaints last year about traffic and congestion primarily based on MDOT's M-37 construction. We had a follow-up meeting with emergency services to talk through that. The marathon coordinator can answer any questions. We believe those issues have been resolved, since construction will not be taking place this year, and they have taken steps to make things go more smoothly. Additional public comment is included in the packet addition.

**Joe Dimambro:** I serve as the race director. Last year was my first year. First, I want to give an extra round of thanks and appreciation to everyone, not only for helping us host a very successful event but for letting me learn the process and more about this community and how to work together and have a successful community event. I'll review a bit of 2024 and talk a bit about 2025.

On our end, we had great success at the 2024 event. Some of the highlights are outlined in addendum A. First and foremost was the increased number of shuttle busses, which allowed the correct flow of participant traffic on the course and allowed us to be off the course in a timely manner and minimize some of the congestion we saw in previous years. We were able to use UTVs or side-by-side vehicles for emergency vehicles instead of just personal or manpower bicycles. That was a collaborative effort with [Fire] Chief Gilstorff and some other community partners. Those vehicles came in handy to help us ensure the safety of all our participants.

Event cleanup. You'll see me making fool of myself holding bags of trash, but huge shout out to our operations director, Jason Whittaker. He actually runs his marathon the day after the event, picking up all the trash. I was not as ambitious. I followed in a motor vehicle. It was a team effort.

Huge thanks to all our amazing volunteers, including Bill and the entire Friends of the Peninsula Community Library. It's a team effort with those aid stations, not only providing water for all the participants but cleaning up afterwards. I'd like to make sure we continue the tradition of leaving the course we impact on race day in even better condition than we found it. We take pride in doing more than we need to in order to make sure we're being good stewards.

As Jenn [Cram] mentioned, there are no proposed changes in the race courses themselves for 2025. Also no major changes in expected participant numbers. We did slightly decrease our half marathon participants so fewer commuters have to go up to Devils Dive for the half marathon start. More will start at the base of the peninsula at TC Central, but overall, it's the same number of total participants.

Jenn also mentioned the traffic concerns from 2024. First and foremost, the construction project is now complete, allowing easier flow. We're going to work with emergency services to ensure that additional traffic posts remain staffed by law enforcement through the majority of the event, including the rush of people leaving. We'll make sure we reach out to our emergency service partners and guarantee that traffic flow is aided by law enforcement to minimize that congestion. We want to continue to be proactive in answering any questions, concerns, or issues from Peninsula Township residents. Just a couple examples of interactions were included in our application in addendum D. We want to make sure we're being present and responsive. We have multiple staff dedicated to answering those questions and inquiries as they come in, working one on one with people regarding road closures, how to get around, and so on. We want to be the ones addressing issues and answering questions and being strategic about problem solving. Anyone who has any issues can email Jason and me at [registration@bayshoremarathon.org](mailto:registration@bayshoremarathon.org). We take those inquiries seriously and try to respond as fast as possible.

We are already engaged with emergency services. We have a tentative first in-person meeting scheduled for next month. We're meeting with a lot of those same emergency service personnel tomorrow. We're being even more proactive than in 2024. I can confirm that we've already been in communication with MDOT and no trunk line projects are scheduled. Specifically, we are in consistent communication with Melzar Coulter and Steve Krasinski. More communication, increased bandwidth, a year under our belts, knowing the experience, and we're looking forward to hopefully being able to host another great event.

**Sanders:** have you talked to the county road commission too?

**Bayshore:** we have not. They've been invited to join the emergency service meeting but I have not heard back yet.

**Sanders:** there's the potential for some work to be done at the boat launch by East Shore Rd. I would get in touch with them, make sure you're communicating.

**Sanders opened the public hearing at 7:32 p.m.**

**No comments.**

**Public hearing closed at 7:32 p.m.**

**Sanders:** this is a public hearing so it isn't something we'll vote on tonight. Thus far it looks like we've received great information. You guys have done a great job being proactive. I have enjoyed reading all the back and forth from citizen questions that have come in. Please keep sharing that.

**Chown:** I feel the same. Thank you very much. I love it when people's emails are answered. It matters deeply, and it really helps with goodwill. Thank you.

**Cram:** the board will likely make a decision at its next regularly scheduled meeting.

2. Continued discussion of Old Mission Lavender Farm SUP #138, Amendment #1 (Cram)

**Cram:** the public hearing for the first amendment to the Old Mission Lavender Farm was held November 12. We heard some concerns from the board related to the ownership of the sauna

unit, the mobile nature of the unit, the aromatherapy sauna being subordinate to the approved uses as a greenhouse nursery with the ability to process lavender, sanitation of the unit, and wastewater disposal. Since then, the applicant has provided more information. Erin Hafeli will have an ownership interest in the sauna unit. She will be ordering a specific, unique unit for this site. It will not have wheels; it will be a stationary unit. It will be brought in and put on a gravel bed and will have a more permanent nature than one of the trailers with the wheels. We do issue land use permits for storage containers and so on as accessory structures, so a land use permit will be required to ensure this unit will be located as shown on the site plan.

With regard to the aromatherapy sauna being subordinate to the approved uses as a greenhouse nursery with the ability to process lavender, you'll see that the findings of facts and conditions were revised to bring that forward. The existing special use permit approval for this property is unique. It allows for the processing of lavender as part of a commercial greenhouse nursery. Any other applicant who wishes to have a similar use would have to go through the process as it applies today. You'll notice differences in the findings of facts that bring that forward, that this is an accessory use to the approved use of a commercial greenhouse and nursery.

With regard to the sanitation and wastewater disposal, you'll find correspondence from the health department. The state is going to require some sort of wastewater disposal system. Erin is working with them to determine exactly what that looks like. There is a draft condition of approval that prior to commencing the use of the aromatherapy sauna, all state and county requirements for adequate water source and sewage disposal as well as wastewater disposal must be met.

On page 7, [there are] 15 draft conditions of approval. Condition 10 was highlighted in red. That was a placeholder in an effort to try to address the subordinate nature. There have been a couple other conditions of approval. One is to add a condition that notes, "The accessory sauna and cold plunge shall be subordinate and not exceed the principal greenhouse nursery use on the premises." That could replace the currently proposed condition 10 and/or be added. Another condition of approval is, "The annual total gross sales of the sauna and cold plunge use shall not generate more than 30 percent of the total gross sales of the principal greenhouse nursery. The applicant operator is responsible for collecting and maintaining annual records of gross sales for both the sauna and cold plunge sessions and the principal greenhouse nursery. For purposes of this condition, gross sales shall mean the total sales without adjusting for any expenses of or deductions related to those sales."

In talking through this with the applicant, that condition could be adjusted to be an OR, and she would be willing to reduce the number of sauna sessions per week from 70 to 35.

When we're talking about these accessory uses versus uses that are allowed by right or special uses, the board should feel confident that they are limited in scope and incidental and accessory to those allowed uses. This condition would help.

The applicant provided additional information about her business plan. A packet addition was published. Since the public hearing, Erin has received certification from MDARD [Michigan Department of Agriculture and Rural Development] that her farm is compliant with the Farm Market GAAMPS [Generally Accepted Agriculture and Management Practices]. That letter is included. She also provided a lot of educational information about the state of agriculture in our area and country. I did recommend that information be included for the agricultural advisory committee because it's good to know what's happening around us with regard to agriculture. There were additional comments of support for the application as well.

**Erin Hafeli, 13387 Blue Shore Drive:** Jenn mentioned those additional conditions were discussed with me. I want it to be noted that they were discussed with me literally moments before this meeting started. Throughout this process, one of the feedback pieces I'll be sharing with the

agricultural advisory committee is that I felt it would have been a reasonable expectation to have a legal red line returned, not just a new version of the SUP. I was left as the applicant to sort out what the differences were on my own. As we talk about process improvements, this would significantly improve the transparency of the process.

I don't think a farmer needs to come in here with a consortium of attorneys to try to negotiate these types of points. This is just candid feedback that a lot of times I felt I received access to what this SUP might look like moments before I was supposed to talk about it or hours before it was posted online. I don't know how long some of the comments have sat with the township board or staff before I am made aware of them, but that's a frustration I'm living out in real time.

I do reject a condition regarding the cap on sales. I don't even have the language in front of me to read what is being proposed, but I am willing to make an additional concession, which is outside the scope of Right to Farm, to limit the total number of sessions from 70 to 35. This isn't talking about gross sales, and we will keep records, but the hours of operation. There's a cap on that.

There's a cap on the number of people who can participate at any given time. Now I'm proposing the third cap, to limit the number of sessions per week.

I am working with the health department. I do have a question as it relates to the wastewater, to be able to use it for irrigation. I have a meeting set up next week to confirm that. As I go through the land use process, I would make sure that whatever was agreed to by the health department would be included in that package.

**Sanders:** I like that you mentioned the wastewater recycling.

**Hafeli:** this is where farming and I get into a little bit of a fight because I don't use sprays of any kind and there are no chemicals in the water. This is something I think would be a reasonable accommodation from the health department, but we'll work through that with them. The health department doesn't govern the amount of pesticides that farmers can spray on their crops to produce a valid crop because it's protected by the Right to Farm.

**Chown:** going forward, with Jenn no longer here, we're going to have a transition period where we need to figure out how to communicate successfully without inadvertently leaving people out who need to be informed. I would err on the side of reaching out, without violating the Open Meetings Act, to more people rather than fewer, at least initially, as we put together paperwork and figure out how to move ahead.

Erin, when you first came up to the podium, about the conversation you had with Maura [Sanders, township supervisor] right before the meeting started, you said you were agreeable to certain things but you reject one thing. Could you repeat that?

**Hafeli:** if someone else could repeat the language?

**Cram:** the draft conditions of approval included in your packet start on page seven. Of the two conditions of approval that were discussed this evening, one I think you're comfortable with is, "The accessory sauna and cold plunge use shall be subordinate and not exceed the principal greenhouse nursery use on the premises."

**Hafeli:** yes, and I would add that I am a U-pick farm operation. I have more than two acres of U-pick lavender, which the state recognizes as retail floor space. I'm compliant within Right to Farm standards on gross sales as well as square footage within my retail shop. It should also be included in the context that I have more than 80,000 square feet of retail floor space at my farm.

**Cram:** understood. Then draft condition 10 could be changed to limit to the 35 sessions per week. Then the condition that Erin is opposed to would be eliminated, which was the long one.

**Sanders:** we already had the participants per session condition.

**Cram:** correct. Condition eight, "Hours of operation for the aromatherapy sauna and cold plunge are limited to 8:00 a.m. to 8:30 p.m. seven days a week. The maximum number of participants per



session in the aromatherapy sauna is 10 with up to four additional participants using the cold plunge at the same time for a total of 14.” The revised condition 10 would limit the number of sessions per week to 35 where originally, based on the hours of operation and the fact that a session takes 70 minutes, there could be approximately 10 sessions per day. Ten times 7 would be 70. So Erin is volunteering to reduce that number of sessions in half from 70 to 35.

**Hafeli:** I think that's a considerable concession.

**Chown:** I think it is too.

**Alexander:** it is.

**Cram:** otherwise, I believe everything is acceptable. I apologize that I didn't redline the changes from the November findings of facts to this finding of facts. It was a little bit tricky. But it's noted, as a professional planner, that doing that is helpful for an applicant. We did strive to get you the revisions as soon as I completed them prior to publishing them in the packet.

**Hafeli:** I will say I'm sad to see [Cram] go. I think she does this township a great service in working with applicants and helping to communicate when clarification is needed. Thank you for your participation throughout this process and helping me understand where things stand. The nuance of the language of the SUP, if we can't come to an agreement with the health department on a suitable issue with the wastewater, the health department has still approved the sauna. That's in your packet. The sauna can operate with health department approval without having to go through a septic or other wastewater-type issue. We will be in compliance on the sauna portion of it. I hope to do it all at once, but I just want to at least address that nuance to the language.

**Cram:** condition three notes, “Prior to commencing the aromatherapy sauna use, the applicant must comply with all state and county health department requirements for adequate water and wastewater and sewage disposal.”

**Hafeli:** we would do so, and at that point it would be either a secondary land use permit or I don't know what the process would look like. We can talk about that if I don't get the cold plunge up and running immediately.

**Sanders:** wouldn't we approve it with the cold plunge and you'd still be bound by the condition of the health department?

**Hafeli:** is the requirement that I have to have a cold plunge?

**Cram:** no, but it's part of the use, and you do need to get a land use permit to commence the use. At the land use permit process, we usually ensure that you have all the other outside agency permits. So that land use permit to locate the sauna, we'd look to make sure you met their conditions for the operation. I suppose hypothetically that if you hadn't worked out the wastewater treatment for the cold plunge that you could come in for a land use permit without it, but a special use permit approval expires one year after the approval unless you have obtained the land use permit and have commenced the use. If and when this is approved, a year from then, you're getting your land use permit and commencing the use.

**Hafeli:** unless I were to come in and request additional time. One of the things I talked about for this process is the expense associated with putting in septic and what that looks like. So having a monetizable sauna unit to be delivered in advance of what might be a complication would be a consideration. I would continue to be in contact if I needed to come back in front of the board and request more time. I'd be happy to do so.

**Cram:** as long as you come to the board and request an extension of your special use permit prior to it expiring, the board can grant it. You can also come in and amend the land use permit to add the cold plunge afterwards or get a new land use permit that includes it. I just want you to be mindful of those time frames depending on how your health department approvals work out.

**Hafeli:** I did sit down with Jenn earlier this summer. She would not take receipt of the land use

permit but she did review it for completeness. I'm aware of what I submitted, so I know the steps to go through. In whatever succession of personnel I'm working with, at least I'll have that June package to show what I've done previously.

**Sanders:** I'm prepared to move on this tonight, but I don't want to mess up my wording.

**Sanger:** I would like to raise two points before we move. In comparing the findings of fact for this special use permit with another item on the agenda, I noticed that the Seven Hills SUP includes reference to the section of the zoning ordinance regarding lighting. It also includes reference to the township noise ordinance. I would think we might want to have a standard template for all these SUPs so we don't miss something. I would be in favor of adding the same language from SUP 35 regarding noise and lighting to this SUP in the findings of fact.

**Hafeli:** I'd have to read over what Seven Hills was required to do, and that's another new piece of information. I think we have to comply with the dark sky ordinance anyway, and that was included in one of the prior half dozen iterations of this SUP. I'm not sure where, again, that red line change transpired. This is a quiet and solemn activity, so I don't see an issue with either of those.

**Cram:** those conditions of approval were included for Seven Hills because that project was allowed to have amplified sound. They're open until 10:00 p.m. and have outdoor lighting because they're open after dark, whereas Erin's use isn't as extensive. We always check lighting when working on a land use permit, and there is no exterior lighting proposed as part of this use. But I agree with you, and I've talked to the planning commission [PC] many times about creating a standard list of conditions that go with every SUP and variance. The standard condition of approval for exterior lighting would be that you comply with section 7.14.

**Hafeli:** which is the dark sky ordinance. Yes, I've read that; I am fine with that. I think there's path lighting. I would have to put that in the land use permit.

**Cram:** our ordinance requires that it's downcast and fully shielded. I think the noise condition is slightly different for her use than it is for the Seven Hills use.

**Sanger:** I only raise it because this is an outdoor use. Since COVID, we've gone down a path of allowing activities to take place outside. Anytime we approve a business or activity with outside use, we need to be sure the applicant receiving the approval understands. Maybe we started with Seven Hills, but I didn't intend it to only apply to Seven Hills. That's not to say there will be noise with this activity, but again, it makes it perfectly clear to the holder of the of the SUP where the bar is being set by the township.

**Cram:** understood. Erin, with regard to the condition on the Seven Hills project, it reads, "All use of the property shall comply with Peninsula Township Police Power Noise Ordinance #40 and as may be amended in the future." OMP Seven Hills "Acknowledges that, as part of the board's prior approval of Amendment #1 to SUP #35, the noise level at the property line was to be no greater than normal conversation as perceived by a reasonable person." That condition could be amended to be specific to your project even though you aren't proposing amplified sound.

**Hafeli:** the bees make more noise in the summer.

**Cram:** those are the two conditions of approval Mr. Sanger is referring to.

**Hafeli:** I would have to read the language, but I'd be agreeable. I've been agreeable to lots of requests along the way. This proposal has had a number of iterations. The number of conditions continues to grow, and my number of rights and what I'm asking for continues to dwindle. But I'm going to see it through. So hopefully we can come to a vote tonight. I'd love to move on to the next phase.

**Chown:** please repeat again that second condition you're agreeable to?

**Hafeli:** a maximum of 35 sessions. From open to close at maximum occupancy capacity, you get 70 sessions in a week. Cut that in half, it's 35 sessions in a week, still limited within the hours of

operation. And then it will also be limited to the same number we have in there, number of natural capacity. It's limited on a number of factors.

**Cram:** I am committed to seeing all the applications I am responsible for through to the end. Although this is my last day, I will clean this up per the board's decision. We can add condition one that was proposed: "The accessory sauna and cold plunge use shall be subordinate and not exceed..." We'll change condition 10 to limit it to 35 sessions per week. Then we can add the standard condition of approval that all exterior lighting must comply with section 7.14 of the Peninsula Township Zoning Ordinance. Then a similar condition of approval about compliance with the police power ordinance for noise and that noise levels at the property line are no louder than conversation as perceived by a reasonable person.

**Sanders:** that's standard for everything.

**Hafeli:** I assume I would need to comply with that anyway. We can put it in there, but I was assuming I'd need to be in compliance with the rest of the zoning ordinance.

**Sanders:** we're just being very thorough.

**Hafeli:** I appreciate that. Me too.

**Milliken:** how did we come up with the 30 percent of the total gross?

**Hafeli:** I have no idea.

**Milliken:** the idea is so farmers can make a decent living. If they happen to make more, in this case, with a sauna and a plunge, why are we limiting what they can make?

**Sanders:** I'm not sure where the 30 percent came from, but I pulled language out of farm stand and something else in the agricultural zoning that said 50 percent of what you sell has to be grown or processed at your farm. I sent that to counsel, and these three things came back. And then I was like, okay, some of this seems a bit excessive. My note to counsel was, I don't want the township to be in the business of running other people's businesses. [We] had the opportunity to talk 10 minutes before the meeting, and [Hafeli] proposed taking it from 70 to 35.

**Milliken:** so it was counsel that came up with the 30 percent?

**Wunsch:** there's a note at the bottom, the final paragraph. Counsel said he looked at a number of other ordinances from probably our municipality and others. To the question of why we would limit at least below 50 percent, [the township] has spent about a million and a half dollars on the WOMP [Wineries of Old Mission Peninsula] litigation because we took a lot of restrictions, like the 35 sessions per week kind of thing, instead of going to brass tacks with numbers. A big part of what we've been litigating is whether our agricultural zone is, in fact, an agricultural zone or whether we're a commercial zone masquerading as an agricultural zone. I think pretty much any legal decision makers would look at this as an accessory commercial use the township is allowing in the agricultural zone. To me it's important that we keep some iteration of the two, even if we go beyond the 30 percent.

**Chown:** it isn't what we anticipate that gets us into trouble. It's what we haven't anticipated and haven't put adequate/legal guardrails around. Here you are, Erin, with this incredibly creative idea, and we are in a position of having to think it through. It's been excruciating for you and it's been excruciating for us. But I do not want to be in a position of seeing a usage occur that is not subordinate to the primary farming operation, and that's what this is all about. I stand on our obligation to see this through for all of our residents. It's a great idea, but that's not sufficient for us to pass it. It has to work within the community and master plan.

**Sanger:** we have to keep in mind that we have property zoned residential and commercial. We're linking this to a specific zoning that is agricultural; otherwise we open it up to a lot of other issues such as what are you doing in residential? Is that zoned properly? It's a slippery slope.

**Hafeli:** I've agreed to the condition that it has to be a lavender sauna at all times. One hundred

percent of the value of being able to operate the sauna is because of my farm products that I produce on site. If I run out, I can't operate the sauna or I will not be in compliance. Some people have lavender allergies. You can go into a tasting room, learn about wine, not taste the wine at all, order a charcuterie board, and be on your way. People cannot come in and opt out of the lavender at my sauna. The state Right to Farm does provide, to your point about where is this number coming from...I haven't seen anything in the zoning ordinance that applies specifically to this. I think that's why we're talking about this on a case-by-case basis. I am fully separate from WOMP. But as it relates to the parallel path with the state Right to Farm, they already have standards. I'm at 61 percent already [I grow 61 percent of the products I sell], and I'm only monetizing 10 percent of my land. In the letter I wrote, talking about my plans over the next five years and where I want my farm business to grow, and as I represented at the November meeting, my growth is all in wholesale aromatics and building my farm out to permanent crops up to 75 percent to sell the produce. This is subordinate, and I don't have a problem making that condition clear. But I think it's not appropriate to insert a restriction on sales. Capacity, yes. Right to Farm doesn't even restrict capacity.

**Alexander:** in reading this, it says "...the accessory sauna and cold plunge use *shall* be subordinate." And I agree with you, they are restricting your ability to do business. I voted against this on the PC. My issue, like Becky said, is guardrails. And sauna, even if it does use lavender or whatever, is a commercial use. I'm not sure how it fits on agricultural land. To me it's a commercial operation that should be on commercial property. I appreciate everything you've done. You have provided everything we've asked for, and you've gone through all the hoops. And the hoop that you discussed just learning about, I just learned about too. I appreciate your patience and willingness to come before us. But with all the litigation, we owe it to the community to be careful.

**Chown:** the reason you just found out about these before the meeting tonight is that when I went through the packet today, I was not comfortable that we had enough guardrails in place to make it clear this use is subordinate. I expected the items legal counsel provided late this afternoon to be included in the new updated findings of fact and conditions, and they weren't. I didn't want to prolong this process. I know it feels like it's deliberate, that we're stringing you along. That is not the case. But that clarity we need was not in this document. I am very gun shy right now, we all are, about what is coming next. I wanted very unambiguous language about the subordination of the activity to the primary usage of the property as agricultural land. I respect Right to Farm and GAAMPS. With these restrictions and this additional language, I am comfortable moving forward.

**Hafeli:** when you say additional language, are you referring to the restriction on sales or to the additional concession I offered for 35 sessions?

**Chown:** the latter.

**Hafeli:** 35 sessions I'd be agreeable to.

**Wunsch:** I'm not comfortable moving forward without a restriction on sales. It's inviting another lawsuit against the township. I'm sympathetic to this case, but I think it's bad governance to get ourselves into the same mess we've been in before. I will vote against it without the second condition.

**Chown:** help me understand.

**Wunsch:** if you don't impose a percentage-based restriction on a commercial accessory use that you're allowing in the agricultural zone, you're creating a burden that the taxpayers will face to litigate item 1, defining what is accessory versus primary.

**Chown:** you don't think restricting the number of sessions will have the same impact?

**Wunsch:** it looks a lot like the winery chateau ordinance where we tried to do a little bit of this, a little bit of that, to get to accessory versus principal, and we opened ourselves up to a massive

lawsuit.

**Hafeli:** where in the current zoning, or in what other SUPs, has this restriction been imposed? Where's the application of current zoning for this type of a request on sales?

**Wunsch:** this is a commercial use that we would be allowing on –

**Hafeli:** an expansion of an existing commercial use.

**Wunsch:** correct, but we have established parameters for greenhouse nursery use. This sauna use is a new commercial use that we would be allowing in the A1 zone.

**Hafeli:** that can only ever use my agricultural product.

**Wunsch:** the board needs to look at how this will impact every other piece of agricultural-zoned land in the township. Using conditions like the modified condition three exposes the township to legal liability.

**Hafeli:** I can respect your position. I don't have a meeting of the mind with you on that at this point. I don't think I can come to an agreement on that piece.

**Alexander:** what we're struggling with is, what exactly is meant by agritourism and what does that look like? Even MDARD doesn't have a definition. When you were talking about MDARD certified, did you talk to them about what you wanted to do or did you say this is what I am doing now?

**Hafeli:** I talked with MDARD about the plans for the sauna and my business plan for using it as marketing and advertising. Also, throughout this process, I have been consulting with MSU Extension and was encouraged to go through this process. They've educated me as well on what the state rights are. My hope is that people will come to the sauna, want to buy my products, and I can monetize my existing crop. I cut back more than an acre of lavender every year to use as mulch in my community garden. It has to be cut back for the life of the plant. Essential oil production uses a large volume of it to create a high quality, high value hydrosol and essential oil. My conversation with them was, you have to always use my product and cannot escape my farm product in the sauna. One hundred percent of the value is attributable to this experience, and without my farm product, it wouldn't be possible. I'm not sure how you assign a value. It's not a traditional commercial sauna use.

**Wunsch:** without a restriction on percentage-based sales, if Erin were to sell the property and you don't have a linkage between the two, and somebody wanted to shut the lavender farm down, they would be able to run a stand-alone sauna business because we've allowed that as a vested right on that property. That opens the township up to liability. If you're not allowing a commercial use on the neighbor's property, then you're violating their due process rights.

**Hafeli:** I would disagree. Without the farm and farm products, they cannot operate the sauna. If I'm lucky enough to pass this on to my kids and they want to have a sauna without a farm product, they would not be in compliance with the existing SUP. They would be in violation. They would lose that right for the subordinate activity. It's subordinate to the actual farm product.

**Alexander:** I'm having trouble with it being subordinate because I can see it being primary. It's where I have an issue, especially if we're not going to limit percentage. I hate telling somebody, you can open this business but you can only make so much money or you can only do this much. I don't see the sauna as an accessory. I see it as primary. I think that's where a lot of your income is going to come from. You're volunteering to cap it, which I think is amazing. That's my distinction. This is a new commercial use. And this new commercial use, to me, would be primary, and the lavender would be accessory to the sauna. I think it's wonderful. It'd be a great way to sell your product. You brought a lot of other ideas with you when you first came to us that I thought were amazing, like the cooking classes. Those to me were accessory. This isn't that clear cut.

**Hafeli:** we got off in the weeds at the PC because we were arguing whether 50 percent of our charcuterie box would have to be lavender. People would choke on it. It's not the state standard;

it's not appropriate. Although I can appreciate staff's recommendations to ask for everything, because this is a very onerous process, I felt it was really derailing the primary request that I had in January of last year, which was, I've established a natural expansion of my business line. I see an opportunity to be able to market this as an experience and educate people on my farm on how they can use my farm product at their own house or at my farm. It is subordinate to the activity because it has to, at all times, deal with my agricultural product. It's smaller in size, even compared to my farm shop, which has a 50 percent limit. I'm at 61 percent. It's smaller compared to the entire farm in terms of total percentage of the farm as well. I think it's an over step to put a restriction on the income associated with this subordinate activity.

**Sanders:** I feel the 35 sessions per week is a solid restriction. I believe you are right. Your sauna cannot operate without the essential oil, and if it does, it gets revoked. How much money is being spent, or what's the equivalent to have that lavender mist in the sauna?

**Hafeli:** if I run out of lavender, we can't even do one session. There's a lot of limitations.

**Wunsch:** those are the kinds of standards that have cost our taxpayers well in excess of a million and a half dollars at this point. I strongly encourage a percentage-based restriction.

**Hafeli:** I think we all have PTSD as a community about the WOMP lawsuit, but it's not going to be resolved overnight. The show must go on for agriculture. The SUP process, there's no moratorium on it. I was told I had to get an amendment to the SUP and I dutifully followed this process. I think my right to due process means we should talk about the existing ordinance and the proposal on the table, and I'd love to hear both.

**Sanders:** would you even consider something other than that 30 percent?

**Hafeli:** the state standard for Right to Farm protection is 50 percent. If I wanted to make sure I had Right to Farm protection, that's the number I'm going to adhere to. Just like you manage a gross margin anywhere. But I don't think it's appropriate to put the sales restriction even at 50 percent in this SUP.

**Chown:** you're saying for the total gross sales of the sauna and cold plunge?

**Hafeli:** right. If we want to talk about value attribution of the lavender hydrosol and essential oil, I said 100 percent of the value is attributable to that because we can't use it without it. But if you want to say we're going to assign 51 percent of your value to lavender, so that every sauna session, 49 percent of it is the sauna experience, the other 51 percent is related to the lavender, I think that gets us there the same way, but it's not a restriction on the total sales as it relates to any other aspect of my business plan.

**Wunsch:** I think 49 percent would be fine with me.

**Hafeli:** call it 50/50. Talk about exit ramps; let's get this done.

**Alexander:** isn't that the MDARD requirement, that 50 percent over five years of your gross sales has to be from your primary?

**Wunsch:** for uses that are protected by Right to Farm.

**Hafeli:** which marketing and advertising is.

**Wunsch:** we could go a bunch of rounds figuring out whether a sauna is marketing and advertising. This is a lovely idea, but the reason the board has issues with it is that, from a precedent-setting standpoint, there are significant issues we need to think about. Because while this idea might be great and harmonious with the community, the idea that special use permits are not precedent setting I think is demonstrably false. We will be pushed to allow the same scope or a little bit more; it's what we've seen here. You can go up to 50 percent of produce that wasn't produced on the subject farm operation. Look at a restaurant or a sauna or those kinds of uses. Those things are not clearly protected by the Right to Farm Act.

**Hafeli:** farm markets can be anything. Talk to MSU Extension; they can give you an opinion on this

as well. But a sauna, if we're not talking about it from a marketing and advertising perspective, could be considered a farm market. If I have more than 50 percent of the retail floor space in the sauna represented by my farm products, that's compliant with the state of Michigan requirements. That's not taking into consideration my U-pick at all.

**Cram:** we recently amended our zoning ordinance for farm stands to be consistent with the Farm Market GAAMPS. "Processed products will be considered as produced by the farm operation if at least 50 percent of the product's primary or namesake ingredient was produced on and by the farm operation, such as apples used in apple pie, maple sap, and maple syrup." That was consistent with the Right to Farm Act. One hundred percent of the lavender is coming from her farm for these hydrosol sprays. "A minimum of 50 percent of all items offered for sale must be produced and/or processed by the farm operation that controls the farm stand, measured by retail floor space during peak production season, or 50 percent of the average growth sales for up to the previous five years, or as outlined in a business plan."

We also had to amend our farm stand regulations because a farm stand can be a location where marketing and transactions take place. It can be the entire farm, it can be a structure, it could be a tent, it could be a table. MDARD has certified her farm being compliant with GAAMPS. She has more than just her farm shop. She can include the acreage where people go to U-pick and things are growing. We amended our zoning ordinance. We didn't limit the amount of money coming in, but we said the 50 percent allows farmers to be viable. If they're primarily growing strawberries and strawberries are a certain season, they could also sell someone else's apples as long as the apple sales don't exceed the strawberries they're growing.

**Sanders:** the language Jenn read is what I sent to legal counsel. It was percentage.

**Cram:** we did something similar with farm processing. We said that the farm processing was subordinate to the farm operation, and we said at least 50 percent of the ingredients are measured by weight of any processed product sold. We went into limitations that way.

**Hafeli:** the weight of lavender is really difficult, like measuring saffron weight. I again reiterate, it has to be subordinate. Because without my farm product, it cannot operate.

**Wunsch moved to amend the SUP to include the three conditions of approval provided by legal counsel with a second by Chown.**

**Sanders:** my discussion piece is number two, where it says, "Shall not generate more than 30 percent of the total gross sales." I'm more comfortable with the 50 percent language.

**Milliken:** I would agree with that.

**Wunsch:** I would prefer 49 just to be safe.

**Sanders:** or 49.5 language.

**Chown:** 49 works.

**Wunsch moved to amend the SUP conditions of approval to include items number 1, 2, and 3 provided by legal counsel with 30 percent changed to 49 percent and the applicant operator responsible for collecting, maintaining, and reporting annual records for sales for both the sauna and cold plunge sessions with a second by Sanders.**

**Cram:** we should not include number three that legal counsel proposed because number three was already included as condition nine. Condition 10, she's agreeing to limit to 35 sessions.

**Hafeli:** if we are now re-engaging in a conversation to limit based on revenue, then I don't think it makes sense for me to give an additional concession to 35 sessions per week.

**Sanders:** instead, we're going to 49 percent.

**Hafeli:** we are really splitting hairs on this. Why can't we be 50/50? I don't understand.

**Wunsch:** I don't want there ever to be a question of whether the use is subordinate or primary. This is a big give for me. It's an activity that I'd love to permit in our commercial zone. And if we

have a desire for more commercial activities in the township, good governance requires we create new commercial zones and put those activities where they belong instead of allowing slippery slope stuff to happen in the agricultural zone.

**Wunsch moved to include items one and two provided by legal counsel with a change from 30 percent to 49 percent and the addition of collecting, maintaining, and reporting annual records of gross sales for both the sauna and cold plunge sessions with a second by Sanders.**

**Sanger:** is number nine being stricken? Deals with the number of sessions?

**Cram:** right now, in the findings of facts and conditions, there are 15 conditions proposed with the addition of legal counsel's first condition, "The accessory sauna and cold plunge use shall be subordinate and not exceed the principal greenhouse nursery use on the premises." That brings us to 16 conditions of approval. We will then change current condition 10 to be proposed condition two, as Isaiah [Wunsch] read into the record.

**Hafeli:** I still haven't seen the language, so I'll take it under advisement.

**Cram** yes. I didn't understand the second part of what Isaiah said, as far as collecting or submitting. Who would they submit those to, the zoning administrator, the director of planning?

**Wunsch:** yes.

**Sanger:** the noise?

**Cram:** Erin did agree to that, so we would then have 18 conditions of approval, including the standard condition that exterior lighting shall comply with section 7.14, and noise shall comply with the noise ordinance and not be louder than a voice at the property line. I can clean this up so Erin can look at a clean copy.

**Hafeli:** regarding the sales component, are you proposing consistency with Right to Farm, where we're looking at what the five-year looks like, or is this –

**Wunsch:** no, this would be separate. My position would be that sauna use is not protected by Right to Farm. So we're talking about something different from Right to Farm.

**Sanders:** verification of subordinate activity.

**Wunsch:** yes.

**Hafeli:** wow. Okay. I have to be honest. I'm really surprised.

**Sanders:** motion by Wunsch, support by Sanders. Becky, can you roll call this, please?

**Roll call vote:**

yes – Milliken, Wunsch, Sanger, Chown, Sanders, Clark

No- Alexander

**Motion carries**

**Wunsch:** that was the amendment. We still have the entire thing to approve if that is the preference of the board.

**Alexander:** oh, we were voting on the amendment? Can I change my vote? The amendment is great. Does the applicant want to look it over before we vote to approve it?

**Hafeli:** I can always not sign if there's something I don't agree with and come back. I would rather get approval and work through the nuances.

**Sanders:** on October 1, 2024, the planning commission recommended approval of [Lightwell] Lavender Farm SUP #138, Amendment #1 to the board based on the findings of fact and now 18 conditions of approval, with minutes for that meeting included in exhibit four. The SUP shall be effective when the application has been approved by the Peninsula Township Board.

**Sanders moved to approve Lightwell Lavender Farm Special Use Permit #138, Amendment #1 subject to all 18 conditions of approval with a second by Milliken.**

**Wunsch:** I resent having to restrict this the way that we are but given the unique circumstances of allowing this accessory commercial use in our agricultural zone, it's important that we move it forward with the 18 conditions.



**Sanders:** we are setting a standard, and the township will be sticking to this standard moving forward.

**Roll call vote:**

yes – Wunsch, Sanger, Chown, Sanders, Clark, Milliken

No – Alexander

**Motion carries**

**Hafeli:** thank you for your time.

3. Continued discussion of Seven Hills Development SUP #35, Amendment #3 (Cram)

**Cram:** the public hearing for this application was held on December 10. I apologize that there was confusion on the conditions of approval.

**Alexander:** my fault.

**Cram:** in your packet, under exhibit seven, I provided the conditions of approval that were included in the PC packet. It's not unusual for the findings of facts and conditions to be revised moving from the PC to the board because the PC will make a motion to add a condition of approval. It is my responsibility to make those changes before going to the board. There were 18 conditions of approval at the PC. I noted condition nine that was originally in the PC packet was deleted when it moved forward to the board because it noted that signage near Seven Hills Road is allowed at one sign no taller than five feet, no larger than 30 square feet. The business is open; the sign is up. That condition of approval wasn't needed. Conditions 10 and 11 were duplicative. I deleted 10 and kept 11. Based on the discussion at the PC in November, an additional condition was added that talked about the revocation of the SUP if there continue to be compliance issues. The findings of facts and conditions included in your packet this evening are correct with all those changes.

I also addressed the applicants' concern about condition seven. I don't know how that changed. It was included in the PC packet at the November meeting. Previously, for amendment #1, it was specific to contractor equipment for construction. When SUP #35 was approved, the property was approved for contracting. The amendment evolved as it went through the PC and the board. That condition of approval carried forward from previous applications. I changed it back per their request so the outdoor storage is specific to construction materials. There is a resolution that accompanies this based on the limitations with the manufacturing and liquor license. That resolution was updated from the public hearing to this to be consistent for January 14, 2025. Legal counsel has reviewed it, and that resolution was included in the packet addition. I noted on page three, for substantial improvement under 8.1.3 (1)b, that "The board may find that an additional property where residents and visitors may consume wine and beer as well as distilled spirits beyond what currently exists on the peninsula to be a substantial improvement." I gave you some examples of how the PC felt it met that but would like the board to consider that as well.

**Alexander moved to recuse Milliken with a second by Sanders. Motion passed by consensus**

**Alexander:** I was on the PC, and we did feel the opportunity for people to consume something with a lower alcohol content was an improvement over what was already there. Also, we felt that monitoring the parking and noise was definitely a substantial improvement over what was there before.

**Sanger:** this fixes a problem. That problem involves a liquor license. We can debate all day whether drinking alcohol at 7 percent or 4 percent is an improvement. There's a business reason to fix this problem for this business. I'm in favor of moving ahead.

**Alexander:** the applicant came up with a lot of great ideas, like ticketing events and making sure people had an opportunity for a shuttle, which can alleviate parking problems.

**Board discussed order of approving findings and amendments.**

**Chown:** are we liable to see this type of request again in the township?

**Cram:** it is possible. There are other C1-zoned properties. They would have the ability to apply for a

special use permit for a restaurant tavern or ask for an alternative liquor license. Normally for this type of establishment, you apply for a class C liquor license, which would give them greater flexibility in the type of alcoholic beverages they could serve. The number of class C liquor licenses on the peninsula is limited and they're all being utilized. This is an alternative. The difference between this type of liquor licensing and a class C is that it has to be specific to the outside bonded facility. If approved, they would only be able to serve spirits that they blend, bottle, that are created by another bonded facility. You couldn't order Tito's. It's specific to what they obtain from another bonded facility and then blend, label on the premises. Another C1 property could apply for and go through the process.

**Chown:** I like what you said, Dave [Sanger], that this is fixing a problem, and I am grateful for the amended noise ideas and opportunity to protect the neighbors who have asked for that protection. Thank you, Seven Hills, for that.

**Sanger moved to approve the 18 specified findings of fact to SUP #35, Amendment #3 with a second by Alexander.**

**Roll call vote:** yes – Wunsch, Sanger, Chown, Sanders, Clark, Alexander Passed unan

**Sanger moved to amend SUP #35, Amendment #3 with a second by Wunsch.**

**Roll call vote:** yes – Sanger, Chown, Sanders, Clark, Alexander, Wunsch Passed unan

**Sanger moved to approve Special Use Permit #35, Amendment #3 based upon the representations, limitations, and findings set forth above and reflected in the findings and conditions with a second by Clark.**

**Roll call vote:** yes – Chown, Sanders, Clark, Alexander, Wunsch, Sanger Passed Unan

**Sanger moved to bring Milliken back to the board with a second by Sanders. Motion passed by consensus**

**Cram:** now that the board has approved this amendment, the applicants will re-apply to MLCC for these liquor licenses so you may receive another letter from MLCC.

**Sanders called a three-minute break at 8:50 p.m.**

4. Peninsula Shores Open Space Conservation Easement Review (Cram)

**Clark moved to recuse Chown with a second by Wunsch. Motion passed by consensus**

**Cram:** as part of the approval of the fifth amendment to Peninsula Shores SUP #123, the applicant agreed to place the existing configuration of the open space in the development in a conservation easement. Our legal counsel has reviewed it [and] requested some changes to the original draft to further define what open space is. The information before you would be an amendment to the master deed and the other recorded documents and preserve the open space in its existing configuration as approved for amendment #5. It also defines what can happen on that open space. Both staff and legal counsel are comfortable with what is before you.

**Sanders:** I like the language specific in the master deed amendment, "...to the benefit of all co-owners and residents." It's important to remember it's not a park for the public.

**Wunsch moved that the township board authorize Sanders to accept the conservation easement as presented with a second by Alexander.**

**Roll call vote:** yes – Clark, Milliken, Alexander, Wunsch, Sanger, Sanders Passed unan

**Wunsch moved to bring Chown back to the board with a second by Alexander.**

Motion approved by consensus

5. Resolution No. 2025-01-14 #1, to Formally Name the Bowers Harbor Park Expansion Area the "Bowers Harbor Natural Area" (Zebell)

**Sanders:** we had a beautiful introduction to that during public comment.

**Clark:** is "Natural Area" because it's going to remain natural?

**Chown:** yes, natural area the way it was intended. It's being overrun by invasives. It's not going to

be developed into pickleball or anything else, just some low-impact trails. It's an amazing place.

**Chown moved that the Peninsula Township Board formally name the nearly 60-acre expansion area acquired in 2015 the Bowers Harbor Natural Area with a second by Milliken.**

**Roll call vote:** yes – Sanders, Clark, Milliken, Alexander, Wunsch, Sanger, Chown **Passed unan**

6. PDR Budget Amendment (Clark)

**Clark:** I was speaking with the auditors on how to record the purchase, and he recommended that we adjust our budget.

**Clark moved to amend the PDR budget to reflect the purchase of development rights for Nicholas Farms with a second by Sanger.**

**Roll call vote:** yes - Milliken, Alexander, Wunsch, Sanger, Chown, Sanders, Clark **Passed unan**

7. 2024 PDR Monitoring Report (Cram/Shipman)

**Cram:** Susie Shipman currently holds the contract for annually monitoring all our PDR conservation easements. Her 2024 annual report is in your packet. Most of the violations relate to a housekeeping item where the deed needs to acknowledge the conservation easement. Susie will be working with our assessor, Sally Murray, to make those corrections. There was one violation where we have an ice rink in an agricultural structure. A violation letter will need to go out. That will be in process soon. We have already spoken to the property owner. They know it's a violation of the PDR. They acknowledged that they would remove it, but at the time of monitoring, it was still there. We will follow up with an official letter because there have been a couple of phone calls and the ice rink has not been removed.

Susie has done a wonderful job as our PDR monitor. Her contract will need to be renewed before June 1, 2025. She has a lot of recommendations for how we can improve monitoring. I've encouraged her to communicate with you [and] the PDR selection committee to bring everybody together to improve the program.

**Shipman:** with regard to deeds, there's got to be a way to nip that in the bud before we have to go back to correct it. When I'm communicating with people, have that reminder in there that if they're thinking about a sale, or if I'm communicating with a new owner where I'm familiarizing them with the easement and the program, that I'm reminding them and providing them with a document that specifies that, should there be a sale, the fact that there's a conservation easement needs to be included in the deed. Trying to stop this being a regular violation because, with all the sales, most of them have that issue. Sally previously prepared affidavits for folks that they could run through the deeds office, get an authorized signature. I'll try to do the grunt work for that and maybe have Sally advise me and work with you guys to make those come into compliance.

**Chown:** I have trouble understanding why it's not there. Anytime there's an appraisal, the fact that there's a conservation easement is surfaced.

**Shipman:** a lot of people don't know. They're not reviewing it.

**Cram:** is it something with the title company or with the state law?

**Shipman:** it does say "any easements of record." That is a statement you see in all the deeds. But to have it specifically reference the PDR easement, recorded at such and such, is the requirement.

**Sanders:** there are sales that don't have the title done. I recommend that, whatever language you get, it goes to the board of realtors because they have folders for agents to use as resources.

**Chown:** so someone could purchase a property encumbered with an easement and not know it until the sale has gone through?

**Sanders:** it's on them for not getting the title work done. But, yes, it could happen.

**Shipman:** it's on them. But I'll be meeting with a relatively new owner who purchased the property last year. They have no idea. Fortunately, they're all about how they're using the property agriculturally.

**Chown:** the fact that somehow that language isn't automatically traveling with the deed is disturbing.

**Sanger:** how are you catching it when you do your audit?

**Shipman:** the BS&A system that the township has...I don't know if it's Sally who physically uploads all those documents. I feel like it is. When there's a new deed, it'll go up there. When I'm coming through, I'm talking to Sally about what's changed. She sends me a list. I can see there's new owners. I'm always going and looking at those deeds.

**Sanger:** does the assessor get a copy of the deed when there's a transfer of title?

**Cram:** yes.

**Sanger:** the same thing happened last year. I count 10 here. Who is actually doing the corrective work now? Is that the assessor's job?

**Shipman:** I don't know that it's anyone's job, but I'm happy to help as part of the contract.

**Cram:** last year, we had the same thing, where the conservation easement wasn't noted on the deed. Sally did make those corrections with the affidavits. The responsibility is not clear, but Susie and Sally have agreed to work together this year to make it happen. Maybe that's something we need to include in the update to Susie's contract.

**Shipman:** there's a flexible clause in there regarding additional assistance. Since I'm talking to people, it's a natural thing to work through with them.

**Cram:** technically, it's the board's responsibility to enforce the PDR conservation easements. Susie's responsibility is to monitor, to bring to our attention if there are any violations. The township, via the board, needs to take care of it. The board is going to delegate to staff.

**Sanger:** how do we correct the deed? File an affidavit with the Register of Deeds?

**Shipman:** the owner would need to file.

**Sanger:** so the laborious part of this is that we have to contact the owners. Would you please do this and then follow up when they haven't done it?

**Chown:** if a property's conservation easement is recorded with the Register of Deeds and then that property is sold, wouldn't it automatically...So it's a Register of Deeds issue?

**Sanger:** I'm wondering if it isn't a case where the affidavit is not tied somehow into the deed itself, so when the deed is passed on, they miss it again. I wonder how many of these are repeats.

**Sanders:** it can be tied to the property but not tied to the PDR easement recording.

**Shipman:** it should come up on the title search, but, again, if they don't review the title search results, or if they don't do one...They don't have to.

**Chown:** sounds like going to the board of realtors is an important step.

**Sanders:** it is. Also a newsletter update. If you're going to sell, these are the steps. Because there are personal sales that happen, stuff the public will generally never find out about, and there may not be a title search done when it's neighbor to neighbor.

**Chown:** Susie, would you want to give me a couple of sentences about that for the newsletter?

**Shipman:** yes. It's an interesting dance to go and talk to people and tell them these restrictions apply to their property. I dread the day when they really didn't understand, and there are violations they're unaware of.

**Sanders:** that's when you hope you have title insurance.

**Sanger:** with all this talk about title theft, I wonder what's going on if they can't pick up something as important as this.

**Cram:** thus the importance of annual monitoring. That's one thing Susie looks at, those sales and the deeds.

**Shipman:** thank you for the opportunity. This is my second year, and I enjoy it. I enjoy talking to the owners. Most everyone's a fan of the program and happy to chat about their land. I am always

grateful and thank them for the pleasure of being on their land. It's opened my eyes even more to how beautiful our peninsula is and how important this program is.

8. Resolution No. 2025-01-14 #2, to Adopt the Annual Exemption Option As Set Forth in 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act (Sanders)

**Sanders:** the township is presented with three options for health care for our employees. We're asking to renew option three, section eight, the exemption option. "A local unit of government as defined in the act may exempt itself from the requirements of the act by an annual two-thirds vote of the governing body." Instead of limiting ourselves to the 80/20 option, the township provides an 85 percent contribution for the annual healthcare of our employees. We do this because we value our employees and think it's the right thing to do on their behalf. It's a renewal.

**Milliken:** it's a renewal but a change?

**Chown:** no. It's not a change. We pay 85 percent. The requirements of the act limit how much of the total annual health care costs a municipality can pay. The act itself is stricter than the township. Most municipalities do not want the state telling them how much of their employees' health care costs they can pay. We're one of those. We've always paid 85 percent. We are supposed to adopt this resolution annually.

**Chown moved to adopt the annual exemption option as set forth in 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act, and that we select option three, the exemption option, as Resolution 2025-01-14 #3 with a second by Clark.**

**Roll call vote:** yes – Alexander, Wunsch, Sanger, Chown, Sanders, Clark, Milliken **Passed unan**

9. Ad Hoc Committee Updates (Milliken, Sanger, Wunsch)

**Wunsch:** I spoke with EPIC MRA, our point of contact the last time we did a community survey, to see if they were willing and able to do the next one. They are. Our former contact can make himself available for a zoom call during a board meeting to introduce the process to us, either at the February or March meeting depending on our preference, or later, if we want to do it later. This board shouldn't necessarily be the body that develops the questions. I think last time we did it, we tried to find a diverse community group to work with EPIC on survey design.

**Sanger:** it was part of the master plan group. It had town board and PC representation, at least 10 citizens of the community.

**Chown:** I was brand new when that process was starting. I remember Randy Mielnik was the planner and brought in EPIC MRA.

**Wunsch:** I think we appointed a committee to work with the planner and the team at EPIC to develop the questions. Unfortunately, the survey launched right around the same time that everything was shutting down for COVID. We still had a 20 percent response rate, which he said is phenomenal.

**Clark:** we don't want to look into other companies for an option for conducting the survey?

**Wunsch:** that's why I'm providing you guys with the update, to discuss it and get your consensus on whether we should do that. MSU used to do community surveys. From the little bit of research I've done, EPIC is the most respected private company in this state for [this] work.

**Sanger:** I echo Isaiah's comments. Previously we used one of the nonprofits in town. EPIC is very scientific, very analytical. It's first class. I believe we looked at the pricing and it was competitive with the others. I don't recall bidding it.

**Wunsch:** I don't think we did. For professional services, you're allowed to look at qualifications of a company as well as cost.

**Sanger:** they were shocked with the response [to the survey].

**Wunsch:** they said 10 percent is typically considered to be high.

**Sanders:** we're doing two board meetings a month for the next couple months. The one at the end

of January is going to be the kickoff of strategic planning. The survey is going to be part of that. Getting them to come and speak to us virtually in February is a good idea.

**Milliken:** I'm the chair of the finance committee. Fred Swaffer is going to be on it and Tom Barnhart. Next week will be our first meeting. Maura has been giving me some guidance. We will get hard at it starting next week.

**Sanger:** the human resources and compliance committee has been assembled. Dennis Arouca, Wes Cowan, and Cindy Palmer have accepted my invitation to join this committee. Dennis has a background in both corporate law and human resources. Cindy recently retired from Chrysler Corporation in personnel work. Wes Cowan was involved in private business. We met today, and we're working on two major areas affecting the township and personnel matters. The first one is a new state law that takes effect on February 21 called ESTA, Employee Sick Time Act. [Sanger presented details of the act.]

In terms of setting some goals that I'm excited about, there's a program administered by the Michigan Township Association called "Township of Excellence." It involves everything we do in the township and a self-inspection of what we do and how we do it. It involves a checklist against the benchmarks. You have four years to do it because it goes with each election cycle. If this township decides to become a Township of Excellence, we have four years to do it. Even if we did it right away, in four years it expires.

**Chown:** would elected officials fill out timesheets?

**Sanger:** no, elected officials are statutory employees. The deputy clerk and deputy treasurer would be employees.

**Clark:** election workers fall under it.

**Chown:** yes, we looked into that.

**Clark:** also temporary employees, part-time employees.

**Wunsch:** but until they work 90 days, they're exempt. You have to record the time they're not eligible to take it until you've had 90 working days.

**Chown:** luckily we don't have an election this year.

**Wunsch:** if you have a fairly generous sick leave policy, you should be able to massage those things to become ESTA compliant relatively easily.

**Sanger:** Dennis told us at the meeting today that PCL has already addressed this issue.

**Sanders:** it kicked off January 1.

**Milliken:** when does this take effect?

**Sanger:** February 21.

10. Request to name Gourdie-Fraser as temporary permitting agent and signatory for the planning and zoning department

**Sanders:** Gourdie-Fraser, our township engineer of record, will be our permitting authority for land use permits until we have a full-time person on staff. They are charging us \$125 to \$150 an hour depending on the level of review. I want to get this approved by the board so GFA can sign.

**Wunsch:** how did you arrive at Gourdie-Fraser over Beckett & Raeder?

**Sanders:** I approached four. Beckett & Raeder doesn't have time to do it. They will be able to revisit it, maybe as a permanent third party, but not until March. We need signing authority for at least the next two months.

**Wunsch:** are you confident that Gourdie-Fraser has...

**Sanders:** they do. We already have two people assigned to it.

**Chown:** did you hear back from Elise?

**Sanders:** no. We need signing authority today. Elise came in on Friday and met with Jenn and me to get the lay of the land, but she still has to massage her schedule. If you are okay with that, I

would like a motion accepting GFA as our temporary permit signing authority.

**Wunsch:** on a month-to-month basis? It's important to re-evaluate it.

**Sanger:** the work we'll be doing in the HR committee is looking at job descriptions and workflows. That plus the Maner Costerisan report can help us understand, when we have these positions that require a high skill level, what is the best way to address that? We've had substantial turnover in both the zoning administrator and planner job in the last 15 years, five or six people in each. It raises the question, what is best when you need a high skill level? Obviously, we need professional engineers, so we contract that out. Is it best to have our own people on staff for a job that maybe only requires that skill set for a half or a third of the time, or do we contract it?

**Sanders:** the zoning department is not on hold. Dave Sanger today agreed to take on extra responsibilities for the township as the zoning intake administrator. Any applications that come in will go through Dave.

**Sanger:** I've observed that the issuance of land use permits involves a lot of phone calls. "I don't know what to do; where do I start?" If I can help with the front-end work, help package it, and then we send it off, it will save a lot of time and money.

**Chown:** thank you.

**Sanders:** anyone want to move to accept Gourdie-Fraser on a month-to-month basis?

**Wunsch:** is that too short? Do you want a quarter?

**Sanders:** month to month. We don't know if we're going to be looking for a permanent employee or hiring a long-term contract.

**Chown:** I like the idea of month to month.

**Wunsch moved to authorize the supervisor to hire Gourdie-Fraser to serve as the interim land use permit signing authority with a second by Clark.**

**Roll call vote:** yes – Clark, Milliken, Alexander, Wunsch, Sanger, Chown, Sanders **Passed unan**

**Sanger:** the zoning ordinance requires an LUP to be issued by the zoning administrator. Is that going to be an issue?

**Sanders:** no.

**Brief board discussion**

**10. Citizen Comments: none**

**11. Board Comments:**

**Chown:** I need to ask every member of the board to please come sign the new plat for the third addition to the green section at Peninsula Township Cemetery. We passed it tonight in the consent agenda, and now I need to get it registered with the Register of Deeds. Every member of the board has to sign this or it won't be legal. We're selling a lot of green plots. We have much interest. Bob Wilkinson [township sexton] and I have been working on this for a long time, and we're pretty happy about it.

**Sanders:** I was invited to the Northern Michigan Policy Conference by Consumers Energy. I will attend that on January 31. Go online and see what their line-up looks like. If you have any specific questions or comments that you want me to take there and report back on, I'd be happy to.

**Sanger:** do we have another meeting set for January?

**Chown:** January 28.

**Alexander:** I will be absent at that meeting.

**Wunsch:** I think I'll be gone for that one.

**12. Adjournment**

**Chown moved to adjourn with a second by Clark.**

**Motion approved by consensus**

**Adjourned at 9:34 p.m.**