

PENINSULA TOWNSHIP

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AGRICULTURAL ADVISORY COMMITTEE

Regular Meeting Minutes

February 17, 2026

2:00 p.m.

1. **Call to Order** by Kroupa at 2:00 p.m.
2. **Pledge**
3. **Roll Call**

Present: Kroupa, Hemming, Heller, Bramer, Baldyga, Johnson, Gomez, Beard

Absent: Edmonson, Coggon

4. **Brief Citizen Comments (for agenda items only)**

Fred Swaffer, 1045 Gray Rd: Expressed strong support for the proposed small-scale agriculture ordinance, emphasizing its importance to the overall agricultural framework. They cited research indicating that communities with supportive agricultural zoning and land-use policies are more successful at preserving farmland, strengthening farm profitability, reducing land-use conflicts, and encouraging local economic development. The speaker noted that farms between 5 and 39 acres have historically been overlooked under current regulations, which have primarily supported large, commodity-based production agriculture. They highlighted a shift toward vertical integration, allowing smaller farmers to retain more revenue locally rather than relying on intermediaries. Concerns were also raised about an aging farmer population and the need to make farming more accessible and economically viable for new and younger farmers. The speaker stated that including small and mid-sized farms in the ordinance would promote diversification, strengthen the local agricultural economy, and help limit development pressure on farmland.

Heller and Kroupa: Discussion occurred regarding newly introduced short-term rental language. It was explained as an informational concept to potentially add value to farmland, related to the farm stay proposal. Some concern was expressed that the term "short-term rental" was too strong, suggesting it be framed more specifically as farm stays. The language was noted to be adapted from another township's ordinance and not a formal recommendation.

5. **Approve Agenda**

Motion by Gomez to approve as written with a second by Heller.

Motion Passes

6. **Conflict of Interest: none**
7. **Consent Agenda**

A. Approve meeting minutes:

- **Agricultural Advisory Committee Regular Meeting January 20, 2026**

A request was made by Heller to add the names of subcommittee members who generated referenced documents to the minutes for transparency. Staff agreed to include the names in the corrected minutes.

Motion by Gomez to approve consent agenda once names are added with second by Kroupa. Motion Passes

8. **Business:**

A. Planning Commission Updates

Farm signage recommendations and Amendment 201 are scheduled for consideration at the March 5 Planning Commission meeting. The Planning Commission has moved to a first-Thursday monthly meeting schedule, and the Rewrite Subcommittee will meet March 3 and continue meeting on the first Tuesday of each month from 1:00–3:00 PM. Committee input on signage, including permit requirements and setbacks, has been forwarded to the consultant, and a revised draft is anticipated for the March 5 meeting.

Staff are currently evaluating how many parcels may be affected by the proposed Amendment 201 acreage minimums; that analysis is not yet complete. Agritourism, small-acreage, and processing topics remain on hold while higher-priority zoning rewrite items move forward, and Planning Commission discussion of those items is not expected before April. Discussion of acreage minimums focused on the practical limits of new agricultural development. It was noted that reduced acreage thresholds would not result in activity on every eligible parcel due to market conditions, startup costs, and long-term profitability challenges. Members also emphasized the importance of evaluating agricultural impacts in the context of potential residential buildout. Under current zoning, the township may already have capacity for approximately 1,000 additional homes, depending on land division and development scenarios. The previously referenced county estimate did not account for master plan goals or existing zoning constraints, making that level of development unlikely under current policy. The group supported avoiding worst-case scenario planning and instead maintaining a balanced approach that preserves agricultural land while accommodating reasonable residential growth. Strengthening land division standards and supporting active agriculture were identified as primary tools for long-term preservation.

B. Town Board Update

No new agenda items have come before the Town Board since the previous meeting. Work related to lakeshore and dock regulations is ongoing and continues to generate significant public input, which has extended the review timeline.

C. Continued Discussion – Small-Acreage Subcommittee Draft Ordinance

The committee continued its review of the draft ordinance, beginning with building and signage provisions. Members supported using Generally Accepted Agriculture and Management Practices (GAAMPs) definitions without modification and agreed that existing nonconforming structures remain an important resource for farm operations and should not be subject to removal or replacement. Language suggesting that the presence of an existing structure could limit future construction was considered unclear and potentially restrictive and will be revised or removed to preserve operational flexibility.

Review of definitions confirmed that the existing language for farm, farm operation, farm market, and cottage food operation is consistent with state law. Members supported broadening language related to agriculturally related products to reflect modern sales practices that occur through multiple venues. For breweries and distilleries, reliance on Michigan Liquor Control Commission definitions was preferred, and additional local language that could unnecessarily restrict tasting rooms was viewed as redundant given existing state oversight.

The need for a clear definition of “farm operator” was discussed, particularly for situations in which farmland is leased. As noted by Hemming, distinguishing the operator from the property owner reflects current agricultural practice and provides administrative clarity. Leasing was widely recognized as a common and necessary pathway for new and expanding farm operations, and related discussion included long-term farmland preservation strategies that would keep land in active agricultural use.

In reviewing standards for the sale of agricultural products, members expressed concern that limiting sales to items produced on a single parcel would be overly restrictive and could exclude products from leased or affiliated farms. Referencing GAAMPs for value-added products and direct sales was supported as a clear and enforceable approach that aligns with state standards.

Farm market setbacks were discussed, and the GAAMPs standard of 165 feet from non-farm residences was supported. Retail space thresholds were also reviewed. Requiring site plan review when finished retail space exceeds 2% of the parcel was viewed as an appropriate method for evaluating potential impacts such as parking, safety, and utilities. Because this percentage could allow very large structures on large parcels, the possibility of combining the percentage

threshold with a fixed maximum square-foot cap was discussed; planning input will be requested before establishing specific numeric limits.

With respect to activities, signage, and sound, the committee determined that the township's existing noise ordinance provides an adequate enforcement mechanism. Seasonal and after-dark agricultural activities, including fall events and holiday displays, were recognized as typical and not compatible with daylight-only limitations. After considering operational realities and seasonal variations, the committee reached consensus to recommend operating hours of 5:00 AM to 10:00 PM to the Planning Commission. Signage standards will reference the township's existing sign ordinance rather than creating separate requirements.

Small-scale processing was identified as a priority item. Separating processing regulations from the broader ordinance was viewed as the most efficient way to allow small producers to proceed without delay. Addressing parcels under 39 acres independently was considered feasible because this work is not affected by unrelated ordinance litigation. Treating small-scale processing as a use by right—when all ordinance standards are met—was supported, with the understanding that full compliance with building, fire, health, and environmental regulations will still be required. Potential impacts on neighboring properties, including noise, traffic, and odors, were discussed; however, most processing is expected to occur indoors and remain subject to existing regulatory controls. Historical processing operations were cited as an essential component of the township's agricultural economy.

A model farm stay framework based on another township's ordinance was introduced. The approach limits farm stays to agricultural parcels of five acres or more and includes operational standards intended to reduce impacts on neighboring properties while providing supplemental farm income. Further discussion of this matter was deferred.

D. Introduction to Short-Term Rental Language

This item was postponed until the next meeting.

9. Citizen Comments

Fred Swaffer commented that many newer residents are unfamiliar with normal agricultural practices, which can lead to conflicts over activities such as spraying and seasonal processing that must occur within limited timeframes. Increased township-led education and outreach were recommended to improve understanding and long-term support for agriculture.

10. Board Comments

Shoreline regulations remain under Planning Commission review, with a special meeting scheduled and a vote anticipated following extended deliberation. The draft ordinance was described as an effort to create a clear and predictable path for agricultural operations while maintaining fairness for neighboring property owners. Baldyga referenced the Right to Farm Act as the foundation for protecting agricultural activity as residential development expands, while Heller emphasized the need for a balanced approach. Hemming reiterated that continued public education and communication between farm and non-farm communities will be essential to long-term success.

Adjournment

Motion by Kroupa to adjourn, seconded by Baldyga.

Motion Passes

Meeting adjourned at 4:25 p.m.

Old Mission Peninsula is right to be afraid. We're just afraid of the wrong things.

Old Mission Peninsula residents should be afraid. Not in a melodramatic, end-times way, but in the sober way you get afraid when you love something and can see how easily it can be lost.

The alternatives to a viable agricultural peninsula are not romantic. If we fail to preserve the farmer as well as the farmland, the vacuum won't remain empty. It will fill, and quickly, with housing developments, a golf course, a casino, or worse: *the slow drift into a hollowed-out landscape that looks preserved from a distance and functions like nowhere at all.*

The activist instinct that birthed "Protect the Peninsula" came from a real place. It is not wrong to defend a peninsula from speculative development. It is not wrong to worry about quality of life, protection of natural resources and environment, access to water, noise, and the thousand small cuts that turn a bucolic rural community into an expensive sprawling suburb.

But here's the turn we can't ignore: over decades—across boards, supervisors, planners, and election cycles—our governance culture has too often treated *agriculture itself*, especially modern, value-added, vertically integrated agriculture, as the thing that needs to be contained. We have been trained to fear the wrong threats, and in doing so, we are courting the very outcomes we say we want to avoid.

Old Mission should be afraid. We're just afraid of the wrong things.

Peninsula Township learned how to say "no" then forgot how to steward a living economy.

If you want to understand how we got here, you have to start in the late 1970s, when anti-growth sentiment ran high and community organizing became a potent force. The peninsula learned that public hearings could be overwhelmed and that referenda could be deployed as a last resort. Those tools were effective. They stopped real projects. They sent a message that if you push too hard, the community can push back harder.

And for a time, that message felt like preservation.

But a community can't govern by stoppage alone. "No" is not a land-use plan. Over time, restriction and delay became less an emergency brake and more a default operating system. The process became the point. Fighting change became the culture. And eventually the peninsula stopped distinguishing between *speculative development that consumes farmland* and *agricultural evolution that keeps farmland alive.*

This is where the story becomes less about activism and more about governance failure: when a township's processes repeatedly produce uncertainty for working farms and stymie agricultural change, the market will do what the township cannot. It will consolidate land, it will move

investment elsewhere, and it will reward the easiest path to the highest profit. Inevitably, that is the very path we claim to oppose.

The great compromise of farmland preservation only works if the deal is honored.

Old Mission did something visionary when it embraced the purchase of development rights (PDR). The concept was clear and fair: landowners give up housing sites; the land stays private; the farm stays a farm. Early participants used that equity to retire debt, fund retirement, and enable generational transfer. Those are the very mechanics that should keep land in production rather than on the market.

But PDR is not just a funding mechanism. It is a covenant. And covenants depend on trust.

A preservation program collapses the moment farmers believe the rules can change after the sale. What was once a predictable future became a permission-based future, subject to shifting interpretations, political winds, or committee bottlenecks. You can't ask a family to sell development rights to "preserve agriculture," then gradually strip away the economic tools that make agriculture feasible in the modern world.

Preservation without viability is not preservation. It is managed decline.

Why did wine become the recurring battlefield?

As traditional fruit markets evolved and external pressures mounted, local farms diversified and wine grapes grew—along with the basic logic of modern agriculture: *value-added matters*. A farm that grows crops but cannot adapt how it processes, sells, welcomes, educates, and markets those crops will struggle to survive. That's not ideology. That's economics.

And yet, over and over, vertically integrated agriculture was treated as suspect—something to be negotiated, contained, or made so cumbersome that only a certain type of operator could survive it. Each dispute yielded another amendment, another layer, another patch, until the ordinance became a hodgepodge of arbitrary restrictions that no longer reflected a coherent philosophy. It only accumulated the residue of conflict.

For a period, the temperature dropped when the rules were more predictable and some "use by right" pathways existed. They weren't universally embraced—and the push to rewrite them returned quickly once applicants tested the edges—but predictability itself is the oxygen farms need to plan investments, train staff, take on debt, expand production, and compete in real markets.

It's not that Old Mission doesn't have standards. It's that it needs standards that function.

The turning point was when “preservation” started pushing agriculture into a permission culture.

In recent years, we have witnessed the increased drift from predictable standards toward discretionary permission decided by a handful of individuals. We witness more and more of modern farm activity pushed into special approvals, where the primary tools are delay, uncertainty, and exhaustion. We watch a Township require farm operators to give up basic rights and restrict their own potential when that very Township should instead be the structural support a farm community can rely on.

This is not a neutral shift. It doesn't simply “raise the bar.” It changes the entire posture of governance from *clear rules* to *case-by-case judgment*. And, case-by-case judgment is where the process becomes weaponized, whether intentionally or not.

Special approvals are fertile ground for disruption. They invite endless argument, subjective interpretation, and the slow grinding down of applicants who are trying to run businesses, not wage drawn-out procedural wars. They also create an unspoken hierarchy: the well-capitalized can survive delay; the next generation often can't. It advantages those who can absorb delay, which is a cruel standard for the next generation.

If no one can reliably secure approvals for legitimate agricultural evolution, the effect is predictable: innovation stalls, young families leave, and the peninsula's “agricultural future” becomes an artifact rather than an economy.

And when agriculture stops being an economy, the alternative uses show up right on schedule. History shows us that land use always trends towards the highest and most profitable use over time. If we allow no profitable path for agriculture, suburban sprawl will continue to fill that void.

Old Mission Peninsula is not an HOA. Agriculture is not an amenity.

We do not “keep farms” the way we keep ornamental landscaping. A farm is a business, and a farm economy is a living system. A farm must respond to market demand, labor conditions, climate volatility, and changing consumer behavior. If we insist farms remain static, we are not preserving them. We are asking them to fail politely.

The Township Board cannot, in the long run, micromanage every evolving use—every processing upgrade, every seasonal need, every small entrepreneurial step—through discretionary approvals. That governance model is not sustainable. It creates a permanent bottleneck and turns routine farm decisions into community-wide battles.

We cannot educate every resident into the realities of agriculture overnight. But we *can* build an ordinance that assumes agriculture is legitimate, provides clear standards, and restores “use by right” pathways for innovation and growth—especially on land already preserved for agriculture.

What does “afraid of the wrong things” really mean?

Yes. Be afraid of speculative development that consumes farmland.

Be more afraid of a governance culture that makes agriculture so difficult to practice that farmland is eventually *sold out from under us*.

Be afraid of a peninsula that preserves views while losing farmers.

Be afraid of a preservation program that becomes a trap: money is raised to “save” farms, while the rules simultaneously reduce those farms’ ability to remain economically viable.

Be afraid of a future where the only people who can endure the permission process are the ones who don’t actually need agriculture to work as a business.

That is how you get the very outcomes we say we fear: development pressure returns, political fights intensify, and the peninsula becomes a commodity rather than a community.

A viable future requires structural change, not more patchwork.

If we want Old Mission Peninsula to remain a world-class agricultural region, one that is preserved through economic resilience, then we need to stop operating from crisis to crisis and rebuild our framework with adult clarity.

Those serving in township leadership now didn’t author all of this history, but do have authority over what happens next. Choose governance that protects neighbors *and* preserves farm viability. Trade an endless process for clear standards. Honor preservation covenants in practice, not just in slogans. In short: *do what is right for agriculture so the peninsula doesn’t wake up one day ‘protected’ into becoming something else*.

That means:

- **Restore “use by right” environments** for legitimate agricultural activity—especially for small entrepreneurs and next-generation operators.
- Create **clear, objective standards** for larger transforming farms so that growth happens within guardrails, not inside a roulette wheel.
- Draft and adopt a **comprehensive agricultural ordinance** that reflects modern vertically integrated agriculture, rather than treating it as an exception to be contained.
- **Honor PDR covenants** in spirit and in practice: preservation must not become an after-the-fact constriction of viability.

- Use committees and public processes to **increase clarity and transparency**, not to multiply ambiguity.
- Stop governing agriculture as if stability equals stasis. **Stability comes from predictable rules, not from freezing time.**

None of this requires abandoning preservation. It requires practicing it seriously.

The greatest threat to Old Mission is not a farmer building a facility to keep their business alive, it is a peninsula that makes farming impossible then acts shocked when the only viable options left are the ones we vowed to prevent.

Old Mission Peninsula should be afraid. Let's be afraid of the right things, so we can build an adaptable framework that keeps the peninsula workable and worth inheriting.

Master Timeline

This didn't happen overnight, and it isn't the product of any one meeting, election, or personality. We got here the way communities often do: one patch, one amendment, one workaround at a time—each defended as temporary, each adding friction, until the cumulative effect became a system. That's the point of looking at the timeline: not to relitigate every chapter, but to admit the arc has been decades long—and that the people in leadership today have the rare chance to change the ending.

1976–1989: First winery era + anti-growth organizing

- **May 1976** — Ed O'Keefe opens Chateau Grand Traverse, described as the first commercial winery venture in the township.
- **Late 1970s** — Anti-growth sentiment rises; Protect the Peninsula becomes a dominant political force in land-use debates.
- **c. 1978–1982** — “The Bluffs” golf/residential proposal becomes a defining conflict: public processes are disrupted/delayed; project is approved; a referendum succeeds; the project is scrapped and the developer leaves (as characterized).
- **Early–mid 1980s** — PDR concept is adopted by voters; early implementation moves quickly (rights sold; land remains private; no public access implied).

1990–2007: PDR expansion + ordinance layering + growth in wineries

- **1990** — Chateau Chantal receives a SUP containing language described as more restrictive than earlier winery approvals; “winery/chateau” ordinance language accumulates through amendments.
- **1991–1994 (approx.)** — Bowers Harbor Vineyards and Peninsula Cellars open (per timeline).
- **1999** — Farmers advance “Small Winery” **Amendment 128**; a PTP-led referendum campaign launches; farmers mobilize; the referendum passes to repeal 128 (as summarized).
- **c. 2000–2001** — **Amendment 139 (Farm Processing Facility)** is drafted by volunteers and approved quickly (noted as ~8 months), described as restoring workable clarity (“outbreak of peace”). Key elements noted: Use By Right orientation, OMP appellation-only sales restriction, and minimum **40 acres** (20 owned + 20 leased/controlled).
- **2005–2007** — Three wineries start up and receive permits under Amendment 139: Brys Estate Vineyard & Winery, Black Star Farms, Two Lads Winery—bringing total OMP wineries to seven by Oct. 2007 (per draft).

2008–2017: “The treadmill” era begins (rewrite cycles + enforcement + churn)

- **Feb 5, 2008** — WOMP (WOMP) first formally requests a comprehensive ordinance review in a letter from Joan Kroupa to Supervisor Rob Manigold.
- **Feb 19, 2008** — Meeting notes record wineries seeking “performance code” style regulation (impact limits like sound/hours vs. detailed prohibitions).

- **June 20, 2011** — “Winery Ordinance Discussion” meeting agenda with township; wineries press for timeline “NOW!”
- **Sept 15, 2011** — Planner Dan Leonard issues “Winery Ordinance Concepts for Review” (preliminary concepts; proposed classifications as small as 10 acres, event allowances by size/tonnage).
- **2011 Master Plan (noted)** — Winery/chateau activity and selling wine/food products is described as supported as a district goal (per draft).
- **Jan–Feb 2013** — Planning Commission holds multiple meetings examining tier language concepts.
- **Sept 2014** — Planner Michelle Reardon memo addresses “Agricultural Tier Language,” recommending regulating guest activities via impact mitigation and agricultural connection.
- **Jan 22 & Mar 12, 2015** — Subcommittee meetings review draft tier/processing language; major changes made (tiers removed; five categories + roadside stands; “guest activities” discussed under restrictions).
- **June 13 & 23, 2016** — Township hosts agricultural roundtables for master plan input.
- **June 21, 2016** — Attorney Peter Wendling flags confusing “guest activity use” language and suggests compliance fixes (noted as not adopted).
- **Nov 17, 2016** — Township meeting on master plan ag goals/actions; draft notes list a range of commercial uses in A-1, including several allowed only by SUP (golf courses/PUDs/campgrounds, etc.).
- **2008–2017 (summary)** — Successive planners form “rewrite” subcommittees and conduct fact-finding; rewrite attempts repeatedly stall and reset with planner turnover (“treadmill starts again,” as characterized).

2018–2020: One more rewrite attempt → federal suit filed

- **2018–early 2020** — All wineries engage in a new zoning language update effort with a Planning Commission subcommittee and township counsel; collaboration breaks down when restrictive changes are advanced (as described).
- **Apr 3, 2019** — Bonobo Winery receives an enforcement letter from David Sanger regarding an event deemed not allowed based on its “primary use” framing (as quoted in draft).
- **May 30, 2019** — Planning workshop with WOMP and township staff revisits the same core issues (constraints, trends, roles, partnership).
- **May 30, 2019** — Township counsel Gregory Meihn issues memo asserting MLCC does not preempt township zoning on the issues discussed.
- **July 9, 2019** — Attorney Joseph Infante sends letter identifying multiple alleged legal defects (state preemption, Commerce Clause, First Amendment).
- **Aug 23 & Sept 9, 2019** — Meihn correspondence acknowledges multiple issues and urges cooperative action; notes characterize township as continuing enforcement rather than pausing.
- **Dec 18, 2019** — Planning Commission holds a “Winery & Michigan Liquor Commission Regulations Study Session” with draft frameworks and issue lists.
- **Feb 12, 2020** — Working drafts show five winery levels; smallest category proposed at 10 acres (limited production).

- **Sept 21, 2020** — Township publishes a redraft described as largely grammatical but removing additional rights and not curing cited legal defects (per draft).
- **Oct 21, 2020** — WOMP files federal lawsuit against the township after ~12 years of dialogue (as framed).

2021–2022: Mediation, settlement rejection, intervention, and Amendment 201

- **Aug–Sept 2021** — Parties engage in ~25 hours of mediation; mediator announces agreement on Sept 13 (per draft).
- **Oct 6, 2021** — Packed special meeting at St. Joseph Church; township board votes **7–0** to deny the mediated settlement; court later fines the township for attorneys’ fees (per draft).
- **Oct 21, 2021** — U.S. District Judge Paul Maloney denies PTP intervention at that time (per quoted draft order language).
- **Oct 27, 2021** — Township and PTP execute a Joint Defense Agreement shortly after intervention is denied; later court filings include redactions (per draft).
- **June 3, 2022** — Court grants summary judgment: many winery ordinances ruled unconstitutional and/or preempted by state law (per draft).
- **July 27, 2022** — Sixth Circuit allows PTP to intervene; damages trial delayed (per draft).
- **Dec 13, 2022** — Township adopts **Amendment/Ordinance 201** after a citizen advisory process described as PTP-driven; draft notes describe the amendment as more restrictive and moving vertically integrated agriculture into SUP pathways; growers submit an opposition letter signed by farmers representing **4,800+ acres** (per draft).

2023–January 2026: Judgment, escalation, enforcement, second suit, and PDR snapshot

- **Feb 16, 2024** — Judge Maloney order includes statements that the township could have addressed grievances earlier, and comments that Amendment 201 resembles prior provisions in form/substance (as quoted).
- **Jan 31, 2024** — Township sues former attorneys for malpractice (per draft).
- **Oct 14, 2024** — Township creates an Agriculture Advisory Committee comprised of farmers; member interviews described as critical of zoning barriers (per draft).
- **July 2025 (dated in drafts as July 7; amount noted as ~\$49.8M / “\$50M”)** — Federal litigation results in a major damages judgment against the township; township votes to appeal (per draft).
- **Nov 2025** — Township sends cease-and-desist letter to Bonobo, threatening SUP revocation for alleged violations (food service, music, events) (per timeline).
- **Dec 2025** — All 11 wineries file a second federal lawsuit seeking injunctive relief and additional rulings/fees (as summarized).
- **Jan 2026** — Snapshot: no SUP approvals under 201; one PDR transaction completed; ~\$6–\$8M accumulated in a PDR fund overseen by John Wunsch; routine activity on PDR parcels described as subject to delay/interruptions.

Peninsula Township Board, Planning Commission and Ag Advisory Committee,

After watching the 03-24-26 TB meeting I feel the need to respond to the blatantly false and misleading comments made about the AAC, myself, and OMCC.

1) I am not a member of the OMCC. I took the opportunity a month or more ago to part ways. I chose to participate in the Ag Advisory committee and Zoning rewrite committee because that is our system. It is slow frustrating and tedious but is the system and I am willing to try and work within it.

2) For Mr. Wunsch to suggest the fact I am not currently farming questions my participation in the Ag Committee ignores my lifetime of experience and involvement in farming, (I was placed on a tractor 56 years ago at the age of 14). I have as much concern, 235 contiguous acres of ag land, about the future of agriculture on the Peninsula and the Ag community as anyone. I would reinvest in farming if I found a profitable opportunity. My lifetime of experience offers insight into the history and trends in agriculture. Besides fruit, we have witnessed over the years, potatoes, cattle, chickens, fox, mink, hemp and hops. Areas like the Peninsula where parcels are relatively small, mass production of crops exported elsewhere for processing and sales is increasingly less economically viable. That ship has sailed to areas where large plantings are feasible, condensed and viable. Driving up and down the highway between small blocks of cherries with farm equipment is dangerous and very expensive. I raised approximately a million pounds of cherries annually. I sold my 1 harvester that I operated maybe 8 hrs. a day for 3 weeks a year to a downstate farm that runs 5 harvesters 24 hours a day plus asparagus, apples, other crops and owns a trucking company. Economy of scale.

3) The absurd idea that the proposed AAC suggestions for ag zoning came not from farmers but from people interested in liquidating their land as suggested by Mr. Wunsch, (PTP?), is blatantly false. All of the proposed ideas and language came directly and only from members of the committee, other farmers, and individuals with ideas for starting an ag business. It all involved extensive, time

and research into State law, including Michigan Right to Farm and Generally Accepted Management Practices, GAAMPS. Everyone understood it would NOT be final ordinance language and would change as it went through the PC and TB. Mansfield whom Wunsch falsely suggested was the author, was only involved to create a visual illustration, (map), to help understand what a small acreage farm business might look like. I listened to ideas involving fruit, vegetables, cider, lavender, honey, maple syrup, farm stays, baked goods, juice, jams and jellies, pies, wine and more. I personally was thrilled and encouraged by the enthusiasm, and creative ideas put forth by people who genuinely want to participate in the business of agriculture. All of whom have faced repeated and expensive obstacles and denials from this township. IF anything is encouraging land sales it is overly restrictive zoning limiting opportunities in agriculture. I know for a fact it is also directly influencing and limiting willingness to participate in PDR.

4) The boards discussion involving 201 and the idea that it should not be changed was also enlightening. It is now very evident 201 was written, dare I say manipulated, (PTP?), as a defensive move and NOT as an effort to provide guidelines and opportunity for ag landowners. I asked the TB and PC members in attendance at an AAC meeting if we were wasting our time doing anything prior to the lawsuit being settled and I was told by Maura, we, the committee, needed to keep moving forward. The boards discussion on 3/24 suggests otherwise.

5) I also feel the need to address my references to PTP above. Mr. Wunsch may or may not be affiliated with PTP. In my opinion he speaks for them. PTP was very influential in writing, and Mr. Wunsch defends and supports, 201 which is overly restrictive and keeps local Agriculture in the dark ages. He stated that some of the people involved in 141 (?), which he claims caused the legal mess the Township is currently in are trying to go back to the "old way of doing things". 141 and 139 and all other amendments were passed using the same public processes used today and PTP has always been deeply involved. When the AAC discussed reducing minimum acreage requirements the committee received a letter from PTP member John Wunsch stating a reduction in acreage was not needed and unnecessary. I subsequently received a phone call from same Mr. Wunsch suggesting we, (PTP?), may be willing to support returning to the 40 acre

minimum, however, if the AAC desired to reduce it further there would not be support. I thought the Ag Committee was working with the PC and Township Board, NOT PTP!! Also, Wunsch Farms as a PTP member was deposed and had much to say regarding the current lawsuit. The stunning thing was the statement that what they need is cheaper land. First, who in their right mind wants to depreciate the value of their major assets? Or are we talking only other people's land? Second, interesting enough, Ag land values are falling while Mr. Wunsch encourages restrictive ag zoning. As it has been explained to me by an attorney, the Judge allowed the 7 members of PTP to represent only themselves and what effect wineries had on their individual properties. The Town Board and PC represent the other 6000 or so residents of Peninsula Township. Again, I am not an authority, but it seems to me PTP is a much-overrepresented minority here. Did I hear Maura mention "Shadow Govt." during the Board meeting?

6) I believe, despite some people's best efforts, we the Township, can work through this. When this Township passed PDR it made an expensive long term commitment to support Agriculture. If allowed to, agriculture can thrive in this community, and I believe the majority of citizens on the peninsula support agriculture.

7) If the implication is that my perspective is not welcome or that my service should be dismissed, I would suggest that would be a mistake. Experienced, invested volunteers who are willing to put in the time, navigate a difficult process, and contribute—without compensation—are not easily replaced. My intent is to be part of a thoughtful, informed path forward, and I remain committed to doing that work.

JED HEMMING

Title: Pitchforks in the Fields: The Small Grower Reality

Over the past several years, most of the conversation about farming on our peninsula has centered on the back-and-forth between the township and WOMP. There's been no shortage of op-eds, opinions, and social media debate. But in all of that, something important gets missed: farming on Old Mission isn't just wineries, and it's not just large, legacy farms with 100+ acres either.

There are more than 120 farms here growing everything from stone fruit and vegetables to herbs, hops, Christmas trees, and wine grapes. And a significant share of the landscapes we all value are stewarded by small farmers.

Small is the New Backbone of Local Agriculture

I believe that the long-term preservation of farmland on Old Mission Peninsula depends on acknowledging that the future of farming is evolving. Available data and regional trends demonstrate that small-scale, experiential, and direct-to-consumer agricultural operations are increasingly central to agricultural viability. Folks want to know where their food comes, how it's made, and experience those products at the source. Removing unnecessary barriers while creating a clear, proportional pathway for small growers to expand—and for new farmers to choose Old Mission—should be a priority alongside the PDR program in preserving active farmland.

But there's a real conundrum facing small growers, and it helps explain why it can seem like farmers always have their pitchforks out. The township master plan emphasizes preserving rural character and scenic landscapes, and residents consistently say those qualities are why they choose to live here. But in practice, whether by design or just denial of a changing landscape, current agricultural ordinances make it incredibly difficult for small farms to succeed—let alone grow or help preserve additional farmland.

The Overlooked Grower

Last fall, I served on a small grower subcommittee of the Agricultural Advisory Committee. The group included four small growers, a legacy farmer, a winery owner, and a former representative from MDARD. We were tasked with examining the processing needs of what we often refer to as the “small farm gap”—growers operating on roughly 5 to 39 acres who are often overlooked in current policy.

Under current regulations, small growers with fewer than 40 acres are not permitted to process their crops into value-added products, like turning maple sap into syrup or apple cider into vinegar. They can not engage, even on a small scale, in processing activities including: crushing, cooking, fermentation, distillation, storage or aging. This language is found in Amendment 201. If a retail component is added, the minimum acreage requirements increase further. Amendment 201 was a sweeping processing ordinance quickly passed in 2022 in response to the WOMP lawsuit, and much of the language includes activities specific to wineries. But the

impact is felt by all farmers, regardless of crop or size. The real life effect has been farmers who must process off the peninsula at tens of thousands of dollars in added annual expense.

As our work on the subcommittee progressed, it became evident that processing could not be meaningfully addressed in isolation. Small farms operate as *integrated systems*, where growing, processing, and market access are inherently interconnected. In response, the subcommittee took a holistic approach, considering use-by-right provisions, value-added processing, and small-scale agritourism as part of a cohesive framework aimed at supporting small farm viability.

Between September 2025 and January 2026, we met collectively on six occasions, with additional smaller working sessions as needed. We consulted with MSU Extension, reviewed zoning ordinances from other agriculturally focused communities across Michigan, and considered guidance from MDARD. Our recommendations were developed in alignment with the Michigan Right to Farm Act, applicable GAAMPs, and the Michigan Agricultural Processing Act, among other state-supported frameworks. They were intended to modernize and clarify agricultural land-use regulations, and to provide a framework that is clear, legally defensible, and understandable to voters. The proposal focuses on establishing scalable standards that support agricultural vitality *without encouraging unchecked development or sprawl*.

Our recommendations were prepared for the Agricultural Advisory Committee's consideration as an initial framework—not a comprehensive zoning rewrite, but a starting point for a broader discussion around the needs of small growers and producers. To be clear, our work was focused specifically on addressing the small grower gap, not advancing a plan for unrestricted, agritourism-driven growth, which warrants a separate conversation.

That Old Saying About Assumptions

At the Township Board meeting on March 24, 2026, members discussed the subcommittee's work and the effectiveness of the Agricultural Advisory Committee. During that discussion, concerns were raised about the motivations of certain AAC members and their perceived affiliations with outside groups. In doing so, the board characterized the subcommittee's work in a way that suggested it was not independently developed and could be dismissed as influenced or biased. To be clear, this committee was led by small farmers focused on small-scale farming needs. Any external input came from sources such as MSUE, MDARD, and other policy experts. As the subcommittee's lead, I'm not affiliated with PTP or CCOM.

Disagreement over policy is appropriate; however, questioning motives, and subsequently dismissing good work without evidence, is not. Statements of this nature can undermine trust and make it more difficult to engage in productive, good-faith discussions about the future of agriculture in the township. It's interesting to note that from January to March, the AAC carefully considered our recommendations without objection from the township board.

Towards the end of the meeting, a board member posed a fair and important question: "I think it's more important that we understand from people who are actually on the ground operating

farms what the regulatory barriers and limitations are to your economic success in this community.”

That question goes directly to the core of our subcommittee’s work on small-scale farming. We have already done that work. What follows is a clear articulation of those barriers.

- We seek to allow small-scale, on-farm processing of raw agricultural products into value-added goods. For example, a farmer operating on 15 acres should be able to own a modest-sized barn to process tapped maple sap into syrup. Under current township ordinances, this level of vertical integration is not allowed.
- We seek to allow farmers operating on 10 acres to process, ferment, and age vinegar within existing farm structures without restrictions based on generalized concerns about *potential* noise or odor from processing. It should be noted that under state law, farms are permitted to conduct activities such as applying odorous organic sprays with noisy equipment on a weekly basis, yet current township regulations do not allow for the quiet, long-term aging of vinegar in barrels within existing barns.
- We seek a clearly defined set of permissible small-scale marketing and agritourism activities *consistent with state law and GAAMPs*. Where local review is required, a transparent administrative checklist should provide a more predictable and efficient alternative to an arduous and arbitrary SUP process. For example, a GAAMP-compliant lavender producer seeking to offer farm-based activities aligned with state guidance should not face a *year-long* SUP process, that ultimately leads to them selling their farm from delay, uncertainty, and expense.
- We seek processing ordinances that do not bind processing to acreage requirements. Acreage is a poor proxy for *impact*, as it reflects land size rather than how a processing operation actually functions. Impacts are better measured by factors like scale, traffic, hours, and operational intensity, making performance-based standards more accurate and effective than acreage thresholds. A 5-acre farm with a small, low-intensity processing space may generate minimal impact, while a 100-acre farm could operate a much larger, higher-intensity facility with greater off-site effects. Policy experts from MSUE support this position.

Taken together, our recommendations reflect a straightforward reality: if we want to preserve farmland on Old Mission, we have to make it possible for farmers—especially small and emerging growers—to operate, adapt, and grow. That means aligning local ordinances with state law, focusing on actual impacts rather than arbitrary thresholds, and allowing reasonable on-farm processing and agritourism activities that support farm viability. The current framework creates unnecessary barriers that limit opportunity and discourage investment in agriculture. This is not a call to eliminate standards, but to apply them in a way that is clear, fair, and grounded in how farming actually works. If we are serious about protecting rural character and

keeping land in active agriculture, then our policies must actively support the farmers who sustain it.

ENOUGH IS ENOUGH

The undersigned farmers, representing approximately 4,800 acres of farmland on the Old Mission Peninsula, are not supporters of-or represented by Protect the Peninsula aka PTP. We are apple, cherry, grape, hay, vegetable growers, farm stand owners, fruit buyers and processors.

After several fits and starts, the township is poised to adopt an unnecessary, over restrictive processing ordinance. The ordinance is anti-farmer. The farmer has NOT been represented regardless of their claim that there is a citizens agricultural committee. This proposed ordinance does NOT represent what farmers need and want, UNLESS the intent is to grow houses not fruit, vegetables, or other crops. It will not help to keep farmland in active agriculture on Old Mission.

If the Town Board proceeds with this ordinance, strong revisions to the future land use plans need to reflect far more residential zoning with higher density. In other words, houses will grow not cherries, apples, grapes, vegetables, or field crops.

We do not see how the township, in good conscience, can move forward on this proposal given the overwhelming opposition from nearly every farmer in Peninsula Township.

Old Mission Fruit Co., LLC
Old Mission Receiving, LLC
Bern & Cheryl Kroupa
Weatherholt Farms
Warren Orchards
Wendy Warren
Old Mission Maple, LLC
Jeremiah & Tanya Warren
Edmondson Orchards
Agrivine, Inc.
Ben & Jen Bramer
Raymond Fouch Orchards
Montaña Rusa Farms
Robert & Kris Mampe
Daniel Fouch Orchards
Gore Ridge Orchards, Inc.
Leonard & Eddie Ligon
Marc & Deborah Santucci
Montague Estate Vineyard
Marie & Jay Hooper
Lou Santucci
Irene Van Harten
Family Orchards LLC
Walter Knysz

Island View Orchards
John Lyon
Mary Lyon
Croft, LLC
Villa Mari, LLC
Mapleton Farms, LLC
Ursa Farms, LLC
Martin Lagina
Olivia Lagina
KLM Farms, LLC
Two Lads, LLC
Chris & Angie Baldyga
Hemming's Way Fruit Company
Jed & Dawn Hemming
Alice & John Burbank
Island View Vineyard
Werner & Margrit Kuehnis
Edson Pontes
Ochs Orchards, LLC
O'Brien Vineyards
Barry O'Brien
Mark Ladley
Garry Mannor

Holman Orchards
Tim & Laurie Holman
Cherry Ridge
Jack & Georgia Holman
Cory Holman's Pumpkin Patch
Cory & Elise Holman
Bonobo Winery
Carter & Amy Oosterhouse
Oosterhouse Vineyards
Todd & Caroline Oosterhouse
DSO Industries
Jeff & Regan Goodman
Hooper's Farm Garden
Bruce & Terry Hooper
Devils Dive Vineyard
Jeff Miller & Molly Stretten
Coldwater Farms
Justan Helton
Chateau Chantal
Lone Silo Vineyard
Larry & Sandy Tiefenbach
Old Mission Creek, LLC
Eric Brown
Tim Quinn & Michelle Keith
Cimmaron Farms
Randy & Linda Williamson
Gifford Way Orchards
Jim & Fran Krupka
MacDonald Vineyard
Bill & Margaret MacDonald
Dale & Lynne Boersema
Twin Maples Farm
Fred Dohm
Stonewall Vineyard
John DiLorenzo
Kroupa's Cherries & A View
George Shambaugh
Brys Winery, LLC
Walter & Eileen Brys
Patrick Brys & Erick Outcalt
Brys Secret Garden, LLC
Azmi & Kathryn Elmasri
Mike McMaster

Bowers Harbor Vineyards
Spencer & Erica Stegenga
Linda Stegenga
Stonehouse Vineyard
Bob & Jill Urtel
Ten Hands Vineyard
Tom and Claudine Petzold
Nicholas Farm & Vineyards, LLC
Chateau Grand Traverse, Ltd.
Old Mission Vineyards, LLC
Eddie & Allison O'Keefe
Sean O'Keefe
Hawthorne Vineyards
Bruce & Cathleen Hawthorne
Jeff Manigold
McKinley Hill Estate
RJF Sports, LLC
Robert & Sherri Fenton
Kroupa Farms, LLC
John & Sarah Kroupa
Leorie Vineyards
Black Star Farms Old Mission
Tabone Vineyards, LLC
Mario A. Tabone
Tabone Orchards
Mario & Mary Ann Tabone
Bluff View Farms
Bruce Anderson
Misfits Vineyards
Luke & Faye Pickelman
Seventh Hill Farm, LLC
Tom & Linda Scheuerman
Cristin & Brian Hosmer

In support of their growers, Peterson
Farms, Inc.-largest processors of cherries &
apples in MI

And many friends...

MEMORANDUM

To: AAC Members

From: Sara Kopriva

Date: 4/16/26

Subject: Seasonal Sign Size Discussion

The Planning Commission has been reviewing the sign section of the ordinance and considering the AAC's suggestions.

During this review, the Planning Commission discussed the proposed maximum size of 20 square feet for seasonal signs and expressed concerns regarding this limitation. The PC has requested that the AAC provide additional context or justification for the proposed size.

Additionally, the Planning Commission has been considering an alternative approach to seasonal sign regulations: a maximum of 20 square feet for total seasonal signage, with no individual sign exceeding 12 square feet.

A draft of the sign amendment will be provided to the AAC for review and comment prior to the upcoming meeting.

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Regular Meeting

March 24, 2026, 3:00 p.m.

Township Hall

Minutes

1. **Call to Order** by Sanders at 3:00 p.m.

2. **Pledge**

3. **Roll Call**

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

Absent excused: Milliken

4. **Governmental Updates:** none

5. **Conflict of Interest:** none

6. **Consent Agenda:**

A. Invoices

B. Minutes from March 10, 2026, Township Board Regular Meeting

C. Old Mission Women's Club Annual Barn Sale Signage Request

D. Article – "Peninsula Township Fights \$50M Winery Ruling with Appeal"

E. Article – "Michigan Tourist Town That Turned into Weed City, USA Pushes Back on Pot"

F. Correspondence

1. Alex Lagina

2. Brad Niergarth/Maura Sanders

Chown has additional letters that will be included in the minutes.

Alexander moved to approve the consent agenda with a second by Sanger.

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

Passed unan

7. **Approve Agenda**

Chown moved to approve agenda as presented with a second by Alexander.

Motion passed

by consensus

8. **Brief Citizen Comments (for agenda items only):**

Sally Erickson, 2228 Kaukauna Court: I am the builder and developer of Port of Old Mission. I know you are going to introduce the shoreline regulations this year. Thank you for decades of attention to this matter. Our biggest issue still will be dealing with enforcement. We've been working together for decades. It's a big burden, that's the void. Enforcement was the problem that got us to where we are today. We are a real-world example of increased density lowering the value of property adjacent to shared frontage properties. Our property is also a shared frontage property. However, we've abided by the three boats that we are allowed and people who wanted to use our property wanted a quieter use, and we have not had the interest in our shared frontage because of the overuse of the

property adjacent to us. If you increase to the triple, you're going to not just doubling but tripling the density on those properties. The properties adjacent to those, whether they're single family residential or shared frontage like us, their values are lowered. They're given a little bit of bait because they're given three boats for their usage, but they're given less usage than a shared frontage usage, so it's still not fair to the single family residential. As a developer, I should be jumping up and down and saying, "Yay, you just made my property more valuable. You gave me more boats." As a steward of the land and of the lake, that's not my position. We have an amazing shoreline. Michigan has one of the greatest shorelines in the entire world. We have one of the largest shorelines in the country. You, stewards of our shoreline, have one of the greatest pieces of shoreline on the Great Lakes. It's a huge responsibility, and I appreciate your dedication. I look forward to clean, clear rules that can be enforced, and I look forward to having people that can support Dave [Sanger] and his role so that whatever is decided can be enforced. Thank you.

9. Business:

1. Second Public Hearing on Proposed Fire Fund Millage Rate for Fiscal Year 2026-2027 (Sanders)
Sanders opened the public hearing at 3:05 p.m.

Pierre Ingold, 1151 Londolyn Terrace: it's just operation funding, not new equipment or new anything, right?

Sanders: operational funding would include any new equipment.

Ingold: yes, but it's not the new fire house?

Chief Gilstorff: it encompasses all the operations for the fire department. A payment for the new facility is rolled in.

Ingold: that's all I needed.

Sanders closed the public hearing at 3:08 p.m.

2. Updated General Fund and Special Funds Budget for Fiscal Year 2026-2027 (Sanders)

Sanders reviewed the increase for the planning, zoning and assessing administrator, who received a slightly higher increase than the standardized three percent increase.

Legal costs are budgeted at \$434,600 for the general fund departments. The majority are winery-related legal costs. \$89,028 to cover legal costs for specialty funds.

The general fund encompasses the town board, supervisor, clerk, board of review, treasurer, assessing office, general office, elections, buildings and grounds, planning and zoning, zoning board of appeals, and agricultural advisory committee.

Specialty funds include roads, fire, police, parks, cemetery, Hessler Log Home, Pelizzari Natural Area, Dougherty House, replica log church, building, cable counsel, Purchase of Development Rights, tower, lighthouse, lighthouse gift shop, sewer, water, and compactor station.

Board discussed balancing some of the special funds and some changes in the numbers compared to previous years with options for balancing the budget as efficiently as possible without compromising the integrity of operations.

Eight thousand was formerly committed to the non-motorized plan. The board decided to take four thousand from the tower fund and four thousand from cable fund.

The board agreed to limit the appropriations from cable and tower to \$250,000 versus \$500,000 to general fund.

The total real property assessed value for 2026 in the township is \$2,081,512,400. Market value is more than 4 billion. Tentative taxable value for real property is \$1,186,474,397. The significant leap over the last five years is from new construction and uncapped taxes from property sales.

Board reviewed the police fund. Its healthy balance would allow for a third officer and/or increased night coverage in summer. The state police have increased their presence on the peninsula as well.

3. Adoption of Fire Department Fund Rate, Police Department Fund Rate, General Fund and Special Fund Budgets, and Fiscal Year 2026-2027 Calendar via the Appropriate Resolutions (Sanders)

Chown moved to approve Resolution 2026-03-24 #1 to adopt the general fund budget for fiscal year 2026-2027 at the department level and to appropriate spending the budgeted money with a second by Clark.

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

Chown moved to approve Resolution 2026-03-24 #2 to adopt the fire department fund budget for fiscal year 2026-2027 at the department level and to appropriate spending the budgeted money with a second by Sanger.

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

Chown moved to approve Resolution 2026-03-24 #3 to set the 2026-2027 millage rate for the fire department fund at 3 mills with a second by Sanders.

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

Chown moved to approve Resolution 2026-03-24 #4 to adopt the police department fund budget for next fiscal year at the department level and to appropriate spending the budgeted money with a second by Clark.

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

Chown moved to approve Resolution 2026-03-24 #5 to adopt the special funds budget for the next fiscal year at the department level and to appropriate spending the budgeted money.

Clark: need to include “as amended” for general and special funds.

Chown moved to approve Resolution 2026-03-24 #5 as amended in our conversation today to adopt the special funds budget for the next fiscal year at the department level and to appropriate spending the budgeted money with a second by Clark.

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

Chown moved to amend her motion for Resolution 2026-03-24 #1 to adopt the amended general fund budget as discussed today for fiscal year 2026-2027 at the department level and to appropriate spending the budgeted money with a second by Sanders.

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

Chown moved to approve Resolution 2026-03-24 #6 to adopt the fiscal year 2026-2027 meeting calendar as amended with a second by Clark.

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

Chown moved to approve Resolution 2026-03-24 #7 authorizing the clerk and treasurer to pay recurring bills to avoid late charges and/or finance charges and authorizing the supervisor to make budget adjustments and authorize bills up to \$10,000 if necessary with a second by Sanders.

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

Chown moved to approve Resolution 2026-03-24 #8 authorizing the treasurer to utilize financial institutions of her choice as provided by law with a second by Sanders.

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

Chown moved to approve Resolution 2026-03-24 #9 authorizing the treasurer's office to access online banking through Independent Bank, State Savings Bank, and Michigan CLASS with a second by Sanders.

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

Chown moved to approve Resolution 2026-03-24 #10 authorizing the township supervisor to receive a three percent cost of living adjustment to \$70,271 annually with a second by Clark.

Roll call vote: yes – Chown, Clark, Alexander, Wunsch, Sanger; Sanders abstained **Passed by majority**

Sanders moved to approve Resolution 2026-03-24 #11 authorizing the township clerk to receive a three percent cost of living adjustment to \$73,797 annually with a second by Clark.

Roll call vote: yes – Sanders, Clark, Alexander, Wunsch, Sanger; Chown abstained **Passed by majority**

Chown moved to approve Resolution 2026-03-24 #12 authorizing the township treasurer to receive a three percent cost of living adjustment to \$70,271 annually with a second by Alexander.

Roll call vote: yes – Alexander, Wunsch, Sanger, Chown, Sanders; Clark abstained **Passed by majority**

Chown moved to approve Resolution 2026-03-24 #13 authorizing the township trustees to receive a three percent cost of living adjustment to \$8,111.25 annually with a second by Clark.

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

4. Introduction to Shoreline Amendment (Sanders)

Sanders: planning commission [PC] recommended moving shoreline amendment #206 to the town board. Next step would be a public hearing if the board wishes.

Sanger: reviewed the decision to increase the number of allowed hoists from one on 50 feet of waterfront to three. An informal survey found three on 50 puts most of the shared waterfront in compliance. Discussed possibility of utilizing sheriff's department in zoning code enforcement.

Chown: thanked the PC for the immense work behind this amendment. Requested more information on the change from a 15-foot to 30-foot setback. Noted that this is an issue for some parcels.

Clark: administrative waiver can be used.

Sanders: get this to the next public hearing.

Sanger: people will want to know by May 1 if they can put in a hoist.

Sanger moved to schedule the public hearing for the proposed ordinance at the next regular meeting, April 14, with a second by Wunsch.

Wunsch: it would helpful if, ahead of the public hearing, we have the people involved explain how the ordinance was developed.

Sanger: requested a summary of what led to the ordinance update.

Alexander: I was on the committee and PC. Use is more intense on shared waterfront. With concerns about safety, a 30-foot setback felt warranted. The administrative process option is to allow specific cases to be addressed if needed.

Sanders: legal counsel will be present for the public hearing.

Motion passed by consensus

Board discussed scheduling a second meeting in April with a tentative date of April 28 at 6 p.m.

5. Planning and Zoning Update and Discussion (Sanders)

Sanders: requested the memo in the packet summarizing PC updates, including the subcommittees of the PC. Specifically, the agricultural advisory committee [AAC] has given recommendations to the PC that are being worked through. A subcommittee of the AAC working on small farm processing

brought an agricultural zoning draft rewrite. Board may want to help give direction for where they should focus attention. Sara, our planner, requested the board review the flow chart.

Wunsch: is concerned about having a majority of members of the AAC not in active farming and that the zoning rewrite that's been brought forward is not in line with the master plan.

Board reviewed the flow chart of recommendations to ensure efficiency and reduce time spent on work that is not in line with the master plan. Agreed the AAC will report to the PC before coming to the township board. Discussed the importance of having a full-time planner and the exorbitant financial and time commitment a zoning rewrite requires. Amendment 201 was approved by Judge Maloney and is not a priority for rewrite. Board consensus that no Amendment 201 rewrite will be considered until the WOMP lawsuit is resolved.

6. Updated Proposal for Facilitation of Non-motorized Community Planning Community Engagement Session (Sanders)

Chown: reviewed the recommendation to hire Elise Loud to facilitate the April 28 community engagement session. Explained that the cost is covered in the existing budget obtained from grants for this project.

Chown moved to approve the contract with Elise Loud to help coordinate and facilitate the upcoming community engagement session with a second by Sanders.

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

Passed unan

9. **Citizen Comments:**

Pierre Ingold, 1151 Londolyn Terrace: isn't the day you chose for the second shoreline meeting the day of the non-motorized meeting?

Chown thanked Ingold. The board rescheduled the meeting in April to April 23 at 6 p.m.

Randy Hall, 2610 Twin Eagles Drive: to Isaiah's [Wunsch] point about working farmers on the peninsula, you would like to hear from the farming community, not just owners of farms but people who are engaged in farming and what they need. You want to hear what the specific problems are. In my law practice, I've had occasion to represent owners of ag property who have received the current form of proposed conservation easement under the PDR program. Representing property owners, the form is overly restrictive. That's my opinion, but I think it relates to what Isaiah is saying. We need to understand, for purposes of amending our zoning ordinance and also for administering the PDR program, what do our working farms need to be successful? It's an easy question to ask but not so easy to answer. It involves current needs but also thinking about flexibility for the future.

Second, there was a comment made earlier about the policy background regarding the number of permitted hoists. I disagree with the characterization of it. I was the chairman of the PC starting around January of 2024. We formed a shoreline study group that was actively attended. Thank you, Becky [Chown], for your comments recognizing the work put in by members of the PC and the shoreline study group. It was a long, difficult process. It is controversial. There were a number of issues we compromised on. To the point about the hoists, I want to remind how we divided the process. When Jenn [Cram, a former township planner] was here, we had a board and posted yellow notes about things we wanted to be relevant to the shoreline discussion. [Sanders gave one-minute warning] The hoist ratio was not arbitrary, and it was not based on shared waterfront projects. We divided the project into single ownership, shared waterfront, and the third, which we deferred, was the development of shoreline property.

We recognized that personal watercraft ownership has developed since 1972. People own more personal watercrafts now than 50 years ago. That's where the three hoists came from. Is it a magic number? No, it could have been two. It could have been four. It was noted when we got to the shared waterfront that by selecting three hoists, it did bring a lot of the shared waterfront projects into compliance. That was noted as a policy benefit. It wasn't, in my opinion, the genesis.

My last comment relates to the board's next meeting. I understand the concern that this is a complex zoning ordinance amendment. Many policy discussions underlie this. Having legal counsel present is the best way to deal with it. Legal counsel was present, not in the shoreline study group, but for most of the PC meetings. They're going to be the best source of the policy concerns. I'd be happy to be there, but I can't speak on behalf of the PC. I think Sarah [the new planner] is another source of information about the legislative history. I don't know if she has time to put together the summary you'd like. I imagine that document would take time to produce. Thank you.

Sally Erickson, 2228 Kaukauna Court: I absolutely acknowledge all the hard work that was done. I did serve on the committee for the study group until it shifted into the daytime when I needed to work. Unfortunately, I couldn't attend those meetings. I do think this is a big issue. What I would like to acknowledge is that, for the year, we are under the current rules and regulations, and those are the rules and regulations that need to be enforced as we roll into the boating season. That's not comfortable, but it's the truth. Those rules are centered docks and setbacks. Being cognizant of letting families use beaches is a good thing. We're upping the frontage to a higher frontage so that your pocket parks are going to be less. For example, we can have 21 families. The Hidden Ridge development, which is right next door, has enough frontage for all their families. That's a wonderful thing. Our issue has been with the overuse of boats and safety. I do think that non-motorized users of the beach should receive equal respect to boating users. I love boating. It's one of the coolest things we do on our lakes. It's not my issue. Swimming, paddle boats, kayaks, sailboats, little people, those are my issues. Thank you.

10. Board Comments:

Sanger: requested an ARPA fund explanation as an agenda item for next meeting. Police fund is expiring. Do we put it on the 2026 ballot?

Clark: police expired last year. We are done collecting it.

Discussion on the specific language in the police millage, the years the millage was collected and expired, and the resolution passed by the board to spend the ARPA funds on payroll, then take the same amount of money and set it aside for the Kelley Park boat launch project.

Wunsch: Members of the public who've been questioning us about the ARPA funds came to that meeting and accused us of fraud for doing what the federal government required. We would have had to return the funds if we hadn't done that. The federal government made a decision that we were allowed to spend the money on current operating, and because we're good stewards of our funds and didn't want to waste the money on operations, we set it aside to be spent on Kelley Park. Mr. Fred Swaffer stood up at that meeting and accused us of fraud after we made the decision.

Chown: the federal government had set this money aside for covid relief, and it didn't want to claw it back. It gave municipalities an out. Marge [Acorn, previous township treasurer] did a ton of research. She determined that she could take the money and use it for payroll, but then we set the corresponding sum aside. The money's been spent.

Sanger: the question has been raised by a resident; he's a CPA. I talked to Marge. She couldn't

remember.

Clark: why didn't you tell him to call me? I am the active treasurer in the office with the ARPA file. I did all of the reporting. Why not me?

Sanders: Marge is retired. Those questions should be directed to Katie [Clark].

Sanger: I'll ask Katie to supply that information to me. Many of us ran on transparency.

Clark: we are one hundred percent transparent all the time.

Wunsch: we talked about it at a public meeting.

Clark: it was a resolution.

Wunsch: I appreciate the concern that has been expressed to us. We made that decision publicly. We explained the mechanics, the legality of the decision that we were making.

Chown: unanimously, we all voted for it.

Sanger: a respectable CPA has come forward and said, "Be sure you did it right because at the end of this year, if you haven't spent it, you lose it."

Chown: the money has been spent.

Sander: we've been going since 1:30. Thank you board. We have gotten a lot accomplished today.

11. Adjournment

Clark moved to adjourn at 5:03 p.m. with a second by Alexander.

Passed by consensus

Becky Chown

From: Kip Nickel <nickel.kip@gmail.com>
Sent: Monday, March 23, 2026 12:15 PM
To: Maura Sanders; Becky Chown
Cc: Planner
Subject: Resident Input for the March 24th Twsp Board Meeting

First, I would like to acknowledge the Planning Commission's efforts in updating shoreline regulations and appreciate the inclusion of resident input throughout the process. The complexity of this undertaking is well recognized by those who have participated, me included, as I have attended most meetings of the Shoreline Regulation Study Group and relevant Planning Commission sessions over the past two plus years. During this period, I had the opportunity to provide input intended to enhance shoreline regulations for all stakeholders, but particularly for all waterfront property owners to maintain their quality of life on the Peninsula. The results generally reflect a positive advancement for the Peninsula community.

I am concerned about the recently proposed 30-foot setbacks proposed by the Planning Commission which apply only to shared waterfront properties. Throughout the last two years of discussions surrounding shoreline ordinance amendments, the standard setback in the water has consistently remained at 15 feet, a practice maintained for over five decades. This standard ensures a total 30-foot buffer between neighboring properties, supporting adequate space for swimming, navigation, and overall safety.

The introduction of a 30-foot requirement exclusively for shared waterfront neighborhoods was unexpected but I believe may have been driven by the persistent advocacy of two East Bay residents in support of their unique situation. I understand their concerns and that they have advocated for this change to help resolve their dispute with the Hidden Ridge HOA shared waterfront. Although this modification may in some way support resolution of this unique dispute, it will impose unnecessary burdens on many others who have long managed their waterfronts harmoniously. Given the unique characteristics of different shoreline areas, a tailored or mediated approach in this instance of peculiar shoreline and lake bottom conditions is required in place of broad changes that negatively affect many others that do not experience these issues. Based on this, I ask that the Township Board remove this change to 30 ft setbacks exclusively for shared waterfront properties and reinstate the long standing 15 ft setbacks for all waterfront neighborhoods. ✓

I appreciate the time the Township and the many residents that have supplied their time and expertise have invested in the matter. We all look forward to a continued positive quality of life on the Peninsula. Thank you for your consideration of this request for continued 15 ft setbacks to help us bring the shoreline regulation work to a positive conclusion.

Regards,
Kip Nickel
1015 Quaker Valley Drive, TC
231-735-3586

Becky Chown

From: Adam Covington <acovington0827@gmail.com>
Sent: Monday, March 23, 2026 10:31 PM
To: Maura Sanders; Becky Chown; Planner
Subject: Shared Waterfront Setback

Good Evening Peninsula Township,

I hope that this is not too late to be part of the packet for the 3/24/26 Peninsula Township Board meeting.

I recently saw that change in the draft of the Shoreline Regulation Ordinance. First of all, thank you for your service to our community. I have served as Chair of a Downtown Development Authority in a community in the State of Michigan and I understand the challenges of trying to accommodate the majority of a community. The ability to be able to listen and understand and put policy in place for the greater good while not being drowned out by the loudest, most frequent voices is a challenge and I commend you for your efforts.

I have reviewed the draft and would like it to be recognized that I DO NOT support the current language that is in the draft. I can appreciate the efforts made to attempt to accommodate the majority of residents, however I believe this draft represents the loudest residents, not necessarily the majority.

Specifically, I am opposed to the language around the 30 ft set back for shared waterfront owners. I was surprised to see this change made in the final draft as it was not part of the dialogue and recommendation of the shoreline regulation sub committee. I have attempted to follow along with the updates, but it appears I may have missed this dialogue and the reason for this change. The setback in the water has consistently remained at 15 feet as long as I have been associated with Peninsula Township. This standard ensures a total 30-foot buffer between neighboring properties, supporting adequate space for swimming, navigation, and overall safety. As an avid boater and swimmer for forty plus years, I understand the importance of safety while also safely respecting your neighbors. The 15 foot setback accomplishes this, there is no good cause to change this.

A 30 foot set back in the water will cause shared waterfront owners to have to reconfigure docks in a way that will become more dangerous in order to accomplish the 30ft. The idea to limit swimming and boating areas just for shared waterfront owners, seems to be targeted and not in good spirit of equal and fair use of our waterways and shoreline. I respectfully ask that the Township Board remove this change of 30 ft setbacks for shared waterfront properties and change it to 15 ft setbacks for all waterfront neighborhoods and single owners.

I have heard rumors that the 30ft set back was established to accomodate 1-2 neighborhoods that have very irregular shoreline that causes a lot of consternation regarding setback and number of boats and hoists. (And, they seem like they may be the loudest voice). I respect their opinion. However, I respectfully ask the Commision to really look at the Peninsula as a whole and ALL Neighborhood Associations and have a consistent set back of 15 ft for ALL types of waterfront ownership.

I appreciate the time the planning commision and so many residents that have supplied their time and expertise have invested in the matter. Thank you for your time! In the spirit of safety, while balancing the

quality of life, I hope you update the draft ordinance to be 15 ft set back for ALL waterfront owners and not a different set back for shared waterfront owners.

Regards,

Adam, Katy, Sophie (15) Henry (13) Covington
13372 Hedeem

Becky Chown

From: Maura Sanders
Sent: Tuesday, March 24, 2026 9:14 AM
To: Becky Chown
Subject: Fw: 3-34-26 meeting; 30' dock setbacks

Becky,

This can be included in the meeting minutes as it was received too late for the packet.

All Trustees are Bcc for awareness.

Maura Sanders 🍒

Peninsula Township Supervisor

13235 Center Road

Traverse City MI 49686

phone - 231-223-7323

fax - 231-223-7117

supervisor@peninsulatownship.com

Office Hours: Mondays 7:30 am to 6:30 pm, Tuesdays – Thursdays 7:30 am to 5 pm and closed Friday – Sunday and Holidays.

From: Peter Dee <deepeterc@gmail.com>
Sent: Tuesday, March 24, 2026 9:07 AM
To: Maura Sanders <supervisor@peninsulatownship.com>; Planner <planner@peninsulatownship.com>
Subject: 3-34-26 meeting; 30' dock setbacks

Dear Members of the Peninsula Township Board,

I write to second the concerns raised by Marc Gall in his letter to the Board to be considered in the 3-24-26 meeting packet. I have pasted his letter below.

30' setbacks for docks will pose a major issue for many associations who have peacefully and safely maintained their 15' setbacks for many years. Unnecessary litigation over the township's authority to regulate this issue would likely ensue.

Best regards,
Peter Dee

Adopting Marc Gall's letter:

I am writing to share my thoughts regarding Ordinance #206 – Shoreline Regulations.

First, I would like to express my support for the majority of the proposed revisions. I appreciate the Planning Commission's hard work on this matter and commend them for taking action based on resident input. It is clear that a great deal of time and consideration has gone into developing these updates.

However, I do have a concern regarding the proposed water-side 30-foot setbacks for Shared Waterfront docks.

For the past two-plus years during which this shoreline ordinance has been discussed, setbacks in the water have consistently been presented as 15 feet. This standard provides a reasonable 30-foot buffer between neighboring docks, which offers ample space for swimming, navigation, and safety.

The newly proposed requirement of 30-foot setbacks would effectively create a 60-foot separation between neighboring docks. This represents a significant change from prior discussions and expectations. What is particularly concerning is that this increased setback appears to apply only to Shared Waterfront property owners, while non-shared waterfront owners would continue to be subject to a 15-foot setback.

While I agree that a 30-foot setback at the shoreline may promote safety, the same standard does not translate well into the water. Most dock configurations are T-shaped, and applying a full 30-foot water-side setback significantly limits the practical and functional use of those docks. In many cases, a 15-foot setback in the water has proven to be an effective way for Shared Waterfront owners to maintain safe, usable, and properly configured dock systems. If concerns have arisen in specific situations, those should be addressed individually rather than applying a broad, more restrictive requirement to all properties.

Additionally, this proposed change may unintentionally create hardship for many existing property owners by rendering current dock configurations nonconforming. It could also lead to inefficient use of waterfront space without a clear safety benefit.

In my opinion, this creates an uneven and unnecessary burden on Shared Waterfront owners.

I respectfully ask the Board to reconsider this portion of the ordinance and retain the 15-foot water-side setback for all properties, including Shared Waterfront. This standard has provided a balance of safety, fairness, and reasonable use for many years while still preserving the intent of shoreline protections.

Thank you for your time and consideration.

Sincerely,
Peter Dee
2332 Harbor Reach Dr
Traverse City, MI 49686

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Agricultural Advisory Committee Meeting

August 19, 2025, 2:00 p.m.

Township Hall

Minutes

1. **Call to Order** by Kroupa at 2:00

2. **Pledge**

3. **Roll Call**

Present: Edmondson, Heller, Hemming, Kroupa, Hafeli, Gomez, Baldyga, Coggan.

Excused Absent: Bramer

Alternate Baldyga sub for Bramer

4. **Brief Citizen Comments (for agenda items only):**

Don Coe, 211 Midtown Drive, Travers City: I was an MDARD Commissioner charged with annual approval of the farm market GAMPs, involved in the 2007 Agritourism Commission Advisory report. Served on Travel Michigan committees, local economic development boards, MSU Extension councils, and was one of the co founders of Black Star farms, an agricultural destination in Bingham Township with a winery in Old Mission Peninsula [OMP]. I have no existing conflict of interest in an agritourism business at this time or as an OMP residence. I am on the planning committee for a statewide agritourism summit. The next summit will be in Traverse City in May 2026. Inviting you to participate on that planning committee.

Thanks for the work you are doing. You must find a balance between various opinions and rights employed by residents and businesses. There is a lot of best practice out there, as well as what you had in the 201 ordinance. An opportunity to learn from peers in other townships. Much improvement is shown in the definition sections of 201, but excessive regulation is still an issue. I recommend you look at Long Lake and Bingham townships who have enacted winery event and agritourism ordinances that work. In 2005 the governor established Michigan Agricultural Tourism Advisory Commission. The late Walter Brys, owner of Brys Estate, was on that commission. The commission issued their report in 2007, the Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provisions. This 18-year-old report still serves as a baseline for township zoning and a good place to start with your deliberations. Further information is readily available by simply googling Michigan agritourism and scrolling down through the various articles. The past is prelude. Your 2024 master plan states that agriculture and tourism had been linked for more than 100 years. Quote, "Agriculture and tourism had become big businesses by the late 19th century." Those who would treat agritourism as something foreign to resist, have it backwards. The pressure on farmland for residential growth obviously became the factor of change. Your 2011 master plan noted that residents had increased from 1,000 in 1930, to around 5,600. 6,000 today. You also recognize the transition of significant agricultural land from orchards to vineyards. Availability of farmland does not

translate directly to farmer viability. Farmland may serve one generation, but if the next generation cannot make a living on that land, you're back to fallow fields and view sheds. Farming is a business, not view sheds. It does enhance the value of housing for residents close to vineyards and orchards. However, like any business, farmers must sell their produce, and that requires customers. Cherry farmers, customers can primarily be off farm processors. The winery side, distilling or brewing, however, is a destination commercial agricultural business. They are fully integrated, growing process in retailing and holding events to attract customers to their farm to sell directly. If you treat them as if they are limited retail and wholesale businesses, you ignore the fact that there are over 10,000 wineries in the US, and 200 of those wineries sell 90 percent of the wine consumed. Each small winery here must distinguish itself to capture customers. That requires a wide variety of customer offerings. If you are concerned about local support, go to the 50 percent rule. Hence the absolute dependence on agritourism to bring customers, to introduce products, to create brand champions, to compete locally and nationally, and to grow profitability. You will be making recommendations that govern Use by Right and Special Uses in agricultural districts. Please call for agriculture and tourism to both thrive. If zoning does not allow farmers to thrive, farms and significant tourism will decline on OMP. You may have saved farmland but not the farmers. Thank you.

Curt Petersen, 1356 Buchan Drive: in the packet, under definitions, Farm Stay is listed as an activity. Also in the packet is a compilation of various zoning rules in our present ordinance that may be affected by agritourism. "Overnight Stays" is missing from your compilation in the packet. There are issues, both current and future, that relate to the zoning code with respect to overnight stays. Last week, the zoning rewrite committee approved the McKenna consultants wording that STR's [short term rental], in non-owner occupied dwellings would be illegal in all zones, including agriculture. It's going to be on the planning commission's [PC] meeting, the first week in September. They're going to be discussing this recommendation from last week's zoning rewrite committee. Presently, STR is allowed in agriculture, for passage of the clarifying amendment 182 which was passed in 2009, that disallowed STR in residential zones. It was clear at that time it did not include the agricultural zone, according to then planner Gordon Hayward. I quote from the meeting minutes in 2009 from Hayward, "This will apply to residential zones only." So, the 182 amendment is a restriction on short term rental in residential zones. But according to Hayward, it did not apply to agriculture. That is why you find that restriction 182, listed in our R1A zoning district. In our zoning ordinance today, the restriction for STR is under R1A district, not in agriculture. This is why we allow short term rentals in the lighthouse. That has been occurring since 1988. I would suggest this committee stay on top of this and make your recommendation. You may want to communicate to the PC that you want the STR to remain allowable in the agriculture zones. I want to thank this group you. You seem to be the one committee and governmental body in this town that is interested in preserving farming and the rural character. Keep up the good work. Thank you.

Dennis Arouca, 850 Nehtawanta Road: member of the Purchase of Development Rights [PDR] committee. Also a member of the subcommittee created for the purposes of helping to construct this survey that will come down later on. I have a letter that I handed out. I missed the packet. My intention to put it in. I'm here to issue an invitation on behalf of the 2026 planning committee for the agricultural tourism summit. The letter goes into more detail. You are wrestling with significant challenges to the agricultural economy. We feel your perspective would help us in the planning

committee to deliver a better summit. Have the wisdom of what you're wrestling with to help influence us as we put the agenda together. We got this going in 2023 because it was apparent, not only looking at this peninsula, but other places in our state, that agriculture tourism is not a recent thing. The reference in the new master plan, there were six hotels on [OMP] in the 1880s. Two of them are still on the National Register of Historic Places. It wasn't just agriculture that was strong, it was a budding tourism industry. It's always been there and it's growing in interest, in part, because you are all having a hard time making a living just growing crops. We have to update, of a modern balance between the growing of the crops and the other aspects that are in agriculture and tourism. We think your perspective would help a lot. We were successful in 2024, over 200 people gathered for the first time in this event at the Hagerty Center. In my letter, links to the agenda that was put together two years ago, as well as some media reports on how we did. We attracted a national audience, international speakers, as well as local speakers. There were stories about people that had been struggling, overcame struggles, and had successful agriculture tourism activities on their properties, and some that struggled and weren't able to make it happen. Not only here in Michigan, but in other states. I urge you to give some serious talk to joining us. We'd love to have a representative of this group join us. We meet largely on zoom about once a month. Thank you.

Louis Santucci, 12602 Center Road: two comments. The first one is on the agenda item about tabling 201, because of the lawsuit. I don't think you should table it. Come up with your recommendations. 201 is not part of the lawsuit, so you should move forward on that. Number two is the definition of agritourism. I kind of like something in each of the examples that you put forward. One is the proposed definition that you have, and then the other one is the [Long] Lake Township zoning ordinance. Looking at ours, I would recommend after "Utilizing on site farm products" add; "including processed products." If you don't include that, there will be a lot of questions down the road about people who are processing their products, such as maple syrup or cider or what have you. That would clear up misunderstandings down the road. In the Long Lake township ordinance, they include "processed products". Again, I hope you move forward on 201 because there's a lot of problems with 201. It is very anti farmer, and it ought to be done away with. Have a robust discussion on it, from a farmer's point of view, why it's not a good ordinance.

5. Approve Agenda

Hafeli moved to approve as drafted with a second by Baldyga. Motion passed by consensus

6. Conflict of Interest: none

7. Consent Agenda:

A. Approve meeting minutes:

1. Agricultural Advisory Committee Regular Meeting June 17, 2025

Hafeli moved to approve consent agenda with a second by Baldyga. Motion passed by consensus

8. Business:

A. Planning Commission, Town Board Updates:

- Farm Signage Recommendations
- Amendment 201 Acreage Minimum Recommendations

Kevin Beard, PC Representative, requested a member of the AAC to join the ad hoc committee for the zoning rewrite.

The draft sign amendment is back before the AAC to review before being finalized by the PC.

Sanders, Township Supervisor, encouraged moving forward with recommendations not waiting for lawsuit resolution.

Committee discussed sign recommendation as returned from PC review. Content neutrality was reviewed. Specific changes included removing acreage minimums for signage and allowing up to 20 square feet of additional signage for seasonal placards. Considered the number of signs allowed per roadside stand and possible requirement of notarized permission letters for signage off property.

B. Introduction – Discuss Expectations of Agricultural Advisory Committee in light of recent court ruling

Sanders encouraged AAC to continue work despite uncertainty with lawsuit, township board will consider recommendations from PC while lawsuit is still unsettled. Focus on specific sections of 201.

C. Discuss the effects of the supervisor's memo on AAC meetings- Update schedule if necessary
Sanders reiterated importance of AAC continuing on current schedule.

D. Continued Discussion – Amendment 201- Table further discussion until impact of court ruling has been incorporated by Town Board

Committee reviewed some topics for amendments and desire to continue recommendations on 201 amendments.

E. Continued Discussion – Agritourism subcommittee update

Patric Brys of subcommittee presented work the group has done on defining agritourism. Emphasized need for clear framework to resolve questions about commercial and agricultural activities. Broad definition important for future interpretations. Community involvement and need for permissive zoning approach to support agricultural business.

F. Continued Discussion – Michigan State Legislature Update – House Bill 4006
Legislation still in limbo.

9. Citizen Comments:

Don Coe from audience: look at Long Lake ordinance. Was unaware you had the subcommittee. Have some material I could pass to them.

Hafeli, AAC secretary: can send to me.

Dennis Arouca, 850 Nehtawanta Road: applaud this discussion on agriculture tourism. Moving in the right direction. Mr. Hemming had a great example, and it sparked some thought in my mind, which is maybe consider a preamble or statement of intent in whatever you do with this ordinance that reflects its intent and spirit of what you're trying to accomplish. You want to encourage innovation on the farm, not discouraging. Sometimes we try to write the perfect statute or ordinance or contract, and we end up discouraging innovation.

Joanne Westphal, 3688 Blue Water Road: in the Constitution, there's been a long-standing debate on whether it's a permissive or a restrictive Bill of Rights in terms of land use. For the individual landowner, historically, when you received a deed, you received a bucket of rights. That bucket of rights was your right to use your land the way you wanted to use it. But there were two other balancing dimensions to the bill of right. One was police power, and the other was condemnation. Those two balancing requirements in the Constitution put forth a standard for which the private property owner might be asked to do something in a restrictive manner, and that was, does the type of land use present a threat to the health, safety and welfare of the general public? If it does not, technically, there is no reason why that landowner has to give up that right to a local government or

a municipality or even the state, and in some cases, the federal government. We have been seeing a lot of pushback in recent years from local citizens all the way up to crazy gun fights nationally over whether or not public land is a person who occupies it or really are public land. Today was the first meeting where I heard in 30 years a group of people from the peninsula actually talk about allowing people discretion on the use of their land, and not trying to winnow it down to whether or not it's a size six hex bolt on a deck or something else, a larger size or a smaller size. When I first got into this township and worked with Gordon Hayward, he was moving towards the size six hex bolt instead of a size eight, which worked perfectly on whatever it was to be constructed. And I thought, this is wrong. This is backwards. We need to allow people discretion. I encourage everybody here to think about as a litmus test on any rule, whether it's a committee, an ad hoc committee, or any of our boards. Does this proposal affect the health safety and welfare of the general public? If it does not, you should back away from it and go on to issues that do affect the health safety and welfare of the general public. You're going to say, "So-and-so doesn't want to have solar panels in their view shed." It doesn't matter, unless that view shed is on their property. That's their choice, not your neighbor's choice. That landowner should have the right to put that solar panel on their property. There's all sorts of things that have come before this, not this committee, but every level of the different levels of government here. Encourage us to begin thinking about, what's the litmus test that we're supposed to live by? It's in the Constitution, and it's clear. A decision about land use should be based on the health, safety and welfare of the general public. It's simple. We don't have to be duking it out over minor issues, or in some cases, issues that become so major they are going to overwhelm us. Thank you for listening.

10. Board Comments

Hemming: [passes around paper] consider this for recommendations we are making. Local government has the right to regulate size and scope, but even the smallest farmer out here should have the right to grow, process and sell their product and promote their product to the best of their ability without interference by local government.

Hafeli: [reads Hemming's email] "Bill of Rights, agricultural landowners: farmers have the right to grow crops for food, fiber and fuel. Farmers have the right to process raw crops into the final form used for food, fiber and fuel. Farmers have the right to sell their raw or finished product, either directly or indirectly, to the consumer. Farmers have the right to promote their products, including the agricultural experience, through signs, on site consumption, tours, farm to table dinners, farm stays, etc. Farmers have the right to be free of nuisance complaints pertaining to normal agricultural activities." The notes read; "All agricultural property qualifies regardless of size. Local government role is scaling. For example, a five-acre parcel may only be allowed a limited square foot facility, a 40-acre parcel, significantly more. Farm stays, B and B's, might require minimum acreage per room."

Edmondson: we need to have freedom to do what we need to do on our property. Backs up to what the judge just told us with our winery lawsuit. Our township zoning is over reaching.

Hafeli: the simplicity is beautiful. How do you integrate this concept, as cleanly as you have it drafted here? Anything that goes to the process gets turned into an entire Frankenstein of an ordinance. I don't know the answer.

Hemming: what we need to keep in the back of our head. Try to keep it that simple. Recognize that this is a basic right that we as landowners and business owners should have.

Peninsula Township
Agricultural Advisory Committee
Laura Martin, Recording Secretary

Heller: anybody interested in delving into 201 should read, [on the] township website, this code that the prior planner updated, dated June 5, 1972. Including all amendments through March 12, 2024. The agricultural section starts on page 47. All the revisions, not just 201. It's important to read the whole of the ordinance, not just what you're discussing.

Kroupa: the request for a member to join the rewrite committee, if anyone is interested get with [Beard] to get a seat at that table.

11. Adjournment

Hafeli moved to adjourn at 4:12 with a second by Hemming. Motion approved by consensus

From: Maura Sanders supervisor@peninsulatownship.com
Subject: Update on process for AAC and PC
Date: March 27, 2026 at 3:00 PM
To: Kevin Beard duneclimber55@yahoo.com, John Kroupa john@peninsulacellars.com
Cc: Planner planner@peninsulatownship.com

MS

Good afternoon Kevin and John,

I hope you are both well and outside enjoying the sun!

At the TB meeting this week there was some spirited discussion on the role and process of the AAC. We discussed a flow chart that Sara had put together for the TB to provide feedback.

Ultimately, the TB decided that the AAC will report directly to the PC. The AAC recommendations will go to the PC for consideration. The PC, per Master Plan guidance, will decide to either:

- 1) Take up for review, due diligence and potential recommendation to the TB
- 2) Reject
- 3) Request feedback and direction from the TB for prior to 1 or 2 above.

The AAC will need to involve the PC regarding any creation of working groups going forward. The AAC is a sub-committee in itself and any organized smaller (sub) group work will need to be requested through the PC to make sure it is done transparently and with a specific scope defined. I hope this helps clear and define the process. It will help communication and work product flow.

Additionally, the TB decided to halt all Amendment 201 work until after the WOMP lawsuit is behind us. It makes sense when looking at it from a policy and process angle. We do not want to waste time, energy and resources when we don't know what the outcome will be.

Please reach out to me if you have any questions or concerns.

Have a great weekend,

Maura Sanders 

Peninsula Township Supervisor

13235 Center Road

Traverse City MI 49686

phone - 231-223-7323

fax - 231-223-7117

supervisor@peninsulatownship.com

Office Hours: Mondays 7:30 am to 6:30 pm, Tuesdays – Thursdays 7:30 am to 5 pm and closed Friday – Sunday and Holidays.

From: Maura Sanders supervisor@peninsulatownship.com
Subject: Re: Small processor subcommittee
Date: August 28, 2025 at 3:29 PM
To: John Kroupa john@peninsulacellars.com
Cc: ERIN HAFELI getlightwell@gmail.com, molly stretten molly@devilsdivevineyard.com

MS

Love this!
Thanks for the heads up.

Maura Sanders, Supervisor
Peninsula Township
(via Outlook for Android)

From: John Kroupa <john@peninsulacellars.com>
Sent: Thursday, August 28, 2025 3:26:40 PM
To: Maura Sanders <supervisor@peninsulatownship.com>
Cc: ERIN HAFELI <getlightwell@gmail.com>; molly stretten <molly@devilsdivevineyard.com>
Subject: Small processor subcommittee

Hi Maura,

The ag committee has set up a small processor subcommittee to flesh out the pertinent details for ordinance language that impacts the 5-35 acre farms on the peninsula, that are not covered by 201.

Erin and Molly Stretton are going to be leading this group, and they will be bringing in other stake holders that have the time to help build a framework that will work for small growers. The Ag Com will take it up when they have finished the heavy lifting, and we can get it ready for the PC/TB.

If there's any questions or concerns, or formalities to starting a subcommittee that I've ignored, just let me know.

Thanks,

John

**Proposed Ordinance Amendments
Peninsula Township: Agricultural District
January 2026**

DEFINITIONS

AGRICULTURE The act or business of cultivating, tilling, or otherwise using land and soil for the production of crops or livestock for human or animal use. Agriculture includes, but is not limited to, farming, grazing, pasturage, horticulture, floriculture, viticulture, aquaculture, and animal or poultry husbandry.

ACCESSORY BUILDING A subordinate structure that is incidental to, and reasonably necessary, for the operation of a farm. An accessory farm building supports the principal agricultural use of the property and may include, but is not limited to, barns, equipment or implement sheds, storage structures, greenhouses, hoop houses, farm stands, or similar buildings used for the housing of livestock, storage of crops or machinery, processing or handling of farm products, or other activities directly related to the commercial production of agricultural goods. Accessory farm buildings may not be for residential use and are located on the same parcel as the principal farm operation.

Deleted: New or existing buildings should not preclude a new farmer from utilizing existing structures.???

AGRICULTURAL PRODUCTS Agricultural Products include those plants and animals useful to human beings produced by agriculture and include, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Department of Agriculture and Rural Development.

AGRICULTURALLY RELATED PRODUCTS Items sold at a farm to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agriculture products, baked goods, ice cream and ice cream based desserts and beverages, jams, gift items, food stuffs, clothing and other items promoting the farm, agriculture, and value-added agriculture products and on-site production.

Deleted: market

Deleted: and

Deleted: in Michigan

AGRITOURISM An activity conducted on a working farm or agricultural property that is intended to involve members of the public. Agritourism activities, including but not limited to, U-pick operations, harvest festivals, farm tours, educational workshops, experiences utilizing on-site farm products including processed products, on-farm sales, roadside stands, farm markets, farmers markets, farm-to-table gatherings, cooking classes using farm products, corn mazes, hay rides, nightly rental farm stays, classes and tours, horseback riding, small farm animal

**Proposed Ordinance Amendments
Peninsula Township: Agricultural District
January 2026**

meet-and-greets, wildlife viewing, farmland art and photography, and food or beverage service related to on-site products including processed products.¹

BREWERY, DISTILLERY A facility licensed by the Michigan Liquor Control Commission and the TTB for the manufacture of, beer or distilled spirits from fruit, grain or other agricultural products. A brewery, distillery may include buildings and structures used for the crushing, fermenting, aging, blending, bottling, storage, and distribution of finished product. A brewery, distillery may include, by right, a tasting room as an accessory use, subject to permit approval by the Township and the Michigan Liquor Control Commission.

Deleted: The tasting room shall be incidental and subordinate to the principal agricultural use.

COTTAGE FOOD OPERATION A home-based food business permitted under the Michigan Cottage Food Law, Public Act 113 of 2010, as amended, that prepares and sells non-potentially hazardous food products from a residential kitchen directly to consumers. Cottage food operations do not require a state food license and are limited to the sale of approved products through direct-to-consumer channels, including but not limited to farm markets, farm stands, roadside stands, internet, mail-order, and third-party delivery sales.²

FARM A parcel of land used, whether as a principal or accessory use, for the commercial production of farm products. A Farm includes a farm operation conducted in compliance with the Generally Accepted Agricultural and Management Practices (GAAMPs), and encompasses land, plants, animals, buildings, structures (including ponds used for agricultural or aquacultural purposes), machinery, equipment, and all other appurtenances necessary for the commercial production of farm products.

FARM MARKET A Farm Market is part of a farm operation where transactions between operator and customers take place seasonally or year-round. A farm market may include, but is not limited to, a farm stand, u-pick operation, CSA distribution site, tasting room, tasting kitchen, where agricultural products produced on the affiliated farm are sold to the public.

FARM OPERATION All activities necessary for the commercial production, harvesting, storage, and marketing of farm products. This includes selling produce at roadside stands or farm markets; generating normal farm-related noise, odors, dust, and other conditions; operating farm machinery and equipment; preparing fields, planting, and spraying; applying fertilizers and pesticides; using alternative pest management techniques; caring for and managing livestock; handling and applying manure or other agricultural by-products; shifting between different types of farm activities; and employing labor needed to carry out these functions.³

¹ As adopted by the Agricultural Advisory Committee in September 2025.

² Michigan Cottage Food Law, Public Act 113 of 2010

³ Michigan Right to Farm Act, Act 93 of 1981, 'Farm Operation definition'

**Proposed Ordinance Amendments
Peninsula Township: Agricultural District
January 2026**

FARM STAY A paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option and focus for guests to participate in such activities. Farm Stay accommodations may include: guest rooms within the primary dwelling, guest dwellings on the subject property, campsites on the subject property meeting the requirements of the State Campground Division. Farm Stays may also include meals for guests. The owner, or tenant farmer, must reside on the property.

GROSS ACREAGE The total area of a parcel of land as shown on the most recent recorded deed or survey, measured to the exterior property lines, and on which all building size, coverage, density, and related zoning calculations shall be based, exclusive of any public rights-of-way but inclusive of all other land area, regardless of topography, wetlands, floodplains, or other physical constraints.

NON-AGRICULTURAL-RELATED PRODUCTS Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts, ~~or knick-knacks.~~

Deleted: imported from other states or countries.

PROCESSING The handling, transformation, preservation, packaging, or preparation of agricultural products produced on an affiliated farm intended for direct-to-consumer or wholesale sales. Processing may include, but is not limited to, packing, washing, cleaning, sorting, pitting, pressing, fermenting, distilling, packaging, cutting, cooling, curing, storage, canning, drying, freezing, or otherwise preparing an agricultural product for market. On-farm processing is an accessory and subordinate activity intended to support agricultural production and direct marketing.⁴

STRUCTURE Any man-made object or improvement that is constructed, erected, placed, or installed on land and that requires, or would ordinarily require, a building permit or other construction approval under applicable state or local codes, including but not limited to buildings, building additions, decks, platforms, pavilions, roofs, walls, tents, canopies, containers, or similar facilities, whether permanent or temporary, and whether enclosed or unenclosed.

TASTING ROOM A licensed area located on the premises of a manufacturer (e.g., winery, brewery, cidery, distillery) where alcoholic beverages produced by that manufacturer may be sampled, tasted, and sold for on-premises consumption, subject to state license type and rule limitations. A tasting room is an accessory use for the purposes of direct-to-consumer marketing ~~and sales~~

Deleted: of products produced on the farm or at the facility and shall be subject to the same regulations for Farm Markets

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⁴ Michigan Agricultural Processing Act 381 of 1998.

**Proposed Ordinance Amendments
Peninsula Township: Agricultural District
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VALUE-ADDED AGRICULTURAL PRODUCT A farm product that has been enhanced or improved, on or by the farm owner or operator, to make the product more attractive or readily usable to the buyer. Such enhancement or improvement may include processing, addition of other ingredients, transformation, or packaging.

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U-PICK A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from that farm.

USE BY RIGHT A land use that is permitted outright in a zoning district and may be established, conducted, and continued without discretionary review, special land use approval, or public hearing, provided the use complies with the applicable standards and requirements of this ordinance and all other relevant local, state, and federal regulations.

WINERY, CIDERY A facility licensed by the Michigan Liquor Control Commission (MLCC) and the TTB for the manufacture of wine or cider. A winery/cidery may include buildings and structures used for the crushing, fermenting, aging, blending, bottling, storage, and distribution of wine or cider. A winery/ cidery may include, by right, a tasting room as an accessory use, subject to permit approval by the Township and the Michigan Liquor Control Commission.

Deleted: The tasting room shall be incidental and subordinate to the principal agricultural and wine production use.

**Proposed Ordinance Amendments
Peninsula Township: Agricultural District
January 2026**

SECTION A-1 DISTRICT: AGRICULTURAL

PURPOSE

The agricultural district is characterized by parcels of farmland interspersed with rural residential properties. The purpose of this ordinance is to establish a clear and comprehensive regulatory framework that supports the continued viability of agriculture within Peninsula Township. These provisions are intended to enable farms to diversify operations, participate in agritourism opportunities, and maintain economic stability while preserving farmland, protecting the Township’s rural landscape, and ensuring that agriculture remains a central and enduring component of the Township’s identity and economy.

USES PERMITTED BY RIGHT

GENERAL USES

General and specialized agricultural uses and farm operations, as defined by the current Michigan Right to Farm Act and current GAAMPs, are permitted by right. Such uses include the raising, growing, and production of crops, livestock, poultry, bees, fish, and other farm animals, and the production of agricultural products and foodstuffs. Buildings and structures may be erected and used by right for farm operations, including the storage, preservation, processing, collection, and distribution of agricultural products.

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1. SALE OF PRODUCTS

The sale of agricultural products, including direct-to-consumer and farm-to-processor sales, as well as value-added agricultural products, as defined by GAAMPs.

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2. FARM MARKET

As defined above and in compliance with the following⁵.

a. Form and Structure

A farm market may operate within a permanent or temporary structure, including a building or tent, or as a designated outdoor area where direct transactions occur between a farmer and consumers.

⁵ As defined by GAAMPs Farm Market, 2026

**Proposed Ordinance Amendments
Peninsula Township: Agricultural District
January 2026**

b. Setbacks

Any farm stand or farm market structure exceeding one hundred twenty (120) square feet in floor area shall be setback a minimum of one hundred sixty-five feet (165') from all non-farm residences.

c. Products Offered for Sale

A farm market may sell fresh agricultural products and processed or value-added agricultural products. At least 50 percent of the farm products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or 50 percent of the average gross sales for up to the previous five years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least 50 percent of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, cherries in cherry jam, etc.

d. Retail and finished spaces for the public

The aggregate area of all structures as defined above used for sampling, sales, tasting, retail, or other similar public-facing activities shall not occupy more than two percent (2%) of the gross parcel area. Where the aggregate area of buildings or structures used for these purposes exceeds two percent (2%) of the gross parcel area, such use may be subject to a site-plan review of physical impacts to infrastructure in accordance with the procedures and standards set forth in this ordinance. To encourage the use of existing structures, this (2%) allowance shall not apply to existing nonconforming structures or uses, which shall remain subject to all applicable provisions of this ordinance.

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e. Ownership and Location

The farm market shall be located on property owned or controlled by the producer of the products offered for sale, including property held under lease.

f. Tastings

Tastings incidental to the sale of farm products are permitted where otherwise allowed by state law.

g. Signage

~~Shall~~ be permitted in accordance with ~~Peninsula Township Sign Ordinance.~~

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**Proposed Ordinance Amendments
Peninsula Township: Agricultural District
January 2026**

3. INCIDENTAL FARM ENGAGEMENT AND AGRITOURISM ACTIVITIES

Low-intensity, customary farm engagement and agritourism activities that generate minimal off-site impacts may occur as accessory uses in conjunction with the agricultural uses permitted in Sections 1 through 2 above. Such activities are intended to support and promote the sale of farm products and shall maintain the general agricultural character of the farm.⁶

a. Permitted Activities

Incidental farm engagement and agritourism activities may include, but are not limited to:

- i. Guided farm tours and farm walks
- ii. School visits and educational programming
- iii. Hayrides
- iv. Seasonal demonstrations
- v. Corn mazes and pumpkin patches with associated activities
- vi. Instructional classes or workshops with on-site demonstrations

b. Relationship to Agricultural Production

All activities permitted under this section shall be clearly accessory and subordinate to active agricultural production and shall not displace farming as the principal use of the parcel.

c. Kitchens and Processing Facilities

Kitchens and processing facilities used in conjunction with incidental agritourism activities may be utilized for the preparation, cooking, processing, or preservation of agricultural products produced on the affiliated farm. Products prepared or processed under this subsection may be sold on-site or through other lawful distribution channels.

d. Operational Standards

Incidental farm engagement and agritourism activities shall comply with the following standards:

i. **Sound**

All sound and noise generated by activities shall comply Peninsula Township Ordinance #62.

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⁶ As defined under GAAMPs Farm Market definition of 'marketing' activities.

**Proposed Ordinance Amendments
Peninsula Township: Agricultural District
January 2026**

ii. **Parking**

All parking shall be accommodated on-site in a manner that minimizes impacts to neighboring properties and public roads.

iii. **Hours of Operation**

Activities open to the public shall occur between the hours of 5 am to 10 pm.

4. **ON-FARM PROCESSING**

On-farm processing shall be permitted by right as an accessory use to a farm operation within the Agricultural District for parcels with gross acreage of at least five (5) acres.

a. **Processing Activities**

Activities may include, but are not limited to:

- i. Cleaning, washing, grading, sorting, and packing of agricultural products.
- ii. Cold storage, dry storage, and controlled-atmosphere storage.
- iii. Preservation activities such as freezing, drying, curing, fermenting, aging, or barreling.
- iv. Processing of agricultural products into value-added products, including baked goods, preserves, cider, wine, vinegar, cheese, syrups, sauces, beer, distilled spirits, and similar products.
- v. Preparation of agricultural and value-added products for direct-to-consumer sale, wholesale distribution, or off-site retail sale, where otherwise lawful.

b. **Structures and Facilities**

- i. Buildings or portions of buildings used for on-farm processing may be permanent or temporary and may include barns, sheds, outbuildings, farmhouses, or purpose-built processing structures.
- ii. Structures used for on-farm processing shall remain accessory and subordinate to the principal agricultural use of the parcel.
- iii. Set backs for the processing facility shall be 200 feet from a residential or dwelling unit on an adjacent property.

- iv. Processing activities may be conducted seven days a week, 24-hours per day as needed. The operator must comply with all Federal, State, and local laws and regulations applicable to the type of processing facility proposed and obtain and or comply with all permits, license, approval, and operational requirements.

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5. FARM STAY

As defined above, Farm Stays shall be permitted by right as an accessory use to a principal agricultural use or normal farm operation within the Agricultural District for parcels with gross acreage of at least five (5) acres in compliance with the following.

a. Guest Room Limitations

A maximum of three (3) guest rooms shall be permitted for each five (5) acres of parcel area. A site review may be necessary for more than (9) rooms.

b. Location and Structures

A Farm Stay may include lodging within an existing dwelling, farmhouse, or agricultural structure converted for overnight accommodation, or within detached accessory structures approved for such use, provided that the primary use of the parcel remains agricultural and all structures meet required setbacks, local, and state regulations.

c. Food Service

A Farm Stay may serve food only to registered guests. Meals may be served at any time, provided that the cost of food is included in the lodging price. A Farm Stay shall maintain any food service permits required by the applicable health department or regulatory authority.

d. Events and Non-Agricultural Activities

Non-agricultural activities or special events involving individuals other than registered guests are not permitted.

e. Use Limitations

A Farm Stay shall offer temporary lodging only up to a maximum of (10) days, and shall not permit permanent residency. A Farm Stay shall not operate as a hotel, motel, or stand-alone short-term rental unrelated to agricultural use.

USES REQUIRING ADMINISTRATIVE APPROVAL

1. SPECIAL EVENTS AND ACTIVITIES

Special events and activities not directly related to the production, harvesting, processing, or sale of agricultural products grown on the parcel, and which attract members of the public primarily for events, gatherings, or entertainment.

a. Applicability

Special events and activities regulated under this section may occur in conjunction with a licensed winery, cidery, brewery, distillery tasting room, or farm market, where otherwise permitted. Such activities are distinct from accessory farm-based marketing and agritourism uses and may require additional review due to their scale and intensity.

b. Activities Subject to Review

Activities subject to this section that are non-agricultural include, but are not limited to:

- i. Weddings, receptions, and private celebrations
- ii. Corporate retreats and special events
- iii. Concerts or events with amplified entertainment
- iv. Ticketed or large-scale harvest festivals not directly tied to on-site crop sales
- v. Event venues or multipurpose gathering facilities

c. Review and Approval

Special events and activities shall be subject to:

- i. Abbreviated site plan review by the Zoning Administrator.
- ii. Events that exceed thresholds established in this section or that generate significant off-site impacts may be required to obtain Special Land Use approval.

d. Licensing and Regulatory Compliance

All special events and activities shall be conducted in compliance with applicable local, state, and federal licensing and permitting requirements, including those related to alcohol service, food service, and public gatherings.

e. Parking and Traffic Management

- i. All parking shall be provided on-site.

- ii. Parking on any state, county, or private road is prohibited.
 - iii. Parked vehicles shall not obstruct fire lanes or emergency access routes.
- f. **Occupancy and Attendance**
Attendance shall be limited based on contiguous parcel size, calculated at twenty-five (25) attendees per five (5) acres, not to exceed two hundred (200) attendees. Attendance shall also comply with the maximum occupant load permitted under applicable building, fire, and safety codes, or as determined by the appropriate regulatory authority.
- g. **Sanitation Facilities**
Sanitary facilities shall be provided as required by the applicable construction code or appropriate regulatory agency. Additional portable restroom facilities shall be provided when attendance exceeds the capacity of existing permanent facilities.
- h. **Hours of Operation**
 - i. Indoor events and activities may extend beyond posted operating hours.
 - ii. Outdoor events and activities may extend beyond posted operating hours not to exceed 10:00 p.m.
- i. **Sound, Music, and Amplification**
Sound, music, and amplification shall comply with Section ____ .
- j. **Event Record Reporting**
The operator shall maintain a log of special events, including the date, type of event, and number of attendees, and shall make such records available upon request by the Zoning Administrator within (3) business days of such a request. The operator shall also provide a current contact phone number for the on-site event manager to enforcement officers, the Zoning Administrator, and neighboring property owners upon request.
- k. **Lighting**
Exterior lighting shall comply with Section ____ of this Ordinance (Outdoor Lighting Standards) and shall be designed to minimize glare and light spillover onto adjacent properties.

**TOWNSHIP OF ACME
GRAND TRAVERSE COUNTY, MICHIGAN**

**SHORT-TERM RENTAL ORDINANCE
ORDINANCE NO: 2017-01**

ARTICLE 1: OVERVIEW

Section 1.1: Title

This Ordinance shall be known as the Acme Township Short-Term Rental Ordinance, referenced within as “Ordinance”.

Section 1.2: Findings

The Acme Township Board of Trustees declares the following findings:

- a. The Township staff, elected and appointed officials have received complaints involving excess noise, litter, disorderly conduct, overcrowding, traffic, congestion, parking, and safety associated with short-term rentals.
- b. The transitory nature of occupants of short-term rentals makes continued enforcement and administration of existing ordinances against the occupants difficult.
- c. Short-term rentals provide a community benefit by contributing to a variety of lodging facilities for guests to utilize, supporting the local economy by increasing the number of visitors to the area, and assisting owners of short-term rentals by providing revenue which may be used for maintenance upgrades and deferred costs.
- d. The Township wishes to preserve and maintain the residential character of the community and quality of life for all residents.
- e. The provisions of this Ordinance are necessary to prevent the continued burden placed upon county and township services and impacts on residents posed by short-term rentals.

Section 1.3: Purpose

This Ordinance is intended to protect and promote the health, safety, and general welfare of all the citizens of Acme Township by requiring the registration and permitting of short-term renting of single-family and duplex dwelling units.

Section 1.4: Applicability

All requirements, regulations and standards imposed by this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Township, including the Acme Township Zoning Ordinance. Further, this Ordinance does not affect additional requirements placed on use of property (or a portion thereof) imposed by deeds, associations or rental agreements.

Section 1.5: Definitions

Bedroom: A separate room with a door, closet, and window that is used or intended to be used specifically for sleeping purposes. A bedroom must be a habitable space not be less than seventy (70) square feet, not less than seven (7) feet in one dimension, not located in an attic or basement without egress meeting standards in applicable building, residential and fire codes, and not a room by design intended to serve another purpose such as a kitchen, dining area, den, family rooms or living rooms.

Dwelling Unit: A building or portion thereof designed exclusively for residential occupancy by one family, and having cooking facilities.

Dwelling, Duplex: A single building with two dwelling units designed for or occupied exclusively by two families living independent of each other.

Dwelling, Single-Family: A detached dwelling unit designed for the exclusive occupancy by a single family.

Extenuating Circumstances: Conditions under which a violation of this Ordinance has occurred that may include a) committed by a non-renter and the renter(s) attempted to prevent or halt the violation, b) resulted from an act of nature, c) other circumstances that the property owner or local agent could not reasonably anticipate and prevent, and could not reasonably control.

Good Visitor Guidelines: A document prepared by the Township Zoning Administrator that includes:

1. A summary of the following Acme Township Ordinances and all applicable penalties:
 - a. Consumer Fireworks Ordinance [2016-01]
 - b. Fire Prevention Ordinance [2015-01]
 - c. Refuse Collection Ordinance [2011-01]
 - d. Junk Ordinance [2005-04]
 - e. Noise Ordinance [2005-03]
 - f. Trespass Ordinance [87-2]
2. A reminder that the short-term rental may be operating in a residential neighborhood and that the neighbors may not be vacationing.
3. A reminder that the short-term rental may be operating in an agricultural district and that necessary agricultural activities may take place that are protected under the Michigan Right to Farm Act (Public Act 93 of the Public Acts of 1981)
4. A statement informing the occupant(s) that neighboring property owners may contact the local agent, sheriff's department, Township, or Township designee to report any issues relating to the property.

Local Agent: An individual designated to oversee the short-term rental of a dwelling unit in accordance with this Ordinance. The local agent shall respond to calls from renters, concerned citizens, and representatives of the Township, live or maintain a place of business within thirty (30) miles of the dwelling unit, be available twenty-four (24) hours a day while the short-term rental property is occupied, and respond within sixty (60) minutes to any issues that may arise. A property owner who meets these criteria may be the local agent.

Occupant: Any individual living in, sleeping in, or having possession of a dwelling unit, or portion thereof pursuant to a rental agreement. This does not include guests who are visiting between the hours of 8:00 am and 11:00 pm.

Owner: The person or entity that holds legal or equitable title to the property (or portion thereof) used as a short-term rental.

Parking Space: An improved, designated area on the property where a short-term rental operates that is legally available for the occupants to park motorized vehicles and trailers. This may include garages, carports, parking bays and driveways. This does not include yards and street right-of-ways.

Short-Term Rental: The commercial use of renting a dwelling unit, or portion thereof, for a period of time less than thirty-one (31) consecutive calendar days. This does not include approved bed and breakfast establishments, hotels/motels, tenant housing, or campgrounds.

Special Event: Outdoor parties, lawn parties, weddings, family reunions, bachelor/bachelorette parties, or other similar gatherings that exceed the maximum number of occupants allowed.

Tourist Home: A short-term rental operation in which a portion of a dwelling unit is rented out where the owner of the property resides full-time in the dwelling unit and is primarily present at the time of occupation.

Vacation Home: A short-term rental operation in which the entire dwelling unit is rented out without the property owner residing at the dwelling unit at the time of occupation.

Section 1.6: Severability

If any section, provision, or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

ARTICLE 2: GENERAL STANDARDS

The following standards shall apply to all short-term rentals:

Section 2.1: Permit

All short-term rentals shall be required to register with, and be permitted by the Township. Permits shall:

- a. Be valid for one calendar year,
- b. Be required for each short-term rental unit,
- c. Be issued prior to advertising a short-term rental,
- d. Not transfer with the sale of the property, or be transferred from one property to another.
- e. Be displayed on the front door, or in a prominent location on the façade or nearby window not more than five (5) feet from the front door, measured from the edge of the door frame, except in the case of tourist homes,
- f. Display the maximum number of occupants allowed,

- g. Display the contact information for the local agent and Township, or Township designee.

Furthermore, the short-term rental permit number shall be posted and clearly evident on any and all advertisements related to the short-term rental of a property.

Section 2.2: Exceptions and Exemptions

A dwelling unit does not need a short-term rental permit as required in this Ordinance when the occupancy of the dwelling unit occurs under the following circumstances:

- a. *Family occupancy.* Any member of a family (and that family member's guests) may occupy a dwelling as long as any other member of that family is the owner of the dwelling or dwelling unit. Family occupancy also exempts guest houses or similarly separate dwelling units located on the same premises as the owner's domicile, when occupied by family guests, exchange students, visiting clergy, medical caregivers, and child care givers, without compensation to the owner.
- b. *House-sitting.* During the temporary absence of the owner and owner's family the owner may permit non-owner occupancy of the premises, without compensation to the owner, without a short-term rental permit.
- c. *Dwelling sales.* Occupancy by a prior owner after the sale of a dwelling under a rental agreement.
- d. *Estate representative.* Occupancy by a personal representative, trustee, or guardian of the estate and his family, with or without compensation.
- e. *Limited Duration* – Any dwelling unit that is rented on a short-term basis for fourteen (14) or less days per calendar year.

Section 2.3: Local Agent

Each owner of a short-term rental shall designate a local agent meeting the criteria as defined in this Ordinance who has access to and authority to assume management of the short-term rental and take remedial measures. For tourist homes, the owner shall be the local agent.

Section 2.4: Good Visitor Guidelines:

A copy of the Good Visitor Guidelines established by the Township shall be provided to all occupants for review and remain on premises.

Section 2.5: Refuse and Recyclables

The storage and disposal of all refuse and recyclables shall meet the following:

- a. All refuse and recyclables shall be stored in a container with a tight-fitting lid approved by the waste hauler.
- b. Refuse and recyclable containers shall be placed in front of the premise for pick up only on the day designated by the waste hauler.

Section 2.6: Pets

All pets shall be confined on the property or on a leash at all times. Pets that cause frequent or long continued noise that disturb the comfort and repose of any person in the vicinity shall be found in violation of this ordinance.

Section 2.7: Wastewater

The owner shall maintain a properly functioning septic system per the Acme Township Uniform Septage Control Ordinance (2004-2), or sewer connection per the Grand Traverse County Public Works Department Uniform Sewer Use Ordinance (1994, as amended).

Section 2.8: Parking

All parking by the occupants and guests of a short-term rental shall only park in designated parking spaces as defined by this Ordinance.

Section 2.9: Fireworks

The discharge of consumer fireworks is prohibited except on the day before, the day of, and the day after a National Holiday between the hours of 8:00 am and 1:00 am. Furthermore, the use of untethered sky lanterns shall be prohibited in Acme Township.

Section 2.10: Noise

No person within the Township shall cause a noise or disturbance, which is defined as sound created by human activity with or without the use of any device, which by reason of its volume, intensity, location, or time of day impairs the health, welfare, or peace of another person of normal human sensibilities. This includes, but is not limited to, the following prohibited acts:

- a. The playing of any radio, television, phonograph, or other sound reproduction device, or musical instrument in such a manner or at such a volume as to be sufficiently audible to unreasonably annoy or disturb the quiet, comfort, or repose of persons in the vicinity.
- b. The keeping of any animal or bird which, by causing frequent or long continued noise, shall unreasonably disturb the comfort and repose of any person in the vicinity.
- c. The use of any motor vehicle, including motorcycles, in such a manner as to create an unreasonably disturbing noise, including but not limited to, the screeching of tires and the discharge into the open air of exhaust from the engine without a sufficient muffler.
- d. Shouting or other raucous or boisterous behavior for an unreasonable length of time.

Section 2.11: Signage

Signage advertising the existence of a short-term rental is prohibited.

Section 2.12: Events

Special events are not permitted.

Section 2.13: Recreational Vehicles

Recreational vehicles shall not be used on the property by occupants or the property owner while a short-term rental is being occupied.

Section 2.14: Fire Safety

All short-term rental operations shall meet the necessary safety standards established by Grand Traverse Metro Fire Department, including but not limited to smoke detectors, carbon monoxide detectors and fire extinguishers.

ARTICLE 3: TOURIST HOME STANDARDS

In addition to the General Standards in Article 2, the following standards shall apply to all tourist home short-term rentals:

Section 3.1: Allowable Locations

Tourist homes shall be permitted in all zoning districts.

Section 3.2: Maximum Occupancy

The maximum occupancy of any tourist home shall be based on the number of bedrooms, whereas:

- a. A maximum of two (2) occupants per bedroom shall be allowed,
- b. A maximum of three (3) bedrooms shall be rented to occupants of a tourist home.

The property owner shall inform the Township of any renovations or additions to the tourist home that will result in an increase in the maximum occupancy.

Section 3.3: Owner Occupancy

The owner of the tourist home shall have their legal residence established at the location of the operation, and be living in the dwelling unit and present overnight at the time occupants are staying on the property.

Section 3.4: Application

- a. *Responsibility* – It shall be the responsibility of the owner of a tourist home to register the operation and obtain a permit from the Township.
- b. *Application* – The owner shall truthfully provide and certify as true the following on a form prepared and supplied by the Township:

1. Name, address, telephone number, and email of the owner of the tourist home.
 2. Name, address, telephone number, and email of the designated local agent.
 3. The number of bedrooms in the tourist home intended to be used by occupants.
 4. A sketch of designated parking spaces.
 5. An affidavit signed by the owner acknowledging the provisions of this Ordinance, and all applicable local and state laws.
- c. *Fee* – An application for a tourist home permit under this Ordinance shall be accompanied by a fee in the amount established by resolution of the Acme Township Board. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Township Zoning Administrator.
- d. *Number of Permits* – The number of tourist home permits issued annually by the Township through application shall not exceed fifty (50). Permittees that have a valid permit and are in good standing with the Township shall have first priority in receiving a permit for the following calendar year. The remaining balance of permits may be issued to applicants who have submitted a complete application. If the number of applications, including renewal applications, exceeds fifty (50), then the Township will conduct a lottery to determine which of the new applicants shall receive a permit.
- e. *Renewal* – All tourist home permits shall expire on December 31st of the calendar year they are issued. The owner of a permitted tourist home may reapply for the next calendar year at any point between October 1st and October 31st. All renewal permits shall be issued by November 15th. The number of permittees that have not submitted an application for renewal by October 31st shall have their permit added to the balance of permits available to new applicants and may apply as a new applicant.

ARTICLE 4: VACATION HOME STANDARDS

In addition to the General Standards in Article 2, the following standards shall apply to all vacation home short-term rentals:

Section 4.1: Allowable Locations

Vacation homes shall be allowed in the agricultural zoning district, and in single-family dwellings in the commercial zoning districts.

Section 4.2: Maximum Occupancy

The maximum allowed occupancy of a vacation home shall not exceed the lesser of:

- a. Two (2) occupants per bedroom plus four (4) additional occupants, or
- b. For parcels under ten (10) acres in size the occupancy shall not exceed ten (10) occupants, or
- c. For parcels of ten (10) acres or more the occupancy shall not exceed fourteen (14) occupants.

The property owner shall inform the Township of any renovations or additions to the vacation home that will result in an increased in the maximum occupancy.

Section 4.3: Application

- a. *Responsibility* – It shall be the responsibility of the owner of a vacation home to register the operation and obtain a permit from the Township.
- b. *Application* – The owner shall truthfully provide and certify as true the following on a form prepared and supplied by the Township:
 - 1. Name, address, telephone number, and email of the owner of the vacation home.
 - 2. Name, address, telephone number, and email of the designated local agent.
 - 3. The number of bedrooms in the vacation home intended to be used by occupants.
 - 4. A description of the property that states the number of acres.
 - 5. A sketch of designated parking spaces.
 - 6. An affidavit signed by the owner acknowledging the provisions of this Ordinance, and all applicable local and state laws.
- c. *Fee* – An application for a vacation home permit under this Ordinance shall be accompanied by a fee in the amount established by resolution of the Acme Township Board. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Township Zoning Administrator.
- d. *Number of Permits* – The number of vacation home permits issued annually by the Township through application shall not exceed fifty (50). Permittees that have a valid permit and are in good standing with the Township shall have first priority in receiving a permit for the following calendar year. The remaining balance of permits may be issued to applicants who have submitted a complete application. If the number of applications, including renewal applications, exceeds fifty (50), then the Township will conduct a lottery to determine which of the new applicants shall receive a permit.
- e. *Renewal* – All vacation home permits shall expire on December 31st of the calendar year they are issued. The owner of a permitted vacation home may reapply for the next calendar year at any point between October 1st and October 31st. All renewal permits shall be issued by November 15th. The number of permittees that have not submitted an application for renewal by October 31st shall have their permit added to the balance of permits available to new applicants and may apply as a new applicant.

ARTICLE 5: VIOLATIONS AND PENALTIES

Section 5.1: Violations

- a. *Violations* – Any violation of the provisions of this Ordinance, or any other applicable local, state, or federal ordinance shall be deemed a violation of this Ordinance. Each day a violation continues shall constitute a separate violation.
- b. *Nuisance Per Se* – A violation of this Ordinance shall be a nuisance per se. The Township shall have the right to commence a municipal civil action to enforce compliance with this Ordinance.
- c. *Administration* – The Acme Township Zoning Administrator is authorized to issue all permits under this Ordinance and is also authorized to issue civil infraction violations notices and/or civil infraction citations for violations of this Ordinance.

Section 5.2: Penalties

- a. *Penalties* – the following penalties shall apply for violating this Ordinance:
 - 1. *Short-Term Rental Without a Permit*
 - i. *First Violation* – The first violation in a calendar year shall result in a Notice of Violation delivered to the property owner through certified mail.
 - ii. *Second Violation* – The second violation in the same calendar year shall result in a municipal civil infraction subject to a fine of \$750.
 - iii. *Third Violation* – The third violation in the same calendar year shall result in a municipal civil infraction subject to a fine of \$1,500.
 - iv. *Subsequent Violations* – Subsequent violations in the same calendar year shall result in municipal civil infraction subject to a fine of \$5,000 and/or 90 days in jail.
 - 2. *All Other Violations*
 - i. *First Violation* – The first violation in a calendar year shall result in a Notice of Violation delivered to the property owner through certified mail.
 - ii. *Second Violation* – The second violation in the same calendar year shall result in a municipal civil infraction subject to a fine of \$500.
 - iii. *Subsequent Violations* – Subsequent violations in the same calendar year shall result in a municipal civil infraction subject to a fine of \$1,000.
- b. *Revocation* – The Township may revoke a short-term rental permit for any dwelling unit for the reasons below and through the subsequent procedure:
 - 1. *Requirements for Revocation* – A short-term rental permit may be revoked if at least three (3) separate violation incidents, occurring on three (3) separate days, within a calendar year.
 - 2. *Revocation Procedure* – Upon a determination by the Zoning Administrator that the short-term rental permit of a dwelling is subject to revocation, the following procedure shall be in effect:
 - i. The Zoning Administrator shall issue a notice to the property owner and local agent, in writing through certified mail, that the Township intends to revoke the short-term rental permit.

- ii. The property owner or local agent may request a hearing before the Township Board to show cause as to why the short-term rental permit should not be revoked within fourteen (14) days of service of the notice.
 - iii. If a hearing is timely requested, then the Zoning Administrator shall inform the property owner and/or local agent, and Township Board of the time and place of the hearing.
 - iv. The property owner and/or local agent may present evidence at the hearing that the violations of this Ordinance were due to extenuating circumstances. If the Township Board finds the violations to be due to extenuating circumstances, then they may elect to waive the revocation. Otherwise, the revocation of the short-term rental permit shall become effective.
3. *Duration* – Upon revocation of a short-term rental permit, a property owner may not reapply for a new short-term rental permit for the dwelling at that address, or any additional dwellings in Acme Township, for a period of thirty six (36) months.
4. *Subsequent Revocations* – Any property owner who has had a short-term rental permit revoked twice for the same short-term rental shall be permanently prohibited from operating a short-term rental at that location. Furthermore, the property owner shall be prohibited from applying for any additional, new short-term rentals in the Township. If the property owner has other short-term rentals permitted in good standing in the Township at the time of the prohibition, then the property owner shall be allowed to reapply for a permit for those existing short-term rentals.

4. Parcel requirements:

- I. A total of forty (40) acres of land are required to be devoted to the operation of a farm processing facility.
- II. The forty (40) acres shall be located within Peninsula Township and shall be owned or leased for the specific farm operation by the same party owning the specific Farm Processing Facility.
- III. The parcel containing the specific Farm Processing Facility shall have a minimum area of 20 acres and a minimum parcel width of 330 feet.
- IV. The 20 acre minimum parcel (which may include public road rights-of-way) and the winery shall be owned by the same party. None of the 20 acres shall be alienable.
- V. The 20 acre parcel may be one parcel or two contiguous parcels and the contiguous parcels may be separated by a road.
- VI. There shall be no more than one house on the 20 acre parcel containing the Farm Processing Facility and no more than one house on the remaining required 20 acres.
- VII. Up to twenty (20) of the forty (40) acres does not have to be contiguous and may be either owned by, or leased with exclusive control and use transferred to the operator of the Farm Processing Facility.
- VIII. None of the minimum 40 acres shall be used to satisfy acreage density or open space requirement of any other food processing or other use in the Township while the farm processing facility use is in effect.
- IX. The number of allowed dwellings which may be built on the total 40 acres dedicated to the Farm Processing Facility use, shall be to two. However, the right to build the remaining dwelling units may be extinguished by sale or donation, provided a permanent conservation easement to that effect is recorded with the County Register of Deeds. In addition the remaining dwelling units may be clustered on contiguous land, under the same ownership as the land from which the units are removed, providing that a permanent conservation easement is placed on the land from which the units are removed, in accordance with Section 8.3.6(3). The clustered dwelling units may not be placed on any part of the acreage which makes up the minimum 40 acres dedicated for the Farm Processing Facility use.
- X. If property is leased, the lease shall be for a minimum of one year, and the lease shall be recorded with the Grand Traverse County