

PENINSULA TOWNSHIP

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AGRICULTURAL ADVISORY COMMITTEE

Regular Meeting Minutes

April 21, 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, Edmonson, Coggon, Beard

4. **Brief Citizen Comments (for agenda items only):** None
5. **Approve Agenda**

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

Motion Passes

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

A. Approve meeting minutes:

- **Agricultural Advisory Committee Regular Meeting February 17, 2026.**

B. Correspondence

Motion by Gomez to approve consent agenda with second by Kroupa.

Motion Passes

8. Business:

A. Planning Commission Updates

A memo dated April 16 from Sara Kopriva addresses signage size, noting the AAC has supported a 20 square foot maximum. Some Planning Commissioners question whether a smaller limit would be more appropriate. Staff is compiling comparisons with surrounding jurisdictions to assess typical standards; this information is not yet available. Kroupa offers prior research comparing other districts.

Following the public hearing, unresolved questions delay referral of the sign ordinance to the Town Board. The TB approves extending the enforcement moratorium through the end of the year, allowing current practices to continue. Key provisions, including allowing A-frame signs as temporary signs if properly placed and anchored, evaluating appropriate time limits for temporary event signage, and reconsidering restrictions on seasonal off-premises signs. Proposed standards include permitting one feather flag per property, allowing either a monument or ground pole sign (but not both) in agricultural areas, and adding provisions to allow flagpoles across districts.

Concern is raised about a proposed 15-foot setback beyond the road right-of-way. Intent is clarified as requiring placement only outside the right-of-way, with no additional setback, and this will be confirmed. Signs should remain out of the right-of-way, including during the moratorium.

Concern raised that the ordinance definitions are confusing and may be misinterpreted as permitted uses rather than explanatory terms. It is clarified that permissions are outlined later in the code, with tables in Section 10.08 providing guidance. Suggestion is made to include a disclaimer or cross-reference directing readers to the appropriate sections for permitted uses, which is supported as a helpful improvement.

Concern raised about an imbalance between private property owners and state-regulated directional (TODS) signs placed within the road right-of-way, which advertise businesses along M-37. These signs are permitted

through state programs, require application and fees, and are not subject to local township approval, leading to perceived inequity in size, placement, and visibility standards. Questions also raised about the need for continued ordinance work given the extended moratorium and lack of apparent complaints. Explained that ordinance updates are required to comply with legal standards, including content neutrality requirements. Further clarification on state signage regulations is deferred to planner Sara Kopriva for follow-up. Discussion focuses on the purpose of continuing ordinance work during the moratorium, with questions raised about whether a problem exists given limited enforcement. It is clarified that updates are required to meet legal standards and present an opportunity to modernize the ordinance and improve flexibility, particularly for agricultural uses.

The proposed 20 square foot signage limit receives pushback, though the PC requests justification rather than rejecting it. Providing supporting research from other jurisdictions may address concerns. Increased participation from the farming community in township decision-making is encouraged to better represent agricultural interests. Committee indicates its primary request is feedback on signage size, supported by sharing prior research materials. Additional items, including flagpoles and sign types, are discussed with general agreement and no strong opposition expressed. Clarification is provided that “ag district”, and “ag zoning” are used interchangeably in the ordinance.

Discussion addresses the 201-acreage minimum amendment and uncertainty about whether it can be considered, as the TB has directed committees not to pursue it. Concern is raised about limiting discussion, with requests for clarification on which parts relate to legal issues. It is noted this clarification would need to come from the TB or attorney and may require resources. The topic is deferred to a broader discussion.

B. Town Board Update

- **Discussion of March 24, 2026 Town Board meeting comments addressing AAC**

Edmonson expresses concern about the 201-acreage minimum amendment, noting past committee work lacked sufficient ag representation and that strong opposition from the ag community was not reflected in the TB’s decision. Frustration is raised over perceived lack of support for agriculture, ongoing legal disputes, and increasing legal costs. Emphasis is placed on the need to better communicate ag concerns to decision-makers and build broader support to achieve greater flexibility. Baldyga clarifies it has only recommended lowering the acreage requirement under 201 to improve accessibility, not revising the full amendment due to ongoing legal uncertainty. The current ordinance is viewed as ineffective and underutilized, with no applicants. Focus is placed on supporting smaller, value-added ag operations and continuing incremental improvements rather than delaying action.

Discussion examines whether the proposed small processing framework relates to the 201 amendment. It is generally viewed as a separate issue, intended to support smaller-scale, value-added ag operations, while larger operations would still require additional review due to increased impacts.

Members note that small processing may overlap with 201 by allowing processing on smaller parcels and suggest defining a clear threshold to distinguish between small-scale uses and larger operations. Concern that the township may view small processing as connected to 201, creating uncertainty about how to proceed.

It is acknowledged that members lack clear direction from the TB on what falls under 201, and that the scope of restrictions remains unclear. The committee considers sending questions directly to the TB to clarify how to move forward.

Hemming suggests a regular joint meeting between the committee, PC, and TB (e.g., quarterly) to improve communication. Concern is expressed that the TB lacks understanding of the background and research behind the small farm processing proposal, including work related to GAAMPs and Right to Farm. Improved coordination is seen as necessary to support informed decision-making.

Discussion focuses on how joint meetings are initiated and structured, noting they are typically called when coordination between the TB and PC is needed, and can be requested by either body or other committees. It is also noted that smaller, less formal meetings can occur without triggering quorum requirements.

A motion is made to request a joint meeting (or series of meetings) between the committee, PC, and TB to improve communication and clarify the intent and background of the small farm processing proposal. The goal is to address misunderstandings, share research, and create a more efficient path forward.

Alternative approaches are discussed, including presenting directly at TB meetings or providing a clear summary of key priorities. However, concern is expressed that there is a broader lack of understanding and alignment, and that direct dialogue is needed to reduce confusion, avoid repeated back-and-forth, and ensure all parties have a shared understanding of goals and constraints.

Motion by Hemming to request that the township consider holding joint meetings (full or sub-quorum) between the Agricultural Advisory Committee, Planning Commission, and Township Board to improve communication.

Motion Passes

Discussion focuses on timing and structure for a joint or informal meeting, with consensus that it should occur soon—ideally within a month—rather than being delayed. Smaller, informal meetings with limited participants are viewed as more practical for addressing questions and improving alignment.

Concern is raised about a lack of clear direction from TB, including unclear guidance on committee structure and workflow. There is a desire to ensure future work aligns with expectations and remains actionable, avoiding effort that may be rejected due to misalignment.

Discussion emphasizes that economic development is the central issue, particularly supporting agriculture as a viable business. The committee's work is framed as helping farmers sustain operations through modern, direct-market approaches rather than traditional models.

Concern raised over criticism that the committee is overstepping by drafting detailed ordinance language, with clarification that this level of detail was previously encouraged to provide meaningful guidance. Stressed that the intent is not to create final ordinances or undermine zoning, but to contribute informed recommendations that will still go through the full review process.

Heller emphasizes the need to clearly communicate needs rather than wants, and to simplify proposals so they are easier to understand and evaluate. It is noted that the small processing concept is still in draft form and frustration arises from it being criticized before formal submission.

The committee reiterates that its role is to outline practical, real-world needs of farmers—such as generating income from small-scale operations—rather than drafting final ordinance language. Improved communication and education are seen as essential to bridge misunderstandings and align expectations.

Concern is also raised that official meeting minutes do not fully reflect the depth of prior discussions. A request is proposed to submit a full transcript of the relevant meeting portion to the TB for inclusion in the record to ensure accuracy.

C. Continued Discussion of small acreage subcommittee draft ordinance

The proposed cap on retail space is determined to be unworkable based on a discussion between Baldyga and Ryan Coffey Hoag (Chair, State of Michigan Farm Market GAAMPs Committee), who explains that state GAAMPs and Right to Farm protections do not limit building size. Instead, farm markets are regulated by the requirement that at least 50% of products originate from the affiliated farm, with remaining items still being agricultural products.

It is further noted that many ag uses are broadly protected at the state level, limiting local control. As a result, local ordinances must rely on general standards and case-by-case review, particularly for higher-intensity uses like processing, rather than imposing strict caps.

Discussion highlights that while certain ag activities may be protected under state law (e.g., GAAMPs and Right to Farm), conflicts arise when local officials interpret them as not permitted. In those cases, the burden often falls on the farmer to prove the activity is allowed, which may require seeking support from the Michigan Department of Agriculture or GAAMPs board, and potentially pursuing legal action if disputes persist.

Concern is expressed that this process can be costly and difficult for farmers, reinforcing the need for clearer understanding at the local level. Improved communication, including informational meetings with TB and PC members, is seen as a way to bridge knowledge gaps and reduce conflicts. Increased farmer representation in local decision-making is also emphasized as important for ensuring these perspectives are considered.

Discussion considers timing for sharing the small processing proposal with the township, noting it may be premature to present before internal review is complete. It is suggested the proposal continue through the established process with staff and the PC, with the TB involved later if needed.

Key revisions are discussed, including maintaining GAAMP-based setbacks without modification and reconsidering operational standards. Processing is recognized as distinct from general farming activities, allowing potential limits such as hours of operation for higher intensity uses, while core agricultural activities remain unrestricted.

The proposed 2% cap on building size is removed, as it would conflict with state protections and is not enforceable. Instead, reliance on GAAMPs and market forces is supported, with acknowledgment that local ordinances should not impose restrictions that would not hold up legally.

Discussion centers on whether to regulate processing hours or rely on existing ordinances. It is clarified that core farming activities are protected under Right to Farm and can occur at any time, but processing (value-added activities) is not fully protected and may be subject to local regulation.

Members consider whether limits are needed, particularly for non-harvest processing that could impact neighbors.

Suggestions include distinguishing between harvest periods (no limits) and off-season processing, or relying instead on existing regulations such as noise, lighting, and other local ordinances.

There is no final decision, and the issue is identified as needing further guidance, likely from the planner, to determine whether additional restrictions are necessary or if existing rules are sufficient.

Beard makes a suggestion to further break down acreage categories below 40 acres to reflect differences in scale (e.g., 5–10, 10–20, etc.), though it is noted this can be addressed later. Uncertainty remains about whether the proposal falls under the 201 amendment, and clarification from the TB is needed before advancing further.

The committee agrees to finalize edits to the draft and circulate it via email for review before submitting it to the PC.

Motion by Baldyga to finalize, circulate, and submit the draft to the Planning Commission for review. Motion Passes

D. Introduction of farm stay and short-term rental language

Introduces draft language for farm stays and short-term rentals, building on the small processing subcommittee work. An example ordinance from Acme Township is provided as a reference for how short-term rentals could function as an additional income stream for farms.

Hemming supports the farm stay concept, with a proposal to replace the existing B&B ordinance rather than operate both. Farm stays are viewed as more appropriate for larger agricultural parcels, potentially reducing traffic impacts compared to B&Bs in residential areas and encouraging on-site activity rather than frequent off-site travel.

Discussion supports keeping the existing B&B ordinance and creating a separate farm stay category, as they are viewed as distinct uses. Farm stays are seen as an agricultural use tied to larger parcels, while B&Bs remain appropriate for residential settings.

Short-term rentals are discussed as a separate and more complex issue, with agreement that focusing on farm stays is more appropriate for the committee's scope. Farm stays are viewed as a lower-impact alternative that can provide additional farm income, with optional food service and fewer traffic concerns compared to typical B&Bs or short-term rentals.

The farm stay proposal will remain on the next meeting agenda for further review. Members agree to hold off on advancing it, instead taking time to review, suggest edits, and compare it directly with the existing B&B ordinance.

Including the B&B language in the next packet is suggested to better understand differences and determine how the two approaches relate.

9. Citizen Comments: None

10. Board Comments

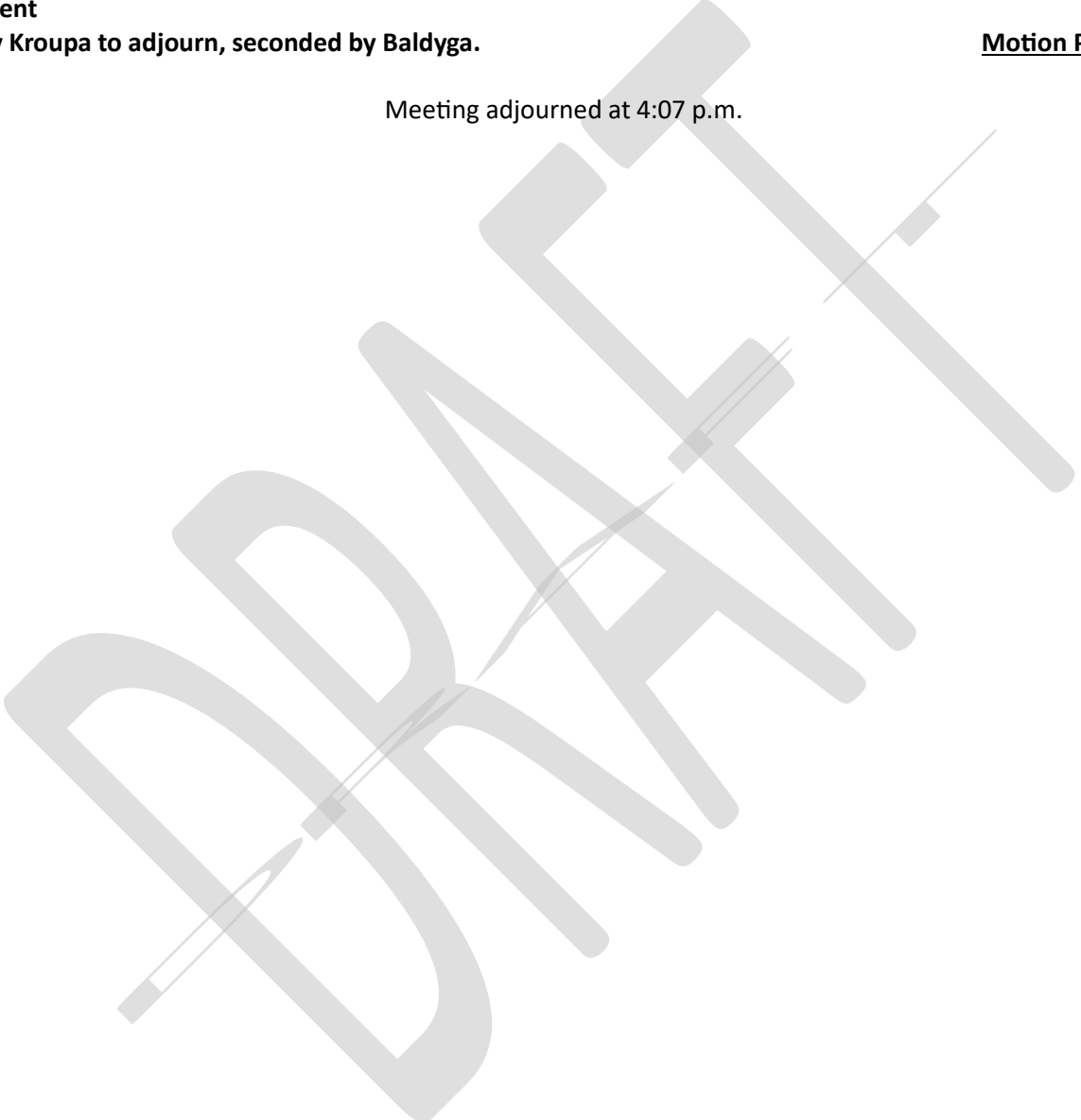
Hemming brings up an upcoming ag tourism summit in mid-May and is highlighted as a valuable educational opportunity. Past committee attendees note it includes industry speakers, breakout sessions, and discussions on topics such as farm stays, Right to Farm, and growing ag-based businesses. Participation by PC and TB members is encouraged to improve understanding of ag tourism and support informed decision-making.

Adjournment

Motion by Kroupa to adjourn, seconded by Baldyga.

Motion Passes

Meeting adjourned at 4:07 p.m.



MEMORANDUM

TO: Supervisor Maura Sanders, Zoning Administrator Sara Kopriva

FROM: FSBR

DATE: May 7, 2026

RE: Zoning Regulations Affected by *WOMP v Peninsula Township* and *O.V. the Farm, et al v Peninsula Township* Litigation

You have asked us to review the current pending cases identified above and flag some areas of consideration for the Township while it engages in a zoning rewrite of the Peninsula Township Zoning Ordinance (“PTZO”). The ongoing litigation may provide direction on the scope and substance of regulations the Township is currently drafting. The Township should be cautious about any amendments concerning any regulations that are the subject of ongoing litigation. This memo provides considerations to be mindful of when engaging in the zoning re-write process, should the Township choose to take any action before the litigation concludes. Note that this memo does not substantively address the Township’s, courts’, or other parties’ positions in pending litigation—nor analyze the validity of the same. The scope is to simply identify some areas that have been raised and may be of interest to the Township during a zoning rewrite process.

MLCC Licenses/Permits:

Regulations concerning land uses that also receive state Liquor Control Code licenses and permits are a topic of the *WOMP v Peninsula Township* litigation that is currently before the Sixth Circuit, such as hours of operation, regulation of noise, food, etc. Such regulations have been challenged. The preemptive effect of the MLCC on traditional zoning remains on appeal at this time.

Events in the A-I District:

Regulations concerning events in the A-I district are a topic of the *WOMP v Peninsula Township* litigation that is currently before the Sixth Circuit. Regulations have been challenged for being vague and for implicating the First Amendment. The issue remains on appeal at this time.

Restaurants/Food service/Catering Kitchens



The permissibility of restaurants and catering kitchens and the nature of what food service is allowed is a subject of the *WOMP v Peninsula Township* litigation that is currently before the Sixth Circuit and the *O.V. the Farm, et al v Peninsula Township* litigation that is before the Western District of Michigan. These regulations have been challenged for conflicting with the Liquor Control Code. The issue remains on appeal from or pending in the district court at this time.

Local Sourcing Requirements:

Regulations that may require the use of products from within the Township are a subject of the *WOMP v Peninsula Township* litigation that is currently before the Sixth Circuit. Certain regulations have been challenged for implicating the Dormant Commerce Clause of the United States Constitution by discriminating against interstate commerce, and such was found by the District Court. Further clarification on traditional use classifications with sourcing requirements remains on appeal at this time.

Merchandise and Sign Regulations.

Regulations concerning what merchandise sales for certain land uses, promotional signs, and outdoor displays are the subject of the *WOMP v Peninsula Township* litigation that is currently before the Sixth Circuit. These issues remain on appeal at this time.

Agritourism and Farming:

The challenged regulations in the current litigation may have a nexus to agritourism and/or farming concepts. The Township should be mindful of amendments or new regulations in these areas. The Right to Farm Act was also raised in the litigation. Notably, it is not clear the extent additional direction will come on this topic from current litigation, but exercising caution remains appropriate given the other issues that remain on appeal or are being actively litigated.

CONCLUSION

When drafting zoning amendments, some regulations will fall into the non-exhaustive list of categories above that are the subject of ongoing litigation. The Township should consider proceeding with caution in these areas and consider holding off on the formal adoption of any proposed changes until current pending litigation concludes. To the extent any amendments concerning these changes move forward, the Township should be mindful of the legal criteria such regulations will be subject to.

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.

- (c) Whenever any use permitted herein abuts property within any Residential District, a transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences, and the residential property. Plant materials, grass, and structural screens or fences of a type approved by the Township Board shall be placed within said transition strip.
- (d) A minimum yard of one hundred (100) feet shall separate all uses and operations permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Township Board.

(6) **Bed and Breakfast Establishments:**

- (a) **Statement of Intent:** It is the intent of this subsection to establish reasonable standards for Bed and Breakfast Establishments to assure that:

- 1. The property is suitable for transient lodging facilities.
- 2. The use is compatible with other uses in the residential and agricultural districts.
- 3. Residential and agricultural lands shall not be subject to increased trespass.
- 4. The impact of the establishment is no greater than that of a private home with house guests.

- (b) The following requirements for Bed and Breakfast establishments together with any other applicable requirements of this Ordinance shall be complied with:

- 1. The minimum lot size shall be one (1) acre.
- 2. Off-street parking shall be provided in accordance with Sections 7.6.3 and 7.6.4 of this Ordinance.
- 3. The residence shall be the principal dwelling unit on the property and shall be always owner-occupied at all times.
- 4. The residence shall have at least two (2) exits to the outdoors.
- 5. No more than three (3) sleeping rooms in the residence may

- be used for rental purposes.
6. Not more than eight (8) overnight guests may be accommodated at any time.
 7. The rooms utilized for sleeping shall be a part of a dwelling that has received an occupancy permit prior to the application for a Bed and Breakfast Special Use Permit. **(REVISED BY AMENDMENT 143)**
 8. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
 9. Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied by owner/occupant.
 10. The Township Board shall require that a floor plan drawn to an architectural scale of not less than 1/8" = 1 foot be on file with the Fire Department.
 11. Each owner/operator of a Bed and Breakfast Establishment shall keep a guest registry which shall be available for inspecting by the Zoning Administrator, and police and fire officials at any time.
 12. The length of stay for each guest shall not exceed seven (7) days within any thirty (30) day period.
 13. In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespassing onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.
 14. Rental of snowmobiles, ATVs or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.
 15. A special use permit shall not be granted if the essential character of a lot or structure within a residential or agricultural district, in terms of use, traffic generation or appearance will be

changed substantially by the occurrence of the bed and breakfast use.

16. Breakfasts shall be the only meals served to transient tenants. **(ADDED BY AMENDMENT 136)**

(7) Warehousing and Light Industrial:

(a) Uses allowed: **(REVISED BY AMD 131)**

1. Printing and publishing establishments.
2. Small contractors' establishments having no outdoor storage of materials or equipment.
3. Wholesale and limited retail activities related to on-site warehousing. High volume retail sales normally accommodated in the other retail districts would not be allowed.
4. Research facilities provided there is no use of radioactive, toxic, or explosive materials.
5. Computer operations.
6. Small warehousing structures such as controlled atmosphere apple storage or storage for food products processed in a food processing plant located on the farm, provided that the storage structures shall only be used for agricultural products grown on Old Mission Peninsula. **(REVISED BY AMENDMENT 131)**
7. Light manufacturing operations employing twenty-five (25) or less.

(b) Enclosed Buildings: Activities in this District shall be carried on in completely enclosed buildings.

(c) Noise emanating from a use in this District shall not exceed sixty (60) decibels at any property line.

(d) Uses in this District shall conform to the following standards:

1. Emit no obnoxious, toxic, or corrosive fumes or gases which are deleterious to the public health, safety or general welfare; except for those produced by internal combustion engines under designed operating conditions.