

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

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Township Board Regular Meeting

July 9, 2024, 7:00 p.m.

Township Hall

Minutes

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

2. **Pledge**

3. **Roll Call**

Present: Wunsch, Achorn, Sanger, Sanders, Rudolph, Shanafelt, Chown

4. **Citizen Comments:**

Fred Woodruff, 4824 Forest Road: I thought the board was going to start publishing and reviewing quarterly financial statements?

Sanders: because of the Fourth of July, I wasn't able to meet with everyone last week. We've started them. I will publish it on the website as soon as I have the quarterly summary report done.

Woodruff: the other reason I wanted to speak with you is the township in its prior publications and PTP [Protect the Peninsula] in its current publications are assuming a very large judgment in the WOMP [Wineries of Old Mission] lawsuit if they win. On the agenda, you're getting an update from legal counsel. I went on the website that was provided. I put in my assessed value and the calculator said I would owe \$44,830. I did a little calculation based upon the underlying assumptions that indicated [the judgement] would result in a 155-mill increase on a one-time basis. I'd like legal counsel to deal with the issue because I also understand that the judge dismissed some of the claims directly relating to that judgment. I was hoping we could get the lawyer's analysis as to what, during the trial, the plaintiffs were actually able to claim as their money damages.

Curt Peterson, 1356 Buchan Drive: concerning the process for passing the Peninsula Township Master Plan, we regular citizens have been chastised for speaking out on the legal process for amending our zoning ordinances and for adopting [the master plan]. I've been personally and publicly criticized for speaking out on a legal process. It's been inferred that because I do not have the legal expertise to be able to voice my opinion, we should only rely upon our legal counsel that the township pays for. I don't buy that. Understanding the Michigan Planning Enabling Act is fairly simple. You don't need to be a lawyer to understand it. See my packet letter. It's even easy to understand for us lay people. It's fairly easy to conduct your own examination of state law. Our township legal counsel says we're following the same procedures as other townships. Well, I don't care if other townships are doing it wrong. I want us to get it right. Remember, lawyers at trial are only about as good as weathermen. They get it right 50 percent of the time. Our current method disenfranchises the citizens because input is illegally restricted so we lose the trust of our staff, elected officials, and board members. In my packet letter, and thanks for including it last minute, there's a simple solution that doesn't cost us anything. We can get it done correctly and legally and it will resist any further legal challenge. Just do it the right way. There's a claim that I have no expertise on legal issues involving township government. Let me say that I have successfully given

testimony at the second highest court in the United States of America, at the United States International Trade Commission. My record is one for one. I'm a former zoning commissioner for the town of Ledyard, Connecticut. I know about zoning law. In terms of understanding Michigan Law, zoning law, and also Peninsula Township law, I'm also one for one. In 2016, Michigan court case of Curt Peterson Petitioner versus Peninsula Township, we won. Bottom line is, we citizens should take our responsibility very [seriously]. It's easy for us to comprehend our zoning laws. It may take us a little bit longer than legal staff, but we can do it, and we should do it. You need to pass this master plan the correct way. It should go back to the planning commission for the public hearing. Thank you.

5. Approve Agenda

Cram: I'd like to add to the agenda an introduction of our new planning and zoning administrator.

Rudolph moved to amend the agenda to reflect an introduction with a second by Shanafelt.

Motion passed by consensus

Achorn moved to approve the business agenda as amended with a second by Sanger. Motion passed by consensus

6. Conflict of Interest:

Chown: I have a conflict with business item two; I will recuse myself for that.

7. Consent Agenda:

1. Invoices (recommend approval)
2. Reports
 - A. Cash summary by fund
 - B. Fire Department
 - C. Ordinance Enforcement Officer
 - D. Peninsula Community Library
3. Minutes from June 11, 2024, Township Board Regular Meeting
4. Correspondence
 - A. Curt Peterson

Chown moved to add the report from Peninsula Community Library to the agenda with a second by Sanders. Motion passed by consensus

Rudolph moved to approve the agenda as amended with a second by Sanger.

Roll call vote: yes – Achorn, Sanger, Sanders, Rudolph, Shanafelt, Chown, Wunsch **Passed unan**

8. Business:

1. Litigation Update (Attorney Chris Patterson Fahey Schultz)

Patterson: similar to last month, we're still in the process of court reporters transcribing each day of testimony. The judge wants to receive all those transcripts before final closing arguments. We haven't heard additional information from plaintiff's counsel or others. I think they're working on a few evidentiary record issues that will probably get sorted out in that final briefing.

The only other case, Family Orchards, remains pending. I talked to your insurance defense counsel. Same judge has that case, Judge Maloney. He is waiting on the outcome of the winery litigation.

Wunsch: did you hear the public comment request for a summary of potential damages?

Patterson: damages that have currently been articulated are still outstanding. Damages have been indicated in the record for purposes of everything from potentially small events, large events, and establishing more restrictions on First Amendment issues. There's going to have to be briefing to fully understand how the judge expects to decide those issues in light of some earlier legal rulings. Based on the record that was presented, I don't know exactly where the judge is going go with any potential damages at this time.

Wunsch: basically we're in wait and see mode.

Patterson: correct. You're at least several months away from a final determination from the court.

2. Public hearing on Peninsula Shores, SUP #123, Amendment #5 (Cram)

Cram: this is the fifth amendment to SUP #123 for Peninsula Shores. It was originally called the 81 Development. Earlier this year, you saw a fourth amendment that was scheduled for a public hearing with the board. That public hearing was tabled and then paused indefinitely. The fourth amendment proposed increased density to the PUD by adding one additional unit of development. Staff found it did not meet the standards within the zoning ordinance. The planning commission agreed and recommended denial. The applicant paused the process and came back with a subsequent fifth amendment. One of the conditions of approval included in the packet tonight is that the fourth amendment officially be withdrawn.

Peninsula Shores is located on Water's Edge Drive via Boursaw Road. It is approximately 81 acres. The property is zoned R-1A, rural and hillside residential, and R1-B, coastal zone residential. That now has the PUD overlay zone. The adjacent zoning in that area is also R1-A, rural and hillside residential, as well as A-1 and the R1-B coastal zone. All those zoning districts allow for single-family residential development and/or the approval of a PUD.

On August 11, 2015, the board approved the original development for Peninsula Shores that included 41 residential condominium units with 65 percent open space located off Boursaw Road. On September 10, 2019, the first amendment to SUP #123 was approved. It shifted the private road to the west, enlarged units five through nine, adjusted the lot widths of units 1 through 9 to be more uniform, eliminated the landscaped area along the private road to enlarge units 4 and 10, reduced the lot size of units 11 through 28 along the easterly side to meet the 65 percent open space requirement, and realigned the emergency access road to the south.

On May 10, 2022, the board approved the third amendment to SUP #123 that included relocating unit 1 from the southeast corner of the development to the northwest corner and removing parcel A, which eliminated a steep lakefront access, modifying a sanitary easement for unit 6, and making lot line adjustments to units 38 through 41.

Amendment #5 is consistent with amendments #1 and #3 and maintains the same 41 units of density on the property. With this amendment to realign and relocate units, they're actually increasing the open space from 65 to 66 percent.

The site plan proposes to relocate units 11 and 12, leaving the corner open that will add to the open space. There is a landscape plan included in the packet. This will become a pollinator garden and additional open space for the community. It enlarges the open space along the shoreline. This will keep the view open at this corner and help to connect both areas of open space. Units 11 and 12 will move up to the northwest corner of the property. Unit 1, approved via amendment #3, moves down to the cul-de-sac next to unit 41. The applicant is moving around the units of development to provide for a more creative design. Locating units 1 and 41 here creates smaller lots for two smaller residential structures rather than one larger structure.

For the planning commission to recommend approval and for the board to approve an amendment to an SUP, we must find that all of the conditions in section 8.1.3 (1), general standards, 8.1.3 (3), specific standards as well as the standards in section 8.3 PUD [are met]. I am going to hit on two of the key standards from section 8.1.3 (1), general standards. Parens (a) notes, "The application will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed."

As I noted, the surrounding area is zoned R1-A and R1-B residential as well as A-1, which allows for residential uses as uses by right. The surrounding area is zoned similarly and has been developed

similarly with single-family residences. Thus, the intended character of the approved PUD and surrounding area is predominantly residential in nature.

The original approval allowed for 41 single-family residential units with 65 percent open space. The requested amendment does not increase the proposed density of the development and actually increases the amount that will be used as private open space. It goes from 65 percent to 66 percent. Thus, the proposed use of the property for single-family residences does not change as a result of the requested amendments. The PUD process allows for flexibility in the physical development pattern in exchange for preserving open space. Had the property utilized the standard land division process, the total density allowed on the 81 acres was estimated at 55 units with no requirement to preserve any open space. There would also be lesser setbacks to adjacent property owners. Per section 8.3.2, one of the objectives of a PUD is to cluster the location of residential uses around open space. The approved development generally clustered the 41 residential units around the perimeter of a large tract of open space located centrally on the property. The proposed amendments do not erode that original approval. There is currently a 30-foot PUD buffer to the northern property line, a requirement of section 8.3. Unit 11 currently proposes a 15-foot setback from the northern rear property line. Both the R1-A and R1-B zone districts require a 30-foot rear setback. A condition of approval has been included to increase the setback from 15 feet to 30 feet. This will result in a 60-foot buffer from the future homes to the northern property line. The applicant has accepted this condition of approval and, with the approval of amendment #3, has also planted a double row of evergreen trees within that northern 30 feet to provide a buffer to the residences to the north. That buffer was accepted by the planning commission prior to the application of amendment #5. The appearance of the PUD will not change as viewed from the water or surrounding area, as the elevation of any proposed residence will be similar to the surrounding area based on the approved grading plan. There's also a condition of approval that no fill be allowed and that the finished floor elevation be no more than two feet above grade. That will help to site any future homes with the existing topography so that they don't tower above any other residences.

The amendments as summarized above are harmonious and appropriate in appearance with the existing character of the general vicinity because single-family residential uses are allowed in the area and currently developed. Furthermore, the larger blocks of open space are still preserved and actually enhanced. A generous buffer between compatible residential uses has also been established as part of the approval of amendment #3.

Parens (b) notes, "The application will not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole." The proposed amendments will not change the overall character of the previously approved PUD. Therefore, the proposed amendments will not be hazardous or disturbing to existing or future uses in the same general vicinity, as a residential use adjacent to another residential use is compatible. No additional disturbances are anticipated other than what is standard for the construction of a single-family residence.

Section 8.3.2 encourages developers to use a more creative and imaginative approach in the development of residential areas. Relocating units 11 and 12 to the northwest corner preserves a view of the bay from Boursaw Road. It is through homes, but it keeps that area open. Relocating unit 1 to the south creates two smaller lots that will result in two smaller homes rather than one large home. The amendments also result in a more desirable and usable open space area for the development. The amendments will not be hazardous or disturbing to existing or future uses, as the area allows for residential development and has been developed with single-family residences. The spirit and intent of the original approval is also maintained with residential units clustered

around larger tracts of open space. The amendments are a substantial improvement, as they preserve the open area and slight views to the bay for the entire community to enjoy and increase the total percentage of open space for the benefit of the entire development.

One thing I want to note is that the third amendment was actually appealed. Judge Powers upheld that appeal, finding that the board followed the zoning ordinance and the process to approve amendment #3. The facts that came out in that appeal process are that the original approval to develop 41 units with 65 percent open space instead of 55 units with no open space is a substantial benefit. It doesn't matter where they're located. The intent was to minimize the amount of density and to cluster around open space. The amendments as proposed are consistent with the original approval and do not erode that original intent.

We have included some draft conditions of approval for consideration for you. On page 10, there are seven of them.

Rudolph: on the drawing, the blue dotted line shows the lots that were originally approved, so we're talking about adding to lots in the northwest corner?

Cram: we're moving units 11 and 12 up to the northwest corner. Unit 1 moves down adjacent to unit 41. Originally unit 41 was a much larger lot.

Rudolph: I'm curious why the developer wants to do this?

Cram: what he represented to the planning commission and to staff is that as a development is moving forward, they look at how things could be improved. Developers are constantly on site to see how they can make it better for the entire community as well as the residents in that development. They thought it felt a little congested near the intersection of Shoreline Court and Water's Edge and it would be advantageous to open that up for the community. It opened the view for people coming down to access the shoreline. It allows for additional open space for the residents. There is value in moving those lots located there, and they do have the ability to come in to request an amendment as long as it meets our standards. With amendment #4, they had proposed an additional unit of density. They learned that didn't meet the intent of the zoning ordinance and the original approval. They thought this amendment would be an improvement for the development and the community.

Achorn: I have a question on condition number five, stormwater management. In the original approval, each individual home had to have a separate stormwater review. Is this included here or does it need to be once more specifically stated in the conditions?

Cram: with the first approval, and moving on to development, a stormwater plan was approved for the entire development that took into account the road placement, drainage from the roads, drainage from the parcels, and what the adequate storm water detention needed to be. Our engineers review all applications, all amendments, to make sure these amendments are consistent with the original approval for the stormwater plan. Any time the applicant comes in to build a new home, they have to get a land use permit. We don't require the stormwater review specifically for this because it was incorporated into the original development. We do require them to get soil erosion and sedimentation control and all of those things.

Achorn: the requirement was for each individual home to have a stormwater permit. As each home was built, a separate analysis was done to see if it would be a deterrent or would cause more stormwater to enter the bay and add contaminants that it shouldn't get. That is why that was put into that original #1 amendment.

Cram: we carried forward all the conditions of approval from the original. Condition one says that all prior findings, conditions, and safeguards imposed by the circuit court and Peninsula Township Board that applied to this amendment remain in effect.

Kyle, if the lot is within 500 feet in the water, do you engage in an additional stormwater with

Gourdie-Fraser?

Kyle O'Grady: with each land use permit, we submit for a stormwater permit. Even beyond the 500 feet ordinance, anything past that 500 is reviewed for each land use permit.

Cram: in addition, with regard to lot coverage, as proposed, the R1-A and R1-B allowed for 15 percent lot coverage. The entire footprint within the building envelope was calculated to make sure it did not exceed that 15 percent. A single-family home is being constructed within that envelope, and it doesn't even come close to filling it so they are far under the 15 percent. For every lot that comes in, we review that lot coverage with the spreadsheet and our engineer confirms they are under that 15 percent. They also do the soil erosion and sedimentation control permit with the Grand Traverse County Health Department at land use permit. Our engineer's comments were included in the packet under exhibit number two, and they had no concerns with the proposed amendments with regard to stormwater or soil erosion.

Sanders moved to recuse Chown from the public hearing on business item 2 with a second by Sanger.

Motion passed by consensus

Wunsch opened the public hearing on Peninsula Shores SUP #123, Amendment #5

Craig Haddox, 4150 Trevor Road: I want to respond to a couple of comments the planner made on the court decision on the third amendment. My understanding is that the judge did not issue any written decision on that case. The judge did not say that you made the right decision in amendment three. All he said was that you had set forth enough of a rational basis for making your decision that he would affirm it. If you had decided to deny amendment three and set forth a rational basis for doing so, he would have affirmed that also. Please don't read too much into that court decision.

The planner also said this would result in two smaller houses by our property. I don't believe that's the case either. The minimum building area under unit 11 is over 7,700 square feet. The minimum building area under unit 12 is over 8,300 square feet. [The developer] could easily build a 10,000 two-story square foot house on either of those lots. The houses up there are not going to be any smaller.

When I refer to a standard tonight, I'm referring to the substantial improvement to neighboring properties ordinance standard on page 141 of your packet. The original approval project had lots clustered in the middle. There were large buffers of open space along Boursaw Road and the properties to the west and north.

Some original findings of the board on pages 142 and 143 of your packet: the board found that the house sites were designed to complement the existing residential use pattern, that the open space was a substantial improvement that benefited the properties within the immediate vicinity, and that the preservation of use from surrounding properties was a reason to approve this project. Lot location mattered. The developer's amendment #5 application states no improvements to neighboring properties, only improvements to his development. The PC [planning commission] and planner did not address whether amendment #5 is an improvement or a detriment for neighboring properties or how the original improvements to neighbors were affected.

The PC and planner seem to rely on advice they previously received from [former township] Attorney Greg Meihn that lots in an SUP can be moved and the impact on neighbors is irrelevant. You are familiar with the quality of Mr. Meihn's legal advice. We think his advice is wrong. Mr. Meihn advised that lots can be moved anywhere within the project so long as no lots are added and the open space percentage is met. If that were true, why is this standard in the ordinance to begin with? Under his approach, developers can design projects that complement, buffer, and retain views for neighbors in order to get initial approval and later move lots wherever they want regardless of the impact on neighbors. The open space by neighbors to the west and north was a

major factor cited in determining that this standard was originally met. If this open space was a substantial improvement over houses that could have been built by right, then now replacing it with houses must be a substantial detriment to the neighbors.

We think this standard must be applied to amendments that affect the substantial improvements to neighbors that were the basis for the original approval. That is the case here. Our proposed findings start on page 144 of your packet. Our proposed findings follow the ordinance language, the precedent set with amendment #4, and the intent and balance of the original approval much better than the findings recommended by the planner and PC.

Three-minute timer

Haddox: last paragraph. You are the decision makers here. Please do not blindly follow Mr. Meihn's advice. We ask you to have your current attorneys review and determine how this standard should be applied to amendments. If they determine a different approach is correct, please re-evaluate amendment #5 under that approach. We hope they will apply the standard as written to protect and preserve the improvements to neighbors instead of following the Meihn approach, which benefits developers at the expense of existing residents. Thank you.

Megan Haddox, 4150 Trevor Road: some claim we don't want another house by us and that's our basis for objecting to this amendment. Others think we are claiming property rights to the developer's property. Neither is correct. We object to this amendment because it does not meet the ordinance standards. There is no improvement to neighboring properties under amendment #5. The increase in open space will not reduce the sizes of any houses built in the development and is of no value to neighbors. We can't see it and we can't use it. There won't be a new bay view from Boursaw road. The elevation of those lots is higher than the elevation of Boursaw. Further, there is a tree buffer along most of it. The only place you see the proposed open space is at the development entrance. There are several lots at that intersection that don't have houses built on them yet. Once built, the view at best will be a brief, not very desirable view of dense houses with perhaps some sky visible between them. If you think this view would be a plus, please check it out from Boursaw before deciding. The development under amendment #5 will be worse for Smokey Hollow estates than the development by right would have been. The amendment will result in three houses by our property, with two of them densely situated at the highest and most visible point from our common areas. The use-by-right plot had three houses backing up to our property but spread out and only one house would be visible from our common areas. The other two would be screened by existing forest.

The number of houses and the density of each development was about the same from lots 1 and 41 to the north. The difference is the traffic. The use by right had two roads in, so only three or four houses would be using the road by our property. If this amendment is approved, there will be traffic from two more houses using the road by our property for a total of 15 houses that will use this road. Per the planner, each house generates 10 car trips per day. Under use by right, there will be 30 to 40 cars per day going on the road by our property. If this amendment is approved, there will be 150 cars per day going by. The development under amendment #5 is not better than but worse than the development by right for Smokey Hollow Estates.

Please review the proposed findings submitted by Craig [Haddox]. His first finding for standard A is identical to the PC finding denying amendment #4 under the same standard. The same facts should have the same result: a denial of amendment #5. Please enforce the benefits provided by the ordinance to neighbors of this and other developments instead of following Mr. Meihn's faulty advice. Thank you.

Evan Pierce, 4150 Trevor Road: Smokey Hollow Estates has four home sites on 12 acres. It's a low-density rural area. Our cul-de-sac is a common area used by all owners for social gatherings,

stargazing, children's play, etcetera. Our screened-in porch on the south side of our cottage is a favorite gathering area. Under amendment #4, the planner and PC found that adding a house in the development would result in more noise, light, and traffic to the detriment of the lots in the development and that increasing the density in the development would be disturbing and/or not a substantial improvement to the property in the immediate vicinity. Yet they ignore the fact that adding houses by the neighbors to the north and west and moving the existing house by the Lewis cottage much closer to it will result in more noise and light and 20 more vehicle trips per day to the detriment of those properties. They now find in amendment #5 that increasing the density by the neighbors to the north and west is not disturbing and meets this substantial improvement standard. They believe the things that adversely affect lots in this development do not adversely affect neighbors' properties. That is consistent with Mr. Meihn's faulty advice that the impact on neighbors is irrelevant in amendments. The PC findings to deny amendment #4 found that changing one lot to two lots by the cul-de-sac did not meet the ordinance standards. Yet amendment #5 has the same exact change by the cul-de-sac. Same lot sizes and same lot locations. Now the planner and PC say they meet the standards. This is arbitrary and an abuse of discretion to reach different results on identical facts.

Amendment #5 is different than amendment #3. Amendment #3 replaced original lot 1 with open space. It eliminated a beach access between two neighbors and allowed a neighbor to buy that beach access. Amendment #3 provided substantial benefits to those neighbors. Amendment #5 moves open space from the north and west end to the center of the development where it benefits only the development. Please show the same concern for neighbors of this size and other large developments as to noise, light, and traffic that was set forth in the amendment #4 findings. Please apply the substantial improvement ordinance standard to amendments instead of ignoring it. Please deny this amendment. Thank you.

Wunsch closed the public hearing.

Kyle O'Grady, South Garfield Avenue, Suite 202: I appreciate the concerns of the neighbors. It's certainly been there all the way along as we're all familiar with. I think at the end of the day it comes down to the plan and how it meets or doesn't meet the zoning ordinance and we've gone through what I would say, and perhaps some on the PC would agree, is some pretty extensive review and consideration. I would lean on the advice of the planner and planning commission, which we had a unanimous yes vote at. I respectfully ask for a yes vote on amendment #5, and if there are any specific questions, I'm happy to address them. Thanks for the time and I appreciate your consideration.

Cram: I would like to clarify some of the comments that were made. Neither staff nor the planning commission relied on any legal opinion from Greg Meihn. The planning commission requested copies of the transcripts from the appeal to amendment #3. Our legal counsel provided those transcripts. The PC reviewed those transcripts and based its decision largely on them. We do believe there is a distinct difference between amendment #4 and amendment #5. Amendment #4 proposed to increase density, which increases traffic and lighting. These amendments are consistent with the original approval. There are 41 units of development proposed. The open space increases from 65 percent to 66 percent and I think is configured more thoughtfully to connect and be more valuable. That was where staff and the planning commission made their decision. They looked at the original approval, and the substantial benefit to the community as a whole was that we have 41 units of development rather than 55. Those 55 units of development would have been located much closer to the northern property line or the Haddox and Lewis cottage. There would have only been either a 15 foot or 30-foot setback depending on if it was a rear or a side. With these amendments, there is a minimum of 60 feet with a double row of evergreen trees as a

buffer. I also looked at the proximity of the Haddox-Lewis cottage, and it's 200 feet away from any future home. There is a substantial buffer from the existing residents to the north. And [the Haddox's] view is actually to the northeast. You can see in aerial photographs that they removed quite a few trees to create their view off to the northeast. We cannot approve amendments based on someone's view. Every private property owner has those rights. This could have been developed with 55 units much closer to that northern property line than what is proposed today.

Craig Haddox from audience: can I reply?

Wunsch: no. I'm sorry; that would be out of order.

Rudolph: normally the setback from the rear property line would be what?

Cram: in the R1-A and the R1-B zone district, 30 feet from the rear. Depending on how the lot was oriented, it would either have a 30-foot rear setback or, if it was a side setback, it could be as close as 15 feet to that property line. Some of the lots as proposed would have been a side-yard setback.

Rudolph: that building would have to be 30 feet from the lot line?

Cram: look at the plan; there is this 30-foot buffer. There's the solid black line around the property. The dashed line is the footprint. Per condition of approval, increase the setback from unit 11 from the 15 feet shown here to 30 feet. In essence there would be 60 feet from any new home to the rear property line and the 30 feet that is closest to Smoky Hollows Estates has that double row of evergreens. The applicant did go above and beyond the height and size of the trees on one of the rows of trees that were planted. Unit 11 is going to have a nice buffer. They also talked about the existing mature trees in this area. This amendment does not affect the existing mature trees. The planning commission did a site visit prior to the public hearing on May 7 and looked at the trees and the orientation of these lots before making its decision.

Achorn: I also walked the site initially, and the views are gorgeous. I would like to ask Kyle, what is the distance to the road? There is a question of additional noise because of traffic, am I right?

Cram: 200 feet from the Haddox cottage to where the setback line is for unit 11. There's another 117 feet plus 30 feet, so 350 feet approximately. The traffic generated in this development is going to be the same as what was originally approved. There are 41 units. Yes, they are going to be reconfigured, but the number of vehicle trips generated would be the same.

Achorn: I equate it with where I live on Peninsula Drive, with the noise and cars that go by. The Lindale subdivision grew incrementally over the years; I never realized how it grew. The traffic in front of my house at certain times of the day, in the morning when the medical people go into work, I hear them. I was trying to equate what problem there is with noise. As to light, we do have a light and noise ordinance, which can be addressed. I would assume Kyle is building his homes within this light ordinance so it will not disturb any of the neighbors. If either of my neighbors plants a tree, I cannot see part of Power Island or the lights of Traverse City. I cannot do anything about it. That's part of living in a neighborhood. I feel for these people who have had their quiet neighborhood for all these years and now they have neighbors, but that is part of the process of more people moving to Traverse City and Old Mission Peninsula.

Sanders: I have a question about the northernmost common open space. What's the guarantee they're not going to come back for amendment six and request housing in that spot?

Cram: I don't know if there can be a guarantee because the applicant always has the ability to come back and request an amendment.

Sanders: I was on the board when this originally went through and it was extremely contentious. Ultimately, we came to the agreement that this is actually a really cool development. I wasn't in favor of the whole hillside thing into the bay for obvious reasons. I think something the community was able to get behind was the guarantee that these common open spaces were going to stay common open spaces. With amendment #4 going away and amendment #5 on the table, I foresee

amendment #6 coming next, trying to get that open space filled in. Although I wasn't in favor of it when it originally passed, the fact that those open spaces were set made me much more comfortable. It made the folks who lived in that area more comfortable. I have a hard time knowing that you have the ability to come back for the amendment [when] you're going against what you originally said you would do, to keep the open space open for the benefit of all.

Shanafelt: amendment #4 ran into this hurdle that they wanted to add a lot. We couldn't get our heads around how that could be a benefit. If they were to do something in that open space, it would be adding a lot.

Sanders: could be trading a lot from somewhere else and putting it up there. Ultimately they are maintaining the same number of lots, just switching.

Shanafelt: we lose some of the continuity in the open space. One of the arguments here is it creates a more integrated open space structure. Anyone can come for an amendment. The job of the PC is to operate within the zoning structure to approve or suggest how that might work.

Cram: the board does have the ability to add conditions of approval. You could condition that sliver of open space be part of this approval.

Sanders: I know we can do that. The issue that everyone in the back of the room sees is, is that a defensible position for the township to take?

Shanafelt: one issue I see with what you're bringing up: this amendment process is subject to scope creep. I don't know how to manage that. My opinion separate from the zoning is I actually like this layout better than the previous one. It makes more sense. But that is an opinion.

Cram: any future amendments would also have to meet the standards. We look at this development as a whole. They're maintaining the 41 units of density, they have improved the configuration of the open space and allowed for a better use of that open space. Any future amendment, in order for it to be approved, would also have to meet those standards.

Sanders: there's an opportunity where the community that's concerned and the developer could work together and, if it's legally defensible, put a condition on it, maintaining open space as open space.

Cram: they are required to maintain the 66 percent if approved.

Sanders: then lock it up.

Sanger: over time as development occurs, it becomes less of a concern.

Sanders: we're not there yet.

Wunsch: you're looking at whether it would be legal to impose a condition of approval requiring that triangle –

Sanders: keep the common open spaces that are in place as common open spaces. There's still a little bit of room. It turned out beautifully; it really is a beautiful development. I think both parties should be able to work together to find a solution.

Achorn: are you meaning we have to be part of that?

Sanders: no. It would be the developer and the folks in that cul-de-sac. But because we're the ones sitting on a yay or nay as far as amendment #5, we can put a condition on it now.

Cram: here is a question: had there been 55 units built, and the setback at 15 or 30 feet, and now we're getting 60 feet, plus the double row of evergreens, is it fair to ask the applicant to do more when they are meeting the zoning ordinance?

Sanders: I don't think I'm asking them to do more. I'm asking them not to develop that common space. It was promised from the get go. That was part of what the town board approved. Keep the green space and all the things we're trying to preserve out here preserved.

Wunsch: which common space are you referencing?

Sanders: I'm talking about all of it. But for this particularly I'm talking about that one north central

piece. Because the shoreline, that's not going to be disturbed. And the roads are already laid out so that's not going anywhere.

Sanger: if we put a condition of no changing open space, that means no more moving blocks.

Wunsch: that's problematic under our ordinance. There's a proposed amendment that is a substantial improvement of the property. Our zoning ordinance permits a developer to come in and request an amendment if they're able to generate substantial improvement.

Sanders: but keeping that open space open is a substantial improvement for that greater area.

Shanafelt: that's a wooded area, right?

Cram: yes.

Shanafelt: part of the approval of this one was they're only going to take out two trees there and leave the rest of it alone.

Cram: they committed to only removing two trees, near units 1 and 41. There is maybe one tree that might get removed in the upper area that the planning commission looked at. But the existing grouping of mature vegetation will not be affected.

Shanafelt: if they were to move that open space there, they'd be cutting it down. That starts being a problem.

Cram: the planning commission wanted to see that. Kyle staked the property corners and the building envelope so the PC had a level of comfort with what trees might come out, where homes would be located. We drafted the condition of approval related to the tree removal for units 1 and 41 because we wanted to make sure the mature tree groupings were preserved.

Sanders: can I make a motion?

Wunsch: I would recommend keeping it in line with process. Instead of trying to amend the approval on the fly, I would look for a motion from a member to table for further work and pick it back up at the next meeting if there are any changes that the board wishes to see, to approve or deny, instead of trying to piecemeal something together at the final step.

Sanders moved to approve amendment #5 with the condition of keeping the north central common open space open in perpetuity with a second by Sanger.

Sanger: I'll second the motion just to get it on the table. It raises the question though: is it legal?

Patterson: it's not uncommon to approve a development that includes protecting certain areas through a conservation easement or otherwise. Where we would have problems is if we were trying to grant a right for someone else other than those who are part of the development to use it, which is not what I understand is occurring. In deciding to impose this condition, it's important to ensure that the language in the motion is accurate. There is a section in the Zoning Enabling Act that talks particularly about the best standards for meeting and closing this condition. There could be some additional discussion to bring it back. To impose the condition, we would want it to be reasonable. That condition is supposed to relate to ensuring that the standards as identified in amending this PUD are further in satisfaction of those standards. If that PUD is being improved by that open space being put in place, then I think the only part you're attempting to accomplish is to sort of perpetually avoid any further amendments from changing that? Because there's going to be a conservation easement that was identified in the motion specifically. I think that's another issue that should be explored and brought back to the board. One thing that is problematic is stating a condition and then making sure it's something the applicant can comply with. There may be a way to accomplish this goal. It would be helpful if the board would allow us some time to understand the precise mechanism to do so.

Shanafelt: can we table this for further review with the motion floating out there?

Wunsch: we could vote no on the motion to approve, which wouldn't be a denial. [Sanders] could also move to withdraw with [Sanger's] support.

Sanders moved to withdraw the motion with a second by Sanger. Motion passed by consensus

Sanders: what's the process as far as tabling this? Who does it go to for the review?

Wunsch: it would go back to Jenn [Cram] with a minor condition.

Cram: I would work with Kyle and our legal counsel on the condition.

Wunsch: she would probably check in with the chair of the PC to make sure they agree it's minor.

Achorn: I would like to add another condition. I looked at the records for the escrow and we need money. If we're going to move on with this, we're going to need more money. I suggest we do a review of what's been spent so far and come up with an estimate of additional costs and put that money into the escrow account before we move forward into a final vote.

Cram: I don't think that needs to be a condition of approval. Had I known there was an issue with the escrow, I would have addressed it prior to moving this forward. I can work with Kyle on that. We'll just need to see some accounting. It was my understanding that we had plenty of escrow.

Achorn: bills come in.

Sanders moved to table business item two, public hearing on Peninsula Shores Special Use Permit #123, Amendment #5, until the August 13 township board regular meeting with a second by Achorn. Motion passed by consensus

Shanafelt moved to bring Chown back to the board with a second by Sanders. Motion passed by consensus

3. Public hearing on First Congregational Church, SUP number 134

Cram: First Congregational Church is located at 6105 Center Road. The property is 15.6 acres, zoned R1-C. It is surrounded by properties that are R1-C. Pursuant to section 6.4 and 8.6 of our zoning ordinance, religious institutions and educational and social institutions are a special use allowed in the R1-C's zoning district. Educational and social institutions include public and private schools, daycare centers, auditoriums, and other places of assembly and centers for social activities. In a memo from our previous Fire Chief Richard VanderMey dated June 24, 2011, the existing church was constructed prior to the adoption of our zoning ordinance in 1972. On January 14, 2020, the board approved an application for a special use permit for the church to expand. The approved expansion included a 5,600 square foot second-story addition to accommodate the KidZone, a 1,900 square foot first-floor addition, a 350 square-foot addition for sanctuary storage, a new outdoor patio, park, and play area, reconfigured fire lane, and a 1,152 square foot storage building for the community garden. The first amendment request is to expand the outdoor park and play area. They will add a shade structure, swing, climbing play structure, and fencing to enclose the outdoor park play area.

When I brought this amendment to the PC, they asked, "Why is this amendment going through the amendment process?" They encouraged me to look for an alternative process for these minor types of amendments. It's cumbersome to go for an introduction with the PC and then a public hearing and then the board. The PC and staff found this was very straightforward and consistent with the original approval. We've also received a letter of support from the neighborhood directly to the north. They appreciate the church and have no issues with the playground.

Playgrounds do have noise. The hours of operation haven't been officially designated but they're generally dawn till dusk. The playground is available for the general community when it's not in use by the daycare. It is an amenity for our community. The staff and planning commission found it met all the required standards in section 8.1.3 (1), general conditions and specific conditions under (3) and have recommended approval with one condition, that the original conditions of approval remain in effect.

Wunsch opened the public hearing for First Congregational Church SUP #134, Amendment #1 for public comment.

No public comment

Wunsch closed public hearing.

Bill Meyers: I chair the board that oversees the childcare center at First Congregational Church. We've been in business as a childcare center for about 40 years. I have four kids who went to Old Mission Peninsula School. All four of them went to this childcare center before that. What we realized during COVID, though we'd expanded to increase our Sunday School at the church, was that we didn't have people attending. Simultaneously, we had an area of crisis when it came to childcare. We decided to reallocate that space for the Sunday school to a childcare center. We expanded our capacity from 72 children to about 145 children, and we still have a long waiting list. We don't expect to expand any more. But one of the things the state requires is a certain amount of play space for kids, so we are expanding the playground with that purpose in mind, with two new play structures and some shade as well as fencing for safety purposes.

Sanders: I was over the other day. It was a lot of fun hearing all the little voices out playing and it was hot and sunny. It's a good addition.

Chown: once approved, what's the timeline?

Meyers: we hope to do the installation on July 19 and 20.

Chown: this is wonderful. It's terrific to have supportive neighbors and it's going to be a great addition for the church and the whole community.

Rudolph moved to approve SUP #134, Amendment #1 based on the findings of facts and conditions as noted in the packet with a second by Sanders.

Roll call vote: yes – Sanger, Sanders, Rudolph, Shanafelt, Chown, Wunsch, Achorn **Passed unan**

4. Public hearing on St. Joseph Catholic Church Fall Festival (Cram)

Cram: the date of the event is September 14, 2024, from 11:00 a.m.–4:00 p.m. This is a parish festival in cooperation with Our Lady of Guadalupe Parish, the Hispanic parish that used to meet at St. Joseph's and that will be responsible for the food tent. They will have a tent for children's games and a tent for food. They will also offer wine tasting in the parish hall. They have applied for a liquor license. The wine tasting is entirely enclosed inside the parish hall. There will be a medical station with a registered nurse from the parish attending. Food and water supplies will be inside the food tent. Health and sanitation facilities are provided in the church. Vehicle access and parking facilities are accommodated with the existing church access and parking area. Proposed tents were included on a site plan for you to review. No road closures are necessary. The event takes place entirely on private property. They will be doing the appropriate insurance and bonding as noted in the large event ordinance. All of that information was included in your packet.

Wunsch opened the public hearing on the St. Joseph Catholic Church Fall Festival.

Monnie Peters, 1425 Neahtawanta Road: I'm on the board of the Old Mission Peninsula Education Foundation, which owns the school, and the school backs up to the church. We're the neighbor to the west and we support this.

Wunsch closed the public hearing.

Sanders: it sounds like a good time.

Chown: the food's terrific. I can vouch for that.

Sanger moved to approve the Saint Joseph Catholic Church Fall Festival large event application with a second by Shanafelt.

Roll call vote: yes – Sanders, Rudolph, Shanafelt, Chown, Wunsch, Achorn, Sanger **Passed unan**

Cram: I want to take a moment to introduce Tori Westmoreland as our new planning and zoning administrator. We are excited to have her on our team. Tori, I'd love to give you an opportunity to say a few words about yourself.

Westmoreland: hi, everyone. I've met almost all of you so far. I'm really excited to be here. I have

served in the public sector since graduating from Arizona State University, where I studied urban and environmental planning and sustainability. I'm excited to apply that knowledge here and work with all of you and keep the vision moving forward.

Cram: we're excited to increase our capacity in the planning and zoning department, turn land use permits around more quickly, be able to dig into some of the projects that have been on the shelf for planning and zoning.

5. Resolution 2024-07-09 #1, Adoption of Peninsula Township Master Plan, and accompanying public hearing (Cram)

Before you this evening is a clean draft of the master plan. The original draft was released on December 8, 2021. It was approved by the township board to go out to all local jurisdictions for review. There was a 63-day review period for other jurisdictions to provide comment on our master plan that ended in February 2022.

2022 and 2023 have been very busy years. For many reasons, the draft master plan sat for a while. I would like to note that the only person I received comments from on that original draft is Laura Serocki. I have a vivid memory of my first day on January 3, 2022, sitting down with Laura Serocki and Becky Chown and going over Laura's pages of comments. It was clear to me there were a lot of small things to fix. Typos, organization, things like that. We have accomplished much in the time since the draft was released and now. I invite everybody to pore over the prologue that was introduced in the beginning of this document. I want to assure everybody that we are following process and I know that Chris [Patterson] has some information to share with us.

I heard very loud and clear at the November 14, 2023, meeting that we needed to get the master plan across the finish line. It has been on every planning commission agenda this year. The PC also held a special meeting in order to keep it moving forward. At the January meeting, I gave all the pc members a copy of the 2021 draft and asked them to review it. We created a subcommittee to look at those revisions. Sara Kopriva from Beckett & Raeder, Maura Sanders from the board, Randy Hall from the pc, and I worked on that subcommittee. We organized the revisions into three categories. The first category were things that were easy fixes that didn't change content. The second area was an effort to reconcile the things that had been accomplished from when the draft was released in 2021 to now. The planning commission made a thoughtful decision to not change the content of the master plan to make it current, to respect the work of the master plan steering committee and stay true to the things that were developed in 2021. Instead of rewriting the master plan, we created the prologue that chronologically notes all the accomplishments that have been made. I am grateful to Randy Mielnik, the previous director of planning, and the master plan steering committee for creating such a beautiful, thoughtful document.

The only large content changes were related to the existing land use map and the future land use map. The existing land use map that was included in the draft from 2021 looked very similar to our unofficial zoning district map. That was confusing for people. They thought their land was being rezoned. The existing land use map, the future land use map, and master plans in general do not change zoning. The only way we can change zoning is by going through the appropriate process with the planning commission to amend our zoning ordinance or our zoning districts. We decided to improve the existing land use map to be more accurate to how land is actually being used. We provided the planning commission with examples from other master plans, from Acme Township and East Bay Township, to show how different zoning district maps look from existing land use maps. We worked with Sally Murray, our assessor, to find out how properties are being taxed. We thought it was important that the existing land use map include our agricultural preservation area and the acres that have been preserved. Conservation easements preserve agricultural land in perpetuity. That tells us a lot about how land is being used. Looking at the taxing also helps us to

determine how land is used. It shows us where there are nonconformities with our zoning ordinance, where there are uses that maybe aren't identified in our zoning ordinance that there is a demand for. It advises us that maybe we need to look at amending our zoning ordinance. Then the future land use map takes us to how we hope land will be used in the future.

Based on the community survey and the verbiage in the document, we heard loud and clear that the community values the rural agricultural character. They want to limit to the best extent possible potential build out of the peninsula. They do not support large re-zonings or upscaling to allow increased density and intensity of uses.

With that information, the future land use map differs from the existing land use map in the fact that we're showing more land being preserved. We are relying on the fact that the PDR [purchase of development rights] millage passed again, that we received 10 applications from farmers who want to participate. Once we get through all the appraisals, we have the potential to preserve an additional 700 acres in this first round.

The difference you see in the existing land use map versus the future land use map shows additional land being preserved through conservation easements.

Land that is categorized as agricultural is land primarily used for production. The related zoning district is A-1. Currently, 37.2 percent of the parcels shown on the existing land use map are used predominantly for agricultural purposes. Commercial land is land used primarily for commercial uses, businesses, and things of that nature. The related zoning district is C-1, and we have .5 percent of the total land being used commercially. We do not have a zoning category for industrial, but we do have a couple of parcels that are taxed industrially. One of the parcels has an electrical transformer station. The other is all food processing. Land that is categorized as industrial is predominantly used for industrial uses. There's very little here in the township.

The suburban residential parcels of land are used predominantly for residential purposes on parcels less than five acres.

Rural residential is land primarily used for residential uses on more than five acres.

Land categorized as public or institutional are our parks, the library, the fire stations, public buildings, and so on.

We also created a new land use category for value-added agriculture. This land is used for production agriculture with a value-added element. The parcels that show up with this coloring include either some type of processing or a commercial retail tasting room. Most of the wineries and farm processing facilities and some of the other uses show up as value-added agriculture. This aligns with a recommendation from the 2011 master plan that asked us to look at potentially creating another agricultural zone district that encouraged or supported value-added agricultural along M-37. We also showed land with a conservation easement.

Shanafelt: we're talking about land use that we in fact have not changed zoning on?

Cram: yes, we're talking about how land is currently being used. How land is being used may not be consistent with how it is zoned. We are not changing zoning. A master plan cannot change zoning. The properties that have a conservation easement, land that is predominantly agriculture, are green. Commercial is red. Suburban residential is orange. Rural residential is yellow. Industrial is gray. We have purple for the public and institutional. Value-added agriculture has a hot pink or diagonal fuchsia hatch line over the green. Land that has a conservation easement is hatched green. The agricultural protection area is outlined with black and a little green highlight inside. We did add some language here that notes this is how land is used, and it doesn't change the zoning. The planning commission held a public hearing after the draft was affirmed by the board to go out for the 63-day review period. The Michigan Planning and Enabling Act requires the planning commission to conduct one public hearing. The planning commission conducted that public

hearing on June 4. The planning commission did recommend via a vote of four to two to move the master plan forward to the board for approval.

The board's scheduled public hearing on July 9 gave us time to bring the master plan back to the planning commission on July 2, where it affirmed again via resolution to move this onto the board. There have been multiple versions of the master plan. We have kept a redline version so the public can see all the changes. Most relevant drafts are still on the website today.

At the July 2 meeting, I walked the PC through the final revisions and was authorized to make the final changes in the clean document that you're seeing. There are two resolutions in the front of the document. The planning commission has already approved one. I need to get signatures for a final copy. There is also a resolution that the board will approve.

We feel good about this document. It has gone through a thorough process. There have been more than seven meetings with the planning commission where the public has had an opportunity to comment. The community has had an opportunity to comment on this master plan since 2021.

Wunsch opened the public hearing on the Peninsula Township Master Plan.

Marty Lagina, 232 W. McKinley Road: there's a lot of good stuff in it. I know everybody worked really hard, but it has a couple of flaws that I think are still fatal. I find it gratifying when I agree with Director Cram because I don't often. And I agree with you. The master plan is not a zoning amendment. You said that you can't do that. But you strayed into that. That's my main objection to it and I ask the board to send it back and not to do that. I give you one example, and one example is too much. It says that in the commercial zoning district, 35 percent lot coverage is too much and must be reduced. That's a zoning amendment. That's without any input from anybody in particular, [especially] me, because my family owns that property and all the land around it. It's a zoning amendment and it's done without the proper procedure.

There are numerous examples but I won't get into them. I only have three minutes. I've sent you a letter that tells what I believe are fatal flaws in this document and they can be easily fixed. The board should tell the planning commission to fix these things. Because there's a lot of good stuff in this document. I have trouble with the viewsheds, I have trouble with the shoreline stuff, but I'm not going to talk about that. I'm going to give you a timeline of the commercial district and ask you to reconsider that whole thing.

Between Andy and I, we probably own virtually all of the .5 percent of the land that's commercially zoned in Peninsula Township. Nobody talked to me at all about this plan. I know I could have gone to public hearings, but I missed them. Sorry. But in 2011, I owned most of that acreage. In 2011, the master plan said it was going to be a town center. And me being a good citizen, I've helped with lots of things out here. I've helped with sewer, with water, with the school, with all kinds of things but I don't care. That's not why I'm here. I'm here as a landowner. As a landowner, I was told we're going to have a town center. That was in the master plan. Peninsula Township did nothing. So then I thought, okay, well, I bought all this acreage. I can still do a winery-chateau here, but guess what? Peninsula Township took that away too. So what I did do as the owner of this commercial land is plan to do something nice there after these things were taken away. And what I'm asking you to do is have a little bit of common sense and fair play with these things.

Is there something wrong with the commercial district? Is there something wrong with what the Valdmanis family did? With what we did at Mapleton? We did exactly what the people in Peninsula Township wanted. Put in a nice little store. Rob Manigold wanted a gas station. Gas stations don't make any money. We put in a gas station. We put an electrical charger; we put in solar panels. It's a beautiful little community center. We preserved the restaurant. And yet now out of the blue we're talking about changes to the commercial district. Why? Is there some kind of issue because this sort of overzealous regulation is going to bring in people you don't want? Because people like

Andy and I who have lived here for 40 years are going to throw in the towel. There is not a problem, and when there's not a problem, don't try and fix it. Thank you very much.

Andris Valdmanis, 1484 Chimney Ridge: I met a lot of you in 2019 when we first started this process. 1, 2, 3, 4, 5, 6 of us were on the original steering committee. Becky [Chown], you were there a lot observing. There's not a whole lot of new information. However, I do have some points I want to make. I'll go back to my original question. That's page 71. It's May 30; it's June 4. On May 30, I got a map. You all did. It showed about 22 red parcels. On June 4, seven and a half hours before the planning commission meeting, it went down to two. Twenty, plus or minus my numbers are close, maybe not accurate, disappeared. Then I went to page 71. Pretend you're the landowner and your land went from red, which is commercial, to brown, residential. This master plan recognized that some small-scale re-zonings involving only a few acres may be necessary. So how are you feeling right now? Yesterday, your property was commercial. Today it is residential. How does that make you feel? I haven't gotten a satisfactory answer. I think before you pass the master plan that my name is on, I would like to have some comfort here, and I don't have it. So I ask you to revisit page 71 and identify who it belongs to, those three acres. Is it me? Is it Marty? Is it maybe just a residential piece you want to rezone? Did you talk to the people whose three or more acres you are going to rezone? Again, it's not a zoning ordinance, but as soon as you print it and you publish it, somebody is going to take it as that and say, "Well, the board approved it, the planning commission approved it." Whose land is it? We may not even be related to it, but we don't know. I'm approaching three minutes. I'm almost done. I'm asking you to read this again. I have some copies of the maps. Red. And here it is tan. May 30 and June 4. That's my point there. Can I have one more minute, please?

Curt Peterson ceded his time to Valdmanis

Again, thank you for restarting the process. It's amazingly important. We need a master plan. In February, conversations started about money. The township doesn't have money. We're talking about a charter township. We're talking about a Headlee rollback. So I said, "Well, it would be important to know how much we spent on the master plan." I wrote every planning commissioner. I wrote every town board member. I asked for an accounting of the master plan process because I thought it'd be helpful so we know how much our survey is going to cost next time we do it. We ought to know those things. It took me a lot of work to even get to the point where I got a FOIA form and a suggestion that the township wasn't required to assemble the finances. I had asked for a very specific receipt and a very specific document. Ultimately I got two. A total of \$39,000 approximately [was spent]. But I don't stop there. I went to other townships. I've talked to master planning consulting firms that we used that are in other areas. A master plan costs anywhere from \$50,000 to \$200,000. To do it twice is half again as much. All I know is we've spent \$39,000 based on two receipts. We've had a planner on this for five years at 20 percent of the time, 30 percent of the time, I don't know how much time. We've had consultants; we've had expenses. I'm not asking for that number in order to pass or not pass the master plan. I'm asking for that number because we all know we need more money to run the township. This is part of that.

Mark Nadolski, 10 West McKinley Road: we all know why people move to Old Mission Peninsula. All you have to do is drive up and down Center Road. It's pretty obvious. This board and previous boards and hopefully future boards will recognize those reasons. It isn't to look like East Bay Township, which is out of control, or Garfield Township, which many years ago was designed to attract commercial. Or Traverse City, which is on a path to be totally changed from a unique small town. Our master plan is designed to preserve the history and character of Old Mission Peninsula. We appreciate the effort you're putting into it to try and keep that. Thank you.

Alan Kostrzewa, 7447 Logan Lane: thank you for your time. I've attended a few meetings, not

nearly what Andy and others have. I know Jenn [Cram] and others have spent a tremendous amount of time and it is a beautiful, thoughtful document. A hundred-plus pages. I can only imagine the hours that have gone into it. But it is flawed in several areas. There should have been, and still could be, some town-hall-type meetings. I think that would really bring people out to voice their concerns or questions. Much better than expecting people to go online and look through a hundred-plus pages on the internet. People have busy lives with jobs and children and just living in today's world with all the challenges we have. It's an important document. It just needs a little bit of fine tuning. So I encourage the board to not pass this. Thank you.

Randy Hall, 2610 Twin Eagles Drive: I'm here as a private citizen and I'm also the chairman of the planning commission. I'm going to make these comments as a private citizen who also happens to be a practicing attorney. I understand the concerns of property owners who see the future land use maps and don't like the potential implications. The master plan is a guide for future land use. The zoning ordinance regulates current land use and is an enforceable legal document. The master plan is not. I'm confident that those people who have spoken and others here in the peninsula have sufficient resources and the ability to pay attention to proposed zoning ordinance amendments. They could propose their own. If zoning ordinance amendments are proposed, they can respond and give their input through the process, and if they feel that the result is an illegal form of zoning, they can challenge it in the courts. Thank you.

Grant Parsons, 6936 Mission Ridge: I'd like to speak in favor of adoption. I understand the concerns of private property owners, people sitting up at the 81 talking about how their expectations of their property have changed as a result of an amendment. I understand Mr. Lagina, Mr. Valdmanis have concerns about possible zoning changes. I've litigated master plans. And no court will ever allow anybody to say a master plan changes zoning. As Mr. Hall just said, it's a guide. It's a statement of principle. It's a statement of a vision. That doesn't affect much. I've litigated that out in Leelanau County and here. Since we came out of COVID, townships have started moving forward again with the rest of the world. I've heard people in this room muttering about the fact that the township's master plan wasn't being passed. You're caught in the switches, as they say. You're getting doubly damned. If you do it, somebody's going to be unhappy, and if you don't do it, 99 percent of people are going to be unhappy. I would suggest, as you have come back online, you should move forward with this. You're already saying it's going to come back in the future at some time. Obviously if there were to be a re-zoning of anybody's property, that would have a lot of due process. And you go through due process on that without stopping the statement of policy and a vision that is contained in what everybody agrees is a nice-looking document. Proceed with my thanks.

Fred Woodruff, 4824 Forest Ave: I guess I'll tell you what I said to the planning commission. There's a lot of good stuff in it. I got involved in Armen [Shanafelt's] study group, recommended you hire a consultant to take a look at the organizational and financial resources. If you adopt this master plan tonight, you've got a difficult task. The folks who responded to the survey need their wishes known. The draft master plan appears to reflect those. There are 12 vision statements, including one about operating under the best form of government with suitable and essential public services, but it's number 10. I suggest you look at moving that up so the township has the resources available to move forward with implementing this master plan on a fair and consistent basis.

David Taft, 952 Nehtawanta Road: first, I commend all the people who are involved in putting this master plan together. I wouldn't have the patience to sit through the meetings. Planning department, all the volunteers in the planning commission, great job. Easy to criticize a survey. Some people say it's a guide but it is a survey and a lot of opinions come out. Many people said

tonight that the master plan is not a zoning ordinance, and I agree with them. Questions and issues will come up. And that's what the master plan is trying to do. Because the next group will try to improve the master plan that you hopefully will adopt tonight. In the business world, the day after you accept your business plan or your strategic plan, it starts to become obsolete. This is a fluid, dynamic process. I think that with all the township has gone through, you ought to adopt what you've got and restart the process. Because we'll forever be on this plan based on a survey going back to 2019. We ought to restart the clock and look ahead for another survey and another master plan. I urge you to do that. Finally, continuity. We need continuity in this township. So thank you very much.

Monnie Peters, 1425 Neahtawanta Road: I was working on zoning stuff five or six years ago. To think that the master plan would not be accepted finally, now, is sad. Because the master plan only goes so far. You've got to turn around and re-do your zoning code to match your master plan. This is only the first step. I'm sure it could be better but it's pretty good. Take it and run with it and move on to the detail, where the arguments get really nitty gritty in the zoning area, when you re-write something, the zoning code. Thank you.

Susie Shipman, 14735 Shipman Road: I want to first and foremost acknowledge the work of the volunteer committee members. We had a spectacular group; we had wonderful dialogue. Everyone came with an open mind and an open heart and the goal I feel throughout that sometimes arduous process was really to celebrate what we have here and honor our history and honor the voices of the citizens. I do feel that while it might not be perfect, I can't believe we were eliminating extra spaces and commas just recently. We're always going to find little things, but I think this is a really nice document. I'm personally proud of it as I chaired that process. I encourage you to move forward with it. If you do vote to approve this current version, that just means we start on the next round. We've heard some strong opinions and feelings about how things we write impact people when it comes to land they own. I think we're aware of that and we need to respect that as a part of the processes going forward. I hope we can keep these notes for the next version. This is an important constituency and provides a lot of services that we all enjoy. I think we should honor those statements. But I also agree with the things said tonight. There's no intention to adjust the zoning.

I have a comment about the maps. Going from what is a hand-drawn map to a digital map was an unbelievable challenge. There's a specific set of skills needed to do that work. I 100 percent believe that if a mistake was made, and someone came in and pointed out the mistake, a correction would be made. There's just no other way to operate. I don't want our community to fear. If there's a mistake, we can correct it. We honor what's correct. What I don't like is a fear that there are things going on in the background that aren't publicly available to all of us. I trust that all of us who are part of that process have no agenda in that direction. I want to encourage us to be a community with each other and talk to each other. We can achieve really great things. Thank you for your service and your time this evening.

Todd Wilson, 782 Neahtawanta: I've been waiting for somebody to say what I would like to say, and Susie just did that quite well. I'm just up here to say that I also support the adoption. I am gratified to see after so many years of work that hopefully it's about to be accepted.

Dave Murphy, 6943 East Shore: along with Andy and others in the room, I served on the committee from 2019 through 2021. We put the survey together. We ground out the hard work. I didn't miss a meeting. I can tell you that the intentions were as clean as they can get. The workload was really huge. I dragged Becky [Chown] into it to get her editing skills involved. I remember running into Andy repeatedly at the YMCA pool and having conversations saying, "Good God, Andy, put some clothes on; I can't concentrate." I ran into Armen Shanafelt on East Shore Road and

said, "You want an entry point into politics?" He probably regrets it to this day. "Come to the master plan steering committee." Becky ran articles in each of the newsletters for the years that we worked on this. I remember Jane [Boursaw] coming to our final meeting and insisting on a photograph. I hid in the back and squatted down so I wouldn't be in the picture, but it was blasted all over. It's a great point to say let's try to bring people out to meetings. We don't have an easy forum to do that. We count on the newsletter. We count on the Gazette. We count on word of mouth. I think we did everything we could. We put in an online tool. We worked at this to make it as inclusive as possible. On that level, we did our job. We made mistakes. I remember after we got it to what I thought was the finish line, hearing from Laura Serocki that there were map problems. And that started the delays. Bottom line is, the intentions were great. Nobody was targeted. I don't want anyone disadvantaged by this. But how do we ever get this across the finish line? Because we can keep poking holes in it, and there are more holes to poke. It's a hybrid document as it is, with the prologue and a frozen-in-time piece that wasn't quite frozen in time because we changed the maps. I'd like to see it move across the finish line. I'd like to see us keep the group together and bring citizens in to refine where the mistakes are, to get this thing done. Thank you.

John Wunsch, 17881 Center Road: I believe this needs to move forward, be it tonight or within a month. I believe strongly that what commercial property we have needs to stay commercial. Given legally that it's not a zoning document, doesn't create a rezone, I'm not overly concerned, but I do share the concern that we would be setting up taking some little bit of commercial we have away. But the intent here is good. The document is good. There's a question around that issue. I don't think legally it's going to cause a problem for them. I'll be there to stand up and say, don't rezone. We need the commercial zone we have. I don't know why that map change is there and if it is directly over what is already commercial, but that does concern me. If it is not, then I think you should move forward. I want to go on record that I believe every bit of commercial we have, we need to keep. I'm not a fan of rezoning. But I am a fan of getting this done. I think it's a fine document. I think it establishes the right direction. I hope you feel comfortable moving forward. Certainly within a month if not tonight.

Wunsch closed the public hearing.

Wunsch: sounds like there's some ongoing concerns about maps.

Cram: the first comment I'd like to address is Fred Woodruff's. I think he sees the order of the vision statements as a list of priorities. We specifically agreed not to put the vision statements in any form of priority. We organized them by whether it was land use or mobility or governance. All 12 vision statements have equal priority. As you know from the prologue, we've already moved forward in creating the study group and looking at the best form of governance for us.

With regard to the language around commercial activity, I'd like to help Mr. Lagina feel more comfortable. I have a completely different interpretation. He's talking about the language on page 68, under the section that talks about lodging and short-term rentals. I do want to note that this language is the same language that was in the draft released in 2021. We made no changes whatsoever. It says, "The subjects of hotels should also be addressed." Again, this is a guiding document. This is telling us that we should look at our zoning regulations as they relate to hotels. "Presently, a hotel is permitted on the limited amount of C-1 zoned land as a special use. A five-acre parcel size is also required. This minimum parcel size should be reviewed." We're not reviewing the lot coverage. This is guiding us to maybe look at what the minimum lot size requirement is. I believe that an application came forward for Seven Hills originally and they were considering a small boutique hotel. But they weren't able to do that because the minimum lot size for a hotel was five acres. It says, "As it might have an unintended consequence such as nudging developers toward larger facilities than would likely be desired. Given a five-acre site and the

existing maximum lot coverage of 35 percent, a building footprint could be more than 75,000 square feet. A building size this size would likely be way out of scale with the surrounding rural area. For this reason, a revision is needed.”

This is just guiding us to look at the minimum lot size for hotels in the C-1 zone district. If the community decides through the appropriate process to amend our zoning ordinance to reduce that minimum acreage, other commercial properties might be able to take advantage of this use. That would be a positive. As your planner, that is how I interpreted this, that this is a guide. Are we going to get the outcome we want, or should we look at amending our zoning ordinance to get a different outcome?

With regard to Andy's concern about the potential for rezoning, on page 71, “The master plan does, however, recognize that some small-scale re-zonings, i.e., involving only a few acres, may prove to be necessary in the future in two specific ways. First, minor adjustments to zoning district boundaries might be needed in instances where odd-shaped parcels are involved and impacted. Second, more than 1,100 acres of property in Peninsula Township are dual zoned, which means a zoning district boundary divides a given parcel. That said, dual zone properties are generally avoided with good planning and zoning practices that reduce ambiguity and confusion over requirements.” So the suggestion for some future small re-zonings were to address these two specific issues, not to eliminate any C-1 or change anything. I feel comfortable that we're not proposing to change anything, to take anything away. Actually, it's the opposite. We're looking at providing more opportunities for the property owners who have C-1 zoning.

With regard to changing maps: we brought the maps forward to the planning commission at multiple meetings when the planning commission first gave Sara Kopriva and I permission to head in this direction. When the first existing land use map came out, we were alarmed when we saw all the red. We were in Sally Murray's office going parcel by parcel to see what was happening and we realized there had been some errors. We fixed them as quickly as we could.

I'm going to ask Chris to say a few words so everyone is assured we are following the appropriate process. The planning commission guided staff that we wanted to maintain the original intent of the document as drafted by the master plan steering committee other than addressing our existing land use map and future land use map to be more accurate with how land is used and what it might look like in the future. We believe this is ready for adoption. We have promised the planning commission that when the master plan is adopted, we would have high resolution maps for the public to view and zoom in on. If there is a mistake, then there is a process to fix it. That mistake could be brought to the attention of the planning commission. The planning commission could authorize an amendment to the master plan to the board.

Chown: specifically to the existing land use map?

Cram: anything in the master plan, we could fix. There is a process.

Chown: I want to make sure I understand Mr. Valdmanis' concerns that it's the existing land use map that went from lots of red to tan, and it's because you and Sara and Sally realized we've got properties coded as commercial that are not being used commercially. They were incorrectly labeled in one draft.

Cram: I don't remember exactly where the error was, but there was more red on the map than there should have been. We corrected based on the assessor's data. We specifically looked at Mr. Valdmanis' property because he owns property at the south of the peninsula that is zoned residentially but is being used commercially. It's a non-conforming use, and that property remains commercial in the existing land use map and future land use map.

Chown: I hope Mr. Valdmanis will examine that map very carefully with you and Sally and Sara to make certain there aren't mistakes. If there are mistakes, we all want to correct that.

I was a brand new clerk in 2019 when the master plan steering committee was getting going. Dave Murphy did rope me into attending a bunch of sessions to learn. I assisted Randy Mielnik, our former planner, with editing multiple versions, one of which was inexplicably lost, which is why the version that Jenn inherited when she became our new planner had errors in it that a former version had not had. It set us back a little. I would really like to emphasize the tremendous integrity of the group of people who worked on this document as well as the desire to create something that embodies the vision of this community and reflects the results of the survey.

That brings me to my next question: when a community adopts a master plan, what happens next? It seems to me we need another survey, but what is the process or what is your recommendation?

Cram: from a statutory responsibility, the planning commission does need to review the master plan every five years. They are not required to update the master plan unless they believe that community values have changed. If we were participating in the RRC program, that would be different.

Chown: what is the RRC?

Cram: [Redevelopment Ready Communities.] If we were receiving grant funding, then we would have a requirement to update our master plan. If we participated in that, then we would be required to update our master plan every five years. That's consistent with what we do for our parks master plan in order to qualify for DNR grants. But from a statutory responsibility, planning commission best practices are to review the master plan every five years and determine if it should be updated. The survey was done in 2019 and community values [may] have changed. I think we're all curious to see where the community stands. I would recommend moving forward with another survey soon. Perhaps we budget for that in 2025. We'll have additional staff capacity. We have a good example of how the steering committee approached that survey. When we get the survey results, we evaluate. Have there been significant changes? If so, we have the planning commission. They could wait to review it when this document is five years old, or they could dive right in. There's no requirement.

Wunsch: one of the biggest accomplishments with this master plan is that we've digitized everything. I've been aware, I think, of three master planning cycles. One of the issues the township has consistently run into is that we have third parties do the layout for us. We've had these hand-drawn maps. We haven't been in a good starting point for updating master plans. Whoever's been working on them just kind of chucked the old plan, started fresh, and then farmed out the layout to third parties. It led historically to this problem of very long lead times just to get layout and editing done. One of the good things about the position we're in today is that if we were to open up some minor revisions, we would be able to do that much more easily.

Cram: the zoning district map in this master plan is noted as unofficial. That's because we have never adopted an electronic version of our zoning district map. Becky asked me to bring the official zoning district map so you can see it's antiquated. The paper is in tatters; it has handwritten notes for some rezonings. I believe the number one priority when we get this master adopted is for the PC to take on the work to get an accurate electronic version of our zoning district map adopted. We need to look at our zoning ordinance. That's a priority given our day-to-day struggles with an antiquated zoning ordinance. This master plan sets us up to make some significant improvements to our zoning ordinance. From a priority standpoint, I would say community survey, electronic version of the zoning district map, and strategic updates to the zoning ordinance.

Sanger: as a member of this committee back in 2019, as we got into 2020 and 2021 and tried to get this wrapped up, Randy [Mielnik] told us he did not have a future land use map. Yet we felt compelled to try to bring some closure. I want to give credit to Jenn and staff and the planning commission for preparing for us not only a future land use map but also a map showing how land is

being used today. We didn't have the resources to tackle that at the time. We frankly didn't even have a good copy of the current land use map. It's vitally important that we look at the implications of this new master plan on our zoning ordinance and some of our other ordinances that are just not matching up with what is in the master plan you have here tonight.

Sanders: [one speaker during public comment] brought up the input of having town halls. The township board did a town hall back in December for strategic planning. I really enjoyed that process. Having more of those types of events at the town board level, I think, would be great and beneficial for the community as we go forward with any type of large changes like this. It's an opportunity to do the back and forth with the community, in an open public meeting where the board is talking and we're taking input.

Rudolph: with a document like this, it's never going to be perfect. It's never going to satisfy everybody. But a master plan document, which is a plan, gives everybody an opportunity to have something specific to base their discussions on. There are procedures for making changes. I understand the concerns Marty and Andy have as property owners. All of us who own property up here would be concerned if there were suddenly zoning changes being made that we weren't aware of. But changes to our zoning districts have to go through a public process. When I started tracking what was going on at Peninsula Township, I remember people getting up saying, "We've got to pass this master plan." This was four, five years ago. And then we ended up with a planner who was overburdened. We put all kinds of pressure on her for all kinds of reasons, didn't give her the help she needed. And yet she's been able to pull this together and I am totally amazed that we're at this point tonight. I'm strongly in favor of passing this.

Cram: it was a team effort. Thank you to Randy [Hall]. Thank you to the planning commission. Thank you to Sara Kopriva with Beckett & Raeder. Thank you to the community. Thank you to Laura Serocki, who gave me pages of revisions every time. I felt confident coming to you tonight because Laura said the master plan is looking great, and her notes went from six pages to two little things. Then I knew we were in the home stretch. Thank you to everyone on the original master plan steering committee and to Randy Mielnik.

Chown: it really is an incredible document. I want to read one sentence from page 28: "The first public road in Grand Traverse County, built in 1853 by volunteers, stretched from Traverse City to the village of Old Mission." That is awe inspiring. The first public road in Grand Traverse County on our peninsula. If you haven't read the master plan, I urge you to. It's available on the website. It's not perfect, but it sounds as though we have consensus that we're not going to let the perfect be the enemy of the good. That expression can sound cliché, but I think it's important.

Sanger: if I understand the process, as a board tonight we can only say yes or no. We do not have the authority to make any changes. We have an awesome decision tonight. I'm supportive. Yes, there'll be a problem we find tomorrow but for tonight I'm comfortable moving forward.

Shanafelt: I want to emphasize some things that were said. The master plan in my mind is a guideline. It isn't the law. That's a critical distinguisher here. It's been pointed out and worth emphasizing that for zoning to change, it's an arduous process. There's a public process we go through, and we adhere to it and try to make something better.

The point about the community changing, it absolutely is. It's different than it was in 2019. I think that [survey] should be the next course of action. We look at the results of the survey and we look at our master plan and we make a decision: do we need to revisit the master plan? It's not a perfect document.

I certainly had fun editing this as well. The way it is written does not necessarily define the specific substance that is being written about. The substance of this is basically what it was at the beginning, but it is clearer than it was before because we have lots of people who wanted to make

good changes to make it better. And I think we did. In my mind, this was ready to be approved in 2021, and it's a better document today.

Achorn: I thought we had approved it in 2021. It went out to be approved by our neighbors. So why are we having any problems with approving these improvements to what we had already approved? I think the committee and Jenn and everybody has done a tremendous job.

Wunsch: sounds like the consensus of the board is adoption. I think it's a much better product from where it started.

Patterson: look at a couple of things, the maps, the public hearing process itself, and the resolutions at page 207 and 209 of the packet. The ones that follow were presented to the planning commission. We have been helping the planning department in preparation and presentation of this to the PC. It's been to the PC several times. Working through that final approval process, including a motion vote, going back and making some modifications to the maps and diagrams and then an actual formal resolution adopted on July 2, have all been part of the process.

The way the master planning process is done is similar in some respects to the zoning process for amendments, where you have a draft proposed document. The statutory process is the minimum process required for holding the public hearing and giving public notice to those tracts that are being prepared. One of the pieces, we were getting feedback because even though the planning commission continued to meet and discuss the actual master plan draft, it was sent around for publication to the local units to receive feedback. As that document received input and morphed as it was being presented to the PC, the question was, do you have to have public hearings each time you alter that document before you can take any additional step for final action? The township planner's position early on was that, based on her experience with the planning act, that's not the case, and we did confirm that.

The act indicates you have to hold a minimum of one public hearing on the actual proposed draft. But there's lots of other language that suggests that the proposed master plan itself is going to be distributed, there's going to be feedback, comments received from community members, other local governments. That was all done here. And we did have an actual published public hearing in addition to numerous postings and drafts that are available on the website as well as the planning commission's discussion. There are a couple of sections in the ZEA and the underlying process of this, MCL 125.3843(1), and some other sections that we think particularly support the process that the township has done in providing notice, having a public hearing, and regularly receiving community feedback, not only in the public hearing but from multiple sessions of public comment and deliberation at the planning commission stage.

We're not concerned about [the process.] The process the township engaged in was really more robust than what we see in other communities where it's a very linear process, with each minimal step along the way and then they move it to the next body for action to be taken. While the act refers to at least one public hearing, the planning commission spent a lot of time with the public, with the drafts and revisions, making this document available.

The purpose of the public hearing is to allow an opportunity to have that document published, to make it known that those amendments and changes are being discussed, and then during that process everybody has an opportunity to provide feedback. We think not only were the legal requirements accomplished but we also think it's consistent with how the master planning process and the zoning process works in other communities we're at. I think it was consistent with the township's spirit and process of trying to engage the public in getting sufficient feedback provided on the maps and diagrams. One of the reasons the PC was particularly thoughtful in its approach was that at the meetings in June and July, they engaged pretty heavily with staff. Those meetings

were very long. The changes that were made, the motions and decisions made at those meetings, were deliberate in having included or endorsed staff to continue to make changes.

The resolution that was adopted by the planning commission, which is part of the master plan, on July 2, ensured that they were adopting those actions, as related to typographical edits, sentence edits, confirming maps. All of that was endorsed through that resolution, the final act that brings it before the township board. As far as action for the township, at p. 207 in the packet, the township board resolution has the whereas clauses that document the history and some of how this master plan went through the process as provided for under the ZEA. The second piece of that is that now the board has to vote on its resolution if it's going to adopt this master plan as it's been presented by the planning commission.

Sanger moved to accept the resolution to adopt the 2024 master plan of Peninsula Township, Grand Traverse County, Michigan, delineating land use planning goals and direction for the township as also adopted by the Peninsula Township Planning Commission, pursuant to the Peninsula Township Board's final approval authority affirmed by Resolution 2024-7-9 #1 with a second by Sanders.

Roll call vote: yes – Rudolph, Shanafelt, Chown, Wunsch, Achorn, Sanger, Sanders **Passed unan**

6. Organizational analysis and recommendation for government structures study, verbal update.

Shanafelt: the group Maner Costerisan expects to have a draft report to us the second week of August. They started the process by interviewing all of us and staff as forming a large part of their basis to understand what's going on here and have been working diligently on it. They would like as a process that we review the report and pose questions and comments, after which they will provide a final report. I don't have a specific timeline, but given their rapidity, I would expect that would be within a few weeks after we get them our comments. They may or may not give insight into how we approach government structure but at least we'll have data that will let us begin discussing how we address ourselves. I think that's the key output of this report.

7. Resolution 2024-7-9 #2 moratorium on political signs in the road right of way.

Cram: based on some recent commentary on social media about political signs, we thought it would be helpful to put a moratorium on Peninsula Township enforcing political signs in the right of way. The challenge we have with political signs is that candidates are out talking to citizens, and the property owner agrees to put a sign in their yard, but they don't necessarily know where the right of way is. Some signs comply with our ordinance and some don't. Some of those candidate signs belong to incumbents who are running again. I know Dave Sanger as our ordinance enforcement officer knows where the right of way is and where signs should be located. This would be fair to everybody and not just our incumbents' political signs. We recently agreed to a moratorium to not enforce our agricultural signage related to U-pick operations and farm stands. We will be going out and doing an inventory and we're excited to work with the agricultural advisory committee to amend our zoning ordinance so we have reasonable standards for signs. I think we also need to look at political signs. This moratorium say that Peninsula Township will not enforce. That's not to say that the state or county can't enforce their requirements. Grand Traverse County Road Commission and MDOT have their own standards that do not allow for signs within the right of way. If they choose to enforce their requirements, we would honor that. But we're not going to be actively policing that. We have accepted that we will have a summer of signs into the fall and that we will look at making some amendments to our zoning ordinance related to signage in the future.

Sanger: there are areas of mismatch between our ordinance and the rules and regulations of MDOT, which are different from the rules and regulations of Grand Traverse County. Our ordinance is very strict. The county road commission regulations are a little bit lenient, and then

we find that the state highway department regulations and M-37 are different. It presents a challenge over and above the fact that it is kind of out-of-control situation at this time as you observe what's going on.

Cram: we can look at this and make improvements in the future. We want to treat everybody fairly and consistently until we find out what the better solution is.

Achorn: in Traverse City, you see signs right next to the road and even others on M-37 up to the peninsula division. Who knows where the property owner is going to put it? We cannot control where any of our people who are running for office have their signs. I think this is a good solution.

Wunsch: my only concern is, why not do a moratorium on temporary signs of any kind? It's problematic to me that the politicians are able to make the decision to exempt themselves.

Rudolph: we already have a moratorium on agricultural signage, correct?

Cram: it ends this fall.

Rudolph: can we extend it to any temporary signs?

Cram: we could look at that. There are the realtor signs.

Chown: it's awkward too. Dave's our zoning enforcement officer. A lot of the signs are for Dave. It's awkward for him to have to go pluck up his signs or anyone else's signs. There will be accusations that he's only pulling up his opponent's signs.

Sanger: we realized we want to establish parity with our agricultural operations and we made a decision to basically solve that problem as quickly as we can, but that's not going to happen today. We have the same situation with the conflicting regulations of what MDOT allows different from the Grand Traverse County Road Commission, and they do allow political signs in the right of way. There are time limits and different distances from the traveling surface of the highway. But in our case, our ordinance makes it very clear: nothing in the right of way. We have a conflict to begin with, over and above the matter of recognizing the First Amendment rights of our citizens.

Shanafelt: the county is specific about political signs?

Sanger: the county has rules on political signs; I have copies here. MDOT has rules on political signs. They allow them at different times and different distances from the edge of the roadway.

Shanafelt: in your opinion, are most of the political signs in compliance with county regulations?

Sanger: it's all over the map. MDOT requires a sign be 28 feet from the traveled road right of way. The question is, should we include all signs? Open up the Pandora's box of allowing real estate signs? That right now is very well controlled and understood by the real estate organizations and they comply.

Cram: then there's garage sales and yard sales. This was a way to try to address this so we could move forward.

Sanders: the planning commission could take a stab at this.

Acorn: then the election will be over.

Sanders: no, it's for the future.

Shanafelt: we need to do something. I would argue, despite the concern about political versus non-political, we already have precedent that the state and the counties single out political signs. This is a nice pragmatic approach, suspending our ordinance as it pertains to political signs, in the same manner as the county and state. Should be fine, right?

Chown: when does the moratorium end?

Sanders: December 31. We have to have our [political] signs out 10 days after the election anyway.

Chown: whose rule is that?

Sanger: MDOT says signs must be removed within 30 days. The road commission has no limitation on time. But each of these two agencies require the approval of the adjoining property owner.

Sanders: it's the Michigan Department of Transportation rule on signs within 10 days of the

election.

Chown: let's amend the resolution to say our moratorium ends November 16. The election is November 5.

Shanafelt: we can avoid issues in the context that we do have precedent with the state and county already and all we're doing is adopting a similar concept, something that's practical to our situation. Maybe Rudy and Marge will agree to make the motion and a second since they're not going to have signs.

Rudolph moved to adopt Resolution 24-07-09 #2 to enact a temporary moratorium until November 16, 2024, on the enforcement of the enumerated provisions of the Peninsula Township Zoning Ordinance related to signage in the public road right of way for political candidates and ballot issues with a second by Achorn.

Chown: it's important to recognize this benefits any political candidate in Peninsula Township who has a sign.

Sanger: it includes not only the political candidates but also ballot issues. Two sections to the zoning ordinance will be subject to a moratorium. Section 11.1: "State signs shall not be placed within the road right of way." That's all signs. Section 11.2: "The following signs shall not be allowed in any district. Signs within a road right of way except for traffic direction and control signs placed by the county road commission or Michigan Department of Transportation." Those two specific sections are covered by this moratorium.

Roll call vote: yes – Shanafelt, Chown, Achorn, Sanger, Rudolph

No – Wunsch

Abstained – Sanders

Motion passed

8. Planning and Zoning department verbal update. (Cram)

Cram: regarding purchase of development rights, we are in round five, application period number one. We've received 10 applications. The selection committee ranked them. We've been working on appraisals and have four completed. Property owners are reviewing them. We lost a little bit of time because of cherry harvest. We're still working with a couple of the property owners to make sure they're comfortable with the appraisals. Once they are, that will go back before the selection committee for review and then the selection committee will recommend that those appraisals be presented in a public format for board consideration. I spoke to Laura Rigan today with the land conservancy and we believe we can have something for the August meeting.

The shoreline regulation study group continues to meet every other week. Community input continues to grow. We have a full audience most days and they're engaged in the conversation. We have a policy direction that will move forward to the planning commission at the August meeting related to the location for docks and number of hoists related to single waterfront ownership and shared waterfront ownership. We've started on the third phase of the shoreline regulations looking at development standards: what are best practices to protect natural resources but still allow people to enjoy their beaches? We agreed at the study group that this is a big task to accomplish. We have 42 miles of shoreline and what one shoreline property owner does affects others. It's a trickle down. We are going to bring in some experts to help guide us. I've reached out to Heather Smith, the Baykeeper, and I'll be working with the Coastal Resiliency Program through EGLE. We will continue to work on shoreline regulations through the summer into the fall with the goal of having updated regulations for next season.

Randy Hall, the chair of the planning commission, has been doing a wonderful job. I want to thank Scott Duensing who's on the study group who has talked offline with other shared waterfront ownerships and brought back reasonable recommendations. I believe the policy statements are headed in the right direction.

Agricultural advisory committee: we had originally planned to do the interviews on the 24th. We realized we needed to spend more time developing the structure and questions that the board could ask the candidates so you could make a well-informed decision. Looking to move those interviews forward in August. I did ask all of you to submit questions to me, and thank you Rudy [Rudolph] for submitting your questions. The goal for this group is to advise the board and the community on the issues facing our farmers so we can be nimble in making zoning ordinance amendments. We want to have a diverse group of farmers.

9. Citizen Comments

Fred Woodruff, 4824 Forest Road: what I think I heard was that until the transcripts are done and the brief is done, the township lawyers can't tell you how much the plaintiffs are still claiming? Even though the judge threw out some of their claims?

Chown: that's not entirely true.

Woodruff: there's a \$130 million figure floating around.

Chown: it's 135 million.

Woodruff: that results in the \$44,000 calculation that I got, is that still accurate?

Chown: it is. The plaintiffs are asking for \$135 million in damages.

Woodruff: and the judge's decision that the constitutional claims that he threw out don't impact that number?

Rudolph: he has not said that.

Wunsch: he's made some decisions, and he allowed the \$135 million claim to be made at trial. It's discretionary on his part to determine the scope of the trial.

Woodruff: speaking of money, does the RRC program that the park is using give you opportunities to get some money to help you move to the next steps with the master planning process?

Cram: there are some grant opportunities related to that program. The RRC program is different than the DNR program used by the parks committee. The parks committee updates the parks' master plan so that they qualify for DNR grants. The RRC is something else. I have been talking to the planning director for East Bay because they've taken advantage of it. It is something our office will be looking at and discussing with Maner Costerisan. East Bay received a grant to get a fellow, which meant they had planning help to get some special projects done. It may not provide us with money but with support to get some of the tasks done that we would like to accomplish with limited staff resources.

Woodruff: you mentioned my reference to number 10 was misplaced. As you move forward into a survey process, do you envision asking for priorities based upon costs so people when they say "I'd really like to have this" know what they're going to have to pay?

John Kindra, 17630 Smokey Hollow Road: \$135 million. Is that what the plaintiffs are asking for now?

Chown: yes.

Kindra: it hasn't been granted. That's what the judge is getting transcribed, and we're in "Wait and see" mode

Wunsch: yes.

Kindra: Becky, you mentioned something about the Valdmanis property, Old Mission Associates, that's where Cluff Well Drilling was?

Cram: yes.

Kindra: so that is zoned residential?

Cram: yes. Cluff Well Drilling was there prior to the adoption of our zoning ordinance. It was determined that it was a legally non-conforming use. When the property sold, we evaluated that, and there are letters in the file from the planning director and legal counsel that allowed Old

Mission Associates to be located there because that business use didn't lapse for more than a year. The zoning ordinance says if you have a non-conforming use, and it ceases to exist for a year, then it's gone. But there was a transition, a property sale. The use of that property for Old Mission Associates is very specific. It doesn't allow for expansion. They can continue to use that property even though it's zoned residentially for a business, and that's why it shows up red on the existing land use map.

Kindra: how many more like that are there?

Cram: Craig's Body Shop is another example that is a non-conforming property.

Chown: they preceded our zoning ordinance.

Cram: yes. There are other things like the Mission Inn, the Jolly Pumpkin, where having an accurate existing land use map is really beneficial because we can see where these non-conforming uses are and evaluate them.

Kindra: the Jolly Pumpkin, that's residential?

Sanger: yes.

Kindra: would you change zoning?

Cram: no. Our zoning ordinance under section 7.5 talks about non-conforming uses.

Wunsch: when they adopted zoning, they had to say all of those prior non-conformances had a commercial use right. But if they wanted to get commercial zoning then they had to come in and sign up for it in 1972.

Chown: they're grandfathered in as long as the use continues.

Kindra: what if it went from commercial, by say, Old Mission Associates, and somebody wanted to make a welding shop there, would that be allowed?

Cram: that change of use would have to go before the zoning board of appeals. They would need to look at it to see if this new use is consistent what use that's allowed in the zoning ordinance and consistent with the use that was grandfathered.

Kindra: last question is Kelley Park boat launch. What is the status of that?

Chown: ongoing right now. When studies and surveys and plans are complete, they will be sent to the Army Corps of Engineers and to EGLE. Both of those entities have to permit the project. That permitting process is expected to take until the end of this year. We've got a lot of hoops to jump through because it's a complicated property. There is now a bonafide wetland on the property that our boat launch and parking would impact.

Kindra: when you displace those, you can buy that off.

Chown: yes, if they allow you to. It depends on how that wetland ranks, how significant the impact is, how many acres it consists of. EGLE and the Army Corps are tightening their standards. It's getting harder to buy those credits or trade.

Kindra: with all that, you anticipate construction in 2025?

Chown: yes, if we get permitted, construction in 2025.

Darcie Pickren, 6195 Center Rd.: I'm running for county commissioner. I have very much enjoyed being here. I've been here about a year. I was 27 years in the Central neighborhood. I've kept a pulse on the city and out here for many years, riding thousands of miles as the president of the Cherry Capital Cycling Club. I won't go into everything, but I am concerned about the signage and that's one of the reasons I'm here. When I first moved here, I did talk to Dave [Sanger] and said, "Hey, what's the political signage zoning ordinance?" We went through that. I just want to say, now that there's a moratorium, does that mean we can put our signs anywhere? Because we have signs in the right of way, we have them on stop signs. I know we have the road commission and MDOT and I'm a little bit confused, but I'm going to be putting more signs out on the peninsula. Dave, if there are any problems, please call me. Thank you. I've met a lot of you, and I just wanted

to introduce myself. Thank you so much.

Scott Thomas, 15594 Water Drive: I'm from the Peninsula Shores addition. I moved up here with my wife a few years ago. We really enjoy living here. I've gotten a chance to know Jenn trying to find a property to do some fun stuff on. I'm glad you passed your plan. I looked at the old version. I got excited reading about the history too of Old Mission Peninsula. It draws me here. I've been sitting here listening and I don't get a chance to come to many meetings and say thanks for all you do.

Chown: and you made a generous donation to the Kelley Park Boat Launch. Thank you.

Thomas: I would like to do more.

Sanders: we have lots of committees.

Chown: I just submitted my grant request for the [Pelizzari Natural Area's] Hemlock Wing's elevated trail to the Thomas Family Foundation last week. Thank you.

10. Board Comments:

Chown: the newsletter went to the post office today. It should be hitting mailboxes within a couple of days. Second, absentee ballots went out last week. If you didn't get a ballot and you think you were supposed to or you want one, give me a phone call or, even better, send me an email.

Rudolph: when is the election?

Chown: August 6.

Shanafelt: I'm really glad the master plan passed. Let's move forward and make things happen.

Sanger: it's a wonderful night to have the master plan finally done.

Chown: congrats everyone and I do greatly appreciate the time and thoughtfulness and the agony because we want to be on the same page with our residents.

Achorn: tonight was just a small example of how hard our planning and zoning director works. She has done this for more than two years now. It is awesome, the amount of work and responsibility that she has undertaken with many people criticizing her. I was looking at Old Mission Gazette.

One of our applicants, running for supervisor, said a change of leadership will lead to a change in the planning and zoning administration. Now that sounds like he plans to clean house if he wins. I would like to make a correction to his misconception. The supervisor does not have authority to hire or fire township staff. It is only this township board that has that authority and has given it to the executive committee. Only the clerk and treasurer have control over their deputies. But I see misconceptions like this throughout his public interview. And I wanted to make this clarification, that he would not have the power or the authority to fire Jenn [Cram]. I thank her for her service.

Chown: we all thank you.

Cram: I am proud to serve this board.

Wunsch: I would like to give my thanks to Jenn and the master plan steering committee, which I bailed out on as soon as I got this role. And the planning commission and everybody else who has gone through the process.

11. Adjournment

Rudolph moved to adjourn with a second by Achorn.

Motion approved by consensus

Adjourned at 10:37 p.m.