

**Packet**  
**Township Board Special Joint**  
**Meeting with Planning Commission**  
**and Regular Meeting**  
**July 12, 2022**

# Consent

# Invoices

PENINSULA TOWNSHIP  
INVOICE REGISTER

Page: 1/1

CEM

For Invoices Scheduled for Payment on: 7/12/2022 12:

VENDOR INFORMATION

ACCIDENT FUND

INVOICE INFORMATION

Amount of Invoice Paid: \$0.29  
WC 2022-2023 ADJSTMNT

Distribution:

209-000-710.WRK

Workers Comp

0.29

CONSUMERS ENERGY

Amount of Invoice Paid: \$29.24  
STREET LIGHTS/ELECTRICITY

Distribution:

209-000-921.000

Electricity

29.24

Total Amount Disbursed: \$29.53

**PENINSULA TOWNSHIP  
INVOICE REGISTER**

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CABLE

**For Invoices Scheduled for Payment on: 7/12/2022 12:**

**VENDOR INFORMATION**

**TOBIN & CO., P.C.**

**INVOICE INFORMATION**

**Amount of Invoice Paid: \$140.00  
AUDIT 2021-2022**

*Distribution:*

298-000-807.000

Audit Fees

140.00

**Total Amount Disbursed: \$140.00**

**PENINSULA TOWNSHIP  
INVOICE REGISTER**

Page: 1/5 *COM*

**For Invoices Scheduled for Payment on: 7/12/2022 12:**

**VENDOR INFORMATION**

**2B CREATIVE STUDIO**

**INVOICE INFORMATION**

**Amount of Invoice Paid: \$1,155.00**  
**DESIGN NEWSLETTER TEMPLATE - SUMMER**

*Distribution:*

101-101-881.400	Community Activity/Newsletter	1,155.00
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**ACCIDENT FUND**

**Amount of Invoice Paid: \$929.07**  
**WORK COMP ADJUSTMENT**

*Distribution:*

101-171-710.WRK	Workers Comp	130.15
101-253-710.WRK	Workers Comp	3.95
101-215-710.WRK	Workers Compensation	5.09
101-209-710.WRK	Workers Comp	180.77
101-420-710.WRK	Workers Comp	153.57
101-400-710.WRK	Workers Comp	186.23
101-101-710.WRK	Workers Comp	98.63
101-247-710.WRK	Workers Comp	4.45
101-430-710.WRK	Workers Comp	19.41
208-751-710.WRK	Workers Comp	28.04
101-410-710.WRK	Workers Comp	15.70
101-191-710.WRK	Workers Comp	2.06
101-173-710.WRK	Workers Comp	101.02

**AFLAC**

**Amount of Invoice Paid: \$733.50**  
**SUPPLEMENTAL BENEFITS**

*Distribution:*

704-000-227.050	Supplemental Insurance - Due to Aflac	733.50
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**BLUE CARE NETWORK**

**Amount of Invoice Paid: \$7,026.12**  
**HEALTH INSURANCE**

*Distribution:*

101-253-712.000	Medical/Life Insurance	1,147.10
101-420-712.000	Medical/Life Insurance	380.89
101-209-712.000	Medical/Life Insurance	1,227.68
101-215-712.000	Medical/Life Insurance	656.83
101-173-712.000	Medical/Life Insurance	579.64
101-400-712.000	Medical/Life Insurance	449.50
704-000-227.020	Medical Insurance Withholding	2,584.48

**CONSUMERS ENERGY**

**Amount of Invoice Paid: \$861.75**  
**STREET LIGHTS/ELECTRICITY**

*Distribution:*

101-265-921.000	Electricity	356.87
101-265-926.000	Street Lighting	29.45
101-265-921.BJN	ELECTRICITY-BIG JOHNS	182.37
208-751-926.000	Street Lighting	45.91
208-751-921.000	Electricity	145.03
215-000-921.000	Electricity	102.12

# PENINSULA TOWNSHIP INVOICE REGISTER

**For Invoices Scheduled for Payment on: 7/12/2022 12:**

**VENDOR INFORMATION****CONSUMERS ENERGY****INVOICE INFORMATION****Amount of Invoice Paid: \$3.00****DOUGHERTY HOUSE ELECTRICITY***Distribution:*

215-000-921.000	Electricity	3.00
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**CRAIN SYSTEMS GROUP LLC****Amount of Invoice Paid: \$1,050.00****SERVICE IN HOUSE - ELCTN;PLNR;CLRK***Distribution:*

101-191-818.COM	Contract Computers Services	210.00
101-400-818.COM	Contract Computer Services	660.00
101-215-818.COM	Computer Consulting/Service	180.00

**CRAIN SYSTEMS GROUP LLC****Amount of Invoice Paid: \$150.00****PLANNER COMPUTER WORK***Distribution:*

101-400-818.COM	Contract Computer Services	150.00
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**CRAIN SYSTEMS GROUP LLC****Amount of Invoice Paid: \$200.00****TREASURER APPS/OUTLOOK TRANSFER***Distribution:*

101-253-818.COM	Computer System Services	200.00
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**CRAIN SYSTEMS GROUP LLC****Amount of Invoice Paid: \$123.60****CLERK - LAPTOP KEYBOARD***Distribution:*

101-215-818.COM	Computer Consulting/Service	123.60
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**CRAIN SYSTEMS GROUP LLC****Amount of Invoice Paid: \$350.00****SERVICE COMPUTERS - OM, FC***Distribution:*

101-215-818.COM	Computer Consulting/Service	125.00
101-400-818.COM	Contract Computer Services	125.00
101-173-818.COM	Computer Services	100.00

**DTE ENERGY****Amount of Invoice Paid: \$42.91****DOUGHERTY HEAT - JUNE 2022***Distribution:*

215-000-745.000	Dougherty-DTE Heating	42.91
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**DTE ENERGY****Amount of Invoice Paid: \$119.98****BIG JON - HEAT JUNE 2022***Distribution:*

# PENINSULA TOWNSHIP INVOICE REGISTER

**For Invoices Scheduled for Payment on: 7/12/2022 12:**

**VENDOR INFORMATION****INVOICE INFORMATION**

	101-265-745.BJH	DTE - Big John Heat	119.98
<b>DTE ENERGY</b>	<b>Amount of Invoice Paid:</b>		<b>\$56.94</b>
	<b>TWP HALL HEAT - JUNE 2022</b>		
	<i>Distribution:</i>		
	101-265-745.GAS	DTE Gas	56.94
<b>DTE ENERGY</b>	<b>Amount of Invoice Paid:</b>		<b>\$53.13</b>
	<b>TWP OFFICE HEAT - JUNE 2022</b>		
	<i>Distribution:</i>		
	101-265-745.GAS	DTE Gas	53.13
<b>LAURA MARTIN</b>	<b>Amount of Invoice Paid:</b>		<b>\$28.08</b>
	<b>MILEAGE - POST OFFICE</b>		
	<i>Distribution:</i>		
	101-191-870.000	Mileage	28.08
<b>MICHIGAN TOWNSHIPS ASSOC. (MTA)</b>	<b>Amount of Invoice Paid:</b>		<b>\$6,176.28</b>
	<b>ANNUAL MEMB DUES 2022-2023</b>		
	<i>Distribution:</i>		
	101-215-958.000	Memberships and Dues	588.22
	101-171-958.000	Memberships and Dues	294.11
	101-253-958.000	Memberships and Dues	588.22
	101-101-958.000	Memberships and Dues	588.22
	101-209-958.000	Memberships and Dues	294.11
	101-173-958.000	Memberships and Dues	294.11
	101-400-958.000	Memberships and Dues	294.11
	101-420-958.000	Memberships and Dues	588.22
	208-751-958.000	Memberships and Dues	588.22
	101-410-958.000	Memberships and Dues	588.22
	101-430-958.000	Memberships and Dues	588.22
	101-247-958.000	Memberships and Dues	882.30
<b>MUTUAL OF OMAHA</b>	<b>Amount of Invoice Paid:</b>		<b>\$101.86</b>
	<b>LIFE INSURANCE</b>		
	<i>Distribution:</i>		
	101-253-712.000	Medical/Life Insurance	7.28
	101-215-712.000	Medical/Life Insurance	29.10
	101-420-712.000	Medical/Life Insurance	14.55
	101-171-712.000	Medical/Life Insurance	7.28
	101-173-712.000	Medical/Life Insurance	14.55
	101-209-712.000	Medical/Life Insurance	14.55
	101-400-712.000	Medical/Life Insurance	14.55



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**PENINSULA TOWNSHIP  
INVOICE REGISTER**

**For Invoices Scheduled for Payment on: 7/12/2022 12:**

**VENDOR INFORMATION**

**PICTOMETRY INT'L CORP**

**INVOICE INFORMATION**

**Amount of Invoice Paid: \$6,093.91**  
**LICENSE - FLIGHT 2 YEAR 1**

*Distribution:*

101-400-970.000	Capital Outlay/MiscExpenditures	2,031.30
101-420-970.000	Capital Outlay/MiscExpenditures	2,031.30
101-209-970.000	Capital Outlay/MiscExpenditures	2,031.31

**POSTMASTER**

**Amount of Invoice Paid: \$1,504.04**  
**POSTAGE - SUMMER NEWSLETTER**

*Distribution:*

101-101-881.400	Community Activity/Newsletter	1,504.04
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**PRINCIPAL LIFE INSURANCE CO.**

**Amount of Invoice Paid: \$419.29**  
**DENTAL INSURANCE**

*Distribution:*

101-400-712.000	Medical/Life Insurance	17.74
101-420-712.000	Medical/Life Insurance	34.38
101-209-712.000	Medical/Life Insurance	127.84
101-215-712.000	Medical/Life Insurance	34.38
101-173-712.000	Medical/Life Insurance	17.74
704-000-227.020	Medical Insurance Withholding	187.21

**REBECCA CHOWN**

**Amount of Invoice Paid: \$43.06**  
**MILEAGE - CLERKS MTG; PICK UP BALLOTS**

*Distribution:*

101-215-870.000	Mileage	43.06
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**SOS ANALYTICAL**

**Amount of Invoice Paid: \$50.00**  
**WATER TESTING**

*Distribution:*

208-751-855.DEQ	Noncom. Public Wat. Sup. Fee	50.00
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**STAPLES CREDIT PLAN**

**Amount of Invoice Paid: \$550.70**  
**OFFICE SUPPLIES**

*Distribution:*

101-173-726.000	Supplies	226.54
101-215-726.000	Supplies	94.21
101-253-726.000	Supplies	229.95

**TOBIN & CO., P.C.**

**Amount of Invoice Paid: \$1,330.00**  
**AUDIT - PER CONTRACT**

*Distribution:*

101-101-807.000	Audit Fees	1,120.00
208-751-807.000	Audit Fees	140.00

**PENINSULA TOWNSHIP  
INVOICE REGISTER**

**For Invoices Scheduled for Payment on: 7/12/2022 12:**

**VENDOR INFORMATION****INVOICE INFORMATION**

208-212-807.000

Audit Fees

35.00

245-000-807.000

Audit and Legal Fees

35.00

**TOBIN & CO., P.C.****Amount of Invoice Paid:****\$35.00****AUDIT 2021-2022 PNR***Distribution:*

208-212-807.000

Audit Fees

35.00

**Total Amount Disbursed:****\$29,187.22**

PENINSULA TOWNSHIP  
INVOICE REGISTER

Page: 1/4 **FIRE**

For Invoices Scheduled for Payment on: 7/12/2022 12:

VENDOR INFORMATION

INVOICE INFORMATION

ACCIDENT FUND

Amount of Invoice Paid: \$4,952.87  
WC - 2022-2023 ADJSTMNT

Distribution:

206-000-710.WRK Workers Comp 4,952.87

AIRGAS USA

Amount of Invoice Paid: \$88.95  
OXYGEN SUPPLIES

Distribution:

206-000-932.000 Ambulance Supplies 88.95

APOLLO FIRE EQUIPMENT

Amount of Invoice Paid: \$32,500.00  
ENG 2 JAWS OF LIFE (DONATION)

Distribution:

206-000-970.000 Capital Outlay 32,500.00

BLUE CARE NETWORK

Amount of Invoice Paid: \$8,199.34  
HEALTH INSURANCE

Distribution:

206-000-712.000 Medical/Life Insurance 8,199.34

BLUE CARE NETWORK

Amount of Invoice Paid: \$9,153.79  
HEALTH INSURANCE

Distribution:

206-000-712.000 Medical/Life Insurance 9,153.79

BOUND TREE MEDICAL

Amount of Invoice Paid: \$91.83  
CONVERTER FOR IV WARMER

Distribution:

206-000-932.000 Ambulance Supplies 91.83

CONSUMERS ENERGY

Amount of Invoice Paid: \$800.06  
STREET LIGHTS/ELECTRICITY

Distribution:

206-000-926.000 Street Lighting 14.72  
206-000-921.000 Electricity 785.34

CRAIN SYSTEMS GROUP LLC

Amount of Invoice Paid: \$230.00  
VPN/TEAMVIEWER SETUP

Distribution:

206-000-818.COM Computer Services 230.00

# PENINSULA TOWNSHIP INVOICE REGISTER

**For Invoices Scheduled for Payment on: 7/12/2022 12:**

**VENDOR INFORMATION****INVOICE INFORMATION****CSI EMERGENCY APPARATUS**

**Amount of Invoice Paid: \$435.00**  
**ENG 1 PUMP TST & MAINTNCE**

*Distribution:*

206-000-939.000

Vehicle Maintenance

435.00

**DEWEESE HARDWARE**

**Amount of Invoice Paid: \$86.75**  
**STN 1 BATH FAUCET REPAIR**

*Distribution:*

206-000-930.000

Stations Repairs and Maintenance

86.75

**DEWEESE HARDWARE**

**Amount of Invoice Paid: \$17.98**  
**STN 1 SHOWER HEAD**

*Distribution:*

206-000-930.000

Stations Repairs and Maintenance

17.98

**DTE ENERGY**

**Amount of Invoice Paid: \$94.28**  
**STN 1 HEAT - JUNE 2022**

*Distribution:*

206-000-745.000

DTE-Heating Fuel

94.28

**DTE ENERGY**

**Amount of Invoice Paid: \$102.39**  
**STN 2 HEAT - JUNE 2022**

*Distribution:*

206-000-745.000

DTE-Heating Fuel

102.39

**EMC INSURANCE**

**Amount of Invoice Paid: \$306.00**  
**POLICY CHANGE - INLAND MARINE/GEN LI**

*Distribution:*

206-000-710.LIB

Liability Insurance

306.00

**FRED DANIELSON**

**Amount of Invoice Paid: \$85.00**  
**WORK SHOES**

*Distribution:*

206-000-935.000

Uniforms

85.00

**J&B MEDICAL**

**Amount of Invoice Paid: \$137.45**  
**CHILD STRAPS**

*Distribution:*

206-000-932.000

Ambulance Supplies

137.45

# PENINSULA TOWNSHIP INVOICE REGISTER

**For Invoices Scheduled for Payment on: 7/12/2022 12:**

**VENDOR INFORMATION****INVOICE INFORMATION****MICHIGAN TOWNSHIPS ASSOC. (MTA)****Amount of Invoice Paid: \$882.31****ANNUAL MEMB DUES - 2022-2023***Distribution:**206-000-958.000**Memberships and Dues**882.31***MUTUAL OF OMAHA****Amount of Invoice Paid: \$160.05****LIFE INSURANCE***Distribution:**206-000-712.000**Medical/Life Insurance**160.05***NYE UNIFORM****Amount of Invoice Paid: \$99.00****SHOES/BELT***Distribution:**206-000-935.000**Uniforms**99.00***NYE UNIFORM****Amount of Invoice Paid: \$99.00****SHOES/BELT***Distribution:**206-000-935.000**Uniforms**99.00***NYE UNIFORM****Amount of Invoice Paid: \$73.27****POLO SHIRT***Distribution:**206-000-935.000**Uniforms**73.27***PICTOMETRY INT'L CORP****Amount of Invoice Paid: \$2,031.30****LICENSE - FLIGHT 2 YEAR 1***Distribution:**206-000-970.000**Capital Outlay**2,031.30***PREMIER SAFETY****Amount of Invoice Paid: \$75.76****AIR PACK REPAIR***Distribution:**206-000-933.000**Equipment Maintenance**75.76***PREMIER SAFETY****Amount of Invoice Paid: \$83.39****AIR PACK REPAIR***Distribution:**206-000-933.000**Equipment Maintenance**83.39*

# PENINSULA TOWNSHIP INVOICE REGISTER

**For Invoices Scheduled for Payment on: 7/12/2022 12:**

**VENDOR INFORMATION****INVOICE INFORMATION****PRINCIPAL LIFE INSURANCE CO.**

**Amount of Invoice Paid: \$757.98**  
**DENTAL INSURANCE**

*Distribution:*

206-000-712.000

Medical/Life Insurance

757.98

**STAPLES CREDIT PLAN**

**Amount of Invoice Paid: \$42.49**  
**OFFICE SUPPLIES**

*Distribution:*

206-000-726.000

Supplies

42.49

**STATE SAVINGS BANK**

**Amount of Invoice Paid: \$5,143.09**  
**FIRE STN 3 LOAN/INTEREST**

*Distribution:*

206-000-990.FS3

Fire Station #3 Loan Principal

2,910.77

206-000-995.FS3

Loan Service - Interest FS #3

2,232.32

**TELE-RAD**

**Amount of Invoice Paid: \$10.00**  
**WINTER COAT NAME TAG**

*Distribution:*

206-000-935.000

Uniforms

10.00

**TIME WARNER CABLE**

**Amount of Invoice Paid: \$184.98**  
**INTERNET SERVICE**

*Distribution:*

206-000-850.CHC

Internet Services

184.98

**TOBIN & CO., P.C.**

**Amount of Invoice Paid: \$700.00**  
**AUDIT - 2021-2022**

*Distribution:*

206-000-807.000

Audit Fees

700.00

**VERIZON**

**Amount of Invoice Paid: \$19.96**  
**HEART MONITOR MODEM**

*Distribution:*

206-000-850.000

Communications/Telephone

19.96

**Total Amount Disbursed: \$67,644.27**

# PENINSULA TOWNSHIP INVOICE REGISTER

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**For Invoices Scheduled for Payment on: 7/12/2022 12:**

## VENDOR INFORMATION

## INVOICE INFORMATION

**ACCIDENT FUND**

**Amount of Invoice Paid: \$109.77**  
**WC ADJUSTMENT 2022-2023**

*Distribution:*

508-000-710.WRK	Workers Comp	44.82
509-000-710.WRK	Workers Comp	64.95

**BELLA TERRA PUBLISHING**

**Amount of Invoice Paid: \$208.08**  
**US LGHTRSE MAP/GUIDE**

*Distribution:*

509-000-727.000	Merchandise For Lighthouse Gift Shop	208.08
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**BLUE CARE NETWORK**

**Amount of Invoice Paid: \$1,050.02**  
**HEALTH INSURANCE**

*Distribution:*

508-000-712.000	Medical/Life Insurance	525.01
509-000-712.000	Medical/Life Insurance	525.01

**CONSUMERS ENERGY**

**Amount of Invoice Paid: \$153.03**  
**STREET LIGHTS/ELECTRICITY**

*Distribution:*

508-000-921.000	Electricity	153.03
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**D & W MECHANICAL**

**Amount of Invoice Paid: \$390.00**  
**REPAIRED GAS LEAKS**

*Distribution:*

508-000-930.000	Repairs and Maintenance	390.00
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**KAESER BLAIR INC**

**Amount of Invoice Paid: \$4,785.90**  
**SNOWY OWL IMPRINT**

*Distribution:*

509-000-727.000	Merchandise For Lighthouse Gift Shop	4,785.90
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**MUTUAL OF OMAHA**

**Amount of Invoice Paid: \$14.55**  
**LIFE INSURANCE**

*Distribution:*

508-000-712.000	Medical/Life Insurance	7.28
509-000-712.000	Medical/Life Insurance	7.27

**PRINCIPAL LIFE INSURANCE CO.**

**Amount of Invoice Paid: \$70.79**  
**DENTAL INSURANCE**

*Distribution:*

508-000-712.000	Medical/Life Insurance	35.39
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# PENINSULA TOWNSHIP INVOICE REGISTER

**For Invoices Scheduled for Payment on: 7/12/2022 12:**

VENDOR INFORMATION		INVOICE INFORMATION	
	509-000-712.000	Medical/Life Insurance	35.40
<b>GINGER SCHULTZ</b>		<b>Amount of Invoice Paid:</b> <b>MILEAGE</b>	<b>\$244.88</b>
	Distribution: 508-000-870.000	Mileage	244.88
<b>GINGER SCHULTZ</b>		<b>Amount of Invoice Paid:</b> <b>MILEAGE</b>	<b>\$324.79</b>
	Distribution: 508-000-870.000	Mileage	324.79
<b>SECURITY SANITATION, INC</b>		<b>Amount of Invoice Paid:</b> <b>PORTA JOHN RENTAL</b>	<b>\$720.00</b>
	Distribution: 508-000-818.SAN	Sanitation Services	720.00
<b>SECURITY SANITATION, INC</b>		<b>Amount of Invoice Paid:</b> <b>PORTA JOHN RENTAL/PUMPS</b>	<b>\$1,680.00</b>
	Distribution: 508-000-818.SAN	Sanitation Services	1,680.00
<b>T.R. MCTAGGART, INC</b>		<b>Amount of Invoice Paid:</b> <b>ANCHOR MI TODDLER T'S</b>	<b>\$428.15</b>
	Distribution: 509-000-727.000	Merchandise For Lighthouse Gift Shop	428.15
<b>TOBIN &amp; CO., P.C.</b>		<b>Amount of Invoice Paid:</b> <b>AUDIT - 2021-2022</b>	<b>\$140.00</b>
	Distribution: 508-000-807.000	Audit Fees	70.00
	509-000-807.000	Audit Fees	70.00
<b>Total Amount Disbursed:</b>			<b>\$10,319.96</b>



**PENINSULA TOWNSHIP  
INVOICE REGISTER****For Invoices Scheduled for Payment on: 7/12/2022 12:****VENDOR INFORMATION****PICTOMETRY INT'L CORP****INVOICE INFORMATION****Amount of Invoice Paid: \$2,031.31  
LICENSE - FLIGHT 2 YEAR 1***Distribution:**297-000-970.000**Capital Outlay**2,031.31***TOBIN & CO., P.C.****Amount of Invoice Paid: \$175.00  
AUDIT 2021-2022***Distribution:**297-000-807.000**Audit Fees**175.00***Total Amount Disbursed: \$2,206.31**

**PENINSULA TOWNSHIP  
INVOICE REGISTER**

**For Invoices Scheduled for Payment on: 7/12/2022 12:**

**VENDOR INFORMATION**

**GRAND TRAVERSE COUNTY**

**INVOICE INFORMATION**

**Amount of Invoice Paid: \$22,817.02  
SHERIFF COUNTY PATROL - APR-JUN 2022**

*Distribution:*

207-000-818.000

Contractual Services

22,817.02

**TOBIN & CO., P.C.**

**Amount of Invoice Paid: \$140.00  
AUDIT 2021-2022**

*Distribution:*

207-000-807.000

Audit Fees

140.00

**Total Amount Disbursed: \$22,957.02**

**PENINSULA TOWNSHIP  
INVOICE REGISTER****For Invoices Scheduled for Payment on: 7/12/2022 12:****VENDOR INFORMATION****GRAND TRAVERSE COUNTY****INVOICE INFORMATION****Amount of Invoice Paid: \$19,797.41  
DPW SEWER EXPENSES - MAY 2022***Distribution:*

590-000-818.000	G.T. County Service Fees - Sewer	19,797.41
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**TOBIN & CO., P.C.****Amount of Invoice Paid: \$210.00  
AUDIT 2021-2023***Distribution:*

590-000-807.000	Audit Fees	210.00
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**Total Amount Disbursed: \$20,007.41**

**PENINSULA TOWNSHIP  
INVOICE REGISTER**

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**For Invoices Scheduled for Payment on: 7/12/2022 12:****VENDOR INFORMATION****TOBIN & CO., P.C.****INVOICE INFORMATION****Amount of Invoice Paid: \$140.00****AUDIT 2021-2022***Distribution:*

502-000-807.000

*Audit Fees*

140.00

**Total Amount Disbursed:****\$140.00**

**PENINSULA TOWNSHIP  
INVOICE REGISTER****For Invoices Scheduled for Payment on: 7/12/2022 12:****VENDOR INFORMATION****GRAND TRAVERSE COUNTY****INVOICE INFORMATION****Amount of Invoice Paid: \$5,961.22  
DPW WATER EXPENSES - MAY 2022***Distribution:*

591-000-818.000	G.T. County Service Fees	5,961.22
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**TOBIN & CO., P.C.****Amount of Invoice Paid: \$210.00  
AUDIT 2021-2022***Distribution:*

591-000-807.000	Audit Fees	210.00
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**Total Amount Disbursed: \$6,171.22**

# Reports

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

[www.peninsulatownship.com](http://www.peninsulatownship.com)

06/30/2022 CASH SUMMARY BY FUND FOR PENINSULA TOWNSHIP

Fund	Description	Ending Balance 06/30/2022
101	GENERAL FUND	1,291,114.13
206	Fire Fund	1,664,552.94
207	Police Fund	364,224.71
208	PARKS/HASEROT/BHP/ARCHIE	48,050.22
209	Cemetery Fund	52,718.84
212	Pelizzari Natural Area	294,061.27
213	HESSLER LOG HOME	4,259.70
215	DOUGHERTY HOUSE	8,970.40
245	Roads	9,120.57
248	Building Fund	2,690.00
297	Purchase of Development Rights	2,578,633.86
298	Cable Council Fund	719,265.64
400	Landing Account	414,034.66
502	Tower Fund	791,605.68
508	Lighthouse Fund	57,547.64
509	LIGHTHOUSE GIFT SHOP	61,723.82
590	Sewer Fund	240,734.04
591	Water Fund	155,275.23
596	Compactor Station	8,032.84
701	Trust and Agency	56,148.79
703	Tax Collection	73,109.82
708	Library Trust and Agency Fund	357,645.29
	TOTAL - ALL FUNDS	9,253,520.09



Peninsula Township Fire Department  
14247 Center Rd.  
Traverse City, Michigan 49686  
PH: 231-223-4443  
*fire@peninsulatownship.com*



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## June 2022 FIRE DEPARTMENT REPORT

RUNS:

### Incident Type Details

Click Row for Breakdown	2022	Total
100 - Fire	1	1
300 - EMS	34	34
400 - HAZMAT	2	2
500 - Service Call	5	5
600 - Series	5	5
700 - False Alarm	4	4
<b>Total</b>	<b>51</b>	<b>51</b>

### Mutual Aid Summary

Aid Given Or Received	2022	Total
Automatic aid received	1	1
Mutual aid given	5	5
Mutual aid received	1	1
None	44	44
<b>Total</b>	<b>51</b>	<b>51</b>

### Mutual Aid for Structure Fires

Aid Given Or Received	Total
<b>Total</b>	

Level of Service	2022	Total
Advanced Life Support	27	27
Basic Life Support	10	10
Other	1	1
<b>Total</b>	<b>38</b>	<b>38</b>

Disposition	911 Response	Total
Cancelled (Prior to Arrival at Scene)	3	3
Transported Lights/Siren	2	2
Patient Evaluated, No Treatment/Transport Required	5	5
Transported No Lights/Siren	16	16





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<u>Disposition</u>	<b>911 Response</b>	<b>Total</b>
Patient Treated, Released (AMA)	3	<b>3</b>
Patient Refused Evaluation/Care (Without Transport)	6	<b>6</b>
Cancelled (No Patient Contact)	2	<b>2</b>
Cancelled on Scene/No Patient Found	1	<b>1</b>
Patient Dead on Scene - No Resuscitation Attempted (Without Transport)	1	<b>1</b>
Assist, Public	1	<b>1</b>
<b>Total</b>	<b>40</b>	<b>40</b>

**TRAINING:** The month of June was a very busy training month. Crews worked on driving skills, pumping skills, SCBA skills, EMS skills, extrication skills and area familiarization skills. Members continue to take classes for paramedic, EMS instructor coordinator, community paramedicine and fire instructor. Two new members have been brought on and will be receiving hours of fire training.

**OTHER ACTIVITY:** Department has scheduled an event with Buchan's on July 23<sup>rd</sup>. The department interviewed 5 potential full-time employees to fill our 3 openings. They will take the department agility test on July 8<sup>th</sup>, 2022. Conducted a monthly officer meeting reviewing department operations. Chief has started the process of redoing all our policies thru the Lexipol format. This process will take a few months but will make department policies much clearer and improve best practices.

## January Through June 2022

[illegible]

# Minutes

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City  
MI 49686

[www.peninsulatownship.com](http://www.peninsulatownship.com)

## Township Board Special Meeting

June 6, 2022, 8:00 a.m.

### Township Hall

### Minutes

1. **Call to Order** by Manigold at 8:05 a.m.

2. **Pledge**

3. **Roll Call**

Present: Manigold, Achorn, Wahl (present by phone), Sanger, Wunsch, Chown, Shanafelt

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

**Manigold:** because we're going into closed session to talk about the ramifications of the lawsuit, we'll try to keep comments to three minutes.

**Mark Nadolski, 10 McKinley Road:** speaking as president of Protect the Peninsula. Gave a prepared statement (see attachment to minutes).

**Louis Santucci, 12602 Center Road:** read a prepared statement (see attachment to minutes).

**Jim Grove, Upper Birch Drive:** read Judge Maloney's entire opinion. Was disappointed but not in what the opinion said. Disappointed that on October 6, there was an agreement in place to resolve this matter and I think the board wasn't listening and didn't settle. Thinks the township board has been listening to the wrong voices. Urges the board to get back into mediation and get it resolved. Getting this decision reversed on appeal won't be easy and will be wildly expensive. There is probably still an opportunity to resolve it. Doesn't think it will cost 203 million but it will be something. None of the residents need that and you guys don't need it.

**Bern Kroupa, 3183 Shorewood Drive:** came back to the farm 27 years ago on a full-time basis vowing never to get involved in township politics. That lasted about 45 days. Then there was a special use hearing that was raucous and one of the wineries was being pounded on. Has no interest in wineries but didn't think it was good for agriculture in general. Today, is saying enough. It's 27 years later, and we're still at some of this. Bring these guys back in and settle this in a business-like fashion. If you need some of us non-grape growers to get involved, let's do it. Managing agriculture in this fashion doesn't bode well for the next generation, so enough.

**Dave Edmondson, 12414 Center Road:** concurs with the ag community. Has participated in many meetings prior to the lawsuit and the wineries couldn't get anything done. That's what started the lawsuit. That boils down to leadership and legal counsel. Where have they been to help us along with getting the job done? Now we're in this situation. Attorney said a month ago we'll appeal it

and this will go on for five or six more years. That's good for him but not the rest of us. Doesn't think we should appeal this decision. We have property rights. We should be able to use our property and come in and amend our SUPs. Our board and staff should get the job done. Why don't we get our staff to show up? Rob, you said this is a billion-dollar community. Everybody is being paid handsomely. They need to show up for the four days we're open. Maybe we should go to a five-day week so we can get the job done. We don't have the rewrite done or purchase of development rights done. Nothing's done. Now we're liable for a lot of money. Maybe some things will happen that we don't like, but we have the right to use our property.

Recently received a letter [from planning and zoning] that tells him he needs an SUP to put up a tent.

**Manigold:** objected. That's not what the letter says.

**Edmondson:** yes, it is. People are getting fines and cease and desist letters for being farmers. Stop it.

**5. Approve Agenda**

**Wunsch moved to approve the agenda [as presented] with a second by Chown. Motion approved by consensus**

**6. Conflict of Interest: none**

**7. Consent Agenda: none**

**8. Business:**

1. Enter closed session pursuant to MCL 15.268(e) to discuss the winery lawsuit

**Wunsch moved to enter closed session pursuant to MCL 15.268(e) to discuss the winery lawsuit with a second by Shanafelt.**

**Roll call vote: Sanger, Wunsch, Shanafelt, Chown, Manigold, Achorn approved unan**

**Manigold:** we will go next door. Probably going to be two to three hours. Think what this lawsuit may have turned into is something that will affect agriculture throughout the state of Michigan. How can you put a restaurant on ag land, especially on deed-restricted land? That belongs in the commercial district. We've been under so much scrutiny, I can understand why you have questions. Our negotiating team believes people should eat something while they eat. It's only normal. A lot of these things may be happening inside. All our complaints are amplified music outside or trespassing. The outside arenas are an issue.

**Meihn:** stopped Manigold and asked him to save his comments for after closed session.

**Manigold:** did I go too far?

**Meihn:** it's better and safer not to make these comments now.

**Manigold:** there are so many rules we have to follow that I hope I didn't go too far. You're going to hear a lot more from us. MTA will be joining us I believe and American Farmland Trust will be in. There's a lot more to this story than what you've heard so far.

**Wunsch:** has heard some concern about the settlement proposal presented to us in October. Is sorry we're not at liberty to discuss that. To the residents, you do not know if it was better aligned or less aligned than the decision that's been handed down by the judge. We ask you to trust that the township is attempting to make the best decisions possible for the community. If a good proposal were presented to us, we would be willing to consider it.

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Return to open session pursuant to MCL 15.261

**Shanafelt moved to return to open session with a second by Sanger.**

**Roll call vote: Achorn, Sanger, Wunsch, Shanafelt, Chown, Manigold** **approved unan**

**Achorn:** moved to authorize the township board to decide on legal next steps in concert with the insurance companies with a second by Wunsch.

**Roll call: Wunsch, Shanafelt, Chown, Manigold, Achorn, Sanger** **approved unan**

**9. Citizen Comments:**

**Brit Eaton, 1465 Neahtawanta Road:** gave a prepared statement (see attachment to minutes)

**Nadolski:** didn't hear the total motion that you passed. Please repeat.

**Achorn:** repeated her motion.

**10. Board Comments:** none

**11. Adjournment**

**Wunsch moved to adjourn the meeting with a second by Sanger.** **Motion approved**  
**by consensus.**

**Meeting adjourned at 11:22 a.m.**

As a citizen of the Peninsula, I feel as though Judge Maloney's decision has left the Township powerless to oppose forces that will be the ruination of the rural character of the Peninsula. Since the October meeting at Saint Joseph's last year, I have felt like we were making progress toward an equitable solution that brings parity between the wineries and other farmers on the Peninsula. Now, I feel the Township has been stripped of the ability of home rule and our Master Plan rendered meaningless when it comes to the desires of the citizens to maintain the Peninsula's rural character and protect the health, safety and well-being on our roadways.

Since the beginning, I have had difficulties wrapping my head around the sheer numbers in the wineries' argument of the \$200 million of **profits** the 11 wineries estimate they have lost over the last five years.

If I simply extrapolate that number to understand what will be the impact on the Peninsula with the existing eleven wineries, I calculate an additional 5,654 visitors per day or 1,885 cars per day on the 46 two-day weekends in peak season, June through September.

- \$ 200,000,000 profit x 2 = \$ 400,000,000 Gross sales
- \$400,000,000 / \$20,300 (national avg cost wedding) = 19,704 weddings
- 19,704 / 5 years = 3,941 wedding type events per year
- 3,941 events / 46 peak season weekends = 85 events per weekends (May – Sept.)
- 85 / 11 wineries = 8 per winery
- 3,941 weddings x 66 guests = 260,100 yearly visitors at weekend wedding type events
- 260,100 visitors / 46 days peak season weekends = 5,654 visitor per day peak season
- 5,654 visitors / 3 people per car = 1,885 additional cars per day in peak season

These numbers do not even consider future wineries or farm markets without local limitations.

This situation cannot be left to unfold without exploring all means necessary to enable the Township to retain the ability to mitigate the effects of so much commercial activity on the Peninsula.

An immediate traffic study is a critical element in determining the impact on our roadways.

Respectfully submitted

Brit Eaton  
1465 Neahtawanta Road

For more than 40 years, Peninsula Township residents, the agricultural community, and most township officials have been working hard to keep our agricultural/residential community the envy of our state.

We have been successful in helping the agricultural community survive through some difficult years. The reason that has happened is our ability to keep commercialization out of the agricultural-zoned lands.

We have seen what happened to East Bay Township when commercialization takes over. Acme Township is also struggling to preserve its history as an agricultural community.

Our township, Peninsula Township, became the first township in the country to tax itself through its purchase of development rights program to save agriculture. It has saved many farm families from giving up farming. That is a 30-year success story!

Peninsula Township's ordinances have been extremely successful in keeping us an agricultural community. Our agricultural committee has been working hard to improve the intent of the agriculture ordinances.

Are we going to just abandon all the efforts that have gone into making us the most desirable agricultural community in the state?

This town board has the *ability* and the *obligation* to preserve the history of Old Mission Peninsula. Do not cave into a ruling that will change Old Mission Peninsula forever. Town board members, please stand firm and do what you should to keep that from happening. You have the support of the residents Old Mission Peninsula!

Thank you,

Mark Nadolski, President, Protect the Peninsula



From Louis Santucci

Like you probably have been doing I have thought a lot about the implications of this opinion since i read it on friday.

I have the following recommendations to you.

1. Put this behind you and look forward. An interlocutory appeal and Greg can explain that to you is a very difficult hill to climb. Enough resources and time and god knows how much money have been spent on this.
2. Harkening back to the meeting at st Joe's many months ago I was one of the few voices calling for a compromise to settle this issue. The township board bowed to the loudest voices and rejected their own negotiated settlement. True Leadership sometimes calls for doing the right thing not the most popular.
3. I do not know what your lawyer said in that meeting or what he will say today but a lawyer not only has a duty to follow his clients wishes but he also has a duty to advise his clients when they are wrong or when their actions may result in unintended consequences. I remember at some point that Greg said that the Wineries may have had some points on the constitutional issues. He later rescinded those remarks but he was right. As to who his clients are they are not just the few of you sitting up there but all of us. He has a duty to us as do you to not put us in financial jeopardy because PTP is nagging you on and in this case caused you to lose big time, and it's not just this case.
4. So what I suggest is:
  - 1 you tell us today what your exposure is in this lawsuit in other words what are the limits of your policy and what will be the citizi=ens exposure if your limits do not cover any monetary damages. You owe that to us as stewards of our money both in your treasury and in our own pockets should it come to that! You will be shirking your fiduciary and governmental responsibility to hide these facts from us.
  2. You should end the SUP moratorium which serves no purpose today and was a tactic to frustrate those who wanted to move forward with planning for whatever.
  3. The ag committee should be disbanded and their recent recommendations tossed on the burn pile. They are for the most part unconstitutional. In its stead you should create a truly ag committee with just ag reps. If you want a citizens committee as well create one of those too.
  4. The zoning rewrite should be sent back to the planning committee to take out the offending sections of the rewrite based on this decision.
  5. You should ensure that actions of your zoning enforcement people are reigned in and supervised by you and your lawyer. It is clear that the judge found the discretion given to them was problematic and recent events underscore that you have people who do not follow their own ordinances. More on that at the 14th meeting.

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City  
MI 49686

[www.peninsulatownship.com](http://www.peninsulatownship.com)

## Township Board Special Meeting

June 9, 2022, 9:00 a.m.

### Township Hall

### Minutes

1. **Call to Order** by Manigold at 9:06 a.m.

2. **Pledge**

3. **Roll Call**

Present: Manigold, Achorn, Sanger, Wunsch, Chown, Shanafelt

Absent: Wahl

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

**Brit Eaton, 1465 Neahtawanta Road:** gave a prepared statement (see attachment to minutes)

5. **Approve Agenda**

**Sanger moved to approve the agenda with a second by Wunsch. Motion approved by consensus**

6. **Conflict of Interest:** none

7. **Consent Agenda:** none

8. **Business:**

1. Enter closed session pursuant to MCL 15.268(e) to discuss the winery lawsuit

**Shanafelt moved to enter closed session pursuant to MCL 15.268(e) to discuss the winery lawsuit with a second by Wunsch.**

**Roll call vote: Sanger, Wunsch, Shanafelt, Chown, Manigold, Achorn approved unan**

**Manigold:** we are interviewing prospective legal counsel in closed session because we are dealing with parts of the lawsuit.

Return to open session pursuant to MCL 15.261

**Sanger moved to return to open session with a second by Wunsch.**

**Roll call vote: Achorn, Sanger, Wunsch, Shanafelt, Chown, Manigold approved unan**

**Achorn moved to respectfully accept the resignation letter of Greg Meihn, effective June 28, 2022, as the township's general counsel and thanked him for his services over the years; second, to engage Fahey Schultz Burzych Rhodes to represent us going forward with our ongoing winery lawsuit and to engage Fahey Schultz Burzych Rhodes to represent the township as general counsel following Greg's Meihn's resignation date; and, third, to authorize the supervisor to sign the engagement letter with Fahey Schultz Burzych Rhodes with a second by Chown.**

**Roll call: Wunsch, Shanafelt, Chown, Manigold, Achorn, Sanger approved unan**

9. **Citizen Comments:** none

10. **Board Comments:**

Peninsula Township  
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Becky Chown, Recording Secretary  
DRAFT Minutes

**Manigold:** will resign as of this coming Tuesday to deal with some health issues.

**11. Adjournment**

**Chown moved to adjourn the meeting with a second by Sanger.** **Motion approved**  
**by consensus.**

**Manigold:** it has been a pleasure serving with this board.

**Meeting adjourned at 11:57 a.m.**

Throughout the lawsuit, we heard many times that both sides would not be happy with the outcome, both would feel the pain equally. That wisdom certainly isn't the case here; WOMP succeeded in obtaining 95% of what they demanded. The citizens won on only two points; hours of operation, which is still not totally clear, and the noise issue. Our greatest fear is that the Peninsula will become a Meca for commercial activities on agricultural land with tens of thousands of additional tourists and thousands of cars and vans flocking to the existing 11 wineries over the 46 two-day peak season weekends from May to September each year. Rightly so, the other farm facilities on the Peninsula want parity with the special uses commercial activities the winery's now have because of the court ruling.

The CAAC was/is our best effort to bring parity and equality to the recognition of agricultural land use and agritourism, but the court ruling has put that balance in a very precarious position. I don't have the answer as to how we get to place where all sides feel a sense of unity of purpose in protecting our rural character and beautiful agricultural land, but I'd like to be part of the effort to get there for our children and grandchildren's sake.

The detractors who are now saying, just accept the ruling and get on with your lives, are only saying that because they got everything they sued for. They would not be saying that if the ruling was equally painful for both sides. We must explore all means necessary to enable the Township to retain the ability to mitigate the effects of so much commercial activity on the Peninsula in order to retain our unique rural character. That character which makes so many people want to come here; If we don't, we will lose it forever.

#### Where we are now:

1. No trusted Legal council
2. Original Zoning ordinance still not updated
3. Need to change current zoning Court directed ordinances
4. Wineries achieved almost all of their demands
5. Moratorium about to expire
6. PDR in jeopardy
7. Multiple new Chateau wineries in waiting, 5 or more
8. Citizens feeling frustrated at ruling
9. Ruling not equally painful for both sides
10. Work on CAAC in limbo

#### Possible directions:

1. Extend moratorium
2. Appeal lawsuit
3. Acquire trusted legal council
4. Amend current zoning per court ruling
5. Adopt zoning rewrite with court amendments
6. Expand CAAC to include 3 farmers
7. Revise CAAC recommendations to PC
8. Include CAAC recommendation into new zoning ordinances
9. Adopt zoning ordinances with CAAC recommendations

Peninsula Township  
Township Board Regular Meeting  
June 14, 2022, 7:00 p.m.  
Laura Martin, Recording Secretary

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City

MI 49686

[www.peninsulatownship.com](http://www.peninsulatownship.com)

## Township Board Regular Meeting

June 14, 2022, 7:00 p.m.

Township Hall

Minutes

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

2. **Pledge**

3. **Roll Call**

Present: Achorn, Sanger, Wunsch, Shanafelt, Chown

Absent: Wahl, Manigold

Also present: Township Planner Jenn Cram and Attorney Bill Fahey via phone

4. **Citizen Comments**

**Chown:** Anyone who would like to make a comment on an item on the agenda is welcome to come to the podium at this time, with one exception: if you are here to speak about the Meeker addition to the Pelizzari Natural Area, please save your comments for that item.

**Monnie Peters, 1425 Neahtawanta Road:** I have come before the board a lot, and I bet you can guess what I'm going to speak about, yet again: passing the zoning ordinance. I want to remind the audience and the new people that we began work on it because the planner at that point, Michele Reardon, said the old code was really bad and we needed to work on it. This was the fall of 2015. We were never supposed to solve the problems and rewrite the code; the purpose was to create a document that could be easily amended, could be up to date, and meet all of the state statutes because at that point we were not in compliance, which means I suspect we still are not in compliance. We worked on it, and then we decided we needed a sub-committee. The planning commission created a sub-committee of three of us, Laura Serocki, Al Couture, and myself. We had seventy meetings and went through all of it and helped create, with the help of a very excellent consultant, McKenna, so that process was done the end of 2018, beginning of 2019. Our former planner, that was not his forte. He wanted to do the survey, he wanted to do the passive plan, both of which were good, but that didn't get the zoning ordinance done. So, finally, the planning commission indeed did pass it, last spring, I believe, and in fact I believe the planning commission has passed the ordinance twice, and it came up in front of the town board in July of last year, and I started coming. I didn't come to the August meeting but I came every other meeting and said get it passed. And Rob promised me we will get it passed by the end of the year. But we are not there; we haven't passed it. And I want to ask the board members, do you really like the old code? Is that a good document to be

working under? You've got your wonderful new planner, who is working on lots of little fixes, but we knew there were going to be lots of little fixes. You can't pass it tonight because it's not on the agenda to do it. I think I've heard that it's going to be passed maybe in another meeting shortly, but I really believe what you are doing is being extremely inefficient and I bet it is costing you money by not finally passing it, now that we are six and a half years after we began. Thank you, and good luck. Jenn, get it done.

**John Jacobs, 5290 Forest Ave:** First of all, I wish Rob were here so he could hear this too, but I want to thank all of you board members. This has been a tough year, there have been a lot of big issues, you've taken quite a bit of abuse, and you've handled it all skillfully and with great grace. Thank you; we are all in your debt. Thank you for being in these seats. Second point, thank you in particular for standing tough on the winery lawsuit. I urge you to continue to do so and to use all the tools at your disposal to continue that fight.

**Harold David Edmondson, 12414 Center Road:** First of all, I would like to speak to the way that you hired our new legal staff; I believe that was all done in closed session. That seems a little peculiar; that seems like it should have been put out for bids. And more than anything I wish we would have a local lawyer rather than these guys downstate who certainly aren't efficient. I think that we have some big problems here but I think really if you just follow the ordinance that you had originally, and yeah we're moving forward hopefully to the new one that should make life easier, that would be great, but the deviation from the ordinance from my perspective has caused a lot of problems. The other issue is it sounds like you are going to appoint a supervisor this evening. Again I would say why wouldn't you open it up like you have to the other positions that have been vacated to allow maybe fresh blood to that seat, that can maybe come with fresh perspective and give an objective view? I think that would be really important.

**Brit Eaton, 1465 Neahtawanta Road:** As a peninsula resident, our greatest fear is that the peninsula will become a mecca of commercial activities on agricultural land, with tens of thousands of people, cars, and vans flocking to the peninsula. I also believe that the other farm facilities on the peninsula want parity with the special use commercial activities that the wineries now have because of the court ruling. The citizens' agricultural committee is our best effort to bring parity and quality and recognition of the agricultural use and agricultural tourism. But the court ruling has put that balance in a very precarious position. We must explore all means necessary to enable the township to maintain the ability to mitigate the effects of so much commercial activity on the peninsula in order to retain that unique rural character that brings so many people to the peninsula. If we don't, we'll lose it. Thank you for your consideration.

**Lew Seibold, 3297 Cherry Hill Road:** I am a member of the agricultural advisory committee; whatever form it will take in the future, we'll see. But I think it has done some good work and I hope it continues. First of all I would like to give some appreciation for the many years of effort Rob Manigold has given to the township and to the township board, as well for the efforts that they put forward. I just want to remind us of a couple things. One is the physical uniqueness of Old Mission Peninsula; there isn't much that can compare to it. I value every day that I live here, and I know that many of you do as well. When I'm out there in the orchard and I look up and I see the bays, sometimes on each side, there's just nothing like it. So it's a very unique

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Laura Martin, Recording Secretary

place and we all recognize that and I hope that we remember that as we go forward. The summary judgement, it generalizes about some of the things that we need to deal with, certainly, but the things that are particular to this place...Other places in the country, you can be in a township, and if you don't like the township you can move across the street. You can't do that here. So we all have a unique responsibility to work together to really accomplish what we all want to accomplish. There are boundaries and there are corridors of movement and infrastructure that are constrained by its geography; there is nothing like it that I know of. More than any rural place, we need a set of ordinances. Because of these particular conditions, we can't live without an ordinance. Those of you who may have an ideological sense of libertarianism or whatever, that's fine; I appreciate that. But we have particular problems that we have to focus on here on the Old Mission Peninsula. We need to set some of those things aside and really cooperate together. The next thing is economics: there needs to be parity, equality of opportunity, not equality of outcomes, but of opportunity amongst all agricultural producers, no matter what crop they grow or animals they are caring for. I'd like to see an ordinance that actually did not say anything about growing grapes, wineries, cherries, kiwis, whatever it is that you grow, because we all need to be treated equally, not differently, and we need to have the same chance and opportunity. I would like to see a reevaluation of the PDR program, quite frankly. I'm not against it, but I'm not for continuing it until we are aware of all the consequences of the program. Are the citizens of the peninsula really getting some return for their investment, and at this point you really have to ask yourself, would you rather be living next to a winery or next to a development? In my mind it's not a given anymore. And then fourth, values. I'm not advocating for any absolute moral dogma but some questions arise. Thirty years ago when we moved to this peninsula, when I saw a bus going down the road, I assumed it was children going to school. I can't assume that anymore. Now, people say, things have changed. Yes, they have. Things have changed, but what does that say about us, what does that say about you, what does it say about everyone? What do busses carry now? With a notable exception or two, I used to see many families with children enjoying our beautiful peninsula. Where are the children and the families, and can they participate in all of the activities that are common? What kind of place is this and what do you want?

**Peter Cohl, 9466 Rolling Ridge:** Well, you have certainly have been under a lot of stress lately. I've been on the peninsula about thirteen years now, and I'm here to talk about the winery lawsuit. I happen to be an attorney with forty years of experience in municipal law; that's all we do. Our firm represents statewide a lot of municipalities. Based upon my many years of experience, I must say I was disappointed by the trial court's ruling in the winery case. Unfortunately, I believe the court did not receive briefing on all the available legal theories that would have been beneficial to the township. There is no question in my mind about that. Also, there are some facts that were not presented to the court, for whatever reason, and I strongly believe that when more legal theories are brought before the court, you would potentially have a different outcome. Now I'll give you some examples of what I think is beneficial to the township, and I would urge you to go forward with it. You had a partial summary judgment, not the whole case. Summary judgments are oftentimes appealed. I've done that I don't know how many times in the course of my career. And there have been times, many times, when the court, the lower court, has been reversed.

Peninsula Township  
Township Board Regular Meeting  
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And I feel strongly in this case the court missed some legal arguments that otherwise could have changed the outcome. Now you also have PTP, which has tried to intervene in this lawsuit and was denied by the lower court. An argument was made last week in the sixth circuit court of appeals, where the lower court is appealed to, and I believe that if PTP is allowed into the lawsuit, it will be a game changer. There is no question in my mind about that. Because what would happen is they would be allowed to bring forth additional legal theories that would be helpful to the township. It would also be permitted to bring more factual information to the court, which I also think would be beneficial to the township. And I think there's an excellent possibility that the court, the appeal court, will reverse and allow PTP to intervene. I don't know for sure, obviously, but we'll find out soon enough. Another thing that is beneficial to the township in this lawsuit, I am thoroughly convinced, is that the Michigan Township Association will at some point get involved. I think at some point they will file what is called an amicus brief, where they will try to support your position because that court ruling will affect every single township in Michigan. It's a very important case. So I think at some point they'll get involved. And I would hope that at some point, your counsel will file a motion to stay the injunction that has been ruled by the lower court. There's no stay by the lower court and I would hope at some point there would be an appeal to the sixth circuit court of appeals that would stay this pending the final outcome of the suit. It's been tough on you, and I commend you, I really do; this is a tough one. You've been beaten up all over the place, by all sides; you've got all kinds of issues. I can't say I understand them all; I certainly don't, but I understand the ordinance aspect of this, the winery case. And I think, strongly, that you ultimately are going to prevail. You've got to hang in there. Litigation is time consuming, it's a pain in the neck, it's stressful, but in this case I think you have a very good case, especially on appeal. So I urge you to continue it, and I thank you for your fortitude, thank you for protecting the residents of the township, and I greatly appreciate all you've done.

**Mark Nadolski, 10 McKinley Road:** I intended this statement to be for Rob and the board, and I'm disappointed Rob isn't here, but I'll go ahead and make my statement anyway. As president of Protect the Peninsula, it's been a pleasure to work with Rob for approximately twenty-two years, starting with his first election in 1988. Rob and PTP had the same goal in mind, and that was to look out for the well-being of the entire Old Mission community. Rob and the board that was elected with him in 1988 understood that in order to keep Old Mission Peninsula a thriving agricultural community, it needed to find out what their priorities were. He agreed that surveying the residents and farming community was critical to creating the ordinances that worked for all. He brought on board a planner who could initiate the steps that would accomplish that. Nothing in life comes easy, but through persistence and hard work and a true dedication to the residents and the farming community, I believe that Rob and the Peninsula Township officials have succeeded in making our township the most desirable place in Michigan and the entire Midwest. Congratulations to Rob and all the town board members, planning commission members, park board members, and citizens who dedicated themselves to our beautiful Old Mission Peninsula. Thank you.

**David Taft, 952 Neahtawanta Road:** I've been a resident here, semi resident, for more than sixty years. I think you've seen tonight the fiber of this township. The residents, they



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really support you. I was going to come and say some nice words about Rob. Rob volunteered again to run for office here. He didn't have to do that; he has a full-time farming job, but he chose to. Some of us could say he could have done a better job; some of us can say he did a great job. The fact is, he committed a huge amount of time on this township board, and all of you are doing the same, and you should know the residents respect you. I've come up and said that before and I want to say that again tonight to you. Now I'm going to move to some agenda items. I want you to extend the moratorium on SUPs. We've got a lot of chaos and confusion in the township, so let's work through that first before we take on new SUPs from wineries, other people, etc. I agree with Monnie; she's beginning to sound like a broken record, but she's right: we spent a lot of money, and a lot of volunteers, a lot of consultants, and a lot of good work on a new zoning ordinance. And it's a good ordinance. We excluded working on the winery paragraphs. Now with the citizens' committee work, which has been really good because it's brought quality to the farm stand concept as well as the wineries, we should look at ways to bring that into the zoning ordinance that is before you after you approve that zoning ordinance. I agree with Monnie it should be approved. Most of all, you shouldn't be intimidated by the chaos and confusion of this community. Mr. Infante has encouraged that; Mr. Santucci has lobbied that. We are not the aggressors, and you are doing a good job. Realize that most of the residents don't come here but they all commend you for what you do. The backbone of this community is behind you, and you are in a transition. What a wonderful time to examine things and really get to the basics. And you are capable of doing it. You've had a lot of volunteers in this community who have spoken on the citizens' committee in the last year and want you to do it, and expect you to do it, and we know you will do it. We don't want the chaos that would lead to Napa, Sonoma, Paso Robles, with crime, congestion, traffic. You have the former mayor of Traverse City, he put something in the packet, this community cannot modify the geography to build more highways to feed people into large events, to weddings, restaurants, etc. We enjoy the rural ambiance. And we have a zoning ordinance and a master plan that says that. So step up and follow it and know you have the backbone of this community behind you. Thank you.

**Bernie Kroupa, 1704 Center Road:** I'm still not comfortable with the position of being a farmer and being in the crosshairs, but here we still are. Twenty-one years ago we came into this room with the planning commission, Dave Sanger was here, and the town board, and we delivered a white paper on agriculture. We tried to talk about what agriculture is, where it's been, where it's going. It was about a ten-year look. Most of that was pretty accurate, with the exception of its demographics, because some of us are still farming. I guess at fifty-five we thought we wouldn't be here anymore, but we are. But in those twenty years, a lot of good things have happened. We've had a lot of entrepreneurialism, had a lot of investment, planted a lot of ground. We've made great alliances, partnerships, lots of investments, not handouts but investments, and a lot of things have thrived. But the pace of change, and I'm not talking about the negative pace of change via the wineries – frankly I don't view them as a negative – but the change of the traditional tree fruit. It is going to be so fast that trying to cling to the rural circa 1958 is going to be very difficult. There are some bright spots here and there but things are changing and it doesn't have anything to do with Peninsula Township. You know the mayor; I always deemed him as one of our

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biggest enemies because of what Traverse City was doing to squeeze our transportation. Years ago, and I agree with Monnie Peters, things don't move quickly around here, you know, working on the master plan, the glacier formed most of the peninsula during that time. But you know, we work on it, we try to make it work, but things are changing. Back to my Traverse City comment, we identified three major things needed for more traditional agriculture: water, power, transportation. We're not shipping from Old Mission Harbor any more, we're not shipping from Neahtawanta, only David Taft is old enough to realize when we did that, but Center Road, thank God for Center Road. All of the deputies are going to have a challenge now with speed. We approached the city of Traverse City twenty years ago and said this isn't right what you've done to the Peninsula Drive section. But they ignored it and if anything made it worse. So that's one problem, but as they say, the agriculture world is changing quickly. Unfortunately, some of the work that's been done here is kind of done in a void, not paying attention to what's going on down the road, and what's going on beyond the peninsula. It's almost hyper speed now that's going to change the traditional tree fruit industry. We've got to think about it a little more deeply. I heard that use by rights are being clustered in with moratoriums; I'd really be unhappy about that. You know we worked hard and long and well intentioned on that, twenty plus years ago. Special use permits...I always said if I needed a special use permit to do business, I'd probably cancel the business model, but that's it. Thanks so much.

**Mark Santucci, 1179 Center Road:** Originally I was going to talk about the constitution, a little civics lesson, how the court case effects that and everything, but having sat and listened to a couple of the comments, I changed what I'm going to talk about. This was a rural community, years ago. I bought my farm in 1987 and have been farming it ever since. I probably am not going to farm much longer because the community has changed, the attitude to farming has changed. So we're going to have probably another seven or eight houses built on my property because of things like what's going on here. Everyone talks about the wineries affecting traffic and affecting the quality of life. Well, I live within a quarter mile of three wineries and it doesn't affect my lifestyle at all. Once in a while I hear some laughing and giggling but to me that's better than dogs barking. We now have a little more than six thousand people on the peninsula, and we have a couple of postage stamps for commercially zoned property. I'm willing to bet anyone here that if we did a traffic study before five-dollar gas, the number of trips the six thousand residents take back and forth to town to go to the doctor, go to the lawyers, go to the store, go to the accountants, go wherever they have to go into town, is well more than the trips people take to get to the wineries. First of all there are eleven wineries; there aren't eleven people going to eleven different wineries. There is an individual or a group who will go to one, two, three, four, maybe they go to all eleven, but it's that one car that's moving along the peninsula; it's not taking eleven trips back and forth. The traffic problem as I see it is in the morning and the evening, rush hour. The wineries have no impact on that. And yet they're being blamed for that type of stuff. So I think we need to have our facts, whatever they are, and then we go with the facts. Maybe they're against what I just said, but when I have my pick-your-own operation I see the cars going by, I see how many go in to Bonobo and I see how many go right by and I would bet the lighthouse gets the preponderance of tourist traffic that goes here, and unless you want to knock down the

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lighthouse, it's going to continue to be that way. Thank you, and I'll save my constitutional talk for later.

**Louis Santucci, 12602 Center Road:** I want to talk about the SUP moratorium. Once again we see something that, again, when we talk about unintended consequences, this will be detrimental to agriculture. First of all, the moratorium ordinance was not published to my knowledge in the *Record Eagle* giving everybody two weeks' notice. Best I can find out, at midnight the other night, we got notice that this moratorium was going to be discussed tonight. The rationale put forward for the moratorium is not sufficient. Under the zoning enabling act, the town board can make the changes itself. I could do it in half an hour; all you have to do is strike the sections the court found invalid. To claim that six months is needed to make those changes is, in the words of another, malarkey. While moratoriums have their place, they must be reasonable and without bad faith. I would say neither test is met. A moratorium has already been in place for six months, and extending it another six months is an unreasonable burden on anyone who had or has plans for activities that require an SUP. It also discriminates against uses that are a matter of right by basically applying to processing. In addition, for example, it would not allow a farmer who wanted to build a storage facility for his agricultural products because that's one of the special use provisions. So you see it could really end up hurting a farmer who wanted to build an agricultural storage facility. And in addition, it would appear the real reason for the SUP is to deny opportunities to those who may want to set up a processing facility. This smacks of massive retaliation from losing the lawsuit. I would tread very carefully here or the township may find itself on the end of another lawsuit. The judge admonished the township for not seeking less restrictive ways of accomplishing its goals. Has that been done here? I don't believe so. Finally, the rationale that more time is needed to make adjustments and therefore need to put the moratorium in place again holds no water. If this were true, why not impose a moratorium across the board in all districts? Why have you just singled out the ag district? I think that in itself could cause some problems if this ends up in court because you are discriminating against one district and you're using a rationale that theoretically should apply across the board. So once again I think this moratorium on SUPs tonight should not go forward. Thank you.

**Grant Parsons, 6936 Mission Ridge:** I could admire and agree with something out of everyone's voice tonight. I've gotten the best education in this township since I've been sitting with Isaiah, Dave, and everybody on this agricultural committee, and I've met people like Lew and other farmers I didn't know like Elise Holman till I heard her comment. There has been more good thinking done under Jenn Cram's leadership and organization, and I want to address one simple issue. If people think we're in chaos, if people think we're spinning...I don't mean to, would not dare cross Monnie, I do want to focus on one thing, and that's a little story. When my good friend Bob Russell was very close to death, you guys know he lived out on the peninsula; he was a public servant. When he was close to death, we rented a hot air balloon, and Bob had to be lifted into the basket in the balloon, and we took off at some point on the peninsula, and the whole point was to show Bob what he had done with a life. He hadn't built tall buildings, he hadn't built bridges, he hadn't built business, but he had built a respect for the greatest asset, greatest

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moneymaker, the greatest reason we live here. When we look around, it's still there. In large part, I don't think it's going away because of what you have done and what you are doing. So when you start to feel like you're losing balance, spinning, or we're chaotic, go back to the surveys, go back to the people, just get your balance; you're doing great. We have time, because we have a glacial gift, and you've done a marvelous job of preserving it. We're not in chaos; we're in a thinking period. Thank you very much.

**Susie Shipman, 14735 Shipman Road:** I am currently a planning commissioner, I am here as a resident, I am not speaking on behalf of the planning commission tonight. I am here to just briefly say I am fully in support of the resolution regarding the Pelizzari Natural Area expansion, and I say that as a lover of that park. I've been seeing how much use it's been getting and think it would be a great addition to our peninsula. I want to take a minute as well to acknowledge Rob. He was the first official I had a conversation with when I came back here where my husband grew up eleven years ago. He really made me feel like this is a place where my voice mattered. He made me feel like this is a community worth protecting, and being a part of and really being a participant, and here we all are. I think he reflected that feeling about our community very accurately and he did that in our very first conversation. I just want to thank him for his service, and thank you for your service. It's not an easy place to be. I look forward to what's next.

**John Wunsch, 17881 Center Road:** First I do want to recognize Rob again. The dedication, the care he had for this community, is unparalleled. I appreciate his service, I hope his health improves, I hope he does well. I want to commend the board and the staff for the difficult jobs they have had the last several years. Thank you for doing that, thank you for being there. As it has been said, so much of this community is behind you and appreciates that. And I want to agree with Bern that, yes, things are changing, and no, wineries are not all bad. There are circumstances now that are out of balance. We need to thoughtfully proceed, we need to resolve some of the differences that were expressed on the agricultural committee, and we need to find a path forward together. Evolution...Bern's right: the cherry industry of 1955 is not going to survive. That was all tart cherries. You have to adapt, like my family has. Do you see any tarts on my farm? We made a pivot, we made the effort, we made the investment. High density apples, sweet cherries, better mechanisms to sort those cherries...There are viable alternatives besides wineries. Yes, wineries are an addition to the ecosystem, they bring more diversity to the time of year when labor can be used, so it's smoothed up our ability to have labor here. It's been a contributing factor. We need that diversity, we need to figure out ways to work together. This lawsuit, this summary judgment, is not final; it is not the end. I urge you to pursue all legal means to continue this process in the courts as well as us to continue the process with the agricultural committee once we have good guidance from our new attorneys. I think we'll be able to put it all together and move forward, so let's not completely blow apart, let's not assume wineries are all bad, let's not assume the tree fruit is a dead industry because it's not. Let's see a path to a positive future. Thank you.

**Chris Baldaga, 19707 Montague Road:** I just want to speak briefly about the moratorium. The six-month moratorium, I totally agree with. It was good to put it on pause, but to put it on pause again and not just the SUP holders, the wineries that do remote tasting rooms,

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but the use-by-right farmers as well, you're putting agriculture on pause. At the last citizen advisory committee meeting, a gentleman sat out there and asked, "You're not going to tell us how to farm, are you?" and you very clearly said no. But this is exactly what this is. It's not telling us how to farm, it's telling you that you can't farm. It's telling you the type of farming that people would like to do, whether it's farm processing, making honey, making ice cream, making lavender, wine, cider, whatever falls into that category, that you're putting them all on pause. But the thing that competes with all the above, cherries, apples, grapes, hay, everything that's out here now, is homes. We're watching homes endlessly creep up the peninsula. That residential creep is relentless. Developers plant houses like I wish I could plant vines. Don't do this moratorium, don't put agriculture on hold. That's what you're doing, please don't do it. That's all. Thank you.

**5. Approve Agenda**

**Sanger:** I would like to pull item 6 under reports, directive to Peninsula Township Zoning Administrator Christina Deeren from Supervisor Rob Manigold dated June the 6th, 2022.

**Chown:** I will place that on the business agenda as item number 5 and bump everything else down a notch. I will entertain a motion to approve the agenda as amended.

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

**6. Conflict of Interest**

**Chown:** I have a conflict of interest and will recuse myself when we get to Pelizzari Natural Area – Meeker Addition.

**7. Consent Agenda:**

1. Invoices (recommend approval)

2. Reports

A. Grand Traverse County Sheriff Daily Officer Summary for May 2022

B. Cash Summary by Fund for May 2022

C. Peninsula Township Fire Department for May 2022

D. Peninsula Township Ordinance Enforcement Officer for April and May 2022

E. Grand Traverse Sheriff's Office Citation, Accident & Arrest Statistics for May 2022

F. Peninsula Community Library for June 2022

G. Peninsula Township Non-Motorized Committee

H. Peninsula Township Parks Committee

3. Consumers Energy press release

4. Old Mission Peninsula United Methodist Church Chicken Barbeque tent request

5. Minutes from March 30, 2022, Township Board Special Meeting; May 5, 2022, Township Board Special Meeting; May 9, 2022, Township Board Special Meeting; and May 10, 2022, Township Board Regular Meeting

6. June 6, 2022, directive to Peninsula Township Zoning Administrator Christina Deeren from Supervisor Rob Manigold

7. Request to Install Life Jacket Library at Haserot Beach (recommended by parks committee)

8. Correspondence

A. William Rudolph

B. Brit Eaton

C. Dave Murphy

D. Laura Johnson

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E. William and Cary Harrod  
F. Joann Weisell  
G. Paul Shirilla  
H. Jennifer Tang-Anderson  
I. Katie Grier  
J. John A. Wunsch  
K. Eric and Kathleen Dreier  
L. Michael and Alice Rhyner  
M. Liz VerSchure  
N. Pamela Miller  
O. Neal Johnson  
P. Jed Hemming  
Q. Dave Edmondson and Jo Westphal

**Chown:** Would anyone like any of these items taken off the consent agenda and moved elsewhere for full discussion?

**Harold David Edmondson:** I would like the letter I submitted moved elsewhere.

**Chown:** I will move it to the last item on the agenda before we enter closed session.

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

**Roll call vote: Sanger, Wunsch, Shanafelt (with caveat that he cannot approve minutes prior to May 10), Chown, Achorn** **Passed unan**

**8. Business:**

1. Accept resignation of current township supervisor and appoint new township supervisor

**Chown:** As all of you know, our long time supervisor Rob Manigold announced his resignation late last week due to recent health concerns. We thank him from the bottom of our hearts for his service to Peninsula Township over many decades and wish him great health and happiness in the years ahead. Rob, a fourth generation peninsula farmer, has worked tirelessly for decades as many of you pointed out tonight to preserve the peninsula's unique natural resources and agricultural heritage. His efforts have helped preserve literally thousands of acres. Everything from the Old Mission State Park to Kelley Park to Pelizzari Natural Area to the Bower Harbor expansion and many many acres of farmland. His legacy will benefit this beloved place we all call home for every generation to come. I would ask all of you to join me in a round of applause for Rob.

**Achorn moved to accept the resignation of Rob Manigold as supervisor with a second by Shanafelt**

**Roll Call Vote: yes - Wunsch, Shanafelt, Chown, Achorn, Sanger** **Passed unan**

**Chown:** by way of background, because fewer than two years remain before township officers would run for election, the township board has the authority to appoint a supervisor. Township board members, what is your pleasure?

**Sanger moved to nominate Isaiah Wunsch as supervisor with a second by Achorn**

**Chown:** After working with Isaiah for the three and half years that I've been on this board, working closely with him on the citizens' agriculture committee, and watching his ceaseless efforts – he is a sixth generation peninsula farmer – I think it's very fitting to

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pass the baton to him to have him lead us forward in our land preservation efforts and ethic on this peninsula.

**Roll Call Vote: Yes - Shanafelt, Chown, Achorn, Sanger**

**Passed unan**

**Abstained - Wunsch**

**Wunsch:** asked for motion to recuse Chown for discussion of Pelizzari Natural Area expansion.

**Acorn moved to recuse Chown with a second from Sanger.**

**Roll Call Vote: Yes - Achorn, Sanger, Shanafelt, Wunsch**

**Passed unan**

**Abstained – Chown**

**2. Resolution 2022-16-14 #1 Land Acquisition Resolution - Pelizzari Natural Area Meeker Addition**

**Wunsch:** Dave, if you would like to, introduce us to the project.

**Dave Murphy, 6943 Shore Road:** Wow, when I invited some folks to come a few weeks ago, we talked about being the first item on the agenda. I hope everyone who has come for the Pelizzari resolution has been entertained. Claire Herman, land protection specialist with the conservancy, and I are here tonight to discuss the Pelizzari Natural Area resolution before you, hereafter referred to as PNA. I'm going to read the first page of my notes because I want to make sure I get it right. From the onset, and that takes us back to 1995, PNA was a citizen-led effort. It wasn't until the conservancy became involved in the 2000s that we really gained traction. A lot of terrific people stepped up in key times and contributed in different ways, and I want to mention some of those names: Grant Parsons, Mary Van Valen, Jeff Graft, Mary Beth Milliken, Sue and Jim Woodburn, Pam and Scott Phillips, Laura and Bill Serocki, Josh and Barb Wunsch. There are dozen of others but those are some of the folks who were there early. With the millage election in 2008, we secured the first sixty-two acres that otherwise would have been a sizable development with keyholing into two separate East Bay locations. When soil remediation was deemed necessary after that millage election, Glen Chown took on the task of fundraising that part of the project through the conservancy and that was a truly enormous contribution to this community. Through all of the private efforts outside of the millage, roughly half a million dollars were contributed to PNA, not to mention thousands of volunteer hours to build trails, fence borders, create and install signage, plant trees, and more. With this expansion opportunity, we've gone about it quietly for nearly three years, and it's been a significant workload to bring it to this point. The reason we did it quietly is because neighbors are sensitive to what's going on with their properties. We never did it secretively; we had routine updates at the parks committee level and a few updates at the town board level, but it's been a three-year process to bring it to this point. This meeting and public input isn't exclusively for this board; it's also to inform the conservancy's board about the township and residents' interests if they're going to take on the fundraising task. You have many letters in your packet, and I'd like to encourage folks who came here tonight to speak. I'll defer to Isaiah regarding when to come up, and I'll ask that comments be kept brief. I hope we are all largely on the same page but it's very important not just for this board but the conservancy to know there's a groundswell of support for this expansion. So now just a few other points about the resolution. The parcel of land under consideration

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right now is owned by Walt and Meg Meeker. It's fifteen acres with thirteen development rights, and as we've heard, development is a big concern out here. We have an opportunity to extinguish thirteen of those development rights if the fundraising is successful. The land is flat-out gorgeous; it's going to be an outstanding addition if we can pull it off. The parcel is not directly adjacent to the current park, but we've received favorable reactions from enough neighbors that we believe over time we'll be able to connect the pieces back to what is now PNA. Ideally we would start with a parcel adjacent, but those folks are not yet ready. It's a chicken and egg issue. We have the means to make this move forward, we have a willing seller willing to donate significantly to the project, willing to rally other neighbors, so do we let that pass and wait for an adjacent parcel to become available or do we move on this one now? I believe moving on this one now is a wise thing to do. Again, we believe we can ultimately tie it all back together. If we don't take advantage of this opportunity, these folks might move on; they may sell and that land may be developed. The township will not have to raise a penny for this project. There's a fund balance from the original millage that is legally bound to PNA. It cannot be spent anywhere else in the township; it cannot be spent on any other purposes than for acquisition, which was the original millage language. We will not be using any township funds to acquire this land. The way we'll acquire is through a portion of the fund balance, through the donation of the generous landowner willing to sell at a reduced rate, and through the fundraising of the conservancy, which will pay up to sixty-five percent of the parcel's value. If this town board approves the resolution before it, it will next go to the conservancy board. That's why we've got some folks here tonight to show our support. If those two steps are achieved and the conservancy is successful with fundraising, the property will be deeded to the township, the development rights will be extinguished, and we will continue the work to link the other properties so that all of it is contiguous. If the assemblage proceeds as hoped, we will come close to doubling the size of PNA while removing thirty-five to forty development rights. And as we know, some of the top citizen concerns from recent polls are traffic and development. Working on those issues is part of our township master plan, so this acquisition is absolutely in line with that plan. The only risk to the township, and I believe it's a very small risk, is if the links cannot be made back. Then the township will have preserved fifteen acres of land that otherwise would have turned into a thirteen-home subdivision. I absolutely believe we will complete the connections, but even if the worst-case scenario plays out, then we're going to kill thirteen development rights, which is precisely what we're seeking to do through PDR, through our master plan, and so many other efforts out here. I would like Claire to come up and discuss the resolution, but before she does, and I mentioned this at the parks committee too, I like perspective. This whole thing started in 1995 to secure this land. Rob Manigold was my first contact with that project. When we finally brought it to vote in 2008, it was Rob. Many on the town board were not ready to let us have the vote, and Rob said this guy's not leaving unless we give him an answer, and that's how we got the vote on the parkland, and we had a resounding victory. But going back to 1995, just to get perspective, I asked Claire what she was doing in 1995, and she said she was in third grade. So if anyone thinks this project has been rushed, it's been going on for a while.

**Claire Herman, 2324 Sandwood Drive:** Thank you all for having me here. I'm a land



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protection specialist for the Grand Traverse Regional Land Conservancy, and thank you, Dave, for giving such a good summary. I don't have a ton to add. What I do want to touch on is some of the ecological advantages of protecting this property. There is a forested corridor north of Pelizzari that's about sixty acres. The park itself right now is sixty-two acres. This would double the amount of protected land in that corridor. This is a finite resource on the peninsula, as many have said; there is a significant amount of development in the area. This forested corridor, if it's protected and there's no obstructions, would aid in the movement of flora and fauna throughout the area. Recent studies have been done by the Nature Conservancy that large protected portions of land are significantly important towards mitigating climate change, so I just want to keep that in mind as well. The conservancy is grateful to Dave who has been such a good partner; he has worked tirelessly and basically has made this happen. I inherited this project from a coworker and Dave has been here all along pushing to protect this property, and I just want to say thank you for that. With the support of the township, the conservancy would like to vote on raising the remainder of the funds for the property. We've gone through different iterations on how to raise the funds. We've looked at grants, we've looked at another millage and several different opportunities, but we feel at this time because we have a willing landowner, and because of the configuration of the parcel, that this is the best-case scenario for this property. For future acquisitions, we may be able to take advantage of grants or millage, that sort of thing. If you have any questions, let me know. Hopefully you'll have some support here tonight with public comments.

**Todd Wilson, 782 Neahtawanta:** I came here mainly for this, just to support the Pelizzari purchase. With the initial millage, I went door-to-door with my kids to help raise awareness and I think this is an excellent addition, to support everything that's been said before I came up to the podium, just my support.

**John Jacobs, 5294 Forest Avenue:** You know, expenses get talked a lot about in this room, but not much about investments. The expansion of Pelizzari is an investment that will pay returns for generations to come, and I urge you please to support the acquisition.

**Sue Peters, 6943 East Shore Road:** I just wanted to voice my support for the land acquisition for Pelizzari Natural Area. I have been involved since the creation of the park. I have given my time for trail building, for working on scout projects for tree planting, and I really can't think of a better use for the funds. I also can't think of a better partner than the conservancy. Thank you.

**Kris Thomas, 79 Wild Woods Drive:** I came to share that my husband Cecil and I strongly support the appropriation of funds to provide for the purchase of the Meeker area with the hope that someday the Pelizzari park is expanded to include the land. Preserving this land along with land that would join the two parcels would develop an already incredible park into a premier site. It would support the health and well-being of our community. We greatly appreciate all Dave Murphy and others have contributed over many years to both develop the current park and work towards its expansion.

**Barb Wunsch, 17017 Peninsula Drive:** I strongly support the Pelizzari expansion. I am a PDR recipient and I really do feel that it's all about open space. This a perfect gem to be able to continue that with.

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**Gladis McGuire, 140 Wildwood Meadows Drive:** I am a very lucky person: I live five minutes from Pelizzari. I can walk there any time of day or night I want to. I love the place, and I strongly support this resolution to acquire the additional property, and also I'm a great supporter of the conservancy and I know they're a great partner in this project. Thank you.

**Mark Spencer, 460 Base Drive:** I live just down the hill from Pelizzari. I walk my dog there about once a week. He's a scruffy golden-doodle you might see on the trail. To be frank, I didn't think Pelizzari would be used much when it was first announced, and I've lived here my entire life. In retrospect, we can see this is an absolutely essential parcel, and knowing Walt and Meg Meeker quite well, I would say our odds of achieving this goal are very very high. The conservancy has raised on the order of seventy-five million in the last couple of years alone for things like this, so don't doubt their ability to carry forward this goal. I'd highly encourage the board to support Dave Murphy's resolution.

**Mark Nadolski, 10 McKinley Road:** I just want to mention that the first time this project came before the township, I was asked to fire up the people on the south end of the peninsula. Going around door to door, I mentioned that we're trying to get a park down there and it was great for the residents down there, and a lady said, "What do I need a park for?" and I said, "It's like having your own park in your own backyard. You can go there anytime you want; you don't have to drive very far." The fact that they were within walking distance made a difference to them. For southenders, it's the only park down there. I think they really appreciate there is a park they can go to without driving twelve miles out to the end of the peninsula. This park needs improvement, and it needs additions, and everything we can do to help it, please do it. Thank you.

**Grant Parsons, 6936 Mission Ridge:** I live right on the John Spencer section of that park, the hemlock section, and it is so wonderful. We walk in there three or four times a day. When you want to see a return on your investment, during COVID, that park was where a lot of people discovered nature and walking and health. I hope you do it, and thank you very much for doing it.

**Phil Wilson, 2570 Phelps Road:** Needless to say, Pelizzari is just a magnificent piece of experience, is really how I think of it, and to think of an addition, calling it property, calling it acreage just doesn't do justice. To me, for Pelizzari to become any more magnificent than it already is the conclusive reason to add on to it. Thank you.

**Wunsch:** We have a prepared resolution in the packet.

**Shanafelt:** Like many of you said, this proposal fits in exactly with the master plan. Thank you, everybody, for coming and talking about it and your letters. It makes a lot of sense.

**Sanger moved that the Peninsula Township Board approve the appropriation of \$200,000 plus customary escrow or closing fees from the Pelizzari Natural Area Fund for the acquisition and execution of a conservation easement with the Grand Traverse Regional Land Conservancy of the Pelizzari Natural Area – Meeker Addition, with a portion of parcel 28-11-030-5155 (Section 30, T28N- R10in W) in Peninsula Township, Grand Traverse County, on June 14, 2022 (resolution read aloud) with a second by Achorn.**

**Roll Call Vote:** yes - Sanger, Shanafelt, Wunsch, Achorn

**Passed unan**

Abstained - Chown

**Sanger moved to bring Chown back to the board with a second by Shanafelt**

**Motion passed by consensus**

3. PDR Ordinance public hearing to be tabled until June 28th, 2022

**Cram:** The purchase of development rights study committee has been working for several months to update the PDR ordinance #23. This will be the third amendment. We have been working through very technical revisions to address accounting and things of that nature, and I am happy to report that those revisions have been completed and the latest version of the PDR ordinance is posted to the website. We want to allow the community time to review that. We were originally scheduled to adopt it this evening but want to allow additional time so we would like to table that adoption to the June 28 meeting, a special meeting of the township board to adopt the PDR ordinance. **Shanafelt moved to table the PDR Ordinance public hearing for the June 28 meeting with a second by Chown.**

**Motion passed by consensus**

4. Zoning Ordinance Rewrite Adoption to Update

**Cram:** Again, we planned to adopt the zoning ordinance rewrite this evening. This has been in the works for many years. It is an approved document that updates the existing ordinance that was passed in 1972, and it will continue to be work in progress. In light of the recent decision issued by Judge Maloney regarding the WOMP lawsuit, the staff and township board believe it is prudent to postpone this. We want to make sure our new legal counsel gets up to speed and that we consider all of those things. Staff would recommend a motion to table the zoning ordinance rewrite adoption to the next regularly scheduled township board meeting on July 12, 2022, or potentially subsequent meetings after that. We are going to continue to work diligently to get the zoning ordinance rewrite adopted in a timely manner.

**Chown moved to postpone the zoning ordinance rewrite adoption to the next regularly scheduled township board meeting on July 12, 2022, or a future date, with a second by Achorn.**

**Motion passed by consensus**

5. June 6, 2022, directive to Peninsula Township Zoning Administrator Christina Deeren from Supervisor Rob Manigold

**Sanger:** I asked that this item be pulled. I would ask our township planner to summarize so the audience has an opportunity to understand what is contained in this directive, please.

**Cram:** I would echo what has been said earlier this evening, that the citizens' agricultural advisory committee has been doing wonderful work to look at updates to the zoning ordinance that benefit and provide parity for all agricultural operators on the peninsula. We have looked specifically at the roadside stands. We've had representatives from the Michigan Right to Farm Act come and present to us so that we can understand the nuances with the Michigan Right to Farm GAAMPS for farm markets. We know our zoning ordinance in its existing form adopted in 1972, and the proposed rewrite adoption, contain some inconsistencies with the Right to Farm Act. So we are taking this opportunity to pause the zoning ordinance. We will also be looking at those items to develop consistencies with the Right to Farm Act. With that, the township board will not be enforcing the current zoning ordinance this summer, as we are working to amend section 6.7.2 #8 to be consistent with the Right to Farm Act. Each property may have one roadside stand. The roadside stand may be an outdoor area where transactions take place, a tent, or a structure. We do recommend that any new roadside stands be temporary in nature so that they don't run the risk of being non-conforming after the zoning ordinance is

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updated. As such, tents, tables with umbrellas, etc. are all okay this summer. Signage should conform to the zoning ordinance and each roadside stand is currently allowed one sign; that is consistent with the Right Farm Act. We understand that there has been some confusion and frustration in the community. We have heard you, and we are responding, and again we will work diligently to have the zoning ordinance updated as quickly as possible so that it is consistent with the Right to Farm Act. If you have any questions, you are welcome to reach out to me to see what this means to your individual farm because we do want to keep the farmers farming here in Peninsula Township.

6. Citizen Agricultural Advisory Committee update

**Cram:** I want to say that one of the highlights of my career has been working with the citizens' agricultural committee. I've heard from the citizens as well as the agricultural operators what is important to them, what is unique about the peninsula, where there are issues with the zoning ordinance, or where some things are actually working well. There has been great work done by this committee. Again, in light of the decision by Judge Maloney, and the fact that we're bringing on new legal counsel and looking at the zoning rewrite holistically, we are going to temporarily postpone the work of the citizens' agricultural committee. At the last township board meeting, I asked the township board to approve appointing three new agricultural operators, and we have received wonderful letters of interest. We still intend to appoint three additional agricultural operators when we're ready to move forward. I will be reaching out to all of the current members and will be keeping the community members and the committee up to date when we'll be ready to reconvene. Thank you.

7. Seven Hills SUP #35, Amendment #1 Minor Modifications

**Cram:** The Seven Hills development has proposed a minor modification; all of the information has been provided in your packet. After the special use permit was approved, they realized the onsite septic system needed to be enlarged, which resulted in the actual building footprint being reduced. The zoning administrator and I have been working with the applicant to understand what the changes are. The footprint is smaller, all of the uses remain the same, and the capacity for the restaurant remains the same at thirty-two. We brought this to the planning commission at their last meeting on May 16, and the planning commission was comfortable with bringing this to the board. I just want to get your input on if you agree this is a minor modification and allow the application to move forward. All of the original conditions of approval will still apply, and we will enter into a memorandum of understanding with the applicant signed by the township board and the applicant to memorialize this agreement. With that, I would be happy to answer any questions. I have the file with me.

**Board discussion.**

**Shanafelt moved to approve the minor modification with a second by Chown.**

**Motion passed by consensus**

8. Ordinance 2022-06-14

**Wunsch:** The township has hired new general counsel. We have also hired the same firm as co-counsel in the ongoing litigation with the group known as WOMP. This ordinance establishes a temporary moratorium on the consideration, approval, location, erection, construction, installation, or commencement of any new or expanded farm processing facility or any new or expanded use permitted by a special use permit within the A1

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agricultural district. Basically, we've been advised that given where we are with the ongoing litigation and new counsel, we should impose a moratorium on these types of developments in order to avoid non-conformities. This is a temporary pause for a beneficial outcome.

**Cram:** I want to respond to earlier comments to be very clear about the extension of the existing moratorium for special use permits and amendments to special permits in the A1 agricultural district. In regards to adding or expanding the moratorium to include use by right, that is only for farm processing facilities; it is specific to section 6.7.2 #19, so all other farming operations are still available. If a farmer wanted to construct a barn, you will still be able to do this. We are pausing the farm processing facility for six months. We are really striving to create parity in the zoning ordinance, and the existing zoning ordinance as a use by right for a farm processing facility is very specific to wineries. We need to change that so that it is an opportunity for all agricultural operations. Peninsula Township supports farming; I want to make that very clear.

**Sanger moved to adopt ordinance 2022-06-14 establishing a temporary moratorium on the consideration, approval, location, erection, construction, installation, or commencement of any new or expanded farm processing facility, or any new or expanded use permitted by special use permit within the A1 agricultural district, with a second by Chown.**

**Board discussion.**

**Roll Call Vote: yes - Shanafelt, Chown, Wunsch, Achorn, Sanger**

**Passed unan**

**9. Correspondence submitted by Dave Edmondson and Jo Westphal**

**Harold David Edmondson, 12414 Center Road:** The letter that's in your packet, I hope others got to see it, pertaining to heat stress and things like that out on the farm. What I'm really trying to get to, and Jenn, you kind of took the wind out of my sail here by telling us that tents are going to be okay this year. I just wanted to reinforce that according to OSHA, labor laws, as farmers we have an obligation to protect our labor, and one thing is shade, keeping them out of the sun, same way with our fruit. I think it's just common sense and it sounds like you are going to allow us to do that without too much aggravation. Thank you.

**Wunsch:** We now have a closed session to discuss the litigation. Does anyone have comments before we go in?

**John Jacobs, 5294 Forest Avenue:** Do you expect to have any comments coming out of that?

**Wunsch:** I don't think we'll have any announcements after.

**Louis Santucci, 12602 Center Road:** You sort of breezed over the fact that you didn't give public notice of the SUP moratorium. I would hope that you would check with your attorneys and see if you were required to give that public notice because as far as I could find in the *Record Eagle*, I didn't see a public notice of it. If that is the case, then basically passing this ordinance was not up to the zoning enabling act, so I'll just leave it at that.

**Wunsch:** Thank you. Anyone else? Board comments?

**Shanafelt:** I am new to this, but I found it remarkable going through the packet how much has been accomplished, despite the difficulties in doing it. The laws and rules and processes governing how a general township operates are profoundly Byzantine. The

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ability for this township to fulfill the master plan in a way that tries to recognize and take into account the diversity in the community is very impressive. I want to compliment the board, prior to me of course, and really the community, for supporting all of this and making it happen. I would also like to acknowledge Dave Murphy. His work with PNA has been amazing. Thank you.

**Chown:** There aren't sufficient accolades for the work Dave Murphy puts into improving this township and taking care of the people's park at the south end. Thank you very much, Dave. We appreciate everything you do.

**Cram:** I just want to address a question of Mr. Jacobs, you will be going into closed session but there will be a public statement and information coming out very soon.

**Chown:** I think we may have a statement this evening after closed session, a direction at least, or confirmation of what the township's response is.

**10. Sanger moved to enter closed session pursuant of MCL 15.268(e) to discuss the winery lawsuit with a second by Shanafelt.**

**Roll Call Vote:** yes - Wunsch, Achorn, Sanger, Shanafelt, Chown Passed unan

**Return to open session pursuant to MCL 15.261**

**Shanafelt moved to leave closed session and return to open session with a second by Chown.**

**Roll Call Vote:** yes - Sanger, Shanafelt, Chown, Wunsch, Achorn Passed unan

**Sanger:** Mr. Chair, I would like to move that the township authorize legal counsel to file an appeal from Judge Maloney's injunction, file a motion of stay of the injunction, file a motion of stay of the trial, and file a motion for reconsideration with a second by Chown.

**Roll Call Vote:** yes - Shanafelt, Chown, Wunsch, Achorn, Sanger Passed unan

**Sanger moved that the township schedule a special meeting on June 23, 2022, at 11:00 a.m. to discuss plaintiff's settlement demand as ordered by the court with a second by Shanafelt.**

**Roll Call Vote:** yes - Chown, Wunsch, Achorn, Sanger, Shanafelt Passed unan

**Sanger moved that the township schedule a special meeting at the court on July 5, 2022, at 1:30 p.m. to participate in a settlement meeting as ordered by the court with a second by Achorn**

**Roll Call Vote:** yes - Wunsch, Achorn, Sanger, Shanafelt, Chown Passed unan

**Wunsch moved to authorize the clerk to begin the search for a new township trustee with a second by Achorn** Motion approved by consensus

**Wunsch:** We're going to post the opening and request that applications be submitted by July 5.

**Chown:** That's accurate. We'll take letters of interest and resumes for the position of trustee until 4:00 p.m. on July 5. Then I'll call another special meeting to interview prospective trustees.

**11. Adjournment**

**Sanger moved to adjourn with a second by Achorn** Motion approved by consensus  
Meeting adjourned at 10:15 p.m.

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City  
MI 49686

[www.peninsulatownship.com](http://www.peninsulatownship.com)

## Township Board Special Meeting

June 23, 2022, 11:00 a.m.

### Township Hall

### Minutes

**1. Call to Order** by Wunsch at 11:01 a.m.

**2. Pledge**

**3. Roll Call**

Present: Wunsch, Achorn, Sanger, Shanafelt, Chown

Absent: Wahl

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

**Marc Santucci, 11789 Center Road:** discussed how township officials conduct themselves not just about this business item but about any item. Has attended and watched many meetings. For something as important as the lawsuit and the winery ordinance, wishes to see give and take among the township officers and trustees. Only sees discussion among audience members. Wants to know what township board members are thinking. Only sees closed meetings. No sense of where anyone stands on any issue. Votes are always unanimous. Down in Meridian Township, there is a lot more discussion and split votes even though they're all from one party. In civics class, it's the rule of the majority and the rights of the minority. You're the spokespeople for both. Would like to see what your thinking is and why, especially when millions of taxpayer dollars are on the line.

**Louis Santucci, 12602 Center Road:** would like to know what the board is going into closed session to discuss today. When you come out, will you give an update about your plans? And then would like to know your reasoning. What does this agenda item really mean? Had thought you would look for input from citizens before came here today.

**5. Approve Agenda**

**Chown:** corrected business item 1. Per Attorney Bill Fahey's counsel, the citation should be MCL 15.268(1)(e).

**Shanafelt moved to approve the agenda as amended with a second by Sanger. Motion approved by consensus**

**6. Conflict of Interest:** none

**7. Consent Agenda:** none

**8. Business:**

1. Enter closed session pursuant to MCL 15.268(1)(e) to discuss upcoming July 5, 2022, court-ordered settlement conference with plaintiffs in the winery lawsuit

**Sanger moved to enter closed session pursuant to MCL 15.268(1)(e) to discuss upcoming July 5, 2022, court-ordered settlement conference with plaintiffs in the winery lawsuit with a second by Chown.**

**Roll call vote: Sanger, Wunsch, Shanafelt, Chown, Achorn** **approved unan**

Return to open session pursuant to MCL 15.261

**Sanger moved to return to open session pursuant to MCL 15.261 with a second by Shanafelt.**

**Roll call vote: Achorn, Sanger, Wunsch, Shanafelt, Chown** **approved unan**

**Wunsch:** we don't have any actions or decisions following our closed session. We discussed a potential settlement proposal in advance of the July 5 hearing before the Western District Court.

**9. Citizen Comments:** none

**10. Board Comments:**

**Achorn:** the township received a letter from Major Todd M. Saunders and Mrs. Maura A. Saunders. Maura was a trustee in the past. The letter is dated June 21, 2022.

Read letter aloud (see letter at end of minutes).

**11. Adjournment**

**Sanger moved to adjourn the meeting with a second by Shanafelt.** **Motion approved**  
**by consensus.**

**Meeting adjourned at 1:06 p.m.**



June 21, 2022

Peninsula Township Board,

We are writing to express our support for you and all of the commissions and committees, along with the hard-working staff at the Township office.

True leadership, something that we both have a significant amount of experience in our professional lives, always calls for doing the right thing, not the most popular thing, and doing it regardless of who's watching.

When in a leadership position, there is always opposition and with that comes the loud and persistent opposing voices. These voices are usually lobbying for themselves and rarely do they reflect the greater good of all concerned. We believe, having worked with many of you directly, that you have the greater good of Peninsula Township as your primary focus. We strongly agree that the Township Board, and commissions, are NOT anti-farmers.

We know the agricultural roots run deep at the Township (and it's certainly not limited to just the Township Board) –

- Isaiah Wunsch, chair of the Citizen's Ag Committee and new township Supervisor is one of the larger farmers in Northwest Michigan and has been active in local, state, and federal ag policymaking for years. Isaiah and his siblings have worked with the Grand Traverse Regional Land Conservancy to protect and purchase nearly 170 acres of previously unprotected farmland in the past decade and have planted nearly 100,000 new trees during this timeframe. Isaiah is obviously not opposed to ag in Peninsula Township.
- Becky Chown is the spouse of the Executive Director and founder of the Grand Traverse Regional Land Conservancy and has been active in the GTRLC's fundraising and outreach efforts for decades. Clearly, Becky is not interested in shutting down agriculture in Peninsula Township either.
- Former Supervisor Rob Manigold is also a significant Peninsula Township fruit grower and sells grapes to many of our local wineries. To imply that he has been opposed to agriculture or legitimate winery businesses is also laughable.

We've put together some points for consideration from Board minutes, participation at Board meetings, and service on the Board. These points are not self-serving, they are rooted in fact.

- The survey has given the township board insight into the desires of the tax-paying residents of the Peninsula Township—residents want low density, peace and quiet, and less traffic. Residents want less commercialization and preservation of scenic view sheds.
- The winery moratorium was put in place to have a necessary pause and allow the time that is needed to do the work and prevent endless frustrating rework of nonconforming uses.
- The opposing winery owners choose to exclude themselves from the Citizen Agriculture Advisory Committee. This committee brought the diverse perspectives of diverse

residents and farmers to balance the benefits and impact of agriculture across the Peninsula. Winery owners chose to undermine the community efforts.

- Many of the residents have supported farmers over and over by voting to tax themselves with a milage that allow the PDR program to pay farmers to relinquish their development right. Residents take pride in being from a community that strongly supports farmers in their area. This was strongly demonstrated at the St. Joseph Church meeting in November 2021. The current legal opinion allows commercial development on protected farmland, undermining the intent of the PDR program and stealing millions of dollars of value from residents who have participated financially in a market-based program to reduce residential and commercial buildout on the peninsula.

Best,

Major Todd M. Sanders and Mrs. Maura A Sanders, USMC (ret.)

20202 Center Road

Traverse City, MI 49696

- The end of the Peninsula

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City  
MI 49686

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## Township Board Special Meeting

June 28, 2022, 3:00 p.m.

### Township Hall

### Minutes

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

Present: Wunsch, Achorn, Sanger, Chown

Absent: Wahl and Shanafelt

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

**Mike Dettmer, 7003 Leorie Drive:** thanked the board for the current sense of litigation. Read the township's motion for stay of injunction pending the appeal filed by new counsel. It deserves public recognition and a public statement for the record because most people won't read these pleadings. Read a couple of paragraphs from the introduction for the record:

"In contrast to the bustling commercial center of neighboring Traverse City, Peninsula Township has been defined by its status as a farming community since its inception in 1839. The agricultural charm is reflected in the zoning ordinance, which has always treated the plaintiffs' property as farmland first and wineries second, an agreement each plaintiff has assented to. This agricultural lifestyle is further reflected in the elected officials that have administered the Peninsula Township Ordinance in this manner for over 50 years. Plaintiffs' lawsuit is an end around the orderly, democratic process and an attempt to achieve via litigation what they could not accomplish at the ballot box because the local residents are against them. We think before the culture of Old Mission Peninsula is irreparably changed, the appellate process should be allowed to play out and the jurisdiction of the court of appeals should be preserved. The court specifically noted the revolutionary relief plaintiffs were requesting when, in the preliminary injunction he denied, "Plaintiffs seek to completely upset the status quo of Peninsula Township."

I just think this is true, accurate, and should be in the public record in part. The whole brief is great. Thank you very much.

**Peter Cohl, 9466 Rolling Ridge:** also read the whole opinion and was pleased. As mentioned before, specializes in municipal law. Also very happy to see the motion was filed trying to stay the injunction by the lower court. Is extremely optimistic about PTP intervening in this case. The pleadings that were filed were outstanding. If PTP is allowed to intervene, this will be a game changer. What you'll have is more legal theories brought before the court that were not brought

before the court by your prior counsel, and I guess your counsel now. There will be facts and evidence that weren't previously brought before the trial court by your prior counsel. Is excited that the township hired an excellent lawyer as its corporate counsel. Bill Fahey has many years of experience and represents 70, 80 townships. Most of all, thank all of you for your fortitude and your willingness to fight this.

**Brit Eaton, 1465 Neahtawanta Rd.:** see statement at end of minutes.

**David Taft, 952 Neahtawanta Rd.:** it's great to see these lawyers coming forth and giving very strong opinions. They're getting heard but they're not getting heard enough. In the *Old Mission Gazette*, you've got this weed-whacking guy who stands up here before you and gives his opinion piece and he's inaccurate! You're allowed to do what you're doing and meet how you meet but he claims you're not. He also claims that the moratorium would hurt the farmers. Farmers would not be applying for SUPs in the next month because they're getting the fruit off their trees. This isn't an issue and won't be an issue for several months, and you commented that they can do most of the things they want to do without an SUP on their farms, so this is just obfuscation. Finally, you ought to listen to these gentlemen, and I urge them to put their opinion pieces in the *Old Mission Gazette* because she [Jane Boursaw] needs copy, and copy worth reading.

Most of all, I want to compliment you on your new leadership and moving forward and getting things done in this township. You have new legal counsel who will represent you much better than your former legal counsel, and several of us stood up and talked to you about that several times in the past several years. I will in the absence of Monnie Peters urge you to pass the new zoning ordinance that so many of you have worked on tirelessly with consultants, volunteers, residents, and the planning commission. You can pass that without the winery sections without upsetting anybody, and it will greatly simplify your work. Compliments to you for your great leadership and thank you for representing us, all 5,800 of us. Most of us support the non-commercialization of this peninsula. Thank you. [Note: the 2020 census puts the population of Peninsula Township at 6,068.]

**Grant Parsons, 6936 Mission Ridge:** I neglected to convey at the last hearing my appreciation for Rob Manigold. I understand now that he's no longer in the stressful situation that you are all in that he's doing great. Everybody's thoughts are with him. Second, I echo all the comments I've heard and hope that the new corporate counsel is part of your meetings to discuss the litigation as well as apparently your old litigation counsel. I don't know if you can indicate that somehow but the new counsel is extremely important. Thank you.

**Mark Nadolski, 10 McKinley Rd.:** is here today to welcome the new attorney and tell him he's joining a great staff and boards that really care about the peninsula. The people serving on the boards formed in this peninsula are doing it because they love the peninsula. It's something we all feel. We don't earn any money doing what we're doing to protect the peninsula. We do it because it's something we feel has to be done, and we appreciate that this board is taking charge and doing it, and hopefully your new attorney will be on board with your thinking. Thank you.

**John Wunsch, 17881 Center Rd.:** I want to thank you for your previous and ongoing efforts and encourage you to take advantage of the involvement of your excellent new general counsel as an opportunity to continue pursuing all legal means to counter the effort in the courts by the wineries

of Old Mission to undo the wise structures and requirements regarding wineries and activities in our agricultural zone that have been created over decades, with the involvement of citizens and wineries.

**5. Approve Agenda**

**Cram:** would like to add a brief update on the draft PDR ordinance to the agenda.

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

**6. Conflict of Interest:** none

**7. Consent Agenda:** none

**8. Business:**

**A. Brief update on the draft PDR ordinance (Cram)**

**Cram:** if you are here today to listen to the discussion and adoption for the PDR Ordinance Amendment 23, Amendment 3, that discussion will take place at the July 12 meeting of the township board. That will be a special joint meeting of the township board and planning commission to discuss and adopt the PDR Ordinance. The latest draft is available on the website or you can come to my office during business hours and review a hard copy as well. We will take any comments up to July 5 at noon. You're welcome to call me. We had discussed having that item on the agenda for today, and I don't want anyone to be confused. We hope to see and hear from you on July 12.

**B. Enter closed session pursuant to MCL 15.268(1)(e) to discuss upcoming July 5, 2022, court-ordered settlement conference with plaintiffs in the winery lawsuit**

**Sanger moved to enter closed session pursuant to MCL 15.268(1)(e) to discuss upcoming July 5, 2022, court-ordered settlement conference with plaintiffs in the winery lawsuit with a second by Achorn.**

**Roll call vote: Achorn, Sanger, Chown, Wunsch** approved unan

**Wunsch:** we are working with insurance-provided legal counsel as well as our new legal counsel on litigation matters. We feel that the two parties are working well together and with the township.

**Chown:** we may or may not have a statement when we come out. We don't know yet.

Return to open session pursuant to MCL 15.261

**Sanger moved to return to open session pursuant to MCL 15.261 with a second by Chown.**

**Chown moved that the board, pursuant to Attorney General Opinion No. 7318, authorize and grant a reasonable accommodation under the Americans with Disabilities Act for Treasurer Achorn to attend, participate, and vote by telephone at the special board meetings to be held downstate in the federal court on July 5, 2022, and July 18, 2022, due to health restrictions on her ability to travel such a distance with a second by Sanger.**

**Roll call vote: Sanger, Wunsch, Chown, Achorn** approved unan

**C. Citizen Comments:** none

**D. Board Comments:** none

**E. Adjournment**

**Achorn moved to adjourn the meeting with a second by Sanger.** Motion approved by consensus

**Meeting adjourned at 4:57 p.m.**

Peninsula Township Special Meeting  
June 28,2022  
Citizens Comment

As we often see in the news, courts do not make the right decision all the time, thus there are appeals that overturn or mitigate the full impact of a court's decisions. Classic wisdom in negotiations between two parties says that both parties will not be happy with the final outcome of a court action, but that certainly isn't the result for the Townships' side of the WOMP lawsuit. The wineries won literally everything they were after and the Township's Zoning Ordinances gained very little. In my opinion, the arguments presented to the court to preserve the Township's rights under the Michigan Zoning Enabling Act were not persuasively presented by legal counsel at the time. Therefore, I strongly encourage you to take advantage of your new legal team and move forward with an appeal to the court's ruling and reaffirm the Township's ability to craft local zoning ordinances. If the final results of the lawsuit were to be as unbalanced against WOMP's interests as the current rulings are against the Township's, those same voices who are now saying, "just let it go", would be demanding that the Township appeal the Court's decision as well. Hence, the imbalance begs an appeal of the Court's ruling in the name of equity.

Thank you for your perseverance in the difficult decisions you face to craft zoning ordinances that are balanced and equitable for both the agricultural and citizen communities alike.

Brit Eaton  
1465 Neahtawanta Road

# **Election Inspectors**

## **Election Inspectors for August 2, 2022, Primary Election in Peninsula Township**

### **Precinct 1**

Carol Raphael, co-chair  
Greg Meenan, co-chair  
Barb Soullier  
Wendy Warren  
Donna Earle  
Chris Earle  
Len Mayhew  
David McClary  
Karen Rieser  
Dylis Garcia  
Deb Crowe  
Sue Knox  
Jan Merrell  
Dave Merrell  
Braun Campbell

### **Precinct 2**

Judy Horning – co-chair  
Bob Calt – co-chair  
Christie McGue  
Marcia Lee  
Robert Bonhag  
Gary Hufnagel  
Ruth Hoppe  
Yasmin Richmond  
Pat Sharpnack  
Gloria Halligan  
Cheryl Naperela  
Bob Robbins  
Nancy Mason  
Elena Dritsas  
Dawn Shattuck

### **AVCB 1**

Nancy Davy, chair  
Robbin Stott  
Bill Stott  
Chris Cipko  
Tom Petzold  
Pat Haber  
Rick Ward



**AVCB 2**

Marilyn Elliott, chair

Madelyn Ryan

Terry Taylor

Angel Gingras

Lois Manigold

Lynn Mcphee-Ward

Cameron Farley

Nancy Tucker

**Receiving Board**

Wendy Warren

Shirl Waclawski

**Substitute for Precincts**

Shirl Waclawski

Appointed by the Peninsula Township Election Commission made up of Supervisor Isaiah Wunsch, Treasurer Margaret Achorn, and Clerk Rebecca Chown

# **City of Traverse City's Master Plan**

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The City of Traverse City

Planning Department

Governmental Center  
400 Boardman Ave  
Traverse City MI 49684  
(231) 922-4778  
[www.traversecitymi.gov](http://www.traversecitymi.gov)



June 20, 2022

Shawn Winter  
Planning Director – City of Traverse City  
400 Boardman Avenue  
Traverse City, MI 49686

RECEIVED

JUN 23 2022

CLERK  
Peninsula Township

Regarding: City of Traverse City Master Plan

To whom it may concern:

This letter is to provide notification to your office that the City of Traverse City will begin the process of writing a Master Plan pursuant to Public Act 33 of 2008, the Michigan Planning Enabling Act.

Once a draft plan is approved for distribution, you will be provided a link to an electronic copy for your organization's review and comment. Please contact the Traverse City Planning Department about any land use or community development issues pertinent to your organization during the preparation of the plan.

Following this letter of notice, all further communication will be sent electronically to the email addresses listed on the rear side of this letter. If you would prefer mail communication, if the email addresses listed are incorrect, or if you would prefer another point of contact, please email Planning Assistant Kaitlyn Aldrich at [kaldrich@traversecitymi.gov](mailto:kaldrich@traversecitymi.gov).

Regards,



Shawn Winter  
[swinter@traversecitymi.gov](mailto:swinter@traversecitymi.gov)  
(231) 922-4465

Agency	Address	Contact	Title	Email Address
Bay Area Transportation Authority	3233 Cass Road, Traverse City, MI, 49685	Kelly Dunham	Executive Director	dunhamk@bata.net
Charter Township of Garfield	3848 Veterans Drive, Traverse City, MI, 49684	John Sych	Planning Director	jsych@garfieldtwp.com
Charter Township of Garfield Planning Commission	3848 Veterans Drive, Traverse City, MI, 49684	Lanie McManus	Clerk	lmcmanus@garfield-twp.com
East Bay Charter Township	1965 N Three Mile, Traverse City, MI, 49696	Claire Karner	Planning Director	ckarner@eastbaytwp.org
East Bay Charter Township Planning Commission	1965 N Three Mile, Traverse City, MI, 49696			plc@eastbaytwp.org
Elmwood Charter Township	8527 E. Government Center Drive, Suttons Bay, MI, 49682	Trudy Galla	Planning and Community Development Director	tgalla@leelanau.gov
Elmwood Charter Township Planning Commission	8527 E. Government Center Drive, Suttons Bay, MI, 49682	Michelle Crocker	Township Clerk	mcrocker@leelanau.gov
Grand Traverse County	400 Boardman Avenue, Traverse City, MI, 49684	Chris Forsyth	Deputy County Administrator	cforsyth@gtcountymi.gov
Grand Traverse County Board of Commissioners	400 Boardman Avenue, Traverse City, MI, 49684			commissioners@gtcountymi.gov
Grand Traverse County Road Commission	1881 LaFrantier Road, Traverse City, MI, 49696	Brad Kluczynski	Manager	bkluczynski@gtcrc.org
Great Lakes Central Railroad	600 Oakwood Ave, Owosso, MI, 48867	Mark Russell	President	mrussell@glcrrailroad.com
Michigan Department of Transportation	2084 US-31 South, Suite B, Traverse City, MI, 49685	Dan Wagner	Manager	WagnerD2@michigan.gov
Networks Northwest	PO Box 506, Traverse City, MI, 49685	Matt McCauley	Chief Executive Officer	matt.mccauley@networksnorthwest.org
Peninsula Township	13235 Center Rd, Traverse City, MI, 49686	Jenn Cram	Director of Planning	planner@peninsulatownship.com
Peninsula Township Planning Commission	13235 Center Rd, Traverse City, MI, 49686	Becky Chown	Clerk	clerk@peninsulatownship.com
Traverse City Department of Municipal Utilities	625 Woodmere Avenue, Traverse City, MI, 49686	Art Krueger	Director of Municipal Utilities	akrueger@traversecitymi.gov
Traverse City Light & Power	400 Boardman Avenue, Traverse City, MI, 49684	Brandie Eken	Executive Director	bekren@tcip.org
Traverse City Planning Commission	400 Boardman Avenue, Traverse City, MI, 49684			planningcommission@traversecitymi.gov

# Oleson Foundation Grant

## Rebecca Chown

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**From:** Kathy Huschke <kathy@olesonfoundation.org>  
**Sent:** Tuesday, June 21, 2022 11:28 AM  
**To:** clerk@peninsulatownship.com  
**Subject:** Oleson Foundation Grant

Hi Becky. Thank you for talking with me this morning. We are pleased to inform you that the Oleson Foundation Board of Trustees has approved a grant in the amount of \$25,000 for the Boardwalk and upgrades at the Pelizzari Natural Area. This grant is intended to ultimately protect the hemlock trees on the John Spencer Trail. As you know, Dr. Spencer loved his trees! We are hopeful that the AARPA funding for the rest of the project comes through. Oleson's is delighted to be the "local match" for the project and at some point we would love to come out and view the upgrades and boardwalk. Thank you for continuing to provide recreation as well as protection for this beautiful and highly used park area!

# **Jim Olson Letter and Plaque**

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

[www.peninsulatownship.com](http://www.peninsulatownship.com)

June 28, 2022

Peninsula Township is pleased to honor Jim Olson's legacy of protecting the public trust that is the Great Lakes by placing a plaque in his honor at Mission Point Lighthouse at the tip of Old Mission Peninsula.

Jim Olson represented the Andrew and Clarissa Marckwald family, longtime Neahtawanta summer residents, when one of the first-ever conservation easements over a shoreline property was donated to a land trust in the state of Michigan (the Marckwald Tucker Point conservation easement). Moreover, Jim's law firm is nationally recognized for its expertise in land conservation law, having served as the Grand Traverse Regional Land Conservancy's legal counsel for decades, and has lent considerable expertise and support to strengthening Peninsula Township's renowned Purchase of Development Rights Program.

Jim's legacy extends beyond applying the public trust doctrine to prevent extraction and diversion of our precious water outside of the Great Lakes Basin and also includes efforts to protect shoreline for public access and enjoyment in Traverse City (Sunset Park) and in Acme Township (Deepwater Point Natural Area).

Clearly, Jim is deserving of recognition for his leadership and tireless efforts to protect the Great Lakes and the landscapes that define northern Michigan. We are proud to recognize and honor him today and for all time.

Sincerely,



Isaiah Wunsch, Supervisor

Margaret Achorn, Treasurer

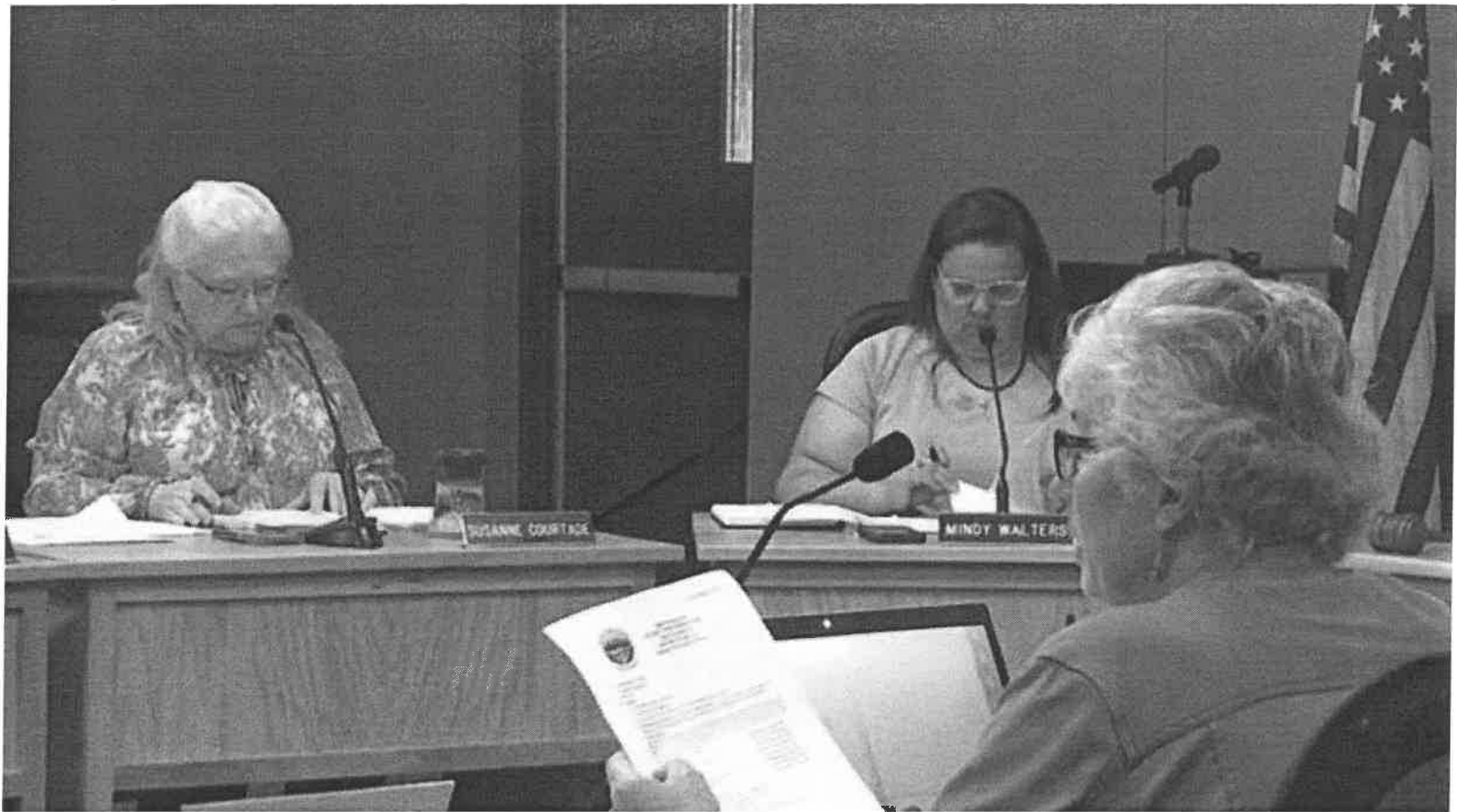
Rebecca Chown, Clerk



# **East Bay Township Article on Short-Term Rentals**

## East Bay Township decides to put pause on short-term rental licenses

by Miya Ingle, UpNorth Live  
Tuesday, June 14th 2022



*On Monday night, one Grand Traverse County township decided to put a pause on issuing short-term rental licenses. (WPBN)*

GRAND TRAVERSE COUNTY, Mich., (WPBN/WGTU) -- Short-term rentals are bringing a lot of people to northern Michigan. But some communities say they're also bringing a lot of issues. On Monday night, one Grand Traverse County township decided to put a pause on issuing short-term rental licenses. When the board originally adopted the licensing ordinance in 2019, there was no limit to how many short-term licenses they would issue. Now, there are more than 150 licenses, and some East Bay Township residents say the short-term rentals have negatively impacted their neighborhoods. "I'm so concerned about what's happening in our neighborhood I could cry," one resident said during public comment. More than 60 people came to the East Bay Township Board of Trustees meeting to share their opinions on short-term rentals in the area.

Last October, there were 127 short-term rental licenses issued in the township.

Now, there are 154, a more than 20 percent increase in eight months.

"What is happening to our neighborhoods is unacceptable," another resident said during public comment. "Some streets have more Airbnbs than people who live there all year round."

Many who spoke at the meeting were in favor of the six-month moratorium on issuing short-term rental licenses.

"When you have people screaming through the neighborhood in fast cars, loud parties, fireworks going over your head because of people with Airbnbs, it certainly changes the scene of things," one resident said.

But some, including short-term rental owners, had different opinions.

"I'm opposed to a moratorium because I do believe that's a government overreach and it is intrusive," one resident said.

"The moratorium is not going to fix this," another resident said. "We simply need to enforce the ordinance as it is."

Others say they aren't opposed to short-term rentals, just how many of them there are in certain areas.

"Currently, there are six short-term rentals within 1,000 feet of my house," one resident said.

The moratorium the board approved won't impact existing license holders, but those looking to obtain a new license won't be able to do that during the six-month moratorium.

This moratorium will give the board time to go over the ordinance and look to add amendments such as a possible limit on the number of licenses issued, a separation distance between short-term rentals, and a limit on the total number of licenses an individual can hold.

# **Request from Fire Chief to Donate Surplus Rescue Tools**



Peninsula Township Fire Department  
14247 Center Rd.  
Traverse City, Michigan 49686  
PH: 231-223-4443  
[fire@peninsulatownship.com](mailto:fire@peninsulatownship.com)



Re: Surplus Equipment

June 30<sup>th</sup>, 2022

Dear Town Board,

I am writing to gain permission to deem two sets of Holmatro Rescue tools as department surplus. The department has been blessed to receive multiple donations to use for replacing our aged rescue tools. We have replaced all tools with battery operated Hurst E-hydraulics. All three engines have a form of these tools. The tools that I am deeming surplus still function. I am requesting to donate the oldest set that includes a pump, hoses, ram and combi tool to the Northwest Regional Fire Training Center to be used to educate new firefighters in vehicle extrication. The other set will be posted for sale with the highest bidder being awarded the tools.

I would appreciate your approval to move forward with this process.

Respectfully,

A handwritten signature in black ink, appearing to read 'Fred Gilstorff'.

Fire Chief Fred Gilstorff

# **Food Truck Incident Report and Attorney-Exchanged Emails**

**Peninsula Township Zoning Department  
Ordinance Enforcement Officer**

**Incident Report  
Bowers Harbor Vineyard**

**Date:** Friday, July 1, 2022

**Time:** 9:30AM

**Location:** Bowers Harbor Vineyard

**Incident Report**

At the above date and time, I received an email from Isaiah Wunsch, Township Supervisor, stating that he was aware that Bowers Harbor Vineyard (BHV) was advertising that a food truck would be on site at the winery on Saturday, July 2, 2022 between the hours of Noon and 6:00PM. The email (attached) contained a copy of a posting on Facebook, inviting everyone to "come hang out with us this Saturday (7/2) and enjoy some amazing food from our friends Good on Wheels! They will be here from 12PM to 6PM so make sure to stop by!". I accessed Facebook on my computer and verified the validity of the report from Isaiah.

I discussed this matter with Township Counsel William Fahey. He directed me to send a letter to Bowers Harbor Vineyard regarding the advertised event. The letter stated that the use of a food truck is not authorized by the Township Zoning Ordinance. In addition, the letter stated that the Township was not aware of any ruling by the Court in the current litigation that would alter the Zoning Ordinance to allow a food truck as a permitted use in connection with a Winery Chateau Special Use Permit and therefore Bowers Harbor Vineyard was not authorized to allow a food truck to operate on the premise as part of the approved Special Use Permit. The letter asked Bowers Harbor Vineyard to identify with specificity if it was aware of a Court ruling that allows such use. The letter contained my direct contact information if BHV wanted to contact me while the Township Office was closed for the weekend.

I sent the letter to Spencer Stegenga at Bowers Harbor Vineyard via email at approximately 4:00PM on July 1<sup>st</sup> and mailed the letter by First Class mail at the Post Office on Barlow Street at approximately 5:00PM on the 1<sup>st</sup> also.

On Saturday, July 2<sup>nd</sup> at 12:30PM I drove by the Bowers Harbor Vineyard and observed the outdoor area from Bowers Harbor Road; from the road, I did not see the presence of a red trailer as shown in the advertisement on Facebook.

At approximately 1:30PM, I checked the Facebook posting for Bowers Harbor Vineyard and saw a message that the food truck involving Good on Wheels had been cancelled.

**Prepared by David K. Sanger, Ordinance Enforcement Officer** 

**From:** Infante, Joseph M. <[infante@millercanfield.com](mailto:infante@millercanfield.com)>  
**Sent:** Friday, July 1, 2022 10:28 PM  
**To:** William Fahey <[wfahey@fsbirlaw.com](mailto:wfahey@fsbirlaw.com)>; Gregory Meihn <[gmeihn@grsm.com](mailto:gmeihn@grsm.com)>  
**Subject:** Bowers Harbor

Bill and Greg, the attached letter was emailed to Bowers Harbor late this evening. I am not sure if either of you are aware of the letter. But, as you are aware, the Court has struck down all of the Township's restrictions on food service. Bowers Harbor has a license from MLCC to allow the operation of a restaurant and that term is very broad under Michigan's Food Law to include a food truck. If you believe that there is some other restriction on food service that is something for you to address with the Court though I note it was not addressed in your papers filed today. My hope is that this holiday weekend will go forward without incident between our clients and we can address the issue on Tuesday. Please confirm.

Thank you.

Joe

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Joseph M. Infante | Senior Principal  
Miller Canfield  
99 Monroe Avenue NW, Suite 1200

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**To:** Infante, Joseph M. <[infante@millercanfield.com](mailto:infante@millercanfield.com)>  
**Cc:** Gregory Meihn <[gmeihn@grsm.com](mailto:gmeihn@grsm.com)>  
**Subject:** RE: Bowers Harbor

CAUTION EXTERNAL EMAIL: DO NOT open attachments or click links from unknown or unexpected emails.

Good morning, Joe,

Recall that the judge did not reach this issue because you did not raise it in your first amended complaint. But based on the law we shared with you yesterday, it is very clear that zoning of food service activities is not preempted.

We will all have a better holiday weekend if your clients understand what the judge did and did not rule in his opinion.

See you on Tuesday.

Bill



**William K. Fahey**

Member • Fahey Schultz Burzych Rhodes

Direct: 517.381.3150 • Cell: 517.974.2250

Office: 517.381.0100 • Fax: 517.381.3170

[fsbirlaw.com](http://fsbirlaw.com) • [wfahey@fsbirlaw.com](mailto:wfahey@fsbirlaw.com)

4151 Okemos Road, Okemos, MI 48864 USA

▼ U.S. News & World Report Ranked Best Law Firm





**From:** Infante, Joseph M. <[infante@millercanfield.com](mailto:infante@millercanfield.com)>  
**Sent:** Saturday, July 2, 2022 8:04 AM  
**To:** William Fahey <[wfahey@fsbriaw.com](mailto:wfahey@fsbriaw.com)>  
**Cc:** Gregory Meihn <[gmeihn@grsm.com](mailto:gmeihn@grsm.com)>  
**Subject:** Re: Bowers Harbor

Please direct me to the ordinance section which prohibits a food truck.

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

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**From:** William Fahey <[wfahey@fsbriaw.com](mailto:wfahey@fsbriaw.com)>  
**Sent:** Saturday, July 2, 2022 7:08:51 AM

2

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Joe,

Neither Ordinance Sec 8.7.3(10) nor BH's special use permit authorize food trucks. Food trucks are also not a use permitted by right or by special use permit in the zoning district.

Bill



**William K. Fahey**

Member • Fahey Schultz Burzych Rhodes

Direct: 517.381.3150 • Cell: 517.974.2250

Office: 517.381.0100 • Fax: 517.381.3170

[fsbriaw.com](mailto:fsbriaw.com) • [wfahey@fsbriaw.com](mailto:wfahey@fsbriaw.com)

4151 Okemos Road, Okemos, MI 48864 USA

U.S. News & World Report Ranked Best Law Firm



**From:** Infante, Joseph M. <[infante@millercanfield.com](mailto:infante@millercanfield.com)>  
**Sent:** Saturday, July 2, 2022 10:11 AM  
**To:** William Fahey <[wfahey@fsbirlaw.com](mailto:wfahey@fsbirlaw.com)>  
**Cc:** Gregory Meihn <[gmeihn@grsm.com](mailto:gmeihn@grsm.com)>  
**Subject:** Re: Bowers Harbor

Bill, judge Maloney specifically ruled that the township could not enforce its guest activity ordinances which prohibited food service. Your client's letter and your email seek continued enforcement of an ordinance which has been held unenforceable and unconstitutional. Further, my clients have licenses and permits from the state which allow food service. Your clients are acting in knowing violation of the court's order.

Under protest, my client is canceling his food truck. We will be filing a motion with the court to have your clients held in contempt for violating the court's order and knowingly violating my client's constitutional rights and retaliating against it. Please know that we will further determine whether to file against the township officials personally for retaliation.

Joe

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

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**From:** William Fahey <[wfahey@fsbirlaw.com](mailto:wfahey@fsbirlaw.com)>  
**Sent:** Saturday, July 2, 2022 9:54:03 AM  
**To:** Infante, Joseph M. <[infante@millercanfield.com](mailto:infante@millercanfield.com)>  
**Cc:** Gregory Meihn <[gmeihn@grsm.com](mailto:gmeihn@grsm.com)>  
**Subject:** RE: Bowers Harbor

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CAUTION EXTERNAL EMAIL: DO NOT open attachments or click links from unknown or unexpected emails.

**From:** William Fahey  
**Sent:** Saturday, July 2, 2022 10:18 AM  
**To:** Infante, Joseph M. <[infante@millercanfield.com](mailto:infante@millercanfield.com)>  
**Cc:** Gregory Meihn <[gmeihn@grsm.com](mailto:gmeihn@grsm.com)>  
**Subject:** RE: Bowers Harbor

Thanks, Joe. Have a nice weekend.



**William K. Fahey**

Member • Fahey Schultz Burzych Rhodes

Direct: 517.381.3150 • Cell: 517.974.2250  
Office: 517.381.0100 • Fax: 517.381.3170  
[fsbirlaw.com](http://fsbirlaw.com) • [wfahey@fsbirlaw.com](mailto:wfahey@fsbirlaw.com)

4151 Okemos Road, Okemos, MI 48864 USA

▼ U.S. News & World Report Ranked Best Law Firm



# Correspondence

## Rebecca Chown

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**From:** Kara Koeplin <karakoeplin@gmail.com>  
**Sent:** Tuesday, June 14, 2022 7:25 PM  
**To:** clerk@peninsulatownship.com  
**Subject:** Pelizzari Natural Area Land Acquisition Opportunity

Dear Peninsula Township Clerk,

I write to you to vehemently encourage the acquisition of more land for the Pelizzari Natural Area!

I happened upon this beautiful area as a mobile occupational therapist (that does therapy in the home) when I had had a client that lived adjacent to the park. How wonderful it was when her balance and mobility improved so that we could wander through the well thought out and marked trails! Not only was and is this park and trail system beneficial for one's physical health, but mental and psychosocial as well. I have since been back many times to enjoy the different seasons and different ecosystems both with and without my dog and alone or with friends. I always see, hear, and learn something new. People smile and say "hello" to one another on the trails and appear happy to be there, something we don't often experience in other parts of town these days!

It is my hope that you will seize the opportunity to purchase more land to expand this gem on OMP! If it is sold and developed, the opportunity will be lost forever and that would be beyond regrettable. But if it is acquired, it will be a refuge for humans forever, with so many benefits that will have a positive ripple effect on this community and beyond. It will not only be an asset to Grand Traverse, but will be an asset to humanity. This is the legacy that should be strived for.

Thank you for the opportunity to speak in support of land acquisition for Pelizzari Natural Area and for your consideration,

Kara Koeplin,  
Occupational Therapist and Owner  
Balanced Home Therapy Solutions  
5235 Anna Drive  
Traverse City, MI  
49684  
231-883-9822

3990 Swaney Road

Traverse City, MI 49686

June 14, 2022

Dear Becky and Peninsula Township Board,

I am writing in support of Jen and Ben Bramer owning their market at the corner of Gray and Center Road. I was so excited to see someone, and especially farmers were buying the corner and then selling products there. I have already been a customer, as I have at other farm markets here.

I remember many years ago buying eggs and some other products there. I reviewed the Michigan Right to Farm Bill and also the GAAMPs guidelines and totally support them selling agricultural products, which may include flowers and plants and food. If there is a local zoning law/ rule that goes against the farmers making a living here and having a stand such as this, I do not understand it. I would encourage our local zoning guidelines/ laws to be reexamined. We need to be in compliance with this important state law. It is not only good for them but for all of us that live here that can stop and buy fresh vegetables and fruit on our beautiful peninsula. I wish we had more products such as meat for sale here too from local farms.

As we know, people farmed this land more than 170 years. We need to support them in any way we can. I love our farmers and they need our support. My grandfather had a farm here on the peninsula and in his diary, he sold beef, pigs and vegetables and fruit to the local residents.

In the time of food shortages, it may be the local farmers that save us out here. This is truly "buy local" in action.

Please share this letter with zoning and the Trustees and the planning commission members.

Sincerely,

Connie Archer Sargent

Local home owner

## Rebecca Chown

---

**From:** Eric Dreier <ecdreier@gmail.com>  
**Sent:** Wednesday, June 15, 2022 9:48 AM  
**To:** Rebecca Chown  
**Subject:** Note from E Dreier please include in packet

Member of Peninsula Township Board, I am in full support of the effort underway to add and expand parkland for the Pelizzari Natural Area. The park has proven to be a valuable resource to our community and expanding it will further enhance the desirability of our community.

Thank you,

Eric Dreier

12434 Peninsula Dr.

## Rebecca Chown

---

**From:** David Shambaugh <shambaugh@gwu.edu>  
**Sent:** Friday, June 17, 2022 2:57 PM  
**To:** mzebell.parks@gmail.com  
**Cc:** clerk@peninsulatownship.com

Dear Michelle Zebell:

I see from the webpage of Peninsula Township that you are on the Parks Committee and specifically responsible for Bowers Harbor Park. I am a longtime (70 year) seasonal resident, and neighbor of Becky Chown (copied here). I have a suggestion (not the first time I have offered it to the Township):

The **basketball court** at Bowers Harbor Park is in dire need of **repaving** and the baskets themselves **replaced**. I use the court every summer and can tell you that the existing pavement and baskets are at least 25 years old!

Moreover, the court is too low for the baskets (they should be **10 feet from surface to basket rim**), with the result that one basket is too high and the other too low. The court is in such a state of disrepair that weeds are now growing on it, and many cracks have opened. The baskets are metal--whereas all such outdoor baskets nowadays are either a composite synthetic metal or fiberglass. Nor have the baskets had nets on them for several years (important for basketball shooting). When the B.H. Park does have state-of-the-art tennis courts, great things for kids to climb and play on, a wonderful walking/jogging track around it, baseball diamonds, good parking, and a wonderful big open field--despite these wonderful state-of-the art improvements, the basketball court is a real **embarrassment**.

This cannot be too expensive--although it will likely require digging up old asphalt and paving new, and installing new basket--but it is long overdue and would be a welcome addition for all peninsula residents who play basketball (including lots of teenagers).

thanks for your consideration--

--

David Shambaugh  
18329 Whispering Trail  
Traverse City, MI 49686

June 21, 2022

Peninsula Township Board,

We are writing to express our support for you and all of the commissions and committees, along with the hard-working staff at the Township office.

True leadership, something that we both have a significant amount of experience in our professional lives, always calls for doing the right thing, not the most popular thing, and doing it regardless of who's watching.

When in a leadership position, there is always opposition and with that comes the loud and persistent opposing voices. These voices are usually lobbying for themselves and rarely do they reflect the greater good of all concerned. We believe, having worked with many of you directly, that you have the greater good of Peninsula Township as your primary focus. We strongly agree that the Township Board, and commissions, are NOT anti-farmers.

We know the agricultural roots run deep at the Township (and it's certainly not limited to just the Township Board) –

- Isaiah Wunsch, chair of the Citizen's Ag Committee and new township Supervisor is one of the larger farmers in Northwest Michigan and has been active in local, state, and federal ag policymaking for years. Isaiah and his siblings have worked with the Grand Traverse Regional Land Conservancy to protect and purchase nearly 170 acres of previously unprotected farmland in the past decade and have planted nearly 100,000 new trees during this timeframe. Isaiah is obviously not opposed to ag in Peninsula Township.
- Becky Chown is the spouse of the Executive Director and founder of the Grand Traverse Regional Land Conservancy and has been active in the GTRLC's fundraising and outreach efforts for decades. Clearly, Becky is not interested in shutting down agriculture in Peninsula Township either.
- Former Supervisor Rob Manigold is also a significant Peninsula Township fruit grower and sells grapes to many of our local wineries. To imply that he has been opposed to agriculture or legitimate winery businesses is also laughable.

We've put together some points for consideration from Board minutes, participation at Board meetings, and service on the Board. These points are not self-serving, they are rooted in fact.

- The survey has given the township board insight into the desires of the tax-paying residents of the Peninsula Township—residents want low density, peace and quiet, and less traffic. Residents want less commercialization and preservation of scenic view sheds.
- The winery moratorium was put in place to have a necessary pause and allow the time that is needed to do the work and prevent endless frustrating rework of nonconforming uses.
- The opposing winery owners choose to exclude themselves from the Citizen Agriculture Advisory Committee. This committee brought the diverse perspectives of diverse



residents and farmers to balance the benefits and impact of agriculture across the Peninsula. Winery owners chose to undermine the community efforts.

- Many of the residents have supported farmers over and over by voting to tax themselves with a milage that allow the PDR program to pay farmers to relinquish their development right. Residents take pride in being from a community that strongly supports farmers in their area. This was strongly demonstrated at the St. Joseph Church meeting in November 2021. The current legal opinion allows commercial development on protected farmland, undermining the intent of the PDR program and stealing millions of dollars of value from residents who have participated financially in a market-based program to reduce residential and commercial buildout on the peninsula.

Best,

Major Todd M. Sanders and Mrs. Maura A Sanders, USMC (ret.)

20202 Center Road

Traverse City, MI 49696

- The end of the Peninsula

June 30, 2022

Peninsula Township Board  
13235 Center Rd.  
Traverse City, MI 49686

To the Peninsula Township Board:

Thank you for permitting the Old Mission Peninsula Historical Society (OMPHS) to hold Log Cabin Day at Lighthouse Park again this year.

It provides an opportunity for us to share the wonderful historical resources of our community with others.

We appreciate your confidence in us and your ongoing support.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Johnson".

Laura Johnson  
OMPHS Log Cabin Committee

## Rebecca Chown

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**From:** Mission Point Lighthouse Manager <missionpointlight@gmail.com>  
**Sent:** Friday, July 1, 2022 11:16 AM  
**To:** Treasurer; Rebecca Chown; Rob Manigold  
**Subject:** Fwd: Keeper Program

Ginger Schultz, Mission Point Lighthouse Manager  
Peninsula Township  
Sent from my iPhone

Begin forwarded message:

**From:** Dianne Richter <rich253@charter.net>  
**Date:** July 1, 2022 at 10:16:08 AM EDT  
**To:** Schultz Ginger <missionpointlight@gmail.com>  
**Subject: Re: Keeper Program**

Dear Township Board and Ginger,  
Just a note to let you know how much we enjoyed our Lighthouse experience as Keepers. Ginger is an outstanding manager who provided us with great leadership and guidance. Her passion for her work was evident to us. The Township is fortunate to have such a caring, hard working person as the Lighthouse Manager!  
Regards,  
Dianne Richter, Debra March and Anne Reed  
PS. Please share with the Township Board. Thank You!

Sent from my iPhone

# Business

# **PDR ORDINANCE #23, AMENDMENT #3**

- Summary of Proposed Amendments
- DRAFT PDR Ordinance #23, Amendment #3 – Clean
- ORIGINAL PDR Ordinance #23

**Peninsula Township Purchase of Development Rights Ordinance #23, Amendment #3**  
**Summary of Revisions Proposed by the Purchase of Development Rights Study Group**  
7/6/2022

The Peninsula Township Purchase of Development Rights Ordinance was initially adopted by the Township Board on May 4, 1994. It was amended August 25, 2003 revising Section 8 to provide a process for amending easements and adding Section 14 Severability. It was amended again on February 28, 2017 revising Section 6(4) regarding Committee termination.

There have been two millage votes to support the Peninsula Township Purchase of Development Rights Program (PDR). The funding has been fully committed so the program is unable to buy any more Development Rights even though there are unrestricted farms whose owners are willing to participate in the program.

In 2019, a PDR Planning Group met to discuss a potential renewal of the PDR millage in order to protect additional farmlands within the Agricultural Preserve Area. The group included the Township's Supervisor and Planner and representatives from the Township Board, Planning Commission, the initial PDR Drafting Committee, the PDR Selection Committee and the Grand Traverse Regional Land Conservancy (GTRLC).

An Evaluation of the Peninsula Township Farmland Preservation Program, which had been written by Tom Daniels, Ph.D. on behalf of the GTRLC in 2008, was reviewed and the conservancy staff recommended that the PDR Ordinance be updated to better define the management processes for PDR.

A core group, known as the PDR Study Group took on the task of updating the PDR Ordinance. There have been substantial changes to processes since the original 1994 PDR Ordinance was adopted that needed to be reflected in the third amendment to the PDR Ordinance.

The following is a list of things that occurred during the PDR years that have been taken into consideration during the ordinance amendment process:

- The PDR Program and other preservation efforts have been supported by the community and have been successful. As such, there are, according to the 2021 GTRLC Peninsula Township Protected Land Map, 6,036 acres of land under protection, representing 34% of the township.
- Agriculture on the Peninsula has become more diversified.
- The Michigan Zoning Enabling Act of 2006 was adopted.
- The Agricultural Preservation Area was expanded by the Township.
- Matching State and Federal Funds have become available that may be used to enhance the PDR Program if the program requirements are in alignment.
- The Township's experience and recommended best practices in the conservation industry have provided input for process and management changes.

The PDR Study Group worked diligently into 2020 to revise the PDR Ordinance but went on a Covid-19 hiatus when it was unsafe to meet and it became apparent that there was no chance to move forward with a renewal election in that year. The PDR Study Group's work resumed in December 2021. The PDR Ordinance has been edited numerous times after being reviewed by the Township's Planner, Assessor, Zoning Administrator, Treasurer, Planning Commissioners and the Township Attorney as well as the Grand Traverse Regional Land Conservancy's Staff and Attorney. The financial sections have been written under the guidance of a study group of resident financial experts, the Township's Treasurer, Marge Achorn, and Bond Counsel. There has also been valuable input from some agricultural land owners.

The following is a summary of the substantial changes to the PDR Ordinance that are proposed:

The Peninsula Township Purchase of Development Rights Ordinance as revised February 28, 2017 was used as the base document for the revisions. It has been reformatted for ease of reading and many changes have been made for clarity, grammar, to update terms and to better organize the document. Language has been added throughout the document for compliance with the Zoning Enabling Act of 2006.

The following is an outline of noteworthy changes made Section by Section:

#### SECTION 1 FINDINGS AND DECLARATION OF PURPOSE

- Updated the descriptions of agriculture.
- Merged previous "Section 11 - Township Purpose" with this section.

#### SECTION 2 DEFINITIONS

- Clarified definitions.
- Deleted definitions that are not used elsewhere within the ordinance.
- Revised the definition of "Value of Development Rights"
- Added several definitions including:
  - Accounts
  - Closing Costs
  - Conservation Easement
  - Contiguous
  - Excess Millage Revenue
  - Master Plan
  - Open Space
  - Peninsula Township Purchase of Development Rights Ordinance
  - Residential Development Rights
  - Zoning Ordinance.

### SECTION 3 AUTHORIZATION

- Deleted previous Paragraph 5 regarding exchanges of property because transferring development rights is not authorized by this ordinance.
- Expanded paragraph 5 (previously paragraph 6) regarding the Township Board's authority to budget for managing, monitoring and enforcing the Purchase of Development Rights program.

### SECTION 4 RETAINED RESIDENTIAL DEVELOPMENT RIGHTS

- Deleted unnecessary language and clarified wording.
- Paragraph 4 added specifications regarding the size of retained home sites, their survey and monumentation.

### SECTION 5 ELIGIBLE LANDS AND PRIORITY OF ACQUISITION

- Provided for up to 10% of the generated taxes to be spent on acquiring unused Development Rights from properties with existing Conservation Easements.
- Added a chart of criteria for the above purpose.
- The criteria used to prioritize the acquisition of development rights on new property was simplified and the weighting was changed to favor large parcels and the leveraging of matching funds.
- Previously, viewsheds were individually evaluated and the scoring was subjective. The new scoring is much simpler. If any part of the parcel falls within a viewshed, the parcel is given a fixed number of points.
- The Planning Commission reviewed and enlarged the Agricultural Preservation Area Map. In so doing, they took into consideration the Red Tart Cherry Site Inventory and the physical characteristics of the township's land so these items have been deleted from the scoring.
- Points have been added for matching funds that are to be used to leverage easement acquisitions.
- Eliminated points for adjacency to "currently farmed properties", instead there are points for adjacency to properties with conservation easements. (The term "adjacent" has been replaced by "contiguous" throughout the ordinance for consistency. "Contiguous" has been defined in Section 2 - Definitions.)
- Increased points for parcel size.

### SECTION 6 SELECTION COMMITTEE

- The committee size was reduced from seven to five; terms were amended accordingly.

### SECTION 7 SELECTION PROCESS

- Streamlined, rearranged and added more detail to the process for selection.
- Clarified the appraisal criteria and process.
- Specified that appraisals of properties with Special Use Permits (SUP) shall include a written review of the SUPs and the section of the Zoning Ordinance that governs them as it applies to the value of residential and allowed uses. (#10)



- Deleted the original #1-c regarding viewshed scoring decisions because in the proposed scoring all properties within a viewshed receive 10 points.
- Added that the Selection Committee may re-score and re-prioritize applications as information and conditions change.
- Added language regarding appeals.

#### SECTION 8 CLOSING, MONITORING & ENFORCEMENT

This is a new section that includes:

- A list of closing requirements.
- Detailed expectations for monitoring.
- Details regarding enforcement actions.

#### SECTION 9 DURATION OF ACQUIRED INTERESTS AND RELINQUISHMENT OF ANY INTERESTS

- Replaced previous ordinance language with “The Conservation Easement may be extinguished only by an unexpected change in condition which causes it to be impossible to fulfill the conservation purposes as described in the conservation easement, or by exercise of eminent domain.”
- For an unexpected change in condition, the requirement that there would need to be a majority vote of the township was replaced with a requirement for a public hearing and added the requirement that there must be judicial proceedings to entitle the Township to compensation in accordance with Internal Revenue Code provisions.

#### SECTION 10 AMENDMENT OF CONSERVATION EASEMENTS

- Specified exactly what the allowed outcomes are with a proposed amendment as opposed to a system that balanced the pros and cons of a proposed amendment’s outcome.
- First Paragraph - Added that procedures for the administration of the amendment process will be established and adopted within 90 days of the passage of this ordinance.
- #3. Review - This was added to provide legal review for applicable laws, rules and regulations as well as for compliance with current Land Trust Standards and Practices, and amendment principles, as published by The Land Trust Alliance.
- #6. Standards -Principles that have been adopted by The Land Trust Alliance have been incorporated. A previously used list of conditions is now used as examples.
- #7. Appraisal of Changes in Value - The payment of an increase in value to the Township was deleted because according to the principle in #6a iii. “The amendment does not result in private inurement or confer impermissible private benefit.”

#### SECTION 11 TRANSFER OF DEVELOPMENT RIGHTS

- This section was added: The transfer of development rights onto a property encumbered by a conservation easement held by the Township is not allowed.

#### SECTION 12 RELATED COSTS

- No substantive changes.

#### SECTION 13 SUPPLEMENTAL FUNDS

- No substantive changes.

#### SECTION 14 PURCHASE OF DEVELOPMENT RIGHTS FUND

- This Section was totally reworked to address Bond Council and Peninsula Township Treasurer recommendations for accounting.

##### A. PURCHASE OF DEVELOPMENT RIGHTS ENFORCEMENT ACCOUNT

- Added that the Township Board shall not only establish, but shall maintain a PDR Enforcement Account and increase the budget amount from \$40,000 to \$250,000.

##### B. PURCHASE OF DEVELOPMENT RIGHTS MONITORING ENDOWMENT

- This section was added to establish and maintain a \$4,000,000+ PDR Endowment to provide funds in the future for monitoring, legal defense and future purchases.

##### C. PURCHASE OF DEVELOPMENT RIGHTS OPERATIONAL ACCOUNTS

- In addition to the account and endowment described in A. and B., three separate accounting funds shall be established.
  - Millage Receiving Account
  - Bond Project Account
  - Bond Payment Account

#### SECTION 15 SEVERABILITY

- No substantive changes.

**PENINSULA TOWNSHIP**  
**PURCHASE OF DEVELOPMENT RIGHTS ORDINANCE #23**  
**AMENDMENT #3**

Approved by Peninsula Township Board of Trustees May 4, 1994

Revised August 25, 2003, amending Section 8 to provide a process for amending easements and adding Section 14 Severability.

Revised February 28, 2017, amending Section 6(4) regarding Committee termination.

Revised July 6, 2022, for TB Public Hearing **July 12, 2022**

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At a meeting of the Township Board of Peninsula Township, Grand Traverse County, Michigan, held at the Peninsula Township Hall on \_\_\_\_\_, 2022, at \_\_: \_\_ p.m., Township Board Member \_\_\_\_\_ moved to adopt the following Ordinance, which motion was seconded by Township Board Member \_\_\_\_\_:

**AN ORDINANCE**, enacted in accordance with the Michigan Zoning Enabling Act of 2006, as amended, relating to the acquisition of voluntarily offered interests in farmland and open space land in Peninsula Township that resulted in calling an election by the voters of the Township on August 2, 1994, to authorize the cash purchase and/or installment purchase contracts under Act 99 of 1933 and for the purpose of providing funds for such acquisitions. The principal and interest on such contracts shall be payable out of annual tax levies to be made upon all of the taxable property within the Township in excess of constitutional and statutory limits and from any other money which may become legally available and used for such purposes. This Ordinance shall not be construed to enable the transfer of Development Rights.

## **SECTION 1 FINDINGS AND DECLARATION OF PURPOSE**

### **BE IT ORDAINED BY THE PENINSULA TOWNSHIP BOARD:**

The Township Board finds that:

1. Peninsula Township is a desirable place to live and visit because of its panoramic views of agricultural acreage interspersed with stands of trees, open fields and rolling terrain. The framing of many of these views with the sight of clean, open bay waters creates a spectacularly spacious effect. The views, agriculture and open spaces, woodlands, wetlands and dark night sky are all considered valuable natural and aesthetic resources which should be protected to benefit the public.
2. The climate, significant changes in elevation and proximity to water make this a unique area where certain crops can be grown as well as or better than anywhere else. These resources not only include more than seven thousand acres of land suitable for farming, but also other woodland, wetlands and open lands adjacent to these farmlands. Such lands provide unique, aesthetic and economic benefits to the citizens of the Township and are an important part of the Township's heritage.
3. Peninsula Township is experiencing substantial development pressure because of its location adjacent to Traverse City. The same characteristics which have made this area so desirable for fruit production also make it attractive for residential sites.
4. Land suitable for farming is an irreplaceable natural resource with soil and topographic characteristics that have been enhanced by generations of Agricultural Use. When such land is converted to residential or other urban uses which do not require those special characteristics, an important community resource and public benefits are permanently lost to the citizens of Peninsula Township.
5. It is the policy of the State of Michigan and Peninsula Township to protect, preserve and enhance agricultural and open space lands as evidenced by the Peninsula Township Master Plan including open space policies, the Farmland and Open Space Preservation Act of 1974 (P. A.

116), the Historic and Conservation Easement Act and the Township Ordinances regulating land use by zoning and subdivision control. However, these policies and regulations, by themselves, have not been effective in providing long-term protection of farmland, shoreline and open space lands under the pressure of increasing urban development.

6. Of the 17,000 acres of land in Peninsula Township, there are about 12,000 acres in the Agricultural District which provides the basis for the Township's active agricultural enterprises. The agricultural industry in Peninsula Township provides the opportunity to harvest locally grown fruit and vegetables for national distribution as well as for sale at roadside stands and at other local and regional outlets.
7. Generally, farmland and open space lands which are close to urban centers have a greater market value for future urban development than their market value for farming or open space, and prime fruit growing land has the same features of high elevations and proximity to water that are components of desirable residential areas. This fact encourages the speculative purchase of these lands at high prices for future development, regardless of the current zoning of such lands. Farmland which has a market value greater than its agricultural value does not attract sustained agricultural investment and eventually this land is sold by farmers and removed from Agricultural Use.
8. The permanent acquisition by the Township of voluntarily offered interests in farmland and open space lands within the Township, as provided in this Ordinance and as authorized by the Constitution and statutes of the State of Michigan, will permit these lands to remain in farmland and open space in a developing urban area and provide long-term protection for public benefits which are served by farmlands and open space lands within the Township.
9. Properties on which the Township has purchased the Development Rights should remain substantially undeveloped in order to promote their "Agricultural Use".
10. The acquisition of interests in farmland and open space lands as provided in this Ordinance is a public purpose of Peninsula Township that will yield public benefits. Financing such acquisitions requires that the Township enter into purchases or installment purchases not to exceed statutory limits.
11. The objective of voluntarily purchasing Development Rights from land owners in the manner prescribed in this ordinance is consistent with the Peninsula Township Master Plan.
12. The Township Board finds and declares that the use of Township Purchase of Development Rights Funds for the purpose of paying in whole or in part the cost of acquisition of interest in Eligible Lands as set forth herein, will promote the public health, safety and general welfare of the people of Peninsula Township.

## **SECTION 2 DEFINITIONS**

The terms defined below shall mean the following throughout this Ordinance regardless of capitalization. All other terms shall be interpreted according to their plain and ordinary meanings based on the context of their use in the Ordinance.

1. "Accounts" are appropriately labeled accounting departments within the Purchase of Development Rights Fund that have unique cash general ledger account numbers and related general ledger activities.

2. "Agricultural Use" is the production of plants and animals useful to man, including fruits; grapes; nuts; vegetables; green house plants; Christmas trees; forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; and other similar uses and activities on substantially undeveloped land.
3. "Appendix A" of this Ordinance includes the maps and related materials which describe designated areas of Eligible Lands for purposes of priority of acquisition as provided in this Ordinance. Official large-scale maps describing such areas in detail are hereby filed with the Peninsula Township Clerk and incorporated herein by this reference. Smaller scale maps generally illustrating such areas are provided in the Appendix of this Ordinance for more accessible public reference.
4. "Closing Costs" are the costs including but not limited to legal, survey, title search and accounting related to the process of purchasing Development Rights.
5. "Conservation Easement" is a grant, by an instrument, whereby the owner relinquishes the Development Rights to the public in perpetuity but remains in private ownership. A Conservation Easement is a legal and recorded instrument that contains a covenant that runs with the land extinguishing Development Rights, except as may be expressly reserved in the instrument.
6. "Contiguous" describes two or more parcels of land with a common boundary or point that may be separated solely by a private roadway or public right-of-way.
7. "Development" is an activity which materially alters or affects the existing conditions or use of any land.
8. "Development Rights" are interests in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agriculture and open space.
9. "Eligible Land" is farmland and open space land for which the purchase of a "Conservation Easement" with tax funds are authorized pursuant to this Ordinance. Eligible Land is depicted in the Appendix A.
10. "Excess Millage Revenue" is the Purchase of Development Rights millage revenue that is available for expenditures after meeting bond payment, monitoring and administration cost obligations.
11. "Master Plan" is a plan adopted by Peninsula Township in accordance with the Michigan Planning Enabling Act of 2008. A Master Plan is intended to be a guiding document for how a community wishes to develop in future years.
12. "Open Space" is land that is not developed for residential, commercial, or industrial purposes. When it is included in a Conservation Easement it remains in private ownership and is not open to public access except as allowed by the landowner and subject to the Conservation Easement terms.
13. "Owner" is the party or parties having the fee simple interest, a real estate contract vendor's or vendee's interest, a mortgagor's or mortgagee's interest in land, or other legal interest in land that authorizes the sale of Development Rights under this Ordinance.
14. "Parcel" is contiguous property under one ownership that is included in an application.

15. "Peninsula Township Purchase of Development Rights (PDR) Ordinance" is Peninsula Township Ordinance No. 23 as adopted May 4, 1994, as subsequently amended.

16. "Residential Development Right" is the right to build a residential dwelling.

17. "Selection Committee" is the Committee formed pursuant to Section 6 of this Ordinance to advise the Township Board in the selection of Eligible Lands for purchase.

18. "Substantially Undeveloped Land" is land on which there is no more than one (1) residential dwelling unit for each twenty (20) acres of land (exclusive of migrant housing units) or other buildings used for non-agricultural, commercial, or industrial purposes.

19. "Township Board" is the elected Peninsula Township Board of Trustees.

20. "Value of Development Rights" is the difference between the fair market value of the land without the Conservation Easement and its fair market value as restricted by the Conservation Easement.

21. "Zoning Ordinance" is the Peninsula Township Zoning Ordinance, adopted June 5, 1972 and as subsequently amended.

### **SECTION 3 AUTHORIZATION**

1. The Township Board is hereby authorized to expend tax revenues to acquire and administer property interests in the farmlands and open space lands described and prioritized in Section 5 of this Ordinance. The property interest acquired may be either the Development Rights, or any lesser interest, easement, covenant or other contractual right. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this Ordinance. The collected tax revenues shall be used to acquire such property interests only upon application of the Owner and in a strictly voluntary manner.
2. The Township Board is authorized to finance the PDR program using all of the mechanisms described in Section 125.3509 of the Michigan Zoning Enabling Act as amended. This includes borrowing money and issuing bonds or notes.
3. The Township Board is further authorized to contract with other parties to participate jointly in the acquisition of interests in Eligible Lands.
4. The Township Board is authorized to establish a Purchase of Development Rights fund and separate accounts to manage, monitor, and enforce the Purchase of Development Rights program.
5. The Township Board is authorized to enter into cash purchase and/or installment purchase contracts consistent with applicable law. When installment purchases are made, the Township Board is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment contract and adjusted for the tax-exempt status of such interest.



6. On an annual basis, the Township Board shall budget from the Purchase of Development Rights fund to contract for the monitoring of all Conservation Easements purchased under the authority of this Ordinance or donated under the authority of the Peninsula Township Donation of Development Rights Ordinance, No. 45.

7. The Township shall contract with a recognized and legally established non-profit land conservancy or other experienced and qualified individual(s) that would share in the process of negotiating easements and establishing both the baseline reports and the procedures for the monitoring of any Conservation Easements acquired under this Ordinance.

## **SECTION 4    RETAINED RESIDENTIAL DEVELOPMENT RIGHTS**

1. To promote the "Agricultural Use" of properties on which the Township has purchased the Development Rights, it has been determined that such properties should remain Substantially Undeveloped.

2. Applications for the sale of Development Rights may include a provision to retain the right to build residential dwellings, provided that no retained Residential Development Rights would result in more than one dwelling unit per twenty (20) acres of land (exclusive of approved migrant housing units). This is not to preclude the sale of all the remaining Development Rights on a property that has existing dwelling units in excess of one dwelling unit per twenty acres of land.

3. The building locations for retained Residential Development Rights may be restricted in the negotiated "Conservation Easement" in order to protect Scenic Views identified in the Township Master Plan.

4. When a future home site is being retained within a Conservation Easement, the boundaries of the building envelope for such home site and associated structures shall be no less than one acre and the boundaries of such building envelope shall be surveyed by a registered surveyor and proper monumentation shall be placed on the property.

## **SECTION 5    ELIGIBLE LANDS AND PRIORITY OF ACQUISITION**

The tax revenues generated for the acquisition of Development Rights shall be used to purchase property interests in the following lands in the following order of their priority subject to the provisions of Section 7.

### **Primary criteria that all properties must meet:**

All properties for consideration must be located within the boundaries of the Agriculture Preservation Area Map (Appendix A) adopted by the Peninsula Township Planning Commission. Applications shall be complete and shall be submitted voluntarily.

Up to ten percent of the tax revenues generated for acquisition of Development Rights may be allocated to spend on acquiring unused Development rights from properties with existing Conservation Easements

or similar encumbrances restricting Development. The following criteria shall be used in determining the priority by which these applications are processed.

**Priorities for acquisition of existing reserved Development Rights.**

Cumulative Points	Criteria
<b>0-100</b>	One point for every one percent of the project costs that will be funded by non-millage dollars from other entities (federal or state grants, neighborhood group(s), foundation(s), individual(s), etc.) or will be donated by the landowner (the landowner accepts less than the appraised value).
<b>0 or 25</b>	Acquisition of reserved development site(s) results in a ratio of not more than 1 home site for each 40 acres of land encumbered in an existing PDR easement.
<b>Total</b>	

**Priorities for acquisition of Development Rights on new property.**

The following criteria shall be used in determining the priority by which applications are initially processed. The scoring of applications may change during the process as owners make decisions regarding their applications and other factors change (i.e., outside funding).

Cumulative Points	Criteria
<b>0 or 10</b>	Parcel is shown on Prime Scenic View Map adopted by the Peninsula Township Planning Commission. (10 points if any part of the subject property is included in an identified Prime Scenic View area depicted in Appendix 1, 0 points if not)
<b>0-100</b>	One point for every one percent of the project costs that will be funded by non-millage dollars from other entities (federal or state grants, neighborhood group(s), foundation(s), individual(s), etc.), or will be donated by the landowner (wherein the landowner accepts less than the appraised value).
<b>0 or 5</b>	Parcel that is contiguous to another parcel that is subject to an existing Conservation Easement. Five points awarded if contiguous, 0 points if not.
<b>Varies</b>	One point for each whole acre (rounded) to be included in proposed Conservation Easement.
<b>Total</b>	

## SECTION 6 SELECTION COMMITTEE

1. A five-member Selection Committee shall be appointed by the Township Board within ninety (90) days following the approval of a millage to use funds towards the purposes of this Ordinance by the voters. The Selection Committee shall advise the Township Board in the selection of Eligible Lands on which Development Rights are offered for acquisition by their owners. Selection Committee recommendations for the selection of Eligible Lands shall be made by a majority of its members.
2. The Selection Committee shall consist of residents and/or property owners of the Township chosen to provide equitable representation of geographical and agricultural interests. The Township Board may appoint ex-officio members.

3. The Selection Committee may consult experts as it may desire and the Township Board may appropriate funds for that purpose.

4. Members shall serve three-year terms, except that the initial term of two members shall be two years and terms of three members shall be three years. Members may be removed by the Township Board for good cause as determined by the Township Board. Members shall not be compensated for their services but shall be reimbursed for expenses actually incurred in the performance of their duties. Members may be reappointed to successive terms but the Selection Committee shall be terminated when the proceeds of any millage to carry out the purposes of this Ordinance have been spent.

5. No member shall vote on the selection of parcels in which they or any immediate family member has a direct or indirect interest, or on any parcels that are contiguous to property in which they or any immediate family member has a direct or indirect interest.

## **SECTION 7 SELECTION PROCESS**

Beginning in the first year following approval of an initial millage to carry out the purposes of this Ordinance and continuing until all proceeds of any such millage to carry out the purposes of this Ordinance have been expended, the Township Board shall request that the Selection Committee conduct a property selection process (herein called "Selection Round"), that is initiated by creating an application period. The selection process will generally take place as follows:

1. The Township Board shall begin each Selection Round with an application period by giving notice on the Township website and publishing at least one notice in one newspaper of general circulation in Peninsula Township. The notice shall describe the general program eligibility requirements, application and general program procedures and shall be published fifteen (15) days prior to the opening of an application period.
2. A list of interested parties in the PDR program shall be kept by the Township Planner and Selection Committee. The parties shall be notified about Selection Rounds via email and a certified letter to the last address of record at least fifteen (15) days prior to the opening of an application period. Applicants of previous rounds that were unsuccessful shall also receive this notification. Previous applicants shall need to reapply if they wish to participate in the program.
3. Written applications by owners who desire to have their Development Rights purchased by the Township shall be submitted on forms provided by the Township. Applications must include all information needed to perform a preliminary ranking of the proposal and may require attachments and documentation.
4. Terms and conditions of a proposed sale may be discussed by the entire Selection Committee with Owners prior to the submission of written applications.
5. Upon closing of the application period, the Selection Committee shall review each application which has been received for completeness, program eligibility and validity of information including a title search.
6. The Selection Committee shall score each application as submitted. A ranked list of projects will be generated from highest to lowest scoring.

7. Upon closing of each application period, the Selection Committee shall identify an initial group of projects to move forward with a Conservation Easement acquisition. The size of groups shall be determined by the Selection Committee.
8. For those highest-ranking applications, the Selection Committee or a Township designated professional shall negotiate the terms of each project with the Owner.
9. For those highest-ranking applications, the Selection Committee shall order an appraisal. A "before and after" appraisal shall be made to determine the Value of Development Rights. The appraisal shall determine the difference between the fair market value of the land without Conservation Easement and its fair market value as restricted by the Conservation Easement. The cost of this initial appraisal will be borne by Peninsula Township via the Purchase of Development Rights Fund and included in the Purchase of Development Rights budgets as specified in this Ordinance.
10. Appraisals shall be in writing and shall be furnished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Township or by Owners of the property appraised in writing, but corrections of the appraisal may be made only by the appraiser. If an Owner of property believes it has not been adequately appraised, such Owner may, and within the time allowed on the selection schedule have a review appraisal be made at the Owner's expense provided it meets the criteria and requirements as determined by the Selection Committee. The Selection Committee may use both appraisals to reach an agreement as to the appropriate value of the Development Rights.
11. All appraisals of properties with approved Special Use Permits (SUP) shall include a written review of the SUP and the section of the Zoning Ordinance that governs it as it applies to residential and allowed uses.
12. All appraisals shall be performed by an individual holding a Certified General Appraiser License from the State of Michigan, Department of Licensing and Regulatory Affairs (or other successor licensing entity) and shall meet other criteria, requirements and qualifications as determined by the Selection Committee. The selected appraiser shall not have a property interest, personal interest or financial interest in Eligible Lands. The same appraiser shall conduct the before and after appraisals.
13. In each Selection Round, the Development Rights on all Eligible Land shall be eligible for purchase. However, properties of higher priority (in accordance with the ranking system described in SECTION 5) shall be purchased with available funds before properties of lower priority are purchased, provided:
  - a. In the interest of protecting as much Eligible Land as possible, the Township Board may determine to buy only a portion of the Development Rights on a particular parcel if it is in the best interest of the program.
  - b. Should other ranking-related conditions change with one or more applications, the Selection Committee shall reprioritize and re-score applications accordingly, resulting in updated application ranking.
  - c. In the event that the ranking of applications results in an equal number of points between one or more applications (i.e., a tie), the Selection Committee shall determine the higher-ranking application(s) with an unbiased lottery (such as drawing assigned numbers from a container).

d. For properties located within a Prime Scenic View as shown on the Map adopted and as may from time to time be amended by the Peninsula Township Planning Commission as part of the Township Master Plan, the Selection Committee shall request the Planning Commission to provide recommended building and/or vegetation restrictions as necessary to protect the scenic view.

14. If a property owner and Selection Committee cannot reach agreement on the acquisition, the application may be withdrawn for subsequent consideration.

15. Upon receiving the recommendations of the Selection Committee, the Township Board shall take final action to execute all closings.

16. The Selection Committee may receive and act on appeals of any factual nature by affected property owners, and any appeal may be reviewed by the Township Board.

## **SECTION 8 CLOSING, MONITORING & ENFORCEMENT**

### **Closing Requirements:**

The Township must obtain the following information for closing on any Purchase of Development Rights.

1. Evidence of clear title (no lien holder(s) or signature from lien holder(s) authorizing participation in the PDR program).
2. Survey of the property including any retained residential building envelopes prepared by a licensed surveyor.
3. Draft of negotiated Conservation Easement.
4. Legal review of all supporting documents.
5. Township Board approval of the Conservation Easement.
6. Execution of the Conservation Easement and the baseline documentation by all parties.
7. Recording of the Conservation Easement by the Register of Deeds.

### **Monitoring:**

The Township shall monitor all properties with established Conservation Easements to ensure compliance with this Ordinance.

1. A Conservation Easement data base shall be established and maintained in the Planning and Zoning Departments listing all parcels subject to donated or purchased Conservation Easements.
2. The party engaged by the Township for monitoring shall conduct annual site visits of all Conservation Easements held by the Township. Findings for all properties shall be recorded in the Conservation Easement data base.
3. Any conveyance of property with a Conservation Easement shall have the Conservation Easement registered upon the subsequent deed.

### **Enforcement and Penalties:**

1. The Township Board shall enforce the terms of all Conservation Easements held by the Township.
2. Enforcement of violations shall include but are not limited to the removal of non-compliant structures, termination of occupancy of structures and removal of adaptations of structures that are not permitted under a Conservation Easement.
3. Any person or entity that violates any provision of this Ordinance shall be deemed responsible for a municipal civil infraction and shall be subject to a civil penalty. A fee schedule for violations specifying such civil penalties shall be established and adopted by the Township Board within ninety (90) days of passage of this Ordinance. In addition to municipal civil infractions and civil penalties, this Ordinance may be enforced by a civil action against an alleged violator for injunctive or other relief requesting actions, including but not limited to, property owner compliance with Conservation Easements, as authorized by law.

## **SECTION 9 DURATION OF ACQUIRED INTERESTS AND RELINQUISHMENT OF ANY INTERESTS**

Development Rights acquired pursuant to this Ordinance shall be held in trust by the Township for the benefit of its citizens in perpetuity, subject to the following:

The Conservation Easement may be extinguished only if it is impossible to fulfill the conservation purposes as described in the Conservation Easement.

- a) If subsequent circumstances render the purposes of this Conservation Easement impossible to fulfill, then this Conservation Easement may be partially or entirely terminated by the Township Board. Any extinguishment shall go through judicial proceedings. The Township Board shall hold a public hearing to address the partial or complete termination of a Conservation Easement to consider the input of the public. Notice of the public hearing shall be by mail to all property owners within the Township. All costs associated with said public hearing shall be paid by the requester. Notwithstanding the foregoing, the Owner and Township intend that the Conservation Easement is not subject to the legal doctrine of changed conditions that is applied to traditional servitudes. The Township will then be entitled to compensation in accordance with the applicable provisions of the Internal Revenue Code Treasury Regulations.

## **SECTION 10 AMENDMENT OF CONSERVATION EASEMENTS**

Because of the public trust that is inherently involved with the Purchase of Development Rights and the corresponding intent that all Conservation Easements endure in perpetuity, amendments of Conservation Easements can only be amended in compliance with strict standards. Procedures for the administration of the amendment process, including all fees, appraisals, and surveys, will be established and adopted by the Township Board within 90 days of the passage of this Ordinance. An application for

an amendment of a Conservation Easement and any amendment of the terms and conditions of a Conservation Easement shall proceed in accordance with the following provisions:

**1. Application.** An application for amending a recorded Conservation Easement shall be made to the Township Clerk on a form approved by the Township Clerk, along with a non-refundable fee as determined by the Township Board by resolution.

**2. Application Costs.**

- a. Neither the Township general fund nor the Purchase of Development Rights Fund shall be responsible for any expense incident to the request for amendment.
- b. All costs associated with the requested amendment, including but not limited to appraisals, attorney fees, public hearings, and publication fees, shall be paid by the applicant, unless the Township is the applicant.
- c. Prior to undertaking any direct expenses related to the request, the Township Board shall require a deposit to cover the estimated costs associated with consideration of the request. All unexpended funds shall be returned to the applicant.

**3. Review.** The proposed amendment shall receive legal review for this ordinance and applicable laws, rules, and regulations as well as for compliance with this ordinance, current Land Trust Standards and Practices, and amendment principles published by The Land Trust Alliance or other similar industry standards.

**4. Public Hearing.** The Township Board shall hold a public hearing prior to consideration of an amendment to a Conservation Easement. The notice shall meet the same time requirements as a notice for a Planning Commission public hearing for a Zoning Ordinance amendment under the Michigan Zoning Enabling Act or successor statute.

**5. Notice.** All property owners within 1,320 feet of the property seeking the Conservation Easement Amendment shall be given written notice of the application for amendment of an existing Conservation Easement. The notice shall include the existing and proposed conditions. It shall also state where the public hearing will be held and where the application can be viewed. The notice shall also include the legal description and the street address of the parcel to allow the public to locate the property.

**6. Standards.** An amendment to a Conservation Easement shall only be granted by the Township Board if the amendment satisfies all of the following principles.

a. **Principles.** The amendment:

- (i) Serves the public interest and is consistent with the Conservation Easement program as described in the Findings and Declaration of Purpose in the Ordinance.
- (ii) Complies with all applicable laws, rules and regulations.
- (iii) Does not result in private inurement or confer impermissible private benefit.
- (iv) Is consistent with the original easement's intent and conservation purposes.
- (v) Is consistent with the intent of the grantor and any direct funding source.

(vi) Has a net beneficial or neutral effect on the conservation values protected by the original easement.

b. **Examples.** The following list is meant to be examples of actions that may be appropriate outcomes of a proposed amendment.

(i) The amendment decreases the number of future dwelling units.

(ii) The amendment decreases the probability of parcel fragmentation.

(iii) The amendment results in a scattering of residences less than prior to the amendment.

(iv) The amendment decreases the amount of driveway across prime and unique agricultural land necessary to access dwellings.

(v) The amendment increases the net amount or quality of productive agricultural land as a result of the amendment.

(vi) The amendment results in no new buildings located in identified scenic views.

The Township Board shall make written findings of fact as to the foregoing conditions and standards. Any amendments to Conservation Easements shall be at the absolute discretion of the Township Board.

**7. Appraisal of Changes in Value.** Prior to a final decision on a proposed amendment to a recorded Conservation Easement, the Township shall obtain at the applicant's expense, an appraisal of the property to determine if the value of the retained Development Rights is increased as a result of the amendment. The appraiser shall meet the same criteria as described in Section 7 above. If the appraisal indicates that the value of the retained Development Rights is increased as a result of the proposed amendment, the property owner shall pay to the Township Purchase of Development Rights Fund an amount equal to the amount of the increase in the event the amendment is approved.

**8. Publication.** The Township Board shall publish its decision to amend a Conservation Easement in the same manner as an amendment to the Township Zoning Ordinance.

**9. Public Hearing.** A decision by the Township Board to amend a Conservation Easement shall be subject to a public hearing with notice as provided by the Township Board.

**10. Recording.** All approved amendments that are no longer subject to referendum shall be recorded at the Grand Traverse County Register of Deeds Office along with written findings of fact which explain the reasons for the amendment.

## **SECTION 11 TRANSFER OF DEVELOPMENT RIGHTS**

The transfer of Development Rights onto a property encumbered by a Conservation Easement held by the Township is prohibited.



## **SECTION 12 RELATED COSTS**

The costs of appraisal, engineering, surveying, planning, financial, legal and other services lawfully incurred incident to the acquisition of interests in Eligible Lands by the Township, and for monitoring and legal defense of the Purchase of Development Rights program shall be paid from the proceeds of a millage enacted to carry out the purposes of this Ordinance. The Township General Fund nor the Purchase of Development Rights Fund shall be responsible for expenses incurred by the Owner incident to this transaction.

## **SECTION 13 SUPPLEMENTAL FUNDS**

Supplemental or matching funds from other governmental agencies or private sources may become available to pay a portion of the cost of acquiring Development Rights, or some lesser interest in Eligible Lands or to supplement or enlarge such acquisition. The Township Board is hereby authorized to utilize such funds to purchase interests in Eligible Lands or to otherwise supplement the proceeds of a millage to carry out the purposes of this Ordinance in the manner provided by this Ordinance and in accordance with the applicable laws or terms governing such grants or other funding opportunities.

## **SECTION 14 PURCHASE OF DEVELOPMENT RIGHTS FUND**

### **A. PURCHASE OF DEVELOPMENT RIGHTS ENFORCEMENT ACCOUNT**

The Township Board shall establish and maintain a Purchase of Development Rights Enforcement Account (herein "Enforcement Account") in an amount of not less than two hundred and fifty thousand dollars (\$250,000), from excess millage revenue to be used solely for enforcement expenses, including initial follow-up with the landowner, review and inspection of remedial measures, and legal, engineering and other professional services. Money in such Enforcement Account may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money. The interest received from the deposit of such revenues shall be applied and used solely for the purposes set forth in this Section.

### **B. PURCHASE OF DEVELOPMENT RIGHTS MONITORING ENDOWMENT**

The Township Board shall establish and maintain a Purchase of Development Rights Monitoring Endowment (herein "Monitoring Endowment") to accomplish monitoring activities specified in this Ordinance. Initial funds for the Monitoring Endowment shall come from excess millage revenue, after the initial years of excess millage revenue first supplement, on a continuing basis, the Enforcement Account to the required balance of two hundred and fifty thousand dollars (\$250,000). If the Enforcement Account falls below the required balance, excess millage revenue will go initially to replenishing any diminished balance below two hundred and fifty thousand dollars (\$250,000). Said excess millage contributions to the Monitoring Endowment will stop when the balance reaches two and a half million dollars (\$2,500,000), after which earnings will accrue to achieve a minimum target balance of four million dollars (\$4,000,000) with a cap of four and a half million dollars (4,500,000). Funds generated by the endowment that exceed four

and a half million dollars (\$4,500,000) balance may replenish, on a continuing basis, the Enforcement Account and thereafter to funding future purchases. The Township Board is authorized to increase the amounts specified above to reflect values in future dollars. During the life of the millage to carry out the purposes of this Ordinance, millage funds shall be used for all monitoring expenses, including contracting for monitoring and any incidental expenses for monitoring Conservation Easements held by the Township. Upon the sunset of the millage, proceeds from the Monitoring Endowment shall be used solely for the purposes set forth in this Section.

#### **C. PURCHASE OF DEVELOPMENT RIGHTS OPERATIONAL ACCOUNTS**

Three separate accounts shall be established to manage millage revenue, bond proceeds and operational expenditures. These accounts shall be:

1. A Millage Receiving Account, which shall be used for receiving millage funds, transfer of revenue to the Bond Payment Account, and for paying other costs, such as administration, monitoring, or deposits into the Enforcement Account, or Monitoring Endowment, and any expenditure of excess millage funds for purchase and closing costs. Revenue can be accumulated in this account.
2. A Bond Project Account, where bond proceeds will be deposited and held and which shall only be used for paying for purchases of Development Rights and closing costs.
3. A Bond Payment Account, which only receives funds from the Millage Receiving Account in time to make bond payments.

### **SECTION 15 SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance.

### **SECTION 16 EFFECTIVE DATE**

This Ordinance shall become effective seven (7) days after publication of a notice of adoption of this Ordinance, except as otherwise provided by MCL 125.3402.

## SECTION 17 REPEAL

All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED:**

\_\_\_\_\_  
Isaiah Wunsch, Peninsula Township Supervisor

### CERTIFICATION

I, Becky Chown, Clerk of Peninsula Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. \_\_\_\_\_ adopted by Peninsula Township on the \_\_\_\_\_, 2022. A summary of the Ordinance was duly published in the \_\_\_\_\_ newspaper, a newspaper that circulates within Peninsula Township, on \_\_\_\_\_, 2022. Within 1 week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted. I filed an attested copy of the Ordinance with the Grand Traverse County Clerk on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Becky Chown, Peninsula Township Clerk

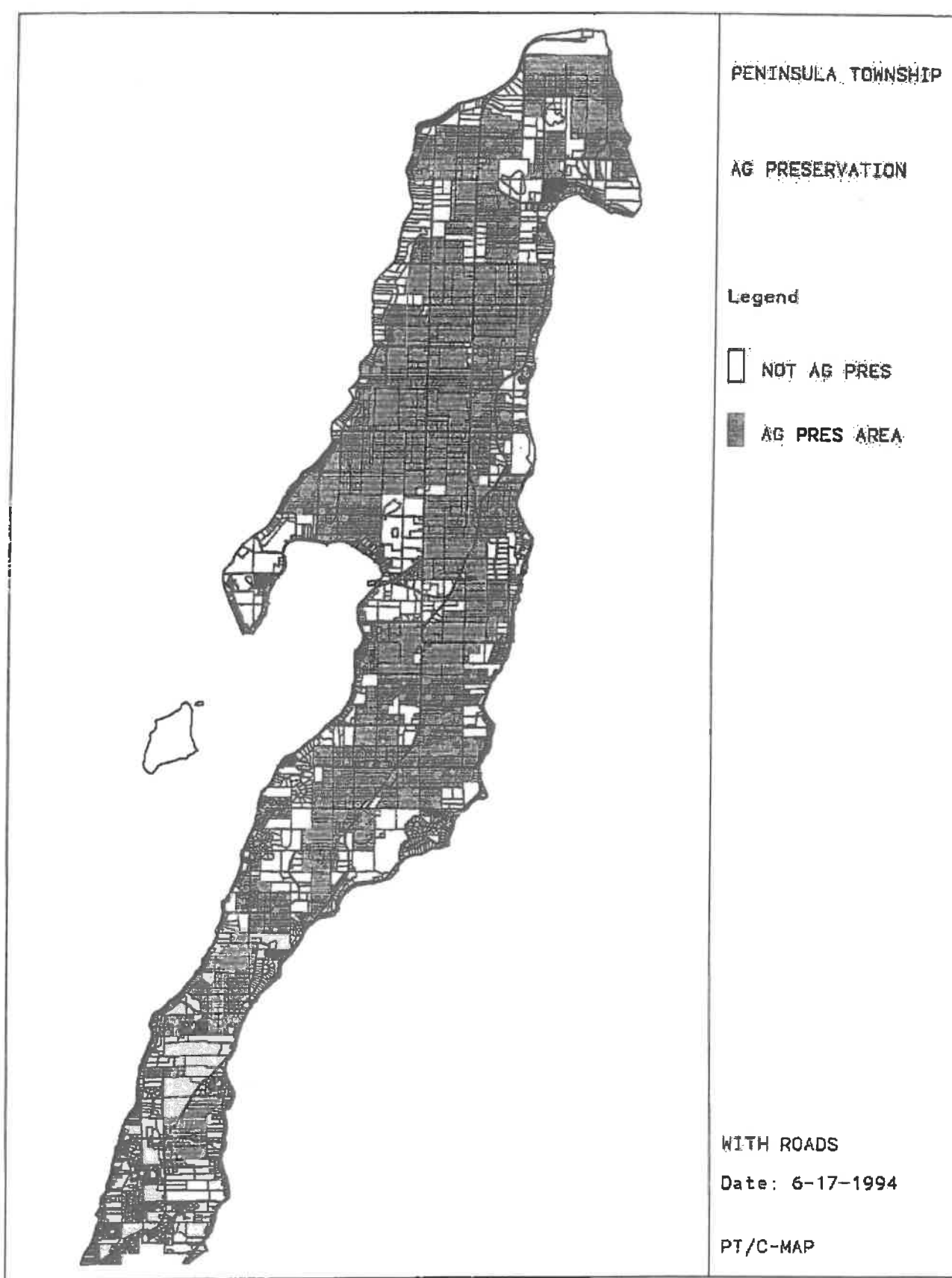
**PENINSULA TOWNSHIP  
NOTICE OF ADOPTION**

**PURCHASE OF DEVELOPMENT RIGHTS ORDINANCE #23  
AMENDMENT #3**

On \_\_\_\_\_, 2022, the Peninsula Township Board adopted a third amendment to its Purchase of Development Rights Ordinance, Ordinance No. 23, which, under the authority of the Michigan Zoning Enabling Act, codifies a purchase of development rights program to protect agricultural and other eligible lands for the public health, safety, and general welfare of the Township. The Ordinance has the following sections and catch lines: Section 1: Findings and Declaration of Purpose; Section 2: Definitions; Section 3: Authorization; Section 4: Retained Residential Development Rights; Section 5: Eligible Lands and Priority of Acquisition; Section 6: Selection Committee; Section 7: Selection Process; Section 8: Closing, Monitoring & Enforcement; Section 9: Duration of Acquired Interests and Relinquishment of Any Interests; Section 10: Amendment of Conservation Easement; Section 11: Transfer of Development Rights; Section 12: Related Costs; Section 13: Supplemental Funds; Section 14: Purchase of Development Rights Fund; Section 15: Severability; Section 16: Effective Date, which is seven (7) days after publication of this notice of adoption except as otherwise provided by MCL 125.3402; and Section 17: Repeal. of A true copy of the Ordinance is available for inspection and may be obtained at the offices of Peninsula Township, 13235 Center Road, Traverse City MI 49686.

Becky Chown, Peninsula Township Clerk  
Phone: 231-223-7321  
clerk@peninsulatownship.com

## **APPENDIX A**



**PENINSULA TOWNSHIP**

**AG PRESERVATION**

**Legend**

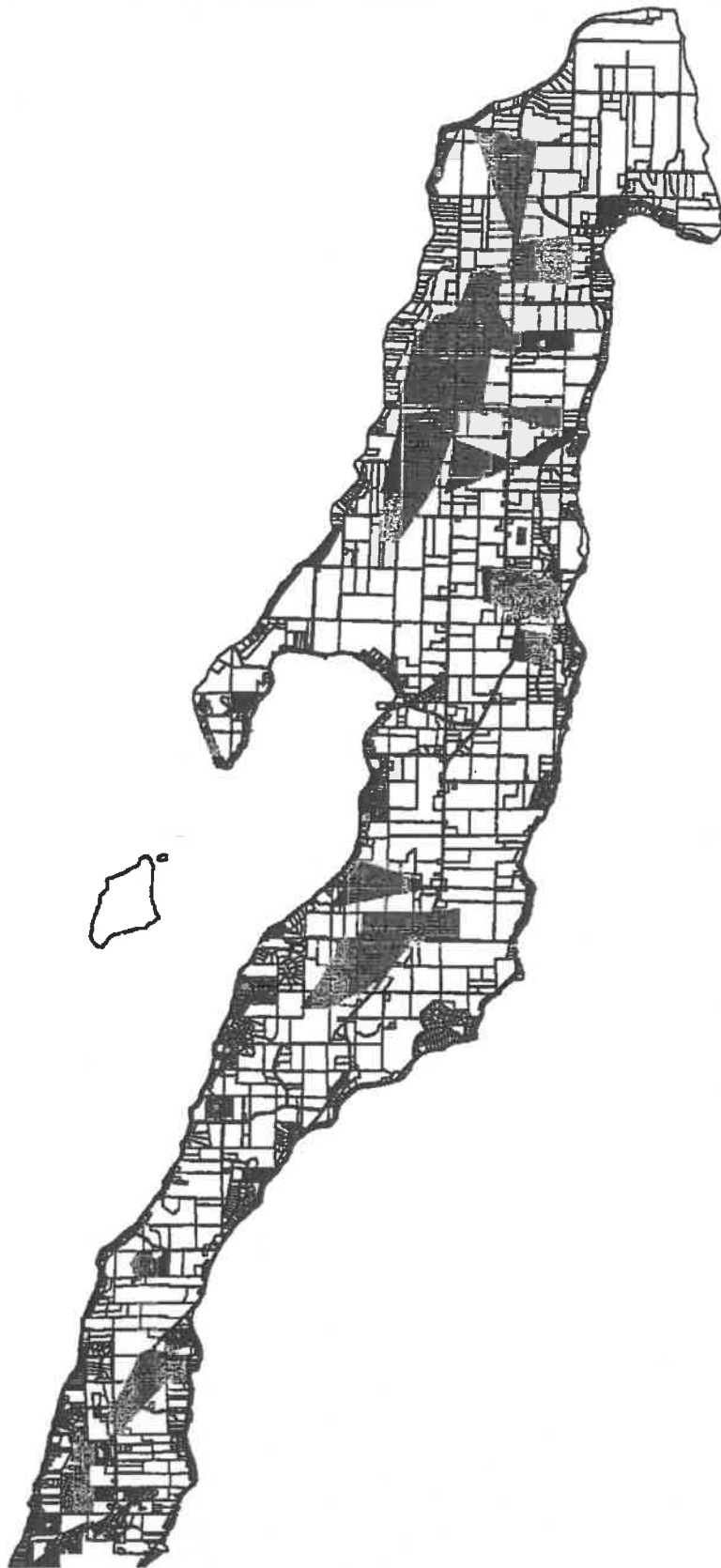
 **NOT AG PRES**

 **AG PRES AREA**

**WITH ROADS**

**Date: 6-17-1994**

**PT/C-MAP**



PENINSULA TOWNSHIP

PRIME SCENIC VIEWS

Legend

 VIEWSHED

Date: 6-17-1994

PT/C-MAP

**PENINSULA TOWNSHIP  
PURCHASE OF DEVELOPMENT RIGHTS**

**ORDINANCE #23**

**Approved by Peninsula Township Board May 4, 1994**

**Revised August 25, 2003 amending Section 8 to provide a process for amending easements and adding Section 14 Severability.**

**Revised February 28, 2017 amending Section 6(4) regarding Committee termination.**



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## ORDINANCE NO.23

AN ORDINANCE relating to the acquisition of voluntarily offered interests in Farmland and Open Space Land in Peninsula Township: calling an election by the voters of the Township on August 2, 1994, to authorize the cash purchase and/or installment purchase contracts under Act 99 of 1933 and for the purpose of providing funds for such acquisition. The principal and interest on such contracts shall be payable out of annual tax levies to be made upon all of the taxable property within the Township in excess of constitutional and statutory limits and from any other money which may become legally available and used for such purposes.

BE IT ORDAINED BY THE PENINSULA TOWNSHIP BOARD:

### SECTION 1 Findings and Declaration of Purpose

The Township Board finds that:

(1) Peninsula Township is a desirable place to live and visit because of its panoramic views of agricultural acreage interspersed with stands of trees, open fields and rolling terrain. The framing of many of these views with the sight of clean, open bay waters creates a spectacularly spacious effect. The views, agriculture and open spaces, woodlands, wetlands and dark night sky are all considered valuable natural and aesthetic resources which should be protected.

(2) The climate, significant changes in elevation and proximity to water make this a unique area where certain crops can be grown as well as or better than anywhere else. These resources not only include more than seven thousand acres of land suitable for farming they also include other woodland, wetlands and open lands adjacent to these farmlands. Such lands provide unique, aesthetic and economic benefits to the citizens of the Township and are an important part of the Township's heritage. However, Peninsula Township is experiencing substantial development pressure because of its location adjacent to Traverse City. The same characteristics which have made this area so desirable for fruit production also make it attractive for residential sites.

(3) The agricultural industry in Peninsula Township provides the opportunity to harvest locally grown fruit and vegetables to sell at roadside stands and other local outlets in the Township. Land suitable for farming is an irreplaceable natural resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. When such land is converted to residential or other urban uses which do not require those special characteristics, an important community resource is permanently lost to the citizens of Peninsula Township.

(4) It is the policy of the State of Michigan and Peninsula Township to protect, preserve and enhance agricultural and open space lands as evidenced by the Peninsula Township Comprehensive Plan including open space policies, the Farmland and Open Space Preservation Act of 1974 (P. A. 116), the Historic and Conservation Easement Act and the Township Ordinances regulating land use by zoning and subdivision control. However, these policies and regulations, by themselves, have not been effective in providing long-term protection of farmland, shoreline and open space lands under the pressure of increasing urban development.

(5) Agriculture on Old Mission Peninsula is predominantly fruit production; the majority of the nation's tart cherries are grown within this region. Of the 17,000 acres of land in Peninsula Township, there are currently 12,000 acres in the Agricultural District of which some 7,000 acres provide the basis for the township's currently active agricultural enterprises.

(6) Generally, Farmland and Open Space Lands which are close to urban centers have a greater market value for future urban development than their market value for farming or open space, and prime fruit land has the same features of high elevations and proximity to water that are components of desirable residential areas. This fact encourages the speculative purchase of these lands at high prices for future development, regardless of the current zoning of such lands. Farmland which has a market value greater than its agricultural value does not attract sustained agricultural investment and eventually this land is sold by farmers and removed from agricultural uses.

(7) The permanent acquisition by the Township of voluntarily offered interests in Farmland and Open Space Lands within the Township, as provided in this Ordinance and as authorized by the Constitution and statutes of the State of Michigan, will permit these lands to remain in farmland and open space in a developing urban area and provide long-term protection for the public interests which are served by Farmlands and Open Space Lands within the Township.

(8) Properties on which the Township has purchased the Development Rights should remain substantially undeveloped in order to promote their "Agricultural Use".

(9) The acquisition of interests in Farmland and Open Space Lands as provided in this Ordinance is a public purpose of Peninsula Township and financing such acquisition requires that the Township enter into purchases or installment purchases not to exceed statutory limits.

## **SECTION 2 Definitions**

(1) "Agricultural Use" means substantially undeveloped land devoted to the production of plants and animals useful to man, including fruits; grapes; nuts; vegetables; green house plants; Christmas trees; forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; and other similar uses and activities.

(2) "Agricultural Rights" means an interest in and the right to use and possess land for purposes and activities related to open space, horticultural and other agricultural uses.

(3) "Appendix A" of this Ordinance means the maps which describe designated areas of Eligible Lands for purposes of priority of acquisition as provided in this Ordinance. Official large scale maps describing such areas in detail are hereby filed with the Peninsula Township Clerk and incorporated herein by this reference. Smaller scale maps generally illustrating such areas are appended to this Ordinance for more readily accessible public reference.

(4) "Chairperson" means the member of the Selection Committee who is elected Chairperson by the Selection Committee.

(5) "Development" means an activity which materially alters or affects the existing conditions or use of any land.

(6) "Development Rights" means an interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agriculture and open space.

(7) "Development Rights Easement" means a grant, by an instrument, whereby the owner relinquishes to the public in perpetuity, the right to develop the land as may be expressly reserved in the instrument, and which contains a covenant running with the land, not to develop, except as this right is expressly reserved in the instrument.

(8) "Eligible Land" means Farmland and Open Space Land for which the purchase of "Development Rights Easements" with tax funds are authorized pursuant to this Ordinance.

(9) "Farmland and Open Space Land" means those lands shown in the Township Master Plan as an Agricultural Preserve Area as adopted and amended from time to time by the Peninsula Township Planning Commission.

(10) "Full Ownership" means fee simple ownership.

(11) "Governmental Agency" means the United States or any agency thereof, the State of Michigan or any agency thereof, any Township, City or municipal corporation.

(12) "Owner" means the party or parties having the fee simple interest, a real estate contract vendor's or vendee's interest, or a mortgagor's or mortgagee's interest in land.

(13) "Parcel" means contiguous property under one ownership that is included in an application.

(14) "Permitted Use" means any use contained within a development rights easement essential to the farming operation or which does not alter the open space character of the land.

(15) "Selection Committee" means the Committee formed pursuant to Section 6 of this Ordinance to advise the Township Board in the selection of Eligible Lands for purchase.

(16) "Substantially Undeveloped Land" means land on which there is no more than 1 residential dwelling unit (exclusive of migrant housing units) for each 20 acres of land.

(17) "Supervisor" means the Peninsula Township Supervisor.

(18) "Township Board" means the Peninsula Township Board.

(19) "Value of Development Rights" means the difference between the fair market value of Full Ownership of the land (excluding the buildings thereon) and the fair market value of the Agricultural Rights plus any Residential Development Rights to be retained by the owner.

### **SECTION 3 Authorization**

(1) The Township Board is hereby authorized to expend tax revenues to acquire property interests in the Farmlands and Open Space Lands described and prioritized in Section 5 of this Ordinance. The property interest acquired may be either the Development Rights, or any lesser interest, easement, covenant or other contractual right. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this Ordinance. The collected tax revenues shall be used to acquire such property interests only upon application of the Owner and in a strictly voluntary manner.

(2) The Township is authorized to enter into cash purchase and/or installment purchase contracts consistent with applicable law. When installment purchases are made, the Township is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment contract and adjusted for the tax-exempt status of such interest.

(3) The Township Board is further authorized to contract with other parties, for example American Farmland Trust, to participate jointly in the acquisition of interests in Eligible Lands.

(4) The Township shall contract with a recognized and legally established non-profit land conservancy or other experienced and qualified individual that would share in the process of negotiating easements and establishing both the baseline studies and the procedures for monitoring of any conservation easements acquired under this Ordinance and would be done in accordance with "The Standards and Practices Guidebook" issued in 1989 by the Land Trust Alliance.

(5) Interest which the Township owns in property other than Eligible Lands may be exchanged for property interests in Eligible Lands on an equivalent appraised value basis. If the property interest exchanged is not exactly equal in appraised value, cash payments may be made to provide net equivalent value in the exchange.

(6) The Township Board shall budget on an annual basis for monitoring of all Development Rights Easements purchased under the authority of this Ordinance (Not to exceed \$1000.00 annually from General Fund Money).

#### SECTION 4 Retained Residential Development Rights

(1) To promote the "Agricultural Use" of properties on which the Township has purchased the Development Rights, it has been determined that such properties should remain substantially undeveloped.

(2) It is in the best interest of property owners and of the Program to Purchase Development Rights that property owners retain some residential development rights so long as the land remains substantially undeveloped. When property owners retain some development rights their land value remains higher than it would be if they sold all their Development Rights and the value of the Development Rights to be purchased is correspondingly reduced.

(3) Applications for the sale of Development Rights may include a provision to retain the right to build residential dwellings (Residential Development Rights), provided, that no retained residential development rights would result in more than one dwelling unit per twenty (20) acres of land (exclusive of approved migrant housing units). This is not to preclude the sale of all the remaining Development Rights on a property that has existing dwelling units in excess of one dwelling unit per twenty acres of land.

(4) The building locations for retained Residential Development Rights may be restricted in the negotiated "Development Rights Easement" in order to protect Scenic Views identified in the Township Comprehensive Plan.

#### SECTION 5 Eligible Lands and Priority of Acquisition

The tax revenues shall be used to purchase property interests in the following lands in the following order of their priority subject to the provisions of Section 7.

Primary Criteria that all properties must meet:

Voluntary application by the property owner and included in the Agriculture Preservation Area Map adopted by the Peninsula Township Planning Commission as it may from time to time be amended.

Criteria for Selection Within Same Priority.

The following criteria shall be used in determining which offers to accept in the event that funds are not adequate in any Selection Round to purchase Development Rights on all Eligible Lands of equal priority for which valid offers have been received by the Township:

Cumulative Points

21-30 1. Parcel by class is shown on Prime Scenic View Map adopted by the Peninsula Township Planning Commission.

- a. Class I - (30)
- b. Class II - (27)
- c. Class III - (24)
- d. Class IV - (21)

20-30 2. Parcels with percentages of green and/or yellow rated sites as shown on the Red Tart Cherry Site Inventory for Grand Traverse County published by the Soil Conservation Service.

- a. 90 % or more - (30)
- b. 50% to 89.9% - (25)
- c. 30% to 49.9% - (20)

10 3. Contiguous with other properties currently being farmed. Parcel which is  
10 4. greater than 10 acres and is adjacent to agricultural lands that are permanently preserved or on which Development Rights have been offered for sale.

5 5. Parcels offered for development rights purchase that are 10 acres or more in size.

5 6. Parcels which are less than 10 acres in size and adjacent to agricultural lands that are permanently preserved or on which Development Rights have been offered for sale.

Up to 25 points for Physical Characteristics based on PROFESSIONALLY QUALIFIED site analysis to be used when other point totals are equal (Tie Breaker).

(25) 7. Physical Characteristics

- a. Soil Factors
  - (1) Texture
    - 2 (a) Coarse loamy sand
    - 1 (b) Fine loamy sand
  - (2) Drainage
    - 2 (a) Well drained
    - 1 (b) Moderately well drained
  - (3) Depth/rooting restrictions
    - 2 (a) No restrictions to 48 inches
    - 1 (b) Coarse fragments

- b. Physiographic Factors
  - (1) Slope
    - 2 (a) 2-12%
    - 1 (b) 0-2%
  - (2) Elevation
    - 2 (a) Minimum 640 feet above sea level.
  - (3) Air Drainage
    - 2 (a) Uninterrupted airflow to major air storage basin.
    - 1 (b) Minor obstruction of air flow to major air storage basin.

## **SECTION 6 Selection Committee**

(1) A seven-member Selection Committee shall be appointed by the Township Board within ninety (90) days following the approval of the Millage by the voters. The Selection Committee shall advise the Township Board in the selection of Eligible Lands on which Development Rights are offered for acquisition by their owners. Selection Committee recommendations for the selection of Eligible Lands shall be made by a majority of its members.

(2) The Selection Committee shall consist of residents and/or property owners of the Township chosen to provide equitable representation of geographical and agricultural interests. The Township Board may appoint ex-officio members.

(3) The Selection Committee may consult experts as it may desire and the Township Board may appropriate funds for that purpose.

(4) Members shall serve three-year terms, except that the initial term of three members shall be two years and terms of four members shall be three years. Members may be removed by the Township Board for good cause as determined by the Township Board. Members shall not be compensated for their services but shall be reimbursed for expenses actually incurred in the performance of their duties. Members may be reappointed to successive terms but the Selection Committee shall be terminated when the proceeds of the Millage vote have been spent.

(5) No member shall vote on the selection of individual parcels in which they have an interest or on individual parcels adjacent to property in which they have an interest.

## **SECTION 7 Selection**

Beginning in the first year following the Millage election and continuing at least once a year until all proceeds of the Millage election have been expended, the Township Board shall conduct a voluntary property selection process (herein called "Selection Round") generally as follows:

(1) In each Selection Round the Development Rights on all Eligible Land properties offered shall be eligible for purchase. In all Selection Rounds properties of higher priority shall be purchased with available funds before properties of lower priority are purchased, provided:

- a. If the average appraised value per acre of Development Rights on a given parcel deviates by 30% or more from the median appraised value of all appraised properties, then the Township Board may renegotiate for a lower price and/or seek outside funding for the purchase of Development Rights on that parcel.
- b. In the interest of protecting a significant amount of agricultural land, the Township Board may determine not to buy all or any of the development rights on a particular parcel if the Board makes a finding that it is in the best

- interest of the program to protect a larger number of acres rather than a smaller number of acres of higher valued development rights.
- c. In the event that points are assigned to properties based on a view shed and the whole scenic view is not protected because either some of the properties in the view shed are not offered or an easement that protects the scenic view cannot be successfully negotiated, then the Selection Committee shall determine and remove those scenic view points from all parcels that might be obstructed by development on the non-protected parcel.
  - d. The selection committee shall remove points that were given because the property was adjacent to properties with offered development rights and those adjacent development rights are no longer offered.
  - e. The selection committee may receive and act on appeals of any factual nature by affected property owners, and any appeal may be reviewed by the Township Board.

(2) The Township Board shall begin each Selection Round by giving notice in one newspaper of general circulation in Peninsula Township. The notice shall describe the properties eligible for purchase in that Selection Round, the general procedure to be followed in the selection process, including an estimated time schedule for the steps in the process, and shall invite the Owners of such properties to make application for purchase of Development Rights by the Township and to describe the property interest which the Owner is willing to sell, such document shall include any residential development rights to be retained by the owner.

(3) Upon closing of the application period, the Selection Committee shall review each application which has been received to determine the eligibility and priority classification of each property interest and to verify ownership by title search. For properties located within a Prime Scenic View as shown on the Map adopted and as may from time to time be amended by the Peninsula Township Planning Commission as part of the Township Comprehensive Plan the Selection Committee shall request the Planning Commission to provide recommended building and/or vegetation restrictions as necessary to protect the scenic view.

(4) For those applications which meet the requirements of SECTION 5. Eligible Lands and Priority of Acquisition above, the Selection Committee shall cause an appraisal of the applicant's property interest to be made. A "before and after" appraisal shall be made to determine the Value of Development Rights. One appraisal shall determine the fair market value of Full Ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the Agricultural Rights plus any specifically retained Residential Development Rights.

(5) Appraisals shall be made by State Certified Appraisers selected by the Selection Committee on a bid basis. The selected appraiser shall not have a property interest, personal interest or financial interest in Eligible Lands. In the event that the low bidder has a conflict of interest associated with a potential easement, the second low bidder will conduct that appraisal. In any event, the same appraiser shall conduct the before and after appraisals.



(6) Appraisals shall be in writing and shall be furnished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Township or by Owners of the property appraised but corrections of the appraisal may be made only by the appraiser. If an Owner of property believes it has not been adequately appraised, such Owner may, and within the time allowed on the selection schedule have a review appraisal be made at the Owner's expense by a State Certified appraiser. The appraisal shall then be filed with the Selection Committee. The Selection Committee shall use both appraisals to reach an agreement as to the appropriate value of the development rights.

(7) Terms and conditions of sale and information on the effect of the sale may be discussed by the entire Selection Committee with Owners prior to the submission of written applications.

(8) Written applications by owners who desire to have their Development Rights purchased by the Township shall be submitted on forms provided by the Township. These written offers shall include any development options desired to be retained by the owners.

(9) Upon receiving the recommendations of the Selection Committee, the Township Board shall take final action on such recommendations.

#### SECTION 8A. Duration of Acquired Interests and Relinquishment of Any Interest.

Development Rights acquired pursuant to this Ordinance shall be held in trust by the Township for the benefit of its citizens in perpetuity, subject to the following: If the Township Board shall find that Farmland and Open Space Land described in this Ordinance can no longer reasonably be used for "Agricultural Use" as to any interest in land acquired with Millage proceeds, the Township Board shall submit to the voters of the Township a proposition to approve of the disposition of such interest. Only upon a majority vote approving such proposition can such interest be disposed of by the Township and the proceeds of such disposition shall only be used for the acquisition of interests in "Eligible Lands" as provided in this Ordinance. A "before and after" appraisal shall be made to determine the Value of Development Rights, and the Township shall not sell the Development Rights for an amount less than the appraised value of the Development Rights determined as follows: One appraisal shall determine the fair market value of Full Ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the Agricultural Rights plus any retained development rights. Appraisals of the fair market value of Full Ownership or of a property interest other than Development Rights shall be made by State Certified Appraisers selected by the Selection Committee on a bid basis. The selected appraiser shall not have a property interest, personal interest or financial interest in Eligible Lands. In the event that the low bidder has a conflict of interest associated with a potential easement, the second low bidder will conduct that appraisal. In any event, the same appraiser shall conduct the before and after appraisals.

SECTION 8B. Amendment of Conservation Easement. Because of the public trust that is inherently involved with the Purchase of Development rights and the corresponding intent that all conservation easements endure in perpetuity, amendments of conservation easements are to be discouraged and can only be amended in compliance with strict standards. An application for an amendment of a Conservation Easement and any amendment of the terms and conditions of a Conservation Easement shall proceed in accordance with the following provisions:

- (1) Application. Application for amending a recorded Conservation Easement shall be made to the Township Clerk on a form approved by the Township Clerk, along with a non-refundable fee as determined by the Township Board by resolution.
- (2) Application Costs.
  - a. The Township shall not be responsible for any expenses incident to the request for amendment.
  - b. All costs associated with the requested amendment, including appraisals, attorney fees and publication fees, shall be paid by the applicant.
  - c. Prior to undertaking any direct expenses related to the request, the Township Board shall require a deposit to cover the estimated costs associated with consideration of the request. All unexpended funds shall be returned to the applicant.
- (3) Public Hearing. The Township Board shall hold a public hearing prior to consideration of an amendment to a Conservation Easement. The notice shall meet the same time requirements as a notice for a Planning Commission public hearing for a Zoning Ordinance amendment.
- (4) Notice. All property owners within 1,320 feet of the property shall be given written notice of the application for amendment of an existing Conservation Easement. The notice shall include the existing and proposed conditions. It shall also state where the public hearing will be held and where the application can be viewed. The notice shall also include the legal description and the street address of the parcel to allow the public to locate the property.
  - a. Standards. An amendment to a Conservation Easement shall not be granted by the Township Board if the amendment causes any of the conditions set forth in Section 8B.(5) i-vii to occur, unless a finding is made that the standards in both Section 8B.(5) b. and c. have been satisfied:
    - i. The amendment increases the number of future dwelling units.
    - ii. The amendment increases the probability of parcel fragmentation.
    - iii. The amendment results in a scattering of residences more than prior to the amendment.
    - iv. The amendment increases the amount of driveway across prime and unique agricultural land necessary to access dwellings.
    - v. The amendment reduces the net amount or quality of productive agricultural land as a result of the amendment.
    - vi. The amended building sites interfere with air drainage.

vii. The amendment results in new buildings located in identified scenic views.

b. The possible adverse effects on adjacent property, particularly adverse visual effects on adjacent conservation easement parcels, shall be determined to be less than the positive benefits of the proposed amendment.

c. The amendment enhances the Conservation Easement program as described in the Findings and Declaration of Purpose in the Ordinance. Examples of enhancement include:

a residence or reserved building is moved from the current location to a location further away from land being actively farmed;

a residence or future building site is moved and placed in an area of existing buildings;

a residence or future building site is moved to a location on adjacent property that consolidates residences in a cluster;

an existing building is moved from a prime scenic view and relocated to another site that is out of prime scenic view;

a building or reserved building site is moved from a location that creates an adverse impact on farming operations due to its location or access to a site that has less of an adverse impact;

the amendment will result in a larger block of agricultural land without an existing residence or future building site.

The Township Board shall make written findings of fact as to the foregoing conditions and standards.

(5) Appraisal of Changes in Value: Prior to a final decision on a proposed amendment to a recorded Conservation Easement, the Township shall obtain an appraisal of the property (paid for by the property owner) to determine if the value of the retained development rights is increased as a result of the amendment. If the appraisal indicates that the value of the retained development rights is increased as a result of the proposed amendment, the property owner shall pay to the Township Purchase of Development Rights Fund an amount equal to the amount of the increase in the event the amendment is approved.

(6) Publication. The Township Board shall publish its decision to amend a Conservation Easement in the same manner as an amendment to the Township Zoning Ordinance.

(7) Referendum. A decision by the Township Board to amend a Conservation Easement shall be subject to a referendum with the same standards and

procedures for a referendum on a Zoning Ordinance amendment. A petition for referendum shall stay any action until the decision has been approved by the voters.

- (8) Recording. All approved amendments that are no longer subject to referendum shall be recorded at the Grand Traverse County Register of Deeds Office along with written findings of fact which explain the reasons for the amendment.

#### SECTION 9 Related Costs

The costs of appraisal, engineering, surveying, planning, financial, legal and other services lawfully incurred incident to the acquisition of interests in Eligible Lands by the Township shall be paid from the proceeds of the Millage, however, the Township shall not be responsible for expenses incurred by the Owner incident to this transaction.

#### SECTION 10 Supplemental Funds

Supplemental or matching funds from other Governmental Agencies or private sources may become available to pay a portion of the cost of acquiring Development Rights, or some lesser interest in Eligible Lands or to supplement or enlarge such acquisition. The Township Board is hereby authorized to utilize such funds to purchase interests in Eligible Lands or to otherwise supplement the proceeds of the Millage in the manner provided by this Ordinance and in accordance with the applicable laws or terms governing such grant.

#### SECTION 11 Township Purpose

The Township Board finds and declares that the use of Township funds for the purpose of paying in whole or in part the cost of acquisition of interests in Eligible Lands as set forth herein, including any costs necessarily incident to such acquisition, and the monitoring and enforcement of development rights easements, or to participation with any party for such purposes will promote the public health, safety, and general welfare of the people of Peninsula Township.

#### SECTION 12 Development Rights Acquisition Fund

The revenues from the Millage shall be deposited in a Farmland Development Rights Acquisition Fund to be hereafter created in the office of the Treasurer of Peninsula Township (here and after "Acquisition Fund"). Money in such Acquisition Fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money.

The revenues from the Millage and any interest received from the deposit or investment of such revenues shall be applied and used solely for the purposes set forth in this Ordinance.

#### SECTION 13 Development Rights Enforcement Fund

The Township Board shall establish a Development Rights Enforcement Fund (here and after "Enforcement Fund") from the proceeds of the Millage vote in an amount of not less than \$40,000.00 to be used for enforcement expenses, including initial follow-up with the landowner, review and inspection of remedial measures, and legal, engineering, and other professional services. Money in such Enforcement Fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money.

The interest received from the deposit or investment of such revenues shall be

Adopted PDR Ordinance Page -13-

applied and used solely for the purposes set forth in this Section.

**SECTION 14 SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

# **Statement Concerning Moratorium Ordinance and Notice of Intent**

## **STATEMENT CONCERNING MORATORIUM ORDINANCE**

Ordinance 22-06-14 extends a moratorium on new or amended special use permits in the A-I Agricultural District until January 1, 2023, and expands the moratorium to also include new or expanded Farm Processing Facilities in the A-I District for the same time period. The moratorium was made necessary by (1) the township's continuing process of amending the zoning ordinance to comprehensively update its provisions, which has been ongoing for several months, and (2) the recent decision by the federal court that calls into question several provisions of the current zoning ordinance within the A-I District. Since zoning is a uniquely forward-looking process, it is important to solidify the uses permitted by the zoning ordinance before permitting new uses or changed uses to proceed. Members of the public and property owners alike will benefit from increased certainty by briefly preventing the establishment of new or changed land uses prior to the effect of the new zoning provisions. Otherwise, those new land uses could become nonconforming uses that do not match the township's zoning into the future and may be a source of tension between inconsistent land uses for years to come.

Michigan and federal courts, including the U.S. Supreme Court, have approved zoning moratoria as lawful and legitimate measures to prevent harm to the public during the time it may take to study, review, and amend a zoning ordinance to address issues concerning future zoning and development. In some cases, courts have approved moratoria that continued for two years or more. The moratorium proposed here is much shorter and is narrowly focused to address only a limited number of potential future uses in the A-I District.

The moratorium will not affect existing land uses to the extent and scope that they were established and permitted in the past. Therefore, no property owner's reasonable past investments in their property will be harmed. Property owners will be better able to direct their future investments in potential improvements after the contemplated zoning amendments have become effective.

The recent opinion from the federal court also seems to expressly contemplate that the township would review and revise the current regulations and conditions under which commercial and processing uses may be located within the A-I District. Although the court disapproved of a number of the current zoning regulations and conditions, it did not find that the township lacks authority to adopt reasonable regulations and conditions for such uses in the A-I District. By addressing the issues identified by the court, the township can establish a sounder basis for permitting non-agricultural uses in the A-I District, clarify how property owners can continue or expand those uses, and protect other citizens from the consequences of potentially inconsistent uses in the A-I District.

June 21, 2022

Becky Chown, Clerk  
Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Re: Notice of Intent to File Petition Under MCL 125.3402

Dear Ms. Chown:

The undersigned, a registered elector residing in Peninsula Township, hereby gives notice of intent to file a referendum petition, pursuant to MCL 125.3402, regarding Peninsula Township Zoning Ordinance 2022-06-14, adopted by the Township Board on June 14, 2022, and published in the Traverse City Record-Eagle on June 16, 2022.

Very truly yours,



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Jennifer Bramer

cc: Joseph Infante, Miller Canfield



# **Resolution 2022-07-12 #1**

**Resolution 2022-07-12 #1**  
**Authorizing Salary Adjustment for Peninsula Township Trustees**

Present: \_\_\_\_\_

Absent: \_\_\_\_\_

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to approve resolution 2022-07-12 #2 authorizing the salary of Peninsula Township trustees to be adjusted to a flat rate of \$7,500.00 annually with the new rate effective in the next paycheck and authorizing the treasurer to note the change in the amended budget report.

Upon a roll call vote, the following voted:

Aye: \_\_\_\_\_

Nay: \_\_\_\_\_

The chairman declared the resolution adopted.

\_\_\_\_\_  
Becky Chown,  
Peninsula Township Clerk

July 12, 2022

**Resolution 2022-07-12 #2,  
Enhanced Access to Public  
Records Policy and Memo**

**RESOLUTION 2022-07-12 #2**  
**PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY**  
**RESOLUTION TO ADOPT ENHANCED ACCESS TO PUBLIC RECORDS POLICY**

At a special meeting of the Township Board of Peninsula Township, Grand Traverse County, Michigan, held at the Peninsula Township Hall, on \_\_\_\_\_, 2022, at \_\_\_\_\_ p.m.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_:

**WHEREAS**, the township desires to provide enhanced access to certain public records under the Enhanced Access to Public Records Act, 1996 PA 462, MCL 15.441 *et seq.* (the "Act"); and

**WHEREAS**, the act allows enhanced access for inspecting, copying, or purchasing certain public records at reasonable fees in an Enhanced Access to Public Records Policy.

**NOW, THEREFORE, BE IT RESOLVED**, by the Peninsula Township Board, Grand Traverse County, Michigan as follows:

1. The township hereby adopts the attached Enhanced Access to Public Records Policy.
2. All prior resolutions inconsistent herewith are hereby rescinded.

ROLL CALL VOTE:

AYE: \_\_\_\_\_

NAY: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Isaiah Wunsch, Peninsula Township Supervisor

**CERTIFICATION**

I, the undersigned, the duly qualified and acting clerk for the Peninsula Township, Grand Traverse County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by Peninsula Township at a meeting held on \_\_\_\_\_, 2022, and further certify that the above Resolution was adopted at said meeting.

\_\_\_\_\_  
Becky Chown, Clerk  
Peninsula Township

## **PENINSULA TOWNSHIP ENHANCED ACCESS TO PUBLIC RECORDS POLICY**

Pursuant to the Michigan Enhanced Access to Public Records Act, MCL 15.441 *et seq.* (the “Act”), Peninsula Township (the “Township”) establishes this Policy imposing reasonable fees to recoup the costs related to enhanced access requests, especially since these requests involve information assembled, maintained, stored, and kept by the Township at great cost and could result in an unusually high cost to the Township. Therefore, Peninsula Township will charge reasonable fees to recover the costs of provide the enhanced access to public records, in accordance with this Policy and the Act.

### **1. AUTHORIZATION**

- A. Pursuant to the Act, the Township establishes this Policy in order to provide enhanced access for the inspection, copying, or purchasing of certain public records that are not confidential or otherwise exempt by law from disclosure.
- B. This Policy does not require the Township to provide enhanced access to any specific public record other than those identified herein.
- C. The Township may make the following public records available for enhanced access:
  - 1. Tax roll information;
  - 2. Assessment roll information;
  - 3. Voter registration lists;
  - 4. Voter records; and
  - 5. GIS records.
- D. The enhanced access provided by the Township entails placing all or a portion of a public record listed above on electronic media or in a digital format compatible with the Township’s computer equipment and the requestor’s preference for delivery or disclosure.

### **2. DEFINITIONS**

- A. “Enhanced access” includes a public record's availability for public inspection, purchase or copying by electronic or digital means. Enhanced access does not include the transfer of ownership of a public record.
- B. “Geographical Information System” (GIS) means an informational unit or network capable of producing customized maps based upon a digital or electronic representation of geographical data.

- C. "Operating expenses" include, but are not limited to, the Township's direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the cost of computer hardware and software, systems development, employee time, the review and redaction of any private, confidential, or other information that may be protected from disclosure by law, and the actual cost of supplying the information or record in the form requested by the requestor.
- D. "Person" means that term as defined in Section 2 of the Freedom of Information Act (the "FOIA"), Act No. 442 of the Public Acts of 1976, MCL 15.232.
- E. "Public Body" means that term as defined in Section 2 of the FOIA.
- F. "Public Record" means that term as defined in Section 2 of the FOIA.
- G. "Reasonable fee" means a charge calculated to enable the Township to recover over time those operating expenses directly related to the Township's provision of enhanced access.
- H. "Software" means that term as defined in Section 2 of the Act.

### **3. FEES**

- A. It is the policy of the Township to charge a reasonable fee for providing enhanced access to a public record subject to this Policy.
- B. Except as otherwise provided by law, the Township Clerk or FOIA Coordinator may propose reasonable fees for each public record made available for enhanced access and propose amendments to the Fee Schedule attached as Exhibit A. The Township Clerk or FOIA Coordinator shall present all proposed amendments to this Policy or the Fee Schedule to the Township Board for approval before such any fees authorized by such amendments are charged.
- C. Except as otherwise provided by law or this Policy, the Township shall charge all requestors reasonable fees in accordance with this Policy and the Fee Schedule approved by the Township Board for enhanced access to public records.
- D. The Township may furnish enhanced access to public records without charge or at a reduced fee if the Township Clerk or FOIA Coordinator determines that a waiver or reduction of a fee is in the public interest because enhanced access would primarily benefit the general public. Examples of when a fee may be reduced or waived include, but are not limited to, when:
  - 1. The information is critical to public health or public safety.
  - 2. The information is required to meet legal or governmental objectives, as opposed to private objectives of the requestor.

3. The information explains the rights, entitlements and/or obligations of the requestor.
  4. The cost of administering the fees would exceed the fees collected by the Township.
  5. The reasonable fee would have a serious detrimental impact on the financial position of groups or classes of citizens.
  6. Controlling law on enhanced access to such public records at no cost or a reduced fee.
- E. The Fee Schedule in Exhibit "A" attached hereto is adopted and established as the Fee Schedule for obtaining any information under this Policy, subject to amendment of this Policy or the Fee Schedule, as stated otherwise herein or therein.

#### **4. DISCLAIMERS**

- A. Recipients of enhanced access public records receive all information "AS IS." The Township, its officers, officials, employees, agents, volunteers, contractors, and public agencies make no warranties of any kind, including but not limited to warranties of accuracy, fitness for a particular purpose, or of a requestor's right of use.
- B. Enhanced access does not include the transfer of ownership of a public record.
- C. This Policy and the attached Fee Schedule are subject to amendment by the Township Board, including amendments that may be deemed necessary by the Township Board after the Township receives a request for enhanced access that is not specifically or adequately addressed in this Policy or the attached Fee Schedule, in the Township Board's determination, since the Township may receive specific requests for enhanced access that are not yet known or fixed, and this Policy and the attached Fee Schedule are intended to assure the Township's ability to recover a reasonable fee for enhanced access under all the considerations above.

Policy Adopted by the Peninsula Township Board \_\_\_\_\_, 2022.

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Becky Chown, Clerk  
Peninsula Township

## **Exhibit A**

### **ENHANCED ACCESS FEE SCHEDULE**

1. Peninsula Township will charge reasonable fees to recover the costs of providing enhanced access to public records.
2. The reasonable fees shall include, but not be limited to, the direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the pro-rated cost of computer hardware and software, system development, employee time, the cost to review and redact any private, confidential, or other information that may be protected from disclosure by law, and any other actual costs incurred in creating, recording, storing, keeping and supplying the information or record in the form requested by the requestor.
3. When calculating employee time, the Township shall utilize the actual wage (plus benefits) of the lowest paid employee capable of performing the task.
4. The Township Clerk shall estimate the reasonable fee for a request for enhanced access to public records in accordance with the foregoing and present the estimate to the requestor. Prior to the Township incurring costs in response to the request, the requestor shall post a cash deposit with the Township Clerk equal to at least ½ of the estimated cost before providing the enhanced access public records.
5. The Township shall not provide the requested enhanced access to public records to a requestor until full payment therefor has been made to the Township.
6. This Fee Schedule is subject to amendment by the Township Board, including amendments that may be deemed necessary by the Township Board after the Township receives a request for enhanced access that is not specifically or adequately addressed in this Fee Schedule, since specific requests for enhanced access that the Township may receive are not yet known or fixed, and the policy of this Fee Schedule is to assure the Township's ability to recover a reasonable fee for enhanced access under all the considerations above.



# PENINSULA TOWNSHIP

## MEMO

**TO:** Township Board

**FROM:** Beth Chan, FOIA Coordinator

**DATE:** July 12, 2022

**RE:** Township FOIA requests January through June 2022

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From January to June of 2022, seventeen FOIA requests were received: five were abandoned or withdrawn, seven were fulfilled and five are currently in process. These requests have taken approximately seventy-five hours of time to administer, fifty-five hours of staff time to locate, review and examine the records, and 1,100 copies. With many of the requests, the township attorney has reviewed records and provided letters of response. Many of the requestors are not charged. The FOIA only allows us to charge for labor costs in circumstances in which the "failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs." MCL 15.234(3). Several of the requests received by the township have resulted in unreasonably high costs to the township and the requestor was charged accordingly. Peninsula Township

# **Coastal Community Resilience Matching Grant Program**

## Scope of Services

### ***Planning for Coastal Resilience in Peninsula Township***

Under the Coastal Community Resilience Matching Grant Program

#### **INTRODUCTION**

Great Lakes coastal communities face a unique subset of vulnerabilities and challenges that shift and change under unpredictable conditions over long periods of time. It is no secret the Great Lakes are one of the most unique and dynamic environmental features in the world. The Great Lakes Basin contains more than 20% of the world's surface freshwater, 84% of North America's surface freshwater and supports a population of more than 33 million people. Michigan — the Great Lakes State — is surrounded by four of the five Great Lakes and is home to 3,300 miles of Great Lakes shoreline.

Yet in general, riparian land (land adjacent to water bodies) in coastal communities throughout the state is not adequately protected from development pressures. Coastal communities especially have an important role to play in protecting the Great Lakes. Way back in 2001, the Michigan Department of Environmental Quality acknowledged "fragmentation of coastal habitats, loss of agricultural and forest lands, increased impervious surfaces and resulting stormwater runoff, and the increased development of coastal hazard areas, wetlands and Great Lakes Islands, could be improved through better coastal land use planning." The high Great Lakes water levels of 2020 brought a new sense of urgency to coastal communities.

Planning for coastal areas at the local level requires knowledge of both local conditions and state and federal regulations. It also calls for a robust community engagement effort, ensuring that key stakeholders and the public at large understand the need to implement best practices that support coastal sustainability. Therefore, the goal of this project is to help Peninsula Township plan for and respond to changes to the challenges of our ever-changing shoreline.

#### **ABOUT LIAA**

Founded in 1993, the Land Information Access Association (LIAA) is a federally approved, Section 501(c)(3) nonprofit corporation that works to make Michigan communities even better places to live, work and play. From its headquarters in Traverse City, LIAA serves communities throughout the state with a staff of nine professionals. LIAA provides innovative community-building and support services for governments, organizations and individual citizens, including: community planning and development; geographic information systems (GIS) and cartography; asset inventories and asset mapping; website development, software and database development, and IT support; community media and video production; public resource management; and related facilitation, training and education. A six-member volunteer Board of Directors oversees all of LIAA's operations, finances and programs. LIAA staff are all based in Traverse City.

LIAA is recognized as a leading organization in coastal resilience planning. LIAA has developed *Resilience Master Plans* in over a dozen communities across Michigan as well as plans for the three primary military installations in Michigan. In addition, LIAA and its partners have developed several statewide resilience planning resources, including the *Planning for Resilient Communities Handbook*. More recently, LIAA worked with the Michigan Association of Planning to develop the content for its annual Spring Institute as well as a series of statewide training workshops.

## **SCOPE OF SERVICES**

This project will provide Peninsula Township with education and an informed analysis on coastal processes and hazards in the community. Deliverables include public education and engagement, flood scenario mapping, vulnerable population mapping and data, and a shoreline sustainability assessment, all compiled into a published chapter of information that can be added to a municipality's Master Plan and/or other municipal plans.

### **Complete the Coastal Sustainability Assessment**

LIAA will compile the data necessary for the community to make informed land-use decisions that are conducive to community resilience. This will involve data collection and mapping that illustrates different shoreline flood risk scenarios; shoreline movement, both historical, current and projected; tree canopy and impervious surfaces; and areas of the community with populations most associated with vulnerability to adverse impacts.

Additionally, LIAA will use its Coastal Sustainability Self-Assessment Tool to evaluate the township's planning documents and code of ordinances to outline what the township is and is not already addressing in its municipal documents. LIAA will work with knowledgeable local staff and officials to access relevant documents and to vet the initial findings of the assessment.

### **Develop a Coastal Resilience Master Plan Chapter**

LIAA will develop and finalize a coastal resilience Master Plan Chapter that the township can include in its Master Plan. The chapter will include a comprehensive description of the problems facing Michigan's coastal communities, along with the results of LIAA's mapping and data analyses for the township. The chapter will also include the draft goals and objectives.

### **Public Engagement**

A project website developed by LIAA will serve as a repository for project documents and opportunities for the public to provide input. LIAA will provide the results of the community assessment and a draft version of the Master Plan chapter addendum at a public meeting (e.g., Planning Commission, Township Board, online open house, etc.). This will allow the community to provide feedback on the data, findings and draft goals and objectives.

## **PROJECT COSTS**

The total value of services provided under the project is \$15,000. Local cost share for Peninsula Township is not to exceed \$7,500, which will be matched dollar for dollar by the Coastal Community Resilience Grant Program. Financial assistance for this project is being provided, in part, by the Michigan Coastal Management Program, Department of Environment, Great Lakes, and Energy, and is supported through a grant under the National Coastal Zone Management Act of 1972, as amended, administered by the Office for Coastal Management, National Oceanic and Atmospheric Administration.



**Due Date: First Come, First Served While Resources Last; Project Completion No Later Than December 2022. Contact Matt Cowall at 231-929-3696 or [mcowall@liaa.org](mailto:mcowall@liaa.org)**

## **SPECIAL FUNDING OPPORTUNITY: 2022 COASTAL COMMUNITY RESILIENCE MATCHING GRANTS**

With generous matching funding from *Michigan's Coastal Management Program (CMP)*, the nonprofit Land Information Access Association (LIAA) is collaborating with coastal communities in Michigan to develop master plan content that will contribute to **greater coastal and community-wide resilience**. These planning efforts focus on ways to build a better and more reliable local economy, manage social and environmental changes, respond to a changing climate with more severe storms, and respond and adapt to dynamic changes in Great Lakes water levels.

LIAA has years of experience helping communities chart a path towards a more resilient future. Through funding from CMP, our team has worked with communities along the Great Lakes to help them better understand overall vulnerabilities as well as the problems unique to coastal areas. The mission of this current service grant is to help coastal municipalities collect and analyze data related to environmental, coastal, economic and social sustainability; facilitate stakeholder meetings to identify action strategies to address sustainability issues; and provide updated municipal planning tools and documents. This matching grant program provides a set of deliverables to assist localities at any stage of the planning process.

There are five key requirements for participation in the *Coastal Community Resilience Matching Grant* program:

1. The municipality(ies) must be located on a Great Lake coastline.
2. The municipality(ies) must be committed to adopting the project's deliverables into its Master Plan (or if the community does not have a Master Plan, to adopt the content drafted during this effort).
3. The municipality(ies) must provide a direct contact (elected, appointed or staff) to assist in developing the project during the specified timeframe.
4. The municipality(ies) must commit to providing half the cost of the services provided by LIAA (a 1:1 cash match).
5. Projects must be completed by December 2022.

**To be considered for a grant of services under this program, a municipality must conduct a pre-grant meeting with LIAA staff. To schedule a meeting please contact Executive Director Matt Cowall at 231-929-3696 or [mcowall@liaa.org](mailto:mcowall@liaa.org).**

The *Coastal Community Resilience* program is meant to assist municipalities located on the Great Lakes to prepare for short-term and long-term risks to their overall sustainability. A 1:1 cash match is required (i.e., the municipality only pays for half the cost of the project) within one month of project startup.

This program features two components:

### **Sustainability Assessment**

LIAA will facilitate a discussion with key stakeholders and decision makers in the community to build consensus around coastal land use management. LIAA will compile flood scenario data and mapping to inform the discussion. The deliverable for this phase is an assessment of the municipality's current master plan and zoning ordinance for coastal resilience, generating a snapshot of the barriers and opportunities to coastal sustainability that exist in the locality that can be used to inform future amendments to the master plan and/or zoning ordinance.

### **Coastal Resilience Master Plan Chapter**

LIAA will create a master plan addendum that includes flood risk mapping, shoreline erosion mapping, and best practices to improve sustainability as it pertains to Michigan's dynamic coasts. LIAA will also present on the science of Michigan's coasts at a public meeting to help build community consensus around this planning issue to make action strategy planning easier for the municipality moving forward.

Estimated Cost for the Sustainability Assessment and Master Plan Chapter: \$10,000-\$15,000 (\$5,000—\$7,500 funded by the client)

**LIAA will collaborate with applicants to decide on the approach most suitable to the community's needs. Contact Matt Cowall at 231-929-3696 or [mcowall@liaa.org](mailto:mcowall@liaa.org).**

**Please note that all costs are estimates. Final costs are dependent on factors such as data availability and the scope of the project's deliverables.**

### **Selection Criteria**

This grant opportunity was created to assist coastal communities in their efforts to develop land use policies and programs that promote coastal resilience in addition to economic, social and environmental sustainability. Therefore, selected communities will demonstrate a commitment to planning for and implementing best practices that further sustainability principles. This is best represented by communities that adopt goals and objectives related to these topics into their Master Plan language. All inquiries received will be evaluated in a timely manner on a first come, first served basis.

Applicants must represent a municipality located adjacent to one of the Great Lakes. Based on the interests of our program funders, LIAA will give special consideration to projects:

1. In communities demonstrating an immediate need for coastal planning efforts.
2. Communities with a demonstrated interest in reducing local impacts on the Great Lakes.

Questions may be communicated to Executive Director Matt Cowall at 231-929-3696 or [mcowall@liaa.org](mailto:mcowall@liaa.org).

*Financial assistance for this project is provided, in part, by the EGLE, WRD, Michigan Coastal Management Program through funding provided by the NOAA, U.S. Department of Commerce.*



May 26, 2022

Peninsula Township  
Rob Manigold, Supervisor  
13235 Center Rd  
Traverse City, MI 49686

Dear Supervisor Manigold,

We are pleased to confirm that Peninsula Township is qualified to participate in the *Coastal Community Resilience Matching Grant Program*. We believe that your goals demonstrate a commitment to long-range planning for improved community sustainability on Michigan's Great Lakes shorelines, which is the primary objective of the program. We ask that you review this letter carefully. If these terms are acceptable, please provide a signed copy.

Great Lakes coastal communities face a unique subset of vulnerabilities and challenges that shift and change under unpredictable conditions over long periods of time. Planning for coastal areas at the local level requires knowledge of both local conditions and state and federal regulations. It also requires that key stakeholders and the public at large understand the need to implement best practices that support coastal sustainability. Therefore, the goal of this project is to help Peninsula Township plan for and respond to the challenges of our ever-changing shoreline.

### **Overall Project Description**

Per the attached Scope of Services, LIAA will organize and provide planning and technical assistance in 2022 as needed to achieve success in this project, including:

- Project planning and management;
- Educational training;
- Research and analyses (e.g., coastal sustainability assessment, flood hazard mapping, vulnerable populations mapping, etc.);
- Geographic analyses and map production; and
- Development and drafting of a final coastal resilience Master Plan chapter.

LIAA will provide services valued at \$15,000 over the term of this project. The Michigan Coastal Management Program will reimburse LIAA \$7,500 of these costs. Peninsula Township must provide the remaining \$7,500 as a cash match to LIAA within 30 days of project startup. Grant funding is allocated on a first come, first served basis and all project work needs to be completed before the end of 2022.

## Participation Agreement

Through its voluntary application and the execution of this agreement, Peninsula Township will support the goals and objectives of the *Coastal Community Resilience Program* and the scope of work contained in this letter.

Peninsula Township agrees to:

1. Make a cash payment of \$7,500 to LIAA as matching funds for the *Coastal Community Resilience Program* within 30 days of project startup.
2. Contribute the time and commitment of community leaders and appropriate governmental staff members toward the success of this project.
3. With the cooperation and involvement of all local project partners, take steps to assure the implementation of the policies developed through this project.

Please indicate your acceptance of this agreement by providing a signed copy of this agreement to LIAA (see the following page).

Sincerely,



Matt Cowall, Executive Director  
Land Information Access Association (LIAA)  
324 Munson Ave  
Traverse City, MI 49686  
231-929-3696  
[mcowall@liaa.org](mailto:mcowall@liaa.org)

Financial assistance for this project is provided, in part, by the Michigan Department of Environment, Great Lakes, and Energy, Water Resources Division, Michigan Coastal Management Program through funding provided by the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.





**Acceptance**

We have read and understand this letter for the *Coastal Community Resilience* project. We agree that the terms and conditions are acceptable to us and that we will comply with these terms and conditions.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
For Peninsula Township

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_