

July 12, 2022
7:00 p.m.
Packet Addition 2

PDR Ordinance

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 or duly appointed 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.

Correspondence from Grant Parsons

Peninsula Township Board
Re: Wineries lawsuit against our township

July 11, 2022

Please include this in the packet for the June 12 meeting, or read it aloud at the meeting.

The wineries (Wineries of Old Mission Peninsula, WOMP) sent what appears to be a threat to the Peninsula Township Board. The wineries say they will “determine whether to file against the township officials personally ...” I am writing to express my continued support for you board members and to urge you to stand firm in the face of the wineries’ veiled threat.

I am also writing to express my personal outrage. The idea that the wineries may sue individual board members should outrage every township resident. The stress of being threatened with personal ruination, for simply performing your jobs, is an outrage to basic notions of democracy.

We township residents elected you to defend our agriculture zoning ordinance. The ordinance has been in effect for decades. These wineries have succeeded and thrived, courtesy of Peninsula’s agricultural land use plan. Past township boards have defended lawsuits challenging the Ag ordinance. We had a successful referendum that rejected the type of commercialization of the Ag zone proposed by wineries. Our Ag ordinance has created a unique, beautiful, thriving mixed community of rural and Ag development. You, the board members, are doing nothing more than following the wishes of the majority of township voters. You are doing exactly what democracy requires you to do.

Opposing your principled defense of Peninsula’s land use plan, some self-interested, greedy commercial wineries are using a veiled threat to try to force you to surrender the rights of township residents by settling their unfair lawsuit. They want to force you to allow farms to turn into wedding event sites. The wineries may make statements about wanting to do nice things for our community, but their veiled threat belies WOMP’s true nature – greedy and bullying.

The last time a commercial corporation tried to bully a local township official for defending local zoning, the bullying didn’t turn out well for the corporation. You may recall the lawsuit involving an Acme Township official who was threatened by a corporation. That man, Bill Boltres, exposed the Meijers Corporation in a counter suit. As reported in the *Record Eagle*, Boltres sued the corporation back, and won a settlement of approximately \$2 million. Bill’s fellow township officials followed suit and made a similar claim against Meijer, and won large settlements.

The Old Mission wineries want to be seen as “nice guys”, but threats of personal lawsuits are not nice. A lawsuit against township officials in their *personal* capacity is called a “SLAPP suit” – “Strategic Lawsuit Against Public Participation”. It is a tactic unprincipled corporations use to scare civic-minded officials into abandoning their zoning codes out of fear of personal financial ruin. SLAPP suits damage democracy by undermining small communities’ rights, and by deterring community members from serving in governmental office. SLAPP suits are antithetical

to American democracy and American justice. SLAPP suits are simply big money trying to crush small town values.

You should ask your township attorney for advice. I believe he or she will explain the multiple safeguards Michigan and United States laws provide to beat back SLAPP suits. I believe he or she will explain how you can defend yourself if the wineries follow through on their message. He or she may also advise you of your right to counter-sue for abuse of process, malicious prosecution, or infliction of emotional distress.

I want to express my sincere appreciation for your principled defense of Peninsula Township. Decades of innovative land use planning are on your side. The people of the township are on your side. The township's history of agricultural zoning is on your side. The pending PTP appeal is on your side. The future of Peninsula Township is on your side.

Please, keep up the good work. Do not fear bullies who make veiled threats.

Sincerely,

Grant Parsons
6936 Mission Ridge
Traverse City, MI 49686