

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION MEETING MINUTES September 20, 2021, 7:00 p.m.

1. **Call to Order** by Hall at 7:00 p.m.
2. **Pledge**
3. **Roll Call** Present: Hall, Couture, Alexander, Dloski, Shipman (7:10 p.m.) Absent: Hornberger, Wunsch; Also present Deeren, Director of Zoning, Attorney Meihn via phone.
4. **Review for Conflict of Interest** None
5. **Brief Public Comments**

Dave Edmondson 12414 Center Road: the Right to Farm Act needs to be incorporated into the zoning and master plan. It is a statute enacted in 1981 and is updated frequently. It is positive for the agricultural community and can aid in reducing conflict with regulations. Citizens in our area support and embrace farming. Perhaps this might prevent lawsuits, which take up huge amounts of time and energy. Currently, I am dealing with a violation regarding a pop-up tent used to protect my workers and fruit. Right to farm preempts zoning in some cases. The model of farming I have used all of my life is not working any more. Embrace farming and keep the agricultural playing field level.

Todd Wilson 782 Neahtawanta : As a member of the strategic planning committee, I want to thank Randy for his dedication and months of hard work on the master plan.

Dave Murphy 6943 E. Shore Road: As a member of the master plan steering committee I want to thank Randy and Becky Chown. I recommend keeping the master plan steering committee. This 5 year master plan has taken 11 years to complete.

[Murphy went over a list of edits and corrections to the master plan.]

John Wunsch 17881 Center Rd. : the master plan is headed in the right direction, generally speaking. Under associated challenges, the document reads that it should not diminish the rural character by allowing a certain amount of commercial activity in the view shed and other sensitive areas or to interfere with agricultural activities to maintain orchards. I would like to see added if the general public is out in a vineyard and a farmer is spraying their crops at that time you are setting us up to have conflicts in the same way if it is harvesting time. I would like to see the added phrase in view sheds and other locations or interfere with necessary agricultural activities needed to maintain orchards such as spraying and the harvesting of fruit, which is a time sensitive activity that can happen at all hours.

Regarding Business Item C, I did meet with the planning committee and the first argument was nothing needs to be done regarding language. The thinking was that the conservation

easement should take care of this and the other was if you only have 25% lot coverage, all of this is never going to fit, so we do not need this. We have an exact example with Bonobo where the planner and attorney did not connect the dots between the conservation easement, which had no building envelope, and the winery becomes another SUP. We have proof this does not always get covered by an easement. In the example of Chateau Chantal, 25% is not enough land to put the winery, manager's residence, all the guest rooms, and 4-6 private residences. Not clarifying this language will not solve this issue. Without this language, first there will be a restaurant and then the hotel effect. This language change was requested by the town board. This is related to the PDR where everyone reached in their pockets and said we are willing to pay for a program that sets up current parameters. This is different than all the little errors in zoning; this is the one area that specifically ties into the PDR. It is the original intent, it is necessary, it has been requested by the board, and it ties into something people have voted on.

Dave Edmonson 12414 Center Rd. : the language John is suggesting would not clear up the Bonobo lawsuit. The lawyer misinterpreted the contract. I paid \$2,000 to have an attorney attend a planning commission meeting to counter that decision. We now have Bonobo in our number 1 view shed. Changing a few words is not going to solve the problem; we need people on the board who understand the contract. Another perfect example is what happened on the Mannor property. We moved the development right, which we the people paid for and put a conservation easement on it. The development right was 1 acre. It moved from there to the east and it became 2 acres. The board passed it. This cannot be allowed to stand.

Virginia Coulter 16550 Center Rd.: I spent 20 years on the planning commission. I want to talk about the confusion over the 5 acre equivalency. Our intent was if you used 5 acres for residency, you could not use it for anything else. If you used 5 acres for a residence chateau, you could not use it for something else. You could not use it for a manager's residence. There was no double dipping regarding the 5 acre equivalency.

6. Additions to Agenda/Approval

Moved by Couture to accept the minutes, as presented, with second by Dloski.

Roll call:

Passed Unan

7. Consent Agenda

- a. Approval of Meeting Minutes: Planning Commission Meeting, August 16, 2021
- b. Correspondence

Moved by Dloski to accept the consent agenda, as presented, with second by Alexander.

Roll call:

Passed Unan

8. Reports

Zoning Board of Appeals

Deeren: no cases for September and the ZBA meeting is cancelled. The August meeting denied a variance where a road divides a property and approved a request for a side yard setback.

9. Business Items:

- a. Nomination/Election of Officers

Wunsch and Hornberger comprised the nominating committee and they are not here tonight.

Moved by Dloski to table the discussion, with second by Hall.

Roll call:

Passed Unan

b. Presentation of Draft Master Plan Update (Randy Mielnik)

Mielnik discussed the history over the past 2 years in creating the 2021 Master Plan and then gave a presentation of the draft working document dated 9/2/2021. This document is in the packet.

Alexander: where do we go next? Suggested the implementation section contain a timeline and benchmarks.

Mielnik: would recommend keeping the master plan steering committee going. The planning commission agendas are usually filled with SUPs, zoning etc. and the master plan implementation can lag. The master plan is looking at the big picture and the steering committee can keep it moving with implementation, perhaps with an annual progress report.

Hall: is there any reason not to publish this document right now?

Mielnik: no, as long as people know this is still a working document. There does need to be 1 public meeting held. Recommends that is not the first time for seeing the document.

Deeren: the comments received can go into next month's planning packet for the public to view.

Meihn: feels he needs to be employed until the master plan project is completed.

Moved by Dloski to table the discussion and put the draft document on Participate Old Mission and township website to solicit public comment with a second by Couture.

Roll call: Passed Unam

c. Zoning Ordinance Committee: Winery Ordinance Amendment Proposal

Dloski: should the planning commission begin this discussion while the winery lawsuit is still pending?

Meihn: there is a request for a public meeting to explain specifically what is in the complaint and action moving forward. After that meeting there will be discussions about the winery ordinance rewrite.

Moved by Dloski to table the zoning ordinance amendment discussion with a second by Couture.

Roll call vote Yes: Alexander, Dloski, Couture, Shipman

No: Hall

Passed

d. Michigan Right to Farm and GAAMPS Discussion

Dave Edmonson 12414 Center: Encourages the Michigan Right to Farm Act and GAMMPs be incorporated into the township ordinances and master plan and asks how he can expedite getting the language into these documents?

Meihn: Your voice has been heard and the language is being worked into and thought about in the section of the winery ordinance. Review of this along with the ever changing GAAMPS will be provided to the board.

Edmondson: wineries are nothing more than farms and we should be talking about farms in general regardless of what kind of farming it is. I would like to initiate something for all types of farming, whatever that may be for today and tomorrow. Yes, right to farm is an evolving document, but what I have learned is it is a law that preempts some township ordinance authority. We are being clobbered with regulations. Centennial farms here show commitment to be here 100 plus

years and deserve respect.

10. Public Comments

Monnie Peters 1425 Neahtawanta: the presentation by Mielnik was excellent and he needs to give this presentation to as many people as possible.

Dave Murphy 6943 E. Shore Rd. : would like to see corrections and comments inserted into the master plan document before going out to the public; does not want to see this slow down the process in any way. The board has indicated they want to wrap up the master plan first before the zoning rewrite.

11. Other Matters or Comments by Planning Commission Members

Couture: Thanks the committees for all their hard work. The plan is an excellent document.

Hall: there is sensitivity to the Right to Farm Act. This is more than a statute that just protects farmers as a legal defense. This needs to be looked at when rewriting an ordinance.

12. Adjournment

Couture moved to adjourn the meeting with a second by Dloski. Passed Unan

Adjournment at 8:44 p.m.