

Packet

October 11, 2022

**Regular Township Board Meeting and Joint Special
Township Board and Planning Commission Meeting**

Consent

Invoices

**PENINSULA TOWNSHIP
INVOICE REGISTER****For Invoices Scheduled for Payment on: 10/11/2022 12****VENDOR INFORMATION****INVOICE INFORMATION****CAPITAL ONE COMMERCIAL****Amount of Invoice Paid: \$56.43
SUPPLIES***Distribution:*

209-000-726.000

Supplies

56.43

CONSUMERS ENERGY**Amount of Invoice Paid: \$31.12
STREET LIGHTS/ELECTRICITY***Distribution:*

209-000-921.000

Electricity

31.12

ROBERT WILKINSON**Amount of Invoice Paid: \$1,322.50
GROUNDS MAINTENANCE***Distribution:*

209-000-818.000

Contractual Services-Mowing

1,322.50

Total Amount Disbursed: \$1,410.05

PENINSULA TOWNSHIP INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

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

Amount of Invoice Paid: \$726.43
OFFICE PHONES

Distribution:

| | | |
|-----------------|---------------------------------|--------|
| 101-173-850.000 | COM/TELEPHONE - OFFICE-TWP HALL | 393.44 |
| 101-209-850.000 | COM/TELEPHONE - ASSESSOR | 60.54 |
| 101-215-850.000 | COM/TELEPHONE - CLERK | 90.82 |
| 101-253-850.000 | COM/TELEPHONE - TREASURER | 90.82 |
| 101-400-850.000 | COM/TELEPHONE - PLANNING | 30.27 |
| 101-420-850.000 | COM/TELEPHONE - ZONING | 30.27 |
| 101-171-850.000 | COM/TELEPHONE - SUPERVISOR | 30.27 |

AFLAC

Amount of Invoice Paid: \$1,501.35
SUPPLEMENTAL INSURANCE - 3 PAY PERIO

Distribution:

| | | |
|-----------------|---------------------------------------|----------|
| 704-000-227.050 | Supplemental Insurance - Due to Aflac | 1,501.35 |
|-----------------|---------------------------------------|----------|

BAIRD, COTTER & BISHOP, P.C.

Amount of Invoice Paid: \$850.00
PAYROLL JULY 2022

Distribution:

| | | |
|-----------------|-----------------------|--------|
| 101-215-818.CPA | CPA Contract Services | 850.00 |
|-----------------|-----------------------|--------|

BAIRD, COTTER & BISHOP, P.C.

Amount of Invoice Paid: \$1,295.00
PAYROLL - AUG 2022

Distribution:

| | | |
|-----------------|-----------------------|----------|
| 101-215-818.CPA | CPA Contract Services | 1,295.00 |
|-----------------|-----------------------|----------|

BLUE CARE NETWORK

Amount of Invoice Paid: \$7,895.57
HEALTH INSURANCE

Distribution:

| | | |
|-----------------|-------------------------------|----------|
| 101-253-712.000 | Medical/Life Insurance | 1,147.10 |
| 101-253-712.000 | Medical/Life Insurance | 860.49 |
| 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 | 2,593.44 |

CAPITAL ONE COMMERCIAL

Amount of Invoice Paid: \$17.88
SUPPLIES

Distribution:

| | | |
|-----------------|----------|-------|
| 101-173-726.000 | Supplies | 17.88 |
|-----------------|----------|-------|

PENINSULA TOWNSHIP INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

VENDOR INFORMATION**CARDMEMBER SERVICE****INVOICE INFORMATION**

Amount of Invoice Paid: \$1,017.11
MNTHLY SVCS; ELECTION SUPPLIES; WEB F

Distribution:

| | | |
|-----------------|---------------------|--------|
| 101-191-726.000 | Supplies | 679.60 |
| 101-215-814.200 | Publishing Software | 31.78 |
| 101-173-818.WEB | Website | 42.99 |
| 101-215-726.000 | Supplies | 61.33 |
| 101-215-806.LTF | Late Fees | 130.77 |
| 101-173-726.000 | Supplies | 70.64 |

CONSUMERS ENERGY

Amount of Invoice Paid: \$1,063.29
STREET LIGHTS/ELECTRICITY

Distribution:

| | | |
|-----------------|-----------------------|--------|
| 101-265-921.000 | Electricity | 385.90 |
| 101-265-926.000 | Street Lighting | 32.28 |
| 101-265-921.BJN | ELECTRICITY-BIG JOHNS | 79.99 |
| 208-751-926.000 | Street Lighting | 51.09 |
| 208-751-921.000 | Electricity | 387.96 |
| 208-212-921.000 | Electricity | 126.07 |

CONSUMERS ENERGY

Amount of Invoice Paid: \$104.91
STREET LIGHTS - DOUGHERTY

Distribution:

| | | |
|-----------------|-------------|--------|
| 215-000-921.000 | Electricity | 104.91 |
|-----------------|-------------|--------|

DTE ENERGY

Amount of Invoice Paid: \$55.90
BIG JON HEAT

Distribution:

| | | |
|-----------------|---------------------|-------|
| 101-265-745.BJH | DTE - Big John Heat | 55.90 |
|-----------------|---------------------|-------|

DTE ENERGY

Amount of Invoice Paid: \$43.77
DOUGHERTY HEAT

Distribution:

| | | |
|-----------------|-----------------------|-------|
| 215-000-745.000 | Dougherty-DTE Heating | 43.77 |
|-----------------|-----------------------|-------|

DTE ENERGY

Amount of Invoice Paid: \$43.77
TOWN HALL HEAT

Distribution:

| | | |
|-----------------|---------|-------|
| 101-265-745.GAS | DTE Gas | 43.77 |
|-----------------|---------|-------|

DTE ENERGY

Amount of Invoice Paid: \$47.41
TWP OFFICE HEAT

Distribution:

| | | |
|-----------------|---------|-------|
| 101-265-745.GAS | DTE Gas | 47.41 |
|-----------------|---------|-------|

PENINSULA TOWNSHIP INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

| VENDOR INFORMATION | | INVOICE INFORMATION | |
|--|---------------------------------------|------------------------------------|--------------------|
| FAHEY SCHULTZ BURZYCH RHODES | | Amount of Invoice Paid: | \$95,921.00 |
| | | WINERY LITIGATION | |
| <i>Distribution:</i> | | | |
| 101-101-801.WMP | WOMP Lawsuit Legal Fees & Costs | | 95,921.00 |
| FRESHWATER, LLC | | Amount of Invoice Paid: | \$219.00 |
| | | TWP HALL MICROPHONE | |
| <i>Distribution:</i> | | | |
| 101-101-726.000 | Supplies | | 219.00 |
| JOHN HANCOCK USA | | Amount of Invoice Paid: | \$14,898.00 |
| | | PENSION - AUG 2022 | |
| <i>Distribution:</i> | | | |
| 704-000-227.070 | PENSION - DUE TO JOHN HANCOCK | | 13,316.25 |
| 704-000-227.FPN | 3% Fire Employee Pension Contribution | | 1,581.75 |
| KATIE CLARK | | Amount of Invoice Paid: | \$69.39 |
| | | MILEAGE - BANK RUNS | |
| <i>Distribution:</i> | | | |
| 101-253-870.000 | Mileage | | 69.39 |
| LAND INFORMATION ACCESS ASSOCIATION | | Amount of Invoice Paid: | \$276.25 |
| | | HYBRID ZOOM MEETING SUPPORT | |
| <i>Distribution:</i> | | | |
| 101-101-818.000 | Contractual Services | | 276.25 |
| MCCARDEL CULLIGAN WATER | | Amount of Invoice Paid: | \$10.00 |
| | | WATER COOLER | |
| <i>Distribution:</i> | | | |
| 101-173-818.WTR | Water Cooler | | 10.00 |
| MCCARDEL CULLIGAN WATER | | Amount of Invoice Paid: | \$11.00 |
| | | COOLER RENTAL | |
| <i>Distribution:</i> | | | |
| 101-173-818.WTR | Water Cooler | | 11.00 |
| MUTUAL OF OMAHA | | Amount of Invoice Paid: | \$123.68 |
| | | LIFE INSURANCE | |
| <i>Distribution:</i> | | | |
| 101-253-712.000 | Medical/Life Insurance | | 7.28 |
| 101-215-712.000 | Medical/Life Insurance | | 29.10 |

PENINSULA TOWNSHIP INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

VENDOR INFORMATION**INVOICE INFORMATION**

| | | |
|-----------------|------------------------|-------|
| 101-420-712.000 | Medical/Life Insurance | 14.55 |
| 101-171-712.000 | Medical/Life Insurance | 14.55 |
| 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 |
| 101-253-712.000 | Medical/Life Insurance | 14.55 |

PRINCIPAL LIFE INSURANCE CO.**Amount of Invoice Paid: \$473.88****DENTAL INSURANCE***Distribution:*

| | | |
|-----------------|-------------------------------|--------|
| 101-253-712.000 | Medical/Life Insurance | 70.90 |
| 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 | 170.90 |

PRINTING SYSTEMS, INC.**Amount of Invoice Paid: \$48.47****ELECTION SUPPLIES - VOTER ID***Distribution:*

| | | |
|-----------------|----------|-------|
| 101-191-726.000 | Supplies | 48.47 |
|-----------------|----------|-------|

PRINTING SYSTEMS, INC.**Amount of Invoice Paid: \$701.84****ELECTION SUPPLIES - VOTER ID CARDS***Distribution:*

| | | |
|-----------------|----------|--------|
| 101-191-726.000 | Supplies | 701.84 |
|-----------------|----------|--------|

PROFILE**Amount of Invoice Paid: \$90.00****SHREDDING - SEPT 2022***Distribution:*

| | | |
|-----------------|-----------|-------|
| 101-215-820.000 | Shredding | 90.00 |
|-----------------|-----------|-------|

ROBERT WILKINSON**Amount of Invoice Paid: \$1,448.00****TOWN HALL & OFFICE CLEANING - AUG - 2***Distribution:*

| | | |
|-----------------|----------------------|----------|
| 101-265-818.000 | Contractual Services | 1,448.00 |
|-----------------|----------------------|----------|

ROBERT WILKINSON**Amount of Invoice Paid: \$2,200.00****TOILET CLNG & MAINTENANCE - SEPT 2022***Distribution:*

| | | |
|-----------------|---|----------|
| 208-751-818.000 | Contractual Services-Mowing/Maintenance | 2,200.00 |
|-----------------|---|----------|

PENINSULA TOWNSHIP INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

VENDOR INFORMATION**ROBERT WILKINSON****INVOICE INFORMATION**

Amount of Invoice Paid: \$3,967.50
BLDG & LAWN MAINTENANCE

Distribution:

| | | |
|-----------------|---|----------|
| 101-265-818.000 | Contractual Services | 402.50 |
| 208-751-818.000 | Contractual Services-Mowing/Maintenance | 3,220.00 |
| 596-000-818.000 | Contractual Services | 172.50 |
| 208-212-930.000 | Repairs and Maintenance | 172.50 |

ROBIN NOVAL

Amount of Invoice Paid: \$123.14
SAMS CLUB ORDER - OFFICE SUPPLIES

Distribution:

| | | |
|-----------------|----------|--------|
| 101-173-726.000 | Supplies | 123.14 |
|-----------------|----------|--------|

SECURITY SANITATION, INC

Amount of Invoice Paid: \$120.00
KELLY PK - PORTA JOHN RENTAL - JULY 22

Distribution:

| | | |
|-----------------|-------------------|--------|
| 208-751-818.200 | Contract Services | 120.00 |
|-----------------|-------------------|--------|

SECURITY SANITATION, INC

Amount of Invoice Paid: \$120.00
PORTA JOHN RENTAL

Distribution:

| | | |
|-----------------|-------------------|--------|
| 208-751-818.200 | Contract Services | 120.00 |
|-----------------|-------------------|--------|

SOS ANALYTICAL

Amount of Invoice Paid: \$25.00
WATER ANALYSIS

Distribution:

| | | |
|-----------------|------------------------------|-------|
| 208-751-855.DEQ | Noncom. Public Wat. Sup. Fee | 25.00 |
|-----------------|------------------------------|-------|

STAPLES CREDIT PLAN

Amount of Invoice Paid: \$12.96
OFFICE SUPPLIES

Distribution:

| | | |
|-----------------|----------|-------|
| 101-173-726.000 | Supplies | 12.96 |
|-----------------|----------|-------|

TKS SECURITY

Amount of Invoice Paid: \$216.00
CLOUD HOSTED SECURITY OCT-DEC 2022

Distribution:

| | | |
|-----------------|----------------------|--------|
| 101-101-818.000 | Contractual Services | 216.00 |
|-----------------|----------------------|--------|

TRAVERSE CITY LIGHT & POWER

Amount of Invoice Paid: \$10.61
STREET LIGHT

Distribution:

| | | |
|-----------------|-----------------|-------|
| 101-265-926.000 | Street Lighting | 10.61 |
|-----------------|-----------------|-------|

**PENINSULA TOWNSHIP
INVOICE REGISTER**

For Invoices Scheduled for Payment on: 10/11/2022 12

VENDOR INFORMATION**INVOICE INFORMATION****TRAVERSE CITY LIGHT & POWER**

Amount of Invoice Paid: \$10.61
STREET LIGHT

Distribution:

| | | |
|-----------------|-----------------|-------|
| 101-265-926.000 | Street Lighting | 10.61 |
|-----------------|-----------------|-------|

TROPHY TROLLEY

Amount of Invoice Paid: \$44.00
PARKS/ZONING NAME PLATES

Distribution:

| | | |
|-----------------|----------|-------|
| 208-751-726.000 | Supplies | 22.00 |
| 101-430-726.000 | Supplies | 22.00 |

WILLIAM STOTT

Amount of Invoice Paid: \$90.02
SUPPLIES FOR LH PARK VOLUNTEERS

Distribution:

| | | |
|-----------------|----------|-------|
| 208-751-726.000 | Supplies | 37.07 |
| 208-751-726.000 | Supplies | 7.41 |
| 208-751-726.000 | Supplies | 23.30 |
| 208-751-726.000 | Supplies | 7.41 |
| 208-751-726.000 | Supplies | 14.83 |

YOUR COBRA CONNECTION

Amount of Invoice Paid: \$81.00
COBRA ADMINISTRATION NOV-JAN 2023

Distribution:

| | | |
|-----------------|----------------------|-------|
| 101-215-818.000 | Contractual Services | 81.00 |
|-----------------|----------------------|-------|

Total Amount Disbursed: \$135,973.74

PENINSULA TOWNSHIP INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

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

Amount of Invoice Paid: \$79.95
INTERNET - OCT 2022

Distribution:

| | | |
|-----------------|-------------------|-------|
| 206-000-850.CHC | Internet Services | 79.95 |
|-----------------|-------------------|-------|

AIRGAS USA

Amount of Invoice Paid: \$26.10
OXYGEN SUPPLIES

Distribution:

| | | |
|-----------------|--------------------|-------|
| 206-000-932.000 | Ambulance Supplies | 26.10 |
|-----------------|--------------------|-------|

ALERT-ALL

Amount of Invoice Paid: \$758.00
PUBLIC EDUCATION SUPPLIES

Distribution:

| | | |
|-----------------|----------------------|--------|
| 206-000-880.000 | Community Promotions | 758.00 |
|-----------------|----------------------|--------|

ALERT-ALL

Amount of Invoice Paid: \$107.50
PUBLIC ED PENCILS

Distribution:

| | | |
|-----------------|----------------------|--------|
| 206-000-880.000 | Community Promotions | 107.50 |
|-----------------|----------------------|--------|

ARTS AUTO & TRUCK PARTS, INC.

Amount of Invoice Paid: \$55.40
ANTI FREEZE FOR ENG 3

Distribution:

| | | |
|-----------------|---------------------|-------|
| 206-000-939.000 | Vehicle Maintenance | 55.40 |
|-----------------|---------------------|-------|

ARTS AUTO & TRUCK PARTS, INC.

Amount of Invoice Paid: \$8.47
TRAILER HITCH PARTS

Distribution:

| | | |
|-----------------|---------------------|------|
| 206-000-939.000 | Vehicle Maintenance | 8.47 |
|-----------------|---------------------|------|

ARTS AUTO & TRUCK PARTS, INC.

Amount of Invoice Paid: \$75.00
DEF FLUIDS FOR TRUCKS

Distribution:

| | | |
|-----------------|---------------------|-------|
| 206-000-939.000 | Vehicle Maintenance | 75.00 |
|-----------------|---------------------|-------|

ARTS AUTO & TRUCK PARTS, INC.

Amount of Invoice Paid: \$14.34
TRAILER HITCH PARTS

Distribution:

| | | |
|-----------------|---------------------|-------|
| 206-000-939.000 | Vehicle Maintenance | 14.34 |
|-----------------|---------------------|-------|

PENINSULA TOWNSHIP INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

| VENDOR INFORMATION | | INVOICE INFORMATION | |
|-------------------------------|------------------------|-------------------------|------------|
| ARTS AUTO & TRUCK PARTS, INC. | | Amount of Invoice Paid: | \$16.88 |
| | | TRAILER HITCH PARTS | |
| Distribution: | | | |
| 206-000-939.000 | Vehicle Maintenance | | 16.88 |
| BLUE CARE NETWORK | | Amount of Invoice Paid: | \$8,344.07 |
| | | HEALTH INSURANCE | |
| Distribution: | | | |
| 206-000-712.000 | Medical/Life Insurance | | 8,344.07 |
| BOUND TREE MEDICAL | | Amount of Invoice Paid: | \$16.99 |
| | | EMS SUPPLIES | |
| Distribution: | | | |
| 206-000-932.000 | Ambulance Supplies | | 16.99 |
| BOUND TREE MEDICAL | | Amount of Invoice Paid: | \$5.31 |
| | | EMS SUPPLIES | |
| Distribution: | | | |
| 206-000-932.000 | Ambulance Supplies | | 5.31 |
| BOUND TREE MEDICAL | | Amount of Invoice Paid: | \$348.06 |
| | | EMS SUPPLIES | |
| Distribution: | | | |
| 206-000-932.000 | Ambulance Supplies | | 348.06 |
| BOUND TREE MEDICAL | | Amount of Invoice Paid: | \$28.69 |
| | | EMS SUPPLIES | |
| Distribution: | | | |
| 206-000-932.000 | Ambulance Supplies | | 28.69 |
| BOUND TREE MEDICAL | | Amount of Invoice Paid: | \$45.98 |
| | | EMS SUPPLIES | |
| Distribution: | | | |
| 206-000-932.000 | Ambulance Supplies | | 45.98 |
| BOUND TREE MEDICAL | | Amount of Invoice Paid: | \$148.30 |
| | | EMS SUPPLIES | |
| Distribution: | | | |
| 206-000-932.000 | Ambulance Supplies | | 148.30 |

PENINSULA TOWNSHIP INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

VENDOR INFORMATION**CARDMEMBER SERVICE****INVOICE INFORMATION**

Amount of Invoice Paid: \$703.56
MNTHLY SVCS; ID CARDS; LIGHTS

Distribution:

| | | |
|-----------------|-----------------------|--------|
| 206-000-935.000 | Uniforms | 206.15 |
| 206-000-939.000 | Vehicle Maintenance | 343.32 |
| 206-000-933.000 | Equipment Maintenance | 89.10 |
| 206-000-850.CHC | Internet Services | 64.99 |

CONSUMERS ENERGY

Amount of Invoice Paid: \$861.39
ST LIGHTS/ELECTRICITY

Distribution:

| | | |
|-----------------|-----------------|--------|
| 206-000-926.000 | Street Lighting | 16.15 |
| 206-000-921.000 | Electricity | 845.24 |

CRYSTAL FLASH PETROLEUM

Amount of Invoice Paid: \$1,636.17
DIESEL FUEL

Distribution:

| | | |
|-----------------|-------------------|----------|
| 206-000-751.000 | Vehicle-Gas & Oil | 1,636.17 |
|-----------------|-------------------|----------|

CRYSTAL FLASH PETROLEUM

Amount of Invoice Paid: \$1,347.82
DIESEL FUEL

Distribution:

| | | |
|-----------------|-------------------|----------|
| 206-000-751.000 | Vehicle-Gas & Oil | 1,347.82 |
|-----------------|-------------------|----------|

DARLEY

Amount of Invoice Paid: \$39.63
PARTS FOR CHAIN SAW

Distribution:

| | | |
|-----------------|-----------------------|-------|
| 206-000-933.000 | Equipment Maintenance | 39.63 |
|-----------------|-----------------------|-------|

DEWEESE HARDWARE

Amount of Invoice Paid: \$49.99
KEYLOCK BOX FOR UTILITY TRUCK

Distribution:

| | | |
|-----------------|---------------------|-------|
| 206-000-939.000 | Vehicle Maintenance | 49.99 |
|-----------------|---------------------|-------|

DTE ENERGY

Amount of Invoice Paid: \$47.75
STN 1 HEAT

Distribution:

| | | |
|-----------------|------------------|-------|
| 206-000-745.000 | DTE-Heating Fuel | 47.75 |
|-----------------|------------------|-------|

DTE ENERGY

Amount of Invoice Paid: \$68.83
STN 2 HEAT

Distribution:

PENINSULA TOWNSHIP INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

VENDOR INFORMATION**INVOICE INFORMATION**

| | | | |
|--------------------------------|---|-----------------------------------|-----------|
| | 206-000-745.000 | DTE-Heating Fuel | 68.83 |
| FIRE RECOVERY EMS | Amount of Invoice Paid: \$180.19 EMS BILLING FOR AUG 2022 | | |
| | Distribution: 206-000-818.000 | Contractual Services | 180.19 |
| FIRECATT LLC | Amount of Invoice Paid: \$4,532.50 ANNUAL HOSE TESTING | | |
| | Distribution: 206-000-818.TST | Testing Compliance | 4,532.50 |
| FIRST INTERNET BANK | Amount of Invoice Paid: \$59,965.00 FIRETRUCK PMT 4 | | |
| | Distribution: 206-000-991.000 | Debt Service - Principal-Vehicles | 44,510.16 |
| | 206-000-995.000 | Debt Service - Interest-Vehicles | 15,454.84 |
| HOUGHTON LAKE AMBULANCE | Amount of Invoice Paid: \$100.00 CLEMINSON PALS RE-CERT. | | |
| | Distribution: 206-000-960.000 | Education & Training | 100.00 |
| LONG LAKE MARINA | Amount of Invoice Paid: \$11,377.53 NEW ENGINE & MOTOR SUPPORT FOR MAR | | |
| | Distribution: 206-000-970.000 | Capital Outlay | 11,300.00 |
| | 206-000-970.000 | Capital Outlay | 77.53 |
| LONG LAKE MARINA | Amount of Invoice Paid: \$517.46 STEERING LINKAGE REPAIR - MARINE 2 | | |
| | Distribution: 206-000-939.000 | Vehicle Maintenance | 517.46 |
| LOVE YOUR CAR AND TRUCK | Amount of Invoice Paid: \$240.00 PROTECTIVE SEAT COVERS - NEW AMBULAN | | |
| | Distribution: 206-000-939.000 | Vehicle Maintenance | 240.00 |
| MCCARDEL CULLIGAN WATER | Amount of Invoice Paid: \$87.00 STN 3 WATER SOFTENER | | |

Distribution:

PENINSULA TOWNSHIP INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

| VENDOR INFORMATION | | INVOICE INFORMATION | |
|-----------------------------------|----------------------------------|---|------------|
| | 206-000-818.000 | Contractual Services | 87.00 |
| MCCARDEL CULLIGAN WATER | | Amount of Invoice Paid: STN 1 WATER SOFTENER | \$55.00 |
| | Distribution: 206-000-818.000 | Contractual Services | 55.00 |
| MUNSON MEDICAL CENTER | | Amount of Invoice Paid: CPR CARDS - AUG 2022 | \$11.50 |
| | Distribution: 206-000-932.000 | Ambulance Supplies | 11.50 |
| MUNSON OCCUPATIONAL HEALTH CLINIC | | Amount of Invoice Paid: YEARLY PHYSICALS | \$2,691.48 |
| | Distribution: 206-000-828.000 | Health & Safety | 2,691.48 |
| MUTUAL OF OMAHA | | Amount of Invoice Paid: LIFE INSURANCE | \$174.60 |
| | Distribution: 206-000-712.000 | Medical/Life Insurance | 174.60 |
| NICHOLS PAPER& SUPPLY CO | | Amount of Invoice Paid: PAPER TOWELS | \$107.56 |
| | Distribution: 206-000-726.000 | Supplies | 107.56 |
| NICHOLS PAPER& SUPPLY CO | | Amount of Invoice Paid: STN SUPPLIES | \$176.15 |
| | Distribution: 206-000-726.000 | Supplies | 176.15 |
| NICHOLS PAPER& SUPPLY CO | | Amount of Invoice Paid: DISHWASHER DETERGENT | \$77.95 |
| | Distribution: 206-000-726.000 | Supplies | 77.95 |
| NW REGIONAL FIRE TRAINING | | Amount of Invoice Paid: NWRFC ANNUAL FEES | \$550.00 |
| | Distribution: 206-000-960.000 | Education & Training | 550.00 |

PENINSULA TOWNSHIP INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

VENDOR INFORMATION**INVOICE INFORMATION****PREMIER SAFETY**

Amount of Invoice Paid: \$529.58
RIT PACK UPGRADES

Distribution:

| | | |
|-----------------|-----------------------|--------|
| 206-000-933.000 | Equipment Maintenance | 529.58 |
|-----------------|-----------------------|--------|

PREMIER SAFETY

Amount of Invoice Paid: \$1,080.00
AIR PACK ANNUAL FLOW TESTING

Distribution:

| | | |
|-----------------|--------------------|----------|
| 206-000-818.TST | Testing Compliance | 1,080.00 |
|-----------------|--------------------|----------|

PRINCIPAL LIFE INSURANCE CO.

Amount of Invoice Paid: \$594.66
DENTAL INSURANCE

Distribution:

| | | |
|-----------------|------------------------|--------|
| 206-000-712.000 | Medical/Life Insurance | 594.66 |
|-----------------|------------------------|--------|

SUMMIT COMPANIES

Amount of Invoice Paid: \$387.97
FIRE EXTINGUISHER SVC STN 2

Distribution:

| | | |
|-----------------|-----------------------|--------|
| 206-000-933.000 | Equipment Maintenance | 387.97 |
|-----------------|-----------------------|--------|

SUMMIT COMPANIES

Amount of Invoice Paid: \$48.47
FIRE EXTINGUISHER SVC STN 3

Distribution:

| | | |
|-----------------|-----------------------|-------|
| 206-000-933.000 | Equipment Maintenance | 48.47 |
|-----------------|-----------------------|-------|

TIME WARNER CABLE

Amount of Invoice Paid: \$184.98
INTERNET

Distribution:

| | | |
|-----------------|-------------------|--------|
| 206-000-850.CHC | Internet Services | 184.98 |
|-----------------|-------------------|--------|

VERIZON

Amount of Invoice Paid: \$14.12
HEART MONITOR MODEM

Distribution:

| | | |
|-----------------|--------------------------|-------|
| 206-000-850.000 | Communications/Telephone | 14.12 |
|-----------------|--------------------------|-------|

VERIZON WIRELESS

Amount of Invoice Paid: \$121.64
WIRELESS PHONES

Distribution:

| | | |
|-----------------|--------------------------|--------|
| 206-000-850.000 | Communications/Telephone | 121.64 |
|-----------------|--------------------------|--------|

**PENINSULA TOWNSHIP
INVOICE REGISTER****For Invoices Scheduled for Payment on: 10/11/2022 12****VENDOR INFORMATION****WALSTROM MARINE****INVOICE INFORMATION****Amount of Invoice Paid: \$1,679.87
ENGINE WORK ON MARINE 1***Distribution:*

206-000-939.000

Vehicle Maintenance

1,679.87

Total Amount Disbursed: \$100,319.39

PENINSULA TOWNSHIP INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

VENDOR INFORMATION

INVOICE INFORMATION

ACENTEK

Amount of Invoice Paid: \$94.41
VIDEO SERVICE

Distribution:

| | | |
|-----------------|---------------|-------|
| 508-000-850.000 | Com/Telephone | 94.41 |
|-----------------|---------------|-------|

ACENTEK

Amount of Invoice Paid: \$40.88
OFFICE PHONES

Distribution:

| | | |
|-----------------|---------------|-------|
| 508-000-850.000 | Com/Telephone | 40.88 |
|-----------------|---------------|-------|

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 |

BOWERS HARBOR LANDSCAPES

Amount of Invoice Paid: \$185.00
END OF SEASON LAWN CARE

Distribution:

| | | |
|-----------------|---------|--------|
| 508-000-728.000 | Grounds | 185.00 |
|-----------------|---------|--------|

CARDMEMBER SERVICE

Amount of Invoice Paid: \$1,524.46
MNTHLY SVCS; MERCHANDISE; CONF TRAV

Distribution:

| | | |
|-----------------|--------------------------------------|----------|
| 509-000-818.WEB | Website | 60.00 |
| 508-000-818.SEC | Security | 28.98 |
| 508-000-960.000 | Education & Training | 381.13 |
| 509-000-727.000 | Merchandise For Lighthouse Gift Shop | 1,106.80 |
| 508-000-726.000 | Supplies | 134.00 |
| 509-000-818.WEB | Website | (186.45) |

CONSUMERS ENERGY

Amount of Invoice Paid: \$234.80
ST LIGHTS/ELECTRICITY

Distribution:

| | | |
|-----------------|-------------|--------|
| 508-000-921.000 | Electricity | 234.80 |
|-----------------|-------------|--------|

DEWEESE HARDWARE

Amount of Invoice Paid: \$79.64
HALLOWEEN DECOR

Distribution:

| | | |
|-----------------|----------------------|-------|
| 508-000-881.000 | Community Activities | 50.28 |
| 508-000-726.000 | Supplies | 29.36 |

PENINSULA TOWNSHIP INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

VENDOR INFORMATION**INVOICE INFORMATION****DEWEESE HARDWARE**
Amount of Invoice Paid: \$60.48
BATTERIES; PAINT
Distribution:

508-000-726.000

Supplies

60.48

IMAGE360
Amount of Invoice Paid: \$162.86
SIGN/INSTALL
Distribution:

508-000-726.LHS

Lighthouse Signs

162.86

MAX'S SERVICE INC
Amount of Invoice Paid: \$1,318.00
REPLACE WASHER/DRYER
Distribution:

508-000-970.000

Capital Outlay/MiscExpenditures

1,318.00

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

509-000-712.000

Medical/Life Insurance

35.40

ROBERT WILKINSON
Amount of Invoice Paid: \$460.00
BLDG AND GROUNDS MAINTENANCE
Distribution:

508-000-818.000

Contractual Services

460.00

SECURITY SANITATION, INC
Amount of Invoice Paid: \$1,920.00
PORTA JOHN RENTAL/PUMPS - AUG/SEPT
Distribution:

508-000-818.SAN

Sanitation Services

1,920.00

Total Amount Disbursed: \$7,215.89

**PENINSULA TOWNSHIP
INVOICE REGISTER****For Invoices Scheduled for Payment on: 10/11/2022 12****VENDOR INFORMATION****ACENTEK****INVOICE INFORMATION****Amount of Invoice Paid: \$30.27**
OFFICE PHONES*Distribution:**207-000-850.000**Communications/Telephone**30.27***GRAND TRAVERSE COUNTY****Amount of Invoice Paid: \$23,187.31**
SHERIFF PATROL JULY - SEPT 2022*Distribution:**207-000-818.000**Contractual Services**23,187.31***Total Amount Disbursed: \$23,217.58**

SEW

PENINSULA TOWNSHIP
INVOICE REGISTER

For Invoices Scheduled for Payment on: 10/11/2022 12

| VENDOR INFORMATION | | INVOICE INFORMATION | |
|-----------------------|----------------------------------|-------------------------------------|-------------|
| GRAND TRAVERSE COUNTY | | Amount of Invoice Paid: \$15,325.73 | |
| | | DPW - SEWER JUNE - AUG 2022 | |
| | | | |
| Distribution: | | | |
| 590-000-818.000 | G.T. County Service Fees - Sewer | | 15,325.73 |
| | | | |
| | | Total Amount Disbursed: | \$15,325.73 |

WAT

**PENINSULA TOWNSHIP
INVOICE REGISTER****For Invoices Scheduled for Payment on: 10/11/2022 12****VENDOR INFORMATION****GRAND TRAVERSE COUNTY****INVOICE INFORMATION****Amount of Invoice Paid: \$29,155.92
DPW - WATER EXPENSES JUNE - AUG 2022***Distribution:*

| | | |
|-----------------|--------------------------|-----------|
| 591-000-818.000 | G.T. County Service Fees | 29,155.92 |
|-----------------|--------------------------|-----------|

Total Amount Disbursed: \$29,155.92

Reports

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

CASH SUMMARY BY FUND FOR PENINSULA TOWNSHIP CASH AND INVESTMENT ACCOUNTS

| Fund | Description | Beginning Balance 09/30/2022 |
|------|--------------------------------|------------------------------------|
| 101 | GENERAL FUND | 1,061,052.00 |
| 206 | Fire Fund | 1,247,655.53 |
| 207 | Police Fund | 351,559.39 |
| 208 | PARKS/HASEROT/BHP/ARCHIE | 38,126.88 |
| 209 | Cemetery Fund | 64,174.73 |
| 212 | Pelizzari Natural Area | 294,303.77 |
| 213 | HESSLER LOG HOME | 4,673.29 |
| 215 | DOUGHERTY HOUSE | 8,663.77 |
| 245 | Roads | 12,575.08 |
| 248 | Building Fund | 2,692.86 |
| 297 | Purchase of Development Rights | 2,580,714.42 |
| 298 | Cable Council Fund | 739,299.28 |
| 400 | Landing Account | 400,774.77 |
| 502 | Tower Fund | 825,119.95 |
| 508 | Lighthouse Fund | 99,130.79 |
| 509 | LIGHTHOUSE GIFT SHOP | 95,967.77 |
| 590 | Sewer Fund | 298,328.71 |
| 591 | Water Fund | 321,382.31 |
| 596 | Compactor Station | 7,655.55 |
| 701 | Trust and Agency | 50,298.79 |
| 703 | Tax Collection | 5,694,554.20 |
| 708 | Library Trust and Agency Fund | 325,885.83 |
| | TOTAL - ALL FUNDS | 14,524,589.67 |



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



SEPTEMBER 2022 FIRE DEPARTMENT REPORT

RUNS:

Incident Type Details

| Click Row for Breakdown | 2022 | Total |
|-------------------------|-----------|-----------|
| 300 - EMS | 35 | 35 |
| 500 - Service Call | 4 | 4 |
| 600 - Series | 1 | 1 |
| 700 - False Alarm | 7 | 7 |
| 800 - Natural Disaster | 1 | 1 |
| Total | 48 | 48 |

Mutual Aid Summary

| Aid Given Or Received | 2022 | Total |
|-----------------------|-----------|-----------|
| Mutual aid given | 3 | 3 |
| Mutual aid received | 1 | 1 |
| None | 44 | 44 |
| Total | 48 | 48 |

Mutual Aid for Structure Fires

| Aid Given Or Received | Total |
|-----------------------|-------|
| Total | |

| Level of Service | 2022 | Total |
|-----------------------|-----------|-----------|
| Basic Life Support | 13 | 13 |
| Advanced Life Support | 22 | 22 |
| Total | 35 | 35 |

| Disposition | 911 Response | Total |
|--|--------------|-------|
| Transported No Lights/Siren | 15 | 15 |
| Patient Refused Evaluation/Care (Without Transport) | 11 | 11 |
| Cancelled (No Patient Contact) | 1 | 1 |
| Transported Lights/Siren | 3 | 3 |
| Assist, Public | 2 | 2 |
| Patient Evaluated, No Treatment/Transport Required | 3 | 3 |
| Patient Dead on Scene - No Resuscitation Attempted (Without Transport) | 1 | 1 |



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Traverse City, Michigan 49686
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| <u>Disposition</u> | 911 Response | Total |
|--------------------|---------------------|--------------|
| Assist, Unit | 1 | 1 |
| Total | 37 | 37 |

TRAINING: For the month of September, firefighters trained on fire streams, incident commander, size-up, SCBA use, pump operations, water supply, area familiarization, alarm systems, fire investigations and EMS continuing education. Two firefighters attended a firefighter safety and survival class. Chief attended meetings with area chiefs. Three firefighters attended a radio communications class. Two firefighters are finishing their paramedic training.

OTHER ACTIVITY: Department continued to work on business fire inspections. Chief started working on department budget for 2023/2024. Station facility maintenance complete. New motor placed on Marine 2. Staff is doing the motor break-in of 20 hours. Worked on preparing a grant request to Grand Traverse County for ARP funds. Chief is preparing to work with architect for new station 1 and station 2 renovations concepts. Chief starting to prepare for creating specifications to purchase a new fire engine to replace engine 2. This is part of the apparatus replacement schedule. Chief participated in the Munson paramedic class advisory committee. Did smoke detector installs and battery changes for a few residents. Social media reminders to CHANGE BATTERIES IN SMOKE DETECTORS. Prepared for fire station open house at station 1 on October 15th, 2022 from 11am to 2 pm.

Minutes

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board and Planning Commission

Joint Special Study Session

September 13, 2022, 7:00 p.m.

Township Hall

DRAFT Minutes

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

2. **Pledge**

3. **Roll Call**

Present: Sanger, Wunsch, Achorn, Shanafelt

Also present: Fahey via Zoom

Absent: Chown, Wahl, Rudolph

4. **Citizen Comments**

Louis Santucci, 12602 Center Road: I'm glad that you put in the invoices what these legal fees are costing us so far. Last month was \$170,000. The month before that was \$50,000. While a lot of people probably think that's well worth it, I don't. I just would like to caution the board to try to get a handle on what this is going to cost going forward. At this rate, I see very high expenses for the cost of litigation. The other thing is, I just want to thank you for putting the PDR list there. That was quite enlightening. I always wondered who sold their PDR land and how much they got. I'm thankful for that.

5. **Approve Agenda**

Sanger moved to approve agenda as submitted with a second by Achorn

Roll call vote: yes – Sanger, Achorn, Wunsch, Shanafelt

Passed unan

6. **Conflict of Interests:** none

7. **Consent Agenda**

Sanger: I request item four and item five from the consent agenda be pulled and placed as business items.

Cram: the spelling of Mr. Knysz's name in the minutes needs to be corrected.

Shanafelt moved to approve the consent agenda as amended with items number four and five pulled to be addressed as the first business item with a second by Sanger.

Motion approved by consensus

8. **Business**

1. Discussion of the Peninsula Community Library Art Fair sign request and the Home Builders Association Parade of Homes sign request

Board Discussion.

Sanger moved to approve the request from the Peninsula Community Library to place 18 by 12" directional signs for their art fair on September 24 on five road locations, not the library premises; the signs will be placed outside of the road right of way at the locations on September 18 and removed after the event on September 24 with a second by Achorn. Motion approved by consensus

Wunsch: we'll be working on editing the sign ordinance so that sign requests can be handled through planning rather than have to go before the board.

Sanger moved to approve the request from the Home Builders Association Parade of Homes to place 18 by 18" directional signs on 14 road locations in the township; these locations are not on the premises of the homes on the parade but will be placed outside of the road right of way at the locations on September 14 and removed after the event on September 18 with a second by Achorn. Motion approved by consensus

2. Public hearing on Family Orchards LLC waiver request from Ordinance 2022-6-14

Sanger moved to open the public hearing on the Family Orchards LLC waiver request from Ordinance 2022-6-14 with a second by Shanafelt.

Roll call vote: yes – Sanger, Wunsch, Shanafelt, Achorn

Passed unan

Cram: we received a letter from the applicant, Family Orchards LLC, on July 28, requesting a waiver from section six of ordinance 2022-06-14 regarding the current moratorium in the A1 agricultural zone. The applicant would like to be able to submit an application for a new winery-chateau. On August 9, the township board made a motion to schedule the waiver request for a public hearing this evening. Sufficient public notice was given to conduct the public hearing. The applicant has included a letter as well as a letter from his legal counsel. We have also received some public comments. We received additional public comment today prior to the noon deadline, but with Becky [township clerk] being out, I didn't make a packet addition. This additional public comment came from Susan Tarczon. I will follow our new procedure and include this letter as part of the public record in the next packet for the township board. We also forwarded some questions that were prepared by the township attorney to the applicant and their legal counsel in hopes of getting some answers that would help the township board make a decision on this waiver request. I have yet to receive any answers to those questions. I have placed a copy of the questions before you. At this point, staff and legal counsel recommend that you conduct the public hearing to hear any additional public comments, comments from the applicant, arguments, and so on, and then make a motion to take action at the October 11, 2022, meeting. Again, that's just a recommendation and we have placed a suggested motion before you. The attachments that were included as noted in my memo are the letter from Walter Knysz, a letter from Family Orchards LLC dated September 6, a letter from Andrew Blodgett, the applicant's legal counsel, and correspondence from Jim Raphael and Rose Skurski as well as a copy of ordinance 2022-06-14. I'm happy to answer any questions about the material included in the packet or the process, and our township attorney is here this evening with us via zoom.

Wunsch: we'll start with the applicant to introduce the project and rationale for the waiver of the moratorium. We'll follow with comments from the public.

Walter Knysz, 15259 Smoky Hollow Road: good evening, everyone, and thank you for this opportunity. I own the property at 15259 Smoky Hollow Road, which is located in the A1 agricultural district of the township. I've requested a waiver from the moratorium on filing my SUP application for a winery-chateau. When I filed my SUP application this past April, the township refused to accept it under the pretext of the first moratorium resolution. I filed the SUP application again in July and the township refused it again, this time citing the second moratorium, which was adopted by ordinance. The township refused to process it and sent it back to me. They did the same thing again last month when I sent it again under the second moratorium. In short, both the first moratorium resolution and the second moratorium ordinance are invalid as they were not adopted in accordance with state law for reasons my lawyer, Andy Blodgett, will explain in more detail. Before going to court, I'm giving the township an opportunity to avoid more litigation by doing the right thing and accepting my SUP application. Even under the moratorium resolution and ordinance as written, I can satisfy both criteria for a waiver, even though I just need to satisfy one of them. One of the criteria is whether I will suffer immediate and irreparable harm. If this delay continues and the township proceeds to amend the zoning ordinance to no longer allow winery-chateaus, my entire project for the vineyard is jeopardized. I would not even have a chance to apply for the SUP permit. That is the very essence of irreparable and immediate harm. Second, and even more directly, I satisfy the other criteria for getting a waiver, which is whether the moratorium violates state or federal law. Both the first moratorium resolution and the second moratorium ordinance were not adopted in accordance with state law. Therefore, they're not effective. The township planning director sent me a list of questions regarding this matter, but they aren't relevant to this waiver request. She asked if there were other uses for the property. Of course, I could put up a pig farm or sell the property to some tribe, but that's not relevant. I want to put up a winery-chateau. She also asked many questions about what I'm planning. These are all good questions that are addressed in my SUP application and are relevant only in considering my application. They're not relevant as to whether I should be allowed to file my SUP application. Finally, I want to underscore that I am pro-farmer and definitely want to keep this peninsula agricultural in character. What the township board and planning commission are doing by prohibiting and restricting me from pursuing a winery-chateau sends a message to all the township farmers, which is, "We don't care if you make money or not." To make money, farmers need to supplement their incomes vertically and integrate their operations and utilize their land. That doesn't apply just to vineyards and wineries. As you know, cherry farmers in northwest Michigan are struggling. Are you determined to keep them and other farmers from making money in the township? It isn't wineries that cause traffic on the peninsula. It's urban sprawl, which is spreading to the peninsula more and more in the form of subdivisions and housing projects. Is that what we want, more housing on the peninsula? Wineries are actually one of the most effective and practical ways to maintain the agricultural nature of the peninsula and to stop urban sprawl. With that I would like to ask Andy Blodgett, my attorney, to discuss the legal issues.

Andrew Blodgett: good evening, Andy Blodgett of Parker Harvey in Traverse City. For continuity in the minutes, I am taking over from Joe Quandt, who was here last meeting for this matter. We are seeking a waiver under both ordinance 2022-6-14 from June and the resolution that was passed on January 3. That's 01-03-2018 #1. The heading only references the moratorium that was passed by ordinance. I suspect the reason for this is that the planning director and the attorney implicitly recognize that the moratorium passed by resolution in January is invalid. I'll speak on that later. As factual background, Doug Mansfield on behalf of the applicant, Family Orchard LLC, attempted to submit a special use permit application on April 11 during the first moratorium and in July after the second moratorium. He attempted to hand deliver the SUP application to the township offices and was told it would not be accepted. To have something on record, he FedExed the packet to the township. To our understanding, it was or is still there. In the meeting minutes of August 9, there is a statement by Ms. Cram that an application was submitted during the first moratorium, so there is no factual question about that. I do want to make clear that we are requesting a waiver under both the January resolution and the June ordinance moratorium. This position might surprise you, but I don't believe that Family Orchards LLC actually needs a waiver. The reason is that both of the moratoriums are invalid and one would not need a waiver from an invalid moratorium. The first moratorium was an attempt to legislate by resolution. This was not a ministerial function; it was not a temporary delay; it was a preemptive elimination of land use, specifically winery-chateaus. It was passed without any comment in the minutes by this board, and it's squarely aimed at winery-chateaus. So we have an attempt to legislate by resolution, which is a violation of the legal doctrine of legislative equivalency. The second moratorium was passed as an ordinance under police powers, but I believe it's also invalid. The minutes from the June 14 meeting say this moratorium is an extension of the earlier invalid moratorium. The purpose is clear that it is to stop winery-chateaus. The comments in support of passing the moratorium clarify that the purpose is to prevent any winery-chateaus from receiving permit approval before the full zoning ordinance rewrite deletes them forever. That makes the June 14 moratorium a regulation of the land use, not a police power, and so it's effectively a zoning amendment. That is something this board can do, but to be valid, you have to go through the Michigan Zoning Enabling Act with all the notice requirements for an amendment. That June 14 moratorium did not do that and thus we believe it's invalid. So your question might be, "Why are you in front of me if you think you don't need a waiver?" We're seeking a waiver instead of filing suit. We want to give the township a chance to correct this mistake and avoid litigation by allowing the waiver. I understand there's a lot of moving pieces. You have the WOMP lawsuit, you have the ordinance redraft, but that does not give the township board cause to deny a landowner the right to a special land use permit application by going through an invalid process. The last thing we need is another lawsuit. We don't want that; you don't want that. We want our special land use permit application to be reviewed fair and square because we don't believe the two moratoriums are valid. We could have simply marched into court but we wanted to be here tonight to seek a waiver. We think that's an orderly way to do it. I do want to

reiterate what Dr. Knysz said: the waiver as written in both moratoriums is an "or," meaning if there is irreparable harm OR if there is a violation of law. That is what I set out for you tonight. It's pretty simple. Everyone knows the aim of the ordinance rewrite is to eliminate the land use he was applying for. I'm going to give you a proposed solution and then address two things that Ms. Cram mentioned about the questions and the suggestion to table until next month. My proposed solution: I believe our strongest argument as an applicant is that the initial moratorium from January, which was passed by resolution only, is invalid. I invite you to grant a waiver under the June 3 request. That will leave the township capable of defending its moratorium, which was passed on June 14, 2022, by ordinance, if you wish. I think this would minimize exposure to the township of possible future lawsuits going forward. But it's also the right thing to do. We would like a waiver on both but that is my suggestion to you. You heard from Ms. Cram about the questions that were submitted. My general response is those are excellent questions that are appropriate in the review of a special use permit application. I heard tonight that they came from an attorney. I don't know why they arose, but from our perspective, they speak to both the invalidity of this process and they feel a bit like gamesmanship. First, the fact that these questions were proposed underscores my argument that the real purpose of the moratorium is land use legislation. You're trying to dictate uses but you did not pass the amendment in the proper way. A waiver request should not delve into the substantive details of a project to bring a list of positives and negatives for the township board to consider. It's another way that this board seems to be legislating land use, which is prohibited. Second, and here's where I could be wrong, but that list of questions seems to me to be geared toward allowing this board to determine whether granting or denying this waiver request would be a benefit or detriment to this board's position in the WOMP lawsuit or to the draft ordinance rewrite. I submit that's the part that feels a bit like gamesmanship. I know this is interrelated, but we have a valid application and we shouldn't have to respond to those items to get a thumbs up or thumbs down. Regarding tabling this request until next month, again, our reasons are that both moratoria are invalid and we're here tonight seeking a waiver not because we need it but because we think it is the right thing to do at this point. Because of that, I don't see a need to wait a month and I don't see how this situation gets improved plus or minus for anybody in this room by waiting a month. It seems like a decision to try to steer this to a predetermined outcome. Thank you for your consideration.

Peter Kohl, 9466 Rolling Ridge: that was a very nice presentation. [The attorney] did a nice job even though I don't agree with him on some of the issues. I'm here tonight to speak against granting a waiver at this time. Family Orchards claims that there is immediate and irreparable harm. Clearly if there has been some harm, and if there has been some violation of the law, then of course they would be entitled to money damages compensation. They also say that there's been some constitutional and state law violations. I've heard that before in other circumstances, and I don't believe those claims are very credible. Matter of fact, I think they are dubious as far as immediate and irreparable harm as well as the violation of constitutional law. I'm not addressing the other

legal issues faced by counsel, but those two issues I respectfully disagree with. Now, it's my understanding that you have a proposed amendment to your ordinance and your ordinance would not prohibit wineries. It would allow selling wine by the glass. It would allow selling wholesale. Your ordinance would allow people to come in to sit down and have a glass of wine. Nothing would preclude them from following that process. I suggest that you wait until your ordinance is finalized and then have a process for everyone so that you're looking at an orderly and fair process. I don't necessarily see the need for a waiver. I certainly can understand the frustration on the part of Family Orchards. They want to get moving and I don't blame them, but I don't think this is connected in any way to the wineries' lawsuit. This is a separate issue. Before, the township didn't have such an experienced township attorney. We have an outstanding attorney now who is very versed in township law. I would follow his recommendations. I suggest you stay the course and not grant the waiver at this time. I know this is a tough one, and as I said before, you folks do a great job. I really appreciate how hard this is and I thank you for your time.

Jim Raphael, 14826 Mallard Drive: I did submit a letter that is in your packet opposing the granting of the waiver for the winery-chateau project. The main reason for my concern at this point is that when you look at where this is sighted, it's not isolated agricultural property. It's sandwiched between two subdivisions, Mission Hills to the south and the Cove to the north. To the east you have Bluff Road totally built out with houses. About a month ago, we passed a new millage for the PDR, which is going to get tens of millions of dollars to protect agricultural property from encroachment by residential properties. This is sort of a situation where the shoe is on the other foot. We have established residential neighborhoods in close proximity to the proposed winery-chateau project. The question is, what is the township board going to do to minimize the impact of this mega agribusiness? It will basically change our living environment and perhaps diminish our property values. Granted, a winery is an agricultural activity, but a chateau is a hospitality business. As I understand the ordinance, the owner can also build six residences on that property plus a residence for his manager. That's not agriculture. My point is, without clarity as to how the WOMP lawsuit is going to end and what's going to happen to the current ordinance, I don't see how you can pass judgement on, approve, or disapprove a special use permit if we don't know what the ground rules are. What's the ordinance going to look like? What gives me pause is what's happening tonight. This looks like an effort to ramrod through as quickly as possible this proposal through the township. As far as I know, neither the owner of the property nor his agents have reached out to any of the neighbors of the land in question. Why not? If you are going to try and work with your neighbors and put something in place that is going to work for all of us, it seems to me that would be a first step. The other thing lurking in the background that maybe the owners aren't aware of is that due east of the property in question there have been significant erosion problems on Bluff Road for the last three years. That includes two major sinkholes in Bluff Road itself and some degradation to the shoreline. The road commission has hired a consultant group that concluded a major problem with what's happened with Bluff Road is ground water runoff to the west of Bluff Road, including the property in question. Perhaps in the haste

of trying to get a proposal before you, a very short timeline for someone to buy property in February, March, and submit the SUP request two months later, the owner hasn't done a lot of due diligence. I just don't know if the group submitting this is aware of the potential problems on their property and how it might impact people on Bluff. It strikes me that rather than submitting this, they should sit down and talk with neighbors about what they have planned to get reactions from people, suggestions etc., so that we can all have a win win. I urge you to uphold the moratorium for now and I urge the new owner of this property to come and visit some of us neighbors and talk about what he has in mind so that we have a better understanding. Thank you.

Louis Santucci, 12602 Center Road: what this gentleman was referring to is, of course, what would transpire when the SUP is submitted. All these issues will be dealt with when the SUP is submitted. Going back to the moratorium, I stood here in the July meeting and told you folks that the moratorium was illegal. You paid no attention to that and now you have legal opinions coming at you. I read the letters and so forth and I just want to make a point. A moratorium was put in place in Leelanau County under the same rubric of a police action or whatever you want to call it and it was declared illegal by that court. You folks sit here, knowing that this could potentially be illegal, and cause us to go to yet another lawsuit, making Mr. Fahey very wealthy. He's already gotten \$157,000. I would project by the end of the year it's going to be \$500,000. And if the Protect the Peninsula or as I call it the "Impoverish the Peninsula" people force you folks to go through court again because they don't like the decision that the judge may issue, that's going to be another couple hundred thousand dollars. It's very simple to grant the request for the SUP tonight and then deal with all these issues as the SUP is reviewed by the planning people and then we go through the public hearings and all that. Putting it off till October is, in my opinion, just kicking the can down the road as somebody previously said. Also, at the last meeting, there was a comment made, "What's your substantial harm?" Where do these people go to learn their economics? The substantial harm is immediate because the person spent probably a million dollars to buy that land with an intention to use it for something. The worst thing you can do to a business is create uncertainty, and this moratorium has created a whole host of uncertainty. We don't even know what's going to happen when it expires. Are you going to extend it again? Could you make a commitment tonight that you will not extend the moratorium so people have some certainty or do you want to sit there and basically say, "We'll just wait a couple of months and see what happens"? At another meeting, one of the board members said, "What's the big deal? We're only talking a couple of months here." That is a big deal. I do not agree with kicking this can down the road till next month because I think we're going to have the same issues, and I also support their request for a waiver. Not only for the reasons they said but because I stood up here last July and told you it was illegal. Thank you.

Grant Parsons, 66936 Mission Ridge: I understand the question on the table is not the substance and content of the eventual SUP but the procedure and whether the moratorium should be granted. I helped draft the original winery ordinances and I'm currently on the agricultural citizens' advisory committee. We're working very hard and I

hope Mr. Knysz knows there is nobody in this room who doesn't want agriculture to succeed. And that committee Ms. Cram is heading is working on two fundamental ways to enhance agricultural revenue. One is through enhanced activities, more square footage, that kind of thing. The other is the parity issue. Arriving at parity for both wineries and what we call traditional farms, which probably pisses people off because everybody considers themselves a traditional farmer. But we are working extremely hard. We are taking this seriously. I oppose the moratorium [waiver request] this evening because the board is under so much pressure from a lot of directions but mainly because we have a work product coming. And I don't know exactly what standards, as Mr. Kohl pointed out, you would apply to a current applicant. New standard, old standard, what is going to be applied? I would add this: Mr. Blodgett probably knows more law on this than I do, but I'll defer to Mr. Fahey on this issue, as we all know he's represented 80 townships in Michigan. He knows township law. On this issue of damages, the lawsuit that is being suggested, I would just like to lower a little bit of the pressure by saying that before damages were proved, there would be two steps. They'd have to prove the moratorium was illegal, and then they would have to prove that the special land use permit would have been approved. That is far from established, so I hope Mr. Knysz and Mr. Blodgett think about that. They came into this township in the middle of a very volatile period of time. I think they bought the land probably with notice. I don't know if they applied after the first moratorium. I can tell you this: I saw the Michigan State articles saying moratoria are valid for the reasons this township used them for. If there was a minor flaw in the process, that is not grounds to say that the eventual purpose of the moratorium was wrong. It's just like the Supreme Court issue on the spacing and the changes between the computer and the printed version. There may be a futility defense. There may be a number of defenses, but I appreciate you people sticking to your guns. Keep close confidence with Mr. Fahey as you examine this, and I think on a procedural grounds, you are correct as it stands. That's why I oppose a waiver of the moratorium for this or any other applicant at this time. Thank you.

John Wunsch, 17881 Center Road: I will not comment on the legal side because there is great expertise in your attorney. I urge you to listen to him. He knows the law regarding these questions quite well. I will speak somewhat to give perspective to the claims of harm, and one of the points has been made by Mr. Kohl: there is no intention to stop agricultural wineries. There is merely an intention to identify within the winery-chateau [portion of the ordinance] issues that could be reduced by replacing it with a better ordinance. There will always be wineries. We want wineries. We need wineries. This is just about the format. So in that context, thinking about harm, it's not as if you simply cannot do your business. But your business may not be the same format that has been done by others many years ago. Additionally, in that context, we don't know, we can't know, what's going to happen with this lawsuit. Two months ago, it looked like the wineries were going to win and there would need to be a good bit of change. But in the last two months, with the multiple successes on appeal from Protect the Peninsula, it looks far more like the wineries are going to lose, in which case we are not going to need some of these dramatic changes that were being discussed. This is why I think it's wise that the township stopped

when they saw that things were turning. They saw that it would be hard to know where we would be legally. They stopped and did not proceed with a proposal that very likely would not have gone through anyway the way it is laid out. There was going to be a great deal of public comment, a great deal of input. We have always compromised. If you look at what happened between 1988 and 2001, we came to great compromise after we had complete opposition. So I don't think it's possible to say there's this huge harm. Yes, I respect this has got to be frustrating. You have a vision, you have a dream, you want to proceed with it. It can be difficult to wait. But when you join a community with a very significant history of working hard back and forth and taking time to make things right before moving forward, when you enter a situation where there is a well-known lawsuit causing disruption, when you enter a situation where there is discussion of potential change and elimination of it, I think you have to expect this. I hope we're going to come up with a great replacement ordinance that we will be happy with. If there is harm, you can see it coming; it's almost self-inflicted. So my position is, in terms of the harm issue, I don't think that is justification to waive. I will leave the legal questions to the legal minds.

Dave Murphy, 6930 Shore Road: I'll probably echo several things that John just said. First on the legalities. You have your expert and we'll put our faith in his work. John also mentioned community and it seems I found myself drawn into a large number of community issues of late. I'll be speaking on another community proposal coming up later on your agenda. I just want to say that I support the rationale of the moratorium, both of them. I understand why they were done. The legality is going to be worked out. To the applicant, I understand the frustration. To think about the decades of work that some of us have put into agricultural preservation, the \$20 million raised to date, and the new effort led by John that will raise that much more and beyond for agricultural preservation, we are a community dedicated to agriculture. We may disagree on how to do it, but we are dedicated to agriculture. The timing is extraordinary bad and that's not your fault. These are harsh circumstances. I have people asking me about the \$135 million claim, where that's going to be paid from. There are people in this community frightened by that. It's a risky time for this community. We need to get the lawsuit understood and under control and behind us. That is why the moratorium took place. As to the legality of that, we'll trust our experts. Thank you.

Mark Nadolski, 10 McKinley Road: I second everything you've heard recently. I've lived on the peninsula since 1973. When I moved here, I thought I'd died and gone to heaven. I committed myself to helping the farmers because this is why I moved here. The cherry orchards, the bays, just the peninsula itself, draws people because of what's here now, not what people would like to see. Many times, we come in with the wrong impressions of what this community is about. It's time to understand that we're fighters. We fight for what we believe in. We fight for the farmers. We're fighting for the wine people, providing they follow the ordinances that the township has worked hard on over many years to create. If they can understand that, we can work with them. If they don't and they want to fight, that's up to them. We appreciate the job the township, the planner, and everybody in the committees is doing to try to make this ordinance work for everybody. We

appreciate all their efforts, and I hope the people of this community do also. Thank you.

Jed Hemming, 2455 Neahtawanta Road: I just have a question. How long? How long are you going to hold business back without doing damage? Because it's not just wineries. There are other people that have applied and been put on hold. How many people have been thinking about applying, and they're going, "No, I think I'll go to Leelanau County or someplace else." My question is, how long are you going to wait?

Sanger moved to close the public hearing with a second by Shanafelt.

Roll call vote: yes – Sanger, Wunsch, Shanafelt, Achorn

Passed unan

Fahey: I appreciate the comments I heard from both sides. I want to echo something that Mr. Santucci said, which is, if I can paraphrase, we need some certainty. I agree. How much uncertainty have we had in the township over the last several months? Even before the lawsuit, you were trying to revise your ordinance. The lawsuit has put a lot of pressure on the community and on the board as a result. That led to an injunction that seemed to say some things were not legal but never really told us what we could do. Then we had another change, from a higher court that now says that injunction is off the board, the township ordinances are back in place. I don't think the situation we're in now is satisfactory to anyone. The board has already put in motion a process to try to get that certainty by clarifying and amending the ordinances in respect to wineries. You've set a public hearing on the ordinance amendments for wineries for October 11. That's going to be your next meeting. At that time, everyone can have an opportunity to be heard on what's being proposed to be included on that new set of ordinances for wineries. To Dr. Knysz's point, he would like to develop a winery. Under those proposed ordinances, Dr. Knysz would be able to file an application for a special use permit to develop what is referred to as a retail farm processing facility. I have shared that with Andrew Blodgett and encouraged him to talk with Dr. Knysz about that proposed ordinance and to come to the October 11 hearing with any ideas or concerns they have about those proposed amendments. But the only way we're going to get any certainty is to go through the process of amending the ordinance, clarifying it the way that the township wants it to be, and to adopt provisions that we can use to go forward. Looking at where we are now, it is my recommendation that it makes absolutely no sense to grant this waiver. If you grant the waiver, then Dr. Knysz will be filling an application under an ordinance that will be obsolete in a matter of weeks. That's going to be a waste of everyone's time. We all know that even after an application is filed, it's going to take many months of review before an application is acted on. Don't start making an application under an ordinance that is likely not going to even exist in a few weeks. Let's get the ordinance put in place and then have Dr. Knysz make his application under the new ordinance for a winery. It will be considered in due course, and you [the township board] can make a decision. In the meantime, Dr. Knysz in no way is going to suffer irrepressible harm. I would suggest it would be a worse situation to file an application under an ordinance that isn't going to exist and then have to come back and re-file an application. It makes so much more sense to wait until we have solidity. My recommendation is, number one, deny the waiver. You could deny it tonight or you could wait until next month. In some ways, putting it off might make some sense if

you consider adopting as a part of your zoning ordinance a moratorium that would be geared to the zoning ordinance itself. That would be one reason to delay the decision on the waiver, to be able to adopt an ordinance that would clear up any uncertainty that anyone might have about the moratorium being legal. The only argument I heard made about the unlawfulness of the moratorium is that you didn't go through a correct process. Nobody has said that there's anything about the moratorium that is unreasonable. If it's a question of holding a public hearing, let's do that in October. Let's re-adopt the moratorium in a way that nobody can claim is invalid. But then let's put that behind us, let's go forward, adopt the amendments to the ordinance, the substantive amendment that Dr. Knysz and others can use to submit their projects to the township for consideration. My recommendation is to defer this until October 11. In the meantime, think about the issues with respect to Dr. Knysz and his claim of irreparable harm. Consider putting on our agenda on October 11 a zoning ordinance amendment that would correct the claimed procedural violation that there was not a following of the zoning process. That's my thoughts, happy to answer any questions.

Sanger: the word "uncertainty" sticks in my mind. What I heard tonight, if I was in the business, I would not want to take any more risk than I have to. For government to give an approval tonight, in the face of uncertainty, creates more uncertainty. It makes sense and is fair to everyone here to table this until next month. We need to get to work amending the zoning ordinance so there's no question about the time out we're taking. We were all prepping for a trial three weeks ago that got canceled. We need to take the time to make sure that if there is an issue, we're not compounding it.

Shanafelt: in my mind, the concept of the moratorium made total sense in the context of what was going on. In the middle of the zoning ordinance re-write, the context of the lawsuit, things were evolving. The purpose of the rewrite is to harmonize how we view agriculture. Wineries in the context of the peninsula are an aspect of agriculture. The aim is to create a unified, comprehensible, non-contradictory set of ordinances so agriculture can evolve and develop in a sensible way. The moratorium allows us to complete that process and allows them the ability to understand what they're applying for, what they can do, how to approach the process, what is allowed, what makes sense, in the context of what we want to do here on the peninsula. Things are going to change and everything becomes moot. I think we just need to finish the process here so we can move forward in a sensible manner.

Wunsch: I agree. I also want to address something that has come up a couple times, once internally within our offices and now from Mr. Knysz. I feel a need to address a threat that has been made, which is that we will sell to a tribal entity. We would welcome any tribal entity purchasing real estate in the township. We would welcome a winery presenting plans to us that adhere to our ordinance. And we would welcome a pig farmer provided that they adhere to GAAMPS and our zoning ordinance. I feel it's a bit offensive for the industry to be denigrating tribal entities by threatening to sell to them.

Achorn: I agree that we should wait. There is absolutely no way, as a former CPA, that I would advise a client to proceed with a major project without knowing what the rules are.

Here, the township doesn't even know what the rules are. How can we allow someone to spend the money on a project with no rules? It is the wisest thing to wait till everybody knows what we're dealing with. It's just common sense.

Shanafelt: given that the lawsuit resolution could take years, it's incumbent upon the township to define a set of ordinances as best we can until that issue is resolved.

Obviously, if there's some legal things going on that we have to change, we will. Until then, it is incumbent upon us to put something together. Jenn and her crew and the agricultural committee put in yeoman's hours to make this happen and get it done as quickly as possible. It's not as if we're not doing anything. We want to get it done. We just want it to be a good working product.

Sanger moved to table the decision on granting the Family Orchards LLC waiver request until October 11 with a second by Achorn.

Roll call vote: yes – Achorn, Shanafelt, Wunsch, Sanger

Passed unan

Sanger: do we want to take on Mr. Fahey's suggestion that we establish a temporary moratorium in the zoning ordinance?

Fahey: I think that would be a wise course. We're already going to be holding a public hearing on October 11 anyway on the winery ordinance. We could also notice a public hearing on a zoning amendment to authorize a moratorium that would simply run co-extensively with the moratorium that was already ordered back in June. That would resolve the arguments that have been made that the present moratorium was not adopted under a correct statute.

Wunsch moved that the township board initiate a proposed zoning ordinance amendment to establish a temporary zoning moratorium on the consideration, approval, location, erection, construction, installation or commencement of any new or abandoned farm processing facility or new or expanded use permitted by special use permit within the A1 agricultural district and to schedule a joint public hearing with the planning commission on October 11, 2022, to consider and possibly adopt such a zoning ordinance amendment with a second by Sanger.

Roll call vote: yes – Shanafelt, Achorn, Sanger, Wunsch

Passed unan

3. Public Hearing on Lemanski Bed & Breakfast SUP #141

Cram: the Lemanski Bed & Breakfast SUP number 141 is located at 550 Camino Maria. The property is zoned R1A, rural and hillside residential. The applicants are requesting rental of two bedrooms for up to four guests. No exterior improvements or changing character to the single-family residence are proposed. Required parking for the proposed use will be accommodated in the existing garage and driveway. Adequate water and sewage disposal also exist for the existing residents and proposed bed and breakfast use. This item was before the planning commission on July 18 for a public hearing, where the planning commission unanimously recommended approval. Both staff and the planning commission found that the application met all of the general standards of section 8.1.3(1) as well as the specific standards under section 8.1.3 (3) for special use permit applications. In addition, the staff and planning commission found that the application met all of the standards for section 8.7.3(6) specific standard requirements for bed and breakfast

establishments. The property is 2.74 acres according to the assessor's records. As noted, the applicant meets required parking and other things. The planning commission recommended approval with nine conditions of approval that are included in your packet. With that, I would be happy to answer any questions you have.

Sanger: I know this property quite well. It is a good thing to do. The property is easily able to accommodate guests in the home and property.

Cram: I forgot to note that we did receive two letters of support, which are included in the packet. We have received no public comments in opposition to the requests. The applicant is not present this evening but I do have a phone number if there are any questions.

Achorn: I have also walked the property when it was under construction. I think there is adequate land and parking in addition to excellent separation in the house.

Shanafelt moved to go into public hearing with a second by Sanger.

Roll call vote: yes – Sanger, Achorn, Shanafelt, Wunsch Passed unan

Grant Parsons, 6936 Mission Ridge: the B&B ordinance requires it to be owner occupied, correct?

Cram: correct.

Shanafelt moved to close the public hearing and go back to regular session with a second by Wunsch. Motion passed by consensus

Sanger moved to approve SUP #141 for the Lemanski Bed & Breakfast based upon the findings of fact and the nine conditions of approval with a second by Shanafelt.

Roll call vote: yes – Wunsch, Shanafelt, Achorn, Sanger Passed unan

4. Public hearing on Cooley Bed & Breakfast SUP #142

Cram: the Cooley Bed & Breakfast is located at 6901 Mission Ridge and is zoned R1A rural and hillside residential. The application includes the request for rental of three bedrooms for up to eight guests. Again, no exterior improvements or change in character to the existing single-family residence are proposed. Required parking for the proposed use will be accommodated in an existing driveway. Adequate water and sewage disposal exist for the existing residents and proposed bed and breakfast use. This item was heard at a public hearing before the planning commission on August 15, 2022, where the planning commission unanimously recommended approval. There were originally nine conditions of approval. One condition was added. At that time, the staff and planning commission found that the application met all of the standards for section 8.1.3 on the general standards for an SUP as well as section 8.1.3(3), the specific requirements of an SUP. The minimum lot size requirement of one acre is met. The property is currently 2.3 acres according to the assessor's records. The applicant has met all of the fire safety requirements. The tenth condition of approval that was proposed was based on access. The planning commission discussed this and the applicant participated and agreed to the proposed condition of approval about advertising to make sure that guests use the primary roads and the most efficient means to find the bed and breakfast. With that, there are 10 conditions of approval, and we recommend the township board approve the application.

Acorn: it allows up to 10 sleeping rooms?

Cram: you're looking at a copy of the certificate of occupancy from the uniform

construction code. The reason I provided that information is that a bed and breakfast is a use that is allowed in a residential structure. We want to assure that residential structure was built according the current building code. By providing a copy of the actual building code, you can see that our zoning ordinance is consistent with the construction code. They have received the appropriate certificates of occupancy for the original residents as well as the conversion of a former attached garage into living space where this proposed bed and breakfast use is taking place. The construction code allows for more than what our zoning ordinance does.

Achorn: the reason I ask is that this house has a lot of bedrooms.

Cram: it has several bedrooms. One of the conditions of approval that the applicant is aware of is that Christina Deeren, the director of zoning, and I actually go out and do a field inspection to confirm the number of bedrooms. We also do that to make sure the water and sewage disposal is adequate for the proposed use because of the on-site septic system. We want to make sure that the number of bedrooms that were approved by the environmental health department are indeed there.

Sanger: this previously was an adult foster care facility. I don't recall how many rooms were in operation. I think it was six. It's been a fully licensed adult foster care facility for more than 20 years.

Shanafelt: it makes a huge amount of sense.

Sanger: this meets the need for temporary lodging on our peninsula. Frankly, I would rather see this bed and breakfast than short-term rentals. This is owner occupied. Short-term rentals by and large are not.

Cram: this application also received two letters of support from neighbors. That helps to reassure us that it is a good fit for the neighborhood.

Shanafelt: at the planning committee meeting, one request was made. Due to the presence of a private road near the area, they had to ensure as best they can that traffic adheres to public roads. This was requirement number 10. They agreed to include this as a house rule.

Board discussion.

Sanger moved to open public hearing with a second by Shanafelt.

Roll call vote: yes – Achorn, Sanger, Shanafelt, Wunsch

Passed unan

Erin Cooley, 6901 Mission Ridge: I want to express my gratitude for being considered for the SUP and I'm happy to answer any questions.

Grant Parsons, 6936 Mission Ridge: I sent a letter that coordinated the nearest neighbors to the proposed bed & breakfast. We all support it, and not just because they're nice people. Jenn, you've set some very good standards for this stuff. The owner occupation is critical, as David raised. That maintains the neighborhood. Thank you for your consideration.

Dave Murphy, 6943 East Shore: I support this application again as I did at the planning commission level. Although I adamantly oppose non-owner-occupied short-term rentals, an owner-occupied B&B at this property is appropriate. The property meets all criteria, and it was previously used for assisted living, which was a more intense use than a B&B

will be. Neighbors support this use and community approval is a huge factor to me. In addition to the neighbors' support, the Cooleys have already proven to be good neighbors by continuing to allow access through their property to Pelizzari Natural Area, which spares walkers from adjacent neighborhoods from driving onto Center Road, thus mitigating traffic in a busy portion of the township. To summarize, we have an appropriate use of an owner-occupied B&B that's supported by neighbors and the owners have already demonstrated goodwill to our community.

Jed Hemming, 2455 Neahtawanta Road: I have nothing against this. What's the difference between a three-bedroom bed & breakfast and a farm stand? If I applied for a farm stand on Neahtawanta, half this room would be in opposition. What's the difference?

Mark Nadolski, 10 McKinley Road: I strongly support this. Fight short-term rentals.

Shanafelt moved to close the public hearing with a second by Sanger. Motion approved by consensus

Sanger moved to approve special use permit #142, the Cooley Bed & Breakfast, based upon the findings of fact and 10 conditions of approval with a second by Achorn.

Roll call vote: yes – Sanger, Shanafelt, Wunsch, Achorn Passed unan

5. Renewal of PDR monitoring contract for one year at the 2021 rate

Wunsch: the best way to move forward is to renew the existing contract.

Shanafelt: I had a couple questions. Is there a legal requirement that we monitor every year?

Cram: yes.

Shanafelt: do we know how much time is spent monitoring?

Cram: monitoring happens constantly. But each fall, per the contract, Christina [zoning director] and Sally [assessor] go inspect all 114 conservation easements the township holds. They split those up and then each of them prepares an annual report to the township board with recommendations, noting any violations.

Board discussion.

Sanger moved that the supervisor be authorized to enter into an agreement with Ms. Deeren and Ms. Murray to extend the current PDR monitoring contract for one calendar year, 2022, at a rate not to exceed the 2021 rate, with a second by Shanafelt.

Roll call vote: yes – Sanger, Achorn, Wunsch, Shanafelt Passed unan

6. Parks Committee update

Skurski: I passed something around. What you're seeing is the playground at pavilion number one [at Bowers Harbor Park]. I have a couple of requests. We need some additional funding. Our volunteers did a great job cleaning up the parks. We have six new volunteers and need about \$175 to outfit and train them. They'll be out in the parks in October. We need specific signage for some of the unauthorized activities we're seeing. Can't have dogs in the baseball diamond. We need additional signage for staying on the trail. We're seeing a lot of off-trail hiking at Bowers Harbor, the lighthouse park, and Pelizzari. I'd like about \$500 for that. So that's an additional \$675 that we'll need. Then, looking at the discussions we've had with the executive group on putting together a playground at pavilion one, we want to remove the old items and replace them with two

items, a swing set and a playground designed for five to twelve year olds. In addition, we want to add a zip line at the large playground. The cost for the zip line is about \$17,000. The playground is normally \$31,500. It's on sale for \$20,400 if we can get the cash and even get a purchase order together by the end of October. The swing set is about \$3,000. We've been targeting about \$49,000, which includes a \$14,000 fund that the community has assembled for the parks. Then also a \$35,000 addition from the board. Those three pieces of equipment are \$40,000. In addition, we need some materials for the flooring and also a guard rail. We're assuming about \$10,000. So we will be right about at our estimate. Unfortunately, we weren't able to get an estimate from Sinclair in time for this meeting. If we can get a purchase order done by mid October, we could probably get it installed in November, before the ground freezes. That would lead to a public event, the fundraising kind where we could show the new equipment, bring people in, and hopefully start generating some more cash for future projects. On that issue, are there any comments or questions from the board? We would come in and make a formal request with basically a laid-out plan and the detailed pricing. We don't really want to miss this opportunity to get a \$10,000 discount on the materials and installation that we are looking at.

Shanafelt: I don't think we need more information. I just want to clarify, these are modular? We can add on to them later?

Skurski: yes. Game Time is the manufacturer. It's what we have at Haserot.

Board discussion.

Sanger: can I ask the treasurer, is this in the budget for this year? Can we fund this?

Achorn: it's not in the budget. We do have the restricted funds that came from the donations; that was about \$14,000. We could touch the ARPA money, about \$30,000, for the balance. I know it's limited, but it's a small amount that we can start earmarking for the ARPA money. With the public events, we can talk to the public and get more input regarding what they want. They can make donations or promises to fund specific items they want. In a way, they would be voting for what they want in the park by putting some money behind that.

Sanger: the number one item of concern on the survey was flush toilets. We just keep pushing that back.

Shanafelt: this came up. Flush toilets are a huge cost. If we do a little bit of repair work, we can make due with what we have. The playground was number two and we can address it now. This is impact.

Sanger: I would like to have the board set a goal for when we can get flush toilets.

Board discussion.

Skurski: we're getting ready to do the next five-year plan. Looking at those surveys and public meetings, we get reinforcement on what the public wants. It's a lot easier to buy a \$35,000 playground than a \$250,000 toilet system. We'll start laying out the financial impact of the plan. I did planning in the business world. When you lay it out in time and dollars, you and the community get a better look. We're starting at a low baseline. Number three is getting the boat launch for Kelley. We're looking for consultant help. We'll have community involvement. First January meeting, we'll have our proposal.

Tonight we need the approval for the \$675.

Achorn: I can see the need for the \$675; it's a safety matter. We'll have to make it happen.

Board discussion.

Wunsch moved to approve additional \$675 for parks budget with a second by Shanafelt.

Roll call vote: yes – Achorn, Sanger, Wunsch, Shanafelt.

Passed unan

7. Correspondence in packets

Wunsch: I realize I skipped original business item number five. We're looking at a change to administrative policy on how to handle correspondence in packets. We've had some requests to put dozens of pages of material into the packet in the last couple of meetings, so we're just going to set a standard three-page limit on material to be submitted as correspondence. Obviously, if someone has an item that is on the agenda, they may submit more than that. We just want to avoid abuse of the correspondence section. I'm looking for consensus from the board.

Shanafelt: seems reasonable. If someone has more to say, there's always the option to put it on the agenda for discussion.

Sanger: it's okay with me.

Achorn: I agree with that. It's a burden on the staff and our copier.

Shanafelt: that is not insignificant.

Cram: we get a lot of last-minute submittals. Can we formalize our process for last-minute additions?

Wunsch: at the last meeting we touched on this. We looked at a 24-hour lead time so the clerk's office can fold it in.

Cram: I volunteer to review this and get a policy finalized.

8. Motion to enter closed session in order to consult with the township attorney regarding trial strategy in the winery litigation pursuant to MCL 15.268(1)(e)

Wunsch: before entering closed session, are there any citizen comments?

9. Citizen Comments

Andrew Blodgett, 4591 Brook View Dr in Acme Township: as a positive comment, thank you for Bowers Harbor Park. That's the main way my family engaged with this township for 15 years. We had kids in baseball, and I went from hating the long drive out there to really enjoying that park. We ran there, we made our way to the nature preserve, played tennis there, enjoyed the playground. It's a really important, underused asset; we really love it. Andrew Blodgett of Parker Harvey has some somber comments. I think that the four of you had good intentions tonight, but I think you made a mistake. Sometimes you miss the forest for the trees. I expected some pushback tonight that your moratorium were valid, and I didn't hear that from you or your attorney. In fact, I heard that we need a motion for a third moratorium to get it right. I think that is an implicit acknowledgement that a fix was needed, meaning something was wrong. I think the summation you would like is that it's okay to overlook these procedural mistakes because you have good intentions. I don't doubt your good intentions; you're in a hard spot. But the position that I overlook mistakes because you have good intentions works if you're a spouse, if you're a parent, but not if you're government. That is due process rights. You're taking away my client's due process

rights by making procedural mistakes that cost him. I think that's disappointing. Thank you.
Jed Hemming, 2455 Neahtawanta Road: quick comment on pickleball. I am a good supporting spouse; I'm not on the front lines on this. Some of you guys know I kind of like cars. If somebody came to me and said, I know where there is a \$330,000 Lamborghini for sale, and I'll give you \$300,000 of that, by God, I'd come up with a \$30,000 to buy it. That's where you guys are with this pickleball thing. I think it's up to you to make this happen because this is an opportunity. I live by there; I play pickleball. Last time I played, there were 30 people playing. They're there every weekend and four or five days a week. This is an opportunity to leverage a hell of a lot of money for the benefit of this township and parks. Thank you.

Monnie Peters, 1425 Neahtawanta Road: I'm not going to talk about the zoning rewrite tonight; I'm going to talk about roads. Many months ago, I remember this board discussing whether we were going to support the Grand Traverse County Road Commission [taking jurisdiction of] Center Road or whether we would stay with the state. Every time I drive on Center Road, I say, "This road is so well done." It was a fabulous decision and I'm really glad we went that way. I see Peninsula Drive has a little bit of new stuff on it, but then there's Neahtawanta Road. This isn't really your purview but maybe you can talk with the road commission to do something about our potholes. Everybody who drives down Neahtawanta drives down the middle of the road unless there's someone else coming because the sides have gotten so bad. I don't know what you can do, but if anything comes up with the road commission, tell them there's people in Neahtawanta who would really like Neahtawanta Road to be improved.

10. Board Comments

Shanafelt: the peninsula is complex. The general township structure wasn't designed to handle these complexities. Is there another form of government that could help? I'd like to ask Bill if there's a more appropriate form of government and research that.

Wunsch: I've avoided talking to the road commission about Neahtawanta because they're going to cut down trees.

Sanger moved to enter closed session pursuant of to MCL 15.268(1)(e) with a second by Shanafelt.

Roll call vote: yes – Shanafelt, Wunsch, Sanger, Achorn

Passed unan

Wunsch moved to leave closed session pursuant to MCL 15.268(1)(e) with a second by Sanger.

Roll call vote: yes – Achorn, Shanafelt, Wunsch, Sanger

Passed unan

Wunsch: any updates or comments?

11. Adjournment

Shanafelt moved to adjourn with a second by Sanger.

Motion passed by consensus

Meeting adjourned at 10:18 p.m.

Peninsula Township
Township Board Special Meeting
September 27, 2022, 10:00 a.m
Becky Chown, Recording Secretary

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Special Meeting

September 27, 2022, 10:00 a.m.

Township Hall

Minutes

1. **Call to Order** by Wunsch at 10:09

2. **Pledge**

3. **Roll Call**

Present: Wunsch, Achorn, Sanger, Chown

Excused absence: Wahl, Rudolph, Shanafelt

4. **Citizen Comments:** none

5. **Approve Agenda**

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

6. **Conflict of Interest:** none

7. **Consent Agenda:** none

8. **Business**

A. Approval of the L-4029 (not 4027; corrected by Achorn) millage rates (Achorn)

Achorn: This is the 2022 millage rate we submit to the county for general operations. The December 1 levy will be .6151. The PDR millage rate per the August 2, 2022 election will be 2.00 mills. This millage will expire on Dec. 2041. The fire millage will be 2.6 and was approved in March with the budget.

Sanger: I'd like to ask a couple of questions. One mill was adopted in 1974. The Headlee Amendment reduces the collection from one mill to .6151 mills. Does the township have options to not approve this reduction that has been taking place each year? It looks to be about a two percent reduction for this year?

Achorn: not that I've been told except for perhaps increasing it back to the one mill. We've lost almost half the millage.

Board discussion.

Wunsch: we are in position to capture more assessed value when properties transact due to a change in ownership. Personnel costs are increasing more than the value of inflation right now. We're seeing this in the fire department today. The complexity of the township is changing. The .6151 millage is probably inadequate for us to do what we need to do.

Sanger: the idea 30 years ago was to keep taxes down, but it's ironic that we're supposed to get by each year with less and less. It isn't enough to cover the essential services we

need to provide in an ever more complex township.

Chown: such as the growing needs at our parks.

Sanger: exactly. We struggle to find money to improve our parks. We're supposed to get by each year with less and less. It doesn't work.

Achorn: it's why we're considering possibly changing the form of township to a charter township.

Sanger: we are hindered in providing good services to our citizens.

Achorn: it is a major problem.

Board discussion.

Achorn: we must quickly study the possibility of changing our form of government.

Chown: yes, and we will need to have many conversations about this so that our residents understand why changing to a different form of township government would be beneficial.

Sanger: it would be good in my view to get the planning commission and legal counsel thinking about this. I agree; this cannot be a surprise to the voters and citizens. We need to let them know why this is attractive to the township.

Achorn moved to request approval of the L-4029 millage rates and to place them on the tax rolls for the winter tax collection with support from Sanger.

Roll call vote: Yes – Achorn, Sanger, Chown, Wunsch

Passed unan

9. Citizen Comments: none

10. Board Comments

Chown: we are cancelling the November 8, 2022, regular township board meeting. Both Susan and I missed the fact that we have an election that day when we put together the meeting dates for the year. We will reschedule that meeting for November 1, 2022.

11. Adjournment

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

Meeting adjourned at 10:25 a.m.

Northwest Education Services



Sept. 23, 2022

Peninsula Township
Attn: Supervisor Isaiah Wunsch, Clerk Becky Chown
13235 Center Rd.
Traverse City, MI 49686

Township Leadership,

In partnership with local school districts throughout our service area, Northwest Education Services ("North Ed"; formerly Traverse Bay Area Intermediate School District) has placed a restoration millage proposal on the ballot that, if approved, would allow us to maintain the current levy to support programming and services for Special Education students in our region.

Voters in the Nov. 8, 2022 election will be asked to consider a 0.5-mill restoration millage for a period of 10 years (2023-32), which would – if approved – allow North Ed to **maintain the existing regional Special Education levy at its current rate** and offset potential future reductions permitted under the Headlee Amendment.

I would like to stress the fact that North Ed currently levies 2 mills to support Special Education regionally, and taxpayers would not see that levy increase if the proposal is approved by voters. Instead, if approved, the replacement millage would only be levied to the extent necessary to restore Headlee reductions and to maintain a level 2-mill Special Education levy.

Many of the students we serve require teams of highly qualified educators and support staff, along with specialized equipment and facilities that can be costly. As educators we have an obligation to serve all students, including those with the greatest needs. In fact, local school districts in Michigan are *legally required* to ensure Special Education students are provided a Free Appropriate Public Education (FAPE) from birth to age 26.

If approved, the restoration millage would continue to ease the financial burden associated with Special Education for local school districts, allowing their general fund dollars to be used on other priorities, as determined by the local district – which could include community facilities, programming and services for all students and other general operating expenditures.

The total millage presently available to North Ed for Special Education is 2.0354 mills, of which we currently levy and have historically collected only 2 mills. However, should that available millage drop below 2 mills due to Headlee rollbacks, North Ed's ability to levy the 2-mill amount is eliminated, meaning less funding for Special Education regionally. For each 0.1 mill that the levy is reduced, there is a loss of \$1.39 million in revenue to support Special Education in our region. The restoration millage, if supported by voters, would essentially serve as an insurance policy by offsetting potential future reductions caused by Headlee rollbacks.

Northwest Education Services

Our current 2-mill levy generates about \$27.5 million regionally and is the largest source of Special Education funding. Federal and state sources provide roughly \$6.4 million and \$19.2 million, respectively. Still, the cost to provide Special Education services to students already outweighs these state and federal sources, *and* the regional millage. Any unfunded costs related to Special Education are the responsibility of our local school districts, which collectively used \$9 million from their general funds to cover the financial gaps during the 2020-21 school year.

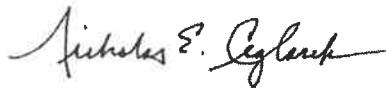
If approved by voters, the restoration millage would continue to directly support students who require specialized instruction and equipment, and provide financial support to local school districts who must meet their legal responsibility of ensuring Special Education students are able to receive the services they need.

We hope this letter helps inform your constituents of the Special Education millage proposal, and we invite you to review our webpage at www.tinurl.com/NorthEdMillage, which has more information.

Lastly, we encourage everyone who is eligible to exercise their right and duty to participate in our democracy by voting in the Nov. 8 election.

If you have any questions, please do not hesitate to reach out to us.

Thank you very much,



Dr. Nick Ceglarek
Superintendent
Northwest Education Services

PPE Research Opportunity for Farmers

Rebecca Chown

From: Deborah Millard <dmerd6@gmail.com>
Sent: Wednesday, October 5, 2022 10:06 AM
To: clerk@peninsulatownship.com
Subject: Request for agenda opening for future township board meeting
Attachments: WWS4LIFE.png; GRA Institute.png; Comfort Needed in PPE.png; Occupation Disease Directions.png

Hello Ms. Chown,

Our team would appreciate the ability to have a representative a few minutes to speak at your next township board meeting or future meeting. If it is too late to be on the Agenda for October 11, 2022? If so, is there a scheduled public comment/announcement, so that I could make a quick public announcement? I would still appreciate the opportunity to be part of a future public meeting agenda when you see an opening for our group to explain our future work in Northern Michigan impacting the farming community.

Our goal is to inform farmers in northern Michigan including Old Mission Peninsula and Leelanau Peninsula of the opportunity for their workforce to participate in a exploratory and developmental research project with the ultimate goal of sponsored clinical studies sponsored through National Institutes on Minority and Health Disparities.

Our core team stems from two nonprofit organizations, WorldWide Solutions 4Life Syndicate and Global Respiratory Advocates Institute along with one public benefit corporation, DRAFT™ Incorporated that started with the realization that respirators, personal protection equipment (PPE) can be significantly improved with comfort. DRAFT™ United States Patent Trade Office (USPTO) patent application has been approved paving the way for further funding through both National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC).

Besides having a top notch Infectious Disease Expert we happen to have six members of our core team, we label as "Army of Advocates" who have lived or have worked on Old Mission Peninsula. With this new technology we will approach larger groups in the United States but wanted to ensure we brought awareness and tools to our local community members as well. Here is a link to our Army of Advocates, <https://www.ngo/army-of-advocates/>

Here is a link to a presentation which cites research that has called out for advancements in improved PPE for the rural farming community. <https://bit.ly/DRAFT-AG>

My name is Deborah Millard and I live at 8207 Underwood Ridge Traverse City MI. I am the founder of all three organizations as I was inspired to begin to move the safety industry to comfort after my husband Fixed the Flaw™ in his half-face respirator for construction protection during the COVID shutdown. With the eye opening realization that this solution was not only relevant for my husband's personal protection but could begin to save lives through a breakthrough voluntary compliance adaptation to traditional PPE, we are taking steps in proving the effectiveness and importance of comfort in PPE. Our goal is to make this new adaptation a future public measure by proving workers will voluntarily choose to protect themselves from harmful particulates and toxins in the workforce if PPE is finally comfortable.

If you would like to talk on the phone or in person I only live a few miles away. Thank you for your time and consideration.

Best Regards,

Deborah Millard

personal cell 231-590-6055

Hotline for Comfort in Safety 231-632-1036

DRAFT™ Incorporated - Changing the World of Safety with Comfort



MISSION NOT IMPOSSIBLE

Comfort in PPE is Coming To Safety

Clinical Studies, Education to Public and Developing Better Public Sponsored Measures



PPE YOU WANT 2 WEAR™

GLOBAL RESPIRATORY ADVOCATES INSTITUTE



WWS4LIFE - WorldWide Solutions 4Life Syndicate

Donating PPE Reusable Kit - Comfort Matters™

WORLDWIDE SOLUTIONS
4LIFE SYNDICATE

ADJUSTABLE
PATENT PENDING
DRAFT
REUSABLE DEVICE
COMFORT KIT
PPE

CONVERSION
HEALTH
KIT
PUBLIC MEASURE

Fighting for Public Measure PPE You Want 2 Wear DRAFT Kit™

Built-In™ Better Comfort™ Built 2 Fit™

**COMFORT
MATTERS™**

DRAFT™

**PPE YOU
WANT 2 WEAR**

ADJUSTABLE EXHALATION TUBE



**1 PUSH THE TUBE
TO SHORTEST
POSITION**



**2 PROPER FIT
CLOSE TO LIPS BUT
NOT TOUCHING**



**3 TO BREATHE OUT
MOVE LIPS FORWARD
HAVE LIGHT CONTACT ON
DRY LIP AREA & TUBE**

FOR OCCUPATIONAL HAZARDS COOLER

DRAFT™ PROTOTYPE HAS NOT BEEN SUBMITTED
TO NIOSH OR FDA FOR APPROVALS
PROTOTYPE PROVIDED TO VERIFY THE
EFFECTIVENESS OF DRAFT™ TECHNOLOGY

TALKING CAN CAUSE MASK TO INCREASE IN
TEMPERATURE - JUST AS TRADITIONAL PPE
DRAFT™ DIFFERENCE YOU CAN IMMEDIATELY REFRESH
THE INSIDE OF MASK WITH YOUR NEXT BREATH

IN THE MASK

UP FOR DOING GOOD TODAY?



SUPPORTING THE GREATEST NEED FOR SAFETY

Fire Department Open House



JOIN US FOR OUR OPEN HOUSE



**STATION AND
EQUIPMENT TOURS**



PHOTO PROP



SPARKY THE FIRE DOG



**FIRE SAFETY
MERCHANDISE**



**MEET AND GREET WITH
CREW MEMBERS**



FREE FOOD AND BEVERAGES



**FREE LOCALLY MADE ICE
CREAM BY BUCHAN'S**



**VEHICLE
EXTRACATION DEMO**



**LOCATION: Peninsula Fire Station 1
14247 Center Rd. Traverse City, MI 49686**

DATE: OCTOBER 15TH, 2022

TIME: 11 AM TO 2 PM

Correspondence

Richard and Susan Pierson
15033 Bluff Road
Traverse City, MI 49686
r. cell 2639-998-4587 / s. cell 269-352-3310
rp5343@yahoo.com / susankpierson@gmail.com

September 16, 2022

To: Grand Traverse County Road Commission via email

Cc: Peninsula Township Board via email
GTRC Staff: Wayne Schoonover; Jay Saksewski via email

Re: Bluff Road Closure and Proposed Options, Peninsula Township, Grand Traverse County, MI

Dear GTRC;

We live at 15033 Bluff Road and have been apprised of an upcoming ad hoc committee meeting to discuss the Bluff Road Closure / Reopening Options. As an affected property owner north of the road closure, we appreciate the chance to provide additional input. Our thanks to the GTRC Staff for providing the reports and estimates for our review.

Summary Statement: There are many property owners affected by the road closure who question the need to spend \$1-\$4 Million to reopen Bluff Road, when the dual cul-de-sac option is less than \$1 Million.

There appear to be two groups of property owners affected:

- Group 1: Between the existing barricades / between the proposed dual cul-de-sac(s):
 - The physical barricaded closure is approximately 1,800 feet (distance between barricades).
 - The barricaded closure affects 4 property owners (one of which is the Mission Hills Association).
 - These 4 property owners continue to have access to their respective lakefront/shoreline on foot, and more recently, via a dual-locked gate that has been installed for vehicular access.
- Group 2: Between the detoured / road closed signs at Blue Water + Boursaw Roads:
 - The "affected" road closure (that is detoured with "road closed signs") is approximately 11,500 feet and contains over 80 property owners.
 - A majority of these 80+ property owners enjoy the safety and serenity that has occurred due to the road closure.

Conclusion: We believe, with respect to both stakeholder groups above, the dual cul-de-sac option, including the provision of access between the cul-de-sacs for pedestrians and bicyclists, and including continued gated vehicular access for Mission Hills Association, appears the most reasonable low-cost option. Future shoreline repairs to protect the road can occur on an as-needed basis by either the GTRC or by the individual property owners (as has been done for 800 ft (+/-) of the 3000 feet (+/-) outlined in the proposed more expensive options).

Please do not hesitate to contact us with any additional questions or clarifications.

Respectfully;
Rich + Susan Pierson

Business

Zoning Ordinance Amendments related to Farm Processing

PENINSULA TOWNSHIP

MEMO

To: Township Board and Planning Commission
From: Jenn Cram, AICP, Director of Planning
Date: October 5, 2022
Re: Proposed Zoning Ordinance Amendments related to Winery-Chateau and Farm Processing Facilities

History:

- May 20, 2019 - The Township first became aware of the local wineries' issues with the current zoning ordinance as related to Winery-Chateaus during a Planning Commission public hearing regarding the Bowers Harbor request for a Special Use Permit for a Winery-Chateau.
- May 2019 – March 2020 - The Director of Planning worked with a subcommittee of the Planning Commission and local wineries to understand their issues and propose amendments to the zoning ordinance that would work for the wineries and community as a whole. The work of the subcommittee was paused after March 14, 2020 as a result of the COVID-19 Pandemic.
- October 21, 2020 - The WOMP lawsuit was filed.
- October 6, 2021 – The Township Board held a Special Informational Meeting at St. Joseph Catholic Church where public comments were received related to the WOMP lawsuit and concerns with winery uses were expressed. (Attachment E)
- November 2021 - The Township Board appointed a Citizens' Agricultural Advisory Committee made up of a combination of residents and farmers with three seats held for wineries.
- December 2021 - The Citizens' Agricultural Advisory Committee began meeting. The Committee was originally charged with providing input and recommendations to the Township Board related to the ongoing mediation in the WOMP lawsuit. The work of the committee evolved to provide policy recommendations for zoning ordinance amendments related to agricultural sections of the zoning ordinance including Winery-Chateaus.
- May 16, 2022 – Policy recommendations from the Citizens' Agricultural Advisory Committee were forwarded to the Planning Commission for consideration. (Attachment F)
- July 26, 2022 – Special joint study session with the Township Board and Planning Commission to discuss proposed zoning ordinance amendments to Farm Processing Facilities and Winery-Chateaus.

Goals of Proposed Amendments:

The primary goals for the proposed amendments to the zoning ordinance include:

- Updating the zoning ordinance so that it is legally defensible based on issues raised in the WOMP lawsuit.
- Updating the zoning ordinance so that the farm processing use is equitable and even-handed for all agricultural operators from growing and processing lavender to honey crisp apples to grapes and so on.

List of Proposed Amendments:

Amendments to the zoning ordinance include:

- Removing the Winery-Chateau use under Sections 6.7.3(22), 8.7.2(11) and 8.7.3(10);
- Updating the Farm Processing Facility as a use by right under Section 6.7.2(19);
- Adding new uses for Retail Farm Processing Facilities that are approvable with a Special Use Permit under Sections 6.7.3(22), 8.7.2(11), 8.7.3(10) and (11);
- Modifying Section 3.2 – Definitions as they pertain to Farm Processing Facilities and Winery Chateaus;
- Modifying Section 7.6.3(9) – Off-Street Parking and Loading Requirements by removing Winery-Chateaus and adding requirements for Farm Processing Facilities; and
- Updating the Table of Contents as appropriate for all proposed amendments.

Summary of Proposed Amendments:

As proposed, the Winery-Chateau provisions, Section 8.7.3 (10), will be removed and replaced with two opportunities for Retail Farm Processing Facilities. However, one use that is currently allowed that will be eliminated is Guest Rooms. The opportunity to have an owner-occupied Bed and Breakfast within a single-family residence to provide lodging for guests still exists within the zoning ordinance.

For the time being, the Guest Activity uses will also be removed, as they were found to be too vague by the court in the WOMP lawsuit. In addition, the Guest Activity uses did not apply to agricultural operations other than Winery-Chateaus. Future amendments to the zoning ordinance will address accessory activities that support agriculture or add value to agriculture under a new section that applies to all agricultural operations.

All other components of the uses under the current Farm Processing Facility by right and Winery-Chateau by special use permit would be permitted under the proposed amendments. The standards by which these uses would be allowed have been clarified and amendments proposed that make them reasonable and equitable for all agricultural operations.

Attached to this memo is a chart that provides a comparison of existing and proposed uses included as **Attachment C**.

Statements of Intent:

The Statements of Intent have been amended for Farm Processing Facilities to further clarify that Farm Processing is an accessory use to agricultural operations and specifically requires active crop production. As proposed, active crop production must be taking place in order to have a Farm Processing Facility.

The intent statements further clarify that Farm Processing Facilities are generally characterized as industrial uses when conducting processing and wholesale sales and industrial and commercial uses when conducting processing and retail sales of raw and processed agricultural products, so that their location in the Agricultural district must be carefully controlled by appropriate regulations and conditions to assure their compatibility with agricultural and residential uses in or near that district.

The intent statements also connect the farm processing activities to the land and clarify that a Farm Processing Facility shall be operated by a Farm Operation that controls and operates a minimum number of acres in active crop production.

Processing and Sales:

Proposed amendments clarify where, when, and in what specific manner farm processing and wholesale and retail sales may occur. Based on feedback from the community related to noise complaints, processing and sales must occur indoors. Please see [Attachment E](#) to see the comments from the community received on October 6, 2021. In addition, there have been numerous complaints received from neighbors of the existing wineries.

Sources of Produce:

Currently the limitations on sources of produce are difficult to enforce. Proposed amendments would require that seventy percent (70%) of Raw Produce sold fresh or processed by a Farm Processing Facility must be grown on the Farm Operation's land within Peninsula Township. This amendment helps to justify the Farm Processing Facilities as accessory to local agriculture on Old Mission Peninsula, but allows for flexibility for 30% of what is sold fresh or processed to come from land in other Farm Operations. The proposed amendments better clarify the requirements and will also make enforcement of the ordinance easier for staff.

Parcel Requirements:

The proposed minimum acreage requirements in general allow for the placement of the Farm Processing Facility structure(s) on the land to which they serve as an accessory use, with required access, parking, drainage features and crops to accommodate the use with reasonable setbacks from adjacent properties for safety as well as mitigating negative impacts between different uses.

The required minimum acreages for a Wholesale Farm Processing Facility as a use by right remains at 40 acres.

The required 50-acre minimum for a Retail Farm Processing Facility with indoor retail sales remains the same as the Winery-Chateau acreage requirement.

The minimum acreage for a Retail Farm Processing Facility with indoor retail sales and an outdoor seating area is proposed to be 60-acres. This is a reduced requirement from what was discussed between the Township Board

and Planning Commission on July 26, 2022, which was 80-acres. It was noted by one Planning Commissioner that the bump from 50 acres to 80 acres seemed unreasonable for the benefit of having an outdoor seating area. The 10-acre increase from 50-acres to 60-acres allows for a 350-foot setback from property lines to outdoor seating areas. This distance allows for a reasonable buffer to adjacent properties to reduce negative impacts from noise.

The number of single-family residences allowed on parcels that choose to operate a Wholesale Farm Processing Facility or a Retail Farm Processing Facility has also been amended. Proposed amendments reduce the number of single-family residences allowed on a parcel with a Farm Processing Facility since it is an industrial/commercial use that is not generally compatible or consistent with residential uses.

Setbacks:

The purpose of setbacks is to provide adequate space between uses for safety and to mitigate the negative impacts of different uses such as noise, smells, lighting, etc. Setbacks are particularly important between agricultural, industrial, or commercial uses and residential uses.

Proposed setbacks remain generally the same for both the Wholesale Farm Processing Facility and Retail Farm Processing Facilities. Per Section 6.7.2 (19) (b) 5, a 200-foot setback is currently required from residential structures. This setback is to mitigate the negative impacts of noise, smells, lighting, etc. Section 8.7.3 (10)(t) currently requires a 200-foot setback from guest accommodations and facilities and agricultural crops. This setback is for safety, since agricultural operations include spraying and other practices that can be harmful and even dangerous to the public.

The Citizens' Agricultural Advisory Committee provided input on setbacks and they unanimously agreed that 200-feet was necessary for safety and reasonable to mitigate negative impacts, see [Attachment F](#).

As noted above a 350-foot setback from outdoor seating areas is proposed for Retail Farm Processing facilities with indoor retail and outdoor seating areas, due to the increased impact of outdoor activities.

Please see [Attachment D](#). This diagram demonstrates how the setbacks work on an average 40-acre parcel.

Farm Processing Facility Size:

The maximum allowed size of a Wholesale Farm Processing Facility and Retail Farm Processing Facilities is consistent with what is currently allowed for a Farm Processing Facility as a use by right.

Vested Rights:

Vested rights associated with a Farm Processing Facility on land within the A-1 Agricultural district are clarified since the use is generally industrial/commercial, and there is no intent to allow such uses in the Agricultural district, except as directly accessory to an active Farm Operation and its crops.

Data and Records:

The process for providing data and records to ensure that zoning ordinance standards are met while the Farm Processing use is being conducted have been clarified.

Approval Process:

The approval process has been updated to reflect current staff responsibilities and clarified with respect to what is required to move forward to a building permit.

Public Hearing:

The joint public hearing on October 11, 2022 will allow for additional public comment on proposed amendments. Comments received to date are included as **Attachment G**.

After the public hearing and recommendation of the Planning Commission, the Township Board may adopt the proposed amendments as presented if they are comfortable doing so, as the required legal process for adoption will have been fulfilled. If the Township Board and Planning Commission are not comfortable adopting the proposed amendments on October 11, staff recommends that the public hearing be tabled to the next scheduled meeting of the Township Board on November 1, 2022 via a formal motion.

Moving Forward:

Staff would like to note that additional amendments to further support agriculture on Old Mission Peninsula will also be drafted. As with all zoning ordinance amendments, they will go through the appropriate public hearing process. The additional proposed amendments to support agriculture include an update to the roadside stand standards to be consistent with the Right to Farm Act GAAMPs; updated signage standards for roadside stands, you-pick operations, and remote tasting rooms; the creation of agritourism standards; and the creation of a smaller scaled farm processing use that requires fewer than 40 acres.

Attachments:

- Attachment A – Proposed Zoning Ordinance Amendments (Clean)
- Attachment B – Proposed Zoning Ordinance Amendments (Redlined)
- Attachment C – Comparison Chart of Existing and Proposed Uses
- Attachment D – Scaled Drawing of a Standard 40-acre Parcel with Setbacks
- Attachment E – Minutes from October 6, 2021 Special Informational Meeting
- Attachment F – Policy Recommendations from the Citizens' Agricultural Advisory Committee
- Attachment G – Public Comments

Attachment A

**PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN
DRAFT FARM PROCESSING FACILITY AMENDMENTS (AMENDMENT 201)**

1. New, deleted and amended definitions in Section 3.2:

Farm Operation: A Farm Operation is a person, corporation, partnership, or other legal entity engaged in the business of active production of agricultural crops on land that it controls and operates within Peninsula Township. **(ADDED BY AMENDMENT 201)**

[Delete definition of Farm Processing Facility]

Retail Farm Processing Facility – With Indoor Sales: A Retail Farm Processing Facility is an accessory use to the active production of agricultural crops. The building or buildings used as part of the Retail Farm Processing Facility contain an area for processing equipment where Raw Produce is processed or packaged and prepared for wholesale and/or retail sales. In addition to processing, the building(s) may also include a limited area indoors for retail sales to customers. Processing and retail sales shall be conducted within an entirely enclosed building(s). An indoor retail sales area may include a Tasting Room for the consumption of fresh or processed Raw Produce, including wine. The facility also includes necessary access from a public road as well as parking, lighting and landscaping. **(ADDED BY AMENDMENT 201)**

Retail Farm Processing Facility – With Indoor Sales and Outdoor Seating Area: A Retail Farm Processing Facility is an accessory use to the active production of agricultural crops. The building or buildings used as part of the Retail Farm Processing Facility contain an area for processing equipment where Raw Produce is processed or packaged and prepared for wholesale and/or retail sales. In addition to processing, the building(s) may also include a limited area indoors for retail sales to customers. Processing and retail sales shall be conducted within an entirely enclosed building(s). A retail sales area may include a Tasting Room for the consumption of fresh or processed Raw Produce, including wine. In addition to a limited indoor retail sales area with a Tasting Room, a clearly defined outdoor seating area with limited seating capacity may be approved. The facility also includes necessary access from a public road as well as parking, lighting and landscaping. **(ADDED BY AMENDMENT 201)**

Wholesale Farm Processing Facility: A Wholesale Farm Processing Facility is an accessory use to the active production of agricultural crops. The building or buildings contain an area for processing equipment where Raw Produce is processed or packaged and prepared for wholesale sales. Processing shall be conducted within an entirely enclosed building(s). The facility also includes necessary access from a public road as well as parking, lighting and landscaping. **(ADDED BY AMENDMENT NO 139A AND UPDATED BY AMENDMENT 201)**

Raw Produce: Raw Produce includes agricultural food products in their natural state as harvested, prior to processing. **(ADDED BY AMENDMENT 201)**

Vested Right: A Vested Right is a right protected by law that cannot be impaired or taken away without the owner's consent. **(ADDED BY AMENDMENT 201)**

[Delete definition of Winery-Chateau]

Winery: A Winery is a state licensed facility where agricultural fruit production is maintained, juice is processed into wine from Raw Produce, stored in bulk, packaged, and sold at retail or wholesale to the public with or without the use of a Tasting Room. The site and buildings are used for the production of wine. **(ADDED BY AMENDMENT NO 139A) (REVISED BY AMENDMENT 181 AND UPDATED BY AMENDMENT 201)**

2. Amended Subsection 6.7.2 (19):

(19) Wholesale Farm Processing Facility: (UPDATED BY AMENDMENT 201)

- (a) Statement of Intent: It is the intent of this subsection to promote a thriving local agricultural production industry and preserve the rural character within the Township by allowing the construction and use of a Wholesale Farm Processing Facility where and when accessory to a minimum acreage of land in active crop production. The Wholesale Farm Processing Facility use includes wholesale sales of fresh and processed Raw Produce only. The majority of the Raw Produce sold fresh or processed shall be grown on land within the Township exclusively operated and controlled by the specific Farm Operation that operates and controls the Wholesale Farm Processing Facility. Since a Wholesale Farm Processing Facility is generally an industrial use, the approval and operation of a Wholesale Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Wholesale Farm Processing Facility. This Section shall not supersede or amend the terms of any conservation easement.
- (b) A Wholesale Farm Processing Facility is permitted only as an accessory use to the active production of agricultural crops on a Farm Operation in the A-1 Agricultural District subject to the following:
 - 1. Wholesale Sales: Wholesale Sales of fresh or processed Raw Produce are allowed subject to the requirements of subsection (b) 2 and further provided:
 - i. All processing shall be conducted indoors.
 - ii. No retail sales or consumption of processed products on the premises is permitted.
 - iii. The Michigan Liquor Control Commission shall grant applicable wholesale liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and permits granted hereunder.
 - iv. The Michigan Department of Agriculture and Rural Development shall grant applicable wholesale food licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and permits granted hereunder.

2. Sources of Raw Produce:

- i. Processing is limited to Raw Produce. For example, an apple may be processed into apple juice or applesauce.
- ii. Not less than ~~seventy~~ percent (70%) of the Raw Produce sold fresh or processed by the Wholesale Farm Processing Facility shall be grown on land within the Township that is controlled and operated by the specific Farm Operation that operates the Wholesale Farm Processing Facility.
- iii. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the Wholesale Farm Processing Facility, provided that verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Wholesale Farm Processing Facility in such a year shall not exceed the highest volume of processed products produced by the Wholesale Farm Processing Facility in any of the preceding five (5) years.

3. Parcel requirements:

- i. A total of forty (40) acres of land shall be dedicated to the operation of a Wholesale Farm Processing Facility.
- ii. The dedicated forty (40) acres shall be located within Peninsula Township and shall be exclusively controlled and operated by the same Farm Operation that exclusively controls and operates the Wholesale Farm Processing Facility. Control of the dedicated acreage must be evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least 65% of the forty (40) acres dedicated to the Wholesale Farm Processing Facility shall be in active crop production each year.
- iii. At least twenty (20) of the dedicated forty (40) acres must be in a contiguous parcel with a minimum parcel width of 330 feet and shall contain the Wholesale Farm Processing Facility. There shall be at least ten (10) acres in active crop production on the same parcel as the Wholesale Farm Processing Facility. The parcel shall not be divided for as long as the Wholesale Farm Processing Facility continues in operation.

- iv. The remaining acreage necessary to meet the 40-acre minimum dedication shall consist of a single contiguous parcel or two contiguous parcels separated only by a road.
 - v. Not more than one (1) single-family dwelling may be located on the parcel containing the Wholesale Farm Processing Facility. Not more than one (1) additional single-family dwelling may be located on the remaining dedicated acreage.
 - vi. None of the minimum dedicated forty (40) acres shall be used to satisfy acreage density or open space requirements of any other use in the Township while the Wholesale Farm Processing Facility continues in operation.
4. Setbacks: The minimum setbacks for the Wholesale Farm Processing Facility including required parking shall be:
- i. Front yard 50 feet;
 - ii. Side and rear yards 200 feet;
5. Wholesale Farm Processing Facility Size: A Wholesale Farm Processing Facility shall not include retail space. The total floor area of a Wholesale Farm Processing Facility above finished grade shall not exceed 250 square feet per acre of land dedicated to the Wholesale Farm Processing Facility and shall not exceed a maximum of 30,000 square feet of total floor area above finished grade. The Wholesale Farm Processing Facility may consist of more than one building; however, all buildings used by the Wholesale Farm Processing Facility shall be located on the 20-acre minimum parcel. Underground floor area may be allowed in addition to the permitted square footage of floor area above finished grade, provided it is entirely below the pre-existing ground level and has no more than one loading dock exposed. **(REVISED BY AMENDMENT 197)**
6. Pre-existing Buildings: (built prior to October 11, 2022) may be used for Wholesale Farm Processing Facilities provided that they are no more than 10,000 square feet in size. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners.
7. Vested Right: Approval of a special use permit for a Wholesale Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Wholesale Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the Wholesale Farm Processing Facility use is discontinued or curtailed.

8. Parking: Parking shall conform to the requirements of Section 7.6.
9. Signs: All signs shall conform to the requirements of Section 7.11. **(REVISED BY AMENDMENT 174)**
10. Lighting: All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**
11. Access: Access to the Wholesale Farm Processing Facility shall be from a public road. An access permit from the County Road Commission or Michigan Department of Transportation shall be required before a land use permit can be issued.
12. Water: Demonstration of adequate water for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.
13. Sewage and Wastewater Disposal: Demonstration of adequate sewage and wastewater disposal for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.
14. Fencing or Planting Buffer: In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.
15. Data and Records:
 - i. The Farm Operation operating the Wholesale Farm Processing Facility shall annually by April 15 of each year provide data and records to the Director of Planning showing (a) that a minimum of 70 percent of the Raw Produce processed is grown on land in the Township exclusively controlled and operated by that Farm Operation, and (b) all land within the Township controlled and operated by the Farm Operation meets minimum acreage requirements.
 - ii. The above data shall be supplied to the Township in a format or form approved by the Director of Planning.
 - iii. Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance.

16. Approval Process:

- i. Site plan review shall be required for all Wholesale Farm Processing Facilities. A site plan drawn to scale (one or more sheets as appropriate) shall be submitted to the Director of Planning along with the appropriate site plan review fee as established by the Township Board.
- ii. The site plan shall include at least:
 1. the parcel or parcels with parcel numbers dedicated to the Wholesale Farm Processing Facility with calls and dimensions on all property lines;
 2. legal descriptions of all parcels;
 3. all existing and proposed structures including setbacks from property lines;
 4. proposed parking, landscaping and lighting;
 5. floor plan showing all processing areas; and
 6. the name, mailing address, and phone number of the Farm Operation.
- iii. Site plan approval for a Wholesale Farm Processing Facility shall be issued by the Director of Planning upon showing that the minimum requirements of this Ordinance, including parcel(s), building size, building height, minimum acreage in crop production, setbacks, and parking are met as well as any requirements of a conservation easement.
- iv. Once the site plan is approved by the Planning Director, a Land Use Permit application may be submitted to the Zoning Administrator.
- v. A permit from the Grand Traverse County Health Department is required before a Land Use Permit for a Wholesale Farm Processing Facility permit can be issued.
- vi. No processing or wholesale sales of products shall take place until a final site plan approval is issued by the Director of Planning and a Land Use Permit is issued by the Zoning Administrator. The Land Use Permit shall not be issued until copies of all permits required by state, federal, and other local licenses and permits have been submitted to the Zoning Administrator, and the Zoning Administrator has made an on-site inspection to verify compliance with all the requirements of the Zoning Ordinance.

17. Any violation of the Site Plan Approval issued by the Director of Planning or

Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 4.2.1 Violations and Penalties, serve as grounds for revocation of the Site Plan Approval and the Land Use Permit.

18. Residence within a ~~Wholesale~~ Farm Processing Facility. **(ADDED BY AMENDMENT NO 146)** A single-family dwelling may be allowed as part of a structure containing a Wholesale Farm Processing Facility provided the following requirements are met:
 - i. The dwelling and Wholesale Farm Processing Facility combined shall not exceed any of the Setback or Facility Size requirements established above;
 - ii. The dwelling shall be the only dwelling on the 20-acre parcel containing the Wholesale Farm Processing Facility.
 - iii. The maximum height of the structure shall be 35 feet or 2 ½ stories, whichever is less. **(UPDATED BY AMENDMENT 201)**

3. Amended Subsection 6.7.3 (22):

- (22)** Retail Farm Processing Facilities: Subject to all requirements of Article VIII, Section 8.7.3(10) and (11). **(UPDATED BY AMENDMENT 201)**

4. Amendments to Table of parking space requirements in Section 7.6.3:

| | |
|--|--|
| (9) <u>Retail Farm Processing Facilities</u> | One (1) for each one hundred (100) square feet of retail floor space plus one (1) for each employee of maximum working shift, plus three (3) spaces for tour buses or cars with trailers. In addition, truck loading and unloading areas shall be designated. |
| (10) <u>Wholesale Farm Processing Facilities</u> | Five (5) plus one (1) for each one (1) employee for the largest working shift. In addition, truck loading and unloading areas shall be designated. |

5. Amended Subsection 8.7.2 (11):

- (11)** Retail Farm Processing Facilities in the Agricultural District.

6. Amended Subsection 8.7.3 (10):

(10) Retail Farm Processing Facility (Indoors Only): (ADDED BY AMENDMENT 201)

- (a) Statement of Intent: It is the intent of this subsection to promote a thriving local agricultural production industry and preserve the rural character within the Township by allowing the construction and use of a Retail Farm Processing Facility where and when accessory to a minimum acreage of land in active crop production. The Retail Farm Processing Facility use includes wholesale sales and indoor retail sales of fresh and processed Raw Produce only. The majority of the Raw Produce sold fresh or processed shall be grown on land within the Township exclusively operated and controlled by the specific Farm Operation that operates and controls the Retail Farm Processing Facility. Since a Retail Farm Processing Facility is generally an industrial and commercial use, approval of a special use permit for a Retail Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Retail Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the Retail Farm Processing Facility use is discontinued or curtailed. This Section shall not supersede or amend the terms of any conservation easement.
- (b) A Retail Farm Processing Facility is permitted only as an accessory use to active production of agricultural crops in the A-1 Agricultural District subject to the following:
 - 1. Retail Sales: Retail sales of fresh or processed Raw Produce are allowed subject to the requirements of subsection (b) 2 and the following additional requirements:
 - i. All processing and retail sales shall be conducted indoors.
 - ii. The consumption of processed products on premises is permitted indoors only.
 - iii. A Tasting Room may be included in the allowable square footage for retail sales to provide for the tasting of fresh or processed Raw Produce, including wine.
 - iv. Free entertainment may be provided within a retail sales/Tasting Room indoors only.
 - v. The hours of operation for retail sales, including a Tasting Room, shall be limited to an opening time no earlier than 9:00 a.m. and a closing time no later than 9:30 p.m.
 - vi. The Michigan Liquor Control Commission shall grant applicable retail liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted

hereunder.

- vii. The Michigan Department of Agriculture and Rural Development shall grant applicable retail food licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.
- viii. Those Retail Farm Processing Facilities that hold a liquor license may sell limited food items indoors in the retail sales area to offset the effects of consuming alcohol. Food items not processed within the Retail Farm Processing Facility are limited to snacks that require minimal preparation such as cheese and crackers, dried fruit and nuts, and chocolates. No restaurants, cafes or off-site catering shall be permitted as part of a Retail Farm Processing Facility.

2. Sources of Raw Produce:

- i. Processing is limited to Raw Produce. For example, an apple may be processed into apple juice or applesauce.
- ii. Not less than seventy percent (70%) of the Raw Produce sold fresh or processed by the Retail Farm Processing Facility shall be grown on land within the Township that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility.
- iii. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility, provided that verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Retail Farm Processing Facility in such a year shall not exceed the highest volume of processed products produced by the Retail Farm Processing Facility in any of the preceding five (5) years.

3. Parcel Requirements:

- i. A total of fifty (50) acres of contiguous land must be dedicated to the operation of a Retail Farm Processing Facility with indoor retail sales.
- ii. The dedicated fifty (50) acres shall be located within Peninsula Township and shall be exclusively controlled and operated by the same Farm Operation that exclusively controls and operates the Retail Farm Processing Facility. Control of the dedicated acreage must be evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least 65% of the fifty (50) acres dedicated to the Retail Farm Processing Facility shall be in active crop

production each year.

- iii. At least thirty (30) of the dedicated fifty (50) acres must be in a contiguous parcel with a minimum parcel width of 330 feet and shall contain the Retail Farm Processing Facility. There shall be at least fifteen and one half (15.5) acres in active crop production on the same parcel as the Retail Farm Processing Facility. The parcel shall not be divided for as long as the Retail Farm Processing Facility continues in operation.
 - iv. The remaining acreage necessary to meet the 50-acre minimum dedication shall consist of a single contiguous parcel or two contiguous parcels separated only by a road.
 - v. Not more than one (1) single-family dwelling may be located on the parcel containing the Retail Farm Processing Facility. Not more than one (1) additional single-family dwelling may be located on the remaining dedicated acreage.
 - vi. None of the minimum dedicated fifty (50) acres shall be used to satisfy acreage density or open space requirements of any other use in the Township while the Retail Farm Processing Facility continues in operation.
4. Setbacks: The minimum setbacks for the Retail Farm Processing Facility including required parking shall be:
- i. Front Yard Setback: 50 feet.
 - ii. Side and Rear Yard Setback: 200 feet.
5. Retail Farm Processing Facility Size:
- i. The total floor area of the Retail Farm Processing Facility above finished grade shall equal 250 square feet per acre of land owned or leased for the specific retail farm processing operation but may not exceed 30,000 square feet of total floor area above finished grade.
 - ii. The Retail Farm Processing Facility may consist of more than one building; however, all buildings used by the Retail Farm Processing Facility shall be located on the 30-acre minimum parcel that contains the Retail Farm Processing Facility.
 - iii. Underground floor area may be allowed in addition to the maximum permitted square footage of floor area above finished grade provided it is entirely below pre-existing ground level and has no more than one loading dock exposed.
 - iv. Retail sales space may be a separate room within a Retail Farm Processing

Facility and shall not exceed 1,500 square feet in area.

- v. A Tasting Room shall be included in the allowable square footage for retail sales.
6. Pre-existing Buildings: (built prior to October 11, 2022) may be used for a Retail Farm Processing Facility provided they are not greater in size than the maximum allowable square footage per acre as referenced above. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners.
7. Vested Right: Approval of a special use permit for a Retail Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Retail Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the Retail Farm Processing Facility use is discontinued or curtailed.
8. Parking: Parking shall conform to the requirements of Section 7.6.
9. Signs: All signage shall conform to the requirements of Section 7.11.
10. Lighting: All exterior lighting shall conform to the requirements of Section 7.14.
11. Access: Access shall be from a paved public road. An access permit from the Grand Traverse County Road Commission or Michigan Department of Transportation shall be required before a Land Use Permit may be issued.
12. Water: Demonstration of adequate water for the Retail Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.
13. Sewage and Wastewater Disposal: Demonstration of adequate sewage and wastewater disposal for the Retail Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.
14. Fencing or Planting Buffer: In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.
15. Landscaping: The front yard area and/or any side yard adjacent to public right-of-way not used for access and parking shall be planted and maintained in accord with an appropriate landscape design to integrate the Retail Farm Processing facility into the site, as approved by the Township Board.

16. Data and Records:

- i. The Farm Operation operating the Retail Farm Processing Facility shall annually by April 15 of each year provide data and records to the Director of Planning showing (a) that a minimum of 70 percent of the Raw Produce processed is grown on land in the Township exclusively controlled and operated by that Farm Operation, and (b) all land within the Township controlled and operated by the Farm Operation meets minimum acreage requirements.
- ii. The above data shall be supplied to the Township in a format or form approved by the Director of Planning.
- iii. Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance.

17. Approval Process:

- i. Approval of a Special Use Permit is required subject to all requirements of Article VIII, Section 8.1. followed by the administrative approval of a Site Plan.
- ii. A Site Plan application with all required submittal materials shall be submitted to the Director of Planning.
- vii. The site plan shall include at least:
 1. the parcel or parcels with parcel numbers dedicated to the Retail Farm Processing Facility with calls and dimensions on all property lines;
 2. legal descriptions for all parcels;
 3. all existing and proposed structures including setbacks from property lines;
 4. proposed parking, landscaping and lighting;
 5. floor plan showing all processing areas; and
 6. the name, mailing address, and phone number of the Farm Operation.
- iii. Site Plan approval for a Retail Farm Processing Facility shall be issued by the Director of Planning upon showing that it is compliant with this Ordinance, all conservation easements, and the Special Use Permit approval, including minimum parcel requirements, building size, building height, acreage in crop production, setbacks, landscaping and parking.

- iv. Once the Site Plan is approved and signed by the Director of Planning, a Land Use Permit application may be submitted to the Zoning Administrator.
- v. A permit from the Grand Traverse County Health Department is required before a Land Use Permit for a Retail Farm Processing Facility can be issued.
- vi. No processing or wholesale or retail sales of products shall take place until a Land Use Permit has been issued by the Zoning Administrator.
- vii. Such Land Use Permit shall not be issued until copies of all permits required by state, federal, and other local licenses and permits have been submitted to the Zoning Administrator and the Zoning Administrator has made an on-site inspection to verify compliance with all requirements of the zoning ordinance.
- viii. Any violation of the Special Use Permit issued by the Township Board, the Site Plan Approval issued by the Director of Planning, or the Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 4.2.1 Violations and Penalties, serve as grounds for revocation of the Special Use Permit, the Site Plan Approval and the Land Use Permit.

7. Amended Subsection 8.7.3 (11):

(11) Retail Farm Processing Facility (with Outdoor Seating): (ADDED BY AMENDMENT 201)

- (a) Statement of Intent: It is the intent of this subsection to promote a thriving local agricultural production industry and preserve the rural character within the Township by allowing the construction and use of a Retail Farm Processing Facility with outdoor seating where and when accessory to a minimum acreage of land in active crop production. The Retail Farm Processing Facility with outdoor seating use includes wholesale sales, indoor retail sales of fresh and processed Raw Produce, and the consumption of fresh and processed Raw Produce within an indoor Tasting Room or outdoor seating area only. The majority of the Raw Produce sold fresh or processed shall be grown on land within the Township exclusively operated and controlled by the specific Farm Operation that operates and controls the Wholesale Farm Processing Facility. Since a Retail Farm Processing Facility is generally an industrial and commercial use, approval of a special use permit for a Retail Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Retail Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the Retail Farm Processing Facility use with outdoor seating is discontinued or curtailed. This Section shall not supersede or amend the terms of any conservation easement.
- (b) A Retail Farm Processing Facility with outdoor seating is permitted only as an accessory use to active production of agricultural crops in the A-1 Agricultural District

subject to the following:

1. Retail Sales: Retail sales of fresh or processed Raw Produce are allowed subject to the requirements of subsection (b) 2 and the following additional requirements:
 - i. All processing and retail sales shall be conducted indoors.
 - ii. The consumption of processed products on premises is permitted indoors and within an approved and clearly defined outdoor seating area.
 - iii. A Tasting Room may be included in the allowable square footage for retail sales to provide for the tasting of fresh or processed Raw Produce, including wine.
 - iv. Free entertainment may be provided within a retail sales/Tasting Room indoors only.
 - v. The hours of operation for retail sales, including a Tasting Room and approved outdoor seating, shall be limited to an opening time no earlier than 9:00 a.m. and a closing time no later than 9:30 p.m.
 - vi. The Michigan Liquor Control Commission shall grant applicable retail liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.
 - vii. The Michigan Department of Agriculture and Rural Development shall grant applicable retail food licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.
 - viii. Those Retail Farm Processing Facilities with outdoor seating that hold a liquor license may sell limited food items indoors in the retail sales area to offset the effects of consuming alcohol. Food items not processed within the Retail Farm Processing Facility are limited to snacks that require minimal preparation such as cheese and crackers, dried fruit and nuts, and chocolates. Limited food items purchased indoors may be consumed within an approved outdoor seating area. No restaurants, cafes or off-site catering shall be permitted as part of a Retail Farm Processing Facility with outdoor seating
2. Sources of Raw Produce:
 - i. Processing is limited to Raw Produce. For example, an apple may be processed into apple juice or applesauce.
 - ii. Not less than seventy percent (70%) of the Raw Produce sold fresh or

processed by the Retail Farm Processing Facility shall be grown on land within the Township that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility.

- iii. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility, provided that verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Retail Farm Processing Facility with outdoor seating in such a year shall not exceed the highest volume of processed products produced by the Retail Farm Processing Facility in any of the preceding five (5) years.

3. Parcel Requirements:

- i. A total of sixty (60) acres of contiguous land must be dedicated to the operation of a Retail Farm Processing Facility with indoor retail sales and an outdoor seating area for consumption only.
- ii. The dedicated sixty (60) acres shall be located within Peninsula Township and shall be exclusively controlled and operated by the same Farm Operation that exclusively controls and operates the Retail Farm Processing Facility with outdoor seating. Control of the dedicated acreage must be evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least 65% of the sixty (60) acres dedicated to the Retail Farm Processing Facility shall be in active crop production each year.
- iii. At least forty (40) of the dedicated sixty (60) acres must be in a contiguous parcel with a minimum parcel width of 330 feet and shall contain the Retail Farm Processing Facility and outdoor seating. There shall be at least twenty (20) acres in active crop production on the same parcel as the Retail Farm Processing Facility. The parcel shall not be divided for as long as the Retail Farm Processing Facility continues in operation.
- iv. The remaining acreage necessary to meet the 60-acre minimum dedication shall consist of a single contiguous parcel or two contiguous parcels separated only by a road.
- v. Not more than one (1) single-family dwelling may be located on the parcel containing the Retail Farm Processing Facility. Not more than one (1) additional single-family dwelling may be located on the remaining dedicated acreage.
- vi. None of the minimum dedicated sixty (60) acres shall be used to satisfy

acreage density or open space requirements of any other use in the Township while the Retail Farm Processing Facility continues in operation.

4. Setbacks: The minimum setbacks for the Retail Farm Processing Facility with outdoor seating including required parking shall be:
 - i. Front Yard Setback: 50 feet.
 - ii. Side and Rear Yard Setback Building: 200 feet.
 - iii. Outdoor Seating Area: 350 feet from all property lines.
5. Retail Farm Processing Facility Size:
 - i. The total floor area of the Retail Farm Processing Facility above finished grade shall equal 250 square feet per acre of land owned or leased for the specific retail farm processing operation but may not exceed 30,000 square feet of total floor area above finished grade.
 - ii. The Retail Farm Processing Facility may consist of more than one building; however, all buildings used by the Retail Farm Processing Facility with outdoor seating shall be located on the 40-acre minimum parcel that contains the Retail Farm Processing Facility and outdoor seating area.
 - iii. Underground floor area may be allowed in addition to the maximum permitted square footage of floor area above finished grade provided it is entirely below pre-existing ground level and has no more than one loading dock exposed.
 - iv. Retail sales space may be a separate room within a Retail Farm Processing Facility and shall not exceed 1,500 square feet in area.
 - v. A Tasting Room shall be included in the allowable square footage for retail sales.
6. Pre-existing Buildings: (built prior to October 11, 2022) may be used for a Retail Farm Processing Facility provided they are not greater in size than the maximum allowable square footage per acre as referenced above. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners.
7. Outdoor Seating Area Size:
 - i. The outdoor seating area shall be limited to 750 square feet.
 - ii. The maximum occupancy for the outdoor seating area shall be 50 persons at all times.

- iii. The limits of the outdoor seating area shall be clearly defined with a fence and/or combination of fencing and landscaping that provides year-round screening from adjacent properties.
 - iv. No temporary structures including tents or canopies are allowed.
8. Vested Right: Approval of a special use permit for a Retail Farm Processing Facility with outdoor seating shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Retail Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the Retail Farm Processing Facility with outdoor seating use is discontinued or curtailed.
 9. Parking: Parking shall conform to the requirements of Section 7.6.
 10. Signs: All signage shall conform to the requirements of Section 7.11.
 11. Lighting: All exterior lighting shall conform to the requirements of Section 7.14.
 12. Access: Access shall be from a paved public road. An access permit from the Grand Traverse County Road Commission or Michigan Department of Transportation shall be required before a Land Use Permit may be issued.
 13. Water: Demonstration of adequate water for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.
 14. Sewage and Wastewater Disposal: Demonstration of adequate sewage and wastewater disposal for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.
 15. Fencing or Planting Buffer: In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.
 16. Landscaping: The front yard area and/or any side yard adjacent to public right-of-way not used for access and parking shall be planted and maintained in accord with an appropriate landscape design to integrate the Retail Farm Processing facility with outdoor seating into the site, as approved by the Township Board.
 17. Data and Records:
 - i. The Farm Operation operating the Retail Farm Processing Facility with

outdoor seating shall annually by April 15 of each year provide data and records to the Director of Planning showing (a) that a minimum of 70 percent of the Raw Produce processed is grown on land in the Township exclusively controlled and operated by that Farm Operation, and (b) all land within the Township controlled and operated by the Farm Operation meets minimum acreage requirements.

- ii. The above data shall be supplied to the Township in a format or form approved by the Director of Planning.
- i. Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance.

18. Approval Process:

- i. Approval of a Special Use Permit is required subject to all requirements of Article VIII, Section 8.1. followed by the administrative approval of a Site Plan.
- ii. A Site Plan application with all required submittal materials shall be submitted to the Director of Planning. The site plan shall include at least:
 - 1. the parcel or parcels with parcel numbers dedicated to the Retail Farm Processing Facility with calls and dimensions on all property lines;
 - 2. legal descriptions for all parcels;
 - 3. all existing and proposed structures including setbacks from property lines;
 - 4. proposed parking, landscaping and lighting;
 - 5. floor plan showing all processing areas; and
 - 6. the name, mailing address, and phone number of the Farm Operation.
- iii. Site Plan approval for a Retail Farm Processing Facility with outdoor seating shall be issued by the Director of Planning upon showing that it is compliant with this Ordinance, all conservation easements, and the Special Use Permit approval, including minimum parcel requirements, building size, building height, acreage in crop production, setbacks, landscaping and parking.
- iv. Once the Site Plan is approved and signed by the Director of Planning, a Land Use Permit application may be submitted to the Zoning Administrator.
- v. A permit from the Grand Traverse County Health Department is required before a Land Use Permit for a Retail Farm Processing Facility can be issued.

- vi. No processing or wholesale or retail sales of products shall take place until a Land Use Permit has been issued by the Zoning Administrator.
- vii. Such Land Use Permit shall not be issued until copies of all permits required by state, federal, and other local licenses and permits have been submitted to the Zoning Administrator and the Zoning Administrator has made an on-site inspection to verify compliance with all requirements of the zoning ordinance.
- viii. Any violation of the Special Use Permit issued by the Township Board, the Site Plan Approval issued by the Director of Planning, or the Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 4.2.1 Violations and Penalties, serve as grounds for revocation of the Special Use Permit, the Site Plan Approval and the Land Use Permit.

8. *Delete former Subsection 8.7.3 (10) regarding Winery-Chateaus.*

Attachment B

Easement: See Right-of-Way.

Erected: The building, construction, alteration, reconstruction, moving upon, or any physical activity upon a premises or lot.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, telephone transmission or distribution system including poles, wires, main, drains, sewers, pipes, conduits, cable, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities, departments, or commissions.

Event: A planned gathering or activity on a set date & time and at a specific location. **(ADDED BY AMENDMENT 190)**

Existing Building: A building existing or for which the foundations are in place or upon which there has been substantial work done prior to the effective date of this Ordinance or any amendment thereto.

Existing Use: A use of premises or buildings or structures actually in operation, openly, visibly and notoriously prior to the effective date of this Ordinance or any amendment thereto.

Family: (1) An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or (2) a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

Farmhouse: A single family dwelling on a farm used or previously used as the residence of the farm owner. **(ADDED BY AMENDMENT NO 113A)**

Farm Operation: A Farm Operation is a person, corporation, partnership, or other legal entity engaged in the business of active production of agricultural crops on land that it controls and operates within Peninsula Township. **(ADDED BY AMENDMENT 201)**

Farm Processing Facility: See Retail Farm Processing Facilities and Wholesale Farm Processing Facility.

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Farm Processing Facility: Means a building or buildings containing an area for processing equipment where agricultural produce is processed or packaged and prepared for wholesale and/or retail sales. In addition to processing, the building(s) may also include a retail sales

~~area for direct sales to customers and a tasting room for the tasting of fresh or processed agricultural produce including wine. The facility also includes necessary parking, lighting and access to a public road.~~**(ADDED BY AMENDMENT NO 139A)**

Feeder Lot: An area used for the concentrated feeding of large numbers of marketable meat producing animals carried on as a commercial operation rather than as part of a normal farming operation.

- (b) A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;
- (c) The plight of the owner is due to unique circumstances of the property; and;
- (d) The problem was not self-created. **(ADDED BY AMENDMENT 171A)**

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exists.

Private Launching Ramp: A space or structure from which a boat may be launched for the use and benefit of the patrons of the waterfront marina or boat yard wherein said boats are berthed or docked.

Public Utility: Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water.

Raw Produce: Raw Produce includes agricultural food products in their natural state as harvested prior to processing. **(ADDED BY AMENDMENT 201)**

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Recreation, Private: A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or the public, consisting primarily of man-made structures and/or other artificial apparatus which are necessary to form the basis for said use.

Recreational Unit: Means a tent, or vehicular-type unit, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreation unit shall include "Travel trailers", "Camping trailer", "Motor home", "Truck camper", "Slide-in-camper" and "Chassis-mount camper" as defined in Public Act 171. Public Acts of 1970, Michigan. **(REVISED BY AMENDMENT 114A)**

Regional Wastewater Treatment System: That system being planned as of the effective date of this Ordinance by the City of Traverse City and the five townships surrounding Traverse City.

Registered Guest: Means a person or people that stay overnight and have signed a guest register. **(ADDED BY AMENDMENT 114B)**

Retail Farm Processing Facility – With Indoor Sales: A Retail Farm Processing Facility is an accessory use to the active production of agricultural crops. The building or buildings used as part of the Retail Farm Processing Facility contain an area for processing equipment where Raw Produce is processed or packaged and prepared for wholesale and/or retail sales. In addition to processing, the building(s) may also include a limited area indoors for retail sales to customers. Processing and retail sales shall be conducted within an entirely enclosed building(s). An indoor retail sales area may include a Tasting Room for the consumption of fresh or processed Raw Produce, including wine. The facility also includes necessary access from a public road as well as parking, lighting and landscaping. **(ADDED BY AMENDMENT 201)**

Retail Farm Processing Facility – With Indoor Sales and Outdoor Seating Area: A Retail Farm Processing

Facility is an accessory use to the active production of agricultural crops. The building or buildings used as part of the Retail Farm Processing Facility contain an area for processing equipment where Raw Produce is processed or packaged and prepared for wholesale and/or retail sales. In addition to processing, the building(s) may also include a limited area indoors for retail sales to customers. Processing and retail sales shall be conducted within an entirely enclosed building(s). A retail sales area may include a Tasting Room for the consumption of fresh or processed Raw Produce, including wine. In addition to a limited indoor retail sales area with a Tasting Room, a clearly defined outdoor seating area with limited seating capacity may be approved. The facility also includes necessary access from a public road as well as parking, lighting and landscaping. (ADDED BY AMENDMENT 201)

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles which, if used to establish a lot front, provides adequate permanent access.

Road - Access by Easement - Easement Access: A right-of-way or commons area including a frontage road which provides access to a lot or parcel in lieu of access from a public or private road. **(ADDED BY AMENDMENT 88)**

Road - County Standards: The Standards and Specifications for Subdivision Streets as adopted by the Grand Traverse County Road Commission. **(ADDED BY AMENDMENT 88)**

Sign-Yard/Garage Sale/Personal Event: A temporary sign which is placed on the premises of a yard sale, garage sale or events such as family reunions or weddings.

Site Area: (includes the terms: Site, Site Area, Lot, Parcel Size and Parcel Area) - the total area within the property lines excluding road and street right-of-ways except as follows: Site Area, Parcel Area, and Parcel Size shall include road or street rights-of-way, provided both of the following are documented:

- a. The property legal description includes such right-of-way; and
- b. The property is being developed as a Planned Unit Development. **(REVISED BY AMENDMENT 158)**

Story Height of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street: Provides direct access to individual abutting properties.

Street Line: The legal line of demarcation between a street and abutting land.

Structure: A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, building, mobile homes, signs and sign boards, towers, poles, antennae, landfill, sea walls, weirs, jetties, swimming pools, stand pipes; fences over four feet in height above final grade and earth sheltering for earth-sheltered structures or other like objects, but not including: (a) a temporary fence; (b) agricultural fences that are used for general farming and horticultural uses, field crop and fruit farming, raising and keeping of small animals, and raising and keeping of livestock; (c) access steps required to negotiate changes in site elevation; (d) landscape mounds; and (e) sidewalks, drives, and paved areas which do not protrude above the finished site grade. **(REVISED BY AMENDMENT 152)**

Tasting Room: A room in conjunction with a licensed winery premises, including a remote wine tasting room, where the following takes place; a) tasting of fresh and/or processed agricultural produce such as wine, fruit wines, and non-alcoholic fruit juices; b) retail sales of winery products by the bottle for off-premises consumption; and c) sales of wine by the glass for on-premises consumption. **(ADDED BY AMENDMENT NO 139A)(REVISED BY AMENDMENT NO 181)**

Township Board: Peninsula Township Board.

Trailer Coach: Mobile Home as defined herein.

Use: The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.

Vested Right: A Vested Right is a right protected by law that cannot be impaired or taken away without the owner's consent. **(ADDED BY AMENDMENT 201)**

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Wall: A structure, including gates when closed which has openings of fifty (50%) percent or

WECS shall mean a combination of:

- (1) A surface area, either variable or fixed, for utilizing the wind for electrical powers; and
- (2) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- (3) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- (4) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Tower Height:

1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and blades;
2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.

Survival Wind Speed: The maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

Interconnected WECS: A WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

Wholesale Farm Processing Facility: A Wholesale Farm Processing Facility is an accessory use to the active production of agricultural crops. The building or buildings contain an area for processing equipment where Raw Produce is processed or packaged and prepared for wholesale sales. Processing shall be conducted within an entirely enclosed building(s). The facility also includes necessary access from a public road as well as parking, lighting and landscaping. (ADDED BY AMENDMENT NO 139A AND UPDATED BY AMENDMENT 201)

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Wine: Means the product made by the normal alcoholic fermentation of the juice of sound, ripe grapes, or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including fermented fruit juices other than grapes and mixed wine drinks.

Winery Chateau: A state licensed facility whereat (1) commercial fruit production is maintained, juice is processed into wine, stored in bulk, packaged, and sold at retail or wholesale to the public with or without the use of a wine tasting facility and (2) a limited number

~~of guest rooms with meals are offered to the public.~~

Winery: A Winery is a state licensed facility where agricultural fruit production is maintained, juice is processed into wine from Raw Produce, stored in bulk, packaged, and sold at retail or wholesale to the public with or without the use of a wine-tasting facilityRoom. The site and buildings are used principally for the production of wine. **(ADDED BY AMENDMENT NO 139A)(REVISED BY AMENDMENT 181)**

(19) Wholesale Farm Processing Facility (~~ADDED BY AMENDMENT 139~~ **UPDATED BY AMENDMENT 201**)

- (a) Statement of Intent: It is the intent of this subsection to promote a thriving local agricultural production industry and ~~preservation~~ preserve ~~of the~~ rural character by allowing the construction and use of a Wholesale Farm Processing Facility ~~where and when accessory to a minimum acreage of land in active crop production.~~ The Wholesale Farm Processing Facility use includes ~~retail and~~ wholesale sales of fresh and processed agricultural produce Raw Produce only. ~~but is not intended to allow a bar or restaurant on agricultural properties and the Township shall not approve such a license.~~ The majority of the Raw pProduce sold fresh or processed ~~has to~~ shall be grown on land within the Township exclusively operated and controlled by the specific fFarm oOperation that operates and controls the Wholesale Farm Processing Facility. ~~(land owned or leased for the specific farm operation) of the party owning and operating the Specific Wholesale Farm Processing Facility.~~ Eighty-five (85) percent of the produce sold fresh or processed has to be grown on Old Mission Peninsula. ~~Activities such as weddings, receptions and other social functions for hire are not allowed, however, participation in approved township wide events is allowed.~~ ~~It Since a Wholesale Farm Processing Facility is generally an industrial use, the approval and operation of a Wholesale farm Processing Facility shall not create any Vested Right in is not the intent to grant any vested interest in the continued non-agricultural uses of any structures built or used for a Wholesale Farm Processing Facility.~~ This Section shall not supersede or amend the terms of any conservation easement. ~~This amendment is not intended to supersede any Conservation Easement.~~ (**REVISED BY AMENDMENT 181**)

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- (b) A Wholesale Farm Processing Facility is permitted only as an accessory use to the active production of agricultural crops on a Farm Operation in the Agricultural-A-1 Agricultural Zzone subject to the following: (**REVISED BY AMENDMENT 181**)

1. ~~Retail and Wholesale Sales.~~ Retail and Wholesale Sales (including tasting) of fresh or processed agricultural Raw pProduce is-are allowed subject to the requirements of subsection (b) 2 and further provided:
 - i. All processing shall be conducted indoors.
 - ii. No retail sales or consumption of processed products on the premises is permitted.
 - iii. The Michigan Liquor Control Commission shall grant applicable wholesale liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and permits granted hereunder, and the Michigan Department of Agriculture shall control licenses and compliance;
 - iv. The Michigan Department of Agriculture and Rural Development shall grant applicable wholesale food licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and permits granted hereunder.
- ii. Grape wine that is processed, tasted and sold in a Farm Processing Facility under this section is limited to "Old Mission Peninsula" appellation wine meaning 85% of the juice will be from fruit grown on Old Mission Peninsula;

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- iii. ~~Fruit wine, other than grape wine, that is processed, tasted and sold in a Farm Processing Facility under this section is limited to wine bearing a label identifying that 85% of the juice is from fruit grown on Old Mission Peninsula;~~
- iv. ~~Sales of wine by the glass in a tasting room is allowed pursuant to the minimum requirements of the Michigan Liquor Control Commission rules and related Michigan Department of Agriculture permits regarding the sales of limited food items for on-premises consumption; and~~
- v. ~~Logo merchandise may be sold provided:~~
 - 1. ~~The logo merchandise is directly related to the consumption and use of the fresh and/or processed agricultural produce sold at retail;~~
 - 2. ~~The logo is prominently displayed and permanently affixed to the merchandise;~~

3. Specifically allowed are: a) gift boxes/packaging containing the approved products for the specific farm operation; b) Wine Glasses; c) Corkscrews; d) Cherry Pitter; and e) Apple Peeler; and
4. Specifically not allowed are unrelated ancillary merchandise such as: a) Clothing; b) Coffee Cups; c) Bumper Stickers.

2. Limitations on Sources of Raw Produce

I. ~~Processing is limited to Raw Produce. For example, an apple may be processed into apple juice or applesauce.~~

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II. ~~Not less than 85-seventy percent (70%) of all of the agricultural Raw pProduce sold fresh or processed shall be grown on Old Mission Peninsula and a majority shall be grown on the land within Peninsula Township owned or leased that is controlled and operated for by the specific fFarm oOperation by the same party owning and that operating operates the specific Wholesale Farm Processing Facility.~~

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III. ~~If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw pProduce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the Wholesale Farm Processing Facility owned or leased for the specific farm operation by the same party owning and operating the Specific Farm Processing Facility for that particular year, provided that verification of such conditions by the United States Department of Agriculture Farm Service Agency that verification of such conditions are presented to the Township Board by a public organization representing the fruit growers of northwest Michigan that is duly recognized by the Township Board. Processed products produced by the Wholesale Farm Processing Facility in such a year shall not exceed the highest volume of processed products produced by the Wholesale Farm Processing Facility in any of the preceding five (5) years.~~

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III. ~~Wine shall be produced and bottled in the winery and the label shall include "produced and bottled by" immediately preceding the place where bottled or packed in accordance with the Bureau of Alcohol, Tobacco and Firearms law, article 27CFR, paragraph 4.35 (a) (1) definition for "Produced and Bottled By", meaning 75% of such products will be fermented and clarified on the site (this requirement is intended to comply with federal regulations and does not supersede the requirements of 85% grown on Old Mission Peninsula). Sparkling wine or sparkling juices may be "finished" and bottled off site and so labeled.~~

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IV. ~~Any fruit beverage shall meet the same requirements as the wine in iii. above except for the labeling requirements.~~

~~V. Dried fruit, a minimum of 85% by weight which is grown on Old Mission Peninsula and a minimum of 50% by weight which is grown on the farm, may be dried off premises and sold in the Farm Processing Facility retail room, provided, no more than the amount of fruit sent out for this processing is returned for retail sale.~~

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~~3. Participation in "Township Wide Events" such as "Blossom Days" as specifically approved by the Township Board shall be allowed.~~

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4.3. Parcel requirements:

- I. A total of forty (40) acres of land ~~are required to~~ shall be devoted dedicated to the operation of a Wholesale Farm Processing Facility.
- II. The dedicated forty (40) acres shall be located within Peninsula Township and shall be ~~owned or leased~~ exclusively controlled and operated by the same Farm Operation that exclusively controls and operates the Wholesale Farm Processing Facility. Control of the dedicated acreage must be evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least 65% of the forty (40) acres dedicated to the Wholesale Farm Processing Facility shall be in active crop production each year. ~~for the specific farm operation by the same party owning the specific Farm Processing Facility.~~
- III. At least twenty (20) of the dedicated forty (40) acres must be in a contiguous parcel with a minimum parcel width of 330 feet and shall contain the Wholesale Farm Processing Facility. There shall be at least ten (10) acres in active crop production on the same parcel as the Wholesale Farm Processing Facility. The parcel shall not be divided for as long as the Wholesale Farm Processing Facility continues in operation.
~~Up to twenty (20) of the forty (40) acres does not have to be contiguous and may be either owned by, or leased with exclusive control and use transferred to the operator of the Farm Processing Facility.~~
- IV. The remaining acreage necessary to meet the 40-acre minimum dedication shall consist of a single contiguous parcel or two contiguous parcels separated only by a road.
- V. Not more than one (1) single-family dwelling may be located on the parcel containing the Wholesale Farm Processing Facility. Not more than one (1) additional single-family dwelling may be located on the remaining dedicated acreage.
- II.VI. The parcel containing the specific Farm Processing Facility shall have a minimum area of 20 acres and a minimum parcel width of 330 feet.
- III. The 20-acre minimum parcel (which may include public road rights-of-way) and the winery shall be owned by the same party. None of the 20 acres shall be alienable.
- IV. The 20-acre parcel may be one parcel or two contiguous parcels and the contiguous parcels may be separated by a road.

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- ~~There shall be no more than one house on the 20-acre parcel containing the Farm Processing Facility and no more than one house on the remaining required 20 acres.~~
- V. ~~The number of allowed dwellings which may be built on the total 40 acres dedicated to the Farm Processing Facility use, shall be to two.~~
- ~~VII. Up to twenty (20) of the forty (40) acres does not have to be contiguous and may be either owned by, or leased with exclusive control and use transferred to the operator of the Farm Processing Facility.~~
- VII. None of the ~~minimum dedicated forty (40)~~ acres shall be used to satisfy acreage density or open space requirements of any other ~~food processing or other~~ use in the Township while the Wholesale Farm Processing Facility use is in effect continues in operation.
- ~~VIII.VII. The number of allowed dwellings which may be built on the total 40 acres dedicated to the Farm Processing Facility use, shall be to two. However, the right to build the remaining dwelling units may be extinguished by sale or donation, provided a permanent conservation easement to that effect is recorded with the County Register of Deeds. In addition the remaining dwelling units may be clustered on contiguous land, under the same ownership as the land from which the units are removed, providing that a permanent conservation easement is placed on the land from which the units are removed, in accordance with Section 8.3.6(3). The clustered dwelling units may not be placed on any part of the acreage which makes up the minimum 40 acres dedicated for the Farm Processing Facility use.~~
- IX. If property is leased, the lease shall be for a minimum of one year, and the lease shall be recorded with the Grand Traverse County
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Register of Deeds.

X. ~~There shall be a minimum of 5 acres of crops grown on the same parcel as the Farm Processing Facility.~~

6.4. **Setbacks:** The minimum setbacks for the Wholesale Farm Processing Facility including retail areas and customer required parking shall be:

I. Front yard 50 feet Side and rear yard 100 feet;

II. Side and rear yards 200 feet. Front yard 50 feet;

III. Minimum of 200 feet from any pre-existing residence on adjoining property.

6.5. **Wholesale Farm Processing Facility Size:** ~~The total floor area above finished grade (one or two stories) of the Farm Processing Facility including retail space room shall be no larger 6,000 square feet or .5% of the parcel size whichever is less. The retail space shall be a separate room and may be the greater of 500 square feet in area or 25% of the floor area above finished grade. The facility may consist of more than one building, however all buildings shall be located on the 20 acre minimum parcel that contains the Farm Processing Facility. Underground buildings are not limited to, and may be in addition to, the 6,000 square feet of floor area provided that it is below pre-existing ground level and has no more than one loading dock exposed. A Wholesale Farm Processing Facility shall not include retail space. The total floor area of a Wholesale Farm Processing Facility above finished grade shall not exceed 250 square feet per acre of land dedicated to the Wholesale Farm Processing Facility and shall not exceed a maximum of 30,000 square feet of total floor area above finished grade. The Wholesale Farm Processing Facility may consist of more than one building; however, all buildings used by the Wholesale Farm Processing Facility shall be located on the 20-acre minimum parcel. Underground floor area may be allowed in addition to the permitted square footage of floor area above finished grade, provided it is entirely below the pre-existing ground level and has no more than one loading dock exposed. (REVISED BY AMENDMENT 197)~~

7.6. **Pre-existing buildings** (built prior to ~~this amendment~~ October 11, 2022) may be used for a Wholesale Farm Processing Facility ~~ies~~ provided that ~~if it is they are no more than 610,000 square feet in size, the retail space room shall not be larger than 1,500 square feet.~~ The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners. ~~if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners.~~

8.7. **Vested Interest Right:** Approval of a Site Plan and Land Use Permit for a Wholesale Farm Processing Facility ~~There shall be not create no any~~ Vested interest Right ~~in the continued~~ non-agricultural

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uses of ~~the any~~ structures built or used for a Wholesale Farm Processing Facility. ~~Such S~~structures shall only be used for ~~allowed-uses~~ permitted by right in Section 6.7.2 in the A-1 Agriculture District in the event that the Wholesale Farm Processing Facility use is ~~abandoneddiscontinued or curtailed~~.

~~9.8.~~ **Parking:** ~~A minimum of one parking space for each 150 square feet of floor area in the retail/tasting area. Parking shall comply with~~conform to the requirements of Section 7.6 of the Zoning Ordinance.

~~9.~~ **Signs:** All signs shall conform to the requirements of Section 7.11. **(REVISED BY AMENDMENT 174)**

10. **Lighting:** All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**

~~11.~~ **Signs:** A Farm Processing Facility sign meeting the standards of Section 7.11 is allowed with a Food Processing Facility. **(REVISED BY AMENDMENT 174)**

~~12.11. Access: Access to a Wholesale Farm Processing facility shall be from a public road. An access driveway permit from the County Road Commission or Michigan Department of Transportation shall be required before a land use permit can be issued.~~

- ~~12. Water: Demonstration of adequate water for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.~~
- ~~13. Sewage and Wastewater Disposal: Demonstration of adequate sewage and wastewater disposal for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.~~
- ~~14. Fencing or Planting Buffer: In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.~~

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~~13.15. Data and Records:~~

- ~~I. The Farm Operation operating the Wholesale Farm Processing Facility shall annually by April 15 of each year provide data and records to the Director of Planning showing (a) that a minimum of 70 percent of the Raw Produce processed is grown on land in the Township exclusively controlled and operated by that Farm Operation, and (b) all land within the Township controlled and operated by the Farm Operation meets minimum acreage requirements.~~
- ~~II. The above data shall be supplied to the Township in a format or form approved by the Director of Planning.~~
- ~~III. Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance.~~
 - ~~I. The owner of the specific Farm Processing Facility shall annually provide data and records to the Zoning Administrator showing that a majority of the products processed are grown on the land owned or leased for the specific farm operation by the same party owning and operating the specific Farm Processing Facility. The data and records shall also document compliance with off-site processing requirements of this section.~~
 - ~~II. An up-to-date record of land ownership or lease to comply with acreage requirements shall be provided to the Zoning Administrator.~~
 - ~~III. The above data shall be supplied to the Township in a format or form approved by the Township Zoning Administrator.~~
 - ~~IV. Any change in the above shall be submitted promptly in writing to~~

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the Zoning Administrator. Failure to submit such changes shall be considered a violation of the Ordinance.

14.16. Approval Process:

- I. Site plan review shall be required for all Wholesale Farm Processing Facilities. A site plan drawn to scale (one or more sheets as appropriate) is shall be submitted to the Zoning Administrator/Director of Planning along with the appropriate permit-site plan review fee as established by the Township Board.
- II. The site plan shall include at least:
 1. the parcel or parcels with parcel numbers dedicated to the Wholesale Farm Processing Facility with calls and dimensions on all property lines;
 - 4.2. legal descriptions of all parcels;
 - 2.3. all existing and proposed structures including setbacks from property lines;
 - 3.4. proposed parking, landscaping and lighting;
 - 4.5. floor plan showing all processing and retail areas; and
 - 5.6. parcel numbers and/or legal description of the parcels making up all the minimum parcel requirements; and the name, mailing address, and phone number of the owner/Farm Operation of the property.
- III. Site Plan approval for a Wholesale Farm Processing Facility shall be issued by the Director of Planning upon showing that the minimum requirements of this ordinance, including parcel(s), building size, building height, minimum acreage in crop production, setbacks, and parking are met as well as any requirements of a conservation easement.
- IV. Once the site plan is approved by the Director of Planning, a Land Use Permit application may be submitted to the Zoning Administrator.
- III-V. A permit from the Grand Traverse County Health Department is required before preliminary a Land Use Permit for a Wholesale Farm Processing Facility permit can be issued.
- IV. A preliminary Farm Processing Facility permit shall be issued by the Zoning Administrator upon a showing that the minimum requirements of parcel, building size, acreage requirement, setback and parking are met.
- V-VI. No processing or wholesales sales of products shall take place until a final site plan approval is issued by the Director of Planning and a Land Use Permit by the Zoning Administrator. Farm Processing Facility permit has been issued by the Zoning Administrator. Such final Farm Processing Facility permit/The Land Use Permit shall not be issued until copies of all permits required by State, federal, and other local licenses and permits have been submitted to the Zoning Administrator, and the Zoning Administrator has made an on-site inspection to verify compliance with all the requirements of the

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Zoning Ordinance.

~~45.17.~~ Any violation of the Site Plan Approval issued by the Director of Planning or Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 4.2.1 Violations and Penalties, serve as grounds for closing/revocation of the Site Plan Approval and Land Use Permit, retail operations, including tasting, portions of the use by the Township Board. In the event of any such alleged violation is made in writing to the Township Board, the Township shall give written notice of such alleged violation to the Applicant at the last address furnished to the Township by the Applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within 30 days from the date of the notice, then the Township Board shall require the owner to close all retail sales operations on the premises, after hearing, until such time as the Township Board removes the restriction. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Township Board may deem appropriate.

18. Residence within a Wholesale Farm Processing Facility. (ADDED BY AMENDMENT NO 146) A single-family dwelling may be allowed as part of a structure containing a Farm Processing Facility provided the following requirements are met:

~~46.~~

- ~~I.~~ A single family dwelling may be allowed as part of a structure containing a Farm Processing Facility provided the following requirements are met:
- ~~II.~~ i. The dwelling and Wholesale Farm Processing Facility combined shall not exceed any of the Setback or Facility Size requirements established above.
- ~~III.~~ ii. The dwelling shall be the only dwelling on the 20-acre parcel containing the Wholesale Farm Processing Facility.
- ~~IV.~~ iii. The maximum height of the structure shall be 35 feet or 2 ½ stories whichever is less.

Section 6.7.3 Uses Permitted by Special Use Permit: The following uses of land and structures may be permitted in any agricultural district by the application for and issuance of special use permit when all the procedural requirements specified in Article VIII, 8.1 "Uses Authorized by Special Use Permit: General Standards and Requirements" are satisfied together with any applicable requirements as outlined in the particular Articles and Sections cited:

- (1) Planned Unit Developments subject to all requirements of Article VIII, Section 8.3.
- (2) Special open space uses subject to all requirements of Article VIII, Section 8.7.3 (3).
- (3) Recreational Unit Park subject to all requirements of Article VIII, Section 8.4. **(REVISED BY AMENDMENT 114E)**
- (4) Food processing plants subject to all requirements of Article VIII, Section 8.5.
- (5) Institutional Structures subject to all requirements of Article VIII, Section 8.6.

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- (6) Greenhouses and nurseries selling at retail on the premises.
- (7) Riding stables and livestock auction yards.
- (8) Raising of fur bearing animals for profit.
- (9) Game or hunting preserves operated for profit.
- (10) Veterinary hospitals, clinics and kennels.
- (11) Sawmills.
- (12) Storage for agricultural products.
- (13) Golf courses and country clubs subject to all requirements of Article VIII, Section 8.7.2(4) and Section 8.7.3(4).
- (14) Public buildings and public service installations.
- (15) Incinerators and sanitary fills, sewage treatment and disposal installation subject to all requirements of Article VIII, Section 8.7.2(1) and (2), and Section 8.7.3(1) and (2).
- (16) Deleted by Amendment No. 67(6)
- (17) Airports and Airfields.
- (18) Warehousing and light industrial subject to all requirements of Article VIII, Section 8.7.2(7) and Section 8.7.3(7).
- (19) Wind Energy Conversion Systems: Subject to all requirements of Article VIII, Section 8.7.3(8).
- (20) Bed and Breakfast Establishments: Subject to all requirements of Article VIII, Section 8.7.3(6).
- (21) Adult Foster Care Facilities: Subject to all requirements of Article VIII, 8.7.3(9).
- (22) Winery-ChateauRetail Farm Processing Facilities: Subject to all requirements of Article VIII, Section 8.7.3(10) and (11).**(UPDATED BY AMENDMENT 201)**

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Section 6.7.4 Area and Bulk Requirements: Are subject to Section 6.8 "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted, and providing minimum yard setback requirements.

Section 6.7.5 Conservation Easement Restricted Farmland.

Section 6.7.5.1 Intent The Peninsula Township Purchase of Development Rights Ordinance

| | |
|--|--|
| <p>(5) <u>Industrial and Warehousing</u> (a) Industrial or manufacturing establishments, research and testing laboratories, and related accessory offices</p> <p>(b) Warehouses or wholesale establishments and related accessory offices</p> | <p>Five (5) plus one (1) for every one (1) employee for the largest working shift.</p> <p>Five (5) plus one (1) for every one (1) employee for the largest working shift.</p> |
| <p>(6) <u>Marinas</u></p> | <p>One space for each one hundred fifty (150) square feet of building area, exclusive of area used for boat storage, plus one additional space for every one and one-half (1.5) slips or mooring locations, excluding designated transient slips. Additional spaces will be required for such uses as stores and restaurants as provided above.</p> |
| <p>(7) <u>Bed and Breakfast Establishments</u></p> | <p>One (1) space per rental sleeping room in addition to the two (2) spaces required for owner/occupant.</p> |
| <p>(8) <u>Hotel, Motel, Tourist Court</u></p> | <p>One (1) for each sleeping room, plus one (1) for each employee of the maximum working shift.</p> |
| <p>(9) <u>Winery-ChateauRetail Farm Processing Facilities</u></p> | <p>One (1) for each one hundred fifty (150) square feet of retail floor space in the "tasting room," plus one (1) for each employee of maximum working shift, plus three (3) spaces for tour buses or cars with trailers, plus one space for each (1) guest room.</p> <p><u>In addition, truck loading and unloading areas shall be designated.</u></p> |
| <p>(10) <u>Wholesale Farm Processing Facilities</u></p> | <p><u>Five (5) plus one (1) for every one (1) employee for the largest working shift.</u></p> <p><u>In addition, truck loading and unloading areas shall be designated.</u></p> |
| <p>(101) <u>Headquarters Building</u> (ADDED BY AMENDMENT 114F)</p> | <p>One (1) for each two hundred (200) square feet of floor area plus one for each employee on the largest working shift.</p> |

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(k) Interconnected WECS: In the case of WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).

(l) Vibration: Under no circumstances shall a WECS produce vibrations humanly perceptible beyond the lot boundaries.

(9) Adult Foster Care Facilities within the Agricultural District

(a) Such uses shall be duly licensed by the State Department of Social Services.

(b) A maximum of ten (10) adults may receive foster care at any one time.

(c) The minimum lot size shall be five (5) acres.

(d) Such facilities shall be allowed only in areas which are and will remain free from concentrations of objectionable airborne chemical sprays and similar materials utilized by agricultural operations within close proximity.

(e) Such facilities shall be located where adult foster residents will be safe from traffic and other hazards.

(10) Retail Farm Processing Facility (Indoors Only) (ADDED BY AMENDMENT 201)

(a) Statement of Intent: It is the intent of this subsection to promote a thriving local agricultural production industry and preserve the rural character within the Township by allowing the construction and use of a Retail Farm Processing Facility where and when accessory to a minimum acreage of land in active crop production. The Retail Farm Processing Facility use includes wholesale sales and indoor retail sales of fresh and processed Raw Produce only. The majority of the Raw Produce sold fresh or processed shall be grown on land within the Township exclusively operated and controlled by the specific Farm Operation that operates and controls the Retail Farm Processing Facility. Since a Retail Farm Processing Facility is generally an industrial and commercial use, approval of a special use permit for a Retail Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Retail Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the Retail Farm Processing Facility use is discontinued or curtailed. This Section shall not supersede or amend the terms of any conservation easement.

(b) A Retail Farm Processing Facility is permitted only as an accessory use to active production of agricultural crops in the A-1 Agricultural District subject to the following:

1. Retail Sales. Retail sales of fresh or processed Raw Produce are allowed subject to the requirements of subsection (b) 2. and the following additional requirements:

i. All processing and retail sales shall be conducted indoors.

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- ii. The consumption of processed products on premises is permitted indoors only.
- iii. A Tasting Room may be included in the allowable square footage for retail sales to provide for the tasting of fresh or processed agricultural products, including beverages that require a liquor license.
- iv. Free entertainment may be provided within a retail sales/tasting room indoors only.
- v. The hours of operation for retail sales, including a Tasting Room, shall be limited to an opening time no earlier than 9:00 a.m. and a closing time no later than 9:30 p.m.
- vi. The Michigan Liquor Control Commission shall grant applicable retail liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.
- vii. The Michigan Department of Agriculture and Rural Development shall grant applicable retail food licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.
- viii. Those Retail Farm Processing facilities that hold a liquor license may serve limited food items indoors in the retail sales area to offset the effects of consuming alcohol. Food items not processed within the Retail Farm Processing Facility are limited to snacks that require minimal preparation such as cheese and crackers, dried fruit and nuts, and chocolates. No restaurants, cafes or off-site catering shall be permitted as part of a Retail Farm Processing Facility.

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2. Sources of Raw Produce.

- (a) Processing is limited to Raw Produce. For example, an apple may be processed into apple juice or applesauce.
- (b) Not less than seventy percent (70%) of the Raw Produce sold fresh or processed by the Retail Farm Processing Facility shall be grown on land within the Township that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility.
- (c) If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year, the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility, provided that verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Retail Farm Processing Facility in such a year shall not exceed the highest volume of processed products produced by the Retail Farm Processing Facility in any of the preceding five (5) years.

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3. Parcel Requirements.

- (a) A total of fifty (50) acres of contiguous land must be dedicated to the operation of a Retail Farm Processing Facility with indoor retail sales.
- (b) The dedicated fifty (50) acres shall be located within Peninsula Township and shall be exclusively controlled and operated by the same Farm Operation that exclusively controls and operates the Retail Farm Processing Facility. Control of the dedicated acreage must be evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the

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Grand Traverse County Register of Deeds. At least 65% of the fifty (50) acres dedicated to the Retail Farm Processing Facility shall be in active crop production each year.

- (c) At least thirty (30) of the dedicated fifty (50) acres must be in a contiguous parcel with a minimum parcel width of 330 feet and shall contain the Retail Farm Processing Facility. There shall be at least fifteen and one half (15.5) acres in active crop production on the same parcel as the Retail Farm Processing Facility. The parcel shall not be divided for as long as the Retail Farm Processing Facility continues in operation.
- (d) The remaining acreage necessary to meet the 50-acre minimum dedication shall consist of a single contiguous parcel or two contiguous parcels separated only by a road.
- (e) Not more than one (1) single-family dwelling may be located on the parcel containing the Retail Farm Processing Facility. Not more than one (1) additional single-family dwelling may be located on the remaining dedicated acreage.
- (f) None of the minimum dedicated fifty (50) acres shall be used to satisfy acreage density or open space requirements of any other use in the Township while the Retail Farm Processing Facility continues in operation.

4. Setbacks.

- (a) Front Yard Setback: 50 feet.
- (b) Side and Rear Yard Setback: 200 feet.

5. Farm Processing Facility Size.

- (a) The total floor area of the Retail Farm Processing Facility above finished grade shall equal 250 square feet per acre of land owned or leased for the specific retail farm processing operation but may not exceed 30,000 square feet of total floor area above finished grade.
- (b) The Retail Farm Processing Facility may consist of more than one building; however, all buildings associated with the Retail Farm Processing Facility shall be located on the 30-acre minimum parcel that contains the Retail Farm Processing Facility.
- (c) Underground floor area may be allowed in addition to the maximum permitted square footage of floor area above finished grade provided it is entirely below pre-existing ground level and has no more than one loading dock exposed.
- (d) Retail sales space may be a separate room within a Retail Farm Processing Facility and shall not exceed 1,500 square feet in area.
- (e) A tasting room shall be included in the allowable square footage for retail sales.

6. Pre-existing Buildings.

Pre-existing Buildings (built prior to October 11, 2022) may be used for a Retail Farm Processing Facility provided they are not greater in size than the maximum allowable square footage per acre as referenced above. The Zoning Board of Appeals may consider variances from required setbacks in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners.

7. Vested Right.

Approval of a special use permit for a Retail Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Retail Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the Retail Farm Processing Facility

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use is discontinued or curtailed.

8. Parking.

Parking shall conform to the requirements of Section 7.6.3.

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9. Signs.

All signage shall conform to the requirements of Section 7.11.5.

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10. Lighting.

All exterior lighting shall conform to the requirements of Section 7.14.

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11. Access.

Access shall be from a paved public road. An access permit from the Grand Traverse County Road Commission or Michigan Department of Transportation shall be required before a Land Use Permit may be issued.

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12. Water: Demonstration of adequate water for the Retail Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.

13. Sewage and Wastewater Disposal: Demonstration of adequate sewage and wastewater disposal for the Retail Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.

14. Fencing or Planting Buffer: In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.

15. Landscaping: The front yard area and/or any side yard adjacent to public right-of-way not used for access and parking shall be planted and maintained in accord with an appropriate landscape design to integrate the Retail Farm Processing facility into the site, as approved by the Township Board.

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16. Data and Records.

(a) The Farm Operation operating the Retail Farm Processing Facility shall annually by April 15 of each year provide data and records to the Director of Planning showing (a) that a minimum of 70 percent of the Raw Produce processed is grown on land in the Township exclusively controlled and operated by that Farm Operation, and (b) all land within the Township controlled and operated by the Farm Operation meets minimum acreage requirements.

(b) The above data shall be supplied to the Township in a format or form approved by the Director of Planning.

(c) Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance.

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17. Approval Process.

(a) Approval of a Special Use Permit is required subject to all requirements of Article VIII, Section 8.1, followed by the administrative approval of a Site Plan.

(b) A Site Plan application with all required submittal materials shall be submitted to the Director of Planning.

The site plan shall include at least:

1. the parcel or parcels with parcel numbers dedicated to the Retail Farm Processing Facility with calls and dimensions on all property lines;
2. legal descriptions for all parcels;
3. all existing and proposed structures including setbacks from property lines;
4. proposed parking, landscaping and lighting;
5. floor plan showing all processing areas; and
6. the name, mailing address, and phone number of the Farm Operation.

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(c) Site Plan approval for a Retail Farm Processing Facility shall be issued by the Director of Planning upon showing that it is compliant with this Ordinance, all conservation easements, and the Special Use Permit approval, including minimum parcel requirements, building size, building height, acreage in crop production, setbacks, landscaping and parking.

(d) Once the Site Plan is approved and signed by the Director of Planning, a Land Use Permit application may be submitted to the Zoning Administrator.

(e) A permit from the Grand Traverse County Health Department is required before a Land Use Permit for a retail farm processing facility can be issued.

(f) No processing or wholesale or retail sales of products shall take place until a Land Use Permit has been issued by the Zoning Administrator.

(g) Such Land Use Permit shall not be issued until copies of all permits required by state, federal, and other local licenses and permits have been submitted to the Zoning Administrator and the Zoning Administrator has made an on-site inspection to verify compliance with all requirements of the zoning ordinance.

(h) Any violation of the Special Use Permit issued by the Township Board, the Site Plan Approval issued by the Director of Planning, or the Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 4.2.1 Violations and Penalties, serve as grounds for revocation of the Special Use Permit, the Site Plan Approval and the Land Use Permit.

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(11) Retail Farm Processing Facility (with Outdoor Seating) (ADDED BY AMENDMENT 201)

(a) Statement of Intent: It is the intent of this subsection to promote a thriving local agricultural production industry and preserve the rural character within the Township by allowing the construction and use of a Retail Farm Processing Facility with outdoor seating where and when accessory to a minimum acreage of land in active crop production. The Retail Farm Processing Facility with outdoor seating use includes wholesale sales, indoor retail sales of fresh and processed Raw Produce, and the consumption of fresh and processed Raw Produce within an indoor Tasting Room or outdoor seating area only. The majority of the Raw Produce sold fresh or processed shall be grown on land within the Township exclusively operated and controlled by the specific Farm Operation that operates and controls the Wholesale Farm Processing Facility. Since a Retail Farm Processing Facility is generally an industrial and commercial use, approval of a special use permit for a Retail Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Retail Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the Retail Farm Processing Facility use with outdoor seating is discontinued or curtailed. This Section shall not supersede or amend the terms of any conservation easement.

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(b) A Retail Farm Processing Facility with Outdoor seating is permitted only as an accessory use to active production of agricultural crops in the A-1 Agricultural District subject to the following:

1. **Retail Sales.** Retail sales of fresh or processed Raw Produce are allowed subject to the requirements of subsection (b) 2. and the following additional requirements:

- i. All processing and retail sales shall be conducted indoors.
- ii. The consumption of processed products on premises is permitted indoors and within an approved and clearly defined outdoor seating area.
- iii. A Tasting Room may be included in the allowable square footage for retail sales to provide for the tasting of fresh or processed Raw Produce including beverages that require a liquor license.
- iv. Free entertainment may be provided within a retail sales/tasting room indoors only.
- v. The hours of operation for retail sales, including a Tasting Room and approved outdoor seating, shall be limited to an opening time no earlier than 9:00 a.m. and a closing time no later than 9:30 p.m.

vi. The Michigan Liquor Control Commission shall grant applicable retail liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.

vii. The Michigan Department of Agriculture and Rural Development shall grant applicable retail food licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.

viii. Those Retail Farm Processing Facilities that hold a liquor license may serve limited food items indoors in the retail sales area to offset the effects of consuming alcohol. Food items not processed within the retail farm processing facility are limited to snacks that require minimal preparation such as cheese and crackers, dried fruit and nuts, and chocolates. No restaurants, cafes or off-site catering shall be permitted as part of a Retail Farm Processing Facility with outdoor seating.

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2. Sources of Raw Produce.

(a) Processing is limited to Raw Produce. For example, an apple may be processed into apple juice or applesauce.

(b) Not less than seventy percent (70%) of the Raw Produce sold fresh or processed by the Retail Farm Processing Facility shall be grown on land within the Township that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility.

(c) If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year, the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility, provided that verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Retail Farm Processing Facility with outdoor seating in such a year shall not exceed the highest volume of processed products produced by the Retail Farm Processing Facility in any of the preceding five (5) years.

3. Parcel Requirements.

- (a) A total of sixty (60) acres of contiguous land must be dedicated to the operation of a Retail Farm Processing Facility with indoor retail sales and an outdoor seating area for consumption only.
- (b) The dedicated sixty (60) acres shall be located within Peninsula Township and shall be exclusively controlled and operated by the same Farm Operation that exclusively controls and operates the Retail Farm Processing Facility with outdoor seating. Control of the dedicated acreage must be evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least 65% of the sixty (60) acres dedicated to the Retail Farm Processing Facility shall be in active crop production each year.
- (c) At least forty (40) of the dedicated sixty (60) acres must be in a contiguous parcel with a minimum parcel width of 330 feet and shall contain the Retail Farm Processing Facility and outdoor seating. There shall be at least twenty (20) acres in active crop production on the same parcel as the Retail Farm Processing Facility. The parcel shall not be divided for as long as the Retail Farm Processing Facility continues in operation.
- (d) The remaining acreage necessary to meet the 60-acre minimum dedication shall consist of a single contiguous parcel or two contiguous parcels separated only by a road.
- (e) Not more than one (1) single-family dwelling may be located on the parcel containing the Retail Farm Processing Facility. Not more than one (1) additional single-family dwelling may be located on the remaining dedicated acreage.
- (f) None of the minimum dedicated sixty (60) acres shall be used to satisfy acreage density or open space requirements of any other use in the Township while the Retail Farm Processing Facility continues in operation.

4. Setbacks.

- (a) Front Yard Setback: 50 feet.
- (b) Side and Rear Yard Setback Building: 200 feet.
- (c) Outdoor Seating Area: 350 feet from all property lines.

5. Farm Processing Facility Size.

- (a) The total floor area of the Retail Farm Processing Facility above finished grade shall equal 250 square feet per acre of land owned or leased for the specific retail farm processing operation but may not exceed 30,000 square feet of total floor area above finished grade.
- (b) The Retail Farm Processing Facility may consist of more than one building; however, all buildings used by the Retail Farm Processing Facility with outdoor seating shall be located on the 40-acre minimum parcel that contains the Retail Farm Processing Facility and outdoor seating area.
- (c) Underground floor area may be allowed in addition to the maximum permitted square footage of floor area above finished grade provided it is entirely below pre-existing ground level and has no more than one loading dock exposed.

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(d) Retail sales space may be a separate room within a Retail Farm Processing Facility and shall not exceed 1,500 square feet in area.

(e) A Tasting Room shall be included in the allowable square footage for retail sales.

6. **Pre-existing Buildings.** (built prior to October 11, 2022) may be used for a Retail Farm Processing Facility provided they are not greater in size than the maximum allowable square footage per acre as referenced above. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners.

7. Outdoor Seating Area Size.

- (a) The outdoor seating area shall be limited to 750 square feet.
- (b) The maximum occupancy for the outdoor seating area shall be 50 persons at all times.
- (c) The limits of the outdoor seating area shall be clearly defined with a fence and/or combination of fencing and landscaping that provides year-round screening from adjacent properties.
- (d) No temporary structures including tents or canopies are allowed.

8. **Vested Interest.** Approval of a special use permit for a Retail Farm Processing Facility with outdoor seating shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Retail Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the Retail Farm Processing Facility with outdoor seating use is discontinued or curtailed.

9. **Parking.** Parking shall conform to the requirements of Section 7.6.3.

10. **Signs.** All signage shall conform to the requirements of Section 7.11.5.

11. **Lighting.** All lighting shall conform to the requirements of Section 7.14.

12. **Access.** Access shall be from a paved public road. An access permit from the Grand Traverse County Road Commission or Michigan Department of Transportation shall be required before a Land Use Permit may be issued.

13. **Water:** Demonstration of adequate water for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.

14. **Sewage and Wastewater Disposal:** Demonstration of adequate sewage and wastewater disposal for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.

15. **Fencing or Planting Buffer:** In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.

16. **Landscaping:** The front yard area and/or any side yard adjacent to public right-of-way not used for access and parking shall be planted and maintained in accord with an appropriate landscape design to integrate the Retail Farm Processing facility with outdoor seating into

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the site, as approved by the Township Board.

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17. Data and Records.

(a) The Farm Operation operating the Retail Farm Processing Facility with outdoor seating shall annually by April 15 of each year provide data and records to the Director of Planning showing (a) that a minimum of 70 percent of the Raw Produce processed is grown on land in the Township exclusively controlled and operated by that Farm Operation, and (b) all land within the Township controlled and operated by the Farm Operation meets minimum acreage requirements.

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(b) The above data shall be supplied to the Township in a format or form approved by the Director of Planning.

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(c) Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance.

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18. Approval Process.

(a) Approval of a Special Use Permit is required subject to all requirements of Article VIII, Section 8.1, followed by the administrative approval of a Site Plan.

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(b) A Site Plan application with all required submittal materials shall be submitted to the Director of Planning.

The site plan shall include at least:

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1. the parcel or parcels with parcel numbers dedicated to the Retail Farm Processing Facility with calls and dimensions on all property lines;
2. legal descriptions for all parcels;
3. all existing and proposed structures including setbacks from property lines;
4. proposed parking, landscaping and lighting;
5. floor plan showing all processing areas; and
6. the name, mailing address, and phone number of the Farm Operation.

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(c) Site Plan approval for a Retail Farm Processing Facility with outdoor seating shall be issued by the Director of Planning upon showing that it is compliant with this Ordinance, all conservation easements, and the Special Use Permit approval, including minimum parcel requirements, building size, building height, acreage in crop production, setbacks, landscaping and parking.

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(d) Once the Site Plan is approved and signed by the Director of Planning, a Land Use Permit application may be submitted to the Zoning Administrator.

(e) A permit from the Grand Traverse County Health Department is required before a Land Use Permit for a retail farm processing facility can be issued.

(f) No processing or wholesale or retail sales of products shall take place until a Land Use Permit has been issued by the Zoning Administrator.

(g) Such Land Use Permit shall not be issued until copies of all permits required by state, federal, and other local licenses and permits have been submitted to the Zoning Administrator and the Zoning Administrator has made an on-site inspection to verify compliance with all requirements of the zoning ordinance.

(e) Any violation of the Special Use Permit issued by the Township Board, the Site Plan Approval issued by the Director of Planning, or the Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 4.2.1 Violations and Penalties, serve as grounds for revocation of the Special Use Permit, the Site Plan Approval and the Land Use Permit.

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~~(10) Winery Chateau~~

- ~~(a) It is the intent of this section to permit construction and use of a winery, guest rooms, and single family residences as a part of a single site subject to the provisions of this ordinance. The developed site must maintain the agricultural environment, be harmonious with the character of the surrounding land and uses, and shall not create undue traffic congestion, noise, or other conflict with the surrounding properties.~~
- ~~(b) The use shall be subject to all requirements of Article VIII, Section 8.5, Food Processing Plants in A-1 Districts and the contents of this subsection. Data specified in Section 8.5.2, Required Information, shall be submitted as a basis for judging the suitability of the proposed plan. Each of the principal uses shall be subject to the terms and conditions of this ordinance except as specifically set forth herein.~~
- ~~(c) The minimum site shall be fifty (50) acres which shall be planned and developed as an integrated whole. All of the principal and accessory uses shall be set forth on the approved site plan.~~
- ~~(d) The principal use permitted upon the site shall be a winery. Guest rooms, manager's residence, and single family residences shall be allowed as support uses on the same property as the winery.~~

1. ~~In addition to the principal and support uses, accessory uses for each such use shall be permitted provided, that all such accessory uses shall be no greater in extent than those reasonably necessary to serve the principal use.~~
 2. ~~Sales of wine by the glass in the tasting room is allowed pursuant to the minimum requirements of the Michigan Liquor Control Commission rules and related Michigan Department of Agriculture permits regarding the sales of food for on-premises consumption. The Liquor Control Commission and the Michigan Department of Agriculture shall control licenses and compliance. (REVISED BY AMENDMENT 181)~~
- (e) ~~For purposes of computation, the principal and each support use identified in sub-section (d) above shall be assigned an "area equivalent" as set forth herein. The total "area equivalent" assigned to the principal uses shall not exceed the actual area of the site.~~
- (f) ~~"Area equivalents" shall be calculated as follows:~~
- ~~Winery: five (5) acres or the actual area to be occupied by the winery including parking, whichever is greater;~~
- ~~Manager's Residence: five (5) acres;~~
- ~~Single Family Residences: five (5) acres;~~
- ~~Guest Rooms: five (5) acres for each 3 rooms, not to exceed a total of twelve (12) guest rooms.~~
- (g) ~~The number of single family residences shall not exceed six (6). The manager's residence shall not contain or be used for rental guest rooms. The number of guest rooms shall not exceed twelve (12).~~
- (h) ~~Not less than seventy-five (75%) percent of the site shall be used for the active production of crops that can be used for wine production, such as fruit growing on vines or trees.~~
- (i) ~~The facility shall have at least two hundred (200) feet of frontage on a state or county road.~~
- (j) ~~The winery chateau shall be the principal building on the site and shall have an on-site resident manager.~~
- (k) ~~All guest rooms shall have floor areas greater than two hundred fifty (250) square feet. Maximum occupancy shall be limited to five (5) persons per unit. No time sharing shall be permitted.~~
- (l) ~~All lighting shall conform to the requirements of Section 7.14. (REVISED BY AMENDMENT 175B)~~

- ~~(m) — Accessory uses such as facilities, meeting rooms, and food and beverage services shall be for registered guests only. These uses shall be located on the same site as the principal use to which they are accessory and are included on the approved Site Plan. Facilities for accessory uses shall not be greater in size or number than those reasonably required for the use of registered guests.~~
- ~~(n) — Well and septic system: Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied by the owner.~~
- ~~(o) — Fire safety:
 - 1. — All transient lodging facilities shall conform to the Michigan State Construction Code section regulating fire safety.
 - 2. — An on-site water supply shall be available and meet the uniform published standards of the Peninsula Township Fire Department.
 - 3. — A floor plan drawn to an architectural scale of not less than 1/8" = 1 foot shall be on file with the Fire Department.
 - 4. — Each operator of a transient lodging facility shall keep a guest registry which shall be available for inspection by the Zoning Administrator and police and fire officials at any time.
 - 5. — Master keys for all rooms shall be available at all times.~~
- ~~(p) — Fencing or Planting Buffer: In the event that the Township Board determines that noise generation may be disturbing to neighbors or that the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing or a planting buffer be constructed and maintained.~~
- ~~(q) — Rental of Recreation Equipment: Rental of snowmobiles, ATVs or similar vehicles, boats and other marine equipment in conjunction with the operation of the establishment shall be prohibited.~~
- ~~(r) — Activities and Outdoor Gatherings: Activities made available to registered guests shall be on the site used for the facility or on lands under the direct control of the operator either by ownership or lease. Outdoor activities shall be permitted if conducted at such hours and in such manner as to not be disruptive to neighboring properties.~~
- ~~(s) — Signs as allowed by Section 7.11.~~
- ~~(t) — A two hundred (200) foot setback shall be maintained between guest accommodations and facilities and agricultural crops, unless it is demonstrated that a lesser setback can be maintained which will provide for an equal level of protection from agricultural activities to residents, visitors and guests of the winery chateau. Upon such demonstration, the Township Board may permit a lesser setback.~~
- ~~(u) — Guest Activity Uses. The Township Board may approve Guest Activity Uses (Activities by persons who may or may not be registered guests) as~~

an additional Support Use, subject to the following: **(ADDED BY AMENDMENT 141)**

1. ~~Intent~~

- (a) ~~The current Winery-Chateau section of the ordinance requires 75% of the site to be used for the active production of crops that can be used for wine production such as fruit growing on vines or trees, but does not require that any of the wine produced on the site be made from wine fruit grown on Old Mission Peninsula. To assure that, in addition to the minimum parcel size required for a Winery-Chateau, there is additional farm land in wine fruit production in Peninsula Township if Guest Activity Uses are allowed to take place at a Winery-Chateau facility.~~
- (b) ~~Guest Activity Uses are intended to help in the promotion of Peninsula agriculture by: a) identifying "Peninsula Produced" food or beverage for consumption by the attendees; b) providing "Peninsula Agriculture" promotional brochures, maps and awards; and/or c) including tours through the winery and/or other Peninsula agriculture locations.~~
- (c) ~~Guest Activity Uses are limited to (2) below.~~
- (d) ~~Guest Activity Uses do not include wine tasting and such related promotional activities as political rallies, winery tours and free entertainment (Example—"Jazz at Sunset") which are limited to the tasting room and for which no fee or donation of any kind is received.~~
- (e) ~~Guest Activity Uses are in addition to accessory uses for registered guests that are otherwise allowed.~~
- (f) ~~Overnight stays at the Winery-Chateau are not required for these Guest Activity Uses.~~
- (g) ~~Fees may be charged for these Guest Activity Uses.~~

2. ~~Uses Allowed Notwithstanding Section 8.7.3 (10) (m); The following Guest Activity Uses may be approved with a Special Use Permit by the Township Board:~~

- (a) ~~Wine and food seminars and cooking classes that are scheduled at least thirty days in advance with notice provided to the Zoning Administrator. Attendees may consume food prepared in the class.~~
- (b) ~~Meetings of 501-(C)(3) non-profit groups within Grand Traverse County. These activities are not intended to be or~~

~~resemble a bar or restaurant use and therefore full course meals are not allowed, however light lunch or buffet may be served.~~

- ~~(c) Meetings of Agricultural Related Groups that have a direct relationship to agricultural production, provided that:~~
 - ~~i. The meetings are scheduled at least one month in advance with the Zoning Administrator given adequate advance notice of the scheduling so that the Zoning Administrator can give prior approval;~~
 - ~~ii. The Zoning Administrator shall use the following types of Agricultural Related Groups as a guide for determining "direct relationship to agricultural production";~~
 - ~~(a) Food/wine educational demonstrations;~~
 - ~~(b) Cooking show showcasing Peninsula produce and wine;~~
 - ~~(c) Farmer's conferences;~~
 - ~~(d) Regional farm producers;~~
 - ~~(e) Cherry Marketing Institute and Wine Industry Conference~~
 - ~~(f) Farm Bureau Conference~~
 - ~~(g) Future Farmers of America and 4-H;~~
 - ~~(h) Michigan State University/agricultural industry seminars.~~
 - ~~iii. These meetings may include full course meals to demonstrate connections between wine and other foods.~~
 - ~~iv. An appeal of the Zoning Administrator's determination can be made to the Township Board.~~
- ~~(d) Guest Activity Uses do not include entertainment, weddings, wedding receptions, family reunions or sale of wine by the glass.~~
- ~~(e) No food service other than as allowed above or as allowed for wine tasting may be provided by the Winery-Chateau. If wine is served, it shall only be served with food and shall be limited to Old Mission Peninsula appellation wine produced at the Winery, except as allowed by Section 6. below.~~

~~3. Relation to Agricultural Production in Peninsula Township. In order to offer Guest Activity Uses, the owner of the Winery-Chateau shall, in addition to the agricultural production on the minimum acreage required for the Winery-Chateau, grow in Peninsula Township or purchase grapes grown in Peninsula Township for the previous growing season equal to 1.25 tons of grapes for each~~

~~person allowed to participate in Guest Activity Uses up to the maximum number approved by the Township Board in a Special Use Permit. If the amount of grapes cannot be documented by the Zoning Administrator, the numbers of persons allowed to participate in Guest Activity Uses shall be reduced proportionally.~~

- ~~4. The number of persons allowed to participate in Guest Activity Uses shall be determined as follows:
 - ~~(a) The Township Board as part of the Special Use Permit approval process shall determine the room(s) provided and a maximum number of attendees for Guest Activity Uses.
 - ~~i. The maximum number of attendees shall not exceed one attendee for each fifteen (15) square feet of the room or rooms provided for Guest Activity Uses. These rooms shall exclude guest rooms, rest rooms, hallways, stairways, entries, spaces used in the normal operation of wine making and storage, out of doors areas and any other spaces not usual for guest assembly. In no case will the number exceed one hundred eleven (111) or the Fire Marshall maximum occupancy, whichever is less.~~
 - ~~ii. The maximum number of attendees may be less than, but not more than, the maximum number described in (i) above at the discretion of the Township Board based on possible adverse impacts on adjacent properties, lack of parking spaces or other site specific conditions.~~
 - ~~iii. A building floor plan showing spaces for all approved uses including the maximum capacity of each shall be attached to the site plan.~~~~~~
- ~~5. Requirements for Guest Activity Uses
 - ~~(a) All Guest Activity Uses shall include Agricultural Production Promotion as part of the activity as follows:
 - ~~i. Identify "Peninsula Produced" feed or beverage that is consumed by the attendees;~~
 - ~~ii. Provide "Peninsula Agriculture" promotional materials;~~
 - ~~iii. Include tours through the winery and/or other Peninsula agricultural locations.~~~~
 - ~~(b) Hours of operation for Guest Activity Uses shall be as determined by the Town Board, but no later than 9:30 PM daily.~~
 - ~~(c) No alcoholic beverages, except those produced on the site, are allowed with Guest Activity Uses.~~~~

- (d) ~~Sales of wine by the glass or sales of bottles of wine for ON-PREMISES consumption are NOT ALLOWED except as provided in Section 2 (e) above.~~
 - (e) ~~No outdoor food, beverages or temporary structures are allowed except as allowed by 8 (c) below.~~
 - (f) ~~No sounds related to the guest activity shall be discernable at the property lines.~~
 - (g) ~~No amplified instrumental music is allowed, however amplified voice and recorded background music is allowed, provided the amplification level is no greater than normal conversation at the edge of the area designated within the building for guest purposes.~~
 - (h) ~~No outdoor displays of merchandise, equipment or signs are allowed.~~
 - (i) ~~Kitchen facilities may be used for on-site food service related to Guest Activity Uses but not for off-site catering.~~
 - (j) ~~No lighting, except the minimum required for safety and sign-lighting as allowed by the ordinance.~~
 - (k) ~~The Township Board may consider seasonal weighting of the frequency and/or a maximum number of Guest Activity Uses during the year.~~
6. ~~If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year, the Township Board may reduce the requirement for the amount of grapes for that particular year, provided that verification of such conditions are presented to the Township Board by a public organization representing the fruit growers of northwest Michigan that is duly recognized by the Township Board.~~
7. ~~Documentation The owner of the Winery Chateau shall provide data and records on an annual basis to the Zoning Administrator showing that:~~
- (a) ~~In addition to the agricultural production on the minimum-acreage required for the Winery Chateau, the winery has grown grapes in Peninsula Township or purchased grapes grown in Peninsula Township equal to 1.25 tons of grapes for each person allowed to participate in Guest Activity Uses.~~

- ~~(b) That all the grapes from (a) above plus the production on the minimum acreage required for the Winery Chateau have been processed in the winery.~~

~~8. Additional Conditions~~

- ~~(a) Special Use Permits approved under this section may list any number of restrictions or requirements approved by the Township Board such as additional set back requirements, days of the week restrictions, number of guest activity days per year or other requirements deemed beneficial to the township or its residents.~~
- ~~(b) Nothing in this section shall prohibit the Township Board from approving a larger special community event such as Blessing of the Blossoms, harvest days or other community event for which no fee is charged the participants, except as specifically approved by the Township Board and is open to the public.~~
- ~~(c) No temporary structures including tents or canopies are allowed except that the Township Board may approve the reasonable use of temporary structures tents or canopies in conjunction with community events approved in (b) above.~~
- ~~(d) Any violation of the Special Use Permit issued for this use shall, in addition to the provisions of Section 4.2.1 Violations and Penalties, serve as grounds for closing the Guest Activity Uses use by the Township Board. In the event any such alleged violation is made in writing to the Township Board, the Township shall give written notice of such alleged violation to the Applicant at the last address furnished to the Township by the Applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within 30 days from the date of the notice, the Township Board shall require the Owner to close all Guest Activity Uses on the premises, after hearing, until such time as the Township Board removes the restriction. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Township Board shall deem appropriate.~~

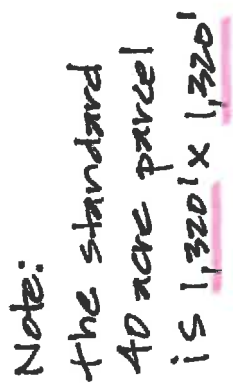
~~(11)~~(12) Wireless Telecommunication Antenna Towers over 40 feet in height shall be subject to the Provisions of Section 8.1 in addition to the following standards:

- (a) All tower, structure locations and design approvals for towers in excess of forty (40) feet shall require a Special Use Permit subject to the provisions of Section 8.1 of this Ordinance and this section.

Attachment C

| | Retail Sales | Limitations on Sources of Produce | Parcel Requirements | Facility Size | Setbacks | Outdoor Seating or Uses | Guest Rooms/Guest Activities |
|--|--------------|---|--|--|---|-------------------------|---|
| Existing Farm Processing -use by right | Yes | 85% from OMP w/ 5 acres in crop production (~12%) | 40 acres w/ min. 20-acre parcel for facility | 250 sq. ft./acre up to 30,000 sq. ft. + underground | Front = 50' Side & Rear = 100' w/ 200' from residences | No | No/Township Wide Events |
| Proposed Wholesale Farm Processing-use by right (will replace existing use by right) | No | 70% from farm w/65% of land in crop production | 40 acres w/ min. 20-acre parcel for facility | 250 sq. ft./acre up to 30,000 sq. ft. + underground | Front = 50' Side & Rear = 200' | No | No/Township Wide Events |
| Existing Winery-Chateau (proposed to be removed) | Yes | 85% from OMP w/ 75% of land in crop production | 50 acres as a whole | No max specified, limited by setbacks and 25% lot coverage | Front = 35' Side & Rear = 50' w/ 200' from crops for guest rooms | Yes, with SUP approval | Yes/Yes, with Guest Rooms + Township Wide Events |
| Proposed Retail Farm Processing (indoors only) | Yes | 70% from farm w/ 65% of land in crop production | 50 acres w/ min. 30-acre parcel for facility | 250 sq. ft./acre up to 30,000 sq. ft. + underground | Front = 50' Side & Rear = 200' | No | No/Township Wide Events + Free Entertainment Indoors |
| Proposed Retail Farm Processing (with indoor retail and outdoor seating) | Yes | 70% from farm w/ 65% of land in crop production | 60 acres w/ min. 40-acre parcel for facility | 250 sq. ft./acre up to 30,000 sq. ft. + underground | Front = 50' Side & Rear = 200' for bldg. & 350' for outdoor seating | Yes, with SUP approval | No/ Township Wide Events + Free Entertainment Indoors |

Attachment D


$$\text{Scale} = 1'' = 200'$$

Attachment E

Township Board Minutes
October 6, 2021
Beth Chan, Recording Secretary

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686
www.peninsulatownship.com

TOWNSHIP BOARD SPECIAL INFORMATIONAL MEETING MINUTES

October 6, 2021, 7:00 p.m.

**St. Joseph Catholic Church Conference Room
12675 Center Road, Traverse City, MI**

Additional correspondence received prior to the start of the meeting added to the end of minutes and to the meeting packet.

- 1. Call to Order:** 7:10 p.m. by Manigold
- 2. Pledge**
- 3. Roll Call:** Present: Sanger, Bickle, Manigold, Chown, Achorn, Wahl, Wunsch
- 4. Approve Agenda:** No motion was made
- 5. Conflict of Interest:**
- 6. Consent Agenda:**

A. Minutes from September 14, 2021, regular township board meeting

B. Correspondence

1. Fred Glass

Moved by Bickle to approve the [consent] agenda as presented, seconded by Wahl.

Roll call:

passed unan

7. Business:

1. Presentation on the amended complaint brought by the Wineries of Old Mission Peninsula (WOMP) against Peninsula Township

Greg Meihn: introduced Attorney Joseph Enfante, WOMP's counsel. Gave a PowerPoint presentation summarizing and explaining each count of the amended complaint. Gave a timeline of the legal events associated with the lawsuit filed on 10/21/2020. Explained that the plaintiffs have filed for summary judgment, the township has asked for summary judgment, and a decision has not yet been made. Protect the Peninsula has filed two motions: to intervene in the lawsuit (this likewise has not been decided) and to have the state claims removed to the Grand Traverse County Circuit Court and leave the federal claims in federal court. Said the ongoing discussions/facilitation are covered by the 408 rule and cannot be discussed by board members. Said the plaintiffs filed an early motion consisting of a preliminary injunction against enforcing the zoning ordinances and the court ruled there was not enough evidence. Explained damages and summarized the process of facilitation/mediation; said the parties have engaged vigorously in mediation. Said that, moving forward, updates will be provided monthly at Peninsula Township board meetings.

2. Citizen comments (comments will be limited to three minutes each)

Joseph Enfante, the attorney representing the wineries: has read the letters and e-mails from the public. Said the wineries are not looking for nightclubs, bars, or liquor licenses. Said the wineries want to use Old Mission Peninsula fruit and are not asking for five-acre wineries. There have been approximately twenty-five hours of mediation to date. Has a settlement agreement signed by WOMP and is ready to move forward.

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Pier Cohl, 9466 Rolling Ridge, Peninsula Township: is concerned about the legal procedures. The lawsuit tries to modify the winery and zoning ordinances. Some of the complaints sound reasonable but is concerned about the heart of the proposed changes; believes there is a need to adhere to the statutory requirements to amend the ordinances. Since the court has not ruled on the summary judgment motion or on Protect the Peninsula's motion to intervene, urges the township to wait and not sign the settlement agreement.

Jim Grove, 15919 Upper Birch, Peninsula Township: it is important to avoid second-guessing what the attorneys have already accomplished. The town board and wineries have participated in mediation. The people have entrusted the town board to listen to their attorney just as the wineries have listened to their attorney.

Susan Linden, 4918 Forest Avenue, Peninsula Township: how much will taxes increase in response to the additional services that will result from an increase in events? Second, how much will traffic increase? Can an unbiased assessment and figure be provided?

Emily Gest, 1443 Linwood Ave, Peninsula Township: Protect the Peninsula does not want to shut down or undermine the wineries; it is concerned about the process that occurs when zoning changes are made. The wineries knew the rules from the beginning. Summarized the differences between the wineries in Leelanau County and Peninsula Township in terms of restaurants, catering, events, hours, and the number of wineries (wineries are allowed in only two of 11 townships in Leelanau Co.). Feels it will be a disaster to our quality of life if WOMP prevails.

Monnie Peters, 1425 Neatawanta Road, Peninsula Township: the township board has a draft of the master plan that contains a description of the peninsula as an island and a bridge. Spoke about the traffic problem. In addition to the number of houses, the township has to look at commercial activity with an understanding of the traffic issue.

Tom Delluge, 18654 Center Road, Peninsula Township: spoke about a friend who opened a winery in California and the problems that Pasa Robles, California, has encountered. Today, Pasa Robles has 350 wineries. Summarizes how the wine groups in California push for the wineries. Asked that Peninsula Township and the wineries draft an agreement that precludes any future lawsuits. Suggested implementing a per drink or corkage fee to supplement the PDR program.

Michael Dettmer, South Mathison Road, Peninsula Township: serves on the Protect the Peninsula board. Commented on the settlement process and the role of judges. The mediator should not ask that the meeting be held confidentially. A public board should not be put in this position. Summarized rule 408. Protect the Peninsula wants to be part of creating a successful settlement. This matter should move forward in a public process.

Mark Santucci, 11789 Center Road, Peninsula Township: believes the peninsula has become a wealthy retirement community and that cherry farms will continue to decline. Vineyards have replaced cherry farms. Wineries do not make as much money as people think. The future of the peninsula is agro-tourism. Developments might expand if agro-tourism does not expand.

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Jim Floraday, 13517 Bluff Road, Peninsula Township: spoke about the hours wineries are open. It is fortunate we do not have more accidents with intoxicated drivers. His best friend, his brother, who was killed by a drunk driver. Shared statistics from a graph.

Eric Dreier, 12434 Peninsula Drive, Peninsula Township: the decision before the board is pivotal and will change the township forever. Briefly reviewed the PDR ordinance supported by the township citizens to tax themselves to preserve agriculture and preserve open space. Urged the board to preserve the township as it is.

David Taft, 952 Neahtawanta Road, Peninsula Township: the residents have said no to the WOMP lawsuit. The citizens have the right to govern themselves. The wineries accepted the terms of their SUPs when they applied for them. Asked that the mediation be opened up to the citizens. Spoke about the PDR program. Emphasized that residents want a rural agricultural community.

Mark Nadolski, 10 W. McKinley Road, Peninsula Township: is president of Protect the Peninsula. Gave a brief history of Protect the Peninsula and Peninsula Township's quest to preserve agricultural properties. Protect the Peninsula does not want commercial property to eat up agricultural lands. Changing the character of the peninsula is not what the citizens want, and they rely on the township government to maintain that character.

Jo Westphal, 12414 Center Road, Peninsula Township: showed the new *Oxford World Atlas* with a photo of the Grand Traverse region and specifically Old Mission Peninsula on the cover. This photo should remind the citizens of what is at stake and the fate of the peninsula. Our future needs citizens to protect the quality of life and the resource base. Commented on the attributes of good governing bodies and active citizens in discussing issues.

Wendy O'Brian, 10783 Woodview Terrace, Peninsula Township: winery patrons will stay longer if the wineries serve food. The Jolly Pumpkin is an example of a wedding venue, restaurant, and tasting room. Does not feel winery expansion will disturb our quality of life.

Brit Eaton, 1465 Neahtawanta Road, Peninsula Township: is disappointed by the overreaching demands of WOMP, which circumvented the zoning process with a lawsuit. The agricultural, residential, and township board should be in on the decision. Gave an example of activity with wineries in Sonoma County, California. A set of guidelines were developed with a citizen advisory committee. In any negotiation settlement, the township should hold out until WOMP agrees to a citizen advisory committee. Through this, the township residents can be involved.

Jeremy Day, 13286 Center Road, Peninsula Township: his farm revenue is very low. He is a farmer and would like restrictions loosened for all farmers, not just the wineries. His farm may fail due to all the rules. If it does, he says his farm will become houses.

Jim Curruthers, 14114 Bayview, Peninsula Township: the increased traffic is a bottleneck by Garfield. Traverse City cannot do anything about the traffic. The city will slow the traffic speeds in the prime neighborhood at the base of the peninsula. Spoke about the regional drinking problem; said our region needs to decide how much alcohol is too much.

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Grant Parsons, 6936 Mission Ridge, Peninsula Township: spoke about the unique balance between agriculture, residents, and the best quality of life. Asked that the process and mediation be made public. The process should be delayed and opened up; asked the township to not respond to threats.

Lou Santucci, 12602 Center Road, Peninsula Township: does not agree with the views of Protect the Peninsula. Residents use cars that add to traffic. He has not heard noise from the wineries; instead, rumble strips make noise. Wineries should provide food and an education; dinner is not the answer.

Tim Prescott, 515 S. Lynn, Champaign, IL, owns property in Peninsula Township: spoke about the special nature of the peninsula. The use of the word "government," to him, refers to we the people. He wants to protect the peninsula.

Paul Conlen, 2381 Carrol Road, Peninsula Township: lives close to Peninsula Cellars; has not had issues. Is opposed to the establishment of more commercial activity.

Bob Calt, 6269 Summit Court, Peninsula Township: moved here for the quality of life. Feels it has been maintained and credits the PDR program. Wineries are corporations; they are good at not paying taxes or taking responsibility for their acts and omissions. The town board has the responsibility to let the citizens know what its members are negotiating.

John Wunsch, 17881 Center Road, Peninsula Township: supports farm processing and the fair balance the current ordinances allow. Believes there is room to negotiate. Wineries diversify the crop base and expand farm labor. Wants the matter and process to come back to the public.

Jill Terralavoro, 1317 Veterans Drive, Traverse City: is a current winery employee. Working at a winery is not dreamy; it is hard work. The wineries are family-owned small businesses. She sees potential for the Traverse City area. The wineries want to provide career opportunities for the employees.

Anna A., 3347 Swaney Road, Peninsula Township: works as a farmer on the peninsula. Sees gatekeeping and not a lot of young people in the audience. Feels progress needs to be allowed. Says wineries do not want to throw parties.

Elise Holman, 4309 Grant Street, Traverse City: a lot of people do not know what goes into an agricultural operation. Often farmers have to have second jobs. There needs to be room for agricultural properties to stay alive and make revenue. Farmers need the same rights the wineries are pursuing.

John Jacobs, 5290 Forest Avenue, Peninsula Township: is a Protect the Peninsula board member. Is concerned that the peninsula will be altered forever. Noise travels on the peninsula; he often hears noise from the two wineries near his home. Is concerned that the peace and quiet will be taken away.

Harold David Edmondson, 12414 Center Road, Peninsula Township: participated in meetings with the planning commission and the wineries and feels nothing was accomplished; feels that is the reason for the lawsuit. Says things are not getting done in the township and blames lack of leadership. Cited a Networks Northwest study. Talked about the PDR program.

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Robin Dailey, 13914 Bayview Avenue, Peninsula Township: commented on the noise issue. It is a problem because sound travels over water and can be very bothersome. The wineries understood the rules by which they were to operate when they began.

Jaime L. Hall, 4872 Center Road, Peninsula Township: is not against the wineries, but Center Road is only one road. Traffic has grown; how much can the road handle? Commented on tourism and the Pure Michigan culture that is advertised. Has had seven auto accidents in her front yard including one death.

T.J. Andrews, 619 Webster Street, Traverse City: is the attorney representing Protect the Peninsula. Commented on precedents in the winery lawsuit. Since 1935, the law has changed; townships routinely set hours. The wineries want to write the zoning ordinances outside the zoning process and have sued the township; they want to rewrite zoning under private mediation and this is dangerous. WOMP's attorney has threatened to sue individual board members. Is trying to bully the township. Asked the town board to share the agreement with the public and embrace a public process.

3. Closed session per MCL 15.268(e) to discuss the proposed settlement agreement that was created as a result of numerous meetings between a representative from WOMP and Peninsula Township and to review written document prepared by the attorney

Moved by Wahl to go into closed session to discuss the proposed settlement agreement that was created as a result of numerous meetings between representatives from WOMP and Peninsula Township and to review the written document prepared by the township attorney, seconded by Bickle.

Roll call:

passed unan

4. Return to open session per MCL 15.261 to vote on the settlement agreement

Moved by Bickle to return to open session, seconded by Chown.

Roll call:

passed unan

Moved by Bickle to reject the settlement proposal as presented due to the fact it is an all or nothing proposal. Further directs the negotiating committee to approach the plaintiffs to form a citizens' committee to work through the issues raised by WOMP in a public process that will end the lawsuit as a community decision, seconded by Wunsch.

Roll call:

passed unan

8. Citizen Comments:

Lew Siebold, 3195 Cherry Hill Road, Peninsula Township: grows cherries, blueberries, and cut flowers. Wishes the discussion could be reset and framed another way. This generation and the future generation need to preserve a working landscape. If we don't retain a working landscape, we will become an agricultural theme park. Special regulations should not be carved out for the wineries. All forms of agriculture should have the same regulations in the same zone.

9. Adjournment:

Moved by Bickle to adjourn, seconded by Wahl.

passed unan

Adjournment at 9:45 p.m.

Attachment F

April 14, 2022

Comparison of Farm Processing and Winery-Chateau Regulations:

The Citizens' Agricultural Advisory Committee compared the Farm Processing and Winery-Chateau Regulations and provided input on March 10th. A summary of what was heard and recommended Policy Direction is noted below.

Use by Right vs Special Use Permit: Currently, a farm processing facility that allows for up to a 30,000 sq. ft. facility with up to 1,500 sq. ft. of retail space is a use by right with conditions and a winery-chateau use requires a Special Use Permit.

The required approval process could also be scaled based on the total acreage involved in the request and proposed support uses. For example, a straight forward processing facility with no retail space that meets required setbacks, parking requirements, etc. could continue to be a use by right and if other support uses such as retail space or a tasting room are added that increase traffic and impacts to neighbors then the approval process would be a special review.

Question: Should the farm processing facility require a Special Use Permit to assure that the use is compatible with adjacent uses? **Unanimously, No. Would like to keep an option with basic allowances as a use by right with conditions.**

Would a scaled approach be better? **Unanimously, Yes, would like additional allowances beyond use by right to be scaled with size of parcel.**

Policy Direction = Update Zoning Ordinance to create a scaled approach for Farm Processing Facilities. Basic use by right with a min. of 40 acres (20 acres for Farm Processing and 20 acres owned or leased in crop production) allows for up to a 30,000 sq. ft. building with up to 1,500 sq. ft. retail. Establish appropriate setbacks to crops and residential uses. Larger buildings and/or Outdoor Uses with approval of a Special Use Permit. (Outdoor uses handled under new Agritourism section of the Zoning Ordinance.)

Total Acreage Required/Acreage Required in Crop Production: The farm processing facility requires 40 acres. The required 40 acres can be in the form of two 20-acre parcels. The farm processing facility must be located on a minimum of 20 acres. Five acres of the 20 acres where the farm processing facility is located is required to be used for crop production. Currently the amount of land required to be in crop production for the other 20 acres is not specified.

The winery-chateau use requires a minimum of 50 acres with 75% in crop production. The winery-chateau use helps to preserve large blocks of agricultural land.

Questions: Should the farm processing facility require more acreage in crop production? **Majority, No, do not want it to be more restrictive. It should at least specify that the additional 20-acres that is owned or leased should be appropriate for agricultural production and/or used currently for agricultural production.**

Additional Discussion:

What is the minimum number of acres needed in crop production to necessitate or provide enough raw material to warrant having a farm processing facility?

Should the required acreage in crop production be flexible to allow for preservation of wooded areas and other natural resources? **Unanimously, Yes.**

Policy Direction = Update Zoning Ordinance to keep existing minimum acreages for each use. Under Farm Processing add language that notes minimum requirement for additional 20-acres owned or leased in crop production. Also note that the required acreage in crop production can be reduced if preserving natural resources such as wetlands and/or mature tree stands. (Staff to review

Residential Density: The farm processing use limits residential density to one unit per 20 acres. Thus, the farm processing facility itself extinguishes 6 units of residential density considering that the minimum lot size in the A-1 zone district is 5 acres.

The winery-chateau use allows for 6 units of residential density in addition to the winery use, managers residence and guest rooms. The winery itself only extinguishes one unit of residential density.

Questions: Do you believe that a farm processing facility or winery-chateau use is more intense than a residential use on agriculturally zoned property? **Unanimously, Yes.**

Should the residential density extinguished by the winery-chateau principal and support uses (guest rooms, etc.) be increased to be consistent with farm processing? **Majority, Yes. All agreed that the existing zoning ordinance needs to be clarified.**

Should a farm processing facility be allowed to have supporting guest rooms? **Majority, No.**

Policy Direction = Update the Zoning Ordinance to clarify the residential equivalents or density that is used or extinguished in place of having a Farm Processing Facility and/or Winery.

Setbacks: The farm processing use requires a 200-foot setback from residential structures. The winery-chateau use does not have any specific setbacks to residential structures.

The winery-chateau requires a 200-foot setback for facilities and guest rooms from crop production.

Question: Should setbacks from existing residential structures and crop production for both uses be consistent to help mitigate negative impacts? **Unanimously, Yes.**

Policy Direction = Update the Zoning Ordinance to specify minimum required setbacks from residential structures and crops to a minimum of 200-feet. This provides for safety from spraying and creates buffers to residential uses.

Maximum structure size: The farm processing facility is limited to 250 sq. ft./acre or a maximum of 30,000 sq. ft. (= ~5.7% lot coverage) The maximum structure size for a winery-chateau facility is not specified.

Questions: Should the maximum structure size for winery-chateau structures be limited? **Majority, Yes.**

Should there be a maximum lot coverage for agricultural support structures for these uses? **Majority, Yes.**

Policy Direction = Update the Zoning Ordinance so that maximum square footage of buildings and lot coverage are consistent.

Retail Square Footage: The farm processing facility is limited to 25% of the total facility up to a 1,500 sq. ft. maximum. The winery-chateau use does not list retail sales as a support use nor limit the area for retail sales. However, we know that retail sales are taking place.

Questions: Should the square footage allowed for retail sales for the winery-chateau use be limited? **Unanimously, Yes.**

Is 1,500 sq. ft. sufficient for retail sales related to farm processing/winery-chateau? **Unanimously, Yes.**

Policy Direction = Update the Zoning Ordinance to clearly note the maximum square footage allowed for retail is 1,500 sq. ft. as based on acreage (25% of allowable square footage of processing facility or up to 1,500 sq. ft.)

Additional Discussion:

Should the allowable square footage of retail space be able to be provided in a separate structure than the processing facility provided the total square footage together does not exceed the allowable maximum based on acreage or 30,000 sq. ft.? This would allow a smaller retail structure to be located in an area with greater visibility and to locate the larger processing facility in a manner that is less visible.

Merchandise: Currently the type of merchandise that is allowed to be sold in the retail space within a farm processing facility is limited to that with a logo and related to the fresh and/or processed agricultural product being produced.

As noted above, the winery-chateau use does not specify retail sales or the type of merchandise that may be sold.

Question: Should a winery-chateau use be limited in the type of merchandise that may be sold and be consistent with farm processing? **Unanimously, Yes.**

Policy Direction = Update the Zoning Ordinance to be consistent with current restrictions as noted in Farm Processing.

Hours of Operation: Currently the hours of operation for a farm processing facility are not specified. The hours of operation for a winery-chateau are limited to no later than 9:30 pm.

Questions: Should the hours of operation of a farm processing facility be limited? **Unanimously, Yes for retail space only, or other uses as approved that allow for public access. Should also note appropriate start time for retail.**

Is 9:30 pm a reasonable cut off time for operations to close? **Unanimously, Yes.**

Policy Direction = Update the Zoning Ordinance to clearly note the start and end times for retail sales and activities open to the public.

Source of Produce: The goal for both farm processing facilities and winery-chateau uses is to promote local and regional agriculture. Both farm processing and winery-chateau uses have specific requirements

for the percentage of produce that is grown and processed on the site, see spreadsheet. The calculations for these are convoluted.

Questions: Should the percentage of product grown and processed on a site related to the farm processing or winery-chateau use be streamlined and consistent? **Unanimously, Yes.**

Is the 85% requirement reasonable? **Majority, Yes, but hard to enforce.**

Does it have to be 85% to be appellation? **Yes.**

Policy Direction = Update zoning ordinance to be streamlined and consistent. Will need to designate percentages based on the type of crop production/raw material being processed. Goal = 85% of raw product from specific farm operation.

Additional Discussion:

Should a farm processing facility be allowed to process raw materials from another property (regional) or should it be 100% from the specific farm operation related to the use?

What is an appropriate percentage? Example: 75% from specific farm operation related to use and 25% from another farm in the region or 5-county area.

Site Production: The site production requirements for farm processing and winery-chateau are different, see spreadsheet.

Questions: Should these be streamlined and consistent? **Unanimously, Yes.**

Is 75% fermented and clarified on site reasonable? **Majority, Yes.**

Why can sparkling be finished off-site? **Due to the cost and availability of required equipment. Provides cost sharing for equipment.**

Policy Direction = Update zoning ordinance for consistency based on acreage in production and/or type of crop production/raw material being processed. Goal = 100% processed on site from 85% raw product from specific farm or a defined region. (For a winery it is okay to bring grapes in from a defined region, but they must be crushed on-site)

Wine by the Glass and Bottle Sales: Both farm processing and winery-chateau uses allow for wine by the glass and are silent but imply the ability for bottle sales.

Question: Should these be consistent for both uses and specified? **Unanimously, Yes.**

Policy Direction = Update the Zoning Ordinance to be consistent.

Additional Discussion:

Should there also be clarification for on-site consumption?

Food Service: It is clear that a restaurant use is not allowed for neither the farm processing facility or the winery-chateau. A tasting room requires that there be food for sale to offset the effects of alcohol. In addition, food service that supports the agricultural production is also supported for the winery-chateau

use but the level at which it is provided is inconsistent from lunch to full meals. Kitchens related to the production of food is also not intended for off-site catering with the winery-chateau use.

Questions: Should the appropriate amount of food to offset the effects of alcohol be clearly specified? (Food for immediate consumption such as packaged food, cheese and crackers, chocolate, etc.)

Majority, Yes.

Should food related to meetings/events be allowed at both farm processing facilities and winery-chateaus? **Majority, No. Do not open up for Farm Processing as use by right.**

Should the percentage of food produced for allowed meetings/events be from the farm be limited to where the use is located, from the Township, or regionally? **Majority, Yes.**

Policy Direction = Update the Zoning Ordinance to clearly state what is appropriate for food service. Agree that some food is needed for tastings. Define "Food for Immediate Consumption". Does not require a commercial kitchen.

Activities/Events: Currently the farm processing facility does not specify that activities or events are allowed. The winery-chateau use attempts to limit the types of activities to those for registered guests in relationship to guest rooms and for those types of meetings and events that promote local agriculture.

Questions: Should the activities/events that are allowed be focused on promoting local agriculture?

Majority, Yes.

Should farm processing facilities be allowed to conduct appropriate activities/events? **Unanimously, Yes. Some proposed activities may require approval of Special Use Permit.**

What types of activities and events are appropriate on property zoned A-1 – Agricultural? **Majority, those that directly promote agriculture on the peninsula.**

Should the zoning ordinance address agritourism to support Old Mission Peninsula agriculture?

Unanimously, Yes.

Policy Direction = Remove Guest Rooms as an allowable use under the Winery-Chateau Ordinance. Allow for owner occupied Bed and Breakfasts only.

Clarify activities that are appropriate and required process for approval (i.e. outdoor uses require SUP approval).

Define Agritourism and create appropriate standards and review process.

General Policy Direction = Repeal Winery-Chateau ordinance and replace with updated Farm Processing Ordinance that includes specific uses by right and additional uses allowed through the approval of a Special Use Permit.

Will also update definitions for a Wedding Venue, Restaurant and Hotels/Motels as commercial uses allowed in the C-1- Commercial zone district with the approval of a Special Use Permit.

Attachment G

September 27, 2022

Director of Planning, Jenn Cram
13235 Center Rd.
Traverse City, MI 49686

Ref: Winery-Chateaus, Adoption of amendments from the Peninsula Township Zoning Ordinance

To whom it May Concerns,

Upon reviewing the above notice, I would like to express my view on the above request. Haggard's Plumbing & Heating is opposed to the changes Peninsula Township is trying to put on Winery-Chateaus. We would like to see this project approved in all matters of its construction, installation, location and commencement to expand. If a property owner is fortunate enough to have the ability and the recourses in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county, and state to do all we can to improve and promote in anyways possible.

Sincerely,

John Haggard

Haggard's Plumbing & Heating

Haggard's
PLUMBING
& HEATING

Peninsula Township Planning

From: Trustee, Peninsula Township <armen.peninsulatruster@gmail.com>
Sent: Sunday, October 2, 2022 12:30 PM
To: Jenn Cramm
Cc: Isaiah Wunsch; Rebecca (Becky) Chown; Margaret (Marge) Achorn; David Sanger; rudy.peninsulatruster@gmail.com; Warren Wahl; Susie Shipman; Larry Dloski; Al Couture; Donna Hornberger; Julia Alexander; Randy Hall; zoning@peninsulatownship.com; William Fahey; Sally Akerley
Subject: Re: Drafts of Proposed Zoning Ordinance Amendments and Temporary Moratorium

Hi Jenn,
A few comments on the ordinance rewrite.
Nothing to add regarding the moratorium amendment

- In several places, the clause '..., including wine.' is used. Given that we are trying to harmonize across all agricultural products, I don't think it is appropriate to specifically call out any one product. Suggestions:
 - Eliminate the clause
 - Change 'including wine' to: 'including alcoholic beverages produced from Raw Produce, given appropriate licensing has been obtained from the MLCC.'
 - I am partial to the second alternative (with or without the license clause), as it uses the definition of 'Raw Produce', which means it can only be done using OMP generated produce
 - And covers other fermented beverages, such as distilled alcohols (eg grappa or vodka, which is being sold by Chateau Chantal)
- Wherever there is 'Approval Process', 'email' should also be included in the name, address, etc. portion
- In Definitions, Winery is specifically called out.
 - We should also consider including a definition for Brewery, as well as for Distillery
- Sections that are labeled 'Data and Records'
 - In the opening paragraph, it states that by April 15th such data and records will be produced. However, it doesn't state from what time period those data and records will be generated. I would suggest using language such as
 - '...annually by April 15th of each year provide data and records *from the previous year...*'
- In 2. Amended Subsection 6.7.2 (19)
 - (b)18iii
 - Consider referring to the Residential Zoning requirements in defining what is permissible, unless the only restriction is the height and there are not any specific requirements for a home that are not covered by the requirements around the processing facility

Best,

Armen

Armen B. Shanafelt, PhD
Trustee, Peninsula Township
Ph: 231.714.4102
armen.peninsulatruster@gmail.com

Peninsula Township Planning

From: Rudy Rudolph <rudy.peninsulatrustee@gmail.com>
Sent: Monday, October 3, 2022 8:10 AM
To: Trustee, Peninsula Township
Cc: Jenn Cramm; Isaiah Wunsch; Rebecca (Becky) Chown; Margaret (Marge) Achorn; David Sanger; Warren Wahl; Susie Shipman; Larry Dloski; Al Couture; Donna Hornberger; Julia Alexander; Randy Hall; zoning@peninsulatownship.com; William Fahey; Sally Akerley
Subject: Re: Drafts of Proposed Zoning Ordinance Amendments and Temporary Moratorium

Hello Jenn, et al

Just a few comments. And thank you Armand for your detailed review.

In the "retail with outdoor seating" specifications we are specifically denying the use of temporary canopies. Does this however allow for permanent structures to provide shade? I am guessing these would be ok? If not, we may want to rethink "no temporary canopies".

The setback for outdoor seating is specified at 350 feet and we may want to include a statement that this specification is designed to minimize potential conflicts with the use of neighboring properties.

I note we dropped the recommendation that "retail with outdoor seating" be limited to 80 acres and instead went to 60 acres. I would still be in favor of requiring 80 acres if legally possible, but that's just me.

In all cases where the ordinances require reporting of produce use by April 15th of each year, I don't think it is clearly enough stated that failure to provide those reports would be considered a violation of the ordinance and could result in invalidation of the SUP for that land use.

I like the wording pertaining to Liquor control commission licensing, "so long as it conforms to the requirements of the specific ordinance"!

Thanks for all the hard work. Rudy

On Sun, Oct 2, 2022 at 12:30 PM Trustee, Peninsula Township <armen.peninsulatrustee@gmail.com> wrote:

Hi Jenn,

A few comments on the ordinance rewrite.

Nothing to add regarding the moratorium amendment

- In several places, the clause '..., including wine.' is used. Given that we are trying to harmonize across all agricultural products, I don't think it is appropriate to specifically call out any one product. Suggestions:
 - Eliminate the clause
 - Change 'including wine' to: 'including alcoholic beverages produced from Raw Produce, given appropriate licensing has been obtained from the MLCC.'
 - I am partial to the second alternative (with or without the license clause), as it uses the definition of 'Raw Produce', which means it can only be done using OMP generated produce
 - And covers other fermented beverages, such as distilled alcohols (eg grappa or vodka, which is being sold by Chateau Chantal)
- Wherever there is 'Approval Process', 'email' should also be included in the name, address, etc. portion
- In Definitions, Winery is specifically called out.

Peninsula Township Planning

From: Donna Hornberger <dsh_44@yahoo.com>
Sent: Monday, October 3, 2022 2:09 PM
To: Jennifer Cram
Subject: My suggestions
Attachments: Hornberger recommendations for modification of Farm Processing Amendments.docx

Hello Jenn,

Attached is my document that shows recommendations for changes to the Draft Farm Processing Amendments.

I have first shown current draft language followed by my suggested changes. Some are grammatical or to make the language crystal clear and some are regarding substance.

Any questions, please let me know.

Donna

Donna Hornbarger Comments:

PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN DRAFT FARM PROCESSING FACILITY AMENDMENTS (AMENDMENT 201)

Wholesale Farm Processing Facility

2. Sources of Raw Produce:

Current language:

ii. Not less than seventy percent (70%) of the Raw Produce sold fresh or processed by the Wholesale Farm Processing Facility shall be grown on land within the Township that is controlled and operated by the specific Farm Operation that operates the Wholesale Farm Processing Facility.

Suggested modification of language:

ii. Not less than seventy percent (70%) of the Raw Produce sold fresh or processed by the Wholesale Farm Processing Facility shall be grown on land **that is** within the Township **and** that is controlled and operated by the specific Farm Operation that operates the Wholesale Farm Processing Facility.

Current language:

iii. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the Wholesale Farm Processing Facility, provided that verification of such conditions by the United States Department of Agriculture Farm Service Agency.

Suggested modification of language:

iii. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm

Operation that operates the Wholesale Farm Processing Facility, provided that ~~that~~ **the** verification of such conditions by the United States Department of Agriculture Farm Service Agency.

Current language:

15. Data and Records:

i. The Farm Operation operating the Wholesale Farm Processing Facility shall annually by April 15 of each year provide data and records to the Director of Planning showing (a) that a minimum of 70 percent of the Raw Produce processed is grown on land in the Township exclusively controlled and operated by that Farm Operation, and (b) all land within the Township controlled and operated by the Farm Operation meets minimum acreage requirements.

Suggested modification of language:

15. Data and Records:

i. The Farm Operation operating the Wholesale Farm Processing Facility shall annually by April 15 of each year provide data and records to the Director of Planning showing (a) that a minimum of 70 percent of the Raw Produce processed is grown on land **that is** in the Township **and that is** exclusively controlled and operated by that Farm Operation, and (b) all land within the Township controlled and operated by the Farm Operation meets minimum acreage requirements.

Current language:

iii. Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance.

Suggested modification of language:

Add language that indicates what the violation will cause to happen (such as revocation of SUP).

(10) Retail Farm Processing Facility (Indoors Only): (ADDED BY AMENDMENT 201)

Current language:

2. Sources of Raw Produce:

ii. Not less than seventy percent (70%) of the Raw Produce sold fresh or processed by the Retail Farm Processing Facility shall be grown on land within the Township that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility.

Suggested modification of language:

ii. Not less than seventy percent (70%) of the Raw Produce sold fresh or processed by the Retail Farm Processing Facility shall be grown on land **that is** within the Township **and** that is controlled and operated by the specific Farm operation that operates the Retail Farm Processing Facility.

Current language:

iii. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility, provided ~~that~~ **the** verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Retail Farm Processing Facility in such a year shall not exceed the highest volume of processed products produced by the Retail Farm Processing Facility in any of the preceding five (5) years.

Current language:

16. Data and Records:

iii. Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance.

Suggested modification of language:

Add language that indicates what the violation will cause to happen (such as revocation of SUP).

(11) Retail Farm Processing Facility (with Outdoor Seating): (ADDED BY AMENDMENT 201)

Current Language:

ii. Not less than seventy percent (70%) of the Raw Produce sold fresh or processed by the Retail Farm Processing Facility shall be grown on land within the Township that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility.

Suggested modification of language:

ii. Not less than seventy percent (70%) of the Raw Produce sold fresh or processed by the Retail Farm Processing Facility shall be grown on land **that is** within the Township **and** that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility.

Current Language:

iii. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility, provided that verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Retail Farm Processing Facility with outdoor seating in such a year shall not exceed the highest volume of processed products produced by the Retail Farm Processing Facility in any of the preceding five (5) years.

Suggested modification of language:

iii. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the Retail Farm Processing Facility, provided ~~that~~ **the** verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Retail Farm Processing Facility with outdoor seating in such a year shall not exceed the highest

volume of processed products produced by the Retail Farm Processing Facility in any of the preceding five (5) years.

Current language:

17. Data and Records:

i. Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance.

Suggested modification of language:

Add language that indicates what the violation will cause to happen (such as revocation of SUP).

Peninsula Township Planning

From: John | SBM <john@stringsbymail.com>
Sent: Tuesday, October 4, 2022 4:42 PM
To: Jenn Cram
Subject: couple of comments new farm processing draft

Hey Jenn,

Here are a few observations and thoughts.

1. I think there is a grammar problem here in 10.b.2.iii and 11.b.2.iii. Does it need "there is" added?

that operates the Wholesale Farm Processing Facility, provided that verification of such conditions by the United States Department of Agriculture Farm Service Agency

2. Would it not make sense, given a new built facility can be up to 30,000 sq ft if the acreage justifies to allow a pre existing building to be just as large if the acreage justifies it?

19.b.6

Pre-existing Buildings: (built prior to October 11, 2022) may be used for Wholesale Farm Processing Facilities provided that they are no more than 10,000 square feet in size. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners.

3. In the past there was a lack of understanding that a farm processing facility could be used to process products that were not resulting in an alcoholic beverage. The current language can certainly be read to mean you only need this licensing if you are producing such products, but the public perception upon

reading it would likely be that this sections if only for wineries, breweries, or hard cider mills.

So if we are indeed considering these uses as applicable to those who might not be creating wine, beer or hard cider, it might be a good idea to make that clearer in these sections:

19.b.1.iii

10.b.1.vi

11.b.1.vi

That could be accomplished by adding an opening phrase along the lines of:

"In the case of a farm processing facility that produces a product with alcohol,"

to this language

The Michigan Liquor Control Commission shall grant applicable wholesale liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and permits granted hereunder.

resulting in this

In the case of a farm processing facility that produces a product with alcohol, the Michigan Liquor Control Commission shall grant applicable wholesale liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and permits granted hereunder.

4. I did confirm the language for parcels includes the words "at least" so that is not a concern.

However I still find the language regarding the parcels a bit confusing. I believe I now understand your intention. For example with the retail with outdoor space it is that there are

60 acres that must all be contiguous, but to give the flexibility to allow the 60 contiguous acres to be made up of up to 2 parcels, or 3 if there is a road separation causing the 3rd parcel. And one must be a parcel of at least 40 and the rest of a single other parcel (unless there is a road separation causing a 3rd parcel to be granted). So in summary the intent is to allow the 60 to be made of of as many as 2 parcels, or 3 in case of a road separation.

Maybe others will get this easily, but if not, I wonder if it might not be more clear to add a sentence along these lines to the end of

11.b.3.i

"The 60 contiguous acres may be made up of 2 parcels, or as many as 3 if a road separation is involved."

Then, if more clarification is called for, one could add the words "contiguous" and "single" here

iii. At least forty (40) of the dedicated sixty (60) *CONTIGUOUS* acres must be in a *SINGLE* contiguous parcel with.....

And then finally the word "contiguous" again here, along with "additional"

iv. The remaining acreage necessary to meet the *CONTIGUOUS* 60-acre minimum dedication shall consist of an *ADDITIONAL* single contiguous parcel or two *ADDITIONAL* contiguous parcels separated only by a road.

Thank You,

jw ~

John A. Wunsch
President

Strings By Mail - Where Your Dreams Come Tonally True

Peninsula Township Planning

From: David Sanger <dave.peninsulatruster@gmail.com>
Sent: Wednesday, October 5, 2022 5:25 PM
To: Peninsula Township Planning
Cc: Isaiah Wunsch; Becky Chown; Marge Achorn; armen.peninsulatruster@gmail.com; rudy.peninsulatruster@gmail.com; Warren Wahl; Susie Shipman; Larry Dloski; Al Couture; Donna Hornberger; Julia Alexander; Randy Hall; zoning@peninsulatownship.com; William Fahey; Sally Murray
Subject: Re: Drafts of Proposed Zoning Ordinance Amendments and Temporary Moratorium

Jenn,

Please accept my comments on the draft Amendment 201 (Farm Processing), as follows:

The "data and records" sections (page 5, page 12, and page 18) state that data and records are to be submitted to the Director of Planning. In our Township, the tasks of planning and ordinance compliance is divided between the Planning Director and the Zoning Director, with the Zoning Director having responsibility for Zoning administration and enforcement.

It seems logical to me that the required reporting should be assigned to the Zoning Director, not the Planner, thus requiring the compliance and enforcement functions to be centralized with the Zoning Director. This centralization is now in place for all Township Ordinances, including Zoning. I see no reason to change this centralization for these farm processing operations, unless there is an overpowering reason for the change.

Thanks,

Dave

On Mon, Sep 26, 2022 at 5:13 PM Peninsula Township Planning <planner@peninsulatownship.com> wrote:

Good evening, attached are two drafts for review in preparation for the October 11 Joint Public Hearing with the Township Board and Planning Commission.

Please let me know if you have any questions or concerns. We would like to be prepared for the public hearing as best as we can.

Kind regards,

*Jenn Cram
Peninsula Township Director of Planning
13235 Center Road
Traverse City MI 49686
phone - 231-223-7314*

Zoning Ordinance for Temporary Moratorium



PENINSULA TOWNSHIP

MEMO

To: Township Board
From: Jenn Cram, AICP, Director of Planning
Date: October 5, 2022
Re: Zoning Ordinance for a Temporary Moratorium

Adopting temporary moratoriums is standard practice for local units of government to pause development or building while zoning ordinances are being developed or amended.

Based on recent critiques from the public on the processes by which the Township Board has adopted 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 A-1 Agricultural District our legal counsel has drafted another temporary moratorium to be adopted as a zoning moratorium amendment, attached.

The proper legal notice has been completed for the Township Board and Planning Commission to adopt the Zoning Moratorium Amendment #202 at the October 11 public hearing.

Staff and the Township Attorney will be available during the October 11 public hearing to answer any questions that the Planning Commission and Board may have.

**PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN
DRAFT ZONING MORATORIUM AMENDMENT (AMENDMENT 202)**

New Section 6.7.6 of the Zoning Ordinance

Section 6.7.6 Temporary Zoning Moratorium

Section 6.7.6.1 Findings.

1. Peninsula Township has previously commenced the review and update of the Peninsula Township Master Plan in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et. seq., as amended, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et. seq., as amended.
2. The Peninsula Township Board approved sending the tentative draft amended Master Plan to the required entities and governmental units in conformity with MCL 125.3841 et. seq.; Michigan Planning and Enabling Act. Comments were received and minor revisions are being considered to allow the Master Plan amendments to be adopted through the appropriate public process.
3. Peninsula Township has been for the past few years and is presently continuing to review its current Zoning Ordinance, including the regulations within the A-1 Agricultural District, to consider whether any revisions are appropriate. This process is appropriate given (a) the significant passage of time since the current Zoning Ordinance was adopted in 1972 and subsequent amendments thereto; (b) the need to address changes in municipal laws that have arisen since the current Zoning Ordinance was adopted; and (c) the need to align the Zoning Ordinance with the Master Plan that is in the amendment process.
4. The Peninsula Township Planning Commission has diligently pursued reviewing parts of the Zoning Ordinance but has not reviewed all parts and sections relating to the A-1 Agricultural District. Several public meetings and hearings have been held over the past year with numerous comments having been received. Peninsula Township continues to receive additional comments on proposed reforms, corrections, and modifications from interested and affected residents.
5. The pattern of development and uses in the A-1 Agricultural District in Peninsula Township have significantly changed since the original enactment of the Zoning Ordinance.
6. The process to review and update the Zoning Ordinance regarding the A-1 Agricultural District requires the Township to consider several significant and complex policy issues concerning the appropriate uses in the A-1 Agricultural District, including appropriate uses permitted by right, with conditions, and by special use permit in the A-1 Agricultural District; the appropriate regulation of land uses that did not exist or have changed since the original Zoning Ordinance was adopted; how to handle new laws and new issues that have arisen since the

current Zoning Ordinance was adopted; ensuring the permitted land uses in the A-1 Agricultural District are consistent with and further the purposes of the A-1 Agricultural District and the Master Plan; and ensuring that the new regulations in any updated Zoning Ordinance are compliant with all legal and constitutional requirements.

7. The community, through citizens and the citizens' agricultural advisory committee, has requested that the Zoning Ordinance regulations for the A-1 Agricultural District be fair and equitable to all residents, citizens, and permitted uses.
8. Given the detailed nature of its Zoning Ordinance update and review and efforts of the Township, the citizens' agricultural advisory committee, and residents to analyze proposed amendments to its current Zoning Ordinance, including those in the A-1 Agricultural District, the Township Board finds it would be contrary to sound public policy to allow 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 in the A-1 Agricultural District prior to January 1, 2023, and during the time necessary for Peninsula Township to review and amend the zoning regulations within the A-1 Agricultural District, in order to prevent the establishment of nonconforming uses during that time.
9. The Township Board finds that imposing a moratorium upon 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 in the A-1 Agricultural District, on a temporary basis, is reasonable and necessary for, among other reasons:
 - A. Michigan courts have recognized that a moratorium is a common and legitimate planning tool to preserve the status quo while formulating a more permanent development strategy.
 - B. The contemplated moratorium would allow the current Zoning Ordinance update and Master Plan revision process to fully address the A-1 Agricultural District and enable the Township's strategy of creating a unique and vibrant place to live, farm, and engage in compatible forms of commerce.
 - C. The contemplated moratorium would avoid confusion about which Master Plan or Zoning Ordinance provisions govern any land use applications submitted to the Township during the Zoning Ordinance update and Master Plan revision that are in progress and the applicable legal standards to apply to any future development requests.
 - D. It would be counterproductive to sound planning and consistent zoning regulation for the Township to allow 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 in the A-1 Agricultural District in the middle of its Zoning Ordinance and Master Plan review and update process.

- E. The contemplated moratorium would avoid disruption of land use plans and the potential frustration of the Township's objectives in its Zoning Ordinance and Master Plan update process.

Section 6.7.6.2 Moratorium. The Township Board hereby ordains and establishes a 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 in the A-1 Agricultural District under Sec. 6.7.3 of the Peninsula Township Zoning Ordinance.

Section 6.7.6.3 Term of Moratorium. The moratorium established by this Section 6.7.6 shall remain in effect through January 1, 2023, and for the time necessary for Peninsula Township to review and amend the zoning regulations within the A-1 Agricultural District. Before this moratorium expires, the Township Board may by ordinance extend the moratorium as appropriate to allow sufficient time to complete the review and amendment of the Township Zoning Ordinance.

The planning commission is respectfully requested to complete its review of the Zoning Ordinance and specifically that part of the Zoning Ordinance that involves the A-1 Agricultural District by September 30, 2022, to the extent practicable.

Section 6.7.6.4 Publication. The township clerk must publish a notice of adoption of this Section 6.7.6 in the manner prescribed by law.

Section 6.7.6.5 Validity and Severability. If any part of this Section 6.7.6 is found invalid for any reason, that holding does not invalidate the remaining parts of this Section 6.7.6.

Section 6.7.6.6 Waiver. In the event that a landowner in the A-1 Agricultural District will suffer immediate and irreparable harm for the short duration of this Section 6.7.6, or this Section 6.7.6 otherwise violates applicable provisions of the state or federal constitution or other applicable law, a landowner may apply in writing for a waiver of the moratorium from the Township Board. At a public hearing held on such an application, the landowner must bear the burden of demonstrating immediate and irreparable harm as a result of the moratorium. The Township Board, upon a sufficient showing, may grant a waiver of the moratorium to the degree necessary to avoid the demonstrated immediate and irreparable harm.

Section 6.7.6.7. Effective Date. This Section 6.7.6 shall become effective as provided by law.

Parks Committee Update

Peninsula Township Parks Committee
Pavilion 1, North Playground Proposal
October 2022

Proposed Playground Equipment:

-Surf's Up Play Structure

- small double slide
- tall twisting slide
- 2 sets of bongos
- steering wheel
- climbing tower
- lower climbing structures
- target group: ages 5 - 12

-Game Time 2 Bay Swing Set

- 1 enclosed tot seat
- 1 ADA seat
- 2 belt seats

-Game Time Playground Borders with ADA Accessible Ramps

Quote: Overview of Costs

| | |
|---------------------------------|-------------|
| ○ Surf's Up Structure materials | 31,384.00 |
| ○ Swing Set materials | 3,962.00 |
| ○ Border | 5,198.00 |
| ○ Installation | 14,650.00 |
| ○ Surcharge and Freight | 9,262.31 |
| ○ Discount | -12,062.97 |
| ○ Total of Request: | \$52,393.34 |

Purchase, Delivery & Installation Details

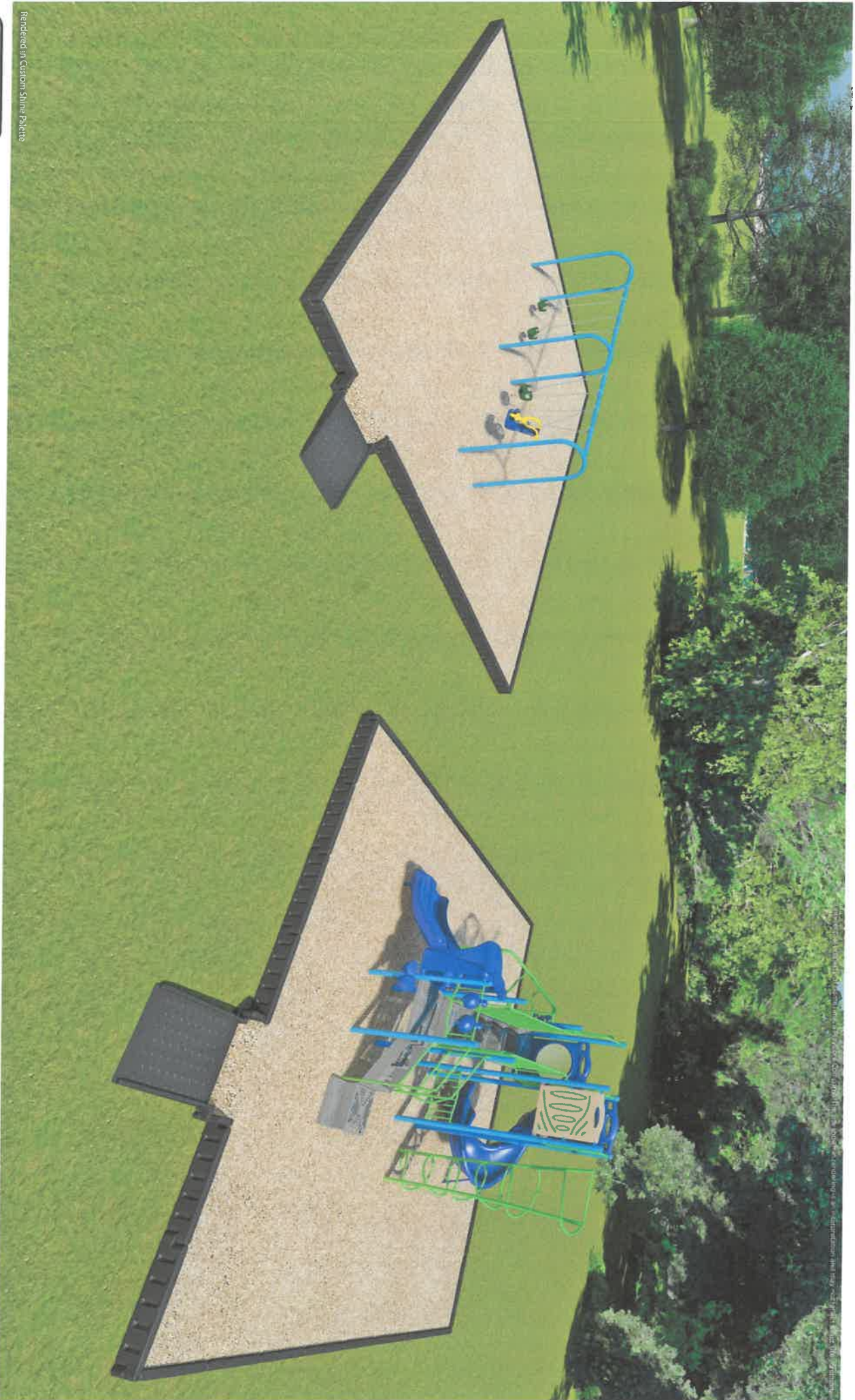
- Discount expires the end of October
- Order will ship 12-18 weeks following receipt & acceptance of purchase order
- Materials delivered and stored at maintenance building on Peninsula Drive
- Installation schedule: based upon date of purchase order receipt and acceptance
- Installation company already scheduled into May
- Volunteers and work contribution for any needed site work, equipment removal, wood chip installation

-An exciting addition to the park and with its proximity to Pavilion #1 and other recreation amenities, residents of all ages have many activity options within this portion of the park

-This proposal is in keeping with the township's Master plan for location and use as well as addressing goals/needs identified in the recreation plan

-Hoping to keep current play structures as space and safety allow reflecting fiscal responsibility and environmental consciousness

-Gathering at BHP once completed to celebrate the addition, build community, gather ideas from residents of all ages, begin a fundraising campaign for a playground on the south side of the park and have fun!



Rendered in Custom Shine Palette

GameTime
A PlaySpace Company
www.gametime.com

Peninsula Township
Bower's Harbor Park - Small Area - Option Four

SINCLAIR
RECREATION, LLC
www.sinclair-rec.com



Manufactured in California, USA by GameTime

GameTime®
A PlayCore Company

www.gametime.com

Peninsula Township
Bower's Harbor Park - Small Area - Option Four

SINCLAIR
RECREATION, LLC
www.sinclair-rec.com



Approved by the City of Bower's Harbor



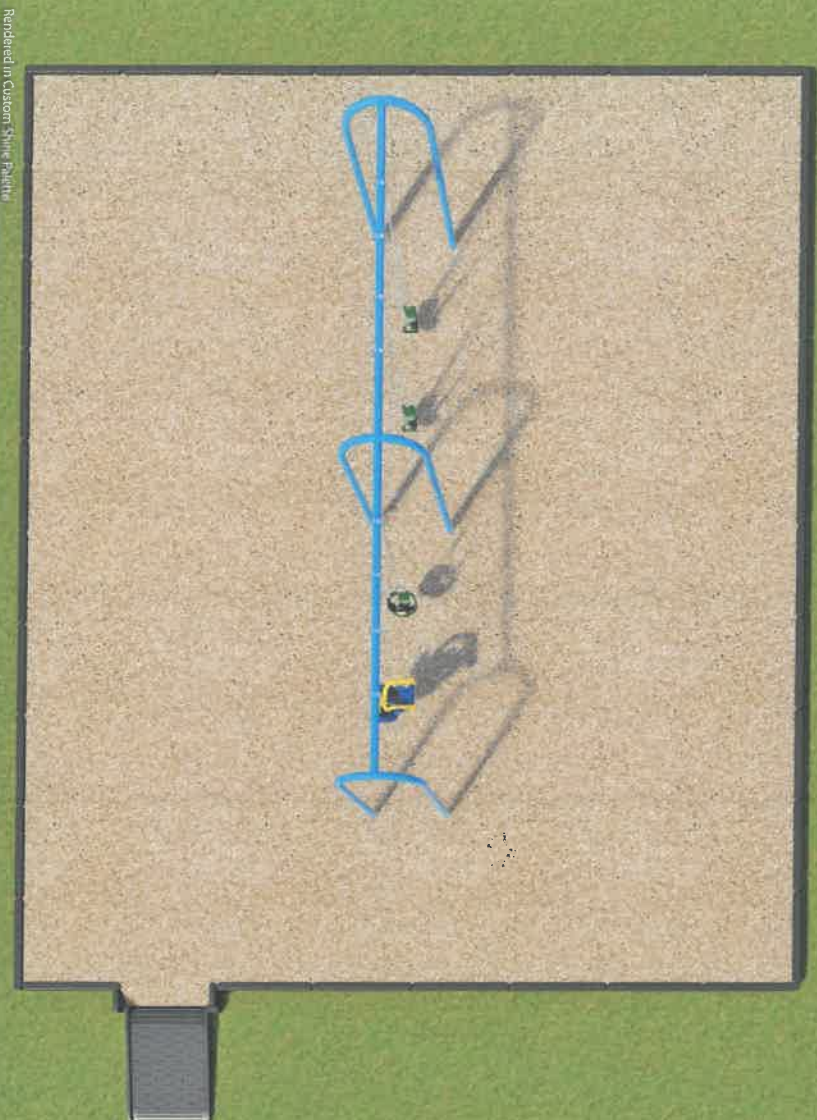
A PlaySpace Company
www.gametime.com

Peninsula Township Bower's Harbor Park - Small Area - Option Four



SINCLAIR
RECREATION, LLC
www.sinclair-rec.com





Rendered in Custom Shine Paints



A PlaySpace Partner
www.gametime.com

Peninsula Township Bower's Harbor Park - Small Area - Option Four



Peninsula Township of Bower's Harbor Park - Small Area - Option Four - 3D rendering of the proposed play structure. The rendering is for informational purposes only and does not constitute a contract. The actual structure may vary from the rendering.



www.sinclair-rec.com

This Unit includes play event and routes or travel specifically designed for play events. It is the responsibility of the user to ensure that these play events and routes of travel conform to the accessibility requirements of the ADA (Americans with Disabilities Act).

Total Elevated Play Components Accessible By Ramp
 Total Elevated Play Components Accessible By Transfer
 Total Accessible Ground Level Components Shown
 Total Different Types of Ground Level Components

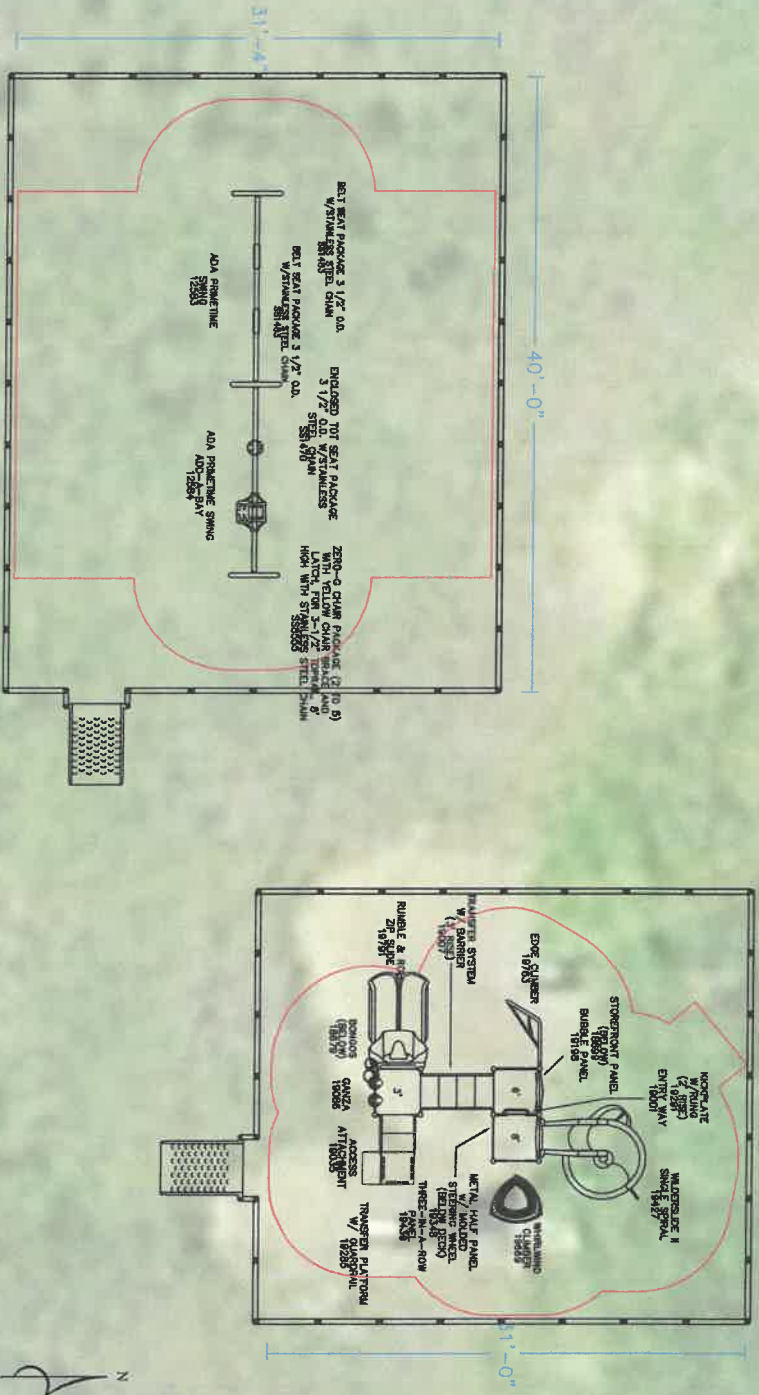
6
 - Required
 4
 - Required
 5
 - Required
 3
 - Required
 2

This play equipment is recommended for children ages 6-12

Minimum Area Required:
 See DWG
 Scale: Scale Bar
 This drawing can be scaled only when in an 18" x 24" format

IMPORTANT: For resident walking should be placed in the use zones of all equipment, as specified for each type of equipment, and at signs to meet the minimum safety standards set by the U.S. Consumer Product Safety Council and ASTM standard F-1487 and Canadian Standard CANCSA-2514

Drawn By:
 JLL
Date:
 9/22/2022
Drawing Name:
 Peninsula Twp - Bowers





GameTime c/o Sinclair Recreation
 176 E Lakewood Blvd
 Holland, MI 49424
 Ph: 800-444-4954
 Fax: 616-392-8634

09/30/2022
 Quote #
 103136-01-05

Bower's Harbor Park - 2022 - Option 5 - MiDeals - Swings and Surfs up

Peninsula Township
 Attn: Mike Skurski
 13235 Center Road
 Traverse City, MI 49686
 Phone: 989-302-0979

Ship to Zip 49686

| Quantity | Part # | Description | Unit Price | Amount |
|---------------------|--------|--|-------------|-------------|
| Smaller Area | | | | |
| 1 | RDU | GameTime - 2 Bay Swing Set with Various Seats | \$3,962.00 | \$3,962.00 |
| | | (1) 12583 -- Ada Primetime Swing Frame, 3 1/2" Od | | |
| | | (1) 12584 -- Ada Primetime Swing Aab, 3 1/2" Od | | |
| | | (1) SS1470 -- Enclosed Tot 3 1/2"/8' High | | |
| | | (2) SS1483 -- Belt Seat 3 1/2"/8' & 10' High | | |
| | | (1) SS8555 -- 3 1/2" Zero-G Chair (2-5)-Stainless | | |
| 1 | RDU | GameTime - Surf's Up Structure | \$31,384.00 | \$31,384.00 |
| | | (2) 12024 -- 3 1/2" Uppt Ass'Y Alum 9' | | |
| | | (2) 12025 -- 3 1/2" Uppt Ass'Y Alum 10' | | |
| | | (1) 12027 -- 3 1/2" Uppt Ass'Y Alum 12' | | |
| | | (1) 12069 -- 3 1/2"Uppt Ass'Y Alum 14' | | |
| | | (3) 18200 -- 36" Sq Punched Deck P/T 1.3125 | | |
| | | (1) 18679 -- Bongos | | |
| | | (1) 18699 -- Store Front Panel 36" | | |
| | | (1) 19001 -- Entry Way | | |
| | | (1) 19007 -- Transfer System W/Barrier (3' Rise) | | |
| | | (1) 19035 -- Optional Access Step (3' & 5') | | |
| | | (1) 19086 -- Ganza | | |
| | | (1) 19198 -- 26" Bubble Panel | | |
| | | (1) 19285 -- Transfer Platform W/ Guardrail 3' | | |
| | | (1) 19291 -- 2' Kickplate W/ Rung | | |
| | | (1) 19348 -- Metal Half Panel W/ Steering Wheel | | |
| | | (1) 19427 -- Single Spiral | | |
| | | (1) 19439 -- 3 in a Row Panel | | |
| | | (1) 19669 -- Whirlwind Climber 8' | | |
| | | (1) 19763 -- Edge Climber Attachment 5'6"/6'0 | | |
| | | (1) 19791 -- Dbl Rumble & Roll 2'-6"/3' | | |
| | | (4) G12069 -- 3 1/2"Uppt Ass'Y Galv 14' | | |
| 1 | RDU | GameTime - Playground Border for Smaller Area with ADA Accessible Ramps- Swing area and Structure area are seperated - see top view | \$5,198.00 | \$5,198.00 |



GameTime c/o Sinclair Recreation
176 E Lakewood Blvd
Holland, MI 49424
Ph: 800-444-4954
Fax: 616-392-8634

09/30/2022
Quote #
103136-01-05

Bower's Harbor Park - 2022 - Option 5 - MiDeals - Swings and Surfs up

| Quantity | Part # | Description | Unit Price | Amount |
|-----------------------------|---------|---|---------------------------|---------------|
| | | (2) 4858 -- Access Playcurb-W/Adap | | |
| | | (64) 4862 -- 12" Playground Border | | |
| 1 | INSTALL | GT-Impax - Installation of Surf's Up Unit, and Swings | \$14,650.00 | \$14,650.00 |
| Contract: OMNIA #2017001134 | | | Sub Total | \$55,194.00 |
| | | | Discount | (\$12,062.97) |
| | | | Material Surcharge | \$5,794.94 |
| | | | Freight | \$3,467.37 |
| | | | Total | \$52,393.34 |

Comments

Does not include grading of site, site prep, earth work, or site restoration.

This quotation is subject to policies in the current GameTime Playground Catalog and the following terms and conditions. Our quotation is based on shipment of all items at one time to a single destination, unless noted, and changes are subject to price adjustment. Purchases to be supported by your written purchase order made out to GAMETIME C/O SINCLAIR RECREATION. **A 2.5% PROCESSING FEE WILL BE ADDED TO ALL ORDERS PAID VIA CREDIT CARD.**

Pricing: f.o.b. factory, firm for 30 days from date of quotation unless otherwise noted on quotation. Sales tax will be added at time of invoicing unless a tax exemption certificate is provided at time of order entry.

Payment terms: Net 30 days for tax supported governmental agencies. A 1.5% per month finance charge will be imposed on all past due accounts. Equipment shall be invoiced separately from other services and shall be payable in advance of those services and project completion. Retainage not accepted.

Shipment: Order shall ship within 12-18 weeks after GameTime's receipt and acceptance of your purchase order, color selections, approved submittals, and receipt of deposit, if required.

Installation: Shall be by a Certified GameTime Installer. Customer shall be responsible for scheduling coordination and site preparation. Site should be level and permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional labor or material costs. Payment terms for installation is Net 10 Days.

NOTE: PRICING **DOES NOT** INCLUDE ANY DAVIS BACON OR PREVAILING WAGE RATES UNLESS SPECIFICALLY IDENTIFIED ABOVE IN QUOTE. THERE WILL BE A BACKCHARGE FOR THE INSTALLATION TO BE DONE THROUGH FELT, PEASTONE, SURFACING, OR WOODCHIPS, UNLESS SPECIFICALLY LISTED IN ABOVE QUOTE.

Submittals: Our design proposal reflects the spirit and intent of the project plans and specifications. While some variations may exist between our quotation and the project design, the differences do not materially affect the intended use. GameTime designs and specifications are unique and not intended to be identical in all respects to other manufacturers. We shall submit for review and approval by the owner's representative detailed drawings depicting the equipment to be furnished accompanied by specifications describing materials. Once approved, these drawings and specifications shall constitute the final documents for the project and shall take precedence over all other requirements.



GameTime c/o Sinclair Recreation
176 E Lakewood Blvd
Holland, MI 49424
Ph: 800-444-4954
Fax: 616-392-8634

09/30/2022
Quote #
103136-01-05

Bower's Harbor Park - 2022 - Option 5 - MiDeals - Swings and Surfs up

Exclusions: Unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; equipment assembly and installation; safety surfacing; borders and drainage provisions.

Acceptance of quotation:

Accepted By (printed): _____

Signature: _____

Title: _____

Facsimile: _____

Email: _____

P.O. No: _____

Please make P.O.s out to GameTime C/O Sinclair Recreation

Date: _____

Phone: _____

Purchase Amount: \$52,393.34

REQUIRED ORDER INFORMATION:

Bill To: _____

Contact: _____

Address: _____

Address: _____

City, State, Zip: _____

Tel: _____

(For Accounts Payable)

Email: _____

Ship To: _____

Contact: _____

Address: _____

Address: _____

City, State, Zip: _____

Tel: _____

(To call before delivery)

Email: _____

COLOR SELECTIONS: _____

SALES TAX EXEMPTION CERTIFICATE #: _____ (PLEASE PROVIDE A COPY OF CERTIFICATE)

NOTE: IF INSTALLATION IS BEING QUOTED, THERE WILL BE A BACKCHARGE FOR THE INSTALLATION TO BE DONE THROUGH FELT, PEASTONE, SURFACING, OR WOODCHIPS. PRICING VALID FOR 30 DAYS FROM THE DATE OF QUOTATION UNLESS OTHERWISE NOTED. ANY MODIFICATIONS TO AN ACCEPTED QUOTATION MUST BE DOCUMENTED IN WRITING OR WITH A NEW OR SEPARATE QUOTE. VERBAL MODIFICATIONS TO PREVIOUSLY SIGNED QUOTES WILL NOT BE ACCEPTED.

PDR Selection Committee

PENINSULA TOWNSHIP

MEMO

To: Township Board
From: Jenn Cram, AICP, Director of Planning
Date: October 6, 2022
Re: Purchase of Development Rights Selection Committee

We would like to make the community aware that we are currently accepting letters of interest to serve on the Purchase of Development Rights (PDR) Selection Committee.

Per the PDR Ordinance #23, Amendment #3, the Township Board shall appoint a five-member Selection Committee following the approval of the PDR millage by the voters.

The Selection Committee shall consist of residents and/or property owners of the Township chosen to provide equitable representation of geographical and agricultural interests.

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.

Letters of Interest should be submitted to the Director of Planning via email at planner@peninsulatownship.com or by mail to 13235 Center Road, Traverse City, MI 49686.

Notice of this opportunity will also be posted on the frontpage of the Peninsula Township website and via an email blast. Staff also plans to reach out to the Old Mission Gazette to see if they can also get the word out to subscribers.

Staff will be available to answer questions at the meeting on October 11.

Family Orchards, LLC Waiver Request



PENINSULA TOWNSHIP

MEMO

To: Township Board
From: Jenn Cram, AICP, Director of Planning
Date: October 5, 2022
Re: Action on Waiver Request from Moratorium

As noted previously, staff received a letter from the applicant on July 28, 2022 requesting a waiver from Section 6 of Ordinance 2022-06-14 regarding the current moratorium in the A-1 – Agricultural district.

Per Section 6 of Ordinance 2022-06-14, the Township Board may grant a waiver to the moratorium upon sufficient showing that the landowner will suffer immediate and irreparable harm for the short duration of the moratorium.

A public hearing was held on September 13, 2022 where public comment was received. A motion was made to Table the public hearing to October 11, 2022 so that the Board could consider public comments before taking action on the request.

Staff has received no additional information from Dr. Knysz of the Family Orchards, LLC since the September 13 public hearing. One fact that staff would like to note for the record is that the subject properties involved in the waiver request were purchased on February 14, 2022 per the Register of Deeds more than one month after the original moratorium was put in place by the Township Board (January 3, 2022).

Staff and the Township Attorney will be available during the October 11 meeting to answer any additional questions that the Board may have prior to acting on the waiver request.

Attachments from September 13:

Email from Walter Knysz III dated September 7, 2022
Letter from Family Orchards LLC by Dr. Walter Knysz dated September 6, 2022
Letter from Andrew Blodgett dated September 7, 2022
Correspondence from Jim Raphael, Rose Skurski and Susan Tarczon
Ordinance #2022-06-14

Peninsula Township Planning

From: Walter Knysz <wk3md11@gmail.com>
Sent: Wednesday, September 7, 2022 10:58 AM
To: Peninsula Township Planning
Cc: Isaiah Wunsch; Becky Chown; Marge Achorn; William Fahey; ablodgett@parkerharvey.com
Subject: Re: Public Hearing for Waiver Request September 13
Attachments: Letter to Township Board 090722.pdf

Ms. Cram,

Attached is my letter to the Township Board regarding my request for waiver from the moratorium on SUP applications relating to winery chateaus on agricultural properties in the Township. I ask that this be included in the packet for the Township Board. Also, at the hearing I will be represented by attorney Andrew Blodgett, of the firm Parker Harvey PLC, who will also be sending additional materials to you to include in the packet. Please confirm receipt of this email and attachment.

Regards,

Walter Knysz III
Family Orchards

On Wed, Aug 24, 2022 at 10:53 AM Peninsula Township Planning <planner@peninsulatownship.com> wrote:

Mr. Knysz, I am following up to remind you of the upcoming public hearing on Tuesday, September 13, where the Township Board will consider your waiver request to Ordinance 2022-06-14. As discussed on August 9, it will be helpful for you to submit support material that demonstrates how you will be immediately and irreparably harmed by the short duration of the moratorium. This information should be submitted no later than noon on Wednesday, September 7, 2022 to be included in the packet for the September 13, 2022 meeting.

Regards,

Jenn Cram
Peninsula Township Director of Planning
13235 Center Road
Traverse City MI 49686
phone - 231-223-7314
fax - 231-223-7117
planner@peninsulatownship.com

Office Hours: Mondays 7:30 am to 6:30 pm, Tuesdays – Thursdays 7:30 am to 5 pm and closed Friday – Sunday and Holidays.

September 6, 2022

Township Board of Trustees
Peninsula Township
13235 Center Road
Traverse City, MI 49686

Re: Request for Waiver from Moratorium imposed by Ordinance 2022-06-14

Dear Township Board:

As the landowner of the property at 15259 Smokey Hollow Road, located in the A-1 Agricultural District of Peninsula Township, I request a waiver of the moratorium from the Township Board, pursuant to Section 6 of Ordinance 2022-06-14. The waiver request is made on the grounds that, as applied to me, the Ordinance violates federal and state law, deprives me of my due process and equal protection rights under federal law, and, therefore, is not valid. Moreover, I would suffer immediate and irreparable harm under the moratorium, if enforced against me.

Please note that Section 6 of Ordinance 2022-06-14 provides me with a right to request a waiver of the moratorium if the moratorium either (a) violates applicable provisions of the state or federal constitution or other applicable law, or (b) causes me to suffer immediate and irreparable harm. In other words, the Township Board is authorized to grant me a waiver if either one of the above two conditions is satisfied. In my case, I satisfy both the conditions.

On April 12, 2022, I filed a Special Use Permit application with the Township Planner. Shortly after it had been filed, the Township Planning Director informed us that the Township would not accept our application on the alleged basis that Resolution No. 01-03-2022, adopted by the Township Board on January 3, 2022, imposed a moratorium on any SUP applications relating to Agricultural District properties. Despite our protest to the contrary, my SUP application was refused.

However, Resolution No. 01-03-2022 was not valid or enforceable. Under the legal doctrine of *legislative equivalency*, an ordinance can only be amended or suspended by another ordinance, meaning a moratorium can only be enacted by adoption of an ordinance. It is well-established case law in Michigan that an ordinance cannot be suspended by resolution as shown in these examples.

Tuscola Wind II, LLC v. Ellington Township, 2018 WL 1291161, E.D. Mich. (2018) ("... [T]he question raised by Tuscola's motion is whether a municipality may enact a moratorium by resolution which suspends the operation of a valid zoning ordinance. For the reasons stated above, the answer is no.")

City of Saginaw v Consumers' Power Co., 213 Mich 460, 469 (1921) ("[A]n ordinance may not be repealed or amended without action of equal dignity to that required in its enactment.")

Lee v City of Taylor, 63 Mich App 221, 223 (1975) ("It is settled that a municipal corporation may only repeal an ordinance by an act of equal dignity and formality.")

McCarthy v Village of Marcellus, 32 Mich App 679, 688-89 (1971) ("An ordinance or resolution cannot be amended, repealed, or suspended by another act by a council of less dignity than the ordinance or resolution itself.")

Lorencz v Brookfield Twp., Mich App (No. 319235, Apr. 28, 2015, Unpublished) ("[A]n ordinance may only be repealed by an act of equal dignity, which requires the township to repeal by ordinance and not resolution.")

Notably, it seems that the Township realized its error after the fact, by passing the second moratorium by ordinance, and not by resolution. In any case, the Township Planning Director had invalidly and wrongfully refused to accept and process my SUP application when originally submitted on April 12, 2022. Accordingly, I was denied my rights under federal and state law when my SUP application was not accepted, and, as a result, ask the Township Board to remedy this situation by accepting my SUP application now and/or granting a waiver.

In addition, if the foregoing is not enough, the most recent ordinance adopted by the Township Board (Ordinance 2022-06-14) is also invalid and unenforceable, as it does not meet the requirements of the Zoning Enabling Act for the adoption of a moratorium on enforcing its zoning ordinance. In the case of *Whitman v. Galien Twp.*, 288 Mich. App. 672, 679 (2010), the Court of Appeals stated: "Because municipalities have no inherent zoning power, they can only exercise zoning authority that the State has delegated to them through enabling legislation." *Whitman v. Galien Twp.*, 288 Mich. App. 672, 679 (2010).

Similarly, in the case of *Lake Township v. Sytsma*, 21 Mich.App. 210 (1970), the Court of Appeals held:

"Townships have no police power of their own; they may exercise such power only by virtue of a grant by the state, and in cases of zoning, power is extended through zoning enabling acts. *Fredal v. Forster*, 9 Mich.App. 215 (1967).

Any moratorium ordinance regarding a zoning matter must be adopted pursuant to the ZEA and not as under a general police power. Accordingly, given how Ordinance 2022-06-14 was adopted, I was denied my rights under federal and state law when my SUP application was not accepted, and, as a result, ask the Township Board to remedy this situation by accepting my SUP application now and/or granting a waiver.

The above clearly shows that the moratorium, as adopted, violates applicable law. Thus, I am entitled to a waiver of the moratorium as applied to me.

Underscoring that point, I also satisfy the alternative prong of the waiver test, being irreparable harm. If I am not granted the waiver, and, as publicly acknowledged by the Township, the Township Board proceeds to adopt an amendment to the zoning ordinance which would no longer allow a winery chateau to be developed on a property like mine, by definition, I would

suffer irreparable and immediate harm, as I purchased the property with the intent on developing on it a beautiful winery chateau. So I ask, how is that not irreparable and immediate harm?

Please understand that we have been looking forward to working cooperatively with the Township towards the preservation of our agricultural land in an economically sustainable and responsible way. But the Township Board's ill-advised course of action in trying (invalidly) to impose a moratorium on considering my SUP application is unfair and illegal, and deprives me of my due process and equal protection rights guaranteed by Michigan and federal law.

Again, I would much prefer to work collaboratively with the Township and, therefore, trust that the Township Board will do the right thing.

In the meantime, in submitting this letter and request for a waiver, I do not admit or stipulate to the Township's authority to deny acceptance of my SUP application and continue to reserve all rights available to me at law and equity.

Thank you for your consideration.

Kind Regards,

FAMILY ORCHARDS, LLC

By:


Dr. Walter Knysz, III
Member and Manager



September 7, 2022

Board of Trustees
Peninsula Township
13235 Center Road
Traverse City, MI 49686

David K. Sanger
dave.peninsulatrustee@gmail.com

Jennifer Cram
planner@peninsulatownship.com

RE: Family Orchards, LLC
Our File No. 3032.00

Armen Shanafelt
armen.peninsulatrustee@gmail.com

Warren L. Wahl
warren.peninsulatrustee@gmail.com

Isaiah S. Wunsch
wunschis23@gmail.com

Dear Board Members and Township Planner:

Please be advised that our firm represents Family Orchards, LLC. As you should be aware, Family Orchards requested a waiver from the imposition of the asserted moratorium ordinance (2022-06-14) on July 22, 2022. A copy of my client's July 22, 2022, letter is attached. Unfortunately, it appears that the township has decided to not permit a hearing on that requested waiver until after the township takes action on the new proposed ordinance. The new proposed ordinance proposes to eliminate the land use category for which my client requested the waiver in the first place. An elimination of the desired land use would "immediate and irreparable harm" for Family Orchards, LLC.

Imposing a moratorium and refusing to conduct a proper hearing is indication that the township desires to deprive Family Orchards of due process and equal protection of the law. This proposed action would appear to violate state and federal law, including the Michigan State Constitution which provides at Section 17 that "*The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.*" (See *Jo-Dan Limited v Detroit Board of Education*, 2000 Mich App, Lexis 1403). Specifically, the moratorium waiver Family Orchards requested is based on the language within the asserted moratorium, which states in Section 6 that if the landowner in the A-1 agricultural district will suffer "immediate and irreparable harm ... or this ordinance otherwise violates applicable provisions of the State or Federal Constitution or other applicable law, a landowner may apply in writing for a waiver of the moratorium from the township board."

September 7, 2022

Page 2

In Family Orchards' July 22nd letter, they specifically set forth the reasons why the resolution - moratorium violates state and/or federal law. In addition to those principles, the proposed ordinance-moratorium and proposed changes to the ordinance would also represent violations of state and federal law. Specifically, and without exhaustively presenting all the likely violations, significant portions of the new proposed ordinance violate the dormant commerce clause of the United States Constitution. Further, other sections of the proposed ordinance would violate the Michigan Right to Farm Act and Michigan Liquor Control Act. Implementation of the ordinance will clearly result in unconstitutional takings under both State and Federal Constitutions. These are just a few of the glaring violations of the "applicable provisions of the state or federal constitution or other applicable law" as referenced in Section 6 of the waiver provision of the moratorium.

Dr. Walter Knysz is also submitting a letter to the township which demonstrates that the applicant will suffer immediate and irreparable harm. In short, the proposed amendment will take away forever the applicant's ability to use its property for uses allowed by SUP under section 6.7.2(19) and 6.7.3 of the PTZO.

Of course, this is all in addition to the fact that the moratorium itself is unlawful, as it was not adopted consistent with the requirements of the Michigan Zoning Enabling Act. (See *Tuscola Wind II LLC v Ellington Twp*, 2018 WL 1291161 (WD Mich 2018)).

For all these reasons, Family Orchards respectfully requests that the township board delay any action on adoption of the proposed zoning ordinance and at least give my client an opportunity to have their waiver request considered prior to proceeding with any further steps towards further amendments to the Peninsula Township Zoning Ordinance.

Please make sure this letter and its attachments are made part of the public record with respect to the proposed zoning ordinance and my client's request for waiver from the imposition of the unlawful moratorium ordinance.

Of course, if you have further questions or comments regarding the information contained in this letter, please feel free to contact me.

Sincerely,



Andrew J. Blodgett

AJB:jls

Enclosure

cc (w/ encl.): Walter Knysz, III (Via Email)

July 22, 2022

Township Board of Trustees
Peninsula Township
13235 Center Road
Traverse City, MI 49686

Re: Request for Waiver from Moratorium imposed by Ordinance 2022-06-14

Dear Township Board:

As the landowner of the property at 15259 Smokey Hollow Road, located in the A-1 Agricultural District of Peninsula Township, I request a waiver of the moratorium from the Township Board, pursuant to Section 6 of Ordinance 2022-06-14. The waiver request is made on the grounds that, as applied to me, the Ordinance violates state law, deprives me of my due process and equal protection rights under federal law, and, therefore, is not valid.

On April 12, 2022, I filed a Special Use Permit application with the Township Planner. Shortly after it had been filed, the Township Planning Director informed us that the Township would not accept our application on the alleged basis that Resolution No. 01-03-2022, adopted by the Township Board on January 3, 2022, imposed a moratorium on any SUP applications relating to Agricultural District properties. Despite our protest to the contrary, my SUP application was refused.

However, Resolution No. 01-03-2022 was not valid or enforceable. Under the legal doctrine of *legislative equivalency*, an ordinance can only be amended or suspended by another ordinance, meaning a moratorium can only be enacted by adoption of an ordinance. It is well-established case law in Michigan that an ordinance cannot be suspended by resolution as shown in these examples.

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City of Saginaw v Consumers' Power Co., 213 Mich 460, 469 (1921) ("[A]n ordinance may not be repealed or amended without action of equal dignity to that required in its enactment.")

Lee v City of Taylor, 63 Mich App 221, 223 (1975) ("It is settled that a municipal corporation may only repeal an ordinance by an act of equal dignity and formality.")

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Notably, it seems that the Township realized its error after the fact, by passing the second moratorium by ordinance, and not by resolution. In any case, the Township Planning Director had invalidly and wrongfully refused to accept and process my SUP application when originally submitted on April 12, 2022. Accordingly, I was denied my rights under federal and state law when my SUP application was not accepted, and, as a result, ask the Township Board to remedy this situation by accepting my SUP application now and/or granting a waiver.

In addition, if the foregoing is not enough, the most recent ordinance adopted by the Township Board (Ordinance 2022-06-14) is also invalid and unenforceable, as it does not meet the requirements of the Zoning Enabling Act for the adoption of a moratorium on enforcing its zoning ordinance. In the case of *Whitman v. Galien Twp.*, 288 Mich. App. 672, 679 (2010), the Court of Appeals stated: "Because municipalities have no inherent zoning power, they can only exercise zoning authority that the State has delegated to them through enabling legislation." *Whitman v. Galien Twp.*, 288 Mich. App. 672, 679 (2010).

Similarly, in the case of *Lake Township v. Sytsma*, 21 Mich.App. 210 (1970), the Court of Appeals held:

"Townships have no police power of their own; they may exercise such power only by virtue of a grant by the state, and in cases of zoning, power is extended through zoning enabling acts. *Fredal v. Forster*, 9 Mich.App. 215 (1967).

Any moratorium ordinance regarding a zoning matter must be adopted pursuant to the ZEA and not as under a general police power. Accordingly, given how Ordinance 2022-06-14 was adopted, I was denied my rights under federal and state law when my SUP application was not accepted, and, as a result, ask the Township Board to remedy this situation by accepting my SUP application now and/or granting a waiver.

Please understand that we have been looking forward to working cooperatively with the Township towards the preservation of our agricultural land in an economically sustainable and responsible way. But the Township Board's ill-advised course of action in trying (invalidly) to impose a moratorium on considering my SUP application is unfair and illegal, and deprives me of my due process and equal protection rights guaranteed by Michigan and federal law.

Again, I would much prefer to work collaboratively with the Township and, therefore, trust that the Township Board will do the right thing.

In the meantime, in submitting this letter and request for a waiver, I do not admit or stipulate to the Township's authority to deny acceptance of my SUP application and continue to reserve all rights available to me at law and equity.

Thank you for your consideration.

Kind Regards,

FAMILY ORCHARDS, LLC

By: 
Dr. Walter Knysz, III
Member and Manager

Rebecca Chown

From: Jim Raphael <jhraphael68@gmail.com>
Sent: Tuesday, September 6, 2022 11:46 AM
To: Isaiah Wunsch
Cc: Becky Chown
Subject: Moratorium waiver request for Family Orchards LLC

Dear Peninsula Township Board of Trustees:

I understand the out-of-area owner of Family Orchards LLC is seeking a waiver to the current moratorium on the application process for new winery-chateaus (Ordinance 2022-06-14) in Peninsula Township. The waiver request is on the agenda for the Township Board's meeting on September 13.

Until the WOMP lawsuit is settled, and the Township, accordingly, has had the opportunity to amend and/or adjust its ordinance(s) regulating said projects, it makes no sense to grant one property owner an exception to the moratorium. It would be unfair not only to other potential winery developers awaiting the outcome of the lawsuit under the moratorium, but also to the tax paying voters of the Township who want regulation-based clarity on how these agri-businesses are likely to impact their neighborhoods in the future.

With these considerations in mind, please stand firmly behind the moratorium, and do not grant the waiver request on September 13.

Sincerely,

Jim Raphael
14826 Mallard Drive
Traverse City, MI 49686=

Rebecca Chown

From: Rose Skurski <skurskir@gmail.com>
Sent: Wednesday, September 7, 2022 5:19 PM
To: clerk@peninsulatownship.com; supervisor@peninsulatownship.com
Subject: Letter to Trustees to Uphold Winery Moratorium

To the Trustees of Peninsula Township

Please uphold the moratorium on new wineries. Family Orchards LLC purchased their property during a moratorium. They understood moratoriums could be established every 6 months. It is not a financial hardship when you know the rules.

Family Orchards LLC has access to their property through Center Road. They could use Center Road as a Service Entrance.

Family Orchards LLC would like a Service Entrance on Mallard Drive. This road goes solely through Mission Hills subdivision of residential homes. Clearly, they believe Service Vehicles using their entrance driveway would be detracting. They could build a separate Service driveway from Center Road if they think it detracts too much from their main entrance.

Have they driven through our neighborhood? Through our dues, we maintain a beautiful parklike entrance on Bluff Road and Mallard Drive. We receive much positive feedback on the scenic value of the ponds, gazebo, fountain, and beautiful landscaping from walkers, bike riders, visitors, and neighbors.

A top priority in all surveys of OMP taxpayers is preserving and maintaining the scenic nature of our beautiful peninsula. That is precisely why residents voted to increase their taxes in support of the Preservation of Development Rights program.

Making our neighborhood a Service Entrance for a winery would severely detract from the scenic nature of our neighborhood and thus would decrease our property values. Homes are people's largest investments. Anything that detracts from the residential character of our neighborhood would create a Financial Hardship for ALL the residents of Mission Hills subdivision.

Family Orchards LLC is not being a "Good Neighbor" by requesting a Service Entrance through our neighborhood rather than through their main entrance. Would they want Service Vehicles driving through this neighborhood if they lived here?

Hopefully, the moratorium will present them with time to reconsider their plans and embrace the values of our shared community.

Rose Skurski
14696 Mallard Drive
Traverse City, MI

Sent from my iPhone
Rose=

Rebecca Chown

From: Susan Tarczon <starczon@gmail.com>
Sent: Tuesday, September 13, 2022 10:35 AM
To: Isaiah Wunsch; Rebecca Chown; Jenn Cram; Treasurer;
rudy.peninsulatruster@gmail.com; dave.peninsulatruster@gmail.com;
armen.peninsulatruster@gmail.com; warren.peninsulatruster@gmail.com
Subject: Tonight's Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Isaiah, Becky, Jenn, Marge, Rudy, Dave, Armen and Warren,

I realize we are past the September 6 time frame to officially weigh in on the Chateau-Winery SUP waiver that is being discussed at tonight's meeting, but would ask you all to please stay true to the Moratorium and deny this waiver.

We see no logical reason to grant a waiver while the Township is contemplating changes to zoning and ordinances relative to winery regulations, especially in the context of the Winery lawsuit.

When the winery-chateau regulations were drafted decades ago, it was a way for the Township to accommodate farmers on Agriculturally-zoned properties to produce and sell wines from grapes grown on their farms. Please continue to help us all focus on this goal — to help farmers be able to continue farming their properties and keep our Township a farming, rural community.

Thank you all for supporting the rural and residential nature of our Township which has been confirmed by multiple surveys to be a continuous goal of the people who live in and support this Township.

Sincerely,

Susan and Phil Tarczon
15763 Smokey Hollow Rd.

**ORDINANCE 2022-06-14
PENINSULA TOWNSHIP
COUNTY OF GRAND TRAVERSE, MICHIGAN**

At a special meeting of the township board of Peninsula Township, held at Peninsula Township Hall, 13235 Center Rd., Traverse City, Michigan, on June 14, 2022, at 7:00 p.m.

ORDINANCE 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 A-1 AGRICULTURAL DISTRICT

This Ordinance 2022-06-14 is hereby enacted to protect the public peace, health, safety, and welfare of the residents of Peninsula Township by establishing a moratorium on the consideration, approval, location, erection, construction, installation, or commencement of any new or expanded farm processing facility under Sec. 6.7.2 (19) or any new or expanded use permitted by special use permit in the A-1 Agricultural District under Sec. 6.7.3 of the Peninsula Township Zoning Ordinance through January 1, 2023, and during the time necessary for Peninsula Township to review and amend the zoning regulations within the A-1 Agricultural District.

PENINSULA TOWNSHIP ORDAINS:

Section 1. Findings.

1. Peninsula Township has previously commenced the review and update of the Peninsula Township Master Plan in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et. seq., as amended, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et. seq., as amended.
2. The Peninsula Township Board of Trustees approved sending the tentative draft-amended master plan to the required entities and governmental units in conformity with MCL 125.3841 et. seq.; Michigan Planning and Enabling Act. Comments were received and minor revisions are being considered to allow the master plan amendments to be adopted through the appropriate public process.
3. Peninsula Township has been for the past few years and is presently continuing to review its current zoning ordinance, including the regulations within the A-1 Agricultural District, to consider whether any revisions are appropriate. This process is appropriate given (a) the significant passage of time since the current zoning ordinance was adopted in 1972 and subsequent amendments thereto; (b) the need to address changes in municipal laws that have arisen since the current zoning ordinance was adopted; and (c) the need to align the zoning ordinance with the master plan that is in the amendment process.
4. The Peninsula Township Planning Commission has diligently pursued reviewing parts of the zoning ordinance but has not reviewed all parts and sections relating to the A-1

Agricultural District. Several public meetings and hearings have been held over the past year with numerous comments having been received. Peninsula Township continues to receive additional comments on proposed reforms, corrections, and modifications from interested and affected residents.

5. The pattern of development and uses in the A-1 Agricultural District in Peninsula Township have significantly changed since the original enactment of the zoning ordinance.
6. The process to review and update the zoning ordinance regarding the A-1 Agricultural District requires the township to consider several significant and complex policy issues concerning the appropriate uses in the A-1 Agricultural District, including appropriate uses permitted by right, with conditions, and by special use permit in the A-1 Agricultural District; the appropriate regulation of land uses that did not exist or have changed since the original zoning ordinance was adopted; how to handle new laws and new issues that have arisen since the current zoning ordinance was adopted; ensuring the permitted land uses in the A-1 Agricultural District are consistent with and further the purposes of the A-1 Agricultural District and the master plan; and ensuring that the new regulations in any updated zoning ordinance are compliant with all legal and constitutional requirements.
7. The community, through citizens and the citizens' agricultural advisory committee, has requested that the zoning ordinance regulations for the A-1 Agricultural District be fair and equitable to all residents, citizens, and permitted uses.
8. Given the detailed nature of its zoning ordinance update and review and efforts of the township, the citizens' agricultural advisory committee, and residents to analyze proposed amendments to its current zoning ordinance, including those in the A-1 Agricultural District, the township board finds it would be contrary to sound public policy to allow 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 in the A-1 Agricultural District prior to January 1, 2023, and during the time necessary for Peninsula Township to review and amend the zoning regulations within the A-1 Agricultural District, in order to prevent the establishment of nonconforming uses during that time.
9. The township board finds that imposing a moratorium upon 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 in the A-1 Agricultural District, on a temporary basis, is reasonable and necessary for, among other reasons:
 - A. Michigan courts have recognized that a moratorium is a common and legitimate planning tool to preserve the status quo while formulating a more permanent development strategy.

- B. The contemplated moratorium would allow the current zoning ordinance update and master plan revision process to fully address the A-1 Agricultural District and enable the township's strategy of creating a unique and vibrant place to live, farm, and engage in compatible forms of commerce.
- C. The contemplated moratorium would avoid confusion about which master plan or zoning ordinance provisions govern any land use applications submitted to the township during the zoning ordinance update and master plan revision that are in progress and the applicable legal standards to apply to any future development requests.
- D. It would be counterproductive to sound planning and consistent zoning regulation for the township to allow 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 in the A-1 Agricultural District in the middle of its zoning ordinance and master plan review and update process.
- E. The contemplated moratorium would avoid disruption of land use plans and the potential frustration of the township's objectives in its zoning ordinance and master plan update process.

Section 2. Moratorium. The township board hereby ordains and establishes a 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 in the A-1 Agricultural District under Sec. 6.7.3 of the Peninsula Township Zoning Ordinance.

Section 3. Term of Moratorium. The moratorium established by this ordinance shall remain in effect through January 1, 2023, and for the time necessary for Peninsula Township to review and amend the zoning regulations within the A-1 Agricultural District: Before this moratorium expires, the township board may by ordinance extend the moratorium as appropriate to allow sufficient time to complete the review and amendment of the township zoning ordinance.

The planning commission is respectfully requested to complete its review of the zoning ordinance and specifically that part of the zoning ordinance that involves the A-1 Agricultural District by September 30, 2022, to the extent practicable.


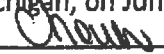
Section 4. Publication. The township clerk must publish a notice of adoption of this ordinance in the manner prescribed by law.

Section 5. Validity and Severability. If any part of this ordinance is found invalid for any reason, that holding does not invalidate the remaining parts of this ordinance.

Section 6. Waiver. In the event that a landowner in the A-1 Agricultural District will suffer immediate and irreparable harm for the short duration of this ordinance, or this ordinance otherwise violates applicable provisions of the state or federal constitution or other applicable law, a landowner may apply in writing for a waiver of the moratorium from the township board.

At a public hearing held on such an application, the landowner must bear the burden of demonstrating immediate and irreparable harm as a result of the moratorium. The township board, upon a sufficient showing, may grant a waiver of the moratorium to the degree necessary to avoid the demonstrated immediate and irreparable harm.

Section 7. Effective Date. This ordinance shall become effective upon publication as required by law.

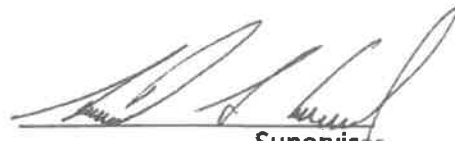
At a special meeting of the township board of Peninsula Township, held at Peninsula Township Hall, 13235 Center Rd., Traverse City, Michigan, on June 14, 2022, at 7:00 p.m., it was moved by  and supported by  that this ordinance be adopted:

YEAS:

NAYS:

Ordinance declared adopted.


Rebecca Chown, Clerk


, Supervisor
ISAIAH WUNSCH