

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION AGENDA

November 21, 2022

7:00 p.m.

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Approve Agenda**
5. **Brief Citizen Comments (For Non-Agenda Items Only)**
6. **Conflict of Interest**
7. **Consent Agenda**
 - a. Approval of Meeting Minutes: Planning Commission Regular Meeting August 15, 2022
 - b. Approval of Meeting Minutes: Township Board and Planning Commission Joint Public Hearing October 11, 2022
8. **Reports and Updates**
 - a. New Application Received and Withdrawn for the Mapleton Inn (Cram)
 - b. Zoning Ordinance Re-write and Existing Zoning Ordinance Comparison Study Group (Cram/Alexander)
9. **Business**
 - a. Election of Officers
 - b. Special Use Permit (SUP) – Seven Hills Development #35, Amendment #2 – Introduction
 - c. By-laws Review
10. **Public Comments**
11. **Other Matters or Comments by Planning Commission Members**
12. **Adjournment**

Peninsula Township has several portable hearing devices available for audience members. If you would like to use one, please ask the clerk.

Minutes

Planning Commission Regular Meeting
August 15, 2022
Beth Chan, Recording Secretary

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

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Planning Commission Regular Meeting

August 15, 2022 7:00 p.m.

1. Call to Order: 7:00 p.m. by Shipman

2. Pledge

3. Roll Call: **Present:** Dloski, Couture, Hornberger, Shipman, Alexander; **Absent:** Hall; **Also present:** Jenn Cram, Planner, and Beth Chan, Recording Secretary

4. Approve Agenda:

Moved by Hornberger to approve agenda as amended, seconded by Alexander

approved by consensus

5. Brief Citizen Comments (For Non-Agenda Items Only): None

6. Conflict of Interest: Hornberger lives close to the Cooley Bed and Breakfast, she will recuse herself from the public hearing, planning commission discussion, and any vote on business item nine.

7. Consent Agenda:

a. Approval of Meeting Minutes: Township Board and Planning Commission Special Joint Public Hearing July 12, 2022

b. Approval of Meeting Minutes: Planning Commission Regular Meeting July 18, 2022

c. Approval of Meeting Minutes: Township Board and Planning Commission Special Joint Study Session July 26, 2022

Moved by Dloski to approve consent agenda, as presented, seconded by Couture

approved by consensus

8. Reports and Updates:

a. Zoning Ordinance Re-write Adoption Pause (Cram):

Cram: a subcommittee has formed to compare the existing zoning ordinance (1972) with the zoning ordinance rewrite. There will be a side-by-side comparison. An update will follow as to findings and considerations. The committee consists of the following: Julie Alexander, Monnie Peters, Christina Deeren, Dave Sanger, and Jenn Cram and will meet weekly. Also, there will be a Special Township Board meeting on August 18, 2022. The meeting will include the consideration of the reappointment of Alexander and Shipman, who have reapplied for the planning commission, and the appointment of Armen Shanafelt as the township board representative to the planning commission.

9. Business:

**a. Cooley Bed and Breakfast SUP #142 - Public Hearing
(6901 Mission Ridge, Traverse City, MI 49686)
Hornberger recused herself from the meeting.**

Planning Commission Regular Meeting

August 15, 2022

Beth Chan, Recording Secretary

Cram: summarized the Findings of Fact for SUP # 142, Cooley Bed and Breakfast, found in the packet on page 59. Two letters of support have been received and are included. All general standards 8.1.3 (1) have been met, specific requirements, 8.1.3 (3) have been met, and specific requirements for bed and breakfast establishments 8.7.3 (6) (b) were reviewed. Approval Conditions and Safeguards were reviewed. There are nine proposed conditions of approval.

Moved by Dloski to close the regular meeting and open the public hearing, seconded by Alexander
approved by consensus

Dave Murphy, 6943 East Shore Road: spoke in support of the project; aware of the previous use. He has met with the Cooleys. Historically they have been good neighbors to the community; the home provided access to Pelizarri Natural Area, and they have agreed to continue working with the township. There has been discussion about a boardwalk in the Hemlock forest in Pelizarri Natural Area.

John Campbell, 333 Homestead Lane: The cars will be going by his home on Homestead Lane to get to the bed and breakfast. Asked several questions directly to the bed and breakfast owners: have they operated a bed and breakfast in the past?

Discussion: Cram, and Shipman clarify the procedure for a public hearing.

Erin Cooley, 6901 Mission Ridge, owner: more than happy to have a conversation with Mr. Campbell about operations at the bed and breakfast. As owners, they will monitor the use to make sure it is quiet. They intend to be good neighbors. They also have previous experience operating a Bed and Breakfast.

Moved by Alexander to close the public hearing and open the regular meeting, seconded by Dloski
approved by consensus

Discussion of approval procedures and by-laws

Dloski: has concerns about road traffic and wants to make a motion that the guests use Homestead Lane as an entrance and exit for the bed and breakfast and not the private roads of Port of Old Mission and Mission Ridge; this would be condition ten. The homeowners of Port of Old Mission do not wish for the guests to use their roads.

Cram: This can be posted on their website, entrance and exit would be Homestead Lane.

Discussion

Dloski: it would be east of Mission Ridge.

Armen Shanafelt: stated it is not appropriate that the owners are responsible but should do everything to route people to Homestead Lane.

Dloski: wants it to be a condition.

Cram: would make it new condition ten, that the applicant will advertise that access to the bed and breakfast will be via Homestead Lane and they will not use Mission Ridge (east of Homestead) or Port of Old Mission.

Discussion of procedure for the approval of SUPs with reference to the planning commission bylaws.

Moved by Dloski to add item ten to the conditions, that the owners will advertise Homestead Lane as an entrance and exit, seconded by Shipman
approved by consensus

Moved by Couture to waive the condition to put off deliberations according to Section 1.9 (g) for the Cooley Bed and Breakfast to the next planning commission meeting, seconded by Alexander
approved by consensus

Moved by Alexander to recommend approval of SUP #142 with ten conditions to the township board, seconded by Couture
approved by consensus

Planning Commission Regular Meeting

August 15, 2022

Beth Chan, Recording Secretary

Discussion on procedures to approve SUPs by the planning commission

b. Structure Definition – Final Thoughts on Policy Direction

Cram: referred to the minutes of July 18, 2022. Reviewed the simple definition discussed: a structure means anything constructed or erected on the ground or attached to the ground. The planning commission supports this definition with exclusions covered in other areas of the zoning ordinance. Things at grade will not be included, but greater than thirty inches above grade would be required to meet structure setbacks; there would be exceptions for agricultural support structures and things like docks.

Discussion

10. Public Comments: None

11. Other Matters or Comments by Planning Commission Members:

Shipman: mentions that nominating committee members consist of Donna and Alan; will look into naming new members to that committee and nominating a new chair, vice-chair, and secretary for the planning commission in the coming months.

Discussion

Cram: suggests a study session with legal counsel on planning commission by-laws. Looking at training opportunities for planning commission members.

12. Adjournment: @7:43 p.m.

Moved by Couture to adjourn, seconded by Dloski

approved by consensus

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

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**Township Board Regular Meeting
And Special Joint Meeting with Planning Commission
October 11, 2022, 7:00 p.m.
Township Hall
Minutes**

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

2. **Pledge**

3. **Roll Call**

Planning Commission

Present: Couture, Shanafelt, Hornberger, Dloski, Alexander, Hall, Shipman

Township Board

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

4. **Citizen Comments**

Louis Santucci, 12602 Center Road: it's one of my complaints about the system that you only get three minutes to talk. My question to the board and members of the planning commission is, do any of you believe in good government? I know your answer is probably going to be yes, but I'm afraid your actions belie that statement. First of all, there is a conflict of interest with many of you who may or may not vote on the winery ordinance tonight. First, if you are a member or were a member of PTP, you should not be voting. Todd [Oosterhouse] was asked to leave the planning commission because he was a party to the lawsuit as an owner of one of the wineries. Therefore, quid pro quo, what's good for the goose is good for the gander. Anybody here who is a member or was a member of PTP ought to be off and not participating in the discussion tonight or voting on it. David Sanger in particular is both a board member and an enforcement officer. In my opinion, I've stated this before, he should not be voting on anything to do with zoning. That's like having the judge and jury and enforcement people all in one little thing. Isaiah and Becky have a very close relationship to the conservancy, which buys a lot of the land. In my opinion, if the winery ordinance goes into force, that is going to basically mean that a farmer or a landowner probably has only two choices. One is to sell his land to the highest bidder in the PDR program or to the conservancy. I feel that both those people have very close ties to the conservancy and they shouldn't be voting on the winery ordinance. Now, the moratorium was illegally passed, and public officials have a duty to see that the laws are legally executed. This was not done in the case of the SUPs that were submitted. It was claimed there was a moratorium. We now know the moratorium was illegal. And even if you want to argue that the people were under the impression that it was legal, when the notice of petition was filed with the township that a petition [referendum] was going to be

sought, then that moratorium basically could not go into effect for 30 days. So when people again came and submitted SUPs to the planner, they should have been accepted. I feel this is a violation of her duty and also borders on malfeasance. It's up to this board to address that particular issue. I'm hoping somebody on this board recognizes that a lot of this was illegal.

Wunsch: that's your three minutes.

Santucci: okay. I'll have more to say on the moratorium and winery ordinance in a few minutes.

Andy Blodgett, Parker Harvey Law Firm: you have received Walt's [Knyz] letter on behalf of Family Orchards. I realize the public hearing section of that issue is done, but I did want to give you an update. We filed our lawsuit today in federal court. Your attorney has a copy of that. That was not a desirable outcome. We felt forced to do so after not receiving any action and two invalid moratoria. We will continue with that lawsuit. I believe we still have a valid claim. Even if you pass another moratorium tonight, and even if you do amend the zoning ordinance, we had two valid applications in there. But that being said, as Dr. Knysz said in his letter, we would prefer to continue to have discourse and a reasonable outcome and a settlement that we can live with. All my client wants is a fair shake at the time that his two applications were submitted. Thank you.

Harold David Edmondson, 12414 Center Road: I concur with a lot of what Louis said. But what I want to really say is, do you guys acknowledge how much money has been spent on this winery lawsuit? We're getting a little bit out of control. If you just wanted to give a little bait to the other side, we wouldn't be hemorrhaging all this money. The amount of money that's being spent, we're way past any real win for the township. And the downside is, if you guys looked at the practicality of what they wanted, a lot of it has been inflated by PTP I think. They want to have some events, maybe some weddings. Who's that going to hurt? It's happening out here all over the place already. And now we've spent, what, \$600,000? You guys have a fiduciary responsibility to take care of our money.

David Taft, 952 Neahtawanta Road: what a way to start the evening. You've got a lawsuit, you've got somebody complaining about the amount of money you're spending, and you've got somebody saying everything is illegal. I'm here to compliment you. Thank you, Jenn, for your very thorough analysis that was published in the packet. Lots of facts and details we can follow. It really brings the problem to the table in a very objective and non-emotional way. Second, I was alarmed by the packet addition. The two letters from Mr. Infante to the board and planning commission are in my opinion nothing short of legal threats to frighten you and the public and, in my opinion, should be addressed to our legal counsel, Mr. Fahey. Conveniently, Mr. Infante ignores the fact that the appeals court overrode the district court and voided the injunction, so you and the planning commission can study and do amendments and actually update the zoning ordinance and can follow the zoning ordinance because you have that right to do that. I admire Mr. Lagina developing additional vineyards. It's a good agricultural use, and it's really benefiting this community. He mapped this out very well in his letter, but I'm surprised by his threat to go to court because of the moratorium. The moratorium ends January 1, 2023. Have you guys received an SUP on his proposal for a commercial operation? To my knowledge, no. It would take you four to six months to evaluate such a venture because that's what the

typical timeframe is to do that. Finally, Marc [Santucci] in his letter accuses you in a derogatory way of giving the finger to Judge Maloney. Those are totally inappropriate comments, verbal or written. The township has every right to follow its zoning ordinance and consider amendments. And to correct the record, the citizens' ag committee at the instruction of the township board began evaluating the ag ordinances last December and developed the proposal we're going to discuss tonight. And, of course, three seats were left open for the wineries, and they chose not to participate. They didn't want to participate. Instead, they wanted to sue you. Before speaking in public comment, let's get the facts straight, leave our emotions elsewhere, and speak constructively at these forums. You're doing a great job. Most of us in the community support what you're doing. Thank you very much.

5. Approve Agenda

Town board:

Achorn moved to move item D, update from the Parks Committee, to the first item with a second by Wahl.

Motion passed by consensus

Planning Commission

Hornberger moved to approve the agenda as amended with a second by Alexander.

Motion passed by consensus

Town board

Curt Peterson from the audience asked to make a point of procedure and was invited to speak under the consent agenda.

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

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

6. Conflict of Interest: none

7. Consent Agenda

Curt Peterson, 1356 Buchan Drive: what item is the public hearing on the zoning change?

Wunsch: item C now.

Peterson: the planning commission may want to add a CA or a C1 to be in compliance with the Michigan Zoning and Enabling Act of 2006. If anyone wants to google this, you can look at Michigan Zoning and Enabling Act 125.3308. In terms of your process, the topic is Summary of Public Hearing Comments, Transmission to Legislative Body by the Zoning Commission Report. In this case, the zoning commission is actually the planning commission. You want to add a comment period for the planning commission to get together after the public hearing so they can make the formal recommendation to the township board. Here's what it says in section 306 #1: following the required public hearing under section 306, the zoning commission, and in this case it's the planning commission, is to transmit a summary of comments received at the hearing and its proposed zoning ordinance, including any zoning maps and recommendations, to the legislative body, which is our township board. So after the public hearing, you guys need to take about 30 minutes to prepare this report and transfer it to the township board, if in fact you want to take some sort of action tonight. If you don't, then you don't need to do this. But if you're planning on passing a zoning change tonight, you need to do this to be legal. Thank you.

Nancy R. Heller, 3091 Blue Water Road: it's been discussed, requested, a few times. What

is insurance covering and what is the out-of-pocket expense for the winery litigation? I ask for some accountability, some sort of communication, to Peninsula Township residents. I try to attend all meetings. I have not heard any reports. I've heard requests. I think it's dangerous hearsay. I think it's important to issue accountability on this.

Wunsch: is that a request to discuss legal invoices, like the consent agenda, immediately, or do you want to see that added to an agenda for a future meeting?

Heller: for a future meeting.

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

Wahl: are we adding C1?

Wunsch: no.

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

Planning Commission Agenda

Hornberger moved to approve the consent agenda as amended with a second by Dloski.

Motion approved by consensus

8. Business

1. Update from Park Committee

Mike Skurksi, 14696 Mallard Drive: our last update was that you had accepted the bid for the five-year plan, which we'll start on at the October meeting. We'll have a series of public hearings that will start soon. Michele is going to talk about a great project for Bowers Harbor.

Michele Zebell, 2616 Bower Harbor Road: in early August, Mike and I met with portions of the township administration for us to come up with a plan for adding playground equipment to Bower Harbors Park. We had to take the swing set down due to a tree coming down and damaging it beyond repair. We had a very ancient and terrifying slide removed. In your packet is a document titled Pavilion One North Playground Proposal. There's a swing set that we want to put in place of the one that was damaged. It includes a toddler swing as well as an ADA swing. We are very fortunate to have a discount program happening right now. If you look at the overview of costs, you'll see that we get a substantial discount if we are able to make this purchase before the end of October. Mike and I went out to measure to make sure everything could fit with the possibility of maybe someday adding pickleball courts where the current basketball court is. We also measured out the basketball location. It might infringe on the volleyball court but I don't think that that is a huge obstacle because we can slide that over. There's plenty of room. And rather than separate the swings from the other equipment, as the company suggested, we could have them next to each other. That eliminates two sections of border edging, which would reduce the cost by about \$1,200 more. We love this idea. When I was helping my husband with the drone photos, there were kids climbing all over the place and one little guy was very excited to know what we were doing. He helped roll in the 200-foot tape and said he would be back in the spring to see if we were able to put the playground up. We hope you will support this idea. We think its proximity to Pavilion One gives people who are using it so many options for recreation. We feel this is in keeping with the master plan location-wise as well as with the identified recreation needs. We're hoping to keep the beloved merry go round that is not affected by the location of those items. Also, if it's deemed safe,

we can keep the little slide that's there. The one item that would have to be moved or removed is the slide you see in the photo. We cannot fit a basketball court in there with that slide present. It is pretty old and some parts need to be replaced. I would thoroughly support moving it and still using it. I think that's the fiscally responsible thing to do, but that's something we won't be able to address until later. Finally, they are not able to schedule installation until sometime in May or June, if we get our purchase agreement in place before the end of October. Once we have that in place, I would very much like to invite the community to come celebrate the addition of this playground equipment and also present new ideas or give people a say in what else should go there and possibly get promissory cards from families who are interested in supporting us financially. I hope that you will consider this. I'm very excited.

Skurski: the initial price estimate is \$52,393.

Achorn: when is this \$52,000 required to be paid?

Zebell: we need to make payment this month. I don't think we have to pay the full amount. But the contract has to be signed, and if it's paid via credit card there are additional fees.

Rudolph: usually for something like this you pay half down.

Zebell: I would assume so but I don't know.

Skurski: I think that's in the contract details.

Shanafelt: really nice work. Did we lose the zip line? It's modular; maybe we can add it later?

Skurski: yes, the zip line was expensive.

Achorn: is this the same company we worked with at Haserot?

Zebell: yes.

Hall: with the zip line, is there any discussion around liability insurance?

Skurski: we haven't had that discussion yet.

Zebell: the area around the swing is large because they graft onto the plans the required area needed to keep children and people safe. Because of the movement, there are motion rules.

Wunsch: we need a board decision at this meeting if they are going to move forward with this plan. Board comments?

Wahl: this is long overdue. Equipment has been neglected. I'm happy to see progress.

Chown: it took a lot of boots on the ground to bring this to us tonight. You did your due diligence and worked to make the equipment affordable. I would like to make a motion that we approve this.

Wahl: before I support, do we know how much we have to give initially?

Achorn: the total amount comes from different places, so we need a vote to approve each of them. We previously had capital campaign donations for capital equipment that was needed in the township. The parks were given \$11,173. The people who didn't know what they wanted to specify said they would just leave it up to the board to decide. That is \$10,927. So the total \$22,100 we could move easily from the restricted funds. The balance of \$30,000 would be a motion to utilize a portion of the ARPA grant that we have. The odd dollars could possibly come from the parks budget.

Chown: Armen, do you have all that? I withdraw my motion.

Shanafelt moved to support funding the playset equipment using funds from the budget described by the treasurer: \$11,173 from an unrestricted set of funds that were donated in the capital campaign, \$10,927 from a restricted set of funds that were allocated to parks as a consequence of the capital campaign, and \$30,000 from the ARPA funds with a second by Chown.

Sanger: if it goes forward, where will the pickleball courts go?

Shanafelt: south side of the tennis courts.

Sanger: where the basketball court is now located? I did look on the bid. Here it says "Payment terms are net 30." Shipment is 12 to 18 weeks so I would assume we would not pay until we receive the merchandise, which is what net 30 is. The installment is net 10. So there is timing here in terms of cash flow.

Achorn: we have the money in house.

Sanger: I understand. I would also request that legal counsel review the contract. That's normal before someone signs the contract. If that's not normal policy, I would like that added to the motion.

Shanafelt included an addendum to the motion that legal counsel review the contract in the context of the township's responsibility in signing for it and to give the supervisor power to sign the contract as appropriate with a second by Chown.

Roll call vote: yes - Rudolph, Wahl, Shanafelt, Chown, Wunsch, Achorn, Sanger. **Passed**
unan

2. Discussion on potential conflicts of interest regarding vote on amendments to the zoning ordinance related to farm processing facilities and winery-chateaus.

Township Legal Counsel William Fahey: the question is whether or not voting on a zoning ordinance amendment presents a conflict of interest for individual board members. To give you an example, let's say we were going to amend the zoning ordinance to address something that would apply to all residences within the township. Would that disqualify anyone from the township board who happens to have a residence from voting on that general provision within the zoning ordinance? The answer to that obviously is no. That's the same rule that would apply to any ordinance of general applicability in the township, including an ordinance that regulates wineries, or any business, or any use. Where a conflict of interest comes in is when the vote that is being taken or the matter that is being discussed has a specific financial benefit or detriment to the individuals who are being asked to vote on it. So, for example, if one of the township board members wanted to open a winery, it would not be appropriate for that township board member to participate in the decision on whether a permit should be given for that particular winery. That's because it is specific to that person's own unique financial interest. That's the nature of a conflict of interest. The distinction you need to make is this: for matters of general applicability, there is no conflict of interest. In fact, the law says you have a duty to act on those things. On the other hand, matters of applicability to your own unique financial interests do present a conflict of interest on which you should abstain from voting or participating. It's a very clear line of demarcation between where conflict exists or does not exist.

3. Public hearing on the adoption of zoning ordinance amendments related to farm processing with potential board action to occur.

Cram: this is the public hearing for proposed zoning amendments that affect the existing winery-chateau ordinance as well as the farm processing ordinances. This was publicly noticed in the Record-Eagle as well as posted to our website. The 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 two 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) (these replace the existing Winery-Chateau standards)
- 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
- Updating the table of contents as appropriate for all proposed amendments

I've been the planner here for nine months. I've paid close attention to the existing master plan, the proposed master plan, and the community survey that was done in 2019. I've also been digging through past records. May 20, 2019, is when we first became aware that the local wineries had issues with the current zoning ordinance. This was discussed during a public hearing with the planning commission. Moving forward, the [former] director of planning [Randy Mielnik] worked with a subcommittee of the planning commission and local wineries to understand those issues and propose amendments. That work was conducted on a monthly basis from May 2019 to March of 2020. Work on that subcommittee was paused as a result of the COVID-19 pandemic. On October 21, 2020, the WOMP lawsuit was filed. On October 6, 2021, the township board held a special informational meeting at St. Joseph Catholic Church. Public comments were received related to the WOMP lawsuit and concerns with the winery uses were expressed. I reviewed those minutes and all of the attachments and several things rang loud and clear: residents really want to maintain the rural character. They have concerns about the noise from the wineries. And we also heard very clearly from the farmers that they want equity in the zoning ordinance so that it applies fully to all types of agricultural operators. The comments that were received during that special meeting supported what the 2019 resident survey said. Moving forward to November of 2021, the township board appointed a citizens' agricultural advisory committee made up of a combination of residents and farmers. As was noted earlier, three seats were held for the wineries. In December of 2021, this committee began meeting. It was originally charged with providing input and recommendations to the township board related to the ongoing mediation with the WOMP lawsuit. After mediation concluded, the committee evolved to provide policy recommendations for zoning ordinance amendments related to the agricultural sections of the zoning ordinance. On May 16 of 2022, those policy recommendations were forwarded to the planning commission for consideration. Public comment was received during that study session. On July 26 of 2022, the township board and planning commission held a special joint study session to discuss the proposed zoning ordinance amendments to the farm processing facilities and winery-chateaus. The proposed amendments before you were drafted by Township Attorney Bill Fahey and I. We considered community input and

had two goals. The first goal was to draft a zoning ordinance that is legally defensible. The second goal was to update the zoning ordinance so that the farm processing use is equitable and even handed for all agricultural operators, regardless of what they grow. Regarding definitions, "Farm Operation" is an important definition because it takes away the requirement for ownership and allows for more flexibility in getting those contiguous acres together.

"Retail Farm Processing Facility with Indoor Sales," "Retail Farm Processing Facility with Indoor Sales and an Outdoor Seating Area," and "Wholesale Farm Processing Facility" definitions were added, as were definitions for "Raw Produce" and "Vested Right."

"Winery" was updated for consistency with how it is used in the context of the zoning ordinance. A definition for "Contiguous" should be added to be consistent with the PDR ordinance.

Hall: the definition of "Farm Operation" is limited to the production of agricultural crops. Are there farm operations where animals are reared on the peninsula?

Cram: we don't see a lot of those uses happening. This definition could be updated to include that, but this definition is consistent with where it is used in context in the zoning ordinance.

Hall: it means that animals would not be considered a farm operation under our zoning ordinance.

Shanafelt: I imagine that the land use needs for animals are very different than for crops. That might require a totally separate kind of definition.

Cram: correct.

Sanger: I also ask that "Entertainment" be defined. This word is used later on in various sections. My suggestion is that we look at how it is defined by the Michigan Liquor Control Commission.

Cram: I received those comments. I can add that if everyone agrees.

Shanafelt: "Raw Produce" doesn't specify that the produce comes from the farm operation in question. Should we consider adding a component to clarify the source of raw produce? I think that would be consistent.

Wahl: in the definition it's not necessarily needed. When it talks about raw produce later, it does specify it has to be from the farm operation.

Hornberger: within the body of the ordinance, it pinpoints that, but just the definition of raw produce doesn't.

Cram: as proposed, the winery-chateau standards from Section 8.7.3(10) will be removed and replaced with two opportunities for retail farm processing facilities. 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 will still exist in the zoning ordinance. The reasoning for removing this use is that guest rooms are a purely commercial use that is not accessory to agriculture. Guest rooms are currently allowed as a commercial use in the C-1 zone district. For the time being, 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 activities use did not apply to other 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. Discussions with agricultural operators will take place and suggestions will be vetted through a public process.

The comparison chart included in the packet compares the different types of uses and components within the standards. With regard to the existing winery-chateau use, guest rooms are allowed with certain conditions and guest activities are also allowed with certain conditions. Under the proposed zoning ordinance amendments, guest rooms would not be allowed and guest activities would be included under a different section in the future. A township-wide event could be considered. Free entertainment indoors is also an option for both the new retail farm processing facilities. All other components of the uses under the current farm processing facility by right and the 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 have been proposed that make them reasonable and equitable for all agricultural operations.

The statements of intent have been amended for all 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. Simply put, you have to be growing something to get approval for a farm processing use. The intent statements further clarify that farm processing facilities are generally characterized as industrial uses when conducting processing and wholesale sales and as industrial and commercial uses when conducting processing and retail sales. 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.

Regarding 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. The processing and sales changed slightly from wholesale to retail sales with regard to those specific standards.

Regarding sources of raw produce, the current limitation on sources of produce is difficult to enforce. Proposed amendments would require that 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 facility as accessory to local agriculture but allows for flexibility for 30% of what is sold fresh or processed to come from land and other farm operations. The proposed amendments better clarify the requirements and will also make enforcement of the ordinance easier. In addition, 65% of the required acreage will need to be in active crop production, and 70% of what is processed would come from the specific farm operation.

Sanger: does this crop production have to be in the grape industry? Or can it be pumpkins and sunflowers?

Cram: we discussed this, and we want to allow for some flexibility. The 70% requirement

will require that they're growing a majority of what they're processing. We want to give the farmer flexibility to plant what is needed for soil conditions so that crops can be rotated and to allow creativity within the industry. We didn't feel that the active crop production had to be only what they were processing because the 70% would require them to be growing the majority of what they are processing.

Sanger: I wonder what's wrong with fallow land. If I were an agricultural producer, I would like to have flexibility and decide if I want to meet the requirement by planting sunflowers, just to meet the requirements, or let the land lie fallow for that year or years. This requirement of setting an active crop production when it does not pertain to grapes...I'm having trouble with telling the agricultural operator that they must do something to the land to keep it active, and I think there's nothing wrong with keeping it fallow.

Cram: to clarify, this doesn't relate specifically to wine; this applies to all agricultural crops. If I am growing predominantly lavender and I want to process it into lavender oil, I would be required by my use by right or my special use permit that 70% of what I process comes from my farm operation. I might have more than 40 acres or even 60 acres so I could be growing other things on my farm.

Sanger: my point is, I don't think it's equitable for government to demand that the farmer do something. For example, lavender is very confined. One can have 10 acres of lavender and that's a lot of lavender. If they're coming in with the minimum 40 acres and they will meet the 70% requirement of product being processed, or if they wish to plant 10 or 20 acres just to get started, the township is going to force that additional burden on them to plant something else. I'm not arguing about that something else per se. It could be sunflowers; it could be most anything. I don't know why we're not happy with that land lying fallow and letting the farmer make the decision.

Cram: are you suggesting that you want one or the other, that you would remove the 65% requirement in active crop production, or you would remove the 70% requirement? They are different. They work together.

Sanger: I know they're different. What I'm questioning is, how do they work together? If one starts out on this peninsula with 40 acres, to plant even 65% is a huge investment. They may start out small. But as they start out small, the township is going to require that [65%] of that 40 acres be in active crop production. It puts an additional financial burden on that startup operation. And I don't see any benefit to the community.

Shanafelt: would a definition of active crop production that included the variable uses of farmland as they are needed to effectively grow particular crops satisfy that concern?

Sanger: I'm trying to get to the basis of why township government cares if the agricultural operator leaves the land fallow in a given year.

Shanafelt: that sounds to me like a very specific case for certain types of crops. Essentially, leaving land fallow is necessary for producing specific types of crops. So can a definition of active crop production include, "whatever is appropriate to effectively grow these crops"? Then the definition is perfectly fine. And then if you need to leave your land fallow, it is part of the active crop growing process because you need to leave it fallow to be successful.

Sanger: don't we need to define an active crop production as leaving fallow?

Shanafelt: you don't have to define leaving fallow. You can just say "what's necessary to

effectively grow the desired crop,” or whatever the accepted standard practice is. We can get feedback from farmers if we really need that.

Cram: there would be flexibility for other crops or for not having crops. The goal is to try to preserve land in agriculture and to ensure there's active crop production going on in order to process. If someone chooses to have a farm processing operation, then they need to be growing something to process.

Rudolph: what Sanger is saying is if you need 40 acres of land in order to have a processing facility, but the crop you're processing only requires you plant 10 acres, then the question is what happens to the other 30 acres? Maybe the way we approach this is we say 65% needs to be in crop production or fallow land or forest. That way we preserve that rural character and let the farm operator decide how much land they actually work.

Hornberger: the 70% of what you're selling comes from your own land to process, so you can still bring in 30% from someplace else. It's not 70% of the land.

Sanger: okay, simple example. One wants to go into the business of growing grapes and making wine. The ordinance says you have to have 40 acres. So one buys 40 acres and that allows them to go buy some distilling equipment or fermenting equipment, basically get in the business of turning grapes into wine. Now the township, and mainly the enforcement officer, he's gonna say, “First of all, I see that you are selling 100 bottles of wine this year. And you have to show me that 70% of the grapes used for that wine came from these 40 acres.” No problem. But then the officer comes along and says 65% of the 40 acres, roughly 25 acres, has to be in active crop production. Now this agricultural operator says, I'm just starting up. I've got five acres in grapes or one acre of lavender, now the township is forcing me to do something with the land except leave it as a forest or leave it fallow. I thought at first we were going down the slippery slope of a vine fruit being pumpkins. We've been down that slope but I found out yesterday that's not what's happening. The township is saying that you must keep 25 of the 40 acres in active crop production even though you only need 10 acres for the size of the winery at that time. I just don't get it. It seems like an overreach.

Shanafelt: what you're saying is, you want to add a definitional component that in your wine example, on the 40 acres using 10 acres for wine, the rest of that land has to be either forest or fallow.

Sanger: that solves the problem if those 10 acres make enough wine for that operation.

Cram: if they're meeting the 70% requirement then why are we requiring them to over plant? That is a good point, and we did discuss this at the citizens' agricultural advisory committee. We don't want someone to take a forest down for the sake of planting something. We had some language in a previous version that said 65% could be made up of forest. The 70% I believe is important and valid. I get what you're saying. That'll be for Bill and I to tackle with input from the board, of course.

Alexander: we talked about preserving existing stands of trees and wetland areas. I think that was the specific language.

Cram: yes, and environmentally sensitive areas could count towards the 65% if there was a wetland or something. But the 70% requirement would have to be met regardless. It will be up to the farmer to make sure that 70% of what is being processed comes from their farm operation.

Alexander: can we look at the next statement, sources of raw produce? Triple I says, "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." It feels like something is missing.

Board discussion

Alexander: can we just say something like "Provided the verification *is provided* by the department?" I just want to make clear that was the name of the agency.

Cram: noted. Parcel requirements are generally the same. The existing farm processing facility as a use by right requires 40 acres with a minimum 20-acre parcel for the facility. That remains the same. With regard to the existing winery-chateau, it requires 50 acres as a whole. And then for the two new proposed retail farm processing with indoors sales only, it stays consistent with the 50 acres, with a minimum of a 30-acre parcel for the facility. It allows for a little more flexibility. Then the proposed retail farm processing with indoor retail and outdoor seating bumps up to a 60-acre requirement with a minimum of 40 acres for the parcel facility. The justification for the acreage is, we're sticking with what has currently been working for this community. The larger acreages are to mitigate the negative impacts of an industrial/commercial use that is accessory to agriculture. As discussed, we receive noise complaints because sound travels. One of the things that helps mitigate those types of impacts is not only distance but buffering. That's why the acreages are proposed. All these facilities also need to accommodate adequate access, parking, drainage, and crop production.

Alexander: outdoor seating, in the packet, page 15, iii, parcel requirements: "A total of 60 acres of contiguous land must be dedicated." I wonder about the word "contiguous" there. When I look at three i, it says, "At least 40 of the dedicated 60 acres must be in a contiguous parcel." If we took out the word "contiguous" after the total of 60 acres, it seems like it would jive with three i. Because it's 60 acres of land that needs to be dedicated if we just take out contiguous...

Cram: but we want the 60 to also be contiguous.

Board discussion

Cram: that's why we want to introduce this definition of contiguous: "describes two or more parcels of land with a common boundary or point that may be separated solely by private roadway or public right of way."

Rudolf: the citizens' agricultural committee had originally proposed that this be an 80-acre parcel instead of a 60-acre parcel. The reason is that we recognize we've had complaints in the past and we were looking for a way to mitigate the effects on surrounding properties by the operation of the facility with the outdoor seating. We recommended 80 acres as a contiguous package so that there's as much buffer room as we could provide. That was the original recommendation from the advisory committee. I still think we should be talking about 80 acres instead of 60. We have seen a lot of problems with operations with outdoor noise in the past and it is certainly a way to mitigate that or attempt to mitigate it.

Shanafelt: I think the logic is sound. Another way to address it might be increasing the setbacks. Isolating as much as possible.

Alexander: those are 350-foot setbacks.

Cram: as proposed, the setbacks are 200 feet from the side and rear property lines. The outdoor seating associated with a farm processing facility with indoor retail sales and outdoor seating is proposed at 350 feet. I included a drawing in your packet that shows a standard 40-acre parcel and how those setbacks would work. Yes, 80 was recommended. At the study session on July 26, a planning commissioner noted that they didn't see the rationale to go from 50 with indoor retail to 80 just for the outdoor. We do have to address the level of reasonability. Looking at a 40-acre parcel, not all are going to be perfect squares or rectangles. It does allow for flexibility for things to move, and in those particular situations, it will be required that they come through the SUP process. The planning commission and the township board will look at proposed sites and if there are neighborhoods in proximity, in addition to those setbacks, there are buffers that could be provided with landscaping. We are trying to provide for the space that's needed to mitigate those impacts but also be reasonable. We did hear from several agricultural operators that 80 acres was very onerous given the current cost of land. That's why staff and our attorney landed at the 60 acres.

Regarding setbacks, the drawing provided in the packet with a standard 40-acre parcel shows what a 200-foot setback would look like. If you were placing a farm processing facility as a use by right on a 20-acre parcel, based on the square footage requirements, you could have approximately a 10,000-square-foot building. You can see there is flexibility in locating your processing facility and crops where it's optimal. Setbacks are currently proposed at 200 feet from side and rear property lines and 50 feet from the front or public right-of-way. Those are consistent with what currently exists in the zoning ordinance. Right now, the farm processing as a use by right requires a 200-foot setback from residential structures, and that's to mitigate negative impacts. The existing winery-chateau requires a 200-foot setback for guest rooms and guest activities from agricultural operations. That is for safety. Those farm operations need to be able to spray, etc. We did discuss with the citizens' agricultural advisory committee what they felt was reasonable. They unanimously felt that a 200-foot setback was reasonable and necessary to provide for safety from the different uses as well as to mitigate those negative impacts.

Dloski: if I understand it, the minimum frontage is 330 feet. When you impose your setbacks of 200 feet on each side, you can't use that parcel.

Cram: no, the 330 feet is the required road frontage. That is what currently exists. It prevents someone from creating a flag lot or something. In order to have adequate frontage on a public road, the zoning ordinance requires 330 feet. That's just a frontage requirement.

Dloski: what is the frontage on your drawing?

Cram: the standard dimension on a 40-acre parcel is 1,320 feet by 1,320 feet. Of that, in order to meet the standards currently and as proposed, you would have to have 330 feet of frontage so that access can be located adequately to meet view corridors, things like that. If you had a funky-shaped parcel and didn't meet that, it might be difficult to site a farm processing facility.

Dloski: right, if I had 330 feet of a long narrow parcel, I can't use it.

Cram: you would have to apply for a setback variance from the zoning board of appeals.

You would have a unique circumstance.

Dloski: for a farm processing facility where everything is done indoors, you still are imposing 200-foot side yard setbacks and rear yard setbacks. Why when it's all indoors?

Cram: the same reasons. Because of the need to mitigate the negative impacts from residential as well as a farm operation adjacent to another farm operation. If they're spraying and things, you want to have that separation.

Dloski: what objective standards were utilized to establish these setbacks?

Cram: we looked at the existing setbacks, we looked at how they relate to the land, and we looked at other setbacks within the zoning ordinance.

Dloski: what were the objective standards that set the existing setbacks?

Cram: I can't say. The ordinance was adopted in 1972 and has been amended over the last 50 years. The setbacks seemed to be consistent.

Dloski: do you have an opinion from our legal counsel that those are enforceable?

Cram: Bill has reviewed this document. I'll let him comment.

Fahey: the setbacks that I've seen are not out of line whatsoever with other ordinances from around the state. These are very much in the ballpark. We've seen setbacks in other ordinances that are even farther than this. I'm not at all uncomfortable with these.

Cram: we originally started with a 1,000-foot setback, went down to 500, then 350 for the outdoor seating, and then maintained the 200-foot setback that exists. That has not been challenged, nor has it been brought up as a concern.

Sanger: from an enforcement perspective, we have had cases brought to my attention where just a normal matter of closing a car door makes noise. We have to come to grips with these business operations that have people coming and going. When they close at 9:30 at night, you're still going to have car doors slamming. Keep in mind that people who have been imbibing tend to be a little bit louder. Maybe we haven't conducted a study of the attenuation versus sound over the distance, but I think these are reasonable setbacks to address some of the complaints we've received.

Rudolf: on the 350-foot setback for the processing with outdoor seating, I think we may want to include in that statement that the specification for 350 feet is designed to minimize potential conflicts with the use of neighboring properties. And I would say that because it's differentiated from the 200 feet, so we should have some reason for making that differentiation.

Cram: with regard to the farm processing facility size, as proposed, what currently exists for the farm processing facility as a use by right is being carried forward for all farm processing facilities. That is, "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." That was an update that was initiated via Amendment 197. It seems to be working well, allowing for the flexibility for a larger building depending on the acreage, scaled to size. We do want to encourage the use of pre-existing buildings. When we're looking at the farm processing as a use by right, we should make that consistent with the two retail farm processing options.

Chown: I have a request about the placement of new farm processing facilities. I'd love to have some language in here that pays attention to the placement of new farm processing facilities so that they don't occur within a viewshed.

Cram: we can discuss where that belongs. Utilizing the pre-existing buildings hopefully

encourages the adaptive re-use of the historical buildings. The existing ordinance with regard to remote tasting rooms is working well. We were able to see a new use with the historic schoolhouse. With regard to vested rights, we did propose a definition for this. We want to make it clear that farm processing is an accessory use to agriculture; it is essentially an industrial or commercial use. This clarifies that the farm operation is choosing to pursue a farm processing facility. If they choose not to do that and we still have this building, that building can only be used for uses that are allowed in section 6.7.2 for agriculture.

Parking remains the same. The parking requirements from section 7.6 still apply. We did update those specific standards. They are discussed on page seven of the packet.

Signs will conform to the requirements of section 7.11. No change.

Lighting will conform to section 7.14. No change.

Access for a wholesale farm processing facility shall be from a public road. It may be gravel. A retail farm processing facility requires access to be from a public, paved road. The appropriate access permits are required from either the road commission or MDOT. And the site plan would show where that access would be located.

The requirements for water demonstrate that they have adequate water for the use that is required. Adequate sewage and wastewater disposal, fencing, or a planting buffer may be required if we're looking at additional ways to mitigate negative impacts. The outdoor seating area does have a specific requirement that the outdoor seating be defined with a fence and or landscaping.

The process for providing data and records to ensure that the zoning ordinance standards are being met while the farm processing facility use is being conducted has been clarified. Currently, data and records are to be submitted to the zoning administrator. Because the zoning ordinance is so old, it didn't anticipate that we would have both a director of zoning and a director of planning. What this proposes is that data and records be submitted to the planning department because the planner will be taking the application through the process and will understand the details. If there are any enforcement needs, it would revert to zoning and code compliance. The approval process has been updated to reflect current staff responsibilities and clarified with respect to what is required to move forward with a building permit. One of the things I noticed after attending some planning commission meetings and township board meetings is that the zoning ordinance has always identified that a site plan review is required. It's required for the approval of the use by right, and it's also required after a special use permit. What happens is that when someone is going through the special use permit process, they're trying to get approval of a special use. You don't want to put the onus on the applicant to spend the money to have all the final grading plans and final drainage reports created because they don't know if the use is going to be approved. They have to provide evidence that they can meet the standards, but they don't necessarily need to have those drawings done. Once the SUP has been approved by the planning commission, recommended to the board, and the board approves it, then the applicant has to come in and get a land use permit. What's happening is, once they dig in and start getting to their final drawings, sometimes things change. We want to make sure we catch those things before it goes to zoning for approval of the land use permit. We want to make it very clear that the site plan review process is a

requirement and who is responsible for doing what. It was recommended to me by my supervisors that this change be made regarding how our departments currently work.

Shanafelt: this would be best practices, right? For clarification, what that April 15 deadline is reporting, just say something like "from the previous year."

Cram: I've noted that from your written comments; thank you.

Rudolph: on the reporting by April 15 of each year, I think we should include a statement that says, "Failure to provide the reports would be considered a violation of the ordinance and could result in invalidation of the SUP."

Cram: thank you for those comments; they are in the packet for the record. We will have a situation where we'll be getting two different types of data. Because all of the existing winery-chateaus and farm processing facilities are already approved, they will need to continue to meet their recording and data requirements. Then we will have new requirements for the 65% and 70%. I've started to figure out how that might look.

Achorn: when is the site plan review required to be submitted?

Cram: a site plan review is required as part of the approval for a wholesale farm processing facility as a use by right. That would be an administrative review. That is the current requirement. I'd like to touch on that a minute because I know there have been some concerns as to why the retail use has been removed from farm processing as a use by right. That is because, as it exists, it doesn't allow for public input. With retail comes parking and people and impacts that need to be mitigated. Currently, there is no process for public input. When Bill [Fahey] and I first started talking about this, again, best practices. A farm processing facility is an industrial use when conducting wholesale. Generally, you would not see that as a use by right. I explained that this community is vested in having a farm processing facility as a use by right. How we could allow for a public process is to remove the retail component and move back to what is reviewed under a special use permit. If someone is proposing a farm processing facility with retail, the neighbor should know about that and be able to comment. The current process does not allow for that. We have seen that all the existing farm processing facilities that were approved as a use by right have had complaints about negative impacts. By removing the retail component, we can still have a farm processing facility as a use by right. It's an administrative process they would work through with the director of planning and then the director of zoning for the land use permit. A site plan shows where all the components of a project are. Your access, your parking, the facility. Site plan review is also a process. As part of the special use permit process, the planning commission and the township board would see a site plan. They would review it and make sure it meets all the standards. Once the special use is approved, the applicant goes to work getting all their final plans together. Before they can submit for a land use permit, they need to go through the administrative site plan review process. This already exists in the zoning ordinance; it's just being missed. We're trying to make everybody aware of that. They would go through the administrative site plan review process. The director of planning confirms that the final site plan, drainage plans, all of those are consistent with the SUP. If it's not consistent, it comes back to the planning commission and the board before going on to a land use permit. If the changes are significant enough, it may require an amendment to the SUP. The Seven Hills project that we recently all reviewed and allowed to move forward is an excellent example

of a situation with minor changes. It's planning and zoning working together to make sure what the planning commission and the township board approve is being built correctly.

In closing, this is a public hearing. Members of the planning commission and township board may take action tonight. We recommend that before taking action, they consider all public comments. If you don't take action this evening, you should make a motion to table the public hearing and action to a date specific, which would be the November 1 township board meeting, so that we can continue the discussion, make changes that you all agree to this evening, and come back for another public hearing to allow due process. Last, these farm processing standards are just one part of what the township plans to do. We are working on updating the roadside stand standards to be compliant with Right to Farm and GAAMPs. We're also looking at introducing agritourism uses that could be approved, potentially as a use by right or through the special use permit process to allow for value-added agriculture to occur. There are other amendments coming that will help support agriculture in this community.

Alexander: I have a question on page 11 at the top and again on page 16. I'm talking about retail farm processing facility size. It says, "A tasting room shall be included in the allowable square footage." Should it be, "Tasting room may be included in the allowable square footage." Can we change that to "may" rather than "shall"?

Sanger: what it means is, if you have a tasting room, it shall be included.

Cram: yes. It needs to be shall.

Wunsch: I will close the regular scheduled October 11 meeting and open the public hearing on the proposed farm processing facilities ordinance.

Shipman: the planning commission closes the regular meeting and opens the public hearing for the ordinance.

Peter Kohl, 9466 Rolling Ridge: I am very impressed. I sat here for an hour and a half and wasn't bored for a second. Your planner is outstanding. The committees are marvelous. The work you put into this astounds me. The time, the effort, the compromises you made were really terrific. I thank you for that. Obviously, at some point you're going to approve an amended ordinance. It will be significantly better just listening to you all. I urge you to adopt it. Keep her too; don't get rid of her. She's good. You're all good. This was an education and I learned a lot. But my main issues and why I come to these meetings, as I think is true for the majority of the residents out here, is that we don't want more restaurants. You already have six; we don't need 11 more. We don't want to have parties till two o'clock in the morning. That's what the lawsuit says. They said you can stay open till two o'clock in the morning. They can have events. They can have parties. They can have weddings seven days a week, two a day if they want, one in the afternoon and one at night. So those are my main concerns. Restaurants and playing music till two o'clock in the morning. It would be a catastrophe, I think, and unsafe. But once again, I'm very impressed and thank all of you.

Jill Byron, 2249 Twin Eagles Drive: I'm reading for Grant Parsons (see attached letter).

Bern Kroupa, 3183 Shorewood Drive: maybe the loss of lodging can be made up by all the creative vacation rentals going on in our residential zone these days. That was an intended slam, one of the really bad things going on in this township. Anyway, for 25 years I've

fought for the rights of wineries, and I still don't have a single wine grape in the ground, and I have no intention of having any. I'm one of those growers, many of us are, that are kind of caught in the crossfire. Because [the zoning ordinance changes] affect what our next generation is going to be able to do or not do. I shudder to think what the agricultural environment heading north from here would look like without the wine grape industry. Now I can say with some certainty that every winery is on the site of what is one of three things. Either it was a failed operation from something else, it was a declining or rundown farm, or it was another place to build two or three homes. So it's a wonderful thing. We did a plan 20-some years ago. These guys did [the proposed new] plan this winter. Some smart people were on that panel, and I respect them. But I think it was done in a void. When you're looking ahead at what really is strategic stuff, [they] totally ignored the processed fruit business, which is still the big acreage. Why it shouldn't be ignored is that I can stand here tonight and say a majority of that processed fruit acreage will not be replanted in processed fruit. If we had a real plan going on for looking at agriculture, we would have had not only demographics as we did last time 20-some years ago, but we would have also talked about tree age, etc. Back when we had everybody around the table, we came up with a use by right. We worked hard on the acreage. I would never dream of supporting 80 acres. I don't support 60 acres. We had all the people involved in 40 acres. We've hassled over that for months. That and I'd like to see use by right go all the way through. By the time you turn up all those checkmarks, it should go all the way through.

Nancy R. Heller, 3091 Blue Water Road: I have been in the agricultural business for 52 years in Peninsula Township. This ordinance leaves too much up to individual interpretation by residents and Peninsula Township staff. Also, it is too restrictive for an applicant to make a living because of the cost of doing business in Peninsula Township.

Monnie Petters, 1425 Neahtawanta Road: I think this is wonderful, but it's only the first step. It is a small piece within the much larger zoning code. But it would be great to get it done. I've only been up before both boards for five or six years now talking about this. This is good. And if you pass it tonight, please, please keep going because there is so much more to be done. This won't be perfect. We had a wonderful one-and-a-half-hour discussion by Jenn that got into some of the boring details, unless you're one of these people like I am who actually find this stuff somewhat interesting. So, hip hip hooray. Get this done, but this is only one piece of that much larger document. Do this, pat yourselves on the back, and then go back to doing the rest. This is a small amount, but I think it would be great to get done and I support you all doing it. Thank you.

Jim Rafael, 14826 Mallard Drive: I submitted a letter this afternoon to Jenn for your consideration. It's a minor, fairly practical matter, not a big issue except if it becomes a big issue. It has to do with the language you have in the proposed ordinance related to access to either the wholesale or retail processing facilities. I think it's fine to say it shall be from a public road. However, it's inadequate to protect the interests of established residential neighborhoods in the vicinity of potential new farm processing facilities under consideration in the future. I think there needs to be a second sentence in the ordinance to the effect of, "Public roads previously created to provide ingress or egress for residences in established subdivisions shall not be used for access to a wholesale

processing facility or a retail farm processing facility.” I use that language specifically because of a lot of different jargon and classifications of roads, primary, local, collector, arterial, etc. Some of you know there was a period of time when the township almost required that subdivisions be turned over for public use. The developer would pay for them, then the owners who subsequently bought these lots would reimburse the developer, but they were all built by private monies and then turned over to the public. So what we have, and the reason I suggest this, is that the intent of this language should be clear. I don't think the township wants to allow for planning purposes, for public safety, for practical reasons, commercial and industrial traffic through established residential subdivisions. So I urge you to put some language in there that would restrict access via public roads to however you want to define them. But certainly put language in there that prohibits access via established subdivisions, whose roads were created specifically for ingress and egress to private residences. I don't think any of them are throughways. There are a number of subdivisions on the peninsula that are residential but the roads are dedicated for public use. So just saying “public” I think is inadequate to protect the residential interests of people in subdivisions who are going to be neighbors to proposed wineries in the future. Thank you.

Marie Dalese, 527 Second Street: I'm from the big metropolis to the south. I am also the CEO at Chateau Chantal and that is why I am here this evening. You might also know me better as Bob Begin's daughter. We've had some history in this building. As is often provided at this podium, I'll give a small history. For those who don't know, my family has lived here since 1980. I'm part of the often disparaged second generation of family wine members. I've watched as my dad worked tirelessly for years, with several cohorts in this building on this peninsula, to bring his vision forward. We have a copy, thanks to my mom's scrapbooking efforts from 1989, of a Record-Eagle headline, “Board Stalls Peninsula Winery Plan”: “Peninsula Township board members decide Tuesday that a controversial zoning amendment that farmers say would help save farming on scenic Old Mission Peninsula needs rewriting.” And it did eventually come together as what we know as the winery-chateau ordinance. I've got a personal dedication to carry forward this vision. It's a vision that my dad used to refer to in the Italian sense as “agriturismo,” a favorite word of his back then, defining this practice of merging agriculture and tourism. I think it still rings true. Just last week, the state of Michigan and the Michigan Department of Agriculture jointly proclaimed October as Michigan Agritourism month. In my opinion, the proposed ordinance before you today directly contradicts the direction of the state and Michigan Department of Agriculture. It stifles agritourism [unless we know] what other proposals you have in mind that might address that. Rather than focusing on equity with other farmers on the peninsula, we're faced with a retraction of winery-specific rights. We support the idea of reforming equity and feel agritourism activities can be held with appropriate mitigation rules for noise, traffic, parking, and health and safety concerns. That's what we're here for. It's what we've been asking specifically to be clarified in this ordinance for years. The state and Michigan Department of Agriculture indicated they want people to visit and experience farms as it keeps land in agriculture. To me, these amendments are contrary to that. We've heard the common statement from the board that “We support agriculture in this township.” What I'm reading, though, in the summary

the planner submitted for the board in the October 5 memo, is, "All other components of the uses under the current farm processing facility by right and winery-chateau by SUP would be permitted under the proposed amendments" [see remainder of comments attached at end].

Wunsch: if you've got prepared statements, feel free to submit them and we'll put them in the packet for the next meeting as well.

Chris Baldyga, 9707 Montague Road: I'm before you today as the president of the Old Mission Peninsula Wine Trail, co-owner of Two Lads winery, and grape grower on Montague Road. I don't know if you guys are excited as I am, but October being agritourism month, I thought it would be good to read it into the record because it hits on so many of the things this very ordinance is trying to achieve and should, with work, achieve in the future. This is from Lansing: "Governor Gretchen Whitmer proclaimed October is agritourism month in Michigan to celebrate and honor the economic and social benefits of agritourism to our state's farms and communities. 'Autumn trips to farms, wineries, farm markets, cider mills and other agritourism businesses offer a great opportunity to enjoy all that Michigan has to offer while supporting family farms, small businesses and rural communities across the state. This October we're celebrating agritourism month in Michigan by acknowledging all the hard-working family farmers, processors, wholesalers, retailers, who produce safe, nutritious food for us to eat and offer us unique fun and farm experiences. From farmers markets to on-farm markets to corn mazes, cider mills, wineries, to farm ways, Michigan's farms are backdrops for lifelong memories. I hope to take some time this fall to enjoy Michigan's unparalleled agritourism industry.'"

Agritourism is defined as a niche form of tourism and agriculture meeting together, including any time a farming operation opens its doors to the public, inviting visitors to enjoy their products and services. With agriculture and tourism being leading economic drivers in Michigan, agritourism offers farmers a path to diversification of their businesses to include value-added products and activities that help them better withstand things like poor weather conditions and market fluctuations. This very much encapsulates all that we should be working to do that I don't think we're doing yet. I think it's important to mention that because it shows the proposed ordinance is doing the opposite. It's increasing the barriers for entry. It's increasing the minimum acreages. I don't think they got the gist of your statement, Dave [Sanger], when you were talking about increasing the minimum amount of agriculture and how cost prohibitive that is for new and small farmers. You're creating an ordinance where the minimum entry is for millionaires only, not for bootstrapping farmers. That's the wrong direction. I also want to mention that the memos from Miller Canfield are not a legal threat, as I'm sure most of you know if you read them. They provide in detail a path to why the proposed ordinance is unconstitutional. It is avoiding future pitfalls, avoiding future legal troubles for the township. They're not threats but more of a helpful nudge. Thank you.

Louis Santucci, 12603 Center Road: let's not mince words here. What you're doing is making sure there will never be another winery here on the peninsula but that existing wineries, if they violate their SUP, and some references were made to that, even in the simplest manner, then all of a sudden you're saying the new ordinance is going to apply to

them. Does that mean you're going to say, "Hey, you only have 50 acres; you got to get 60 acres. You don't have 60 acres, you can't buy 10 contiguous acres, sorry, close your winery." This is what the whole purpose of this ordinance is. Let me just make two other comments. One is, Mr. Fahey kind of missed the point of the conflict of interest. Somebody here mentioned best practices. You have best practices, and you have the appearance of a conflict of interest. Mr. Fahey did not address the situation with David Sanger; he did not address the situation with people who are supporters or members of Protect the Peninsula. So we'll just leave it at that. The final thing I want to say is, I congratulate Mr. Fahey. So far, the costs of the lawsuit just for July through September are at \$150,000. Now we've got another lawsuit coming and Mari Vineyards has said they might have to go to a lawsuit. So I think probably in the next three to six months we'll be out of a million dollars. I wish I could work for Mr. Fahey's law firm because then I could get a lot of money to start buying some of the property out here like other people have been able to do. The point is, we're talking big bucks. We're not even at the damages issue; we're just talking legal fees. Now I talked about your obligation to execute the laws, which you have not done. You also have a fiduciary obligation to us. And I think if we get to a million dollars, you guys have violated the fiduciary duty. Because going back before, at St. Mary's [Joseph], where everybody was screaming and hollering, you probably have, we don't know, but you probably had a very good compromise that had been worked out, which you rejected. So the question really becomes, what's more important to you, your fiduciary duty or basically making a couple of people happy who don't like noise, whatever the heck that is. Somebody talked about slamming car doors. Oh my god, I better get some rubber on my car door because my neighbor might be offended that my doors...What are we talking about here? Restaurants. Someone said they don't want more restaurants, that we have enough. Basically, if they have a restaurant in their four walls, what difference is that going to make? Who is that going to bother? Nobody.

Mark Nadolski, 10 McKinley Road: it's interesting that those who are against the current revision of the zoning amendments for farm processing didn't want to be involved early on. They waited until the agricultural committee and our planner, Jenn, spent hours, days, weeks, and months preparing these zoning ordinance amendments. In regards to the lawsuit, the township did not start this lawsuit. The winery group did. They should be responsible for all of the township's costs, not the citizens of this township. Thank you.

Todd Oosterhouse, 7700 Peninsula Drive: I want to talk about unintended consequences. The winery owners lease more than 1,600 acres on this peninsula. Of that, 437 are in PDR land. That leaves another 1,100 acres or so that are just sitting out there not protected by PDR but protected by the agricultural use of wineries and what they're doing. We as farmers, we want to preserve the land for agriculture as we've done for many years. I think that's what we're all talking about here, being an agricultural community. We provide jobs for more than 425 people. Passing this ordinance can drastically affect a number of areas for a number of people. We as a community have to look at the unintended consequences of this change. Wineries have been trying to work with the township for a number of years, and having an agricultural committee that was 30% agriculture does not do anyone justice. The Right to Farm Act and GAAMPS rules need to be looked at, embedded, and signed off by an expert from that community before we do any changes. Some of these

changes that are proposed do not take best farming practices into account, such as producing indoors. How are you supposed to stage? How do you clean your equipment? Where do you run your tractors? Where do you dump your fruit? What happens to your spoils from what you make? Follow the direction of the state of Michigan and Department of Agriculture as addressed earlier. The ordinance needs to be [crafted] by farmers and experts in the field, not citizens that do not or have not farmed. Don't make matters worse by creating something that doesn't make sense. You keep alluding to changes that are going to come down the road. How are we going to take care of this? How are we going to take care of that? Have those vetted out so we see them before we start passing something that restricts a number of people and what they do. Don't go drastically pushing stuff through just because. Let's take a realistic approach and sit down and actually look at it by experts who are operating in the field. Thank you.

Harold David Edmondson, 12414 Center Road: I'd just like to say this township has to figure out how to open the door for new participants in agriculture. We're slamming the door hard and making the degree of difficulty extremely steep. With this new operation, with these new rules, I don't see how it's functional or practical. I'm a lifelong farmer out here and I know what it takes to make it work. We've been successful up here for many generations. Just like you, Isaiah, like Mr. Taft and his family, like Bernie [Kroupa] and his family. But I really feel the door's getting slammed. And not just the winery guys. It's all of the special uses, the smaller guys. This is ridiculous, given the scale of our peninsula. It's so small, I think all the nervous Nellies really don't have to worry. It's not going to blow up into this big circus. I hope we don't pass this because it's not workable. I also would like to say that I was on the agricultural committee, and I was about the only [farmer] who spoke out and there was only one other guy, Lew Seibold, who showed up consistently as well. I spoke with him yesterday. He's concerned too. But I'll let him speak for himself. [See letter from Lew Seibold at the end of the minutes.] If you guys want to see agriculture exist out here, you're going to have to go with what works. Currently, it seems like the wineries are making it work, and you've got to make it work for these other types of ag. Back to the committee, there was no balance there, so I don't know how it could hold any weight. You keep talking about how we made all these decisions. No, PTP made the decisions and a couple of residents. It wasn't the ag community.

Brit Eaton, 1465 Neahtawanta Road: as a member of the citizens' agriculture advisory committee, I want to strongly encourage the township board and the planning commission to adopt the proposed farm processing facility Amendment 201 for the following reasons. Amendment 201 addresses the critical element of parity between the farm processing facilities on the peninsula by codifying into the zoning ordinances use by right and SUP benefits for all farm products, not just the wine tasting industry. The amendment provides a reset and update after years of the township trying to modernize and make adjustments to agricultural zoning ordinances that comply with the state and right to farm laws. Number three, by continuing to rely on the current winery-chateau zoning ordinance, the township will continue to be exposed to the same environment that caused commercial wine tasting room entities to demand even more rights through the SUP creep, as I call it. This summer, I've seen firsthand a tremendous increase in visitor-serving traffic fueled by the national attention to the peninsula and the easing of COVID restrictions. Without well-

organized planing, structured development, and enforcement of our zoning ordinance, the potential increase in visitor-serving sites due to an expansion of retail farm processing facilities, which is estimated to be more than 10, could cause the peninsula's infrastructure to become overwhelmed. Too much retail expansion has the possibility of forever changing the rural character and the peninsula's balance between residential and agricultural communities. In conclusion, you have the opportunity to adopt a new baseline for agricultural zoning after seven years of frustrating attempts. I strongly encourage the board and the planning commission to adopt Amendment 201. Thank you.

John Jacobsen, 5294 Forest Ave: first of all, let me just echo what a number of other people have said, which is, Jenn, you've done a phenomenal job. Let's talk about the ordinance for a second. It's well thought out. You've taken enormous complexity and distilled it down so that it's easily understood. There are thousands of hours of work and input from all viewpoints, including agricultural operators and residents, that went into this. A key benefit, and one that was a primary aim of the citizens' agricultural ordinance committee's work over the last year, is that it provides parity among all agricultural operators, giving non-winery operators the same opportunities as the wineries. That's important. It's clear. Gone is the muddy language and ambiguities in the current ordinance. It advances agricultural businesses while putting reasonable bounds on non-agricultural commercial activities that masquerade as agriculture. Lastly, it protects the cherished rural character of the township while introducing new opportunities for agricultural operators. If I can channel Monnie Peters for a second, let's get this done. It's good, and if we find there are ways to improve it, we can always do that. Thank you very much.

John Wunsch, 17881 Center Road: I have very mixed feelings, as someone who worked very hard to create the use by right, as someone who's been involved in winery amendments all along, and as someone who helped expand facilities for production. I am very sorry we can't keep that balance, but that balance has been blown up. When you take a lawsuit that says now maybe every winery can be a full restaurant, a wedding center, a bar, do whatever they want, it becomes very hard to stay with that language. This language tries to corral that in. When we look at taking away the guest rooms, that's because we need to look at those for all farms, so it doesn't belong here. It belongs as a new topic for us to address. If we're not going to have tasting rooms on 40 acres, that means we have to commit to establishing a co-op tasting facility so those people in those operations can have somewhere for people to have tastings. If this gets passed and we move forward, we can pivot to work on those things. We need to define agritourism; we've got to have more agritourism activities. But we have to figure out how we're going to handle them. I say, we need to build a full package. Better roadside stands, smaller farm markets, get the co-op going. Set up agritourism capabilities and look at how you're going to set up guest rooms on any farm, not just wineries. I do have two questions for you. One, weddings and events are not addressed. I hope between our planner and our lawyer you can let us know that clearly means they are or they are not allowed. The second thing is, I totally agree on pre-existing buildings. Why should they not get the same right to be larger if they have more agriculture? I do want to quickly try to dispel three things that were in the packet. There is no more injunction. All the talk about "You're fighting against the

injunction" is irrelevant. That's gone. Vested rights: nobody's gonna go to the wineries and say you can't do what you do. You're grandfathered in. You're going to keep doing what you're doing. This is about the next 5, 10, 15, or 20 wineries over the next 20 years. Finally, Right to Farm. They've come to us and said they have nothing to do with processing. Processing is under local control. Right to Farm does not address processing. Good luck with your difficult decision. I think we should move forward and get to work on other things.

Becky Chown: Read citizen letters [attached at end of minutes] aloud from Lew Seibold, Fred Doelker, Bob Garvey, Susan and Phil Tarczon, Susan Linden, Leah Stearns, Jon and Sue Kinne, and Mary Swift.

Rudolph: I'd like to clarify one thing. The ordinances we're talking about deal with farm operations that do processing. That's taking a raw product and turning it into something other than the raw product before it's marketed. This does not in any way preclude a farmer from coming in here, a young couple coming in, and buying five acres of land and deciding they want to put rhubarb on it and sell rhubarb. This does not have any effect on any farm operation like that. I just want to clarify that because it seems there's a lot of confusion among some of the people who have commented tonight.

Wunsch: we should probably come to a quick consensus on whether we need to extend the public hearing. We've taken a lot of public feedback. We've heard a lot of input from board members. My sense would be that the two bodies want to adjourn this issue, get some revisions from Jenn, and hold off on making a decision this evening. Is that the consensus of the two boards?

Rudolph: that would be my recommendation.

Wunsch: that's impactful to the motion we should put forward next. If we're done with the public hearing and we're ready to make a motion, we'll close the public hearing. If we're not done with it, we should adjourn until our next joint meeting.

Shanafelt: some of the changes look minor but they're impactful in terms of how they allow the ordinances to be executed. I do think having a chance to review that final form is super important. I think we should do it quickly.

Wunsch: is that a motion to adjourn until November 1?

Shanafelt: that would be my recommendation.

Sanger: I don't see the need to prolong. I don't know what more we're going to hear. I think we're prolonging the agony of making a tough decision. I move we close the public hearing tonight.

Wahl: I agree. We shouldn't keep putting this off. We're always going to have these small minor changes.

Wunsch: my question to Bill is, should we close the public hearing and allow Jenn to make some edits based on what she's heard? Do we need to continue the public hearing if there's small edits? It seems we have consensus on the conceptual plan here.

Fahey: if people have more comments, they can add additional public comments at the next township board meeting. It's going to be difficult to get things done if you don't close the public hearing tonight.

Sanger moved to close the public hearing with a second by Wahl.
passed by consensus

Motion

Planning commission

Allen moved to close the public hearing with a second by Dloski.

Motion

passed by consensus

Cram: Bill, to meet Michigan Zoning Enabling Act requirements, we published a legal notice for this as a public hearing with the potential to adopt this. If we move the action to the November 1 meeting, do we need to make a motion to table that so our legal notice is still effective?

Fahey: you don't need to table it because the public hearing has been closed. The notice was only necessary for the public hearing.

Hornberger: can we pass it the way it is now and then have Jenn make her tweaks and have that changed?

Wunsch: we'd need to do a public hearing and reopen.

Hornberger: so we're better off having the vote in November.

Fahey: you won't need another hearing. Once it's been held, you can make changes; that's the purpose of holding a public hearing. Now we can go ahead and make whatever changes the planning commission wants to recommend and whatever changes the board wants to make in its final decision. It's not necessary to hold another public hearing. There is still a public opportunity for people to come in and participate in public comment at meetings.

Alexander: Monday night we have a planning commission meeting...

Cram: we wanted to see how this meeting went. Susie and Isaiah and I want to be respectful of the planning commission's time. There are no new business items for the planning commission for next Monday. I was going to work on our bylaws, but it's not as time sensitive as this. We propose to cancel the planning commission meeting. I would announce that officially tomorrow with a cancellation agenda and invite the planning commission to join the township board again for the meeting on November 1.

Sanger: does the town board need to receive a recommendation from the planning commission before they take additional action, Bill?

Fahey: the planning commission does have to make a recommendation. They are going to have to take a vote at a public meeting to adopt some version of the ordinance.

Cram: based on the wonderful comments we've received this evening, I would work on amendments, Mr. Fahey would of course review them, and we would get those to the public, the planning commission, and the township board so everyone has due process. Then the planning commission could make a motion or recommendation on November 1 after seeing those changes.

Dloski: why can't we do it now? The changes are minor. Let's get it done.

Hornberger: that's what I was thinking. Let's pass it now.

Shanafelt: if we get the recommendation from the planning committee tonight, that sets the township board up to accept or approve the ordinance with time to look at some of those things.

Hornberger moved that the planning commission recommend Amendment 201 to the zoning ordinance to the township board with the recommendations seen this evening with a second by Alexander.

Louis Santucci (from audience): point of order here. We made a point earlier in the

evening that you have to do a summary of all the comments you got tonight –

Wunsch: Louis, you're out of order.

Santucci: I don't care if I'm out of order –

Wunsch: Louis, you're out of order.

Santucci: ask Mr. Fahey.

Wunsch: Louis, you're not in a position to speak at this time.

Santucci continued to speak, then removed himself from the meeting.

Shipman: we have a motion on the floor. Any further discussion before we do a roll call vote?

Roll call vote: yes – Couture, Shanafelt, Hornberger, Alexander, Hall, Shipman

No – Dloski

Sanger moved to take a five-minute recess with a second by Shanafelt at 10:03 p.m.

Wunsch brought the meeting back to order 10:10 p.m.

4. Public hearing on the adoption of zoning ordinance for temporary moratorium with potential board action to occur

Cram: I have a memo in the packet. Drafting a temporary moratorium is a standard practice so that local governments can 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. That is attached. Proper legal notice has been completed for the township board and planning commission to adopt Zoning Moratorium Amendment #202 at this hearing. We will need to follow the same practice with a recommendation from the planning commission to the township board to meet Michigan's Zoning Enabling Act requirements. With that, I'll let Bill offer any other information on the proposed moratorium.

Fahey: this is the third version of the moratorium that the board has had in front of it. The first was adopted as a resolution early in the year. The second was adopted I believe in June as an ordinance. The difference between this one and the one that was adopted in June is that the one you're looking at tonight is being proposed to be adopted under the Zoning Enabling Act. Without addressing the legal issues, I think it's prudent for the board and the planning commission to at least cross this "t." In case it turns out that there is any legal deficiency, we don't have to be hampered by it. We need the public hearing. We need to have a planning commission recommendation. Then the township board has to pass an ordinance. The ordinance as it is currently drafted would continue the moratorium that is now in effect until January 1, 2023. I know there has been some discussion about extending that further, but I'll leave that to the board to discuss. One other thing I did notice when I was looking at it tonight. We initially drafted this some time ago. If you look at section 6.7.6.3, we were suggesting at that time that the planning commission should complete its review of the amendments for the A-1 district by September 30, 2022. They did that work tonight. I think it might be appropriate to simply change that date to tonight's date. Otherwise, this is in substance the same ordinance that you looked at in

June.

Wahl moved to open the public hearing for a temporary moratorium with a second by Chown. Motion approved by consensus

Couture moved to open the public hearing with a second by Hornberger. Motion approved by consensus

Andrew Blodgett, Parker Harvey: on behalf of Family Orchards, I'm just going to point out that everything you are doing tonight are things that were not done in the first two ordinances and that is our basis for argument that those moratoria are invalid and were invalid. And both of the applications submitted under those moratoria should have been considered at that time under the existing rules. Thank you.

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

Couture moved to close the public hearing with a second by Alexander. Motion approved by consensus

Planning commission discussion

Shanafelt: it still makes logical sense to keep this in place while we finalize these ordinances and have a buffer as they get implemented.

Alexander: this is something we may need again in the future for whatever reason. If it's in the ordinance, we can refer back to it. Makes common sense to me.

Couture moved that the planning commission recommend to the township board that it approve the temporary zoning moratorium with the amended date of October 11 in section 6.7.6.3 with a second by Hornberger. Motion approved by consensus

Wunsch: Bill, does the planning commission need to submit a written report of their recommendations to the town board?

Fahey: it does not. It needs to make a recommendation to you. A section was referred to by a gentleman earlier that says they need to provide to you a summary of the comments that were made at the public hearing. The context of that section, however, is not applicable when the township board has just sat through the public hearing.

Shipman: before we adjourn, for clarification, we've made our recommendation regarding the zoning ordinance amendments, so we, the planning commission, are not expected at the November 1 meeting.

Hornberger moved that the planning commission adjourn with a second by Couture. Motion approved by consensus

Planning commission meeting adjourned at 10:22 p.m.

Wunsch: discussion on the recommendation the planning commission just made?

Wahl: no. We've had a year to have this in place. I think we as a board have stated on the record multiple times what our intent is.

Sanger: is our counsel comfortable with the January 1 expiration given it is now almost November 1?

Chown: that is my concern.

Fahey: November 1 is your next meeting. I'm confident that Jenn and I will be able to get a revision together that incorporates all the things we've talked about tonight, but I don't want to be overly optimistic. Do you feel you will be able to take action on November 1?

Board discussion

Chown: what if people get sick? Let's give ourselves a buffer and go with February 15.

Sanger moved that the town board adopt Amendment 202, the moratorium amendment to the zoning ordinance, with new section 6.7.6, as published and recommended by the planning commission, with the date referencing the planning commission meeting in 6.7.6.3 changed to October 11, 2022, and the term of the moratorium in section 6.7.6.3. to remain in effect through February 15, 2023, with a second by Achorn.

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

5. RFP for PDR selection committee

Cram: I want the community to be aware that we are currently accepting letters of interest to serve on the purchase of development rights selection committee. If you are interested, please submit your letter. We will also post this to the front page of the website and do an email blast so the community knows we are accepting these letters. If you have any questions, you can email me. The memo in the packet is part of the public record.

6. Action on Family Orchards LLC waiver request

Cram: staff received a letter from the applicant on July 28, 2022, requesting a waiver from section six of Ordinance 2022-06-14 regarding the current or previous moratorium in the A-1 agricultural district. Per section six, 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 comments were received. A motion was made to table the public hearing to October 11 so that the board could consider public comments before taking action on the request. Staff has received no additional information from Dr. Knysz of Family Orchards LLC since the September 13 public hearing. One thing that we would like to note for the record is that, according to our assessor's records, the properties involved in the waiver requests 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 on January 3. Staff and legal counsel are here to answer any other questions that you have regarding this matter.

Wahl: if I remember correctly, no additional documents to support the harm being suffered were provided.

Cram: correct. There was information included about how the moratoriums were illegal but nothing about what the immediate and irreparable harm would be. Bill [Fahey] had proposed some questions that might help the board with its decision, but the applicant opted not to answer those and so no additional information has been received.

Wahl: we did give them opportunity to speak at that meeting.

Cram: correct.

Wahl: I think we discussed on the record what our decision would have been had there not been a moratorium.

Cram: the moratorium actually does the applicant justice by not allowing applications to come in because we don't know what the outcome of zoning ordinance amendments will be until they are adopted and the outcome of the lawsuit is unknown and may require additional amendments. We have some guidance now as to the direction that farm

processing will take, but we are still in a lawsuit. The zoning ordinance is a living document. We're really trying with the zoning ordinance amendments to put up guardrails on the standards. It would have been impossible for me, the planner, to review an application and for the planning commission to make a recommendation based on the fact that we're in a lawsuit. On June 3, there was a decision made that enjoined us from enforcing our zoning ordinance that was reversed in August. We are trying to be respectful of everyone's resources and make a good decision based on the zoning ordinance that is in effect.

Shanafelt: the zoning rewrite has been in process for years. But this part around the farm processing has been almost a year in the making and is evolving. Your points about uncertainty around the lawsuit are spot on. Having a moratorium, not taking action, in this regard, knowing we're in the process of rewriting farm processing, is logical. Another component is that even had the SUP gone under consideration, given the uncertainty, I agree that I don't know how we could have approved it. In terms of the timeframe, that approval probably wouldn't have happened until next year sometime. And if the new ordinances had been passed, then it's kind of irrelevant.

Chown: also, Jenn, I think you've explained that it's the ordinance that's in place at the time the application comes before the township board for *approval* that's utilized, not the ordinance that's in place when the application is submitted.

Cram: if we had allowed an application to come in, based on Judge Maloney's decision, we wouldn't have known what to do with it. Now we have better direction on our zoning ordinance that we believe addresses the issues of the lawsuit so that we can move forward with a defensible zoning ordinance. Yes, the application approval would have been subject to the zoning ordinance that is in place at the time of approval.

Shanafelt: so there's both a logical and a practical situation here. I understand that's not the point of the lawsuit in principle, but it's almost moot.

Cram: I do look forward to working with Mr. Knysz and the Family Orchard LLC once we know more.

Shanafelt: the ordinances are not trying to stop agriculture. All they're doing is clarifying what can be done and the way it can be done on the peninsula. This is unique and complex. It's not a trivial task and it's not a trivial conclusion. Because it's always changing, it won't be perfect. It may not be what any individual wants to do, but it is functional in the context of our rather complex context.

Rudolph: I'd just like to say I'm sorry that Family Orchards is experiencing these delays because of the circumstances here. But the uncertainty caused by the ongoing litigation makes it a disservice for both the applicant and the citizens of the township to go ahead with granting a waiver and proceeding under the winery-chateau ordinance. We can't predict what's going to happen with that. It's not the township that has imposed the uncertainty. In this case, it's the wineries' lawsuit that has imposed the uncertainty on the ordinances. I'm sorry that Family Orchards is experiencing these delays, but I don't see any resolution to it other than not granting the waiver.

Wunsch: I served on the Zoning Board of Appeals for a couple of years before I ran for township trustee. One of the things you always have to look at in granting a variance, whether it's a use variance or a waiver, is the unique set of circumstances. From the

presentation we saw at our last meeting, the rationale for granting a waiver that we heard was that our moratorium was not legally valid. And we weren't really given any other basis to grant a waiver. I would be very concerned if we were to choose to grant a waiver to Family Orchards LLC and not grant a waiver to anyone else since we weren't given information to make a decision on. There's been an allegation that the township is violating the applicant's due process rights. I think the consistency with which we've applied the moratorium to this applicant, as well as others who have tried to submit plans to the township during the period of the moratorium, demonstrates that we are, in fact, respecting the due process rights of all applicants. We're treating everyone equally. We've been given no substantive reason to treat this applicant differently from anyone else.

Sanger: we've had shifting sand over the last two years and definitely over this last eight to nine months. An application came in back in February or March under what is very close to being the old sections of the ordinance. With the tremendous progress that has been made just in the last couple of months, based upon a lot of work that has gone on in the agricultural committee for more than a year, if the township had encouraged an applicant by accepting an application based upon what is soon to be the old ordinance, I would think we would be culpable of giving, frankly, bad advice. If I were the applicant tonight, I would leave feeling relieved that this matter is going to be taken care of, probably no later than February the 15th. That clarity will certainly make up for lost time and definitely make up for expenses that could have been incurred by making assumptions before we had all this history of the last nine months.

Chown: it seems unconscionable to me that we would have accepted an application for a winery-chateau in the midst of the winery lawsuit and the conflicting judgments coming down from the federal court and the appeals court. I couldn't rest easily having wasted the time and resources of any applicant when the uncertainty is so great. I think that matters deeply. I stand by our former decision.

Sanger moved to deny the moratorium waiver request submitted by Family Orchards LLC for the following reasons: 1. The applicant has not stated any facts that would amount to irreparable harm if it waited until the moratorium period is over before submitting its application for a winery special use permit in the agricultural district, and the township board is not aware of any such facts. 2. The township has been actively working on comprehensive revisions to the zoning ordinance, including the provisions governing winery uses, since before the applicant first attempted to apply to establish a winery. 3. The township has had one version or another of a moratorium in place since before the applicant first attempted to establish a winery. 4. The township has produced several successive drafts of revised zoning ordinance provisions governing wineries in the last several months, and the planning commission conducted a public hearing on the current proposed draft amendments this evening. 5. It is likely that by the time the review process has been completed on an application for a new winery that the township's zoning ordinance provisions governing wineries will be substantially different than the current zoning ordinance provides. It would be wasteful both for the applicant and the township to devote substantial time to review of an application until the ongoing ordinance amendment procedures have been concluded. 6. The applicant will have a reasonable opportunity to submit an application to establish a winery after the current

ordinance amendment process is concluded with a second by Shanafelt.

Roll call vote: yes – Shanafelt, Chown, Wunsch, Achorn, Sanger, Rudolf, Wahl **Passed**
unan

Wunsch: we have on our agenda a closed session. I don't know if anyone in this room is in good shape for that.

Fahey: I think it would be cruel and unusual punishment to make you go into closed session right now. The need for a closed session at this moment is not great because we have another meeting set for November 1. I do want to make sure that we do go into closed session to discuss what is likely to be in front of the judge on November 17. November 1 will be just fine for that.

Sanger moved to table item G until the next meeting with a second by Chown. Motion passed by consensus

9. Citizen comments: none

10. Board comments

Chown: one of our township residents reminded me that tomorrow is National Farmers Day, so everybody go buy and eat some local fruit. The election commission met about a week and a half ago for the public accuracy test of our elections and equipment. That went very smoothly and at that time we appointed our election inspectors for the November 8 election. I have two additions to the list of individuals who will be working or potentially working on Election Day, depending on whether or not anybody gets sick and we need to bring in subs. As backup, I'm appointing two more people with your blessing, [Peninsula township] Election Commission: Beau Buisson and Dean Francis. They are both going to be trained. They have submitted applications. They are duly hired by the election commission to work the election if need be. Thank you.

11. Adjournment

Wahl moved to adjourn with support by Sanger.
Meeting adjourned at 10:48 p.m.

Motion approved by consensus

I support the new proposed Farm Processing zoning amendment. This amendment is the first step in adopting an updated zoning plan.

I am a member of the Citizens Agricultural Advisory Committee. We have worked for months on a new Agriculture zoning plan. Jenn Cramm provided excellent guidance under severe pressure from the *WOMP v Peninsula Township* federal lawsuit. Conflicting court decisions made it impossible to know what Ag zoning rules should be followed. The pressure from the wineries' law firm, Miller Canfield, and from winery owners -- like the letter in your packet for tonight -- appears to threaten legal action if you don't allow commercial events on Ag land.

Consider the map of that winery owner's extensive holdings on the Peninsula. He says he spent millions to build "at least four wineries and four chateaus". Then consider the letter from the Ascione family, who live near that winery developer's current winery, Mari. During a recent wedding event, the Ascione family suffered "club level music until almost midnight." If that winery owner is allowed to hold wedding events on all his eight properties, and if all other wineries follow suit and hold events, Peninsula Township will have loud club music and traffic that will "ruin the Peninsula", like the Ascione's said.

You must consider ALL property owners' rights. We have voted and answered surveys. We have suffered through other winery lawsuits. We have paid taxes to preserve agriculture. Every person who bought Old Mission property knows that. People who bought farms for wineries know full well the township's protectionist, preservationist commitment. When the current winery owners bought or inherited their property, they knew exactly what they were buying into -- they have a right to farm, but residential owners have a right not to listen to club music until midnight.

I am asking you to ignore the threats and the lawyers, and get on with the business you are elected to do: Adopt this first step toward preserving and enhancing farming. The current proposed Farm Processing amendment is the first necessary step toward 1) parity for all farmers, 2) enhanced farming revenue, and 3) residential rights. It will allow the township to lift the moratorium on winery applications. It will NOT diminish any winery's existing, vested rights.

Thank you for your work and your consideration.

¹

Grant Parsons
6936 Mission Ridge
Traverse City, MI 49686

October 11 Joint Meeting

Marie Dalese 527 Second St TC

I'm the CEO of Chateau Chantal, others may know me as Bob Begin's daughter. As is often provided at this podium, I'll give a small history. My family has lived here since 1980, I am part of the often disparaged second generation of wine family members. I have watched as my Dad worked tirelessly, for years, with several cohorts on this Peninsula to bring his vision forward.

Here's a window into that past that seems to be a consistent echo in this hall:

The township has been trying to restrict winery ag since 1989:

A Record Eagle Headline: "Board stalls Peninsula winery plan"

"Peninsula Township board members decided Tuesday that a controversial zoning amendment that farmers say would help save farming on scenic Old Mission Peninsula needs rewriting." Eventually, this became the Winery-Chateau Ordinance being struck down today.

I have a personal dedication to carrying forward my Dad's vision – a vision of "agritourismo," a favorite word of his to use, defining the practice of merging ag and tourism, and it still rings true.

Last week, the State of MI and the MI Dept of Ag jointly proclaimed October as Michigan Agritourism Month.

The proposed zoning ordinance amendment before you directly contradict the direction of the State and MI Department of Ag.

The amendment stifles agritourism. Rather than focusing on equity with other farmers on the Peninsula, we are faced with a retraction of winery specific rights. We support the idea of farming equity, and feel agritourism activities can be held with appropriate mitigation rules for noise, traffic, parking, and health & safety concerns, as the wineries have been asking, for years.

The State and MI Dept of Ag have indicated they want people to visit and experience farms as it keeps land in agriculture. The amendments are contrary to this.

We've heard the common statement from the board that we support agriculture. But, in the planner's summary dated Oct 5 to both boards, reads, **"all other components of the uses under the current Farm Processing Facility by right and Winery Chateau by SUP would be permitted under the proposed amendments."**

But that's inaccurate.

This ordinance:

- Increases acreage requirements

- Decreases building size

- Increases setbacks

- Stifles agritourism – restricting outdoor service and retail space to a fraction of the available guest demand – less people, less sales.

Next, there have been repeated complaints about commercial activities at wineries and that wineries should just be ag.

To that point, I assume the method for how these new facilities, wineries included, are taxed will change. For example, my winery, zoned ag and taxed commercially, paid \$126K in taxes for the year. I assume since you are taking away commercial activities, a parcel LIKE mine would be taxed less.

This amendment erases the opportunity to use farming as a way to preserve land in ag while creating jobs, tax revenue and a sustainable business. Where's the equality in that scenario?

Finally, in the memo to the boards, the planner states that the township first became aware of winery complaints in May 2019. We all know many of us in this room have been meeting on the topic for years prior to that date.

I have a copy with me of a 2008 letter from WOMP to the Township Supervisor requesting “that the Township begin a process in partnership with the OMP wineries to review winery ordinances working toward a stronger foundation for regulation and enablement of farm-based wineries on this Peninsula.”

There are subsequent examples from 2011 and 2015 on Township letterhead – I'll submit these for the record.

Your stated purpose all along has been to promote ag in the peninsula. These proposed ordinances do the exact opposite. If you'd like ag to succeed, agritourism needs to flourish.



February 5, 2008

Mr. Rob Manigold
Peninsula Township Supervisor

Legislative Review of Ordinances Governing Peninsula Wine Industry

This is to request that the Township begin a process in partnership with Old Mission Peninsula wineries to review winery ordinances working toward a stronger foundation for regulation and enablement of farm-based wineries on this Peninsula. We are at a point in the Old Mission Peninsula wine industry's history to draw on over thirty years of experience to make improvements on the existing regulatory provisions. Currently there are an array of ordinances governing winery operation that at times are difficult to follow, not consistent from winery to winery and positioning Old Mission Peninsula wineries at a disadvantage against competition from neighboring growing areas. We believe improvements can be made in a very positive way landing this community in a spot characterized by a healthy grape growing and wine industry bringing many quality of life benefits to the people of this Township.

We look forward to working with the Township and other interests in bringing this about.

Yours truly,

Joan Kroupa, President

Cc: Mr. Greg Fiebing

Planning Department
Daniel Leonard
planning@peninsulatownship.com

Peninsula Township
13245 Center Rd.
Troy, MI 48065

Contact Information:
Ph: (231) 223-7314
Fax: (231) 223-7117

Aug 1st

WINERY ORDINANCE DISCUSSION
WOMP MEETING
June 20, 2011
8:30 PM

5/10 mt fruit & the winery
MQUIC - get start-up info to Dan

1. Discoveries & Information

- a. Small Wineries – “What does it take?”
 - i. Start-up costs
 - ii. # of acres per type of facility
 - iii. How many gallons can one expect to produce?
- b. State MLCC Regulations + YTB
 - i. Small Wine Maker License
 - ii. Wine Maker License

2. Existing Language

- a. Strengths
- b. Weaknesses

3. Discussion Topics for Ordinances Changes

- a. Start-up wineries – Less than twenty (20) acres ^{now 40} (a-c option - other areas)
- b. Events – How many, what type, how often, how many people, how to mitigate complaints
- c. “Level the Playing Field” – What can be sold from a winery
- d. Purchasing grapes outside of the appellation and its relation to the ordinance
- e. Other topics needed to be addressed..... (Anything from the Owner’s perspective?)

4. Timeline for adjustments

- a. NOW!
- b. Continue open dialogue with the members of WOMP to continue revision process

MLCC advisory board - new org. LARA.
Holland Grading

PENINSULA TOWNSHIP PLANNING COMMISSION
SUB-COMMITTEE NOTES
January 22, 2015

Present: P. Rosi, D. Hornberger, L. Serocki
Also present: M. Reardon, E. Crafts, M. Nadolski, N. Heller, J. Krupka, C. Baldyga, J. Kroupa, M. Peters, C. Ruzak

Meeting called to order at 2:01PM


Agenda amended. Number 2 will be Bed and Breakfast; Number 3 will be Ag Tiers.

1. Minutes of November 19, 2014 Approved without change.

2. Review draft B&B language (Section 8.7.3.6). Discussed memo from Planning Department dated January 15, 2015. MEALS--Removed first sentence from (b)16. in draft to reduce redundancy. EVENTS--Will change (b)17.i. to "No more than twenty (20) outdoor events are allowed per calendar year." Will amend (b)17.ii to "No more than two (2) outdoor events are allowed per calendar week." Also, (b)17.iii will be changed to "All events shall end by 9:30."

Discussed: (b)4.v.--two hundred feet set-back from crops is for noise as much as for spray. If property is abutting ag land, could 200 feet set-back be lessened? How far should a B&B be from other uses?? How many complaints are made regarding ag noise and spray? The impact is on the B&B, not on the crops; could be reduced. Staff will look into B&B set-backs from ag crops. (b)7. Should occupancy level be increased? As written a B&B with 3 bedrooms can have 12 guests (4 per room), but a B&B with 5 bedrooms can only have 12 guests. Will leave at 12 guests per B&B. (b)9. How is square footage per bedroom measured? Measured by interior wall. (b)15. B&B establishments cannot rent snowmobiles, ATVs or similar vehicles. Can registered guests bring vehicles? B&B would need parking area so that additional vehicles would be parked legally. Is the phrase "in conjunction with the operation of the establishment" necessary? Should be reworded or removed. If B&B is sold, the SUP goes with the property. Events will not be defined in the ordinance, but there will be a definition in the Zoning Ordinance. Owner would be allowed to have a garden plot closer than 200 feet to the B&B. Owner would be allowed to have a roadside stand. Discussed ag events in association with B&B; that is a value-added event and not included in this ordinance.

3. Review draft Winery language. Discussed memo from M. Reardon dated January 21, 2015. Started with #3. which requires agricultural equipment to be stored in a structure. Can it be a covered structure or is it necessary to have walls? Is this language necessary? Section will be removed. #5. Natural disaster statement. Because of ZO's new format, this statement will be placed in Use By Right section and SUP section not in an over-arching paragraph to cover all tiers. #6. The ag tier language allowed Remote Tasting Rooms only in commercially zoned districts. The current Remote Tasting Room ordinance is tightly interpreted. Look into allowing them as currently written or in a commercial property. #1 and #2--Why are we going to tier language? Tier 1 could be

covered under food processing if some changes were made to the food processing ordinance. Standards would have to be tightened. New language allows for retail sales on site. Current ordinance does not allow for smaller vineyards; forced to build big structures. Could have custom crushes done at other wineries. Staff will go back and refine food products and work on fermented products instead of having a Tier 1. Tier 3 allows 139 wineries to have more opportunities without becoming a chateau. Tier 3 as written looks a lot like Bower Harbors' SUP. Every event at a chateau preserves some ag property on the peninsula as have to use OMP grapes to be allowed events. Should 139 wineries be allowed events too, as they are preserving ag too? There are three main benefits to being a chateau: 1.) Can have a B&B, 2.) Can have events, 3.) Can purchase bulk grape juice, which is very profitable for the winery. Old Mission wines are special; have a very good image. Winery owners will have to look at new ordinances and decide if they want to give up what they have to get something in the new ordinance. GAAMPS now allows tasting at farm markets. Attorney will have to interpret Peninsula Township needs to get closer to GAAMPS regulation. Need to work on Farm Processing, Remote Tasting, Food Processing, and Chateaus. Take what we have learned from tier language and put it in existing ordinances. Lots of work and lots of people had input in Tier Language. Did not discuss #4 (Produce requirements). 

4. Public Comment. All public comment was made during the meeting.

Next meeting Thursday March 12, 2014 at 2:00PM.

Meeting adjourned 4:05PM
laws

Rebecca Chown

From: Llewellyn Seibold <lewseibold@icloud.com>
Sent: Monday, October 10, 2022 10:27 PM
To: Isaiah Wunsch; Rebecca Chown; Jenn Cram
Cc: John Wunsch; Grant Parsons
Subject: AG Processing Amendments and Old Mission Peninsula's Agrarian Landscape

Isaiah, Rebekka, and Jenn:

With regrets I will not be able to attend the joint meeting on Tuesday Oct. 11, 2022 where the AG Processing Amendments will be considered. Sorry as to the lateness of my response

This is a letter in support of the AG Processing concept as stated. I like the hierarchy of intent and the tone of equal opportunity in the wording of the ordinance. This is good and does meet the overall goals articulated in the Advisory Committee.

However, I have reservations about significant details related to the proposed numerical requirements in the language, which relates to acreage, to minimum lot width and to setbacks and especially how they relate to each other.

Even though the 330' minimum lot width is liberal, I think a requirement for a larger minimum lot width is necessary. In my opinion, the consequence of this narrow lot width could easily lead to the following:

1. A deep narrow lot pattern as main road frontage becomes more economically valuable on Old Mission Peninsula's primary road(s), i.e. Center Rd.
2. Irregular lot patterns such as "panhandle" and "T" shaped configurations as sellers realize the value of frontage and access while buyers realize that the minimum setback requirements (especially with the outdoor seating) will require more buildable area that is proportioned to site a building properly.
3. The resultant effect will feel more commercial than agricultural. It will also seem foreign to the historical Jeffersonian settlement pattern of agricultural land in the United States. There are land division forms in this country that are narrow frontages on rivers known as "Long Lot Surveys" but they are rare and are typically in the Mississippi River Basin done by French traders in the early years of the country's exploration. The Jefferson principle of land division codified in the "Land Ordinance of 1785" established a different, systematic and gridded, settlement pattern that gives a particular character to the American agrarian landscape.

Out of respect for this tradition and the desire to maintain that agrarian ideal it is my opinion that the minimum lot width would be, 660' and 1320' for the larger processing uses with outdoor seating. This would give a more open feel to the landscape as one travels the roadways. It would also, by nature, lead to more regularity and simplicity in land division and by contrast a 330' width would compromise the experience of a historically rooted rural character.

In summary I support the outline of the proposed amendments but am concerned about the details that could lead to less than good outcomes.

The Best,

Lew Seibold

October 11, 2022

Becky Chown, Township Clerk
Peninsula Township

Becky, I thank you again for entering our family's brief comments in to the record for the October 11 community meeting which includes the possible expansion of commercial enterprises in our community.

My name is Fred Doelker, and my wife and I are homeowners here. My family moved to the township in 1964. I was an original participant in promoting the *Purchase Of Development Rights* proposals.

As we have indicated before, I understand that a significant amount of our township's resources have been expended to defend against lawsuits, and we are also being asked to expand investments in infrastructure in order to support business attempting to grow beyond what the homeowners chose for their neighborhood through careful zoning. It has led us to question approving any increases in our own taxes to pay for the side effects of some business expansion. **We were very pleased to vote to approve the continued funding of the PDR earlier this year, though.**

I'll admit that being sued by our neighbors has skunked our feelings about some of the business we share our home with, and we are now quite skeptical of change given that. It's our hope the Township Board will use careful consideration for making changes which would impact traffic, noise, business hours of operation and the character of our neighborhood. We see the quick, and somewhat unchecked, growth taking place very nearby in Traverse City and it's worrisome.

I appreciate the Township's consideration of my comments, and hope that reasonable decisions will be made to preserve the character of our home.

Fred Doelker
11432 Peninsula Drive
Traverse City, MI 49686

Rebecca Chown

From: Bob Garvey <bobgarvey@me.com>
Sent: Tuesday, October 11, 2022 11:17 AM
To: clerk@peninsulatownship.com
Subject: Winery Issue

The wineries were fortunate that they were allowed the commercial uses they currently have . They operate in an agricultural district not a commercial district .
They have operated successfully under these reasonable zoning regulations . Instead of being grateful for what they have they are acting like spoiled bullies .
More , more , more .
The residents of OM don't support them .
Pigs get fat ...hogs get slaughtered .
Sincerely ,
Bob Garvey

Sent from my iPhone=

Rebecca Chown

From: Susan Tarczon <starczon@gmail.com>
Sent: Tuesday, October 11, 2022 11:30 AM
To: Rebecca Chown
Cc: Isaiah Wunsch; Treasurer; rudy.peninsulatruster@gmail.com; dave.peninsulatruster@gmail.com; armen.peninsulatruster@gmail.com; warren.peninsulatruster@gmail.com; zoning@peninsulatownship.com; Peninsula Township Planning
Subject: Support of Farm Processing Ordinance

Hello Becky and All Township Officials,

We are in support of the pending Farm Processing Ordinance for the following reasons:

We support Agriculturally zoned properties to be used for agricultural uses

Agriculturally-zoned properties are NOT and SHOULD NOT be used for commercially-zoned property activities, including the equivalent of bars, restaurants, retail stores and event centers

Peninsula Township residents have consistently confirmed, in recent surveys and with the recent PDR millage passage, that we want to preserve the rural and residential nature of our township

Use of agriculturally-zoned lands for commercial activities beyond growing, processing and selling regionally harvested produce invites more traffic, more noise and more disruptions to our rural community.

Please move forward with this ordinance in that context and continue to resist the Peninsula wineries that are seeking to change the rules they were (or should have been) fully aware of when they established their organizations.

Thank you,

Susan and Phil Tarczon
15763 Smokey Hollow Road

=

Rebecca Chown

From: Susan Linden <slinden202@gmail.com>
Sent: Tuesday, October 11, 2022 11:47 AM
To: clerk@peninsulatownship.com; Jigs Jacobs; jualexan; Susan Linden; Patti and Rudi Rudolph; Jim Worrall
Subject: Tonight's meeting

Hello Becky,

I am out of town and unable to attend the Township Meeting this evening.

I have read the proposed Farm Processing Amendment and strongly support the proposals contained in it.

I DO NOT want to see further expansion of wineries or their activities on our peninsula. I STRONGLY oppose WOMP and all their ideas. The existing ordinances were clear and agreed to 30 years ago, the wineries are making a good living under those ordinances, and the only reason to go with WOMP's demands is so that the owners can make more money than they already are. That small group should not be allowed to dominate the future of the peninsula, ruin the peacefulness that remains, and turn OMP into a commercial suburb known for its drinking and big events, restaurants, traffic, and noise problems.

Susan Linden
4918 Forest Avenue
Old Mission

Rebecca Chown

From: Leah Stearns <stearnsleah@gmail.com>
Sent: Tuesday, October 11, 2022 12:45 PM
To: clerk@peninsulatownship.com
Subject: Please, protect the peninsula

Dear Becky Chown,
as a property owner in Peninsula Township, with family roots since the late 1800s out on Neahtawanta Point-- i write in full support of the new Farm Processing Ordinance.

The conflation of vineyards and wineries with commercial event centers poses a massive threat to residents' right to quiet enjoyment in their own homes, and imperils the rural qualities they, and generations of their families, have sacrificed to retain. As taxes increase and property values skyrocket- those who manage to retain a foothold, whether honoring a familial legacy and value system, or honoring a newer found love of quality and character of place, do so at a premium.

Commercial event centers are not agriculture. Such activities belong in areas zoned for commercial activity. Increased traffic, noise day and night from traffic and amplified music, and glaring lights required to ensure safety for revelers in an agricultural setting all strongly negatively impact the quietude of OMP. Event venues the size of mega churches with aspirations of drawing hundreds and hundreds and hundreds (with multiple venues operating) of partygoers with amplified bumping bass tunes, serving people who are likely not invested in place, on every beautiful weekend night throughout the year - yuck. **It is a consumption model that will leave trash and unhappiness in its wake for the everyday dwellers who stay behind after the party is over.**

Local residents and property owners have placed a certain faith in the planners and local government to enforce intentional planning to preserve the rural character.

Please share with your colleagues these talking points.

Thank you for your service to the community. I know it has been a rough few years-- thanks for being on the firing line.

Sincerely,

Leah Stearns

Rebecca Chown

From: Jon Kinne <jhkinne1@gmail.com>
Sent: Tuesday, October 11, 2022 4:41 PM
To: clerk@peninsulatownship.com
Subject: New Farm Ordinance

We want the Township to pass the new Farm Processing Ordinance which will help preserve the Peninsula we moved here to enjoy and protect.

Sincerely,

Jon & Sue Kinne...remotely via iPhone

"If a person can't be a good example, maybe he can serve as a dreadful warning."

Rebecca Chown

From: Mary Swift <mswift88@gmail.com>
Sent: Monday, October 10, 2022 5:22 PM
To: Rebecca Chown
Cc: Bill Swift
Subject: Fwd: Important Tuesday Hearing 11th 7 PM

I won't be there nor speak publicly but I am sending this email in total support of Farm Processing Revisions as outlined by John Wunsch.

Mary Swift

Begin forwarded message:

From: John | SBM <john@stringsbymail.com>
Date: October 10, 2022 at 5:13:23 PM EDT
To: undisclosed-recipients;;
Subject: Important Tuesday Hearing 11th 7 PM

Hello Friends,

We are all well aware of the Wineries' legal effort to undo our long-standing zoning ordinance and the community plans that are their foundation. While the court case continues, we are optimistic the township is ready to pass a new and better Farm Processing Ordinance. The Planning Commission needs community support Tuesday October 11th at the 7PM public hearing. We expect loud opposition by those who may benefit from many more wineries, with more and more commercial activities.

If you can attend and speak in support of the revisions, please do so. Each citizen will be limited to 3 minutes.

If you cannot speak in person, please send an email as soon as practical to our township clerk, Becky Chown clerk@peninsulatownship.com

A copy of the proposed Farm Processing Amendment is available here [Planning - Peninsula Township](#), and a summary follows.

What it accomplishes:

1. Simpler, better-defined ordinance
2. It will allow the township to get to move on to other important agricultural initiatives: improving road side stands, implementing farm markets, and enabling appropriate agrotourism.
3. It clearly requires processors to use raw fruit: Raw fruit can only be reasonable brought in from the region, not across the country. This means the retail sales and the commercial activity resulting from these facilities are offset by supporting regional agriculture.

4. It reduces likelihood of conflicts with residents and other agricultural operators by increasing the acreage required for retail sales and further increases acreage for retail with outside seating.
5. It removes guest rooms at wineries, bringing parity to other farms and allowing future reconsideration of this use in the context of all farms.
6. It removes clarifies that the wineries may provide limited food items such as snacks, cheese and crackers, but are not restaurants, preventing the conversion of agricultural lands to commercial uses.

Commercial uses in the agricultural zone conflict with traditional agriculture and nearby residential uses, They also put upward pressure on land values, with adverse effects on agriculture.

Thank you for supporting our township.

John Wunsch

Reports and Updates

All reports and updates will be verbal.

Business

SUP #35, Amend. #2
7 Hills Development

PENINSULA TOWNSHIP

MEMO

To: Planning Commission
From: Jenn Cram, AICP, Director of Planning
Date: November 16, 2022
Re: Seven Hills Development - SUP #35, Amendment #2

Staff received an application from the OMP Seven Hills Development LLC for an amendment to their Special Use Permit (SUP) #35.

The property is located at 13795 Seven Hills Road and is zoned C-1 – Commercial. According to the Assessor's records the property is 2.05 acres.

The requested amendment includes increasing the capacity of the whiskey and coffee bar from 32 to 70. The increased capacity includes proposed outdoor seating. In addition, they would like to utilize some space outdoors for gathering, games and other activities.

Attached to this memo is the application, project description and plans.

Background:

- The application has been referred to the Fire Department and the Fire Chief's comments are included.
- The Township Engineer has also received the amendment application and is currently reviewing it.
- Planning has done a preliminary review and requested additional dimensions on the site plan and floorplan to confirm parking requirements.
- The applicant has provided an email from the Grand Traverse County Health Department noting that the septic system is sized appropriately for the uses noted on the septic system basis of design dated September 29, 2022. A permit was previously issued March 1, 2022 and is on file with the Zoning Department.

This application is scheduled for an Introduction on November 21. Both staff and the applicants will be available to answer questions from the Planning Commission.

PENINSULA TOWNSHIP APPLICATION FOR SPECIAL USE PERMIT NO.

Parcel Code/s #28-11-128 002-00

Property Address: 13795 seven Hills Rd,

Applicant Address: 15324 smokey hollow Rd.

Applicant Signature

Review Fee 730.⁰⁰ 1038 10.31.22

Check No. Date

APPLICATION REQUIREMENTS

1. Each application is submitted through the Zoning Administrator, and shall be accompanied by a fee as established by the Peninsula Township Board.
2. The applicant will assume direct costs for any additional professional review determined necessary by the Planning Commission or the Township Board, subject to prior review and approval of the applicant.
3. No part of any fee is be refundable and no portion of the fee covers the cost of any individual land use permit that may be issued on any of the building sites located in a Planned Unit Development.
4. Requirements for documents and information filled out in full by the applicant:
 - (a) A statement of supporting evidence showing compliance with the requirements of Section 8.1.3.
 - (b) Site plan, plot plan, development plan, drawn to scale (preferable 1"=50'), of total property involved showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.
 - (c) Preliminary plans and specifications of the proposed development.
5. This application, along with all required data shall be submitted to the Zoning Administrator.
 - (a) Upon receipt of a completed application and the required data by the Zoning Administrator, it is transmitted to the Township Planning Commission for review.
 - (b) The Planning Commission may hold a public hearing on the application.
 - (c) Following a study by the Planning Commission it is transmitted to the Township Board for consideration.
 - (d) The Township Board may deny, approve, or approve with conditions, a request for special land use approval.

6. Specific Requirements: In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:

Ordinance Reference - Section 8.1.3

Include a statement of HOW the proposed project meets the standards:

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.

- (1) General Standards: The Town Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:
 - (a) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - (b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - (c) Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
 - (d) Not create excessive additional requirements at public cost for public facilities and services.
 - (e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.
- (2) Conditions and Safeguards: The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.
- (3) Specific Requirements: In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:
 - (a) That the applicant may legally apply for site plan review.
 - (b) That all required information has been provided.
 - (c) That the proposed development conforms to all regulations of the zoning district in which it is located.

- (d) That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
- (e) That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
- (f) That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.
- (g) That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- (h) That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.
- (i) That the proposed development will not cause soil erosion or sedimentation problems.
- (j) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- (k) That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
- (l) That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- (m) That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
- (n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
- (o) That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
- (p) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
- (q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

- (r) That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
 - (s) That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
7. A public hearing on a special land use request is held by the Township Board if:
- a. A public hearing is requested by the Township Board, the applicant for special land use authorization, a property owner, or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use.
 - b. The decision on the special land use request is based on discretionary grounds.
8. Complies with Section 7.7 Developments Abutting Agricultural Lands.

Special Use Permit - 35 #2

Checklist

Project Name Seven Hills Development

Special Use Permit Number 35

Parcel Code/s #28-11-128002 00

Property Address: 13795 Seven Hills

Applicant: Trey Daily 15224 Smokey Hollow Rd. 231.268.7676
Name Address Phone

ARTICLE VIII

Ordinance Reference - Section 8.1.2 Permit Procedures:

Submission of Application:

- a. ☒ Fee No part of any fee shall be refundable.

Ordinance Reference - Section 8.1.3

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.

Section 8.1.3 (1) General Standards: The Town Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:

General Standards - Include a statement of HOW the proposed project meets the standards:

- b. See Ex 1 AOP Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
- c. / Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- d. / Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
- e. / Not create excessive additional requirements at public cost for public facilities and services.
- f. / Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.

Section 8.1.3 (2) Conditions and Safeguards: The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

Section 8.1.3 (3) Specific Requirements: In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:

Include a statement of HOW the proposed project meets the standard:

- a. See That the applicant may legally apply for site plan review.
- b. exhibit That all required information has been provided.
- c. A That the proposed development conforms to all regulations of the zoning district in which it is located.
- d. App That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
- e. _____ That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
 - i. _____ Grand Traverse County Road Commission
 - ii. _____ Grand Traverse County Drain Commissioner
 - iii. _____ County DPW standards for sewer and water if public.
 - iv. _____ Grand Traverse County Health Department for private systems
 - v. _____ State and Federal Agencies for wetlands, public sewer and water.
- f. _____ That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.
- g. _____ That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- h. _____ That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.
- i. _____ That the proposed development will not cause soil erosion or sedimentation problems.
- j. _____ That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- k. _____ That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
- l. _____ That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- m. _____ That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
- n. _____ That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
- o. _____ That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
- p. _____ That parking layout will not adversely affect the flow of traffic within the site,

See
exhibit
#1
APP

- q. ☐ or to and from the adjacent streets.
That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
- r. ☐ That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
- s. ☐ That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.

4. **Present 8 copies of Site plan, plot plan, development plan**

Drawn to scale (preferable 1"=50'), of total property involved showing:

- a. ☐ the location of all abutting streets,
- b. ☐ the location of all existing and proposed structures and their uses
- c. ☐ the location and extent of all above ground development, both existing and proposed.
- d. ☐ Preliminary plans and specifications of the proposed development. *This preliminary plan shall be in a form that can be easily reproduced on transparencies that can be used for public presentation.*

Is the project to be developed in Phases? ___ Yes; ☒ No.

5. If the project is to be phased, provide documentation that:

- a. ☐ Upon completion, each phase will be capable of standing on its own in terms of the presence of services, facilities, and open space, and contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the project and the residents of the surrounding area.
- b. ☐ Shows a proposed commencement date for each phase of the project.

Revised August 29/2005

SUP #35

Amendment #2

The purpose of this second amendment to Special Use Permit #35 is to give "OMP Seven Hills LLC" the ability to operate successfully, and service the community for a long period of time.

To secure a viable business, it is necessary to increase the seating within the approved tasting room and market. Given the amount of time the initial SUP process was taking we had to move forward with our SUP approval with an unrealistically low seat count of 32. Currently, the property is approved for seating up to 70 in the tasting room and market. The approved and desired 70 seat count is in-line and approved by the fire department, health department, environmental agencies (septic and drainage), parking requirements and traffic surveys.

In addition to increasing our seat count, we are seeking approval for outdoor land use on the property. Commercially zoned (C-1) property is the only zoned property that should truly allow for outdoor land use. Outdoor uses to include seating, gathering, games (corn-hole, horseshoes, etc), exercise (yoga and other group fitness), commerce, and consumption.

As the ordinance reads, it contradicting to state all C-1 zoned property uses must "conducted in a permanent, enclosed building unless otherwise provided herein." C-1 zoning uses listed in the ordinance includes but is not limited to uses like gas stations and marinas, both which are inherently outdoors. The property topography, foliage and future landscaping offers a sufficient buffer to surrounding commercial, agricultural and residential properties. All outdoor uses will comply with current noise and lighting ordinances.

Purpose of Amendment:

- 1. Increase seating capacity from 32 to 70 seats – displayed on attached floor plan**
- 2. Allow for outdoor uses on property – area highlighted GREEN on attached site plan**

All other uses, operations and restrictions outlined in the original approved SUP #35 and first amendment (below) will remain.

Special Use Permit Application

13795 Seven Hills Rd

Parcel Code #28-11-128-002-00

Mission Statement

To create a well curated, community center for Old Mission Peninsula residents and visitors to gather, socialize, shop and dine. Optimal geographical location, centrally located among many Old Mission landmarks, Seven Hills will add value to the community through highly aligned offerings.

Business Overview

The property is located at 13795 Seven Hills Rd in Traverse City, Michigan. A 12 mile drive out Old Mission Peninsula. The property is centrally located and one of the only existing commercially zoned (C-1) properties on the peninsula. The project is helmed by four long-term residents of the Old Mission Peninsula, Jordan Valdmanis, Brian Peace, Troy Daily and Jay Milliken, who share a love and dedication to responsible growth, and development. The intent of Seven Hills is to create a focused, well-curated experience rooted in local commerce and exceptional hospitality.

Ordinance Reference Statement

Section 8.1.3

General Standards:

The project at 13795 Seven Hills Rd, an **existing commercially zoned property** will be upgraded, re-designed, constructed and maintained in a harmonious way with the natural surroundings. Our design intention is to improve our facade, replicating the style of the Old Mission Peninsula Library. A proposed, clean exterior in white/neutral colors.

Our improvements to the property will not negatively impact the surrounding vicinity or be disturbing or hazardous to the community as a whole. In fact, we will be lessening the building footprint of the property and actually adding quite a bit more "green space", trees and vegetation. We will also be updating and improving the infrastructure of the property through a full renovation of the buildings, both inside and outside as well as the property itself.

Working with our engineering and architectural team we will be updating and improving our infrastructure including but not limited to drainage systems, septic capacity, fire protection, and parking requirements to meet all current Peninsula Township and Grand Traverse County code requirements for the applied project. It is our intention to meet and/ or exceed the township and county codes and not create any excessive, additional requirements at a cost to the public, instead, adding value to the community.

The new use at Seven Hills will be transitioning from previous industrial, manufacturing and commercial/ office services use, to a more community-oriented use. Through this transition of uses we will eliminate any conditions that could be deemed detrimental to the community. There will be no fumes, odors or glares produced from the property. Uses will include mixed retail, hospitality (food and beverage: coffee shop, alcoholic beverage tasting room, food court, quick service restaurant), health and wellness (massage studio, yoga and HIIT fitness studio), farmer's market, art gallery and studio (existing) and outdoor recreation (rentals: bikes, stand up paddle boards, kayaks, ice skates, snowshoes, xc skiing. On-site: ice skating, hiking) and self-accessible storage units.

In addition to the new uses covered in our Special Use Permit we will also be utilizing all existing, approved uses under SUP #35 filed with the Peninsula Township which include: offices for business such as, plumber, heating and cooling contractor, cleaning and home maintenance service, builder, carpenter, landscaping contractor, along with accessory storage of material and equipment used for those businesses.

Specific Requirements:

- a. We, the applicants are legally able to apply for site plan review. We are currently under purchase contract with the existing owner.
- b. All required information is provided as part of this application.
- c. Our proposed development conforms to regulations of the C-1 zoning district.
- d. Our Engineer has determined the proper septic system and fire suppression for all proposed changes. Our plan is in compliance with Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and all other public facilities and services.
- e. The proposed plan meets the standards of other governmental agencies where applicable. The approval of such agencies has been obtained or is assured.
- f. Development respects floodways and flood plains on and in the vicinity of the property. We are proposing to remove building(s) and some hard surface area to allow for more green space.

- g. Soil conditions are suitable for excavation and site preparation. Organic, wet and other soils which are not suitable for development will be undisturbed or modified in an acceptable manner.
- h. Development will not cause soil erosion or sedimentation problems.
- i. Drainage plan for proposed development will be adequate to handle anticipated stormwater runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area. The proposal is to remove building(s) and some hard surface area to allow for more green space.
- j. No grading or filling will destroy the character of the property or surrounding areas and will not adversely affect any adjacent or neighboring properties.
- k. No structures, landscaping, landfills, or other land uses will disrupt air drainage systems necessary for agricultural uses. Some of the unhealthy trees within the parking lot will be removed and replaced with healthy specimen trees. Landscaping and additional plants will fit in with the requirements of the township.
- l. Any phases of development to the property will be in logical sequence so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
- m. Per specifications dictated by engineer, the site plan provides for proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities. Landscaping , fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this ordinance.
- n. Parking layout will not adversely affect the flow of traffic within the site or to and from adjacent streets. All parking requirements will be adhered to.
- o. Vehicular and pedestrian traffic within the site and relation to streets and sidewalks serving the site, shall be safe and convenient.
- p. Outdoor storage of garbage and refuse will be contained, screened from view and located so as not to be a nuisance to the property or neighboring properties. Location of garbage and refuse has been changed from current location on property to be less obtrusive.
- q. Proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.

Present 8 copies of Site plan, plot plan, development plan

Drawn to scale (preferable 1" = 50') of total property involved showing:

- a. Location of abutting streets
- b. Location of all existing and proposed structures and their uses
- c. Location and extent of all above ground development, both existing and proposed.

- d. Preliminary plans and specifications of the proposed development. This preliminary plan shall be in a form that can be easily reproduced on transparencies that can be used for public presentation.

Project will not be developed in phases



LOW STORAGE CALCULATIONS
AND AREAS ARE BROKEN IN TO TWO DISTRICTS

DISTRICT NO. 1 AREA = 16,686 S.F.
STORAGE REQUIRED = 2,500 S.F.

USDA / NRCS SOIL SURVEY DATA

SOIL TYPE Rock -- Richer Loma, 0 to 2 percent slopes, overwash
H1 -- 0 - 8 inches from

HAND-MADE SOIL BERMINGS

TH #1

Drainage Section 7.6.4 (3).
ALL PROPOSED SITE LIGHTING SHALL BE IN ACCORDANCE WITH DRAINAGE SECTION 7.14 AND SHALL BE APPROVED BY THE ZONING ADMINISTRATOR.
AT NEW SOURCE SHALL BE IN ACCORDANCE WITH DRAINAGE SECTION 7.11 AND SHALL BE APPROVED BY THE ZONING ADMINISTRATOR.

SETBACK REQUIREMENTS

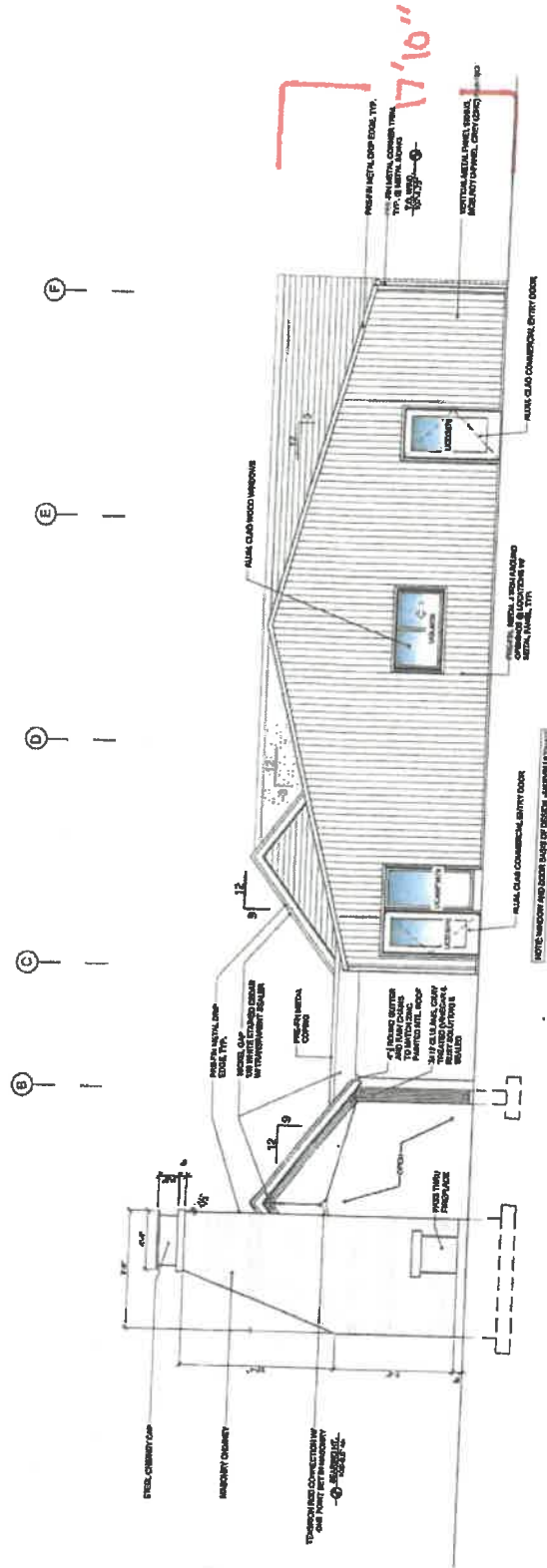
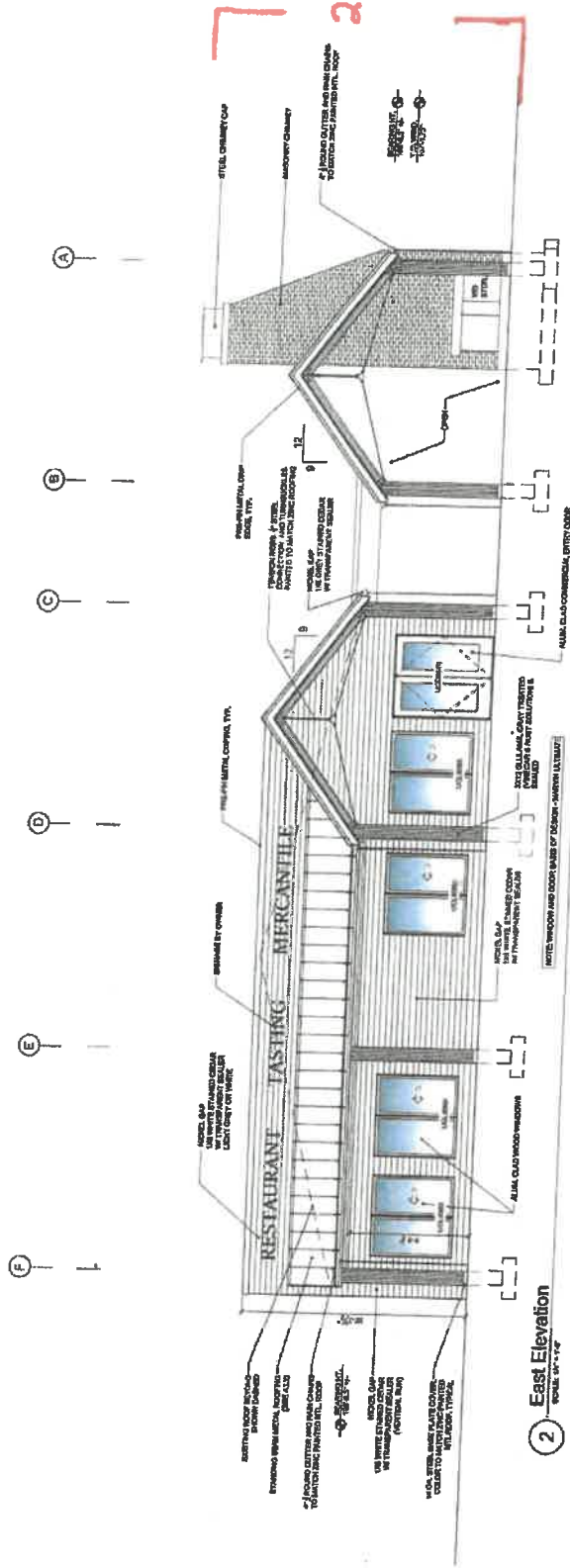
- WHISKY BAR
- MARKET WITH COFFEE/LIMITED FOOD SERVICE/GRAB AND GO
- BACK BUILDING
- OFFICE/RETAIL/CONTRACTOR STORAGE/ 1 SEAT SALON

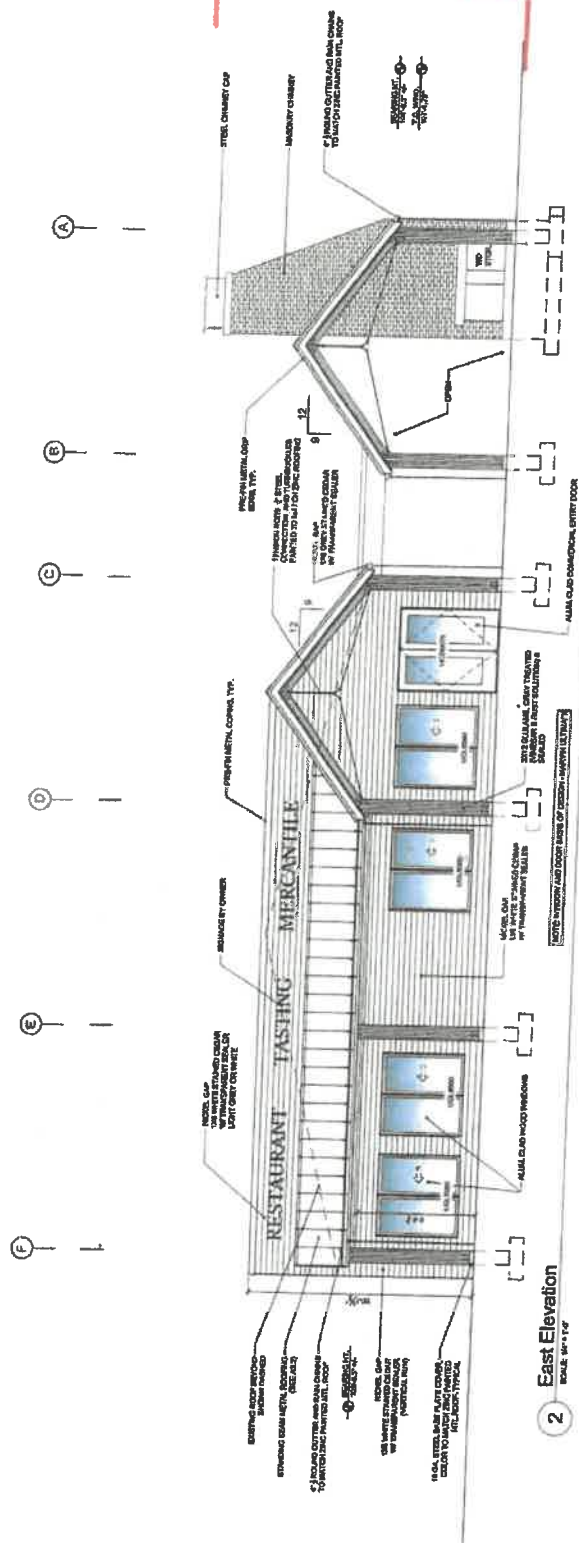
FRONT: 30 FEET; SIDE: 10 FEET; REAR: 30 FEET (SETBACK MET)

PERCENT LOT COVERAGE: 35%

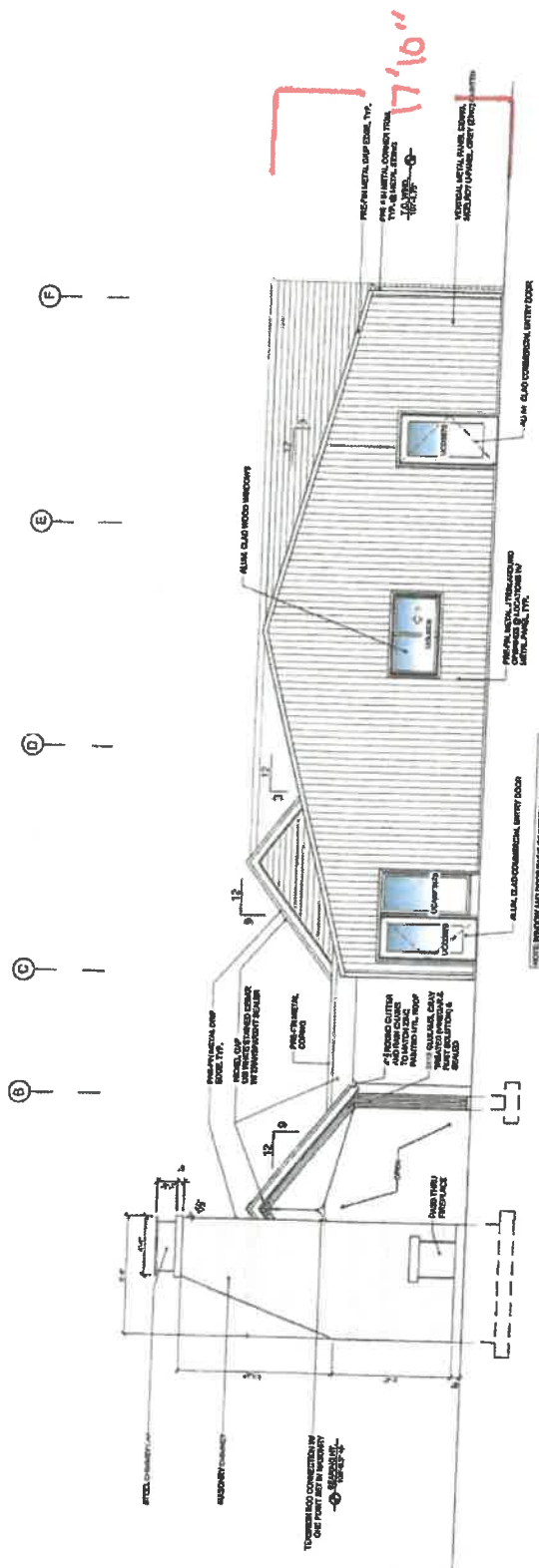
RETAIL/OFFICE/STORAGE:	50 SPACES REQUIRED	50 SPACES
COMED ON SEATING	TOTAL SPACES PROVIDED	50 SPACES TOTAL
	TOTAL SPACES AVAILABLE	50 SPACES AVAILABLE
	BUS PARKING SPACES	2 TOTAL
	BIKE RACK SPACES	6 SPACES

Know what's below.
Call before you dig.





2 East Elevation

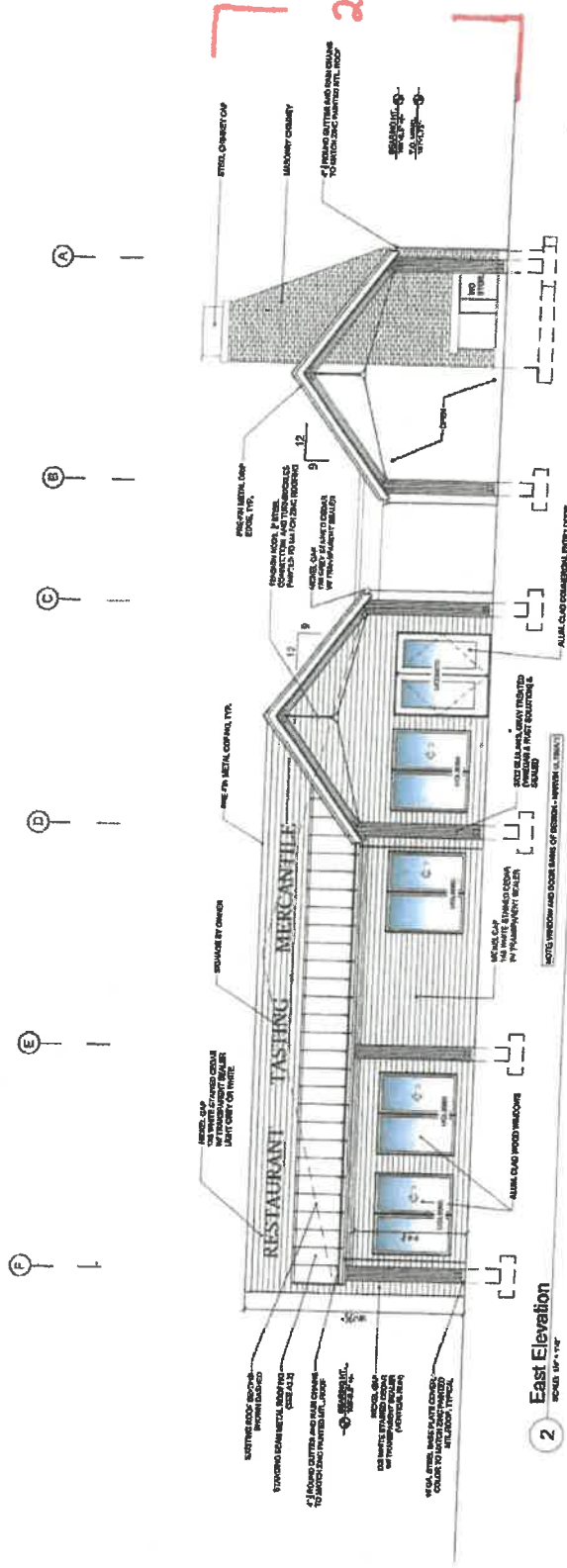
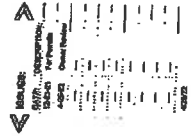


2 East Elevation

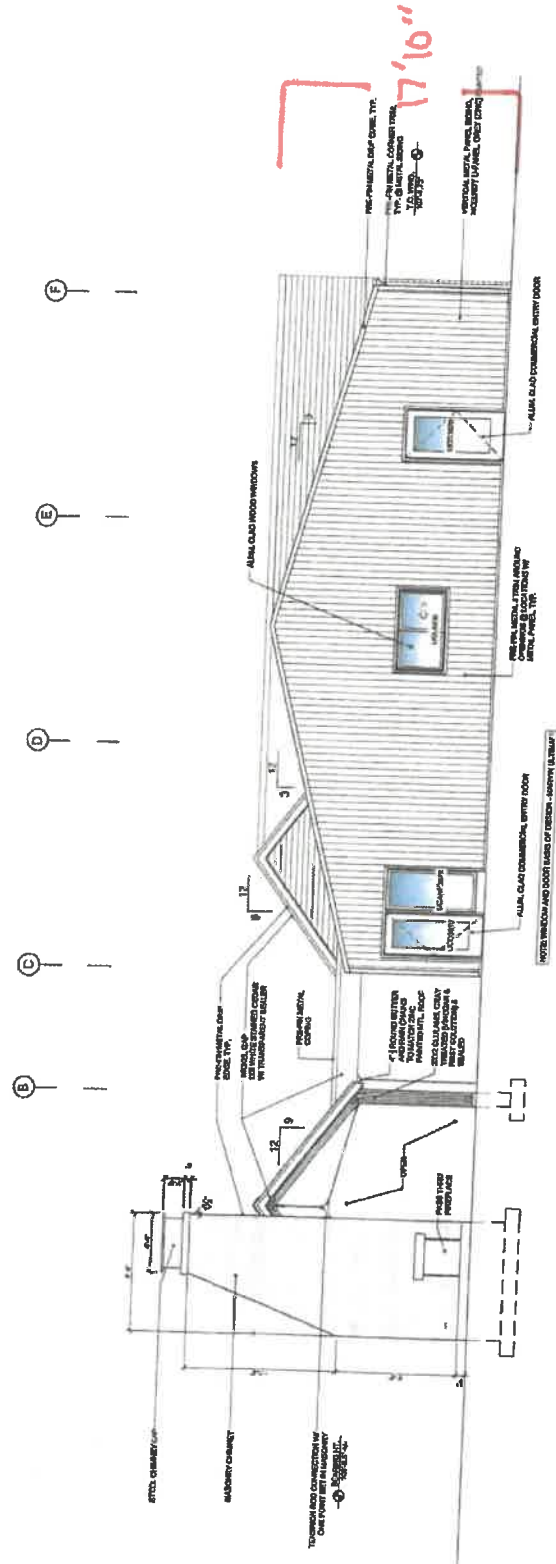
PRELIMINARY
NOT FOR CONSTRUCTION

22 23 24

22' 8"



2 East Elevation



ALUM. GLAD COMMERCIAL ENTRY DOOR



7 Hills Development

Wastewater Analysis and Septic System Basis of Design

Date: 9/29/2022

Designer: GTEC - Ryan A. Cox, PE

Proposed Uses:

Back Building: Art Studio (1 employee APPROX 1,650 S.F.), Hair Salon (1 seat, 1 employee APPROX 825 S.F.)

Back Building: Storage (APPROX 825 S.F., no full time employees)

Whiskey Bar with grab and go coffee in the mornings (indoor and outdoor seating)

Market/retail with grab and go food options and minimal clean food options created on site

Bio-degradable utensils, wraps, bowls, plates for any food options, No restaurant components, such as fryers or grease generators

Use	Design Criteria				Gallons per Day	Loading Rate (gal/d/sf)	Drainfield S.F.	Weighted Loading Rate	Drainfield S.F.	Tank retention time	Tankage required
	Number	Unit	Turnovers	Flow							
Whiskey Bar/Coffee with Retail/GG	6	Employee	2	13 gpd/emp.	156 gpd	0.50	312	0.50	312	48 hrs	312 gal
Salon - 1 seat	1	seat	1	170 gpd/seat	170 gpd	0.50	340	0.50	340	48 hrs	340 gal
Whiskey Bar/Coffee with Retail/GG	70	Seats/Customers	5	4.5 gpd/cust.	1,575 gpd	0.50	3150	0.50	3150	72 hrs	4,725 gal
Storage/Office/Art Studio/Salon	2,475	1/10 gal/sf	1	0.10 gpd/sf.	248 gpd	0.50	495	0.50	495	48 hrs	495 gal
Total					2,149 gpd		4,297 sf	0.50	4,297 sf		5,872 gal

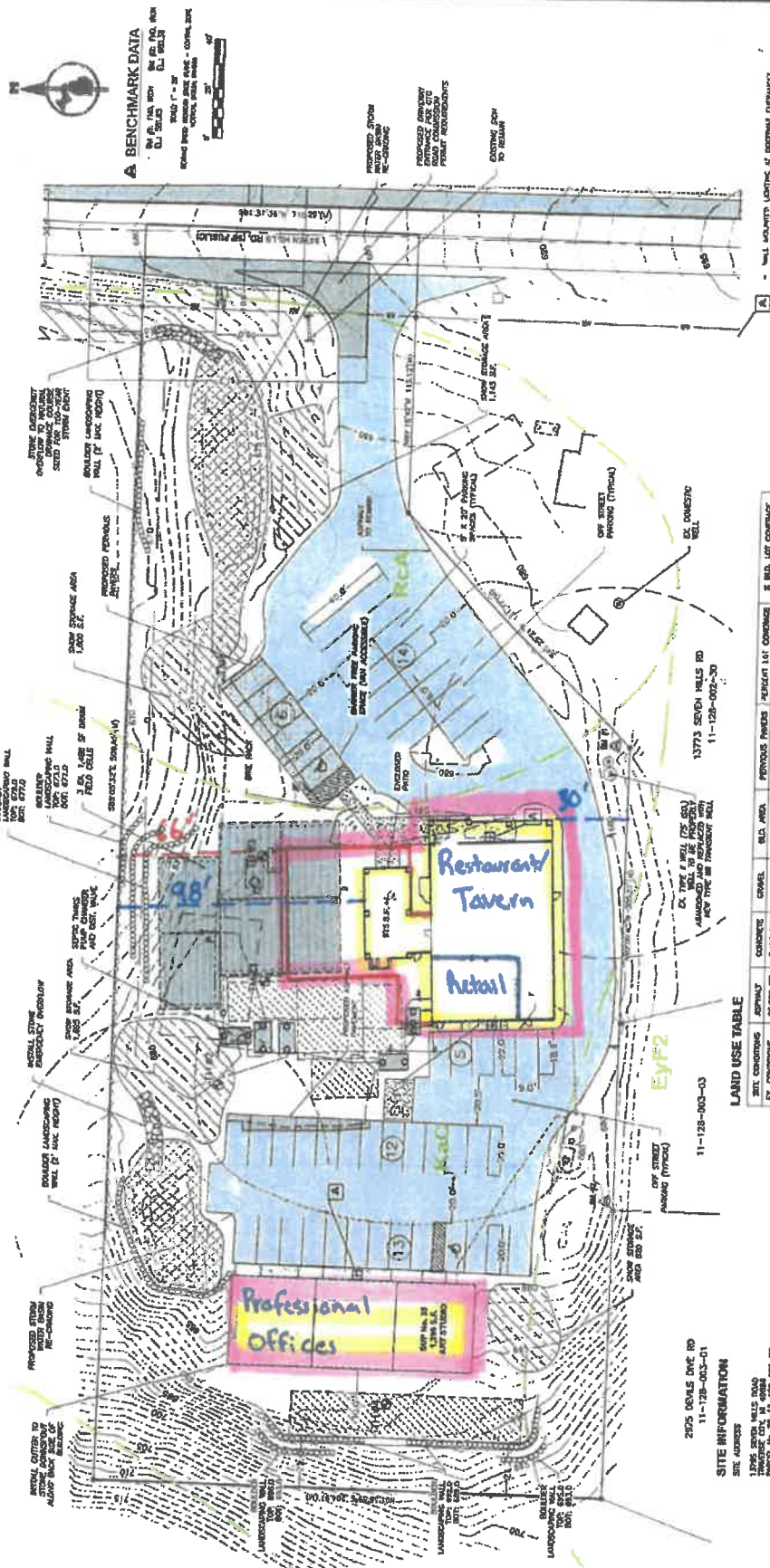
Design Flows Based on USEPA and Michigan Criteria for Subsurface Sewage Disposal/Crites ans Tchobanoglous Commercial Uses

Back Building has own 1,600 gallon septic tank with pump chamber (per records) that connects to system - Min. required for building uses = 835 gallons

Primary Building has 5,200 gallons of tank stoarge - Min required for building uses = 5,037 gallons



Call before you dig



EX. COMMENTS	26,871 SF	4,438 SF	GRAVEL	BULD. AREA	PROVIOUS PAVED	PERCENT LOT COVERAGE	% BLD. LOT COVERAGE
PROP. COMMENTS	25,300 SF	4,183 SF	HOME	630 SF	HOME	48,269 S.F. = 50.57%	12,248 SF = 12.7%
PERCENT CHANGE				6,200 SF	1,251 SF	38,753 S.F. = 43.66 %	9,770 SF = 10.05%
				100% BLD.	100% HOME	8.77% DECREASE	2.5%

LAND USE TABLE

SNOW STORAGE CALCULATIONS

Estimated call to be received per every customer

STATE REQUIREMENTS

- PLANNING LOT LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH ORDINANCE SECTION 7-8-1 (2).
- ALL PROPOSED SITE LIGHTING SHALL BE IN ACCORDANCE WITH ORDINANCE SECTION 7-14 AND SHALL BE APPROVED BY THE ZONING ADMINISTRATOR.
- ANY NEW SIGNAGE SHALL BE IN ACCORDANCE WITH ORDINANCE SECTION 7-11 AND SHALL BE APPROVED BY THE ZONING ADMINISTRATOR.

SOIL SURVEY DATA

Plot - Elderberry Leaves, 0 to 2 percent above, overcast
H1 - 0 - 8 inches high
H2 - 8 - 16 inches high
H3 - 16 - 32 inches high
H4 - 32 - 64 inches high
H5 - 64 - 128 inches high
H6 - 128 - 256 inches high
H7 - 256 - 512 inches high
H8 - 512 - 1024 inches high
H9 - 1024 - 2048 inches high
H10 - 2048 - 4096 inches high
H11 - 4096 - 8192 inches high
H12 - 8192 - 16384 inches high
H13 - 16384 - 32768 inches high
H14 - 32768 - 65536 inches high
H15 - 65536 - 131072 inches high
H16 - 131072 - 262144 inches high
H17 - 262144 - 524288 inches high
H18 - 524288 - 1048576 inches high
H19 - 1048576 - 2097152 inches high
H20 - 2097152 - 4194304 inches high
H21 - 4194304 - 8388608 inches high
H22 - 8388608 - 16777216 inches high
H23 - 16777216 - 33554432 inches high
H24 - 33554432 - 67108864 inches high
H25 - 67108864 - 134217728 inches high
H26 - 134217728 - 268435456 inches high
H27 - 268435456 - 536870912 inches high
H28 - 536870912 - 1073741824 inches high
H29 - 1073741824 - 2147483648 inches high
H30 - 2147483648 - 4294967296 inches high
H31 - 4294967296 - 8589934592 inches high
H32 - 8589934592 - 17179869184 inches high
H33 - 17179869184 - 34359738368 inches high
H34 - 34359738368 - 68719476736 inches high
H35 - 68719476736 - 137438953472 inches high
H36 - 137438953472 - 274877906944 inches high
H37 - 274877906944 - 549755813888 inches high
H38 - 549755813888 - 1099511627776 inches high
H39 - 1099511627776 - 2199023255552 inches high
H40 - 2199023255552 - 4398046511104 inches high
H41 - 4398046511104 - 8796093022208 inches high
H42 - 8796093022208 - 17592186044416 inches high
H43 - 17592186044416 - 35184372088832 inches high
H44 - 35184372088832 - 70368744177664 inches high
H45 - 70368744177664 - 140737488355328 inches high
H46 - 140737488355328 - 281474976710656 inches high
H47 - 281474976710656 - 562949953421312 inches high
H48 - 562949953421312 - 1125899906842624 inches high
H49 - 1125899906842624 - 2251799813685248 inches high
H50 - 2251799813685248 - 4503599627370496 inches high
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HAND AUGER BORINGS

Depth	Soil Type
0"	Topsoil (upper sand)
6"	Loam soil (topsoil)
18"	Loam soil (l.t. brown)
30"	Vermilion Sand (sand)

OUTDOOR FORGE LIGHT SYSTEM

THIS PRODUCT IS NOT DESIGNED TO BE WALL MOUNTED ABOVE DOORWAY ENTRANCES
MANUFACTURER: HADLEY
7.5" DIA. x 16" HIDE
MODEL NO. 12074BK

Updated

Know what's below.
Call before you dig.

Peninsula Township Planning

From: Fred <fire@peninsulatownship.com>
Sent: Tuesday, November 15, 2022 3:17 PM
To: 'Peninsula Township Planning'
Subject: RE: New Application for SUP Amendment

Jen,
I have looked at the proposed increase for the occupancy load increase for SUP#35 amendment #2 and it meets fire code as drawn. I would advise them that all occupancy loads must be posted inside the building per code IFC 1004.3. I find the life safety plan to meet code. I spent 1 hour on this review. Any further questions, please let me know. Thank you.

From: Peninsula Township Planning <planner@peninsulatownship.com>
Sent: Monday, November 14, 2022 3:58 PM
To: Jennifer Hodges <jennifer@gfa.tc>
Cc: zoning@peninsulatownship.com; Fred Gilstorff <fire@peninsulatownship.com>
Subject: New Application for SUP Amendment

Jennifer, hope you are well.

I received an application from the Seven Hills team requesting a second amendment to their SUP #35 to expand the capacity from 32 to 70 and to include outdoor seating as part of that capacity and outdoor uses (corn hole, etc.).

Electronic files are attached. I also have hard copies for you and could drop them off in the coming days if you prefer hard copies.

I have not taken in an Escrow check. They have asked if we can be flexible and provide them with a quote for your and Fred's time in reviewing. There are no changes proposed to the site plan with the exception of the reduced building footprint. Can you take a look and estimate what your time might be on this request so that I can get a reasonable Escrow deposit from them? I have asked Fred for the same. Thank you!

I will be requesting a copy of their application and approval from GTCEHD to approve the capacity of the on-site septic system.

I also need additional dimensions on the floor plan and site plan to confirm parking at this point of my review.

I plan to take this before the Planning Commission next week on November 21 for an Introduction. It will not move forward until we all have the necessary information to review the requested increase in capacity and outdoor uses.

Please let me know if you have any questions.

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.

Peninsula Township Planning

From: Jay Milliken <jay@jmilli.com>
Sent: Tuesday, November 15, 2022 10:05 AM
To: planner
Cc: Troy Daily; supervisor@peninsulatownship.com
Subject: Fwd: 13795 Seven Hills Rd project
Attachments: OMP Basis of Design 9-29-2022.pdf

Hi Jenn!

Please find below the requested email chain and attached basis of design regarding septic and seats... This was all sent to Christina back on Oct 3rd which clearly why it never made it to anyone else.

Please let us know what else you may need.

Thanks.

Jay Milliken || JMILLI
310.367.0276
jay@jmilli.com

From: Caryn Chachulski <cchachulski@gtcountymi.gov>
Sent: Tuesday, November 15, 2022, 5:14 AM
To: jay@jmilli.com <jay@jmilli.com>
Cc: Ryan Cox <Ryan.cox@gtecusa.com>
Subject: Fw: 13795 Seven Hills Rd project

Jay, this email is what I sent along to Christina with the attached document. Let me know if there is anything else you need.

Thank you,

Caryn Chachulski

Sanitarian - Peninsula Twp
Grand Traverse County Health Department
Environmental Health Division
Phone: 231.995.6058

From: Caryn Chachulski
Sent: Monday, October 3, 2022 11:18 AM
To: Christina Deeren <zoning@peninsulatownship.com>
Cc: Ryan Cox <Ryan.cox@gtecusa.com>
Subject: 13795 Seven Hills Rd project

Christina,

The septic system for the 7 Hills Development at 13795 Seven Hills Rd has the proper gallons per day, tank space required, and required square footage of drain field for the submitted uses that are outlined in the attachment. If the proposed uses change, the septic system size will need to be reevaluated by our department.

If you have any questions, please reach out,

Caryn Chachulski

Sanitarian - Peninsula Twp
Grand Traverse County Health Department
Environmental Health Division
Phone: 231.995.6058



7 Hills Development

Wastewater Analysis and Septic System Basis of Design

Date: 9/29/2022

Designer: GTEC - Ryan A. Cox, PE

Proposed Uses:

Back Building: Art Studio (1 employee APPROX 1,650 S.F.), Hair Salon (1 seat, 1 employee APPROX 825 S.F.)

Back Building: Storage (APPROX 825 S.F., no full time employees)

Whiskey Bar with grab and go coffee in the mornings (indoor and outdoor seating)

Market/retail with grab and go food options and minimal clean food options created on site

Bio-degradable utensils, wraps, bowls, plates for any food options, No restaurant components, such as fryers or grease generators

Use	Design Criteria				Gallons per Day	Loading Rate (gal/d/sf)	Drainfield S.F.	Weighted Loading Rate	Drainfield S.F.	Tank retention time	Tankage required
	Number	Unit	Turnovers	Flow							
Whiskey Bar/Coffee with Retail/GG	6	Employee	2	13 gpd/emp.	156 gpd	0.50	312	0.50	312	48 hrs	312 gal
Salon - 1 seat	1	seat	1	170 gpd/seat	170 gpd	0.50	340	0.50	340	48 hrs	340 gal
Whiskey Bar/Coffee with Retail/GG	70	Seats/Customers	5	4.5 gpd/cust.	1,575 gpd	0.50	3150	0.50	3150	72 hrs	4,725 gal
Storage/Office/Art Studio/Salon	2,475	1/10 gal./sf	1	0.10 gpd/sf.	248 gpd	0.50	495	0.50	495	48 hrs	495 gal
Total					2,149 gpd		4,297 sf	0.50	4,297 sf		5,872 gal

Design Flows Based on USEPA and Michigan Criteria for Subsurface Sewage Disposal/Crites and Tchobanoglous Commercial Uses

Back Building has own 1,600 gallon septic tank with pump chamber (per records) that connects to system - Min. required for building uses = 835 gallons

Primary Building has 5,200 gallons of tank storage - Min required for building uses = 5,037 gallons

septic permits

GRAND TRAVERSE COUNTY
HEALTH DEPARTMENT
231-995-6051

Permit # 40647 Township PENINSULA

Name OMP SEVEN HILLS, LLC

Address 13795 SEVEN HILLS RD

☒ SEWAGE DISPOSAL

☐ WELL

Tank Size EX 1600 D, NEW 2000 S + (2) 1600 S
NEW 1200 Grease Trap

Field Size 1488 lineal ft.

4464 sq. ft.

Issued By 

Date 3/1/22

POST IN CONSPICUOUS PLACE

PC Bylaws

PENINSULA TOWNSHIP PLANNING COMMISSION BYLAWS

The following rules of procedure are hereby adopted by the Peninsula Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Adopted: July 15, 2019

current Bylaws

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A. COMPLIANCE

To the extent required by law, the Planning Commission shall conform its activities in compliance with all existing state and local laws, local ordinances and regulations, and the Michigan Freedom of Information Act, Public Act No 442 of 1976, as amended, and The Open Meetings Act, Public Act No. 267 of 1976, as amended.

B. MEMBERS AND OFFICERS

1. MEMBERSHIP

Seven members are appointed to the Planning Commission per Ordinance 42 of 2010 of Peninsula Township.

2. SELECTION AND TENURE OF OFFICERS

At the first regular meeting each September, the Planning Commission shall select from its membership a Chairperson, Vice-Chairperson and Secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in 1 and 2 in Section C, below.

3. CHAIRPERSON

The Chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the Planning Commission.

4. VICE-CHAIRPERSON

The Vice-Chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the Vice Chairperson shall succeed to this office for the unexpired term, and the Planning Commission shall select a successor to the office of Vice Chairperson for the unexpired term.

5. SECRETARY

The Secretary shall execute documents in the name of the Planning Commission, perform such other duties as the Planning Commission may determine

C. PLANNING COMMISSION REPRESENTATIVES

1. TOWNSHIP BOARD REPRESENTATIVE

Per Ordinance 42, one member of the Township Board shall be an *ex officio* member of the Planning Commission with full voting rights. This representative shall provide reports, updates and enhanced communication between the Township Board and Planning Commission.

2. ZONING BOARD OF APPEALS REPRESENTATIVE

The Planning Commission may recommend that a representative serve as a member of the Zoning Board of Appeals. If appointed, that person shall report the actions of the Zoning Board of Appeals to the Planning

Commission to help inform the need for future zoning updates. The actual appointment is made by the Peninsula Township Board per the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

D. RECORDS

1. MINUTES

The Planning Director shall be responsible for maintaining a permanent record of the minutes of each meeting in accordance with MCL 15.269 et. seq., and which provides:

Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. The public body shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The public body shall make corrected minutes available at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.”

Meeting minutes must, at a minimum, indicate the body of which is meeting; the date, time and location of the meeting; motions and resolutions made, supported and results of the motion; and any action taken by the body which is not specifically indicated in motions or resolutions. When a public body conducts a public hearing (always within a public meeting), the minutes should include the comments and arguments of those promoting or opposing a particular matter which is the subject of the public hearing and the fact that an opportunity to be heard was given to those present.”

2. RECORDINGS

If the tape was made for the purpose of transcribing the official minutes of the meeting, the tape must be retained until the minutes of that meeting are approved. At that time, the tape may be erased, taped over or destroyed, unless a Freedom of Information Act (FOIA), Public Act 442 of 1976 (MCL 15.231, et seq.) request has been received for a copy of the tape. Recordings made for the purpose of transcribing the official minutes are subject to disclosure under the FOIA. Recordings made by board members or the public for a purpose other than transcribing the official minutes are not subject to FOIA disclosure. Once the FOIA request has been completed, the tape may be destroyed. The exception to this rule is when a tape is made of a closed meeting.

3. SPECIAL LAND USE ACTIONS

The Michigan Zoning Enabling Act (MZEA) is the statute that controls decisions on special land uses. The MZEA says in part: “(4) The body or official designated to review and approve special land uses may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.” (MCL 125.3502).

4. CORRESPONDENCE

The Planning Director shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the Planning Commission. All communications, petitions, reports or other written materials received by the Secretary shall be brought to the attention of the Planning Commission.

5. ATTENDANCE

The Secretary or Planning Director shall be responsible for maintaining an attendance record for each Planning Commission member and report those records annually to the Planning Commission for inclusion in the annual report to the Township Board.

6. NOTICES

The Secretary or Planning Director shall issue notices as may be required by the Planning Commission.

E. MEETINGS

1. REGULAR MEETINGS

The Planning Commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the Planning Commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular or scheduled Planning Commission meetings shall be posted at the principal Township office within 10 days after the Planning Commission's first meeting in each fiscal year in accordance with the Open Meetings Act.

2. SPECIAL MEETINGS

Special meetings may be called by the Planning Director, Chairperson or upon written request to the Secretary by at least two members of the Planning Commission. The business the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests.

Notice of special meetings shall be given to the members of the Planning Commission at least forty-eight (48) hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

3. PUBLIC RECORDS

All meetings, minutes, records, documents, correspondence and other materials of the Planning Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

4. QUORUM

Four members of the seven-member Planning Commission shall constitute a quorum for transacting business and taking official action for all matters.

5. VOTING

An affirmative vote of the majority of the Planning Commission membership is required to adopt any part of the master plan or amendments to the plan (MCL 125.3843). Unless required by statute, other actions or motions placed before the Planning Commission may be adopted by a majority vote of the membership in attendance, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if

requested by any commission member or directed by the Chairperson. All Planning Commission members, including the Chairperson, shall vote on all matters, but the Chairperson shall vote last.

6. MOTIONS/RECONSIDERATIONS

The Chairperson shall make rulings on procedural matters to come before the Planning Commission subject to a motion to overrule approved by a majority of the members present.

7. AGENDA

The Planning Director shall be responsible for preparing and distributing an agenda for Planning Commission meetings. The suggested order of business for meetings:

CALL TO ORDER

PLEDGE

ROLL CALL

ADDITIONS TO AGENDA/APPROVAL

REVIEW FOR CONFLICT OF INTEREST

BRIEF PUBLIC COMMENTS

CONSENT AGENDA -Approval (any member of the Commission or Public may request an item to be removed from the Consent Calendar and placed on the Agenda).

- Previous Planning Commission Minutes and Committee Notes
- Communications/Correspondence
- Items to remain tabled
- Other

REPORTS

BUSINESS ITEMS

- Public Hearings
- Other Business Items

PUBLIC COMMENT

OTHER MATTERS OR COMMENTS BY THE PLANNING COMMISSION

ADJOURNMENT

8. PUBLIC HEARINGS

All public hearings held by the Planning Commission must be held as part of a regular or special meeting of the Planning Commission. The following rules of procedure shall apply to public hearings held by the Planning Commission:

1. Chairperson opens the public hearing and announces the subject.
2. Chairperson summarizes the procedures/rules to be followed during the hearing.
3. Planning Director and/or other Township staff introduces the subject, presents comments, a report and recommendations as applicable.
4. Applicant presents the main points of the application.
5. Persons wishing to comment on the application are recognized and shall give name and address to the recording secretary.

6. Chairperson closes the public hearing and returns to the regular/special meeting.
7. Planning Commission begins deliberation with a decision to be acted on no sooner than the following meeting unless a motion to waive the delay is adopted by a majority of those present.

To ensure everyone has the opportunity to speak, the Chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the Chairperson allows. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, in his/her discretion, may permit additional comments.

All comments by the public, staff and the Planning Commission shall be directed to the Chairperson. All comments shall be related to the land use request; unrelated comments shall be ruled out of order.

A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of the request. Members, when casting their vote on the subject of the Public Hearing, shall provide sufficient reasons to support their vote.

9. DEADLINES FOR SUBMITTAL OF MATERIALS

To facilitate thorough and complete review of agenda items, it is the policy of the planning commission to have complete applications, payment of fees and related material for action items submitted to township staff two weeks or more before a meeting. Action items include (but are not necessarily limited to) scheduling a public hearing for a future date (contingent on the receipt of a complete application and subject to notice requirements), decisions on special use permit applications, and planned unit development projects. Specifically, if a regular or special meeting falls on a Monday, all formal applications, fees and supporting material must be submitted on or before 8 AM on the Monday that falls two weeks before such meeting. This supports the goal of having meeting packets distributed to members, published and available to the public at least 5 or 6 days before the meeting. Requests to place non-action items on the agenda that involve minimal or no packet materials (i.e., project introductions, project updates, etc.) may be made one week before a meeting (before 8 AM on the Monday that falls one week before such meeting). If changes or updates to an application or any supporting materials are proposed between the applicable deadline and the meeting date, the planning commission reserves the right to defer consideration of changes until a subsequent meeting.

F. PLANNING COMMISSION DUTIES

The Planning Commission shall perform the following duties in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. These duties include, but are not limited to:

1. Take such action on petitions, staff proposal and Township Board requests for amendments to the zoning ordinance as required.
2. Consider any information and recommendations furnished by appropriate public officials, departments, or agencies.
3. Report on the administration and enforcement of the Zoning Ordinance and make recommendations for amendments and supplements thereto (MCL 125.3308 (2)).
4. Take such action on petitions, staff proposals and Township Board requests for amendments to the master land use plan as required.
5. Prepare an Annual Report to the Township Board

6. Taking such actions as are required by the Michigan Zoning Enabling Act (Act 110 of 2006).
7. Review requests for action planning proposals and land use proposals and recommend appropriate actions to the Township Board.
8. Prepare special studies and plans, as deemed necessary by the Planning Commission and Township Board and for which appropriations of funds have been approved by the Township Board, as needed.
9. Attend training sessions, conferences or meetings as needed to properly fulfill the duties of Planning Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.
10. Prepare a Capital Improvements Plan
11. Perform other duties and responsibilities, and respond as requested to the Township Board.

G. PLANNING COMMISSION COMMITTEES

The Chairperson may appoint advisory committees, comprised of members of the Planning Commission and other citizens, to assist the Planning Commission and Planning Director with research, analysis, and identification of issues and alternatives on issues before the Planning Commission. These advisory committees shall not be delegated any authority to exercise governmental or proprietary authority or perform govern a governmental or proprietary function, or make decisions.

H. PLANNING COMMISSION CALENDAR

Election of Planning Commission Officers – September

Appointment of Standing Committees – September

Annual Report to Township Board – January

I. DUTIES OF THE PLANNING DIRECTOR

The Planning Commission shall be assisted by the Township Planning Director in performing the Planning Commission's duties. He or she shall be responsible for the professional and administrative work in coordinating the functions of the Planning Commission. The duties of the Planning Director include:

1. Accept applications for matters to be reviewed by the Planning Commission and ensure that such applications are complete.
2. Forward application materials, when available, to the Planning Commission at least 72 hours prior to the meeting at which the matters will be considered.
3. Inform the Planning Commission of administrative and enforcement actions taken on behalf of the Township related to the zoning or other appropriate ordinance.
4. Make recommendations regarding the Master Plan.
5. Attend Planning Commission meetings.
6. Consult with the Planning Commission, Zoning Administrator and other Township officials concerning interpretation, procedural questions and other matters arising from the zoning ordinance.
7. Prepare amendments to the zoning ordinance as directed by the Planning Commission.

8. Prepare and forward to the Zoning Administrator written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the Planning Commission.
9. Meet with applicants, their representatives and/or Township officials as needed to properly perform project reviews.
10. May engage employees, including those necessary for technical assistance as it requires.
11. Perform other duties as directed by the Planning Commission.

The Planning Commission and Planning Director may be assisted by other professional or Township staff as needed, including professionals pertaining to the adopted Township escrow policy, Township Attorney, Township Zoning Administrator, Township Engineer or other person or agency.

J. ABSENCES, RESIGNATIONS AND VACANCIES

1. To be excused, members of the Planning Commission shall notify the Planning Director or Planning Commission Chairperson when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
2. A member may resign from the Planning Commission by sending a letter of resignation to the Township Supervisor, Township Board or the Planning Commission Chairperson.
3. Vacancies shall be filled by the Township Supervisor, with the approval of the Township Board, within one month of resignation or removal of a Planning Commission member. Successors shall serve out the unexpired term of the member being replaced.

K. CONFLICT OF INTEREST

Prior to engaging in any decision making, Planning Commission members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request or matter coming before the Planning Commission when circumstances exist that may prevent them from making an impartial decision. Specific guidance pertaining to circumstances that create a conflict of interest are found in Ordinance 42 and from legal counsel. When a conflict of interest exists, the individual shall not participate in any Planning Commission discussion or votes relative to the matter that is the subject of the conflict.

L. EX-PARTE COMMUNICATION

The Michigan Open Meetings Act covers the meetings of public bodies. The law defines a "public body" as: any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the lease agreement; or the board of a nonprofit corporation formed by a city under [Michigan law].

Pursuant to the Open Meetings Act, a "meeting" is any gathering of a quorum of members of a governmental body to discuss or take action regarding official business or policy. A quorum is a just a simple majority of the members of the public body. The term "meeting" also applies to information-gathering and

fact-finding sessions called by the governmental body where a quorum of members is present and the session relates to the body's public business.

Members of the Planning Commission, during a meeting of the Planning Commission, may not e-mail, text, or engage in other forms of electronic communications among members as such communication may constitute deliberations toward decision-making or actual decisions.

Chance or planned meetings of members of the Planning Commission outside of Planning Commission public meeting does not violate the Open Meetings Act, provided that the meeting does not consist of a quorum of the members.

Further, an informal canvas by one member of a public body to find out where the votes would be on a particular issue does not violate the Open Meetings Act.

M. REMOVAL OF A MEMBER

Members of the Planning Commission may be removed from office in accordance with provisions in Ordinance #42.

N. EXPENSES AND COMPENSATION

Members of the Planning Commission may be reimbursed for reasonable expenses incurred in the discharge of their duties and may receive compensation as fixed by the Township Board.

O. AMENDMENTS

These bylaws may be amended at any meeting by a vote of four members of the Planning Commission.

Adopted by the Peninsula Township Planning Commission: July 15, 2019

Todd Oosterhouse, Secretary

Peninsula Township
Planning Commission Bylaws
Adopted 9/15/2014

The following rules of procedure are hereby adopted by the Peninsula Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended.

SECTION 1: Officers

1. **Selection and Tenure** – At the first regular meeting each September, the Planning Commission shall select from its membership a Chairperson, Vice-Chairperson and Secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in 5 and 6 below.
2. **Chairperson** – The Chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the Planning Commission.
3. **Vice-Chairperson** – The Vice-Chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the Vice Chairperson shall succeed to this office for the unexpired term, and the Planning Commission shall select a successor to the office of Vice Chairperson for the unexpired term.
4. **Secretary** – The Secretary shall execute documents in the name of the Planning Commission, perform such other duties as the Planning Commission may determine.
 - a. **Minutes** – The Secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records maintained by the Township Clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.
 - b. **Correspondence** – The Secretary or Planning & Zoning (P&Z) Staff shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the Planning Commission. All communications, petitions, reports or other written materials received by the Secretary shall be brought to the attention of the Planning Commission.
 - c. **Attendance** – The Secretary or P&Z Staff shall be responsible for maintaining an attendance record for each Planning Commission member and report those records annually to the Planning Commission for inclusion in the annual report to the Township Board.
 - d. **Notices** – The Secretary or P& Z Staff shall issue notices as may be required by the Planning Commission.
5. **Township Board Representative** – The Township Board Representative shall present the recommendations of the Planning Commission as required by the zoning ordinance, subdivision ordinance and other ordinance to the Township Board prior to their consideration of such request.
6. **Zoning Board of Appeals Representative** (appointed as required by enabling legislation) – The Planning Commission representative to the Zoning Board of Appeals who shall report the actions of the Zoning Board of Appeals to the Planning Commission and update the Zoning

previous Bylaws

Board of Appeals on actions by the Planning Commission that relate to the functions and duties of the Zoning Board of Appeals.

SECTION 2: Meetings

1. **Regular Meetings** – The Planning Commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the Planning Commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.
Notice of regular or scheduled Planning Commission meetings shall be posted at the principal Township office within 10 days after the Planning Commission's first meeting in each fiscal year in accordance with the Open Meetings Act.
2. **Special Meetings** – Special meetings may be called by the Chairperson or upon written request to the Secretary by at least two members of the Planning Commission. The business the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests.
Notice of special meetings shall be given to the members of the Planning Commission at least forty-eight (48) hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.
3. **Public Records** – All meetings, minutes, records, documents, correspondence and other materials of the Planning Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
4. **Quorum** – Four members of the seven-member Planning Commission shall constitute a quorum for transacting business and taking official action for all matters. Whenever a quorum is not present, those present may adjourn the meeting to another time and day, in accordance with the provisions of the Open Meetings Act, or hold the meeting to consider the matter on the agenda. No action shall be taken at a meeting at which a quorum is not present.
5. **Voting** – An affirmative vote of the majority of the Planning Commission membership is required to adopt any part of the master plan or amendments to the plan (MCL 125.3843). Unless required by statute, other actions or motions placed before the Planning Commission may be adopted by a majority vote of the membership in attendance, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the Chairperson. All Planning Commission members, including the Chairperson, shall vote on all matters, but the Chairperson shall vote last.
6. **Motions/Reconsiderations** – The Chairperson shall make rulings on procedural matters to come before the Planning Commission subject to a motion to overrule approved by a majority of the members present.
7. **Agenda** – The Chairperson shall be responsible for preparing an agenda for Planning Commission meetings.
8. **The suggested order of business for meetings:**
 1. **CALL TO ORDER – ROLL CALL**
 2. **ADDITIONS TO AGENDA/APPROVAL**

3. REVIEW FOR CONFLICT OF INTEREST
 4. ATTORNEY REPORT
 5. PLANNER REPORT
 6. PUBLIC INPUT – BRIEF COMMENTS (FOR ITEMS NOT ON THE AGENDA)
 7. CONSENT CALENDAR – Approval (any member of the Commission or Public may request an item to be removed from the Consent Calendar and place on the Agenda.)
 - A. Reports
 - B. Previous Planning Commission Minutes
 - C. Communications
 - D. Items to remain tabled
 - E. Other
 8. SCHEDULED PUBLIC HEARINGS
 9. OTHER MATTERS TO BE REVIEWED BY THE PLANNING COMMISSION
 10. PUBLIC COMMENT
 11. ADJOURNMENT
9. Public Hearings – All public hearings held by the Planning Commission must be held as part of a regular or special meeting of the Planning Commission. The following rules of procedure shall apply to public hearings held by the Planning Commission:
- a. Chairperson opens the public hearing and announces the subject.
 - b. Chairperson summarizes the procedures/rules to be followed during the hearing.
 - c. Township P&Z staff presents a report and recommendation.
 - d. Applicant presents the main points of the application.
 - e. Persons wishing to comment on the application are recognized and shall give name and address to the recording secretary.
 - f. Chairperson closes the public hearing and returns to the regular/special meeting.
 - g. Planning Commission begins deliberation with a decision to be acted on no sooner than the following meeting unless a motion to waive the delay is adopted by a majority of those present.

To ensure everyone has the opportunity to speak the Chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the Chairperson allows. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, in his/her discretion, may permit additional comments.

All comments by the public, staff and the Planning Commission shall be directed to the Chairperson. All comments shall be related to the land use request; unrelated comments shall be ruled out of order.

A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of the request. Members, when casting their vote on the subject of the Public Hearing, shall provide sufficient reasons to support their vote.

SECTION 3: Duties of the Planning Commission

The Planning Commission shall perform the following duties:

1. Take such action on petitions, staff proposal and Township Board requests for amendments to the zoning ordinance as required.

2. Take such action on petitions, staff proposals and Township Board requests for amendments to the master land use plan as required.
3. Prepare an Annual Report to the Township Board. The Planning Commission shall make an annual written report to the legislative body concerning;
 - a. Its accomplishments and operations;
 - b. Status of planning activities, including recommendations regarding actions by the Township Board related to planning and development;
 - c. Work program; and
 - d. Proposed budget for next fiscal year.
4. Take such actions as are required by the Michigan Zoning Enabling Act (Act 110 of 2006).
5. Review requests for action planning proposals and land use proposals and recommend appropriate actions to the Township Board.
6. Prepare special studies and plans, as deemed necessary by the Planning Commission and Township Board and for which appropriations of funds have been approved by the Township Board, as needed.
7. Attend training sessions, conferences or meetings as needed to properly fulfill the duties of Planning Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.
8. Prepare a Capital Improvements Plan, as requested by the Township Board.
9. Perform other duties and responsibilities or respond as requested by any Township Board or commission.

SECTION 4: Committees of the Planning Commission

The Chairperson may appoint standing committees, comprised of members of the Planning Commission and other citizens, to assist the Planning Commission and Planner with research, analysis, and identification of issues and alternatives on issues before the Planning Commission.

SECTION 5: Annual Calendar for the Planning Commission

Appointment of Planning Commission members by the Township Board	August
New members take office	September
Election of Planning Commission Officers	September
Appointment of Standing Committees	September
Annual Report to the Township Board	December

SECTION 6: Duties of the Township Planner

1. The Planning Commission shall be assisted by the Township Planner in performing the Planning Commission's duties, as noted in Section 3.
2. The Township Planner shall be responsible for the professional and administrative work in coordinating the functions of the Planning Commission.
3. The Township Planner shall:
 - a. Accept applications for matters to be reviewed by the Planning Commission and ensure that such applications are complete.
 - b. Forward application materials, when available, to the Planning Commission at least 72 hours prior to the meeting at which the matters will be considered.

- c. Inform the Planning Commission of administrative and enforcement actions taken on behalf of the Township related to the zoning or other appropriate ordinance.
 - d. Make recommendations regarding the Master Plan.
 - e. Attend Planning Commission meetings.
 - f. Consult with the Planning Commission, Zoning Administrator and other Township officials concerning interpretation, procedural questions and other matters arising from the zoning ordinance.
 - g. Prepare amendments to the zoning ordinance as directed by the Planning Commission.
 - h. Prepare and forward to the Zoning Administrator written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the Planning Commission.
 - i. Meet with applicants, their representatives and/or Township officials as needed to properly perform project reviews.
 - j. Perform other duties as directed by the Planning Commission.
4. The Planning Commission may be assisted by other professional or Township staff as needed, including professionals pertaining to the adopted Township escrow policy, Township Attorney, Township Zoning Administrator, Township Engineer or other person or agency.

SECTION 7: Absences, Resignations and Vacancies

1. To be excused, members of the Planning Commission shall notify the Township Planner or Planning Commission Chairperson when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
2. A member may resign from the Planning Commission by sending a letter of resignation to the Township Supervisor, Township Board or the Planning Commission Chairperson.
3. Vacancies shall be filled by the Township Supervisor, with the approval of the Township Board, within one month of resignation or removal of a Planning Commission member. Successors shall serve out the unexpired term of the member being replaced.

SECTION 8: Conflict of Interest

1. Planning Commission members shall declare a conflict of interest, and obtain the approval of the majority of the Planning Commission members in attendance to abstain from participating in a hearing or deliberations on a request when:
 - a. A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
 - b. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
 - c. The planning Commission member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance; or
 - d. The Planning Commission member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the commission. He or she should individually decide to

abstain, with the concurrence of the Planning Commission members in attendance, from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict shall remove him/herself from the table in which the discussion takes place and may participate as a member of the audience.

SECTION 9: Ex-Parte Communication

1. For the purposes of these by-laws, ex-parte communication shall mean oral or written, off-the-record communication made to or by the Commissioners, without notice to parties that is directed to the merits or outcome of a business item.
2. The Commission desires to conduct all proceedings fairly, to create a record that includes all of the evidence upon which recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions.
To this end, Commission members should avoid ex-parte communication and if any such communications are received, Commission members shall disclose the details of the communication at the Commission meeting after the introduction of the item of which the ex-parte communication pertained.
3. Commission members may attend meetings held by applicants with adjacent property owners, however only in the capacity of an observer, and only if a quorum of the Commission is not present, unless there has been proper notice of the meeting as set forth in these bylaws. If a Commission member does decide to take part in discussions at said meeting, the Commissioner shall disclose the nature of his or her participation to the Commission prior to participating in a hearing, deliberation or voting on a request. The Commission shall make a determination as to whether or not the Commissioner can impartially consider the request.

SECTION 10: Amendments

These bylaws may be amended at any meeting by a vote of four members of the Planning Commission.

Adopted by the Peninsula Township Planning Commission at a regular meeting on September 15, 2014

Laura A. Waddell-Serocki

Laura A. Waddell-Serocki, Planning Commission Secretary