



PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Regular Meeting

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

Township Hall

Minutes

1. **Call to Order** by Wunsch at 7:00 p.m.
2. **Pledge**
3. **Roll Call**

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

Also present: Attorney Bill Fahey via Zoom

4. **Citizen Comments**

Barbara Hansen, 6438 Mission Ridge: I was elected to a school board three times, so I'm more comfortable being on that side than this side. I'm coming to you about numbers five and six with a totally different outlook than you've probably heard before. When Reverend Peter Dougherty came to what became known as Old Mission in 1839, the Ottawa and Chippewa were already farming here. They had three sisters' gardens and medicinal herbs. This was already an agricultural area. When Dougherty left and followed them, they were already farming more than 200 acres. When Solon Rushmore bought the property, he took apples to the Wisconsin State Fair and said, "This is a great place to grow fruit." By 1917, 110,000 big wooden barrels were [filled with apples] in Old Mission because of Revenue Dougherty and the two cultures coming together as friends. They were shipping dried apples all over the world from the dock that Patty [Rudolph] jumped off as a kid. I'm relatively new, only about a five-year resident up here, but my husband's family had a cottage here for years, so we have a vested interest. As a citizen, I am dismayed to see the war that's going on, and it is portrayed as a war. I want to see the five- and six-generation farmers listened to and not seen as adversaries. If the Chippewa and the Ottawa and Reverend Dougherty could get along, you all should be able to get along and not spend so much money on attorneys. You should be able to sit down and hash this out. We need to preserve the culture that was here in the first place, which was agriculture, and two different cultures getting along.

Dan Fouch, 15259 Smokey Hollow Road: I'd like to address the issue of building wineries. I've lived on Old Mission my entire life. I bought my first cherry farm in 1972. I later bought my parents' farm, the farm I grew up on. I continued to farm the entire 125 acres until my wife and I decided to sell. We finished our final day of harvest just a few weeks ago. When we decided to sell, our goal was for the farm to remain a farm and not be developed. Since we still owned all the development rights to the property, it was obvious we could sell for

more money if we allowed that to happen. We were approached by several developers. One even promised that he wouldn't develop it but that my wife and I couldn't object if a third party developed it. Then we were approached by a family. They had been looking at Old Mission for more than 10 years for the right property to grow grapes and make wine. There are already two vineyards on the property that produce high quality Riesling. They did extensive soil and climate testing and are confident it will serve that purpose. They have years of experience operating a vineyard and winery and produce a top-quality wine. Their plan for a winery and accompanying vineyards fits with the vision Mary Ann and I have had for years. The actual winery would not occupy any land currently being used for agriculture. All the acreages we have planted are bringing in crops. With the decline of the tart cherry industry, it makes sense to plant grapes and apples, which is what the family would do. Our current farm was once designated by Peninsula Township as the second-best scenic vista on the peninsula, the first being Chateau Grand Traverse. Picture the turnout at Chateau Grand Traverse and south to Bonobo with giant homes instead of vineyards. Is it still a scenic vista? While Protect the Peninsula owns that particular name, it doesn't own the sentiment. I doubt anybody here would not support what the name implies, but in my mind, protecting the peninsula means our farm stays in agriculture, that the view is protected, that it grows grapes and apples, not houses. Once you plant a house, you'll never plant anything else. Mary Ann and I support and encourage the plan to put a winery on our property. To us, that is how we protect the peninsula.

Molly Stretton, 2822 Devils Dive Road: my husband and I own Devils Dive Vineyard across from the recycling station. Our property consists of 10 acres and we currently sell our fruit to local wineries. We are one of the more than four dozen farmers who recently signed a letter opposing the proposed zoning amendment. To be clear, we are advocates of good governance and policies that are fair and well formulated. We support a level playing field coupled with sensible growth. However, the proposed zoning amendment reads like a knee-jerk reaction to the WOMP lawsuit by the very people who are opposed to growth on the peninsula. It builds upon many of the slippery slope fallacies and false narratives that we routinely hear from Protect the Peninsula, and I am tired of the scare tactics and division that the rhetoric has contributed to our community. Scenarios of rock concerts and weddings gone wild are mere hyperbole and don't contribute to meaningful dialogue or solutions. This community is centered around agriculture and the rural charm that farming provides, so why is government making it harder to farm? Farm tours, fruit stands, and small producers should be encouraged not to just grow but to thrive in our community. If the goal of this proposed amendment is to stop any additional wineries and fruit producers on the peninsula, then it succeeds, but that'll come with unintended consequences. I refer to grape growing because that's what I know, but the following can also be applied to hops or high-density apples, which also have substantial upfront costs. The current cost to install one acre of grapes with a trellis and farm management for one year is approximately \$30,000, not including the cost of the land. Assuming one has to have 65% of 50 acres in active management, that initial cost is just under a million dollars, not including the land or a place to process or showcase your wine, or the vineyard management fees for the next two or three years because that's how long it takes before

you can bottle grapes. The attempt to segregate farming and farm processing and the additional acreage requirement placed on grapes, hops, maple tree farmers who wish to both grow and produce value-added products is an artificial barrier to entry that will freeze out the next generation of farmers and only allow uber millionaires, or, worse, conglomerates, to farm on Old Mission. The proposed zoning amendment has the potential to create more subdivisions and traffic and will erode the rural charm of our community. For those reasons, I urge this board to reject the amendment.

Harold David Edmondson, 12414 Center Road: you've heard what I've had to say over and over. This amendment does not hit the nail on the head. It's not going to move agriculture forward in a positive way. It's going to restrict young people. I don't know how you can support it. We've got to have representation from our agriculture people. We did not have that. Jenn keeps telling you and some of the other people in the audience will tell you that the citizens' group was totally in favor or created this amendment in a big way. Very few farmers were represented. We were not in the majority. I hope you won't continue to use that as one of your points to move the program forward. We need to start over and build something that works for the farming community. The letter you received should tell you that the agriculture community does not want this new ordinance. Please turn it down. I think it is a degradation to our PDR program. Who wants to sell their development rights if we can't farm here? There's one other thing I'd like to say pertaining to what Becky Chown said about my comments at the last meeting. Becky, I spoke with Mr. Ryan Coffey many times, and he told me he is not in favor of the percentages that are used to qualify for some of the stuff in this program, so you're absolutely wrong. You don't need to correct me when I put a lot of effort into it. And I don't believe you have done your job in putting effort into it. You might have listened to Jenn, and I know she has put a lot of effort into it. I don't appreciate you telling me I'm producing lies to the board.

Lou Seibold, 3195 Cherry Hill Road: I am part of the agriculture community. I am supportive of the new farm processing ordinance and hope it will be passed by the township board. Following are the points that make this ordinance superior, not perfect, but superior to what we have, and reasons for its adoption. The wording of the ordinance does not favor one form of processing over another. That's important. Within the scope of farm processing uses, it is neutral and provides equal treatment for all potential business interests under the same law. This treatment is good as it does not single out special interests for favorable treatment. Number two: the ordinance does not specifically add more houses to what is allowable under the current agricultural zoning density. The allegation of added housing is of questionable merit. It should be noted that for the life of the processing facility, it reduces the number of housing units allowable to one within each of the categories. Number three: Peninsula Township's decision should be favorable to all its citizens, not outside interests that have removed themselves by choice of location or as an entity that has no right to vote as a citizen of the township, such as a corporation. I hope you vote in favor of the proposed farm processing ordinance. I believe it will be positive for the farming community. This is an ordinance that is generous to the interests of farmers. Thank you.

Grant Parsons, 6936 Mission Ridge: I am here to support the adoption of the

amendments. I can't imagine how frustrating it is to have spent so much time, brought in Right to Farm people from Michigan State, talked to American Farmland Trust, received everybody's accolades for preserving farmland, and then have well-intended neighbors say, "We don't like it." But they don't have a plan. I was on that committee and I appreciated the education I got from residents and farmers. I know as well as anybody that there were three seats on that committee offered to the wineries and they refused to show up. The fact is, we're stymied without a new ordinance amendment. You hired Bill Fahey's firm. He represents maybe 70 counties in Michigan. You've got Right to Farm people on your side. You've got a professional planner who's been through this balancing of wineries and farms out in Colorado. Now she's here trying to do us some justice. Everybody on the winery side is talking about agriculture. I appreciate farmers' problems. Nobody in this room is against agriculture. We all know that. Our one sole goal as residential or farmland owners is farmland preservation. It is what creates our quality of life. And you also know that last summer there was a wedding event at a winery. And the neighbors wrote a letter saying, "We heard club level music; we could hear every word to every song until midnight." You don't have to be a residential owner or an exact neighbor of the winery to know that's not fair. The other thing you know is that 50 or 60 farmers, good people, neighbors, signed a petition. Well, 70% of our total residents in the last survey opposed increased commercialization on farmland. We've got to protect our farm district. You've made the best shot and I hope you adopt this ordinance.

Joanne Westphal, 3688 Blue Water Road: I have been working with Peninsula Township since 1989 offering services in planning and zoning. I helped develop the PDR program with Gordon Hayward. I've seen this community become much more traffic ridden and contentious over this issue of what the farm community should be, could be, or would be. I'm reading a very interesting book called *Quit*. It basically says that when you're in a conundrum like we find ourselves in, sometimes it's better to step back and make a decision that allows you to see if you can reshuffle the cards to make it appropriate for everyone in a positive way. I read through the newly proposed ordinance. If we were just talking about commercialization like the wineries are practicing today, that's agrotourism. It predominates in the business side of things. But the creation of secondary businesses like the vans that go down M37 every minute on the minute during the summertime... I used to live on Center Road. I used to try to get out of my driveway. I could start counting them at ten in the morning and they didn't stop until about seven at night. Many of them were on their third or fourth trip. When I read the ordinance language, I remember talking to Gordon about this, I talked to Dan, the next planner. I talked to Michelle, the planner after that, all looking for ways to create a staggering type of system. Where you had 40 acres and then 50 acres and then 60 acres. And that's exactly what was talked about 10 years ago. [Three-minute timer goes off].

Chown reading letter from Louis Santucci: I am one of the farmers who signed the letter that was sent to you earlier last week. We are opposed to the proposed ordinance for many reasons. In the short time I have I will note only a few of the many problems this ordinance creates for farmers. One: it limits the opportunity of farmers to increase the value of their fruit crops via processing. The increased acreage requirements and

mandated crop sources for starters will mean the small farmer will not be able to start a processing business with retail sales, which is the highest profit opportunity for one's crops. Two: it will decrease the value of our land by limiting the available productive uses of our land. If no new processing facilities are added to the peninsula, then as the market for tart cherries disappears, as has already started, farmers have to turn to other crops. Buyers for apples have already started limiting their purchases. The land may not be suitable for sweet cherries or apples, which leaves grapes. With the township and PTP creating serious obstacles to new wineries, that crop too may not be available as an alternative. Thus the market price of the land will decrease. Three: land will become unproductive. If that occurs, other problems with land management will arise. Here is a concrete example of the perverse effect of one provision and there are more. Any processing facility must follow this provision: "Processing is limited to raw produce of the same species of farm products as are raised by the farmer operation on the parcel on which the retail farm processing facility is located." So a winery, for example, that wants to buy cherries or apples from Isaiah for their wine or to make cider could not do so unless they also grow apples or cherries on their own farm. Thus the market for apple growers and cherry farmers will be further limited. Ask Isaiah what is happening to the cherry market and limitations being put on apple growers by the buyers of these products.

Curt Peterson, 1356 Buchan: I sent some information over the last two weeks to township board members and Peninsula Township staff on the methodology of changing our zoning ordinance. I'm not here speaking for or against the [proposed zoning] ordinance [amendment], but I'm going to tell you that the methodology we're using is illegal per the Michigan Zoning and Enabling Act of 2006. Specifically, planning staff has no authority over changes to the zoning ordinance. That authority rests strictly with the elected and appointed officials. A vaguely written motion on Amendment 201 was passed by the planning commission on October 11 and forwarded to the township board for action. Since that time, there are additional versions of the draft dated November 14 and December 2 without any new input from the planning commission. How can that be, since the Michigan Zoning Enabling Act only allows the planning commission to directly forward to the township board changes to the zoning ordinance? Well, here's how that happened. At the November 21 planning commission meeting, our planner said, "There are additional changes that make the zoning ordinance more legally defensible on what issue we are facing on the winery lawsuit. And so I am making some final tweaks to that based on some input I've received during closed session." The changes did not come from the planning commission. Here's a reference from the *Citizens' Guide to Planning and Zoning in Northwest Michigan* by NetworksNorthwestMichigan.org. This is their interpretation of the Michigan Zoning Enabling Act: "Planning staff has no authority over changes to the plan, zoning ordinance, or other local policies. Authority rests with elected and appointed officials. However, planning staff and zoning administrators often draft planning or zoning language and make recommendations to the planning commission which can influence the local decisions." We did not follow that procedure. If you pass this tonight, it will be totally illegal. You can go to Midland, Michigan, where I was a volunteer for a subcommittee of the planning commission. Here's how they do zoning amendment changes. It gets down to

the city council, which is analogous to our township board. They either approve or deny the ordinance. It's the planning commission's job to conduct a public hearing and make a recommended approval. The planning department's job is to prepare a staff report for the planning commission. It is not to write the darn zoning ordinance.

Jeff Miller, 2822 Devils Dive Road: I'm here tonight to let everybody know I have a particular issue with this zoning ordinance change. The proposed amendment attempts to create a schism between farming and farm processing by stating the latter is not an agricultural use by right. Many years ago, as we heard earlier, farmers didn't separate the two. There was no issue with the farmer getting the milk and turning the milk into butter or ice cream because that was part of the process. Farmers have been diversifying their income through derivatives of their primary farming activity for decades without consequence. Framing the argument around fruit farm processing appears to be an attempt to stop additional wineries from forming on Old Mission. It does so without considering the collateral damage, which is mainly the new entrance to farming. The artificial barrier to entry that this amendment would place on a new farmer, through the added acreage requirement, is a problem. If a farmer has a solid business plan that allows him or her to succeed on 20 acres, why would government interfere by requiring 40, 50, or more acres to do the same activity? Thank you.

Brit Eaton, 1465 Nehtawanta Road: having served on the citizens' agricultural advisory committee, I've seen a tremendous amount of work and countless hours go into crafting the [farm] processing facility amendment. It's gone from being a winery-centric ordinance to a new ordinance that includes all processes of products equally following GAAMPs and Right to Farm guidelines. But it's only the first piece in the overall direction of the township planner to address the entirety of agricultural issues, including processing plants, new farm markets, roadside stands, and agritourism. Those opposed to the proposed amendment appear to want to have absolutely no agricultural zoning ordinance, to be left alone to do whatever they like. I don't see any evidence or suggestion of alternative recommendations coming from the other side. In my opinion, an example of what no zoning regulations or enforcement will look like was between Carroll and Island View roads this summer. That didn't look as though it was regulated. The recent article in the [Old Mission] Gazette with the farmers opposing the zoning amendment seems overwhelming, but a closer look at the signers reveals that a large portion are connected to the wineries that are already suing the peninsula. Others appear multiple names with joint owners, so the list is far less daunting than it first appears. I applaud the tremendous effort by Jenn Cram to craft this sound and exceptionally well-researched zoning amendment to provide equity, balance, and foresight regarding the peninsula's agriculture zoning ordinances, and I encourage you to support it. Thank you.

Elise Holman, 11786 Center Road: I participated in a lot of the committee meetings last winter. It got to a point where it feels like a lot of it is reactionary to the lawsuit. A lot of what I heard and a lot of what I'm hearing tonight is still as if a farm isn't a business. A farm is a thing that provides this great landscape. We want to preserve this landscape. But to have a business, which is what a farm is, you have to be able to move forward. I'm not that big. I don't have that much property, so I can't have this or do that. There isn't any more

property to buy or lease because it's already owned or leased, so if I want to do farm processing, now I can't. It limits new farmers. There've been several comments about not providing an alternative plan. I feel like there were a lot of ideas brought up, but the few people bringing those ideas forward were outvoted every time. I also feel like a lot of the issues the other side sees are the same issues I have with noise complaints with residents. I think the idea was there and the intention was there, but there's no way to lump all of agriculture into one ordinance. It's impossible to meet the criteria to advance your business, and that's what farms are at the end of the day.

Amie Shaw, 1212 Gray Road: we have a very small farmstand. We cultivate about 400 trees. There are a lot of things we can't do because of the already existing limits on processing and our small acreage. What we can do, and what we looked at and hope to do, is expand the property we do have for agricultural purposes, [but] I'm fearful to put money towards those because of the chaotic treatment towards really small producers. I feel there should be room in all the ordinances for micro farming, for supporting diverse agriculture. We're not a big grower, but I want to expand our chicken operation. What does that mean? We don't have dedicated processing facilities. I wash all the vegetables in a secondary kitchen, but that's a multipurpose building. [The proposed ordinance] totally ruins our plans for the future if you don't consider small, dynamic growers. And I don't think any of that addresses the impact for small farmstands.

Chown reads a letter from Mark Santucci: the proposed township ordinance, which takes away use by right in agricultural-zoned areas, is likely a regulatory taking. It also is another nail in the coffin for the cherry growers on the peninsula and will result in more land being sold for housing development. I've spent the last three years explaining to the town board that the cherry industry as we knew it in years past is no longer viable and will continue that way unless and until the U.S. government recognizes the damage being done by imports from Turkey and Eastern Europe. As a result, cherry farmers who farm for the processors are dying a slow death. I personally have worked with three processors over the last 20-plus years. Two of them have gone bankrupt and the third one just sent me the attached notice. Please share the letter from Peterson Farms to me with the rest of the board and publish it in the minutes. The action the board is about to take will do nothing to help cherry farmers and will in fact act to speed up their demise. Thank you.

Chown reads letter from Peterson Farms dated December 6, 2022: Dear Mark, the 2022 fruit-growing season has finally ended. We are already busy making plans for the 2023 season. Part of that plan includes some tough decisions we've made to reduce the pounds of tart cherries PFI will be processing in the future. The industry has changed over the years with increased foreign competition. We have had a long-standing relationship that has weathered many challenging years in this industry. Unfortunately, we will need to do so separately in the years to come. Moving forward, the decision has been made to discontinue our relationship with Mark Santucci Farms. We wish you all the best in the coming year as you head in a new direction for 2023.

Sherri Fenton, 1441 Buchan Drive: Old Mission Peninsula has a beautiful story, history of agriculture, with farms going back many years. The letter introduced under 6B on today's agenda was drafted by many farmers. Many of these farmers have been here for many

years. One of the things they are concerned about, and this is from the farmers' perspective, and we've heard that from a few people tonight, is that the regulations, the 50 acres that would be necessary, will put people out of business. Please listen to the farmers in our community. Thank you.

Chown reads letter from Kent Walton: I write to the board not as a township property taxpayer, although I am one. Certainly not as an attorney, although I am one. Not as one who was employed in the cherry industry, although I once was. Not as a resident of Peninsula Township, although we have been for more than 40 years. And not as a resident of Grand Traverse County, although we have been for more than 70 years. Instead, I write merely as a witness to the bewildering and seemingly inexhaustible supply of effort and money being expended to forever alter the landscape, both literally and figuratively, of our relatively peaceful and extraordinarily beautiful township community. In the names of agriculture and farming, both of which have long been and hopefully will continue to be at the heart of this community, individuals and businesses purportedly representing approximately 4,800 acres of farmland of the estimated 10,000 acres of Peninsula Township farmland, and seemingly spearheaded by WOMP, have written to the board in opposition to the township's proposed farm processing facilities ordinance. I write in support of adoption of that ordinance. I offer two elementary definitions. Agriculture: the science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products. Farming: the practice of agriculture or aquaculture. In neither definition does one find anything remotely supporting the proposition that agricultural or farming property includes property used for large events, including receptions hosting hundreds of people whether or not consuming large quantities of alcohol and then weaving homeward on one of only two limited routes of travel. Nor does one find any interpretation supporting the idea that agriculture and farming include paying to drink alcohol on a farm until 2:00 a.m. and then trying to drive oneself home safely or getting loaded onto a tour bus to transport you to wherever you left your vehicle. Nor does one see any language remotely included within agriculture and farming intended to promote the cultivation of the dissidence of blaring music and miked up sound disrupting the peace and solitude of a quiet summer's night until some large event mercifully comes to an end. I do support reasonable measures, which are now needed more than ever to maintain our agricultural and farming heritage rather than acceding to the current demands and litigious threats being propounded by some for the commercialization, urbanization, mass marketing, and hazardous usage of infrastructure throughout this peninsula. Accordingly, I urge the town board to adopt the proposed farm processing facilities ordinance.

Jed Hemming, 2455 Neahtawanta Road: I live in the house I grew up in. I moved out here when I was six months old. First of all, I don't care if you pass this. I think it's important to know my perspective. We planted 600 trees this year. It's the last one. We're done. Why? There's no market. This ordinance does not address the market. This is going to be in the news. And the minute the peninsula gets in the news, what happens? Real estate agents make money. Mr. Nadolski, that's what he does, good for him. I think that's wonderful. That's the business he's in. I'm in agriculture. I don't want to make wine. I don't want to

make cherry jam. I want to put my stuff on a truck and take it somewhere. I want to drop it and I want to get a check in the mail. I don't have a market. I don't plant grapes because there's no market today. They've got all the grapes they need, and any future wineries are going to have to grow 70% of their own produce. What consumes agricultural land? Farmers. It's not the winery. It's the stuff that shows up at the winery. It comes from me and people like me who are in the audience. Trust me, most of us don't want a winery. We want to grow product, but we have to have a market. That's what needs to be addressed. I know you're under pressure; you've got legal stuff going on. Whether you adopt it or not, it will have to be changed at some point to allow farmers to have a market or Mr. Nadolski is going to be selling houses. Thank you.

John Wunsch, 17881 Center Road: we stand here and apparently it's all black and white. All the farmers are against this; all the residents are for it. That's not the case. I'm holding a letter with more than 100 signatures, a combination of farmers and residents. There were more farmers who wanted to sign but they were afraid of the retribution that apparently is already going on, with certain people not allowed to sell to those who are in control, who want to stop this ordinance. What's more important is the misinformation and misunderstanding. This is not the only way. We can get this done and move forward to farm markets. This is not the only way that smaller acreages can produce and process. This ordinance is for large operations. Does it perhaps need adjustment in the future? It may. It's already been improving. I stand here supporting it now because the requirement that you could not be in a viewshed a month ago is gone. We need to evolve with it. We are under legal pressure. There's a moratorium that needs to be wrapped up. We need to move forward with other things. The farm markets will allow smaller acreages to do some processing. Better roadside stands. A co-op for wineries so you don't have to all have your own tasting rooms and spend the money to have a processing center. The very flawed chateau ordinance is going away. Let's get this done. Let's move forward. Let's define agrotourism. I heard some people didn't sign this because "They won't let me do a corn maze." That has nothing to do with this. "They won't let me sell flowers." That has nothing to do with this. I think some people may have signed that letter for reasons that are inaccurate. Let's get this done so we can work on other ways to make agriculture more profitable. If we need to re-run this and make some changes, let's do it. We've got to get past this legal hump. I'm going to read this letter: "We the undersigned farmers and landowners believe the new proposed farm processing ordinance is the right evolution of the township land use policy. It is well crafted to safeguard our quality of life for residents and to safeguard the ability to farm on adjacent lands that are occupied by wineries or other processing uses. Acreage thresholds for retail uses and outdoor activity will reduce potential conflict with neighbors. The township still needs improved roadside stands, farm markets, and well-defined agriculture." Thank you.

5. Approve Agenda

Shanafelt: I think it would address some of the questions that came up to move item six to item five.

Cram: I was going to make the same recommendation. It would help to address some of the misconceptions regarding what this ordinance does and does not do.

Shanafelt moved to switch items five and six on the agenda with a second by Wahl.

Motion passed by consensus

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

6. Conflict of interests: none

7. Consent Agenda

1. Invoices (recommend approval)

2. Reports

A. Cash Summary by Fund

C. Peninsula Township Fire Department

D. Peninsula Township Ordinance Enforcement Officer

E. Peninsula Township Parks Committee

3. Minutes from November 1, 2022, and November 10, 2022, township board special meetings

4. Assessing policy and procedure for the public inspection and copying of public records

5. Renewal of board of review and alternate board of review members

6. Correspondence

A. Northwest Education Services

B. Letter from some of Peninsula Township's farmers.

Cram: I noted one typo in the minutes. On page 28, "ordinance" was spelled wrong.

Wahl moved to approve the [consent] agenda with a second by Sanger.

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

Approved unan

8. Business

1. Resolution 2022-12-13 #1 authorizing Sparks Grant application for Bower Harbor Park Expansion

Chown: I would like to make a correction to each of the resolutions. They were dated for a December 5 meeting that was canceled, so the date will be corrected to read "Peninsula Township Board Resolution of Authorization with Donated Funds, 2022-12-13 #1."

Chown continued reading out loud: "Whereas Peninsula Township supports the submission of an application titled "Bowers Harbor Park Expansion Trail Improvements to the Spark grant program for \$1,000,000 at the Bowers Harbor Park Expansion; and whereas Peninsula Township is hereby making a financial commitment to the project in the amount of \$50,000 matching funds, in cash and/or force account; and whereas if the grant is awarded the applicant commits its local match and donated amounts from the following sources: local pledges to date are \$35,000 initially plus a concerted fundraising campaign to raise the additional \$360,400 needed to complete the entire project, or if unable to do so, to trim the project to a \$1,085,000 cost; now therefore be it resolved that Peninsula Township hereby authorizes submission of a Spark application for a million dollars and further resolves to make available its financial obligation amount of \$50,000 and donations of \$35,000, 6% of a total \$1,445,400 project cost, plus commits to fundraising the additional sum needed to complete the entire project or trim it

accordingly, during the 2023-2024 fiscal year.

I should add that Isaiah and I have been working feverishly on these grant applications, which will be submitted on Monday, December 19. There is still time to make a soft pledge. That pledge will only be due if indeed the township is awarded the grant or grants. If you're interested, please shoot me an email or give me a phone call. We'd be delighted to add you to the list of pledges received to date.

Wunsch: Becky and I have been in the process of applying to the Michigan State Department of Natural Resources for three of the park improvement projects that were given to us as priorities by the township's park committee. We made the decision based on the parks' strategic plan as well as which of the projects we feel would best align with the goals and objectives of the DNR Sparks grant program. These grant funds are related to state COVID funding. We're looking at doing trail expansions at the Bowers Harbor Park Expansion, trail improvements and a boardwalk at Pelizzari Natural Area, and a combination of improvements to the pickleball courts (a local nonprofit has already raised a lot of funding) and new playground equipment at the main Bowers Harbor Park.

Chown: the Pelizzari boardwalk would be universally accessible, as would the trail expansion at Bowers Harbor Park Expansion.

Wunsch: one of the reasons we need to put this before the board is that we are making a financial commitment. I've discussed it with Marge [Achorn], and we're basically making a financial commitment of \$50,000 for any of the three projects that we receive funds for if and only if we get approved. We're assuming we'd only get one out of three, so we'd have to scratch together a larger amount if we were to miraculously be awarded all three.

Shanafelt: it's a great way to do exactly what we should be doing, leveraging. I think this is exactly correct.

Rudolph: really good work. It's amazing what the parks committee has pulled together. Thank you for the work on the grant requests.

Chown moved to pass resolution 2022-12-13 #1 with a second by Wahl.

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

Chown moved to pass resolution 2022-12-13 #2 with a second by Wahl.

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

Chown moved to pass resolution 22-12-13 #3 with a second by Rudolph.

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

4. Resolution 22-12-13 #4 poverty exemption from taxation resolution.

Wunsch: this was passed on to us by Sally Murray from our assessing department. Approximately one year ago, the Peninsula Township Board took action to update the township's existing poverty guideline resolution. At that time, we were recognizing statutory changes that eliminated the ability of boards of review to take discretionary action based on "substantial and compelling reasons." We now need to address the deficiency in our existing resolution. A board of review may not include the value of the principal residence as an asset/disqualifying factor in the consideration of the poverty

exemption. Therefore, "The true cash value of property for which the poverty exemption is requested shall be considered by the board of review when determining hardship." In all other respects, the resolution remains unchanged.

Wunsch moved to approve [Resolution 22-12-13 #4,] the Resolution to Adopt the Guidelines for Poverty Exemptions from Taxation Under Public Act 390, 1994 (MCL 211.7u), which will take immediate effect with a second by Achorn.

Wunsch: this brings the township ordinance into line with statewide assessing guidelines.

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

5. Update on future zoning ordinance amendments to support agriculture.

Cram: thank you all for being here and sharing your comments. It's helpful to hear all comments for and against the proposed changes. Elise Holman said, "Agriculture is a business." We agree. We want to support value-added agriculture. Farm processing is one of those uses. There are several other types of uses that help farmers add value to what they are growing. Processing means changing the raw produce into something else. Farm processing facilities in context of these amendments are at a larger scale. Since the existing farm processing Amendment 139 was adopted in the 1990s, we have seen a total of three wineries take advantage of that option. It requires 40 acres. The proposed amendments still allow for a farm processing facility as a use by right with 40 acres.

Other forms of processing could be allowed on a smaller scale by simply introducing the use of a commercial kitchen. This could be a use by right that would allow you to change your strawberries into strawberry jams and pies. There are uses that would allow for public education such as workshops to teach people how to make jams or to pickle or to learn about permaculture. These are additional uses that add value to agriculture and should be allowed by right.

It is true that these zoning ordinance amendments proposed for farm processing are a result of the very expensive lawsuit we are in. Defending our existing zoning ordinance is expensive. It's taking away from all the other good things we could be doing with our resources.

I know not everyone has time for these meetings. You can call me; I'm happy to sit down with you to look at your property to learn what it is you'd like to do and help you navigate the zoning ordinance. I'm here to help you break down those barriers and understand what it means for you individually and the unique things you want to do with your land. I appreciate the several farmers who reached out to me to share their comments. These amendments only affect one use: developing a building that is 10,000 to 30,000 square feet, to process larger quantities of cherries into cherry juice, for example. If you want to do this, then the farm processing ordinance is the direction you want to go. If you're looking at other types of uses, then there will be other options for you in the zoning ordinance, such as commercial kitchens as a use by right or educational workshops as a use by right or with a special use permit.

We're learning that certain uses have negative impacts to neighbors. We can address these and live harmoniously if we have appropriate setbacks and buffers. Some things might require you to go through a process, but many of these things could be allowed as a

use by right, such as farm to table dinners that are accessory to the active production of agriculture as a use by right or with a special use permit.

The farm processing ordinance has a scaled approach. Wholesale farm processing continues to be a use by right that requires the same 40 acres it does today. Then there is farm processing with retail sales that similarly requires 50 acres, which is required today if you want to do a winery-chateau. Or 60 acres if you want to have outdoor uses, which currently aren't allowed in the zoning ordinance.

There are a lot of misconceptions about what is currently allowed and what these future zoning ordinance amendments mean. We will be looking at our large event ordinance and how the township-wide and individual farm tours and special events can be integrated. There can be one offs and special things to bring value to what you're doing as a farmer. In relationship to this, I was thinking about the opportunity for bed and breakfasts. Given the larger acreage a lot of agricultural properties have, we could increase the number of bedrooms or rooms that could be rented. That would help replace the guest rooms that are being removed with the winery-chateau use. The zoning ordinance will offer a menu of several options for farmers to add value to what they grow.

Agricultural property has the opportunity to educate. I've proposed a very aggressive schedule to have these additional amendments adopted within the first quarter of 2023. I will be reaching out to you. I hope you'll share your names and addresses because I want to hear from you. I want to get this right, and perhaps you have other ideas. A lot of things came forward at the citizens' agricultural advisory committee meetings. I have been talking with Ryan Coffey Hoag with Right to Farm. I'm meeting with a group of people right now who propose to host an agritourism conference in 2024. I'm talking to statewide and national leaders on agritourism to help educate farmers on the opportunities that are out there, how we can balance our zoning ordinance to allow these things and mitigate the negative impacts that residents experience. This is the work I would like to be doing for all of you, not dealing with the lawsuit, but we need to address these issues so that we have an ordinance that is defensible to keep us out of future litigation. I promise we are going to get to these things. There are so many creative opportunities to support agriculture in this community.

Chown: did you want to mention office hours?

Cram: yes, I am going to leave my schedule open on Monday evenings from 5:00 until 6:30 p.m. and on Thursday mornings. If you call and let me know your address and/or parcel number and give me a week to do some research, I can follow up to talk about your individual needs and desires. I included the 2023 Right to Farm Generally Accepted Agricultural Management Practices for Farm Markets in the packet. It's a good jumping off point.

6. Discussion on the adoption of zoning ordinance amendments related to farm processing with potential board action to occur.

Cram: the zoning ordinance amendments have been in the works for several months. On October 11, we had a joint public hearing with the planning commission and township board where the first iteration of the zoning ordinance amendments were discussed. The planning commission did recommend that the board adopt those amendments with some

proposed changes that were discussed at the time by a vote of six to one. The township board met again on November 1. We brought forward those changes that were discussed at the October 11 meeting, and those were done via tracked changes so that everything is transparent. We are following the Michigan Zoning Enabling Act. It's my job to take notes and to do the drafting, but I am not making any changes that have not been vetted by either the planning commission or the board. At a closed session on November 10, the board met with legal counsel to discuss a legal opinion in order to make some changes to the zoning ordinance so that it would be more easily defensible with regard to commerce clause claims that have been raised in the WOMP lawsuit. Additional changes were proposed as a result. Those are highlighted in the redline version that was posted to the website. All of these changes and when they were made have been posted to the website so that you can see the changes from each meeting as well as the clean version as we move forward. The Michigan Zoning Enabling Act allows that after the planning commission makes its recommendation, your elected board as your legislative body can make additional changes. That is consistent with the Michigan Zoning Enabling Act. In order to allow everybody due process, we got those amendments out 15 days before this meeting so that everybody could review them and make comments. Thank you all for reviewing that material and making comments today.

These amendments are also consistent with the Right to Farm Act. Farm processing is an industrial and commercial use. It is not protected or covered under the Right to Farm Act. The Right to Farm Act protects farmers, supporting them to grow and to produce. It also protects them to be able to market and sell. But processing is different. It's left to local zoning to develop processing standards because of the negative impacts that result from noises and smells and things like that. Because Peninsula Township supports agriculture and value-added agriculture, our zoning ordinance includes farm processing. There has been farm processing as a use by right that requires 40 acres. The proposed amendment continues to offer a use by right with a minimum of 40 acres. The existing winery-chateau ordinance requires a minimum of 50 acres that allows for retail sales. The proposed amendments still allow for that use with a minimum of 50 acres. These amendments establish that farm processing requires you to actually grow what you are processing. Farm processing is accessory to the primary use of the land, which is active production. There have been a number of definitions added that help to explain these things.

The other misconception is the difference between processing and handling produce. There is a clear distinction between processing, which is changing the form of the raw produce, and handling, which is growing, picking, cleaning, sorting, etc. The handling of agricultural products is still a use by right protected by Right to Farm. This ordinance doesn't attempt to change that.

The acreages as proposed help to mitigate the negative impacts. We heard about the wedding that took place and the complaints about noise. What the zoning ordinance can do is [require] setbacks that can separate those uses and allow for buffers to help mitigate those things.

Hours of operation also help to mitigate negative impacts. All of these standards have been approached by scale. Farm processing with wholesale sales that is less intensive than

retail sales is a use by right on 40 acres. A special use permit that allows for retail sales requires a minimum of 50 acres. The setbacks that are proposed are consistent with what exists today. There's already a requirement for a 200-foot setback between agriculture and other uses. That's put in place to protect the farmers, so you can conduct your business without being interrupted by neighbors. Old Mission Peninsula is a special place, and this community has voted three times to tax itself to preserve agriculture and the rural character. This ordinance helps to continue to preserve agriculture and that rural character.

One of the proposed changes from November 1 and November 10 is to add a definition of processing: "Processing is the alteration or change in form of raw produce through crushing, cooking, chemical reaction, fermentation, distillation, or other methods but not including the picking, sorting, or handling of raw produce in preparation for wholesale sales in its natural state." That definition helps to differentiate between processing and handling. Since we defined processing, we made a minor change to raw produce.

On page three, the next change is to address issues with where the produce comes from related to the commerce clause. In order to have a farm processing facility here in Peninsula Township, there are minimum acreage requirements within the township, and a percentage of produce must come from the farm operation operating the farm processing facility. We talked about a 70% requirement, a 70/30. Based on discussions with some of the agricultural operators, I would like to propose to reduce that 70% to 65%. That makes it more flexible for the farm operation to process what local and regional farmers grow. Is everybody comfortable with the change from 70% to 65%? For example, if I wish to have a farm processing facility as a use by right, I have to control 40 acres here in Peninsula Township. I have to locate the farm processing facility on a single parcel that is a minimum of 20 acres. That allows for more flexibility than the existing zoning ordinance. Right now, you have to *own* the 40 acres and it has to be contiguous. This proposed change allows a farmer who is new to lease land that they control and develop a farm processing facility. As a new farmer, I might also lease land in Leelanau County. 65% of the produce that I process could come from my farm operation in Leelanau County as well as Peninsula Township as long as I'm meeting that minimum acreage requirement of controlling 40 acres in Peninsula Township. I also have to have 65% of that 40 acres that I control in active production. I am actually going to process what I'm growing here in Peninsula Township or my farm operation somewhere else. The fact that we have added parameters around processing raw produce also helps us support local and regional agriculture. That raw produce is what can be processed under these standards, not juice brought in from California or somewhere else.

Rudolph: changing the 70% to 65%, that would allow the processor to take 35% from some other source?

Cram: [yes.] I don't want to limit farm operations from utilizing other producers here on the peninsula or region.

Rudolph: I would support that.

Cram: this allows for greater flexibility for the operator and still gives us the guardrails that we are supporting agriculture here locally and regionally.

Shanafelt: can you talk us through how you ended up at 65%?

Cram: this was the result of a conversation I had with Chris Baldyga, owner of Two Lads. Via the existing winery-chateau and farm processing [ordinance] as a use by right, they are currently required to process 85% of produce grown here on the peninsula. There's no requirement really that they grow much of anything. They just have to process 85% of what's grown here on the peninsula. He is one of the three farm processing facilities that is functioning right now as a use by right. He said based on what he's currently growing and buying from other agricultural operators, he was close to meeting that 70/30 but he was probably functioning more at 65/35. I also looked at the letter that was submitted by the farmers opposed to this and some names stuck out. I know they're not interested in having a farm processing facility; they just want to grow grapes and sell them to the producers here. I didn't want that to be limited or to change. Based on what I heard, I think this is a good starting place. A zoning ordinance is intended to be a living document. It can be changed, just as we're making changes now. If we hear from the agricultural community that this isn't working or that there are unintended consequences that we don't want, we will fix it.

Wahl: if I remember correctly from the joint meeting, the gentleman who voted against this felt this was a big issue. He wanted it closer to 60.

Cram: I believe this is reasonable. We want to continue to support the growers.

Edmondson asks question from audience with permission from Wunsch: what do you mean, "The processing can't predominate over the growing of the raw product"?

Cram: that goes back to addressing the commerce clause because we need to be more flexible with where the farm operation and production occur and where the produce comes from. We didn't want the processing of products coming from outside Old Mission Peninsula to dominate what's being grown here. We want to support this community and the growing of agricultural produce here. Processing is essentially an industrial and commercial use. We don't want that industrial or commercial use to dominate over the primary or principal use, which is the growing of agricultural crops.

Edmondson: so what did you mean about having property over in Leelanau Country? It sounds like I can't bring that over here if it exceeded that?

Wunsch: you would be able to because it's part of your farm operation.

Cram: your 65% requirement comes from your farm operation here and possibly other areas. In order to have a farm processing facility here, you have to have the minimum 40 acres as a use by right, and 65% of that 40 acres has to be in active production. But if you also have a farm operation somewhere else, the processing requirement, the 65%, comes from your [entire] farm operation. We just want to make sure that the other kind of incidental parts of the processing does not predominate over the growing of crops here.

Edmondson: where does predominant kick in? Of what percent?

Cram: when you go through the entire zoning ordinance, there is a requirement for data and records. With this use, you would be required to provide your data and records to demonstrate that you continue to control the 40 acres and 65% of that 40 acres is in active production, you are processing 65% of what your farm operation grows, and your processed goods include 50% of what you produce on your farm operation. That's where

we would determine whether or not these other uses or sources of products are more intensive than what is allowed per this ordinance.

Rudolph: the intent is to support the agricultural aspects and not the industrial aspects of farm processing. If you want to have an industrial processing facility, then the appropriate thing to do would be to find an industrial-zoned place to do that. Then you could truck in juice or whatever you want from any place. But what we're trying to do here with these ordinances is to promote the agricultural aspects over the industrial aspects.

Cram: yes, the primary use is *growing*.

The next proposed change is that references to "within the township" be removed. You need to be processing what you grow. Right now, a lot of the production related to the existing wineries isn't necessarily grapes. You might plant pumpkins or something else that isn't going into what you're actually processing. Adding the requirement that it's of the same species of the product being processed again promotes the active production of crops here on the peninsula.

The other thing I would like the board to consider involves concerns about not locating a processing facility within a viewshed. I have some recommended changes that we have vetted with legal counsel. After it says, "No farm processing facility shall be located within a viewshed," I would like to propose that we add, "except as permitted by recommendation of the planning commission and approval of the township board. For those parcels where a farm processing facility is proposed that is entirely within the viewshed, a location will be considered that minimizes the negative impacts of the viewshed." If you have a parcel that's completely within a viewshed, the planning commission could review that. We could study the viewshed and find the best location for the facility. These facilities can be 10,000 to 30,000 square feet in size. We could find the best location that would minimize the impacts on that viewshed. I believe this addresses board and community concerns.

Chown: thank you for making that change. I appreciate the wording.

Cram: the other change comes under how we are going to enforce and review this. A comment was made that whether it's 70% or 65%, how are we going to measure it? I propose under Section 19 (b)1 ii, on page three, adding "at least 50% of the ingredients of any processed product as measured by volumetric weight sold at the wholesale or retail." We would be adding, "measured by volumetric weight" where appropriate under the 50% requirement for both the wholesale and retail farm processing as well as under the data and records.

Fahey: I have a concern. The term "volumetric weight" has a very distinct meaning in commerce that I don't think we intend. It basically has to do with shipping containers. I think the word we really want to use is simply the word "weight."

Sanger: is this over a year's time?

Cram: the data and records currently are required to be provided annually. We continue to have the provision that if there are crop failures or other things, the agricultural operator could come to the board and ask for an exception. As long as that exception didn't exceed their total volume over a five-year period, there would be flexibility. Those are the three changes I wanted to discuss to address concerns and comments that I've received since

November 1 and November 10 and as late as over the weekend.

Shanafelt: I think your suggestions make sense; thank you.

Sanger: same here.

Shanafelt: knowing that there is additional work that is going to happen to address unanswered issues is important. This becomes our first step.

Chown: it's what Jenn has called "the missing middle." That is her number one priority in the first quarter of 2023. We earnestly invite all of the farm operators who have questions about what they can do on their property to come in and talk to Jenn. I hope it's clear that she's attentive and committed to working with every member of this community.

Wahl: this sounds like it's actually making it easier to get a farm processing unit. We're actually easing restrictions on the current processing.

Cram: the acreage requirements exist right now. This allows for greater flexibility for newer farmers to get into this if that is where they would like to go.

Rudolph: this is an amendment to the ordinance as it exists today?

Cram: correct. The changes that were made from November 1 and November 10 that were discussed by this board have been captured in both a redline version and a clean version. There are three new things proposed this evening: to reduce the 70% requirement of what you process to 65%, to change the wording so if there is a property entirely within a viewshed, the planning commission and township board could consider another location that minimizes impacts within the viewshed, and to add the measurement by weight. I discussed these changes with Bill [Fahey]; I wanted to make sure he still felt comfortable that these were legally defensible and met our goals. We do have this proposed for adoption with these changes included so that we can legally post the adoption. I have a copy for everyone if you are in agreement.

Rudolph: what is the amendment number?

Cram: 201.

Sanger moved to amend the November 14 draft with the changes just enumerated affecting the viewshed, the 65% measurement, and defining the measurement in compliance with the 65% based upon weight with a second by Rudolph.

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

Achorn: I was looking at the volume by weight. It's 50% of the ingredients measured?

Cram: the 65% is of what you're processing; it's what goes into the machine. The 50% requirement is related to the processed item. That is consistent with Right to Farm. That 50% of your processed finished item includes at least 50% by weight of what you're growing. So, there are two mechanisms to support active crop production.

Wunsch: much of the language that applies to what we're calling farm processing facilities is related to cases where you have both fairly substantial processing activity going on as well as retail and on-site consumption. If you were creating a blueberry pie factory, you would have to commit to producing 65% of the blueberries that you're using yourself from your land, whether it's in Peninsula Township or anywhere else. But 50% of the end product or the namesake ingredient of the product wouldn't need to be from your farm operation. If you wanted to produce something on a smaller scale and you didn't need the

footprint that one of the farm processing facilities would have, you'd either have recourse through existing ordinance language or through the ordinance language that Jenn will be working on in the coming months. Jenn has been talking about what it looks like to set up a commercial kitchen. You would then have a right under the Right to Farm Act to sell items produced in a small-scale commercial kitchen through that venue. What we're looking at tonight is 10,000 to 30,000 square foot operations that are involved in industrial production and then also sales and consumption on site.

Cram: I see the future amendments as a menu. If I am a farmer, I might want to have a bed and breakfast. I might want to have a commercial kitchen so that I can add things. It's not one size fits all in one ordinance. The existing winery-chateau ordinance got really confusing, and we've heard time again that the whole "guest activities" was ambiguous because we tried to lump it into this other thing. What this amendment does is focus on farm processing. The other uses will be addressed or are already addressed. There are a lot of things that exist right now in the zoning ordinance that you as farm operators have the ability to do. Please come in and talk to me so that I can help you find them.

Chown: just for clarity's sake, how many square feet is this room?

From audience: about 1,500.

Chown: 1,500 square feet. So, we're talking about farm processing facilities from 10,000 square feet up to 30,000 square feet.

Cram: the farm processing ordinance as proposed allows for a retail space of 1,500 square feet. That would allow the farm processing facility to showcase its raw produce and processed produce. It allows for free entertainment indoors, all of those things.

Rudolph moved to amend the Peninsula Township Zoning Ordinance to provide for the amendment of definitions, the amended authorization and regulation of wholesale and retail farm processing facilities, the amended authorization and regulation of remote tasting rooms, the deletion and repeal of winery-chateaus as authorized uses, to impose conditions and requirements for the operation of such facilities and operations, and to repeal any ordinances or parts of ordinances or resolutions in conflict with this ordinance, in order to maintain the public health, safety, and welfare of the residents and visitors to Peninsula Township, via Zoning Ordinance Amendment 201, with a second by Achorn.

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

7. Update on PDR selection committee.

Cram: we announced earlier this year that we would be accepting letters of interest to serve on the Purchase of Development Rights Selection Committee. The deadline for letters of interest was November 30. I'm excited to report that we received 10 letters. Because we had such a robust agenda this evening, I recommended that the board make appointments at the January 10 meeting. I included all of the letters of interest and supporting materials in the packet so that you have an opportunity to review. I recommend that we hold interviews the afternoon of January 10. I have reached out to all of the interested parties so that they know what the schedule is, and they know I will follow up with them if you would like to conduct interviews. I know a couple of applicants

were concerned that they wouldn't be here in person, but we would have the ability to zoom them in for those interviews if you decide to do that.

Wahl: I will be gone from January 9 to January 16.

Wunsch: I will be gone as well.

Cram: we would still have a quorum in order to take action.

Sanger: it's pretty normal for the parks committee and of course the commissions to interview. I recommend that we extend the invitation.

Board agreed.

8. Ticker article on the use of moratoriums throughout Grand Traverse County.

Cram: this is very timely. There has been a lot of concern about the fact that the township adopted a moratorium that put a pause on accepting new special use permit applications in the A1 agricultural zone. I thought it would be beneficial for the board as well as the community to know that many townships utilize this process of adopting a moratorium to pause things so they can thoughtfully look at how to update their zoning ordinance and be proactive with making changes that have impacts to the community.

9. Update on waiver request from moratorium from Bowers Harbor Boat Works.

Cram: because of the moratorium that prevents new special use permit applications or amendments to be submitted in the A1 zone, we have a few applicants wanting to move forward. Originally, Jeff and Sue Fouch submitted a letter on October 4 requesting a waiver from the moratorium. We followed the same process of scheduling a public hearing and this was noticed as a public hearing. Because they have not started putting their application together, we agreed that the best use of our time would be to work together to submit the information so that when the moratorium is lifted, they can submit a complete application. Bowers Harbor Boat Works as an existing business would like to amend its SUP to allow its existing office to become a dwelling or a manager's residence and to expand its outdoor storage. That would require some screening. All of those are doable within the existing zoning ordinance. I will be working diligently with the Fouches to help them prepare their application so they can submit it in a timely manner. They've withdrawn their waiver request at this time.

10. Motion to go into closed session (two-thirds roll call vote required) to further consider a written confidential legal opinion from the township attorney regarding Mari Vineyards pursuant to MCL 15.268(1)(h) and MCL 15.243(1)(g)

Wunsch: coming out of closed session, we will not be making a motion, so we will move up citizen comments and board comments before closed session.

9. Citizen Comments

Fred Dohm: agriculture is moving faster than we can keep up with. Some of us received letters a couple of years ago. That's when Seneca bought Peninsula Fruit Exchange; they wouldn't buy our brine cherries. I had to move about 200,000 pounds of trees. One of the farms got sold; some of the production that was on that is a horse pasture now. Some of my neighbors got a letter from Peterson Farms; one of them was read here today. I was at the fruit expo downstate and visited a classmate of mine of 50 years. He's one of the best and most recommended horticulturalists in the apple industry. He said the two places to grow honey crisp apples are Northwest Michigan and Nova Scotia. Ten years from now,

we're going to be discussing in this very room the building of storage for honey crisp apples. It may come quicker than that. These are not going to be pretty buildings. I've been inside of a couple of them. They're multimillion-dollar facilities. They're 30 feet high. They stack boxes of apples ten feet high. I was in one in Hamilton, Ontario. [The guy] spent a million dollars moving dirt because the footings underneath have to carry the weight.

Joanne Westphal: I want to finish my statement. When you have an ordinance or a proposition for change in the rules and you can't move forward, sometimes you have to put it aside. My objection to the [proposed amendment to the ordinance] as it's written today, and I know the tremendous amount of work that went into it, Jenn and everyone, is that it was too one sided. It was too focused on what exists today. We weren't thinking outside the box about what future farmers would like to be doing in terms of just some of the things that Jenn mentioned. The proposition that you could have breakfast on the farm, that will take certain facilities to allow that type of activity, but it's occurring very successfully in the state just to the west of us. There are so many different opportunities out there. I felt that the ordinance we were discussing, which was just approved, was a little too one sided. I really am not opposed to seeing the levels if it's worked successfully. But I think there are so many other opportunities that are out there that young farmers can try or even old farmers can try. I'm very encouraged to hear what Jenn talked about tonight. I'm shocked that I didn't even know those thoughts were taking root here in the township. I'm happy to hear that. Congratulations, Jenn. I think you've been doing a great job. And thank you, guys.

Cram: call me, email me, talk to me. I want to hear what you want to do with your farm operation. I believe that proposed amendments moving forward can address that. I look forward to working with everyone.

Edmondson: a comment on the viewshed restriction or I guess it's a recommendation. You are going to have to be careful. A lot of those viewshed lands have already been purchased under PDR. You've got a contract that you signed with that person. If you impose a new restriction, I think you run into a conflict. So just keep that in mind is what I would suggest. I am disappointed in the passage of the new ordinance. I think you're going to promote more housing development with a lot of the farming families that are out here because they know what it takes to go through the special use permit. When the tire hits the road, I don't think you'll get the outcome you expect.

10. Board Comments

Shanafelt: I want to thank Jenn for her leadership and efforts in collecting all the information from multiple sources that provided input into the vision for this current section of the ordinances. I can't say thank you enough for taking on that labor. I'd also like to thank the citizens' agricultural committee for its efforts to try to identify consensus concepts across multiple constituents, including farmers, that could lead to the harmonization of our zoning ordinances. As a recommending body, this committee provided solid information that the planning commission and staff were able to use to develop this portion of the farm processing facility ordinance. We shouldn't forget the role and the good work of the planning commission in making this process a success and thus allowing us to get to where we are today. I would like to acknowledge the level of

engagement by our residents in this process. I appreciate those efforts to let us, the board and the planning commission, understand your views. This is obviously complicated due to the diverse perspectives across the peninsula. It has led to a solution that does a good job of addressing the complexity of Peninsula Township. I don't expect everyone to be happy with the outcome, but I do think this is something we can live with. As Jenn pointed out, we can modify as we go forward. [The new ordinance amendment] does address the many different perspectives and needs that currently form the township and how it is moving forward. I want to exemplify that. It's not perfect, but we're trying to do the best job we can to make it work. This is really the first step. I look forward to the further development of our ordinances and how they evolve to support our community.

Wunsch: thank you, everyone, for showing up this evening. Thanks for your input. This is not a one and done; we will continue working through these ordinances to look at continuous improvement. What we have now provides us with a really solid foundation that we were lacking before. I joined the planning commission in 2014. The ordinances that were just repealed were the third rail of politics in the township because there were a lot of pieces that neither constituency wanted. I think what we're going to find with the ordinance language that was adopted this evening is that there will be more ability to change, to modify as necessary, and to look at layering in different policies. We can have that menu option instead of a golden ticket for anyone who gets a winery-chateau SUP. Directionally, the changes that were made are good and will leave us with opportunities to continuously improve rather than be stuck with something that no one really likes.

Shanafelt moved to go into closed session to further consider a written confidential legal opinion from the township attorney regarding Mari Vineyards pursuant to MCL 15.268 (1)(h) and MCL 15.243 (1)(g) with support from Chown.

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

Closed session entered at 9:14 p.m.

Wahl moved to come out of closed session at 10:05 p.m. with a second from Sanger.

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

Achorn absent and excused

Passed by majority

11. Adjournment

Wahl moved to adjourn with a second by Wunsch.

Motion approved by consensus

Adjourned at 10:05 p.m.