

# PENINSULA TOWNSHIP

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**Minutes Corrected by Shaina LaFond May 29th, 2024**  
**Planning Office**

## PENINSULA TOWNSHIP PLANNING COMMISSION MINUTES

May 7th, 2024, 7:00 p.m.

1. **Call to Order** by Hall at 7:00 p.m.
2. **Pledge**
3. **Roll Call**  
Present: Alexander, Beard, Dloski, Hall, Hornberger, Shipman, and Cram, Director of Planning and Zoning  
Absent: Shanafelt, excused
4. **Approve Agenda**  
Shipman moved to approve the agenda as presented with second by Alexander.  
**Motion passed by consensus**
5. **Brief Citizen Comments (For Agenda Items Not Scheduled for Public Hearing):** none
6. **Conflict of Interest:** none
7. **Consent Agenda**
  - a. Approval of Meeting Minutes: Planning Commission Regular Meeting, April 2, 2024  
**Shipman suggests changing "cited" to "sited" in minutes, but is unable to find the location of the error.**
  - b. Correspondence from Judy Spencer  
Dloski moved to approve consent agenda as noted with second by Alexander.  
**Motion passed by consensus**
8. **Business**
  - a. Special Use Permit (SUP) #123 Peninsula Shores PUD, Amendment #5 - Continued Discussion  
**Cram:** Thanks for participating in the site visit prior to the meeting. Although much is learned by viewing plans, seeing how it relates to the site by seeing things on the ground is very helpful. Mentions that Kyle (O'Grady) was meant to attend the meeting but seemed to have misunderstood. The discussion was kept on the agenda so that the Planning Commission could ask further questions or request more information after the site visit.  
Hall: Does anyone have any comments or questions.

**Dloski:** I do. I don't quite understand why putting more units at the north end of this development is a good idea when we had such a problem with one unit. Now we're going to put units up there. I just don't get it. I think the first plan where they had Unit #41 at the bottom was a better plan. I'm not getting it. I'm sorry. I don't think...they gave us this about moving these units over - I don't think they're buildable to begin with. If you look at it there's the drop off - it's so severe - I don't know how they're going to build units there. So, I'm not sure what's going on here.

**Hall:** Larry - the drop off where?

**Dloski:** Units 27, 30..24 on the west side - east side - of the plan. Driving up the hill on the east side, or right hand side - they're not developed and they were trying to move - remember - move those units up a little bit?

**Hornberger:** Unit 27 is not being moved.

**Dloski:** I'm not saying it is, I'm just saying I don't know how they're ever going to build there. You've been out there. You see how far it drops off and how fast it drops off. But regardless of that, what is the drill about putting two more units at the north end when we had such a controversy with one? Why is this such a great plan?

**Cram:** Well, I think, Larry - first of all - it would have been helpful if you were with us on this site visit...

**Dloski:** I visited the site. I was there today. I've been there twenty times. I've ridden my bicycle up and down fifteen times. I don't have to be at a site visit with twenty people to know what I see.

**Cram:** Okay. So, I didn't see the same concerns with the drop off, having been out on the site today and seeing the staking of existing lot lines and proposed lot lines. I don't think it is for the staff or for the Planning Commission to say what makes this a better plan. We have to review...the applicant has the ability - the right - to come in and request an amendment to their PUD site plan and SUP. Our job is to review that request with the Zoning Ordinance to make sure that it meets the standards. So, seeing it out in the field today, I think it helped me to understand how the future homes - if this plan were approved - would be sited, where the center was, you could see how it fit on the land. That helped me because originally, we had talked at the introduction about there being a concern about the steepness of this area on the west side of the property and now going out there you can see that there's really kind of a flat area - a crest. The trees were marked along the perimeter of the existing forested area that would need to be removed, but generally speaking, I have less of a concern about the grade and the steepness of that. That slope has lots of vegetation to retain it. So, that was helpful, but I guess, to answer your question: it is the applicant's prerogative to come in and request an amendment. He explained out in the field why they thought this was a betterment, and the reason that he gave was that when you go out there you stand in this area [using cursor to show the area on the screen], preserving the open space where existing units eleven and twelve currently was a positive. He's maintaining the same number of units that were originally approved, so the density isn't increasing, the open space remains increases slightly, and so it's his prerogative to rearrange things, and we have to determine whether or not it meets the standards.

**Alexander:** While I would agree with you on some of the things, like the open space down in 11 & 12 - I really liked that - one of the things that Susie and I were thinking about when we were down there is that not all the houses are built yet, so there are some spaces in between that are going to be built, so that might impede the view a little bit. I did like the idea of them being able to use that, have more visibility, like if they're bringing their boats and their trailers down and that turnaround now will be clearer and it will increase that visibility. As to Lot 41, I do have some concerns about steepness there. Walking around and looking at it was very hard for me to visualize where they were gonna site the house. Looking at the stakes way down in the woods, I wasn't crazy about that

steepness. Up at the top - when we looked at putting those two units in - the concern about where exactly is the front door going to be and how would they site that. Looking at Unit 11 and what the setbacks would be, because I personally prefer that the front door face the street and that you have that 30 foot set back instead of a shorter one. And then there was that crest on the slope to the east side. I thought there was a little bit of a slope there and I was kind of concerned about that, too.

**Cram:** Clarifies which lot/area Julie is referring to.

**Alexander:** There's kind of that ridge up there, then there's the slope down. And so when you looked at where the corners were in the setbacks of the lot I had trouble seeing - you know there's like this rise there - how are they gonna site the house, and how are they gonna alleviate erosion there.

**Hall:** Asks for any other comments.

**Shipman:** I'll run through my thoughts post-site visit. Walking around and sort of talking about the footprint of the actual home structures was most informative for me to get a good sense. When I look at the lines on the map and I think about something going right up against a line that causes me grief.

**Cram:** Asks for clarification on the site Shipman is referring to.

**Shipman:** I'm not talking about anything specifically yet, I'm talking generally that it was helpful to be out there and have a sense of how a structure would be built on each of these parcels. For instance, the one Julie was talking about - Lot 11 - at first I was quite concerned that the patch of forest that he has listed there as common open space would be kind of further decimated. But it appears to be essentially maintained right where it drops off, so that gave me a level of comfort. You know, I was in opposition to the previous request for an amendment, largely for the addition of the unit so for me, I see this as more just adjusting within the site. Also being on site, at the bottom of the slope there at the junction of Shoreline Court and Waters Edge Drive, I did appreciate that open space. Across the road, the house that isn't built on the opposite corner, and then having a house right there - opposite it on Shoreline Court - being there on site, it felt like that would be very congested. Tight almost. I have an appreciation for there being the relief in a community of some open space, so I do appreciate that there. I'm gonna go back up to 11 and 12. Because those are both smaller lots compared to what was proposed for Unit 1 in the last approved plan. I wanted to look at that eastern corner of unit eleven and look at where the forest was and look at what the impacts were there. My concerns were a little bit allayed. Now I know it's two structures but I also saw the size of the trees that are currently there. The trees are very large, and the ones in the middle are going to grow up, so that's really sufficient for that buffer. That boundary where we have the 15 foot versus the 30 foot - rear yard, side yard - he's got it off to the west with a 30 foot, and I believe that that should be 30 feet going to the north. My only concern there is what that might mean for the lot and fitting the structure in there, but I think that's his problem. I do think that's just more appropriate. It seems a little bit disingenuous to put it where he put it - sort of pinched off there when clearly the back is that northerly line. Then coming back up to the turnaround - the cul-de-sac at the top of the hill - my main concern there was the forest off to the west, and that line that drops down further than the current approved plan. Being there and standing there and talking about that and how they would site the house I don't feel that there would be any benefit and there was no stated desire to go down that slope whatsoever. Given that my concerns about that particular site are pretty well allayed. I know the front of those - as Julie was mentioning - it's somewhat steep but that's just what that development is. No one, including the developer, wants to see that having a whole bunch of erosion, so I know they're going to take care of it. He mentioned that they were going to revegetate that slope and make sure there wasn't

an issue. Turning around at the end - when we finished the site visit - you could actually see the view from Boursaw into where there would now be more open space. I don't know once it's all built out how much that will really be impactful but I did know that it was true you could see that it would be more open from the public road.

**Hall:** Good comments. Anyone else?

**Hornberger:** My one basic point that has not been covered by everybody else and sort of was touched on by Susie is: I think any normal, sane person that looks at Unit 11, if you were to ask them, what is the rear it would not be that little jog, it would be the part that faces away from the street and I think that if and when he is given approval to have these, that, we are very adamant that it is that 30 foot rear set back there and then it's his problem how he's gonna build it.

**Hall:** Jenn, would you mind talking to that point about the amount of setback for Unit 11? We're talking about either a fifteen foot or a thirty foot setback from the northerly boundary. For Unit 29, what is the setback there from the northerly boundary?

**Cram:** That is fifteen feet.

**Hall:** Can you speak to this question that's being raised?

**Cram:** Sure. Setbacks are specific to the underlying zone district and because this underlying zoning still applies even though Kyle's gone through the PUD/SUP processes. As such, the required rear yard setback is thirty feet and the required side yard setback is fifteen feet. It is interesting that unit 29 does the bend. Susie helped me to see something. They chose to put the rear property line along the bluff to pull those structures further away from the bluff. Because it's a funky lot, I can see why there was some confusion on what was the side and the rear. Common planning practice is that your front yard is usually adjacent to the road or where you take access. Because Lot 11 will take access from Waters Edge Drive this line right here is the front [uses cursor to show location on the screen]. Common with planning and zoning, the rear is opposite the front. Lot 11 is shaped differently than Lot 29, it doesn't have the L shape, and so in my determination I would call this the front, the east: the side, the north: the rear, and then this would be another side yard setback and another side.

**Dloski:** If they are allowed to build this will they need setback variances?

**Cram:** They shouldn't. I would hope that we would look at that and if the recommendation from the Planning Commission - and as a staff person, that is my recommendation to all of you, and I will provide you with background on that in the findings of facts and conditions - but if you agree and say that as a condition of approval that needs to be a rear yard. It might be helpful for Kyle to do a little design study to make sure. I think that it was also helpful for us that Kyle had that staked out in the field and I got a photo of it. He knew that there was a concern, he was ready to address it. He showed where the 15 foot setback would be, and he showed where the 30 foot setback would be. What would happen then is the house gets pushed a little closer to the road, which, from a property value standpoint maybe isn't as desirable, but would still allow him to do a reasonable sized home with those setbacks. This is based on looking at it out in the field and where the property lines were.

**Hall:** Jenn, what would be the policy reason for a zoning ordinance to have a larger rear yard setback than a side yard setback?

**Cram:** The purpose of setbacks is, first and foremost, for safety. To allow for emergency access for fires and things like that. That's why you want separation of buildings. And then your rear yard setback is generally larger for privacy. Your backyard is where you have your patio, your pool...other private things and so generally speaking, you see larger rear yard setbacks and side setbacks for privacy and separation of uses.

**Shipman:** As he was standing there showing us the 15 feet, I'm looking at how close the growing trees are. I mean, it honestly didn't seem feasible to have a house there. It looked pretty tight.

**Dloski:** I still have one question: why is this plan better than the SUP that he had proposed initially, where he had Lot 41 down at the southern end.

**Hornberger:** I don't think that it's up to us to decide better or worse, as it is to decide different but okay. And to me, this is different but okay because he's creating an open space at the corner of Waters Edge and one I can't read which was not there before. That doesn't necessarily make it better but it's a different good. Before it was like the plan was to eke out space at the rear of these houses, which seemed worse. This just moves an open space to an area that gives you certain advantages in terms of moving boats in and out, of being able to see it from Boursaw...I think it's as good as what he had before.

**Cram:** Just to be clear, Peninsula Shores SUP #123 - when we all worked together, I think before Kevin was on the commission - we worked together through Amendment #3, and that allowed moving Lot 1 from the southeast corner to the northeast corner, and then Amendment #4 came before you and that was a proposal to shift units from the bluff and add another unit of density. The recommendation that came from the Planning Commission to the Board was a recommendation of denial. The Planning Commission found that, based on the Zoning Ordinance, that it did not meet all of the standards. So, that recommendation was moving to the Board and then Kyle paused it and is coming in now to look at Amendment #5. So, depending on what the Planning Commission decides, Kyle will have to make a decision - does he move forward with #4 or #5 and withdraw one officially.

**Alexander:** In any answer to your response, Larry, I don't think it's necessarily that one is better than the other. One of the things we ask builders is to be creative and come up with solutions to issues, and I think this is a creative solution - or a creative proposal. The thing that makes me lean toward considering it more carefully is the fact that he's not increasing the density. We're getting more open space. We're not increasing septic systems.

**Cram:** Confirms that no additional septic systems are occurring as part of this proposal.

**Alexander:** So, since we're not adding any more, I'd say that these are very comparable.

**Dloski:** My only concern was the neighbors to the north and I don't think this is a better plan for them.

**Alexander:** I understand that. That's another reason to look at a thirty foot setback as you're talking about privacy. Again, does the builder have the legal right to do this? Does the ordinance support the builder being able to, whether we think it's better for the neighbor or not.

**Dloski:** Why didn't we take this philosophy when we wanted to build that unit? We had 17 public hearings and everybody was going around in circles for that one unit, and we agreed. Now we're putting two more up there and everybody's happy.

**Hall:** Let's not worry too much about history.

**Dloski:** History is part of this.

**Hall:** Larry, your point is well taken and there are other points too that are well taken. If people feel strongly that there are problems with this, that it doesn't comply with the ordinance or that there are aspects that create serious consequences for neighbors, risk of hilltop collapse or something, we should air those. If not, then I think the only consensus is that we would like to see a thirty foot rear yard setback applied to Unit 11.

**Hornberger:** My opinion about Unit 11 is that if there is not a thirty foot setback, I probably would not vote to approve it because it is a rear yard.

**Hall:** Jenn has explained the public policy reason for the rear yard setbacks and I find that persuasive here.

**Beard:** We're all on record as to our support or objections to Amendment #4 and we all articulated the reasons why we think it complied with the zoning code. Amendment #5 needs to be considered on its own merits against those same standards. Comments are broken into categories here: what

do I like about #5: the applicant stayed with 41 lots to the original approval and was consistent through this; it does increase open space for the betterment of the residents there slightly; it does not increase the density; it opens up some square footage on that intersection to improve sightlines and aesthetics. What I don't like or what I'm concerned about is: what are now numbered lots 1 and 41 at the south end of the cul-de-sac are still smaller than any other lots up on the hill, so that's not consistent with the rest of the development. The other place where the lots are smaller is down by the shore but not up on the hill. 11 and 12 - I don't think this discussion about fifteen or thirty foot setbacks or what constitutes a side or rear yard is a trivial discussion. This can affect all kinds of future developments and regardless of what previous zoning administrators determined at some point, I think we need a legal interpretation although I agree with Jenn and her interpretation. If that's the case, the north lot line does need to have a thirty foot setback. The other thing that concerns me about 11 is just that odd shape. How difficult it's going to be to construct something in that envelope. I'm sure the developer is creative and will come up with something. At our walkthrough today, he pointed to property across the street and it's layout and suggested we imagine that flipped and put on Lot 11. Might work, I don't know. I'm concerned about that because the minute you put a pentagon up there you get into an arm wrestling match about defining your rear yards and side yards and open this can of worms. It should really be much more straightforward than that, making the fifteen and thirty feet much easier to calculate.

**Alexander:** One more point to raise. I realize that this is a really emotional decision for those homeowners, and it was difficult. We wrestled with it to see if it meets the ordinance and do we like it. I really struggled with that. I have to keep reminding myself that it's not my personal preference that I'm voting. It's "does it meet the standard" and I have to be more objective about that.

**Dloski:** What standards are we looking at?

**Alexander:** Just saying "does it follow the ordinance?" "Does it do what the ordinance says?" "Is it legal?"

**Dloski:** I understand that, but we had a wrestling match about the standards and how do they apply and do they apply to one unit? This whole thing is up in the air.

**Alexander:** I think what Kevin was saying is (we can't worry about) what planners have done before. We must look at where we are right now. We have an excellent planner and we have to meet that standard. Regarding the setbacks, I must agree with you, Donna, if it were fifteen feet I would say no.

**Dloski:** I would feel a lot more comfortable if we could articulate the standard.

**Cram:** We have to follow the standards and the zoning ordinance to approve an amendment to a special use permit, as well as...so, per Section 6.8 of the zoning ordinance schedule of regulations we look at setbacks, lot coverage, and all of those things. Our engineering firm, GFA, is reviewing all of the calculations that Kyle and his team have provided to make sure that the lot coverage still meets the requirements of not exceeding 15% of the total area. All of that is being confirmed. We talked about the setbacks. Section 6.8 clearly says that the rear is 30 feet, the side is 15 feet, the front is 30 feet, so we look at all of those things. Do they have adequate water and sewage disposal? Yes. Nothing is changing with this proposal. Then we go through all of those standards in Section 8.1.3, that we go through in the findings of fact. Those are the standards that we are using. Currently, our zoning ordinance is not set up to distinguish between a brand new special use permit or if this is an amendment, so we use the same standards right now for both.

**Dloski:** One question, Jenn. Is one of the standards a benefit to the community?

**Cram:** Yes.

**Dloski:** How can we determine that this is a good benefit to the community? The community that we're concerned about are the property owners to the north.

**Hall:** They're part of the community.

**Cram:** They are one lot.

**Dloski:** But they're the ones that are being directly affected, so in my mind, they're the community. So, is this a benefit to the community?

**Hall:** My view is that that's overly narrow. I wouldn't restrict it like that. I think that they are part of the community. The property owners to the north have been consistently against anything up there and they're just part of the community.

**Alexander:** So it says: the community as a whole. (That language is agreed upon.)

**Hornberger:** To me, having a thirty foot setback between Unit 11 and their cul-de-sac meets the requirement that it is okay for them. They may not think so, but according to our ordinance it's okay.

**Shipman:** Addresses Jenn. Where 11 and 12 are sited, is that formerly 1? Was that in Amendment #3? Was it thirty feet from the north?

**Cram:** Yes. I'm pretty sure. (Checks plans.) Yes.

**Shipman:** So, thirty feet from the north. For me, that was an amendment where I wanted to go look at the site. I wanted to see what the exposure was to the northerly neighbors, and to have that setback was important to me which made me feel confident it was how that was (thirty feet). Also, that the buffer is what put it over the edge. I didn't see any additional impacts as being substantial to the point of concern. The way that the topography is, the big buffer there...seems like there's a lot of protection especially because on the cul-de-sac at the southeast corner it's all wooded, as far as where the property line extends to the east.

**Beard:** It's too bad that Mr. O'Grady isn't here but Jenn, maybe you know the answer for this: for those two lots up there - 11 and 12 - is the infrastructure already in? Sewer lines? Electrical?

**Cram:** I would have to look to see and ask Kyle. I can't remember if those two lots connect to the on site or to the community septic system, or if they're proposed to be individual.

**Hornberger:** It says here it's proposed to be individual, so they are probably not there yet.

**Beard:** All right. Thank you.

**Hall:** Asks for any further comments.

**Cram:** I will recommend that Kyle listen to the recording on YouTube so that he can hear this firsthand. I have taken copious notes. I've heard you. With that, this has been scheduled for a public hearing on Thursday, May 23rd. It will be a special meeting of the Planning Commission for the public hearing. That public notice has gone out.

b. Special Use Permit (SUP) #134 First Congregational Church, Amendment #1 - Introduction

**Cram:** The First Congregational Church SUP #134 was approved by the board on January 14th, 2020. A copy of the approved findings of facts and conditions were attached in your packet as Exhibit #2. The original approval of that SUP included the construction of a 5,600, square foot addition to the northwest corner of the existing building, new patio, outdoor park, and play area along with relocating an existing pavilion. First Congregational Church would like to add on to the outdoor park and play area, including a play structure, swing set, shade structure, and fencing to enclose the expansion area consistent with existing fencing. A copy of the application was included in your packet for review. The site plan is really easy to understand because they showed the whole site and then a blow up of the site. I will recommend that prior to public hearing we do a site visit to look at it on the ground. The applicant, Mike Wills, is here and can fill you in on anything that I may have missed. He did prepare this wonderful PowerPoint for you.

**Wills:** My name is **Mike Wills, at 110 Fairway Hills Drive, Traverse City, MI** and I'm a member of First Congregational Church, and I am the Chair of the Infrastructure Committee. With me is Bill Myers. Bill is the Chair of the Community Children's Center which is really what's driving this. The Community Children Center is a daycare center within the church proper. It's a division of the church but it serves the entire community so this is not restricted to church members' children, it's open to the public. With the addition that we just completed a year - two years ago - we were able to double that space to expand their service to the community with increasing enrollment from about 65 kids to somewhere over 140 at this point. And with more children, we have more need for outdoor play space because there are some very restrictive regulations with regard to daycare and the ratio of students to teachers and amount of space per student. So, what we have now just won't accommodate the number of children that we need to accommodate. The other part of it is we need to give the children some shade in the hot blazing sun. We're open year round so they spent a good deal of time out there without any shade and that's a concern. There's a play structure that's going inside of one of the fenced in play areas we already have. That's one of the elements. We have a fence extending around the enlarged play area because we're finding that kids can wander off and they can wander into the parking lot or even into the neighbor's property and that's a concern, so keeping them corralled is a big issue. The impacts of this expansion (is) insignificant. There's no impact to the parking whatsoever. There's no significant impact to the site in any way. It's pretty flat where it is. We'll have to do a little bit of grading to flatten it out a bit more and we'll have to remove about 6 inches of topsoil and clay so that we can put 6 inches of fall protection, rubber mulch down where the kids play. We are open weekdays only from 7:00 a.m. until about 6:00 p.m. - the day care part of this. It serves a huge community need, as you all know. This is the overall site plan of the church. Center Road runs at the bottom, off at an angle to the right. The entrance to the church is about midway along the property line. It's a very large parcel of land - over 13 acres. The church is kind of sprawling but the two points to showcase here are the oval at the top - which would be the north of property line - (which) is the area of the playground expansion, and I've got a blow up of that in another slide. We've contacted the Walnut Ridge Homeowners Association, and they are considering writing a letter of support, which will come to Jenn before the public hearing. There's also another little highlighted area in the bottom of the triangle, a small amount of spoils from the grading would go right there. There's a steep hillside there, and we'll just help to even that out. So, that's the site and the project elements. As Jenn said there's a 20 by 20 fabric shade structure that will go inside of an existing fenced in play area. There's a swing set, a large play structure, and the rubber mulch underneath and around all of that for fall protection. And then the fence with gates so that we can actually get a vehicle in if we need to. The upper left hand corner is a photograph of the existing playground, and you'll see the fence in the lower right hand corner. That's the same fence that we will be extending around the new play area. In the upper right hand corner is this 20 by 20 shade structure, which has four posts with a fabric over top. Lower left is the large play structure (30 ft long. 20 ft. wide at its widest) and then the swing set on the right corner. The brown box is the proposed structure inside the existing fence. Moving to the right, you'll see the green shaded area is the total amount of finished disturbance to the land. 2,600 sq ft of rubber mulch area for fall protection. And within that, you've got the swing set towards the top, and then the large play structure expands across the bottom area there. That whole area is only 2,600 sq ft. To the right of that you'll see a cross hatched area which is the future-proposed addition to the church that we're planning on. We put it on there, not for approval, but for our planning purposes. We wanted to make sure we stayed out of that footprint area. Then you'll also see the proposed fence that will follow along the circular play area at the top-middle, and then straighten out till it becomes perpendicular to the front of the church, and then back down and will



meet the church. At the corner there by the existing sidewalk we'll have a double gate - this 42 inch side would be normal use for pedestrians in and out and then we can open up another seven foot section to give a ten foot wide opening to get a vehicle in there if we need to for maintenance purposes. That's the end. Do you have any questions?

**Hall:** You said something about 'open to the public' and I missed the context of that statement.

**Wills:** So, the daycare program, while it's a church function, is open to the general public so any child from anywhere within the community can enroll.

**Hall:** They would sign up.

**Wills:** As long as there's openings, of course. That's the challenge: finding places for all these kids.

**Hall:** The playground area - when it's not being used for daycare is it secure? Can kids from the neighborhood come over there to use it?

**Wills:** They'll be able to go in through the fence to be able to get into the area but yes it's not blocked or anything. It's open to the public, and we do find families actually drive there with their children or stay after school to play on the playground.

**Hall:** Okay Thank you. Anyone else have any questions?

**Hornberger:** You said you had to move some of the soil to even it out? Where are you moving it? Is that where the kids sled now in the winter.

**Shipman:** It's way further to the west from the toboggan hill.

**Dloski:** I just have a comment: we have talked about this several years ago, but it seems to me like this is kind of a poster child for an amendment to the SUP, ordinance to allow for technical in-house review and approval. I don't think (the desire to) put a tent/umbrella over a swing set, or to put in another swing set justifies these people spending all the money to go through special land use approval. We should look at having an in-house review where department heads all send their reviews, and if it's okay it gets approved, and it's done. If it doesn't, it comes to the Planning Commission and Township Board.

**Hall:** I would second that, Jenn, and I'm assuming that...

**Cram:** I would prefer to do that, as well...

**Hall:** (Suggests Jenn add this to a list of what needs to be addressed when more wholesale amendment and updating of our zoning ordinance occurs.) I agree with Larry that we need a more streamlined administrative process for some of these things.

**Shipman:** I was here when you guys came through for the initial expansion project and it looks great. It was really good working with you guys then. At a previous point in time, the board was concerned about the traffic (acknowledges the approval of this amendment won't affect traffic), the height of the structure and Walnut Ridge. I felt like that project went very smoothly and this is a fantastic project. I agree with Larry and Randy that these kind of changes should probably be more in house. (Cites her understanding of childcare rules.) You need a fence. I can't believe you're operating without a fence.

**Wills:** Well, we do have a temporary snow fence up for that.

**Shipman:** I'm in favor of everything I see here.

**Alexander:** I used to do home daycare so I know exactly what you're talking about (as far as) the space, number of teachers, and being compliant with ratios. I think that this is a wonderful project and I agree this should be something that should be able to be done administratively. It seems like there's minimal disturbance to neighbors and it's very much contained and a great project.

**Dloski:** I will say the church really worked well with the neighbors because I know the neighbors were concerned, I was on site with the neighbors in the church and we worked some of these issues out and they really did a good job, I commend you on that.

**Wills:** Thank you. We have a very good relationship.

**Cram:** Would the Planning Commission like to make a motion to schedule this for a public hearing at the next regular meeting on June 4th?

**Hall:** The motion is for what exactly?

**Cram:** To move this forward to a public hearing at the June 4th meeting.

**Motion to move SUP #134, First Congregational Church, Amendment #1 to a public hearing at the next regular meeting of the Planning Commission. Dloski motioned with second by Shipman.**

**Motion passed by consensus**

c. Special Use Permit (SUP) #138 Old Mission Lavender Farm, Amendment #1 - Introduction  
**Cram:** the Old Mission Lavender Farm SUP #138 was approved by the board on March 9, 2021. A copy of the approved findings of fact and conditions is attached as an exhibit. The original approval for SUP #138 was under the section of the zoning ordinance that allows for greenhouses and nurseries which is included in your packet. The applicant is now requesting the first amendment to this SUP to allow for additional accessory value-added agricultural uses including a seasonal aromatherapy sauna, farm related meet-ups, including curated picnics with a farm tour experience. I asked for some additional information on that. With regard to the picnic: these would be curated picnics that would include one fresh or dried lavender bouquet takeaway as a component to the farm picnic experience, a pre-packaged lunch box or snack boxes with the tie into lavender that will be produced elsewhere by a third party caterer or restaurant and held in a refrigerator unit in the existing farm shop for pick up as scheduled. The snack box items may include lavender shortbread cookies made locally at Potters Bakery with lavender from the farm and/or charcuterie boxes produced at Mission Proper with food that pairs well with lavender. The outdoor picnic experience will be scheduled for small groups ten or less or as an optional add-on during the seasonal lavender u-pick experience. On a one-off basis they're also requesting to do some yoga and group exercises. I asked for more information on that because it's very important as this property is zoned agriculturally, and so the uses do need to be accessory to agriculture. The exercise experience will be granted each participant one fresh or dried lavender bouquet takeaway as a component to the farm exercise experience. Lavender aromatherapy will be included as part of the exercise experience, as well. The outdoor accessory use will be held for small groups ten or less, in an outdoor setting adjacent to the lavender and gardens. There is an existing outdoor portable toilet and hand washing station that already exists on the property. The other accessory uses that are being requested would be a lavender-based class, wreath making, sachets, centerpieces, etc., garden club meet ups, and marketed photography sessions. Some of the uses that have been requested are clearly addressed in the Right to Farm Act and some are not. Regardless of whether or not they are addressed in the Right to Farm Act we still have to apply our zoning ordinance, so there's a balance here. I will help guide you through that. I said the two uses that are questionable were the curated picnics and the yoga classes so we'll need to get into that a little bit. The other thing: we were talking about what are the standards that we have to look at when we're looking at an amendment to a special use permit: we need to look at adequate water, adequate sewage disposal, access, parking, hours of operation, etc. With regard to adequate sewage disposal, the onsite portolet is okay for smaller groups (ten or less, as proposed) but at some point if the lavender farm is going to be successful, and they want to expand programs at such point there should be an investment in an appropriate onsite septic system (a flushing toilet and things like that). I tried to be very transparent when taking this application as to the things that the Planning Commission would be looking at and the things that we would need to address in order to demonstrate that this meets the standards under section 8.1.3, as well as other zoning ordinance standards. I think a site visit will be very helpful. I'm excited to get a tour of the farm and see how all of this works, and to

understand where some of these outdoor uses would take place. The current zoning ordinance does allow for special outdoor uses within the A1 zoning district. I believe that some of these are consistent with the original approval for a greenhouse nursery, but we would also have to, in this amendment, incorporate those special outdoor uses because the sauna experience is outdoors. In reading through the original approved findings of fact and conditions, it really focused on “indoors”, due to the negative impacts associated with outdoor uses such as noise, and so we can address that with setbacks, hours of operation and those types of things. The plan was included in your packet so that you can understand the relationship of where the outdoor sauna and cooling-off area would be located in relation to the existing building. It also shows an expansion to the parking lot is proposed as being non-paved which is appropriate for an agricultural operation. She has shown where additional parking spaces would be to accommodate these additional accessory agricultural uses. The u-pick part of this operation is huge, and so we want to make sure that we have enough parking for the existing uses and the new uses so I think the parking that is shown is reasonable. I'll take a look at that further to see how it meets the zoning ordinance. The other thing I wanted the commission to know is that the original approval did allow for a larger building to be built and that building was never built, and so that part of the SUP has expired. Subsequently, the conservation easement that is held on this property would not have allowed the larger building that was approved by the Planning Commission to be built. We are also looking very closely at the requirements of the conservation easement to make sure that the proposed uses are consistent with that.

**Hall:** Pardon me, just a matter of clarification: when you say a conservation easement, is that an easement agreement pursuant to the township's PDR program? It's not a conservancy easement?

**Shipman:** It's not a PDR.

**Hornberger:** So what is it?

**Cram:** It's a deed restriction. It's in the property file. Sorry if I misspoke.

**Hall:** It's important because if it's a PDR, it means the township is a party to that document and has a right to enforce the provisions. So, we really need to understand.

**Cram:** There have been no violations because the larger building was not built.

**Hall:** We need to understand what it is. I also want to go back and clarify something else you were talking about: The Right to Farm Act. I think you were indicating that some of the proposed uses are covered by the Right to Farm Act, but you also said, regardless of Right to Farm, we still need to apply the zoning ordinance. Now, this is a technical point, do you mean to the extent that the zoning ordinance on these issues is not preempted by Right to Farm?

**Cram:** Correct.

**Hall:** All right, thank you. I would like to ask for the benefit of the applicant and the Commission that when you come back on this one: items that they want to do here that you believe are clearly permitted by Right to Farm, please flag those...

**Cram:** I will,

**Hall:** ...so that we don't have to debate that if Right to Farm applies clearly, then it preempts the zoning ordinance.

**Cram:** I would like to add that it's timely that this application is coming before you because, as you know, the Board did approve the formation of an Agricultural Advisory Committee and so that committee will be working with me and all of you to amend our zoning ordinance to actually codify some of these uses as uses by right, that are covered by the Right to Farm Act, so I do plan to make that very clear.

**Hall:** Terrific, thank you.

**Alexander:** I just had some questions. You brought up that it's a conservation easement...

**Cram:** We are going to confirm what type of restrictions are on the property.

**Alexander:** That is a concern right now in ongoing litigation and what is happening with conservation easements, and what commercial activity - if any - is allowed on a conservation easement. So that's just something that we need to think about. You mentioned the qigong and yoga in the lavender. Wasn't there a similar concern with the vineyards and yoga in the vines? That activity was not allowed. Was it?

**Hornberger:** You're talking apples and oranges; you're talking lavender and grapes.

**Alexander:** Well, but I'm just thinking of being consistent.

**Hornberger:** I'm not sure that there needs to be consistency between growing lavender and growing grapes.

**Alexander:** It's not that, it's just the fact that it was an activity considered to be commercial activity. It was not allowed at a vineyard, and now we're considering doing it in a lavender orchard. So, what is the difference? We need to tread carefully here. I'm just bringing that up because we're in this lawsuit now, and this is one of the issues.

**Dloski:** I agree. I think that's a very good point and because (the issue) is not the grapes and lavender. It's the exercise that you're doing in the grapes or lavender.

**Alexander:** It's the difference between the principal use or the accessory use. What is the principal activity: is it lavender or is it yoga? Is (the principal use) the sauna or aroma therapy? Is 50% of the aromatherapy coming from lavender? With the lunch boxes, is 50 % of that product (from the lavender)? I'm really concerned about that fine line here, and it seems very similar to the current litigation.

**Dloski:** Expresses concern that allowing one sauna is going to mean they'll pop up all over the peninsula, don't see how it relates to agritourism.

**Alexander:** It's the principle versus the accessory that is the struggle.

**Cram:** There was no question in my mind that lavender-based classes, the farm tours, all of those things are clearly allowed under the Right to Farm Act and Farm Market GAAMPs. The sauna - due to its association with aromatherapy was more , accessory to ag than the yoga or exercise classes. Again, the property owner/applicant has the right to come in and to (make a) request. Erin came in with some questions about expanding her farm to make it viable. I hope to be working with the Agricultural Advisory Committee to present more options for farmers that are truly 'accessory to ag' so that they can add value to their farms. When Erin originally approached me about the sauna I notified her that it would require an amendment to the SUP. I also advised her to consider any other things she might like to do in the future, as it would be sensible to include those before entering into the amendment process. She provided a list, I reviewed the list, and then asked for some additional information. It will be really helpful for us to do a site visit prior to the public hearing.

**Hafeli:** Good evening, members of the board. My name is **Erin Hafeli. I reside at 13387 Blue Shore Drive.** I'm a full time, year-round resident of Old Mission. I'm also the sole member of Lightwell LLC and bought the lavender farm at 2150 Carroll Road that we're talking about this evening. I left a 15 year corporate career to preserve farming, and I'm really proud to be able to preserve this farmland site. I bought it in 2023. First, I want to express my agreement with Jenn Cram's statement and confirm that her remarks aligned with my intentions with regard to small curated events. I also want to extend my gratitude to the board that we're talking about this proactively. I'm here to request permission, as opposed to forgiveness. My conversations and open communication is (for) establishing the business plan to make this a viable farm use. As it relates to some of the other uses we've talked about today -the yoga and that type of thing - my primary interest at this time is really to look at the sauna, I understand that it's an SUP process and so that's a (good) time to get all

these out in the open. I have no immediate plans to do these activities. I really want to know what I have permission to do first before I pull the trigger on this. As it relates to the outdoor sauna, I would also like to draw attention to the fact that my lavender farm is over ten acres (450,000 square feet) and the proposed area constitutes about 900 sq ft which is 0.2 % of the total square footage. It's a very small component of the overall farm experience. We distill lavender essential oils and hydrosol on site and the expectation would be that we would be using lavender essential oil from our farm as part of the aromatherapy experience. If there are participants that do not wish to use the aromatherapy, for personal preference I don't know that we would restrict their use for the sauna. I do have a narrow and time sensitive opportunity to attract a business partner who is an Old Mission native and owner of Hearth Sauna. There is an existing Hearth Sauna location presently at Mt. Holiday, if anyone would also like to take a site visit there to take a look at the existing operations it would be very compatible with what I would hope to do at the farm. I'm happy to answer any questions you have. I appreciate your consideration and would ask for permission to proceed with the activities that are truly, as the principal nature, intended to be farm-related. I'm learning to farm with the Grand Traverse Conservation Districts Great Lakes Incubator Farm (which is) training new farmers in the area on regenerative farming practices. I'm working to take this mono-crop lavender farm and transition it to a regenerative model. We transitioned to no-spray, we're adding biodiversity this year with the opportunity to have garden allotments and invite our neighbors to grow their kitchen garden in our row gardens onsite. We hope to continue to be a community space to invite people back to connect with the natural land, and lavender farms are a really beautiful place to do that. The location of this farm (cannot be seen) from any main road. If you haven't been there yet, I welcome the visit. We are down a dead-end street in a valley so it truly is off the beaten path. Again, the sauna is my primary focus at this time. Given that it is an extensive, timely, and expensive process to go through this, I wanted to make sure to, as Jenn recommended, ask, what other types of 'accessory to agriculture' uses do we think could be consistent with the infrastructure today at that farm. In the future, if there were any larger scaled plans, I understand that a much fuller process would have to go along with that. I'm looking specifically today - without doing any site work or any construction - what uses could be approved today for the farm.

**Hall:** I'd just like to make the observation -a variation of what's already said - that this is a great project in that it forces us to examine our policies and ordinances right now. We're going to be looking at Right to Farm, and how it applies here. I recognize that the agricultural community here on Old Mission needs support and some flexibility. How do we do that? The devils in the details and we're going to get into those details here. To Larry's point, other agricultural users here will likely ask for similar things. I don't mean to signal that I'm critical of this but just because something can be done on a farm doesn't make it an agricultural or an accessory use. I think it's going to be great to work through this and (identify) what are the principles and how flexible is the concept of accessory use. I want to emphasize, we need to understand what easements, or restrictions, are on your property. Whether they are PDR - doesn't sound like they are - we really need to understand that.

**Cram:** It's a deed restriction, not a conservation easement. I misspoke.

**Hafeli:** I can just add the original SUP did have the proposed construction of 60 by 40 building and the underlying deed restriction allowed for a greenhouse that, I believe, was smaller in size. At the time that we acquired the property, we did come, in advance, to really understand what use rights we had in existence. It was confirmed, at the time, by the township, that I likely could not go back and build what had originally been proposed in the SUP, due to that inconsistency, but that if, in the future, I wanted to build, it would have to be in accordance with the size restrictions called for in

the deed restriction. I don't currently have the finances to build that. I'm bouncing all over town at different greenhouses trying to make it work, but in the future, when my farm is successful and if the opportunity presents itself, I'm aware of the size restrictions for that.

**Hall:** Jenn, anything more in your presentation.

**Cram:** I want to be clear with Erin because this is time sensitive for her. And this goes back to the conversation that we had out in the field about the fact that our current process requires the introduction, and then the approval to move to a public hearing. So, the soonest that we could bring Erin back for a public hearing would be June 4th in order to do the public noticing. After, of course, having your blessing after the introduction. She was really hoping to get all of this up and running because lavender will start to harvest at the end of June. If this came before the Planning Commission on June 4th, it would then go to the Town Board at their July meeting. I was not able to advertise this for a public hearing at the special meeting on May 23. I don't know if that is a no-go for you or if you want to proceed with the process, but I want it to be very transparent, so that you understand the timing, I have to treat everybody fairly and consistently. I didn't have the ability to advertise for a public hearing without having the blessing from the Planning Commission. I was trying to figure out how quickly I could move this through - because it is my goal to move applications and applicants through the process as quickly as I can - but that is the reality of the timeline based on the requirements for public notices. Depending on what happens with the Planning Commission in June, you would have a good understanding of their findings (about these different uses) and the likelihood of approval. Moving to the Township Board between June and July, you might be able to talk to your partner. But of course, you would ultimately need to have approval from the Town Board to engage in the activities proposed under this amendment.

**Hafeli:** I'd like to proceed. I'm aware I may miss this opportunity, but it will be good information going forward.

**Cram:** I just wanted to be very clear that I did my best to make it all fit together and I'm sorry that I wasn't able to make this happen sooner.

**Hall:** Any other comments from the Planning Commission on this? I do want to ask a question. Jenn, it seems to me that I need a little bit more education about our ordinance on the question of agricultural zoned property, principal agricultural use and accessory use. We may need to get the Township legal counsel involved as well in light of the concern about equal protection and consistent treatment and the litigation that we are still in. As much as we might like the project, in terms of our own personal interests, we have to think about the next applicant coming in with a different type of project and asking for an expansive interpretation of accessory use.

**Cram:** I did anticipate that there would likely be legal counsel involvement and that this application would require a resolution with all of the whereas's, to connect the thought process of how this is accessory to the agricultural use. I don't know if all of you know this, but I do sit on the Committee for the Right to Farm/ Farm Market GAAMPS. I know them very well and believe that I can make a compelling presentation to all of you on where this fits and (where it) doesn't. (I can) also look at the zoning ordinance, specifically when it talks about the principal use of the land and the accessory use; what is customary and incidental to the agricultural operation. All of that will be forthcoming

**Hall:** Terrific. Thank you.

**Shipman:** If we're trying to be considerate with the timeline - like we would be with anyone where we're not going down a special path or anything - one of the things that I like to think about when we get our packets is: if I have any questions, I don't want to do them at the meeting. I want to make sure that those questions can be answered at the meeting. Letting Jenn know what those questions are, (in case) she needs to go to legal counsel just arms us to actually get things moving at meetings. Just a reminder as we're talking about timeline.

**Cram:** I appreciate that, so that I can be prepared to answer your question.

**Hall:** Because we want to be efficient about processing things. This is an example of why we need to be.

**Dloski:** I'm sorry, Jenn, did you say that you're looking at this application under the Right to Farm GAAMPs for a Farm Market?

**Cram:** I will be, yes.

**Hornberger:** I vaguely remember when the previous owner came to us to build that. We did talk about a deed restriction.

**Hall:** We'll drill into it, we'll find out. (To Hafeli) When did you acquire the property?

**Hafeli:** I closed in March of 2023.

**Hall:** You must have a title policy or title commitment.

**Hafeli:** I'm sure I do.

**Hall:** I guarantee you there is a title commitment of title policy, if you don't mind you could send that to Jenn. And Jenn, you could send it to me and I could look at it.

**Cram:** Why would we need to look at it?

**Hall:** Because it will tell us what's of record.

**Cram:** We have it and I apologize that I didn't bring the paper file with me. It is not a conservation easement. It is a deed restriction that was put in place by the previous property owner before Erin bought it. It limited buildings and things like that. I will definitely include that for your information at the next meeting. If you want me to look at that, Randy, I'm happy to but I don't think it's necessary.

**Hall:** Great. Okay.

**Cram:** I know looking at Susie, because Susie holds the contract for monitoring that this is not...

**Shipman:** It's 100% not PDR.

**Hafeli:** I don't know the whole chain of ownership but I think it was original Kroupa land. I purchased the farm from Amy and Mike Parker. Their lavender farm is "Lavender on Old Mission". They continue to operate at farmers markets and they grow lavender in their front yard, further north. They're still wonderful Old Mission residents and were very helpful in the transition. I'm sure they weren't excited to sell to what is now a competitor. I really appreciate the opportunity to be a female farmer, changing career, and trying to figure this out. I welcome the proactive conversation and hope to collaborate towards something that really is a true accessory to agricultural use outdoors, that's consistent with the existing infrastructure that I have today.

**Shipman:** Thank you for being here.

**Cram:** With that, I would like to entertain a motion to allow this application to proceed to a public hearing at the June 4th meeting.

**Motion to move SUP #138, Old Mission Lavender Farm, Amendment #1 to a public hearing at the next regular meeting of the Planning Commission. Shipman motioned with second by Beard.**

**Motion passed by consensus**

d. Draft Master Plan - Review of Redlines and Existing Land Use Map

**Cram:** The draft existing land use map is still a work in progress. It is coming along tremendously and makes more sense as to what the actual existing land uses are. (Local firm) Beckett and Raeder has been working with our assessor with the tax codes as to how properties are currently being taxed to determine how it's currently being used. We did change the colors of the map so things stand out. We have the Agricultural Preservation Area noted, we have the parcels that are under conservation easement and protected, and then we grouped parcels from 1-5 acres as 'suburban-residential' and then 5 acres and more as 'rural-residential' rather than trying to make it similar to

the zoning district map. I think it really reads better. Beckett and Raeder was working on some tax IDs that showed up as vacant or unknown. Sally did get them the updated information last week, so it was a tight turnaround for their GIS person. We were hopeful to have it today, but we will absolutely have that for you at our meeting on May 23rd. In the meantime, I have included the redlines in the packet. I don't know if we want to go through those point-by-point this evening? I received this from Beckett and Raeder on Monday when I forwarded it to all of you and so I haven't had a chance to go through it. I have all of the notes that you've given me for your corrections and haven't had the opportunity to compare that document. I wanted to be very transparent with all of you, as well as the community, as to where the document is at, to date. I think it might be a good use of our time if everybody perused this between now and the May 23rd meeting. Then we could have a more lively discussion there. I did notice that they didn't include our prologue. If you have had the opportunity to dig into it between the time I shared it with you and now, I'd be happy to take those comments, but I didn't want to put you on the spot.

**Hall:** I would suggest that we wait until May 23rd to collect those comments and give them to you.

**Motion to table the discussion until the next special meeting of the Planning Commission.**

**Dloski motioned with second by Shipman.**

**Motion passed by consensus**

## **9. Reports and Updates**

### **a. Shoreline Regulations Study Group - Verbal Update**

**Cram:** The Shoreline Regulation Study Group is really working well. I did send out a letter to all shoreline property owners, so anybody who had single ownership or a shared waterfront interest. A letter went out to 2,158 property owners and I would say every day since the letter went out, I receive an email or a phone call from people who are very appreciative to have this information. They didn't know certain things applied and they want to be engaged in the process, and they're engaging in the process in a very thoughtful way. Whether they agree with our existing zoning ordinance or not, they're being very helpful. We've had a good turnout from the community at each of the meetings, and we allow for public comment at the end of the meeting. The shoreline regulation study group has come to a consensus that the current zoning ordinance is too restrictive. Only allowing one boat hoist per 50 linear feet is just not enough. Our residents want to have the ability to have more boats. Based on our interest in having shoreline regulations, the number one reason why we're doing this is for public safety. The second reason that we are doing this is the protection of natural resources and the third reason is due to a lot of conflicts out there between neighbors/where people are locating their docks and hoists. The group agrees on all the reasons why we're doing this, and moving forward, we will have a very strong intent and purpose statement for these regulations. What we're looking at right now is coming up with what makes sense because in addition to having the dock and boat hoist, we need to think about where the dock and hoists are going to be stored when it's not in the water? What is a reasonable number of parking spaces - especially for shared waterfront - to ensure that there is adequate parking. We looked at all of the activities associated with our beaches: swimming, non motorized boats, walking the shoreline, picnics, etc...and so how do all of these different activities coexist with one another. Everyone is feeling very comfortable with something that was presented in the zoning ordinance rewrite which was having setbacks for where these things could be located. If you projected your property lines out into the water - an imaginary property line extending out into the water - then however many docks and hoists we end up with, they would be located in this polygon within this setback. It makes sense for us to stick with the 15 foot side yard setback, because that's what everybody knows.



Therefore, there would be this area where a dock and hoist could be located, and it wouldn't be located any closer than 15 ft of the property line unless, of course, there was agreement between neighbors to share a dock or something like that. We discussed single waterfront ownership. The recommendation, with regard to single waterfront ownership would be to allow two boat hoists per 50 ft as opposed to one. We also want to clarify that a jet ski is a half of a boat hoist, so if somebody wanted to have two jet skis, that would equal one boat hoist. Dave Sanger had done some research in 2022 and had looked at a variety of shared waterfront pieces, and noted what the length of the shoreline was, the frontage, and how many hoists there were. We saw very quickly that very few are in compliance with the existing zoning ordinance. We have some HOAs out there that are doing really well with managing their dock and hoists with their community, so we want to consider that. (Mentions that they've been meeting every other Monday from 3 to 5:00 p.m.) The recommendation that is being considered right now is 3 hoists per 50 ft. A concern was raised that it would not be equitable if you allowed three hoists per 50 ft. for shared and not for single, because the single waterfront owners are paying more property tax and the group agreed that it should be equitable between shared waterfront owners and single waterfront ownership. The policy direction is moving forward and still under discussion, and will be on paper to share with you soon. I do plan to have some guest speakers come to educate us. I'm hoping that Heather Smith, the bay keeper, can come. I'd like to have someone from EGLE. I want the study group to be educated, so that we can understand the different things we can do, creatively, to allow people to enjoy their beach but also protect the natural resources.

**Hall:** I would just like to comment that, in my opinion, the Shoreline Study Group is really terrific. Like we did with Building Height, the study group is educating our planning office and, also indirectly, the Planning Commission. We're getting a lot of input, we're getting surprising information on things we didn't think about in the discussions. I think it's terrific because there was an enormous amount of concern, people who felt that they were worried that this would be a governmental overreach, and would prevent them from enjoying the water, and so on. As Jenn explained, there are at least three very good reasons why we need to have these shoreline regulations. One of the things that Jenn came up with is - an idea that I assume is going to make its way into the policy recommendation from her office - for shared waterfront is that there are no two shared waterfronts that are identical, and it's not like single family ownership. Those are very similar, but with shared waterfront it's different. We may have - depending on the density level and the number of hoists per shoreline linear foot, we may have different processes to get those approved which would give more flexibility and provide a path for those. I think it's great that a letter went out to the shoreline owners because we really want to avoid, particularly on a topic of this importance, a lack of transparency. We want to be transparent. We want to tell everybody that we're doing this, invite them to the shoreline study group meeting which are open to everybody and there is a chance for public comment, if you're out there watching this.

**Cram:** Know everybody has the same goal, let's make our zoning ordinance the best that it can be to work for the community, and it's not going to work for every situation but it will work for the majority. Because the shoreline is irregularly shaped, we could have some challenges in the future of projecting the property lines. The zoning ordinance will have to have some administrative flexibility built into it. As Randy mentioned, at the last shoreline study group we talked about how if you're meeting all the standards and you're proposing 1-4 boat hoists, just do it. If you have 5-10 boat hoists, it would require a sort of land use permit specific to the shoreline. We just want to see the plan: how are you really going to fit these things, where are you going to store things and then the approved shoreline permit would be good for five years at which point it would require renewal and then you'd come back and renew it. If there were a proposed higher density, it would come to

the Planning Commission. This might lend itself nicely to an abbreviated amendment to an SUP process I had proposed instead of a full process with a public hearing. It could just come before the Planning Commission, and we would advertise so neighbors would know that somebody's proposing a dock with 20 hoists or something. That way we can look at the plan to make sure they've made an accommodation for where the swimmers are, where items are stored, and where parking is. In addition to talking about the standards in the process, we'll be able to make this easier and become something we can actually administer.

**Shipman:** There is something that I want to put forward. As you've just mentioned, about individual lots... I have direct personal experience of a situation where, if the line was extended when the water was low, we would have zero waterfront. I will admit that this is our personal property, and we usually have a couple hundred feet of shoreline, according to our survey. (Shipman shows the original parcel, and the piece that was divided off. Based on the angle, at low water, it illustrates that they would have zero access.) This means that you can't just run a line (from the property into the water). One answer would be going to the zoning board of appeals for a dimensional variance, but that's a pretty cumbersome process, and so we would prefer that it be done administratively.

**Cram:** Acknowledges that Susie's property is a good example of how, for some properties, projecting the property line out is not going to work and she will look into it.

**Shipman:** Thanks for listening.

**Cram:** acknowledges that good work is being done on private and shared waterfront by the study group. The plan was for me to bring all of my notes back from this meeting to the study group to make sure I captured things. I believe that at the June meeting I can come back with a policy direction for single and shared waterfront. Then we will move on to the development standards for work on the shoreline.

**Hall:** Thanks, Jenn. By the way, is doing her usual great job on running the discussion on the shoreline study group, so thank you.

**Cram:** It really helps to have visuals and so going to more of a charette really helped us break down some verbal barriers by allowing people to come up and add their own notes. The conversation really just started to evolve from there. I reserve the right to get smarter and learn new things and then get creative.

#### b. Agricultural Advisory Committee - Verbal Update

**Cram:** The board approved the concept of forming a standing agricultural advisory committee. This committee would function very similarly to the parks committee. They would be charged with advising the board on matters related to production agriculture on the peninsula. We are looking for a diverse representation of all farmers and have done an email blast and posted it to the township website. We are currently accepting letters of interest to serve on this committee. The plan is that they would meet every other month, which amounts to six times per year. I want to be flexible because our farmers are busy. In addition to advising the board in matters related to agriculture, we would also discuss current hot topics. For instance, migrant housing or cold storage of apples, etc. We could work on at least doing one presentation to the board, but in addition, have a standing committee to work with on making amendments to our zoning ordinance. This will allow us to be nimble to support agriculture here. The first project that I'll be working with this committee on is signage. Again, this year I will be requesting that the board renew, or approve another resolution, that suspends the enforcement of agricultural signage to allow farmers more signage for the u-pick operations. There are farms such as Erin (Hafeli)'s that are off the beaten path and they'd like to have some off-premise signage. We'll dig into signage and we will be working on value-added accessory uses. Some of the things that (have been) proposed are things that, in the future, should

be uses by right, but they're not in the zoning ordinance right now. So, we need to look at them as part of an SUP amendment and how it meets those requirements. I was the staff liaison to the agricultural advisory board for Larimer County and we learned so much and were able to accomplish so much. We did three presentations to the county commissioners every year and did a huge overhaul to our land use code on some pretty contentious issues. We were dealing with livestock and poultry and really large acreages/feedlots, and things like that have some pretty serious negative impacts. We were able to work through regulations that the farmers could embrace, so I'm excited to work with the agricultural community here. It's important.

**10. Public Comments**

Board discusses future unavailability of certain members but notes that upcoming meetings will have enough members present to have a quorum.

**11. Other Matters or Comments by Planning Commission Members**

**Cram:** Tomorrow is the first Agritourism Summit at the Hagerty Center. I will be speaking on a panel with two planners: one from Long Lake Township and one from Emmett County. We will be speaking to what we've learned about zoning and how it can support agritourism. I have learned a lot about this community, I think that Amendment #201, looked at mitigating those negative impacts, using a scaled approach, and having this Agricultural Advisory Committee so that the agricultural community has a voice. I'll be talking about the PDR as one of our success stories. As you know, the PDR program is something that the citizens have voted to tax themselves on to preserve agricultural land three times. We've preserved a lot of land, there's more to be preserved, and the preservation of that land in a conservation easement helps to keep the land affordable for new farmers and it gives financial support to existing farmers to expand their farm operations. So, the first part of my presentation will be to give Peninsula Township a pat on the back for their vision and to the community for embracing the PDR program.

**12. Adjournment**

**Dloski moved to adjourn at 8:59 p.m. with a second by Hornberger.**

**Motion passed by consensus**