

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

[www.peninsulatownship.com](http://www.peninsulatownship.com)

## Township Board Regular Meeting

July 11, 2023, 7:00 p.m.

### Township Hall

### Agenda

1. Call to Order
2. Pledge
3. Roll Call
4. Brief Citizen Comments (for agenda items only)
5. Approve Agenda
6. Conflict of Interest
7. Consent Agenda:
  1. Reports
    - A. Peninsula Township Fire Department
    - B. Peninsula Township Treasurer's Cash Summary by Fund
    - C. Ordinance Enforcement Officer
  2. Minutes from June 20, 2023, Township Board Special Meeting
  3. Correspondence
    - A. Marie Dalese
    - B. Eric Dreier
8. Business:
  1. Request to seek bids to replace Engine 2 (Gilstorff)
  2. Authorization of ARPA funds to pay for basketball court and tennis court work at Bowers Harbor Park (Achorn)
  3. Introduction of Nick Wikar, the township's new planning and zoning administrator (Cram)
  4. Continued discussion of large events ordinance and proposed Freedom Run (Cram)
  5. Policy discussion on non-conforming structures and uses, signage for U-picks and farm stands, and shoreline regulations and requirements (Cram)
  6. Resolution to re-plat Lots 8 and 9, Block 2, of Goebel Lane in Neahtawanta (Cram)
  7. Proposed PDR violation fees (Cram)
9. Citizen Comments
10. Board Comments
11. Adjournment

\* If you would like to use a portable hearing device, please ask the recording secretary.

**Packet**  
**July 11, 2023,**  
**Township Board Regular Meeting**

# Consent

# Reports



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



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## JUNE 2023 FIRE DEPARTMENT REPORT

RUNS:

### Incident Type Details

<a href="#">Click Row for Breakdown</a>	2023	Total
<a href="#">100 - Fire</a>	2	2
<a href="#">300 - EMS</a>	47	47
<a href="#">400 - HAZMAT</a>	2	2
<a href="#">500 - Service Call</a>	4	4
<a href="#">600 - Series</a>	3	3
<a href="#">700 - False Alarm</a>	8	8
<a href="#">800 - Natural Disaster</a>	1	1
<b>Total</b>	<b>67</b>	<b>67</b>

Aid Given Or Received	2023	Total
Automatic aid given	1	1
Mutual aid given	4	4
None	62	62
<b>Total</b>	<b>67</b>	<b>67</b>

### Mutual Aid for Structure Fires

<a href="#">Aid Given Or Received</a>	Total
<b>Total</b>	

Level of Service	2023	Total
Basic Life Support	20	20
Advanced Life Support	26	26
Other	2	2
<b>Total</b>	<b>48</b>	<b>48</b>

<a href="#">Disposition</a>	911 Response	Total
Patient Evaluated, No Treatment/Transport Required	4	4
Transported No Lights/Siren	18	18
Patient Refused Evaluation/Care (Without Transport)	14	14
Transported Lights/Siren	4	4



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<u>Disposition</u>	<b>911 Response</b>	<b>Total</b>
Cancelled on Scene/No Patient Found	5	<b>5</b>
Patient Treated, Transported by Private Vehicle	1	<b>1</b>
Cancelled (No Patient Contact)	1	<b>1</b>
Patient Treated, Released (AMA)	2	<b>2</b>
Assist, Public	1	<b>1</b>
<b>Total</b>	<b>50</b>	<b>50</b>

**TRAINING:** For the month of June 2023, the fire department trained on many topics. Topics covered were, fire suppression, air packs, personal protection equipment, apparatus pumps, handlines, fire response, department policies, ladders, rapid intervention teams, nozzles, area familiarization, public education, officer classes, ropes and knots, power equipment, trailering, boat operations and water safety. Crews worked with the Coast Guard on water rescue and search patterns. Two members started EMT training. One member finished Fire Officer 2 training. Three members continue their paramedic training.

**OTHER ACTIVITY:** Department hire another full-time employee with another finishing requirements to be hired. Once done, this will give the department its 15 full-time budgeted positions. Department finished specifications for a new fire engine to replace engine 2. Chief will present to town board on July 12<sup>th</sup> for permission to go out to bid. Members continue to work on ideas for a new station 1. Chief and Supervisor worked on a state treasury grant to reimburse some purchases of fire turnout gear. Department continues to prepare for a couple of foot races that will be ran on the Peninsula this summer. Department continues to do fire safety inspections with 75 percent complete.

# PENINSULA TOWNSHIP

13235 Center Road Traverse City, MI 49686

Ph:231-223-7322 Fax:231-223-7117

www.peninsulatownship.com

## CASH SUMMARY BY FUND FOR PENINSULA TOWNSHIP CASH AND INVESTMENT ACCOUNTS

Fund	Description	Ending Balance 06/30/2023
101	GENERAL FUND	1,072,203.30
204	Roads Fund	33,296.14
206	Fire Fund	2,135,975.47
207	Police Fund	403,539.08
208	Parks Fund	167,487.17
209	Cemetery Fund	69,144.87
213	Hessler Log Home Fund	5,093.84
214	Pelizzari Natural Area Fund	299,453.90
216	Dougherty House/Replica Log Church Fund	2,351.78
252	Building Fund	2,764.34
298	Cable Council Fund	711,661.06
299	Spec Assesmt-2017-Landing Account	7,295.15
397	Purchase of Development Rights	3,168,400.99
502	Tower Fund	883,010.04
508	Lighthouse Fund	86,988.80
509	Lighthouse Gift Shop Fund	71,681.38
590	Sewer Fund	306,919.14
591	Water Fund	255,652.81
596	Compactor Station Fund	3,993.66
701	Trust and Agency Fund	46,614.87
703	Tax Collection	80,001.25
704	Imprest Payroll Fund	53,788.26
708	Library Trust and Agency Fund	395,146.27
853	Spec Assessmt-Braemar Drainage District	28,283.36
854	Spec Assessmt-Logan-MapleTerrace Drain	93,139.19
861	Spec Assessmt-Braemar Road Improvement	28,394.10
863	Spec Assessmt-Logan Hills Road Improvemnt	29,905.98
864	Spec Assesmt-MapleTerrace Road Improvemnt	58,266.12
865	Spec Asses-Old Mission Estate Rd Improve	62,166.47
866	Spec Assessmt-West Winds Road Improvemnt	63,322.45
867	Spec Assessmt-Maple Terrace Water System	95,190.80
	TOTAL - ALL FUNDS	10,721,132.04

<b>Peninsula Township Ordinance Enforcement Officer</b>														
<b>Ordinance Violation Summary for 2023 by Month</b>														
<b>Januay through May</b>														
<b>Zoning Ordinance</b>	<u>J</u>	<u>F</u>	<u>M</u>	<u>A</u>	<u>M</u>	<u>J</u>	<u>J</u>	<u>A</u>	<u>S</u>	<u>O</u>	<u>N</u>	<u>D</u>	<b>Total</b>	
Land Use Permit	5		3	8	5								21	
Special Use Permit													0	
Waterfront			2		1								3	
Short Term Rental	3												3	
Night Sky Violation	1		1		1								3	
Outside Storage	1												1	
Setback Violation	2		1										3	
Sign Violation	5		6	2	7								20	
Fence/wall	1												1	
Other		<u>1</u>	<u>2</u>	<u>1</u>	<u>1</u>								5	
<b>Total Zoning</b>	18	<u>1</u>	15	11	15	0	0	0	0	0	0	0	60	
<b>Other Ordinances</b>														
Dangerous Bldg	1				1								2	
Fireworks													0	
Junk				1	2								3	
Noise					1								1	
Parks													0	
PDR													0	
Stormwater	<u>1</u>												1	
Large Events					<u>1</u>								1	
<b>Total Other Ordinances</b>	2	0	0	1	5	0	0	0	0	0	0	0	7	
<b>Total All Ordinances</b>	20	1	15	12	20	0	0	0	0	0	0	0	67	
<b>Citations Issued</b>	0	0	0	0	0								0	
<b>Citizen Complaint Calls</b>	10	0	3	3	11								27	
<b>Officer's Hours Worked</b>	48.8	38.0	49.9	40.5	42.3								219.4	
<b>Officer's Miles Driven</b>	192	12	178	108	187								677	
<b>Memo: other</b>														
February: use of garage structure as dwelling (1)														
March: temporary structure (1) & dumping (1) complaints														
April: deer carcass in roadway														
May: accessory structure w/o dwelling														





# Minutes

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City  
MI 49686

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## Township Board Special Meeting

June 20, 2023, 3:00 p.m.

Township Hall

Minutes

1. **Call to Order** by Wunsch at 3:00 p.m.

2. **Pledge**

3. **Roll Call**

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

Absent: Wahl

4. **Citizen Comments:**

**Eric Dreier, 12434 Peninsula Drive:** I'm here regarding the proposed run. I'm not concerned about this because of the Elks; I think they've established themselves as a very admirable and capable group. I'm certainly not challenging the cause they are sponsoring. I am concerned about the abandonment of the programs we've had allowing three major events per year. If this is approved, how are we going to say "No" to other people who have good causes? I don't know if the group that is sponsoring this has considered the Leelanau Trail or the Heritage Trail, which would be less disruptive. I don't think they necessarily have established the long-term precedent we've had. Traverse City made the mistake more than a decade ago of allowing multiple events. There was something going on at the Open Space almost twice a month. They were then charged with the painful task of trying to walk that back. I would hate to see us get into a similar situation, as noble as the causes are. This is a not-for-profit group and I appreciate what they're trying to do, but I question where that would lead us going forward in terms of public policies. Thank you.

5. **Approve Agenda**

**Sanger moved to approve the agenda with a second by Rudolph. Motion passed by consensus**

6. **Conflict of Interest:** none

7. **Consent Agenda:**

1. Reports

A. Peninsula Community Library

B. Peninsula Township Fire Department

C. Peninsula Township Treasurer's Cash Summary by Fund

D. Grand Traverse County Road Commission

2. Sing request from Peninsula Community Library

3. Memorandum regarding request to appoint members to the Peninsula Township Board of Review

4. Minutes from May 9, 2023, Township Board Regular Meeting and May 23, 2023,

Township Board Special Meeting

**Sanger moved to approve the consent agenda with the stipulation that the signs requested by the Peninsula Community Library not be placed in the road right away with a second by Chown. Motion passed by consensus**

**Chown moved to remove the highlighted yellow line from the May 23, 2023, minutes on page 5 with a second by Rudolph. Motion passed by consensus**

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

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

## 8. Business:

1. Update from parks committee, including announcement of community-wide celebration and fundraiser at Bowers Harbor Park on July 23, 2023, from 2:00-5:00 p.m. (Michele Zebell)

**Zebell:** the playground construction at Bowers Harbor Park is complete. We have a few finishing touches left to do: cleaning up and distributing excess wood chips, painting the old equipment, installing a garden by the sign that's down at the park. The black metal portions of the vault toilets have been painted. Once the siding is repaired, we'll paint that as well. Construction has begun on the pickleball, basketball, and resurfacing the tennis courts.

The DTE Tree Grant was completed, submitted, and approved. The trees are lovely additions. If you go to Archie, you can see a few blossoms and the new dogwood trees.

Beach monitoring is continuing. The lifejacket station is in place at Haserot.

We have postponed the celebration [at Bowers Harbor Park]. Once [the courts] are complete, they need 30 days to cure before any activity occurs on them. The celebration should highlight all of the wonderful recreational activities at the park. I would remiss if I didn't mention that Mike Query has played a huge part in planning the celebration. Our basketball hoops, nets, etc. were at cost because he helped us out. He also has volunteered to help shape some of the activities at the celebration, including sign-ups and competitions and prizes that kids and adults will enjoy. We hope the township will participate in the celebration and be a part of it, if not for pie in the face or dunk tank but to just be there and be part of it. We are looking for volunteers to help plan, organize, and be involved in events at the celebration. Once we select a date, we will make sure everyone knows and we will get lots of advertising and communication out there.

**Shanafelt:** how long will construction take?

**Chown:** I'm told it will be complete in four days. It's why we got such a good deal – because Elmers only has to mobilize once to do all the work.

**Wunsch:** it's exciting to see the changes happening at the parks. It's refreshing to see some positive movement with the big projects. I appreciate all the work.

2. Discussion on large events, township parks, and proposed Freedom Run (Cram)

**Cram:** it has been my understanding as the director of planning and zoning that the township board had a directive that there only be three large events [annually] on the peninsula. When Mary Panek approached me about the Freedom Run, I encouraged her to look at the large events ordinance to put together a proposal so that the township board could review it and evaluate whether or not to consider entertaining this event. This is not a public hearing. This is to ask whether or not you want to host another event here in the

township. The proposed date is September 30. I've communicated with Mrs. Panek that if the board decides to entertain this, we would need to work very quickly to meet all the requirements of the large event ordinance with regard to public noticing. There would still have to be a public hearing. We would have to do all the coordination with the outside agency or emergency agencies. That work hasn't started. Mary has reached out to get a few key points clarified. She's had conversations with the college about staging there but hasn't talked to Chief Gilstorff yet. They are looking to see what the will of the board is. Information was passed out to you tonight that updates what was included in the packet. There are extra copies for anyone in the audience who wants to follow along. [See attachment at the end of the minutes.] I want to welcome Stan [Cottrell]; it's wonderful to have you here. We'll turn it over to Mary and Stan to present this proposal.

**Mary Kelly Panek:** I want to thank everybody for their time and attention and goodwill and for entertaining this really unique opportunity. I want to thank Jenn [Cram] especially; she's been very helpful in guiding our steps. We've been working with the Traverse City Elks Lodge on this special event for quite some time. It was proposed by Mickey Fivenson, who is an avid racer in our community. As an officer of the lodge, I work with the veterans committee and I'm head of the drug awareness committee. I work closely with communities and groups throughout all the different counties. I was very fortunate to work with Mr. Cottrell in proposing this very unique progressive run. It's not a race. If you saw the movie *Forrest Gump*, "Run, Forrest, run" is really the type of experience we're hoping might be interesting and valuable to Peninsula Township. We feel like we come not just asking for an opportunity to partner but also an opportunity to be able to give to your community in terms of resources, awareness, volunteers, and to create a long-standing relationship. [Cottrell] has run all over the world. He has run the Great Wall of China and throughout Vietnam. He is a freedom and friendship ambassador wherever he goes. That spirit of friendship just echoed with our values at the Elks. We're about not just being benevolent; we're about being a benefactor in the community.

Stan came up and evaluated our five-county region in terms of capacity, sustainability, volunteers, support. I gave him his pick of where he would like to run. It was Stan who chose the peninsula. The beautiful thing about what we can bring is the opportunity to be able to engage the entire peninsula community in an experience with Stan. He is ready to begin in September his 2,000-mile annual run. This time it will be taking place in the southern part of our country. He is breaking that run to come up and include, hopefully, this beautiful peninsula run. With him he will be bringing national attention, media attention, and spotlighting and highlighting one of the most beautiful places on our planet. It is important to us that, whatever we do, we do in partnership and collaboration. We didn't want to move ahead of the decisions of the board and we respect whatever decisions you choose to make. We hope you see the value in this. We hope you see our commitment to you and your community. We hope you see the opportunity for the gorgeous area we represent. Our historical values, our values of family, our values of preserving our resources, our values of staying close within our communities, all match the values that I've experienced throughout the last 56 years that I have lived here. It seemed to line up not only with the Elks' values, with Stan's values, but also with the values of our culture, our history, and our traditions.

Serving and working towards helping raise money for veterans is a passion of mine. I come from a military family. I married into law enforcement. I also work with children with special needs, which really are all of our needs. It's about accessibility and options for special needs children. We can bring awareness and we can bring funding to that as well. That's the heart of what we're doing and our commitment to you. I want you to say hi to Stan and let him shed a little light on what we're doing. Stan Cottrell. [Applause]

**Stan Cottrell:** thank you, Mary. Ladies and gentlemen, distinguished members of the Peninsula Township Board, I stand before you in humility and also with humble boldness. I have been running for 75 years competitively. I've run more than 283,000 miles around the world. I've set several world records. One, the run across the United States. I ran that in 48 days. I broke the world record by five days. I ran 24 hours and broke the world record by six hours. I ran 167 and a quarter miles. I hold the American record for 100 miles in 13 hours and 17 minutes in this last run across the United States. I just turned 80 years old. I'm just a kid! I had the distinct pleasure of the run across the U.S. This time, I averaged 30 miles per day for 100 days in a row.

We all are ambassadors; we all send a message to the world. There was a time in my life when I ran for one thing only, and that was to see my name in the record books. But a selfish dream will not sustain itself. I have more than 400 international awards. I was nominated for the Nobel Peace Prize in 2019, and now they're telling me I'm going to be nominated again. All I know is that there was a time in my life when [I realized] there had to be more. The more your dream embraces the lives of other people, the greater the chance you'll succeed.

What you have here is wonderful. I told Mary yesterday when I got off the plane and came back here, and this is four times this year, "Mary, it feels like I've come home." It really is that kind of feeling. I'm a Kentucky boy originally, from Appalachia. We didn't have grape orchards, but we had agriculture. I milked anywhere between 18 to 32 cows every morning and night. I was always on the run. Being here recaptured what I remembered from yesteryear.

In 1980, I was on my knees. I told the good Lord, "Lord, if you want me to run, I'll run. If you never want me to run again, that's fine with me. But I want to be in the center of your will for my life." God gave me back my running in a way I never dreamed. Since 1980, I have done 76 initiatives around the world across 43 countries. I call them friendship runs, and that's what we're doing here. Friendship is the rarest commodity on this earth. True friendship is a coming together in three areas: thought, heart, and spirit.

Today I watched you beloved members say, "I approve, I approve." I never heard any nays. It was beautiful to see you all in one accord. I thought, "This is America. This is what it's about." Thank you, that you stood up and wonderfully put your hands over your hearts: "I pledge allegiance." I've run all over the world, but this is home. We are sending a message to the world. This is a start of a fitness revolution. This is a story of a friendship revolution. America needs some good news, and we can send forth this wonderful little event.

I had the privilege of running the Boston Marathon in 1964. There were 310 of us. I was at the Peachtree Road Race back in 1972, 110 of us. Now the Peachtree Road Race has almost 100,000 people. The Boston Marathon, I think they cut it off at 60,000. I'm not talking about overrunning your community, changing your community, one iota. Runners

wouldn't dare do that. You won't find the community being trashed or anything like it. But this freedom run is going to make you proud. You're going to be proud of what we're going to do here and the message sent throughout America and throughout the world. I would appreciate, humbly, you looking into this. We all win together. We all are going to leave a legacy. This is a benchmark in your lives. Thank you. God bless you. [Applause]

**Panek:** I want to bring up our run director, and he can talk you through why we amended the course. We were very public awareness and safety conscious when we delved into what this could look like. Jim DelVecchio will walk you through the map in your addendum.

**Jim DelVecchio, 977 Kingfisher trail, Traverse City:** I've been fortunate enough to work with Stan and Mary and I'm an Elks member also. Our mission is to help the veterans and special needs kids. The route that we proposed starts at the lighthouse and runs down to Bowers Harbor Road to Seven Hills. It meets up with another group because not everybody wants to run the 20 miles. It continues on down to Center Road, turning onto Blue Water Road, running on Bluff Road all the way down, coming back to a short distance on Center Road, coming back to the DNR boat launch, and then down to East Shore. We're eliminating as much running on Center Road [as we can] in the area where most of the residents are. The run will be in the morning. We're not closing any roads. [Everyone will] have to be aware on the portions of Center Road. Bluff Road and East Shore are very familiar with having runners. We don't expect the amount of people in this first run to be anything like the Bayshore Marathon. We expect fewer than 100 people will run the 20-mile course, probably in the neighborhood of 25 or 50. There will be people who join at the 12-mile mark, which is Seven Hills and Bowers Harbor Road. The last run will be just over a 5k for beginner runners and people who want to participate and run with Stan but don't have the ability to run the long distance.

I'm more than willing to answer your questions. The only changes on your addendum are words that were messed up on the Center Road versus Bluff Road at the intersection. Typically, Stan runs about an eight-minute mile. Some runners are not going to be able to run that kind of speed. We have allowed about 12 minutes a mile. Stan typically goes back and encourages those people and runs with them. Anybody can join in this run. They might want to run half a block and give him a high five. It's like Forrest Gump. People just want to be part of something. It's a great cause and supports the community and is part of the Elks values. Thank you for your consideration.

**Shanafelt:** how are the police and fire going to be funded?

**Panek:** the Freedom Run is funded by donations that have already been raised by different sponsors and donors. The tickets that come in, and the fees relating to proceeding forward, are donated. We feel good about that. Ultra long-distance runners are a very select group of people, so we don't expect a great deal at the beginning at the lighthouse. We wanted to make sure that allotments were made for runners for best ticket prices. Stan is also able to do fundraisers.

**Rudolph:** do you have any idea of how many total runners to expect in the more congested areas?

**Panek:** this is something new. This is not a race. The people who are going to be coming out will come to run with Stan. We're not giving out trophies. This is about engagement and community spirit. Jim said 100 to start? Could be 250? But we can cap it. It's good to

get feedback. We're in it for the long haul. How we start and work together to make those decisions can be cooperative. We didn't want to get ahead of any decision from the board.

**Chown:** have you had a chance to visit with the DNR regarding a start at the launch?

**Panek:** we didn't want to in any way jump over the decision of the board. We know we have to meet with the fire chief. We didn't want to jump in because that would be presumptuous and disrespectful. There are thresholds we did cross. We talked to NMC. We talked to the individual who manages the grounds so we knew we had a safe place for the children, places for the buses. We did talk to the Traverse City EMS person, making sure we would be able to have emergency vehicles and fire trucks and what we need to be able to support that. We deliberately chose to wait and get support or feedback. We're not coming with a back-up plan. This is something we only want to do with you. If it's something you don't feel we can do together, then we'll just wait for another year and maybe another opportunity. That's how we're approaching this, organically and with collaborative decision making. We think this can grow to be something very special. And while we don't understand the challenges, which I'm sure we'll be educated about in your township, we do know that something related to friendship and family and community might be something that could be very welcomed in terms of balancing out some of the challenges that are also present. What is the process from here?

**Cram:** the board is going to have a discussion and they'll let us know.

**Ahorn:** I was concerned initially that there would be too much running on Center Road. I see that they reduced it and are going along Bluff Road instead. There's still a lot on Center Road, which I think we have to be extremely careful about. It said no road closures. I would be cautious about that. For the marathon, do we close Center Road?

**Cram:** yes. For the Bayshore, Center Road is closed from McKinley to Island View, I believe.

**Wunsch:** we allowed an ultra marathon out here with about 150 participants. Do any of the board members remember that? People were spread out because they were running here from Petoskey. We didn't do any road closures for that one.

**Sanger:** we don't close the road for the Cherry Festival race on Saturday morning. I'm glad you brought this up. Bayshore started out this way. I recall not too long ago working the corner of Gray and Center roads with another deputy, and we were it, but we weren't dealing with 8,000 to 10,000 runners. The Bayshore group pretty well hangs together. My sense of this operation is that the groups are not going to stay together that much. I think there are two issues. We need to come to grips with our decision to limit to three events. I asked if the one event pulled out, and no, they're coming back. So that triathlon group in the past that has been at Bowers Harbor will be coming back. Regarding the three, if the board is of a mind to rethink that decision, I think we should take a look at this course and start slow, not where we want to end up or where they want to end up, say, a year or two from now. I would look to have the course stay off Center Road as much as possible. That's a 55- to 60-mile-an-hour state highway. Yes, it has a wide shoulder, but when we have people stretched out, it's going to be quite disruptive to traffic. Why not come down the peninsula from the blacktop area on Old Mission Road all the way down to the light at the base of the peninsula? We need to involve all public agencies. We know from the Bayshore that there are multiple planning meetings, staging meetings, a big recap meeting. That involves all the law enforcement and public safety agencies. Can we get that group back in



action so that we have not missed some coordination with public safety?

**Shanafelt:** I have some concerns; one is the format. I go back to *Forrest Gump*. It wasn't all stretched out; it was kind of a large mass. Granted, at the beginning, there were fewer people. That may be okay, although I'm still uncomfortable with that many people running on Center Road. But at certain points along the run, you keep adding people. By the time it gets down to East Shore, that would be the most people on East Shore, which has no shoulders and which they do close for these races because it is really unsafe, even for a single runner on East Shore. Now you have a mass of people potentially spread out for a long time; that's still a fairly large mass running through. I don't see how one can do this without having control on the roads during the event. If it does grow, then it becomes even more critical. That gets to the three large events thing. We picked three for a reason. I would need to understand that better before I'm willing to change it.

**Chown:** that happened a couple of years ago. It was a direct result of residents coming forward and expressing their concerns with having lots of events out here that were bringing traffic and additional hiccups for those trying to get to and from town or a park or wherever they want to go on a Saturday morning. The clear message the board received, and it was a somewhat different board at that time, was that there was some exhaustion with having all these events out on the peninsula. It's challenging because it's a beautiful place and we're grateful that lots of people want to experience it and we understand that well. But we do have a lot of residents who asked us to please limit the races to three a year. Specifically, if I'm remembering correctly, the limitation was on the races. Races bring a different type of disruption than other types of events.

**Shanafelt:** any large event is disruptive.

**Chown:** absolutely. But this discussion was particularly about races.

**Shanafelt:** but our ordinance says, "No more than three large events."

[CORRECTION: the ordinance does not say "No more than three large events."]

**Wunsch:** where we wound up with that conversation was more openness to looking at races or events that would utilize the 500-acre park at the north end of the peninsula or courses concentrated in that Neahtawanta north strip. That part of Old Mission only has 500 or a thousand people. If we could look at reworking the route for something like this, based on the conversation we had a couple of years ago, I would be willing to entertain looking at running a loop out on the north end and start and finish at the lighthouse. It would head off a lot of traffic concerns and frustration for people who live on Peninsula Drive and safety concerns from people who are driving Center Road and also the frustration of people who live on East Shore about closures because you have high population density at those choke points. Having one way on and off the peninsula means you end up with all traffic merging down on the south end.

**Sanger:** for the triathlon that in the past has started and ended at Bowers Harbor Park, the running course is similar to what you're talking about. If the board is of the mind to go ahead, I would be comfortable if the running course was between the lighthouse and Bowers Harbor Park. You can create a loop that goes down Neahtawanta, over onto Kroupa, and come back up again, staying off M37 and utilizing the blacktop sections of Peninsula Drive and only a short section of M37 on the north end.

**Shanafelt:** despite lower density, those residents are the ones impacted. We would need a

public hearing to get the feeling from those residents that they'd be willing to have this, particularly in the context of the three large events.

**Rudolph:** the board decided that there would be three major [races] per year. If we back off on that and allow events up here on the north side, then we're opening the door for other people with just as worthy an event program. Taking the north end there, you also have to worry about farm traffic about that time.

**Wunsch:** before we did the three-[race] limit, we had allowed a half marathon on the north end. They went from the lighthouse down to the Bowers Harbor Park addition. It was not terribly disruptive.

One of my biggest concerns is that September is late enough in the season that daybreak is at 7:40. They're going to have significant overlap with the 20-mile runners and pedestrian and vehicle traffic. One of the things that works quite well about the Bayshore Marathon is that it starts at 6:30 or 7:00. A good chunk of the race is done before residents are moving around on a Saturday morning. If we're going to reevaluate three [races] per year, we should look at a coherent reason for doing that and under what conditions we'd be willing to do it. We do have one of the three [races] in flux right now. We could look at this as a backup event.

**Chown:** we should know soon, maybe next week.

**Shanafelt:** to Dave's point, one does need to coordinate with other entities. That last part hasn't been really developed yet as far as road safety. That's what I worry about. By delaying saying go, we delay the ability to get that work done. What this has stimulated is a reevaluation of how we look at our policy, but that's a process. I don't know if it supersedes farm stands or farm markets. I don't see changing it this year. But we could say, "You are next up" and start to sort out issues now.

**Wunsch:** if I were to ask for a consensus of the board, does that seem reasonable?

**Shanafelt:** well, that would work. It falls within our three number.

**Sanger:** we do have some uncertainty on this third event. What I'm hearing is if this third one falls through, we would be open to this new event. I would like to start small opposed to mimicking the Bayshore. I don't mean small in terms of just participants. The events that are taking place north of Bowers are less intensive. If we can offer them this window, I would like to see a run that includes Mission Point Lighthouse Park to Bowers Harbor Park. That avoids a lot of issues in terms of having to engage Traverse City fire and police.

**Shanafelt:** that makes sense; that would be the recommendation.

**Wunsch:** it [allows for] a pretty good chunk of running.

**Achorn:** a lot of Peninsula Drive is quite empty most of the time.

**Wunsch:** sounds like we're open to looking at using this as the backup.

**Cram:** I will need the public notice requirements 15 days prior to the event. I can start backing out the dates.

**Sanger:** there's probably a fast track too if the group can limit the number of runners to below the point where the ordinance kicks in, below the 250, as a trial this year. That would avoid the need for the large events ordinance.

**Cram:** or a permit under the large event notice.

**Rudolph:** we're saying we would allow this as a contingency? If the triathlon goes through, what happens to these folks?

**Cram:** they could perhaps look at another year that works. After the board does the work to have the policy discussions, do you want to entertain more than three events? Where is the best location for the events? Updating our large event ordinance is on my radar. Even with 100 runners on the road, there are still impacts. We'll bring this back on the July 11 agenda and have a better idea.

**Chown:** we will know by then. We may know by Thursday.

**Cram:** of this week? Then I would do a public notice that this topic is going to be on the agenda for the regularly scheduled July 11 meeting.

**Chown:** I don't think anything is lost by asking this group to go ahead and think about changing the route course. We've been pretty clear that it's not something we're willing to entertain as presented today; we are all interested in considering it if it changes.

3. RFP for non-motorized transportation planning process consultant (Susie Shipman)

**Wunsch:** looking for board approval to go out for proposals, not a financial commitment.

**Shanafelt:** it looks well put together.

**Shanafelt moved to authorize an RFP for a non-motorized transportation planning process consultant with a second by Sanger.**

Motion passed by

consensus

**Wunsch moved to go into closed session with township legal counsel to discuss litigation strategy regarding pending *WOMP V Peninsula Township* pursuant to MCL 15.268(e) and (h) and a confidential written legal opinion regarding aspects of the ongoing lawsuit, which, if discussed in an open session, would cause a financial detriment to the township as well as go into closed session with township legal counsel to discuss litigation strategy in connection with the *Mari Vineyards V Peninsula Township* pursuant to MCL 15.268(1)(e) and MCL 15.243(1)(g), as an open meeting would have detrimental financial effect on the litigating or settlement position of the township with a second by Rudolph at 4:00 p.m.**

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

**Wunsch moved to leave closed session at 5:23 p.m., noting that Shanafelt and Sanger left due to scheduling conflicts, with a second by Rudolph.**

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

**Motion to approve \$10,000 for general counsel to retain special counsel to analyze the township's defense of WOMP claims with a second by Rudolph.**

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

9. **Citizen Comments:** none

10. **Board Comments**

**Chown:** the July 23 celebration at Bowers Harbor Park is being postponed, pending the pouring of the courts.

11. **Adjournment**

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

**Adjourned at 5:25 p.m.**

**Traverse City Freedom Run 2023**  
**Peninsula Township Board Proposal**  
**May 11, 2023**



**INTRODUCTION AND OVERVIEW**

On behalf of the Traverse City Freedom Run Steering Committee, presented by Traverse City Elks Lodge #323, its Veterans Committee, with support of the Veterans Coalition of Northwest Michigan, please accept this proposal to the Peninsula Township Board requesting permission to host a "once in a lifetime" long distance Freedom Run with international Ultra Long Distance Marathon Runner, Mr. Stan Cottrell, to promote health, fitness and community engagement through example, friendship and community outreach.

Stan Cottrell, a world-renowned ultra long distance runner whom at the age of 78 in 2021, ran across the United States for 3000 miles, from Los Angeles to Washington D.C. in the Amazing Friendship Run 2021. Stan's mission is to inspire everyone to get moving and live fit and well, stating that "if I can get up and go at 78, you all can too!" Stan's goal is to unite the world in health and wellness with a spirit of friendship. But Stan is not done yet. This September, at the age of 80, he hopes to run again, this time "in the most beautiful place on earth," Peninsula Township, MI, to prove that age is just a state of mind. His message is clear: an active, positive lifestyle is the key to a fulfilling and joyful life! The purpose of the Freedom Run is well aligned with Stan Cottrell's mission of health, fitness and community engagement by example.

The Freedom Run will honor our area Veterans and Active Duty Personnel from all branches of the military, including the US Coast Guard. The goal of the Freedom Run is raise awareness and funding to support our Veterans, Special Needs Children, and unmet community needs. Our hope is to engage Peninsula Township in a meaningful, memorable and service-oriented way; one that highlights its beauty and wonder, while promoting health, safety and wellbeing through a positive lifestyle.

The Traverse City Freedom Run is slated to take place on Saturday, September 30th, 2023; it is not a race; rather, a **progressive run** similar to Tom Hanks' character in the movie, Forrest Gump. A proposed route map is also included for the Board's review, consideration and comment. The Freedom Run is open to the general public; all potential runners will register online for their leg (length) of choice. Registration is

\$25.00 per person. Each participant will receive an autographed Freedom Run t-shirt, saying, *"I run like the wind blows,"* in addition to an opportunity to have their photo taken with Stan Cottrell at the finish line as fundraiser for the event.

As a first year event, the Freedom Run Committee anticipates 250 runners to participate, each joining Stan according to the distance of their run. The Traverse City Freedom Run is powered by Traverse City Elks Lodge #323, its Officers, Members and Volunteers. Area sponsors will be invited to support the event to defray expenses and maximize the funding for our charitable causes. Traverse City Freedom Run is coordinating with Kristi Hallett, Northwestern Michigan College Scheduler for use of their parking lot areas to begin and end the run; all runners will be transported by bus to their designated starting point to join the run with Stan. Regarding emergency services, the Freedom Run is coordinating with Rebecca Adler, Licensing Specialist for the City of Traverse City to ensure all emergency and public safety requirements are met in a quality way. Regarding temporary structures, pop-up water stations will be set-up along the route for the safety of our runners; once all the runners have passed each station, the volunteers will immediately breakdown the stand, collect empty bottles and water cups in addition to removing any refuse from the area.

Towards this end, Traverse City Freedom Run respectfully seeks consideration and approval from the Peninsula Township Board, to obtain an event permit from the Peninsula Township Zoning Administrator to hold our proposed event in compliance with the Peninsula Township Large Events Ordinance #52.

#### ADDITIONAL CONSIDERATIONS

In support of this proposal, fire protection will be requested from Chief Fred Gilstorff, Peninsula Township Fire Department. Police protection will be requested from Peninsula Township's Community Police Officer, Virnell France for the Freedom Run. Medical facilities and services; including emergency vehicles and equipment will be provided by City of Traverse City with the assistance of Rebecca Adler, Licensing.

No food or snack items will be offered during the course run. Bottled water or cups of water will be provided by the Freedom Run Committee; volunteers will assist with all event clean-up. There will be no music or loud noises at starting points in Peninsula Township, no parking in Peninsula Township during the event, and no road closures are anticipated for the proposed running route in Peninsula Township. A Certificate of Insurance will be provided for the event in the amount of \$1,000,000. with Peninsula Township named on the insurance rider. A detailed Freedom Run route map and

timeline are included in this proposal for the Board's consideration, comment and questions.

## **FREEDOM RUN EVENT LOGISTICS**

**Event Date: Saturday, September 30th, 2023**

Event Start Time: 6:00AM

Event End Time: 1:00PM

Online Advance Registration for all Runners.

Entry Fee: \$25.00

**Registration: Friday, September 29th**

Runner Packet Pick Up: 6:00AM - 6:00PM

Traverse City Elks Lodge 323

625 Bay Street

Traverse City, MI 49684

## **FREEDOM RUN TIMELINE OF EVENT**

**Long Distance Runners arrive at NMC Cedar Lot at 6:30AM.**

Dean Shuttles arrive at Lighthouse at 7:00AM.

Sunrise at 7:38AM.

Run begins at 7:45AM.

Watering station: 3.6 miles: Old Mission Road.

Runners continue onto Bowers Harbor Park: 4.7 miles.

Restrooms and Watering Station at the Park.

**Mid-Distance Runners arrive at Park by bus at 9:15AM.**

Runners join Stan at approximately 9:40AM.

Runners proceed East onto Bowers Harbor Road.

Runners take Seven Hills Road to Center Road.

Route proceeds to East Grand Traverse Boat Launch: 6.7 miles.

**Short Distance Runners arrive at DNR Boat Launch at 11:00AM**

Runners join Stan at approximately 11:20AM.

Runners proceed to East Shore Drive for final leg: 3.8 miles.

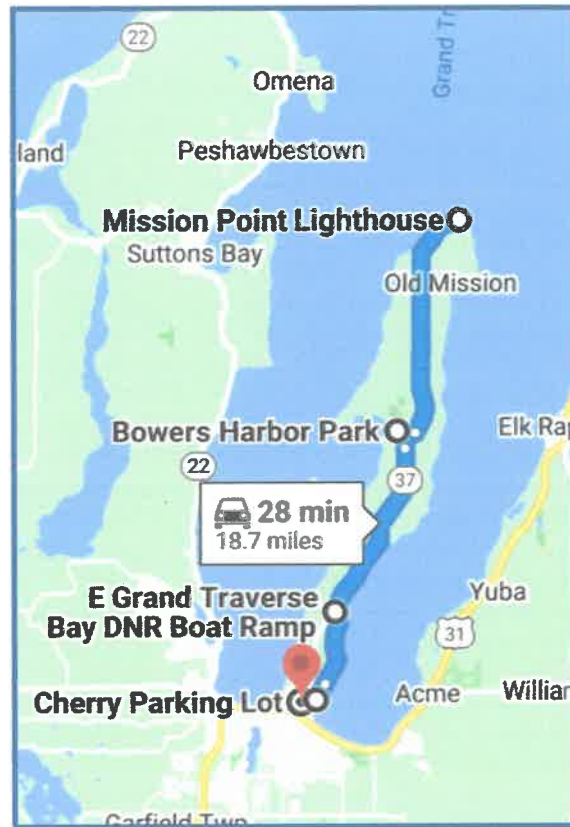
Runners enter NMC Campus Drive at approximately 12:30AM.

**Award Celebration and Honors at: 12Noon.**

**All Kids Carnival from 9:00AM to Noon at NMC in Cherry Lot.**

**Walk, Roll, Stroll 'All Kids Run' at NMC in Cherry Lot at 11:00AM.**

## PROPOSED SHARED PENINSULA TOWNSHIP ROUTE MAP



Thank you for your time and attention. I look forward to the opportunity to present at Peninsula Township's upcoming June 13th Board Meeting. Joining us, on behalf of the Traverse City Freedom Run, will be special guest, Stan Cottrell. We all look forward to our time together and answering any questions you may have concerning any aspect of this wonderful community-based health and safety event.

Respectfully submitted,

Mary Kelly Panek, Chairperson  
Traverse City Freedom Run  
231-392-2920 | Mobile  
marypanek03@gmail.com

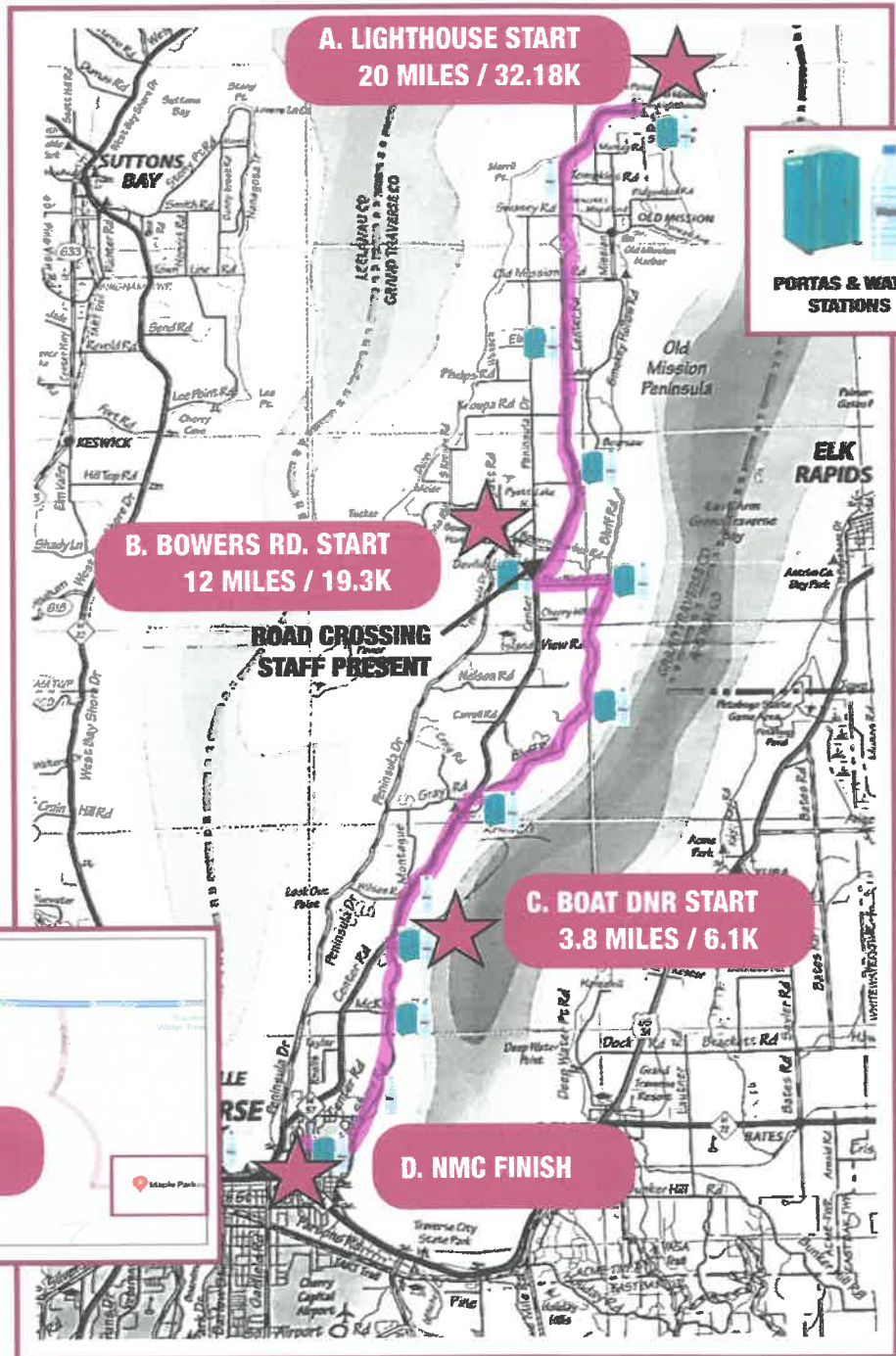
# ADDENDUM

## TRAVERSE CITY FREEDOM RUN 2023 PENINSULA TOWNSHIP BOARD PROPOSAL PROGRESSIVE RUN ROUTE MAP - UPDATED FOR SAFETY PURPOSES



**FREEDOM RUN 2023**  
Powered by  
Traverse City Elks Lodge #323

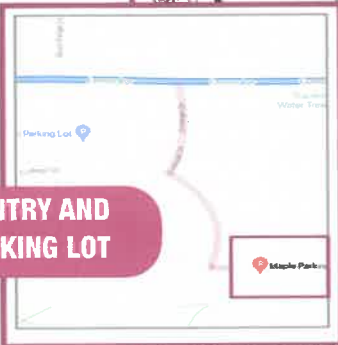
**James DeVecchio,**  
Run Director



**PORTAS & WATER STATIONS**

**40 + ROUTE VOLUNTEERS**

**NMC ENTRY AND EVENT PARKING LOT**



**D. NMC FINISH**



## **A D D E N D U M**

### **TRAVERSE CITY FREEDOM RUN 2023 ROUTE NARRATIVE**

**Lighthouse Progressive Run: 20 miles.**

Arrival: Runners at NMC Cedar Lot for shuttles, Leaves at 6:45 am.

Dean Shuttles BUS DROP OFF. Arrive at Lighthouse 7:20 am. Aid Station and Security.

Sunrise at 7:38 am.

**Run (A) begins at 7:45am at Lighthouse Loop.**

Thompkins Road. [Mile 1.9; Aid Station]

Eimen Road. [Mile 4.45; Aid Station]

Smokey Hallow Road. [Mile 6.6; Aid Station]

# 1 Fire House: Notify of race time.

Continue on Center Rd. to Bowers Harbor Rd. and Seven Hills Rd. [Mile 8]

Harbor and Seven Hills Roads. [Portable toilets, Security and Aid Station at Bowers]

**Run (B) Bowers Second Start. BUS DROP OFF 9:00 am.**

Runners start approximately 9:30 am. or when the first runners arrive.

Heading out on Seven Hills Rd. to Center Road.

Cross and turn onto Blue Water Rd. Follow Bluff Rd. and Blue Water Rd. [Mile 9.55; Aid Station]

Bluff Road and Sugar Shack PVT Road Intersection. [Mile 11.4; Aid Station]

Center Road and Bluff Road. [Mile 13.8; Aid Station]

Turn onto Center Road.

Montague and Center Road. [Mile 15.4; Aid Station]

East Shore Road/ Center: DNR Boat Launch. [ Mile 16.2; Aid Station, Security]

**Run (C) Last group of Runners: BUS DROP OFF 10:30 am.**

Runners head towards East Shore Dr. when runners arrive; approximately 11:15 am.

Head-in for final leg of run. [Mile 3.8] to Cherry Lot NMC. [Mile 18.5; Aid Station Hidden Ridge]

East Shore Drive and Eastern Ave. [Mile 19.3; Aid Station]

Finish Run between 12:30 pm and 1:30 pm. [Mile 20.0; Aid Station]

**Walk, Stroll, Run at 11:00 am. Course on NMC grounds Starts at Cherry Lot.**

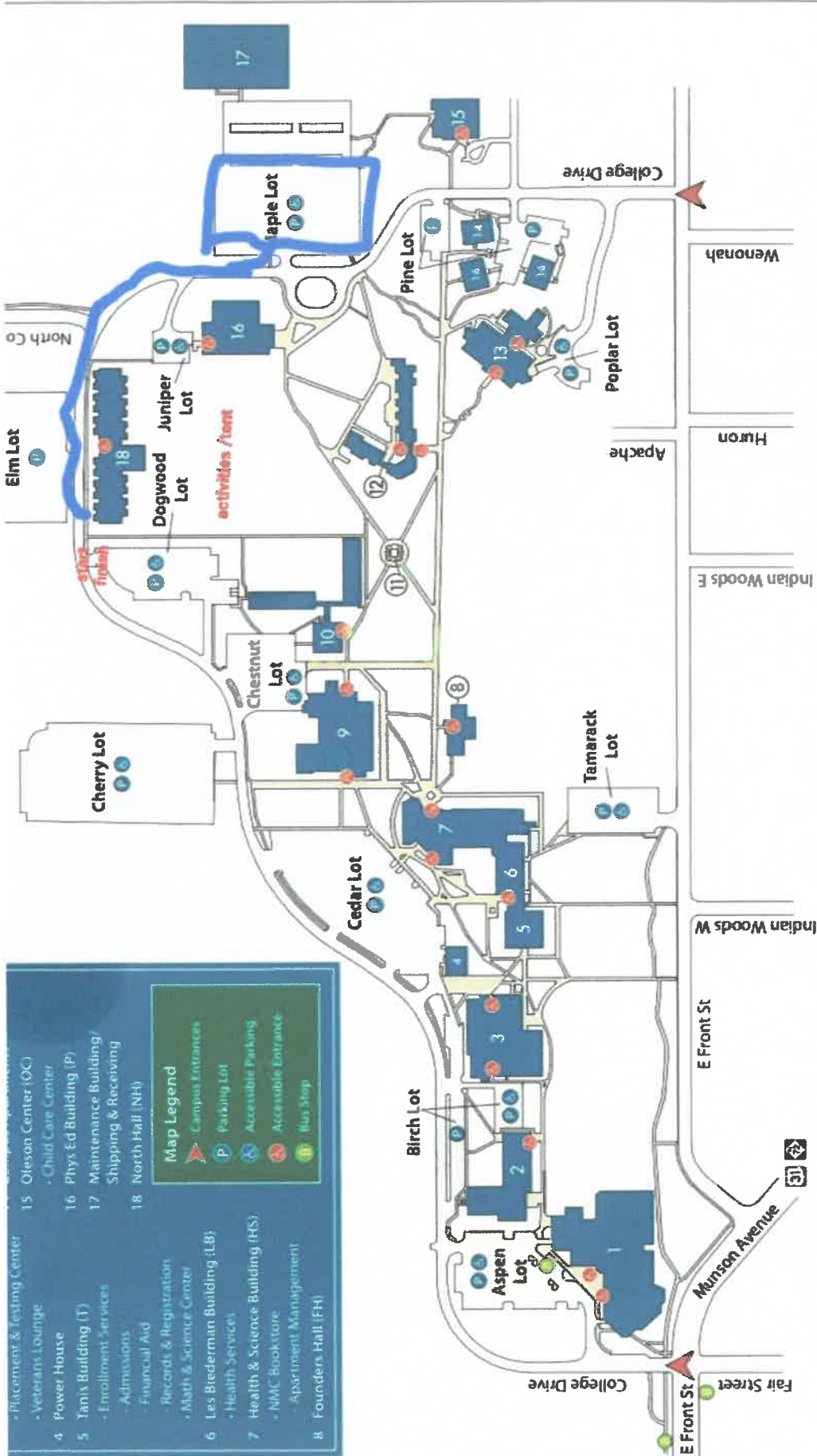
Shuttles busses to Lighthouse Run leaves Maple Lot 6:45 am.

Shuttle busses to Bowers Harbor/Seven Hills Run leaves Maple Lot at 8:30 am.

DNR Boat Launch Run Shuttle busses leave Maple Lot at 10:15 am

• Placement & Testing Center  
 • Veterans' Lounge  
 • Power House  
 4  
 5 Tams Building (T)  
 • Enrollment Services  
 • Admissions  
 • Financial Aid  
 • Records & Registration  
 • Math & Science Center  
 6  
 6 L&S Biederman Building (LB)  
 • Health Services  
 7  
 7 Health & Science Building (HS)  
 • NMC Bookstore  
 • Apartment Management  
 8  
 8 Founders Hall (FH)

**Map Legend**  
 • Campus Entrances  
 • Parking Lot (P)  
 • Accessible Parking  
 • Accessible Entrance  
 • Bus Stop



# Correspondence

June 21, 2023

Peninsula Township Board  
13235 Center Rd  
Traverse City, MI 49686

RE: TC Freedom Run

Greetings Board Members,

I'm writing to express concern regarding any potential Center Road closure prompted by the proposed TC Freedom Run Sat Sept 30, 2023.

The end of September is usually about the time we begin our grape harvest. We will be transporting farm implements and loaded trucks daily, on Center Rd. It is also the start of our busy guest season at the tasting room. Should a Northern route be explored, we need to have Center Rd access to Chateau Chantal (the only entrance point for the farm/business/overnight guests and the residents on Merlot Dr.)

We certainly encourage the spirit of this race and hope to see its fruition. Our concerns exist with possible road closures, the hours of the event (our doors open at 11am), and the date being a very busy time for grape growing and visits on OMP. November may not be as appealing for a run, but a tie-in with Veteran's Day might be a consideration for post-harvest.

Thank you for taking these concerns into planning account for the safety of all.



Marie Dalese  
CEO, Chateau Chantal  
15900 Rue de Vin  
Traverse City, MI 49686

## Becky Chown

---

**From:** Eric Dreier <ecdreier@gmail.com>  
**Sent:** Sunday, June 25, 2023 3:02 PM  
**To:** Becky Chown  
**Subject:** Note from E Dreier

Ms. Chown, I attended the special board meeting of our township on June 20, 2023. One item of business was a new request for a major running event. Like many of these proposals the group is reputable and the cause reasonable. I don't believe the sponsors were aware of the long standing practice in our township of limiting major events to no more than three per year.

In my opinion the township trustees did an excellent job working with the presenters. They listened carefully, reviewed and considered the facts and then very diplomatically explained that while they appreciated the value of the event it would not be possible to approve this at the present time. I was very impressed with the ability of the group to recognize the sincerity of the presenters but also respect the residents of the township who have event fatigue. It was a fine example of good government. Please extend my thanks for work well done to the other members of the Board.

Eric C. Dreier  
12434 Peninsula Dr.

**Business**

# Engine 2 Replacement



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



---

RE: Request to replace Engine 2

April 12, 2019

Dear Township Board,

I am writing to request approval to seek bids for the replacement of current Engine 2. I have been working with a dealer and our department members to create specifications for this replacement fire engine. Our current engine is 25 years old and by the time it is replaced will be 26 or 27 years old. This request also follows the apparatus replacement plan that has been laid out with the cost being accounted for in my department budget forecast. Cost for fire apparatus have gone up significantly in the last few years and information research shows this not stopping or slowing down. With proper budgeting over the last few years, I believe we will be able to make a good down payment to keep our financing portion down.

The projected new engine will greatly enhance department operations by increasing pump size, appropriate compartments for EMS supplies, greater firefighter safety through new and improved technology, ground ladder size and a front mounted suction for drafting water out of the Bays just to name a few. The main focus is to give us a reliable fire engine that has all the abilities and equipment needed for our firefighters to serve our residents at the highest level.

I am requesting to present this topic on July 12<sup>th</sup>, 2023 at the Town Board meeting. Again, this is a request to go out to bid and does not lock the township into this purchase, however, I would highly recommend that after the bid process and bids are completed and presented, that the Township move forward with making this much needed purchase.

Sincerely,

Fire Chief Fred Gilstorff



# **Large Event Ordinance and Freedom Run Proposal**



# PENINSULA TOWNSHIP

## MEMO

**To:** Township Board  
**From:** Jenn Cram, AICP, Director of Planning and Zoning  
**Date:** July 5, 2023  
**Re:** Large Event Ordinance and Freedom Run Proposal

---

At the June 20, 2023, special meeting of the township board, a proposal for the Freedom Run to be held on Saturday, September 30, 2023, was discussed. A copy of the proposal and addendum are attached to this memo for reference.

The board discussed whether an additional large event should be considered based on past policy discussion to limit the number of large events/races on the peninsula to three.

The Large Event Ordinance #52 does not specifically limit the number of large events to three. Limiting the number of large events/races to three was a policy discussion that the board had related to community feedback. Under Section 2.9(h), the board does have the ability to approve or deny a proposed large event if it will have a negative impact on township or county resources or on adjacent properties. When considering proposals, the board shall consider the time of year and number of previously approved events. Please see a copy of Section 2.9(h) below for reference.

*(h) That the event will not have a substantially negative impact on township or county resources or on adjacent properties. When considering this standard, the Township Board shall consider the type, time of year, and impact of the proposed event as well as the impacts and number of previously approved events in the same calendar year, and shall apply this standard in a manner to avoid overuse of township or county resources or to avoid repetitive, negative impacts on the same adjacent property or properties. In addition, the Township Board shall find adequate evidence that each event will:*

- (i) Not be hazardous to existing uses in the same general vicinity.*
- (ii) Be served adequately by essential facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, and water and sewage facilities.*
- (iii) Not create additional requirements at public cost for public facilities and services.*

Currently the board has approved the following large events for 2023:

Bayshore Marathon – May 27, 2023

Festival of Races – Saturday, July 8, 2023

TC Triathlon – Sunday, August 20, 2023

As discussed at the June 20 meeting, the TC Triathlon is having issues with obtaining all the necessary approvals for the locations proposed. At the date of drafting this memo we are still uncertain if the event will take place.

The Freedom Run as proposed primarily takes place on Center Road. No road closures are proposed associated with this course. The board expressed concern with the safety of participants and conflicts with vehicular traffic. The board discussed the possibility of moving the proposed race to roads that have less vehicular traffic on the north end of the peninsula. The draft minutes of the June 20 meeting are included in the packet for reference.

At this time staff would like to know if the board is open to allowing an additional large event on Saturday, September 30, 2023?

If so, does the board wish for the Freedom Run to consider an alternative course on the north end of the peninsula as discussed on June 20?

If the answer is yes, staff will work with the applicant to amend the course and application to meet public noticing requirements for a public hearing at the board's regular meeting on Tuesday, August 8, 2023.

Staff will be available during the July 11 meeting to answer questions.

Traverse City Freedom Run 2023  
Peninsula Township Board Proposal  
May 11, 2023



## INTRODUCTION AND OVERVIEW

On behalf of the Traverse City Freedom Run Steering Committee, presented by Traverse City Elks Lodge #323, its Veterans Committee, with support of the Veterans Coalition of Northwest Michigan, please accept this proposal to the Peninsula Township Board requesting permission to host a "once in a lifetime" long distance Freedom Run with international Ultra Long Distance Marathon Runner, Mr. Stan Cottrell, to promote health, fitness and community engagement through example, friendship and community outreach.

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\$25.00 per person. Each participant will receive an autographed Freedom Run t-shirt, saying, *"I run like the wind blows,"* in addition to an opportunity to have their photo taken with Stan Cottrell at the finish line as fundraiser for the event.

As a first year event, the Freedom Run Committee anticipates 250 runners to participate, each joining Stan according to the distance of their run. The Traverse City Freedom Run is powered by Traverse City Elks Lodge #323, its Officers, Members and Volunteers. Area sponsors will be invited to support the event to defray expenses and maximize the funding for our charitable causes. Traverse City Freedom Run is coordinating with Kristi Hallett, Northwestern Michigan College Scheduler for use of their parking lot areas to begin and end the run; all runners will be transported by bus to their designated starting point to join the run with Stan. Regarding emergency services, the Freedom Run is coordinating with Rebecca Adler, Licensing Specialist for the City of Traverse City to ensure all emergency and public safety requirements are met in a quality way. Regarding temporary structures, pop-up water stations will be set-up along the route for the safety of our runners; once all the runners have passed each station, the volunteers will immediately breakdown the stand, collect empty bottles and water cups in addition to removing any refuse from the area.

Towards this end, Traverse City Freedom Run respectfully seeks consideration and approval from the Peninsula Township Board, to obtain an event permit from the Peninsula Township Zoning Administrator to hold our proposed event in compliance with the Peninsula Township Large Events Ordinance #52.

#### ADDITIONAL CONSIDERATIONS

In support of this proposal, fire protection will be requested from Chief Fred Gilstorff, Peninsula Township Fire Department. Police protection will be requested from Peninsula Township's Community Police Officer, Virnell France for the Freedom Run. Medical facilities and services; including emergency vehicles and equipment will be provided by City of Traverse City with the assistance of Rebecca Adler, Licensing.

No food or snack items will be offered during the course run. Bottled water or cups of water will be provided by the Freedom Run Committee; volunteers will assist with all event clean-up. There will be no music or loud noises at starting points in Peninsula Township, no parking in Peninsula Township during the event, and no road closures are anticipated for the proposed running route in Peninsula Township. A Certificate of Insurance will be provided for the event in the amount of \$1,000,000. with Peninsula Township named on the insurance rider. A detailed Freedom Run route map and

timeline are included in this proposal for the Board's consideration, comment and questions.

## **FREEDOM RUN EVENT LOGISTICS**

**Event Date: Saturday, September 30th, 2023**

Event Start Time: 6:00AM

Event End Time: 1:00PM

Online Advance Registration for all Runners.

Entry Fee: \$25.00

**Registration: Friday, September 29th**

Runner Packet Pick Up: 6:00AM - 6:00PM

Traverse City Elks Lodge 323

625 Bay Street

Traverse City, MI 49684

## **FREEDOM RUN TIMELINE OF EVENT**

**Long Distance Runners arrive at NMC Cedar Lot at 6:30AM.**

Dean Shuttles arrive at Lighthouse at 7:00AM.

Sunrise at 7:38AM.

Run begins at 7:45AM.

Watering station: 3.6 miles: Old Mission Road.

Runners continue onto Bowers Harbor Park: 4.7 miles.

Restrooms and Watering Station at the Park.

**Mid-Distance Runners arrive at Park by bus at 9:15AM.**

Runners join Stan at approximately 9:40AM.

Runners proceed East onto Bowers Harbor Road.

Runners take Seven Hills Road to Center Road.

Route proceeds to East Grand Traverse Boat Launch: 6.7 miles.

**Short Distance Runners arrive at DNR Boat Launch at 11:00AM**

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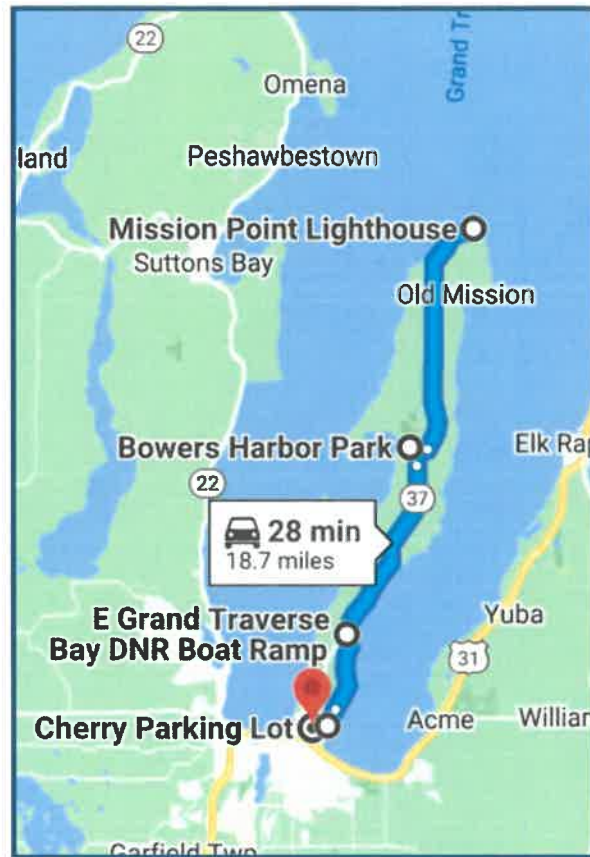
Runners enter NMC Campus Drive at approximately 12:30AM.

**Award Celebration and Honors at: 12Noon.**

**All Kids Carnival from 9:00AM to Noon at NMC in Cherry Lot.**

**Walk, Roll, Stroll 'All Kids Run' at NMC in Cherry Lot at 11:00AM.**

## PROPOSED SHARED PENINSULA TOWNSHIP ROUTE MAP



Thank you for your time and attention. I look forward to the opportunity to present at Peninsula Township's upcoming June 13th Board Meeting. Joining us, on behalf of the Traverse City Freedom Run, will be special guest, Stan Cottrell. We all look forward to our time together and answering any questions you may have concerning any aspect of this wonderful community-based health and safety event.

Respectfully submitted,

Mary Kelly Panek, Chairperson  
Traverse City Freedom Run  
231-392-2920 | Mobile  
marypanek03@gmail.com





# ADDENDUM

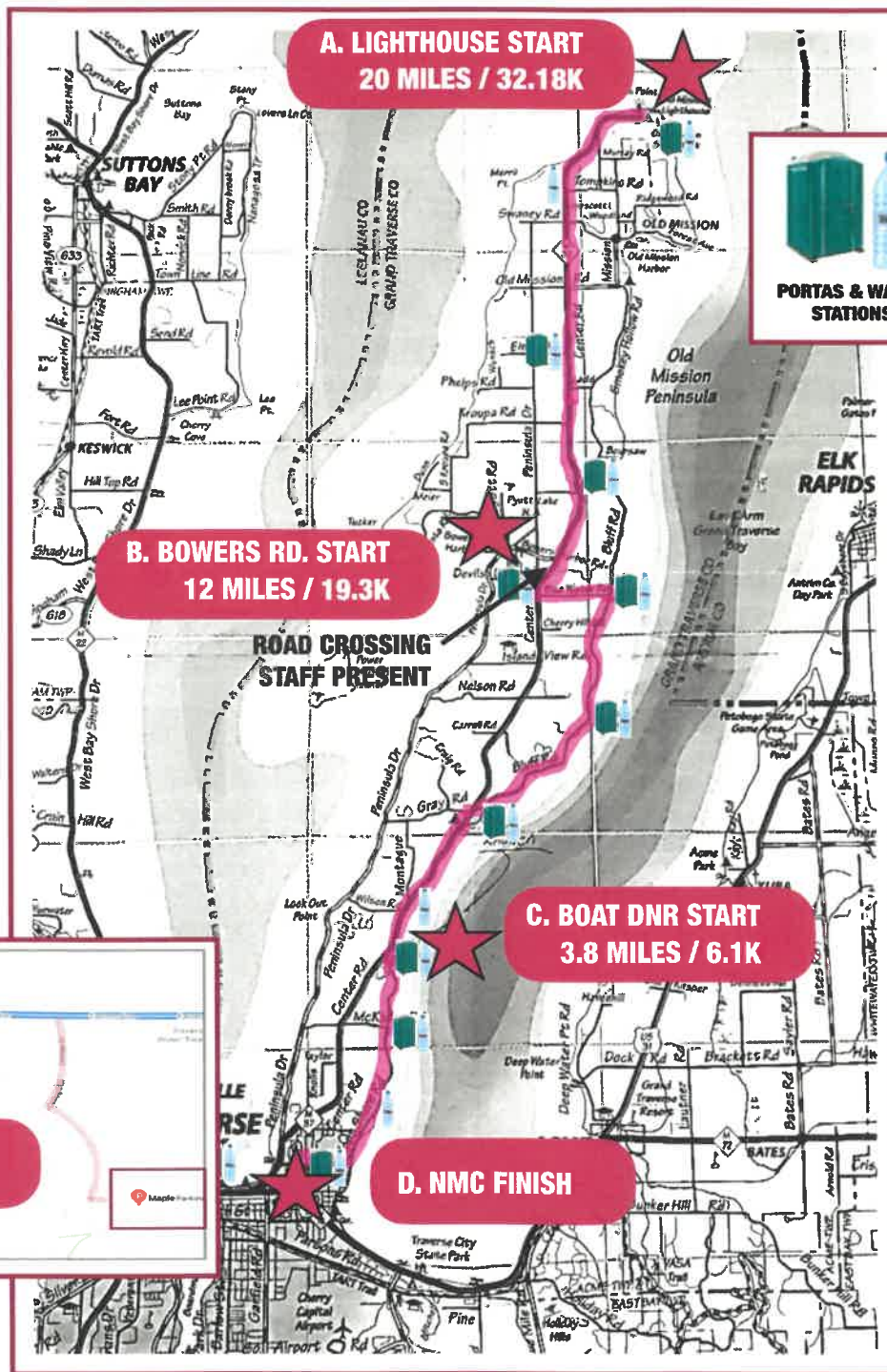
## TRAVERSE CITY FREEDOM RUN 2023 PENINSULA TOWNSHIP BOARD PROPOSAL PROGRESSIVE RUN ROUTE MAP - UPDATED FOR SAFETY PURPOSES



**FREEDOM RUN 2023**

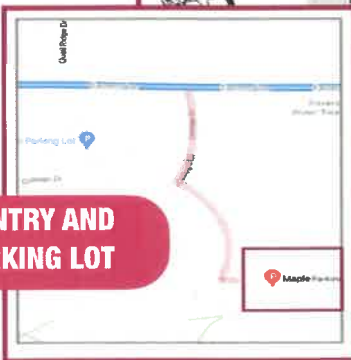
Powered by  
Traverse City Elks Lodge #323

James DelVecchio,  
Run Director



**40 + ROUTE  
VOLUNTEERS**

**NMC ENTRY AND  
EVENT PARKING LOT**



## **A D D E N D U M**

### **TRAVERSE CITY FREEDOM RUN 2023 ROUTE NARRATIVE**

**Lighthouse Progressive Run: 20 miles.**

Arrival: Runners at NMC Cedar Lot for shuttles, Leaves at 6:45 am.

Dean Shuttles BUS DROP OFF. Arrive at Lighthouse 7:20 am. Aid Station and Security.

Sunrise at 7:38 am.

**Run (A)** begins at 7:45am at Lighthouse Loop.

Thompkins Road. [Mile 1.9; Aid Station]

Eimen Road. [Mile 4.45; Aid Station]

Smokey Hallow Road. [Mile 6.6; Aid Station]

# 1 Fire House: Notify of race time.

Continue on Center Rd. to Bowers Harbor Rd. and Seven Hills Rd. [Mile 8]

Harbor and Seven Hills Roads. [Portable toilets, Security and Aid Station at Bowers]

**Run (B)** Bowers Second Start. BUS DROP OFF 9:00 am.

Runners start approximately 9:30 am. or when the first runners arrive.

Heading out on Seven Hills Rd. to Center Road.

Cross and turn onto Blue Water Rd. Follow Bluff Rd. and Blue Water Rd. [Mile 9.55; Aid Station]

**Bluff Road** and Sugar Shack PVT Road Intersection. [Mile 11.4; Aid Station]

Center Road and Bluff Road. [Mile 13.8; Aid Station]

Turn onto Center Road.

Montague and Center Road. [Mile 15.4; Aid Station]

**East Shore Road/ Center:** DNR Boat Launch. [ Mile 16.2; Aid Station, Security]

**Run (C)** Last group of Runners: BUS DROP OFF 10:30 am.

Runners head towards East Shore Dr. when runners arrive; approximately 11:15 am.

Head-in for final leg of run. [Mile 3.8] to Cherry Lot NMC. [Mile 18.5; Aid Station Hidden Ridge]

East Shore Drive and Eastern Ave. [Mile 19.3; Aid Station]

Finish Run between 12:30 pm and 1:30 pm. [Mile 20.0; Aid Station]

Walk, Stroll, Run at 11:00 am. Course on NMC grounds Starts at Cherry Lot.

Shuttles busses to Lighthouse Run leaves Maple Lot 6:45 am.

Shuttle busses to Bowers Harbor/Seven Hills Run leaves Maple Lot at 8:30 am.

DNR Boat Launch Run Shuttle busses leave Maple Lot at 10:15 am

**Non-conforming Uses and Structures  
Signage for U-pick/Farm Operations  
Shoreline Regulations**

# PENINSULA TOWNSHIP

## MEMO

**To:** Township Board  
**From:** Jenn Cram, AICP, Director of Planning and Zoning  
**Date:** July 5, 2023  
**Re:** Discussion on Non-conforming Uses and Structures, Off Premise Signage and Signage for U-pick Operations, and Shoreline Regulations

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### **Nonconforming Uses and Structures:**

Section 7.5 provides the standards by which a non-conforming use or structure may be maintained or changed.

As the current Zoning Administrator, it has come to my attention that land use permits have been issued that in my interpretation do not meet zoning ordinance requirements and have subsequently allowed for the expansion of non-conforming uses and structures. I would like to review the ordinance with the board to receive feedback on my interpretations and to guide the work of the Zoning Board of Appeals and the future issuance of land use permits.

### Section 7.5.1 Intent and Purpose:

*Non-Conforming Use. At the discretion of the owner, the lawful use of any building, structure, land or premises existing prior to the effective date of this Ordinance, although the use does not conform to the provisions of this Ordinance, may be continued; and such use of any building may be extended throughout such building, provided no structural changes be made therein except those required for safety and sanitation.*

*Non-Conforming Structure. It is the intent to allow the continued use of a non-conforming structure. It is also the intent that the Zoning Board of Appeals may grant a variance to move or reconstruct a non-conforming structure where the structure was legally built on parcels that would be otherwise unbuildable due to overlap in the yard requirements. It is not the intent to allow significant increases in the intensity of previously established residential use on otherwise unbuildable lots. It is not the intent to allow the construction of a residence on a vacant parcel where yard requirements meet or overlap such that there is no buildable area on the parcel.*

I interpret this to mean that the expansion of non-conforming uses and non-conforming structures is limited in scope and should only be permitted when related to safety and sanitation. As such, I do not believe that a property owner could propose to remove the roof of a structure that does not meet required setbacks and add an additional floor of living space even if the expanded structure met the required building height.

Section 7.5.5 Additions to Non-Conforming Structure:

- (1) *The Zoning Administrator shall issue a land use permit for an addition to a lawful non-conforming structure provided all of the following are met:*
  - (a) *the addition is not located in any required yard or ordinary high water mark setback; and*
  - (b) *in addition to the above yard and ordinary high water mark setback requirements, all other applicable dimensional requirements on the subject parcel shall be satisfied (other than what is lawfully non-conforming).*

**(REVISED BY AMENDMENT 176A) (REVISED BY AMENDMENT 190)**

I believe that an addition to a non-conforming structure can only be proposed that meets all required setbacks and the other dimensional requirements of Section 6.8 unless the Zoning Board of Appeals grants a variance. The Zoning Board of Appeals must consider the intent and purpose of expanding a non-conforming use or structure related to safety and sanitation and the requested variance must also meet all the basic conditions and rules of Section 5.7.3 Variances.

Section 7.5.6 Moving or Replacing Non-Conforming Structure:

*The Township Zoning Board of Appeals may grant a variance for moving or replacing a residential structure on a legal non-conforming lot so that the continued intensity of residential use of the lot is substantially the same as in the pre-existing structure, provided all of the following are met:*

- (1) *The moved or replaced structure is less non-conforming than the previous structure;*
- (2) *There is increased safety to the residents of the structure and to the traveling public on the road providing access to the parcel;*
- (3) *Safety and substantial justice is achieved;*
- (4) *If the variance allows the structure to encroach into the setback from the Ordinary High-Water Line, conditions of approval shall include:*
  - (a) *provisions for stabilization of the shoreline so that the structure is not likely to be damaged by high water or wave action;*
  - (b) *there is no additional detriment to adjacent properties;*
  - (c) *shoreline vegetation is existing or established consistent with the intent of Section 7.4.4 Removal of Shore Cover; and*
  - (d) *sea walls will not be allowed unless it is determined that there is no feasible alternative.*
- (5) *In addition to (1) through (4) above, the subject parcel shall also meet all of the basic and special conditions as provided for all variances in Section 5.7.3. (REVISED BY AMENDMENT 176B)*

I believe that any proposal to replace an existing non-conforming structure must go before the Zoning Board of Appeals. The Zoning Board of Appeals must consider the intent and purpose for replacing the non-conforming structure and the replacement structure must be less non-conforming. All conditions of Section 7.5.6 and the basic conditions and rules of Section 5.7.3 Variances must also be met.

**Off Premise Signage:**

Per Section 7.11.1 Sign Placement and/or Design Requirements (1) *All signs shall be located on the same premises as the associated use, unless otherwise provided for in this ordinance.*

I am interested in amending the zoning ordinance to allow uniform, temporary signage outside of the road right-of-way off premises from the associated use with property owner approval. This will help to support farm operations that are located off Center Road as well as those property owners that want to provide directional signage for garage sales and realtor open houses. The goal is to develop standards that minimize the visual clutter from signs along the scenic byway. This could easily be accomplished by regulating the size and number of days that a temporary sign could be located off premises. I would like to hear from the board if this is something that could be supported in the future.

**U-Pick Signage:**

Section 7.11.3 Signs Permitted in all Districts and Section 7.11.6, two signs are allowed on farm operations to advertise agricultural products/farm products while retail sales are in operation. These two signs are limited to six (6) square feet in size and may be no taller than four (4) feet. In addition, per Section 6.7.2 (8) and Section 7.11.6 one sign is allowed for a farm stand (previously named roadside stand). Farm stand signage is limited to nine (9) square feet in size and six (6) feet in height.

We are seeing temporary signage placed on farms to advertise U-pick operations in addition to the three signs currently allowed. I would like to pause enforcement of these regulations from June 1 to October 1, 2023, to monitor what farm operations do this season. Again, I want to minimize visual clutter and preserve the character of the scenic byway, but I also want to support farm operations and see if additional temporary/seasonal signs should be permitted to better support the seasonal nature of U-pick operations. I am interested to hear from the board if a pause in enforcement is supported. If so, I will work with legal counsel to formalize the pause in enforcement.

**Signs Utilizing Vehicles:**

Per Section 7.11.2 (8) signs that utilize vehicles, trucks, vans, or other wheeled devices are prohibited. It is not out of the ordinary for farm operations to vintage trucks as part of their branding. These vintage trucks do have character. I would like to hear if the board has any interest in allowing vintage trucks to be utilized for temporary or permanent signage.

## Shoreline Regulations:

As the current Zoning Administrator, it has also come to my attention that land use permits were waived and/or issued that in my interpretation do not meet zoning ordinance requirements and have subsequently allowed for filling, grading, the movement of earth and structural improvements along the shoreline and in some cases within the regulated floodplain.

### Section 4.1.3 Land Use Permits:

*(1) General: Any individual, corporation, association, officer, department, board or bureau of the State, County or Township planning to erect or move a structure to the extent of more than twenty-five (25) square feet of floor area or to establish a new use for any premises in any land use district, shall file an application in writing with the Zoning Administrator for a land use permit. Said Zoning Administrator shall issue a "Land Use Permit" if such planned building or structure or mobile home or land use is in compliance with the provisions of the Ordinance.....*

A structure is currently defined as:

*A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, building, mobile homes, signs and sign boards, towers, poles, antennae, landfill, sea walls, weirs, jetties, swimming pools, stand pipes; fences over four feet in height above final grade and earth sheltering for earth-sheltered structures or other like objects, but not including:*

*(a) a temporary fence; (b) agricultural fences that are used for general farming and horticultural uses, field crop and fruit farming, raising and keeping of small animals, and raising and keeping of livestock; (c) access steps required to negotiate changes in site elevation; (d) landscape mounds; and (e) sidewalks, drives, and paved areas which do not protrude above the finished site grade. (REVISED BY AMENDMENT 152)*

Section 7.4.3 Filling and Grading Within 200 feet of Normal High-Water Mark: *The following rules shall apply to any filling, grading or other earth movement within 200 feet of the normal high-water mark to prevent harmful erosion and related sedimentation:*

- (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.*
- (2) Temporary ground cover such as mulch must be used as soon as possible and permanent cover such as sod be planted.*
- (3) Diversions, silting basins, terraces and other methods must be used to trap any sediment.*
- (4) Fill must be stabilized according to accepted engineering practices.*
- (5) The Zoning Administrator may issue a land use permit for a sea wall without regard to the Minimum yard setback from the ordinary high-water mark otherwise required in Section 6.8.1 when a sea wall is necessary*

*to protect or prevent structures on the premises from erosion damage caused by high water.*

I believe that a Land Use Permit is required for any earth movement within 200 feet of the ordinary high water mark to make sure that standards 1-4 are met. In addition, no fill is permitted within a designated floodplain per Section 7.4.7. Uses and structures within the floodplain are limited to:

- (a) Gardens, preserves, and low intensity use areas in parks.*
- (b) Boardwalks and paths no wider than 3 feet.*
- (c) Yard and setback areas or other open space portions required for any District.*
- (d) Access drives for utility uses, when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.*

I look forward to discussing these items with the board on July 11 and receiving feedback.



# **Replat of Lots 8 & 9, Block 2, Neahtawanta**

## **Background - Lots 8 and 9 - Ne-Ah-Ta-Wanta Point**

Ne-Ah-Ta-Wanta Point is a subdivision dating from 1927 with lots smaller than required for new construction under the Zoning Ordinance. In 2020, the property owners of Lot 7 (Todd E. Wilson and Deborah J. Crowe, husband and wife) and Lot 10 (Bruce Krone and Elizabeth Krone, husband and wife, via a Trust) formed Goebel Lane, LLC and bought Lots 8 and 9, which are situated between their properties. They are requesting that lots 8 and 9 be replatted to equalize their widths.

Lots 8 and 9 are separate lots of record, which have not been combined or merged. They have not been owned by the same persons or entity prior to Goebel Lane, LLC, and have not been in common ownership by natural persons. They have been separate, legal non-conforming, buildable lots, and will continue to be so after the proposed replat.

The replat will equalize the widths of the two lots, at approximately 87.5 feet each. Additionally, the adjusted width follows an informal boundary line created by a garage (from 1977) on Lot 8 that extends into Lot 9 by approximately 15 feet. As part of the replat, the nonconforming garage as well as a portion of a porch encroachment will be removed. The property owners also agree to restore setbacks consistent with the current Zoning Ordinance's setbacks for the R-1B Coastal Zone Residential District.

## **Legal Authority for a Replat**

MCL 560.104(a) authorizes a replat of property in a subdivision if the owners and neighbors of the lots that are part of the replat record a written agreement with the register of deeds. Further conditions apply if areas are dedicated to public use in the proposed replat. An example of a similar replat occurred in August 1999 for several lots within the same subdivision. It is included with the current replat agreement. In the present case, there are no areas dedicated to public use. Per the agreement of landowners and neighbors, the statutory conditions under MCL 560.104(a) are met.

Additionally, the Peninsula Township Land Division Ordinance permits boundary adjustments that may not fully comply with lot, yard, accessibility, or area requirements which does not create or exacerbate non-conformities. Both lots within this replat are prior, legal non-conforming lots. In this case the lots are narrower than the modern 100-foot requirement. Lot 8 will be wider, thus reducing the width non-conformity while the informal boundary of Lot 9 will be formalized. Additionally, the structures and setbacks will be conforming as part of the agreement. Therefore, the lots will remain buildable.

Staff recommends adopting the resolution recognizing the replat as the lots become more uniform, nonconforming structures are removed, and future development will conform to current setbacks.

**Proposed Motion: Move to adopt the resolution approving the replat of Lots 8 and 9 of the Ne-Ah-Ta-Wanta Point, as authorized under MCL 560.104(a).**

## **Attachments**

1. Resolution In Support of Replat of Lots 8 and 9, Block 2 Plat of Ne-Ah-Ta-Wanta Point
2. Replat Agreement from Goebel Lane, LLC for Lots 8 and 9, including maps and additional exhibits

**PENINSULA TOWNSHIP BOARD**

**RESOLUTION IN SUPPORT OF REPLAT OF  
LOTS 8 AND 9, BLOCK 2 PLAT OF NE-AH-TA-WANTA POINT**

**RESOLUTION NO. \_\_\_\_\_**

At a meeting of the Peninsula Township Board, Grand Traverse County, Michigan, held at the Peninsula Township Hall, on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ p.m.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_.

**WHEREAS**, the families that own Lot 7 and Lot 10 of Ne-Ah-Ta-Wanta Point formed Goebel Lane, LLC, and acquired Lots 8 and 9 with intent to maintain the local character of Ne-Ah-Ta-Wanta and preserve existing views of the water, the beach, and natural environment between their properties;

**WHEREAS**, the original existing cottage on Lot 8 dates to 1891, under a plat of Traverse Point (later vacated), which established lots of only 40 feet in width;

**WHEREAS**, the current 1927 plat established Lot 8 with 80 feet in width to accommodate the existing structure while Lot 9 was platted at 95 feet in width;

**WHEREAS**, a 1977 Garage was constructed for the benefit of Lot 8, extending north of the 1927 plat line into Lot 9 by approximately 15 feet and creating an informal, recognized boundary line;

**WHEREAS**, Lots 8 and 9 are historically separate buildable lots, notwithstanding their lesser width under the 2023 Peninsula Township Zoning Ordinance;

**WHEREAS**, Lots 8 and 9 were not combined or merged, have not been in unity of ownership prior to Goebel Lane, LLC, and have not been in common ownership by natural persons;

**WHEREAS**, MCL 560.104(a) authorizes a replat of property under specific conditions;

**WHEREAS**, in compliance with MCL 560.104(a), the abutting property owners have been given notice by certified mail; all owners of lots which are to be part of the replat (Lots 8 and 9), and abutting property owners (Lots 7 and 10), have agreed in writing to the replat; the owners of Lots 7 and 10 are the individual members of Goebel Lane, LLC.

**NOW, THEREFORE**, the Township Board hereby resolves and finds that:

1. Lots 8 and 9 are platted as and treated as separate lots of record.

2. The company now owning Lots 8 and 9 was created as a vehicle for neighbors to advance their interest as owners of neighboring lots.
3. Lots 8 and 9 are not and have not been in common ownership of natural individuals.
4. There are no areas dedicated to public use within the proposed replat of Lot 8 and Lot 9 of Block 2 of Ne-Ah-Ta-Wanta Point.
5. The replat is consistent with the Township Land Division Ordinance which permits minor adjustments of a common boundary line where violations of local ordinances are not created.
6. The new replatted common boundary is equitably established so that Lots 8 and 9 shall have an equal width of ~87.5 feet. An updated legal description of each lot—consistent with the replat and this Resolution—shall be provided to the Township and recorded with the Register of Deeds to perfect the replat.
7. The replatted lot widths are consistent with those platted prior to the adoption of Peninsula Township’s Zoning Ordinance and reduce the non-conformity of Lot 8.
8. The Zoning Administrator has determined that Lots 8 and 9 are prior, legal non-conforming platted lots and continue as buildable lots under the Zoning Ordinance.
9. The owners of Lots 8 and 9 voluntarily agreed and shall observe minimum setbacks of 15 feet from the common boundary line, a front (road side) setback of 30 feet, and a rear (water side) setback of 60 feet from the ordinary high water mark, which are the setbacks of the R-1B Coastal Zone Residential District in which the Lots are situated. These covenants and restrictions shall run with the land.
10. Per the agreement of the parties, the 1977 Garage extending north of the 1927 property line, as well as a porch encroachment, shall be removed no later than December 2024.
11. The Township Board supports the equalization of widths for Lots 8 and 9 with adjusted setbacks, and accordingly approves the replatting process on Lots 8 and 9 consistent with MCL 560.104(a).

**Roll call vote:**

Yes: \_\_\_\_\_

No: \_\_\_\_\_

**The Supervisor declared the resolution adopted.**

---

Isaiah Wunsch, Supervisor  
 Peninsula Township



**MCL 560.104(a) AGREEMENT**

**RE: LOTS 8 AND 9, BLOCK 2 PLAT OF NE-AH-TA-WANTA POINT (1927)**

**Contents**

MCL 560.104(a) Agreement

Statutory Notice Letters

Statutory Authority

Background / Chronology

[SPACE ABOVE FOR RECORDING STAMP]

**MCL 560.104(a) AGREEMENT**

**RE: LOTS 8 AND 9, BLOCK 2 PLAT OF NE-AH-TA-WANTA POINT (1927)**

**Background**

1. The Plat of Ne-Ah-Ta-Wanta Point (1927) is a subdivision in Peninsula Township, Grand Traverse County, Michigan (the "Subdivision"). The lots which are to be part of this replat under MCL 560.104(a) are:

Lots 8 and 9, Block 2, Ne-Ah-Ta-Wanta Point, a subdivision according to the plat thereof recorded in Liber 4 of Plats, Page 5, Grand Traverse County Records.

2. When lots 8 and 9 were up for sale, the families that own Lots 7 and 10 were concerned that a developer would buy the lots, and build a mansion that blocks their existing views of the water and natural environment.
3. The families that own Lot 7 and Lot 10 formed Goebel Lane, LLC for the purposes of acquiring Lots 8 and 9 so they could maintain the local character of Ne-Ah-Ta Wanta and preserve their existing views of the water, the beach, and natural environment between their properties. As more detailed herein, the undersigned agree to remove an existing nonconforming garage and a portion of a porch and restore side yard and other setbacks that were not possible with the garage as constructed and as remaining since 1977.
4. In compliance with MCR 560.104(a), the abutting property owners have been given notice by certified mail. All of the undersigned owners of lots which are to be part of the replat (lots 8 and 9) and the abutting property owners (Lots 7 & 10) agree in writing.
5. Lot 7 (Abutting). Todd E. Wilson and Deborah J. Crowe, husband and wife, whose address is 782 Neahtawanta Road, Traverse City, Michigan 49686, are the owners of Lot 7, block 2 of the Subdivision, as described in a previous replat agreement as to lots 4-7 under MCL 560.104(a) that is recorded in the Grand Traverse County Register of Deeds at Liber 363 Page 803. Both are members of Goebel Lane, LLC.
6. Lot 10 (Abutting). Bruce A. Krone, trustee of the Bruce A. Krone Trust, is the record title owner of Lot 10, Block 2 of the Subdivision. Bruce Krone and Elizabeth Krone are husband and wife and they are the other two members of Goebel Lane, LLC.

7. Lots 8 and 9 (1927): In 1927, Lot 8 was originally platted at 80' in width to accommodate the foundation of a house that was originally constructed in 1890s and expanded in the early 1900s. In 1927, Lot 9 was originally platted as 95' in width.
8. Lots 8 and 9 (1977-present): In 1977, a garage was constructed for the benefit of Lot 8 (the "Garage") that extended approximately 15ft to the north of the original platted line into Lot 9. The Garage has remained in place to benefit Lot 8 for over 45 years and established a recognized boundary line ~15 north of the common lot line as platted in 1927.
9. There are no areas dedicated to public use within the proposed replat of Lot 8 and Lot 9 of Block 2 of the Subdivision.
10. As part of this Agreement, the undersigned agree to the following restrictions and conditions that will be recorded in the Grand Traverse County Register of Deeds and run with the land.

### **Agreement**

The undersigned owners of Lots 7, 8, 9, and 10 and members of Goebel Lane, LLC agree as follows:

11. The Garage that extends ~15 north of the line platted in 1927 will be removed. Removal will begin within one year from the date of this instrument's recording in the Grand Traverse County Register of Deeds. The porch encroachment as measured from the replatted common boundary line as shown on the attached survey on the north side of the existing nonconforming house shall also be removed within the same timeframe as the Garage.
12. Similar to the vacating of an alleyway, half of the land (~7.5 ft) will be allocated equally to each lot. The new replatted common boundary is equitably established so that lots 8 and 9 shall have an equal width of ~87.5 ft. With this minor adjustment of the common boundary line, the side yard setbacks shall be measured from the new common boundary line as shown on the attached survey (**Exhibit A.**)
13. For each Lot 8 and Lot 9 as replatted with equal width, the undersigned covenant to the following restrictions: side yard setbacks shall be 15 ft. from the new common boundary line; the front (road side) setback shall be 30 ft.; and the rear (water side) setback shall be 60 ft. from the normal high water mark.
14. Each of these covenants and restrictions shall run with the land.
15. This Agreement is made as of \_\_\_\_\_ among the undersigned property owners and members of Goebel Lane, LLC.



Goebel Lane, LLC

By:

\_\_\_\_\_  
Todd E. Wilson, its Co-Manager

\_\_\_\_\_  
Elizabeth Krone, its Co-Manager

\_\_\_\_\_  
Todd E. Wilson

\_\_\_\_\_  
Deborah J. Crowe

\_\_\_\_\_  
Bruce A. Krone, individually and  
as Trustee of the Bruce A. Krone Trust

\_\_\_\_\_  
Elizabeth Krone

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF GRAND TRAVERSE )

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 2023, by Todd E. Wilson, the authorized c-o-manager of Goebel Lane, LLC, a Michigan limited liability company, on behalf of the company.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
County, MI  
My commission expires \_\_\_\_\_  
Acting in Grand Traverse County

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF GRAND TRAVERSE )

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 2023, by Elizabeth Krone, the authorized c-o-manager of Goebel Lane, LLC, a Michigan limited liability company, on behalf of the company.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
County, MI  
My commission expires \_\_\_\_\_  
Acting in Grand Traverse County

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF GRAND TRAVERSE )

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 2023, by Todd E. Wilson.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
County, MI  
My commission expires \_\_\_\_\_  
Acting in Grand Traverse County

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF GRAND TRAVERSE )

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 2023, by Deborah Crowe.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
County, MI  
My commission expires \_\_\_\_\_  
Acting in Grand Traverse Count

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF GRAND TRAVERSE )

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 2023, by Bruce A Krone, individually and as Trustee of the Bruce A. Krone Trust.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
County, MI  
My commission expires \_\_\_\_\_  
Acting in Grand Traverse County

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF GRAND TRAVERSE )

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 2023, by Elizabeth Krone.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
County, MI  
My commission expires \_\_\_\_\_  
Acting in Grand Traverse County

# EXHIBIT A

## PROPERTY LINE ADJUSTMENT SKETCH

PENINSULA TOWNSHIP  
GRAND TRAVERSE COUNTY

ZONING DISTRICT:  
THE SUBJECT PROPERTY IS ZONED AS R-1B, COASTAL ZONE

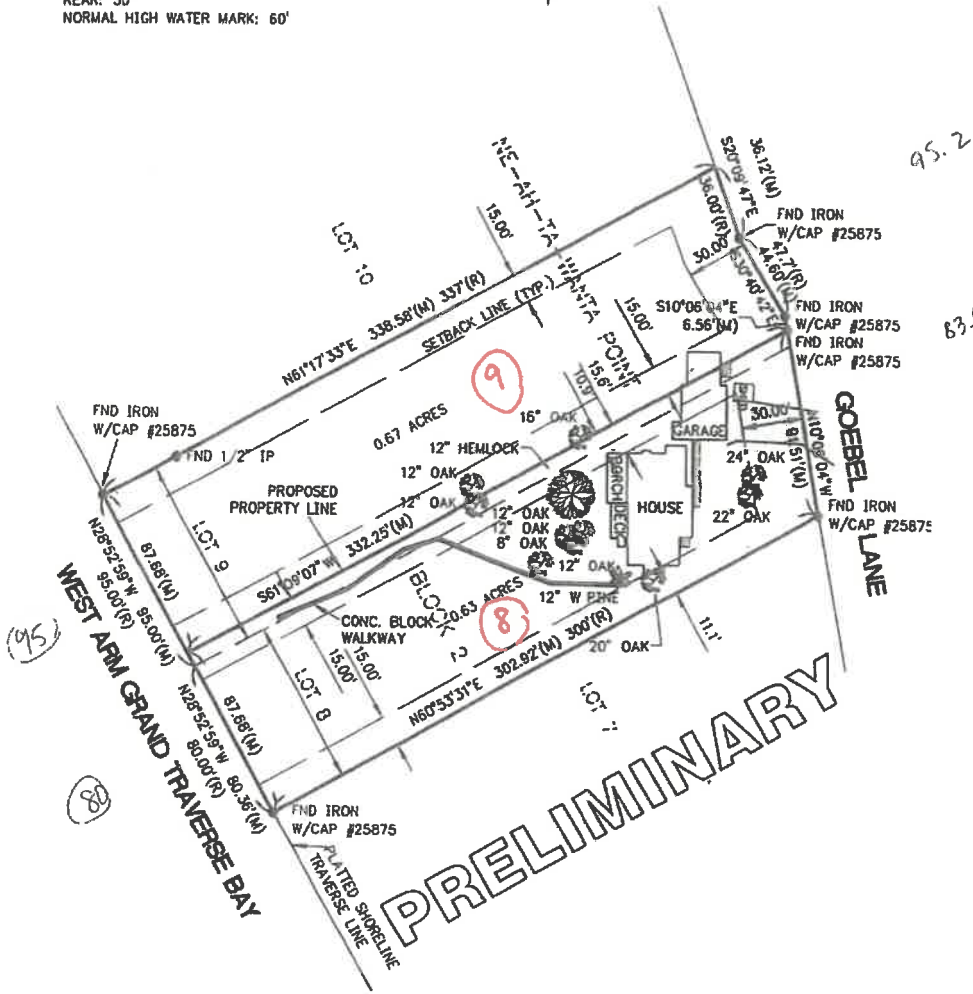
SETBACK REQUIREMENTS:  
R-1B, COASTAL ZONE:

SECTION 6.8 SCHEDULE OF REGULATIONS  
MINIMUM YARD SETBACK PER LOT IN FEET FROM EACH:  
FRONT: 30'  
SIDE: 15'  
REAR: 30'  
NORMAL HIGH WATER MARK: 60'



### SURVEY LEGEND

- FND IRON (AS NOTED)
- ASPHALT SURFACE
- CONCRETE SURFACE



PRELIMINARY



PREPARED FOR: **TODD WILSON**

BASIS OF BEARINGS: ALL STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(2011)

ENGINEERING  
SURVEYING  
TESTING & OPERATIONS



http://gfa.ic  
231.946.5874 (p)  
231.946.3703 (f)

Location: **LOTS 8, AND 9, BLOCK 2  
NE-AH-TA-WANTA POINT  
SECTION 30, TOWN 29 NORTH, RANGE 10 WEST  
PENINSULA TWP., GRAND TRAVERSE CO., MI**

DATE	March 23, 2022
PAK:	CHRS LESTER
DA:	MLJ CCL
	<b>22065</b>
SHT	1 OF 1

THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.  
REV.

# STAWSKI LAW

310 W. Front Street STE 310H  
Traverse City, MI 49684  
SSTAWSKI@STAWSKILAWOFFICE.COM

June 12, 2023

## CERTIFIED MAIL RETURN RECEIPT REQUESTED

Todd Wilson and Deb Crowe  
782 Neahtawanta Rd.  
Traverse City, MI 49686

Re: MCL 560.104(a) Agreement  
Lots 8 & 9, Block 2, Plat of Ne-Ah-Ta-Wanta Point (1927)

Dear Drs. Wilson and Crowe,

This letter is provided on behalf of Goebel Lane, LLC in compliance with MCL 560.104(a), which requires that “[w]hen all the owners of lots which are to be part of the replat agree in writing thereto and record the agreement with the register of deeds, and proof that notice to the abutting property owners has been given by certified mail...”

You are the record owners of abutting Lot 7, and accordingly, this notice is provided so that the proof of service can be recorded with the register of deeds.

Sincerely,

STAWSKI LAW, PLC



Steven K. Stawski  
(231) 883-0007

# STAWSKI LAW

310 W. Front Street STE 310H  
Traverse City, MI 49684  
SSTAWSKI@STAWSKILAWOFFICE.COM

June 12, 2023

## CERTIFIED MAIL RETURN RECEIPT REQUESTED

Bruce and Elizabeth Krone  
758 Neahtawanta Rd  
Traverse City, MI 49686

Bruce and Elizabeth Krone  
700 Walnut St. Ste 311  
Cincinnati, OH 45202

Re: MCL 560.104(a) Agreement  
Lots 8 & 9, Block 2, Plat of Ne-Ah-Ta-Wanta Point (1927)

Dear Mr. and Mrs. Krone,

This letter is provided on behalf of Goebel Lane, LLC in compliance with MCL 560.104(a), which requires that “[w]hen all the owners of lots which are to be part of the replat agree in writing thereto and record the agreement with the register of deeds, and proof that notice to the abutting property owners has been given by certified mail...”

Bruce, you are the record owner of abutting Lot 10 as trustee of the Bruce A. Krone Trust, and accordingly, this notice is provided so that the proof of service can be recorded with the register of deeds.

Sincerely,

STAWSKI LAW, PLC



Steven K. Stawski  
(231) 883-0007

## STATUTORY AUTHORITY

### 560.104 Replats; requirements; vacation of original plat.

Sec. 104. A replat of all or any part of a recorded subdivision plat may not be approved or recorded unless proper court action has been taken to vacate the original plat or the specific part thereof, with the following exceptions:

**(a) When all the owners of lots which are to be part of the replat agree in writing thereto and record the agreement with the register of deeds, and proof that notice to the abutting property owners has been given by certified mail and the governing body of the municipality in which the land included in the recorded plat is situated, has adopted a resolution or other legislative enactment vacating all areas dedicated to public use within the proposed replat.**

**(b) Assessors plats made, approved and recorded as provided for in sections 201 to 213.**

**(c) Urban renewal plats authorized by the governing body of a municipality, as provided in Act No. 344 of the Public Acts of 1945, as amended. Roads, streets, alleys and other public places shall be vacated in accordance with the provisions of law.**

**History:** 1967, Act 288, Eff. Jan. 1, 1968;↓Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969. **Popular name:** ~~Act~~  
Act

**Popular name:** Subdivision Control

- No “resolution or other legislative enactment vacating all areas dedicated to public use within the proposed replat” is needed because there are no areas dedicated to public use within lots 8 and 9.
- See the next page for an example of the township’s confirmation of approval that was recoded as to the same Subdivision in 1999. The prior approval under MCL 560.104(a) also moved boundary lines with voluntary conditions and restrictions that are recorded and run with the land and preserve the character of Ne-Ah-Ta-Wanta.

PENINSULA TOWNSHIP  
13235 Center Road  
Traverse City, Michigan 49686

LIBERT 963 PAGE 806

August 31, 1999

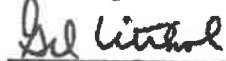
Re: Neahtawanta Point Subdivision

To Whom It May Concern:

The purpose of this letter is to confirm that on August 10, 1999, the Peninsula Township Board approved the changes to the lot dimensions of lot 4, 6, and 7 and the omitting of lot 5. Block 2, Neahtawanta Point Subdivision.

Inasmuch as the original lots (4,5,6 and 7) contain no areas dedicated to public use, the Township feels that it is not necessary to adopt a resolution or other legislative enactment with respect to vacating public use areas associated with this change.

Sincerely,



Gil Vitchol  
Gil Vitchol  
Peninsula Township, Assessor

Telephone (616) 223-7322 Fax (616) 223-4652





## AUTHORITY CONT'D

### Land Division:

Notwithstanding disqualification from approval pursuant to this ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the applicable zoning ordinance or this Ordinance may be approved in any of the following circumstances:...(c) Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, the Peninsula Township Zoning Ordinance or the State Land Division Act.

- Only the minor adjustment of common boundary line is requested. No new child parcels or child lots would be created. No residential building permits are requested.
  
- The request involves only the minor adjustment of the boundary line between Lots 8 and 9. The adjustment is only possible because Goebel Lane is voluntarily agreeing to remove the garage and its foundation as a condition. Consistent with the spirit of zoning, Goebel Line is also agreeing to *restore* the 15' setbacks as to each lot 8 and lot 9.

### Subdivision Control:

Statutory authority under MCL 560.104(a) controls. Even so:

Section 1.4. Scope: This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further dividing of lots..."

- Lots 8 and 9 form part of a subdivision that was created and recorded in 1927 prior to the June 5, 1972 effective date of the Peninsula Township Zoning Ordinance and prior to the 1979 amendment re Subdivision Control.

## **Background - Factual Chronology**

For reference, the land is located in Township 29, Range 10 West, in Fractional Section 30 as shown on the original government survey of 1839.

1. In 1890, the Plat of Traverse Point (“Plat #1”) was recorded. The 1890 plat created 401 small lots that are 40 ft. wide.
2. In 1891, a cottage was built on a 40’ lot in the Plat of Traverse Point. The structure remains to this day.
3. In 1901, a second cottage was built on a 40’ lot in the Plat of Traverse Point. The structure remains to this day.
4. In 1910, the 1890 Plat of Traverse Point was vacated by order the the Circuit Court. The Order vacating the 1890 Plat of Traverse Point which was recorded in the register of deeds. The original structures from 1891 and 1901 remained on the land after the 1890 Plat of Traverse Point was vacated.
5. In 1927, the Plat of Neah-Ta-Wanta Point was recorded by Paul Goebel. To fit the 1891 and 1901 structures within “Lot 8 in Block 2” the 1927 Plat of Neah-Ta-Wanta Point, Lot 8 in Block 2 was platted at 80’ in width. The 1891 and 1901 cottages were joined together as a single house that remains to this day.
6. In 1959, Lot 8 in Block 2 was conveyed by Quit Claim Deed from Lucille M Bernard and Leo V. Bernard, husband and wife, as grantors, to Dorothy Duckwitz Curtis and William M. Duckwitz, mother and son. The Quitclaim Deed is recorded at Liber 231, Page 405 Grand Traverse County Register of Deeds.
7. In 1971, Lot 9 in Block 2 was conveyed from Frank D. Leonard and Beatrice W. Leonard, as husband and wife, as tenants by the entirety, to William M. Duckwitz and Eleanor G. Duckwitz, as husband and wife. The Quitclaim Deed is recorded in Grand Traverse County Register of Deeds at Liber 320, Page 163.
8. In 1977, the addition for the garage expanded the existing joined structures another 15 ft. to the north. The garage was constructed under a Township-issued building permit.
9. From 1977 to the present day, the north side of the garage has established a visible boundary between Lot 8 and Lot 9 for over 45 years without issue.

10. In 2020, the families that own Lots 7 and 10 were concerned that a developer would buy the lots 8 and 9, and build a mansion that blocks their existing views of the water and natural environment.
11. In 2020, the families that own Lot 7 and Lot 10 formed Goebel Lane, LLC for the purposes of acquiring Lots 8 and 9 so they could maintain the local character of Ne Ah Ta Wanta and preserve their existing views of the water, the beach, and natural environment between their properties.
12. Lots 8 and 9 are not now and have not been under unity of ownership by natural individuals.
13. In this application to replat under MCL 560.104(a), Goebel Lane, LLC and the abutting property owners agree to replat lots 8 and 9 by ~7.5 ft, remove the 1977 garage, and allocate half of the area equally to each adjoining lot, so that each lot is equal in width (~87.5 ft.) Goebel Lane, LLC and the abutting property owners also agree to record side yard, front yard, and rear (waterfront) setbacks on Lots 8 and 9. The side yard setbacks shall be 15 ft. from the new common boundary line; the front (road side) setback shall be 30 ft.; and the rear (water side) setback shall be 60 ft. from the normal high water mark. These setback restrictions will be established in the public record and run with each lot 8 and lot 9.

# **PDR Violation Fees**



# PENINSULA TOWNSHIP

## MEMO

**To:** Township Board  
**From:** Jenn Cram, AICP, Director of Planning and Zoning  
**Date:** July 5, 2023  
**Re:** Purchase of Development Rights Program Violation Fees

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The Purchase of Development Rights (PDR) program is voluntary. As such, we strive to develop and maintain positive and constructive relationships with participants. This can only be accomplished through ongoing communication and continued education on the value of conserving farmland and open space and the importance of the restrictions established within the recorded conservation easements to maintain those values. Unfortunately, there are times when property owners are not cooperative in being compliant with the restrictions established in their conservation easements. When this happens a violation letter is issued that details the violation and time limit by which they must come into compliance.

Section 8 of the Purchase of Development Rights (PDR) Ordinance #23, Amendment #3 required the board to adopt violation fees. A copy of Section 8 - Enforcement and Penalties, is attached for reference.

Based on the types of violations that have been documented, staff proposes that the board adopt the proposed fees and time limits for compliance as noted below. Fees can and should be amended by the board in the future as conditions change and/or new information is presented.

### **Proposed PDR Violation Fees 2023:**

- Failure to record or update deeds and other documents associated with the conservation easement – Proposed fee = \$50/day (Notice of violation will require that the violation be remedied within 30 days)
- Outdoor storage of junk and/or debris that does not comply with Section 7.2.4 or as specified in the conservation easement – Proposed fee = \$500/day (Notice of violation will require that violation be remedied within 30 days)
- Unpermitted occupancy of permitted structures (e.g., unauthorized use of migrant housing, etc.) – Proposed fee = \$750/day (Notice of violation will require that violation be remedied within 30 days)

- Construction of structures outside of building envelopes including dwellings and/or the conversion of permitted structures to unpermitted uses such as dwellings - Proposed fee = \$1,000/day (Notice of violation will require that the violation be remedied (structures and/or improvements removed) within 60 days)
- Illegal land divisions – Proposed fee = \$500/day (Notice of violation will require that a complete application for land division be submitted to remedy the violation within 30 days)
- Placement of landscaping within an established view shed – Proposed fee = \$250/day (Notice of violation will require that violation be remedied (landscape improvements removed) within 30 days)

Staff will be available during the meeting on July 11, 2023, to answer any questions and provide an update on the status of enforcement of the 2022 violations.

If the board is comfortable with the fees and time limits as presented, or with modifications discussed during the meeting, we respectfully ask that the board make a motion to adopt the Purchase of Development Rights Violation Fees to be effective immediately.

d. For properties located within a Prime Scenic View as shown on the Map adopted and as may from time to time be amended by the Peninsula Township Planning Commission as part of the Township Master Plan, the Selection Committee shall request the Planning Commission to recommend building and/or vegetation restrictions as necessary to protect the scenic view.

14. If a property owner and Selection Committee cannot reach agreement on the acquisition, the application may be withdrawn for subsequent consideration.

15. Upon receiving the recommendations of the Selection Committee, the Township Board shall take final action to execute all closings.

16. The Selection Committee may receive and act on appeals of any factual nature by affected property owners, and any appeal may be reviewed by the Township Board.

## **SECTION 8 CLOSING, MONITORING & ENFORCEMENT**

### **Closing Requirements:**

The Township must obtain the following information for closing on any Purchase of Development Rights.

1. Evidence of clear title (no lien holder(s) or signature from lien holder(s) authorizing participation in the PDR program).
2. Survey of the property including any retained residential building envelopes prepared by a licensed surveyor.
3. Draft of negotiated Conservation Easement.
4. Legal review of all supporting documents.
5. Township Board approval of the Conservation Easement.
6. Execution of the Conservation Easement and the baseline documentation by all parties.
7. Recording of the Conservation Easement by the Register of Deeds.

### **Monitoring:**

The Township shall monitor all properties with established Conservation Easements to ensure compliance with this Ordinance.

1. A Conservation Easement data base shall be established and maintained in the Planning and Zoning Departments listing all parcels subject to donated or purchased Conservation Easements.
2. The party engaged by the Township for monitoring shall conduct annual site visits of all Conservation Easements held by the Township. Findings for all properties shall be recorded in the Conservation Easement data base.
3. Any conveyance of property with a Conservation Easement shall have the Conservation Easement registered upon the subsequent deed.

### **Enforcement and Penalties:**

1. The Township Board shall enforce the terms of all Conservation Easements held by the Township.
2. Enforcement of violations shall include but are not limited to the removal of non-compliant structures, termination of occupancy of structures and removal of adaptations of structures that are not permitted under a Conservation Easement.
3. Any person or entity that violates any provision of this Ordinance shall be deemed responsible for a municipal civil infraction and shall be subject to a civil penalty. A fee schedule for violations specifying such civil penalties shall be established and adopted by the Township Board within ninety (90) days of passage of this Ordinance. In addition to municipal civil infractions and civil penalties, this Ordinance may be enforced by a civil action against an alleged violator for injunctive or other relief requesting actions, including but not limited to, property owner compliance with Conservation Easements, as authorized by law.

## **SECTION 9 DURATION OF ACQUIRED INTERESTS AND RELINQUISHMENT OF ANY INTERESTS**

Development Rights acquired pursuant to this Ordinance shall be held in trust by the Township for the benefit of its citizens in perpetuity, subject to the following:

The Conservation Easement may be extinguished only if it is impossible to fulfill the conservation purposes as described in the Conservation Easement.

- a) If subsequent circumstances render the purposes of this Conservation Easement impossible to fulfill, then this Conservation Easement may be partially or entirely terminated by the Township Board. Any extinguishment shall go through judicial proceedings. The Township Board shall hold a public hearing to address the partial or complete termination of a Conservation Easement to consider the input of the public. Notice of the public hearing shall be by mail to all property owners within the Township. All costs associated with said public hearing shall be paid by the requester. Notwithstanding the foregoing, the Owner and Township intend that the Conservation Easement is not subject to the legal doctrine of "changed conditions" that is applied to traditional servitudes. The Township will then be entitled to compensation in accordance with the applicable provisions of the Internal Revenue Code Treasury Regulations.

## **SECTION 10 AMENDMENT OF CONSERVATION EASEMENTS**

Because of the public trust that is inherently involved with the Purchase of Development Rights and the corresponding intent that all Conservation Easements endure in perpetuity, amendments of Conservation Easements can only be amended in compliance with strict standards. Procedures for the administration of the amendment process, including all fees, appraisals, and surveys, will be established and adopted by the Township Board within 90 days of the passage of this Ordinance. An application for



**Section 7.2.4 Outdoor Storage:** No land in any of the foregoing Districts shall be used in whole or in part for the storage of unused or discarded equipment or materials, or for the storage of unlicensed cars, boats, salvage, waste and junk outside of properly authorized buildings within said Districts, except as required for the storage of usable farm machinery necessary for permitted agricultural uses and except as permitted in connection with a use otherwise authorized by the Commercial District.

**Section 7.2.5 Stormwater Detention: (ADDED BY AMENDMENT 61 (8))**

- (1) When any land in the Township is developed or altered in any way which affects stormwater runoff, the owner shall develop and submit to the Zoning Administrator for approval by the Township a plan detaining any stormwater runoff onto adjacent properties including roads and other rights of way. Such detention shall follow accepted stormwater detention practices.
- (2) The maximum amount of stormwater runoff allowed shall not exceed that which existed prior to the development or improvement of the property.

**Section 7.2.6 Supplemental Setbacks for Planned Unit Developments, Mobile Home Parks and Other Group Housing Developments:**

- (1) Intent and Purpose: It is the intent of this Ordinance that residential developments other than conventional subdivisions be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the township in which they are located, and that such a use will not change the essential character of the area in which it is proposed. In as much as planned unit developments, mobile home parks and other group housing developments may involve higher densities of land use, or building types may distinctly differ from the single-family, conventionally-built dwellings which predominate the Township, periphery setbacks for such developments are established.
- (2) Periphery Setbacks All buildings including single-family dwellings and mobile homes within a planned unit development, a group housing development or a mobile home park development shall be placed at least fifty (50) feet from any public right-of-way line for existing roadways bordering a site, and at least thirty (30) feet from any development boundary line which is not a public road right-of-way. Setback spaces shall be occupied by plant materials and appropriately landscaped.

**Section 7.2.7 Setback for Agricultural Lands Abutting Certain Residential Land Uses:** In the event that lands abutting a mobile home park are brought into agricultural production after the development of the mobile home park, the agricultural lands and the related activities shall be separated from any residential or accessory structure by a buffer of one hundred (100) feet in width. The buffer under the control of the farm operator shall be measured between the lands used for agricultural purposes and any residential or accessory structure on the adjacent parcel.

**Calendar Year 2022  
PDR Synopsis of Violations**

PIN#	NAME	ACEP x=YES	violation X=YES	Detail
004-002-03	santucci			
004-002-04	campbell			
004-002-05	oosterhouse			
004-010-01	keweenaw			
004-010-03	oosterhouse			
004-010-04	oosterhouse			
004-011-00	santucci			
004-011-01	pickelman			
005-000-50	out of the vine		x	deed failed to reference the conservation easement. Corrective deeds have not yet been recorded
005-010-10	good friend properties llc		x	deed failed to reference the conservation easement. Corrective deeds have not yet been recorded
008-005-18	seize the day		x	deed failed to reference the conservation easement. Corrective deeds have not yet been recorded
008-005-19	goodman			
008-005-56	lewin			
008-14-55	croft			
008-018-00	springer			
008-024-01	springer			
008-024-02	springer			
008-026-55	springer			
008-027-01	garrett			
008-027-02	goodman			
008-027-03	goodman			
008-027-05	goodman			
017-037-00	hooper	x		
017-037-10	hooper	x		
018-009-55	hagerty	x		
019-029-00	croft			
030-005-50	brown	x		
030-005-60	brown	x		
030-006-20	mampe	x		

**Calendar Year 2022  
PDR Synopsis of Violations**

030-006-25	mampe	X			
030-006-30	mampe	X			
030-006-35	mampe	X			
030-006-40	mampe	X			
102-002-00	weatherholt		X		deed failed to reference the conservation easement. Corrective deeds have not yet been recorded
102-005-00	weatherholt		X		deed failed to reference the conservation easement. Corrective deeds have not yet been recorded
102-007-00	weatherholt		X		deed failed to reference the conservation easement. Corrective deeds have not yet been recorded
103-001-55	shultz	X			
103-003-00	taft				
103-004-00	gorton	X			
103-004-55	weatherholt	X	X		deed failed to reference the conservation easement. Corrective deed has not yet been recorded
103-006-00	nyblad				
103-009-02	mannor	X			
103-009-35	kroupa	X			
103-009-56	mannor	X			
103-009-57	mannor	X			
103-012-00	ligon				
103-014-00	mcmaster				
103-015-00	kroupa				
103-017-01	old mission inv llc				
103-017-02	steinbicker				
104-022-00	wunsch				
109-002-00	sweetbriar				
109-022-55	sweetbriar				
109-016-00	sweetbriar				
109-004-01	menzel				
109-004-04	crampton				
109-004-05	menzel				
109-010-02	krupka				
109-010-03	straebel				

**Calendar Year 2022  
PDR Synopsis of Violations**

109-01054	cummings				
109-010-55	mclaughlin		x		deed failed to reference the conservation easement. Corrective deed has not yet been recorded
110-006-00	weatherholt				
110-015-00	johnson				
110-015-20	johnson				
115-018-00	gill				
115-022-00	windholtz				
115-023-00	johnson				
115-025-01	pontes		x		
115-040-00	johnson				
116-002-00	kroupa				
116-004-01	johnson				
116-004-02	johnson				
122-002-00	johnson				
122-005-00	johnson				
122-007-00	johnson				
122-009-00	johnson				
122-028-00	d&t fruit farms				
122-029-00	d&t fruit farms				
127-018-01	cherry connection	x			
127-025-00	cherry connection			x	owner disclosed living on site in migrant housing-violation as owner may not be a migrant per deed
127-022-00	selbold	x			
128-010-00	edmondson			x	discarded refrigerators being stored on site
128-010-01	miller				
128-010-02	miller				
132-001-00	edmondson				
132-007-20	sanger				
133-003-00	warren				
133-003-20	warren				
133-009-00	island view orchards				
133-012-00	edmondson				
133-021-00	edmondson				

**Calendar Year 2022  
PDR Synopsis of Violations**

133-027-00	warren orchards llc			
134-006-00	edmondson			
134-008-55	american oak parteners			
134-021-03	ochs			
226-006-55	vm3 family lp	x		
226-011-02	kelley			
227-009-53	tabone			
227-010-00	croft			
227-015-01	dunn brothers llc		x	deed does not reference PDR easement and living quarters located in building are in violation as there are no residential development rights on this property-citation issued by Dave Sanger on 12/14/22.
227-015-02	kramer			
234-001-01	clarke			
234-001-03	mcmannus		x	deed does not reference PDR easement and junk buried on site
234-001-05	manigold			
234-001-06	bee			
234-011-00	om18 llc			
234-011-20	om4t llc			
234-011-40	om11 llc			
234-012-01	padisak			
234-012-03	heidt cellar vineyard			
234-017-00	bee			
234-018-55	manigold			
234-020-55	old mission creek			
234-024-55	heck	x		
235-037-00	weber			
235-045-02	kelley			
580-023-00	kelley			
580-051-00	kelley			
580-052-00	kelley			
580-067-00	kelley			
580-085-00	kelley			
580-086-00	kelley			