

Hayes Township Planning Commission
August 19th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

CALL TO ORDER: Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

Members present: CT Martin, Roy Griffiths (Chair), Mark Snyder, Matt Cunningham, and Carey Cuddeback.

Excused: Rex Greenslade and Alexander Curley,

Also, present: Ron VanZee (Zoning Administrator) and April Hilton (Recording Secretary)

Audience: David Zipp, Bill Corrington, Joellen Rudolph, Jim Rudolph, Kevin Willis, Ellis Boal, LuAnne Kozma, Carol Umlor, Carlos Jaramillo, Tim Boyko, Bill Conklin, and John Clese.

REVIEW AGENDA:

Mr. Griffiths added new business item Correspondence Deadline.

Mr. Snyder made a motion, supported by Ms. Cuddeback, to approve the agenda as amended.

Yeas: Roy Griffiths, CT Martin, Mark Snyder, Carey Cuddeback, and Matt Cunningham.

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS: None

PUBLIC COMMENTS: Public comments opened at 7:01pm.

Comments included:

- Requested the Planning Commission to consider allowing a recreational vehicle to be hooked up to utilities for an extended amount of days. Perhaps require residents to receive a permit for camping and storing of recreational vehicles.
- Read from the consent agreement between Rieth Riley, Hayes Township and the interveners. The interveners would like the Green-pit future land use be Residential.
- Supports the Green-pit future land use be residential instead of industrial. Don't believe there is a need for industrial land in Hayes Township.

Public comments closed at 7:07pm

APPROVAL OF MINUTES JULY 15TH, 2025 REGULAR MEETING

Mr. Cunningham made a motion, supported by Ms. Cuddeback, to approve the July 15th, 2025, regular meeting minutes as presented.

Yeas: Roy Griffiths, CT Martin, Mark Snyder, Carey Cuddeback, and Matt Cunningham.

Nays: none **Motion Carries**

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REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Matt Cunningham gave a report on Board of Trustees activities. Next regular scheduled Board meeting is September 8th 2025.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE TO THE PLANNING COMMISSION:

The ZBA met on July 23rd 2025 at 7pm where they approved a variance for 6995 Birdland Drive.

ZONING ADMINISTRATOR REPORT:

Ron VanZee presented a written report. Report is available on the Hayes Township website and for review at the Township Hall.

NEW BUSINESS

CORRESPONDENCE DEADLINE:

Mr. Griffiths stated the Board recommended the Planning Commission set a deadline for receiving correspondence to be included in the meeting.

Mr. Cunningham made a motion, supported by Mr. Martin to set the deadline for receiving correspondence to be included in the Planning Commission meeting is the Sunday Evening prior to the Planning Commission meeting.

Yeas: Roy Griffiths, CT Martin, Mark Snyder, Carey Cuddeback, and Matt Cunningham.

Nays: none **Motion Carries**

MASTER PLAN – DISCUSSION OF FUTURE LAND USE AND ZONING DISTRICTS REPORT AND GOALS:

The Planning Commission discussed their goals and action plan for the Future Land Use and Zoning Districts within the Hayes Township Master Plan.

Discussion included:

- The Future Land Use for the Green-Pit and Bay shore area will be a Development Opportunity Zone.
- Clarify in the language under Residential Resort, that this is not the only zone Planned Unit Developments are allowed.
- Separate Waterfront development into two separate categories to address the existing small lots.
- Keep Farm Forest/Rural Residential breakdown from 2019, versus the most recent Farm/Forest restrictions.

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- In developing community goals, strategies, and actions, it is important to analyze existing community characteristics, such as: social and economic features, environmental resources, available services and facilities, and existing land use.
- In addition to examining existing characteristics, another important tool in the development of community goals and strategies is to identify community assets, problems and other issues to be addressed.
- In preparation for writing the previous Master Plan in 2019 Hayes Township Planning Commission actively sought input from the Township residents through a community input questionnaire, Community workshops and master plan work sessions. As part of this 2024 update, another survey was distributed to Township residents and property owners.
- Goals and strategies serve as the foundation for an action plan that can be used in an ongoing process of influencing growth and development over the short and long-term. This direction-setting approach consists of three elements:
 - Goals
 - A goal is a statement that describes a desired vision of the township's future. In this case, goals identify the desired results of an on-going land use planning program in general terms.
 - Strategies
 - Strategies are a more specific subset of details and methods related to achieving a goal.
 - Actions
 - Actions are the specific steps that must be taken to implement the strategies and accomplish the goals.

LAND USE & PRESERVATION

Goal: Foster responsible development that meets the evolving needs of the community while preserving the scenic rural character that is the Township's identity.

Strategies:

- » Create an inventory of culturally significant historic and scenic features desired for preservation.
- » Adopt zoning regulations to allow residential development using rural clustering standards within permitted densities that minimizes the fragmentation of open space while preserving sensitive natural features such as wetlands, surface and ground water, woodland habitats, agricultural lands, and steep slopes.
- » Maintain scenic view sheds along Township corridors, including US-31 and Boyne City Rd.
- » Provide practical and functional locations and regulations for commercial and industrial development that minimize their impact on adjacent land uses, maintain high levels of aesthetic character, and blend with the existing development pattern and landscape.

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WATER QUALITY

Goal: Protect and improve the quality of the Township's ground and surface water resources.

Strategies:

- » Establish effective vegetative buffers and setbacks, based on scientific rigor, to minimize the impact of runoff from waterfront developments.
- » Monitor and cooperate with regulatory agencies as they develop programs and standards to ensure properly functioning septic systems. Explore developing a septic system testing requirement upon sale of housing.

HOUSING & COMMUNITY

Goal: Create a community attractive and accessible to all people.

Strategies:

- » Establish residential zoning districts that allow a mix of flexible housing options by right in locations appropriately served by infrastructure and services.
- » Permit the construction of accessory dwelling units (ADU's) in single-family neighborhoods
- >> Reduce or eliminate minimum square footage requirements for residential development
- » Encourage participation with Michigan State Housing Development Authority (MSHDA) programs along with other local efforts to rehabilitate substandard housing and to provide needed moderately priced housing in the Township.
- » Provide amenities that contribute to the desirability of living in the Township by implementing the goals, objectives and actions of the 5-year Parks & Recreation Plan.
- » Ensure that future improvements are ADA compliant and universally accessible.
- » Review regulations for nonconforming residential structures to allow expansion while ensuring all applicable zoning standards are met.

AGRICULTURE

Goal: Protect agricultural lands by supporting the continued operation of existing farms.

Strategies:

- » Work with farmers and agricultural organizations to identify prime land for agricultural and forest management practices.
- » Encourage farmland protection by adopting ordinances that allow the transfer of development rights, purchase of development rights, conservation easements, and the clustering of non-agricultural development.
- » Support the economic viability of existing farms by allowing agritourism commercial uses related to existing agricultural activity.
- » Protect existing farms from nuisance issues by requiring adequate buffers be established for non agricultural developments on adjacent properties, and encouraging the voluntarily

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implementation of the state's Generally Accepted Agricultural and Management Practices (GMMPS).

Adopt a Farmstead designation ordinance that enables multiple residences on agricultural lots with active farming or growing, to maintain and encourage multi-generation farming in the township.

Plan for the potential turnover of current working farms and the future uses those properties may be considering.

Review existing ordinances which place additional economic burdens on farms which may no longer meet current practices.

Support and encourage the development of Hobby Farms throughout the township

TRANSPORTATION

Goal: Manage a circulation network that is well maintained, efficient, and provides alternative modes of transportation.

Strategies:

- » Develop an access management plan that allows sufficient access to properties without diminishing the efficiency of the road network.
- » Support the expansion of non- motorized trails within the Township that connect to destinations within the Township and to neighboring communities
- » Work cooperatively with the Charlevoix County Road Commission to help maintain all roads in safe condition.
- » Partner with Charlevoix County Transit to improve access to public transportation in the Township.
- » Ensure safe and expedient emergency response is available throughout the Township.
- » Develop, adopt and begin implementation of a Complete Streets policy to improve transportation equity while encouraging health through physical activity and active transportation.

FIVE-YEAR ACTION PLAN

Although the Master Plan provides a policy framework for the development of the community for the next ten to twenty years, the Township is limited in its capacity and resources to implement the goals and objectives all at once. Table 9 below presents realistic actions the Township intends to perform over the next five years. The Five-Year Action Plan is not intended to be a limiting proposal. As opportunities are presented outside the actions listed below, the Township will be able to pursue those in their effort to implement the overall goals and strategies of the Master Plan.

GRANTS AND CAPITAL IMPROVEMENT PLAN

As stated earlier, the Master Plan and Recreation Plan can also be used as

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a guide for future public investment and service decisions, such as the local budget, grant applications and administration of utilities and services. Many communities find it beneficial to prioritize and budget for capital improvement projects, such as infrastructure improvements, park improvements, etc. A Capital Improvements Program (CIP) is one tool which is often used to establish a prioritized schedule for all anticipated capital improvement projects in the community. A CIP includes cost estimates and sources for financing for each project, therefore can serve as both a budgetary and policy document to aid in the implementation of a community's goals defined in the Master Plan.

OLD BUSINESS:

SET/CONFIRM PUBLIC HEARING DATES:

Schedule a public hearing for September 16th 2025 to review a rezone request for a parcel on Pincherry road from AG to RR.

SET/CONFIRM DATE OF NEXT PC MEETING –SEPTEMBER 16th, 2025.

Next Planning Commission regular meeting will take place on September 16th, 2025, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 7:52pm

Comments included:

- Stated in Greenville, the Planning Commission gives out permits for recreational vehicle camping on parcels to enforce the time frame people are allowed to camp.
- Requested clarification why the Planning Commission is eliminating the Commercial and Industrial zones off of the high way. Does not support mixed use zoning.
- Stated two acre zoning may led to no open space. Concerned about the traffic on Townline Road. More possible uses for US 31 versus Townline Road.
- Supports the shift from Industrial and Commercial zoning. Stated they don't recall the finding of facts at the DeWitt Marine rehearing at the last Planning Commission meeting. Would like the minutes to reflect the person speaking.

Public Comment Closed at 8:02pm

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PLANNING COMMISSION and STAFF COMMENT:

Mr. Griffiths stated the Planning Commission needs to keep industrial in the area where there is existing industrial. In his opinion the Planning Commission does not want to discourage future residential developments.

ADJOURNMENT: Mr. Snyder made a motion, supported by Ms. Cuddeback, to adjourn the meeting at 8:06pm.

Yeas: Roy Griffiths, CT Martin, Carey Cuddeback, Mark Snyder and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Planning Commission: Future Land Use of "Previously Mined" Areas

1 message

Jim McMahon <jim_mcmahon_iii@yahoo.com>

Fri, Aug 1, 2025 at 11:51 AM

To: Roy Griffiths <rwgriffitts3@gmail.com>, Mark Snyder <snyderhpt@outlook.com>, Rex Greenslade <greensladerex@gmail.com>, "C. T. Martin" <ctmagnetics@aol.com>, Carey Cuddeback <clcuddebackpc@gmail.com>, Alexander Curley <acurley.pc@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Kristin Baranski <clerk@hayestownshipmi.gov>

Cc: Bill Conklin <supervisor@hayestownshipmi.gov>, Julie Collard <treasurer@hayestownshipmi.gov>, Doug Kuebler <hayestrustee5@gmail.com>, Ron VanZee <zoning@hayestownshipmi.gov>

Dear Planning Commission members,

I am unable to attend the August 19, 2025, Planning Commission meeting. **Both surface and sub-terrain land** adjacent to Bay Shore and Michigan Shores have been significantly changed due to many years of mining. **The sub-terrain land has been changed forever!!!** Because of these facts, this land is highly sensitive to contamination.

The groundwater in both of these general areas is contained in unconfined aquifers. There is nothing, such as thick layers of clay or solid rock, to protect this groundwater from contamination.

Limestone is porous and is subject to easy cracking. This groundwater is the only water supply for homes in the Bay Shore and Michigan Shores communities.

There may also be latent contamination held within the soil. For example, for a couple years after Rieth-Riley purchased the H&D business in 2004, the main facility adjacent to Michigan Shores operated an asphalt operation on this property. Black particles were seen on vehicles in Michigan Shores during this time. Could that operation have damaged the surrounding environment and contaminated the soil?

Attached to this email are three letters along with detailed, water well drilling data referenced in the geologist's letter to Hayes Township's planning consultant, Mr. John Iacoangeli. The letters were written by Mr. Mike Wilczynski, a certified professional geologist, to Hayes Township in 2022 and 2023. I encourage you to please reread the letters and especially review the **actual water well drilling data** in the 2nd attachment. There are an actual eight (8) specific well drilling samples at the end of the 2nd attachment.

Here are some excerpts from the geologist's 01-10-2023 letter to Hayes Township's consultant, Mr. John Iacoangeli:

". . . Based upon the residential water well records, the groundwater is shallow and occurs in much of the area as an unconfined aquifer . . ."

". . . the Bay Shore and Michigan Shores areas were mined which removed much of this material making the area even more sensitive to contamination . . ."

". . . This is not an area suited for industrial operations . . ."

". . . Commercial uses that use large quantities of hazardous material should be allowed only after careful consideration. Our past reports present other issues, such as the dangers of silica dust, the location of a salt storage facility or other industrial operation, the sensitivity of the Bay Shore area to ground vibrations, and environmental justice concerns . . ."

Here are some excerpts from the geologist's two 10-17-2022 letters to Hayes Township's Planning Commission:

". . . The geological and hydrogeological conditions, and other environmental and human health concerns, have apparently been ignored in the change in zoning to allow industrial operations in the Bayshore (and Michigan Shores) Communities . . ."

". . . The proposed industrial areas have very shallow groundwater in an unconfined aquifer. Unconfined aquifers are the most susceptible to contamination from the surface because they lack an overlay confining layer, as in a confined aquifer . . ."

". . . The proposed Industrial areas are upgradient of many residential water wells, putting the only water supply for these homes at risk . . ."

". . . The parcels proposed zoning to Industrial land use are in close proximity to the headwater area of Horton Creek and its associated regulated wetlands . . ."

Michigan Shores Greenbelt: ". . . We recommend maintaining a green belt between the Michigan Shores Community and the Rieth-Reilly aggregate operation. This would include parcel 15-007-102-001-00. Creating a conservation easement as a protective measure should be considered . . ." Or, using the Farm/Forest zoning designation would be a first step in preserving this greenbelt land.

". . . In summary, the proposed changes to industrial land use are poorly thought out and ignore science and basic land use principles. It also ignores Environmental Justice concerns in the nearby Bayshore Community."

Here is an excerpt from the Advisory Group's May, 2023, report to Hayes Township's Planning Commission:

". . . Redevelopment of these lands will be dependent on the scope and extent of reclamation activities, (building) foundation limitations influenced by depth of groundwater, and on-site waste disposal options. . . ."

Any large housing developments, such as condominiums or mixed-use housing, would require a substantial sewage disposal system and certified drinking water system so as to not negatively impact the Bay Shore and Michigan Shores communities that rely solely on groundwater for their homes.

Below are the attachments arranged in the order of reference above:

1. Preliminary Hydrogeological Assessment
2. Figures, descriptions, and detailed residential well drilling data referenced: #1 above
3. Bay Shore report
4. Michigan Shores report

Thank you for your review of the geologist's reports and detailed data. Whether the mined properties are zoned "Previously Mined" or some other descriptive term, Bay Shore and Michigan Shores people are counting on you to take extreme care with the zoning of adjacent lands to our communities. Thank you.

Jim McMahon phone: 231-347-9829

4 attachments

 **hydrgeoassessmenthayes.pdf**
96K

 **figures for hydroreport.pdf**
10957K

 **hayes masterplan final (1).pdf**
98K

 **michiganshoresfinal (1).pdf**
94K

Goals, Strategies & Action Plan 8

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- In preparation for writing the previous Master Plan in 2019 Hayes Township Planning Commission actively
- sought input from the Township residents through a community input questionnaire, community workshops and master plan work sessions. As part of this 2024 update, another survey was distributed to Township residents and property owners.
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- » Ensure that future improvements are ADA compliant and universally accessible.
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AGRICULTURE

Goal: Protect agricultural lands by supporting the continued operation of existing farms.

Strategies:

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- » management practices.
- » Encourage farmland protection by adopting ordinances that allow the transfer of development rights, purchase of development rights, conservation easements, and the clustering of non-agricultural development.
- » Support the economic viability of existing farms by allowing agritourism commercial uses related to existing agricultural activity.
- » Protect existing farms from nuisance issues by requiring adequate buffers be established for non-agricultural developments on adjacent properties, and encouraging the voluntarily implementation of the state's Generally Accepted Agricultural and Management Practices (GAAMPS).
 - Adopt a Farmstead designation ordinance that enables multiple residences on agricultural lots with active farming or growing, to maintain and encourage multi-generation farming in the township.
 - Plan for the potential turnover of current working farms and the future uses those properties may be considering.
 - Review existing ordinances which place additional economic burdens on farms which may no longer meet current practices.
 - Support and encourage the development of Hobby Farms throughout the township

TRANSPORTATION

Goal: Manage a circulation network that is well maintained, efficient, and provides alternative modes of transportation.

Strategies:

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FIVE-YEAR ACTION PLAN

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GRANTS AND CAPITAL IMPROVEMENT PLAN

As stated earlier, the Master Plan and Recreation Plan can also be used as a guide for future public investment and service decisions, such as the local budget, grant applications and administration of utilities and services. Many communities find it beneficial to prioritize and budget for capital improvement projects, such as infrastructure improvements, park improvements, etc. A Capital Improvements Program (CIP) is one tool which is often used to establish a prioritized schedule for all anticipated capital improvement projects in the community. A CIP includes cost estimates and sources for financing for each project, therefore can serve as both a budgetary and policy document to aid in the implementation of a community's goals defined in the Master Plan.

TABLE 2: HAYES TOWNSHIP ACTION PLAN

Goal	Action	Agency
Land Use & Preservation	Amend the zoning ordinance to provide for the establishment of residential developments using rural clustering standards within permitted densities.	Planning Commission
	The zoning ordinance will be amended to assure that new development occurs in a manner that protects the natural and aesthetic character of environmentally sensitive areas through the use of site planning techniques that preserve or enhance natural and aesthetic features.	Planning Commission
	Existing commercial and industrial areas will be accommodated by zoning regulations and practices that support the retention and/or redevelopment of existing business uses and the establishment of new business uses as designated by this plan.	Planning Commission
	Require a buffer between Residential uses and other more intensive uses.	Planning Commission
Water Quality	Collaborate with expert agencies to develop best practices regarding vegetative buffer strips, groundwater protection, and septic tank maintenance.	Planning Commission, Township Board
	Review the community sewer policy periodically, updating it to be sure it meets the continuing needs of the Township.	Planning Commission
Housing & Community	Remove barriers that prevent more housing diversity by amending the zoning ordinance where appropriate to reduce the minimum square footage and lot size requirements and to allow more housing types by right in specific districts.	Planning Commission
	Adopt a Payment In Lieu Of Taxes (PILOT) ordinance to facilitate more affordable housing opportunities.	Township Board
	Collaborate with Housing North on a Target Market Analysis to determine the Township's housing needs.	Planning Commission
	Provide for the development of public, non-motorized recreational trails for hiking, bicycling, cross-country skiing and horseback riding.	Planning Commission, Township Board
Goal	Action	Agency
	Adopt zoning regulations that require land uses adjoining existing farming operations to establish adequate buffers to protect the viability of farming operations. Non-prime farm and forest lands within areas of prime farm and forest soils should be considered as appropriate for new development	Planning Commission

Agriculture	provided that natural resources are protected to the greatest extent feasible. Adopt flexible open space zoning regulations to accommodate development in such non-prime areas.	
	Work with township farmers and farm groups to identify those farm areas (parcels at least 40 acres in size exhibiting prime farmland or forestland soils) most likely to remain economically viable for renewable resources management and those areas most likely to convert to other use.	Planning Commission
	Allow for and encourage farmland protection, such as through the transfer of development rights (when available), purchase of development rights, conservation easements and the clustering of non-farm development.	Planning Commission, Township Board
Transportation	Incorporate driveway standards into the Zoning Ordinance to facilitate improved access management.	Planning Commission
	Collaborate with the Top of Michigan Trails Council to explore opportunities to expand non-motorized trails in the Township.	Planning Commission, Township Board