EXHIBIT 21

MEMORANDUM

Date: February 17, 2026

To: Brad Wierda, Robert Parker and Members of the Leland Township Planning Commission

From: Mark F. (Thor) Hearne, II

Re: Youth for Christ Club at 101 North Lake Street property.

INTRODUCTION

Youth for Christ is an international youth ministry established in 1944. Billy Graham was one of the first ministers. Youth for Christ is committed to proclaiming the Gospel to youth including high school students in Leelanau County. Youth for Christ is not a "church" in the sense that it is part of a formal religious denomination. Rather, Youth for Christ is, like other parachurch organizations such as Campus Crusade and the Fellowship of Christian Athletes, a ministry that works in concert with local churches.

Three years ago, Youth for Christ and its two youth ministers, Micah and Kya, began meeting with Leelanau County high school students. Many young people were eager to meet, study the Bible, pray, discuss their faith, worship and fellowship.

The VanSteenhouse family supports Youth for Christ. In 2025, an entity owned by the VanSteenhouse family, Apollos Properties LLC, purchased property at 110 North Lake Street. The property included a building that had been leased to a whiskey distillery. The

distillery and a public tasting room was a permitted use of the property under the Leland Township Zoning Ordinance (the Zoning Ordinance). After their lease ended, the distillery moved to another location and this portion of the North Lake Street property was vacant.

Apollos Properties, LLC, leased a portion of the 2,470 square foot building to Youth for Christ for a youth club where high school students could assemble, pray, and study the Bible. The change in use of the property did not involve any change in the physical structure of the property nor the exterior of the building. Youth for Christ meeting at the North Lake Street property does not increase the need for parking nor does Youth for Christ's activity increase use of public infrastructure such as the village sewage system.

Leland adopted a Comprehensive Development Plan for the village. This Comprehensive Development Plan includes the C-1 Commercial District. The Zoning Ordinance allows a number of other non-retail and non-commercial uses in the C-1 Commercial District by right including use of property in this zoning district for "clubs."

The Township's legal counsel, Brad Wierda, notes on page 5 of his February 3 memorandum that:

> Some opponents of [Youth for Christ's] application have argued that the Village Commercial District should be limited solely to retail and/or commercial uses and should not include further mixed-uses. I have not been provided with any support for that argument from the Comprehensive Development Plan. Rather, as noted by Applicant and the Zoning Administrator, the Comprehensive Development Plan appears to support the opposite.
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> Looking beyond the Comprehensive Development Plan, the argument that the Village Commercial District

> should be limited solely to retail and commercial uses also appears to be directly contradicted by the Zoning Ordinance itself. The Village Commercial District identifies uses by right as including single family dwellings. It identifies, as Uses Permitted by Special Use Approval, clubs and public facilities including cemeteries, parks, and schools. Accordingly, the Zoning Ordinance expressly contemplates non-retail and non-commercial uses in the Village Commercial District.

After the distillery lease ended, Youth for Christ began meeting at the North Lake Street property. Some opposed Youth for Christ meeting to study the Bible, pray and fellowship at the property. These opponents sought to enlist the Township in their effort to prevent students from assembling, praying, and worshiping at the private property on North Lake Street. The opponents argued high school students could not assemble for the purpose of Bible studies, prayer meetings and fellowship at the privately-owned North Lake Street property unless the Township first granted Youth for Christ Club a special use permit. The North Lake Street property is private property and the owner desires the property to be used for these purposes.

While not acceding to the premise that the Township could require a special use permit for Youth for Christ to meet at the North Lake Street property, Youth for Christ nonetheless submitted a special use permit application.[1] That was in October.

The opponents of Youth for Christ then asked the Commission to deny the special use permit. The Commission held two public meetings. Those opposing Youth for Christ asked the Commission to deny the special use permit application and submitted letters

[1] Requiring individuals or organizations such as Youth for Christ to obtain a special use permit before assembling, speaking or having Bible studies and prayer groups is a prior restraint on conduct protected by the First Amendment.

opposing Youth for Christ meeting at the North Lake Street property.

Fishtown Preservation Society, Inc., is a 501(c)(3) public charity established in 2001. According to its tax filings with the Internal Revenue Service, Fishtown Preservation Society "exists to assure public access to Fishtown and to maintain its historical integrity working waterfront, artifacts, and stories through preservation, education, and stewardship." See, 2022 IRS form 990.

Fishtown Preservation Society engaged Troposphere Legal to prepare and submit a February 9 memorandum authored by Chris Bzdok and Sean Clark (the Troposphere memorandum). The Troposphere memorandum asks the Commission to deny Youth for Christ the right to meet at the North Lake Street property. The Troposphere memorandum argues, "YFC's proposed use does not meet the requirements of [Leland's zoning] ordinance." p. 15. The North Lake Street property is above historic Fishtown and does not adjoin any property owned by Fishtown Preservation Society.

On New Years Eve, I wrote a memorandum to Jim VanSteenhouse and Robert Parker providing my analysis of Youth for Christ's right to meet at the Lake Street property. This memorandum was subsequently provided to Brad Weirda and the members of the Commission (the December 30 memorandum). The December 30 memorandum is now part of the public record in this proceeding and available to Fishtown Preservation Society and Troposphere Legal.

THE TROPOSPHERE MEMORANDUM

Troposphere argues the Zoning Code prohibits student Bible studies, prayer meetings and gatherings at the privately-owned property in the C-1 zoning district. Troposphere claims that, even though the Zoning Code specifically and explicitly allows "clubs" to meet in the C-1 land use district, Youth for Christ is not a "*club*" but is rather a "*church*." And, therefore, Troposphere argues,

because Leland's Zoning Code prohibits churches in the C-1 District, Youth for Christ and its members are prohibited from meeting at the North Lake Street property.

Robert Parker separately explains why Troposphere's argument is contrary to the Zoning Code. See Robert's accompanying letter and his November 25 memorandum in support of the special use permit.

My legal practice includes federal constitutional and civil rights litigation. The view I shared concerning Youth for Christ's desire to assemble at the privately owned North Lake Street property was provided from this perspective.

In my December 30 memorandum, I explained why, if this Commission denies Youth for Christ the right to meet at the North Lake Street property as the Troposphere memorandum urges, the Township will violate the United States Constitution and almost a dozen federal civil rights laws. In my December memorandum I included a discussion of the federal Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C 2000cc-2000cc-5 (RLUIPA). Brad Wierda and Robert Parker also discuss RLUIPA in their discussions.

Troposphere's memorandum does not address the constitutional concerns arising from an effort to deny Youth for Christ the right to meet at the privately owned North Lake Street property. Nor does the Troposphere memorandum consider Youth for Christ's freedom of speech, right to assemble, right of association, freedom of religion, or the Fifth and Fourteenth Amendments' guarantees of due process, equal protection and the protection of private property. Likewise, Troposphere does not address the various federal civil rights laws and the numerous United States Supreme Court's decisions raised in my December memorandum.

The Troposphere memorandum entirely overlooks or ignores a substantial body of federal, especially Supreme Court, jurisprudence

on the First Amendment's guarantee of freedom of speech and religious liberty including, most notably, *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993), *City of Cleburne v. Cleburne Living Center, Inc.* 473 U.S. 432 (1985), *Widmar v. Vincent*, 454 U.S. 263 (1981), *Watchtower Bible & Tract Society v. Village of Stratton*, 536 U.S. 150 (2002) and *Cantwell v. Connecticut*, 310 U.S. 296 (1940). See the December memorandum p. 14, 25, and the authorities cited therein.

The Supreme Court's Establishment Clause decisions in *Good News Club v. Milford Central High School*, 533 U.S (2001) *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384 (1993) and *Rosenberger v. Rector and Visitors of University of Virginia*, 515 U.S. 819 (1995) also support Youth for Christ's right to assemble and engage in prayer and bible study at the North Lake Street property. The Township simply cannot use its zoning authority to permit commercial and retail use of private property but deny the owner of the property from using the private property for religious uses such as prayer and bible studies.

This authority holds that any regulation by Leland Township purporting to deny Youth for Christ or its members the right to assemble, speak and pray at the North Lake Street property will be evaluated by a federal court under the strict scrutiny standard of constitutional review. This is a standard of review the Township cannot survive.

Troposphere does reference RLUIPA. But Troposphere dismisses RLUIPA as irrelevant to Fishtown Preservation Society's request that the Township deny Youth for Christ the right to meet at the North Lake Street property. Troposphere's statements and conclusions concerning RLUIPA are contrary to all controlling authority, and it would be unwise for the Township to rely on Troposphere's memorandum.

Troposphere relies upon unpublished intermediate *state* court decisions concerning the interpretation of a *federal* statute. See p. 7

n. 15. Troposphere ignores an entire body of federal jurisprudence, including a number of Supreme Court decisions (cited above) that are directly relevant.

Troposphere cites *Greater Bible Way Temple v. City of Jackson*, 773 N.W. 2d 734 (2007). But when we read *Greater Bible Way* and the other cases Troposphere cites, these cases do not support the point for which Troposphere cites the cases. Indeed, these cases are either totally inapplicable or actually hold the opposite of what Troposphere contends. For example, *Greater Bible Way* does not hold "RLUIPA only applies in limited circumstances involving "individualized or subjective decision making." As Troposphere claims in its memo at p. 8.

Troposphere relies upon an out-of-circuit, now overruled decision *Grace United Methodist Church v. City of Cheyenne*, 427 F.3d 775 (10th Cir. 2005), that was vacated after rehearing, *Grace United Methodist Church v. City of Cheyenne*, 451 F.3d 643 (10th Cir. 2006). But Troposphere fails to note the subsequent Tenth Circuit decision, *Does 1-11 v. Board of Regents of Univ. of Colorado*, 100 F.4th 1251, 1277-78 (10th Cir. 2024), that reached a holding contrary to what Troposphere argues *Grace United* held.

In *Does*, the Tenth Circuit held, when a "policy [that] has a lower threshold for denying religious exemptions, makes a 'value judgment in favor of secular motivations, but not religious motivations.' ... it is not generally applicable, and it is [therefore] subject to strict scrutiny." 100 F.4th at 1277–78. Citing *Lukumi*, 508 U.S. at 546.

The point the Tenth Circuit made in *Does* is directly contrary to the argument made in the Troposphere memorandum. The government policy the Tenth Circuit subjected to strict scrutiny (and overturned in *Does*) is precisely the policy Fishtown Preservation Society is asking the Township to embrace here. To wit: favoring secular motivations (retail and commercial uses) while denying religious uses.

As noted, RLUIPA is a *federal* law. You should look to federal courts, especially the Supreme Court, and the federal circuits to guide the interpretation of federal law, not state court decisions. But even if we consider the Michigan decision in *Greater Bible Way*, it does not support Troposphere's argument. In *Greater Bible Way*, the City of Jackson denied a religious entity's request to rezone land for a residential apartment complex.

The holding in *Greater Bible Way* actually *supports and affirms* Youth for Christ's point that the Township denying Youth for Christ the right to meet at the North Lake Street property would violate RLUIPA.

Greater Bible Way held,

> [W]e believe that it is clear that a "substantial burden" on one's "religious exercise" exists where there is governmental action that coerces one into acting contrary to one's religious beliefs by way of doing something that one's religion prohibits or refraining from doing something that one's religion requires. That is, a "substantial burden" exists when one is forced to choose between violating a law (or forfeiting an important benefit) and violating one's religious tenets. A mere inconvenience or irritation does not constitute a "substantial burden." Similarly, something that simply makes it more difficult in some respect to practice one's religion does not constitute a "substantial burden."
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> 733 N.W.2d 734, 750 (2007)

The requested "government action" at issue here is Fishtown Preservation Society's request that the Township deny Youth for Christ the right to assemble at the North Lake Street property. Denying Youth for Christ the right to assemble, pray, speak and fellowship at the Lake Street property is not "a mere inconvenience

or irritation" but is a "substantial burden" upon Youth for Christ's (and its members') constitutional rights.

Should the Township forbid the Youth for Christ Club from meeting at the Lake Street property, it would be a profound burden and would "force [their members] to choose between violating a law (or forfeiting an important benefit) and violating one's religious tenets." *Id.*

The distinction Troposphere fails to appreciate in its reference to RLUIPA is the distinction between *religious activity* such as worship, bible study, prayer, and fellowship on one hand and activity unrelated to the practice of one's religious beliefs and convictions such as building a residential apartment complex or operating a day care facility on the other hand. Rezoning a tract of land for a residential apartment building (*Greater Bible Way*) or operating a daycare facility (*Grace United*) is not the same as individuals engaged in protected speech and religious practices such as youth meeting to pray and study the Bible.

The December 30 memorandum included a Statement of the United States Department of Justice dated June 13, 2018. See Exhibit 1 to the December 30 memorandum. President Trump and his second Administration under Attorney General Bondi and Assistant Attorney General for Civil Rights, Harmeet Dhillon, are even more emphatic in their defense of free speech, religious liberty and defending citizens' First Amendment rights. See Executive Orders 14202 (February 6, 2025) *Eradicating Anti-Christian Bias*, 14188 (January 29, 2025), *Additional measures to Combat Anti-Semitism*, 14291 (May 1, 2025) *Establishing the Religious Liberty Commission*.

In addition to violating RLUIPA, for the Township to deny Youth for Christ and its members the right to assemble, worship, speak or pray at the North Lake Street property would violate a number of federal civil rights statutes subjecting the opponents and the Township to civil and even criminal liability under 42 U.S.C

§1983, 42 U.S.C. §1985(3), 18 U.S.C. §241, and 18 U.S.C. §242. See the December 30 memorandum and discussion therein.

CONCLUSION

Fishtown Preservation Society (and Troposphere) is asking the Township to invoke the Township's police power under Michigan's Zoning law to deny Youth for Christ, and those individuals associated with Youth for Christ, their constitutional right to assemble, worship, pray and speak. Further, Fishtown Preservation Society and Troposphere would have the Township deny the owners the constitutionally guaranteed right to use their private property for these constitutionally protected uses. All these rights are guaranteed by the United States Constitution and federal civil right laws.

The Troposphere memorandum provides no basis upon which the Township can deny Youth for Christ the right to assemble at the North Lake Street property. Denying Youth for Christ the right to meet at the North Lake Street property would be an extremely imprudent course for the Township to pursue. If Fishtown Preservation Society's request for the Township to prohibit Youth for Christ from meeting tat the North Lake Street property were a hypothetical presented as a first-year constitutional law exam the question would be, "How many violations of the Constitution and federal law can you identify in this case?"

I recommend the Commission heed the counsel of their attorney Brad Wierda, consider the analysis Robert Parker has provided and consider the significant constitutional and federal civil rights implications, including the United States Department of Justice's guidance in the June 2018 memorandum, and President Trump's subsequent Executive Orders.

On the basis of all this authority, I respectfully suggest the Commission grant Youth for Christ's special use permit and recognize Youth for Christ's right to assemble at the North Lake

Street property. I stand available to provide further insight on this matter should the Commission believe that helpful.

THOR HEARNE
February 17, 2026