

LEELANAU TOWNSHIP BOARD
ZONING ORDINANCE AMENDMENT 21-001

**Zoning Amendment to add Section 10.9 – Temporary Moratorium
to the Leelanau Township Zoning Ordinance**

August 10, 2021 Board Meeting

Content of Packet:

- **Proposed Ordinance for Adoption**
- **Leelanau County Planning Staff Report**
- **Excerpt of Leelanau County Planning Commission Minutes & Agenda**

Background:

- Following the Special Leelanau Township Board Meeting in March 2021, the Township Board, on the advice from the township attorney, asked the Leelanau Township Planning Commission to review a proposed ordinance, prepared by the township attorney, to amend the Leelanau Township Zoning Ordinance pertaining to Temporary Moratoriums.
- The Planning Commission held a Public Hearing on the proposed ordinance on April 8, 2021.
- At the Public Hearing, the Planning Commission requested that the township attorney consider changes to the draft ordinance and rescheduled a Public Hearing for May 13, 2021.
- The township attorney reviewed and consented to the suggested changes.
- At the May 13, 2021 Public Hearing, the Planning Commission unanimously recommended adoption of the proposed ordinance, and forwarded the ordinance to the Leelanau County Planning Commission.
- The Leelanau County Planning Commission reviewed the proposed ordinance at their June 22, 2021 meeting. The Staff Report and Minutes are included herein.
- The ordinance, as proposed, merely adds a new Section 10.9 – Temporary Moratorium to the Zoning Ordinance, and contains provisions for establishing a temporary moratorium.
- If the proposed ordinance is adopted, it will become effective eight days after publication of the Notice of Adoption.

Suggested Motion:

Motion to approve Leelanau Township Ordinance No. 21-____, (as presented/as amended) to amend the Leelanau Township Zoning Ordinance to add Section 10.9 – Temporary Moratorium.

**TOWNSHIP OF LEELANAU
COUNTY OF LEELANAU, STATE OF MICHIGAN**

ORDINANCE NO. __ of 2021

ADOPTED: _____, 2021

EFFECTIVE: _____

**AN ORDINANCE TO AMEND THE LEELANAU TOWNSHIP ZONING ORDINANCE
TO CREATE A NEW SECTION ON TEMPORARY MORATORIUM**

An Ordinance to protect the public health, safety, and welfare by establishing regulations relating to a moratorium on zoning ordinance provisions while the Township completes a study of the zoning regulations pertaining thereto and possible subsequent revisions to the current Zoning Ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

**THE TOWNSHIP OF LEELANAU
LEELANAU COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
FINDINGS**

The Township finds that imposing a moratorium upon the consideration of a zoning ordinance provision on a limited temporary basis, is reasonable and necessary for, among other reasons, the following reasons:

- A. Michigan courts have recognized that a moratorium is a common and legitimate planning tool to preserve the status quo while formulating a development strategy.
- B. The temporary moratorium would allow study of the public health, safety, and welfare concerns of any zoning ordinance provision, and allow for any needed zoning ordinance update and implementation process to occur.
- C. The temporary moratorium would allow the study and possible implementation of revisions to the zoning ordinance to occur with citizen input and involvement, public debate, and full consideration of all issues and points of view.
- D. The temporary moratorium would allow for consideration of changes in land use that have occurred since the provisions in the zoning ordinance were established.

SECTION II
ZONING ORDINANCE TEXT AMENDMENT ARTICLE 10
AUTHORITY TO IMPOSE A TEMPORARY MORATORIUM OF
ZONING ORDINANCE PROVISIONS

Article 10, of the Leelanau Township Zoning Ordinance is hereby amended by adding a new Section 10.9, Temporary Moratorium, which reads as follows:

- A. The Township Planning Commission has the authority to recommend the establishment of a temporary moratorium as to the application of certain provisions of the Township Zoning Ordinance to the Township Board, by majority vote of the Planning Commission. The recommended temporary moratorium shall not initially be longer than 180 days. The Planning Commission shall present findings of fact showing that such a moratorium is necessary to protect the public health, safety, and welfare.
- B. The Township Board, with or without the recommendation of the Township Planning Commission, may impose a temporary moratorium as to the application of certain provisions of the Township Zoning Ordinance by resolution or ordinance of the Township Board. The temporary moratorium shall not initially be longer than 180 days. The Township Board shall present findings of fact showing that such a moratorium is necessary to protect the public health, safety, and welfare.
- C. Such temporary moratorium may be extended for up to another 180 days by approval of the Township Board, based upon new findings of fact, to allow additional time for Township review and consideration of the application, revision, review or repeal/replacement of zoning ordinance provisions.

SECTION III
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION IV
EFFECTIVE DATE/REPEAL

This Ordinance shall take effect eight days after publication. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. Ordinance 2 of 2021 is specifically found not to be in conflict with this Ordinance and is not repealed, replaced or revised by the adoption of this Ordinance.

Ordinance No. __ of 2021 was adopted on the __th of _____, 2021 by the Leelanau Township Board of Trustees, as follows:

Motion by:
Support by:

Roll Call Vote:
Yeas:
Nays:
Absent:

Motion Carried – Ordinance Adopted

I certify that this true copy of Ordinance No. __ of 2021 was adopted at a regular meeting of the Leelanau Township Board of Trustees on _____, 2021 and Notice of Adoption published in the *Leelanau Enterprise* on _____, 2021.

Date of Township Board Approval:

Date of Publication:

Effective Date:

Date: _____

By: _____

Monica Diaz,
Leelanau Township Clerk
119 E. Nagonaba Street, P.O. Box 119
Northport, MI 49670
(231) 386-5138

TEXT AMENDMENT REVIEW

PC05-2021-08 Leelanau Township

Text Amendments – Article 10.9 - Temporary Moratorium

Reviewing Entity: Leelanau County Planning Commission
Date of Review: June 22, 2021

SECTION 1: GENERAL INFORMATION

Date Request Received: May 14, 2021

Last Day of Review Period: June 13, 2021 - 30-day review period under the Michigan Zoning Enabling Act (MZEa)

NOTE: The request was received on May 14. The MZEa provides a 30-day review period for the county to review and report to the township after receiving its amendment. The township wishes to have the review and report from the county.

Requested Action: Review and comment on proposed amendment to add Section 10.9 - Temporary Moratorium to the Leelanau Township Zoning Ordinance.

Applicant:

Leelanau Township Planning Commission
Steve Kalchik, Chairman

SECTION 2: PROPOSAL

See Appendix for a copy of the proposed text amendment and minutes.

SECTION 3: OTHER PLANNING INPUT

Township Plan: The Leelanau Township Master Plan (updated 2010) does not specifically address this amendment.

Leelanau General Plan: The Leelanau General Plan (2020) does not specifically address this amendment.

Township Planning Commission:

A Public Hearing was held on April 8, 2021, and at that time, a new Public Hearing was scheduled for May 13, 2021. After the public hearing on May 13, 2021, the following motion was unanimously passed by the township planning commission.

Motion by Mulvahill to recommend to the Leelanau Township Board the adoption of the zoning amendment to add Section 10.9 – Temporary Moratorium, as presented, that would apply to the application of certain provisions of the township zoning ordinance, and send the amendment to the Leelanau County Planning Commission for review.

Seconded by Harder.

Discussion:

The PC wants to see the review comments from the Leelanau County Planning Commission, staff, and other officials before it is acted upon by the township board.

Roll Call Vote:

Yes: Harder, M, R, M, W, K

NO: None

Absent: Sampson

SECTION 4: ANALYSIS

Compatibility

A. Is the proposed text compatible with other language in the zoning ordinance? Yes

B. Are there any issues with the proposed text (such as poor wording, confusing text, unenforceable language, etc.)? See staff comments.

C. Do the land uses or other related dimensional standards (height, bulk, area, setback, etc.) in the proposed text amendment(s) conflict with the existing zoning ordinance? No

Issues of Greater Than Local Concern

A. Does the proposed text amendment(s) include any issues of greater than local concern? Please list.
No

Comparison with Local Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the community's plan? Please list.
No

Comparison with County Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the General Plan? Please list.
No

Current Zoning District:

For Current text, Link to the Township Sign Ordinance at: <https://www.leelanau.cc/leelanautwp.asp>

SECTION 5: HISTORY

On March 17, 2021, the Leelanau Township Board unanimously approved Ordinance No. 2 of 2021 which established a temporary moratorium on any application for a special land use permit for RV Resorts and Campgrounds in the Commercial Resort Zoning District. It is listed on the township website at:

https://www.leelanau.gov/downloads/notice_of_adoption_ordinance_no.pdf While the township's legal counsel has determined that this moratorium is enforceable, they recommended that there also be a section in the zoning ordinance that addresses **temporary moratorium**. Township minutes of April 8, 2021 state "during the temporary moratorium, the township would review its zoning ordinance as it relates to RV Resorts and Campgrounds in the Commercial Resort Zoning District. (Note: There are only 4 pages of minutes posted online for the April 8, 2021 meeting – they seem to be in complete.)

SECTION 6: STAFF COMMENTS

Leelanau Township is proposing adding a **NEW** Section 10.9 -Temporary Moratorium to its township zoning ordinance, which reads as follows:

SECTION II ZONING ORDINANCE TEXT AMENDMENT ARTICLE 10 AUTHORITY TO IMPOSE A TEMPORARY MORATORIUM OF ZONING ORDINANCE PROVISIONS.

Article 10, of the Leelanau Township Zoning Ordinance is hereby amended by adding a new Section 10.9, Temporary Moratorium, which reads as follows:

- A. The Township Planning Commission has the authority to recommend the establishment of a temporary moratorium as to the application of certain provisions of the Township Zoning Ordinance to the Township

Board, by majority vote of the Planning Commission. The recommended temporary moratorium shall not initially be longer than 180 days. The Planning Commission shall present findings of fact showing that such a moratorium is necessary to protect the public health, safety, and welfare.

- B. The Township Board, with or without the recommendation of the Township Planning Commission, may impose a temporary moratorium as to the application of certain provisions of the Township Zoning Ordinance by resolution or ordinance of the Township Board. The temporary moratorium shall not initially be longer than 180 days. The Township Board shall present findings of fact showing that such a moratorium is necessary to protect the public health, safety, and welfare.
- C. Such temporary moratorium may be extended for up to another 180 days by approval of the Township Board, based upon new findings of fact, to allow additional time for Township review and consideration of the application, revision, review or repeal/replacement of zoning ordinance provisions.

SECTION III SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION IV EFFECTIVE DATE / REPEAL

This Ordinance shall take effect eight days after publication. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. Ordinance 2 of 2021 is specifically found not to be in conflict with this Ordinance and is not repealed, replaced or revised by the adoption of this Ordinance.

Ordinance No. 2 of 2021 was adopted March 17, 2021 and imposes a moratorium on recreational vehicle parks and campgrounds for 180 days or until an amendment to the Zoning Ordinance is adopted, whichever occurs first. Ordinance No. 2 also allows for the Township (by resolution) to extend the moratorium. It is important to remember that the county review is for an amendment to add a new Section 10.9 to Article 10, Administration, Permits and Appeals, of the Leelanau Township Zoning Ordinance. This amendment is for temporary moratoriums and the county review is on this amendment, not on Ordinance No. 2 which is already in place and deals more specifically with a moratorium on recreational vehicle parks and campgrounds.

The following excerpt is from “A zoning moratorium should only be done with caution”, Brad Neumann, Michigan State University Extension, April 8, 2020:

https://www.canr.msu.edu/news/zoning_moratoriums_should_only_be_done_with_caution

Local units of government sometimes adopt a moratoria to prevent anyone from developing or building something until regulations concerning the activity are developed and adopted. This has occurred in Michigan with medical marijuana dispensaries, signs and billboards, scrapyards, and wind and solar energy generation systems, to name a few. In Michigan, there is no statutory authority for a local government to adopt a moratorium in the first place. This is a problem because there is no specific procedure or process for enacting a moratorium-leading to questions about how it is done.

The U.S. Supreme Court has recognized the legitimate use of moratoria (*Tahoe-Sierra, U.S. (2002)*), and there are appellate level court cases in Michigan that provide support for the idea that moratoria can be done (e.g. *Central Advertising Co. v St. Joseph Township* 125 Mich App 548, 554-555 (1983).) In one case, “a moratorium on the issuance of building permits in a particular district of the city for a reasonably limited time” was not voided by the court (*Heritage Hill v Grand Rapids*, 48 Mich App 765, 768 (1973)). Nor did the Michigan Court of Appeals find it to be legally offensive for a township to declare a “brief moratorium on all sewer connections” (*BPA II v Harrison Township*, 73 Mich App 731, 733-734 (1977)).

While courts have not struck down moratoria in Michigan, there is no appellate court that has upheld a moratorium in Michigan for longer than six months. Moratoria are supposed to be short, tied to direct threat to public health, safety and general welfare, given a specific start and end date, and then removed at the end of the date.

The serious and important point is that a local government should never enact a moratorium without the direct involvement of the government's corporate attorney, who should be experienced in municipal and land use law. This is particularly important because there may be question over the government's authority to do so. There may also be question on how it is done. Normally, one would find such direction in enabling legislation, but this is lacking in Michigan. Therefore, it is important that a moratorium is enacted in a way that the attorney is comfortable with, because he or she will be the one to stand to defend the local government if challenged.

The *Metamora Township v. American Aggregates of Michigan, Inc.*, 349069 was decided on April 1, 2021. It is an unpublished opinion, so it does not constitute legal precedent. Nevertheless, Courts frequently adopt the reasoning in unpublished opinions. Below is the quote from the Metamora case:

5. LEGALITY OF THE MORATORIUM

Counterplaintiffs argue that the moratorium was not a proper exercise of the Township's authority because it was an illegal attempt to amend its zoning ordinance by resolution and because passing moratoria is not authorized by the ZEA. We disagree.

"An ordinance or resolution cannot be amended, repealed, or suspended by another act by a council of less dignity than the ordinance or resolution itself." *McCarthy v Village of Marcellus*, 32 Mich.App. 679, 688-689; 189 N.W.2d 80 (1971).

"[T]he difference between municipal ordinances and resolutions is in what the actions do, rather than in the manner in which they are passed. Resolutions are for implementing ministerial functions of government for short-term purposes. Ordinances are for establishing more permanent influences on the community itself." *Rollingwood Homeowners Corp v City of Flint*, 386 Mich. 258, 264; 191 N.W.2d 325 (1971) (quotation marks and citation omitted).

"Normally when faced with the fact of a resolution passed by a city government in an area where an ordinance is required, this Court would respond by declaring the resolution void." *Id.* (quotation marks and citation omitted).

In this case, the moratorium was approved for an initial four-month period and then later extended by three months, clearly making it temporary and short-term. Furthermore, the moratorium did not establish a procedure for reviewing petitions for mining approval, but rather delayed consideration of petitions until the Township could study the applicable statutory standards and procedures for processing and considering requests for approval of gravel mining in Metamora Township.

Thereafter, the Township duly adopted original Article 12A, which prescribed the requirements and procedures for obtaining approval of a gravel mining application. The moratorium did not deny counterplaintiffs a right to apply for a mining permit, **but merely temporarily delayed a decision on applications until the Township could study and determine how such applications were required to be reviewed under evolving statutory standards.** Because the moratorium did not establish any permanent changes or alter the way that applications were decided, we conclude that the moratorium did not operate as a de facto ordinance. (emphasis added)

Counterplaintiffs also argue that the ZEA "is the Township's sole source of zoning authority, and it establishes interim zoning-not moratoria-as the sole means to delay reviewing and granting land use applications that a municipality would otherwise be required to process." In so arguing, however, counterplaintiffs do not specifically cite to a portion of the ZEA to support their position. Instead, counterplaintiffs cite *Lake Twp v Sytsma*, 21 Mich.App. 210; 175 N.W.2d 337 (1970), which is not binding precedent and is factually distinguishable from the facts herein. MCR 7.215(J)(1). Consequently,

because counterplaintiffs' argument that the moratorium was not authorized by the ZEA is unsupported, we conclude that the trial court did not err by granting summary disposition on this claim.
(<https://law.justia.com/cases/michigan/court-of-appeals-unpublished/2021/349069.html>)

The procedure Leelanau Township is following for establishing a moratorium is consistent with the decision of Judge Philip E. Rodgers, Jr. in *case No. 02-22228-AZ, Great Northern Broadcasting System, Inc. v. Long Lake Township, Long Lake Township Zoning Board of Appeals, Long Lake Township Board of Trustees, and Long Lake Township Planning Commission (2003)*. In that decision, Judge Rodgers outlined the process for either amending an ordinance, or adopting an interim ordinance. Judge Rodgers ruled that the resolution passed by the Township Board for a moratorium failed because it did not conform with the statutory requirements as either an amendment to the Township Zoning Ordinance or as an interim ordinance. The moratorium was declared null and void.

Leelanau Township has chosen to adopt a moratorium as you would an amendment to the zoning ordinance. This involves the same public hearing procedures, public notices, etc. Leelanau Township has worked with its attorney on drafting this document, and complied with the requirements to amend its zoning ordinance. If the Township Board approves the amendment to the zoning ordinance, it will become effective 8 days after publication (unless challenged under Sec. 402 of the MZEA). It will allow for moratoriums of 180 days, and will allow for such temporary moratorium to be extended for up to another 180 days by approval of the Township Board. Do the words 'up to **another**' mean this will only allow one (1) extension?

Note: the online version of the zoning ordinance Table of Contents, lists Sections 10.1 through 10.7. It should also list the current Section 10.8 Public Notice.

**A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS
HELD ON TUESDAY, JUNE 22, 2021, AT THE LEELANAU COUNTY GOVERNMENT
CENTER.**

Proceedings of the meeting were recorded and are not the official record of the meeting. The formally
approved written copy of the minutes will be the official record of the meeting.

Meeting was called to order at 5:30 p.m. by Chairman Yoder who led the Pledge of Allegiance. The Meeting was held at the Leelanau County Government Center, 8527 E. Government Center Dr., Suttons Bay, MI and via ZOOM.

ROLL CALL

Members Present: R. Miller (Cleveland Twp.), K. Todd (Leelanau Twp.),
(via ZOOM)

Members Present: S. Yoder, G. Carlson, M. Lautner, A. Trumbull, C. Noonan
(At Government Center)

Members Absent: T. Nixon, D. Hubbell, M. Black, N. Griswold
(prior notice)

Staff Present: T. Galla, Director, G. Myer, Senior Planner
(At Government Center)

Public Present: S. Patmore
(At Government Center)

CONSIDERATION OF AGENDA

Galla suggested pushing "New Business – D. Capital Improvement Program" to next month's agenda because she is still receiving items that need to be added. Members agreed.

Motion by Lautner, seconded by Noonan, to accept the agenda as amended. Motion carried 7-0.

CONFLICT OF INTEREST – None.

PUBLIC COMMENT

The phone number for public comment was announced.

No comments received.

STAFF COMMENTS

Galla mentioned the issues during last month's meeting with zoom and noted our connection was knocked out about 4 times. Anyone on zoom or trying to watch the meeting was affected. The high winds caused the problems. Also, after June 30th, we will no longer be holding Zoom meetings. Meetings will be in person. Members will need to have a medical condition or be caring for someone with a medical condition in order to have the option to attend the meeting via Zoom.

CONSIDERATION OF May 25, 2021 MEETING MINUTES

Motion by Noonan, seconded by Trumbull, to accept the minutes as presented. Motion carried 7-0.

NEW BUSINESS

PC04-21-08 Leelanau Township – Text Amendment – Temporary Moratorium.

Galla acknowledged Steve Patmore, Zoning Administrator for Leelanau Township, who was present and available to answer questions on the amendment.

Galla reviewed the staff report, saying the request was received on May 14. The Michigan Zoning Enabling Act (MZEa) provides a 30-day review period for the county to review and report to the township after receiving its amendment. We are past the date; however, the township wishes to have the review and report from the county. Galla continued, saying this is a request to add language to Section 10.9 of the Zoning Ordinance on Temporary Moratorium, and it would apply to the application of certain provisions of the townships Zoning Ordinance. A Public Hearing was held on April 8, 2021, and at that time, a new Public Hearing was scheduled for May 13, 2021. After the public hearing on May 13, 2021, a motion was unanimously passed by the township planning commission to recommend the township board adopt the amendment.

Galla continued with the history, noting there was an ordinance adopted earlier this year to establish a temporary moratorium on any application for a special land use permit for RV Resorts and Campgrounds in the Commercial Resort Zoning District. Galla stated they were not reviewing that ordinance. Township minutes of April 8, 2021 indicate the townships legal counsel determined that the moratorium is enforceable and recommended that there be a second section in the Zoning Ordinance that also addressed temporary moratorium. Galla made note that there are only four pages of minutes posted online for the April 8, 2021 meeting, they seem to be incomplete.

Galla continued, mentioning the following excerpt “A zoning moratorium should only be done with caution”, by Brad Neumann, Michigan State University Extension, April 8, 2020. This explains some language and issues on moratoriums and the court cases that back it up. Also, mentioned was the following court case *Metamora Township v. American Aggregates of Michigan, Inc.*, 349069 which was decided on April 1, 2021. It is an unpublished opinion, but it was included in the staff report. Galla said the procedure that the township is following for establishing a moratorium is consistent with the decision of Judge Philip E. Rodgers, Jr. back in 2003. (*Case No. 02-22228-AZ, Great Northern Broadcasting System, Inc. v. Long Lake Township, Long Lake Township Zoning Board of Appeals, Long Lake Township Board of Trustees, and Long Lake Township Planning Commission (2003).*) The township adopted a moratorium as an amendment to their zoning ordinance. Galla continued, saying the township has worked with its attorney on drafting this document and complied with the requirement to amend its zoning ordinance.

Galla said staff questioned the proposed language “It will allow for moratoriums of 180 days, and will allow for such temporary moratorium to be extended for up to another 180 days by approval of the Township Board. Do the words ‘up to **another**’ mean this will only allow one (1) extension? And, the online version of the zoning ordinance Table of Contents, lists Sections 10.1 through 10.7. It should also list the current Section 10.8 Public Notice, as this amendment would be Section 10.9.

Galla concluded by mentioning the correspondence received from attorney Richard Edmonds, regarding this moratorium. He has provided some background and suggestions as to what the County Planning Commission should do. Galla stated anything regarding the legality of this or how it was

done, or if the wording is correct, needs to be done at the township level with their attorney. Galla stated there is information in the letter that the township should review. It is her understanding that there has been a lawsuit filed against the township with regard to the ordinance that was adopted. Galla said the county review is a planning review, and anything regarding the legality of it, needs to be sent back to the township for their attorney to review.

Yoder asked for discussion by members.

Todd said it appears the amendment has been done correctly, and she agrees that there needs to be clarity regarding the extension. Also, the township mentions "Findings of Fact", as a procedural matter, or advice or direction. It would be most helpful, that when any moratorium is established, those "Finding of Facts" are specific, numerated, and backed up by the written basis as to why they came to those finding of facts for future analysis and review.

Lautner questioned who determines the 180-day extension, it doesn't say just one extension. S. Patmore said he believes the intention was that there only be one extension. If it's not clear, it should be clarified. He will pass this question along to the township. That is something the township board can take care of.

Patmore said the township planning commission did have the MSU Extension Bulletin to use when they had the public hearing. Suttons Bay has a similar section in their zoning ordinance, so this is not something new, it's a zoning tool that you hope you never need to use, but it's there if you need it. Patmore concluded by saying this not about a particular thing, it does coincide with the "other" issue, but it's something our attorney recommended.

Motion by Lautner, seconded by Noonan, to forward staff report, minutes and all comments to Leelanau Township Planning Commission, and the legality of the amendment should be evaluated by the townships legal counsel. Motion carried 7-0.

**Staff Note: Correspondence received from Richard Edmonds was forwarded to all county planning commission members, and the township zoning administrator and Chair of the township planning commission, on June 21. Correspondence is on file at the planning office and available upon request.*

PC05-21-06 Glen Arbor Township -Text Amendment RE: Single Family in Business District.

Galla referenced an email she forwarded to members earlier in the day that contained some lengthy documents, and said she wasn't sure if they all had time to review them or not. Galla said the email was from Kathleen O'Brien, who apologized and said she had some issues which prevented her from getting it sent out sooner. Another email she forwarded to members was from the Glen Lake Chamber of Commerce Board of Directors, and she just received another email before the meeting tonight. This email was from a person who said three of the people listed are not property owners in Glen Arbor Township. Galla continued, saying that Kathleen O'Brien has asked that this item be removed from the agenda tonight. This is the first time she can remember that the county was being asked to remove items from the agenda. Galla said she did receive feedback from the county attorney regarding the proper way to handle these two items (Leelanau and Glen Arbor). The items remained on the agenda tonight and the legal issues (as noted during the Leelanau Township item), are issues that need to be handled by the local township attorney, not by the county. The county is looking at this from a planning perspective.

Galla reviewed the staff report and said this request was received by the Glen Arbor Township

NOTICE OF MEETING

A Regular Meeting of the Leelanau County Planning Commission (LCPC) will be held at **5:30 pm Tuesday, JUNE 22, 2021** in the Leelanau County Government Center and by zoom.

A live streaming of this meeting will be available for viewing via the following link –
https://www.youtube.com/channel/UCNQTglcTedF2qB8floC1GQ?view_as=subscriber

If you would like to provide comment during the meeting, please watch the livestreamed video, and call in during one of the two public comment portions on the agenda, to **231-256-8109**. There will be no queue, and calls will be taken in the order they are received. Emailed comments are also welcome prior to the meeting, and can be addressed to: planning@leelanau.gov

*Due to COVID-19, this session will be held virtually via Zoom,
AND in the Commissioners Meeting Room, Leelanau County Government Center,
Suttons Bay, Michigan.*

(Please silence any unnecessary cellular/electronic devices)

DRAFT AGENDA - REVISED

CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL

CONSIDERATION OF AGENDA

CONFLICT OF INTEREST (*refer to Section 3.7 of the Bylaws*)

PUBLIC COMMENT (Call 231-256-8109)

STAFF COMMENTS

CONSIDERATION OF MAY 25, 2021 MEETING MINUTES *pgs 2-7*

NEW BUSINESS

- A. PC04-2021-08 Leelanau Township, Text Amendment – Temporary Moratorium *pgs 8-24*
- B. PC05-2021-06 Glen Arbor Township – Text Amendment RE: Single Family in Business District *pgs 25-41*
- C. **PC06-2021-04 Elmwood Township – Text Amendment RE: Rural Resort District**
- D. Capital Improvement Program (CIP) – DRAFT (*sent separately*)
- E. Update: Training session for Fall 2021

REPORTS

- 1. Education Committee
- 2. Housing Action Committee (*Lautner*)
- 3. Parks & Recreation Committee (*Noonan*)
- 4. Report from LCPC members of attendance at township/village meetings, or Other Meetings/Trainings

COMMUNICATIONS

PUBLIC COMMENTS (Call 231-256-8109)

STAFF COMMENTS

COMMISSIONER & CHAIRPERSON COMMENTS

ADJOURN

LCPC Members

Steve Yoder, Chairman
Casey Noonan, Vice-Chairman
Melvin Black, Chair Pro-Tem
Dan Hubbell
Melinda Lautner
Gail Carlson
Robert Miller
Tom Nixon
Kim Todd
Nathan Griswold
Amy Trumbull