

**SPECIAL MEETING
LEELANAU TOWNSHIP PLANNING COMMISSION
THURSDAY, OCTOBER 21, 2021
7:00 P.M.**

Meeting by Electronic Remote Access in accordance with a Local State of Emergency and the Michigan Open Meetings Act.
<https://us02web.zoom.us/j/8819825018?pwd=RU1CZkRSOGJHSkRmODlBbTUyYUZVdz09>

Meeting ID: 881 982 5018

Passcode: 496700

Telephone Access: (312) 626-6799

TENTATIVE AGENDA

1. **Planning Commission Call to Order, Roll Call, Notation of Quorum**
2. **Approval of Agenda**
3. **Declaration of Conflict(s) of Interest**
4. **Announcements & Correspondence**
5. **Discussion / Action Items:**
 - A. Work Session #9 on RV Park & Campground Zoning Ordinance Review
 - B. Minutes of Previous Meetings
6. **Public Comment**
7. **Commissioner & Staff Comments**
8. **Next Meeting – October 28, 2021 – Work Session #10 on RV Park & Campground Ordinance review.**
9. **Adjournment**

*Meeting Packets will be available for viewing at <https://www.leelanau.gov/leelanautwpplan.asp>
A quorum of township board members may be present by electronic remote access, however, no township board business or discussion will take place at this meeting.*

*Leelanau Township
P.O. Box 338, 119 E. Nagonaba, Northport, MI 49670
(231) 386-5138*

Zone Admin

From: lawmode@comcast.net
Sent: Friday, October 15, 2021 1:10 PM
To: Robert E. Thall; 'Brian Mitchell'; David Chakroff; 'gina harder'; hartkj@yahoo.com; prebori@yahoo.com; Zone Admin; 'Tom Weber'
Cc: lawmode@comcast.net
Subject: Oehmke | Correction Letter
Attachments: 2021-10-15 Oehmke Ltr to LTPC Evidence.pdf

Greetings Steve Patmore

Please include this letter in next week's ePacket for the Oct. 21st Leelanau Twp Planning Comm meeting. BTW, I think Williams & Works should have corrected attorney Edmonds' misstatement after the public comment, but I appreciate there was a lot on everyone's plate last night.

Thanks,

Tom Oehmke

Tele 231.386.7018

Thomas H. Oehmke

Attorney and Counselor

11997 E Camp Haven Rd. • Northport MI 49670-9455

Tele 231.386.7018

LawMode@comcast.net

Leelanau Township Planning Commission
ATTN: Steve Patmore, Zoning Administrator

October 14, 2021

Re: Response to Developer's Mischaracterization of the Law

Greetings Commissioners:

Developer Misstates the Law as to Text Amendments

One of the Developer's many attorneys correctly stated one legal standard of review, but *incorrectly* applied it when a Planning Commission makes text amendments:

As your Planning Expert surely knows and as you personally must insure, as a ... commission making a decision regarding changes to a ... municipal ordinance, the [Leelanau Twp. Planning] [C]ommission must specify the competent, material and substantial evidence that has been presented that documents the necessity for the change [to the ordinance].¹

This is a *misapplication* of the law. It does NOT apply when making text amendments. Differently, a text amendment is valid if it meets a lower threshold: it must be reasonably related to the public health, safety and welfare of the Township. The different and greater legal hurdle of competent, material, and substantial evidence ONLY comes into play, for instance, when the Commission grants or denies a special use permit.²

Enacting or Amending a Zoning Ordinance

The Michigan Supreme Court requires these fundamental, judicially-imposed restraints when assessing if a text amendment is valid: (1) the zoning ordinance must be reasonable, and (2) it must bear a real and substantial relationship to the public health, safety, and welfare of the township.³

Decisions on Applications for a Special Use

There is a greater evidentiary standard when a planning commission considers a special use permit. That decision must be supported by competent, material and substantial evidence on the whole record.⁴

Text Amendments Must be Reasonably Related to Health, Safety and Welfare

In the final analysis, any text amendments this Commission recommends to the Leelanau Township Board: (1) must be reasonable, and (2) must bear a real and substantial relationship to the public health, safety, and welfare of the township. That's all. No more, no less.

Sincerely,

Thomas H. Oehmke

CC: Robert E. Thall, Esq.

¹ Letter to LTTC from Richard Edmonds, Esq. (10/14/2021), p. 2.

² Leelanau Township Zoning Ordinance § 14.8(D) [Review and Approval: Preliminary Project Plan] and MCLA § 125.3502(1)(b).

³ *Macenas v. Vill. of Michiana*, 433 Mich. 380, 390, 446 N.W.2d 102, 106-07 (1989).

⁴ *Macenas v. Vill. of Michiana*, 433 Mich. 380, 393, 446 N.W.2d 102, 108 (1989).

Zone Admin

From: Scott Walker <scottwalker@duenorth.us>
Sent: Monday, October 18, 2021 12:12 PM
To: Zone Admin
Cc: Monica Diaz
Subject: Timber Shores Myths vs Facts
Attachments: Myths vs. Facts.docx

Sent via email to: Township Zoning Administrator
for delivery to All Planning Commission Members

October 18, 2021

Steve Kalchik
Chair
Leelanau Township Planning Commission
Via Email Only

Dear Chairman Kalchik,

Pursuant to Commissioner Weber's request at the last meeting I am forwarding information that is relevant to the commission's review of the commercial resort district section of the zoning ordinance as well as the commission's consideration of the Timber Shores matter.

Commissioner Weber's pledge that "we read everything you send us" is encouraging and it is reassuring to know that the information will be entered into the official public record of your proceedings.

Further information about this and related matters may be readily accessed via the Timber Shores website at TimberShoresRVPark.com.

I am proud to work with the Timber Shores team and assist in providing accurate information about the planned proposal.

Cordially,

Scott Walker
Due North Marketing Communications Inc.
Omena

Attachment: Myths vs. Facts

cc:

Monica Diaz, Leelanau Township Clerk

The History of RV Campgrounds in Leelanau Township

Myth: RV campgrounds were not permitted in Leelanau Township before 2004 (or 2006 depending on the claimant.)

Fact: When *A History of Leelanau Township* was written, developer Ed Bowen authored a piece that talked about how his family began, in 1965, purchasing land to build what would become the nation's first luxury camping resort – Timber Shores. Bowen stated that the resort opened in 1967 with 200 campsites and grew to 350 by 1970. Promotional materials from 1974 show that the resort had been expanded to over 700 campsites under new ownership.

Beyond baffling is that the opponents don't agree on the same year that they claim an ordinance allowing RV campgrounds was passed – one group claiming 2004 and one opponent claiming 2006.

Environmental

Myth: The developer is filling an acre of wetland.

Fact: The project includes a wetland mitigation plan that improves the existing habitat. Our plan is to restore approximately 2.23 acres of previously filled wetlands, rather than creating new wetlands from upland as mitigation for the approximately one half (.53) acre of unavoidable impacts to wetlands that would occur from the RV park construction.

Myth: Timber Shores will dump 7.9 million gallons of sewage into rapid infiltration basins and from there it can get into neighboring wells and the bay.

Fact: This myth is inaccurate and misleading on multiple counts:

1. Based upon Michigan Public Health Code specifications, and the current site plan, the estimated daily wastewater flow at 100% occupancy is 31,000 gallons per day "GPD". This GPD estimate will be used for design and state permitting purposes.
2. The actual GPD flow will depend upon seasonal occupancy. Based upon industry surveys and multiple reviews, total seasonal flow will be approximately 3.5 million gallons.
3. Wastewater goes through a multiple stage treatment process that results in a treated effluent (much cleaner than that of a septic tank drain field) discharged to one of the infiltration basins for release into the soil and groundwater to a depth of approximately 6-9 feet below the infiltration basins. State regulations dictate the location and size of the RIBs.
4. The treated effluent discharged into the groundwater will eventually flow to Ennis Creek and the bay with no environmental impact. It will not reach or penetrate any aquifers used for state approved drinking wells. The RIBs have to be constructed in a location away from drinking water wells as required by the Part 22 discharge permit regulations.
5. The treatment plant is the same type of technology being used by the NLTUA. The plant will have a licensed operator and have both manual and electronic testing of the discharge flow with multiple back-up provisions to prevent any discharge exceeding required standards. There is a daily log generated by the electronic monitoring system and the licensed

operator. This shows many factors, but importantly the chemistry of the effluent. The operator is required to file monthly reports of this data to the state. Any problems would trigger state action.

For a detailed explanation of the design, permitting, operation and safety protocols please visit: www.timbershoresrvpark.com/project-documents-environmental

For more reading on wastewater treatment, we recommend an article in Bridge Michigan, a nonprofit, nonpartisan news organization headquartered in Ann Arbor, that wastewater from septic systems similar to those owned by every homeowner the surrounding properties are failing and are seldom inspected. Contrast that with the wastewater treatment plant at Timber Shores that will be constantly monitored.

Myth: Timber Shores will pollute the bay with the wastewater produced by campers.

Fact: This is a second iteration of the myth about dumping 7.9 million gallons of sewage. To expand on our answer to that claim, we talked with wastewater engineer Don Hearl of EnviroProcessLLC. Here's what he said: "According to Metcalf and Eddy's Wastewater Engineering, long recognized as the go to reference for wastewater treatment processes, residential septic tank effluent contains between 140 – 200 mg/l BOD and 25 – 60 mg/l of Total Nitrogen. A state-of-the-art MBBR system or membrane system typically discharges a BOD concentration of <2 mg/l and < 3mg/l Total Nitrogen."

We think these facts speak for themselves but the question remains, which would you rather have near your home? An efficient wastewater treatment system that's consistently monitored or a septic system that's reviewed only once, when installed, with no further monitoring unless the system fails.

Myth: The developers will "pave paradise and put up a parking lot" by building 319 concrete RV parking pads.

Fact: RV parking pads and interior roads will be compacted gravel. Less than 20% of the park has impermeable or semi-impermeable surfaces. We will control stormwater runoff on site. Our plans include swales, ditches, rain gardens and retention or detention basins. Direct runoff onto neighboring parcels, wetlands or waterways is not allowed.

Myth: Timber Shores will remove vegetation and artificially sand the beach front creating 526' of beach and using hundreds of trucks to haul the sand in.

Fact: Timber Shores has 1,723 feet of shoreline on Grand Traverse Bay. Approximately 526 feet of clean sandy beach will be restored for guests to enjoy with the remaining shoreline largely left in a natural state for guests to explore. This cleanup is allowed by EGLE as it is above the OHWM and not in any wetlands.

Myth: Smoke will billow nightly from wood burning fire pits.

Fact: Campfires can be built only in designated areas and must be extinguished before 11:00 pm. Only dried hardwood provided by Timber Shores may be used to reduce smoke. Camp staff will monitor and restrict campfires during windy or fire danger alerts.

Park Size and Park Experience

Myth: This will be the largest RV park in the Midwest

Fact: We really don't know where this rumor came from, especially given that the Mackinaw Mill Creek Camping resort, which is just 144 miles away, has 723 sites, Interlochen State Park has 510 sites, and Traverse City State Park 349 sites. The 2019 Michigan DEQ Licensed Campground listing reports:

- 25 private RV Parks with 350 or more campsites (averaging 484 sites)
- 40 private RV Parks with in excess of 300 campsites,
- 10 DNR RV Campgrounds with 300 or more campsites
- Top 20 DNR RV Campgrounds with average of 307 sites
- Top 10 Government (mostly county) RV parks with average of 446 sites

Myth: The developer will be putting in an amusement park much like Cedar Point.

Fact: Amusement is what we experienced when we first read this but what's not amusing is that this inaccuracy keeps getting repeated. The recreational and skills building activities are all muscle & brain powered. There are no motorized activities. Pedal Karts ARE NOT go-carts. The game plaza will offer traditional and challenging playground activities suited to young children and teens. The pond will offer a floating raft system of varying climbing and obstacle challenges. A mini golf course is planned. Anyone expecting a Cedar Point amusement park experience will be greatly disappointed. Senior fitness activities such as Pickle Ball, yoga and other physical conditioning activities will be offered to campers and local residents. All activities are completely out of sight of M-22 and sufficiently distanced and buffered from any residential neighbors to avoid any disruptive noise of children playing and having fun.

A complete listing of proposed recreational amenities is posted on the Timber Shores Website with informational links to many of the activities. To reach the recreational amenities page go to www.timbershoresrvpark.com/recreation-amenities.

The Township Survey's Statistical Validity

Myth: The survey conducted for the township (by Williams and Works) definitively showed that a majority of residents opposed a new RV campground.

Fact: At the time it was first released, we expressed concern that the survey was designed to bias responses, plain and simple. Unfortunately that's proven true. The Williams and Works compiler explains in the cover memo that the survey is not statistically valid, meaning that no inference can be made regarding the accurate representation of sentiments in the township. That hasn't stopped some of

the Timber Shores opponents from treating it as gospel, not as an extension of public comment (which the Williams and Works compiler said it should be considered to be.)

The Neighborhood

Myth: 84% of the surrounding properties were acquired before 2004 (or 2006.)

Fact: According to the information on leelanau.gov/property search there are 53 properties on Camp Haven, Indian Camp and North Cove Trail. While it's not always easy to determine when properties transferred according to the information on this site, it appears that only 23 of the 53 properties were purchased before 2004.

Myth: Timber Shores will increase the township's population by 90% overnight.

Fact: When we read this one our first response is "I was born at night, but it wasn't last night". RVers will arrive at various days and times, stay for different lengths of time and be located on a large parcel with lots of activities for all ages. Experienced RV park operators know that campers come to relax and recreate primarily at the resort with limited offsite excursions. Not much different that folks that come to their cabin for the weekend. Shuttle & bus service will be provided for shopping and sightseeing trips.

Myth: By allowing pets to accompany their families that will put 710 cats and dogs on 80 acres at any one time.

Fact: Many RVers do like to travel with pets which is why Timber Shores has specific rules for pets that accompany their families. Pets must be leashed and quiet and owners must pick up after their pets. Pets are not allowed on the beach, in rental units or common areas. Domestic animals are limited to two of any kind (dog, cat or bird). Pets must have up to date veterinarian and county tags and be spayed or neutered. For more information visit www.timbershoresrvpark.com/project-documents and click on Campground Rules.

Myth: The developer plans to sell 550 day passes each day for the mini golf, swimming pool, boat rentals, game plaza, peddle cart path, playgrounds, basketball and pickle ball.

Fact: The number of day passes is limited by the number of people we can accommodate. That number will vary depending on how many campers are registered at Timber Shores but at no time will the number of day passes issued surpass what can be accommodated by the 110 spaces in the day-use parking lot and the available time slots for the pond activities. All day passes are on a pre-reservation basis.

Myth: Visitors may rent 48 golf carts, ride the camp trolley and take the shuttle bus to town from 9:30 a.m. to 6 p.m.

Fact: We will have 48 golf carts that can be rented by registered campers, not day visitors and used on-site. There will be a shuttle bus to Northport, Omena and other local attractions. Shuttle service to Northport will be available during downtown business hours for shoppers and diners. On demand (Uber style) service will also be available, including sightseeing trips to the lighthouse, Sleeping Bear Dunes and other area attractions.

Economic Impact

Myth: Jobs are not just for locals but will be parceled out to RVers who come to stay for the season, exceeding the 45-day limit. These people will be paid minimum wage (but get other benefits.)

Fact: There is a labor shortage in Northern Michigan as there is elsewhere. We have had locals approach us about jobs and we are very interested in hiring them at competitive wages.

Zone Admin

From: Margot A Thomas <margotthomas@sbcglobal.net>
Sent: Tuesday, October 19, 2021 10:59 AM
To: Zone Admin
Subject: Timber Shores of Northport

I am for the development of Timber Shores. Campers come in and out of campgrounds at all times. They don't come in a caravan that would upset traffic flow. Most campers are at their camp sight to Relax and enjoy. We have many visitors that want to visit this part of Michigan. Since affordable Facilities are slim to none this is a wonderful alternative. Also it seems the Harbor keeps expanding For the many boaters that come in so why not for the campers. Thanks you.

Sent from [Mail](#) for Windows 10

October 19, 2021

Leelanau Township Board
Attn: John Sanders, Supervisor
119 E. Nagonaba Street
Northport, MI 49670

Dear Township Board members:

I was very disappointed with the last minute rescheduling of the regular Township Board Meeting last week that was to have included a Q&A with attorney Thall. To date, no explanation has been provided.

This lack of transparency is disconcerting. When the process for arriving at a conclusion is flawed, it casts doubt on the integrity of the conclusion itself.

The Agenda for tonight's meeting offers no Q&A with the discussion item on Timber Shores (TS) converted to an action item. No Mutual Release document was posted online for review by the public or the Board prior to voting on this action item tonight.

The Township's attorneys have been present at previous Board meetings to answer questions from the public, so there is a precedent for doing so. Attorney Thall appears unwilling to answer the taxpayers' questions, seems not to be providing this Board with sound legal advice, and leaves the impression he favors the developer, and not his client the Township.

Voters deserve to know why attorney Thall drafted two Mutual Releases in August, one for the 1998 Agreement and another for the 2006 Agreement. Who asked him to do this? Why did developer Fred Gordon sign the release on 9/1/2021? Why were these two Releases not mentioned at mediation on 9/17? It seems that the first time Township Board members learned of a Mutual Release was just before their 9/21 meeting. Depriving some Board members of all necessary information rightfully concerns fellow citizens.

The Board has received legal advice from competent attorneys that differs from Mr. Thall's opinion. It is time for the Board to retain a different attorney competent in land use planning who is willing to protect our watershed and environment for the Township residents and future generations.

To me as a layperson, this lawsuit appears to disguise the Developer's true intentions. The Developer seems eager to rescind the obligation to connect to the sewer arising out of the 1998 and 2006 contracts. Did the Developer fabricate a lawsuit about the moratorium only as leverage to escape from the 1998 and 2006 contractual obligations, all under the guise of needing the Release to "clear title"? There is no issue with the title for any of the TS parcels: NM Investment and RVTS Acquisition already have clear title. While they own the property, they don't like the sewer obligations that run with the land.

Both Agreements contain restrictive covenants that bind future owners and run with the land. The Developer plans on dumping 31,000 gallons per day (GPD) of wastewater that will migrate into Ennis Creek and then into Grand Traverse Bay, potentially jeopardizing the well water of 104 neighbors. Yet, the 1998 Agreement limits on-site septic to 9,900 GPD and the 2006 wastewater caps the sewage at 10,000 GPD. The 1998 Agreement requires the Developer to connect to what is now NLTUA at its own cost. The sewer connection cost to run pipe down M22 is the

equivalent for building an onsite plant. If the NLTUA plant needs to be expanded, both contracts contemplate that this too would be at the Developer's cost to them, not the Township.

This entire TS situation has not been transparent. This Developer's plans go back more than 25 years and nothing has ever been developed. The moratorium has come and gone, and no ordinances have been changed or modified to date. There are no permits in evidence by the developer, and nothing is listed on the EGLE website as having been applied for or granted to the developer. The Developer still hasn't submitted a complete application to the Township.

Why is the Board even considering releasing any part of the 1998 or 2006 contracts? I request the Board NOT release any part of either agreement that concerns sewer and wastewater treatment restrictions.

Finally, why is the Township Board forcing the Planning Commission (PC) to listen to the Developer's presentation prior to submitting an application? This Developer has already made public presentations in October 2019 and again in July 2021. The public perception is that the Developer's goal is to influence the outcome of the PC's Zoning Ordinance review. You need to protect your PC from undue influence. No presentation to the PC should be made until after a complete zoning application is submitted. That way, all parties would be aware of what is being discussed. If the Developer get another bite at the apple, then a community representative should be allowed equal time at the Developer's expense to make a counter-presentation.

I ask this Board in making its decisions to please consider all residents in the Township, and to safeguard the environment of our special community, the place we call home.

Regards,

Elizabeth Mallek
12305 N. Northport Point Road
Northport, MI 49670

williams&works

engineers | surveyors | planners

MEMORANDUM

To: Leelanau Township Planning Commission
Date: September 21, 2021 (revised October 8th)
From: Nathan Mehmed, AICP
RE: **Zoning Ordinance Text Amendments: Memo #2**

Overview. The purpose of this memo is to outline potential modifications to the Leelanau Township Zoning Ordinance. As you know, a list has been created over the past several months outlining sections of the Zoning Ordinance for staff and the Planning Commission to review. The 1st Iteration of this memo focused on existing standards in Section 7.3 and Table 3.5A and options for amendment. This memo focuses on potential additions to the Zoning Ordinance following the list created by staff and the Planning Commission. This memo does not include all the remaining items on the list, but includes those items that were labeled “Planner and ZA and Attorney to present alternatives” or items that are ready for discussion. As a reminder, the 1st Iteration addressed setbacks, density, and buffering, so we have not included those in this iteration; however, it may be beneficial to continue our discussion of those items as part of this meeting.

Potential Standards for Inclusion in Section 7.3 or Generally.

Item G. Maximum Lot Coverage (Impervious Surface Standards):

- *Remarks: The Zoning Ordinance defines lot coverage as the “percent of the gross lot square footage covered by building footprints including attachments such as porches or covered walkways; but excluding driveways, sidewalks, overhanging eaves, and detached structures of less than 100 square feet.” This type of standard is typically intended to limit the amount of property occupied by buildings or structures on a lot to protect the character of a district, control stormwater, or maintain green space/natural resources. The Township’s Zoning Ordinance currently has lot coverage standards for a few specific uses but nothing that covers entire districts. However, the Township’s Zoning Ordinance does have fairly comprehensive open space requirements in the Commercial Resort District (Section 7.3(G) that likely achieves a similar intent. Nonetheless, the Planning Commission has a few potential options if deemed necessary:*
 1. *Option 1: Address recreational vehicle parks and campgrounds specifically and add a maximum lot coverage or impermeable surface standard under Section 7.3, C, 3. We can provide the Planning Commission with options and best practices, if desired.*

2. *Option 2: Address all districts by creating a new column in Table 3.5A and add maximum lot coverage standards accordingly. This would be a more involved process since the Planning Commission would need to review options based on the intensity and intent of each district.*
3. *Option 3: Address the Commercial Resort District (Section 3.5) and add maximum lot coverage standards to Section 3.5(E). We can provide the Planning Commission with options and best practices if desired.*

Item H. Wetland Setbacks:

- *Remarks: A zoning ordinance may contain setbacks from natural features such as bodies of water or sensitive ecosystems such as wetlands. In this case, the Leelanau Township Zoning Ordinance has requirements for supporting the identification and protection of wetlands through the State of Michigan, but no additional setback requirements. The Planning Commission may consider the following options:*
 1. *Option 1: Address recreational vehicle parks and campgrounds specifically and add a wetland setback standard under Section 7.3, C, 3 such as:*
 - a. *“Whenever a wetland as defined by the Michigan Natural resources and Environmental Protection Act, P.A. 451 of 1994, as amended, is located on a property proposed for a recreational vehicle park and campground, a setback of _____ (could range from 25 to 200 feet) shall be provided between all off-street parking areas, operations, accessory uses, camping spaces, buildings, or structures and the wetland.”*
 2. *Option 2: Address all districts by adding wetland setbacks to Article 15 (Environmentally Sensitive Areas) and add a wetland setback standard to Section 15.5(A) such as:*
 - a. *“A setback of _____ (could range from 25 to 200 feet) shall be provided between all off-street parking areas, operations, accessory uses, camping spaces, buildings, or structures and such wetlands.”*
 3. *Option 3: Address the Commercial Resort District (Section 3.5) and add a wetland setback standard such as:*
 - a. *“Whenever a wetland as defined by the Michigan Natural resources and Environmental Protection Act, P.A. 451 of 1994, as amended, is located on a property located in the Commercial Resort District, a setback of _____ (could range from 25 to 200 feet) shall be provided between all off-street parking areas, operations, accessory uses, camping spaces, buildings, or structures and the wetland.”*

Item I. Park Security:

- *Remarks: This standard would specifically address on-site security at a recreational vehicle park and campground as a special use standard under Section 7.3(C)(3). We suggest the following options:*
 1. *Option 1: "The Planning Commission may require on-site security to be provided to protect the site and adjoining areas from unauthorized entry and the enforcement of park or campground rules."*
 2. *Option 2: "The Planning Commission shall require on-site security to be provided to protect the site and adjoining areas from unauthorized entry and the enforcement of the management plan."*

Item J. Seasonal RV and Camper Storage:

- *Remarks: This standard would specifically address RV and camper storage at a recreational vehicle park and campground as a special use standard under Section 7.3(C)(3). We suggest the following options:*
 - *Option 1: "The seasonal storage of unoccupied recreational vehicles as part of a recreational vehicle park and campground shall be prohibited unless the storage is located in an approved and screened location. In no case shall a recreational vehicle storage area be visible from a public right-of-way. The Planning Commission may require an increased setback or screening requirements to achieve this condition."*
 - *Option 2: "The seasonal storage of unoccupied recreational vehicles as part of a recreational vehicle park and campground shall be prohibited."*

Item K. Fencing/Delineation:

- *Remarks: This standard would specifically address fencing/delineation at a recreational vehicle park and campground as a special use standard under Section 7.3(C)(3). We suggest the following options:*
 1. *Option 1: "The Planning Commission may require appropriate fencing and signage around the boundaries of the recreational vehicle park and campground if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands."*
 2. *Option 2: "Appropriate fencing and signage around the boundaries of the recreational vehicle park and campground shall be required to minimize or prevent trespassing or other adverse effects on adjacent lands."*

Item L. Business/Operations/Management Plan Requirement:

- *Remarks: This standard would specifically address the requirement of a business/operations plan as part of a recreational vehicle park and campground as a special use standard under Section 7.3(C)(3) or generally. We suggest the following:*
 1. *As part of a submittal for special use approval for a recreational vehicle park and campground, the applicant shall present a detailed management plan for the facility. Such management plan shall include, but not be limited to the following information and the continued compliance with the terms of the management plan shall be a condition of any approval granted under this section:*
 - a. *The total number of camping spaces proposed.*
 - b. *The maximum permitted duration of residency.*
 - c. *The general nature of camping shelters, recreational vehicles, and related equipment anticipated on-site.*
 - d. *The nature of services and facilities to be offered to facility users.*
 - e. *Policies and enforcement procedures to deal with noise, rowdy behavior, and similar nuisance activities.*
 - f. *The hours and seasons the facility will operate.*
 - g. *Any other information determined by the Zoning Administrator or Planning Commission to be necessary to properly evaluate the proposed request.*

Item M. Environmental Impact Assessment (Article 15, Section 15.6):

- Existing:
 - A. Objective
 1. The objective of an environmental review and assessment is to determine the reasonably foreseeable impacts of a development proposal for the consideration of the Planning Commission and the public, and to encourage the development of those projects in ways that mitigate undesirable impacts and thereby protect and enhance the environmental quality of the project area by conserving its natural resources.
 2. The environmental review and assessment process is not to be construed as bureaucratic mechanism for frustrating development. Its purpose is to evaluate in detail the cumulative impact of a proposed project on the environmental quality of the project area and adjacent lands and waters, and to ensure that necessary attention is devoted to the prevention of environmental damage.

3. The assessment will serve as a guide to both the Planning Commission and the developer for effecting changes in plans, if necessary.

B. Initial Environmental Review.

1. Prior to the issuance of a land use permit the Planning Commission shall perform an Environmental Review, at no additional expense to the applicant, for all development in the Commercial and Industrial Districts and for all new development of three (3) or more residences in an Environmentally Sensitive area.
2. The environmental review shall include, but not be limited to, the following elements:
 - a. Whether the use proposed may incorporate any potentially harmful chemicals or other suspect products
 - b. Whether the building site is known or suspected to host any endangered, threatened, or candidate species of animal, fowl, fish, or vegetation
 - c. Whether the site is known to be the location of any burial grounds or settlement site, or is otherwise known to be of particular historic, cultural, or archeological significance.
 - d. Whether there are possible mitigations which might reduce environmental impact. Such mitigations shall be required.
3. Upon conclusion of its environmental review, if it finds that development of the project as proposed poses an unresolved environmental risk, the Planning Commission shall require the submittal of an Environmental Assessment as described in section 15.6.C. If no such finding is made, Environmental Assessment shall not be required.

C. If the environmental review reveals the likelihood of a development polluting, impairing, degrading or destroying the environmentally sensitive natural features on the subject parcel, and mitigations of those impacts have not been achieved, an Environmental Assessment prepared by a qualified environmental engineer or other professional acceptable to the Planning Commission shall be required to be performed, at the applicant's expense. The site plan review process specified in Article 11 will apply also when it is determined that an Environmental Assessment is required. An Environmental Assessment shall include the following:

1. An evaluation of likely short and long term effects upon:
 - a. Soils, geology and topography
 - b. Adjacent parcels
 - c. Historic and cultural resources

- d. Land use patterns
 - e. Waterways and hydrologic systems and wetlands
 - f. Vegetation, wildlife, and fisheries
 - g. Scenic and recreational resources
 - h. Infrastructure and utility requirements
2. A presentation of alternative development configurations, densities, uses, or construction methods.

The short- and long-term Planning Commission may place conditions to be met prior to approval of a project, or may require changes in order to mitigate the impact of the proposed development based upon the information provided in the Environmental Assessment.

- *Remarks: Early in the process, the Planning Commission discussed whether or not an environmental impact assessment or statement could be required as part of the review of an application. Section 15.6 outlines how or when an environmental assessment can be completed as part of a development proposal. We don't offer any recommendations here, but would like the Planning Commission to review this language to be sure that it effectively addresses concerns.*

Next Steps. Once we have a confirmed direction on the above items from the Planning Commission, we will move on to the remaining items on the list as well as items that are present in other zoning ordinances pertaining to campgrounds or RV parks. These will be presented with recommendations or options (alternatives) at the next meeting.

As always, please let us know if you have any questions.

c: Steve Patmore, Zoning Administrator
Rob Thall, Township Attorney

DRAFT MINUTES
LEELANAU TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING

Thursday, April 29, 2021
7:00 p.m.

Meeting by Zoom Electronic Remote Access
Zoom Meeting ID: 881 0982 5018 Passcode: 496700

*DISCUSSED
ON 10/14/21
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ADDED &
CORRECTIONS
MADE
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1. PLANNING COMMISSION CALL TO ORDER, ROLL CALL, NOTATION OF QUORUM:

This meeting was conducted by Zoom electronic remote access in accordance with the Michigan Open Meetings Act and the declaration of a Local State of Emergency.

The Special Meeting was called to order remotely by Chair Kalchik at 7:00 p.m.

He asked each member to introduce themselves remotely.

Members Present: Kalchik, Harder, Mulvahill, Rebori, Sampson, Mitchell

Absent: Weber (excused)

Quorum Established

Staff: Zoning Administrator Steve Patmore (ZA)

Public: 3 others via Zoom Electronic Remote Access

2. APPROVAL OF AGENDA: Chair Kalchik asked if there were any additions or changes to the draft Agenda.

Motion by Sampson to approve the draft Agenda as-amended.

Seconded by: Harder

Discussion: None

Roll Call Vote:

Ayes: Mulvahill, Mitchell, Sampson, Rebori, Harder, Kalchik

Nays: None

Absent: Weber

Motion Carried

3. DECLARATION OF CONFLICT(S) OF INTEREST:

Chair Kalchik asked each Commissioner if they had any conflict of interest on any item on this agenda.

All commissioners individually stated that there was no conflict of interest.

4. DISCUSSION/ACTION ITEMS:

A. Continuation of Site Plan Review from April 22, 2021 and consideration of a Special Land Use Permit Application – Trunkline Private Event Facility – 7940 N. West Bayshore Drive – Nathan & Carrie Drier.

Chair Kalchik asked ZA Patmore to introduce the topic.

Patmore explained that the Public Hearing on this Application was held on March 25, 2021 and was continued at the April 22, 2021 Regular Meeting. At the April 22, 2021 meeting the Public Hearing was closed and the Planning Commission started the Site Plan Review and zoning ordinance review, starting with the Ennis Creek Conservation Easement and Article 15 – Environmental Standards. The PC approved a motion that the Application and Site Plan meets Article 15 with the condition that permits and approvals for the proposed

bridge are received, and subject to the township board approval of an amendment/modifications to the Ennis Creek Conservation Easement.

Patmore explained that he started a list of conditions that could be included with an approval.

The following conditions were offered up to this point:

- I. A revised Site Plan must be submitted showing the following:
 - The proposed bridge shall be shown as 7' wide instead of 12' wide.
 - Show that there will be a physical barrier at the parking setback line to prevent cars from parking in the 50' setback area.
 - Label the topo lines.
 - Show that the existing driveways go back to the tent locations for access.

- II. Items to be completed before issuance of the Special Land Use Permit:
 - Revised Site Plan
 - EGLE Permit
 - Soil Erosion Permit
 - MDOT Permit
 - Health Department Permit for the well.

- III. Condition regarding Ennis Creek Village Conservation Easement:
 - Must be amended and approved by the Leelanau Township Board for any work within the area described in the easement.
 - Ennis Creek Management Plan to be reviewed by Township Board in conjunction with easement and amended if necessary.

- IV. Other General Conditions:
 - Must obtain and maintain all permits, approvals, and/or licenses.
 - Must maintain access for emergency vehicles at all times.
 - No parking for events within the highway right-of-way or setbacks at any time.

The Site Plan Review will now continue with Article 7 – Commercial District – specifically Section 7.3, Special Uses.

Setbacks in the Commercial Resort District – Article 3

ZA Patmore reviewed the setbacks from Article 3.

It is the consensus of the Planning Commission that the proposed Site Plan and Application meets the setback requirements of Article 3.

Patmore read the definitions of a private event and a private event venue in Section 7.3.A, and read the introduction/intent in Section 7.3.C.5.I

Section 7.3.C.5.II – Minimum Location Standards

1. Meets – this venue will be a primary use.
2. The PC will take acreage, location, and proximity into consideration.
3. Road Access will be approved by MDOT – they wrote preliminary approval email.
4. Parking will be off-street on stable ground – there is a proposed condition prohibiting parking on the road right-of-way or setback areas. The number of spaces will be discussed later during this meeting.

5. This venue will use temporary restroom facilities and a potable water well. It was stated that there needs to be adequate restrooms provided so that guests will not use the woods as a restroom. The PC added a condition that at least one (1) portable restroom stall be provided for each one-hundred (100) guests.
6. Private Event Venues must have dedicated Open Space per Section 7.3.G.
 - Section 7.3.G requires 25% of the project site shall be set aside as dedicated Open Space.
 - The area within the recorded Ennis Creek Village Conservation Easement will count towards this requirement.
 - The Applicant stated that she is concerned about dedicating open space, and that most of the site will be open, and not built on.
 - The dedicated open space can not include roads and parking – can it include setbacks? – can it be amended at a later date?
 - According to the Applicant, the current Ennis Creek Easement area is 14% of the project site.
 - The PC discussed that most of the site will be open.
 - The Applicant asked if they could define the Open Space when Phase II is discussed – they do not want to define the area right now.
 - The ZA warned that this could set a precedence with other projects in the area. This requirement cannot be waived in his opinion. There must be land set aside as designated Open Space, but this could be revised later by agreement.
 - The Applicant’s Engineer stated that the Planning Commission has the authority to waive a particular requirement of the zoning ordinance under the Special Land Use review, and deeding Open Space concerns them.
 - It was pointed out that the setback areas cannot be included in the Open Space – Applicant thinks that this is restrictive.
 - The ZA pointed out that he did not believe that this standard can be waived.
 - The Applicant requested that they not be required to deed any Open Space until a building is proposed.
 - The Applicants Engineer stated that the Ennis Creek Easement and setbacks comprise a total of 37% of the gross parcel area. 34% without the road-right-of-way.
 - The ordinance uses the term “project site” as opposed to total lot area. Could the project site be interpreted to mean the buildable area? If interpreted that way, the existing Ennis Creek easement comprises an Open Space area of 34%, according to the Applicant.
 - The consensus of the PC was to have the attorney look at this provision, and render an opinion about using setback area, the definition of project site, and whether this standard can be waived. This standard is approved subject to the attorney’s review.
 - The Open Space calculation needs to be shown on the revised site plan.
7. Environmental Standards: At the April 22, 2021 meeting the PC voted that the Application and Site Plan meets Article 15 with conditions.

Section 7.3.C.5.III – Submittal Requirements

This list was reviewed at a previous meeting and approved.

ZA Patmore reviewed the Event Management Plan and Agency Reviews.

Soil Erosion approval is required for the bridge.

A Michigan EGLE Permit is required for the bridge.

The Leelanau Township Fire Chief has reviewed the project and does not have any concerns.

Section 7.3.C.5.IV – Operational Limitations

1. Hours of Operation: The ordinance gives a standard operational time of outdoor events between 8 a.m. and 11 p.m., although the PC has the authority to limit hours based upon site conditions. There was

discussion on the location, proximity to neighbors, and the fact that this is an outdoor venue. An ending time of 10:00 p.m. was discussed. After discussion the consensus of the PC was that an ending time of 11:00 P.M. was acceptable, based upon site conditions and proximity to neighbors.

2. Maximum number of Events: 10 events per month is requested. There was discussion about limiting this to 8 per month. After discussion the consensus of the PC was to allow up to 10 events per month, based upon the site conditions.

There was discussion about what if there were problems with this facility. If there are violations, then they can be addressed, but it is procedurally hard to go backwards and limit the number of events later.

3. Maximum Occupancy: The Applicant is proposing the maximum of 300 guests per event. There are no buildings proposed that have any further occupancy limits. The Applicant stated that most events would be less than 300 guests. There was discussion on parking capacity of the facility. Although there are 100 spaces shown on the Site Plan, there is a lot of room for additional parking on the South end of the property. It was noted that people usually park further away from each other in un-lined parking lots, but there is a lot of extra room. After discussion, the consensus of the PC was that a limit of up to 300 guests at any time was acceptable, considering parking and site considerations.
4. There are no overnight accommodations proposed as part of this application. (condition)
5. It shall be a condition that music or entertainment be accessory and subordinate to the Private Event and not the primary purpose of the event. A sound management plan was submitted and must be followed.
6. The sound at any property line of the venue shall be no greater than 75 dBA. (condition)
7. Parking: There shall be no on-street parking within the road right-of-way during events. Off street parking was shown on the site plan with a 50' setback. At least one parking attendant shall be provided for any event over 100 guests. There shall be temporary signage provided at M-22 during events to guide traffic.
8. Emergency vehicle access lane shall be maintained during events. (condition)
9. Outdoor lighting:
 - No parking lot lighting is proposed.
 - Temporary lighting at tent locations during events.
 - Solar lights will be seasonal at the bridge crossing and pathways.
 - Other non-essential lighting must be turned off no later than one hour after the event is over.

The Applicant's Engineer stated that, according to the Ennis Creek Conservation Easement, the public has the right to access the easement at any time. There was considerable discussion about whether the easement granted the public the right to access the easement. If so, the consensus of the PC was to have that language removed from the revised easement.

10. The PC discussed setbacks – the Site Plan meets the setbacks. The Planning Commission can increase setbacks for Special Land Uses if necessary in the future.
11. Article 17 – Landscaping & Buffering will be reviewed later in this meeting.
12. The property boundaries of the venue shall be clearly marked to discourage trespassing on other properties. (condition)

13. The Owner shall submit a written log of events to the township annually. (condition) Maybe the township should develop a matrix of what information is necessary.

Section 7.3.D – Appropriateness of Special Use:

ZA Patmore read this section. It was determined that this section did not apply as there is no residential component being proposed.

Section 7.3.E – General Layout Requirements:

All Special Land Uses must meet these general layout requirements.

ZA Patmore read through the five requirements.

The Planning Commission, by consensus, finds that the proposed Trunkline Site Plan meets these requirements.

Section 7.3.F – Special Buffering Requirements:

ZA Patmore read this section. The PC has yet to discuss buffering.

- Should there be buffering along the rear property line?
- Should there be buffering by the proposed North overflow parking area?

The Applicant stated that they didn't want to spend the money planting trees along the back line considering that they don't know when or if that property will be developed, and they are spending a lot to buffer the front area. They stated that they will plant trees on the back line to close-off the existing road that people have been using to get to the adjacent property.

The submitted event plan states that they will plant trees on the rear line of the south parcel. The Applicant stated that she decided not to put that on the Site Plan.

The ZA is concerned about setting a precedence – especially the screening of parking areas.

The Applicant's Engineer stated that they meet the intent of the ordinance which buffers different uses.

The Planning Commission finds that the majority of buffering on the front is acceptable and that there is no need for buffering on the rear line except to block the roads because it is vacant property. The proposed north overflow parking area is already adequately buffered by existing vegetation. Parking lot buffering may be addressed in a future phase.

Article 17 – Landscaping

Section 17.3.C Landscaping Requirements:

The Planning Commission wanted to review this section line-by-line.

It was noted that separate landscaping notes were submitted

After going through this section, the following was noted:

- Need planting and staking detail on Site Plan.
- Note whether proposed landscaping is bare root or balled and burlapped.

The Applicant's Engineer stated that they included everything either on the site plan, event plan, or landscaping notes.

ZA Patmore noted that not every project should require a separate landscaping plan.

It was the consensus of the Planning Commission that the Application meets the Landscape Requirements with the addition of the items noted above.

Section 17.3.D – Parking Lot Landscaping:

The Planning Commission, during the earlier buffering discussion, determined that parking lot landscaping was satisfied by the proposed landscaping West of the parking area.

Section 17.3.E – Greenbelt Buffering

There is a green belt shown along M-22.

Is there any other screening, buffering, or landscaping required? None stated.

In this case, the landscaping should be done prior to conducting any events.

Standards for Special Land Use Permits

Section 12.6 Standards and Criteria for Approval.

- Must obtain all permits and/or approvals – conditions of permit
- The PC finds, by consensus, that the proposed use does not change the essential character of the District.
- The PC finds, by consensus, that the proposed use is adequately served by public services.
- The PC finds, by consensus, that the proposed use does not unduly impact the capacity of public services.
- The PC finds, by consensus, that the proposed use does not affect the natural environment.
- The PC finds, by consensus, that the proposed use does not affect farmland.
- The PC finds, by consensus, that the proposed use does not create additional stormwater run-off.
- The PC finds, by consensus, that the proposed use, with conditions, meets the special land use requirements of the Commercial Resort Zoning District.
- The PC finds, by consensus, that additional conditions beyond what has been listed above are not necessary.

Proposed Conditions of Approval were listed by ZA Patmore and discussed.

- Changes to be made on the Site Plan.
- Items needed to be completed before the Zoning Administrator issues the written Special Use Permit.
- Items that must be completed before commencing events.
- Conditions regarding Ennis Creek Village Conservation Easement.
- Other Conditions

Discussion

- Need to address 10-B of the Conservation Easement that addresses commercial uses when revising the easement.
- Applicant will meet with ZA Patmore on amending the Ennis Creek Easement.
- The Commission did not have any more conditions to add.

Motion by Harder to approve the Application for Special Land Use Permit for The Trunkline Private Event Facility, with the following conditions, at 7940 N. West Bayshore Drive, submitted by Nathan & Carrie Drier. This approval is based upon the Site Plan dated April 16, 2021, Event Plan dated April 16, 2021 (including landscaping notes), Public Comment, Site Plan Review and Findings of Facts.

Seconded by Sampson

Discussion: None

Conditions of Approval:

1. Changes to be made on the Site Plan / Event Plan:
 - a. Bridge shall be shown as 7' wide instead of 12' wide.
 - b. Show that there will be a physical barrier at the parking setback line to prevent cars from parking in the 50' setback area.
 - c. Label the topo lines on the Site Plan.
 - d. Show the existing drives going back to the tent locations.
 - e. Provide planting and staking details.
 - f. Include a description of landscaping whether bare root or balled & burlapped.
 - g. Open Space Calculations.

2. Items to be completed before Special Land Use Permit is issued by the Zoning Administrator:
 - a. Revised Site Plan.
 - b. EGLE Permit.
 - c. MDOT Permit.
 - d. Health Department Permit for well.
 - e. Soil Erosion Permit.

3. Items to be completed before commencing Private Events:
 - a. Greenbelt and Landscaping completed.
 - b. Commercial Driveways.
 - c. Well.
 - d. Electrical Service.

4. Conditions regarding Ennis Creek Village Conservation Easement:
 - a. Must be amended and approved by the Leelanau Township Board for any work within the area described in the easement.
 - b. Ennis Creek Management Plan to be reviewed by the Township Board in conjunction with the easement and amended if necessary.

5. Operational Approval:
 - a. This Private Event Facility is approved for Private Events of up to three hundred (300) guests.
 - b. This Private Event Facility is approved for up to ten (10) Private Events per calendar month.
 - c. The allowable hours of operation for Private Events is between 8:00 a.m. and 11:00 p.m. All music, food service, and beverage service shall end no later than 11:00 p.m.
 - d. There shall be no more than one private event conducted at a time.

6. General Conditions:
 - a. This facility must obtain and maintain all applicable permits, approvals, and/or licenses

- required for construction and operation.*
- b. During Private Events, access lanes shall be provided for emergency vehicles at all times.*
 - c. There shall be no event parking at any time within the highway right-of-way, road right-of-ways or setback areas.*
 - d. One campfire pit is allowed, and Leelanau Township Ordinances shall be adhered to for fires, luminaries, or fireworks.*
 - e. There shall be at least one traffic attendant provided for any event of over 100 guests.*
 - f. Temporary signage shall be provided at every event to guide guests to the proper entrance.*
 - g. The Open Space calculation is subject to review and approval by the Leelanau Township Attorney and shown on the Revised Site Plan.*
 - h. Music is for background purposes only. The submitted Sound Management Plan shall be followed.*
 - i. Sound shall be no higher than 75 Dba measured at any property line.*
 - j. All lighting shall meet the Leelanau Township Nuisance Ordinance. Any unnecessary lighting shall be turned off no later than one hour after the event ends. The bridge and pathway solar lighting is allowed on a seasonal basis provided that it complies with the Nuisance Ordinance.*
 - k. The boundary of the Private Event Venue shall be clearly marked to discourage trespassing on to adjacent properties.*
 - l. Adequate bathroom facilities shall be provided to guests. There shall be no less than one stall per 100 guests at any event.*
 - m. An annual log of Private Events shall be submitted to the township by March 1 of the following year.*
 - n. Any utilities on the site shall be installed underground.*

Roll Call Vote:

Yes: *Sampson, Harder, Mitchell, Rebori, Mulvahill, Kalchik.*

No: *None*

Absent: *Weber*

Motion Carries.

Both Carrie Drier and Sarah Keever thanked the Planning Commission for their time working on this project. They will work hard to make this a successful project.

A. Discussion on the Master Plan Update Proposals

Karen mentioned that the four proposals have been reviewed and the PC needs to decide on one or set up the process to decide. Some members have stated that they like a particular proposal. Do we want to interview at least one consultant before a recommendation is sent to the township board? We also need to find out the status of our inquiry to LIAI on the Coastal Zone Resiliency Grant.

After discussion on the proposals, it was suggested that the PC interview Beckett & Rader and Williams & Works. The PC thought that those two stood out for various reasons including experience, staff, reference to coastal resiliency, local ties, and cost.

It is the consensus of the PC to schedule one-hour interviews with Beckett & Rader and Williams & Works at a special meeting on Thursday, May 20, 2021 if they are available. Karen will notify them and schedule interviews for 7pm and 8 pm.

5. PUBLIC COMMENT: None

Motion by Mitchell to adjourn this meeting.

Seconded by Mulvahill

Discussion: Commissioner Sampson stated that he would not be present at the May 13, 2021 PC Meeting due to a scheduled trip out of town.

Roll Call Vote:

Yes: Rebori, Mitchell, Sampson, Harder, Mulvahill, Kalchik.

No: None

Absent: Weber

Motion Carries.

Meeting adjourned at 9:55 p.m.

Minutes recorded by Steve Patmore

Minutes approved (as-corrected/as-presented) on _____.

DRAFT MINUTES
LEELANAU TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
Thursday, September 23, 2021

DISTRIBUTED
ON 10/14/2021
SP

7:00 p.m.

Via Zoom Remote Electronic Access in accordance with a Local State of Emergency Declaration
by the Leelanau Township Board in accordance with the Michigan Open Meetings Act.

Zoom Meeting ID: 881 0982 5018 Passcode: 496700

1. PLANNING COMMISSION CALL TO ORDER, ROLL CALL, NOTATION OF QUORUM:

This meeting was conducted via Zoom electronic remote access in accordance with a Local State of Emergency Declaration by the Leelanau Township Board in accordance with the Michigan Open Meetings Act.
Zoom Meeting ID: 881 0982 5018 Passcode: 496700

The Meeting was called to order by Chair Kalchik at 7:00 p.m.
He asked each member to introduce themselves.

Members Present: Steve Kalchik, Phyllis Rebori, Brian Mitchell, Tom Weber, Brigid Hart, Dave Chakroff, and Gina Harder
Absent: None

Quorum Established

Staff: Zoning Administrator Steve Patmore (ZA)

Public and Officials: Approximately 31 others via Zoom Electronic Remote Access

2. APPROVAL OF AGENDA: Chair Kalchik asked if there were any additions or changes to the draft Agenda. Commissioner Rebori would like to add an item E to Discussion Items to discuss Planning Commission By-Laws

Motion by Rebori to approve the draft Agenda with the addition of item 6-E, Planning Commission By-laws.

Seconded by: Mitchell

Discussion: None.

Roll Call Vote: All Ayes

Motion Carried

3. DECLARATION OF CONFLICT(S) OF INTEREST:

Chair Kalchik asked Commissioner's if they had any conflict of interest on any item on this agenda. All commissioners individually stated that there was no conflict of interest.

4. ANNOUNCEMENTS AND CORRESPONDENCE:

Chair Kalchik asked Zoning Administrator Patmore if there were any Announcements or Correspondence. The following was offered:

- There is a workshop on September 29th on Agricultural Tourism and Solar Energy at the Leelanau County Governmental Center sponsored by the Leelanau County Planning Commission.

- Email from John & Kathy Neuman, 8202 N. Indian Camp Rd., dated 9/17/2021, Subject: Proposed Timber Shores RV Park, was included in meeting packet.
- Memo from Joe DeFors, undated, with comments on the Leelanau Township Draft Planning Survey related to solar energy - this was included in meeting packet.
- Email from Joan Brovins, dated September 22, 2021 – Subject: Brovins / RV Campgrounds and Minimum Setback.

5. **PUBLIC COMMENT:**

Chair Kalchik asked that Public Comment be limited to three minutes with each person speaking only once, and that all comments should be kept civil.

- Gerald Schatz: No address given, reminded the planning commission of federal court cases involving wetlands that will affect the regulation of wetlands. Also supports greater setbacks for campgrounds.
- Julie Fitz, no address given, has serious concerns about sewer and wastewater from Timber Shores. Developer is proposing a MBBR system. Is very concerned.
- Allen Dalzell, Northwest Bayshore Drive. Has questions on the mediation results – who can answer questions about the settlement?
- John Neuman, Indian Camp Road, supports the Brovins Amendment presented to the planning commission. Would like to see a 500' greenbelt around any campground.
- Elizabeth Malleck, Northport Point Rd., totally agrees with Mr. Neuman and Julie Fitz. Concerned with the scope, size, & setbacks of the project.
- Carrie Carlisle, no address given, concerned with the setbacks between the project and neighbors. Timber Shores is way to big for this area.
- Sue Sentell, Cove Road, supports the Brovins Amendment.
- Joe DeFors, Shores Court, Leelanau Township, has comments on the Master Plan Citizen Input Survey. Has a serious concern about the questions regarding renewable energy & melding questions. Feels that the questions should support renewable energy.
- Dale Lersch, 11527 N. Seven Pines Road, would like to echo Joe's comments.

No additional Public Comment.

It was noted by the Chair that this would be the only opportunity in this meeting for public comment.

6. DISCUSSION/ACTION ITEMS:

A. Work Session #7 on RV Park & Campground Zoning Ordinance Review

Chair Kalchik asked ZA Patmore to introduce the topic:

a. Introduction and Update on Status of Litigation

- The township board in March 2021, after adopting a temporary moratorium on RV Parks and Campgrounds in the Commercial Resort District, asked the PC to review and consider amendments related to RV Parks and Campgrounds in that District.
- The PC has spent considerable time reviewing the current ordinance, and reviewing other community ordinances and standards for campgrounds.
- A lawsuit was filed by Timber Shores regarding the temporary moratorium and alleging conflict of interest. However, the PC was asked to continue their review during the lawsuit.
- There was a mediation conference last Friday, 9/17/2021, and there was a draft settlement reached between the two parties.
- The settlement was approved by the township board at a special meeting on Tuesday, 9/21/2021.
- This is now a public document, and although it is not signed at this time, it has been distributed to the PC in the meeting packet. We are not here to discuss or debate the terms of the settlement, however, some of the terms will affect the PC in their work, notably:
- Any zoning amendment(s) must be adopted by the township board no later than their Regular Meeting scheduled for January 11, 2022. It can then be published after that time.
- Timber Shores has the option to hold a Special Planning Commission meeting electronically at their expense to discuss their project.
- The temporary moratorium, which has since expired, is not being extended, but Timber Shores is required to notify the township attorney in writing at least 21 days before filing a Special Land Use Permit Application.

b. Revised Schedule of Review.

Based upon the dates set forth in the Settlement Agreement, Patmore presented a proposed schedule to meet the deadlines. This was included in the meeting packet. It was noted that this schedule has not been formally approved by the township attorneys.

- Public Hearing scheduled for November 11, 2021.
- Possible second meeting scheduled for November 18, 2021.

PC members suggested keeping October 21, 2021 open for Special Meeting.

c. Continuation of PC Review

- Patmore noted that Planner Nathan Mehmed, Williams & Works, could not attend tonight's meeting due to a scheduling conflict.
- Patmore noted that the Planners memo dated September 21, 2021 had not been reviewed by the township attorney, and therefore should not be discussed in detail.

Commissioner Comments:

- Consider using the definition of Recreational Vehicle used by the State of Michigan.
- Will we be discussing wetland setbacks? Yes – at a future meeting.
- Discussed shoreline setbacks and how they relate to coastal resiliency.
- Work Session possible on October 21, 2021.

B. Update on Master Plan Project – Community Input Survey, Community Open House, Next Steps

- Postcards for the community input survey were sent by Beckett/Rader (BRI), and are still in transit.
- Over 200 responses have been received so far – some commissioner’s speculate that social media discussion has spurred interest in the survey.
- Remember the survey is not scientific.
- Over 40 people attended the Open House last night.
- Should the library needs be addressed in the survey or Open House?
- Some commissioner’s felt that the community input was rushed.
- The schedule has been dictated by the Park & Recreation Plan.
- We may want to think about getting more public input – another Open House may be beneficial to incorporate and expand on other questions or visions.
- The next step is to compile data from the survey and Open House, obtain Census Data, and other data.
- Commissioner’s are asked to encourage others to take the survey, and point out other local studies that may be helpful during the planning process.

C. Meeting Minutes:

The Minutes of September 9th were distributed to Planning Commissioner’s today. There was not enough time to review them – so they will be reviewed at the next meeting.

D. Election of Planning Commission Officers:

a. Chair:

Current Chair Kalchik asked ZA Steve Patmore to request nominations for Chair:

Rebori nominated Steve Kalchik to remain as Chair.

Seconded by Harder.

Kalchik accepted the nomination.

Patmore asked if there were any other nominations: Hearing none, he asked for a motion.

Motion by Mitchell to close the nominations and elect Steve Kalchik as Chair.

Seconded by Rebori.

Discussion: None

Roll Call Vote: All Ayes.

Motion passes

b. Vice Chair:

Chair Kalchik asked if there were any nominations for Vice-Chair:

Rebori nominated Brian Mitchell to remain as Vice-Chair.

Seconded by Harder.

Mitchell accepted the nomination.

Kalchik asked if there were any other nominations: Hearing none, he asked for a motion.

Motion by Weber to close the nominations and elect Brian Mitchell as Vice-Chair.

Seconded by Hart.

Discussion: None

Roll Call Vote: All Ayes.

Motion passes

c. Secretary:

Chair Kalchik asked if there were any nominations for Secretary:

Mitchell nominated Phyllis Rebori as Secretary.

Rebori declined the nomination.

Kalchik asked if there were any other nominations: Hearing none, he stated that the position would remain open until someone stepped forward.

E. Planning Commission By-Laws:

It was pointed out that the By-Laws have not been updated since 2015, and there are a few changes that need to be made. The consensus was to address this at a future meeting agenda.

7. Commissioner & Staff Comments:

- Can the Short-Term Rental Good Neighbor Notice be posted on the website? ZA Patmore agreed to post the document.
- The Master Plan Update does not need to be on the Agenda for a while.

8. Next Meeting : October 14, 2021:

- Continue Zoning Ordinance Review

10. Adjournment:

Motion by Mitchell to adjourn the meeting

Seconded by: Rebori

Discussion: None.

Roll Call Vote: All Ayes

Motion Carried

Chair Kalchik adjourned the meeting at 8:30 p.m.