

NOTICE OF MEETING

A Regular Meeting of the Leelanau County Planning Commission (LCPC) will be held
at **5:30 pm Tuesday, MARCH 15, 2022**
in the Leelanau County Government Center – lower level.

(Please silence any unnecessary cellular/electronic devices)

DRAFT AGENDA

CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL

CONSIDERATION OF AGENDA

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

PUBLIC COMMENT

STAFF COMMENTS – April 27 Annual Planning Session, APA
Conference, ADU sessions

CONSIDERATION OF JANUARY 25, 2022 MEETING MINUTES *pgs 2-4*

NEW BUSINESS

1. Consideration of Bylaws *pgs 5-13*
2. Consider appointments to Housing Action Committee *pgs 14-15*
3. PC01-2022-08 Leelanau Township Proposed Amendments to Articles 2, 3, 7 and 15 *pgs 16-107*

REPORTS

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

COMMUNICATIONS

PUBLIC COMMENTS

STAFF COMMENTS

COMMISSIONER & CHAIRPERSON COMMENTS

ADJOURN

LCPC Members

Steve Yoder
Casey Noonan
Melvin Black
Dan Hubbell
Melinda Lautner
Gail Carlson
Robert Miller
Tom Nixon
Kim Todd
Nathan Griswold
Amy Trumbull

A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, JANUARY 25, 2022, 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.

ROLL CALL

Members Present: S. Yoder, R. Miller, T. Nixon, M. Lautner, G. Carlson, A. Trumbull, N. Griswold

Members Absent: C. Noonan, M. Black, K. Todd, D. Hubbell
(prior notice)

Staff Present: G. Myer, Senior Planner

Public Present: None.

CONSIDERATION OF AGENDA

Motion by Lautner, seconded Trumbull, to accept the agenda as presented. Motion carried 7 -0.

CONFLICT OF INTEREST – None.

PUBLIC COMMENT – None.

ANNUAL ORGANIZATIONAL ITEMS

Election of Officers

Chairman

Vice Chairman

Chair Pro-Tem

Motion by Nixon, seconded by Lautner, to nominate Yoder as Chairman, Noonan as Vice-Chairman, and Black as Chair Pro-Tem. With no further nominations, the motion carried 7-0.

ANNUAL REVIEW OF BYLAWS

Lautner questioned if Section 3.6 – Voting, was set by a state statute. She is concerned that a vote of the majority of a quorum present is required for the approval of any requested action or motion placed before the commission. Could this possibly be change to a minimum of five or six members to pass something. Miller commented that if they only have a minimum quorum at the meeting, then why have the meeting if they can't pass anything?

Discussion ensued.

Yoder suggested staff review this section and see if it could be changed.

Miller said Section 4.3 – Meeting Procedure, needs a 5a. to allow the applicant to respond to comments and/or questions received from others in attendance.

Discussion ensued.

“Applicant comments” will become the new number 7, with the remaining being renumbered.

Carlson stated that numbers “2” and “3” should be reversed. Members were in agreement.

Motion by Nixon, seconded by Lautner, to approve Bylaws as amended and per review by staff regarding Section 3.6 – Voting. Motion carried 7-0.

CONSIDERATION OF 2022 MEETING SCHEDULE & ANNUAL MEETING DATE

Motion by Miller, seconded by Carlson, to approve the proposed 2022 meeting schedule as presented. Motion carried 7-0.

COMMITTEE APPOINTMENTS

Education

Housing Action Committee

Parks & Recreation

Yoder reappointed Lautner to HAC, Noonan to Parks & Recreation and stated they no longer needed an Education Committee because staff handles this and it is brought before the board when necessary.

PUBLIC COMMENT – None.

STAFF COMMENTS

Myer told members to let staff know if they had a specific topic that they would like covered at the Annual Planning Session.

CONSIDERATION OF NOVEMBER 23, 2021 MEETING MINUTES

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

NEW BUSINESS

Review of 2021 Annual Report

Lautner said it was nicely done. Nixon stated it was a very well-done document and he was glad to see that it included a picture of Galla with her award. Miller and Trumbull said it looked great.

Motion by Lautner, seconded by Carlson, to accept the 2021 Annual Report as presented. Motion carried 7-0.

Education Committee - Nothing to report.

Housing Action Committee

Lautner commented on the six homes that are being built in Maple City and said that some requests have been received for the County American Rescue Plan Act (ARPA) funds to be used for housing.

Parks & Recreation Committee

Lautner said that a piece of playground equipment was purchased for Old Settlers Park and they will be looking for help constructing it in the spring.

Report from LCPC members of attendance at township/village meetings, or other meeting/trainings

Lautner reported that the Board of Commissioners are having a special meeting on January 31st and could possibly designate some ARPA money. Fiber seems to rise to the forefront every meeting, and housing has also come up. Lautner concluded by saying that it has been very interesting to listen to all of the different requests, there are a lot of needs in the community.

Griswold mentioned Michigan Department of Environment, Great Lakes, and Energy (EGLE) training on naturalized bioengineered shorelines for inland lakes and Great Lakes.

Carlson commented on AT&T converting land line customers to wireless and said that it is affecting seniors in the area.

COMMUNICATIONS

Planning & Zoning News available.

PUBLIC COMMENT – None.

STAFF COMMENTS

Myer mentioned upcoming training sessions and asked members to let staff know if they were interested.

COMMISSIONER & CHAIRPERSON COMMENTS

It was moved by Griswold, seconded by Nixon to live stream future meetings so that if members can't attend, they can still watch, along with the public.

Discussion ensued.

Lautner stated that they couldn't make this by motion at this point in the meeting, but they could recommend it to staff. Motion was withdrawn. Members were all in agreement, that this would be recommended to staff.

Yoder asked everyone to keep Todd and her husband in their prayers.

ADJOURN

Meeting adjourned at 6:17 p.m.

LEELANAU COUNTY PLANNING COMMISSION APPROVED BYLAWS

Adopted by the Leelanau County Planning Commission, pursuant to the Michigan Planning Enabling Act, P.A.33 of 2008, as amended, and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, as follows:

ARTICLE I: AREA

The area served by the County Planning Commission shall include all lands legally included within the present or future boundaries of the unincorporated portions of the County of Leelanau, State of Michigan.

ARTICLE II: PURPOSE AND DUTIES

Section 2.1 - Purpose

As stipulated in the Michigan Zoning Enabling Act, and in accordance with present and future needs for best promoting the health, safety and general welfare of the inhabitants of the County, this Commission shall participate in drafting plans for the County and use them to encourage a coordinated and harmonious development of the County. The Commission shall take overall responsibility for advising the County Board of Commissioners in all zoning matters.

Section 2.2 – Duties

The County Planning Commission is responsible for:

- a. Preparing and maintaining a plan for the development and/or protection of the peninsula. It will be responsible for adopting the **Leelanau General Plan**. Review of the Plan should be performed at least once every 5 years.
- b. Preparing and updating a Capital Improvements Plan, and submitting it to the County Board of Commissioners on a regular basis for use during the budgeting process.
- c. Preparing special studies and plans, as deemed necessary by the County Board of Commissioners.
- d. Preparing an Annual Report and submitting to the County Board of Commissioners, and all local units of government in the county.
- e. Reviewing and commenting on proposed new public facilities or improvements.
- f. Making recommendations on proposed township plans and/or rezoning or text amendments.
- g. Assisting in the development of model regulations for use by the county or local governments.
- h. Educating the general public about the values and benefits of planning.
- i. Welcoming citizen comments on local planning and zoning issues and acting upon or referring those comments as appropriate.
- j. Learning about and staying up to date on the responsibilities of the Planning Commissioners and on various tools available in implementing local plans.
- k. Coordinating planning and associated development regulations with other governmental units and public agencies.
- l. Attempting to prevent incompatible planning and zoning.

ARTICLE III: MEMBERSHIP AND REPRESENTATION

Section 3.1 - Membership and Appointment

The Planning Commission shall consist of eleven (11) members. All members of the Planning Commission shall be appointed by the County Board of Commissioners, in accordance with the Michigan Planning Enabling Act, and the Leelanau County Planning Commission Ordinance of May 17, 2011, and preferably based on recommendations from the County Planning Commission. Appointments shall be done according to Section 102, C of the Leelanau County Planning Commission Ordinance, adopted by the Board of Commissioners on May 17, 2011 as follows:

1. One seat to represent the interests of Transportation
2. One seat to represent the interest of Business
3. One seat to represent the interests of Economic Development
4. One seat to represent the interests of Education
5. One seat to represent the interests of Finance
6. One seat to represent the interests of Recreation
7. One seat to represent the interests of Legal and Real Estate
8. One seat to represent the interests of Agriculture
9. One seat to represent the interests of Tourism
10. One seat to represent the interests of Municipal Government
11. One seat to represent the interests of a member of the Leelanau County Board of Commissioners

Section 3.2 - Removal

The county board of commissioners may remove a member for nonperformance of duty or misconduct.

Section 3.3 - Term

The term of each member shall be for three (3) years, except for any member appointed as the County Board of Commissioners representative, whose term shall be for one (1) year. All vacancies for unexpired terms shall be filled for the remainder of such term. In the absence of that member appointed as the County Board of Commissioners representative, his/her alternate, as duly designated by the County Board of Commissioners, shall be entitled to sit in his/her place and stead and shall qualify as a member in all respects for as long as that member appointed as a County Board of Commissioners representative shall remain absent.

Section 3.4 - Attendance

Should any member of the Planning Commission miss three (3) consecutive regularly scheduled meetings, notice of the three (3) missed meetings will be provided to the County Board of Commissioners. Members shall notify staff at the earliest available opportunity of any absences prior to a meeting. Notification of said absences will be documented in the meeting minutes.

Section 3.5 - Training

Members of the Planning Commission shall attend at least one training workshop within one year of their Planning Commission appointment, as long as such workshops are offered. Members are encouraged to attend training workshops every year thereafter. Failure to comply with this section may be considered non-performance of duty or misconduct, and subject to removal as per section 3.2.

Section 3.6 - Voting

~~An affirmative vote of the majority of a quorum of the Commission present for the conduct of business shall be required for the approval of any requested action or motion placed before the Commission except for procedural motions as prescribed in Roberts Rules of Order.~~ Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last. Any member may be excused from voting only if that person has a bonafide conflict of interest as recognized by the majority of the remaining members of the Commission, as outlined in Section 3.7. A member may not abstain from voting unless there is a recognized conflict of interest.

All questions which shall arise at a meeting shall be determined by a vote of the majority of the members of the Planning Commission.

The affirmative vote of eight (8) members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

Section 3.7 - Conflict of Interest

- A. All members of the commission and all members of staff shall avoid situations which are conflicts of interest, and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
1. Issuing, deliberating, voting or reviewing a case concerning himself/herself.
 2. Issuing, deliberating, voting or reviewing a case involving a corporation, company, partnership, or any other entity in which he/she is an owner or part owner, or any other relationship where he/she may stand to have a financial gain.
 3. Issuing, deliberating, voting or reviewing a case which may result in a direct financial benefit to himself/herself.
 4. Issuing, deliberating, voting or reviewing a case concerning members of his/her household, or relatives, including, but not limited to children, grandchildren, spouse, parents, grandparents, in-laws, etc.
 5. Issuing, deliberating, voting or reviewing a case where an employee or employer is:
 - a. an applicant or agent for an applicant, or
 - b. has a direct financial benefit in the outcome.
 6. Issuing, deliberating, voting, or reviewing a case where the commissioner was a paid consultant or attorney related to the case being deliberated by the commission. *
 7. Issuing, deliberating, voting, or reviewing a case where the commissioner has previously voted on the issue/case in the jurisdiction presenting the case to the commission. E.g. Village or Township Planning Commission. *
 8. Issuing, deliberating, voting, or reviewing a case where the commissioner will be expected to vote on the case when reported back to the village council or township board.
- * Commissioners recusing themselves for these reasons may function as the representative of the jurisdiction bringing the case by answering specific questions presented by other commissioners.
- B. Members of the commission and members of staff shall declare a possible conflict of interest immediately following the agenda approval during the meeting of the commission. If it is recognized by the remaining majority of those commission members present for the conduct of business that a conflict of interest exists, the member of the commission or staff will cease to participate in the issuing, deliberation, voting or review or any attempt to influence same, and they should remove themselves from the deliberating table.
- C. Members of the commission shall comply with the Leelanau County Conflict of Interest Policy, as adopted by the Leelanau County Board of Commissioners on September 17, 2013 in addition to the policies outlined above.

ARTICLE IV: COMMISSION MEETINGS

Section 4.1 Meetings

- A. Regular meetings of the Commission shall be held generally once each month at a time and place to be designated by the Commission at the first meeting in January. All Commission and committee meetings shall be open to the public as required by the "Open Meetings Act", Act 267, P.A. 1976, as amended, and the Commission members shall comply with all OMA requirements.

No individual Planning Commission member shall represent that he or she is speaking on behalf of the Commission unless authorized to do so.

B. Special Meetings

The Commission shall convene for the purpose of holding Special meetings only upon the written request to staff, from the Chairperson or by two (2) members, specifying the time, date, place and the purpose of such meeting. The fee for a special meeting is \$350. When a special meeting is called by written request, staff shall immediately communicate the meeting information to each member within 24 hours in one or more of the following ways:

- Via confirmed telephone call; or
- Via confirmed email.

Staff shall post a public notice at least eighteen (18) hours before the Special meeting, as required by the Open Meetings Act, 1976 PA 267, as amended. Public notice shall be posted in the Government Center, and on www.leelanau.gov.

C. Modifications to a Regular Scheduled Meeting

Any proposed change to a Regular scheduled meeting date, such as time, day, or location, shall be made only upon the written request to staff, from the Chairperson or by two (2) members. The written request will propose a new time, day, and/or location and the reason. Staff shall immediately communicate the proposed change to all members. Upon confirmation of a quorum of members agreeing to the change, staff shall immediately communicate the new meeting information to each member within 24 hours in one or more of the following ways:

- Via confirmed telephone call; or
- Via confirmed email.

Staff shall immediately post a public notice of the change, in the Government Center, and on www.leelanau.gov.

In the event of cancellation due to inclement weather, unforeseen emergency, lack of Business items, or lack of quorum, staff shall immediately contact each member to notify of the cancelled meeting, send appropriate notice to the media and the mail list through use of email, ~~fax~~, and/or phone call, and post the cancellation at the Government Center.

Section 4.2 - Public Notice

Within ten (10) days after the first meeting, the Annual Schedule of Regular Meetings shall be prominently displayed in the principal office and in the public building where the meetings are held and shall be posted on www.leelanau.gov. The Annual Schedule of Regular Meetings shall include the dates, times and places of the meetings and the name, address and telephone number of the Commission. Within three (3) days after any change is made in the Annual Schedule of Regular Meetings, such changes shall be prominently displayed in the principal office and in the public building where the meetings are held and within ten (10) days shall be posted on www.leelanau.gov. Notice of Special or Rescheduled meetings shall be prominently displayed in the principal office and in the public building where the meetings are held at least eighteen (18) hours prior to the time the Special or Rescheduled meeting is to be held and posted on www.leelanau.gov.

Section 4.3 – Meeting Procedure

For purposes of discussion and action for each item on the agenda and each motion introduced during the planning commission meeting, the following procedure should be followed:

1. The staff report is reviewed.
2. The applicant is allowed to comment.
3. Discussion, questions and answers between members of the commission and staff or consultants.
4. Discussion, questions and answers with the applicant.
5. Others in attendance are allowed to comment. At the Chairperson’s discretion, a time limit may be

- imposed for every individual.
- 6. Reading of correspondence received on the issue.
- 7. Applicant comments.
- 8. A motion is introduced.
- 9. Call the question and vote on the motion.

Section 4.4 - Public Hearing Procedure

Any person shall be permitted to address any meeting of the Commission during the time specifically provided on the agenda. In addition, anyone may speak at the time a subject is under discussion and must direct their remarks to the Chairperson, and shall speak only to the subject.

When a public hearing is scheduled on an agenda, the procedure for conducting the public hearing shall be as follows:

- A. Public Hearing (on case number)
 - 1. The Chairperson declares the hearing open, and states its purpose. He/She summarizes the rules of procedure, or provides copies of the rules.
 - 2. The Planning Director or a designee presents the petitioner's request, the Planning Department's staff report on the matter (including reasons for any recommendation), plus a copy of the petitioner's request.
 - 3. The petitioner - in person, by agent or by attorney, as stated on the submitted application - may present his/her case, including presenting witnesses on his/her behalf. The petitioner shall be given a reasonable time to present the case.
 - 4. Members of the public who support the petitioner may speak and correspondence may be read.
 - a. The Chairperson may recess the meeting for a short time to allow those in support to caucus in order to choose a spokesperson to speak on their behalf for fifteen (15) minutes, if there are a large number of people present.
 - b. The Chairperson may allow anyone to speak in favor of the petitioner and may impose a time limit of three (3) minutes or less per speaker.
 - 5. Members of the public who oppose the petitioner may speak and correspondence may be read.
 - a. The Chairperson may recess the meeting for a short time to allow those in opposition to caucus in order to choose a spokesperson to speak on their behalf for fifteen (15) minutes, if there are a large number of people present, or
 - b. The Chairperson may allow anyone to speak in opposition to the petitioner and may impose a time limit of three (3) minutes or less per speaker.
 - 6. Rebuttal. Anyone may ask the Chairperson questions on presentations or statements given at this hearing. The Chairperson will seek an answer to the question. Responses shall be made to the Chairperson. No discussion, questioning or answering shall take place between any two or more people except between the Chairperson and the individual who has the floor.
 - 7. Close the Public Hearing (At which point all public participation on the issue ends).
- B. Business Session (may immediately follow public hearing or be held later in the meeting). (Action on pending case number___)
 - 1. Discussion: Review of facts based on all information presented (from the application, zoning ordinance, physical characteristics of the parcels, staff reports, hearing testimony, etc.). Discussion continues until a member is confident enough to propose a motion that includes a conclusion and rationale explaining why conclusions are reached.

2. Discussion on the motion.
3. Action on the motion. Action may include approval, denial or postponing.

Section 4.5 - Minutes

The Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations which record shall be a public record. Minutes shall be kept of each meeting, including hearings and site inspections, showing the date, time, place, members present, and members absent. All motions, who moved and who seconded, the reasons given, and the outcome, must be complete and precise, with roll call votes recorded. Less formal decisions should also be noted, with the gist of the discussion. The purpose for which any closed session is held shall be recorded, but not its discussion. Proposed minutes shall be available for public inspection not more than eight (8) days after the meeting to which they refer. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which they are approved.

ARTICLE V: OFFICERS OF THE COMMISSION

Section 5.1 - Officers of the Commission

The officers of the Commission shall consist of a Chairperson and Vice-Chairperson from its members, to serve for a period of one (1) year, or until successors are elected. Such officers shall be elected by a majority vote of a quorum of the Commission present at the time of election. The Commission may create and fill such other offices or committees as it may deem advisable.

Section 5.2 - Temporary Chair

At the annual organizational meeting, the Planning Commission will name a member as Pro-Tem of the Commission, to perform the duties of temporary chair in the absence of both the Chair and Vice-Chair. Likewise, when the Chair or Vice-Chair are presiding, they shall have the right to turn the duties of the chair over to the Pro-Tem, should the situation warrant.

ARTICLE VI: QUORUM

Section 6.1 - Quorum

A majority of the appointed members of the Commission present at a regular or special meeting shall constitute a quorum to take action at any meeting.

ARTICLE VII: DUTIES OF THE OFFICERS

Section 7.1 - The Chairperson

The Chairperson shall be the chief executive officer of the Commission and shall preside at all meetings of the Commission. He/She shall appoint all members to committees or advisory committees, subject to the approval of the Commission, established and provided by the Commission, and shall be an ex-officio member of all committees. He/She shall vote on all motions as a Commissioner. He/She shall sign all documents authorized by the Commission.

The Planning Director shall confer with the Chairperson of the Planning Commission in the preparation of meeting agendas. Action items to be placed before the Commission shall be submitted in accordance with the Commission's adopted Meeting Schedule & Mailing Dates. In the event an action item in need of immediate attention is presented after an established deadline date, the Planning Director shall confer with the Chairperson of the Planning Commission to determine if the item is to be included on the regular meeting agenda. The Planning Commission Chairperson shall decide the fate of the request, and that decision shall be final.

Section 7.2 - The Vice-Chairperson

- A. In the event that the office of the Chairperson becomes vacant by death, resignation, or otherwise, the Vice-Chairperson shall serve as Chairperson until a new Chairperson is elected.
- B. In the event of the absence of the Chairperson or his/her inability to discharge the duties of his/her office, such duties shall, for the time being, devolve upon the Vice-Chairperson.

Section 7.3 – Secretary and Recording Secretary

The Commission may appoint a Secretary or combine this position with the Chair Pro-Tem position. Duties typically assigned to a Recording Secretary shall be provided by the Leelanau County Planning Director or his/her designee. In this capacity, he/she shall record and transmit all minutes of all Planning Commission meetings in accordance with these bylaws. He/She shall be responsible for all correspondence and notices pertaining to meetings or other business of the Planning Commission. (See Section 4.6: Minutes)

ARTICLE VIII: ADVISORY COMMITTEES

Section 8.1 - Advisory Committees

The Commission may appoint and authorize ad-hoc advisory committees to advise the County Planning Commission on how to deal with issues of greater than local concern or on other matters that may arise. Members may consist of governmental officials and individuals whose experience, training and interest in the Commission's work qualifies them to lend valuable assistance to the Commission. The Commission may also appoint various committees of competent citizens to collect information and prepare reports to the Commission on those phases of the comprehensive planning program for which the Commission is primarily responsible.

Advisory committees shall conduct their meetings at a time and place set in accordance with the Open Meetings Act (Act 267, P.A. 1976, as amended). Written notice of meetings shall specify, by agenda, business to be transacted. Each advisory committee shall post a public notice stating the time, date and place of the meeting at least 18 hours before the meeting. The notice shall be posted at or near the County Planning Department and at the County Clerk's Office. Advisory committees without sufficient commissioners to consist of a quorum, and with business limited to providing recommendations to the commission are exempt of the preceding requirements.

ARTICLE IX: COMPENSATION

Section 9.1 - Compensation

Members of the Planning Commission may be compensated for their services as provided by the County Board, including reimbursement of mileage, and per diem. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the County Planning Commission, including attendance at conferences and meetings.

ARTICLE X: COMMISSION BUDGET AND APPROPRIATIONS

Section 10.1 - Commission Budget and Appropriation

The Planning Commission shall review an annual budget prepared by the Planning Department. The County Board annually appropriates and makes available funds for carrying out the purposes and functions permitted under Act 33 of 2008, and Act 110 of 2006, as amended and may match County funds with federal, state, or other local government or private grants. The County Planning Commission may accept and use gifts and grants for Planning Commission purposes. Money so accepted shall be deposited with the County for expenditure by the Planning Commission for the purpose designated by the donor or Commission.

ARTICLE XI: ANNUAL REPORT

Section 11.1 - Annual Report

The Commission shall review an annual written report by the Planning Department to the County Board concerning its operations and the status of planning activities, including recommendations regarding actions by the County Board related to planning and development.

ARTICLE XII: AMENDMENT OF BYLAWS

Section 12.1 - Amendment of Bylaws

These by-laws, in whole or in part, may be altered, amended, added to or repealed by a majority vote of the total Commission membership at any regular or special meeting.

ARTICLE XIII: PARLIAMENTARY PRACTICE

Section 13.1 - Parliamentary Practice

For meetings of the Commission and those ad-hoc advisory committees, the rules of parliamentary practice as set forth in "Robert's Rules of Order" shall govern in all cases in which they are not inconsistent with the standing rules and orders of the Commission and not contrary to any existing laws of the State of Michigan.

Adopted by the Leelanau County Planning Commission, Thursday, July 24, 1975, at the Regular Meeting, with amendments through ~~January 26, 2021.~~ ~~January 25, 2022.~~ March 15, 2022.

Trudy Galla

From: Claire Wood <cwood@leelanauconservancy.org>
Sent: Monday, February 28, 2022 10:23 AM
To: Trudy Galla
Subject: RE: Agenda Packet for HAC Feb 14 meeting

Hi Trudy, I hope it is not too late for my blurb, let me know if you need anything else!

Claire Wood is the communications director for the Leelanau Conservancy and would like to be appointed to the Housing Action Committee. She oversees all Conservancy outreach efforts, and leads marketing strategy, manages digital and print media, fosters community partnerships, and plans engagement initiatives and events. Claire has over 10 years of experience working in communications and project management roles in both the nonprofit and private sectors. She hopes to be able to lend these skills to raising awareness of the housing issues impacting Leelanau County and to make a positive difference and give back to her community she loves so much. She also has an interest in promoting smart development and walkable communities. In addition to her professional interest in this issue, she also has a personal interest. As a young professional who loves Leelanau County and seeks to find a permanent home here, but has struggled to find adequate housing.

The Conservancy recognizes affordable housing as a major issue in our community and would like to have a representative on the housing action committee to contribute to the conversation and see how we can partner and collaborate to find solutions.

Thanks,
Claire

Trudy Galla

From: Philip Hallstedt <phallstedt@gmail.com>
Sent: Monday, February 28, 2022 11:14 AM
To: Trudy Galla
Subject: Re: Housing Action Committee

I am interested in being on the HAC. As someone involved in workforce housing via a habitat volunteer and seeking better housing solutions for seasonal and year round housing as well, I believe I can contribute to the discussions.

Phil

On Mon, Feb 28, 2022 at 10:07 AM Trudy Galla <tgalla@leelanau.gov> wrote:

Good morning, Phil.

Just wanted to let you know that if you are interested in being considered for an appointment to the Housing Action Committee, I would need something in writing expressing your interest. It could be a response to this email, if that works for you. If you do not have interest in being 'on' the committee, just let me know.

Trudy

Trudy J. Galla, AICP, Leelanau County Planning Director

[8527 E. Government Center Dr., Suite 108](#)

[Suttons Bay MI 49682](#)

231-256-9812

tgalla@leelanau.gov

TEXT AMENDMENT REVIEW
PC01-2022-08 Leelanau Township
Text Amendment – Commercial Resort District

Reviewing Entity: Leelanau County Planning Commission
Date of Review: March 15, 2022

Section 1: General Information

Date Request Received: March 7, 2022

Last Day of Review Period: April 6, 2022 (30-day review period under the Michigan Zoning Enabling Act)

Requested Action: Review and comment on proposed amendments to the township zoning ordinance: Article 2 – Definitions, Article 3 – Land use Districts, Article 6 – Commercial Districts, and Article 15 – Environmental Standards.

Applicant: Leelanau Township Planning Commission
Steve Kalchik, Chairman

Section 2: Proposal

See Appendix for a copy of the proposed text amendments.

Section 3: Other Planning Input

Township Plan: The Leelanau Township Master Plan (2010) (Currently in the process of being updated) does not specifically address the amendments.

Leelanau General Plan: The Leelanau General Plan (2020) does not specifically address the amendments.

Township Planning Commission:

A public hearing was held on February 10, 2022. (See attached draft minutes and correspondence).

Link to the Public Hearing:

Topic: Leelanau Township's Planning Commission Meeting - Feb 10, 2022 05:57 PM

Meeting Recording: https://us02web.zoom.us/rec/share/6JgrNdD4WLlzH-5o2uhuaWiLTMAaPe5Vzwd_Spo27fNp7vpB1aQ2D-WMVh09SCXG.muHwYulglvyedgaY

Following the public hearing, the township planning commission passed the following motion:
Motion by Harder to recommend approval of the Draft Zoning Ordinance Amendment that amends Sections 2, 3, 6, & 15 of the Leelanau Township Zoning Ordinance, as amended tonight, to the Leelanau Township Board, and forward to the Leelanau County Planning Commission for their review.

Seconded by Chakroff.

Discussion: None

Roll Call Vote:

Ayes: Mitchell, Chakroff, Weber, Harder, Rebori, Hart, Kalchik

Nays: None

Motion Carried 7-0

(Note: The motion stated Sections 2, 3, 6, and 15 and should be 2, 3, 7, and 15. Discussion on the amendments was also held at the 9/9/21 and 9/23/21 meetings of the planning commission and can be found online.)

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 below.

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:

The township zoning ordinance can be found at this link: <https://leelanautownshipmi.gov/home/document-center/> However, as noted below, this version is from 2012 and is not up to date. Included in the Appendix is a copy of Article 7, which was amended in 2020.

Section 5: History

On January 28, 2020, the county planning commission heard a request (Staff Report PC02-20-08) from Leelanau Township to amend the Commercial Resort (CR) zoning district for Private Events. The amendment originated from a request by a property owner in the CR district. The Amendment provided location and operational standards for private events, and modified the intent of the CR district.

(Staff Note: The online zoning ordinance for Leelanau Township states it is updated through August 2012. It does not contain the changes from this amendment. The township needs to provide the most up to date version of the zoning ordinance on the website, for access by the public.)

On June 22, 2021, the county planning commission heard a request (Staff Report PC05-2021-08) from Leelanau Township to add Section 10.9 Authority to Impose a Temporary Moratorium of Zoning Ordinance Provisions.

(Staff Note: The Township had adopted Ordinance No. 2 of 2021 which imposed a moratorium on recreational vehicle parks and campgrounds for 180 days or until an amendment to the Zoning Ordinance was adopted, whichever occurs first. This Section 10.9 is not in the online version of the zoning ordinance yet it was adopted by the Township Board on November 29, 2021. There is also no Section 10.8 listed in the zoning ordinance. As noted above, the most up to date version of the zoning ordinance needs to be placed on the website and updated whenever the Township Board amends the ordinance.)

Section 6: Staff Comments

It is important to note that this is an Amendment to the township's zoning ordinance which would affect any owner interested in developing a Campground (including Recreation Vehicle RV Park) as a Special Use in the CR District.

The township zoning map shows 5 areas within the Commercial Resort zoning district (see attached map):

- 1) An area west of Omena on E. Tatch Rd. which includes 5 parcels owned by the Grand Traverse Band of Ottawa and Chippewa Indians, and 13 acres containing Sunset Lodge. (The Commercial Resort boundary in this area does not always follow the property boundary lines.)
- 2) Baypointe Condo, Aghosatown Landing Marina & RV Sites, Northport Bay Retreat, Sunrise Landing, and Roby's Retreat. (It also appears to include a couple residences.)
- 3) Shady Trails Camp
- 4) RVTS Acquisition, NM Investment Co., Gregory Brothers Farms. This area is the location of Timber Shores. (To the east and along the water are 13 residences on N. Indian Camp Rd. that are not in the CR district.)
- 5) Indian Beach Association. (This area also falls within the township sewer district.)

Table 3.5A Schedule of Regulations, footnote #18, states that all CR districts shall include ten (10) or more contiguous acres and such districts may consist of one or more parcels. The majority of parcels currently zoned for CR would not meet the minimum acreage requirement. If they do, they also have to meet all the setback requirements and buffering which may reduce the useable area for a campground to a point it is no longer feasible. According to the county's mapping system and parcel data, parcels in the CR district which are 10 acres or more are: Shady Trails Camp, Aghosatown Landing Marina & RV Sites, Sunrise Landing, and Timber Shores. Any proposed development on any parcel in the CR district would fall under the requirements of the CR district and would be reviewed at the township level, not the county level.

The proposed amendments will amend Article 2 – Definitions, Article 3 – Land Use Districts, Article 7 – Commercial Districts, and Article 15 – Environmental Standards.

The Township is proposing to delete the definitions in Section 2.2B for:

Campgrounds
Recreational Vehicle Park and Campground
Recreational Vehicles
Set-Back Lines

The township is proposing to **add** definitions for:

Campground
Recreational Unit
Primitive Campground
Impervious Surface
Impervious Surface Coverage
Permanently Submerged Lands
Grading
Setback
Setback Lines
Lot Lines
Lot, Corner
Lot, Through

The township is proposing to **add** a new Section 2.2.C and add Figure 2.2.C.1 and 2.2.C.2 – figures supporting definitions such as front lot line, side lot line, side yard setback, through lot, corner lot, etc.

The township is proposing to **amend** Article 3, Section 3.5 - Table 3.5A Schedule of Regulations by changing some of the setbacks, add a standard for maximum impervious surface coverage for the Commercial Resort District, and changes to the footnotes.

Note: the online version of the Leelanau Township Zoning Ordinance shows 24 footnotes. The proposed amendments add footnotes 26, 27 and 28. Should these be 25, 26, and 27? Or, is there a footnote missing in the online version of the township's zoning ordinance?

The township is proposing to **add** footnote #28 for the Commercial Resort (CR) district for a maximum impervious surface coverage of 25%. Will any other zoning districts, such as the Commercial, have a similar requirement for maximum impervious surface coverage?

The current Section 7.3 CR district includes language in the Intent section to 'Offer limited outdoor recreation opportunities such as Recreational Vehicle Parks, Marinas, Golf Courses, and Active and Passive Recreation. The proposed text would *delete* 'Golf Courses' from the intent section.

The township is proposing to amend Section 7.3.C.3., Special Uses in the Commercial Resort district, in its entirety. Section 7.3.C lists Special Uses 1, 2, 3, and 4. Only #3. Recreational vehicle parks and campgrounds, is being replaced with the proposed text. All of the special uses are subject to the requirements of Article 11 Site Plan Review.

On page 10 of the proposed document, Item 9, states that outdoor storage will be located in an approved, secured, and screened location "not visible" from rights-of-way or adjacent properties. Not visible in the summer months will be different than not visible in months where foliage is off the trees/shrubs. The type of plantings and the topography will determine if the storage will be visible or not, throughout the year.

On page 10, Item 10 lists special buffering requirements to minimize impacts on surrounding property based upon topography, location, proximity to residences, or other impacts. What would fall in the category of "other impacts"? Would it be better to have these listed in the ordinance so an applicant is aware of all the impacts that might require special buffering?

On page 11, Item ii at the top discusses Employee Housing. The Commercial Resort district might be a good location for Employee Housing, as well as other housing options that are needed for workers in the township. Housing is crucial for our businesses, our schools, and our communities. The CR district might be an opportunity for the township to encourage additional housing options to meet these needs.

On page 11, c. Operational Standards, #3, discusses outdoor lighting which must meet the township's Nuisance Ordinance. Does this address Night Sky? #6 on this page requires the applicant to obtain any other required permits or licenses. Staff suggests wording be added that the County must be contacted to obtain addresses and/or road names. Road names should be reviewed and approved through the Planning & Community Development office, prior to final approval of any plans, in order to make sure there are no road names submitted for a development which are already in use in the county. The Planning & Community Development office have dealt with instances where a development with new roads is approved, and recorded at the county, and road names in the development that duplicate existing road names must then be changed. In order to alleviate these issues and save time, the developer should be required to work with our office prior to final approval of plans.

On page 12, under Management Plan, item viii states there will be detailed measures to mitigate impact from smoke on neighboring properties. How? Will there be any requirements that outdoor pits/campfires will not be allowed during dry times, or high winds? Will there be requirements that these pits/campfires be allowed only in certain areas on the property, or be restricted to a maximum number?

It is important to note that this review is for the proposed amendments to the zoning ordinance. Past history includes a moratorium the township adopted while they addressed changes to their zoning ordinance, a lawsuit

against the township by the owners of Timber Shores, and a settlement agreement with the owners of Timber Shores. In addition, staff has received some correspondence related to the proposed development for Timber Shores, as well as the proposed amendments. Neither staff, nor the county planning commission, is reviewing the proposed development plan for the Timber Shores area, or for any development within the township. That review is done by the township, and is not required to be submitted to the county. However, as required by the Michigan Zoning Enabling Act (MZEA), proposed changes to a township zoning ordinance must be submitted to the county and the county has 30 days in which to review and provide its report back to the township.

Michigan Zoning Enabling Act:

125.3307. Review and recommendations after hearing; submission to township; submission to coordinating zoning committee; waiver of right to review.

Sec. 307

(3) The county will have waived its right for review and recommendation of an ordinance if the recommendation of the county zoning commission, planning commission, or coordinating zoning committee has not been received by the township within 30 days from the date the proposed ordinance is received by the county. (Emphasis added)

The following excerpt is from **Michigan Zoning, Planning, and Land Use** and is included here for reference with regard to amending a zoning ordinance when a property owner may be seeking to change the zoning or start a development. (January 2021 Update, pages 319-321)

IV. Vested Rights and Amendment of Ordinances

§ 10. 7 Generally, a municipality can change the zoning of land at any time so long as the statutory amendment procedure is followed and the new zoning is reasonable. But what happens if a municipality changes zoning or ordinance regulations while a property owner is in the process of seeking a zoning change or even after the property owner has sued the municipality?

The general rule is that a court will apply the ordinance in effect at the time the court renders its decision. *Grand/Sakwa of Northfield, LLC v Township of Northfield*, 304 Mich App 137, 851 NW2d 574 (2014); *Klyman v Troy*, 40 Mich App 273,277, 198 NW2d 822 (1972). The rule, however, is subject to two exceptions. A court will not apply an amendment to a zoning ordinance where (1) the amendment would destroy a vested property interest acquired before its enactment, *Sandenburgh v Michigamme Oil Co*, 249 Mich 372,228 NW 707 (1930), or (2) the amendment is suit defensive or otherwise enacted in bad faith, *Rodney Lockwood & Co v Southfield*, 93 Mich App 206,286 NW2d 87 (1979).

Many people buy property believing that they have a right to rely on the zoning of that property and that they have a justifiable expectation that the zoning of the land around them will remain unchanged. But landowners do not have a vested interest in the current zoning classification of their land or their neighbors' land that will remain unchanged. *Lamb v Monroe*, 358 Mich 136, 147, 99 NW2d 566 (1959); *Livonia v Department of Soc Servs*, 123 Mich App 1, 20-21, 333 NW2d 151 (1983), *aff'd*, 423 Mich 466,378 NW2d 402 (1985); *Baker v Algonac*, 39 Mich App 526, 535, 198 NW2d 13 (1972). A Michigan landowner does not acquire a vested right to a particular land use until it has made substantial physical improvements to the land pursuant to a validly issued building permit. *Dingeman Adver, Inc v Algoma Twp*, 393 Mich 89,223 NW2d 689 (1974); *Lansing v Dawley*, 247 Mich 394,225 NW 500 (1929); *Dorman v Township of Clinton*, 269 Mich App 638,649, 714 NW2d 350 (2006).

Monies spent preparing to construct will not suffice to create a vested right in the current zoning classification. In *Dawley*, the landowner obtained a building permit to erect a business building but, prior to construction, the city passed a new ordinance precluding the construction and notified the landowner that his permit had been revoked. The landowner claimed that because he had made substantial expenditures in time and money, he had acquired vested property rights that could not be taken away by a change in the ordinance. The Michigan Supreme Court rejected his arguments, finding that the preliminary work of ordering plans and causing a survey of the lot to be made was not sufficient to create a vested right to erect the building and that the amendments to the zoning ordinance would apply. *Accord, Bevan v Brandon Twp*, 438 Mich 385, 475 NW2d 37 (1991); *Cackler Land Co v Yankee Springs Twp*, 427 Mich 562, 572-574, 398 NW2d 393 (1986); *Franchise Realty Interstate Corp v Detroit*, 368 Mich 276, 118 NW2d 258 (1962); *Bloomfield v Beardslee*, 349 Mich 296, 84 NW2d 537 (1957). *But see Dingeman Adver, Inc.*

The substantial improvements also must be made under authority of a building permit in order for the landowner to acquire a vested interest in the current zoning. In *Schubiner v West Bloomfield Twp*, 133 Mich App 490, 351 NW2d 214 (1984), after obtaining site plan approval, the landowners took a number of steps toward preparing the site for development, including preparing an architectural survey and working drawings for the building, meeting with the road commission to determine improvements needed to the adjacent thoroughfare, removing a building and filling the excavation, and rough grading the land at a cost in excess of \$100,000. Due to the passage of time from difficulties in obtaining financing, a renewal of the site plan was required. The landowners were advised by staff that site plan renewal was routinely granted but, instead, the landowners' request was placed on the township board agenda because the township was working on an amendment to the zoning ordinance that would, in essence, prevent the previously approved development. Plaintiffs' request was tabled and, in the interim, the ordinance was amended. Based on that amendment, the township denied the site plan renewal request. The court held that plaintiffs could not acquire a vested right under an approved site plan:

Under all of the cases cited herein a building permit, or its counterpart, a permit to commence operations, is the *sine qua non* for obtaining "vested rights". An approved site plan is not a permit to build. The features of reliance and estoppel which may give rise to a vested right under a building permit do not necessarily arise under an approved site plan which, by statute, merely signifies that the proposed use complies with local ordinances and federal statutes Furthermore, the grant of a permit to build does not in itself confer on the grantee "vested rights". Actual construction must commence The making of preparatory plans, landscaping, and the removal of an existing structure is not sufficient. ... Where the building permit has been applied for but has not been issued, "vested rights" are not acquired even though substantial sums have been expended by the applicant. ... Given the current state of Michigan authority, there is simply no way this Court can conclude that plaintiffs acquired a vested right to a nonconforming use of their land.

Id at 501 (citations omitted). In other words, in order to obtain a vested right in an approval or development, a property owner must obtain a building permit and begin substantial construction.

The second exception to the general rule that the court will apply the ordinance in effect at the time of the court's decision is for ordinance amendments passed in bad faith and with unjustified delay. The test of bad faith is whether the amendment was enacted for the purpose of manufacturing a defense to a lawsuit.

Rodney Lockwood & Co, 93 Mich App at 211. The court will consider the timing of the ordinance amendment in relationship to the property owner's application, the significance of the amendment in relationship to the expressed goals of the community, the application of the amendment to similar property owners, the reach of the regulation beyond the litigation, and the relationship of the ordinance amendment to a view of the total circumstances, among other things. The fact that the property owner's application motivated the change is not, in itself, dispositive of the question. The issue of bad faith is factual and will be determined by the trier of fact after consideration of all relevant factors. See *Willingham v Dearborn*, 359 Mich 7, 101 NW2d 294 (1960) (bad faith shown). But see *Grand/Sakwa of Northfield* (amendment that was partially motivated by desire to defend against litigation was not done in bad faith where evidence also showed that board acted pursuant to development recommendations of newly hired land use planner); *Great Lakes Soc'y v Georgetown Charter Twp*, 281 Mich App 396, 761 NW2d 371 (2008) (amendment that applied to all property in township was clearly intended to clarify what was always intended under ordinance, even though need for clarification only became apparent by plaintiff's application); *MacDonald Adver Co v McIntyre*, 211 Mich App 406, 536 NW2d 249 (1995) (clear that amendment was not enacted to manufacture defense to litigation where plaintiff was informed, when it applied for building permits, of new draft billboard ordinance and knew that some of its proposed billboards would not be permitted under amendment).

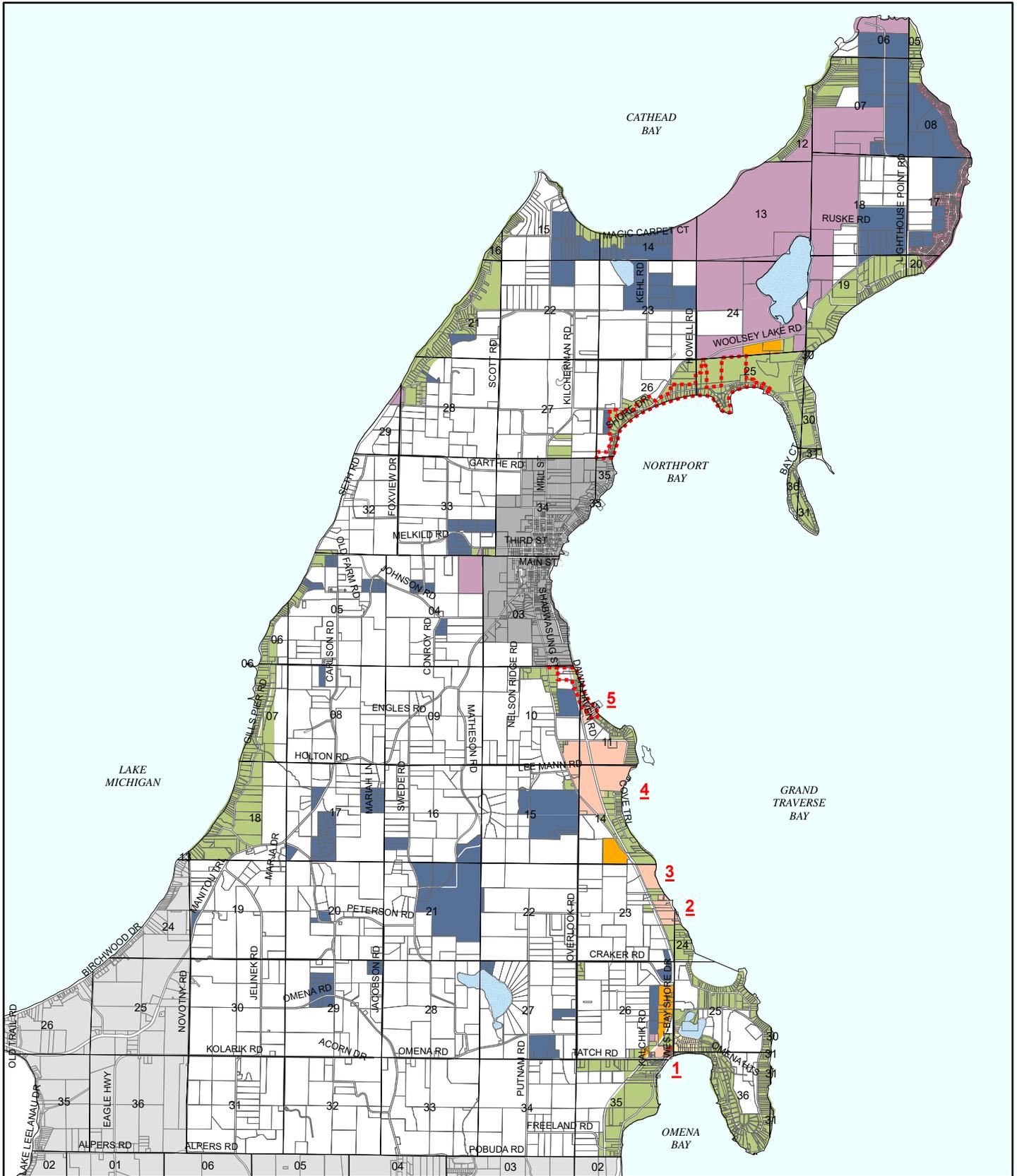
Corrections: Page 1 of the proposed amendments from the township lists the articles to be amended. It lists Article 6 – Commercial Districts which should be **Article 7**. The motion following the township planning commission public hearing also mentions 6, not 7. The proposed amendments also list Article 15 Environmental Standards. The online copy of the zoning ordinance lists Article 15 Environmentally Sensitive Areas. On page 8 of the proposed amendments, 3.a. Intent, it lists Article 15 Environmental Standards and Review. Which is correct? The current version of the zoning ordinance should reflect the proper names for each Article.

The draft minutes from the Public Hearing show the Public Hearing was opened, there was an introduction and some comments by the members, and then the floor was opened to public comment. The minutes do not reflect when the Public Hearing was closed. Public Hearings are for public comment and should be opened, public provides comments, and then it is closed. Further discussion and action by the members is then taken after the Public Hearing has been closed.

The appendix to this staff report includes a submittal from the township of correspondence which it has received. The appendix also includes a letter submitted to the county by Varnum Attorneys at Law on behalf of Timber Shores RV Resort and Campground. The letter asks the county to consider the proposed revisions to Section 15.5A from Timber Shores. As stated earlier in the staff report, the report and the county planning commission review is on the proposed amendments submitted by the township. It would not be proper to make a recommendation to the township on proposed language that was not submitted to the county from the township.

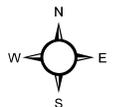
The proposed amendments presented to the county by Leelanau Township Planning Commission state that a planner was hired to work on this language, and it was reviewed by the township's attorney. Staff suggests the township confer with its attorney if it feels there are any concerns with the proposed text that require further review. The township has the right to amend its zoning ordinance, and should make sure all the proper procedures take place during the amendment process. The final decision on the proposed amendment will be taken by the Township Board. That decision is final, unless properly petitioned for submission to the electors, as outlined in the Michigan Zoning Enabling Act.

LEELANAU TOWNSHIP



Zoning Districts

- | | | | | | |
|---|-------------------|---|---------------|---|--------------------------|
|  | Agricultural |  | Industrial |  | Residential Conservation |
|  | Commercial |  | Residential 1 |  | Township Sewer District |
|  | Commercial Resort |  | Residential 2 |  | Village of Northport |
|  | Governmental |  | Residential 4 |  | Lakes |



0 0.25 0.5 1 Miles

Appendix

Proposed Amendment, and Documents from Township

Trudy Galla

From: Steve Patmore <zoningadmin@suttonsbaytwp.com>
Sent: Monday, March 7, 2022 11:08 AM
To: Trudy Galla; Gail Myer
Subject: Leelanau Township Zoning Amendment
Attachments: 2022-02-10 PC Recommended for Approval.pdf; 2022-02-10 Highlight content changes.pdf

Attached are:

- Copy of the Zoning Amendment that was recommended by the Leelanau Township Planning Commission.
- A version of the same document highlighting the non-punctuation corrections made at the February 10th Public Hearing. (highlights the content changes from the previous version that I sent you.)

I am working on a history of the amendment.

Here is the link to the Public Hearing: Topic: Leelanau Township's Planning Commission Meeting - Feb 10, 2022 05:57 PM

Meeting Recording:

https://us02web.zoom.us/rec/share/6JgrNdD4WLLzH-5o2uhuaWiLTMAaPe5Vzwd_Spo27fNp7vpB1aQ2D-WMVh09SCXG.muHwYu1glvyedgaY

I will send the Minutes from my Leelanau Township Office.

Steve

Background of Leelanau Township Zoning Amendment

March 2022

In March 2021, the Leelanau Township Board adopted a 180-day moratorium on special use permits for campgrounds and RV parks in the Commercial Resort Zoning District of Leelanau Township, and asked the planning commission to conduct a review of the existing zoning ordinance language related to campgrounds and RV Parks.

The township board authorized retaining a Professional Planner, Nathan Mehmed, of Williams & Works to assist the planning commission with this review.

The planning commission review with Planner Mehmed started in April 2021 and included the following major components:

- Review of the current zoning ordinance sections that relate to RV parks and campgrounds.
- Preparation and distribution of a special public input survey (Survey Monkey) on campgrounds and RV Parks, and encouraged township property owners and residents to participate in the survey. Approximately 500 responses were received.
- Review of other township ordinances on campgrounds and RV parks.
- Researched topics such as waterfront densities, keyholing, and setbacks.
- Several PC members took tours of RV parks in the area and researched their composition, rules, and standards.
- The PC heard hours of public input and comments both for and against RV parks, including input from RV park developers and also environmental groups.
- The PC held several special meetings on this topic, sometimes meeting three times per month.

This comprehensive review included the following conclusions:

- The existing Commercial Resort District language in the zoning ordinance does contain some valuable provisions for special buffering requirements, open space preservation, general layout requirements, and appropriateness of special use.
- The existing zoning ordinance language, in the special land use section and landscaping standards, does allow the township to establish conditions as part of
- The planning commission review identified concerns about the existing standards for minimum setbacks, park model cabins, impervious surface coverage, and protections for environmental sensitive areas.
- The planning commission determined that additional standards specific to campgrounds and RV Parks were needed similar to language adopted by other townships, including Suttons Bay Township.
- A zoning amendment was needed to add these standards to the ordinance.
- It was decided that several issues would be addressed as part of the Leelanau Township Master Plan Update, which is currently in process.

It should be noted that the planning commission performed this review amidst a lawsuit filed by the owners of the Timber Shores property regarding the moratorium.

The planning commission, with the assistance of Planner Mehmed, the township attorneys, and staff prepared a zoning ordinance amendment addressing these concerns.

The Public Hearing was held on February 10, 2022, and following the Public Hearing and deliberation, the planning commission unanimously recommended approval of the proposed zoning amendment.

**LEELANAU TOWNSHIP
LEELANAU COUNTY, MICHIGAN**

Draft Ordinance No. ____ of 2022

**RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION
ON FEBRUARY 10, 2022**

AN ORDINANCE TO AMEND THE LEELANAU TOWNSHIP ZONING ORDINANCE BY AMENDING ARTICLE 2 – DEFINITIONS, ARTICLE 3 – LAND USE DISTRICTS, ARTICLE 6 – COMMERCIAL DISTRICTS, AND ARTICLE 15 – ENVIRONMENTAL STANDARDS

THE TOWNSHIP OF LEELANAU ORDAINS:

Leelanau Township Ordinance Part 1: Amendment of Section 2.2.B

Section 2.2.B is hereby amended to delete the following current definitions:

~~**CAMPGROUNDS** – a tract of land developed to accommodate low density, short duration camping in tents, not including recreational vehicles. Campgrounds shall require sanitation facilities approved by the Department of Health. (Adopted Effective 3-1-02)~~

~~**RECREATIONAL VEHICLE PARK AND CAMPGROUND** – A parcel or tract of land under the control of a person, a business, or corporation, which is intended to accommodate two (2) or more recreational vehicles and/or tent sites wither free of charge or for revenue purposes, as licensed by the Michigan Department of Health, having such required accessory buildings as central shower and toilet facilities, central laundry and utility buildings; and also includes recreational facilities such as playground areas, etc., all designed and used to serve transient or seasonal type guests in said park and campground.~~

~~**RECREATIONAL VEHICLES** – Any unit which is licensed and/or unlicensed and is used or so constructed as to permit it to be used as a temporary seasonal or vacation type home for sleeping or housekeeping by one (1) or more persons, and has it's own motive power or is mounted on or drawn by another vehicle which is self powered. Such units may consist of: travel trailers, camping trailers, pop-up campers, motor homes, truck campers, house cars, slide-in campers, chassis-mount campers, or any other similar units; as defined in Public Act 171, Michigan Public Acts of 1970. Recreational vehicles do not include boats or mobile homes (as defined by this Ordinance.)~~

~~**SET-BACK LINES** – Lines established parallel to a property line along highway or waters edge for the purpose of defining limits within which no building or structure or any part there of shall be erected or permanently maintained.~~

Leelanau Township Ordinance Part 2: Amendment of Section 2.2.B

Section 2.2.B is hereby amended to add the following definitions in alphabetical order:

CAMPGROUND means a parcel or tract of land under the control of a person or any entity in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for two (2) or more recreational units. A campground does not include a seasonal mobile home park licensed under the State of Michigan mobile home commission act, as amended. This definition includes a recreational vehicle park. Under Michigan Law, campgrounds consisting of five (5) or more recreational units must be licensed by the State of Michigan.

RECREATIONAL UNIT means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered.

Recreational Unit includes the following:

1. **TENT** means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.
2. **TRAVEL TRAILER** means a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
3. **CAMPING TRAILER** means a vehicular portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
4. **MOTOR HOME** means a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
5. **TRUCK CAMPER** means a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of 2 basic types:
 - a. A slide-in camper means a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.
 - b. A chassis-mount camper means is a portable structure designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.
5. **PARK MODEL RECREATIONAL UNIT** means a recreational unit that is built on a single chassis mounted on wheels, that has a gross trailer area of not more than 400 square feet in the set-up mode, and that is certified by the manufacturer as complying with American National Standards Institute Standard A119.5.
6. **CAMPING SHELTER** means a recreational unit that is a hard-sided tent or shelter, that is less than 400 square feet in area, that is on skids designed to facilitate relocation from time to time, and that does not have a direct connection to a source of water.

A recreational unit does not include a mobile home.

PRIMITIVE CAMPGROUND means a campground where a service building that has water flush toilets is not provided and where sewer connections are not provided to sites.

IMPERVIOUS SURFACE means any hard-surfaced, man-made area that does not readily absorb or allow stormwater to infiltrate into the ground, including but not limited to buildings, roofs, or paved parking, driveways, roads, sidewalks, or paved athletic/sport courts. This does not include gravel

surfaces, wood decks, brick pavers, “green” roofs, or pavements that are designed to be permeable.

IMPERVIOUS SURFACE COVERAGE means the percentage of the gross lot area covered by impervious surfaces, as defined herein.

PERMANENTLY SUBMERGED LANDS means those lands that are always beneath water.

GRADING means the act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation.

SETBACK means the required minimum horizontal distance between any part of a structure, building (including eaves), or other designated object, and the related property line, easement, right-of-way, shoreline, waterfront, wetland, bluff line, or designated feature or datum.

SETBACK LINES: Lines marking the required setback distance from the lot lines which establish the minimum permitted front, side, or rear yards as follows:

1. **Front Setback Line:** The line marking the required setback distance from the front lot line, right-of-way, or street easement line, as applicable, which establishes the minimum front setback area.
2. **Rear Setback Line:** The line marking the required setback distance from the rear lot line which establishes the minimum rear setback area.
3. **Side Setback Lines:** Those lines marking the required setback distance from the side lot lines which establish the minimum side setback area.
4. **Waterfront Setback Line:** The line marking the required setback distance from the Waterfront Setback Datum as defined in this ordinance.

(Refer to Figures 2.2.C.1 and 2.2.C.2 for illustrations)

LOT LINES: The property lines or other described lines bounding the lot or parcel as follows:

1. **Front Lot Line:** The front lot line shall mean any line separating such lot from such street right-of-way or easement.
2. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot.
 - a. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot, parallel to, and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard.
 - b. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.
3. **Side Lot Line:** Any lot line not a front lot line, rear lot line or waterfront line.

LOT, CORNER means a lot adjacent to two (2) or more streets, roads, or easements at their intersection. Front setbacks shall be required from the right-of-way or easement line of both streets or roads. Side setbacks shall be required from the remaining lot lines. See Figures in 2.2.C

LOT, THROUGH means a lot, other than a corner lot, having frontage on two parallel, or approximately parallel, streets, roads, or easements. Front setbacks shall be required from the right-of-way or easement line of both streets or roads. Side setbacks shall be required from the remaining lot lines. See Figures in 2.2.C

Leelanau Township Ordinance Part 3: Amendment of Article 2 – Definitions, to add Section 2.2.C and add Figure 2.2.C.1 and Figure 2.2.C.2

Section 2.2 is hereby amended to add Section 2.2.C Figures Supporting Definitions in its entirety as follows:

SECTION 2.2 DEFINITIONS

SECTION 2.2.C – FIGURES SUPPORTING DEFINITIONS IN 2.2.B

Figure 2.2.C.1

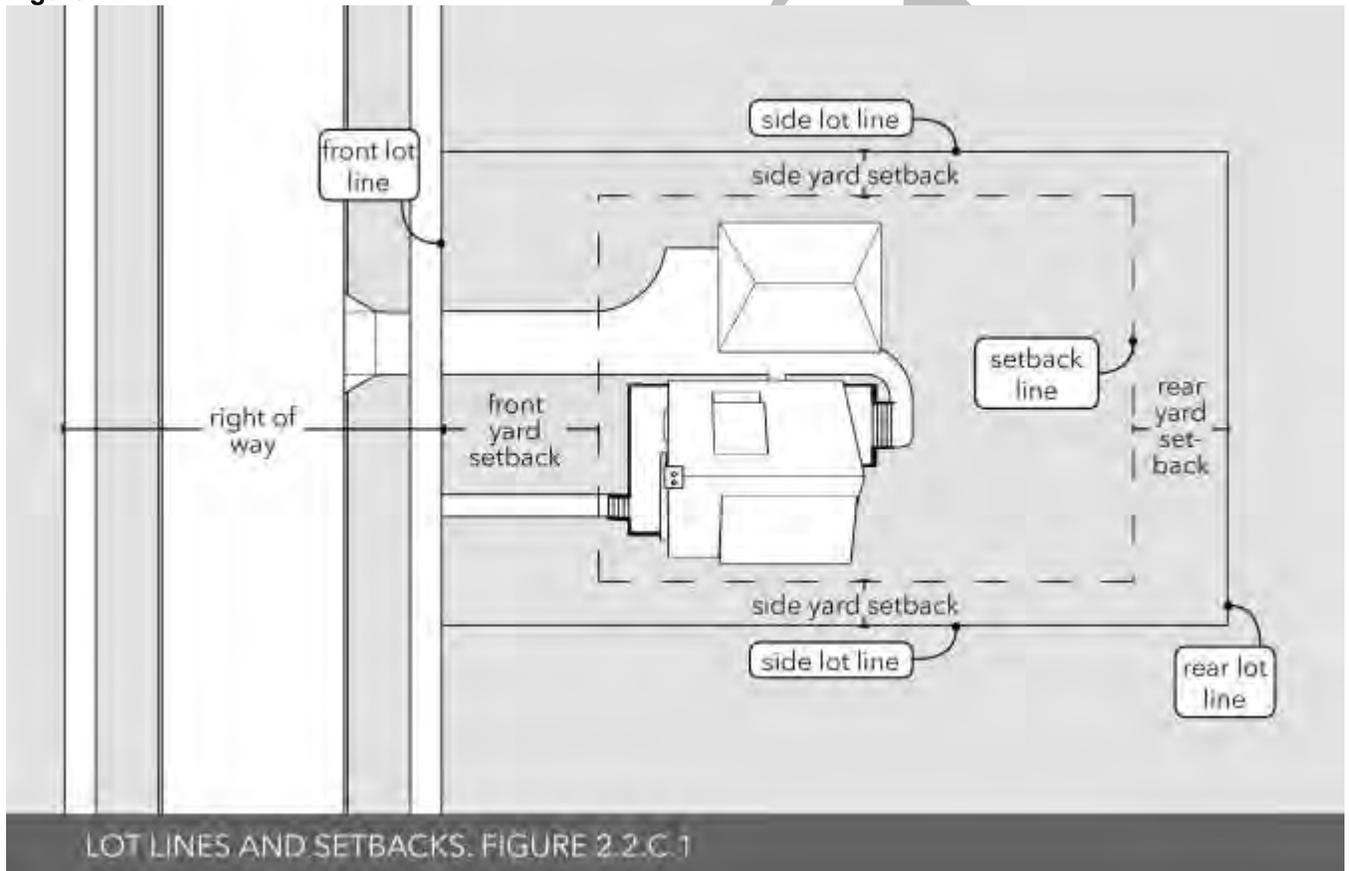
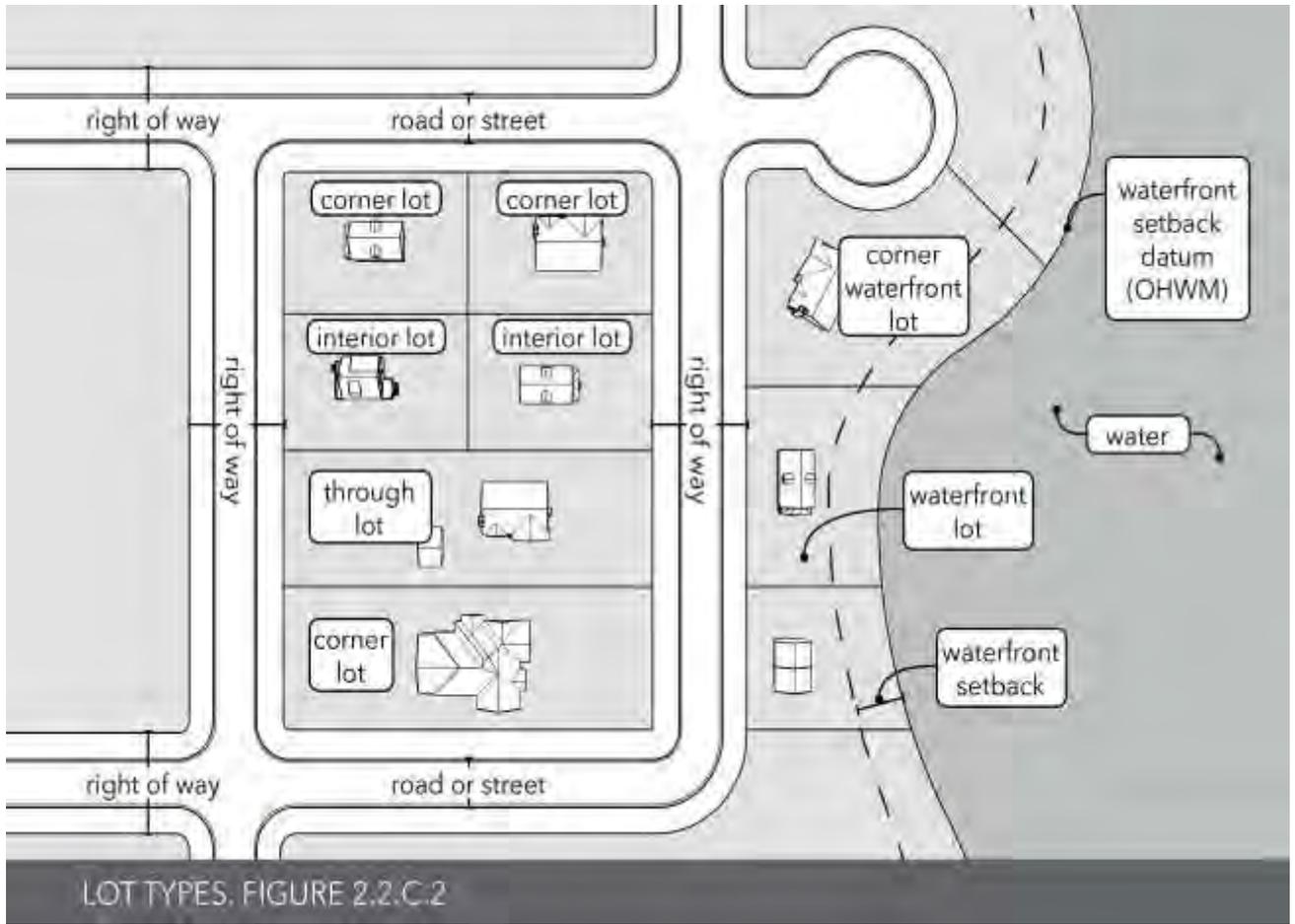


Figure 2.2.C.2



Leelanau Township Ordinance Part 4: Amendment of Article 3 – Land Use Districts, Section 3.5 – Table 3.5.A – Schedule of Regulations

1. Section 3.5 – Table 3.5.A – Schedule of Regulations is hereby amended to change the waterfront setback in the CR (Commercial Resort) District from 40' to 125'.
2. Section 3.5 – Table 3.5.A – Schedule of Regulations is hereby amended to add the words “or private” to footnote (19) as follows:

(19) A minimum setback of seventy-five (75) feet is required from a public or private road not wholly contained within the boundaries of the project parcel.

3. Section 3.5 – Table 3.5.A – Schedule of Regulations is hereby amended to add footnote (26) as follows:

(26) Setbacks on Corner Lots: Front Setbacks shall be required from the right-of-way or easement line of both streets or roads. Side Setbacks shall be required from the remaining lot lines.

4. Section 3.5 – Table 3.5.A – Schedule of Regulations is hereby amended to add footnote (27) as follows:

(27) Setbacks on Through Lots: Front Setbacks shall be required from the right-of-way or easement line of both streets or roads. Side Setbacks shall be required from the remaining lot lines.

5. Section 3.5 – Table 3.5.A – Schedule of Regulations is hereby amended to add the word “wetlands” to footnote (22) a and b as follows:

(22) a. “.....the maximum number of dwelling units permitted shall not exceed the number derived from dividing the total parcel acreage, exclusive of permanently submerged lands, **wetlands**, and all right-of-ways and easements for roads

b. “.....the maximum number of dwelling units permitted shall not exceed the number derived from dividing the total parcel acreage, exclusive of permanently submerged lands, **wetlands**, and all right-of-ways and easements for roads

Leelanau Township Ordinance Part 5: Amendment of Article 3 – Land Use Districts, Section 3.5 – Table 3.5.A – Schedule of Regulations

Section 3.5 – Table 3.5.A – Schedule of Regulations is hereby amended to add a standard for maximum impervious surface coverage for the CR (Commercial Resort) District and add footnote (28) as follows:

District	Maximum Impervious Surface Coverage (percent) (28)
CR	25%

(28) Impervious surface coverage shall be measured as a percentage of the gross acreage of the parcel(s)

Leelanau Township Ordinance Part 6: Amendment of Section 7.3

Section 7.3 is hereby amended to remove the reference to golf courses in the intent of this District as follows:

The intent of this District is to:

- Offer limited outdoor recreation opportunities such as Recreational Vehicle Parks, Marinas, ~~Golf Courses~~, and Active and Passive Recreation.

Leelanau Township Ordinance Part 7: Amendment of Section 7.3.C.3

Section 7.3.C.3 is hereby amended in its entirety as follows:

Section 7.3.C (Special Uses in the Commercial Resort District)

3. Campgrounds (including Recreational Vehicle (RV) Parks):

a. Intent:

It is the Intent of the Commercial Resort District that campgrounds (including recreation vehicle parks), when sited, buffered, and conducted properly, can be an acceptable use in a Commercial Resort Zoning District. Historically, there have been campgrounds in operation in this district.

Campgrounds, however, have the potential to disrupt neighboring residential areas by virtue of noise, traffic, smoke, trespassing, impact on the natural environment, and impact on public facilities and services. There is also the potential for overuse of the shorelines in this District.

It is the intent of these standards, in conjunction with other applicable standards contained in this ordinance, to minimize these potential impacts.

It is the intent of Leelanau Township to limit the potential impacts on surrounding properties by considering factors such as noise, traffic, topography, size of the parcel, density, dedicated open space, surrounding land uses, and proximity to residential areas during the review of each application.

It is also the intent to minimize or eliminate impacts on the natural features of the district through these standards and through Article 15 – Environmental Standards and Review.

It is the intent of Leelanau Township that campgrounds be temporary or seasonal living quarters, not permanent housing or a commercial storage facility.

b. Location and General Standards

1. Access to a campground must be on a state highway or primary county road.
2. Licensing – A campground with five (5) or more recreational units must be licensed by the State of Michigan. Campgrounds with less than five (5) recreational units shall comply with any applicable Health Department rules and regulations.
3. Density/Maximum Allowable Number of Recreational Units: The maximum allowable number of recreational units in a Commercial Resort Zoning District is based upon Footnote (22) in Section 3.5.A of this ordinance, and shall be calculated as follows:
 - i. In accordance with Footnote (22.a) in Section 3.5.A of this Ordinance, the maximum number of “dwelling units,” or recreational units permitted at a campground shall not exceed the number derived from dividing the total parcel acreage, exclusive of wetlands, permanently submerged lands and all rights-of-way and easements for roads, including boundary and access roads, by 0.35.
 - ii. Recreational units that are present on a designated camping space for longer than two-hundred (200) days in any calendar year shall count as 1.75 recreational units for purposes of determining density. This is following the intent of this District that Campgrounds be temporary or seasonal living, and not permanent.
 - iii. Any other type of proposed lodging or dwelling on the same property or within the same development shall be included in the maximum allowable units and calculated based upon the factor in Footnote (22.c) in Section 3.5.A.

- iv. The Planning Commission may establish a maximum number of allowable recreational units based upon the impact on surrounding properties and public facilities, including, but not necessarily limited to, roads, residential areas, the natural environment, and public services.

4. Sewer and Water Facilities

- i. Primitive Sites are acceptable if approved by the State of Michigan and local Health Department.
- ii. Michigan Campground Rules require a connection to local government sewer system if available (R 325.1561 Rule 11), as determined and defined by the State of Michigan.
- iii. Campground sewer and water facilities will be reviewed by the Planning Commission and/or their consultant(s) for compliance with this ordinance.

5. Campground Setbacks

- i. There shall be a minimum one-hundred (100) foot setback from any camping space, campground structure, accessory use, or access road, to any property line or right-of-way line.
- ii. The Planning Commission may require a greater setback distance from lots used or zoned for residential purposes, if, in its sole judgement, such additional setback is required to maintain the integrity of residential uses.
- iii. The setback for access roads shall not apply where the access road joins an approved entrance or exit from a state highway or county road. The access road setback may be reduced by the Planning Commission if the Planning Commission determines that there is adequate buffering and that there would be no adverse impact on the neighboring properties.

6. Park Model Recreational Units and Camping Shelter Recreational Units

- i. In order to minimize the potential impact of closely spaced units of uniform design on the character of a Commercial Resort District, the number and layout of park model recreational units and camping shelters will be reviewed by the Planning Commission. The Planning Commission will review the proposed location, spacing, density, landscaping, buffering, design, and duration of stay of these units when making their determination of the total allowable and layout of park model and camping shelter recreational units. In no case shall the total number of park model recreational units and camping shelter recreational units exceed 35% of the total recreational units in a campground.
- ii. The number, location, and layout of park model recreation units and camping shelters shall be shown on the site plan and described in the management plan.
- iii. The management plan shall include the duration of time that the park model recreational units and camping shelters will occupy recreational unit sites. Recreational units that occupy a designated campsite for longer than two-hundred (200) days in any calendar year will be considered as 1.75 recreational units for purposes of calculating allowable density. This is intended to encourage temporary and seasonal recreational units.
- iv. There shall be no accessory buildings or structures attached or adjacent to a park model recreational unit or camping shelter, except for an access landing, steps, and handicap access ramp, unless approved by the Planning Commission.

7. Access Roads – The interior access road design and layout shall be reviewed by the Planning Commission and the Fire Department to ensure adequate emergency service access and logical traffic flow.
 - i. The minimum access road width shall be twenty (20) feet in accordance with the State of Michigan Campground Rules.
 - ii. During campground operations, access roads must be kept clear of obstructions at all times to ensure emergency vehicle access.
 - iii. Entrances and access from any state highway or county road shall be approved by the appropriate road agency.
 - iv. Access roads are subject to setbacks except where they intersect a public road system, or as determined by the Planning Commission per Section 7.3.c.3.b.5.
8. General Layout Requirements. General layout requirements shall be reviewed pursuant to Section 7.3.E.
9. Outdoor Storage of Recreational Units, Watercraft, & Trailers.

Outdoor storage of recreational units, watercraft, and/or trailers shall be prohibited unless the storage is located in an approved, secured, and screened location not visible from rights-of-way or adjacent properties. To this end, the Planning Commission may require a greater setback distance to ensure compliance with this standard. Outdoor storage areas shall only be used by overnight guests or tenants of the campground and shall not be used as a commercial storage facility by the general public.
10. Buffering, Screening, Landscaping and Fencing.
 - i. Landscaping, fencing, and screening shall comply with the requirements of Section 17.3.
 - ii. In accordance with Section 7.3.F, Special Buffering Requirements, the Planning Commission may require additional buffering, screening, fencing, or landscaping to minimize impacts on surrounding property based upon topography, location, proximity to residences, or other impacts.
 - iii. The boundaries of a campground shall be clearly marked with a fence and signage as determined by the Planning Commission. Signs shall be permanent signs spaced no greater than every one hundred (100) feet and shall be facing inward towards the campground. Such signs are intended as informational boundary markers for campers, not for advertisement purposes. Each sign shall be no greater than one hundred eighty (180) square inches in area.
11. Dedicated Open Space. Dedicated Open Space shall be reviewed pursuant to Section 7.3.G.
12. Accessory Structures and Uses.
 - i. Accessory Structures and Uses: Structures and uses that are normally associated with a campground shall be reviewed by the Planning Commission for appropriateness and compatibility. Such structures and uses may include, but are not necessarily limited to offices, bathrooms, recreation rooms, camp store(s), laundry facilities, pavilions,

gazebos, playgrounds, recreational courts or fields, picnic areas, swimming areas, and maintenance structures. Accessory structures and uses shall primarily serve the registered overnight guests of a campground and their guests. At no time shall an accessory use become a principal use of the property.

- ii. Employee Housing. Employee Housing may be approved as part of a campground, either as a recreational unit or permanent dwelling structure. Such structures shall be included in the overall density outlined in Section 3.5.A, Footnote 22, hereof, shall be described in the campground management plan, and shall be indicated on the site plan.
- iii. Accessory Special Uses. Accessory special uses shall be reviewed pursuant to Section 7.3.D – Appropriateness, hereof.

13. Prohibited Uses and Activities. No part of the campground may be used for the following purposes:

- i. Firearms shooting ranges.
- ii. Motocross, off-road vehicle, or motorized go-cart use or tracks.
- iii. Public performances, concerts, or amplified camp-wide gatherings.
- iv. Permanent structures at campsites, including, but not limited to, decks, porches, or storage sheds, except as allowed herein.
- v. Non-emergency or routine maintenance or servicing of recreational vehicles or motorized vehicles.
- vi. Sky lanterns are prohibited under the Leelanau Township Sky Lantern Ordinance, as amended.

c. Operational Standards

- 1. An on-site manager shall be required at all times for campgrounds with five (5) or more Recreational Units. The on-site manager shall have authority from the owner/operator to address any issues.
- 2. Noise of any kind emanating from campground activities shall not exceed 75dba at any property line at any time, except for construction or normal maintenance activities. Quiet Hours are 10:00 p.m. to 8:00 a.m. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort, or repose of a reasonable person with normal sensitivities. Campground activity must comply with the Leelanau Township Nuisance Ordinance, as amended.
- 3. All outdoor lighting, including recreational unit lighting, shall meet the Leelanau Township Nuisance Ordinance, as amended.
- 4. All signage shall be in compliance with the Leelanau Township Zoning Ordinance and shall be approved by Leelanau Township.
- 5. Any consumer fireworks shall be in compliance with the Leelanau Township Fireworks Ordinance, as amended.
- 6. Campgrounds shall obtain and maintain any required permits or licenses from the State of Michigan, Leelanau County, and/or Health Department.

d. Additional Submittal Requirements

In addition to the regular items required for Major Site Plan Review, an application submittal for a campground shall be accompanied by the following information:

1. Management Plan: As part of a submittal for special use approval for a 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. The continued compliance with the terms of the management plan shall be a condition of any approval granted under this section.
 - i. The total number of camping spaces proposed.
 - ii. The hours and seasons that the facility will operate.
 - iii. The maximum permitted duration of site occupancy.
 - iv. The duration of time that a recreational unit will annually occupy a camping space.
 - v. The general nature of recreational units, camping shelters, and related equipment anticipated on-site.
 - vi. The nature of services and facilities to be offered to registered overnight guests.
 - vii. Detailed policies, measures, and enforcement procedures to deal with noise, rowdy behavior, and similar nuisances.
 - viii. Detailed measures to mitigate impact from smoke on neighboring properties.
 - ix. Detailed measures planned to prevent trespassing on neighboring properties.
 - x. Detailed emergency management plan, including coordination with local emergency services, including severe weather events.
 - xi. Any other information determined by the Zoning Administrator or Planning Commission to be necessary to properly evaluate the proposed request.
2. Traffic Study/Traffic Impact Assessment, unless it is determined by the Planning Commission to be not applicable to a specific project.
3. Location, basis of design, plans, details, and operational plans for sewer and water facilities.
4. Items required by Article 15 - Environmental Standards.

Leelanau Township Ordinance Part 8: Amendment of Article 15 – Environmental Standards - Section 15.5.A

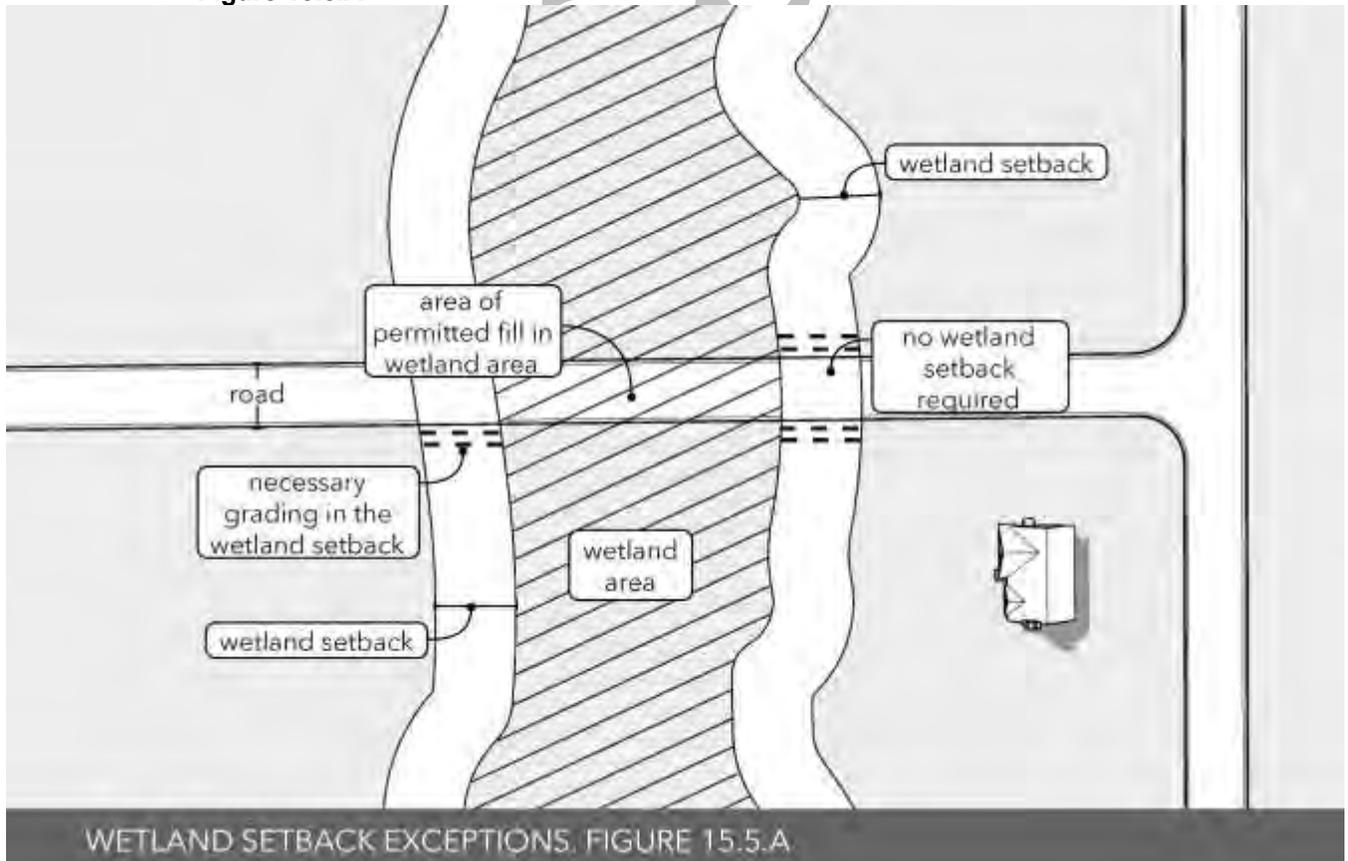
Section 15.5.A is hereby amended in its entirety to read as follows:

SECTION 15.5 SPECIAL REQUIREMENTS

A. Wetlands:

1. Wetlands are regulated by the State of Michigan – Permits must be obtained as required by the appropriate department.
2. Wetland Setbacks: In order to help protect wetlands (as defined herein) from degradation associated with development, the following standards shall apply to all Special Land Use Permits and Major Site Plan Reviews as defined in this ordinance:
 - a. There shall be a setback of not less than twenty-five (25) feet between a wetland and any structure or impervious surface.
 - b. There shall be a grading setback of not less than ten (10) feet between a wetland and any grading, as defined herein.
 - c. These setbacks will not be imposed adjacent to the immediate area, including necessary grading where a permit has been issued by the State of Michigan to impact the wetlands, including any approved road crossings. See Figure 15.5.A.
 - d. The grading setback area can be mowed, however, no grading may take place unless a variance is granted as provided in Section 10.4 Appeals.

Figure 15.5.A



Leelanau Township Ordinance Part 9: Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Leelanau Township Ordinance Part 10: Effective Date

This Ordinance shall become effective eight (8) days after publication in a newspaper of general circulation within the township.

Ordinance No. ___ of 2022 was hereby adopted on the ___ day of _____, 2022 by the Leelanau Township Board of Trustees as follows:

Motion by: _____
Seconded by: _____
Yeas: _____
Nays: _____
Absent: _____

MOTION _____

I certify that this is a true copy of Ordinance No. ___ of 2022 that was adopted at a regular meeting of the Leelanau Township Board on _____ and published in the Leelanau Enterprise on _____.

Monica Diaz,
Leelanau Township Clerk

CURRENT TEXT

ARTICLE 7 COMMERCIAL DISTRICTS

(As amended February 2020)

SECTION 7.1 PURPOSE AND SCOPE - This article defines permitted and special uses in Commercial and Commercial Resort Districts. The article also presents open space and general layout requirements for Commercial Resort developments.

SECTION 7.2 COMMERCIAL DISTRICT

A. Permitted Principal Uses

1. Retail Businesses

- a. Appliance, radio, television store
- b. Bakery (small neighborhood bakery)
- c. Book, magazine, newspaper shop
- d. Candy store
- e. Clothing store
- f. Drug store or pharmacy
- g. Florist shop
- h. Fruit, nut and/or vegetable store
- i. Grocery store
- j. Hardware store
- k. Hobby and/or toy shop
- l. 5-and-10 cent general or variety store
- m. Package liquor store
- n. Paint store
- o. Photographic and camera supply and service store and studio
- p. Shoe store
- q. Sporting goods store

2. Personal Service Shops and Establishments

- a. Appliance, radio, television repair
- b. Bank, savings and loan association, personal loan agency, and branches
- c. Barber shop, beauty shop or combination thereof
- d. Bicycle repair and sales shop
- e. Dressmaker, seamstress, tailor
- f. Dry cleaning self-service and/or laundry self-service facility
- g. Medical, dental or chiropractic office clinic and/or laboratory
- h. Office for governmental business, professional or general purposes
- i. Photographic studio
- j. Public utility business office
- k. School offering instruction in art, music, dancing, drama or similar cultural activity
- l. Secretarial and/or telephone answering service
- m. Shoe repair shop
- n. Telephone exchange
- o. Radio and/or television station (excluding broadcasting towers)
- p. Private or semi-private club, lodge, union hall or social center
- q. Church
- r. Residential use lawfully existing within the district at the time of adoption of This Ordinance.
- s. Off-street commercial parking lot.
- t. Community centers.
- u. Enclosed theaters, provided the seating capacity of such use does not exceed 600 seats

B. Special Uses – Subject to the Requirements of Article 12 – Special Land Uses - The following uses shall be permitted on a special use basis in this District.

1. Auto accessory store without storage of wrecked automobiles or scrapped or salvaged auto parts on the premises
2. Automobile service station provided:
 - a. operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars or trucks, trailers or any type of boats, are not conducted on the premises;
 - b. all pumps are set back at least twenty five (25) feet from the right-of-way line of all abutting streets;
 - c. parking, storage and/or service areas are separated from adjoining residential properties or roadside view by a suitable planting screen, fence, or wall at least six (6) feet in height above finish grade (Article 17 – Water Access, Off-street Parking, Landscaping and Fencing.)
3. Bakery provided that goods baked on the premises are sold only at retail on the premises.
4. Contractor's office with no storage of vehicles, equipment, or materials on the premises.
5. Delicatessen, restaurant, soda fountain or other eating and/or drinking establishment (other than drive-in establishment) provided:
 - a. no outside loud speaker systems are utilized;
 - b. all lights or lighting arrangements used for purposes of advertising or night operations are directed away from adjoining or nearby residential properties (as per the Township's Nuisance Ordinance);
 - c. parking and/or service areas are separated from adjoining residential properties by a suitable planting screen, fence or wall at least six (6) feet in height above the finished grade (Article 17 – Water Access, Off-street Parking, Landscaping and Fencing.)
6. Dry cleaning or laundry agency provided that any laundering, cleaning or pressing done on the premises involves only articles delivered to the premises by individual customers.
7. Meat, fish and/or poultry shop provided that no slaughtering be permitted. Any cleaning of fish or poultry necessary for such use may be permitted provided cleaning activities are conducted within the principal building enclosure on the premises.
8. Pet shop, provided all animals are housed within the principal building
9. Outdoor sales by temporary permit for six (6) month periods with the Zoning Board of Appeals, if in the opinion of the Zoning Board of Appeals adequate conditions exist or can be imposed that will make such uses compatible with the permitted uses in this district, and with the uses established in the area.
10. Combination of a residential structure with any use herein permitted, provided that all dwelling units have direct access to an abutting street. In such combined Residential use, the residential use on the street level shall not exceed 49% of the interior square footage of that level. Commercial use shall be located (as described in Article 2.2B Commercial) so as to provide continuous retail frontage.
11. Hotels, Inns, as defined in Article 2 - Definitions.
12. Adult and/or Sexually Oriented Businesses
 - a. Adult and/or Sexually Orientated Businesses are prohibited in this District as long as these types of uses are permitted in other Townships or Incorporated Villages within seven (7) miles of the Leelanau Township Commercial District.
 - b. If Adult and/or Sexually Orientated Businesses are not permitted within seven (7)miles of the Leelanau Township Commercial District, the following standards shall apply:
 1. Such businesses shall not be permitted within seven hundred (700) feet of any property which is zoned Residential. The required separation shall be measured from the property line of the proposed business to property line of the protected zoned Residential property using the closest points along the two property lines (lot to lot).
 2. Such businesses shall not be permitted within seven (700) feet of any Residential dwelling which is located on property zoned agricultural or commercial resort. The required separation distance shall be measured from the nearest point along the property line of the proposed use to the nearest point of the protected residential building (lot to building).
 3. Such businesses shall not be permitted within one thousand (1000) feet from a public or private school, child care facility, church, public building, public bathing beach, or line, using the closest

points along the property lines involved (lot to lot). Such businesses shall not be established within five hundred (500) feet of another Adult and/or Sexually Orientated Business, nor within five hundred (500) feet of any establishment licensed by the Michigan Liquor Control Commission. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.

4. No more than one (1) such business shall be permitted in a single structure.
5. Proposed signage may contain only the name of the business and shall not include photographs, silhouettes, drawings, or pictorial representations of any type.
6. Building exterior: Buildings and structures shall not be painted or surfaced with garish colors or textures or any design that would simulate a sign or advertising message. Upon order of the Zoning Administrator, graffiti appearing on any exterior surface of a building or structure shall be removed and that surface restored within seventy-two hours of notification of the owner or person in charge of the premises.
7. Lighting: All Adult and/or Sexually Orientated Businesses shall be required to install outdoor lighting that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures which do not exceed sixteen (16) feet in height from the finished grade. The lighting shall satisfy requirements of the Township's Nuisance Ordinance.
8. The premises shall meet all barrier free requirements and building code requirements imposed by the Leelanau County Building and Inspections Department.
9. No person operating an Adult and/or Sexually Orientated Business shall permit any person under the age of 18 to be on the premises either as an employee or as a customer.
10. Hours of operation shall be limited to 10:00 A.M. to 10:00 P.M.

SECTION 7.3 COMMERCIAL RESORT DISTRICT

Introduction: *(This Introduction added by amendment February 2020)*

The intent of this District is to:

- Accommodate temporary and permanent housing needs of township visitors, residents, and workers.
- Offer limited outdoor recreation opportunities such as Recreational Vehicle Parks, Marinas, Golf Courses, and Active and Passive Recreation.
- Offer limited opportunities for entertainment such as Private Events.
- Protect the existing rural character and natural beauty of the District by requiring dedicated Open Space and increased setbacks.
- Protect the existing natural resources within the District.

A. Permitted Principal Uses

1. Single family detached dwellings.
2. Single family attached dwellings, such as duplexes, townhouses, and row houses, but excluding buildings which provide primary access to two (2) or more dwelling units from a common interior hallway or space, except as provided in 3 below.
3. Multiple family dwellings which provide primary access to two (2) or more dwelling units from a common interior hallway or space, provided such residences do not account for more than fifty percent (50%) of the total number of dwelling units and temporary lodging units on the parcel.
4. Hotels, inns, motels and rental cottages, as defined in Article 2 – Definitions
5. Other recreational facilities, which meet the intent of the Master Plan and this District. The uses listed above typify the permitted uses. Uses not meeting the criteria of This Ordinance include, but are not limited to: amusement parks, arcades, miniature golf courses, and racetracks.
6. Private Events and Private Event Venues: *(this Section added by amendment February 2020)*
Private Event: An event that is periodic or special in nature, with guests in attendance by invitation or pre-sold tickets only and not open to the public. Examples include, but are not limited to a banquet, reception, ceremony, fundraiser, service, or open house.

Private Event Venue: A site or facility approved by Leelanau Township to conduct Private Events by renting or leasing to private parties on a commercial basis.

In the Commercial Resort District, hosting Private Events with less than 100 guests in attendance is considered a primary use, provided that there is no outdoor amplified music or amplified entertainment.

B. Permitted Accessory Uses - Buildings, structures and uses customarily incidental and subordinate to the permitted principal use such as, by way of example, caretaker's cottage, employee housing, storage and maintenance buildings, administrative offices, manager's office, hiking trails, and tennis courts, excluding golf courses.

C. Special Uses subject to the requirements of Article 11 – Site Plan Review

1. Restaurants, retail shops, and other uses which are not of a recreational character, provided they are part of and appropriate to a permitted principal use.
2. Recreational parks or camps, including but not limited to “church/youth” camps.
3. Recreational vehicle parks and campgrounds.
4. Marinas, as defined in Article 2 – Definitions, provided a proposed marina has access to the waters of Grand Traverse Bay or Lake Michigan and complies with the following standards and regulations, in addition to all other applicable standards and regulations of this Ordinance:
 - a. Marinas shall be designed and/or operated, through natural or mechanical circulation of water, so that there will be no accumulation of algae, weeds, or garbage upon the marina waters.
 - b. All provisions for the storing and disposing of fuels, oils, and waste products, including daily generated garbage, shall meet county, state, and federal standards. The applicant shall document the availability and capacity of sewage facilities to handle the anticipated volume of wastes.
 - c. Marinas shall be designed to minimize negative impacts upon neighboring properties including lighting, glare, and unsightliness. Considerations to minimize negative impacts shall include, but not be limited to: height, type, and hours of operation of lighting fixtures, including night-sky protection measures; location of parking areas, boat ramps, and access roads and drives; location of storage buildings and restroom facilities; location of heavy pedestrian traffic areas; and landscaping and screening. (See Article 17 – Water Access, Off-street Parking, Landscaping and Fencing, and the Township's Nuisance Ordinance.)
 - d. The applicant shall submit, as part of the site plan application, minimum-operating rules for the management of the marina which shall effectively assure that the marina will be operated in a manner compatible with surrounding land uses, including rules regarding noise and hours of operation.
 - e. Any dangerous or dilapidated waterfront structure, including docks, shall be removed or repaired within thirty (30) days after notice of such condition by the Zoning Administrator.
 - f. Special measures shall be taken to preserve vegetation around shoreline areas to prevent soil erosion.
 - g. All applicants shall provide documentation, in the form of a written spill contingency plan, of their capability to respond as rapidly and effectively as possible to contain any spills of petroleum or other hazardous materials. Such plan shall include a list of clean-up equipment and its location, fuel pump operation and emergency shut-down procedures, spill containment and removal procedures, and the training of marina staff.
 - h. Marinas shall meet all applicable standards and regulations of the Department of Natural Resources, Department of Environmental Quality, U.S. Army Corps of Engineers, and all other county, state, and federal agencies having regulatory authority over the use of, or construction upon, the affected surface waters and bottom lands.
 - i. To the extent that the number of boat dockage slips proposed for a marina affects the ability to meet the regulations and criteria of Section 7.3.C.4.a through 7.3.C.4.h, the Planning Commission may

limit the number of boat dockage slips as necessary to achieve such conformance.

- j. The Commission may waive under site plan review one or more (or portions) of the above regulations if four (4) boats or less are to be docked.

5. Private Events *(this Section added in its entirety by amendment February 2020)*

I. Introduction/Intent:

Anyone who wishes to conduct or host Private Events with more than 100 guests in the Commercial Resort District on a commercial basis by renting, leasing, or by charging a fee of any kind to host a Private Event shall first obtain a Special Land Use Permit from Leelanau Township for a Private Event Venue.

A Special Use Permit is also required for any outdoor amplified music or outdoor amplified entertainment regardless of the number of guests in attendance.

Leelanau Township recognizes that Private Event Venues, when conducted properly are an acceptable use in the Commercial Resort District. Historically, resorts in the zoning district have been conducting Private Events. Leelanau Township has experienced an increase in interest for Private Event Venues.

Private Event Venues, however, have the potential to disrupt neighboring residential areas by virtue of noise, traffic, and trespassing. The township recognizes that not every property in the Commercial Resort District of Leelanau Township may be conducive for a Private Event Venue.

It is the intent of Leelanau Township to limit the potential impacts of Private Events in the Commercial Resort District by considering noise, traffic, topography, proximity to residential areas, etc. during the review of each Application. Among other factors, the township will consider the location and size of the proposed venue, surrounding land uses, and whether Private Events will be conducted inside a building or outside.

II. Minimum Location Standards:

- a. A private Event Venue may be a primary use or a use accessory to another legally established use.
- b. There is no minimum gross parcel size, however, the size of the parcel, location, and topography will be factors in determining if an application qualifies for a Special Use Permit as well as the number of potential allowable events and number of guests allowed at the venue.
- c. Road Access shall be approved by the Leelanau County Road Commission and/or Michigan Department of Transportation for the proposed use.
- d. Adequate Area for off-street parking on stable ground shall be provided. No parking will be allowed on public or private roads.
- e. Private Event Venues shall have adequate water and wastewater facilities, either permanent or temporary, approved by the local health department.
- f. Private Event Venues shall provide dedicated Open Space as required by Section 7.3.G.
- g. All applicable requirements of Article 15 – Environmental Standards shall be met.

III. Submittal Requirements:

In addition to those general items required for Site Plan Review and Special Land Use Permit review, the following items shall be submitted:

- a. Site Plan showing where on the property the events will be conducted, parking areas, buildings, wells, septic areas, and sensitive areas. The planning commission may request additional information on the site plan.
- b. Vicinity map indicating neighboring structures and land uses. (may be on aerial map)
- c. Event Management Plan, which includes the following:
 - 1. A general description of the Private Event Venue, including whether the venue will be seasonal.

2. Types of events anticipated and total number and frequency of events requested.
 3. Proposed maximum number of guests.
 4. Specific details of where events will be conducted. (building, tent. Outdoors, etc.)
 5. Type and number of restroom facilities.
 6. Provisions for septic disposal.
 7. Provisions for power supply. (are generators necessary?)
 8. Provisions for potable water supply.
 9. Provisions for refuse management, including schedule for removal.
 10. Provisions for catering facilities – permanent or temporary?
 11. Contact information for on-site event manager and owner.
 12. Alcohol management, including the parties responsible for proper licenses.
 13. Emergency plans.
 14. The established maximum occupancy for each building.
- d. Sound Management Plan
- e. Agency reviews, including the following as applicable:
1. Road agency.
 2. Health department.
 3. Fire Department.
 4. Soil Erosion/Drain Commissioner.
 5. Michigan EGLE if required.

IV. Operational Limitations:

- a. Hours of operation for Private Events conducted outdoors or in a tent shall be confined between 8:00 a.m. and 11:00 p.m. Outdoor events shall end no later than 11:00 p.m. including music, food service, and alcohol service. The Planning Commission, during Site Plan Review, may limit hours of operation based upon the location and potential impact of the venue.
- b. The maximum number of Private Events allowed shall be determined by the Planning Commission for each venue during Site Plan Review based upon the location and potential impact of the venue. The owner can apply to the Planning Commission for an increase in the maximum number of events at a later date based upon the performance of the venue.
- c. Maximum Occupancy:
 - i. The maximum number of guests allowed at one time will be determined by the Planning Commission for each venue during Site Plan Review, and will be based upon the location and potential impact of the venue, and whether the events are conducted inside or outside.
 - ii. In no case will the maximum allowable number of guests exceed 300 guests.
 - iii. The maximum number of guests may be further limited by building or structure occupancy as determined by the proper authorities.
 - iv. The venue owner can apply to the Planning Commission for an increase in the maximum number of allowable guests at a later date up to the maximum, based upon the performance of the venue.
- d. Overnight accommodations are subject to meeting the other requirements of this District and approval by the Planning Commission.
- e. Music or entertainment shall be accessory and subordinate to the Private Event and not the primary purpose of the event. A Sound Management Plan must be submitted with the application outlining how sound will be managed and controlled.
- f. The sound at any property line of the venue shall be no greater than normal conversation levels which is 75 dBA.
- g. Parking:
 - i. There shall be no on-street parking within the right-of-way of any public or private road during events.
 - ii. Off-Street Parking shall be setback at least 50' from any property line.

- iii. At least one parking attendant shall be provided for all Private Events of over 100 guests. More attendants may be required depending on the number of maximum allowable guests at each facility.
- h. An Emergency vehicle access lane shall be maintained within the Private Event Venue at all times during events.
- i. Any Outdoor Lighting shall be shown on the Site Plan and shall meet the requirements of the Leelanau Township Nuisance Ordinance. Non-essential lighting shall be turned-off no later than one (1) hour after an event is over.
- j. Setbacks: At a minimum, the normal building setbacks in the Commercial Resort Zoning District shall apply. The Planning Commission, during Site Plan Review, may require greater setbacks based upon the location and potential impact of the venue.
- k. Requirements of Article 11 - Landscaping and Buffering shall apply.
- l. The property boundaries of the venue shall be clearly marked to discourage trespassing on other properties.
- m. Private Event Venues shall submit a written log of events to the Zoning Administrator on an annual basis by March 1 of the succeeding year.

D. Appropriateness of Special Use - Where a special use consisting of a non-residential commercial component is proposed as part of a permanent or temporary lodging facility, such as a restaurant or retail sales shop, the application shall be reviewed by the Planning Commission for a determination of the extent to which such commercial use is designed or intended to serve persons other than those residing or having temporary accommodations on the Commercial Resort parcel. The Planning Commission shall determine the appropriateness of such commercial uses after considering, at a minimum, the following: amount of traffic generated; hours of operation or use; noise; overall impact on adjoining uses; land area allocated to each use; and building area allocated to each use.

E. General Layout Requirements - All uses shall be designed to comply with the following standards to the greatest extent practical:

1. The development shall provide amenities intended to serve the permanent or temporary residents of the use, such as playground areas, hiking trails, and/or tennis courts, but excluding golf courses.
2. The development shall employ an efficient use of land, arrangement of utilities, and design of traffic and pedestrian circulation systems.
3. The siting of buildings and structures shall preserve important visual, ecological, recreational or agricultural resources.
4. Vehicular access to permanent dwellings and buildings associated with motels, hotels, lodges, inns, and similar temporary housing facilities shall be from interior project roads to minimize the number of access points along the existing Township road network and resulting traffic hazards, consistent with emergency access needs.
5. The use shall protect and preserve the existing natural character of Township road corridors through appropriate siting and setbacks of new residential buildings and structures.

F. Special Buffering Requirements - The Planning Commission may impose buffering requirements that exceed those of Section 17.3 – Landscaping and Fencing on uses in this District if, in its sole judgment, such additional buffering is required to maintain the integrity of residential uses. Such additional buffering may include the construction of effective visual and/or sound barriers.

G. Open space Requirements

1. **Minimum Area of Open Space.** A minimum of twenty-five percent (25%) of the project site shall be set aside as designated permanent open space.
2. **Character of Designated Open Space.** Lands which are used to meet the minimum area requirements for designated permanent open space shall not include: roads and road rights-of-way or easements; required front, side, and rear yard areas of buildings; hard surfaced recreational facilities such as tennis and basketball courts; and permanently submerged lands including marinas and submerged wetlands. Up to fifty percent (50%) of the minimum required open space area may include wetlands which are not permanently submerged during the year.
3. **Recording of Open Space.** The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction, conservation easement, or covenant that runs with the land, assuring that the open space will be maintained as such in conformity with the site plan. The Township shall be granted a legally enforceable interest in the required open space and such interest shall require the approval of the township Board before any change can be made to the character or use of the required open space from that which received prior site plan approval, or subsequent amendment thereto. Such conveyance shall:
 - a. Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space, and provide for assessment of these private property owners by the Township for the cost of maintenance of the open space in the event that it is inadequately maintained or becomes a public nuisance.
 - b. Provide maintenance standards and a maintenance schedule.

Article Amendment History:

Reformatted and adopted by Board 06/08/04, Ord 2 of 2004; Pub. 06/17/04; Eff. 06/24/04

Amended 05/10/05; Ord. 2 of 2005; Pub. 05/19/05; Eff. 05/27/05

Amended February 2020 to add an Introduction to Section 7.3 and add Section 7.3.C.5 in its entirety

- * Draft Minutes from Public Hearing**
- * Correspondence**

DRAFT MINUTES
LEELANAU TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
Thursday, February 10, 2022
7:00 p.m.
Leelanau Township Hall
119 E. Nagonaba St., Northport, MI 49670
With public participation available via Zoom Remote Electronic Access
Zoom Meeting ID: 881 0982 5018 Passcode: 496700

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

This meeting was conducted at the Leelanau Township Hall, 119 E. Nagonaba Street, Northport, MI 49670, with public participation available via Zoom remote electronic access.

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, and Gina Harder.
Dave Chakroff arrived at 7:02.

Absent: None

Quorum Established

Staff: Zoning Administrator Steve Patmore (ZA)

Public and Officials: 1 at Township Hall
Approximately 55 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 Mitchell to approve the draft Agenda as presented.

Seconded by: Rebori

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. Patmore stated that all of the correspondence was related to the upcoming Public Hearing and would be recognized at that time.

5. **PUBLIC HEARING: Proposed Zoning Ordinance Amendment regarding Campgrounds in the Commercial Resort Zoning District.**

Chair Kalchik opened the Public Hearing and reminded everyone listening on Zoom to please mute themselves. He asked Zoning Administrator Patmore to introduce the topic.

Patmore explained that this is a public hearing on a proposed amendment to the Leelanau Township Zoning Ordinance. A little bit later he will go through the proposed amendments. This is not a public hearing on any particular project or property. If and when any application is submitted for a project and sent to the planning commission for review, there will be a public hearing and discussion at that time. But, at this time there is no application currently in front of the planning commission.

We request that comments made tonight focus on the proposed zoning ordinance amendments and not on any particular project or property.

Eleven months ago the Leelanau Planning Commission was tasked by the township board with reviewing the zoning ordinance as it relates to RV parks and campgrounds in the Commercial Resort Zoning District. The planning commission took this task very seriously. They retained a professional planner, Nathan Mehmed, from Williams & Works, to assist with the review.

The planning commission review included the following:

- Review of the current zoning ordinance sections that relate to RV parks and campgrounds.
- Prepared a public input survey and encouraged township property owners and residents to participate in the survey.
- Review of other township ordinances on campgrounds and RV parks.
- Researched topics such as waterfront densities and keyholing.
- Several PC members took tours of RV parks in the area and researched their composition, rules, and standards.
- The PC heard hours of public input and comments both for and against RV parks, including input from RV park developers and also environmental groups.
- The PC held several special meetings on this topic, sometimes meeting three times per month.

The result is the proposed amendment in front of the PC tonight. The goal was to prepare a reasonable, defensible document that incorporates protections for the health, safety, and welfare of the township.

The proposed amendment has been reviewed by the township attorneys, as well as our planning consultant for defensibility.

One of the realizations that the PC and staff had during this review process was that the existing zoning ordinance did have quite a few safeguards built in to protect the township during the special use permit process. It was noted that the buffering, screening, landscaping, open space, and density sections of the ordinance were pretty much left as they were.

After this public hearing and deliberation, the planning commission could take action on the amendment. The recommendation would then be reviewed by the Leelanau County Planning Commission as provided for in the Zoning Enabling Act. After that, the amendment would go to the township board for

consideration of adoption. If it is adopted, the amendment would go into effect eight days after publication in the newspaper. It should be noted that there is a provision in the Zoning Enabling Act that provides for a referendum on the amendment if enough petitions are gathered in a certain period of time.

Patmore stated that he feels that the PC took their role seriously and did a good job. We haven't always agreed with each other and staff, however, the PC reached a consensus on every item. There may be more work to do in the future. Some items will be reviewed in conjunction with the Master Plan update.

Patmore then reviewed the sections of the proposed amendment.

The schedule for completion of this review agreed upon in the Settlement Agreement provides that the public hearing take place no later than February 10, 2022, and that the planning commission make a recommendation no later than February 17, 2022.

Chair Kalchik commented that the PC has done a really good job of coming together on this and it has come to a really good document. We have put a lot of time into this, and every meeting requires considerable time doing homework.

Commissioner Weber thanked the PC and commented that the PC has done an incredible job. A lot of work has gone into this as well as a lot of consideration. He hopes the comments tonight are civil, and be directed at the amendment, not a project. There is no active project before the commission. He is proud to be part of this work.

Commissioner Rebori commented that one of the positive outcomes of this review is that there were other parts of the ordinance and other districts identified in need review. She took lots of notes.

Commissioner Harder agrees with other comments that the public hearing should focus on the ordinance amendment in front of us tonight.

Commissioner Hart commented that this group has been open to new ideas and easy to work with. There have been lots of meetings, and everything has gone smoothly. Happy to be part of it.

Chair Kalchik opened the floor to public comment:

- Walter Johnson: Thanks for the opportunity to make comments on behalf of the ownership of this 213 acre property that comprises an excess of 90% of the total Commercial Resort District. He stated that he was asked not to comment on the many economical, recreational, and community benefits of the Timber Shores RV Campground, but focus on how the proposed zoning amendments will affect the property. NM Investments has been paying property taxes on this 213 acre parcel for almost 20 years, totaling in excess of \$1.5 million in assessed valuations for commercial resort. These taxes have been paid without burden on public services or infrastructure, on the premise of developing the property based upon the existing zoning ordinance. They submitted an application in March of 2020, and waited a full year for a written review of deficiencies, and were in the process of addressing deficiencies when the six month moratorium was imposed based upon concerns of public health, safety, and welfare.

You started in April of last year with a work plan that called for public input sessions with content experts. The only open public discussion has been the open house arranged by Timber Shores in which the planning commission did not attend, and only three commissioners have participated in a site visit.

The resulting proposed ordinance amendments are based upon no findings of fact to support the original premise of the moratorium to address concerns for the health, safety, and welfare. They are poorly drafted with numerous conflicting provisions and un-intended consequences, which will force many variance requests to the ZBA which should be properly handled by the planning commission. Particularly egregious concerns; these new regulations include wetland and shoreline setbacks, density restrictions, including a new exclusion of wetlands in the density calculation and restrictions on the use of park model cabins which are contrary to many stated objectives of this planning commission including reduction in traffic and increased availability of overnight tourist lodging.

A few of our team members will have a few specific comments.

Bill Widmeyer will address the use of park model cabins and how this restriction affects that.

Chuck Wolverton will speak specifically on wetland setback provisions.

Scott Thompson will comment on the regulatory permitting with the agencies.

Thank-you

6. DISCUSSION/ACTION ITEMS:

A. RV Park & Campground Zoning Ordinance

Zoning Administrator Patmore suggested that the commission review the proposed amendment page by page, and make corrections as we go.

Planner Nathan Mehmed was not available tonight, but he did submit an email with suggest typo corrections. Attorney Seth Koches, of Bauckham & Sparks, LLC, is attending this meeting via Zoom and is available for questions from the commission.

Each page of the amendment was then reviewed and explained by the Zoning Administrator, then the commission was asked for comments or suggestions or typos.

Page 1: No corrections or comments.

Page 2: Consensus to organize the content within the definition of Recreational Unit – no content change. Discussion on the term “motive power”, leave as is.

Page 3: After discussion - no corrections or comments.

Page 4: After discussion - no corrections or comments.

Page 5: Figure 2.2.C.2: The label for Ordinary High Water Mark should be changed to “Waterfront Setback Datum (OHWM)” to be consistent within the zoning ordinance.

Page 6: After discussion - no corrections or comments.

Page 7: After discussion - no corrections or comments.

At 8:55 p.m., Chair Kalchik noted that we were approaching our two hour meeting time, and asked the commission if they wished to continue.

Motion by Harder to extend the meeting to 9:30 p.m.

Seconded by Weber.

Discussion: None

Motion carried by Voice Vote

Page 8: After discussion:

- Typos and grammar were corrected.
- b.3.ii – change 240 days to 200 days.
- The consensus of the commission is that the overall density for park model cabins or other units that are parked on a campsite for longer than 200 days should be different than the transient recreational units.

It was noted that the time was approaching 9:30 p.m.

Motion by Mitchell to extend the meeting another half hour.

Seconded by Harder.

Discussion: None

Motion carried by Voice Vote

After considerable discussion and a round table vote, the following motion was offered:

Motion by Weber that:

1. *The density multiplier for a recreational unit present on a campsite for longer than 200 days in a calendar year shall be 1.75.*
2. *The total number of park model cabins or camping shelters shall not exceed 35% of the total number of recreational units.*

Seconded by Mitchell.

Discussion: None

Roll Call Vote:

Ayes: Weber, Harter, Mitchell, Rebori, Chakroff, Hart, Kalchik.

Nays: None

Motion Carried 7-0

- Attorney Koches was supportive of these alterations, and was not a major revision.

Page 9: After discussion:

- A few typos were corrected.
- Make the same changes to Section B.6 as was made on the previous page:
 1. change 240 days to 200 days.
 2. The density multiplier for a recreational unit present on a campsite for longer than 200 days in a calendar year shall be 1.75.
 3. The total number of park model cabins or camping shelters shall not exceed 35% of the total number of recreational units.

Page 10: After discussion:

- A few typos were corrected.

- Discussion on campground boundary signs. Consensus to increase the allowable sign area to 180 square inches.

It was noted that the time was now approaching 10:00 p.m.

Motion by Chakroff to extend the meeting to 10:30 p.m.

Seconded by Mitchell.

Discussion: None

Motion carried by Voice Vote

Page 11: Considerable discussion on 12.i, Accessory Structures and Uses, and whether guests of registered guests should be allowed. There is public concern over an amusement park being developed. After considerable discussion:

- The commission will clarify 12.i to state: “Accessory structures and uses shall only primarily serve the registered overnight guests of a campground and their guests. At no time shall an accessory use become a principal use of the property.”
- Any day park or other special assessor use would be covered under Section 7.3.D – Appropriateness of Special Use.

It was noted that it was approaching 10:30 p.m.

Motion by Harder to extend the meeting another half hour.

Seconded by Hart.

Discussion: None

Motion carried by Voice Vote

There was discussion on outdoor lighting standards, dark sky standards and shoreline lighting.

Page 12: After discussion, two minor typos were corrected.

Page 13: The history of the wetland setbacks was discussed. Figure 15.5.A was presented in this draft to reflect changes suggested at the last meeting. Four capitalization errors were corrected in the text.

ZA Patmore noted that there will likely be the need for variances of the wetland grading setback due to the required stormwater control measures for commercial projects. He is concerned about the requirement that wetland grading setback reductions be reviewed by the Zoning Board of Appeals. An earlier section of Article 15 requires that setback reductions for bluff lines be reviewed by the planning commission, and he feels that we should be consistent within the section.

It was noted that the Timber Shores project team submitted alternate language addressing wetland grading setback reductions.

The commission asked Mr. Wolverton what he meant about maintenance in the grading easement. Mr. Wolverton responded that he meant the removal of trees or branches within the grading setback. Patmore responded that removal of trees and branches may not be considered grading.

Mr. Wolverton also noted that installation of silt fence would be considered grading. Patmore noted that silt fence could/should be installed 10’ away from the wetland when possible.

Wolverton noted that there is only 30 feet between designated wetland areas on the Timber Shores property where roads are proposed.

There was discussion about future criteria for reductions in the grading setback.

The commission noted that they want to consider incorporating wetland setbacks in every zoning district in the future as part of the master plan update. The commission agreed to review Article 15 in conjunction with the master plan update process.

Page 14: No changes or corrections

The content changes made tonight were reviewed. Zoning Administrator Patmore had been keeping track of changes on the computer that was visible to the commission and the audience via Zoom.

Motion by Harder to recommend approval of the Draft Zoning Ordinance Amendment that amends Sections 2, 3, 6, & 15 of the Leelanau Township Zoning Ordinance, as amended tonight, to the Leelanau Township Board, and forward to the Leelanau County Planning Commission for their review. Seconded by Chakroff.

Discussion: None

Roll Call Vote:

Ayes: Mitchell, Chakroff, Weber, Harder, Rebori, Hart, Kalchik

Nays: None

Motion Carried 7-0

Letter

Carol Isphording <carol31941@gmail.com>

Sun 2/6/2022 3:49 PM

To: Steve Patmore <ltzone@leelanautwp.org>

Hi Steve,

FYI - Please see attached letter.

Thanks, Rich

To: Leelanau Township Supervisor & Trustees, Leelanau County Commissioners, Leelanau Township Planning and Zoning Commissioners, Northport & Omena Council Members

Subject: Timber Shores RV & Amusement Park, Campground, & Waterfront Resort

Taxes:

On January 18, 2022, I met with the staff of the Leelanau County Treasurer's Department asking that I be provided with the total delinquent tax dollars owed Leelanau County by the Timber Shores developer. As of January 18, 2022, the County was owed \$167,991.25 in delinquent taxes by the Timber Shores Developer. I then asked how long the Timber Shores Developer had been delinquent in paying Timber Shores' property taxes. The Leelanau County Treasurer's Department staff stated that delinquent property tax payments were recorded every year from 2000 forward to 2022. Tax information for the years prior to 2000 was unavailable to be reviewed. What does this action say about the developer's respect for the citizens of Leelanau County and fulfilling civic responsibilities? Remember, this is before a contract is even signed.

In addition to the Developer's delinquent tax paying history, in 2007 Leelanau Township required NM Investments to build two mitigation ponds, approximately 1.95 acres, on Timber Shores land. The ponds were never built. Now the developer wants to build a pond near Ennis Creek, ignoring the fact that the Ennis Creek Village Conservation Easement does not allow it.

Shouldn't the members of our governing bodies be concerned about the consistent delinquency of tax payments? Shouldn't they be concerned about doing the right thing for the citizens of Leelanau County & Township, and Northport & Omena? You will recall that the taxpayers voted this past fall 51% to 43% against moving ahead on the Timber Shores RV, Amusement Park Campground & Waterfront Resort development. That's a landslide in terms of voting. The taxpayers have spoken, and they do not want this development. How many corporate leaders or elected community officials would jeopardize their companies' assets or taxpayers' tax receipts on a decision of this magnitude?

Environment:

One should ask, if a developer pays property taxes in a delinquent manner for twenty-two years, what shortcuts might be taken if the developer's business is under performing? Environmentally and from a health standpoint, this could be devastating to Leelanau County's wetlands, wildlife, lake waters and trout stream; also, from a healthcare point of view, the developer wants to treat on site 31,000 gallons of sewage per day or 5 – 6 million gallons of treated sewage a year & dump it into the aquifer; the air pollution from burning gasoline & diesel fuels, RV chemicals & a/c running all night, 350 campfires, 350 cooking fires will cloud the skies and fill the lungs, to say nothing of noise pollution generated by 1800 people, pets, and motor vehicles, which will be offensive to the ears and senses. Finally, there will be total disruption and loss of quality of life for those sixty-three families owning homes and living adjacent to the development. Remember the bacteria algae blooms at Traverse City, Northport, and Torch River last year? This is not acceptable. The Township should initiate two environmental studies independent of the developer's environmental study.

The Township could send a letter to all sixty-three property owners around the Timber Shores area requesting that they contact an accredited environment company and have a "benchmark" air, soil, and water quality study completed. The costs of these private property studies could be sent to the Leelanau Township who would total the invoices and send them to the developer for payment. If the developer chose not to pay the invoices, the developer's application should be terminated. This "benchmark" environmental study could protect the residents and township from possible future environment damage or disaster affecting residents' property, health, and quality of life.

Developer's Delinquent Taxes Record:

Our schools, fire, EMS, sheriff, veterans, senior citizens, judicial system, etc. depend on paid-in-full, on-time tax receipts for performing the governmental functions they are tasked to complete. It takes anywhere from a few weeks to several months for the township to receive the tax monies from the state to replace the non-receipt of delinquent property tax payments. No developer should be able to develop anything in Leelanau County if they have a history of delinquent

property tax payments. It may be legal to pay only the minimum property taxes, but when a developer is requesting citizens of Leelanau County/Township to approve a development which is intended to make money for a downstate developer while at the same time is going to destroy parts of our environmental paradise, it is wrong and should not be allowed. Being delinquent in paying taxes in full for twenty-two consecutive years is at odds with the intent of the law.

Performance Bond:

The developer may promise that the development won't damage the environment, will create jobs and wealth for the community. If the developer believes that and feels strongly about those promises and commitments, then they should deposit a \$100,000,000.00 performance or surety bond that is bank-guaranteed before the development can begin to show that they have confidence in their promises and plans. The monies would be put into a trust and paid to Timber Shores neighbors, Northport, Omena, Peshawbetown, Leelanau Township and Leelanau County in the event of death, injury, damage, health, sickness, quality of life changes, etc. caused by the Timber Shores Development, employees, or visitors. These monies would help defer expenses, i.e., fires, floods, erosion, trespassing, criminal behavior, environment damage to the aquifer, creeks, soil, water, air, health issues caused by pollution from the development and visitors, Grand Traverse Bay, Lake Michigan or the State of Michigan's advertising slogan, "Pure Michigan". The area to be protected is a radius of twenty-five miles around the development.

One more thought, there are neighbors whose homes are adjacent to the proposed development, who have serious, compromising health issues. They live here because of the "Pure Michigan" environment. No pollution, invigorating, clear, fresh air helps keep them alive. These neighbors will be very negatively impacted by the pollution mentioned above, particularly the air, smoke, and odors pollution generated by 700 campfires and cooking fires, and vehicle exhaust from four or five hundred cars and trucks. What are these neighbors who have COPD, heart and lung diseases or other serious maladies supposed to do to keep living a quality life – move, endure, or sue?

Setbacks:

A minimum of 500 feet.

Site Development:

All updated site development plans present and future, should require the approval of the Leelanau Township Commissioners, and the Planning and Zoning Commission. For example, a boat harbor, storage areas, buildings, trails, docks, motorized boat slips, playground, mopeds, golf carts, etc. This stipulation would protect the Township, County, and residents from the developer's implementing an unknown, unapproved, intrusive, and unacceptable feature to the development in the future.

Relationships:

The relationship between the developer, township, and residents is strained. Not only is there the delinquent tax matter, but there is the six month "pause", the developer's suing elected officials, the conflict of interest accusations, bullying tactics, comments about officials' lacking mental acuity, etc. If the residents of Leelanau Township are being treated this way now by the developer and their lawyers, what will the relationship be should the development proceed? The relationship between the developer is incompatible with the community, the environment, and the residents and should be terminated!

Rich Isphording
8072 N Indian Camp Dr
Northport, MI 49670
Rich111939@gmail.com
231-386-7257

We appreciate your thoughtful message.

Gina Harder

Get [Outlook for iOS](#)

From: Adam C. Dustin <acdustin@SVSU.edu>

Sent: Sunday, February 6, 2022 6:38:20 PM

To: Gina Harder <trusteegina@leelanautownshipmi.gov>; planning@co.leelanau.mi.us <planning@co.leelanau.mi.us>

Subject: The RV Park

To Whom it May Concern,

My name is Adam Dustin and I have been visiting Northport for the better part of 40 years. I am highly distressed over the plan for a large RV Park to be inserted so close to Northport. Everything about this idea seems more about money and less about making the right decision. The town residents are unanimously against the RV Park as are most of the business owners. Why their concerns are not already shooting down this idea is beyond me. As a long time visitor of Northport (Most recently I rented a home this Christmas for a month), I would be very disappointed if what made Northport so beloved, was destroyed. There is plenty of tourism in Northport already and it's obvious to me an RV Park would flood the town with excess tourists the town could not handle. I also object because of the environmental effects, which according to what I have been reading, are absolutely real concerns. The wetlands and watershed are fragile and should remain under strict protection. I have read all the "Good Intentions" about how the park will not affect Northport as it currently is. This is nonsense. I have seen enough developments like this to know it is impossible to not effect a town the size of Northport with this kind of development. I would hate, after 40 years, to have to find a new place to visit throughout the year because of this RV Park, as well as the residents of Northport see their town ruined. Again, I STRESS, the Northport residents are completely against this development. I implore you, please listen to them, not the people who stand to benefit financially. Do not allow this RV Park to be built. The townspeople should have a say, and if you listen to them, they have spoken, and their answer is no. I agree with them and hope you listen to them too. Please reject this terrible idea and leave Northport as is. Thank you very much.

Sincerely,

Adam Dustin

Fwd: The RV Park

Gina Harder <trusteegina@leelanautownshipmi.gov>

Sun 2/6/2022 10:14 PM

To: Steve Patmore <zoning@leelanautownshipmi.gov>

Hi Steve

Please include this email in correspondence to the Planning Commission. It was sent to the County PC by mistake

Get [Outlook for iOS](#)

From: Gina Harder <trusteegina@leelanautownshipmi.gov>

Sent: Sunday, February 6, 2022 10:12:04 PM

To: Adam C. Dustin <acdustin@SVSU.edu>

Subject: Re: The RV Park

Thanks! I will forward it now.

Get [Outlook for iOS](#)

From: Adam C. Dustin <acdustin@SVSU.edu>

Sent: Sunday, February 6, 2022 10:10:59 PM

To: Gina Harder <trusteegina@leelanautownshipmi.gov>

Subject: Re: The RV Park

Ms. Harder,

You have my permission! Thank you very much!

-Adam Dustin

Get [Outlook for iOS](#)

From: Gina Harder <trusteegina@leelanautownshipmi.gov>

Sent: Sunday, February 6, 2022 5:37:53 PM

To: Adam C. Dustin <acdustin@SVSU.edu>

Subject: Re: The RV Park

Hi Adam,

Thank You for your letter expressing concern for the potential impact of a large RV park in Leelanau Township.

It looks like the email was also sent to the Leelanau County Planning Commission.

With your permission, I will send it to the rest of the Leelanau Township Planning Commission and Zoning Administrator to be included with written Public comments for an upcoming meeting.

The Planning Commission anticipates submission of an application for a Special Use Permit for an RV Park sometime in or after March.

Please follow the review process and participate in Planning Commission Meetings via Zoom.

All meeting information and links will be clearly posted on our Township website.

<https://leelanautownshipmi.gov>

REVISED Oehmke | Speak Out About "Amusement Park"

Tom Oehmke & Joan Brovins <lawmode@comcast.net>

Mon 2/7/2022 7:06 AM

To: Steve Patmore <zoning@leelanautownshipmi.gov>

Cc: 'Brian Mitchell' <bmittchell@cherryhomeorchards.com>; 'David Chakroff' <dave.chakroff@gmail.com>; 'gina harder' <gina.harder@gmail.com>; hartkj@yahoo.com <hartkj@yahoo.com>; prebori@yahoo.com <prebori@yahoo.com>; 'Tom Weber' <tcweber68@gmail.com>

 2 attachments (49 KB)

2022-02-05 THO Memo LTPC Pub Hrg.pdf; 2022-02-06 TS Op Costs and ROI - Day Use ONLY.pdf;

G'day Steve

Please DELETE the previous email (dated 2/6/2022) and, instead, share this Memo and email (below) with the Leelanau Twp. Planning Commission for this week's packet for the Public Hearing on the Draft Ordinance.

Thank you,
Tom Oehmke

Greetings Commissioners

The proposed **Draft Ordinance** should be clarified to add the **highlighted language**:

"Accessory uses such as, but not necessarily limited to, playgrounds, recreational courts or fields, picnic areas, or swimming areas, may be permitted to serve **only** overnight guests of the campground **and are not available for use to the general public**. At no time shall an accessory use become a principal use of the property." [Section 7.3.C.3.b.5.12.3]

This clarification is needed because the Developer's proposed principal use for the commercial-resort property owned by Timber Shores is a quasi-"amusement park" which, as an aside, offers overnight camping for 355 RV's. The promised amenities include: water parks and swimming ponds, public beach, watercraft rentals, the game plaza, peddle kart paths, playgrounds, mini-golf, basketball, pickleball, trolley rides, restaurants, General Store, and more

The "amusement park" operations can host 550 day-use visitors and is estimated to gross \$1.825 million in annual revenue by selling daily passes. That's ~\$18.25 million in revenue over 10 years. But these millions of dollars in revenues will be at the expense of the whole Township's quiet enjoyment:

- Expect 110 more vehicles on M22 daily driving to/from the RV park
- This caravan will add 550 more people each day to Leelanau Twp
- Together with 355 RV's, this adds a total of 1,995 more folk to the daily summer population
- Day-use visitors alone will add ~7,333 gallons per day (GPD) of partially-treated wastewater meaning that an estimated ~31,000 GPD will be filtered through sandy-loamy soil, eventually into Ennis Creek and, from there, into the Bay
- Expect another 110 jet skis, pontoon boats, kayaks & SUPs crowding Grand Traverse Bay from 9am to 10pm at night
- The joyous noise from the "amusement park" and smoke from the firepits will travel far & wide
- Selling passes to Timber Shores for day-use visitors is a community big concern. The Survey Monkey showed 74% of respondents were concerned about
 - Traffic
 - On-site facilities such as boat rentals, general stores, restaurants, mini golf, water parks
 - Use of on-site facilities by individuals not camping or staying overnight

Because of this planned “amusement park” use, the 75’ to 100’ proposed setbacks are ineffective buffers given that noise near the waterfront and through the surrounding woods travels a great distance farther than a hundred feet. We urge a 500’ setback (see Joan Brovins’ letter of 09/22/2021 to the LTPC Zoning Administrator).

Thank you,
Tom Oehmke

Memorandum for Public Hearing on Draft Ordinance

To: Leelanau Township Planning Commission
From: Tom Oehmke, Attorney
Date: February 6, 2022
Re: Changes to Proposed Text Amendments Re: RV Parks

Under the present LTZO, a proposed RV park is not permitted if it will have a “significant adverse effect on the neighborhood area surrounding the site” [LTZO § 11.6(A)(3)]. While the Draft Ordinance does not revise this provision, the proposed amendments should be consistent with the present LTZO mandate.

After reviewing the proposed Draft Ordinance concerning RV parks, we offer these recommendations (which have been previously suggested but were not adopted):

1. ***Accessory Uses***

Add ***bold face-italics language*** so that it reads: “Accessory uses such as, but not necessarily limited to, playgrounds, recreational courts or fields, picnic areas, or swimming areas, may be permitted to serve ***only*** overnight guests of the campground ***and are not available for use to the general public***. At no time shall an accessory use become a principal use of the property.” [Section 7.3.C.3.b.5.12.3]

2. ***Campfires***

Add language to read: “***Outdoor fire pits are permitted only if they are smokeless and burn propane, natural gas or LNG; all other camp fires or wood burning appliances are prohibited.***” [Section 7.3.C.3.b.5.13]

3. ***Present Density Calculation***

Present density calculation [Section 7.3.C.3.b.3] divides total parcel acreage by 0.35 allowing for as many as 570 RV sites.

- a. Proposed alternative language would read: “***Maximum density is determined by dividing Unencumbered Acreage divided by 0.5 (to a maximum of 75 camp sites at any RV park). Unencumbered Acreage is total parcel acreage minus land used for accessory purposes (e.g., playgrounds, recreational courts or fields, swimming areas, picnic areas, roads, ponds, tennis courts, golf course, parking, bath houses, amenities, beaches, employee/worker housing, recreational features, accessory buildings, wetlands, dedicated open space, conservation easements, setbacks, etc.).***”

4. **600' Setback from Adjacent Residential Property**

Proposed setback is a minimum 75' from a private road [Table 3.5.A(Footnote 19)] and 100' from a campground unit to any property line [Section 7.3.C.3.b.5.1].¹

- a. Add language that reads: ***“Because a proposed RV park is not permitted if it will have a ‘significant adverse effect on the neighborhood area surrounding the site’ [LTZO § 11.6(A)(3)], a 600’ buffer of land adjacent to property that is platted, zoned or used for single family dwellings shall be fenced off to prevent any RV camp use.”*** [Section 7.3.C.3]

5. **Building Envelope Illustration**

Correct the illustration of a “building envelope” [Figure 2.2.C.1] which is not a front, side or rear “yard setback” but, rather, consists of a building’s exterior (e.g., doors, windows, walls, roof and the like).

END OF DOCUMENT

¹ Suttons Bay Twp. Campground Ordinance requires a 300' setback for RV parks next to residential properties and, presently, there are no RV or other camp grounds in Suttons Bay.

Income from Day-Use Visitors

Number of day-use vehicles/day entering TS	110
Entrance fee for 5-persons/vehicle @ \$5/vehicle + \$7/passenger	\$40
Entrance fees per day	\$4,400
Daily boat rental profit (330 rentals/day @ \$5/profit for 2 hours)	\$3,300
Daily food & beverage profit (550 persons @ \$30)	\$16,500
Gross revenue per day for Day-Use Visitors	\$24,200
Rental Days (May 1 - October 1)	184
Income/season @ 100% day-use occupancy	\$4,452,800
Mean occupancy rate (for modern RV trailers) [2]	41.00%
	\$1,825,648
Number of operating years	10
Gross revenues (before price increases) for 1st decade	<u>\$18,256,480</u>

DRAFT

Leelanau County Draft Zoning Amendments Water

Susan Wheadon <slwheadon@gmail.com>

Mon 2/7/2022 4:17 PM

To: Steve Patmore <ltzone@leelanautwp.org>

Mr. Steve Patmore,
Zoning Administrator

Please support the deep water's edge setback provision and the wetland's setback provision as defined by the Watershed Center. Thank you for doing the very best to protect our water.

Susan Wheadon
NMEAC

Sent from my iPad

Fwd: TIMBER SHORES

Bill Collins <billcolljr@gmail.com>

Tue 2/8/2022 10:50 AM

To: Steve Patmore <ltzone@leelanautwp.org>

Cc: Ruth Steele Walker <ruthsteelewalker@duenorth.us>; Walter Johnson <wjohnson@vogeladvisors.com>

Missing the last paragraph!

Sorry 😊

Sent from my iPad

Begin forwarded message:

From: Bill Collins <Billcolljr@gmail.com>
Date: February 8, 2022 at 10:23:06 AM EST
To: Steve Patmore <ltzone@leelanautwp.org>
Subject: TIMBER SHORES

We are very dismayed by the treatment of the TIMBER SHORES proposal by the Township governing bodies. To stop the process after all the preparation was done to meet the existing zoning is unforgivable. The zoning requirements have been there for years and not challenged.

The proposed changes appear to be encouraged by those governing the Township living adjacent to the TIMBER SHORES property which has been zoned Commercial/Resort for years. While I would suggest reducing the number of spaces, I would encourage you to approve the application based on the existing ordinance.

Thank You.

Bill and Nina Collins
Northport

Sent from my iPad

Submission for 2/10/22 LTPC Public Hearing - Grading Setbacks

1 message

Walter Johnson <wjohanson@vogeladvisors.com>

Tue, Feb 8, 2022 at 5:06 PM

To: Steve Patmore <leelanautownshipzoning@gmail.com>, Steve Kalchik <sjkalchik@gmail.com>

Cc: Chuck Wolverton <cwolverton12@gmail.com>, Brion Doyle <bbdoyle@varnumlaw.com>, Richard Edmonds <richard@mi-housecall-attorney.com>

Mr. Patmore: Attached is a presentation prepared by Chuck Wolverton regarding Section 15.5.A of the proposed Zoning Ordinance amendment. We formally request that the Planning Commission incorporate the proposed revisions to this section, which are hereby submitted.

The attached Section 15.5.A revision includes one new item vii under subparagraph 15.5.A.2.e. since the prior submittal to you last month. This additional item vii criteria was determined to be necessary after further detailed review by GCES with respect to the County grading & soil erosion plan requirements

As stated in Mr. Wolverton's presentation, the objective criteria for encroachments into the grading setback are based on good environmental, civil engineering and public policy practices. We trust that the Planning Commission will give serious consideration to the appropriateness of these revisions for the benefit of the entire leelanau Township Community.

-

Best Regards,

Walter G. Johnson
Director - Financial ServicesDirect: [248.282.4879](tel:248.282.4879) Cell: [248.310.9507](tel:248.310.9507) Office: [248.541.2400](tel:248.541.2400) Fax: [248.541.2405](tel:248.541.2405)wjohanson@vogeladvisors.com

104 W. Fourth Street, Suite 333, Royal Oak, Michigan 48067

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2 attachments **Grading Setbacks - LTPC Public Hearing Statement 2.8.22cw_.pdf**
180K **Section 15.5.A Grading setback - Proposed revisions 2.08.22.pdf**
90K

Statement to be read at the LTPC Public Hearing on February 10, 2022
Prepared by the Timber Shores Project Team

During the process of preparing the site plan for the proposed Timber Shores Family RV Camping & Beach Resort, the main goal was to avoid wetlands as much as possible and still preserve a viable site design. We believe we accomplished that goal by having only 0.48-acre of total wetland impact, which includes 0.36-acre for the proposed road system and 0.12-acre for the proposed recreation pond. The wetland mitigation plan that we propose will result in the restoration of 2.23 acres of wetlands previously filled in the 1960s, which will result in a net gain of 1.75 acres of wetlands on the property.

After we had prepared this site plan, the Planning Commission, in its efforts to revise the Commercial Resort portion of the township zoning ordinance, has proposed to implement a wetland setback of 25 feet for structures and impervious surfaces and a grading setback of 10 feet from wetlands where no disruption except mowing is allowed unless a variance is granted, which would assumedly have to be through the Zoning Board of Appeals.

The Planning Commission has been working for months on revisions to the Commercial Resort zoning district, purportedly to ensure the zoning adequately protects the public health, safety, and welfare for projects allowed in this zoning district. However arbitrary changes to the zoning ordinance, such as changing the Waterfront Setback in Commercial Resort from 40 as presently exists to 125 feet and also establishing a 10 foot grading setback from wetlands, seem to have no justification in regard to the public health, safety, and welfare. Most importantly, no Findings of Fact have been prepared by the Planning Commission to justify such zoning ordinance revisions.

Our preliminary analysis of the Timber Shores project plans in regard to the proposed 10 foot grading setback found that temporary encroachment into the grading setback would be required in numerous locations. Presently we are analyzing the site plans to determine where revisions to the plan can be made to avoid temporary encroachments in the 10 foot grading setback. One example is that almost all of the 31 tent campsites that we proposed on the cul-de-sac campsites from the former Timber Shores may be eliminated. One thing that appears certain at this point is that we cannot avoid all temporary encroachments in the grading setbacks. Either temporary encroachments are approved or significant detrimental impacts to the Timber Shores site plan may result.

An example of the poorly conceived grading setback requirement is its impact on stormwater runoff management. Small shallow basins and rain gardens are designed adjacent to campground roads to receive the direct stormwater runoff, filter it, promote infiltration, and then control its release to wetlands. Such a stormwater management plan is required by the Leelanau County Drain Commission and a permit must be processed for the plan. The stormwater management plan is designed to protect wetlands from direct road runoff and maintains water quality in the streams on the property and Grand Traverse Bay. However, given the prohibition of any impacts within

the 10 foot grading setbacks, construction of these important stormwater control measures in the locations where water will flow into them has significant impacts on the road layout and site plan for Timber Shores.

Unless the draft zoning ordinance revisions include criteria for the Planning Commission to allow temporary encroachments within the grading setback during site construction, the burden of site plan review for the purpose of granting variances for the temporary encroachments will apparently fall upon the Zoning Board of Appeals. This would undoubtedly be a cumbersome process that would throw this issue to the ZBA to deal with when, in fact, it should be handled by the Planning Commission. The outright ban of any encroachments into the 10 foot grading setback proposed in the zoning ordinance revisions is bad government. Those proposing to develop in the Commercial Resort zoning district should have a process where certain temporary encroachments during construction can be allowed by the Planning Commission and not throw this in the lap of the ZBA, causing additional delays and costs for both the Township and applicants.

About three weeks ago, in order to help improve the process of review of projects in the Commercial Resort district by the Planning Commission, our Project Team drafted a section of the proposed zoning revisions which provided a detailed framework of strict criteria that could be easily followed by the Planning Commission during site plan review while considering temporary encroachments into the grading setback. We met with the Zoning Administrator to discuss and revise the proposed section, and then anticipated that the Planning Commission would consider the proposed criteria at your last meeting. We were surprised to say the least when our revisions were not included in your review of the draft ordinance and there was not even any mention of the revisions that we had proposed to the Zoning Administrator.

The revisions that allow the Planning Commission to consider temporary encroachments in the grading setback during construction have been provided today to the Planning Commission (Section 15.5.A.2.e). These are objective criteria that protect the areas within the grading setback while allowing certain temporary encroachments during construction. The public can review our proposed revisions on the Timber Shores website. We respectfully formally request that the Planning Commission incorporate the proposed revisions we have provided in the ordinance.

Thank you.

Charles Wolverton

TIMBER SHORES - PROPOSED REVISIONS – 2/8/2022

Section 15.5.A is hereby amended in its entirety to read as follows:
SECTION 15.5 SPECIAL REQUIREMENTS

A. Wetlands:

1. Wetlands are regulated by the State of Michigan – Permits must be obtained as required by the appropriate department.
2. Township Wetland Setbacks: In order to help protect wetlands from degradation associated with development, the following standards shall apply to all Special Land Use Permits and Major Site Plan Reviews as defined in this ordinance:
 - a. There shall be a twenty-five (25) foot setback between a wetland and any structure or impervious surface.
 - b. There shall be a ten (10) foot setback between a wetland and any grading as defined herein (the "Grading Setback").
 - c. The setback will not be imposed adjacent to the immediate area where a Permit has been issued by the State of Michigan to impact the wetlands, including any approved road crossings. See Figure 15.5.A.
 - d. Grading may be permitted within the Grading Setback area by the Leelanau Township Planning Commission as allowed pursuant to Section 11.6.B.7.b upon site plan review and pursuant to the following paragraph 15.5.A.2.e
 - e. In areas where site construction is proposed adjacent to wetlands that are not involved in a permit issued by the state of Michigan, encroachments into the Grading Setback are allowed with the following criteria:
 - i. There are no feasible and prudent alternatives to accomplish the proposed activity;
 - ii. The proposed grading will not impact any drainageway;
 - iii. Direct impact to the wetland is avoided;
 - iv. Proper soil erosion control measures will be implemented, e.g. geotextile filter fabric fencing, and any other Best Management Practices that will prevent direct impacts to wetlands;
 - v. Any disturbed or unvegetated areas within the Grading Setback from wetlands, unless there is permeable gravel applied, will be topsoiled, seeded with native vegetation, and mulched to provide permanent stabilization of the disturbed area;
 - vi. Construction of impermeable surfaces within the Grading Setback is not allowed.
 - vii. Construction of stormwater management controls such as berms, swales, ditches, stormwater basins, bioswales, rain gardens, or other similar measures are allowed in the Grading Setback when permitted under the Leelanau County Soil Erosion, Sedimentation, and Stormwater Runoff Control Ordinance as long as the other criteria in subsection e. are met.
 - f. The wetland setback area can be mowed, and maintained as necessary to maintain the required minimum clear road right-of-way. However, no grading may take place within the Grading Setback unless authorized as provided herein.

In making this determination, the Leelanau Township Planning Commission will review the Environmental Review and Assessment required by Section 15.6, the Stormwater Control, Drainage, and Grading Plans, and any applicable Wetland Permits, Remediation, or Mitigation Plans.

Public Support of Timber Shores

1 message

Walter Johnson <wjohnson@vogeladvisors.com>

Tue, Feb 8, 2022 at 6:28 PM

To: Steve Kalchik <sjkalchik@gmail.com>

Cc: Steve Patmore <leelanautownshipzoning@gmail.com>, Fred Gordon <fgpc7736@aol.com>

Mr. Kalchik:

The Timber Shores Development team thought it appropriate as you prepare for the public hearing on the proposed zoning ordinance amendment to see the signed petitions from Leelanau Township residents that are in support of the redevelopment of the Timber Shores RV Park and are opposed to the long, divisive, and extremely expensive process that the moratorium has produced.

--

Best Regards,

Walter G. Johnson

Director - Financial Services



Direct: [248.282.4879](tel:248.282.4879) Cell: [248.310.9507](tel:248.310.9507) Office: [248.541.2400](tel:248.541.2400) Fax: [248.541.2405](tel:248.541.2405)

wjohnson@vogeladvisors.com

104 W. Fourth Street, Suite 333, Royal Oak, Michigan 48067

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 signed petitions-letter to LTPC.pdf
179K

Steve Kalchick
Chairman
Leelanau Township Planning Commission
Via Email Only

Dear Mr. Kalchick,

I am forwarding petitions bearing the names of more than 100 people who are against the township's actions in the matters involving Timber Shores.

The names were collected via a convenient method in which petitions were left on the counter at Deep's Corner Store. The petitions were initiated at the outset of the moratorium as a confirmation of our support. Private contact information has been redacted along with some entries including inappropriate information improperly added by opponents. Had we made a more vigorous effort which, at some point we may, there is no doubt that many more hundreds of signatures would be gathered quickly.

This is a powerful illustration of the popular sentiment in favor of Timber Shores and against the township's efforts to delay or stop it. There is no question that in the event a referendum should be required on the new commercial resort zoning ordinance the necessary number of signatures will be easily collected in order to put the matter before the voters. Given the support shown here there can be little doubt that the voters are likely to reject the new ordinance. The township will then be required to apply the existing ordinance to the Timber Shores application.

In that circumstance, after having spent a year of inaction on the Timber Shores application and nearly another year in ordinance revisions, having spent tens of thousands of dollars of taxpayer money in legal fees and planning consultations, and having unresolved conflicts of interest the township will be in the unenviable position of having failed in its expensive and ill-advised efforts to stall or stop Timber Shores.

I urge the township to end this unpopular undertaking.

Sincerely,

Walter Johnson
Timber Shores – Project Coordinator

cc: Leelanau Township Zoning Administrator via email

Public Support for Timber Shores:

1 message

Walter Johnson <wjohanson@vogeladvisors.com>
To: Steve Kalchik <sjkalchik@gmail.com>
Cc: Steve Patmore <leelanautownshipzoning@gmail.com>

Tue, Feb 8, 2022 at 9:23 PM

Mr. Kalchik:

Apparently the file containing the signed petitions was too large for the previous email. Please click on the link below to see these signed petitions.

 **We Support Timber Shores - signed Petitions.pdf**

--
Best Regards,

Walter G. Johnson
Director - Financial Services



Direct: [248.282.4879](tel:248.282.4879) Cell: [248.310.9507](tel:248.310.9507) Office: [248.541.2400](tel:248.541.2400) Fax: [248.541.2405](tel:248.541.2405)

wjohanson@vogeladvisors.com

104 W. Fourth Street, Suite 333, Royal Oak, Michigan 48067

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We Support Timber Shores!

We, the undersigned, demand that:

- 1) Township planning commission appointees, for openings occurring this year, represent specific identified segments of the community as required in the Michigan Planning Enabling Act.
We want the township to be more inclusive of the community with representatives of commerce, agriculture, natural resources, recreation, education, public health, government, transportation and industry.
- 2) That the moratorium, which was adopted illegally without input from the planning commission, shall be ended no later than 180 days from its effective date. We find it questionable at best that the township alluded to health, safety and welfare in its action but didn't specify any risks. Equally questionable were the votes of two township board members who have conflicts of interest in that they live within 300' of the Timber Shores property.
- 3) That the moratorium must end after not more than 180 days after adoption and the Leelanau Township Planning Commission, in that time, shall complete the review process and approve the developer's application for a special use permit.

Print Name	Email*	Phone*
Steven Turner		
Andy Croy		
Bill Gray		
Anthony Pearson		
Carl Young		
Mark Crakey		
David L. Dzubinski		
Christina M Dzubinski		
Frank Lovga		
KVE-O		
Tom Pentecost		

This petition is circulated by supporters of Timber Shores Family RV Camping and Beach Resort. *Designates optional information. If you provide your email then you will be added to the Timber Shores newsletter list.

We Support Timber Shores!

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- 3) That the moratorium must end after not more than 180 days after adoption and the Leelanau Township Planning Commission, in that time, shall complete the review process and approve the developer's application for a special use permit.

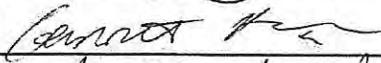
Print Name	Email*	Phone*
Eric Hallett		
Jim STERLINA		
Alex Kleinfelder		
Ricky W. DREILING		
Shane John		
ALLEW FLEES		
Sheri Sutherland		
Elijah Shiner		
LARRY BUSBY		
Chris Nielsen		
Calvin J. Kofron		
Josh Rutledge		

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Print Name	Email*	Phone*
Anthony Pentecost ST		
Frank McFall		
M. Harrison		
R. Schopko		
Tom Young		
Steve Coker		
		
		
		
Kathleen Ferestone		
Gulen Melales		
Gretchen Buchman -		

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- 2) That the moratorium, which was adopted illegally without input from the planning commission, shall be ended no later than 180 days from its effective date. We find it questionable at best that the township alluded to health, safety and welfare in its action but didn't specify any risks. Equally questionable were the votes of two township board members who have conflicts of interest in that they live within 300' of the Timber Shores property.
- 3) That the moratorium must end after not more than 180 days after adoption and the Leelanau Township Planning Commission, in that time, shall complete the review process and approve the developer's application for a special use permit.

Print Name	Email*	Phone*
✓ Greg Clark		
✓ JOHN CHRISTOPHERSEN		
✓ JACK BOSGRAAS		
✓ Diane Brown		
✓ Luis Barvera		
✓ My & Carl Jackson		
✓ Robert DAVERMAN		
✓ W. Scherman		
✓ BROCK VIGOR		
✓ Diane Allington		
✓ John McCombs John McCombs		
✓ John McCombs		
This petition is circulated by supporters of Timber Shore information. If you provide your email then you will b		

Kristi Fischer †
 Rebecca Carlson
 Andy Carlson

We Support Timber Shores!

We, the undersigned, demand that:

- 1) Township planning commission appointees, for openings occurring this year, represent specific identified segments of the community as required in the Michigan Planning Enabling Act.
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Print Name	Email*	Phone*
KARI (CAROLYN) KARR		
FRANK LOVSE		
Bruce (Brenda) Thompson		
Victor Goldschmidt		
Keith Schwarz		
Margot Thomas		
EUGENIE KOTI VONHOLT		
Mark Thomas		
LEONARD MICHALSKI		
Tom Van Pelt		
Kathleen Williams		
DICK LEANOR KENNEY		

This petition is circulated by supporters of Timber Shores Family RV Camping and Beach Resort. *Designates optional information. If you provide your email then you will be added to the Timber Shores newsletter list.

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Print Name	Email*	Phone*
Kelly THOMAS		
Roy's Timber Holdings		
Donald V. Smith		
Don Clingan		
Angel Roman		
Kathy Wessell		
Patricia A. Woods		
Jenise & William Branch		
Mary FREDRICKSON		
Tina Branger		
Thora (Kat) Bransky		

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Print Name	Email*	Phone*
Chris Bachman		
Bonnie J Shiner		
Sarah De		
Brianne Holch		
J. G.		
<p>This petition is circulated by supporters of Timber Shores Family RV Camping and Beach Resort. *Designates optional information. If you provide your email then you will be added to the Timber Shores newsletter list.</p>		

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Print Name	Email*	Phone*
Angela Dhami		
Ian Dawkins		
Paul Wilson - contact		
John		
Sybil Wu		
Andy Cobb		
Sara Poles		
Bradley Price		
Maxine Charlew		
Bradley Trottenberg		
Marcus Stowe	5	
St. Kent		

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Print Name	Email*	Phone*
Thomas Cavendish		
Theresa Kellogg		
Rainnuit Ben		
Paige Kohler		
Erin Linn		
i meet Dhami		
Plesca		
Maisha Flier		
W. G. Brumler		
R C Dow		
Todd Hock		
RD		

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Print Name	Email*	Phone*
✓ Kristoffer Kason		
✓ Russel Wright		
✓ Tyler Rink		
✓ Tim Brendel		
JIM BRAEMING		
Sarah Murphy		
Michael Fall		
Leah Wood		
JASON FERMAN		
Valentin Ugalde		

This petition is circulated by supporters of Timber Shores Family RV Camping and Beach Resort. *Designates optional information. If you provide your email then you will be added to the Timber Shores newsletter list.

On Feb 8, 2022, at 6:04 PM, Mark Marraccini <markmarraccini@hotmail.com> wrote:

An Open Letter to:

**Leelanau Township Board
Leelanau Township Supervisor
Leelanau Township Clerk
Leelanau Township Zoning Administrator**

We are Kentucky residents who own property in Michigan and visit the state regularly. Northport and the Leelanau County area have been among our most treasured destinations for more than three decades.

In that time, we have witnessed development steadily chip away at the area's natural beauty and seclusion so important to its idyllic charm. It has come to our attention that a proposal to bring a more than 300-space Recreational Vehicle Park to the Northport area is being considered. Such a development will deliver a monstrous blow to the special magic of the area and hasten its decline.

While continued growth and development might be vital to the growth and pulse of many Michigan communities, they are toxic to the tranquility and serenity that make this area so special. We respectfully urge you to embrace these precious assets, preserve them even, and resist the temptation to welcome the congestion, daily hustle, and environmental damage that would certainly follow such an eyesore.

Thank you for your consideration.

**Mark and Patti Marraccini
1212 Powell Taylor Road
Lawrenceburg, KY 40342**

**1093 Orchard Road
Essexville, MI 48732**

**Cc: Ms. Trudy J. Galla, Leelanau County Planning Director
(for use as needed by Leelanau County Planning Commission)**

Comments for the February 10 public hearing

Ruth Steele Walker <ruthsteelewalker@duenorth.us>

Wed 2/9/2022 12:08 PM

To: Steve Patmore <zoning@leelanautownshipmi.gov>; sjkalchik@gmail.com <sjkalchik@gmail.com>; Brian Mitchell <bmittchell@cherryhomeorchards.com>; pcrebori@yahoo.com <pcrebori@yahoo.com>; Gina Harder <trusteegina@leelanautownshipmi.gov>

 1 attachments (112 KB)

Letter to ZA re-Public Hearing.pdf;

Attached is a PDF of my comments for tomorrow's public hearing. I am including those planning commissioners whose emails I have and would ask you to share this with those I don't have: Tom Weber, Brigid Hart and David Chakroff.

Sincerely,

Ruth Steele Walker

Due North Marketing Communications

PO Box 26

Omena, MI 49674

231-386-9206 - office

231-233-2113 - mobile

To the Members of the Leelanau Township Planning Commission

Fact: The population of Leelanau Township is over 2,000 people.

Fact: The opponents of Timber Shores claim they are representing 63 neighbors.

Perception: The Leelanau Township Planning Commission, in their rewrite of the zoning ordinance, is catering to the concerns of seven percent (yes 7%) of the township's population (even a lesser percentage if you factor in how many of those neighbors are part time residents who list their primary residences in Southeast Michigan or Ohio.)

Perception: The planning commission's efforts are nothing but a stall tactic to delay development of the proposed Timber Shores RV Resort at the expense of the many township residents who will benefit financially from the business and jobs that Timber Shores will bring to our community.

Result: The planning commission has developed an ordinance that – at best – can be considered restrictive and probably unnecessary.

Why do I say that?

Those of us who were listening to a recent meeting of the planning commission heard Zoning Administrator Steve Patmore tell commissioners that the existing ordinance gave them a lot of latitude on setbacks – a key issue of discussion.

Restrictions that this new zoning ordinance imposes include:

- Increased setbacks well beyond what any other township in the county requires
- Restrictions on campfires
- Restrictions on who can be on the property if they're not a registered camper or campground employee
- Density restrictions that would affect the placement of park model units that will provide much needed tourist lodging in the area.

I find the density restriction particularly odd since during the original meetings about Timber Shores both members of the planning commission and neighbors expressed fears about RV traffic on M22. Park models would reduce the RV traffic AND provide some places for the nearly 300,000 visitors to the Leelanau State Park to stay while in the area. Overnight rentals are desperately needed in our area so it boggles my mind why the planning commission would make it more difficult to provide this type of lodging.

What has not happened during this ordinance review is the planning commission providing the public with any type of answer as to why a campground in Leelanau Township needs to be subjected to requirements that exceed state regulation standards.

As a resident who lives less than a mile from the proposed campground, and who lived here during the time the original Timber Shores operated, I find myself shaking my head at the antics that have taken place during the past year as this ordinance was "studied." And while I do work with the Timber Shores team, I would wholeheartedly support this project even if I didn't.

I encourage the planning commission to put an end to this farce, acknowledge that they already have a viable ordinance on the books and that it is time to move on with Timber Shores application for a Special Use Permit.

Sincerely,

Ruth Steele Walker
7180 North West Bay Shore Drive

Density Calculation Revision - Exclusion of Wetlands

2 messages

Walter Johnson <wjohanson@vogeladvisors.com>

Wed, Feb 9, 2022 at 9:34 PM

To: Steve Patmore <leelanautownshipzoning@gmail.com>

Cc: Nathan Mehmed <mehmed@williams-works.com>, Richard Edmonds <richard@mi-housecall-attorney.com>, Chuck Wolverton <cwolverton12@gmail.com>, Scott Thompson <scott@northerncivilconsulting.com>

Mr. Patmore:

I note with great concern the recent change in the proposed zoning ordinance amendment to exclude all wetlands from the gross acreage available for the density calculation. This is in direct conflict with our extensive effort to increase the total wetland area through our wetland restoration as submitted to EGLE.

We strongly object to this arbitrary action, which has no logical reason in the context of a density analysis. The wetlands are additional open space within the property which will be set aside in a conservation easement and of course naturally create greater spacing of dwelling units.

I recall the review sessions where Nathan Mehmed specifically indicated there was no reason to change the density provision in the ordinance. We trust that you will review this matter and reverse this action.

5. Section 3.5 – Table 3.5.A – Schedule of Regulations is hereby amended to add the word "**wetlands**" to footnote (22) a and b as follows: (22) a. ".....the maximum number of dwelling units permitted shall not exceed the number derived from dividing the total parcel acreage, exclusive of permanently submerged lands, **wetlands**, and all right-of-ways and easements for roads" b. ".....the maximum number of dwelling units permitted shall not exceed the number derived from dividing the total parcel acreage, exclusive of permanently submerged lands, **wetlands**, and all right-of-ways and easements for roads ..."

--

Best Regards,

Walter G. Johnson

Director - Financial Services

Direct: [248.282.4879](tel:248.282.4879) Cell: [248.310.9507](tel:248.310.9507) Office: [248.541.2400](tel:248.541.2400) Fax: [248.541.2405](tel:248.541.2405)wjohanson@vogeladvisors.com

104 W. Fourth Street, Suite 333, Royal Oak, Michigan 48067

www.vogeladvisors.com *Michigan's #1 Independent Tenant Representation Firm*

Steve Patmore <leelanautownshipzoning@gmail.com>

Thu, Feb 10, 2022 at 11:32 AM

To: Walter Johnson <wjohanson@vogeladvisors.com>

Mr. Johnson,

The Planning Commission made that change at their November Meeting. It is not a new change.

They brought this to my attention at the last meeting.

Steve

[Quoted text hidden]

Letter Re: Public Hearing

Scott Walker <scottwalker@duenorth.us>

Wed 2/9/2022 4:09 PM

To: sjkalchik@gmail.com <sjkalchik@gmail.com>; Steve Patmore <zoning@leelanautownshipmi.gov>

Dear Chairman Kalchik,

In re: the public hearing before the planning commission on 2/10 I am attaching a letter to be included with the public record of the meeting.

Cordially,

Scott Walker

Due North Marketing Communications, Inc.

February 9, 2022

Steve Kalchik
Chairman
Leelanau Township Planning Commission
C/O Leelanau Township Zoning Administrator - Via Email Only

Dear Chairman Kalchik,

There have been several references to the idea that this is not about Timber Shores – that it's only about the amendment to the ordinance. That's a hollow argument which fools no one. This is all about Timber Shores.

In reality the township has only dug itself a hole, one that is already large and expensive. It's growing bigger, deeper and more costly with each action the township takes to oppose Timber Shores. In politics and in government the first rule of holes is when you find you're only digging yourself deeper, stop digging. The township needs to stop digging.

Another hollow piece of the argument is that the commercial-resort district definition hasn't been reviewed in 15 years. A - As attorney Richard Edmonds pointed out that's not accurate. B – It's a problem the township created for itself through its own failure to do regular reviews, and it shouldn't penalize the developer, especially one who has paid property taxes in excess of \$1.5 million under the existing zoning.

This business about the moratorium having been necessary to protect public health, safety and welfare is nonsense. The Michigan Public Health Code, which is the body of state law that actually does protect public health, safety and welfare, contains nothing that is relevant to the township's review of its commercial resort zoning district ordinance.

This is a delay tactic, and a clumsy one. Maybe the township hopes the developer will just go away. Not likely. After more than 40 years in this business he is persistent. He has distinguished himself in his choice of associates and the developments he creates. Maybe you recognize the name Jerry Reinsdorf, the owner of the Chicago Bulls and Chicago White Sox. With another partner they incorporated Balcor which was a commercial real estate firm they sold to an arm of American Express. This developer has created golf resorts, office complexes, commercial developments and several Hilton hotels. He has an enviable record of success.

Leelanau Township could use a little success, a lot of future-focused thinking and a commitment to improving the local economy. The township should be a place where people can come to thrive, where businesses can have the opportunity to improve on their successes.

It should not be a place where some of the seasonal residents and some of the people who retire here want to stop everything that they may see as inconvenient for them during the

three months of the year they're here, but that could provide jobs and help local businesses survive.

Is that what you really want to do?

Early in this process we indicated several concerns with the commission's consultant's plans. First, the schedule stretched into November. Now here we are in the middle of February. That's disappointing to say the least, especially since not one shred of evidence has been offered of any harm. This appears to be part of the township's grand plan to slow down this whole process to give opposing neighbors more time to try to find more ways, including a litany of bogus allegations, to delay or stop Timber Shores.

The consultant's survey had numerous significant problems. It mixed scales and confounded responses with choices biased towards negative propositions. For example the statement that "I don't want recreational vehicle parks/campgrounds in Leelanau Township" is extraordinary. At least the scale should have been balanced with a parallel statement on the positive end – something to the effect that "I think RV parks and campgrounds are desirable in Leelanau Township". This appears to be a blatant effort to skew the survey towards eliciting a negative response. That's inappropriate. It is inexcusable – as well as unethical – to purposely construct a survey with such a bias.

This is elementary. It's surprising to see such significant flaws in something that the commission put its name on. In addition it's a convenience sample which was not random and not representative. It's not empirically valid yet it has been used as if it were. The township has never responded to the Timber Shores request for full survey data which we believe will demonstrate that the conclusions drawn were constructed in ways that exclude data that shows local support for Timber Shores. This is information that was collected at taxpayer expense and should be fully disclosed in a completely transparent manner. This is the commission's responsibility as a public body under Michigan law and it has failed to comply.

Another of the distractions commissioned by some opposing neighbors was the so-called Luttenton report. That has been thoroughly discredited by Chuck Wolverton, a consultant who has decades of experience in the field and who is a former regulator with the Michigan environmental agency. The Wolverton response is available on the project documents page at timbershoresrvpark.com.

Opponents have also claimed that the wastewater treatment plant (WWTP) discharge will pollute Ennis creek, the bay and wells. That's ludicrous.

The treatment plant is the same type of technology used by the Northport-Leelanau Township Utility Authority. That plant has operated for years without polluting Northport Creek, the bay or drinking water wells.

According to Metcalf and Eddy's *Wastewater Engineering*, long recognized as the go-to reference for wastewater treatment processes, residential septic tank effluent contains 140-

200 milligrams per liter of biochemical oxygen demand (BOD). The proposed Timber Shores WWTP would produce as little as 1% of the BOD discharged by a residential septic tank.

Given these facts immediate neighbors and other opponents of Timber Shores and its proposed WWTP should be alarmed to the point of panic at the discharge from residential septic systems in operation along that stretch of the creek and the bay. They should take urgent measures to reduce the discharge of their septic systems to the levels of the proposed Timber Shores WWTP which are miniscule in comparison.

The proposed setbacks appear to put Leelanau Township in a class by itself. Not in a good way.

Reviewing the waterfront setback examples provided by the Watershed Center in its October 7 memo 125 feet is almost double the distance of the deepest setback in their examples, which is 75 feet in Garfield township. Most of the townships had a 50-foot setback and it's as little as 30 feet in Bingham township.

If you go next door in Leland township you'll see a 40-foot setback in their sensitive lands section. This has an exception for situations where – and this is a direct quote – “uses are of a commercial nature in a commercial district in which case the setback shall be 25 feet”. And, of course, in the Fishtown district the water's edge setback is – quote – “no closer than any structure within the district”. Can you possibly get any closer?

I hope you regard those facts as competent, material and substantial evidence that demonstrates this new version of the commercial resort ordinance is unsupportable.

How could it be a bad thing to have one of – if not *the* – most restrictive setback in northern Michigan? Think about the effect it would have on others who may want to do business here in Leelanau township. First of all, are they going to look at this process and think to themselves, “Well maybe the township will do the same thing to me and my proposal – change the rules to make it less practical or rewarding, or even possible, to do business here.” And then when they do the same comparison of setbacks in nearby townships it isn't much of a stretch to see where business is welcome and where it isn't. This is often referred to as a chilling effect – giving the cold shoulder and making it clear that business doesn't get a warm reception here. At least, not warm in the appreciative and respectful sense.

How does this affect the community? It doesn't affect just this parcel or this project. Consider what's happened in Northport in recent memory – the hospital – gone; the pharmacy – gone; the dentist's office – gone; the auto repair shop – gone; small business after small business after small business – gone.

That's how these decisions affect the rest of the community. They directly affect the things that determine our quality of life. And that deserves very serious consideration of not just the immediate neighbors and their largely seasonal houses, but consideration of the interests of

the entire community. The fact is there is no evidence that a private family oriented RV park which intends to be a good neighbor has any negative impact on the neighboring properties.

I'm proud to work with the Timber Shores team in articulating the facts to the community. More information is available at TimberShoresRVPark.com/project-documents.

Sincerely,

Scott Walker
Omena

Letter to Planning Commission for Public Hearing Feb. 10

Anne Harper <harperconsulting@gmail.com>

Thu 2/10/2022 1:21 PM

To: Monica Diaz <clerk@leelanautownshipmi.gov>; Steve Patmore <zoning@leelanautownshipmi.gov>

Cc: Gina Harder <trusteegina@leelanautownshipmi.gov>

 1 attachments (14 KB)

PC Comments RE Zoning Amendment.docx;

Attachment contains this letter, which is also copied below. Please acknowledge receipt if possible. Thank you.

February 10, 2022

To: The Leelanau Township Planning Commission

From: Anne Harper (213 E. Fourth St., Northport)

I have been impressed by your work on the Township Zoning Ordinance and write to express my support for adoption of the Amendments as presented.

The proposed revisions contain clear, bold, and balanced standards to ensure that the township's shorelines, streambanks, wetlands, and water quality are protected from pollution and eco-system destruction in the face of increased development pressure and continuing fluctuations in lake levels.

I particularly want to note my support for the changes to the Ordinance Part 4, Amendment of Article 3 – Land Use Districts , and to Ordinance Part 8, Amendment of Article 15 – Environmental Standards.

The provisions for water's edge setbacks of 125 feet and wetland setbacks of 25 feet are critical tools for protecting the natural habitat of the Grand Traverse watershed, which is fundamental to the health and well-being of the entire county.

I am grateful to our Planning Commission member and Trustee Gina Harder, our six-member Planning Commission, and our Zoning Administrator (Steve Patmore) for your many hours of attentive listening to public input, your frank discussions with one another, and your willingness to dig into the details. Your public service on behalf of your fellow residents is inspiring. You have examined scientific research and environmental best practices to develop an Amendment to

a zoning ordinance that other townships and villages in Leelanau County could well emulate as we all work to improve the welfare of our most vital resources: the land, air, and water that sustain us.

Anne Harper
harperconsulting@gmail.com

Re: Public Support for Timber Shores:

Scott Walker <scottwalker@duenorth.us>

Thu 2/10/2022 1:18 PM

To: Steve Kalchik <sjkalchik@gmail.com>

Cc: Steve Patmore <leelanautownshipzoning@gmail.com>; Walter Johnson <wjohnson@vogeladvisors.com>; Ruth <ruthstelewalker@duenorth.us>; Steve Patmore <zoning@leelanautownshipmi.gov>

Walt asked us to forward a copy of this file as an attachment. Please let me know if you have any difficulty with the file.

On Tue, Feb 8, 2022 at 9:23 PM Walter Johnson <wjohnson@vogeladvisors.com> wrote:

Mr. Kalchik:

Apparently the file containing the signed petitions was too large for the previous email. Please click on the link below to see these signed petitions.

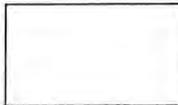
[We Support Timber Shores - signed Petitions.pdf](#)

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Best Regards,

Walter G. Johnson

Director - Financial Services



Direct: [248.282.4879](tel:248.282.4879) Cell: [248.310.9507](tel:248.310.9507) Office: [248.541.2400](tel:248.541.2400) Fax: [248.541.2405](tel:248.541.2405)

wjohnson@vogeladvisors.com

104 W. Fourth Street, Suite 333, Royal Oak, Michigan 48067

www.vogeladvisors.com *Michigan's #1 Independent Tenant Representation Firm*

From: leanne beduhn
Sent: Saturday, July 24, 2021 10:45 AM
To: Planning <Planning@leelanau.gov>
Subject: Timber Shores RV Park

As a resident of Northport and an avid boater, I am concerned of the added traffic at the Northport Boat Launch that the Timber Shores RV quest trying to launch their boat. There is currently a lack of parking for boat trailers now. Timber Shores web site informs quest that they will have to use nearby [Northport] boat launch. I believe this will cause major parking and traffic [non boater] congestion in Northport. Than You, Keith Beduhn

Sent from Windows Mail

VARNUM
ATTORNEYS AT LAW

Bridgewater Place | Post Office Box 352
Grand Rapids, Michigan 49501-0352

Telephone 616 / 336-6000 | Fax 616 / 336-7000 | www.varnumlaw.com

Rec'd 3-9-2022

Brion B. Doyle

Direct 616 / 336-6479
bbdoyle@varnumlaw.com

March 8, 2022

BY EMAIL AND
UPS OVERNIGHT

Ms. Trudy Galla, AICP
Leelanau County Planning Director
8527 E. Government Center Dr., Suite 108
Suttons Bay, MI 49682
TGalla@Leelanaau.gov

**Re: LEELANAU TOWNSHIP ORDINANCE TO AMEND: ARTICLE 2 –
DEFINITIONS, ARTICLE 3 – LAND USE DISTRICTS, ARTICLE 7 –
COMMERCIAL RESORT DISTRICT, AND ARTICLE 15 –
ENVIRONMENTAL STANDARDS, OF THE LEELANAU TOWNSHIP
ZONING ORDINANCE**

Dear Ms. Galla:

I represent Timber Shores RV Resort and Campground (Timber Shores), and I am writing to express Timber Shores' concerns regarding the above-referenced Zoning Ordinance Amendment, which has been submitted to the County Planning Commission for review at the County Planning Commission meeting on Tuesday March 15, 2022.

As set forth below, it is important for the County Planning Commission to understand that the proposed Zoning Ordinance Amendment was drafted solely in response to Timber Shores' proposed development. As is often the case when general zoning changes are made in reaction to concerns with a specific proposed development, a number of changes have been proposed to hinder or limit development and address the concerns of neighboring property owners (including the Township Supervisor and his wife), and not to benefit the community at large. As is also often the case when changes to zoning are made under these circumstances, certain provisions of the proposed Amended Zoning Ordinance are unlawful and unenforceable. In particular, this letter will address Timber Shores' concern with Section 15.5.A of Article 15 – Environmental Standards, and our request that the County Planning Commission recommend that the Leelanau Township Board of Trustees adopt Timber Shores' proposed changes to Section 15.5.A. A copy of Timber Shores' proposed revised Section 15.5.A is attached for your reference. Absent changes to this proposed revision, the Township Board will enact an Amended Zoning Ordinance that is invalid. We are hopeful that the

Ms. Trudy Galla, AICP
Leelanau County Planning Director
Re: LEELANAU TOWNSHIP ZONING ORDINANCE AMENDMENT
March 8, 2022

County's independent and unbiased review will help all parties involved by way of recommended changes to this provision.

By way of background, Timber Shores RV Resort and Campground is a proposed development in Leelanau Township. The approximately 90-acre development is to be located within 9 contiguous parcels consisting of 213 acres of land located south of Northport on property which is zoned Commercial Resort (CR) by Leelanau Township Zoning. The property is bounded on the West by M-22, on the North by Camp Haven Road, on the South by North Cove Trail and on the East by over 1,700 feet of frontage on Grand Traverse Bay. The proposed development is bounded north of the Bay frontage by residential lots located on North Indian Camp Road and south of the Bay frontage by residential lots located on North Cove Trail.

The Township Board adopted an ordinance in March of 2021 establishing a moratorium on campgrounds, just as Timber Shores was preparing to finalize revisions to its special land use application pursuant to a written review by the Township Planning Commission. Pursuant to the moratorium, the Township Board directed the Township Planning Commission to review the Zoning Ordinance to insure that health, safety and welfare concerns of the "community" were addressed. However, video recordings of the Township Planning Commission meetings document the fact that this Ordinance Amendment was aimed directly at Timber Shores. The comments of the Planning Commission members revealed that they were motivated to recommend changes in direct response to the proposed development. Further evidence will show that many of the proposed regulations, including the provisions of Section 15.5.A., specifically target the Timber Shores development without regard to other properties within the same or other zoning districts.

In addition, video recordings of the Township Planning Commission meetings provide substantial evidence of bias against Timber Shores' proposed development on the part of the Planning Commission and provide numerous instances of arbitrary regulations. This includes the proposed amendment to waterfront setbacks which was increased from 40' to 125' based on the completely arbitrary reason that "some members want 200' and others want 100' why don't we just say the set back is 125." This type of arbitrary decision making is rampant in this Ordinance Amendment. In addition, as evidenced in the video recordings, the Township Zoning Administrator and Township Planner both stated during the review process that "the current Ordinance is a very good ordinance and provides the Planning Commission with leeway for increasing setbacks and buffering." These arbitrary regulations aimed at Timber Shores will have the effect of causing parcels and/or structures in other CR Districts to become non-conforming. Further evidence of this targeting is the fact that these same concerns for wetland and shoreline setbacks have not been imposed upon other zoning districts. There is no substantial, material, competent evidence for any amendment to the ordinance and certainly none for the specific regulations added to the ordinance through these various amendments.

Ms. Trudy Galla, AICP
Leelanau County Planning Director
Re: LEELANAU TOWNSHIP ZONING ORDINANCE AMENDMENT
March 8, 2022

The most problematic provision of the amendment proposed by the Township Planning Commission is the amendment to Section 15.5.A, a provision that would violate state law and render the proposed Zoning Ordinance Amendment invalid and unenforceable. Section 15.3 of the existing Township Zoning Ordinance states: "This Ordinance recognizes the authority and responsibility of Federal, State, and County governments to regulate wetlands." However, the Township Planning Commission's proposed amendment of Section 15.5.A violates the language of Section 15.3 by adding Township regulations regarding wetland setbacks. Specifically, the Township Planning Commission proposed the following amendment to Section 15.5.A:

SECTION 15.5 SPECIAL REQUIREMENTS

A. Wetlands:

1. Wetlands are regulated by the State of Michigan – Permits must be obtained as required by the appropriate department.
2. Wetland Setbacks: In order to help protect wetlands (as defined herein) from degradation associated with development, the following standards shall apply to all Special Land Use Permits and Major Site Plan Reviews as defined in this ordinance:
 - a. There shall be a setback of not less than twenty- five (25) feet between a wetland and any structure or impervious surface.
 - b. There shall be a Grading Setback of not less than ten (10) feet between a wetland and any grading, as defined herein.
 - c. These setbacks will not be imposed adjacent to the immediate area where a Permit has been issued by the State of Michigan to impact the wetlands, including any approved road crossings. See Figure 15.5.A.
 - d. The Grading Setback area can be mowed, however, no grading may take place unless a variance is granted as provided herein.

Thus, this proposed Township regulation of wetlands directly attempts to assert local control over State-regulated wetlands, in violation of both Section 15.3 of the existing Township Zoning Ordinance and established state law.

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) is responsible for ensuring that Michigan's water resources remain clean by establishing water quality standards, regulating the discharge of industrial and municipal wastewaters, monitoring water quality, and developing policy. EGLE's professional staff provides for the protection, restoration and conservation of Michigan's Great Lakes, inland lakes and streams, groundwater, and wetlands. In addition, over thirty years ago, Michigan was the first state, and remains one of only two states, to have received authorization from the federal government to administer the federal wetland program. Because of this approval, wetlands permits issued by EGLE under state law also provide federal approval. Michigan's wetlands law recognizes the important benefits provided by wetlands and their vital role in recreation, tourism, and the economy.

Ms. Trudy Galla, AICP
Leelanau County Planning Director
Re: LEELANAU TOWNSHIP ZONING ORDINANCE AMENDMENT
March 8, 2022

Under Michigan law, "a municipality may not enact an ordinance if: (1) the ordinance directly conflicts with the state statutory scheme, or (2) the state statutory scheme preempts the ordinance by occupying the field of regulation that the municipality seeks to enter, to the exclusion of the ordinance, even where there is no direct conflict between the two schemes of regulation." *People v Llewellyn*, 401 Mich 314 (1977); *Frericks v Highland Township*, 228 Mich App 575 (1998). Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act (Public Act 451 of 1994) does not prohibit work on upland adjacent to regulated wetlands, even if such work is an inch away from the wetlands. The Township's proposed zoning ordinance amendment, however, restricts grading within ten feet of wetlands. If adopted, the ordinance would be *prohibiting*, what state law *permits*. As such, the ordinance provision would be unenforceable on this basis alone.

Moreover, NREPA Part 303 expressly *limits* the rights of municipalities to adopt any ordinances regulating wetlands. It provides that: "[a] local unit of government may regulate wetland within its boundaries, by ordinance, only as provided under this part." MCL 324.30307(4) (emphasis supplied). This section of NREPA Part 303 then lists several substantive and procedural prerequisites to a municipal ordinance regulating wetlands. EGLE's criteria for a Township to enact its own wetland ordinance is well-founded. As can be seen in the proposed Zoning Ordinance Amendment, the Township Planning Commission does not provide any standards which would provide guidance to an applicant regarding its wetlands regulations, and simply states that the applicant must seek a variance. This regulation is unduly burdensome on the applicant and the Zoning Board of Appeals. The Planning Commission is installing this wetland regulation in an area that is specifically preempted by State Law for regulation by EGLE and then the Planning Commission is simply passing problems associated with the regulation on to the ZBA. Much more significantly, we believe that Leelanau Township may have failed to follow several of the statutory requirements, including the following:

- A wetland ordinance cannot require a permit for activities exempted from regulation under Part 303.
- A wetland ordinance must use the same wetland definition as in Part 303.
- Local units of government must publish a wetland inventory before adopting a wetland ordinance.
- Local units of government that adopt wetland ordinances must notify EGLE.

Thus, as currently proposed, the Township is asking the County to comment on a proposed Zoning Ordinance Amendment that would be invalid and unenforceable as soon as the Township Board voted to approve it, sending all of the parties involved into immediate litigation. This is why Timber Shores is urging the County to review and recommend the changes proposed by Timber Shores.

Notwithstanding our concerns regarding bias and arbitrary regulations aimed specifically at the proposed Timber Shores RV Resort and Campground as documented in the video recordings of the Leelanau Township meetings, Timber Shores desires to work with the

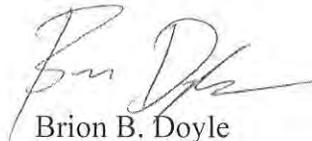
Ms. Trudy Galla, AICP
Leelanau County Planning Director
Re: LEELANAU TOWNSHIP ZONING ORDINANCE AMENDMENT
March 8, 2022

Township to avoid legal proceedings. To that end, I have attached a proposed change to the Township Planning Commissions Zoning Ordinance Amendment. Specifically, Timber Shores' proposed change provides for specific standards that an applicant must address with regard to grading and insuring that wetlands are protected, as well as the 10' area of concern next to wetlands that the Planning Commission wants to protect. This change to the Ordinance also provides for review by the Planning Commission and relieves the ZBA from doing the Planning Commission's job.

Based on all the information provided above, we respectfully request that the County Planning Commission send the subject Zoning Ordinance Amendment to the Leelanau Township Board with a recommendation that the Ordinance be approved with the revision to Section 15.5.A as provided by Timber Shores.

Sincerely,

VARNUM



Brion B. Doyle

BBD/db
Enclosure
19250906.1

TIMBER SHORES - PROPOSED REVISIONS – 2/8/2022

Section 15.5.A is hereby amended in its entirety to read as follows:
SECTION 15.5 SPECIAL REQUIREMENTS

A. Wetlands:

1. Wetlands are regulated by the State of Michigan – Permits must be obtained as required by the appropriate department.
2. Township Wetland Setbacks: In order to help protect wetlands from degradation associated with development, the following standards shall apply to all Special Land Use Permits and Major Site Plan Reviews as defined in this ordinance:
 - a. There shall be a twenty-five (25) foot setback between a wetland and any structure or impervious surface.
 - b. There shall be a ten (10) foot setback between a wetland and any grading as defined herein (the "Grading Setback").
 - c. The setback will not be imposed adjacent to the immediate area where a Permit has been issued by the State of Michigan to impact the wetlands, including any approved road crossings. See Figure 15.5.A.
 - d. Grading may be permitted within the Grading Setback area by the Leelanau Township Planning Commission as allowed pursuant to Section 11.6.B.7.b upon site plan review and pursuant to the following paragraph 15.5.A.2.e
 - e. In areas where site construction is proposed adjacent to wetlands that are not involved in a permit issued by the state of Michigan, encroachments into the Grading Setback are allowed with the following criteria:
 - i. There are no feasible and prudent alternatives to accomplish the proposed activity;
 - ii. The proposed grading will not impact any drainageway;
 - iii. Direct impact to the wetland is avoided;
 - iv. Proper soil erosion control measures will be implemented, e.g. geotextile filter fabric fencing, and any other Best Management Practices that will prevent direct impacts to wetlands;
 - v. Any disturbed or unvegetated areas within the Grading Setback from wetlands, unless there is permeable gravel applied, will be topsoiled, seeded with native vegetation, and mulched to provide permanent stabilization of the disturbed area;
 - vi. Construction of impermeable surfaces within the Grading Setback is not allowed.
 - vii. Construction of stormwater management controls such as berms, swales, ditches, stormwater basins, bioswales, rain gardens, or other similar measures are allowed in the Grading Setback when permitted under the Leelanau County Soil Erosion, Sedimentation, and Stormwater Runoff Control Ordinance as long as the other criteria in subsection e. are met.
 - f. The wetland setback area can be mowed, and maintained as necessary to maintain the required minimum clear road right of-way. However, no grading may take place within the Grading Setback unless authorized as provided herein.

In making this determination, the Leelanau Township Planning Commission will review the Environmental Review and Assessment required by Section 15.6, the Stormwater Control, Drainage, and Grading Plans, and any applicable Wetland Permits, Remediation, or Mitigation Plans.