

NOTICE OF MEETING

A Regular Meeting of the Leelanau County Planning Commission (LCPC) will be held at **5:30 pm Tuesday, MARCH 23, 2021** in the Leelanau County Government Center and by zoom.

A live streaming of this meeting will be available for viewing via the following link –
https://www.youtube.com/channel/UCNQTglgcTedF2qB8floC1GQ?view_as=subscriber

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

Due to COVID-19, this session will be held virtually via Zoom, AND in the Commissioner Meeting Room, Leelanau County Government Center, Suttons Bay, Michigan. (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 (Call 231-256-8109)

STAFF COMMENTS

Capital Improvement Program (CIP) Update

CONSIDERATION OF JANUARY 26, 2021 MEETING MINUTES *pgs 2-9*

NEW BUSINESS

- A. PC02-21-01 Bingham Twp. – Text Amendments *pgs 10-35*
- B. 2020 Annual Report *pgs 36-38*

REPORTS

1. Education Committee
2. Housing Action Committee
3. Parks & Recreation Committee
4. Report from LCPC members of attendance at township/village meetings, or Other Meetings/Trainings
5. Training Updates: *Todd, Yoder, Miller, Griswold*

COMMUNICATIONS

PUBLIC COMMENTS (Call 231-256-8109)

STAFF COMMENTS

COMMISSIONER & CHAIRPERSON COMMENTS

ADJOURN

LCPC Members

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

A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, JANUARY 26, 2021, AT THE LEELANAU COUNTY GOVERNMENT CENTER.

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

Meeting was called to order at 5:32 p.m. by Vice-Chairman Noonan who led the Pledge of Allegiance. The Meeting was held at the Leelanau County Government Center, 8527 E. Government Center Dr., Suttons Bay, MI and via ZOOM.

ROLL CALL

Members Present: R. Miller, T. Nixon, C. Noonan, M. Black, M. Lautner
(via ZOOM) K. Todd (5:54), N. Griswold

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

Members Absent: D. Hubbell
(prior notice)

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

Public Present: E. Winkelman
(At Government Center)

Public Present: None
(via ZOOM)

CONSIDERATION OF AGENDA

Motion by Nixon, seconded by Lautner, to accept the agenda as presented. Motion carried 9-0.

CONFLICT OF INTEREST – None.

PUBLIC COMMENT

Winkelman spoke about his first Planning Commission meeting twenty-five years ago and how coincidentally it was when Galla first started as Planning Director. He wanted to acknowledge the great job Galla does and wish everyone the best for 2021.

ANNUAL ORGANIZATIONAL ITEMS

Election of Officers

Chairman

Motion by Lautner, seconded by Black, to nominate Yoder as Chairman. Motion carried 9-0.

Vice Chairman

Motion Lautner, seconded by Nixon, to nominate Noonan as Vice-Chair. Motion carried 9-0.

Chair Pro-Tem

Motion by Lautner, seconded by Yoder, to nominate Black as Chair Pro-Tem. Motion carried. 9-0.

COMMITTEE APPOINTMENTS BY CHAIR

Housing Action Committee

Yoder confirmed with Lautner that she would continue as the Housing Action Committee representative.

Parks & Recreation

Yoder confirmed with Noonan that he would continue as the Parks & Recreation representative.

Education Committee

Yoder stated the remaining members would represent the Education Committee with Carlson as Chair.

ANNUAL REVIEW OF BYLAWS

Nixon mentioned Section 3.7 (A) #7 seems to suggest that if a commissioner serving on a local body of government has voted on a particular issue, they would have to recuse themselves as a conflict of interest when the issue is brought before this body. They may still act as “information” for the rest of the Planning Commission members though. Nixon asked for clarification/confirmation on this.

(Todd present 5:54)

Yoder stated that was his understanding and how it has been handled in the past. Lautner stated that the person can be a point of reference on the issue and answer questions.

Nixon moved on to Article VI: Quorum, and referenced a prior discussion regarding those attending meeting via ZOOM not being counted as part of the quorum, is this still the case? Yoder responded that the Executive Orders in place right now, allow them to be part of the quorum.

Lautner questioned Section 3.6 – Voting, and said if only five members show up for a meeting can four of them pass a motion, or is it the majority of those elected and serving? Yoder said he understands that to mean a majority of the quorum that is present. Todd stated it is a clear meaning of the sentence and agrees.

Motion by Nixon, seconded by Miller, to approve Bylaws as presented. Motion carried 10-0.

CONSIDERATION OF 2021 MEETING SCHEDULE & ANNUAL MEETING DATE

Motion by Nixon, seconded by Lautner, to approve the proposed 2021 meeting schedule as presented. Motion carried. 10-0.

PUBLIC COMMENT

The phone number for public comment was announced.

No public comments received.

STAFF COMMENTS

Myer mentioned that the county's Hazard Mitigation Plan was outdated and currently being updated.

CONSIDERATION OF NOVEMBER 24, 2020 MEETING MINUTES

Nixon requested deleting the duplicate paragraph on page 16, under "Public Comments."

Motion by Carlson, seconded by Todd, to accept the minutes as amended. Motion carried 10-0.

NEW BUSINESS

Cleveland Township - Text Amendment: Dwelling and Building Lot Width and Area.

Myer briefly reviewed the staff report saying this request was received on January 6, 2021 to review and comment on the proposed amendments to Section 3.19 – Dwelling, and Section 5.09 – Building Lot Width and Area of the Cleveland Township Zoning Ordinance. The proposed amendments are not specifically addressed in the Cleveland Township Zoning Ordinance or the Leelanau General Plan. A public hearing was held on January 6, 2021 and following the public hearing, the township planning commission unanimously passed a motion to send the amendments to the county for review. Myer continued, saying the proposed amendment will add the following sentence in Section 3.19 Dwelling:

“The building or part thereof shall provide complete independent living facilities for one or more persons, including, permanent provisions for living, sleeping, eating, cooking, well/water, and sanitation.”

Myer said it is noted by the Chair of the township planning commission that the added language complies with health department criteria for an occupied dwelling, and it was obtained from the County Building Safety department.

Myer continued, saying the proposed amendment will also add the following sentence in Section 5.09 Building Lot Width and Area:

“The yard area free of all buildings and structures shall constitute at least seventy-five (75) percent of the lot.”

Myer said it is noted by the township that the added language is “directly from **Section 4.06 Fire Hazards**, of the Cleveland Township Zoning Ordinance, so the criteria is already present, but seems significant to add for ease of reference for landowners.”

Miller stated Section 8.05 Land Occupancy by Buildings of the Cleveland Township Zoning Ordinance didn't make sense. Are they proposing 50% or 75%?

Nixon commented that they are usually provided with the township minutes so they are able see statements and views expressed by the public. Todd stated when there is an odd discrepancy like this, which could just be a scrivener's error, the township should explain it. You don't want to put rules down that are in conflict with other rules. Lautner also questioned Section 8.05 and how that ties in.

Motion by Nixon, seconded by Black, to forward staff report, minutes and all comments to Cleveland Township Planning Commission. Motion carried 10-0.

Draft Resolution RE: Victor Goldschmidt

Motion by Nixon, seconded by Black, to approve the resolution for Goldschmidt. Motion carried 10-0. (See attached)

Draft Resolution RE: Eric Winkelman

Motion by Black, seconded by Lautner, to approve the resolution for Winkelman. Motion carried 10-0. (See attached)

Draft Resolution RE: David McCulloch

Motion by Lautner, seconded by Todd, to approve the resolution for McCulloch. Motion carried 10-0. (See attached)

Education Committee

Nothing to report.

Housing Action Committee

Lautner stated they met earlier in the month and discussed lining up funding and organizations to help people falling behind with their mortgages.

Parks & Recreation Committee

Noonan reported they had met earlier in the month and discussed future projects. The Grub Shack remodel was completed in late November early December and they are looking forward to more projects in 2021.

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

Nothing to report.

COMMUNICATIONS

Planning News (mailed to members)

PUBLIC COMMENT

The phone number for public comment was announced.

No public comments received.

STAFF COMMENTS – None.

COMMISSIONER & CHAIRPERSON COMMENTS

Lautner said welcome to the new members and thank you to those that are gone. Yoder also welcomed new members aboard and said it is great to have their experience on the board. He mentioned future training available for them.

ADJOURN

Meeting adjourned at 6:27 p.m.

**LEELANAU COUNTY
PLANNING COMMISSION**

RESOLUTION No. PC01-2021.RES

**RESOLUTION OF APPRECIATION
HONORING VICTOR GOLDSCHMIDT**

WHEREAS, Victor Goldschmidt was a member of the Leelanau County Planning Commission and was appointed to the Planning Commission starting January 1, 2009 and

WHEREAS, Victor served as a member of the Leelanau County Planning Commission for twelve (12) years, and offered his experience and insight on various land use recommendations, resolutions, and other planning matters; and

WHEREAS, Victor provided information and input on various township and community projects during his time on the Commission; and served on various committees; and served as Planning Commission Chairman for three (3) years and

WHEREAS, Victor volunteered his time and abilities to the Commission and the Planning Department,

NOW, THEREFORE, BE IT RESOLVED that the Leelanau County Planning Commission and Planning Department officially recognize Victor for the time and effort he contributed to the County of Leelanau and for his contributions and insights to the Commission and the community, and,

BE IT FURTHER RESOLVED that a copy of this resolution be made part of the official minutes of the Leelanau County Planning Commission and the original presented to Victor Goldschmidt.

Stephen Goder

Chairman
Leelanau County Planning Commission

2-5-21

Date

**LEELANAU COUNTY
PLANNING COMMISSION**

RESOLUTION No. PC02-2021.RES

**RESOLUTION OF APPRECIATION
HONORING ERIC WINKELMAN**

WHEREAS, Eric Winkelman was a member of the Leelanau County Planning Commission and was appointed to the Planning Commission starting January 1, 2015; and

WHEREAS, Eric served as a member of the Leelanau County Planning Commission for six (6) years, and offered his experience and insight on various land use recommendations, resolutions, and other planning matters; and

WHEREAS, Eric provided information and input on various township and community projects during his time on the Commission; and served on various committees; and

WHEREAS, Eric volunteered his time and abilities to the Commission and the Planning Department,

NOW, THEREFORE, BE IT RESOLVED that the Leelanau County Planning Commission and Planning Department officially recognize Eric for the time and effort he contributed to the County of Leelanau and for his contributions and insights to the Commission and the community, and,

BE IT FURTHER RESOLVED that a copy of this resolution be made part of the official minutes of the Leelanau County Planning Commission and the original presented to Eric Winkelman.

Stephen Goder
Chairman
Leelanau County Planning Commission

2-5-21
Date

**LEELANAU COUNTY
PLANNING COMMISSION**

RESOLUTION No. PC03-2021.RES

**RESOLUTION OF APPRECIATION
HONORING DAVID MCCULLOCH**

WHEREAS, David McCulloch was a member of the Leelanau County Planning Commission and was appointed to the Planning Commission starting January 1, 2012 and

WHEREAS, David served as a member of the Leelanau County Planning Commission for nine (9) years, and offered his experience and insight on various land use recommendations, resolutions, and other planning matters; and

WHEREAS, David provided information and input on various township and community projects during his time on the Commission; and served on various committees; and

WHEREAS, David volunteered his time and abilities to the Commission and the Planning Department,

NOW, THEREFORE, BE IT RESOLVED that the Leelanau County Planning Commission and Planning Department officially recognize David for the time and effort he contributed to the County of Leelanau and for his contributions and insights to the Commission and the community, and,

BE IT FURTHER RESOLVED that a copy of this resolution be made part of the official minutes of the Leelanau County Planning Commission and the original presented to David McCulloch.

Stephen Goder
Chairman
Leelanau County Planning Commission

2-5-21
Date

TEXT AMENDMENT REVIEW

PC02-21-01 Bingham Township

Text Amendments – Articles 2 thru 7

Reviewing Entity: Leelanau County Planning Commission
Date of Review: March 23, 2021

Section 1: General Information

Date Request Received: March 10, 2021

Last Day of Review Period: April 9, 2021 (30-day review period under the Michigan Zoning Enabling Act)

Requested Action: Review and comment on proposed amendments to the Bingham Township Zoning Ordinance, Articles 2 thru 7.

Applicant: Bingham Township Planning Commission

Section 2: Proposal

See Appendix for a copy of the proposed text amendments.

Section 3: Other Planning Input

Township Plan: The Bingham Township Master Plan (Readopted 2015), does not specifically address this amendment.

Leelanau General Plan: The Leelanau General Plan, does not specifically address this amendment.

Township Planning Commission:

The Bingham Township Planning Commission held a public hearing on January 7, 2021. The minutes of January 7 do not state that the Public hearing was ‘opened’ (page 8 of the minutes). For all Public Hearings, the Hearing should be opened, public comment taken, and then the public hearing is closed before any action is taken. The January 7 meeting minutes state a motion was made to postpone the public hearing to the February 4, 2021 Planning Commission meeting.

At the February 4 township planning commission meeting, the public hearing was continued. (This public hearing was reopened, and then closed prior to a motion being made.) The township planning commission passed a motion to postpone the proposed zoning ordinance amendments to the March 2021 meeting.

At the March 4 township planning commission meeting, the public hearing was continued. There were no public comments provided. The minutes do not show the ‘closing’ of the public hearing. A motion was passed to recommend sending the proposed zoning ordinance amendments to the Leelanau County Planning Commission for review, and then to the Bingham Township Board if Leelanau County Planning does not have any substantive changes with the amendments.

Section 4: Analysis

Compatibility

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

Yes

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

See staff comments.

C. Do the land uses or other related dimensional standards (height, bulk, area, setback, etc.) in the proposed text amendment(s) conflict with the existing zoning ordinance?

No

Issues of Greater Than Local Concern

A. Does the proposed text amendment(s) include any issues of greater than local concern? Please list.

No

Comparison with Local Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the community's plan? Please list.

No

Comparison with County Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the General Plan? Please list.

No

Current Zoning District:

For Current text, Link to the Township Zoning Ordinance at:

<https://www.leelanau.cc/binghamtpord.asp>

Section 5: Staff Comments

Section 1 of the proposed amendment will amend Article 3 **adding** a new Section 3.6.2 to read as follows:

3.6.2 Mobile Homes

Mobile Homes are recognized by Bingham Township as valid single family dwellings. They are permitted, provided:

- 1. The home is used as a single family dwelling.**
- 2. Is attached to a permanent foundation meeting the requirements of the applicable state construction code.**
- 3. It has health department approval for well and septic systems.**

Section 2 of the proposed amendment will amend Article 4, Section 4.5.A, Article 5, Section 5.4.A, and Article 6, Section 6.3.A and they will **now** read in their entirety as follows:

Mobile Homes provided they meet the requirements of Section 3.6.2 Mobile Homes.

Section 3 of the proposed amendment will **strike** reference to short-term rentals in the following sections: Section 2.2, Section 4.2.F, Section 5.2.F, Section 6.2.F, Section 7.3.D.d., **add** reference to the Bingham Township Short Term Rental Ordinance in Definitions (Section 2.2) and in Short Term Rentals (Section 12.5 and 12.5.1), and renumber the remaining items in these Sections.

Section 4 of the proposed amendment will amend Article 5. **Striking** Sections 5.2.G and Section 5.2.H (see below) in their entirety and renumber the remaining items in these Sections.

Section 5.2.G. Tasting Room, provided it qualifies as a Farm Market as defined in the Generally Accepted Agricultural Management Practices (GAAMP), published by the Michigan Department of Agriculture, as outlined in the Right-to-Farm Act.

Section 5.2.H. Farm Market, as defined in the Generally Accepted Agricultural Management Practice (GAAMP), published by the Michigan Department of Agriculture, as outlined in the Right-to-Farm Act.

Section 5 of the proposed amendment will amend Article 4 and Article 5. **Striking** Section 4.4.B and 5.4.G (see below) in their entirety and renumber the remaining items in these Sections.

Section 4.4.B. Keeping horses, provided it is not for profit or as a business:

1. There shall be a minimum parcel size of two (2) acres for up to two (2) horses.
2. There shall be one (1) additional acre for each additional horse.

Section 5.4.G. Keeping horses and livestock: for personal use

1. There shall be a minimum parcel size of two (2) acres for up to two (2) horses and/or livestock.
2. There shall be one (1) additional acre for each additional horse and/or livestock.

Section 6 of the proposed amendment will **strike** the chart in Article 5, Section 5.4.I in its entirety.

Section 7 of the proposed amendment will **amend** Article 4 and Article 5, **striking** Section 4.4.C and 5.5.H (see below) in their entirety and renumber the remaining items in these Sections.

Section 4.4.C and Section 5.5.H read as follows:

Keeping horses and livestock for profit or as a business (i.e., Boarding Stable), provided:

1. There shall be a minimum parcel size of ten (10) acres for up to the first two (2) horses and or livestock.
2. There shall be one (1) additional acre for each additional horse and/or livestock.
3. **Setback for stables, barn, and manure storage: 200 feet from all property lines.**

Section 8 of the proposed amendment will amend Article 5, **adding** a new Section 5.5.H to read as follows:

Farm Market

1. The minimum parcel size shall be ten (10) acres. The minimum parcel width shall be three hundred thirty (330) feet.
2. Pre-existing structures built prior to 2008 that are located within one hundred (100) foot setback may be approved for use of a farm market subject to site plan review by the Planning Commission.
3. The actual area under roof used for the display and sale of farm produce shall not be greater than one thousand (1,000) square feet.
4. **Parking**
 - a. Shall be a minimum of fifty (50) feet from any lot line.
 - b. A lesser setback may be approved by the Planning Commission, upon site plan review, and based upon such factors as parcel size, topography, neighboring uses, road access, and other such factors.
 - c. There shall be no parking on county or state roads.
 - d. Emergency access to the site shall be maintained at all times.

- e. **Parking may be located on non-paved surfaces.**
- f. **All parking shall meet the parking standards of Section 11.2 Off Street Parking and Loading.**
- g. **There shall be one parking space provided for each one hundred (100) square feet of usable floor space and one additional space for every two employees and meet all other standards of Section 11.2 Off Street Parking and Loading. Parking shall be located a minimum of fifty (50) feet from any lot line.**
- 5. **Hours of operation shall not extend past 8:00 P.M.**
- 6. **Sales shall be limited to: farm products such as fruit, vegetables, or baked goods; plant nursery stock; or farm related products such as milk, cheese, honey, preserves or butter. Sale of other items (pop, candy, newspapers, etc.) shall not exceed ten (10) percent of all goods sold. A bakery may exist as part of a farm market.**
- 7. **Sales of plant nursery stock shall be limited to that which has been grown in Leelanau County for at least one full growing season, i.e. planted in the spring, sold no sooner than the next spring, except that bedding plants, sown on the premises, may be sold when ready for market.**
- 8. **Sales: Sales shall be derived from products grown or produced in Michigan and at least twenty-five (25) percent from products grown on the premises, or on land owned by the farm market operator.**
- 9. **All signs shall comply with Section 3.13 Signs.**
- 10. **Limited Food Service Kitchens are allowed in Farm Markets if requirements of Section 4.6.O are met.**

Bingham Township has been working on these amendments for some time, and most of them could be termed as 'housekeeping' items meaning they simplify or clarify sections of the ordinance but do not change the scope or intent. The township has eliminated the acreage requirements for livestock after doing some research and holding discussions. They also reference to short-term rentals since there is a police power ordinance governing short-term rentals.

Staff did not find any major issues with the proposed amendments. However, staff suggests the Public Hearing process be reviewed to make sure it was properly followed with the 'continuations' of the Public Hearing, and proper notices. It is staff's understanding that a Public Hearing can be recessed if the time and place is announced during the initial meeting. If not, the required notices may be required again for the next hearing. The township may wish to check with their legal counsel on this issue, prior to the Township Board taking final action.

Appendix - Transmittal from Bingham Township

From: Mathew Cooke <mathew.cooke@networksnorthwest.org>
Sent: Wednesday, March 10, 2021 12:11 PM
To: Trudy Galla <tgalla@leelanau.gov>
Subject: Bingham Twp ZO Amendment

Hi Trudy,

Attached is a memo packet for the County PC review of the Bingham Twp Zoning Ordinance amendment 2021-01. The packet includes a summary of the amendments and the amendment itself.

Please let me know if you have any questions or concerns.

Thanks,

Mathew

--

Mathew Cooke, M.P.A.

Community Planner

PO Box 506 | Traverse City, MI | 49685

D: (231)929-5056



To: Leelanau County Planning Commission
From: Mathew Cooke, Community Planner
Date: March 10, 2021
Re: Summary of Zoning Ordinance Amendment

Below is a quick summary of the changes to the Zoning Ordinance as proposed in the attached Zoning Ordinance Amendment.

Section 1 of Township Ordinance

- Mobile Home standards language moved here to be applied to all districts as opposed to having the language in each residential district where it now is (Sections 5.4 and 6.3)

Section 2 of Township Ordinance

- Refers each mention of Mobile Homes back to new Sect 3.6.2 where we just put the standards.

Section 3 of Township Ordinance

- Delete most references to short-term rentals because they are covered in a separate police power ordinance that was adopted in October 2020.
- Add reference to Short Term Rental Ordinance in Definitions (Section 2.2) and Home Business Uses (Section 12.5)

Section 4 of Township Ordinance

- Removes Section 5.2G Tasting Room and Section 5.2H Farm Market from Use by Right in Rural Residential District

Section 5 of Township Ordinance

- Deletes acreage requirements for livestock as determined by discussion and research

Section 6 of Township Ordinance

- Deletes a MDARD Right to Farm chart we never use, which uses a term not found elsewhere in the Ordinance

Section 7 of Township Ordinance

- Deletes acreage requirements for livestock as determined by discussion and research

Section 8 of Township Ordinance

- Adds in Farm Market as a Special Land Use in the Rural Residential District
- Tasting Rooms language is not added back in; therefore is not an allowed use by right in the Rural Residential District

**BINGHAM TOWNSHIP
ORDINANCE NO. _____**

(Zoning Ordinance Amendment No. 21-001)

**AN ORDINANCE TO AMEND
THE BINGHAM TOWNSHIP ZONING ORDINANCE**

AN AMENDMENT TO THE BINGHAM TOWNSHIP PERMANENT ZONING ORDINANCE BY AMENDING ARTICLE 2 DEFINITIONS, ARTICLE 3 GENERAL PROVISIONS, ARTICLE 4 AGRICULTURAL DISTRICT, ARTICLE 5 RURAL RESIDENTIAL DISTRICT, ARTICLE 6 RESIDENTIAL DISTRICT, AND ARTICLE 12 HOME BUSINESS USES.

BINGHAM TOWNSHIP ORDAINS:

Bingham Township Ordinance Section 1: Amendment of Article 3

Article 3 is hereby amended to add a new Section 3.6.2 to read as follows:

3.6.2 Mobile Homes

Mobile Homes are recognized by Bingham Township as valid single family dwellings. They are permitted, provided:

1. The home is used as a single family dwelling.
2. Is attached to a permanent foundation meeting the requirements of the applicable state construction code.
3. It has health department approval for well and septic systems.

Bingham Township Ordinance Section 2: Amendment of Article 4, Article 5 and Article 6

Sections 4.5.A and 5.4.A and 6.3.A are hereby amended to read in their entirety as follows:

Mobile Homes provided they meet the requirements of Section 3.6.2 Mobile Homes.

Bingham Township Ordinance Section 3: Amendment of Article 2, Article 4, Article 5, Article 6, and Article 7

Strike references to short-term rentals in the following sections. Add reference to the Bingham Township Short Term Rental Ordinance in Definitions (Section 2.2) and in Short Term Rentals (Section 12.5 and 12.5.1), and renumber the remaining items in these Sections as applicable.

Section 2.2

~~RENTAL, SHORT TERM: The renting of a dwelling for less than thirty (30) days.~~
RENTAL, SHORT-TERM: Short Term Rentals are defined by the Bingham Township Short Term Rental Ordinance, as amended.

Sections 4.2.F

~~Short Term Rentals No Land Use Permit necessary to rent on a short-term basis, however, structures and additions over one hundred (100) square feet require a Land Use Permit.~~

Section 5.2.F, Section 6.2.E, and Section 7.3.D.d

~~Short Term Rentals~~

Sections 12.5.1, 12.5.1, and 12.5.2

SECTION 12.5 SHORT-TERM RENTALS

SECTION 12.5.1 PURPOSE

Short Term Rentals are allowed as provided for by the Bingham Township Short Term Rental Ordinance, as amended.

SECTION 12.5.1 INTENT

~~Short term rentals have been used as temporary lodging for decades in Bingham Township. Given the lack of traditional motels and hotels and the increase of tourist and vacation demand for this use, it is the intent of this section to accommodate short term rentals in Bingham Township.~~

SECTION 12.5.2 DISTRICTS ALLOWED

~~Short term rentals shall be an allowable use in the Residential, Agricultural Rural Residential, and Commercial Zoning Districts.~~

Bingham Township Ordinance Section 4: Amendment of Article 5

Strike Sections 5.2.G. and 5.2.H in their entirety and renumber the remaining items in these Sections.

~~G. Tasting Room, provided it qualifies as a Farm Market as defined in the Generally Accepted Agricultural Management Practices (GAAMP), published by the Michigan Department of Agriculture, as outlined in the Right To Farm Act.~~

~~H. Farm Market, as defined in the Generally Accepted Agricultural Management Practices (GAAMP), published by the Michigan Department of Agriculture, as outlined in the Right To Farm Act.~~

Bingham Township Ordinance Section 5: Amendment of Article 4 and Article 5

Strike Sections 4.4.B and 5.4.G in their entirety and renumber the remaining items in these Sections.

Keeping horses and livestock: for personal use

- ~~1. There shall be a minimum parcel size of two (2) acres for up to two (2) horses and/or livestock.~~
- ~~2. There shall be one (1) additional acre for each additional horse and/or livestock.~~

Bingham Township Ordinance Section 6: Amendment of Article 5

Strike the chart in Section 5.4.I in its entirety

Bingham Township Ordinance Section 7: Amendment of Article 4 and Article 5

Strike Sections 4.4.C and 5.5.H in their entirety and renumber the remaining items in these Sections.

Keeping horses and livestock for profit or as a business (i.e., Boarding Stable), provided:

- ~~1. There shall be a minimum parcel size of ten (10) acres for up to the first two (2) horses and or livestock.~~
- ~~2. There shall be one (1) additional acre for each additional horse and/or livestock.~~
- ~~3. Setback for stables, barn, and manure storage: 200 feet from all property lines.~~

Bingham Township Ordinance Section 8: Amendment of Article 5

Add new Section 5.5.H to read in its entirety as follows:

Farm Market

1. The minimum parcel size shall be ten (10) acres. The minimum parcel width shall be three hundred thirty (330) feet.
2. Pre-existing structures built prior to 2008 that are located within one hundred (100) foot setback may be approved for use of a farm market subject to site plan review by the Planning Commission.
3. The actual area under roof used for the display and sale of farm produce shall not be greater than one thousand (1,000) square feet.
4. Parking
 - a. Shall be a minimum of fifty (50) feet from any lot line.
 - b. A lesser setback may be approved by the Planning Commission, upon site plan review, and based upon such factors as parcel size, topography, neighboring uses, road access, and other such factors.

- c. There shall be no parking on county or state roads.
 - d. Emergency access to the site shall be maintained at all times.
 - e. Parking may be located on non-paved surfaces.
 - f. All parking shall meet the parking standards of Section 11.2 Off Street Parking and Loading.
 - g. There shall be one parking space provided for each one hundred (100) square feet of usable floor space and one additional space for every two employees and meet all other standards of Section 11.2 Off Street Parking and Loading. Parking shall be located a minimum of fifty (50) feet from any lot line.
5. Hours of operation shall not extend past 8:00 PM.
 6. Sales shall be limited to: farm products such as fruit, vegetables, or baked goods; plant nursery stock; or farm related products such as milk, cheese, honey, preserves or butter. Sale of other items (pop, candy, newspapers, etc.) shall not exceed ten (10) percent of all goods sold. A bakery may exist as part of a farm market.
 7. Sales of plant nursery stock shall be limited to that which has been grown in Leelanau County for at least one full growing season, i.e. planted in the spring, sold no sooner than the next spring, except that bedding plants, sown on the premises, may be sold when ready for market.
 8. Sales: Sales shall be derived from products grown or produced in Michigan and at least twenty five (25) percent from products grown on the premises, or on land owned by the farm market operator.
 9. All signs shall comply with Section 3.13 Signs.
 10. Limited Food Service Kitchens are allowed in Farm Markets if requirements of Section 4.6.O are met.

Bingham Township Ordinance Section 9. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Bingham Township Ordinance Section 10. Effective Date.

This Ordinance shall become effective eight (8) days following publication of a synopsis in a newspaper of general circulation within the Township, as provided by law.

Ordinance No. _____ was adopted on the _____th day of _____ 2020 by Bingham Township Board of Trustees, as follows:

Motion By:
Support By:
Roll Call Vote: Yeas:
 Nays:
 Absent:
Motion Carried.

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

BINGHAM TOWNSHIP

_____ By:
Midge Werner, Supervisor

_____ By:
Kathy Morio, Clerk

Date of Township Approval:
Date of Publication:
Effective Date:

EXCERPT

**DRAFT MINUTES
BINGHAM TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
THURSDAY, MARCH 4, 2021**

Call Meeting to Order

Chair Mike Park called the Regular Bingham Township Planning Commission Meeting to order on Thursday, March 4, 2021 at 6:30 p.m. via Zoom Electronic Remote Access in accordance with the State of Michigan Open Meetings Act. (Meeting ID 886 4706 9313)

Roll Call – Quorum Present

Present: Mike Park, Cathy Jasinski, Dennis Grant, Marie Walker, Jeff Layman, Mary Woods
Absent: Charlie Dashner
Staff Present: Steve Patmore, Zoning Admin: Mathew Cooke, Networks Northwest
Other Officials: Midge Werner, Township Supervisor
Guests: 1

Chair Park asked each member that was present to introduce themselves.

Agenda Approval

Chair Park asked if there were any additions or changes to the draft agenda.

Marie Walker/moved, Jeff Layman/supported, to approve the Agenda as presented.

Roll call vote:

Yes: Jasinski, Grant, Walker, Layman, Woods, Park

No: None.

Absent: Charlie Dashner

Motion Carried

Public Comment

Nancy Popa, said she would like to be a community member working on the master plan process.

Conflict of Interest

None stated.

Items for Discussion / Consideration:

A. Continue Public Hearing on Proposed Zoning Amendments - Article 2, 3, 4, 5 & 12

Chair Park opened the continuation of the public hearing on the proposed zoning amendments, and asked Planner Mathew Cook to bring the Planning Commission up to date. The revised Ordinance was included in the meeting packet.

Mathew Cooke reviewed his written summary of the amendment which was included in the meeting packet. He explained that he researched Farm Markets and the Right-To-Farm Act, consulted with his supervisor at Networks Northwest, and contacted the regional State of Michigan Right-To-Farm Act representative, and concluded that you can regulate Farm Markets as proposed in this amendment to a 10-acre minimum size parcel with a Special Land Use Permit.

Chair Park asked if there was any public comment.

There was no public comment.

Cathy Jasinski/moved, Marie Walker/supported, to recommend sending proposed zoning ordinance amendments to the Leelanau County Planning Commission for review, and then to the Bingham Township Board if Leelanau County Planning does not have any substantive changes with the amendments.

Roll call vote:

Yes: Jasinski, Walker, Layman, Grant, Woods, Park.

No: None.

Absent: Dashner

Motion Carried

DRAFT MINUTES
BINGHAM TOWNSHIP PLANNING COMMISSION
THURSDAY, JANUARY 7, 2021

1. Call Meeting to Order – Quorum Present

Mike Park, Chairman, called the Bingham Township Planning Commission Meeting to order on Thursday, January 7, 2021 at 6:30 p.m. via Zoom Electronic Remote Access in accordance with State of Michigan social distancing regulations and the Open Meetings Act.

Roll Call – Quorum Present

Present: Mike Park, Marie Walker, Cathy Jasinski, Charlie Dashner, Jeff Layman,

Absent: Dennis Grant

One vacancy

Staff Present: Steve Patmore, Zon. Admin, Mathew Cooke, Networks Northwest

Guests: 4 via Zoom

2. Agenda Approval

Chair Park asked if there were any additions or corrections to the draft agenda.

Marie Walker/moved, Charlie Dashner/supported, to approve the Agenda as submitted.

Roll call vote:

Yes: Walker, Dashner, Layman, Jasinski, Park.

No: None.

One Vacancy

3. Public Comment:

Township Supervisor Midge Werner introduced Mary Woods who has expressed interest in serving on the Planning Commission. Midge will nominate Mary for appointment at the next township board meeting.

4. Conflict of Interest : None stated**5. Items for Discussion/Consideration:**

**A. Continue Deliberation and Consideration - Application for Special Use Permit - Commercial Storage Buildings and Contractor Building and Yard.
 Bingham Road - Property Number 45-001-031-010-00**

Chair Park asked ZA Patmore to introduce the subject. Patmore said that the Commission had conducted the Public Hearing and started the deliberation. The public hearing has been closed on this project. The subject property has land on both sides of Bingham Road, and will be treated as two Special Use Permits because the land is likely to be divided and the proposed uses are different on each side of the road. The property is predominantly zoned Commercial, however, a part of the property on each side of the road has Rural Residential Zoning. There was discussion a couple years ago about amending the Zoning Map to make this property entirely commercial.

Tonight we will address the application separately for each side of the road.

Request #1 - North Side of Bingham Road - Excavating contractor building with outdoor storage yard. (Special Use Permit required due to greater than 3000 sft building and outdoor storage)

General Findings of Fact:

1. Subject property is the portion of property no. 45-001-031-010-00 lying north of Bingham Road and labeled as Parcel A on the site plan.
2. Subject property is the portion of property no. 45-001-031-010-00 lying north of Bingham Road and labeled as Parcel A on the site plan.
3. Subject property contains 9.66 acres more or less according to the Site Plan.
4. Subject property is primarily zoned Commercial, however, a portion of the rear of the property is zoned Rural Residential. The zoning district boundary is a line running parallel to Bingham Rd and lying 450 feet from the centerline of the road.
5. According to Leelanau County Records, the subject property is owned by Leelanau LLC., 8900 Waters Road, Ann Arbor, MI.
6. The Applicant, Leelanau Storage Space LLC., has an agreement to purchase the property.
7. The Application is for a 6000 square foot (100' x 60') building to be used by an excavating company with an outdoor storage area.
8. Preliminary review letters were received from the Leelanau County Road Commission and the Leelanau County Drain Commissioner.

Discussion:

Chair Park asked the Applicant if they had any comments.

John Laureto stated that he agreed with all of the draft conditions that were in the revised staff report submitted for this meeting. He also stated that he and his engineers have been working with the Road Commission and Drain Commissioner on approval of the drainage plan. Preliminary review letters have been received and were submitted to the township.

Compliance with Commercial District Standards

There was considerable discussion about what activities were currently permitted in the Commercial Zoning District. There is concern that the activities might include fabrication or manufacturing. There is concern that residents do not want any industrial activity in this area. What could be allowed in the storage area of the building?

The Applicant stated that the indoor storage area would primarily be used to store trucks and equipment overnight. Equipment such as snow plows could be kept there. If they needed to change a tire or snowplow blade it could be done there, as well as routine service. There would be no heavy repairs or heavy servicing done at this facility, nor would they be servicing vehicles or equipment other than their own.

The consensus of the majority of the commission was that the activities normally associated with an excavating contractor would fit the allowed use. There was discussion on how the township would determine if an activity was normally associated with an excavating contractor and met the ordinance.

There was consensus that the 85 foot buffer zone between the commercial use and the rural residential zoning district referenced in Section 7.6 of the zoning ordinance was met with this Site Plan.

Compliance with Article 3 – General Provisions

- a. Setbacks: The Site Plan meets setback requirements.
- b. Parking: The Site Plan meets parking requirements – there will normally be no public traffic coming to this business.
- c. Buffering: The consensus was that the existing buffering was adequate and must be maintained.

Compliance with Governing Standards for Special Land Uses – Section 17.13

The planning commission stated that they had each reviewed this Section of the zoning ordinance before this meeting and it was discussed at the December 17, 2020 PC meeting. The consensus was that the Application and Site Plan met these standards if conditions were imposed.

Possible Conditions for Consideration

The staff report, which is on file, had a list of possible conditions for the PC to consider. This list was reviewed that this time, and the following changes were made by consensus: Condition 1: should say contractor office building and excavating contractor storage building.

Condition 2: “ limited to vehicles, equipment...”
instead of “those”, insert “the gravel...”

Condition 8: change “of” to “by”.

Add new Condition 14: All utilities must be installed underground.

Change old #14 to #15.

Chair Park asked if there was any more discussion on this Application.

Charlie Dashner/moved, Jeff Layman/supported, to approve the General Findings of Fact as presented, and that the Application and Site Plan are in compliance with Article 7 - Commercial Zoning District with conditions; that the Application and Site Plan are in compliance with Article 3 - General Provision with conditions; and that the Application and Site Plan meet the Governing Standards for Special Land Use Permits with conditions.

Discussion: None

Roll Call vote:

Yes: Walker, Dashner, Layman, Park.

No: Cathy Jasinski.

One Vacancy

Motion passed.

Jeff Layman/moved, Charlie Dashner/supported, to approve with conditions the Application for Special Land Use Permit submitted by Leelanau Storage Space

LLC for an excavating contractor office, storage building and outdoor storage based upon the Application, Site Plan, and Public Hearing.

Subject to conditions numbered 1 thru 15.

Discussion: None

Roll Call Vote:

Yes: Walker, Dashner, Layman, Park.

No: Jasinski.

Motion passed.

Conditions of Approval:

1. The permitted Special Land Use is for an excavating contractor office building, excavating contractor storage building and excavating contractor outside storage. Usage is limited to those activities associated with an excavating contractor business. No industrial production, or manufacturing uses are allowed.
2. Outdoor storage is limited to vehicles, equipment and materials associated with an excavating contractor business, and is limited to the gravel areas shown on the site plan.
3. All loose materials stored outside shall be in sectioned-off areas (bins).
4. A Regular Land Use Permit for the building must be obtained from Bingham Township. The Final Site Plan, Building Plans, and all required applicable permits must be submitted.
5. If this property is to be divided from the property across the road, then Land Division Approval is required from the Bingham Township Land Division Committee.
6. Outside noise after 9 p.m. cannot exceed 55 decibels measured at any adjacent property line.
7. No dust/fumes/odors shall leave the subject property.
8. This permit does not include use or storage of any hazardous materials other than properly licensed and/or approved fuel storage tanks for the use by the Contractor.
9. The dumpster shown on the Site Plan shall be fenced and screened.
10. The proposed sign shall meet Bingham Township sign standards and shall be approved by Bingham Township. The electronic message sign shown on the Site Plan is not allowed.
11. All outdoor lighting shall meet the Bingham Township Zoning Ordinance.
12. The existing wooded buffers shown on the Site Plan shall be maintained, or replaced with trees meeting the Bingham Township Zoning Ordinance.
13. All utilities must be installed underground.
14. Permittee shall obtain and maintain all applicable local, state, and federal permits and approvals, including Leelanau County Road Commission, Leelanau County Soil Erosion, Health Department, and Building Code.
15. This Special Land Use Permit Approval shall expire if any of the following occur:
 - A. The Applicant fails to accept these conditions by signing the formal Special Land Use Permit within ninety (90) days of it being presented to them.
 - B. The Applicant fails to obtain required permits, commence construction, and proceed meaningfully toward completion within one (1) year of this approval. The Planning Commission can extend this date another year upon written request.

- C. The excavating contractor use is ceased for a continuous period of two (2) years.

Request #2 - Commercial Storage - South side of Bingham Road
(Commercial Storage Use requires a Special Use Permit)

General Findings of Fact:

1. Subject property is the portion of property number 45-001-031-010-00 lying south of Bingham Road and labeled as Parcel B on the Site Plan.
2. Subject property contains 31.20 acres more or less according to the Site Plan.
3. Subject property is primarily zoned Commercial, however, a portion of the rear of the property is zoned Rural Residential. The zoning district boundary is a line running parallel to Bingham Road and lying 450 feet from the centerline of Bingham Road.
4. According to Leelanau County Records, the subject property is owned by Leelanau LLC, 8900 Waters Road, Ann Arbor, MI.
5. The Applicant, Leelanau Storage Space LLC., has an agreement to purchase the property.
6. The Application is for Commercial Storage Buildings of various sizes to be constructed in phases.
7. The proposed storage buildings would have no heat, or plumbing according to the Applicant.
8. Preliminary review letters were received from the Leelanau County Road Commission and the Leelanau County Drain Commissioner.

Discussion:

Chair Park asked the Applicant if they had any comments.

John Laureto stated that he agreed with all of the draft conditions that were in the revised staff report submitted for this meeting. He also stated that the storage buildings would have electric service and lighting, but no plumbing or heating.

ZA Patmore noted that, in the last meeting he mentioned that there was some question about the southernmost storage units being within the 450' commercial zoning district. The Applicant checked into this, eliminated two units, and submitted a drawing dated 12/17/2020 showing that all remaining buildings were in the 450' zone. This revised drawing should be referenced in the conditions.

Compliance with Commercial District Standards

There was consensus that the proposed buildings and uses are currently permitted in the Commercial Zoning District as a Special Land Use.

There was consensus that the 85 foot buffer zone between the commercial use and the rural residential zoning district referenced in Section 7.6 of the zoning ordinance could be reduced to 35' based upon the topography, elevation of the adjacent parcel, access to the adjacent property being from Bingham Road, and the proposed tree buffer.

Compliance with Article 3 – General Provisions

- a. Setbacks: The Site Plan meets setback requirements.

- b. Parking: The Site Plan meets parking requirements – no parking on Bigham Rd.
- c. Buffering: The consensus was that the existing buffer to the south and west was adequate but must be maintained. The proposed greenbelt on Bingham Road is adequate.

Compliance with Governing Standards for Special Land Uses – Section 17.13

The planning commission stated that they had each reviewed this Section of the zoning ordinance before this meeting and it was discussed at the December 17, 2020 PC meeting. The consensus was that the Application and Site Plan met these standards if conditions were imposed.

Possible Conditions for Consideration

The staff report, which is on file, had a list of possible conditions for the PC to consider. This list was reviewed that this time, and the following changes were made by consensus: Condition 12: The trees and greenbelt shown on Site Plan sheet L102 shall be planted prior to occupancy of any units, and shall be maintained throughout the term of this permit. The existing wooded buffer as shown on the site plan shall be maintained. Add Condition 14: All utilities must be installed underground. Change old #14 to #15, and add to C; “This can be extended for two years by the Planning Commission upon written request.”

Chair Park asked if there was any more discussion on this Application.

Charlie Dashner/moved, Jeff Layman/supported, to approve the General Findings of Fact as amended; that the Application and Site Plan are in compliance with Article 7, Commercial Zoning District with conditions, including approving a reduced buffer from 85' to 35' per Section 7.6 considering the elevation of the property, neighboring uses, and planting of a tree buffer; that the Application and Site Plan are in compliance with Article 3 - General Provision with conditions; and that the Application and Site Plan meets the Governing Standards for Special Land Use Permits with conditions.

Discussion: None

Roll Call Vote:

Yes: Walker, Dashner, Layman, Jasinski, Park.

No: None.

One Vacancy

Motion passed.

Jeff Layman/moved, Charlie Dashner/supported, to approve with conditions the Application for Special Land Use Permit submitted by Leelanau Storage Space LLC, for Commercial Storage based upon the Application, Site Plan, and Public Hearing. This approval is based upon conditions numbered 1 thru 15.

Discussion: None

Roll call vote:

Yes: Walker, Dashner, Layman, Jasinski, Park.

No: None.

***One Vacancy
Motion passed.***

Conditions of Approval:

1. The permitted Special Land Use is for Commercial Storage as defined in the zoning ordinance.
2. The revised site plan sheet received on December 17, 2020 showing the 450 foot commercial zoning district boundary is recognized and shall apply to the proposed units near the south property line.
3. Regular Land Use Permits from Bingham Township are required for all buildings. The Final Site Plan, Building Plan, and all applicable permits will be required at that time.
4. If the property is to be divided from the property across the road, then Land Division Approval is required from the Bingham Township Land Division Committee.
5. Servicing of vehicles or equipment, industrial use, production, or manufacturing use is not allowed.
6. No outside storage is allowed.
7. No storage or use of hazardous materials is allowed.
8. There shall be no parking on Bingham Road or backing into the property from Bingham Road associated with this use.
9. Any signage shall meet Bingham Township sign standards and shall be approved by Bingham Township. The electronic message sign shown on the Site Plan is not allowed.
10. Any outdoor lighting shall meet the Bingham Township Zoning Ordinance.
11. The driveway, access road, and drainage system shall be completed to each unit prior to occupancy of that particular unit.
12. The trees and greenbelt shown on Site Plan sheet L102 shall be planted prior to occupancy of any units, and shall be maintained throughout the term of this permit. The existing wooded buffer as shown on the site plan shall be maintained.
13. Permittee shall obtain and maintain all applicable local, state, and federal permits and approvals, including the Leelanau County Road Commission, Leelanau County Soil Erosion, and Building Code.
14. All utilities must be installed underground.
15. This Special Land Use Permit Approval shall expire if any of the following occur:
 - A. The Applicant fails to sign the Special Land Use Permit containing these conditions within ninety (90) days of it being presented to them.
 - B. The Applicant fails to obtain required permits, commence construction, and proceed meaningfully toward completion within one (1) year of this approval. The Planning Commission can extend this date another year upon written request.
 - C. It is understood that the commercial storage buildings will be constructed in phases, however, at the end of five (5) years from the date of this approval, any building that has not received a certificate of occupancy will be required to be re-approved. However, this can be extended for another two (2) years upon written request to the Planning Commission.

B. Public Hearing on Proposed Zoning Amendment - Articles 3, 4, & 5

Mathew Cooke, Planner, said Zoning Ordinance Amendment No. 20-001 amends the Zoning Ordinance, 1) Article 3 General Provisions; 2) Article 4 Agricultural District, 3) Article 5, Rural Residential District, and 4) Article 6 Residential District. Mathew Cooke reviewed each amendment. There is still a reference in the Zoning Ordinance about the short term rental ordinance in Section 12.5 just a point to reference the short term rental ordinance.

There was discussion about writing language for duplexes.

Mathew Cooke said he will prepare a summary of the proposed amendments for the February 2, 2021 Meeting.

Cathy Jasinski/moved, Jeff Layman/supported, to postpone the public hearing on proposed zoning amendment - Articles 3, 4 & 5 to the February 4, 2021 Planning Commission Meeting.

Discussion: None

Roll Call Vote:

Yes: Walker, Dashner, Layman, Jasinski, Park.

No: None.

Motion passed.

C. Election of Planning Commission Officers for 2021

Chair Park asked if there were any nominations for PC Officers:

Jeff Layman/moved, Charlie Dashner/supported, to reappoint Mike Park as Chairman, Marie Walker as Vice-Chair, and Cathy Jasinski as Secretary to the Planning Commission for 2021.

Discussion: Each officer stated that they would be willing to serve for another year.

Roll call vote:

Yes: Marie Walker, Charlie Dashner, Jeff Layman, Cathy Jasinski, Mike Park.

No: None.

Motion passed.

6. Approval of Meeting Minutes:

A. November 5, 2020:

Chair Park asked if there were any additions or changes to the draft minutes

The following correction was offered:

- Page 6, last paragraph, 1st sentence; change "if" to "is".

Marie Walker/moved, Charlie Dashner/supported to approve the November 5, 2020 Minutes as amended.

Roll call vote:

Yes: Walker, Dashner, Layman, Jasinski, Park.

No: None.

One Vacancy

Motion passed.

B. December 17, 2020:

Chair Park asked if there were any additions or changes to the draft minutes

No corrections were offered.

Marie Walker/moved, Jeff Layman/supported to approve the December 17, 2020 Minutes as submitted.

Roll call vote:

Yes: Walker, Dashner, Layman, Jasinski, Park.

No: None.

One Vacancy

Motion passed.

7. Communications and Reports

- a. Chairman - No report.
- b. Zoning Administrator - Steve Patmore - FEMA is preparing new flood maps which will have to be approved by the Township Board.
- c. Planning - Mathew Cooke - No report.
- d. Township Board - (Minutes online at www.leelanau.cc)
- e. Commissioners - Charlie Dashner discussed decibels - should 55 decibels be put in the zoning ordinance rather than a general statement that says if you are standing in your yard and you can hear the noise, it's too loud. What is the basis for 55 decibels. Cathy Jasinski - we have the conversational level in our ordinance right now. We should change that to 55 decibels as it has been determined to be the standard.

8. Items for Consideration on Next Meeting Agenda - February 4, 2021

- a. Public Hearing - on Proposed Zoning Amendment - Articles 3, 4, & 5

9. Public Comment - None.

10. Adjournment - Chair Park adjourned the meeting at 8:36 p.m.

Minutes recorded by Marge Johnson, Recording Secretary

Minutes reviewed by Staff

Cathy Jasinski, Planning Commission Secretary

DRAFT MINUTES
BINGHAM TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
THURSDAY, FEBRUARY 4, 2021

Call Meeting to Order – Quorum Present

Marie Walker, Vice-Chair, in the absence of Chair Mike Park, called the Bingham Township Planning Commission Regular Meeting to order on Thursday, February 4, 2021 at 6:30 p.m. via Zoom Remote Electronic Access in accordance with State of Michigan Orders on indoor gatherings and the Michigan Open Meetings Act.

Roll Call – Quorum Present

Each member introduced themselves remotely via Zoom.

Present: Marie Walker, Cathy Jasinski, Charlie Dashner, Jeff Layman, Mary Woods,
Dennis Grant

Absent: Mike Park

Staff Present: Steve Patmore, Zoning Admin, Mathew Cooke, Planner, Networks Northwest.
Jordan Fehrenbach – Assisting township with Zoom meeting.

Agenda Approval

Vice Chair Walker asked if there were any additions or corrections to the draft Agenda.

Dennis Grant/moved, Charlie Dashner/supported, to approve the Agenda as presented.

Roll Call Vote:

Yes:

No: None

Motion Passed.

Public Comment

None.

Conflict of Interest

None stated

Items for Consideration

A. Continue public hearing zoning amendments Article 3, 4, 5

Vice-Chair Marie Walker reopened the public hearing on zoning amendments to Article 3, 4, & 5 of the Zoning Ordinance.

Mathew Cooke was asked to introduce the amendments. Sec 1 - re. mobile home changes, Sec. 3 removing the tasting rooms and farm markets from being a use permitted by right in the rural residential district; Sec 4 - deleting acreage requirements for livestock as determined by discussion and research; Sec 5 - deleting references to short-term rentals because they are covered in a police power ordinance; adds reference to the short-term rental

ordinance in the definitions Section 2.2 and home business uses; Sec 6 - deleting a chart which was never used, Sec 7 - delete acreage requirements for livestock; Sec 8 - adding farm markets as special land use in the rural residential district, tasting room language not added back in and would not be an allowed use in the rural residential district., is rolled into winery as a special use.

Discussion:

- Articles 2 and 12 need to be mentioned as changing. None of the highlighted language is changing.
- Zoning Administrator was concerned with adding mobile homes as a Residential Development – they don't meet the definition. Suggests calling the section "General Residential Standards" instead of Residential Development Standards.
- Re-number existing Section 3.6.1 instead of listing the entire section.
- ZA concerned with language requiring a specific acreage for Farm Markets. Does this conflict with the Right-To-Farm Act GAAMPS? Mathew Cooke will look into this.

There was no public comment or correspondence received regarding the proposed amendments. Chair Walker closed the public hearing.

Cathy Jasinski/moved, Dennis Grant/supported, to postpone the proposed zoning ordinance amendments to the March 2021 meeting to allow the Planner to check for farm markets in the rural residential district.

Roll call vote:

Yes: Dennis Grant, Charlie Dashner, Mary Woods, Cathy Jasinski, Jeff Layman, Marie Walker.

No: None

Absent: Mike Park.

Motion passed.

Mathew Cooke will provide revised proposed zoning ordinance amendments at the March 2021 Planning Commission Meeting.

B. Planning Commission Priorities for 2021

Discussion was held regarding Planning Commission priorities for 2021. ZA Patmore that before the pandemic hit, the Planning Commission was having discussion about solar energy. Patmore has not received any inquires about solar energy since then. Suggested discussion about special events and noise, getting the decibel level into the zoning ordinance instead of a condition. Planning Commission has talked about wanting to address duplexes.

C. Comprehensive Plan -- continue discussion at March meeting

ZA Patmore said Kathy Egan send the Planning Commission approved Memo to the Township Board stating the Planning Commission is ready to work on the Comprehensive (Master) Plan which needs to be updated. The census information will be used to update the master plan. A consultant will have to be hired to assist in the process of updating the master plan. It appears 20 sections of the master plan that need to be updated. It was

suggested that Steve Patmore and Mathew Cooke review the work that has taken place on updating the master plan and to determine what needs to be done to update the master plan.

Mathew Cooke said Networks Northwest may have the capacity to assist Bingham Township in updating its master plan which would make sense.

Cathy Jasinski said doing the master plan was a fairly long process. There were a lot of different committees and people involved in the plan. Sections of the master plan such as commercial need to be looked at.

Steve Patmore said the best plans are the ones where the planning commission and community are actively involved.

Consensus of the Planning Commission to gather more information about updating the master plan and bring that to the March meeting.

Approval of Meeting Minutes - January 7, 2021

Consensus of the Planning Commission to consider approving the Minutes at the March 2021 Meeting.

Communications and Reports

- a. **Chairperson** - No report.
- b. **Zoning Administrator** - Lots of questions. Planning Commission training coming up.
- c. **Planner** - Mathew Cooke taking Zoning Administrator Certification thru MSU Extension.
- d. **Township Board** - Township Board Minutes on line.

Items for Consideration on Next Meeting Agenda: March 4, 2021

Master Plan, RFP that Kathy Egan did, Priorities, public hearing on zoning ordinance amendments.

Public Comment - None.

Adjournment - *Jasinski/moved, Dashner/supported to adjourn the meeting at 7:56 p.m.*

Roll call vote:

Yes: Dashner, Jasinski, Woods, Grant, Layman, Walker.

No: None.

Absent: Park

Minutes recorded by Marge Johnson, Recording Secretary

Cathy Jasinski, Planning Commission Secretary

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



2020 Annual Planning Report

LEELANAU COUNTY PLANNING COMMISSION

Leelanau County Planning & Community Development Office
8527 E. Government Center Drive, Suite 108, Suttons Bay, MI 49682
(231) 256-9812

www.leelanau.gov

County Planning Commission

Victor Goldschmidt, Chairman
Representing Education

Casey Noonan, Vice-Chairman
Representing Recreation

Steve Yoder, Chair Pro Tem,
Representing Finance

Dan Hubbell
Representing Agriculture

Robert Miller
Representing Economic Development

Gail Carlson
Representing Tourism

David McCulloch
Representing Business

Tom Nixon
Representing Municipal Government

Melinda Lautner
Representing County Board
of Commissioners

Mel Black
Representing Legal and Real Estate

Eric Winkelman
Representing Transportation

Planning Staff

Trudy Galla, AICP, Director

Gail Myer, Senior Planner

Diane Kiessel, Housing Manager

Molly Steck, Secretary

Leelanau County Planning Commission Annual Report

The 2020 Planning Report for Leelanau County, Michigan, was prepared pursuant to the requirements of Section 19 (2) of the Michigan Planning Enabling Act, Public Act 33 of 2008, which states:

“A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development”.

The planning commission and planning staff provided a range of services and reviewed and made recommendations on rezoning requests, text amendments, plans, and county facilities throughout 2018.

The Leelanau County Zoning Commission was established by resolution of May 13, 1968. The Leelanau Planning Commission Ordinance was established on January 13, 1970, and then both zoning and planning functions were combined with the Leelanau County Planning Commission.

In 2011, the County Planning Commission developed and adopted an Ordinance to create a Planning Commission for the County of Leelanau as authorized by Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act. The County Board of Commissioners approved this Ordinance in May of 2011.

The planning commission is appointed by the Board of Commissioners and its members include one (1) member of the County Board, and ten (10) members appointed to represent different interests across the county as approved in the 2011 Ordinance. The commission holds regular (monthly) public meetings to review development and planning items, per state statutes.

The commission prepares an annual Capital Improvement Program (CIP) listing an inventory of assets, along with a list of proposed projects during the CIP six-year period. The commission also prepares updates to the **Leelanau General Plan**, a **Plan** for guiding growth in Leelanau County. In 2019, the commission began training sessions for local appointed and elected officials, as well as interested citizens.

2020 Planning Commission Projects & Activities:

- ◆ Approved a Poster Plan (brief summary of key elements of the General Plan).
- ◆ Reviewed 8 zoning ordinance amendments, 1 farmland preservation designation, and 2 rezoning requests one from Rural Residential to Commercial and one from Residential II to Recreational.
- ◆ Completed work on the *Capital Improvement Program* for implementation in the 2021 budget process by the Leelanau County Board of Commissioners.
- ◆ Participated in Parks & Recreation Committee, General Plan and Education Committee, and Housing Action Committee meetings.
- ◆ Hosted a Zoning Board of Appeals training (via ZOOM).
- ◆ Passed a Resolution to support Housing North as recommended by the Housing Action Committee, and requested the County become a partner with Housing North. The Board of Commissioners approved a \$1,000 level partnership with Housing North.
- ◆ Attended local township and village meetings. (via ZOOM)

Training:

Various Commissioners attended online trainings and webinars in 2020 such as the Housing Summit and trainings offered through the Michigan Association of Planning.

Director Galla co-presented an online session on Brownfields and rural redevelopment at the Michigan Association of Planning Conference. It was viewed 157 time by the end of 2020. This taped session is also available to members of the American Planning Association.

Mary Reilly, AICP, Government and Public Policy Educator, Michigan State University Extension held a Zoning Board of Appeals training, via ZOOM, to a large number of attendees. This training was well received by attendees and the county planning commission will plan similar sessions in the future.

Planning Staff provide:

- ◆ Oversight of the state mandated Solid Waste Management Plan, including the tire recycling collections, household hazardous waste and electronics collections, and document shredding.
- ◆ Oversight of the Leelanau County Brownfield Redevelopment Authority.
- ◆ Leelanau Clean Water (*ended in 2nd qrt. 2020 as Leelanau Clean Water established itself as a non-profit*).
- ◆ Oversight of the Housing Action Committee (HAC).
- ◆ Participation in the Leelanau County Land Bank Authority.
- ◆ Administration of the Leelanau County Address Ordinance, since December of 1989.
- ◆ Administration of the County's Housing Programs. (*Note: State grants for housing rehabilitation are no longer available so this will reduce the county's housing rehabilitation services after 2020.*)
- ◆ Digital projects for aerial photos, scanning and other mapping services.
- ◆ Participation in Damage Assessment Team for Emergency Operations.
- ◆ Director Galla serves as the Leader for the Damage Assessment Team for Leelanau County, and Senior Planner Myer serves as a member of the Damage Assessment Team.
- ◆ Director Galla serves as Administrator for the Remonumentation Project for Leelanau County.

Staff prepared staff reports, agendas, minutes, and agenda items for the planning commission meetings, committee meetings, and for training sessions/workshops.

The following commissions and boards were served by staff in 2020:

- Planning Commission and sub-committees
- Brownfield Redevelopment Authority (LCBRA)
- Land Bank Authority (LCLBA)
- Leelanau Clean Water (LCW)
- Solid Waste Council (SWC)
- Housing Action Committee

Grant Administration

Implementation of new grants in 2020 included: EGLE Tire Recycling Grant (\$4,216), Remonumentation Grant (\$31,621), the Recycling Partnership Grant (\$27,456) which was put on hold until Spring 2021 due to COVID, as well as 2% allocation funds received from the Grand Traverse Band of Ottawa & Chippewa Indians for tire recycling and housing rehabilitation programs.

Other

In 2020 the County Planning Commission welcomed new members Gail Carlson and Mel Black.



Tire collections, and Household Hazardous Waste (HHW) and Electronics Collections.

