NOTICE OF MEETING

A Regular Meeting of the Leelanau County Planning Commission (LCPC) will be held at **5:30 pm Tuesday, SEPTEMBER 22, 2020**

A live streaming of this meeting will be available for viewing via the following link – https://www.youtube.com/channel/UCNQTgIgcTedF2qB8floC1GQ?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

STAFF COMMENTS

CONSIDERATION OF AUGUST 25, 2020 MEETING MINUTES pgs 2-5

NEW BUSINESS

- A. PC07-20-09 Application-Farmland & Open Space Preservation Program (Laketon Orchards, LLC) pgs 6-27
- B. PC08-20-04 Elmwood Township Text Amendment Definitions pgs 28-37
- C. Recommendations from Housing Action Committee Resolution & Partnership (Lautner) pgs 38-43

REPORTS

- A. Education Committee (Yoder-Chairman, Carlson, Winkelman, Nixon)
- B. Housing Action Committee (Lautner)
- C. Parks & Recreation Committee (Noonan)
- D. 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

Victor Goldschmidt –Chair Casey Noonan-Vice Chair Steve Yoder-Chair Pro-Tem Melvin Black Gail Carlson Dan Hubbell Melinda Lautner David McCulloch Robert Miller Tom Nixon Eric Winkelman

A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, AUGUST 25, 2020, 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.

CALL TO ORDER

Meeting was called to order at 5:39 p.m. by Chairman Goldschmidt 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: (via ZOOM)	R. Miller, T. Nixon, S. Yoder, M. Lautner
Members Present: (At Government Center)	V. Goldschmidt, E. Winkelman, G. Carlson
Members Absent: (prior notice)	D. Hubbell, D. McCulloch, C. Noonan, M. Black
Staff Present: (<i>At Government Center</i>)	T. Galla, Director, G. Myer, Senior Planner
Public Present:	D. Manikas

CONSIDERATION OF AGENDA

Motion by Winkelman, seconded by Nixon, to accept the agenda as presented. Motion carried 7-0.

CONFLICT OF INTEREST – None.

PUBLIC COMMENT – None.

STAFF COMMENTS

Galla reminded those with terms expiring on December 31st that they would be receiving notification from the County Administrators Office and would need to respond if they are interested in being reappointed. Also, the CIP was approved by the County Board, so it will be finalized and go online. The ZBA training is scheduled for September 23rd from 5:30 p.m. to 7:30 p.m. at no cost. This is a webinar and information will go out to townships and villages. In conclusion, Galla said the Poster Map was printed and available. It will also be sent out to the townships and villages. The HHW & Electronics Collection scheduled for September 12th is almost full and the next tire recycling event will be held on September 19th at the government center.

Nixon questioned if there was any discussion on the CIP by the County Board. Galla stated there were very few questions. Lautner couldn't think of any big concerns that were brought up.

CONSIDERATION OF JULY 28, 2020 MEETING MINUTES

Winkelman said his vote of "aye" was not recorded on page 3 of the minutes.

Motion by Lautner, seconded by Carlson, to accept the minutes as amended. Motion carried 7-0.

NEW BUSINESS PC06-20-03 Cleveland Township Text Amendment - Site Plan Review

Galla briefly reviewed the staff report, saying this amendment to the Site Plan Review was received on August 5th. The Cleveland Township's Master Plan has steps in Chapter 2 that includes information on wetlands, which are shown in the staff report. Also, they have included action steps under *Goals*, *Objectives*, and *Action Steps* in Chapter 6 of their plan. Objective 8 of their Master Plan includes Action Steps to protect water quality, the environment, and the development from the damaging effects of flooding in residential areas. Galla continued, saying the Leelanau General Plan also includes several goals and action statements regarding protection of wetlands. Cleveland Township adopted an amendment to Section 4.16 Site Plan Review in 2019, which added language so that all developments, roads, easements, driveways, including single family homes, identified by the Leelanau County Composite Wetland Area Map, have to follow requirements of Site Plan Review. It was noted that this was the result of a home being built in the township that did not require a permit from DEQ/EGLE, but was within the area noted on the Composite Wetland Map. Galla pointed out an exception by the township noted in "1. Below", but staff could not find this section in the zoning ordinance.

Galla continued, stating this amendment will be adding the sentence "All site plans must demonstrate compliance with all applicable zoning ordinances, overlay and land use district requirements" to Section 4.16, Site Plan Review. Also, it will be adding a new number 20, under Section 4.16 (h) Standards for Granting Site Plan Approval, which talks about projects within the Composite Wetlands Map Overlay district. The township did work with staff from Networks Northwest and EGLE, to develop this language to add to their site plan review process. Staff did not find any issues with the proposed amendment. It is going to be up to the township to administer this and oversees this additional layer of regulations on parcels that fall within the overlay area.

Nixon noted the township clearly held a sufficient number of public hearings, so the matter is pretty clear. He felt it would be helpful to clearly identify what the township boundaries were on the Composite Wetlands Map.

Winkelman questioned if there had been any coordination or contact with the National Park Service because a lot of the wetland area in Cleveland Township is within the jurisdiction of the National Park Service.

Goldschmidt remarked that the first sentence in Section 4.16 Site Plan Review, in the townships ordinance says "is" instead of "as". This may be a subtle difference, but it should be consistent. Also, under the new number 20. Projects in the Composite Wetlands Map Overlay District: b) states one (1) cubic yard per one (1) foot of driveway, which is generous. Goldschmidt concluded, saying the requirement that a driveway be in a straight line is confusing because sometimes scenery, not necessarily access, may encourage a different type of driveway.

Miller questioned if one cubic yard for one foot of driveway was for the width or length. Goldschmidt interpreted this to be the length. Miller said one foot needed to be defined, is that width, area, or length.

D. Manikas, from Cleveland Township, thanked Galla for being so thorough in preparing her materials for review. The township has hired a recording secretary who is going through their entire zoning ordinance and cleaning it up. Regarding Nixon's comment about the township's boundaries, he agrees that would be helpful to put on the map. The township knows that the park service supersedes them, and they will be in contact with them. Manikas clarified that number 20. Projects in the Composite Wetlands Map Overlay district: b) says "most direct route" not straight line. The township is aware that sometimes you need a little curve, they just don't want meandering driveways. The "one cubic yard" is length, but they will clarify that. The amount of fill is from EGLE. The township has no more expertise on their planning commission than EGLE, so they used their volume of fill in the ordinance. Manikas also mentioned the proposed Glen Lake overlay district for their watershed in which they pointed out phosphorus fertilizer. Not allowing phosphorus fertilizer in the Cleveland Township Wetland Overlay District will probably be another addition to follow next month.

Motion by Winkelman, seconded by Carlson, to forward staff report, minutes, and all comments to Cleveland Township Planning Commission. Motion carried 7-0.

Outreach to Townships & Villages

Goldschmidt said he envisions them having more personal contact and attending township meetings. Galla mentioned the difficulty with implementing outreach during COVID-19.

REPORTS

Education Committee - Nothing to report.

Housing Action Committee

Lautner stated the HAC made a great presentation to the County Commissioners.

Galla mentioned the Housing North regional housing event that will most likely be a webinar this year. Yarrow Brown is now the Executive Director and she is really taking an active role. She has been reaching out to communities asking them what assistance they need.

Parks & Recreation Committee - Nothing to report.

Reports from LCPC members of attendance at township/village meetings, or other meetings/training

Winkelman said they will be having a change of leadership in Glen Arbor come January.

Carlson commented on the article on the front page of the *Enterprise*, in which the Suttons Bay Village manager talked about a river cruise coming into the bay.

COMMUNICATIONS – Poster Plan was available.

Winkelman mentioned work on Bohemian Rd. will be complete on September 4th and he is not sure when the work on the bridge in Lake Leelanau is expected to be completed.

PUBLIC COMMENTS – None.

STAFF COMMENTS

Galla referenced Manikas's comment and reminded everyone that the staff reports are done by staff, it is not a one-person effort. Township and village planning commissions have not been meeting as often, which is reflected in the County Planning Commissions agenda being much lighter than usual. At some point this will change. Galla continued, stating that funding is available for the removal of large amounts of tires on private properties, if they were there before 1991. If the tires were placed there after 1991, then funding is only available if there is a lien placed on the property. Galla mentioned the danger of a large tire fire and said she has been notified of barns in the county with hundreds of tires stored in them. Galla has reached out to the 911 Emergency Services Coordinator who has contacted fire departments and she reached out to the zoning administrators in an effort to identify where such parcels are located. The plan is to reach out to these individuals and see if they can get these tires properly picked up and out of the county. Galla concluded by saying the County Board gave them permission to put together an EPA grant application for brownfield assessment funds.

COMMISSIONER & CHAIRPERSON COMMENTS

Winkelman stated the nation is in a time of crisis right now with this election.

Meeting adjourned at 6:20 p.m.

TEXT AMENDMENT REVIEW PC07-20-09 Leland Township Farmland and Open Space Preservation Program

(Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116).

Reviewing Entity:Leelanau County Planning CommissionDate of Review:September 22, 2020

General Information

Date Request Received: September 10, 2020

Last Day of Review Period: October 10, 2020 (30 days in which to review and comment on the application and provide comments to the township. After the 30-day period, the township can proceed with or without comments from reviewing agencies).

Requested Action: Review and comment on an application to enter approximately 133 acres into Farmland and Open Space Preservation Program for a period of 10 years.

Parcel Number: 45-009-012-001-50 (<u>Note</u>: the application shows parcel number 45-009-012-001-00 but this parcel number no longer exists in the county's records. The correct parcel number ends in 001-50).

Applicant:	Laketon Orchards, LLC 1335 Wilson
	Conklin, MI 49403
Owner:	same as above

Township Plan: The Leland Township Master Plan identifies this area as "Farm Forest" on the Future Land Use Map. On the Agricultural Preservation Map in the Master Plan, this parcel is identified as Active Agricultural, with the west side identified as Prime Farmland. (See attached copies of these maps).

Property Information: This parcel is located on the north side of E. Horn Rd., with N. Eagle Hwy bordering the parcel on the west and E. Pertner Rd. bordering the parcel on the north. The majority of land surrounding this parcel is wooded, orchard or row crops with some homes.

The parcel consists mainly of soils from the Leelanau-East Lake loamy sands with slopes ranging from 0% to 18%. Surface runoff is slow at 0-6% slopes and medium for 12-18% slopes. Erosion hazard ranges from moderate at the lower slopes to severe at the steeper slopes. Soils with 0-6% slopes are moderately well suited to common field crops and forage crops, and well suited to orchards in frost protected locations. They are poorly suited to pasture but moderately well suited to woods and wildlife habitat. Soils at the 12-18% slopes are very poorly suited to cultivated crops and orchards.^{1 2}

¹ 2017 Aerials Leelanau County

² Soil Survey of Leelanau County, 1973

Explanation of the Program³

Public Act 116 was established in 1975 in response to the loss of farmland associated with high property taxes. Michigan is one of the few states in the nation with market-based property tax assessments. Agricultural lands near developing urban areas were being taxed based on what their land would sell for if converted into housing developments or strip malls. As a result, Michigan was losing cropland at an average rate of six percent per year. Michigan's food and agriculture sector contributes \$104.7 billion to the state's economy.

The Farmland and Open Space Preservation Program (PA 116) preserves farmland from being developed for non-agricultural uses. Participating landowners are exempt from some special assessments and may also receive a Michigan income tax credit for property tax in excess of 3.5 percent of total household income.

The owner enters into a development rights agreement with the State. The State, in turn, allows the owner a property tax credit for those farmlands. Upon application for a Farmland Development Rights Agreement, a number of comments and approvals are necessary from local governmental units. These comments constitute advise (recommendations) only to the Township Board which has the power to approve or reject the application.

Agreement Termination

According to the Michigan Department of Agriculture and Rural Development (MDARD), the applicant can terminate the agreement for any one of the following reasons:

- Death or disability of an Agreement holder or a person essential to the farm operation.
- A parcel up to two acres with a structure on it that pre-dates the Agreement.
- A parcel of up to two acres for construction of a residence for a person essential to the farm.
- The farmland is economically inviable.
- Surrounding land usage restricts farming.
- Natural irreversible change occurs to the land, which restricts farming.
- A court order restricts farming.
- Public interest is served by the release.

Except when due to death or disability, the law requires the landowner to repay the last seven (7) years of tax credits attributable to the Agreement, or the part of the Agreement, being terminated or released, plus 6% simple interest. Repayment on termination or release due to death or disability uses a formula that prorates the seven years, and there is no interest included. After full review of a request, the MDARD office will inform the owner of approval or disapproval.

Staff Comments

The request is to place approximately 133 acres into Farmland Preservation with the State for a period of ten (10) years. The maximum term allowed is 90 years. The property is within the Agricultural/Conservation zoning district as noted in the Leland Township Zoning Ordinance. The applicant states the property does not have any tax liens on it, the applicant owns the mineral rights, and the applicant is a Limited Liability Company (LLC). Michael and James Dietrich are listed as managers and Adam, Curtis, and Phillip Dietrich are listed as members. The agricultural enterprise is fruit with 110 acres in cultivation and 23 acres in other (swamp, woods, etc.). There is one (1) residence and a barn on the property. According to the application, Section IV, and the Flyer on the program, the property would qualify for the program because it is 40 acres or larger and has a minimum of 51% of the land devoted to

³ https://www.michigan.gov/mdard/0,4610,7-125-1599_2558---,00.html

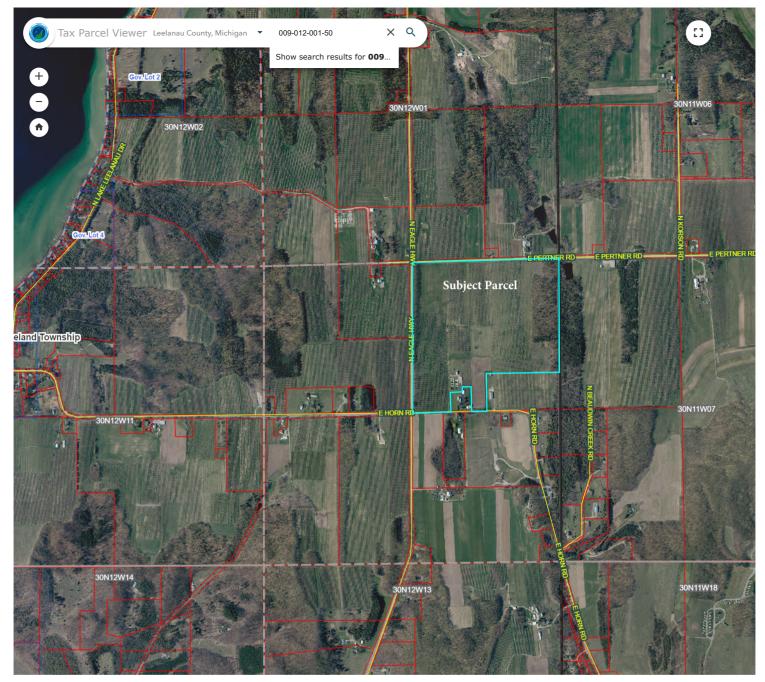
agricultural use. The minimum amount of time for the Development Rights Agreement with the State is 10 years.

Benefits under an agreement depend on the tax assessed against the property and the landowner's income. The landowner is entitled to claim a Michigan income tax credit equal to the amount of the property taxes on the land and improvements covered by the agreement, less 3.5% of the landowner's total household income. Qualified land enrolled under an agreement is also exempt from special assessments for sanitary sewers, water, lights, or non-farm drainage, unless the assessments were imposed prior to the enrollment of the land in a farmland agreement. Under the Agreement, the owner will be restricted from constructing any structures except for use consistent with farm operations.

The Leelanau County Planning Commission reviewed an application in 2000 for an application for **Termination** from a Farmland and Open Space Preservation Agreement. Prior to that, applications to enter into these Agreements were done in the late 1980's and early 1990's. The entire county has 3,684 acres in the program, with 580 acres being in Leland Township.

The Leelanau Conservancy also has a program for similar types of agreements (Purchase of Development Rights) and numerous property owners have entered their land into the Conservancy program. Over 5,000 acres of farmland have been entered into this program.

For prior applications, the County Planning Commission has made a recommendation for applications to be 'accepted' into the program, or sent along comments/suggestions. The commission has 30 days in which to review and comment on the application and provide comments to the township (Township Board).

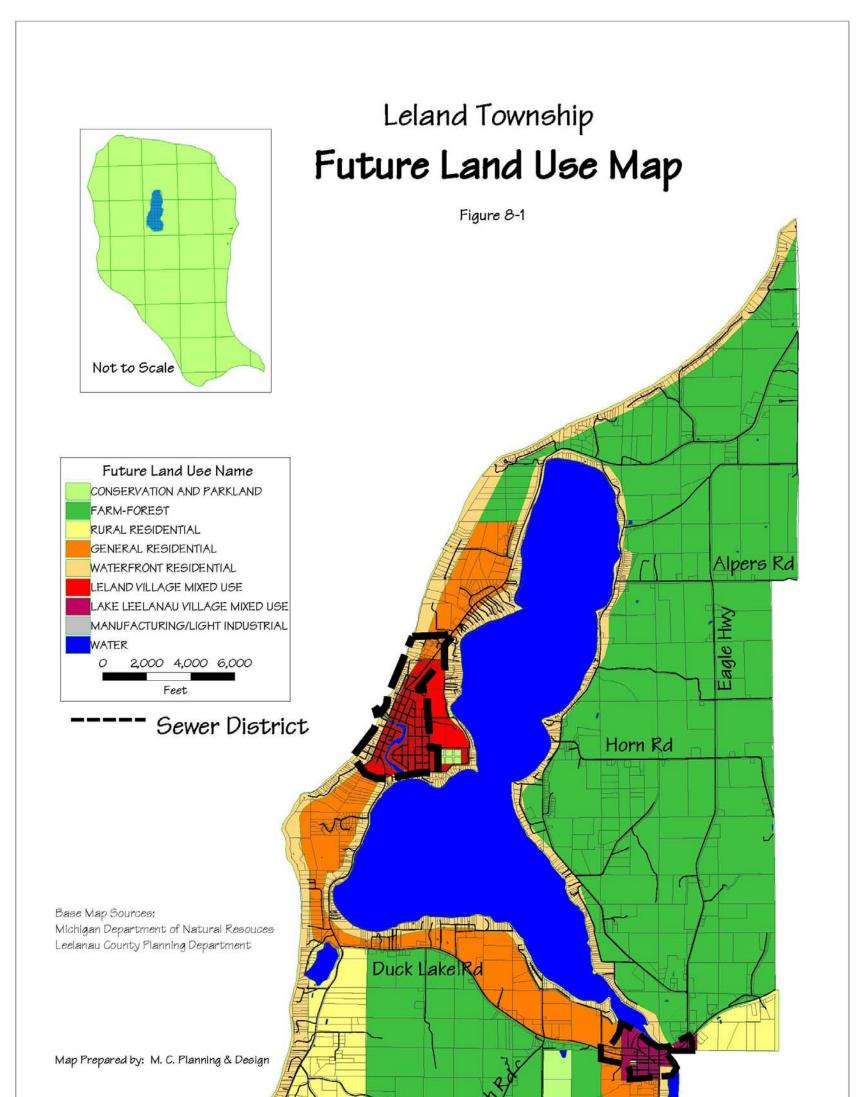


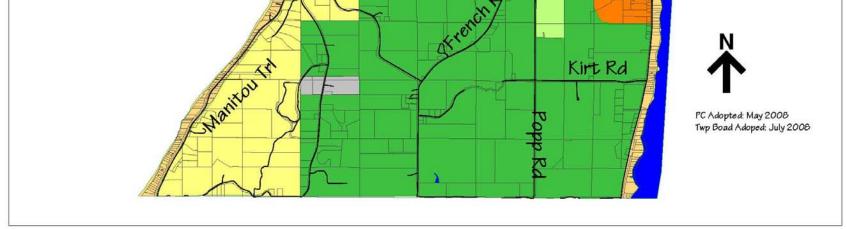
45.026 -85.693 Degrees

0.2mi

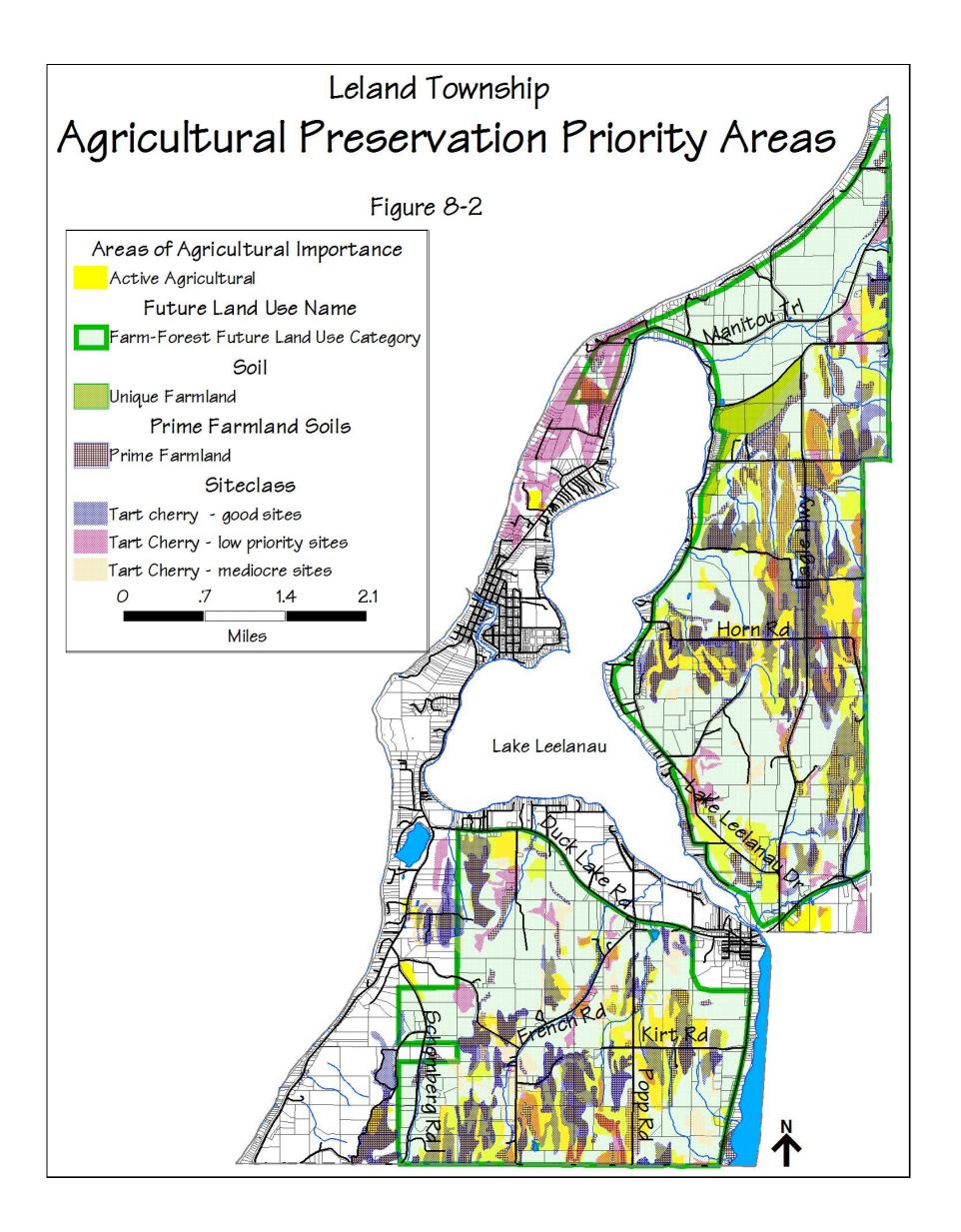
<

>





Chapter 8: Future Land Use Recommendations		PC Adopted: May 2008	
1	n a o o o o o		
Leland Township Master Plan – Update	page 8-7	Board Adopted: July 2008	



Chapter 8: Future Land Use Recommendations	
Leland Township Master Plan – Update	page 8-8

Appendix - Transmittals from Leland Township

MICHIGAN DEPARTMENT OF AGRICULTURE & RURAL DEVELOPMENT ENVIRONMENTAL STEWARDSHIP DIVISION FARMLAND AND OPEN SPACE PRESERVATION PROGRAM

INSTRUCTIONS FOR LOCAL GOVERNING BODY FOR COMPLETING AN APPLICATION FOR A FARMLAND AGREEMENT (FORM ES-013)

A. After a landowner completes his/her portion of an *Application for a Farmland Agreement, Form ES-013* (in accordance with Part 361 of the Natural Resources and Environmental Protection Act, 1994, Act 451, as amended, more commonly known as P.A. 116), the landowner is to attach a copy of a deed or land contract proving ownership of the property to be enrolled in the program, and a copy of a recent tax bill or tax assessment notice containing the legal description of the property. The landowner then is to take these application materials to the "local governing body" (see definition below) for local review and approval.

B. The local governing body holding the application shall approve or reject the application within **45 DAYS** after the application is received. It is the responsibility of the local governing body doing the initial review to complete the bottom portion of page 3 of the application form. **ALL APPLICABLE LINES/SPACES ON THE BOTTOM PORTION OF PAGE 3 ARE TO BE COMPLETED.**

C. <u>PART I. Action by Governing Body</u> requires the local governing body's name, date received, whether the application is approved or disapproved, the date of approval or disapproval, the clerk's signature and seal, and the current market value. **IMPORTANT:** If the application is approved on or before November first of a given year, the landowner is eligible for tax credits from the State of Michigan for that entire year. If approved after November first, the landowner is eligible for tax credits beginning the following year.

D. <u>PART II. Check List</u> should be completed with either a date or check mark or "NA" for "not applicable." For all applications, the reviewing agencies are the County or Regional Planning Commission and local Conservation District. If the county is the local governing body initiating the review of the application, the township also becomes a reviewing agency.

E. Reviewing agencies are to be sent a copy of the application by the local governing body. At the very least, this includes the local Planning Commission and Conservation District. A reviewing agency has **30 DAYS** in which to review and comment on the application and provide comments to the township. After the 30-day period, the township can proceed with or without comments from reviewing agencies.

F. Upon receipt of an application, the clerk checks the application to see that it has been properly completed by the landowner. Next, the clerk insures that the first four lines under

<u>FINAL APPLICATION SHOULD INCLUDE</u> on page 3, right side, near the bottom, can be checked as included in the application. Under <u>REVIEW LETTERS FROM</u>, the clerk should make sure that comments have or have not been received from the local Planning Commission and Conservation District and that the appropriate lines have been checked before sending the application on to Farmland Program Office. Comments need to be received from the rest of the reviewing agencies only if they meet the conditions mentioned above. If the other agencies do not meet the conditions, the clerk indicates "NA" for "not applicable." Remember, if no comments were received within the 30-day time period, the clerk should so indicate in some manner on the application when the application is sent on to the Farmland Program Office.

G. After all the above is done and the portion <u>FINAL APPLICATION SHOULD INCLUDE</u> is completed (all applicable spaces are checked), the clerk is to send the **ORIGINAL** of the application to the Farmland Program office. Comments received from reviewing agencies are to be included with the application sent to the Farmland Program office. See paragraph on page 3, right side, just under *"Property Appraisal"* for line to be checked and for our mailing address. The local assessor is responsible for providing current market value information regarding the application.

H. Finally, please note that each individual application should stand on its own, i.e., be fully completed with all appropriate documentation attached without regard to other applications by the same landowner that might have been submitted with it.

Definition of local governing body: For purposes of this program, the local governing body is defined as follows. For farmland located within a city or village, the local governing body is the city or village. For farmland not located in a city or village but in a township having a zoning ordinance in effect, the local governing body is the township board. For farmland not located in a city or village and the township does not have a zoning ordinance in effect, the local governing body is the local governing body is the township board of commissioners. In most cases, the local governing body is the township board and the application then should be taken to the township clerk for township processing.

Michigan FARMLAND AND OPEN SPACE	OFFICIAL USE ONLY Local Governing Body:
	Date Received
Application for Farmland Agreement	Application No:
Port 261 of the Network Descurrence on 1 E	State:
Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more	Date Received
commonly known as PA 116.	Application No:
Please print or type. Attach additional sheets as needed. Please read the Eligibility and Instructions document before filling out this form.	Approved:Rejected
ALL APPLICATIONS MUST BE APP	ROVED BY LOCAL GOVERNING BODY BE EFFECTIVE FOR THE CURRENT TAX YEAR
I. Personal Information: 1. Name(s) of Applicant: <u>Laketon</u> Orc Last	
(If more than two see #15)	
Last Marital status of all individual men listed on application, i Married Single	First Initial f more than one, indicate status after each name:
2. Mailing Address: 1335 Wilson Street	Conklin MI 49403 City State Zip Code
3. Telephone Number: (Area Code))	
4. Alternative Telephone Number (cell, work, etc.): (Area	Code) ()
5. E-mail address:	. ,
II. Property Location (Can be taken from the Deed/Land Co 6. County: <u>Leelanas</u> 7. T	ownship, City or Village: SeTAPO
8. Section No Town No30	Range No2
 III. Legal Information: 9. Attach a clear copy of the deed, land contract or mem 10. Attach a clear copy of the most recent tax assessme 11. Is there a tax lien against the land described above? If "Yes", please explain circumstances: 	nt or tax bill with complete tax description of property.
	e applicant:
 13. Is land cited in the application subject to a lease agree something other than agricultural purposes: Yes number of acres involved: 	KING If "Yes" indicate to whom for what purpose and the
number of acres involved: 14. Is land being purchased under land contract [] Yes [Name: Address: Street	
14a. Part 361 of the Natural Resources and Environmen	City State Zip Code tal Protection Act, 1994 Act 451 as amended, states that the n the application to be enrolled in the program. Please have sign).
Land Contract Vendor(s): I, the undersigned, unders into the Farmland and Open Space Preservation Pro	tand and agree to permit the land cited in this application ogram.

agricultural products: \$

15. If the applicant is one of the following, please check the appropriate box and complete the following information (if the applicant is not one of the following – please leave blank):

<pre> 2 or more persons having a joint Corporation Estate</pre>	or common interest in the land Limited Liability Company Trust	_ Partnership Association
If applicable, list the following: Individual Na Treasurer; or Trustee(s); or Members; or Pa	artners; or Estate Representative(s):	
Name: Michael Dietric		_Title: <u>Manager</u>
Name: James Dietric	h	_Title: <u>Manager</u>
Name: Adam Dietrich	<u>\</u>	_Title: Member
Name: <u>Curtis Dietric</u> Phillip Dietrich	hames may be attached on a separate	_Title: <u>Member</u> esheet.) Member
b. 5 acres or more but less thar	► complete only Section 16 (a thru 140 acres	only Sections 16 and 17; or
 a. Type of agricultural enterprise (e.g <u>Fourk</u> 	. livestock, cash crops, fruit, etc):	
 b. Total number of acres on this farr c.Total number of acres being applied d. Acreage in cultivation: ICO e. Acreage in cleared, fenced, improv f. All other acres (swamp, woods, etc. 	d for (if different than above): red pasture, or harvested grassland: _	
g. Indicate any structures on the prop		3 /
No. of Buildings <u>\</u> Residence: Silo: Grain Storage Faci	Barn: X	Tool Shed:
Poultry House: I Other: (Indicate)	Milking Parlor:	Milk House:
17. To qualify as agricultural land of 5 ac average gross annual income of \$20	cres or more but less than 40 acres, th 00.00 per acre from the sale of agricult	e land must produce a minimum ural products.
immediately preceding this application	nnual income per acre of cleared and t on <u>from the sale of agricultural prod</u>	ucts (not from rental income):
\$:::	total acres of tillable land	(per acre)
 To qualify as a specialty farm, the la produce a gross annual income from average gross annual income during 	nd must be designated by MDARD, be an agricultural use of \$2,000.00 or m g 2 of the last 3 years immediately prec	ore. If a specialty farm, indicate

Please note: specialty farm designation may require an on-the-farm site visit by an MDARD staff person.

Application for Farmland Agreement

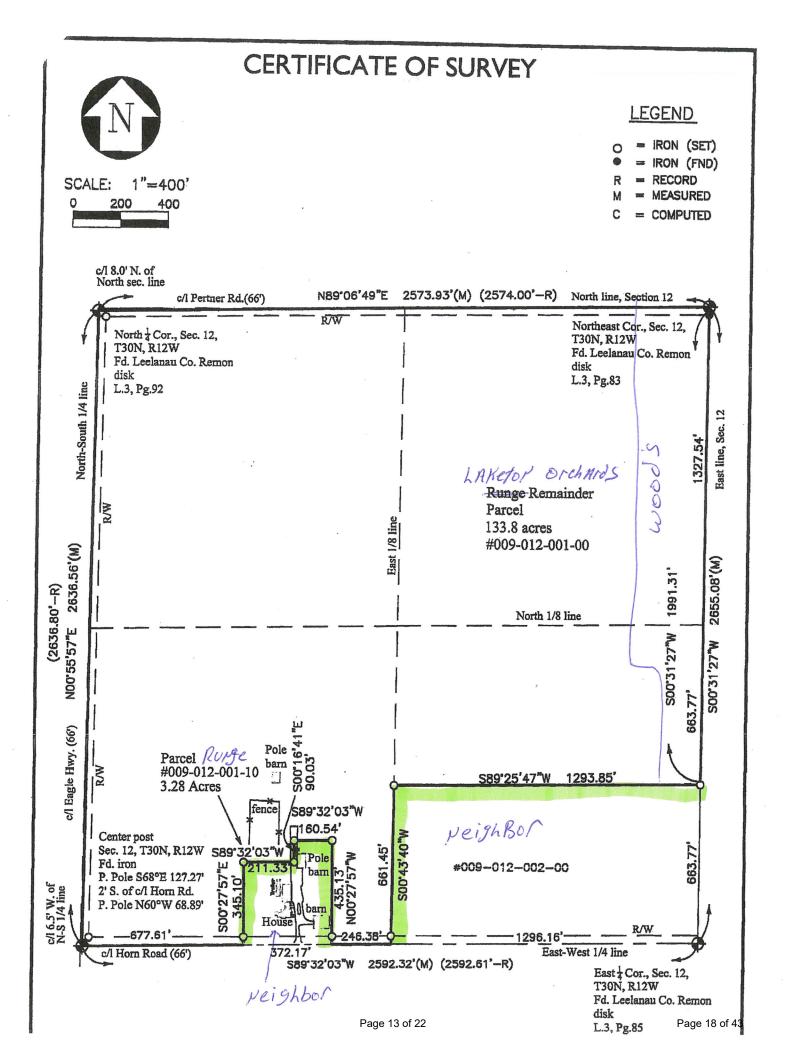
- 19. What is the number of years you wish the agreement to run? (Minimum 10 years, maximum 90 years); V. Signature(s): 20. The undersigned declare that this application, including any accompanying informational material, has been examined by them and to the best of their knowledge and belief is true and correct. (Signature of Applicant) (Corporate Name, If Applicable) (Co-owner, If Applicable) (Signature of Corporate Officer) (Date) (Title) ALL APPLICATIONS MUST BE APPROVED BY LOCAL GOVERNING BODY ON OR BEFORE NOVEMBER 1 IN ORDER TO BE EFFECTIVE FOR THE CURRENT TAX YEAR. <u>RESERVED FOR LOCAL GOVERNMENT USE: CLERK PLEASE COMPLETE SECTIONS I & II</u> 8/24/2020 (Note: Local Governing Body has 45 days to take action) I. Date Application Received: LEIAND TOWNSTUP Action by Local Governing Body: Jurisdiction: County **Township** City Village This application is approved, rejected Date of approval or rejection:_ (If rejected, please attach statement from Local Governing Body indicating reason(s) for rejection.) Clerk's Signature: is the current fair market value of the real property in this application. Property Appraisal: \$ II. Please verify the following: Upon filing an application, clerk issues receipt to the landowner indicating date received. Clerk notifies reviewing agencies by forwarding a copy of the application and attachments
 - If rejected, applicant is notified in writing within 10 days stating reason for rejection and the original application, attachments, etc. are returned to the applicant. Applicant then has 30 days to appeal to State Agency. If approved, applicant is notified and the original application, all supportive materials/attachments, and letters of review/comment from reviewing agencies (if provided) are sent to:

MDARD-Farmland and Open Space Program, PO Box 30449, Lansing 48909

*Please do not send multiple copies of applications and/or send additional attachments in separate mailings without first contacting the Farmland Preservation office.

Please verify the following regarding Reviewing Agencies (Sending a copy to reviewing agencies	Before forwarding to State Agency, FINAL APPLICATION SHOULD INCLUDE:		
is required): COPY SENT TO:	Copy of Deed or Land Contract (most recent showing current ownership)		
County or Regional Planning Commission Conservation District	Copy of most recent Tax Bill (must include tax description of property)		
Township (if county has zoning authority)	✓_Map of Farm		
	Copy of most recent appraisal record		
	Copy of letters from review agencies (if available)		
	Any other applicable documents		

Questions? Please call Farmland Preservation at 517-284-5663



Print Date: 12/16/2019 Recpt Date: 12/16/2019

2019

OfficialWinter Tax Receipt LELAND TOWNSHIP 009-012-001-00

TAXABLE: 209,142 SEV: 409,200 SCHL: 45020 PRE/MBT: 100.0000 CLASS: 101 Received of: LAKETON ORCHARDS LLC 1311 WILSON CONKLIN MI 49403

PREVIOUS PAYMENTS

Date	Chk #	Amount	

		** CURRENT PAYMEN	r **	
	Date	Chk #	Amount	
	12/16/2019	0909	1,035.53	
		Total Recvd:	1,035.53	
	DETAILED BREAKDOWN	OF BILLING/PAYMENTS	FOR 009-012-001-00	
DESCRIPTION	MILLAGE	Tax Billed 1	otal Paid	BALANCE
COUNTY ROAD	0.4970	103.94	103.94	0.00
COUNTY SENIORS	0.3181	66.52	66.52	0.00
BATA	0.4952	103.56	103.56	0.00
TWP ALLOC	0.4087	85.47	85.47	0.00
TWP VOTED OPER	0.4256	89.01	89.01	0.00
TWP FIRE/RES OP	1.8000	376.45	376.45	0.00
TWP FIRE/RES EQP	0.4966	103.85	103.85	0.00
TWP FIRE BOND	0.1200	25.09	25.09	0.00
LIBRARY	0.3904	81.64	81.64	0.00

Admin Fee		0.00	0.00	0.00
Interest/Pen		0.00	0.00	0.00
Over Payments		0.00	0.00	0.00
TOTALS>	4.95160	1,035.53	1,035.53	0.00

Property Description L 202 L502 P398-400/99 NE 1/4 EXC S 1/2 OF SE 1/4 OF NE 1/4 ALSO EXC PRT COM W 1/4 COR TH N 89 DEG 08' 30" E 3287.74 FT FOR POB TH N 1 DEG 41' 30" W 278.00 FT TH N 89 DEG 08' 30" E 240.00 FT TH S 1 DEG 41' 30" E 278.00 FT TH S 89 DEG 08' 30" W 240.00 FT TO POB SEC 12 T30N R12W 138.44 A M/L.

> LELAND TOWNSHIP TREASURER SHIRLEY GARTHE P O BOX 347 LAKE LEELANAU MI 49653

LAKETON ORCHARDS LLC 1311 WILSON CONKLIN MI 49403 Addr: E HORN RD

I HEREBY CERTIFY THAT APPLICATION WAS MADE TO PAY ALL TAXES, SPECIAL ASSESSMENTS AND SURCHARGES, DUE AND PAYABLE AT THIS OFFICE ON THE DESCRIPTION SHOWN IN THIS RECEIPT EXCEPT THOSE AMOUNTS SHOWN IN THE 'BALANCE' COLUMN ABOVE

TREASURER

Shutey Harthe



Warranty Deed - Statutory Form C.L. 1948, 565.151 M.S.A. 26571

KNOW ALL MEN BY THESE PRESENTS: That Runge Family LLC, a Michigan Limited Liability Company, whose street number and post office address is 7661 E Horn Road, Lake Leelanau, MI 49653, convey(s) and warrant(s) to Laketon Orchards, LLC, whose street number and post office address is 1311 Wilson, Conklin, MI 49403 the following described premises:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Commonly known as: 7661 E Horn Road, Lake Leelanau, MI 49653

for the full consideration of a second structure of the full consideration of the full constant of the ful

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: September 5, 2019

Signed and Sealed:

Runge Family LLC, a Michigan Limited Liability Company

BY: Dora A Runge, member

TAX CERTIFICATION 9 LEELANAU COUNTY SUTTONS BAY. MI I hereby certify, that according to our records, all taxes returned to this office are paid for five (5) years preceding the <u>5</u> day of <u>7</u> (9). This does not include taxes in the process of collection by Township, Cities, or Villages, Board of Review changes, Michigan Tax Tribunal changes, or changes due to Principal Residence Exemptions or corrections. Call County Treasurer

Page 1

1. Jodi	SKUBA	, a Notary Public of the County and the State first above written, do
hereby certify that	Dora A Runge,	member of Runge Family LLC, a Michigan Limited Liability Company
personally appeare	d before me this da	ay and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 5th day of September, 2019.

lanaer

Great		Jodi Skeba
Name: // (\		Notary Public of Michigan Leelanau County
Notary Public /State of		Expires 07/20/2025
	County	Acting in the County of
My Commission Expires:		\$~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Acting in the County of		
		′ (Seal)

Assisted By: Chicago Title of Michigan, Inc. 402 E Front St Traverse City, MI 49686

State of _____ County of 6

> Drafted by: Runge Family LLC, a Michigan Limited Liability Company Doen Road 7661 E Horn Road Lake Leelanau, MI 49653

Mail After Recording To: Laketon Orchards, LLC 1311 Wilson Mike Dietrich Conklin, MI 49403

Send Subsequent Tax Bills To: Laketon Orchards, LLC 1311 Wilson Will & Dietrich Conklin, MI 49403

Recording Fee: \$35.00

Real Estate Transfer Tax:

Tax parcel no.: 45-009-012-001-00

For APN/Parcel ID(s): 45-009-012-001-00

Land Situated in the State of Michigan, County of Leelanau, Township of Leland.

Part of the Northeast ¼ of Section 12, Town 30 North, Range 12 West, Leland Township, Leelanau County, Michigan, more fully described as follows: Beginning at the North ¼ corner of said Section 12; thence along the North Section line and centerline of Pertner Road, North 89 degrees 06 minutes 49 seconds East,2573.93 feet (recorded as 2574.00 feet) to the Northeast corner of said Section; thence along the East Section line, South 00 degrees 31 minutes 27 seconds West, 1991.31 feet; thence South 89 degrees 25 minutes 47 seconds West, 1293.85 feet; thence South 00 degrees 43 minutes 40 seconds West, 661.45 feet to the centerline of Horn Road and the East-West ¼ line; thence along said centerline and ¼ line, South 89 degrees 32 minutes 03 seconds West, 160.54 feet; thence South 00 degrees 16 minutes 41 seconds East, 90.03 feet; thence South 89 degrees 32 minutes 03 seconds West, 211.33 feet; thence South 00 degrees 27 minutes 57 seconds East, 345.10 feet to the centerline of Horn Road and the East-West ¼ line; thence enterline of Horn Road and the East-West 32 minutes 03 seconds West, 211.33 feet; thence South 00 degrees 27 minutes 57 seconds East, 345.10 feet to the centerline of Horn Road and the East-West ¼ line; thence along said East ¼ line, South 89 degrees 32 minutes 03 seconds West, 677.61 feet to the North-South ¼ line; thence along the North-South ¼ line, North 00 degrees 55 minutes 57 seconds East, 2636.56 feet (recorded as 2636.80 feet) to the Point of Beginning.

Which lands are eligible?

A farm is eligible if one of the following is true:

- Parcel is 40 acres or larger, and a minimum of 51% of the land is devoted to agricultural use;
- Farm is at least five acres but less than 40 acres in size; at least 51% of the land is devoted to agricultural use; and the agricultural land produces a gross annual income of \$200 or more per tillable acre. (Parcels enrolled in the Conservation Reserve Program are considered to meet the gross income requirement.); or
- Farm has been designated as a specialty farm by MDARD, is a minimum of 15 acres, and has a gross annual income exceeding \$2,000/yr.

"Agricultural use" means the production of plants and animals useful to humans, use in a federal acreage set-aside program, or a federal conservation program. Agricultural use does not include the management and harvesting of a woodlot.

New Structures & Land Improvements

Structures may be built on the land if the use of the structure will be consistent with farm operations. A house for an individual essential to the operation of the farm would be consistent with farm operations.

Must the landowner provide public access?

No.

How long does the agreement last?

A minimum of 10 years and a maximum of 90 years.

Extension

After the initial term, an agreement can be extended a minimum of seven years.

Expiration

During the last year of the agreement, the holder will be sent a notice asking whether the agreement will be extended or allowed to expire.

If the agreement holder chooses to let the agreement expire, any tax credits received during the last seven years of the agreement must be repaid. The agreement holder will be notified of the amount. If the amount is not paid within 30 days, a lien will be placed against the property.

Revising Agreements

Visit **www.michigan.gov/farmland** and click "Changing an Existing Farmland Development Rights Agreement."



Michigan Department of Agriculture & Rural Development

Farmland Preservation Program P.O. Box 30449, Lansing, MI 48909 Phone: 517-284-5663 MDARD-PA116@michigan.gov www.Rfcfffodfr.gov/farmland

ENROLLMENT, ELIGIBILITY AND BENEFITS OF FARMLAND AGREEMENTS



Farmland and Open Space Preservation Program



What is the Farmland and Open Space Preservation Program?

The Farmland and Open Space Preservation Program is designed to protect farmland and open space through agreements that restrict development and provide tax incentives for program participation.

What does the Farmland and Open Space Act do?

The act enables a landowner to enter into a Development Rights Agreement with the State of Michigan. The agreement ensures the land remains in agricultural use for a minimum of 10 years and is protected from non-agricultural development. In return, the landowner may be entitled to certain income tax benefits and the land is not subject to special assessments for sanitary sewer, water, lights, or non-farm drain projects.



How does the landowner benefit from enrollment in the program?

Tax Credits:

Benefits under an agreement depend on the tax assessed against the property and the landowner's income. The landowner is entitled to claim a Michigan income tax credit equal to the amount of the property taxes on the land and improvements covered by the agreement, less 3.5% of the landowner's total household income.

For example, if the landowner has an income of \$20,000 and property taxes on the farm total \$2,000, he/she would subtract \$700 (3.5% of \$20,000) from the \$2,000 property tax for an income tax credit of \$1,300. This tax credit is in addition to the Homestead Property Tax Credit, for which the landowner may already be qualified.

Special Assessments:

- Qualified land enrolled under an agreement is exempt from special assessments for sanitary sewers, water, lights, or non-farm drainage, unless the assessments were imposed prior to the enrollment of the land in a farmland agreement.
- If the landowner decides to make use of the local government's sanitary sewer, water, lights, or non-farm drainage on land enrolled under an agreement, the landowner will be required to pay the special assessment(s).
- When the farmland agreement is terminated, the local government may require payment of the special assessment(s). This amount cannot exceed the amount the assessment(s) would have been at the initial time of the exemption and can not include any interest or penalty.



How does the landowner apply for enrollment?

Program forms are available at www.michigan.gov/farmland.

Completed applications must be submitted to the clerk of a local governing body (i.e., city, village, township, or county) for review.

The local governing body has 45 days to approve or reject the application.

Within the 45-day period, the governing body must seek comments from the county/regional planning commission and the conservation district. These agencies are allowed 30 days from the day of notification to forward their comments to the clerk of the local governing body. If approved, the application is forwarded to the Michigan Department of Agriculture and Rural Development (MDARD).

The application must be approved by the local governing body on or before November 1 to be eligible for that year's tax credit.

If the application is rejected by the local governing body, the applicant may appeal directly to MDARD within 30 days after receipt of the rejected application. If no action is taken by the local governing body within the 45-day review period, the applicant may also appeal directly to MDARD.



FARMLAND AND OPEN SPACE PRESERVATION PROGRAM

Farmland Agreement Application
ELIGIBILITY & INSTRUCTIONS

Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116.

Please review the following eligibility requirements and instructions before completing an application for a Farmland Agreement.

If your farm (including the residence and farm buildings) meets one of the following criteria, it is eligible for enrollment in the program under Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116.

- As defined by the Act, **agricultural use** means: Ι. "The production of plants and animals useful to humans, including forages and sod crops; grains, feed crops and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; maple syrup production; Christmas trees: and other similar uses and activities". Agricultural use includes use in a federal acreage set-aside program or a federal conservation reserve program. Agricultural use does not include the management and harvesting of a woodlot. As defined by the Act, farmland means:
- 1. "A farm of 40 or more acres in one ownership, with 51% or more of the land area devoted to an agricultural use."
- 2. "A farm of 5 acres or more in one ownership, but less than 40 acres, with 51% or more of the land area devoted to an agricultural use, that has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land. A farm described in this subparagraph enrolled in a federal acreage set aside program or a federal conservation reserve program is considered to have produced a gross annual income from agriculture of \$200 per year or more per acre of cleared and tillable land."
- 3. "A farm designated by the department of agriculture as a specialty farm in one ownership that has produced a gross annual income from an agricultural use of \$2,000.00 or more. Specialty farms include, but are not limited to, greenhouses; equine breeding and grazing; the breeding and grazing of cervidae, pheasants, and other game animals; bees and bee products; mushrooms; aquaculture; and other similar uses and activities. "

- 4. "Parcels of land in one ownership that are not contiguous but which constitute an integral part of farming operations being conducted on land otherwise qualifying as farmland may be included in an application under this part."
- II. The administrative rules providing for the administration and implementation of the program further define the following:
- 1. **"Gross annual income** means an average computed from two of the three tax years immediately preceding the year of application from the raising or harvesting of any agricultural commodities."
- 2. **Specialty farm** means an enterprise of 15 or more acres in size which meets the income requirement and has been designated by the Michigan Department of Agriculture.
- III. A farmland development rights agreement is a temporary restrictive covenant where the owner and the state agree to jointly hold the right to develop a parcel of farmland. The covenant is an agreement to not develop the property except as specifically stated within the agreement. The covenant runs with the land and is for a jointly agreed upon length of time (at least 10 years). A farmland development rights agreement contains the following restrictions:
- A structure shall not be built on the land except for use consistent with farm operations, which includes a residence for an individual essential to the operation of the farm as defined under section 36110(5), or lines for utility transmission or distribution purposes or with the approval of the local governing body and the state land use agency.
- 2. Land improvements shall not be made except for a use consistent with farm operations or with the approval of the local governing body and the state land use agency.
- 3. Any interest in the property shall be sold only for a scenic, access, or utility easement which does not substantially hinder farm operations.

- 4. Public access shall not be permitted on the land except with the permission of the owner.
- 5. Any other condition or restriction on the land as agreed to by the parties that is considered necessary to preserve the land or appropriate portions of it as farmland.

Instructions for Completing Farmland Agreement Application:

Please print or type in all spaces required on the application form.

PLEASE NOTE: The application form must be filed with the clerk of the local governing body having jurisdiction over the land cited in the application. Those local governing bodies having the right of approval or rejection of an application are defined by the Act as either: (a) the legislative body of a city or village; or (b) the township board of a township having a zoning ordinance in effect as provided by law; or (c) the county board of commissioners in all other areas.

SPECIAL SITUATIONS:

- Owning more than one farm unit: To make it less complicated for an owner wishing to place more than one farm unit into the program, it is recommended that the owner fill out separate applications for each farm unit over 40 acres. If all of the forms will be submitted to one local governing body having approval authority, it is suggested that the applications be filed together at the same time.
- 2. Owning more than one farm unit located in different local governing bodies having approval authority: If the farm units fall under different local governing bodies having approval authority, it is suggested that the applicant attach a statement to each application indicating that more than one application has been filed by the owner and a list of the local governing bodies involved.
- One contiguous farm unit having more than one legal description: Those owners having one contiguous farm unit with more than one tax parcel description (deed) for portions of the farm, but wishing to place the entire farm into the program, may attach copies of all the descriptions and fill out the application as if the farm was under one deed.

- 4. Having one farm unit located in different local governing bodies having approval authority: In the case of an owner having one contiguous farm unit which crosses the boundaries of more than one local governing body having approval authority, the applicant must file separate applications covering the land located in the respective local governing bodies jurisdictions and attach a statement indicating that more than one application has been filed by the landowner and a list of the local governing bodies involved.
- 5. Landowners need not apply for all their property. However, the landowner is responsible for furnishing an accurate legal description of land covered by the application. If the landowners wish to exclude some portion of a description, they must provide a description which excludes the acreage they desire to withhold.

An approved application is forwarded by the local governing body to the state land use agency for approval or rejection by the state.

An applicant receiving a rejection from a local governing body can appeal within 30 days of the rejection notice to the state land use agency for a decision, or the applicant may wait one year and reapply for enrollment in the program.

I. Personal information:

(1-5) Owner is defined by the Act as a "person having a freehold estate in land coupled with possession and enjoyment". "Person", as defined in the Act, includes "an individual, corporation, limited liability company, business trust, estate, trust, partnership, association or 2 or more persons having a joint or common interest in the land"

If more than one name is involved (excluding husband and spouse), please attach additional sheet listing necessary names and information required in blanks 1 through 5.

Only the owner(s) of land cited within the application may apply to enroll land into the program.

II. Property Location:

(6-8) The applicant must indicate the county and township, city or village where the land cited in the application is located. The section number, town number and range number can be found on the deed to the land.

III. Legal Information:

(9) The applicant must attach a clear copy of the deed from the county register of deed's office. Land contract purchasers should send a copy of the land contract or memorandum of land contract.

(10) The applicant must attach a copy of the most recent property tax assessment notice or tax bill including a complete tax description of the property. Land contract purchasers who do not receive a property tax assessment notice or tax bill may obtain a copy from the assessor.

(12) Mineral rights would include oil, gas, coal, iron ore, gravel, etc.

(13) Any land subject to a rental or lease agreement not directly associated or consistent with farm operation is prohibited from being included in the program. Examples which must be excluded are: a second residence being rented to someone not connected with the farm operation; land being used as parking or storage for materials not associated with that particular farm operation, a leased landing strip, etc.

(14) The Act states that "where land is subject to a land contract, it means the vendor (seller) in agreement with the vendee (purchaser)." Whether the applicant is the seller or the purchaser, the applicant must have the consent of the other party to place land subject to a land contract into the program.

(15) This section of the application is only applicable to those owners who fall within the described categories for income tax information. If you are the sole owner not fitting any of the listed categories, please go on to the next section, leaving (15) blank.

IV. Land Eligibility Qualifications:

If the land cited in the application is: (a) a farm of 40 acres or more, complete only section (16);

(b) a farm of 5 acres or more but less than 40 acres, complete only sections (16) and (17); or (c) a specialty farm, complete only sections (16) and (18). These sections provide information for determining if the land cited in the application is in agricultural production and the general types of uses on the farm.

(16) If your farm is 40 acres or more, please fill out section (16) and then go to **V. Signature.**

(17) If your farm is 5 acres or more but less than 40 acres, please fill out both sections (16) and (17) and then go on to **V. Signature**. The information required in section (17) is mandatory by definition of the Act.

(18) If your farm is a specialty farm, please fill out sections (16) and (18) and then go on to V.
Signature. The information required in section (18) is mandatory by definition of the Act.

Please diagram to the best of your ability the farm and acreage being applied for enrollment in the program. Please indicate residence(s), farm buildings, roads, property boundaries, and natural or man-made features such as lakes, ponds, swamps, streams or rivers, woodlots and gravel pits. This is a map of your farm and can be drawn by you. It does not have to be professionally drawn, but we would ask that it be as legible as possible.

V. Signature:

If more than one owner is involved, or the applicant is a corporation, either all owners' signatures or one signature (and title) representing all owners must appear on the form. The date must be indicated at the time the signature is affixed to the application form.

Questions?

Please call Farmland Preservation at

517-284-5663

TEXT AMENDMENT REVIEW PC08-20-04, Elmwood Township Text Amendment - Net Density Definitions Amendment

Reviewing Entity: Leelanau County Planning Commission

Date of Review: September 22, 2020

Section 1: General Information

Date Request Received: September 14, 2020 **Last Day of Review Period:** October 14, 2020 (The county has 30 days to provide a review back to the Township, according to the Michigan Zoning Enabling Act).

Requested Action: Review and comment on proposed amendment ZO 2017-04-09, Net Density Definitions.

Applicant: Elmwood Township Planning Commission

Section 2: Proposal

See Appendix for a copy of the proposed text amendment.

Section 3: Other Planning Input

Township Plan: The Elmwood Township Master Plan (2018) does not specifically address the proposed amendments.

Leelanau General Plan: The Leelanau General Plan (2019) does not specifically address the amendments.

Township Planning Commission:

A public hearing was held via ZOOM, on July 21, 2020. Following the public hearing, the township planning commission passed the following motion:

MOTION BY COMMISSIONER TREVAS, SECOND BY COMMISSIONER ROBERTS TO RECOMMEND TO THE TOWNSHIP BOARD TO ADOPT ZO 2017-04-09 NET DENSITY. ROLL CALL VOTE: AYE-KYLE TREVAS, DOUG ROBERTS, JONAH KUZMA, NATE MCDONALD, JEFF APRIL, RICK BECHTOLD. MOTION APPROVED UNANIMOUSLY.

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.)? No

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

NEW BUSINESS ITEM B

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

<u>Current Zoning District:</u> For Current text, Link to the Township Zoning Ordinance at: <u>https://www.leelanau.cc/elmwoodtwpord.asp</u>

Section 5: Staff Comments

Elmwood Township has proposed changes to **Section 1: Article 2, Definitions**.

The proposed text amends Section 1: Article 2, Definitions, adding the following:

Net Density: The number of dwelling units relative to the net lot area. Calculated as Dwelling Units divided by Net Lot Area.

Net Lot Area: The lot area excluding unbuildable areas of the lot. Examples for unbuildable areas include existing and proposed ingress and egress easements, wetlands, and bodies of water.

The proposed amendment also **amends** the definition for "Wetlands." The current definition reads as follows:

Wetland. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh, and which is any of the following:

- A. Contiguous to an inland lake or pond, or a river or stream;
- B. Not contiguous to an inland lake or pond, or a river or stream, and more than five (5) acres in size;
- C. Not contiguous to an inland lake or pond, or a river or stream, and five (5) acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that the protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDEQ has so notified the owner.

The **proposed new definition** reads as follows:

Wetlands: As defined in Act 451 of the Public Acts 1994, as amended, a wetland shall mean land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

Township minutes indicate Elmwood Township has been working on the definition for "net density" for a while. "Net Density" came up in R3 district under "multi-family development" and the township found they did not have a definition in the zoning ordinance. Also, the amendment to the definition of "Wetlands" more closely reflects what state law has for a definition.

Appendix - Submittal from Elmwood Township

Trudy Galla

From:	planner@elmwoodtownship.net
Sent:	Monday, September 14, 2020 10:10 AM
То:	planning@co.leelanau.mi.us
Subject:	Amendment for PC
Attachments:	PC minutes 7-21-20.pdf; Ordinance 2017-04-09.docx

Good morning,

Attached is an amendment that was recommended for approval by the Elmwood Planning Commission.

Please let me know if you have any questions, Sara

Sara Kopriva, AICP Planner / Zoning Administrator Elmwood Township (231)946-0921

Township Office Hours Monday - Friday 9:00 am - 5:00 pm

This email message and any attached file is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

If you received this communication in error, please notify the sender of this message and delete all copies of the original message.

CHARTER TOWNSHIP OF ELMWOOD Leelanau County, Michigan

Ordinance No. _____ ZO 2017-04-09

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE, IN ACCORDANCE WITH THE PROVISIONS OF THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED [MCL 125.3101 ET SEQ.], TO AMEND WETLAND DEFINITION AND ADD "NET DENSITY" AND "NET LOT AREA" DEFINITIONS

The Charter Township of Elmwood Ordains:

Section 1: Amendment.

The following sections shall be amended to read as follows:

Add to Article 2, Definitions:

Net Density: The number of dwelling units relative to the net lot area. Calculated as Dwelling Units divided by Net Lot Area.

Net Lot Area: The lot area excluding unbuildable areas of the lot. Examples for unbuildable areas include existing and proposed ingress and egress easements, wetlands, and bodies of water

Amend definition in Article 2, Definitions, to read:

Wetlands: As defined in Act 451 of the Public Acts 1994, as amended, a wetland shall mean land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

Section 2: Severability.

If any sections, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 3: Effective Date.

This Ordinance shall become effective eight (8) days after publication.

Charter Township of Elmwood Planning Commission Regular Meeting July 21, 2020 7:00 PM

Approved August 18, 2020

*This meeting was held electronically due to Covid-19

A.CALL TO ORDER: Chairman Bechtold called the meeting to order at 7:02 PM.

B. PLEDGE OF ALLEGIANCE: Chairman Bechtold led the Pledge of Allegiance.

C. ROLL CALL: Jeff Aprill, Kyle Trevas, Jonah Kuzma, Doug Roberts, Nate McDonald, Rick Bechtold Excused: Kendra Luta

D. LIMITED PUBLIC COMMENT: (2:58) Jack Kelly 10100 E. Avondale Ln., Rod Jones 12684 S. Cedar Lane, Colleen Mulligan 12702 S. Cedar Lane, Joe Sanok 10626 E. Cherry Bend Rd., Todd Space 11100 S. West Bay Shore Dr., Sue Jones 12684 S. Cedar Lane, Comment on behalf of Del Moore, Joe Testa 10271 S. Center Hwy., Douglas Street 10969 S. West Bay Shore Dr., Brad Purcell 10232 E. Grandview Rd., Kelsey Testa 10271 S. Center Hwy., Emmett Mulligan 12702 S. Cedar Ln.

E. AGENDA MODIFICATIONS/APPROVAL:(31:43) MOTION BY COMMISSIONER TREVAS, SECOND BY COMMISSIONER ROBERTS TO AMEND AGENDA TO REPOSITION J1 TO FOLLOW ITEM H. ROLL CALL VOTE: AYE-KYLE TREVAS, JONAH KUZMA, DOUG ROBERTS, NATE MCDONALD, JEFF APRILL, RICK BECHTOLD. MOTION PASSED UNANIMOUSLY.

MOTION BY COMMISSIONER APRILL, SECOND BY COMMISSIONER KUZMA TO APPROVE AGENDA AS MODIFIED. ROLL CALL VOTE: AYE-JEFF APRILL, KYLE TREVAS, JONAH KUZMA, DOUG ROBERTS, NATE MCDONALD, RICK BECHTOLD. MOTION APPROVED 6-0.

F. MINUTES-SPECIAL MEETING JUNE 4, 2020: (34:35) MOTION BY COMMISSIONER ROBERTS, SECOND BY COMMISSIONER KUZMA TO APPROVE MINUTES OF JUNE 4, 2020. ROLL CALL VOTE: AYE- JEFF APRILL, DOUG ROBERTS, KYLE TREVAS, JONAH KUZMA, NATE MCDONALD, RICK BECHTOLD. MOTION APPROVED BY A UNANIMOUS VOTE. MINUTES-JUNE 16, 2020: MOTION BY COMMISSIONER TREVAS, SECOND BY COMMISSIONER APRILL TO APPROVE MINUTES OF JUNE 16, 2020. ROLL CALL VOTE: AYE-DOUG ROBERTS, JONAH KUZMA, KYLE TREVAS, JEFF APRILL, NATE MCDONALD, RICK BECHTOLD. MOTION APPROVED UNANIMOUSLY.

MINUTES-JUNE 25, 2020: MOTION BY COMMISSIONER APRILL, SECOND BY COMMISSIONER KUZMA TO APPROVE MINUTES OF JUNE 25, 2020. ROLL CALL VOTE: AYE-DOUG ROBERTS, JONAH KUZMA, KYLE TREVAS, JEFF APRILL, NATE MCDONALD, RICK BECHTOLD. MOTION PASSED.

G. CONSENT CALENDAR: APPROVE/RECEIVE AND FILE: None

H. DECLARATION OF CONFLICT OF INTEREST: (37:25) None

J. NEW BUSINESS:

1. Public Hearing- ZO 2017-04-09 (37:48) Net Density Definitions Amendment

Chairman Bechtold read the opening statement for the public hearing.

Public Hearing opened at 7:42 p.m.

Staff stated, the Planning Commission has been working on this zoning ordinance amendment for a little while trying to figure out how to define net density. As they're aware, net density came up in the R3 district under multi-family development and they found they did not have a definition in the zoning ordinance for net density. They had a Lot Area definition but not a Net Lot Area and they did have a wetlands definition they've changed a little bit. The wetlands definition more closely reflects what state law has for a definition of wetlands. The net density is basically calculating the area of the lot excluding some unbuildable areas which are ingress and egress easements, wetlands, and bodies of water. They talked about steep slopes for quite a while and found it was a difficult item to try to define and include in this portion of the ordinance, especially because the ordinance does not limit construction on those steep slopes. So while they might be moved from those calculations, in this case they actually are not protecting those steep slopes in the long run, that's something they would have to talk about at a different time. So, at this point, the public hearing was published in the July 2nd Leelanau Enterprise as required by state law. Chairman Bechtold noted Commissioner Luta submitted a document in her absence with some concerns.

Staff read Commissioner Luta's concerns.

Commissioners discussed the net density definitions.

Public Comment: Chairman Bechtold opened public comment at 7:52 p.m.

Jack Kelly 10100 E. Avondale Ln. he would recommend they consider the following language in terms of a definition for net lot area, namely that portion of a parcel's acreage that is proposed for development by an applicant. No one will be able to build in a wetland unless they get permission, which is not likely to occur in most instances, they're not going to be allowed to build in a water body. If steep slopes are desired to be built upon by someone and the applicant is willing to incur the added cost if any and the applicant is able to obtain a permit from the drain commissioner, there's no reason in his opinion why they shouldn't be able to build on a steep slope.

There being no other individuals wishing to comment, public comment closed at 7:56 p.m.

Chairman Bechtold noted there was a comment pursuant to net density in the opening public comment and the commenter wanted to refer to critical soils and steep slopes as they may influence the development.

Chairman Bechtold said they were looking at adding the following definition to article 2; **net density**: the number of dwelling units relative to the net lot area calculated as dwelling units divided by net lot area. The next definition; **net lot area**-the lot area excluding unbuildable areas of the lot; examples for unbuildable areas include existing and proposed ingress and egress easements, wetlands, and other bodies of water. They would amend the following definition to read; **wetlands** as defined in Ag, 451 of Public Acts 1994 as amended; a wetland shall mean land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does not support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh. The Commissioners discussed the definitions.

MOTION BY COMMISSIONER TREVAS, SECOND BY COMMISSIONER ROBERTS TO RECOMMEND TO THE TOWNSHIP BOARD TO ADOPT ZO 2017-04-09 NET DENSITY. ROLL CALL: AYE-KYLE TREVAS, DOUG ROBERTS, JONAH KUZMA, NATE MCDONALD, JEFF APRILL, RICK BECHTOLD. MOTION APPROVED UNANIMOUSLY. **I.OLD BUSINESS: (1:06:14) ZO 2017-04-08: Short Term Rental Zoning Ordinance Amendment and Licensing Ordinance:** The Chair referred the Commission to documents submitted by staff and also identified documents received from citizens including, Del Moore, Sue Jones, Rod Jones, and Jack Kelly.

Staff and Commissioners went through the ordinance and discussed changes.

Staff will communicate with the township lawyer about the ordinance and master plan.

K. COMMENTS FROM THE CHAIR: Chairman Bechtold thanked everyone and the citizens of Elmwood Township that have been patient and have provided good communication of their concerns and ideas with respect to the short term rentals; the Commission appreciates it and takes everything into consideration. He addressed a comment he made earlier about emails received before the meeting, typically he's engaged in other preparatory activity for the meeting and doesn't take the time to look at the email and thank you to staff for helping him through an email he hadn't thoroughly reviewed. He asked that the general public try to get the information to the township in a more timely fashion so they have it available to review.

L. COMMENTS FROM PLANNING COMMISSIONERS: Commissioner Roberts said he admires all of the work that has been done on short term rentals and thank you for hearing him out.

Commissioner Aprill thought they've made great progress and he'd like to see it continue. It seems like they get stuck in a mode of going through things over and over and they just need to submit something to the town board because they may alter it or change it on their own. He thinks it's important to move forward. He encouraged Commissioners to read their Planning and Zoning news because Traverse City has hit the front page.

M. COMMENTS FROM STAFF: Staff sent out an email last week about a citizen planner program that MSU extension is putting on. It's a live webinar Wednesday afternoons and they can let her know if they're interested.

As far as public comment, she does send them later as if they were walking into the meeting and would have them sitting at the desks and they may not have time to review them but she doesn't want anyone's public comment to get missed in a forward or have to send multiple emails, so she likes to wait just prior to the meetings to send them all, but she is willing to change that policy or set a deadline for public comment to the day prior to a meeting.

N. PUBLIC COMMENT: (2:09:14)

Jack Kelly, Rod Jones, comment on behalf of Del Moore, Emmett Mulligan

O. ADJOURN: ROLL CALL VOTE FOR ADJOURNMENT. AYE-JEFF APRILL, KYLE TREVAS, DOUG ROBERTS, JONAH KUZMA, NATE MCDONALD, RICK BECHTOLD.

Leelanau County Housing Action Committee (or County Planning Commission?) Resolution #_____

WHEREAS, a market analysis points to a potential demand in Leelanau County for 668 units through 2025; and

WHEREAS, national studies have shown development and housing supply to be constrained by rising construction costs, changes in the market, and a labor shortage; and,

WHEREAS, the imbalance between supply and demand is impacting our community's ability to provide housing for young families, seniors, and the workforce, which is affecting the sustainability and growth opportunities of local businesses and schools; and,

WHEREAS, lack of adequate housing has been shown to have serious impacts on the health, access to opportunity, and achievement levels of individuals, particularly vulnerable populations like children and seniors; and

WHEREAS, Housing North is advancing a campaign to raise awareness and support for housing solutions such as the consideration and adoption of common-sense local policies and practices that will increase the supply of housing in our community, and advancement at the state level of policies that expand and improve access to housing resources for all communities; and,

WHEREAS, these efforts will create new private investment, jobs and revenue in the form of construction, rehabilitation, management and maintenance, and tax revenue;

WHEREAS, community organizations and businesses are important advocates and champions for encouraging local action on local, statewide, and federal housing initiatives and proposals;

NOW, THEREFORE, BE IT RESOLVED, that the **Leelanau County Housing Action Committee** endorses the **Homes for Our Future** Campaign and expresses support for efforts to create new housing options that ensure our communities remain places where all people can live, work, raise families and thrive.

Dated:	
--------	--





BE A PART OF HOUSING SOLUTIONS IN NORTHWEST MICHIGAN

Since Housing North began work in 2019, it has become a recognized voice statewide, introducing, championing, and implementing innovative housing solutions—through new legislation, the Homes for Our Future public awareness campaign, new housing conservancy tools, local staff to coordinate development, and resource library for advocates, local governments, and employers.

To continue this work, we need the input, partnerships, and support of Northwest Michigan's communities, employers, philanthropies, and housing agencies. Your organization can ensure that this work continues and expands by joining Housing North as a partner.

A Housing North Partnership supports housing communications and awareness, legislative advocacy, and the creation of new local resources and tools for housing in Northwest Michigan. And it provides important opportunities for leadership and engagement in housing solutions, as well as strategic guidance for your organization's or community's housing activities—along with recognition of your commitment to addressing one of the region's top economic priorities.

2019-2020 ACTIVITIES

- Developed the Homes for Our Future awareness campaign–a "call to action" on housing solutions for the public, local governments, and employers.
- Coordinated an updated residential housing market analysis, each county, city, and village in the region.
- Advanced an advocacy strategy around the region's housing-related policy priorities, including tax incentives for qualified housing developments and new revenue sources for housing–with three bills drafted and growing partnerships legislators and organziations statewide.
- Worked with partners to place locally-based Housing North staff in Charlevoix and Emmet counties to provide on-the-ground technical assistance for specific projects.
- Created a Housing Conservancy deed restriction program to ensure year-round housing occupancy and create opportunities for more affordable home ownership.

PARTNERSHIP BENEFITS

- Strategic guidance
- Technical assistance & implementation support for housing goals
- Leadership roles in housing solutions
- Access to events and regional and statewide discussions
- Regional and statewide recognition of your organization or community as a housing leader

FOR MORE INFORMATION Please contact Yarrow Brown, Executive Director 231-335-1685 yarrow@housingnorth.org



For more information on Housing North, please visit www.housingnorth.org For housing data and resources, please visit www.homesforourfuture.org

\$10,000

STRATEGIC PARTNER

Strategic Partners can take advantage of Housing North's expertise, connections, and visibility to create local action.

Strategic partnerships offer an important opportunity to catalyze housing solutions, along with recognition of your organization and participation in an annual advisory roundtable. As a Housing North Strategic Partner, your business or organization will receive on-the-ground technical assistance, including the development of a Housing Action Plan. Housing Action Plans can identify priorities, partners, and actions in a single organization or community. Or, they can be funded and organized collaboratively—through a coalition of employers, communities, philanthropy, or business—to support cohesive, coordinated cross-sector local solutions throughout the community.

HOUSING ACTION PLAN

Communities and organizations often understand they have a role in housing solutions, but aren't sure what specific actions to take or how to partner with other communities, agencies, or employers. A Housing Action Plan uses to stakeholder input to identify top priorities, partner roles, and clear guidance for immediate action. Activities organized and conducted by Housing North to develop a Housing Action Plan will include:

- Interviews and/or focus groups with stakeholders to obtain input
- Identification of priority housing development sites and opportunities
- Development of a Housing Action Plan
- Developer outreach and connections for priority sites

PARTNER CONNECTIONS

Housing solutions nearly always require participation from cross-sector partners. As a Strategic Partner, Housing North will connect your community/organization to partners and funding opportunities to implement Housing Action Plan objectives.

EVENTS

Housing North organizes monthly Housing Roundtable discussions with regional and statewide stakeholders to explore housing solutions—along with the annual Northwest Michigan Housing Summit, which attracts over 200 participants and broad media coverage. Housing North partners will receive:

- Complimentary registration at all Housing Roundtable events, and online access after the event
- 10 complimentary registrations for the Northwest Michigan Housing Summit

GUIDE REGIONAL ACTION

Strategic Partners will have the opportunity to guide regional initiatives by participating in an Annual Housing North Advisory Roundtable, with other housing leaders from the region and state, to share input and ideas on emerging and ongoing housing strategies.

PROMOTION & RECOGNITION

Housing North's events, data, and resources are promoted regionally and statewide to a broad range of public and private stakeholders. As a Strategic Partner, your community/organization will be recognized as a leader in housing solutions in Northwest Michigan.

- Community/logo recognition on all Housing North promotions and communications
- A Housing Summit sponsorship, which provides additional recognition and a chance to highlight your organization as a co-host at the annual Housing Summit



LEADERSHIP PARTNER

Leadership Partners can tap into Housing North capacity to implement

high-priority housing action items.

Housing North Leadership Partnerships feature implementation support for high-priority housing action items, as well as recognition of your organization and participation in an annual partnership roundtable. For communities or organizations that have identified key action steps, Housing North will provide up to 50 hours of technical assistance as part of a Leadership Partnership.

IMPLEMENTATION SUPPORT

Leadership partners have access to up to 50 hours of technical assistance to support implementation of your community's or organization's top housing priorities, such as a new policy or program, requests for proposals or qualifications (RFPs/RFQs) for priority sites, or community outreach and education.

EVENTS

Housing North organizes monthly Housing Roundtable discussions with regional and statewide stakeholders to explore housing solutions—along with the annual Northwest Michigan Housing Summit, which attracts over 200 participants and broad media coverage. Housing North Leadership partners will receive:

- Complimentary registration at all Housing Roundtable events, and online access after the events
- 5 complimentary registrations for the Northwest Michigan Housing Summit

GUIDE REGIONAL ACTION

Leadership Partners will have the opportunity to guide regional initiatives by participating in an Annual Housing North Advisory Roundtable, with other housing leaders from the region and state, to share input and ideas on emerging and ongoing housing strategies led by Housing North.

PROMOTION & RECOGNITION

Housing North's events, data, and resources are promoted regionally and statewide to a broad range of public and private stakeholders. As a Leadership Partner, your community/organization will be recognized as a leader in housing solutions in Northwest Michigan.

- Community/logo recognition on all Housing North promotions and communications
- A Housing Summit sponsorship, which provides additional recognition and a chance to highlight your organization as a co-host at the annual Housing Summit



\$2500

NETWORK PARTNER

Network Partners provide input on regional initiatives and are recognized for their work in housing solutions.

Network Partners are part of an annual Housing North Advisory Roundtable that provides an opportunity to participate in regional solutions and Housing North's strategic direction. They're also recognized as cohosts of the annual Northwest Michigan Housing Summit, a broadly-visible, well-attended event that catalyzes action throughout the region.

EVENTS

Housing North organizes monthly Housing Roundtable discussions with regional and statewide stakeholders to explore housing solutions—along with the annual Northwest Michigan Housing Summit, which attracts over 200 participants and broad media coverage. Housing North partners will receive:

- Complimentary registration at all Housing Roundtable events, and online access after the events
- 5 complimentary registrations for the Northwest Michigan Housing Summit

GUIDE REGIONAL ACTION

Network Partners will have the opportunity to guide regional initiatives by participating in an Annual Housing North Advisory Roundtable, with other housing leaders from the region and state, to share input and ideas on emerging and ongoing housing strategies led by Housing NOrth.

PROMOTION & RECOGNITION

Housing North's events, data, and resources are promoted regionally and statewide to a broad range of public and private stakeholders. Network Partners will be recognized as in housing solutions in Northwest Michigan.

- Community/logo recognition on all Housing North promotions and communications
- A Housing Summit sponsorship, which provides additional recognition and a chance to highlight your organization as a co-host at the annual Housing Summit



\$1000

SUMMIT PARTNER

Showcase your community or organization at the annual Northwest Michigan Housing Summit.

A Summit Partnership will highlight your organization as a housing solutions partner at the annual Housing Summit, and will provide access to other Housing North events and promotional opportunities.

EVENTS

Housing North organizes monthly Housing Roundtable discussions with regional and statewide stakeholders to explore housing solutions—along with the annual Northwest Michigan Housing Summit, which attracts over 200 participants and broad media coverage. Housing North partners will receive:

- Complimentary registration at all Housing Roundtable events, and online access after the events
- 3 complimentary registrations for the Northwest Michigan Housing Summit
- Opportunity to participate in an Annual Housing North Partner Roundtable with other housing leaders from the region and state

PROMOTION & RECOGNITION

Housing North's events, data, and resources are promoted regionally and statewide to a broad range of public and private stakeholders. As a Summit Partner, your community/organization will be recognized as a leader in housing solutions in Northwest Michigan.

- Community/logo recognition on all Housing North promotions and communications
- A Housing Summit sponsorship, which provides additional recognition and a chance to highlight your organization at the annual Housing Summit

\$500

ROUNDTABLE PARTNER

Participate in Housing North events throughout the year.

EVENTS

Housing North organizes monthly Housing Roundtable discussions with regional and statewide stakeholders to explore housing solutions—along with the annual Northwest Michigan Housing Summit. Housing North partners will receive complimentary registration at all Housing Roundtable events, and online access after the events

PROMOTION & RECOGNITION

Housing North's events, data, and resources are promoted regionally and statewide to a broad range of public and private stakeholders. As a Roundtable Partner, your community/organization will be highlighted in Housing North's Roundtable series.