

**A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, MARCH 23, 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 Chairman Yoder who led the Pledge of Allegiance. The Meeting was held at the Leelanau County Government Center, 8527 E. Government Center Dr., Suttons Bay, MI and via ZOOM.

**ROLL CALL**

**Members Present:** R. Miller (Cleveland Twp.), T. Nixon (Suttons Bay Twp.), M. Lautner (via ZOOM) (Solon Twp.), K. Todd (Leelanau Twp.), N. Griswold (Elmwood Twp.), A. Trumbull (Bingham Twp.), D. Hubbell (Centerville Twp.)

**Members Present:** S. Yoder, M. Black  
(At Government Center)

**Members Absent:** G. Carlson, C. Noonan

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

**Public Present:** None  
(At Government Center)

**Public Present:** None  
(via ZOOM)

**CONSIDERATION OF AGENDA**

*Motion by Black, seconded by Nixon, to accept the agenda as presented. Motion carried 8-0.*

**CONFLICT OF INTEREST** – None.

**(Hubbell present on ZOOM 5:34)**

**PUBLIC COMMENT**

**The phone number for public comment was announced.**

No comments received.

**STAFF COMMENTS**

Galla updated members on the CIP, saying for the first time ever, no new projects have been proposed from any departments. It will still require some minor updating on charts and dates.

Galla continued, stating the following is from the County Administrator regarding the Open Meetings Act and meeting requirements.

Last spring, laws were changed to allow for electronic meetings and those expired 12/31/2020. They were modified again for 2 dates: through 3/31/2021, and 12/31/2021. Until March 31, we have the ability to do meetings remotely and members can participate in person or remotely with no reasons stated. Due to the changes, we can now allow 25 people at our meetings. That is a total of 25 people so if the 26<sup>th</sup> person comes in, we have to have a provision in place where they can watch it in the downstairs meeting room. As of 3/31, the majority of members have to be physically present in the room. The only exceptions for people to participate remotely will be if you are in the military and stationed remotely, you have health concerns or issues, or you are a care provider for someone with health concerns. Majority of members have to be in the room and those participating electronically have to meet one of those 3 criteria. Galla said members would need to notify her a week in advance of how they will be attending a meeting. Galla continued, saying that unless you meet one of those 3 criteria, you no longer can participate remotely, so next month members will have to state one of those reasons if they plan to participate remotely, and they can do that through the end of this year. Starting next year, they will go back to the old rules under the Open Meetings Act, unless something changes. Also, as of March 31, we do not have to broadcast our meetings because we have the ability to have people here. Legal counsel advised us to do a hybrid with both so people can watch remotely. Galla continued, saying those participating remotely after March 31<sup>st</sup> who do not meet one of the three criteria, cannot vote. They can participate in discussions, but they can't vote as a member. Starting April 1<sup>st</sup>, you will need to be present for the meeting, or stating why you are not present according to one of the three reasons allowed. Galla asked members to provide updated cell phone numbers to staff, in case there are not enough members present and a meeting needs to be cancelled. She stressed the importance of letting staff know a week ahead of next month's meeting, how they will be participating, because a majority of members will need to be present.

Griswold asked how they would know if other members have been vaccinated. Galla stated HIPAA Laws prevent us from asking, however, everyone must fill out a form/questionnaire to attend a meeting. Employees fill one out daily, it contains a few questions regarding COVID exposure and symptoms, and it is used for tracking purposes. Griswold commented that the chairs didn't look like they were six feet apart. Galla said we do have plexiglass between us and when we are up and moving around, we have a mask on.

Galla further updated members on Turner Booth and the rezoning request they reviewed back in November, on the old mill property in Glen Arbor Township. The request for the parcel to the south was to rezone it Recreational and the northern parcel at that time was assumed to be zoned Recreational. There have been questions on the zoning on the northern piece and tracking that history. Galla has had requests for old staff reports, which she reviewed again yesterday and found where the Mill property was proposed to be rezoned to Residential II back in 2007 along with a group of other parcels referred to as "The Woodstone Development". Our records indicate this is what was being proposed back then and this is the information provided to us by the township. It is up to the township to then determine what happens after the County Planning Commissions review. Did they actually rezone the parcels? Galla continued, saying a group of people are trying to put the southern piece up for a referendum vote. The township will need to check their records for clarification on the 2007 rezoning. Galla mentioned that township zoning maps used to be on the county website, but they were removed because the townships were not updating the county on changes, so the maps were outdated. Galla concluded by saying that any calls we receive on zoning are always referred back to the townships as they administer their own zoning and they have to make the determination.

## CONSIDERATION OF JANUARY 26, 2021 MEETING MINUTES

*Motion by Nixon, seconded by Todd, to accept the minutes as presented. Motion carried 9-0.*

### NEW BUSINESS

#### **PC02-21-01 Bingham Township - Text Amendments.**

Galla reviewed the staff report stating this request was received on March 10, and the township is proposing several amendments to Articles 2 thru 7. A public hearing was held on January 7<sup>th</sup> and the meeting minutes don't state the public hearing was opened. Proper procedure is to open the public hearing, take public comment, and then close the public hearing before any action is taken. This may have been done properly, but the minutes don't reflect that, so the township may want to review that so it is recorded properly. Galla continued, saying 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. 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. Galla concluded by saying the township has been working on these amendments for some time, and most of them could be termed as "housekeeping" items. Staff did not find any major issues or concerns with the proposed amendments. It was noted in the staff report that the township may want to review the Public Hearing process to make sure it was properly followed with the "continuation" of the Public Hearing and proper notices.

Hubbell questioned if the areas where they amended the acreage for horses and livestock were zoned Recreational Farm. Lautner asked if it was Residential. Hubbell stated that if it's Agricultural, arbitrarily deciding on farm size could cause problems with the Right to Farm Act. Galla stated the zoning administrator emailed her today on this, and she told him to follow up with Michigan Department of Agricultural and Rural Development (MDARD) and check the Generally Accepted Agricultural Management Practices (GAAMPs.) Lautner questioned if they could limit that in Residential and stated that it should be followed up on with regard to both livestock and farm market.

Todd stated Section 3.6.2, the mobile home revision, talks about multiple residences and should actually be renamed 3.6.2 General Residential Standards. It is at the current time named "Standards for Residential Developments." This would make it much clearer. Todd continued, saying Section 5.4 only deals with horses, not livestock and it appears to her that they are deleting all requirements for acreage per animal. Nixon agreed. Todd said to have no limitations on this seems like it could cause problems. This section only pertains to horses for personal enjoyment or a business of horses. It doesn't have anything to do with farming. Section 4 under "uses by right" is farming which includes livestock already. One of the sections being deleted, Section 4.4.C, Keeping horses for profit or as a business (i.e., Boarding Stable) and the other one is keeping horses provided it is not for profit or as a business. What would prevent someone from having ten horses on the two-acre minimum lot?

Lautner stated that some of the language was taken out and put back in again. Black pointed out that Section 4.4.B mentions two acres for 2 horses and one additional acre for each additional horse. Yoder

said they eliminated a lot of things, but in essence, they did add some language in other sections which was shown in the staff report.

Todd said it is her understanding, that they have taken away any rules regarding keeping horses as pets. She sees hoarding issues, possibly they need to consult with a veterinarian or animal control. Lautner stated we do not get into all of those issues; we comment on zoning.

Steve Patmore, Bingham Township Zoning Administrator, called in and stated that the township decided that if it's not a farm, to eliminate parcel size requirement for horses or livestock. They felt it was either covered in the Right to Farm Act, for profit, or covered under animal welfare or county ordinances. The township felt it was not their responsibility to monitor how many horses or animals people have and the line between the Right to Farm Act and township requirements is a grey area. Patmore continued, saying this doesn't allow them to be kept in the Residential District, this only applies to the Agricultural District and Rural Residential, which is a buffer district between the Agricultural District and the Residential District.

Griswold said striking tasting room with no amended language seems like it would cause issues at the township and he wonders what the reason is for striking this. Patmore said tasting rooms and farm market, were "uses by right," and the Planning Commission decided to make them a "special land use." He is not sure if they can make a farm market a "special land use" if it meets the GAAMP and he will be checking with GAAMP. Griswold said it seems it is a big jump opening the township up to a lawsuit. Patmore said he is not sure they can do it with a farm market. Most people would like to get a public notice if a tasting room is going in next to them. Getting public input on that is a good idea he thinks.

Black said he thinks most townships define animals as "large" and "small" they typically don't specifically say horses. There are veterinarians who treat large animals and those who treat small animals. Patmore said there was a lot of discussion at the township on horses and livestock.

***Motion by Nixon, seconded by Lautner, to forward staff report, minutes and all comments to Bingham Township Planning Commission. Motion carried 9-0.***

## **2020 Annual Report**

Galla said the Planning Act requires the annual report to be prepared and distributed. Galla reviewed the report for members and stated that due to COVID, training was different and we received fewer requests from the townships for amendments or rezonings as they were having fewer meetings.

Nixon questioned why the word "plan" was in bold lettering. He also suggested changing "ZBA Training" to either "ZBA Workshop" or "ZBA Session" and add "s" to the word "time."

***Motion by Todd, seconded by Black, to accept the 2020 Annual Report and forward it to the County Commissioners. Motion carried 9-0.***

## **REPORTS**

### Education Committee

Nothing to report.

### Housing Action Committee

Lautner reported that they touched on goals and housing readiness. Griswold said he also attended the meeting and encouraged the board to look at incentive-based zoning.

### Parks & Recreation Committee

Lautner said they discussed cleaning the fish ponds at Veronica Valley, removing invasive species, culvert work, and cleaning the walking and disc golf trails. There was also a discussion to allow an event at the park, like a concert. It will come back to them in April because it was unclear what exactly would go on.

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

Nixon attended a workshop offered through the MSU Extension Office on conduct and behavior while serving on Public Boards and Commissions, and another workshop on the Freedom of Information and the Open Meetings Act. He suggested these topics for the Education Committee because they were very informative.

Todd mentioned a graduate student at the University of Michigan, who is investigating a way of doing a trail that connects the Leelanau Trail and the Heritage Trail.

Griswold mentioned training he attended regarding when to recuse yourself and procedural zoning.

Yoder mentioned Solon Township has a referendum on the ballot in May, regarding the rezoning on M-72 that they reviewed last year.

### Training Updates

Todd mentioned a transportation seminar she attended and her take-away was the importance of a communities non-motorized transportation. This is one of the biggest factors in rising property values and it's the thing that people want in our community. Also, the use of Covid relief money may be a lot broader than thought. As communities, we should be looking at presenting projects that may qualify in order to tap into some of this money. Todd concluded by saying she attended a Master Planning class and a Planning and Zoning Essentials class through the Michigan Association of Planning which were both very good.

Yoder said he attended a Managing Risk Session - making sound planning and zoning decisions, which he found very knowledgeable. It gave pros and cons of the decisions you make in your community and how to avoid lawsuits.

Miller said he also attended the Planning and Zoning Essentials session.

### **COMMUNICATIONS**

Planning News (mailed to members)

## **PUBLIC COMMENT**

**The phone number for public comment was announced.**

No public comments received.

## **STAFF COMMENTS**

Galla reminded everyone of the first Household Hazardous Waste & Electronics & Shredding Collection being held on May 22<sup>nd</sup> at the Governmental Center.

## **COMMISSIONER & CHAIRPERSON COMMENTS**

Black mentioned the Planning & Zoning News mailed to members, and the short-term rental (STR) article it contained. He doesn't like the trend of doing away with them because this is a destination county.

Lautner said Happy Easter!

Griswold asked if this body makes resolutions in support of different measures. He believes doesn't believe STR's are a good thing for this county and that they can provide a much-needed income stream into our community. He would like to see a resolution in support of incentive-based and creative zoning. he would like to see a resolution in support of incentive-based zoning. Yoder stated their job is more to make recommendations and review. Galla said it might be a better idea for the Planning Commission to hold a training session on this type of zoning to educate townships. Griswold offered to assist with setting up this training.

Yoder thanked staff for all their work.

## **ADJOURN**

*Meeting adjourned at 6:47 p.m.*