

A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, APRIL 26, 2022, AT THE LEELANAU COUNTY GOVERNMENT CENTER.

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

Meeting was called to order at 5:30 p.m. by Chairman Yoder who led the Pledge of Allegiance. The Meeting was held at the Leelanau County Government Center, 8527 E. Government Center Dr., Suttons Bay, MI.

ROLL CALL

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

Members Absent: D. Hubbell, N. Griswold, C. Noonan, K. Todd
(prior notice)

Members Absent: M. Lautner

Staff Present: T. Galla, Director, G. Myer, Senior Planner

Public Present: Dean Manikas

CONSIDERATION OF AGENDA

Motion by Nixon, seconded by Black, to accept the agenda as presented. Motion carried 6-0.

CONFLICT OF INTEREST – None.

PUBLIC COMMENT – None.

STAFF COMMENTS

Galla mentioned the Annual Planning Session on The Right to Farm Act/Zoning & Planning for Successful Agriculture in Your Community being held the following night, starting at 6:30 p.m. in the Commissioner Meeting Room. There are about 35 people registered to be there in person and nearly 20 registered to watch online. Also, Galla and Myer will be attending the Annual Planning Conference being held in San Diego this year. Galla said the Household Hazardous Waste & Electronics Collection dates are available online and residents can also register there. Galla concluded by saying there are several new items for the CIP which will be on next month's agenda for review.

CONSIDERATION OF MARCH 15, 2022 MEETING MINUTES

Motion by Nixon, seconded by Carlson, to accept the minutes as presented. Motion carried 6-0.

NEW BUSINESS

PC02-2022-03 Cleveland Township Text Amendment – Agricultural Tourism

Galla stated that the request from Cleveland Township was to review and comment on the proposed amendment to Article IX; New Section 9.11-Agricultural Tourism. The township plan mentions the following in Chapter 6, Environment:

Objective 1: Support agricultural operations and lands in the Township.

Action Step 2: Continue to allow agricultural lands to benefit from tourism and reduce barriers to additional opportunities as appropriate, provided they do not adversely affect neighbors or the serene rural nature of the area.

The Leelanau General Plan states the following in Chapter 10, Economic Development:

“Agricultural tourism,” such as heritage tours and visits to wineries, has become an important part of Michigan’s tourist economy over the last few years, and Leelanau County has seen significant growth in that market as well.

Agricultural markets/wineries/u-picks, etc. (referred to as “value added” agriculture), play the dual role of creating economic opportunities for farmers while “marketing” the County and attracting additional tourism. The County is seeing increases in other types of value-added agriculture as well, such as organic farming, on-farm processing, specialty meat and cheese production, farm markets, and hydroponic farming. The growth of value-added agriculture will likely play an important role in Leelanau County’s agricultural and tourist economies.

Chapter 10 also lists the following Goal and Objective:

Goal: Understand the impact and effects of tourism.

Objective: Define the optimum role of tourism and tourism development in the County consistent with protection of the natural environment.

Galla continued, saying that a public hearing was held on April 6, and following the public hearing, the township planning commission unanimously passed a motion to send the proposed amendment to the County Planning Commission for review. At the township planning commission meeting held on April 7, 2021, a resident made a request that the township consider an amendment for the allowable uses on Agricultural properties. The resident supplied some sample language for consideration. The email from the township dated April 11, states that the resident wanted to establish Farm Stays as a way to supplement farm operation income and this idea aligned with the Cleveland Township Master Plan. Since that time, the township has worked on a proposed amendment which would be a new section in Article XI, Agricultural District.

Definitions will be added for the following: Community supported agriculture (CSA), Farmstay, and Working Farm and provide a list of permitted agricultural tourism uses for Working Farms along with a clear understanding of the expectations for agricultural tourism uses for farm operators, local residents, other businesses and local officials.

Galla pointed out that under 1a) Definitions iii Working Farm, the definition states less than 50% of the farm income is derived from non-Agricultural Tourism sales and or services over a 5-year period. It requires documentation. Will the township zoning administrator be responsible for gathering this information and making sure it complies with this section?

Also, item 2. a)xiii Open air or covered picnic area requires restrooms and adequate trash receptacles. What about restrooms and trash receptacles for farmstays and glamping options. It would also be beneficial to have recycling receptacles. There are parking requirements and a Site Plan Review required under Item 3. A) for other uses. Corn & hay mazes along with sleigh & hay rides are allowed by right, yet these types of operations can create a great deal of traffic and parking can be a concern. Galla referenced Jacob's Corn Maze located on M-72, and the difficulty driving through that area sometimes.

Galla said the proposed amendment would also allow agricultural tourism uses to a working farms operation, subject to site plan review. The use must be ancillary to the farm on which it is located, including such things as: farmstays and extended homestead and farm experienced including lodging. The use must be on a single parcel of land that is 10 acres or greater in size, with only one farmstay or Homestead operation allowed and a maximum of four (4) camp sites or rooms. Land use permits will only be granted upon demonstrating that additional standards are met such as buffering, and review/approval by the road commission, fire chief and health department. The proposed amendment is very similar to the Agricultural Tourism section in the Centerville Township Zoning Ordinance. The proposed text appears consistent with the township's Master Plan, and provides additional ways that farmers can make an income from their farm.

Galla mentioned that there will be an upcoming webinar in May on accessory dwelling units, (ADUs) which are seeing renewed interest to help provide housing options that are desperately needed. Some communities have changed their zoning language to allow ADUs anywhere there is a single-family residence, including farms. In conclusion, Galla encouraged the townships to participate in the webinar and consider this change to provide additional housing. The first webinar is titled "Invisible Housing – Accessory Dwelling Units in Your Community". Registration is free.

Nixon commented that he was concerned how often a verification of a "working farm", according to the definition, was going to be required. Is this something the zoning administrator would need to review every year or every time there is a concern? He suggested looking again at the definition of a "working farm" and remove the conditions that would require more validating.

Miller questioned the definition of glamping because it seems like an undefined term. Galla explained that it was a type of "upgraded" camping where some sites are on platforms. Miller stated that it should be defined. What happens if glamping ventures into something beyond that?

D. Manikas, Cleveland Township Zoning Administrator, said the definition of a "working farm" was complicated because some years a farm loses money and other years it makes money. That is why the 5-year average was suggested. Nixon questioned if the farmer was required to provide evidence to the township? Manikas responded yes, and it is up to the township to keep track of who has provided that evidence of income. Nixon concluded by saying that he was pleased to see the recognition of agricultural tourism and expanding opportunities for a farmer to have some other revenue. This is a critical issue for all of us, and he is pleased to see the township has already begun to address this.

Motion by Nixon, seconded by Black, to forward the staff report, minutes and all comments to the Cleveland Township Planning Commission. Motion carried 6-0.

PC03-2022-06 Glen Arbor Township Text Amendment-Single Family Dwelling

Galla stated that this was a request from Glen Arbor Township to add Single Family Dwelling Residential Structures in the Business District. A public hearing was held on April 7, 2022, and the draft minutes from this hearing indicate one letter was received opposing the proposed amendment. After the public hearing, they unanimously passed a motion to allow Single Family Dwelling Residential Structures in the Business District if the parcel of land does not abut M-22 North of State Street and R-1 requirements are applied.

Galla continued, reviewing the history and saying that the County Planning Commission reviewed a case in 2007 which was a request from Glen Arbor Township to remove single family dwellings as a permitted use in the Business District. This amendment would allow multi-family dwelling and apartments/living units, but not single family residential. The township approved removing single family residential as an allowable use in the Business District.

In June of 2021, the County Planning Commission reviewed a case which was a request from Glen Arbor Township to eliminate the words “except single family dwellings” from Section VIII.1 Use Regulations in Article VIII, Business District. If approved by the township, this would have put single family dwellings back into the Business District as an allowable use. The township board later sent this proposed amendment back to the township planning commission to get more clarity with a finding of facts, and this is now an amended version for review.

Galla said the proposed amendment will add the following language as item “J” in Section VIII.1 Use Regulations in Article VIII, Business District: “Single family dwelling residential structures are allowed if the parcel of land does not abut M-22 North of State Street and R-1 requirements are applied”. The current zoning ordinance includes a definition for single family dwelling. Is “single family dwelling residential structure” different than ‘single family dwelling’? There is no definition for single family dwelling residential structure. Galla mentioned Section VIII.1 Use Regulations and said that this section has conflicting wording and should be cleaned up.

Galla continued, saying that in Glen Arbor Township, there are three separate areas zoned Business, totaling about 104 acres in the Township. While most Business property is located within the Village, there is also an area in the Homestead and a small area at the north end of Fisher Lake zoned Business. The property at the north end of Fisher Lake has been split and now consists of four (4) parcels. If the proposed amendment is adopted by the Township Board, single family residential will once again be allowed in the Business District in the township. The proposed amendment differs from the one proposed in 2021 because it only allows single family dwelling residential structures on certain properties in the Business District. Looking at the map of the unincorporated village of Glen Arbor, the red shows the Business District. Galla said staff’s interpretation is that the parcels in the Business District touching M-22 will not be allowed single family dwelling residential structures. All of the other lots, including those in the Homestead and along Fisher Lake, would be permitted to have single family dwellings. She cautions the township about placing different regulations on properties because they are located in a certain area, but still within the same Business District. The Michigan Zoning Enabling Act states:

(2) Except as otherwise provided under this act, the regulations shall be uniform for each class of land or buildings, dwellings, and structures within a district. (Emphasis added)

Can the township legally enforce these requirements and not allow a type of use within the same zoning district just because an owner's property abuts a certain road? If these parcels warrant a different treatment than others within the same district, it is better to put them in a different district. A better route to take might be to place the properties in the Business District that abut M-22, into a new zoning district.

Galla concluded by mentioning again, the proper procedure for a public hearing. For all Public Hearings, the Public Hearing should be 'opened', public comment taken, and then the Public Hearing is 'closed' before any action is taken. Public comment should be captured during the Hearing, and then when it is closed, discussion and any action taken by the members is recorded. This is not a time for the board members to talk, it is for public comment. If there is no public comment, the public hearing is closed, and then you move on with other business.

Nixon commented that the township should pay attention to staff's comments regarding putting these parcels in a different district or just completely rezoning these areas unless there is something unique and not fully understood. Secondly, it's frustrating that staff has to repeatedly make that statement regarding the proper way to conduct a public hearing. It seems to be a continual mistake or misunderstanding a lot of communities are making. Nixon then questioned if an amendment had to be "active" for a certain time before it can be changed or reversed. Galla stated that as long as the township followed the proper steps, it could be changed. She doesn't believe there is a time limit.

Miller stated that the township has a real can of worms and agrees that the township should create a new district that defines exactly what they want. Yoder agreed with Miller and also suggested offering a training session to our communities on how to hold a public hearing.

Motion by Black, seconded by Trumbull, to forward the staff report, minutes and all comments to the Glen Arbor Township Planning Commission. Motion carried 6-0.

PC04-2022-07 Kasson Township Master Plan Review

Galla reviewed the staff report saying this request was received on March 18, and the review period ends on April 30. Township officials have been working on this update for some time and the distribution of the draft was approved by the Township Board on February 8. The township planning commission held a public hearing on April 18 and will have a work session on April 28. Page 3 of the Plan documents the history and the update process. Galla noted that no minutes from the April 18 public hearing were available at the time this report was completed.

Galla continued, mentioning the basis for plan review under the Michigan Planning Enabling Act (MPEA) and Section 4: Analysis of the staff report. While the Plan does not specifically talk about greater cooperation between neighboring units of government, it does include language regarding working with the county, and other entities. The map outlines future land use but is not parcel specific. Page 12 of the Plan states "The designations on the Future Land Uses Map are general in nature and therefore not intended to correspond to property lines". Galla said the proposed plan does not specifically include design guidelines.

Galla continued, saying a Master Plan is the vision of how a community will develop over time, providing guidance regarding how areas should be zoned, and standards that should be incorporated into the Zoning Ordinance. The Master Plan on the township's website is dated 2014. At least every 5 years after adoption of a Master Plan, a planning commission should review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan.

The review and its findings should be recorded in the minutes of the relevant meeting or meetings of the planning commission. This doesn't require a local municipality to do an update every five (5) years, but it does require a review and then recording that decision in the minutes. Galla continued, saying that under the MPEA, the final approval of the proposed master plan is by the planning commission, unless the legislative body by resolution has asserted the right to approve or reject the master plan. In that case, after approval of the proposed master plan by the planning commission, the legislative body shall approve or reject the proposed master plan. It is up to the township board to determine if they are going to pass that resolution and have the final say, or if the planning commission completes their work and approves the plan.

Galla briefly reviewed the survey results from a survey the township conducted in October of 2019. Seasonal rentals and mobile homes were ranked the lowest. It is interesting to note that apartments (3+units) only had 39 responses, yet apartments are one of the highest requested housing options in the county. Also, one of the biggest issues in the county, and across the country, is the lack of housing options – for seasonal workforce, year-round rentals, and homes. The inclusion of more goals and objectives for housing options could help address the lack of housing.

Galla said the Future Land Use Map had some areas that maybe could be in a different future land use district now. Some of these are identified as Commercial, but are residential homes. Also, on Page 22 Policies & Actions, number 5, discusses buffers between agricultural and residential areas, as well as incentives for clustering of residential housing. Over the last few years there has been few housing developments in the county which cluster the housing and preserve open space. The township may not see many of these types of developments in the future. Will other housing options be encouraged?

The staff report includes a link to the 2020 census data because some of the information in the plan was a little different than what appears in the 2020 census. Also, has the township considered any long-term objectives for the M-72 corridor? Areas along a state highway become attractive for commercial use. Galla stated the township is not required to have a CIP because they do not own or operate a water supply or sewage disposal system, but they can adopt one at any time. Number 12 on page 31 states it will be prepared 'when necessary' – leaving it unclear as to when this might be done. An adopted CIP is beneficial, especially during the review that is required under Section 61 of the MPEA.

Galla concluded by saying that it is a similar layout to the 2014 Plan. This document is easy to read, organized and includes new maps, updated demographics, and information from a citizen survey. Consideration of the suggestions from the township and cleanup of some of the minor issues would be in order before the township takes final action on the document. After approval, the township will need to review the zoning ordinance and propose amendments to implement Policies & Actions that are listed in this Plan.

Miller commented that adding road names to the existing land use document on Page 9, would be beneficial.

Nixon said it was user friendly and simple to read. They may want to enhance it by adding a little color to the headings. He was struck by the survey results which gives you the opportunity to learn things about township you may not be familiar with. Nixon concluded by saying that it was interesting to see what the township is valuing, and that they are very concerned about preserving the rural character over additional housing or short- term rentals.

Carlson stated she enjoyed reading it and learned a lot about Kasson Township. Black said it was easy reading, and it's nice this county has so much rural area. Trumbull commented that she agreed, it was easy to read and accessible. Yoder echoed those comments.

Motion by Nixon, seconded by Trumbull, to forward the staff report, minutes and all comments to the Kasson Township Planning Commission. Motion carried 6-0.

REPORTS

Housing Action Committee

Galla said the HAC was working with Housing North and there is also an Accessory Dwelling Unit (ADU) Session coming up in May. The HAC will be meeting in June.

Parks & Recreation Committee

No report given.

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

Black said he attended a training session on capital improvements and did a “mock” plan. They learned the need for the items and how to rank them in order of importance. He really learned a lot.

Yoder said they had their last public hearing regarding the rezoning in Solon Township and it was put on hold because they felt it did not fit with their Master Plan.

COMMUNICATIONS

Galla said the Transportation Plan from the Village of Empire will be on the May agenda. A lot of townships are working on their Master Plans, so the planning commission should begin to start seeing them. Village plans do have to be reviewed by the county, but village zoning amendments don't have to be reviewed.

PUBLIC COMMENT – None.

STAFF COMMENTS

Galla mentioned a video called “Helping Homeowners Become Home Creators” and encouraged members to look this up online and watch. Galla continued, saying there is a lack of younger people getting involved in the Planning Commissions. She would like to reach out to the townships and start this discussion. See what they are experiencing. Yoder stated that Solon Township has a very young Planning Commission.

COMMISSIONER & CHAIRPERSON COMMENTS

Nixon reported that yesterday was the last day for candidates to present their application for the supervisor position in Suttons Bay Township. They received three applications and are now discussing how to handle interviews. With regard to Galla's comments about the youths, their Planning Commission is thinking about going from nine members to seven. They are seeing the same faces in

their community because the youth are not interested. He suggested a workshop of some sort may help get the youth involved in committees.

Yoder mentioned K. Todd missing three meetings, and that according to their bylaws, the County Board needs to be notified. Galla will handle this.

ADJOURN

Meeting adjourned at 6:22 p.m.