

A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, AUGUST 24, 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 5:30 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 and via ZOOM.

ROLL CALL

Members Present: N. Griswold
(via ZOOM)

Members Present: S. Yoder, G. Carlson, M. Lautner, T. Nixon
(At Government Center) M. Black, R. Miller

Members Absent: D. Hubbell, A. Trumbull, K. Todd
(prior notice)

Members Absent: C. Noonan

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

Public Present: L. Oosse
(At Government Center)

CONSIDERATION OF AGENDA

Motion by Nixon, seconded by Miller, to accept the agenda as amended. Motion carried 7-0.

CONFLICT OF INTEREST – None.

PUBLIC COMMENT

Linda Oosse, a Leland Township resident, said she was present to meet the members and was hoping they could help her present a site plan for a potential business she hopes to open next spring. She is currently going through the steps and one of the items is to present a site plan to the planning commission, so she is requesting that be added to next month's agenda. Yoder asked Galla to respond. Galla responded, saying that the County Planning Commission is not required by law to review site plans. Oosse may be referring to the step requiring her to submit a site plan to the township. The County Planning Commission will get a copy of it just like the Health Department and Fire Department etc. The township could ask the County Planning Commission to review it, but it would only be an advisory role. The township planning commission and the township board would be the ones taking action. She recommended Oosse double check with the zoning administrator on the process and the steps.

STAFF COMMENTS

Galla reminded everyone of the last two HHW & Electronics Collections coming up on Monday, September 13th, in Peshawbestown, and Saturday, October 16th in Elmwood Township. Also, the 2022 dates have been set, which is a good thing, because the contractors are busy all through the state and outside of the state with collections. Galla concluded by saying she is hoping to do another tire collection as well.

CONSIDERATION OF JULY 27, 2021 MEETING MINUTES

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

NEW BUSINESS

PC10-2021-03 Cleveland Township – Text Amendment – Watershed Protection

Galla reviewed the staff report, saying the township master plan mentions several objectives, in Chapter 6; regarding environment and water quality standards. The Leelanau General Plan states “The primary environmental goal of the General Plan is the protection of unique and sensitive lands and the water resources from inappropriate and poorly designed development.” (Chapter 3-Working With Nature, page 4, Stewardship Ethic)

Galla continued, saying that the township held a public meeting on August 4, 2021 and after the public hearing, the township planning commission unanimously passed a motion to send the amendments to the county for review. The minutes from this meeting had not been received prior to tonight’s review. Galla said staff found no history of similar amendments for Cleveland Township, but the township does have a Scenic Viewshed Preservation Overlay District, which was adopted as Ordinance No 2019-2 on December 10, 2019. Galla mentioned that there seemed to be some discrepancies between the proposed amendment and the zoning ordinance posted online with regard to the table of contents and numbering. The chairman of the Cleveland Township Planning Commission did email staff and say that the zoning ordinance posted online is not the most up-to-date version. Galla said she did suggest a couple options for getting the up-to-date version posted online.

Galla continued, saying that it appears this ordinance is an ‘overlay’ as #4 under Purpose of the proposed text states: “All other requirements shall be as required by the underlying zoning district, except that where specific requirements of the Watershed Protection vary or conflict with the regulations contained in the underlying zoning district, the stricter shall govern.” If this is an overlay district, it would be good to list it that way. There is an Intent section under Hardened Seawalls, which are prohibited, so why do they need the Intent section? Galla questioned how the township would follow-up on complaints? What happens if someone builds and uses 25% of the entire lot area with a gravel drive, then later decides to pave the drive. After paving the driveway, they will be over the 25% lot coverage according to this section. A new buyer could purchase a property and decide to pave before the township is even aware of it and then the 25% lot coverage is exceeded. The township will be responsible for following up on any issues or complaints. Galla concluded by saying this amendment has regulations which limit the amount of area that can be cleared, trees that can be trimmed, shoreline area that can be cleared and still maintain a buffer, and use of native vegetation. In some instances, site plan review will be required. There are also requirements for permits and compliance with other statutes and ordinances. The township will be responsible for upholding these regulations and following up on any violations.

Lautner questioned if the native plantings requirement was just for the strip of land from the shoreline to the dwelling that is under this protection? She hated to see it so restrictive that they didn't have a little leeway to plant other things.

Nixon said their prior Scenic Viewshed Preservation Overlay District was adopted in 2019, he would have expected to see that be the measure of what they are proposing here. He is surprised they didn't reference it.

Miller mentioned the fact that they are referencing paving on driveways as not "counting". He thinks it may be wise to change this to "impervious paving." Impervious paving would accomplish the same thing, because it would allow the water to percolate through it.

Griswold suggested adding a clarification that non-invasive, non-invasive adapted and/or native plant material be utilized because that is the language used by the Invasive Species Network (ISN) and would help to ensure invasive species are not used. ISN has lists of invasives that should no longer be used within the region. These invasives were once very commonly used by the landscape industry and now are causing problems throughout the region.

Yoder stated he had the same concerns that staff noted in their report and he did notice that there were no meeting minutes included. Yoder concluded by saying he was curious how the fertilizer use would be monitored.

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

PC11-2021-05 Empire Township -Text Amendment RE: Glen Lake-Crystal River Watershed Overlay District.

Galla reviewed the staff report, saying this request was received on August 17th and it is similar to the previous amendment reviewed tonight from Cleveland Township. The Empire Planning Commission held a public meeting on June 15th, and again on July 20th. Quite a few motions were made, and changes were made to the text as a result. This overlay district is what the Glen Lake Association has proposed to four different townships: Empire, Glen Arbor, Kasson and Cleveland. Galla continued, saying what is being proposed is an overlay water district. Staff has some of the same comments that were made regarding the previous agenda item tonight from Cleveland Township; such as the fertilizer use, tree trimming , and lot coverage.

Galla said the minutes from the Empire Township Planning Commission Public Hearing show that the Chairman stated he and the zoning administrator's prior background services to the Glen Lake Association (GLA). Staff wanted to point this out because "conflict of interest" has been discussed in the past. At the July meeting of the Empire Township Planning Commission, the Chairman noted the bylaws should be amended to cover recent changes to the Open Meetings Act (OMA) and potentially amend some language regarding conflict of interest. Based on prior staff reports for other townships regarding conflict of interest, staff commends the township on taking these actions.

Galla concluded by saying this was a very similar type of ordinance to what Cleveland Township is proposing. Empire went a little more detailed and included maps and rationale. The graphics are a nice touch and it is easy to look at. Galla stated she was surprised at the amount of area covered by this overlay. There are a lot of parcels that are nowhere near the shorelines that are included in the overlay district.

Lautner said she was a little uneasy about the size of the map with regard to the restrictions. She understands what they are trying to do, but it wasn't clear whether this was just for the shorelands and wetlands, or the whole district. It does mention no industrial processing, but it doesn't specifically say agricultural is exempt. You can have some processing in agricultural that isn't harmful. Lautner concluded by saying that she knows they are trying to protect the ridgeline, but she hopes it isn't so restrictive that those who do own property on a hilltop aren't prohibited from building a home.

Nixon said he liked the format, it was easy to read, instructional and educational. He commends people who have an earnest desire and are trying to preserve what's happening on the shorelines and waterways of Michigan. If the comments made by Dave Burton are true, 92% of the properties are already grandfathered. This may not have much of an impact, so education is the push that needs to be made. The township is indicating that they are trying to do that, but he suggests they hold public discussions with the people in the overlay district. Bring those educational topics and perhaps use resources like the Inland Seas Education Association or Watershed Center, which are great bodies that can educate the general public about what is happening along the shoreline. Nixon concluded by saying that if only 8% are going to be impacted by this, they really need to have a concentrated effort on helping their citizens really understand the nature of what is behind this proposal and what their responsibilities should be on the water side.

Black said he liked the 12% angle leading down to the water's edge and they have spelled out clearly what is going to be required. Black mentioned Muskegon County, saying there were a lot of problems with E. Coli, because there wasn't any "policing" of how people built or where they put their septic systems. Carlson liked the educational format of it, she thought they did a good job.

Griswold said they should include something restricting the cutting of trees along the shoreline as well as what can be planted. If trees are cut or erosion occurs due to vegetation removal a recommendation of adopting bioengineering practices should be made. The Michigan Department of Environment, Great Lakes and Energy (EGLE) and the Army Corps have adopted these as acceptable practices along inland lakes, the Great Lakes and other waterways. It should also be noted that removing vegetation between a structure and any body of water is not best practice and can lead to long term issues or problems.

Yoder stated he was impressed with the amendment; it was easy to understand and the graphics were nice. He commended the township for including the meeting minutes and comments received because it gave everyone a good idea of how the discussion went and how everything came about.

Lautner requested some clarification on the agricultural exemption. She would like the amendment to include a reference to the agriculture exemption. Lautner said she does think they are covered under the Michigan Right to Farm Act already, but they should recognize that piece of it. Lautner continued, saying that the size of this district does include some high, sandy, gravel areas and you are not going to run into the E. Coli problems mentioned previously by Black. She is also concerned because there is no way a small farm can fall under this district and still survive. Lautner said if all four townships adopt this type of amendment, she would like them to recognize that.

Motion by Lautner, seconded by Miller, to forward staff report, minutes and all comments to Empire Township Planning Commission. Motion carried 7-0.

Capital Improvement Program (CIP) – DRAFT.

Galla reviewed the document, saying that some of the examples, on Page 3, that didn't really apply to Leelanau County had been removed. The 2020 census information has not been received yet, so page 5 still shows the 2019 population data. Starting on page 22 are the charts which show the Priority Group. Galla said she let the County Board know that those were not changed, that is up to them. If they don't agree with the Planning Commission, this is a working document and they have the right to change these numbers.

Galla continued, saying the 2016 projects are still there, the County Board will have to decide next year if those can be removed. Lautner said "or if we have successfully completed them, they can be removed." Galla said page 24 is new and includes: fishing access and safety pathway at Veronica Valley, information technology switch upgrades, UPS battery replacement, new server, work stations, software, Leland Dam maintenance, and tower improvement in Maple City. The total cost is nearly 7 million dollars, which is the largest amount she has seen for the CIP. The cost is spread out over a period of years, the brunt of it over the first 2-3 years. The County Board will review the document in September, so changes can be still be made.

Black asked about the government center tower, he didn't see it listed.

Discussion ensued.

Galla said she would check with M. Ansorge on the towers and costs.

Nixon asked Lautner for help understanding what role the Leelanau County Planning Commission plays in the County Board's decisions. Lautner mentioned the priority numbers assigned by the Planning Commission and said those recommendations carry a lot of weight. Don't ever feel like your work is lost. The County Board will look at issues one at a time and tackle them. Nixon questioned if it was worthwhile to have the Planning Commission prioritize items? Lautner said definitely. This document is more important than ever because we have this campus and three parks.

Lautner stated she would like to see the new updated census data if they can wait that long. Galla said it takes a while to "role out" the numbers. It is possible to get estimates from organizations like Networks Northwest.

(6:18 Griswold lost connection via Zoom)

Lautner said mentioned the "gifted" dollars the county will be receiving and said there is overwhelming support for broadband and fiber.

Yoder thanked staff for all their work.

Motion by Black, supported by Carlson, to forward the amended CIP to the County Board. Motion carried 6-0.

Update – September Training Session.

Galla said the training session was set for Wednesday, September 29th, from 6:00 p.m. – 8:00 p.m. A Zoom option was requested, so Galla will check with the speaker about that. Some people are still hesitant to attend public gatherings. Also, people outside of Leelanau County are welcome to attend.

Galla mentioned the next Planning Commission meeting which is the night before the training session.

Discussion ensued on holding the meeting before the training session at 5 p.m.

Galla will do a poll as it gets closer to the date.

REPORTS

Education Committee - Nothing to report.

Housing Action Committee - Nothing to report.

Parks & Recreation Committee

Lautner reported that they approved the walk for the area known as the putting green. There was an unsafe fishing area and they are going to reshape it and make a safe flat area to fish off of. Also, the storm damage at Myles Kimmerly Park has been cleaned and everything is open again.

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

Lautner said that for a while Solon Township had a lake in town due to flooding.

Yoder reported that Solon Township was working on a final draft of their zoning ordinance and they are hoping to hold a public hearing in October.

COMMUNICATIONS

Planning & Zoning News was available.

Yoder mentioned that he had received notice that Leelanau Township was updating their master plan.

PUBLIC COMMENT – None.

STAFF COMMENTS

Galla said the Housing Action Committee met and they are working on a proposal to use some federal funds. Also, a press release was sent out today regarding cameras and signs at the Elmwood Township recycling site. Galla said they need electricity at each site, in order to install cameras, and this is causing delays. Grand funds are being used to partially fund the cameras.

COMMISSIONER & CHAIRPERSON COMMENTS

Lautner stated that everyone should attend the Cedar Polka Fest and that there will be a pancake breakfast on Saturday morning before the parade. Also, the Solon Township children's park is now open! Yoder thanked staff for all their hard work.

ADJOURN

Meeting adjourned at 6:30 p.m.