

SUTTONS BAY TOWNSHIP
NOTICE OF PUBLIC MEETING:

PRELIMINARY AGENDA

The regular meeting of the Suttons Bay Township Board is hereby called for 5:15 PM Wednesday, November 11, 2020. Due to current isolation guidelines the Meeting will be via Zoom. The Host will email directions and an invitation.

CALL TO ORDER: REGULAR MEETING

APPROVAL OF THE AGENDA

PUBLIC COMMENT: and communications about items not on the agenda

REPORTS:

- Treasurer
- Planning & Zoning
- Fire Authority
- Parks & Recreation
- Facilities

OLD BUSINESS:

1. Approval of the Minutes: Previous Meetings
2. Payment of the Bills
3. Village / Township Leo Creek culverts & road Repairs: update
- 4.

NEW BUSINESS:

1. Zoning Ordinance Amendment: Corn Maze

PUBLIC COMMENT:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

ZONING ADMINISTRATOR'S REPORT

SUTTONS BAY TOWNSHIP

October 2020

For November 2020 Planning Commission and Township Board Meetings

Prepared by Steve Patmore
November 5, 2020

LAND USE PERMITS ISSUED

		NEW		ACCESSORY	
DATE	TOTAL	HOMES	ADDITIONS	STRUCTURES	OTHER
Sept. 2020 (to date)	5	1	1	3	0
Year To Date	37	10	6	20	1
Year to date 2019	32	16	8	8	0
Year to date 2018	37	19	6	12	0
Year to date 2017	32	11	4	14	3
Year to date 2016	32	7	11	10	4
Year to date 2015	27	10	7	9	1
Year to date 2014	17	3	5	9	0

Land Divisions:

- Several inquiries and discussions with Assessor and property owners.

Zoning Board of Appeals:

- No Activity

Short Term Rentals:

- 30 Permits issued for 2020 (22 Renewal – 8 New).
- Renewal applications for 2021.

Other:

- Site Plan Review 1274 Peck Road Site Plan Enforcement.
- Meetings with owner of 1408 S. West Bayshore Drive on revised Site Plan
- Site Plan Review - Southwell Farms special event venue off of Putnam Road.
- Final Site Plan Review - Herman Rd. Apartment project – moving forward with permits.
- Inquiry on guest houses in the Agricultural District.
- Continued inquiries on camper and RV use in the township, campgrounds.
- There have been numerous questions and requests for interpretations on properties in the township that are on the market. The real estate market in our area has been extremely active in the past few months.

ADDENDUM TO ZONING ADMINISTRATOR REPORT
OCTOBER 2020

UPDATE ON ZONING ENFORCEMENT
Steve Patmore, Zoning Administrator

1. 1274 S. Peck Road – Leelanau Watersports

An Engineered Site Plan was received on October 20, 2020. Although this Site Plan was professionally done, there was some detail lacking for a Detailed Site Plan Review, and I have several questions to be answered by the Applicant.

An update will be provided at the November 17, 2020 Planning Commission Meeting.

2. 1408 S. West Bayshore Drive – Capital Stone

I have met with the property owner twice in the past month to discuss changes to their Site Plan. He is working with a Landscape Architect on a revised Site Plan, and has stated that he will submit a revised Site Plan to the township.

3. 1370 S. West Bayshore Drive

The property owner has not responded to inquiries from the township.

We are issuing a violation notice similar to what was done on Peck Road.

Any junk ordinance issues are enforced by the township board and is not part of the zoning ordinance.

4. Winery Special Events

Based upon the information we have, there are no current violations.

The General Manager of 45 North Winery is fully aware of the need for a Special Use Permit from Suttons Bay Township to conduct Special Events of more than 60 guests.

It is respectfully requested that the Planning Commission remove this item from their monthly agenda until such time as there is a documented violation.

DRAFT MINUTES

**SUTTONS BAY TOWNSHIP
REGULAR MEETING – OCTOBER 14, 2020**

Due to current isolation guidelines the October 14, 2020 meeting will be via Zoom.

CALL TO ORDER – REGULAR MEETING

Rich Bahle, Supervisor, called the regular meeting of the Suttons Bay Township Board of Trustees to order at 5:15 p.m., October 9, 2020, at the Suttons Bay Township Offices, #95 W. Fourth St., Suttons Bay, Michigan.

ROLL CALL - Quorum Present

Present: Rich Bahle, Sandy VanHuystee, Tom Nixon, Cathy Hartesvelt, Debbie Slocombe

Absent and excused: None

Staff Present: None

Also in attendance via Zoom: Marge Johnson, Dorothy Petroskey, Susan Odom, Suzanne Albrecht, Sharon Livingston

APPROVAL OF THE AGENDA

No additions to agenda. Consensus to approve the Agenda.

PUBLIC COMMENT

None

REPORTS:

- **Treasurer** -As presented.
- **Planning & Zoning** – Tom Nixon said Planning Commission had a special meeting on September 15th, on the agenda - approval of the draft zoning map and discussion regarding Article 12, Commercial District – Waterfront Resort Language (Fountain Point property). Susan Odom said the October 6th meeting was postponed. The special meetings have been cancelled with Kathy Egan present to finish the zoning ordinance. Susan Odom said she hasn't seen the e-mail from the township attorney regarding zoom meetings.
- **Fire Authority** – Rich Bahle said Fire Authority Meeting held last night. The Authority wrote off an account for hardship. Department had 73 calls in September. Reviewed employee's health insurance plan.

- **Parks & Rec** – Debbie Slocombe said meeting held October 7th. There will be a pond cleanup on October 24th after 10 a.m., hoping to get help from the Boy Scouts. She has a presentation with the Youth Advisory Council on November 9th to present a drinking fountain proposal. The Blue Star Garden Sign has been installed at Herman Park. A picture of a bottle fill has been provided to the Board.
- **Facilities - None**

OLD BUSINESS

1. Approval of September 9, 2020 minutes

Rich Bahle/moved, Debbie Slocombe/supported, to approve the September 9, 2020 Minutes as corrected (pg. 3, 1st bullet point – wanted the water fill to be purchased for May 2021 installation, and pg. 5 – first bullet point – venue should be policy. PASSED.

2. Payment of the Bills

Sandy VanHuystee submitted bills for payment. Addition to bills – Paul Whiteford – \$3,540, total bills \$34,084.32.

Sandy VanHuystee/moved, Tom Nixon/supported, to approve paying the bills in the amount of \$34,084.32, PASSED.

3. Peck Rd Zoning Enforcement Issues: Update

Tom Nixon said the township attorney has issued a letter to Mr. Otto to cease and desist the operation on Peck Road. Mr. Otto is required to submit a site plan to the Planning Commission.

Rich Bahle said he talked to Mr. Figura and informed him the Board is looking at the next step. Bahle said he reached out to the Eagle District Office, Robyn Schmidt, who said there is nothing that would bring her into a discussion. Bahle said he was referred to Jacob Riley who is aware of the situation and who is responsible for water runoff issues. There is nothing that triggers any action on his part. The township does not have authority over fuel tanks, water runoff or soil erosion. There is nothing at this time that raised a red flag with State agencies. Bahle said he talked to Paul Hunter, at the Leelanau County Inspections Office who said there is nothing that the Department would address with any of their regulations. There is no specific enforcement or review by the Fire Department. Fuel tanks are quite common in this area, are a number of them with the wetland area. It seems to be safely managed, and the agencies that would regular them are aware of the fuel tanks and activities that take place there.

4. Installation of Public Potable Water Point: Herman Park

Rich Bahle said the Parks and Recreation Committee is interested in purchasing a bottle fill device. Debbie Slocombe said the base price for a bottle fill device is \$1,730. The device would be attached to the shed where water is available. If a grant is received from the Youth Advisory Council in November, we wouldn't need this because the presentation for the grant was a water fill and a drinking fountain. The Committee is looking for approval to purchase this after the awarding of the grant. The grant for the restroom also included a drinking fountain. The Committee wants to have a backup plan.

Rich Bahle said the Board is ready to purchase a water fill device. He doesn't see a need to approve the expenditure now if the Committee is waiting to hear about the grants. It would be in the budget year even in January to place the order then.

Debbie Slocombe said the Committee would request the purchase of the bottle fill if it is not awarded a grant.

Debbie Slocombe/moved, Rich Bahle/supported, to authorize the purchase of the bottle water fill not to exceed \$2,500.00 if the YAC Grant is not received before January 1, 2021.

Discussion: Tom Nixon – Does the \$2,500 include complete installation.

Debbie Slocombe - Depends on who installs it. There is a direct line. There is \$8,000 in the budget for drinking fountain. This is a smaller portion of it.

*Roll call vote: Yes: Bahle, VanHuystee, Hartesvelt, Nixon, Slocombe. No: None
Motion passed.*

5. Appoint “Designated Assessor”, Laurie Spence/Resolution

Rich Bahle said designating an assessor is a State requirement of the tax tribunal regulations. Bahle said Laurie Spencer indicated she is willing to be the Designated Assessor. There is no cost to the township.

Resolution 9 of 2020

Rich Bahle/moved, Cathy Hartesvelt/supported to adopt Resolution 9 of 2020 to appoint Laurie Spencer, Equalization Director, as the Designated Assessor and authorize the Supervisor to submit the Interlocal Agreement on behalf of Suttons Bay Township.

*Roll call vote: Yes: Bahle, VanHuystee, Hartesvelt, Nixon, Slocombe. No: None.
Resolution adopted.*

6. Village/Township Leo Creek culverts & road repairs: Update

Rich Bahle said he did get information from Sara at the Watershed Center. A hydrology study would cost \$10,000 and would have to be done before a search for outside monies is done. Bahle said he would like to have Sara come to the December meeting to discuss the scope of work of the study and what the project is. Hopefully there will be some clarity from the Village as to how it wants to move forward with the larger project or just stay with Elm Street. Bahle said hopefully the township and village can work together on this project.

NEW BUSINESS

1. Herman Park – Snowplowing

Rich Bahle said the entrance to Herman Park is always plowed so that people can walk the Park in the wintertime. Bid received from Elmer’s for \$40/per plow.

Rich Bahle/moved, Sandy VanHuystee/supported, to authorize Rich Bahle to sign a Contract with Elmer’s for the Herman Park snow removal at \$40.00 per plow. PASSED.

PUBLIC COMMENT

Suzanne Albrecht – is new library board member.

Sharon Livingston – What is the next step with the Peck Road property. Mr. Otto is still working on the property. How long do you wait for the site plan.

Rich Bahle – the township is working on getting Mr. Otto to conform to the zoning ordinance.

Susan Odom – does agree with Sharon that this has gone on for a long time. Mr. Otto storing his boats is illegal, needs to move the boats from the property.

BOARD MEMBER COMMENTS

Debbie Slocombe - offering help to Sandy VanHuystee with the election.

Sandy VanHuystee – Clerk’s office mailed out 1230 ballots.

Tom Nixon – When is pond clean up.

Debbie Slocombe – Pond clean up Oct 24th, 10 am.

Cathy Hartesvelt – None.

Rich Bahle – None.

ADJOURNMENT

The meeting was adjourned at 5:52 p.m.

Minutes by Marge Johnson, Recording Secretary

Sandy VanHuystee, Clerk

Suttons Bay Township
Unpaid Bills Detail
 As of November 20, 2020

Type	Date	Num	Due Date	Aging	Open Balance
American Waste					
Bill	11/11/2020		11/21/2020		62.50
Total American Waste					62.50
Betty Carpenter					
Bill	11/11/2020		11/21/2020		105.00
Total Betty Carpenter					105.00
Catherine Hartesvelt					
Bill	11/02/2020		11/12/2020	8	1,142.32
Bill	11/02/2020		11/12/2020	8	1,044.17
Total Catherine Hartesvelt					2,186.49
Cathryn Konopka					
Bill	11/11/2020		11/21/2020		255.00
Total Cathryn Konopka					255.00
Chris Petroskey					
Bill	11/11/2020		11/21/2020		30.00
Total Chris Petroskey					30.00
Consumers Energy					
Bill	11/11/2020		11/21/2020		107.06
Bill	11/11/2020		11/21/2020		31.35
Bill	11/11/2020		11/21/2020		28.85
Total Consumers Energy					167.26
Deborah H. Palms					
Bill	11/11/2020		11/21/2020		73.88
Total Deborah H. Palms					73.88
Dena Smith					
Bill	11/11/2020		11/21/2020		277.50
Total Dena Smith					277.50
Donna Popke					
Bill	11/11/2020		11/21/2020		247.50
Total Donna Popke					247.50
Dorothy Petroskey					
Bill	11/11/2020		11/21/2020		1,232.63
Total Dorothy Petroskey					1,232.63
DTE Energy					
Bill	11/11/2020		11/21/2020		46.52
Total DTE Energy					46.52
ElectionSource					
Bill	11/11/2020		11/21/2020		49.73
Total ElectionSource					49.73
Federal Tax Deposit					
Bill	11/11/2020		11/21/2020		2,574.89
Total Federal Tax Deposit					2,574.89
Gail Carlson					
Bill	11/11/2020		11/21/2020		369.99
Total Gail Carlson					369.99

Suttons Bay Township
Unpaid Bills Detail
 As of November 20, 2020

Type	Date	Num	Due Date	Aging	Open Balance
Janis M. Palkowski					
Bill	11/11/2020		11/21/2020		225.00
Total Janis M. Palkowski					225.00
Jean Ann Moe					
Bill	11/11/2020		11/21/2020		342.00
Bill	11/11/2020		11/21/2020		457.13
Total Jean Ann Moe					799.13
Jennifer M. Herman					
Bill	11/11/2020		11/21/2020		285.00
Total Jennifer M. Herman					285.00
Jill Williamson					
Bill	11/11/2020		11/21/2020		75.00
Total Jill Williamson					75.00
June Schaub					
Bill	11/11/2020		11/21/2020		97.50
Total June Schaub					97.50
Leelanau Enterprise					
Bill	11/11/2020		11/21/2020		125.25
Total Leelanau Enterprise					125.25
Leland Township					
Bill	11/11/2020		11/21/2020		250.00
Total Leland Township					250.00
Marcia Zielinski					
Bill	11/11/2020		11/21/2020		255.00
Total Marcia Zielinski					255.00
Marge Johnson					
Bill	11/11/2020		11/21/2020		147.76
Total Marge Johnson					147.76
Michigan Assessing Service					
Bill	11/11/2020		11/21/2020		3,914.58
Total Michigan Assessing Service					3,914.58
Moses Window Cleaning					
Bill	11/11/2020		11/21/2020		35.00
Total Moses Window Cleaning					35.00
Netlink					
Bill	11/11/2020		11/21/2020		144.00
Total Netlink					144.00
Networks Northwest					
Bill	11/11/2020		11/21/2020		700.00
Total Networks Northwest					700.00
Northern Building Supply, LLC					
Bill	11/11/2020		11/21/2020		15.73
Total Northern Building Supply, LLC					15.73

Suttons Bay Township
Unpaid Bills Detail
 As of November 20, 2020

Type	Date	Num	Due Date	Aging	Open Balance
Parshall Tree Care Experts					
Bill	11/11/2020		11/21/2020		1,815.00
Total Parshall Tree Care Experts					1,815.00
Richard Bahle					
Bill	11/02/2020		11/12/2020	8	1,181.11
Total Richard Bahle					1,181.11
Roberta Roubal					
Bill	11/11/2020		11/21/2020		255.00
Total Roberta Roubal					255.00
Rosanne Schaub					
Bill	11/11/2020		11/21/2020		277.50
Total Rosanne Schaub					277.50
S.O.S. Analytical					
Bill	11/11/2020		11/21/2020		20.00
Total S.O.S. Analytical					20.00
Sandra Lindley					
Bill	11/11/2020		11/21/2020		120.00
Total Sandra Lindley					120.00
Sandra Van Huystee					
Bill	11/02/2020		11/12/2020	8	2,083.10
Total Sandra Van Huystee					2,083.10
Shirley Eckerle					
Bill	11/11/2020		11/21/2020		306.00
Total Shirley Eckerle					306.00
Spectrum Business					
Bill	11/11/2020		11/21/2020		268.37
Total Spectrum Business					268.37
State of Michigan					
Bill	11/11/2020		11/21/2020		286.65
Total State of Michigan					286.65
Steven Patmore					
Bill	11/11/2020		11/21/2020		105.00
Total Steven Patmore					105.00
Tifton Physical Soil Testing Lab, Inc.					
Bill	11/11/2020		11/21/2020		590.00
Total Tifton Physical Soil Testing Lab, Inc.					590.00
Village of Suttons Bay					
Bill	11/11/2020		11/21/2020		66.81
Total Village of Suttons Bay					66.81
William Drozdalski					
Bill	11/11/2020		11/21/2020		160.00
Total William Drozdalski					160.00

10:53 AM

11/10/20

Suttons Bay Township
Unpaid Bills Detail
As of November 20, 2020

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Due Date</u>	<u>Aging</u>	<u>Open Balance</u>
Williams & Bay Portable Restrooms Bill	11/11/2020		11/21/2020		638.28
Total Williams & Bay Portable Restrooms					638.28
TOTAL					22,920.66

SUTTONS BAY TOWNSHIP BOARD

November 11, 2020

Proposed Zoning Ordinance Amendment to add Seasonal Outdoor Mazes As a Special Use in the Agricultural Zoning District

Background

The Planning Commission was approached by Pete Leabo who is interested in operating a commercial outdoor maze on their property in Suttons Bay Township. The Leabo's have been letting people roam their sunflower and corn fields in years past on a non-commercial basis.

Mr. Leabo proposed that the township develop zoning language similar to Bingham Township, which allows seasonal mazes as a conditional use, without a permit.

Planning Commission Review

The Suttons Bay Township Planning Commission (PC), after considerable discussion, decided that seasonal mazes should be a Special Land Use, and only allowed on properties greater than 25 acres with at least 325 feet of road frontage.

The PC conducted a Public Hearing on the proposed language on October 20, 2020, and recommended approval of the proposed amendment. There was no public comment on the amendment. Mr. Leabo, when contacted by Staff on October 20th, stated that he did not object to seasonal mazes being a Special Use and was agreeable to filling out the Application in the future. He was forewarned about the amount of time that it takes to get approval of a Special Use Permit.

County Planning Commission Review

As required by statute, the proposed amendment was sent to the Leelanau County Planning Commission for review at their October 27, 2020 meeting.

Their Staff Report and Meeting Minutes are attached.

County Staff had a couple of good comments on the proposed amendment:

- A. The first sentence in Section 1 of the proposed Ordinance has a typo and should be clarified.
- B. County Staff questioned proposed Section P.4. This proposed language is probably not needed, since the proposed use is a Special Use, however, it doesn't hurt to keep it in. It doesn't conflict.

There was discussion on the acreage and frontage requirements by county planning commissioners.

Approval

The Proposed language is attached, with suggested edits.

Motion to adopt Suttons Bay Township Ordinance No. ___ of 2020, as amended, an amendment to the Suttons Bay Township Zoning Ordinance to allow seasonal outdoor mazes in the Agricultural Zoning District.

SUTTONS BAY TOWNSHIP
Ordinance No. ___ of 2020

(Zoning Ordinance Amendment 20-001)

AN ORDINANCE TO AMEND SUTTONS BAY TOWNSHIP ZONING ORDINANCE
BY AMENDING ARTICLE 4 AGRICULTURAL DISTRICT.

SUTTONS BAY TOWNSHIP ORDAINS:

Suttons Bay Township Ordinance Section 1. Amendment of Article 4 Agricultural District.

Article 4, Section 4.4 is hereby amended ^{4.} and to ~~redesignate the remainder of Section 4.4.~~ ^{TO ADD A NEW SECTION 4.P AND MOVE EXISTING SECTION 4.4.P TO 4.4.Q}
The new Section 4.4.P shall be read in its entirety as follows:

P. Seasonal Outdoor Maze: may be permitted, provided:

1. Parcel Requirements

- a. The parcel must be a contiguous parcel of not less than twenty-five (25) acres with no less than three-hundred-twenty-five (325) feet of road frontage.
- b. A parking area to accommodate customers shall be provided off the public road right-of-way.

2. Setbacks

- a. A minimum fifty (50) foot setback is required between any part of a maze and any property line.
- b. A minimum fifty (50) foot setback is required between the parking area and any rear or side property line.
- c. All buildings and structures open to the public shall be not less than forty (40) feet from any right-of-way, and shall be set back at least one hundred (100) feet from any lot line.
- d. The Planning Commission may require greater setbacks if necessary to buffer adjacent properties as determined during the special land use permit process.

3. Hours/Times of Operation

- a. The hours of operation shall be between ~~7:00 AM and 8:00 PM.~~ ^{OF THE CORN MAZE SHALL NOT BE EARLIER THAN 7:00 AM OR LATER THAN 8:00 P.M.}

4. General Conditions

- a. This use is allowed in the Agricultural District as a primary use or as an accessory use to other permitted Agricultural District uses.
- b. All structures associated with the Seasonal Outdoor Maze require a Special Land Use Permit and shall have prior approval. No expansion of uses or activities

associated with the Seasonal Outdoor Maze shall be allowed unless permitted with an approved Special Land Use Permit.

Suttons Bay Township Ordinance Section 2. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Suttons Bay Township Ordinance Section 3. Effective Date:

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the township.

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

Motion by:

Support by:

Roll Call Vote: Yeas:

Nays:

Absent:

Motion Carried.

I certify that this true copy of Ordinance No. _____ of 2020 was adopted at a regular meeting of the Suttons Bay Township Board of Trustees on _____, 2020 and published in the *Leelanau Enterprise* on _____, 2020.

Date of Township Approval:

Date of Publication:

Effective Date:

Date: _____

By: _____

Sandra VanHuystee,
Suttons Bay Township Clerk

TEXT AMENDMENT REVIEW PC10-20-11 Suttons Bay Township

Text Amendment – Article 4; Adding Section 4.4P, Seasonal Outdoor Maze in Ag. District

Reviewing Entity: Leelanau County Planning Commission
Date of Review: October 27, 2020

Section 1: General Information

Date Request Received: October 20, 2020

Last Day of Review Period: November 19, 2020 (30-day review period under the Michigan Zoning Enabling Act)

Requested Action: Review and comment on proposed amendments to the township zoning ordinance Section 1; Article 4 Agricultural District.

Applicant: Suttons Bay Township Planning Commission

Section 2: Proposal

See Appendix A for a copy of the proposed text amendment.

Section 3: Other Planning Input

Township Plan: The Suttons Bay Township Master Plan (2017), does not specifically address the proposed amendment.

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

Township Planning Commission:

Notice of a public hearing was published in the Leelanau Enterprise on September 17, 2020. The public hearing was held on October 20, 2020 and it was noted that no comments or questions were received from the public during the notice period. The township planning commission passed a motion to send the amendment to the county for review.

Section 4: Analysis

Compatibility

- A. Is the proposed text compatible with other language in the zoning ordinance?
Yes
- B. Are there any issues with the proposed text (such as poor wording, confusing text, unenforceable language, etc.)?
See staff comments.
- C. Do the land uses or other related dimensional standards (height, bulk, area, setback, etc.) in the proposed text amendment(s) conflict with the existing zoning ordinance?
No

Issues of Greater Than Local Concern

- A. Does the proposed text amendment(s) include any issues of greater than local concern? Please list.
No

Comparison with Local Plans or Ordinances

- A. Do the contents in the proposed text amendment(s) conflict with the community's plan? Please list.
No

Comparison with County Plans or Ordinances

- A. Do the contents in the proposed text amendment(s) conflict with the General Plan? Please list.
No

Current Zoning District:

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

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

Section 5: Staff Comments

The proposed amendment will Amend Article 4 Agricultural District to allow Seasonal Outdoor Mazes as a new item "P" to the list of Special Uses. The new item P. outlines the parcel size requirements of not less than 25 acres (contiguous land) with at least 325' of road frontage. Parking is required off the public road and minimum setbacks are listed along with hours of operation. Under P., Item 4 it states that this use is allowed in the Agricultural District as a primary use or as an accessory use to other permitted Agricultural District uses. All structures associated with the maze require a special land use permit, as well as any expansion of uses or activities.

With the Right to Farm Act, there are some things about agriculture that can be regulated, other things that cannot, some that cannot but are delegated back to the local government, disagreement over some aspects of all this, plus some issue over what is and is not agriculture.

A further complication is some GAAMPs delegate regulation authority back to the local unit of government (but this too can change from year to year). One example includes:

A whole list of activities that are beyond the scope of GAAMPs and may be regulated by other governmental bodies, including but limited to: beer breweries, bonfires, camping, carnival rides, concerts, corn mazes, distilleries, fishing pond, haunted barns/trails, mud runs, play-scapes, riding stables, and winery/hard cider associated with Farm Markets (in the GAAMP for Farm Markets).

(Source: www.canr.msu.edu/news/righttofarmact)

Comments / Suggestions:

Staff found very little information on regulating seasonal corn mazes, through a search online. The township is treating this as a Special Use in Section 4.4 which includes other Special Uses like golf courses, commercial storage of boats and vehicles, wineries and cideries, campgrounds, and special events. Staff found it confusing that Seasonal Outdoor Mazes are listed under **Section 4.4 Special Uses** as a new item **P.**, and the proposed text includes **P. 4. General Conditions** which states the use is allowed in the Agricultural District as a primary use or as an accessory use to other permitted Agricultural District uses. Is #4 General Conditions necessary? It does not appear that other uses listed in Section 4.4 are also listed as primary use or accessory use.

The top of the Ordinance states: "Article 4, Section 4.P is hereby amended and to redesignate....." Staff questions if this should be: "Article 4, **Section 4.4.** The township is amending Section 4.4 Special Uses to 'add' the new item under letter P., and then to renumber the current letter P. to letter Q.

Appendix A – Submittal from Suttons Bay Township

**Suttons Bay
Bingham
Planning & Zoning**

P.O. Box 457
95 W Fourth Street
Suttons Bay, MI 49682
Phone: 231-271-2722

Email zoning:
zoningadmin@suttonsbaytwp.com

October 21, 2020

via email

Trudy Galla
Director, Leelanau County Planning and Community Development
8527 E. Government Center Dr., Suite 108
Suttons Bay, MI 49682

Dear Trudy,

I am forwarding to the County Planning Commission a zoning ordinance amendment for Suttons Bay Township. A Public Hearing was held at the October 20, 2020 regular meeting of the Planning Commission (noticed in the *Leelanau Enterprise* on September 17, 2020). There was no public comment submitted on any of this amendment. I will forward the draft minutes to you as soon as they are available.

This amendment is a new section which would allow for Seasonal Outdoor Mazes in the Agricultural District as a Special Land Use.

Please forward this amendment to the County Planning Commission for review.

Thank you in advance for your comments.

Kathy Egan
Contract Planner for Suttons Bay Township

A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, OCTOBER 27, 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.

EXCERPT OF DRAFT MINUTES

CALL TO ORDER

Meeting was called to order at 5:30 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: R. Miller, T. Nixon, S. Yoder, D. Hubell, C. Noonan
(via ZOOM)

Members Present: V. Goldschmidt, E. Winkelman, D. McCulloch, G. Carlson
(At Government Center) M. Black, M. Lautner

Members Absent: None.
(prior notice)

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

Public Present: S. Jones, R. Jones
(At Government Center)

Public Present: Sara Kopriva, Steve Patmore
(via phone)

CONSIDERATION OF AGENDA

Winkelman added "Change meeting dates for November and December" as "Item C" under "New Business."

Motion by McCulloch, seconded by Winkelman, to accept the agenda as amended. Motion carried 11-0.

CONFLICT OF INTEREST

Nixon stated the second item under "New Business" pertains to Suttons Bay Township which is a conflict of interest. He will be commenting, but not voting on this.

Goldschmidt commented that Host Compliance is an international corporation. Kopriva responded that Suttons Bay Township and East Bay Township in Grand Traverse County both use them. Miller stated, we are drifting into the Police Power Ordinance rather than the zoning. Winkelman questioned how you could separate them. Goldschmidt said the details in the Police Power Ordinance cover some of the concerns raised here.

Motion by Lautner, seconded by McCulloch, to forward staff report, minutes, and all comments to Elmwood Township Planning Commission. Motion carried 11-0.

Suttons Bay Twp. Text Amendment – Seasonal Corn Maze

Myer briefly reviewed the staff report, stating the request was received on October 20, 2020 from Suttons Bay Township. The proposed amendment will amend Article 4 Agricultural District to allow Seasonal Outdoor Mazes as a new item “P” to the list of Special Uses. The new item “P” outlines the parcel size requirements of not less than 25 acres with at least 325’ of road frontage. Parking is required off the public road and minimum setbacks are listed along with hours of operation. Under P, Item 4, it states that this use is allowed in the Agricultural District as a primary use or as an accessory use to other permitted Agricultural District uses. All structures associated with the maze require a special land use permit, as well as any expansion of uses or activities. Staff found very little information on regulating seasonal corn mazes, through a search online.

Lautner said she has always understood that corn mazes fall under the generally accepted agricultural management practices. Twenty-five (25) acres of contiguous land is a lot of land, most farms are getting smaller and smaller, and a lot can be done on 10 or 15 acres. Lautner concluded by saying that farm and agricultural destinations are wildly popular right now, drawing people out of the city. Winkelman said if they were to have a 25-acre requirement it would zone out a lot of people. McCulloch agreed and added, the 325’ of road frontage is inordinately large.

Patmore responded that the 25 acres of contiguous land came from the township planner and Planning Commission, after much discussion, and was a compromise. The 325 feet of frontage came about because a standard 10-acre parcel is around 330’ wide, and the planner felt they needed some kind of minimal frontage for a corn maze. It was a conscious decision to require corn mazes on relatively large parcels of land.

Lautner feels 25-acres is large, there are smaller farms in the county and people are doing unique things on them. Also, it seems someone could challenge this use under the generally accepted management practices. Patmore said the Right to Farm Act was considered and local government can regulate marketing activities. In Suttons Bay they had a person who wanted to do a commercial corn maze, and he recommended the township look at Bingham Townships language. The township does not allow corn mazes by right, and this is where the discussion started in Suttons Bay. The Planning Commission was adamant that they wanted corn mazes to be a Special Land Use with a minimum parcel size and lot width. Winkelman commented that if there was a way to reduce the size, it would allow for a lot more in the county and we could become the corn maze destination for the state of Michigan.

Miller questioned the required parking because it doesn’t say how much. How do you quantify that?

Patmore said by making it a Special Land Use, it will be determined during the Site Plan Review. The Planning Commission will review each proposal and make that determination based on how big the maze is, how many expected visitors, and what else they offer. McCulloch said why not make it between 10 and 25 acres, you can do a corn maze on 10-acres easily.

Motion by Lautner, seconded by McCulloch, to forward staff report, minutes, and all comments to Suttons Bay Township Planning Commission. Motion carried 10-0. Nixon abstained.

DRAFT

Sandy Van Huystee

From: admin@suttonsbaytwp.com
Sent: Monday, November 9, 2020 10:00 AM
To: Sandy VanHuystee
Subject: Zoom Meeting

Suttons Bay Township is inviting you to a scheduled Zoom meeting.

Topic: Suttons Bay Township Board of Trustees
Time: Nov 11, 2020 05:15 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87926811719?pwd=NHhYSkwyUDRtTWlvWHdLKzg2bzJLQT09>

Meeting ID: 879 2681 1719

Passcode: 396527

One tap mobile

+13126266799,,87926811719#,,,,,0#,,396527# US (Chicago)

+16465588656,,87926811719#,,,,,0#,,396527# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 879 2681 1719

Passcode: 396527

Find your local number: <https://us02web.zoom.us/j/kcLkhJk8xf>

Dorothy Petroskey
Suttons Bay Township
231.271.2722 ext 1