

**REGULAR MEETING
LEELANAU TOWNSHIP PLANNING COMMISSION
THURSDAY, SEPTEMBER 23, 2021
7:00 P.M.**

By Zoom Electronic Remote Access only in accordance with a Local State of Emergency Declaration
by the Leelanau Township Board and the Michigan Open Meetings Act

<https://us02web.zoom.us/j/8819825018?pwd=RU1CZkRSOGJHSkRmODILbTUyYUZYVdZ09>

Meeting ID: 881 982 5018

Passcode: 496700

Telephone Access: (312) 626-6799

TENTATIVE AGENDA

1. **Planning Commission Call to Order, Roll Call, Notation of Quorum**
2. **Approval of Agenda**
3. **Declaration of Conflict(s) of Interest**
4. **Announcements & Correspondence**
5. **Public Comment (limited to three (3) minutes per person)**
6. **Discussion / Action Items:**
 - A. Work Session #7 on RV Park & Campground Zoning Ordinance Review
 - B. Update on Master Plan Project – Community Input Survey, Community Open House, Next Steps
 - C. Approval of Meeting Minutes
 - D. Election of Planning Commission Officers
7. **Commissioner & Staff Comments**
8. **Next Meeting – October 14, 2021, 7:00 P.M.**
9. **Adjournment (2 hours unless extended by motion)**

*Meeting Packets will be available for viewing at <https://www.leelanau.gov/leelanautwpplan.asp>
A quorum of township board members may be present by electronic remote access, however, no township board business or
discussion will take place at this meeting.*

*Leelanau Township
P.O. Box 338, 119 E. Nagonaba, Northport, MI 49670
(231) 386-5138*

Zone Admin

From: John Neuman <jneumangpw@gmail.com>
Sent: Friday, September 17, 2021 12:09 AM
To: Zone Admin; Lt Super
Subject: Proposed Timber Shores RV Park

Gentlemen,

Please have this distributed to members of the Board and the Planning Commission.

I fully understand that the Planning Commission has developed and been presented much information as it pertains to the proposed RV Park on the old Timber Shores site. Please fully review the information as we get close to the end of the 180 Day Moratorium prior to writing language for the Special Use Permit. The proposed development or even a downsized version will have an impact and will change Leelanau Township and Northport forever. There is only one legitimate reason for accommodating such a development and that is you truly believe it will make Leelanau Township a better place to live, and you can articulate and defend your reasoning.

I believe the impact of such a development will have a negative impact, not only on the nearby residents, but on the community as a whole.

1. It grossly impacts the nearby property owners (over 60 within 300 feet) in many ways including: Noise, Pollution (smoke and potential impact on wells), Traffic, and Campers venturing onto a private road and properties. The noise problem is made worse by the planned water park facility. It will also reduce their property values significantly, which can only be categorized as a "taking" by the Township. The taking of monetary value from some citizens to "potentially" add monetary value to other citizens. That is not a good position to be in.

2. It will have a negative impact on the entire township and the Village of Northport. While a few merchants may benefit, it will be disastrous to the community as a whole. The ratio of full-time population to summer population will get worse. Businesses cannot get enough summer help currently and that will only get worse. Long lines at restaurants and overly crowded stores and streets will come to characterize Northport. Parking will need to be expanded and more boat trailer parking will be required at the marina. These needs can only be satisfied by paving over a good portion of Haserot Park. Northport puts on many wonderful events like: music in the park, farmers market, old car show, wine festival, etc. The venue fits the crowds nicely. The fireworks brings a huge crowd that overwhelms the village, but it only happens once a year and we manage. Imagine how the RV campers, looking for something to do, will pack into Northport for all these events. The venue is NOT large enough. Think of what differentiates Northport from other villages along M-22. What makes it special is simply it is not like them! It's that idyllic small village at the far north end of M-22 that's lovely, picturesque and special. I doubt many folks want to see that change. An RV Park of 300+, even 200 or 100 will change the Township and Northport forever. THERE WILL BE NO GOING BACK!

It is for these reasons that I support the Brovins' Amendment. With the change of a few words in the current zoning regulation, you will solve the problems spelled out above for now and into the future. The logic and reasoning clearly justifies and supports the Brovin's Amendment.

Sincerely,

John and Kathy Neuman
8202 N. Indian Camp Road
Northport

Survey thoughts from Joe DeFors
N. Shores Ct., Northport, Leelanau Township

- Degradation of our Climate is an existential crisis for our nation, our state and our township. Yet the current survey as well as our current Master Plan are totally silent on this hugely important subject. I believe that the Master Plan should include a strong statement that establishes a priority for any and all measures that move our community, and our governmental operations toward clean, environmentally friendly positions and actions.
- Leelanau Township has already shown leadership on going green, through our solar powered golf course, and solar and wind powered wastewater treatment plant. The Master Plan should reflect that we intend to continue to move forward with clean, renewable energy technologies in both township operations and in our planning and zoning for the larger community.
- In the current survey, the only question asked (#36) about renewable energy (“Leelanau Township should promote more large scale renewable energy development in the Township.”) is poorly worded and will not yield useful information. Using the words “large scale” creates a polarizing issue. It entirely eliminates measuring attitudes about mid size and smaller renewable development. I believe we should support ALL solar and other clean energy solutions for Leelanau Township!
- Energy Efficiency is a positive way of decreasing our usage of, and reliance on, fossil fuels. Yet the current survey is entirely silent on the subject. The township Master Plan should reflect that energy efficiency and clean, renewable energy solutions should be priority values for our community.
- A professionally designed 2015 survey of over 2,000 Leelanau Township households by the University of Michigan Graduate School of Natural Resources **showed that 70% of Leelanau Township households expressed that they would support a plan to reach 100% renewable energy in our Township.** This study has been shared with past planning commissions, yet we have not seen any proactive action for clean, renewable energy for our community. Worse, the current survey is entirely silent on the subject. I believe that Master Planning language should state that transitioning to clean, renewable energy is a high priority for our community in its actions, in its zoning and in its own internal operations.

Thank you for your serious consideration of these comments.

From: lawmode@comcast.net
Sent: Wednesday, September 22, 2021 12:44 PM
To: zoningadmin@suttonsbaytwp.com
Cc: LawMode@comcast.net
Subject: Brovins | RV Campgrounds and Minimum Setback

Greetings Steve,

Please distribute my comments concerning the Commercial-Resort (C-R) District text amendments to the Planning Commission (PC) members and make this part of the record for consideration at the next PC meeting.

The C-R zoning amendment work session discussion at the last PC meeting (9/9/21) leaves the impression that PC members believe that a 100' setback for campsites from adjacent residential properties is sufficient. This was the figure upon which they seemingly all agreed, notwithstanding the Suttons Bay Twp campground ordinance, which was contained in their meeting package to study as a "sample". That SB Twp ordinance requires a minimum of 300 feet (but as of right now, there is no RV campground in that Twp). Given that the Timber Shores property (zoned Commercial-Resort) is near the water and in the woods, noise readily carries from one's immediate neighbors, even with a distance of 300 feet or more.

The PC members should be mindful that an application for a "special use" (such as an RV campground) in our Twp ZO requires notice to all property owners within 300 feet, as their properties are well within the area which may be adversely affected by the use. This is another reason why a 100' setback is insufficient for 63 properties next to Timber Shores.

Rather than using a "one size fits all" approach, best to consider our Township's location, size and population density when considering zoning amendments and applications for special use. What may be suitable for a metropolitan area or township in one Michigan county may not be a good fit in ours. For example, we have a minimum of 10 acres required for 1 single family residence in districts zoned residential (and not previously platted as a subdivision). When a proposal for a reduction to 5 acres was placed on the ballot, it was soundly rejected by Leelanau Township voters (while 5 acres was the minimum in Suttons Bay Township).

At their last meeting, the PC members discussed and seemingly agreed with the planner that a 100' buffer between the adjacent residential properties and a campsite should be required. When looking at the Timber Shores project, dozens of campsites would be within 100' of my property boundary line as well as that of dozens of other residential properties. Hundreds of campsites would be within 300 feet of 63 residential properties.

In numerous instances, the ZO requires property owners located within 300' to receive notice when application is made for a zoning variance, major project approval, or amendment of the ZO. Why is such notice required in these instances? The answer is simple: Because properties which lie within 300 feet are well within the sphere of influence (and potential adverse impact) when it comes to a variance, zoning amendment, or a special use proposed by an applicant. If

there are dozens of residential properties adjacent to the applicant's, all the more reason we need protection by a buffer zone of at least 500 feet as we are all within the adverse impact zone. That's only 200' (or one residential lot in many cases) more than the 300' notice required by the ZO. Given how sound carries through our wooded area and near the water, a 100' buffer is nowhere near adequate to protect neighboring residential properties from being adversely affected.

I urge the PC members to think independently when it comes to this buffer zone item, as well as other items they are considering in the text amendment process. They should not readily accept what is suggested because that's how they do it somewhere else. One size does not fit all. With all due respect to the hired professional planner (for whom this is routine), these items are critical to our well being and the quality of life we have because this Township is so very different from the vast majority of others. The objective is to preserve and conserve, while permitting allowed principal uses of property in other zoning districts. An RV campground is not a permitted principal use in the CR districts.

When it comes to an application for a special use, such as an RV campground, the PC members must proceed with diligence to insure additional required conditions are met by the applicant, notwithstanding the general guidance being provided by the planner and others who may be involved in the process. The current ZO says, "The proposed development will have no significant adverse effect on the neighborhood area surrounding the site." LTZO Sec. 11.6 (A)(3). There is good reason for this condition.

In conclusion, the PC would do well to reject the suggested 100' buffer between an RV camping site and an adjacent residential property. Instead, please continue the discussion with a minimum 500' buffer as the starting point, whether an applicant proposes a project for either dozens or hundreds of camp sites next to a residential neighborhood.

Joan Brovins

STATE OF MICHIGAN

IN THE 13TH CIRCUIT COURT FOR THE COUNTY OF LEELANAU

NM INVESTMENT COMPANY, LLC
A Michigan Limited Liability Company, and
RVTS ACQUISITION, LLC
A Michigan Limited Liability Company

Case No. 21-10660-CZ

Hon. Kevin A. Elsenheimer

Plaintiffs,

v

LEELANAU TOWNSHIP,
A Michigan General Law Township, and
LEELANAU TOWNSHIP BOARD

Defendants.

Brion B. Doyle (P67870)
Regan A. Gibson (P83322)
VARNUM LLP
Attorneys for Plaintiffs
P.O. Box 352
Grand Rapids, MI 49501-0352
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T. Seth Koches (P71761)
Bauckham, Sparks, Thall
Seeber & Kaufman, P.C.
Attorneys for Township Defendants
470 W. Centre, Ave., Suite A
Portage, MI 49024
(269) 382-4500
koches@michigantownshiplaw.com

WHEREAS, at a mediation session held on September 17, 2021, at the Park Place Hotel and Conference Center, the parties, by and through their respective counsel, mutually and voluntarily agree to enter to this partial Settlement Agreement as follows:

1. Leelanau Township agrees to adopt text amendments to the Leelanau Township Zoning Ordinance relevant to the Timber Shores Development Project at or before its January 11, 2022 scheduled meeting;

2. Plaintiffs shall withdraw their motion for summary disposition within 7 days from the date the Leelanau Township Board of Trustees approves these terms;
3. Plaintiffs shall provide the Township Attorney, Seth Koches, at least 21 days written notice by e-mail to koches@michigantownshiplaw.com or via first class mail to 470 W. Centre Ave., Suite A, Portage, MI 49024, before filing a completed special land use application, which shall be filed with the Township Zoning Administrator, Steve Patmore, at the Leelanau Township Hall;
4. Leelanau Township will not impose another moratorium connected to the litigation unless Plaintiff files a special land use application in accordance with the notice provisions contained in paragraph 3 herein , at which time Plaintiff may re-file their motion for summary disposition in the Leelanau County Circuit Court.
5. Plaintiffs have the option to hold one (1) electronic special Planning Commission meeting with all costs, not to exceed \$1,000, paid by the Plaintiffs, to discuss the Timber Shores development project.
6. That the 90-day period to cure incomplete special land use applications contained in Section 11.6.B.3 of the Leelanau Township Zoning Ordinance is hereby tolled.
7. This Agreement is conditioned upon execution upon approval of the Leelanau Township Board of Trustees.
8. Leelanau Township Supervisor, John Sanders, and Leelanau Township Trustee, Georgie Murray, agree to continue not attending any Planning Commission meetings, review any special land use applications connected to Timber Shores and will not discuss the special land use application or proposed text amendments with members of the Planning Commission.
9. Leelanau Township and Plaintiffs will execute and record mutual releases of municipal conditions for the purpose of releasing all conditions placed on and recorded in relation to the Timber Shores Planned Unit Development (PUD) in 2006 all conditions placed on and recorded in relation to the 2006 Timber Shores Planned Unit Development (PUD) privately owned community septic system, which are attached hereto as Exhibit A.
10. That the parties who execute this patrial Settlement Agreement are authorized to do so.

Dated: _____

By: _____

Dated: _____

Its: _____

By: _____

Its: _____

Zoning Ordinance Review Schedule
RV Parks & Campgrounds in Commercial Resort District
Leelanau Township Planning Commission
September 23, 2021

- October 14, 2021 Regular PC Meeting – Partial Drafts of Amendments will be presented and discussed.
- No later than
October 27, 2021 Public Hearing Notice published in local newspaper(s).
- October 28, 2021 Regular PC Meeting – Final Drafts of Amendments will be presented and discussed.
- November 11, 2021 Regular PC Meeting – Public Hearing Date.
- November 18, 2021 Possible 2nd November PC Meeting – possible continuation of Public Hearing.
- December 9, 2021: Regular PC Meeting – possible continuation of Public Hearing – last day to meet 30 day window
for County Planning Commission.
- December 10, 2021 - January 10, 2022: 30 day period for County Planning Commission Review of Amendment(s).
- No later than
January 11, 2022: Township Board considers the adoption of Zoning Ordinance Amendments.

Note: Once adopted, the Amendment(s) must be published and are effective eight (8) days after publication.

Note: Timber Shores has the option of requesting a Special PC Meeting during this time period, at their expense, to present their plans to the Planning Commission.

DRAFT MINUTES
LEELANAU TOWNSHIP PLANNING COMMISSION
REGULAR MEETING

Thursday, September 9, 2021

7:00 p.m.

Leelanau Township Hall

119 E. Nagonaba St., Northport, MI 49670

1. PLANNING COMMISSION CALL TO ORDER, ROLL CALL, NOTATION OF QUORUM:

This meeting was conducted in-person at the Township Hall with Zoom electronic remote access.
Zoom Meeting ID: 881 0982 5018 Passcode: 496700

The Meeting was called to order by Chair Kalchik at 7:00 p.m.
He asked each member to introduce themselves.

Members Present: Steve Kalchik, Phyllis Rebori, Brian Mitchell, Tom Weber, Brigid Hart, Dave Chakroff, and Gina Harder (attended via Zoom Electronic Remote Access due to a health condition in accordance with the Michigan Open Meetings Act.)
Absent: None

Quorum Established

Staff: Zoning Administrator Steve Patmore (ZA)

Public and Officials: Approximately 18 others via Zoom Electronic Remote Access

2. APPROVAL OF AGENDA: Chair Kalchik asked if there were any additions or changes to the draft Agenda.

Motion by Mitchell to approve the draft Agenda as-presented.

Seconded by: Rebori

Discussion: None.

Motion Carried by voice vote, including Harder via remote access.

3. DECLARATION OF CONFLICT(S) OF INTEREST:

Chair Kalchik asked Commissioner's if they had any conflict of interest on any item on this agenda.
All commissioners individually stated that there was no conflict of interest.

4. ANNOUNCEMENTS AND CORRESPONDENCE:

Chair Kalchik asked Zoning Administrator Patmore if there were any Announcements or Correspondence. The following was offered:

- There is a workshop on September 29th on Agricultural Tourism and Solar Energy at the Leelanau County Governmental Center sponsored by the Leelanau County Planning Commission.
- There is a workshop on September 17th on housing development using Land Bank funds sponsored by Leelanau County at the Governmental Center. Need to RSVP.
- Email from Joe DeFors dated September 8, 2021 with accompanying Comments on the Leelanau Township Draft Planning Survey.

- Email from Philip Hallstedt dated September 1, 2021 – RE: input to the Farm Stay Campsite Survey Questions.
- Email from Craig Brigham dated September 1, 2021 – RE: RV park.
- Email from Tom Oehmke dated September 1, 2021 – RE: Oehmke – LTZO Amendment Proposal, with accompanying ten-page memorandum titled Significant Negative Impact of Timber Shores on Surrounding Residential Neighborhoods.

5. **PUBLIC COMMENT:**

Chair Kalchik asked that Public Comment be limited to three minutes with each person speaking only once, and that all comments should be kept civil.

- Gerald Schatz: No address given, Two items: First – He urges the commission to meet and discuss with the township board the need to be better aware of what the means of enforcement of zoning laws are, how effective they may be, where they may need tweaking and remedy, and what are the realistic options within the limits of due process law for defaults of commitments made under the zoning laws without basically harassing people for weeks. Second – Need to be aware that the Federal Court of Appeals has completely knocked out the last revision of the federal law ascertaining to the limits and responsibility therefore concerning waters of the United States. This includes wetlands. So we are back to where we were five years ago in which the existing law was much more protective. And that means that if you destroy a wetland then you can't just remediate that by putting a wetland elsewhere. You must pay attention to the hydrology and the tributaries. And it means that just having a setback is not enough. There is the Clean Water Act and under the laws pertaining to navigable waters you have to be concerned about what goes in the big lake and where it comes from. Doesn't think that planners have caught up to this. You will need to pay a great deal of attention. EGLE is not on top of this. You will have to take your clues from the Corp of Engineers which is the primary agency concerning waters and how you affect the waters, and the Environmental Protection Agency. Thank-you for doing all this work and attention.
- Lorraine McCurdy, 5011 N. Swede Road. Has several comments she would like to make. First, she is disappointed to continue to see commission members that are directly affected by the potential park to fail to even discuss whether they may have a conflict of interest. Second, has really been offended by comments in the paper and meetings about the derogatory description of any campers. She has made an effort and gone to several local parks. They are quiet, peaceful, and she also follows the Enterprise and they have had no reports of problems or issues reported from the Sheriffs Department on any issues that they are causing. Lastly, regarding Mr. Oehmke's report that was added to the agenda, feels that negative assumptions without any supportive truth should not be considered proof of any negative outcome for the park. Finds it ludicrous that his attachment was attached to the agenda, and doesn't feel that it should be taken seriously. She was born here, was a resident when the previous park was here. We never had as busy a business community with successful relations between the park and town. She is seeing lots of blown out of proportion statements of assumption that are not facts. Thank-you for listening.
- Heather Smith, Represents Watershed Center Grand Traverse Bay, a non-profit that advocates for clean water in Grand Traverse Bay. She stated that they work with townships to preserve and

protect the watershed. They work with townships and municipalities to adopt protective zoning provisions to ensure that we have clean water. She is commenting on agenda item #2 – the Work Session on the RV Park & Campground Zoning Ordinance Review. They see that the township is considering setback provisions, and want to state that the Watershed Center supports adopting deep waters-edge setbacks that prevent structures, buildings, and pervious surfaces from being built too close to the waters edge. When we build too close to the waters edge, especially on the Great Lakes, we are faced with buildings and structures crumbling in the water during high water years. You probably remember all the damage that happened in 2020. When we build too close to the waters edge we also jeopardize developing within this very sensitive riparian area. When we develop there we remove vegetation, and we affect habitat. As we move towards more intense storms and more unpredictable climatic events, and more variable Great Lakes water levels, it is going to be more important than ever that we adopt coastal resiliency best practices that preserve deep setbacks. We are very pleased that the township is discussing this and really support the township moving towards coastal resiliency best practices and moving things at least one-hundred feet from the waters edge. Thank-you

No additional Public Comment.

It was noted by the Chair that this would be the only opportunity in this meeting for public comment.

6. DISCUSSION/ACTION ITEMS:

A. Discuss and Approve the Community Input Survey Questions for the Township Master Plan Update

Chair Kalchik asked ZA Patmore to introduce the topic.

- The State of Michigan Planning Enabling Act requires us to have a Master Plan, and it must be reviewed at least every five years.
- Leelanau Township last updated their Master Plan in 2010.
- It was reviewed in 2015/16, and in 2016 was re-adopted.
- In 2020/21, the PC reviewed the 2010 Master Plan, and recommended unanimously that it be updated again, primarily because new Census data will be released, and the old goals and objectives were vague and hard to measure.
- The PC developed a request for proposals earlier in 2021, reviewed the proposals, interviewed two planning firms, and recommended that the township retain Beckett/Raeder (BRI) to update the Plan.
- The township board retained BRI for the Master Plan, as well as the five-year Parks & Rec. Plan.
- One of the first steps in the proposal is to conduct a Community Input Survey.
- The schedule at this time is driven by the Parks & Rec. Plan deadline. That is why it seems a little rushed.
- The meeting packet included the draft Community Input Survey questions.
- The survey results will be used by the commission to develop goals and objectives.
- He reminded the PC that BRI are better experts in formatting questions.

Patmore introduced Sara Kopriva, of BRI, who attended this meeting via Zoom.

Sara discussed the following:

- The Parks & Rec. Plan is driving the schedule at this time. The township is saving about \$500 by doing public input together.
- A draft P&R plan is due in mid-October 2021.

- Sara briefly discussed what a Master Plan consists of.
- Public Input is required - we are doing a Community Input Survey and an Open House.
- These are two different things – some questions are better suited for the Open House.
- The PC will be involved every step of the way.

Questions/Comments from the PC:

- Renewable Energy / Solar Farms discussion.
- Sustainable Tourism discussion. This is a relative new topic.
- Demographics – add a category for 75 and over
- The price of rent and homes seems low – these are tied to the Census questions.
- Zip Codes can be misleading in our area.
- The area map for Omena needs to be enlarged to Overlook Rd. These people identify with Omena.
- Definition for Commercial Resort.
- Some uses on survey are already allowed.
- Senior Recreational facilities.
- American with Disabilities Act (ADA) needs for parks. The Open House will allow people to write in their needs for each park.
- Add questions: What would you like change in the township? – what would you like to see?

Postcards with the survey link will be sent out.

One survey per browser.

Paper copies available at the township.

Flyers will be posted. PC Members encouraged to advertise to community groups.

Target final date is October 5, 2021 – will probably leave open for a week later.

Library internet users will be directed to a paper copy.

Open House is September 22, 2021 from 5-7 p.m.

The consensus of the Planning Commission was to proceed with the Community Input Survey with the comments that were offered tonight.

B. Work Session #6 on RV Park & Campground Zoning Ordinance Review

Chair Kalchik asked ZA Patmore to introduce the topic.

- The township board in March 2021 asked the PC to review and consider amendments related to RV Parks and Campgrounds in the Commercial Resort Zoning District.
- The PC has spent time reviewing the current ordinance, reviewing other community ordinances and standards for campgrounds.
- The PC has reviewed what the various rv parks and campgrounds in the area consist of, and several sites were visited informally by individual members of the PC.
- The PC compiled comparison charts of the various RV Parks and community requirements.
- The township has received data from Planner Nathan Mehmed from Williams & Works, who was retained to assist the Planning Commission.
- Planner Mehmed submitted a memo to the PC outlining some alternatives to consider.

- ZA Patmore included a clean copy of Article 7, Commercial Resort District, as amended, as well as a copy of the Suttons Bay Township Standards for Campgrounds in their Agricultural Zoning District.

Patmore reviewed the current zoning ordinance as it would pertain to a RV Resort project:

- First we would look at Article 11, Site Plan Review for the process and submittal requirements.
- After the Site Plan is deemed complete, it goes to the PC for review.
- We look at Article 3, General Provisions for setbacks and density requirements.
- We also look at the Zoning District, in this case, Commercial Resort District. Does it meet all the requirements of the District?
- We would look at Article 17 for Parking, Landscaping, & Buffering Standards.
- Certain projects would be reviewed under Article 15 – Environmental Standards.
- Finally, we would review Article 12 - Special Uses. There are standards for special uses, and there is latitude to look at impacts and set conditions.
- The PC has a lot of tools in the existing zoning ordinance, however, there are things that could be added as they relate to RV Parks and Campgrounds.

Patmore briefly reviewed the structure of Article 7 - Commercial Districts. There are currently no specific standards in the Special Use Section for RV Parks and Campgrounds. Our Planner is suggesting that certain specific conditions could go there.

Planner Nathan Mehmed, from Williams & Works, reviewed his September 8, 2021 memo:

- Setbacks, existing & alternatives.
- Density – no change
- Section 7.3.D – suggested change
- Section 7.3.E – no change – but add language to 7.3.C
- Section 7.3.F – no change - but add language to 7.3.C
- Section 7.3.G – no change recommended.

Staff is also working on definitions.

Discussion on Ordinary High Water Mark and Waterfront Setback Distance definition.

Discussion on Open Space Computations.

There were no decisions made at this meeting.

7. **Reports:**

A. Zoning Administrator – Steve Patmore:

- Patmore gave an update on permits, short term rentals, and compliance.
- Reported on transcription of meeting minutes from recordings

B. Township Board – Gina Harder:

- Noted that the auditor was working with the township.
- Special Meeting on Emergency Services Compensation
- New dog park open.
- New website under development. Need pictures of township.
- Recovery Act Grant – Leelanau eligible for roughly \$157,000.

8. Commissioner Comments:

None

9. Next Meeting : September 23, 2021:

- Continue Zoning Ordinance Review
- Election of Officers
- Meeting Minutes

10. Adjournment:

Motion by Mitchell to adjourn the meeting

Seconded by: Chakroff

Discussion: None.

Motion Carried by voice vote, including Harder via remote access.

Chair Kalchik adjourned the meeting at 8:59 p.m.

DRAFT

Planning Commission Bylaws

The following rules of procedure are hereby adopted by the Leelanau Planning Commission to facilitate the performance of its duties as outlined in the Township Planning Act, Public Act 168 of 1959, as amended.

SECTION 1: Members

A. The planning commission shall consist of 7 members, who shall be representative of major interests as they exist in the township such as agriculture, natural resources, recreation, education, public health, government, commerce, transportation and industry. The membership shall also be representative of the entire geography of the Township to the extent practicable. All members shall be qualified electors of the township. One member of the township board shall be a member of the planning commission as an ex officio member.

B. All members of the planning commission shall be appointed by the township supervisor with the approval of the township board. The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

C. The term of each member, other than ex officio members, shall be for 3 years. If a vacancy occurs on the planning commission, the vacancy shall be filled for the unexpired term in the same manner as the original appointment. A member shall hold office until his or her successor is appointed.

D. Members of the planning commission may be compensated for their services as provided by the township board. The planning commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the township planning commission, including attendance at conferences, workshops, educational and training programs, and. The planning commission shall make an annual written report to the township board concerning its operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development. After preparing the annual report, the planning commission shall prepare a detailed budget and submit same to the township board for approval or disapproval. The township board annually may appropriate and make available funds for carrying out the purposes and functions permitted under the Michigan Planning Enabling Act, and may match township funds with federal, state, county or other local government or private grants, contributions or endowments. The township board may accept and use gifts and grants for planning commission purposes. Money so accepted shall be deposited with the township treasurer in a special non-reverting planning commission fund for expenditure by the planning commission for the purpose designated by the donor. The township treasurer shall draw warrants against the special non-reverting fund only upon the vouchers signed by the chairman and secretary of the planning commission and upon orders drawn by the township clerk. The expenditures of the planning commission, exclusive of gifts and grants, shall be within the amounts appropriated by the township board.

SECTION 2: Officers

A. Selection and Tenure – At a regular meeting preceding the first June meeting of every year, the planning commission shall select from its membership a chairperson, vice chairperson and secretary and shall create and fill other offices or committees as it. All officers shall be eligible for re-election for consecutive terms in the same office.

B. Chairperson – The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the planning commission. An ex officio member of the planning commission is not eligible to serve as chairperson.

C. Vice Chairperson—The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the planning commission shall select a successor to the office of vice chairperson for the unexpired term.

D. Secretary—The secretary shall execute documents in the name of the planning commission, perform the duties hereinafter listed below, and shall perform such other duties as the planning commission may determine.

1. Minutes—The secretary shall be responsible for overseeing the recording secretary in the formation of the minutes and the maintenance of the permanent records.
2. Correspondence—The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the planning commission. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the planning commission.

E. Township Board Representative—The township board representative shall present the recommendations of the planning commission as required by the zoning ordinance, subdivision ordinance or other ordinance to the township board prior to their consideration of such request.

F. Zoning Board of Appeals Representative—The planning commission representative to the zoning board of appeals shall report the actions of the zoning board of appeals to the planning commission and update the zoning board of appeals on actions by the planning commission that relate to the functions and duties of the zoning board of appeals.

SECTION 3: Meetings

A. Regular Meetings—The planning commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the planning commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting. Notice of regular or scheduled planning commission meetings shall be posted at the principal township office within 10 days after the planning commission's first meeting in each fiscal year in accordance with the Open Meetings Act.

B. Special Meetings—Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission. The business the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests. Notice of special meetings shall be given to the

members of the planning commission at least forty-eight hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

C. Meeting Minutes and Recordings --- The meeting minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, public comment, conditions or recommendations made on any action and record of attendance.

The audiotaping of meetings shall be at the discretion of the Recording Secretary, or upon request of the Chairperson, or by majority vote of the Commission. The intent of such audiotaping would be to assist the Recording Secretary in accurately recording motions and summarizing public comment, not to provide a transcript of the meeting. If a transcript is needed a professional service will be retained.

The audiotape or digital file of a meeting shall be erased or deleted upon the approval of the Minutes of that meeting.

D. Public Records—All meetings, minutes, records, documents, correspondence and other materials of the planning commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

E. Quorum—Four members of the seven-member planning commission shall constitute a quorum for transacting business and taking official action for all matters. Whenever a quorum is not present, those present may adjourn the meeting to another time and day, in accordance with the provisions of the Open Meetings Act, or hold the meeting to consider the matters on the agenda. No action shall be taken at a meeting at which a quorum is not present.

F. Voting – Approval of a proposed master plan shall be by resolution of the planning commission carried by an affirmative vote of the majority of the planning commission. Unless required by statute, other actions or motions placed before the planning commission may be adopted by a majority vote of the membership in attendance, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member as directed by the chairperson or as required by law. All planning commission members, including the chairperson, shall vote on all matters, but the chairperson shall vote last.

G. Agenda—The chairperson shall be responsible for preparing an agenda for planning commission meetings.

H. Public Hearings - All public hearings held by the planning commission must be held as part of a regular or special meeting of the planning commission. The following rules of procedure shall apply to public hearings held by the planning commission:

1. Chairperson opens the public hearing and announces the subject.
2. Chairperson summarizes the procedures/rules to be followed during the hearing.
3. Applicant presents the main points of the application.
4. Persons speaking in support of the application are recognized.
5. Persons speaking in opposition to the application are recognized.
6. Chairperson closes the public hearing and returns to the regular/special meeting.
7. Township planner/engineer/other consultants present their report and recommendation.
8. Planning commission begins deliberation and arrives at a decision.

To ensure everyone has the opportunity to speak, the chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the chairperson allows. The chairperson may also elect to allow persons to speak only once, until

all persons have had the opportunity to speak, at which time the chairperson, in his/her discretion, may permit additional comments. The chair might also elect to place item 7 prior to item 3.

All comments by the public, staff and the planning commission shall be directed to the chairperson. All comments shall be related to the land use request; unrelated comments shall be ruled out of order.

A written notice containing the decision of the planning commission will be sent to petitioners and originators of the request.

I. Advisory Subcommittee Rules: The planning commission may appoint advisory committees whose members are not members of the planning commission.

- Composed of no more than five members of the public.
- A proposal for the creation of an advisory subcommittee may come from any member of the Planning Commission, Township Board, or general public. A potential chair and/or membership may also be proposed at that time. Approval for the creation, membership, and chair of an advisory subcommittee shall be by the Planning Commission.
- The Planning Commission may empower an advisory subcommittee to select its own chair.
- It is recommended that (non-virtual) meetings be posted 18 hours prior to the meeting at the Township Hall.
- All meetings open to the public.
- A final written report (which could consist of simply meeting notes) should be submitted to the Planning Commission and the recording secretary for entry into the minutes. Progress reports (which could be brief oral updates) should be given at each scheduled Planning Commission meeting.
- Virtual subcommittee meetings must include the TZA, who will maintain an electronic file of all such correspondence, available to the public upon request.
- Any dissenting opinion by a member or members of the subcommittee should be included in the subcommittee report.
- The role of the advisory subcommittees is strictly to provide recommendations and analysis of alternatives. They are not a decision making body, and should not record or report any votes.

J. The planning commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations. Robert's Rules of Order, Simplified and Applied, are adopted by this commission.

K. The planning commission may make use of maps, data, and other information and expert advice provided by appropriate federal, state, regional, county and municipal officials, departments, and agencies. All public officials, departments, and agencies shall make available public information for the use of planning commissions and furnish such other technical assistance and advice as they may have for planning purposes.

SECTION 4: Duties of the Planning Commission

The planning commission shall perform the following duties:

- A. Take such action on petitions, staff proposals and township board requests for amendments to the zoning ordinance as required.
- B. Take such action on petitions, staff proposals and township board requests for amendments to the master land use plan as required.
- C. Prepare an annual written report to the township board concerning its operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development.

D. Master Plan

The township planning commission shall make and approve a master plan as a guide for the development of unincorporated portions of the township. As a basis for the plan, the township planning commission shall do all the following, as applicable: (a) make careful and comprehensive surveys and studies of present conditions and future growth within the township with due regard to its relation to neighboring jurisdictions; (b) consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided; and, (c) cooperate with all departments of the state and federal government and other public agencies concerned with programs for economic, social, and physical development within the township and seek maximum coordination of the township's programs with these agencies.

In addition to the master plan, by a majority vote of the members, the township planning commission may adopt a plan for a geographic area less than the entire unincorporated area of the township if, because of the unique physical characteristics of that area, more intensive planning is necessary. The township planning commission shall hold at least 1 public hearing on the plan after giving notice.

The master plan shall address land use issues and may project 20 years or more into the future. The plan shall include maps, plats, charts, and descriptive, explanatory and other related matter. The plan shall include the pertinent items listed in MCL 125.3833, (2).

At least every 5 years after adoption of the plan, the planning commission shall review the plan and determine whether to commence the procedure to amend the plan or adopt a new plan.

- E. Prepare an annual work program and budget, to be included in the annual report.
- F. Take such actions as are required by the Township Zoning Act, Public Act 184 of 1943, as amended.
- G. Review subdivision and condominium proposals or other matters relating to land development and recommend appropriate actions to the township board.
- H. Prepare special studies and plans, as deemed necessary by the planning commission or township board and for which appropriations of funds have been approved by the township board, as needed.
- I. Attend training sessions, conferences or meetings as needed to properly fulfill the duties

of planning commissioner and for which appropriations of funds have been approved by the township board, as needed.

- J. Prepare a capital improvements plan in accordance with MCL 125.3865.
- K. Perform other duties and responsibilities or respond as requested by any township board or commission.

SECTION 5: Absences and Resignations

A. To be excused, members of the planning commission shall notify the township supervisor, planning commission chairperson or other planning commission member when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.

B. Three or more consecutive unexcused absences will lead to a reporting to the township board. MCL 125.3815, (9) states that members may be removed by the township board, after a hearing, for nonfeasance (omission of an act which a person ought to do).

C. A member may resign from the planning commission by sending a letter of resignation to the township supervisor, township board, or planning commission chairperson. A member shall hold office until his or her successor is appointed.

SECTION 6: Conflict of Interest

A. Planning commission members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:

1. A relative or other family member is involved in any request for which the planning commission is asked to make a decision;
2. The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
3. The planning commission member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance, or
4. There is a reasonable appearance of a conflict of interest, as determined by the planning commission member declaring such conflict.

B. The planning commission member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the commission. The planning commission shall by vote determine if such a conflict exists. If such a conflict exists the planning commission member should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict may absent him/herself from the room in which the discussion takes

place, unless doing so would violate his or her constitutionally protected rights to participate. He or she should not make any presentations to the planning commission as a representative of the proposal.

1. Any member may request an interpretation from the chair if there is a potential conflict of interest. The chair's ruling may be contested for affirmation by commission vote.

SECTION 7: Amendments

These bylaws may be amended at any meeting by a vote of four members of the planning commission. Any amendments shall be consistent with the Township Planning Act 168 of 1959 and its amendments, and the Township Zoning Act 184 of 1943 and its amendments.

Adopted by the Leelanau Township Planning Commission at a regular meeting December 11, 2003.

Amended by the Leelanau Township Planning Commission at a regular meeting March 11, 2004.

Editorial change to Section 1 A, changing "At the first regular meeting each January" to "At a regular meeting preceding the first July meeting of every year" made on March 12, 2004. (A later editorial change inserted the words "advisory" in front of Subcommittees in Section 3H.). Amended by the Township Planning Commission on September 23, 2004

Amended and adopted by the Leelanau Township Planning Commission at a regular meeting of December 11, 2008

Amended Section 2.A and adopted by the Leelanau Township Planning Commission at a regular meeting of May 12, 2011