

# NOTICE OF MEETING

A Regular Meeting of the Leelanau County Planning Commission (LCPC) will be held at **5:30 pm Tuesday, JULY 23, 2024** in the Leelanau County Government Center – 1<sup>st</sup> floor.

*(Please silence any unnecessary cellular/electronic devices)*

## DRAFT AGENDA

### LCPC Members

Steve Yoder  
Casey Noonan  
Melvin Black  
Craig Brown  
Rodney Brush  
Brian Fenlon  
Melinda Lautner  
Tom MacDonald  
Robert Miller  
Tom Nixon  
Francis Criqui

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CONSIDERATION OF AGENDA**

**CONFLICT OF INTEREST** (*refer to Section 3.7 of the Bylaws*)

**PUBLIC COMMENT**

**STAFF COMMENTS**

**CONSIDERATION OF JUNE 25, 2024 MEETING MINUTES** *pgs.2-5*

**OLD BUSINESS**

**NEW BUSINESS**

1. PC12-2024-03 – Cleveland Twp. Text Amendment- Parks & Private Conservation Natural Areas *pgs.6-19*
2. Annual Planning Session

**REPORTS**

1. Housing Action Committee
2. Parks & Recreation Committee

**COMMUNICATIONS**

**PUBLIC COMMENTS**

**STAFF COMMENTS**

**COMMISSIONER & CHAIRPERSON COMMENTS**

**ADJOURN**

**A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, JUNE 25, 2024, 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.**

**CALL TO ORDER**

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

**ROLL CALL**

**Members Present:** S. Yoder, T. Nixon, R. Miller, B. Fenlon, F. Criqui, R. Brush, M. Black, C. Brown, T. MacDonald, M. Lautner (5:32pm)

**Members Absent:** C. Noonan  
(prior notice)

**Staff Present:** G. Myer, Planning Director, J. Herman, Senior Planner

**Public Present:** None

**CONSIDERATION OF AGENDA**

*Motion by Nixon, seconded by Fenlon, to approve the agenda as presented. Motion carried 9-0.*

**CONFLICT OF INTEREST**

Yoder stated that he had to recuse himself from “New Business” “Item #1” because he voted on that item at the township. All members were in agreement with Yoder.

**PUBLIC COMMENT** – None.

(Lautner present)

**STAFF COMMENTS**

Myer said the first Scrap Tire and Mattress collection of this year was held on Friday at Glen Lake School and that 871 tires and 67 mattresses were collected. There was also a Household Hazardous Waste collection on Saturday at Glen Lake School with only 211 participants likely because of the rain.

**CONSIDERATION OF MAY 28, 2024 MEETING MINUTES**

*Motion by Brush, seconded by Brown, to approve the minutes as presented. Motion carried 10-0.*

## OLD BUSINESS

### PC10-2024-09-Leland Township Master Plan Review

Yoder said Planning Staff sent an email stating that the previous Master Plan that was received for last month's meeting was an older version and an updated version is presented for review. Criqui felt that the Master Plan was still incomplete. Nixon agreed, and said that none of his prior suggestions were incorporated. He would prefer an internal side yard set-back bigger than 8ft. and hopes they consider a larger yard set-back of 10 ft. Nixon expressed disappointment that Leland Township did not prepare the Master Plan well initially and the follow up was not as legitimate as it should have been. MacDonald said in regard to Chapter 6: Significant Land Use Issues, they made an effort of discussion of character. He suggested they spell it out better to define character. Yoder also felt it was an incomplete document.

Myer read an email from Township Zoning Administrator, Tim Cypher, where Cypher apologized for getting the Master Plan distribution done in a hurry and that Planning Staff accidentally received the older version. She continued, saying that Cypher stated the newest draft version was attached and the information in the last chapter was still incomplete as they did not have all of the dates established, but several of the comments received by the LCPC were addressed.

***Motion by Criqui, seconded by Fenlon, to recommend Leland Township make revisions for clarification, update the missing data, and send a complete Draft Master Plan to the County for review. Motion carried 10-0.***

### 2025-2030 CIP Draft

Myer explained the revisions and said she added a sentence under "DEFINITIONS: Capitol Improvement Program" that items over 6-years old must be revised and resubmitted by department heads if still relevant. All members agreed to the verbiage addition. Myer continued, explaining that the previous County Administrator insisted on having potential projects listed even though they were not CIP items and she asked LCPC members if they wanted them removed from page 22. Discussion ensued and Myer will look into the Allocation to Habitat for Humanity Housing Projects completion status and the chart can stay. Brown pointed out it would need to be removed from the 'Priority Level, Projected Capitol Costs, and Funding Year' chart on page 20 as well if completed.

Myer continued, saying she removed CIP Projects 2020-08 HVAC System Phase I and 2020-09 HVAC System Phase II because she was told that the County is not moving forward with those projects and instead, they will replace heat pumps as needed. The new 2025 submittals begin on page 23 which have been ranked and the reports have been updated.

***Motion by MacDonald, seconded by Criqui, to approve the Draft 2025-2030 CIP with corrections. Motion carried 10-0.***

### LCPC 2023 Annual Report

Myer said she looked into the history as requested and Lautner was correct on the 2011 Resolution. The current Planning Commission at the time created a new Planning Commission with 11 different categories. Myer asked if members had any training hours they completed in 2023 and to notify staff for updates. She lastly said that she included a page dedicated to former Planning Director, Trudy Galla, on her nomination by The Women & Planning Division of the American Planning Association for Fellowship of the American Institute of Certified Planners. Nixon pointed out an additional spacing typo and some members gave training hours.

***Motion by Nixon, seconded by Lautner, to approve the LCPC 2023 Annual Report with corrections. Motion carried 10-0.***

## **NEW BUSINESS**

### PC11-2024-10 – Solon Township- Text Amendment- PUD Density

Myer reviewed the staff report, saying that the request was received on June 13, 2024 and the last day for review is July 30, 2024. The Solon Township Draft Master Plan does not specifically address this amendment and neither does the Leelanau General Plan. She continued, saying that the Solon Township Planning Commission held a Public Hearing on April 2, 2024, at which time no public comments were received. After the Public Hearing was closed the township passed a motion to forward the approved language as published, on to the County for review. The proposed text is compatible with other language in the zoning ordinance and there were no issues of greater concern.

Myer stated that the proposed text amendment will amend SECTION 22.03 PROPERTY DEVELOPMENT STANDARDS to read as follows:

1. Density – Maximum dwelling units per net acre to be based upon the density listed in 1.a below. The Master Plan cites the PUD location areas throughout the township.

The proposed amendment will also **add** the following:

1.a The two designated areas on the north side of Solon Township are deemed by this ordinance to be one half (1/2) acres. The two PUD areas on the south side of Solon Township are designated one (1) acre.

Myer pointed out that the zoning amendment she received showed Article 27 instead of Article 22 and an additional “the” in the first sentence of 1.a. She finished by saying that the township minutes indicate that the proposed amendment is for the purpose of removing density from the proposed future land use maps to create better clarity.

MacDonald expressed general concerns in referring to the Master Plan for things like density, lot sizes, building sites etc. as opposed to having those in the Zoning Ordinance, as it can create issues of potential mistakes of changing two documents. Miller said it was unclear on what they want on “Item #8” of page 58, that ‘All utilities within a planned unit development shall be placed underground, with and in its own 10’ utility easement.’ He thought it should read as “10 ft. wide utility easement”.

Criqui suggested the density definition to include 2.a of minimum parcel size of ten acres. Black wanted clarification as to what the difference is on one half acres on the north side of town to one acre on the south side of town.

***Motion by Miller, seconded by Nixon, to forward the staff report and all comments to the Solon Township. Motion carried 9-0. Yoder abstained.***

## **REPORTS**

### Housing Action Committee

No report given.

Parks & Recreation Committee

Lautner said Kids Fish Day is on Sunday at Veronica Valley from 11:00 am – 3:00 pm.

**COMMUNICATIONS-** None.

**PUBLIC COMMENT-** None.

**STAFF COMMENTS**

Myer asked members to think of topics for the annual fall session and to send ideas to Planning Staff.

**COMMISSIONER & CHAIRPERSON COMMENTS**

Lautner said she participated in the Scrap Tire and Mattress collection and that staff was very helpful in letting her come early. Brown said the Leelanau County Road Commission is moving along with projects, they got behind on Gallivan Rd. due to rain washouts but are expected to be done by Friday.

**ADJOURN**

Meeting adjourned by consensus at 6:18 p.m.

DRAFT

**TEXT AMENDMENT REVIEW**  
**PC12-2024-03 Cleveland Township**  
**Text Amendment – Parks & Pvt. Conservation Natural Areas**

**Reviewing Entity:** Leelanau County Planning Commission

**Date of Review:** July 23, 2024

**General Information**

**Date Request Received:** July 3, 2024

**Last Day of Review Period:** August 2, 2024 (30-day review period under the Michigan Zoning Enabling Act)

**Requested Action:** Review and comment on proposed amendments to the Cleveland Township Zoning Ordinance, Article IX; Agricultural District, New Section 9.12 Parks and Private Conservation Natural Areas, and New Section 9.13 Private Forests.

**Applicant:** Cleveland Township Planning Commission  
Dean Manikas, Chairman

**Section 2: Proposal**

See Appendix for a copy of the proposed text amendments.

**Section 3: Other Planning Input**

**Township Plan:** The Cleveland Township Master Plan (2017) lists the following Goal under the heading “**AGRICULTURE**” in **Chapter 6, Goals, Objectives, and Action Steps**: “Protect agricultural lands and an enhanced rural character in Cleveland Township.” **Action Step 2** under the same heading reads as follows: “Continue to allow agricultural lands to benefit from tourism and reduce barriers to additional opportunities as appropriate, provided they do not adversely affect neighbors or the serene rural nature of the area.”

Also, the **Goal** under the heading “**ENVIRONMENT**” reads as follows: “Protect natural features that make Cleveland Township a special place to live.” **Objective 6** under the same heading reads “Protect the natural environment from the negative impacts of human actions, including air quality, shoreline activities, soil erosion, vibration, and other negative impacts.”

**Leelanau General Plan:** The Leelanau General Plan (2020) states the following in **Chapter 3 WORKING WITH NATURE**, under the heading **Policy Guideline: Working With Nature**: “Extensive and diverse sensitive natural features found throughout the County provide the foundation for the present and the future quality of life in the County. They should be protected where pristine, restored where damaged, and have access and use managed for long term sustainability.”

**Township Planning Commission:**

The Cleveland Township Planning Commission held a Public Hearing on July 3rd, 2024, at which time one member of the public questioned the procedure for reporting a violation. After the Public Hearing was closed, the following motion was unanimously passed:

***MOTION TO RECOMMEND TO THE CLEVELAND TOWNSHIP BOARD THE ADOPTION OF ZONING AMENDMENTS SECTION 9.13 PARKS AND PRIVATE CONSERVATION NATURAL AREAS AND SECTION 9.14 PRIVATE FORESTS BY STOWE AND SECOND BY MOORE. Motion passed 4-0.***

**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.)?**

No.

**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

For Current text, Link to the Township Zoning Ordinance at: <https://www.leelanau.gov/clevelandtwpord.asp>

**Section 5: History**

At a township planning commission meeting in June of 2023, residents expressed concern over the development going on by the Leelanau Conservancy at Palmer Woods Forest Reserve and the lack of zoning. At the July township planning commission meeting a resident supplied suggested zoning amendments for consideration. Since this time, the township has worked on a proposed amendment which would add two new sections in Article IX, Agricultural District.

**Section 6: Staff Comments**

The proposed amendment will **add a new** Section 9.12 Parks and Private Conservation Natural Areas to Article IX, Agricultural District.

Definitions will be added for the following:

- (a) **Park:** Any non-commercial recreational area open to the public.
- (b) **Private Conservation Natural Area:** Land protected by a private individual or entity to conserve land, water, and scenic character for ecological value and public enjoyment.

In the new Section 9.12 the following uses will be added to define the allowable uses under 9.01(h):

- (a) Visitors may use park and private conservation natural areas free of fees.
- (b) Hiking, skiing, bird watching, etc.
- (c) Human powered or limited assist biking, eBike Class 1, on designated bike trails and roadways.
- (d) Hunting and fishing is allowed and must follow all federal and state fish and game rules and regulations. Property owner written permission must also be obtained prior to these activities.

- (e) Preserve natural dark sky lighting. See Section 4.24.
- (f) Lot Coverage: At least ninety percent of the total parcel area is free of infrastructure (eg: structures, parking lot, buildings, and/or trails).
- (g) Events with attendance limited by onsite parking capacity with the owner or the owner's representative present.
- (h) School group events.
- (i) Use of Agricultural Parcel(s) as a Park and Conservation Natural Area with required setbacks for any structures, buildings, parking lots of a minimum Fifty (50) feet consistent with Section 5.08 and driveways leading to them conform with Section 4.06.

And in this new Section 9.12 the following use restriction will be added to define the use restrictions for non-property owners under 9.01(h):

- (a) All parks must have signage which, at minimum, informs guests of rules and restrictions specified below.
- (b) No littering or dumping.
- (c) No water withdrawals except as may be necessary for human health or in case of emergencies.
- (d) No bicycling, unless on designated bike trails and roadways.
- (e) No snowmobiles or other motorized off-road vehicles.
- (f) No household pets unless on a leash not exceeding 10 feet in length.
- (g) No fires.
- (h) No fireworks or explosives.
- (i) No overnight parking or camping.
- (j) No cutting, removing, destroying or disturbing any tree, shrub, or other natural vegetation, whether alive or dead, without written permission from the property owner.
- (k) No person shall remove soil, rock, or mineral without written permission from the property owner.
- (l) No person shall engage in any activity resulting in noise or vibration which shall make it obnoxious to the public interest, health or welfare.

The proposed amendment will also **add a new** Section 9.13 Private Forests to Article IX, Agricultural District.

Definitions and standards/conditions will be added for the following to define conditions for allowable uses under 9.01 (c):

- (a) **Private Forest:** A parcel of land within the Agricultural District consisting of an ecosystem or assemblage of ecosystems dominated by trees supporting other woody vegetation and species of plants and animals that require a forest habitat. A forest is not defined by its size. For example, a forest may include woodlands, woodlots, windbreaks, and shelter belt; or a forest could be a very narrow strip of planted trees along a property line; or a small patch of hardwoods.
- (b) **Forester:** Foresters are professionals who, through forestry education and practical experience, have acquired expertise in the practical application of biological, physical, quantitative, managerial, economic, social, and policy principles to the regeneration, management, utilization and conservation of forests to meet specified goals and objectives while maintaining the productivity of the forest.
- (c) **Forestry Use or Forestry Operations:** Activities related to the harvesting, reforestation, and other management activities, including but not limited to thinning, pest control, fertilization, and wildlife management, that are consistent with principles of sustainable forestry

**3. Standards/Conditions:**

- (a) Any forestry, timber harvesting or land clearing activity in a private forest shall be subject to submitting a Best Practices plan and obtaining a permit from the Zoning Administrator. This plan is written by a certified Forester.
- (b) A property owner may, without a permit, remove up to five (5) trees, per calendar year, whose diameter measures more than 6” at a height of 4.5’ above the ground, provided that the trees removed represent no more than 30% of the total number of trees on the property.



## NEW BUSINESS ITEM 1

- (c) Any tree removal more extensive than described in 2b above, requires a permit issued by the Zoning Administrator after the Zoning Administrator has received a plan for the additional tree removal prepared by a Certified Arborist or Forester.
- (d) Property owners who encounter insect infestation or trees suspected of being diseased shall contact a Certified Arborist or Forester for proper diagnosis and planning for treatment or removal. The property owner shall supply a copy of this consultant's report to the Zoning Administrator prior to removing any trees.
- (e) Exceptions to the requirements above are:
  - i. Actions made necessary by an emergency, such as a tornado, windstorm, flood, freeze, or other disaster, to prevent injury or damage to persons or property or to restore the normal use of the property.
  - ii. Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees.
  - iii. Removal of dead trees.
  - iv. Clear invasive species as defined by the DNR (<https://www.michigan.gov/invasives/id-report/plants>).
- (f) Forestry use and or operations on lots shall retain stormwater runoff on site or detain it so as to allow discharge without any impact on adjacent lands or water (Section 3.80) beyond the existing pre-use/operation runoff impact.
- (g) A professional forester qualified to submit a written plan for forest operations, forest management, timber harvesting or other tree removal shall subscribe to the Michigan Stewardship Ethic of the Forest Stewardship Program of the Michigan DNR and shall meet at least one of the following certifications: "Registered Foresters" are recognized by the State of Michigan – <http://www.Michigan.gov/Forestry> "Certified Foresters" are certified by the Society of American Foresters - <http://www.safnet.org> "ACF Foresters" are members of the Association of Consulting Foresters - <http://www.acf-foresters.org> "Forest Stewardship Plan Writers" write Forest Stewardship Plans [https://www.michigan.gov/dnr/0,4570,7-350-79136\\_79237\\_80945\\_81361---,00.htm](https://www.michigan.gov/dnr/0,4570,7-350-79136_79237_80945_81361---,00.htm) "Technical Service Providers" write plans for the Environmental Quality Incentives Program <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/technical/tsp/> "Qualified Foresters", certified by MDARD, write plans for the Qualified Forest Program.
- (h) Clearing for livestock pastureland and or crops, adhering to the State of Michigan's Right to Farm Act and its Generally Accepted Agricultural and Management Practices, is allowed without a permit.

Staff notes that the motion made following the public hearing recommends adoption of zoning amendments Section 9.13 Parks and Private Conservation Natural Areas and Section 9.14 Private Forests. Staff received zoning amendment Section 9.12 Parks and Private Conservation Natural Areas and a zoning amendment labeled Section 9.13 and 9.14 Private Forests.

**Appendix - Correspondence from Cleveland Township**

**Gail Myer**

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**From:** Dean Manikas <manikasdean@gmail.com>  
**Sent:** Wednesday, July 3, 2024 9:16 PM  
**To:** Gail Myer  
**Subject:** Cleveland Township Zoning Amendments  
**Attachments:** Section 9.13 Parks and Private Conservation Natural Areas.pdf; Section 9.14 Private Forests.pdf

Greetings Gail,

Congratulations on your permanent appointment; you have been well prepared!

On July 3, 2024. The Cleveland Township Planning Commission held a Public Hearing to gather comments on the attached amendments. After the Public Hearing closed and we finished our regular business the motion was made, and seconded to, "Recommend to the Cleveland Township Board adoption of zoning amendments 9.12 and 9.13, private parks and natural conservation areas and private forestry practices." The motion was adopted 4-0.

Next step is for the County Planning Commission and Planning Staff to review and comment. I do not know if timelines have changed but, in the past this step was completed prior to our next meeting on August 7. Please let me know when we might be scheduled for review as I may attend and two community members who worked on the amendments would like to be present.

The necessity for the amendments arose when the Leelanau Conservancy expanded trails and added a parking lot at a new parcel attached to Palmer Woods. Though an allowable use, the neighborhood became concerned about the limits on this use and thus the amendment. Forestry operations, again an allowable use, could have occurred on said parcel and we recognized the need to avoid clear cutting or other destructive practices in our agricultural district.

Please feel free to call me (Dean Manikas 517-525-4532) or write for more information or clarification.

Thank you and the Planning Commission for your expertise, time, and comments.

Dean Manikas

**Gail Myer**

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**From:** Dean Manikas <manikasdean@gmail.com>  
**Sent:** Wednesday, July 17, 2024 7:50 AM  
**To:** Gail Myer  
**Subject:** Cleveland Township  
**Attachments:** Public Hearing 7.3.2024 - Draft.pdf; Regular Minutes 7.3.2024 - Draft.pdf

Hello Gail,

Attached please find the Draft minutes (from the Public hearing and the Regular meeting) from July. Please note the amendment 9.12 parks and 9.13 Forest (the top records 9.13 but later sub heading has 9.14) are the correct numbers.

Thank you.

**CLEVELAND TOWNSHIP**  
**LEELANAU COUNTY**  
**ORDINANCE NO. 2024-1 DRAFT**  
**AMENDMENT TO THE CLEVELAND TOWNSHIP ZONING**  
**ORDINANCE**

AN ORDINANCE TO AMEND ARTICLE IX, AGRICULTURAL DISTRICT  
SECTION 9.12 PARKS AND PRIVATE CONSERVATION NATURAL AREAS  
CLEVELAND TOWNSHIP HEREBY ORDAINS:

**Section 9.12 Parks and Private Conservation Natural Areas**

**1. Definitions**

- (a) **Park:** Any non-commercial recreational area open to the public.
- (b) **Private Conservation Natural Area:** Land protected by a private individual or entity to conserve land, water, and scenic character for ecological value and public enjoyment.

**2. Intent**

- (a) The intent of this zoning provision is to allow for specific uses of parks and private conservation natural areas to preserve the natural environment, including woodlands, waters, and viewsheds for the benefit of current and future generations and as to minimize their impact on neighborhood residents while also allowing for safe access.

**3. Goals**

- (a) To protect the natural environment from the negative impacts of human actions, including air quality, shoreline activities, soil erosion, vibration, and other negative impacts.
- (b) To balance goals of protecting significant resource lands and viewsheds, with a goal of providing balanced growth with no net loss of tax base.
- (c) To maintain high standards for development to protect and preserve rural character and quality of life.
- (d) To protect agricultural lands and enhance the rural character of the township.

**4. Purposes**

- (a) To provide standard definitions related to parks and private conservation natural areas.
- (b) To provide a list of allowable park and private conservation natural area uses.
- (c) To protect the enhanced rural character of the township.

**5. Allowable Uses**

- (a) Visitors may use park and private conservation natural areas free of fees.
- (b) Hiking, skiing, bird watching, etc.

- (c) Human powered or limited assist biking, eBike Class 1, on designated bike trails and roadways.
- (d) Hunting and fishing is allowed and must follow all federal and state fish and game rules and regulations. Property owner written permission must also be obtained prior to these activities.
- (e) Preserve natural dark sky lighting. See Section 4.24.
- (f) Lot Coverage: At least ninety percent of the total parcel area is free of infrastructure (eg: structures, parking lot, buildings, and/or trails).
- (g) Events with attendance limited by onsite parking capacity with the owner or the owner's representative present.
- (h) School group events.
- (i) Use of Agricultural Parcel(s) as a Park and Conservation Natural Area with required setbacks for any structures, buildings, parking lots of a minimum Fifty (50) feet consistent with Section 5.08 and driveways leading to them conform with Section 4.06.

**6. Use Restrictions for Non-Property Owner**

- (a) All parks must have signage which, at minimum, informs guests of rules and restrictions specified below.
- (b) No littering or dumping.
- (c) No water withdrawals except as may be necessary for human health or in case of emergencies.
- (d) No bicycling, unless on designated bike trails and roadways.
- (e) No snowmobiles or other motorized off-road vehicles.
- (f) No household pets unless on a leash not exceeding 10 feet in length.
- (g) No fires.
- (h) No fireworks or explosives.
- (i) No overnight parking or camping.
- (j) No cutting, removing, destroying or disturbing any tree, shrub, or other natural vegetation, whether alive or dead, without written permission from the property owner.
- (k) No person shall remove soil, rock, or mineral without written permission from the property owner.
- (l) No person shall engage in any activity resulting in noise or vibration which shall make it obnoxious to the public interest, health or welfare.

**CLEVELAND TOWNSHIP LEELANAU COUNTY**

**ORDINANCE NO. 2024-2 DRAFT VERSION 3**

**AMENDMENT TO THE CLEVELAND TOWNSHIP ZONING  
ORDINANCE**

AN ORDINANCE TO AMEND ARTICLE IX, AGRICULTURAL DISTRICT SECTION 9.13  
PRIVATE FOREST (9.01c).

CLEVELAND TOWNSHIP HEREBY ORDAINS:

**Section 9.14 Private Forests**

1. **Purpose:** To preserve the rural nature of Cleveland Township and the Township’s Forest Conservation Areas, uses will be guided by the practical application of biological, physical, quantitative, managerial, economic, social, and policy principles to the regeneration, management, utilization, and conservation of forests while maintaining the productivity of the forest for private landowners.
2. **Definitions:**
  - (a) **Private Forest:** A parcel of land within the Agricultural District consisting of an ecosystem or assemblage of ecosystems dominated by trees supporting other woody vegetation and species of plants and animals that require a forest habitat. A forest is not defined by its size. For example, a forest may include woodlands, woodlots, windbreaks, and shelter belt; or a forest could be a very narrow strip of planted trees along a property line; or a small patch of hardwoods.
  - (b) **Forester:** Foresters are professionals who, through forestry education and practical experience, have acquired expertise in the practical application of biological, physical, quantitative, managerial, economic, social, and policy principles to the regeneration, management, utilization and conservation of forests to meet specified goals and objectives while maintaining the productivity of the forest.
  - (c) **Forestry Use or Forestry Operations:** Activities related to the harvesting, reforestation, and other management activities, including but not limited to thinning, pest control, fertilization, and wildlife management, that are consistent with principles of sustainable forestry
3. **Standards/Conditions:**
  - (a) Any forestry, timber harvesting or land clearing activity in a private forest shall be subject to submitting a Best Practices plan and obtaining a permit from the Zoning Administrator. This plan is written by a certified Forester.
  - (b) A property owner may, without a permit, remove up to five (5) trees, per calendar year, whose diameter measures more than 6” at a height of 4.5’ above the ground,

- provided that the trees removed represent no more than 30% of the total number of trees on the property.
- (c) Any tree removal more extensive than described in 2b above, requires a permit issued by the Zoning Administrator after the Zoning Administrator has received a plan for the additional tree removal prepared by a Certified Arborist or Forester.
  - (d) Property owners who encounter insect infestation or trees suspected of being diseased shall contact a Certified Arborist or Forester for proper diagnosis and planning for treatment or removal. The property owner shall supply a copy of this consultant's report to the Zoning Administrator prior to removing any trees.
  - (e) Exceptions to the requirements above are:
    - i. Actions made necessary by an emergency, such as a tornado, windstorm, flood, freeze, or other disaster, to prevent injury or damage to persons or property or to restore the normal use of the property.
    - ii. Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees.
    - iii. Removal of dead trees.
    - iv. Clear invasive species as defined by the DNR ( <https://www.michigan.gov/invasives/id-report/plants> ).
  - (f) Forestry use and or operations on lots shall retain stormwater runoff on site or detain it so as to allow discharge without any impact on adjacent lands or water (Section 3.80) beyond the existing pre -use/operation run off impact.
  - (g) A professional forester qualified to submit a written plan for forest operations, forest management, timber harvesting or other tree removal shall subscribe to the Michigan Stewardship Ethic of the Forest Stewardship Program of the Michigan DNR and shall meet at least one of the following certifications: "Registered Foresters" are recognized by the State of Michigan – <http://www.Michigan.gov/Forestry> "Certified Foresters" are certified by the Society of American Foresters - <http://www.safnet.org> "ACF Foresters" are members of the Association of Consulting Foresters - <http://www.acf-foresters.org> "Forest Stewardship Plan Writers" write Forest Stewardship Plans [https://www.michigan.gov/dnr/0,4570,7-350-79136\\_79237\\_80945\\_81361---,00.htm](https://www.michigan.gov/dnr/0,4570,7-350-79136_79237_80945_81361---,00.htm) "Technical Service Providers" write plans for the Environmental Quality Incentives Program <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/technical/tsp/> "Qualified Foresters", certified by MDARD ,write plans for the Qualified Forest Program.
  - (h) Clearing for livestock pastureland and or crops, adhering to the State of Michigan's Right to Farm Act and its Generally Accepted Agricultural and Management Practices, is allowed without a permit.



**Cleveland Township Planning Commission**

**Cleveland Township Hall, Leelanau County, Michigan**

**Draft Public Hearing Minutes, July 3, 2024**

1. **Call to Order** – Chair Manikas called the public hearing to order at 6:45 PM  
**Roll Call** – Present: Chair Dean Manikas, Board Rep Todd Nowak, Vice-Chair Paul Stowe, Commissioner Taylor Moore, and Secretary Victoria Sutherland (Zoom). Members of the public present who identified themselves: Bob DeKorne and Caleb Garone
  
2. **Public Comment and Hearing on Proposed Amendments:** Proposed amendments to Article IX, Agriculture District, adding Section 9.12 Parks and Private Conservation Natural Areas (including definitions, allowable uses, and use restrictions for non-property owners) which defines conditions for the allowable use 9.01 (h); and Section 9.13 Private Forests (including definitions and standards/conditions) which defines conditions for the allowable use 9.01(c).
  - Public comment by Bob Dekorne, shared the amendment drafts with neighbors and brought questions.
  - If a violation is seen by a neighbor, who is it reported to/how is it reported?
  - Chair Manikas stated that it could be reported to the Leelanau Conservancy and Caleb Garone from the Leelanau Conservancy stated that if it was a repeat issue the Leelanau Conservancy would communicate issues with the Leelanau Sherriff’s Department.
  - Violations can also be reported directly to the Leelanau Sherriff’s Department.
  - Feedback from neighbors was generally positive.
  - Clairifications from Chair Manikas – 5(f) – add “total parcel area” and 6(l) change “healthy” to “health”.
  
3. **Public Hearing adjourned at 7:15 PM.**

**Cleveland Township Planning Commission**

**Cleveland Township Hall, Leelanau County, Michigan**

**Draft Regular Minutes, July 3, 2024**

1. **Call to Order:** Chair Manikas called the regular meeting to order at 7:00 PM  
**Roll Call:** Chair Dean Manikas, Vice Chair Paul Stowe, Board Rep Todd Nowak, Secretary Victoria Sutherland and Commissioner Taylor Moore. Members of the public who identified themselves: Caleb Garone and Bob DeKorne.
2. **Consideration of the Agenda:** Accepted as presented.
3. **Public comment on Agenda:** None
4. **Pronouncement of any Conflict of Interest:** None
5. **Consideration of June 5, 2024, Regular Planning Commission Minutes:** Members reviewed the minutes. **MOTION BY STOWE AND SECOND BY MANIKAS TO ACCEPT THE MINUTES AS PRESENTED. Motion passed 4-0.**
6. **Report by Chair:**
  - a. Tim Stein – In regard to Secretary Victoria Sutherland, the Cleveland Township Board accepts her resignation and thanked her for her hard work. We will miss you!
  - b. There is a possible candidate to replace Secretary Sutherland.
7. **Reports and Correspondence by Members:** None
8. **Report by Zoning Administrator:**
  - a. No permits issued.
  - b. Brittany Watson, neighbor to Market 22 emailed about concerns and frustrations due to people parking along M-22 during busy times. Zoning Administrator Sheehan reached out to the owners, and they said they would be happy to discuss ideas to accommodate the neighbor. An email back to Brittany Watson has not been responded to.
  - c. Site visits for projects that need to adhere to the viewshed ordinance have been conducted.
  - d. Two phone meetings with individuals about what they could build and do on their property.
  - e. Planning a meeting with Secretary Stevenson to finish the adobe application.
  - f. Vince finished Zoning Administrator Sheehan’s new computer and will be meeting to go over features.

9. **Continuing Business: Develop plan for Agricultural District amendments – re: Park parameters and responsible forestry:**
  - a. **MOTION TO RECOMMEND TO THE CLEVELAND TOWNSHIP BOARD THE ADOPTION OF ZONING AMENDMENTS SECTION 9.13 PARKS AND PRIVATE CONSERVATION NATURAL AREAS AND SECTION 9.14 PRIVATE FORESTS BY STOWE AND SECOND BY MOORE. Motion passed 4-0.**
  
10. **Open forum Public Comment:**
  - a. **Bob Dekorne** – Thank you for your hard work.
  - b. **Commissioner Moore** – Thank you for the hard work of Bob Dekorne and Caleb Garone.
  
11. **MOTION TO ADJOURN BY NOWAK AND STOWE BY SUTHERLAND. Motion passed 4-0.**

**Adjournment at 7:06 PM.**