

A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, JULY 23, 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, M. Black, T. MacDonald, R. Brush, R. Miller, M. Lautner

Members Absent: F. Criqui, C. Noonan, C. Brown
(prior notice)

Members Absent: B. Fenlon

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

Public Present: D. Manikas

CONSIDERATION OF AGENDA

Motion by Brush, seconded by Black, to approve the agenda as presented. Motion carried 7-0.

CONFLICT OF INTEREST – None.

PUBLIC COMMENT – None.

STAFF COMMENTS – None.

CONSIDERATION OF JUNE 25, 2024 MEETING MINUTES

Motion by MacDonald, seconded by Miller, to approve the minutes as presented. Motion carried 7-0.

OLD BUSINESS- None.

NEW BUSINESS

PC12-2024-03-Cleveland Twp/ Text Amendment- Parks & Private Conservation Natural Areas

Myer reviewed the staff report, saying that the request was received on July 3, 2024 and the last day for review is August 2, 2024. The requested action is to review and comment on the 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.

Myer stated that the Cleveland Township Master Plan 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.”

Myer continued, saying that the Cleveland Township Planning Commission held a Public Hearing on July 3, 2024, at which time one member of the public questioned the procedure for reporting a violation. After the Public Hearing was closed, the township passed a motion to adopt the zoning amendments and forward on to the County for review.

Myer went into the history and said that at a township planning commission meeting in June of 2023, residents expressed concern over the development 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.

Myer stated that 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 Parks & Private Conservation Natural Area and uses will be added to define the allowable uses under 9.01(h). Also, the use restriction will be added to define the use restrictions for non-property owners under 9.01(h). The proposed amendment will also add a new Section 9.13 Private Forests to Article IX, Agricultural District and definitions will be added for Private Forest, Forester, Forestry Use or Forestry Operations to define conditions for allowable uses under 9.01 (c). Also, Standards/Conditions will be added to define conditions for allowable uses under 9.01 (c).

Myer pointed out that 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. The township may want to check their Amendment numbers.

Lautner questioned no fireworks or explosives, and said there is a state law that allows fireworks the day before, the day of and the day after a national holiday. Manikas replied and said that this is private property.

Brush expressed concerns on the definitions and said that is a grey area that could cause confusion later on. The problem with a law or rule is that it needs to be enforced equally and having vague definitions will make it harder to enforce. Brush also questioned the definitions (a) and (b) under 9.12 1. Definitions, and said if it is private then how is there public enjoyment? He said it also contradicts with 6. Use

Restrictions for Non-Property Owner (1) that no person shall engage in activity resulting in noise, saying that hunting would be allowed but not noise. He then expressed concerns for 9.13, 3.Standards/Conditions (b) asking if it is a private forest then why is there a limit of five trees for removal with a certain diameter/height?

Miller questioned the allowable uses free of fees under 9.12 and said if the Leelanau Conservancy is not raising enough money and they have to start collecting fees, do they want to govern the townships rules and should zoning get involved with fees? He noticed the proposed text amendment prohibits snowmobiles and other motorized off-road vehicles and pointed out that an electric bike has a motor. In regards to pets on a leash not to exceed more than 10 ft. in length, he asked who is going to check? He suggested the language read “pets be maintained on a leash.” Manikas said they do want to allow the lowest level of electric bikes so they will rework the verbiage for that.

Miller continued, saying that from reading the townships minutes, he thought the Leelanau County Sheriff did not have any involvement with the violation issues. Manikas said it is private property and that the violations are reported to the Leelanau Conservancy and if it was a repeated issue then they would communicate with the Leelanau County Sheriff’s Office. Miller clarified and said it is not a violation of the zoning ordinance, but simply not abiding by the rules of the owners. MacDonald had similar concerns as Miller.

Nixon suggested adding “private” to the Park definition so there is clarity to the reader. He also suggested the township look up the definition of forestry from the United States Department of Agriculture (USDA). He read from the USDA source and stated that they define forestry as one acre or greater in size, at least 120 ft. wide and has at least 10% tree coverage or formally had such tree coverage and is capable of regrowing those trees. Manikas said they worked with Ellie Johnson, Leelanau Conservation District Forester, on the definitions. Nixon also suggested removing “or a forest could be a very narrow strip of planed trees along a property line; or a small patch of hardwoods” from the Private Forest definition. Lastly, Nixon agreed with Brush on the Standards/Conditions stating that five tree removal becomes an enforcement issue.

Manikas said the township is trying to avoid commercialization with a no fee operation keeping Leelanau Conservancy in mind. He said the removal of up to five trees was a long discussion and they are targeting clearcutting so that it does not degrade the property. They are working with a forester on these matters.

Lautner asked if there was a reason why forestry or forest lands was under agriculture instead of its own section/definition. Brush suggested having a discussion on forestry zoning instead of putting these amendments under agriculture. Manikas said the only place forestry practices are allowed in their zoning ordinance is the agricultural district.

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

Annual Planning Session

Yoder said Myer provided a handout with some recommendations by Mary Reilly, MSU Government and Public Policy Educator. Lautner mentioned she heard a good presentation on renewable energy by the Mackinaw Center. Nixon suggested a presentation on taxation, assessing the value of a property and understanding the Board of Review, but also agreed with renewable energy. Black would be interested in the pros and cons of renewable energy. Yoder said renewable energy is a hot topic and that there are going to be a lot of changes come November, so it would be a good idea to see how the units of government will regulate that. In conclusion, members agreed on renewable energy for the fall Annual

Planning Session.

REPORTS

Housing Action Committee

No report given.

Parks & Recreation Committee

No report given.

COMMUNICATIONS

Myer said she provided a handout of the 2024 housing survey results for Leelanau County. She also provided a copy of an article on the unhoused in the communities nationwide.

PUBLIC COMMENT- None.

STAFF COMMENTS- None.

COMMISSIONER & CHAIRPERSON COMMENTS- None.

ADJOURN

Meeting adjourned by consensus at 6:16 p.m.