

PENINSULA TOWNSHIP

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**PENINSULA TOWNSHIP
PLANNING COMMISSION
SPECIAL MEETING MINUTES
May 23rd, 2024, 7:00 p.m.**

1. **Call to Order by Hall at 7:00 p.m.**
2. **Pledge**
3. **Roll Call**
Present: Alexander, Dloski, Hall, Hornberger, Jenn Cram, Director of Planning and Zoning
Absent: Shipman, Beard, Shanafelt: all excused
4. **Approve Agenda**
Cram requests to edit the agenda to look at the draft minutes from the Special Meeting of the Planning Commission on May 7th (site visit to Peninsula Shores). A copy is included in the packet addition and was made available to all members. Indicates that there were very minor revisions to the Peninsula Shores findings of fact, also included in the packet addition.
Motion made by Hornberger and second made by Alexander.
Motion passed by consensus
5. **Brief Citizen Comments (For Agenda Items Not Scheduled for Public Hearing): none**
6. **Conflict of Interest: none**
7. **Consent Agenda**
 - a. Approval of Meeting Minutes: Planning Commission Regular Meeting, May 7th, 2024, and Special Meeting, May 7th, 2024 - Site Visit to Peninsula Shores PUD**Hornberger moved to approve consent agenda as-is with second by Alexander.**
Motion passed by consensus
8. **Business**
 - a. Special Use Permit (SUP) #123 Peninsula Shores PUD, Amendment #5 - Public Hearing (Waters Edge Drive and Shoreline Court)**Jenn Cram, Director of Planning and Zoning for Peninsula Township: Provided a brief history on Peninsula Shores PUD, SUP #123, Amendments #1 - #4. The proposed 5th Amendment, which includes maintaining the 41 units of development, increases the open space from 65% to 66% (an addition of approximately .75 acres of open space to the center of the development) with rock outcroppings, ornamental trees, and plantings, relocating Lots 11 & 12 (to the northwest corner of the development; away from the intersection, which allows for a better view from Boursaw Road), and moving Lot 1 down to the south end of the cul-de-sac (next to proposed, reconfigured Lot 41).**

Cram guided the commission through Section 8.1.3 (1)(a) and (1)(b) (General Standards) and reminds that current zoning ordinance does not have different standards for an amendment to an SUP (versus an original SUP) so original standards are used. The underlying zoning of the development is R-1A Rural and Hillside Residential and R-1B Coastal Zone Residential. Both of these zoning districts allow for single family residential uses and the approval of a planned unit development via the special use permit process. The surrounding area is also zoned and developed similarly with properties being zoned either R-1A and R-1B. In the northwest corner, the property is zoned A-1 Agricultural which allows for residential development to support agriculture. (Notes that due to the development being located near A-1 zoning area that there is an additional 100 foot setback from new residential development to the agricultural area.) States that approved PUD and surrounding areas are predominantly residential in nature. With the approval of the 41 single family residential units and 65% open space, the requested amendment does not increase the density and actually increases the amount of private open space (66%). Thus, the proposed use of the property for single family residences does not change as a result of the requested amendments. The PUD process allows for flexibility in the physical development pattern in exchange for preserving open space. Had the property utilized a standard land division process, based on the approximately 81 acres included in the original application before the PC and Board, 55 units could have been developed with no requirement to preserve open space. The open space, as designed, successfully clustered development around two larger tracts of open space which shows the public benefit of the PUD process. This amendment connects the two areas of open space and preserves a view to the bay from Boursaw Road. When you go through the PUD process a 30 foot PUD setback from the entire PUD is required. In addition, there are setbacks within the lots that are created. So, there is a 30 foot PUD setback that currently exists. The applicant has proposed a 15 foot setback from the northern property line for Unit 11. Both the R-1A and the R-1B zone district note that the rear setback requirement is 30 feet. We discussed this at the introduction, and I heard from the Planning Commission that they agreed that the setback should be 30 feet, which would then result in a 60 foot total setback from the northern property line. (Notes that had the development not gone through the PUD process and the 55 units were proposed, the required setback from the northern property line could be as little as 15 feet.) A condition of approval is proposed that would increase that setback for Unit 11 from 15 feet to 30 feet. (Notes also that within that 30 foot setback, the applicant has already planted a double row of evergreen trees to provide a buffer to the properties to the north.) One other condition of approval brought forward from Amendment #3, is to disallow any fill on the lots on the higher side of the development. By not allowing any fill, the proposed residence(s) would be designed to be sited within the existing landscape. A 2 foot elevation increase would be allowed to accommodate entrances and positive drainage away from structures and otherwise sited to be harmonious with the rest of the development. With that, staff finds that the proposed amendments, as summarized, are harmonious and appropriate with the existing character of the general vicinity because single family residential uses are allowed and currently developed in the area. In summary: the appearance of the PUD will not change as viewed from the water or surrounding area, the larger blocks of open space are still preserved and enhanced, and a generous buffer between compatible residential uses has also been established. **Moving on to (1)(b):** “that the use will not be hazardous or disturbing to existing or future uses in the same

general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.” The proposed amendments will not change the overall character. Proposed amendments would not be hazardous or disturbing to existing or future uses in the general vicinity, as a residential use adjacent to another residential use is compatible. If that were not true, no single family homes would ever be built. Notes that no additional disturbance is anticipated other than standard construction of one or more single family residences. **Section 8.3.2 encourages developers to use a more creative and imaginative approach.** Relocating Lots 11 & 12 to the northwest corner preserves a view to the bay from Boursaw Road. Relocating Unit 1 to the south creates two smaller lots that will result in two smaller homes rather than one large home. The open space also becomes more desirable and usable for the development, and the actual percentage of open space increases from 65% to 66%. Staff finds that the spirit and intent of the original approval is also maintained. **Draws Commissions attention to section 8.1.3 (3): Specific Requirements.** For efficiency of time, highlights 8.1.3 (3)(f): “that natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.” References the May 7th site visit which made clear how new homes would be sited, where the property lines and building footprints lay, which mature trees were flagged for removal as a result of this development. Mentions that residents have expressed concern about the integrity of the slope (where Units 1 & 41 are located) but the Commission was able to assess that mature vegetation is maintaining that slope. The development of two new single family homes in this area would minimally impact existing mature trees. Asks applicant (O’Grady) if it would be possible to look again and to consider an additional condition of approval - as part of the land use permit process - that trees be flagged to prevent future unpleasant surprises. The land use permit process will keep in-check soil erosion and sedimentation control, as well as stormwater, to alleviate concerns with erosion and slope instability. It will also provide assurance that a large area of mature trees will not be disturbed, providing a good buffer to the neighbors to the west. **Moves to the approval conditions and safeguards, noted on page 10 of packet.** Five conditions of approval proposed. The change from the findings of fact that were in the original packet added condition #2: that the PUD site plan shall be revised to delineate a 30 foot setback from the northern property line for Unit 11, some additional staking for Lots 1 and 41, and having trees flagged. Condition #4: no fill shall be placed on Lots 11, 12, 1, & 41; the single family residences shall be sited to utilize the existing topography of the lots; the finished floor elevation of the residences shall be no greater than 2 feet above existing natural grade on each lot. Happy to answer any questions. Reminds Commission that the applicant is also present to answer questions.

Hall: Question regarding the restriction on the removal of mature trees: how are those restrictions developed?

Cram: Proposes personally returning to the field with applicant/developer to do additional staking and then schedule a follow-up site visit once building footprint is established, as well.

Hall: Is the goal to preserve the stability of the hillside?

Cram: Not concerned with stability because of engineering and current vegetation, but want to maintain a significant buffer to properties to the west.

Dloski: Proposed condition #4: wonders if there will be consistency with building heights (no greater than 2 feet above existing natural grade) and existing ordinance.

Cram: Asserts that it is very consistent, given the recent update to building height measurement requirements which allows for a maximum of 38 feet from average natural grade to roof peak.

Hall closes regular meeting to go to public hearing and comment.

John Jaye, 15688 Smokey Hollow Road: Could there be an invite for the neighbors when you go and inspect it and make your plans?

Cram: Sure.

Jaye: That would be great, because it does roll off fast, you know, and we don't want another Bluff Road situation. That would be nuts. So, we're concerned, that's all. There's no landings for the slope. If something makes a gush - if a tree dies because of construction equipment - there's no flat area.

Jill Lewis, 4150 Trevor Road: Smokey Hollow Estates consists of four single-family housing sites on 12.24 acres, or over 3 acres per house. It's a low-density rural development under a rural zoning classification. Our cul-de-sac is a common area used by all four property owners. The approved findings of fact for the 4th amendment found the requirement about not changing the essential character was not met because the lots at the cul-de-sac would be smaller lots located randomly next to larger lots and they reduced the buffer to adjacent properties. The 5th amendment now before you contains the exact same two lots by the cul-de-sac but also adds smaller lots on the north end of the property which further reduce the buffer to adjacent properties. How is this standard not met in the 4th amendment but is now met by the 5th amendment when the lots by the cul-de-sac are identical in each amendment? The original SUP approval found that the development should not negatively impact adjacent neighbors as the housing sites were designed to complement the existing residential use pattern. That was due to the preservation of the open space by neighboring properties. 38 of the 41 lots had additional buffers beyond the minimum required setbacks from neighboring properties. If you have not read all of the comments in the packet, please do so before making a decision on the proposed amendment. There is substantial evidence how the 5th amendment would negatively impact the neighboring properties. The findings of fact for the 4th amendment stated that the traffic noise and lighting of an additional unit is a negative impact. Adding Lot 12 by our properties and adding Lot 1 at the cul-de-sac will result in 20 more vehicles per day going by our properties and will increase the traffic going to the upper part of the development. Adding Lot 12 and 11 to be closer to our house and screened-in porch on the southern end of our house will increase noise and light. The Township's Master Plan makes preserving the rural character of the Peninsula an extremely high priority. The survey of residents found they like living here because of the rural, quiet atmosphere and the scenic views. The original SUP findings of fact noted preservation of neighboring views and the open space next to our properties as reason for approval and those items protect and preserve the rural character of our properties. Allowing the rural character of the properties to the north of the development and to the west of the cul-de-sac to be further eroded by the 5th amendment is contrary to the Master Plan and the desires of Township residents. You may think this is a minor erosion for the Township's rural character but it's continuous minor erosions that are eroding the overall rural character. There's little in the way of practical improvements in the 5th amendment and there is a reduction of the improvements for neighboring properties set forth in the original PUD. Please further the goal of the Master Plan to protect the Township's rural character and respect the balance struck by the original PUD findings of fact. Apply the ordinance as written and deny this amendment. Thanks for your consideration.

Megan Haddox, 4150 Trevor Road: I'd like to address the items the application said satisfied the standard requiring substantial improvement to property in the immediate vicinity and to the community as a whole. The applicant lists increases to and function of the open space does not increase from a practical standpoint, the lot adjustments will not cause any less building on the property, there will still be the same number of houses built, and the proposed changes will not reduce the size of the houses. Converting what is now yard space which has not or will not be built upon to open space really adds nothing of practical benefit. The proposed common space at the intersection may be a benefit to those within the development, but that is not what the standard requires. The applicant lists protecting viewsheds. The proposed open space by the intersection adds little to Boursaw Road views. You can see in that direction from only a very small portion of Boursaw Road and it will barely be visible once the surrounding lots are built on. However, the view from Smokey Hollow Road will be diminished if another lot is added at the north end. Increasing one community while decreasing another community view is not an improvement for either neighboring properties or the community as a whole. The relocation of the lot from the intersection to the north to the north end will reduce the views of neighbors to the north and the west. So, the amendment is an overall negative as to viewsheds of neighboring properties and the community as a whole. The applicant lists better flow of traffic and improved line of sight at this intersection. The applicant is generally building houses 70-80 feet from the edge of Waters Edge Drive. Presumably there is a stop sign for cars leaving Shoreline Court. Under the current plan, those cars will stop before turning and will already have a significant line of sight to the north. Further, since Waters Edge Drive veers to the east, several houses north of this intersection, cars on Shoreline Court will not be able to see any further up Waters Edge Drive under the proposed plan than they could under the current plan. Cars coming south on Waters Edge Drive will be approaching an intersection where cars coming out will stop and yield to them. If they are turning left onto Shoreline Court they will be slowing down significantly, particularly if they are larger or pulling a trailer. Given how far back from the road the houses on Waters Edge Drive are, they will already have a much greater line of sight than is required. Adding the open space won't really affect the flow of traffic or line of sight at this intersection. If there is no stop sign on Shoreline Court, the answer is simple. Add one. The applicant lists improvements to the proposed open space including outcropping, decorative trees, and plantings. Putting in trees where he is claiming to improve traffic line of sight does not make sense. Further, this landscaping is of no value or benefit to neighboring properties or the community as a whole. It only benefits development. Thus, there is no improvement set forth by the applicant in the immediate vicinity or for the Township community as a whole. Please deny this amendment. Thank you.

Craig Haddox, 4150 Trevor Road: First, I wanted to address a comment that the Planner made at the beginning of the meeting when she stated that if one house were disturbing to another house you could never build another house. The point that's overlooked is that the only ordinance section that has a disturbing requirement or standard is the PUD/SUP ordinance. The zoning districts do not have that. The develop-by-right does not have that. She also went on to say that these houses that are being moved would not be disturbing except for - and then she listed some things that I do not recall. I just wanted to point that out to you, and I leave it up to you to determine whether or not these are disturbing under the unique requirement of the PUD ordinance. Some seem to be saying that the developer can move houses within the development so long as he doesn't add sites and complies with the minimum setback requirements. Some seem to be saying that it doesn't matter whether the proposed development is better for the neighbors or not. We disagree. The ordinance provides numerous standards which need to be met. The original approval allowed the developer to have much narrower lots than were otherwise allowed. Therefore, the developer could put many

more lots in prime locations. In turn, the community and the neighboring properties received a development that is lower density that complements the existing residential use pattern, that has lots located sufficiently within the interior of the property to preserve watersheds, that preserves open space benefitting the neighboring property, and that provides a desirable living environment by preserving viewsheds from surrounding properties without significantly diminishing those viewsheds. These were in the original findings of fact. Lot location mattered to the Board. Open space location mattered to the Board. Retained viewsheds for adjoining properties mattered to the Board. The Board struck a balance between all of these factors when it originally approved the PUD. PUD amendments should carry out the objectives of the PUD. For the findings of fact for the 4th amendment, the 4th amendments did not meet the requirements for section 8.1.3(3)(c) when viewed through the lens of intent behind the original approval and prior amendments as it negatively impacted aspects of the PUD that were the basis for approval. Isn't that the case with the 5th amendment? Some have suggested that Section 8.1.3.(1)(b), which requires a substantial improvement to neighbors and the community, should not apply to amendments as it would prevent some simple amendments from being approved. Perhaps this section should not apply to an amendment that does not affect any of the original findings of fact that applied to this section. However, this section should apply when the amendment proposes changes that would eliminate or diminish the reasons why the Township determined this requirement was met in the initial approval. If other improvements are not added that offset the improvements that are being taken away, the amendment should be denied in order to maintain the balance of the original approval. That is the case with the 5th amendment. If you don't apply this section requiring substantial improvement to amendments when it is relevant to that amendment, why bother having it to begin with? A developer can propose all sorts of improvements for neighbors in order to get a development approved that is more beneficial for the developer, then incrementally take back those improvements through the amendment process. The original SUP had only one lot by us and it was at the bottom of the hill, far, far away from our house, our open space, and common area. If this amendment is approved, there will now be three houses by Smokey Hollow Estates, including two houses densely situated at the top of the hill by our open space and common area. That is a substantial negative change as to Smokey Hollow Estates from the original SUP approval. Please don't erode the justifications for the original SUP approval. Please review the original findings of fact under the substantial improvement section. Please respect the balance struck when the SUP was first approved. Please deny Amendment #5. Thank you.

Kyle O'Grady, 901 S. Garfield Avenue: Wanted to say thank you for the efforts put into this. Thanks for the briefing at the beginning of the meeting here. I appreciate everybody taking a look at it. We, of course, feel strongly that it does meet the ordinance and we kindly ask you to approve Amendment #5. I'm here for any questions. Thank you very much.

Hall closes the public hearing portion and resumes discussion in regular open meeting. Asks for questions and comments.

Dloski: I would just like to acknowledge that there were several other property owners that submitted letters to the Township. Those letters have been received and reviewed and I appreciated their comments even though they weren't presented tonight.

Hall: That's a good point. There were quite a few and I'm glad that we're getting comments from people because this is supposed to be an open process.

Cram: Thank you, Larry, for noting that, and they were included in the packet so they will be a part of the record.

Hall: Jenn, thank you for taking us through that item. Let's move on to 8 b...

Board members discuss the need to take action, request guidance.

Cram: Normally, the Planning Commission does not take action after a public hearing. This gives you an opportunity to consider the public comments made. Recommends taking action at the next regularly scheduled meeting of the Planning Commission on June 4th. However, if you feel that you have enough information in the packet to take action now, you could.

Dloski: I would not be in favor of ruling on, or making a recommendation on this tonight.

Hall: Notes that the contentious nature of the ruling in addition to absence of several Board members lends to tabling.

Motion made by Dloski with second by Hornberger, to schedule the SUP Amendment #5 request for action at the next meeting of the Planning Commission on June 4th.

Motion passes by consensus.

b. Draft Master Plan - Review of Redlines and Existing Land Use Map

Cram: Thanked commission for working with her and Sara Kopriva on moving the Master Plan closer to the finish line. Included in the packet are the latest redlines, which they would be happy to walk through. Most recently, all comments made by commissioners and the community were examined and cross-referenced to capture requested changes. Notes that formatting errors that occurred in the movement of the document across different file types will be remedied in order to make it easy to read for the public. Laura Serocki's comments will also be utilized to make further redlines and other corrections for the final check. Requests any final changes by Tuesday, end of day, in order for inclusion in the June 4th public hearing for the Master Plan.

Hall: Asks Jenn to review the complete approval process.

Cram: The next step is that one additional public hearing with the Planning Commission is held. After which, the Planning Commission would recommend it to the Township Board for adoption. The board does not have to conduct another public hearing, but likely will due to desire for public input and full transparency. At the July meeting of the Township Board, this could go before them for approval.

Hall: Just to confirm: the action you're seeking is that the Planning Commission would recommend approval to the Township Board at the next meeting (June 4th) and it would see that Board at their July meeting.

Cram: Correct. There will likely be a few more revisions - specifically under the action steps under the vision statements as additional language is needed. The June meeting may also yield changes due to public comment.

Hall: Suggests that if commissioners have minor edits to send those to Jenn directly, rather than spend the current meeting discussing those. On the other hand, if any commissioner have more significant or structural issues they should be discussed.

Cram: Asserts that the master plan team would like to walk through the existing land use map, as the commission has yet to see this version. Other comments being drafted are related to Section 9: Implementation Summary under the Action Steps on page 86. The Vision and Organizing Principle from Chapter 5 (item #2) notes: to continue to implement any policies that reduce build-out potential. We realized that the parkland additions didn't belong under that action step, so you can see that we deleted it, but we need to take a look at our land division ordinance to make sure we have tools to minimize splits. We also want to take a look at our PUD process to see if we can encourage and incentivize people to preserve more open space and develop conservatively (cites Peninsula Shores as an example) to maintain rural character and limit build-out. The other area (the 7th box down which reads: balance demand for a local hospitality industry against the need to control growth and manage traffic) was flagged by Armen (Shanafelt) about specific things that the community doesn't-want, such as short-term rentals. All these changes will be relatively minor. Sara

will walk you through changes to the Existing Land Use Map and prime you for the changes to the Future Land Use Map you'll be viewing at the June 4th meeting.

Hall: How do we determine what the community does not want? Is the community survey sufficient to that end?

Cram: Yes.

Hall: Did the survey offer a percentage of those against short-term rentals, and if so, what was that percentage?

Cram: Off the top of my head, I don't know, but the majority of the respondents were opposed.

Alexander: Should the PDR renewal in the action steps move down? (reads selection from draft master plan)

Cram: As an action step, it can be in more than one box. Excellent observation.

Dloski: I think we need to be a little careful about setting for specific uses in a Master Plan that we do not want, because some of those uses could be uses-by-right which would put us in a little bit of a problem. I would caution putting such things in the Master Plan. If we don't want a use or want to regulate a use, we have a way to do it through ordinances.

Hall: Can we use softer language such as "discouraged uses"?

Hornberger: Agrees with Dloski that entering things such as short-term rentals and wind turbines into the Master Plan doesn't allow for change.

Cram: Noted.

Dloski: Jenn, has the Township made any movement toward a corridor study of M-37?

Cram: No, but it is on the radar/list of priorities. When the Township Board conducted their strategic planning session it was identified as a priority. We are participating in the transportation planning for the region based on us becoming a metropolitan area, so we're waiting for some of those things to flesh out. I would anticipate that a corridor study would be coming very soon.

Hall: In light of recent exchanges on Nextdoor about septic field inspections for residences in Peninsula Township, two points: 1) do we have anything in the Master Plan about preservation of that type of water quality as opposed to shoreline...

Cram: I could look.

Hall: Michigan is unique among states in the US in not having statewide inspections on that sort of thing.

Cram: There has been discussion at the Township Board and that's why you're seeing discussions on social media. Maura Sanders proposed that the Township look at a Police Power Ordinance to require point-of-sale inspections. Our commissioner, TJ Andrews, was present and is looking at it from a County perspective, as they have a Health Department. Several other townships would also like to participate. Even though it's being proposed as a Police Power Ordinance, the Township Board would like the Planning Commission to have eyes on it. It may become an intergovernmental agreement between the County and the Township so that we're working collectively as a region to conduct these inspections. Just to educate everybody: it doesn't really add any additional cost. The inspection is negotiated between the buyer and the seller. I will look to see if anything is addressed in the Master Plan. I would also say that because we agreed that we weren't going to try to bring the 2021 version current, if there isn't something mentioned, that would be a placeholder for the next time we review our master plan, and we could bring that forward, and I'm sure the concept and ordinances would be further developed for us to be able to speak about. With that, I'd like to turn it over to Sara to talk about the existing land use map. I'm excited about how this map is evolving. It's clearly different from the existing zoning district map and we're going to talk about the difference between our zoning district map, the existing land use map, and future land use map.

Kopriva: On the screen is the existing land use map that we put together. It is in front of the draft master plan in your packet.

Cram: I also have blow ups, if it would be better for me to do the north and south, Sara...

Kopriva: Maybe once we start talking. Right now I think we're okay. I just want to make sure you're looking at the right map because it has different colors on it. I'll go through the difference between the maps just to make it clear. The existing land use shows the current use of the property. Then you have your zoning map. That tells you what the property is zoned, how you can pull permits; and it may or may not be related to your existing land use. Hopefully it's close but if it's not then that's when you realize the nonconformities - when you have zoning that differs from your existing land use. Then we have the future land use. Hopefully, we'll adopt a zoning map that would reflect something similar to the future land use map, since that's where we want to go and that's how we get there. To generate this map, we collected the assessing codes and the accessing data.

(Township Assessor) Sally (Murray) has properties coded as agricultural, residential, commercial, industrial, all these different uses...vacant or improved and we went through and used that coding to help start the map, essentially. We did break down the residential districts, so you'll see we have suburban-residential (0-5 acres) in orange and rural-residential (5+ acres) in yellow. We made the common areas for the subdivisions the same as whatever the subdivision is. Some common areas, as you know, may be larger but they're not going to be developed and they typically can't be split. So, it looks kind of funny when you get all of your little lines due to the common areas, so we just coded it the same as the subdivision to make it kind of seamless and work together for that. We did add on, in dark green, the land with a conservation easement which could be land held by the PDR program or in the land conservancy or a township-held easement. It's very broad, and just indicates that it's conserved in some way. We also included the agricultural protection zone, the color of which may change as it's hard to see in some parts of the Township. These areas are where PDR exists within the agricultural protection zone. Most of the public lands are owned by the Township, but there are a couple of additional public lands as well, shown in purple, most notable of which is the lighthouse at the end of the Peninsula. You'll see that we have commercially zoned land scattered where we don't have commercial areas but coded that way in the assessing world. Some of those could be wineries or other such uses. This is one way to gain a picture of the Township, so while it's important there could be some discrepancies you'll find. Where the assessor might call it ag, for example, you'll only see a house. Or the other way around where they'll grow things but aren't coded as agricultural. This is just a tool to get an idea of the land use throughout the Township. Any questions about this map? As you view this map further, if there is a parcel or area that you are questioning, feel free to circle it and we can take a closer look. Using assessing data won't net perfect results, but it's quicker than driving every road or looking at the aerial of every parcel to determine its use.

Dloski: Is the existing land use map consistent with the existing zoning map?

Kopriva: Not necessarily, no. It's independent, really, of existing zoning.

Dloski: We do have an existing zoning map then?

Hall: (refers to page 55) It says "unofficial zoning map", because we don't want people to rely on this for zoning purposes.

Kopriva: Yes. The real zoning map could change when we update the Master Plan, and as you go through the rezoning process. So, your future land use - we don't have a copy of that for you yet because I wanted to make sure you were comfortable with the existing land use map before we go through and create the future land use map. I would like to code it the same way, at least for the districts (agricultural, commercial, suburban-residential, rural-residential) that we have here for you. The biggest difference would be any of the areas within the agricultural protection zone that

we may eventually want to include in the PDR program. On the future land use map, we could code those properties that are not currently dark green (conservation land) in a way that would indicate our interest in doing so. Keep in mind that doesn't change the zoning or the use of the property, it's just our way of saying in the future, if the opportunity becomes available, we would like to put these into conservation.

Cram: One of the things we'll use - because PDR was renewed - we received 10 applications from farmers who are interested in participating so we can anticipate that, in the future, those properties may be conserved. We would, thus, see more dark green on the map. I would also guess that some of the areas currently showing up as non-conforming will be converted to conforming use areas.

Hall: In the PDR selection process are there ranking criteria?

Cram: Yes.

Hall: Are any of those ranking criteria based on what we're talking about now? For example, if you have two competing applications that are similar in all respects and one of them is in the area earmarked as prospective conservancy land and the other is not, will that make a difference?

Cram: For further clarification, only properties that exist in the agricultural preservation area qualify to participate in PDR, so there wouldn't be any parcels outside the APA - I mean, they could do a donation-of-development-rights - that would qualify. The APA criteria was created to consider soils, views, large tracts of farmland, etc...that we adopted for that area. The ranking criteria look at the conservation values, the size, the number of development rights that they wish to sell, looking to maintain one dwelling unit per 20 acres, eliminating some of the other value-added uses, are they in a viewshed, etc... The ranking criteria are identified and that's what the PDR selection committee uses to rank applications. We're working through appraisals and anticipate that in the coming years we'll see additional land preserved.

Dloski: Are we comfortable that the township has less than 1% of its land designated as commercial, either zoned or master planned? (Clarifies that he is looking at page 56) Under the designations, there is a breakdown of all the different land uses and it says (for commercial) we have 56 parcels for 19 acres which is about 1% of the land in the township. Is that going to be enough to fend off any challenges in the future?

Cram: I would need to discuss that with our legal counsel and while it's a great question, I don't have an answer for you.

Dloski: I imagine there are no vacant commercial parcels zoned in the Township.

Cram: There are parcels that are zoned commercial that have not been developed commercially.

Dloski: Is that included in the 1%?

Cram: It should be.

Dloski: In my experience, that is grossly understated as far as the mix of land use.

Cram: I will ask that question.

Dloski: Thank you. I'm not an advocate for commercial uses, but if there's a use-by-right they have the right to come in and ask that it be developed.

Hall: Is there some law? What is the legal basis for your concern that this may be too small a percentage?

Dloski: It may be an equal protection argument. In other words, "you have 19,000 acres devoted to residential, you have 56 acres devoted to commercial use - we're being excluded. It's exclusionary zoning and lack of equal protection." Just throwing it out there.

Cram: Reminds Commission that the Draft Master Plan has been published for a public hearing on June 4th and look forward to additional revisions and the draft future land use map. The materials will be made available in advance of the meeting in order that the commission has a chance to digest it.

Kopriva: Assures commission that any formatting errors are due to ongoing changes and odd spacing as items are added. Before the final document goes to print, all spelling and spacing will be corrected.

Hall: Thanks Kopriva and Cram for all their hard work on this document.

9. Reports and Updates

a. Special Use Permit (SUP) #138 Old Mission Lavender Farm, Amendment #1 - Withdrawn

Cram: We did see this proposed amendment as an introduction at our last meeting. Between that meeting and now, the applicant has withdrawn their application to amend their SUP. Some of the requested uses may be protected by the Right to Farm Act but would still require going through our process. I do believe that there remains interest in those value-added uses, so we may see an amendment to that SUP in the future.

Hornberger: Did (the applicant) work out what the deed restriction was?

Cram: Yes. The deed restriction limited the size of new structures. It's in the property and SUP files, so we have it readily available for the future.

10. Public Comments

Curt Peterson, 1356 Buchan Drive I'm suggesting that you're probably going one meeting too fast on this Master Plan. The existing map came out this week and I started looking it over. I can see, at least, what looks to be one mistake. I'd like to go back tonight and look at my records to verify that and I'll get it to you as quickly as I can. You're already talking about how we haven't even seen the future land use map. I think citizens would definitely like to see that and right now we're within the 15 day - we're less than the 15 day - notification time period so I think you need to move this. Maybe at your June 4th meeting have a public discussion, but don't call it a public hearing. Then have your public hearing after you've given out all the information for people to see and (make sure) they have their proper 15 day notification so they can review it. You're moving way too fast. Thank you.

Hall: Asks Jenn if she has any comments on the timeline for the Master Plan.

Cram: We are trying to move this through as quickly as possible because it has sat since 2021. As the draft was released in 2021 and we're required to have one additional public hearing I am okay with having the public hearing because it's been advertised. If we need to have a pause before recommending that it go before the Board we can. We can gauge the comfort level of the commission on June 4. I know that we are following our statutory responsibility. Once the draft was released in 2021, we (had) the ability to make revisions to that draft prior to adoption. I think we're okay, but I'm also comfortable pausing if the commission and the community at the public hearing feels it's necessary.

11. Other Matters or Comments by Planning Commission Members

Hall: Sara (Kopriva), thank you for all your hard work on this long-awaited opus. We're looking forward to having that done, and Jenn, thank you for everything tonight and for your work on the Master Plan.

Cram: Gives the Commission a heads up that the June 4th meeting will be robust. We will have two public hearings. In addition to the Master Plan, we will have the First Congregational Church's amendment. They will go first. After the Master Plan discussion we will follow-up discussion for

Peninsula Shores. I'd also like to bring forward the policy direction from the Shoreline Regulation Study Group.

12. Adjournment

Dloski moved to adjourn at 8:20 p.m. with a second by Alexander.

Motion passed by consensus