

Clearwater Township
Planning Commission
Regular Meeting of February 1, 2016
As approved March 7, 2016

Call to Order, Pledge of Allegiance:

Chair Parzych called the meeting to order at 7:06 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Backers, Eldridge, Fields, Parzych, Von See.

Commissioners absent:

Township officials: Zoning Administrator Molby

Public: Norm Neuenschwander, Rebecca Norris

Approval of Agenda:

Commissioner Backers added to the agenda, under New Business, consideration of proposed amended language for Ordinance #20 and proposed Parking Ordinance.

MOTION by Parzych, second by Backers, to accept the agenda as amended. Motion carried.

Call for Disclosure of Conflicts of Interests:

Chair Parzych called for commissioners to disclose any real or potential conflicts of interests. All commissioners declared no conflicts.

Approval of Minutes:

MOTION by Backers, second by Von See, to accept the minutes of January 4, 2016 as presented. Motion carried.

Public Comment for Matters Not on the Agenda:

Norm Neuenschwander – in addition to the matters added to the agenda, the Sandbar Task Force is also exploring the possibility of a “mass gathering” ordinance, such as exists in Blue Water Township. This ordinance would require a permit for mass gatherings, and would impose certain restrictions on them. Zoning Administrator Molby suggested checking with Higgins Lake and Houghton Lake, who have dealt with similar situations in the past. Neuenschwander noted that they have controlled environments, and can restrict how people get in and out. We don’t have that.

Zoning Administrator Molby – asked whether anything further had been done about the minimum dwelling area matter. Chair Parzych responded that we are waiting for Kalkaska to reach its decision.

Comments from Commissioners for Matters Not on the Agenda:

There were none.

Ongoing Permanent Business:

Article XII Signs – language review: Discussion revealed that the only regulatory differences in our current language governing signs, that could be attributed to the content of the message

rather than its purpose, were in regard to the time for removal of the several kinds of temporary signs. We understood that Michigan State Law prescribed rules for election signs, viz. they may go up 48 days before an election and must be removed within ten days following an election. We agreed to check Michigan’s Election Law, Public Act 116 of 1954, for the specific MCL number regulating election signs.

Otherwise, we agreed to standardize the time limit for removal of any temporary sign following the completion of the purpose for which it was posted. After discussion, the following motion was made:

MOTION by Backers, second by Eldridge, that the time limit for removal of any temporary sign not currently active, be fifteen days. Motion carried.

Old Business:

Medical marijuana – no new activity.

Report of Township Representative:

Report from Trustee and Clerk Eldridge: The minutes of the January 2016 Township Board Meeting were distributed to the commissioners. There will be a public hearing on February 17, at 6:30 p.m., before the regular meeting at 7 p.m. The public hearing will be with regard to the proposed Resolution 1 modifying the rules for parking along certain roadways in Clearwater Township, during the summer.

Report of ZBA Representative:

Report from Commissioner Fields: The ZBA set its regular meeting dates for the year, the second Monday of April, July, October, and January (April 11, 2016; July 11, 2016; October 10, 2016; January 9, 2017). The ZBA elected its officers for the year: Chair – Mike Gaylord, Vice-chair – Dave Lawicki, Secretary – Lucy Gerlach. The ZBA has abandoned the pursuit of being removed from the final appeals process of a special use permit denial.

Report of Zoning Administrator:

Zoning Administrator Molby – distributed his report for January 2016, which report is hereby incorporated into the record by reference, and a copy of which report is attached to the permanent copy of these minutes as [Att A].

New Business

Commissioner Backers – presented the suggested amendment to ordinance 20 as developed by the Sandbar task force. He expressed concern over the definition of “adjoining waters,” which he read:

“Adjoining waters” means the body of water of an inland lake or river which touches a road ending, public access site, or park within the Township, and which extends 400 feet outward from the shoreline of the public access site, park, or road ending, 400 feet to the right of the center of the property and 400 feet to the left of the center of the shoreline property.

The discussion that ensued among the members of the Planning Commission and members of the Sandbar Task Force revealed the high degree of complexity and confusion in pursuing any efforts to address the problems posed to the community by the behaviors rampant on the sandbar during summer weekends, especially on holiday weekends. The principal issue is the

need to determine what body has enforcement authority on the sandbar. Opinions varied widely over the extent of the township's authority beyond the high water mark at the shoreline.

It was agreed that letters of inquiry should be directed to several possible authorities: the Michigan Attorney General, the Army Corps of Engineers, the DEQ, the Kalkaska County Prosecuting Attorney, as well as our elected representatives. The purpose of these inquiries is to determine and define the enforcement authority boundaries at the shoreline of a large inland lake such as Torch Lake. Additionally, there is need to ascertain whether Torch Lake is, indeed, to be treated in the same way as Lake Michigan, or as an inland lake. It was reported to us that in spite of Torch being upstream of the Elk Rapids dam, it is considered a navigable connecting waterway to the Great Lakes.

In order for the township to have any ordinance controlling the waters of Torch Lake, we must determine exactly what authority the township has by law.

The Sandbar Task Force has also developed a Resolution Parking Ordinance that the Township Board may enact. The Board would like to know the general consensus of the Planning Commission regarding this Resolution. The County Road Commissioner, John Rogers, does support this Resolution, and if the Township Board passes it, he will take the Resolution to the State Police for consideration. The Resolution language reads:

Resolved that parking shall be prohibited from Memorial Day to Labor Day on both sides of Crystal Beach Road, from the Torch River Bridge to the Lake Street public access site, and be it further resolved that parking shall be limited from Memorial Day to Labor Day to the shoulder area of only odd-numbered lots on Torch Bridge Court, and be it further resolved that signage shall be posted to inform the public of these parking restrictions.

One drawback of a Resolution is that it does not have the force of law. After discussion, the following motion was made:

MOTION by Fields, second by Backers, to send a positive consensus of the commission to the board on the proposed resolution. Motion carried.

Closing Public Comment:

There was none.

Adjournment:

MOTION by Backers, second by Von See, to adjourn. Adjournment at 8:42 p.m.

Assignments:

- Fields to craft the modified language of Article XII for PC review at March meeting. Commissioner Backers will assist.

Next Meeting: March 7, 2016 at 7 p.m., at the Little Red Schoolhouse.

Respectfully submitted,



Tina Norris Fields
Secretary

Zoning Administration Monthly Report JANUARY 2016 Clearwater Township

1 Land Use Permits

1 Garages, Sheds *8013 RAPID CITY RD.*

Residences

Residences with Attached Garage

Pole Barns

Resident Additions

Decks, Porches, etc.

Miscellaneous, Other Buildings

9 Field Checks

2 Attorney Contacts

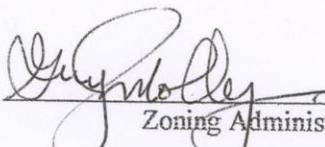
1 Planning Commission Meetings

11 Contacts with Public, Home and Land Owners *LOT SIZE, BUILD SHED, VIOLATIONS, SUBPOENA, EXTEND PERMIT, CHANGE PERMIT, LEASES, ETC.*

2 ZBA Meetings and/or Township Board Meetings

— Training Sessions

— Zoning Violations



Zoning Administrator