

Clearwater Township

Planning Commission

Regular Meeting of September 11, 2023

As approved September 25, 2023

Call to Order, Pledge of Allegiance:

Chair Von See called the meeting to order at 7:02 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Cassasa, Fields, Keyes, Leffew, Von See.

Township officials: Zoning Administrator Radtke, ZBA member Packer, Treasurer Childs, Office Administrator Blattenberger.

Public: Gary Knapp, Scot Sorenson, David Gwiazdowski, Ashley Stokes, Debbie Resinson, Carol Ingell, Scott Thompson, Ed Grobe, Sue Kelly, Christian & Anja Stoldt, Tim & Erika Rounds, Nancy & David Clair, Jill Schutte, David & Debbie Pritler, Kasia Popoc, Herbert Blattenberger, Marc Schuster, Theresa Schurman, Kevin Arietta, Mark Width, Carol Gilbert, Rob & Tawni Scott, Adam DeVaney.

Approval of Agenda:

Chair Von See explained the need to remove the Short Term Rental ordinance work from the Old Business discussion. The attorney representing the property owners group requested electronic access to this meeting and we have no Internet connection, which makes us unable to provide electronic access. Therefore, we will postpone any discussion of the matter to a later date. Chair Von See is unwilling to put the township or any of its officials in legal jeopardy by proceeding with the matter absent the participation of Attorney Matt Wikander.

Here followed a session of questions, objections, and accusations from the public concerning the apparent lack of progress in resolving the issues pertaining to short term rentals within the township. Although this is a regularly scheduled meeting of the Planning Commission, someone had erroneously advised the public on Facebook that it was to be about short term rentals. Some thought that the Planning Commission had already received the draft police power ordinance back from the Township Board, with instructions for action, which was incorrect.

MOTION by Leffew, second by Keyes, to accept the agenda with the subtraction of any discussion about short term rentals. Motion carried.

MOTION by Fields, second by Leffew, to set a special meeting on September 25, 2023, at 7:00 p.m. in the Community Center (aka the Little Red Schoolhouse), for discussion short term rentals. Motion carried.

[Post meeting note: the meeting venue is moved to the Township Hall.]

Call for Disclosure of Conflicts of Interests:

All declared no conflicts of interests with any item on the agenda.

Approval of Minutes:

MOTION by Casassa, second by Leffew to accept the minutes of August 7, 2023, as presented. Motion carried.

MOTION by Leffew, second by Keyes, to accept the minutes of August 29, 2023, as presented. Motion carried.

Public Comment for Matters Not on the Agenda:

Carol Ingell - Related her experience with neighboring party and loud noise late into the night. The revelers declared they could be as loud as they wanted for as long as they wanted because, they said, Clearwater Township has no noise ordinance. She contacted the non-emergency telephone number around 2:30 a.m. and was told that Clearwater Township has no noise ordinance, but since it was so late in the night, someone would be sent out to help with the situation.

Clearwater Township Ordinance 29 is the Noise Ordinance and it is posted on the township website. It prohibits loud noise at any time of the day or night with certain exceptions for holidays, emergency vehicles, lawful farming activities, township events, and the like – and in those cases, has limits on the permissible time – in no case past 11:45 p.m.

Joanne Childs – Announced that a Public Safety Committee was formed a few months ago to address such problems within the township, and she welcomed people to participate. The Committee meets the third Monday of each month at 7 p.m.

Jeff West – Commented that the statutory role of the Sheriff's Department is to transfer prisoners between jail and court. It does not include providing our community with road patrol. He expressed gladness that the Public Safety Committee is active and stated his conviction that we need our own officer.

Commissioner Comment for Matters Not on the Agenda:

Jim Leffew – Stated that concerns over how the county handles road and safety issues may be brought to the County Board of Commissioners, who meet on the third Wednesday of each month at 6 p.m. in the Kalkaska County Building.

Correspondence for Matters Not on the Agenda:

Secretary Fields – Provided to the members of the Commission, a copy of Amendment 12 to Ordinance 22 (Zoning). This Amendment rezones parcel 40-004-016-047-00 from Recreational to Commercial-Light-Industry. It was enacted August 17, 2023, published August 24, 2023, and became effective September 1, 2023.

Commissioner Casassa – Inquired about proposed Amendment 11 to Ordinance 22 (Zoning) that created the designation for Short Term Rentals. Fields responded that it has not been acted on by the Township Board and we've been cautioned against adopting the Zoning

Ordinance amendment until the police power ordinance regulating Short Term Rentals is adopted.

Old Business:

Trustee Keyes – Regarding ongoing ordinance work, he will comment under the Township Board Representative report.

Report of Planning Commission Chair:

No report

Report of Township Representative:

Trustee Keyes. – Reported that the Township Board did vote to send the proposed Short Term Rental police power ordinance back to the Planning Commission for more review, as not having “enough teeth.” The Supervisor did not specify what “teeth” the ordinance lacks. It is unclear why the ordinance did not stay with legal counsel for complete review and recommendations. At this point, there are no specific instructions to the Planning Commission – just to improve it.

Report of ZBA Representative:

Commissioner Casassa. – The ZBA will meet October 9, 2023.

Report of Zoning Administrator:

Zoning Administrator Radtke – Following up on land use permits, and accumulation of miscellaneous debris. Working with someone on a peddler’s license. Being yelled at for telling people what they can and can’t do on their property.

New Business

Ashley Stokes – Asked the Planning Commission to consider amending Ordinance 22 (Zoning) to permit private homeowners to have personally owned campers available for temporary use on their property for visiting family members and friends. Section 13.02.H limits the use of campers for temporary living space to while a permanent home is being built. She suggested an amendment to allow temporary personal use of campers where the home already exists.

Chair Von See noted that her website indicates she is an AirBnB business. Also, it advertises parking on the street. Moving to the public comment section, Chair Von See entertained discussion and questions from the public.

Closing Public Comment:

Planning Commission members and the Zoning Administrator detailed the differences in uses permissible within the Residential Single Family (R-1) zoning district and other districts. Uses are more tightly restricted within the R-1 district. The meaning of a “permissive” ordinance was explained – only those things permitted are allowed, everything else is prohibited.

Ms. Stokes acknowledged the AirBnB business, but maintained that her question has to do with when the owner is making personal use of the property and hosting family members and

friends. The question was raised as to how the township authorities would know when the property was being used privately rather than commercially and who would do the policing.

The public expressed concerns about septic systems being overwhelmed by too many people in a house or on a property at one time, Health Department septic regulations, massive parking issues, and people just trying to make money without regard for the impact on the neighbors or the area's land and water resources. The suggestion was made that the township consider creating its own public campground. Finally, there was a plea for us to remember the reason for having an R-1 district and to protect its sanctity.

Adjournment:

MOTION by Fields, second by Casassa, to adjourn. Adjournment at 8:24 p.m.

Assignments:

- Fields to timely prepare the notice for the special meeting of September 25, 2023, post it on the township website, and provide it to the Clerk's office for physical posting on the doors of the Clearwater Township Hall and Community Center.

Next Meeting: Special meeting: September 25, 2023, at 7:00 p.m. in the Clearwater Township Hall.
Regular meeting: October 2, 2023, at 7:00 p.m. in the Clearwater Township Community Center (aka the Little Red Schoolhouse).

Respectfully submitted,



Tina Norris Fields

Secretary