

Clearwater Township
Planning Commission
Regular Meeting of March 4, 2024
As approved April 1, 2024

Call to Order, Pledge of Allegiance:

Chair Packer called the meeting to order at 7:07 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Casassa, Fields, Garrock, Keyes, Packer.

Commissioners absent:

Township officials: via Zoom, Clerk Johnson.

Public: Onsite: Rebecca Norris, Jim Leffew, Adam DeVaney; Online: Theresa Schurman, Kevin Arietta.

Approval of Agenda:

Add under New Business: 1) review of Terry Lamar Special Land Use Permit Application, and 2) review wording in Ordinance 29, Section 6.b about violations.

MOTION by Casassa, second by Packer to accept the agenda as amended. Motion carried.

Call for Disclosure of Conflicts of Interests:

None.

Approval of Minutes:

Any corrections? Mention under Old Business on the second page 13.02 should be 13.03.

MOTION by Garrock, second by Packer to accept the minutes of February 5, 2024 as corrected. Motion carried.

[Post meeting note: There was no Old Business in the minutes of February 5, 2024. The correction actually applied to the minutes of January 8, 2024. The correction has been made.]

Public Comment for Matters Not on the Agenda:

Adam DeVaney – commented that he appreciates the work done by Marv Radtke, that he has been professional, impartial, and principled.

Commissioner Comment for Matters Not on the Agenda:

Trustee Keyes – expressed concern that he was not fully prepared for the Township Board meeting and may have added confusion to the handling of Amendment 14 to Ordinance 22. Commissioner Fields offered reassurance that Amendment 14 was passed by the Township Board, published in the Elk Rapids News and the Review on February 29, 2024, and becomes law on Friday, March 8, 2024.

Commissioner Fields – commented that when the township website was switched over to its new location and host, some things didn't go over: 1) the archive of amendments to Ordinance

22 Zoning, and 2) approved minutes of the Planning Commission prior to 2020. She explained that Ree Schilling, from Membershipware.com, has assisted in setting up the space for all these documents. Fields has completed the amendments archive and back-filled the minutes to 2015. The Commission was created in 2007 and she is completing that back-filling.

Commissioner Packer – brought up the need to begin work on review and update of the Master Plan. We will add the Master Plan update work to our meeting agenda, beginning with the April 1, 2024 meeting. We will ask Greg Bradley if he will provide the Fire Department portion for the plan. Commissioner Fields still has an updated to do for the color-coded zoning map before forwarding it to Dr. Grobbel to assist in his crafting of the future land use map. We will send out notification to the county and surrounding townships that we are in the process of updating our Master Plan and invite their input. We will also hold a public forum to gather input for the plan.

Correspondence for Matters Not on the Agenda:

Helena Township has sent us a letter notifying us that they are beginning the review of their Master Plan, and inviting our input.

Old Business:

There was none.

Report of Planning Commission Chair:

No report.

Report Representative from the Township Board:

Trustee Keyes – reported that the Kilian and Schellie special land use permit applications were approved by the Board with the conditions recommended by the Planning Commission, including having those conditions recorded with the Register of Deeds. The rezoning of the Malin property was approved, as recommended by the Planning Commission. The Board also favors the conditions that are likely to be applied to Malin's site plan when it comes up for review. The Township Board also agreed with approval of the Copeland land use permit application.

Report of Representative to the ZBA:

Commissioner Casassa – reported that the ZBA has not met since the January meeting. They will be meeting in April. At this moment, there is nothing on the agenda.

New Business

Lamar special use permit application – property at 7125 Gillet Road NW, requesting permit to add a second dwelling for her brother's family to occupy. The property is zoned Agricultural and a second dwelling is permitted in that zone, subject to the following conditions (Ordinance 22, Article XVII, Section 03.M:

17.03.M. Supplementary Dwelling, subject to the following provisions:

1. A single supplementary dwelling may be permitted for the purpose of housing members of the immediate family of the property owner, or to house workers employed to harvest farm or forest crops grown on the premises.
2. Said supplementary dwelling shall meet the standards of Section 17.02.A and the standards of ARTICLE XXIV.
3. In connection with a Special Use Permit application, applicant shall submit an affidavit attesting that the subject land parcel containing the primary dwelling and the supplementary dwelling will not subsequently be split or divided in a manner that results in a dwelling on a parcel of land that does not meet the area, frontage, and setback requirements of this Article.
4. In the event of approval of the Special Use, the applicant shall cause to be recorded the Special Use Permit including the affidavit of Section 17.03.M.03 above, which affidavit shall be identified as a deed restriction running with the land. A copy of this recorded instrument shall be conveyed to the Zoning Administrator by the applicant prior to the issuance of a Land Use Permit.

The Commission reviewed the application for accuracy and completeness. Two concerns were identified:

- 1) The hand-drawn site plan is inadequate – dimensions and placements are not clear, and one trailer appears to encroach on the required side setback of 30 feet.
- 2) The zoning ordinance requires an affidavit stating that if this application is permitted, the land will not subsequently be split in a manner that contravenes the law.

Chair Packer has prepared a draft of the affidavit language to offer the applicant. The Commission agreed with that idea. Chair Packer will reach out to Mrs. Lamar with these two concerns as well as to learn who else is living on the subject property. If the results of that outreach are satisfactory, we plan to hold a public hearing on the permit application at our next regularly scheduled meeting.

MOTION by Fields, second by Casassa, to set a public hearing for the Planning Commission's regular meeting of April 1, 2024, contingent on satisfactory resolution of the two items of concern. Motion carried.

Noise or wording in section 6.b – the current wording for this section is:

6(b). Each day this Ordinance is violated shall be considered a separate violation.

A recent encounter between the Sheriff's Deputy and an individual who had violated the ordinance has raised concern about the wording. The violator asked how many tickets he could receive and the Deputy said one for each day. The violator then went back to his stereo and cranked it up, since he had already received his ticket for the day. The Township Board would like suggestions on rewording this section so as to close up this apparent loophole.

Chair Packer offered a rewording for discussion, which ultimately became:

Each offense verified by a designated enforcement official shall constitute a separate violation.

The designated enforcement officers are defined as the Township Supervisor, the Township Zoning Administrator, the Sheriff's Deputy, and the Township Zoning Enforcement Officer.

In discussion, it was noted that the first violation carries a fine of \$100; the second violation \$250; and the third violation \$500 - within 2 years. The penalties seem strict enough. Secretary Fields will transmit this suggestion to the Township Board via memo.

Closing Public Comment:

Becky Norris – said she encourages the Planning Commission to find a way to use the big TV set for the online meeting. Trustee Keyes said he would bring up to the Township Board the possibility of a newer TV. Jim Leffew commented that the TV does work well with a cable connection, just not wirelessly. Changing the position of the Commission table and chairs would allow a direct connection.

Adjournment:

MOTION by Fields, second by Garrock, to adjourn. Adjournment at 8:12 p.m.

Assignments:

- Fields to see to the timely notice publication and posting of the planned public hearing.
- Fields to send memo to the Township Board with suggested wording for Noise Ordinance Section 6(b).

Next Meeting: April 1, 2024, at 7 p.m., in the Clearwater Township Community Center (aka the Little Red Schoolhouse).

Respectfully submitted,



Tina Norris Fields
Secretary