

**Clearwater Township**  
Planning Commission  
Regular Meeting of November 6, 2017  
As approved December 4, 2017

**Call to Order, Pledge of Allegiance:**

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

**Roll Call of Members and Recognition of Visitors:**

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

Township officials: Zoning Administrator Molby

Public: Archie Kiel, Jule Moore

**Approval of Agenda:**

**MOTION** by Parzych, second by Von See, to accept the agenda as presented. Motion carried.

**Call for Disclosure of Conflicts of Interests:**

Chair calls for commissioners to disclose any real or potential conflicts of interests. All commissioners declared none.

**Approval of Minutes:**

**MOTION** by Backers, second by Von See, to accept the minutes of October 2, 2017 as presented. Motion carried.

**Public Comment for Matters Not on the Agenda:**

There were none.

**Commissioner Comment for Matters Not on the Agenda:**

Commissioner Fields – listed the terms that are expiring (Backers, Fields, Von See), and determined that each commissioner is willing to serve again. She will so advise the Township Board.

**Ongoing Permanent Business:**

The current focus of attention is on the Medical Marijuana Facilities Licensing Act, and whether the township should opt-in, opt-out, or do nothing at this time. Discussion covered many topics:

- 1) That the state has not completed work on the law and guidelines for implementation;
- 2) that lawsuits are being launched against townships that have resolved to opt-out, on the grounds that they are violating the existing farm bill, which includes industrial hemp as an agricultural product;
- 3) that Farm Bureau is stepping in to offer insurance to marijuana-related businesses;
- 4) that the application fee for this business is non-refundable, while that is not true for other businesses in the state;

- 5) that Michigan's LARA has said the highest price for any business license in the state is \$50,000 for a high-risk liquor license, yet wants to charge \$150,000 for a Class C marijuana grower's license;
- 6) that the application fees are not fixed, but will depend on the number of applications received;
- 7) that a petition to put legalization of marijuana on the ballot for the November 2018 election, is making its way through the signature and validation process;
- 8) that the potential burden on the township, for certifying that marijuana-related businesses are in compliance, is not known until a cost-benefit analysis can be done.
- 9) that recommendations received from different sources disagree on whether it is wiser to resolve to opt-out, or choose to do nothing at this time;

Eldridge indicated that the Township Board intends to act on the matter when it meets on November 15, to either opt-in or opt-out, and that the Board wants the recommendation of the Planning Commission on the matter.

Deputy Clerk Moore indicated that the Township Attorney recommended opting-out by resolution, which does not preclude opting-in at some future time. Moore indicated that this advice is because, if there's anything in the township's history acting on medical marijuana regulation, the township is in jeopardy unless it has officially opted-out. There was discussion about whether the township has ever taken any official action on medical marijuana. There was a proposal offered for consideration, with a public hearing in February 2012, but no action or regulation was ever adopted. Instead, a moratorium on the matter was instituted until the state courts and legislature established the governing law and regulations.

After much discussion, the following motions were made:

**MOTION** by Parzych, second by Eldridge, to recommend that Clearwater Township, by resolution, opt-out of participation in the Medical Marijuana Facilities Licensing Act, at least until the State of Michigan finalizes the law and its rules. Motion failed 3 to 2.

Roll call vote:  
Backers – no  
Eldridge – yes  
Fields – no  
Parzych – yes  
Von See – no.

**MOTION** by Backers, second by Von See, to recommend that Clearwater Township do nothing at this time regarding participation in the Medical Marijuana Facilities Licensing Act. Motion carried 4 to 1.

Roll call vote:  
Von See – yes  
Backers – yes  
Eldridge – no  
Fields – yes  
Parzych – yes.

**Old Business:**

All old business had been postponed in order to deal with the MMFL Act.

**Report of Township Representative:**

Clerk Eldridge – reported that she had not attended the October Township Board meeting and that the zoning violation matter that did come up was postponed until the November meeting.

**Report of Zoning Administrator:**

Zoning Administrator Molby – distributed his reports for September and October 2017, which reports are hereby incorporated into the record, and copies of these reports will be attached to the permanent copy of these minutes as [Att A] and [Att B], respectively.

**New Business**

Commissioner Backers – recommended that we do the necessary research to craft a framework for a possible ordinance regarding medical marijuana facilities in the township. After deliberation, and in light of the probability of another ballot initiative regarding marijuana being on the ballot in 2018, the commissioners agreed that it made sense to make ourselves as prepared as possible, and to learn what other municipalities have done.

**Closing Public Comment:**

There was none.

**Adjournment:**

**MOTION** by Backers, second by Von See, to adjourn. Adjournment at 7:58 pm.

**Assignments:**

- Fields to advise township board of recommendation re: medical marijuana facilities.
- Fields to advise township board of expiring terms.

**Next Meeting:** December 4, 2017, at 7:00 p.m., at the Clearwater Township Community Center (aka the Little Red Schoolhouse).

Respectfully submitted,



Tina Norris Fields  
Secretary

**Zoning Administration Monthly Report SEPT. 2017 Clearwater Township**

6 Land Use Permits

1 Garages, Sheds 9121 PINE CIRCLE DR.

Residences

Residences with Attached Garage

2 Pole Barns 7560 R. CANY RD., 7720 OAKWOOD DR.

Resident Additions

1 Decks, Porches, etc. 6284 CRYS. BELL RD.

2 Miscellaneous, Other Buildings 5394 N-72 W, 7577 R. CANY RD.

8 Field Checks

2 Attorney Contacts

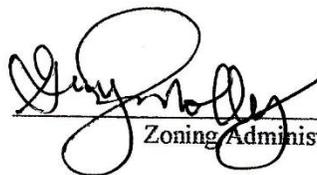
1 Planning Commission Meetings

15 Contacts with Public, Home and Land Owners SETBACKS, ORD, LOT SIZE, PERMITS, ETC.

2 ZBA Meetings and/or Township Board Meetings

— Training Sessions

1 Zoning Violations

  
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Zoning Administrator

Zoning Administration Monthly Report Oct. 2017 Clearwater Township

6 Land Use Permits

3 Garages, Sheds 4594 TIMBER RIDGE, 4615 MORRISON RD., 8453 GROSSBEAK DR.

Residences

Residences with Attached Garage

Pole Barns

Resident Additions

2 Decks, Porches, etc. 7943 HOLMES DR., 6358 CRYSTAL BEACH RD.

1 Miscellaneous, Other Buildings 5717 MAIN ST.

10 Field Checks

— Attorney Contacts

1 Planning Commission Meetings

11 Contacts with Public, Home and Land Owners

1 ZBA Meetings and/or Township Board Meetings

— Training Sessions

2 Zoning Violations

  
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Zoning Administrator