

**Clearwater Township**  
Planning Commission  
Regular Meeting of February 1, 2021  
Held virtually via Zoom  
As approved March 1, 2021  
With correction of April 5, 2021

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

Chair Von See called the meeting to order at 7:01 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, all attending remotely from within Kalkaska County, Michigan.

Township officials: None present.

Public: Michael Corcoran of MJ Law, Melissa Bertram of Real Estate One, and one unidentified member of the public on an iPhone.

**Approval of Agenda:**

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

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

All commissioners declared no conflicts of interests.

**Approval of Minutes:**

Secretary Fields offered an amendment to the minutes of January 18, 2021, to include the location of the members of the Planning Commission and the Zoning Board of Appeals who were attending remotely (Casassa, Fields, Keyes, Leffew, Packer, Snyder, and Von See were all attending remotely from within Kalkaska County, Michigan; Gerlach attended remotely from Albemarle County, Virginia.)

**MOTION** by Casassa, second by Keyes, to accept the minutes of January 18, 2021 as amended. Motion carried.

Chair Von See revised the order of the agenda to permit the presentations by Michael Corcoran Melissa Bertram.

**Old Business:**

Continuing the investigation and information-gathering phase of the Commission's charge to craft a marijuana ordinance for Clearwater Township, we welcomed Michael Corcoran and Melissa Bertram to address our meeting.

**Presentations by Corcoran and Bertram:**

**Michael Corcoran** – attorney of the firm MJ Law, with offices in Traverse City and Charlevoix. His primary business has been in land use zoning. Four years ago he expanded into the laws of Michigan's cannabis business. He came to our meeting at the invitation of Supervisor Backers to give the Planning Commission an understanding of how townships can operate under Michigan's marijuana laws. Specifically, if a township is now deciding to opt in to the marijuana business, even if it had previously opted out, the first thing it needs to enact is a police power ordinance to that effect, clarifying the

degree to which it intends to opt in. This is where it would be clearly stated what would be permitted and what would not be permitted. Following that, the township's zoning ordinance would need to be amended to specify the location requirements, the dimensional requirements, the residential requirements if any, the authority of the township regarding fees, and any other pertinent requirements, including the need for a special land use permit.

Mr. Corcoran indicated that in a small township such as Clearwater, we might be looking at a partial opt-in for a handful of "small grows." He indicated that a 2,000-plant grow operation would likely represent a \$2.5M investment, by the owner/operator, and that we would be unlikely to see many such applications, especially since Kalkaska has opted all in and has the space.

He said that the police power ordinance would contain much of the state law language. He offered his services to help the township compose the police power ordinance and to make the necessary modifications to the zoning ordinance. He thanked us for the opportunity to speak with us on this topic, and offered to take questions.

Leffew – asked how Mr. Corcoran would structure his fees for service.

Corcoran – said he would probably offer a flat fee for work on the police power ordinance. He further said that he could develop a specific number for us upon request. Also, he gave us information concerning the fees the township could impose on applicants. The township is statutorily entitled to a \$5,000 fee per permit that will help defray the costs of crafting the controlling ordinances as well as the associated administrative costs. Additionally, the township may impose an annual renewal fee. He indicated that since even a "small grow" operation of 150 plants with onsite sales represents about \$1M per year in revenues, a renewal fee of \$5,000 is not unreasonable.

He added the thought that it makes sense to find out first whether the township board wants to go down this road before spending any resources on crafting the police power ordinance.

Leffew – asked whether there should be a residency requirement for anyone to apply

Corcoran – responded that there really isn't just one answer to that question. The township can put some limitations on who can apply, perhaps requiring the landowner to be the applicant. But, the landowner could lease out the land to an operator who has the requisite expertise for the operation. It could be difficult to limit who can come into the township and either buy or lease land for a cannabis operation. He said that generally, the landowner is on the permit application.

Keyes – asked whether Mr. Corcoran often saw the cannabis matter put on a township ballot.

Corcoran – responded that he had not seen it as an initiative rather than as a referendum. It is possible for a township board to pass the ordinance and for the people to get upset and call for a referendum on the recreational marijuana side. However, the medical marijuana side is not open to a referendum. The recreational statute provides for the right, but not so on the medical.

Melissa Bertram – Realtor with Real Estate One in Traverse City, said that Supervisor Backers invited Team Bertram (Melissa and Ian Bertram) to attend this meeting because they are Realtors who specialize in cannabis real estate in the State of Michigan.

In addition to the application and renewal fees mentioned by Michael Corcoran, there are other fees that can be imposed. As an example, she said that a particular building in Kalkaska of about 50,000 square feet pays a per square foot quarterly inspection fee, amounting to about \$9,000 per quarter. She indicated that this was something Michael could assist our township with to incorporate into our ordinance.

Bertram spoke of where the different kinds of marijuana businesses are usually located; growing and processing in either the industrial space or in the agricultural district; retail dispensaries, in the industrial space, or as some cities have chosen, in the blighted buildings so that they can be rehabbed to qualify for that use, and thereby be returned to positive presence in the community.

She stated that the micro grow business, containing every aspect of the business (cultivating, processing, and selling), is not very popular or attractive to investors. The most common and sought after cannabis businesses are the cultivating and processing, or the retail dispensaries. For our township, she offered the opinion that more than two dispensaries would be too many. But, she thought that putting up all our industrial or agricultural land for marijuana cultivation, and taking advantage of the \$5,000 per application per renewal per year, could stimulate the community economy. In addition to the fees, there would be several local jobs generated.

In conclusion, she stated that it's a matter of determining what we want to allow, where we want to allow it, and how much of it we want to allow.

Leffew – this question was garbled by technical difficulties. It seemed to be about the 15%.

Corcoran – said he thought he understood the question and responded that the state returns to the township some of the fees that are paid by the cultivator or processor. As an example, he described a 500 plant grow, where an application fee of \$6,000 is paid to the state, and then when the operation “goes online” after all approvals are obtained, another \$25,000 is sent to the state every year. The state then sends 15% of those fees back to the township or municipality.

The commissioners thanked both Corcoran and Bertram for their presentations, and asked them to send to us any information they thought would be useful for us to have as we proceed with our considerations. Both of them then left the meeting.

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

There was none.

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

Trustee Keyes – commented that Clerk Booy would like a separate email from Secretary Fields regarding Planning Commission attendance. There was discussion on the current attendance reporting system for both the Planning Commission and the Zoning Board of Appeals. The secretary of each is responsible for the quarterly reporting to the township of members' attendance.

#### **Report of Planning Commission Chair:**

Chair Von See – has no report at this time.

#### **Report of Township Representative:**

Trustee Keyes – reported that the Budget Workshop would be held on February 11, 2021, at 7:00 p.m. There will be a special meeting with the Zoning Administrator, soon, and we are requested to provide any pertinent input. There are many new people in the township government, all striving to learn their roles and get adequate training. A new website is to be developed by ProWeb out of Traverse City. A digital information sign is being considered. Soundproofing the township hall is being investigated. The Iron Bridge matter is coming to a conclusion and there will be a monument at Freedom Park.

**Report of ZBA Representative:**

Commissioner Casassa – reported the appointment of Kurt Cox as a new member of the Zoning Board of Appeals, and Michael Seefried as an alternate. ~~Trustee Keyes has been appointed as the representative from the township board.~~ The next meeting is April 12, 2021.

**Report of Zoning Administrator:**

Zoning Administrator Parzych – was not present. We do not have his report. Trustee Keyes has the report and will forward it to Secretary Fields for distribution to the Commission.

**New Business**

Budget for 2021 – The budget for 2020 appears to be sufficient for 2021. It is the intention of all Commissioners to seek available training opportunities to enable us to fulfill our roles with competence and confidence.

Notifications from the MTA are useful for our ongoing knowledge. Fields will forward to Von See and Leffew recent MTA entries that they have not received.

**Closing Public Comment:**

There was none.

**Adjournment:**

**MOTION** by Fields, second by Casassa, to adjourn. Adjournment at 8:05 p.m.

**Assignments:**

- Fields to contact Booy regarding attendance report
- Fields to contact Booy regarding new zoning basics publications for commissioners
- Fields to advise board that PC budget from last year is adequate – send memo and share with members of the PC.

**Next Meeting:** March 1, 2021, 7:00 p.m., via Zoom.

Respectfully submitted,



Tina Norris Fields  
Secretary