

**Minutes of Meeting
Crystal Lake Township Planning Commission
7:00 PM May 26, 2021
Crystal Lake Township Hall**

1. CALL TO ORDER at 7:03 pm by Chairman Greg Wright.

2. ROLL CALL AND RECOGNITION OF VISITORS

Present: Commission Chairman Greg Wright
Commissioners Lee Ewing, Bill Herd, and Mike Pasche
Also Present: Zoning Administrator Tom Kucera
Recording Secretary Jeannette Feeheley
Visitors: Four members of the Crystal Lake Watershed Association (CLWA)

3. CALL FOR CONFLICT OF INTEREST: None presented.

4. CORRESPONDENCE:

Chairman Wright had received two letters in support of the efforts of the Crystal Lake Watershed Association: one from Mr. Mike Smalligan, Forest Stewardship Coordinator, Forest Resources Division, State of Michigan Department of Natural Resources, and one from Ms. Kama Ross, District Forester, Leelanau, Benzie, and Grand Traverse Conservation Districts. See Attachments.

5. APPROVAL OF MINUTES OF THE REGULAR MEETING OF 4/28/21 AND SPECIAL MEETING OF 5/12/21

Chairman Wright moved that the Minutes of the April 28, 2021 Meeting be approved as written. Ewing seconded. All ayes. Minutes approved.

Chairman Wright moved that the Minutes of the May 12, 2021 Meeting be approved as written. Ewing seconded. All ayes. Minutes approved.

6. APPROVAL OF AGENDA

Wright moved that the proposed agenda for the meeting of May 26, 2021 be approved. Ewing seconded. All ayes. Agenda approved.

7. PUBLIC COMMENTS: None.

8. REPORTS TO THE COMMISSION

A. Chair Report: No report.

B. Zoning Administrator Report: Nothing to report except to mention that an application form and fee but with no supportive documentation had been submitted for a Special Use Permit by the owner of a Recreational Vehicle Park, and that the Kuhlenberg suit remains as last reported, that is, the plaintiff's new attorney had submitted a brief to which the Township's attorney had submitted a reply brief, after which there has been no further activity to date.

C. Zoning Board of Appeals: No report.

9. UNFINISHED BUSINESS

A. Watershed Overlay Ordinance: Review and Consider Scheduling Public Hearing

Chairman Wright opened discussion and invited the CLWA members present to provide input as items would be discussed. Zoning Administrator referred to an email Commissioner Herd had sent to all Commission members on May 23 in which he provided comments and/or requested revisions to the proposed changes to Article 24 as presented by the CL&WA. See **Attachment 1** to these minutes (hereinafter referred to as Herd 5/23 Memo). Discussion. Pasche asked that the specifics of the proposal be addressed with motions one at a time.

Zoning Administrator took up the item in the Herd 5.23 Memo on “Purpose” and said he would like to incorporate as revised wording under 24.5.B where the revised wording would become paragraph 1 and the existing paragraph would become paragraph 2.

Pasche moved adopt the REVISED language suggested by the ZA as presented in Attachment 2 to these minutes. Herd seconded. All ayes. Motion passed.

There was further discussion regarding the existing paragraph under Section 24.5.B. It was agreed paragraph 2 would be revised to make the need for Health Dept inspection optional in cases where proposed project does not affect septic systems, such as: adding a deck, adding an accessory building, or the like.

Zoning Administrator took up item 2.A in the Herd 5/23 Memo but suggested the following revised wording: “When the proposed use is a “use by right” in the underlying zoning district, the Planning Commission or Zoning Board of Appeals will diligently engage in a good faith effort to achieve an acceptable site plan.” Discussion.

Pasche moved to accept the revised wording. Wright seconded. All ayes. Motion passed.

Regarding Herd 5/23 Memo, item 2.B, Zoning Administrator mentioned Ridgelines are very complex. The ZA advised that the CL&WA was reconsidering Section 24.11 and would provide revised wording in the near future. So, Herd 5/23 Memo items 2.B. regarding Section 24.7.B.3 and Section 24.11.C would wait until those revisions were available. **All agreed.**

Herd 5/23 Memo, item 2.B.C regarding Section 24.11.C.1, the ZA suggested Herd meant to refer to Section 24.14.D and 24.14.E. After discussion, Herd agreed 24.14 D&E were the sections to which he was referring. These sections were discussed, and it was agreed to leave them as presently written, except for the addition of the words “that are” in two places in Section 24.14.E.1. Discussion.

Ewing moved to approve Pasche’s change to insert the words “that are” in the first and last sentences of Section 24.14.E.1. Pasche seconded. All ayes. Motion passed.

Herd 5/23 Memo, item 2.B.D regarding Section 24.11.K, the ZA suggested Herd meant to refer to Section 24.14.K. After discussion, Herd agreed 24.14.K was the section to which he was referring. The ZA agreed to adopt Herd’s additions of the words “during construction” to Section 24.14.K. **All agreed.**

Herd 5/23 Memo, item C about Lawns and Gardens was discussed. The ZA said he agreed with Herd’s point here. He and the CLWA will study this and revise it. Discussion. CLWA provided

some input on tree removal parameters. It was agreed that the last sentence of Section 24.7.C.3.c needs to be reworked. **All agreed.**

Herd 5/23 Memo, item D about Slopes was discussed. This led to a discussion of Section 24.10 and the criteria for approving Special Land Use Permits. Discussion of how those criteria might be applied and how slope zones were defined. **Attachment 3** to these minutes, a table on page one and on page two, a Figure 24-3.2, Slope Zone Determination & Analysis, and a page three from a proposed condominium development were handed out as examples of how slope criteria will be applied. These were discussed. It was decided to leave the wording in 24.9 and 24.10 as proposed. **All agreed.**

Regarding Herd 5/23 Memo, item E about Section 24.8, lines 190 and 195, the ZA pointed out that this was mostly a repeat of Article 22, Section 22.6 about making sure that runoff was contained on a property and not allowed to flow onto an adjacent property. It was decided to leave the wording in Section 24.8 unchanged. **All agreed.**

Herd 5/23 Memo item F about shared driveways was discussed. The current ordinance requirements for shared driveways and private roads were discussed. **All agreed** that adding a new Section 24.12.C as suggested was not needed.

Herd 5/23 Memo, item about Sections 24.3.J and 24.3.K, on if it is necessary or advisable to encourage or allow Parking Lots to provide public access to natural features and how that might work for or against the intent of the ordinances was discussed. **No changes were recommended.**

Herd 5/23 Memo, item about Sections 24.10.F.2 (lines 477-480) and requiring a property owner to file an affidavit about maintaining their septic system should also be required was discussed. The difficulty of identifying malfunctioning septic systems was pointed out. Further, it is the Health Dept that is charged with forcing malfunctioning system to be repaired. Section 24.5.B was purposely added to Article 24 to force Health Dept inspection of septic systems any time an owner applies for a project that might affect their septic system. **No changes were recommended.**

The final paragraph of Herd 5/23 Memo was considered. If a property owner wishes to propose some type of economic enterprise other than what is currently allowed by “right” or by special land use, they can appeal to the Planning Commission to change the zoning or appeal to the Zoning Board of Appeals for a variance. After discussion, **no changes were recommended.**

Zoning Administrator also handed out a hand-written flow chart (**Attachment 4**) of possible dates on how to get to public hearings on this matter. He suggested a ¼ page newspaper ad to publicize the public hearings. There was mention that Grow Benzie could be approached about posting the Public Hearing on their highway sign. Pasche suggested also posting signs about the public hearing at the CSA and the Library.

It was agreed that there would be two public hearings on the matter at hand, with the first to occur after the next regularly scheduled meeting of the Planning Commission.

Chairman Wright moved that the First Public Hearing on the proposed changes to the Crystal Lake Watershed Overlay Ordinance be held Wednesday, June 30, 2021, at Grow Benzie. Pasche seconded. All ayes. Motion passed.

9. NEW BUSINESS: None.

11. PUBLIC COMMENTS: None.

12. OTHER BUSINESS: None.

13. ADJOURNMENT: Chairman Wright adjourned the meeting at 8:58 pm.

Next Meeting will be the Regular Monthly Meeting: 7 pm, Wednesday, June 23, 2021, at Crystal Lake Township Hall.

First Public Hearing on the Watershed Overlay proposal: Wednesday, June 30, 2021, at Grow Benzie on M-115.

Respectfully submitted,
Jeannette Feeheley, Recording Secretary