

Court grants another injunction on RV park

By Jordan Travis jtravis@record-eagle.com Dec 26, 2021



The clear-cut area is the site of a proposed RV park in Milton Township's unincorporated Torch River village.

Record-Eagle file photo/Andrew Rosenthal/

ELK RAPIDS — An attorney for the developers of a proposed RV park in Torch River said a new court-issued injunction won't have much impact.

But it could stop property owners Jim and Lori Brewer from carrying out the work the state Department of Environment, Great Lakes and Energy wants done to keep more runoff from leaving the property and fouling wetlands, said Don Passenger, an attorney for the Brewers.

"There were some things that were proposed for late spring or summer 2022 that would involve working on water retention basins that probably will have to be put off or there will have to be a specific motion sought to do the work if EGLE insists that it be done," he said.

Meanwhile, other legal battles over the controversial proposal are moving through the courts.

Milton Township will hear public input on a new, slightly smaller proposal for the same property.

The public hearing is 6 p.m. on Jan. 3 at the Elk Rapids High School auditorium, 308 Meguzee Point Rd., according to a meeting notice. People can also participate via video conferencing program Zoom at <https://us02web.zoom.us/j/82790872221>, or by calling 646-558-8656, webinar ID 827 9087 2221.

Mac Whitehouse, a member of Torch Elk Skegemog Alliance, figures the school is a better place to host what's sure to be a packed meeting.

"I think everyone agreed it made sense to move it to a larger venue," he said.

Torch Elk Skegemog Alliance challenged the project in court after the Brewers broke ground without a special use permit in place, as previously reported.

After 13th Circuit Court Judge Thomas Power granted a previous injunction, he granted another earlier in December to stop any tree cutting, development or soil work on the property, Whitehouse said.

Power declined to revoke the Brewer's soil erosion permit, Whitehouse said.

The nonprofit board member said he's pleased overall with Power's order.

"We got the majority of what we had asked for, and the most critical thing was that nothing further be done on the site without agreement on what was development versus what was remediation," he said.

Other than potential future impacts, the injunction won't have much of an effect, Passenger said.

"We don't believe it presents any substantial impediment," he said. "The only work being done in there is to stabilize the site, and that's largely completed at this point, but there's additional work to do."

The controversy playing out in other court battles — one from neighbor Terry Roote over his claims that clay and sediment from the cleared property damaged his yard, another from the Brewers challenging the township planning commission's rejection of their previous permit application — is but one facet of the controversy surrounding the plans.

The Brewers, along with the co-owner of a nearby marina, want to build an RV park on land between Torch River and Miller roads with dozens of sites — the first application called for 80, the latest one, 70 — that would be for season-long rentals, as previously reported.

While the developers argue the park would be a good fit for the spot and Passenger said it's allowed by township ordinance, numerous critics raised questions on everything from traffic, to noise, to its environmental impact.

Passenger said the Brewers are thoughtful people who are going to proceed on whichever plan is the "best and most responsible to proceed on."

"They've spent their retirement money to try to provide a need that they think is desired in the community, and that's about all I can tell you about it," he said.

Now the township will continue the process of considering their latest application to get that permit.

“The whole process will move forward while the injunction’s in place, and that seems like a very reasonable position,” he said.