

CASCO TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
March 15, 2023
6:00 PM
Casco Township Hall

1. Call to order
2. Review / Approval of Agenda
3. Public Comment - items **NOT** on the Agenda (please keep comments to 2 minutes)
4. Acknowledge/read correspondence received
5. Approval of minutes:
 - a. 2/15/23 meeting
6. Public hearings

*Brian Timmer of South Haven MI has petitioned for site plan review of a private road to serve 2 parcels at 7419 Baseline Road 0302-085-023-00.

*Proposed Text Amendments:

Chapter 2 Definitions, 2.04 amend campground

Chapter 3 General Provisions,

3.16 Swimming Pools, amend #C clarify setback

3.23 Project into yards, amend A#4, D amend to D,E&F, setbacks for stairs and decks

3.28B1#5; 3.39A#4; 3.43 amend fire pits, wood and gas regulation

Chapter 7A-LR-A, 7B-LR-B, 8-LDR amend District regulations chart, add reference to 3.28 for setbacks, amend water front setback for lots on Lake Michigan

Chapter 15 Specific Use Regulations, 15.03#E amend campground regulations

7. New Business:
 - a. Discuss/decision Timmer, Private Road
 - b. Discuss/decision text amend, recommend/not recommend to Board
 - c. Any other business that may come before the commission
8. Old Business:
 - a. Cisco, 68th Street, Sand Mine SLU – continue discussion
 - b. Any other business that may come before the commission
9. Administrative Reports
 - a. Zoning Administrator
 - b. Township Board representative
 - c. ZBA representative

10. General Public Comment (2 minutes each)

11. Adjourn

Next meeting date Wednesday April 19, 2023 6:00PM

Draft

Casco Township Planning Commission
Regular Meeting
February 15, 2023

Members Present: Chairman Andy Litts, Vice Chair Kelly Hecker, Secretary Greg Knisley, Board Rep. Dan Fleming, Ryan Brush and Dian Liepe

Members Absent: Irene Wood

Also Present: Zoning Administrator Tasha Smalley, Clerk Cheri Brenner, Paul Macyauski, Supervisor Alan Overhiser, Atty Ron Bultje and Recording Secretary Janet Chambers and approximately 6 interested citizens.

1. **Call to order:** Meeting was called to order by Chairman Litts at 6:00 PM
2. **Review and approve agenda:** A motion by Knisley, supported by Liepe, to approve agenda. All in favor. MSC.
3. **Public comment items NOT on the Agenda:** None
4. **Correspondence:** none
5. **Approval of minutes of 1/18/23:** A motion by Hecker, supported by Liepe, to approve minutes of 1/18/23. All in favor. Minutes approved as presented.
6. **Public Hearing – none**
7. **New Business:**
 - a. Fleming brought in a copy of Casco Township's 1st Zoning Ordinance. It contained 24 pages, 4 of which were blank. It was approximately the size of ¼ sheet of standard paper, and standard type size. Fleming asked commissioners to look at the current zoning ordinance in comparison to the first zoning ordinance and ask yourself why all this (holding up current Zoning Ordinance) needed to be added.
8. **Old Business:**
 - a. **Continue fire pit text amendment:** Smalley provided a 2/15/23 draft of 3.43 Fire Pits in Residential Districts (attachment 1). After review and discussion commissioners made the following minor changes:
 - Under A – "*Outdoor recreational wood burn*" shall be changed to "*Outdoor recreational wood burning*"
 - Under B – "*Outdoor recreational gas burn*" shall read "*Outdoor recreational gas burning*"
 - Under A 3 – Will read "The burn shall not be less than twenty-five (25) feet from any structure, ~~or~~ building or combustible materials and shall ~~have a fifteen be~~ no less than fifteen (15) feet from a property line.

A motion by Hecker, supported by Liepe to approve Amendment 2-15-23 on 3.43 (Attachment 2) with the above changes and move forward with a public hearing. All in favor. MSC.

b. Continue 3.23 projection into yards test amendment.

A motion by Fleming, supported by Litts to accept amendment 2-15-23 of Section 3.23 Projections into yard and Section 3.16 C with the following change to 3.16 C:

- C. The outside edge of the pool wall shall meet the side and rear yard setbacks of the zoning district in which it is located. Swimming pools shall not be located in the required front yard, except on waterfront lots, the pool may be in the required waterside yard. The waterside setback for properties in the High Risk Erosion is are as regulated by EGLE. ~~The waterside setback for properties not in the High Risk Erosion is.....~~

All in favor. MSC.

c. Cisco, 68th Street, Sand Mine SLU – discussion, Impact study (Attachment 3), reclaim bond, road maintenance and bond, other...

Atty Bultje said Casco should have someone to represent the township, review the impact study and do a site investigation. We must do this under the ordinance. The representative should make an environmental impact statement. There could be very serious consequences. If they uncovered serious problems it would need to be fixed or addressed by the applicant. Sandmining is favored in the State of Michigan. If there are minerals, they are entitled to mine if there is a market. We can put limitations on the project to make it as palatable as possible. They will continue to host a mining operation for 10 years. We must talk about conditions in the approval. It is important to have a written report to be certain about the conditions. Have things written down.

Knisley said, after reading the Michigan Act 113, he thought about what reasonable or unreasonable conditions are. The PC has talked about estimated number of trucks. It could be anywhere from 10 to 20 trucks a day. Cisco would like 14 a day, that would be 24 legs of the trip, coming and going. 10 trucks would be a truck every 28 minutes, aside from operators and service and support vehicles. Twenty trucks would be a truck every 13 minutes. Another issue is people on the route. How do we figure the impact on property value? Another thing would be if the property changes hands. Is the use transferrable to heirs or is the agreement with Mr. Cisco only.

Bultje said in terms of the property value, this is not something we need to come up with. That would be up to the people objecting to the mining to come up with. It is not our job to create a case of property value. We are here to judge the information if brought to us. The approval runs with the land. If there is a legitimately qualified person, they would have to operate within permits and comply with requirements.

Knisley asked if the mining were to cease to exist, would the reclamation be in place?

Bultje said it is up to Casco to be sure there is funding in place. If the applicant is required to work 5 acres at a time and clean it up before starting the next 5, that would help.

Liepe questioned the plan to leave the property 15' lower than is existing now.

Bultje said we are not professionals; we want someone to investigate the plans.

Supervisor Overhiser checked into hiring a consultant to represent the township. An email (Attachment 4) from GEI Consultants of Michigan, dated February 15, 2023, to Supervisor Overhiser regarding hiring GEI to represent Casco in review of Nederveld's EIA (Environmental Impact Assessment). An estimate to review the Nederveld EIA is \$2,000. For an additional \$5,000 GEI Consultants would perform a field assessment and prepare a formal response.

Commissioners agreed it would be best to have both the \$2,000 review of the EIA and the \$5,000 field assessment for a total of 7,000. The applicant would cover the cost.

Bultje said it will take a couple of months to have the assessment done, but that is a reasonable amount of time.

Knisley made a motion to recommend to the board they hire GEI Consultants to perform the full evaluation. Motion supported by Liepe. All in favor. MSC.

Hecker said the plan is for 10 years, but the Ordinance says 1 year at a time.

Bultje said you do not want to go through this whole process every year. It would be a 10-year contract subject to annual review.

Commissioners said the route was approved by the Road Commission.

Bultje said even with Road Commission approval, the PC can still review the route and make changes to it.

Discussion ensued about the route plan. The plan shows different routes for empty trucks and full trucks.

Fleming said it is difficult to look from the side of property rights and the other side at the same time. He shared a story of living on a haul route. There was a driver who went past his house multiple times a day. One day the driver stopped at Flemings Upholstery Shop. He told the driver to honk when he drives by. Fleming's kids would wave at the driver. When the driver retired Fleming put up "Happy Retirement" signs for the driver. There are good stories too.

Lubbers said when trucks are leaving the site there will be signs with directions for loaded and unloaded trucks.

Cisco said the ordinance says the nearest primary road. If you go the nearest primary road, that brings you to 66th.

Bultje said this particular use will result in a lot of traffic, which is why we can set up the route for this particular use.

Litts asked the County how often they inspect the bridges. The County told him they inspect each bridge every two years.

Smalley said the applicant does not plan to pave their access drive for 200' as required in the ordinance because the road is dirt.

Bultje said the ordinance requires it. He said paving would be a benefit even on a dirt road. If they do not pave the road, they would need a variance from the ZBA. If the ordinance mandates, you do not have the authority not to enforce. The ZBA is the safety valve.

Discussion ensued about the a cost for reclamation and the maintenance agreement fund.

Cisco said he thought the cost of reclamation (\$70,000) would be part of the maintenance agreement (\$250,000).

Smalley said the \$250,000 was specifically for the roads. There will be a separate account for reclamation.

Bultje said GEI could advise on the road agreement and reclamation agreement. Once decided, and ready to make a recommendation to the board, the PC could make a sample of the agreement, saying it could be something like this.

Litts said the agreement will be developed outside of the PC. The Board will make the contract.

Bultje said if the PC, if they decide to permit, will suggest the reclamation and road maintenance. Most of the work is done at the PC level. The board will not spend as much time on this.

Knisley asked about how this could affect property values along the route as far as taxes.

Bultje said property taxes are not based on taxing minerals on property. They are taxed by the use of the land.

b. **Administrative Reports:**

- a. **Zoning Administrator:** No questions
- b. **Township Board of Representative:** Fleming said there was a special meeting on shoreline property owned by the township. Property owners wanted permission for a revetment. The board gave them permissions if they abide by the Board's restrictions.
- c. **ZBA Representative:** There were no ZBA meetings.

- c. **General Public Comment:** Irwin Watson thanked the PC for putting so much time into this. He said the Cisco Mine has been running illegally for 3 years. Watson said he has worked in construction all

his life. He has worked for Bechtel on pipe lines at nuclear plants, worked on highways and many big corporations. Watson has seen mines abandoned, no topsoil, etc. He asked how many PC members have been on the site? When no members said they had been on site, Watson asked who is going to investigate the project. He said corporations spend weeks teaching rules, then the rest of the time finding ways to break the rules. He said the Cisco Mine will get trucks from Zeeland, Kalamazoo, Grand Rapids and local guys. You can't stop them from picking their own route. Why approve something to benefit one, at the cost of many others? Watson said the PC needs to check into what they are getting into. Once this is passed, you are going to have to pass it for others. You will have set a precedence. If you dig 15' anywhere out there you will have standing water. They are already breaking the law. Once you approve it, anybody can break the law.

d. **Adjourn:** Meeting was adjourned at 7:20 PM. .

Attachment 1: Fire Pit amendment draft

Attachment 2: Projections into yard amendment draft

Attachment 3: Impact Study & Site plan packet

Attachment 4: Email from GEI to Supervisor Overhiser, Feb. 25, 2023, Re: Review of EIA for sand mine

Attachments available at the township hall upon request

Next meeting date Wednesday March 15, 2023, 6 PM

Minutes Prepared by Janet Chambers, Recording Secretary

Memorandum: Casco Township Zoning Board of Appeals
Date: February 28, 2023
From: Tasha Smalley, Zoning Administrator
RE: STAFF REPORT – Site Plan Review – Private Road

Meeting date: Wednesday March 15, 2023 6:00 PM

Owner: Brian Timmer
Mailing Address: 80 Elm Court, South Haven MI 49090

Subject Property: (vacant land) 7419 Baseline Road
Parcel #: 0302-085-023-00

LDR- Low Density Residential District

8.03 District Regulations

Minimum lot area – 20,000 sq ft / s&w 10,000 sq ft
Minimum lot width – 100 feet / s&w 85 ft
Front setback – 50 feet / w&s 30 ft
Side setback – 25 feet / w&s 15 ft
Rear setback – 40 feet
Maximum building height 35 feet

Analysis

Property 0302-085-023-00 is a legal conforming lot of record
Lot area: 12 acres, approx 540x525

Proposed private road is to serve 2 parcels

3.26 Private Road

3.26E#2 PC shall hold a public hearing to review

Private Road Name: Mable Creek Drive

Private Road to serve 2 parcels

Right-of-way: 66 feet in width

Length: approx 220ft

3.26D3, PC may accept a plan by surveyor rather than engineer if serves 5 or less parcels.
Plans are drawn by surveyor; **Discuss if this will be accepted**

3.26G Design Standards

1. complies
2. complies
3. complies
4. No Fire Dept review yet; complies with materials
5. complies
6. Fire dept – not yet, in review
7. complies
8. complies
9. there is clear vision

10. Drain commission approval required prior to construction (approval condition)
11. the maintenance agreement provides language; served by private septic/well
12. Maple Creek Dr
13. n/a
14. SHAES, in review
15. possible approval condition

Per 3.26E#4 (last line) This review serves as preliminary approval to construct the road. #6 following completion the applicant requests final approval by the PC #6a if PC opts out of engineer review, this will not apply; #J2 requires “as built” drawings at the end. An engineer will be certifying that the road meets the ordinance requirements, just not the Twp engineer.

Per 3.26C#4 PC may elect to have plans reviewed by Twp attorney, engineer, etc – this road serves only 2 parcel; *I personally do not think the attorney or engineer need to review the plans, but up to you.*

E#3 PC may request assistance from attorney, engineer, etc to review plan. *I personally do not think the attorney or engineer need to review the plans, but up to you.*

Per 3.26I PC shall require a performance guarantee as per 21.05.

Refer to your ordinance 3.26 for all regulations and standards