

CASCO TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
February 17, 2021
6:00 PM
Meeting via ZOOM

1. Call to order
2. Review/Approval of Agenda
3. Interested Citizens in the audience will be heard on items **NOT** on the Agenda & Correspondence received (2 minutes each)
4. Approval of minutes:
 - a. 12/16/20 Public Hearing minutes
 - b. 12/16/20 Regular meeting minutes
5. Introduce new members and Election of Officers
6. *2021 Calendar review*
7. Old Business:
 - a. Any old business that may come before the commission
8. New Business:
 - a. Proposed text amendment discussion
 - *Winery – special land use provisions*
 - *Farm Market move to General Provisions*
 - *Campground - # of sites to have a “store”*
 - b. Revised text amendment tickle file
 - c. Any new business that may come before the commission
9. Administrative Reports
 - a. Zoning Administrator
 - b. Township Board representative
 - c. Report from ZBA representative
 - d. Water/Sewer representative
10. General Public Comment (2 minutes each)
11. Adjourn

Casco Township Planning Commission
Public Hearing – via Zoom
Proposed text amendments
December 16, 2020; 6:00 PM

Members Present: Chairman Dave Campbell, Vice Chair Lewis Adamson, Secretary Andy Litts, Board Representative Dan Fleming, ZBA Representative Dave Hughes, and PC member Greg Knisley

Absent: None

Also Present: Zoning Administrator Tasha Smalley, Janet Chambers Recording Secretary and Supervisor Overhiser and Deputy Clerk Kathy Stanton

1. Call to Order: The meeting was called to order by Chairman Campbell at 6:00 PM
1. Review and Approve agenda: Motion by Adamson, supported by Litts to approve agenda. Roll Call: Campbell-yes; Adamson-yes; Litts-yes; Fleming-yes; Hughes-yes; Knisley-yes. Motion carried 6-0.
2. Public Comment- other than agenda items: None
3. Overview of the Public Hearing Notice: Campbell reviewed agenda
4. Open Public Hearing: Motion by Litts, supported by Adamson to open public hearing at 6:08 PM. Roll Call: Campbell-yes; Adamson-yes; Litts-yes; Fleming-yes; Hughes-yes; Knisley-yes. Motion carried 6-0.

Proposed Text amendments:

1. **Add Medical Marijuana growing as allowed use in AG district.** Discussion ensued about how this would be regulated. The township adopted a stand-alone ordinance. The stand-alone ordinance and the state laws will regulate growing of medical marijuana. The Planning Commission will need to add Section 2.14 M to the Zoning Ordinance and Section 5.02 will need to be listed as permitted.

Fleming questioned why, when other medicines are more regulated, is marijuana just permitted. He stated that if it was up to him, he would not allow it.

A motion by Adamson, supported by Litts to recommend to the board to approve the amendment of Section 2.14M and 5.02 to allow growth of Medical Marijuana: Roll Call: Campbell-yes; Adamson-yes; Litts-yes; Fleming-no; Hughes-yes; Knisley-yes. Motion carried 5-1.

Amendment as follows:

Medical Marijuana Grower means as defined in the Michigan Medical Marijuana Facilities Licensing Act, and as regulated by state laws, state regulations and the Township's Marijuana Regulation Ordinance, all as amended from time to time.

And Chapter 5. Agricultural District 5.02 Permitted uses and special uses to the Zoning Ordinance to read as follows:

Medical Marijuana Growers P (permitted)

2. Add fire pits 3.28B5; amend 3.39A4 fire pits; add 3.43 fire pits.

Discussion ensued about the reason the board wanted the PC to revisit the firepit amendment. The board felt it should apply to all residential districts. They also felt it could be changed to 15' from the property line. The smallest setback in residential districts in small lots of record, which is 10'. If the firepit setback is 15' and the setback for a structure is 10', the firepit would be 25' from a structure, thus meeting the SHAES 25' requirement.

Commissioners discussed the possibility of someone getting a setback variance for something less than 10', putting them closer than 25' from an existing firepit. Fleming said if they request a variance knowing that it puts them too close to a firepit, that would be on them.

A motion by Adamson, supported by Hughes to recommend to the board to approve the amendment to Section 3.28B, 3.39 and 3.43 as presented in draft. Roll Call: Campbell-yes; Adamson-yes; Litts-yes; Fleming-yes; Hughes-yes; Knisley-yes. Motion carried 6-0.

Section 3.28B as follows:

A fire Pit shall not be less than twenty-five (25) feet from any structure or building or combustible material and have a setback of fifteen (15) feet from a property line. The maximum size shall be three (3) feet wide by two (2) feet high, and be in full compliance with all other regulations set forth by SHAES (South Haven Area Emergency Services) or any successor organization as of November 1, 2017, or as amended.

Section 3.39 Rental of single-family dwellings A.4 Fire pits to the Zoning Ordinance to read as follows:

A fire Pit shall not be less than twenty-five (25) feet from any structure or building or combustible material and have a setback of fifteen (15) feet from a property line. The maximum size shall be three (3) feet wide by two (2) feet high, per regulations set forth by SHAES (South Haven Area Emergency Services) or any successor organization as of November 1, 2017, or as amended.

Section 3.43 Fire Pits in Residential Districts (RR, LR-A, LR-B, LDR, 3.28 Lots) to the Zoning Ordinance to read as follows:

A fire Pit shall not be less than twenty-five (25) feet from any structure or building or combustible material and have a setback of fifteen (15) feet from a property line. The maximum size shall be three (3) feet wide by two (2) feet high, and be in full compliance with all other regulations set forth by SHAES (South Haven Area Emergency Services) or any successor organization as of November 1, 2017, or as amended.

5. Close Public Hearing: A motion by Adamson, supported by Litts to close public hearing at 6:18 PM. Roll Call: Campbell-yes; Adamson-yes; Litts-yes; Fleming-yes; Hughes-yes; Knisley-yes. Motion carried 6-0.

Minutes prepared by Janet Chambers, Recording Secretary

Draft

Regular Zoom Meeting of Casco Township
Planning Commission; December 16, 2020
(Immediately Following the Public Hearing)

Members Present: Chairman Dave Campbell, Vice Chair Lewis Adamson, Secretary Andy Litts, Board Representative Dan Fleming, ZBA Representative Dave Hughes, and PC member Greg Knisley

Absent: None

Also Present: Zoning Administrator Tasha Smalley, Janet Chambers Recording Secretary and Supervisor Overhiser and Deputy Clerk Kathy Stanton

1. **Call to Order and review agenda:** The meeting was called to order at 6:19 PM. Chairman Campbell reviewed the agenda and there were no changes. A motion by Knisley, supported by Litts to approve the agenda as printed. Roll Call: Campbell-yes; Adamson-yes; Litts-yes; Fleming-yes; Hughes-yes; Knisley-yes. Motion carried 6-0.
2. **Interested Citizens in the audience will be heard on items NOT on the Agenda & Public Correspondence received:** none
3. **Accept minutes:** (Campbell)
 - A. 11/18/2020 Regular Meeting (Attachment 1) A motion by Hughes, supported by Fleming to approve: Roll Call: Campbell-yes; Adamson-yes; Litts-yes; Fleming-yes; Hughes-yes; Knisley-yes. Motion carried 6-0. Minutes approved with the addition of the attendance listed at the top.
4. **Approved 2021 PC Calendar** (Campbell):
 - A. **January election of officers:** Zoom meetings will be extended until March. Chairman Campbell will be retiring and Adamson, as Vice Chair will call meeting and elect new officers.
 - B. **Composition of 2021 PC team:** Supervisor Overhiser said the board will appoint replacements for Hughes and Campbell, who are both retiring, and there is one more vacancy Supervisor is still working on.
5. **Administrative Reports:**

Zoning Administrator (Smalley) (Attachment 2): Commissioners had questions listed on the ZA report including :

 - Violations sent out on illegal RVs. On 71st Street two for campers and one blight violation.
 - Linda Lamb, 81 North Shore got a variance for a pool, with a condition not to use as a STR. She registered it as a rental anyway. Someone complained and the ZA sent out a violation letter. Knisley questioned the period of time she has a rental permit. Supervisor Overhiser said this would be a zoning violation, and rentals would need to stop now. Campbell asked if this will qualify Lamb for a fine. Smalley said she sent the letter of violation, and if she stops now, that will be the remedy. Smalley said at the variance meeting Lamb was insistent that she would not rent it, and Smalley trusted her. Smalley will wait to see if she rents again to take further action.

- Campbell asked about inquiries at 480 Lakeshore. Smalley said the property runs north and south on the lake, and there were 2 separate requests.
- Litts question the 6th item on Eddington. Where is this? Smalley said near Pershing to Lincoln, then Washington. It is a long parcel with 3 fronts that the owner would like to divide and wanted to know what the setbacks would be.
- Commissioners asked about the Dotson blight hearing was coming. Smalley said they had a pretrial and would have another hearing on Friday for a settlement.
- Supervisor Overhiser said there was a complaint on trailer being moved in where it was not allowed. Smalley called and it has been moved out.
- ZA Chair (Hughes): Not met

Water/Sewer representative (Adamson): There were a couple of appeals. One was someone who wanted to extend sprinkler system discount into October. That was turned down. Another was a developer who wanted a reduction in connection fees. That was also turned down.

They have allowed VB County dispatch use water tower for better signal response.

Capital improvement plans for years and years will be covered by the rate increase. This includes all lines from Casco to SHAWSA. Different parts in system that are aged. Supervisor Overhiser said smoke tests were done in 1996 and repairs will be coming. They have identified the need for \$6,000 a year for 20 years to comply with the clean water act.

Township Board (Fleming): Congratulations to Fleming for being the newly elected Board Member. His first meeting will be next Monday. Fleming had a couple of things to say about the coastal resiliency meeting. He did not attend live but reviewed recorded meetings. Fleming said he does not doubt there are some good intentions, but questioned motives. Some information was particularly good for builders, but not appropriate for Planning Commissions.

Fleming said the country was set up with people elected to make decisions, then unelected people are appointed, unelected bureaucrats. (one step away from elected people such as a Planning Commission). We call in experts like Zoning Administrators (now 3 steps away from the people). The people in Coastal Resiliency are volunteers that have an agenda. One example is there was a 1 hr. 36 min meeting. Second meeting was focus groups, at the next meeting they will present a Master Plan Draft. Fleming does not see where they get from 5 focus groups of 10 min each to writing a Master Plan. Fleming was tentative about a master plan being put together so quickly.

Discussion continued about erosion of 1' per year. State Law says you can walk the beach. Putting up revetments will block the beach, cause sandbars to go down, affect neighboring property. They are bringing in a lot of information, but the format they are using makes Fleming leery.

Fleming will forward on a link to the meetings so commissioners can listen to them.

Knisley said the lake is going to claim land and will affect everybody differently.

Supervisor Overhiser said the planning gets ahead of where the understanding is. The value of what is going on will be long term. You will not see the affects in the next months or years. He felt Casco should participate to see where Casco fits in. Focus was on the affects of revetments and possibility it will interfere with sand creations that would naturally occur. Maybe something else besides revetments will save the sand. There is no basis for stopping anyone from putting in revetments. They are moving rather quickly almost like there is a predetermined end game with some values to certain municipalities. There is not one answer for sure.

6. **Old Business:** (Campbell)

- a. **Update: Board decisions on 3.30A:** Board adopted.
- b. **Update: Board approved amendments as proposed by PC:** Campbell did not understand what the outcome of excavation 330A was. The Board kicked it back for rework. Smalley said the board wants it to be simplified. They were not in agreement of what they wanted the PC to do. Campbell said the main point Macyauski raised was documentation concern and what the cost would be to builders. Campbell feels in order to have any kind of teeth there would need to be documentation. Clearly cases where water being shoved onto roads and surrounding properties is a problem. It got push back in terms of documentation Smalley said they wanted to change the word nuisance to ponding. Knisley asked what if it just floods them and does not pond? What falls to the zoning administrator; before during and after construction, where the water is, what is naturally happening and what is going to happen at the end. Macyauski was upset with inspections being required. Campbell was not sure why that was an issue. He was under impression that Smalley came out with a zoning permit for a house. Campbell was disappointed at the questions being raised.

Overhiser said the board is looking for simplicity, more direct language. They are trying to fill that hole with something to offer property owners who are injured. Nothing exists to protect neighbors with a single lot construction, as they are with a development. In single parcel situations there is nothing to offer the property owners other than civil court. There needs to be a way to simplify it.

Campbell said as far as wording, he called Smalley and asked what could actually be enforced and we came up with the wording. Providing documentation is difficult to deal with.

Fleming said the way the drain commissioners deal with drain problems is to get boots on the ground and discuss it. Go out to the property and to discuss it.

Adamson said we are not going to solve this tonight and should move on.

- i. **Section 3.17 Recreational Vehicle Storage or Parking in Residential Districts:** Board approved
- ii. **Section 3.32 Fences:** Board approved

- c. **Planning for Resilient Coastal Communities Workshjop** (Fleming): discussed under Board report.
 - d. **Planning Commission bylaws Section 3.D “Other duties the Township Zoning Act reserves for the Planning Commission”**: no discussion
 - e. **Any old business that may come before the Commission**: none
7. **New Business**: (Campbell)
- a. None
 - b. **Any other business that may come before the Commission**: none
8. **General public Comment**:
9. **Adjourn**: Meeting was adjourned at 7:07 PM

Minutes prepared by Janet Chambers, Recording Secretary