

Approved 2-18-2019

**Regular Meeting
Casco Township Planning Commission
November 20, 2019, 7 PM**

Members Present: Chairman David Campbell, Secretary Lewis Adamson, ZBA Representative David Hughes and PC members Greg Knisley, Dan Fleming and Andy Litts

Absent: Board Representative Judy Graff

Also Present: Zoning Administrator, Tasha Smalley, Craig Atwood, Managing Director of Allegan County Road Commission and Supervisor Allan Overhiser and two interested citizens

1. **Call to Order:** The meeting was called to order by Chairman Campbell at 7 PM
2. **Review / Approval of Agenda:** A motion by Fleming and supported by Knisley to approve agenda. All in favor. Agenda approved.
3. **Mr. Craig Atwood, Managing Director, Allegan County Road Commission:**
 - a. **Objective of invitation to meet with Casco Planning Commission (Campbell):** Campbell explained to Atwood the existing water drainage issue Casco is dealing with and would like input from Atwood to understand the Road Commission's responsibilities
 - b. **Proposed Water trespass ZO amendment – status (Campbell):**
 - i. **Proposed amendment (Attachment #1):** Atwood was sent a copy of the proposed Water Trespass ZO Amendment to review prior to the meeting. Atwood thought it was a good ordinance.
 - ii. **Public hearing's tabling of Proposed amendment (see minutes):** Campbell said there was a public hearing on September 25th where public input was taken. A decision was made at that meeting to table for more discussion.
 - iii. **Mr. Atwood's feedback to date (Attachment #2):** There was email correspondence from Atwood prior to this meeting.
 - c. **Mr. Atwood / Planning Commission / Zoning Administrator discussion:** Atwood said he reviewed the proposed amendment and said looked good. Atwood explained that the Drain Commission might be the one to contact. The road commission has ditches and right-of-way to use for road drainage. The Drain Commission would have more to do with property drainage. The Road Commission does find people use the Road Commission ditches to run their downspouts into, but they are not supposed to be used for private property drainage. Atwood acknowledged there will be more of a problem as development continues. The township had something in place for limiting a home's footprint to 25% of the lot, but does not account for driveways, decks, patios, outbuildings, etc. Casco may consider including other surfaces in the 25%.

Campbell asked if the Road Commission has had this discussion with other townships. Atwood said Casco is the first township to approach the Road Commission for input. Atwood continued

in Casco; the small subdivisions are the worst. With the bluff you can get rid of water relatively easy. When you get house next to house there is no pervious area for water to soak in.

Discussion continued ditches are not meant to handle drainage from houses, they are for draining the road.

Knisley said in some places there is no place except the road and asked if that is where the Road Commission gets involved. He asked if you can get it to the road, it could be addressed there. Atwood said a lot of drainage falls into County Drains. They were established because of water issues a long time ago. Some ditches are the Road Commission's responsibility, and some are the Drain Commission's.

Smalley said people must take care of their own water by retention, dry well, whatever is needed, but you can't just put it on the neighbors. The last to build is getting all the problems.

Bill Chambers, Casco citizen, said you could take it to the ditch or like he did, pump the grey water back to the original exit point of his property. On 60' lots, there is not room for that.

Litts said the Planning Commission is trying to figure out how to work with the Drain Commission and Road Commission. What sort of ordinance can we add? The problem was originated with changes to the building codes. In the past building codes covered drainage. That was removed from the building codes.

Chambers said something he learned on 102nd Street; if there is not established road within subdivisions, the McNitt act says there is not a 33' right-of-way. On private roads, the edge of the road is it. No right-of-way for ditches.

Atwood said if you had a master plan for drainage, you could size it and plan appropriately.

Commissioner's had concern with requiring a property owner to maintain 100% of their water. Smalley asked how this could be handled. Do you say you must control some of the water, all the water or what?

Supervisor Overhiser said the new drainage district going in will help Miami Park. To enhance the effectiveness of the drain system, there must be a coordination between the Drain Commission, Road Commission and Casco.

Campbell said there has always been ditching in Glenn Shores. In the old days, the Road Commission would come in and clean the ditches out.

Atwood asked if the water ran. Some areas do not have a lot of fall.

Campbell said another problem is when trees fall, the Road Commission comes in to clear the road and pushes them into the ditches. If they would push the trees into the owner's property, the property owner could clean up their own trees. Current ditches need to be maintained.

Atwood said there is no evidence that there were ever ditches.

Campbell said there are culverts under the driveways.

Knisley asked if cleaning ditches is done on a call basis.

Atwood said they have 4 trucks cleaning drains all summer and can't keep up.

Supervisor Overhiser said Miami Park is a different situation. They are dealing with that now. A lot of people don't want ditches. They want to use that area for parking.

Campbell said on Baseline, between North Shore and Blue Star, they elevated the road and took out ditches. Water runs over the curb.

Knisley said they just dug a ditch to fix that. We will see how it works.

Campbell said in the past there was a request for apartments on Baseline that were not approved partly because of water issues.

Knisley said they did combine 3 drain districts and worked out a solution for the current day building and for a short foreseeable future. Knisley said we need to see where the drain districts are so we can say "Get it this way, and we will try to handle it".

Atwood said maintenance is mainly complaint driven because there is more to do than time. We don't want people pushing the problem off on others, but we don't want to tell them they can't build. Maybe instead of saying you can build on 25% of the property, we should say 15%.

Smalley added it could say "impervious surface up to 25% of property". Patios, drives, houses, etc. all add to the problem.

Fleming asked about putting a ditch through the property.

Atwood said they are not supposed to send grey water to the ditches.

Knisley brought up the Washington Street drain issues. Atwood said the Drain Commission does that. Knisley said they spotted the drains and ran the water into the storm water drains. Knisley said they don't want gravel washing into the storm sewer.

Fleming asked if the best option would be to go through the Drain Commission, and the Drain Commission could work with the Road Commission. Atwood said if the Drain Commission creates a drainage district, the Road Commission would work with them.

Smalley said we need to stop building. There are mega mansions and they are not responsible to take care of their water. There must be a way to help.

Atwood said, you can't just dig a ditch, there must be a place for the water to flow.

Discussion continued including smaller homes in small lots. Including driveways and other impermeable surfaces like decks, in the 25% lot coverage rule.

The proposed ordinance says new construction had to have a sign off on the drainage plan by an engineer. They need to figure out a way to keep the water off neighbors. If you change the topography, even with existing homes, there can be problems.

If the County Drain Commission would let people tie into storm water drains, there would be a special assessment. It is a hardship for some but must be done.

Bill Chambers said it is a balance between new homes and the environmental impact.

Knisley said we need a broad plan in the drain districts, not pieced in different areas. We could put some sort of control on new construction.

Supervisor Overhiser said the North Shore area was expensive, somewhat overkill, and could have been handled on a small scale. The small subdivisions are clay, sandy soil works better.

Valerie Baas, Casco citizen, asked if the proposed ordinance Section 2 about elevation of construction is still in consideration for the proposed ordinance.

Chairman Campbell said there was a public hearing, and many showed up that did not like it.

Baas said she understands not restricting height based on blocking someone's view but mounding up the soil to raise a home is a major issue. They are improperly drained to the road. Baas asked at what point would an engineer be needed.

Smalley said it would be part of the building permit if mounded.

Chambers said developers in Al Pertel Beach would have been required to have a drain plan if they applied to have a development, but they apply for the permits as several individual property owners and were not required to have a plan. Eventually after complaints they were required to do a ½ way drainage plan that failed.

Knisley asked if it is reasonable to say an engineer needs to look at and address drainage. Can you say they must put in a drywell or they cannot build on the lot? Is that reasonable?

Atwood said the Road Commission looks at drive approval and if they don't meet requirements, they tell people you cannot put a driveway here. When the Road Commission restricts a driveway, they don't build.

People discharge water from property into the road system. Occasionally they are adjacent to the county drain and can use that. They are not allowed to hook into the Road Commission's drains. They flow into open drains. It happens but is not allowed.

Chairman Campbell said the issue is, the PC is attempting to get something into the zoning ordinance and is getting push back. They could go through the hoops and take a vote, then push it to the board. Or, is this something the board agrees to and can use a Regulatory Ordinance?

Supervisor Overhiser said if you say 100% of the water must be contained on the property, we (the Board) might not be able to do that.

Atwood said although ditches are not for homeowners, just for drainage of the road, the County drains are often within the road right-of-way. Additional runoff water is put into County Drains all the time. Atwood recommended talking with the County Drain Commission.

Campbell reiterated road ditches are not for draining private property, but if it is a county drain, it's ok with permission.

Supervisor Overhiser said the Miami Park drains are working well. Outlets are the problem.

Chairman Campbell said it is not a one subdivision issue.

Bill Chambers said he is east and uphill of Hughes. If he had just let his water run onto Hughes it would be a problem. Instead he pushed his water onto the original outlet of his property at the back.

Supervisor Overhiser said not all neighbors get along. It could probably be solved if neighbors talk.

Knisley said it will cost. We have a lot of water coming in and can only work in the right-of-way. If somebody dumps water on us, we just have to deal with it.

Chairman Campbell said it might be an opportunity to discuss this with the board rather than the PC moving down the path of a solution.

Smalley said what she has isn't bad but can be tweaked. If 100% water retention isn't possible it can say "Allow discharge without impact on neighboring property". Right now, there is no guidance. I don't think we can continue to do this. They could put in a dry well.

Knisley said there are options to keep from dumping water on neighbors.

Chairman Campbell said Smalley can work with the board and come back and fine tune it at the PC level, then see what happens.

Litts said we were trying to deal with immediate property and how to keep it away from neighbors and we went down the rabbit hole of where are we going to take the water.

Knisley said input from the Drain Commission would be good.

Supervisor Overhiser said the with the Drain Commission everything is prescribed. He did not see how that was going to help. New houses, and how to elevate or not elevate, etc. is the issue.

Fleming asked how much of Miami Park is sloped toward Blue Star? Atwood said approximately 2/3 of it slopes toward Blue Star.

Atwood said that is not the problem area, it is closer to the lake.

Campbell said eventually it will be a problem with more building.

- d. **Water Trespass next steps:** Campbell said he and Supervisor Overhiser could chat, then talk with Smalley and come up with something.

4. **Interested Citizens in the audience will be heard on items NOT on the Agenda & Public Correspondence received:** Valerie Baas said the 25% of lot being covered should include driveways, decks, etc. A 25% lot coverage with just the house is too liberal.

5. **Approval of minutes:**

- a. **09/25/2019 Public Hearing (Attachment #3):** A motion by Fleming Supported by Hughes to approve minutes of 9/25/19 Public Hearing. All in favor. Minutes approved as printed.
- b. **10/16/2019 Regular Meeting (Attachment #4):** A motion by Fleming, supported by Litts to approve the minutes of 10/16/19 Regular meeting with the following three changes:
- Page 2 a Master Plan Survey Update, third sentence be changed as follows: ***Campbell, Litts and Hughes will work as a committee to discuss a Master Plan Survey bylaw review subcommittee.***
 - And that sentence (page 2, third sentence) will be moved to be the 2nd sentence under **b. Bylaw review process.**
 - And the last sentence under **b. Bylaw review process** will be removed. ~~Discussion include the fact that approval and amendments to the Master Plan requires a 2/3 vote.~~

6. **Calendar review (Campbell)**

- a. **Proposed 2020 calendar – Discussion / preliminary finalization for December 2019 adoption / publication (Attachment #5):** Changes made to the calendar include changing the 3rd column heading “Annual Meeting” to “Joint PC / Board Meeting / ZBA Meeting”. All meetings will start all at 6 PM. Public and Special Meetings will be on a tentative based as needed. Smalley will let the PC know if they are necessary.

Township Clerk Cheri Brenner would like to publish the PC calendar in December so it will need to be approved at this meeting.

A motion by Knisley, supported by Litts to approve the proposed calendar for 2020. All in favor. 2020 Calendar approved.

7. Administrative Reports

a. **Zoning Administrator (Smalley) (Attachment #6):**

Campbell asked about an item on 10/16, a violation letter. Smalley explained there was an outdoor event with a concert and rodeo. She sent them a letter to let them know next year if they have this event, they will need to get township approval. Chairman Campbell also asked about 10/7 an item on land division. Campbell asked if the Board gets involved in land division. Smalley said the Board gets involved in boundary adjustments but not land division.

Smalley also said something will come for golf course soon. Campground questions have come from several people. The golf course property is not in a special assessment district; therefore, water and sewer cannot be mandated.

b. **Township Board representative (Graff):** In her absence, Graff sent a note to the PC with something that came up at the Board meeting (Attachment 7). Supervisor Overhiser said the concern is the PC setting priorities. A lot of issues are 10 years old. When someone new comes in with an issue, the PC jumps on it and is forgetting what they have been dealing with. Things they have been dealing with for 6 months or 2 years are set aside when a new issue pops up. There needs to be a process to set up priorities with some direction from the board. There needs to be a process that both the Board and PC can get their arms around.

Smalley brought up the “tickle List”. It should be looked at monthly for long term and urgent items.

Knisley said the PC might get distracted by something that pops up, but they need to deal with taxpayers, so their needs are met.

Campbell said the PC has a new organizational structure with the hiring of Smalley. The PC relied on Ellingsen to bring things to them, but the last couple of years were difficult for Ellingsen. Smalley is engaged and attending all meetings. The PC is getting more structured. We have been blowing in the wind since Bruce Barker left. Campbell said his goal is to try to get as much back into a structured process as possible.

Supervisor Overhiser said part of the Board’s goal is to engage the Board more on the front end of things.

Chairman Campbell said we must rely on the Township Board Representative to bring issues from the board. In Oct. we were talking about lighting and Supervisor Overhiser mentioned there is a few issues we should be dealing with. The Board Rep should be made aware what they are.

Knisley thanked Supervisor Overhiser for getting Atwood to come to the meeting. Trying to put something together on the water issues and Overhiser has contact with both the Road Commission and the Drain Commission.

Smalley said she is in the Zoning Ordinances every day. She could prioritize the “tickle list” and add to it. Smalley offered to take point to prioritize the list.

Chairman Campbell said yes, we need a Zoning Administrator who can give that kind of input.

Smalley said she has regular contact with Supervisor Overhiser. She added the publishing cost alone for a public hearing is \$400., so we need to make sure we are doing as many changes as we can per hearing.

Supervisor Overhiser said the Board should be more involved in the process from the get-go.

Campbell recalled when the internet tower was brought up, people just showed up at a meeting saying they wanted to discuss it. He added Supervisor Overhiser knew about the towers prior to them coming to the PC. He could let Smalley know ahead of time so she could inform the PC.

Smalley said there is something in the ordinance on towers.

Supervisor Overhiser said the language can be interpreted in different ways. Ellingsen and Smalley do not interpret it the same way.

Smalley said she will bring an updated "Tickle List" to the PC.

- c. **Report from ZBA representative (Hughes):** Hughes said the 10/17 ZBA was an unusual meeting. There were only 3 members present. They barely had a quorum. Hughes told the applicants that there would need to be a unanimous decision with only three members and the applicants decided to go ahead with the meeting. The unusual thing was one member of the ZBA asked for a condition to the variance be the property not be used as a STR as long as the applicants owned the property. Hughes felt this was an unusual condition. With only 3 members the variance would have been denied without the condition.

Smalley said the ZBA can apply any conditions to the variance approval.

Litts asked what would happen if the applicants decided to use it as a STR. Smalley said the variance would be revoked.

Hughes said he did not understand the condition being applied, but both applicants agreed to the condition.

- d. **Water / Sewer representative (Adamson):** They approve lease of the water tower for AT&T, so 5G will be available in the area.

There will be inspections, both backflow inspections and general inspections. They will be looking at sprinkler systems and everything. They are still sending letters out. Cross connections on homes, sprinkler systems and everything. Currently residents have a cap on sewer usage for sprinkling. Increase over winter usage is assumed to be due to sprinkling. STRs will no longer qualify for that cap on sewer usage.

A resident was overcharged because of an improperly wired meters hooked up in sequence. The customer asked for a 3-year rebate after being charged double for many years.

Bill Chambers informed the commission that on Lake Ridge Road when attempting to hook up to the sewer at a new construction they found the stab underground was pointed down where it should have come straight out, so they could not hook up without digging up the road and repairing the problem. Compton was hired to repair the problem, which could not be cheap. The customer would have to pay the connection fee, but the cost would certainly exceed that. How often does this happen and how much is this costing the SHWASA.

8. Old Business

- a. **Bylaw Review Subcommittee Report (Campbell / Hughes / Litts):** A couple of months ago Chairman Campbell was looking at the bylaws and formed a subcommittee to kick it off and start brain storming. They met on October 18th and again November 13th. Campbell provided information on what they have found for consideration (Attachment 8).

Campbell asked that commissioners review his information and the old bylaws and be prepared to discuss at the next meeting. Campbell recalled that Graff provided input on conflicts of interest.

- b. **Any old business that may come before the commission:**

9. New Business:

- a. **Any new business that may come before the commission:** Chairman Campbell provided Commissioners with an old copy of "Ten Rules for Compliance with the Open Meetings Act". (Attachment 10)

Campbell said he would like input from Atty Bultje as to any changes to the list.

10. General Public Comment: None

11. Adjourn: A motion by Fleming, supported by Knisley to adjourn. Meeting adjourned at 9:15 PM.

Attachment 1: Proposed Amendment

Attachment 2: Mr. Atwood's Feedback

Attachment 3: Public Hearing minutes 9/25/2019

Attachment 4: Regular Meeting minutes 10/16/2019

Attachment 5: Proposed Calendar

Attachment 6: Zoning Administrator Report

Attachment 7: Graff's comments from Board on PC organization

Attachment 8: Proposed changes to bylaws

Attachment 9: New member introduction

Attachment 10: Ten rules for Compliance with the Open Meeting Acts

Minutes Prepared by Janet Chambers, Recording Secretary