

Draft

**Casco Township Planning Commission**

**Regular Meeting**

**September 20<sup>th</sup> 2023**

**6:00 PM**

**Casco Township Hall**

Members Present: Andy **Litts**, Dian **Liepe**, Ryan **Brush**, Dan **Fleming**, Kelly **Hecker**, Irene **Wood**

Members Absent: Greg **Knisley**

Audience: Tim **Lubbers**, Henry **Cisco**, Victoria **Villwock**, Jeff **Voit**, Tom **Tucker**

1. Call to order: Meeting was called to order by Chairman **Litts** 6:00PM
2. Review and approve agenda: A motion was made by **Fleming** to approve the agenda, supported by **Litts**. All in favor. Motion carried.
3. Public comment:

**Lubbers** asked if **Cisco's** Sand Mine SLU conditions, on page 3 #19 of the July 19th 2023 PC minutes, were correct. **Lubbers** stated that they had agreed to remove the hydro-geological determination from the conditions. **Litts** agreed with **Lubbers**, that the wording should be removed and that they would accept the documentation that had already been collected.

Tom **Tucker** – 726 Bluestar Hwy. Requested that the PC consider changing the Zoning Ordinance to allow shared driveways in the Lakeshore Residential Districts, like they do in the AG District. This would allow two parcels/dwellings without the need for a Private Road, to create new road frontage. **Smalley** explained that this would help longer lots to be able to divide their property. **Smalley** went on to say that the Fire Department would still be involved in the approval process if the driveway would be longer than 150'.

**Liepe** asked if applicants could ask for a variance from the Private Road requirements. **Smalley** responded that they could apply. **Tucker** did not seem interested in going that route.

**Litts** explained that any Zoning Ordinance changes could take approximately 6 months before any changes would go into effect. **Smalley** said that she would add the request to her list.

**Tucker** commented that he was not in a rush at this time.

Jeff **Voit** asked for an update on the 6789 103<sup>rd</sup> property; stating that additional trailers and campers had been moved onto the property. **Smalley** said that she would look into it.

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**Woods** asked who citizens should report squatters and campers to. **Smalley** replied that she would take those complaints. **Liepe** remarked that she had some for **Smalley** to check out.

4. Correspondence: None

5. Approval of Minutes: A motion was made by **Liepe** to approve the July 19th, 2023 minutes, supported by **Brush**. All in favor. Motion carried.

6. Public Hearing: None

7. New Business:

a. **Timmer** – Mable Creek Drive Private Road (PR) Approval.

The applicant was not in attendance. **Smalley** reported that she had determined that the standards had been met and submitted her approval of the PR. It was questioned if the additional approval by the PC was required. **Smalley** stated that Section 3.26 #E6 required it. “Following completion of the private road to the extent required by the Planning Commission and prior to the issuance of any occupancy permit, the applicant shall request final approval...” **Liepe** asked if **Smalley** had received the road maintenance agreement. **Smalley** responded that she had.

**Liepe** made a motion to approve the Private Road. **Fleming** seconded the motion. **Litts** – Y, **Liepe** - Y, **Brush** - Y, **Fleming** - Y, **Hecker** - Y, **Wood** – N. Roll Call Vote (6-1) Motion Passed.

**Liepe** asked how other townships handle the final PR approval. **Smalley** responded that she signs off without PC approval. It was suggested that the PC final approval could be removed the next time a text amendment is done.

8. Old Business:

a. Solar Farm Ordinance Discussion.

**Hecker** presented her preliminary draft of the Casco Township Solar Energy Systems (SES) to the PC members. **Hecker** took the Michigan State University (MSU) Solar Ordinance Sample and modified it to be specific to Casco Twp. She requested that the PC members would now review this and determine what to keep and what to leave. Protecting the rural character while maintaining the farmers and the neighbor’s rights, by following the MP, is the ultimate goal. **Fleming** stated that he wants any regulation to be the minimum necessary, if needed at all.

One of the most important concerns was finding suitable locations within ¼ of a mile from Transmission lines. **Hecker** has provided a map that highlights a proposed Solar Farm Zone along both sides of 68<sup>th</sup> St. **Woods** asked if the Master Plan (MP) designated Utility Placement.

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Discussion was had on what types of SES would be regulated; Residential scale, small principle use and/or large principle use. **Fleming** asked **Smalley** how the existing residential SES are getting approved without an ordinance regulating them. **Smalley** responded that she considers them Accessory Structures. **Litts** asked if they required permits. **Smalley** replied that building and electrical permits are required. At this time it would seem that the larger commercial developments were of the most concern, and should be regulated with a SLU.

The AG district seems to be the most appropriate area to allow the Large Scale SES. Agrivoltaic farming is the practice of growing crops underneath solar panels. This increases land-use efficiency, as it lets solar farms and agriculture share ground, rather than making them compete against one another. The farmers could also raise grazing animals in the same area the solar panels are located in.

**Woods** discussed researching the decommissioning process as studies have shown that heavy metals in solar panels can leach out of the cells and get into groundwater. Protecting the neighbors from glare and/or other nuisances was also discussed. Lot Coverage, Height, Fencing, and Setbacks were also discussed.

**Woods** stated that they could limit the use of solar panels in the front yards, in the Lakeshore Districts. **Fleming** remarked that property owners in districts where the use may not be allowed should be compensated for losing that right. **Smalley** suggested that the use be self-governed by the requirements and be allowed in all of the Districts.

**Smalley** stated that Definitions would also have to be established if this ordinance is created. **Litts** remarked that the Table of Uses in each District would also have to be updated. **Smalley** responded that the small personal use SES could be covered in the General Provisions. **Litts** asked that all of the members collect their thoughts and concerns so that they can discuss what is most needed at their next meeting.

#### 9. Administrative reports:

Zoning Administrator – **Smalley** presented the June monthly invoice and will send the August invoice in the morning.

Township Board Representative – **Fleming** stated that the Board had discussed the fencing at the nature preserve. It was determined that the dilapidated split rail fence currently installed at the top of the bluff was not a safety requirement. Whereas, a 6’ fence around an active sand mine was a requirement.

**Fleming** then quoted the takings clause of the Fifth amendment to the Bill of Rights. **Fleming** reminded the PC members that they had taken an oath to uphold the Constitution, not the Supreme Court.

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ZBA Representative – **Liepe** reported that there are three ZBA applications for variances scheduled for tomorrow night’s meeting. Cisco’s sand mine will be seeking variances to the height, type, and location of their fence and the requirement to pave the entrance of the driveway. There are also setback variance requests for an attached garage at 1009 68<sup>th</sup> St and a 3 season room addition at 7350 Beachview Dr.

10. Public comment:

**Litts** commented that he had talked to the Township supervisor about covering the costs of some educational classes and suggested that all of the PC members look into some online courses or attending upcoming conferences to receive some additional training. **Litts** recommended the additional training to help them make better decisions. **Liepe** agreed that education is always a good thing. **Fleming** responded that he did not agree with receiving training in an unconstitutional process.

11. Adjourn at 8:12 pm

Attachments: available upon request

Minutes prepared by:

Jennifer Goodrich, Recording Secretary