

APPROVED 04-05-17

REGULAR MEETING OF CASCO TOWNSHIP PLANNING COMMISSION

March 8, 2017

7 PM – 9 PM

Members Present: Chairman Daniel Fleming, David Campbell, Dian Liepe, Lewis Adamson, Greg Knisley, Paul Macyauski and Judy Graff

Absent: None

Staff Present: Janet Chambers, Recording Secretary

Also Present: 19 interested citizens (sign in sheet attachment #1)

1. **Call to order and review of agenda:** The meeting was called to order at 7:35 PM. Due to late start, #2 Constitutional Moment will be skipped. Approval of 2/22/17 minutes will be delayed until next meeting.
2. **Constitution “Moment”:** skipped because of late start
3. **Opening comments by PC members:** None
4. **Public comment for items not on Agenda:** John Barkley stated because so many people are interested in the STR issue, Barkley would like to formally request the minutes be put on the website.
5. **Approval of minutes of 02/22/2017 (Special Meeting):** Minutes not available for approval. Will be approved at next meeting.
6. **Report from Township Board representative Judy Graff:** Tom Jessup from Allegan County Road Commission said they will be taking down 2500 trees on Blue Star for safety reason. They will remove trees within 15 ft. of pavement. County is having a problem funding police patrol. Casco board approved roads to receive maintenance. Board had decided to suspend enforcement of STRs through October while PC is deliberating on the issue. Compensation committee is working on salaries and comparing to other communities. That report will be due in April in time for 2017-2018 budget. Al-Van requested a contract with Casco which will be discussed at the next board meeting. Draft of noise ordinance will be reviewed at a special board meeting. Casco's fees are being reviewed. Allegan County is offering an educational seminar on marijuana. Sewer costs will be increasing 9.5% each year for next 5 years to pay for recent improvements.
7. **Report from ZBA representative Dave Hughes:** Feb 23rd a variance request from Walter Revoir to renovate an existing cottage in a deeded lot of record. Renovation will not change footprint. The standards were covered and variance granted.
8. **Report from Water / Sewer representative Lou Adamson:** Water & sewer continues to flow very well. They are \$300,000 over where they were at this time last year. Casco joining the Authority is still being debated. Allegan has some requirements they are still discussing. They are meeting with Scott Smith, Atty. Hopefully this time next month Casco will be part of the authority. Seventeen and 1/2 connections are needed each year to meet debts. There are 18 hookups this year to date. Campbell asked if audits and financial statements from Water & Sewer Authority are available. Adamson said they are available and Campbell could get them from Ross Stein.
9. **Old Business:** None
10. **New Business – Presentation pertaining to Peter Klein's request to amend the ZO to allow for the operation of a restaurant in the AG District.** Peter Klein of Seedling Farms, 6717 111th Avenue,

requested that the PC discuss the feasibility of amending the Zoning Ordinance to allow a “pop-up” restaurant in the Ag zone. Presently he sells cider to neighbors and farm markets. He would like to have a restaurant where his cider is featured during the cider season. He would probably have the restaurant open 4 or 5 nights a week during the 6 to 8-week cider season. The business would be fully enclosed in his 81 acres. The health department said he would need a separate septic system for the kitchen. Outstanding the Field has held farm to table dinners once or twice a year and that has been successful with 170 to 200 people. He is planning on about 80 to 100 people max. They would have a professional chef and seasonal cider.

Campbell said he has family that lived and worked overseas where something similar is done at wineries during wine season and seems to be successful.

Klein said they would take the original house and convert it to a kitchen for prep work, but most cooking would be outdoors. Dining would be outside in a tent.

Commissioners discussed how this might be handled. Possibilities raised included a seasonal permit, or cottage laws? Commissioners came to the consensus that it sounded interesting and he should explore it with Ellingsen.

Priscilla Massey asked if Klein would have alcohol. She suggested it is something to consider and would need to work out licensing, bathrooms, kitchen, etc. Klein said he had been told porta-potty would be sufficient.

11. **Planning Commission discussion of rental issue:** Campbell clarified that he will recuse himself from rental discussion and seated in the audience. Fleming said the next meeting will be March 15th at 6:00 with the planner.

The PC is still waiting for information from Ellingsen on areas he identifies as rental areas. They requested basic information on how many units, zoning districts they are in, number of renters, etc.

Fleming wanted commissioners to question the definition of rural character page 12 of the Master Plan, 2nd paragraph: *The components of rural ambience include the following: fruit and field crop farmlands, woodlands and wetlands, clean air and water, undeveloped open space, Lake Michigan bluffs and beaches, Black River tributary streams, and attractive, rolling terrain.* He stated that in the platted subdivisions where most STRs are, there are no crop lands, no Black River tributary streams. He asked commissioners to be thinking about that. He acknowledged that we all want to live in a place that is as little metropolitan as possible. Knisley said sometimes easier to say what it is not (high rise buildings, etc).

Several people in the audience stated that they do have the Black River tributary, wetlands, blueberries, woods, ponds, etc. John Barkley stated that 3 or 4 of those exist in each area.

Discussion ensued about the fact that the PC owns the ordinance. Although they will have a planner to guide them, the PC is responsible for what we end up with.

12. **Public comment concerning renting:** Priscilla Massey said we had an ordinance. The PC wrote one that stops business in our rural community. That is how we (citizens) interpret it and how the judge interpreted it. She also pointed out that Muskegon stopped STRs. She provided commissioners with an article dated March 1, 2017, by Wood TV 8(attachment #2). Neighborhoods are not designed to be tourist cities. She said they called the Attorney General on this and they could not believe Casco is

going to allow it for the next 8 months, even though it is not allowed in the ZO. Our Zoning Ordinance did not mean to allow STRs.

Discussion ensued about the Planner, and the fact that the ordinance is owned by the PC and the PC is responsible for the results. The planner can be of some help, but commissioners are ultimately responsible. They referred to the letter by Williams & Works, planners hired by Casco. Chris Barczyk requested a copy of the letter from Williams & Works (attachment #3). He was provided with a copy.

Carson Leftwich asked, because there is a moratorium on enforcing the STR Ordinance, is there a moratorium on building new structures for the purpose of STRs. She was told there is nothing stopping new STRs from being built. The building codes are the same whether they are for STRs or single family residences. Leftwich stated that they are building over the 35' limit. Fleming told her she should go through the complaint process.

As discussion came up about Overhiser's work groups, Adamson felt he should have been told about the work groups. He feels that it affects the decisions the PC will be making on STRs and he was dissatisfied that he was not told the work groups exist. Graff explained that at the February board meeting a problem identification, solution, process, behavior oriented group was assigned to help come up with ways to solve issues.

John Barkley said it was a broader agenda. They are working to identify priority problems. They will break into 5 or 6 people work groups to come up with a plan. They are planning a meeting on the 23rd at 6:00 PM.

Ken DeWitt asked if STRs are going into farmland. He was concerned about his farming. Pricilla Massey said that if he was concerned about migrant workers he did not need to worry because migrant workers stay for 6 months, (not considered short-term).

13. **Closing comments and adjournment:** Adamson asked if the PC was going to be able to see results from Allan's work groups. Graff expressed that the workgroups have nothing to do with zoning, and she would share anything she gets with him. Adamson reiterated that this was the first he heard about a committee and people on the side making plans that will have an impact on what he is working on. Adamson felt he should not have to wait until he gets to a meeting to find out something like this.

A motion to adjourn was made by Graff, supported by Hughes. All in favor. Meeting adjourned at 8:50 PM.

Minutes prepared by Janet Chambers, Recording Secretary

Next meeting will be March 15th at 6:00 PM on STRs
There will be a meeting on March 29th at 6:00 PM on STRs

Attachment #1 - Sign-in sheet

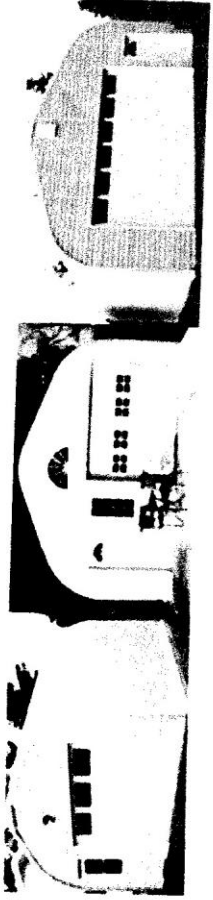
Attachment #2 - March 1, 2017 article provided by Massey Re: North Muskegon stops STRs

Attachment #3 – Letter from Williams & Works, Re: Work scope for planner, dated 2/15/17

Date 3-8-17

Planning Commission Meeting - Please sign in

Name	Address
EVAN TUCKER	988 Blue Star Hwy
Bill Garity	1188 Cherry Dr.
Yusilla Massee	7219 Atlantic
Mancy Luke	7170 Orchard Rd Dr.
Bob + Julia Sherwood	966 Lake St
Darren Massey	7242 Miami Ave.
John Barkley	646 Waters Edge
Bob Jensen	7278 Beverly Dr.
Carol Rice	1004 70 th St
MIKE LYNCH	631 LAKE SIDE
Kirk + Carson Leftwich	7228 Atlantic
Laura Towles	1188 Hickory
Mindy Campbell	7174 Frundell Ave.
John West + Bill West	7162 Atlantic Ave.
Krusta Barczyk	476 High Shores Ln
Chris Barczyk	476 High Shore Ln



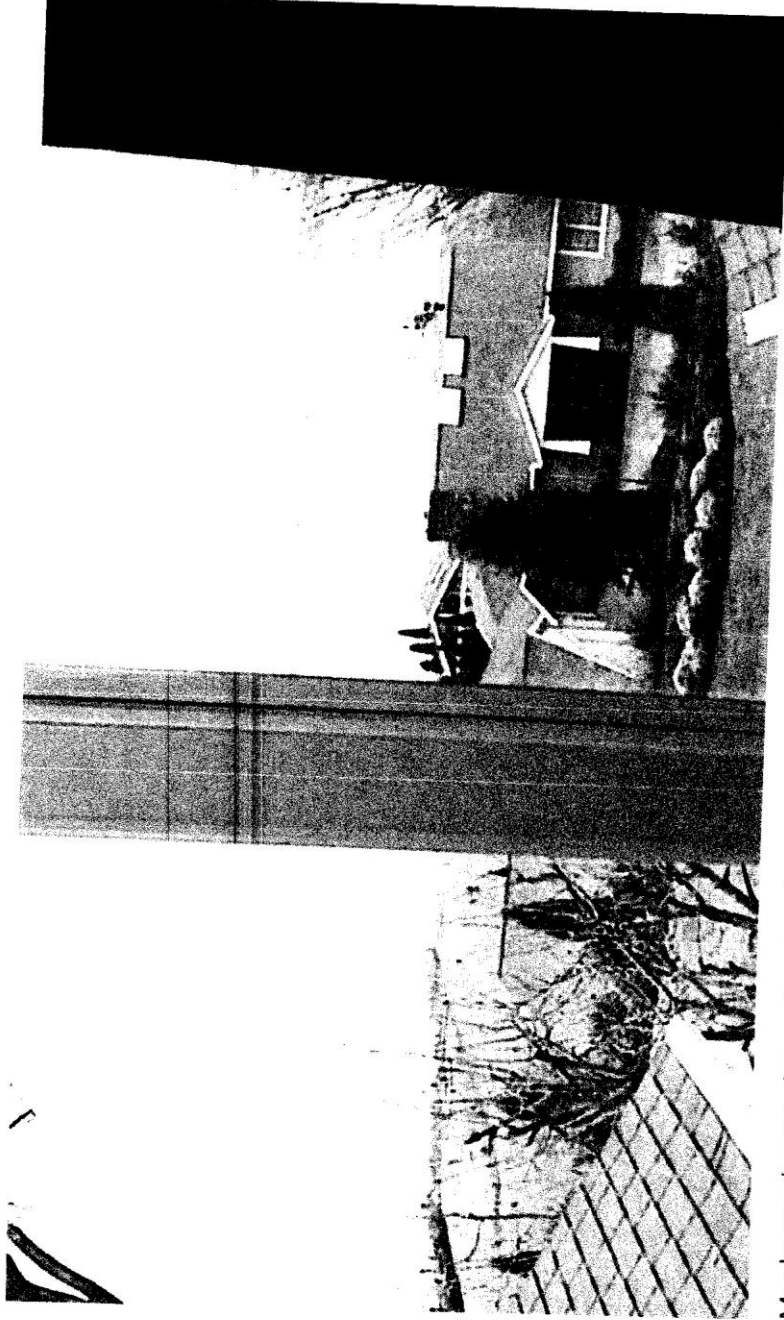
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up to 45% off Steel Buildings, Perfect for:
Garages, Workshops & More!
SAVE!
FUTURE BUILDINGS



N. Muskegon sides with upset neighbor in banning vacation rentals

Heather Walker

Published: March 1, 2017, 6:00 pm | Updated: March 1, 2017, 6:36 pm



The owner of a North Muskegon home shows the view from a room she rented to vacationers. (March 1, 2017)

NORTH MUSKEGON, Mich. (WOOD) — If you are visiting North Muskegon this summer, it looks like you'll need a hotel; the city says it doesn't want any vacation rentals, at least for now.

The issue came up after a neighbor complained about a room that was being rented out next door by Sharon Clark and her husband.

For about two years, the Clarks rented out their upstairs room to visitors from all over the world through Airbnb's website.

That ended when the city sent a cease and desist letter following a complaint from a neighbor who felt bothered by the renters.

"We had other people walk down to the lake on our property," said the neighbor who didn't want to identify herself. "Three times," she added.

The Clarks said the Airbnb guest used the neighbor's path instead of theirs, so the neighbor complained to the city council and the council agreed: the Clarks can't rent out a room.

The city says it's a zoning violation because renting a room in that area is not permitted. The city defines a single family home, as a "building designed exclusively for and occupied exclusively by one family."

"I think they're (the city council is) not interested in the idea of vagrants," North Muskegon City Manager Sam Janson said, though he later clarified that he meant to use the word 'transients.' "People that are coming and going."

"The neighborhoods are not really designed to be a tourist city," he added.

The city says they've never allowed vacation rentals in this particular neighborhood, but the Clarks disagree and are continuing to fight the decision.

Sharon Clark says with the exception of the one unhappy neighbor, she's received nothing but positive feedback from her neighborhood.

The city has now created a subcommittee to figure out how to should address short-term rentals. The issue remains in limbo until the committee reaches a decision.



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VICTIMS IDENTIFIED IN CARBON MONOXIDE POISONING



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[Hotel to replace apartments in downtown GR project](#)

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February 15, 2017

Mr. Allen W. Overhiser
7104 107th Avenue
South Haven, MI 49090

Re: Short Term Rental Ordinance

Dear Mr. Overhiser:

Thank you for requesting a scope of work for developing a short term rental ordinance with the Township Planning Commission, staff and leadership. We have reviewed the materials provided, including a draft ordinance from the Township Attorney.

Assumptions. Our role is to assist the Planning Commission through a process to define applicable uses, suggest text amendments and an approval process, and ensure that the new regulations are adopted.

Work Scope. The following tasks are proposed and we have included anticipated hours of effort for each task. Travel time is included in our estimates. Mileage will be billed at the IRS standard rate.

Step 1: Staff Meeting/Introduction

Ms. Wells will meet with the Planning Commission Chairperson, Township Supervisor, Zoning Administrator, and others to discuss recent court cases, review Township Master Plan, confirm the process, discuss communities for best practices research (step 2), and set future meetings dates.

Estimated Hours: 7 hours, includes initial review of Master Plan and Zoning Ordinance, travel time, meeting time

Step 2: Best Practices Research (up to 4 communities)

Williams & Works will review short term rental ordinances for up to 4 similar communities and prepare a summary matrix that identifies and compares terminology, regulations, and procedures to present at the Planning Commission Work Session.

Estimated Hours: 10 hours, includes research and review of ordinances, consultation with community planner, and preparation of summary matrix

Step 3: Planning Commission Work Session

At the work session, we will review best practices, discuss common terminology, determine appropriate regulations (by use and by district), and discuss registration, inspection, and enforcement. We will also decide whether the standards would be regulated through zoning or via general law ordinance.

Estimated Hours: 7 hours, includes preparation, travel time, meeting time

Step 4: Develop Draft Ordinance Standards

Williams & Works will develop draft ordinance standards for review. If standards would be regulated through zoning, we will provide a red-line version of the applicable ordinance pages.

Estimated Hours: 6 hours, including drafting ordinance language (note, if the ordinance standards closely align with previous drafts from the Township Attorney, hour allocation may be reduced)

Step 5: Present Draft Ordinance Standards for Review and Comment

Williams & Works will present the draft for review and comment at a Planning Commission work session.

Estimated Hours: 5 hours, includes travel time, meeting time

Step 6: Refine Draft Ordinance Standards (Township to also seek Attorney Review)

Williams & Works will refine the standards according to the decisions made by the Planning Commission. We will coordinate with the Township regarding legal review (attorney fees not included) and prepare any adjustments recommended by the attorney.

Estimated Hours: 4 hours, includes revising ordinance per the Planning Commission, coordination, and any revisions per the attorney

Step 7: Final Presentation of Standards/Agree Adoption Process/Set Hearing and Adoption Schedule

Williams & Works will present the standards to the Planning Commission, and assist with establishing a schedule for a hearing and approval process.

Estimated Hours: 5 hours, includes travel time, meeting time, memo regarding adoption schedule

Step 8: (Optional) Presentations at Planning Commission and Township Board

Williams & Works can present the standards at a public hearing with the Planning Commission and/or Township Board.

Estimated Hours: 4 hours per meeting, includes travel time and meeting time

Our Team: We propose that Lynée Wells will be the primary planner for the project. She will be assisted (when necessary) by Nathan Mehmed, one of our staff planners.

Professional Fees: We have provided estimates for our time. However, these matters can become more time-consuming than anticipated. Therefore, this is an estimate of services. Our hourly fees include printing costs, labor, and overhead. Mileage will be charged at the standard IRS rate. Our hourly fees are as follows:

Principal/Wells: \$125

Staff Planner/Mehmed: \$75

Upon your acceptance of this proposal, we will prepare a professional services agreement for approval by the Township which will incorporate the terms of this letter.

Please do not hesitate to contact us if we can respond to any questions.

Sincerely,

Williams & Works, Inc.

(sent via email)

Lynée Wells, AICP

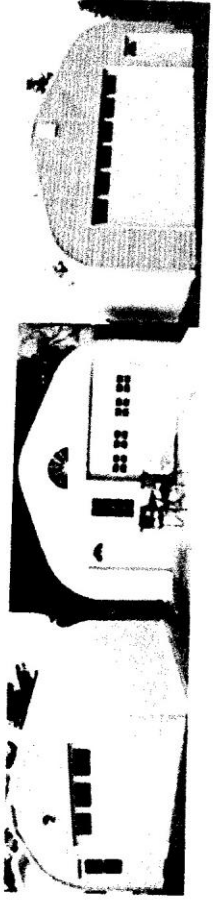
Principal-In-Charge of Planning

Accepted for Casco Township
Name: <u>Allan Overhiser</u>
Signed: <u>[Signature]</u>
Date: <u>2-21-17</u>

Date 3-8-17

Planning Commission Meeting - Please sign in

Name	Address
EVAN TUCKER	988 Blue Star Hwy
Bill Garity	1188 Cherry Dr.
Yusilla Massee	7219 Atlantic
Mancy Luke	7170 Orchard Rd Dr.
Bob + Julia Sherwood	966 Lake St
Darren Massey	7242 Miami Ave.
John Barkley	646 Waters Edge
Bob Jensen	7278 Beverly Dr.
Carol Rice	1004 70 th St
MIKE LYNCH	631 LAKE SIDE
Kirk + Carson Leftwich	7228 Atlantic
Laura Towles	1188 Hickory
Mindy Campbell	7174 Frundell Ave.
John West + Bill West	7162 Atlantic Ave.
Krustin Barczyk	476 High Shores Ln
Chris Barczyk	476 High Shore Ln



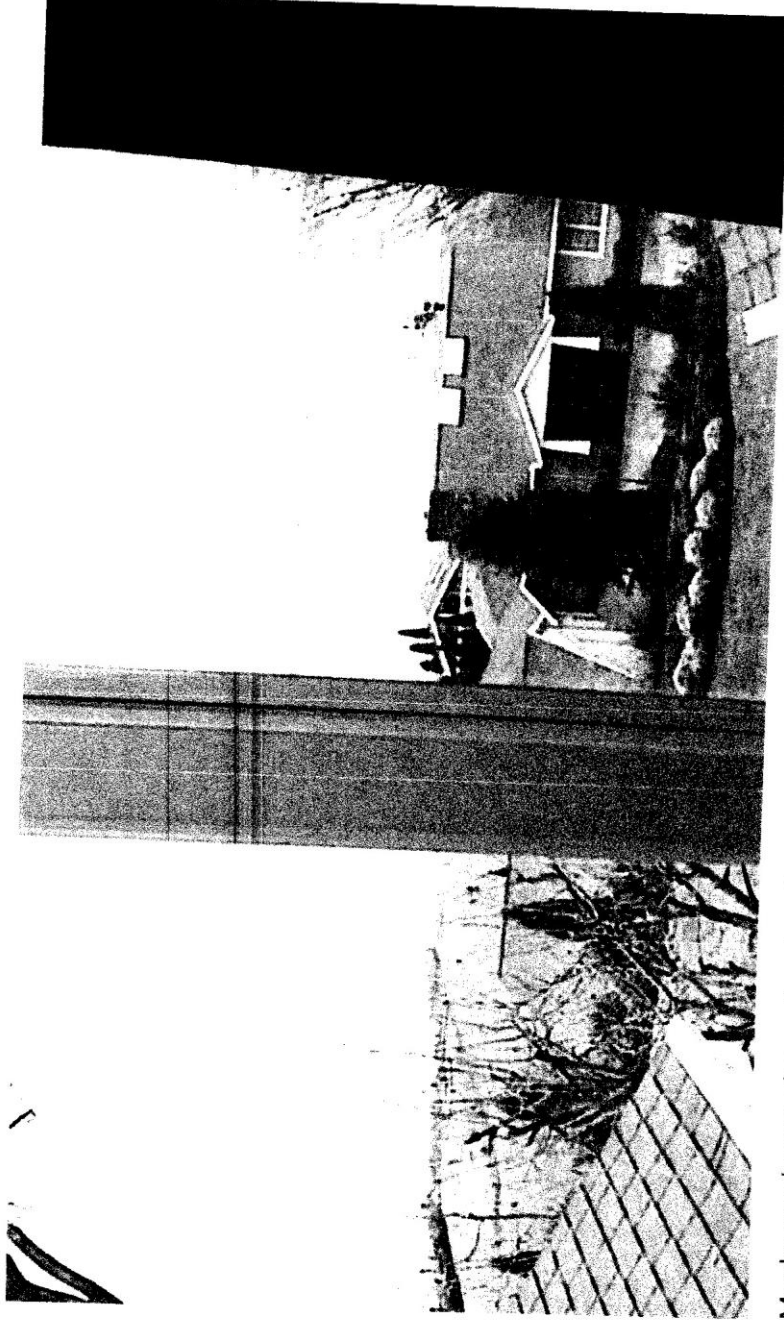
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Williams & Works, Inc.

(sent via email)

Lynée Wells, AICP

Principal-In-Charge of Planning

Accepted for Casco Township
Name: <u>Allan Overhiser</u>
Signed: <u>[Signature]</u>
Date: <u>2-21-17</u>