

**REGULAR MEETING OF
CASCO TOWNSHIP PLANNING COMMISSION
October 4, 2017
7 PM – 9 PM**

Members Present: Chairperson Dian Liepe, Daniel Fleming, David Campbell, Lewis Adamson, Greg Knisley, and Dave Hughes

Absent: Judy Graff

Staff Present: Al Ellingsen, Zoning Administrator and Building Inspector, and Janet Chambers, Recording Secretary

Also Present: Supervisor Overhiser, Clerk Brenner, Macyauski and approximately 15 interested citizens (Sign-in sheet Attachment #1)

1. **Call to order and review of agenda:** The meeting was called to order at 7 PM. Cheri Brenner asked to present something under new business.
2. **Opening comments by PC members:**
3. **Approval of minutes of August regular meeting minutes:** A motion by Campbell, supported by Adamson to approve minutes of Regular September 6, 2017 PC meeting. All in favor. Minutes approved as printed.
4. **Report from Township Board representative Judy Graff:** In Graff's absence, there was no Board Report
5. **Report from ZBA representative Dave Hughes:** Nothing new to report. There will be a ZBA meeting on Nov. 2, 2017.
6. **Report from Water / Sewer representative Lou Adamson:** Water & Sewer Authority are doing well. 8.5 of 17.5 needed hookups have been met.
7. **Old Business**
 - A. **Jensen's Campground site plan closure:** Ellingsen discussed final site plans. Requested conditions for approval have been met. Planning Commissioners will sign at the end of this meeting. Ellingsen will be in contact with SHAES again. (Road Commission approval attached to September 6, 2017 Planning Commission minutes)
 - B. **Possible Zoning Ordinance changes to be addressed by PC**

Division of property in Ag, Private/shared roads in Ag, Dark Skies Initiative, Restaurants in the Ag district, Other venues in Ag, and Other Farm tourist related issues

Campbell suggested starting with the private road or driveway issue. He referred to options presented in Attorney Bultje's letter (attachment #2) for possible solutions. Campbell said Casco's Master Plan is to continue as a farm community. In Spencer's case, a family member is trying to build a home on their 85-acre farm that does not have enough road frontage to divide. Their intent is to continue with the existing use.

Discussion ensued about existing homes with shared drives in ag. The existing ordinance has a 250' road frontage requirement. Private roads and shared drives are not allowed in the current ordinance. Commissioners decided to ask the planner to come up with a draft amendment to allow a private

driveway, to meet the frontage requirement. They can consider other options suggested by the attorney in his memo (attachment #2) in the future.

Chairperson Liepe referred to a letter and photos presented to Commissioners from Bruce and Peggy VanWagoner, requesting the use of a venue barn in the ag district. She invited the VanWagoners to speak. Bruce VanWagoner said he felt a venue barn would be a great asset for Casco. They will comply by rules and regulations, they just need it to be allowed in the ordinance. They are at a point where additional investments will be needed to continue their plans, but need to know it will be allowed by the Zoning Ordinance. The barn is not heated and would be for warmer months

Discussion ensued. There have been several requests from people interested in venue barns. Currently there is the Consumer's building, but it is restricted to employees use. A letter from Zoning Administrator, Alfred Ellingsen (attachment #4), regarding requests for uses in Ag including restaurants, events in wineries, farm to table, etc. In his letter Ellingsen gives 10 questions that should be considered by the Planning Commission.

Discussion turned to Williams & Works Farm Restaurant draft amendment. Campbell questioned item #11. It was decided to add the word "some" as follows: **#11. The establishment shall be related to the farm use and offer some menu items or products which are grown on site.**

Commissioners discussed #3 and if the 90 day limit should be included. They discussed # 6 and decided it should be changed to: **#6 Amplified music shall be prohibited on the property in accordance with the noise ordinance.**

Discussion returned to Venue Barns. Venues could be weddings, fund raisers, anniversary parties, reunions, etc. Liepe said the request from Roessing's (attachment #6) is like VanWagoner's request. Liepe asked VanWagoner's if their request might include overnight guests. Bruce VanWagoner said most venues have 1 or 2 rooms to accommodate guests in existing structures.

Commissioners decided to ask the planner to write a draft ordinance for venues, like what she did for restaurants in ag. Campbell said it should be suitable to handle multiple districts. Ellingsen said he will discuss with the planner.

Recap of items for discussion with the planner in her restaurants amendment are: #3 number of days per year, #5 Maximum Capacity, #6 concerning noise, #11 Add "some" before menu items. Items 8 & 9 need further explanation and discussion.

Concerning #3, One possibility could be a duration permit of 90 days that is renewable. A restaurant owner could apply for a second 90 day permit to achieve 180 days.

Ellingsen offered to sit down with the planner and go over what was discussed at the meeting.

Ellingsen recommended looking at the density in elderly housing. In other multifamily uses, 6 units per acre is the standard in our current ordinance. Why does elderly housing allow 18.3 (3 times that of other uses) per acre? Ellingsen suggests changing.

Ellingsen will discuss with planner: Special Events Venue, Farm Markets, Separate section for Wineries, Density for elderly housing, Spencer's request for adding private drives and down lighting.

8. **New Business:** C heri Brenner read a FOIA request (attachment #7) from Douglas Callander of Miller Canfield, Paddock and Stone, PLC, concerning STRs. Callander is requesting correspondence and communications, including email and texts to and/or from Supervisor Alfred Overhiser, Zoning Administrator Alfred Ellingsen, Clerk Cheryl Brenner, Trustee Paul Macyauski, and Treasurer Lou Winfrey and Casco Legal Counsel, related to STRs, Rental of residential homes in RR, LRA, LRB, LD,

and MDR in Casco, decisions of Bauckham v Petter and the proposed STR Ordinance dated September 17. Correspondence Michigan Township Association related to renting. Correspondence with William and Works related to rentals. In addition, they are requesting a template used to create the Short-Term Rental Ordinance XXXX, dated September 18, 2018, and presented at the September 20, 2017 Planning Commission Workshop. All information, drafts, minutes and notes used in preparation of that ordinance. All records of owners who have rented for more than 15 days in 2015, 2016 and 2017. All information used to create maps with blue pins. Records, tax ID numbers, etc, for all represented by blue pins. All registration forms. Minutes and notes of advisory group used to create ordinance. Records reflecting current ownership of real property in Casco by corporations, LLC or partnerships located in residential zones. All records of discussion of changes to Master Plan regarding commercial activity in family residential zones. Agreements, contracts or letter in effect between Casco and Williams & Works related to STRs. Complaints and reports of disturbances regarding STRs.

Clerk Brenner said Callander has requested that fees be waived, but Casco intends to charge. They are estimating it will cost \$1,050. Brenner asked that everyone send her copies of anything related to STRs and she will print everything and Callander will have to sort it out. Macyauski, Brenner, and Stanton discussed this and most is already documented in Stanton's computer. She stated there are more than 500 copies. Ellingsen added he has at least 500 complaints.

There is a 14-day time frame after a deposit is received, and there can be a request for 1 extension. Knisley asked if something gets mixed in by mistake, will this be a problem? Overhiser said as long as a good effort is made it will be ok.

Correspondence can be sent to Brenner's email with FOiA in the subject line.

9. Public comment on items discussed in this meeting:

Debbie Weaver said she appreciated Casco's efforts and feels bad about the FOiA work

Chris Barczyk said regarding special use in Ag, like B&B there could be a distance requirement between venues. Also, regarding resorts, is it easier to look at PUDs or more like B&Bs. Ellingsen said Hawkshead is the only PUD. PUDs are very complex. B&B is not complex. PUD would not be for a resort. Could be done as a SLU.

Mary Campbell suggested, about density of senior housing, a lot of green space could be required to help keep density down, and it would be a nice area.

Supervisor Overhiser stated at last month's board meeting when they talked about the rental ordinance, there were not derogatory comments made toward anyone. He invited commissioners to listen to a recording of the 1.5 hr. meeting and draw their own conclusions.

Chris Barczyk requested a copy of the FOiA request. He was given a copy at the end of the meeting.

- 10. Closing comments and adjournment:** Fleming made an observation. The reason all these people come (for changes in the ordinance) is because we told them they can't do anything except what we say. This puts Alfred in a hard spot. Are we creating more potential for the same kind of thing? His 2nd comment was about density of venue locations in ag. Who are we protecting by maintaining a distance between wedding events.

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

Minutes Prepared by Janet Chambers, Recording Secretary

Next Meetings:

Wed., Oct. 11, 2017, 6pm Workshop Short Term Rentals

Wed., Oct. 18, 2017, 6pm Joint Group STRs

Wed., Nov. 8, 2017, 7pm Regular Meeting

Attachment #1 Sign-in sheet

Attachment #2 Attorney Bultje's memorandum, July 7, 2017, Re: Spencer Lot in Ag

Attachment #3 VanWagoner Letter, maps & photos, Sept. 12, 2017, Re: Venue Barn

Attachment #4 Alfred Ellingsen letter, July 1, 2016, Re: Zoning considerations in Ag

Attachment #5 Williams & Works Memo, 6/15/17, Farm Restaurant Amendment Draft

Attachment #6 Roessing letter, August 29, 2017, Re: Barn Venue

Attachment #7 Callander FOIA request, September 29, 2017, Re: STRs



Scholten Fant
Attorneys

Over 50 Years of Service

Ronald A. Bultje • rbultje@scholtenfant.com • 616.842.3030
100 North Third Street, P.O. Box 454, Grand Haven, MI 49417-0454

www.scholtenfant.com

MEMORANDUM

TO: Mr. Al Ellingsen, Casco Township Zoning Administrator **VIA E-MAIL ONLY**
FROM: Ronald A. Bultje
DATE: July 7, 2017
RE: Spencer Lot in Agricultural District

Al:

This Memorandum will, at your request, confirm our telephone conference of June 28, 2017. During that telephone conference, we discussed a lot in Casco Township (the "Township"), located in the Agricultural District, and owned by Mrs. Spencer.

Although the lot in question is approximately 85 acres, the lot only has enough public street frontage for one conforming lot under the Casco Township Zoning Ordinance (the "Zoning Ordinance"). The lot cannot be divided into two lots and still have enough public street frontage for both lots.

Mrs. Spencer would like to divide a lot out of the 85 acres, in order to allow a family member to have a dwelling on the additional lot. However, she cannot create that additional lot because of the lack of public street frontage.

Ordinarily, a landowner could develop a private street within the 85 acres. In that regard, Section 3.11 of the Zoning Ordinance allows frontage to be along either a public street or a private street. However, private streets are not allowed in the Agricultural District.

In order for Mrs. Spencer to accomplish her goal, she could request that the Township amend its Zoning Ordinance, to allow private streets in the Agricultural District.

Second, Mrs. Spencer could construct a public street on her 85 acres. Of course, a public street would have to be constructed in accordance with the requirements of the Allegan County Road Commission, which means that it would be very expensive and in reality cost prohibitive for simply one lot.

Mr. Al Ellingsen
July 7, 2017
Page 2

A third option would be for Mrs. Spencer to request the Township to amend its Zoning Ordinance to allow a private driveway in lieu of public street frontage for a limited number of lots in the Agricultural District.

Finally, Mrs. Spencer could seek a variance from the current requirements of the Zoning Ordinance. This would not be a use variance request, since the request would be to construct a single family dwelling on the newly created lot, and single family dwellings are allowed in the Agricultural District. Rather, she could request a non-use variance from the prohibition against private streets in the Agricultural District. In other words, this would be a dimension variance request, seeking an additional lot in the Agricultural District without the required public street frontage. However, that is not a guarantee that she would be able to qualify for the non-use variance, since she would have to meet all of the variance factors found in the Zoning Ordinance.

If you have any questions about the above, please advise. Likewise, if you would like further detail on any of these options, please advise.

Very truly yours,

SCHOLTEN FANT



Ronald A. Bultje

RAB/skc

Casco 3 Memo 07072017 Ellingsen re Spencer Private Road in Ag District

TO: Casco County Planning Commission
September 12, 2018

FROM : Bruce & Peggy Van Wagoner
Inisfree Farm, LLC
1073 62nd Street
Casco Township - 49450

Hello Casco Township Planning Commission,

Our names are Bruce and Peggy Van Wagoner. We own a 30 acre agriculture zoned property located at 1073 62nd Street, Casco Township. The property features a 120 year old Italianate farmhouse, the original 40 x 80 barn, the original outhouse, and the original henhouse - all of which dates to 1897. Over the years, there have been many renovations and improvements including newer garage/carriage house, pool and pool house. The acreage has an established vineyard and is surrounded by woods on all sides.

We would like the opportunity to share the use of our barn for private events (weddings, reunions, fundraisers, etc.). The historical structure of this barn and farm make it not only a beautiful, private setting for many special events, but also will help to preserve a part of our heritage here in Casco Township. The barn is in amazing condition - structurally and aesthetically sound - both inside and outside. However, we realize in order to use the barn as an event venue, there are codes that will need to be addressed which we are willing and able to meet your requirements per code.

With your approval to use our property as a venue, we will address all requirements, i.e.

1. Adding proper bathroom facilities including handicap requirements for guests use
2. Add additional well and septic permitted through Allegan County Health Department. (We have the soil tests approval and applications for permits - waiting on approval to move forward from Casco Township)
3. Provide adequate, ample parking area - while maintaining the integrity and character of the property.
4. Plant additional trees where needed for not only aesthetic but also as an additional buffer for noise.
5. Install a sprinkler system in the barn as deemed necessary.

6. Improve electrical which meets all today's code requirements.
7. Tim Simpson, our local contractor, will insure all codes and permits meet Casco Township and Allegan County requirements.

Most importantly, we are so proud of our farm - the love of the land, country and our history. It is our intention to not only provide an exceptional venue to share, but to also maintain and enhance our property and Casco Township - something we think everyone in Casco Township and the surrounding areas would be proud to have in the community.

We have included a copy of our plat map and photos of our farm for your viewing.

Originally from Allegan, we love being back in Michigan. Work took us out of the state for several years, but we were fortunate to have found our "Michigan farm" - here in Casco Township. We want to be an asset to this community and feel like we do have a beautiful place to share. We are hopeful you will permit us to do just that.

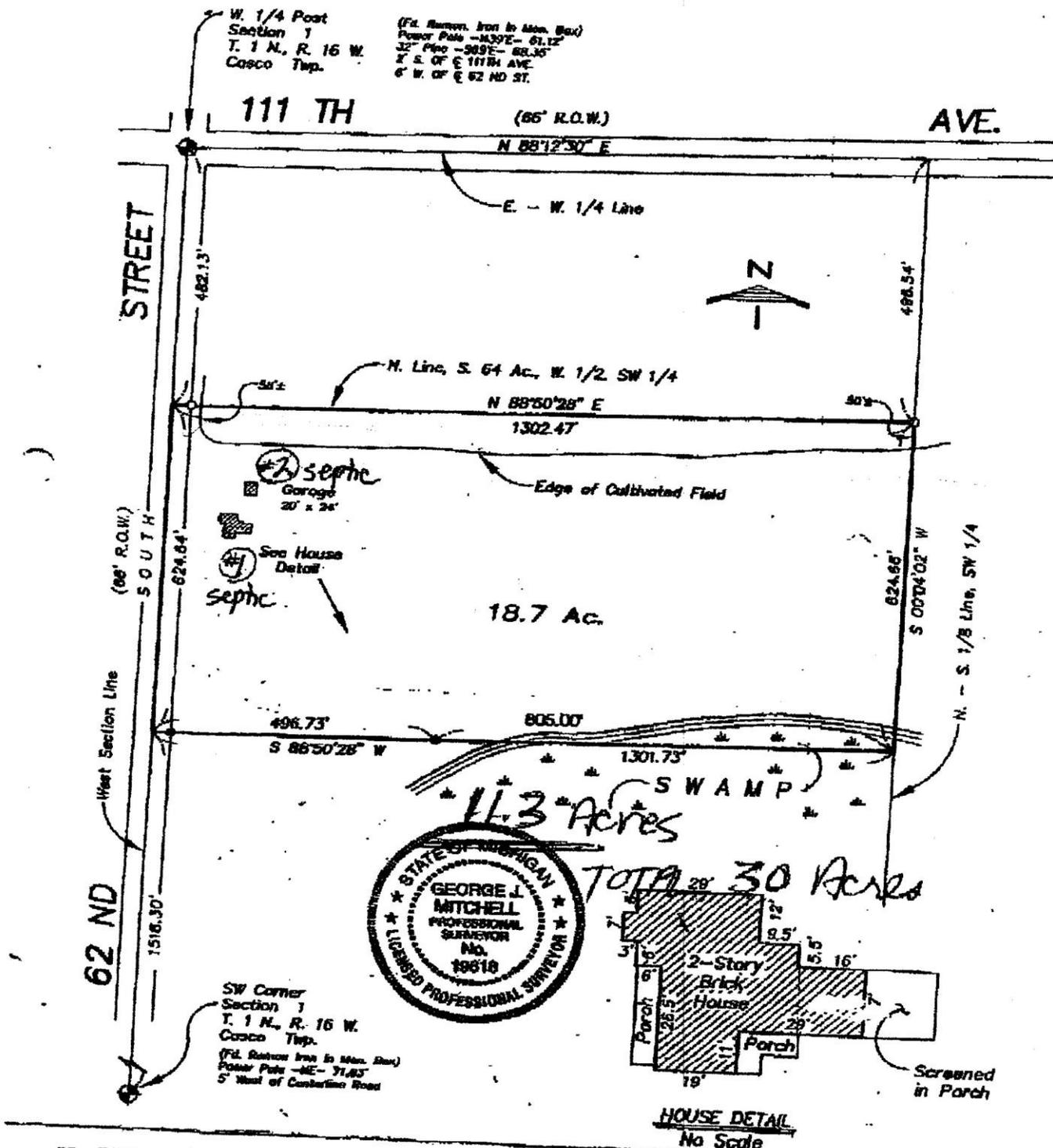
If any of you would like to see our property, by all means. You are welcome anytime.

Looking forward to hearing from you soon so we can move ahead.

Regards,

Bruce and Peggy Van Wagoner
INSIFREE FARM, LLC
1073 62nd Street
Casco Township, MI 49450

847-354-9828
847-345-3708



PAGE 11

3636 FEDEX OFFICE

18/02/2012 09:15 773-975-5658

Sales Tax Registration Notice

PEGGY VANWAGONER
INISFREE LAVENDER FARM
1073 62ND ST
PULLMAN, MI 49450-9786

Your annual
return is due
February 28

Below is your Sales Tax License. This license should be displayed in your place of business.

Treasury uses your Federal Employer Identification Number (FEIN) as your sales tax account number whenever possible. If you do not have an FEIN, Treasury has assigned you a 9 character account number beginning with "TR" and followed by a 7-digit number.

You should notify the Michigan Department of Treasury of changes to your business ownership, business address or federal employer number. You can complete these changes using Michigan Treasury Online (MTO) by visiting www.michigan.gov/mtobusiness. You can access your existing MTO account or you will need to register your business to begin using Treasury's electronic services.

Effective with the mailing of this license, Treasury will no longer mail multiple licenses for businesses with more than one location. You may photocopy the license below as needed, or you may access your MTO account to print additional copies.

Note: The expiration date for the sales tax license is changed to December 31 and coincides with the calendar year it is issued for.

CUT ALONG THIS LINE

164 (Rev. 4-06)

STATE OF MICHIGAN
DEPARTMENT OF TREASURY

PEGGY VANWAGONER
INISFREE LAVENDER FARM
1073 62ND ST
PULLMAN, MI 49450-9786

Sales Tax
License

ACCOUNT NUMBER
82-2569500

EXPIRATION DATE
Dec 31, 2017

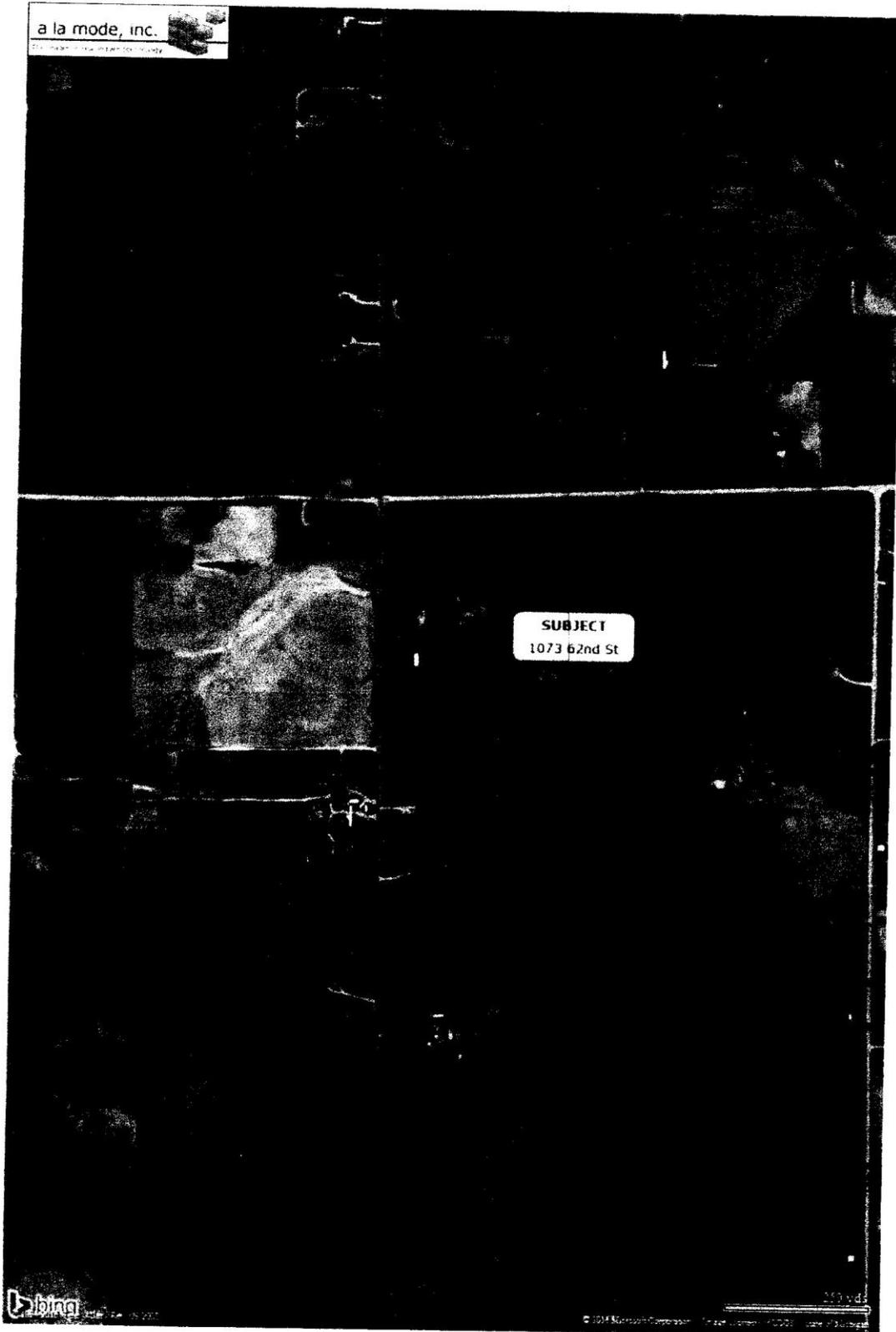
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Tax Codes	Type	Co-City	K	Loc.	Seas. Months	Fiscal	F

Issued under authority of P.A. 167 of 1933, as amended.



Location Map

Borrower	Bruce & Peggy Van Wagoner				
Property Address	1073 62nd St				
City	Pullman	County	Allegan	State	MI Zip Code 49450
Lender/Client	JP Morgan Chase Bank NA				





4

CASCO TOWNSHIP
Zoning Administrator/Building Official
7104 107th Avenue
South Haven, Michigan 49090
Phone:269/637-4441 Fax:269/639-1991

1 July 2016

To: Casco Township Planning Commission

Dear PC Members,

As you are aware the Township received a letter from Mr. Peter Klein, Seedling Farms, 6717 111th Ave., requesting that the PC and Board assess the feasibility of amending the Zoning Ordinance to allow restaurants in the Agricultural Zone. Presently, the Township has two sit down restaurants, Cousins on Blue Star and North Shore(C-2 - Community Business District), and Hawks Head(PUD District). Consumer Energy also has a full service kitchen and sit down facility which is supposed to be for their internal conferences only and not open to the general public. Minimal food items are also served at the two operational wineries.

Since the Commission is going to address this issue, I believe there should also be discussion regarding the addition of wineries and special events facilities to the list of uses since wineries have been previously adjudicated as "Farm Markets". I have had at least six inquiries during the past several years regarding wedding venues or banquet halls, either in existing structures or newly proposed buildings.

As I stated at previous meetings, Zoning Ordinances are primarily "permissive" and ,therefore, allow for all the uses listed in the ordinance, either as a permitted use or as a special use, but theoretically, all other uses are negated. Saugatuck Township, during my tenure as Zoning Administrator, has always allowed restaurants in the two Agricultural Zones, which comprises approximately 62% of the land area of Saugatuck Township. The use is allowed as a special use and must also comply with the requirements for site plan review after analysis and approval by the Planning Commission. The restaurant must be full service without dancing, floor show, or drive-thru. However, over the course of twenty years I never had anyone apply for, or even discuss, a restaurant project in the Ag Zones in Saugatuck township.

After reviewing several websites where Seedling Farms is mentioned, I believe that Mr. Klein has already had several large gatherings on his property for the purpose of what appears to be an outdoor farm to table dinner for up to 180 persons. There was also a mention that the individual cost for this dinner was \$100 per person.

The Casco Township Master Plan provides some allowance for "small-scale business uses within the Agricultural and Rural Residential Zoning districts". "The decision to allow or not to allow such non-residential uses to mingle with homes in the rural countryside should be made in the zoning ordinance. Obviously, a key consideration in such a decision is the compatibility of those uses with the desired and predominant character of the area. The effects of noise, traffic, and similar impacts upon the surroundings must be carefully considered. The primary objective is to determine which type of uses are allowable ... and the scale that might be allowed."

Since it appears that the Master Plan allows some type of future commercial endeavors in the Agricultural Zone, either in association with an existing use or as a potential stand alone use, the Planning Commission will have to answer, among others, the following questions:

1. Would small restaurants be appropriate in some areas and in conjunction with certain uses? or
2. Should stand alone restaurants be allowed?
3. Will the use change the character of the area, especially the properties immediately surrounding the property with the change of use?
4. Is the use contrary to the purpose and intent of the zoning district?
5. Will the roads be impacted such as to need upgrading to be safe and not degrade more quickly?
6. Will the use create more demand of Fire/Rescue and Police in terms of potential emergencies?
7. Will the use be able to operate long term without the need for public water and sewer?
8. Is the use primarily for local patrons or is it primarily a destination for travelers?
9. What would be the maximum scale of the facility (Number of seats, size of building, etc.)?
10. Would the Health Department approve these uses?

All of the uses noted in the second paragraph would have to be Special Uses with Site Plan Review approval.

There are many other questions that will come up in a public hearing if and when that time arrives. There may also be other uses if the Commission wishes to expand the discussion to add lodging such as "Inns", commercial recreation, or other farm-tourist related uses.

There also may have to be some changes to the parking and signage sections of the Zoning Ordinance, and the noise ordinance.

For years, the rural areas have been off limits to most commercial activities. The addition of Home Based Business, Home Occupations, and Cottage Industry sections to the 2006 Zoning Ordinance has expanded the possibility and opportunity for more commercial enterprises. Because these changes have occurred over a short period of time, the resulting affects have not been fully realized and many people may still be unaware of the options allowed in the existing ordinance. For this reason, I believe that the Township should be cautious and careful in how far it goes in allowing commercial activity in the rural areas.

Alfred J. Ellingsen

Alfred J. Ellingsen
Zoning Administrator

MEMORANDUM

To: Casco Township Planning Commission
Date: June 15, 2017
From: Lynee Wells, AICP
 Nathan R. Mehmed
RE: **Farm Restaurant Amendment Draft**

As discussed, we have developed a draft amendment to the Casco Township Zoning Ordinance addressing restaurants affiliated with a farm or farm market. The following language includes only additions to the Zoning Ordinance text and does not include full sections or chapters.

SECTION 5.02 PERMITTED USES AND SPECIAL USES

USES	AG
Restaurants, when affiliated with a farm or farm market	SU

SECTION 15.03 SPECIFIC USE STANDARDS

RR. Restaurants, when affiliated with a farm or farm market

1. The establishment shall be licensed and inspected by the Allegan County Health Department and comply with all applicable laws and regulations regarding food service.
2. The establishment shall be directly serviced by private water and sanitary sewer systems as approved by the Allegan County Health Department unless public water and public sanitary sewer is available.
3. The establishment shall be operated for a time period not to exceed 90 days during a 12 month period.
4. Hours of operation shall be limited to the hours of 7:00 a.m. and 10:00 p.m.
5. The maximum capacity of the establishment shall not exceed 100 patrons.
6. Amplified music shall be prohibited on the property.
7. Exterior lighting shall be so arranged that it is fully cut-off, downward facing, dark-sky compliant, and deflected away from adjacent properties so as to preserve the rural character of the Township.
8. The establishment shall not be located within fifty (50) feet of a public road right-of-way.
9. The establishment shall be located no closer than one hundred (100) feet from any lot line which abuts a residential zoning district or dwelling unit on adjacent property.
10. Suitable containers for rubbish shall be placed on the premises for public use and shall be properly disposed of on a regular basis.

11. The establishment shall be related to the farm use and offer menu items or products which are grown on site.
12. One (1) ground sign, not exceeding twenty (20) square feet, and one (1) wall sign, not exceeding twelve (12) square feet, may be erected on the property. Such signs shall otherwise meet the requirements of Chapter 19 where applicable.
13. Parking shall be available on site and in accordance with Chapter 18.
14. Access to the use shall be located in accordance with County Road Commission requirements.

As always, please let us know if you have any questions.

August 29, 2017

Casco Planning Commission,

We appreciate you taking the time to review our letter and consider our request. We live in Holland with our three children and manage a nonprofit farm on several acres within the city. We love agriculture and want to continue farming. It has been our dream to settle in the country and experience a different pace of life. Right now we share a driveway with a neighbor, wake up every morning at 5am to a neighbor's loud music as they pull out, and are troubled that our children are exposed to profanity from neighborhood kids as young as three.

The property we would like to buy sits on 7 acres and we would like to farm a portion of those acres. However, being involved in farming for the past 8 years and having worked at an uncle's farm in Hamilton before that, we are not strangers to the difficulty in making ends meet farming. So when we saw this property at 342 62nd Street we got hopeful that we could combine our farming with a wedding venue to ensure we'd have sufficient income. There is a shell of a barn that we would like to reinforce, re-roof, and pave a floor, to make into a kind of large pavilion for shelter from the elements. The idea is to then have this space open up into large and beautiful flower gardens. There are open fields ideal for parking towards the back of the property, and the closest house is some distance to the north (we would still be very sensitive to any noise ordinances ~our house would be right there and we want to be sleeping☺). This house just went up for sale. We have been in touch with the current owner and her realtor. The owner had purchased the house with her husband with the hope of using the space for a wedding venue and bed and breakfast. Sadly, he passed away five months after they purchased from a heart attack. He was a chief financial officer and had looked through Casco's zoning ordinances thoroughly before purchasing to ensure they could start such a business. We've also been looking through the ordinances trying to determine if this business plan is acceptable. Because so many barn wedding businesses have popped up in southwest Michigan over these last ten years we assumed there would be an avenue to pursue this here. We don't see any clear red flags in the ordinances, but when we talked to the zoning administrator we felt like the door was shut. He did say that the planning commission reviews these kinds of cases and meets every two weeks and that we could submit a letter sharing our request. Sorry if we seem to be rushing the process. On our end, this house went up for sale and we put in an offer with a contingency that we would have a little time to confirm with the township our plans for this business. We assumed there would be a process and permits and fees to be paid, and perhaps a variance would be required, but we are okay with all those details knowing that ultimately the township blesses this kind of business. This is a mixture of agriculture and home business, as we do plan to grow produce for caterers and flowers for the events and maybe sell at the South Haven Farmers Market.

We would be happy to come in and meet with you and share more details of our plan and have a conversation to see if/how this can work. We want to come in respecting the township, and would be greatly indebted for any counsel you could provide up front.

Thank you again. Sincerely,
Jeff and Melissa Roessing
theroessings@gmail.com
616-335-0797

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD

DOUGLAS L. CALLANDER
TEL (269) 388-6805
FAX (269) 382-0244
E-MAIL callanderd@millercanfield.com

Miller, Canfield, Paddock and Stone, P.L.C.
277 South Rose Street, Suite 5000
Kalamazoo, Michigan 49007
TEL (269) 381-7030
FAX (269) 382-0244
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September 29, 2017

Ms. Cheri Brenner
Casco Township Clerk
FOIA Coordinator
7104 107th Avenue
South Haven, MI 49090

Re: Freedom of Information Act Request

Dear Ms. Brenner:

As I understand it, you are the FOIA Coordinator for the Township of Casco. Therefore, this request is made pursuant to the Michigan Freedom of Information Act (MCL 15.231 et. seq.) and the Casco Township FOIA Procedures and Guidelines.

Accordingly, please provide the records requested below in accordance with the time limits set forth in the statute. Your responses should be directed to the undersigned at the above address. If the records are more easily transmitted electronically, please direct them to my email address: callanderd@millercanfield.com.

We are requesting the following:

1. All correspondence and communications, including electronic mail¹ and text messages, to or from the Township Supervisor, Allan Overhiser, and any person from April 5, 2016 to the present regarding, or in any way related to, the following:
 - a. Short term rentals; and/or,
 - b. Rentals of residential homes for any length of time in residential zones RR, LRA, LRB, LDR, MDR in Casco Township; and/or
 - c. The decision of Allegan Circuit Judge Cronin in the case of *Bauckham, et. al. v Petter, et al.*; and/or

¹ All emails include all personal emails to and from personal computers, iPhones, iPads, smart phones or any other personal electronic device.

- d. The proposed Short Term Rental Ordinance number XXXX dated September 17, 2017.
2. All correspondence and communications, including electronic mail and text messages, to or from Zoning Administrator, Alfred Ellingsen, and any person from April 5, 2016 to the present regarding, or in any way related to, the following:
 - a. Short term rentals; and/or
 - b. Rentals of residential homes for any length of time in residential zones RR, LRA, LRB, LDR, MDR in Casco Township; and/or
 - c. The decision of Allegan Circuit Judge Cronin in the case of Bauckham, et. al. v Petter, et al.; and/or
 - d. The proposed short term rental ordinance number XXXX dated September 17, 2017.
3. All correspondence and communications, including electronic mail and text messages, to or from Cheryl Brenner and any person from April 5, 2016 to the present regarding, or in any way related to, the following:
 - a. Short term rentals; and/or
 - b. Rentals of residential homes for any length of time in residential zones RR, LRA, LRB, LDR, MDR in Casco Township; and/or
 - c. The decision of Allegan Circuit Judge Cronin in the case of Bauckham, et. al. v Petter, et al.; and/or
 - d. The proposed short term rental ordinance number XXXX dated September 17, 2017.
4. All correspondence and communications, including electronic mail and text messages, to or from Paul Macyauski and any person from April 5, 2016 to the present regarding, or in any way related to, the following:
 - a. Short term rentals; and/or
 - b. Rentals of residential homes for any length of time in residential zones RR, LRA, LRB, LDR, MDR in Casco Township; and/or

- c. The decisions of Allegan Circuit Judge Cronin in the case of Bauckham, et. al.v Petter, et al; and/or
 - d. The proposed Short Term Rental Ordinance number XXXX dated September 17, 2017.
5. All correspondence and communications, including electronic mail and text messages, to or from Lu Winfrey and any person from April 5, 2016 to the present regarding, or in any way related to, the following:
 - a. Short term rentals; and/or
 - b. Rentals of residential homes for any length of time in residential zones RR, LRA, LRB, LDR, MDR in Casco Township; and/or
 - c. The decisions of Allegan Circuit Judge Cronin in the case of Bauckham, et. al.v Petter, et al; and/or
 - d. The proposed Short Term Rental Ordinance number XXXX dated September 17, 2017.
6. Any correspondence, including electronic mail and text messages, to or from the Casco Township legal counsel the contents of which were shared in whole or in part with any member of the public between April 5, 2016 and the present that in any way relate to:
 - a. Short term rentals; and/or
 - b. Rentals of residential homes for any length of time in residential zones RR, LRA, LRB, LDR, MDR in Casco Township; and/or
 - c. The decisions of Allegan Circuit Judge Cronin in the case of Bauckham, et. al.v Petter, et al; and/or
 - d. The proposed Short Term Rental Ordinance number XXXX dated September 17, 2017.
7. The template originally used to create the Short Term Rental Ordinance number XXXX dated September 17, 2017 as described, and referred to, by the Township Supervisor at the most recent meeting of the Planning Commission.

8. All drafts, redrafts and/or amendments prepared, suggested or considered in the preparation of the Short Term Rental Ordinance number XXXX dated September 17, 2017.
9. All records identifying the names of owners who have rented and the addresses and/or locations of the single family dwellings in Casco Township which said owners have rented, let or leased in 2015, 2016 or 2017.
10. All records identifying the names of owners who have rented and the addresses and/or locations of single family residences in Casco Township which said owners have rented, let or leased for 15 days or more in each or any of the years 2015, 2016 or 2017.
11. All records used to prepare the maps and to place the blue pins on the maps located on the west wall of the Casco Township Hall reflecting the known locations in the Township that have leased, let, or rented their single family residences.
12. All records showing the owners, addresses and/or tax I.D. numbers of every property represented by a blue pin on the maps mounted on the west wall of the Casco Township Hall meeting room.
13. Copies of all Short Term Rental Registration Forms submitted in 2017.
14. All minutes of the Advisory Committee for the preparation of the Short Term Rental Ordinance No. XXXX dated September 17, 2017.
15. All notes taken by any member of the Advisory Committee meetings of the Committee for the preparation of the Short Term Rental Ordinance No. XXXX dated September 17, 2017.
16. All records reflecting the current ownership of real property in Casco Township by corporations, limited liability companies or partnerships located in residential zones RR, LRA, LRB, LDR and MDR.
17. All records reflecting any suggested, proposed or discussed changes to the Casco Township Master Plan regarding commercial activity in family residential zones since April 5, 2016.
18. Any engagement agreement, contract or letter of understanding currently in effect between Casco Township and Williams & Works related to short term rentals and zoning for such uses.

19. All correspondence, including electronic mail, to and from any representative(s) of Casco Township and any representative(s) of Williams & Works related to rentals of residential dwellings in districts designated as residential since April 5, 2016.
20. All correspondence and communications, including emails and text messages, to or from the Michigan Township Association between April 5, 2016 and the present that in any way relate to leasing, renting or offering to rent or lease residential dwellings in districts zoned for residential use.
21. All records showing complaints and/or reports of disturbances in the Township regarding the acts, activities or conduct of renters or tenants in districts zoned as residential from January 1, 2016 to the present. Those records could consist of complaints or reports to the Township or any of its elected or appointed officials and shall include electronically communicated reports or complaints, notes taken by said officials of phone conversation, letters, memoranda, lists prepared by the Township administration for the Board of Trustees or the Planning Commission or any other record of any kind or nature disclosing such reports or complaints.
22. All records showing complaints and/or reports of disturbances in the Township regarding the acts, activities or conduct of renters or tenants in districts zoned as residential from January 1, 2016 to the present received from Allegan County, the City of South Haven or the State of Michigan.

If you decide that any documents or records that we have requested are exempt from disclosure under state law or if you are asserting a privilege of any sort with regard to requested records, please prepare an "Exemption/Privilege Log" identifying with specificity those documents which are responsive to our requests but which you believe are exempt or privileged and need not be provided. That log should identify the documents by date, author, and general subject matter so that we can review your exemption and, if necessary, present it to the appropriate legal forum for a final determination. In addition, you must provide me with factually based reasons for your decision to retain those documents.

We believe that this request is for the benefit of the residents of Casco Township to ensure that their elected and appointed officials are following the appropriate state and township statutes, ordinances and procedures and that all decisions made are carefully and thoughtfully considered without regard to prejudice or predetermination. These records should assure the citizens that the appropriate processes and procedures are being followed on the short term rental issue. Therefore, they should be exempt from any charges or costs assessed.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Casco Township

-6-

September 29, 2017

If you have any questions or comments, please direct your response to the undersigned by email or letter. I will be out of the office for two weeks beginning Friday, September 30 and will return on Monday, October 16.

Thank you in advance for your cooperation.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.



Douglas L. Callander

DLC/cjs