

Approved November 20, 2019

Special Meeting of Casco Township Planning Commission
September 25, 2019
6:00 PM
Casco Township Hall

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

Audience: Zoning Administrator Tasha Smalley, Matt Hamlin, John Falon, Darren Massey, Don Sappanos, Debbie and John Weaver, Paul Macyauski, Allan Overhiser, Jackie Bopp, and 2 others (did not get name)

1. Call to order: Meeting was called to order by Chairman Campbell at 6:00PM
2. Review and approve agenda: Chairperson Campbell read the agenda. A motion by Judy Graff, supported by Andy Litts to approve the agenda. All in favor. Motion carried.
3. Public comment: no public comment
4. Reading of the Public Hearing Notice: Chairman Campbell read the public hearing notice
5. Open Public Hearing: 6:08PM
 1. Proposed 3.41 Exterior Lighting; proposed text is to add regulation to the residential districts to help minimize light trespass onto neighboring properties; light glare and light nuisance.
 2. Public comment: submitted correspondence read out loud Julie Werkema, against the exterior light text. Debbie Weaver, against exterior lighting (and drainage).

Matt Hamlin – light is hard to measure, hard to interpret.
Darren Massey – 15 ft is not a lot of space; where is demand for this?;
have any complaints been submitted?; AG has been ignored by PC.
Chairman Campbell: answers to correspondence letter Weaver - been a process worked on for 2 yrs, previous text was sent back for revisions, Board wanted PC to work on glare, AG and enforcement. There have been complaints; short term rental discussion. There is a process for changes. PC looked over the issue of lighting but did not got by complaints. PC can send an issue to the Board. The proposed ordinance is enforceable. Light measurement tool. Important because of growth, more houses more need to help with light trespass. PC decided as a group to create an ordinance. Worked with consultant and 2 ZA's for a draft. Per by-laws, can do amendments, want to protect, safety, health and welfare of the Twp.

Address Julie W correspondence –

Judy Graff – planner text is typical with other communities like Casco.

Dan Fleming- wish had complaints. Glare definitions are subjective.

Andy Litts – definitions are subjective, opinion, wish had complaints.

Greg Knisley – conservative ordinance; won't always have good neighbors;
better to have ordinance ahead of the issue.

Darren Massey – new construction? Current? No change before ordinance

Debbie Weaver – can fix ahead? Why can't when occurs? Like waiting a
sleeping baby. Wait for more development and complaints.

John Falon – if no complaints, then going on wild goose chase. The
complaint is now gone (referring to previous complaints when short term
rental issue was going on). Kill growth with more ordinances. May need
lights for other reasons.

Darren Massey – if you vote for this, then you (PC members) need to have
your house fixed to be in compliance and inspected.

Comments regarding Drainage:

Darren Massey – where is the problem? Trying to prohibit homes from
seeing the lake. Drain Commissioner, send water where needs to go;
move water to road. Filling of ditch? DC wants you to run water to
street.

John Waver – Joe Morgan wants water ran to their pipes.

Matt Hamilin – 100 acre farm to retain all the water? If trees are removed
water wont absorb, now run off. May be more for new construction.

John Weaver – address of complaints?

Debbie Weaver – text is unclear. Where should water go to drain? Text
says not to drain to neighbor.

Darren Massey - people want to blame everyone to stop construction.

Paul Macyauski – road committee, culverts helps with Miami Park water
issue. Surprised did not invite drain commission to meeting.

Dan Fleming – no complaints

Andy Litts – pre-development definition?

Dan Fleming – 3.43 #3 natural state? Can't build on a lot?

Matt Hamlin – strongly encourage more discussion. County has experts to
help advise.

Greg Knisley – drain issues, no solutions

6. Close Public hearing: 7:13 PM

7. Discuss / decision – recommend / not recommend to Township Board for
approval

3.41 Exterior Lighting

Chairman Campbell – definitions give people a way to define.

1 foot candle is measureable. Light stay on property. glare is subjective.

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Greg Knisley – light travels cannot prohibit light trespass

Lou Adamson – what is glare? All view different. Wish said as determined by ZA.

Dan Fleming – definition not enough meaning. Can measure a foot candle? Have not measured light. Wish had a demonstration of what 1 foot candle looks like.

Andy Litts – the measure of light is subjective to ambient light; time of day will change light measure. At what height to measure? Need specifics as how, when, where to measure.

Lou Adamson – lights can be an issue. Do we need this ordinance to fix an issue? This text is confusing.

Judy Graff – feels text is confusing. Confusing to residents.

Simply chart and light-can't cross property line. 3.41 F and the 2 figures, scratch the rest. Remove definitions. Keep 3.41 E&F. Dan Fleming and Andy Litts – issue with upward light cross the horizontal plane. No light should cross property line.

A motion was made by Lewis Adamson to approve the revised text – 3.41 Exterior Lighting to include 1st paragraph, only F and the two charts, supported by Dave Campbell. Roll call vote: David Campbell, yes. Lewis Adamson, yes. Judy Graff, yes. David Hughes, yes. Greg Knisley, yes. Dan Fleming, yes. Andy Litts, yes. Motion passed.

3.43 Grading and Filling and 3.44 Storm Water Management

Drainage runoff not to go into neighbors property. Text does not say what really want it to say, the intent, to help regulate construction / development and create text that will help or stop nuisances to surrounding properties with water runoff issues.

Judy Graff – Road Commission and drain commission met to work on water issues in Miami Park.

A motion was made by Dave Campbell to not recommend the proposed text to the Board, supported by Andy Litts. Roll call vote: David Greg Knisley, yes. Dan Fleming, yes. Andy Litts, yes. Motion passed.

8. no other business to come before the commission
9. Public comment – Darren Massey – light: is this a major change? Need new PH?
Drainage: find the major drainage issues, create a map.
Properties to run water into drainage basins?

10. adjourn 8:33 PM

Attachments #1: agenda

Attachments #2: public hearing notice

Attachments #3: Correspondence letters

Attachments #4: Proposed text amendment

minutes prepared by:

Tasha Smalley, Zoning Administrator

Public Hearing & Special Meeting
Casco Township Planning Commission
Zoning Ordinance Text Amendments
September 25, 2019
6:00PM

1. Call to order
2. Review and Approve agenda
3. Public Comment – other than agenda items; please keep comments to no more than 2 minutes
4. Reading of the Public Hearing Notice
5. Open Public Hearing
 - Present the proposed zoning ordinance amendments
 1. Exterior Lighting
 2. Storm Water Management
 - Public Comment – Please keep comments to no more than 2 minutes per person
 - Planning Commission comments / questions
 - Final comments / questions
6. Close Public Hearing
7. Discussion and decision - to recommend/not recommend to Township Board for approval
8. Any other business that may come before the Planning Commission
9. Public comment; please keep comments to no more than 2 minutes
10. Adjournment of Special Meeting

**CASCO TOWNSHIP PLANNING COMMISSION
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF PUBLIC HEARING

TO: THE RESIDENTS AND PROPERTY OWNERS OF CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Planning Commission of Casco Township will conduct a public hearing and special meeting concerning the following matters on Wednesday, September 25, 2019 at 6:00 p.m. at the Casco Township Hall, 7104 107th Ave, South Haven, MI 49090, within the Township.

PLEASE TAKE FURTHER NOTICE that the item(s) to be considered at said public hearing include the following:

1. Zoning Ordinance amendment to add to Section 2.08 G Definitions; glare, glare, nuisance, and glare, disabling;
2. to amend Section 3.41 "reserved" to add Exterior Lighting;
3. to add Section 3.43 Grading and Filling;
4. to add Section 3.44 Storm Water Management.

Any other business that may come before the Planning Commission

PLEASE TAKE FURTHER NOTICE that the proposed Zoning Ordinance amendments can be reviewed at the Township Hall during regular business hours of regular business days at, 7104 107th Ave, South Haven, website www.cascotownship.info and will also be available at the time and place of the hearing.

PLEASE TAKE FURTHER NOTICE that written comments will be received from any interested person concerning the foregoing by the Township Clerk at the address set forth below, during regular business hours of regular business days or by mail to the Township Clerk at the address set forth below, up to the date of the hearing and will also be received by the Planning Commission at the hearing.

PLEASE TAKE FURTHER NOTICE that the Casco Township Planning Commission and Township Board reserve the right to make changes in the above mentioned proposed amendments at or following the public hearing.

Casco Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the hearing upon seven (7) days' notice to the Casco Township Clerk. Individuals with disabilities requiring auxiliary services should contact the Casco Township Clerk at the address or telephone number listed below.

Cheryl Brenner
Casco Township Clerk
7104 107th Ave, South Haven MI 49090
269-637-4441

Tasha Smalley
Zoning Administrator
1-800-626-5964

Kathy Stanton

From: J Werkema <juliewerkema@gmail.com>
Sent: Thursday, August 08, 2019 8:37 AM
To: cascoclerk@gmail.com
Cc: Deputyclerk@cascotownship.org; juliewerkema@gmail.com
Subject: Lighting

Cheri,

Could you please forward this to the Planning Commission and the Board of Trustees? I would like it read aloud in the event that I am not able to attend the public hearing.

Thank you,

Julie Werkema

To: Casco Township Planning Commissioners
Casco Township Board of Trustees

Before I share my opinion about lighting in Casco Township could you please explain why we are even having a discussion about it? Casco is a rural township and is not a city center. It does not have a commercial district and does not appear to have a light problem in any way, shape or form.

I don't like lights. I call my neighbor if the outdoor lights are on. I don't usually leave my lights on. But I don't need a planning commission to dictate to me or my neighbors about how to screw in a lightbulb or when to turn the lights on and off. And who is going to enforce this latest farce? Is there a "light compliance" program in San Francisco we can send money to?

I don't know where this came from but I surmise it came from a complaint from Maureen Perideaux in Miami Park during one of the rental meetings. No need to continue on her behalf as the house that had all the lights next door was sold on 12/15/2017.

Also of note, Ms. Perideaux owned next door to those lights since 2003. The owner of the numerous mercury vapor lights was a full time resident and had the lights installed so she would feel safe after a violent incident in her home which occurred when Miami Park was very sparsely populated.

The neighbors asked the new owners if they would please remove the lights. And they did. The light problem was solved and no one on 64th Street or 107th Avenue had to be involved.

I believe this is an exercise in knee jerk reactions and/or promotion of personal agendas and it really has no place at the Casco Township Planning Commission.

Julie Werkema

Public Hearing

From: Debbie Weaver (dweaver51062@gmail.com)

To: davecmich@yahoo.com; mtsallegan@frontier.com; lou@lasrpm.com;
securingtheblessings@gmail.com; graffj@i2k.com; dhughes@shps.org; gknisley@comcast.net;
landy.litts@gmail.com

Cc: supervisor@cascotownship.org; paulmacyauski@yahoo.com; cascoclerk@gmail.com;
treasurer@cascotownship.org

Date: Tuesday, September 24, 2019, 07:50 PM EDT

To The Planning Commission:

I am sending this letter in advance of tomorrow night's public hearing in hopes my questions will be addressed during the meeting.

First, I would like to request that copies of the zoning amendments be available for the public at the hearing.

In general, I have questions about the planning boards methodology with regard to recommendations for zoning amendments and the creation of new ordinances.

Have they answered the following questions:

Is there sufficient evidence that a change is needed?

If a change is made to zoning or a new ordinance is created is it enforceable?

Lighting:

Is there sufficient evidence that a change is needed for a new lighting ordinance?

How many complaints are documented?

Can the public see evidence of the documentation and the statistics to backup a need for change?

Is the ordinance enforceable?

Is there something measurable that can be identified and therefore enforced.

To me the lighting ordinance looks like a nightmare and will be another tool to pit neighbors against each other.

Drainage:

Is there sufficient evidence that a change is needed?

I do not understand the purpose of the Grading and Fill and Storm Water Management changes.

The proposed changes seems to be ignorant of the existing infrastructure and purpose of the Allegan county drain districts.

We were just assessed a special tax from the Allegan County drain commission to pay for the maintenance of existing drains in the road in front of our houses. The infrastructure exists and the purpose of the drains are to remove water from ones property. It would be useful to include the Allegan County Drain Commissioner or someone from the county before any changes are made.

Thank you in advance,
Debbie Weaver

**CASCO TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

Ordinance No: _____

Approved Date: _____

Effective Date: _____

AN ORDINANCE TO AMEND THE CASCO TOWNSHIP ZONING ORDINANCE; TO AMEND SECTION 2.08 DEFINITIONS (G) ADD GLARE, ADD SECTION 3.41 EXTERIOR LIGHTING, ADD SECTION 3.43 GRADING AND FILLING, ADD SECTION 3.44 STORM WATER MANAGEMENT

CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Amendment of Chapter 2. Section 2.08 – Definitions – G is amended to add the following defined term to read as follows:

GLARE

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GLARE, NUISANCE

Glare that creates an annoyance, aggravation, or discomfort but does not create a potentially hazardous situation.

GLARE, DISABLING

Glare that impairs visibility to the extent that it creates a potentially hazardous situation for either pedestrians or motorists.

Section 2. Add to Chapter 3. Section 3.41 Exterior Lighting is added to the Zoning Ordinance to include the following:

SECTION 3.41 EXTERIOR LIGHTING

All outdoor lighting fixtures in the LDR, LR-A, LR-B, MDR Zoning Districts shall be installed in such a manner as to:

- A.** Prevent direct light trespass across property lines and prevent light pollution that result in light glare, including nuisance glare or disabling glare.
- B.** Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way.
- C.** The light from any illuminated source shall be installed so that the light intensity or brightness at any property line shall not exceed one foot candle.
- D.** There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Holiday lighting is exempt.

E. Ensure that direct light is confined to the subject property per Figure 3-4.

F. Lighting fixtures shall have 100% cut off above the horizontal plane at the lowest part of the light source per Figure 3-5.

Figure 3-4

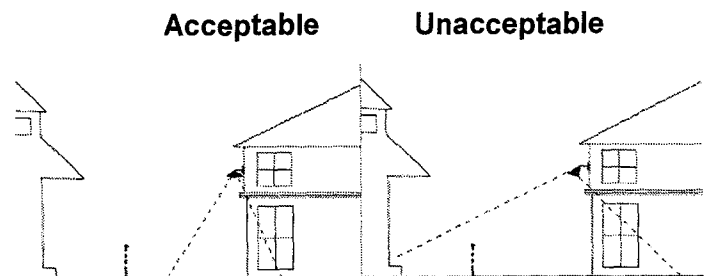
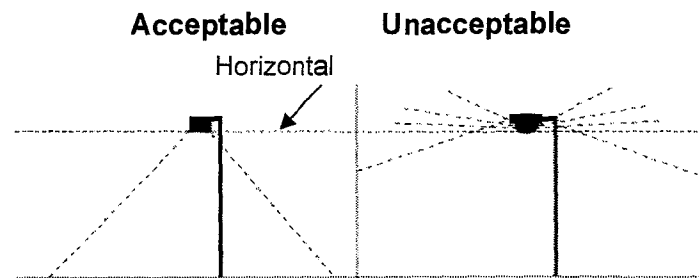


Figure 3-5



Section 3. Add to Chapter 3. Section 3.43 Grading and Filling is added to the Zoning Ordinance to include the following:

3.43 Grading and Filling

In order to protect adjacent properties, public roads, public water courses, and to provide adequate drainage of surface water, the following rules shall apply to all construction activities requiring a permit in the LDR, LR-A, LR-B, MDR zoning districts:

1. Flow restrictions: The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flow away from the building or structure and is managed in a manner which avoids: (a) increased flow into adjacent properties or public roads, (b) the erosion or filling of a roadside ditch, (c) the blockage of a public water course or the creation of standing water over a private sewage disposal drainage field.

2. Elevation restrictions: Filling with earth or other materials of a parcel of land to an elevation above the established grade of adjacent developed land is prohibited unless an engineer certifies that the adjacent properties will not be affected by the raise in grade

3. Natural watercourses which provide drainage from or through a proposed site shall be maintained in a natural state, or as an open grass swale, unless design flow clearly warrants the enlargement of the watercourse or deepening of the drain.

Section 4. Add to Chapter 3. Section 3.44 Storm Water Management is added to the Zoning Ordinance to include the following:

3.44 Storm Water Management

Lots in all districts shall retain storm water run off on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies, above the existing predevelopment runoff impact.

Section 5. Effective Date. The foregoing amendment to the Casco Township Zoning Ordinance was approved and adopted by the Township Board of Casco Township, Allegan County, Michigan on _____, 2019, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on _____, 2019, which date is eight days after publication of the Ordinance as is required by Section 401 of Act 110, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Allan Overhiser,
Township Supervisor

Cheryl Brenner,
Township Clerk