

APPROVED 2/22/17

REGULAR MEETING OF CASCO TOWNSHIP PLANNING COMMISSION

February 8, 2017,
7 PM - 9 PM

Members Present: Chairman Dan Fleming, Dian Liepe, Dave Campbell, Lou Adamson, Greg Knisley, Judy Graff, and Dave Hughes.

Staff Present: Janet Chambers Recording Secretary

Also Present: Supervisor Allan Overhiser, Township Clerk Cheri Brenner, Trustee Paul Macyauski, and

Approximately 60 interested citizens. Sign-in sheet (attachment #1)

1. **Call to order and review of agenda:** Chairman Fleming called the meeting to order at 7:00 PM. The agenda was reviewed and, under #9 Old business, recusal was added to the agenda.
2. **Constitution "Moment":** Chairman Fleming gave an object lesson and demonstrated how Zoning Ordinances can take away rights. He said if he told everyone in the room they had to give him \$50. and they could not decide what would be done with it, they would not be happy.

Chairman Fleming read quotes from Amendment V of the US Constitution: "...nor shall private property be taken for public use without just compensation."

A quote from John Kennedy's Inaugural Address: "The rights of man come not from the generosity of the state, but from the hand of God."

And, a quote from the Declaration of Independence: "...they are endowed by their Creator with certain inalienable Rights..."

3. **Public comment for items not on Agenda:** John Barkley ~~represents a condo area developer.~~ John is a resident in a condo association in one of our subdivisions. He stated that he liked Graff's review of Master Plan. The Master Plan should be reviewed when considering a zoning change. He pointed out the existing land use map on page 32, the red represents Commercial, yellow residential, and green representing Public/Quasi-Public, outdoor recreation and forest. Then he referred to page 18, Future Land Use Map, where it is all residential west of Blue Star Highway. The maps portray the residential intent of the Master Plan. He pointed the top 5 qualities enjoyed by residents of Casco in ranking order: low crime rate, quiet, attractive surroundings, privacy and rural atmosphere. These are very important qualities to keep in mind. It is Barkley's experience that short-term rental degrades these characteristics. He advised the Planning Commission to be careful making changes that will impact these characteristics. Communities like Spring Lake have done intentional planned zoning with full four season quality of life.

Chris Barczyk of Highfield Beach is doing an analysis of various communities in Casco Township. He would like to be put on the agenda of the next meeting to present what he finds. He also stated he needed to set the record straight regarding discussion from the January 25th meeting regarding the Alliance's Position Paper. It was stated that there were 86 names on the paper, there are 106 names, and growing. It appeared that the Position paper, even with all the names, was counted as only one. One of the PC members stated that the Position Paper was not clear regarding its position on rentals. The Alliance Position Paper is very clear that commercial short-term rental activity is not permissible under the current zoning, nor is the Alliance in support of short-term rentals, regardless of whether it is regulated or not. He quoted the following paragraph from the Position Paper: "*The Alliance is opposed to amendments to zoning that would permit the operation of commercial short-term rental homes, transient lodging operations and/or unsupervised motels (the "Transient Lodging Operations"), within the residential zone districts regardless of whether such operations are regulated.*"

Barczyk said that Fleming suggested he disagreed with the Position Paper that "Intent" is irrelevant. The Position Paper states that intent is only relevant when the language of the ordinance is ambiguous: *"A zoning ordinance must be enforced based on the intent as expressed in the plain language of the ordinance and the definitions contained therein. In other words, the private beliefs, thoughts or intent of those individuals involved in drafting or enforcing a zoning ordinance are of no legal significance and do not supersede the plain meaning as interpreted by a court of law. Only a judge is authorized to interpret the law. A judicial interpretation is effective as of the date on which the interpreted ordinance was originally adopted."* (Attachment #2)

4. **Approval of minutes of 01/04/2017 (Regular Meeting):** Motion by Hughes, supported by Liepe, to approve minutes of the regular 1/4/17 meeting. Minutes were approved with a spelling correction of Barczyk.
5. **Approval of minutes if 01/04/2017 (Special Meeting):** A motion by Liepe, supported by Hughes, to approve minutes of the 1/4/17 special meeting as printed.
6. **Report from Township Board representative Judy Graff:** The Parks department is still working on the survey and Parks Strategy 5-year update. There have been 16 W&S hook ups so far this year. The County is paving 62nd Street from 109th to 113th. There was a request in Dec. for lighting on North Shore Dr. The Board decided not to do it because the township does not provide community lighting anywhere, unless neighbors approve and pay for the lighting. A proposed noise ordinance is ready for review at the February Board meeting. A special committee for review of salaries consisting of the following: George Fleming, Jeanne VanZoren, Dian Liepe, Cheri Brenner, and Paul Macyauski. Salaries of elected officials have not been reviewed in many years. Building permit fees are in the process of being updated. process of changing them is being looked at.
7. **Report from ZBA representative Dave Hughes:** There has not been a ZBA meeting since the last PC meeting. There will be a meeting on February 23rd for replacement of a building non-conforming dwelling, side and front lot variances are being requested.
8. **Report from Water/Sewer representative Lou Adamson:** Sixteen of the 17 ½ projected hook-ups have already been done so far this year. There will be no problem making the bond payment this year. Casco is not officially part of the Water & Sewer Authority at this time. The City of South Haven and Van Buren County have signed off on it, but they are still waiting for Allegan County to sign off. Hopefully by next month.
9. **Old Business – Recusal.** Chairman Fleming said Campbell's recusal has come up several times since the last meeting. Township guide to Planning & Zoning says that PC members must represent major interests of the township, such as agriculture, recreational, education, public health, government, commerce, transportation & industry. Chairman Fleming said that commissioners can have an opinion and not recuse themselves.

Liepe stated Campbell does not have any kind of financial gain. She feels Campbell is very qualified and his knowledge is valued and needed.

Graff said that by-laws clearly state in the case of financial gain a commissioner would recuse himself, which is not the case with Campbell. Campbell has served on the PC for 5 or 6 years and Graff thought he should not recuse himself. Campbell stated that he is not going anywhere. He stated that he will talk with the Supervisor about the type of input he will have.

Graff stated that at the last meeting all commissioners were asked if they owned rentals. All said they do not own rentals. Campbell and Adamson were not present when that question was asked. Campbell stated that he does not own rentals. Adamson stated that he does. Adamson is the owner of a Bed & Breakfast. Graff referred to Section 6: Conflict of Interest in the Planning Commission By-Laws, which states that if a commissioner would be impacted financially by a topic of discussion that the commissioner should recuse himself.

Section 6: Conflict of Interest

- A. Planning commission members shall declare a conflict of interest and abstain from participating in a hearing or deliberation on a request when:
 - 1. A relative or other family member is involved in any request for which the planning commission is asked to make a decision.
 - 2. The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
 - 3. planning commission member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance, or
 - 4. There is a reasonable appearance of a conflict of interest, as determined by the planning commission member declaring such conflict.

Graff asked if the Planning Commission needed to deliberate about Adamson's conflict of interest, and whether he should abstain from voting on the rental issue because his ownership of a Bed & Breakfast is a form of renting. Liepe said she would like to hear everyone's opinion on rental issues. Knisley said that since Adamson's B&B is established, and he is not looking for a change it might not be a conflict of interest.

Supervisor Overhiser said Conflict of Interest (COI) is narrow. Usually comes into play with the ZBA where variances are granted, or in rezoning. COI is a very misunderstood term. He added that if someone were going to recuse themselves, it should be from all discussion, not just the vote.

Chairman Fleming said that until we know there is a problem with COI, Adamson should stay. Adamson did not recuse himself and a vote was not taken.

In other old business Knisley said that a Special meeting for a Bed and Breakfast Special Land Use request, Evan Tucker should not have been scheduled. Tucker did not show up for the meeting and it had to be rescheduled.

10. New Business: Graff pointed out a couple of things in the Planning Commission by-laws. The last sentence under Section F Voting, page 4, states "*All planning commission members in attendance, including the chair, shall vote on all matters.*" The bylaws describe the responsibilities of a planner. The planner should be responsible for interpretation of anything pertaining to zoning, text changes, making sure that when you change "a", if it pertains to "z" that it is handled properly. Also that the planner is a professional on master planning and zoning and brings broad experience and analysis to assist the Planning Commission on any/all changes to master planning and zoning.

11 Approval of minutes 1-25-17 (Special Meeting): The following corrections were made to the 1-25-2017 Special Meeting minutes:

In the items Graff cited from the Master Plan, the following corrections were made as additions:

Page 3, Vision: Casco Township's Vision is to preserve our rural character. Business based at residents' homes will be supported to service local needs and preserve the quality and viability of a more rural lifestyle.

Page 4, Goals & Objectives: 2nd objective: Rural traits of quietness, privacy, stable property values, and an identity apart from the city should be a priority and enforced by strong zoning

Page 5, Residential Development: Objective #1 Residential densities should be low, except in neighborhoods of historically platted lots and areas near the City of South Haven where public water and sanitary sewer are available or planned.

Page 9, Working at Home: a key consideration in such a decision is the compatibility of these uses with the desire and predominant character of the area.

Page 9, Historically Platted Small Lots: ...pre-existing platted subdivisions that fail to meet even the most liberal standards for conventional development. Many of the lots within these older plats are unacceptable narrow, making development congested and potentially hazardous for the residents

Page 14, Rural Residential Maximum densities should be no more than one unit per acre

~~**Page 14, Lakeshore Residential: A large portion of that land is already platted, with some of the platted lots developed and some remaining vacant. The existing lots are generally small in size, some with seasonal cottages that may be converted over time to year-round dwellings and others already occupied by year-round homes. In those areas that are already platted, density of existing development varies significantly, but may be as high as eight units per acre, even where public sewer is not available. Therefore, while these existing platted lots must be appropriately recognized through zoning, no new plats should be permitted at such densities. The overall density for new development within the Lakeshore Residential area should be no more than 2.5 units per acre where public sewer is available (area "B"), and a maximum of one unit per acre without public sewer (area "A").**~~

Page 20, Refer to it in all Zoning Decisions: A request to construct a commercial use in an area planned for residential development for example would be contrary to the Plan and should not be approved.

Page 2-2 Section 2.02 Definitions, Adult Foster Care Facility A. Adult Foster Care Family Home. A private residence in which the licensee is a member of the household and an occupancy, providing foster care for five (5) or more days a week and for two (2) or more consecutive weeks with the approved capacity to receive six (6) or fewer adults.

The following items were added to the minutes in the items Graff cited from the Zoning Ordinance:

Chapter 12 C-2 General Commercial District Permitted uses are intended to be of an appropriate scale, appearance and arrangement to maximize compatibility with adjoining uses and minimize conflicts with traffic on adjacent roads.

15.09J Day Care Centers

#4 The main building shall be at least fifty (50) feet from any lot line.

#5 The required off street parking shall meet the conditions outlined in Chapter 18 for elementary schools.

Page 21-3, Section 21.06 Zoning Compliance Permits and Survey Requirements

B A Zoning Compliance Permit, issued by the Zoning Administrator, is required before any development, construction, improvement, or change in the use of land.

Graff said Chapter 21 ~~shows there should be consequences if you do not get a permit.~~
The text about penalties should be changed to make people follow the ordinance the first time, such as someone who does not get a required permit. When they are confronted about not getting a permit, they only have to get the permit after the fact, no added consequences. There need to be fines for not following permit requirements.

12 Public comment concerning renting: Mary Campbell submitted information she put together on Glenn Shores short-term rental Analysis. (Attachment #3) She found the information on internet advertising sites. There are between 90 and 100 homes in the neighborhood, 19 are year around families that live in the community, several others go away for winter months. There are 24-27 are short-term rentals. She broke the rentals down to pre-2006 – 3 rentals, 2006-2008 3 rentals, 2009-2012 5 rentals, 2013-2017 10 rentals. This shows most rentals have been between 2013 – 2017, - doubling the number between 2009 – 2012 and now, and tripling between 2008 and present.

Most rentals advertise 1 night to 3 night stays. 6 units have a weekly minimum.

Transient weekly population, as advertised, minimum per neighborhood could be between 185 and 585 or more depending on the number of days they stay.

Advertised sleeping capacity is between 4 – 8 people in 13 of the units; 9-12 in 3 units and 14-22 in 4 units.

Campbell added that children and pets do not always count.

Knisley said 4 units allowing 14 – 22 capacity would have a great impact on 8 neighboring homes, seriously impacting parking, etc. That's not counting toys like watercraft or motorhomes.

Larry Scott of Glenn Shores sent email to commissioners (Attachment #4) suggesting that Spring Lake is a good example of renting, and would be a good way to move forward. Spring Lake has two types of short-term rentals. Short term rentals are 27 days or less, and limited short-term rentals are limited to 14 days per year. Low density residential areas are limited short-term rentals. Low density is expected to be single family. Both types of short-term rentals are held to the same rules. Off street parking on paved portions of the premises and not in the yard. Rentals should be consistent with single family homes. Contact information, notification of maximum occupancy, parking, are all in the ordinance. A contact person must be available to answer a call at any time the dwelling is rented. And renters must know that they may be cited or fined by the township for violations, neighbors within 500' shall be notified. Buildings should be maintained and compatible with neighborhood. Campfires shall be maintained in fire pits, Occupants shall not create a nuisance. Maximum occupancy for any dwelling is 12, subject to local laws and ordinances. No campers or tents. He urges Casco to strongly consider the Spring Lake ordinance as a model and way to address renting. He added that he and his wife are full time Casco residents from the Chicago area.

Bill Chambers read a letter (Attachment #5) urging the Planning Commission to use the Master Plan as their Constitutional guidance when considering short-term rentals, as commercial enterprises, in a residential area. He stated that on December 21, 2015, there was discussion of the 5-year review of the Master Plan. The Board determined the Master Plan was not in error and made the decision to continue it as written. He asked that already designated commercial areas be used for transient lodging and not make sweeping changes in low or medium density areas.

Doug Nickerson of Miami Park said that areas west of Blue Star are single family residences. None of them are 22 people in one family. Why allow multiple families to rent when residents can only have single family. A noise ordinance is useless unless you have a way to enforce it. One

deputy cannot handle it. Don't allow it if you can't afford to enforce it. Certainly 22 people would be noisy. Don't allow it if you can't enforce it.

Bret Morgan owns rentals. He cautions the board against making ordinances against short-term rentals. Indiana is over riding the short-term rentals. He said if communities don't want short term rentals in their communities they should have it put in their home owners associations rules. He said you cannot make restrictions on the rentals that are not applied to everyone. If you have rules for traffic, etc. it must be the same as for all residents.

Mike Torti of Miami Park said Boardwalk is not maintaining a rural setting. He heard home values mentioned. He feels restricting short-term rentals will lower home values. He says you cannot restrict number of days for rentals because you won't know how many days they are renting. He said the rules are unenforceable. Just revise the ordinance to allow short-term and move on.

Daron Massey, 7242 Miami said he agreed. Putting 100 homes on the market in Casco will lower values. He said to look at the number of W&S hookups. Casco should analyze how many people are renting. People should be allowed to declare they rent and give their contact information so they can be analyzed.

Sally Newton of Shores Vacation rentals (not a Casco property owner) – Left meeting last week feeling like it was a common-sense thing, writing a simple rental ordinance. She has been meeting with rental owners and reassuring them vacation rentals will not be banned in Casco. She did not come into this with any thoughts that it would be banned. A majority of residents do not make a living in Casco. If you work at the Glenn Store, it matters. The state has spent millions of dollars to say come to Michigan. Short -term rentals are one of the top 3 or 4 industries in Michigan. The industry is being untruly and unfairly deaminized. She has no idea where the PC is going with this. She was given the impression Casco will change the verbiage and allow short-term rentals. She said Casco is talking this to death. South Haven already went through this. Casco should be ashamed that they have not gotten anything done. She said it should not be this hard.

Chairman Fleming closed public comment

- 11. Continued discussion of rental issue:** Chairman Fleming said he came with the following proposal for a resolution on rentals:

Resolution on Rental Regulations

WHEREAS, The Baukham v Skarin court case has recently created a question as to the legality of residential renting in Casco Township, and

WHEREAS, Residential renting has never been treated by any act or document of Casco Township as being illegal or in violation of any ordinance, and

WHEREAS, No complaints had been filed by the public stating that residential renting is illegal or in violation of any ordinance until after the Baukham v Skarin court case, and

WHEREAS, Renters and non-renters are requesting reasonable regulations, and

WHEREAS, The only way to regulate residential renting is if we first (re)permit it, now therefore be it

RESOLVED, That we, the Casco Township Planning Commission recommend to the Casco Township Board to amend our Zoning Ordinance to permit residential renting in all districts (not to supersede existing covenants), and

RESOVED, That we, the Casco Township Planning Commission, continue to discuss enforceable regulations for solving the problem residents are experiencing, and be it further

RESOLVED, That we, the Casco Township Planning Commission, obtain the help of a Planner to facilitate this process.

Liepe made a motion to approve Flemings Resolution on Rental Regulations. Hughes said, for the purpose of discussion he would support the motion. Liepe asked if the PC would continue on with more detailed rules, and wanted to clarify that Fleming does not want unregulated STRs. Fleming said the only way to regulate it is to allow it.

The resolution states there was no complaints prior to the court case. Graff stated there were totally false statements in the resolution. First, there were many complaints about rentals prior to the court case. Adamson asked who the complaints were made to. Graff said complaints were made to The Board and Ellingsen from many subdivisions and areas: Sunset Shores, Glenn Shores, Glenn Haven Shores, Miami Park, Washington/North Shore area in the last few years. She said she did not think the same rules should apply to all districts. Liepe said if it is going to be allowed in one spot, why not all. Graff said everyone wants reasonable standards. The PC needs to have good discussions. Long-term renting has not been a problem. Fleming said we need to say it is allowed if we are going to regulate it. Graff said that the moment you say STRs are allowed everywhere, you cannot take it back. The resolution is premature.

Adamson asked Overhiser if he in fact got complaints about rentals. Overhiser said he got complaints about rentals, but no one specifically said their complaint was "not enforcing the ordinance".

Beth Morgan of Glenn Haven Shores said she came in and complained and told Overhiser at a Board meeting that residents were using the houses for commercial use. She was told it was not illegal.

Chris Barczyk said he came in to Supervisor Overhiser and complained about the transient nature of renters in Highfield subdivision and that the previous President of the subdivision told him about complaining to Overhiser. Overhiser said he did not remember being told "the ordinance was not being enforced". Barczyk said he came in and had an in-depth conversation with Overhiser about the transient nature and the behavior and it was not single family. Adamson asked if there was a formal complaint filed. Graff said when people brought complaints, they were never told that there was a formal complaint form that must be filled out to officially make a complaint. about a formal process for complaints. If the complaint form was not filled out, there was no complaint.

Fleming said it has to be allowed in order to regulate it. Graff replied as soon as the township says rentals are allowed everywhere, if it is in writing, then the township cannot take it back. you cannot take that back.

Knisley said we are opening a large door. Are we going to make a change to allow renting? If we are going to allow it, we have to be able to enforce it. This is opening a big door.

Fleming said it is not his intention to open a big flood gate, just not shut the door on what has been happening all along. Knisley said we are opening a very large door.

Discussion continued about what door has been shut, rentals have not stopped, the township board has not enforced the Zoning Ordinance. STRs have not stopped. It leaves uncertainty for everyone. The PC has received a lot of information, and other sample ordinances. Problems created by renting are not just from renting. Renting is associated with the problems.

Adamson said if the board is not going to enforce it, then don't worry about how long it takes. Can be restricted next month. Graff said the Board asked the PC to sort through the issues, and in the interim, it is status quo. Adamson said if Commissioners pass Fleming's resolution it might create a sense of urgency for them to get the Short-term Rental Ordinance finished. Graff said no one wants to sit on it. Adamson answered if we don't have a plan, we are going nowhere.

Knisley asked what the next step is. Chairman Fleming said we need to get a Planner and come up with wording, have public hearing and present it to the Board.

Adamson said we knew 2 years ago this (Short-term rental issue) was coming. Graff said the PC thought they were going to do a revision of the MP and was told by the board that it was good as it stands.

Discussion continued about whether to pass the resolution to continue to regulate.

Adamson recommended the Whereas sections stay in the resolution.

Fleming asked for a motion to accept this the resolution with the whereas left out.

Adamson recommended changes. Needs to be clear and my motion was this. We know there were complaints. This (Resolution) as it sits right here is fine.

Graff made a motion to eliminate the 5th Whereas and amend the wording in the resolve #1 as follows: Resolved, That we, the Casco Township Planning Commission review the Zoning Ordinance to evaluate permitting residential renting in all districts. Knisley supported the motion.

Graff, Hughes, Kinsley vote no. Fleming, Liepe and Adamson vote yes. Resolution failed. Discussion continued. Liepe said you cannot say permit STRs in the first part, then later say evaluate.

Fleming said this is ongoing, people depend on it. The Judge's rule came out of the blue. Nobody is depending on it. It would not matter how long it takes. Graff said we have to realize that putting it in black and white, the important word is "evaluate". Graff stated "People are saying permit "it", What is "it?"

Hughes said by saying evaluation, you are not saying all districts are going to be carbon copies. Fleming said nobody has said long-term renting. Graff said Long-Term could be the first thing addressed.

Motion by Knisley, supported by Graff as follows:

RESOLVED, That we, the Casco Township Planning Commission review the Zoning Ordinance to evaluate permitting residential renting in all districts.

RSOLVED, That we, the Casco Township Planning Commission, continue to discuss enforceable regulations for solving the problems residents are experiencing, and be it further

RESOLVED, That we the Casco Township Planning Commission, obtain the help of a Planner to facilitate this process.

Knisley, Hughes, Liepe, Graff, Adamson in favor. Fleming voted no. Motion carried 5-1.

The next meeting will be Wednesday, February 22nd at 6:00 PM – 9 PM as a workshop. They will try to get a planner, but will have the meeting even if they do not find a planner.

Graff asked what agenda items they should be prepared for. Fleming said long-term rentals, definitions, regulations and concepts.

- 12. Public Comment:** Chairman Fleming asked for Public Comment. James Skarin said he still has no direction. They don't know what to do. They live in limbo until the whole package is done. Time to book rentals is in January. He is sitting on 3 homes. 19 families who want to rent and he has gotten no clarification. He said he is a defendant in the court case. Just because the board does not stop the rentals, he cannot do anything. The neighbors get upset, and litigation is expensive.

Sally Newton said your state representative has had a conversation with the Judge, and this is not what they said. Newton applauded Fleming for bringing something forward.

Gary Greenspan commended the act that the PC decided to evaluate. He lives in Casco and it is an important decision. He would like them to take their time and get it right.

Doug Nickerson said the Board has been meeting for months. Sit down and come up with regulations and an ordinance.

Maureen Moravec of Glenn Haven Shores said there were many painful sessions with South Haven. Workshops went on for a year and you (Sally Newton) expect them to come up with a solution. Should be easy? It took 8 months for South Haven to come up with something. We went to workshops where we were not allowed to speak. It is not an easy process. If you choose not to rent you cannot throw it back to the township. If you have an association that doesn't allow STRs that's your problem and the board of your association. It is great to take time. This is not an easy process.

Liepe said the PC has only had 3 meetings so far, and have plenty of information. It is time for us to do our work. I don't know how long it will take. The PC works very hard to do its best, and be efficient. We will get this done. Not all will love it, but it will be something we can live with. Give us the time and we will do it.

- 13. Closing Comments & Adjournment:** The next meeting will be a STR Workshop on February 22, 2017 at 6:00 PM

A motion was made by Liepe, supported by Graff, to adjourn. All in favor. Meeting adjourned at 9:44 PM

Next meeting, Workshop on STRs, Wednesday, February 22, 2017, 6:00 PM to 9:00 PM

The March 8th meeting will start at 6:00 PM with Mr. Tucker's SLU for a B&B; Regular meeting immediately following.

Minutes prepared by Janet Chambers, Recording Secretary

Attachment #1: Sign-in sheet

Attachment #2: Chris Barczyk's comments from 1/25/27 meeting

Attachment #3: Mary Campbell's analyses of Miami Park STRs

Attachment #4: Larry Scott, Miami Park, Letter, Feb 6, 2017, Re: Spring Lake STR

Attachment #5: Bill Chambers, Letter Feb. 5, 2017, Re: Master Plan as the Constitution guidance

on 2/3/17

Planning Commission Meeting - Please sign in

Name	Address
Estroffman	15 Maple St
John Darling	640 Maple St
Lacey Goodwin	316 B Ave
April Sutherland	7225 B Street
Clayton Campbell	1124 Lyndell Lane
Michelle Pearson	1039 Midway Drive
Dee Anderson	488 Custer St
James Stein	568 Mozart
Doree White-Walker	7231 Prairie Ave
Vicki Stewart	835 Webster Dr
MIKE WILSON	621 LAURELWOOD DR
Larry Scott	7182 Grand Lake Ave
Terese O'Brien	7184 Grand Lake Ave
Yvette Dickson	1120 Golf Walk
Ann Fink	787 21st Street
Diana Massey	7242 Miami Ave
Bob Grant	688 Webster Drive
Mike Forti	7250 Prairie Ave
5th Ward Council	5th Ward
Bob + Anne Morgan	1020 Midway Dr
Bob + Anne Morgan	7200 Prairie Ave
Keaton Barrage	430 High Street
Chris Barrage	430 High Street
Ed Christie	2310 Lake Ridge Rd
Jim Fort	619 Webster
Chris Lyden	181 74th St
Julia White	7256 Latician Ave
Gregory Hill	7151 Fernhill Ave
Tom TUCKER	726 B Street

Chris Barczyk [Highfield Beach]

To: Chris Barczyk [Highfield Beach]
Subject: Clarification of PC statements from January 25th, 2017 Special Meeting

To the Planning Commission and Board of Trustees,

I would like to set the record straight regarding discussion from the special meeting, January 25th

..

1. It was stated that the Position Paper had approximately 86 names.
➤ To clarify, we submitted the Position Paper with 106 names (... and growing)

2. When comparing the number of letters received from pro-short-term renters vs. pro-rural/residential, it appeared that the Position Paper, even with all the names it represents, was counted as only one. ➤ The Position Paper should be counted as 106.

3. One of the Planning Commission members stated the Position Paper was not clear regarding its position of the rental situation.
➤ The Position Paper is very clear that commercial short term rental activity is not permissible under current zoning, nor is the Alliance in support of such activity regardless of whether or not it is regulated.
➤ Excerpt from Position Paper below:

"The Alliance is opposed to amendments to zoning that would permit the operation of commercial short-term rental homes, transient lodging operations and/or unsupervised motels (the "Transient Lodging Operations"), within the residential zone districts regardless of whether such operations are regulated. "

4. Mr. Fleming had suggested that he disagreed with the Position Paper that "intent" is irrelevant, citing the below language from the Position Paper, in part:

... private beliefs, thoughts or intent has no significance in the court.'
➤ The statement above may have been taken out of context, with the full text found below (as written in 54 of the Position Paper). The Position Paper is clear that intent is only relevant when the language of the ordinance is ambiguous:

"A zoning ordinance must be enforced based on the intent as expressed in the plain language of the ordinance and the definitions contained therein. In other words, the private beliefs, thoughts or intent of those individuals involved in drafting or enforcing a zoning ordinance are of no legal significance and do not supersede the plain meaning as interpreted by a court of law. Only a judge is authorized to

interpret the law. A judicial interpretation is effective as of the date on which the interpreted ordinance was originally adopted. "

Regards,
Chris Barczyk

Attachment #3

Glenn Shores Short-Term Mary Campbell Rental Analysis 2-1-2017

Community facts based on publicly available information:

- 90-100 homes in the neighborhood, several build in the late 1920s.
- 19 year round families live in community (several others families go to distant locations for the winter portion of the year and are three season residents.)
- 21 advertised single family Short-Term Rental Commercial units
- There are an additional 3-6 units rented through other venues not included in this analysis bringing total single family rental units to 24-27

Glenn Shores Short Term Transient Rental Data Analysis:

A) Rental Unit Classification by year of first rental:

Year of Initial Rental	Pre 2009	2009-Present	Total Units
• Pre 2006	3 Units	3 Units	3 Units
• 2006 - 2008	3 Units	3 Units	3 Units
• 2009 - 2012	5 Units	5 Units	5 Units
• <u>2013 - 2017</u>	<u>10 Units</u>	<u>10</u>	<u>10 Units</u>
Total Units	21* Units	6	15
			21* Units

*There are an additional 3-6 units rented through other venues.

B) Rental Unit Analysis by Minimum rental nights:

Minimum nights	Min. 1-3 nights	Min 1 week	Total Units
• 1 night	2 Units		2 Units
• 2 nights	8 Units		8 Units
• 3 nights	5 Units	15	5 Units
• <u>1 week</u>	<u>6 Units</u>	<u>6</u>	<u>6 Units</u>

Total Units 21

15

6

21 Units

Page 1

Glenn Shores Short-Term

Mary
Campbell

2-1-2017

Rental Analysis

C) Glenn Shores maximum nightly rental capacity as advertised:

<u>Rental period</u>	<u>Maximum # people</u>	<u>1-3 nights</u>	<u>1 week</u>	<u>Total Transients</u>
• 1 night	13			
• 2 nights	78			
• 3 nights	55	146	146 Transients	
• <u>1 week</u>				<u>39 Transients</u>
Transient weekly population				39 Transients

**

This is a low estimate since the 1-3 night rental properties could turnover more than one (1) time a week resulting in an additional 400+ people each week at full capacity and turnover. Occupancy counts do not always include children and pets.

D) Glenn Shores advertised maximum short term rental sleeping capacity:

<u>Advertised Capacity</u>	<u># of Units</u>
• 4- 8 people	13
• 9 -12 people	3
• <u>14 - 22 people</u>	<u>4</u>

Attachment #4

From: Larry' Scott
Sent: Monday, February 06, 2017 5:17 PM To:
zoning@cascotownship.org; graffj@i2k.com
Subject: Spring Lake Township as a model for Casco Renting

Members of the Casco Planning Commission:

In a brief synopsis, the Casco Township Master Plan includes the following: Vision: To preserve our rural character;

Objective: Utilize overlay zoning for the entire length of the Lake Michigan shoreline, limited to the bluff face and a limited distance inland; To protect the rights of property owners, adjacent owners, as well as the natural features of beach and bluff. Low Density Residential: This land use category is expected to be a suburban-style, single-family residential land use.

With the above and several other statements in the Master Plan listed previously by Judy Graff, I suggest that the Short Term and Limited Short Term Rental Ordinance adopted by Spring Lake Township very recently is highly relevant, and I believe could serve as a blueprint for a Casco Township ordinance or zoning modification.

In Spring Lake, all properties along Spring Lake shore and a ways inward are classified as R.I , or Low Density Residential areas, and as such only allow "Limited Short Term Renting.

Relevant definitions in the Spring Lake Short Term Renting Ordinance:

Short Term Renting: renting for a period of 27 days or less

Limited Short Term Renting: renting for up to 14 days per calendar year

Short Term Renting is allowed in all Spring Lake districts except District R-1. In this district only Limited Short Term renting is allowed.

For both types of renting there are the following restrictions and regulations:

(a) The Owner shall provide off-street parking on paved portions of the Premises and not in the yard to accommodate all Occupants' vehicles, including motor vehicles and trailers.

- (b) Rental of the Dwelling shall be done in a manner that is consistent with the intent of a single family residential neighborhood.

- (c) The Owner shall provide the Occupant and the township with the following information prior to occupancy and post such information in a conspicuous place within the dwelling:

- (1) The name of a contact person and a telephone number at which the contact person may be reached any time that the Dwelling is Rented; o (2) Notification of the Maximum Occupancy permitted in the Dwelling; o (3) Notification and instructions as to the parking locations; o (4) A copy of this article, as may be amended from time to time; and

- o (5) Notification that an Occupant may be cited or fined by the township, in addition to any other remedies available at law, for violating any provision of this article.

- (d) The Owners contact person must be available to accept telephone calls at all times that the is Rented. The contact person must have a key to the [dwelling and be capable of being physically present at the Dwelling within three hours to address issues, unless arrangements are made for person to address issues within the same timeframe.

- (e) The Owner shall notify neighbors within 500 feet from the [dwelling in writing that the Dwelling will be Rented and shall provide the contact person's information as well.

- (f) The appearance of the shall not conflict with the residential character of the neighborhood. The Dwelling shall be properly maintained per all applicable local and state codes, and kept in good repair so that the use in no way detracts from the general appearance of the neighborhood.

- (g) Occupants shall not encroach on neighboring properties.

e (h) Owners shall provide sufficient waste receptacles substantially screened from view; and the Premises shall be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.

- (i) Campfires shall be maintained in designated fire pits and comply with applicable fire codes.
- (j) Occupants shall not create a nuisance. For purposes of this subsection, a nuisance includes but is not limited to any of the following:
 - (1) Any activity that violates the township noise regulations found in chapter 14, article II of the township's Code of Ordinances;
 - (2) Any outside noise that is audible at the property line of the Premises occurring between 10:00 p.m. and 7:00 a.m. on weeknights (Monday, Tuesday, Wednesday, and Thursday), and between 11 p.m. and 7:00 a.m. on weekend nights (Friday and Saturday); and
 - (3) Any activity that violates the township firework regulations found in chapter 16, article IV of the township's Code of Ordinances.

e (k) The Maximum Occupancy for any Dwelling is 12 individuals, subject to any applicable local, state, or federal laws, regulations, or ordinances.

Campers and tents to provide additional occupancy on the Premises are not permitted.

Longer term renting (greater than 34 months) is allowed in all locations.

I urge the Casco Township Planning Commission to strongly consider the Spring Lake model as a way to address renting on our township. I would also add that my wife and I am now a full time resident of Casco Township, having retired from the Chicago area.

Sincerely

Larry Scott, 7182 Orchard Lake Drive, Glenn Shores

Attachment #5

To: Casco Township Board and Casco Planning Commission, Subject:
The Master Plan, a Constitution for Casco development.

As citizens of Casco Township, we urge you to please utilize the Casco Master Plan as *Constitutional* guidance when considering short term rentals as a commercial enterprise in single family residential areas.

You are faced with a battery of challenging decisions regarding the fabric of our community. The framers of the Plan predicted your difficulties and call out by example the path for success. An excerpt from page 20 reads:

“As the Planning Commission and Township Board are faced with making zoning and land development decisions – rezoning, site plan review, special use permit, planned unit development, plat reviews, etc – the relationship of those requests to the Master Plan recommendations should be a primary consideration.

A request to construct a commercial use in an area planned for residential development, for example, would be contrary to the Plan and should not be approved, unless the Plan is determined to be in error for that particular location or conditions have changed significantly since the Plan was adopted.”

So, the path becomes clear. On December 21, 2015, following a required 5-year review, the Township Board recognized the Plan was not in error and accepted it as written. Please follow it or begin the long arduous process of public review and amendment.

We wish to go on record as opposed to uncontrolled Short Term Rentals in low and medium density areas in our community. Please maintain our residential nature by resisting the pressure to change the Master Plan and zoning laws away from the guidance already in place. Follow the Plan. Use the already designated commercial areas for transient lodging and do not make sweeping changes in low or medium density areas. Please do not put our sense of community, low crime rate, and quiet and rural atmosphere at risk.

Sincerely,

Bill and Janet Chambers