

Approved 05-20-2020

Regular Meeting of Planning Commission
Casco Township
February 19, 2020

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

Absent: Secretary Andy Litts

Also Present: Zoning Administrator Tasha Smalley and Supervisor Allan Overhiser and 1 interested citizen

1. **Call to order and review of agenda:** The meeting was called to order at 6:00 PM. A motion by Fleming, supported by Knisley to approve the agenda. Fleming noted after reading the previous minutes he did not always know the reason someone voted for or against an amendment. He said it might be helpful if members stated their reason for their votes, in case he is missing something.
2. **Interested citizens in the audience will be heard on items NOT on the Agenda & Public Correspondence Received:** Chairman Campbell received an email from Commissioner Andy Litts, dated the 14th of Feb. concerning grading and drainage (Attachment #1). The email said it is more apparent to Litts that the PC needs to hear from someone on the Drain Commission when discussing water trespass.
3. **Approval of minutes from 1/15/2020:** A motion by Graff, supported by Hughes, to approve minutes of the Regular Planning Commission meeting on 1/15/2020. All I favor. Minutes approved as presented.
4. **Calendar review:** There will be a Public Hearing for Special Events Venue on March 18th at 6:00, regular meeting to following. Regular meeting will be abbreviated. The meeting is a SLU for Peter Kline, 111th, for a pop-up restaurant planning eight farm to table dinners. Graff stated she is not available for that meeting. There will not be a meeting on 2/25/2020.
5. **Administrative reports:**
 - a. **Zoning Administrator:** Report (Attachment #2) Smalley said there is a house on Lakeview in Glenn Haven Shores that will be moved. They will not need a variance to move the house. Campbell asked Smalley if she had the end of year verification that all approved minutes are in the township hall as discussed in the new bylaws. Smalley said the Bylaws are not approved yet for this year, therefore does not apply to this year.
 - b. **Township Board Representative:** Graff said there was a Township Board meeting on Monday February 17th. State Rep Whiteford attended and said due to changes in the law on auto insurance concerning medical, effective July 1st, she recommends people contact their insurance agents. The changes in the law create options for the insured.

Graff reported Whiteford also stressed the importance of filling out the census forms citizens have received. Money received by the state and counties per person are based on census reports. The county receives 1,800 for each person in the county.

Parks and Rec said they will be work on 1st street stairs in the spring and maintenance will continue to be done on the Casco Preserve.

SHAWSA bonds will be returning \$3,000 a month to start paying back debt to township retroactive to Jan 1st, until 500,000 is paid off. The bond update created a savings of 2.2 million.

Casco has worked hard to improve the transfer station. It is now cleaner and much improved.

Concerning the email about the Board wanting the PC to look at relief Casco can give residents whose homes are in danger from erosion. It has been decided the ZBA could be more lenient on setback variances if necessary.

Hartman's are interested in growing medical marijuana. The Board has accepted a tour of their facility in Bangor.

Board of Review meetings will be March 11th & 12th . There will be a time for questions to the assessor on March 5th.

There will be a meeting for Land & Water conversancy Wednesday, March 11 from 6:00 to 8:00 PM at the Library.

Chairman Campbell jumped to item 7a to include Supervisor Overhiser in case he did not stay to the end of the meeting.

6a. Township response to Casco bluff property owners' requests for Zoning Ordinance remedies to assist in addressing property loss due to significant erosion damage in recent wave of Lake Michigan high water levels.

An email was sent to Supervisor Overhiser from Atty Bultje, January 31, 2020 regarding relief for homeowners experiencing erosion on the bluff. (Attachment #4)

Campbell asked if the ZBA has the criteria for granting variances on the lake bluff.

Supervisor Overhiser said if a lake shore resident is required to move a house that is in danger of falling into the lake the ZBA could grant them relief.

Campbell said they could offer the homeowner the option of reducing the size of the home. Campbell said the ZBA could look at things like if the homeowners are planning to rent and look at parking.

Graff said it would be clarified in the board minutes.

Smalley said a house that will need to be moved is too wide to meet the side setbacks and there will be parking issues to consider.

Graff questioned a scenario where they want to move a house but could potentially still be in danger in the future. Things continue to happen along the lakeshore.

Knisley said they could set themselves up for potential future problems. There are underground utilities and the right-of-way to consider in addition to property lines. If you move the maximum distance, there may be other issues.

There have currently been 3 calls about moving homes away from the bluff. There may be 4 or 5 homes affected

Campbell said State legislature is trying to pass something where homeowners can move a home in danger of going over without a permit.

Supervisor Overhiser said this has to do with an EGLE permit, not a township building permit.

5. c. **Report from ZBA representative:** Hughes said they have a draft of bylaws and will be discussing at the next meeting

- d. **Water & Sewer:** Adamson there has not been a meeting.

6. **Old business**

a. **Water trespass**

- i. **Proposed amendment on Lot Coverage definition and text amendments for Sections: 3.238 (B) (1) (C) and 3.28 (B) (3) (b) (3) (Attachment #3).**

Graff said the intent section does not explain what they are trying to manage. She said another sentence should be added describing what they are trying to accomplish.

Campbell questioned changing the definition of "Lot Coverage", or if the change should deal with 3.28 alone. Changing the definition, it would apply everywhere. He said intent is covered in the email to Atwood on October 31 written by Smalley when inviting Atwood to the PC:

"Our goal is to help, at the beginning of the construction process, to ensure that water run off is maintained, or sent to proper drain location. And if a lot needs to

be filled in to be a higher, protect the neighbors from possible erosion or water issues.

These subdivisions are being built out like hot cakes right now, this text will help for next batch of development”

Discussion continued on whether the 25% building footprint being changed to include all impervious surfaces. If someone wants to build a larger home, they can buy more lots.

Fleming asked how the PC is to determine what percentage of lot coverage affects the ability to absorb water. Many are clay lots. He would like to hear what the drain commissioner says.

Knisley said the current 25% rule is pertaining to structures because it is controlling density. It did not include paved drives, patios, etc. He added if you are on a paved road, you are required to pave the apron. Would that be included in the 25%. Is the right-of-way included in the calculation?

Smalley said the right-of-way would not be included.

Campbell said Atwater was the one who suggested including impervious surfaces in the 25%.

Chairman Campbell said lots were not buildable when they did not have water & sewer. Now, with water & sewer, they are building on lots where they could not on the past. Campbell suggested going back to what Smalley had suggested in the first place.

Campbell said if you get rid of the minimum house size, they could keep impervious surfaces under 25%.

Fleming reiterated if you get rid of the minimum size of the house, they could build smaller houses if they want to.

Knisley said the 25% rule was meant for density. When you say 1250 sq. ft includes driveways and all impervious surfaces, they don't have enough left for the house. Knisley suggested limiting the 25% lot coverage including all impervious surfaces be limited to the small nonconforming lots of record.

Campbell agreed it could just apply to nonconforming lots of record. It may impact the number of hookups. It could be limited to the 3.28 subdivisions “where paved roads and storm sewers to not exist”.

Supervisor Overhiser added Craig Attwood said if you have a paved road, a paved driveway is preferred to prevent gravel from washing into storm sewers. With storm sewers water can go down the driveway to the storm drain. Currently Lakeview is the only one with paved roads and storm sewers.

Knisley said if you use the new definition for "Lot Coverage" on all properties, there would need to be 2 or 3 different definitions. There might be existing homes where someone wants to pave their driveway. Someone may want to dig a pond for drainage.

Fleming questioned if the intent was originally to help 3.28 areas, how did we get beyond there?

Smalley said original text was for 3.28 lots. Smalley read her proposed text from the 1/15/20 meeting:

Amendment 3.30 Excavations:

B. In order to protect adjacent properties and to provide adequate, as possible, drainage of surface water and storm water run-off, the final grade shall be designed and landscaped such that storm water runoff is managed in a manner which does not create a nuisance for adjacent properties for all earth moving activities in the LDR, LR-A, LR-B, MDR zoning districts.

Graff said she thought it was always the 3.28 lots and would be part of zoning approval condition.

Fleming added he would like to see the minimum house size removed where the 25% includes all impervious surfaces.

Knisley asked why to restrict to areas that are unpaved roads. We went through the pros and cons of controlling water. You could open it up a little more to say you should retain storm water wherever you are.

Smalley said they could go back to the original wording of retaining storm water.

Graff said the language was simple and straight forward in the proposed text.

Adamson said in some properties he managed the subdivision rules were that the owners must manage their own water.

Supervisor Overhiser said there were not that many problems. 20% of the properties in a subdivision have an issue.

Adamson said the wording they had in the beginning was good. The intent is to manage your water. If they get enough people interested, they could put a drain system in. If

everybody was aware, they can't just build and not care about their water run-off, they will figure it out.

Supervisor Overhiser said they would have to come up with a definition of "impervious surfaces".

Hughes asked how much new construction is in water & sewer districts? 80% are in the nonconforming lots.

Graff pointed out they have been working on this over a year, shortly after Smalley started. Last fall Atwood from the Road Commission was here. Something is wrong. We redo and redo and redo and second guessing. We need to figure out how to be better at what we are doing. We give Smalley a verbal statement. Her job is tough. She is trying to comply. We redo so much we are not going to remember what we decided. We do it repeatedly. We are not professional planners. Graff said we need to figure out how to do this better.

Campbell agreed. For eight years we have been going through the same process, since Bruce Barker left. There are nights when I wonder why we came in here. What is the common denominator?

Adamson said it was not that difficult. We don't put it to a vote. We just keep discussing. If you miss a meeting where there is a vote, it's done. Once voted on we should go forward. If someone brings in a new option the next week, it's too late.

Fleming said (regarding the common denominator). It is that don't know what we are doing. For example, bricks over a clay driveway. Does anybody know how much water will be absorbed?

Adamson said we are all pushing a different agenda. We are supposed to be doing what is best for the community. What are we trying to accomplish and what works to get there?

Hughes said the nature of people who volunteer to be on a committee to be concerned about the community. Sometimes we waver when we shouldn't.

Graff said if you want something done, first ask what your requirements are, what are the issues and what is behind it. What do we need to accomplish? Come up with items, vote, put it on paper and put it in the hands of Smalley. Ask Smalley how to put it into words and into action. Graff said she likes to think and bring thoughts back to table, but you can't change it every meeting. It always goes o back to the process. The process is broken. We as a township have stayed away from having a professional planner. It costs money, they bring their own agenda, but they can put something into writing. That would be one option.

Campbell said we did have a professional planner that worked us through building height, got us through a lighting ordinance, public hearing, and the board did not accept the height portion. We went forward with the lighting and got push back. The bottom line is we finally got something into place. Maybe we should have a professional. Since Barker has left it has been tough. The rental thing hit. Campbell said he doesn't want to be a rubber stamp. Smalley has made a valuable contribution. Campbell agreed with Adamson on the need to vote and move on. Then the rental thing hit. Campbell said he doesn't want to be a rubber stamp; on other hand Smalley has made a valuable contribution. Campbell said he agrees with Adamson. Vote

Graff said they should make a motion on water trespass.

Smalley said the motion could be to leave the lot coverage definition as it currently is and use 3.30 B.

Supervisor Overhiser said he thought it would be a good value to the community. Currently if someone is experiencing water trespass, it is a civil matter. There needs to be something to help. If we can get it on the books, we will have the ability to do that.

A motion by Adamson, supported by Campbell to use the following text with the words "as possible" removed and put into form for a public hearing as follows:

Amendment 3.30 Excavations:

B. In order to protect adjacent properties and to provide adequate, ~~as possible,~~ drainage of surface water and storm water run-off, the final grade shall be designed and landscaped such that storm water runoff is managed in a manner which does not create a nuisance for adjacent properties for all earth moving activities in the LDR, LR-A, LR-B, MDR zoning districts.

All in favor. MSC

- b. **Update: Rental Property Fire Pit ordinance amendment:** Chairman Campbell is talking with the Fire department on this.
- c. **Update: ZO amendment and process going forward:** Campbell said we have to get something on wineries. We have spent a lot of hours on this. Wineries and special use hearings are taking up too much time. We said we need to clean the document up. The Site Plan Review process needs to be a much quicker version than what we have here. Chapters 15 and 17 need cleaning up. We need something on wireless communication. Chairman Campbell asked Smalley, Why have we been talking about this for a long time, but nothing is done.

Smalley said it has not come up on the agenda.

Campbell said it is on the tickle file list. Smalley said if you are ready, put it on the agenda and I'll bring it next month.

Campbell said let's get this thing on 15 and 17 cleaned up and we will put it on a time schedule.

Hughes said March will be difficult because of the site plan review. He added it would be nice to know ahead of time what we will be discussing.

- d. **Quick Links Homepage Electronic Zoning Ordinance Complaint filing proposal:** Campbell said now that Smalley is issuing all the Zoning permits, the website should be updated to reflect the change. Also, Campbell would like a way to contact the Zoning Administrator with questions, such as whether a building permit has been issued for a project.

Supervisor Overhiser said Smalley is not issuing the building permits. She is in charge of the zoning portion. Ellingsen is issuing building permits. Overhiser said he could have addresses where building permits have been issued listed on the website. Overhiser will see that this gets done.

7. **New Business:** covered earlier in meeting
8. **General Public Comment:** None
9. 8:00 meeting adjourned.

Attachment #1: Email from Litts, 2/14/20, Re: storm water control

Attachment #2: Zoning Administrator Report Proposed Amendments for 3.28 B1c and 3.28 B3b3

Attachment #3: Proposed Amendment on Lot Coverage

Attachment #4: Letter from Atty Bultje, Jan 31, 2020, Re: ZBA granting relief for lakeshore erosion

-confidential; client privilege

REGULAR MEETING OF CASCO TOWNSHIP PLANNING COMMISSION
Wednesday February 19, 2020
6:00 PM

1. Call to order and review agenda
2. **Interested Citizens in the audience will be heard on items NOT on the Agenda & Public Correspondence received** (2 minutes each).
3. Accept minutes:
 - a. 1/15/2020 Regular Meeting (Attachment 1)
4. Calendar review (Campbell)
5. Administrative Reports
 - a. Zoning Administrator (Smalley) (Attachment 2)
 - b. Township Board representative (Graff)
 - c. Report from ZBA representative (Hughes)
 - d. Water/sewer representative (Adamson)
6. Old Business:
 - a. Water trespass (Campbell/Smalley)
 - i. Proposed amendment on Lot Coverage definition and text amendments for Sections: 3.28 (B)(1)(C) and 3.28 (B)(3)(b)(3) (Attachment 3)
 - ii. Follow up: Grade height cannot exceed that of adjacent properties discussion (Campbell/Smalley)
 - b. Update: Rental Property Fire Pit ordinance amendment (Campbell)
 - c. Update: ZO amendments and process going forward (Campbell)
 - d. **Quick Links** Homepage Electronic Zoning Ordinance Compliant filing proposal (Campbell)
 - e. Any old business that may come before the Commission
7. New Business:
 - a. Township response to Casco bluff property owners requests for Zoning Ordinance remedies to assist in addressing property loss due significant erosion damage in recent wave of Lake Michigan high water levels.
 - b. Any new business that may come before the Commission
8. General Public Comment (2 minutes each)
9. Adjourn

Michigan Township Services Allegan

111 Grand
Allegan, MI 49010

Invoice

Date	Invoice #
2/5/2020	3491

Bill To
Casco Township 7104 107th Ave South Haven MI 49090

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
0.25	Zoning January 2020 1-3 Clayton Schutter, height definition	48.00	12.00
2	1-7 office hours	48.00	96.00
0.25	1-8 Jane VanderWeele, sign regs; real estate signs	48.00	12.00
0.25	1-8 Mike Jarman, 1024 Lakeview, house move comments	48.00	12.00
0.5	1-8 PC agenda packet	48.00	24.00
0.5	1-8 prepare text for PC meeting (draft text amendment)	48.00	24.00
2	1-14 office hours	48.00	96.00
0.25	1-15 Emily Anderson, 7224 Beethoven, division questions	48.00	12.00
3	1-15 Planning commission meeting	48.00	144.00
2	1-21 office hours	48.00	96.00
0.25	1-21 Michael Herne, 592-020-00 min dwell regs	48.00	12.00
0.25	1-27 David Griessel, 412 63rd, pole barn regs	48.00	12.00
0.25	1-27 Ms. Slentz, 6041 Baseline, pole barn regs	48.00	12.00
2	1-28 office hours	48.00	96.00
0.25	1-29 Donna, Meyer Appr, 653 Lakeshore, zoning	48.00	12.00
0.25	1-29 Gail, 7140 Orchard 180-146-00, move house questions	48.00	12.00
0.25	1-30 Gary lousey, fence regs	48.00	12.00
Total			

CASCO TOWNSHIP
Proposed Section 3.28 (B)(1)(c) Amendment
Proposed Section 3.28 (B)(3)(b)(3) Amendment
Proposed Section 2.13 Definitions-L *Lot coverage* Amendments

Intent: To protect the public health, safety, and welfare of Casco Township Residents the proposed amendments are intended to address the sever issue of water trespass impacting current neighbors and future neighbors of surrounding undeveloped lots in our residential neighborhoods resulting from new home construction and/or home expansion.

Section 3.28 (B)(1)(c): the maximum lot coverage – Residential shall be 25 percent; and

Section 3.28 (B)(3)(b)(3): Maximum lot coverage – Residential of 25 percent;

Section 2.13. Definitions – L *Lot coverage – Residential* means The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, all impervious surfaces including but not limited to driveways, patios and parking pads/lots.

For example: Residential district – 25% lot coverage
Typical lot size 50x100 = 5000
5000x25% = 1250 sq ft

Section 2.13. Definitions – L *Lot coverage – Commercial or Industrial* means The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures, all impervious surfaces including but not limited to driveways and patios, but not including parking pads/lots.

For example: Commercial or Industrial – 35% lot coverage
Minimum lot size 20,000 sq ft x 35% = 7,000 sq ft