

Special Meeting of Casco Township Planning Commission
February 22, 2017; 6:00PM

Approved 4/12/2017

Call to order: Daniel Fleming

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

Absent: David Campbell, excused sick

Staff Present: Cheri Brenner substituting for Janet Chambers, Recording Secretary

Also, Present: Approximately 30 interested citizens.

1. Call to order and review of the agenda: Chairman Fleming called the meeting to order at 6:00 PM. There were no changes to the agenda.
2. Approval of minutes 2/8/17 David Hughes made motion to approve the minutes was supported by Lou. All in favor. Lewis mentioned that Janet did a great job with all that was going on. Minutes approved with the following note: Judy said she has a couple of comments on the minutes on pg 1 #3 John Barclay is not a condo area developer. Then on pg 5 at the bottom- Bill Chambers, the third line from the bottom, that reads the board determined the master plan was not adhere, that is not what the board determined. The board determined that the master plan did not need to change and that it was approved for the next five years. Dan asked if that was what he said? Judy said that is a good point. Judy said it is up to the rest of the planning commission to change this. Judy passed on changing this wording. Dan said starting on pg 3 that an item needed to be added to the minutes that had been brought up was not added to the minutes, the minutes were approved with the change but the change didn't get in the minutes. (The wording from Page 10: "Such higher density may also allow forms of residential development other than conventional single family homes." The clerical error will be corrected.

3. **Public Comment:**

John Barclay made a quick suggestion for the PC – The committee might want to take a few minutes for reflection so you stay focused on the root cause and not just symptoms. Suggested the Planning Commission get alignment on the problems/issues.

Bob Graver, 653 Lake Shore Drive: He stated that he has been at a lot of these meetings and there has been a lot of problems with short term rentals and the planning commission wants to acquire some data there is a great opportunity to take advantage of the data in a report from the City of South Haven related to their rental situation. There are almost 400 registered rentals in South Haven which averages about 8 reservations per year per rental, which equates to, over 3,000 groups that came to South Haven last year during the summer. Out of these 3,000 groups, there was only one noise violation. He also pointed out that most of these the highest concentration of the rentals was not the highest concentration of police activity. The claims of increased noise, trash, and traffic because of rentals were unfounded. These are the same people that rent in

Casco. He hasn't had trouble with his renters in ten years but he is proactive. He gave the board a copy of the report.

Carson Leftwich-Miami Park- Stated that she believes comparing police activity with South Haven to Casco is apples to oranges. Saying that the highest concentration of rentals is not the highest area of police activity because you have two large public beaches and last year they had an actual riot where there were much police activity so that will affect your data. This so-called data which she hasn't seen. To say that these are the same people renting coming to Casco Township and to assume this is going to happen in Casco the same way is not what we have experienced. She stated that we've seen violations of all kinds happening at our subdivision that don't get reported to the police. Overflowing trash cans every weekend, we don't call the police we pick up the trash. Things like that happen every weekend in the summer time. This gentleman said that he is a good renter but we experience just the opposite at Miami Park.

Mike Lynch, 631 Lake Shore Drive: (He is not a developer and he doesn't rent) he stated that he was very disappointed with the Resolution Moratorium of not enforcing the zoning ordinance. You say renting is a commercial venture; it is defined in Webster that anything that exchanges money is a commercial venture, it says in the township zoning ordinance it isn't allowed. What other ordinances can I ignore? In our area noise complaints are just a part of the issue. You have stressed repeatedly that your intent is to protect residents and visitors of negative effects. In our area noise complaints are just a subsequent part of the issue. It's on the books, no rental, let's enforce it. He must put up with people going down Lakeshore late at night and the noise from the tram late at night is a problem, he lives across from the tram.

4. Opening Statements by Planning Commission members

Judy Graff

Judy informed the planning commission that at the Board meeting on Monday (effective immediately) the board did pass a Resolution to put a moratorium of 8 months of not enforcing the zoning ordinance as far as rentals is concerned; but all other aspects of the ordinance will be enforced. In addition to that, the township will be putting together, with residents input, a problem identification recording and a problem solution process and hopefully we will have this together and in place by early May. This would include who to call for issues that are not land use related – such as noise and parking.

For data to use. Until that is defined on what resources, who to call, noises, parking, disturbing of the peace etc. that aren't land based.

Land use. The complaint process is on the website now.

The board hired Williams and Works as a planner to help the Planning Commission go through this process.

Judy's summary of her understanding of the issues:

1. Most of us agree that we don't think we have problems with the responsible renters of single family homes because they care about the community and their neighbors.
2. No problems east of Blue Star they are all focused on the lakeshore and in the sub-divisions.
3. Anything longer than two weeks is not a problem – guessing on the time frame.

- a. Transient lodging in residential districts are causing the problems
- b. Everyone wants common rules to follow with these rules enforced.
- c. Who do you call when there is a problem?
- d. The administration of the rules and enforcement must be funded by the people that rent. This burden should not be on other property owners.

Dave Hughes

He has lived in Casco since 1985, been on the planning commission several times and on the ZBA for many years and he lives in the southern part of the township and he was surprised of the rental issue and his interest is clarity and fairness for the renters and all property owners.

Greg Knisley

He has read a lot about other communities, and have been to many meetings regarding rentals. Ownership and owner involvement is a big issue – one that is strictly for rentals, he considers that that crosses the line into commercial venture and owners may not even be around to be involved. Activity of the owner makes a big difference. Owners should have an express interest in respecting their neighbors. How the properties are listed makes a difference. There are about 150 rentals in Casco, 389 in City of South Haven. If it is rented it is a rental. B & B's are regulated but we have nothing for home rentals.

Dan Fleming

Has been on ZBA and PC for 9-10 years. He lives in the AG district. There are problems out there in renting. We want everyone to be good neighbors. Dealing with those issues is what we are trying to solve. Zoning tends to be tyrannical, government tends to grow and not shrink and not sustainable. He wants to be sure we don't jump ahead too far, do want to solve the issues, and not cause changes that are too big.

Lou Adamson

Whenever the problems arise people want answers right away. The problem with this situation there are two sides for and against – and there are good things that come from renting as well as bad things. There are one side the other side, and the right side.

We talk about good landlords and but regardless, people don't typically control themselves. Something must be put in place. We need the money that comes into the area to help provide better schools, stronger police force, ...I'm concerned about the financial side. We know there is a side for and a side against. He stated he has a B&B and all his visitors are transient. He stated that we have heard from the public for rental and against renting now let us do our job.

Diane Liepe

Is the Vice Chair and has been on the board several years this is another interesting time we have a lot of things to go thru, short term rentals have been a part of the history in the Township. As someone born and raised here she appreciates the statements that Judy has created. Short term rentals have been a part of the township and it's the way many people came to live here. It may not have been a part of our written history but it is part of our history.

Dan's discussion with the Planner:

Dan talked to the planner and she said she wants to know what we want too. She is going to contact Cheri to get copies of the meeting minutes so she will know what has happened so far. She has two openings for meetings March 15, 2017 and March 29, 2017 and she would not be available on the 8th or the 22nd. She suggested coming up with a common set of terms. Also, suggested looking at the impacts at the common point of contacts. Discussions will happen at the 1st meeting with the planner. The planner is Lynee Wells from Williams and Works. Lynee mentioned to Dan some things of this could go thru a zoning ordinance or a general law ordinance. Dan asked her what we need to do to get ready to working with her and she said to set a common set of terms so we all know what we are talking about. Judy asked if a work plan was discussed and suggested a work plan needs to be developed together at the 1st meeting. Also, everyone that attends the meetings knows what we are doing. Dan agreed, and indicated that she wants to hear what the Casco Planning Commission wants to do.

5. Discussion of definitions:

Dan mentioned some suggestions; long-term renting, short-term renting, vacation rental, etc. In our zoning ordinance, we never set out to define these. Dan wondered if maybe some of this should be done after we meet with the planner?

Judy suggested that the group start with the definitions that are already within the Zoning Ordinance. They aren't rental related but do define terms as residential, etc. Judy felt with new definitions that short term could be anything we want. Terms have just been thrown around such as vacation rental, short-term rental, transient, etc. There may be common definitions so perhaps they should wait for the planner.

Greg felt if you rent one day it is transient. He feels that Casco zeros in on B & B's but homes are just turned loose. Where is short-term, vacation, what's commercial? How do we define it? Does just one day mean "commercial"?

There's long-term, short term, and transient – what is the definition? We just have residential and commercial – where's the line. Diane thinks the group needs a list of things to go over with the planner.

Judy thinks that if many court decisions over several years indicates that short term is residential, we need to pay attention to that.

If no one is living there, is it strictly rental? crossing the line is this commercial. How are we going to define it? In one community, they use the number of bedrooms or other controls.

Diane wonders if we should have a list of things to go over with the planner.

Greg wondered if you do it for a \$1.00 is it commercial or keeping it in residential. Does it fit every circumstance? Do we define one word. Greg thinks residential rental which is 30 days, short term is 3 days residential, when does renting cross the line? Anything less than 3 days? Greg believes that currently everything is either residential or commercial and that's it. Nothing in between. We need to define commercial.

Diane said “is there a need to say that short term renting is not commercial because we don’t know.” Just because the court says one thing, that’s their opinion.

Judy says if the court says short term renting is what? If there is a sequence of opinions over the years that short-term rentals are commercial or not she expects the planner to provide guidance on that.

Judy said that let’s assume just for an example that we are going to allow rental in residential one of the key concerns if they allow that, how much is too much? 20%? If we allow renting is it still residential we must look at the community and look at all pieces of property. The key concern is that rentals become too much and potentially an area could become 100% rental. Then is it still residential?

Diane is thinking of short term renting is 5 to 30 days. 1-4 days is not an acceptable short-term rental – there are hotels and B&Bs for that. Short term rental is a family that wants to go on vacation for more than 4 days is not acceptable. She would hate to put limits on the number of people. This is just something that Diane was thinking about. Diane doesn’t like to tell people how many people are allowed because she comes from a large family and someone almost always ends up sleeping on the floor.

Judy feels the numbers are a very important thing to respect the neighbors and the community.

David Hughes said he liked the comment about percentages; how would we restrict percentages? He’s been thinking about geographical distances. He likes the idea of percentages.

Greg wondered how do you deal with 1st come, 1st serve? Unless you turn it into a lottery.

Set up a district. Diane says for instance there are 25 homes in a district and most of them are short term rentals, that would be hard to police. There wouldn’t be issues though if they are all short-term rentals.

Lew would like to take these questions to the planner; we are not like the city; there are only some pockets that are affected.

Judy said that maybe tomorrow a subdivision could dissolve so we need to consider the whole township. Greg said the communities are looking for support from the township. The HOA have the teeth to support their own communities but not all communities are HOAs.

Dave asked are we dealing with just single family homes or should we deal with multiple dwellings as well?

Dan stated we need to move on to the next topic:

6. Discussion of Regulations:

What about ordinances or other issues – noise or others? The township board is working on a noise ordinance; revision of an existing one. This will include how the Board would like to see the ordinance enforced.

Parking is in our Zoning Ordinance already.

Judy’s suggestion is to put all the ordinances on the website. We, also, need to do some tracking of complaints so there is data we can count on so people can see how their complaint was resolved. We’ve

had discussions about burning barrels in the past. Dan asked if there are any regulations that the planning commission needs to look at.

Diane asked if there is anything about parking along the roads? Judy explained it is already in the Zoning Ordinance.

A lot of the small streets aren't even listed. We don't have speed and parking posted along all streets. Diane mentioned that if it's a one-time party and they talk to their neighbors it isn't a problem.

Lew said the planner would have some recommendations.

6 Public Comment:

Carl Schwartz

Has been coming to most of these meetings and wants to compliment the trustees and commissioners on the choice of Williams & Works choice for the planner. He's interested in seeing their process. The defendant in the Sunset Shores spoke at a recent meeting and said his is being appealed and Carl wants the group to know that the case is appealing only the deed issues, not the zoning issues. Also, he somehow thinks there is a basic misconception of the judge's ruling. He doesn't believe the trustees and Planning Commission understand the legalities of the situation. Higher courts have ruled that transient activities cannot occur in a residential setting. He is determined to bring the group up to speed on the legal aspects if this issue.

Ryan Sylvester-

Families coming here staying in residences are still using the home as a resident. He also doesn't want to see time restrictions make the area inaccessible to those without a lot of money.

Chris Barczyk

Chris wants 4 minutes at the next meeting. Owner control, like at a B&B is key, you must have that accountability. Noise and parking ordinances – if they are tied to a rental ordinance it gives more teeth to enforce because it holds the rental owner accountable. Chris figured out that there are 40 actual rentals in Casco Township. Taxes – motel taxes not collected under 15 days, over 1 month is residential no tax. South Haven didn't change its behavior so there wasn't any reporting change. Police visibility is having an impact on the behavior in South Haven.

He would like to give an incidental no tax that's commercial - short term renting is commercial. Stated a lot of facts about courts, and that the definition of commercial is set by the court and we are stuck with that.

Kathy Watt

She agrees with Judy about what she said mostly, but she doesn't agree that everybody wants common rules. They have an owner who rents, lets their dog run free that they must clean up after, they leave trash on the beach, they have a scooter and a 5-year old boy running it up and down the road. Saugatuck, 10 yrs. ago wanted to put in a McDonalds and it was turned down. They are protecting the character and the property values reflect that.

Carson Leftwich

After listening to comments by the board, and hearing that the board thinks the cost of rentals should be covered by the rental owners and not all the taxpayers of Casco...everyone agrees that there are

negatives: parking, noise, fireworks, garbage, traffic increases, strangers on the beach, dogs, alcohol on the beaches and ignoring Zoning Ordinance rules that are already in effect.

Bob Braver

Doesn't agree with Chris' remarks

Carson Leftwich

Says there is a house that is rental only and every weekend there is garbage all over. She is concerned about retaliation so doesn't call the police.

Laura Townsend

She doesn't have an issue with her neighbors. She rents and all her neighbors have their phone number. There is a small pocket of people doing this. Her neighbors were glad that they bought and fixed up the home. They come every weekend to clean. Create an ordinance that protects everyone. She acknowledges the issues that others are having and the problems – shouldn't have to pick up trash, or deal with angry people. Just saying "no renting" will change the landscape of the community and it won't be for the better.

Who?

Please don't judge your opinion on the complaints by when the Police is called because we learned early on that it takes a couple hours for the sheriff to come. You can't depend on law enforcement. Our neighbors weren't at their home and a group of people, my age, not kids were on their deck making noise.

Laura Townsend

Dan, you have received her rental agreement and if you have a good rental and if you have a few basic rules, and a strict rental agreement, I make renters sign it. I would come over here and evict my renter if someone called me and told me my renter was setting off fireworks. I think it can be managed with a few simple rules, and those who aren't around here should have a local manager.

Chris Barczyk

How do you encourage good rental agreements

Craig Massey

Addressing the women who are hands on renters – how do you implement renting without an agent, and without making enemies – he is trying to build a house on a road that doesn't have any enemies. He has attended most meetings and the county commissioner said that the Police Force is down 12 officers.

- 4. Dates for meetings - 3/15/17 @ 6:00PM SPECIAL MEETING RENTAL.
- 5. 3/29/17 6:00PM SPECIAL MEETING RENTAL.

Judy commented that we need to understand the law if we are going to make some changes.

Judy made motion to adjourn. Diane supported.

Meeting adjourned @ 7:50PM

Minutes Respectively Submitted by,

Cheri Brenner, Township Clerk

