

Minutes
Cascade Charter Township
Planning Commission
Special Meeting
Monday December 14, 2021
7:00 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Chairman Rissi called the meeting to order at 7:00 P.M.
Members Present: Noordhoek, Moxley, Noordyke, Rissi, Deering, Rapin, Korstange, and Meurlin
Members Absent: None
Others Present: Interim Planning Director Brian Hilbrands and those listed on the sign-in sheet

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member Noordyke to approve the current Agenda. Supported by Member Korstange. Motion carried 8 to 0.

ARTICLE 4. Disclose any Conflicts of Interest

There were none.

ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.

There was no one who wished to speak to non-agenda items.

ARTICLE 6. Review Report and Requested Recommendations from the Roundhill Subcommittee

Chair Rissi started off the report with a summary of recommendations that the Roundhill Subcommittee developed at their meeting earlier in the week with the intention of presenting them at the 12/15/2021 Township Board meeting. He said that this special meeting was to make sure the members could talk through the recommendations before they were presented to the Township Board. Chair Rissi shared that Member Meurlin requested they talk about this at the previous Planning Commission meeting but the request had come in very close to meeting time and he didn't think it was appropriate to give the other members such short notice. He said that Supervisor Lesperance requested they have this meeting and information ready to present at the Township Board meeting, so a special meeting was called.

Chair Rissi explained that, in the meeting packet, there were recommendations to go over for the Township Board. There was also a less formal document passed out from Member Moxley that was more similar to meeting minutes from the last subcommittee meeting. Thirdly, there was a document provided by Member Meurlin with the recommendations and the factual basis for them. Member Moxley said that Member

Meurlin's document is very detailed and he wants to provide each Township Board member with a copy of it at the meeting. Member Moxley said he would then give an introduction and go over the recommendations and reasonings from his own notes. He believes that reading Member Meurlin's document to the committee may be more detailed than necessary but it would be beneficial for them to have that document as a reference. They decided to start by going through the document from Member Moxley titled "Cascade Charter Township Round Hill Study Sub-Committee Recommendations for the Planning Commission".

Recommendation 1: Ordinances must be recorded. Problem: Master Deed was not recorded prior to Construction. Member Meurlin suggested changing it to say that "Neither the Master Deed nor the ordinance were filed prior to construction." The final recommendation and problem are to read as follows:

No. 1: PUD Ordinance and Master Deed must be recorded in accordance with current rules. The Problem: Neither the Master Deed nor the PUD Ordinance was recorded prior to construction.

Recommendation 2: Software needs to be acquired and used to record key documents. Problem: Clearly a check list was needed to make sure Master Deeds, Bonds, and other pre-construction items were complete prior to issuance of building permits. Member Korstange asked Interim Planning Director Hilbrands if he knew of a software vendor that he would recommend for this purpose. Interim Planning Director Hilbrands responded that he knows that the Building Department uses BS&A but he would have to check with them to see if that system could also work for planning and zoning purposes. It was determined that the problem may not have been the lack of a check list or the necessity of computer software but rather the lack of cross-departmental communication, accountability, process tracking, and transparency. They believe that this needs to be a developed process and that computer software may be a solution that would make project tracking easier and information more publicly available. The final recommendation and problem are to read as follows:

No. 2: A process needs to be defined and used to record key documents and milestones. The Problem: There was no organizational chart or checklist available to make sure Master Deeds, Bonds and other project documents, were recorded.

Recommendation 3: Selection and approval process for a new Township Planning Director. This is consistent with the wording in our draft bylaws. Member Korstange floated the idea of an interview panel made up of Planning Commission and Township Board members when hiring a new Township Planning Director. Member Meurlin suggested that the hiring process for a new Township Planning Director was an entire other problem to tackle later. The final recommendation is to read as follows:

No. 3: Establish a selection and approval process for a new Township Planning Director. This is consistent with the wording in our draft Bylaws.

Recommendation 4: Any deviations from original PUD Ordinance need to be approved before changes are started. Problem: Former Planning Director made minor changes as allowed in the ordinance. The subcommittee feels many of these changes were not minor. With no written records of said changes found, and without the board or planning commission ever receiving notice of changes it makes it more difficult for CCT to follow the PUD accurately. Member Korstange asked Interim Planning Director Hilbrands if there was a definition of ‘minor change’ within the township ordinance. He replied that there are examples in chapter 16 but not a specific definition. He also added that they should specify if they are talking about changes to the site plan or PUD Ordinance. They came to the decision that the Planning Director should notify the Planning Commission of minor changes they made, including ones that they did not need permission for, and these changes were to be recorded in a way that they could easily be tied back to the original decision and the public could see them. The final recommendation and problem are to read as follows:

No. 4: Any deviations from the original PUD Ordinance need to be approved before changes are started. The Problem: The former Planning Director made minor changes as allowed in the ordinance. The subcommittee feels many of these changes were not minor. With no written records of the changes found, and without the Board or Planning Commission ever receiving notice of changes, this makes it more difficult for CCT to follow the PUD Ordinance accurately.

Recommendation 5: Who is responsible for enforcement of Zoning and Site Plans?

Problem: The person responsible needs to be clearly identifiable by citizens and staff.

This person needs to be willing to stop a project or part of a project. The person also needs to be very knowledgeable about process and ordinances. They also should report incidents regularly to the planning commission. This way if a request to modify the PUD or plans in question comes before the PC, they are more familiar with the history.

Recommendations 11 and 12 turned out to be intertwined with this as well saying:

“Need for CCT to hire a qualified Project Manager to monitor PUD construction work.

Problem: We don’t have a knowledgeable person who can regularly check progress at projects.” and, “Where should a Cascade resident go with a complaint?”

There was much discussion around who should be enforcing and checking for compliance and who is in charge of project management. There needs to be a member of staff to oversee and inspect site construction projects. Preferably, someone with years of job site experience and a civil engineering background. They also talked about the need for a compliance officer, which the township previously had but is not currently filled due to a resignation. They discussed the difference between a compliance officer and an ordinance enforcement officer and came to the conclusion that the ordinance enforcement officer is what they need. One problem is with township staff not knowing who is responsible for certain activities, causing them to get passed around to different staff without getting an answer. They believe that both staff and the public need to be clear on who is responsible for different township activities and concerns and the positions that handle these activities need to be filled. The final recommendation and problem are to read as follows:

No. 5: Establish roles and responsibilities for enforcement of Zoning Ordinances and Site Plans. The Problem: Staff responsible for enforcement and oversight were not clearly identifiable by citizens and staff.

Recommendation 6: Need for an official seal to use on approved documents. Problem: upon request by members of this committee no one at the township offices could identify which set of plans was current. None of the site plans appear to be clearly labeled and dated. Interim Planning Director Hilbrands said that the Planning Department has an approval stamp for this purpose. Chair Rissi shared about a class previous Community Development Director Peterson sent him to where they said that all approved site plans should be initialed and dated by the Planning Commission Chair on the date of approval. That is not something Cascade Township has done in the past but the idea of both the Chair and Planning Director initialing and dating the approval on the document was of interest to the committee. The Chair would only need to sign and date the documents that come to and are approved by the Planning Commission, whereas the Planning Director would need to approve and sign all documents approved by the Planning Department. The final recommendation and problem are to read as follows:

No. 6: Need for an official seal to use on approved documents. The Problem: Upon request by members of this Committee, no one at the Township office could identify which set of plans was current. None of the site plans appeared to be clearly labeled and dated.

Recommendation 7: Proof of payment required for Performance Bonds. Problem: similar to problem 2. It was decided that this was similar enough and part of recommendation number 2 that it could be struck from the document.

Recommendation 8: Issuance of Cease-and-Desist orders. Member Korstange asked if this is something that happens often; the consensus was that it is not. Interim Planning Director Hilbrands said that this is something he believes he has the authority to do or, at the least, he is able to request the Building Department stop issuing building permits for the project. There was quite a bit of confusion as to who can issue cease-and-desist orders and some members wondered if it should fall under the project manager position or the compliance officer position but the main point was that there needs to be someone specifically noted as either it being their job to issue the cease-and-desist or being their job to make sure the cease-and-desist is executed. They would need to be capable of telling the builder/developer that they had to stop work and would need to issue the builder/developer a written stop work order if the builder/developer did not bring the project into compliance within a specific period of time as noted on the issuance. It was decided that since this had to do with processes, it should also be combined back into recommendation 5.

Recommendation 9: Need to coordinate KCRC Soil Erosion & Sedimentation Controls with CCT Storm Water Ordinance. The committee discussed who controlled these regulations. There was confusion as to if this was a township, county Road Commission, state, or federal regulation. They decided a good way to solve this in the future is

communication with the Kent County Road Commission both on specific cases and overall, hammering out which organizations have which responsibilities. The final recommendation and problem are to read as follows:

No. 7: Need to coordinate KCRC Soil Erosion & Sedimentation Controls with CCT Storm Water Ordinance. The Problem: At Round Hill, CCT was deferring to KCRC for enforcement of all water run-off problems.

Recommendation 10: Enforce the Developers work plan by establishing deadlines. Problem: Major infrastructure was not built when common sense would have assumed it to be built. This caused much of the erosion. Chair Rissi said that, in his talks with previous Community Planning Director Peterson, he said that, in any PUD, there should be established deadlines for key infrastructure progress points. This was eventually added into recommendation 2.

Recommendation 11: "Need for CCT to hire a qualified Project Manager to monitor PUD construction work. Problem: We don't have a knowledgeable person who can regularly check progress at projects." After discussion it was determined that this is covered by recommendation 5.

Recommendation 12: Where should a Cascade resident go with a complaint?" There was concern that it was not clear to residents which staff were responsible to follow up on complaints. There should be a clear process on how complaints are handled. The final recommendation and problem are to read as follows:

No. 8: Establish and document a concern resolution process for Cascade residents. The Problem: The neighbors voiced their complaints about erosion for two years without satisfactory resolution.

It was determined that one of the things that ties all of these problems together is a lack of processes to keep projects on track and verify that projects are completed in the proper and timely manner at every step of the process.

The Roundhill Subcommittee document contained '12 recommendations' and the Planning Commission consolidated the document to '8 numbers' during this meeting.

There was concern that the recommendations were being rushed to be done before the Township Board meeting so it could be presented, as requested by the Township Supervisor. They ended up agreeing to have Member Moxley clean up the recommendations document they had been working on during the meeting so it could be submitted the next night.

Member Rapin made a motion to submit the Planning Commission Recommendations document and Appendix One to the Township Board for their 12/15/21 meeting where Member Moxley and Trustee Noordhoek would present the commission's findings. Seconded by Member Korstange. Motion carried 7 to 1.

Member Meurlin asserted that Supervisor Lesperance wanted the subcommittee's report on Roundhill and Member Korstange stated that she did not believe it should be submitted as coming from the Planning Commission, it should only be listed as coming from the subcommittee as some of the things in it were not agreed upon by the full committee and those not on the subcommittee had not previously seen the document.

ARTICLE 10. Old Business

Review Revisions to the Planning Commission Bylaws: Due to the late time of night, Chair Rissi suggested moving the bylaw discussion to a future meeting. It was decided that, since there were not any cases for the 12/20/21 meeting, that would be cancelled and the bylaw discussion would be pushed into the new year.

ARTICLE 11. Any Other Business

ARTICLE 12. Adjournment

Motion was made by Member Deering to adjourn. Supported by Member Rapin. Motion carried 8 to 0. The meeting was adjourned at 9:57 p.m.

Respectfully submitted,

Diedre Deering, Secretary