

**Banks Township Planning Commission  
Regular Meeting Minutes  
1. Public Hearing on Short Term Rentals  
2.Public Hearing on Outdoor Recreational Establishments  
January 14, 2020  
Banks Township Hall  
6:00 p.m.**

1. **Call to Order:** Mtg called to order by Chair Miles at 6:05 p.m.

**2. Roll/ Recognition of visitors:**

Present: Don Miles, Tom Cooper, Rick Diebold, Julie Waterman, Joni Wieland

Also present: PC Ruben Shell, Rec/Sec Irene Shooks, Zoning Administrator Dave Muladore, Att’y Peter Wendling

Absent: none

Signed in: Robert & Cathy Russell, Tom Cooper, Bruce and Whitney Patton, David Marr, Erin Heeres, Candace Hoeksema, Andrea Hoeksema, Amy Russell, Brenda McGuire ,Kevin & Chris Giar, RJ Shooks, Molly Sundstrom, Dennis Snarey, Bryan Hoeksema, Bill Peebles, Sheila Johnstone, Holly Russell, Mary Ann Hinzmann, Jeff Jocks, Harry Drinkwine, Tracy Buzzel, Timothy Allen, Marc Jacobs, Betsy Randall, Mike & Tina McDuffie, Kathy Postmus, Laura & Phil Edwards, Travis & Julie Chellis, Luke Heeres, Dan Shunk, Steve Chellis, Brian Scram, Nolan Harwood, Nick Gates, Bill Hott, Anita Holton, Ric Evans, Heidi Cooper, Molly Manninen, Jeremy Bay, Justin Erskine, Jake Novotny, Rick & Wendy Sutherland, Jessica Grnya, Mike McCreary, Simon Farmer, Cory Dulaney, Tracey Johnson, Shirley Johns, Fred Hinzmann, Sue Swain, Greg Boom, Alan Hickman, Rich Friske, Richard Friske, Vince Bloom, Mark Kalbfliesch

3. **Approval of Minutes: December 10, 2019 Meeting:** MMS by Joni Wieland, Julie Waterman to approve December minutes. MC

**4. Public Hearings:**

**a. Short Term Rentals Zoning Ordinance**

- i. Motion MS to open the Public Hearing at 6:07 by Rick Diebold, Joni Wieland MC
- ii. Public comment – Three-minute limit per person
  1. None
- iii. Motion MS by Joni Wieland, Julie Waterman to close the Public Hearing at 6:11  
MC Decision on next steps: MMS by Tom Cooper, Joni Wieland to send the Short Term Rentals Zoning Ordinance forward to the county, then to the TB.  
Roll call vote unanimous

**b. Ordinance text amendment – Outdoor Recreational Establishments**

- i. Motion MS by Rick Diebold, Joni Wieland to open the Public Hearing 6:13 p.m.  
MC
- ii. Chairman Miles gave a few comments on the background to the Outdoor Recreational Establishments text amendment.
- iii. **Public Comment**
  1. Rec/Sec Irene Shooks read letters she had received. All letters indicated that they were against changing the Ordinance.
    - a. Letters were from Bryan LaRue, Vern & Karen Bentley, the Farbman family, Bud Persons, Wayne & Marrietta Heeres, Marv & Charlotte Heeres, Robert & Cathy Russell
  2. Tracy Hoffman, East Jordan: This could be the greatest thing to come to this area, that could bring an economic boost, give the kids something legal to do. Let’s meet 50/50 and work together

3. Jeremy May, Atwood: The motorcycles are no louder than the activity at the Ellsworth Farmer's Exchange or the trucks going by on the highway. Why not give teenage boys a place to go. It's a great tax revenue
4. Mike McCreary, Ellsworth: There are only a handful of people against this. The traffic is not on Church Rd, it's on Byers Rd. How is this hurting traffic?
5. Dennis Snarey, Ellsworth: I am against having this. I have seen the damage dirt bikes have done.
6. Bill Peebles, Ellsworth: The dust and noise is not worth the headache that comes with it.
7. Bruce Patton, Bellaire: I've been riding at Torch Valley Farms for many years. What about the benefits of horse riding? How can you allow a new business to harm an existing one?
8. Phil Edwards, Ellsworth: We have already seen a loss in our SEV because of the gravel pit. The MX is such a disruptive business, and it will lower our property value again. Less change may be the key to our future. (Full text supplied to rec/sec)
9. Molly Sundstrum, Ellsworth: The Antrim County Horse Group is part of 4-H. We meet to ride at Torch Valley Farms. 4-H is twice as likely to give back to a community than a race track
10. Laura Edwards, Ellsworth: (written text provided to rec/sec) Motocross is not permitted in the agricultural zone. Michigan Courts have shut down attempts to run motocross, and have over-ruled at least one Township that tried to permit one. Everyone must be aware that if this one family is allowed to change the zoning ordinance for the entire Agricultural Zone, this would allow similar uses in the entire township. This is simply a bad idea, and sets a terrible precedent for the future of our beautiful area for generations to come.
11. Travis Chellis, Ellsworth: Motorcycles do not bother horses. An equine operation does not produce anything for consumption, so why should they be allowed in an ag zone? This is about letting people do what they want with their property.
12. Molly Manninen: This is a situation that sets a precedent: asking for forgiveness after they've done it. This is not about Cathy being angry about the barn. It's her responsibility to take care of the children at the barn. It's not just an angry neighbor.
13. David Marr: East Jordan This is about money that can come into the community. I ride elsewhere, and spend money elsewhere.
14. Tina McDuffie, Ellsworth: If this goes into effect, does anyone who has 25 acres have the right to put a track in? Will it be covered by general provisions?
15. Bill Bowler: I'm a native American. This was Indian land long ago, and Indians have no problems with motorcycles. There are strict sound limits on cycles.
16. Sue Swain: Ellsworth This is a process of coming behind after a law has been violated. How are you going to enforce it? We had an illegal development in my back yard, where someone came in and broke the law and I ended up dealing with the issues it created. How can you enforce a noise ordinance violation?

17. Steve Chellis, Ellsworth: This land it not farmable land. This use does not kill the land. We had a dirt track for 25 years. Marv Rubingh came and cleaned it off, and now it's a hayfield. We've been on our farm since 1868, and it is still in the family.
18. Kyle Jacobs, Ellsworth: they can have fun, and do what they want to do.
19. Shirley Johns, Ellsworth: We need to fix this, but the fix is not to change the ordinance. We need better enforcement and follow up on violations. I am opposed to this.
20. Tom Cooper, Rocky Top, Ellsworth: A lot of work has gone into zoning in the past. There have been lots of changes around the state. If you open this door, things will change forever. I would like to see a referendum on the ballot in August.
21. Jeff Jocks, Traverse City: I presented a packet of information to members of the commission. Read that packet. This does not fit in an ag zone. The Planning Commission is not taking anything away because the MX track was done without a permit. The Master Plan guides the zoning districts. This is a high impact operation, which is not allowed. Farming is still a big aspect in the township.
22. Steve Parafin, Ellsworth: Our Master Plan does not allow this. We have to respect that plan. I can't go against the community. We need to accept the plan. If it is decided in the future to change the master plan to accommodate this type of land use, then the amendment could be considered.
23. Harry Drinkwine, Ellsworth: I purchase my house for the peace. I've dealt with Matt Heeres in the past, and he has done work for me. I didn't complain about the gravel pit or the dumpsite. I have expressed my concern about the scramble once or twice a week.
24. RJ Shooks, Central Lake: I am here to support the Motocross track
25. Brian Scram, Kewadin: I support the people's right to use their land as they want. We should allow everyone to use their land.
26. Erin Heeres, Ellsworth: I keep hearing about noise issues. A motor cycle registered at 77 decibels, but 89 for a vehicle. Horse have been there for years without any problem with motorcycles.
27. Pam Miller: The traffic noise is outrageous. The traffic of bringing in motorcycles, campers, is outrageous. The board didn't let us know that this meeting was happening.
28. Kevin Giar, Bellaire: The economic impact of motocross is phenomenal. I've been is this spot in the gray area. In our area, a Special Use permit was issued on a 2 year trial basis, then comments were taken. After the Public hearing, it was approved.
29. Richard Friske, Ellsworth: I am a life-long farmer. I am opposed to this change in the Zoning Ordinance. I am not opposed to the track. We have to look for a creative way to have it fit.
30. Ric Evans, Ellsworth: It is very unfortunate that things were done the way they were. I am opposed to any amendments. Let's look at the Master Plan when it comes up for review. We need to hold this proposal in the light of the Master Plan.
31. Luke Swoish, Ellsworth: it is not illegal to move dirt, as long as it is not bordering wetlands. We are just looking at additional aspects of use.

32. Chris Giar, Bellaire: There are no structures on this property, so how is that breaking the law? When was your Master Plan updated? (2019) It has to be updated with new information and get ready for the future. A “stupidity” clause is never included, or foreseen.
  33. Julie Chellis, Ellsworth: I am in support of this. It will provide high quality recreation.
  34. Simon Farmer, Ellsworth: This is not a permanent noise issue. You cannot spook horses a mile away. This is a professional race track. Matt can get remuneration for his investment.
  35. Alan Hickman, Bellaire: I would argue with the fact that you can do whatever you want with your property. He did an end run around the ordinance, and why? Just changing the ordinance is not the way. This is not moral.
  36. Bryan Hoeksema, Ellsworth: Where is the illegality of this? He was given permission.
  37. Corey Dulaney, Ellsworth: I support property rights. I am sure this was in compliance. There is a huge influx of money. I would support the Heeres family.
- iv. Motion MS by Rick Diebold, Tom Cooper to close the Public Hearing at 7:44 MC
  - v. A ten-minute recess was taken. PC meeting reconvened at 7:54
  - vi. **Decision on next steps: Discussion by the Commission:**
    1. Our responsibility is to consider the amendment itself, not focus on comments about Drumlin Hills MX.
    2. Would a Special Events PPO allow us to address this issue in a better manner?
    3. A question was raised by Rick Diebold about whether we have one or two amendments that are currently “on the table” for consideration by the PC. Phone conversation with Drumlin Hills lawyer, asking intention of dealing with the first text amendment filed, and the current one. The first text amendment application will be withdrawn by 5 pm on Jan. 15, 2020. If that is done, then we are only dealing with the current Outdoor Recreation Establishments amendment.
    4. Can the PC make a formal recommendation to the Township Board to enact a Special Events Police Power Ordinance to deal with issues addressed in the Outdoor Recreation Establishments, and possible include a trial basis? We wouldn’t be setting this ordinance aside at this time and the PC would still need to decide next steps on the Outdoor Recreational Establishments amendment. It was mentioned that the PPO would address specific events and that the text amendment was for the consideration of special land use.,
    5. Rick Diebold raised the question about whether or not the current amendment was appropriate for the Ag district, especially when considering that the agricultural land in the township is declining by a measurable rate. The text amendment may be more appropriate for the Conservation/Recreation district. Several of the other commissioners agreed that the text amendment might not be appropriate for the Ag District but that it could be appropriate for the C/R district..
    6. MMS by Tom Cooper, Julie Waterman to table this text amendment until the commission has reviewed all of the information presented. MC

**5. Reports:**

**Zoning Board of Appeals: None**

**Zoning Administrator: Dave Muladore:**

- a. Jan 1 he noticed a solar panel in the field at the corner of Essex and Farrell Rd. No permit was issued. He will follow up with the one who asked earlier about a solar field.
- b. Question about STR's. Someone is interested in purchasing some property.
- c. 2 questions about 2<sup>nd</sup> dwellings, one of which is in a gray area...game room over a garage, wanting to add a bathroom. 2<sup>nd</sup> request is for an ill family member. Dave will verify that it complies with the ordinance.

**Township Board representative:** Tom Cooper highlighted Dec. Board Minutes

**Planning Consultant: Ruben Shell:** continuing work on solar ordinance amendment. He will forward the STR ordinance to the county.

**6. Announcements/correspondence: none**

**7. Old Business:**

- a. **Update priorities for the Planning Commission from our Master Plan Action Items – Determine top priorities: As of right now, the 3 priorities are Greenbelt, Special Events, Sand & Gravel**
  - i. **MMS by Rick Diebold, Joni Wieland, to make a formal request to the Township Board to explore the creation and adoption of a Special Events Police Power Ordinance -. MC**
- b. **Developing a Mission Statement for the Planning Commission –** Rick Diebold gave a report on his research, and has proposed a starting point for the Planning Commission to consider. More discussion and a decision can be accomplished at a future meeting.
- c. **Meeting Dates for 2020**
  - i. MMS by Rick Diebold, Tom Cooper to cancel February's meeting due to lack of quorum MC
  - ii. March meeting is tentatively on schedule for March 10<sup>th</sup>.

**8. New Business:**

- a. **Solar power ordinance considerations: tabled for now**

**9. Public comment:**

- a. Erin Heeres expressed concern about comments about opening the uses in the text amendment to all of the Ag Zone. Farming isn't cheap, and this was just a way to supplement their income. The opposition seems to make us out to be criminals and we are not.
- b. Laura Reed: this is an obvious violation of the Ag district zoning. Not in favor of a Special Events PPO.

**10. Next Meeting:** tentatively March 10, 2020

**11. Adjournment** MMS by Diebold, Waterman to adjourn MC, meeting adjourned at **8:55** p.m.

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**Joni Wieland, sec'y**

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**Irene Shooks, rec/sec**