

**Banks Township Planning Commission
Regular Meeting Minutes
June 9, 2020
Virtual Meeting via Zoom
6:00 p.m.**

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1. Call to Order: by Chairman Miles at 6:02 via zoom

2. Explanation of meeting process and procedures:

3. Roll/ Recognition of visitors:

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

Absent:

Also present: Irene Shooks, Ruben Shell, Dave Muladore, Steve Parafin, Cathy Russell, Harry Drinkwine, Shawn Worden, Candy Hoeksema, Tom Cooper, Andrea, Kate C, Tom M. Cooper, Alex Busman, Erin Heeres

4. Approval of Minutes: MMS by Tom Cooper, Rick Diebold to approve May 12, 2020 Minutes MC

5. Public Hearing:

Ordinance text amendment – An ordinance to amend the Banks Township Zoning Ordinance Articles III and VI, pertaining to snowmobile and motorcycle tracks and trails (public and private).

i. **Motion to open the Public Hearing:** MMS at 6:07 to open public hearing by Julie Waterman, seconded by Diebold. MC

ii. **Reading of the Public Hearing Procedures and Rules read by Chairman Miles.**

iii. **Public Input –Opened at 6:14 P.M**

In Favor:

Kate C: I'm in favor of the ordinance. (Not identified)

Shawn Worden: This is very simplistic, and very consistent with what we need. The Master Plan speaks to increasing trail accessibility.

Opposed:

Dave Heeres just asked if all commissioners had received his letter (yes)

Laura & Phil Edwards, 9173 Church road, Just want to restate our opposition, and to acknowledge receipt of their let of opposition (yes)

Harry Drinkwine 9289 Church Rd, just verifying receipt of opposition letter. (yes)

Cathy Russell, Church Rd: Just reiterating our opposition. This language change is not a good thing.

Steve Parafin, Farrell Rd.: I am not a fan of commercial vs private use in the Ag Zone. That is too wide. I'm open to public snowmobile trails, but not commercial, private trails

Tom M. Cooper Essex Rd. I do not wish to see any change in the Ordinance.

Irene Shooks: letters received from Cathy Russell, Dave Heeres, Wayne

Heeres were read.

General

Shawn Worden: These seem to be generalized objections, not specific objections. The Planning Commission needs to decide if they are going to govern Drumlin Hills with an eye to the future. This can be looked at as a simple text amendment, not as opposition to Drumlin Hills.

Steve Parafin: Focus is more on farming in the future in the future. The current situation nationally means we have to consider focusing on farming

Tom M Cooper: I agree

Laura Edwards: We have regulations and need to stick to them.

- iv. **Motion to close the Public Hearing** MMS at 6:34 to close Public Hearing by Cooper, Waterman. MC by unanimous voice vote.

- v. **Decision on next steps:** Poll of commission

Cooper: first of all, would you be in favor of this if it was behind your home. Secondly, there are no snowmobile trails in Banks Township. All riding is done on private land. Prepared to go forward tonight.

Waterman: prepared to go forward tonight.

Wieland: prepared to go forward tonight

Diebold: prepared to go forward tonight

Item moved to new business

6. Reports:

Zoning Board of Appeals: None

Zoning Administrator: Dave M: I dealt with some lot line questions, a deck addition, a pole building In Antrim Dells, an improperly placed propane tank-issue corrected. Biggest item continues to be Blight: 2 issues on Coeling Red, and Old Dixie Hwy. 3 certified letters hve been sent.

Township Board representative: Tom Cooper highlighted Board Minutes

Planning Consultant: Ruben Shell: preparing items for the commission to go forward on Ag Tourism

- 7. **Announcements/correspondence:** nothing additional

8. Old Business:

- a. **Considerations regarding a text amendment for Ag Tourism and Ag Assembly:** Ruben presented new definitions for this amendment. The rationale is for allowing innovative uses of working farms.

- i. **Miles: Questions about figures: Shell:** The figures presented came from townships near to Banks. **Comments**

- ii. **Diebold: this is consistent with our Master Plan, capitalizing on Ag, This could address the significant rate of farm loss.**

- iii. **Wieland:** This presents more ways to let farmers survive

- b. **MMS** by Wieland, Waterman, to move this proposal forward at a Public Hearing at the July 14 meeting. MC

9. New Business: Ordinance text amendment

a. Cooper, Waterman: I think we should leave the Zoning Ordinance as it is

b. Diebold: I want to reiterate, we are not looking at any decision tonight as a Drumlin Hills decision but very specifically, at whether or not to make a permanent change to our zoning ordinance related to potential uses across all agricultural districts in the entire township. Our obligation as a planning commission outlined in our ordinance is to "consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development." We are also obliged as outlined in the ordinance to "ensure that land uses are situated in appropriate locations with appropriate relationships to their surroundings. Thanks to all who provided input and who participated in this discussion. Additional rationale for recommending that the Township Board not adopt this text amendment would be:

- i. Private resorts and clubs related to snowmobiling and similar uses, as well as snowmobile trails are NOT currently prohibited in the township zoning ordinance, however, when the zoning ordinance was adopted the township determined that the appropriate location that provides appropriate relationships to their surroundings for these uses is designated to be within Conservation & Recreation districts.
- ii. A good argument can be made under the current zoning ordinance that if motorcycling falls within the definition of "similar uses normally associated with recreational resorts" then within Conservation & Recreation districts is the designated and appropriate location for motorcycling under the current language.
- iii. A developer seeking to establish a resort or club or snowmobile trail (or similar use such as motorcycling) has a choice of numerous suitable properties across the township within Conservation & Recreation districts where those uses are already designated to be located and allowed with special approval.
- iv. While private resorts & clubs, and snowmobile trails and similar uses have all along been provided for within Conservation & Recreation districts, allowing them in agricultural districts was deliberately excluded as a part of the original zoning ordinance and we believe agricultural districts are still not the appropriate location that provides appropriate relationships to their surroundings.
- v. The township's recently revised and adopted Master Plan includes the charge "to preserve farmlands, farming, open space, natural resources and the rural character of the Township".
- vi. The township's Master Plan also identified that the number of acres being used for agriculture within the Township has steadily and significantly declined over the past 2 decades.
- vii. Agricultural districts within the Township are a finite resource, with a shrinking footprint in terms of acreage, that cannot be replaced, and are highly valued by both permanent and seasonal residents of the community.
- viii. Michigan statute (MCL 125.3102) defines agricultural land in Michigan as "substantially undeveloped land" and snowmobile and/or motorcycle tracks and courses are uses that require substantial development of the land and therefore would substantially limit or prevent any return to agricultural use in the future.

- ix. The Master Plan highlights several targets that are designed to work in-concert with one another, not independent of each other including strategies related to:
 1. "Updating uses allowed in agricultural zones to encourage value added agricultural activities in order to make farming more viable" (clubs, resorts, snowmobiling & motorcycling are not value-added agricultural activities)
 2. Considering "recreational land uses on land marginally suited to farming and forestry"
 3. "Supporting well-planned commercial and recreational opportunities" (Note: under the Michigan Planning Enabling Act "well-planned" in this context meaning that the recreational opportunity considers the "character of the jurisdiction and suitability for particular uses"; and also details that the effort to create the opportunity be "coordinated & harmonious").

c. Miles: I understand those that favor having motorcycle and snowmobile tracks and trails in our township and if they were proposed in the appropriate districts and with the appropriate supplemental standards I could see a potential change to the ordinance. In this case I cannot support the proposed change to the ordinance for the following reasons:

- i. **The Agricultural district is not the appropriate district for this type of land use.** This type of land use is not consistent with our Master Plan for the Agricultural District.
- ii. **The appropriate supplemental site development standards are not included in the proposed ordinance amendment.**

MMS by Cooper, Wieland that the Banks Township Planning Commission does not recommend approval of the change to the Township Board. Voice vote: Cooper, Yes; Diebold, Yes; Waterman, Yes; Wieland, Yes, Miles, Yes. Motion carried unanimously.

Don, Irene and Ruben will prepare a report summarizing the public hearing comments and the reasons for not recommending the text amendment change to the Township Board. The report will be reviewed at the next Planning Commission meeting.

10. Public comment:

- a. Dave Heeres: I am impressed, and feel good about our tax dollars at work.
- b. Laura Edwards: Well done. Thanks to all the commission members.
- c. Tom M. Cooper: We greatly appreciate all the work in the background. We live in a gem of a township, and appreciate the adherence to the Master Plan goals. Don, you run a very professional meeting.
Comments closed at 7:32

11. Next Meeting: July 14, 2020

12. Adjournment MMS by Waterman, Wieland to adjourn at 7:34 p.m. MC

Joni Wieland, sec'y

Irene Shooks, rec//sec