

**Banks Township Planning Commission**  
**Regular meeting**  
**March 10, 2020**  
**Banks Township Hall**  
**6:00 p.m.**

**1. Call to Order: By Vice Chair Rick Diebold**

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

Present: Julie Waterman, Tom Cooper, Rick Diebold

Absent: Joni Wieland, Don Miles

Also present: Irene Shooks, Ruben Shell, Dave Muladore, Erin Heeres, Matt Heeres, Doug Seaney, Candace Hoeksema, Luke Sowash, Brandie Sowash, Wendy Sutherland, Heidi Cooper, Tom Cooper, Shawn Worden, Cathy & Robert Russell, Lacey McLean, Katherine Postmus

**3. MMS by Waterman, Cooper to amend agenda to include Line 4: Public comment. MC**

**4. Approval of Minutes:** January 14, 2019 Meeting MMS Tom, Julie, with a clarification on Public Comment identifying Tom Cooper, Rocky Top in public comment section, line 20 (No February Meeting) MC

**5. Public Comment:**

Shawn Worden: I am just verifying receipt of package. We are looking to move on.

**6. Reports:**

**Zoning Board of Appeals: None**

**Zoning Administrator: Dave M.**

Kitchen addition on Timberlake Shore

Renewed garage turned in to a small apartment

New deck addition on Bennet Rd

Skyline drive: new request for a storage barn

Solar company said they had submitted something, but nothing has been

received.

Blight on Coeling Road: (Not Sewell property) 2 Ladies living there, see if Special Services can go with me.

Sewell property, might be viable for sewage facility, but won't know until August.

Blight condition on Old Dixie.

**Township Board representative: Tom C.** reviewed minutes of February meeting.

**Planning Consultant: Ruben:** few things on the docket for this month. Antrim County reviewed the Short Term Rental, and sent comments, didn't take action

Text amendment: Main finding is that it can work for Outdoor recreation use.

Ag Tourism, special events, eg wedding barns, mazes, but no regulated form to permit them. Communities are doing more and more with permitting an event.

Draft language on Outdoor Recreation Establishment ordinance language distributed.

**7. Announcements/correspondence:** Letter from Dennis Snarey, Tina McDuffie acknowledged. Comments from Chairman Miles read.

**8. Old Business:**

- a. **Short Term Rentals & Zoning Ordinance – Review County Planning Commission comments and make a recommendation to the Township Board**  
Has been forwarded to Antrim County PC, Language just clarifies things, but doesn't change anything. MMS Waterman, Cooper to send on to the TB without any changes, MC
- b. **Ordinance text amendment – Outdoor Recreational Establishments:** drafted by the commission. Much correspondence has been received, Commissioners are commended on their diligence. This is not a moto-cross amendment.
  - i. **MMS to reject ORE as presented by Julie Waterman, Tom Cooper Roll Call vote: Waterman, Yes, Cooper, yes, Diebold Yes**
  - ii. **Action based on Public Hearing and additional information**
  - iii. **Potential action on original text amendment. It was not withdrawn, contrary to what was stated at January 2020 meeting. MMS Waterman, Cooper to hold a public hearing on original amendment on April 14 at 6 PM, MC**
  - iv. **Diebold** gave some comments to the ORE. Memo attached.
- c. **Develop a Mission Statement for the Planning Commission**

**9. New Business:**

- a. Wastewater facility special use permit: no request has been made to the PC
- b. Ag-Tourism, Ag Assembly discussion:
  - i. Recommend PC consider language presented. This is about land use. Runs in a parallel track with the Special Events language. A bit more permissive of more events.
  - ii. Need to look at this before the season begins.

Just initial language to consider. Police Power is outside of our jurisdiction. Be ready for serious consideration in April to go forward.

10. Public comment: Luke Sowash: the ORE was the planning commission's "baby." You have seen the effort, and made changes, but a lot of people are involved, and we need to find a way to move forward.

**11. Next Meeting: April 14, 2020**

**12. Adjournment at 7:02** MMs by Waterman, Cooper to adjourn MC

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Joni Wieland

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Irene Shooks, rec/sec

Attachment: Summary

Summary comments related to Outdoor Recreation Establishment

General

- Would allow for certain recreation establishments across all districts zoned agriculture and all districts zoned conservation/recreation across the entire township
- Would provide thorough and reasonable standards & requirements related to those recreation establishments... and these are intended to provide some uniformity & avoid conflicts within community

## Agricultural Districts

- Data shows agricultural acreage (footprint) is rapidly declining in township
- Master plan emphasizes preservation of agricultural lands and rural character
- With ordinance some recreational establishments would minimally impact continued agricultural use or a return to agricultural use in the future, and some would substantially limit or prevent a return to agricultural use – heard and discussed serious concerns re limiting or eliminating the agriculture footprint
- Agricultural land in Michigan is defined as “substantially undeveloped land”... some of these uses would usher substantial development of the land MCL 125.3102

## Conservation/Recreation Districts

- Master Plan encourages development of recreational opportunities; this amendment addresses wide variety of recreational opportunities
- Conservation/Recreation district in Township is designated to promote the proper use, enjoyment and conservation of water, land, topographic and forest resources of the Township particularly adapted to recreational and forest uses.
- The data does not suggest a declining footprint of land designated as conservation or recreation
- Current permitted uses in Conservation/Recreation district include uses consistent with the proposed amendment such as parks, playgrounds and recreation areas & by special approval campgrounds, summer camps, resorts, & motorized trails.

Remember our responsibility is to *“consider each proposal for amendment particular factors related to the individual proposal and in terms of the likely effect on the community's physical development”*.

During our last meeting it was noted with respect to our agricultural districts *“the data shows we have a finite resource, with a shrinking footprint in terms of acreage, it cannot be replaced, and is highly prized by both permanent and seasonal residents of the community”*

It was also questioned that *“If we adopt the amendment as written would we be paving way for or even encouraging development in agriculture areas that are already limited in size, and already declining in usable available acreage when there are considerable acres available in recreation & conservation areas that generally are better suited for Outdoor Recreation Establishments*

At last meeting we formally recommended township board explore the feasibility and applicability of a special events ordinance; which they are doing..

This body also determined to not forward the Outdoor Recreation Establishment proposal to the Board at the time to allow them the opportunity to explore a special events ordinance;

It was also emphasized that *this proposed amendment pertains to ALL agriculture districts and in light of the township's declining agriculture footprint the Outdoor Recreation Establishment may be better suited as a set of guidelines to be applied only to Recreation and Conservation districts, which are generally more conducive to these types of uses.*

Personally, I don't think *the proposal as written is consistent with our Master Plan* for the reasons just shared... and as a result I can't support it as written.

Comments? Additional thoughts? Next...

Options to Rule on the proposal –

- a) approve the language of the PCs proposed amendment as written (formal action) and recommend it to the township board
- b) reject the language of the PCs proposed amendment as written (formal action) and it would not be recommended to the township board
- c) approve it with modifications (ie remove references to agriculture and have it apply to only recreation & conservation) would have to seek counsel as to whether that change is significant enough to warrant another public hearing

If the commission were to reject the PCs amendment as written we could resurrect the language for future consideration and for example focus on its application to conservation & recreation districts only.

- Agricultural in Michigan defined as relating to plants, animals, crops, livestock, dairy products, trees, grasses... MCL 125.3102 *(Side Note: Agriculture Improvement Act of 2018 - H.R. 2, commonly referred to as “the Farm Bill” defines livestock as “cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry, etc...”)*