



# Antrim County Planning Commission



## MEMBERS

**Bill Bailey**  
12/31/2021

**Barbara Bradford**  
12/31/2022

**James Gurr**  
12/31/2022

**Gary Lockwood**  
12/31/2022

**Bruce Priemer**  
12/31/2021

**Rick Teague**  
12/31/2021

**Ron Tschudy**  
12/31/2020

**Jason Helwig**  
term elected

**Dawn LaVanway**  
term elected

## ADVISORY

**Stan Moore**  
MSU Extension

## STAFF

**Pete Garwood**  
County Administrator

**Jeremy Scott**  
Deputy Administrator

**Tina Schrader**  
Administrative Asst.

**Margie Boyd**  
Secretary

## OFFICE ADDRESS

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## SPECIAL ASSISTANCE

If you wish to attend a Planning Commission meeting and require special assistance, please contact the Administration and Planning Office.

The Antrim County Planning Commission meeting is scheduled for  
**Tuesday, August 4, 2020**

Zoom Webinar:

<https://us02web.zoom.us/j/89669098723>

## AGENDA ITEMS INCLUDE:

- 5:30 p.m. Call to Order
- 5:31 p.m. Pledge of Allegiance
- 5:32 p.m. Conflict of Interest Disclosure
- 5:33 p.m. Public Comment
- 5:35 p.m. Approval of Agenda (*pg. 2*)
- 5:40 p.m. Approval of Minutes from March 3, 2020 (*pg. 2*)
- 5:45 p.m. FY2021 Budget (*pg. 3*)
- 6:00 p.m. Banks Township: Zoning Ordinance Amendments (*pg. 4*)
- Agricultural Tourism & Events Zoning Amendment
  - Outdoor Recreational Establishments Amendments
- 7:00 p.m. Various Matters
- Adjourn

To join the meeting via desktop or laptop:

<https://us02web.zoom.us/j/89669098723>

To join by telephone dial:

(646)876-9923 OR (301)715-8592 OR (312) 626-6799 US

When prompted, enter 896 6909 8723 followed by the pound key (#)



# *Memorandum Administration Office*

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August 4, 2020

TO: Planning Commission

FR: Administration/Planning Office

RE: Approval of Agenda and Minutes

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You should have received your agenda packets via electronic communication on July 17, 2020 and hard copies shortly thereafter. If there are no changes or additions to the agenda, please consider the following action:

**Motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ to approve the August 4, 2020 agenda as presented.**

You received the minutes from the regular March 3, 2020 Planning Commission meeting electronically on July 17, 2020 and hard copies shortly thereafter. If there are no corrections to those minutes, please consider the following action:

**Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to approve the minutes of the March 3, 2020 meeting as presented.**

Calculations as of 12/31/2020

GL NUMBER	DESCRIPTION	2019 ACTIVITY	2020 ORIGINAL BUDGET	2020 AMENDED BUDGET	2020 ACTIVITY THRU 12/31/20	2020 PROJECTED ACTIVITY	2021 REQUESTED BUDGET	2021 FIRST REVIEW BUDGET	2021 FINAL APPROVED BUDGET
101000-720-710.001	PER DIEM - REGULAR	1,295	2,500	2,500	350	2,000	2,500		
101000-720-715.000	FICA - COUNTY SHARE	99	200	200	27	200	200		
101000-720-719.000	OTHER FRINGE - AD&D ETC.								
101000-720-724.000	WORKERS' COMPENSATION				5	5			
101000-720-725.000	TRAINING	100	950	950		950	950		
101000-720-727.000	SUPPLIES - OFFICE								
101000-720-741.000	OPERATING SUPPLIES	130	130	130		130	130		
101000-720-802.000	CONTRACTUAL SERVICES								
101000-720-807.000	DUES & SUBSCRIPTIONS	1,089	1,100	1,100	731	1,095	1,100		
101000-720-854.000	BOX RENT AND KEYS								
101000-720-861.000	TRAVEL	520	1,000	1,000	136	900	1,000		
101000-720-862.000	CONFERENCE/CONVENTION								
101000-720-901.000	PRINTING AND PUBLISHING								
101000-720-981.000	BOOKS		50	50		50	50		



## *Memorandum Administration Office*

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July 17, 2020

TO: Planning Commission

FR: Administration/Planning Office

RE: Banks Township Zoning Ordinance – Agricultural Tourism & Events

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The Administration Office received a proposed zoning ordinance amendment allowing for agricultural tourism and events in the community. The Banks Township Planning Commission found it to be consistent with farmland preservation and is recommending its adoption. As well, this amendment is found to be consistent with the Antrim County Master Plan. However, it is recommended that Banks Township consider an acreage limit to Agricultural Assembly Space in order to best preserve farmland.

As such, the following motion is presented for your consideration:

**Motion by \_\_\_\_\_, second by \_\_\_\_\_, that the Antrim County Planning Commission finds no inconsistency between the proposed amendment to Articles III, VI, and VII to the Banks Township Zoning Ordinance pertaining to Agricultural Events and the Antrim County Master Plan and recommends Banks Township approve the proposed Amendment.**

*project memorandum*



Date: July 15, 2020  
From: Ruben Shell, Planner  
To: Antrim County Planning Commission  
Regarding: Agricultural Tourism & Events Zoning Amendment

Remarks:

At its July 14, 2020 regular meeting The Banks Township Planning Commission recommended that the Township Board adopt of a zoning ordinance amendment to allow agricultural tourism and events in the community. The ordinance amendment, which is attached, was first introduced for consideration at the Planning Commission's March 2020 regular meeting and underwent small revisions over the following months.

The intent of the amendment is to allow for small-scale agricultural tourism uses such as roadside stands, wineries, corn mazes, and disc golf courses on agricultural properties in the Township. The amendment also allows for rentable event space for weddings, birthdays as a special land use on agricultural properties. The amendment seeks to encourage preserve the Township's agricultural lands by diversifying the range accessory uses that are permitted in the zoning. Per the amendment, the event and tourism uses must remain secondary to and supportive of the primary agricultural use of the property on which they are located. The amendment is thus in keeping with the agricultural preservation goals identified in the Banks Township Master Plan.

Please do not hesitate to reach me if I can answer questions regarding the zoning amendment or the Planning Commission's decision to recommend its approval.

Regards,

Ruben Shell

*Enclosure: Banks Township Agricultural Tourism & Events Zoning Amendment*

# Banks Township

## Ordinance Number XX of 2020

An Ordinance to amend the Banks Township Zoning Ordinance Articles III, VI, and VIII, pertaining to Agricultural Tourism and Agricultural Assembly Spaces.

### THE TOWNSHIP OF BANKS HEREBY ORDAINS:

#### Section 1. Amendment of Article III

Article III: Definitions is hereby amended to add the following new definitions in their appropriate alphabetical locations:

**Agricultural Tourism:** A use that involves the visiting of an agribusiness, horticultural, or agricultural operation, including but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation. Also referred to as “ag-tourism” or “agri-tourism”.

**Agricultural Assembly Space:** An agricultural tourism use designed to provide an assembly space for small-scale entertainment, weddings, birthday parties, corporate picnics, and other similar events on property that is actively engaged in agricultural processes.

#### Section 2. Amendment of Article VI

Article VI: District Regulations, Section 6.01.2 Permitted Uses in the (A) Agricultural District is hereby amended as follows.

1. Single-family dwellings.
2. Child or adult daycare facilities serving six (6) or fewer clients.
3. Agriculture, including both general and specialized farming, tree farms and forestry.
4. ~~Roadside stands for the sale of farm product, provided that not less than fifty (50) percent of the goods offered for sale shall have been produced on the premises; and provided further, that the facilities for entry to and exit from the premises and adequate off-street parking are available.~~
4. Agricultural warehouses and non-animal agricultural processing plants.
5. Plant nurseries and greenhouses.
6. Home occupations conducted completely inside the residence, subject to the provisions of Section 4.12.1 Home Business.
7. Agricultural Tourism.
8. Accessory buildings and uses customarily incidental to the above permitted uses.
9. Child or adult daycare facilities serving more than six (6) clients.
10. Economy Efficiency Units

Article VI: District Regulations, Section 6.01.3 Uses Subject to Special Approval in the (A) Agricultural District is hereby amended to read as follows.

- 36 17. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of
- 37 Section 8.03 Supplemental Site Development Standards.
- 38 18. Cottage industries conducted outside the residence in the yard, garage or accessory structure,
- 39 subject to the provisions of Section 4.12.2 Home Business.
- 40 19. Agricultural Assembly Space
- 41 20. Accessory buildings and uses customarily incidental to the above special approval uses.
- 42 21. Telecommunication Towers, subject to the provisions of Section 8.03 Supplemental Site
- 43 Development Standards.

44 Article VI: District Regulations, Section 6.02.2 Permitted Uses in the (C/R) Conservation/Recreation  
 45 District is hereby amended as follows.

- 46 6. Home occupations conducted completely inside the residence, subject to the provisions of
- 47 Section 4.12.1 Home Business
- 48 7. Agricultural Tourism.
- 49 8. Accessory buildings and uses customarily incidental to the above permitted uses.
- 50 9. Economy Efficiency Units

51 Article VI: District Regulations, Section 6.02.3 Uses Subject to Special Approval in the (C/R)  
 52 Conservation/Recreation District is hereby amended as follows.

- 53 11. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of
- 54 Section 8.03 Supplemental Site Development Standards.
- 55 12. Cottage industries conducted outside the residence in the yard, garage or accessory structure,
- 56 subject to the provisions of Section 4.12.2 Home Business.
- 57 13. Agricultural Assembly Space
- 58 14. Accessory buildings and uses customarily incidental to the above special approval uses.
- 59 15. Child or adult daycare facilities serving more than six (6) clients.
- 60 16. Telecommunication Towers, subject to the provisions of Section 8.03 Supplemental Site
- 61 Development Standards.

62 **Section 3. Amendment of Article VIII**

63 Article VIII: Uses Subject to Special Approval and Supplemental Site Development Standards, Section  
 64 8.03 Supplemental Site Development Standards is hereby amended to add item 15 and 16 as follows.

- 65 15. Agricultural Assembly Spaces
- 66 a. The minimum lot size shall be twenty (20) acres
- 67 b. The property must be actively engaged in agricultural operations that comprise at least
- 68 fifty percent (50%) of the lot.
- 69 c. Noise levels shall not exceed 65 decibels at any lot boundary or road right-of-way.
- 70 d. Hours of operation and estimated number of events allowed per year shall be subject
- 71 to Planning Commission review and approval.
- 72
- 73 16. Agricultural Tourism
- 74 a. The minimum lot size shall be ten (10) acres.

- 75           b. The property must be actively engaged in agricultural operations that comprise at least  
 76           fifty percent (50%) of the lot.  
 77           c. The following agricultural or agriculturally-related uses and activities constitute  
 78           agricultural tourism:  
 79                i. Seasonal “U-Pick” fruit and vegetable operations.  
 80                ii. Roadside market stands  
 81                iii. Outdoor mazes of agricultural origin such as straw bales or corn.  
 82                iv. Value-added agricultural products or activities such as education tours, classes,  
 83                lectures, seminars, or processing demonstrations.  
 84                v. Bakeries selling baked goods containing produce grown primarily on site.  
 85                vi. Playground equipment and other passive outdoor recreation activities, not  
 86                including motorized vehicles and rides, except those stated.  
 87                vii. Petting farms, animal displays and pony rides.  
 88                viii. Wagon, sleigh and hayrides.  
 89                ix. Nature trails.  
 90                x. Open air or covered picnic area with restrooms.  
 91                xi. Historical agricultural exhibits.  
 92                xii. Kitchen facilities processing/cooking items for sale on or off premises.  
 93                xiii. Gift shops for agricultural or agriculturally related products.  
 94                xiv. Gift shops for non-agricultural products such as antiques and crafts.

95 Article VIII: Uses Subject to Special Approval and Supplemental Site Development Standards, Section  
 96 8.04.2 Minimum Number of Parking Spaces per Unit is hereby amended as follows.

97 Section 8.04.2 Minimum Number of Parking Spaces per Unit

Establishment Type	Requirement
Agricultural tourism or agricultural events	One (1) space for every three (3) attendees or workers and attendees at peak capacity, whichever is greater.
Banks, business offices, studios and professional offices of architects, lawyers, etc.	Three (3) parking spaces; plus one (1) additional parking space foreach three hundred (300) square feet of floor area

98

99 **Section 4. Effective Date.**

100 This Ordinance shall become effective eight (8) days after being published in a newspaper of general  
 101 circulation within the Township, unless later date is specified.

102 Township of Banks

103

104 By: \_\_\_\_\_ By: \_\_\_\_\_

105 Thomas P. Mann, Supervisor

106 Donna L. Heeres, Clerk

107 Adoption date: Month XX, 2020 Effective date: \_\_\_\_\_



# *Memorandum Administration Office*

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July 17, 2020

TO: Planning Commission

FR: Administration/Planning Office

RE: Banks Township Zoning Ordinance Amendments – Outdoor Recreational Establishments,  
Snowmobile and Motorcycle Tracks and Trails

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The Administration Office received two proposed Ordinance Amendments allowing for Outdoor Recreational Establishments and Snowmobile/Motorcycle Trails on designated farmland within Banks Township. With input from public, the Banks Township Planning Commission chose not to recommend the proposed ordinances. The Antrim County Master Plan specifically addresses Farmland Preservation and guidance for communities with the desire to preserve Farmland. Therefore, the following motion is presented for your consideration:

**Motion by \_\_\_\_\_, second by \_\_\_\_\_, that the Antrim County Planning Commission finds inconsistencies between the proposed amendments to the Banks Township Zoning Ordinance pertaining to Outdoor Recreational Establishments and the Antrim County Master Plan and recommends Banks Township not approve the proposed Amendments.**

Date: July 15, 2020  
From: Ruben Shell, Planner  
To: Antrim County Planning Commission  
Regarding: Banks Township Recreation Zoning Amendments

This packet summarizes the Banks Township Planning Commission’s decisions regarding two proposed zoning amendments. The proceedings took place between October 2019 and June 2020.

**Contents**

Statement of rationale for the Planning Commission’s decision on proposed zoning text amendments\_\_\_\_\_ Pg. 2

Proposed Outdoor Recreation Establishments amendment\_\_\_\_\_ Pg. 6

Summary of community input on the Outdoor Recreation Establishments amendment\_\_\_\_\_ Pg. 9

Proposed Snowmobile & Motorcycle Tracks amendment\_\_\_\_\_ Pg. 12

Summary of community input on the Snowmobile & Motorcycle Tracks amendment \_\_\_\_\_ Pg. 13

Banks Township Zoning Ordinance Text Amendment Proposals: Outdoor Recreational Establishments and addition of Snowmobile and Motorcycle Tracks and Trails as a Use Subject to Special Approval in the Agricultural District.

Both text amendments are attached.

Background: Matt Heeres filed an application for a text amendment to the Use Subject to Special Approval in the Agricultural district that would allow for the addition of “Private Resorts and Clubs” and also for the for the addition of “Snowmobile and Motorcycle tracks and trails (Public and Private)” to Article VI, Section 6.01.3 of the Banks Township Zoning Ordinance. A request to amend the definition of resort to include “motorcycling” was including in the filing. Following is the progression of actions taken by the Banks Township Planning Commission to date:

- a. The request was brought to the Planning Commission at the September 10, 2019 regular Planning Commission meeting by Dave Muladore, Zoning Administrator. Dave indicated that the application and requisite fee was filed on September 7, 2019. The commission added the request to the agenda and after substantial discussion decided to bring questions and comments regarding the proposed amendment to the next commission meeting scheduled for October 8, 2019.
- b. At the October 8, 2019 Planning Commission meeting discussion of the proposed amendment was held by the commission members and action on the proposal was deferred to a future meeting.
- c. At the November 12, 2019 Planning Commission meeting there was considerable discussion by the commission members regarding the proposal. The commission then requested that our Planning Consultant, Beckett and Raeder, draft a revised ordinance taking into consideration all of the concerns of the commissioners and including the supplemental site development standards that would be needed to support the text amendment to the Use Subject to Special Approval for both the Agricultural District and the Conservation/Recreation Districts.
- d. At the December 12, 2019 Planning Commission meeting the commission discussed the proposal drafted by Beckett and Raeder and substantial additional language was proposed by commissioner Rick Diebold. The commission decided that a revised ordinance entitled “Outdoor Recreational Establishments” should be drafted using the revisions proposed by commissioner Diebold and that a public hearing on the proposal would be held at the regular commission meeting on January 14, 2020.
- e. At the January 14, 2020 Planning Commission meeting a public hearing was held on the “Outdoor Recreational Establishments” text amendment proposal (summary of the public input is attached). There was substantial public comment during the public hearing and substantial additional discussion by the commissioners and at the end of the discussion the decision was made by the commissioners to table action on the text amendment until all relevant information had been reviewed.
- f. At the March 10, 2020 Planning Commission meeting (the February meeting was canceled due to the lack of a quorum) a quorum of three commissioners resumed discussion on the Outdoor Recreational Establishments text amendment. By a unanimous roll call vote the commission decided to reject (not move forward to the Township Board) the amendment (rationale for this decision is attached). A follow up discussion on the status of the original text amendment

proposal resulted in a decision to hold a public hearing on the proposal at the April 14, 2020 commission meeting.

- g. The April 14, 2020 Planning Commission meeting was canceled due to the Michigan Governor's stay at home order (due to the Covid-19 pandemic) and the uncertainties of trying to hold a remote meeting.
- h. At the virtual (Zoom) meeting of the Planning Commission on May 12, 2020 the public hearing originally scheduled for April 14, 2020 was rescheduled for the June 9, 2020 commission meeting.
- i. The public hearing was conducted on June 9, 2020 during the virtual (Zoom) meeting of the Planning Commission (a summary of the public input during the public hearing is attached). After consideration of all of the input on the original text amendment the Planning Commission decided on a unanimous roll call vote to recommend to the Township Board that the text amendment not be adopted (the rationale for this decision is attached).

Banks Township Zoning Ordinance Text Amendment Proposals: Outdoor Recreational Establishments and addition of Snowmobile and Motorcycle Tracks and Trails as a Use Subject to Special Approval in the Agricultural District.

1. Rationale for recommending that the Township Board not adopt the Outdoor Recreational Establishments (ORE) text amendment proposal:
  - a. Data gathered during the Master Plan revision shows that the amount of agricultural land is rapidly declining in the township and the Master Plan emphasizes the preservation of agricultural land and rural character in the Agricultural district. The ORE proposal is not aligned with the stated goals of the Master Plan for the Agricultural District.
  - b. While some recreational establishments in the proposal would have limited impact on the continued use of the land for agricultural purposes, other proposed recreational establishments would have significant impact and would limit or prevent the continued use of the land for agricultural purposes. This would not be aligned with the stated goals of the Master Plan for the Agricultural district.
  - c. The Outdoor Recreation Establishment text amendment may be better suited to be applied **only** to Recreation and Conservation District, which is generally more conducive to these types of uses.
  - d. While there was substantial public support for changing the zoning ordinance to allow some of the recreational establishments in both the Agricultural and Conservation/Recreation Districts; there was more support for not changing the zoning ordinance for the Agricultural District to allow the proposed recreational establishments.
2. Rationale for recommending that the Township Board not adopt the Snowmobile and Motorcycle Tracks and Trails as a Use Subject to Special Approval in the Agricultural District text amendment proposal:
  - a. Data gathered during the Master Plan revision shows that the amount of agricultural land is rapidly declining in the township and the Master Plan emphasizes the preservation of agricultural and rural character in the Agricultural district. The Snowmobile and Motorcycle tracks and trails as a use subject to special approval proposal is not aligned with the stated goals of the Master Plan for the Agricultural District.
  - b. The proposed Snowmobile and Motorcycle tracks and trials as a use subject to special approval proposal would have significant impact and would limit or prevent the continued use of the land for agricultural purposes. This would not be aligned with the stated goals of the Master Plan for the Agricultural district.
  - c. 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 which encourages methods that accommodate the needs of preserving farmlands, farming, open space, natural resources, and the rural character of the township.

- d. The appropriate supplemental site development standards are not included in the proposed ordinance text amendment.
- e. While there was public support for changing the zoning ordinance to allow snowmobile and motorcycle tracks and trails as a use subject to special approval in the Agricultural District; there was more support for not changing the zoning ordinance for the Agricultural District to allow snowmobile tracks and trails as a use subject to special approval.

# Banks Township

## Ordinance Number 1 of 2020

An Ordinance to amend the Banks Township Zoning Ordinance Articles III, VI, and VIII, pertaining to Outdoor Recreation Establishments.

### THE TOWNSHIP OF BANKS HEREBY ORDAINS:

#### Section 1. Amendment of Article III

Article III: Definitions is hereby amended to add the following new definition in its appropriate alphabetical location:

**Outdoor Recreation Establishment:** An outdoor commercial establishment with or without seating for spectators, and providing for individual, organized, or franchised recreational activities, including but not limited to riding stables, off-road bicycle, off-road motorized vehicle or motorcycle courses or tracks, hiking, orienteering, music and performing arts, cross country skiing, and similar activities, but not including snowmobiling.

#### Section 2. Amendment of Article VI

Article VI: District Regulations, Section 6.01.3 Uses Subject to Special Approval in the (A) Agricultural District is hereby amended to add item 21 and move item 19 in its place as follows.

21. Accessory buildings and uses customarily incidental to the above special approval uses.

Article VI: District Regulations, Section 6.01.3 Uses Subject to Special Approval in the (A) Agricultural District is hereby amended to add the following as item 19.

19. Outdoor Recreation Establishments, subject to the provisions of Section 8.03 Supplemental Site Development Standards.

Article VI: District Regulations, Section 6.02.3 Uses Subject to Special Approval in the (C/R) Conservation/Recreation District is hereby amended to add the following as item 16.

16. Outdoor Recreation Establishments, subject to the provisions of Section 8.03 Supplemental Site Development Standards.

#### Section 3. Amendment of Article VIII

Article VIII: Uses Subject to Special Approval and Supplemental Site Development Standards, Section 8.03 Supplemental Site Development Standards is hereby amended to add item 15 as follows.

#### 15. Supplemental Standards for Outdoor Recreation Establishments

- a. Outdoor recreation establishments shall comply with the following standards
  - i. Minimum lot size and setbacks: Any outdoor recreation establishment shall have a minimum of 25 acres of land. The facility shall be located at least 200 feet from any street, road, or highway right of way. No part of the establishment, accessory use building, or structure, temporary or permanent, including refreshment stands, restroom

- facilities, parking, or spectator seating shall be located within 300 feet from any side or rear property line.
- ii. Buffer/Screening: Any outdoor recreation establishment shall be so designed, buffered and screened that noise, odors, lighting and glare shall not affect nearby and adjacent properties.
    - a) Fences, berms, walls, and visual screening devices may be required to protect adjoining properties and/or ensure the health, safety and welfare of persons in the vicinity of the site.
    - b) Forested greenbelt, berms, attractive fence screen, landscaping, mufflers, insulation, or other contrivances may be required to ensure compliance with visual and sound privacy of the adjacent properties.
    - c) Where outdoor recreation establishment uses abut an existing residence the intervening side or rear yard of the nonresidential use may be required to provide a completely obscuring wall, fence or landscape screen at least six (6) feet in height, measured from the surface of the ground of the abutting residential district.
    - d) The use shall not result in sound levels in excess of fifty-five (55) decibels as measured on the dB(A) scale at the property lines of the site in question.
    - e) Devices for transmission of broadcasting, voices, or music shall be directed or muffled to prevent sound levels in excess of fifty-five (55) decibels as measured on the dB(A) scale at the property lines of the site in question.
  - iii. Generators: Generators shall be located and screened in such a way that they are not a noise nuisance to adjacent properties.
  - iv. Parking:
    - a) Off-street parking shall accommodate the maximum number of potential customers (1 all-weather space for each 3 event attendees).
    - b) Parking shall be well-compacted gravel and sand.
    - c) No parking shall be provided on the road right-of-way or within any setback areas.
  - v. Traffic: The planning commission may consider requirements for direct road access to the site to alleviate impact on lower traffic roads.
  - vi. Stormwater: All stormwater shall be managed on site.
  - vii. Unpaved Areas: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.
  - viii. Safety:
    - a) Adequate fencing and/or barricades shall be put in place to ensure safety of attendees.
    - b) Any facilities for the sale of food and/or snacks shall be maintained in accordance with the standards of the district health department of northwest Michigan.
    - c) Restroom facilities shall be maintained in accordance with the standards of the district health department of northwest Michigan.
  - ix. Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site, as determined by the Planning Commission. In no

instance, however, shall such use that abuts residentially used or zoned property conduct business between the hours of 10 pm and 9 am.

- x. County and State Requirements: Applicable County and State regulations that pertain to sanitary, food service, campsites, campgrounds, and other requirements shall be met as a condition of the special approval application.
- xi. Number of Events Per Year: During site plan review, the Planning Commission shall specify the number of events that will be permitted per year, based on the relative impact to adjacent property owners.
- xii. General landscaping: All developed portions of a site not occupied by buildings or pavement shall be covered with grass, ground cover, shrubs or other suitable plant material.
- xiii. Adjacent Properties: All adjacent properties shall be zoned for other than residential.
- xiv. Grading, Excavation, and Fill Activities: Initial or subsequent grading, excavation or fill activities on the site which involves one or more acres, or which involves greater than 1,000 cubic yards of topsoil, sand, clay, gravel or similar material shall comply with Banks Township ordinance 8.03.12.
- xv. Additional Conditions: The Planning Commission may require additional conditions, limits, restrictions, and/or controls as it deems necessary in order to promote the health, safety, and general welfare of those on adjacent parcels and within the township including but not limited to times, hours, days, or number of days of operation; or requiring special event or temporary use licenses.

**Section 4. Effective Date.**

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township, unless later date is specified.

Township of Banks

By: \_\_\_\_\_ By: \_\_\_\_\_

Thomas P. Mann, Supervisor

Donna L. Heeres, Clerk

Adoption date: Month XX, 2020 Effective date: \_\_\_\_\_

Date: June 23, 2020  
From: Ruben Shell, Planner  
To: Banks Township Planning Commission  
Regarding: Community Input: Outdoor Recreation Establishments Amendment

Remarks:

This memorandum summarizes the public input regarding the proposed outdoor recreation establishments zoning text amendment. The input includes verbal comment received at the January 14 public hearing as well as mail or email correspondence the Township received in advance of the public hearing. The record of verbal comment was derived from meeting minutes and notes taken by the Township planner and attorney.

**REASONS FOR SUPPORT & OPPOSITION**

Members of the public that weighed in on the proposed text amendment expressed various reasons for either support or opposition to it. These reasons were grouped into the five/six categories in the bulleted list below based on the general theme.

*Support*

- *Economic boost/tax revenue*
- *Provides positive youth recreation*
- *Opposition is limited to Church Rd residents*
- *No impact on surrounding properties*
- *It's the property owner's right to use their land*

*Opposition*

- *Damage to property values*
- *Nuisance - dust/noise*
- *No economic benefit*
- *Use is inappropriate in Agricultural zone*
- *Establishes negative zoning precedent*
- *Inconsistent with master plan*

**TALLIES OF SUPPORT & OPPOSITION**

This section includes tallies of the support and opposition to the amendment. The first table shows verbal comment received at the January 14 public hearing and the second table is written comment received by mail or email prior to the hearing. Across both communication forms, **19 individuals supported and 27 opposed the amendment**. A couple individuals submitted responses verbally and in writing, and these instances were considered a single response for the purpose of the tally.

Each response was grouped into one of the reason categories listed previously based on the reason stated. The most frequent reason for support of the amendment, in terms of the number of mentions, was that the Heeres motocross track, which could be allowed as a special land use if the amendment were passed, would not have a negative impact on the surrounding properties. The most frequent reason for opposition was that the agricultural zoning district would an inappropriate location for the recreation land use. The tables also specify whether the individual is a Banks Township resident. Seven nonresidents expressed support while only one nonresident expressed opposition, although this individual is the legal counsel for Church Road residents in the Township.

**Verbal Comment**

Name	Reason	Banks Township Resident Yes/No
<b><i>In Support</i></b>		
Jeremy May	Positive youth recreation	Yes
Mike McCreary	Opposition limited to Church Rd.	Yes
Travis Chellis	No impact	Yes
Steve Chellis	No impact	Yes
Kyle Jacobs	Positive youth recreation	Yes
Erin Heeres	No impact	Yes
Luke Swoish	No impact	Yes
Julie Chellis	Positive youth recreation	Yes
Simon Farmer	No impact	Yes
Bryan Hoeksema	--	Yes
Corey Dulaney	Right to use land	Yes
Chris Giar	--	No
Kevin Giar	Economic boost	No
RJ Shooks	--	No
Brian Scram	Right to use land	No
David Marr	Economic boost	No
Bill Bowler	No impact	No
Tracy Hoffman	Economic boost	No
<b><i>In Opposition</i></b>		
Dennis Snarey*	Damage property values	Yes
Bill Peebles	Nuisance	Yes
Bruce Patton	--	Yes
Phil Edwards	Damage property values	Yes
Molly Sundstrum	No economic benefit	Yes
Laura Edwards*	Ag zone inappropriate	Yes
Tina McDuffie*	Ag zone inappropriate	Yes
Sue Swain	Zoning precedent	Yes
Shirley Johns	--	Yes
Steve Parafin	Inconsistent with master plan	Yes
Harry Drinkwine	--	Yes
Pam Miller	Nuisance	Yes
Richard Friske	Ag zone inappropriate	Yes
Ric Evans	Inconsistent with master plan	Yes

Alan Hickman	Zoning precedent	Yes
Jeff Jocks	Zoning precedent/ag zone inappropriate	No
Molly Manninen	Zoning precedent	--

**Written Comment Received Through April 2020**

Name	Reason	Banks Township Resident Yes/No
<b>In Support</b>		
Anita Hoeksema	Economic boost	Yes
<b>In Opposition</b>		
Farbman family	Ag zone inappropriate	Yes
Wayne & Marrietta Heeres	Ag zone inappropriate	Yes
Hilda Armstrong	Ag zone inappropriate	--
Laura & Phil Edwards*	Ag zone inappropriate	Yes
Kalbflusch M	Ag zone inappropriate	Yes
Kalbflusch V	Ag zone inappropriate	Yes
LaRue	Ag zone inappropriate	Yes
Mike & Tina McDuffie*	Ag zone inappropriate	Yes
Miler	Ag zone inappropriate	Yes
Person	Ag zone inappropriate	Yes
Russell	Ag zone inappropriate	Yes
Snarey*	Ag zone inappropriate	Yes
Beth Swanson	Damage property values	Yes

-- indicates missing data or instances where a reason was not articulated or recorded.

\* indicates a household or individual that submitted both written and verbal comment.

# Banks Township

## Ordinance Number XX of 2020

An Ordinance to amend the Banks Township Zoning Ordinance Articles III and VI, pertaining to private resorts and clubs and snowmobile and motorcycle tracks and trails.

### THE TOWNSHIP OF BANKS HEREBY ORDAINS:

#### Section 1. Amendment of Article III: Definitions

Article III: The existing definition of "Resort" is hereby amended to read in its entirety as follows:

**Resort:** A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, **motorcycling**, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

#### Section 2. Amendment of Article VI: District Regulations

Article VI: District Regulations, Section 6.01.3 Uses Subject to Special Approval in the (A) Agricultural District is hereby amended to add items 8 and 9 as follows:

1. Clustered residential development, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
2. Public buildings and facilities.
3. Churches and related religious buildings.
4. Cemeteries.
5. Golf courses and country clubs.
6. Public and private campgrounds.
7. Private airports and landing strips.
- 8. Private resorts and clubs.**
- 9. Snowmobile and motorcycle tracks and trails (Public and Commercial)**
10. Fire control structures.

#### Section 3. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township, unless later date is specified.

Township of Banks

By: \_\_\_\_\_ By: \_\_\_\_\_

Thomas P. Mann, Supervisor

Donna L. Heeres, Clerk

Adoption date: Month XX, 2020 Effective date: \_\_\_\_\_

Date: June 24, 2020

From: Ruben Shell, Planner

To: Banks Township Planning Commission

Regarding: Public Input: Snowmobile and Motorcycle Tracks Amendment

Remarks:

This memorandum summarizes the public input regarding the proposed private snowmobile and motorcycle tracks and trails text amendment. The input includes verbal comment received at the June 9 public hearing as well as mail or email correspondence the Township received in advance of the public hearing. The record of verbal comment was derived from meeting minutes and notes taken by the Township planner and attorney.

#### ***REASONS FOR SUPPORT & OPPOSITION***

Members of the public that weighed in on the proposed amendment expressed various reasons for either support or opposition to it. These reasons were grouped into the five/six categories in the bulleted list below based on the general theme.

##### *Support*

- *Amendment is consistent with the master plan*

##### *Opposition*

- *Nuisance - dust/noise*
- *Use is inappropriate in Agricultural zone*
- *Establishes negative zoning precedent*

## TALLIES OF SUPPORT & OPPOSITION

This section includes tallies of the support and opposition to the amendment. The first table is verbal comment received at the June 9 public hearing and the second table is written comment received by mail or email prior to the hearing. Across both communication forms, **2 individuals supported and 8 opposed the proposed amendment**. A couple individuals submitted responses verbally and in writing, and these instances were considered a single response for the purpose of the tally.

Each response was grouped into one of the reason categories listed above. Shawn Worden stated that the amendment would be consistent with the master plan's recreation priorities. The most frequent reason for opposition was that the agricultural zoning district would an inappropriate location for the recreation use. The tables also specify whether the individual that commented was a Banks Township resident. All participants except Shawn Worden, who represents the applicant, were residents

### Verbal Comment

Name	Reason	Banks Township Resident Yes/No
<b><i>In Support</i></b>		
Kate C	--	--
Shawn Worden	Consistent with master plan	No
<b><i>In Opposition</i></b>		
Dave Heeres*	--	Yes
Harry Drinkwine	--	Yes
Laura & Phil Edwards	--	Yes
Cathy Russell*	--	Yes
Steve Parafin	Ag zone inappropriate	Yes
Tom Cooper	Ag zone inappropriate	Yes

### Written Comment Received Through June 9

Name	Reason	Banks Township Resident Yes/No
<b><i>In Opposition</i></b>		
Cathy Russell*	--	Yes
Dave Heeres*	Zoning precedent	Yes
Fred & Mary Hinzmann	Nuisance	Yes
Wayne Heeres	--	Yes

-- indicates missing data or instances where a reason was not articulated or recorded.

\* indicates a household or individual that submitted both written and verbal comment.

July 17, 2020

Antrim County Planning Commissioners:

My name is Matt Heeres and I am a full-time resident and business owner in Banks Township, Michigan.

I am writing to you in respect to the motocross track on my property. I have enjoyed riding motorcycle both by myself and with friends and family since 1992. I have had a private riding track and course on my property for over 20 years.

In April of 2018, I approached both the Banks Township Planning Commission and the Banks Township Board with my plans to host an AMA sanctioned dirt bike race on my property. Both entities declared that the event I had planned to have on our property did not require a permit of any sort. That event, held in May 2018, along with two similar events (held in May 2019 and September 2019) were hosted without incident of any sort. Proper sanitation and emergency personnel were on sight for the entirety of each event. In addition, I also requested a spot visit by the Antrim County Sheriff's Department.

In the spring of 2019, I updated my existing trails and track by installing larger scale jumps and obstacles. Upon recognition of these updates, the township planning commission and board changed their perspective and deemed the track and trail to be a land use violation. For over a year, we have attended every meeting by both the planning commission and the board in hopes that they will come up with a resolution that would allow us to resume hosting events in the future.

Unfortunately, the township officials continue to refuse us any considerations or resolutions and seem to have no intention on allowing us to make any sort of business from this development. We have offered to pay for any permits that the township may now require and have also offered on several occasions to allow for policing. Even so, it seems as though the township has no interest in trying to come up with any sort of remedy.

Over the course of the last year, we have had ample support from other residents as well as businesses in Banks Township. I have attached a petition complete with signatures of support from other business owners in the township for your review. In addition, I have also included a copy of the minutes from the April 2018 Banks Township Board meeting, which verifies that no permits were required for our endeavors.

We are asking for the County Planning Commission to intercede in this matter and consider submitting a recommendation to the Banks Township Board to enact a zoning ordinance that will help us to continue using our property for public events as we have in the past.

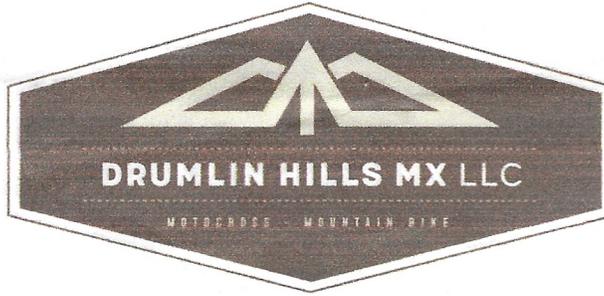
Thank you for your consideration.

Matt and Erin Heeres  
231-330-0592  
11193 Byers Rd. Ellsworth, Michigan 49729



As business owners and tax payers of Banks Township and/or supporters of Drumlin Hills MX, we petition the Banks Township board and their efforts to prevent Drumlin Hills MX to open as a public facility. Please sign your name below if you are in support of publicly opening Drumlin Hills MX motocross and mountain bike track.

<u>Business</u>	<u>Owner Name</u>	<u>Owner Signature</u>
<u>Oronthe Plus Bicyc Accty Inc</u>	<u>Donna Oronthe</u>	<u>Donna Oronthe</u>
<u>BD Welding</u>	<u>Ben</u>	<u>Ben</u>
<u>Royal Farms</u>	<u>Patrick McGuire</u>	<u>Patrick McGuire</u>
<u>FRISKE ORCHARDS</u>	<u>Richard W. Friske Jr.</u>	<u>Richard W. Friske Jr.</u>
<u>Friske Orchards</u>	<u>Richard W. Friske III</u>	<u>Richard W. Friske III</u>
<u>ATWOOD LUMBER</u>	<u>MICHAEL S BRADFELD</u>	<u>Michael J Bradford</u>
<u>Michael Bradford</u>		
<u>Atwood Inn Motel</u>	<u>Patricia Hill</u>	<u>Patricia Hill</u>
<u>Atwood Inn</u>	<u>Paul J Hill</u>	<u>Paul J Hill</u>
<u>KLOOSTER MACH'Y</u>	<u>BOB KLOOSTER</u>	<u>Bob Klooster</u>
<u>Workn Play Shop</u>	<u>MARK PRICE</u>	<u>Mark Price</u>



<u>Business</u>	<u>Owner Name</u>	<u>Owner Signature</u>
<u>DTS ENTERPRISES INC</u>	<u>DAVID DRAPER</u>	<u>[Signature]</u>
<u>Pine-Airz Bldg Co.</u>	<u>Dan Stilson</u>	<u>[Signature]</u>
<u>Eastport custom homes</u>	<u>Dan VonSoosten</u>	<u>[Signature]</u>
<u>Troy Martin Building &amp; Design</u>	<u>Troy Martin Lori Martin</u>	<u>[Signature]</u>
<u>LEGENDS AUTO GLASS</u>	<u>TROY LACOUNT</u>	<u>[Signature]</u>
<u>NorthCountry Veterinary</u>	<u>Clara Randall</u>	<u>[Signature]</u>
<u>Front Porch Ministries</u>	<u>Community Owned</u>	<u>[Signature]</u>
<u>John Pearl Contractor LTD</u>	<u>John Pearl</u>	<u>[Signature]</u>
<u>Sommer Solutions</u>	<u>Dylan Sommer</u>	<u>[Signature]</u>



<u>Business</u>	<u>Owner Name</u>	<u>Owner Signature</u>
<u>Alex's Maintenance</u>	<u>Jerry Ramussen</u>	<u>Jerry Ramussen</u>
<u>CPS</u>	<u>Chad Ely</u>	<u>Chad Ely</u>
<u>JEFF'S GARAGE</u>	<u>JEFF POTTER</u> <u>Jeff Potter</u>	<u>Jeff Potter</u>
<u>Gold Nugget</u>	<u>Keith Stewart</u>	<u>Keith Stewart</u>
<u>Euswood Formers Etc.</u>	<u>Tim Underwood</u>	<u>Tim Underwood</u>
<u>Grand Traverse Pallet</u>	<u>Mike Rottman</u>	<u>Mike Rottman</u>
<u>Ellsworth Market</u>	<u>Craig Atergott</u>	<u>CRAIG Atergott</u>
<u>C &amp; A Contracting</u>	<u>Julie Atergott</u>	<u>Julie Atergott</u>
<u>Antrim Dells</u>	<u>Mike Brown</u>	<u>Mike Brown</u>
<u>Dudley K STEVEN LLC</u>	<u>Dudley Stevens</u>	<u>Dudley Stevens</u>

# April 2018

## Banks Township Board Meeting

Monday, April 16, 2018

1. The meeting was called to order at 6:00 P.M. by Supervisor Thomas Mann. Present were Supervisor Mann, Clerk Donna Heeres, Trustee David Rasmussen and Trustee Tom Cooper. Absent: Treasurer Katy Postmus. Also present: Mark Groenink, Jarris Rubingh, and Deputy Clerk Tina Sundelius. Supervisor Mann led the Pledge of Allegiance and gave the Invocation.
2. **Public Comment:** Jarris Rubingh announced the Agricultural Outlook is poor with prices down for goods and expenses up. Two farms in the county are having auctions. The Governor is expected to sign a sales tax exemption for Ag.
3. **Minutes:** The minutes of the March 19, 2018, regular Board Meeting & Budget Hearings were presented. **MOTION** was made by Mann, seconded by Rasmussen, to approve the minutes as presented. **MOTION CARRIED.**
4. **Treasurer's Report:** There was no treasurer's report. Bills represented by the attached list were reviewed for approval for payment. **MOTION** by Rasmussen, seconded by Cooper, to approve the bills as presented. **MOTION CARRIED.**
5. **Township Hall:** Clerk reported dimmable light bulbs for upstairs fixtures have been ordered and a baby changing table for the restroom.
6. **Zoning Administrator's Report:** Veenstra is out of town for 10 days, arrangements were not made for coverage. His log of permits issued was reviewed: one house and two garages/storage buildings permits were issued in the past month. No report on blight violations. Clerk reported a ZBA Public Hearing will be held on Monday, May 7 at 6 PM on a request for variance from Bryan & Anita Hoeksema to allow a storage building to be constructed on their property on US 31 Hwy. They are unable to meet the required 35 ft setback (110 ft from centerline of the road) due to topography and existing structures. They are requesting a 30 ft variance. Another letter of complaint was received regarding the blight situation(s) on Coeling Road and sent to the ZA for follow-up.
7. **Planning Commission:** Cooper reported 4 visitors at the April PC meeting. Matt Heeres outlined plans for a sanctioned moto-cross race on his farm in May. It was determined that no permit is required under the Zoning Ordinance. The event is insured and has provisions for sanitation, etc. He also questioned the PC on requirements for gravel extraction on two parcels north of Eastport. He wishes to be allowed to divide the property into small lots when the mining operation is complete. He was given direction on requirements for parcel division. Zoning Ordinance #1 of 2018 (Completed Applications) was presented for approval following PC public hearing and review by the Antrim County PC. **MOTION** by Mann, seconded by Cooper, to approve this amendment. Roll Call Vote: Rasmussen: Yes; Cooper: Yes; Mann: Yes; Heeres: Yes; Absent: Postmus. **MOTION CARRIED.** The Planning Consultant submitted a proposal for review of the master plan. The PC asked for a joint meeting with the Township

Board in June. Discussion was held on the Blight/Nuisance ordinance that has been drafted. Plan to review the ordinance more thoroughly next month.

8. **Fire Department:** Chief Groenink reported the ambulance vehicle will be delivered for inspection on Tuesday. If we do not purchase it, there will be an \$800 charge for the delivery for inspection. **MOTION** by Mann, seconded by Rasmussen, that contingent upon satisfactory inspection by the Fire Department officers, the chief is authorized to sign documents to purchase a 2013 International Ambulance vehicle for \$40,000 from Kodiak Emergency Vehicles. The vehicle is 27" longer and 12" taller than the current vehicle and Chief assured it will fit in the barn without modifications. Roll Call Vote: Rasmussen: Yes; Cooper: Yes; Mann: Yes; Heeres: Yes. Absent: Postmus. **MOTION CARRIED.**
9. **Correspondence:** Clerk reported attendance at a meeting hosted by FEMA for comments on the updated flood plain maps for the inland waterways. Several Antrim County townships are still not participating in this mapping program. MTA Educational Conference is next week in Acme.
10. **Cemetery Markers:** Carter Cemetery Preservation will begin work at the Catholic Cemetery with repairs to markers and Antrim City Cemetery maintenance this summer. Clerk is trying to obtain funding from other partners such as BTHS and the Catholic Diocese.
11. **American Tower:** Treasurer Postmus is still negotiating on our tower lease.
12. **Clean Up Day:** Supervisor reports the Village of Ellsworth will contribute the use of their backhoe for Clean Up Day. Preferred Waste 2 rates will be the same per compacted yard as last year. The will provide roll offs for steel and will take refrigerators. We will provide additional compensation for two men who will work in the tire trailer. We received a grant of \$2,000 towards the tire disposal.
13. **Atwood Street Lights & Speed Study:** Supervisor reports contact from Richard Friske requesting a speed study for US 31 at Atwood. Discussion was held and consensus to not request this as the speed limit may be raised following such a study. Request for a street light to be placed at Richardson Road on US 31. Further discussion led to inclusion of Essex Road intersection to be included in request for proposal from Great Lakes Energy. Also, request to change bulbs in all lights to LEDs. Supervisor will contact GLE.
14. **Elections:** Clerk reported the wages for the election inspectors has been the same rate since 2006 or before. She requested an increase of \$2/hr. **MOTION** by Rasmussen, seconded by Cooper to increase compensation to \$13/hr for inspectors, \$15/hr for chair. **MOTION CARRIED.** Election Inspectors appointments by the Elections Commission were presented by the Clerk. **MOTION** by Mann, seconded by Cooper, to approve the appointments. **MOTION CARRIED.**
15. **Deputy Clerk:** Clerk reports deputy Tina Sundelius has demonstrated independence in several areas of the job and recommends an increase in her compensation. **MOTION** by Rasmussen, seconded by Cooper, to increase the deputy clerk's wages by \$2/hr to \$15/hr. **MOTION CARRIED.**
16. **Township Hall Roof:** Approximate start date of May 1.
17. **Park Security:** Discussion of need for security cameras was held. **MOTION** by Mann, seconded by Cooper, to authorize Rasmussen & Heeres to purchase needed equipment to install small security camera at the Park. **MOTION**

**CARRIED.** Kevin Makarewicz of C2AE will present recommendations for repairs to the storm damage at the Park at our next meeting.

18. **Lakeshore Drive:** Supervisor will meet with committee to plan for May 19 10am meeting with LSD residents. Ann Chastain will moderate the meeting. Invitations have been sent to the Roads Committee, ACRC manager Burt Thompson, AC Commissioner Dave Heeres.
19. **Public Comment:** Jarris Rubingh reported Chronic Wasting Disease is now present in the deer herd in 4 counties of Michigan. Also, tuberculosis has been found. Deer herd population is huge.
20. Next meeting Monday, May 21 at 6 PM.
21. The meeting was adjourned at 8:32 PM.

Respectfully submitted,

Donna L. Heeres, Banks Township Clerk