Woodhull Township Planning Commission
Minutes of the Regular Meeting March 20, 2018
Approved on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Call to order:** Chairman Scovill called the meeting to order at 7:00 pm.
2. **Pledge of Allegiance:** Recited at 7:01 pm.
3. **Roll Call:** Roll call was taken by Commissioner Greg Daenzer and the following members were present; Rick Betts, Shaun Thronson, Dan Carncross, Charles Scovill, Greg Daenzer, Tammy Slavik.
4. **Recognition of Visitors/Voluntary Sign In:** Sign-in sheet is on record.
5. **Approval of the Agenda:** Request by Chairman Scovill to change the order of the agenda by moving item #9 (New Business) to item #8 and moving item #8 (Old Business) to Item #9. Motion by Commissioner Betts to approve agenda as revised; seconded by Commissioner Carncross. Vote: 6 yes/0 no. Motion passed and agenda as revised was approved.
6. **Approval of the Minutes** for December 19, 2017. Motion by Commissioner Thronson to approve the minutes as presented; second by Commissioner Slavik. Vote: 6 yes/0 no. Motion passed and minutes approved.
7. **Public Comment on Non Agenda Items:** Public comment opened at 7:03 pm; hearing none, Chairman Scovill closed public comment at 7:03 pm.
8. **New Business: Officially Item #9**

**Application of Special Use Permit PSUP 18-01 Bagley/Barnes,** Special Land Use Permit/Final Site Plan request for an Outdoor Recreation and Entertainment Establishment (Mud Bogging) to be located at 6252 W. Braden Rd; and as legally described in Section 25 of Woodhull Township (Tax ID# 013-25-400-001); pursuant Zoning Ordinance Article 12, Article 14, and Section 4.3.52. Owners of the surrounding properties; identified by the County Department of Community Development, had been notified by mail. A notice of the meeting was also posted on the Woodhull Township website as well as posted on the front door of the Woodhull Township offices. Over 50 people were in attendance.

Chairman Scovill briefly explained the reason for obtaining a Special Use Permit (SUP) and the roll of the Woodhull Township Planning Commission as advisory to the County. Chairman Scovill then outlined the process for reviewing the application, accepting public comment for the purpose of making a recommendation or denial to the Township Board and subsequently to the County Planning Commission. He encouraged anyone with interest to attend the Township Board Meeting set for April 4th, 2018 at 7pm located at the Woodhull Township Hall; and the County Planning Commission meeting set for April 25th, 2018 at 7 pm located at the Surbeck Bldg in Corunna.

Commissioner Carncross moved to adopt the Special Use Permit Rules for Public Comment: 1. The total time allowed for public comment will be 30 minutes. 2. To speak; the member of the public must first be recognized by the Planning Commission Chairman and will then speak their name, their address and their position on the SUP; that person will have up to two minutes to speak. 3. No person will be able to speak twice until after there are no other attendees who want to speak for the first time on their side of the issue. 4. Members of the public that are in favor of and opposed to the Special Use Permit under discussion will be given equal amount of time to speak as long as there are people on both sides that want to speak. If no person on the opposing side wants to speak then the discussion will continue until there are no further people wanting to speak; or until the total of 30 minutes has passed. Seconded by Commissioner Daenzer. Vote 6 yes/0 no. Motion to accept the rules for Public Comment approved.

Chairman Scovill recognized the applicant; Mike Barnes, to further explain his application.

Mike Barnes; applicant for the Outdoor Recreation and Entertainment Establishment, explained his plans to operate mud bogging events 3 to 4 times per year during the summer months. Events will be one day only. On the day of an event the gate will open at 9 am and the pit will open at 11 am. Trucks will run between 11 am and 6:30 pm. The pit will close at 6:30 pm, trucks must be loaded by 8 pm, and by 9 pm all vehicles must be off the property while it is still daylight because there is no exterior lighting on the property. All trucks will be required to be trailered to enter and exit the premises to reduce mud on the roads. Noise has been tested at the property borders. The readings have been as high as 51 decibels and the maximum allowed is 55 decibels. Decibel readings will be regularly monitored. Neighbors’ concerns about noise will be addressed as they arise. DEQ has an investigation pending and will perform a property inspection to define the wetland areas. Mr. Barnes has been in contact with the County Health Department regarding soil erosion and has pending paperwork on that item. He is also working on compliance matters with the Shiawassee County Road Commission and the Shiawassee County Sheriff Department stating that they have been very helpful guiding him through the process. Mr. Barnes encourages the community to come out and enjoy the bogs. He states that it is family friendly and that the property is meant for recreational purposes; in addition, he wishes to build strong relationships with the community. Mr. Barnes assures the Planning Commission that no water from the Vermillion Creek is being used for the mud bog. Water from the man made ponds; on the property, is pumped into the pit for the events and then pumped back into the ponds following the events. He also addressed concerns about trees being cleared on the premises by stating that only brush has been cleared, mowing has been done and they have put up fences. No trees have been removed. There are 195 acres of land and 40 acres of that is tillable farm land. The 40 acres will continue to be farmed as horse feed. They will only have parking on it after it has been harvested. All trash is collected in 55 gallon drums located throughout the property and will be collected at the close of the day and taken to a dumpster off the property. The driveway is 2000 feet long which will prevent traffic from backing up onto the road and parking will be on harvested fields, so there should be no problem on the roads. Mr. Barnes closed his commentary by asking if he should answer questions from the Planning Commission. Chairman Scovill thanked Mr. Barnes and said he would allow him to answer questions after public comment.

At 7:15 pm Chairman Scovill opened the discussion to the members of the public with the allotted time of 30 minutes. Those in favor and those opposed voiced the following comments or question.

* + Concerns for how close this is to homes at the rear of the proposed mud bogging site, the environmental impact on the area, noise pollution, property tax values, bias prejudice against adjoining home owners that seek peace and quiet; mud bogging creates a nuisance to people, animals and wildlife. Questions about ethical business practices as events have been held prior to obtaining permits. Concerns of excessive noise, strangers in the area, and alcohol consumption.
	+ A great experience for the whole family. Enthusiasm for more events in the future. Event site was clean and well run. Noise compares to trains in the area or dogs barking.
	+ Application was questioned as being titled for “Entertainment” as well as “Mud Bog”. Does that mean that there will be some type of entertainment other than mud bog and is there an event schedule for the events? Mr. Barnes replied that the mud bog is the entertainment. The only event at this time would hopefully be the Fourth of July pending the outcome of the approval of the SUP.
	+ Will this bring job to the area? Mr. Barnes replied; yes.
	+ Is there a process in place to reverse an approved SUP if the standards are not met? Chairman Scovill replied; yes there is. That is done through the county.
	+ Concern for environment and how this impacts hunting and wildlife in the area. Concern that trucks were staged along the Vermillion Creek. The pit appears to be only 300 to 400 yards from the Vermillion creek. The property contains wetlands. Concern that the proposed increase of business for the area does not directly benefit Woodhull Township. Concern of engines blowing and antifreeze enters the ground soil near the Vermillion Creek. Final concern regarding noise and excess traffic.
	+ Will be good for Shaftsburg to have something to do, keep kids off the street, and help the party store. No concern that the mud bog will affect hunting.
	+ Conditions should be imposed to the limit the events to 2 days; per statute, for these types of events in an A2 district. It should not be 2 consecutive days but limited to 2 days per calendar year. It should not be allowed to be three or four 2 day events or later become every weekend events as they become successful. There should be a capitation for how many people can be at the event. The area can probably handle 300 or 400 people but more than that number may be unreasonable for the area.
	+ Once a month would not be an inconvenience and did not appear to affect the deer supply for hunters last year on the adjacent property. Noise compares to the trains but is less frequent. Positive attraction for the neighbors and kids; something to enjoy.
	+ Concerns that drivers speed on a regular basis on Shaftsburg Rd. and that 300 plus vehicles going to the mud bog would add to the traffic problems. Not safe for pedestrian and kids on Shaftsburg Rd. People move to the Shaftsburg area for peace and quiet.
	+ Mud bogging could not happen every weekend at the proposed location because it would interfere with other bogging event schedules. Kids look forward to these events.
	+ Concerns for traffic on Beardlee Rd. with high number of accidents and kids racing their vehicles. Adding 200 or more vehicles could cause more issues. Alcohol consumption could increase risk of accidents. May have to disclose the mud bog near homes if residents were to sell their properties. This could hurt the value or potential sale of a home. Concerned that camping could occur at the mud bog site as well.
	+ What do property owners gain from the mud bog going into their neighborhood?
	+ Plenty of wildlife and good hunting on the property for the proposed mud bog.
	+ Property appears to be altered. Dirt appears to have been moved around and trees appear to have been removed. Ponds appear larger with added drain tiles. Concerns that gas and fluids could enter water sources that feed to neighboring areas and could affect the drinking water. Concern that the altered property is the cause of recent flooding in the area surrounding the proposed mud bogging site. Trucks that were not trailered last summer after last year’s event left excessive mud on Shaftsburd Rd.

Chairman Scovill closed public comments at 7:50 pm and asked the applicant; Mr. Barnes, if he would like to address any of the questions or concerns presented during public comments.

Mr. Barnes addressed the camping concerns by clarifying that camping is a separate permit and they have not applied for that permit. He addressed the traffic issue by suggesting that those complaints could be forwarded to the local police department and that during mud bog events there may be a greater police presence. No complaints were ever lodged against them for past mud bogging events according to research that he did at the County Planning Commission offices.

Chairman Scovill closed the rebuttal comments at 7:53 pm

Chairman Scovill read aloud a letter from the DEQ written to Pete Preston describing a meeting with Mr. Barnes regarding the pending PSUP18-01 and to notify that an application to identify wetlands on the property has been submitted. Letter was dated on March 20, 2018. This letter is on record. He then acknowledged 4 letters in opposition that were submitted prior to the Planning Commission meeting. Those letters are on record.

Chairman Scovill turned the discussion to the general standards for approving a special use permit. He gave a brief explanation of the process and informed the public that the county would be responsible for approval of the Site Plan request.

1. ***6.1 The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of the adjacent property and the surrounding area.***

Commissioners were in agreement that noise is a concern and ask that if the county approves the SUP that natural barriers; such as berms, be part of the conditions of the approval.

1. ***6.2 The Special Use shall not inappropriately change the essential character of the surrounding area.***

Commissioners raised concerns about the use of alcohol on the premises. Suggestions were made that the county may have to address possible restrictions on the sale of alcohol or no alcohol on the premises. Commissioners agree to place a condition of the approval that it is the responsibility of the applicant within a 24 hour period of an event to clear dirt and debris from the roads.

1. ***6.3 The Special Use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also in keeping with the natural character and environmental quality of the site.***

Commissioners agreed that DEQ mitigation on point source pollution is required. Further information on what the parking situation will be, what it will be constructed of, and what the run off situations are will have to be provided to the county by the applicant.

1. ***6.4 The Special Use shall not be hazardous to the adjacent property or involve use, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, ground vibration, water runoff, fumes, light, or glare.***

Commissioners were in agreement that there will be excessive noise, smoke, odors, and possibly ground vibrations and that DEQ approved vegetation will be required to reduce the noise factor. It was determined by the commissioners that the 2 day stipulation would be interpreted as 2 consecutive days and not 2 days total, and the maximum number of single day events allowed should be no more than 4 per calendar year.

1. ***6.5 The Special Use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration.***

Commissioners stipulate that the applicant must provide his own security, fire safety measures, and porta johns.

1. ***6.6 The Special Use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.***

Commissioners agree that no parking will be allowed on Braden Rd and there will be a limit of 500 vehicles; with or without trailers, maximum on the premises.

1. ***6.7 The Special Use shall be consistent with the intent and purpose of this Ordinance and the objectives of the County Land Use Plan.***

Commissioners sited that the Special Use is consistent with the County Land Use plan with a Special Use Permit.

1. ***6.8 For Special Uses in A-1, A-1 ½, A-2 Districts, approval of a permit shall be further determined on the basis of the proposed land use’s effect on a loss of prime agricultural land or the right-to-farm of any adjacent farm.***

Commissioners sited there will be no loss of farm land as the land currently being farmed will continue to be farmed.

Hearing no further comments, Chairman Scovill entertained a motion by Commissioner Daenzer to accept the SUP18-01 for 6252 Braden Rd; with conditions set forth and as recorded by our Secretary, for items 6.1 through 6.8. The motion was seconded by Commissioner Betts.

Following a brief discussion Chairman Scovill called for a roll call vote. Betts/yes, Thronson/Yes, Carncross/No, Slavik/Yes, Daenzer/Yes, Scovill/Yes. 5 Yes/1 No. Motion passed with the conditions accepted.

1. **Old Business – Officially Item# 8**

Following a three-minute recess Chairman Scovill reconvened and addressed the need for a Recording Secretary to serve on the Planning Commission. There is money available in the budget and will be up for approval.

Commission Daenzer presented the budget for approval and made a motion to continue the 18/19 budget to mirror the 17/18 budget with the condition that there is enough money for the Recording Secretary. Seconded by Commissioner Carncross. No Discussion. Vote 6 yes/ 0 No. Motion passed.

1. **Public Comment:** Public comment opened at 8:55 pm; hearing none, Chairman Scovill closed public comment at 8:55 pm.
2. **Adjournment:** Motion to adjourn made by Commissioner Daenzer; supported by Commissioner Carncross. Vote 6 Yes/ 0 No. Motion passed. Meeting Adjourned at 8:56 pm.

Respectfully Submitted;

Elaine J. Curtis
Recording Secretary