

**Millington Township Planning Commission
Monday, October 9, 2023 at 6:00 P.M.
8553 State Street, Millington, MI 48746**

Public Hearing & Regular Board Meeting Minutes

Meeting Called to Order at 6:00 P.M. by Zavitz.

Members Present: Alvin Zavitz, Chairman; Ed Maschke, Vice Chairman; Luanne Jaruzel, Millington Township Board and Planning Commission Representative; and Jennifer Koch, Secretary.

Members Absent: N/A.

Roger Leach, Millington Township Zoning Ordinance Administrator Present: Yes.

Guests: There were 57 guests.

Review/Approval of Minutes

- Reviewed Minutes of the Monday, September 11, 2023 Regular Board Meeting. Maschke motioned to approve the Monday, September 11, 2023 Regular Board Meeting Minutes. Seconded by Jaruzel. Motion Carried.

PUBLIC HEARING FOR MIKE AND JESSI FALL

- Mike and Jessi Fall proposal for a Special Land Use Permit located at 8148 Irish Road in Millington, Michigan; Parcel Identification Number: 017-007-000-1000-00 for "Outdoor recreational activities (motocross, mudbogs, camping, etc)".
 - Zavitz read the Millington Township Planning Commission Policy for Public Comments at Meeting document.
 - Zavitz welcomed and introduced Mike (via Maschke's cellphone) & Jessi Fall. Jessi read her letter dated October 9, 2023.
 - Zavitz welcomed the guests and opened the Public Hearing for Public Comment(s):
 - property lines, "etc" on Special Land Use Permit, excessive traffic, emergency vehicles, distance from road, excessive noise level, alcohol, trespassing, be in harmony with Zoning Ordinance Section 18.03, and concerns be answered tonight by Kathy Moorhouse;
 - camping season, curfew, hunting, electrical, water, sewer or generators, individual campfires or community campfire, number of campers, how often mud bogging, youth or adult motocross, cc of bikes, and how often by Cherri Herrick;
 - noise traffic and supportive for two or three times a year but not every weekend by Alan Smeaton;
 - real estate property values, request to find out about property values, deer, and hunting by Pat Michael;
 - writing of Special Land Use Permit, not a good area for mud bogging and motocross, keep it quiet, already racing down Irish Road, become more hazardous on Irish Road, noise, camping by James Lowell;
 - need more in Millington for families and for them to stay to do by Toni Narsted;
 - talked to both Mike and Jessi Fall prior to meeting, now knows number of campsites, events, wants a family business, family orientated, involved in sports and activities, not every weekend to attract public, Summer Festival revenue brought in for the community, grew up with mud bogging, hunt, and deer by Laurie Taylor;
 - supports two ladies prior, jobs, having young kids, placement of Special Land Use, bedtime, and don't want peaceful life disrupted by Hannah Reinert;
 - Tammy Daenzer read part of her letter dated October 9, 2023 (and provided STATE OF MICHIGAN COURT OF APPEALS document dated October 3, 2013);
 - don't want campground, mud bogging, and motocross, engine revving, drunk drivers, lower property values, wants to push more events, pets, and loose animals by Mark Ross;

- Diane Green read the remainder part of Tammy Daenzer's letter dated October 9, 2023;
- questioning if anyone hears his mud truck, addressing Allan Green the number and amount of times he has heard Thor's mud truck, dust, traffic, intersection of Murphy Lake Road and Irish Road vehicles blow/yield it, increase traffic may help and address/draw attention to the intersection; and being a blessing in disguise for that intersection by Thor Sabgash;
- upcoming grandchildren, more homey community, mud bogging not for kids, for 19-35 year olds drinking and having a good time; drunk and walking onto her property, fear of gunshots and breaking into her house, alcohol loses their minds, motocross not for children racing and alcohol, and loud noise by Tina Brown;
- appreciate adding business in town; personally started up many businesses, businesses may not pan out or things expand, not Baja but temptation of growing, how much and how fast, 1100 foot from road is half way back of property, cleaver site plan with drawings, sand, wetlands, and rules for destroying wetlands, noise, traffic lining up with growing business, and property values by Elmer Miller;
- interest in future property in the area, real estate values and appraiser, and Commercial and Industrial areas are better suited by Perry Green;
- Baja lines becomes one lane highways, past four years picked up a member of her family, first lady spoke about occasional events, the events becomes every weekend, Baja sounds like a million bees, and mud bogging trucks are even louder by Carolyn Pickard;
- same since 1800, AR District use, Commercial District only mentions race tracks, motocross and mud bogs are sanction area and race track are the same thing, Master Plan's future plan use, growth for new business, welfare to residents, Master Plan updated in 2019, decibels, drag strip, and mud bogs will be louder with alcohol by Allen Green;
- how often, small track, one time a week, half hour to an hour tops, respect neighbors, how often, number of times, and holidays due to get together by Garrett Holzwarth; and
- children on reload with bicycles and public not for this proposal by David Schwartz.
- Letters read by Zavitz: David Guelette (date stamped on envelope for September 13, 2023), Leah Bassett (date stamped on envelope for September 13, 2023), Ron Cunningham Jr. dated September 19, 2023, Chris & Laura Graves dated September 25, 2023, Rusty Gould dated September 25, 2023, Autumn Davis dated October 4, 2023, Melissa Armstrong dated October 6, 2023, and Bill Graham (not dated).
- Mike & Jessi Fall answered questions/concerns that the Public and the Millington Township Planning Commission brought forth:
 - noise with quiet time from 10pm to 8am, berms, events would be mud bogs and motocross with six events per season, could be three events, could grow to six, listens to mud trucks and motocross and there they use, dust not an issue for now, number of campsites being one hundred (100), dust control with water, impact studies for all events can go back and forth, driveway is currently dirt, driveway will eventually be paved, season from April to November with weather depending, deer season adjacent with their one hundred (100) foot buffer that leaves them with three hundred and fifty (350) feet, Baja was backed up as it was Baja Brawl with one thousand one hundred (1,100) racers an AMA event, one hundred (100) mud bogging trucks and small sanctioned event with freestyle, motocross for little kids and beginners training classes, don't want to start a Baja, for families for special events, what about their backyard, can't tell him what to do, legally his land, drinking, and mud bog events.
 - Jaruzel asked about alcohol; Fall's responded: camping and mud bogs events, yes, 21 and over. Jaruzel asked about wetlands; Fall's responded DEQ, 1970/1980's gravel pit, water table down, and their pond won't hold water, it is

dry and very sandy. They tested music and dirt bikes, and berm and Moorehouse fifteen (15) feet high. Jaruzel asked the number of people being hired; Fall's responded more when events, security, twenty (20) maybe thirty (30) per event, and campground ten (10) roughly. Maschke asked about "etc." on their Special Land Use Permit; Fall's responded karaoke, local talent shows, banquets, community sporting events, and live music. Jaruzel asked approve the campground now and mud bogging and motocross later; Fall's responded they didn't plan to remove motocross, Jessi read Zoning Ordinance Section 5.02A, and Zavitz read a section of the attorney client privilege RE: Campground and Recreation Area [FSCS-LEG.FID1136252] dated October 9, 2023 document. Jaruzel finding middle ground for neighbors to expand in the future. Jaruzel asked about camping and occasionally mud bogging; Fall's responded they have no issue for basis to expand. Zavitz stated motocross races; Fall's responded only status, training classes, and not AMA events. Zavitz motocross tracks; Fall's responded yes a track for events, not sanctioned races. Maschke asked about prize money; Fall's responded no, glory of racing, freestyle racing, seventy five (75) foot, not a track, and motocross already there. Jaruzel asked noise; sanctioned mud bogs, example of Baja has six (6) rides from 11 to 5 P.M, no noise complaints yet. Maschke asked mud bog trucks; Fall's responded straight pipes, quick noise, through and done, done by 7 P.M. in Vassar, and asked if Millington Summer Festival has a mud bog noise ordinance.

- Koch motioned to close the Public Hearing Comments. Seconded by Jaruzel. Zavitz called for a roll call vote: Jaruzel - aye; Zavitz - aye; Maschke - aye; and Koch - aye. Motioned Carried at 7:28 P.M.

PUBLIC HEARING FOR MICHIGAN SAND PRODUCTS LLC

- Zavitz motioned to immediately open the Public Hearing for Michigan Sand Products LLC. Seconded by Maschke. Zavitz called for a roll call vote: Jaruzel - aye; Zavitz - aye; Maschke - aye; and Koch - aye. Motioned Carried at 7:30 P.M.
- Michigan Sand Products LLC proposal for a Special Land Use Permit located at 4566 Birch Run Road in Millington, Michigan; Parcel Identification Number: 017-021-000-2500-01 to "Continue Sand & Gravel Operations".
 - Zavitz stated the Millington Township Planning Commission Policy for Public Comments at Meetings are still to be followed.
 - Zavitz welcomed and introduced Jon Strauchman on behalf of Michigan Sand Products LLC; Site Plan and documents provided by Jon Strauchman.
 - Jon Strauchman stated been mining for five years, Mining Act, trained in safety and CPR, left due to covid, and requests to reopen and continue operations.
 - Zavitz welcomed the guests and opened the Public Hearing for Public Comment(s):
 - was running before covid and right to open a business by Tim Fall; Jon Strauchman stated he wants to be in compliance.
 - Letter read by Zavitz; Gailan and Linda Kester (not dated).
 - Michael VanHorn's Public Hearing Notice was returned to the Millington Township Office on October 2, 2023.
 - Jon Strauchman answered questions/concerns that the Millington Township Planning Commission brought forth:
 - current lease with American Rock Products, DEQ, and Mine Safety.
 - Maschke asked on location; Jon responded wash pit. Jaruzel asked number of acres; Jon responded nine (9) point something acres and was under American Rock Products. Jaruzel asked just gravel; Jon responded not fracking. Maschke asked just sand; Jon responded not bringing in. Jon said current hours are 6:00 A.M. to 6:00 P.M. Monday through Saturday; board let Jon know mirroring other Millington gravel pt and their hours are 6:00 A.M. to 6:00 P.M. Monday through Friday and 6:00 A.M. to 12:00 P.M. on Saturday; Jon in agreement with those hours to keep the two gravel pits mirrored with the gravel pit conditions set forth.

- Koch motioned to close the Public Hearing Comments. Seconded by Maschke. Zavitz called for a roll call vote: Jaruzel - aye; Zavitz - aye; Maschke - aye; and Koch - aye. Motioned Carried at 7:41 P.M.

Old Business

- Koch motioned to immediately open the Planning Commission Regular Board Meeting. Seconded by Jaruzel. Zavitz called for a roll call vote: Jaruzel - aye; Zavitz - aye; Maschke - aye; and Koch - aye. Motioned Carried at 7:42 P.M.
- Mike and Jessi Fall proposal for a Special Land Use Permit located at 8148 Irish Road in Millington, Michigan; Parcel Identification Number: 017-007-000-1000-00 for "Outdoor recreational activities (motocross, mudbogs, camping, etc)".
 - Mike (via Maschke's cellphone) & Jessi Fall answered questions/concerns that the Public and the Millington Township Planning Commission brought forth: snowmobile events; no for race tracks per Maschke; eliminate "etc" on their Special Land Use Permit; April 1st to November 30th, hunting; no more than six (6) events in total; only mud bogging and snowmobiles; fifteen (15)/twenty (20) foot berm for safety plus ten (10) feet of more buffer; follow Special Land Use Permit as allowed in the Millington Zoning Ordinance Section 5.02A(1-5) per Koch; follow the requirements of the Millington Zoning Ordinances and all applicable state requirements per Koch; for any nuisance or other Zoning Ordinance violation(s) that occur on the property, the Planning Commission may, following notice and a Public Hearing, revoke the Special Land Use Permit. Additionally, Millington Township may take any other action permitted in law and equity, including seeking injunction from a court of competent jurisdiction per Koch; Special Land Use Permit property is non-transferrable per Koch; one hundred (100) foot from property and three hundred fifty foot (350) feet into property to set up a deer blind per Maschke, occupied buildings, including horses and people; sixty six (66) acres; if other want to hunt, why hunt on property line; accomplish and work together; security and police, drinking per Jaruzel; grass covered by Jaruzel; dust from freestyle, would water the track; holiday weekends at Baja, such as Baja Brawl on Labor Day weekend; dirt berm more than a tree berm; Fourth of July fireworks, etc; big events.
 - Koch provided board members with the following documents: AC Privilege: Zoning Issue/Recreational Activities - for Millington Township [WVOV-LEG.FID1136250] dated August 9, 2023; AC SLUP for Outdoor Recreation Facilities & Activities dated August 24, 2023; Campground and Recreation Area dated September 29, 2023; and RE: Campground and Recreation Area [FSCS-LEG.FID1136252] dated October 9, 2023.
 - Zavitz read the last section from the RE: Campground and Recreation Area [FSCS-LEG.FID1136252] dated October 9, 2023 document.
 - Jaruzel motioned to issue Mike and Jessi Fall's Special Land Use Permit allowing campground and mud bog events with the following stipulations: eliminate "etc" on their Special Land Use Permit; open seasonally from April 1st to November 30th; from 10:00 P.M. to 8:00 A.M. is quiet time; one hundred (100) campsites (seventy (70) full hookup and thirty (30) rustic campsites); no more than six (6) mud bog events in total for the active season (freestyle is allowed; not motocross) with the events held Friday through Sunday till 12:00 P.M.; fifteen (15) foot berm for safety and maintain one hundred (100) feet buffer of trees; follow Special Land Use Permit as allowed in the Millington Zoning Ordinance Section 5.02A(1-5); follow the requirements of the Millington Zoning Ordinances and all applicable state requirements; for any nuisance or other Zoning Ordinance violation(s) that occur on the property, the Planning Commission may, following notice and a Public Hearing, revoke the Special Land Use Permit. Additionally, Millington Township may take any other action permitted in law and equity, including seeking injunction from a court of competent jurisdiction; and the Special Land Use Permit property is non-

transferrable; all conditions are applicable on 66.44 acres located at 8148 Irish Road in Millington, Michigan. Seconded by Koch. Zavitz called for a roll call vote: Jaruzel - aye; Zavitz - aye; Maschke - nay; and Koch - aye. Motion Carried.

New Business

- Discussion with Joe Male in regards to Bob Gillings Gravel Pit.
 - Koch provided board members with a copy of Inabeth (& Joe) Male letter dated June 29, 2023; Monday, August 12, 2019 Regular Board Meeting Agenda and Minutes; and Monday, June 12, 20223 UPDATED Regular Board Meeting Agenda and Minutes.
- Short-Term Rentals (STR's).
 - Millington Township (Draft) Ordinance to Amend the Zoning Ordinance To Regulate Short-Term Vacation Rentals as Special Land Use document from Laura Genovich from Foster Swift Collins & Smith PC; dated October 3, 2023:
 - Maschke provided the board members the Murphy Lake Association Director's Meeting September 21, 2023 document; Maschke read the document (... "motioned that the Association does not become involved in what a property owner can and cannot do with their property - was made by Darrell Zeck and supported by Dick Keiter - motioned carried with unanimous support."
 - Discussion and revised as the document; now titled Millington Township (Draft) Ordinance to Amend the Zoning Ordinance To Regulate Bed and Breakfast Establishments, Short-Term Rentals, and Long-Term Rentals as Principal Uses Permitted. Koch motioned Koch to draft the Public Hearing Notice for the Rental (Draft) document to be published in the newspaper and Millington Township residents; Public Hearing is scheduled for next month, November 13, 2023 at 6:00 P.M. Seconded by Zavitz. Zavitz called for a roll call vote: Jaruzel - aye; Zavitz - aye; Maschke - aye; and Koch - aye. Motioned Carried.
- Michigan Sand Products LLC proposal for a Special Land Use Permit located at 4566 Birch Run Road in Millington, Michigan; Parcel Identification Number: 017-021-000-2500-01 to "Continue Sand & Gravel Operations".
 - Jon Strauchman stated American Rock Products, VanHorn - grandfathered; and filled out the paperwork.
 - Zavitz read the Special Land Use Permit gravel pit conditions to Jon Strauchman; Jon agreed with conditions and signed and dated the document.
 - Koch motioned to approve the Special Use Permit as allowed in the Millington Zoning Ordinance Section 5.03A-J; see attachment for the following Special Land Use Permit gravel pit conditions, following the requirements of the Millington Zoning Ordinance and all applicable state requirements, on 9.47 acres located at 4566 Birch Run Road in Millington, Michigan. Seconded by Jaruzel. Zavitz called for a roll call vote: Jaruzel - aye; Zavitz - aye; Maschke - aye; and Koch - aye. Motioned Carried.
- Millington Township Zoning Ordinance Administrator Report verbally presented.

Public Comment(s)

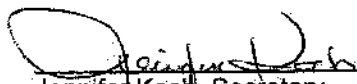
- Sherry Morris (provided Murphy Lake/Millington, Michigan map and pictures of homes on Murphy Lake); Roger Leach; Angela Zeck; Steve Ley read his letter dated October 9, 2023; Paul Dudley (provided conversation document between Tehmna and Renee (Host) dated October 9, 2023; and Mark Morris.

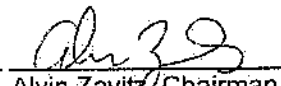
The next tentative Public Hearing & Regular Board Meeting will be Monday, November 13, 2023 at 6:00 P.M. Jaruzel motioned to adjourn. Seconded by Maschke. Meeting adjourned by Chairman Zavitz at 10:03 P.M.

ATTACHMENT(S):

- Mike & Jessi Fall's Special Land Use Permit.
 - Photo of (Mike &) Jessi Fall's site plan for their Special Land Use Permit.
- Michigan Sand Products LLC Special Land Use Permit.

- o Michigan Sand Products LLC engineered site plan for his Special Land Use Permit.
- o Michigan Sand Products LLC Special Land Use Permit gravel pit conditions signed by Jon Strauchman.


Jennifer Koch, Secretary


Alvin Zavitz, Chairman