

**SANDS TOWNSHIP PLANNING COMMISSION
MINUTES**

Draft

September 18, 2012

1. Call to Order at 1830 by Planning Commission Chair S. Foulks
2. Roll Call: B. Mann, R. Titter, J. Noe, S. Brauer, S. Foulks & E. Anderson
 - a. Absent: J. Wixtrom
 - b. Others in Attendance: Randy Yelle, Carolyn Kerkela, Robert R. Lehto, Sherawn Contois, Carol Contois, Tom Anthos, Jesse Zambon, Amanda Zambon, Dennis Conery, Jesse Godfrey, Jake Gervais, Aaron Burbey, Nick Nettle, Ben Bemard, Robert Taylor, Barb Kidder, David Frazier, Graydon Thomas, Wendy Maas, Jesie Melchiori, J.T. Melchiori, Mark Fuller, Nancy Olsen, Kurt G., Angela Yelle, Ben C. Yelle, Kristy Gervais, Andy D., Nicholas LaMere, Stan Lindberg, Sierra Dux, Stephen Combs, Karla Combs, Jessie Dux, Rick Nelson, and others.
3. Approval of Agenda: Motion by E. Anderson, Supported by J. Noe to approve agenda with the addition of 7c – Planning Commission Bylaws and 8b – Clarify days and times for GoKart racing. Ayes: 6, Nay: 0. Motion granted.
4. Approval of Meeting Minutes of August 7, 2012: Motion by B. Mann, Supported by R. Titter to approve the minutes as presented. Ayes: 6, Nay: 0. Motion granted.
5. Public Comment
 - Barb Kidder – 750 Old Co Rd 553 – questioned the procedure and if the Public Hearing for SUP2012-03 was closed. If the SUP is granted, she wants the conditions to be clear and concise so everyone – the racers, public, fair board, and planning commission know what is allowed and what is not. She wants to have provisions for rules or standards, number of races, time frame for racing, hours of allowed activity, practice days (how many and when), number of bikes, terms of the SUP, whether it is a renewable SUP, performance monitoring, and consequences for noncompliance.
 - Dennis Conery – 12047 Co Rd 496, Champion – Fair Board representative – the fair board meetings are open. He urges involvement; it is a countywide organization. He invites the Planning Commission and Township Board members to get involved, possibly to be on the fair board. They have a new fair board and are open to different viewpoints.
 - James Gorieski – 429 Townhall Rd, Skandia – Fair Board President – the fair board wants to be a part of the community. They have done a lot of work and want to be an asset. They are looking for instruction from the board to follow – what are they to monitor? The Kart racing is monitored well by a member of the fair board. They are willing to help the motocross group and will monitor what the board wants – hours of operations, securing of grounds, etc. This is for families to enjoy and it is up to the board to decide what the fair board should monitor.
 - Mark Fuller – 349 Alger St., Marquette – wanted clarification on the Public Hearing and if it was closed. Foulks and Mann clarified the public hearing was closed at the last meeting and the decision was tabled. There would be no additional public comment for the SUP.

- Nancy Olsen – 952 State Hwy M-553 – She has concerns about the SUP. Historically, the fair board has ignored the township authority. She gave examples of inadequate oversight (leaking oil, open gates, etc.). She is concerned over liability, insurance, and bonding – is environmental degradation included? Ground water is a big issue. In 2002 a similar request with more stringent requirements was denied and she urges denial again.
- Jake Gervais – 21 Stonegate Heights – research was put into refueling mats. They contacted the DEQ who gave information on cleanup and spills. Bikes appear to be a minimal concern. The motocross area is fenced and secure – other areas with inadequate fencing are not part of the motocross. They are not sanctioned, but follow AMA rules.
- Ross Olsen Jr. – 145 Miller Rd – read a letter from Ross Olsen Sr. (see attached).
- Jesse Zambon – 47 Southfork – they are willing to adopt AMA rules. They have altered class structures, rider advancement, the payout structure, point system, and have different insurance forms but otherwise follow all AMA rules regarding safety, dust control, equipment standards, and noise.
- Greg Murphy – Attorney at 102 W. Washington St., Marquette – He has been consulting with the motocross group. He agrees with Randy's recommendation to have reasonable recommendations and try the racing for a year. Come back in October and review – look at what works and what needs to be changed.
- Mark Fuller – he realizes there were shortcomings at the fair venue and apologizes, but there were no set rules or conditions placed on the race at that time. They clearly underestimated the entries for the race. They have changed the original plan to relocate the starting and finish lines, the pit area, and the spectator area to be safer. They have consulted with the DEQ and feel a hazardous reaction plan is better than requiring refueling mats. They apologize for the event starting and ending late. Again, they underestimated entries and ended up canceling some classes and refunding money. He also addressed the concern of bikes riding in the woods.

6. Close Public Comment – Public Comment closed at 7:12

7. Unfinished Business

a. Medical Marijuana Draft Ordinances

- The sub-committee explained the difference between the three draft ordinances and the attorney's recommendation was given.
- Motion by R. Titter, Supported by J. Noe, that, after reviewing the draft medical marijuana ordinances provided by the Planning Commission's appointed sub-committee, the Sands Township Planning Commission accept Draft Medical Marijuana Ordinance Number 1 and shall conduct the required Public Hearing on October 17, 2012. Ayes: 6 Nays: 0. Motion granted.

b. SUP2012-03

- Planning Commission discussed concerns and directed some questions towards the Motocross group, which were answered.

- Motion by B. Mann, Supported by R. Titter, that, after conducting the required public hearing, reviewing the requested Special Use Permit and the Zoning Ordinance, receiving staff input and documentation, and receiving public input and concerns, the Sands Township Planning Commission grant Special Use Permit request number 2012-03 with the following conditions:
 1. Shall comply with all Township, County, State and Federal Ordinances and laws, including activity during fair week
 2. Except for fair week, any and all racing shall be Saturdays only,
 3. All racing shall be concluded by 8:00 PM (2000 hours),
 4. Racing may start after 11:00 AM (1100 hours),
 5. Racing at the fairgrounds shall be allowed to start after Memorial Day and shall end the weekend of Labor Day of each year.
 6. This SUP shall be reviewed at the Planning Commission's October 2013 meeting for final approval. If the fair board fails to comply, this SUP is voided and all racing shall stop until the fair board seeks and receives approval from the Sands Township Planning Commission.
 7. All safety rules and environmental issues shall be enforced by the fair board, with at least one fair board member on site at all times during racing activities.
 8. The Sands Township Zoning Administrator, ordinance enforcement officer, and/or his or her designee shall have the authority to stop any and all racing activity if and when any violation of the SUP is noted.
 9. It is understood by all parties concerned that if any one of the conditions, rules, and/or environmental issues are violated, this Special Use Permit is null and void, therefore requiring that any and all racing activity must stop and shall not resume until such time as the Fair Board and the Sands Township Planning Commission, at a meeting of the Planning Commission, re-address the racing activities at the fairgrounds.
 10. AMA rules shall be adopted and enforced.
- Additional discussion followed by Planning Commission members, which led to B. Mann amending his original motion to include:
 10. (Amended) AMA rules regarding safety, dust control, noise, and equipment standards shall be adopted and enforced.
 11. Racing is limited to four days per year, in addition to fair week. Three practice days are allowed, and practice racing must occur between 3:00 PM (1500 hours) and 8:00 PM (2000 hours). Racing and practice days must be on Saturdays only.
 12. There must be a designated refueling pit area/pad for all bikes.
 13. A committee consisting of 2 representatives from the motocross group, 2 representatives from the fair board, 2 members of the Planning Commission, and the Zoning Administrator will meet to work out the details of the AMA rules to comply with – safety, dust control, noise, and equipment standards, and to also look at track layout, trailering bikes and ensuring bikes are arriving at the race legally, and anything else that may need to be addressed.
 14. Perimeter fencing and gating must be in place and secure so track is inaccessible when no allowed racing is occurring. Perimeter fencing and gating shall be in place prior to the start of the 2013 race season.
- B. Mann motioned, Ron Titter supported, to approve SUP2012-03 with the amended motion. Ayes: 6 Nays: 0. Motion carried.

c. Amend Planning Commission Bylaws

- This will be addressed at the October 16 meeting, when positions are elected and the 2013 meeting schedule is set. No action needed; none taken.

8. New Business

a. Administrative Report - No Report

- b. Clarify the days and times of GoKart racing – Randy Yelle clarified the wording of the original SUP for GoKart racing allowed either Saturday or Sunday racing. He explained the procedure if the Planning Commission wanted to change or amend this condition. Board consensus was to not attempt a change at this time.

9. Public Comment

- Jake Gervais asked a procedural question regarding a letter sent to the Planning Commission addressing a Conflict of Interest. Foulks apologized for not addressing the letter, but feels he does not have a Conflict of Interest. Randy later explained the procedure for appeal if the group would like to address the issue.
- Jesse Zambon – would like to thank everyone who put in time on this issue, both in opposition and for the racing. He wants to make this good for the community.
- Jim Gorieski – This is a new fair board who wants to put the past behind them. He would like to have a conversation with the board about what has been done and what the goals are. They want to be a part of the community and feels a lack of communication in the past has been the biggest problem. He would like to change that.
- Dennis Conery – the fair board is open and they urge everyone to get involved – become a member so you can vote, or volunteer your time. The more members, the better they can make the grounds. If you want to see change, get involved. Planning Commission members commented it would be a conflict of interest to serve on both boards, but they do hope for more communication, which seems to have gotten better in the past couple years.
- Jesie Melchiori thanked the board. She has learned a lot in this process and volunteers to be on the committee or act as a go-between and help with communication. She also addressed the concern of gates near the track being unlocked last Thursday.
- J.T. Melchiori thanked the board and is glad they are able to have a bike track at the fairgrounds.

10. Close Public Comment at 8:29

11. Motion by B. Mann, Supported by S. Brauer, to adjourn at 8:30.

*Received
09/18/2012
1900 hrs
RJO*

Ross Olsen
145 Miller Road
Gwinn Mi 49841

September 18, 2012

Dear Planning Commission:

I am a long-time resident of our Township and am writing to express my concern about recent discussion and the pending decision to possibly deny motocross racing at the Marquette County Fairgrounds.

I do not believe that the residents will see a significant difference in the noise level. These events are in a valley and a more remote location than other motorsports in the area that are going on at the same time. Although I too am concerned of our aquifer, I believe there is more oil and grease spilled by the carnival equipment and the trucks that haul them than all of the motocross motorcycles would spill in a decade. The concern of the aquifer in this case is over exaggerated.

In this day of couch potatoes and video games it is great to see our youth have something like this to occupy their time. I know firsthand the discipline, camaraderie, work ethic, confidence and respect this type of activity can bring to young people.

I also need to state that I believe that of the people directly affected by these events, there are more people in favor than opposed. The opposition is composed of the relatives, friends and neighbors of the township board and members of the planning commission. This makes it hard to believe that the planning commission can be unbiased, and that those in favor of these events cannot have equal or fair representation.

Please consider allowing the motocross racing on the proposed schedule and allow our youth and parents alike to enjoy this type of a family sport.

It builds family values and respect for others

Respectfully,

Ross Olsen Sr.

