

# Mason County Planning & Zoning Department

102 E. FIFTH STREET  
SCOTTVILLE, MICHIGAN 49454  
(231) 757-9272 • FAX (231) 757-9253

December 15, 2015

Minutes of the Mason County Planning Commission meeting held at 102 E. Fifth St.,  
Scottville, December 15, 2015 at 7:00 p.m.

MEMBERS PRESENT: Steve Bieniek, Michael Shaw, Tom Hooper, Ralph Lundberg,  
Cary Shineldecker, Doug Robidoux

MEMBERS ABSENT: Dennis Dunlap, (excused)

OTHERS PRESENT: Trudy Roy, Mary Reilly

The meeting was called to order at 7:00 p.m. by Tom Hooper.

A motion was made by Mike Shaw and 2<sup>nd</sup> by Steve Bieniek to accept the minutes of  
November 17, 2015 as presented. Motion carried, 6 Yes 0 No.

A motion was made by Doug Robidoux and 2<sup>nd</sup> by Mike Shaw to accept the minutes of  
November 23, 2015 as presented. Motion carried, 6 Yes 0 No.

Addition or deletions to the agenda: None

Conflict of interest: None

Tom Hooper opened public comment.

Evelyn Bergaila told the Board the 4<sup>th</sup> sound study consultant the Board picks if very  
important to those living in the wind farm and read an article from Australia about sound  
consultants that have manipulated the test results to get certain outcomes.

Jeff Barnett told the Board he has found a building in the C-3 district on N. US 31 (the  
Absolute Restoration building) and asked the Board if he would be able to run his  
business out to the building.

Tom Hooper asked about the type of business.

Jeff Barnett stated his business is a full service concrete service.

Mary Reilly gave the Board the background on the parcel and the type of business  
Absolute Restoration was, it was considered a personal service. Mr. Porter (owner)  
engaged in general contracting work but also restored people's personal items after  
flood, fire, etc. and that is why it was considered a personal service establishment.

There was a discussion by the Board on the type of business Mr. Barnett was proposing,  
if there was outside storage, and the MDOT bond for curbing.

1 The Board asked Mr. Barnett to draw up a site plan to describe his outdoor storage  
2 needs and come back for the Board to review the question.

3  
4 Jeannie Parsons stated she agreed with Evelyn Bergaila's comments.

5  
6 Tom Hooper closed public comment.

7  
8 Correspondence: Mary Reilly stated she received information that Manistee County is  
9 updating there recreation plan and are in the 30 day public review and is asking the  
10 Board for any input. Ms. Reilly stated she would go over the update and respond and  
11 asked if the board members had input or interest, to let her know. Ms. Reilly received a  
12 letter from the US postal service asking for better coordination with developers and the  
13 Board to set up a single site mail drop off for new developments.

14  
15 There was a public hearing for a special land use to establish a home based business for  
16 Yeck Lures (PZ15217), Douglas Strzynski/Cynthia Rinkevicz, 650 W. US-10 Hwy, in  
17 Amber Township (001-013-004-00). The request includes the construction of a 32 X 40  
18 accessory building to the rear of the existing 20 x 40 detached building on the property.  
19 No correspondence was received for or against. The following is a portion of Mary  
20 Reilly's staff report.

21  
22 FINDINGS OF FACT:

- 23 1. Home use: 1333 sf (dwelling), 393 detached= 1726 sf total
- 24 2. Commercial use: 1280 (new building) and 393 detached (sewing)= 1673 sf total
- 25 3. The area in front of the home and detached building has a large gravel parking lot.
- 26 4. The gravel parking lot was constructed for an existing home business that is still in
- 27 operation (393 sf for "Cindy's Sewing" and formerly tanning).
- 28 5. The owner is intending that truck deliveries (approximately 6 a year total) would use
- 29 the gravel area to maneuver and would back up to the new building on the east side of
- 30 the existing detached building.
- 31 6. The owner will install additional gravel along the east side of the front building to
- 32 accommodate trucks.
- 33 7. There would be no truck maneuvering necessary on US-10 with the design as
- 34 proposed.
- 35 8. There would not be enough space between the dwelling and detached building for a
- 36 semi-truck unless the owner removed the carport structure from the dwelling.
- 37 9. There owner is the sole proprietor. There are no employees and he resides on
- 38 premises.
- 39 10. No sign.
- 40 11. No regular hours, by appointment only—this is not a retail establishment.

41  
42 PHYSICAL SITE CHARACTERISTICS:

- 43 1. The property is relatively flat and is already open and prepped for the building.
- 44 2. With the exception of the sign out front, the property looks like a typical residential
- 45 property in the area from the road.

1 Mary Reilly mentioned the placement of the building requires a variance (setback to the  
2 east property line) a variance hearing is scheduled for December 16, 2015.

3  
4 Mary Reilly presented pictures of the area for the Board.

5  
6 A motion was made by Cary Shineldecker and 2<sup>nd</sup> by Doug Robidoux to accept the staff  
7 report into the record. Motion passed, 6 Yes 0 No.

8  
9 Doug Strzynski stated his age was causing him to downsize and the fishing industry is  
10 changing. Salmon fishing is changing on Lake Michigan and walleye fishing on Lake Erie  
11 is growing.

12  
13 Mary Reilly asked if there would be any pallets or other items stored outside.

14  
15 Doug Strzynski stated there would not be. He may have a fork lift parked outside on a  
16 temporary basis. The board agreed this would be acceptable on a temporary basis and  
17 the site plan would not have to be changed to reflect this.

18  
19 Tom Hooper noted the variance was for the east side of the property and asked if trucks  
20 were going to back up to the building door on that side of the building.

21  
22 Doug Strzynski stated the trucks will back up to the building on the east side and he  
23 would load the truck with a fork lift.

24  
25 Tom Hooper asked if there was any public comment.

26  
27 Jim Gallie, Amber Township Supervisor, stated the Amber Township Board discussed  
28 Mr. Strzynski opening his business in Amber Township and the Township Board did not  
29 see any problems.

30  
31 Jeff Barnett asked if Mr. Strzynski had a plan if the variance did not go thru.

32  
33 Tom Hooper closed the public hearing.

34  
35 Tom Hooper asked if Mr. Strzynski had a back up plan if variance was denied.

36  
37 Doug Strzynski stated he did not.

38  
39 There was a discussion between the Board and Mr. Strzynski what could be done if the  
40 variance was denied.

41  
42 Cary Shineldecker presented two options. Plan "A" would be as the building is presented  
43 on the site plan and contingent on receiving variance approval. If the variance is denied  
44 plan "B" will move the 32 X 40 building 14' to west and the truck drive will stay on the east  
45 side of the existing detached building so trucks do not maneuver on US-10.

1 The board agreed.

2  
3 A motion was made by Doug Robidoux and 2<sup>nd</sup> by Ralph Lundberg to approve the special  
4 land use to establish a home based business based on the site plan and staff analysis.  
5 Meets all requirements of Sec. 17.32, Home Based Businesses. Motion carried, 6 Yes  
6 0 No.

7  
8 A motion was made by Mike Shaw and 2<sup>nd</sup> by Steve Bieniek to approve the special land  
9 use to establish a home based business based on staff analysis. Meets all condition of  
10 Sec. 16.05, Standards for Approval for a Special Land Use.

11  
12 Mary Reilly stated she would add to the site plan the notation that if the business  
13 expands the business will need to go through the Access Management review process.  
14 As a primarily residential property with an already existing home business, with no retail  
15 traffic and no employees, the access management review was not warranted at this time.

16  
17 Motion carried, 6 Yes 0 No.

18  
19 A motion was made by Mike Shaw and 2<sup>nd</sup> by Ralph Lundberg to approve site plan based  
20 on staff analysis with notation that the shed on east side will be removed and the truck  
21 drive will stay on the east side of the property. Meets all condition of Sec.18.05,  
22 Standards for Granting Site Plan Approval. Motion carried, 6 Yes 0 No.

23  
24 There was a public hearing for special land use to establish a mud bogging pit  
25 (PZ15041), Bruce Sanders, 965 S. Gordon Rd, in Amber Township (001-023-012-00)  
26 [NOTE: this was the second public meeting, the full record would include minutes from  
27 May 15 (first public hearing) and follow up meetings on August 18 and September 15,  
28 2015]. There was no correspondence received for or against with this public hearing.  
29 Following is a portion of Mary Reilly's staff report.

30  
31 FINDINGS OF FACT:

- 32 1. The required setback for a mud bogging pit and spectator area is 500' to a property line.
- 33 2. **The applicant received a 150' variance (west property line) and a 20' variance (south**  
34 **property line) from the required 500' setback in order for spectator area and mud**  
35 **bogging pit 5-6-15 (pit) and 11-4-15 (spectator area).** The ZBA noted that the pit is  
36 located in an area that is not farmable; a clay inclusion that retains water. The pit could  
37 not be relocated to meet the 500' setback; if it were relocated it would be in farmed area  
38 and an area that contains more well drained soils. The ZBA expressed concern about  
39 noise and dust (from Gordon road traffic). The ZBA discussed options for noise reduction  
40 (vegetative buffer, berms) and dust control (brining) but decided to give the Planning  
41 Commission the opportunity to review those issues as part of the site plan review and  
42 special land use process.
- 43 3. The applicants have been hosting events on a regular basis since 2012 and want to hold  
44 events approximately once per month (Saturdays) from May 1 to Sept 30. This triggered  
45 a zoning amendment in 2014.

4. The DEQ, Barry Peterman, acknowledges that this is not a regulated wetland.
5. The USDA (Scottville Office) acknowledges that there are no conflicts with Agricultural activities, or other enrolled farm land, aka "swamp busting" on the property or in relation to the mud bog.
6. The Road Commission acknowledges that in the past, this use has not caused excessive wear and tear on public roads but indicates that the owners should call them after a mud bog event if road maintenance is needed and offer to pay for additional brine, etc. if needed through a contract. See staff report- below.
7. The mud bogging events/activities started on this parcel in 2012 and first started on a limited basis, then grew to more events.
8. AUGUST 18, 2015: The PC reconvened for a follow up hearing discuss the site plan. After several written notices to the landowner, they were not prepared for the meeting and the decision was postponed for 30 days.
9. SEPTEMBER 15, 2015: The PC reconvened to discuss the site plan, and determined that the application was still not complete. The PC required that the landowner obtain a variance for the spectator area on the site plan prior to returning to the PC for a decision on the special land use.

#### NEW INFORMATION

1. The site plan shows parking for 150 cars and 35 trucks/trailers to the north of the mud bogging pit.
2. There is additional parking for about 25 cars (total) along both sides the mud bogging pit area—these cars are typically for those that cannot walk the distance between the parking area and the pit as well as friends/family that are volunteering with the event and intend on staying all day. The cars in this area typically are not “in and out”—but they are there all day.
3. A staging area is located to the north of the pit (25 trucks max).
4. Capacity at any one time, if determined by parking facilities, is approximately 500 (assuming two people per car).
5. Total numbers for the day could be less than 500 or up to 800 (depending on demand, weather, time of year, etc.)
6. Staging and pit entry areas are designated on both the north and south ends of the pit.
7. Additional notes on the site plan address concerns over insurance, road commission, roping off the pit, parking, times of events etc.
8. Arrival time: no earlier than 9:30/ departure by 7:30 pm (other than those that are camping).
9. Camping limited to 4 campers.
10. “No parking on access road or Gordon Road” notes on site plan.

Mary Reilly gave the Board a summary of various meetings on the request for a special land use for a mud bogging pit and brought the board up to date on the most current site plan. Ms. Reilly reminded the Board Mr. Sanders received a variance for a 50’ spectator area on the west side of the pit which was not on the original site plan.

1 Mary Reilly went over several concerns the Board had identified at previous meetings  
2 and explained how they had been addressed on the current site plan.

3  
4 A motion was made by Doug Robidoux and 2<sup>nd</sup> by Steve Bieniek to accept the Staff  
5 Analysis into the record. Motion carried, 6 Yes 0 No.

6  
7 Tom Hooper opened public comment.

8  
9 Bruce Sanders stated that he has modified the site plan to address what the Board had  
10 requested and hoped he could move forward.

11  
12 Tom Hooper asked about trucks that have to be towed after going thru the pit.

13  
14 Bruce Sanders stated the trucks are towed behind the spectator areas and if they are  
15 being towed, they are not going very fast.

16  
17 Mary Reilly noted that the Board had not decided on the number of events Mr. Sanders  
18 could have a year. Mr. Sanders has stated that 3 events would be adequate.

19  
20 Mary Reilly read the attorney's opinion on how the Board can limit the number of events  
21 for a unique land use like this and require for a review after the season.

22  
23 There was a discussion by the Board on the number of events according to the ordinance  
24 that could be held and when to ask for Mr. Sanders to come back for a review.

25  
26 Jim Gallie told the Board that the Amber Township Board was not in favor of the mud bog  
27 pit. He stated that "this is a quiet rural area" and a mud bog pit will affect the area. Mr.  
28 Gallie asked the Board to go to a mud bog event to see first hand how much noise they  
29 generate.

30  
31 Evelyn Bergaila told the Board they have broad powers in setting conditions on a special  
32 land use. "If the lawyer says you can set limits on # number of events why not do it?"

33  
34 Bruce Sanders mentioned the events are about 7 hours a day 1 day a month. 5 events a  
35 year is a possibility.

36  
37 Jeanie Parsons stated there were only 3 a year before zoning.

38  
39 Tom Hooper closed the public hearing.

40  
41 Tom Hooper stated he lives in the area and he is concerned about the noise. He was  
42 contacted by several people about noise during a mud bogging event held in 2015.

43  
44 Mary Reilly read the attorney's opinion, again, on the question of putting conditions on  
45 the number of events in the 1<sup>st</sup> year of operation.

1 The Board continued their discussion on the number of events that could be held in a  
2 year and what is considered excessive noise.

3  
4 A motion was made by Steve Bieniek and 2<sup>nd</sup> by Cary Shineldecker to approve the site  
5 plan with zoning ordinance as written.

6  
7 Doug Robidoux mentioned the approval of an application should be by the appropriate  
8 standards for each section.

9  
10 Steve Bieniek rescinded his motion with Ralph Lundberg 2<sup>nd</sup>.

11  
12 Mary Reilly asked the Board if they wanted to make a decision tonight and come back  
13 and sign a resolution that is "a little more polished" and contains all conditions.

14  
15 Board agreed.

16  
17 Tom Hooper read standards for section 17.44 Mud Bog Pit.

18 1. All mud bogging pits and designated spectator areas must be at least five hundred (500) feet  
19 from adjacent property lines. **The applicant received a variance to allow the mud bogging**  
20 **pit and spectator areas in the proposed area.** The spectator area is 50' wide and at its  
21 closest point is 350' to the west property line. The mud bogging pit is 400' from the west  
22 property line. The southern end of the pit and spectator area are 480 feet from the south  
23 property line. Meets Standard. All Agreed.

24 2. A minimum setback distance of one thousand (1000) feet is required from the exterior boundary  
25 of a mud bogging pit to a dwelling on an adjacent parcel. **Meets standard, the five closest**  
26 **dwelling are 1300,1400,1450,1430,1670 feet from the mud bogging pit. All Agree.**

27 3. A mud bogging pit shall be located on only a parcel of land of at least 40 acres in area. **Parcel**  
28 **is 60 acres. Meets standard. All Agreed**

29 4. A mud bogging pit shall be limited to 1 acre in size and there shall be no more than one (1) mud  
30 pit on the parcel(s) operating under the special land use. **The mud bogging pit is irregular**  
31 **shape, approximately 80' x 260' and 20,160 sf (less than 43,560 sf or 1 acre). Meets**  
32 **standard. All Agreed.**

33 5. Mud bogging operations will not be conducted before 11:00 A.M. or after 6:00 P.M. **the**  
34 **applicants have noted on the site plan: arrive no earlier than 9:30 am and depart**  
35 **by 7:30 pm (this was requested by the PC). Meets Standard. All Agreed.**

36 6. Months of operation when a mud bogging event may occur shall be limited from May 1 to  
37 September 30. **See site plan. Events are noted as one event per month, only on**  
38 **Saturdays. The applicant is willing to decrease that number to something less,**  
39 **such as three events per year, due to other events occurring in July and August.**  
40 **A decrease in the number of events is also allowed by the PC as a condition with**  
41 **a new use, such as this. There is interest in a May, June, and September event.**

42 7. A mud bogging event, competition or other mud bogging activity consisting of more than four  
43 (4) mud bogging vehicles at any time, may occur only on Saturdays. **See site plan. Meets**  
44 **standard. The frequency of events should be limited to one per month or less—such as**

1       **3, or 4 times per year. Frequency of events was a main concern for two nearby property**  
2       **owners. The Sanders have indicated that one event per month, or less, is satisfactory.**  
3       Number of events to be held 5.

4       Tom Hooper - No

5       Steve Bieniek - Yes

6       Doug Robidoux - No

7       Mike Shaw - No

8       Ralph Lundberg - Yes

9       Cary Shineldecker - Yes

11       Mary Reilly stated the mud bog pit did meet this standard.

13       Doug Robidoux stated events are being held May 1<sup>st</sup> to Sept 30. Meets Standard  
14       All agreed.

- 15       8. A berm or natural buffer shall be constructed in order to protect neighboring properties from  
16       noise associated with the operation of a mud bogging pit. **There is a 7 to 10-foot elevation**  
17       **difference between the bottom of the mud bogging pit and the top of the spectator area**  
18       **(east side). The pit was full of water on the day of my visit, but there was approximately 5'**  
19       **of elevation between the top of the water and the top of the berm for spectators. The west**  
20       **side of the pit has additional elevation in a natural swale.**

21       **The owners indicated, verbally, at the 8-18-15 meeting that berms were installed at a**  
22       **race track in Michigan and had to be removed because they had no effect on buffering**  
23       **sound and caused an echo effect. Bruce Sanders stated 'sound is sound' and the**  
24       **events cause sound and that is just part of the land use. Meets standard. All agreed.**

- 26       9. Landscape buffers, berms, or other screening mechanism referred to in Section 3.13 and 3.15  
27       may be required by the Planning Commission. **The ZBA considered the use of buffers and**  
28       **berms but were unclear as to their effectiveness to mitigate sounds coming from the mud**  
29       **bogging pit. Cars may be driving around outside of the pit as well to get repositioned to**  
30       **run through the pit which would fall outside of a bermed or vegetated area. The**  
31       **sole purpose of the buffers, in this case, was also for visual buffering to**  
32       **neighboring properties. The surrounding area is planted in row crops and is not**  
33       **well suited to planting additional trees or berming the soil to make a visual buffer.**  
34       **Some of the parking area is buffered by woods on the west and north ends of the**  
35       **property. Meets standard. All agreed.**

- 36       10. Adequate sanitation facilities must be provided during all events. **On-site porta potties will be**  
37       **used for the events. The board asked for the porta johns to be located on the site**  
38       **plan. Port potties have been located on the site plan, on the north side of the east**  
39       **and west spectator areas. Meets standard. All agreed.**

- 40       11. Parcels considered for a mud bogging pit shall not be enrolled in Michigan Farmland  
41       Preservation Program, Pubic Act 116, Michigan Qualified Forest Property (QFP) PA 378,379,380,  
42       or contain land that is within United States Department of Agriculture (USDA) Conservation  
43       Reserve Program. **Meets standard. Per Seth, Scottville Branch of USDA, the parcel and**  
44       **stated that he had no concerns. Barry Peterman, MDEQ, stated the area may be wet but**  
45       **it is not a regulated wetland. Meets standard. All agreed.**

- 46       12. The applicant shall demonstrate compliance with all local, state, and federal rules including, but  
47       not limited to, those pertaining to the serving of alcohol and on-site camping. **The owner will**  
48       **not be serving alcohol at the event. But alcohol will likely be consumed at the event.**  
49       **The applicant has limited the number of campers to 4 campers and notated location on**



the site plan. 4 campers is not considered a “group camp” under health department/State rules. The ordinance allows for this many campers under the ordinance with a dwelling on the parcel. Meets standard. All agreed.

13. The applicant shall provide a mechanism for cleaning tires or require use of trailers to avoid the tracking of mud on public roads and highways. **There is a tire cleaning area just north of the mud bogging pit. It is noted on the site plan.** Meets standard. All agreed.

14. At any mud bogging event or activity, there shall be sufficient off-street parking provided for all participants, spectators and others; motor vehicles shall not be parked on streets during any such event or activity. **Parking is provided on the site plan. Parking is located the open field to the north and east of the mud pit. Additional parking is located on the east and west sides of the mud pit. There is a staging area to the northwest of the pit. There is adequate off-street parking such that no street parking would be required. The owners will organize parking with orange traffic cones on the north and south ends to delineate rows (on site plan).** Meets standard. All agreed.

A motion was made by Steve Bieniek and 2<sup>nd</sup> by Doug Robidoux to approve standards found in Section 17.44, Mud Bogging Pit. Motion carried, 6 Yes 0 No

Tom Hooper read through the staff report and each item in Section 18.05. A motion was made by Steve Bieniek and 2<sup>nd</sup> by Doug Robidoux to approve Section 18.05, Standards for Granting Site Plan approval. Motion carried, 5 Yes 1 No (Mike Shaw)

Mike Shaw read section 16.05, Standards for Granting Special Land Use Approval.

1. Will be in accordance with the goals and objectives of the Mason County Comprehensive.

Tom Hooper - No

Steve Bieniek - Yes

Doug Robidoux - Yes

Mike Shaw - No

Ralph Lundberg - Yes

Cary Shineldecker - Yes

Meets standard 4 Yes 2 No

2. Will be designed, constructed, operated, and maintained in harmony with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. **It is important that the frequency of events be limited to once per month, or fewer. Sound from these events can travel up to a mile or more—but can be heard by all adjacent properties, regardless of the wind direction. A mud bogging pit event may prohibit adjacent owners from planning their own events (such as a barbeque or family gathering), work outside, sleep, etc. The essential character of the area, a quiet rural setting, will be disrupted temporarily and up to 3-5 days per year, depending on the number of events allowed.**

**Although the mud bogging event time is limited from 11-6 PM, traffic coming to and from the site could reasonably extend the activity on the site before and after the event (such as from 9:30 AM-7:30 PM). The applicants have indicated this on the site plan.**

Cary Shineldecker stated if the mud bog is not in harmony, then the Board needs to place conditions.

Tom Hooper requested a vote on limiting the mud bogging pit to 3 events per season and only one per month, based on the attorney's opinion, and retain jurisdiction to review the special land use at the end of the 2016 season.

Tom Hooper - Yes

Steve Bieniek - No

Doug Robidoux - Yes

Mike Shaw - Yes

Ralph Lundberg - No

Cary Shineldecker - Yes

Meets standard, 4 Yes 2 No. (passes)

3. Will not be hazardous or disturbing to existing or future permitted uses in the same general vicinity and in the community as a whole. [READ FROM STAFF REPORT] **Some neighbors, and other nearby residents, have commented that one or two events was acceptable based on past practice, but they are uncomfortable with the idea of 5 events per year and are of the opinion that this would be disturbing.**

**Are 200 people okay but not 500? Is 500 okay but not 1,000? There would seem to be a point where such a large-scale commercial activity involving large crowds of people is not appropriate in the Agricultural district and would belong in a commercial district (or fair grounds), where road systems and infrastructure can better accommodate the use. Only the Planning Commission can reasonably determine this number as it is not specified in the zoning ordinance. The site plan has been designed to accommodate up to 470 people (assuming two in a vehicle) at any one time.**

**The event held in June 2015 had 800 people, throughout the course of the day, according to the applicant's estimates.**

Meets Standard. All agreed.

4. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services. [READ FROM STAFF REPORT] **There are no public facilities required for this facility. Road maintenance is the main concern as well as speed on roads that may result in requests for additional Sherriff's patrols. The applicant has provided information and a signed form with the Mason County Road Commission. The Road Commission has not expressed concern regarding this event and it's impact on Gordon or Conrad Roads. Meets Standard. All agreed**

5. Will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community. [READ FROM STAFF REPORT] **Road maintenance could be handled through a contract with the Mason County Road Commission, if needed. If grading and brining needs are "excessive", the PC could require a contract be established so the Township and County would not have to bear the burden of keeping Gordon Road in tact solely due to wear and tear from mud bogging events. The applicant has provided a contract with the mason county road commission to allow them to brine. Meets Standard. All agreed**

6. Will not involve uses, activities, processes, materials and equipment, or conditions of operation that will be detrimental to any person, property, or general welfare by reason

1 of excessive production of traffic, noise, vibration, smoke, fumes, glare, or odors. [READ  
2 FROM STAFF REPORT] **Traffic, dust from the roads, and noise are all a main concern**  
3 **for neighboring properties. Limiting the frequency of events is the best**  
4 **mechanism to reduce the potential for nuisances to become "excessive".**  
5 **Limiting the number of events is a more effective method for nuisance control**  
6 **than requiring a berm or landscaping for noise reduction. Meets Standard. All**  
7 **agreed**

8 7. Will ensure that the environment shall be preserved in its natural state, insofar as  
9 practicable, by minimizing tree and soil removal, adequate setback from water courses,  
10 and by topographic modifications which result in maximum harmony with adjacent  
11 areas. [READ FROM STAFF REPORT] **There will be no further changes to the natural**  
12 **environment as a result of the mud bogging pit. Meets Standard. All agreed**

13 8. Will not impede the normal and orderly development and improvement of surrounding  
14 property for uses permitted within the Zoning District. [READ FROM STAFF REPORT] **The**  
15 **property is zoned agriculture—and agriculture is the primary land use in the**  
16 **general vicinity of the mud bogging pit. There are residential properties in the**  
17 **vicinity of the activity. The area could also be developed at some point for**  
18 **residential properties at a density of 1 per acre. If the size of event and the**  
19 **management of the number of people, vehicles, or participants related to the**  
20 **event is left without limits or a willingness to manage the limits, the mud bogging**  
21 **pit events could become a dominant land use in the area. Some individuals**  
22 **would consider this a positive if they engage in mud bog activities, but if they**  
23 **don't participate and live within a mile of the venue it would detract from this**  
24 **location. Meets Standard. All agreed**

25 9. Will comply with the requirements of this Ordinance, including Article 21, Access  
26 Management and Highway Overlay District. **Not applicable.**

27  
28 A motion was made by Steve Bieniek and 2<sup>nd</sup> by Doug Robidoux to grant conditional  
29 approval of Section 16.05, Standards for Granting Approval (Special Land Use) with the  
30 condition only 3 events are held in the 2016 season with 1 event per calendar month and  
31 the board will retain jurisdiction of the special land use with a review by the Board at the  
32 end of the 1<sup>st</sup> season. Motion carried, 6 Yes 0 No.

33  
34 Unfinished Business: None

35  
36 Zoning Directors Report: Mary Reilly passed around copies of the proposals for  
37 consultants on the Zoning Ordinance update and asked the Board to bring back any  
38 recommendations on if Clear Zoning should be considered for interview because they  
39 exceeded the budget. A certificate was presented to Ralph Lundberg, who is retiring  
40 from the Planning commission, for his 16-17 years of service.

41  
42 Ralph Lundberg thanked the Board for allowing him to serve. He emphasized the  
43 importance of following the ordinance and said he enjoyed getting to know Cary  
44 Shineldecker.

45  
46 Zoning Board Appeals: None

1 New Business: Mary Reilly stated the Board needed to pick a 4<sup>th</sup> sound consultant to  
2 add to the list in the settlement agreement between Consumers Energy and the County.

3  
4 Ralph Lundberg and Cary Shineldecker excused themselves from the meeting because  
5 of a conflict with the LWEPP.

6  
7 Mary Reilly informed the Board there will be 4 names to look at and she would e-mail the  
8 consultants' qualifications and resumes. She should have the information by December  
9 23<sup>rd</sup>. She asked the board if they wanted to perform a phone interview in addition to  
10 reviewing qualifications.

11  
12 The Board stated they would like to interview, if possible.

13  
14 A tentative date of December 29<sup>th</sup> was set for the consultant interviews.

15  
16 Mary Reilly stated she would let the Board know the interview meeting time ASAP.

17  
18 Tom Hooper opened public comment.

19  
20 Evelyn Bergaila told the Board they were well within their rights to set limits and  
21 conditions on the mud bogging pit special land use and it should not have been debated  
22 as long as it was.

23  
24 Tom Hooper closed public comment.

25  
26 The next meeting will be December 29, 9:30 AM. **The next regular meeting Tuesday,**  
27 **January 5 at 7:00 PM.**

28  
29 Meeting adjourned at 10:45 pm.



---

Steve Bieniek  
Mason Planning Commission Secretary