

**KASSON TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING**  
**Monday, July 17, 2023; 7:00 p.m.**  
**Kasson Township Hall, 10988 S. Newman Road, Maple City, MI 49664**  
**AGENDA**

1. Call Meeting to Order / Pledge of Allegiance
2. Roll Call of Commissioners and Staff / Recognition of Visitors
  - A. Commissioners present (roll call): Carter, Lanham, Noonan, Roush, Schaeffer
  - B. Staff: Cypher, Hubley-Patterson
  - C. Visitors present
3. Consideration of Agenda: Additions or Deletions
4. Declaration of Conflicts of Interest
5. Approval of Minutes – June 19, 2023
6. Correspondence Received
7. Area Reports
  - A. Chairperson – Commissioner Roush
  - B. Secretary – Commissioner Schaeffer
  - C. Township Board – Commissioner Carter
  - D. Zoning Board of Appeals – Commissioner Noonan
  - E. Zoning Administrator’s Report – ZA Cypher
8. Old Business
  - \*Vice Chairman Lanham will assume the role of Chair for the discussion of Item A under “Old Business”.**
  - A. Attorney’s recommendation for motion regarding Enduro Motorcycle Race (see sample motion language attached)
  - \*Chairman Roush will return to the role of Chair prior to Item B being discussed.**
  - B. GAAMPs – Farm Market definition
9. Public Comment
10. New Business
  - A. Review of Section 10.5 Language  
**Section 10.5: Failure to Obtain Land Use Permit**  
**The permit fee shall be doubled upon failure to obtain a permit from the Zoning Administrator before beginning construction.**
11. Public Comment
12. Comments from the Commissioners
13. Next Meeting: Monday, August 21, 2023; Kasson Township Hall
14. Adjournment

**MOTION TO DISCONTINUE CONSIDERATION OF SPECIAL USE PERMIT  
APPLICATION FOR MICHIGAN SPRINT ENDURO MOTOR CYCLE EVENT UNDER  
SECTION 7.15 OF THE KASSON TOWNSHIP ZONING ORDINANCE**

**TOWNSHIP OF KASSON  
LEELANAU COUNTY, MICHIGAN**

At a regular meeting of the Kasson Township Planning Commission held in said Township on the 17<sup>th</sup> day of July 2023 there were:

Present: \_\_\_\_\_  
\_\_\_\_\_

Absent: \_\_\_\_\_  
\_\_\_\_\_

The following motion was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_:

**BACKGROUND**

1. An Application was filed on February 18, 2023 for a Special Use Permit by James Schettek, Bill Kasben and Fran Seymour to conduct a motorcycle race event identified as the Michigan Sprint Enduro Event (“Motorcycle Event”) on 304 acres of combined parcels within the Township’s Forested zoning district.
  
2. Because the Motorcycle Event was not identified as either an available permitted use or special land use within under Section 4.7 of the Zoning Ordinance (“ZO”) for the Forested district, the application proceeded under ZO Section 7.15 which allows consideration as special land uses of:  

Land and structural uses that are not specified in any other section of this Ordinance, but, upon being applied for under the provisions of Chapter 7, may be considered by the Planning Commission as long as they meet all the conditions and requirements of this Chapter and the spirit and intent of the Ordinance.
  
3. The Motorcycle Event application was thereafter processed under the special land use procedures of ZO Chapter 7 including the holding of a public hearing and preliminary work to develop proposed findings under the special use approval standards of ZO Chapter 7.

4. During consideration of the Motorcycle Event as a special land use, however, the Township’s legal counsel, after consultation with the Michigan Townships Association’s legal counsel, and others, advised Township Zoning Administrator Tim Cypher, in a letter dated May 5, 2023, that ZO Section 7.15 was determined to be unlawful in accordance with the Michigan Court of Appeals’ decision in *Whitman v. Galien Township*, 288 Mich App 672 (2010).
  
5. As a consequence, if the Motorcycle Event application is approved as a special land use under ZO Section 7.15, it would be unlawful and subject to immediate legal challenge.

**MOTION**

Therefore, a motion is made that the Planning Commission immediately terminate any further action, including, but not limited to, consideration of findings of fact, on the Motorcycle Event application, as a special land use within the Forested zoning district.

Adopted this 17<sup>th</sup> day of July 2023.

YEAS: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

\_\_\_\_\_

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a Motion adopted by the Planning Commission of the Township of Kasson, County of Leelanau and State of Michigan, at a meeting held on July 17<sup>th</sup>, 2023, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: \_\_\_\_\_

\_\_\_\_\_

Planning Commission Secretary