

**KASSON TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
Monday, December 18, 7:00 p.m.  
Kasson Township Hall, 10988 S. Newman Road, Maple City, MI 49664**

**MINUTES**

- I. Call Meeting to Order / Pledge of Allegiance  
Chairman Roush called the meeting to order at 7:00 pm with the Pledge of Allegiance.
  
- II. Roll Call of Commissioners and Staff / Recognition of Visitors
  - A. Present: Tad Carter, Township Board Rep; Dave Noonan, Commissioner; Jerry Roush, Chairman; Mike Lanham, Vice Chairman; Chuck Schaeffer, Secretary
  - B. Absent: None
  - C. Staff: Tim Cypher, Zoning Administrator; Marsha Wolf, Recording Secretary
  - D. Visitors present: Tom Wolf, Tim Newman, T Eftaxiadis
  
- III. Consideration of Agenda: Additions or Corrections  
Chairman Roush asked for New Business A (Election of Officers) and B (PC Meetings dates for 2024) to be moved to the end of New Business. **Carter moved to approve the agenda as amended; Noonan seconded. All present in favor, motion carried.**
  
- IV. Declaration of Conflicts of Interest- None
  
- V. Approval of Minutes – November 20, 2023  
Chairman Roush asked for a motion to approve the minutes of November 20, 2023 as presented. **Noonan moved to approve the minutes of November 20, 2023 as presented, Carter seconded. All present in favor, motion carried.**
  
- VI. Correspondence Received - None
  
- VII. Public Comment - None
  
- VIII. Area Reports
  - a. Chairperson – Commissioner Roush – No Report
  - b. Secretary – Commissioner Schaeffer – No Report  
Schaeffer commented that the Technology Committee that worked on internet services in the area now have a new provider for wi-fi in the township. Service currently provided in vicinity of Maple Valley and across into Cedar Valley. There are currently approximately 16 customers in Leelanau County. Schaeffer’s personal review on the new service it that it has been just as fast and more reliable than the previous service (Century Link, DSL).
  - c. Township Board – Commissioner Carter - No Report
  - d. Zoning Board of Appeals – Commissioner Noonan - No Report
  - e. Zoning Administrator’s Report – Zoning Administrator Cypher

Cypher reported the ZBA upheld the PC's determinations of the Enduro project. At this time Enduro has filed suit and emailed court filings. Legal counsel will be working on sending out a timeline and critical path. The Enduro project could be remanded back to the PC and the ZBA, it was advised to minimize conversations outside of meetings to avoid conflict of interest. It was suggested a best practice would be to decline comment if press or media reach out.

Cypher asked if everyone had received the December ZA reports, all commissioners confirmed they had received them.

Cypher mentioned the press releases last week in regards to Kasson Planner Schaeffer being applauded for his work and service. The Commissioners replied their thanks for his dedication and service. Schaeffer thanked the commissioners and commented he will miss the people he has worked with over the years.

Vice Chairman Lanham asked about investigations of yard junk that are in process. Cypher said they are in process. Lanham asked for a timeline status. Cypher advised they are about half way through and are working towards compliance.

#### IX. New Business

- A. Election of Officers- Moved to end of new business per amended agenda.
- B. PC Meeting dates for 2024- Moved to the end of new business per amended agenda.
- C. Newman Gravel Pit Renewal – Public Hearing (Renewal) –

**Roush asked for a motion to open the public hearing; Carter moved to open the public hearing, Noonan seconded. All present in favor, motion carried.**

Tim Newman was present to represent his parents (Duane and Mary Newman) in the renewal of the Newman Gravel Pit Special Use Permit. It was advised there have been no drastic changes to the pit since the last approval. Newman asked status of expiration for a permit for a recycling dumpster. The (1) dumpster is being used for neighborhood recycling of scrap. Dumpster size is 20-40 yards filled with cast, iron, aluminum and heavier metals. Cypher requested the dumpster to be added to this permit to renew every 2 years and asked the Commissioners if acceptable, the Commissioners agreed. Letter of authorization was requested from Duane and Mary Newman to add Tim Newman as a contact for future renewals and correspondences with the PC/ZA.

There were no public comments. Cypher provided the ZA Inspection Report and the SUP Renewal Staff Report and Findings (Attachment A, Attachment B). Cypher advised there have been no violations since Cypher joined township in 2019, nor any calls with concerns from the public. Cypher reminded Newman Gravel Pit to follow up with the

township if anything changes. Public notice of the renewal was put in the newspaper November 20 and notices were sent to neighbors within 300ft of the property.

**Noonan motioned to approve the renewal of the Newman Gravel Pit for 2 years; Schaeffer seconded. Roll call vote: Noonan (yes), Lanham (yes), Schaeffer (yes), Roush (yes), Carter (yes). All present in favor, motion carried.**

**Schaeffer moved to close the public hearing; Noonan seconded. All present in favor, motion carried.**

D. Elmers Gravel Pit Renewals–Initial mtg.-Public Hearing for January 15, 2024

Cypher advised the application for Elmers Gravel Pit is complete. The purpose of this initial meeting is to see if there are any questions prior to the public hearing in January. Cypher advised all (3) pits will be part of the renewal. Tom Wolf was present to represent Elmers for the initial meeting in the renewal of the Elmers Gravel Special Use Permits. Wolf advised that other than the work done on Baatz road, there is no change in operations in any of the pits. Kasson Center pit hasn't been used in the past few years and won't be in 2024. Equipment used at the Kasson Center pit and the 669 pit is now being used in other locations in the state. The barn located on the property is used for maintenance and storage of equipment and parts. Stumps and other organic matter is dumped at the 669 pit, but no mining is taking place. M-72 pit: plant and scale house will remain where it is, and all material will come through tunnel on other side of Baatz Road. Berms will be planted with trees and the new driveways are only for service vehicles. No additional traffic is expected. Shaeffer asked if trees will be replanted on 669. Wolf advised they tried to save some of the larger trees and replanted them, but they did not take. They will be removed and replaced. Wolf advised that when the road was rebuilt, they did add irrigation to aid in successful growth. Carter asked about 669 pit and if Elmers is putting concrete in there. Wolf advised they don't actively put concrete in there, there is some from several years ago but it is currently being filled with only stumps and soil. Cypher asked about Kasson Center pit not being mined and if a reclamation needs to be placed. Tom advised there is still material to be mined but it isn't currently active.

**Lanham moved to schedule a public hearing for the renewal for all (3) Elmers pits on January 15, 2024; Noonan seconded. All present in favor, motion carried.**

E. Sleeping Bear Storage – Amend Special Use (Krause)– Set public hearing for January 15, 2024.

Cypher advised he has been working on the submittal with Sleeping Bear Storage for a while, representatives for Sleeping Bear Storage were unable to attend due to flight cancellation. Sleeping Bear Storage received an updated survey and have approximately 70 feet on the west side of property line that was approved in February 2022. Sleeping

Bear Storage (Michael Aragon and his daughter Jennifer) had the property resurveyed due to discrepancies. The new survey showed the additional footage, and they would like to put in one additional building than what they were previously approved for. Cypher proposed setting a public hearing for next month. Cypher will provide additional information this week by email. Cypher will put notices in paper and have notices sent to neighbors within 300ft. of property line.

**Roush asked for a motion to set public hearing for January 15, 2024 to consider amendments to the Sleeping Bear Storage special use permit . Carter moved; Lanham seconded. All present in favor, motion carried.**

A. Election of officers.

**Roush motioned to nominate Lanham as Chairman; Schaeffer seconded. All present in favor, motion carried.**

**Lanham motioned to nominate Roush as Vice Chairman; Noonan seconded. All present in favor, motion carried.**

**Roush motioned to nominate Noonan as Representative for Zoning Board of Appeals; Lanham seconded. All present in favor, motion carried.**

**Roush proposed to have new board member assume Secretary position once he is officially a member.**

B. Meeting dates

**Roush asked for a motion to accept PC meeting date as (3rd) Monday of every month in 2024 at 7pm. Carter moved to approve the meeting dates; Noonan seconded. All present in favor, motion approved.**

X. Old Business

A. Zoning Ordinance amendments for PC review

Cypher advised that in speaking with legal counsel, they continue to recommend tabling matters related to the Enduro case until briefs can be filed by the township. Cypher suggested to look at uses by right and special land uses and make sure the ones on file still fit those particular zoning districts. Schaeffer thinks he has a document that lines up the uses to provide the commission. Roush suggested a special work session for separate meeting on this topic. Commissioners advices they will determine a date for this special work session at the January 15, 2024 meeting.

XI. Public Comment - None

XII. Comments from the Commissioners

Roush commented Schaeffer went above and beyond his duties on the PC and it was greatly appreciated.

Carter suggested looking at the language of regulations to make sure they are clear and contain specific language. Noonan commented large parcels are going up for sale and different people want to see different things, so it would be beneficial to make sure the language is defined for what can and what can't be done. Roush recommended to take a look at survey at how public felt previously regarding this topic.

XIII. Next Meeting

Monday, January 15, 2024; Kasson Township Hall

XIV. Adjournment

Chairman Roush asked for a motion to adjourn the meeting. **Noonan moved to adjourn the meeting; Schaeffer seconded. All present in favor, motion carried.**  
The meeting was adjourned at 7:53 pm.

Respectfully submitted,

Marsha Wolf  
Kasson Township Recording Secretary

Attachment A

**KASSON TOWNSHIP  
ZONING ADMINISTRATOR INSPECTION REPORT**

**SPECIAL USE PERMIT RENEWAL – GRAVEL TAX #'s** 007-021-008-00, 007-027-003-00 &  
007-028-001-00

**A. ADDRESS OR BUSINESS NAME:** *NEWMAN PITS - APPROX. 140A + or -*

**B. INSPECTION BY:** *TIMOTHY A. CYPHER KTZA* **DATE & TIME:** **MONDAY, 12/11/23 2PM**

**C. NAMES OF OWNER / REPRESENTATIVE PRESENT:** *NONE*

**D. NAMES OF PUBLIC OFFICIALS PRESENT:** *KTZA, TIMOTHY A. CYPHER*

**E. NAMES OF MEMBERS OF THE PUBLIC PRESENT:** *N/A*

**F. CONDITIONS OBSERVED/CONVERSATIONS:** *REVIEWED PREVIOUS RENEWAL. SITE CONDITIONS CONFIRMED COMPLIANCE AND NO CHANGES FROM PREVIOUS SUBMITTAL. ZA CYPHER COMFIRMED SCREENING MAINTAINED PER PREVIOUS APPROVALS. NO COMPLAINTS RECEIVED SINCE AUGUST 1, 2019 WHEN ZA CYPHER STARTED HIS DUTIES WITH KASSON TOWNSHIP*

**G. VIOLATIONS OF ORDINANCE OR SPECIAL USE PERMIT OBSERVED:** *NO VIOLATIONS OBSERVED*

**H. RECOMMENDATIONS MADE TO OWNER:** *MAINTAIN PRESENT COURSE OF ACTION AND IMMEDIATELY NOTIFY ZA CYPHER OF ANY CHANGES IN THE STATUS OF APPROVALS.*

**I. NOTES FOR THE FILE OR FOLLOW UP:** *ZA TO OBTAIN ELECTRONIC DOCUMENTS TO UPDATE TOWNSHIP'S DATA BASE.*

**SIGNED BY:** **Timothy A. Cypher, 12/11/23**

*IF MORE ROOM IS NEEDED, PLEASE ATTACH ADDITIONAL SHEET(S) AND NOTE THE SECTION LETTER FROM WHICH YOU ARE CONTINUING.*

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Attachment B

**KASSON TOWNSHIP  
PLANNING/ZONING SPECIAL USE PERMIT  
SUP RENEWAL STAFF REPORT AND FINDINGS OF FACT**

Applicant Name(s) **DUANE AND MARY NEWMAN**

Tax Parcel Number 007-021-008-00  
007-027-003-00 & 007-028-001-00

Date of Meeting MONDAY, 12/18/23

**STAFF REPORT**

On Friday 12/11/23, Zoning Administrator Tim Cypher physically inspected the property.

The ZA completed the inspection on his own.

His observations were as follows:

SEE ATTACHED INSPECTION REPORT DATED 12/11/23

REVIEWED PREVIOUS RENEWAL. SITE CONDITIONS CONFIRMED COMPLIANCE AND NO CHANGES FROM PREVIOUS SUBMITTAL. SNOW COVER LIMITED COMPLETE INSPECTION. ZA CYPHER CONFIRMED SCREENING MAINTAINED PER PREVIOUS APPROVALS. NO COMPLAINTS RECEIVED SINCE AUGUST 1, 2019 WHEN ZA CYPHER STARTED HIS DUTIES WITH KASSON TOWNSHIP.

**GENERAL FINDINGS OF FACT**

The Commission finds that the site is located in Kasson Township, Leelanau County.
The Commission finds that the site is 140 acres M/L in size.
The Commission finds that the site is located in the Gravel Zoning District
The Commission finds that the proposed type of use of the property will be Gravel Mining and Extraction in nature.
The Commission finds that the proposed use as an earth removal, or quarrying, or gravel processing and mining operation is permitted in this District as a conditional use with a Special Use Permit.
The Commission finds that Section 7.3 of the Zoning Ordinance delegates the Commission the authority to review and approve, approve with conditions, or deny the request for a Special Use Permit.
The Commission finds that Section 7.5.B of the Zoning Ordinance requires a Special Use Permit Application contain a Development Site Plan prepared in accordance with Chapter 8 of the Zoning Ordinance.
The Commission finds that Section 8.4 of the Zoning Ordinance delegates the Commission the authority to review and approve, approve with conditions, or deny a Development Site Plan...
The Commission finds that a Notice of Public hearing was published on November 30, 2023 in the <i>Leelanau Enterprise</i> as required by Sections 7.6.A.1 and 7.6.A.2 of the Zoning Ordinance and with Public Act 110 of 2006, as amended (MCL 125.3103).
The Commission finds that notice was mailed to all required parties on November 30, 2023 as required by Sections 7.6.A.1 and 7.6.A.3 of the Zoning Ordinance and with Public Act 110 of 2006, as amended (MCL 125.3103).
The Commission finds that an affidavit of notice as to the manner and date of service to all required parties was filed with the Commission at or before the meeting at which the special use permit is being considered as required by Sections 7.6.A.4 of the Zoning Ordinance.
The property covered by this Special Use Permit Application is described as: 11525 Newman Road, Maple City, MI.

ITEM	STD MET?	FINDING(S):
<b>SECTION 7.7 BASIS FOR DETERMINATION</b>		
<i>Before approval (or extensions) of a Special Use Permit, the Commission shall establish that the standards specified in this Section, as well as applicable standards outlined elsewhere in this Ordinance, shall be</i>		



<i>satisfied. Each of the proposed special land uses on the proposed location shall:</i>		
<i>A. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, as indicated in the Township Master Plan or other policies of the Township.</i>	YES	This site is located in the Gravel Zoning District. Other similar processing operations exist in the District, this operation being no different in character. Gravel extraction is indicated for this area on the Master Plan of the Township. Therefore, it is found that this requirement is met.
<i>B. Not be hazardous or disturbing to existing uses in the same general vicinity, and will not have adverse effects on the market value of surrounding property and to the community as a whole.</i>	YES	In the past, it is believed that when any issues arose with surrounding owners, those were resolved quickly. Therefore, it is found that this requirement is met.
<i>C. Be served adequately by essential facilities and services, such as, but not limited to, highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.</i>	YES	Since the operation will continue as it has for a number of years, it is not expected to have additional impact on surrounding properties and residents. Therefore, it is found that this requirement is met.
<i>D. Not create excessive additional requirements at public costs for public facilities and services.</i>	YES	Since the operation will continue as it has for several years, it is not expected to have additional impact on public costs for public facilities and services. Therefore, it is found that this requirement is met.
<i>E. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by fumes, glare, noise or odors.</i>	YES	Since the operation will continue as it has for several years, it is not expected to have additional impact on surrounding properties and residents for fumes, glare, noise or odors. Therefore, it is found that this requirement is met.
<i>F. Will be in general compliance with the land use policies outlined in the Township Master Plan, the principles of sound planning, and will not jeopardize the economic welfare of the Township.</i>	YES	Based on past performance of the applicant, it is assumed and expected that the existing use will continue to be in compliance, follow the principles of sound planning and not jeopardize the economic welfare. Therefore, it is found that this requirement is met.
<i>G. Will not directly or indirectly have a substantial adverse effect upon the natural resources of the Township. Including, but not limited to, prime or unique agricultural lands, water</i>	YES	Obviously the extraction of sand and gravel has an impact on the natural resources of the Township. However in the past, the operation has not been observed to have adverse impact on the other resources listed in this requirement. This land use has provided

<i>recharge areas, lakes, rivers, streams, forest, wetlands, wildlife areas and major sand, gravel or mineral deposits.</i>		economic benefit to the Township and the region as a whole. Therefore, it is found that this requirement is met.
<i>H. Structures, landscaping, or other land uses, will not disrupt water drainage systems necessary for agricultural uses and will be in compliance with Leelanau County Drainage Commission requirements.</i>	YES	Since the nature of this mining operation is to create an area that is lower than the surrounding land, all drainage substances stay within the property. This pit does not collect groundwater that requires pumping and disposal offsite. Therefore, it is found that this requirement is met.

ATTEST:

FOR THE COMMISSION

FOR THE COMMISSION STAFF

\_\_\_\_\_  
 Planning Commission Chairperson

Tim Cypher  
 Township Zoning Administrator

Approved