

**KASSON TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
Monday, September 18, 2023; 7:00 pm  
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

A. Present: Jerry Roush, Chairman; Tad Carter, Township Board Rep; Mike Lanham, Vice Chairman; Dave Noonan, Commissioner

B. Excused: Chuck Schaeffer, Secretary

C. Staff: Tim Cypher, Zoning Administrator

III. Consideration of Agenda

Roush asked for a motion to approve the agenda as presented. Cypher asked for a public comment to be added before correspondence as item 5.a – this was an oversight from the draft agenda. **Lanham moved to approve the agenda as amended, Noonan seconded. All in favor, motion carried.**

IV. Declaration of Conflicts of Interest – None

V. Approval of Minutes – August 21, 2023

Roush asked for a motion to approve the minutes of August 21, 2023 as presented. **Noonan moved to approve the minutes of August 21, 2023 as presented, Carter seconded. All in favor, motion carried.**

V.a – Public Comment

Sam Shimek read a statement to the Planning Commission (see attached) regarding his family's farm, Bohemian Lavender Farm, and the discussion surrounding farm stands.

VI. Correspondence Received

Roush reported that he received a letter from Mary Shimek (see attached), and after reading it several times, he sees nothing that warrants action on the part of the Planning Commission. There were no dissenting opinions from the Planning Commission.

Roush reported that Tad Carter had also just distributed a letter to the Planning Commission (see attached). After reading it, he sees nothing that warrants action on the part of the Planning Commission. There were no dissenting opinions from the Planning Commission.

VII. Area Reports

- A. Chairperson - Chairman Roush – no report
- B. Secretary - Commissioner Schaeffer – absent
- C. Township Board - Commissioner Carter – no report
- D. Zoning Board of Appeals - Commissioner Noonan – no report
- E. Zoning Administrator – ZA Cypher

Cypher's ZA reports had been previously emailed to the PC. Cypher summarized those reports.

Cypher provided an update on the Baatz Road project. Elmers has requested an extension of the time allowed for a full road closure as the road is being rebuilt and re-opened. The initial approval was for a total of four weeks of closure, with two weeks at each end of the project, but there ended up not being any closure at the beginning of the project. Elmers is now requesting a closure of up to two months before the finalization of the project, and has given a reason of logistics, but these logistics have not yet been sent to Cypher in writing. Cypher is still waiting on the detailed information regarding the request for amendment to the project. The PC briefly discussed.

Cypher reported objections to both letters that were received (from Mary Shimek and Tad Carter), and will send those out in an email, so there is a written record.

#### VIII. New Business

- A. Housekeeping Cabin Park Project – Tim Puffer & Ward Henderson – Tower Road

Puffer and Henderson were present at the meeting, and presented an initial proposal for a housekeeping cabin park project on Tower Road. They are proposing 20-40 cabins on the property for use by travelers recreating in the area. Puffer summarized their ideas for the proposed buildings and general layout of the project. Their goal would be to preserve as many of the trees on the property as possible, and also have trails for hiking and biking on the property. This would draw people to Maple City and potentially encourage other businesses to locate in the area. They have been beginning discussions with other permitting agencies, including the health department and building code offices. Cypher stated that there has been some discussion regarding the size of the cabins, and he has been working with legal counsel on that. There is not a formal application for this project yet, they are looking for PC discussion and questions tonight.

Puffer and the PC had a brief discussion on the project. Roush asked how long visitors were expected to stay for? Puffer said that visitors would usually be staying anywhere from a night to a week, with a max of a 30 day stay. The cabins would not be for living in long-term, they would be for short-term stays. EGLE has stated that permanent structures are not allowed on campsites in their licensed campgrounds, and that they would consider a project of this sort a resort, not a campground. Noonan asked about the water system for the project – Puffer stated they are working with the Health Department on this part of the project, and there may end up being multiple wells, with each well serving multiple cabins. Cypher asked whether they are planning any sort of events or entertainment for guests? Puffer stated that they are not planning to advertise

themselves as an event venue, but may end up requesting a small building and/or archway and the ability to have small weddings or other events on the property. The focus will be the cabins and people enjoying the local natural beauty. Cypher stated that events are not part of a housekeeping cabin park, and so if events were desired, applications will need to be made under additional sections of the Zoning Ordinance.

Cypher also stated that the Fire Chief will need to be involved in this project, especially with regards to campfires given the location in a red pine plantation. Puffer stated that they are already planning fire rings, extinguishers in every unit, and looking at issues related to ingress and egress of emergency vehicles. Cypher asked what the timeline is for submitting a Special Use Permit application? Puffer stated they wanted to get thoughts from the Planning Commission tonight and then will begin working on their formal application. They likely won't be submitting a formal application until November at the earliest, and, if approved, would potentially start construction in Spring 2024. The PC thanked Puffer and Henderson for their presentation.

## IX. Old Business

### A. GAAMPs – Farm Market definition

Cypher stated that under the definition in the current zoning, farm markets are not a special use. He read the current definition and requirements for farm markets. The Road Commission is always involved in the approval of farm stands. The current definition requires products to be “mainly” grown or produced on the premises, but does not define mainly. The only major issue with farm stands that has come up in his time with the township is the one described in the letters attached to the minutes.

Roush stated that he was not here for the last meeting, and would like to be brought up to speed. Lanham and Cypher summarized the history of the discussion. Roush asked what the PC is trying to accomplish with this discussion? Lanham stated that he feels the ordinance should stand as written, and the Zoning Administrator can continue to decide whether projects fall under the definition of farm stands, and if they do not, take the appropriate steps to have them apply for the necessary approvals or be shut down. Noonan agreed with Lanham – the current system seems to be working – farm stands can be approved by the Zoning Administrator and anything that doesn't fall under that definition will need additional permitting.

Carter disagrees with Lanham and Noonan, and thinks there needs to be separate definitions for farm market and farm stand, with farm stands only selling products produced on the farm. If anything that is not produced on the farm is being sold, it would be a farm market, and this would also include places where multiple vendors could gather and sell.

The PC and Cypher discussed the existing farm stands in the township and whether what is sold at them is fully raised on the premises or whether they sell items from other

producers. Cypher stated that under special uses in the Zoning Ordinance, there is no definition for farm markets, but there is a catch-all that states “other similar agricultural buildings or uses”, which leaves it up to his interpretation. The township leaves the enforcement of GAAMP requirements up to MDARD, and sends applicants to MDARD if they need to work with that agency. Lanham clarified that it is currently up to the Zoning Administrator as to whether a proposal qualifies as a farm stand – Cypher agreed with this statement and reiterated that applicants can apply to the ZBA if they disagree with any decision that he makes.

The PC and Cypher discussed the MDARD definition for farm market. Cypher stated that MDARD treats farm stands and farm markets as essentially identical. The PC and Cypher discussed whether to request a representative from MDARD to attend a PC meeting to answer questions on this topic. The PC discussed whether they wanted to proceed further on this topic, or whether they wanted to leave the Ordinance as written and end the discussion. Carter would like to proceed with the discussion, as he believes the current definitions are not sufficient to guide the decisions of the Zoning Administrator as to whether any individual business is a farm stand or a retail market. Carter stated that if the Planning Commission doesn’t wish to pursue this discussion, he can take it to the Township Board to discuss a police power ordinance.

Roush stated that he spoke with the MTA today, and they stated that it is extremely difficult for townships to enforce anything regarding agriculture, and that anything in the GAAMPS should be left to MDARD for enforcement. The PC and Cypher continued the discussion of whether additional Zoning Ordinance language is needed regarding farm stands and farm markets.

**Lanham moved that the Planning Commission drop all further discussion of farm markets and farm stands, and let current practice stand. Noonan seconded. Ayes: Roush, Noonan, Lanham. Nays: Carter. Motion passed.**

#### B. Zoning Ordinance Amendments for PC Review

Cypher stated there are no updates on this process, and he is currently working on the notes from the previous meeting. Some of these items will be under discussion at the ZBA hearings in October.

Lanham asked about Section 7.11 – Permit Expiration and Renewal – he would like to see SUP renewals brought before the PC, versus that being left up to the Zoning Administrator. He feels that while Cypher is an extremely capable ZA, if the township were to ever be without a ZA or have a less capable ZA, he (and, he believes, the township residents) would like to see SUP renewals stay before the PC rather than being at the sole discretion of the ZA. The rest of the PC agreed.

The PC agreed to table the remainder of the discussion on the Zoning Ordinance amendments until October.

X. Public Comment – None

XI. Comments from the Commissioners – Carter continues to believe it's a mistake not to have specific definitions of farm market and farm stand in the Zoning Ordinance. If the PC is not interested in continuing this discussion, the Township Board can pass a police power ordinance that would define farm markets and farm stands. He thinks clear delineation is needed between these two things, and he will be bringing it up at the township board meeting.

Cypher stated that police power ordinances are generally put in place for issues that are very dissimilar to what is being requested by Mr. Carter. Police power ordinances do not allow grandfathering and do not require public hearings or public notices, while zoning cannot be made retroactive. The Township Board can discuss this matter if they wish, but should closely research what MDARD and other communities are doing on the matter. This issue is stemming from a family feud, it is not a neighborhood issue, and is not what police power ordinances are designed for.

Roush stated that while meetings are generally kept fairly informal, sometimes he thinks that they stray too far from parliamentary procedure, and maybe that is something that should be considered.

XII. Next Meeting - Monday, October 16, 2023 at 7:00 p.m.

XIII. Adjournment

Chairman Roush asked for a motion to adjourn the meeting. **Lanham moved to adjourn the meeting, Noonan seconded. All in favor, motion carried.**

The meeting was adjourned at 8:05 pm.

Respectfully submitted,  
Dana Boomer  
Township Clerk

Kasson Township Planning Commission – 9/18/23 Meeting

My name is Sam Shimek. I live at 8235 Shimek Rd. in Kasson Township. I am here this evening on behalf of my family's farm, Bohemian Lavender Farm.

As many of you are probably aware, for the last several years, one of the representatives on this board, along with his wife, have been waging a war over the existence of my family's farm. They have filed formal complaints, written letters, written emails or made phone calls complaining about our farm's operating procedures to The Kasson Township Board, The Road Commission, MDOT, The Zoning Administrator, The Department of Building Safety, and according to last month's minutes, MDARD. The complaints that have been filed cite practices that the requestors believe put our farm in violation of state and local law. All the government entities have investigated these complaints and have determined them to be unfounded. They have found our farm to be in full compliance with existing laws and ordinances. So, it comes as no surprise to us that the representative is now leading the charge to have a new township ordinance written that would restrict what farm stands are allowed to sell. The introduction of this conversation and the participation in the conversation by the representative is a clear conflict of interest.

I think this is also worth looking at through a fair business practice lens. The representative who sits on this board has a newly opened farm stand on his property and is looking to restrict what competing, well established, farm stands in the township are allowed to sell. I think it goes without saying that legally, this could become very problematic for the township.

I would encourage this board to take a step back from the discussion and look at the entire picture before deciding to move forward. I would also encourage the board to seek community input on the matter. All the established farm stands in our township have co-existed peacefully and have been loved by so many for so long. What has suddenly changed? I think our community would certainly like to know why farm stands are now facing new restrictions, who's pushing for the restrictions and why?

My parents have quietly carried this burden of harassment for years. They both wear smiling faces as they greet their visitors for two months every summer. In the back of their minds, they feel only dread. Dread, that the family members down the road, who are interconnected within the local government, are always conspiring to weaponize laws against them. As I read through the minutes of the last 3 planning commission meetings, I think their feelings of dread are certainly validated.

My wife Ashley and I are involved in a lot of the behind-the-scenes operations at the farm. We have tried to remain neutral in this matter to shield our two sons from the ugliness of the situation. Unfortunately, the harassment has been relentless, and the reports of public slander continue. I can no longer sit back and watch my parents endure this abuse. We have so far resisted the urge to spill the story to our media contacts or into the court of public opinion. We will continue to resist that urge for now, but since there seems to be no end in sight, we feel we have very few options left. We don't want the press. We don't want attention. We simply want to be left alone.

Thank You.

Mary Shimek Letter:

I'm Mary Shimek, Owner of Bohemian Lavender Farm, 8181 S Shimek Rd.

I would like to address a few issues regarding the Planning Commission's discussion of GAAMPs.

First, Trustee Carter is my brother-in-law, and his family has been trying to shut down our U-pick, agri-tourism business since 2020 by contacting or registering complaints with various state and local agencies. Last fall, a complaint was made to the township that our business was being run as a retail facility. The Zoning Administrator investigated the complaint, met with us at our farm, and stated we were in compliance with farm stand usage. He also suggested, as a proactive step, that we contact the county building inspector. We did. He visited our farm and asked us to submit drawings to his supervisor, along with his recommendation that we were compliant in anticipation of any future complaints. Sure enough, this summer Trustee Carter's wife filed a complaint with the county building department. The supervisor confirmed again that we were compliant and considered the issue "CLOSED."

After the July Planning Commission meeting, I spoke with the Zoning Administrator about my concerns on further GAAMP discussions and the rewriting of local ordinances. He assured me that regardless of the outcome of those discussions, we would be "grandfathered in" unless we made drastic changes to our business.

Secondly, Trustee Carter has a building that was erected on his property this summer which is being used to sell farm products.

For these reasons, his participation in the GAAMPs discussion is obviously a conflict of interest. Recently Chairman Roush appropriately stated his conflict of interest with the Enduro issue because the applicant was a relative. He said he would not take part in any discussion or voting because he could not be unbiased. I would ask that the chairman or another member of this commission ask Trustee Carter if he has a conflict of interest with the GAAMPs issue.

Trustee Carter's intense interest in rewriting an ordinance specific to farm stands is clearly personal; and at the expense of all other farm stands in the township. He is concerned about the honey and jewelry we sell, and said he thinks the township wants to be "in the spirit" and promote farmers who are local to Kasson Township. Well, we ARE a Kasson Township farm. We source honey from a local farmer, infuse it with our own lavender oil, and bottle and label it ourselves. The jewelry we sell is made from stones found on our farm and local beaches. Furthermore, we've raised and donated money to local families in need and donated countless products to local groups for charity auctions.

Unfortunately, these insignificant complaints overshadow the fact that we are offering an enjoyable experience to all visitors. Many of them leave with a brief historical lesson of the Bohemian settlement, an understanding of how to grow lavender and enjoy its benefits, and—most certainly—a feeling of goodwill after spending time on our farm.

The farm stands in Kasson Township who provide local, seasonal products, and the handiwork of its owners do not deserve to be involved in this family issue. Nor does the Township Planning Commission.

Thank you.

Tad Carter Letter:

I would like to respond to Mary Shimek's (Owner of Bohemian Lavender Farm) letter to the Kasson Township Planning Commission regarding the GAAMPS discussion.

Our family has lived and farmed in Kasson Township for over one-hundred years on Shimek Road (As evident by the Centennial sign on Shimek Road). We are concerned about keeping Kasson Township a rural, peaceful area as long as possible. It is a fallacy that we have been trying to shut down Mary's agri-tourism business. We have been concerned about their business being run as a commercial retail business on Shimek Road in Kasson Township. We feel, as most residents of Kasson Township, that commercial businesses should be run in commercially zoned areas of the township. We have been concerned with the increased traffic on rural, curvy Shimek Road during an already busy time of the year. We feel that the rural areas of Kasson Township should be left as rural as possible without turning them into tourist attractions. Following the GAAMP's definition of a farm stand, this business is not being run as a farm stand. They are selling jewelry, note cards, art prints, copper fish, candles and other items that are not produced on the farm. Selling those items in a store setting is a commercial retail business.

We feel that it was out of line for the Zoning Administrator to assure Mary that her business would be grandfathered in, in the event of a farm stand ordinance being instituted within the township. We do not believe that it is an assurance that should have been given.

Our son's farm stand being erected on our property is not a conflict of interest for me. Mike Shimek, our son's uncle, sits on the Kasson Township Zoning Board of Appeals. He did not recuse himself in 2020, when our son took his tax issue to the Kasson Township Board of Appeals and he (Mike) made the motion to turn down our son's issue – in turn it cost our son over a thousand dollars in attorney fees and our son won his case.

My intense interest (As Mary stated) in writing an ordinance (presently there is not a farm stand or farm market ordinance in Kasson Township) is to protect our township from people opening up small retail stores all over the township and to follow the true nature of what a farm stand should be operating as. Presently we have at least nine farm stands that have opened up within our township within the past few years. Most of those farm stands are being run following the true definition of a farm stand. Can you imagine what our township could possibly look like if everyone was selling whatever they want at their stands?

We realize Bohemian Lavender Farm is a farm in Kasson Township. We also believe they should be selling only lavender products strictly sourced from their farm. For example, their honey comes from Benzie County and they infuse their lavender oils in it. Through the Michigan Law, farm market retailers of honey and maple syrup must be of seller's own production. Furthermore, farm stands and farm markets that sell agricultural products and food processors need to be licensed through GAAMPS. Is the Bohemian Lavender Farm licensed through the state and has a state inspector been up to inspect their business?

We are sorry that Mary feels there should be no ordinances affecting farm stands and farm markets in Kasson Township due to a family issue. The family issue involves keeping Kasson Township rural and making sure ordinances are followed in Kasson Township. As Mary stated to a family member, "We have to realize that there will be changes on Shimek Road and we have to all accept that". Our reply to that is,



“No, we feel protecting Kasson Township as a rural, peaceful place for our families is a priority for the next hundred plus years”.

Thank You,

Tad Carter