

YANKEE SPRINGS TOWNSHIP <u>PLANNING COMMISSION</u> Regular Meeting 7:00 p.m. <u>September 18, 2025</u> Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 MINUTES	MINUTES Page 1 of 6 PC APPROVED:___ Regular PC Mtg. Sept. 18, 2025
Meeting called to order at 7:00 PM by Planning Commission Chair, Shana Bush. <u>PLEDGE OF ALLEGIANCE</u> <u>Roll Call:</u> Present: Beukema, Bush, Craven, Fiala, Frigmaski, Knowles, Kooistra All Present <u>Zoning Administrator:</u> Joe Shea, not present <u>Staff Present:</u> Dennis Buist, Sandy Marcukaitis <u>Visitors:</u> 37	CALL TO ORDER PLEDGE ROLL CALL
<u>APPROVAL OF AGENDA:</u> <u>Adds/Changes:</u> <i>Motion by Fiala with support from Frigmanski to accept the agenda as presented.</i> All AYES. MOTION CARRIED	APPROVAL OF AGENDA
<u>REPORTS from REPRESENTATIVES:</u> <u>ZBA, John Frigmanski</u> No ZBA meeting this month. <u>Board of Trustees- Larry Knowles</u> Board Report: • Passed special assessment for Payne Ridge paving. • Accepted and approved a proposal from Peerless to perform a pilot study to find the correct media to be used for arsenic removal. • Approved moving the public comment period to just after the Acknowledgement of Visitors.	BOARD REPORTS from REPRESENTATIVES
<u>ZONING ADMINISTRATOR REPORT: Joe Shea, ZA</u> Joe Shea was not present, Ms. Bush read his report. • The two cases on the agenda requesting SEU's for STR's in Whispering Pines are similar to previous requests. • Request for a commercial site plan review for the Sand Bar, information provided for that as well. • Regarding the junk car lot on M-189, the court ruled that Mr. VanderKam must remove all vehicles from the property by Oct. 12, and if he fails to do so the township may undertake initiative to remove the vehicles at his expense. • Regarding the Mining Ordinance, a meeting was held by the adhoc meeting and the mining ordinance is being reviewed by the committee.	ZONING ADMINISTRATOR REPORT

PUBLIC COMMENT: (Non-agenda matters) - (Limit to 3 minutes per person-Additional comments under item 11)

Mike Cunningham, Heritage Bay Dr. There were many people at the previous meeting showing interest in stopping gravel mining. Various reasons were given in opposition to this gravel mining. It concerns me that the Board of Trustees (BOT) has not offered any guidance to the PC regarding this. It also concerns me that the ordinance revision process is being hidden from the public and in the hands of a small subcommittee. The important parts of the ordinance are those that could prevent mining in or near residential land. Will you allow mining near or in residential areas or not? Will you protect township residents or not? We have not heard what direction will be taken. Direction should come only from the BOT in a public meeting. Others can provide opinions but the direction comes from the Board. You have my thoughts and petitions with signatures requesting limiting mining. As I've previously stated, I do not like the creation of a subcommittee for an issue of this importance. I hereby request that you disband the subcommittee, request guidance from the BOT and then let all PC members have the opportunity to fully participate in this ordinance revision. This will also allow township residents to witness the process.

John Trygier, Barlow Lake Road. I have reviewed the Texas Township zoning ordinance for mining operations. Many of the suggestions I made at the last meeting are actually within the Texas Township ordinance. After review of the Texas Township ordinance, I would add two additional recommendations.

- One recommendation is a minimum parcel size for mining. The Texas Township ordinance has a 40 acre minimum which may be fine for Texas Township. It may be too low for Yankee Springs Township given the amount of farm communities in farming areas. Whatever minimum parcel size that would be established I would also recommend that any wetlands or state regulated wetlands, and the perimeter and buffer perimeter of the wetlands, be excluded from determining the parcel size for mining.
- The second recommendation is to place a distance requirement for locating access to the mining parcel away from residential property or residential structures. I believe the Texas Township ordinance has established a 300 foot distance requirement away from residential property for the access to a mining operation.
- On the topic of the Township master plan, I would recommend that the master plan terminology for zoning areas be consistent with the actual zoning ordinance. It appears the current master plan in the Township zoning map does not contain the zoning ordinance description/title. Additionally, the master plan and zoning ordinance for the zoning map should be reviewed for proper zoning of parcels. Nothing is consistent. Some are identified as rural on lake front property. If you could make that consistent. Thank you.

Robin Laansma, YS Precinct delegate, Payne Lake Road. I would like to thank you for having 2 Public Comment opportunities and hearing from YS residents. I would like to thank Larry Knowles publicly for voting alone to reinstate two public comment times at the Sept. Board of Trustees meeting. I need to correct myself from my comments during the August meeting. I stated that the gravel mining on Payne Lake Road took place in the late 1990's and early 2000's. I later realized I was wrong. It was the 1980's and 1990's. Thank you.

Charlene Silliman, Heritage Bay Dr. I have been on our property for 30 years. We are stewards of the land and environment. The government is paying for farms to increase their wetlands. If you have a lot of pollution, pounding and dust around wetlands, I'm not sure what that does to the wetlands. I did some investigation on an aquifer. Everything goes into the water. The lake water could go down or it could overflow - we don't know. The fresh water goes down to Payne Lake, Gun Lake, and into Lake Michigan. We're talking about stewardship of all of our lakes and water. Thank you.

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**PUBLIC
COMMENT**

<u>APPROVAL OF MINUTES:</u> Regular Meeting of August 21, 2025 <i>Motion by Beukema with support from Knowles to approve the minutes of the Regular PC Meeting of August 21, 2025 with the correction of the spelling on page two of John Frigmanski's name.</i> All AYES. MOTION CARRIED	MINUTES Page 3 of 6 PC APPROVED:_____ Regular PC Mtg. Sept. 18, 2025
<u>INQUIRY ON CONFLICT OF INTEREST:</u> <u>ROLL CALL:</u> <i>F. Fiala asked the PC members present if there was any conflict of any PC member with the agenda of requests and as modified this evening.</i> <i>All PC members noted: NO conflicts. No: 7, Yes: 0.</i> <u>NEW BUSINESS:</u> 1. SEU 25-09-08; Parcel ID: 16-370-016-00, 2796 Cote Drive #16, Wayland, MI 49348. A request by Kevin J. Kavanaugh, the property owner, for a special exception use permit to operate a commercial Short-term rental pursuant to the Yankee Springs Zoning Ordinance, Article X, Short Term Rentals. 2. SEU 25-09-09; Parcel ID: 16-370-015-00, 2755 Cote Drive, Wayland, MI 49348. A request by Deann Crosby, the property owner, for a special exception use permit to operate a commercial Short-term rental pursuant to the Yankee Springs Zoning Ordinance, Article X, Short Term Rentals. Public Hearing Ms. Bush recommends taking both SEU's together for the Public Hearing. <i>Motion by Fiala with support from Knowles to open the public hearing at 7:17 pm.</i> All AYES. MOTION CARRIED <i>Comments:</i> Mike Cunningham noted that it is September and he understood that the rezoning option for STR's was effective only through August. Discussion of Planning Commission: These applications were received on July 8 and July 23. They were submitted on time. Mr. Frigmanski asked if the residents of Whispering Pines were notified of this end date. Ms Bush will verify that has been done. <i>Motion by Knowles with support from Fiala to close the public hearing at 7:21 pm.</i> All AYES. MOTION CARRIED Discussion: The PC is in agreement that these applications were submitted on time. <i>Motion by Fiala with support from Craven to approve SEU 25-09-08 and SEU 25-09-09 as presented.</i> 6 AYES, 1 NAY. MOTION CARRIED	APPROVAL OF MINUTES INQUIRY ON CONFLICT OF INTEREST NEW BUSINESS Approval of SEU 25-09-08 Approval of SUE 25-09-09 PUBLIC HEARING

3. CSPR 25-08-04; Parcel ID: 16-270-037-00, 11368 M-179 Highway, Middleville, MI 49333. A request by Kyle Graham, the property owner, for a commercial site plan review of a proposed addition to a commercial building, the Sand Bar & Grill, pursuant to Yankee Springs Zoning Ordinance, Article V Site Plan Review. Background from Kyle Graham: In previous winters they have used a tent. This proposal is for a roof, 21x42, to be put up this winter to maximize space. They desire to keep improving the Sand Bar and provide a place for the community. Public Hearing <i>Motion by Knowles with support from Frigmanski to open the public hearing at 7:25 pm.</i> All AYES. MOTION CARRIED <i>No comment.</i> <i>Motion by Knowles with support from Beukema to close the public hearing at 7:25 pm.</i> All AYES. MOTION CARRIED Discussion: Zoning Administrator Joe Shea submitted information stating that this meets all zoning requirements. <i>Motion by Fiala with support from Knowles to approve CSPR 25-08-04 as presented.</i> All AYES. MOTION CARRIED OLD BUSINESS: Discussion of the Mining Ordinance. Ms. Bush states there was a meeting with the Adhoc Committee, including the lawyer, Professional Planner, and Zoning Administrator. The committee asked the attorney several important questions, such as, can we ban mining outright? The very short answer from the attorney was, no, but you can put a lot of restrictions on it. They asked about restrictions. Under Michigan law you have to be able to show that if you allow mining it would cause very serious consequences. Specificity on those very serious consequences is important. The committee is in the process of studying this and addressing all of the questions. They are looking at setbacks, not disrupting residential areas, etc. Work will continue to create a Finding of Facts document. Other discussion included comments and questions about the road, previous court cases and legal decisions, a need to define “serious consequences”, the miners’ responsibilities, and a plan for getting input from the residents involved. It was noted that the township should be prepared to spend money to hire our own engineers and do whatever it takes to verify whatever mining plans may be proposed. Ms. Bush states they have an obligation to our township and property owners to minimize any negative impact. Mr. Fiala presented a working draft of a Findings of Fact document to the PC and asked for discussion on each item. Finding of Facts (draft): 1. A State takeover of mining is beyond our control and this is not imminent. The group agreed. 2. Our current mining ordinance (Barry County Ordinance) needs improvement. The group agreed.	MINUTES Page 4 of 6 PC APPROVED: _____ Regular PC Mtg. Sept. 18, 2025 Public Hearing Approval of CSPR 25-08-04 OLD BUSINESS Discussion of the Mining Ordinance
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3. We can't stop all mining but can put the burden of proof on the miner that they are not negatively impacting the neighborhood.(and perhaps steer to a less damaging location). Agreed 4. The PC is opposed to mining at the Bass Rd (Barlow Lake) location because of residents in the area, the lake, school buses, and traffic on roads. It is a residential recreational area. We also need to think of the whole township and insist that mining not take place where it will harm residential areas in the township. Agreed. 5. Desire to pick a 'best of breed' of the current mining ordinances and customize. 6. The Barry County Mining ordinance is being looked at as a starting point. Targets (specifics) will be set regarding what the community wants us to look at, keeping in mind that we have to comply with Michigan laws. The Road Commission requires a bond for mining companies. Ms. Bush sums up the discussion. The committee will continue their work. They will record the Findings of Fact with the PC and get further input from the PC members. They will work on a vehicle to get public input on the specifics that are proposed. There will be a future opportunity for concerned residents to provide feedback. Discussion of the Master Plan. The new date for the Open House to receive input on the Master Plan is Saturday, October 11, from 9 am to 11 am. There will be no Open House on Sept. 20. We have received input from the survey but an additional opportunity is needed for community input. This Open House will be posted in the paper, and will contain bullet points on the items that input is needed on. <u>OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION</u> • None <u>PUBLIC COMMENT:</u> (3 minute limit) Mike Cunningham, Heritage Bay Drive. It was refreshing to hear the discussion tonight. I've read the Barry County ordinance, but not the Texas Township one. Please look at the BC ordinance closely and get rid of any waivers. There should not be a financial incentive for the township to get involved in gravel mining. He would make it all escrow based. Take the risk on behalf of the residents of getting sued. Mike Keyes, Heritage Bay Drive. Noise travels on the lake. Take a real hard look at the noise ordinance as part of this. This will be the one big complaint. Charlene Silliman, Heritage Bay Drive. I know of a retired state geologist who gives free advice and has won cases with people over mining near a lake. Barlow Lake is very clean. We have a rare fish - a Cisco fish and we wouldn't want to lose that. Catherine DeRoucher, Bowens Mill Rd. I applaud your effort in taking on this ordinance. I appreciate transparency. I'd like to see what you're considering. Thank you for your work on this. A lot of us are willing to help. John Trygier, Barlow Lake Road. A few things about 'serious consequences' and how that is vague at the state level. I would advise talking to the lawyer and keeping it somewhat vague, leaving room to be able to address it in the entire township. I record lake levels for Barlow Lake, and the lake has dropped about 1 foot this year, which is somewhat normal. Harwood Lake has dropped 3 feet	MINUTES Page 5 of 6 PC APPROVED: _____ Regular PC Mtg. Sept. 18, 2025 Discussion of the Master Plan Other Such Business As May Properly Come Before the Planning Commission PUBLIC COMMENT
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because of the impact of a mining operation that breached the aquifer. Mining can have a serious effect on the aquifer.

Dave Laansma, Payne Lake Rd. Thank you very much for your time on this. The gravel in this area has a very high value. This particular site has special considerations, including that the entry and egress on Bass Road has short sight distances and this would be a critical concern. The mining company must be bonded on a fund for rehabilitating Bass Road. Dave suggests using the ordinance that is most comprehensive. The State will bend to special interests, not us. The attorneys must represent us and not adhere to status quo thinking. We need to be confident that the attorney is speaking on our behalf.

Public Comment closed at 8: 17 pm.

Additional Comment: None

ADJOURNMENT:

Motion by Bush with support from Beukema to adjourn the meeting at 8:17 pm.

All AYES. MOTION CARRIED.

Approved by: Frank Fiala 10/14/25
Frank Fiala, Planning Commission Secretary Date

Respectfully submitted by
Diane Dykgraaf, Recording Secretary
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**MEETING
ADJOURNED**