

Keweenaw County Planning Commission
Public Hearing and Regular Meeting
October 27, 2020

Commissioners Vivian Called the meeting to order at 4:05 at the Keweenaw County Courthouse.

Roll Call:	John Parsons, Excused	Steve Siira – in person
	Barry Koljonen, Excused	Dan Steck – via zoom
	Jim LaMotte, via zoom	
	Jim Vivian, in person	Sandra Gayk, Excused

Ann Gasperich, in person

4 Member quorum is present, and the meeting was appropriately posted.

The Pledge of Allegiance was recited.

Vivian opened the Public Hearing to take comment on the conversion of the Future Land Use Map to the Zoning Map as required in the Zoning Ordinance.

Public Comments: Gina Nicholas asked to have additional land in Keweenaw County that is permanently protected by either federal or state deed restrictions or various public and private conservation easements included. The emails received from Trina Anderson and Joe Miller will be entered into the minutes.

Jim closed the Public Hearing.

M/S Steve/Dan to approve the agenda, roll call vote all in favor.

M/S Dan/Steve to approve the minutes of the regular meeting and Public Hearing Meetings on August 25th, and October 6, 2020, roll call vote, all in favor.

Guests: Leslie DuTemple, Gina Nicholas, Bill Eddy, Marty Faassen, Garrett Hartwig.

Public Comment

Communications

New Business

Further discussion ensued on the Recommendation of Future Land Use Plan Conversion. A motion by Steve, second by Dan to recommend the future land use plan to zoning map conversion including the recommendations as provided for by Gina, of the land which currently have deed restrictions or conservation easements included on the map as Conservation Environmental Protection, including the 45 acres at the Seneca Mine with the Bat 'house.' Roll call vote, Steve, yea, Dan, yea, Jim LaMotte, yea, Jim Vivian, Abstain. The motion to present to the Board of Commissioners the Future Land Use Map with changes to the Zoning Map did not pass, as the quorum of four members must have all voted in favor. This item will appear on the next agenda.

The Commission asked Jim Vivian to provide direction from Board of Commissioners.

Unfinished Business

Disposition of Committee meetings – Still only Public Hearings.

Report from the ZBA – Steve reported on the approval of the variance for the new school sign at Horizon in Mohawk, another public hearing is scheduled for Thursday for a set back from the water variance.

The Zoning Administrator's Report – Jim read the report into the record.

Final Public Comments – Bill Eddy reminded everyone of the Special Land Use Public Hearing for a cell tower Permit coming up on Friday November 5, at 2:00 PM.

Commission Final Comments – Dan is confused about the different ideas floating around and hopes the Board of Commissioners can provide some direction soon

Next Meeting December 8, 2020 4:00 PM (subsequently cancelled)

N/S Dan/Steve to Adjourn at 4:50.

Keweenaw County
Planning Commission and
County Board of Commissioners
Staff Report
October 15, 20204
Conversion of 2017 Land Use Map to Zoning Map

Planning Commission Meeting Date: 4:00 PM October 27th, 2020

Board of Commissioners Meeting Date: T B D

Subject: Public Hearing to convert the Land Use Map, adopted in October 2017 to the New Zoning Map
Attachments:

Current Future Land Use Map
Current Zoning Map

GENERAL INFORMATION

In 2016 & 2017 over 8 public meetings and two public hearings were held to discuss the future land use of Keweenaw County. The recommendations were incorporated into the future land use map at that time. The public hearings were held at the Planning Commission Level as well as at the Board of Commissioners level. Both Commissions approved the Future Land Use Map.

Some of the changes to the map at that time were, changing from extraction district to manufacturing, creating a 660' strip of country estate along the Lac La Belle Road from US 41 down to the Ski Hill, also along the Mohawk Gay Road, and the Gay to Lake Linden Road, allowing for 5 acre developments. A similar strip was created along Cliff Drive as Agriculture, for the same reason. During the meetings held in Sherman Township, residents wanted Fifth Street to be the same zoning as in town, R-1. Copper Harbor requested the entire harbor be zoned the same. It is now all set as RS 1. The other change is the conversion of 'current' Exempt parcel to CEP.

APPLICABLE REGULATIONS

4.3.2 Agricultural District: The Agricultural District (AG) is designed to provide for the continuation of the limited agricultural activities that remain in the county along with certain compatible uses. These areas are designed to protect those areas suitable for agricultural pursuits and to encourage "hobby" farms within the county. It is also the purpose of this district to prevent the mixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services, and contributes to the premature termination of agricultural pursuits. Open space and clustered development with large areas of permanently protected open space are encouraged in order to protect the character of the county.

4.3.6 Conservation Environmental Protection District: The Conservation Environmental Protection District (CEP) has been created to account for lands designated as part of an open space system to preserve total environmental character, particularly in connection with conserving significant natural resource characteristics found within the county and encouraging multiple use recreation and forest activities where appropriate. This district, therefore, has been developed for conserving land areas which are:

- • Subject to periodic flooding.
- • To be kept open to preserve unique ecosystems and endangered species, i.e. wetlands.
- • To be kept open to protect sources of water supplies, i.e., aquifer recharge, discharge, and potential water
- • impoundment areas.
- • To protect scenic viewsheds that define the wilderness and waterfront beauty of the county.
- • To be kept open from development because of unsuitable and unstable soil conditions.
- • To be kept open for general conservation purposes such as the preservation of hydrologic functions
- of
- • adjacent tributary stream land areas and the preservation of timber resource areas.
-

Lands include those that are currently or are soon to be held in conservancy ownership, public lands (or soon to be) that have been identified for preservation and compatible recreation, undevelopable coastline where preservation is in the best public interest, and those lands where owner intention has indicated future conservation efforts.

4.3.7 Country Estate District: The Country Estate District (CE) is established to provide for large lot single-family residential development. The purpose of these areas is to provide for a recommended minimum of five (5) acre lots, and to preserve the rural-open character of the community. Cluster development through open space design is both promoted and encouraged in these areas provided at least fifty (50) percent of the site is permanently retained as open space.

4.3.8 Single Family Residential District: The Single Family Residential District (R-1) is one of two urban residential districts established to provide the full range of residential housing types in an urban environment where all of the facilities for urban living, including community sewer and water facilities, are available. This district is intended for use within the core communities of Allouez, Ahmeek, Fulton, Mohawk, Gay and Eagle Harbor.

4.3.11 Resort Service District: This is a mixed business/residential district. The purpose of the Resort Service District (RS) is to provide recreation or vacation convenience goods and services (restaurants, lodging, small gift shops, outdoor outfitters, etc.) for families living in or tourists using the variety of resort or vacation areas in the county. Development should be limited to those uses that are compatible with the character of Keweenaw County. The RS-1 District accommodates existing lots with 60 feet of frontage, but it is the intent of this Ordinance to prohibit the creation of any additional lots that are only 60 feet in width.

4.3.13 Light Manufacturing District: The Light Manufacturing District (M-1) is established to provide areas for light industrial, office and administrative uses having few, if any, adverse effects on neighboring properties. The M-1 use has been identified for areas along US-41 and in Mohawk where compatible with the surrounding property. Because of the proximity to residential homes, high standards of neighborliness are expected in these areas.

4.3.14 General Manufacturing District: The general Manufacturing District (M-2) is established to provide areas in which manufacturing and related commercial operations are the principal use of land. Such uses have some adverse effects on surrounding properties, and are not compatible with residential and retail uses.

REQUESTED ACTION AND PURPOSE

18.17.1 Public Hearing Procedures: All public hearings including but not limited to amendments to the text of this Ordinance and Zoning Map on a rezoning; Conditional Rezoning; Planned Unit Development Permits; Condominium Project Permits, Special Land Use Permits; and Variances, Ordinance Interpretations and Appeals, held pursuant to this Ordinance shall comply with the following procedures.

20.1

It is the purpose of this Article to establish the procedures and standards for amendment of the text and Zoning Map of this Ordinance.

Section 20.2 INITIATION OF AMENDMENTS

A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map of Keweenaw County may be amended pursuant to the County Zoning Act, Public Act 110 of 2006.

B. Amendments may be initiated by the Board of Commissioners, the Planning Commission, a Township Board of Trustees whose township is under the jurisdiction of this Ordinance or by petition of one or more persons having an interest in the property to be affected by the proposed amendment. Each petition for amendment shall be submitted to the Zoning Administrator who shall refer it for recommended action to the Planning Commission.

Section 20.4 AMENDMENT PROCEDURES

A. All petitions for text amendment, rezoning or Zoning Map change shall be submitted and reviewed per the requirements of Article XVIII and of this Article.

Section 20.6 PUBLIC HEARING

- A. The Planning Commission shall establish a date for and conduct at least one (1) public hearing at a regular or special meeting on each petition for amendment; notice of which shall be given pursuant to the requirements of Section 18.16.
- C. If an individual property or several adjacent properties are proposed for rezoning; notice shall be given pursuant to the requirements of Section 18.16.
- D. The Planning Commission shall conduct the public hearing consistent with the hearing procedures in Section 18.17.

FINDINGS OF FACT

1. What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning? --

The requested conversion from the Future Land Use Map into the Zoning Map is based upon the meeting held in 2016 and 2017 and the desire to open up the County residential and industrial locations.

2. What, if any, error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned change in zoning?----

There were no errors in judgement when the 2007 zoning map was approved. Time and moving forward with the desires of the county constituents to change is driving the request.

3. What are the precedents and the possible effects of precedent which might result from the approval or denial of the petition? ----

None, the Future Land Use Map has been available for comment for over three years. Property owners are interested in the flexibility associated with the adoption.

4. What is the impact of the amendment on the ability of the County and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved? ---

None, the negligible increase in new residents and industrial construction should not overload the current assets regarding public service of Law Enforcement, Fire, EMS and maintenance of Roads.

5. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property? ---

The capability of creating 5 Acres residential lots and greater locations for industrial and commercial enterprises should not decrease any values.

6. Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:

- a. Surface water drainage problems
- b. Waste water disposal problems
- c. Adverse effect on surface or subsurface water quality
- d. The loss of valuable natural resources such as forest, wetland, historic or scenic sites, wildlife, mineral deposits, or valuable agricultural land?

None.

7. Does the petitioned zoning change generally comply with the policies and uses proposed for the area in the adopted Comprehensive Plan of Keweenaw County? If not, and if the proposed zoning change is reasonable, in light of all other relevant factors, then the Plan should be amended before the requested zoning amendment is approved. ---

Yes, the Future Land Use Map was/is based upon the Master Plan.

8. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area. ----

Yes,

9. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land. ---

Yes

10. If a specific property is involved, can the property in question be put to a reasonable economic use in the zoning district in which it is presently located (after considering all of the uses permitted by right, by special permit or as conditional uses)? ---

The is not a request for a specific property.

11. Is another procedure, such as a Variance, Special Land Use or Planned Unit Development procedure a more appropriate alternative than a rezoning? ---

Yes, individuals could apply for a zoning change to their property as long as it is in conformance with the Land Use Map. Each application would require a fee to be paid and an individual public hearing to be held.

SUMMARY

Currently individuals can apply for a zoning change to their property as long as it is in conformance with the Land Use Map. Each application would require a fee to be paid and an individual public hearing to be held. If the Future Land Use map, in it's entirety, is converted to the new zoning map, with an effective date of January 1st it would be a service to the property owners of Keweenaw County.

Ann Gasperich

From: Joe Miller <joe@ftet.com>
Sent: Tuesday, October 27, 2020 9:16 AM
To: Ann Gasperich
Subject: RE: Reminder -- Future Land Use Map Conversion Public Hearing 4:00 PM Today.

Thank you, Ann!

I don't have any particular comments for the meeting, but, may still try and listen in via zoom if my schedule allows.

Zoning is, by nature, restrictive - and thus inhibits development. So zoning should be coherent enough to ensure new development meets the vision of the county, but not so restrictive that there cannot be any economic expansion. Properly (in my mind) updating the zoning for Mt Horace Greely is a good step; it eliminates one of the (many) hurdles there are in making that little sliver of the county an asset rather than a liability.

Much obliged,

Joe

(as a property owner and resident, but in no official capacity)

--

Joe Miller, Ph.D., P.E., P.Eng.
FIRE TOWER ENGINEERED TIMBER
401.654.4600 906.379.0520

From: Ann Gasperich <Codes@keweenawcountymi.gov>
Sent: Tuesday, October 27, 2020 8:56 AM
To: Paul M. Moyryla <PMoyryla@snb-t.com>; david moyryla <davidmoyryla@gmail.com>; Anderson, Trina (Trina.Anderson@afmforest.com) <Trina.Anderson@afmforest.com>; Joe Miller <joe@ftet.com>; Lonie <lonieg2@yahoo.com>; Gina Nicholas (wildlandco@gmail.com) <wildlandco@gmail.com>; jeff@kedabiz.com
Subject: Reminder -- Future Land Use Map Conversion Public Hearing 4:00 PM Today.

Hello all,

Here is the agenda and the zoom instructions for the meeting and public hearing for the Planning Commission today at 4:00 PM.

This is the public hearing to take comment on the transition of the Future Land Use Map to the Zoning Map.

Since the eight public meeting at the Township level and the two public hearing at the County Level, the only change made to the Future Land Use Map since it was adopted was to change the Zoning of Mt. Horace Greeley from and erroneous zoning of Planned Development District, to Resort Service.

No other changes have been made to the Future Land Use Map since it was approved.

Here are some excerpts from the Staff Report:

In 2016 & 2017 over 8 public meetings and two public hearings were held to discuss the future land use of Keweenaw County. The recommendations were incorporated into the future land use map at that time. The public hearings were held at the Planning Commission Level as well as at the Board of Commissioners level. Both Commissions approved the Future Land Use Map.

Some of the changes to the map at that time were, changing from extraction district to manufacturing, creating a 660' strip of country estate along the Lac La Belle Road from US 41 down to the Ski Hill, also along the Mohawk Gay Road, and the Gay to Lake Linden Road, allowing for 5 acre developments. A similar strip was created along Cliff Drive as Agriculture, for the same reason. During the meetings held in Sherman Township, residents wanted Fifth Street to be the same zoning as in town, R-1. Copper Harbor requested the entire harbor be zoned the same. It is now all set as RS 1. The other change is the conversion of 'current' Exempt parcel to CEP.

Currently individuals can apply for a zoning change to their property as long as it is in conformance with the Land Use Map. Each application would require a fee to be paid and an individual public hearing to be held. If the Future Land Use map, in its entirety, is converted to the new zoning map, with an effective date of January 1st it would be a service to the property owners of Keweenaw County.

Ann Gasperich
codes@keweenawcountymi.gov
906-337-3471
Keweenaw County
Zoning, Codes, 911
Budget and Equalization
5095 4th Street
Eagle River Michigan 49950



www.keweenawcountyonline.org

Confidentiality: The information contained in this electronic mail message and any attachments is intended only for the use of the individual or entity to which it is addressed and may contain legally privileged, confidential information or work product. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution, or forwarding of this E-mail message is strictly prohibited. If you have received this message in error, please notify me by E-mail reply, and delete the original message from your system.

Ann Gasperich

From: Anderson, Trina <Trina.Anderson@afmforest.com>
Sent: Tuesday, October 27, 2020 10:48 AM
To: Ann Gasperich
Subject: RE: Reminder -- Future Land Use Map Conversion Public Hearing 4:00 PM Today.
Attachments: Field_Map-10.27.20.pdf; OHM Sketch and Description REVISED 10.28.11.pdf

Hi Ann,

I'm not going to be able to make the Zoom call, but I wanted to let you know that we don't see anything on the land use map that we oppose. Looks fine to us.

As far as Lonie is concerned, I went through his lease descriptions and the only thing that I see that is currently RR-B and appears that it will be staying RR-B are the two small parcels he leases in Section 33 (I forgot about them since they're small parcels interwoven with his outright ownership). I'm sure he's also concerned about the property that he actually owns in the same section that surrounds these parcels, but I have no control over that. I've attached our ownership map with them circled in pink. I'm also attached the OHM survey that shows them (see parcels B & C) and their legal descriptions.

Trina L. Anderson
Real Estate Broker

AFM Real Estate
WE'RE IN THIS TOGETHER®
850 W Sharon Ave, Suite 2
Houghton, MI 49931
Direct: 906.523.2124
Mobile: 906.369.1493
afmrealestate.com

From: Ann Gasperich <Codes@keweenawcountymi.gov>
Sent: Tuesday, October 27, 2020 8:56 AM
To: Paul M. Moyryla <PMoyryla@snb-t.com>; david moyryla <davidmoyryla@gmail.com>; Anderson, Trina <Trina.Anderson@afmforest.com>; Joe Miller <joe@ftet.com>; Lonie <lonieg2@yahoo.com>; Gina Nicholas (wildlandco@gmail.com) <wildlandco@gmail.com>; jeff@kedabiz.com
Subject: Reminder -- Future Land Use Map Conversion Public Hearing 4:00 PM Today.

This email contains an attachment!Caution! Only open attachments from known senders - American Forest Management's Technical Support Team (704)-527-6780 Ext. 341

Hello all,

Here is the agenda and the zoom instructions for the meeting and public hearing for the Planning Commission today at 4:00 PM.

This is the public hearing to take comment on the transition of the Future Land Use Map to the Zoning Map.

Since the eight public meeting at the Township level and the two public hearing at the County Level, the only change

made to the Future Land Use Map since it was adopted was to change the Zoning of Mt. Horace Greeley from and erroneous zoning of Planned Development District, to Resort Service.

No other changes have been made to the Future Land Use Map since it was approved.

Here are some excerpts from the Staff Report:

In 2016 & 2017 over 8 public meetings and two public hearings were held to discuss the future land use of Keweenaw County. The recommendations were incorporated into the future land use map at that time. The public hearings were held at the Planning Commission Level as well as at the Board of Commissioners level. Both Commissions approved the Future Land Use Map.

Some of the changes to the map at that time were, changing from extraction district to manufacturing, creating a 660' strip of country estate along the Lac La Belle Road from US 41 down to the Ski Hill, also along the Mohawk Gay Road, and the Gay to Lake Linden Road, allowing for 5 acre developments. A similar strip was created along Cliff Drive as Agriculture, for the same reason. During the meetings held in Sherman Township, residents wanted Fifth Street to be the same zoning as in town, R-1. Copper Harbor requested the entire harbor be zoned the same. It is now all set as RS 1. The other change is the conversion of 'current' Exempt parcel to CEP.

Currently individuals can apply for a zoning change to their property as long as it is in conformance with the Land Use Map. Each application would require a fee to be paid and an individual public hearing to be held. If the Future Land Use map, in its entirety, is converted to the new zoning map, with an effective date of January 1st it would be a service to the property owners of Keweenaw County.

Ann Gasperich
codes@keweenawcountymi.gov
906-337-3471
Keweenaw County
Zoning, Codes, 911
Budget and Equalization
5095 4th Street
Eagle River Michigan 49950



www.keweenawcountyonline.org

Confidentiality: The information contained in this electronic mail message and any attachments is intended only for the use of the individual or entity to which it is addressed and may contain legally privileged, confidential information or work product. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution, or forwarding of this E-mail message is strictly prohibited. If you have received this message in error, please notify me by E-mail reply, and delete the original message from your system.

**Section 20.7 FINDINGS OF FACT REQUIRED
Future Land Use Map Conversion to New Zoning Map
October 27, 2020 4:00 PM**

The facts to be expressly considered by the Planning Commission shall include, but shall not be limited to the following:

- 1. What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning? --**

The requested conversion from the Future Land Use Map into the Zoning Map is based upon the meeting held in 2016 and 2017 and the desire to open up the County residential and industrial locations.

- 2. What, if any, error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned change in zoning?----**

There were no errors in judgement when the 2007 zoning map was approved. Time and moving forward with the desires of the county constituents to change is driving the request.

- 3. What are the precedents and the possible effects of precedent which might result from the approval or denial of the petition? ----**

None, the Future Land Use Map has been available for comment for over three years. Property owners are interested in the flexibility associated with the adoption.

- 4. What is the impact of the amendment on the ability of the County and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved? ---**

None, the negligible increase in new residents and industrial construction should not overload the current assets regarding public service of Law Enforcement, Fire, EMS and maintenance of Roads.

- 5. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property? ---**

The capability of creating 5 Acres residential lots and greater locations for industrial and commercial enterprises should not decrease any values.

- 6. Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:**

- a. Surface water drainage problems
- b. Waste water disposal problems
- c. Adverse effect on surface or subsurface water quality
- d. The loss of valuable natural resources such as forest, wetland, historic or scenic sites, wildlife, mineral deposits, or valuable agricultural land?

None.

7. Does the petitioned zoning change generally comply with the policies and uses proposed for the area in the adopted Comprehensive Plan of Keweenaw County? If not, and if the proposed zoning change is reasonable, in light of all other relevant factors, then the Plan should be amended before the requested zoning amendment is approved. ---

Yes, the Future Land Use Map was/is based upon the Master Plan.

8. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area. -----

Yes,

9. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land. ---

Yes

10. If a specific property is involved, can the property in question be put to a reasonable economic use in the zoning district in which it is presently located (after considering all of the uses permitted by right, by special permit or as conditional uses)? ---

The is not a request for a specific property.

11. Is another procedure, such as a Variance, Special Land Use or Planned Unit Development procedure a more appropriate alternative than a rezoning? ---

Yes, individuals could apply for a zoning change to their property as long as it is in conformance with the Land Use Map. Each application would require a fee to be paid and an individual public hearing to be held.