

PUBLIC HEARING
KEWEENAW COUNTY BOARD OF COMMISSIONERS
June 19, 2019

The Keweenaw County Board of Commissioners held a public hearing on the proposed increase of .0813 mills in the operating tax millage rate to be levied in 2019. Proposed additional millage will increase operating revenues from ad valorem property taxes by \$12,217 over such revenues generated by levies permitted without holding a public hearing. Piche opened the public hearing at 6:15 p.m. beginning with the pledge of allegiance. Gayk, Vivian, Rajala and Piche were present with DeMarois being absent. The Equalization Director was present to answer any questions. Motion by Rajala supported by Gayk and unanimously carried to close the public hearing at 6:20 p.m.

OFFICIAL PROCEEDINGS
KEWEENAW COUNTY BOARD OF COMMISSIONERS
June 19, 2019

The regular monthly meeting of the Keweenaw County Board of Commissioners was held on June 19, 2019, 6:30 p.m. at the Courthouse, Eagle River, MI.

Commissioners present: Bob DeMarois, Sandy Gayk, Jim Vivian, Del Rajala, Don Piche.

Motion by Gayk supported by Rajala and unanimously carried to approve the agenda with the following additions under New Business: i) Construction Codes Board of Appeals j) Fire Tournament ad request.

Motion by Vivian supported by DeMarois and unanimously carried to approve the minutes from the May 15, 2019 regular monthly meeting as written.

The Treasurer, Sheriff, and Mine Inspector reports were received.

Charlie Hopper was present to ask for a letter of support as Pasty.net applies for grants. Pasty has been present in the County since 2004 and has demonstrated commitment to the local community. These grants will help with upgrading equipment which will increase speed for the area.

Time was allowed for public comment.

Motion by Vivian supported by Gayk to pay the approved and audited bills in the following amounts: General Fund=\$196,374.08 Construction Codes=\$3,854.11 911 Fund=\$10,281.84 Child Care Fund=\$532.00 Law Library=\$396.60 Houghton County Medical Care Fund=\$1,751.40 Veterans Affairs=\$189.04 Board polled. Ayes: DeMarois, Gayk, Vivian, Rajala, Piche. Nays: None. Motion carried.

Motion by Vivian supported by Rajala and unanimously carried to approve the Amended License Agreement with Pasty.Net, Inc effective April 1, 2019 which removed the language for the Keweenaw Mountain Lodge since it was sold last fall.

Motion by Gayk supported by DeMarois and unanimously carried to have Steve Fitzgerald from Shorewaves either sign the original contract or remove the Shorewaves equipment from the infrastructure at Mount Horace Greeley in two weeks. The county attorney will send a certified letter stating the above.

Motion by Vivian supported by Gayk and unanimously carried to adopt the levies as presented in the public hearing, therefore increasing the tax millage rate by .0813 for 2019, providing additional operating revenue from ad valorem property taxes by \$12,217.

Motion by Gayk supported by DeMarois and unanimously carried to approve the following zoning amendments as recommended by the Planning Commission and to be effective beginning on July 1, 2019:
The following proposed changes are detailed below: 7.9.5.A.5 addition of Sauna; 7.13 exception to special use permit; 7.29 Private Road Development; and 16.5.A.5.b Permitted signs.

On 9/25/18 the Planning Commission recommended the following Change:

Table 7-1
Accessory Structure Requirements

NOTES:

- a. Accessory structures shall comply with all setbacks from the ordinary high-water mark of a lake, river or stream that apply to primary structures. **Except as stated in 7.9.3.A.5**

On 9/25/18 the Planning Commission recommended the following Change:

7.9.3 Other Accessory Structure Yard Exceptions:

- A. The yard requirements of this Ordinance may be waived for the following accessory structures:

5. Sauna, one sauna, less than 200 square feet will be allowed in the waterfront yard of an inland waterway, not Lake Superior, complying with the following setbacks: 35' to the Ordinary High-Water Mark, 5' to the side lot line and 12' high to the roof line mid-point. No toilet facilities are allowed without health department approval for safe handling of sewage.

On 9/25/18 the Planning Commission recommended the following Change:

Section 7.13 Recreational Vehicles

On Parcels over ten (10) acres or larger in Residential, Agriculture, Extraction and Timber Resource Districts, a recreational vehicle may remain without a special use permit.

On 3/26/19 the Planning Commission recommended the following Change:

Section 7.29 PRIVATE ROAD DEVELOPMENT

7.29.1 Intent: The purpose of this Section is to provide for the general location, character, and extent of private roads in Keweenaw County. Lot orientation and other development circumstances also are regulated herein. The private road development Section is hereby established to provide for the proper development and utilization of land abutting private roads while at the same time making proper provision for the present and future health, safety and welfare of the people of the community. It is the intent that all new road sub-bases be designed, constructed and maintained to withstand usage by utility, service and emergency vehicles.

7.29.2 Uses Regulated: Except as provided below, any development resulting in commercial use or the use by two or more lots, dwellings, parcels or site condominium units of a roadway other than a public road for direct access must be reviewed and the private road approved before any Zoning Permits are issued. In the case of a private road that is part of a development requiring site plan review, the private road may be approved as part of the site plan review process. In those cases, the Site Plan Review Committee may require the same information as in this Article for private road approval and shall use the same standards for approval as contained in this Article. Nothing in this section shall be interpreted to allow residential development that requires platting under the Land Division Act, as amended to occur without first obtaining approval as a platted subdivision. Direct access into only one lot/parcel is not considered a private road for the purposes of this Ordinance and does not require a private road permit unless it is for a commercial use. Shared driveways serving more than one lot shall be considered as private roads in this Ordinance except as provided for in any other applicable areas of this Ordinance. Building setbacks shall be measured from the outside edge or boundary of the private road right-of-way easement.

A. Private roads in place at the effective date of this Ordinance which adds this Section are exempt from the provisions of this Section 7.29.

B. Undeveloped lots (parcels) on existing private roads in place at the effective date of this Ordinance which amends this Section 7.29 retain the right to build as allowed in the applicable District and may be issued Zoning Permits based upon being on an existing private road as is, providing the other requirements are met for the Zoning Permit.

7.29.3 Preliminary Conference with Zoning Administrator: The Applicant shall contact the Zoning Administrator to request a preliminary conference prior to any financial investment in the proposed land division or development, to ensure it will be compatible with all Keweenaw County ordinances. There is no extra fee for the preliminary conference.

7.29.4 Application for Private Road Development Permit:

A. Following a preliminary conference with the Zoning Administrator, if the applicant wishes to proceed, the applicant must file an application for a Private Road Development Permit with the Zoning Administrator and pay the required filing fee.

B. The applicant must provide proof of ownership or written consent of the property owner(s) to make the application, along with the address of the applicant and owner(s) (if different).

7.29.5 Site Plan Submittal Requirements:

A. The information in B. below shall be on or accompany a site plan depicting the proposed private road unless waived by the Zoning Administrator.

B. Enough copies of a site plan in a scale of at least 1" = 100' must be provided to the Zoning Administrator at least forty-five (45) days prior to a Planning Commission meeting. The site plan shall include the following:

1. A sketch showing the general relationship of the proposed property division to the surrounding area within one-half (1/2) mile in a scale of not less than 1" = 200'.
2. Property lines of existing or proposed parcels to be served by the private road, property lines of adjacent tracts of subdivided and un-subdivided land, shown in relation to the proposed property division (if any), including those areas across abutting roads.
3. Locations, widths, and names of existing or prior easements of record, public and/or private.
4. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the property.
5. Existing and proposed drainage patterns and any proposed retention ponds.
6. For parcels over twenty (20) acres in size, the site plan shall show the topography drawn as contours with the interval available on the U.S. Geological Survey map of the area where the property is located.
7. The location of significant natural features such as natural water courses, bodies of water, wetlands, and slopes over twelve (12) percent.
8. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision for dedicated open space easements, or easements for future utilities, if any.
9. Future divisions, if any.
10. Layout of the proposed private road, indicating right-of-way widths, surface width, grades, connections to other private roads or public streets.

C. Proposed private road easement notice and proposed private road notice agreement signed by the applicant/owner(s) to be recorded with the Keweenaw County Register of Deeds providing at a minimum:

1. Easements included:
 - a. To the public for purposes of emergency and other public vehicles for whatever public services are necessary.
 - b. For a permanent roadway easement width of 66 feet.
 - c. For installation and maintenance of public utilities.
2. Notices included:
 - a. A notice that no public funds of Keweenaw County are to be used to build, repair, or maintain the private road.
 - b. A notice that no public entity or any government unit is responsible for or liable in any way for any necessary upkeep, maintenance or upgrade of a private road needed to provide for service and/or emergency vehicle access to any of the lots, structures, or users/occupiers of the properties served by them.”

7.29.6 Standards for Approval: The following criteria represent minimum standards for approval of private road permits and of private roads.

- A. The Zoning Administrator shall approve the road permit when the Zoning Administrator determines that the following standards have been met or will be met as a part of the completion of the road as is appropriate:
 1. That the Site Plan Submittal Requirements have been met, and
 2. The other requirements of Section 7.29 have been satisfactorily completed and/or complied with, and
 3. Meets all other permitting requirements as prescribed by Local, State and Federal law, and
 4. Any other applicable conditions and/or requirements of this Ordinance have been met.
- B. The Zoning Administrator shall approve the completed road when the Zoning Administrator determines that the requirements of this Section 7.29 have been met or completed and/or complied with as is appropriate, including:
 1. A signed statement by a Michigan registered civil engineer shall be provided by the applicant stating that the proposed private road location and the requirements of this Section 7.29 including Table 7-2 have been met, including if applicable any necessary upgrade of any other existing private road necessary to meet the requirements under 7.29.2-B. above. and
 2. A site visit by the Zoning Administrator to confirm that the roadway is in place in the location agreed upon and the work on it appears substantially completed.

Table 7-2

# of Lots Served	Roadway Width or Easement Width	Width of Improved Road Surface	Surface Type	Bump Out or Turnaround	Ditch/Utilities Minimum Side Slope	Max Grade
2-15	66 ft.	18 ft. with 2 ft shoulders on each side	6" gravel/clay mix over 6" granular material	Cul-de-sac min. 120 ft. radius with 12 ft. one-way traveled surface, OR Hammer-Head T, 198 ft. by 66 ft. ROW with 18 ft. of road surface back-in/turn around	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	6% up to 10% with approval of Fire Chief
>15 as well as any commercial operation or development	66 ft.	20 ft. with 5 ft. shoulders on each side	2" Bituminous over 5" aggregate over 12" class II sub-base	Cul-de-sac min. 120 ft. radius with 12 ft. one-way traveled surface, OR Hammer-Head T, 198 ft. by 66 ft. ROW with 20 ft. of road surface back-in/turn around	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	6% up to 10% with approval of Fire Chief

*Note: The standards in Table 7-2 may not meet Keweenaw County Road Commission Standards

7.29.7 Issuance of Permit for Structures Served by Private Roads:

- A. No Building Permit or Occupancy Permit shall be issued for a structure or use provided access by a new private road until such private road is approved pursuant to the requirements of Section 7.29
- B. No private road shall be constructed until the Zoning Administrator has issued a Private Road Construction Permit and a Soil Erosion and Sedimentation Control Permit has been issued by the Soil Erosion and Sedimentation Control officer, when applicable.

7.29.8 Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Zoning Administrator within one (1) year from the date of approval shall void the approval and a new site plan shall be required subject to any changes made herein or subject to any changes made by the County Road Commission, Planning Commission or County Board in its standards and specifications for road construction and development.

7.29.9 Notice of Easements: *All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following: "This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only."*

On 9/25/18 the Planning Commission recommended the following Change:

Section 16.5 SIGNS AUTHORIZED WITH A PERMIT

16.5.A.5 Permitted Signs in CE, R-1, R-2, RR, and PD Districts.

b. Non-dwelling use signs. A non-dwelling use in a residential area, such as a school, a religious facility, an institutional use, a club house, etc., is permitted to have one ground sign and one wall sign, neither of which shall exceed twenty (20) square feet in area. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the building line. The height of a ground sign may not exceed eight (8) feet above uniform finished grade, unless the placement of the sign is below the grade of the road from which access is taken, in which case it shall not be more than eight (8) feet above the grade of the road ***in R-1 and Mobile Home Parks, and fifteen (15) feet in other permitted districts/developments.***

Motion by Rajala supported by Gayk and unanimously carried to approve change order #1 for the Courthouse/Sheriff's Office Electrical Upgrade project. The change order amount is \$6,014.00 for an updated automatic transfer switch and associated conduits/conductors.

Public input was sought for the application for a grant from the USDA Rural Development for a sheriff patrol vehicle. One resident stood up and supported the county applying for a grant to assist in funding a sheriff vehicle. There was no other public comment.

Motion by DeMarois supported by Gayk and unanimously carried to create a fund where donations to the Kermit's Keweenaw Kids will be held. This fund will be 296-Kermit's Fund and will be a restricted fund.

Motion by Gayk supported by Rajala and unanimously carried to charge permit penalties to anyone who does not apply for required permits through the Construction Codes Department. The charges will be 50% of the permit costs and anyone in violation will be charged effective July 1, 2019. An ad will be put in the paper stating this.

Motion by Rajala supported by Gayk and unanimously carried to send a letter of support on behalf of Pasty.Net regarding the grants that they are seeking.

GIS mapping and data will have more information coming soon. The Equalization Department is gathering information and will come back to the Board when complete.

Motion by DeMarois supported by Gayk and unanimously carried to appoint the following individuals to the Keweenaw County Construction Board of Appeals for a two-year term ending 12/31/2020: Harry Hermann, Greg Kingstrom, and John Cima.

Motion by Vivian supported by Rajala and unanimously carried to purchase an ad in the Copper Country Firemen's Tournament booklet in the amount of \$50.

Time was allowed for public comment.

There being no further business, motion by Rajala to adjourn at 7:29 p.m. Meeting adjourned.

Donald Piche, Chairman

Julie A. Carlson, Clerk