

Keweenaw County Planning Commission
Public Hearing and Regular Meeting
August 25, 2020

Keweenaw County Courthouse 4:00 PM

Roll Call: John Parsons, Member Steve Siira, Member
 Barry Koljonen, Member Dan Steck, Member
 Jim LaMotte, Absent
 Jim Vivian, Commissioner Sandra Gayk, Commissioner, absent
 Ann Gasperich, Administrator

The 5 Member quorum is present, and the meeting was appropriately posted.

The Pledge of Allegiance was recited.

Open Public Hearing to take comment on the change as requested by Keweenaw County to the Future Land Use Map to reflect RS-2 for Mt Horace Greeley.

The County Attorney presented the application to rezone from PDD to RS-2. He reviewed the Future Land Use Map, gave a brief history of the facility as well as the status of the ownership and restrictions of the parcels in question. He spoke to the uses by right in RS-2 and stated most likely the next occupants will present a Planned Development District application.

The Findings of Facts were discussed, a review was conducted of each item and will be included in the minutes.

There being no other public comments, at 4:39. **M/S John/Steve** to close the public hearing, passed.

M/S Barry/Steve to approve the agenda, passed.

M/S Barry/Steve to approve minutes of the Regular Meeting on July 28, 2020. Passed.

Guests: Don Piche, Bill Eddy, Garret Hartwig and Dale Sulak.

Public Comment -- None

Communications – Chickens in Mohawk, see administrators report

New Business

Findings of Fact regarding Future Land Use Map Change for Mt. Horace Greeley

Section 20.7 FINDINGS OF FACT REQUIRED
Future Land Use Change Request Mt. Horace Greeley
August 25, 2020 4:00 PM

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

The requested zoning change does not relate to changed property conditions.

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

The property in question is designated as Parcels A-100-2 and A-100-3 in the pending application. (These parcels are adjacent to the former Calumet Air Force Station and are commonly referred to as the "middle and lower housing areas.") Parcels A-100-2 and A-100-3 are currently shown on the Keweenaw County zoning map as Planned Development District; however, this is an error requiring correction.

Section 4.3.15 of the Zoning Ordinance defines a Planned Development as "a form of overlay district intended to provide a single uniform procedure for total review of a proposed development, both design and use." "The procedure enables the County Planning Commission to review the initial concept of a planned development and to exercise greater final control over the approved development than is possible through pre-regulated zoning districts."

The procedures for approval of a planned development as an overlay district are set forth in Article XII of the Zoning Ordinance. Article XII does not allow parcels to be zoned Planned Development District unless and until a planned Unit development has been reviewed and approved. "*Property subject to an approved PUD shall be labeled PDD on the zoning map,*" not before. No Planned Development has been approved; therefore, Parcels A-100-2 and A-100-3 need to be re-zoned to a pre-regulated zoning district pending receipt of a future application for a planned development.

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

Parcels A-100-2 and A-100-3 are the only parcels shown on the Zoning Map as "Planned Development District;" therefore, approval of the application is unlikely to have any precedential value. Denial of the application, on the other hand, might lead other property owners to seek re-zoning to "Planned Development" ahead of submitting applications under Article XII of the Zoning Ordinance, contrary to the intent of the Zoning Ordinance.

- 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?**

No financial burden to the County is expected to arise from providing utilities. UPPCO currently has a power line running to the adjacent Calumet Air Force Station and will need to bear any cost associated with re-establishing electrical service to Parcels A-100-2 and A-100-3 .

The County previously provided potable water to Parcels A-100-2 and A-100-3 from wells it controls via easements near Gratiot Lake, and the County provided sewer service to Parcels A-100-2 and A-100-3 via the nearby sewage facility referred to in the Zoning Administrator's staff report.

In all likelihood, the well easements will either be transferred to a new owner of the parcels when the parcels are sold and/or the new owner of the parcels will seek a new off-site source of potable water. Further, in all likelihood, a new owner of the property will either seek to purchase the sewage facility, seek a long-term arrangement with the County for use of the sewage facility and/or explore the possibility of using an existing unused septic field in place on the adjacent Calumet Air Force Station.

The only foreseeable expense to the County may arise from an increased need for law enforcement after the parcels are re-developed. However, any increase is conjectural. The need for law enforcement may actually decrease somewhat when the property is occupied. At the present time, the unused nature of the property is encouraging trespassing and vandalism – to which law enforcement needs to respond.

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

The zoning change is requested in anticipation of sale of Parcels A-100-2 and A-100-3 and CAFS for future re-development. Future re-development of the site is likely to improve the environmental conditions and value of surrounding property. Re-development will need to take place in accordance with the existing deed restrictions and modern building standards. Elimination and/or rehabilitation of the current dilapidated and vandalized structures that exist at the location can only benefit the value of surrounding property.

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

Re-zoning will not cause surface water drainage problems. While future building at the site might cause water drainage problems, that is an issue that can be addressed through the permitting process.

b. Waste water disposal problems

The wastewater issue will likely be handled by the County's nearby sewage facility or the septic field in existence at the Calumet Air Force Station, as discussed in response to Item No. 4.

c. Adverse effect on surface or subsurface water quality

There is no known surface water on Parcels A-100-2 and A-100-3.

Parcels A-100-2 and A-100-3 are subject to a deed restriction that restricts the use of ground water due to contamination caused by the Air Force. There are no current plans to remove this restriction. Additional contamination should be barred through the permitting process. As indicated in Item No. 4, potable water will likely be provided from the wells near Gratiot Lake or by a new off-site source.

d. The loss of valuable natural resources such as forest, wetland, historic or scenic sites, wildlife, mineral deposits, or valuable agricultural land?

Parcels A-100-2 and A-100-3 are previously-developed parcels and not reasonably characterized as forest, wetlands, historic, scenic or agricultural. Whether there are mineral deposits below the parcels is unknown. While wildlife may enter or traverse the parcels, the parcels are not beneficial wildlife habitat.

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.

On Page 80 of the County's "Blue Print for Tomorrow," it states that Mount Horace Greely should be re-developed "for manufacturing, research, tourism, housing, retirement community or a possible wind farm." The requested re-zoning is consistent with re-development for tourism, housing, and research. It is also consistent with wind energy conservation systems as long as the towers are below 80' in height. It is not consistent with manufacturing; however, the Blue Print does not require that all uses be present, and there are no zoning classifications that would accommodate all uses listed in the Blue Print.

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

The requested RS-2 zoning is compatible with the historic uses of the adjacent Calumet Air Force Station. And as indicated in the Zoning Administrator's staff report, the requested RS-2 zoning is likely to be compatible with future uses of the Calumet Air Force Station, as a similar re-zoning request is being made to Eagle Harbor Township, where CAFS is located.

While the proposed RS-2 zoning is dissimilar to the zoning of other conservation, forestry, and agricultural uses in the surrounding area, it is still compatible in the sense that those areas have co-existed with Parcels A-100-2 and A-100-3 and the adjacent Calumet Air Force Station for decades, and re-development of the parcels in accordance with RS-2 zoning – or pursuant to a future Planned Development – will make the use of the property more compatible with surrounding uses than it is presently.

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.

There are no permitted or special uses allowed under the current zoning of the land as it is improperly shown on the Zoning Map as a Planned Development District. RS-2 is considered the most appropriate pre-regulated district given the nature and location of the property.

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)?

Same response as Item No. 9.

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

Variance and special use are not applicable for the reasons given in response to item No. 9. The Planned Unit Development procedure is not available because there is currently no valid underlying district to overlay and because there is no current planned development being proposed.

Some of the Findings of Fact may not be considered to apply in the instance due to the request being related to a prior misclassification.

Section.18.17 Public Hearings

General Procedures and Findings at Public Hearing.

1. Were the proper time limits followed as established in the Ordinance?
 - a. Notification to the Township on July 30, 2020;
 - b. Notification to the property owners within 300' on July 30, 2020;
 - c. Post notice at Courthouse on July 30,2020; and
 - d. Notification of Public Hearing in newspaper on August 10, 2020.
 - e. Public Hearing Held August 25, 2020
 - f. Forwarded to the County Board of Commissioners for Sept 16, 2020

2. Decision
 - a. Has the appropriate summary of information relevant been presented?
 - i. The Public Hearing was held and comments were received.
 - ii. The application from the County has been presented.
 - iii. The staff report has been presented.

 - b. Is a summary of all documentary evidence submitted into the record?
 - i. Yes

 - c. What findings were applied with respect to the relevant review standards?
 - i. Following Article XX Amendments 20.4, The findings of fact were discussed and recommended, see within.

 - d. **A Motion by Barry with a Second from Steve to**
 - i. Recommend to approve the request for change of the Future Land Use Map, PID's 42-402-31-303-004 & 42-402-31-303-003, from PUD to Resort Service -2, and forward to the County Board of Commissioners.

 - ii. **Vote Called**

John Parsons, YEA

Barry Koljonen, YEA

Jim LaMotte, Absent

Jim Vivian, Commissioner Abstain

Steve Siira, Member YEA

Dan Steck, Member YEA

Sandra Gayk, Commissioner Absent

Motion passed with a majority vote of the members of the Planning Commission.

18.18 A decision is final upon the approval of the minutes of the body conducting the hearing at the next regularly scheduled meeting or at a special meeting of the decision-making body and as signified by the signature of the chairperson.

Minutes approved _____

John Parsons
Chairman, Planning Commission

Unfinished Business

Disposition of Committee meetings, per the County Board of Commissioners, meetings as required can be called.

Report from the ZBA – Steve presented a synopsis of the McKenzie ZBA Hearing.

d

The Zoning Administrator's Report was given.

Final Public Comments – Garret asked the Findings of fact be included with the minutes.

Commission Final Comments -- none

Next Meeting September 29, 2020 4:00 PM

M/S John/Barry to Adjourn at 4:52.