

Keweenaw County Planning Commission  
Regular Meeting & Public Hearing  
Minutes –January 27, 2015

Chairman Soper called the meeting to order at 6:00 PM and welcomed the guests.

Roll Call:	Jon Soper, Chairman	John Parsons, Vice Chair
	Jim Huovinen, absent	Tom Hall, member
	Ray Chase, Commissioner	Ned Huwatschek, member
	Richard Schaefer, member	Steve Siira, member
		Ann Gasperich ZA

Members excused – Jim Huovinen

The Pledge of Allegiance was recited

M/S Ray/Tom to approve the agenda, passed

M/S John/Ned to approve the minutes of January 8, 2015, passed

Guests that signed in: Peg Kauppi, Don Kauppi, Alex Protzel, Phoebe Wienki, Sam Raymond, Miranda Davis, Johanna Davis, Robert (Art) Davis, Bill Eddy, Betty Kilpela and Don Kilpela Sr.

The Chairman opened the Public Hearing to discuss the Amendments to be presented to the Board of Commissioners for approval on February 18, 2015.

- Amendment 1: Proposed wording for Section 9.2, Subsection C

Wording for Section 9.2, Subsection C

*Provided that adequate potable water and proper and safe septic or sewage disposal can be provided, as determined by the District Health Department, the Zoning Administrator shall permit single lots of record or combinations of single lots of record (those in subsection B above) that are nonconforming because they are substandard in area, width, or depth to be built on without variances provided the width, depth and area is no less than the seventy-five percent (75%) of that required by the terms of this ordinance. Further, the Zoning Administrator shall be authorized to allow setbacks for front, rear and side yards with are compatible with those of neighboring/adjacent structures provided that no front/rear yard be less than ten (10) feet, no side yards be less than 7.5 feet and no waterfront setback be less than twenty (20) feet.*

*Change Table 5-3, page 5-7 so that setbacks for conforming lots in RS-1 match those stated for non-conforming lots in Section 9.2, subsection C*

*Add footnote (e) to Table 5-3, page 5-7; (d) for non-conforming lots in RS-1 see section 9.2, subsection C for allowable setbacks*

January 8, 2015 M/S Ned/Jim to establish the setback from the water at twenty feet. A lengthy discussion regarding what should the correct distance from the water be took place. A roll call vote was taken. Jon no, Jim yes, Richard no, John yes, Tom yes, Ned yes, Steve yes, Ray abstain. Motion passed

- Amendment 2: Multiple Family Housing and Two Family Housing.

To recommend modifying the zoning ordinance to allow Multiple Family Housing in RS 1 and RS 2 by right with conditions (conditions as stated in Section 10) and Two-Family Housing in RS-1 and RS-2 by right.

No change on January 8, 2014

- Amendment 3: Road Right of Way Setbacks

January 8, 2014 M/S Jim/Steve to set the less than 35 mph setback from the row be lowered to ten feet. Ray abstained, motion passed.

To recommend modifying Table 5.1 to include the road designations and road right of way setbacks as listed in the Zoning Administrator's proposals.

County & State Primary	Setback 25' from the Right of way
Local Road with speed limit =>35	Setback 20'
Local Road with speed limit under 35 mph	Setback 10' from the Right of way

ROW's to be added as "note e" on Table 5-1, page 5-3 and "note g" on table 5-3 page 5-7..

- Amendment 4: One Driveway Per Parcel

January 9<sup>th</sup> M/S Jon/Tom to remove the number one from the paragraph. A driveway permit from the correct agency must be obtained prior to a zoning permit being issued. Ray abstained, motion passed. Section 7.26.3, page 7-16.

## Take Comments on the amendments

Person	Comment
Jon Soper	Opened the Public Hearing to discuss the amendments. We did make a couple of minor changes at the last meeting we had. Amendment 1 9.2c, having to do with non-conforming lots and the first couple of sentences, first 4 lines are directly out of the ordinance, <i>Provided that adequate potable water and proper and safe septic or sewage disposal can be provided, as determined by the District Health Department, the Zoning Administrator shall permit single lots of record or combinations of single lots of record (those in subsection B above) that are nonconforming because they are substandard in area, width, or depth to be built on without variances provided the width, depth and area is no less than the seventy-five percent (75%) of that required by the terms of this ordinance.</i> Further, the Zoning Administrator now this is added shall be authorized to allow setbacks for front, rear and side yards with are compatible with those of neighboring/adjacent structures provided that no front/rear yard be less than ten (10) feet, no side yards be less than 7.5 feet and no waterfront setback be less than twenty (20) feet.
Jon Soper	the couple of footnotes to tables <i>Change Table 5-3, page 5-7 so that setbacks for conforming lots in RS-1 match those stated for non-conforming lots in Section 9.2, subsection C</i> Conforming lots will have the same setbacks in RS1 <i>Add footnote (e) to Table 5-3, page 5-7; (d) for non-conforming lots in RS-1 see section 9.2, subsection C for allowable setbacks</i> That is amendment 1
Jon Soper	Amendment 2 -- has to do with multiple and two family housing -- there were no changes after the last public hearing. The conditions are already there in 10.12.25 - Multiple Family Housing in RS 1 and RS 2 by right with conditions (conditions as stated in Section 10) and Two-Family Housing in RS-1 and RS-2 by right.
Jon Soper	Amendment 3 County & State Primary Setback 25' from the Right of way, Local Road with speed limit =>35 Setback 20', Local Road with speed limit under 35 mph Setback 10' from the Right of way -- We did change the setback for speeds 35 and under to ten (10) feet. These will be added to the tables as notes on both 5-1 and 5-3. The setbacks will apply if you are in R, RR & RS.
Jon Soper	Amendment 4: One Driveway Per Parcel -- we removed the number one from the paragraph and added the sentence "A driveway permit from the correct agency must be obtained prior to a zoning permit being issued."
Jon Soper	Those are the four amendments, setbacks for conforming and non-conforming lots, multiple and two family house, right of way setbacks and the number of driveways per parcel. I would ask that if anyone wants to make any comments
Sam Raymond	I'd like to comment regarding amendment 3. Michigan Department of Transportation requirements end at the right of way. They have no authority outside of the right of way. That area is controlled by local government.
Jon Soper	Asked Sam to verify that MDOT has no authority outside of the right of way and the county has no authority within the right of way

\*\*Public Comments -- Please limit comments to 3 minutes. Total Public Comments not to exceed 30 minutes.

Sam Raymond Correct, anything outside of the row is the local government. I would like to request the PC to take a closer look. I'd like to propose the Planning Commission Board consider a twenty-five (25) foot setback for State and Local roads with a speed limit => 40 mph and reducing the set back to 20' even possibly 15 for =< 35 mph. That would allow the outlying areas of the County to still have the 25' setback. The business district in Copper Harbor is arguably unique.

Ann Gasperich Asked Sam to verify his request.

Jon Soper I understand your concern, cars moving, vehicles moving, another thing that is a concern, especially in the business area is parking, we need space for that. There are several reasons for the 25' setback. You made a comment which I find interesting that the 41 down through Copper Harbor is a business district.

Sam Raymond Arguably

Jon Soper What if we zone that business? And blocks 5,6,7 & 8 along the waterfront, we zone business.

Sam Raymond What would it entail? Before we make that decision.

Jon Soper We aren't going to make that decision tonight, but think about it

Art Davis Resort service is the combination of the two.

Jon Soper There are certain things you can do in a business district that you can't do in RS.

Sam Raymond Resort Service is a nice mixed use.

Art Davis We like our RS

Jon Soper OK, thank you Sam

Sam Raymond My thought is theoretically and anyone that wants to build they will need a building plan along with parking, showing the ROW setbacks, square feet. Also to with the waterfront and the buildings on the main street, that are not currently meeting the setbacks. Thank you

Alex Protzel Looking at these amendments 1, 2, 3 & 4, and it looks pretty good, we had discussed 15 feet and 20, a house here and a house here, I want to give my personally support that 20' is within the harmony and it is a good thing, Amendment 2 -- I haven't mentioned anything about multi and two family housing, I just want to enlighten the board there has been multi and two family housing in Copper Harbor for a very long time in three areas of Copper Harbor. When they changed the zoning in 2006 and said you couldn't do that in Copper Harbor, I believe this change is positive and in Harmony. It's nice to see there are conditions on it, as it should be. Amendment 3, I see where Sam is coming from; I actually feel that the speed limit that we have going through town on 41 & 26 at 35 mph should be 25. I know it isn't an issue for this board. If you drive through other communities in the up, the speed limit goes down to 25. We have issues with the highway not actually being in the center of the ROW, without developed sidewalks. Let's keep this on our minds about the ROWs in town. As is stands, amendment 3, I would encourage you guys to pass that one too. Amendment 4 -- I'm not to familiar with it. My final comment would be if there is anyone on the planning commission has unresolved questions, or who wouldn't be in support of any of these amendments, please ask me or anyone here. we live and work in town we own in town. You're looking at multiple generations in Copper Harbor. With all of these people here, it is almost half of the lots in RS1. We all have a detailed knowledge of the town, if there are any questions, please ask

Jon Soper Thanks you Alex. We appreciate your comments. It's good to hear we may be headed in the right direction. I'm sure that there are going to be things that we can come back to.

Don Kilpela Sr I hope you will indulge this old grandpa this statement. I've lived here half my life and am yet to address any one of our public boards. I take this as a momentous occasion.

Jon Soper We are honored

Don Kilpela Sr

I want to thank the board for what I thought was a remarkable compromise at the January 8th, 2015 meeting. I left before the final vote. I know like Solomon you need to come up with the right decision. From my estimation you did come up with a compromise and that is what this democracy is all about. I want to thank the board for that decision. I want to indulge your time for just a minute to put a little human face on this decision you made and be proud of the fact you took that chance. I address specifically a couple whom this decision effects, I happen to choose this one because she is my granddaughter and her husband, speaking of Art and Miranda Davis. Art is our fulltime EMT in the Harbor, he is also a volunteer fireman and serves as a trustee on the Grant township Board and the Copper Harbor Down Town Development Authority, raising two lovely children and involved in all the activities of the harbor. He is here to stay. He has lived a part of every year of his life in Copper Harbor. He will be carried out feet first, I'm just sure of it. He is married to my Granddaughter who is the president of the Grant Township School Board. She and Mary Fassen raised 150,000 for the copper harbor playground. The finest playground in the upper peninsula and maybe most of the lower peninsula. I got hurt doing that project and I am very proud of their work. She is active in every program in Copper Harbor. I mentioned this couple because this is the kind of people who live in Copper Harbor which your decision impacts. They are not here to ruin copper Harbor or to create a drastic change in the Character of Copper Harbor, they love it deeply, they are going to live here the rest of their lives as I am. We want to make it comfortable to live here, There need a little larger property to build a home to raise their children. They are willing to compromise and you were willing to make that compromise. They want to build a modest home to make this town their own. The people sitting in this room love Copper Harbor. I want to thank you from the bottom of my heart for making these amendments. Thank you -- A round of applause was given.

Ray Chase

Thank you for you kind words

Jon Soper

You're not really a grandpa are you

Don Kilpela Sr.

I forgot my hearing aides

Jon Soper

I appreciate your comments. Are there any other comments?

Ray Chase

Do we need to read the letters into the record and conduct the Findings of Fact?

Ann Gasperich

Read letters from the following people into the record: Tom Ala, Miranda & Art Davis, Jeffrey & Kathryn Ihde, Ben & Marsha Kilpela, Richard Jamsen, Grant Township and Phoebe Wienke

Jon Soper

Close the public hearing at 6:38

Jon Soper

## Business brought down from the Public Hearing Findings of fact – Page 20-2 Section 20.7

There are 10 things we are to review for each zoning change. Many are specific to map changes. We will go through them amendment by amendment. A change in zoning can occur if initiated by the Planning Commission, the Board of Commissioners or by petition by a property owner. Jon explained the types of changes and explained that all changes require a public hearing. I use the word petition as a request for a zoning change.

1. What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning?
  - a. Amendment 1: Setbacks for non-conforming lots and lots in RS1
  - b. Amendment 2: Multiple Family Housing and Two Family Housing.
  - c. Amendment 3: Road Right of Way Setbacks
  - d. Amendment 4: Number of Driveways Per Parcel

Planning Commission

DISCUSSION: the awareness level of the planning commission has increased since the original ordinance was adopted. Should that apply to all four amendments. If you were around to all the meetings, how many meetings did we have John? We were fortunate we didn't mess up on more things. another comment you could add...Copper Harbor did not do a formal petition, but they opened the door to fix it. The motivation came from Copper Harbor, not from us.

ANSWER FROM PLANNING COMMISSION: The residents of Copper Harbor increased the awareness of the Planning Commission to better understand the limitations of the current zoning ordinance and its impact.

2. What, if any, error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned change in zoning?
  - a. Amendment 1: setbacks for non-conforming lots and lots in RS1
  - b. Amendment 2: Multiple Family Housing and Two Family Housing.
  - c. Amendment 3: Road Right of Way Setbacks

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d. Amendment 4: Number of Driveways Per Parcel  
Planning Commission DISCUSSION: We didn't know there was an error. We, the Planning Commission, rushed past these old plats, we did make an attempt with the RS1 & RS2, that is why the conditions are different. We now have a better awareness of the needs and it past is being rectified.  
ANSWER FROM PLANNING COMMISSION: During the pressure of the significant amount of meeting that were held regarding accepting the zoning ordinance, there was a rush towards the end. We realize the need to make the changes and we are.

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

- a. Amendment 1: setbacks for non-conforming lots and lots in RS1
- b. Amendment 2: Multiple Family Housing and Two Family Housing.
- c. Amendment 3: Road Right of Way Setbacks
- d. Amendment 4: Number of Driveways Per Parcel

Planning Commission DISCUSSION: we do have other areas in the County that are RS 1 and this will apply to them as well. The Mendota Plat is the other RS1.  
ANSWER FROM PLANNING COMMISSION: All of RS1 will be affected, the two locations are the plats of Copper Harbor and Mendota.

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?

- a. Amendment 1: setbacks for non-conforming lots and lots in RS1
- b. Amendment 2: Multiple Family Housing and Two Family Housing.
- c. Amendment 3: Road Right of Way Setbacks
- d. Amendment 4: Number of Driveways Per Parcel

Planning Commission DISCUSSION: I don't think this affects public service. From Fire services, no impact  
ANSWER FROM PLANNING COMMISSION: There is no impact

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

- a. Amendment 1: setbacks for non-conforming lots and lots in RS1
- b. Amendment 2: Multiple Family Housing and Two Family Housing.
- c. Amendment 3: Road Right of Way Setbacks
- d. Amendment 4: Number of Driveways Per Parcel

Planning Commission DISCUSSION: it might increase the value, but not impacting the environmental conditions. Does it take the value down? There is no adverse effect. There really is no way to know the answer to that question until we do it?  
ANSWER FROM PLANNING COMMISSION:

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?

Planning Commission DISCUSSION: Not in the plat of Copper Harbor  
ANSWER FROM PLANNING COMMISSION: No Significant impact

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.

- a. Amendment 1: setbacks for non-conforming lots and lots in RS1

- b. Amendment 2: Multiple Family Housing and Two Family Housing.
- c. Amendment 3: Road Right of Way Setbacks
- d. Amendment 4: Number of Driveways Per Parcel

Planning Commission DISCUSSION: the comprehensive plan is what drives the ordinance. If we make a change in the map, we need to change the blueprint.

ANSWER FROM PLANNING COMMISSION: It does comply

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

- a. Amendment 1: setbacks for non-conforming lots and lots in RS1
- b. Amendment 2: Multiple Family Housing and Two Family Housing.
- c. Amendment 3: Road Right of Way Setbacks
- d. Amendment 4: Number of Driveways Per Parcel

Planning Commission DISCUSSION: we hope so, It also speaks to the multiple family housing -- I do not see where this is a problem

ANSWER FROM PLANNING COMMISSION: The amendments are all compatible.

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.

- a. Amendment 1: setbacks for non-conforming lots and lots in RS1
- b. Amendment 2: Multiple Family Housing and Two Family Housing.
- c. Amendment 3: Road Right of Way Setbacks
- d. Amendment 4: Number of Driveways Per Parcel

Planning Commission DISCUSSION: we have made an improvement, the answer is yes.

ANSWER FROM PLANNING COMMISSION: 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)?

- a. Amendment 1: setbacks for non-conforming lots and lots in RS1
- b. Amendment 2: Multiple Family Housing and Two Family Housing.
- c. Amendment 3: Road Right of Way Setbacks
- d. Amendment 4: Number of Driveways Per Parcel

Planning Commission DISCUSSION: does not apply

ANSWER FROM PLANNING COMMISSION: This question does not apply

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

- a. Amendment 1: setbacks for non-conforming lots and lots in RS1
- b. Amendment 2: Multiple Family Housing and Two Family Housing.
- c. Amendment 3: Road Right of Way Setbacks
- d. Amendment 4: Number of Driveways Per Parcel

Planning Commission DISCUSSION:

ANSWER FROM PLANNING COMMISSION: no

**A motion by Tom Hall seconded by Steve Siira to recommend to the Keweenaw County Board of Commissioners to approve the following text amendments to the Keweenaw County Zoning Ordinance and follow the correct procedures to execute compliance.**

- **Amendment 1: Setbacks for non-conforming lots and lots in RS1**  
To recommend to allow the Zoning Administrator shall be authorized to allow setbacks for front, rear and side yards which are compatible with those of neighboring/adjacent structures provided that no front/rear yard be less than ten (10) feet, no side yards be less than 7.5 feet and no waterfront setback be less than twenty (20) feet.
- **Amendment 2: Multiple Family Housing and Two Family Housing.**  
To recommend modifying the zoning ordinance to allow Multiple Family Housing in RS 1 and RS 2 by right with conditions (conditions as stated in Section 10.12.25) and Two-Family Housing in RS-1 and RS-2 by right.
- **Amendment 3: Road Right of Way Setbacks**  
To recommend modifying Table 5.1 to include the road designations and road right of way setbacks as follows:  

County & State Primary	Setback 25' from the Right of way
Local Road with speed limit =>35	Setback 20'
Local Road with speed limit under 35 mph	Setback 10' from the Right of way

 ROW's to be added as "note e" on Table 5-1, page 5-3 and "note g" on table 5-3 page 5-7.
- **Amendment 4: Number of Driveways Per Parcel**  
To recommend not limiting the numbers of driveways per parcel as long as the required driveway permits are obtained from the correct agency prior to a zoning permit being issued.

**Roll Call Vote:**

Roll Call: Jon Soper, yes	John Parsons, yes
Jim Huovinen, Absent	Tom Hall, yes
Ray Chase, Abstain	Ned Huwatschek, yes
Richard Schaefer, yes	Steve Siira, yes

**Motion Passed**

## New Business

M/S Chase/Parsons to retain Jon Soper as Chairman, passed

M/S Chase/Huwatschek to retain John Parsons as Vice-Chair, passed

M/S Chase/Huwatschek for Tom Hall to be the Planning Commission to the Zoning Board of Appeals, passed

## Unfinished Business

A short fiber status update was presented by Jon. The item will be on the agenda for the next meeting that Jim Huovinen will be in attendance. KEDA and the EDC really need to get behind the push. We will assist but the strength should come from Economic Development.

## Public Comment

Alex asked if anyone knew why for the last 9 weeks the Verizon Cell Phone Towers at Delaware and Lake Medora were only turned on for data.

Art asked Ray Chase if he knew of any reason the Board of Commissioners would not accept the recommendation of the Planning Commission for these four amendments.

Jon thanked Tom for taking the ZBA Liaison and the entire Planning Commission thanked Jon and John for accepting the Chair and Vice-Chair

Next Regular Meeting February 24, 2015 - 6:30 p.m.

Adjourn at 7:10