

REPUBLIC TOWNSHIP PLANNING COMMISSION MEETING  
7:00 P.M. Monday, September 19, 2011  
REPUBLIC TOWNSHIP HALL

- I. The meeting was called to order at 7:00 p.m. by Chairperson Dan Mitchell.
- II. Members Present: James Brennan, Tom Feldhusen, Terry Knapp, Chairperson Dan Mitchell and Tom Sandblom, and Al Pierce (Interim Zoning Administrator). Members Absent: Bill Bergin, Shannon Ambuehl.
- III. Approval of Agenda: It was moved by Jim Brennan and seconded by Tom Sandblom to approve the Agenda. The motion passed unanimously.
- IV. Approval of the August 15, 2011 Minutes: It was moved by Jim Brennan and seconded by Terry Knapp to approve the minutes of the August 15, 2011 Planning Commission meeting. The motion passed unanimously.
- V. Public Comment: Laura Katers Reilly, attorney representing Chief Lake Wilderness Youth Camp (CLWYC), spoke regarding the Conditional Use Permit approved for the camp. It is the position of the CLWYC that Approval Condition No. 1, "Limit camp development to original 13.5 acres as described in the application.", requires all camp buildings (cabins, dining/ kitchen facilities, offices, maintenance buildings, etc.) and parking lot to be constructed only within the defined 13.5 acre area. The remaining balance of the land owned by CLWYC in Government Lots 3 & 4 can be utilized for any of the Permitted Uses listed for the WR-1 Zoning District.
- VI. Committee Reports:
  - A) Zoning Ordinance Sub Committee: Jim Brennan reported "No Action".
  - B) Parks & Recreation: Jim Brennan reported that the raft is out of the water and undergoing repairs and improvements have and are being made to the playground equipment.
  - C) Community Services: Tom Feldhusen reported that Community Services recently held the first meeting of the year, performed some reorganization and began planning for a Christmas Party.
  - D) RM School: Tom Feldhusen indicated the school would be seeking a millage principally designed for upgrading the heating system. Based upon the extent of tax valuation in the school district of Kennecot Mining, it's anticipated that their bill effectively will be providing relief for average taxpayers. Johnson Controls will be the heating contractor and reportedly will commit in writing what anticipated savings for the school district are expected.
  - E) Zoning Ordinance Revision Update: Dan Mitchell reported that while this information was presented to the Township Board two meetings ago, there still has been no action on the material by the Board. The public hearing will need to be postponed and re-scheduled.
  - F) Zoning Districts Mapping: Dan Mitchell revealed that CUPPAD had some problems with the maps, but has resolved those issues and the maps are now set. He'll make arrangements to pick them up and feels they might eventually be posted on the Township's website.
- VII. Zoning Administrator's Report:
  - A) At the request of Chairperson Mitchell, discussion regarding CLWYC "Conditional Use Permit Clarification" request via email was initiated by Al Pierce, Interim Township Zoning Administrator. Al presented his logic in reducing the large volume of material presented to the eight ITEMS REVIEWED in the following report:

1. Conditional Use Permit Application dated 04-28-09 with attached six page Planning Commission Decision.

The attached Decision is referenced in the Meeting Minutes of July 20, 2009. Imposed Condition 1. states "The Conditional Use Permit is limited to the original 13.5 acres described in the request, as per the request". Four other conditions are listed.

2. Zoning Compliance Permit dated 08-20-09 with attached six page TriMedia Site Plan.

The detailed Site Plan shows only that portion of the site involved with the proposed buildings. The Northern portion of Government Lot 3 and all but the Northeast portion of Government Lot 4 are not shown at all in the Plan Set. Site Plans for Conditional Uses typically cover all of the site under consideration.

3. Conditional Use Permit Application dated 08-20-09 with the attached "Imposition of Conditions" signed by Steve Nesbitt on 10-08-10 indicating "attached conditions will be met as project proceeds to completion".

The format of the form and date are different than 1. above.

4. A nine page Presentation Outline for the Chief Lake Wilderness Youth Camp (CLWYC) with a fax date of 05-11-09.

Under *Fourth, fifth year and beyond*, page 4 states "Outreach and offsite programs to be developed for land usage by others in regards to habitat, agriculture, educational and research use. ... Users will use the land in exchange for funding the camp in regards to capital, sponsorship, instruction and material considerations." Under *For Profit Segment and Purpose*, page 5 states "Through the result of various land and structure acquisitions, it would be advantageous to rent or lease these on a limited basis for certain use not related to youth activities." Under *Venue Structures*, page 6 mentions Off Road Recreational Vehicle, i.e. ATV, Snowmobile. These items do not appear to be applicable to Permitted Uses in the WR-1 zoning district and may be best reviewed under a Conditional Use designation. The meeting minutes of July 20<sup>th</sup> do not reflect any consideration of these issues.

A discussion ensued regarding which Zoning Ordinance was being utilized (the prior ordinance in place at the time of the 07/20/09 hearing or the current ordinance) for Permitted/ Conditional Use evaluations. After comments by Commissioners regarding the first Land Division, the Conditional Use Public Hearings, the second (revised) Land Division, it was clarified that the current Ordinance, adopted 08/26/10, is being utilized and, in regards to the WR-1 District, is essentially identical with the prior ordinance.

5. A thirty page Business Operating Plan (BOP) with an Executive Summary and Appendix.

Under *3 Year Plan*, page 12 states "CLWYC has no intent or plan to expand upon, nor develop and beyond the 13.5 acres noted herein. Therefore, CLWYC is only pursuing and applying for permitting of Gov. Lots 3 and 4 under present general and/or conditional use as outlined in the applicable zoning ordinance." Under *Facility Infrastructure and Land Use*, page 15 states "Requests for usage of the "Off Campus" acreage will be evaluated for approval by the Executive and Advisory Boards or appointed committee. Such usage will be granted only to non-for-profit organizations or charities. In addition, usage will only be granted in exchange for donation to the camp in regards to capital, sponsorship, instruction and/or material considerations." Under *General Outline*, page 16 references "equestrian applications". These concepts/ uses may be best addressed on a Conditional basis, but the meeting minutes of July 20<sup>th</sup> do not reflect any consideration of these issues.

6. Republic Township Planning Commission Meeting Minutes of July 20, 2009.

Motion to approve the requested Conditional Use and accept conditions as set forth by Zoning Administrator in his findings passed unanimously. See 1. above.

7. "Findings of the Zoning Administrator, Republic Township, July 21, 2009" consisting of four pages, signed by William Payne.

8. Email from Steve Nesbitt, Camp Program Director, dated July 15, 20011 to Dan Mitchell, Planning Commission Chairperson, requesting "Conditional Use Permit Clarification".

#### **Interim Zoning Administrator's "ITEMS REVIEWED" Summary**

The Planning Commission approval motion specifically limits the Conditional Use to a 13.5 acre parcel. The Site Plan only covers the area in which buildings or improvements are proposed for construction, and the balance of the site is not shown within the plan. Other potential Conditional Uses are not depicted on the plans. The Presentation Outline and Business Operating Plan (BOP) discuss many uses which are Permitted Uses in the WR-1 district and mention potential uses that may have a Conditional type impact by allowing others to utilize CLWYC land in undetermined fashions in return for donations. This issue is worthy of discussion and does not appear in the meeting minutes. **(End Summary)**

Al Pierce stated, in his opinion, the eight items listed comprise all the information required to make an informed decision regarding the CLWYC's "Conditional Use Permit Clarification". He also has contacted the former Zoning Administrator, Mr. Bill Payne, verbally and asked for his recollection of the extent of the Conditional Use decision for the CLWYC. Reportedly, Mr. Payne stated his impression that the Conditional Use ("Use") approved was limited to the smaller described parcel (13.5 ac.) referenced at the hearing.

Dan Mitchell stated that only 3 of the present Commissioners were present at the Hearing and it was his understanding that the "Use" was restricted to the 13.5 acre parcel. If the CLWYC need to make revisions to expand the area they would come back to the Commission.

Steve Nesbitt, CLWYC Director, stated his impression that the "Use" was construction related and covered 13.5 acres for placement of structures. The uses allowed for CLWYC for the balance of their ownership in Gov't Lots 3 & 4 were limited to the Permitted Uses of the WR-1 Zoning District and were in accord with the BOP detailed youth activities (hiking camping, walks, nature studies, food plots, etc.). The "Use" was subsequently interpreted to apply to construction.

Tom Feldhusen explained his regret over the lack of communication and reports from the former Zoning Administrator which led to misunderstanding of the level of site activities culminating in the Stop Work Order.

Al Pierce stated that the "Use" would be overly simplified to say it was for construction as its granting permitted types and sizes of buildings, people and building densities, and infrastructure in excess of WR-1 customary uses.

Discussion ensued between Nesbitt and Pierce over ITEMS REVIEWED No's 4 & 5 and their relevance to the requested clarification with each providing examples to support their respective positions. The difference between the parties' respective positions is interpretive. Restated as a general statement, the request for usage of "Off Campus" acreage by organizations evaluated and approved only by CLWYC potentially may result in a use that is at variance with the intent of WR-1 Permitted Uses.

Laura Katers Reilly, while acknowledging that differences in WR-1 in the Old and 2010 ordinances were minimal, reminded Commissioners that any revisions to the Conditional Use must be based upon the Ordinance at the time of approval. Al Pierce assured CLWYC that there is no attempt being made to review the Conditional Use under a new Ordinance, but that all efforts are focused on addressing the questions raised by Steve Nesbitt in the July 15 Email. Tom Feldhusen stated that they did not want to impede development at CLWYC, but desire it to be orderly and in accord with proper zoning procedures. Tom Sandblom expressed his regrets over prior mis-understandings, confirmed regulatory delays by other agencies and expressed a desire to work proactively with CLWYC in the future. Dan Mitchell asked Steve Nesbitt " If you purchased an additional 100 acres of land would you expect the Conditional Use Permit to extend to that land?" and Steve responded that if it was for construction- No, but if it was for the permitted uses of the zoning district of the land-Yes. Dan Mitchell read the current Permitted Uses in the WR-1 Zoning District. The discussion moved to youth firearms which, as Condition No. 3, were specifically not permitted in the form of a rifle range. Discussion ensued at length.

Dan Mitchell indicated it was time to make a decision as to the extent of Conditional Use approval affecting Gov't Lots 3 & 4. Considerable discussion ensued over the form this would take.

The following motion, after listening to the concerns of all involved, was made by Tom Sandblom, supported by Tom Feldhusen, clarified and drafted by Al Pierce and passed unanimously: "That the Republic Township Planning Commission confirms that the Permitted Uses allowed under the WR-1 Zoning District, as adopted in the 08-26-10 Zoning Ordinance, are applicable to the CLWYC's present ownership in Government Lots 3 & 4, Section 5, T45N-R30W. "

B) Other Zoning Issues:

1. Trailer on lot next to Ison property: was addressed by Al Pierce who recently had to deny a Zoning Compliance Permit requested by Mr. Brian Anderson to place a Single Family Dwelling on the parcel. The permit for placement of a mobile home on a vacant site was denied as the Commercial/ Light Industrial (C/LI) Zoning District only permits Single Family Dwellings as an accessory use to existing permitted uses (businesses). Unknown to Al was the fact that this parcel had received Land Division Approval prior to the effective date of the current Zoning Ordinance (August, 2010) with verbal assurances apparently provided to the land owner that a home could be built on the 6+ acre parcel. This fact does not change Ordinance requirements however. Additionally, this new C/LI zoning district has made several existing homes not associated with businesses non-conforming structures which pose difficulties for the owners in the event of enlarging or reconstruction.

A proposed solution to the present restrictive nature of the permitted uses of the C/LI district would be to add Residential Dwellings as a Permitted Use. This would eliminate created non-conformities and permit Residential Dwellings, Businesses, or both combined on the same parcel. This simple text amendment would allow the issuance of the denied permit.

The Commissioners discussed this situation in detail and provided a copy of the proposed text amendment to Al concerning Non-conforming Structures, which upon review, would help but not solve this issue. A potential method to address items of this nature involves a Memo approved by the Planning Commission and Township Board that would permit residents to receive the action required while a longer term solution is developed. A motion by Jim Brennan supported by Tom Sandblom passed unanimously authorizing Al Pierce to provide a Memo, with the Planning Commission's support, to present the facts to the Board and the proposed solution for their consideration.

2. Trailer on Lake Michigamme- was brought up by Bill Bergin in prior meetings. One has been inspected and a citation issued by Bill DeGenaro, Ordinance Enforcement, with 5 days remaining for action by the owner (Gervase). An additional large mobile has also been inspected and will be addressed under enforcement procedures in the future. These mobiles will remain on the Agenda.

VIII. New Business:

A) Capital Expenditures Budgeting was discussed by Chairperson Mitchell and it is a requirement of the recent Planning Enabling Act that the Planning Commission provide recommendations to the Board. It was a consensus of the Commissioners the Dan Mitchell send a letter to the Fire Department, Emergency Medical Services and Department of Public Works seeking their attendance at a meeting along with proposed expenditures.

B) Public Hearing on Zoning Ordinance Changes: The Planning Commission discussed scheduling the Public Hearing for Zoning Ordinance Text Amendments and was considering a date 60 days in advance. Al Pierce relayed that only 15 days minimum prior to the hearing is required by statute and was requested to place the Legal Ad. Dan Mitchell will send the proposed text to Al via Email for his use in summarizing the revisions for the October 17<sup>th</sup> Public Hearing.

IX. Public Comment: Steve Nesbitt thanked the Planning Commission for their efforts in clarifying the extent of the Conditional Use for the CLWYC and inquired as to the manner in which he would be informed of this evening's actions. Al Pierce indicated that he would receive a Draft Copy of the Meeting Minutes via Email and in the event of revisions they would be updated. Laura Katers Reilly commented on the ITEMS REVIEWED No. 3 and furnished the attached document (Imposed Conditions) that Al Pierce's copy had been missing.

X. Tom Feldhusen made a motion to Adjourn the meeting at 8:25 p.m.. It was seconded by Tom Sandblom. The motion carried.

Respectfully Submitted,  
Alan K. Pierce, Interim Zoning Administrator for Bill Bergin, Secretary

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