

**Charter Township of Ironwood
Planning Commission
Special Meeting/Public Hearing
August 6, 2015**

Call to Order: 6:00 p.m.—The Special Meeting/Public Hearing was called to order with the Pledge of Allegiance

Roll Call: Joe Kafczynski, Joe Rohde, Jason Hofstede, Steve Boyd, Darrin Kimbler, Sandy Lahtinen

Absent: Bob Lynn

Also Present: LeRoy Johnson, Tom Hampston, Jyl Renee Olson-DeRosso, Alan Baron, Mary Segalin, Veronica Krenzel, Sharon M. Laabs, Kathy Maki, Bev Michaels, Kim Pelkola, Darryl Johnson, Cherie DeRizzo, Rudy Grbavcich, Cathy Grbavcich, Kathy Jo Koval, Karen Pertile, Dave Erickson, Katie Saber, Pat Kamarainen, Tom Sobolewski, Nancy Nemachek

Additions and/or Approval of Agenda: A motion was made by Boyd, supported by Rhode to approve the agenda with the addition of appointing a secretary. Motion by Boyd, supported by Rhode to appoint Sandy Lahtinen as Secretary for the Planning Commission. Both motions carried on a unanimous vote.

Public Hearing to Consider: Zoning Amendment-Rezoning-change of zoning classification (Hampston property) legally described as 2703-01-561-500, Section 16, T47N R47W commonly known as N10343 June Road, Ironwood, MI 49938 from R-1 Zoning District Classification to R.A.F. Zoning District Classification

Open Public Hearing: A motion to open the Public Meeting at 6:03 made by Kimbler, supported by Kafczynski. The Motion carried on a unanimous vote.

Correspondence from Zoning Administrator: LeRoy Johnson presented a history of the R1 district. Mr. Hampston owns the property requesting to be rezoned. A plat map showing the property requested to be rezoned in orange was shown and explained. According to Johnson, the purpose of a R1 (single family dwelling), attached to the city of Ironwood, is for growth so citizens can have water/sewer extended to that area with the least amount of cost. Aerial plat maps of the property being considered for rezoning were available and explained by Johnson. Ordinance itself, Zoning Ordinance, has a section, Article IX, which allows applications to be given to the township for rezoning with stipulations. I've given them to you (see attached). Review of 2012 Master Plan indicated that there are no contemplated changes in the R1 district at all. Zoning ordinance (legal document) should be consistent with the Master Plan. (See attached plat map) Master plan (lists policy), RAF future recommended splits were discussed, gave you copies (See attached – 4 possible future districts). Only RAF would include agricultural activities. Factors, (lengthy list attached), as to what should be contemplated if Zoning is changed. We should be following that policy.

Hampston: Only thing I'm asking for is rezoning agriculture (RAF) for his property on N10343 Junet Road, Ironwood, MI, 49938 so he can put in farm animals. I'm not going to be no commercial farming,

just a small, little hobby farm that he wants to be able to fence it in. And that's about what I'm looking at. Owns 62 acres there. (Map explained) Used to be an old city dump, pole barn, dumping area. Former Ski jump was located there. Record of jump 1911-13/14. Ski Jump Monuments still exist. Doesn't see subdividing, putting roads, culdesacs, or building residences every 150 feet on Junet. But if I have to, that's the way I'll turn if I don't get agricultural. Just to tell you history of site so people understand. History of the site was explained. 1943-1965 old city dump, can't be touched. If you ever read the book "Copper Peak", it explains the history. Events were there, over 5000 people were at the event. At one time there wasn't a tree on the property or in the neighborhood. Across the street, where Mr. Johnson lives, there was a chicken farm. Another place, there was a cement plant, rock quarry at one time at another place. I'm not going to be a big hog farmer/dairy farmer. Hampston said he was looking at putting a few farm animals at the site, 10 to 15 maybe cows at very most, and or 10 to 20 pigs. That's what I'm looking at, maybe some sheep.

Hofstede: Petition signed by eighteen (18) people total. Everybody on Junet road and two (2) people on Vanderhagen road (see attached). Boyd moved that the petition be put into record/seconded Kimbler, all in favor.

Darryl Johnson: Talked to a lot of people, some who are here tonight, some who are not here tonight. All against changing zoning from R1 to RAF. Township has over 90% of property in farming, I don't conceive how you can stick a dagger right into the middle of one area that has R1, makes no sense, impacts quality of life. Bought land to live in township but can be hampered real fast if it's changed to farming. No limitations in farming/zoning. How many cattle, what kind, devaluation of property, change to farming, wake up some morning and all of a sudden you have a pig farm next to you. What happens to the value of your property. Doesn't take no rocket scientist to see what could happen. If it ain't broken, don't fix it.

Rudy Grbavcich:

I want to just kind of reiterate what Darryl Johnson spoke of. Fact is, probably less than 5% of the township is R1. Main reason for zoning is that residents clash with agricultural/ industrial/manufacturing and RAF. We want to set up plots recommended by MTA. Historically speaking, all of the conflicts and complaints in the township were about RAF liberal use. Now what we're looking at is moving an RAF into the middle of a R1. If you read your planning book by the MTA, it's supposed to be your bible. Current township zoning describes land use south of Sunset Road, Zoning is R1. It's been designated that for many years. When the plan first came in R1 was meant to build houses. Can't throw zoning out. At one time I was against zoning but since we adopted zoning we sold our soul to the devil, State of MI won't let you throw out zoning and now we have a zoning ordinance we have to live by. Right from your manual, need smart growth, shopping, recreation, social, new development in an efficient, compact way to deal with residential sprawl. Reduce negative effects of sprawl. I've known Tom for a long time, if he were to build a garage/house, I'd say "god bless you", we'd love to have you for neighbor. I don't think the farm activity would be a great neighborhood activity. Changing the Zoning would not be consistent with Master Plan, road map to set policy, Chapt. 13, link with zoning, can't change. Could change to Rec/Conservation, with GCC & the City of Ironwood, to create walking trails. Every day there's people walking on trails. Zoning Ordinance is law. Hope we don't get more rural than we are, our community is shrinking. Plenty of property for RAF. Rezoning to RAF from R1 is not consistent to Master Plan. Stand by neighbors and request that zoning be denied. Syble Lange, a neighbor, asked Rudy to speak for her. We want things just the way they are. Build a garage, build a house, we'd love to have you for a neighbor. DEQ prohibits illegal activity. If he is in violation you can revoke CUP, not saying that you should do it, just saying that he is in violation.

Hofstede: Asked Hampston if there was a rebuttal. No rebuttal per Hampston.

Boyd: Does the zoning serve the individual or broad public interest?

Hampston: Does that mean that forests can't be cut. Right to farm act can still put animals on a farm, if I go about it in a different way. This is the easy way versus going around it the back way. I'm not going to be a big pig farmer, this is all. The area would not support a large pig farmer. Why is it that neighbors who live North of me, all the way to Greenfield Lane can't have farm animals.

Boyd – so what you're saying is that it will benefit the broad public interest by enabling more people to do what you're doing. Have to go on the word of the person when giving a conditional use permit. With violations you have to ask if it was an inadvertent slip or done on purpose.

Kimble: DEQ violations (see attached). With permission given for a special use permit you gave assurances that you weren't going to fill in wetlands, and you have received a violation with the DEQ. Now you say you're only going to have a few animals, are we getting the whole story, because you told us one thing and then we get a letter from the DEQ. What assurances do we have that you're going to be doing what you say you'll do and it's not going to be a full fledged factory farm.

Hampston: DEQ Violation consists of an unstable bank. Haven't had time fix. Wetlands are in there. Pushed dirt in wetlands, talking feet, have a permit pending & will be back to address issue. Can take a look at it and see what has to be restored. We're not talking acres, we're talking feet.

Lahtinen: Asked LeRoy Johnson about the violations/wetlands, have you been out to the site. What is your opinion about violations.

Johnson: Our ordinance asked if all necessary permits are in hand so we can issue our permit. Presently permits are in hand. He has been out to the site. Two sites, wetlands are to South, pole barn, encroached into wetland, wishes to encroach another 10 or 15 feet into wetland. Trying to get DEQ to issue a permit. SESC hasn't issued a permit for site 2 because it's under an acre and they don't enforce wetlands.

Boyd: Rezoning the property can establish precedent.

Pertile: Lives next door to property. My question is this? Where would the animals be going? When he says he's only going to get a few. Has been back here for five (5) years, plans on staying here, grew up in the township, animals are loud/noisy/smell. What are a few animals. May be a few to him, but to others it's actually quite a bit. Her property line is next door. Walking/biking, my concern with smell we would not be able to enjoy, lose value of your property. Nice to go home from work, kick back and relax and hear the birds chirp. It's always has been quiet.

Kamarianen: Lives directly across the street from site. Came to 1st meeting, was opposed to dumping the waste from road project, assured that concrete wouldn't be dumped into. I understand some concrete had gone in there despite assurances. You know, it's a slippery slope with rezoning, promises that aren't kept, continue to grow & grow. Now you can hear dump trucks/back up bells with roadway construction. If it's a short period of time you can put up with that kind of nuisance. Now with farm

equipment, animals braying/ animal noise/smell with a west wind. I would like to reiterate what has been said here.

Sobolewski: Lives just north of Syble Lange. I just note that doesn't seem consistent or make sense to me to have dumping on R1. It sounds like if he doesn't get rezoning he'll still bring farm animals in. Are farm animals allowed on R1, or is there a limit to them? **LeRoy Johnson,** farm animals aren't allowed according to R1 Zoning. (Residential) **Sobolewski** - If it's not rezoned, no farm animals will be there, right.

End Public Hearing and Reconvene Special Meeting: At 6:35 a motion made by Kimbler supported by Boyd, to close public hearing and reconvene special meeting.

Roll Call Vote:

Yea: Kafczynski, Boyd, Kimbler, Rohde, Lahtinen, Hoefstede

Nay: None

Absent: Lynn

Abstain: None

Kimbler: to not recommend rezoning for the following reasons: according to Article IX - it benefits the individual versus the public interest, it is not a more logical use of the property, and it will be detrimental to the public health, welfare, and safety of the citizens of the neighborhood

Hofstede-Kind of seems like a self made crisis, not fair for other residents to change their lifestyle due to what's happening on your property.

Lahtinen: Asked Johnson (Zoning Administrator) if he would recommend a zoning change.

Johnson: Doesn't follow the Master Plan and all RAF rights that you have for usage doesn't come into it. Opens the door. It is not consistent, we should not recommend this zoning change. (See attached summary)

A motion by Kimbler, second by Boyd to not recommend rezoning the N10343 Junet Road property (Hampston Property) legally described as 2703-01-561-500, Section 16, T47N R47 W from R-1 Zoning Classification to R.A.F. Zoning Classification

Roll Call Vote:

Yea: Boyd, Kafczynski, Rhode, Kimbler, Lahtinen, Hofstede

Nay: none

Absent: Lynn

Abstain: none

Public Comment – citizen who lives on Junet Road was concerned about speed of yellow dump trucks curves, screeching brakes people biking/walking, need protection. Citizen was advised by board members to call the road commission/sheriff. Try to find out who the trucks belong to

Approval of minutes: Motion by Kafczynski/Rhode, to approve minutes of July 16, 2015. All in favor.

New Business: DEQ Violation

LeRoy Johnson – since the board authorized earth change, started to work with Mr. Hampston, all permits are in place, limited access to site one, (been dumping since last year) new permit in place, SESC (Mr. Findley) has put some restrictions on permit, can open site 3, under an acre (illustration on map). Prepared permit based on Ord. 50, everything is now in place. Johnson has access to monitor site. DEQ will start monitoring, August 31, a plan will be in place to protect wetlands. No crushing will take place. Any issues permits on will have to be brought up at another meeting per McDonald. No action by the Planning Commission was taken on DEQ Violation.

Old Business: Per McDonald, has only received part of the Ordinance. He will look at Zoning Ordinance when the complete document is in place. Subcommittee recommendations of Boyd/Kimble/LeRoy Johnson/Rhode who looked at current blight/nuisance (see attached revised document, changes in red) consistent with Ord. 48 (see attached). Kimble recommended to view Blight as a Stand Alone Ordinance. Penalties were added to recommended changes, consistent to Ordinance 48, municipal civil infractions. Per Johnson, make suggested making it a stand alone document. Per McDonald, procedure needed to enforce it, statutory requirements to create it, how fines would be processed. PC will ask the regular Township board to review Ordinance 48 at the next scheduled meeting and act upon it to set up a civil infraction bureau. Planning Committee Subcommittee will meet to discuss this before the next scheduled meeting. A citizen asked how the City of Ironwood handles blight. McDonald commented that the Charter Township is different than the City of Ironwood.

Public Comment: A citizen asked about gravel trucks traveling to Bessemer Township and using our Ironwood Township pits in regard to dust control. Complaints are being received from the Stone Road area. The board requested that citizens contact the Road Commission.

Next Meeting: September 17, 2015, 6:00 p.m.

Adjournment: Motion by Kafczynski, seconded by Kimble to adjourn the special meeting. The motion carried with all in favor. Meeting adjourned at 7:04 p.m.

Enc:

Rezoning of Hampston property: Summary (LeRoy Johnson-Zoning Admin.)

Zoning Amendments-ReZoning

Checklist of steps for rezoning of property

DEQ Violation Notice

Ordinance 48

Copy of Petition to deny zoning change

Plat maps

Attendance Sheet

Sign up to Speak at Public Hearing Sheet

Jason Hofstede, Chairman

Sandy Lahtinen, Secretary