

**SANDS TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING MINUTES**

March 9, 2022

1. Call to Order at 6:30 PM by Planning Commission Chair S. Brauer.
2. Roll Call: S. Brauer, J. Yelle, S. Sundell, and C. Bushong
 - a. Absent: P. Lajewski-Pearson
 - b. Others in attendance: Randy Yelle, Pamela Roberts, Mary K. Johnson, Carl Johnson, Jean Johnson, Brooke Lindberg LaBelle, Spencer Johnson, Scott Emerson, Judy Catallo, Tom Wahlstrom, Lauri Shaw, Tom Shaw, Guy Smith, Devin Mahoney w/Preserve LLC, Jeremy Johnson w/Preserve LLC, Jane Noe, Jim Noe, Nick LaFayette, Dave Kallio, Donna Robertson, Jake Colantonio.
3. Approval of agenda: Motion by C. Bushong, supported by J. Yelle, to approve the agenda with removal of item 6e. Ayes: 4 Nays: 0 Motion Carried.
4. Approval of Minutes from January 25, 2022: Motion by S. Sundell, supported by C. Bushong, to approve the minutes as presented. Ayes: 4 Nays: 0 Motion Carried.
5. Approval of Minutes from February 9, 2022: Motion by C. Bushon, supported by S. Sundell, to approve the minutes as presented. Ayes: 4 Nays: 0 Motion Carried.
6. Public Comment: S. Brauer explained the rules of Public Comment and asked for a show of hands of those wishing to comment.
7. Business:

Special Use Permit (SUP22-01) request from The Preserve, LLC to build and operate a 50 site primitive campground on parcel numbers 52-14-101-002-00 and 52-14-101-003- 00, Section 1, T47N-R25W, Township of Sands (rock cut). This special meeting was originally scheduled on February 22, 2022 but was postponed due to weather.

Open Public Hearing: S. Brauer opened the Public Hearing at 6:35 PM.

A. Staff Input: R. Yelle explained that there has been a large amount of new information received since the original meeting date and that the Planning Commission (P/C) has not seen some of this information. He discussed the following items:

1. Site Plan needs addressing regarding the additional required setbacks per Zoning Ordinance, section 317, page 56, requiring an additional setback of 200 feet. May also require a paved entrance road - I would ask the P/C to

strongly require the paved roadway as this will help emergency response units. Needs additional information on setbacks.

2. Right turns only when exiting the campgrounds. I am recommending this be required as a condition of approval.

3. Fire pit concerns. I recommend that the P/C require the number of pits allowed, not to exceed three (3) and that the pits be controlled and require a safety screen to protect from any sparks and/or embers from being spread by the winds to the surrounding wooded properties that are noted on top of the rock cut. Concerned about the northwest winds.

4. Eagles nest. Per the DNR a 660 foot buffer is required from the nesting area during the nesting season (March-August). If P/C grants, the campground personnel will also need a permit from the State of Michigan prior to starting any construction. The State has guidelines in place that prohibits logging activity within 330 feet of the nest tree (See National Bald Eagle guidelines, copy in Township packet).

5. Elder property. The proposed campground roadway looks to be trespassing on the Elder property. This cannot be approved by the P/C without a written agreement from the property owner to the campground owner(s).

6. Trespassing concerns. Recommend that the P/C require that the property lines be clearly defined and may consider fencing the property where it borders adjoining private property, as well as safety barriers at danger areas.

7. Chocolay Township. The Preserve, LLC personnel have provided written documentation addressing the Chocolay Township Concerns (Letter on file).

8. MDOT. I have spoke with Benjamin Carrigan at MDOT. They are up to speed and are waiting for the decision from the Township. Two accesses, one for emergency egress only and the main ingress with a required curb cut (Sands Twp permit, Marquette city permit as well as MDOT permit) required. Right turns only when egressing the site.

9. Jenna Smith input. Number of sites, ingress/egress, and safety.

10. Back ground information from Beth Gruber (Research Library)

11. Johnson Family concerns.

12. Sandra Swenby concerns.

13. NMU-Police Chief informed me today, March 09, 2022 at 0745, that NMU has no concerns with the proposed SUP22-01.

14. Letters of support.

15. Wells and Heath Department.

16. Stated that the Preserve, LLC is aware of the requirement to comply with all Health Department, Local, State and Federal Laws pertaining to establishing a Campground.

B. Requester Input:

Jeremy Johnson, Preserve LLC stated he didn't have a lot of input until he hears from the public and can address their concerns. Feels they have done as much as they can up to this point and he stated that the requested SUP22-01 is saying that the campground is allowed in this area and an allowed activity. He stated they cannot open the campground without the permits from MDOT for access, EGLE and the DNR for all environmental requirements, Mqt County Health Department for water and sewer and several other State, Local and Federal municipalities. Pending an approval, he stated they still have a long way to go and a lot to address and is happy to keep an open dialogue with everyone. He introduced his business partner Devin, stated that Tim, the 3rd partner could not be in attendance tonight, but is always available to answer any questions as well. S. Brauer asked Jeremy why he did not provide the required written statement with SUP22-01, referring to Section 702 of the Zoning Ordinance, Item (C), c): A statement, prepared by the applicant, with supporting evidence regarding the required findings. Jeremy thought he sent it but may not have and will follow up on this.

C. Public Input:

1. Mary K. Johnson of 426 Quarry Rd. She and her husband own 82 acres of land adjacent to the proposed campground. She understands the campsite is an appropriate use for open space according to the Township Master Plan and she asked the P/C to consider the concerns of surrounding property owners. Fires are a huge concern noting poor roads for emergency vehicles and not enough water to fight fires. Even if roads are developed and a water source is found, there is a huge potential of fire damage to their heavily wooded property as well as surrounding property. She asked if the SUP was approved, to limit the number/size of fire pits allowed, require screens and prohibit the use of any type of fireworks & outside firewood could introduce invasive species to the area harmful to local trees and would like to see restrictions in place. Concerns of trespassing and asked the P/C to require marked and enforced boundaries. Has concerns about Open Space requirements and asked the P/C to please consider if the density of the proposed campground is consistent with other restrictions placed on the use of Open Space. She concluded with asking the P/C to consider all aspects of the requested SUP and how will affect long time taxpayers and landowners.

2. Spencer Johnson of 432 Quarry Rd. He and his wife own 42 acres of land adjacent to the proposed campground, living on the property for 67 years and built their home 45 years ago. Asked if fires could be prohibited in dry/windy conditions. Questioned if there was a fire on his property caused by a spark or firework, is the campground required to

have an insurance policy to protect surrounding property owner loss. Concerned about trespassing and tourists and cited instances of destruction of property and unleashed dogs near the lakeshore. Property values are of concern. Majority of surrounding property around the proposed campground is privately owned and that most campgrounds he has visited are State or Federally owned with a natural buffer. Stated that the Sands Zoning Ordinance says that the proposed site will not be hazardous or disturbing to existing or future neighbors and will not diminish the value of the land, buildings or structures within the district. He believes the existence of a campground will decrease the value of surrounding property and believes few people would want to build next to a campground. Stated that Eagles are super important and also the safety of the cliff.

3. Carl Johnson of 426 Quarry Rd. Has lived on his property for 65 years. Agrees with all statements from previous public comment. Has reviewed material submitted to the Township to include a possible connecting trail to the existing Noquemanon trail. Stated that at one time there was an existing trail through the property, however it was shut down due to its close proximity to the prison and the trails footprint was on prison property. He is concerned that the presence of a Noquemanon trail network through state property has the potential to limit the trail to be used by other people who use the property for all types of recreation. Questioned if any action the P/C may take might change the use of the State land moving forward and what the impact of connecting the Noquemanon trail may have. He feels he is being squeezed in and is concerned about the freedom to enjoy open land.

4. Judy Catallo has lived here for 40+ years and is a member of the Oklevueha Native American Church and UP Land Conservancy. Stated that she knows the property has been sacred to the Native Peoples who have lived here since the beginning and they are the first nation and that his property was used by various Native Peoples and had a name roughly translated to English as the stock lookout. The property was used for fasting and sacred ceremonies partly because of the presence of eagles which are very significant beings to Native Americans and the ceremonies were to honor the lake and mother earth who nurtured all of life and because of this historical significance, she believes this should be a historical park with day use only. She feels it would be a way to honor this land.

5. Scott Emerson of Chocolay Township. Stated he appreciated the applicants use of the word preserve and according to the dictionary, to preserve means to maintain something in its original or existing state. Believes the rock cut is an amazing place and opposes approval of the campground and believes the best use of the area would be a public park, a township or joint township park, a county or even state park. Advocates day use only with a system of hiking trails and no overnight camping or motorized vehicles with an observation deck comparing it to a Sugar Loaf south with access on the Chocolay Township side. Says you can access the property from a commercial zone on the Chocolay side which could also be a great site for the developer to have a restaurant, parking, right at the trailhead with access off of 41/28 with no short sight distance issues. Believes if would be a huge tourist draw with ample parking possibilities. Has already spoke to the UPLC about this and they are very interested in doing something like they did to the Chocolay bayou area and stated that UPLC are experts at raising money and making/engineering trails and thinks this could be a beautiful legacy gift/donation by the developer. He feels it would resolve a lot of the issues being addressed by others and asked the developers to please consider this as it's a win for all.

6. Lauri Shaw of Marquette, owner of the small house at 2100 US 41 (rock cut house). Her father built the home back in the early 1960's and it is currently being used as a VRBO. Feels that when the previous owner bought the property that it was a bad choice by MDOT, City or whoever allowed a road where it is as it's about 4 feet from the kitchen window. Stated she called an attorney after learning that Jeremy (The Preserve) wanted to install a cell tower, campground and road to know what her rights were before the P/C meeting was even scheduled and she was initially told by the attorney that it was his land and he could do what he wanted with it. Since the Preserve has now submitted SUP22-01, her attorney has suggested they oppose the campground based on Zoning Ordinance Section 704, General Standards A, B, C and F (Zoning Ordinance viewable at sandstownship.org or in at office during business hours). Stated that her daughter is the Mayor of Marquette, Jenna Smith and she also is concerned about safety of the road. She said that Sands Township contacted them a number of years ago about garbage pick up and the safety of the road and that they would be required to bring their garbage to the Fire Station on Silver Creek Rd.

7. Brooke Lindberg LaBelle representing her mother, Kathleen N. Lindberg and aunt, Juliet A. Elder. She stated a letter was submitted to the Township from both in regards to SUP22-01 and that the property has been a problem for many years as the previous owner had logging done that came over the boundary line. She said on the rough map received, it was hard to tell but it looks like there might be 4 campsites that may be infringing on the property line and the property is close to a watershed area which they previously had to address. Asked if the ingress/egress roads will be disturbing this area again and have the DEQ authorities been consulted. She stated the perimeter road appears to be encroaching on the north side of her family's property and questions what the setbacks are for these roads. Had not heard of the cell tower but would like to know more. Questioned if the state has approved an access point from US 41 and if the owners do not have approved access at this time, where do they plan to access. Asked if there is liability from campers accessing their land and will there be fences because simply marking property lines does not work. Asked if there would there be barriers on the Preserve's land or theirs. Concerns of traffic safety on US 41 to include emergency vehicle access and sanctioned ingress/egress to the property.

8. Tom Shaw of Marquette. Thanked Jeremy from the Preserve for the open communication. Stated that when the home at 2100 US 41 was built, the highway was 2 lanes. When the highway was expanded in the mid 70's, the home's driveway was swung to the north 30 feet to be perpendicular to the highway making that line ½ theirs and ½ Jeremy's. He stated he spoke to MDOT about it and was told that it was OK. He also stated the original intent was a single family driveway and now the road may be used for whatever. Also questioned legal distance between an existing firing range and campground stating that for 60 or more years there has been a firing range at the prison.

Close Public Hearing: S. Brauer closed Public Hearing 7:10 PM.

Planning Commission Discussion and Action:

P/C discussed concerns about the eagle's nest, required buffer around the nesting area, breeding season dates, eagle activity dates, and disturbing the eagles in any way, concerns about road safety and the right turn only on US 41, bikes crossing the highway, possible 4-wheeler access, emergency vehicles not being able to get up the current road, required written statement with SUP and noted that both exists must be on the site plan. C. Bushong expressed concern about not being able to see a completed site plan/map properly scaled. S. Brauer stated the requirement to have a definitive answer from the state on the easement approval and must have something in writing. C. Bushong expressed the P/C appreciation of all the public input and stated they also received letters of support. P/C discussed the need for a cutoff date to submit information as they do not always have the time to review before meetings. Due to the large amount of information just recently received, incomplete site plans and state easement approval, R. Yelle recommends to the P/C that this meeting be tabled to April 19th in fairness to the property owner and surrounding property owners.

Motion by C. Bushong, Supported by S. Sundell, to table SUP22-01 to the April 19, 2022 Planning Commission Meeting pending a more detailed and accurate site plan for review, reviewing the material, the required written statement with the SUP request; Section 702 of paragraph (C), subsection (c) and a commitment of easement in writing from the Prison delineating what that agreement would look like.

**Roll call Vote, C. Bushong YES, J. Yelle YES, S. Brauer YES, S. Sundell YES
Motion to table SUP22-01 passed.**

D. Public Comment:

1. Scott Emerson encourages the developer to give his proposal a hard look. He thinks it would be a real win-win. As far as connecting to Heritage trail, there is a tunnel that goes from the bike bath to the trail head if the Chocoday side of the property was considered. It would have easy access to the trailhead that is located in that commercial zone. If someone like the UPLC or Superior Watershed would agree to manage this and building a trail system, they could do an excellent, safe job, respecting the eagle nests as they are very sensitive to wildlife. If either organization would take this on as a project, he would be willing to commit \$5,000 out of his own money to get to the project started.

2. Dave Kallio would like to compliment the landowner on this very unique piece of property. He was on the property some years ago before any cutting and doesn't know if the cutting changed the property since. Expressed that sometimes a project is an attempt to pound a square peg into a round hole. He stated he is a retired business person and it doesn't mean he is business consultant, but has concerns about trying to profit off the property with primitive tenting and the short summer and the likely conditions that would be placed on the property with fencing and restrictions. Feels the property is very special, but from a business perspective, he advises the owners to take the advice given by others at tonight's meeting.

3. Mary K. Johnson hopes that the P/C when considering letters of support verses adjacent property owners, that the fires are a big deal – people may support the project from afar, but they don't have skin in the game so to speak. She feels that should carry some weight. Expressed her concerns about publicly selling the prison property for the proposed entrance and would it have to put up for auction. Questioned when the new site plans would be available for the public to review prior to the April 19th meeting.
4. Brooke Lindberg LaBelle addressed R. Yelle about letters of concern and stated that as site plans change, property owner concerns may change and would like to know what the cut off date for the site plans to be turned in and is the P/C still accepting letter of support but not in concern. R. Yelle explained that the P/C has stopped accepting both support and owner concern letters and does not have a date for the site plans but she can call him after the middle of April and if they are available, she is welcome to come by to see it.
5. Spencer Johnson is concerned about the one exit and emergency entrance but has a question about the exit only and if the entrance is blocked by an emergency – fire trucks cannot make it up the road next to the Shaw home. Thinks there needs to be 2 exits and 2 entrances similar - incase one is blocked. Fire is his main concern.
6. Tom Shaw would like clarification on the entrances. If one entrance is substandard and unsafe, why is it even called an entrance. It seems that there should be 2 standard entrances if that's the requirement – asked R. Yelle if he could address that. R. Yelle stated the only zoning requirement is one egress/ingress by ordinance. Mr. Shaw commented on a loop road around the property and how it could impact the number of camp sites.
7. S. Brauer adjourned meeting at 7.50 PM.

S. Brauer
Chairman

P. Lajewski-Pearson
Secretary

P. Roberts
Recording Secretary