

9/30/08

Dear Crystal Falls Township Board,

We of the Crystal Falls Township zoning and planning board are now at point where we are asking you to approve and ratify a new zoning book for the township. This process has been a long, tedious and expensive one. I don't believe any of you were sitting on the board at the start of this process back in the fall of 1999. We tried to put ourselves into your position and in doing so, felt that in order for you to make an informed decision, it was important that we give you an impression of the research, study, discussion and public input that has taken place during these past 9 years. It is our hope that after this presentation you will feel confident of the following:

- 1) That we have given both the residents and property owners of this township ample opportunity to voice their input and concerns about zoning.
- 2) That we have carefully and thoughtfully discussed and considered all public input which has sometimes resulted in changes and sometimes not.
- 3) That we have made a diligent effort to use informed and professional resources so as to comply with all applicable laws and law changes.
- 4) That we have not simply adopted a canned ordinance from the zoning consultant but have worked diligently to make it our own.
- 5) That our existing "Red Book" has multiple problems and is no longer adequate to meet the needs of the present or future.
- 6) That the enforcement of the New Ordinance can be reasonably funded with updated user fees.

IN THE BEGINNING

In October of 1999 the township made the decision to put together a zoning board with the purpose of revising the red book and looking at a Master Plan. As it turned out, we were advised that a zoning ordinance was not entirely enforceable without a master plan. At that time the township administrator was Dalton Wirtanen and the zoning administrator was Charlie Sandstrom. Our first board consisted of myself, Chet Kudwa, Vi Aho, Mary Dumitra, Diane Kut, Sam Paulsen, Dick Huhta and Cary Gustafson. At the beginning issues being discussed included:

- Understanding the vision the township wants to take for future growth economically and recreationally.

- Highway corridor development, do we want strip malls all along the highway or in concentrated areas?
- What do our town people like or enjoy and where should we go with that?
- What about home businesses?
- What about game farms?
- Do we need guidelines in non-conforming lake areas?
- Should there be prime forest areas? Please recall that in our red book, no building is permitted in the Prime forest district.
- Should be have an industrial site within the township since we have a rail system.

These were and are, very important issues with broad implications for both the present and the future. We began to develop the first of a number of “issue lists” which were refined and addressed over the years.

THE SURVEY

From almost the first meeting back in the fall of 1999 we recognized the need for public input in this process. During the first year, even though we addressed other zoning & planning tasks, much of our effort focused on the survey, It was agreed that we should ask the landowners of the township what they thought by means of a mailed survey. Beth Berkheiser was at that time working for the Iron County EDC and helped us get started on developing a survey. We developed our own questions for the survey and looked at surveys done by other governmental units. We ultimately enlisted the help of Kent Premo and White Water and Associates to help send out and then tabulate the responses from the survey. The folks at White Water warned us that it was quite normal for survey responses to be quite low. The survey was ultimately developed and mailed out. The survey results were tabulated and reported in December of 2000. We were advised that we should be quite happy with the high response rate that we received with a nice mix from both residents and non-residents. From that point we felt we had gotten a very good indication from our landowners of what they felt was important for the townships future. The survey and its results have been, and continue to be available for anyone to view. In a nutshell, the strong impression was that the people wanted us to protect the rural, green and pristine nature of the township. They were also concerned about roads, small business and jobs.

THE MASTER PLAN

Again, almost from the first meeting, a Crystal Falls Township Master Plan was also discussed. We had been informed by the MTA and others that you cannot have an enforceable zoning ordinance without first having a master plan. In April of 2000 the township board approved \$22,000 to hire LSL consultants to help us write the Master Plan. We were informed that our Survey and public meetings were to be key to what the master plan would be. The plan for the future of the township, land use etc. must come from the people and not just the opinions of those sitting on the board. However, as we can all appreciate, getting public involvement is not easy. Zoning and planning is a very dry subject and discussions can go on for hours about almost any topic. From the very beginning, we made a very concerted effort to get the public involved and to listen to what they had to say. In July of 2000 two board members even went on WIKB radio informing people of the survey and our hunger for public input. Finally, in January of 2003, using the results of the survey and what public input we could drum up, a master plan was developed and subsequently voted on and adopted by the township board. The zoning and Planning board as well as the consultants were both satisfied that public input was more than adequate to support that plan.

ZONING ORDINANCES

Once we had a master plan in place, the next step was to look at the zoning ordinance. The idea is to have a zoning ordinance in place that would help guide development and land use so as to be in accordance with this master plan. We had a growing list of issues that we had been discussing from the beginning. Over the course of the next nine years the issue list included but was not limited to:

- 1) The enforcement and penalties section of the red book.
- 2) Waterfront setback and access regulations
- 3) Building setbacks and Fences, see public meeting 1/8/04
- 4) Protection of scenic routes, vegetative buffers.
- 5) Outdoor water/wood stoves
- 6) Dealing with non-conforming uses (explain?)
- 7) Condominiums
- 8) Communications towers
- 9) Planned Unit Developments (PUD)
- 10) Boat docks, boat shelters, swimming rafts etc.
- 11) Flood Plain Insurance
- 12) US2 Enhancement Program

- 13) Keeping animals, manure etc.
- 14) An Extensive review of definitions
- 15) Signs
- 16) Home based businesses
- 17) Private roads and driveway standards
- 18) Concrete and asphalt plants

In an effort to make faster progress and involve more people at that time, we enlisted the help of other residents who sat on subcommittees and focused on particular sections of the zoning ordinance. By the time the spring of 2004 rolled around, it became increasingly apparent that our board simply did not possess the expertise needed to correctly modify the existing ordinances. We were being advised by our attorney and the MTA of law changes, zoning regulations that were not enforceable in court, etc. etc. It was at this time we decided that we needed to go back to the Township board to seek additional funding to have a consultant help us come up with a reasonable and updated zoning book. On March 9th of 2004 the township board approved the hiring of LSL consultants at a cost of \$11,730. Plus additional miscellaneous costs. This cost was reportedly lower than normal based on the fact that our board had already made progress on a number of issues. During the next year or so, this board had numerous communications with LSL regarding many aspects of what we had already prepared and what they felt needed to be added. In each case this board carefully reviewed all recommendations and changes so that we A) understood why the change or addition was being recommended and B) felt comfortable in that the change or addition was suitable for Crystal Falls Township. Consideration of special needs to accommodate the logging industry and the unusually remote nature of the Northern half of the township are two examples. During this time we had numerous teleconferences with LSL officials to add our input and get feedback from LSL on issues being discussed.

FIRST DRAFT OF ORDINANCE

LSL officials came to Crystal Falls in April of 2005 and sat down with the Z&P board to hold a review of what we were calling at that time the “Model ordinance”. 2 workshop sessions were held. They were open to the public and allowed time for public comment. These sessions lasted 2 days and lasted about 7 ½ hours the first day and about 9 ½ hours second day.

From April to August of 2005 the Z&P board continued to question and refine the model ordinance in accordance with concerns from the board

members, the public, township attorney Steve Tinti and others. This involved numerous communications with the consultant from LSL. In an August teleconference call, Brenda Moore of LSL asked Cary, Chet and Diane if we were “rewriting the ordinance book”. She was obviously surprised at our continuing efforts to refine the book. She said that we “cannot expect our zoning book to identify every situation but we should allow our zoning administrator the opportunity to use his discretion. If something needs to be fixed later on, do so.” During this process the book was made available via the website as well as with hard copies at the township hall and at the library.

CONTINUED REVISIONS

From August of 2005 until August of 2006 the Z&P board continued to review, question and refine the Draft ordinances. We also continued to consult with Steve Tinti for input on the draft ordinances. This resulted in time spent addressing his questions and concerns with answers or revisions. This also resulted in more consultation with Brenda of LSL. By the end of this time we were on the 4th revision. These refinements were made as a result of numerous long meetings and a sincere desire to make the book as accurate and complete as possible. These meetings addressed minor issues of grammar and typographical errors but they also addressed more serious issues. We revisited numerous times the big issues including but not limited to waterfront set back, and private road requirements. Always trying to soften requirements while still keeping in mind the overall good of the township and public health and safety. During this time we also addressed the issue of the cost to implement and enforce the new ordinance. From this resulted in the formation of suggested fee increases based on estimated costs. Time was also taken away from the zoning book to review and consider computer software vendor presentations that could be used to organize zoning data, assesement data etc.

MAPPING

In October of 2006 the board began the process of reviewing and modifying the zoning district maps to fit with the new districts as laid out in the Draft Ordinance. By November we had our first copies of the maps. Over the following 6 to 8 months some minor adjustments were made and the consultant revised maps. The maps were complete by July of 2007.

OUR LAST 20 MONTHS

During 2007 and 2008 the PZB felt that the bulk of the ordinance was basically done. Our mindset was looking toward final reviews and the approval process. We continued to look for input by holding public hearings. We also were waiting for Mr. Tinti to give it his final review. While waiting for Mr. Tinti's review, we continued to fix minor typographical errors and dealt with re-zoning requests. We also re-visited past discussions to be comfortable that we had considered all angles of the major issues.

Some of the items discussed during this time included:

- clearing of land
- Vehicles
- Private roads and driveways
- Setbacks
- Commercial extraction (gravel pits and mining)
- Land division
- Costs of administering the new ordinance
- Mapping
- getting points of clarification from both the consultant and from Mr. Tinti.

PRIVATE ROADS

The issue of the new private road ordinance was raised by Supervisor Lesandrini at our recent September 9th Planning and zoning board meeting. The major concern continues to be the additional cost to land owners and developers and how this might negatively impact future land development in the township. First just let me say that this issue has been discussed at great length by this board and I feel we have debated and wrestled with both the negative and positive implications of the ordinance.

In November of 2006, (11/6/06) this board met with assessor Mr. Waisanen, attorney Mr. Tinti, supervisor Mr. Lesandrini, Clerk Mrs. Seppala and trustee Mr. Takala in which this ordinance was discussed and the cost concern was raised. The minutes reflect that at that time, the CFTB agreed to have Mr. Tinti review and revise Sec. 3.25 Private Roads. For the record, the section number was later changed to 3.24.

Then in February of 2007, Mr. Tinti attended the ZPB meeting held 2/21/07 at which time the minutes reflect that a "lengthy discussion" was held

regarding the Road ordinance. It was agreed that additional research would be completed and that we would discuss it at the next meeting. After even further discussion at the March 6, 2007 meeting, the ZPB agreed to leave the Private roads section as written. Be that as it may, it was discussed again at the May meeting. As a point of clarification, a private road services 3 or more land owners, a private drive serves 1 or 2 land owners. At the June 5th meeting, Pat Olson expressed concern about the costs of engineering. At the June 12th meeting he reported that ¼ mile of engineering inspection would run \$500 to \$600 and that engineering plans could run up to \$1500.

There is no question that the ordinance will impose a greater cost on a land developer. However, our board feels that it is the townships duty to protect public health and safety. Narrow roads, steep grades and poor road surfaces will create a condition ripe for disaster should a resident need a fire truck or an ambulance during certain times of the year.

I am personally aware of at least 2 private roads in the township that are classic examples of why this ordinance is needed. Those being Wilderness Way and the Fire Lake Road. I have personally spoken to Gary Oloier who is a long time resident of Wilderness Way. If you don't know Gary, you may know his wife Olga who works at the First National Bank. Gary verified that in fact, Wilderness way either has or does experience all of the problems I've just mentioned. There have been times during the spring when the residences have had to park their vehicles at the intersection of Sheltrou Road and Wilderness way and use ATV's to commute the ¾'s of a mile into their homes.

I have also spoken to Dean Premo who lives on Fire Lake road. He sent an email to the ZPB members regarding his support of this ordinance. While the Fire Lake Road does not have the steep grades to deal with, they have experienced the very same issues. In both cases, trying to get all landowners to cooperate to upgrade the road is difficult, comes in small increments, is time consuming and almost always results in holdouts who refuse to cooperate. On the contrary, land buyers have demonstrated the willingness to pay more for a parcel of land that has a good road. Parcels with blacktop frontage sell for more than those with gravel frontage, which in turn sell for more than those serviced by a 2 track logging road. Land buyers recognize the difficulty of dealing with neighbors to improve the road after the fact. A developer can offset their cost of road improvements in the sales prices of the parcels they are developing.

I spoke with local surveyor Ben Feldhausen about this road ordinance and he was in favor of it.

The ordinance as written, gives the assessor latitude with regard to private drives, and Section 16 of the ordinance, regarding site plan review, gives the ZPB adequate latitude with regard to private roads. We feel the road ordinance is written with the best interests of our residences in mind.

100 FOOT SETBACK

The building setback from waterfront property was another topic that this board has discussed at great length. This is the set back mandated by the Red Book in 1983 and it may have even been the standard before that. I believe Mr. Tinti may have some more background on that. Most of the other townships in the County also have a 100' setback. This topic has been discussed a great length primarily due to the persistent and passionate efforts of Mr. Walter Tuchowski. Mr. Tuchowski has been coming to our meetings since the beginning to lobby for a smaller set back. He originally lobbied for 60' and then later relented to 75'. He went so far to gather signatures on a petition at one point. Our zoning administrator at that time was Charlie Sandstrom. Mr. Sandstrom took the time to personally contact many of those who signed to get their feelings first hand. It was reported back to this board that many of those who signed did not have a clear and complete picture of the ordinance and remedies for special situations. Still, we felt that even though the numbers of landowners asking for this change were not that great, we should debate the topic among ourselves. And debate we did. We have been discussing this topic for 9 years and we keep coming back to the same conclusions.

- We have not seen an overwhelming groundswell of support for this change.
- The set back has been working just fine, if it's not broke why fix it.
- There have been others in public meetings who have stood up and supported the 100 foot set back.
- The difference between 100' and 75' is really not that much. (Demonstrate in terms of room dimensions)
- The zoning board of appeals is available to grant relief for special and unique situations.

Since this township was formed, there has been a great deal of development on our lakes, rivers and streams. Regardless of what the economy is doing right now, these kinds of locations are very special and very limited. There

will continue to be a demand, and development will continue. However the lakes, rivers and streams are not only for the use of those who can afford to purchase that property, they are also for the use of the public and our township residents. Prudent planning for the future requires that we envision what these bodies of water will look like 10, 20, 50 years from now. Land owners want to build docks and stairs; keep boats and water toys, and on and on. We feel that reducing the set back does not support an attitude of protecting & preserving our lakes, rivers and streams. Even though 25' is not much, it is something.

ZONING BOARD OF APPEALS

Early on in the process, as we debated the pro's and cons of each section and each rule, we would try to pick apart the law and envision special circumstances. What if a landowner has this, what if a land owner has that. We drove ourselves crazy until we finally realized that the consultant we hired was right. You simply cannot create an ordinance that is going to cover every situation, especially in a township like ours.

The southern part of the township is very developed compared to the Northern part. The township is very geologically diverse. We have swamps, hills, rock bluffs, etc. This is not a "flat land". The zoning ordinance needs to be written to cover the majority of the situations that are encountered. In certain sections of the ordinance the zoning administrator is given the power to adjust the ordinance for special circumstances, and the zoning board of appeals is available for the rest.

FINAL COMMENTS FROM KEN

In conclusion I would just like to say that I feel very strongly that this board has executed, to the best of its ability, the job it was asked to do. It is an understatement to say that this was much harder than I ever envisioned. All the members I have worked with over the past 9 years have worked diligently and with the best interests of the township in mind. We questioned everything and tried to view issues from every angle. We were not always in agreement. In those cases we would conduct more research, ask the consultant, ask the attorney, and ultimately come to an agreement. I think the diversity of the Z&P board over the years has lent to a well-balanced product pointing toward not just conservation but also development and growth. I am very proud of the work this board has done and feel privileged to have served with them. If there is one thing I learned from this experience is that zoning is not black and white. This zoning ordinance is not, and should not, be considered something that is going to last forever. If

the attitudes of the public change; if conditions change; then the vision for the future of this township by its residents may change. If and when this happens, then the ordinances needed to guide land use toward that vision will also need to change. No one can predict how fast or slow change may happen. There may be provisions of this ordinance that will not be needed for years. There may be provisions of this ordinance that become inappropriate in just a few years. The good thing is that we will have a solid and comprehensive base ordinance to work from and modifications should be fairly easy to address and adopt.

I thank you for your time and patience and at this time I would like to give the floor back to our chairman to continue with our presentation.

The following was not read aloud at the meeting, however, other people who have graciously donated their time to the zoning and planning board either as board members or members of subcommittees have been: Brenden Comer, Gary Coopman, Phil Ketola, Jackie Rowan, Don Takala Joins P&Z board 8/01, John Harrison joins P&Z board 2/7/02 resigns 4/3/03, Tischa Agnessi, Joe Hoenig, Mary Dumitru resigns 8/7/03, Curt Stebic joins on or about 6/04, Jim Waisanen joins on or about 6/04, Gary Hough joins on or about 12/04, Dick Huta resigns 3/3/05, Tischa Agnessi resigns 5/19/05, Karl Hoffman joins 5/19/05, Bev Camp and Charlie Davis join about 7/05, Charlie Davis resigns 10/6/05, Lori Baukus joins November 2005 Note: dates of service added as found but as you can see it is not complete.