

Keweenaw County Planning Commission  
Regular Meeting  
Minutes- January 28, 2014

Keweenaw County Courthouse 6:00 PM

Roll Call:   Jon Soper, Chairman               Richard Schaefer, member  
              Jim Huovinen, member       Tom Hall, member  
              Ray Chase, Commissioner  
  Ann Gasperich ZA

Members excused: Ned Huwatschek, John Parsons, Steve Siira

Pledge of Allegiance was recited.

Approve Agenda Chase/Huovinen/passed

Approve minutes of the public hearing on January 7<sup>th</sup> 2014 – Chase/Hall/Passed

Guests – Pat Coleman, Lonie Glieberman, Lindsay Glieberman, Pat Miller, James

Public Comment – No public comment.

**New Business**

Black Bear Resort Chairman Soper asked Pat Coleman to do his presentation

Chairman Soper                       You have the written statement that Pat Coleman provided. The revised copy of the site plan came today.

Pat Coleman                          Pat presented revised copies for the Planning Commission members and state the changes, number of parking spaces from 36 to 18 or one space for each unit and showed the overflow areas for parking. Added statements regarding the driveways, addresses the fact that the units would be open for all types of summer adventurers.

Ray Chase                             Was the sauna and hot tub building an addition?

Pat Coleman                         May be located where the kiosk is or possibly one of the cabin sites. It would be a minor building

Jon Soper                             We do not have a site plan review committee. We are going to start at the ordinance on page 18.34. Pat has done an excellent job of addressing every one of the points of the impact assessment. Let’s start with look at the project description on page one of his. It is lots 5 & 6 in the plat of Mendota. It is the two blocks as pictured. It is described legally as two blocks. The road ways have been abandoned by the road commission. One thing that you would notice on the site plan is the elevation change of the north end of 5 & 6 640' elevation above sea level down to 602'. There is a 38' drop in a block and 1/2. Keep in mind the significant slope in lots 5 & 6. That is the site description as on the bottom of page one.

Jon Soper RS District -- legitimate use.

Jon Soper Pat describes the projects on the second page. There are 18 cabins total, start with 4-8 cabins in that range. On the site in one of the locations. He has given us a picture of the cabin. I find it hard to believe only 4 logs in a 7' wall. The Logs come from British Columbia. They are well built log home approx 580' per cabin, onsite water, sewer, parking, 16' driveways with a one foot shoulder. This is not a private road it is like a parking lot. This is very similar to the Mountain lodge. The 16' driveway should be adequate. Any Comments on that?

Jon Soper Have you spoken to the county road commission?

Pat Coleman I have spoken with Gregg Patrick -- He has a copy. These are not his jurisdiction. There will be no County maintenance on these roads.

Jon Soper On the top of page 3, Black Bear is responsible for maintaining their own roads and responsible for snow removal. Who does the snow removal of the roads in the Plat -- The county Road Commission maintains the county road in the Plat of Mendota.

Jon Soper They are making accommodations for storm water runoff, swails and water gardens. The work on the water runoff will be done by a licensed PE and will comply with all codes

Jon Soper Historical structures /known resourced on the site on Page 3.

Ray Chase Excavation was done several years ago and artifacts were found. I'm glad they addressed it. If they run into an old village site, then SHPO would need to be notified.

Pat Coleman SHPO would be the place to start. Then calling Mr. or Mrs. Martin to consult. If there are known locations where these excavations have occurred and where they were found, certainly that would give us some clues. I have never seen a map or anything. I know the martins have done some work in the area. Was it on this exact site? Certainly when during excavation, and there won't be lots of excavation, If we run across artifacts we will stop and contact SHPO

Pat Martin Would you like to see the map of what we do know?

Pat Martin He pointed to his map and said you are down here. This is the result of two periods of examination in 88 and 89/90. On my own initiative because of reports of people with metal detectors and the county's interest in moving the roadway, I got some money from the state and the National Geographic Society to do some examination in this place and found quite a bit of stuff. Including stuff that is amongst the earliest evidence of people using copper in this part of the world. Radio Carbon dating to about 8000 years old.

Pat Martin We have tried to stand in the way of Lonies work at various times in the last 25 years. During that time, and tried to see preservation of some of this material, I shouldn't say stand in the way, I'm happy to see development. I'd like to see some consideration for future generations and some consideration of what information could be drawn from this place and what could be protected in the interest of the future. We did shovel testing, limited scoping under the surface then later larger scale excavation most of the stuff that we found is enclosed within this funny shape here. That is the boundary that we proposed to the national registry of Historic Places in 1988. That is based on positive finds. Your proposal looks like it is just outside the scope of the project

Pat Coleman Is this site listed on the National Registry of Historic Places?  
Pat Martin No, at the time it was proposed landowners were able to block this thing. The landowner at the time blocked. It was determined by SHPO to be eligible. Which provides the same kind of level of protection, but it is not publicized. The information is not put out there for the public. You can't go to the National Registry and find this site. It is not listed.

Pat Coleman Just to clarify, the protection offered by the National Registry is against Federal and State actions, Correct? That may affect the resources.

Pat Martin But that includes permits and has been extended in some circumstances to included permission for actions taken by government organizations like your own.  
It looks like, from what we know, the core of stuff that we know about is outside the area of this current plan. This testing is an inexact science. It's like finding water, you test the ground in limited places, and it doesn't guarantee there is nothing there. The fact that there is stuff nearby makes you concerned that you want to look a little more.

Ray Chase At this point you don't feel there is any reason historically to interfere with this project?

Pat Martin I wouldn't say that. I feel better about it now knowing exactly where it is than I felt about it earlier today.

Jon Soper Are items of these finding on display anywhere?

Pat Martin With the Keweenaw County Historical Society

Jon Soper Did you locate anything that looked like a mine?

Pat Martin Yes, up on the Hill. I don't want this to continue your meeting till tomorrow!

Jon Soper It won't

Pat Martin Historically we know that in the 19 century when Douglass Houghton was tripping around here, the Lac La Belle Mine was established up here on the hill. The mine was established around an opening that probably actually was a prehistoric mine. That was right up here. That is probably the thing that attracted the people down here.

Ray Chase The mine is far away from the current project.

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| Richard Schaefer | If one were to do excavating. How does one do due care in excavating   |
| Pat Martin       | There are a couple of approaches that I would personally advocate. I'd say it's certainly a good faith effort to say, "we'll stop if we see something." The notion that someone running a front end loader is going to see a copper bead is ludicrous. Contractors from this community plowing through human graves to the point that skulls roll out and femurs get pitched off into the trees and saying they didn't recognize anything was there. The idea that the contractor is going to recognize stuff is pretty low. I would advocate some kind of additional look ahead of time, the scope and scale is a matter of what we could scare up to do. |
| Jon Soper        | Thank you for the information.   |
| Jon Soper        | It is good that you put in here that is historical artifacts are detected, uncovered, that you will stop and notify the authorities.   |
| Lonie Glieberman | We aren't saying we are delaying our project. If we find anything we will notify and follow the laws. We won't stop for two years while research is being done.  |
| Pat Coleman      | The ordinance doesn't go into any laborious detail about what one should do. The chances of finding anything when you excavate in the copper country you are going to find something.  |
| Pat Martin       | We dug lots of holes in that place and didn't find anything.   |
| Pat Coleman      | I told Pat before the meeting, if he wanted to come up and stand on the old LaLaBelle Resident dump site on the property he is welcome!  |
| Jon Soper        | Now, on page three to the impact assessment -- it follows 18.24.3 on page 18-34 in the ordinance. Pat Coleman speaks to each point, A, B, C, D. He has done a very thorough job of discussing those points. Take a moment to read point A. We won't do this for everyone. So there are no major bodies of water other than the Lake and no drainage sources of streams on that property. He goes through and addresses every point. I don't know if you have had a chance to read through those -- the idea under E -- the natural features will be retained as shown in the green on the drawing -- green is the remaining natural features.              |
| Pat Coleman      | The natural setting is very important for this development. The ability to retain the trees around the perimeter is the intention. Save as many trees as we can the cabins will be placed accordingly. The shoreline is intended to remain mostly undeveloped. Certainly in future years like any other property owner would like a swim area and a deck. The reserve drain field here will be kept in its native vegetation and will hopefully never have to be used. We did get the permit approval for the waste water treatment and water system for the project.  |
| Jon Soper        | We have that letter from the health department. The water and sanitary systems have received the OK to go ahead from the Health Department. There are no fireplaces in the cabins.   |
| Ray Chase        | What is the heating source?  |

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| Lonie Glieberman | Propane   |
| Jon Soper        | Any comments on page four, on those points?   |
| Tom Hall         | Question on the floor plan of the cabins? Is that a wood stove?   |
| Lonie Glieberman | We won't have a wood stove for a variety of reasons. The main heat of propane heater may look like a wood burning stove.  |
| Jon Soper        | Will there be a kitchen?  |
| Lonie Glieberman | Most customers come for two or three nights. They show up after 11 the first night and leave the afternoon of the last day -- A kitchen would create a more mess and a fire hazard. Without, frees a lot more space for the people to sit. And will push the customers out to the local restaurant establishments.  |
| Jon Soper        | Compatibility is RS this type of lodging is compatible with RS zoning. Any questions on the impact assessment?  |
| Jon Soper        | Let's go through the assessment -- Standards for Site Plan Review Approval section 18.25 pages 18-35. I'll just try to read through this quickly. The site shall be developed to not impede the surrounding property. If you have comments on each of those. Ingress and egress to the property and proposed structures shall provide for motor vehicle and pedestrian safety and convenience and efficient traffic flow. Comment?  |
| Richard Schaefer | Is this a private road  |
| Jon Soper        | This is a driveway  |
| Richard Schaefer | How many lots are we accessing? Section 7.22 single access drive and private road standards. Number of lots served 2-4, 5-15 is 66' I don't know where we fall  |
| Jon Soper        | We discussed that. It was determined that in this case, privately owned lots, this is all one ownership and it is like a driveway rather than a private road. And there will maintain it.   |
| Richard Schaefer | That's ok, I'm thinking about fire access. It does not allow for two fire trucks to go side by side. It's a single one way road.  |
| Pat Coleman      | There are multiple ways to access the property. Lonie won't make you follow the one ways signs.   |
| Richard Schaefer | That's OK I can't have two trucks pass on a one way road.   |
| Jon Soper        | It is limited to a kind of fire protection you might get.   |
| Pat Coleman      | The drive is the same as a long drive to a private family home.   |
| Richard Schaefer | That is true, but. It's a family home. This is not a family home; this is a place for the public .....  |
| Pat Coleman      | So we try to accommodate the need for multiple access, I think we have done that as 16' is accessible as a driveway.  |
| Richard Schaefer | I'm not trying to stir the pot or cause irritation. My concern is fire access. People are going to rent these structures and who knows what they are going to do. There is always a concern. We are not going to be able to get two trucks on the road. A pumper will be on site and a tanker will drive in and drop water then drive out is the best. In this configuration the tanker will need to pull in, drop water and have to back out or need to back in drop water and pull out. It isn't efficient for fire protection. |

Pat Coleman We don't know where there would ever be a fire there. You can get one truck here and another truck here.

Richard Schaefer That does not facilitate a dump tank. It doesn't make it more efficient. That is my concern. I don't know what you can do. I don't know what the topography is there for one road going through there.

Pat Coleman The mountain lodge is the same thing.

Richard Schaefer I'm not trying to stop or inhibit, it is my concern.

Jon Soper Is there a way we can facilitate a location for trucks. At the kiosk is there a way.

Ray Chase Looking at the typical cross section on the plan, we have a one foot shoulder on both sides giving us 18' not sixteen.

Richard Schaefer I won't say no just because of access. I only through that out as a question or concern. When you're in a hurry, you want to GO.

Pat Coleman I respect your concern.

Richard Schaefer There will be a dump tank there. It will need to be ...my issues is the width of the road. Please do what you can do to make it a little bit bigger, I think it would help

Jon Soper It's primarily

Pat Coleman It is also an impact kind of thing. We are trying to...

Ray Chase Your buildings are actually set back from the driveway, there is vacant space between he driveway and the space, in an emergency situation a vehicle could use that space. I'm not making light of the fire perspective.

Richard Schaefer Our only thing is, we can only do what the book says what we can do. We can't do less. I'm not sure how to interpret how many lots we are serving

Pat Coleman It isn't a prior road. It isn't serving more than two parcels. It is intended to remain in private individual ownership.

Jon Soper For a single parcel roadway to get to it, it is a twenty foot minimum.

Pat Coleman The roadway is already there. This is a driveway.

Pat Coleman We want to accommodate the concern for public safety. That is why we made it 16'. We also know we have years when we get lots of snow and so certainly it will give us more space for snow storage on site. If we can make it narrower we would for cost savings we would. At the same time we want to make sure that the Lac La Belle Fire Department is relatively comfortable with it.

Richard Schaefer I'm not implying the fire department is unhappy. I am on the fire department and my concern is simply stated. If you can make it wider fine -- I'm trying to translate what we need. If it ways we need five feet then five feet is ok. IF we need 25 feet then we need 25 feet. I'm having difficulty understanding what the ordinance says.

Jon Soper If I'm interpreting the ordinance, we have a single parcel owner with 18 cabins, not multiple lots, landowners not multiple lots.

Pat Coleman It's no different than the mariner north. Lac la belle lodge.

Jon Soper It's very similar to a driveway for a single parcel. Now what that does say is if it ever comes to the point of having to sell off these cabins one at a time, then we get into the nitty gritty of that driveway is not adequate and so there would be a problem. You are hamstrung to get a variance to sell them as single ownership cabins.

Pat Coleman We understand that.  
Ann Gasperich On page 7-21 there is a portion under 7.29.7 standards for approval item C. speaks to Clearing and grubbing is required for a clear line of sight and passage throughout the corridor, with a minimum of fifteen (15) feet wide and fifteen (15) feet of clear height throughout the corridor. This will accommodate firefighting equipment, other emergency vehicles...

Pat Coleman We still meet the requirement. There is no easement required49.30

Jon Soper Everyone is concerned with safety. On page 18-35 ingress and egress every structure shall have access to public or approved private street roadway. D page 18-36 Appropriate measures shall be taken to ensure that dewatering on a site will not adversely affect neighboring properties or the County storm drainage system. Can you explain that to me?

Pat Coleman Drainage from a site going on to the neighbors property.  
Jon Soper It is address in your plan that drainage will not happen.  
Pat Coleman Yes, we are planning for that not to happen,  
Jon Soper E. Provisions shall be made for the construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicle or pedestrian traffic or create puddles in paved areas. does not apply -- no paved areas

Jon Soper f. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and, where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters. -- that is being done

Jon Soper g. That any adverse effects of the proposed development and activities emanating there from upon adjoining residents or owners shall be minimized by appropriate screening, fencing, or landscaping - - they have that on the design, it is buffered where there are adjacent land owners

Jon Soper h. That existing stands of trees and large individual trees will be preserved to the extent feasible, especially along property boundaries and any lot line shared with a public road. -- the plan reflects maintaining preservation of nature

- Jon Soper i. Off-street parking and loading areas where required, shall be satisfactory in size, shape and design and not present noise, glare, odor or other nuisance effects on adjoining properties and properties in the proposed development above a level enjoyed by existing similar uses in the area, or in that zone -- he does have that
- Jon Soper j. The type, dimensions and character of open spaces, landscaping, screening and buffering shall enhance the design, character, use and value of the property and abutting lands and waters. Any exterior lighting shall be designed to prevent unnecessary illumination of the night sky and shall be shielded from adjacent properties. -- We don't know what that illumination will be but we assume it will be directed downward.
- Jon Soper k. Signs, if any, and their proposed size, shape, height and lighting relative to glare, traffic safety, and economic effect, shall be aesthetically pleasing, compatible and in harmony with signs, structures and uses of adjoining properties. -- only tastefully done sigs
- Pat Coleman Only tastefully done signs, directional, one way and cabin numbers.
- Jon Soper l. Garbage storage and disposal and recycling bins shall be designed to ensure no vermin or rodent infestation and easy access to facilities which are screened from view from the street or abutting properties when not in use.
- Lonie Glieberman They are motel units and the staff will pick up every day. We bring it to the Lac la belle compactor site



Jon Soper

m. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous substances from entering the soil or water with special attention to the following:

1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
4. State and federal rules for record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
5. Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the Michigan Department of Environmental Quality.
6. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
7. No hazardous substances shall be stored in designated wellhead protection areas.

Lonie Gliberman

Jon Soper

Propane will be the only hazardous materials on site.

n. Storm water drainage plans addressing a 100 year storm design base including: flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related temporary as well as permanent management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like. On sites having limited area as in existing built-up community areas with small lots, the Planning Commission may permit controlled exceptions to the 100 year storm base for good and sufficient reasons.

All storm water drainage plans shall be approved and sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive this requirement, defer the requirement, or request a fully engineered storm drainage plan. After completion of construction, an "as-built" drawing and plan of the development, sealed by a Registered Professional Civil Engineer, shall be filed with the Planning Commission showing erosion control plans, the standards of this Ordinance, and any conditions of permit approval.

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| Pat Coleman      | Rain Garden and swails for we will prepare the 100 year storm event plan. We can't get the soil erosion plan until we have the 100 year storm event plan in place. We will then apply and comply with all requirements.  |
| Ray Chase        | what is a rain garden  |
| Pat Coleman      | A swail or a ditch, with native plants that becomes a landscape feature.   |
| Jon Soper        | Historic structure and radiological artifacts -- you address it in your application. Any other comments?   |
| Jon Soper        | Trails and paths? Currently there are none that run through block 5 & 6 -- so you are not blocking any existing trails. OK   |
| Ray Chase        | There are ATV and Snowmobile trails out there but they do not go through this project.   |
| Ann Gasperich    | Regarding the construction of the driveways and parking places. On the legend it looks like you are considering blacktop.  |
| Pat Coleman      | No, there is no asphalt. The Legend is a standard; the person drawing didn't modify the legend to suit the project.  |
| Jon Soper        | any questions from the planning commission about the site plan   |
| Richard Schaefer | Lonie was very proactive with public safety, he contact Rich the Fire chief. They met and had a fair amount of dialog.   |
| Ray Chase        | They did a very thorough job of preparing this. I am impressed with what you have brought to us.   |
| Jim Huovinen     | I have some questions for you. I did look at the site plan and it says you have 3.3 acres of land.   |
| Pat Coleman      | I asked the designer to calculate the amount of area of impervious and gravel drive. We have an error in the calculations. 2.365. I will have the designer check his work. It was done this way to show the 60% of lot coverage.   |
| Jim Huovinen     | Other questions -- will the septic system be pressurized or pump   |
| Pat Coleman      | The effluent will flow to a manhole and a lift station there it gets pushed up the hill to the septic tanks and pumped up to the drain field.  |
| Jim Huovinen     | will the well water need to be treated   |
| Pat Coleman      | No, we are confident our water will be good.   |
| Jim Huovinen     | Is there a generator on site for back up? We have power outages similar to yesterday. What will happen with the well and septic?   |
| Lonie Gliberman  | If the power goes out the well doesn't function. Currently there is no plan for a backup generator. Don't want to need to store fuel down there. We don't have backup power to the mountain. It is an option to look at. If the ski hill isn't open we won't have the customers. It something we need to look at logistically. |
| Pat Coleman      | We will review the design when we get closer to the lift station. It is not a requirement but something we should look at.   |
| Jim Huovinen     | will the water system have capacity or fire hydrant for fire trucks  |
| Pat Coleman      | It will not  |
| Jim Huovinen     | Do you have a provision of a dry hydrant for the fire department to tap into?  |

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| Pat Coleman      | The applicants have indicated they have already spoken with Lac La Belle Fire Department and have shown interest in funding a dry hydrant at the marina.                               |
| Richard Schaefer | It will actually be a hydrant, not a dry hydrant. We will be able to push a button and water comes out.  |
| Jon Soper        | Do you have any questions for us? Anyone else on the commission have a question  |
| Ray Chase        | A possible provision for storage? is that something you would do immediately or in the future  |
| Pat Coleman      | A lot will depend on the quantity that comes from the well. We may need some storage and have it pressurized for the cabins higher up on the hill                                      |
| Jon Soper        | Are there any conditions we should set on the approval?  |
| Richard Schaefer | Updated Site Plan  |
| Ann Gasperich    | Upon receipt of all the necessary required Permits   |
| Jon Soper        | Can I have a notion to approve this site plan condition up receiving the necessary permits and authorize Ann to sign off to approve the site plan necessary permits have been received |
| Ray Chase        | I'll Second that   |
| Jon Soper        | Motion by Jon Seconded by Ray -- any other discussion -- Do a roll call vote   |
| Ann Gasperich    | Jon Yes, Ray, Yes, Richard yes, Jim yes, tom yes -- motion approved  |

## Unfinished Business

The Bete Gris Plat was discussed. Mark Ahlborn was present.

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| Ann Gasperich    | Today's discussion is bringing the information from the Prosecutor to the table regarding the Plat of Bete Gris.   |
| Jon Soper        | Mark Ahlborn is present, before you comment Mark, What is the word on the plat and why are we concerned.   |
| Ann Gasperich    | In the Plat when it was approved by the board of Commissions there was a consideration of a 15 x 50 foot parcel on the lagoon to be used for water access for each of the lots that did not have lagoon access or the ability to put a dock in. Alongside the strips of land is a boat launch.   |
| Mark Ahlborn     | Each lot varies in depth; they have a minimum of 50' the depth to the water may be more or less.   |
| Jon Soper        | Do we have a copy of the plat --   |
| Mark Ahlborn     | Ann said this is on the agenda, you may want to come.  |
| Jon Soper        | Why do we have it on the agenda  |
| Mark Ahlborn     | I didn't understand that the 15 x 50's were buildable because of the deed. There is a deed restriction with the properties.  |
| Richard Schaefer | The deed restriction states that if you have a lakefront lot you are not allowed to build a dock. You are given a 15x50' strip that you can build an uninhabitable structure, dock, shed, boathouse, an uninhabitable structure. Ann went to the prosecutor because there are structures on there even though there is not space for setbacks. |

Richard Schaefer The commissioners said you can build an uninhabitable structure, the planning commission says you need setbacks --

Ann Gasperich I brought it to the prosecutor -- Mark has a 10 x 20' storage shed -- my comment to the prosecutor is his 10x20 is legal structures on the 15 x 50 foot however it goes against the zoning ordinance. My question because of Marks question -- do I apply for a zoning permit?

Jon Soper Doesn't the zoning ordinance say something about deed restrictions?

Ann Gasperich There are a number of things that go along with this...do you apply for a zoning permit? The prosecuting attorney said yes. I can't approve the permit because it doesn't comply with the ordinance -- She told me it needs to come with all of the other documents required and the date I put my signature I include Bete Gris North -- so that in the future we know it was received and we know why it was authorized.

Ann Gasperich I inquired about enforcing the setbacks -- not really, the BOC approved the plat knowing the ordinance was in place. Then I asked her about the 10' or 10 % -- she said I can recommend the 10% setback, but I can't enforce it -- it's only a strong recommendation. In regards to fire breaks, I can strongly recommend the buildings be 10 feet apart -- but because of the way the plat was approved, we can only recommend.

Richard Schaefer All it says is an uninhabitable structure. The deed doesn't say anything about setbacks -- no comments about anything other than that.

Jon Soper It doesn't make sense to go right up to the right of way  
Richard Schaefer If everybody wants to build a boat house -- at 15' --  
Jon Soper I'd use the 10 % -- 1.5 feet on both sides  
Richard Schaefer What about the front setback -- ROW and water?  
Mark Ahlborn I think it would be appropriate to see what there is -- there is a 66 foot ROW to get back there -- with a 12' drive gravel drive which is moved over to one side -- when it came to building they put the drive off to one side to avoid taking any down. It is my opinion that no one is going to take down trees. the deed ready can't remove more than 1/2 of the trees

Jon Soper Mark is right with the road that goes back there -- if someone comes through with something large and hits a building that is right on the ROW -- 10% on the side 10' on the road side --

Mark Ahlborn I pushed mine as close to the ROW as I could in order to take down as few trees as possible. There is plenty of room back there -- we could move the road as well.

Richard Schaefer Moving the road might be a good idea.  
Mark Ahlborn I want to see what we have. There are five or six of us that use that area back there now.

Jon Soper Is there a plat holders group that is responsible for the road?

Mark Ahlborn we originally when we purchase the lots -- there was a movement to get a property owners association going, we held a number of meetings -- back when LSL still owned a number of the lots. We couldn't get past the initial legaleze. Some people had some pretty significant dealings with other in the past -- now we have no property owners association. --

Jon Soper Ann what do you need from the Planning Commission? 75' from the high watermark on a 50' lot is out

Ann Gasperich I'm looking for a recommendation to go with the 10% setbacks on the side lots, a stagger of 10' between neighbors structures.

Jon Soper Mark, your structure is already there -- They should be back from the road ROW, no closer to the road than the edge of the ROW.

Richard Schaefer 10% on the side, 1' on the front.

Jon Soper People need to bring in a site plan with the zoning permit request

Ray Chase Part of Marks consideration is saving the trees. If there are two lots where building side by side is necessary -- are you going to tell the one in the middle they can't build?

Ann Gasperich Maybe we need to take a look at the situation and make recommendations regarding building materials. Cedar Shake is not an option when you're only 4' apart

Jon Soper Do you need this in writing?

Ann Gasperich Make a motion

Richard Schaefer Motion for the boat dock lots at Bete Gris lots the setback from the front road access is 1' and the side setbacks be 1.5'.

Tom Hall Second

Jon Soper further discussion -- on the water permit is a Corps of Engineers permit -- call for a vote -- all in favor -- opposed -- motion carried

Jon Soper Ann please writes a letter to Mark clarifying the issue.

### Discussion of Public Hearing from January 7<sup>th</sup> Revisions were discussed for section 7.13, 7.15 and 10.12

Jon Soper One more order of business, the RV things so we can take it to the board of commissioners. we did one change at the January 7th meeting, on the second page,

Ray Chase was there a change on the first page also

Jon Soper yes, I believe to add the occupancy permit

Ray Chase bottom of the first page -- an occupancy permit is issued

Jon Soper on the second page -- we eliminated the whole sentence. The last sentence on the big paragraph -- we eliminated the entire sentence. I think those are the only two changes we made at the last meeting. Quickly come back to the very first page -- section 7.13 except for RV's in bonified campgrounds the following shall apply -- all RV's shall need a vehicle permit. That shall stand. In residential districts only one RV is allowed on a parcel.

Richard Schaefer Can I, before you go to far, can I offer a comment. As i listened at the public hearing. The people didn't like hardly any of the changes. to the point that I think I heard -- you guys are picking on us, why are you singeling us out. With some of the things we are attempting to adopt, with RV's per acre, we are singeling them out -- it is more restrictive. If I'm sitting out there and I have one of those RV's -- I'm hearing that you are picking on me. As I thought about all this, I kept thinking in some ways they are right -- this is more restrictive in your current environment.

Richard Schaefer Based upon the public comment I suggest we go back to clarifying the current ordinance and getting away from all of the RV's per acre, the special use permit. get away from all that. You can put it there for 90 days and you need to move it out. then ask them -- how do we change the ordinance? instead of jumping in with both feet to fast.

Jon Soper Are you saying to forget section 7.13 with the intent to build  
Richard Schaefer I didn't get a warm feeling from any comment at the public hearing  
Jon Soper They were opposed to the changes until they heard the open storage.

Richard Schaefer The email from Jim -- it helped me put 2 + 2 together -- the loosing of standards to accommodate various individual situation created through no fault of Keweenaw county will render the Keweenaw county zoning ordinance to become a hollow shell of what it is intended to be. Once the ordinance interpretations are liberalized, it will gut the zoning ordinance of any consistency." I like that, it hits the nail on the head, and the last thing, "Keweenaw Zoning ordinance helps protect property values and provides an economic base for townships and county services. There in, when I hear people say. I'm not hurting anyone. you are hurting someone, the looser with putting RV's in residential district -- the county is loosing property value and tax revenue. That is the loss. If you, for some reason allow and RV there and over there, here and here, we have lost continuity, it is a piece of garbage.

Jim Huovinen My take to  
Jon Soper we'll come back to 7.15 -- there is no restriction as to zoning districts here. RR, RS, in 7.15 A temporary dwellings,

Richard Schaefer That is all extremely appropriate, shall not be moved on to a lot or occupied for more than 90 days. BOOM -- that's it - if we want RV's in residential districts we should change the uses.

Jon Soper one step further .. under paragraph A -- no more than one RV is allowed on a parcel up to ten acres or two on parcel 10 a or greater -in ag tr ex and rr

Richard Schaefer I say no. my mind our task is to clarify the current ordinance so there is no ambiguity and you can leave an rv for 90 days. the restrictions of so many per acre is a step to much. we should bag the RV permit, its going to be a monster to police. That RV permit is more restrictive for those RV people.

Ray Chase                    The only purpose to the RV permit is it mentions health department. i don't think there is any way to assure that disposable water is taken care of properly. It might give us the opportunity to police it.

Ann Gasperich                referred to the public act regarding safe water and health dept  
Jon Soper                      The purpose of the RV permit is to have a better handle on the RV's

Richard Schaefer            The county is loosing property values with RV's in residential districts

Jim Huovinen                there are six rv's on the 2.9 acres -- along the river in Sherman township. It's not fair for someone who builds a permanent structure compared to someone who just places an RV. let me read -- an adhoc trailer court has been established -- if they met the state requirements

Richard Schaefer            they cant afford to meet the requirements.  
Jon Soper                      that is not our concern  
Richard Schaefer            what about the accessory structures down there -- they have a tiki bar is it an accessory structure -- do they have a primary structure. it is also without a permit -- it can't be there.

Ray Chase                    What if it is under 200 sq feet?  
Richard Schaefer            Are we going to do an RV permit?  
Jon Soper                      we aren't going to know 90 days with out something.  
Richard Schaefer            on one hand I say stay away it's more complication -- some one is going to say why do we have to get a permit?

Ann Gasperich                If someone has 10 acres they should be able to leave their RV there -- in RR, AG, TR and extraction -- that should fall under open storage. we are talking 10 acres verses a 100 x 200 lot. going back to the ability to use the property -- is where the 10 acres . lets leave any parcel that has more than two trailers out of this. we need to look at the individual parcels and one trailer. lets focus on the primary issue, we can deal with the anomalies later

Jon Soper                      lets start on the last page of the four pages -- storage of RV in AG EX TR -- storage my be on these parcels year round. one RV on a parcel up to 10 acres a maximum of 2 on parcels 10 a or greater. what should we say -- what about storing year round on five acres.

Tom Hall                      How did we get here in the first place -- we heard from a property owner that he was attempting to sell his property and potential buyers were complaining about his trailer neighbors. we also had another property owner who's children didn't want to come up and use their property because of the RV's on the adjoining property and the children didn't feel comfortable any longer don't we have some obligations to the existing property owners.

Ray Chase                    going with the clarification is not the way to go -- the planning commission needs to make recommendations, the ones that we've been reviewing are what we need to bring.

Jon Soper                      Leaving a trailer in RR must have the intent to build permit -- not a special use permit -- it would run with the land and can carryover --

Ann Gasperich after all is said and done -- some of these people are in violation of the existing ordinance. The property owners have responsibility. Regardless of what goes to the commissioners, there are people in violation -- we need to ignore that fact right now and attempt to come up with something that is fair and equitable to bring to the board of commission. then we go after those that are in violation

Jim Huovinen Why don't we wait until the other three commissioners are here  
Ann Gasperich this needs to go to the board of commissioners at the February meeting

Richard Schaefer take all of the residential stuff out -- leave the TR, AG & ED for staying and storage. then if someone has heartburn regarding residential -- let them come to us and we'll see if we can work with you. I don't think that trailers should be allowed in RR all year long -- it's permanent structures that pay the bills all year long -- not RV's.

Jon Soper What we want with that suggestions is in 7.13 first page in residential only one RV is allowed on any parcel on parcels up to 10 A an RV is not allowed to occupy the parcel for more than 90 days in a calendar year . scratch only one RV is allowed on a parcel in residential districts on parcels up to ten acres.

Ann Gasperich In residential districts one RV is allowed on any parcel up to ten acres. A recreational vehicle is not allowed to occupy the parcel for more than 90 days in a calendar year with out an intent to build permit.

Ann Gasperich John Q Public has ten acres. It shouldn't matter if it is in Ag, Tr, Ed or RR -- I have a hard time with not allowing RV's there without an intent to build permit.

Richard Schaefer we are trying to do things that are politically right not what is right. I don't think RV's should be in residential areas. Permanent structures in RR pay the county's bills.

Jim Huovinen I agree  
Ray Chase in RR, If you have 5 or 10 acres -- with an intent to build permit, the RV can be there year round.

Jon Soper on parcels in RR an RV is not allowed to occupy the parcel for more than 90 days without an intent to build permit.

Richard Schaefer if you want to make an exception to ag, tr and extraction -- that is reasonable.

Richard Schaefer Lots of discussion now to review the pages...  
Change both of the 10A to five acres. and delete the last sentence  
Jon Soper Storage

AG, EX, TR are in -- definition for RV is in with corrections --

A1 a temp yurt is allowed stays -- TR 10 Acres

7.15.1 temp dwellings A1 temp yurt stays

the entire 2 and 3 are coming out --

7.13 except for the very first sentence -- all RV's must have an approved RV Permit.

Adhere to all the setbacks and comply with all health regulations.



are we keeping the RV permit? Yes  
discussion on RV permit fee -- a reasonable admin fee ?

7.13 RV's stays

2.3 definition stays

intent to build -- does that stay? yes

Temp use buildings -- stays

7.15.1.1 general stays

temp dwelling stays

7.15 1.a -- one stays, two and three stay

10.12 standards for special land use -- stays

the only other question is open storage -- with or without a principle structure -- RV's maybe stored year round on ag, tr, ed on parcels without a principle structure or principle use. subject to the following -- not hooked up, occupied -- as stated with a principle structure

in AG, TR, ED changed to 5 acres, one RV may be stored on parcels up to five acres. scratch the 10A, a maximum of two RV's maybe stored on parcels larger than 5 acres and scratch condition 2.

Open Storage A = with principle structure

Open Storage B = without a principle structure

Mark Ahlborn

This is a pretty complicated project -- regarding the permit 90 days, I think you're going to get complaints from the 90 days if it is a problem. In the plat of Bete Gris North -- it reads I can camp on my lot I was given a limit of 10 days per month -- for the same reason my lot in back has some issues -- Will the plat take precedence?

Mark Ahlborn

be consistent with your five acre parcel, five and under is one, over five is two RV's. maybe there is too much resort residential along the waterfront -- maybe that needs to be looked at in the land use. Some of this is very appropriate for residential areas.

A motion by Jim to present the zoning ordinance changes to the Board of Commissioners for their February meeting, second by Tom all in favor motion carried with one abstain – Ray Chase.

Zoning Administrator's Report was received.

Public Comment—Mark Ahlborn

Commission Final Comments

Schedule Next Regular Meeting – February 25<sup>th</sup>, 2014 6:00 p.m.

Adjournment at 8:42