

Keweenaw County Planning Commission
Regular Meeting
Minutes March 29, 2016

Keweenaw County Courthouse 6:30 PM

Roll Call: Jon Soper, Chair John Parsons Vice Chair
 Richard Schaefer, Member Tom Hall, Member
 Steve Siira, Member Ned Huwatschek, Excused Absence
 Ray Chase, Commissioner
 Ann Gasperich Zoning Administrator

5 Member quorum was present, meeting was appropriately posted.

The Pledge of Allegiance was recited.

M/S Chase/Siira to approve the agenda with the change of order for new business in front of unfinished business, change the order to the National Marine Sanctuary followed by ZBA Action and to add correspondence after public comment, passed.

M/S Parsons/Hall to approve the minutes of the regular meeting on February 23, 2016 meeting, passed

Guests: Mike Dudenas, Mary Long, Audrey Erickson, Tom Rozich, Kurt Hauglie, Gary Heikenen, James Rovano, Julene Dahlgren, Jan Cole, Mark Vichich, Kathy McEvers, Mark McEvers. Jim Vivian, and Don Piche.

There were no public comments at this time.

Ann read communications from the following into the record: Doug Dawson, Lesley DuTemple, Glen Mannisto, Kathy McEvers (2), and Dar Huovinen.(attached as pdf)

Comments from the letters called into question the status of Ray Chase as a member and John Parsons having a conflict of interest.

Jon Soper read from the by-laws of the Commission. He read the conflict of interest statement within the by-laws. He stated, "John declared a potential conflict. John and Jan sitting on the same non-profit board does not constitute a conflict." He went on to say, "Ray Chase is a full member of this committee. He does abstain on all votes that go to the board of commissioners."

New Business

Jon Soper read the resolution provided by Tom Rozich regarding the National Marine Sanctuary aloud. **M/S Schaefer/Hall** to accept the resolution then called for comments. John stated he had sent an email to the commissioners in an attempt to find other information on the NMS. He researched the NOAA website looking for information relating to educational contributions the NMS may provide and was unable to determine anything. Tom Hall also searched the website and felt that the designation wouldn't offer any benefit, only another layer of government.

Chairman called for a vote. All members present voted to adopt the resolution. Ray Chase chose to abstain.

ZBA Action – Jon Soper read from the Judges order. See note 1,2,3,4 & 5 in the attached Judges order. Jon then questioned what is meant by the appellants status. He went on to say, "In our ordinance, we have to allow for every use, but not in every district." "The ZBA did not find out the appellants' status, they did not receive a list of the uses for the Coles property." Jon then followed up by reading the Findings of Fact from the ZBA Meeting into the record. Attached Jon then followed up with, "First we need to know what is the Coles use of your property?" He asked Jan for a list. Jan suggested we ask our attorney to ask her attorney. Soper said, "We need to know if their use is in the ordinance or needs to be added. The Zoning Ordinance already accommodates events. The Keweenaw Mountain Lodge and Gitche Gumee Bible Camp are examples. It does not accommodate events in a residential neighborhood. This issue will continue to reside here with the Planning Commission for a while."

Jon requested all public comments be held until the public comment at the end of the meeting. He then asked for comments from the Planning Commission. There were none.

Unfinished Business

Ann reminded everyone of the meeting April 14th Blueprint for Tomorrow Plan and future land use map changes at 1:00 PM in the courtroom. She also gave the dates of April 5th at 6:00 PM in Ahmeek Village Hall and April 19th at 10:00 AM in Copper Harbor.

M/S Tom/John to alter the Setback from the water in RS-1 shall be the average of the setbacks for the adjacent structures on the same platted block with a minimum of 20 feet. All in favor, with one abstain, motion passed.

The discussion of garages being allowed to be built in R-1 that are not adjacent to homes was discussed. Percent of lot coverage should be included in the provisions and the appropriate to the neighborhood removed. Will be carried over on the April agenda.

The Zoning Administrator's presented her report and commented on the two building and zoning permits issued.

The Chair called for final public comments –

Jim Vivian was recognized as the Chair of the ZBA. He did not believe a list of the uses of the Coles property was appropriate and stated any changes to the zoning is not retroactive. He recommended the Chairman of the Planning Commission contact the County Attorney.

Kathy McEvers stated the March 28 gazette article title "Overruled" as the headline was extremely misleading. Mr. Vivian has abstained himself concerning the Coles at the Township and the ZBA Level, and I believe it was

inappropriate for him to be advocating for the Coles in front of the Planning Commission. Once a conflict of interest it is always a conflict of interest. A COI says you can't vote, even if it is innocuous.

James Rovano stated that he has reviewed the Judges order regarding the interpretation. The Coles have made it clear they are going to offer wedding receptions. The definition of resort is in line with just what the Coles are doing. Any Questions? As a point of record. The Coles are operating a resort. The article in the Daily Mining Gazette completely reminded me of Tokyo Rose, boys you've already lost, go home. That is what the Coles want us to believe.

Mark McEvers – the Coles have reinterpreted Events to include more than registered guests. They are bringing others into a single family residence which creates a business environment. At a B&B I can sell T-Shirts to guests. I cannot bring other people in to purchase t-shirts. That is what the Coles are doing. If someone came into town and wanted to build a reception hall, they would be turned down because it is a business function. So why should someone be permitted to conduct that same business in a single family home?

Commission Final Comments – Jon Soper reminded everyone the Planning Commission has already held public hearings regarding the possible rezone of Eagle River from RR to RS.

Next regular meeting April 26, 2016 6:30 PM

M/S Chase/Hall to adjourn at 7:48