

**Keweenaw County Planning Commission
Draft Minutes
October 27, 2009**

1 of 3

The Planning Commission Regular Meeting was held at the Keweenaw County Courthouse in Eagle River. The meeting was called to order at 6:05 by Chairman John Soper.

Roll Call

Present: Jon Soper, Chairman
Richard Schaefer, Vice Chair
Carol Rose Fouts, County Commissioner, Representative
Jim Huovinen, Member
Joan Nelson, Zoning and Equalization Administrator
John Parsons, Member
Tom O'Callaghan, Secretary

Absent: Deneen Connell, Member

AGENDA

Motion by John Parsons to approve the agenda. Motion seconded by Jim Huovinen. The motion was unanimously approved.

Work Group Minutes - August 18, 2009

Motion by Richard Schaefer to approve the August 18, 2009, with corrections. Motion seconded by Jim Huovinen. The motion was unanimously approved.

Regular Meeting Minutes - August 25, 2009

Motion by Jim Huovinen to approve the August 25, 2009, Regular Meeting Minutes with corrections. Motion seconded by John Parsons. The motion was unanimously approved.

Guests: Robert Kaupi, Dennis Rich (attorney for Mr. Kaupi).

Discussion: Mr. Kaupi is developing a marina in Gay Township. Mr. Kaupi is including cabins (purchased from the County and moved from the Mt. Horace Greeley facility) as well as facilities for RVs and camping in his planned marina.

A resident of Gay complained that Mr. Kaupi has already moved one of the purchased cabins from Mt. Horace Greeley to the planned Gay Marina property and has put the cabin on temporary footings. Mr. Kaupi moved the cabin without having the proper Zoning permits, Building permits or Health Department approvals in place. Mr. Kaupi said that he planned to complete all the required documentation, but that he needed to move the cabins now to satisfy investor requirements before the winter season set in and prohibited movement of the cabins till next summer. Per Mr Kaupi, the cabins will be set on temporary footings until permanent footings can be installed and all Health Department requirements relating to drainage and sewer facilities are met. Mr. Kaupi assured the Commission that none of the cabins would be occupied until all required facilities were in place and all permits and documentation are in place. He said that he was unclear as to what documentation was required.

The question was raised as to whether Mr. Kaupi's planned project should be classified as a Campground (Zoning Ordinance pg 2-7, Article II, Definitions), a Resort (Zoning Ordinance pg 2-20, Article II, Definitions) or as a Tourist Service Establishment (Zoning Ordinance pg 4-17, Article IV, Zoning Districts & Permitted Uses). Each of these classifications are similar but not

**Keweenaw County Planning Commission
Draft Minutes
October 27, 2009**

2 of 3

identical. Each of these classifications has different restrictions and / or permit requirements and may or may not include a site plan. During the discussion it became apparent that these definitions / classifications need further revision and / or clarification during the current, State Mandated Zoning Ordinance review being performed by the Planning Commission.

After discussion, the following agreements were arrived at by the Planning Commission and Mr. Kaupi (the Applicant):

1. A cabin moving plan, containing all the requirements provided by the Zoning Administrator, will be provided by the Applicant to the Zoning Administrator by October 28, 2009.
2. A site plan acceptable to the Zoning Administrator will be provided by the Applicant to the Zoning Administrator before the next Planning Commission meeting;
3. The Applicant will complete and file with the Zoning Administrator a Zoning Permit Request and all other required documentation requested by the Zoning Administrator;
4. The Applicant will be allowed to move as many of the purchased cabins as needed to the Gay Marina facility as soon as possible to be placed on temporary footings. Mr. Kaupi stated that the cabins will not be occupied until permanent footings are installed and all County Zoning requirements, Building Permit and Health Department requirements relating to drainage and sewer facilities are met.
5. The Planning Commission will determine, at its next scheduled Regular Meeting, if the Gay Marina project will be classified as a Campground, a Resort, or as a Tourist Service Establishment.
6. The planned Gay Marina Navigation Light Tower, which is physically on the property but not yet erected, is considered by the Planning Commission to be an Inland Aid to Navigation as defined by the United States Coast Guard, is subject to Coast Guard rules and regulations, and is therefore outside of the jurisdiction of the Keweenaw County Planning Commission.

It was agreed by the Applicant and the Planning Commission that (for whatever reason) the Applicants Zoning Request procedures have been inconsistent to this point but would be corrected as the project moves forward.

Of his own volition, the Applicant agreed to a Public Meeting on the project if the County Planning Commission deemed it appropriate.

Motion by John Parsons that, recognizing the existence of the procedural inconsistencies and irregularities noted above, the County Planning Commission will not object to the Gay Marina Project moving forward as long as all of the Agreements and understandings noted above, as well as all other legal requirements are met. Motion unanimously carried.

Zoning Administrator Report:

A copy of the Zoning Administrator's report is attached.

The Zoning Administrator received a (determination) letter from Donna Jaaskelainen, Prosecuting Attorney, Keweenaw County, which stated that the Notice of (Zoning) Violation letter, dated July 29, 2009, and sent to Mr. Erlandson by the Zoning Administrator at the direction of the County Planning Commission, should not have been issued. Atty. Jaaskelainen

**Keweenaw County Planning Commission
Draft Minutes
October 27, 2009**

3 of 3

felt that Mr. Erlandson has made a good faith effort to comply with the Zoning Ordinance and will not seek further enforcement of the July 29, 2009, (Notice of Violation) letter sent to Mr. Erlandson and requested the Zoning Administrator withdraw the Notice of Violation. Atty. Jaaskelainen continued that " I further strongly recommend the Planning Commission, when such a matter comes before it, look at the totality of the circumstances. As a guide, the Board should always keep in mind the opinion of the Michigan Supreme Court, " A zoning ordinance must be reasonable, as reasonableness is the test of legality" " The Planning Commission withdraws the letter.

A copy of the letter from Attorney Jaaskelainen is attached.

Unfinished Business:

'Zoning Ordinance updates' was deferred until the next meeting.

New Business:

Commissioner Fouts said that she received a call from Commissioner Keith concerning complaints about horses in Bumble town. Commissioner Keith told Commissioner Fouts that the complaints were related to "the smell". In discussion, it was determined that, due to the size of the horse owner's property, horses on the property was permitted under the Zoning Ordinance. Commissioner Fouts agreed to relay the Planning Commission's analysis to Commissioner Keith.

Correspondence: None

Public Comment: None

Commission Final Comments:

The November Regular Planning Commission meeting will be combined with the December Regular Planning Commission Meeting and will be held on Tuesday, December 8, 2009. The Zoning Administrator will post the Public Notice.

Adjournment

Motion to adjourn by Jim Huovinen. Motion seconded by Jon Soper.

Meeting adjourned at 8.19 pm.

Thomas O'Callaghan, Secretary

Attachments: Zoning Administrator's Report
Prosecuting Attorney Jaaskelainen's letter.