

OFFICIAL PROCEEDINGS
KEWEENAW COUNTY BOARD OF COMMISSIONERS
October 20, 2010

The regular monthly meeting of the Keweenaw County Board of Commissioners held October 20, 2010, 6:30 p.m. at the Courthouse, Eagle River, MI, opened with the pledge of allegiance.

Commissioners present: Randy Eckloff, Frank Stubenrauch, Don Keith, Carol Rose Fouts, Joe Langdon.

Motion by Stubenrauch supported by Eckloff and unanimously carried to accept the agenda with the following addition: Under Guests; add Sheriff Ron Lahti.

The minutes from September 15, 2010 stood as presented.

The Treasurer, Sheriff and Mine Inspector reports were received.

Time was allowed for public comment.

Donna Jaaskelainen addressed the Board about the Revenue Bond issue at the Keweenaw Mountain Lodge. Donna stated that only the net revenue is used to pay the bond debt. Since the KML has not had or does not have net revenue, we do not need to be paying the revenue bond until there is net revenue. Going forward, Donna suggests that the Board be very specific about any motions made to pay outstanding bills which would be for operating and maintenance reasons only so that this money would not be considered as net revenue.

Ron Lahti informed the Board that the Keweenaw County Jail passed the state inspection which involves the building, policies and procedures and was 100% compliant. Also, the County was required to choose a Jail Reimbursement option and Sheriff Lahti said that Keweenaw County has chosen option B for reimbursement for inmates. It was studied by the Parole officer and the Sheriff and they both agreed that this option would be most beneficial to Keweenaw County.

Motion by Stubenrauch supported by Eckloff to pay the approved and audited bills in the following amounts; General Fund=\$114,927.15 Construction Codes Fund=\$5,158.24 911 Fund=\$555.38 EDC=\$8,442.17 Law Library=\$391.46 Child Care Fund=\$0 County Veterans Trust Fund=\$4,305.09 Register of Deeds Automation Fund=\$2,770.20. Board polled. Ayes: Eckloff, Stubenrauch, Keith, Fouts, Langdon. Nays: None. Motion carried.

Off-site storage for Courthouse computer information is being completed. There will be a backup in the Sheriff's Office where all information will be sent to automatically by the server at the Courthouse.

Langdon and Bob Mikesch informed the Board about the debt elimination plan that they have been working on for the Keweenaw Mountain Lodge which must be presented to the State of Michigan. A packet of information was handed out to the commissioners at the meeting with projected budgets and assumptions for the Lodge. The proposed plan is to appropriate \$200,000 from the EDC Fund to the KML Fund which includes a loan for \$90,000 which was made previous. The money already set aside for paying the Revenue Bond would go toward the deficit also as there was no net revenue. The remaining deficit would be covered by a loan from the General Fund to the KML Fund equivalent to whatever the cash deficit is as of December 31, 2010. Motion by Keith supported by Fouts to table the deficit elimination plan until November. Board polled. Ayes: Stubenrauch, Keith, Fouts. Nays: Eckloff, Langdon. Motion carried.

Motion by Keith supported by Eckloff and unanimously carried to reappoint Gerald Vairus to the Department of Human Services Board for a three year term ending 10/31/2013.

Motion by Keith supported by Stubenrauch and unanimously carried to accept the Apportionment as presented.

Motion by Stubenrauch supported by Eckloff to approve the Zoning Ordinance Amendments after the Planning Commission held a Public Hearing and requested that the amendments be approved by this Board. Board polled. Ayes: Eckloff, Stubenrauch, Fouts, Langdon. Nays: Keith. Motion carried. The amendments follow: Additions to the amendment are underlined, text being removed are struck through:

*Keweenaw County Zoning Ordinance Amendment
October 2010*

Section 2.3 Definitions

Building Area or Building Footprint: The total horizontal area of the largest story of the principle building ~~and all accessory buildings~~, exclusive of uncovered porches, terraces, patios and steps.

Dwelling Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family occupancy, physically separated from any other dwelling units in the same structure, and containing

independent cooking, ~~bathroom~~, and sleeping facilities, and a Western Upper Peninsula Health Department approved potable water supply and waste disposal system.

Section 5.2 Dimension Requirements for Residential Districts

Schedule A NOTES:

- a. Setbacks for all residential districts may be greater for any waterfront lot if the land is within a designated coastal floodplain, high risk erosion area or sand dune regulated by the Dept. of Environmental Quality. See Section 6.2.8, 6.10.A, 6.10.E.
- b. By variance ~~special land use~~ in all residential districts, the setback from a waterbody may be reduced to not less than 50 ft. where unique conditions, such as bedrock, make it economically unfeasible to setback at 75 ft.

Section 7.9 ACCESSORY USES AND STRUCTURES

7.9.1 General Standards:

- A. Subordinate to Principal Use: Accessory uses and structures must be subordinate to the principal use and structure on the subject lot in terms of area, extent and purpose.
- B. Time of Establishment: Accessory structures must be constructed in conjunction with or after the principal building, and may not be constructed prior to the construction of the principal building, except as provided in 1., 2. and 3. below. Accessory uses may be established no earlier than the commencement of the principal use, except as provided in 1., 2. and 3. below.
 1. A permitted accessory structure may be erected following receipt of a Zoning Permit, and following receipt of a Zoning Permit and Building Permit for the construction of a permitted principal structure on the lot. [On parcels of 10 acres or more a permitted accessory structure may be built without a principal structure provided the accessory structure is set back at least 100 feet from any road right-of-way or property line]
 - 3.c The accessory structure is not more than ~~144~~ 200 square feet, ~~and twelve (12) feet~~ nor more than one story in height.

Section 7.9 Accessory Uses and Structures

Table 7-1 footnotes

- a. Accessory structures shall comply with all setbacks from the ordinary high water mark of a lake, river or stream that apply to primary structures.
- b. ~~a.~~ Except if livestock are sheltered, then 100 ft. See Section 7.32.D.
- c. ~~b.~~ Accessory structures may not be located in the front yard, except for waterfront lots, see Section 5.2, Table 5-1, Note D.
- d. ~~e.~~ Accessory structures not more than fifteen (15) feet in height may be located in required rear setbacks if they do not occupy more than thirty-three percent (33%) of the actual rear yard area and are located at least five (5) feet from any lot line; except, in those instances where the rear lot line is coterminus with an alley right-of-way, the accessory structure may be as close as one (1) foot to such rear lot line.

Also see exceptions in Section 7.9 B.

Section 7.14 Seasonal buildings and Structures

7.14.1 General: Seasonal buildings and structures are permanent structures that are specifically designed for seasonal or short term use. They are not intended for year around occupancy, however, seasonal dwellings must meet the requirements of a dwelling unit. They are permitted in the following districts with the conditions given.

Section 7.15 Temporary Buildings and Structures

7.15.1 General: Temporary buildings, structures, and uses are permitted in all districts only under the following conditions:

- A. Habitation of Accessory Structures, Tents, Yurts and Travel Trailers as Temporary Dwellings: Except for tents and recreational vehicles in bona fide campgrounds, no structure shall be used for dwelling purposes for more than ~~fourteen (14) days in succession nor more than sixty (60)~~ ninety 90 days in one (1) year, that does not meet the minimum standards for a dwelling unit as defined in this Ordinance and the State Construction Code Act, Public Act 230 of 1972, with amendments. This means that no garage or other accessory building, cellar, basement, camp or partial structure, whether of a fixed or portable construction, nor any tent, yurts, travel trailer, recreational vehicle, trailer coach, mobile home, or other structure not in compliance with P.A. 230 of 1972, or the previous sentence, shall be erected or moved onto a lot and used for any temporary dwelling purpose for more than ~~14 consecutive days, nor more than sixty (60)~~ ninety (90) days in one year, unless authorized by the Zoning Administrator by the issuance of a Temporary Zoning Permit as provided for in Section 18.9, or by means of a Special Land Use Permit pursuant to Article X, or unless constructed as a year around dwelling per the applicable requirements of this Ordinance. A temporary yurt is only allowed on a minimum lot of 10 acres in the TR district.

Section 7.15.1

- A.1 Hunting Camp: A hunting camp is permitted as an RC use in ~~a~~ an AG or TR district, provided:
 - a. The parcel on which the hunting camp is located is at least ten acres in size.
 - b. ~~There is no pressurized~~ Potable water must be obtained from a WUPHD approved potable water supply.
 - c. There is a waste disposal system that has been inspected and approved by the Western Upper Peninsula District Health Department.
 - d. The building is no more than four hundred (400) square feet.

Section 9.2 NONCONFORMING LOTS

- A. In any District permitting residences, a single-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record that was recorded in the office of the County Registrar of Deeds before ~~the effective date of this Ordinance, August 14, 1975, or before an amendment to this Ordinance which made the lot nonconforming,~~ provided such lots meet the requirements of subsections B, C and D below. No use of any nonconforming lot of record which was divided after the effective date of this Ordinance shall be permitted which created a lot with a width, depth or area below the requirements stated in this Ordinance.

- B. Where two or more vacant nonconforming lots were in common ownership on ~~the effective date of this Ordinance~~, August 14, 1975, and have remained in common ownership since then, and were contiguous to one another along side lot lines, such lots shall be considered as a single lot of record for purposes of this Ordinance, and no portion of said parcel shall be used in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall they be transferred or sold except in blocks that equal the original ownership interest, or in a combination of lots that meets the minimum requirements of the District in which they are located.

Section 9.4 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or location on the lot such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged (*increased in square-footage to include additional stories,*) or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered, provided that all such changes are also in conformance with the requirements of the District in which it is located. Furthermore, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use and which existed at the time ~~for of the adoption or amendment of this Article~~ of this ordinance, but no such use shall be extended to occupy any land outside such building.

B. Should such structure be destroyed by any means it shall not be reconstructed except in conformity with the provisions of this Ordinance, unless it is impractical to do so, in which case it shall be rebuilt on not more than the building footprint at the time of destruction *and in accordance with section 9.4.A above.*

Section 10.12 Standards for Special Land Uses

Section 10.12.39 Wind Towers: *See tower height definitions on page 2-25.* Wind Energy Conversion Systems (WECS) under thirty-five (35) feet in height are allowed by right in any District. WECS between thirty-five (35) and eighty (80) feet in height are allowed as conditional uses in all zones and WECS greater than eighty (80) feet are allowed by Special Use Permit in the M-1, M-2, AG and TR Districts when in conformance with the following requirements:

Section 16.4 Signs allowed in any District without a permit

A.4 Government Signs Governmental signs and signs identifying conservation areas owned and maintained by public or quasi-public entities like land trusts are permitted in all districts, but *must be placed on the property the sign identifies, and* may not exceed the maximum sign area permitted in the district or fifty (50) square feet, whichever is larger.

Section 18.4 Duties of the Planning Commission

Section 18.4.1D. The membership of the Planning Commission shall *should* be geographically representative of as many Townships or Villages under the administration of the Keweenaw County Zoning Ordinance, as feasible, and also include the greatest and most varied available expertise. Other membership requirements are found in the ~~County Planning Act, P.A. 282 of 1945~~ *Michigan Planning Enabling Act, P.A. 33 of 2007*, including the requirement for one member to come from one of the local school district staff or administration. *One member may also reside outside of the jurisdiction of the Keweenaw County Zoning Ordinance in an adjacent Township or County.*

ZONING MAP AMENDMENT

Rezone parcel #101-32-400-009 at 114 First Street, Ahmeek Location, from Extraction District (ED) to R1-B Residential.

Motion by Langdon supported by Fouts and unanimously carried to allow incoming Board members to attend the New Commissioner Workshop in Escanaba in December. Members who attend will be reimbursed.

The County has tower rentals with various businesses. Keith will follow up with the Treasurer about any agreements for tower rentals.

The Keweenaw Mountain Lodge budget for 2011 will be coming up at the Mountain Lodge meeting. The budget should reflect the assumptions and numbers that Langdon and Mikesch came up with in the deficit elimination plan.

During public comment, Ray Chase asked the Board what would be gained if the Board decides to appropriate money from the EDC Fund versus making a loan.

Langdon will contact the Hannula Agency regarding the vandalism at the Mouth of the Gratiot to see if damages are covered for the privy that was there.

Time was allowed for public comment.

There being no further business motion by Stubenrauch to adjourn at 8:55 p.m. Meeting adjourned sine die.

