

The Portage Township Planning Commission (PC) June 9, 2022 meeting was called to order at 7:00 PM by chair Melanie Watkins. This meeting was the first in-person meeting with members of the public present since the start of the pandemic. There was no Zoom component to this meeting. Present were Watkins, Ted Soldan, Jeff Koski, Connie Sherry, Will Cronin, and Peggy Anderson (see attachment #1).

Anderson made a motion to accept the minutes from the April 7, 2022 regular meeting. The motion was seconded by Koski. After some discussion about the discrepancies in the previous two sets of minutes regarding the owner of the Onigaming Supper Club (OSC) property, the motion was put to a vote, and passed unanimously.

A question was asked about publishing this meeting via Zoom as we've done for several years. Anderson said she spoke with a colleague at the Michigan Township Association (MTA) and learned that Zoom was no longer required for regularly scheduled meetings.

Watkins said there had been some confusion about the seaplane issue. It was decided to cancel the public hearing on the issue because the paperwork did not come through from the property owner or their representative. Watkins stressed that this meeting was NOT a public hearing.

Watkins said she had received 2 notices from Barry Polzien, the representative of the owner of the OSC property, regarding this issue. According to Watkins, Polzien has not followed through with the necessary paperwork to initiate the public hearing process, so the public hearing was cancelled (see attachment #2).

Agenda Item #1 (see attachment #3) Watkins discussed the proper procedure for requesting an amendment to the ZO (see attachment #4). To amend the ZO, section 13.1 is the power to amend. 13.2 specifies who may initiate the process to amend. 13.3 describes how the process is to be initiated. The initial request for the ZO amendment needs to go through the Zoning Administrator. Watkins said that no request for an amendment to the ZO has been received.

There was discussion about the owner of the OSC property. No one knew the identity of the owner. Discussions with the township attorney suggested we should probably know who the owner was, but that we may not technically (legally) need to know.

Agenda Item #2 Watkins then talked about the Master Plan (MP) review. Since a zoning change may be requested, the MP should be consulted to be sure the change is in agreement with the MP before it can be granted. There was discussion about the correct procedure for updating the MP. Soldan thought it should be done on a 10-year cycle, with an update done approximately halfway through that time period. The current MP was accepted by the board in 2015, and it was updated in 2019. Watkins asked if we have to wait until 2025 to update the MP. Cronin said he thought the PC could update the MP whenever they saw the need.

Agenda Item #3 Watkins then talked about the Michigan Zoning Enabling Act:

[http://www.legislature.mi.gov/\(S\(fpven3bimdo4xlzpmaskjotxj\)\)/mileg.aspx?page=GetObject&objectname=mcl-Act-33-of-2008](http://www.legislature.mi.gov/(S(fpven3bimdo4xlzpmaskjotxj))/mileg.aspx?page=GetObject&objectname=mcl-Act-33-of-2008)

She noted that the act says requesting a change to the ZO does not guarantee the change will be made to the ZO. The property owner needs to be aware of this. The act stresses that proper procedures need to be followed.

Sherry asked the status of the proposed B3 (quiet business district) project. She had thought there was to have been a public hearing for this proposal at the same time as the hearing that was

cancelled for the seaplane issue. Discussion among the commission centered around problems with the process, so the proposal was tabled and the public hearing was cancelled. Sherry said she hoped we continued to pursue this new zoning district as she felt it was a good addition to our portfolio of zoning districts. There was general agreement among the other commission members.

The agenda being completed, Watkins asked for any further business to be brought to the commission from the commissioners. There being none, Watkins opened the meeting for public comment. Watkins requested that all members of the public sign the sheet that was passed around (see attachment #5). She explained that each person could speak once, and would be limited to 3 minutes. Soldan asked each speaker to say and spell their name (if necessary) so the minutes would be as accurate as possible.

Jeff Radcliff: Has worked with the developer. Wondered if the seaplane business is an unlisted property use? Has the process been followed by the developer? Has the Zoning Board of Appeals (ZBA) been involved in the process? Have they been asked for a determination? Watkins said no.

Brad Barnett: Spoke in favor of the seaplane operation being in our community. They've been in our community for 9 years and have an unblemished record. Encouraged the PC to consider their unblemished record when making their decision.

Richard Vollwerth: Has lived on Sheradin Place since 1974. Expressed concern about the noise and pollution the seaplane would involve. There is an old railroad grade passing through the property that is owned by the DNR. Whole family is opposed to the seaplane project.

Debra Francis: Opposed to the seaplane operation. She sent a letter to the ZA. The letter requests removal of rotorcraft from the ZO in the B2 district. The request was signed by several residents in the area. Asked if the PC had received the handbook she'd sent on the proper siting of airports. Anderson said yes. Wondered if appraised value of property in the vicinity of the seaplane operation would decline? Believes the seaplane operation will affect fishermen and kayakers that heavily use this area. A better use of this property would be to convert it into a park that all could enjoy.

Nancy Haun: President of the Bishop Baraga Association where the statue to Bishop Baraga is located just off US41 in Baraga. Talks to lots of people travelling on their way to Houghton. These people want things to stay the same. Why would you want to have an airport near an eagle's nest? The area is changing; people with money are coming in with no incentive to keep things the way they've always been.

Renee Foley: The Nara Nature Center is very close to the proposed seaplane operation. People come to the center to hike and enjoy the quiet and peaceful surroundings. The animal shelter is also very close to the proposed seaplane operation. Animals at the shelter can be nervous and the extra noise from the seaplane taking off and landing might negatively affect the animals. Thinks the whole idea is horrible.

Robert Foley: Talked about the businesses near the proposed seaplane operation. How many can you think of? Superior Block, etc. Has spent time working at Pilgrim Point and walked out on the dock numerous times to watch the eagle. Wondered why Houghton turned down the seaplane operation proposal?

Sue Schwenk: Has lived in the area for 30 years. The area is known for its quiet. The area is populated with homes valued at \$1 million dollars. Wondered if property values would plummet because of the seaplane operation? Wonders why the seaplane people want to change the zoning? Main concern is the Pilgrim Point eagle nest. Mr. Rector said the eagle could just go somewhere else.

Greg Albrechtsen: Not against the seaplane project, just against siting it where it is being proposed. Believes property in the area will be seriously devalued. Cited possible conflicts between the seaplane operation and the Migratory Bird Act. There are many birds, some endangered, in the area. Spoke about the 35 day gestation period of Bald Eagles, and the length of time after hatching the nestlings depend on their parents before they can start finding their own food. Recommends a full ecological survey be completed prior to consideration of the project.

Jen Julien: Lives on US41. Is a civil engineer and Houghton Planning Commission member. She talked about the Master Planner course offered by the MSU Extension, and suggested it is a good course for planning commission members. Said the Houghton Planning Commission passed the proposal for the seaplane project when it was proposed in the Houghton district. While it passed the PC, it was voted down by the board. Suggested we look into the Portage Township sign ordinance, because there are numerous signs posted in the area of the OSC regarding the seaplane issue. Suggested that every home in that area was built on formerly wooded property. Suggested that we all have disrupted the world by living in homes. Jet skis are allowed in the area, are noisy and polluting.

John Julien: Contrary to what was reported, does not own the OSC property. Suggested the public contact Deanna at the US Fish and Wildlife service to talk about the eagle situation. Eagles are scavengers and are attracted to human activity. Suggested that property values in the area have been devalued by all the signage nailed to trees.

Mary Chopp: Loves the concept of common sense. Believes the seaplane being an aircraft should use the Houghton County Airport. Said the whole state of Colorado does not allow seaplanes. Felt that kayakers could be in jeopardy with seaplane taking off and landing. Felt the purpose of municipalities is to protect its people. Felt the seaplane trip to and from Isle Royale is so expensive that local people cannot afford it.

John Julien: Location is Class E airspace. The approach to the Houghton County Airport is right over Pilgrim Point.

At this point, with everyone either having spoken or declined the opportunity to speak, Chair Watkins closed the public comment period. Soldan and Watkins thanked everyone that attended for bringing their thoughts to the PC.

Anderson said the next scheduled meeting of the PC will be July 14 at 7:00 PM, with the second choice being July 21st.

There being no further business, Anderson made a motion to adjourn the meeting at 8:03 PM. The motion was seconded by Cronin and passed unanimously.

Respectfully submitted,

Ted Soldan, Secretary

ATTACHMENTS

Attachment #1; roster

Portage Twp P.C.

P.C.

Name

June 9, 2022 Meeting

Melanie Watkins

TED SOLDAN

Constance Sherry

Will Cronin

JEFF KOSKI

Peggy Lee Anderson

Melanie Watkins

Ted Soldan

Constance Sherry

~~Will Cronin~~

Jeff Koski

Attachment #2; Email from Barry Polzin

Barry Polzin <bpolzin@bjparchitects.com> Tue, May 24, 2022 at 4:41 PM

To: Melanie Kueber Watkins <mkueber@mtu.edu>

Cc: Bruce Petersen <supervisor@charterportagetwp.org>, "zoningadm@charterportagetwp.org" <zoningadm@charterportagetwp.org>

Hi Melanie,

It's good the this was postponed as there certainly is a lot of confusion out there as to what is being asked. We are not requesting a Special Land Use Permit. This is not a Site Plan Review. Our intention was to simply ask for the Planning Commission to make a "determination" as is stated in Line GGG in the list of Permitted Uses in the B-2 Zoning District.

GGG. Any other business or establishment determined by the Planning Commission to be of

the same general character as the preceding permitted uses.

There are several uses in the permitted list that are of the same general character...most notably Rotorcraft....or more commonly called ...Helicopter. An important distinction is the seaplane will not be operating on the land at all as where a helicopter is permitted to land and takeoff from the land. All of the associated activities related to the proposed seaplane operation are already permitted uses....retail, restrooms, parking, repairs and the like.

To clear up some of the misconceptions out there....

What is being proposed is not a seaplane "airport" or not a commercial seaplane base....It is strictly for the private operation of the seaplane service to Isle Royal.

Our plans for the development of the property as a whole (which will be submitted for Site Plan Review when appropriate) will include the preservation/restoration of the existing historic Onigaming building.

We do not intend to remove the eagles nest and are well aware of how to comply with the related regulations.

The sound from a seaplane is less than that created by jet skis, snowmobiles, chainsaws and US 41 traffic and the seaplane makes its loudest sound only at take off which typically lasts 60-90 seconds. This parcel, and much of the property nearby, is zoned B-2 which does allow a wide variety of commercial uses. Many which are far more impactful than a very seasonal business with only a couple of flights per day.

At this point we are suspending our request as we are not sure the proper course of action is being followed here. We'll be back once we have advice from our counsel.

Barry

Attachment #3; meeting agenda:

agenda for June 9, 7 pm at the Township Office:

Discussion items:

- 1) Zoning Manual Procedures Review
- 2) Master Plan Review
- 3) Michigan's Planning and Enabling Act (MPEA) Public Act 33 of 2008

Public Comments

Adjourn

Attachment #4; excerpt from section 13 of zoning ordinance:

13.1 POWER TO AMEND

The regulations and provisions incorporated within the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented, or changed by resolution of the Township Board.

13.2 WHO MAY INITIATE

Proposals for amendments, supplements, or changes may be initiated by the Township Board on its own motion or by the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment.

13.3 PROCEDURE FOR INITIATING AND PROCESSING AN AMENDMENT

1. Each petition by one or more persons for an amendment shall be submitted in application to the Planning Commission through the Zoning Administrator on a standard form provided, and shall be accompanied by a fee to cover administrative and publication costs. The fee shall be in accord with the current fee schedule as determined by the Township Board and shall be subject to alteration from time to time. No part of such fee shall be returnable to a petitioner, if a public hearing is held.

2. When a request for amendment is initiated, the Zoning Administrator shall notify the Township Board of the request for an amendment at the same time he transmits the zoning amendment request to the Planning Commission.

Attachment #5; Public Signup Sheet

Planning Commission Meeting
A Regularly Scheduled P.C. Meeting
Township Office / June 9, 2022 @ 7:00 p.m.
Sign In Sheet
Name and Address Please

1. Roy Butz 22475 Butz Rd Houghton
2. CARL ANDERSON 46768 US 41 HOUGHTON
3. CHRIS ANDERSON 46768 US Hwy 4 Houghton
4. Susan Schwenk 46890 US 41 Houghton
5. Nancy Haan 21537 Lower Skanee Rd Skanee
6. MARY CHOPP 46640 PILGRIM HOTOH
7. Brad Bennett 17970 Spring Brook Rd South Range
8. Richard Volkert 46935 Skaneateles Ave Munster
9. Greg Albrechtson L'Anse
10. Deborah Francis 46996 Sheridan Place Houghton, MI
11. Greg Matzek 55805 US 41 Calumet MI
12. Jeff Ratchliffe KEDA
13. Jay Julien 46688 US Hwy 41, Houghton, MI
14. Robert & Renee Foley 217 TAMM DICE ST L'Anse
15. MARK KAMINSKI HOUGHTON, MI 49931
16. PICHAI SRIPAIPAN 46844 US 41 Houghton MI
17. Rajanee Sripaipan

additional 3 people not signed