

The Portage Township Planning Commission (PC) April 7, 2022 meeting was called to order at 7:03 PM by chair Melanie Watkins. This meeting was a hybrid meeting with PC members attending in person at the township office, and the public joining the meeting via Zoom. Present were Watkins, Ted Soldan, Jeff Koski, Connie Sherry, and Peggy Anderson. John Ollila (Zoning Administrator) joined via Zoom, as did Bill Fink (township board), and community members Susan Schwenk, R. Sowards, and Carol Sowards.. Chair Watkins, who ran the Zoom portion of the meeting, made a strong effort to make sure everyone was accounted for before the meeting started.

Anderson made a motion to accept the minutes from the December 15, 2021 regular meeting. The motion was seconded by Sherry. There being no discussion, the motion was put to a vote, and passed unanimously.

The first item on the agenda (see attached) was to discuss the proposed B-3 district between Hurontown and Dodgeville. Letters were sent to current property owners within the proposed district and adjacent property owners within 300 feet of the boundary. This letter was a request for comment about the proposed district. Three letters were received as a result of the mailing. Koski said that he went through a similar zoning change process with the City of Houghton, and that it had been initiated by citizens/property owners. He asked if the township process had also been initiated by citizens/property owners. Ollila answered that the request for the new district had been sent to the commission by a representative of the Perkins family, who owns property in this area. Ollila explained that the property owner's tax classification has always been Commercial Vacant which led purchasers of lots to assume they could construct a business building. The area is, however, zoned Rural Residential where stand alone businesses are not permitted. Creating this new zoning was an effort to correct this problem. Ollila said the district would run roughly from the old Computer Mechanix store to Abe Supply.

Three options are available to move forward. The township can:

1. do nothing
2. ask the Assessor and Board of Review to change the tax classification
3. create the new zoning classification

Sherry asked if it wouldn't be better for the Board of Review to change the classification? There was much discussion, but no decision was made.

Next, discussion centered around whether the PC should schedule a public hearing for the proposed B-3 district. After some discussion, it was decided to proceed. Anderson agreed to send out letters to the same group of property owners who received the previous letter. The letter will include the date and time of the public hearing, and an up-to-date map of the proposed new district.

Next on the agenda was a continuation of the discussion regarding residents living in RVs and campers on their property. The PC is using the Munising, MI ordinance as a model. Watkins informed the commission that there is no Michigan law against living in a RV or camper on your own property. The proposed ordinance could regulate how many units can coexist on a parcel and set limits for the length of stay. The Health Department is concerned about sewage when people stay for long terms. Ollila said that the Health Department would get involved if the person living in the RV or camper had a pressurized water system installed. In that case, the

Health Department would require a certified septic system. Watkins said she'd look at the ordinance, update it, and present it to the commission prior to the next meeting.

At this point in the meeting, PC member John Ligon joined via Zoom. It was understood that Ligon's attendance via Zoom did not count as part of the quorum, nor would he be paid for attending the meeting virtually. Community members Clayton Adams and David Aittama also joined the meeting via Zoom at this time.

A question arose whether a request had been received by the PC to amend the Zoning Ordinance (ZO) to allow a seaplane business in the B-2 District, the site of the former Onigaming. Ollila and Watkins referred to a letter (see attached) that had been received from the architect representing the owner which formally requested the change in the ZO.

Ollila then spoke about the 2015 version of the ZO. He said there were some inconsistencies in the amendment section: the party hired to write the document had 'lifted' language from other ordinances; the township attorney did not discover these; and MTA had given us incomplete information. It is a moot point whether or not the PC or ZBA decides to advance an amendment. What matters is that we did not observe the required 15 day public posting when we discussed and voted to change the ZO to permit seaplanes back in December. Therefore, the PC will always be diligent to conduct posted public hearings whenever any amendments to the ZO are proposed.

The PC then discussed setting public hearings for the two issues: seaplane and the proposed quiet business (B-3) district. The commission felt it appropriate to have both public hearings on the same date, May 19 with June 8 being the alternate date; the regular PC meeting will convene once the public hearings are closed. It was also decided that the already scheduled April 28 regular PC meeting was unrealistically soon and should be canceled. Watkins and Anderson agreed to get the notice for the public hearings printed in The Daily Mining Gazette, on the web page, and posted at the township office.

Next, Anderson said she wanted to acknowledge PC member Dave Rulison's contribution to the commission over the past 10 years. Rulison recently resigned from the commission. A motion was made by Soldan to formally thank Rulison for his work. The motion was seconded by Koski and passed unanimously.

There being no further items on the agenda, Watkins opened the meeting for public comment. She told each participant they had up to 3 minutes for their comments. She then went down the list of those joined by Zoom and gave each an opportunity to speak.

David Aittama: Why did the physical address of the Isle Royale Seaplane business change on its web page to that of the Onigaming, and then change back? Ollila answered that it was a mistake by the seaplane people who thought the move to the Onigaming property had already been approved. Ollila informed them that it had not and told them to remove the address on their web page.

Rodney Sowards: Do we know who the owner of the Onigaming property is? Ollila answered that it was not known by him. None on the PC knew.

Will the PC be looking out for the rights of adjacent property owners? Watkins said the rights need to be balanced with the need to provide services to the community.

Was the letter the Sowards had written received by the PC? Everyone at the meeting said they had received the letter.

Carol Sowards: Will the letters that had been sent to the PC be read at the public hearing? After some discussion by the commission members, it was decided that the matter would be discussed with the experts at the Michigan Township Association (MTA).

I am still confused about the process after the upcoming public hearing going forward. Ollila went through the process.

Did the Houghton County Planning Commission ever respond to your request for input on this matter? Ollila said he had not heard anything from them. Neither had any other PC members at the meeting.

Susan Schwenk: What was the date you received the zoning ordinance change request from the architect? Sherry said March 18.

I have a petition with 100 names on it from concerned citizens who are opposed to the siting of the seaplane operation at the Onigaming. When would you like to see it? Watkins suggested she send the petition to Township Supervisor Peterson as soon as she can.

Clayton Adams: I am opposed to this project because of the close proximity to the eagle's nest.

Shouldn't the whole process be postponed until the "errors" in the ZO are fixed? Ollila said that there is wording in the ZO saying that small errors in the ZO do not invalidate the whole document. Township Trustee Bill Fink suggested that a principle exists that the sovereign (in this case, the township) cannot make a mistake. If there is a contradiction, the correct interpretation is the one that carries force.

Should we wait until the end of the year?

Which part of the ZO is wrong? There was some discussion until time ran out.

The public comment part of the meeting was closed by Watkins.

Soldan said he noticed in the paper that long-serving PC member Bernie Carr had passed away this past summer. Soldan wanted to acknowledge his years of service to the PC, including a stint as the chair.

There being no further business, Anderson made a motion to adjourn the meeting at 8:35. The motion was seconded by Koski and passed unanimously.

Respectfully submitted,

Ted Soldan, Secretary

ATTACHMENTS

Agenda for April 7, 2022 Planning Commission meeting

Here is our agenda for March 24, 7 pm.

The PC will be in person at the office. All others can attend via zoom with link on the township website.

1. B-3 properties. Dodgeville to Hurontown. New zoning district.

(the area is zoned RUR, the attached map tax classifications)

- a) Review citizen input from letters (Ted has).
- b) Discuss whether or not to proceed with creating a B3 zoning district.
- c) Discuss whether the proposed list is acceptable or needs to be revised.
- d) Need to set a date and send letters for the public hearing to anyone in the B3 or within 300'.
- e) Delegate someone to check the property owner list. Steve Rauser/WUPPDR can generate a parcel number map. Can get the names and addresses from the treasurer and county treasurer.

(We do not have to modify the master plan for this, but next time it is updated, this should be included if it passes. We will check with MTA to be sure).

2. Camper as permanent dwelling unit discussion.

- a) review old minutes from July 15, 2021 meeting - last discussion
- b) draft ordinance based on Munising

From: Barry Polzin <bpolzin@bjparchitects.com>

Sent: Friday, March 18, 2022 4:33 PM

To: Charter Portage Township Zoning Administrator
Subject: Onigaming

John,

I am the Architect for the new owner of the Onigaming property.

I respectfully request the portage township planning commission to amend the zoning ordinance to allow Isle Royale Seaplanes to operate a seaplane business in the B-2 district adjacent to Portage Lake, the former Onigaming Site.

Per sec 13.3, I am submitting my application for a zoning change to allow seaplanes in B-2 to the planning commission through the zoning administrator.

Please let me know if you need anything besides this request.

Thank you,

Barry

101 N. Lakeshore Blvd.
Marquette, MI 49855