

**Portage Township Planning Commission**

**Meeting Minutes**

**March 9, 2023**

**Present: Soldan, Anderson, Sherry, Griffis, Cronin, Koski, Ollila**

**Public in Attendance: Schwenk**

- **Meeting Called to Order at 6:58pm by Soldan.**
- **Review of October 13, 2022 Minutes. Motion to approve by Sherry, seconded by Anderson. Carried.**
- **Presentation from Ollila on zoning and land use issues and possible revisions to the zoning ordinance.**
  - **Process and requirements of Special Use Permits, noting that when a SUP is requested a Site Plan Review is part of that process.**
  - **Review of SUP application for River Trails development for completeness.**
  - **Review Second 12 of Zoning Ordinance and recommendations for revision from Ollila and Bingham. (see attached)**
  - **Presented review of "Errors and Shortcomings with the Zoning Ordinance" he submitted in August 22. (see attached)**
  - **Subsequent discussion of sign application fees in township. Planning Commission will recommend flat fee of \$20 for application to Township Board.**
- **Public comment held.**
  - **Anderson shared update on Danielson Ditch project, Holmes expects to complete in 2023.**
  - **Anderson mentioned that**
  - **Cronin mentioned MSU Extension Citizen Planner coming to Houghton. Township Board approved PC members to attend if desired.**
  - **Schwenk shared comments from Protect the Pilgrim Point Eagles group regarding the Onagaming development issue:**
    - **"Before the Planning Commission approved the development plan, John Ollila basically told the Planning Commission in the letter he gave to the Planning Commission that he thought the developer's site proposal was complete and in proper order, and said the developer knows what they are doing. He was wrong in how he gave the plan his approval as the zoning administrator. BUT, the planning Commission also is supposed to verify the developers site plan adheres to the Zoning Ordinance, which it did not. So the plan should not have been approved without exceptions as it was. "**
- **Master Plan 5 year update discussed.**
  - **Do we need a consultant? Discussion held.**
  - **PC Members with read the plan for next meeting and prepare to begin process of revising.**
- **Motion to Adjourn by Griffis, seconded by Koski. Carried. Meeting adjourned at 8:45pm.**

Ollila & Bingham Recs  
~~APR~~ w/ Peterson

## SECTION 12 - ADMINISTRATION, PERMIT PROCEDURE, AND ENFORCEMENT

### 12.1 ADMINISTRATION AND ADMINISTRATOR

1. The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board in accordance with the State of Michigan Township Zoning Act, Public Acts of 1943, No. 184, as amended. *Update w/ PEA etc.*

2. The Township Board shall employ a Zoning Administrator to act as its officer to ~~insure~~<sup>ensure</sup> and effect the proper administration of this Ordinance. The individual selected, the terms of employment, the limits to and the extent of his authority to enforce this Ordinance, and the rate of compensation shall be established by the Township Board.

3. Duties - The Zoning Administrator shall:

A. Review all applications for zoning permits and approve or disapprove such applications based on compliance or noncompliance with the provisions of this Ordinance.

B. Receive all applications for special use permits: conduct field inspections and assemble pertinent Z.O. text, MTA and Attorney advice, maps, and other materials necessary to assist the P.C. with its deliberations.

*C* ~~D~~. Receive all applications for appeals, variances, or other matters which the ZBA is required to decide under this Ordinance. Conduct field inspections, and assemble pertinent Z.O. text, MTA and Attorney advice, maps, and other materials necessary to assist the ZBA in making its determination.

*D* ~~E~~. Receive all applications for amendments to this Ordinance: conduct field inspections and assemble pertinent Z.O. text, MTA and Attorney advice, maps and other materials as necessary to assist the P.C. in the Z.O. amendment process.

E. The Zoning District map of all land in the township is kept at the township office, and the digital, parcel number based zoning map is housed by WUPPDR.

F. Written records of all actions taken by the Zoning Administrator are kept at the Twp. office.

G. Work with the Twp. Board and the P.C. to generate, update, and maintain accurate forms for applications to the Zoning Administrator, P.C., and ZBA.

H. Submit a monthly report of zoning activities to the Twp. Board.

I, Ensure copies of approved zoning applications are sent to the applicant, the Twp. Assessor, and the county and that the original is filed at the Twp.

J. Compose nasty letters to landowners who have built structures w/o permits insulting their intelligence and manhood.

## 88 Charter Township of Portage Zoning Ordinance

### 12.2 ZONING PERMITS

1. All structures to be constructed, moved or enlarged, including farm buildings, shall require a zoning permit. (USE THIS AS THE FIRST SENTENCE ON THE FEE SCHEDULE)

2. Requirements for - Excavation for any building or structure shall not be commenced, the erection of, addition to, alteration of, repair of, or moving of any building or structure shall not be undertaken, and no land use shall be commenced until a zoning permit has been secured from the Zoning Administrator.

3. Permit Applications - Applications for a permit shall be made to the Zoning Administrator on forms available at the township office and online. Applications shall contain:

A. Name and address of the owner, tax ID number of the parcel, date of application, estimated cost, telephone number, and contractor.

B. Address of the subject site; type of structure, proposed use of the structure or site; and the zoning district within which the site lies.

C. Sketch of the subject site showing existing and proposed structures and their dimensions, existing and proposed easements, streets, and other public ways, off-street parking, driveways, and existing highway access.

D. Proposed <sup>existing</sup> septic location if municipal sewage service is not available.

E. Proposed <sup>existing</sup> well location if municipal water service is not available. .

F. Each permit issued for a main building also shall cover any necessary structures or buildings constructed at the same time, on the same premises.

G. All applications and permits issued shall be filed and kept at the township office.

H. I No permit shall be required for:

(1). Routine maintenance or repair of buildings such as reroofing, painting, siding, etc.

(2) Alterations of existing buildings which do not change the footprint.

(3). Construction of a service connection to a municipally owned and operated utility.

## 89 Charter Township of Portage Zoning Ordinance

4. Issuance of Permit - Within seven (7) days after submission of the proper approvals signifying that all requirements have been met, the Zoning Administrator shall issue a zoning permit. In the event the seventh day falls on a Saturday, Sunday or a legal holiday, the seven day time period shall be extended to the next business day thereafter.

5. Evidence of Ownership - ELIMINATE THIS ITEM. County requires this check!

6. Voiding of the Permit - Any zoning permit granted under this Section shall become null and void unless the development proposed begins construction within one (1) year from the date of the granting of the permit. The Zoning Administrator shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued in error or on a basis of incorrect information supplied by the applicant or his agent.

7. Inspection Fee -- Before any zoning permit shall be issued covering buildings or other operations regulated by this Ordinance, all inspection fees shall be paid according to a schedule of fees established by the Township Board. If a building activity is commenced prior to payment of the fee, then fees shall double.

8.. Before the issuance of any zoning permit, the building stakeouts and/or such other stakeouts as are necessary shall be inspected by the Administrator to determine if the written details on the application form are accurately evidenced at the physical site.

ELIMINATE 8B,8C,8D, and 8E on page 91 and all of Section 12.4 on pp. 92 & 93.

**90 Charter Township of Portage Zoning Ordinance**

**ERRORS & SHORTCOMINGS WITH THE ZONING ORDINANCE,  
AUGUST 2022**

First item:

**SEC 13.1 POWER TO AMEND, p.94**

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

According to MTA and our attorney, THIS IS ABSOLUTELY FALSE!!!! Thank Pat Coleman.

*recommened removal due to confusing nature*

Second item:

**SEC 2.2 USE RESTRICTIONS, #1 A, p.4**

"Accessory Uses and Structures - Accessory uses and structures are permitted in any district, but not until their principal structure is under construction."

A couple years ago the P.C. permitted buildings on vacant land in RUR & FF subject to certain conditions (see language in FF). Thus, the statement in Sec. 2.2 is no longer entirely accurate and must be modified. *ZO was changed*

Third item:

Last sentence in Permitted Uses list in B-1, B-2, MU, and M-1

"Any other business or establishment determined by the Planning Commission to be of the same general character as the preceding permitted uses."

This sentence is crystal clear, but according to MTA, the Planning Commission does NOT have this authority! Mike @ MTA said we CAN do what we want. Cindy @ MTA said that the P.C. does NOT have this authority. You folks need to research how our Z.O. can address unanticipated, future novel uses. Obviously, no list can be complete, so the question remains, how do we deal with types of businesses in 2022 which weren't included in the 1984 original list. Very recently, for an additional complication, our Township attorney said that there is nothing in the Planning and Enabling Act that specifically says the P.C. cannot make these decisions.

Fourth item:

**SEC 2.3 SITE RESTRICTIONS #7, p.5**

"Substandard Lots - Any lot in a single ownership, which ownership was of record at the time of the adoption of this Ordinance, that does not meet the requirements of this Ordinance for yards, courts, or other areas of open space may be utilized for a single family dwelling, provided the requirements for such yard or court area, width, depth, or open space is within seventy-five (75%) of that required by terms of this Ordinance and further provided that satisfactory arrangements can be made for sewage disposal and water supply."

I am very curious how you folks interpret this. What do you think this means? Bill Bingham & I had different reading interpretations. Depending what you want it to say, you may have to tinker with the wording.

Fifth item:

We do not currently require any type of permit when a building is re-purposed: for instance, Manderfield becoming the ReStore, Computer Mechanix becoming Superior Accounting, the foot doctor's building becoming a hearing site, etc. Bill and I required a Zoning Application only if the footprint of the structure changed, for instance ½ of J.C. Penney becoming Harbor Freight. A permit for re-purposing a business site is generally required, and I believe I'm correct relaying the county's surprise that we do not as a rule do this.

482 2860 Todd Lane

Sixth item:

Somewhere in the Z.O. (Bill Bingham knows the section) there's archaic language probably dating from when the township had its own building inspector. Basically a fee is required when a certain dollar value threshold on home improvements is reached. We have never applied this, and my understanding is that neither does the county.

Seventh item:

The current language for amending the Z.O. is too cryptic. The process should be clear and simple and not require interpretation.

I propose a Planning Commission scheduled 'work' session/meeting sometime in very late fall or early winter to discuss/address these. There are a couple of others, but I do not have time to provide anything more detailed right now. I also think it would be totally appropriate to assign some of the more demanding issues to a P.C. committee which could then make a recommendation to the full P.C. I would like to attend such a meeting.

Old Finnish Socialist,  
John Ollila

I proposed the preceding last October, but the P.C. did not have time to take up any of the topics. I'm again requesting the opportunity to make a presentation to the P.C. at your Feb. 23<sup>rd</sup> meeting to explain the preceding and also to highlight additional items in the Z.O., which date from the era when the township had its own Building Inspector. These sections are vestigial and need to be excised. I will be meeting today with Bill Bingham (my former co-zoning guy), and I will also have a list of these problem areas. The duties that are now performed by the County Building Dept. ought no longer be in the township Z.O. For instance, we no longer issue certificates of occupancy - the county does!!

Regularly Scheduled P.C. Meeting  
March 9, 2023

7:00 p.m.

Township Office

- 1.) TED SOLDAN
- 2.) Peggy Lee Anderson
- 3.) Connie Sherry
- 4.) ADAM GRIFFIS
- 5.) Will Corin
- 6.) JEFF KOSKI
- 7.) ~~John Miller~~
- 8.) Sam Sherry