

CHARTER TOWNSHIP OF PORTAGE
Planning Commission Minutes
Scheduled Meeting

February 3, 2010

Members Present: Peggy Lee Anderson, Jim Gale, David Hiner, Mike Wilmers, Helen Wuthrich.

Ex Officio: Bill Bingham.

Location: Portage Township Office

Guest Record: John Ollila, Sally Santeford, Ted Grzelak, Kevin Grzelak, Emily Betterly, Vic Betterly, Marty Raffaelli, Helen Green, Nicholas Daavetila.

Mike Wilmers called the meeting to order at 7:02 PM and requested that Bill Bingham present the issues to be discussed at the meeting.

The minutes were presented. Peggy Anderson moved for approval with a second by David Hiner. The motion passed unanimously.

Bill Bingham reported that Bob Fricke has resigned from the Planning Commission and that the Commission should seek a replacement for him.

Bill Bingham introduced Nick Daavetila to the Commission. He is the attorney representing the Township in the Valley View Quarry issue.

Basically, Portage Township and any governmental unit undergoing efforts to regulate or prohibit gravel extraction is in grey area at this time. A test case before the Michigan Supreme Court needs to be resolved before a definitive action can be taken.

Many issues that have been addressed in previous meetings were raised in the meeting including hours of use, dust problems, dynamiting frequency and history of quarrying on the north side of the road versus quarrying on the south side of the road.

If the Supreme Court ruling comes down in favor of townships, then Portage Township can regulate and possibly prohibit quarrying. Legal action might be required.

A special use permit process could be put in place. Enforcement would be an issue. One way to ensure that a quarry operation abides by the special use permit provisions would be to impose fines and penalties for failure to comply. Civil legal action might need to be taken for enforcement.

Jim Gale moved for the Planning Commission to establish a special use permit process for gravel operations in Rural Residential areas. Helen Wuthrich seconded the motion. The motion passed with 4 votes in favor, none opposed and one abstention. The Planning Commission will need to meet to write the conditions of special use permits for quarry operations.

The Planning Commission then turned to a review of the wording for outdoor wood burning boilers. The proposed allowable use will apply to Rural Residential, Farm and Forest and Manufacturing zoned districts. It will not pertain to R1, R2 and R3 zoned districts.

Peggy Anderson moved for acceptance of the wording. Seconded by Helen Wuthrich. Motion passed unanimously.

Bill Bingham suggested that, in the process of action on special use permits, a change in the zoning plan should be adopted. Rather than sending the special use permit to the board of review, it would be more appropriate to send any actions directly to the Township Board. They are elected officials and have a more direct tie to voters in the township. Bill Bingham will provide wording for any changes that need to be enacted. Any changes will need a public hearing.

For information to the Planning Commission, John Ollila, a member of the audience, has been told that windmills on the Hancock canal road make a siren noise at times and have been

creating a strobe light effect. We should be aware of these situations in any windmill provisions in the planning document.

The Commission will next meet on March 9, 2010.

Mike Wilmers adjourned the meeting at 8:45.