

**Minutes of the Planning Commission
Of the City of Portland**
Held on Wednesday, June 12, 2013
In Council Chambers at City Hall

Portland Planning Commission Members Present: Swaney-Frederick, Krause, Gorman, Grapentien, Clement, Kmetz

Absent: Sunstrum

Staff: City Manager Dempsey, City Clerk Miller

Guests: Carrie, Paul & David Johnson

Chair Grapentien opened the meeting at 7:04 P.M. with the Pledge of Allegiance.

Motion by Clement, supported by Gorman, to amend the Agenda to excuse Member Sunstrum.
All in favor. Approved.

Motion by Clement, supported by Krause, to approve the revised Agenda.
All in favor. Approved.

Motion by Krause, supported by Kmetz, to approve the minutes of the May 8, 2013 meeting as presented.
All in favor. Approved.

Chair Grapentien opened the first Public Hearing at 7:07 P.M.

City Manager Dempsey explained this Public Hearing is to take comment on proposed Ordinance 8A to amend Section 6-1 and to add Section 6-3 of the City Code of Ordinances to permit the keeping of 6 “backyard” ducks.

Carrie Johnson gave a presentation of her request to allow the keeping of Muscovy ducks in the City of Portland.

City Manager Dempsey noted that the Notice of Public Hearing was published as required. No public comment has been received.

Mr. Paul Johnson stated that initially he was not on board with raising ducks but after further research he believes the Muscovy ducks would be a reasonable addition to the Ordinance.

The Johnson’s son David stated that he is allergic to chicken eggs. The raising of ducks would allow him to have duck eggs all year instead of being restricted to only having them a couple of times per year as is currently the case.

Chair Grapentien closed the first Public Hearing at 7:18 P.M.

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Chair Grapentien opened the second Public Hearing at 7:18 P.M.

City Manager Dempsey explained that the request for proposed Ordinance 194C to amend Section 28-6 of the City Code of Ordinances to permit the use of plywood rated for outdoor use for the supporting structure of signs 32 sq. ft. or less came when a local business owner was trying to reinforce a sign.

City Manager Dempsey noted that the Notice of Public Hearing was published as required. No public comment has been received.

Chair Grapentien closed the second Public Hearing at 7:20 P.M.

Under New Business, the Commission considered a recommendation to the City Council on proposed Ordinance 8A to amend Section 6-1 and to add Section 6-3 of the City Code of Ordinances to permit keeping up to 6 “backyard” ducks.

Chair Grapentien commented that the Zoning Ordinance states that 7 requirements be fulfilled in order to grant a variance. He stated his belief that these requirements had been met.

City Manager Dempsey stated that this issue does not come under the Zoning Ordinance but is a police powers ordinance. It is being addressed at the Planning Commission level to treat it the same as other land use ordinances. As it is compatible; this forum allows for additional public comment. In reality, the issue could have been directly addressed to the City Council.

Member Swaney-Frederick commented that the City of Portland is situated in a rural setting; as such this proposal fits in nicely with the notions of the Master Plan to respect the agricultural heritage of the area.

Motion by Clement, supported by Swaney-Frederick, to recommend to the City Council Proposed Ordinance 8A to amend Section 6-1 and to add Section 6-3 of the City Code of Ordinances to permit the keeping of up to 6 “backyard” ducks.
Five in favor. One opposed. Approved.

City Manager explained the recommendation will be presented to the City Council for a 1st and 2nd Reading and then for consideration of approval.

Motion by Clement, supported by Kmetz, to recommend to the City Council Proposed Ordinance 194C to amend Section 28-6 of the City Code of Ordinances to permit the use of plywood rated for outdoor use for the supporting structure of signs 32 sq. ft. or less.
Five in favor. One opposed. Approved.

Under Discussion Topics, City Manager Dempsey explained non-conforming uses versus grandfathered. A legal non-conforming use (or grandfathered use) is a use that was legal when it was started and unless abandoned it entitled to continue unless it is abandoned. If this use is destroyed it would be allowed to be put back. An illegal non-conforming use occurs because current laws or ordinances were not followed. This use could only be made legal if the Zoning Board of Appeals were to grant a variance. There are occasions when an illegal non-conforming use happens in error (survey error).

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There was further discussion.

The enforcement of the Zoning Ordinance was discussed.

Chair Grapentien commented an issue may arise in the future when current legal non-conforming signs become illegal due to the 2018 expiration of the Sunset Clause in Sign Ordinance.

There was discussion of this issue.

City Manager Dempsey stated the City does not have a dedicated Code Official looking for issues. Enforcement is mostly driven on a complaint basis when issues are brought forward. The City Manager further stated he is working with Ambulance Director Phil Gensterblum on taking over the responsibilities of the Code Official and acting as the Assistant Zoning Administrator.

Member Swaney-Frederick commented that the Old School Manor property is starting to look bad again. She inquired how the County Land Bank is coming on potential development of the property. She further requested that bushes be trimmed and broken glass be cleaned up.

City Manager Dempsey stated the County Land Bank has the responsibility of maintaining the Old School Manor property; although the City does help out where it can. The County has a very limited budget. The Developer that is interested in the property has run into some roadblocks. Potential development alternatives will be addressed by the Economic Development Corporation and the City Council

The addition of a regular Agenda item for a Zoning Officials Report was discussed per the request of Chair Grapentien in order to see what activity is actually occurring.

There was discussion of what type of report the Commission would like to have included.

It was the conclusion that the Commission would like to see a report of what type of enforcement is done in relation to the purview of the Planning Commission and what might be related to trends in enforcement.

City Manager Dempsey stated this type of report has been previously supplied to the City Council and could be supplied to the Planning Commission as well.

City Manager Dempsey stated that the VFW has requested a review of the necessity for keeping the planters between the sidewalk and the parking lot. He further stated that the administrative answer to the request is that the regulations requiring the placement of the planters is still in place but he told the VFW he would ask the Planning Commission for their consideration. City Manager Dempsey stated a variance could be granted by the Zoning Board of Appeals to allow a smaller barrier but this type of change would apply to all other properties with a similar situation.

Member Krause inquired if the VFW is asking for a substitute barrier or the removal of the barrier altogether.

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City Manager Dempsey stated the regulation does not require a particular type of barrier.

Member Swaney-Frederick stated she would not want to see parking lots coming right up to sidewalks without some kind of barrier.

Member Kmetz stated this would be a safety issue.

City Manager Dempsey suggested something similar to what the City did with ADM Nutrition's parking lot along Grand River Ave. with the columns and fencing installed to create a barrier between their parking lot and the sidewalk in order to create a visual barrier. There are alternative solutions.

Under Planning Commission Comments, Member Swaney-Frederick commented that the Ionia Farm Bureau would host a Family Fun Day at the Farm this Saturday, June 15th.

City Manager Dempsey commented the Chamber of Commerce would be hosting a Family Movie Night at Powers Park on Saturday, June 15th and would be showing Despicable Me.

Member Clement commented that "Thursdays on the Grand" would begin tomorrow, June 13th with music provided by Bailey's Comet.

City Manager Dempsey commented that Portland would host representatives from Hastings tomorrow, June 13th for Mayor Exchange.

Motion by Clement, supported by Swaney-Frederick, to adjourn the meeting at 8:15 P.M.
All in favor. Approved.

Respectfully submitted,

John Kmetz, Secretary