

CITY OF PORTAGE PLANNING COMMISSION

FINAL AGENDA

August 20, 2020

(7:00 p.m.)

Portage City Hall Council Chambers

Public Phone Line: (844) 854-2222 Access Code 529853#
(To voice a question or comment, press *6 to enter the queue.)

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

July 23, 2020

PUBLIC HEARINGS:

- * 1. Ordinance Amendment #19/20-C: Tree Preservation and Replacement Ordinance
- citizen communications received

SITE/FINAL PLANS:

OLD BUSINESS:

NEW BUSINESS:

1. FY 2019-20 Planning Commission Work Program Final Update and Proposed FY 2020-21 Work Program
2. Election of Officers

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

Star (*) indicates printed material within the agenda packet.

Christopher Forth

From: Dennis Conley <denniskonley44@yahoo.com>
Sent: Thursday, August 20, 2020 3:08 PM
To: Christopher Forth
Subject: Tree Preservation and Replacement Proposal

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

I was not able to view the meeting yesterday but I have read the draft proposal. It is a big change for home owners since under the proposal home owners will need permission to take down certain trees and large trees over 36 inches around. Most established neighbor hoods will have trees that large. Probably each home owner. Not sure why this proposal is needed especially for those with less than an acre lot. I have lived in Portage for a little over 30 years and in two neighbor hoods. I have not seen rampant removal of trees.

The proposal is very detailed and complex and will be very cumbersome for the City and home owners. It would not surprise me if the City would have to add staffing to administer. Even with the very detailed proposal there will exceptions that come up with administering the proposal lending doubt if all home owners are treated fairly.

In summary, I think this is a big over reach and would be cumbersome for all and is not needed. If larger lots are where the issues are, perhaps the proposal should pertain to the. What is next, need approval to plant new trees?

Thanks

Dennis Conley
6880 Edgefield

Michael West

From: Kay Ensfield <ensfieldk@hotmail.com>
Sent: Thursday, August 20, 2020 1:35 PM
To: Michael West; Melissa Dekker
Subject: Tree ordinance

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

To whom it may concern:

I strongly support the proposed tree ordinance, but believe it should apply to developers only. Requiring permits for homeowners to remove their own trees only adds unnecessary red tape and aggravation.

The developers and owners of land slated for development are clear cutting the property before beginning to build. They are removing large heritage hardwoods and replacing them with tiny hybrids which will never supply shade. Of course trees which are in the way of buildings must be removed. However many of the trees which are removed are nowhere near the new buildings.

I am aware of the following places this has happened: the corner of Centre and Portage (including lots which are for sale for future development), the land on Portage Road north of Lord of Life Lutheran Church, and two new housing developments off of Osterhout Road. There are probably others that are in a different part of Portage.

This clear cutting makes our streets very ugly. It harms the environment and makes the city hotter. Using only the trees on the city approved list, we should call ourselves the shrub city rather than the tree city. We are depriving ourselves and future generations of a good place to live.

For these reasons I support the proposed tree ordinance as it applies to developers.

Kay (Katherine) Ensfield
1818 Forest Drive
Portage, MI 49002

Get [Outlook for iOS](#)

Christopher Forth

From: Diana Smith <dsmith.kalcreek@gmail.com>
Sent: Thursday, August 20, 2020 12:38 PM
To: Christopher Forth
Subject: Tree Ordinance

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER
Do not click on links or open attachments unless this is from a sender you know and trust.

Dear Mr. Forth,

I just read of the tree ordinance meeting set for tonight. I cannot make it, but would like my voice heard. I am completely against this ordinance.

After reading the proposition, This ordinance is far to reaching into my rights as a property owner in the City of Portage. Not only that, what about a fall zone. Many people will take a tree down because of its location and possible falling on a structure. If I took out a tree, I would have to pay to put another tree on MY property. Have you seen the prices of trees? I have.

Where was the City when Consumers Energy went into my neighborhood and took out so many of our trees. I didn't hear anyone on the city board complaining then. On just my property alone, I had 4 large maple trees removed and I didn't have a say in it. Now your saying, that if I wanted to remove a tree on MY property, I don't have a say in it or I have to pay for it. NO. Can't say it any simpler. NO

Driving around Portage, I do not see a lack of trees being an issue, especially to the point where the government needs to intercede.

Diana Smith
3129 Fleetwood Drive
Portage, MI

Christopher Forth

From: James Baker <james.baker6789@gmail.com>
Sent: Thursday, August 20, 2020 11:12 AM
To: Christopher Forth
Subject: Tree Removal Ordinance

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

I am writing to inform you that I do not approve of this tree ordinance you're trying to pass. My wife and I have been paying our taxes on time and do not like the idea of being told what to do with our own property. My fellow neighbors and I will fight through hell and high water to keep our rights as citizens of Portage. We enjoy living here, so please do not make the city unbearable to live in.

Christopher Forth

From: Garrett Lampman <gjlampman@gmail.com>
Sent: Thursday, August 20, 2020 11:03 AM
To: Christopher Forth
Subject: Tree proposal

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Good morning,

My name is Garrett Lampman I live in the shannondale neighborhood and I oppose the new tree ordinance

Christopher Forth

From: Bill Abernathy <billabernathy@sbcglobal.net>
Sent: Thursday, August 20, 2020 9:04 AM
To: Christopher Forth; Michael West
Subject: tree ordinance

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER Do not click on links or open attachments unless this is from a sender you know and trust.

To Whom It May Concern,

As a resident of Portage I am opposed to the new tree ordinance. If there have been instances of developers abusing current regulations, enforce the regulations. I note with interest in the minutes of the last meeting that proponents of the ordinance refused to give examples of such problems.

The ordinance will be a burden on individuals and unduly restricts the property rights of such individuals.

The ordinance is overly broad at points and vague at others (24.165 for example).

The ordinance comes across as mostly a power and money grab by the city. It's not a good "look."

There is supposed to be citizen comment on issues like this, so doing this at a time when COVID-19 makes this difficult comes across as underhanded. If anything, wait. The Portager said there would be a virtual meeting, but I see no instructions on the webpage about how to join it.

Please drop, change or delay this proposed ordinance.

Sincerely,

William E. Abernathy, Jr.
8485 Valleywood Lane
Portage
269-321-0718

Christopher Forth

From: Richard Palmer <alarmbox13@icloud.com>
Sent: Thursday, August 20, 2020 9:01 AM
To: Christopher Forth
Subject: Tree Ordinance

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER Do not click on links or open attachments unless this is from a sender you know and trust.

Sorry, but this ordinance fails to meet the standard of a public safety need. It is an attempt by local government to impose a social belief on property owners thereby denying their rights as stewards of their assets. It also becomes another "hidden tax" to supplement government revenues through fees. Perhaps a question that needs to be made public is "How many tax dollars are being spent by the city to have the title of being a Tree City?!?!"

Sent from my iPhone

Christopher Forth

From: Marlan Smith <amsmith55@att.net>
Sent: Wednesday, August 19, 2020 2:54 PM
To: Christopher Forth; Joseph La Margo; Patricia Randall
Subject: Proposed Tree Ordinance

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER Do not click on links or open attachments unless this is from a sender you know and trust.

I am very disappointed in the incomplete information provided about the proposed tree ordinance in the August Portager. After looking on-line at the draft of the ordinance, I am now aware that my less than one acre property would be greatly affected by this ordinance in spite of what I understood from reading the Portager. Specifically "heritage" trees would be affected by this ordinance no matter the size of the parcel. You owe it to the public to clarify this!

I find it preposterous that the city would think they can control what I do with the many "heritage" trees on my property. I cherish these trees, but there are many reasons why I (or any other person) might choose to eliminate some of these trees. Since the city thinks they own the trees in my yard, are you planning to send a crew out to rake my leaves & nuts in the fall? Are you willing to pay for damages when a tree falls on my house? Are you willing to repeatedly attempt to get grass to grow under these trees? Rather than waste time managing the trees on my property, I feel my tax dollars would be better spent if city personnel would spend time worrying about things like sweeping the streets more often. (I often have to do that for both myself & my neighbors.) And I certainly don't want my tax dollars to go toward paying someone to waste time assessing which trees each home owner is allowed to remove.

Please do not pass such a ridiculous, onerous ordinance!! It is highly discriminatory against those of us who have trees in our yards. If city workers want to do something worthwhile, why not put your efforts toward encouraging people to take better care of their yards. I think you would find my yard & woods to be exemplary. BTW I had to laugh when I saw your list of "heritage" trees (including sassafras, poplars, & silver maples).

Additionally I feel you would be levying a hidden tax on me if I had to pay for a permit to remove a tree or had to pay to replace the tree I wanted removed or else pay into a city fund. It's expensive enough to care for the trees on my property, without taxing me as well.

Marlan Smith
6705 Isabelle

Christopher Forth

From: Ruth Caputo <rdecann47@gmail.com>
Sent: Wednesday, August 19, 2020 4:53 PM
To: Christopher Forth
Subject: Tree Preservation and Replacement ordinance

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Christopher,

I'm sending this in support of the Tree Preservation and Replacement ordinance that's being reviewed by the Planning Commission.

I served on the City's Environmental Board, and work with environmental groups in the area (SW Michigan Land Conservancy, Kalamazoo Area Wild Ones, LWV Kalamazoo Area). The proposed ordinance addresses concerns ranging from climate resilience to maintaining a city of healthy trees. I whole-heartedly support this ordinance and hope it will be accepted.

Thank you.

Ruth Caputo
10970 Poplar Bluff Ct.
Portage, MI 49024
(269) 323-1538

Christopher Forth

From: nancy Lowe <nlowe1884@gmail.com>
Sent: Wednesday, August 19, 2020 10:25 AM
To: Christopher Forth
Subject: Re: Proposed Tree Preservation and Replacement Ordinance

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Hello Mr. Forth,

Thank you for your reply to my inquiry about the proposed Tree Preservation and Replacement Ordinance. I would like to convey my full support for this important way to move our city forward in its effort to be more environmentally proactive. I look forward to hearing more about this project and anything I might do to make this kind of initiative reality for our great city. Please convey this to the Planning Commission and City Council on my behalf.

Respectfully,
Nancy Lowe
7738 Andrea Ln.
Portage, MI
269 873 7538

On Thu, Aug 13, 2020 at 11:26 AM Christopher Forth <forthc@portagemi.gov> wrote:

Good Morning Nancy:

It was nice speaking with you. My email address is above. Any comments regarding the proposed Tree Preservation and Replacement Ordinance you want conveyed to the Planning Commission and City Council can be sent to my attention.

If you have any questions, please let me know.

Christopher Forth, AICP

Interim Director

City of Portage Department of Community Development

7900 South Westnedge Avenue

Portage, Michigan, 49002

Direct dial: 269.329.4474

www.portagemi.gov

CONFIDENTIALITY: Pursuant to the Electronic Communications Privacy Act of 1986, 18 U.S.C. Sec. 2510, et seq. (the "ECPA"), notice is given that the information or documents in this electronic message are legally privileged and confidential information, intended only for the use of the individual or entity to whom it is sent. If you are not the intended recipient, please be aware that any disclosure, distribution, use or copying of the contents of this message is prohibited. If you have received this message in error, notify the sender immediately by return mail or contact helpdesk@portagemi.gov and delete this message and any attachments from your system. Thank you.

Christopher Forth

From: Martha Dahlinger <marthadahlinger@att.net>
Sent: Wednesday, August 19, 2020 10:02 AM
To: Christopher Forth
Subject: Fwd: Portage Tree Preservation and Replacement Ordinance

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Dear Mr Forth,

I am forwarding an e-mail that has been sent to a committee of the Kalamazoo Area League of Women Voters, of which I am a member. I am sorry that this recommendation is being sent to the League at the last minute. I have been out of town for a few weeks and will not be returning until late this Thursday evening. The League is interested in preserving tree canopy and I believe this ordinance will be something they will appreciate the opportunity to consider.

Personally, I want to thank the Portage Planning Commission and the City Attorney for the excellent detail and thoughtfulness exhibited in this proposed ordinance. You have my permission to share this e-mail with the Planning Commission and to count me as private citizen in support of this ordinance.

Sincerely and in appreciation,

Martha Dahlinger

2612 Chopin Ave.
Portage, Mi. 49024-6634
Home phone 269-327-9367

Begin forwarded message:

From: Martha Dahlinger <marthadahlinger@att.net>
Subject: Portage Tree Preservation and Replacement Ordinance
Date: August 19, 2020 at 9:27:23 AM EDT
To: Ruth Caputo <rdecann47@gmail.com>

Good morning Ruth and committee,

I have read the proposed ordinance and the Portage Planning Committees Minutes debating and clarifying the wording. I recommend that the League support this ordinance. I am impressed with the thought and detail that considers almost every thinkable situation that a landowner may encounter. I do not think this ordinance is a burden for homeowners as it basically applies to developers and owners of large tracks of land. Currently large tracks of land can be denuded by land owners and advertised as suitable for development. This causes all kinds of problems,

invasive species, drainage, soil erosion, habitat and canopy loss, and reduces the quality of life for neighbors and the community at large. Many of the same problems are experienced by current development of subdivisions and retail.

As a private citizen, I will support this ordinance by sending an e-mail of support to Christopher Forth, Interim Director of the Portage Planning commission.

Thanks for considering this proposed ordinance.

Martha Dahlinger