

ORIGINAL

**FIRST AMENDMENT MAY 2014 SPECIAL USE PERMIT PORTAGE POINT INN
FINDINGS OF FACT**

First Amendment to May 2014 Special Use Permit for the Portage Point Inn and Marina project as proposed by Windfalls Landing L.L.C., for the premises located at 8567 S Portage Point Drive (Portage Point Inn and Marina), including Parcel Nos. 51-11-410-038-00, 51-11-410-037-00, 51-11-410-015-00, 51-11-411-009-00, 51-11-411-010-00., 51-11-411-011-00, 51-11-411-037-00, 51-11-411-038-00, 51-11-411-039-00, 51-11-411-044-00 51-11-411-045-00, and 51-11-411-048-00, and the "Ballfield" property consisting of Parcel Nos. 51-11-370-095-00, 51-11-370-095-10 and 51-11-370-113-00 (Ballfield), Sections 28-29, T23N R16W, Onekama Township, Michigan; which together define the Special Use Permit (or "SUP") combined Premises¹.

SUMMARY

These proposed findings of fact are designed to address the standards contained in Article 86 of the Onekama Township Zoning Ordinance (or "ZO") for special use permits. These proposed findings are supported by documents contained in a set of binders. The documents are identified in a table of contents. Each document has been assigned an Exhibit number, and each document will be referenced in the findings by its Exhibit number (i.e. **Exhibit 1**, or abbreviated **Ex 1**). The language of each applicable section of Article 86 will be repeated and then will be followed by the finding under each section. These findings include all materials submitted up through the second public hearing held on July 13, 2017.

¹ The Premises for purpose of a Waterfront Resort Complex under the Zoning Ordinance also consists of individual condominium units owned by entities other than Windfalls but which, nonetheless, collectively comprise the Portage Point Inn historic property as depicted in the Site Plans. A list of those other condominium units is attached as **Exhibit 1** to this SUP Amendment

Article 86 Special Use Permits, Section 8607. Required Standards and Findings for Making Determinations

General Background

The Portage Point Inn (or “PPI” or “Inn”) has existed in Onekama Township (“Township”) since circa 1903. The current structure dates from 1913 has been on the National Historic Register since 1985. On a smaller scale, the Inn is comparable to the Grand Hotel on Mackinac Island. PPI was constructed on a peninsula of land that lies between Lake Michigan and Portage Lake.

In the late 19th century, a channel was dredged that linked Portage Lake with Lake Michigan. Subsequent to the creation of the channel, large commercial passenger vessels began servicing the Portage Point Inn at the west side of Portage Lake since the Inn’s inception circa 1903. Historic photos of ships dropping off passengers at PPI from the early 1900s are attached as **Exhibit (“Ex”) 1**. These same set of photos also show commercial wharves and commercial sailing schooners on Portage Lake. **Ex 1**.

PPI consists of two parts: The main property containing the hotel, dining facilities and small cottages is located adjacent to Portage Lake. An ancillary vacant property located about one half mile to the north called the “Ballfield” has been used historically for a variety of uses, including overflow parking. Maps, aerial photos and parcel maps showing PPI’s properties, and the current structures, are attached as **Ex. 36**.

1980 SUP

Since the Township’s 1980 Zoning Ordinance, PPI has been located in a resort residential zoning district (RR-3). Because of the Inn’s prior history, it would have constituted a non-conforming use under the ordinance. In order to formalize PPI’s zoning status, however, water-front resort hotels were allowed in the RR-3 district with

a special use permit. PPI received its first special use permit (“SUP”) in 1980.² A copy of the 1980 SUP is attached as Ex. 3. The total sleeping capacity of PPI under the 1980 SUP was 250 persons. The 1980 SUP essentially permitted what was then the historic ongoing use of the property.

1984 Amended SUP

In 1984, the Inn’s SUP was amended. See Ex. 4. The 1984 SUP allowed up to 460 sleeping places and up to 115 residential units at the Inn. A marine aspect at the Inn was first recognized in the 1984 SUP which provided for up to 42 slips. See 1984 SUP, Ex 4, page 8. The 1984 SUP allowed for not less than 154 and not more than 174 parking places. With respect to the Ballfield, 40 parking spaces were designated there as well as a re-located maintenance building to the northwest part of the property.

1995 SUP

In 1995, a third Amended and Restated SUP was issued for the PPI.³ See Ex. 12. Consistent with the 1984 SUP, the 1995 SUP approved a sleeping capacity of up to 460 persons including persons sleeping aboard moored boats. Exclusive of boat slips, there were to be a total of 115 residential condominium and rental units. The 1995 SUP required not less than 154 and not more than 174 parking places. The 1995 SUP allowed 42 boats slips echoing the 1984 SUP. However, the 1995 SUP also gave preliminary approval for up 115 boat slips (reflective of corresponding residential units) or whatever lesser number was approved by the DEQ. *Id.* The Michigan Department of Environmental Quality (“MDEQ”) granted the Inn a permit for docks to accommodate 11 vessels on June 20, 1995. See Ex 12A.

² A section of the 1980 ZO describing the permitted uses and special uses allowed in the RR-3 district is attached as Ex. 2

³ The current Township Zoning Ordinance was adopted in 1991 (“ZO”). The 2000 Zoning Map shows the RR-3 zoning of the peninsula where PPI is located, Ex. 6. The RR-3 text regulations are included under Ex. 7 and the special use SUP standards of Article 86 are located under Ex. 9. Article 94 contains site plan standards, Ex. 10

With respect to the Ballfield Property, consistent with the 1984 SUP, 40 parking places were designated there, and a maintenance building was to be located in the northwest part of the property. Preliminary approval was also given for a small shower building, shuffleboard, racquetball and tennis courts. *Id.* These structures were never built and the Ballfield Property remains vacant.

2000 Amendment

In October 2000, the 1995 SUP was amended. A 40 by 75 foot storage building was approved for the Ballfield Property. **Ex. 13.** This was not constructed.

2001 Amendment

In May 2001, a nine-unit condominium structure was approved along with a boardwalk along Portage Lake. **Ex. 14.** This condominium structure was constructed.

2003-2007 DEQ Marina Permit

Although the 1984 and 1995 SUPs had approved up to 42 slips, as of 2003, only about 10 slips had been constructed via access from two seasonal docks located at the north end of the property. These 10 slips had been approved under a June 1995 DEQ permit. In 2003, the DEQ approved an additional 32-slip basin at the south part of the property on Portage Lake. This DEQ permit is depicted in **Ex. 15.**

This 2003 DEQ permit was modified by the DEQ in 2007. See **Ex. 16.** See larger site plan, **Ex. 17.** This 32- slip basin was constructed and is in current use. There are currently 48 slips adjacent to the Inn. In 2009, the Township Planning Commission approved a pump out facility at the marina.

2013 SUP Revocation

From 2007 to 2012, PPI experienced financial difficulty under its owner Northwoods Development. In November 2012, because PPI was no longer functioning as permitted, the Township Planning Commission revoked the 1995 SUP and its

amendments, but held the revocation in abeyance until April 2013 (when the revocation became final because the owner had not complied with conditions). See 2013 SUP revocation Minutes, **Ex 46**. PPI went into foreclosure, and PPI was acquired by a Mr. Robert Gezon. Mr. Gezon has done work under the 2003 - 2007 marina permits.

2014 SUP

Under a new SUP issued in May 2014, Mr. Gezon reopened PPI. The 2014 SUP is attached as **Ex. 21**. The 2014 did not make any significant changes to the 1995 SUP. PPI was limited to 115 residential units exclusive of boat slips. Total sleeping capacity, including boat slips, remained at 460 persons and parking remains at no less than 154 and no more than 174 parking places. The then-existing marina was shown on the 2014 SUP site plan. See **Ex 37**.

2016 Proposed SUP Amendment

In the spring of 2016, Mr. Gezon, of Windfalls Landing, LLC., approached the Township Planning Commission about substantial amendments to the 2014 SUP, which also reflect substantial changes from the 1984 SUP and 1995 SUP as well. Mr. Gezon's proposal, dated March 29, 2016, is detailed in **Ex. 22**. Mr. Gezon pointed out that the PPI has had prior financial difficulty in the last 40 years as it went through four changes of ownership and a complete financial failure in 2012 under its last owner before Mr. Gezon.

Mr. Gezon's proposal has three main aspects: First, it increases the capacity of, and renovates, all of the existing main hotel and other residential structures. Second, it increases the size of the marina and converts it into a full-service facility. Third, it includes a large "Boat Barn" structure on the ancillary Ballfield Property in order to accommodate the increase in parking and in order provide a large indoor storage and maintenance facility for the full-service marina. In the summer months, the Boat Barn would be used for parking, and guests would be shuttled back and forth to the main

PPI property. In the winter months, the Boat Barn would be used primarily for the storage of boats, and maintenance and repairs.

The particulars of this amendment are detailed on large scale site plans and drawings demarked Ex. 34 and 35, respectively. For example, the total sleeping capacity, including persons aboard vessels in the expanded marina, will increase from 460 persons, under the prior SUPs, to 800 persons, and dining room capacity will increase from 300 persons to 413 persons.

Under the proposed 2016 SUP, the marina will increase in size from the current 48 slips (18 floating docks and 30 fixed docks) to 80 slips. As proposed, 75 of the slips will be located in two twin basins with 5 slips to the north for non-motorized vessels. A site plan showing this current marina plan is attached as Ex 17. The slips will ultimately be assigned to owners of condominium residential units in PPI, with 7- 8 transient slips planned. The public can also rent those slips not being used by a resident at the Inn. The marina will be full service. Including, launching, repair and maintenance of boats as well as sale of both gasoline and diesel available at a new fuel dock. The footprint of the new marina is shown on page one of the site plan, Ex. 35.

Under the 2016 SUP, a 54,100 square- foot "Boat Barn" will be constructed on the Ballfield Property. 129 parking spaces will be available indoors and about another 72 outside. In the winter months, the Boat Barn will be used for the storage, maintenance and repair of boats. Six "Dollhouse" cottages will also be located on the Ballfield Property in front of the Boat Barn. See site plan and drawings, Ex. 34 and Ex. 35.

C. Parking and Traffic

Under the prior SUPs, PPI was limited to up to 174 parking spaces. Under the 2016 SUP, required parking spaces will increase from 174 spaces to 337 reflecting the increase in occupancy from 460 persons to 800 persons. 136 of the parking spaces will be placed on the main PPI property, with another 201 places on the Ballfield Property. The boat users of the transient slips are not expected to have vehicles.

Procedural history of the 2016 SUP to date

A. Initial Planning Commission Review

A public hearing on the 2016 SUP was held on July 7, 2016. At a second meeting on July 21, 2016, the Township Planning Commission (or "PC") discussed the issues from the public hearing and then made findings of fact under the SUP standards of ZO Article 86. The PC then approved the 2016 SUP amendment by a majority vote. At a PC meeting on August 3, 2016, the PC approved the 2016 SUP Permit document, subject to further review, prompted by the concerns and opposition expressed by some Township residents.

B. Expert Review

Because of concerns expressed by some Township property owners, the Planning Commission recommended, and the Township Board approved, in September 2016, the hiring of three experts to review the proposed 2016 SUP. These included hiring: 1) the Chief Planner for the City of Grand Rapids, Suzanne Schulz, to review the 2016 SUP site plans and other aspects of the new SUP under the site plan and special use standards of the current Township Zoning Ordinance; 2) a Traffic Expert, Pete LaMourie from Progressive AE in Grand Rapids, and; 3) Marina expert Greg Weycamp from Edgewater Resources, St. Joseph. The CVs and backgrounds of these three experts are contained in **Ex 49**

The experts subsequently submitted reports for review by the Planning Commission. Marina Expert Greg Weycamp's Report, dated March 10, 2017, is attached as **Ex 43**. Pete LaMourie's Traffic Report, dated April 28, 2017 is attached as **Ex 44**. Suzanne Schulz' Site Plan Review Report, dated May 22, 2017 is attached as **Ex 41**. Suzanne Schulz' Special Land Use Review, dated May 22, 2017 is attached as **Ex 42** and Suzanne Schulz' Amended Report, dated June 12, 2017 is attached as **Ex 47**.

At a meeting on June 2, 2017, the Planning Commission first discussed and accepted the reports. See Minutes Ex 48. The Planning Commission conducted further work sessions to review the reports on June 7, 2017 and June 15, 2017, and made site plan changes as a result. A second public hearing was held on July 13, 2017. Prior to, that public hearing, the Concerned Citizens of Portage Lake ("CCPL") submitted a written set of documents, including the reports of attorneys, and consultants stating certain concerns about the project. Further comment was provided at the public hearing on July 13, 2017. These findings address that further input and where appropriate a response is provided to that input. CCPL's complete written submissions compiled into a written booklet is attached as Ex 52.

Findings with respect to the Standards in Article 86

Article 86 of the Onekama Township Zoning Ordinance contains the standards for review of Special Use Permits. The following findings of fact and conclusions are based upon those standards and reflect the Planning Commission's own review of all of the documents contained within the record, as well as the review of the expert reports, which are incorporated by reference into these findings and conclusions. Because the SUP consists of three main components including 1) the *Inn proper and related outbuildings*, 2) the *Marina* and 3) the *Ballfield Property "Boat Barn"* specific findings will be made for each component where appropriate, although all three components collectively comprise the Portage Point Inn as a Waterfront Complex under the Zoning Ordinance.

ZO Section 8607

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall

find and record adequate data, information and evidence showing that such a use on the proposed site will:

A. Be harmonious and compatible with and in accordance with the general objectives, intent and purposes of this Ordinance, both generally and for the particular district.

The Inn and Associated Outbuildings

The *Inn and associated outbuildings* are harmonious, compatible, and in accordance with the general objectives, intent and purposes of the Ordinance, in general and for the RR-3 zone district for the following reasons:

The unique character of the Portage Point Inn and its environs is valued by the community, as demonstrated in public testimony and planning documents. The Inn is an historical resort that has existed for over one hundred years in its current location. See historic photographs of the Inn and its service by marine steamer traffic attached as Ex 1. The SUP amendment will *preserve* the historic Inn as it has existed for over 100 years. Community Planning documents have emphasized the importance of preserving historic buildings in the Township, including the Portage Point Inn. See Portage Lake Watershed Forever Plan pages 70-71 attached as Ex 47. The Inn is listed on the National Register of Historic Places. See Planner Suzanne Schulz' Special Land Use Review, dated May 22, 2017 ("Schulz SUP Review") and has been recognized in other community planning documents, Ex 42.

The amended SUP treats the Portage Point Inn in a consistent manner with respect to prior zoning. Since 1980 the Inn has been given the status as a special use within the Resort Residential (R-3) zoning district. In 1995, the R-3 zoning was

specifically amended to provide for a “Waterfront Resort Complex” within the R-3 district to accommodate the Inn. See Ex 7. The SUP amendment revisions are consistent with the Waterfront Resort Complex definition as revised in March 2016 (allowing a full-sized marina). See Ex 23.

The amended SUP Site Plan documents, Nordlund & Associates, dated July 6, 2017, show that the Existing Hotel (since circa 1913) and the Existing Bar and Conference and other historic buildings will be *preserved* with some expansion of kitchen and other facilities. Otherwise, the *historic footprint of the Inn will not be changed in a substantial way*. See Ex 35. Thirty six (36) existing hotel units will be converted into condominium units. See Suzanne Schulz Site Plan Review (“Schulz Site Plan Review”), dated May 22, 2017, Ex 41. See Integrated Architecture Design Drawings of the Inn, dated February 27, 2016, attached as Ex 34.

Lakeshore living opportunities will be increased with the renovation of the hotel building and the inclusion of condominiums, which will reinforce the intent of the RR-3 zone district, and insure compatibility with other nearby residential uses. See Schulz Site Plan Review and Schulz SUP review, Ex 41 and 42. These reports are incorporated by reference.

Revitalization of the property will promote the general welfare of the community through investment, job creation, property stabilization, and tourism.

There are no significant or material negative traffic issues associated with the change at the Inn. See Pete LaMourie traffic report, dated April 28, 2017 which is incorporated by reference. Ex 44.

There have been further modifications to the Site Plan at the Inn in the public interest. These include the use of more porous “turf block” for a parking lot, revised traffic circulation and restrictions on the boat launch, hours of operation, quiet hours, etc. See Ex 47, page 2.

Response to Concerned Citizens of Portage Lake (“CCPL”)

The CCPL, in Attorney Kristyn Houle’s report, contained in Ex 52, raised a number of general concerns about the proposed amendment which are enumerated below. The Planning Commission’s response is then listed as well:

Inadequate Septic

Response:

All aspects of the SUP amendment will be made dependent upon confirmation by the MDEQ, through permits or otherwise, that there is sufficient septic capacity to service the new features of the design. Further, the municipal sewer system under consideration is not intended primarily to service the Inn as alleged, but is intended to benefit Portage Lake and the Township as a whole.

Inadequate Business Plan

Response:

Mr. Gezon’s financial advisor Ken Lahey testified at the public hearing on July 13, 2017 about financial studies that were undertaken in preparation for the SUP amendment. The Planning Commission is satisfied with this analysis.

The Planning Commission further heard the testimony of a prior owner of the Inn, Ken Reichle, who owned the Inn in the 1970s. He indicated that he made many improvements to the Inn, such as adding heat to the rooms, improving bathrooms, etc. in order to attract more year round customers. He indicated that these efforts were still not enough to make the Inn economically viable. In Mr. Reichle’s view, improvement of the marina, as contained in the amended SUP proposal, is a necessary component to make the Inn economically viable.

ZO Article 10 and Article 42 Concerns

Response:

The Planning Commission is satisfied that the Township Board's text amendment allowing a full service marina in conjunction with the Inn alters the status of the Boat Barn to that of a primary component of a marina and not an accessory structure.

Property values

Response:

The Planning Commission is satisfied that with a proper site plan, and features designed to protect adjacent properties, that the Boat Barn will not harm adjacent property values, and that the maritime features of its use, will enhance property values throughout the Portage Point peninsula. This is supported by the documentation in Ex 45.

Marina Expansion

The *marina* expansion is harmonious, compatible, and in accordance with the general objectives, intent and purposes of the Ordinance, in general and for the RR-3 zone district for the following reasons:

A marina located at the Inn is reflective of, and consistent with, the historic maritime use of Portage Lake by boating vessels. See historic photos of passenger steamers accessing the Inn Ex 1. These photos show a significant presence in Portage Lake for over 100 years, including vessels in the western side of the lake near the Inn. The expanded marina at the Inn, under the amended SUP, is reflective of long-standing boating access and marina use in this portion of Portage Lake.

Past zoning decisions and special use approvals for a marina are consistent. The 1984 SUP gave approval for 42 boat slips in front of the Inn; approval was also granted as part of the 1995 SUP. See Ex 3 and Ex 12. The 42 slips were divided into a North Basin and a South Basin. The docks in the North Basis were to extend up to 115 feet from

shore and no more than 330 feet in a north-south direction. In the South Basin, the slips could extend 150 feet from shore and up to 420 feet north and south. See Ex 3. The new marina plan, which includes two north-south basins, is reflective of the 1984 SUP marina plan. Compare Ex 35 showing the new marina site plan with the plan from 1984. See Ex 3, page 10. An informal Planning Commission approval for pump out facility at the marina was granted in 2009.

The increase from 48 to 80 slips will not be materially adverse to, and will be consistent with, the general objectives, intent and purpose of the ZO. In order to evaluate the marina, the Township Planning Commission approved the hiring of expert Greg Weycamp of Edgewater Resources. Mr. Weycamp's Report concluded the marina structure will meet adequate spacing standards for vessels within the marina and will not protrude beyond the riparian property of the Inn. See Ex 43, pages 3 – 4.

To further promote the public health, safety and general welfare of the community, SUP conditions requiring: 1) a Clean Marina Certification; 2) quiet hours; 3) a requirement that 10- percent of the slips be available for transients 4) seasonal slip availability to other members of the public, not just condominium residents of the Inn; 5) restrictions on the launch ramp to only allow for the launching and retrieval of boats at the marina during shoulder seasons; 6) protected and sheltered swimming access; 7) a public walkway along the shoreline adjacent to the marina, and other features. *Id.* See restrictions contained within First Amendment of 2014 Special Use Permit , Ex 50

Increased congestion on Portage Lake as a result of the additional slips or marina activities is not expected. With respect to sailboat races and other small boat usage in the vicinity of the marina, Mr. Weycamp's report concluded that there would not be a material negative impact on those activities. He noted that there are currently 405 boat slips on Portage Lake and that the addition of 32 slips at the Inn's marina would have a

negligible impact on the boating density. ⁴ See Ex 43, page 8. Mr. Weycamp also compared the boating density on Portage Lake with the density on several other west Michigan lakes showing the density on these other lakes is far higher than Portage Lake. In particular, he noted that there is a small boat sailing club on Spring Lake that regularly hosts sailing races where Spring Lake has nine times the boating density of Portage Lake. *Id.*, page 12.

It is further notable that the May 2008 Portage Lake Forever Plan, pages 16-17 cited personal watercraft of “jetskis” as the most common source of boating conflicts on Portage Lake. Ex 51. There is no indication that personal watercraft will be moored at the Marina. Rather, the Marina will be used for larger watercraft.

No significant or material negative traffic issues associated with the change at the marina is expected. See Pete LaMourie traffic report, dated April 28, 2017 which is incorporated by reference. See Ex 44 .

No adverse environmental damage is expected as a result of the marina expansion. The Weycamp Report identified several ways that the marina will adhere to current Best Management Practices in order to protect the water quality of Portage Lake: These include 1) a boat wash area where waste water will be captured in underground grates so that water from boat cleaning does not flow into Portage Lake; 2) the marina’s adherence to all of the standards of the Michigan Clean Marina program, such as double wall standards for fuel tanks, pump out facilities available at each dock rather than at just one location, and training of marina staff to avoid spills while fueling boats, etc. *Id.*, pages 6 – 7.

The Proposed marina is consistent with the Township’s planning documents.

⁴ There are three other marinas on Portage Lake in addition to that at PPI. On the northeast side of the lake, there is a marina largely containing small power and sailboats. This marina sells fuel. Another is located further east and has dockage only during periods of high or ‘normal’ water levels. On the southeast side of the lake, there is a larger full-service marina that contains larger sail and power boats. Fuel is also sold there and pump outs are available as well as watercraft haul-out, repair and maintenance services

The Township 2010 Master Plan, Ex 19 has expressed a need for a further marina within Portage Lake. See pages 41, 42 63 and 63 of the Master Plan. Id. The May 2008 Portage Lake Forever Plan, Ex 51, pages 95-96, similarly supports the need for a public marina on Portage Lake. The draft First Amendment of 2014 Special Use Permit, Ex 50. provides that 10 percent of the slips will be reserved for transient boaters. This will provide an opportunity for boaters on Lake Michigan to have transient slippage close to the channel and a harbor of refuge off of Lake Michigan.

The improvements will encourage the use of water in accordance with the character and capabilities of the site by providing increased recreational access, lodging opportunities on boating vessels, and supportive amenities generally found at a Waterfront Resort Complex.

Adoption of Marina Expert report by Reference

The Planning Commission adopts all other aspects of the Weycamp Report by reference. Ex 43.

Further review by the MDEQ and the U.S. Army Corps of Engineers

Because Portage Lake constitutes an inland lake as well as a navigable part of the Great Lakes, the marina construction, including dredging, is subject to dual regulation by the Michigan DEQ and by the U.S. Army Corps of Engineers under their respective permitting authority.

CCPL's Marina Legal Analysis

CCPL and its experts Chris Grobbel and Doug Workman mentioned a number of concerns about the marina in Ex 3 and 4 within Ex 52, respectively.

Response:

In the Planning Commission's view, all of these concerns were addressed in Mr. Weycamp's original report, Ex 43 or in his supplemental email, dated July 11, 2017 Ex 53 which are incorporated by reference.

"Boat Barn" on the Ballfield Property

The new 54,100 square foot Boat Barn structure and related outside parking at the Ballfield Property is harmonious, compatible, and in accordance with the general objectives, intent and purposes of the Ordinance, in general and for the RR-3 zone district for the following reasons:

The "Ballfield" is part of the Waterfront Resort Complex. The 1984 SUP specifically included the Ballfield parcel as part of the definition of the SUP "Premises". The 1995 SUP and the 2014 SUP likewise defined "Premises" as including the Ballfield Property. See **Ex 4, Ex 12 and Ex 21**. See also Suzanne Schulz Site Plan Review, dated May 22, 2017, Ex 41, page 8.

There is a history of zoning approvals for parking and structures reflective of the Ballfield's supportive function to the Portage Point Inn under the Inn's SUP. The Ballfield Property was designated for up to 40 parking spaces in the 1984 SUP. This was repeated in the 1995 and 2014 SUP approvals. See **Ex 4, Ex 12 and Ex 21**. The 1984 SUP and 1995 SUP provided for a relocated maintenance building in the northwest corner of the Ballfield Property. See **Ex 4 and Ex 12**. In 2000, a SUP amendment approved a 3,000 square foot storage building on the Ballfield Property. See **Ex 13**.

No significant or material negative traffic issues associated with the Boat Barn at the Ballfield Property are anticipated. See Pete LaMourie traffic report, dated April 28, 2017 which is incorporated by reference. **Ex 44**. Moreover, there is already marine transport traffic along Portage Point Drive and Seymour Street for access to the existing public launch facility on the north side of Portage Lake.

The Boat Barn will be compatible with the surrounding area and the three private residences that are located within close proximity to the Ballfield property, per the amended site plan if constructed and operated in conjunction with the conditions imposed by the Planning Commission. The two homes that directly face the Boat Barn are situated at a higher elevation and are three-stories. The site plan for the Boat Barn has been reviewed by the Township's Planning Consultant Suzanne Schulz. Please see Planner Suzanne Schulz' June 12, 2017 Report that amends her prior May 22, 2017 Site Plan and Special Use reports which is adopted by reference, including discussion of changes to the Boat Barn. Ex 45.

The Boat Barn is compatible with the Resort Residential-3 uses in general. While a large storage building might not otherwise be compatible with a resort- residential zoning district, the Planning Commission finds that the Boat Barn is compatible with the area and with adjacent properties because of the existing and historical *resort - maritime character of the Portage Point Peninsula* that separates Lake Michigan from Portage Lake and the coinciding *maritime character of the Boat Barn*.

The Planning Commission finds that it is common in other Michigan Great Lakes waterfront communities to locate marine storage buildings and other marine facilities in close proximity to the waterfront and juxtaposed with residential uses without doing harm to the residential characteristics of the vicinity. In fact, the location of these marine facilities near the waterfront helps to enhance the overall *maritime character* of these communities and make these communities more diverse and more accessible to the general public than a more monolithic residential approach. For the same reasons, the marine structures are compatible with adjacent or nearby residential uses. These findings are supported by the following examples of the juxtaposition of marine storage and other facilities with residential uses in Michigan Great Lakes waterfront communities:

- *Bay Street Harbor Springs.* Ex 45A shows Bay Street in Harbor Springs, Michigan. As shown by the aerial photo, there are both marine storage facilities and very expensive residential homes juxtaposed along Bay Street. The Waterfront zoning district allows marine storage and maintenance and is adjacent to the Transitional Residential zoning district. See zoning map and text under Ex 45A.
- *Northport Bay Marina.* Ex 45B includes an aerial photo showing the Northport Bay boatyard within the Village of Northport. There are marine storage buildings on the water and located a thousand feet or so inland. They are located within the Commercial/Resort Residential zoning district that allows *both* marine storage and services facilities (by special use permit) and resort single-family residential uses in the same district. See Northport zoning map and text within Ex 45B.
- *Village of Port Sanilac* (Sanilac County southern Lake Huron). Ex 45C includes an aerial photo of the harbor area of Port Sanilac in Sanilac County. There are marine storage buildings there adjacent to residential uses. The attached zoning map shows commercial zoned areas downtown behind the harbor of refuge (protruding into Lake Huron) where the marine buildings are located. See black outline on map. The adjacent residential cottages and other single family homes are shown in the dark grey shading to the south on the map. *Id.*
- *Onekama Township.* Ex 45D includes an analysis of the impact of Onekama Marine (or "OM") marina and boatyard storage facility on adjacent residential properties on the southeast shore of Portage Lake. The Township's Assessor Ginny L. Martz did an analysis of the Township's valuation of residential properties located adjacent to the OM large storage buildings and other marine facilities. There are residential properties located both to the west and to the east

of OM. The Pirates Cove condominium property is located east of OM. There are 19 detached single family homes in Pirates Cove. Each home is valued separately and the homes consist generally of three types of architectural sizes and styles. By evaluating the true cash value assessments, and the available recent sales records, within each type, Ms. Martz found that there was no showing that the closer proximity of a home to the OM storage buildings and other facilities had any negative affect on the value of these homes.

- Other waterfront communities in West Michigan also juxtapose residential and marine storage uses. Attached as Ex 45E are aerial photos showing marine storage buildings adjacent to residential areas in *New Buffalo*, *Saugatuck* and *Holland*, Michigan, respectively.

Notably, like other waterfront communities, Onekama Township's Commercial-Residential zoning district allows both residential and marine commercial uses within the same zoning district. Township Assessor Ginny L. Martz' Affidavit, aerial photos, the Township's Zoning Map, assessment map and cards are all included within Ex 45D.

Response to concerns and comments of the CCPL on the Ballfield "Boat Barn"

The CCPL "Ballfield Legal Analysis", Ex 52, argues that the Ballfield and the PPI are separate properties and that the Ballfield should be treated only as an accessory use to the main Inn property and that it is otherwise not harmonious.

Response:

PPI's SUPs, since at least 1984, have treated the Ballfield Property, along with the Inn, as part of a single "Premises" under the SUP regulation. It has not been treated as a separate property under the SUPs. See Ex 4, pages 6.

In March 2016, the Onekama Township Board amended the Zoning Ordinance definition of Waterfront Resort Complex ("WRC") so that a full service marina is no

longer prohibited. See Ex 23. The Planning Commission finds that the Boat Barn is one of *several primary components* of a full-service marina. So although a marina and its incumbent Boat Barn are *accessory to the Inn*, the Boat Barn is one of *several primary components of a full service marina*. Accordingly, the Boat barn is *not treated as an accessory building* for purpose of the RR-3 district and other ZO definitions of an accessory building.

Likewise, although the historic use of the Ballfield property may not have included the marine uses cited above, that property has been consistently regulated under the terms of PPI SUPs and under the definition of a Waterfront Resort Complex (“WRC”) adopted in 1995. The March 2016 zoning amendment, allowing a full service marina accessory to the Inn, now permits the Boat Barn as a *primary use within PPI’s marina*.

For the same reason, the Boat Barn is not subject to the ZO Section 503 definition of an “accessory building” as it constitutes a primary component of a full service marina.

The Boat Barn on the Ballfield will be otherwise harmonious with the RR-3 district based upon the requirements in the site plan and the conditions placed upon its use in the First Amendment to the 2014 SUP See Ex 50. These include the restrictions on the launching and retrieval of boats to the “shoulder seasons” April – May and September – October, respectively, the berms and setbacks on the side of the Boat Barn, to protect neighboring properties, and the architectural detailing so that it resembles the Inn.

The Planning Commission finds that the traffic analysis provided by Mr. Grobbel, Ex 3 within Ex 52, with respect to the Boat Barn is not dispositive as it ignores a number of determinations made in the amended SUP. First, there will be no boat launching and retrieval traffic from the Boat Barn to the launch ramp at the Inn during

the summer months as such activity is confined to the “shoulder seasons”. See draft SUP amendment, Ex 50. Second, the public and guests of the Inn will not be able to launch boats from the Inn’s ramp as that ramp is confined to boats from the Boat Barn during the shoulder seasons (except) for emergencies, surveying, etc. These two restrictions are designed to minimize excessive and unnecessary traffic impacts from the Boat Barn during the higher intensity summer months. The Planning Commission is otherwise satisfied with Progressive AE’s traffic analysis.

The Planning Commission does not believe that the Boat Barn at the Ballfield site constitutes a “spot zone”. The Ballfield has been regulated as part of the Inn’s SUP for decades. The SUP process provides conditions to minimize nuisances that do not occur with a blanket rezoning.

The Boat Barn, while not located directly on the water, is located within about a quarter mile from Lake Michigan and Portage Lake and does enhance the maritime character of the Portage Point peninsula as a whole.

B. Conform to any applicable provisions of Section 1001 et seq., Section 8602.B, Section 8607, and specific special use standards in the respective district.

The Inn, the Marina and the Boat Barn at the Ballfield conform to all applicable provisions of Section 1001 et seq (Article 10), Section 8602.B, Section 8607, and specific special use standards in the respective district.

1. *Article 10 (Section 1001 et. seq.)*

A detailed Site Plan Review was conducted to analyze all aspects of the Inn and Ballfield sites to insure conformity with the general standards in Article 10. As a result, certain modifications were made to the proposed site plan to insure compliance with the general provisions, including those for water protection. For example, parking spaces were removed at the Inn allowing the “Boat House” to be moved farther from the waterfront in order to meet the waterfront setback under ZO Section 1007. Pervious

“turf block” replaced impervious pavement in the southern parking lot at the Inn in order to meet the requirements of ZO Section 1031 (C). With respect to the Boat Barn, non-dwelling buildings not exceeding fifty (50) feet in height are allowed for any property in all zoning districts of the Zoning Ordinance if approved by the Township Planning Commission in connection with a Special Use Permit. See Schulz June 12, 2017 Report, Ex 46.

CCPL concerns with respect to Boat Barn

CPL Ballfield Legal Analysis, Ex 52. (ZO accessory building and RR-3 regulations) :

ZO Sections 503 (definition) 1008 (Height) and 1019 (Location)

Response:

Because of the ZO amendment allowing a full- service marina as an accessory to PPI, Ex 23, and the finding that the Boat Barn, as a marine storage and maintenance building, is a *primary use* to a marina, the Planning Commission finds that the Boat Barn is *not an accessory building* for purposes of ZO Sections 503, 1008 and 1019 and the Planning Commission may approve its height to 50 feet under ZO Section 1008 as a “Non-dwelling building” which is not an accessory structure.

ZO Section 4204 F. Commercial trucks greater than 20 feet.

Response:

The Planning Commission finds that ZO Section 4204 F with respect to the length of commercial trucks applies to residential properties within the RR-3 district and not to a full service marina allowed under the Inn’s SUP.

ZO Section 4204 D. Minimal Floor Area

Response:

The Planning Commission finds that the dollhouses have been part of the PPI SUP for decades and their floor size qualifies as a nonconforming use.

ZO Section 8401

Response:

Because of the Township Board's rezoning amendment to allow a full service marina as part of PPI, the SUP can provide for full-service marina structures and activity, including the Boat Barn, on the Ballfield Property. The prior failure of the prior owners of PPI to implement the parking or the maintenance building on the Ballfield is not relevant to our determination.

With respect to the concern about wetlands on site, any land use permit for the Ballfield site will be dependent on DEQ conformation that there is no need for a permit or proof that any required DEQ permit has been obtained.

2. *ZO Section 8602 B*⁵

The proposed use is consistent with the Land Use Plan for the physical development of Onekama Township because the 2010 Future Land Use Map designates the Portage Point Inn site for Commercial Use. See **Ex 19**, page 79. Ancillary use of the Ballfield for activities related to boat storage and repairs to support activities at the Inn and therefore are consistent as part of a Waterfront Resort Complex. See Site plan drawings, **Ex 34 and Ex 35**.

Residents, workers, adjacent properties, and the general neighborhood will not be adversely affected as the use will increase the availability of recreational opportunities within the area, provide goods and services presently unavailable in the

⁵ Section 8607 B. 2 states: A special use permit may be granted when the Planning Commission finds from the evidence produced at the time of consideration of the application, or at the hearing that:

- 1) The proposed use does not affect adversely the Land Use Plan for physical development of Onekama Township;
- 2) The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood;
- 3) Any standards, as may be set forth for a particular use for which a special exception may be granted, can and will be met by the applicant.

general vicinity, improve the proximity of boating services available for distressed boats on Lake Michigan, better define areas for pedestrians and vehicles along Portage Point Drive, and increase access for emergency vehicles on to the property. See Site plan drawings, **Ex 34 and Ex 35**.

Consideration was given for buffering and adjusted setbacks in regards to the protection of environmentally sensitive areas and building massing/scale; operational aspects of the Inn and Boat Barn will be restricted to insure compatibility with SUP approval. The Site Plan of the Boat Barn has been adjusted to provide greater protection for neighboring properties along Portage Point Dr. and Seymour Drive. See **Ex 47**.

3. Waterfront Resort Compliance

The RR-3 zoning district requires that a Waterfront Resort Complex, as a special land use comply with the definition within the ZO Article 5. The Inn and all of its components, including the Marina and the Ballfield Boat Barn, all comply with the definition of a Waterfront Resort Complex. See Site Plan and Drawings, **Ex 34 and Ex 35**.

C. Conform to any minimum requirements established for the land use district in which the proposed special land use is to be located.

The Inn footprint, even including the changes, as part of this amended special use, permit comply with all of the minimal acreage and other standards required to meet the definition of a Waterfront Resort Complex under Article 5 of the ZO for the RR-3 zone district. Please see the Site Plan, **Ex 34**. As part of a Special Use permit, the Planning Commission is given the authority to approve the Boat Barn's 50-foot height. See ZO Section 1008.

D. Conform to any standard set forth in the definition of proposed special land use as defined in this ordinance.

All aspects of the Inn, Boat Barn and marina satisfy and comply with the definition of a Waterfront Resort Complex in ZO Article 5. Otherwise, see consultant reports, Ex 41-44 and Ex 46. with respect to traffic and circulation, marina operations, site plan review, and special use.

E. Be designed, constructed, operated, maintained and managed to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and be compatible with adjacent uses of land.

Modifications and new construction on the Portage Point Inn site will be compatible with existing structures, will remain materially within the historic footprint, and will reinforce the existing character of the area by *preserving the Inn*. and its component parts. Rehabilitation of the Inn and Casino buildings will be generally consistent with the current design of the building; minor façade modifications are proposed. See Ex 34 and Ex 35

The use of similar roof lines and window dimensions on the new Boat Barn to that of the Inn contributes to the identity of the Waterfront Resort Complex. The design of the Boat Barn and “doll house” cottages reflects the character of the Portage Point Inn. The construction of new “doll houses” of similar dimension to those currently located on the property will assist in maintaining the unique history of the property. Further Site Plan modifications have been made to the Boat Barn, such as berming, landscaping and parking changes to protect adjacent properties. See Ex 34 and Ex 35.

With respect to the Boat Barn at the Ballfield and the Marina, generally, please see the analyses of these uses under ZO Section 8607. A., which are incorporated by reference.

The operations and management of the property will be harmonious with uses located within the general vicinity generally because:

- Use of the property by the general public for launching boats shall be prohibited.
- All lighting for boat slips shall be directed downward so as not to shine on adjacent properties and “dark skies” standards shall be applied for exterior lighting.
- The launching and retrieving of boats during specified time periods or in cases of an emergency.
- A quiet time shall be observed on the marina docks.
- Outdoor activities for special events shall cease by a defined time and use of amplified sound outdoors shall end by 11 p.m. Exceptions for intermittent special events may be authorized by the Township Board.
- No direct retail sales of parts and equipment shall be permitted at the Boat Barn and all activities related to boat maintenance shall occur within the facility in so much as is practicable.
- Valet parking and/or a shuttle system shall be utilized to manage parking. See draft Special Use Permit Amendment , Ex 50.

F. Be served adequately by essential public facilities and services such as streets and roads, police and fire protection, drainage structures, refuse disposal, or the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

The use will be served adequately by essential public facilities and services, such as streets, police and fire / rescue protection, drainage structures, and refuse disposal because:

- There is sufficient vehicle capacity on South Portage Point Drive to accommodate additional vehicle traffic, per the report submitted by Pete LaMourie of Progressive A/E. See Ex 44. In addition, both Portage Point Drive and Seymour Street serve as access routes to the public boat launch.
- Any increase in the intensity of the use of the property will be dependent on confirmation from the MDEQ that there is adequate capacity in the sewage disposal system, either through the construction of a new on-site treatment system or connection to a new municipal treatment system. Either of these options would assist in improving the general management of sewage in the area and benefit the Portage Lake Watershed. See Schulz Site Plan Review, Ex 42. See draft Special Use Permit Amendment, Ex 50.
- Building renovations and new construction will improve the fire safety of buildings.
- Calls for service are not anticipated to increase as a result of the use because the overall density of people on the property will not substantially increase from those that are currently allowed to on the premises.
- Stormwater quantity and quality will be managed through the use of bioswales.
- Trash removal is available.

G. Not be hazardous or disturbing to existing or future neighboring uses.

The use will not be hazardous or disturbing to existing or future neighboring uses because:

- See the reasons stated in ZO Section 8607 E regarding operations and management of the property.

- Fuel storage and handling will satisfy the protocols of the Michigan Clean Marina Program through certification. Review and approval of the marina and associated facilities and operations will be heavily regulated and monitored by the MDEQ.
- Modifications have been made to the submitted site plan to preserve sight lines, reduce vehicular and pedestrian conflicts, and combine driveways along South Portage Point Drive, per the report submitted by Pete LaMourie, Progressive A/E. **Ex 44.**
- Landscape buffering at the ballfield site shall be installed to block views of the Boat Barn from residential neighbors. See **Ex 35.**
- The greatest amount of surface parking to service the Inn is located within an enclosed facility, which will reduce the visual and environmental impact to the area that could have been created with a large surface parking lot. See **Ex 35.**

H. Not create excessive additional requirements at public cost for facilities and services.

The use will not create excessive additional requirements at public cost for facilities and services because:

- See the reasons stated in ZO Section 8607 F. regarding the adequacy of services.
- The substantial investment of this project may stimulate interest in needed sanitary sewer connections that will benefit the Portage Lake Watershed.
- A public access pier on the southern end of the property benefits Township residents by increasing public access and recreation opportunities to Portage Lake. See **Ex 35.**

I. Be consistent with the general public health, safety and welfare of the Township.

The use will promote the general public health, safety and welfare of the Township because:

- Adequate police and fire / rescue services exist to support the existing Waterfront Resort Complex.
- The MDEQ will not allow an increase in the intensity of the use of the property until additional capacity is gained in the sewage disposal system, either through the construction of a new on-site treatment system or connection to another area treatment system. Either of these options would assist in improving the general management of sewage in the area and benefit the Portage Lake Watershed. See draft Special Use Permit Amendment, Ex 50.
- Fuel storage and handling will satisfy the protocols of the Michigan Clean Marina Program through certification. Review and approval of the marina and associated facilities and operations will be heavily regulated and monitored by the MDEQ. See Weycamp Marina Report, Ex 43.
- The use will improve the economic well-being of the community and neighborhood by preventing blight, preserving a valued cultural resource, and supporting the community's economic base. Please see prior findings under all subsections of ZO Section 8607 which are incorporated by reference.

J. Conform to the Land Use Plan for physical development of the Township as embodied in this Ordinance and in any master plan or portion thereof adopted by Onekama Township.

The use does conform to the 2008 Portage Lake Watershed Forever Plan, Ex 51, 2010 Master Plan, Ex 19 and 2014 Portage Lake Community Five-Year Plan for Parks and Recreation, because:

- The 2010 Future Land Use Map designates the Portage Point Inn site for Commercial Use.

- The Future Land Use Plan “builds on the historic development patterns of the community”.
- The affected area of the PPI site is not within woodland, sand dune, steep slope, or floodplain areas; it is not identified on the “Sensitive Landscape” map or the “Groundwater Recharge Zone” in the Onekama Township Master Plan, **Ex 19**.
- Both properties are located within the “Riparian Management Zone” in the Master Plan, meaning that stormwater collection and management techniques should be a priority. The Zoning Ordinance contains impervious surface setback requirements. The approved Site Plan has been modified so as to reduce the amount of impervious surface on the site. See **Ex 35**.
- The need for improved and increased waterfront access for recreational opportunities is repeatedly cited in all three planning documents.
- The 2008 Portage Lake Watershed Forever Plan identifies the need to “protect and enhance the quality of and access to recreational opportunities” and “preserve and enhance public understanding and appreciation of historical sites, structures...”. See **Ex 52**, pages 71 and 95.

K. Conform with any specific standards given with special (or) temporary uses listed elsewhere in this Ordinance.

The use conforms to the minimum requirements established in the definition of the Waterfront Resort Complex. The Site Plan for the amended SUP shows the Inn’s footprint reflects that of the historic Inn. Review was conducted to analyze the site to insure conformity, as evidenced by the consultant reports on traffic and circulation, marina operations, site plan review, and special use. See consultant reports, **Ex 41 – 44** and **Ex 47**.

L. Conform, in design, to all applicable general regulations and specific district regulations listed elsewhere in this Ordinance.

The use conforms to the minimum requirements established in the definition of a Waterfront Complex. Please see other findings showing compliance with the general standards contained in Article 10 for all aspects of the site plan including the Inn, Marina and Boat Barn at the Ballfield. See consultant reports on traffic and circulation, marina operations, site plan review, and special use, Ex 41 – 44 and Ex 46.

GENERAL FINDINGS

1. The Property is located in an RR-3 Resort Residential Zone District.
2. “Waterfront Resort Complexes”, as defined in Section 503 of the Zoning Ordinance, are a Special Use within the RR-3 zone district under Section 4203.
3. Under the existing Special Use Permit, the Premises is presently operating, and is recognized and designated as, a “Waterfront Resort Complex”.
4. Operations of the Premises as a “Waterfront Resort Complex” preceded the 1980 adoption of zoning amendments in the Township that recognized this use. Since 1903, the Premises has been used and occupied as a resort. The existing principal structure on the Premises, the main hotel building, was constructed ~1913, and has been listed on the National Historic Register since 1985. The property has been used historically for purposes of assembly and events. As a unique, century-old resort destination, the Premises has become a recognized and accepted part of Onekama Township’s resort atmosphere.

5. "Boat docking" is cited as an approved use in the 1984, 1995, and 2014 Special Use Permit approvals.
6. It is recognized that Portage Point Inn is a valued resource within the community and within the immediate neighborhood on Portage Point: contributing its character and charm; drawing tourists to the area; and providing opportunities for lodging, recreation, dining, and employment.
7. The Premises currently conforms to the use and dimensional site requirements of a "Waterfront Resort Complex" and the Zoning Ordinance generally. It will continue to conform if operated in compliance with the terms and conditions of this Special Use Permit approval, as amended.
8. As a "Waterfront Resort Complex" the project was reviewed in 1995 as a Planned Unit Development under Article 88.
9. Over the past two decades project approvals, including a Township Referendum, have attempted to facilitate the preservation and development of the Premises to support the financial sustainability of the site and the area. The Developer has proposed a sound business model of providing marine slippage, storage, sales, and service for condominium owners to preserve and enhance the property.
10. Numerous County, State and Federal requirements for environmental protection exist, including but not limited to: soil erosion/sedimentation control (Manistee County), stormwater (Manistee County), sanitary facilities (MDEQ), dredging (MDEQ and USACDE), wetlands (MDEQ), underground storage tanks (MDEQ), and dispensing of fuel (MDEQ). The expertise of these agencies will ultimately determine the

environmental suitability of the proposal during the formal permitting process; which will commence upon receipt of formal local approval.

11. The Developer has requested amendments to the Special Use Permit. Approval of the amendments will promote:

a. A method of using the Premises which best revitalizes a uniquely challenged site by virtue of the size and nature of the property, distributes the intensity of the use, and supports the historic characteristics of the Premises as a destination resort;

b. The economic stability of the Premises and, in general, the economic well-being of the community and neighborhood by preventing blight, preserving a valued historic and cultural resource, and supporting the community's economic base;

c. Best Management Practices for environmental protection of ground and surface waters utilizing Michigan Clean Marina Certification, stormwater management, landscape buffers, increased capacity for sewage treatment, and improved soil stabilization and erosion control;

d. Recreational use of Michigan waters through the provision of facilities and services needed by the community and visitors; and

e. Public safety by improving the proximity of boating services available for distressed boats on Lake Michigan, better definition of areas for pedestrians and vehicles, increased access for emergency vehicles on to the property, and building upgrades to improve fire safety measures.

12. Given all of the relevant facts and circumstances, use of the Premises for resort purposes as a "Waterfront Resort Complex", where such operations are conducted in

accordance with the conditions of the Special Use Permit, is: reasonable and compatible with adjacent uses of land; improves the viability of the site for commercial, residential, and recreational purposes in compliance with the Township's Master Plan; and shall be designed and operated in manner so as to not infringe on the riparian rights of adjacent property owners, impair the natural environment, or adversely affect the unique character of the Portage Point area as it has historically developed.

13. Proposed improvements will encourage the use of land and water in accordance with the character and capabilities of the site by providing increased recreational access, lodging and living opportunities, dining, boat storage, and supportive amenities generally found at resort complexes.

14. All reasonable measures will be employed to prevent ecological damage or the degradation of shore lands through the Developer's willingness, and imposed Township condition, to adhere to the Michigan Safe Marina Program through certification. Review and approval of the marina and associated facilities and operations will be heavily regulated and monitored by the MDEQ.

15. Marina traffic will not conflict with the use or enjoyment of adjacent properties, interfere with riparian rights, or create congestion on Portage Lake, per the report submitted by Edgewater Resources.

16. The MDEQ will not allow an increase in the intensity of the use of the property until additional capacity is gained in the sewage disposal system, either through the construction of a new on-site treatment system or connection to another approved wastewater treatment system. Either of these options would assist in improving the general management of sewage in the area and benefit the Portage Lake Watershed.

17. There is sufficient vehicle capacity on South Portage Point Drive to accommodate additional vehicle traffic, per the report submitted by Progressive A/E.

Accepted by 7-0 vote of the Onekama Township Planning Commission – 7/20/2017

James R. Trout – Chair

Thomas Volkema - Secretary

Handwritten signatures of James R. Trout and Thomas Volkema. The signature of James R. Trout is on the left, and the signature of Thomas Volkema is on the right. Both signatures are written in black ink.