



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST. ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, MAY 17, 2017 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

1. **Triple D Disposal / Erica Wheelock/ Bonnie Nagy** - Requests a Special Use Permit for Waste Hauling (Section 7.3.13.) The property is located at 1988 Levering Rd, Beaugrand Township, parcel #041-026-300-003-05 and is zoned General Industrial Development (D-GI). *(This item was tabled at the 04/19/17 Planning Commission meeting.)*
2. **Michelle Tromble/Tromble Bay Farms LLC** – Requests a Site Plan Review for Riding Academy and Stable Facility (Section 17.15.) The property is located at 1313 M-33 Hwy., Koehler Township, section 9, parcel #172-009-100-001-02 and is zoned Agriculture and Forestry Management (M-AF).

UNFINISHED BUSINESS

1. 2018 Capital Improvement Program Project Description For County Building Jail Expansion And Storage Building
2. Discussion Regarding Boat Shelter Survey
3. Zoning Ordinance Amendment Regarding Temporary Signs

NEW BUSINESS

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO Box 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ TDD: (800)649-3777

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, MAY 5, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk
ABSENT: None
STAFF: Scott McNeil, Steve Schnell
GUESTS: Louis Vassilakos, Gary Painter, Bob Lyon, Eric Boyd, Dawn Drolshagen, Chad Lyons, John F. Brown, Cal Gouine, Chris Brown, Russell Crawford, Cheryl Crawford, Tom Redman, Carl Muscott, Roger Jacobs, Chuck Brew, Dian Lissfelt, Marcia Rocheleau, Terri Sarrault, John Moore, Karen Johnson

The meeting was called to order by Chairperson Croft at 7:00pm.

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Churchill, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

The April 19, 2017 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

Triple D Disposal / Erica Wheelock/ Bonnie Nagy - Requests a Special Use Permit for Waste Hauling (Section 7.3.13.) The property is located at 1988 Levering Rd, Beaugrand Township, parcel #041-026-300-003-05 and is zoned General Industrial Development (D-GI). (This item was tabled at the 04/19/17 Planning Commission meeting.)

Ms. Croft stated that this item was tabled to allow time for questions to be submitted. Ms. Croft stated that questions submitted will be forwarded to legal counsel. Ms. Croft stated that legal counsel will be at the next meeting with answers to all the questions. Ms. Croft asked for questions regarding Triple D Disposal to be submitted. Mr. Kavanaugh stated that he submitted his to Mr. McNeil. Mr. Churchill stated that he expressed his concerns and questions to Mr. McNeil. Ms. Croft stated that letters were submitted from Beaugrand Township and Karen Johnson that should be forwarded to legal counsel.

Motion by Mr. Kavanaugh, seconded by Mr. Jazdyk, to forward the letters to legal counsel and ask for answers to the questions. Motion carried unanimously.

Mr. Vassilakos stated that he is the chairman of the Aeronautics Airport Authority Board. Mr. Vassilakos stated that they are concerned about the site not being kept clean and attracting birds. Mr. Vassilakos stated that this will be a hazard to aviation if seagulls are flying around trash bins. Mr. Vassilakos stated this is a serious concern because of angel flights.

Mr. Painter stated that he is the airport manager for Cheboygan County Airport. Mr. Painter stated that he wrote a letter to the Planning Commission. Mr. Painter stated that previously Triple D Disposal was going to be a waste transferor and now they are going to be considered a waste hauler. Mr. Painter stated that there are some differences, but if it isn't kept clean it will attract birds. Mr. Painter stated that birds and airplanes do not mix.

Ms. Rocheleau asked if her questions, as she has written them, will be presented to legal counsel. Ms. Croft stated yes a copy of her letter will be sent to legal counsel.

Ms. Croft stated that this request will be on the next Planning Commission agenda and legal counsel will attend the meeting.

Mike Sturgill / Precision Forestry Inc. – Requests a Special Use Permit Amendment for relocation of a truck maintenance building (80 ft. x 160 ft.), construction of two (2) storage buildings (36 ft. x 72 ft. each) and placement of a fuel tank and fuel pump facility. (Section 7.3.10.) The property is located at 5708 Commerce Blvd., Tuscarora Township, section 30, parcel #162-030-300-001-04, 162-030-300-001-05, 162-030-300-001-06 and 162-030-300-001-07 and is zoned Light Industrial Development (D-LI).

Mr. McNeil stated that Mr. Sturgill has received a special use permit for a warehousing use. Mr. McNeil stated that Mr. Sturgill received a special use permit for a maintenance building in December 2016. Mr. McNeil referred to the site plan from December 2016 and noted the location of the sanitary sewer easement and the proposed location of the maintenance building at the rear of the property. Mr. McNeil referred to the proposed site plan and noted that the truck maintenance building is proposed in a location farther to the front and is under construction at this location. Mr. McNeil stated that it does extend over the sanitary sewer easement as indicated on the previous site plan. Mr. McNeil stated that there are other easements on the property that were not reflected previously. Mr. McNeil stated that on the north side there is a 20ft. water and sanitary sewer easement and on the south side there is a 10ft. water easement. Mr. McNeil stated that there has been an indication that the easement can be abandoned by Tuscarora Township. Mr. McNeil stated that if this request is approved, he recommends that it be approved upon the abandonment of the easement by the township. Mr. McNeil stated that Mr. Sturgill is also seeking a pump facility. Mr. McNeil stated that details are included in the application. Mr. McNeil stated that two storage buildings are indicated on the site plan. Mr. McNeil stated that the remainder of the site plan and employee parking area remains as indicated previously.

Mr. Freese stated that there is a building that was not included in the original site plan or on this site plan. Mr. Freese stated that it should be included on the site plan.

Mr. Kavanaugh asked Mr. Ridley if there will be any problems with the abandonment of the easement. Mr. Ridley stated that the township does not have to file any legal documents and the township can just vote to abandon the easement. Mr. Ridley stated that he can't speak for the board, but there will be a special meeting on Thursday, May 4, 2017 to address this issue.

Mr. Kavanaugh asked Mr. Sturgill if he plans to connect to the township water supply because of the fuel tanks or will there be isolation for his well. Mr. Sturgill stated he will talk to the township. Mr. Sturgill stated that he hasn't decided. Mr. Kavanaugh stated that if approved it will be subject to Health Department review.

Ms. Croft asked for public comments.

Mr. Muscott thanked Mr. Sturgill for making a huge investment in Tuscarora Township. Mr. Muscott stated that industrial jobs are the best paying jobs. Mr. Muscott stated that he is not sure how the two lots to the left ended up as part of the Commerce Park Subdivision. Mr. Muscott stated that these two parcels are land locked. Mr. Muscott stated that if these lots were not all contiguous parcels, as Mr. Sturgill plans to do, those two left lots would be land locked with no road access. Mr. Muscott stated that they should have been two lots that are served off of the end of the cul-de-sac. Mr. Muscott stated that this will be solved by Mr. Sturgill incorporating all the lots together. Mr. Muscott stated that Mr. Sturgill has all kinds of easements available for whatever kind of utilities he needs.

Ms. Croft asked if the parcel goes all the way through to Brudy Road. Mr. Sturgill stated that there is a gas line back there and there would be a significant cost to build a bridge across it. Mr. Sturgill stated that is why the building was moved forward because it would not work with turning trucks around and getting out with the gas line. Mr. Sturgill stated he will leave the back wooded as a barricade for the expressway and Brudy Road.

Public comment closed.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried unanimously.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the amended site plan be approved based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to:

1. Department of Building Safety approval
2. Health Department approval
3. Revised site plan be submitted showing the existing building
4. Tuscarora Township approval of abandonment of easement

Motion carried unanimously.

Thomas Redman / Exodus 33:13 LLC – Requests a Special Use Permit for a warehouse contingent upon approval of a rezoning request from Agriculture and Forestry Management District (M-AF) to Light Industrial Development (D-LI). (Section 7.3.11) The property is located at 1716 East M-68 Highway, Walker Township, section 5, parcel 220-005-200-001-01.

Mr. McNeil stated that the Planning Commission reviewed a rezoning application to rezone two parcels from Agriculture and Forestry Management to Light Industrial. Mr. McNeil stated that the Planning Commission made a recommendation for approval of the rezoning to the Cheboygan County Board of Commissioners. Mr. McNeil stated that this special use permit application will be contingent upon the approval of the rezoning by the Cheboygan County Board of Commissioners. Mr. McNeil stated that Mr. Redman is seeking approval for warehouse use. Mr. McNeil stated that Mr. Redman is also seeking site plan review for office use and school use for the training facility. Mr. McNeil stated that the floor plan for the larger building will show the warehouse use in the rear section, the training/conference facility in the front and an office on the second floor. Mr. McNeil stated that the second building is proposed for warehouse use. Mr. McNeil stated that the parking is adequate. Mr. McNeil stated that Mr. Redman indicates that setbacks will be met. Mr. McNeil noted that the applicant did not submit an elevation drawing for the storage building.

Ms. Croft asked for public comments. There were no public comments. Public comment closed.

Mr. Kavanaugh stated that the Health Department has talked with the excavator regarding the septic and the well.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried unanimously.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to:

1. Department of Building Safety approval
2. Health Department approval
3. Approval of the rezoning by Cheboygan County Board of Commissioners
4. Submission of elevation drawings for the storage building

Motion carried unanimously.

UNFINISHED BUSINESS

Draft Zoning Ordinance Amendment Relating To Assembly Uses

Mr. McNeil stated that this amendment has been reviewed by legal counsel. Mr. McNeil stated that there were minor changes recommended by legal counsel. Mr. McNeil stated that the reference to pool parlors should be removed in the Arcades, bowling alleys, pool or billiard parlors use listing. Mr. McNeil stated that the use listing for Assembly, Educational or Social Event Facility should be changed to Assembly, Educational or Social Event Facilities. Mr. McNeil stated that some changes affect the Village Center. Mr. McNeil asked the Planning Commission if they would like to seek comments from the townships where Village Centers are located. Mr. McNeil stated that this proposed amendment is ready for a public hearing.

Mr. Freese suggested sending this amendment to the two townships involved and ask them for comments with the stipulation that a public hearing will be held. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for June 7, 2017 for proposed amendment relating to Assembly Uses. Motion carried unanimously.

Draft Zoning Ordinance Amendment Relating To Convalescent Home Uses

Mr. McNeil stated that this amendment has been reviewed by legal counsel. Mr. McNeil stated that if we are deleting a definition from the ordinance we do not need to list the whole definition. Mr. McNeil stated that this proposed amendment is ready for a public hearing. **Motion** by Mr. Freese, seconded by Mr. Churchill, to schedule a public hearing for June 7, 2017 for proposed amendment relating to Assembly Uses. Motion carried unanimously.

Mr. McNeil stated that he will include this amendment in his memo regarding Village Center to the townships.

NEW BUSINESS

Mr. Kavanaugh asked if Tuscarora Township has submitted any comments on the food changes. Mr. McNeil stated no, but he has been assured that they will be holding a meeting.

Mr. Kavanaugh asked for an update on Heritage Cove Farm. Mr. Schnell stated that dates are being set for when they will start hearing oral arguments on the appeal. Mr. Schnell stated that the dates will be set in another 14 days.

Mr. Freese stated that we have Commercial, General Industrial and Light Industrial zoning districts and we have tight controls in Light Industrial but they do not carry over into the General Industrial. Mr. Freese stated that it would be simple to pick up some of those controls and put it into the General Industrial by just referring back to Light Industrial. Mr. Freese stated that this is something that should be reviewed. Mr. Borowicz noted that this is the reason for having two industrial districts. Mr. Borowicz asked what is the point of having two districts if you make General Industrial as restrictive as Light Industrial. Mr. Freese referred to section 7.4 and stated that it gives controls that can be used if needed. Mr. Schnell asked if this is similar to section 8.4. Mr. Freese stated they are different and there is more control under section 7.4. Mr. Freese stated that there are controls in section 7.4 that should be in section 8.4 such as restrictions on lake, stream, and wetland setbacks, dredging, filling and landfills. Mr. Freese stated that this requires looking at the General Industrial areas and seeing which requirements in section 7.4 we would want to see available to use in this zoning district. Mr. Freese stated that this would provide controls for the Triple D situation that the Planning Commission is facing. Mr. McNeil stated that he can scan the existing General Industrial areas and review the supplemental requirements to see if they are applicable. Mr. McNeil stated he will then be able to make recommendations to the Planning Commission. Discussion was held.

STAFF REPORT

Mr. McNeil stated that he distributed a letter from Peter Wendling who helped the Planning Commission with the language for the change in the definitions of dwelling and family. Mr. McNeil stated that there has been concern expressed that the definition of family does not include a single individual. Mr. McNeil noted that Mr. Wendling stated in the letter that there is no intent or purpose to keep a single person from having a dwelling. Mr. McNeil stated that this letter will be taken to the Cheboygan County Board of Commissioners for their consideration.

Mr. McNeil stated that House Bill 4503 makes it a law that short term rental is allowed in a dwelling. Mr. McNeil stated that takes this out of the hands of the local jurisdiction. Mr. Freese stated that this is similar to what the Planning Commission has already proposed.

Mr. Schnell stated that the Cheboygan County Board of Commissioners recently held a planning session. Mr. Schnell stated that the Board of Commissioners discussed updating the zoning ordinance. Mr. Schnell stated that Cheboygan County has incrementally been achieving the zoning plan by approving individual amendments. Mr. Schnell stated that the Commissioners considered that this could be done at once by looking at the whole Zoning Ordinance. Mr. Schnell stated that this has been discussed before and whether we want to take on a larger task. Mr. Schnell stated that he recommends Denise Cline from NEMCOG as she has a method of taking the ordinance and including hyperlinks as an easy way to navigate. Mr. Schnell stated that we are including some of this in the most recent Zoning Ordinance. Commissioner Brown stated that we want to show that we are progressive in our County. Commissioner Brown stated that the Zoning Ordinance has a date of 1983 with 140 amendments. Commissioner Brown stated that this is not progressive. Commissioner Brown stated that the ordinances are much newer in counties that are more progressive and they have more development. Mr. Schnell stated that they would look at the definitions to make sure they are good and they would also look at the list of land uses to make sure they are updated. Discussion was held.

Mr. Schnell stated that we want to accommodate the public and their input no matter when it is submitted. Mr. Schnell stated that when a lot of items are submitted at the last minute it can be confusing. Mr. Schnell stated that he would like to come up with a better process such as updating the packet on Friday at the end of the day. Mr. Schnell stated that we need to determine the best way to get the information to the Planning Commission if anything comes in after Friday. Mr. Schnell stated that the Planning Commission should contact him if they have any input or they want additional training.

PLANNING COMMISSION COMMENTS

Mr. Freese provided an update on Commissioner Matelski.

Mr. Jazdyk thanked Mr. McNeil for putting together all the materials for Triple D Disposal.

PUBLIC COMMENTS

Mr. Muscott thanked the Planning Commission for their efforts. Mr. Muscott stated that he appreciates Mr. Schnell and Mr. Brown's input to move ahead of the technology with an interactive ordinance. Mr. Muscott stated that the software that NEMCOG is using is the same as what Clear Zoning is using. Mr. Muscott stated that everything you need to decide what can be done in a zoning district is available in one location. Mr. Muscott stated that you do not need to go back to other tables and charts. Mr. Muscott stated that this is more user-friendly and he encourages the Commissioners and Planning Commission to be proactive.

Mr. Muscott stated that there have been appeals for boat houses to the Zoning Board of Appeals. Mr. Muscott stated that Mr. Andrews went through all of the hoops for a longer boat house. Mr. Muscott stated that Cheboygan County's hands were tied that they couldn't approve a longer boat house. Mr. Muscott stated this would be a great asset for the community. Mr. Muscott stated that if new boat wells or enlargement of boat wells is allowed, it might take off with lakeshore property owners, and it may get them away from their seasonal docks. Mr. Muscott stated that a boat house is ideal for a pontoon boat. Mr. Muscott stated that a boat house is more aesthetic than a seasonal dock. Mr. Muscott stated that he would like to see this on a Planning Commission agenda soon. Mr. McNeil noted that he is putting this information together and it will be on the next agenda.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:52 pm.

Charles Freese
Planning Commission Secretary

DRAFT

CHEBOYGAN COUNTY PLANNING COMMISSION

Triple D Sanitation – *Revised 05/16/17*

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Notice of Planning Commission Meeting (1 Page)
4. Special Use Permit Application (8 Pages)
5. Mailing List (2 Pages)
6. Site Plan (1 Page)

The following items were added to the exhibit list on 04/11/17:

7. Email dated 02/01/17 from Brent Shank, Cheboygan County Road Commission (1 Page)

The following items were added to the exhibit list on 04/13/17:

8. Email dated 04/12/17 from Brent Shank, Cheboygan County Road Commission (1 Page)
9. Cheboygan County Road Commission - Beaugrand Township Local Road Ratings Report For 2016 (6 Pages)
10. Cheboygan County Road Commission Certification Map For Beaugrand Township (1 Page)

The following items were added to the exhibit list on 04/18/17:

11. Emails between John Ozoga (DEQ), Margie Ring (DEQ) and Steve Schnell (2 Pages)
12. Letter from Karen Johnson to Cheboygan County Planning Commission (3 Pages)

The following item was added to the exhibit list on 04/19/17:

13. Letter dated 04/18/17 from Marcia Rocheleau, Supervisor, Beaugrand Township (2 pages)

The following item was added to the exhibit list on 04/25/17:

14. Emails between Steve Schnell and Christina Miller (DEQ) (3 Pages)

The following item was added to the exhibit list on 04/27/17:

15. Letter dated 04/26/17 from Peter Wendling to Scott McNeil and Steve Schnell (1 Page)

The following item was added to the exhibit list on 04/28/17:

16. Letter dated 04/26/17 from Gary Painter, Cheboygan County Airport (1 Page)

The following item was added to the exhibit list on 05/02/17:

17. Letter from Karen Johnson to Planning Commission (4 Pages)

The following item was added to the exhibit list on 05/05/17:

18. Letter dated 05/03/17 from Marcia Rocheleau (Beaugrand Township Supervisor) to Planning Commission (3 Pages)
19. Email dated 02/21/17 from Christina Miller (DEQ) to Karen Johnson (5 Pages)

The following items were added to the exhibit list on 05/11/17:

20. Email dated 05/10/17 from Peter Wendling to Scott McNeil (1 Page)
21. Answers To Questions Submitted by Karen Johnson (6 Pages) – ***Updated on 05/15/17***
22. Answers To Questions Submitted by Marcia Rocheleau, Beaugrand Township Supervisor (3 Pages)

The following items were added to the exhibit list on 05/12/17:

23. Email dated 05/09/17 from Erika Wheelock to Kortney Hahn, Cheboygan Tribune (1 Page)

The following items were added to the exhibit list on 05/15/17:

24. Emails between Scott McNeil, Steve Schnell, Christina Miller (DEQ) and John Ozoga (DEQ) (2 Pages)

The following items were added to the exhibit list on 05/16/17:

25. Letter from Beaugrand Township Board and Beaugrand Residents to Planning Commission (6 Pages)

26. Letter from Ron Lyons (1 Page)

27.

28.

29.

30.

31. Note: Planning Commission members have exhibits 1 and 2.

NOTICE
CHEBOYGAN COUNTY PLANNING COMMISSION MEETING and PUBLIC HEARING
WEDNESDAY, APRIL 19, 2017 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

- 1.) **An Ordinance to amend the Cheboygan County Zoning Ordinance #200** to amend the definition of dwelling and family to allow short term rental of dwellings.
- 2.) **RACC Enterprises, LLC and Griswold Mountain Properties, LLC** - Requests a Special Use Permit for a wireless communication facility (Section 17.13.). The property is located at 6444 Griswold Mountain Drive, Tuscarora Twp., section 12, parcel #161-012-300-003-01 and #161-012-300-003-01, and is zoned Agriculture and Forestry Management (M-AF).
- 3.) **Edward Shovan** - Requests a Special Use Permit for Boat Storage and Indoor Storage Facility (50 ft. x 144 ft.) and a change of use for an existing structure from Private Storage to Indoor Storage Facility (40 ft. x 144 ft.) (Sections 6.3.14. and 6.3.16.). The property is located at 1771 and 1829 South Straits Highway, Tuscarora Twp., section 7, parcel #161-007-300-010-01 and #161-012-300-010-02, and is zoned Commercial Development (D-CM).
- 4.) **Triple D Disposal / Erica Wheelock/ Bonnie Nagy** - Requests a Special Use Permit for Waste Hauling (Section 7.3.13.) The property is located at 1988 Levering Rd, Beaugrand Township, parcel #041-026-300-003-05 and is zoned Light Industrial Development (D-LI).
- 5.) **Robert Andrews** - Requests a Special Use Permit for an Indoor Storage Facility (30 ft. x 140 ft.) (Section 6.3.16.). The property is located at 6123 North Straits Highway, Inverness Twp., section 34, parcel #091-034-400-006-03, and is zoned Commercial Development (D-CM).
- 6.) **Thomas Redman / Exodus 33:13, LLC** - Requests a rezoning from Agriculture and Forestry Management District (M-AF) to Light Industrial Development District (D-LI). The property proposed to be rezoned is located in Walker Township, Section 5 and described as follows:
Parcel #220-005-200-001-01 described as, COM NE COR OF NW1/4 OF NE1/4, SEC 5, T34N,R1W; TH WLY 250FT ALG N SEC LI; TH S 300FT; TH E 250FT TO E LI OF NW1/4 OF NE1/4; TH N 300FT TO POB, PT OF NW1/4 OF NE1/4. Also Parcel #220-005-200-002-00 described as, COM AT NE COR OF NW1/4 OF NE1/4, SEC 5, T34N,R1W; TH W 325FT TO POB; TH S 300FT; TH W 200FT; TH N 300FT TO N. SEC LI; TH E TO POB, PT OF NW1/4 OF NE1/4

Please visit the Planning and Zoning office or visit our website to see the proposed ordinance amendment and special use permit applications and the associated drawings and documents. These documents and staff report may be viewed at www.cheboygancounty.net/planning/. Comments, questions, and correspondence may be sent to planning@cheboygancounty.net or Planning & Zoning Department, PO Box 70, 870 South Main St., Rm. 103, Cheboygan, MI 49721, or presented at the meeting.

Persons with disabilities needing accommodations for effective participation in the public hearing should contact the Community Development Director at the above address one week in advance to request mobility, visual, hearing or other assistance.

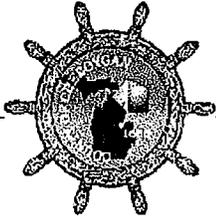
This is a supplemental notice regarding a public hearing for consideration of a special use permit for waste hauling by Triple D Sanitation for the property located at 1988 Levering Road. The original notice states that the subject property is in the Light Industrial Development (D-LI) zoning district. The subject property is zoned General Industrial Development (D-GI). The time and place of the public hearing, the proposed use, the location of the proposed use, the section of the zoning ordinance including the review requirements under which the proposed use can be approved remains the same as provided in the original notice.

The corrected notice reads as follows:

Triple D Disposal / Erica Wheelock/ Bonnie Nagy - Requests a Special Use Permit for Waste Hauling (Section 7.3.13., as referenced in section 8.3.1.) The property is located at 1988 Levering Rd, Beaugrand Township, parcel #041-026-300-003-05 and is zoned General Industrial Development (D-GI).

Please visit the Planning and Zoning office or visit our website to see the proposed ordinance amendment and special use permit applications and the associated drawings and documents. These documents and staff report may be viewed at www.cheboygancounty.net/planning/. Comments, questions, and correspondence may be sent to planning@cheboygancounty.net or Planning & Zoning Department, PO Box 70, 870 South Main St., Rm. 103, Cheboygan, MI 49721, or presented at the meeting.

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CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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PHONE: (231)627-8489 ■ FAX: (231)627-3646

1. Describe all anticipated activities (e.g. type of business, hours of operation, number of employees, etc). Attach additional sheets if needed

See attached

Site Plan Standards.

PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
No change to contours
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
Staying the same
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
Drainage is staying the same
- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
Staying the same
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
Staying the same
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
N/A
- h. Exterior lighting shall be arranged as follows:
 - i. It is deflected away from adjacent properties. *N/A*
 - ii. It does not impede the vision of traffic along adjacent streets. *N/A*
 - iii. It does not unnecessarily illuminate night skies. *N/A*

SPECIAL LAND USE PERMIT APPLICATION



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

SPECIAL LAND USE PERMIT APPLICATION

i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

N/A

j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

yes

3. Size of property in sq. ft. or acres: 14.07

4. Present use of property:

Truck repair, cement plant, heavy truck hauling, plowing

5. SUP Standards:

Business, stores salt for roads and lots of big equipment

a. Is the property located in a zoning district in which the proposed special land use is allowed?

yes

b. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole? Explain. All trucks are self contained

c. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person? Explain. NO

d. Will the proposed special land use be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned? Explain. yes. will

be kept organized and clean per DEQ regulations

e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? Explain.

NO

f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? Explain. land has its own well

and septic system



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 • PO BOX 70 • CHEBOYGAN, MI 49721
PHONE: (231)627-8489 • FAX: (231)627-3646

g. Will the proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services? _____

h. Will the proposed special land use comply with all specific standards required under this Ordinance applicable to it (i.e. parking, setbacks, etc)? yes

6. Does the proposed use of the property include or involve either:

- Junk or salvage yard (Section 3.6) YES NO
- Mineral extraction (Section 17.17) YES NO

If YES, this application must include a written plan as described in the Zoning Ordinance.

7. Attach a copy of Warranty Deed or other proof of ownership.

8. Attach a copy of certified Property Survey or dimensioned property land plat.

AFFIDAVIT

The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature

[Handwritten Signature]

Date

3/14/17

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?

Yes No

Owner's Signature

[Handwritten Signature]

Date

3-17-17

FOR PLANNING / ZONING DEPT. USE ONLY

Date Received:

Notes:

Fee Amount Received:

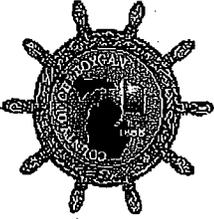
Receipt Number:

Public Hearing Date:

Planning/Zoning Administrator Approval:

Signature

Date



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

- g. Will the proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services? yes
- h. Will the proposed special land use comply with all specific standards required under this Ordinance applicable to it (i.e. parking, setbacks, etc)? yes
6. Does the proposed use of the property include or involve either:
- Junk or salvage yard (Section 3.6) YES NO
 - Mineral extraction (Section 17.17) YES NO
- If YES, this application must include a written plan as described in the Zoning Ordinance.*
7. Attach a copy of Warranty Deed or other proof of ownership.
8. Attach a copy of certified Property Survey or dimensioned property land plat.

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The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature

[Handwritten Signature]

Date

3/14/17

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?

Yes No

Owner's Signature

Date

FOR PLANNING/ZONING DEPT. USE ONLY

Date Received:

12/21/16

Notes:

Fee Amount Received:

720.00

Receipt Number:

5415

Public Hearing Date:

4-19-17

Planning/Zoning Administrator Approval:

[Handwritten Signature]

Signature

3/17/17

Date

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

ALL ITEMS LISTED BELOW MUST BE SUBMITTED IN ORDER FOR THIS APPLICATION TO BE DEEMED COMPLETE. INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED OR PROCESSED. EACH SITE PLAN SHALL DEPICT THE ITEMS LISTED BELOW, EXCEPT FOR THOSE ITEMS DETERMINED DURING THE PRE-APPLICATION CONFERENCE TO NOT BE APPLICABLE.

PLACE A CHECK MARK NEXT TO EACH REQUIREMENT TO SHOW THAT THE INFORMATION HAS BEEN SUPPLIED OR THAT A WAIVER IS BEING REQUESTED. IF A WAIVER IS BEING REQUESTED PLEASE NOTE ON THE NEXT PAGE THE REASON FOR THE WAIVER. SIGN AND DATE THIS CHECKLIST WHEN ALL ITEMS HAVE BEEN COMPLETED. PLEASE SUBMIT THIS CHECKLIST WITH YOUR APPLICATION.

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
✓		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100ft. or less.
✓		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
✓		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
	✓	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
na		e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
✓		f. Location of existing and proposed buildings and intended uses thereof.
✓		g. Details of entryway and sign locations should be separately depicted with an elevation view.
✓		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
✓		i. Location, size, and characteristics of all loading and unloading areas.
na		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
✓		k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
na		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

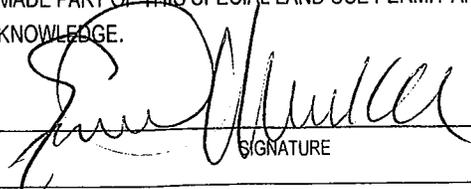
INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
✓		m. Location and specifications for all fences, walls, and other screening features.
✓		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
✓		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
✓		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
		q. Elevation drawing(s) for proposed commercial and industrial structures.
		r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
na		s. Floor plans, when needed to determine the number of parking spaces required.

PLEASE LIST THE REQUIREMENT FOR WHICH A WAIVER IS BEING REQUESTED. ALSO PROVIDE AN EXPLANATION/REASON FOR THE WAIVER REQUEST.

<u>SECTION</u>	<u>REASON FOR WAIVER REQUEST</u>
d	no change

AFFIDAVIT

I CERTIFY THAT ALL SITE PLAN REQUIREMENTS (A THROUGH S) ARE DRAWN ON THE SITE PLAN, ATTACHED TO THIS APPLICATION AND/OR I AM REQUESTING A WAIVER. I CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS SPECIAL LAND USE PERMIT APPLICATION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



 SIGNATURE

3/14/17

 DATE

**CHEBOYGAN COUNTY PLANNING COMISSION
SPECIAL LAND USE PERMIT**

I am the owner of Triple D Sanitation, I started my business January 1, 2015. We have expanded for the better and cleaned up the area that we had walked into. I now feel that I need to expand to help my business, my customers, and my community. Where my business is located is commercial with several residential houses surrounding us. Where I want to buy is Industrial with very little residential houses around it. Right next to it is a active airport and a Salvage Yard right across the street.

I want this new location to become a permanent place for my Waste Hauling business. I am also looking into adding recycling and roll off to my company. With that in the future we will need to put up another building for the recycling and offer bird cages left outside for customers to put there cardboard into. We will also have a roll off can for customers to throw there metal in with appropriate water lids on top of it. Currently we will be using the existing two buildings that are on the premises. One will be used for our trucks to be stored/ worked on. The other is where our office will be located. I will have emptied dumpsters stored outside on the premises ready for delivery when needed. These dumpsters will vary in size any where from 2 yard to 40 yard cans. There is approximately 200 cans. These cans will be stored to the east of the big garage beside the tree line. I will use the current sign that is already up at the road with solar lights pointing in the direction of the sign. The sign will be re painted with our company name and logo on it. Our hours of operation will be from 6:00 am until 11:00pm (its on rare occasion that someone will be at the yard until 11:00pm. Only if there is a truck that needs to be fixed. Which will be done inside the buildings). Office hours will be from 9:00 am until 5:00 pm Monday through Friday, Saturday currently the office is closed but in the summer we plan on adding the office open from 9:00am until 3:00. Closed on Sundays and all major holidays. Chains/ gates will be put up in front of the drive while the office is closed. My company currently employes 4 works plus Joe and myself.

Currently with how our facility is set up all trash that is picked up is put directly into one of the garbage trucks. These trucks are self contained and plugged so that nothing put in them is leaking into the ground. We then take those trucks to the Landfill and they are emptied there. There is a drain field on the property next to the office and a well big enough to have 7 homes attached to it if needed. That is located next to the small log cabin structure. There is also a constant flowing artisan well on the property as well. Eventually in the future we would like to have our own recycling station that will help keep our cost of operation down along with the pricing for our customers. We are working with DEQ out of Gaylord to achieve these goals. When that time comes we will have all the proper drainage to keep everything contained and out of the ground. There are containers that the fluids are placed into and those are hauled away by another company.

Sent from [Outlook](#)

16-041-026-300-001-00
CHEBOYGAN AIRPORT AUTHORIT
1520 LEVERING RD
CHEBOYGAN MI 49721

16-041-027-400-008-00
LANDRIE, DALE L
2054 LEVERING RD
CHEBOYGAN MI 49721

16-041-026-300-002-00
LEDUC, JEROME & JOHN LEDUC, JT
13151 INVERNESS TRAIL RD
CHEBOYGAN MI 49721

16-041-034-200-002-02
WILCOME, DENNIS & BARBARA H/
12900 SHALL RD
CHEBOYGAN MI 49721

16-041-026-300-003-01
URLAUB, WILMA A
13248 INVERNESS TRAIL RD
CHEBOYGAN MI 49721

16-041-035-100-001-00
LYONS, RONALD & DOLORES, TRU
15457 PRIES RD
CHEBOYGAN MI 49721

16-041-026-300-003-03
JOHNSON, KAREN P
13090 INVERNESS TRAIL RD
CHEBOYGAN MI 49721

16-041-035-100-004-00
GAHN, ROGER & DEBORAH H/W
1825 LEVERING RD
CHEBOYGAN MI 49721

16-041-026-300-003-04
MCWAIN, NICOLE L
13200 INVERNESS TRAIL RD
CHEBOYGAN MI 49721

16-041-026-300-003-05
NAGY, BONNIE
1988 LEVERING RD
CHEBOYGAN MI 49721

16-041-026-300-003-09
NAGY, BONNIE L
13180 INVERNESS TRAIL RD
CHEBOYGAN MI 49721

16-041-027-400-002-00
CHEBOYGAN AIRPORT AUTHORIT
1520 LEVERING RD
CHEBOYGAN MI 49721

16-041-027-400-006-00
KORTE, MARTIN A JR; DONNA F KO
2339 LEVERING RD
CHEBOYGAN MI 49721

16-041-027-400-007-00
LANDRIE, DANIEL & JEANNIE H/W
13099 INVERNESS TRAIL RD
CHEBOYGAN MI 49721

16-041-026-300-001-00
OCCUPANT
1520 LEVERING RD
CHEBOYGAN, MI 49721

16-041-027-400-008-00
OCCUPANT
2054 LEVERING RD
CHEBOYGAN, MI 49721

16-041-026-300-002-00
OCCUPANT
13151 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721

16-041-034-200-002-02
OCCUPANT
12870 SHALL RD
CHEBOYGAN, MI 49721

16-041-026-300-003-01
OCCUPANT
13248 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721

16-041-035-100-001-00
OCCUPANT
1985 LEVERING RD
CHEBOYGAN, MI 49721

16-041-026-300-003-03
OCCUPANT
13090 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721

16-041-035-100-004-00
OCCUPANT
1825 LEVERING RD
CHEBOYGAN, MI 49721

16-041-026-300-003-04
OCCUPANT
13200 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721

16-041-026-300-003-05
OCCUPANT
1988 LEVERING RD
CHEBOYGAN, MI 49721

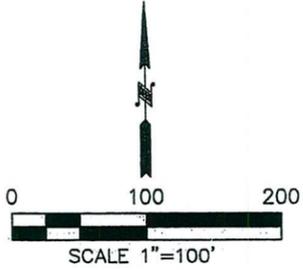
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OCCUPANT
1876 LEVERING RD
CHEBOYGAN, MI 49721

16-041-027-400-002-00
OCCUPANT
13375 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721

16-041-027-400-006-00
OCCUPANT
2010 LEVERING RD
CHEBOYGAN, MI 49721

16-041-027-400-007-00
OCCUPANT
13099 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721

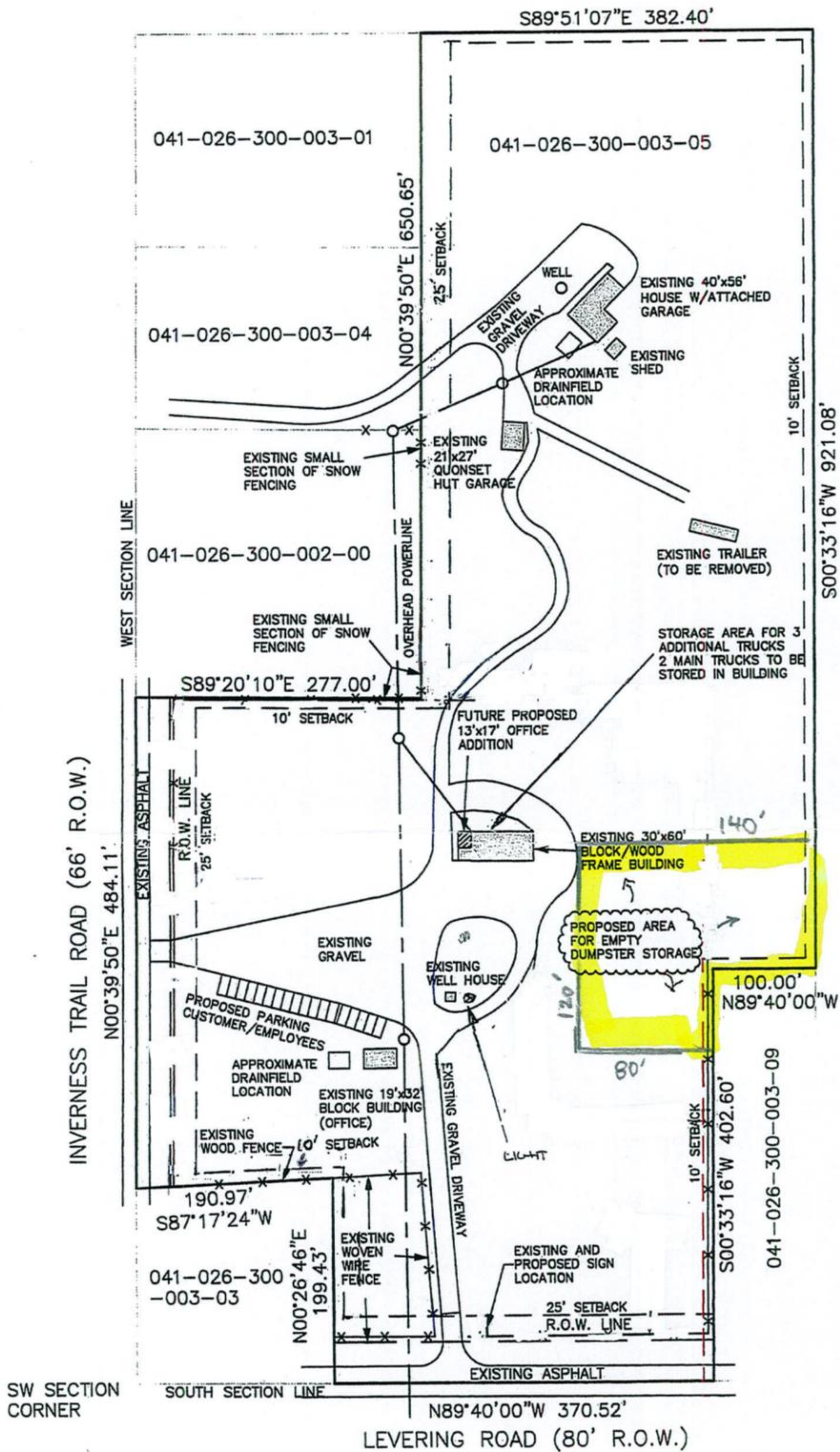
PART OF THE W1/2 OF THE SW1/4 OF THE SW1/4,
SECTION 26, T38N, R2W,
BEAUGRAND TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN



NOTE: BOUNDARY INFORMATION TAKEN FROM SURVEY BY MARVIN A. ROSS.

NOTES:

- PARCEL AREA - 14.2 ACRES
- ENTRANCES - CUSTOMER AND EMPLOYEE ENTRANCE IS FROM LEVERING ROAD. INVERNESS TRAIL ROAD ENTRANCE IS FOR INTERNAL PURPOSES ONLY.
- ENTRANCES WILL USE THE EXISTING CABLE FOR A GATEWAY AND BOTH WILL BE LOCKED DURING OFF HOURS.
- FENCING - PROPOSED FENCE IS TO BE WOOD OR CHAIN LINK AND WILL BE 4 FEET TALL.
- LIGHTING - EXISTING FLOOD LIGHT LOCATED AT SOUTHWEST CORNER OF BLOCK/WOOD BUILDING. NO ADDITIONAL OUTDOOR LIGHTING TO BE PLACED.



Alan J. Granger

DATE DEC. 12, 2016	REVISIONS ORIGINAL ISSUE	TITLE: SITE PLAN	SCALE: 1"=100'
		CLIENT: TRIPLE D SANITATION	SHEET: 1 OF 1 DRAWN BY: AJG
			JOB NO. C6877-01
			Granger and Associates, Inc. Engineers - Surveyors 224 S. Main St., Cheboygan, MI 49721 Email: grangerandassociates@gmail.com 231-627-2763

Emu Muck 3/17/17

Deborah Tomlinson

From: Brent Shank <mgr@chcrc.com>
Sent: Wednesday, February 01, 2017 8:33 AM
To: Deborah Tomlinson
Subject: Re: SUP Application for Triple D Disposal

Follow Up Flag: Follow up
Flag Status: Completed

Debbie,

Since this is a change in use for this property the Road Commission will require a driveway permit for all existing/proposed driveways. Road Commission requirements specify concrete curb and gutter along with surfacing on the driveways within the right of way for commercial driveways.

Thank you,

Brent Shank
Engineer/Manager
Cheboygan County Road Commission

Sent from my iPhone

On Feb 1, 2017, at 8:11 AM, Deborah Tomlinson <debbiet@cheboygancounty.net> wrote:

Good morning!!!

The following is a link to the Special Use Permit Application for Triple D Disposal: <http://www.cheboygancounty.net/current-applications-in-review-359/> . This application will be reviewed at the 02/15/17 Planning Commission Appeals meeting. Please review the application and call me or e-mail me if you have any questions or comments. Thank you!!!

Debbie

Debbie Tomlinson
Cheboygan County
Community Development Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net

Deborah Tomlinson

From: Brent Shank [<mailto:mgr@chcrc.com>]

Sent: Wednesday, April 12, 2017 3:28 PM

To: Scott McNeil

Subject: Inverness Trail Road

Scott,

In regard to your question about Inverness Trail Road condition PASER Rating of 3:

A road that has a PASER rating of 3 is a road in poor condition. Typically a road in this category has structural failure and is in need of total reconstruction.

The Road Commission is not able to require a road improvement as condition of a driveway permit. If the driveway access meets Road Commission requirements for safety and design, we can not deny the access. The Road Commission would require concrete curb and gutter and surfacing with asphalt or concrete for each driveway entrance. The applicant indicates they will access both Inverness Trail Road and Levering Road. Levering Road is a much better road for commercial access. It is built to withstand the loads from commercial traffic. The Road Commission would much prefer the business to use Levering Road only as the access point.

Feel free to call if you want to discuss this further.

Have a good day,

Brent Shank

Engineer/Manager

Cheboygan County Road Commission

mgr@chcrc.com

(231) 238-7775

Cheboygan County Road Commission
Beaugrand Township Local Road Ratings Report for 2016

The goal of the Road Commission is to use Asset Management Strategies when planning projects for the roads under the jurisdiction of the Cheboygan County Road Commission. Asset management, as defined by Public Act 199 of 2007, is an “ongoing process of maintaining, upgrading and operating physical assets cost-effectively, based on a continuous physical inventory and condition assessment. Using asset management will allow the Road Commission and Township to invest the available road funds in a manner that will provide the greatest return.

PASER Road Rating System

All the local paved and gravel roads are rated each year using the PASER Road Rating system in the Township (seasonal roads are not included). PASER, or Pavement Surface Evaluation and Rating, is the rating system that is used in collecting data for RoadSoft. The roads are rated on a scale of 1 to 10 according to surface conditions of the pavement or a scale of 2 to 10 for gravel surfaces. The tables below show the rating and the suggested maintenance that would be required to preserve the road along with an estimated cost of repair.

PASER Rating and Treatments for Paved Roads

Road Rating	Recommended Repair	Estimated Cost per Mile
10	No maintenance necessary. New Road	\$ 0
9	No Maintenance necessary. Smooth Surface.	\$ 0
8	Minor Crack Sealing	\$ 600
7	General Crack Sealing and/or Minor Patching	\$ 3,200
6	Patching and Sealcoat	\$ 29,000
	Ultra-thin Asphalt Overlay	\$ 63,000
5	Asphalt Wedging	\$ 47,000
	Asphalt Wedging and Sealcoat	\$ 75,000
	Asphalt Wedging and Ultra-thin Asphalt Overlay	\$ 106,000
4	Asphalt Wedging and Overlay	\$ 142,000
3	Pulverize, gravel and pave	\$ 240,000
2	Reconstruction.	\$ 350,000
1	Reconstruction. Failed Road.	\$ 350,000

PASER Rating and Treatments for Gravel Roads

Road Rating	Existing Condition / Recommended Repair	Estimated Cost per Mile
10	No maintenance necessary. New Road	\$ 0
8	Good crown and drainage throughout. Adequate gravel for traffic. Maintain with grading and dust control.	\$ 500
6	Existing crown with drainage on 50% or more of roadway. Additional gravel needed in some areas along with ditching.	\$ 45,000
4	Little or no crown. Ditched on less than 50% of the road. Additional gravel needed on entire road along with ditching.	\$ 85,000
2	Failed road. Reconstruction.	\$ 250,000

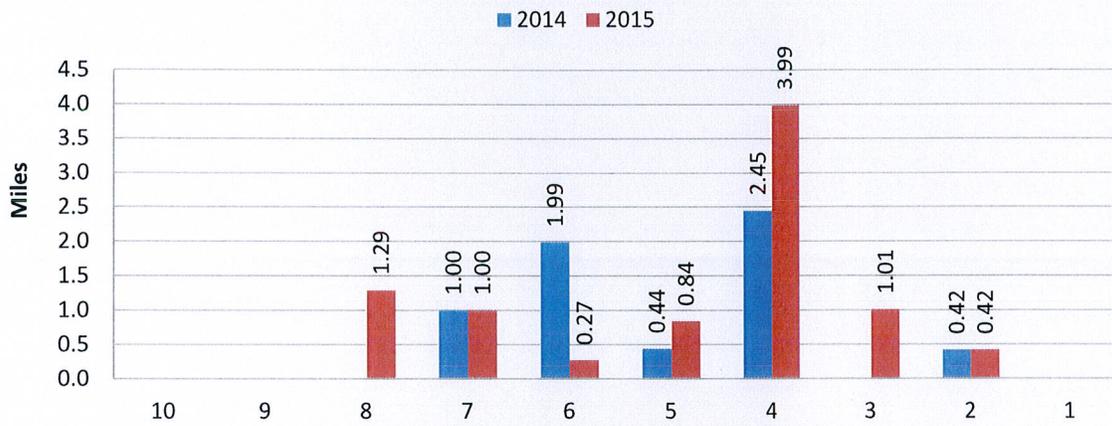
Beaugrand Township Paved Local Road Ratings

Current Road Ratings

PASER Rating	Road Name	Limits	Length (miles)
10			
9			
8	Woiderski Road	Inverness Trail to Riggsville Road.	1.29
7	Inverness Trail Road	Woiderski Road to Levering Road.	1.00
6	Shore Drive	Easterly and westerly of Coulson Drive.	0.27
5	Nicolet Drive	Michigami Drive toBeaumont Drive.	0.21
4	Beaumont Drive	US-23 to Nicolet Drive.	0.36
	Coulson Drive	US-23 to Shore Drive.	0.39
	Harmony Lane	US-23 to Nicolet Drive.	0.42
	Inverness Trail Road	Levering Road to Campbell Road.	1.00
	LaHaie Road	Cheboygan City Limits to end of pavement.	0.72
	Lake Shore Drive	Cheboygan City Limits to end of road.	0.40
	Michigami Drive	Beaumont Drive to Shore Drive.	0.18
	Nicolet Drive	Michigami Drive to end of road (westerly).	0.20
	Shore Drive	Michigami Drive to end of road (easterly).	0.14
	Slade Road	Old Mackinaw Road then south to end of pavement.	0.18
3	Inverness Trail Road	Levering Road to Old Mackinaw Road.	0.73
	Pinewood Circle		0.21
	Sunflower Street	US-23 to Pinewood Circle.	0.07
2	Old Mackinaw Road	Pries Road to end of pavement.	0.42
1			

Average PASER Rating for Paved Local Roads 4.87

2015 PASER Ratings for Paved Local Roads



Average PASER Rating for Paved Local Roads



Estimate Cost to Repair Local Paved Roads Based on 2015 PASER Ratings

Road Rating	Miles	Estimated Cost per Mile	Total Cost
10	0	\$ 0	\$ 0
9	0	\$ 0	\$ 0
8	1.29	\$ 600	\$ 774
7	1.00	\$ 3,200	\$ 3,200
6	0.27	\$ 29,000	\$ 7,830
5	0.21	\$ 47,000	\$ 9,870
4	3.99	\$ 142,000	\$ 566,580
3	1.01	\$ 240,000	\$ 242,400
2	0.42	\$ 350,000	\$ 147,000
1	0	\$ 350,000	\$ 0

Total Cost in 2016 = \$ 977,654

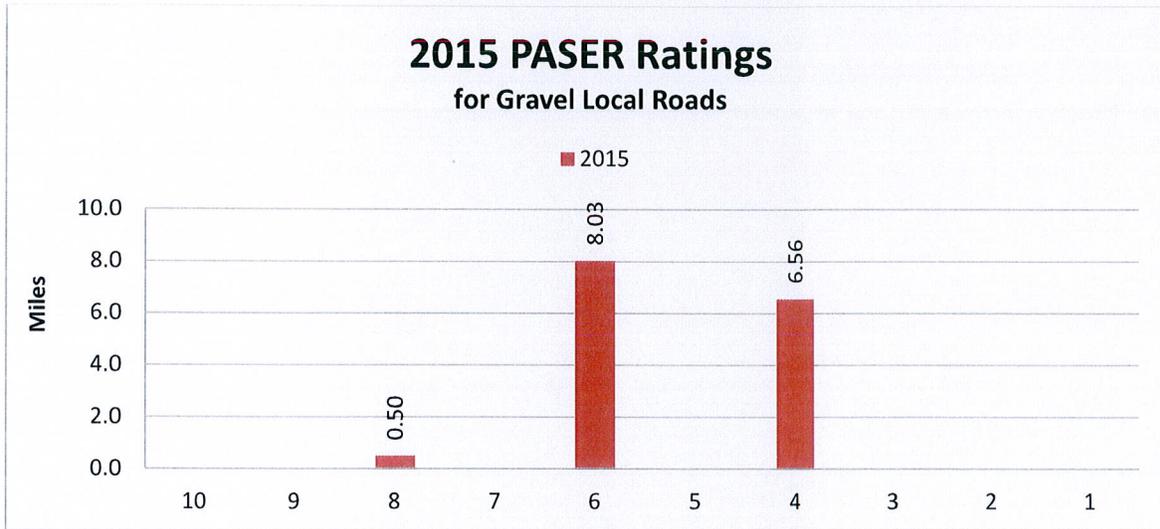
Beaugrand Township Gravel Local Road Ratings

Current Road Ratings

PASER Rating	Road Name	Limits	Length (miles)
10			
8	Woiderski Road	Schmidt Road to Inverness Trail.	0.50
6	Airport Road	LaHaie Road to Levering Road.	0.50
	Campbell Road	Goebel Road to Rose Road.	0.99
		Inverness Trail to US-23.	0.49
	Goebel Road	Campbell Road then north to end of road.	0.52
	Lahaie Road	Airport Road to pavement.	0.19
	Old Mackinaw Road	End of asphalt then westerly to Township Line.	3.09
	Phillips Road	Pries Road to end of road.	0.16
	Rose Road	Levering Road to Campbell Road.	0.99
	Shall Road	Levering Road then south to end of road.	0.51
	Slade Road	Levering Road then north to pavement.	0.59
4	Campbell Road	Rose Road to Inverness Trail.	1.00
	Garden Street	Court Street to end of road.	0.20
	Goebel Road	Levering Road then north to seasonal road.	0.06
	Hill Road	Knaffle Road to Levering Road.	0.99
	Knaffle Road	Hill Road to end of road.	0.53
	Nipigon Road	Old Mackinaw Road to US-23	1.31
	Rose Road	Campbell Road then north to end of road.	0.26
	Seymor's Road	LaHaie Road then south to end of road.	0.06
	Shall Road	Levering Road then north to end of road.	0.27
	Woiderski Road	Levering Road then south to seasonal road.	0.95

4	Wollangur Road	Levering Road to Hill Road.	0.93
2			

Average PASER Rating for Gravel Local Roads 4.75



Service Life of Treatments

Service life is the expected time that a treatment will last before needing complete reconstruction. In the table below, an expected service life for a particular treatment is listed. Before a treatment reaches the expected service life, preventative maintenance should be performed. Preventative maintenance will extend the expected service life of the pavement and treatment.

Service Life of Treatments for Paved Roads

Road Rating	Recommended Repair	Expected Service Life (years)
8	Minor Crack Sealing	5
7	General Crack Sealing and/or Minor Patching	5
6	Patching and Sealcoat	7
	Ultra-thin Asphalt Overlay	7 – 10
5	Asphalt Wedging	7
	Asphalt Wedging and Sealcoat	7 – 10
	Asphalt Wedging and Ultra-thin Asphalt Overlay	10
4	Asphalt Wedging and Overlay	12 – 15
3	Pulverize, gravel and pave	15 – 25
2	Reconstruction.	25 - 30
1	Reconstruction. Failed Road.	25 - 30

For example, if a road has a PASER rating of 6, a treatment of a ultra-thin asphalt overlay is recommended (see the Table titled PASER Ratings and Treatment on page 1). The expected service life for an ultra-thin asphalt overlay is 7-10 years. Preventative maintenance in the form of crack sealing may be required after 2 years.

Expected service life may be shorter if the road is on poor soils that are not addressed as part of the treatment. If a project is selected that is not the recommended treatment, the service life listed in the table above will be shorter and preventative maintenance will need to be performed sooner.

Service Life for a gravel road is difficult to predict. Gravel road conditions can change rapidly based on weather, grading and traffic effects on the roads.

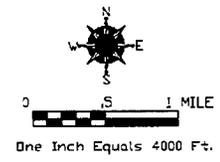
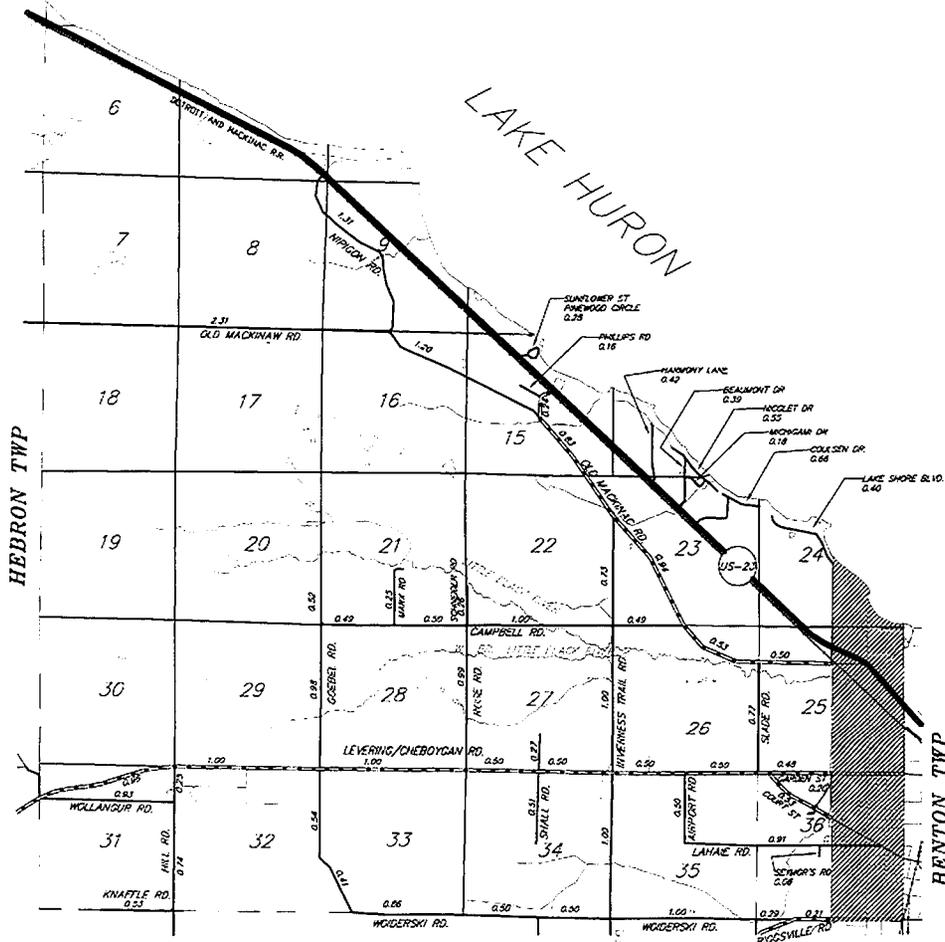
LEGEND

22

- COUNTY LINE - - - - -
- CORPORATE LIMITS - - - - -
- STATE TRUNKLINE **—————**
- COUNTY PRIMARY **—————**
- COUNTY LOCAL **—————**
- ADJACENT COUNTY **—————**
- CITY OR VILLAGE STREET **—————**

PRIMARY ROAD SYSTEM IS 9.22 MILES

LOCAL ROAD SYSTEM IS 25.84 MILES



BEAUGRAND TOWNSHIP
T38N R2W 22

Deborah Tomlinson

From: Ozoga, John (DEQ) [<mailto:OZOGAJ@michigan.gov>]
Sent: Wednesday, April 05, 2017 11:05 AM
To: Steve Schnell
Subject: FW: quick question - Hauling Turcks with 500 ft of Residence

From: Ring, Margie (DEQ)
Sent: Monday, March 27, 2017 4:09 PM
To: Ozoga, John (DEQ)
Cc: Roycraft, Phil (DEQ)
Subject: RE: quick question - Hauling Turcks with 500 ft of Residence

Sorry, I missed this last week. If you look at Rule 602(5) of Part 115 it says: " During the collection process, a solid waste transporting unit shall not be parked in a residential area longer than necessary to collect solid waste, unless it is parked more than 500 feet from adjacent residences. A solid waste transporting unit shall not be parked, stored or established at any location so as to cause a hazard to health or at any residentially zoned location so as to cause a nuisance."

So, it appears the 500-foot limit is during the collection process – presumably as it will have waste in it during that time. The second part of 602(5) doesn't set a distance limit, just says it can't cause a health hazard or nuisance. So, unless there is a specific prohibition in the County Solid Waste Management Plan, I don't think parking an empty truck in an industrial zoned area within 500 feet of a residence would be prohibited.

From: Ozoga, John (DEQ)
Sent: Thursday, March 23, 2017 10:38 AM
To: Roycraft, Phil (DEQ); Ring, Margie (DEQ)
Subject: FW: quick question - Hauling Turcks with 500 ft of Residence

Can an empty solid waste hauling truck be parked within 500 feet of a house? I think so, correct?

From: Steve Schnell [<mailto:steve@cheboygancounty.net>]
Sent: Thursday, March 23, 2017 10:28 AM
To: Ozoga, John (DEQ)
Subject: RE: quick question

John,

Can you tell me if a waste hauler can be within 500' of a residential zone? The property they are proposing is in an industrially zoned area but there is a residential zone on the other side of the street. Their proposed plan shows they would be parking their trucks and some of their empty dumpsters within 450' or less from a residentially zoned area. Does this run afoul of the rule R 299.4602(5)? Or is that only applying during the time they drive their route?

See attached for reference.

Thanks,
Steve

Steve Schnell, AICP
Community Development Director

Cheboygan County
870 S. Main St., PO BOX 70
Cheboygan, MI 49721
steve@cheboygancounty.net
www.cheboygancounty.net/planning
Phone: 231-627-8485
Fax: 231-627-3646
Cell: 231-445-2599

From: Ozoga, John (DEQ) [<mailto:OZOGAJ@michigan.gov>]
Sent: Friday, February 24, 2017 12:36 PM
To: Steve Schnell
Cc: Roycraft, Phil (DEQ)
Subject: Re: quick question

Hauler can have waste in truck for over night storage. Just can't take out onsite without being a transfer station.

Sent from my iPhone

On Feb 24, 2017, at 10:49 AM, Steve Schnell <steve@cheboygancounty.net> wrote:

John,

Can a waste hauler store overnight a garbage truck on site which has garbage in it? Or, to remain a waste hauler (and not be considered a transfer station) does that garbage truck have to remain empty overnight or whenever parked at their location?

Thanks,
Steve

Steve Schnell, AICP
Community Development Director
Cheboygan County
870 S. Main St., PO BOX 70
Cheboygan, MI 49721
steve@cheboygancounty.net
www.cheboygancounty.net/planning
Phone: 231-627-8485
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Cheboygan County Planning Commission
Cheboygan County Building
870 South Main St. Room 103
Cheboygan, MI 49721

RE: Triple D Sanitation / Erica Wheelock/ Bonnie Nagy- Special Use Permit Application

Dear Commission Members:

I write in connection with the above special use permit application. I have examined the plans and I know the site well. I wish to object to the development of this type of business in this location.

I reside at 13090 Inverness Trail Road, which on the submitted site plan is 041-026-300-003-03.

In reference to the statement by the Community Development Department in regards to a C of O from the Cheboygan County Department of Building Safety and the proposed use falling under the same use category as defined by the Michigan Uniform Construction Code. What is the current legal use of the property? Ms. Wheelock states multiple different uses of this property. My understanding is that the current legal use of the property is for a batch plant which has not operated since I moved to Cheboygan. To my knowledge there has not been an approved special use permit and site plan for any of the following uses which Ms. Wheelock refers to ie. a truck repair facility, cement plant, heavy truck hauling, plowing business, storage area for salt for roads, and lots of big equipment.

Waste Hauler is not defined within the Cheboygan County Ordinance. Per previous application it has been determined that the Solid Waste Management Plan for Cheboygan County should be updated and addressed prior to moving forward with this type of business. Isn't a waste hauler part of the Solid Waste Solution within the county and therefore in my opinion should be addressed by the Solid Waste Management Plan. Furthermore Ms. Wheelock states in the application as well as in her letter that she "is looking into adding recycling and roll off to my company" and continues to discuss the desire to have a much more elaborate transfer station business at the proposed location.

I have many of the same concerns whether this be referred to as a "transfer station", or a "waste hauling company", in my opinion it is a play on words

Household garbage is hazardous waste and should be treated as such.

- 1) Concern over contamination of the ground water for myself as well as the neighborhood.
- 2) Intrusion of disease carrying rodents, additional nuisance birds and the odors.

- 3) The environmental impact on the Lake Huron Water shed.
- 4) The existing contaminants on the site that have been left from the previous uses.
- 5) The previous unsanitary conditions of the last location for the Triple D Sanitation facility.
- 6) The disregard by the owners of Triple D Sanitation to begin using the property prior to the use being approved.
- 7) The lack of information on the submitted site plan.
- 8) Devaluation of my property and neighboring properties
- 9) The concern over Triple D Sanitation adhering to the State of Michigan regulations, DEQ regulations, Solid Waste Management Plan for Cheboygan County (which is under going changes), as well as MDOT for operation as a business .

Item #1- Ground water contamination- Ms. Wheelock indicates a constant flowing artesian well on the property- Is that the same water that feeds my well which is within 10' of the property line of the proposed use. How will I be guaranteed that leachate will not contaminate my drinking water? Previous records indicate that the DEQ also had concerns in regards to this issue.

Item #2- Intrusion of disease carrying rodents, additional nuisance birds and odors. Whenever there is garbage left out, or contained it attracts unwanted animals, birds, and produces odors that can be noxious to a person's health.

Item #3- Environmental impact on the Lake Huron WaterShed. The West Branch of the Little Black River is within 200' of this property. (Surprising this river doesn't show up on the information provided by the Community Development Department) In the spring of the year the runoff from all surrounding properties is so massive that the gullies in the area have been known to overflow onto the road. The runoff and all contaminants from this site would then be deposited in adjacent properties and into the Lake.

Item #4- Existing contaminants on the site from previous uses. It is my understanding that this property was used in the past, as a batch plant for concrete manufacturing. Since I have lived at this location there have been many commercial vehicles, junk or immobile vehicles, as well as mobile homes, and semi-trailers stored on this site. There have been many fires and excavation that have gone on at this location, including the burning of tires. What containments could exist on the site today that we don't know about?

Item #5-The previous unsanitary conditions of the last location for the Triple D Sanitation facility. I have been informed that you cannot hold a person's past indiscretions against them, I disagree with this comment only because if data is available to base a decision on then one should use the data collected to make an informed decision. The data in regards to the Special Use Permit for Triple D Sanitation is available so please use it.

Item #6 -The disregard by the owners of Triple D Sanitation to begin using the property prior to the use being approved. Triple D Sanitation has been using this site since November and more recently as of March to my knowledge. I leave my home at approximately 5:30 am and return

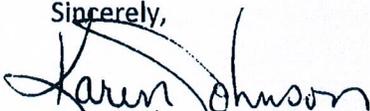
at 4:30 pm I have seen and continue to see the garbage trucks pulling in and out of the driveway that leads to Levering road, which is highly visible from my kitchen window. Triple D Sanitation has been informed on two occasions that I am aware of, that they cannot use the property until the Special Use Permit is approved, but they continue to do so.

Item #7 -The lack of information on the submitted site plan. The site plan depicts that the wood fence adjacent to my property is theirs that is not the case the wood fence is owned by me and is on my property. The site plan doesn't show any spaces for handicap accessible parking, there is no screening shown on the site plan. There are also other structures on the property that are not depicted on the site plan. No fencing is proposed. If this use is approved I don't feel this is adequate. There are wetlands on this property that are not shown on the site plan. The areas on the site plan that say existing gravel are actually dirt. There is no indication where they will be storing the hazardous waste water that is to be collected from washing the building and the trucks- DEQ requirement.

Item #8- My property as well as the surrounding properties will diminish in market value- I purchased my property in Cheboygan County with the intent of someday selling it, at a profit. Allowing this use in this location will impede the surrounding area from appreciation. Potentially causing depreciation of the value that property will be worth in the surrounding area. (Would you want this use in your back yard?)

I honestly believe that the County Board of Commissioners should be taking control over this and forming the Solid Waste Management Committee in order to determine what the requirements should be. The Solid Waste Management Plan was put in place to protect constituents such as myself and surrounding areas. With the information that we have to date I would encourage the Planning Commission to defer from making a decision on this SUP until further information becomes available.

Thank you for your time,
Sincerely,


Karen Johnson

BEAUGRAND TOWNSHIP

**1999 Old Mackinaw Road
P.O. Box 5205
Cheboygan, Michigan 49721
(231) 627-3621**

Marcia Rocheleau, Supervisor/Assessor

**Terri Sarrault, Clerk
Edward Barr, Trustee**

**Robin Westfall, Treasurer
John Wanke, Trustee**

April 18, 2017

Cheboygan County Planning Commission
Cheboygan County Building
870 South Main St.
P.O. Box 70
Cheboygan, MI 49721

RE: Triple D Sanitation – Erica Wheelock - Special Use Permit

Dear Planning Commission Members:

Beaugrand Township has reviewed the plans for the special use permit requested by Ms. Wheelock for Triple D Sanitation. The Beaugrand Township Board asks that you do not approve this request. There are items missing from the site plan of the property, there seems to be some confusion as to what usage was approved in the past for this property, Ms. Wheelock talks about expanding her business in the future, which changes the use to a transfer station (which is addressed only under the Solid Waste Management Plan), the buildings are not up to code for what they want to do in them, and this is a Solid Waste Management issue that should not be addressed by the Planning and Zoning Department.

There is no definition of a Waste Hauler in the Zoning Ordinance. The DEQ has Waste Haulers listed on their site and also spells out recommendations as to siting criteria, but they do not regulate them. Since Triple D Sanitation's previous request for a Transfer Station was supposed to be addressed by the Solid Waste Management Plan, it was discovered that the existing plan needs to be updated and clarified as to what exactly is covered under Solid Waste Management. The township board feels that even if they are applying for a Waste Hauler special use permit, it should come under the purview of the Solid Waste Plan. And with the recommendations from the DEQ for the siting criteria for Waste Haulers, we feel that it would be very appropriate that this falls under the Solid Waste Management Plan.

Beaugrand Township feels that the Solid Waste Management Plan could address all of the concerns the township has:

1. Lack of information for the submitted site plan.
2. Ground water contamination

BEAUGRAND TOWNSHIP

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(231) 627-3621

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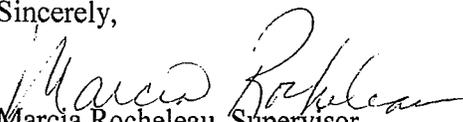
Robin Westfall, Treasurer
John Wanke, Trustee

3. Devaluation of neighboring properties
4. Offensive odors
5. Additional birds next to the airport
6. Nuisance from additional rodents
7. The environmental impact on all surrounding drains and watersheds.
8. The fact that Triple D Sanitation has already tried to use the property for waste hauling for which they have not been granted the right, whether it is thru planning and zoning or the Solid Waste Management Plan.
9. Problems the company's predecessor and the current company has at its current sight.

(Which by the way is a direct violation of the Solid Waste Management Plan and the township is wondering why a special use permit was granted by Planning and Zoning in the first place.) (This is a subject that still needs to be addressed.)

With the tremendous amount of controversy concerning this Special Use request, the Beaugrand Township board requests that this issue be passed on to the County Board of Commissioners for them to appoint a committee to go over the Solid Waste Management Plan, amend as needed, and to address this issue under that Plan.

Sincerely,


Marcia Rocheleau, Supervisor
Beaugrand Township Board

Steve Schnell

From: Miller, Christina (DEQ) <MILLERC1@michigan.gov>
Sent: Monday, March 20, 2017 8:29 AM
To: Steve Schnell
Cc: Ozoga, John (DEQ)
Subject: RE: solid waste transporting unit

A Transporting Unit is not a disposal area; it is one method on how the solid waste is going to a disposal area. Therefore, it is not subject to the SWMP.

Thanks for asking...have a great day.

Sincerely,

Christina Miller

Solid Waste Planning, Reporting and Surcharge Coordinator
Office of Waste Management and Radiological Protection
Department of Environmental Quality

Constitution Hall
4 South
525 West Allegan
P.O. Box 30241
Lansing, MI 48933

(517) 614-7426
(517) 373-4051 fax

From: Steve Schnell [<mailto:steve@cheboygancounty.net>]
Sent: Monday, March 20, 2017 8:25 AM
To: Miller, Christina (DEQ)
Cc: Ozoga, John (DEQ)
Subject: RE: solid waste transportating unit

Christina,
Thanks, just to be clear, although a solid waste transporting is in the rules, it's not considered a disposal area and not subject to the SWMP, correct?

Thanks again!
Steve

Steve Schnell, AICP
Community Development Director
Cheboygan County
870 S. Main St., PO BOX 70
Cheboygan, MI 49721
steve@cheboygancounty.net
www.cheboygancounty.net/planning
Phone: 231-627-8485

Fax: 231-627-3646
Cell: 231-445-2599

From: Miller, Christina (DEQ) [<mailto:MILLERC1@michigan.gov>]
Sent: Friday, March 17, 2017 8:56 AM
To: Steve Schnell
Cc: Ozoga, John (DEQ)
Subject: RE: solid waste transportating unit

Steve,

Good morning....only a solid waste disposal area (solid waste: transfer station; processing plant; landfill; or municipal solid waste incinerator) must be consistent with a County Solid Waste Management Plan; any other operation would only need to meet local zoning requirements to be developed.

Please let me know if you have any additional questions.

Thanks,

Christina Miller
Solid Waste Planning, Reporting and Surcharge Coordinator
Office of Waste Management and Radiological Protection
Department of Environmental Quality

Constitution Hall
4 South
525 West Allegan
P.O. Box 30241
Lansing, MI 48933

(517) 614-7426
(517) 373-4051 fax

From: Steve Schnell [<mailto:steve@cheboygancounty.net>]
Sent: Wednesday, March 15, 2017 3:06 PM
To: Ozoga, John (DEQ); Miller, Christina (DEQ)
Subject: solid waste transportating unit

John or Christina,
As Triple D Sanitation is now probably applying for zoning review for a waste hauling only (solid waste transporting unit), can you confirm that this is not something that is reviewed or preempted by the County's Solid Waste Management Plan?

I believe you, John, have already indicated this but I want to make sure as we dive into another review of their company.

And it appears that this is regulated partly by Part 6, R 299.4601-299.4602.

Thanks for your guidance as always.

Steve

Steve Schnell, AICP
Community Development Director

Cheboygan County
870 S. Main St., PO BOX 70
Cheboygan, MI 49721
steve@cheboygancounty.net
www.cheboygancounty.net/planning
Phone: 231-627-8485
Fax: 231-627-3646
Cell: 231-445-2599

YOUNG, GRAHAM & WENDLING, P.C.

Attorneys at Law
104 E. Forest Home Avenue, P.O. Box 398
Bellaire, Michigan 49615
(231) 533-8635
Facsimile (231) 533-6225
pwendling@upnorthlaw.com

Bryan E. Graham
Peter R. Wendling
Eugene W. Smith
Nicole E. Essad

James G. Young, *Of Counsel*

April 26, 2017

Sent via email

Steve Schnell, Community Development Director
Scott McNeil, Community Development Planner
Cheboygan County
P.O. Box 70
Cheboygan MI 49721

SUBJECT: Cheboygan County solid waste management plan

Dear Steve and Scott:

Per Steve's recent telephone message, it is my understanding that you have completed the processing of Triple D Sanitation's SUP. As discussed earlier, the county's solid waste management plan does not address a truck storage and dispatch facility, even if the trucks are waste haulers and the business is a waste hauling business.

Previously on March 20, 2017 you had received an email from Christina Miller. Ms. Miller is the Solid Waste Planning, Reporting and Surcharge Coordinator at the Office of Waste Management and Radiological Protection, Department of Environmental Quality. As Ms. Miller pointed out, a transporting unit, such as Triple D's business, is not part of any disposal area. As such, it is not subject to the solid waste management plan for Cheboygan County.

While your solid waste management plan discusses hauling, it discusses it in the sense that the plan encourages additional haulers in order to have competition in refuse hauling. Other than some general discussions of waste hauling within the solid waste management plan, the county's solid waste management plan does not provide for any regulations which are applicable to haulers alone and does not have a section requiring an application and processing standards for waste haulers.

If you have any further questions, please do not hesitate to contact me directly.

Sincerely,

Peter R. Wendling

PRW/tac

cc: Jeff Lawson, Administrator (via email)



CHEBOYGAN COUNTY AIRPORT

1520 LEVERING RD.

CHEBOYGAN, MI 49721

Phone: 231-627-5571
AWOS Phone: 231-627-4671
AWOS: 118.175
CTAF/U: 122.8

FAA Michigan Location Identifier KSLH

April 26, 2017

Cheboygan County Planning Comm.
Cheboygan County Building
870 S. Main St.
Cheboygan, MI 49721

RECEIVED

APR 28 2017

CHEBOYGAN COUNTY
COMMUNITY DEVELOPMENT DEPT.

Re: Triple D Disposal Special Use Permit

Dear Commission Members:

The Cheboygan County Airport is concerned about the Special Use Permit if not properly enforced. The concern is that if trash is allowed to accumulate it would attract birds. This Special Use Permit must not allow storage or transferring of trash. Birds are a hazard to aircraft operations. Bird strikes can result in damage to aircraft and subsequent human injury or death.

If you find it necessary to allow the Special Use Permit, please put enforcement procedures in place if proper storage of trash is not maintained 24/7. Thank you for your consideration in this matter.

Very truly,

Gary Painter
Airport Manager

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Cheboygan County Planning Commission
Cheboygan County Building
870 South Main St. Room 103
Cheboygan, MI 49721

RE: Triple D Sanitation / Erica Wheelock/ Bonnie Nagy- Special Use Permit Application

Dear Commission Members,

Please read and refer to the below snippets from the Solid Waste Management Plan for Cheboygan County as well as the Natural Resources and Environmental Protection Act (Excerpt) Act 451 of 1994- Part 115 Solid Waste Management Plan- Keep in mind because the Cheboygan County Zoning Ordinance does not have definitions for this type of use the definitions supplied are from the Natural Resources and Environmental Protection Act (Excerpt) Act 451 of 1994- Part 115 Solid Waste Management Plan)

The Selected Solid Waste Management System (Selected System) is a comprehensive approach to managing the County's solid waste and recoverable materials. The Selected System addresses the generation, transfer and disposal of the County's solid waste. It aims to reduce the amount of solid waste sent for final disposal by volume reduction techniques and by various resource conservation and resource recovery programs. It addresses collection processes and transportation needs that provide the most cost effective, efficient service. Proposed disposal areas locations and capacity to accept solid waste are identified as well as program management, funding, and enforcement roles for local agencies. Detailed information on recycling programs, evaluation, and coordination of the Selected System is included in Appendix A. Following is an overall description of the Selected System:

(pg.37 Solid Waste Management Plan for Cheboygan County)

B. Facilities Not included in this Plan:

A proposal for any other disposal area as defined in Part 115 of NREPA, i.e. incinerator, is not included in this Plan and, thus, is not consistent with this Plan. Should such an application be submitted this determination shall be made at the conclusion of Part 1 of the two part Siting Criteria and Process that is described in the following section of the Plan.

C. Plan Amendment for a Facility Not Included in this Plan

If a facility is proposed which is not consistent with this Plan, than the facility proposer can request to amend the County Plan. Plan amendments follow the same procedures for adopting this Plan, according to Part 115 of NREPA. A request to amend the Plan should be made to the Cheboygan County Board of Commissioners. The County Board will prepare a budget of anticipated costs to amend the Plan. Once adopted by the Board of Commissioners, the total amount of the budget shall be the fee charged to process the Plan amendment.

(pg.72 Solid Waste Management Plan for Cheboygan County)

(5) "Disposal area" means 1 or more of the following at a location as defined by the boundary identified in its construction permit or engineering plans approved by the department:

- (a) A solid waste transfer facility.
- (b) An incinerator.
- (c) A sanitary landfill.
- (d) A processing plant.

(e) Any other solid waste handling or disposal facility utilized in the disposal of solid waste. However, a waste diversion center is not a disposal area.

(Pg. 3 Natural Resources and Environmental Protection Act (Excerpt) Act 451 of 1994- Part 115 Solid Waste Management Plan)

324.11506 Definitions; S to Y.

Sec. 11506. (1) "Solid waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial waste, solid industrial waste, and animal waste. However, solid waste does not include the following:

- (a) Human body waste.
- (b) Medical waste.
- (c) Organic waste generated in the production of livestock and poultry.
- (d) Liquid waste.
- (e) Ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products.
- (f) Slag or slag products directed to a slag processor or to a reuser of slag or slag products.

Etc... (Pg.7 Natural Resources and Environmental Protection Act (Excerpt) Act 451 of 1994- Part 115 Solid Waste Management Plan)

(2) "Solid waste hauler" means a person who owns or operates a solid waste transporting unit.

(3) "Solid waste processing plant" means a tract of land, building, unit, or appurtenance of a building or unit or a combination of land, buildings, and units that is used or intended for use for the processing of solid waste or the separation of material for salvage or disposal, or both, but does not include a plant engaged primarily in the acquisition, processing, and shipment of ferrous or nonferrous metal scrap, or a plant engaged primarily in the acquisition, processing, and shipment of slag or slag products.

(4) "Solid waste transporting unit" means a container, which may be an integral part of a truck or other piece of equipment used for the transportation of solid waste.

(pg. 8 Natural Resources and Environmental Protection Act (Excerpt) Act 451 of 1994- Part 115 Solid Waste Management Plan)

(7) A person shall not dispose of, store, or transport solid waste in this state unless the person complies with the requirements of this part.

(8) An ordinance, law, rule, regulation, policy, or practice of a municipality, county, or governmental authority created by statute, which prohibits or regulates the location or development of a solid waste disposal area, and which is not part of or not consistent with the approved solid waste management plan for the county, shall be considered in conflict with this part and shall not be enforceable.

(Pg. 39 Natural Resources and Environmental Protection Act (Excerpt) Act 451 of 1994- Part 115 Solid Waste Management Plan)

324.11541 State solid waste management plan; contents; duties of department.

Sec. 11541. (1) The state solid waste management plan shall consist of the state solid waste plan and all county plans approved or prepared by the department.

(Pg. 41 Natural Resources and Environmental Protection Act (Excerpt) Act 451 of 1994- Part 115 Solid Waste Management Plan)

With the information provided above I ask the following questions:

What is the current legal use of the property?

Has the Community Develop Department provided the State of Michigan and legal counsel with all the required documents that have been submitted by Triple "D" Sanitation in order for them to make an informed conclusion?

Why is this not going thru the Solid Waste Management Plan process that Cheboygan County adopted in 2000?

What type of restrictions will be issued in regards to Leachate from the trucks as well as the dumpster area?

How will the hazardous waste from this area be contained?

How will the hazardous waste from this area be removed?

What steps will be put in place for spillage?

How will the methane gas produced from leaving garbage sitting in a truck be contained?

How will the methane gas levels be measured?

Will there be a method of purification?

Will there be any painting of the dumpsters on site- either inside or outside of the building?

If so will there be a requirement to obtain the proper permits including but not limited to EPA approval, and Building Code?

If they will be using the current structure for a repair facility will an oil/water separator be required, will a carbon dioxide detector be required?

Will licensing of the trucks by the MDOT be made a requirement?

Will they have to provide proof of:

- Insurance- Vehicle

- Insurance- Workers Compensation

- Insurance- Property/Building

- Insurance- Liability

- State License Number

- Federal ID Number

Will requirements be made for reporting of solid waste within the county to ensure proper disposal such as (To ensure consistency with the Solid waste Management Plan):

- Number of trips

- Date of trips

- Cubic Yards of material deposited at landfill for each trip

- Origin of each load

- Type of material

- Name of driver

How will they deal with birds, noxious odors, and excess varmints?

How will these items be measure for enforcement?

Will there be restrictions for burning on the premises?

How will the neighborhood be protected from property devaluation?

How will the neighborhood be protected from adverse environmental impacts?

If restrictions are put in place how will they be documented and enforced?

Will they have to meet the restrictions, infrastructure implementation prior to being able to operate?(if any are imposed)

Will there be any requirements for fencing or plantings imposed?

Will they be required to remove any items not shown on the site plan?

Will a bond need to be executed prior to beginning to use property for proposed use?

Please keep in mind that the decision rendered will affect the quality of life, personal income, and, the natural resources of the area and will encroach and present a threat to the neighbor's.

Thank you for your time,

Sincerely,

Karen Johnson

BEAUGRAND TOWNSHIP

**1999 Old Mackinaw Road
P.O. Box 5205
Cheboygan, Michigan 49721
(231) 627-3621**

Marcia Rocheleau, Supervisor/Assessor

**Terri Sarrault, Clerk
Edward Barr, Trustee**

**Robin Westfall, Treasurer
John Wanke, Trustee**

May 3, 2017

Cheboygan County Planning Commission
Cheboygan County Building
870 South Main St.
P.O. Box 70
Cheboygan, MI 49721

RE: Triple D Sanitation – Erica Wheelock - Special Use Permit

Dear Planning Commission Members:

Beaugrand Township has developed questions and concerns regarding the issuance of this Special Use Permit.

1. In February of 2017, it was discovered, by the residents of Beaugand Township and by the Beaugrand Township board, that the SUP they were filing for at that time should have been subjected to the Cheboygan County Solid Waste Management Plan, why wasn't it?
Instead it was resubmitted as a SUP for a Waste Hauler, with assistance by the zoning administrator, why? to circumvent the SWMP?
2. The application includes a letter of description of what they want to do at that sight, as a Waste Hauler, interesting that the almost identical letter was used to describe the activities for a Transfer Station? So, which is it?
3. If this is change of use for the property and Triple D Sanitation indicates on the application that the property has been used for various questionable uses, why hasn't environmental testing been done on the land to determine if contamination already exists or not? I would think the county would want that information for their own protection.
4. Why were all of the communications not attached to the April 19, 2017 meeting, when they were clearly completed before that date? And are there more communications or other pertinent information not supplied to the Planning Commission?

BEAUGRAND TOWNSHIP

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P.O. Box 5205
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Robin Westfall, Treasurer
John Wanke, Trustee

5. Was a copy of the entire application forwarded to Christina Miller for her to review to see if it was subject to the SWMP? An e-mail I received (attached) indicates she couldn't make that determination without seeing the entire application.
6. There is no definition of a Waste Hauler or siting criteria in the Zoning Ordinance. When the wind mills, medical marijuana, and residential rentals (to name a few) the ordinance had to be amended before moving forward with any of those requests. Why doesn't Waste Haulers have to go through the same process?
7. Are they complying with all of the DEQ requirements of a Solid Waste Hauler? (See attached)
8. Does the building they want to use for truck storage and repair meet the building requirements for that purpose? Has any Planning Commission member seen it for themselves?
9. Applicant indicates uses and activities will not have a negative impact due to fumes, odors, or accumulation of scrap material that can be seen from highway or adjacent property owners. How is that possible?
10. Why isn't item C.- Site drainage and storm addressed since this is a change of use?
11. Why isn't item D.- Fences, walls, barriers addressed?
12. Why is the site plan requirement on checklist item E. – water courses, drainage ways, etc. not supplied, when there are such in the area?
13. Under General Findings, item #6 states the recycling station is not under consideration with this application, but that is exactly what she is asking for in the future as part of the application. Shouldn't applicant's request be revised to describe exactly what she wants to do at this time under this SUP only?
14. On the application, the zoning district is identified as Light Industrial, but in the General Findings and Finding of Fact it is identified as General Industrial, which is it?

BEAUGRAND TOWNSHIP

1999 Old Mackinaw Road
P.O. Box 5205
Cheboygan, Michigan 49721
(231) 627-3621

Marcia Rocheleau, Supervisor/Assessor

Terri Sarrault, Clerk
Edward Barr, Trustee

Robin Westfall, Treasurer
John Wanke, Trustee

15. If the SUP is approved, is there going to be a security bond or deposit on the property to cover costs for whatever will need to be done on the property and to cover any damages or clean-up costs if they violate the SUP?
16. If approved what are all of the requirements going to be for the Waste Hauler and who makes sure they are addressed adequately in the permit to cover everything, Such as dumpsters to be stored (empty)?
17. We have been told that you cannot hold past indiscretions against an applicant, but what guarantee does the township have that they will comply with all of the requirements of the SUP, the State, and the many departments of the State? And where are we guaranteed that the zoning department will adequately, on a regular basis, make sure they comply without ending up with numerous identified violations and no action taken. Because the township wishes to know who to hold responsible for the devaluation of the surrounding homeowners' properties?
18. Finally, if this SUP is denied what action is going to be taken to address the fact that they have been and are operating at their current location with an SUP, which in fact should not have been issued and it should have been addressed under the Cheboygan County Solid Waste Management Plan?

Sincerely,



Marcia Rocheleau, Supervisor
Beaugrand Township Board

Subject: RE: Triple D Sanitation
From: Miller, Christina (DEQ) (MILLERC1@michigan.gov)
To: karenjohnson@sbcglobal.net; OZOGAJ@michigan.gov; m.rocheleau@ymail.com;
Cc: ANDERSONB5@michigan.gov; ROYCRAFTP@michigan.gov; steve@cheboygancounty.net; SPENCERJ3@michigan.gov; LaffertyA@michigan.gov;
Date: Tuesday, February 21, 2017 4:54 PM

Hello All:

My apologies for just getting back to you all but I've been in meetings or on calls all day today and was out last week for several days due to illness; so I haven't had a chance to respond.

First, it is important to note that if the facility is determined to be a "disposal area" then they would need to be consistent with the Cheboygan County Solid Waste Management Plan (County Plan). In order for a disposal area to be found consistent they have to follow the Siting process and meet the siting criteria. (FYI-There are some criteria in the County Plan that are only applicable to landfills and not to other disposal area types, such as a transfer station.)

Second, if this facility is determined to be an "exempt transfer station" (exempt from needing a solid waste permit and operating license issued by the DEQ); then the DEQ does not receive nor review any permit application, etc. It is important to note that even though a facility is exempt from needing a permit/license they would need to still comply with the County Plan requirements (such as be consistent with the siting criteria; comply with import/export authorization restrictions, etc.) and are still required to meet all Part 115 operating requirements.

Third, because at this point there are several outstanding unknown items (such as, what the facility will actually be doing there, if it will indeed be determined to be an exempt Type B transfer station, how the County interprets its County Plan's siting process, etc.) and because I do not have an actual permit application and all of its supporting documentation showing consistency with the County Plan I cannot determine whether or not this facility would be consistent with the County Plan.

I understand that there are a lot of items at play here and that the planning process is confusing. I am hopeful that as these unknown items fall into place, that everyone will be able to understand and be able to provide a defensible interpretation of whether or not this facility needs to comply with the County Plan as a disposal area and if needed, they are indeed consistent with the County Plan.

Please let me know if you have any additional questions.

Thanks.

Christina Miller
Solid Waste Planning, Reporting and Surcharge Coordinator
Office of Waste Management and Radiological Protection
Department of Environmental Quality

Constitution Hall
4 South
525 West Allegan
P.O. Box 30241
Lansing, MI 48933

(517) 614-7426
(517) 373-4051 fax

-----Original Message-----

From: Ozoga, John (DEQ)
Sent: Tuesday, February 14, 2017 3:29 PM
To: Miller, Christina (DEQ)
Cc: Anderson, Beth (DEQ); Roycraft, Phil (DEQ); karenjohnson@sbcglobal.net
Subject: FW: Triple D Sanitation

Christina, is the new location of Triple D Sanitation (Type B Transfer Station) at 1988 Levering Road, Cheboygan in Beaugrand Township, Cheboygan County consistent with the county plan?

-----Original Message-----

From: Karen Johnson [mailto:karenjohnson@sbcglobal.net]
Sent: Tuesday, February 14, 2017 2:08 PM
To: Ozoga, John (DEQ)
Subject: Triple D Sanitation

Good afternoon Mr. Ozoga,

As we discussed earlier today I have concerns in regards to the moving of Triple D Sanitation in Cheboygan County. They have moved to a new location located at 1988 Levering Road, Beaugrand Township, parcel #041-026-300-003-05, to my knowledge they have been operating out of this facility since November. They have applied for a Special Use Permit for this location thru the County Planning and Zoning Department. I would like to know if this is the proper process for a facility such as this or if the Solid Waste Management Plan for Cheboygan county should be followed. This new location is also next door to the airport as well as within 200' of a flowing river. Could you please provide some information and guidance in regards to this. If you have any questions please let me know.

Thank you,

Karen Johnson
13090 Inverness Trail
Cheboygan, MI 49721
231-445-1697

SOLID WASTE HAULER REQUIREMENTS

There are several agencies that are involved with solid waste hauling. Solid waste is often called garbage or trash. It does not include regulated hazardous waste or liquid industrial waste. The Department of Environmental Quality (DEQ) does not license solid waste haulers or drivers but there are waste hauling requirements that are summarized below.

WASTE HAULING ENVIRONMENTAL REQUIREMENTS:

There are four basic steps to meet under the waste and air regulations:

I. Don't take banned waste to landfills.

Solid waste haulers are required to annually notify their customers about what wastes are banned from landfill disposal. You may make copies of the brochure *Talking Trash, Landfill Prohibited Materials and Appropriate Disposal Options for Residential Customers* for your customers if you want, or develop your own notice. Contact the WHMD Solid Waste Management Unit at 517.335.4035 with questions about banned waste.

Contact the disposal or recycling facility [solid waste transfer station, landfill, or municipal solid waste incinerator or a solid waste materials recovery facility (e.g. recycling center)] for what wastes or materials they will or won't accept and any special requirements they may have. A disposal facility is not required to accept everything the regulations allow to be landfilled or incinerated.



II. Meet the transporting unit requirements.

Part 6 of the solid waste rules (available at <http://www.deq.state.mi.us/documents/deq-wmd-swp-pt115rls.pdf>) includes requirements for the unit used to haul the waste. In summary:

- Use a transporting unit that is designed to avoid spillage of waste. All openings must be closed and doors or covers must be secured by an adequate latch or restraining mechanism to keep them closed while transporting solid waste which may blow or fall off the vehicle. The driver is responsible for using and properly positioning covers that prevents the waste from blowing or falling out of the vehicle and that doesn't rip, shred or breaks easily under normal use. Use a special covering where conditions require the control of odor, vermin, liquids, dust, or smoke.
- Repair the unit if needed or stop using it.
- Clean it regularly to reduce odors and so it doesn't cause a nuisance or vermin attraction. Dispose of the cleaning water as liquid industrial waste. If connected to a municipal wastewater treatment plant (WWTP), get their permission to discharge the waste water to the sewer. If not connected to a WWTP, contact the Environmental Assistance Center at 800-662-9278 or district office to discuss liquid industrial waste disposal requirements.
- Load the unit in a manner that minimizes spillage of waste.
- Do not park the unit in a residential area longer than necessary to collect solid waste, unless it is parked more than 500 feet from adjacent residences. The unit must not be parked, stored or established at any location where it can cause a hazard to health or at any residentially zoned location to cause a nuisance.
- If there is spillage, the material must be picked up as soon as possible and the area suitable cleaned.
- If solid waste is purposely dumped from a solid waste transporting unit due to a hot load or fire, the fire must be immediately extinguished by the most effective means and the area properly cleaned as soon as reasonably possible.

III. Take the waste to appropriate recycling facilities, licensed disposal landfills, transfer stations, or licensed incinerators.

Contact the disposal or recycling facility for their specific requirements. If you are taking waste out of the county where the waste was generated for disposal in another Michigan county, it must be allowed under both the generating and receiving county's solid waste management plan. Contact the designated planning agencies for those counties and they can help identify the locations where the waste can be taken for disposal. A map of licensed landfills is at http://www.michigan.gov/deq/0,1607,7-135-3312_4123-9894--,00.html. You can also search the Waste Data Systems at www.deq.state.mi.us/wdsp/ for a listing of landfills, transfer stations, and processing plants. DEQ does not have a list of municipal waste incinerators on the Internet. There are two "Types" of solid waste landfills. A Type II landfill means a municipal solid waste landfill. A Type III landfill means a construction and demolition waste landfill or a landfill that accepts non hazardous industrial waste.



A list of recyclers that have notified the DEQ that take specific materials can be found in the Recycled Materials Market Directory.

If you will be offering services to pick up used appliances that contain refrigerants (e.g. Freon®, chlorofluorocarbons (CFCs), etc.), check if the disposal company or recycler will accept them and their procedures. Some require a "red tag" to be put on old appliances certifying the refrigerants have been properly removed before they will accept them so check if they provide the tags. If they don't, and if you are the company removing the CFCs per the federal regulations, get the specific information the disposal company wants on the tag and have them made by a printer. Consider using a "Great Printer." The EPA oversees the regulations that require all refrigerants to be properly removed before being recycled for scrap metal or disposed of. See the EPA information about Complying With The Section 608 Refrigerant Recycling Rule or call the Stratospheric Ozone Information Hotline at 1-800-296-1996 with questions.

If you will be picking up more than 7 scrap tires, you must register as a scrap tire hauler and take the tires to a proper site and use a scrap tire manifest. Contact the district office scrap tire inspector with any questions about hauling scrap tires.

If servicing residential customers especially when offering one time cleanout services, be aware there are times when customers have household hazardous waste that they want removed. Before taking it, contact the disposal facility where you haul the waste to determine if you can take that type of waste to them. Recommend the customers contact their local household hazardous waste collection programs for local disposal options. If the area does not have a local collection program, some information about finding other disposal options and alternatives to these products can be found at www.earth911.org.

IV. If hauling waste into the state, meet the additional importation requirements.

See the information and forms posted at www.michigan.gov/deqwaste "Solid Waste" "Laws and Rules" "Landfill Prohibited Materials and Appropriate Disposal Options." Additional information is available from the Border Center WasteWatcher. Discuss solid waste import questions with the Rhonda Oyer Zimmerman, Waste and Hazardous Materials Division, at 517-373-4750.

LOCAL AGENCY REQUIREMENTS:

Some areas in the state require a local business license or have other local operating requirements. Contact the county or city clerk's office regarding license or other local requirements and check with the county's Solid Waste Designated Planning Agency (DPA) for local information regarding where the waste may be taken.

SECRETARY OF STATE REQUIREMENTS:

For vehicle and driver licenses, contact the Department of State, Secretary of State, Driver & Vehicle Information at 517-322-1460 or call or visit your local Secretary of State Branch Office (find your local office under State Government pages in telephone directory). Some information is also on the Internet at <http://www.michigan.gov/sos> for links regarding license and renewal requirements and for branch office locations, hours, and phone numbers or Internet for locations and phone numbers.

STATE POLICE REQUIREMENTS:

Regarding the vehicle transportation requirements including weight restrictions, contact the Michigan Center for Truck Safety at 800-682-4682 or www.truckingsafety.org. You may also contact the Michigan State Police, Traffic Safety Division (previously called the Motor Carrier Division) for additional transportation information. Contacts and information is at www.michigan.gov/msp/0,1607,7-123-1593_3536---,00.html.

DEPARTMENT OF LABOR AND ECONOMIC GROWTH REQUIREMENTS:

Worker health and safety issues are overseen by MIOSHA. Call their Consultation Education and Training Division at 517-322-1809 or go to www.michigan.gov/miosha for more information including their Part 17, Refuse Packer Units standard.

Companies hauling scrap metal for hire are subject to the MOTOR CARRIER ACT (Act 254 of 1933 is at www.michigan.gov/mpsc/0,1607,7-159-16397---,00.html). Other materials being shipped for recycling are excluded. The Michigan Public Service Commission is responsible for the insurance and safety regulation of the intrastate for-hire trucking industry for industrial scrap metal. The Commission processes applications for new or expanded operating authority, registers intrastate motor vehicles and the vehicles of interstate motor carriers conducting business in Michigan, and maintains on file proof of insurance of the motor carriers. Contact Herb Fields 517-241-6040 from the Department of Labor and Economic Growth, Michigan Public Service Commission.

NEW BUSINESS ASSISTANCE:

Go to www.michigan.org/medc/services/startups and follow the business links or call the Michigan Economic Development Corp at 877-873-4567 for help starting up a new business. They have information about taxes, registering company name, plus much more.

If you have additional environmental questions, contact the DEQ Environmental Assistance Center at 800-662-9278 or send an email with your questions to deq-ead-env-assist@michigan.gov or call your DEQ district office.

This document was developed in June 2007 by the Environmental Science and Services and Waste and Hazardous Materials Divisions. Reliance on information from this document is not usable as a defense in any enforcement action or litigation. Refer to the regulations or discuss your requirements with the regulating agency staff.

The Michigan Department of Environmental Quality (MDEQ) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. Questions or concerns should be directed to the MDEQ Office of Human Resources, PO Box 30473, Lansing, MI 48909.

Scott McNeil

From: Peter Wendling <pwendling@upnorthlaw.com>
Sent: Wednesday, May 10, 2017 8:32 AM
To: Scott McNeil
Cc: Steve Schnell
Subject: Re: Cheboygan County - Question from PC member re Triple D

Scott,

According to section 18.9 of the zoning ordinance the answer is yes.

On 5/9/2017 2:28 PM, Scott McNeil wrote:

Peter,

Here is a question submitted by a member of the PC regarding the SUP application from Triple D Sanitation:

Can the Planning Commission Place a performance bond on site improvements or other requirements as conditioned by the Planning Commission upon approval?

Thanks,
Scott McNeil
Community Development Planner
Cheboygan County Planning and Zoning Department
Phone - 231-627-8475
Fax - 231-627-3646
scott@cheboygancounty.net
www.cheboygancounty.net/planning

--

Peter Wendling
Young, Graham & Wendling, P.C.
(231) 533-8635

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YOUNG, GRAHAM & WENDLING, P.C.

Attorneys at Law
104 E. Forest Home, P.O. Box 398
Bellaire, Michigan 49615
(231) 533-8635
Facsimile (231) 533-6225

Bryan E. Graham
Peter R. Wendling
Eugene W. Smith
Nicole E. Essad

James G. Young, *Of Counsel*

May 11, 2017

Via EMAIL

Steve Schnell, Director
Scott McNeil, Planner
Cheboygan County Planning & Zoning
P.O. Box 70
Cheboygan, Michigan 49721

SUBJECT: Triple D

Dear Steve and Scott:

As discussed, I reviewed the questions posed by Marsha Rocheleau, Supervisor of Beauregard Township, as well as those posed by Karen Johnson regarding the Triple D matter. With the adjustments I suggested, the answers you drafted to these questions are correct and hopefully, informative.

If you need assistance with any further questions, please do not hesitate to contact me directly.

Sincerely,

Peter R. Wendling

Peter R. Wendling

PRW/lab

Triple D Disposal – Questions & Answers – Karen Johnson

1. What is the current legal use of the property?

The most recent use of the property based on staff review was a trucking, contactors yard and cement plant. The legal use of the property under the zoning ordinance is cited under Sections 8.2.1 and 8.3.1.

2. Has the Community Develop Department provided the State of Michigan and legal counsel with all the required documents that have been submitted by Triple “D” Sanitation in order for them to make an informed conclusion?

Staff has asked specific questions of officials within the State of Michigan Department of Environmental Quality (MDEQ) as provided in the application record under exhibit 14. A copy of the application has not been provided to state officials. We do not know if MDEQ officials have reviewed the application by other means. Legal Council will be provided the complete application file in preparation of the May 17, 2017 Planning Commission meeting.

3. Why is this not going thru the Solid Waste Management Plan process that Cheboygan County adopted in 2000?

The applicant is applying for a waste hauler use. Waste haulers are not covered under the Cheboygan County Solid Waste Management Plan.

4. What type of restrictions will be issued in regards to leachate from the trucks as well as the dumpster area?

Conditions that may be placed on an approved special use permit application, including any conditions relative to leachate concern will be developed by the Planning Commission if they vote to approve the special use permit. The conditions would become part of a motion for approval.

5. How will the hazardous waste from this area be contained?

The special use permit application is for a Waste Hauler. The applicant has stated in an attachment to the application that there will be no hazardous waste on site. Any hazardous materials on site will be subject to enforcement by County Zoning Department and the State of Michigan Department of Environmental quality.

6. How will the hazardous waste from this area be removed?

Same as #5

7. What steps will be put in place for spillage?

As with regard to leachate, concerns with regard to spillage or methane gas may be addressed under conditions placed on the special use permit by the Planning Commission if approved.

8. How will the methane gas produced from leaving garbage sitting in a truck be contained?

Same as #7

9. How will the methane gas levels be measured?

Same as #7

10. Will there be a method of purification?

The special use permit application is for a waste hauler; any transfer of waste material for purification would then place the operation under the classification of a transfer facility and then fall under approval requirements of the Cheboygan County Solid Waste Management Plan

11. Will there be any painting of the dumpsters on site- either inside or outside of the building?

The applicant has not indicated that painting of dumpsters will take place on the site.

12. If so will there be a requirement to obtain the proper permits including but not limited to EPA approval, and Building Code?

Any activity on the site relating to the waste hauler use which falls under requirements other than zoning such as the Building Code, licensing and insurance will be required to be permitted and enforced under such code, ordinance or law which may apply.

13. If they will be using the current structure for a repair facility will an oil/water separator be required, will a carbon dioxide detector be required?

Same as #12

14. Will licensing of the trucks by the MDOT be made a requirement?

Same as #12

15. Will they have to provide proof of:

Insurance- Vehicle

Insurance- Workers Compensation

**Insurance- Property/Building Insurance-
Liability**

State License Number

Federal ID Number

Same as #12

16. Will requirements be made for reporting of solid waste within the county to ensure proper disposal such as (To ensure consistency with the Solid waste Management Plan):

Number of trips

Date of trips

Cubic Yards of material deposited at landfill for each trip

Origin of each load

Type of material

Name of driver

These are perhaps conditions that, if the Planning Commission finds they pertain to land use regulations of the county, may be placed on an approval, if granted. Waste haulers are not regulated in the County's Solid Waste Management Plan.

17. How will they deal with birds, noxious odors, and excess varmints? How will these items be measure for enforcement?

As with regard to leachate concerns, gas concerns with spillage or methane gas, concerns relative to birds, odors and vermin, these may be addressed under conditions placed on the special use permit by the Planning Commission if approved. The conditions should be stated in such a manner in order to enable proper enforcement.

18. How will these items be measure for enforcement?

The question is not clear. Enforcement would address zoning requirements including any conditions mandated by the Planning Commission.

19. Will there be restrictions for burning on the premises?

The special use permit application is for a waste hauler, any burning of waste material would not be consistent with the requested use and subject to enforcement by County Zoning Department and the State of Michigan Department of Environmental Quality.

20. How will the neighborhood be protected from property devaluation?

The Planning Commission shall make the following findings (as well as other findings) in order to approve a special use permit:

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

Section 18.8. of the zoning ordinance states as follows regarding conditions that the Planning Commission may place on an approved special use permit:

SECTION 18.8. CONDITIONS

The Planning Commission may attach reasonable conditions to the approval of a special use permit. These conditions may include those necessary to insure that public services and facilities affected by a proposed special land use will be capable of accommodating increased service and facility loads caused by the special land use, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- a) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use, and the community as a whole.
- b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed special land use.
- c) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the special land use under consideration, and be necessary to insure compliance with those standards.

21. How will the neighborhood be protected from adverse environmental impacts?

Any conditions placed by the Planning Commission if it approves the application are included in the meeting minutes and approved findings of fact. These are provided to the applicant by letter. Enforcement of conditions placed upon an approved special use permit is enforced by the Cheboygan County Community Development Department. The Department often communicates with other local, state or federal regulatory officials depending on the nature of the enforcement.

22. If restrictions are put in place how will they be documented and enforced?

The Planning Commission can place conditions upon approval of a special use permit which relate to site improvements, fencing, screening or other infrastructure related to the site. Such conditions should state if the improvement(s) is(are) to be in place before the use begins or within a period of time.

23. Will they have to meet the restrictions, infrastructure implementation prior to being able to operate?(if any are imposed)

Same as #22

24. Will there be any requirements for fencing or plantings imposed?

Same as #22

25. Will they be required to remove any items not shown on the site plan?

Same as #22

26. Will a bond need to be executed prior to beginning to use property for proposed use?

If the application is approved, the Planning Commission may require a bond under section 18.9 of the Zoning Ordinance which reads as follows:

In connection with the approval of a special use permit, the Planning Commission may require the Applicant to furnish Cheboygan County with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the County in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the site on which the special land use will be located or which the Applicant has agreed to construct even though located outside the site. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the site on which the special land use will be located. For purposes of this subsection, the costs covered by the performance guarantee shall

include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the County Treasurer at or before the time the special use permit is issued. The performance guarantee shall ensure completion of the public and site improvements in accordance with the special use permit approved by the Planning Commission. Any cash deposit or certified funds shall be refunded in the following manner:

- a. One-third of the cash deposit after completion of one-third of the public and site improvements;
- b. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
- c. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public and site improvements. If an Applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the County as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

Triple D Disposal – Questions & Answers – Marcia Rocheleau, Beaugrand Township Supervisor

- 1. In February of 2017, it was discovered, by the residents of Beaugrand Township and by the Beaugrand Township board, that the SUP they were filing for at that time should have been subjected to the Cheboygan County Solid Waste Management Plan, why wasn't it? Instead it was resubmitted as a SUP for a Waste Hauler, with assistance by the zoning administrator, why? to circumvent the SWMP?**

The applicant was advised that the original application for a waste transfer facility (Type B Transfer Station) will need to be approved under the Cheboygan County Solid Waste Management Plan and not under the zoning ordinance. The applicant was advised that waste hauler was not regulated under the Cheboygan County Solid Waste Management Plan and could be requested under a special use permit application under Section 8.3.16 if the Planning Commission agreed that it met those requirements.

- 2. The application includes a letter of description of what they want to do at that sight, as a Waste Hauler, interesting that the almost identical letter was used to describe the activities for a Transfer Station? So, which is it?**

The application states that they are applying as a waste hauler.

- 3. If this is change of use for the property and Triple D Sanitation indicates on the application that the property has been used for various questionable uses, why hasn't environmental testing been done on the land to determine if contamination already exists or not? I would think the county would want that information for their own protection.**

State laws exist relative to contamination, related studies and remediation measures. The Planning Commission may choose to require such testing but the testing has to be reasonably related to any proposed activity which they suspect might exacerbate the suspected contamination. The Planning commission will review the application and decide if the following standard is met relative to the environment based on the proposed use:

b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.

- 4. Why were all of the communications not attached to the April 19, 2017 meeting, when they were clearly completed before that date? And are there more communications or other pertinent information not supplied to the Planning Commission?**

The communications, added to the record after the April 19 meeting, were added to supplement statements made by staff at that same meeting. Those communications were mostly related to the Solid Waste Management Plan which, as has been stated, is not an applicable document for this application.

- 5. Was a copy of the entire application forwarded to Christina Miller for her to review to see if it was subject to the SWMP? An e-mail I received (attached) indicates she couldn't make that determination without seeing the entire application.**

The questions to Christina Miller are included in the communications which Ms. Miller responded to. A copy of the application was not provided. We cannot comment as to whether or not Ms. Miller has reviewed the application by other means.

- 6. There is no definition of a Waste Hauler or siting criteria in the Zoning Ordinance. When the wind mills, medical marijuana, and residential rentals (to name a few) the ordinance had to be amended before moving forward with any of those requests. Why doesn't Waste Haulers have to go through the same process?**

The applicant is applying for a special use permit for a waste hauler use under section 8.3.16. which reads as follows:

8.3.16. Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district.

New ordinance provisions are developed for uses such wind mills, medical marijuana, as they are deemed to need specific regulations. If a proposed use has not already been authorized by the Planning Commission then they may also apply for approval under this section. If no mention of windmills existed in the zoning ordinance, then it could have been applied for under this section.

- 7. Are they complying with all of the DEQ requirements of a Solid Waste Hauler? (See attached)**

Please inquire to the DEQ. If approved, a condition to comply with other applicable laws may be included.

- 8. Does the building they want to use for truck storage and repair meet the building requirements for that purpose? Has any Planning Commission member seen it for themselves?**

All structures used in conjunction with the proposed use will need to comply with applicable requirements of the building code for the use. Each member of the Planning Commission will need to address your inquiry as to whether or not they have seen them for themselves.

- 9. Applicant indicates uses and activities will not have a negative impact due to fumes, odors, or accumulation of scrap material that can be seen from highway or adjacent property owners. How is that possible?**

The Planning Commission will decide if the following standard is met:

C. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.

Any factual information provided relative to this standard will be considered.

- 10. Why isn't item C.- Site drainage and storm addressed since this is a change of use?**

The applicant offers no change to existing site drainage

- 11. Why isn't item D.- Fences, walls, barriers addressed?**

Item D relates to dwellings on the subject site. The applicant has offered nothing on the application with regard to barriers for the dwelling on the site.

12. Why is the site plan requirement on checklist item E-water courses, drainage ways, etc. not supplied, when there are such in the area?

Item E relates to water courses and other such features on the site. The applicant is indicating that there are no water courses or other such features on the site as stated in site plan application. The staff report provides information relative to possible wetlands on site.

13. Under General Findings, item #6 states the recycling station is not under consideration with this application, but that is exactly what she is asking for in the future as part of the application. Shouldn't applicant's request be revised to describe exactly what she wants to do at this time under this SUP only?

Applicants may choose to state their future intended uses, but that is not what is approved and there is no guarantee of approval. Mentioning this in the findings of fact is important that all are aware of this limitation.

14. On the application, the zoning district is identified as Light Industrial, but in the General Findings and Finding of Fact it is identified as General Industrial, which is it?

This was an error and the findings of fact have been corrected. It is in the General Industrial district.

15. If the SUP is approved, is there going to be a security bond or deposit on the property to cover costs for whatever will need to be done on the property and to cover any damages or clean-up costs if they violate the SUP?

The decision whether to require a performance guarantee under Section 18.9 is a decision to be made by the Planning Commission.

16. If approved what are all of the requirements going to be for the Waste Hauler and who makes sure they are addressed adequately in the permit to cover everything, Such as dumpsters to be stored (empty)?

The conditions of approval are not known at this time. Conditions often involve compliance with other agencies' requirements. They would be responsible for enforcing their own requirements.

17. We have been told that you cannot hold past indiscretions against an applicant, but what guarantee does the township have that they will comply with all of the requirements of the SUP, the State, and the many departments of the State? And where are we guaranteed that the zoning department will adequately, on a regular basis, make sure they comply without ending up with numerous identified violations and no action taken. Because the township wishes to know who to hold responsible for the devaluation of the surrounding homeowners' properties?

Enforcement action will be taken by the County Zoning Administrator to enforce the zoning ordinance if this is approved

18. Finally, if this SUP is denied what action is going to be taken to address the fact that they have been and are operating at their current location with an SUP, which in fact should not have been issued and it should have been addressed under the Cheboygan County Solid Waste Management Plan?

Transfer stations must meet the requirement of the Solid Waste Management Plan. Compliance with the Solid Waste Management Plan will be determined by the County Board of Commissioners with enforcement by the Michigan Department of Environmental Quality.

Scott McNeil

From: triple d sanitation <tripleddsanitation@outlook.com>
Sent: Tuesday, May 9, 2017 11:43 AM
To: Scott McNeil
Subject: Fwd: Article in Monday newspaper

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From: triple d sanitation <tripleddsanitation@outlook.com>
Sent: Tuesday, May 9, 2017 11:42:05 AM
To: khahn@cheboygantribune.com
Subject: Article in Monday newspaper

Kortny Hahn,

Hi, I read your article that I'm guessing was intended to represent my company "Triple D Sanitation." I really feel that you should have done more re search before posting this article, you were incorrect about a lot. Most importantly the company name. Triple D Disposal is NO longer in business. Triple D Disposal does not exist. My company is Triple D Sanitation these two companies have two completely different owners and two completely different operating systems in place. We have worked hard to make people realize that we are not the same. Your article states otherwise and I really don't appreciate it at all.

In your article you put that we were tabeled because of the questions several residents had for us. That is incorrect, we were tabeled because our county does not have a solid waste commity like every county is suppose to have. Seeing as our county does not have this comity that they are suppose to have there were questions as to weather or not that the zoning could make the decision of us having approval to locate there. So with that being said the commissioners decided that they wanted legal counsel at the next meeting to let them know if they can legally decide if they can make the ruling or not. With this delay in place they told the 3 people who had concerns of the location that they could compile a list of concerns/questions that they had that we could than answer for them. You kept referring to our place being dirty which in inaccurate also. We are currently located at 14145 Stoney pointe road where anyone is more than welcome to come look around during business hours. Occasionally yes there may be a bird here and there but where are you going to go where there is not. We are in northern Michigan surrounded by water. We never have several birds swarming our current location. Now I did notice the other day that when I went by the airport that there was SEVERAL birds already on there airport. That would have nothing to do with us because we are not operating out of the levering road location at all! In fact if this was such a huge concern why was there not a single member from the airport at the meeting? Another concern that was brought up was with out a solid waste committee how would we be regulated? We have always been regulated DEQ comes to our shop since I became the owner and inspects everything and we always pass! So yes I would imagine that he would come to the new location also. Just my opinion but maybe they should focus some of there concerns on the other trash removal company in this area who has been operating out of his home on Inverness trail road for the past year. He just now got a small piece of property with a office there. But he still stores several things at his home and does all repairs to his truck at his home where he is not zoned nor has any of the proper drainage for anything.

You are more than welcome to contact me with any questions you may have by email or by phone at 231-627-2755. All I'm asking though is please do proper research before publishing inaccurate information.

Erika Wheelock

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Deborah Tomlinson

Subject: FW: Triple D Sanitation (Cheboygan County)

----- Original Message -----

Subject: RE: Triple D Sanitation (Cheboygan County)

From: "Ozoga, John (DEQ)" <OZOGAJ@michigan.gov>

To: Steve Schnell <steve@cheboygancounty.net>

CC: "Roycraft, Phil (DEQ)" <ROYCRAFTP@michigan.gov>, "Miller, Christina (DEQ)" <MILLERC1@michigan.gov>, "Anderson, Beth (DEQ)" <ANDERSONB5@michigan.gov>

Steve, the only comments I have as an inspector of regulated Part 115 facilities are as follows: 1. The application appears to be for only a hauling business and recycling, therefore it would not be inspected and licensed by the DEQ. 2. Any buildings with floor drains should be in compliance with the Part 31 regulations, the DEQ, Water Resources Division enforces those regulations. 3. As stated in previous emails, no burning or burial of waste can occur onsite. 4. Any burning of trees or brush that may occur needs to comply with DEQ, Air Quality Division and DNR regulations. 4. Should any spills of polluting materials occur, the DEQ, Remediation and Redevelopment Division should be contacted. 5. No waste can be stored in container overnight onsite. 6. The DEQ, Water Resources Division should be contacted regarding any potential issues regarding storm water management. 7. The application does not address composting. If composting is to occur it is regulated under the Part 115 regulations and the DEQ, Waste Management and Radiological Protection Division should be contacted. If any illegal or unauthorized solid waste disposal activities occur onsite please contact me.

From: Steve Schnell [<mailto:steve@cheboygancounty.net>]

Sent: Friday, May 12, 2017 10:05 AM

To: Miller, Christina (DEQ); Ozoga, John (DEQ)

Subject: RE: Triple D Sanitation (Cheboygan County)

Just as a clarification, Marcia's concern appears to be with the whole of the application. I was pointing out page 11 because it gave the most detail, such as it is, of Triple D's operation.

The township (of which Marcia is the supervisor) and a neighbor provided questions to which the county responded. Those are attached.

Steve Schnell, AICP

Community Development Director

Cheboygan County

870 S. Main St., PO BOX 70

Cheboygan, MI 49721

steve@cheboygancounty.net

www.cheboygancounty.net/planning

Phone: 231-627-8485

Fax: 231-627-3646

Cell: 231-445-2599

From: Miller, Christina (DEQ) [<mailto:MILLERC1@michigan.gov>]

Sent: Friday, May 12, 2017 9:04 AM

To: Ozoga, John (DEQ)

Cc: Steve Schnell

Subject: FW: Triple D Sanitation (Cheboygan County)

Good morning John....attached is the full Triple D Application for the special use permit from Cheboygan County. Steve Schnell, Cheboygan County, had asked me to review the application to see if there was any thought that this facility would be operating as a "disposal area" rather than a hauler. The area of the application that Marcia Rocheleau, Beaugrand Township Supervisor, was most concerned with was page 11 of the PDF. Could you look at the application and see if you have any concerns with what their planned operation?

Thanks for your help.

Have a great weekend.

Thanks!

Christina Miller

Solid Waste Planning, Reporting and Surcharge Coordinator
Office of Waste Management and Radiological Protection
Department of Environmental Quality

Constitution Hall
4 South
525 West Allegan
P.O. Box 30241
Lansing, MI 48933

(517) 614-7426

(517) 373-4051 fax

From: Scott McNeil [<mailto:scott@cheboygancounty.net>]

Sent: Friday, May 12, 2017 8:24 AM

To: Miller, Christina (DEQ)

Cc: Steve Schnell

Subject: Triple D Sanitation

Hi Christina,

Steve Schnell ask that I provide you with the Special Use Permit Application material for your review. He will contact you later.

Best regards,

Scott McNeil

Community Development Planner

Cheboygan County Planning and Zoning Department

Phone - 231-627-8475

Fax - 231-627-3646

scott@cheboygancounty.net

www.cheboygancounty.net/planning

Dear Planning Commission Members,

Beaugrand Township Board and Beaugrand Residents have compiled for your review concerns in the finding of facts concerning Triple D Sanitation.

Please review at your earliest convenience.

Under General Findings:

3. The applicant is seeking approval of the special use permit application under Section 7.3.13 of the Cheboygan County Zoning Ordinance # 200.

Waste Hauler is not defined in zoning ordinance and there is no siting criteria set for a waste hauler.

4. The applicant is requesting a waiver from the topographic survey requirement. (see exhibit 4).

Why does the applicant qualify for a waiver from the topographic survey requirement?

6. A recycling station use is not under consideration with this special use permit application. (see exhibit 3)

Why put Triple D Sanitation in an area that they have clearly stated that they would like to expand their business that would require them to go through the Solid Waste Management Plan, and if you approve them for just the Waste Hauler, they cannot expand their business into what they want.

Finding of Facts under section 7.3.13:

1. Waste hauler is a use which is not expressly authorized in any zoning district, either by right or by special use permit under the Cheboygan County Zoning Ordinance # 200 (see exhibit 1)

Waste hauler is not defined in the zoning ordinance and with the importance of where this type of operation is located, it should be addressed with specific siting criteria.

2. Waste hauler is a use that has not been previously authorized by the Planning Commission. (see staff report)

There is no other Waste Hauler located in the county. The city has one that is located in the Industrial Park, with sewer and water supplied.

3. Contractors yards, equipment storage and materials handling operations are uses allowed in the subject zoning district with a special use permit under sections 8.3.1, 7.3.1, and 6.3.3. (see exhibit 1)

Hauling solid waste is not comparable to contractor yards, equipment storage and materials handling. Or is the county going to allow storage of solid waste?

4. Warehousing, wholesale establishments, trucking facilities and terminals, meat locker and/or freezer plants are uses allowed in the D-GI zoning district with a special use permit under sections 8.3.1 and 7.3.11. (see exhibit1)

Same as # 3.

5. Storage facility for building materials, sand, gravel stone, lumber, storage of contractor's equipment and supplies are uses allowed in the D-GI zoning district with a special use permit under sections 8.3.1 and 7.3.14. (see exhibit 1)

Same as # 3.

10. The Planning Commission determines that the waste hauler use as described by the applicant in the special use permit application if of the same general character as the other uses allowed in this zoning district, either y right or by special use permit, and proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district as described. (see exhibits 1.2. & 4)

Waste Hauler is not the same general character as other uses allowed in district. A Waste Hauler deals with and transports solid waste.

2. The Planning Commission finds that a waste hauler use has the potential to emit odors and the use will largely take place out of doors and as such, is inconsistent with the Light Industrial future land use description. The Planning Commission finds that a waste hauler use as described in the applicant's application is not constant with the Cheboygan County Future Land Use Map as provided in the Cheboygan County Master Plan. (see exhibit 2 and 4)

Waste Hauler has potential to emit odors, attract birds, and will largely take place out of doors.

3. The Planning Commission determines that waste hauler is a use that is not of the same general character as the other uses allowed in the G-LI zoning district, either by right or by special use permit. (see exhibit 2)

Again, Waste Hauler is not of the same general character as other uses allowed.

Finding of Facts under section 18.7

a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.

Waste Hauler is not defined in the ordinance and future use is Light Industrial for this area.

b. The proposed special land use will not involve uses, activities, processes, materials or equipment that will create substantially negative impact on the natural resources of the County or the natural environment as a whole.

4. Have not seen the proof of adequate plans for cleaning vehicles on site and a method for removing the waste from the cleaning of said vehicles from the site.

c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.

1. Waste Hauler is not the only thing they are asking for.

4. It will create a negative impact on surrounding residents with noise, odors, & rodents. And for the airport with the possible increase of birds.

6. The property hasn't been used legally for intensive commercial or industrial uses in the recent past.

d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

1. Applicant's description isn't just Waste Hauler. Exhibit 4 describes uses that can only be approved through the Solid Waste Management Plan.

e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity not increase hazards from fire or other dangers to the subject property or adjacent properties.

2. Because dealing with solid waste if anything happens DEQ will be required to get involved in many different capacities. And if solid waste is kept inside it could cause the release of hazardous gases.

f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Signs, building, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking area shall be no less than 25 from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.

Inverness Trail is only a local road and is not adequate for excess use by waste hauling vehicles. That leaves only the entrance off of Levering Road, which is very close to the intersection and not far from the entrance to the airport, which is used by Straits Regional Ride as well as airport users.

g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.

There is nothing on the site plan indicating any containment or storage of waste water and no storm water control.

h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.

NO specific standards are set in ordinance, because Waste Hauler is not defined.

Specific Findings of Fact under section 20.10:

a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

No changes are indicated on site plan, but should be for the type of use they are asking for.

b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

Tree removal is not on site plan and area for dumpsters is directly adjacent to airport.

c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

No site drainage provided and leaking and cleaning methods have not been adequately addressed with the removal of waste water, which could be carried off site with storm water.

d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, wall barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

There is nothing on the site plan indicating that adjacent property owners have direct line of sight to property and plan does not show all residences adjacent to property.

e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.

What about the chains and gates at entrances if emergency vehicles have to respond to an emergency on property after hours?

j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

Where is proof, that applicant has complied to all required state and federal statutes.

Decision:

2. Must utilize completely sealed waste hauling vehicles at all times.

How can applicant be sure that all waste hauling vehicles are completely sealed at all times?!?

3. Must not operate any aspect of the business including maintenance of truck, operation of trucks, movement of dumpsters or canisters/totes outside of business hours of _____. With customer hours of operation being _____.

Applicant wants business hours of 6:00am to 11:00pm, but why so late? Applicant talks of maintenance and repair. What does applicant consider normal maintenance? And if applicant is going to do repairs, it is our understanding that the building that applicant wants to do repair and maintenance in was constructed as a residential garage. Not a commercial or repair facility for work on vehicles and equipment.

4. All waste hauling vehicles must use Levering Road driveway and provide proof of driveway approval by the Michigan Department of Transportation. No waste hauling vehicles may use Inverness Trail Road unless and until such time as the road has been improved to an all-season road and a driveway permit has been obtained, if required by the County Road Commission.

Inverness Trail would have to be improved to a Class A road not an all-season road. And the County Road Commission does have standards that have to be met for the driveway on Levering Road.

5. Cleaning of vehicles on the site is permitted only after proof has been provided to the County Zoning Administrator of completed installation of a method for retaining and disposing of the water and material washed from the trucks. Proof may be required by the Zoning Administrator that the installation and design of such measures does not violate DEQ or Michigan Uniform Construction Codes.

All of this should be provided and approved by the planning commission prior to approval of SUP.

6. The maximum allowable trucks to be operated from this business is _____

What type of trucks would be allowed?

7. The maximum number of dumpsters of 8 cubic yards or less to be stored on site is _____.

Applicant indicates in request to be able to store any size dumpsters from 2 cubic yards to 40 cubic yards.

So, are they only limited to 8 cubic yards or less? If not would be curious if area set aside for dumpster storage is adequate enough.

10. No customer drop off of waste or recyclable material is permitted on site.

Yet applicant is asking for dropping off waste and recyclable material in the future so her business can expand.

To Whom This May Concern

I am the owner of Northland Auto Sales across from the airport, I am not for Triple D garbage trucks coming across the street from me and drawing birds and dropping there droppings all over my cars in the front line of my car lot.

Several years ago when I had my car lot on the the corner of Shall Rd. and Levering Rd. I had eight cars behind the fence that is there now that where waiting to be vacuumed and washed and oil changed, just a general clean up before they were to be on the front line. When the Henderson Brothers flew over to the airport, they said it looked like a junkyard and I got a letter from Joe Caswell stating that I had 30 days to remove them or I would be fined \$10,000 and now there talking about having garbage trucks next to the airport, that wouldn't be a pretty sight for anyone flying into Cheboygan when the city and the county is trying to draw people into Cheboygan.

Ron Lyons



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Item: Consideration of a Special Use Permit for a waste hauler in a General Industrial Development District (D-GI).	Prepared by: Steve Schnell and Scott McNeil
Date: May 12, 2017	Expected Meeting Date: April 19, 2017 tabled to May 3, 2017 and May 17, 2017

GENERAL INFORMATION

Applicant: Triple D Sanitation/Erica Wheelock
Contact person: Erica Wheelock
Phone: 231-290-1950

Requested Action: Approval of a Special Use Permit for a waste hauler business in a General Industrial Development District pursuant to Section 7.3.13. as referenced by Section 8.3.1 and Section 8.3.16.

BACKGROUND INFORMATION

The applicant is proposing a waste hauler business in a General Industrial Development District (D-GI) zoning district. The applicant has provided a statement regarding the proposed operation of the waste hauler business which is attached to the application. As a waste hauler, the applicant indicates that the waste will be picked up off site and placed in waste hauling trucks. The waste will then be taken from the truck to the final disposal site. There may be waste in a waste hauling truck when parked at the site. No transfer of waste at the site is proposed. An area for storage of empty dumpsters is indicated on the site plan in the east-central portion of the site measuring approximately 120 feet by 140 feet. The applicant proposes to use existing structures with a future addition for office use measuring 13 feet by 17 feet as indicated on the site plan. There are no other new construction, alteration of existing structures or earth changes proposed in the application. The applicant indicates that there will be no toxic wastes.

The applicant has received a certificate of occupancy for the existing structures from the Cheboygan Department of Building Safety since the proposed use falls under the same use category as defined by the Michigan Uniform Construction Code.

Waste hauler is a use which is not expressly allowed in the zoning ordinance. As a result the applicant has chosen to make application under Section 7.3.13 as referenced in Section 8.3.1 and the same as Section 8.3.16 which includes a requirement that the Planning Commission make a

determination whether the proposed use is of the same general character as other uses allowed in the zoning district.

Section 7.3.13 (which is referenced in Section 8.3.1 and the same as Section 8.3.16) reads as follows:

Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district.

We have reviewed our record of approved special use permits and past Planning Commission meeting indexes and find no reference to waste hauler use that has been approved or has been under consideration.

The standard requires “compliance with the applicable requirements of the Cheboygan County Comprehensive Development Plan for this zoning district”. Although there are no requirements listed in a Comprehensive Development Plan, which is now called the Master Plan, consistency with that plan can be reviewed. You will find a section of the Future Land Use Map of the subject area included in figure 1 of this report.

The Planning Commission tabled discussion on this matter from the April 19, 2017 regular meeting to the May 3, 2017 regular meeting in order to allow members of the Commission to develop and submit questions for the applicant and legal counsel. Questions received to date are as follows;

Can the Planning Commission Place a performance bond on site improvements or other requirements as conditioned by the Planning Commission upon approval?

How is leaking leachate from trucks or dumpsters regulated?

Discussion was also held with regard to Waste Hauler use under the Cheboygan County Solid Waste Management Plan. By review of Exhibit 14 you will find a statement in an email message from Christina Miller, Solid Waste Planning, Reporting and Surcharge Coordinator from the Office of Waste Management and Radiological Protection of the Michigan Department of Environmental Quality that states as follows;

“only a solid waste disposal area (solid waste: transfer station; processing plant; landfill; or municipal solid waste incinerator) must be consistent with a County solid Waste Management Plan; any other operation would only need to meet local zoning requirements to be developed.

You will also find the issue regarding waste haulers and the solid waste plan addressed in a letter from County legal counsel, Peter Wendling which is provided in exhibit 15. In the last paragraph of the letter, Mr. Wendling states as follows:

“While your solid waste management plan discusses hauling, it discusses it in the sense that the plan encourages additional haulers in order to have competition in refuse hauling. Other than some general discussions of waste hauling within the solid waste management plan, the county’s solid waste management plan does not provide for any regulations which are applicable to haulers alone and does not have a section requiring an application and processing standards for waste haulers.”

You will also find an email message from Mr. Wendling regarding the question relative to imposing a performance bond which is provided in exhibit 20. You will note Mr. Wendling refers to section 18.9 of the zoning ordinance. Section 18.9 reads as follows:

SECTION 18.9. PERFORMANCE GUARANTEE

In connection with the approval of a special use permit, the Planning Commission may require the Applicant to furnish Cheboygan County with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the County in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the site on which the special land use will be located or which the Applicant has agreed to construct even though located outside the site. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the site on which the special land use will be located. For purposes of this subsection, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the County Treasurer at or before the time the special use permit is issued. The performance guarantee shall ensure completion of the public and site improvements in accordance with the special use permit approved by the Planning Commission. Any cash deposit or certified funds shall be refunded in the following manner:

- a. One-third of the cash deposit after completion of one-third of the public and site improvements;
- b. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
- c. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public and site improvements. If an Applicant has contracted with a third-party to construct the public and site improvements and the third party has provided a bond meeting the requirements described above and the bond also names the County as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

The Planning Commission also further tabled final decision on the application to May 17, 2017 at which time legal counsel can be present to address questions and assist with consideration of the special use permit application.

Included in the application record under exhibits 21 and 22 are responses to questions proposed by letter from Ms. Karen Johnson and Beaugrand Township Supervisor, Marcia Rocheleau, which have been developed in conjunction with legal counsel.

Current Zoning:

General Industrial Development District (D-GI).

Surrounding land uses:

Commercial on the south. Single family residential to the north and west. Cheboygan County Airport to the north and east.

Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain): Some possible wetlands are indicated on the National Wetland Inventory map per figure 2. There are no wetlands indicated in the area where the use activity is proposed to take place.

Historic buildings/features:

There are no known historic buildings or historic features on this site.

Traffic Implications

Commercial uses can currently be found in the immediate area. The use will have minimal impact on traffic conditions.

Parking

There are no regulations or standards found in Section 17.6 relative to the proposed use. Section 17.6 provides for 1 parking space for every 2 employees. The applicant indicates that there will be 3 employees which will require 2 parking spaces. The site plan provides for 18 parking spaces.

Access and street design: (secondary access, pedestrian access, sidewalks, residential buffer, ROW width, access to adjacent properties)

The site plan indicates 2 existing driveways. One driveway provides access to the site from Inverness Trail Road and the other from Levering Road. Levering Road is an all-season road with no seasonal weight restrictions. Inverness Trail Road is a county road with a 2016 PASER rating of 3 out of 10.

Signs

A freestanding sign is located on the site which is to be used to advertise the proposed use. No other signs are proposed with this application.

Fence/Hedge/Buffer

No additional fences, hedge or buffers are proposed.

Lighting

No new lighting is proposed

Stormwater management

The site plan provides for maintaining existing management of stormwater. No storm water management improvements are proposed.

Review or permits from other government entities:

A permit from the Department of Building Safety will be required for the proposed office addition to an existing structure. The Cheboygan County Road Commission will require a driveway permit

requiring concrete curb and gutter with surfacing will be required for all existing driveways. (see exhibit 7) Approval by the Michigan Department of Environmental Quality (DEQ) may also be required. Waste hauling businesses, called Solid Waste Transporting Units by the DEQ, must operate according to administrative rules referenced in the Michigan Natural Resources and Environmental Protection Act (NREPA). Part 6, R 299.4601-299.4602 apply to solid waste transporting units. Compliance with those rules is determined by the DEQ. Initial indication is that the plan proposed meets those rules. A requirement that these transporting units must be 500' from a residence applies only during the collection process. They indicated it is acceptable for a completely sealed truck to have waste in it overnight at the location as long as no trash escapes the truck and no transferring of the waste occurs at the site of the transporting unit's operations.

Recommended conditions:

A listing of conditions upon approval for consideration by the Planning Commission are provided at the end of the Findings of Fact draft document.

R 299.4602 Operation.

Rule 602. (1) A solid waste transporting unit's openings shall be closed and doors or covers shall be secured by an adequate latch or restraining mechanism to keep them closed while transporting solid waste which may blow or fall off the vehicle. The driver shall be responsible for the proper positioning of the cover. A special covering shall be used where conditions require the control of odor, vermin, liquids, dust or smoke.

(2) A solid waste transporting unit shall be loaded in a manner that minimizes the spilling of materials.

(3) Where accidental spillage does occur from the solid waste transporting unit, the driver shall be responsible for assuring that the material is picked up as soon as possible and the area suitably cleaned.

(4) Where solid waste is purposely dumped from a solid waste transporting unit due to a hot load or fire, the fire shall be immediately extinguished by the most effective means and the area shall be properly cleaned as soon as reasonably possible.

(5) During the collection process, a solid waste transporting unit shall not be parked in a residential area longer than necessary to collect solid waste, unless it is parked more than 500 feet from adjacent residences. A solid waste transporting unit shall not be parked, stored or established at any location so as to cause a hazard to health or at any residentially zoned location so as to cause a nuisance.

Figure 1. Future Land Use Map (Adopted: 2014) of the subject area.

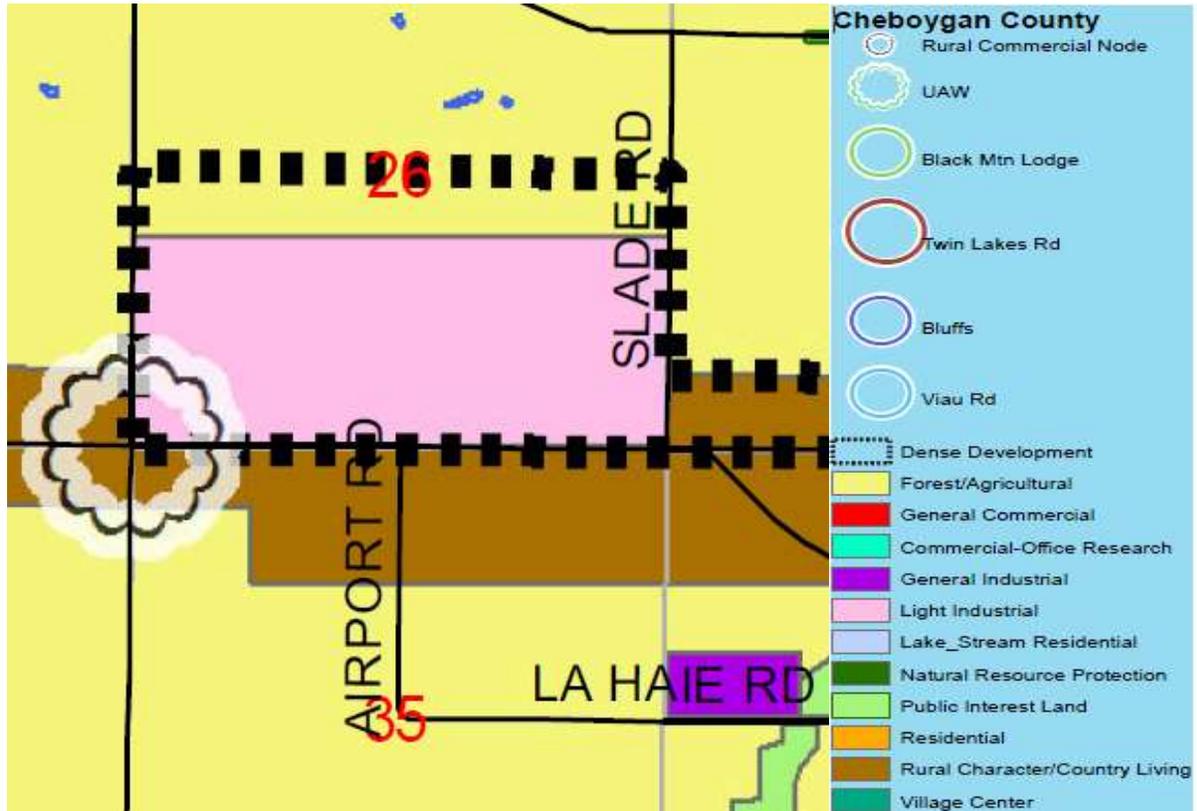


Figure 2



Part 303 Final Wetlands Inventory

- Wetlands as identified on NWI and MIRIS maps
- Soil areas which include wetland soils
- Wetlands as identified on NWI and MIRIS maps and soil areas which include wetland soils

Source:
Michigan DEQ, Final Wetland Inventory. This is a portion of a map that is intended to be used as one tool to assist in identifying wetlands and provides only potential and approximate location of wetlands and wetland conditions. It is not intended to be used to determine the specific locations and jurisdictional boundaries of wetland areas subject to Part 303, Wetlands Protection of PA 451 of 1994, as amended.

CHEBOYGAN COUNTY PLANNING COMMISSION
SPECIAL USE PERMIT REQUEST
Wednesday, May 17, 2017, 7:00 PM

Applicant

Triple D Sanitation
Erica Wheelock
14145 Stoney Point Road
Cheboygan, MI 49721

Owner

Bonnie Nagy
1988 Levering Rd.
Cheboygan, MI 49721

Parcel

1988 Levering Rd.
Beaugrand Township
Code #041-026-300-003-05

GENERAL FINDINGS

1. The applicant is seeking a Special Use Permit for a waste hauler business. (see exhibit 4)
2. The subject property is zoned General Industrial Development District (D-GI). (see exhibit 1)
3. The applicant is seeking approval of the special use permit application under Section 7.3.13. of the Cheboygan County Zoning Ordinance #200. (see exhibit 1)
4. The applicant is requesting a waiver from the topographic survey requirement. (see exhibit 4)
5. This waste hauling business proposed is also called a Solid Waste Transporting Unit, as regulated under Part 6 of Administrative Rules, referenced in the Michigan Natural Resources and Environmental Protection Act, as amended.
6. A recycling station use is not under consideration with this special use permit application. (see exhibit 3)
- 7.

DETERMINATION UNDER SECTION 7.3.13. OF THE ZONING ORDINANCE

Section 7.3.13. of the Zoning Ordinance states as follows;

Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district.

The Planning Commission makes the following determination as required by section 7.3.13. of the Zoning Ordinance;

1. Waste hauler is a use which is not expressly authorized in any zoning district, either by right or by special use permit under the Cheboygan County Zoning Ordinance #200. (see exhibit 1)
2. Waste hauler is a use that has not been previously authorized by the Planning Commission. (see staff report)
3. Contractors yards, equipment storage and materials handling operations are uses allowed in the subject zoning district with a special use permit under sections 8.3.1., 7.3.1. and 6.3.3. (see exhibit 1)
4. Warehousing, wholesale establishments, trucking facilities and terminals, meat locker and/or freezer plants are uses allowed in the D-GI zoning district with a special use permit under sections 8.3.1 and 7.3.11. (see exhibit 1)
5. Storage facility for building materials, sand, gravel stone, lumber, storage of contractor's equipment and supplies are uses allowed in the D-GI zoning district with a special use permit under sections 8.3.1 and 7.3.14. (see exhibit 1)
6. The subject property is designated Light Industrial and Rural Commercial Node on the Cheboygan County Master Plan Future Land Use Map as provided with the Cheboygan County Master Plan. (see exhibit 2)

7. The Light Industrial future land use is described in the Cheboygan County Master Plan as follows:

Light Industrial

The Light Industrial classification designates areas, which have adequate infrastructure, and services available to support industrial uses but the uses have minimal environmental impact. With proper buffering Light Industrial uses can be compatible with adjacent residential developments. Light Industrial uses would not give off any smoke, noise, odors, glare or vibrations and typical light industrial uses would include assembly, machine shops, wholesale distribution, storage and similar activities within enclosed buildings. Limited outdoor storage of equipment or materials may be considered. (see exhibit 2)

8. The Rural Commercial Node future land use is described in the Cheboygan County Master Plan as follows:

Rural Commercial Nodes

Rural Commercial Node includes land, often at road intersections, which serve as nodes for the surrounding rural community. These areas have a mix of small-scale mixed uses. There would be usually no more than a few of these uses at any intersection due to traffic safety. Larger clustering of such commercial uses would be more appropriate in one of the other Commercial and Village Center future land use areas. Rural Commercial Nodes each have their own unique character and any rezoning must take into consideration the existing uses and uses that are compatible with the existing uses. Although these are commercial areas, they are not necessarily in need of rezoning to the Commercial zoning district. It is more likely that a new and unique zoning district or overlay zoning may be more appropriate.

The following uses may be appropriate for some Rural Commercial Nodes: assembly halls, institutional uses such as fire stations, township halls, recycling centers, schools, community centers, small scale commercial uses such as retail, restaurants, and bars. Alverno is an example of a Rural commercial node. (see exhibit 2)

9. The Planning Commission finds that limited outdoor storage of equipment or materials may be considered as appropriate uses for the Light Industrial land use as described in the Cheboygan County Master Plan. (see exhibit 2)
10. The Planning Commission determines that the waste hauler use as described by the applicant in the special use permit application is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district as described. (see exhibits 1, 2, and 4)
- 11.
- 12.

Or,

1. The subject property is designated Light Industrial and Rural Commercial Node on the Cheboygan County Master Plan Future Land Use Map as provided with the Cheboygan County Master Plan. The Light Industrial future land use is described in the Master Plan as follows:

Light Industrial

The Light Industrial classification designates areas, which have adequate infrastructure, and services available to support industrial uses but the uses have minimal environmental impact. With proper buffering Light Industrial uses can be compatible with adjacent residential developments. Light Industrial uses would not give off any smoke, noise, odors, glare or vibrations and typical light industrial uses would include assembly, machine shops, wholesale distribution, storage and similar activities within enclosed buildings. Limited outdoor storage of equipment or materials may be considered. (see exhibit 2)

2. The Planning Commission finds that a waste hauler use has the potential to emit odors and the use will largely take place out of doors and as such, is inconsistent with the Light Industrial future land use description. The Planning Commission finds that a waste hauler use as described in the applicant's application is not constant with the Cheboygan County Future Land Use Map as provided in the Cheboygan County Master Plan. (see exhibit 2 and 4)
3. The Planning Commission determines that waste hauler is a use that is not of the same general character as the other uses allowed in the G-LI zoning district, either by right or by special use permit. (see exhibit 2)
- 4.
- 5.

FINDINGS OF FACT UNDER SECTION 18.7 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 18.7 and 20.10 of the Zoning Ordinance for each of the following standards listed:

- a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
 1. The subject property is located in a General Industrial Development District (D-GI).
 2. Waste hauler is a use which can be approved with a special use permit in D-GI zoning district under Section 7.3.13.
 - 3.
 4. Standard has been met.

Or

 - 1.
 2. Standard has not been met.

- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
 1. The proposed use is for a waste hauler in a General Industrial District (D-GI). (see exhibit 4)
 2. Waste hauler is a use which can be approved with a special use permit in D-GI zoning district under Section 7.3.13. (see exhibit 1)
 3. The Planning Commission finds that no waste will be transferred on site. (see exhibit 4)
 4. The applicant has demonstrated that they have adequate plans for cleaning the vehicles off-site or, if cleaned on-site, they have shown adequate measures have been taken to contain the water used for cleaning and a method for removing such water from the site. (see exhibit 4)
 - 5.
 6. Standard has been met.

Or

 1. The Planning Commission finds that waste material may be inside trucks which are parked on the property overnight. (see exhibit 4)
 2. The applicant has not adequately addressed the ability to maintain the waste hauling trucks against leaking. (see exhibit 4)
 3. The applicant has not adequately addressed cleaning methods for the waste hauling trucks and/or dumpsters which are proposed to be stored on site and the processing of the water used to clean those vehicles and receptacles. (see exhibit 4)
 - 4.
 5. Standard has not been met.

- c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.
 - 1. The proposed use is for a waste hauler in a General Industrial Development District (D-GI). (see exhibit 4)
 - 2. No waste will be transferred on site. (see exhibit 4)
 - 3. Waste hauling trucks and empty dumpsters only will be stored on site. (see exhibit 4)
 - 4. The proposed use will not create a substantially negative impact on other conforming properties in the area.
 - 5. The proposed special land use is located in a General Industrial zoning district, neighboring an airport and a scrap yard, as well as residential uses.
 - 6. The property has been used for intensive commercial and industrial uses in the past.
 - 7.
 - 8.
 - 9. Standard has been met.

Or

 - 1. The proposed use will create additional traffic and/or noise and/or odors that will create a substantially negative impact on other conforming properties in the area due to _____. (see exhibits __)
 - 2.
 - 3. Standard has not been met.

- d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
 - 1. The description of activities included in the application provides for operation and maintenance of the proposed use so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. (see exhibit 4)
 - 2. The proposed special land use is located in a General Industrial zoning district, neighboring an airport and a scrap yard, as well as residential uses.
 - 3. The property has been used for intensive commercial and industrial uses in the past.
 - 4. Standard has been met.

Or.

 - 1. The Planning Commission finds that there are conforming residential land uses on surrounding properties.
 - 2. The proposed use will diminish the opportunity for surrounding properties to be used and developed as zoned due to _____. (see exhibits __)
 - 3.
 - 4. Standard has not been met.

- e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
 - 1. The proposed use is for a waste hauler in a General Industrial Development (D-GI) zoning district. (see exhibit 4)
 - 2. The special use, as proposed will not place demands placed on fire, police or other public resources in excess of current capacity not increase hazards from fire or other dangers to the subject property or adjacent properties. (see exhibit 4 and 6)
 - 3.
 - 4. Standard has been met.

Or.

 - 1. The proposed special use increases other dangers to the subject property and/or adjacent property due to _____. (see exhibits __)
 - 2.
 - 3. Standard has not been met

- f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
1. The proposed use is for a waste hauler in a General Industrial Development (D-GI) zoning district. (see exhibit 4)
 2. The subject property is located on Inverness Trail Road and Levering Road. (see exhibit 6)
 3. Levering Road is an all-season road.
 4. Inverness Trail Road is not an County Major/all-season road
 5. The existing driveways on the subject property are more than 25 feet from a street intersection. (see exhibit 6)
 6. The proposed special use will not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity.
 - 7.
- Or.
1. The proposed use is for a waste hauler in a General Industrial Development (D-GI) zoning district. (see exhibit 4)
 2. The subject property is located on Inverness Trail Road and Levering Road. (see exhibit 6)
 3. Inverness Trail Road is a County Local Road and not an all-season road. (see exhibit 10)
 4. Inverness Trail Road has a PASER rating of only 3 out of 10, is not adequate for use by the waste hauling vehicles. (see exhibit 9)
 5. The proposed use will cause traffic hazards and/or cause congestion in excess of current capacity on Inverness Trail Road due to the condition of the road. (see exhibits 8, 9 and 10)
 - 6.
 7. Standard has not been met.
- g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
1. The proposed use is for a waste hauler in a General Industrial Development (D-GI) zoning district. (see exhibit 4)
 2. The subject property has an existing well and septic system. (see exhibits 4 and 6)
 3. The proposed special use shall be adequately served by water and sewer facilities. (see exhibit 4)
 - 4.
 - 5.
 6. Standard has been met.
- Or.
- 1.
 2. Standard has not been met.
- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.
1. The proposed special use shall comply with all specific standards required under the Cheboygan County Zoning Ordinance #200 applicable to it. (see exhibit 1)
 - 2.
 3. Standard has been met
- Or
- 1.
 2. Standard has not been met.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 20.10 of the Zoning Ordinance for each of the following standards listed in that section:

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - 1. No changes to the overall contours of the subject property are proposed. (see exhibit 4 and 6)
 - 2.
 - 3. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
 - 1. No soil removal is proposed. (see exhibit 4 and 6)
 - 2. Some tree removal will be required to accommodate the area proposed for outdoor empty dumpster storage. (see exhibit 6)
 - 3.
 - 4. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
 - 1. No changes are proposed to existing site drainage. (see exhibit 4 and 6)
 - 2.
 - 3. Standard has been met.Or.
 - 1. The applicant has not adequately addressed the ability to maintain the waste hauling trucks against leaking. (see exhibit 4)
 - 2. The applicant has not adequately addressed cleaning methods for the waste hauling trucks and/or dumpsters which are proposed to be stored on site. (see exhibit 4)
 - 3. Given findings 1 and 2 above, the applicant has not adequately addressed the removal of stormwaters and the effect of leaked or washed out waste material that may be carried off site with stormwater.
 - 4.
 - 5. Standard has not been met.

- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - 1. There is a dwelling located on the north portion of the subject property. (see exhibit 6)
 - 2. There are existing trees located between the dwelling and the area proposed for the waste hauler activity. (see exhibit 6)
 - 3.
 - 4. Standard has been met.Or,
 - 1.
 - 2. Standard has not been met.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
 - 1. The site plan indicates that all buildings are arranged as to permit vehicle access by a practical means. (see exhibit 6)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1.
 - 2. Standard has not been met.

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
 - 1. The site plan indicates that all structures on the site relating to the waste hauler use have access to Inverness Trail Road and Levering Road. (see exhibit 6)
 - 2. The site plan indicates that the dwelling and accessory structures have access to Levering Road and Inverness Trail Road. (see exhibit 6)
 - 3.
 - 4. Standard has been met.
 Or.
 - 1.
 - 2. Standard has not been met.

- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
 - 1. This standard is not applicable. No subdivision plat or a subdivision condominium is proposed.

- h. Exterior lighting shall be arranged as follows: a. It is deflected away from adjacent properties, b. It does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies.
 - 1. No additional exterior lighting is proposed. (see exhibit 4)
 - 2. Existing lighting shall be deflected away from adjacent properties, shall not impede the vision of traffic along adjacent streets and shall not unnecessarily illuminate night skies. (see exhibit 4)
 - 3.
 - 4. Standard has been met
 Or,
 - 1.
 - 2. Standard has not been met.

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
 - 1. This standard is not applicable. No public common ways are proposed.

- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.
 - 1. The site plan conforms to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan. (see exhibit 2 and 4)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1. The site plan does not conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan due to _____(see exhibit 2 and __)
 - 2.
 - 3. Standard has not been met.

DECISION

1. Must comply with all applicable requirements of solid waste transporting units under Public Act 451 of 1994 as amended and all applicable administrative rules such as R229.4602, as referenced in PA 451 of 1994, as amended.
2. Must utilize completely sealed waste hauling vehicles at all times.
3. Must not operate any aspect of the business including maintenance of trucks, operation of trucks, movement of dumpsters or canisters/totes outside of business hours of _____ . With customer hours of operation being _____
4. All waste hauling vehicles must use Levering Road driveway and provide proof of driveway approval by the Michigan Department of Transportation. No waste hauling vehicles may use Inverness Trail Road unless and until such time as the road has been improved to an all-season road and a driveway permit has been obtained, if required by the County Road Commission.
5. Cleaning of vehicles on the site is permitted only after proof has been provided to the County Zoning Administrator of completed installation of a method for retaining and disposing of the water and material washed from the trucks. Proof may be required by the Zoning Administrator that the installation and design of such measures does not violate DEQ or Michigan Uniform Construction Codes.
6. The maximum allowable trucks to be operated from this business is _____
7. The maximum number of dumpsters of 8 cubic yards or less to be stored on site is _____.
8. Each dumpster stored on site shall have a cover that is secured so that the cover cannot be opened.
9. Each dumpster stored on site shall not contain any waste material.
10. No customer drop off of waste or recyclable material is permitted on site.
- 11.
- 12.

TIME PERIOD FOR JUDICIAL REVIEW

State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Wednesday, May 17, 2017

Patty Croft, Chairperson

Charles Freese, Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

Michele Tromble / Tromble Equestrian Center Inc. – *Revised 05/12/17*

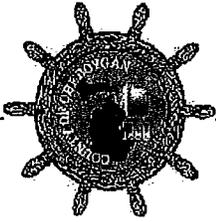
Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Site Plan Review Application (6 Pages)
4. Notice of Assessment, Valuation & Property Classification for Parcel 172-009-100-001-02 (1 Page)
5. Certificate of Survey (1 Page)
6. Site Plan / Boundary Survey (1 Page)

The following items were added to the exhibit list on 05/12/17:

7. Email dated 05/08/17 from Dave Carpenter, Tuscarora Township Fire Chief (1 Page)
8. Email dated 05/08/17 from Brent Shank, Cheboygan County Road Commission Engineer/Manager (1 Page)
- 9.
- 10.

Note: Planning Commission members have exhibits 1 and 2.



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

1. Describe all anticipated activities (e.g. type of business, hours of operation, number of employees, etc). Attach additional sheets if needed.

Person Riding + Training of horses
Boarding of horses. Training of Boarded horses + their owners.

Site Plan Standards.

PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

Does not change property as it is.

- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

No change in current landscape

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

No drainage of stormwater affects others.

- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

Property is visually pleasing

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.

It is Accessable for Emergencies

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

All dwellings have road access

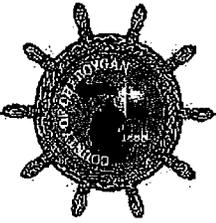
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.

N/A

- h. Exterior lighting shall be arranged as follows:

- i. It is deflected away from adjacent properties.
- ii. It does not impede the vision of traffic along adjacent streets.
- iii. It does not unnecessarily illuminate night skies.

SITE PLAN REVIEW
SPECIAL LAND USE PERMIT APPLICATION



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

SPECIAL LAND USE PERMIT APPLICATION

i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

✓

j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

✓

3. Size of property in sq. ft. or acres: Parcel is 80 acres TOTAL 1/3 FOR horses w/ Pastures.

4. Present use of property: AGRICULTURAL FARM - CATTLE + horses

5. SUP Standards:

a. Is the property located in a zoning district in which the proposed special land use is allowed? yes

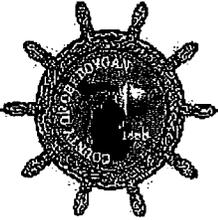
b. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole? Explain. no

c. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person? Explain. no

d. Will the proposed special land use be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned? Explain. no

e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? Explain. no

f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? Explain. no



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

- g. Will the proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services? NO
- h. Will the proposed special land use comply with all specific standards required under this Ordinance applicable to it (i.e. parking, setbacks, etc)? UNKNOWN
6. Does the proposed use of the property include or involve either:
- Junk or salvage yard (Section 3.6) YES NO
 - Mineral extraction (Section 17.17) YES NO
- If YES, this application must include a written plan as described in the Zoning Ordinance.*
- 7. Attach a copy of Warranty Deed or other proof of ownership.
- 8. Attach a copy of certified Property Survey or dimensioned property land plat.

AFFIDAVIT

The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature Michele J. Soule Date 12/8/16

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?

Yes No

Owner's Signature Michele J. Soule Date 12/8/16

FOR PLANNING/ZONING DEPT. USE ONLY

Date Received:	12/8/16	Notes:
Fee Amount Received:		
Receipt Number:		
Public Hearing Date:	11	
Planning/Zoning Administrator Approval:		
_____	_____	
Signature	Date	

SITE PLAN REVIEW
SPECIAL LAND USE PERMIT APPLICATION

Site Plan Below
SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
		m. Location and specifications for all fences, walls, and other screening features <i>(N/A)</i>
		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features. <i>(N/A)</i>
		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used. <i>(N/A)</i>
		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities. <i>(N/A)</i>
		q. Elevation drawing(s) for proposed commercial and industrial structures. <i>(N/A)</i>
		r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
		s. Floor plans, when needed to determine the number of parking spaces required <i>(N/A)</i>

PLEASE LIST THE REQUIREMENT FOR WHICH A WAIVER IS BEING REQUESTED. ALSO PROVIDE AN EXPLANATION/REASON FOR THE WAIVER REQUEST.

<u>SECTION</u>	<u>REASON FOR WAIVER REQUEST</u>
<i>d</i>	<i>NO CHANGE TO EXISTING TOPOGRAPHY</i>

AFFIDAVIT

I CERTIFY THAT ALL SITE PLAN REQUIREMENTS (A THROUGH S) ARE DRAWN ON THE SITE PLAN, ATTACHED TO THIS APPLICATION AND/OR I AM REQUESTING A WAIVER. I CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS SPECIAL LAND USE PERMIT APPLICATION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE

DATE

SITE PLAN REVIEW
 SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

ALL ITEMS LISTED BELOW MUST BE SUBMITTED IN ORDER FOR THIS APPLICATION TO BE DEEMED COMPLETE. INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED OR PROCESSED. EACH SITE PLAN SHALL DEPICT THE ITEMS LISTED BELOW, EXCEPT FOR THOSE ITEMS DETERMINED DURING THE PRE-APPLICATION CONFERENCE TO NOT BE APPLICABLE.

PLACE A CHECK MARK NEXT TO EACH REQUIREMENT TO SHOW THAT THE INFORMATION HAS BEEN SUPPLIED OR THAT A WAIVER IS BEING REQUESTED. IF A WAIVER IS BEING REQUESTED PLEASE NOTE ON THE NEXT PAGE THE REASON FOR THE WAIVER. SIGN AND DATE THIS CHECKLIST WHEN ALL ITEMS HAVE BEEN COMPLETED. PLEASE SUBMIT THIS CHECKLIST WITH YOUR APPLICATION.

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
✓		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100ft. or less.
✓		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
✓		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
	✓	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
		e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands. (N/A)
✓		f. Location of existing and proposed buildings and intended uses thereof.
✓		g. Details of entryway and sign locations should be separately depicted with an elevation view.
✓		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
✓		i. Location, size, and characteristics of all loading and unloading areas.
		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission. (N/A)
✓		k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable. (N/A)

Notice of Assessment, Taxable Valuation, and Property Classification

This form is issued under the authority of P.A. 206 of 1893, Sec. 211.24 (c) and Sec.211.34c, as amended. This is a model assessment notice to be used by the local assessor.

FROM CLARKSON MOST KOEHLER TOWNSHIP ASSESSOR 18443 1 MILE HWY ONAWAY, MI 49765	PARCEL IDENTIFICATION PARCEL CODE NUMBER: 16-172-009-100-001-02 PROPERTY ADDRESS: 1313 M-33 HWY INDIAN RIVER, MI 49749
NAME AND ADDRESS OF OWNER OR PERSON NAMED ON ASSESSMENT ROLL: TROMBLE BAY FARMS II, LLC 5299 TROMBLE TRL CHEBOYGAN MI 49721	PRINCIPAL RESIDENCE EXEMPTION % Exempt As "Homeowners Principal Residence": .00% % Exempt As "Qualified Agricultural Property": 100.00% % Exempt As "MBT Industrial Personal": .00% % Exempt As "MBT Commercial Personal": .00% Exempt As "Qualified Forest Property": <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Exempt As "Development Property": <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

ACCORDING TO MCL 211.34c THIS PROPERTY IS CLASSIFIED AS: 100 (100 AGRICULTURAL)

PRIOR YEAR'S CLASSIFICATION: 100 (100 AGRICULTURAL)

	PRIOR AMOUNT YEAR: 2015	CURRENT TENTATIVE AMOUNT YEAR: 2016	CHANGE FROM PRIOR YEAR TO CURRENT YEAR
1. TAXABLE VALUE (Current amount is tentative):	57,358	95,130	37,772
2. ASSESSED VALUE:	117,400	153,800	36,400
3. TENTATIVE EQUALIZATION FACTOR: 1.000			
4. STATE EQUALIZED VALUE (Current amount is tentative):	117,400	153,800	36,400
5. There WAS/WAS NOT a transfer of ownership on this property in 2015 . WAS NOT			

The 2016 Inflation rate Multiplier is: 1.003

Legal Description: W1/2 OF NW1/4, SEC 9, T35N,R1W. SPLIT ON 02/08/2007 FROM 172-009-100-001-00; 509/747;1055/446;1125/366;1138/726

March Board of Review Appeal Information:

The Taxable Value, the Assessed Value, the State Equalized Value, the Property Classification, or the Transfer of Ownership may be appealed by filing a protest with the Local Board of Review. Protests are made to the Board of Review by completing a Board of Review Petition Form. A Petition Form may be obtained directly from the local unit or from the State Tax Commission at www.michigan.gov/treasury. Click on Forms (at top of page), then click on Property Tax, then click on Board of Review to obtain Form L-4035.

March Board of Review Information:

KOEHLER TOWNSHIP HALL, 2227 STONEY CREEK RD MONDAY, MARCH 14, 9:00AM-3:00PM TUESDAY, MARCH 15, 3:00PM -9:00PM

Not less than 14 days before the meeting of the Board of Review, the assessment notice shall be mailed to the property owner.

Property taxes were calculated on the Taxable Value (see line 1 above). The Taxable Value number entered in the "Change from Prior Year to Current Year" column, does not indicate a change in your taxes. This number indicates the change in Taxable Value.

State Equalized Value is the Assessed Value multiplied by the Equalized Factor, if any. State Equalized Value must approximate 50% of the market value.

IF THERE WAS A TRANSFER OF OWNERSHIP on your property in 2015, your 2016 Taxable Value will be the same as your 2016 State Equalized Value.

IF THERE WAS NOT A TRANSFER OF OWNERSHIP on your property in 2015, your 2016 Taxable Value is calculated by multiplying your 2015 Taxable Value by 1.003 (Inflation Rate Multiplier for the current year). Physical changes in your property may also increase or decrease your Taxable Value. Your 2016 Taxable Value cannot be higher than your 2016 State Equalized Value.

The denial of an exemption from the local school operating tax for "qualified agricultural properties" may be appealed to the local Board of Review. The denial of an exemption from the local school operating tax for a "homeowner's principal residence" may be appealed to the Michigan Tax Tribunal by the filing of a petition within 35 days of issuance of this notice. The petition must be a Michigan Tax Tribunal form or a form approved by the Michigan Tax Tribunal. Michigan Tax Tribunal forms are available at www.michigan.gov/taxtrib.

Filing a protest at the Board of Review is necessary to protect your right to further appeal valuation and exemption disputes to the Michigan Tax Tribunal and classification appeals to the State Tax Commission. Properties classified Commercial Real, Industrial Real or Developmental Real may be appealed to the regular March Board of Review or to the Michigan Tax Tribunal by filing a petition by May 31. Commercial Personal, Industrial Personal, or Utility Personal Property may be appealed to the regular March Board of Review or to the Michigan Tax Tribunal by filing a petition by May 31 if a personal property statement was filed with the local unit prior to the commencement of the Board of Review as provided by MCL 211.19, except as otherwise provided by MCL 211.9m, 211.9n and 211.9o. The petition must be a Michigan Tax Tribunal form or a form approved by the Michigan Tax Tribunal. Michigan Tax Tribunal forms are available at www.michigan.gov/taxtrib.

HOMEOWNER'S PRINCIPAL RESIDENCE AFFIDAVIT INFORMATION REQUIRED BY P.A. 114 OF 2012. If you purchased your principal residence after May 1 last year, to claim the principal residence exemption, if you have not already done so, you are required to file an affidavit by June 1 for the immediately succeeding summer tax year levy and all subsequent tax levies or by November 1 for the immediate succeeding winter tax levy and all subsequent tax levies.

CERTIFICATE OF SURVEY

PART OF THE W1/2, SECTION 9, T35N, R1W,
KOEHLER TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN

NW SECTION COR.
FD CHEBOYGAN CO.
REMON. CAP IN MON.
BOX

Wackelburg Rd

N89°44'38"E 1303.26'
EXISTING FENCELINE ALONG PROPERTY LINE

66' INGRESS/EGRESS
& UTILITY EASEMENT

450' RESTRICTIVE COVENANT
LIBER 1055, PAGES 424-429

450'

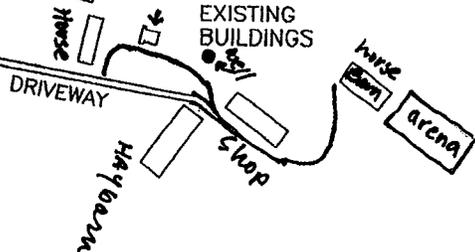
80.0 ACRES
(TO FULLFORD LINE)
78.4 ACRES
(TO TITLE COMMITMENT
LINE)

994'

R.O.W. LINE
WEST SECTION LINE &
HIGHWAY M-33

N02°22'20"W 2620.88'

S02°22'21"E 2675.66'
EXISTING FENCELINE ALONG PROPERTY LINE



SOUTH LINE PER TITLE
COMMITMENT POLICY
(EXISTING OLD FENCE
ON E-W 1/4 LINE)

EXISTING
FENCELINE

W1/4 CORNER
FD RAILROAD
SPIKE

S89°44'35"W 1303.21'

N02°26'26"W
54.80'

SOUTH LINE PER
FULLFORD SURVEYING &
MAPPING SURVEY DRAWING
(EXISTING FENCE LINE ON
PROPERTY LINE)

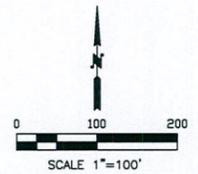
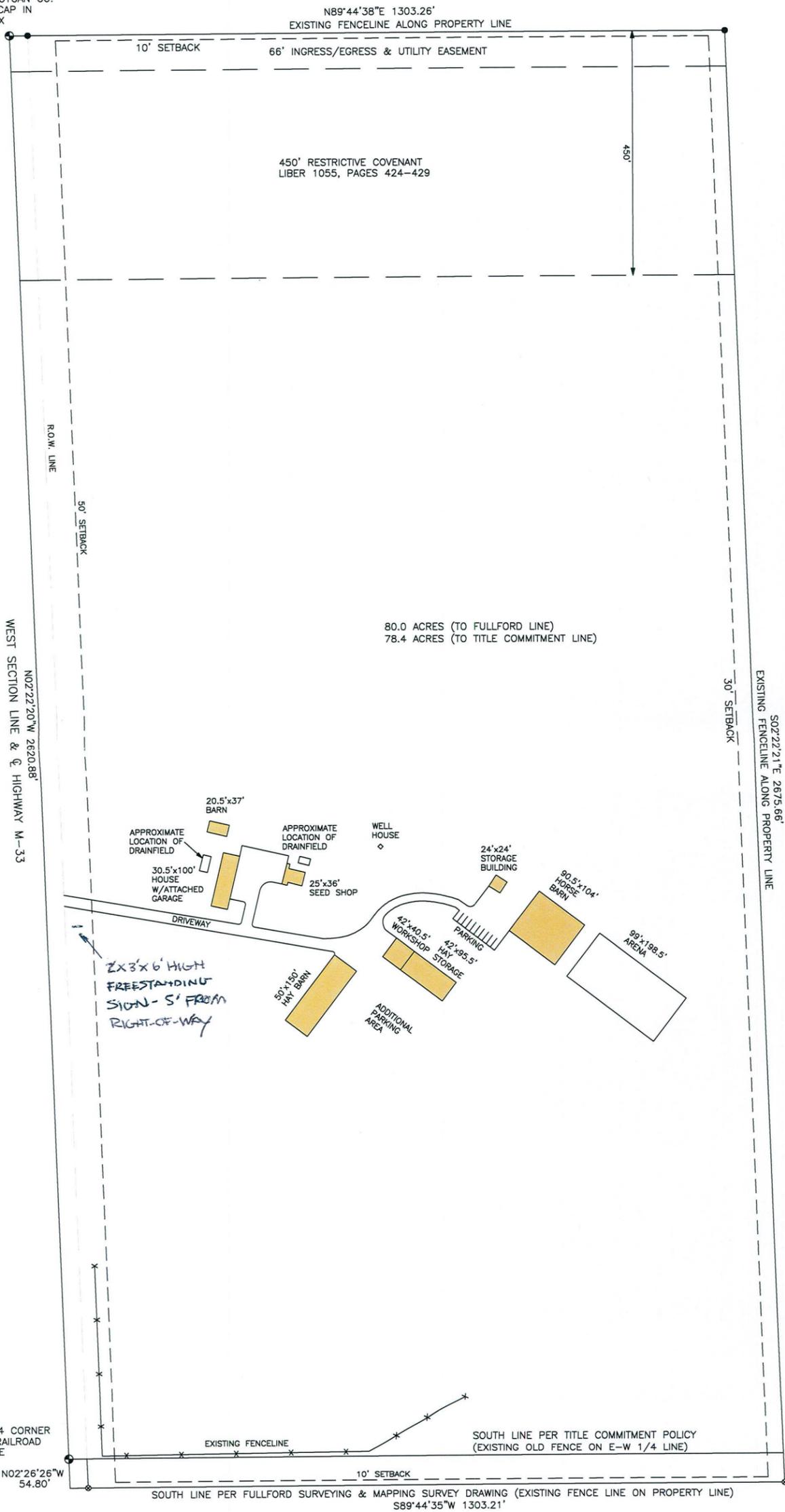


SCALE 1"=400'

5

PART OF THE W1/2, SECTION 9, T35N, R1W,
KOEHLER TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN

NW SECTION COR.
FD CHEBOYGAN CO.
REMON. CAP IN
MON. BOX



● FD IRON W/CAP #24585
● FD IRON W/CAP #41099

BEARINGS BASED ON SURVEY BY
FULLFORD SURVEYING & MAPPING.

TITLE	
BOUNDARY SURVEY	
CLIENT	
TROMBLE BAY FARMS	
DATE	REVISIONS
APRIL 28, 2009 DEC. 19, 2016	ORIGINAL ISSUE ADD STRUCTURES, WELL, DRAINFIELDS & PARKING
SCALE: 1" = 100'	
SHEET: 1 OF 1 DRAWN BY: JSD	
JOB NO. C6591-00	
<p><i>Granger and Associates, Inc.</i> Engineers - Surveyors 224 S. Main St., Cheboygan, MI 49721 Email: grangerandassociates@gmail.com 231-627-2763</p>	

Deborah Tomlinson

From: Dave Carpenter [<mailto:dpcarpenter@voyager.net>]
Sent: Monday, May 08, 2017 5:13 PM
To: Deborah Tomlinson
Subject: Re: Site Plan Review Application for Michele Tromble

Hi Deb,

I have no issue in regards to the Fire Department for he Tromble project. Should you have any questions please feel free to contact me anytime.

Respectfully,

David Carpenter

Fire Chief

Deborah Tomlinson

Subject: FW: Application for Michele Tromble

From: Brent Shank [<mailto:mgr@chcrc.com>]

Sent: Monday, May 08, 2017 4:36 PM

To: Deborah Tomlinson

Subject: Re: Application for Michele Tromble

Debbie,

This is located on a road under the jurisdiction of MDOT. No comments from the Road Commission. You may want to contact the Gaylord TSC (MDOT Office) at (989) 731-5090 to see if there are any requirements for the driveway.

Have a good day,

Brent Shank
Engineer/Manager
Cheboygan County Road Commission
mgr@chcrc.com
(231) 238-7775

***Cheboygan County
Community Development Department***
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

STAFF REPORT

Item: Consideration of a Site Plan Review for Riding Academy and Stable Facility per section 17.15	Prepared by: Scott McNeil
Date: May 9, 2017	Expected Meeting Date: May 17, 2017

GENERAL INFORMATION

Applicant: Michele Tromble

Owner: Tromble Bay Farms LLC

Contact person: Michele Tromble

Phone: 941-661-5202

Requested Action: Approval of a Riding Academy Facility per section 17.15.

BACKGROUND INFORMATION

Introduction:

The applicant is seeking approval for a Riding Academy per section 17.15 in an Agriculture and Forestry Management District.

Section 17.15 reads as follows;

Section 17.15. RIDING ACADEMIES OR STABLES

Commercial facilities for horseback riding may be allowed in the Commercial, Light Industrial, General Industrial and Agriculture/Forestry Districts, subject to the review and approval of the Planning Commission. Animal housing facilities must be located at least 300 feet from any off-premises residential structure.

The subject property contains 78.4 acres of land area based on the site plan. The structures and area for the proposed use is located in the central area of the site. I have placed a statement under the general findings of fact regarding the requirement that animal housing facilities must be located at least 300 feet from any off-premises residential structure.

This application comes to the Planning Commission due to enforcement. The applicant has started horse stabling services, horse training and horse riding training at the site. The applicant has submitted a site plan review application in order to seek approval of the Planning Commission for the riding academy and stable use under section 17.15. There are other agriculture related uses on the subject property. A zoning permit has been granted for new structures on the property for agriculture uses which are also proposed to be used for the academy and stable uses.

The stabling use is protected by the Right to Farm Act (RFTA). Training of others and other's horses is not. Also review of elements such as parking and signage under the zoning ordinance is not in conflict with RFTA.

Current Zoning:

Agriculture and Forestry Management (M-AF).

Surrounding Land Uses:

Agriculture uses surround the site. All surrounding parcels are zoned Agriculture Forestry Management District (M-AF).

Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain): There are no known environmentally sensitive areas.

Historic buildings features:

There are no known historic buildings or historic features on this site.

Traffic Implications

This project will have minimal effect on current traffic conditions.

Parking

There are no regulations or standards found in Section 17.6 relative to the proposed use. The applicant has not indicated that there will be employees. Ten (10) parking spaces have been indicated on the site plan

Access and street design: (secondary access, pedestrian access, sidewalks, residential buffer, ROW width, access to adjacent properties)

The site has access on M-33.

Signs

A free standing sign with 6 s.f. of surface area 6 ft. high is proposed. The sign meets requirements under section 17.19.

Fence/Hedge/Buffer

No fence, hedge or buffer is proposed nor are they required.

Lighting

No additional exterior lighting is proposed.

Stormwater management

There is no change to stormwater runoff.

Review or permits from other government entities:

No other permits are required for the subject use.

Recommendations (proposed conditions)

None

CHEBOYGAN COUNTY PLANNING COMMISSION
SPECIAL USE PERMIT REQUEST
Wednesday, May 17, 2017, 7:00 PM

Applicant

Michele Tromble
1313 M-33 Hwy.
Indian River, Mi. 49749

Owner

Tromble Bay Farms LLC
1313 M-33 Hwy.
Indian River, Mi. 49749

Parcel

1313 M-33 Hwy.
Koehler Township
172-009-100-001-02

GENERAL FINDINGS

1. The subject property is zoned Agricultural and Forestry Management (M-AF).
2. Riding Academies and Stables are allowed in an M-AF zoning district with approval of the Planning Commission per section 17.15.
3. The applicant has submitted a site plan review application in order to seek approval of the Planning Commission for the riding academy and stable use under section 17.15.
4. The site is approximately 78.4 acres in land area. (see exhibit 6)
5. The proposed stable use is located more than 300 from any off-premises residential structure.
6. The subject parcel contains other agriculture related uses.
7. The applicant is requesting a waiver to the site plan topography survey requirement.
- 8.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 20.10 of the Zoning Ordinance for each of the following standards listed in that section:

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement.
 1. This site is proposed to remain in its current state with no changes to existing. (see exhibit 3, and 6)
 - 2.
 3. Standard has been met.Or
 - 1.
 2. Standard has not been met.
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
 1. No tree or soil removal or topographic modifications are proposed .(see exhibit 3 and 6)
 - 2.
 3. Standard has been met.Or
 - 1.
 2. Standard has not been met.

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
 - 1. No changes to the current drainage features are proposed. (see exhibit 3 and 6)
 - 2.
 - 3. Standard has been met.Or
 - 1.
 - 2. Standard has not been met.

- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - 1. The applicant has submitted a site plan review application in order to seek approval of the Planning Commission for the riding academy and stable use under section 17.15. (see exhibit 6)
 - 2. The subject parcel contains other agriculture related uses.
 - 3.
 - 4. Standard has been met.Or
 - 1.
 - 2. Standard has not been met.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
 - 1. Access to the site is facilitated via an existing drive from M-33 Hwy. (see exhibit 6)
 - 2.
 - 3. Standard has been met.Or
 - 1.
 - 2. Standard has not been met.

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
 - 1. The site access from M-33 Hwy., which is a public road. (see exhibit 3 and 6)
 - 2.
 - 3. Standard has been met.Or
 - 1.
 - 2. Standard has not been met.

- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
 - 1. Not applicable. No subdivision plats or subdivision condominiums are proposed. (see exhibit 3)

- h. Exterior lighting shall be arranged as follows: a. It is deflected away from adjacent properties, b. It does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies.
 - 1. No new lighting is proposed (see exhibit 3)
 - 2.
 - 3. Standard has been met.Or
 - 1.
 - 2. Standard has not been met.

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
 1. No applicable. No public or common ways are proposed. (see exhibit 3 and 6)

- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.
 1. The site plan shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan. (see exhibit 2)
 - 2.
 3. Standard has been met.Or
 - 1.
 2. Standard has not been met.

DECISION

TIME PERIOD FOR JUDICIAL REVIEW

State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Wednesday, May 17, 2017

Patty Croft, Chairperson

Charles Freese, Secretary



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721

PHONE: (231)627-8485 ■ FAX: (231)627-3646

www.cheboygancounty.net/planning/

Date: May 3, 2017

To: Planning Commissioners

From: Scott McNeil

Re: 2018 Capital Improvement Program. Project description for County Building Jail Expansion and Storage Building.

Included with this memo please find the subject project description. This project description was not submitted with the other project descriptions that were reviewed at the April 5 regular meeting.

This project includes a phase 2 storage component which is replacing a former record storage building project that was included in the 2017 CIP

The CIP timeline provides for the Planning Commission to review the projects and hear reports from the variance departments and agencies as they may desire between April 5 and June 7.

A new project had also been submitted by the Cheboygan County Road Commission for Levering Road. The Planning Commission assigned the Levering Road project in the needed category at the April 5 meeting. The remaining project descriptions which were included in the current CIP and have been reviewed and assigned a priority category previously by the Planning Commission.

I will look forward to discussion regarding the Jail expansion project with the Planning Commission at the May 17 meeting.

Please do not hesitate to contact me with questions or comments.

Cheboygan County Capital Improvement Program

Project Description

Project Title: County Building Jail Expansion and Storage Building

Agency: Cheboygan County

Project Type: Facility Improvement

Project Description: The County has completed preliminary plans and cost estimates to construct a kitchen facility, inmate dorm area as well as security upgrades to the Jail. The second phase of the project would consist of construction of storage area for the Sheriff's Marine-Trail vehicles and equipment as well as a record storage area.

Est. Project Year 2018-19

Estimated Cost: \$2.2 million dollars

Planning Commission Priority Category:



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

To: Cheboygan County Planning Commission

From: Scott McNeil, Planner

Subject: Draft survey and introduction post card and survey web site statement relative to boat shelters.

Date: May 8, 2017

Included with this memo is a draft post card introduction statement, a draft survey web site introduction statement and draft survey for relative to boat structures as last reviewed by the Planning Commission.

I have not identified any property owner associations along the rivers which are subject to the survey. Further discussion regarding stakeholders can be held.

I will look forward to further discussion with the Planning Commission with regard to timing for the survey or other options at the next regular meeting. Please contact me with questions.



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

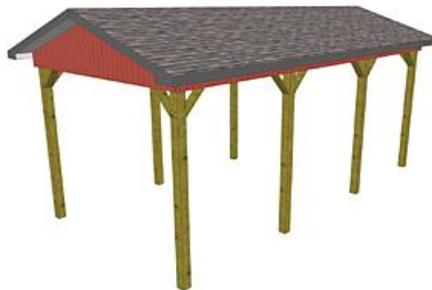
CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

(Survey introduction letter for web site)

This survey has been approved by the Cheboygan County Planning Commission. This survey is directed to those identified as a stakeholder regarding zoning regulations relative to boathouses as a river front property owner or based on another water front related interest.

Current zoning regulations do not allow construction of structures within forty (40) feet of the highwater mark of a river or a lake. This includes boathouses. A boathouse established before this zoning regulation was put into effect can be maintained but cannot be altered or rebuilt if torn down. Docks and shelters including canopy's attached to docks located in a waterway are regulated by the Michigan Department of Environmental Quality.

The Planning Commission is considering a recommendation to amend the zoning ordinance to allow boat shelters (roof but no sides such as the image below) over boat wells on the Cheboygan River, Indian River, Lower Black River and navigable waterways connected to them. Your completion of the survey would provide valuable information to the Planning Commission in their consideration of this issue.



This survey has only four (4) questions and should take only a couple minutes to complete. The Planning Commission is very appreciative of your time and your input.

Please do not hesitate to contact me should you have any questions.

Sincerely,
Scott E. McNeil,
Community Development Planner
Ph. 231-627-8475
Email - scott@cheboygancounty.net

DRAFT 11/02/16
Cheboygan County Planning Commission
Boat Shelter Survey

Are you or your organization opposed to allowing boat shelters no matter what type of construction is allowed?

Yes ___ No___ Level of importance 1 2 3 4 5 (5=high 1=low)

If you answer yes, then you will not need to complete the remainder of the survey.

Are you or your organization opposed to allowing boat shelters if they had no solid walls?

Yes ___ No___ Level of importance 1 2 3 4 5 (5=high 1=low)

Are you or your organization opposed to allowing boat shelters in areas where none or few currently exist?

Yes ___ No___ Level of importance 1 2 3 4 5 (5=high 1=low)

Are you or your organization opposed to allowing new boat shelters in areas where many currently exist?

Yes ___ No___ Level of importance 1 2 3 4 5 (5=high 1=low)

Submitted by _____ Phone number _____

Individual ___ or On behalf of _____ Date _____

PLEASE FEEL FREE TO PROVIDE ADDITIONAL COMMENTS

Draft 11/02/16
Post card notice of boat shelter survey

You have been identified as a stakeholder regarding zoning regulations relative to boathouses as a river front property owner or based on another water front related interest.

Current zoning regulations do not allow construction of structures within forty (40) feet of the highwater mark of a river or a lake. This includes boathouses. A boathouse established before this zoning regulation was put into effect can be maintained but cannot be altered or rebuilt if torn down.

The Planning Commission is considering a recommendation to amend the zoning ordinance to allow boat shelters (roof but no sides) over boat wells on the Cheboygan River, Indian River and Lower Black River and any navigable waterway connected to them. Your completion and return of the survey would provide valuable information to the Planning Commission in their consideration of this issue.

A survey has been setup at the following web address:

This survey has only four (4) questions and should take only a couple minutes to complete. The Planning Commission is very appreciative of your time and your input.



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: May 8, 2017

To: Planning Commission

From: Scott McNeil, Planner

Re; Sign Ordinance Amendment. Section 17.1.2.b. regarding Temporary Signs

Included with this memo is a memo dated April 24, 2017 from county civil attorney Bryan Graham. By review you will find discussion from Mr. Graham relative to proposed regulation of temporary signs in the most recent draft sign amendment. You will also note Mr. Graham states in part as follows:

“Since there have been no cases applying the *Reed* decision to the type of regulations being contemplated, I am in no position to give advice concerning whether these regulations would be upheld or struck down.

From a legal perspective, the safest course of action is not to attempt to regulate political signs at this time.”

Included with this memo is data created by a survey of political signs along M-27, M33, M68 and Riggsville Road. By review of the information you can see that the average number of signs per parcel with political signs is 2.4. The survey included notation of standard size signs (2 ft. x 1.5ft.) and oversized signs. You will also note that over 90% parcels with political signs had up to 5 signs per parcel. Aproxamatly 15% had oversized signs.

Based on the above information you will find the following language proposed in the amendment relative to temporary signs:

if placed within 30 days of a national or local governmental election, then the total sign surface area of all signs shall be no more than 32 square feet and signs shall be no more than 4 feet in height.

A copy of the amendment document with the new proposed language to address political signs is also included with this memo.

I will look forward to further discussion on this matter with the Planning Commission.

YOUNG, GRAHAM & WENDLING, P.C.

Attorneys at Law
104 E. Forest Home, P.O. Box 398
Bellaire, Michigan 49615
(231) 533-8635
Facsimile (231) 533-6225
www.upnorthlaw.com

Bryan E. Graham
Peter R. Wendling
Nicole E. Essad

Eugene W. Smith
James G. Young, *Of Counsel*

MEMORANDUM

TO: Scott McNeil, Planner
Cheboygan County **VIA EMAIL**

FROM: Bryan E. Graham BEB

DATE: April 24, 2017

SUBJECT: Zoning ordinance amendment concerning temporary signs

You have asked me to address legal issues concerning temporary signs. Specifically, the most recent draft of the zoning ordinance amendment regulating signs provides that there shall be no more than two temporary signs per lot, except if the signs are placed within 45 days of a governmental election, in which case no more than six temporary signs are permitted. The regulations also provide that each temporary sign shall be limited to 8 square feet in area, except if the signs are placed within 45 days of a governmental election, in which case the total sign surface of all signs shall be limited to 32 square feet.

As you know, the United States Supreme Court decided *Reed v Town of Gilbert*, in which the Court emphasized that sign regulations cannot be content-based, unless the regulations comply with a compelling governmental interest (such as property owner name plates and address markers to direct emergency services to the property).

The sign regulations summarized above make direct reference to governmental elections and provide regulations for signs directly related to those elections. As a result, an argument can be made that these regulations are intended to regulate "political signs." If a court determines that these regulations are an attempt to regulate political signs, then the court would likely strike down those regulations as being content-based. Since there have been no cases applying the *Reed* decision to the type of regulations being contemplated, I am in no position to give advice concerning whether these regulations would be upheld or struck down.

From a legal perspective, the safest course of action is not to attempt to regulate political signs at this time. In the meantime, you should continue to research how other municipalities have addressed political signs after the *Reed* decision and how the courts have decided cases after the decision.

If you have further questions, please let me know.

BEG

cc: Jeffery B. Lawson, Administrator (via email)
Steve Schnell, Community Development Director (via email)

DRAFT 5/8/17

**CHEBOYGAN COUNTY
Zoning Ordinance Amendment # _____**

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE No. 200 TO PROVIDE DEFINITIONS, REGULATIONS AND STANDARDS FOR SIGNS.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

Section 1. Amendment of Section 17.19.1.

The following definitions within Section 17.19.1 of the Cheboygan County Zoning Ordinance No. 200 are hereby repealed:

Neighborhood identification sign, Noncommercial sign, Off-premise sign, Political sign, and Real Estate Sign.

Section 2. Repeal of Section 11.7.1

Section 11.7.1. is hereby repealed and reserved for future use.

Section 3. Amendment of Section 17.19.2.

Section 17.19.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

17.19.2. SIGNS NOT REQUIRING A ZONING PERMIT

The following signs may be placed in any zoning district without a zoning permit, provided such signs are established in a lawful manner and do not create a nuisance or safety hazard:

- A. Incidental signs, not exceeding 3 square feet of sign surface area.
- B. Any temporary sign constructed using a wire, metal, wood or other support structure capable of being placed in the ground and removed from the ground by a single individual with relative ease subject to the following requirements:
 - 1. Each sign shall be removed from the lot within sixty (60) days of its original placement and no more than two (2) days after the subject matter of the sign has expired, except as otherwise provided by law.
 - 2. **The total sign surface area of all signs shall be no more than thirty two (32) square feet and each sign shall be no more than four (4) feet in height except as otherwise provided by law.**
- C. Governmental signs.
- D. One (1) dwelling owner or occupant name plate per use which is not illuminated and does not exceed an area of two (2) square feet of sign surface area, and may be in addition to any other permitted sign.
- E. Signs that have been approved in conjunction with a valid site plan or PUD.
- F. Any sign authorized pursuant to a written contract between the owner of the lot on which the sign will be located and any third party and placed on the lot for a specified period of time subject to the following requirements:
 - 1. Each sign shall be removed from the lot within thirty (30) days after the contract authorizing the sign matter of the sign has expired.
 - 2. Each sign shall be limited to thirty two (32) square feet of sign surface area.
 - 3. There shall be no more than one (1) sign per lot.
- G. Signs on motor vehicles not used primarily for advertising purposes.

H. The use of any balloons, flags, pennants or pinwheels, individually, as a group, or connected to a sign intended to draw attention to a specific event at a specific location subject to the following requirements:

1. Balloons, flags, pennants or pinwheels, shall not be placed on the lot more than fifteen (15) days before the specific event.
2. Balloons flags, pennants or pinwheels shall be removed from the lot within two (2) days after the specific event is over.

Section 4. Amendment of Section 17.19.3.

Subsection 17.19.3. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

17.19.3. PROHIBITED SIGNS

The following signs are prohibited in all zoning districts.

- A. Signs with moving or revolving parts.
- B. Signs affixed to any governmental or public utility structure, except incidental signs.
- C. Signs located in the right-of-way of a public sidewalk or highway, unless the governmental body with jurisdiction over the public sidewalk or highway consents in writing to the placement of the sign and such sign otherwise meets the applicable sign regulations of this Ordinance.
- D. Signs utilizing vehicles, trucks, vans, trailers or other similar wheeled devices, including those where the wheels have been removed, excluding signs on vehicles that are used in the day to day operations of the business to which the sign pertains.
- E. Signs that interfere with traffic visibility or public services.
- F. Signs with concrete foundations or other solid anchoring devices that project above the surface of the ground and located as to constitute a safety hazard to vehicular traffic. The Planning Commission may rule on the hazard potential of any proposed sign or sign structure and shall prohibit such sign or require a modification upon finding the presence of a safety hazard.

Section 5. Amendment of Section 17.19.5.

Subsection 17.19.5. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

17.19.5. VILLAGE CENTER INDIAN RIVER ZONING DISTRICT SIGN REQUIREMENTS

Signs in the Village Center Indian River zoning district shall comply with the following requirements:

- A. All signs shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.
- B. For lots which face more than one (1) street, sign requirements of Section 17.19.8 shall apply to each street front.
- C. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and unless the governmental body with jurisdiction of the public sidewalk or right-of-way consents in writing to the placement of such sign.
- D. In addition to the maximum sign surface area, all lots shall be allowed a bonus of three (3) square feet of sign surface area for each additional use above one (1). This bonus applies to Projecting, Freestanding, and Wall signs only.

Section 6. Amendment of Section 17.19.5.A.

Subsection 17.19.5.A. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

17.19.5.A VILLAGE CENTER TOPINABEE ZONING DISTRICT SIGN REQUIREMENTS

Signs in the Village Center Topinabee zoning district shall comply with the following requirements:

- A. All signs shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.
- B. Lots with more than one (1) lot line abutting a public right-of-way may have one (1) permanent sign located on the lot along each public right-of-way, subject to the total size requirements under Section 17.19.8. Provided, however, this provision shall not apply to canopy signs.
- C. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and unless the governmental body with jurisdiction of the public sidewalk or right-of-way consents in writing to the placement of such sign.

Section 7. Amendment of Section 17.19.7.D.

Section 17.19.7.D. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

- D. Billboards as defined by the Highway Advertising Act of 1972 (1972 PA 106), that border interstate highways, freeways, or primary highways, as defined in said Act, shall be regulated and controlled by the provisions of such Act, notwithstanding the provisions of this ordinance.

Section 8. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 9. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

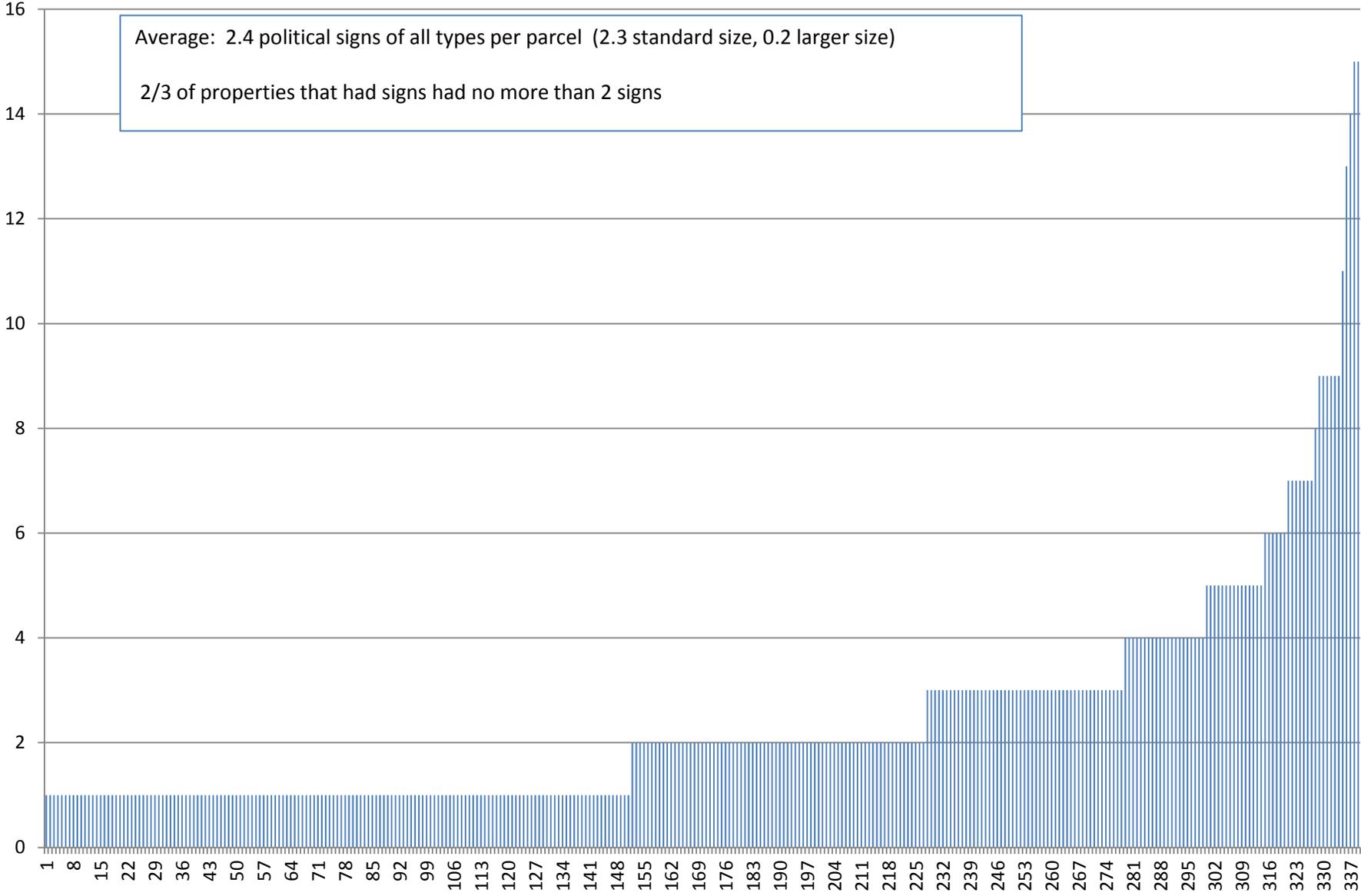
By: Anthony M. Matelski
Its: Chairperson

By: Karen L. Brewster
Its: Clerk

TOTAL POLITICAL SIGNS PER PARCEL

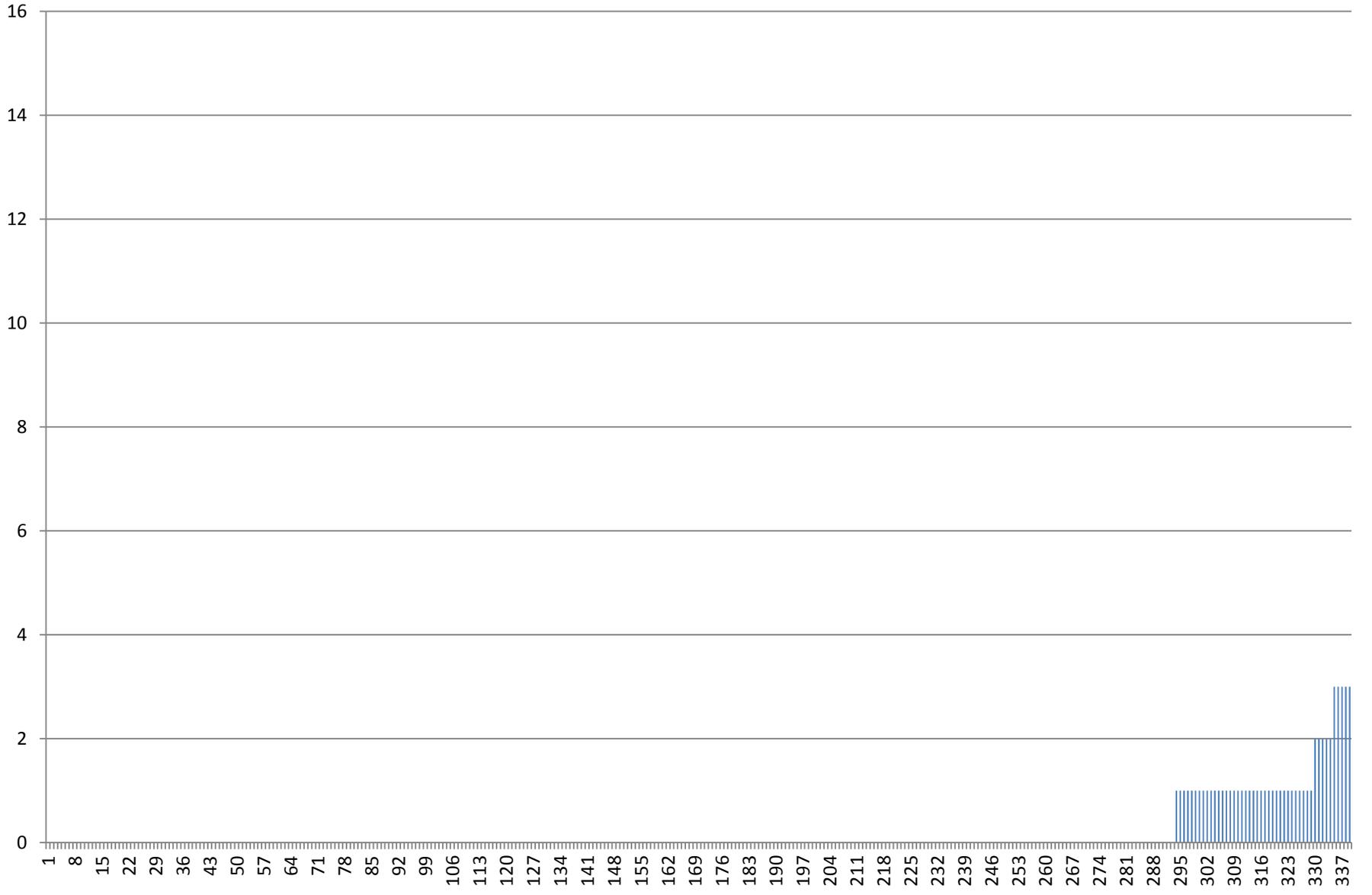
(only counting parcels that had signs)

Average: 2.4 political signs of all types per parcel (2.3 standard size, 0.2 larger size)
2/3 of properties that had signs had no more than 2 signs



OVERSIZE POLITICAL SIGNS PER PARCEL

(only counting parcels that had signs)



STANDARD SIZE POLITICAL SIGNS PER PARCEL

(only counting parcels that had signs)

