

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 SPECIAL MEETING & PUBLIC HEARING TUESDAY, JUNE 26, 2018 AT 7:00 PM CHEBOYGAN HIGH SCHOOL AUDITORIUM, 801 W. LINCOLN AVE, CHEBOYGAN, MICHIGAN 49721

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk, Lyon
ABSENT: Churchill
STAFF: Michael Turisk
GUESTS: David J. Rossman, Rick Rassel, WWRP PC, Carl Muscott, Karen Johnson, Pat Monette, Marcia Monette, Joe Wildberg, Carol Ellstein, Kelly Rekowski, Ginger Stevens, John Liegl, Robbin Liegl, Chris Liegl, Jay Liegl, Allen Sell, Kathy Sell, John Kroeger, Pam Kroeger, Pam Lesperance, Jerry Lesperance, Thomas Mangum, Larry Lutz, Jill Lutz, Michael Monette, Gretchen Monette, Patty Campbell, Dave Campbell, Lawrence Hanson, Richard Lincoln, Sue Devick, Russell Crawford, Cheryl Crawford, Harry Ingleson, David Lurie, Betsy Hanson, Peter Wendling

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. Kavanaugh seconded by Mr. Bartlett, to approve the agenda as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

Notice is given that the Cheboygan County Planning Commission will hold a public hearing on Tuesday, June 26, 2018 at 7:00 P.M. at the Cheboygan High School Auditorium, 801 W. Lincoln Ave., Cheboygan Michigan 49721. The purpose of this meeting and public hearing is to hear comments about and consider findings under Section 18.7.e. as provided in the State of Michigan Court of Appeals unpublished Opinion dated January 16, 2018 being Docket No. 335159; 335206, Grandview Beach Association, Plaintiff/Appellant v County of Cheboygan and Cheboygan County Planning Commission, Defendants/Appellees and Heritage Cove Farm, Inc., Lawrence P. Hanson, Elizabeth A. Hanson, and Lib.Lib, LLC, Intervenors/Appellees.

Lawrence Hanson and Heritage Cove Farm, Inc. – Applicants have requested and received a Special Use Permit and approval based upon a submitted site plan and other evidence as part of the record, with such approval being appealed by Plaintiff/Appellant Grandview Beach Association. Remaining matters pursuant to the Michigan Court of Appeals is a determination under Cheboygan County Zoning Ordinance Section 18.7.e. which reads as follows: "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." The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6, parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).

Mr. Wendling stated that the final decision regarding the Heritage Cove Farm application and site plan was made on January 6, 2016. Mr. Wendling stated that this matter has been appealed through the Circuit Court. Mr. Wendling stated that this matter has also been appealed to the Court of Appeals which upheld the decision of the Planning Commission and the Circuit Court. Mr. Wendling stated that is an issue that the Court of Appeals determined that is to be remanded and decided as an independent issue. Mr. Wendling stated that this involves one standard from Zoning Ordinance #200 which is section 18.7.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." Mr. Wendling stated that the Planning Commission did make a finding regarding this standard. Mr. Wendling stated that the Planning Commission found that this standard, based on the evidence, had not been met. Mr. Wendling stated that the reason for finding the standard had not been met was due to the fact that there were no comments from any of the local law enforcement, ambulance or fire

agencies despite the fact that they were provided notice. Mr. Wendling stated that there were three public hearings regarding this matter. Mr. Wendling stated that this matter involved elements of the Federal Fair Housing Act, and American's With Disabilities Act. Mr. Wendling stated that there was the question of whether or not reasonable accommodations had to be made based upon the disabilities of those that would eventually occupy Heritage Cove Farm under this special use permit.

Mr. Wendling stated that the Planning Commission had to find if there was a disability involved. Mr. Wendling stated that the Planning Commission did find that there was a disability and this was not an issue for the Circuit Court and Court of Appeals. Mr. Wendling stated that the Court of Appeals noted that in this finding the Planning Commission stated "The Planning Commission finds that, if a special land-use permit were to be granted, such approval should be conditioned on the results of a police, fire, and ambulance impact study to determine whether this standard has been met by Applicant." Mr. Wendling stated that this finding was not used in the approval process and not made a condition of the special use permit. Mr. Wendling stated that condition 4 of the Findings of Fact did require that staff obtain written communication from emergency services, fire, police and ambulance. Mr. Wendling stated that these documents have been included in the packet. Mr. Wendling stated that this is not a complete review of the entire matter. Mr. Wendling stated there is a narrow focus on this particular standard. Mr. Wendling stated that this is not an opportunity to open up the other standards for discussion or change any of the conditions. Mr. Wendling stated there is a narrow item to look at based upon the Court of Appeals ruling. Mr. Wendling stated that if there is a burden it has to be an undue burden. Mr. Wendling stated that an undue burden would require more than a reasonable cost or is it modest or affirmative steps to accommodate the handicapped.

Mr. Wendling referred to page 10 of the Court of Appeals ruling and stated the actual modification was allowing Heritage Cove Farm to request police comment after the fact and to demonstrate that the requirements were met through a study. Mr. Wendling stated that footnote 8 states that it is unclear if the study has been conducted or whether Heritage Cove Farm has requested comment. Mr. Wendling stated that there is a difference in how the Court of Appeals reviewed this as the condition did not mean a study. Mr. Wendling stated that the condition required comments from law enforcement. Mr. Wendling stated that we received the ruling from the Court of Appeals and that is what we have to work from as well as the existing conditions.

Mr. Kavanaugh asked what is the impact of the Planning Commission's decision if it is not approved. Mr. Wendling stated that the Planning Commission has to decide if they have enough information to determine if there is an undue burden or whether the accommodation, even if there is some burden, is of the type that the Planning Commission is satisfied that the project can go forward given that all of the other findings have been approved.

Mr. Wendling recommended that the Planning Commission not make a decision tonight to allow time to review all information. Mr. Wendling stated that a second meeting will be set up and invite the applicant and Grand View Beach Association to provide their own draft finding of fact.

Mr. Rassel stated that he is legal counsel for Heritage Cove Farm and Larry and Betsy Hanson. Mr. Rassel stated the property owners are looking to develop Heritage Cove Farm as a residential community for 24 adults who will stay anywhere from 6 months to 2 years. Mr. Rassel thanked Mr. Wendling and noted that the introduction was very appropriate. Mr. Rassel referred to footnote a of the Court of Appeals which affirmed the Planning Commission's decision that this is a proper use under the special use permit standards and that the project fit perfectly within the special land use standards as it related to convalescent homes and cabin colonies. Mr. Rassel stated that he believes that the Planning Commission dealt with the first responder question appropriately during the first hearing process. Mr. Rassel stated that the notices of the application were sent on a regular basis throughout the application process and nothing was submitted to evidence that there were any concerns regarding the project. Mr. Rassel stated that in the absence of information, the Planning Commission made their final decision in January 2016 and the Circuit Court and Michigan Court of Appeals affirmed. Mr. Rassel stated at that time there was an absence of first responder information and today we have affirmative statements addressing section 18.7.8 and the impact or lack of impact of this project on the residents of Cheboygan County and on any increase in service capacity that would be realized by first responders. Mr. Rassel stated that we are here to determine whether Heritage Cove Farm, which is a 24 person residential community, will place demands on fire, police or other public resources in an excessive capacity or will they increase in hazards for fire and subject adjacent properties to dangerous conditions that can otherwise not be serviced by first responders. Mr. Rassel stated that the Court of Appeals directed that when the impact study is complete and comments from law enforcement listed, the Planning Commission must consider if there will be an increased burden beyond the current capacity under Section 18.7a and whether an increase, if any, must be allowed as a reasonable accommodation. Mr. Rassel stated that if the Planning Commission finds that there is some increase burden it would not necessarily merit denying the special use permit that has already been granted. Mr. Rassel stated that the ordinance requires that the increase burden will exceed current capacity in such a way to place the police chief, fire chief and ambulance director with a feeling of

uncomfortability about this project. Mr. Rassel stated that the Court of Appeals stated that this is not the same as requiring the applicant to demonstrate no increase in burden. Mr. Rassel stated that they contend that the record is clear that there is no burden being placed on Cheboygan County's first responder resources by this project. Mr. Rassel stated that if there is some burden it is a limited burden and would be reasonable under the circumstances as the residents of this community are disabled. Mr. Rassel stated that if there is any increased burden it is reasonable and necessary. Mr. Rassel stated that the definition from the Merriam Webster dictionary for the term study is "application of the mental faculties to the acquisition of knowledge on a specific subject" or "such application in a particular field or to a specific subject" or "careful or extended consideration of an issue". Mr. Rassel stated that we are looking at whether there will be a dramatic or severe increase in the burden on first responders in Cheboygan County. Mr. Rassel asked the Planning Commission to consider what is clearly in the record and what is not in the record. Mr. Rassel stated that what is clearly in the record and what was observed by the Circuit Court and Court of Appeals Heritage Cove Farm is a facility that is residential in nature and designed to provide residential psychiatric rehabilitation services for up to 24 adults with mental illnesses. Mr. Rassel stated that the residents have the capacity to work towards healing and living independently and are not known to use drugs or alcohol, be verbally or physically aggressive or be actively suicidal or harmful to others. Mr. Rassel stated that this is a screening commitment by Heritage Cove Farm was picked up and adopted by the Planning Commission, the Circuit Court and Court of Appeals. Mr. Rassel stated that if medications are required for any of the residents, the requirements would have to be adhered to.

Mr. Rassel stated that 24 people will reside in this residential setting at Heritage Cove Farm and each residence on the 33 acres amounts to a limited density on this property. Mr. Rassel stated that this was acknowledged by the Court of Appeals. Mr. Rassel stated that 33 single family homes could be permitted on this property. Mr. Rassel stated that based on the average family household size in the United States is 3.34 people per family. Mr. Rassel stated that an average of 120 persons could reside on this property without a special land use permit and without an impact study. Mr. Rassel stated that this is 100 person reduction in density. Mr. Rassel stated that the persons are no different than any other person who will reside on the property in a single family dwelling. Mr. Rassel stated that what is being proposed is a non-intensive use on a parcel of land that is intended for residential use and has been affirmed by all of the bodies that have reviewed this application. Mr. Rassel read from a letter dated 03/20/18 from Todd Ross, Road Patrol and Operations Supervisor for Cheboygan County Sheriff Department, "The Cheboygan County Sheriff Department is staffed 24/7/365 with both Road Patrol and Corrections Deputies. While the proposed site for Heritage Cove Farms falls within the borders of Tuscarora Township, which has its own 24/7/365 dedicated police department, The Cheboygan County Sheriff Department stands ready to assist should a request be received. At this time I do not believe that Heritage Cove Farm will place any hardship on, nor will it cause any burden for the Cheboygan County Sheriff Department." Mr. Rassel stated that there is no hardship or burden.

Mr. Rassel read from a letter dated 03/06/18 from Chief Gordon Temple, Tuscarora Township Police Department, "The Tuscarora Township Police Department always has officers on duty. I do not believe that any incidents (requiring police assistance) at Heritage Cove Farms would overwhelm our resources. Based on the stated purpose of Heritage Cove Farms, I do not anticipate it creating an undue hardship on my police department."

Mr. Rassel read from a letter dated 03/01/18 from Dave Carpenter, Tuscarora Township Volunteer Fire Chief, "You answered any questions I presented, and it was my opinion that Heritage Cove Farm would not impact our volunteer fire department beyond its capacity. After you and I spoke I did receive the application from the County and responded back telling them that I didn't see any major concerns regarding the fire department." Mr. Rassel referred to an email dated 05/23/18 from Dave Carpenter and read, "I don't see any major concerns regarding the Fire Department for the Heritage Cove Farm project."

Mr. Rassel read from a letter dated 03/07/18 from Dallas Hyde, Director of Cheboygan Life Support Systems Inc., "Based on my review and discussion with Betsy Hanson, the addition of these residents and the staff will not impose a burden beyond the current capacity of Cheboygan Life Support System."

Mr. Rassel stated that emergency services put on record any burden, any hardship or any capacity increase imposed on their resources that would cause them any concern and there answer is that there will be no impact.

Mr. Rassel stated that the first responders have answered the questions that the Planning Commission is to address tonight and he requests their findings be accepted. Mr. Rassel stated there was a suggestion that there was a slight increase in burden, however, he has not seen any supporting evidence to this effect and this could be based on a guess. Mr. Rassel stated that the residents of Heritage Cove Farm are entitled to be treated to a reasonable accommodation and then the Planning Commission would have to find under Section 18.7e that any increased burden would have to be an undue burden and put the public responders in a position to not service other members of the County while still having to service Heritage Cove Farm.

Mr. Rassel stated that this is for 24 residents on 33 acres in a residential community that has been affirmed by the Court of Appeals to be appropriate for this land use where 120 could live. Mr. Rassel stated the type of resident at Heritage Cove Farm is not an appropriate consideration. Mr. Rassel stated the use was approved by the Planning Commission, Circuit Court and Court of Appeals.

Mr. Rassel stated that we are here tonight to deal with whether 24 persons would impact this property and surrounding area in such a way that it would overwhelm the public resources. Mr. Rassel stated the answer to that question is an absolute no. Mr. Rassel noted that if there is any evidence that the Planning Commission might consider that would suggest any increase, the first responders have stated that they can handle it. Mr. Rassel stated that the essentials of the record by their absence were lacking before the Planning Commission in January 2016 and are affirmatively before you today. Mr. Rassel stated that there is no evidence that will overcome the professionals that have been asked to provide their opinions about what impact this benign land use will have on the ability to provide basic resources to the County.

Mr. Jazdyk stated that one of the exhibits talks about a police, fire and ambulance impact study. Mr. Jazdyk asked if this information is the study. Mr. Rassel stated that this constitutes the study as they can't illicit any more information than the opinions of those that are being asked the question. Discussion was held.

Ms. Croft asked for public comments.

Mr. Sell stated that he is fulltime resident of Cheboygan County and he resides at 4454 Long Point Drive in Mullett Township. Mr. Sell stated that he is a retired police sergeant from the City of Taylor. Mr. Sell stated that he attended a meeting two years ago to discuss pros and cons of Heritage Cove Farm project. Mr. Sell stated that he did not hear any consideration on the adverse effects that the development would be bringing to the general area. Mr. Sell stated that in the 1980's many homes were converted to handle 2 mentally challenged people per bedroom and explained that the residents would leave the property, prowl the neighborhood and trespass onto neighboring properties. Mr. Sell stated that he believes that Heritage Cove Farm will cause adverse effects to the general area. Mr. Sell stated that the residents will have immediate access to the trail, lake, I-75 and M-27. Mr. Sell stated that some of the issues that they ran in to in the 1980's were that there weren't skilled caretakers to take care of medications. Mr. Sell stated that there will be adverse effects to Tuscarora Township Police Department, Cheboygan County Sheriff Department and the Fire Department. Mr. Sell stated that these first responders will have to address injuries when the residents get into fights with one another. Mr. Sell stated that the first responders may also have to find these people in the wooded area in the dark. Mr. Sell stated that he does not know if the police chief, sheriff and fire chief have experience with this type of facility. Mr. Sell stated he has experience and there is a problem.

Mr. Pat Monette stated that they live next door to Larry and Betsy Hanson. Mr. Pat Monette stated four years ago Mrs. Hanson explained the proposed project to him and his wife. Mr. Pat Monette stated Mrs. Hanson explained that there would be scheduled activities during the day from 8am - 6pm and after 6pm until 8am the next morning the residents would be free to roam around at will. Mr. Pat Monette stated that statement horrified him as he is next door. Mr. Pat Monette explained that he and his wife would not be able to defend themselves. Mr. Pat Monette stated that this was approved by the Planning Commission. Mr. Pat Monette stated that the Planning Commission is responsible for these decisions and stated his concerns regarding someone getting hurt or killed in this neighborhood. Mr. Pat Monette stated that he has a rental unit that he can't rent any more. Mr. Pat Monette stated that this provides a significant amount of income to his family. Mr. Pat Monette stated that the Tuscarora Township Planning Commission had a meeting two years ago and they decided (5-0) to not support the Heritage Cove Farm project. Mr. Pat Monette stated that the Cheboygan County Planning Commission did not listen to the Tuscarora Township Planning Commission and they are supposed to be the representatives of Tuscarora Township. Mr. Pat Monette stated that the Planning Commission's decision should always be in the best interest of the safety and security of the people who live here.

Mr. Michael Monette stated his concerns about the multiple access points to water in the area and the obvious security issue of patient drowning either by accident or by suicide. Mr. Michael Monette question how the Planning Commission can ensure that the patient will stay on the property as patients are free to come and go as they please. Mr. Michael Monette stated his concerns that patients will hold their drugs and questions how first responders well stop the flood of drugs that will be sold illegally in Cheboygan. Mr. Michael Monette question how patients will be prevented from trespassing. Mr. Michael Monette questions how the Planning Commission will ensure the safety of property owners and the patient. Mr. Michael Monette questioned how the police will ensure the safety of everyone using the trail. Mr. Michael Monette stated that many of the residents of Grandview Beach are elderly and vulnerable. Mr. Michael Monette questioned how the safety of his family can be ensured. Mr. Michael Monette stated that he will be getting a gun for his personal safety if the Planning Commission passes this absurd variance.

Ms. Liegl stated that she is a permanent resident on Grandview Beach Road and she is concerned that the Road Commission has not been consulted regarding the undue demands. Ms. Liegl stated that this is a fragile road that comes into the cottages with only one entrance and one exit. Ms. Liegl stated that she was told that there is no concern about excess traffic but she sees a tremendous excess burden on current capacity of a resource. Ms. Liegl stated that the residents are supposed to be actively running a farm business and she believes that products (goat cheese) would attract traffic. Ms. Liegl questioned if

there will be parking for this farm business. Ms. Liegl stated that visitors (spouses, relatives, etc.) will be coming and going. Ms. Liegl stated that this is a major expense.

Mr. Lurie stated that he lives at 529 Grandview Beach Drive. Mr. Lurie stated that one of the most authoritative studies on schizophrenia and violent crime published in the Journal of the American Medical Association in 2009 concluded that "schizophrenia was associated with an increased risk of violent crime." Mr. Lurie stated that the residents of Grandview Beach have been accused in court of being hateful and bigoted towards adults with mental illness. Mr. Lurie stated this is untrue and we know factually that mentally ill adults, especially those with drug abuse problems, are significantly more likely to commit violent crimes. Mr. Lurie stated that Planning Commission members took an oath to uphold the Zoning Ordinance. Mr. Lurie stated that Section 1.2 of the Zoning Ordinance states "The purpose of this Ordinance is to promote and safeguard the public health, safety, morals and general welfare of the people of the unincorporated portions of Cheboygan County. Mr. Lurie stated that Section 1.2 also states that the Zoning Ordinance is intended, "to reduce hazards to life and property." Mr. Lurie stated that knowing that "schizophrenia is associated with an increased risk of violent crime, how will they safeguard health and safety and how will they reduce hazards to life and property. Mr. Lurie noted that two young men who were patients of Gould Farm have died within the past 8 years and one of the young man's family is suing the local medical facility and EMS company and its employees because they did not know how to handle the severely mentally ill patients. Mr. Lurie noted that in the second letter submitted by Tuscarora Township Police Chief Gordon Temple, he states in his second letter that the previous letter did not constitute any impact study. Mr. Lurie stated that Chief Temple also noted that the mental well-being is an unknown variable. Mr. Lurie stated if Chief Temple doesn't know about this burden, how can anyone else. Mr. Lurie stated that the developers have done nothing to demonstrate that there will be any safeguards on the health, safety or any attempt to reduce hazards in the more than 900 days since the Planning Commission provisionally approved the request. Mr. Lurie stated that perhaps the developer knows that the literature proves there is an increased risk of violent crime from those they intend to serve. Mr. Lurie stated that the only choice the Planning Commission has is to reject this application because it does not establish how the safeguarding of the residents and healthcare workers will be achieved. Mr. Lurie stated that he hopes and prays that the Planning Commission will uphold their oath.

Ms. Lutz stated that she has done a lot of research and all the other farms and their services that are available have not been promoted at Heritage Cove Farm. Ms. Lutz stated that Heritage Cove Farm has 24 clients. Ms. Lutz noted that no other farm has 24 clients even when they have over 100 acres of property. Ms. Lutz stated the distribution of concentration has been skewed. Ms. Lutz stated these clients are highly suicidal and all of the farms have open areas. Ms. Lutz stated that Heritage Cove Farm has a wooded area. Ms. Lutz stated the clients need the protection of the environment and they need open areas. Ms. Lutz stated that they should have access to a lake and they need constant supervision. Ms. Lutz stated that she would like to see this happen in this development.

Ms. Monette stated that she resides on property that directly abuts the Hanson property. Ms. Monette stated that her concern is that the 24 clients will be left on their own at night. Ms. Monette stated that the Disability Act is not meant to diminish the rights and privileges of the normal population, which includes the Grandview Beach community and all the residents along the bike trail, paths and roads that are adjacent to the Hanson's property from Topinabee to Cheboygan. Ms. Monette stated that the clients will be wandering around. Ms. Monette questions how the police will answer 24 worried and threatened residents when they are found wandering in the middle of the night. Ms. Monette stated her concerns regarding her safety.

Mr. Liegl stated that it seems reasonable that if something is called a study there should be one page that you could refer to rather than just an email. Mr. Liegl stated that he has a schizophrenic son that is on medicine and he has someone watching him 24/7. Mr. Liegl stated that if he doesn't take his medicine, he happens to walk away and follow little girls and a couple times he has been brought to the police station. Mr. Liegl stated that God speaks to his son and tells him what to do and occasionally he likes to sit in a cemetery. Mr. Liegl stated he did not know what his son would do if God told him to burn down the house. Mr. Liegl stated that these are things that the Planning Commission should consider.

Mr. Mangum stated that he owns 667 Grandview Beach Drive. Mr. Mangum stated that Mr. Rassel is trying to distract and the most important part of section 18.7e states that a special use shall not increase the hazards from fire or other dangers on the subject property or adjacent properties. Mr. Mangum stated an accommodation is not considered reasonable when it creates safety issues. Mr. Mangum provided two letters dated May 30 and it is the Planning Commission's duty to read the letters in full. Mr. Mangum stated that the letters provide plenty of studies and robust evidence that indicates patients with schizophrenia and bipolar are always more likely to engage in violent behavior compared to the general population. Mr. Mangum stated another study surfaced today on the record that is five pages with no name of the author and no date. Mr. Mangum stated that it is full of irrelevant data about gun violence and mass shootings to serve as more distraction. Mr. Mangum stated that the new study acknowledges the correlation between mental illness and increased violence, but focuses upon why such a correlation exists. Mr. Mangum stated that the proposed facility will increase hazards and therefore does

not meet the requirements of 18.7e. Mr. Lurie referred to the seventh paragraph of page one of the study (exhibit 17) and stated that the study suggests a link between mental illness and violence. Mr. Mangum referred to the second paragraph of page 2 of the study and stated research on the relationship between mental illness and violence shows that there are certain factors that may increase risks of violence among individuals with mental illness. Mr. Mangum stated that the report acknowledges the correlation, but justifies it and blames the increase in violence on alcohol, drugs, lack of social programs and untreated patients. Mr. Mangum stated that section 18.7e does not allow for exceptions. Mr. Mangum stated that the question is if the Planning Commission wants to do the right thing and enforce the Zoning Ordinance and possibly incur additional legal fees or does the Planning Commission want to lay awake at night and hope that the unthinkable doesn't happen because they ignored the evidence on the record. Mr. Mangum noted that Mr. Wendling stated his role is to provide the best advice to put the county in the best legal position, including that the taxpayers are not subject to legal jeopardy. Mr. Mangum stated that he is a taxpayer in Cheboygan County and he values everyone's life over the legal fees. Mr. Mangum stated that the approach is the same negligent thought process that caused the officials in Flint to be charged with manslaughter in connection with Flint's water crisis. Mr. Mangum asked the Planning Commission to read his letters and to revoke the application for failing to satisfy all the requirements of 18.7e.

Ms. Robin Leigl stated that she believes in the residents rights and her main concern is the road use. Ms. Robin Leigl stated that she would like for someone to go out to see how the road is configured and has concerns about a speeding police car or ambulance coming down the road. Ms. Robin Leigl asked that the Planning Commission check with the DNR and Army Corps of Engineers to make sure that the water runoff is safe for the ground water. Ms. Robin Leigl stated she would also like to know how many animals will be on the property.

Public comment closed.

Mr. Freese stated that many of his questions were answered tonight, but he has not been able to review all of the material that was added to the exhibit list tonight. Mr. Freese stated that there is enough information provided that establishes that people with schizophrenia or bipolar disease do pose an increased risk, however, if you look at the population of Cheboygan County which is approximately 26,000, and you look at 24 individuals on this site, they represent 0.000923% of the population of Cheboygan County. Mr. Freese stated that of the information presented as exhibits the study that he feels is most pertinent is titled Philosophical Transaction D, Violent Behavior Among People With Schizophrenia, A Framework For Causes And Effect, Effective Treatment And Prevention. Mr. Freese referred to page 2 of this study reaffirms that people with mental disabilities that they are more likely to commit violent crimes and provides statistics. Mr. Freese stated that this study indicates that men are 4.6 times as likely to commit a violent crime if they have schizophrenia or bipolar disease and that women are 23.2 times as likely to commit a violent crime if they have schizophrenia or bipolar disease as a member of the general public. Mr. Freese stated the average is 13.8. Mr. Freese stated that if you increase the likelihood of crime by 13.8 times based on the percentage of the population there is an increase in the crime rate in Cheboygan County by 1.3%. Mr. Freese asked if this is an undue burden on police, fire and other first responders in the county. Mr. Freese stated he does not know what undue burden is but he does know that the Cheboygan County population has decreased by 1,000 since the last census. Mr. Freese stated that this is 3.8% in lost population and therefore less crime than the increase caused by the 24 residents of Heritage Cove Farm assuming that they are all violent. Mr. Freese stated that the screening provided by Heritage Cove Farm will decrease this risk. Mr. Freese stated that the examples of violent crimes presented in the exhibits are anecdotal as they are drawn from the entire population of the United States and Canada articles and are presenting the worst case possible that could be found over a period of years. Mr. Freese referred to a pamphlet titled "Joint Statement Of The Department Of Housing And Urban Development And The Department of Justice, State And Local Land Use Laws And Practices In The Application Of The Fair Housing Act." Mr. Freese read item 5 on page 5, "Does the state or local government violate the Fair Housing Act if it considers the fears or prejudices of community members when enacting of applying the zoning or land use laws respecting housing? (answer) When enacting or applying zoning or land use laws, state and local governments may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or prospective residents because of the residents' protected characteristics. Doing so violates the Act, even if the officials themselves do not personally share such bias." Mr. Freese stated that we can't say that there will be 24 people that have mental problems and because they have mental problems they will be a hazard to everyone in the area. Mr. Freese stated that it has been stated that the Planning Commission approved this request because they are afraid of a lawsuit. Mr. Freese stated that during 2016 he was certain that there was going to be a lawsuit whether it was approved or disapproved by one party or the other. Mr. Freese stated that his decision was not influenced by the fact that there may be a lawsuit. Mr. Freese stated that he has asked the Sheriff's Department to gather statistics on how many violent crimes have been committed in the county over a period of time. Mr. Freese stated that when he receives this information he will apply the 1.3% increase to that figure and he should be able to figure out how many more violent crimes there might be. Mr. Freese noted that by checking the state registry there are 19 registered sex offenders within 5 miles of these homes and 92 registered sex offenders within the Indian River zip code. Mr. Freese stated if the screening is done properly, these people

will not be in the Heritage Cove Farm population. Mr. Freese stated that he does not believe that the decision can be made tonight as the additional information has to be reviewed and he wants to get the crime statistics from the Sheriff's Department. Mr. Freese stated that he wants to apply the statistics that were provided by the people who are objecting to this application.

Mr. Kavanaugh agreed that a decision should not be made tonight as the Planning Commission needs more information. Mr. Kavanaugh stated that there should be a letter from the Road Commission. Mr. Kavanaugh stated that courts talked about the impact study and comments from law enforcement. Mr. Kavanaugh stated that comments were received from law enforcement, but the Planning Commission does not have an impact study. Mr. Kavanaugh stated that the Planning Commission needs more information on a possible security plan, admission plan and a letter from the Road Commission. Mr. Kavanaugh stated that the Planning Commission needs a chance to review comments as there are two parts to Section 18.7. Mr. Kavanaugh stated that one part is demands placed on fire, police, etc. and the other part is increasing hazards from fire and other dangers. Mr. Kavanaugh stated that the Planning Commission did not hear a lot from the applicant on the other hazards. Mr. Kavanaugh questioned if the information that Mr. Freese is requesting from the Sheriff will be adequate to make a projection. Mr. Kavanaugh stated that with this information he believes the Planning Commission can make a good decision.

Mr. Jazdyk stated that he has heard evidence from each side. Mr. Jazdyk stated that evidence was submitted regarding Gould Farm, problems created by people with different forms of mental illness, police letters and medical data. Mr. Jazdyk explained that the evidence he heard was not a comprehensive study. Mr. Jazdyk stated that it was not in the form of what he would consider for a study. Mr. Jazdyk stated that a study is based on what is reasonable and not everyone's small concern can be addressed in a study. Mr. Jazdyk stated that a study involves getting the right people together, which are the police, fire, key members of the community, etc. to discuss this particular project. Mr. Jazdyk stated that questions about routine care, perimeter security, emergency situations and evacuation situations can be addressed. Mr. Jazdyk stated that the emergency services should be involved so there is a discussion as to what will happen if a resident wanders off. Mr. Jazdyk stated that a group should put this information together, but on a limited timeline.

Mr. Bartlett stated that this will be a tremendous burden to staff. Mr. Bartlett stated that there are a lot of questions and he does not have the answers. Mr. Bartlett stated that he hopes Mr. Freese will ask the Sheriff what type of training the deputies have for this type of patient.

Mr. Freese stated that one of the exhibits indicated that 1 in 17 people in the general population have a mental problem. Mr. Freese stated that all police departments in the area have had experience with people with these types of problems. Mr. Freese stated that every one of the examples provided in the evidence indicated that the individuals involved were either not recognized as having mental problems in the first place or were off their medications.

Mr. Kavanaugh asked Mr. Wendling if it is reasonable to request a letter from the Road Commission, get people together to talk about an impact study, get a plan on security for the project and discuss the admission plan. Mr. Kavanaugh asked if the Planning Commission should wait until the next meeting to make a motion to request this information.

Mr. Freese stated that the pamphlet from the Department of Justice states that the residents are to be treated just like any other person.

Mr. Wendling stated that the Planning Commission is also able to consider all of the previous exhibits that were submitted which include some studies. Mr. Wendling stated that Mr. Freese is correct in his reference to the law. Mr. Wendling stated that a letter can be requested from the Road Commission and he hopes that they will be able to respond. Mr. Wendling stated he is not sure that there is any particular sales that will be ongoing on the site. Mr. Wendling stated that he does not recall that being presented as something that would occur, but if anything, it was a side business and may be sold at an off-site farmer's market. Mr. Wendling stated that traffic is based upon staff and visitors. Mr. Wendling stated that studies were presented by both sides in this packet. Mr. Wendling stated that the applicant can provide more information that would assist in that through our local law enforcement, fire and ambulance.

Ms. Croft if a motion should be made. Mr. Wendling stated that he recommends that the Planning Commission provide a minimum of two weeks to obtain this material and allow any more materials to come in. Mr. Wendling stated this will allow plenty of time before the meeting to be able to review the exhibits. Ms. Croft stated that the next Planning Commission meeting will be July 11, 2018 and there will be another meeting on July 18, 2018. Mr. Turisk stated that there is one application for the July 11, 2018 at this time. Mr. Wendling stated that July 18, 2018 will be a better date for this to be reviewed.

Ms. Croft and Mr. Wendling explained that the deadline for submitting any new information will be July 11, 2018. Mr. Kavanaugh asked Mr. Wendling if the crime statistics and letters will satisfy the requirement for the impact study. Mr. Wendling stated yes. Discussion was held.

STAFF REPORT

No comments.

PLANNING COMMISSION COMMENTS

Mr. Freese stated that he provided each Planning Commission member with a copy of the draft solar array amendment.

PUBLIC COMMENTS

Mr. Mangum stated that he is surprised by that the minutes will not be recorded for this meeting. Ms. Croft explained that the minutes will be completed for this meeting and that the meeting is being recorded.

Mr. Rossman stated that there are 72 houses on Grandview Beach and it is primarily a beach community. Mr. Rossman stated that in the winter there is only about a dozen people (most of 60 years old and 3 over 90 years old) that live on the beach. Mr. Rossman stated that 24 people are twice as many that live by the beach six months out of the year. In the summer time there are three to four generations of families coming to this area.

An audience member asked that the Planning Commission not forget Section 18.7e consists of two requirements which are increased capacity and increased risk and both must be satisfied.

An audience member stated that she is a summer resident of Grandview Beach and she is concerned about the distance from Cheboygan and Indian River. The audience member stated that emergency services should make a trial run with their lights on in inclement weather to experience the hairpin turns and muddy turns on Grandview Beach. The audience member would like to know how fast they can respond. The audience member stated that it will be at least 5 minutes from Indian River and 15-20 minutes from Cheboygan. The audience member that a suicide attempt, drug overdose or injury may not have that amount of time.

Mr. Lesperance stated he owns property at 181 Grandview Beach and asked if Tuscarora Township is out of the equation or is it all in the Cheboygan County Planning Commission's hands. Mr. Lesperance asked if Cheboygan County talks to the police department and fire department in Tuscarora Township. Ms. Croft stated that we talk to the police department and fire department. Mr. Lesperance asked if the 21 units will have fire places. Ms. Hanson stated that they do not have anything right now. Ms. Hanson stated that some may have a gas fireplace. Discussion was held. Ms. Croft stated that the final plans have not been drawn.

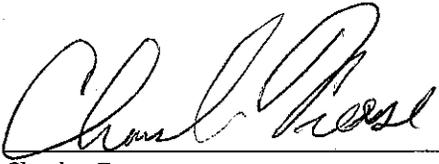
An audience member asked how many animals will be kept and noted that this is farm property being put in a residential area on water that we drink. The audience member would like to consult with a watershed group. Mr. Freese stated that this was addressed in 2016 and this was a certified farm that is compliance with Michigan Agriculture Environmental Assurance Program. Discussion was held.

An audience member referred to the pamphlet that Mr. Freese presented and noted that he is missing a significant part that has to do with the least restrictive environment and that is a legal term. The audience member stated that someone who is functioning perfect can't be locked up or deprive them of what would normally be associated with living a citizen in a community. An audience member stated that depending on their impairment, for their own safety and for other's safety, they have to be provided what is appropriate and schools have done this since the 1970's. The audience member stated that the attorney was mixing his terms as he was talking about mental impairment and mental impairment is the degree of intelligence. The audience member noted that we are talking about emotional impairment. The audience member stated these people shouldn't be in this environment as they need more restrictions. Discussion was held.

Public comment closed.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:48pm.

A handwritten signature in cursive script, appearing to read "Charles Freese". The signature is written in black ink and is positioned above a horizontal line.

Charles Freese
Planning Commission Secretary