



# 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 JUNE 20, 2018 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.) **Dan Slanec/Slanec Family Living Trust & Skruba Family Living Trust** - Requests a rezoning from Agriculture and Forestry Management District (M-AF) and Commercial Development (D-CM) to Commercial Development (D-CM). The property proposed to be rezoned is located in Tuscarora Township, Section 1 and described as follows:

*Parcel #161-001-200-005-04*

BEG AT E1/4 COR SEC 1, T35N,R3W; TH W ALG 1/4 LI 120.42FT TO R/W HWY-27 FOR POB; TH S OD 14M 30S W ALG R/W 219.35FT; TH N 89D 45M 30S W 250FT; TH S OD 14M 30S W 499.52FT TO NLY R/W OF ON RAMP FOR I-75 HWY; TH ALG CURVE CHRD BEARS N 45D 07M 30S W 563.38FT & ALG CURVE CHRD BEARS N 20D 14M 25S W 768.06FT; TH S 89D 45M 30S E 919.66FT TH S OD 14M 30S W 396.44FT TO POB. \*EXC: COM AT E 1/4 COR SEC 1, T35N,R3W; TH N 89D 45M 30S W 120.42FT TO WLY ROW LI OF HWY M-27; TH S OD 14M 30S W 219.35FT ALG SD W ROW LI; TH N 89D 45M 30S W 250FT; TH S OD 14M 30S W 200.23FT TO POB; TH CONT SOD 14M 30S W 299.12FT TO NLY LI OF I-75 OF N BOUND ON RAMP 468.54FT ALG CURVE TO RIGHT, HAVING RAD OF 749.18FT & CHRD BEARING N 49D 17M 46S W 460.94FT; TH S 89D 45M 30S E 350.70FT TO POB.

- 2.) **Tillman Infrastructure/CG & KW Enterprises** - Requests a Special Use Permit for a wireless telecommunications facility (section 17.13.). The property is located at 7934 North Straits Highway, InvernessTwp., section 26, parcel #091-026-200-018-00, and is zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF).

### UNFINISHED BUSINESS

- 1.) Review and discussion of draft Zoning Ordinance language for solar arrays.

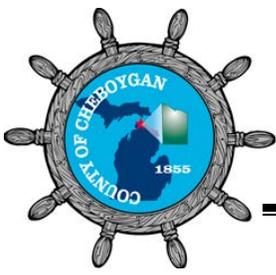
### NEW BUSINESS

### 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, JUNE 6, 2018 AT 7:00 P.M. CHEBOYGAN HIGH SCHOOL AUDITORIUM, 801 W. LINCOLN AVE, CHEBOYGAN, MICHIGAN 49721

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk  
**ABSENT:** Lyon  
**STAFF:** Jeff Lawson, Michael Turisk  
**GUESTS:** Tim Maylone, Russell Crawford, Andrew Makee, Karen Johnson, Carl Muscott, Eric Boyd, John F. Brown, John Moore, Cal Gouine, Anne Savenkoff, Judy Spiekhout, Jeanette Mateer, Trudy Lofgren

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. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 1 Absent (Lyon)

### APPROVAL OF MINUTES

The May 2, 2018 Planning Commission minutes were presented. Motion by Mr. Borowicz, seconded by Mr. Churchill, to approve the meeting minutes as presented. Motion carried. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 1 Absent (Lyon)

The May 16, 2018 Planning Commission minutes were presented. Motion by Mr. Churchill, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 1 Absent (Lyon)

### PUBLIC HEARING AND ACTION ON REQUESTS

Notice is given that the Cheboygan County Planning Commission will hold a public hearing on Wednesday, June 6, 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, Interveners/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).

Ms. Croft noted that the public hearing for Lawrence Hanson and Heritage Cove Farm, Inc. has been rescheduled to June 26, 2018 at 7:00pm at the Cheboygan High School Auditorium, 801 W. Lincoln Avenue, Cheboygan, MI 49721

**Cherry Capital Communications, LLC & Wallace and Anne Savenkoff** - Requests a Site Plan Review for a wireless communication facility (section 17.13.). The property is located at 5339 Twin Trail Road, Grant Township, Section 2, parcel 151-002-300-001-00 and is zoned Lake and Stream Protection (P-LS).

Mr. Turisk presented the information contained in the staff report pertaining to the tower to be constructed by Cherry Capital Communications. There were no public comments.

The Planning Commission added "The fenced area is to be reduced from 100ft. x 100ft. to 10ft. x 10ft." as General Finding #4. The Planning Commission reviewed and approved the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to FAA requirements. Motion carried. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdyk), 0 Nays, 1 Absent (Lyon)

#### **UNFINISHED BUSINESS**

##### **Discussion Regarding Solar Arrays**

Mr. Lawson reviewed the draft solar regulation paragraph by paragraph discussing each item. Discussion was held. Many comments were made suggesting that the draft regulation be provided in advance of the meeting rather than at the meeting.

#### **NEW BUSINESS**

No comments.

#### **STAFF REPORT**

No comments.

#### **PLANNING COMMISSION COMMENTS**

No comments.

#### **PUBLIC COMMENTS**

Mr. Muscott thanked Mr. Freese for his work on the solar array amendment. Mr. Muscott commented on the inspection requirement on the solar regulation. Discussion was held.

Ms. Johnson stated her concerns regarding Triple D Disposal continuing to operate without meeting the special use permit conditions and the Planning Commission not being updated on this situation. Ms. Johnson questioned why there is a Zoning Ordinance if it can't be enforced. Mr. Lawson provided an update on the enforcement situation and indicated further action is being taken in coordination with legal counsel.

#### **ADJOURN**

**Motion** by Mr. Borowicz to adjourn. Motion carried. Meeting was adjourned at 8:45pm.

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Charles Freese  
Planning Commission Secretary

# CHEBOYGAN COUNTY PLANNING COMMISSION

Dan Slanec – Revised 06/14/18

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Notice Of Planning Commission Meeting (1 Page)
4. Zoning Amendment Application & Aerial Photo (3 Pages)
5. 2016 Winter Tax Bill For Parcel 161-001-200-005-04 (1 Page)
6. Aerial Photo (1 Page)
7. Zoning Map (1 Page)
8. Mailing List (2 Pages)

The following items were added to the exhibit list on 03/23/18:

9. Email Dated 03/20/18 From Jason Gailitis, MDOT (1 Page)
10. Email Dated 03/21/18 From David Carpenter, Tuscarora Township Fire Department (1 Page)
11. Email Dated 03/20/18 From Kyle Keller, District Health Department #4 (1 Page)

The following items were added to the exhibit list on 04/01/18:

12. Email Dated 03/29/18 From Carl Muscott To Jeff Lawson (2 Pages)
13. Email Dated 04/01/18 From Carl Muscott To Jeff Lawson (3 Pages)

The following items were added to the exhibit list on 04/01/18:

14. Email Dated 04/03/18 From Mike Cherveney (Tuscarora Twp. Planning Commission Chairman) To Jeff Lawson (1 Page)

The following items were added to the exhibit list on 04/26/18:

15. Affidavit To Authorize Agent – Charles Skruba & Christine Skruba (1 Page)

The following items were added to the exhibit list on 06/14/18:

16. Affidavit To Authorize Agent – Dan Slanec & Lauren Slanec (1 Page)
17. Memo Date 05/18/18 From Jeff Lawson To Cheboygan County Planning Commission (1 Page)
- 18.
- 19.

Note: Planning Commission members have exhibits 1 and 2.

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Please visit the Planning and Zoning office or visit our website to see the associated documents. These documents may be viewed at [www.cheboygancounty.net/planning/](http://www.cheboygancounty.net/planning/). Comments, questions, and correspondence may be sent to [planning@cheboygancounty.net](mailto: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 Planning and Zoning Director at the above address one week in advance to request mobility, visual, hearing or other assistance.

*Pd. Rec# 6066*

Fee \$ 225.00 Date 2/27/18

**ZONING AMENDMENT APPLICATION**

Application Approved by: \_\_\_\_\_

CHEBOYGAN COUNTY  
PLANNING & ZONING DEPT.  
870 S. MAIN ST., RM 103. PO BOX 103  
CHEBOYGAN, MI 49721

TELEPHONE: (231) 627-8489  
FAX: (231) 627-3646  
www.cheboygancounty.net

**PLEASE PRINT**

LOCATION (For property rezoning)

Address	City / Village Tuscarora Township	Township/Sec. <i>TU, 01</i>	Zoning District <i>M-AF &amp; D-CM</i>
Property Tax I.D. (Parcel) Number 16-161-001-200-005-04	Subdivision or Condo. Name/Plat or Lot No.		

APPLICANT

Name Dan Slanec	Telephone 586-850-3832	Fax
Address 1299 Patterson Ave	City & State Topinabee, MI	Zip Code 49791
		E-Mail dannyslanec@gmail.com

PROPERTY OWNER (If different from applicant)

Name	Telephone	Fax
Address	City & State	Zip Code

**I. Action Requested**

I (we) the undersigned do hereby request that the Cheboygan County Board of Commissioners approve the following petition for a zoning amendment.

A. Text Amendment: Amend Article \_\_\_\_ Section \_\_\_\_\_ of Cheboygan County Zoning Ordinance No. 200 by making the following change(s):  
change zoning from agriculture to commercial

B. Rezone from Agriculture to Commercial the property(s) described in Section II. A previous application for a variance, special use permit, or rezoning on this land has / has not been made with respect to these premises in the last year. If a previous appeal, special use permit, or rezoning application was made, state the date \_\_\_\_\_, nature of action requested \_\_\_\_\_, and the decision \_\_\_\_\_.

**II. Property Information (For rezoning)**

A. Legal description of property(s) proposed for rezoning:

Attached

B. List all deed restrictions, if applicable:

NON - APPLICABLE

C. Names and addresses of all other persons, firms, or corporations having a legal or equitable interest in the land, if applicable.

Chuck & Christine Skruba

15901 Princeton Court

Fraser MI 48026

D. This area is X unplatted, \_\_\_\_\_ platted, \_\_\_\_\_ will be platted. If platted, name of plat:

E. Present use of the property is: Vacant

F. Attach a drawing of the property.

**III. Justification for Requested Action**

A. State specifically the reason(s) for this text amendment request at this time. Also attach any supporting documentation.

Display sheds are currently on property which is zoned agriculture. Our tax bill shows property listing is commercial....not sure which portion of the property is agriculture.

B. If this is a proposed rezoning, what possible negative impacts could occur and what proposed mitigation would take place?

None

**Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?  Yes  No**

**Owner's Signature** Jan Slamer

**Date** 2-20-18

**IV. Affidavit**

The undersigned affirms that he or she is the Owner (owner, lessee, other type of interest) involved in the Petition and that the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his or her knowledge and belief.

Jan Slamer  
Applicant's Signature

2-20-18

Date

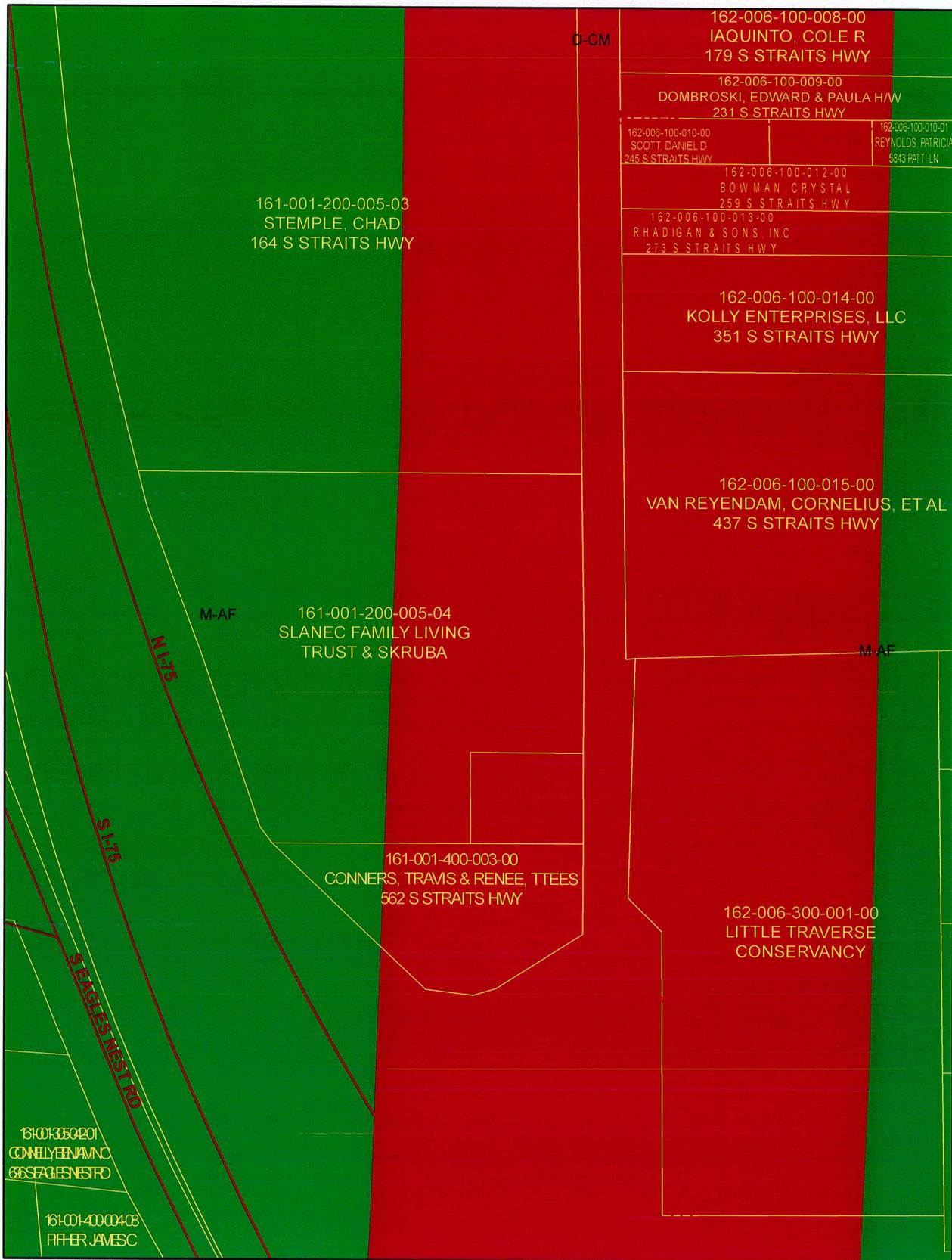


MESSAGE TO TAXPAYER	PAYMENT INFORMATION																																													
<p>DUE DECEMBER 1, 2016, TO AND INCLUDING, FEBRUARY 14, 2017, TO PAY WITHOUT PENALTY. FEBRUARY 15, 2017 A 3% PENALTY WILL BE ADDED. MARCH 1, 2017 ALL DELINQUENT TAXES ARE PAYABLE TO THE COUNTY TREASURER, EXCEPT FOR PERSONAL PROPERTY TAXES, WHICH REMAIN PAYABLE TO THE TOWNSHIP TREASURER. MARCH 1, 2017 A 4% P.T.A.F OR \$1 MINIMUM, AND 1% PER MONTH WILL BE ADDED.</p> <p>TUSCARORA TOWNSHIP TREASURER (231) 238-4220</p>	<p>PAYMENT SHOULD BE MAILED TO PO BOX 220, INDIAN RIVER, MI 49749. PAYMENTS ACCEPTED AT CITIZENS NATIONAL BANK AND AWAKON FEDERAL CU (IR BRANCHES). PAYMENT BY CREDIT CARD CAN BE MADE AT TUSCARORATWP.COM. NOTE: VENDOR CHARGES A 3% TRANSACTION FEE FOR CREDIT CARD TRANSACTIONS.</p>																																													
PROPERTY INFORMATION	TAX DETAIL																																													
<p>Property Assessed To:                      SLANEC, DAN &amp; LAUREN H/W                      PO BOX 333                      TOPINABEE, MI 49791</p> <p style="text-align: right;">INLAND LAKES</p> <p>Prop #: 161-001-200-005-04      School: 16050</p> <p>Prop Addr:</p> <p>Legal Description:                      BEG AT E 1/4 COR SEC 1, T35N,R3W; TH W ALG 1/4 LI 120.42FT TO R/W HWY-27 FOR POB; TH S OD 14M 30S W ALG R/W 219.35FT; TH N 89D 45M 30S W 250FT; TH S OD 14M 30S W 499.52FT TO NLY R/W OF ON RAMP FOR I-75 HWY; TH ALG CURVE CHR D BEARS N 45D 07M 30S W 563.38FT &amp; ALG CURVE CHR D BEARS N 20D 14M 25S W 768.06FT; TH S 89D 45M 30S E 919.66FT TH S OD 14M 30S W 396.44FT TO POB. *EXC: COM AT E 1/4 COR SEC 1, T35N,R3W; TH N 89D 45M 30S W 120.42FT TO WLY ROW LI OF HWY M-27; TH S OD 14M 30S W 219.35FT ALG SD W ROW LI; TH N 89D 45M 30S W 250FT; TH S OD 14M 30S W 200.23FT TO POB; TH CONT SOD 14M 30S W 299.12FT TO NLY LI OF I-75 OF N BOUND ON RAMP 468.54FT ALG CURVE TO RIGHT, HAVING RAD OF 749.18FT &amp; CHR D BEARING N 49D 17M 46S ? 460.94FT; TH S 89D 45M 30S E 350.70FT TO POB. LINE ADJ 01/14/2013 INTO 161-001-400-003-00 749/809;921/533;1196/266</p>	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%;">Taxable Value:</td> <td style="width:20%; text-align: right;">21,195</td> <td style="width:20%;">COMMERCIAL VACANT</td> </tr> <tr> <td>State Equalized Value:</td> <td style="text-align: right;">62,900</td> <td>Class: 202</td> </tr> <tr> <td>PRE/MBT %:</td> <td style="text-align: right;">0.0000</td> <td></td> </tr> </table> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p style="text-align: center;">Taxes are based upon Taxable Value.                      1 mill equals \$1.00 per \$1000 of Taxable Value.                      Amounts with no millage are either Special Assessments or other charges added to this bill.</p> </div> <table style="width:100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">DESCRIPTION</th> <th style="text-align: right;">MILLAGE</th> <th style="text-align: right;">AMOUNT</th> </tr> </thead> <tbody> <tr><td>SENIOR CITIZEN</td><td style="text-align: right;">0.50000</td><td style="text-align: right;">10.59</td></tr> <tr><td>AMBULANCE</td><td style="text-align: right;">0.25000</td><td style="text-align: right;">5.29</td></tr> <tr><td>COUNTY ROAD</td><td style="text-align: right;">1.00000</td><td style="text-align: right;">21.19</td></tr> <tr><td>TWP ALLOCATED</td><td style="text-align: right;">0.98700</td><td style="text-align: right;">20.91</td></tr> <tr><td>TWP FIRE</td><td style="text-align: right;">0.73780</td><td style="text-align: right;">15.63</td></tr> <tr><td>TWP POLICE</td><td style="text-align: right;">3.99480</td><td style="text-align: right;">84.66</td></tr> <tr><td>TWP LIGHTS</td><td style="text-align: right;">0.17640</td><td style="text-align: right;">3.73</td></tr> <tr><td>TWP LIBRARY</td><td style="text-align: right;">0.29600</td><td style="text-align: right;">6.27</td></tr> <tr><td>SCHOOL OPERATING</td><td style="text-align: right;">18.00000</td><td style="text-align: right;">381.51</td></tr> <tr><td>SCHOOL DEBT</td><td style="text-align: right;">2.65000</td><td style="text-align: right;">56.16</td></tr> <tr><td>COPISD</td><td style="text-align: right;">1.74730</td><td style="text-align: right;">37.03</td></tr> </tbody> </table>	Taxable Value:	21,195	COMMERCIAL VACANT	State Equalized Value:	62,900	Class: 202	PRE/MBT %:	0.0000		DESCRIPTION	MILLAGE	AMOUNT	SENIOR CITIZEN	0.50000	10.59	AMBULANCE	0.25000	5.29	COUNTY ROAD	1.00000	21.19	TWP ALLOCATED	0.98700	20.91	TWP FIRE	0.73780	15.63	TWP POLICE	3.99480	84.66	TWP LIGHTS	0.17640	3.73	TWP LIBRARY	0.29600	6.27	SCHOOL OPERATING	18.00000	381.51	SCHOOL DEBT	2.65000	56.16	COPISD	1.74730	37.03
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<p>The taxes on bill will be used for governmental operations for the following fiscal year(s):</p> <p>County: 1/1/16 - 12/31/17                      Twn/Cty: 7/1/16 - 6/30/17                      School: 7/1/16 - 6/30/17                      State: 10/1/16 - 9/30/17</p> <p>Does NOT affect when the tax is due or its amount</p>	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%;">Total Tax</td> <td style="width:20%; text-align: right;">30.33930</td> <td style="width:20%; text-align: right;">642.97</td> </tr> <tr> <td>Administration Fee</td> <td></td> <td style="text-align: right;">6.42</td> </tr> <tr> <td><b>TOTAL AMOUNT DUE</b></td> <td></td> <td style="text-align: right;"><b>649.39</b></td> </tr> <tr> <td>PREV. PAYMENTS</td> <td></td> <td></td> </tr> <tr> <td>BALANCE DUE</td> <td></td> <td style="text-align: right;"><b>649.39</b></td> </tr> </table>	Total Tax	30.33930	642.97	Administration Fee		6.42	<b>TOTAL AMOUNT DUE</b>		<b>649.39</b>	PREV. PAYMENTS			BALANCE DUE		<b>649.39</b>																														
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6



Zoning\_...

- D-CM
- M-AF



161-001-200-005-03  
STEMPLE, CHAD  
7140 FRONTEC AVE  
INDIAN RIVER, MI 49749

161-001-200-005-04  
SLANEC FAMILY LIVING TRUST & SKRUBA  
PO BOX 333  
TOPINABEE, MI 49791

161-001-400-002-00  
SKRUBA FAMILY LIVING TRUST & SLANEC  
15901 PRINCETON CT  
FRASER, MI 48026

161-001-400-003-00  
CONNERS, TRAVIS & RENEE, TTEES  
PO BOX 726  
INDIAN RIVER, MI 49749

162-006-100-014-00  
KOLLY ENTERPRISES, LLC  
4736 SHERWOOD  
INDIAN RIVER, MI 49749

162-006-100-015-00  
VAN REYENDAM, CORNELIUS, ET AL  
42453 WILLSHARON ST  
STERLING HEIGHTS, MI 48314-3077

162-006-300-001-00  
LITTLE TRAVERSE CONSERVANCY  
3264 POWELL RD  
HARBOR SPRINGS, MI 49740

161-001-200-005-03  
OCCUPANT  
164 S STRAITS HWY  
INDIAN RIVER, MI 49749

162-006-100-015-00  
OCCUPANT  
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161-001-400-002-00  
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556 S STRAITS HWY  
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161-001-400-003-00  
OCCUPANT  
562 S STRAITS HWY  
INDIAN RIVER, MI 49749

162-006-100-014-00  
OCCUPANT  
351 S STRAITS HWY  
INDIAN RIVER, MI 49749

## Deborah Tomlinson

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**From:** Gailitis, Jason (MDOT) <GailitisJ@michigan.gov>  
**Sent:** Tuesday, March 20, 2018 6:33 AM  
**To:** Deborah Tomlinson; Phelps, Gabe (MDOT)  
**Cc:** Kramer, Chelsea (MDOT)  
**Subject:** RE: Special Use Permit Application & Rezoning Application

Hi Debbie—We took a look. No issues from MDOT. Thanks!

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**From:** Deborah Tomlinson [<mailto:debbiet@cheboygancounty.net>]  
**Sent:** Monday, March 19, 2018 2:50 PM  
**To:** Gailitis, Jason (MDOT) <[GailitisJ@michigan.gov](mailto:GailitisJ@michigan.gov)>; Phelps, Gabe (MDOT) <[PhelpsG@michigan.gov](mailto:PhelpsG@michigan.gov)>  
**Subject:** Special Use Permit Application & Rezoning Application

The following is a link to applications for Dan Slanec & Mackinaw Mill Creek Camping:  
<http://www.cheboygancounty.net/planning--zoning-31/#sect-1093>. These applications will be reviewed at the 04/04/18 Planning Commission meeting. Please review and call me or e-mail me if you have any questions or comments for the Planning Commission. 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](mailto:debbiet@cheboygancounty.net)

## Deborah Tomlinson

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**From:** Dave Carpenter <dpcarpenter@voyager.net>  
**Sent:** Wednesday, March 21, 2018 11:43 AM  
**To:** Deborah Tomlinson  
**Subject:** Re: Special Use Permit Application & Rezoning Application

Hi Deb,

I don't see any major concerns regarding the Fire Department for Daniel Slanec or Ty LaPrairie "Tiger By The Tail" projects. If you have any questions please feel free to contact me anytime.

Respectfully,

David Carpenter  
Fire Chief

**From:** Deborah Tomlinson  
**Sent:** Wednesday, March 21, 2018 10:23 AM  
**To:** David Carpenter (dpcarpenter@voyager.net)  
**Subject:** Special Use Permit Application & Rezoning Application

Hi Dave,

The following is a link to applications for Dan Slanec & Ty LaPrairie: <http://www.cheboygancounty.net/planning--zoning-31/#sect-1093>. These applications will be reviewed at the 04/04/18 Planning Commission meeting. Please review and call me or e-mail me if you have any questions or comments for the Planning Commission. 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](mailto:debbiet@cheboygancounty.net)

## Deborah Tomlinson

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**From:** Kyle Keller <kkeller@dhd4.org>  
**Sent:** Tuesday, March 20, 2018 9:04 AM  
**To:** Deborah Tomlinson  
**Subject:** RE: Special Use Permit Application & Rezoning Application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

All good on my end thanks for the update-I did print mill creek for my records thanks.

Kyle Keller RS  
Environmental Sanitarian  
DHD4-Cheboygan County  
PH# 231-627-8850  
[kkeller@dhd4.org](mailto:kkeller@dhd4.org)  
[www.dhd4.org](http://www.dhd4.org)

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**From:** Deborah Tomlinson <[debbiet@cheboygancounty.net](mailto:debbiet@cheboygancounty.net)>  
**Sent:** Monday, March 19, 2018 2:52 PM  
**To:** Kyle Keller <[kkeller@dhd4.org](mailto:kkeller@dhd4.org)>  
**Subject:** Special Use Permit Application & Rezoning Application

Hi Kyle,

The following is a link to applications for Ty LaPrairie, Dan Slanec & Mackinaw Mill Creek Camping:  
<http://www.cheboygancounty.net/planning--zoning-31/#sect-1093>. These applications will be reviewed at the 04/04/18 Planning Commission meeting. Please review and call me or e-mail me if you have any questions or comments for the Planning Commission. 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](mailto:debbiet@cheboygancounty.net)

## Deborah Tomlinson

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**From:** carl muscott <carlmuscott@yahoo.com>  
**Sent:** Thursday, March 29, 2018 3:16 PM  
**To:** Jeff Lawson; Matt Cronk; Deborah Tomlinson; braggj@michigan.gov; Patty Mattson  
**Cc:** Mike Cherveney; Mike Ridley; Sue Fisher; Bobbi Balazovic; Jon and Janet Vance; Craig Waldron; L. Scott Swanson; John B. Wallace; Karen Johnson; Mike Newman; Roberta Matelski; Cal Gouine; Richard Sangster  
**Subject:** Notice of Rezoning Tuscarora Township Parcel No. 16-161-001-200-005-04-Township Input?

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr Lawson,

As a Tuscarora Township resident I have some concerns with an application from Dan Slanec to rezone the above identified parcel.

- 1) The application mentions the fact that Tuscarora Township has a Master Plan and then ignores the fact Tuscarora Township also has a Planning Commission. The Cheboygan County Planning Department and Planning Commission has previously always exercised cooperation with the Tuscarora Township Planning Commission seeking input and agreement on matters of rezoning or amendments. I cannot see any correspondence advising the Township Planning Commission of the proposed rezoning. I am asking if you and the Cheboygan County Planning Commission will table the hearing until the Tuscarora Township Planning Commission can call a Special Meeting and meet as a quorum to approve or not approve the rezoning. You were witness to the statement at last night's ZBA meeting that D-CM zoning is being used to allow huge pole barns to be built with virtually no control of the aesthetics or visual impact on the region. Rezoning this entire parcel to D-CM will open that door to wider abuse.
- 2) The applicant and owners is identified as "Dan Slanec". The property records indicate that a joint owner(s) is Chuck and Christine Skruba. There is no record of any written correspondence in the packet with these joint owners signature to the application.
- 3) The staff prepared paperwork indicates this is a conditional rezoning. I cannot ascertain from the application the conditions or specific use the zoning request is being proposed to serve. Is this a conditional rezoning or illegal spot rezoning?
- 4) I would ask you, as Interim Planning Director, to question both your County Soil Officer and the Michigan DEQ to verify that a previous illegal land-clearing on this parcel has now been brought into DEQ compliance; or is it still awaiting enforcement and remedial correction?
- 5) There are currently "display sheds" with banner signage on the western side of the parcel adjacent to the I-75 ROW in violation of the site plan approved for shed sales. Is this reported violation being corrected by "rezoning" as enforcement?

I ask that these concerns be addressed before the application and hearing proceeds.

Thank you,

Carl Muscott

Indian River

Applicant: Dan Slanec 1299 Paterson Ave. Topinabee, MI 49791

Owners: Dan Slanec 1299 Paterson Ave. Topinabee, MI 49791

Parcel: Section 01, Tuscarora Township Parcel No. 16-161-001-200-005-04

Date: March 23, 2018

To: Cheboygan County Planning Commission

From: Jeff Lawson

Re: Staff Report regarding application from Dan Slanec to rezone the portion of his property currently zoned Agriculture and Forestry Management (M-AF) to Commercial Development (D-CM).

Introduction This proposed rezoning is considered by the Planning Commission as a result of an application from Dan Slanec. Mr. Slanec is requesting rezoning the portion of his property currently zoned Agricultural and Forestry Management (M-AF) to Commercial Development (D-CM).

The parcels subject to this conditional rezoning request are located in Tuscarora Township. Tuscarora Township has adopted a Master Plan.

## Deborah Tomlinson

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**From:** carl muscott <carlmuscott@yahoo.com>  
**Sent:** Monday, April 02, 2018 11:23 AM  
**To:** Jeff Lawson; Deborah Tomlinson  
**Cc:** John B. Wallace; Richard Sangster; Cal Gouine; Karen Johnson; Mike Newman; Roberta Matelski; L. Scott Swanson  
**Subject:** Slanec/Skruba Zoning district boundary lines-Determination by ZBA

Hello Jeff,

I had previously sent an email with questions and concerns on the Slanec application for rezoning scheduled for April 4, 2018 and have received no response. Communications and all correspondence received on applications are public comments and should be part of the record.

The failed and sometimes simply ignored Ordinance #200 and the County's failure to correctly address applications, conditions set down by the Planning Commission, lack of/failed enforcement, and the resultant litigation has Cheboygan County taxpayers and applicants hundreds of thousands of dollars.

Ordinance # 200-Section 3.9 addresses boundaries of Zoning Districts. Paragraph 3.9.2. states zoning district boundary lines are intended to follow property and lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights-of-way or watercourses.

Paragraph 3.9.4. Unless fixed by dimensions shown on the zoning map or otherwise specified in this ordinance, exact boundaries will be interpreted by the most logical continuations or interpolations of property lines, section lines, physical features, rights-of-way and municipal lines in accordance with these standards or be an assumed depth of three hundred (300) feet, *whichever is the most reasonable for the subject area.*

The Slanec/Skruba application can legally be addressed within Section 3.2 following the clear intent of the law. Zoning Districts should avoid bisecting parcels into two or more districts. This metes and bounds parcel fronts on M-27 and the rear of the parcel has exposure to, but no access, on the I-75 ROW. It is reasonable and defensible to avoid bisecting the parcel with an arbitrary 300 foot line drawn in the sand and instead employ the property lines described in the metes and bounds survey.

It could be as simple as a Zoning Administrator act to declare the entire parcel as Commercial Development (D-CM). If you wish to address the issue within the law and set a standard, Paragraph 3.9.5. states, "if, after application of the foregoing rules, uncertainty exists as to the exact location of a zoning district boundary, the Zoning Administrator shall ask the Zoning Board of Appeals to decide. The Zoning Board of Appeals shall determine and fix the location of said line or boundary in a reasonable manner applying the preceding standards".

I would suggest you redirect the Slanec/Skruba application to the Zoning Board of Appeal for a determination and hopefully a ruling that the entire parcel is Commercial Development (D-CM). A ruling in favor would address this particular case and also allow a later administrative correction of three additional parcels directly north of this, each appearing to exceed the 300 foot rule, to a single Commercial Development (D-CM) zoning district.

Thank you for your time,

Carl Muscott

***Dan Slanec/Slanec Family Living Trust & Skruba*** - Requests a rezoning from Agriculture and Forestry Management District (M-AF) and Commercial Development (D-CM) to Commercial Development (D-CM). The property proposed to be rezoned is located in Tuscarora Township, Section 1 and described as follows:  
Parcel #161-001-200-005-04

## SECTION 3.9.

### ZONING DISTRICT BOUNDARIES

**3.9.1. The location and boundaries of zoning districts are established and described in Appendix 1, “Cheboygan County”**

**Zoning Map” and in Articles 10 and 11. This map is for general reference.** The Official Cheboygan County Zoning

Map shall be located in the office of the Zoning Administrator and shall be the final authority in any dispute

concerning district boundaries. The official map shall be kept up to date by the Zoning Administrator. Additional

detailed maps of appropriate scale and descriptions documenting decisions by the Zoning Administrator, the

Planning Commission, the Zoning Board of Appeals or enacted amendments to the zoning ordinance shall be filed

and maintained adjacent to the official map until the official map is corrected. This map with the clarifying

information shall be as much a part of this ordinance as if fully described herein and shall be certified as the official

copy by the Zoning Administrator and the County Clerk.

**3.9.2. Zoning district boundary lines are intended to follow property and lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights-of-way or watercourses.**

3.9.3. Boundaries indicated as following the shorelines of lakes shall be considered as following such shorelines. In the

case of streams, such boundaries shall be considered to follow the center line of the streams. Where shorelines of

lakes have changed, the boundary lines shall be construed as following the contour of the new shoreline and in the

case of changes in the course of a stream, the boundary shall be considered as the center line of the new course.

**3.9.4. Unless fixed by dimensions shown on the zoning map or otherwise specified in this ordinance, exact boundaries will be interpreted by the most logical continuations or interpolations of property lines, section lines, physical features, rights-of-way and municipal lines in accordance with these standards or be an assumed depth of three hundred (300) feet, whichever is the most reasonable for the subject area. Otherwise, the map scale will be used.**

**3.9.5. If, after application of the foregoing rules, uncertainty exists as to the exact location of a zoning district boundary, the Zoning Administrator shall ask the Zoning Board of Appeals to decide. The Zoning Board of Appeals shall determine and fix the location of said line or boundary in a reasonable manner applying the preceding standards.**

## Deborah Tomlinson

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**From:** Jeff Lawson  
**Sent:** Tuesday, April 03, 2018 1:58 PM  
**To:** Deborah Tomlinson  
**Subject:** FW: Stanec property

**From:** [cherv179@aol.com](mailto:cherv179@aol.com) [<mailto:cherv179@aol.com>]  
**Sent:** Tuesday, April 03, 2018 1:03 PM  
**To:** Jeff Lawson  
**Subject:** Fwd: Stanec property

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

From: cherv179 <[cherv179@aol.com](mailto:cherv179@aol.com)>  
To: adminlawson <[adminlawson@cheyboygancounty.net](mailto:adminlawson@cheyboygancounty.net)>  
Cc: supervisor <[supervisor@tuscaroratwp.com](mailto:supervisor@tuscaroratwp.com)>; jhschams <[jhschams@outlook.com](mailto:jhschams@outlook.com)>; cwaldron <[cwaldron@centurylink.net](mailto:cwaldron@centurylink.net)>; clerk <[clerk@tuscaroratwp.com](mailto:clerk@tuscaroratwp.com)>; jane <[jane@mcvideo.com](mailto:jane@mcvideo.com)>; d-repair <[d-repair@sbcglobal.net](mailto:d-repair@sbcglobal.net)>; d.slanec <[d.slanec@yahoo.com](mailto:d.slanec@yahoo.com)>; buckeyeforever <[buckeyeforever@hotmail.com](mailto:buckeyeforever@hotmail.com)>; kashford <[kashford@racc2000.com](mailto:kashford@racc2000.com)>  
Sent: Tue, Apr 3, 2018 12:57 pm  
Subject: Stanic property

I was asked to review the application to re-zone part of the property north of Indian River Sports as commercial from Agriculture /Forestry. Although I think that the renter of the property is violating the zoning now by putting a structure at the parcel in question I think that that property could be zoned as commercial. I feel along with Mike Ridley that a township planning meeting is not necessary. I have looked at the property . The question of aesthetics and zoning is for the County to determine.

Mike Cherveney Chairman for the Tuscarora Township Planning Commission



# 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

## AFFIDAVIT TO AUTHORIZE AGENT

(Name of all property owners)

1. I am (we are) the owners(s) and record title holders(s) of the following described property (Property ID# and address):

Den D. Starec      Lauren A. Starec      Parcel # 161-001-200-  
Charles W. Skriba      Christine M. Skriba      005-04

2. This property constitutes the property for which the following is being requested (Project description):

Change going from (M-AF) + (D-CM) Agriculture + Commercial Development  
To: (D-CM) Commercial Development

3. The undersigned has/have appointed and does/do appoint:

Den D. Starec

As (his/her/their/its) agent(s) to execute any applications or other documents necessary to affect the above request.

4. This affidavit has been executed to authorize Cheboygan County Planning & Zoning Department to consider and act on the above request.

5. (I/We) the undersigned owner(s) hereby certify that the foregoing is true and correct.

*[Signature]*

Signature (Owner)

*[Signature]*

Signature (Owner)

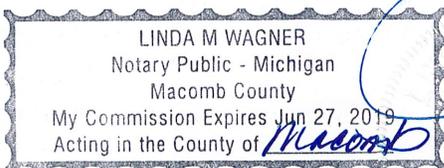
Charles W. Skriba

Print Name

Christina M. Skriba

Print Name

Subscribed and sworn before me on the 20 day of April, 2018.

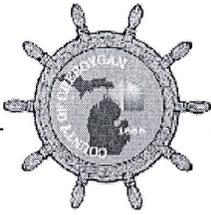


*[Signature]*

Notary Public

State of Michigan, County of Macomb

My Commission Expires: 06/27/2019



# 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

## AFFIDAVIT TO AUTHORIZE AGENT

Don & Lauren Slane  
Chuck & Christine Skrub  
(Name of all property owners)

1. I am (we are) the owners(s) and record title holders(s) of the following described property (Property ID# and address):

\_\_\_\_\_

2. This property constitutes the property for which the following is being requested (Project description):

From agricultural to commercial

3. The undersigned has/have appointed and does/do appoint:

\_\_\_\_\_

As (his/her/their/its) agent(s) to execute any applications or other documents necessary to affect the above request.

4. This affidavit has been executed to authorize Cheboygan County Planning & Zoning Department to consider and act on the above request.

5. (I/We) the undersigned owner(s) hereby certify that the foregoing is true and correct.

Don Slane

\_\_\_\_\_

Signature (Owner)

Lauren Slane

\_\_\_\_\_

Signature (Owner)

Don Slane

Print Name

Lauren Slane

Print Name

Subscribed and sworn before me on the 2<sup>nd</sup> day of May, 2018.



DAVID P CARPENTER  
Notary Public, State of Michigan  
County of Cheboygan  
My Commission Expires 9-23-2024  
Acting in the County of Cheboygan

David P. Carpenter  
Notary Public  
State of Michigan, County of Cheboygan  
My Commission Expires: 9-23-2024

TO: Cheboygan County Planning Commission

FROM: Jeffery B. Lawson  
Cheboygan County Administrator

RE: Attorney Opinion- Reposting of Slanec Rezoning and Amendment Language

DATE: 5-8-18

Slanec Rezoning- After review by legal counsel, the ZBA can only interpret the zoning ordinance when there was a true ambiguity of a district boundary. Therefore the planning commission should proceed with the determination of the Slanec rezoning request and send to the Board of Commissioners for final determination. The Planning Commission will need to make a motion to rescind its prior motion to send the matter to the ZBA.

Motor Vehicle and  
Fuel Sales Use  
Language  
Amendment:

After review by legal counsel the proposed language concerning Motor Vehicle Maintenance and Fuel Sales will need to be reposted for Public Hearing and approval by the Planning Commission due to the fact that items that were identified as permitted uses were re-identified as Special Uses when approved changing the original provisions of the posted notice.



# 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: June 13, 2018**

**To: Cheboygan County Planning Commission**

**From: Michael Turisk**

**Re: Staff Report regarding an application from Dan Slanec to rezone the portion of his property currently zoned Agriculture and Forestry Management (M-AF) to Commercial Development (D-CM).**

**Introduction:**

This proposed rezoning is requested by Dan Slanec. The applicant, Mr. Dan Slanec is requesting rezoning that portion of the subject property currently zoned Agricultural and Forestry Management (M-AF) to Commercial Development (D-CM). This application was initially scheduled for action by the Planning Commission at their May 2, 2018 regular meeting. However, discussion at said meeting concerned whether the Zoning Board of Appeals (ZBA) has authority to consider and take action on this application. Since that time legal counsel determined that the Planning Commission is the body charged with considering and acting upon rezoning requests and then forwarding Commission’s recommendation to the Board of Commissioners for final action. *To this point, note that the Planning Commission will need to make a motion to rescind its prior motion to forward the application to the ZBA prior to taking action.*

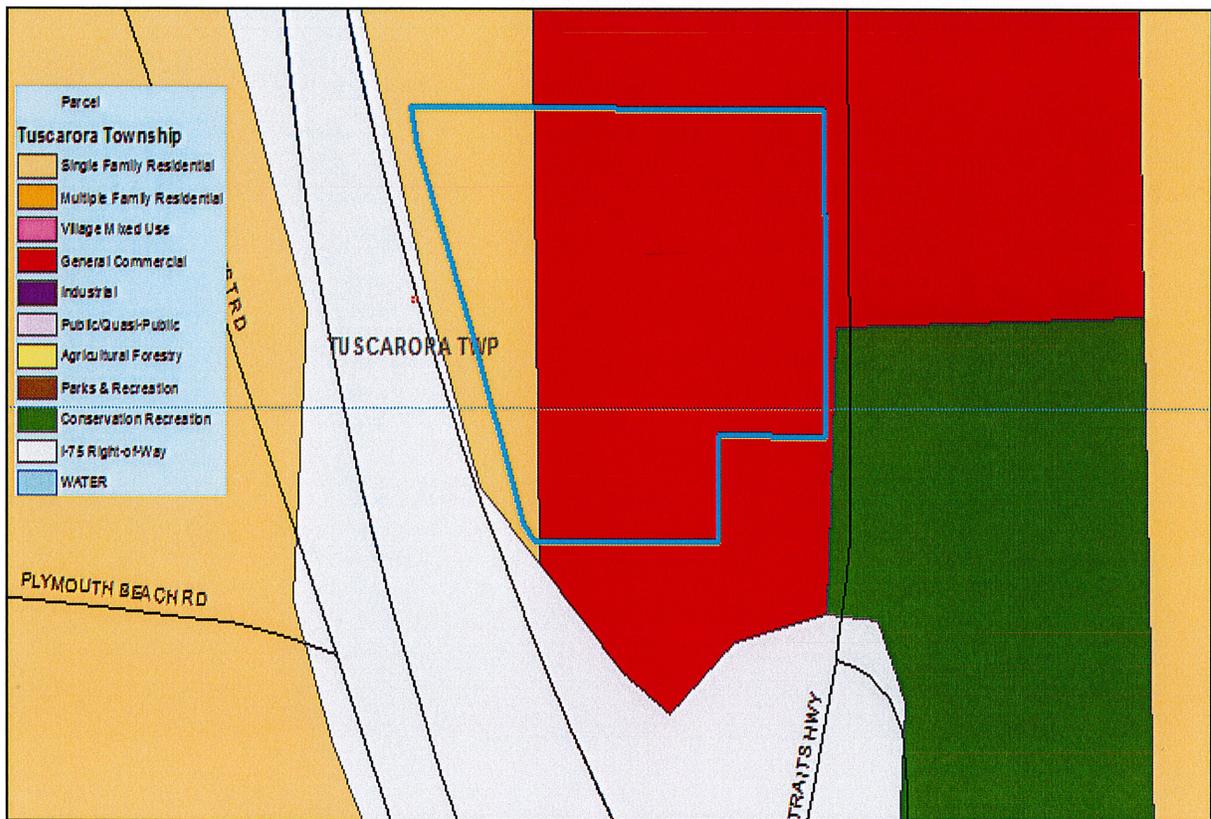


**Figure 1. Green = Existing Agriculture and Forestry Management (M-AF) zoning  
Red = Existing Commercial Development (D-CM) zoning**

## 2. Existing Land Uses and Conditions:

The property is located off of South Straits Highway, a Michigan State Highway (M-27) adjacent to Indian River Sports Center to the south and I-75 to the west. The front of the parcel is approximately 690 feet from the I-75 northbound 313 Entrance Ramp. The property contains 612 feet of existing commercial property frontage along M-27. Approximately the first 420 feet of depth of the property is currently zoned Commercial (D-CM) and the remaining back section of the property is Agricultural Forest Management (M-AF). The total area of the parcel is approximately 14 acres (the area to rezone is estimated at 7.6 acres). Current uses of the property include commercial sales of premade storage buildings along a portion of M-27, vacant land on the back area of the parcel and wetlands along the north portion of the property. Site Plan Review approval for sale of Premade Storage Buildings (section 6.2.19) was granted on June 15, 2016.

Neighboring parcels to north are vacant and those to the south of the area to be rezoned are also vacant and with some commercial uses. The neighboring parcel to the west is I-75 and the area to the east is vacant.



**Figure 2. Master Plan Future Land Use Map of subject area.  
Blue outline = Subject property**

## 3. Future Land Uses and Consistency with Cheboygan County Master Plan:

The parcels subject to this rezoning request are located in Tuscarora Township. Tuscarora Township has adopted a Master Plan. The Cheboygan County Master Plan recommends that Tuscarora's adopted Master Plan be utilized for land use planning and decision making as follows:

**Township Level Land Use Planning:**

In Michigan, Townships have the authority to conduct planning and zoning activities. In Cheboygan County, Burt Township has enacted its own Township-level master plan and zoning ordinance. Because Burt Township has acted, their zoning will take priority and the County has no zoning jurisdiction there. The situation in Tuscarora Township is somewhat different, however. While Tuscarora Township has formed a Township Planning Commission and adopted a township-level master plan, Tuscarora has not adopted its own zoning ordinance. County zoning is, therefore, still in effect for Tuscarora Township. According to Michigan statute, zoning must be based on a plan in order to be legally valid. Because Tuscarora Township has undertaken its own master plan, it is recommended that the Tuscarora Township master plan be utilized by Cheboygan County for developing land use and zoning recommendations for that community. The most recently adopted Township future land use map should take the place of more general recommendations developed for the County as a whole. As additional Townships become active in land use and zoning matters, the County should continue to incorporate Township-level land use recommendations into the County planning process.

The Future Land Use map indicates the subject area as General Commercial. The Cheboygan County Master Plan describes the General Commercial future land use as follows;

**General Commercial:**

In contrast to the proposed Village Mixed Use area, the General Commercial area is envisioned to serve primarily vehicular traffic. Most of the General Commercial area is located along the Old 27 corridor, north of the Indian River and between South Avenue and the Sturgeon River. The remainder of the General Commercial area is located on the M-68 corridor, near the I-75 interchange. Parcels in the General Commercial area are generally larger than that available downtown. Therefore, commercial uses requiring proportionately larger scale sites are encouraged to locate in the General Commercial area. Examples of existing appropriate large-scale commercial uses in this area include commercial nursery and landscape material sales, lumber and hardware stores with large storage and inventory areas, and commercial recreation facilities such as miniature golf and boat liveries. Additionally, highway oriented uses such as vehicle sales, automobile service stations, motels and restaurants are appropriate in the general commercial area. Design standards in this area would ideally include off-street parking, a landscaped setback from the highway, access controls to minimize interference with through traffic on the highway, and highway-oriented sign regulations. Within this future land use category, limited use outdoor recreation/event facilities may be compatible depending on the specific use and with site specific conditions required to address potential issues such as site access, traffic, noise, lights, etc and provide safeguards to protect the neighboring property owners. The pursuit of this type of use should be explored with the Cheboygan County Department of Planning and Zoning (in coordination with Tuscarora Township) in consideration of the Cheboygan County Zoning Ordinance.

**Single Family Residential:**

This future land use category is intended to serve as the principal residential area of the Township. It covers 6,436 acres or 24.2% of the total Township area. Relatively high density (lot size less than one acre) homes are encouraged in and around the community of Indian River, while low density homes (minimum one-acre lots) are encouraged in the outlying areas north of Indian River and areas along the Burt Lake shore.

In the future, the Township may wish to consider designating two types of residential development areas: one where subdivision or small lot development is anticipated and the other where large-lot or “estate residential” development is to be encouraged. To fully implement this concept, an additional “estate residential” zoning classification may be needed at the County level. Sanitary sewer facilities should be provided in the Indian River area. Such services to other parts of the district should be extended on an as-needed and cost-effective basis only.

**4. Comparisons in the zoning setback and area requirements:**

	M-AF Current	D-CM Proposed
Minimum Dwelling Floor Area	720	No min.
Minimum Dwelling Width	No min.	No min.
Minimum Lot Area	1 Acre	No min.
Minimum Lot Width	150	No min.
Minimum Front Setback	50	25
Minimum Side Setback	10	10
Minimum Rear Setback	30	10
Maximum Structure Height	35	35

**5. Uses allowed in the existing M-AF zoning district:**

**SECTION 9.2. PERMITTED USES**

- 9.2.1. Single Family Dwellings and Two Family Dwellings (Rev. 03/28/12, Amendment #108).
- 9.2.2. Commercial Farm Buildings. (Rev. 10/24/13, Amendment #120)
- 9.2.3. Commercial Farms. (Rev. 10/24/13, Amendment #120)
- 9.2.4. Greenhouses and nurseries.
- 9.2.5. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business.
- 9.2.6. Home occupations as defined in this ordinance.
- 9.2.7. Essential services.
- 9.2.8. Cemeteries.
- 9.2.9. Private aircraft landing strips.
- 9.2.10. Reserved for future use (Rev. 10/13/16, Amendment #135)
- 9.2.11. Tree farms, forest production and forest harvesting operations including portable sawmills, log storage yards and related activities.
- 9.2.12. Hunting grounds, fishing sites and wildlife preserves.
- 9.2.13. Private hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)
- 9.2.14. Private Storage Buildings, Private Storage/ Workshop Buildings and Agricultural/Private Storage/Workshop Buildings (Rev. 04/12/07, Amendment #67) (Rev. 10/24/13, Amendment #120)
- 9.2.15. Hobby Farm Buildings. (Rev. 10/24/13, Amendment #120)
- 9.2.16. Hobby Farms. (Rev. 10/24/13, Amendment #120)

### **SECTION 9.3. USES REQUIRING SPECIAL LAND USE PERMITS**

See ARTICLE 17, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 18, SPECIAL LAND USE (SLU) PERMIT PROCEDURES AND STANDARDS for instructions on applying for permits.

- 9.3.2. Automobile repair and service and gasoline stations.
- 9.3.3. Assembly, educational or social event facilities  
(Rev. 09/01/17, Amendment #140).
- 9.3.4. Public parks and recreational areas, playgrounds and campgrounds. (Rev. 09/01/17, Amendment #140)
- 9.3.5. Entertainment and eating establishments.
- 9.3.6. Commercial Hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)
- 9.3.7. Golf courses, country clubs and sportsmen's' associations or clubs.
- 9.3.8. Grocery and party stores.
- 9.3.9. Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities.
- 9.3.10. Slaughter houses and meat packing plants.
- 9.3.11. Travel trailer courts, tenting areas and general camping grounds.
- 9.3.12. Public airports and landing fields, with appurtenant facilities.
- 9.3.13. Non-essential public utility and service buildings.
- 9.3.14. Adult Daycare Center, Assisted Living Center or Health Care Living Center.  
(Rev. 09/01/17, Amendment #141)
- 9.3.15. Animal feedlots or piggeries.
- 9.3.16. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.
- 9.3.17. Commercial kennels, pet shops, and veterinary hospitals according to Section 17.16. (Rev. 11/23/09, Amendment #81)
- 9.3.18. Junk yards, salvage yards and waste disposal sites. (Rev. 04/26/08, Amendment #75)
- 9.3.19. Commercial composting (Rev. 04/28/00, Amendment #14)
- 9.3.20. Contractor's Yards, provided all of the following requirements are met: (Rev. 12/24/03, Amendment #26)
  - 9.3.20.1. Minimum 10 acre parcel.
  - 9.3.20.2. Minimum 330' of road frontage / lot width.
  - 9.3.20.3. Minimum Setbacks: 100' front; 75' side; 100' rear.
  - 9.3.20.4. All related equipment and materials must be stored within an enclosed building, not to exceed 5,000 square feet, or screened from view from public or private roads and adjoining properties under different ownership behind a wooden fence or greenbelt.
  - 9.3.20.5. Buildings and uses permitted herein shall only be approved for parcels occupied by the parcel owner and which shall contain the owner's primary residence.
- 9.3.21. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)
- 9.3.22. 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. (Rev. 04/26/08, Amendment #75)

- 9.3.23 Child Caring Institutions, subject to the requirements of Section 17.24. (Rev. 04/28/10, Amendment #85)
- 9.3.24 Indoor Storage Facilities, subject to requirements of section 17.27.1. (Rev. 05/25/13, Amendment #116)
- 9.3.25 Planned Projects subject to provisions of Section 17.28. (Rev. 05/25/13, Amendment #116)

## **6. Uses allowed in the proposed D-CM zoning district**

### **SECTION 6.2. PERMITTED USES**

- 6.2.1. Any use permitted in the D-RS, Residential Development District. (Rev. 05/23/15, Amendment #127)
- 6.2.2. Automobile, boat, equipment, and farm machinery sales, repair, rental and washing establishments.
- 6.2.3. Bars and taverns.
- 6.2.4. Bed and Breakfast (Rev. 10/25/09, Amendment #80)
- 6.2.5. Arcades, bowling alleys or billiard parlors. (Rev. 09/01/17, Amendment #140)
- 6.2.6. Cabinet making shops.
- 6.2.7. Dance, music, voice studios.
- 6.2.8. Dress making, millinery, clothing stores.
- 6.2.9. Drive in eating establishments, fast food establishments, and restaurants. (Rev. 04/12/07, Amendment #67)
- 6.2.10. Farm product stands.
- 6.2.11. Funeral homes, undertaking establishments.
- 6.2.12. Hotels, motels.
- 6.2.13. Laboratories.
- 6.2.14. Nurseries for flowers and plants.
- 6.2.15. Offices.
- 6.2.16. Parking lots, buildings and garages.
- 6.2.17. Retail sales establishment, General
- 6.2.18. Retail sales establishment, Household
- 6.2.19. Retail sales establishment, Specialty
- 6.2.20. Retail lumber yards.
- 6.2.21. Rifle or pistol ranges when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)
- 6.2.22. Assembly, educational or social even facilities (Rev. 09/01/17, Amendment #140)
- 6.2.23. Wholesale sales and storage when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)
- 6.2.24. Multiple family housing. (Rev. 05/23/15, Amendment #127)
- 6.2.25. Nurseries and day care centers for children. (Rev. 05/23/15, Amendment #127)
- 6.2.26. Adult Daycare Center, Assisted Living Center or Health Care Living Center. (Rev. 09/01/17, Amendment #141)
- 6.2.27. Boarding and lodging houses. (Rev. 05/23/15, Amendment #127)

- 6.2.28. Medical clinics and doctor's offices. (Rev. 05/23/15, Amendment #127)
- 6.2.29. Private storage buildings, subject to the requirements of Section 17.23. Rev. 05/23/15, Amendment #127)
- 6.2.30. Mobile food units, subject to the requirements of Section 17.29 Rev. 02/25/17, Amendment #137) Permitted uses in the D-CM zoning district require site plan review approval under Article 20 of the zoning ordinance. Exceptions to this requirement are single family dwellings, two family dwellings and private storage buildings.

**SECTION 6.3. USES REQUIRING SPECIAL LAND USE PERMITS**

- 6.3.1. Bus Terminals.
- 6.3.2. Commercial cleaning plants, dry cleaning, laundry establishments.
- 6.3.3. Contractor's yards, equipment storage and materials handling operations.
- 6.3.4. Gasoline service stations and garages.
- 6.3.5. Commercial kennels, pet shops, and veterinary hospitals, according to Section 17.16. (Rev. 11/22/09, Amendment #81)
- 6.3.6. Outdoor, drive-in theaters.
- 6.3.7. Outdoor commercial recreation activities.
- 6.3.8. Trailer and mobile home parks.
- 6.3.9. Manufacturing, production, processing and fabrication when the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust.
- 6.3.10. Junk yards, salvage yards and waste disposal sites.
- 6.3.11. 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. (Rev. 04/26/08, Amendment #75)
- 6.3.12. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)
- 6.3.13. Child Caring Institutions, subject to the requirements of Section 17.24 (Rev. 04/28/10, Amendment #85)
- 6.3.14. Boat Storage (Rev. 08/26/10, Amendment #88)
- 6.3.15. Truck Terminals or Warehouses subject to the requirements of Section 17.26 (Rev. 03/28/12, Amendment #107)
- 6.3.16. Indoor Storage Facilities (Rev. 05/25/13, Amendment #116)
- 6.3.17. Planned Projects subject to provisions of Section 17.28 (Rev. 10/13/16, Amendment #136)

**Summary:**

The subject property is located along M-27, a Michigan State Highway. The Future Land Use map indicates the subject property lies within an area designated General Commercial and Single Family Residential. This proposed rezoning is consistent with the east portion of the property and is consistent with the Master Plan Future Land Use Map.

DRAFT  
CHEBOYGAN COUNTY  
PLANNING COMMISSION

Dan Slanec/Slanec Family Living  
Trust And Skrub Family Living Trust  
Rezoning

Applicant: Dan Slanec  
1299 Paterson Ave.  
Topinabee, MI 49791

Owners: Dan Slanec  
1299 Paterson Ave.  
Topinabee, MI 49791

Parcel: Section 01, Tuscarora Township  
Parcel No. 16-161-001-200-005-04

Hearing Date: Wednesday, June 20, 2018 at 7:00 p.m.

PROPERTY DESCRIPTION

The property of Owners is described more fully as: Situated in the Township of Tuscarora, County of Cheboygan and State of Michigan.

BEG AT E1/4 COR SEC 1, T35N,R3W; TH W ALG 1/4 LI 120.42FT TO R/W HWY-27 FOR POB; TH S 0D 14M 30S W ALG R/W 219.35FT; TH N 89D 45M 30S W 250FT; TH S 0D 14M 30S W 499.52FT TO NLY R/W OF ON RAMP FOR I-75 HWY; TH ALG CURVE CHR D BEARS N 45D 07M 30S W 563.38FT & ALG CURVE CHR D BEARS N 20D 14M 25S W 768.06FT; TH S 89D 45M 30S E 919.66FT TH S 0D 14M 30S W 396.44FT TO POB. \*EXC: COM AT E 1/4 COR SEC 1, T35N,R3W; TH N 89D 45M 30S W 120.42FT TO WLY ROW LI OF HWY M-27; TH S 0D 14M 30S W 219.35FT ALG SD W ROW LI; TH N 89D 45M 30S W 250FT; TH S 0D 14M 30S W 200.23FT TO POB; TH CONT S0D 14M 30S W 299.12FT TO NLY LI OF I-75 OF N BOUND ON RAMP 468.54FT ALG CURVE TO RIGHT, HAVING RAD OF 749.18FT & CHR D BEARING N 49D 17M 46S W 460.94FT; TH S 89D 45M 30S E 350.70FT TO POB.

**Hereinafter referred to as the "Property."**

## APPLICATION

The Applicants seek approval for Re-Zoning requesting the following:

1. Rezone portion of parcel currently zoned M-AF (Agricultural and Forestry Management District) from M-AF (Agriculture and Forestry Management District) to D-CM (Commercial Development District).

The Planning Commission having considered the Application, the Planning Commission having heard the statements of the Applicants, the Planning Commission having considered letters submitted by members of the public and comments by members of the public and written evidence and exhibits on the record, and the Planning Commission having reached a decision on this matter, states as follows:

### GENERAL FINDINGS OF FACT

1. The Planning Commission finds that the applicant proposes rezoning of certain real property in the application from Agricultural and Forest Management District (M-AF) Commercial Development District (D-CM). See exhibit 4.
2. The Planning Commission finds that the application is made by Dan Slanec, See exhibit 4.
3. The Planning Commission finds that the legal description of the property at issue, including the proposed property to be rezoned, is attached to the application (noted above). See exhibit 4.
4. The Planning Commission finds that the Cheboygan County Master Plan Future Land Use Map designates the area with the proposed rezoning as being offered as General Commercial and Single Family Residential. See exhibit 2 and Future Land Use Map.
5. The Planning Commission finds that
6. The Planning Commission finds that
7. The Planning Commission finds that

## REZONING FACTORS

<b>1. Is the proposed rezoning reasonably consistent with surrounding uses?</b>
---

### WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the property is directly contiguous to an area already located in the D-CM District, such that adding the subject property as proposed by the applicant for rezoning would not result in an isolated, detached area of land rezoned D-CM. See exhibit 7.
  
- B. The Planning Commission finds that based upon the information provided in the staff report which includes the Cheboygan County Master Plan Future Land Use Map which indicates that the property is in the General Commercial land use category. See exhibit 2 and Future Land Use Map.
  
- C. The Planning Commission finds that upon review of the specific nature of the Property, which includes a portion of the existing parcel already zoned D-CM containing an approved commercial special use permit that the rezoning would not create a negative impact on surrounding property.
  
- D. The Planning Commission finds

### WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that many of the surrounding land uses are in the M-AF District and are vacant. Thus, the Planning Commission finds that the proposed rezoning is not reasonably consistent with surrounding uses. See exhibit 7.
  
- B. The Planning Commission finds that  
  
This standard has/has not been met.

**2. Will there be an adverse physical impact on surrounding properties?**

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that there is no evidence that the proposed rezoning would result in an adverse physical impact on surrounding properties as Commercial uses currently exist in the area. Activities which could occur if the subject property is rezoned would not physically disturb the properties surrounding the land proposed for the rezoning. See exhibits 1 and 2.
- B. The Planning Commission finds that, as per the adopted Cheboygan County Master Plan, the future land use categories for surrounding properties may very well better describe the desired future land use on any given parcel, there is support in the Master Plan that this proposed rezoning would allow land uses which would be compatible with surrounding properties and meet the County's land use goals. See exhibit 2.
- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that there is evidence that the proposed rezoning in and of itself would result in adverse physical impact on surrounding properties as the activities which could occur in the subject area were rezoned would physically disturb the properties surrounding the land proposed for the rezoning. See exhibit \_\_\_ .
- B. The Planning Commission finds that most of the surrounding properties are currently vacant use. See exhibit 6
- C. The Planning Commission finds that

This standard has/has not been met.

**3. Will there be an adverse effect on property values in the adjacent area?**

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that there is no evidence in the form of an appraisal or other document study which shows, that if the rezoning is granted, there would be an adverse effect on property values in the area. See exhibit \_\_\_\_\_.

- B. The Planning Commission finds that
- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that information has been submitted regarding the impact on neighboring property values and the evidence presented proves that if rezoning is granted that there would be an adverse impact on property values in the area. See exhibit \_\_\_\_.
- B. The Planning Commission finds that  
  
This standard has/has not been met.

<b>4. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?</b>
--

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that development in the area is slowly increasing and that the parcels close proximity to I-75 provides an opportunity to attract additional viable business that will result in the investment of additional dollars in the area and that these factors are viable justifications for the rezoning. See exhibit \_\_\_\_.
- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that changes which have occurred in the vicinity of the property have been minimal and much of the area remains vacant open space uses as opposed to commercial uses. As such, there is a minimum demand for commercial property which does not favor the proposed rezoning. See exhibit \_\_\_\_.
- B. The Planning Commission finds that  
This standard has/has not been met.

**5. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?**

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that given the size of the property as well as surrounding properties which are not subject to the rezoning application, there is no evidence that the rezoning would deter the improvement or development of adjacent property in accordance with existing regulations, much less future land use plans as proposed in Cheboygan County's future land use map. See exhibits 1, 2 and 6.
- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that there is evidence that the proposed rezoning would deter the improvement or development of adjacent property in accordance with existing regulations since most properties to the north, east, and west are vacant open space. See exhibits 1 and 2 and 6.
- B. The Planning Commission finds that  
  
This standard has/has not been met.

**6. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?**

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that half of the subject parcel is currently zoned D-CM and has been issued a commercial special land use permit for Premade Storage Building Sales (section 6.3.16) and is also adjacent to property to the south east which is zoned D-CM and contains commercial land uses. As such, if the property is rezoned to D-CM, it would be contiguous with already existing D-CM zoned property. As such, the proposed rezoning does not create a special privilege or result in spot zoning. See exhibit 1 and 7.
- B. The Planning Commission finds that
- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that rezoning the property will result in a substantial amount of acreage penetrating into existing M-AF zoned property. The Planning Commission further finds that given the existing vacant open space which already exists in the surrounding area that the property will result in the granting of a special privilege to the applicant for uses not available for development by surrounding property owners. See exhibit 1 and exhibit 7.
- B. The Planning Commission finds that  
  
This standard has/has not been met.

<b>7. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?</b>
--

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the front half of the property is currently zoned D-CM and was issued a special land use permit for Premade Storage Building Sales (section 6.3.16). The Planning Commission further finds that given the Master Plan and future land use map, rezoning would be more in line with uses allowed under the future land use designation for the area. See exhibit 2 and Future Land Use Map.
- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that although the front portion of the property is currently zoned D-CM and used for commercial use the back portion of the property can be used for all purposes listed under its current zoning classification.
- B. The Planning Commission finds that  
  
This standard has/has not been met.

**8. Is the rezoning in conflict with the planned use for the property as reflected in the master plan?**

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the County's Master Plan depicts the future use of the property as being in the General Commercial and Single Family Residential category. See exhibit 2 and Future Land Use Map.
- B. The Planning Commission finds that, as per the adopted Cheboygan County Master Plan, and Future Land Use Map, the future land use categories for surrounding properties may very well better describe the desired future land use on any given parcel and there is support in the Master Plan that this proposed rezoning would allow land uses which would be compatible with surrounding properties and meet the County's land use goals. See exhibit 2 and Future Land Use Map.
- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that that the Tuscarora Township's Master Plan depicts the future use of the property as being in the General Commercial and Single Family Residential. See exhibit 2 and Future Land Use Map.

- B. The Planning Commission finds that the County's Master Plan provides in part as follows;

Because Tuscarora Township has undertaken its own master plan, it is recommended that the Tuscarora Township master plan be utilized by Cheboygan County for developing land use and zoning recommendations for that community. The future land use plan identifies a portion of the parcel as Single Family Residential.

See exhibit 2 and Future Land Use Map.

- C. The Planning Commission finds that

This standard has/has not been met.

**9. Is the site served by adequate public facilities or is the applicant able to provide them?**

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the site is or will be served by adequate public and private facilities by the applicant considering the type of uses which may be permitted on the property. See exhibit \_.
- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the applicant has not sufficiently proven that that the site is or will be served by adequate public and private facilities. See exhibit \_\_\_\_.
- B. The Planning Commission finds that  
  
This standard has/has not been met.

**10. Are there sites nearby already properly zoned that can be used for the intended purposes?**

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that although a portion of property is zoned D-CM that the rezoning of the remaining portion of the parcel adjacent to I-75 provides maximum utilization of property for the display and sale of Premade Storage Buildings. See exhibit 7.
- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that, with respect to the proposed rezoning, the currently zoned D-CM is adequate for the intended purpose. See exhibit 1 and 7.
- B. The Planning Commission finds that  
  
This standard has/has not been met.

DECISION

In considering the foregoing, it is important to recognize that the considerations are general in nature, may overlap somewhat, and that there may be other factors not listed. When pondering the above questions, the decision maker must also give due consideration to (a) the general character of the area in which the subject property is located, (b) the property itself and its attendant physical limitations and suitability to particular uses, (c) the general desire to conserve property values and, (d) the general trend and character of population development. The community should evaluate whether other local remedies are available.

The decision maker should not focus on any one concern among the various factors to be taken into consideration when passing upon a rezoning request.

Motion made by \_\_\_\_\_, supported by \_\_\_\_\_ that based upon the general findings of fact and the rezoning factors that the applicant's request to rezone the subject area identified as Parcel ID No. 16-161-001-200-005-04 of is hereby recommended to be denied/approved.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

DATE DECISION AND ORDER ADOPTED

June 20, 2018

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, Patty Croft

\_\_\_\_\_  
Secretary, Charles Freese

# CHEBOYGAN COUNTY PLANNING COMMISSION

Tillman Infrastructure/CG&KW Enterprises, LLC

## 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 (6 Pages)
5. Site Data Sheet (1 Page)
6. Legal Description (1 Page)
7. Narrative Overview (2 Pages)
8. Standards For Special Use Approval (7 Pages)
9. Fall Zone Letter (2 Pages)
10. AT&T License (2 Pages)
11. Propagation Maps (5 Pages)
12. Mailing List (2 Pages)
13. Overall Site Plan C-1 (1 Page)
14. Overall Site Plan T-1 (1 Page)
15. Elevation Drawing C-3 (1 Page)
16. Topographic Site Survey B-1 (1 Page)
17. Enlarged Site Plan C-2 (1 Page)
18. Aerial Photo (1 Page)
19. Zoning Map (1 Page)
20. FCC Informational Notice of Section 106 Filings Dated 05/30/18 Regarding 7934 N. Straits Hwy.
21. 06/08/18 Email From Mike Bieniek to Debbie Tomlinson Regarding 04/19/18 Letter From Kelly Badra, MDOT, to Donna Marie Stipo, Tillman Infrastructure, LLC (3 Pages)
22. Email from Jason Gailitis (MDOT) to Debbie Tomlinson (2 Pages)
- 23.
- 24.
- 25.
- 26.

Note: Planning Commission members have exhibits 1 and 2.

NOTICE  
CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING  
WEDNESDAY, June 20, 2018 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

- 1.) **Dan Slanec/Slanec Family Living Trust & Skruba Family Living Trust** - Requests a rezoning from Agriculture and Forestry Management District (M-AF) and Commercial Development (D-CM) to Commercial Development (D-CM). The property proposed to be rezoned is located in Tuscarora Township, Section 1 and described as follows:

***Parcel #161-001-200-005-04***

BEG AT E1/4 COR SEC 1, T35N,R3W; TH W ALG 1/4 LI 120.42FT TO R/W HWY-27 FOR POB; TH S OD 14M 30S W ALG R/W 219.35FT; TH N 89D 45M 30S W 250FT; TH S OD 14M 30S W 499.52FT TO NLY R/W OF ON RAMP FOR I-75 HWY; TH ALG CURVE CHRD BEARS N 45D 07M 30S W 563.38FT & ALG CURVE CHRD BEARS N 20D 14M 25S W 768.06FT; TH S 89D 45M 30S E 919.66FT TH S OD 14M 30S W 396.44FT TO POB. \*EXC: COM AT E 1/4 COR SEC 1, T35N,R3W; TH N 89D 45M 30S W 120.42FT TO WLY ROW LI OF HWY M-27; TH S OD 14M 30S W 219.35FT ALG SD W ROW LI; TH N 89D 45M 30S W 250FT; TH S OD 14M 30S W 200.23FT TO POB; TH CONT SOD 14M 30S W 299.12FT TO NLY LI OF I-75 OF N BOUND ON RAMP 468.54FT ALG CURVE TO RIGHT, HAVING RAD OF 749.18FT & CHRD BEARING N 49D 17M 46S W 460.94FT; TH S 89D 45M 30S E 350.70FT TO POB.

- 2.) **Tillman Infrastructure/CG & KW Enterprises** - Requests a Special Use Permit for a wireless telecommunications facility (section 17.13.). The property is located at 7934 North Straits Highway, InvernessTwp., section 26, parcel #091-026-200-018-00, and is zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF).

Please visit the Planning and Zoning office or visit our website to see the associated documents. These documents may be viewed at [www.cheboygancounty.net/planning/](http://www.cheboygancounty.net/planning/). Comments, questions, and correspondence may be sent to [planning@cheboygancounty.net](mailto: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 Planning and Zoning Director at the above address one week in advance to request mobility, visual, hearing or other assistance.



# 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

**PROPERTY LOCATION**

Address 7934 N Straits Highway	City / Village Cheboygan, MI 49721	Twp / Sec. T37N S 26 R2W	Zoning District  D-CM
Property Tax I.D. Number 091-026-200-018-00	Plat or Condo Name / Lot or Unit No.		

**APPLICANT**

Name Mike Bieniek, AICP - Agent on behalf Tillman Infrastructure	Telephone 847-380-5569 (o) 847-287-1156 (c)	Fax 847-608-1299
Address 10700 W. Higgins, Suite 240	City, State & Zip Rosemont, IL 60018	E-Mail mbieniek@lcctelecom.com

**OWNER (If different from applicant)**

Name CG & KW Enterprises, LLC	Telephone 231-627-4307	Fax
Address 7934 N Straits Highway	City, State & Zip Cheboygan, MI 49721	E-Mail

**PROPOSED WORK**

<p>Type (check all that apply)</p> <p><input type="checkbox"/> New Building                      <input type="checkbox"/> Reconstruction</p> <p><input type="checkbox"/> Addition                                <input type="checkbox"/> Relocated Building</p> <p><input type="checkbox"/> Change in Use or Additional Use                      <input type="checkbox"/> Sign, Type: _____</p> <p><input checked="" type="checkbox"/> Other: <u>Wireless</u> telecommunications facility</p>	<p>Building/Sign Information (lease parcel)</p> <p>Overall Length: <u>100'-0"</u> feet</p> <p>Overall Width: <u>100'-0"</u> feet</p> <p>Floor Area: <u>8'-0" x 10'-0"</u> = <u>80</u> sq. feet</p> <p>Overall Building Height: <u>190'-0"</u> feet</p> <p>Sign Area: <u>N/a</u> sq. feet</p> <p>Sign Height <u>N/a</u> feet</p>
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**PROPOSED USE (check all that apply)**

<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input type="checkbox"/> Commercial	<input type="checkbox"/> Institutional
<input type="checkbox"/> Multi-Family, # of units _____	<input type="checkbox"/> Storage	<input type="checkbox"/> Industrial	<input type="checkbox"/> Utility
<input checked="" type="checkbox"/> Other: <u>Wireless</u> telecommunications facility			

Has there been a Site Plan or Special Use Permit approved for this parcel before?  YES  NO

If YES, date of approval: \_\_\_\_\_ Approved Use: \_\_\_\_\_

Directions to site: \_\_\_\_\_

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

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

Tillman Infrastructure is proposing to erect a 190'-0" self support lattice tower with a 9'-0" lightning rod to be located within a 100'-0" x 100'-0" lease parcel. AT&T Mobility is proposing to locate on the tower at the 190'-0" level and install cabinets and support equipment on a 8'-0" x 10'-0" platform.

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.  
See attached narrative

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- 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.

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

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- 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.

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

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

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

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- 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. \_\_\_\_\_



# 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: Approximately 9.4

4. Present use of property:  
Bowling alley

5. SUP Standards:

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

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.** \_\_\_\_\_

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.** \_\_\_\_\_

\_\_\_\_\_

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.** \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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.** \_\_\_\_\_

\_\_\_\_\_



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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SPECIAL LAND USE PERMIT APPLICATION

- 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)? \_\_\_\_\_
- 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 *Will Bick* Date 4/26/18

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

Yes  No

Owner's Signature *Condy Schilders* Date 4-26-18

**FOR PLANNING /ZONING DEPT. USE ONLY**

Date Received:	<u>6.6.2018</u>	Notes:
Fee Amount Received:	<u>\$225.00</u>	
Receipt Number:	<u>6160</u>	
Public Hearing Date:	<u>6.20.2018</u>	

Planning/Zoning Administrator Approval:

*[Signature]* 6.7.2018

Signature Date

## 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
X		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.
X		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.
X		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
X		d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
X		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.
X		f. Location of existing and proposed buildings and intended uses thereof.
N/a		g. Details of entryway and sign locations should be separately depicted with an elevation view.
N/a		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.
N/a		i. Location, size, and characteristics of all loading and unloading areas.
N/a		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
X		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.
N/a		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)

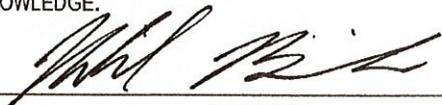
INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X X		m. Location and specifications for all fences, walls, and other screening features.
X X		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
X X		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
X X		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
X X		q. Elevation drawing(s) for proposed commercial and industrial structures.
N/a N/a		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
N/a N/a		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>

**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

4/24/18  
 \_\_\_\_\_  
 DATE

# Letter of Application

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April 24, 2018

Jeffery Lawson  
County Administrator  
870 South Main Street  
PO Box 70  
Cheboygan, MI 49721

RE: Tillman/AT&T Site Number: 14362171  
7934 Straits Highway  
Cheboygan, MI 49721

Dear Mr. Lawson:

Tillman Infrastructure, on behalf of AT&T Mobility is in the process of finalizing a lease agreement with the landowners of the site referenced above to construct a wireless telecommunications service facility. The proposed facility is designed to house the equipment necessary to provide the technology needed to provide clear and uninterrupted wireless telecommunications services to the residents of the Cheboygan County.

The proposed wireless telecommunications facility will consist of a 190'-0" tall self-support lattice tower (190'-0" tower and 9'-0" lightning rod) to be located within a 100'-0" x 100'-0" lease parcel. The proposed tower will be erected, owned and managed by Tillman Infrastructure and upon construction; AT&T Mobility will locate their equipment on the tower at the 190'-0" level. The facility is unmanned and will require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month.

On behalf of Tillman Infrastructure and AT&T Mobility, LCC Telecom Services has submitted all required documentation for the proposed tower in accordance with Cheboygan County's Zoning Ordinance. Should you have any questions please feel free to contact me. I look forward to working with you during the approval process in order to provide the residents of the Cheboygan County the best possible PCS coverage.

Sincerely,



Michael Bieniek, AICP  
Zoning Director

# Site Data Sheet

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**Applicant:** Tillman Infrastructure, LLC  
152 West 57<sup>th</sup> Street  
8<sup>th</sup> Floor  
New York, New York 10019

AT&T Mobility  
475 Morosgo Drive NE  
Atlanta, Georgia 30324

**Agent:** Michael Bieniek, AICP  
LCC Telecom Services  
10700 Higgins Road  
Suite 240  
Rosemont, IL 60018

**Tower Owner:** Tillman Infrastructure, LLC  
152 West 57<sup>th</sup> Street  
8<sup>th</sup> Floor  
New York, New York 10019

**Applicant's Interest in the Property:** Leasehold

**Property Owner:** CG & KW Enterprises, LLC  
7934 Straits Highway  
Cheboygan, MI 49721

**Address of Property:** 7934 Straits Highway  
Cheboygan, MI 49721

**Request:** Application for a Special Use Permit and any other approvals to erect a 190'-0" self-support lattice tower to be located within a 100'-0" x 100'-0" lease parcel.

# Legal Description

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All that part of the Northeast 1/4 of the Northeast 1/4 of Section 26, Town 37 North, Range 2 West, described as follows: Commencing at the Northeast corner of said Section 26; thence North 88 degrees 39 minutes 50 seconds West along the Northerly side of said Section, a distance of 363.00 feet; thence South 01 degrees 08 minutes 10 seconds West 33.00 feet to the Southerly right-of-way line of the County Road and the Point of Beginning of this description; thence North 88 degrees 39 minutes 50 seconds West along the Southerly right-of-way line of the County Road 250.96 feet to the Easterly right-of-way line of highway US-27; thence South 22 degrees 02 minutes 40 seconds West along said highway right-of-way line 102.02 feet; thence along the arc of the curved right-of-way whose long chord bears South 22 degrees 57 minutes 50 seconds West 203.93 feet; thence 474.00 feet along the curved right-of-way line whose long chord bears South 29 degrees 17 minutes West 473.53 feet; thence South 47 degrees 44 minutes 30 seconds East 575.98 feet to the Westerly right-of-way line of the Michigan Central Railroad; thence Northeasterly 251.88 feet along the arc of the curved right-of-way line whose long chord bears North 38 degrees 28 minutes 10 seconds East 251.86 feet; thence North 01 degree 08 minutes 10 seconds East parallel to the East side of said Section 26, a distance of 879.79 feet to the point of beginning; EXCEPT: that part deeded to the State Highway Commissioner of the State of Michigan recorded in the Deed recorded in Liber 241, Page 239.

# Narrative Overview

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Tillman Infrastructure, LLC. (“Tillman Infrastructure”) and AT&T Mobility, seeks a Special Use Permit and any other necessary approvals in order to install a wireless telecommunications facility on property located at 7934 Straits Highway, Cheboygan, MI 49721. Tillman Infrastructure and its affiliates have acquired the necessary licenses from the Federal Communications Commission (“FCC”) to provide Personal Communications Services (“PCS”) coverage throughout the United States. These licenses include Cheboygan County, Michigan.

The wireless telecommunications facility which Tillman Infrastructure is proposing to install on behalf of AT&T Mobility on the property is necessary in order to provide uninterrupted PCS services to the residents of Cheboygan County, including wireless telephone service, voice paging, messaging and wireless internet and broadband data transmission. All registered wireless provider’s technology operates at various radio frequency bands allocated by the FCC as part of their license.

PCS systems operate on a grid system with overlapping cells mesh together, forming a seamless network. No one site can function as a stand-alone entity as each site is interconnected, forming the network. The technical criteria for establishing cell sites are very exacting as to the location and height. Within the Cheboygan area, cell sites are generally located approximately one (1) to three (3) miles apart. Tillman Infrastructure is proposing to erect a 190’-0” self-support lattice within a 100’-0” x 100’-0” lease area. The proposed site at 7934 Straits Highway, Cheboygan, MI 49721, is within the geographic area deemed necessary for AT&T Mobility and various other wireless telecommunications providers in order to provide uninterrupted services.

In accordance with the Cheboygan County Zoning Ordinance, Tillman Infrastructure has made application to install a wireless telecommunications facility. The proposed wireless telecommunications facility will consist of a 190’-0” tall self-support lattice tower to be located within a 100’-0” x 100’-0” lease parcel.

The facility is unmanned and will require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month. Access will be provided via an

easement and the proposed property entry at 7934 Straits Highway, Cheboygan, MI 49721. The site is entirely self-monitored through a sophisticated alarm system which is connected to a main switch station. The system alerts personnel to any equipment malfunction or breach of security. Additionally, there is no impact on any County services such as water, sanitation, police and fire. The only services used in connect with the wireless telecommunications facility are power and land-line telephone.

In accordance with FCC regulations, the wireless telecommunications facility will not interfere with any form of communications, including but not limited to, land-line phones, cable and satellite television and radio broadcasts. PCS technology has become a vital part of emergency services, aiding local residents and motorists in a variety of situations, thus helping to protect the general public's health, safety and welfare. The proposed wireless telecommunications facility at this site will further enhance AT&T's goals of providing the most reliable network possible in this area.

The proposed wireless telecommunications facility will be designed and constructed to meet all applicable governmental and industry safety standards. Specifically, Tillman Infrastructure and AT&T Mobility will comply with all FCC and FAA rules and regulations regarding construction requirements and technical standards. Any and all RF emissions are subject to the exclusive jurisdiction of the FCC. Any height, lighting or marking issues are subject to the exclusive jurisdiction of the FAA.

LCC Telecom Services, on behalf of Tillman Infrastructure and AT&T Mobility, looks forward to working with Cheboygan County to bring the benefits of the proposed service to the entire Cheboygan County area. The addition of the wireless telecommunications facility will ensure the best uninterrupted wireless services for the citizens of Cheboygan County.

# Standards for Special Use Approval

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In considering a Special Use Permit application, the Planning Commission shall establish that the following standards and/or criteria shall have been satisfied, together with other requirements of the Ordinance. The standards enumerated herein are intended to promote the intent and purpose of the Ordinance and to ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. In addition, these standards shall also ensure that the land use or activity is consistent with the public health, safety, and welfare of the County.

- 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.

**The proposed wireless telecommunications facility has been situated on the lot within a relatively flat, wooded area so as not to require reshaping of the lot. The development of the site was designed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. To the contrary, improved wireless telecommunications services in the area will enhance development in the area while providing enhanced services for the existing residents.**

- 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.

**As stated above, the proposed wireless telecommunications facility has been situated on the lot within a relatively flat, wooded area so as not to require reshaping of the lot. Due to the chosen location, little modifications will result to the sites in relation to slope and vegetation.**

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

**Due to the diminutive size of the proposed wireless telecommunications facility, there will be no adverse effect on the neighboring properties associated with storm water. The proposed 100'-0" x 100'-0" lease parcel will consist of a gravel base which will allow for percolation of storm water.**

- 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.

**The site has been designed to maximize visual and sound privacy for all dwelling units in the area. Wireless telecommunications facilities do not generate noise, other than that of a window air conditioner unit; therefore the sound privacy of this site is maximized. The proposed tower is to be located within an area surrounded on the south and east by existing trees, approximately 180' from the front property line. There should be minimal impact on surrounding properties due to the location on the site. Additionally, the proposed wireless telecommunications facility is proposed to be 190'-0" (190'-0" tower and 9'-0" lightning rod) and according to FAA guidelines will not require lighting of the tower which will further minimize the visual impact of the site.**

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

**All buildings or groups of buildings will be arranged so as to permit emergency vehicle access. The site will be accessed by a 12'-0" gravel drive which will come off of the existing driveway on the property.**

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

**All structures within the lease area for the proposed tower will have direct access to a public street in the sense that the lease compound has that access. However, the structures will be within a fenced area surrounding the tower.**

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

**The proposed wireless telecommunications facility will not require a subdivision plat. The 100'-0" x 100'-0" parcel will be leased from the existing property owners.**

- 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

**The only exterior lighting on this site will include a porch type light that will provide lighting for any technicians needing to visit the site in an emergency. The ground lighting will not impact traffic or any adjacent properties. Additionally, there will be no illumination of the night skies. As stated above, the proposed wireless**

**telecommunications facility is below the 200'-0" threshold, therefore, no lighting of the tower is required.**

- 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.

**Since the proposed wireless telecommunications facility does not have significant vehicular traffic, the existing streets and pedestrian/bicycle pathways will not be impacted. The site is visited by a technician in a van sized vehicle approximately one time per month. The access to the site is through an existing driveway, therefore the traffic pattern will not be impacted.**

- 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.

**Wireless telecommunications facilities are governed by the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA). As such, this wireless telecommunications facility will be designed in accordance with all local, state and federal regulations.**

SUP Standards:

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

**The subject parcel is zoned D-CM, which in accordance with section 17.13 of the Cheboygan County Code of Ordinance, wireless communications facilities are permitted as authorized by Special Use Permit.**

- 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.

**The proposed wireless telecommunications facility will not involve any activities, processes, materials or equipment that will create a substantially negative impact on the natural resources of the natural environment. The proposed facility will consist of a 100'-0" x 100'-0" lease area which is unmanned. The special land use will enhance wireless telecommunications coverage which will have a positive influence on the area.**

- 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.

**The proposed wireless telecommunications facility will not involve any activities, processes, materials or equipment that will create a substantially negative impact on the natural resources of the natural environment. The proposed wireless telecommunications facility will not affect traffic, noise, smoke, fumes, glare, odor, or the accumulation of scrap material in any way. Other than during construction, no storage of materials will be present on the site. Likewise, a wireless telecommunications facility does not generate traffic, noise, smoke, fumes, glare, or odor.**

- 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.

**The proposed wireless telecommunications facility will be designed, constructed, operated and maintain so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. As stated above, the proposed facility will be situated on a portion of this lot which will minimize the visual impact from ground level. The site does not generate noise or traffic which would be detrimental to surrounding properties. The enhanced wireless signal will enhance the development of the surrounding properties which are all similarly zoned.**

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

**The proposed wireless telecommunications facility will not place demands on fire, police or other public resources. A wireless telecommunications facility is unmanned and does not require any public resources for its existence. The proposed wireless telecommunications facility is secured by a 6'-0" fence which is topped with three (3) strands of barbed wire and is connected to a central monitoring station. In the event of a breach of the compound, the monitoring station is alerted. The only public demands would be on police and fire on extremely rare occasions.**

- 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.

**The proposed wireless telecommunications facility will be adequately served by public streets. As stated above, the proposed tower will be serviced by a 12'-0" gravel access road which will tie into the existing driveway. Therefore no new curb cuts will be required. The only utilities needed for a wireless telecommunications facility are power and teleco which are readily available to the site. No water, sewer facilities nor refuse**

**collection and disposal is required.**

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

**As stated above, the only utilities needed for a wireless telecommunications facility are power and teleco which are readily available to the site. No water, sewer facilities nor refuse collection and disposal is required.**

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

**The proposed wireless telecommunications facility will be designed with all local, state and federal regulations.**

Section 17.13.2. Standards required for all Wireless Communication Facilities:

1. The proposed height meets FCC and/or FAA regulations.

**AT&T Mobility and Tillman Infrastructure are governed by all FCC and FAA regulations including but not limited to height regulations. As tower owner, Tillman Infrastructure has applied for FAA approval for this site. AT&T's FCC license for this market has been attached to this document for your reference.**

2. Towers must be equipped with devices to prevent unauthorized climbing.

**The proposed tower is equipped with anti-climbing devices. The proposed lease compound will have a six foot chain link fence with three (3) strands of barbed wire on top along with a locked gate. Should any unauthorized person get into the fenced area, the site is connected to a switch station that monitors the site. Finally, the tower has climbing pegs which do not start until approximately 20'-0" up on the tower.**

3. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting, and/or concealing the tower in a "stealth design.

**The proposed tower is to be located in an area of trees which will help conceal the base of the tower. Since the tower is designed to be 199'-0" at its highest point (190'-0" tower with 9'-0" lightening rod), the tower will not require lighting per FAA standards, which will help the tower blend into the surrounding area.**

4. New towers should be engineered as appropriate for co-location of other antennae.

**The proposed tower will be engineered to allow for co-location of multiple users. Tillman**

**Infrastructure is a tower owner and they derive their profits by allowing co-location on their facilities. Not only will Tillman allow for co-location, they actively pursue other carriers to co-locate on their facilities.**

5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.

**The proposed tower will not have guy wire anchors as this tower is a monopole design, therefore this provision does not apply. However, the proposed lease compound will have a six foot chain link fence with three (3) strands of barbed wire on top along with a locked gate.**

6. All new towers must meet the applicable requirements for a commercial tower, per Article 17.13.1 of this Ordinance.

- a. May be permitted by the Planning commission after a Hearing, in D-CM, D-LI, D-GI and M-AF Districts provided said use shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line. The isolation standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guying/anchoring systems are Certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties. All guy wires/cables and anchors shall meet the zoning setback of the district.

**The proposed tower is located on property zoned D-CM which is allowed following a hearing by the Planning Commission. The proposed tower is located closer than the one (1) times height from each property line, however, we have provided a Certified Engineer "fall zone letter" which details the radius within which the tower would collapse in the unlikely event of failure. The proposed tower is designed to be a monopole design and will not include any guy wires or cables which are required to meet the zoning setbacks.**

- b. In order to protect the rural dark sky environment and reduce lighting confusion for approaching aircraft, all towers shall be designed or painted to be without lighting. If the FAA requires lighting, the applicant shall apply to the FAA for painting requirements and red lighting. Intermittent strobes shall be a last option and only then with written documentation from the FAA certifying its necessity.

**The tower is designed to be 199'-0" at its highest point (190'-0" tower with 9'-0" lightning rod), the tower will not require lighting per FAA standards, which will help the tower blend into the surrounding area.**

- c. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.

**No antenna or similar sending/receiving devices appended to the tower, following its approved construction, will be placed on the tower which exceeds the engineered design. As part of any co-location on the proposed tower, Tillman Infrastructure hires a structural engineer to review the existing and proposed loading. If the proposed installation exceeds the allowable structural capacity the request for co-location will be denied until a suitable solution can be made such as the carrier utilizing different equipment or a modification of the tower's structure.**

# Fall Zone Letter

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April 11, 2018

Ms. Jill Castaneda  
Tillman Infrastructure

RE: Proposed 190' Self-Supporting Tower for 14362171 – Cheboygan, MI

Dear Ms. Castaneda,

Upon receipt of order, we propose to design and supply the above referenced tower for a Basic Wind Speed of 89 mph with no ice (115 mph ultimate per the 2012 International Building Code) and 40 mph with 1/2" radial ice, Structure Class II, Exposure Category D, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

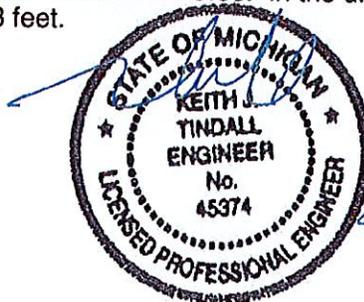
When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the tower will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one or more of the tower members in the upper portion. This would result in a buckling failure mode, where the loaded member would bend beyond its elastic limit (beyond the point where the member would return to its original shape upon removal of the wind load).

Therefore, it is likely that the overall effect of such an extreme wind event would be localized buckling of a tower section. Assuming that the wind pressure profile is similar to that used to design the tower, the tower is most likely to buckle at the location of the highest combined stress ratio in the upper portion of the tower. This would result in the portion of the tower above the failure location "folding over" onto the portion of the tower below the failure location. **Please note that this letter only applies to the above referenced tower designed and manufactured by Sabre Towers & Poles.** In the unlikely event of total separation, this would result in collapse within a radius of 63 feet.

Sincerely,

Keith J. Tindall, P.E.  
Vice President of Engineering



# AT&T License

---

ULS License

**Cellular License - KNKN834 - AT&T Mobility Spectrum LLC**

Call Sign	KNKN834	Radio Service	CL - Cellular
Status	Active	Auth Type	Regular

**Market**

Market	CMA475 - Michigan 4 - Cheboygan	Channel Block	A
Submarket	0	Phase	2

**Dates**

Grant	11/15/2011	Expiration	10/01/2021
Effective	06/08/2017	Cancellation	

**Five Year Buildout Date**

11/27/1996

**Control Points**

**1** 1322 Hayes Road, OTSEGO, GAYLORD, MI  
P: (989)732-7335

**Licensee**

FRN	0014980726	Type	Limited Liability Company
-----	------------	------	---------------------------

**Licensee**

AT&T Mobility Spectrum LLC 208 S Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie Wilson	P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com
--	---

**Contact**

AT&T Mobility LLC Michael P Goggin 1120 20th Street, NW - Suite 1000 Washington, DC 20036 ATTN Michael P. Goggin	P:(202)457-2055 F:(202)457-3073 E:michael.p.goggin@att.com
--	--

**Ownership and Qualifications**

Radio Service Type	Mobile
Regulatory Status	Common Carrier Interconnected Yes

**Alien Ownership**

The Applicant answered "No" to each of the Alien Ownership questions.

**Basic Qualifications**

The Applicant answered "No" to each of the Basic Qualification questions.

**Demographics**

Race		Gender	
Ethnicity			

# Propagation Maps

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# AT&T Zoning Maps for OML03281

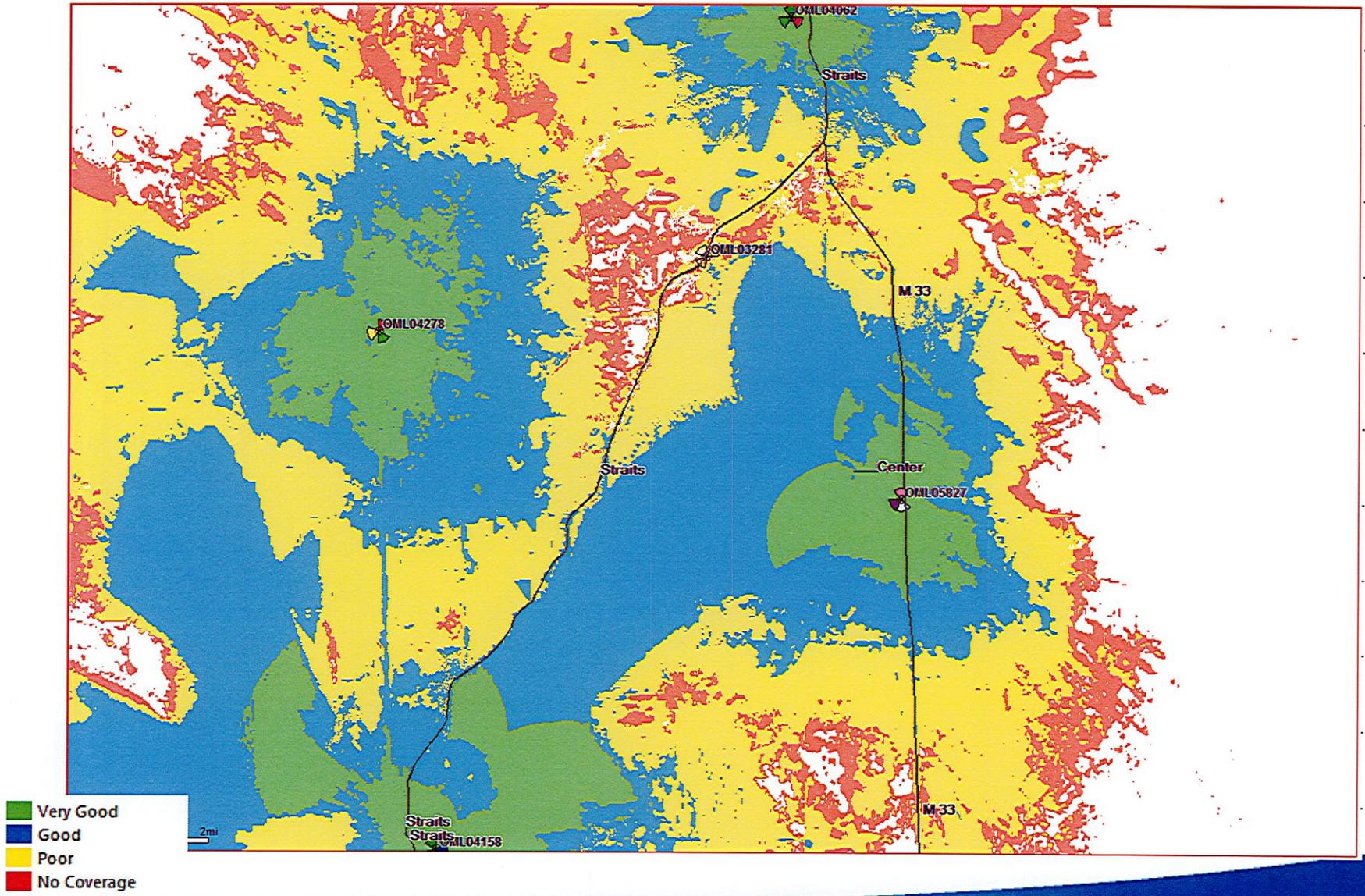
RF Design 02/09/2018



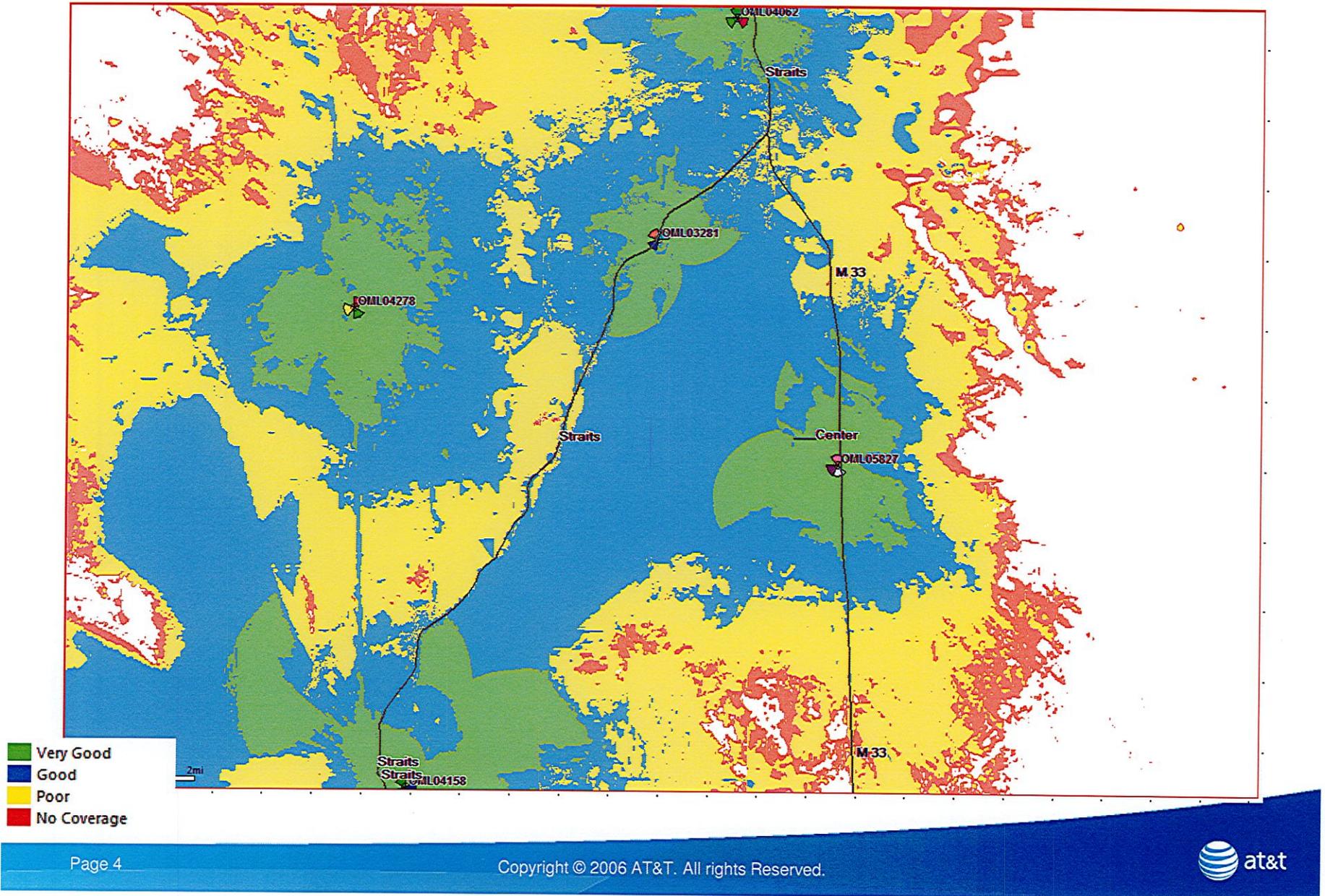
## Surrounding sites and clutter



# AT&T In door LTE 700 MHz Existing Coverage



# AT&T In door LTE 700 MHz Coverage After OML03281 Active



PTASNIK, ASHLEY & KASEY  
HOCQUARD,  
8000 GOLFVIEW LN  
CHEBOYGAN, MI 49721

ORMSBEE, LOIS, TTEE 1/2 INT  
565 VFW RD  
CHEBOYGAN, MI 49721

HEBERT, JOSEPH ET UX  
12545 GOEBEL RD  
CHEBOYGAN, MI 49721

HAMMOND, LISA K  
3098 N M66  
EAST JORDAN, MI 49727

MICHIGAN DEPT OF NATURAL  
RESOURCES  
PO BOX 30722  
LANSING, MI 48909

RUSH, TIMOTHY D JR  
488 S MILTON  
PELLSTON, MI 49769

CG & KW ENTERPRISES, LLC  
11370 NORTH BLACK RIVER RD  
CHEBOYGAN, MI 49721

OLDS, FRANK & PAMELA H/W  
7850 N STRAITS HWY  
CHEBOYGAN, MI 49721

CARLSON, RICHARD ET UX  
8128 N STRAITS HWY  
CHEBOYGAN, MI 49721

CHEBOYGAN PROPERTIES, LLC  
80 WASHINGTON ST, BLDG J-40  
NORWELL, MA 02061

BETTIS, ALICE L/EWPTS; RALPH  
BETTIS

7973 MULLETT LAKE RD  
CHEBOYGAN, MI 49721

WAISANEN, GREG W  
7849 N STRAITS HWY  
CHEBOYGAN, MI 49721

MULLETT LAKE COUNTRY CLUB  
PO BOX 183  
MULLETT LAKE, MI 49761

CHURCH OF CHRIST RESTORED INC.  
10901 N BLACK RIVER RD  
CHEBOYGAN, MI 49721

Occupant  
8000 GOLVIEW LN  
CHEBOYGAN, MI 49721

Occupant  
1151 SAND RD  
CHEBOYGAN, MI 49721

Occupant  
7834 N STRAITS HWY  
CHEBOYGAN, MI 49721

Occupant  
8035 MULLETT LAKE RD  
CHEBOYGAN, MI 49721

Occupant  
, MI 49721

Occupant  
7985 MULLETT LAKE RD  
CHEBOYGAN, MI 49721

Occupant  
7934 N STRAITS HWY  
CHEBOYGAN, MI 49721

Occupant  
7850 N STRAITS HWY  
CHEBOYGAN, MI 49721

Occupant  
8128 N STRAITS HWY  
CHEBOYGAN, MI 49721

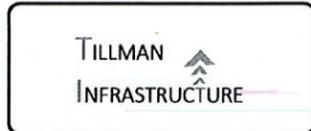
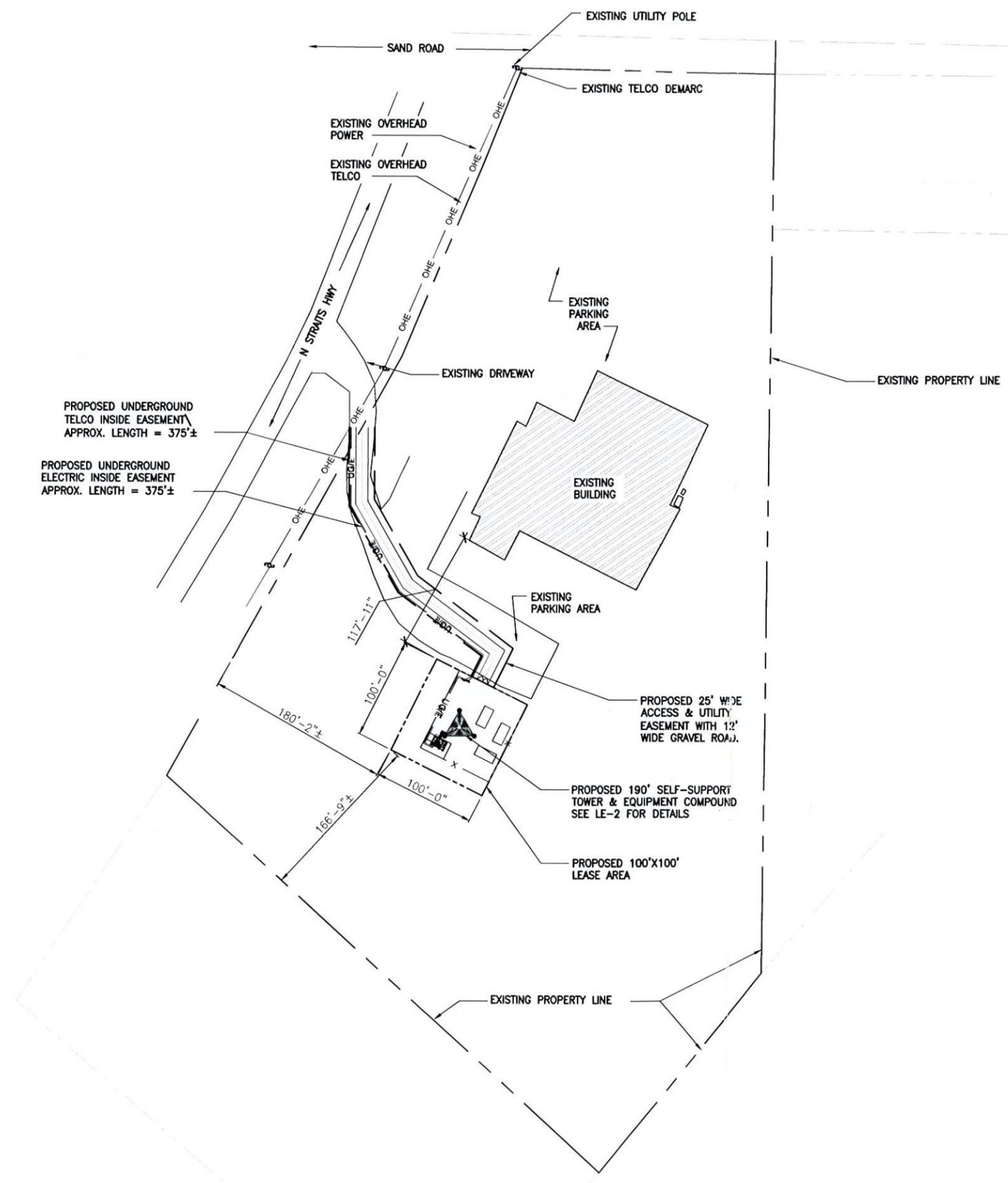
Occupant  
1050 SAND RD  
CHEBOYGAN, MA 49721

Occupant  
7973 MULLETT LAKE RD  
CHEBOYGAN, MI 49721

Occupant  
7849 N STRAITS HWY  
CHEBOYGAN, MI 49721

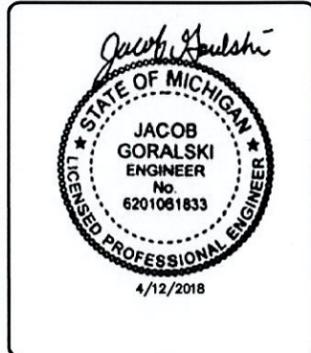
Occupant  
7475 MULLETT LAKE RD  
CHEBOYGAN, MI 49721

Occupant  
1200 SAND RD  
CHEBOYGAN, MI 49721



DRAWN BY: DL  
 CHECKED BY: JRG

REV	DATE	DESCRIPTION
0	04/12/2018	ISSUED FOR ZONING



FA #  
 14362171  
 SITE NAME:  
 SITE ADDRESS:  
 7934 N STRAITS HWY  
 CHEBOYGAN, MI 49721

SHEET TITLE  
**OVERALL SITE PLAN**

SHEET NUMBER  
**C-1**

**LEGEND**

- PROPOSED LEASE LINE
- - - PROPOSED EASEMENT
- x - PROPOSED FENCE
- EXISTING OVERHEAD UTILITIES
- o - EXISTING FENCE
- EXISTING PAVEMENT
- EXISTING PROPERTY LINE



22"x34" SCALE: 1" = 60'-0"  
 11"x17" SCALE: 1" = 120'-0"  
 60' 30' 0' 60'

OVERALL SITE PLAN

# TILLMAN INFRASTRUCTURE

**FA NUMBER: 14362171 / SITE ID: \_\_\_\_\_**  
**PACE NUMBER: \_\_\_\_\_**  
**PROJECT TRACKING #: \_\_\_\_\_**  
**SITE NAME: \_\_\_\_\_**

7934 N. STRAITS HWY  
 CHEBOYGAN, MI 49721  
 CHEBOYGAN COUNTY

## SITE INFORMATION

**SITE ADDRESS:** 7934 N. STRAITS HWY  
 CHEBOYGAN, MI 49721

**LATITUDE (NAD 83):** 45° 34' 30.16" N  
**LONGITUDE (NAD 83):** 84° 30' 43.59" W

**GROUND ELEVATION:** 664.80' (AMSL)

**JURISDICTION:** CHEBOYGAN COUNTY

**ZONING JURISDICTION CONTACT:** CHEBOYGAN COUNTY PLANNING AND ZONING  
 870 SOUTH MAIN STREET, ROOM 103 PO BOX 70  
 CHEBOYGAN, MI 49721  
 PLANNING@CHEBOYGANCOUNTY.NET  
 (231) 627-8489

**PARCEL/MAP NUMBER:** 091-026-200-018-00

**PARCEL OWNER:** CG & KW ENTERPRISES, LLC

**TOWER OWNER:** TILLMAN INFRASTRUCTURE LLC  
 152 WEST 57TH STREET 8TH FLOOR  
 PROPOSED YORK, NY 10019

**STRUCTURE TYPE:** SELF-SUPPORT

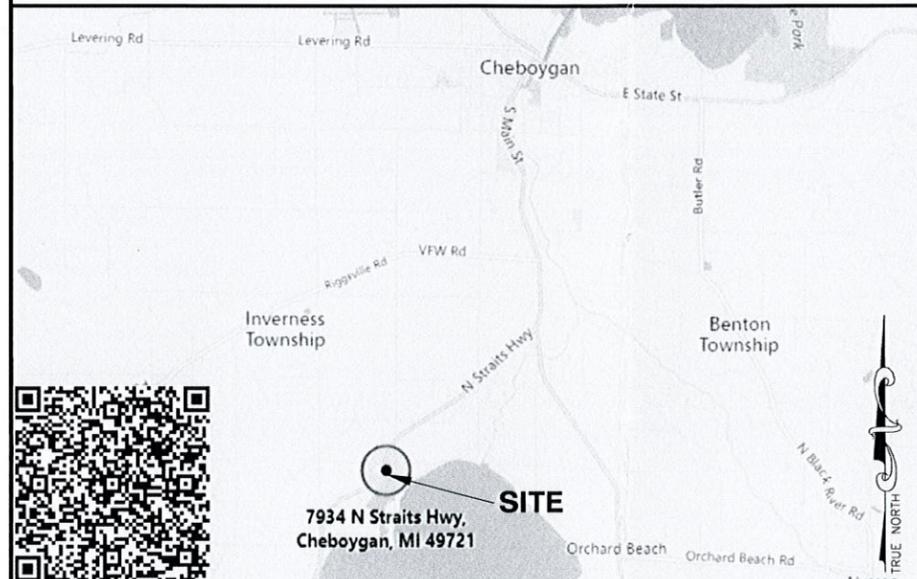
**STRUCTURE HEIGHT:** 190' (AGL)

**POWER SUPPLIER:** CONSUMERS ENERGY  
 1 ENERGY PLAZA  
 JACKSON, MI 49201  
 800-477-5050

**TELCO SUPPLIER:** AT&T  
 444 MICHIGAN AVE  
 DETROIT, MI 48226  
 877-444-6944

**GAS SUPPLIER:** CONSUMERS ENERGY  
 1 ENERGY PLAZA  
 JACKSON, MI 49201  
 800-477-5050

## VICINITY MAP



## DIRECTIONS

FROM 870 S MAIN ST, CHEBOYGAN, MI 49721  
 1. DEPART M-27 / S MAIN ST TOWARD COUNTY DR 4.7 MI  
 2. ARRIVE AT M-27 / 7934 N STRAITS HWY

## CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.

- 2009 MICHIGAN BUILDING CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- 2014 NATIONAL ELECTRIC CODE CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- 2012 MICHIGAN MECHANICAL CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- 2012 MICHIGAN PLUMBING CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- NFPA 101, LIFE SAFETY CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- 2012 INTERNATIONAL FUEL GAS CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- AMERICAN CONCRETE INSTITUTE
- ANSI/TIA-222-G
- TIA 607
- INSTITUTE FOR ELECTRICAL & ELECTRONICS ENGINEER 81
- IEEE C2 NATIONAL ELECTRIC SAFETY CODE LATEST EDITION
- TELECORDIA GR-1275
- ANSIT 311
- AMERICAN INSTITUTE OF STEEL CONSTRUCTION
- MANUAL OF STEEL CONSTRUCTION 13TH EDITION

## DRAWING INDEX

- T-1 TITLE SHEET
- B-1 SURVEY
- C-1 OVERALL SITE PLAN
- C-2 ENLARGED SITE PLAN
- C-3 ELEVATION

## DRAWING SCALE

THESE DRAWINGS ARE SCALED TO FULL SIZE AT 22"X34" AND HALF SIZE AT 11"X17". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICE TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.

## SCOPE OF WORK

THIS PROJECT CONSISTS OF:

- CONSTRUCTION OF A PROPOSED UNMANNED TELECOMMUNICATIONS FACILITY.
- SITE WORK: PROPOSED TOWER, UNMANNED EQUIPMENT CABINET ON PLATFORM AND UTILITY INSTALLATIONS.

## PROJECT TEAM

**APPLICANT:** TILLMAN INFRASTRUCTURE LLC  
 152 WEST 57TH STREET 8TH FLOOR  
 PROPOSED YORK, NY 10019

**PROJECT MANAGEMENT FIRM:** LCC TELECOM SERVICES  
 10700 HIGGINS ROAD, SUITE 240  
 ROSEMONT, IL 60018  
 (647) 608-6300

**A+E FIRM:** IRISH TOWER  
 4603 BERMUDA DR.  
 SUGAR LAND, TX, 77479  
 JACOB.GORALSKI@IRISHTOWER.COM

**ENGINEER:** IRISH TOWER  
 4603 BERMUDA DR.  
 SUGAR LAND, TX, 77479  
 JACOB.GORALSKI@IRISHTOWER.COM



**IRISH TOWER**

GENERAL CONSTRUCTION | ENGINEERING | PROJECT MANAGEMENT  
 4603 Bermuda Drive, Sugar Land, TX 77479  
 Voice: (281) 796-2651 | Fax: (866) 596-3136  
 irishtower.com

**DRAWN BY:** DL

**CHECKED BY:** JRG

REV	DATE	DESCRIPTION
0	04/12/2018	ISSUED FOR ZONING



FA #

14362171

SITE NAME:

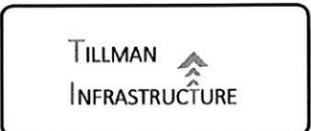
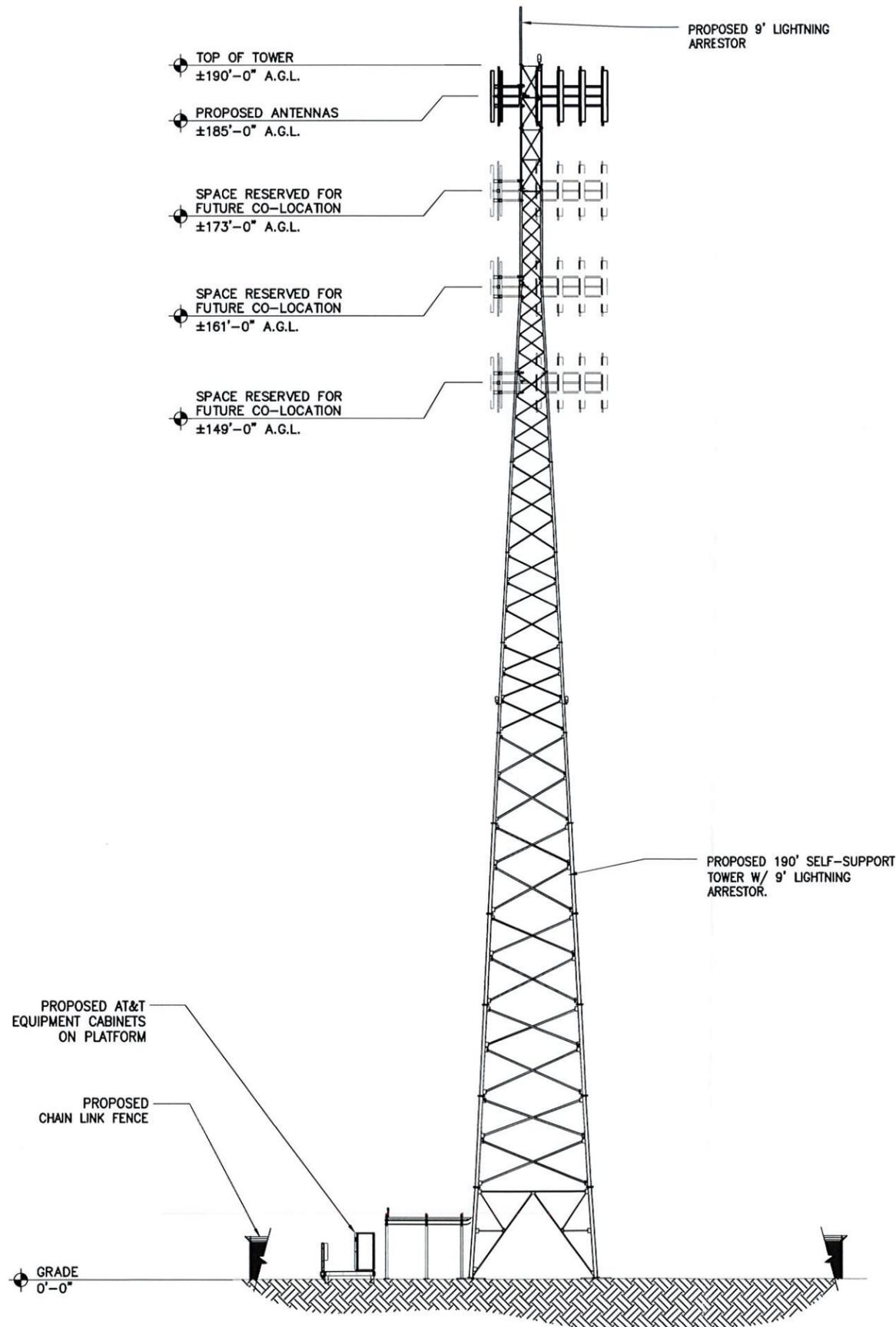
SITE ADDRESS:  
 7934 N STRAITS HWY  
 CHEBOYGAN, MI 49721

SHEET TITLE

OVERALL SITE PLAN

SHEET NUMBER

**T-1**



DRAWN BY: DL  
 CHECKED BY: JRG

REV	DATE	DESCRIPTION
0	04/12/2018	ISSUED FOR ZONING



FA #  
 14362171  
 SITE NAME:  
 SITE ADDRESS:  
 7934 N STRAITS HWY  
 CHEBOYGAN, MI 49721

SHEET TITLE  
 ELEVATION

SHEET NUMBER  
**C-3**

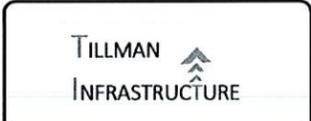
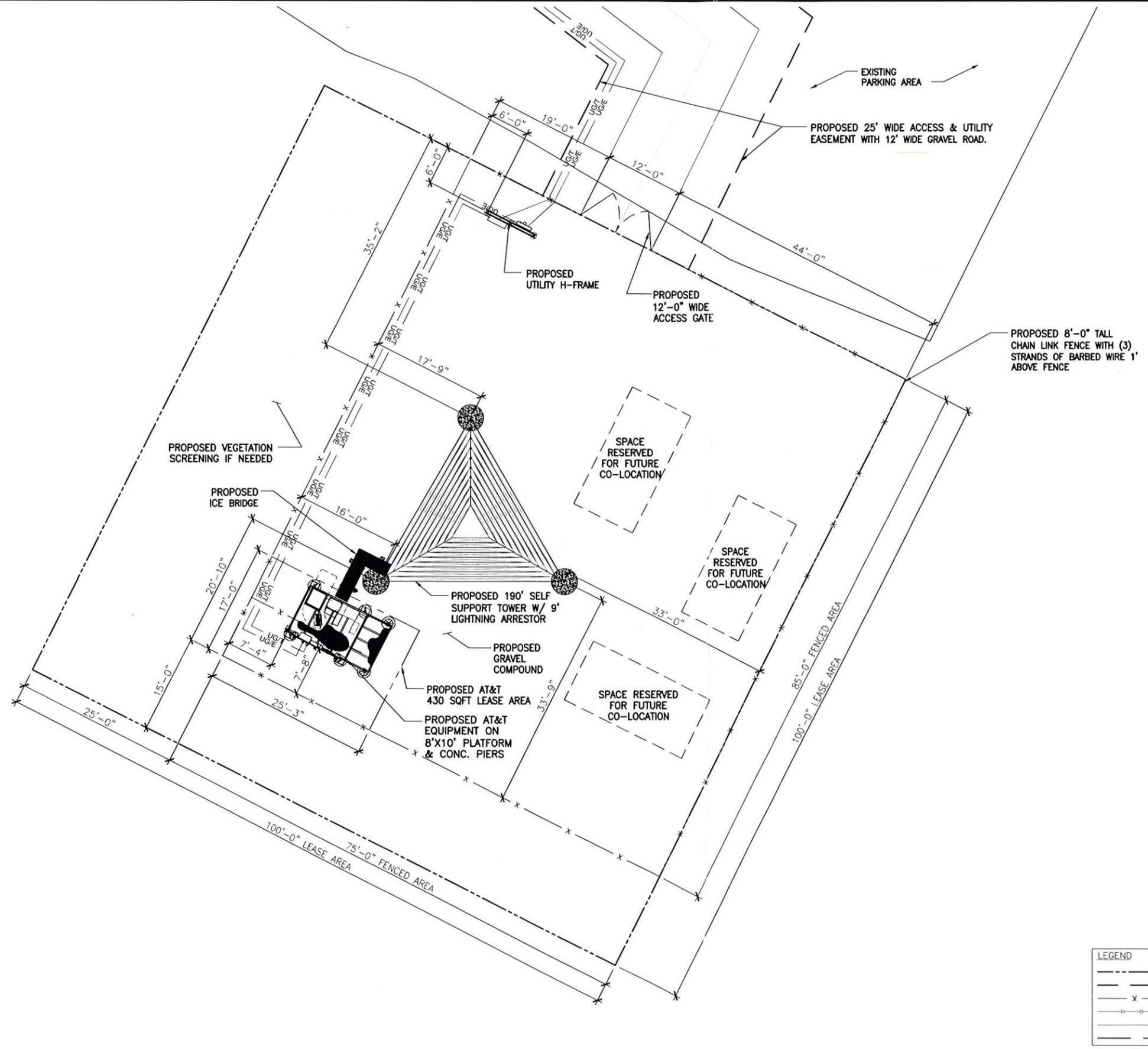
ELEVATION

22"x34" SCALE: 3/32" = 1'-0"  
 11"x17" SCALE: 3/64" = 1'-0"  
 8' 4' 0' 8'

1

15





DRAWN BY: DL  
 CHECKED BY: JRG

REV	DATE	DESCRIPTION
0	04/12/2018	ISSUED FOR ZONING



FA #  
 14362171  
 SITE NAME:  
 SITE ADDRESS:  
 7934 N STRAITS HWY  
 CHEBOYGAN, MI 49721

SHEET TITLE  
 ENLARGED SITE PLAN

SHEET NUMBER  
**C-2**

LEGEND

	PROPOSED LEASE LINE
	PROPOSED EASEMENT
	PROPOSED FENCE
	EXISTING FENCE
	EXISTING PAVEMENT
	EXISTING PROPERTY LINE



22"x34" SCALE: 1/8" = 1'-0"  
 11"x17" SCALE: 1/16" = 1'-0"

ENLARGED SITE PLAN

1

17

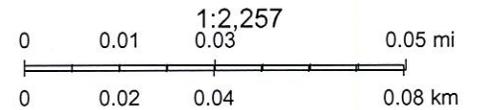
# Cheboygan County



June 5, 2018

 Parcel Data

18



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Cheboygan County makes no warranty, express or implied, as to the accuracy, completeness, or usefulness of the information presented. The site is to be used solely as a reference tool for locating and identifying property ownership and other information about real property.  
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community |

# Cheboygan County Zoning

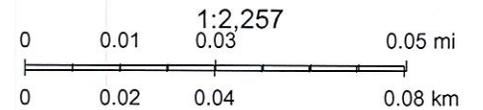


June 5, 2018

Zone - Zoning  M-AF

 D-CM

19



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Web AppBuilder for ArcGIS

For reference only. Please call Cheboygan County Zoning for Verification, 231-627-8489



Federal Communications Commission  
Washington, DC 20554

Informational Notice of Section 106 Filings

Date: 05/30/2018  
Reference Number: 991876

Debbie Tomlinson, Assistant to Director of Planning  
Cheboygan County, Michigan Planning and Zoning  
870 South Main Street  
Room 103  
Cheboygan, MI 49721

The following new Section 106 filing has been submitted:

FILE NUMBER: 0008220839  
TCNS Number: 170901  
Purpose: New Tower Submission Packet  
Notification Date: 7AM EST 05/23/2018  
Applicant: Tillman Infrastructure, LLC  
Consultant: Great Lakes Research, LLC, on behalf of Trileaf  
Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No  
Site Name: CG&KW Enterprises  
Site Address: 7934 North Straights Highway  
Detailed Description of Project: Legal Description: S26 T37N R2W  
Site Coordinates: 45-34-30.2 N, 084-30-43.6 W  
City: Cheboygan  
County: CHEBOYGAN  
State: MI  
Lead SHPO/THPO: Michigan Historical Center

Consultant Contact Information:

Name: Mark C Branstner  
Title: Principal Investigator  
PO Box:  
Address: 1116 Dodge Street  
City: Lake Geneva  
State: WI  
Zip: 53147  
Phone: (630) 227-0202  
Fax:  
Email: c.castro@trileaf.com

**RECEIVED**  
JUN 04 2018  
CHEBOYGAN COUNTY  
COMMUNITY DEVELOPMENT DEPT.

**NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE**

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.

**Michael C. Turisk**

---

**From:** Deborah Tomlinson  
**Sent:** Friday, June 08, 2018 11:58 AM  
**To:** Mike Bieniek  
**Cc:** Michael C. Turisk  
**Subject:** RE: Tillman Infrastructure 14362171 Application

Hi Mike,

Thank you for the update! I will add this as an exhibit to your application.

Thank you!!

Debbie

**Debbie Tomlinson**  
*Cheboygan County*  
*Planning & Zoning Department*  
PO Box 70, 870 South Main Street  
Cheboygan, MI 49721  
(231)627-8489 phone  
(231)627-3646 fax  
[debbiet@cheboygancounty.net](mailto:debbiet@cheboygancounty.net)

---

**From:** Mike Bieniek [<mailto:MBieniek@lcctelecom.com>]  
**Sent:** Friday, June 08, 2018 10:07 AM  
**To:** Deborah Tomlinson  
**Subject:** RE: Tillman Infrastructure 14362171 Application

Debbie:

I just received another piece of information for you to include with our application. At the last hearing one of the commissioners mentioned we would need MDOT approval for the site. I spoke with Tillman's project manager about this and he outlined the process. When we file for the FAA approval, their regulatory department puts in a request with MDOT as well. There are very few instances where MDOT will make any finding on the tower, if they do we get a similar approval letter to what the FAA provides. If they do not have to do a review, they likewise provide us with a letter stating as such. I have attached the letter we received from them. Please share this information with Mike.

If you have any questions please let me know.

Thanks

**Mike Bieniek, AICP**  
**Zoning Director**



**TELECOM SERVICES**

10700 Higgins Road, Suite 240

Rosemont, IL 60018  
Office - (847) 380-5569  
Cell - (847) 287-1156  
Fax - (847) 608-1299

---

**From:** Mike Bieniek  
**Sent:** Tuesday, May 29, 2018 2:23 PM  
**To:** 'debbiet@cheboygancounty.net'  
**Subject:** Tillman Infrastructure 14362171 Application

Debbie:

I submitted an application for the site listed below a few weeks ago. Can you please verify our hearing date. I believe we are looking at June 20<sup>th</sup>, is that correct?

7934 N Straits Hwy  
Cheboygan, MI 4972

Thanks

**Mike Bieniek, AICP**  
**Zoning Director**



**TELECOM SERVICES**

10700 Higgins Road, Suite 240  
Rosemont, IL 60018  
Office - (847) 380-5569  
Cell - (847) 287-1156  
Fax - (847) 608-1299

**AERONAUTICS COMMISSION**

J. David VanderVeen, Chairman  
Pete Kamarainen, Vice Chairman  
Russ Kavalhuna  
Roger Salo  
Rick Fiddler  
Kirk T. Steudle  
MG Gregory J. Vadnais  
Keith Creagh  
Col. Kristie K. Etue  
Mike Trout, Commission Director

**STATE OF MICHIGAN**



Rick Snyder, Governor

**Michigan Department of Transportation**

2700 Port Lansing Rd Lansing, MI 48906  
Phone: 517-335-9949 Fax: 517-886-0366

April 19, 2018

Donna-Marie Stipo  
Tillman Infrastructure, LLC  
152 West 57th Street, 8th Floor  
New York, NY 10019

Re: The Michigan Department of Transportation review of the following proposal:

The Michigan Department of Transportation has conducted a review of the following proposal:

FAA Airspace Case #:	<b>2018-AGL-4121-OE</b>
Description:	<b>Antenna Tower</b>
Height Above Ground:	<b>199</b>
Overall Height:	<b>864</b>
Geographic Coordinates:	<b>45d34m30.16sN / 84d30m43.59sW</b>

Michigan’s Tall Structure Act (Act 259, P.S. 1959, as amended by Act 28 P.A. 2016), places authority for review of construction proposals which may affect Michigan airspace with the Michigan Aeronautics Commission (MAC). The Michigan Aeronautics Commission has delegated its authority for airspace reviews and approvals to the Michigan Department of Transportation’s Office of Aeronautics.

After review of the study listed above, it has been determined that No Permit is required for the referenced application. However, this notice concerns the effect on air navigation specific to the Michigan Tall Structure Act and does not relieve the proponent of any compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If any changes are made to either the location or overall height, the application must be re-submitted or re-evaluation.

I can be contacted at 517-335-9282 or via email at MDOT\_Tall\_Structures@michigan.gov if you have any questions or comments.

Sincerely,

Kelly Badra  
Kelly Badra  
Apr 19 2018 7:16 AM

Kelly Badra  
Program Analyst  
Michigan Department of Transportation



## Deborah Tomlinson

---

**From:** Gailitis, Jason (MDOT) <GailitisJ@michigan.gov>  
**Sent:** Friday, June 08, 2018 2:28 PM  
**To:** Deborah Tomlinson  
**Cc:** Phelps, Gabe (MDOT); Kramer, Chelsea (MDOT); Radulski, Matthew (MDOT)  
**Subject:** RE: Special Use Permit Application for Tillman Infrastructure and CG&KW Enterprises

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

OK thanks, I see the site plan has been added. I still see no issues. It appears there could be utility connections made within highway easement, so the applicant should contact Gabe to check if a permit is needed as the construction date nears. If any questions, please just let me know. Thanks, Jay.

---

**From:** Deborah Tomlinson <[debbiet@cheboygancounty.net](mailto:debbiet@cheboygancounty.net)>  
**Sent:** Friday, June 8, 2018 2:02 PM  
**To:** Gailitis, Jason (MDOT) <[GailitisJ@michigan.gov](mailto:GailitisJ@michigan.gov)>  
**Subject:** RE: Special Use Permit Application for Tillman Infrastructure and CG&KW Enterprises

Hi Jay,

I have updated the application for Tillman Infrastructure/CG&KW Enterprises with the site plan (page 32): [Tillman Infrastructure/CG&KW Enterprises LLC - Special Use Permit Application](#). ☺

Thank you.

Debbie

**Debbie Tomlinson**  
*Cheboygan County*  
*Planning & Zoning Department*  
PO Box 70, 870 South Main Street  
Cheboygan, MI 49721  
(231)627-8489 phone  
(231)627-3646 fax  
[debbiet@cheboygancounty.net](mailto:debbiet@cheboygancounty.net)

---

**From:** Gailitis, Jason (MDOT) [<mailto:GailitisJ@michigan.gov>]  
**Sent:** Friday, June 08, 2018 12:08 PM  
**To:** Deborah Tomlinson  
**Cc:** Kramer, Chelsea (MDOT); Phelps, Gabe (MDOT); Radulski, Matthew (MDOT)  
**Subject:** RE: Special Use Permit Application for Tillman Infrastructure and CG&KW Enterprises

Hi Debbie--I did not see a site plan in the submittal. I would assume the tower would be constructed outside MDOT ROW, and the existing driveways would be utilized for access. If so, MDOT should have no issues. If there is proposed work within MDOT ROW, the applicant should contact Gabe Phelps in our office to discuss further (989-731-5090). If you have any questions, or need anything else, please just let me know. Thanks, Jay.

**From:** Deborah Tomlinson <[debbiet@cheboygancounty.net](mailto:debbiet@cheboygancounty.net)>

**Sent:** Thursday, June 7, 2018 1:38 PM

**To:** Kyle Keller <[kkeller@dhd4.org](mailto:kkeller@dhd4.org)>; Kyle Keller <[kkeller@hline.org](mailto:kkeller@hline.org)>; Brent Shank ([mgr@chcrc.com](mailto:mgr@chcrc.com)) <[mgr@chcrc.com](mailto:mgr@chcrc.com)>; Gailitis, Jason (MDOT) <[GailitisJ@michigan.gov](mailto:GailitisJ@michigan.gov)>; Phelps, Gabe (MDOT) <[PhelpsG@michigan.gov](mailto:PhelpsG@michigan.gov)>

**Subject:** Special Use Permit Application for Tillman Infrastructure and CG&KW Enterprises

The following is a link to the special use permit application for Tillman Infrastructure and CG & KW Enterprises: [Tillman Infrastructure/CG&KW Enterprises LLC - Special Use Permit Application](#) . This application will be reviewed at the 06/20/18 Planning Commission meeting. Please review this 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***  
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# 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/](http://www.cheboygancounty.net/planning/)

## STAFF REPORT

<b>Item:</b> Special Use request for a Wireless Communication Facility (tower and related equipment), per Section 17.13 of the Zoning Ordinance)	<b>Prepared by:</b> Michael Turisk
<b>Date:</b> June 12, 2018	<b>Expected Meeting Date:</b> June 20, 2018

### GENERAL INFORMATION

**Applicant:** Mike Bieniek, Agent on behalf of Tillman Infrastructure

**Owner:** CG & KW Enterprises, LLC

**Location:** 7934 North Straits Highway

**Contact person:** Mike Bieniek

**Phone:** (847) 380-5569

**Requested Action:** Requests a Special Use for a Wireless Communication Facility, per Section 17.13 of the Zoning Ordinance.

### BACKGROUND INFORMATION

#### **Introduction:**

The applicant is seeking approval of a Special Use application for construction of a 190ft. wireless communication tower with a 9ft lightning rod and related equipment and compound. The 9.4 acre subject property is located at 7934 North Straits Highway in Inverness Township, and is largely zoned Commercial Development (D-CM), but with a comparatively small portion of the property zoned Agriculture and Forestry Management (M-AF) at the extreme southeast. The property is the site of "Spare Time Lanes and Recreation." The proposed 10,000 sq.-ft. leased area lies entirely within the Commercial Development-zoned portion of the property and just south of the existing use. The tower would be a self-supporting monopole design, with associated infrastructure to include cabinets to be placed on an 80 sq.-ft. platform and would be engineered to allow for co-location of multiple users.

Wireless Communication Facilities are authorized by Special Use in the Commercial Development zoning districts, per Section 17.13.

The unmanned facility would require periodic service-related visits (approximately once per month). Access would be gained via a portion of an existing driveway that serves the existing indoor recreational use off of North Straits Highway and a proposed 25ft. access and utility easement.

Security would be provided by a climbing barrier and a self-monitoring alarm system capable of alerting personnel about malfunction or trespass. A locked 8ft. high chain link fence would be installed at the perimeter of the leased area. No other screening or buffers are proposed.

Per 17.13.1.a. regards the isolation standard (“fall zones”) for towers; specifically, towers are not to be sited less than one (1) times the height of the tower measured from the tower’s base to all points on each property line. The submitted site plan indicates that the setbacks for the proposed tower would be less than the tower’s height. However, the Zoning Ordinance allows for a reduced isolation standard by up to 50% if the construction plan, tower and its guying/anchoring systems are certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties. The submitted site plan indicates that the north setback of the *facility* is approximately 118ft., the south setback is approximately 167ft. and the west setback is approximately 180ft. To the aforementioned point, a letter from a certified engineer has been stamped and submitted that speaks to the structural integrity of the tower in the event of a high wind event, for example. In the event of total failure, the collapse radius would be approximately 63 feet.

As proposed, the Michigan Dept. of Transportation (MDOT) and MDOT Aeronautics indicate that permits are not required, nor are tower-mounted obstruction lighting.. Furthermore, Federal Aviation Administration (FAA) has rendered a “*determination of no hazard to air navigation.*” A proposed condition of approval requires the submittal of any additional documentation prior to permit issuance speaking to compliance with all applicable requirements from state and federal agencies.

**Current Zoning:**

Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF)

**Surrounding Land Uses:**

Residential uses occur in the area, particularly east of the subject property. Commercial uses occur primarily north and south along the M-27 corridor. Vacant land is scattered throughout.

**Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, and floodplain):**

There are no known environmentally sensitive areas on the proposed project site.

**Historic buildings:**

There are no known historic buildings or historic features on the proposed project site.

**Traffic Implications:**

This project as proposed would have no or minimal impact at most on current local traffic volume given in large part that the use requires only infrequent visits by service personnel.

**Parking:**

There are no specific parking requirements for this use, although the Ordinance indicates one space per two employees for all uses is required. An area near to the facility would be dedicated to service-related parking.

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

Ingress/egress would be provided via the existing driveway at the east side of North Straits Highway that serves "Spare Time Lanes and Recreation," with a proposed 25ft. access and utility easement to the actual facility.

**Signs:**

No advertising signs are proposed for the use. Emergency contact information, registration number and call sign information would be installed on equipment.

**Fence/Hedge/Buffer:**

A locked 8ft. high chain link fence would be located around the leased area. The area on the property where the facility is proposed has a measure of existing vegetation; however, no other screening or buffers are proposed.

**Lighting:**

As noted above, no lighting would be required. No other exterior lighting is proposed.

**Stormwater management:**

There would be no significant change to stormwater runoff rate or pattern on or adjacent to the project site.

**Review or permits from other government entities:**

FAA requirements may prevail. FCC and Building Code requirements prevail.

**Recommendations (proposed conditions):**

1. Prior to permit issuance provide any additional documentation as required by indicating that the project complies with all applicable state and federal requirements.

# CHEBOYGAN COUNTY PLANNING COMMISSION

## SPECIAL USE REQUEST

Wednesday, June 20, 2018, 7:00 PM

### Applicant

Mike Bieniek, Agent for  
Tillman Infrastructure, LLC  
152 West 57<sup>th</sup> Street  
New York, NY 10019

### Property Owner

CG & KW Enterprises, LLC  
11370 North Black River Road  
Cheboygan, MI 49721

### Parcel

7934 North Straits Highway  
Inverness Township  
091-026-200-018-00

### **GENERAL FINDINGS**

1. The property is located in a Commercial Development (D-CM) and Agriculture and Forestry Management zoning districts (A-MF).
2. The Applicant is seeking approval of a Special Use application for the construction of a Wireless Communication Facility to include a tower up to 190ft. in addition to a 9ft. lightning rod above ground level (199ft. total height) and related equipment to be located on leased property having an established commercial use.

### **Findings of Fact Under Section 17.13.1. of the Zoning Ordinance**

17.13.1 Radio and television towers, public utility microwaves and public utility T.V. transmitting towers.

- a. May be permitted by the Planning commission after a Hearing, in D-CM, D-LI, and M-AF Districts provided said use shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line. The isolation standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guy/anchoring systems are Certified by a Registered Professional Engineer as being safe from the hazard of falling on to public roads or adjoining properties. All guy wires/cables and anchors shall meet zoning setback of the district. Exhibit 9
1. The subject property is in an D-CM and M-AF Districts.
  2. The application and site plan indicates a proposed tower 190ft. tall plus 9ft. lightning rod (199ft. total height). Exhibits 4; 7; 17
  3. An isolation standard of at least 199ft. is required pursuant to Section 17.13.1.a..
  4. Section 17.13.1.a. also provides that the isolation standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guy/anchoring systems are Certified by a Registered Professional Engineer as being safe from the hazard of falling on to public roads or adjoining properties. Exhibit 9
  5. The site plan indicates a fall zone which is less than a 50% reduction in the isolation standard. Exhibit 13
  6. The applicant has submitted a letter from a registered professional engineer certifying the tower as being safe form the hazard of falling outside of the fall zone indicated on the site plan. Exhibit 9
  7. The Planning Commission finds that the fall zone indicated on a site plan is clear of falling on to the public road and adjoining properties. Exhibits 9; 13; 18
  - 8.
  9. Requirement has been met.

### **Finding of Fact under Section 17.13.2.b of the Zoning Ordinance**

Wireless Communication Facilities may be permitted by the Planning Commission, after a public hearing, by special use permit if it is found that there is no reasonable opportunity to locate per item 1 above. Information must be submitted to show efforts made to screen, co-locate or place such facilities on an existing structure. The proposed tower must also meet the following conditions and standards.

The reference to item 1 in this section states as follows:

Wireless Communication Facilities may locate in any zoning district if located on an existing building or structure, or a new structure is built within fifty (50) feet of the base of an existing tower and the Wireless Communication Facility is located within the new structure, or is otherwise hidden from view by being incorporated in an existing building, or if it collocates on an existing tower, and the proposed does not require a change in lighting by FCC and/or FAA regulations.

The Planning Commission finds that the documentation has been submitted and/or statements have been made on the record which demonstrates that there is no reasonable opportunity for collocation or placement of the proposed facility on an existing structure.

**Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6.**

1. The proposed height meets FCC and/or FAA Regulations.
  - a. Evidence of FCC and FAA approval shall be required
  - b. The application indicates that the tower will be subject to all FAA and FCC standards (see exhibit 9)
  - c. Standard has been met.
2. Towers must be equipped with devices to prevent unauthorized climbing.
  - a. The site plan indicates that the tower will be surrounded by an 8 ft. tall locked chain link fence.
  - b.
  - c. Standard has been met
3. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting, and/or concealing the tower in a “stealth design.”
  - a. The tower is to be placed near existing trees.
  - b.
  - c. Standard has been met
4. New towers should be engineered as appropriate for co-location of other antennae.
  - a. The tower will be engineered to allow for co-location of multiple users.
  - b. Standard has been met.
5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
  - a. A self-support tower is proposed. (see exhibit 17)
  - b.
  - c. Standard has been met.
6. All new towers must meet the applicable requirements for a commercial tower, per Article 17.13.1 of this Ordinance.
  1. See applicable findings above.
  2. Requirements have been met.

**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 of the Zoning Ordinance for each of the following standards listed in that section:

- a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
  1. The property is located in an Commercial Development district (D-CM) which allows Wireless Communication Facilities by special use permit per Section 17.13. 2.
  3. Standard has 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 tower and related facilities are unmanned stand alone facilities and finds on evidence that proposed Wireless Communication Facilities will not cause the use of materials or involve processes that will create substantially negative impacts on county natural resources or the natural environment. This use is compatible with surrounding land uses.
  - 2.
  3. Standard has 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 tower and equipment are unmanned stand-alone facilities and will not cause the use of materials or involve equipment or processes which would generate noise or traffic which is incompatible with the surrounding land uses. No smoke, glare, fumes or odors will be produced. (see exhibit 7 and 9)
  - 2.
  3. Standard has 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 proposed tower and facilities are to be placed in an area of the subject property that will not diminish the opportunity for surrounding properties to be used and developed as zoned.
  - 2.
  3. Standard has 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 will not require public resources greater than current capacity nor increase hazards from fire or other dangers. The facilities are unmanned and secured by locked fencing. \
  - 2.
  3. Standard has 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. Adequate access to the site is provided via an access driveway from North Straits Highway. The entrance roadway is not within 25 feet of an intersection.
  - 2.
  3. Standard has 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 an unmanned stand-alone Wireless Communication Facility and will not require a water well, septic facilities or refuse collection.
  - 2.
  - 3. Standard has been met.
- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.
  - 1. The Special Use shall comply with all relevant standards required under the ordinance. (see exhibit 1)
  - 2.
  - 3. Standard has 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. The proposed site plan indicates a limited change in overall contours and minimal reshaping of the site.
  - 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 changes are proposed that would affect the landscape or natural state of the site.
  - 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 stormwaters will not adversely affect neighboring properties.
  - 1. No changes in drainage on the site are proposed.
  - 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. Not applicable. No dwellings are proposed.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
  - 1. Emergency access is provided via North Straits Highway.
  - 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. Access is provided via North Straits Highway.
  - 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.
  
- 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. Lighting per applicable FAA requirements shall not be required for the tower. No additional outdoor lighting is proposed.
  - 2.
  - 3. Standard has been metOr.
  - 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. Not applicable. No 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. The site plan will conform to state and federal statutes and the Cheboygan County Master Plan).
  - 1. The site plan shall conform to all applicable requirements.
  - 2.
  - 3. Standard has been metOr.
  - 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, June 20, 2018

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Patty Croft, Chairperson

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Charles Freese, Secretary

Note: This is the 3<sup>rd</sup> draft. Changes from 2<sup>nd</sup> draft are underlined in red.

CHEBOYGAN COUNTY

ZONING ORDINANCE AMENDMENT # \_\_\_\_\_

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200

RELATIVE TO SOLAR ENERGY SYSTEMS

**Section 1. Amendment of Section 2.2.**

Section 2.2 of the Cheboygan County Ordinance 200 is hereby amended to add the following definitions in their appropriate alphabetical locations which shall read in their entirety as follows:

- a) **Attached System:** A solar system in which solar panels are mounted directly on the building, typically the roof.
- b) **Detached Systems:** Also known as a Ground Mounted system, a solar system that is not attached directly to a building but is supported by a ground mounted support structure.
- c) **Generation Station Step Up Transformer Facility:** A security fenced compound including transformers, switching gear and all associated equipment necessary to accept low AC voltage Current accumulated by inverters located within the level 3 solar energy system and step the voltage up to 138KV, 230KV or 345KV for high voltage transmission.
- d) **Integrated or On Grid System:**

Any solar energy system directly or indirectly connected to the commercial energy grid for the wholesale or retail sale of electric energy.

- e) **Inverter:** A device that converts DC current captured by the solar panels into AC current.
  
- f) **Net Metering:** A policy whereby utility customers with small-scale renewable power sources, including solar, receive credit from their utility provider for electricity generated in excess of their needs (also known as “net excess generation”)
  
- g) **Off Grid System:** Any system for storing energy produced on site for later use on site, such as a battery, thermal hot water or fly wheel system.
  
- h) **Photovoltaic (PV):** A method of generating electrical power by converting solar radiation (sunlight) into direct current electricity using semiconductors.
  
- i) **Primary Customer:** Any electrical utility customer requiring 9KV or 13KV service
  
- j) **Secondary Customer:** Any electrical utility customer requiring 120V, 240V or 480V service (normal residential, commercial or light manufacturing service).
  
- k) **Solar Farm:** An installation or area of land in which a larger number of solar panels are set up to generate electricity for sale off site through high voltage transmission lines.

**l) Solar Photovoltaic Energy System (SES-PV):** All components and subsystems necessary to convert incident solar radiation into electric energy for immediate use on-site or for wholesale or retail sales off-site. PV Solar energy systems are classified as follows:

1. Level 1- Any building mounted solar photovoltaic array used to provide electrical power primarily on site in accordance with sec 17.30.\_\_\_\_
2. Level 2- Any ground mounted photovoltaic arrays including their supporting structures used to provide electrical power for the use primarily on site in accordance with sec. 17.3\_\_\_\_
3. Level 3- Any utility scale solar photovoltaic facility for the collection of incident solar radiation for the primary purpose of wholesale or retail sale of generated electricity off site. sec. 17.3\_\_\_\_

**m) Substation Customer:** Any large heavy industrial customer requiring their own substation to provide 26KV or 69KV service.

**Purpose:**

The purpose of this regulation is to promote the development of renewable energy resources in Cheboygan County. These renewable energy resources can be of many types, for example, solar, wind, hydro, etc. It is planned to develop specific sections of the regulation for each type as the need arises. This section will address Solar Photovoltaic (PV) Systems for small to large scale systems and will provide guidance on the planning, design, construction, operation and subsequent decommissioning of facilities at the end of their economic life.

The regulation is written to promote economic development, protect the health, safety and welfare of the citizens and prevent adverse impacts on the agricultural, water, recreational, scenic and wildlife resources of the county while furthering the State of Michigan’s renewable energy goals of the 12.5% by 2019, 15% by 2021 and 30% by 2025.

**Section 2. Amendment of Section \_\_\_\_\_**

Add sections as necessary to permit Level 1 and Level 2 Solar Voltaic Energy Systems (SES-PV) in all districts except Resource Conversation District P-RC. Subject to Section 17.30

Note: P-RC is state land – Should we regulate their use on state owned guidelines. Do we enforce zoning regulations on the state land within Cheboygan County?

Additionally add Level 3 as requiring a special land use permit in Agriculture and Forestry Management M-AF, P-LS Protection Lake and Stream (with required setbacks from major water bodies) D-CM Commercial District, D-LI Light Industrial Development District and D-GI General Industrial District. Subject to Section 17.30.

**Section 3. Amendment of Section 4.2 Residential District (D-RS)**

Listing of districts in which permitted by right or by special land use permit will be listed at this point subject to provisions of section \_\_\_\_\_.

Will list all other districts in final version.

## Level 1

Any attached photovoltaic system mounted on the primary or any accessory building, on a parcel or combination of contiguous parcels under the same ownership or control, producing electric power primarily for the use of the owner or tenant in accordance with the following:

1. Level 1 systems shall be permitted uses in all zoning districts.
2. Buildings upon which system is mounted may be used for any private or commercial purpose.
3. A parcel of sufficient size to meet the other zoning requirements of this regulation may have more than one primary building on a parcel e.g. two or more dwellings, a dwelling and an agricultural building, a dwelling and a commercial business, etc. Each primary building shall be allowed to have attached solar systems as well as any accessory building to each primary building.
4. Accessory buildings include but are not limited to: warehouses, garages, agricultural buildings, private storage buildings and workshops as long as their use is devoted exclusively to that of any primary building on the same parcel.
5. Attach photovoltaic systems may be either on grid or off-grid systems with the following restrictions:
  - a) On grid or net-metered system should be sized small enough that it does not exceed the customer's electrical need, but it shall not exceed 20 kW or 1,333 square feet of solar collection surface.

Note: This equates to 100 amp service

Alternate a) Application for a permit for an on grid or net metered system shall provide the total load requirements for all buildings or uses on the parcel on which located. Requirements in excess of 20KW or 1333 sq. ft. of solar collection surface shall provide a breakdown of the useage over 20KW, for example 50 KW for manufacturing, 20KW for agricultural buildings or 10KW for irrigation pumps.

b) Off grid system shall not exceed 40 kW or 2,666 square feet of solar collection surface.

Note: This equates to 200 amp service

Alternate b) Off grid systems are not limited by KW or solar collection surface, however if tied to any storage system such as battery, a complete site plan including type, size, and location of the storage system shall be furnished with the permit application.

6. Setbacks: Level one solar collection devices shall meet setbacks required for the zoning district in which the building on which they are mounted is located.
  
7. Height Restrictions: Level 1 solar panels installed on a sloped roof shall not project vertically above the peak of the roof. Solar panels mounted on a flat roof shall not project vertically more than 10 feet above the roof when oriented at maximum tilt. Solar panels attached to the sides of a building shall not project vertically above the height of the wall upon which they are mounted.

8. Fire Safety: All attached SAS-PV system shall meet the requirements of sections 603.1 of the 2012 version of the international fire code as amended.

9. Inspection: The County shall have the right upon issuing the required permit for a level 1 attached or building integrated solar system to inspect the premises and which a solar collection devices are located at all reasonable hours.

## **Level 2**

Any ground-mounted photovoltaic system accessory to the primary or secondary use of any principal or accessory buildings on the parcel or combination of contiguous parcels. Such parcel or parcels shall be under the same ownership and, produce electric power primarily for the use of the owner or tenant.

1. Level 2 SES-PV systems shall be permitted uses in all zoning districts.
2. A parcel of sufficient size to meet the other zoning requirements of this regulation may have more than one primary building on a parcel e.g. two or more dwellings, a dwelling and an agricultural building, a dwelling and a commercial business, etc. Each primary building shall be allowed to have Level 2 solar systems as well as any accessory building to each primary building.
3. Level 2 ground mounted systems are authorized as accessory structures for providing electric power primarily for private or commercial buildings on the same parcel and under the same ownership.

4. Setbacks: Level 2 solar array shall meet the side and rear setback requirements of the underlying zoning district, however, they shall not be allowed in front of the primary structure on the parcel.
5. Height Restriction: Level 2 solar collection panels with their support structure shall not exceed 16 feet in height when oriented at maximum tilt.
6. Fire Safety: All level 2 solar arrays shall meet the requirements of section 601.5 of the international fire code as amended.
7. Maximum lot coverage:
  - a) Level 2 SES -PV arrays on parcels less than 1 acre in size shall be limited to 50% of the footprint of the primary building on the site.
  - b) Level 2 SES -PV arrays on parcels equal to or greater than 1 acre in size shall require a site plan review in accordance with section 18.7 if the solar array covers more than 0.763 acres (33,325sf).

**Alternates:**

- 7b off grid systems are not limited by kilowatts output or square footage of solar collection service
- 7b. off grid system shall not exceed 500 kW or 1 acre of solar collection surface.

**Note: 33,325 sq.ft. or 0.763 acres of solar panels would equate to 500KW.**

8. Level 2 solar photovoltaic system shall require submission of a site plan in accordance with section 18.7. In addition to the information required by section 18.7 the following information shall be furnished:

- a) The height, length and angle of collections or collection devices.
- b) If the solar collection array covers more than 0.765 Acres (33,325sf) a description of all land/timber clearing that is proposed, the percent of the prime farmland that is to be used in any side access or service roads to be developed shall be furnished.

**Note: 33,325 sq.ft. or 0.763 acres of solar panels would equate to 500KW.**

9. The County shall have the right upon issuing the required permits to inspect the premises on which the level 2 collection system is located at all reasonable times. The County within its reasonable discretion may retain the services of a recognized professional in the area of solar conversion systems to assist and/or advise it in the review of the application or site if deemed necessary. The expense thereof shall be the responsibilities of the applicants/ permit holder. The Planning Commission may request the applicant to post a deposit or secure a bond for such contingency.

### **Level 3**

A level 3 solar photovoltaic energy system (SES-PV) is a utility-scale electric generation facility including solar panels, support structures, wiring networks, inverters, generation station set up transformer facility, service roads, hard stand areas, fencing, screening and any and all other equipment and / or materials within the outer perimeter of the facility commonly referred to as a solar farm.

1. Level 3 systems shall be allowed in the D-CM, D-LI, D-GI, M-AF, P-LS and D-RC zoning districts, with submission of a special land use permit application or site plan review application in accordance with section 18.7 and 20.10 and additional requirements of section 17.30.
  
2. Setbacks:
  - a) All photovoltaic solar panels along with their supporting structures, perimeter fencing and / or screening and supporting equipment shall meet the following setbacks:
    1. 100 feet from any dwelling. This setback may be waived if requested by the owner of the dwelling if the dwelling is located on a parcel which in whole or in part is incorporated in the level 3 facility.
    2. 50 feet from any project boundary not abutting a public road.
    3. 80 feet from any public road abutting the perimeter of or dissecting the project.
    4. 500 feet from any major body of water as listed in section 10.1.2.
    5. 40 feet from any perennial stream, other than those listed in section 10.1.2, shown as part of the P-LS zoning district.

Alternates:

- 2 a 5 perennial streams less than 10 feet wide may be bridged with solar panels however the support peer shall be no closer than 10 feet to the high water mark.
- 2 a 5 perennial streams less than 20 feet wide maybe tunneled under for wiring purposes and panels shall be no closer than 10 feet to the ordinary high water mark.
- 2 a 5 40ft. from any stream which is identifiable on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County except bodies of water listed in section 10.1.2

- b) The generator system step up transformer facility shall meet the following setbacks:
  1. 500 feet from any dwelling.

2. 250 feet from public road abutting the perimeter of or bisecting the project.
3. 500 feet from the Lake and Stream Protection Zoning District.

3. Noise

No level 3 SES-PV facility shall produce noise which measured at the perimeter of the project development area greater than 60 DBA.

4. Fire safety

All ground mounted SAS-PV level 3 system shall meet the requirements of section 601.5 of the 2012 version of the international fire code as amended.

5. Glare

Any level 3 solar array proposed within 5 nautical miles of any airport shall notify the FAA of such proposed installation. Such a notification shall provide plans and design information sufficient to allow a determination if such an installation could cause a danger to aviation due to glare. Confirmation that the proposed insulation does not pose any danger to Aviation shall be provided prior to authorization of any level 3 SES-PV facility.

Alternate: No glare hazard to anyone else.

6. Landscaping

The special land use application for level 3 facilities shall include a proposed landscaping and screen/buffering plan prepared by a licensed landscape architect. The use of berms and evergreen plantings along the perimeter of the project adjacent to residential dwellings and public road right of ways shall be mandatory. Screening shall be in accordance with section\_\_\_.

Trees shall be a minimum of 5 feet tall at the time of planting and shall be maintained in good condition for the life of the project.

Optional Addition: Berms shall have a minimum height of four (4) feet, a minimum flat top surface of twenty (20) feet in width and a side slope no greater than 33%.

#### 7. Local, State and Federal Permits

Level 3 shall be required to obtain the necessary permits and licensing from Cheboygan County, State of Michigan and US government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.

#### 8. Engineering and Installation

A copy of the manufacturer's installation instructions shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the solar farm, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the county building code at the time of submittal for building permit. Drawings and Engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.

#### 9. Electrical interconnections

All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large scale utility requirements. Only existing above ground transmission lines as well as above ground transmission lines from the project substation to the point of interconnection are permitted.

## 10. Agricultural land preservation

Freestanding solar devices proposed in agricultural and open space zones are encouraged to locate on predominantly (more than 60%) non-prime farm lands.

## 11. Height Restriction

Level 3 solar collection panels with their support structures shall not exceed 20 feet in height when oriented at maximum tilt. All other structures except those within the generation station step up transformer facility and associated transmission towers, shall be limited to thirty five (35) feet. Equipment within the generation station step up transformer station shall be limited to \_\_\_\_ feet and the transmission towers to \_\_\_\_ feet.

## 12. Additional Special Use Criteria

In addition to the special land use and site plan requirements contained in article 18 and article 20, the applicant shall provide complete information on the following topics for the application for a Level 3 solar farm:

- a) Project description and rationale: identify the perimeter of the project development area, proposed type of system, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction timeframe, project life, potential development phases and potential future expansions.
- b) Visual impacts: Graphically demonstrate the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
- c) Waste: Identify any solid or hazardous waste generated by the project and provide a disposal plan for such waste.

- d) Lighting: Provide plan showing all lighting within the facility. All lighting shall be in compliance with the standards of sections 3.7.1 and 20.10h.
- e) Transportation Plan: Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations on adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pay for curb solar panel access drives unless required by the state or County Road Commission.
- f) Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created.
- g) Life Of The Project and Final Reclamation: Describe the decommissioning & Final Reclamation plan at the end of the anticipated useful life or termination of the project. Decommissioning of the facilities must occur in the event that continuous energy production is discontinued for a period of 12 months. In this event, the facility shall be considered abandoned unless the current responsible party or parties with an ownership interest in the facility provides substantial evidence updated every 6 months following the initial 12 month period of no energy production, to the zoning administrator, of the intent to maintain or reinstate the operation of the facility. It is a responsibility of the property owner and/or the facility owner to remove all equipment and facilities and restore the parcel to it's condition prior to the development of the SES.
1. Upon determination of abandonment, the Zoning Administrator shall notify the party or parties responsible they must remove the SES and restore the site to it's original condition prior to the development of the SES within one year of notice by the zoning administrator.

2. If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project, the county, in addition to any other remedy under the ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any cost, including any fees. The decommissioning plan shall include how the following conditions will be met.
  - a. Removal of all non-utility on equipment, conduit, structures, fencing, roads, and foundations. The owner of the leased parcel, however may request in writing that graveled areas and developed access roads remain in place.
  - b. Restoration of property to condition prior to development of the facility including replacing top soil which may have been removed and replacing the restored surface with native ground cover vegetation. The owner of the leased parcel, however, may request the renewed ground surface not to be revegetated due to plans for agricultural planting.
  - c. Time frame for completion of decommissioning activities, not to exceed 1 year, is developed and provided.
  - d. Description and copy of any lease or any other agreement with landowner regarding decommissioning is furnished.
  - e. Provide a list of names, addresses and telephone numbers of persons or parties responsible for decommissioning.
  - f. Provide a plan and schedule for updating this decommissioning plan.
  - g. Provide a description of the financial security guarantee for the removal of the system to the County within 15 days after approval or before a building or construction permit is issued for the project. The financial security shall be 1.) A cash bond; 2.) An irrevocable bank letter of credit; 3.) A performance bond in a form approved by the County. The amount of such guarantee shall be no less than the

estimated cost of removal and may include a provision for inflationary cost adjustments. An estimate shall be prepared by a registered engineer for the applicant and shall be subject to approval by the County.

g) Drainage and Soil Erosion

1. Show how panels shall be positioned to allow water runoff without channeling it in such a way as to cause erosion.
2. Show how the vegetative cover will be provided and maintained under and around the panels.
3. Show how panels array will be located so as to allow vegetative growth under and between panels.

h) Impervious Surface/Stormwater

If more than 8,000 square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that run off from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

Note: State DEQ and any others?

i). Safety access

A security access plan shall be proposed and reviewed/approved for level 3 solar farms.

Knox boxes and keys shall be provided for any locked entrances for emergency personnel access to any locked fenced portions of the facility.

j) County review

Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the County Planning Commission and Board of Commissioners will have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this section as part of the special land use review process.

k) Telecommunications Infrastructure:

Identify any electromagnetic fields which are generated that will interfere with electronic communication devices located outside the perimeter of the facility.

## Facts for consideration used in writing PV regulation

1. 15 Watts/sf =expected output currently for PV
2. 1 acre = 43560sf or approximately 208.71 feet x 208.71 feet
3. 43560 sf / acre x 15 watts/sf =653,400 watts/acre
4. A solar farm of 300 - 400 acres would produce approximately 196 - 261 MW.
5. 20 kW is a manufacturing standard for non-commercial systems. This equates to 1,333sf of solar collection surface (36.3' x 36.3')
6. 40 kW requires a 51.6 feet x 51.6 feet square of solar panel surface
7. 500 KW requires 33325sf or .765 acres of solar panel surface
8. Maximum solar efficiency output is 1000 watts per square meter at the equator at high noon.
9. Net Metering in Michigan Solar Integrated System
  - a. Net metering in Michigan allows installation of up to 20 kW of off-site electrical generation to continuously roll over any excess generation to the next month. Participation is limited to .75% of utilities peak demand of the prior year.
  - b. The net metering program ends June 1st, 2018. Continuation of the program, if it happens, may discount excess power which is fed back into the utility system to some wholesale rate toward the owner's bill.
  - c. Net metering sizing " the project must be sized small enough so that it is no larger than what is needed to meet a customer's energy needs "page 20 in Becoming A Solar Ready Community
10. It is anticipated that electric car batteries will be repurposed into systems for electrical storage in the future.
11. Current car batteries have a storage capacity of 60-160kv and it is anticipated they will have a capacity of 200kv in the near future.

12. Bodies of water listed in 10.1.2:

Black River (Lower)

Mullett Lake

Silver Lake (Koehler

Cheboygan River

Kleber Pond

Township)

Indian River

Lake Huron

Silver Lake (Wilmot

Sturgeon River

Lake Rondo

Township)

Black Lake

Lancaster Lake

Tower Pond

Burt Lake

Lance Lake

Twin Lakes

Devereaux Lake

Long Lake

Vincent Lake

Douglas Lake

Paradise Lake

Wildwood Lake

Echo Lake

Reswell Lake

Woldan Pond

Munro Lake

Roberts Lake

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