



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, APRIL 17, 2019 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. **BRENT MARLATT** – Requests a rezoning from Agriculture and Forestry Management (M-AF) and Commercial Development (D-CM) to Commercial Development (D-CM). The subject property is located at 4599 Van Etten Court, Tuscarora Township, section 25, parcel #161-025-300-013-02 and is described as follows:

COM W 1/4 COR OF SEC 25, T35N, R3W, TH S 1D 45M 30S W 430.0FT ALG SEC LI; TH S 87D 49M 25S E 28.24FT TO C/L OF OLD 27; TH CONT S 87D 49M 25S E 370.0FT TO POB; TH CONT S 87D 49M 25S E 289.70FT; TH N 1D 45M 30S E 99.6FT; TH N 87D 53M 49S W 289.82FT; TH S 1D 41M 20S W 99.23FT TO POB. BEING PART OF NW 1/4 OF SW 1/4 OF SEC 25, T35N, R3W. SPLIT ON 2/8/16 FROM 161-025-300-013-00 926/603;944/811

2. **DANA NUTT** – Requests a special use permit for an addition to a campground on an existing lawful nonconforming lot of record (Section 10.3.2). The property is located at 9994 M-68/33 Hwy. and 9940 Peninsular Dr., Forest Township, section 3, parcel #s 231-T03-004-001-00 and 231-T03-004-004-00 and is zoned Lake and Stream Protection (P-LS).

UNFINISHED BUSINESS

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, APRIL 3, 2019 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson
- ABSENT:** Churchill
- STAFF:** Jen Merk, Jeff Lawson
- GUESTS:** Eric Boyd, John F. Brown, Bob Lyon, Carl Muscott, Ed Delana, Cal Gouine, Roberta Matelski, Russell Crawford, Cheryl Crawford, Hunter Nivison, John Moore, C Maziasz

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

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Churchill)

APPROVAL OF MINUTES

The March 20, 2018 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

IBS CONTRACTING, INC./DAVE FERNELIUS - Requests a Special Use Permit for auto sales show room, sales offices, auto receiving and service bay addition (Section 6.3.4). The property is located at 10459 N. Straits Hwy., 10429 N. Straits Hwy., and 10407 N. Straits Hwy, Inverness Twp., section 7, parcels # 095-007-400-009-05, # 092-007-400-009-03 and 092-007-400-011-00 and is zoned Commercial Development (D-CM).

Mr. Lawson reviewed the background information contained in the staff report.

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

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

1. Approval from MDOT
2. Approval from Department of Building Safety
3. Approval from District Health Department #4

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

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. Lawson stated a special use permit for a nonconforming campground and a rezoning in Indian River will be on the next Planning Commission agenda.

PLANNING COMMISSION COMMENTS

Mr. Kavanaugh questioned the campground special use permit as to whether it could be allowed. Discussion was held. Mr. Freese stated that it was allowable as a legal nonconforming use.

PUBLIC COMMENTS

Mr. Muscott stated the previous request for Dave Fernelius was a site plan review for a car dealership which was a permitted use in a Commercial zoning district. Mr. Muscott stated that the recent amendment changed this to a use requiring a special use permit and will affect all dealerships in Cheboygan County. Mr. Muscott stated that this was previously a site plan review and now a public hearing will be required. Mr. Muscott stated sections 3.5.1 and 3.5.2 are police ordinances and he will discuss removing this from the ordinance with the Cheboygan County Board of Commissioners. Mr. Muscott reviewed the agenda for the next Emmet County Planning Commission meeting.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:20pm.

Charles Freese
Planning Commission Secretary

DRAFT

CHEBOYGAN COUNTY PLANNING COMMISSION

Brent Marlatt – Zoning Amendment Application

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Amendment Application (3 Pages)
4. Current Zoning Map (1 Page)
5. Proposed Zoning Map (1 Page)
6. Email Dated 04/02/19 From Scott Fisher, MDOT (1 Page)
7. Email Dated 04/02/19 From Kyle Keller, District Health Department #4 (1 Page)
8. Email Dated 04/02/19 From Brent Shank, Cheboygan County Road Commission (1 Page)
9. Mailing List (2 Pages)
10. Email Dated 04/09/19 From Carl Muscott (2 Pages)
11. Staff Report (9 Pages)
- 12.
- 13.
- 14.
- 15.

Note: Planning Commission members have exhibits 1 and 2.

ZONING AMENDMENT APPLICATION

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

Fee \$ 225 Date 3/22/19

Application Approved by: Jennifer Monk

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

PLEASE PRINT

LOCATION (For property rezoning)

Address 4599 Van Etten Court	City / Village Indian River	Township/Sec. Tusc. / 25	Zoning District D-CM & M-AF
Property Tax I.D. (Parcel) Number 161-025-300-013-02	Subdivision or Condo. Name/Plat or Lot No.		

APPLICANT

Name Brent & Erica Marlatt	Telephone (231) 675-0041	Fax N/A
Address 5850 South Rainbow Trail	City & State Indian River, MI	Zip Code 49749
		E-Mail finsnfeathers@hotmail.com

PROPERTY OWNER (If different from applicant)

Name Same As Above	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):
N/A

B. Rezone from ~~D-CM+M-AF~~ to D-CM 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:

Please refer to an attached copy of the most current survey.

B. List all deed restrictions, if applicable:

None

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

None

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.

The proposed development of this lot for a storage unit building merged into a different zoning district, and therefore, needed this amendment before proceeding.

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

The two different zoning districts within this one parcel were a complete surprise to my wife and me. We both have expended considerable time and money to date by creating a site plan and getting a variety of bids from numerous parts of the construction process. This surprise has delayed our project time-line immensely.

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

Owner's Signature

Date

3/19/19

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.

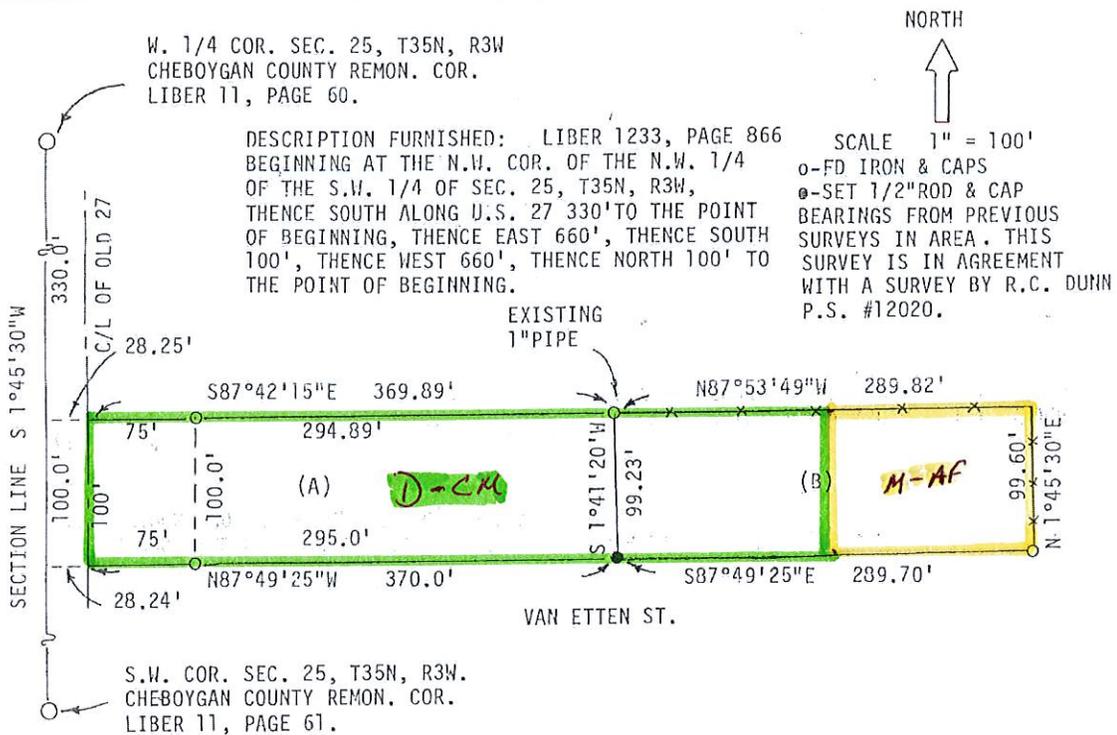
Applicant's Signature

Date

3/19/19

DONALD E. MARLATT
 Professional Surveyor
 7570 M-32
 Atlanta, Michigan 49709
 Phone: 989-785-4748
CERTIFICATE OF SURVEY

I, DONALD E. MARLATT, a Registered Surveyor in the State of Michigan, HEREBY CERTIFY that I have surveyed the parcel(s) of land described and delineated hereon; that said plat is a true representation of the survey as performed by me; that said survey was performed with an error of closure no greater than 1 in 5000, and that I have fully complied with the requirements of Section No. 3, Act No. 132, P.A. 1970. This survey was made from a legal description furnished by the client. If this survey was made for the purpose of describing a parcel for conveyance of title, the proprietor is required to record the survey with Register of Deeds when title is conveyed.



PARCEL "A"
 COMMENCING AT THE WEST 1/4 COR. OF SEC. 25, T35N, R3W, THENCE S 1°45'30"W 330.0' ALONG SECTION LINE, THENCE S 87°42'15"E 28.25' TO THE CENTERLINE OF OLD 27 AND THE POINT OF BEGINNING, THENCE CONTINUING S 87°42'15"E 369.89', THENCE S 1°41'20"W 99.23', THENCE N 87°49'25"W 370.0' TO THE CENTERLINE OF OLD 27, THENCE N 1°45'30"E 100' ALONG SAID CENTERLINE TO THE POINT OF BEGINNING, THE WEST 75' IS SUBJECT TO A ROAD RIGHT OF WAY, BEING A PART OF THE N.W. 1/4 OF THE S.W. 1/4 OF SEC. 25, T35N, R3W, CHEBOYGAN COUNTY, MI. AND CONTAINS 0.85 ACRES. SUBJECT TO ANY OTHER RIGHT OF WAYS, EASEMENTS, RESERVATIONS, RESTRICTIONS AND LEASES OF RECORD, IF ANY.

PARCEL "B"
 COMMENCING AT THE WEST 1/4 COR. OF SEC. 25, T35N, R3W, THENCE S 1°45'30"W 430.0' ALONG SECTION LINE, THENCE S 87°49'25"E 28.24' TO THE CENTERLINE OF OLD 27, THENCE CONTINUING S 87°49'25"E 370.0' TO THE POINT OF BEGINNING, THENCE CONTINUING S 87°49'25"E 289.70', THENCE N 1°45'30"E 99.6', THENCE N 87°53'49"W 289.82', THENCE S 1°41'20"W 99.23' TO THE POINT OF BEGINNING. BEING PART OF THE N.W. 1/4 OF THE S.W. 1/4 OF SEC. 25, T35N, R3W, CHEBOYGAN COUNTY, MI. AND CONTAINS 0.67 ACRES. SUBJECT TO RIGHT OF WAYS, EASEMENTS, RESTRICTIONS, RESERVATIONS AND LEASES OF RECORD, IF ANY.



Survey made for BRENT MARLATT
 Address 5850 S. RAINBOW TRAIL
INDIAN RIVER, MI. 49749
 At request of same
 W.O. No. _____ Date 12/22/15

Donald E Marlatt
 Professional Surveyor

Current Zoning



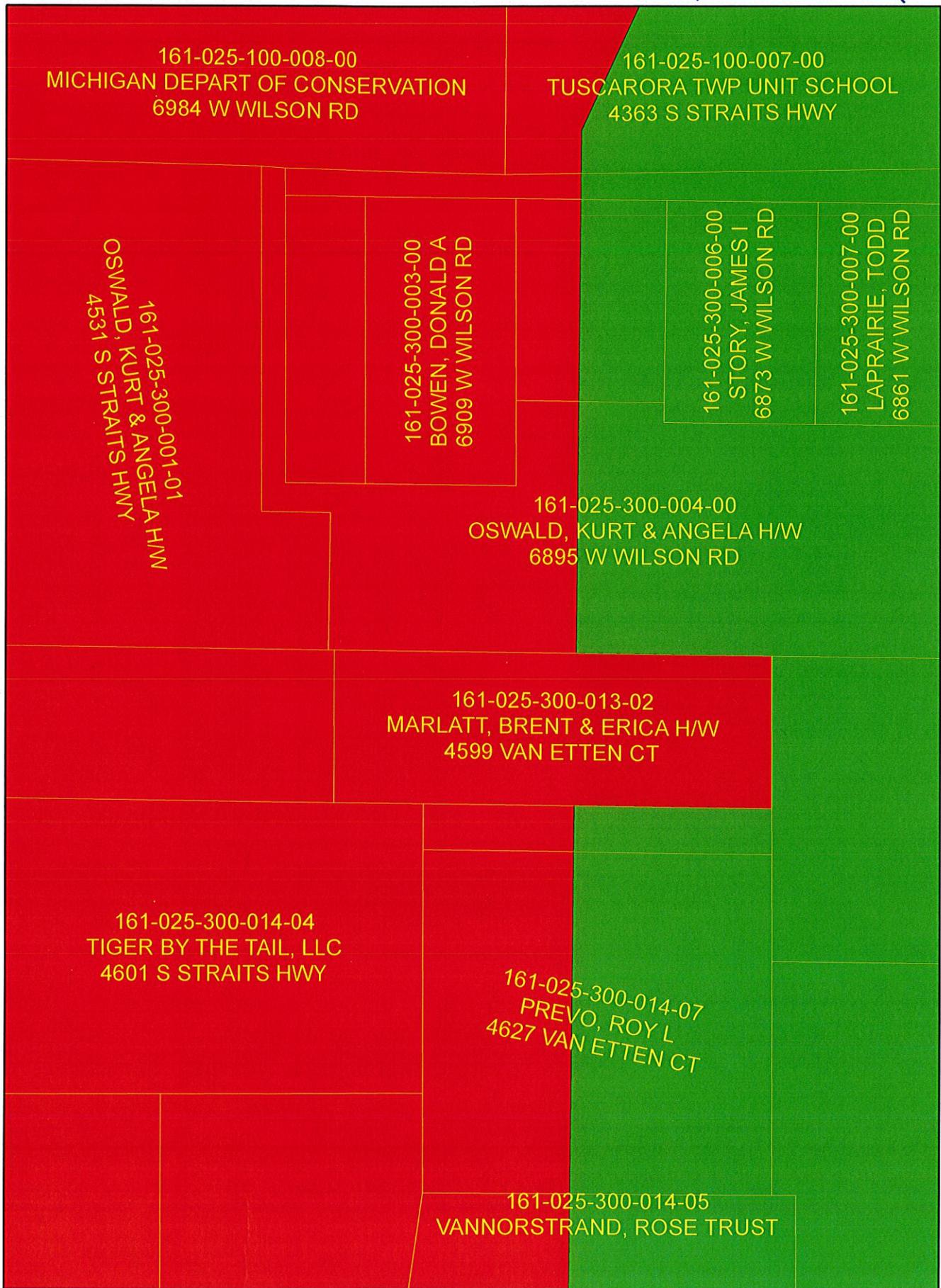
D-CM  M-AF 



4



Proposed Zoning



Deborah Tomlinson

From: Fisher, Scott (MDOT) <FisherS22@michigan.gov>
Sent: Tuesday, April 02, 2019 3:55 PM
To: Deborah Tomlinson
Subject: RE: Zoning Amendment Application - Brent and Erica Marlatt

Follow Up Flag: Follow up
Flag Status: Completed

Hey Debbie,

No issues/concerns from MDOT.

Thanks,
-Scott

From: Deborah Tomlinson <debbiet@cheboygancounty.net>
Sent: Tuesday, April 2, 2019 11:28 AM
To: David Carpenter (dpcarpenter@voyager.net) <dpcarpenter@voyager.net>; Kyle Keller <kkeller@dhd4.org>; Brent Shank (mgr@chcrc.com) <mgr@chcrc.com>; Gailitis, Jason (MDOT) <GailitisJ@michigan.gov>; Fisher, Scott (MDOT) <FisherS22@michigan.gov>; Bobbi Balazovic (treasurer@tuscaroratwp.com) <treasurer@tuscaroratwp.com>; Craig Waldron (cwaldron@centurylink.net) <cwaldron@centurylink.net>; Jane McGinnis (jane@mcvideo.com) <jane@mcvideo.com>; Mike Ridley (supervisor@tuscaroratwp.com) <supervisor@tuscaroratwp.com>; Sue Fisher (clerk@tuscaroratwp.com) <clerk@tuscaroratwp.com>; Dan Nivelte (d-repair@sbcglobal.net) <d-repair@sbcglobal.net>; jhschams@outlook.com; Kelly Ashford <kashford@racc2000.com>; Mike Cherveney <cherv179@aol.com>; Mike Vizina <mjv@freeway.net>
Subject: Zoning Amendment Application - Brent and Erica Marlatt

The following is a link to a zoning amendment application (rezoning) for Brent and Erica Marlatt: <http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs40-1554218085-99393.pdf>. This application will be reviewed by the Planning Commission at the 04/17/19 meeting. Please review this application and email me any comments prior to 04/10/19.

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

Deborah Tomlinson

From: Kyle Keller <kkeller@dhd4.org>
Sent: Tuesday, April 02, 2019 2:33 PM
To: Deborah Tomlinson
Subject: re: Brent and Erica Marlatt-kyle dhd4

Debbie, I took a quick look at the Marlatt change of classification, nothing comes to mind as far as I can see at this time, when you get more definitive plans in a month or so I would like to see them, thanks

Kyle Keller RS
Environmental Sanitarian
DHD4-Cheboygan County
PH# 231-627-8850
kkeller@dhd4.org
www.dhd4.org

CONFIDENTIALITY NOTICE: *The information contained in this email is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient, you are hereby notified that any unauthorized review, use, dissemination, distribution or copying of this communication is prohibited and may be subject to legal restriction or sanction. If you have received this email in error, please notify the sender immediately to arrange for return or destruction of the information and all copies. If you are the intended recipient, but do not wish to receive communications through this medium, please advise the sender immediately. Thank you.*

Deborah Tomlinson

From: Brent Shank <mgr@chcrc.com>
Sent: Tuesday, April 02, 2019 1:07 PM
To: Deborah Tomlinson
Subject: Re: Zoning Amendment Application - Brent and Erica Marlatt
Attachments: mgr.vcf

Hello,

No comment from the Road Commission. The access for the parcel is located on a private road.

Thank you,

Brent Shank, P.E.

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

On 4/2/2019 11:27 AM, Deborah Tomlinson wrote:

The following is a link to a zoning amendment application (rezoning) for Brent and Erica Marlatt: <http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs40-1554218085-99393.pdf>. This application will be reviewed by the Planning Commission at the 04/17/19 meeting. Please review this application and email me any comments prior to 04/10/19.

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

161-025-300-001-01
OSWALD, KURT & ANGELA H/W
6895 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-002-00
OSWALD, KURT & ANGELA H/W
6895 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-003-00
BOWEN, DONALD A
6109 INDEPENDENCE AVE
INDIAN RIVER, MI 49749

161-025-300-004-00
OSWALD, KURT & ANGELA H/W
6895 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-005-00
RHINE, GAIL
6891 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-006-00
STORY, JAMES I
6873 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-007-00
LAPRAIRIE, TODD
6835 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-008-00
LAPRAIRIE, TODD
6835 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-009-00
BOWEN, DONALD A
6109 INDEPENDENCE AVE
INDIAN RIVER, MI 49749

161-025-300-013-01
MARLATT, BRENT & ERICA H/W
5850 S RAINBOW TRL
INDIAN RIVER, MI 49749

161-025-300-013-02
MARLATT, BRENT & ERICA H/W
5850 S RAINBOW TRL
INDIAN RIVER, MI 49749

161-025-300-014-02
K & W GROUP, LLC
4225 E BURT LAKE RD
CHEBOYGAN, MI 49721

161-025-300-014-04
TIGER BY THE TAIL, LLC
PO BOX 159
INDIAN RIVER, MI 49749

161-025-300-014-05
KASPER, ERIC J
779 PARK AVE
NAPLES, FL 34110

161-025-300-014-06
OSWALD, KURT & ANGELA H/W
6895 WILSON RD.
INDIAN RIVER, MI 49749

161-025-300-014-07
PREVO, ROY L
PO BOX 1128
INDIAN RIVER, MI 49749

161-025-300-014-08
OSWALD, KURT & ANGELA H/W
6895 WILSON RD
INDIAN RIVER, MI 49749

161-025-300-014-09
KASPER, ERIC J
779 PARK AVE
NAPLES, FL 34110

161-025-301-001-00
K & W GROUP, LLC
4225 E BURT LAKE RD
CHEBOYGAN, MI 49721

161-025-300-001-01
OCCUPANT
4531 S STRAITS HWY
INDIAN RIVER, MI 49749

161-025-300-002-00
OCCUPANT
6929 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-003-00
OCCUPANT
6909 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-004-00
OCCUPANT
6895 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-005-00
OCCUPANT
6891 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-006-00
OCCUPANT
6873 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-007-00
OCCUPANT
6861 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-008-00
OCCUPANT
6835 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-009-00
OCCUPANT
6817 W WILSON RD
INDIAN RIVER, MI 49749

161-025-300-013-01
OCCUPANT
4579 S STRAITS HWY
INDIAN RIVER, MI 49749

161-025-300-013-02
OCCUPANT
4599 VAN ETEN CT
INDIAN RIVER, MI 49749

161-025-300-014-04
OCCUPANT
4601 S STRAITS HWY
INDIAN RIVER, MI 49749

161-025-300-014-07
OCCUPANT
4627 VAN ETEN CT
INDIAN RIVER, MI 49749

161-025-300-014-09
OCCUPANT
4671 VAN ETEN CT
INDIAN RIVER, MI 49749

161-025-301-001-00
OCCUPANT
4653 S STRAITS HWY
INDIAN RIVER, MI 49749

161-025-301-001-00
OCCUPANT
4667 S STRAITS HWY
INDIAN RIVER, MI 49749

Deborah Tomlinson

From: carl muscott <carlmuscott@yahoo.com>
Sent: Tuesday, April 09, 2019 9:38 AM
To: Jennifer Merk; Jeff Lawson; Deborah Tomlinson
Cc: finsfeathers@hotmail.com; John B. Wallace; Richard Sangster; Cal Gouine; Mike Newman; Roberta Matelski; Steve Warfield; MaryEllen Tryban
Subject: Marlatt Rezoning Application-PARCEL #161-025-300-013-02

Hello Ms Merk,

I was unsure of Mr and Mrs Marlatt's reasoning for the request to rezone parcel #161-025-300-013-02. I did notice within the justification for the requested action mention of a site plan already developed for storage units. I hope the Marlatt's site plan was created by consultation with a person knowledgeable of Ordinance #200.

Has the location fronting on a private road been questioned and answered? Van Etten Court is an easement that does not have any ROW identified on the GIS map. Section 3.2 requires an easement to a public road with a minimum 30 ft ROW. The legal easement should be recorded on their parcel or parcel #161-025-300-014-04.

The southern boundary of the parcel(s), fronting on Van Etten Court, would require a minimum 25 foot front setback (Section 17.1). The legal description indicates the depth of the parcel(s) is only 99.6 and 99.23 feet.

Section 6.4.2 requires a 50 foot setback from D-RS districts for all commercial uses allowed under 6.2 and 6.3. The easternmost parcel, #161-025-300-013-02, adjoins residential (D-RS) zoning to the north, east, and a portion of the south lot line. The D-CM portion of this parcel has insufficient north/south depth, 99+ feet, to accommodate the required 50 foot setbacks from the adjacent residential (D-RS) zoning.

To comply with Ordinance #200, the lot lines adjacent to D-RS zoning require a 50 foot setback and either a green belt, wall, or "concealing" fence. The buildable area of the westernmost portion of parcel # 161-025-300-013-02, minus a front setback of 25 feet and the required 50 foot district boundary setback is less than 25 feet.

If there are any questions, please feel free to contact me.

Thank you,

Carl Muscott

COM W 1/4 COR OF SEC 25, T35N, R3W, TH S 1D 45M 30S W 430.0FT ALG SEC LI; TH S 87D 49M 25S E 28.24FT TO C/L OF OLD 27; TH CONT S 87D 49M 25S E 370.0FT TO POB; TH CONT S 87D 49M 25S E 289.70FT; TH N 1D 45M 30S E 99.6FT; TH N 87D 53M 49S W 289.82FT; TH S 1D 41M 20S W 99.23FT TO POB. BEING PART OF NW 1/4 OF SW 1/4 OF SEC 25, T35N, R3W. SPLIT ON 2/8/16 FROM 161-025-300-013-00 926/603;944/811

6.4.2. When adjacent to a Residential Development District (D-RS), Rural Character Development District (D-RC), Lake and Stream Protection District (P-LS), or Natural Rivers Protection District (P-NR), uses described in Sections 6.2. and 6.3. shall be located not less than fifty (50) feet distant from any of these zones and shall require a green belt, wall or concealing fence in accordance with Section 17.18. (Rev. 08/05/06, Amendment #60), (Rev. 05/23/15, Amendment #127)



CHEBOYGAN COUNTY PLANNING AND ZONING 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/

STAFF REPORT

Item: Application to rezone property in Tuscarora Township from Commercial Development (D-CM) and Agriculture & Forestry (M-AF) to Commercial Development (D-CM).	Prepared by: Jennifer Merk Jeff Lawson
Date: April 11, 2019	Expected Meeting Date: April 17, 2019

1. **Request:**

The applicant has requested rezoning that portion of the subject property located at 4599 Van Etten in Tuscarora Township zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF) to Commercial Development (D-CM).

2. **Surrounding Zoning:**

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

East: Agriculture and Forestry Management (M-AF)

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

West: Commercial Development (D-CM) surrounding South Straits Highway corridor.

3. **Surrounding Land Uses:**

Residential land uses to the north and northeast are bordered by commercial uses. Land use to the east is residential. Residential-commercial uses are present to the south. Commercial land use exists to the west and proximate to South Straits Highway.

4. **Background:**

The subject property is a vacant wooded parcel and is split into two zoning districts with different setback requirements. The rezoning application is a result of the applicant's request to develop the parcel for permitted commercial uses.

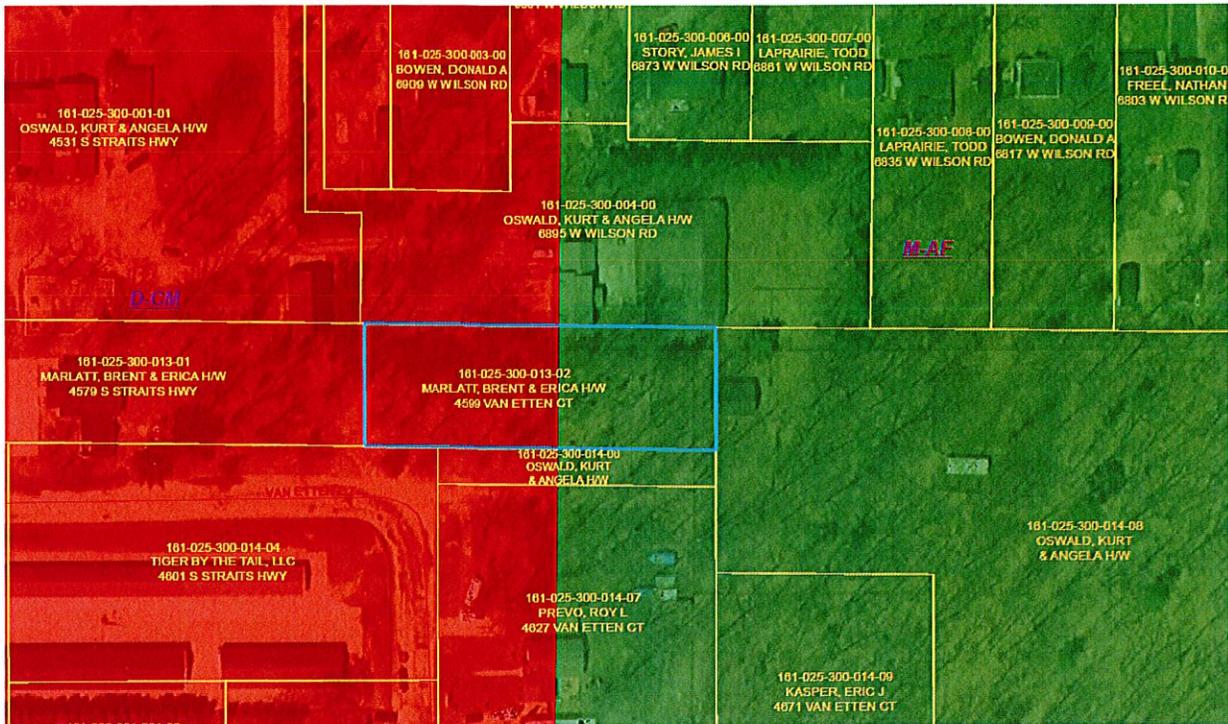


Figure 1. Existing Zoning (Green = Agriculture & Forestry, Red = Commercial Development)
 Location of subject property (center) located at 4599 Van Etten Court, Tuscarora Twp.

5. Consistency with Cheboygan County Master Plan/Tuscarora Township Master Plan:
 The *Cheboygan County Master Plan-Tuscarora Township Master Plan* Future Land Use Map designates the subject area is single family residential.

In Michigan, Townships ~~have the authority to conduct planning~~ and zoning activities. Tuscarora Township has an adopted Master Plan and Future Land Use Map (2012). According to Michigan statute, zoning must be based on a plan in order to be legally valid. The Cheboygan County Master Plan (2014) recommends that the Township’s Master Plan be used for land use decision-making in the Township, including the most recently adopted Future Land Use Map (that should take the place of more general recommendations developed for the County as a whole). However, Tuscarora Township has not adopted a township-specific zoning ordinance; therefore, County zoning is applicable.

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 lot) 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.

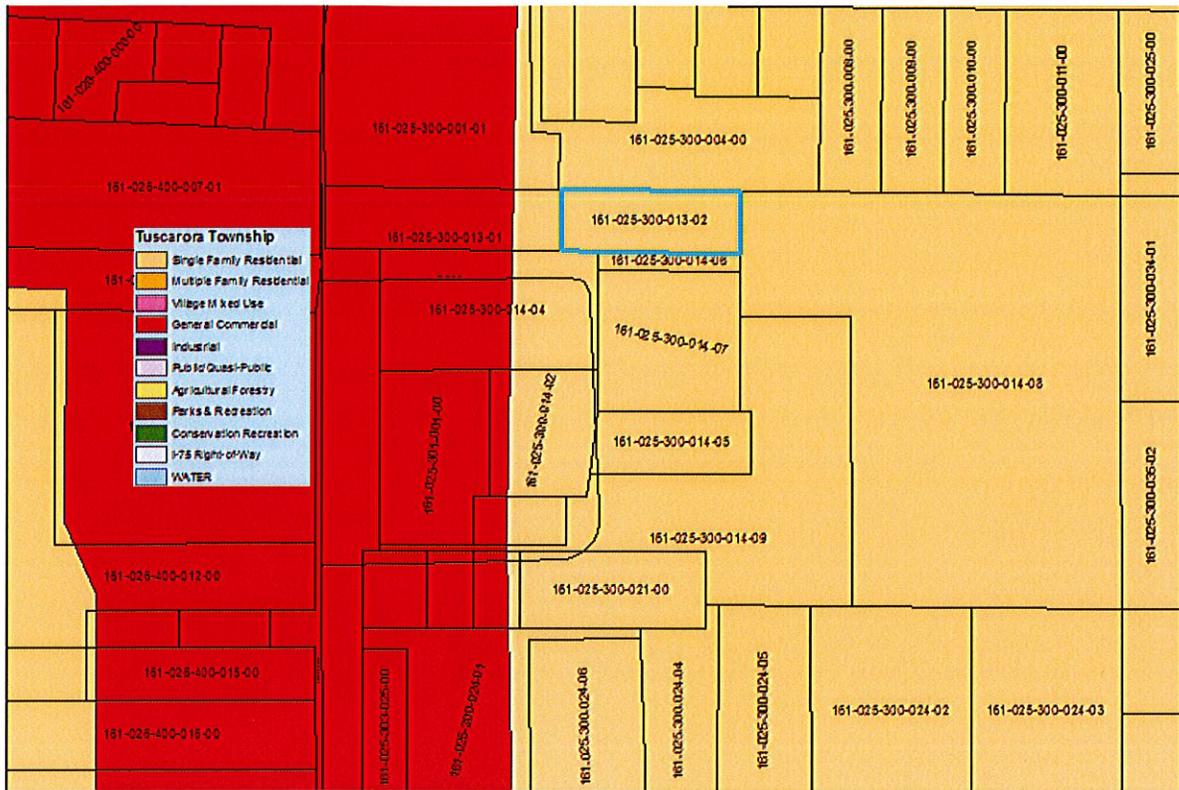


Figure 2. Tuscarora Township Master Plan Future Land Use Map of subject area.
Blue outline = Subject property

6. Comparisons of Site Development Standards:

Site Development Standards	D-CM (current)	M-AF (current)	D-CM (proposed)
Minimum Lot Area	No min	one-acre	No min
Minimum Lot Width	No min	150-ft.	No min
Minimum Front Setback	25-ft.	50-ft.	25-ft.
Minimum Side Setback	10-ft.	10-ft.	10-ft.
Minimum Rear Setback	10-ft.	30-ft.	10-ft.

7. 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. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)
- 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)
- 9.2.17. Type 1, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)

SECTION 9.3. USES REQUIRING SPECIAL LAND USE PERMITS

- 9.3.1. 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. Motor vehicle sales and/or repair facility. (Rev. 11/27/18, Amendment #149)
- 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. Bar and Restaurant. (Rev. 01/16/18, Amendment #144)
- 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. Retail sales establishment, small-scale convenience. (Rev. 11/2//18, Amendment #149)
- 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)
- 9.3.26. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 9.3.27. Type 3 SES-PV Systems in accordance with Section 17.30.6.C (Rev. 03/01/19, Amendment #150)

Uses allowed in the existing 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. Car wash (Rev. 11/27/18, Amendment #149)
- 6.2.3. Bars and Restaurant, Restaurant, carry out, Restaurant, drive in and Restaurant, fast food. (Rev. 01/16/18, Amendment #144)
- 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-through. (Rev. 04/12/07, Amendment #67) (Rev. 01/16/18, Amendment #144)
- 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)
- 6.2.31. Health and fitness center (Rev. 01/16/18, Amendment #143)
- 6.2.32. Personal service center (Rev. 01/16/18, Amendment #143)
- 6.2.33. Pet grooming (Rev. 01/16/18, Amendment #143)
- 6.2.34. Motor Vehicle Service Station (Rev. 11/27/18, Amendment #149)
- 6.2.35. Retail sales establishment, small scale convenience (Rev. 11/27/18, Amendment #149)
- 6.2.36. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)
- 6.2.37. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)

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. Motor vehicle sales and/or repair facility. (Rev. 11/27/18, Amendment #149)

- 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)
- 6.3.18. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 6.3.19. Level 3 SES-PV Systems in accordance with Section 17.30.6.C (Rev. 03/01/19, Amendment #150)

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

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- 6.2.5. Arcades, bowling alleys or billiard parlors. (Rev. 09/01/17, Amendment #140)
- 6.2.6. Cabinet making shops.
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- 6.2.9. Drive-through. (Rev. 04/12/07, Amendment #67) (Rev. 01/16/18, Amendment #144)
- 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
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- 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)
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- 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)
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- 6.3.19. Level 3 SES-PV Systems in accordance with Section 17.30.6.C (Rev. 03/01/19, Amendment #150)

9. **Public Comments:** see attached

**CHEBOYGAN COUNTY PLANNING COMMISSION
REZONING REQUEST**

Wednesday, April 17, 2019 7:00 PM

Applicant

Brent & Erica Marlatt
5850 South Rainbow Trail
Indian River, MI 49749

Owner

Brent & Erica Marlatt
5850 South Rainbow Trail
Indian River, MI 49749

Parcel

4599 Van Etten Court
Tuscarora Township
161-025-300-013-02

PROPERTY DESCRIPTION

The property is described as situated in the Township of Tuscarora, County of Cheboygan and State of Michigan.

COM W 1/4 COR OF SEC 25, T35N, R3W, TH S 1D 45M 30S W 430.0FT ALG SEC LI; TH S 87D 49M 25S E 28.24FT TO C/L OF OLD 27; TH CONT S 87D 49M 25S E 370.0FT TO POB; TH CONT S 87D 49M 25S E 289.70FT; TH N 1D 45M 30S E 99.6FT; TH N 87D 53M 49S W 289.82FT; TH S 1D 41M 20S W 99.23FT TO POB. BEING PART OF NW 1/4 OF SW 1/4 OF SEC 25, T35N, R3W. SPLIT ON 2/8/16 FROM 161-025-300-013-00 926/603;944/811

Hereinafter referred to as the "Property".

APPLICATION

The applicant seeks approval for rezoning, requesting the following:

1. Rezone the portion of the property currently zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF) to Commercial Development (D-CM).

The Planning Commission having considered the Application, the Planning Commission having heard the statements of the Applicant, 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

1. The Planning Commission finds the applicant proposes rezoning of certain real property in the application from Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF) to Commercial Development (D-CM). (see Exhibits 4 and 5)
2. The Planning Commission finds the application is made by Brent and Erica Marlatt. (see Exhibit 3)
3. The Planning Commission finds the parcels to the north are zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF). Furthermore, the parcels to the east are zoned

Agriculture and Forestry Management (M-AF), the parcels to the south are zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF), and the parcels to the west are zoned Commercial Development (D-CM). (see Exhibit 4)

4. The Planning Commission finds that the parcel is located in the general vicinity of property zoned Commercial Development with existing commercial uses.

REZONING FACTORS

1. Is the proposed rezoning reasonably consistent with surrounding uses?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that currently the west half of the property is zoned D-CM and that a portion of the properties to the north and south are currently zoned D-CM such that rezoning the additional east portion of the subject property would create one contiguous D-CM zoned property. (See exhibit 5)
- B. 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 it would not create a negative impact on surrounding property.

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that many of the surrounding land uses are in the M-AF District and contain residential uses. Thus, the Planning Commission finds that the proposed rezoning is not reasonably consistent with surrounding uses. (See exhibit 4)

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 4 and 11).
- 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 4)

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 4)

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.

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.

This standard has/has not been met.

4. Have there been changes in land use or other conditions in the immediate area or in the community in general that justifies rezoning?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that development to the north, south and west of the parcel is currently commercial and that the parcel is adjacent to the South Straits commercial corridor and that these factors are viable justifications for the rezoning. (See exhibit 4)

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 residential uses as opposed to commercial uses. As such, there is a minimum demand for commercial property which does not favor the proposed rezoning.

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 there is no evidence that the rezoning as proposed would deter the improvement or development of adjacent property in accordance with existing regulations, much less future land use plans as proposed in the Tuscarora Township Master Plan and Future land Use Map. (See Exhibit 2 & 4)

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 and west are residential uses and zoned M-AF. (See exhibits 4)

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 is also adjacent to property to the north, east and south 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 & 4)

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that rezoning the property will result in a portion of the property penetrating into existing M-AF zoned property.

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the west half of the property is currently zoned D-CM and the east half of the parcel is zoned M-AF, however, the entire parcel does not meet the minimum lot size standards for an M-AF lot.

WILL NOT SUPPORT THE FACTOR

- A.

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, per the adopted Tuscarora Township Master Plan and Future Land Use Map, the future land use categories for surrounding commercial properties may very well better describe the desired future land use on any given parcel and that there is support in the respective Master Plans for this proposed rezoning that would allow land uses compatible with surrounding properties and meet the County's and Township's land use goals. (See Exhibit 2)

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the Tuscarora Township's Master Plan depicts the future use of the property as being in the Single Family Residential. (See exhibit 2)

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.

WILL NOT SUPPORT THE FACTOR

- A.

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 the portion of the subject property, if rezoned to D-CM, would provide for maximum utilization for commercial land uses.

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.

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. 161-025-300-013-02 within Cheboygan County Michigan is hereby recommended to be denied/approved.

Ayes: _____

Nays: _____

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, April 17, 2019

Patty Croft, Chairperson

Charles Freese, Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

Dana Nutt – *Revised 04/17/19*

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Special Use Permit Application (6 Pages)
4. Mailing List (1 Page)
5. Photos (3 Pages)
6. Proposed Rustic Cabin Drawings (3 Pages)
7. Existing Cabin Drawings (1 Page)
8. Existing Motel & Living Quarters Drawing (1 Page)

9. Site Plan (2 Pages)
10. Email Dated 04/08/19 From Brent Shank, Cheboygan County Road Commission (1 Page)
11. Email Dated 04/08/19 From Scott Fisher, MDOT (1 Page)
12. Email Dated 04/08/19 From Terri L. Tringali (1 Page)
13. Email Dated 04/08/19 From Carl Muscott (2 Pages)
14. 09/18/18 Email From Tim Paulus, Forest Township Supervisor (1 Page)
15. Email Dated 04/10/19 From Kyle Keller, District #4 Health Dept. with attachment-Part 125 of 1978 PA 368, as amended (15 Pages)
16. Staff Report (3 Pages)

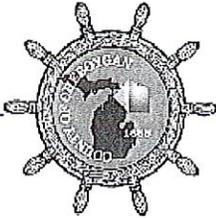
The following items were added to the exhibit list on 04/16/19:

17. Letter Dated 04/15/19 From Peter Wendling to Jeff Lawson (4 Pages)
18. Land Contract L1362 P751 (5 Pages)
19. Real Estate Summary Sheet for Parcel 231-T03-004-001-00 (1 Page)
20. Real Estate Summary Sheet for Parcel 231-T03-004-004-00 (1 Page)
21. 1981 Aerial Photo (1 Page)
22. 1998 Aerial Photo (1 Page)
23. 2008 Aerial Photo (1 Page)
24. Pictures – Parcel # 231-T03-004-001-00 (2 Pages)
25. Pictures – Parcel # 231-T03-004-004-00 (3 Pages)

The following items were added to the exhibit list on 04/17/19:

26. 04/16/19 Email From Terri L Tringali (1 Page)
27. 04/16/19 Telephone Conversation With Ken Willey (1 Page)
28. 04/17/19 Email From Mark Wipp (2 Pages)
- 29.
- 30.
- 31.

Note: Planning Commission members have exhibits 1 and 2.



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

PROPERTY LOCATION

Address 9994 M-68/33 9940 Peninsula dr	City/Village Tower Onaway	Twp / Sec. FOREST	Zoning District P-LS
Property Tax I.D. Number 231-T03-004-001-00 231-T03-004-004-00	Plat or Condo Name / Lot or Unit No. Tower Pond Sub # 1		

APPLICANT

Name DANA NOTT	Telephone 231-420-0904	Fax
Address P.O. B 667	City, State & Zip Indian River, MI 49749	E-Mail dana.nott@sbcglobal.net

OWNER (If different from applicant)

Name UPNORM INVESTMENT Properties	Telephone 231-420-0904	Fax
Address SAME	City, State & Zip SAME	E-Mail SAME

PROPOSED WORK

Type (check all that apply) <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Change in Use or Additional Use <input type="checkbox"/> Reconstruction <input type="checkbox"/> Relocated Building <input type="checkbox"/> Sign, Type: _____ <input type="checkbox"/> Other: _____	Building/Sign Information Overall Length: _____ feet Overall Width: _____ feet Floor Area: _____ sq. feet Overall Building Height: _____ feet Sign Area: _____ sq. feet Sign Height _____ feet
---	--

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>Camping</u>			

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: M-68 EAST TO Tower MI on Tower Pond
Southeast end of Pond

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

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

Sites Extend Camping TO APPROX 16 ADDITIONAL
hours OF OPERATION 8:00 A TO 8:00 P
4 Total EMPLOYEES

Site Plan Standards.

PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

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

No EARTH change OTHER THAN DEAD TREE & STUMP REMOVAL

- 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.

only Removing dead & down BALSAM TREES No EARTH change

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

No EARTH change

- 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.

LEAVING BUFFER OF EXISTING TREES & UNDERBRUSH

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

EXISTING Natural driveway

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

All EXISTING

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

- h. Exterior lighting shall be arranged as follows:

i. It is deflected away from adjacent properties. YES EXISTING Lighting

ii. It does not impede the vision of traffic along adjacent streets. No

iii. It does not unnecessarily illuminate night skies. No

SPECIAL LAND USE PERMIT APPLICATION



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

SPECIAL LAND USE PERMIT APPLICATION

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

All Existing

- 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: Approx 3 Acres

4. Present use of property:

Existing Motel & 5 Full R.V Hook-ups

5. SUP Standards:

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

YES

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

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

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

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

- f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? **Explain.** YES



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

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

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

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

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

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

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

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

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



Date

3-1-19

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

Yes No

Owner's Signature



Date

3-1-19

FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:

3/5/19

Notes:

Fee Amount Received:

\$225.00

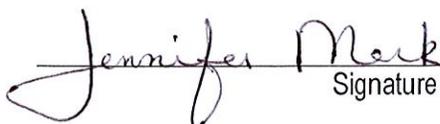
Receipt Number:

6610

Public Hearing Date:

4/17/19

Planning/Zoning Administrator Approval:


Signature

4-2-19

Date

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
✓		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100ft. or less.
	✓	b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
✓		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
	✓	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
no elevation provided	✓	e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
✓		f. Location of existing and proposed buildings and intended uses thereof.
✓		g. Details of entryway and sign locations should be separately depicted with an elevation view.
✓		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
	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.
✓		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)

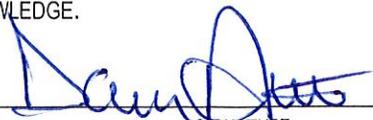
INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
✓		m. Location and specifications for all fences, walls, and other screening features.
✓		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
	✓	o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
✓		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
	N/A	q. Elevation drawing(s) for proposed commercial and industrial structures.
	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
✓		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>
O	All Lighting is on buildings
R	No underground or Above Ground Storage
F	No Loading or unloading of Any Merchandise
J	No Sidewalks, bicycle Paths
L	No Swimming Pools or Community buildings

AFFIDAVIT

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



 SIGNATURE

3-1-19

 DATE

231-002-300-005-00
TOWER CEMETERY
R 2
ONAWAY, MI 49765

231-T03-004-001-00
NUTT, DANA
PO BOX 667
INDIAN RIVER, MI 49749

231-T03-004-004-00
NUTT, DANA
PO BOX 667
INDIAN RIVER, MI 49749

231-T03-004-005-00
MACGREGOR, ROBERT & TERRI H/W
PO BOX 233
ONAWAY, MI 49765

231-T03-004-007-01
MACGREGOR, ROBERT & TERRI H/W
PO BOX 233
ONAWAY, MI 49765

231-T03-004-007-02
HALE, DOUGLAS SR
9862 PENINSULAR DR
ONAWAY, MI 49765

231-T03-005-001-00
HALE, FRANK J JR
PO BOX 126
TOWER, MI 49792

231-T04-002-001-00
SEIGLE, ROBERT J 1/2 INT AND
16670 W CHERRY CREEK CT
JOLIET, IL 60433

231-002-300-005-00
OCCUPANT
10085 M-68/33 HWY
TOWER, MI 49792

231-T03-004-001-00
OCCUPANT
9994 M-68/33 HWY
TOWER, MI 49792

231-T03-004-004-00
OCCUPANT
9940 PENINSULAR DR
ONAWAY, MI 49765

231-T03-004-005-00
OCCUPANT
9922 PENINSULAR DR
ONAWAY, MI 49765

231-T03-004-007-01
OCCUPANT
9882 PENINSULAR DR
TOWER, MI 49792

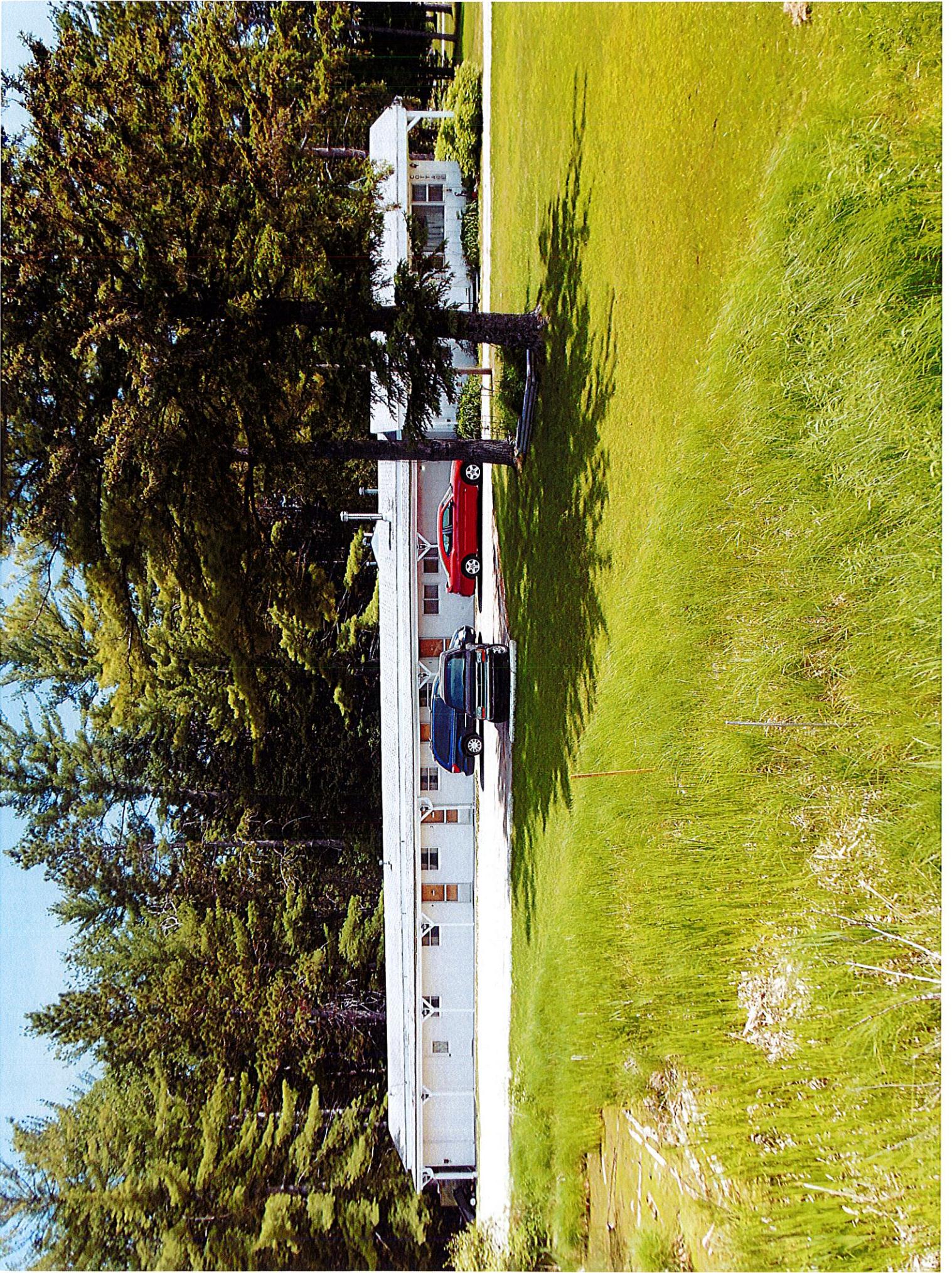
231-T03-004-007-02
OCCUPANT
9862 PENINSULAR DR
ONAWAY, MI 49765

231-T03-005-001-00
OCCUPANT
9992 K-V AVE
ONAWAY, MI 49765

231-T04-002-001-00
OCCUPANT
11098 M-68/33 HWY
ONAWAY, MI 49765



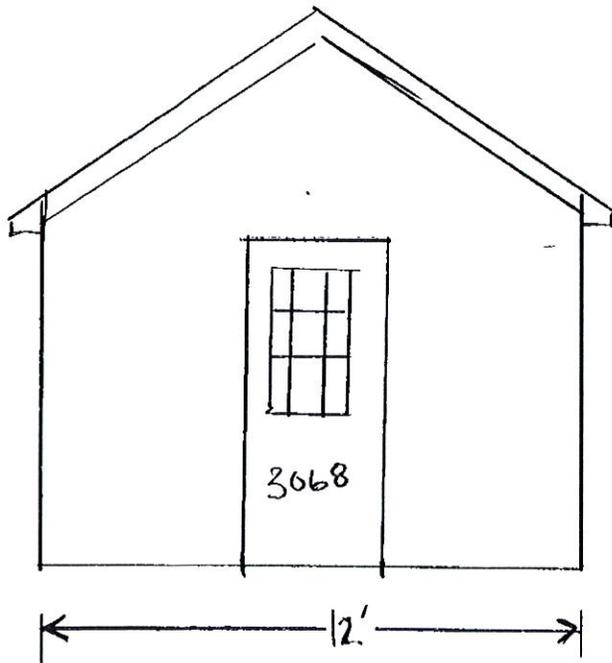
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TOWER SHORE MOTEL & CAMPSITES
9994 M-68/33
ONAWAY, MI

Proposed Rustic Cabins

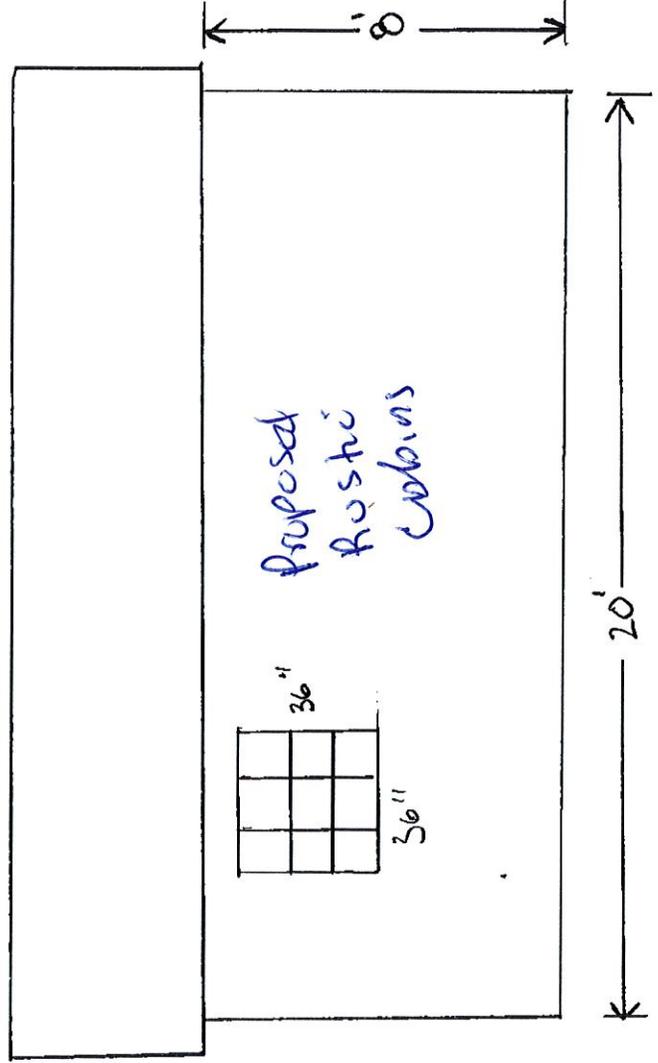


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Towel Shore Motel & Campsites

9994 M-68/33

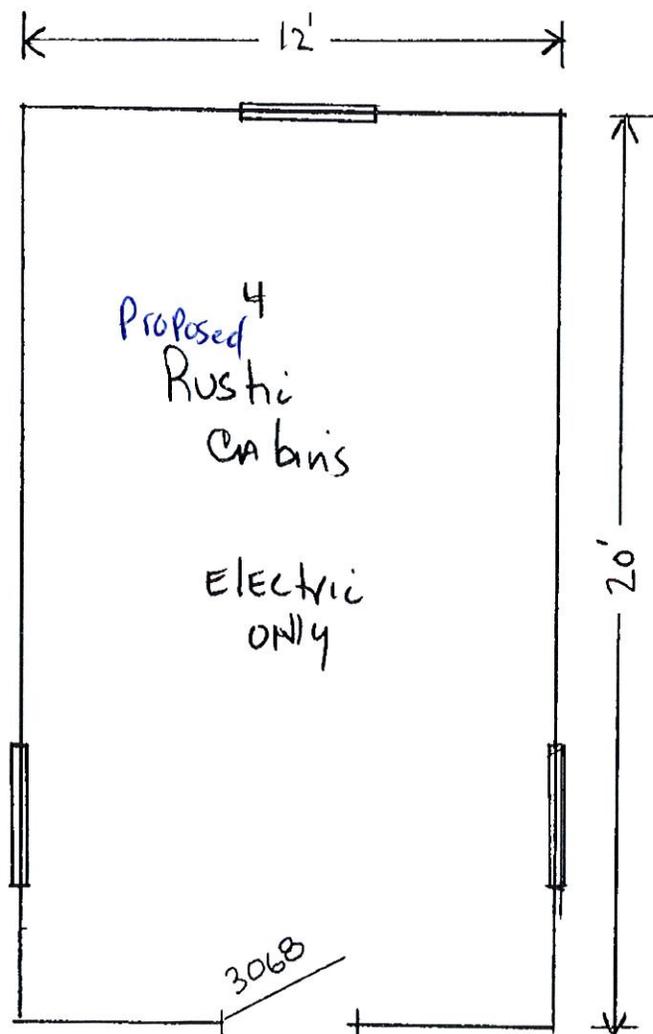
ONAWAYI MI



TOWER SHORE MOTEL & CAMPSITES

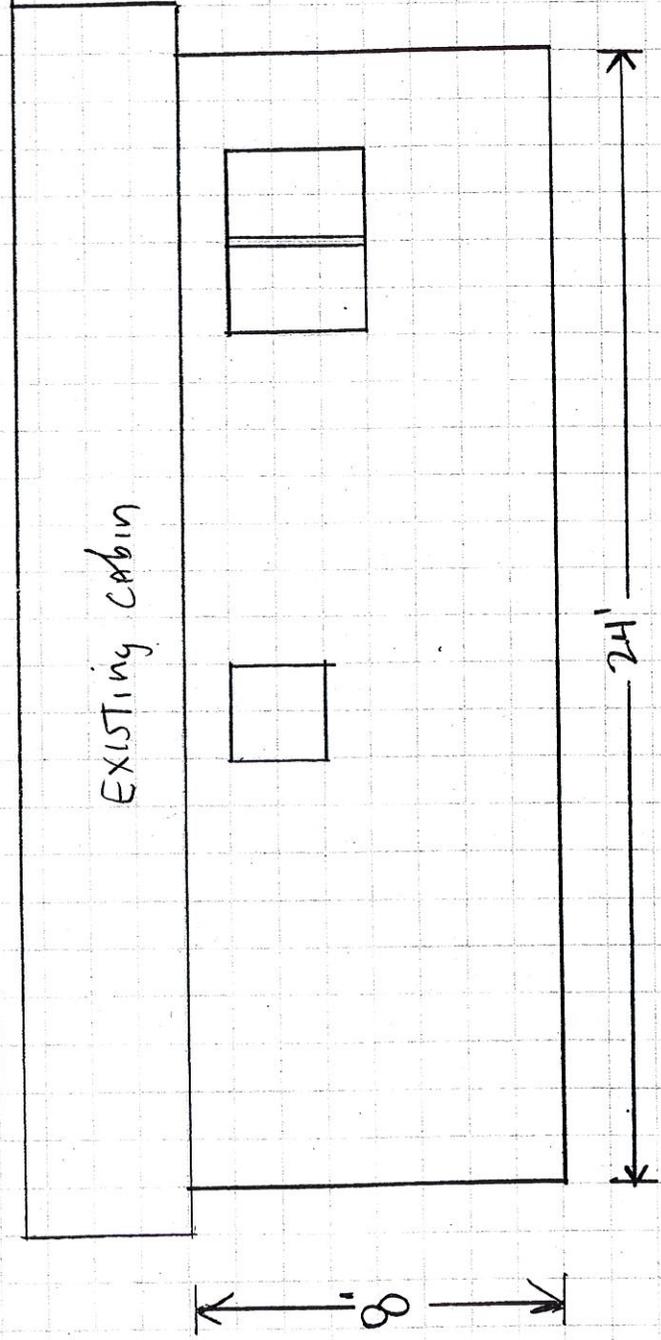
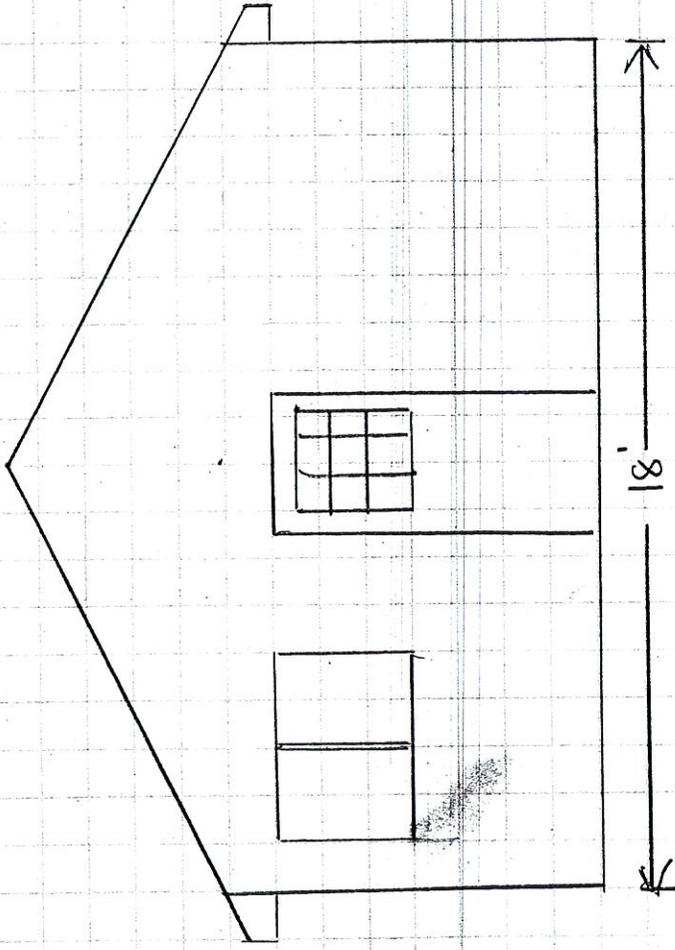
9994 M-68/33

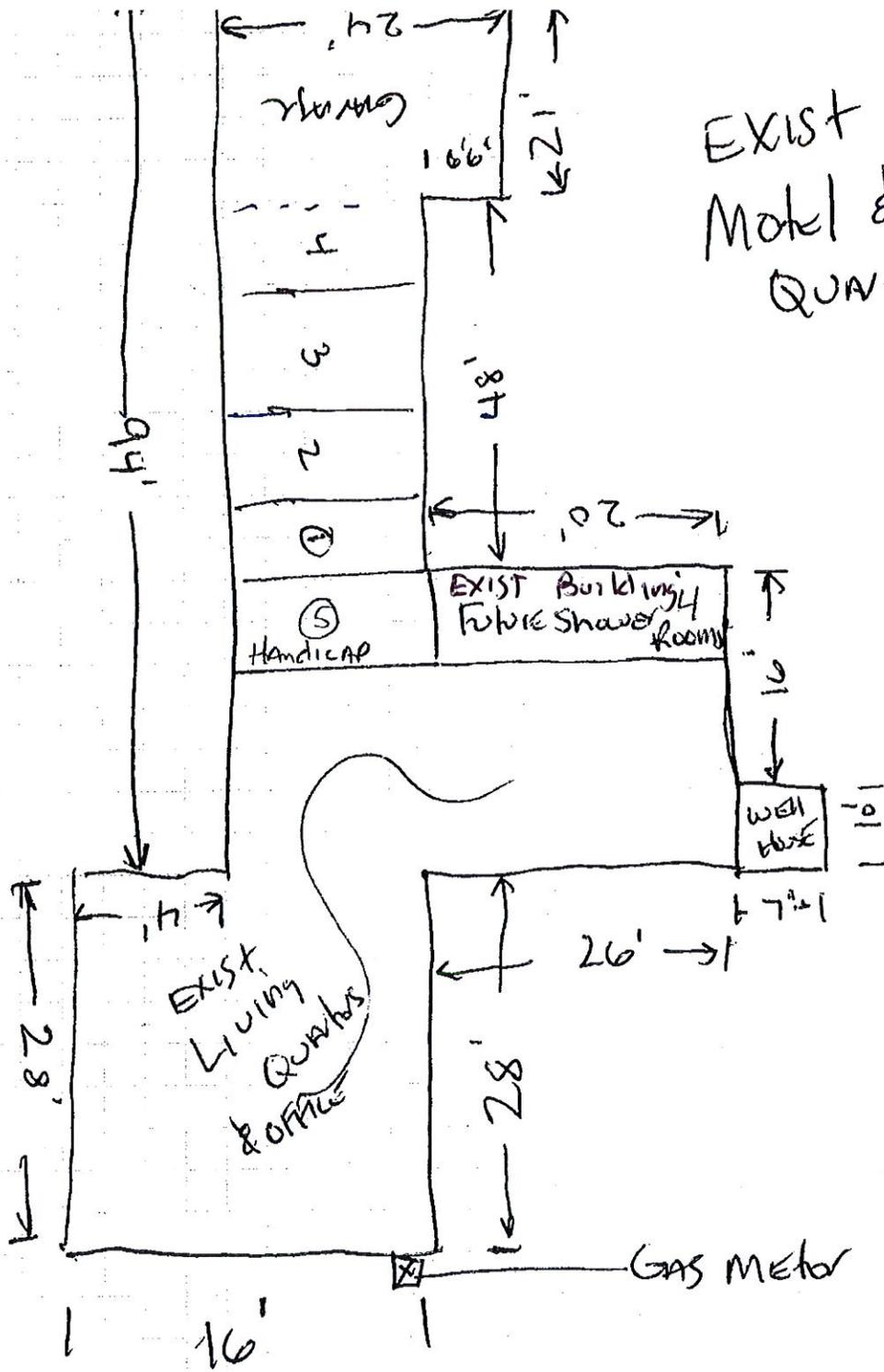
ONAWAY, MI



TOWER SHORE MOBILE

9940 PENINSULA DR
ONAWAY, M.





EXIST
Motel & Living
Quarters



110'

381'

303'

110'

PENINSULAR DR

2163'

SEE Attached

389'

250'

39'

Tower Pond

M-68/33 HWY

Tower Rd 9

Deborah Tomlinson

From: Brent Shank [<mailto:mgr@chcrc.com>]
Sent: Monday, April 08, 2019 12:53 PM
To: Deborah Tomlinson
Subject: Re: Special Use Permit for Dana Nutt

Good Afternoon,

The proposed additional campsites appear to directly access the road. These sites should access the road internally. A permit for any new access to the public road will be required.

Thank you,

Brent Shank, P.E.

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

Deborah Tomlinson

From: Fisher, Scott (MDOT) [<mailto:FisherS22@michigan.gov>]

Sent: Monday, April 08, 2019 3:26 PM

To: Deborah Tomlinson; Judy Stevens; Melinda Hembleton; timothykpaulus@hotmail.com; Kyle Keller; Brent Shank (mgr@chcrc.com); Gailitis, Jason (MDOT)

Subject: RE: Special Use Permit for Dana Nutt

MDOT does not have any issues with this.

-Scott

From: Terri L. Tringali <tringalilaw@yahoo.com>
Sent: Monday, April 08, 2019 11:43 AM
To: Deborah Tomlinson
Subject: From: Robert MacGregor and Terri L. Tringali, Esq. adjoining landowners

Follow Up Flag: Follow up
Flag Status: Completed

Re: Dana Nutt's Request for a special use permit

Dear Ms. Tomlinson:

Please let this letter act as a request that Mr. Nutt's special use permit be denied. This is the second time that Mr. Nutt has applied for a special use permit. His motel sits on 3 acres of land only and also has a cabin. I see he added more RV's than ever existed there since I have been the property owner next door. As a matter of fact the motel sat empty for quite awhile until it sold. The only RV's that ever were on that site were two facing Tower road across from the cemetery.

Mr. Nutt purchased the property and began cutting down trees for days. I own half that woods and was concerned so I had it re-surveyed.

The amount of trees he cut down was unbelievable. It caused the buffer from M-68 to be gone and it caused lights from the traffic to be seen.

I will note for the record that his statement on his application that he made "no earth change other than dead tree and stump removal" is an absolute lie. He removed a lot of real trees, he sells the wood at the front of the motel and he still has a huge pile of it.

My husband and I have a number of concerns:

1. Sanatation
2. Criminal activity
3. No space for 16 rustic cabins, another cabin and more RV's
4. Some of these alleged rustic cabins would butt up to my property line, causing potential issues of Trespassing unto my property, garbage, pollution, excessive noise, use of my land as a waste disposal
5. It has been my understanding that to have in excess of what Mr. Nutt wants there has to be at least 10 acres which he does not have.
6. Where are all these people suppose to park, you need more than three shower stalls to maintain this request.

I bought this place in 2006, there has never been campgrounds on the motel site. It more or less was a motel with a cabin and once in awhile an RV was occupied on Tower RD. If this had been designated as a campground and or used as one I would not have bought this property. Our neighborhood is residential.

My husband and I request for these reasons and more that you deny Mr. Nutt's special use permit.

Sincerely,

Terri L. Tringali
Attorney at Law

From: carl muscott <carlmuscott@yahoo.com>
Sent: Monday, April 08, 2019 1:53 PM
To: Jennifer Merk
Cc: Jeff Lawson; Deborah Tomlinson; Patty Croft; kavandann@gmail.com
Subject: Dana Nutt Application-Campground expansion?

Hello Ms Merk,

I noted the application by Dana Nutt for an addition to his motel/campground already scheduled for April 17, 2019 has a only a roughly sketched set of plans submitted without an engineer's stamp. The planning commission has commented in the past about plans drawn on a napkin and the need for a stamped set of plans should not be waived on a commercial project.

I can understand Mr Nutt's request to waive the requirement as a cost savings. I know he has been trying to gain needed zoning approval on this project since last year including wasted time for an appeal scheduled by Michael Turisk before the ZBA that was later withdrawn.

There are a lot of dimensional requirements from the State and DEQ on campgrounds of 5 or more sites. Michigan requires an engineer's stamp on any project with a cost over \$15,000. Here is the applicable section R.325.1553. There is no reason for Cheboygan to grant local approval with a sketch when Mr Nutt will require a stamped set of plans to gain a legit DEQ campground license.

I have included links to the DEQ site and handbook on licensed campgrounds if you are unfamiliar with those regulations.

Thanks for your time,

Carl Muscott

R 325.1553 Applications for construction permits; contents. Rule 3. (1) **A campground owner shall submit an application for a construction permit for a new campground or for an alteration or addition to an existing campground that includes information regarding the proposed physical facilities.** A permit applicant shall submit 4 sets of plans which are drawn to scale, which show the plot plan and details of all planned facilities, and which clearly indicate how the campground will be constructed in order to comply with these rules. A permit applicant shall submit 3 sets with the application to the department and 1 set to the local or district health department having jurisdiction. **If the total cost of a project is more than \$15,000.00, then an engineer who is licensed in Michigan shall prepare all plans for new sanitary campground facilities or for additions or alterations to existing sanitary campground facilities.**

Ordinance #200

SECTION 20.7. SITE PLAN REQUIREMENTS (Rev. 08/01/10, Amendment #86)

For all Site Plan Reviews, Special Use Permits, and Planned Unit Developments, fifteen (15) copies of the site plan containing all information required in this Ordinance shall be presented for consideration. The site plan shall consist of an accurate,

reproducible drawing at a scale of 1"= 100' or less, showing the site and all structures within 150' of the site. If multiple sheets are used, each shall be labeled and numbered and the preparer identified. If the applicant fails to provide all the information required by this Ordinance, then the site plan shall be deemed incomplete, shall not be processed, and may be denied by the Zoning Administrator on that basis. Each site plan shall depict the following, unless the Planning Commission waives a particular information requirement of this section upon a finding that the information is not applicable to the proposed development and the information is not needed to determine whether the proposed development meets the standards for approval in Section 20.10 of this Ordinance:

a. North arrow, scale and date of original submittal and last revision.

b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.

c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.

d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.

e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.

f. Location of existing and proposed buildings and intended uses thereof.

https://www.michigan.gov/deq/0,4561,7-135-3313_71151_71481_51087_3663---,00.html

https://www.michigan.gov/documents/deq/deq-dwrpd-eh-CG_Rules_Print_Copy_1-30_270451_7.pdf

From: timothy [<mailto:timothykpaulus@hotmail.com>]
Sent: Tuesday, September 18, 2018 8:57 AM
To: Deborah Tomlinson
Subject: Re: SUP Applications for Dana Nutt

Hi Debbie, Not sure if the special use hearing is still going forward or not. The Forest Township board fully approves of what Mr. Nutt is proposing to do on this parcel as long as he is respectful of the neighbor's privacy. As far as the uses that he is proposing, these are not new uses as there has been camping and cabins there as far back as I can remember. I know that in the late 60's and early 70's when the Baker family owned the motel they had camp sites and a couple of small cabins they rented along with the motel. Any time we hold any type of event in the area one of the biggest hurdles we have to deal with is lodging, so anything that can help improve that situation is a big plus for the area. Thank you for your time on this matter. Tim Paulus, Forest Township Supervisor

Deborah Tomlinson

From: Kyle Keller <kkeller@dhd4.org>
Sent: Wednesday, April 10, 2019 12:02 PM
To: Deborah Tomlinson
Subject: RE: Special Use Permit for Dana Nutt
Attachments: Campground_Rules.pdf

Debbie, according to Health Dept records and to my knowledge Mr. Nutt has never held a campground license through the State of Michigan; the process of becoming a licensed campground is very extensive/laborious and must be done through the State as they review and approve engineered plans; Mr. Nutt will have to completely comply with the State of Michigan Campground Rules (see attached)/apply for plan review and supply plans to the State, as well as, work on the local level with the Health Dept on various issues related to permitting sewage disposal and public water supply. We do work in conjunction with the State on this process to some degree, but no licenses would be issued until the process is fully completed/final inspections made and approval granted by the State, Local Health Dept, Bldg./Safety/Zoning Depts. If you have any other questions please let me know.

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From: Deborah Tomlinson <debbiet@cheboygancounty.net>
Sent: Monday, April 08, 2019 11:50 AM
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Subject: Special Use Permit for Dana Nutt

The following is a link to an application for a special use permit for Dana Nutt: <http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs83-1554230338-80545.pdf>. This application will be reviewed by the Planning Commission at the 04/17/19 meeting. Please review this application and email me any comments as soon as possible.

Debbie Tomlinson
Cheboygan County
Planning & Zoning Department



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER AND MUNICIPAL ASSISTANCE DIVISION

Legislation Governing
CAMPGROUNDS

Part 125 of 1978 PA 368, as amended

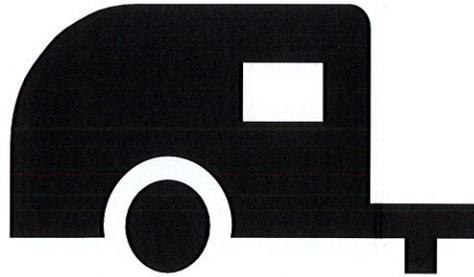


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PUBLIC HEALTH CODE (EXCERPTS)
Act 368 of 1978

AN ACT to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;--Am. 1985, Act 198, Eff. Mar. 31, 1986 ;--Am. 1988, Act 60, Eff. Aug. 1, 1989 ;--Am. 1988, Act 139, Imd. Eff. June 3, 1988 ;--Am. 1993, Act 361, Eff. Sept. 1, 1994 ;--Am. 1994, Act 170, Imd. Eff. June 17, 1994 ;--Am. 1998, Act 332, Imd. Eff. Aug. 10, 1998 ;--Am. 2002, Act 303, Imd. Eff. May 10, 2002 ;--Am. 2003, Act 234, Imd. Eff. Dec. 29, 2003;--Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

The People of the State of Michigan enact:

ARTICLE 12. ENVIRONMENTAL HEALTH
PART 125. CAMPGROUNDS (EXCERPTS)

333.12501 Definitions; principles of construction.

Sec. 12501. (1) As used in sections 12501 to 12516:

(a) "Campground" means a parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units. Campground does not include a seasonal mobile home park licensed under the mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349.

(b) "Department" means the department of environmental quality.

(c) "Local health department" means that term as defined under section 1105.

(d) "Mobile home" means a structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

(e) "Person" means a person as defined in section 1106 or a governmental entity.

(f) "Recreational unit" means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational unit includes the following:

(i) A travel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.

(ii) A camping trailer, which is a vehicular portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

(iii) A motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.

(iv) A truck camper, which is a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of 2 basic types:

(A) A slide-in camper, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.

(B) A chassis-mount camper, which is a portable structure designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.

(v) A single sectional mobile home used only to provide temporary living quarters for recreational, camping, or travel use.

Recreational unit does not include a mobile home used as a permanent dwelling, residence, or living quarters.

(2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1982, Act 525, Eff. Mar. 30, 1983;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12505 Construction permit for campground; application; contents.

Sec. 12505. A person shall not begin to construct, alter, or engage in the development of a campground without first obtaining a construction permit from the department. Applications for a construction permit shall be submitted to the department along with the fee as prescribed in section 12506a. The application shall contain the following:

- (a) A description of the proposed project.
- (b) The name and address of the applicant.
- (c) The location of the proposed project.

History: 1978, Act 368, Eff. Sept. 30, 1978;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12506 Campground license required; application; contents; exemption; expiration.

Sec. 12506. (1) A person shall not operate a campground without a campground license issued by the department, its agent or representative, or a representative of a designated local health department. An application for a campground license shall be submitted to the department, its agent or representative, or a representative of a designated local health department along with the license fee as prescribed in section 12506a.

(2) The application shall contain the following:

- (a) The name and address of the applicant.
- (b) The location of the campground.
- (c) Information regarding physical facilities.

(3) The campground license shall expire on December 31 of every third year if the annual renewal fee is paid or as stipulated on the license, whichever is sooner.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12506a Campground fees.

Sec. 12506a. (1) The fees related to campground regulation under this part are as follows:

(a) Construction permit fee for a new campground	\$600.00.
(b) Construction permit fee for an addition, alteration, or modification of an existing campground	\$225.00.

(c) Initial or annual renewal license fee for a new or temporary campground as follows:

(i) One to 25 sites	\$75.00.
(ii) Twenty-six to 50 sites	\$100.00.
(iii) Fifty-one to 75 sites	\$125.00.
(iv) Seventy-six to 100 sites	\$150.00.
(v) One hundred one to 500 sites	\$225.00.
(vi) More than 500 sites	\$500.00.
(d) Late annual renewal license fee, after December 31	\$100.00.
(e) License transfer fee	\$75.00.

(2) The department may adjust the amounts prescribed in subsection (1) every 3 years by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit consumer price index and rounded to the nearest dollar.

History: Add. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12506b Campground fund; creation; remaining balance; expenditures; use; annual report.

Sec. 12506b. (1) The campground fund is created in the state treasury and shall be administered by the department. The state treasurer shall credit to the campground fund all fees collected by the department under section 12506a and all money, gifts, and devises received by the fund as otherwise provided by law.

(2) The unencumbered balance remaining in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the general fund.

(3) The money in the campground fund shall be expended only as provided in this section. The department shall use the fund to implement this part and to carry out its powers and duties under sections 12501 to 12516. The department shall not use the money in the campground fund for inspections of any mobile home parks licensed under the mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349.

(4) The department shall annually prepare a report containing an accounting of revenues and expenditures from the campground fund. This report shall include details of the departmental costs and activities of the previous year in administering this campground program. This report shall be provided to the senate and house of representatives appropriations committees, the standing committees of the senate and house of representatives with jurisdiction over issues pertaining to natural resources and the environment, and the senate and house of representatives fiscal agencies.

History: Add. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12507 Campground facilities to meet requirements prescribed under § 333.12511.

Sec. 12507. Before an application for a campground license is approved, the department, its agent or representative, or a representative of a designated local health department shall determine that the campground contains facilities which meet the requirements prescribed in rules promulgated under section 12511.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12508 Campground license; issuance; display; notice of denial; statement of reasons; reconsideration; hearing; appeal.

Sec. 12508. (1) Upon approval of the application for a campground license, the department, its agent or representative, or a representative of a designated local health department shall issue a campground license which shall be displayed in a conspicuous place on the campground.

(2) If the application is not approved, the department, its agent or representative, or a representative of a designated local health department shall give written notice of its denial to the applicant stating reasons for the denial. The applicant may request reconsideration of the application after correction of the reasons for the denial or may request a hearing before the department, or an authorized representative of the department, on the denial within 10 days after receipt of the denial. The hearing shall be held not later than 20 days after receipt of the request.

(3) A person aggrieved by the decision of the department or its authorized representative may appeal to the courts as provided by the administrative procedures act of 1969.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;--Am. 2004, Act 408, Eff. Nov. 29, 2004 .

333.12509 Campground license; transfer.

Sec. 12509. A campground license shall not be transferred to another person except where the transferee complies with all the requirements to be licensed under sections 12501 to 12516 and upon submission of an application and the license transfer fee as prescribed in sections 12506 and 12506a.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12510 Annual inspection by local health department; payments; additional fees.

Sec. 12510. (1) If a representative of the designated local health department performs annual inspections of campgrounds that are applying for a new license, renewal license, or temporary license and have submitted the applicable license fee to the department, the department shall approve payments of \$25.00 per campground to that local health department.

(2) The state treasurer shall make the payments upon receipt of approval from the department.

(3) A designated local health department may collect additional fees as provided under section 2444 from the owner of a campground for services provided under sections 12501 to 12516.

History: Add. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12511 Rules.

Sec. 12511. The department, with the advice, assistance, and approval of the advisory board, shall promulgate rules regarding sanitation and safety standards for campgrounds and public health. The rules shall recognize and provide controls for different types of campgrounds.

History: 1978, Act 368, Eff. Sept. 30, 1978 .

Administrative Rules: R 323.3101 et seq.; R 325.1551 et seq.; R 325.2101 et seq.; and R 325.2111 et seq. of the Michigan Administrative Code.

333.12512 Notice of noncompliance; specifying particular violations; time for compliance; revocation of license; hearing; decision; appeal.

Sec. 12512. (1) The department, its agent or representative, or a representative of a designated local health department shall give written notice to a licensee who fails to comply with sections 12501 to 12516 or a rule promulgated under those sections. The notice shall specify the particular violations and a date by which the licensee shall comply. The time given for compliance shall depend upon the nature of the violation.

(2) If the licensee does not comply within the time specified, the department, its agent or representative, or a representative of a designated local health department may, in accordance with the administrative procedures act of 1969, revoke the license. If the licensee files a request for a hearing within 60 calendar days after the licensee receives notice of revocation, the department shall hold a hearing.

(3) A license revoked under subsection (2) shall not be reissued by the department, its agent or representative, or a representative of a designated local health department until it has been determined that the violations have been corrected.

(4) A licensee aggrieved by a decision of the department, its agent or representative, or a representative of a designated local health department to revoke the license may appeal to a court of competent jurisdiction as provided by the administrative procedures act of 1969.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12513 Advisory board; purpose; appointment, qualifications, and terms of members.

Sec. 12513. (1) The director shall appoint an advisory board with broad geographical distribution of members to advise on the administration of sections 12501 to 12516 and the preparation and administration of rules promulgated under those sections.

(2) The board shall consist of 15 members as follows: 1 representing the Michigan association of recreation vehicles and campgrounds; 1 representing the association of RV parks and campgrounds of Michigan; 2 representing consumers, including 1 who represents a recognized campground users association; 3 campground owners or operators, including 1 who represents a primitive type of campground; 2 representing counties; 1 representing townships; 1 representing cities and villages; 2 representing local health departments; the director of the department of natural resources or his or her authorized representative; and the director or his or her authorized representative.

(3) Except for the directors of the departments, or their authorized representatives, the members shall serve for a term of 3 years. However, of the members first appointed, 3 members shall serve for a 1-year term, 3 members shall serve for a 2-year term, and 3 members shall serve for a 3-year term.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12514 Access to campground; purpose.

Sec. 12514. An agent or representative of the department or a representative of a designated local health department shall have access during all reasonable hours to a campground for the purpose of inspection or otherwise carrying out sections 12501 to 12516.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12515 Application and construction of §§ 333.12501 to 333.12516.

Sec. 12515. (1) Sections 12501 to 12516 do not apply to a campground used solely as a children's camp licensed by the department of social services or to properties owned by a person licensed pursuant to part 124, and used for housing seasonal agricultural workers employed by that person. A campground licensed under sections 12501 to 12516 shall not be used for the housing of seasonal agricultural workers unless also licensed under part 124.

(2) Sections 12501 to 12516 shall not be construed to interfere in any way with the enforcement of sanitary controls by a health officer having jurisdiction in the area.

(3) Sections 12501 to 12516 do not relieve a person from complying with local ordinances governing building permits or with a code, regulation, or ordinance not in conflict with sections 12501 to 12516.

History: 1978, Act 368, Eff. Sept. 30, 1978

333.12516 Violation as misdemeanor; action for injunction.

Sec. 12516. (1) A person who violates sections 12501 to 12515 is guilty of a misdemeanor.

(2) Notwithstanding the existence of any other remedy, the department, its agent or representative, or a representative of a designated local health department may maintain an action in the name of the state for an injunction against a person to restrain or prevent the construction, enlargement, or alteration of a campground without a permit, or the operation or conduct of a campground without a license.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

DEPARTMENT OF ENVIRONMENTAL QUALITY

DRINKING WATER AND RADIOLOGICAL PROTECTION DIVISION

CAMPGROUNDS

(By authority conferred on the director of the department of environmental quality by section 12511 of Act No. 368 of the Public Acts of 1978, as amended, being §333.12511 of the Michigan Compiled Laws)

R 325.1551 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.

(b) "Camping cabin" means a recreational unit that is a hard-sided tent or shelter, that is less than 400 square feet in area, that is on skids designed to facilitate relocation from time to time, and that does not have a direct connection to a source of water.

(c) "Modern campground" means a campground where water flush toilets and water under pressure are available at a service building or where a water outlet and a sewer connection are available at each site.

(d) "Park model recreational unit" means a recreational unit that is built on a single chassis mounted on wheels, that has a gross trailer area of not more than 400 square feet in the set-up mode, and that is certified by the manufacturer as complying with American National Standards Institute Standard A119.5.

(e) "Primitive campground" means a campground where a service building that has water flush toilets is not provided and where sewer connections are not provided to sites.

(f) "Sanitary facilities" means all of the following:

(i) The water supply and all water distribution facilities.

(ii) All sewage collection, sewage treatment, and sewage disposal facilities.

(iii) Service buildings.

(iv) Sanitary stations.

(g) "Sanitary station" means a facility where recreational units equipped with freshwater storage tanks and sewage holding tanks can be serviced.

(h) "Seasonally sited recreational unit" means a recreational unit that remains on a site for a continuous period of time of more than 31 days in 1 calendar year.

(i) "Service building" means a structure or portion of a structure that is used to house sanitary facilities, such as water closets, lavatories, and showers.

(j) "Site" means the camp space or land area designated for each recreational unit in a campground.

(k) "Temporary campground" means a campground that is used on a temporary or short-term basis that is not more than 4 weeks.

(l) "Temporary living quarters," as related to camping, means a recreational unit that is occupied or used for more than 4 hours between the hours of 10 p.m. to 6 a.m.

(2) The terms defined in the act have the same meanings when used in these rules.

History: 1954 ACS 68, Eff. July 2, 1971; 1954 ACS 96, Eff. July 19, 1978; 1979 AC; 1987 MR 3, Eff. April 1, 1987; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1552 Location.

Rule 2. (1) A campground owner shall not locate a campground where it may be detrimental to the public health, safety, or welfare.

(2) A campground owner shall not locate a campground on top of a completed Type II sanitary landfill, as described in Part 115 of Act No. 451 of the Public Acts of 1994, as amended, being §324.11501 et seq. of the Michigan Compiled Laws, or on a completed waste disposal facility, as described in Part 111 of Act No. 451 of the Public Acts of 1994, as amended, being §324.11101 et seq. of the Michigan Compiled Laws.

(3) A campground owner shall locate all outlets to the water distribution system above the elevation defining the 100-year floodplain. The owner shall locate the top of site sewer connections above the elevation defining the 100-year floodplain. This subrule does not apply to water outlets and sewer risers constructed before the effective date of this rule.

History: 1954 ACS 68, Eff. July 2, 1971; 1979 AC; 1987 MR 3, Eff. April 1, 1987; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1553 Applications for construction permits; contents.

Rule 3. (1) A campground owner shall submit an application for a construction permit for a new campground or for an alteration or addition to an existing campground that includes information regarding the proposed physical facilities. A permit applicant shall submit 4 sets of plans which are drawn to scale, which show the plot plan and details of all planned facilities, and which clearly indicate how the campground will be constructed in order to comply with these rules. A permit applicant shall submit 3 sets with the application to the department and 1 set to the local or district health department having jurisdiction. If the total cost of a project is more than \$15,000.00, then an engineer who is licensed in Michigan shall prepare all plans for new sanitary campground facilities or for additions or alterations to existing sanitary campground facilities.

(2) An application shall indicate the proposed method of garbage and refuse storage and disposal.

History: 1954 ACS 68, Eff. July 2, 1971; 1954 ACS 96, Eff. July 19, 1978; 1979 AC; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1554 Construction permits.

Rule 4. A construction permit is nontransferable unless the department gives its written consent to a permit transfer. A permit expires 3 years after its date of issuance unless the department grants an extension. The department shall not include delays in construction incurred by reason of litigation incident to the planning or construction of a campground in calculating the date a permit expires. If a petition for extending a permit is granted, the department may require any alterations in the campground plans that would be necessary for approval if the plans for the campground were being submitted at the date that the extension is granted. The department shall list any conditions or stipulations for application approval on the construction permit.

History: 1954 ACS 68, Eff. July 2, 1971; 1979 AC; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1555 Temporary campgrounds; application for license; operational period.

Rule 5. (1) An applicant for a temporary campground license shall submit an application on a form supplied by the department to the local health department having jurisdiction not less than 2 weeks before operating the temporary campground. The local health department shall then issue or deny the license and forward a copy of the completed application for a license or the reasons for denial to the applicant and to the department. The temporary campground shall not receive recreational units until a license is issued by the department or local health department and displayed at the campground. A temporary campground may operate for not more than a 2-week period, unless approval for an extension is obtained from the local health department. An applicant for an extension shall submit an application to the local health department not less than 3 days before the expiration date of the first 2-week period. A temporary campground shall not operate for more than a 4-week period. Not less than 30 days shall elapse between the end of one licensing period for a temporary campground and the beginning of another for the same campground location. These rules apply to temporary campgrounds, except as modified by this rule.

(2) A temporary campground owner or operator shall provide toilet facilities in a temporary campground in accordance with the schedules indicated in R 325.1555a for temporary primitive campgrounds and R 325.1555b for temporary modern campgrounds. If a temporary campground owner or operator operates the campground in conjunction with other events at the site or an adjacent site, then the owner shall ensure that these toilet facilities are accessible only to the campers. A temporary campground owner or operator shall provide 1 water outlet for every 50 sites, or fraction of 50 sites, and shall provide a sanitary station for the proper disposal of holding tank waste. The owner or operator need not provide showers but if the owner provides showers, then the owner shall follow the schedule in R 325.1571(5). The local health department having jurisdiction may approve alternative proposals for sanitary stations, including the use of a nearby sanitary station, the use of an existing manhole at a municipal sanitary sewer if an attendant is provided, or the use of a licensed septic tank pumper if the campground owner or operator obtains a contract with the septic tank cleaner.

(3) A temporary campground owner or operator shall locate recreational units in a temporary campground to allow an unobstructed path which is not less than 4 feet wide and which extends completely around the recreational unit.

(4) If a water distribution system or a temporary water distribution system is proposed for a temporary campground, then the campground owner or operator shall obtain a construction permit from the department before the system is constructed.

(5) If electrical service or temporary electrical service is provided in a temporary campground, then the campground owner or operator shall obtain an approval from the electrical authority having jurisdiction before the electrical service or temporary electrical service is energized.

History: 1954 ACS 68, Eff. July 2, 1971; 1954 ACS 96, Eff. July 19, 1978; 1979 AC; 1987 MR 3, Eff. April 1, 1987; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1555a Temporary primitive campgrounds; privies.

Rule 5a. In a temporary primitive campground, the campground owner or operator shall provide 1 privy for each sex for every 25 sites, or fraction of 25 sites, or 2 unisex privies for each 30 sites, or fraction of 30 sites. The owner may substitute 1 portable privy with a contract for daily servicing for each privy or may substitute 2 portable privies with contracts for less than daily servicing for each privy.

History: 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1555b Temporary modern campgrounds; toilet facilities.

Rule 5b. In a temporary modern campground, the campground owner or operator shall ensure that the number of flush toilets, urinals, and lavatories is in compliance with the fixture schedule in R 325.1571(2).

History: 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1556 Sites; size and arrangement; identification and location; location of recreational units and other structures; permanent structures prohibited; construction verification; marking; drainage; occupancy.

Rule 6. (1) A site in a campground, unless designated on an approved plan as a walk-in site, shall abut on a roadway, shall be of such size and so arranged to provide space for a recreational unit and vehicle parking, and shall have not less than 15 feet of road frontage width and 1,200 square feet of area.

(2) A campground owner shall locate and identify all sites and other facilities as shown on the plans approved under the most recent construction permit issued by the department.

(3) Before the initial licensure of campground sites or other facilities, an applicant shall submit written verification that the construction was completed in accordance with the approved plans and specifications specified in subrule (2) of this rule. If plans prepared by a licensed engineer were required, then a licensed engineer shall provide written verification. An applicant shall submit inspection approval from the electrical authority having jurisdiction and inspection approval from the plumbing authority having jurisdiction before such utilities are initially placed into service.

(4) A campground owner shall locate recreational units or other structures, such as sheds and awnings, to provide an

unobstructed path which is not less than 4 feet wide and which extends completely around the recreational unit. A campground owner shall ensure that a permanent structure requiring footings is not located on a campsite.

(5) A campground owner shall mark or arrange a site in a campground so that a camper can readily identify and locate the site.

(6) A campground owner shall ensure that a site is well-drained.

(7) A campground owner shall ensure that a site is occupied by not more than 8 persons and by not more than 1 recreational unit.

(8) A campground owner shall ensure that the number of sites in a campground is not more than the number authorized by the license.

History: 1954 ACS 68, Eff. July 2, 1971; 1954 ACS 96, Eff. July 19, 1978; 1979 AC; 1987 MR 3, Eff. April 1, 1987; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1556a Primitive campgrounds; privies; potable water; mobile homes prohibited.

Rule 6a. (1) A campground owner shall arrange a primitive campground so that every 25 sites, or fraction of 25 sites, are served with a potable water outlet and a privy for each sex or 2 unisex privies. However, a primitive campground area that does not have more than 10 sites may be served with a unisex privy and a potable water outlet. A campground owner shall not locate a privy closer than 50 feet to a site boundary.

(2) A campground owner shall ensure that a mobile home or single sectional mobile home is not located in a primitive campground.

History: 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1556b Group camping areas.

Rule 6b. (1) A campground owner may provide a group camping area. If individual site water connections or site electrical connections are provided, the campground owner shall ensure that a recreational unit connects to the nearest electrical outlet or the nearest site water connection. The campground owner shall ensure that no more than 1 recreational unit connects to an electrical outlet or a site water connection.

(2) A campground owner is not required to mark an individual campsite boundary in group camping areas if the area boundary is marked and arranged so that it can be readily located and identified by campers. A campground owner shall identify a group camping area by appropriate signs that signify the area name or area number and the maximum number of people that are permitted to use the area. The campground manager shall keep a record at his or her office or home of the number of campers who use the group camping area. A campground owner shall limit the number of persons camping in a group camping area based on the facilities that the campground provides. Eight persons are the equivalent of 1 campsite.

(3) A group camping area shall contain a minimum of 1,200 square feet for each equivalent of 1 campsite.

(4) If a group camping area is provided, then a campground owner shall determine the number of sanitary facilities required in accordance with R 325.1556a(1) for primitive campgrounds and in accordance with R 325.1571(2) and (5) for modern campgrounds.

(5) A campground owner shall arrange a recreational unit in a group camping area so as not to restrict the access of emergency vehicles and recreational units and to provide an unobstructed path which is not less than 4 feet wide and which extends completely around the recreational unit.

History: 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1557 Managers.

Rule 7. A campground owner shall designate a manager or person to be in charge of the campground. The owner shall post a notice indicating where the manager can be contacted when the manager is not on duty. The manager or person in charge shall be available when the campground is occupied. The manager shall post a notice, or provide campers with information at check-in, which indicates the location of the nearest available phone and which lists the locations and telephone numbers for police, fire, and medical assistance.

History: 1954 ACS 68, Eff. July 2, 1971; 1979 AC; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1558 Roads and vehicles.

Rule 8. (1) A campground owner shall provide a road right-of-way that is not less than 20 feet wide. A campground owner shall ensure that the right-of-way is free of obstructions and provides free and easy access to abutting sites. A campground owner shall maintain the traveled portion of the right-of-way in a passable and relatively dust-free condition when the campground is in operation.

(2) A campground owner shall ensure that vehicles do not park in the strip of land set aside for a road. A campground owner shall provide space for vehicle parking equal to a minimum of 1.5 the number of sites in a campground. The parking space shall be either on the sites or in a separate parking area.

History: 1954 ACS 68, Eff. July 2, 1971; 1979 AC; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1559 Water supplies.

Rule 9. (1) A campground owner shall provide a potable water supply in accordance with Act No. 399 of the Public Acts of 1976, as amended, being §325.1001 et seq. of the Michigan Compiled Laws, and rules promulgated under the act, being R 325.10101 et seq. of the Michigan Administrative Code.

(2) A well drilling contractor shall construct any well installation that will serve a campground. A pump installer shall install any pump connected to a well that will serve a campground. A well drilling contractor and a pump installer shall be registered under authority of part 127 of the act. Within 5 years of the effective date of this rule, a campground owner shall provide an above grade room that houses pumping equipment, provide equipment for the disinfection of the entire water system, provide

sample taps, and provide pump-to-waste facilities for all wells. A campground owner and person preparing campground plans shall ensure that the campground's water well or wells and water well pump or pumps operating with hydropneumatic storage systems are capable of providing a minimum of 30 gallons per minute or more than 30 gallons per minute if indicated by the sum of the following peak instantaneous demands for water:

(a) One gallon per minute for each site water connection that serves a mobile home or park model recreational unit, and 0.5 of a gallon per minute for each site water connection that serves other sites.

(b) A campground owner shall determine peak instantaneous demands for unthreaded convenience water outlets, water-using fixtures in service buildings, and other water-using facilities served by the campground's water system using the department's fixture method in the publication entitled "Michigan Criteria for Subsurface Sewage Disposal," dated April 1994, or using other nationally recognized methods for determining peak instantaneous demand. The publication may be obtained from the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, Environmental Health Section, P.O. Box 30630, Lansing, Michigan 48909-8130.

(3) A campground owner shall ensure that a water distribution system for a campground has a minimum depth of bury of 2 feet. If the system is designed for winter use, then the campground owner shall ensure that the system has a minimum depth of bury of 3.5 feet or more than 3.5 feet in areas where the frost line typically extends below 3.5 feet.

(4) A campground owner shall provide water under pressure to a campsite occupied by a single sectional mobile home. A campground owner shall ensure that the water distribution system piping is an adequate size to meet peak demands, as determined in subrule (2) of this rule, while maintaining a minimum residual pressure of 20 pounds per square inch.

(5) A campground owner shall ensure that a potable water supply system is designed, installed, and maintained to prevent contamination from nonpotable water sources and other nonpotable liquids. A campground owner shall ensure that below-ground stop and waste valves that have weep holes for use on the waterlines are not used.

(6) A campground owner shall ensure that any plastic waterline that is used in a campground is made of a material approved by the department and has a minimum pressure rating of 160 pounds per square inch. A campground owner shall ensure that the pipe, plastic fittings, and solvent cements are approved by NSF (National Sanitation Foundation) International for potable water supply and bear the NSF International seal of approval.

(7) A campground owner may locate an unthreaded convenience water outlet on a site but shall not allow a direct connection of the outlet to a recreational unit.

(8) If a site water connection is proposed, then a campground owner shall also propose and provide a site sewer connection, a mechanical sewage pump-out facility, or an agreement with a licensed septic tank cleaner.

(9) A campground owner shall not make or allow an alteration to a campground water system without prior written approval from the department. "An alteration to a water system" means the modification of, or addition to, an existing waterworks system or portion of the system that affects the flow, capacity, system service area, source, treatment, or reliability of the system.

History: 1954 ACS 68, Eff. July 2, 1971; 1954 ACS 96, Eff. July 19, 1978; 1979 AC; 1987 MR 3, Eff. April 1, 1987; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1560 Sewage and wastewater control.

Rule 10. (1) A campground owner and person preparing campground plans shall comply with all applicable statutes and rules regulating the methods and facilities for the collection, treatment, and disposal of sewage and other wastewater. A campground owner shall ensure that the nature, capacity, maintenance, and operation of the methods and facilities do not create unlawful pollution of the waters of the state, a nuisance condition, or a menace to health or safety.

(2) A campground owner shall not make or allow an alteration to a campground sewage system without prior written approval from the department. "An alteration to a sewage system" means the modification of, or addition to, an existing sewage collection, pumping, treatment, or disposal system or a portion of the system that affects the flow, capacity, system service area, or reliability of the system.

History: 1954 ACS 96, Eff. July 19, 1978; 1979 AC; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1561 Sewage disposal in modern campgrounds.

Rule 11. (1) A campground owner shall connect his or her campground to a local government sewer system, when available. A campground owner and person preparing campground plans shall propose and provide a sewage treatment and disposal system that is acceptable to the department if a local government system is not available.

(2) A person designing a campground sewage disposal system shall base the design capacity of a facility described in subrule (1) of this rule on the following minimum estimated daily liquid flows:

(a) For sites that have water and sewer outlets available to each site - 75 gallons per site.

(b) For sites served by service buildings - 75 gallons per site.

(c) For primitive sites operated in conjunction with a modern campground - 30 gallons per day per primitive site.

(d) For sites for single sectional mobile homes and park model recreational units - 150 gallons per site.

(e) For other facilities operated in conjunction with a campground, a person designing a campground sewage disposal system may use the "Michigan Criteria for Subsurface Sewage Disposal," dated April 1994, as a reference in estimating daily design flow. This publication can be obtained from the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, Environmental Health Section, P.O. Box 30630, Lansing, Michigan 48909-8130.

(3) A campground owner shall ensure that a sewer service riser which is located at a site on a sewer system is trapped. A campground owner shall ensure that a service riser which is designed for winter use is trapped below the frost line. A campground owner shall ensure that the trap and riser is constructed of cast iron or rigid plastic pipe as approved by the plumbing division of the Michigan department of consumer and industry services. A campground owner shall ensure that the top of the riser extends not less than 2 inches above the surrounding ground surface. A campground owner shall ensure that a riser is capped when not in use. A campground owner shall ensure that the sewer service riser is not located closer than 5

feet from a water riser.

(4) A campground owner shall provide a sewer service riser to a campsite occupied by a single sectional mobile home.

(5) A campground owner shall ensure that a gravity sanitary sewer has sufficient capacity to accommodate the maximum hourly flow from the portion of the campground being served and is not less than 4 inches in diameter.

(6) A campground owner shall ensure that a sanitary sewer has a minimum depth of bury of 2 feet. If the sanitary sewer is designed for winter use, then the campground owner shall ensure that the sewer system has a minimum depth of bury of 3.5 feet or more than 3.5 feet in areas where the frost line typically extends below 3.5 feet.

(7) A campground owner shall ensure that a sanitary sewer is installed with sufficient slope to maintain a velocity of 2 feet per second at design flow.

(8) A campground owner shall ensure that all sanitary sewers which are less than 10 inches in diameter have cleanouts located at the end of each sewer line; at all changes in grade, size, and direction of more than 45 degrees; and at distances of not more than 100 feet along sewers.

(9) A campground owner shall ensure that all sewers which are 10 inches in diameter or larger have manholes located at all changes in grade, size, and direction and at distances of not more than 400 feet along sewers. A campground owner shall ensure that a flow channel through a manhole conforms to the slope and shape of the sanitary sewers.

(10) A person designing the campground sewage system shall specify leakage tests for the proposed construction of sanitary sewers.

(11) A campground owner shall ensure that a sanitary sewer or individual sewer service line is not laid within 10 feet horizontally of a waterline.

(12) If a sanitary sewer line crosses a waterline, then a campground owner shall ensure that there is a minimum of 12 inches of clear vertical isolation between the sewer line and the waterline. If it is not feasible to have a minimum of 12 inches of vertical isolation, then a campground owner shall ensure that the sanitary sewer line is encased in concrete for 5 feet on each side of the crossing. A campground owner shall ensure that 1 full length of waterline is centered over the sewer crossing.

History: 1954 ACS 68, Eff. July 2, 1971; 1954 ACS 96, Eff. July 19, 1978; 1979 AC; 1987 MR 3, Eff. April 1, 1987; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1562 Soil absorption systems; design and location.

Rule 12. A campground owner shall ensure that a soil absorption system is isolated not less than 10 feet from camping sites and is protected from vehicular traffic or other possible damage. A campground owner and person preparing campground plans may use the publication entitled "Michigan Criteria for Subsurface Sewage Disposal," dated April 1994, which is available from the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, Environmental Health Section, P.O. Box 30630, Lansing, Michigan 48909-8130, and accepted engineering practice as references in the design and location of an absorption field. A campground owner and person preparing plans for a campground shall ensure that a soil absorption system is not placed in the following locations:

- (a) Beneath a building.
- (b) Where the soil is unstable or unsettled. Muck or peat soils are unsuitable.
- (c) Under a roadway or parking lot or paved area.
- (d) Within 100 feet of a lake or stream as a minimum.
- (e) In the path of a catchment area of surface runoff.
- (f) Where a high groundwater table is closer than 4 feet to the ground surface.
- (g) Within the minimum isolation distance of 75 feet from the well.
- (h) Where surface flooding may occur.
- (i) Where percolation rates above 30 minutes for water to fall 1 inch are encountered.
- (j) Where adequate protection cannot be provided for the water-bearing formation.
- (k) Where the area is insufficient on which to locate a second absorption field of at least the size of the original field.

History: 1954 ACS 68, Eff. July 2, 1971; 1979 AC; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1563 Septic and dosing tanks and sewage pumping systems; design.

Rule 13. A campground owner and person preparing campground plans shall ensure that septic and dosing tanks and sewage pumping systems are designed in accordance with accepted engineering practice and may use as a guide the publication entitled "Michigan Criteria for Subsurface Sewage Disposal," dated April 1994, which is available from the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, Environmental Health Section, P.O. Box 30630, Lansing, Michigan 48909-8130.

History: 1954 ACS 68, Eff. July 2, 1971; 1954 ACS 96, Eff. July 19, 1978; 1979 AC; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1564 Sewage treatment systems.

Rule 14. A person proposing to discharge treated wastewater to the waters of the state shall comply with Act No. 451 of the Public Acts of 1994, as amended, being §324.101 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 68, Eff. July 2, 1971; 1979 AC; 1987 MR 3, Eff. April 1, 1987; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1566 Sewage disposal in primitive campgrounds.

Rule 16. A campground owner shall ensure that a privy, outhouse, or portable privy that is used as a means of sewage disposal for a primitive campground has a watertight vault which has a minimum storage capacity of 500 gallons and which is vented above the roof. A campground owner shall ensure that the interior of the privy above the vault is constructed of smooth, easily cleanable, nonabsorbent materials and that all openings are screened. A campground owner shall ensure that a privy has a self-closing door. A campground owner shall ensure that a privy that has a capacity of more than 1 individual has privacy partitions. The department may approve proposals for a portable privy that has less than 500 gallons of storage

capacity as part of the annual license to operate the campground if there is a service contract with a licensed septic tank cleaner and if the portable privy was pumped as needed during the previous year.

History: 1954 ACS 68, Eff. July 2, 1971; 1979 AC; 1987 MR 3, Eff. April 1, 1987; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1568 Seepage pits.

Rule 18. (1) A campground owner shall ensure that all of the following provisions are complied with in regard to seepage pits in the campground:

- (a) A seepage pit or replacement seepage pit may only be used on a site licensed before the effective date of this subrule for the disposal of sink wastes and shower water where a direct connection is made between the sink drain and the seepage pit.
- (b) The connection between the drain and pit shall not be more than 1.5 inches in diameter.
- (c) Other wastes shall not be discharged into the seepage pit.
- (d) Approval of the seepage pit or replacement seepage pit shall be restricted to areas where the soil affords acceptable seepage, the groundwater table is sufficiently low, and groundwater or surface water is not endangered.
- (e) A seepage pit shall be located not less than 75 feet from a well.
- (f) Sufficient data shall be submitted to the health department having jurisdiction to permit evaluating the requirements of this rule before approval may be given.
- (g) A recreational unit on a site serviced by a seepage pit shall not be directly connected to the campground water system, unless approved in writing by the local health department having jurisdiction.

(2) The department or the local health department may temporarily or permanently prohibit the use of seepage pits on specific sites in a campground if the discharge of waste to the ground surface is observed or if the seepage pits are not operated and maintained in accord with the other requirements of this rule.

History: 1954 ACS 68, Eff. July 2, 1971; 1954 ACS 96, Eff. July 19, 1978; 1979 AC; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1569 Buried storage tanks prohibited.

Rule 19. A buried tank for the storage of sink waste, shower water, or other sewage shall not be allowed in a campground.

History: 1987 MR 3, Eff. April 1, 1987.

R 325.1571 Service buildings; required facilities.

Rule 21. (1) If a service building is proposed for a campground, then the campground owner shall ensure that the building is constructed in accordance with the applicable state or local building code and shall include the building details and specifications on the plan required by R 325.1553. In addition, the campground owner shall ensure that all of the following requirements are complied with:

- (a) A window that opens is screened. An exterior door has a self-closing device.
- (b) An adequate amount of light for cleaning and safety purposes is provided in the service building.
- (c) Coved floor and wall joints are provided.
- (d) The location of all toilets, lavatories, showers, urinals, enclosures, and floor drains is specified on the plans.

(2) The campground owner shall ensure that a service building at a modern campground is provided with toilet, urinal, and lavatory facilities in accordance with the following schedule:

Campground Minimum Number of Fixtures

Sites	Toilets		Urinals	Lavatories	
	M	F	M	M	F
1-15	1	1	1	1	1
16-30	1	2	1	2	2
31-45	2	2	1	3	3
46-60	2	3	2	3	3
61-100	3	4	2	4	4
101-130	4	5	3	5	5
131-160	5	6	3	6	6
161-190	6	7	3	7	7
191-220	7	8	4	8	8
221-250	8	9	4	9	9
251-280	9	10	4	10	10
281-310	10	11	5	11	11
311-340	11	12	5	12	12
341-370	12	13	5	13	13
371-400	13	14	5	14	14
401-430	14	15	6	15	15
431-460	15	16	6	16	16
461-490	16	17	6	17	17
491-520*	17	18	7	18	18

*A campground that has more than 520 sites shall provide 1 additional toilet and lavatory for each sex for each additional 30 sites or part of 30 sites and 1 additional men's urinal for each additional 100 sites.

(3) In a modern campground, if all the sites are provided with water and sewer services and if occupancy is limited to recreational units connected to the water and sewer systems, then a campground owner shall ensure that, at a minimum, 1 water flush toilet and 1 lavatory are provided.

(4) In a campground where only a portion of the sites are provided with water and sewer services, a campground owner shall ensure that the fixture schedule specified in subrule (2) of this rule is complied with for sites that do not have water and sewer services. The portion of a campground that is restricted to single sectional mobile homes that have sewer and water connections is exempt from the fixture schedule specified in subrule (2) of this rule.

(5) A campground owner has the option of providing showers. A campground that constructs a service building that has showers shall comply with the following schedule:

Shower Schedule

*Sites	1-45	46-80	81-100	101-150	151-200	201-250
Male	1	2	3	4	5	6
Female	1	2	3	4	5	6

**Sites	1-15	16-45	46-60	61-80	81-100	101-130	131-160	161-190	191-220	221-250
Unisex	1	2	3	4	5	6	7	8	9	10

*A campground that has more than 250 sites shall provide 1 shower for each sex for every 50 sites or part of 50 sites.

**A campground that has more than 250 sites shall provide 1 shower for every 30 sites or part of 30 sites.

(6) A campground owner shall provide an effective method, such as curbing or recessed floors, and shower curtains or partitions to keep shower water from dressing rooms and other areas in the service building. A campground owner shall provide a means of regulating the temperature of hot water so that the water temperature will not be more than 120 degrees Fahrenheit.

History: 1954 ACS 68, Eff. July 2, 1971; 1954 ACS 96, Eff. July 19, 1978; 1979 AC; 1987 MR 3, Eff. April 1, 1987; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1574 Sanitary facilities in campgrounds adjacent to other establishments.

Rule 24. (1) If a primitive campground is operated adjacent to, or in conjunction with, a modern campground served by a service building, then a campground owner shall provide an additional toilet and lavatory for each sex for every 50 sites or fraction of 50 sites in the primitive campground.

(2) If a campground is operated in connection with a resort or other business establishment, then a campground owner shall base the number of sanitary facilities required in excess of the facilities required by the schedule for sites alone on the total number of persons who will use the facilities.

(3) A campground owner shall ensure that the tables entitled "Typical Wastewater Flows" contained in the United States Environmental Protection Agency "Design Manual: Onsite Wastewater Treatment and Disposal Systems," dated October 1980, are followed in determining the additional design capacity of the sewage facility required because of the application of this rule. The applicable tables are adopted by reference in these rules and may be obtained from the United States Environmental Protection Agency, National Service Center for Publications, P.O. Box 42419, Cincinnati, Ohio 45242 at no cost for one copy.

History: 1954 ACS 68, Eff. July 2, 1971; 1954 ACS 96, Eff. July 19, 1978; 1979 AC; 1987 MR 3, Eff. April 1, 1987; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1576 Sanitary stations.

Rule 26. (1) A campground owner shall provide at least 1 sanitary station of approved design for a modern campground and also for a primitive campground. A modern campground catering solely to recreational vehicles that connect to the campground's water and sewer systems and a primitive campground served solely by hand pump wells are exempt from this subrule.

(2) A campground owner shall ensure that a sanitary station is designed and maintained to prevent contamination from being introduced into the fresh water storage tanks or campground water supply system. A campground owner shall ensure that sanitary stations have a tower for filling fresh water storage tanks and also a separate tower for rinsing sewage spills at the sewage dumping facility. A campground that has individual water connections for all of its sites is exempt from having to provide a tower for filling fresh water storage tanks.

(3) A campground owner shall ensure that all of the following provisions are complied with:

- (a) A vacuum breaker is installed at the high point of each tower.
- (b) An automatic device is installed to keep hoses off the ground.
- (c) A foot-operated hatch is installed to cover the sanitary station sewer riser when not in use.
- (d) Signs shall be placed at a sanitary station to identify its purpose and give instructions for its proper use.

History: 1954 ACS 68, Eff. July 2, 1971; 1954 ACS 96, Eff. July 19, 1978; 1979 AC; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1577 Campground maintenance.

Rule 27. The service building, grounds, and facilities shall be maintained in a clean and sanitary condition and kept in good order.

History: 1954 ACS 96, Eff. July 19, 1978; 1979 AC.

R 325.1578 Plumbing.

Rule 28. Plumbing in a campground shall comply with applicable codes or ordinances, including, but not limited to, the state plumbing code.

History: 1954 ACS 68, Eff. July 2, 1971; 1954 ACS 96, Eff. July 19, 1978; 1979 AC.

R 325.1581 Garbage and refuse disposal; insect control.

Rule 31. (1) Disposal of garbage and refuse shall be in accordance with state and local law, ordinances, and rules. A sufficient number of containers shall be provided for the storage of garbage and other refuse. Garbage and refuse shall be collected and disposed of as often as necessary to prevent overflow, nuisance or odor, but not less than once each week. Containers shall be maintained in a clean and sanitary condition.

(2) Measures shall be taken to reduce populations of mosquitoes and other insects of public health importance in a campground.

History: 1954 ACS 68, Eff. July 2, 1971; 1979 AC.

R 325.1583 Electrical installations.

Rule 33. An electrical installation in a campground shall comply with applicable codes and ordinances including, but not limited to, the state electrical code. Not more than 1 recreational unit shall be served by 1 electrical outlet.

History: 1954 ACS 68, Eff. July 2, 1971; 1954 ACS 96, Eff. July 19, 1978; 1979 AC.

R 325.1585 Swimming pools and beaches.

Rule 35. A swimming pool or a bathing beach at campground shall comply with the provisions of sections 12521 through 12563 of the act and R 325.2101 to R 325.2103 and R 325.2111 to R 325.2199 of the Michigan Administrative Code.

History: 1954 ACS 68, Eff. July 2, 1971; 1979 AC; 1987 MR 3, Eff. April 1, 1987.

R 325.1586 Variances.

Rule 36. A campground shall comply with these rules; however, the department may grant a written variance if the department determines that strict compliance with these rules would cause unusual practical difficulties and hardships, that the variance would not affect the safe and healthful operation of the campground, and that the spirit and intent of the rules can be maintained. A person shall make a request for a variance to the department in writing.

History: 1954 ACS 96, Eff. July 19, 1978; 1979 AC; 2000 MR 19, Eff. Dec. 8, 2000.

R 325.1587 Rescinded.

History: 1954 ACS 68, Eff. July 2, 1971; rescinded 1954 ACS 96, Eff. July 19, 1978; 1979 AC.

R 325.1599 Rescissions.

Rule 49. The following rules of the department of environmental quality or director of environmental quality are rescinded:

(a) Rules entitled "Camps," being R 325.381 to R 325.383 of the Michigan Administrative Code and appearing on pages 2253 and 2254 of the 1954 Michigan Administrative Code.

(b) Rules entitled "Trailer Coach Parks," being R 325.500 to R 325.538 of the Michigan Administrative Code and appearing on pages 2265 to 2278 of the 1954 Michigan Administrative Code.

(c) A rule entitled "Trailer Parks Operated Only During the Period Between May 1 and December 1," being R 325.540 of the Michigan Administrative Code and appearing on pages 2860 to 2862 of the 1963 Annual Supplement to the Code.

(d) Rules entitled "Sanitation Standards for Garbage and Refuse Disposal at Camps and Summer Resorts," being R 325.601 to R 325.604 of the Michigan Administrative Code and appearing on page 2286 of the 1954 Michigan Administrative Code.

(e) Rules entitled "Sanitation Standards for Summer Recreation Camps," being R 325.621 and R 325.635 of the Michigan Administrative Code and appearing on pages 2286 to 2290 of the 1954 Michigan Administrative Code.

(f) Rules entitled "Sanitation Standards for Cabin Camps", being R 325.641 to R 325.655 of the Michigan Administrative Code and appearing on pages 2290 to 2293 of the 1954 Michigan Administrative Code.

(g) Rules entitled "Sanitation Standards for Water Carried Sewage Disposal Systems at Camps and Summer Resorts," being R 325.671 to R 325.676 of the Michigan Administrative Code and appearing on pages 2293 and 2294 of the 1954 Michigan Administrative Code.

History: 1954 ACS 68, Eff. July 2, 1971; 1979 AC; 2000 MR 19, Eff. Dec. 8, 2000.



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT

Item: Special Use Permit for addition to existing campground (lot of record).	Prepared by: Jennifer Merk Jeff Lawson
Date: April 11, 2019	Expected Meeting Date: April 17, 2019

GENERAL INFORMATION

Applicant: Dana Nutt

Contact person: Dana Nutt

Phone: 231-420-0904

Requested Action: Approve a special use permit application and site plan to allow 1 additional full hook-up RV site, 15 rustic campsites, 4 additional camping cabins (12'x20') with electric, remodel an existing building to a bathroom/shower building. Office hours to operate from 8:00am to 8:00pm with 4 total employees.

BACKGROUND INFORMATION

The subject property contains two parcels located at 9994 M-68/33 Hwy and 9940 Peninsula Dr. in Forest Township. The subject property contains approximately 2.29 acres with an existing motel, cabin and 5 full hook-up RV sites.

Current Zoning:

The current zoning of the subject property is Lake and Stream Protection District (P-LS).



P-LS

0 40 80 160 Feet



Figure 1. Current Zoning. Subject property highlighted.

Surrounding Land Uses:

The land use to the North is Residential/forestland.

The land use to the South is Tower Pond and M68/33 Hwy.

The land use to the East is Tower Cemetery.

The land use to the West is Tower Pond with residential uses along the shore.

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

The subject property is located on Tower Pond. There are no other known environmentally sensitive areas on the subject property.

Utilities

The property is served by existing private sewer and water facilities and electric utilities.

Historic buildings/features:

There are no known historic buildings or historic features on the subject property.

Traffic Implications:

There is an existing drive off of M-68 and Tower Road and an existing drive off of Peninsular Drive that will remain unchanged. Traffic to the subject property will moderately increase with a campground expansion.

Parking:

Parking is to be provided for the users at each individual campsite and cabin. Access to proposed rustic camping sites to be provided off of existing driveway. Access to RV site #5 to be provided off of Peninsular Drive a private road. An existing gravel parking area is provided for the motel and living quarters on the subject property.

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

Access will be provided by existing driveways off of State Highway M-68, Tower Road and Peninsular Drive. No new access drives are proposed.

Signs:

There are no changes to the signage being proposed at this time.

Fence/Hedge/Buffer:

No fences or vegetative screening are proposed as part of this application nor are they required. The applicant is proposing to leave a buffer of existing trees and underbrush.

Lighting:

Porch lighting proposed on four new cabins. Fixtures shall be shielded to prevent glare to adjacent properties. No other exterior lighting is proposed.

Stormwater management:

There will be no significant change to stormwater runoff flows and/or patterns with the proposed campground expansion.

Review or permits from other government entities:

A Soil Erosion and Sedimentation permit is required. Building permits would be required by the Department of Building Safety. Permit from District 4 Health will be required. Private campground licensing will be required through the State of Michigan.

Recommendations (proposed conditions)

1. Prior to construction, approval of all applicable permits, including from the Planning and Zoning Department, Department of Building Safety, the State of Michigan and District 4 Health.

YOUNG, GRAHAM & WENDLING, P.C.

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

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

James G. Young, *Of Counsel*

April 15, 2019

Sent via email

Jeff Lawson, Administrator
Cheboygan County Planning and Zoning
P.O. Box 70
Cheboygan, MI 49721

SUBJECT: Tower motel and campground located in the Lake and Stream Zoning District

Dear Jeff:

You have provided me with the following information:

FACTS

There is a campground currently located at 9994 M-68 in Forest Township. It is located in the Lake and Stream Protection District (P-LS). Section 17.8 states that campgrounds shall be permitted only on sites of ten (10) acres or more in area with a minimum property width of six hundred (600') feet. Based upon the applicant's representations, this parcel is approximately three (3) acres. However, from the information you have provided to me, there is evidence that the property has been utilized as a campground since the early 1980's. Therefore, the campground pre-existed the zoning ordinance and subsequent amendments which, in turn, otherwise require a ten acre minimum parcel. Regardless, campgrounds are allowed by special use in the P-LS Zoning District. The property upon which the applicant is seeking the special use for additional campground sites consists of two parcels that are contiguous. One parcel includes a motel and grounds on which the campground was located. There is evidence that the additional parcel also had campsites and had been used as part of the campground for the entire site. From the information you have provided to me the Forest Township Supervisor has written a letter stating that the campground has existed for a long time, including prior to the passage of the Cheboygan County Zoning Ordinance and any subsequent amendments pertaining to campgrounds. Given the ongoing use there appears to be no evidence of an abandonment of the site, including both parcels with respect to the campground use. The property owner is seeking to expand the campsites on the two properties and pursuant to section 10.3 of the zoning ordinance via a special use permit under section 10.3.2. It is also noted that section 10.3.7 allows for motels and hotels by special use as well.

ANALYSIS

Article 22 addresses nonconforming uses and structures under the Cheboygan County

Jeff Lawson, Administrator
April 15, 2019
Page 2

Zoning Ordinance. Section 22.1 of the zoning ordinances states that, "Lawful nonconforming uses or structures in existence or under construction at the time of passage of this ordinance may be continued but shall not be extended, added to, or altered unless such extension, addition or alteration is in conformity with the provisions of this ordinance."

In the present case, the lot is nonconforming, but the structures on the property are not. A campground is an allowed use by special land use in both the M-AF and Lake and Stream districts. Because it is an allowed use all campsites and related structures on the campground which are accessory to the campground are also lawful structures and are, therefore, conforming. As such, the regulations contained under section 22.1 do not apply.

Section 22.8 of the zoning ordinance addresses nonconforming lots of record. It states as follows:

Any nonconforming lot of record may be used for any purpose authorized within the zoning district in which it is located. Any structure or building constructed on the nonconforming lot of record shall meet all applicable setback and other dimensional regulations of the zoning district, unless a variance is obtained from the zoning board of appeals pursuant to the procedures and standards of this ordinance.

This section applies to the campground lots which are nonconforming lots of record. As section 22.8 states this nonconforming lot of record may be used for any purpose authorized in the zoning district.

The property owner wishes to increase the number of campsites on the property. This use is authorized by special use in the M-AF and Lake and Stream Zoning Districts upon obtaining a special use permit.

In order to illustrate the principles outlined in this letter, assume that there exists a four (4) acre parcel in a zoning district which allows for service stations. However, the zoning district requires a minimum parcel size of five (5) acres for service stations. Assume that the service station pre-existed the zoning ordinance and any subsequent amendments. Like the campground, the service station can remain as a conforming use although the lot upon which it is located is a lawful nonconforming lot of record. Now further assume that the service station wishes to add a service that is not previously provided; to wit, diesel fuel for diesel vehicles as well as commercial trucks. It wishes to add large covered bays on the property to accommodate semi-tractor trailers as well as other private and commercial vehicles which use diesel with diesel pumps. If this use is a use by right in the zoning district, then a zoning permit must be issued to allow for this expansion. If the use is only allowed by special use, then this

Jeff Lawson, Administrator
April 15, 2019
Page 3

would be require the property owner to obtain a special use permit. No variance is required because the use otherwise conforms to what is allowed in the zoning district.

Assume these facts, except that the zoning district in which the service station is located does not allow for a service station. This makes the service station itself a lawful nonconforming use regardless of the size of the lot. While the service station can be maintained pursuant to the regulations contained under Article 22, no expansion for diesel service would be allowed to be "...added to or altered unless such extension, addition or alteration is in conformity with the provisions of this Ordinance." (See section 22.1).

Because the campground has never obtained a special use permit, the campground must apply for a special use permit in order to expand the number of campsites and accessory buildings. The amendment procedures under section 18.11 do not apply since the campground never obtained a special use permit to begin with. Thus, any expansion will require a special use permit.

As discussed, you have also informed me that there has been some mention that the campgrounds may have been closed from time to time. As such, there will likely be a discussion of the planning commission in public comment of whether one or both of the property's lawful nonconforming use for a campground has been abandoned. It is well established case law in Michigan that the mere non-use or temporary discontinuance of use in of itself does not constitute abandonment. (*Dusdal v City of Warren*, 386 Mich 354, (1972)). Rather, to establish abandonment there must be the act of abandonment plus an intent to abandon the property or use of the property by established evidence. However, the initial burden of proof to show that a lawful nonconforming use exists is upon the party asserting a right to a lawful nonconforming use. This burden also includes proof of the continued existence of the use as of the date of the enactment of the zoning ordinance or amendment(s) pertaining to it. Given that there are two separate lots on the property, there could be evidence that the lawful nonconforming use only exists on the property where the motel is located and not on the other contiguous property. However, that is a factual question which the planning commission must determine based upon the facts and the evidence before it when they determine whether or not to issue a special use permit.

As always, it is best practice to ensure that the applicant has provided such proof in advance of the application of the special use permit. There does appear to be some evidence of a lawful nonconforming use given the statement of the Forest Township Supervisor. However, reading the email from the supervisor, it would be best for the supervisor to provide additional information in the form of time lines and location of the campground whether on one or both of the contiguous parcels. The planning commission can either rule on the evidence before it at its upcoming meeting or table the matter if it has further questions of the applicant in order to get those questions answered. A tabling of the matter is not out of the ordinary when a planning

Jeff Lawson, Administrator
April 15, 2019
Page 4

commission has additional questions and wishes to have the applicant obtain the information and answer the questions before the planning commission makes its final decision on the matter.

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

Sincerely,

Peter R. Wendling

Peter R. Wendling

PRW/tac

cc: Jennifer Merk, Planner (via email)

7



RECEIVED FOR RECORD
KAREN L BREWSTER, CLERK/REGISTER
CHEBOYGAN COUNTY, MICHIGAN
07/02/2018 12:09:29 PM

RECEIPT# 7338, STATION 1
LAND CONTRACT
TAX CERTIFICATION
\$30.00
\$5.00



LIBER 1362 PAGE 754

LAND CONTRACT

THIS CONTRACT, made the 27 day of June, 2018, **Between** KEN E. WILLEY and JOANN WILLEY, husband and wife, and KENNETH JOHN WILLEY, as joint tenants with full rights of survivorship, of 25801 Bundschu, Independence, MO 64056, hereinafter referred to as the "Seller", and DANA NUTT, of P. O. Box 667, Indian River, MI 49749, hereinafter referred to as the "Purchaser",

WITNESSETH, That in consideration of the mutual covenants to be performed between the respective parties hereto as hereinafter expressed and the sum of SEVENTY THOUSAND AND NO/100---(\$70,000.00)----DOLLARS, to be duly paid by the Purchaser to the Seller, as hereinafter specified, it is agreed between the parties hereto as follows:

(1) The Seller hereby sells and agrees to convey unto the Purchaser all that certain piece or parcel of land situated in the Township of Forest, County of Cheboygan and State of Michigan, and described as follows, to-wit:

Lots 1, 2, 3, and 4, Block 4, Tower Pond Subdivision No. 1, according to the Plat thereof as recorded in Liber 3 of Plats, Page 45, Cheboygan County records.

Parcel ID No. 231-T03-004-001-00 & 231-T03-004-004-00

I hereby certify that for the five years preceding date of said instrument there are no tax dues or taxes held by the State for any unpaid taxes, except such taxes as may be in the process of collecting.

7-2 18 Christina Fenlon
Cheboygan County Treasurer

Together with all tenements, hereditaments, improvements and appurtenances, including all lighting fixtures, plumbing fixtures, shades, venetian blinds, curtain rods, storm windows, storm doors, screens, awnings, if any, now on the premises, and subject to all recorded easements, conditions, encumbrances and limitations and to all applicable building and use restrictions, zoning laws and ordinances, if any, affecting the premises.

(2) Said Purchaser hereby purchases said premises of the Seller and agrees to pay the Seller therefor the said sum of SEVENTY THOUSAND AND NO/100---(\$70,000.00)---DOLLARS in the manner following: FOURTEEN THOUSAND AND NO/100---(\$14,000.00)---DOLLARS on delivery of this contract, the receipt whereof is hereby confessed and acknowledged by said Seller, and the remaining FIFTY-SIX THOUSAND AND NO/100---(\$56,000.00)---DOLLARS, the sum which is secured by this contract, together with interest on the whole sum that shall be from time to time unpaid at the rate of FIVE (5%) percent, per annum, payable as follows:

In monthly installments of \$583.00 or more, including interest at the rate of FIVE (5%) percent per annum, with the first monthly installment being due thirty (30) days from the date hereof, and each monthly installment being due on the like day of each month thereafter, with the balance of the principal and interest being due ten (10) years from the date hereof.

(3) Said Purchaser shall promptly pay, when due, all taxes and assessments of every nature, which shall become a lien on said premises after the date hereof, and shall, during the continuance of this contract, keep insured the buildings now on said premises or which shall hereafter be placed thereon in the name of said Seller against loss by fire and windstorm, in such company or companies and for such amount as the Seller shall approve, and forthwith deposit all policies of insurance with the Seller, with loss, if any, payable to the Seller, as his interest may appear under this contract. Should the Purchaser fail to pay any tax or assessment when due or to keep said buildings insured, the Seller may pay the same and have the buildings insured and the amounts thus expended shall be a lien on said premises and may be added to the balance then unpaid hereon and be due at once and bear interest until paid at the rate of FIVE (5%) percent per annum.

5

18

✓ T.C.T



(4) If the Purchaser shall fail to perform any of the covenants or conditions contained in this contract for a period of ten (10) days after the date on which such performance is required under this contract, the Seller may:

(a) give the Purchaser a written notice specifying the default which has occurred and inform the Purchaser in such notice that if such default continues for a period of fifteen (15) days after service of such notice, that the Seller will, without further notice, declare the entire balance due and payable, and proceed according to the common law or the statutes of the State of Michigan; or

(b) not declare the entire balance due and payable, and proceed according to the common law or the statutes of the State of Michigan, including but not limited to the right of Seller to declare a forfeiture in consequence of the nonpayment of any moneys required to be paid under this contract or any other breach of this contract but in the event Seller elects to proceed under this subparagraph, the Seller shall give the Purchaser a written notice of forfeiture specifying the default which has occurred and shall give the Purchaser a period of 15 days after service of such notice of forfeiture to cure the default which has occurred.

(5) All buildings, trees or other improvements now on said premises, or hereafter made or placed thereon, shall be a part of the security for the performance of this contract and may not be removed therefrom. Purchaser shall not commit, or suffer any other person to commit, any waste or damage to said premises or the appurtenances and shall keep the said premises and all improvements in as good condition as they are now.

(6) If the Purchaser shall, in the time and manner above specified, make all the payments herein provided for, and shall observe and perform all the conditions and agreements herein made, the Seller shall thereupon, by good and sufficient warranty deed, convey the said premises to the Purchaser on the conditions herein agreed upon, and the Seller shall deliver with said deed a complete abstract of title and tax history of said premises certified to date of conveyance and showing a marketable title, subject to easements, conditions, encumbrances and limitations of record, in the Seller, or a fee simple title insurance policy guaranteeing title to the premises in the name of Purchaser; provided, however, that the warranty deed, the abstract and the tax history shall be limited so as to except acts or negligence of parties other than the Seller subsequent to the date of the contract. In the event an abstract is delivered, the Purchaser agrees to accept the abstract of title certified to date of conveyance, showing in the Seller a marketable title of record, subject to easements, conditions, encumbrances and limitations of record, as defined in Act 200 of the 1945 Public Acts of Michigan as amended. In the event that evidence of title in the Seller, by abstract of title or title insurance, has been furnished the Purchaser current with the date of this contract, Purchaser agrees that except for costs resulting from acts, negligence, or death of the Seller, the cost of additional evidence of title shall be the obligation of the Purchaser.

(7) Possession of said premises may be taken by said Purchaser upon date of closing and retained for so long as no default is made by said Purchaser in any of the terms or conditions hereof.

(8) Purchaser may assign and convey his interest in this contract or any part thereof PROVIDED, however, that such assignment or conveyance shall not result in the probability of waste or other impairment of Seller's security in the subject premises or the probability of default on behalf of Purchaser as a result of any such assignment or conveyance. Any violation by the Purchaser of this condition shall be considered a default of one of the conditions of this contract. Under no circumstances shall any assignment or conveyance release Purchaser from his obligations under the provisions of this contract unless Seller so releases him in writing. No such Assignment, however, shall be valid until written notice thereof has been given to Seller.

(9) The Seller reserves the right to convey his interest in the above described land and his conveyance hereof shall not be a cause for rescission.

The Seller may, during the lifetime of this contract, place a mortgage on the premises above described, which shall be a lien on the premises, superior to the rights of the Purchaser herein, or may continue and renew any existing mortgage thereon, provided that the aggregate amount due on all outstanding mortgages shall not at any time be greater than the unpaid balance of the contract,

and provided that the aggregate payments of principal and interest, whether periodic or final, required in any one month in such new or renewal mortgage shall not exceed those named in this contract; nor shall said new or renewal mortgage restrict the time of payments thereon to a date later than is provided for similar payments in this contract. To secure the priority of lien granted to a new or renewal mortgage as provided for in this paragraph, written notice shall be given to the Purchaser within fifteen (15) days of the execution of all such new mortgages and renewals containing the name and address of the mortgagee, the rate of interest of such mortgage, the amount and due date of payments and maturity of principal.

(10) Purchasers shall remove any dead standing and dangerous trees, along with any dead and down trees during the life of the Land Contract.

(11) Purchasers shall obtain permission from Sellers prior to cutting any trees other than those necessary for installation of their well, septic, driveway or home. EXCEPT: as stated in item #10.

(12) If more than one joins in the execution hereof as Seller or Purchaser, or either be of the feminine sex, or a corporation, the pronouns and relative words herein used shall be read as if written in plural, feminine or neuter respectively.

(13) It is expressly understood and agreed by the parties hereto that time shall be deemed as of the very essence of this contract and all stipulations and agreements therein contained shall apply to and bind the heirs, executors, administrators, successors and assigns of the parties hereto.

(14) Purchasers are allowed to do renovation to the motel and cabin without permission from the Sellers.

In Witness Whereof, the parties hereto have hereunto set their hands and seals the date and year first above written.

SELLERS:



KEN E WILLEY

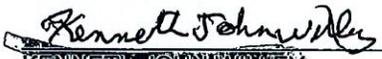


LIBER 1362

PAGE 756



JOANN WILLEY



KENNETH JOHN WILLEY

STATE OF MISSOURI

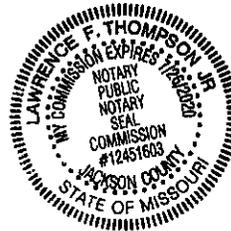
COUNTY OF

Jackson) ss.

On this 27 day of June, 2018, before me, a Notary Public, in and for said County, personally appeared KEN E. WILLEY and JOANN WILLEY, husband and wife, and KENNETH JOHN WILLEY, as joint tenants with full rights of survivorship, to me known to be the same persons described in and who executed the within instrument, who acknowledged the same to be their free act and deed.



Notary Public
County, Missouri
County, Missouri
Acting in
My Commission Expires: _____



LIBER 1362

PAGE 757

PURCHASER:



DANA NUTT

STATE OF MICHIGAN)
)ss.
COUNTY OF CHEBOYGAN)

On this 29 day of June, 2018, before me, a Notary Public, in and for said County, personally appeared DANA NUTT, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his free act and deed.



Notary Public
Cheboygan County, Michigan
Acting in Cheboygan County, Michigan
My Commission Expires:

Martina Dupertuis
NOTARY PUBLIC-STATE OF MICHIGAN
COUNTY OF CHEBOYGAN
My Commission Expires 05/06/2024
Acting in the County of Cheboygan

DRAFTED BY: CTA/C-60113
DANIEL MARTIN (P47567)
Attorney at Law
214 Water Street, Suite D
Cheboygan, MI 49721
(231) 627-7634



LIBER 1362 PAGE 758

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

04/15/2019 3:37 PM

Parcel:	231-T03-004-001-00	Current Class:	200.200 COMMERCIAL
Owner's Name:	NUTT, DANA	Previous Class:	200.200 COMMERCIAL
Property Address:	9994 M-68/33 HWY TOWER, MI 49792	Gov. Unit:	231 FOREST
		MAP #	
		School:	71050 ONAWAY 71050
		Neighborhood:	CTY-C
Liber/Page:	1362/754	Created:	/ /
Split:	/ /	Active:	Active
Public Impr.:	None		
Topography:	None		

Mailing Address:

WILLEY, KEN E & JOANN H/W & KENNETH
JOHN WILLEY, JTWFRS
25801 BUNDSCHU
INDEPENDENCE MO 64056

Description:

MAP OF TOWER POND SUBDIVISION NO 1, LOTS 1, 2, 3, BLK 4. (SEC 3, T34N,R1E)
479/117;805/861;1103/114;1103/897;1342/81;1362/753;1362/754

Most Recent Sale Information

Sold on 06/27/2018 for 70,000 by WILLEY, KEN E.

Terms of Sale: ARMS-LENGTH

Liber/Page: 1362/754

Most Recent Permit Information

None Found

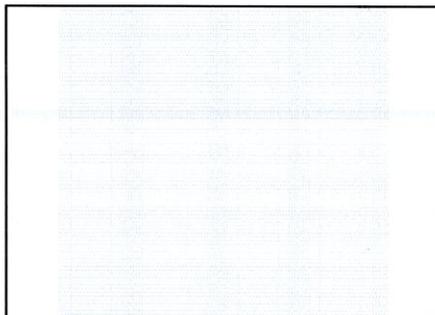
Physical Property Characteristics

2020 S.E.V.:	41,200	2020 Taxable:	41,200	Lot Dimensions:	
2019 S.E.V.:	41,200	2019 Taxable:	41,200	Acreage:	2.32
Zoning:		Land Value:	9,280	Frontage:	0.0
PRE:	0.000	Land Impr. Value:	0	Average Depth:	0.0

Improvement Data

None

Image/Sketch



Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

04/15/2019 3:37 PM

Parcel:	231-T03-004-004-00	Current Class:	400.400 RESIDENTIAL
Owner's Name:	NUTT, DANA	Previous Class:	400.400 RESIDENTIAL
Property Address:	9940 PENINSULAR DR ONAWAY, MI 49765	Gov. Unit:	231 FOREST
Liber/Page:	1362/754	MAP #	
Split:	//	School:	71050 ONAWAY 71050
Public Impr.:	None	Neighborhood:	CTY-R
Topography:	None		

Mailing Address:

NUTT, DANA
PO BOX 667
INDIAN RIVER MI 49749

Description:

MAP OF TOWER POND SUBDIVISION NO 1, LOT 4, BLK 4. (SEC 3, T34N,R1E)
805/861;1103/114;1103/897;1342/81;1362/753;1362/754

Most Recent Sale Information

Sold on 06/27/2018 for 0 by WILLEY, KEN E.

Terms of Sale: ARMS-LENGTH

Liber/Page: 1362/754

Most Recent Permit Information

None Found

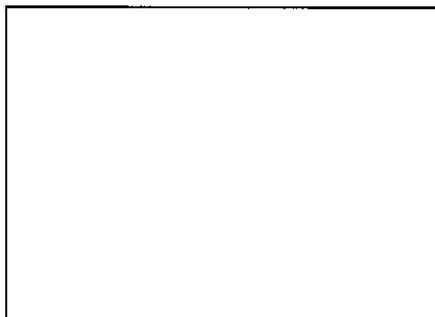
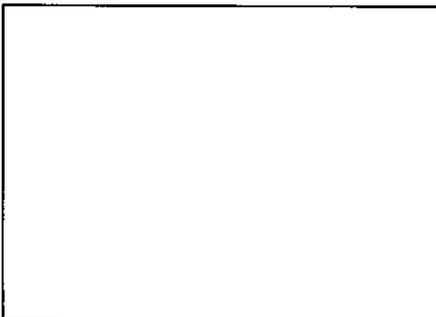
Physical Property Characteristics

2020 S.E.V.:	14,700	2020 Taxable:	14,700	Lot Dimensions:	
2019 S.E.V.:	14,700	2019 Taxable:	14,700	Acreage:	0.69
Zoning:		Land Value:	2,760	Frontage:	0.0
PRE:	0.000	Land Impr. Value:	0	Average Depth:	0.0

Improvement Data

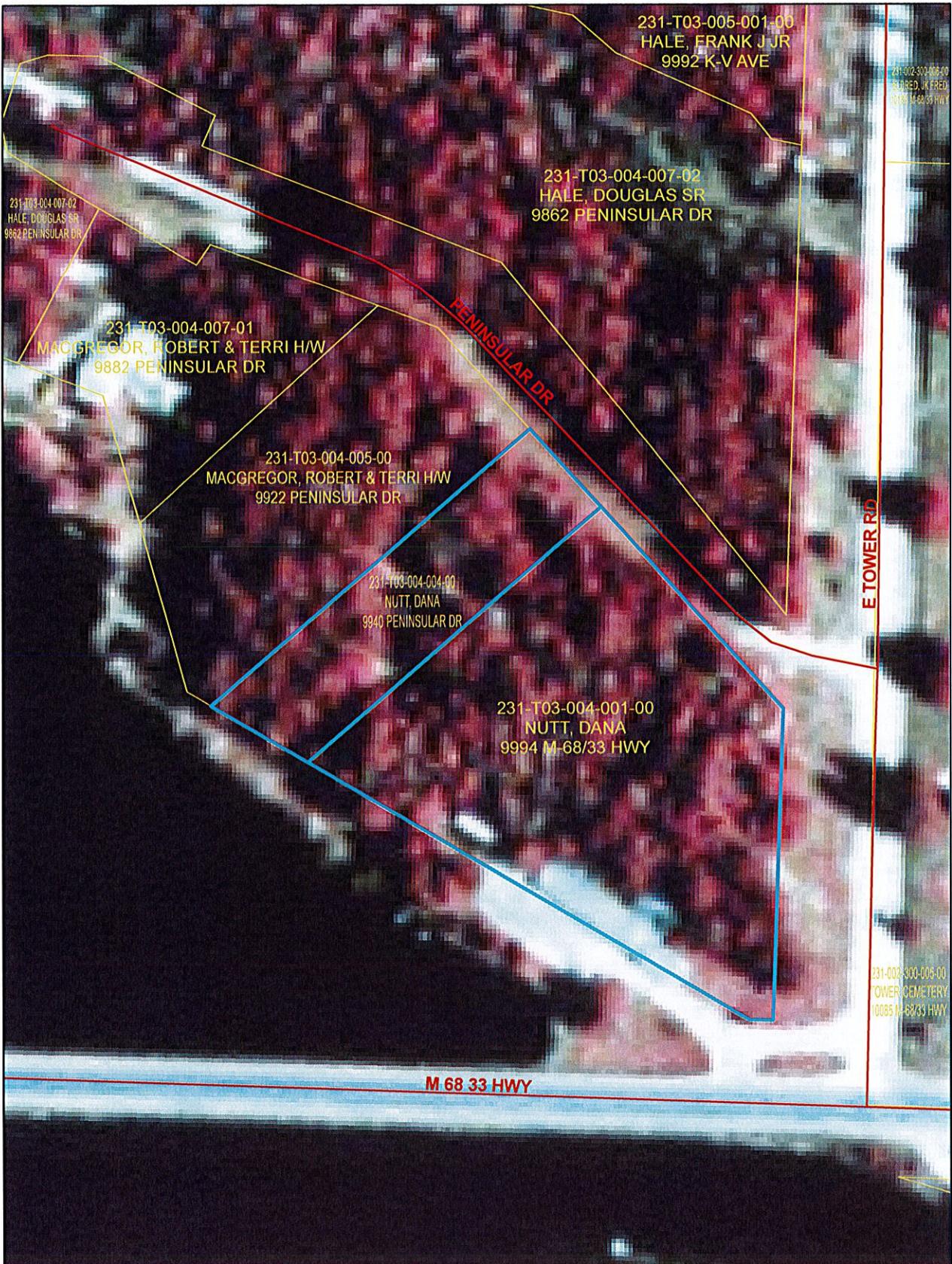
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Image/Sketch

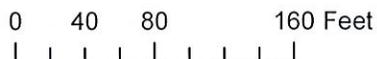


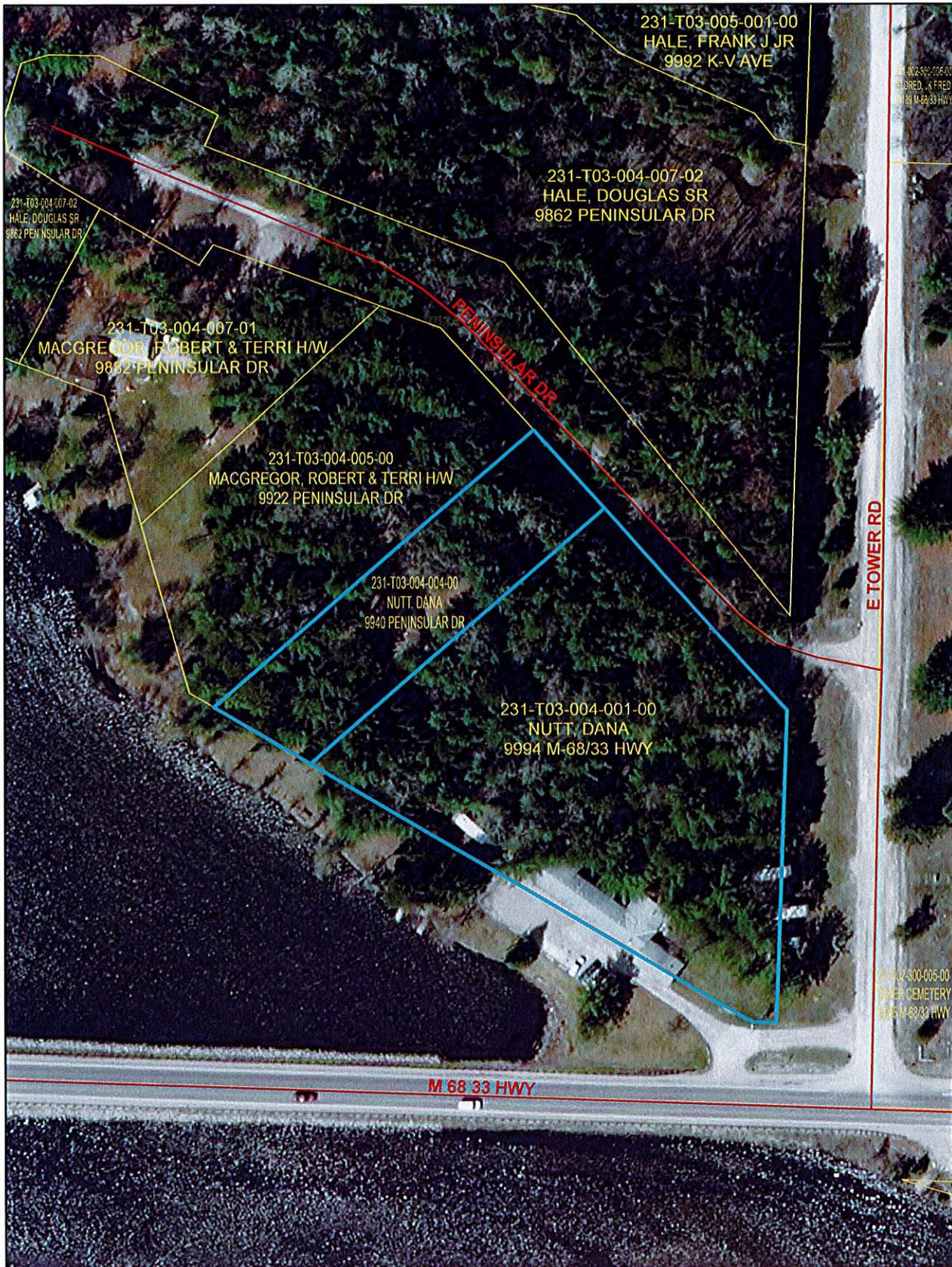
1981 Aerial Photo





1998 Aerial Photo





231-T03-004-007-02
HALE, DOUGLAS SR
9862 PENINSULAR DR

231-T03-005-001-00
HALE, FRANK J JR
9992 K-V AVE

231-T03-004-007-02
HALE, DOUGLAS SR
9862 PENINSULAR DR

231-T03-004-007-01
MACGREGOR, ROBERT & TERRI H/W
9862 PENINSULAR DR

231-T03-004-005-00
MACGREGOR, ROBERT & TERRI H/W
9922 PENINSULAR DR

231-T03-004-004-00
NUTT, DANA
9940 PENINSULAR DR

231-T03-004-001-00
NUTT, DANA
9994 M-68/33 HWY

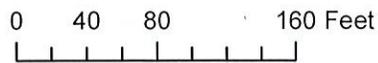
231-T03-000-006-00
DREED, A FRED
9954 M-68/33 HWY

231-T03-000-005-00
TOWER CEMETERY
9954 M-68/33 HWY

M 68 33 HWY

E TOWER RD

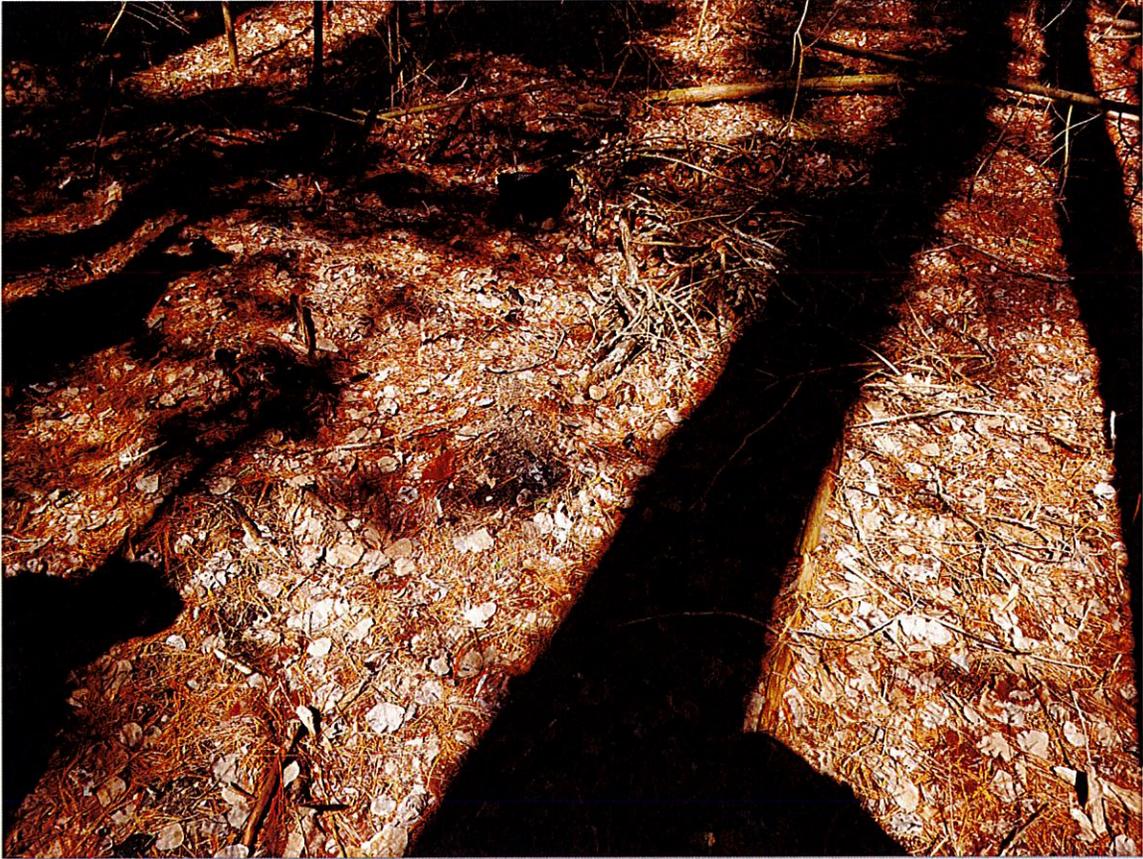
2008 Aerial Photo





Parcel # 231-T03-004-001-00





Parcel # 231-T03-004-004-00



Parcel # 231-T03-004-004-00



Deborah Tomlinson

From: Terri L. Tringali <tringalilaw@yahoo.com>
Sent: Tuesday, April 16, 2019 3:06 PM
To: Deborah Tomlinson
Subject: RE: 04/17/19 PC Packet

Thank You for this new letter from the Attorney but it still does not answer my questions. I am requesting that I have the full report from the Attorney and also proof that the Motel was a lawful nonconforming campground. My husband has lived in this area all his life. We believe prior to 1983 when the ordinance was adopted the person or persons that owned Mr. Nutt's property also owned mine and Doug and Shirley Hales. This would have made over 10 acres. Since I have lived here there has never NEVER been a campsite on the second parcel. There was the motel, RV hook-up for a while and nothing on the other lot where the cabin is. This is where mr. Nutt plans on adding 16 campsites and more RV's. As a matter of fact he doesn't even have a special use permit and he has 3 RV 's on the land. I want them immediately removed.

This is my written request to adjourn. My attorney is unavailable to review this late new information before the hearing.
Sincerely,

Terri L. Tringali
Attorney at Law

Sent from Mail for Windows 10

From: Deborah Tomlinson
Sent: Tuesday, April 16, 2019 2:13 PM
To: tringalilaw@yahoo.com
Subject: 04/17/19 PC Packet

The following is a link to the updated Planning Commission packet for the 04/17/19 meeting: <http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs26-1555426060-44966.pdf>. Please email me if you have any questions.

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

04/16/19 Telephone Conversation With Ken Willey

Mr. Willey stated that he holds the land contract for Dana Nutt and that he is okay with Dana's Nutt's proposed site plan (proposed campground).

Mr. Willey stated that his family owned the property in the 1940's -1950's. Mr. Willey stated that there were 10-12 campsites during this period.

Debbie Tomlinson

Deborah Tomlinson

From: Mark Wipp <markwipp@ymail.com>
Sent: Wednesday, April 17, 2019 11:58 AM
To: Deborah Tomlinson
Subject: Tower Shore Motel
Attachments: 20190417_113643.jpg

Hi Debbie

Here is A Picture of me from 1986 or 87 in front of A part of the tower shore motel that burned down. My friends and I stayed at the motel or cabin in the back most years during deer season from the early 1980's until it closed. I do recall there were groups that camped to the west of the cabin closer to the rd. And I am certain there was A 2nd dumpster on the trail closer to the rd. for the campers. I remember taking out the trash from the cabin one night. And the dumpster for the cabin was full. So I went to the 2nd one closer to the rd. on the same trail that leads to the cabin. I remember thinking I hope there's not A bear hanging around it. We did share many camp fires behind the tower motel as well with the campers. There was A homemade grill you could pound in the ground over the fire. we use to cook on it all most every night.

Thank you
Mark Wipp

----- Forwarded Message -----

From: markwipp <markwipp@ymail.com>
To: "markwipp@ymail.com" <markwipp@ymail.com>
Sent: Wednesday, April 17, 2019, 11:37:21 AM EDT
Subject:

Sent from my Verizon, Samsung Galaxy smartphone



CHEBOYGAN COUNTY PLANNING COMMISSION

SPECIAL USE PERMIT REQUEST

Wednesday, April 17, 2019 7:00 PM

Applicant

Dana Nutt
P.O. Box 667
Indian River, MI 49749

Owner

Dana Nutt
P.O. Box 667
Indian River, MI 49749

Parcel

9994 M-68/33 Highway
Forest Township
231-T03-004-001-00
9940 Peninsular Drive
Forest Township
231-T03-004-004-00

GENERAL FINDINGS

1. The property is located in the Lake and Stream Protection District (P-LS). The proposed use is allowed by Special Land Use Permit: 10.3.2, campgrounds, camps and clubs for recreational use (P-LS).
2. The property does not conform to section 17.8 which states that campgrounds shall be permitted only on sites of ten (10) acres or more in area with a minimum property width of six hundred feet (600'); however, the property is a legal nonconforming lot of record.
3. The applicant requires waiver of sealed site plan requirement.
4. The applicant requires waiver of the topographic survey requirement.
5. The applicant requires waiver of water course and water body elevation requirement.
6. The applicant requires waiver of lighting requirement.
7. The applicant is asking approval for special use permit application and site plan to allow 1 additional full hook-up RV site, 15 rustic campsites, 4 additional camping cabins (12'x20') with electric, remodel an existing building to a bathroom/shower building. Office hours to operate from 8:00am to 8:00pm with 4 total employees.

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 the P-LS district which allows campgrounds, camps and clubs for recreational use by special land use permit.
 2. The applicant is seeking a special land use permit to expand an existing campground on a legal nonconforming lot of record with 1 additional full hook-up RV site, 15 rustic campsites, 4 additional camping cabins (12'x20') with electric, remodel an existing building to a bathroom/shower building. Office hours to operate from 8:00am to 8:00pm with 4 total employees. (see exhibits 3, 6, 8 & 9)
 - 3.
 4. Standard has been met.
- Or,
 - 1.
 2. Standard has not been met.

- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
 - 1. The applicant is seeking a special land use permit to expand an existing campground on a legal nonconforming lot of record with 1 additional full hook-up RV site, 15 rustic campsites, 4 additional camping cabins (12'x20') with electric, remodel an existing building to a bathroom/shower building. Office hours to operate from 8:00am to 8:00pm with 4 total employees.
 - 2. The use would not involve uses, activities, processes, materials, or equipment that would create a substantially negative impact on the County's natural resources or natural environment. This use would be compatible with the surrounding land uses.
 - 3.
 - 4. Standard has been met.

Or,

 - 1.
 - 2. Standard has not been met.

- c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.
 - 1. The applicant is seeking a special land use permit to expand an existing campground on a legal nonconforming lot of record with 1 additional full hook-up RV site, 15 rustic campsites, 4 additional camping cabins (12'x20') with electric, remodel an existing building to a bathroom/shower building. Office hours to operate from 8:00am to 8:00pm with 4 total employees.
 - 2. The proposed use would not involve equipment or processes which would generate noise or traffic which is incompatible with the surrounding land uses. No smoke, glare, fumes, or odors would be produced.
 - 3.
 - 4. Standard has been met. Or,

Or,

 - 1.
 - 2. Standard has not been met.

- d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
 - 1. The applicant is seeking a special land use permit to expand an existing campground on a legal nonconforming lot of record with 1 additional full hook-up RV site, 15 rustic campsites, 4 additional camping cabins (12'x20') with electric, remodel an existing building to a bathroom/shower building. Office hours to operate from 8:00am to 8:00pm with 4 total employees.
 - 2. The proposed use will not diminish the opportunities for surrounding properties to develop as zoned.
 - 3.
 - 4. Standard has been met. Or,

Or,

 - 1.
 - 2. Standard has not been met.

- e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
 - 1. The applicant is seeking a special land use permit to expand an existing campground on a legal nonconforming lot of record with 1 additional full hook-up RV site, 15 rustic campsites, 4 additional camping cabins (12'x20') with electric, remodel an existing building to a bathroom/shower building. Office hours to operate from 8:00am to 8:00pm with 4 total employees.
 - 2. The use would not place additional demands on police or other public resources in excess of current capacity.
 - 3.
 - 4. Standard has been met. Or,

- 1.
 2. Standard has not been met.
- f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. 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. Access to the site is provided by driveways from State Highway M-68, Tower Road and Peninsular Drive. (see exhibit 9)
 - 2.
 3. Standard has been met. Or,
 - 1.
 2. Standard has not been met.
- g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
1. The site is adequately served by on-site water and sewer facilities as well as refuse collection and disposal. (see exhibit 9)
 - 2.
 3. Standard has been met. Or,
 - 1.
 2. Standard has not been met.
- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.
1. The special land use will comply with all relevant standards required under the ordinance. (see exhibit 1 &2)
 - 2.
 3. Standard has been met. Or,
 - 1.
 2. Standard has not been met.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE The

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

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
1. There will be no change in natural contours of the site and the proposed structures and campsite additions will not impede the normal and orderly development or improvement of surrounding property. (see exhibit 9)
 - 2.
 - 3.
 4. 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. There will be no change in slope or grade between the campground property and adjacent properties. The property's natural state relative to adjacent properties would be preserved.
 - 2.
 - 3.
 4. Standard has been met. Or,
 - 1.
 2. Standard has not been met.
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
1. The applicant is seeking a special land use permit to expand an existing campground on a legal nonconforming lot of record with 1 additional full hook-up RV site, 15 rustic campsites, 4 additional camping cabins (12'x20') with electric, remodel an existing building to a bathroom/shower building. Office hours to operate from 8:00am to 8:00pm with 4 total employees.
 2. Stormwater drainage would not be diverted to neighboring properties.
 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.
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
1. The site plan provides full access by emergency vehicles to all structures and campsites (see exhibit 9).
 2. 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 to the public street would be maintained by the main driveway to State Highway M-68. (see exhibit 9)
 - 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. Porch lighting proposed on four new cabins. Fixtures shall be shielded to prevent glare to adjacent properties.
 - 2.
 3. Standard has been met. Or,
 - 1.
 2. Standard has not been met.
- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic

volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

1. Vehicle traffic would continue to use the driveway/private road system and established circulation pattern. (see exhibit 9)
 - 2.
 3. Standard has been met. Or,
 - 1.
 2. Standard has not been met.
- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan and approval may be conditioned on the applicant receiving necessary state and federal permits.
1. The proposed use conforms with the Cheboygan County Master Plan goals, and meets the provisions of the Zoning Ordinance as an allowable use through the special use permit process. (see exhibits 1 & 2)
 - 2.
 3. Standard has been met. Or,
 - 1.
 2. Standard has not been met.

DECISION

TIME PERIOD FOR JUDICIAL REVIEW

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

DATE DECISION AND ORDER ADOPTED

Wednesday, April 17, 2019

Patty Croft, Chairperson

Charles Freese, Secretary