



CHEBOYGAN COUNTY PLANNING COMMISSION

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

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, MAY 2, 2018 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

1.) **Mackinaw Mill Creek Camping/FCVE, LLC** - Requests an amendment to a Special Use Permit for construction of an addition to a storage, repair and maintenance building (Section 9.3.4.) and for construction of a gazebo (Section 9.3.4) at a campground. The property is located at 9730 W. US-23 Highway, Mackinaw Township, section 21, parcel #011-021-300-004-00 and is zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS).

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

Parcel #161-001-200-005-04

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

3.) **Tiger By The Tail, LLC/ Ty LaPrairie** - Requests a Special Use Permit Amendment for construction of an Indoor Storage Facility (Section 6.3.16). The property is located at 5142 South Straits Hwy. and 5138 S. Straits Hwy., Tuscarora Township, Section 35, parcel #161-035-200-013-00 and parcel #161-035-200-014-00 and is zoned Commercial Development (D-CM).

UNFINISHED BUSINESS

- 1.) Discussion Regarding Planned Unit Development Draft Language
- 2.) Discussion Regarding Solar Arrays

NEW BUSINESS

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY PLANNING COMMISSION

Mackinaw Mill Creek Camping – Revised 03/23/18

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Notice Of Planning Commission Meeting (1 Page)
4. Special Use Permit Application (6 Pages)
5. Site Plan Showing The Proposed Location Of The Pole Barn Addition (1 Page)
6. Site Plan Showing The Proposed Location Of The Gazebo (1 Page)
7. Aerial Photo Showing The Proposed Location Of The Pole Barn Addition (1 Page)
8. Elevation Drawing For The Pole Barn Addition (1 Page)
9. Aerial Photo Showing The Proposed Location Of The Gazebo & Elevation Drawing For The Gazebo (1 Page)
10. Mailing List (2 Pages)

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

11. Email Dated 03/20/18 From Jason Gailitis, MDOT (1 Page)
12. Email Dated 03/20/18 From Kyle Keller, District Health Department #4 (1 Page)
- 13.
- 14.
- 15.

Note: Planning Commission members have exhibits 1 and 2.

NOTICE

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ROOM 135 – COMMISSIONERS ROOM
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Please visit the Planning and Zoning office or visit our website to see the applications and associated documents. These documents may be viewed at www.cheboygancounty.net/planning/. Comments, questions, and correspondence may be sent to planning@cheboygancounty.net or Planning & Zoning Department, PO Box 70, 870 South Main St., Rm. 103, Cheboygan, MI 49721, or presented at the meeting.

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



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

SUP Amendment

PROPERTY LOCATION

Address 9730 US-23 Hwy	City / Village Mackinaw	Twp / Sec. 21	Zoning District
Property Tax I.D. Number 011-021-300-004-00	Plat or Condo Name / Lot or Unit No. N/A		M-AE

APPLICANT

Name Mackinaw Mill Creek Camping	Telephone 231-436-7380	Fax
Address P.O. Box 728	City, State & Zip Mackinaw City, MI, 49701	E-Mail VINCE@CAMPmackinaw.com

OWNER (If different from applicant)

Name FCVE, LLC	Telephone 231-436-7380	Fax
Address P.O. Box 728	City, State & Zip Mackinaw City, MI 49701	E-Mail VINCE@CAMPmackinaw.com

PROPOSED WORK

Type (check all that apply) <input type="checkbox"/> New Building <input checked="" type="checkbox"/> Addition <input 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: <u>108</u> feet Overall Width: <u>20</u> feet Floor Area: <u>2,160</u> sq. feet Overall Building Height: <u>12</u> feet Sign Area: _____ sq. feet Sign Height: _____ feet
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PROPOSED USE (check all that apply)

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

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: From Mackinaw City, Travel 3 miles South Towards Cheboygan
ENTER Mackinaw Mill Creek Camping, POLE BARN is located within
300 ft of the Camp entrance.

SPECIAL LAND USE PERMIT APPLICATION

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.
	✓ <i>Flat To topography</i>	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.
N/A		g. Details of entryway and sign locations should be separately depicted with an elevation view.
N/A		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
N/A		i. Location, size, and characteristics of all loading and unloading areas.
N/A		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
N/A		k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
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.
✓ <i>No New Lighting</i>		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
✓		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
✓		q. Elevation drawing(s) for proposed commercial and industrial structures.
N/A		r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
N/A		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.

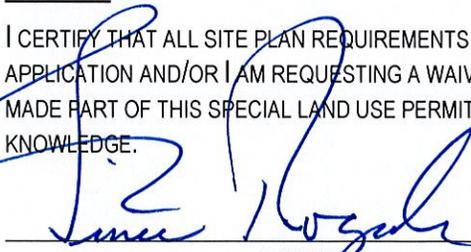
SECTION

REASON FOR WAIVER REQUEST

D.	Topography is Flat, Level - AN open GRAVEL AREA
B.	PLANS ARE CURRENTLY BEING REVIEWED By the ARCHITECT, NOT COMPLETED AT THIS TIME.

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

2/19/2018

 DATE



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SPECIAL LAND USE PERMIT APPLICATION

1. Describe all anticipated activities (e.g. type of business, hours of operation, number of employees, etc). Attach additional sheets if needed. ADD NEW GAZEDOS NEAR CAMP STORE AS ADDITION TO POLE BARN
THE ADDITION TO THE POLE BARN WILL BE USED FOR STORAGE AND
REPAIR & MAINTENANCE OF CAMPGROUND EQUIPMENT. IT WILL BE USED
ON & OFF THROUGH OUT THE ENTIRE YEAR, BUT PRIMARILY DURING THE SUMMER
CAMPING SEASON.

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.
THE NATURAL CONTOURS ARE FLAT, CURRENTLY AN OPEN PARKING AREA.
AND THE NEAREST NEIGHBOR IS OVER 1,300 FT FROM THE PROPOSED ADDITION.
- 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.
THE EXISTING GROUND IS LEVEL, GRAVEL PARKING, NO SOIL OR TREE REMOVAL REQUIRED
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
NEAREST NEIGHBORING PROPERTY IS 1,300 FT AWAY,
- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
THE ADDITION WILL NOT BE VISIBLE FROM THE ROAD OR ADJACENT NEIGHBORS
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
LARGE VEHICLE ACCESS WILL BE PROVIDED ON ALL FOUR SIDES
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
THE EXISTING POLE BARN ~~IS~~ HAS ACCESS TO US-23 HWY
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
N/A
- h. Exterior lighting shall be arranged as follows:
- i. It is deflected away from adjacent properties. YES - OK
 - ii. It does not impede the vision of traffic along adjacent streets. YES - OK
 - iii. It does not unnecessarily illuminate night skies. YES - OK



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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.

THE Pole barn is connected to existing campground Roads.

- 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.

OK

3. Size of property in sq. ft. or acres: 180 ACRES (+)

4. Present use of property: CAMPGROUND

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, the addition is for a campground's Pole Barn.

- 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, nearest neighboring

property is 1,300 ft away.

- 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, the Pole barn addition is 1,300 ft away from surrounding properties

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

No, just a simple pole barn with 360 access on all four sides.

- f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? Explain. No public water or sewer, using existing US-23 Hwy access, refuse within walking distance



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SPECIAL LAND USE PERMIT APPLICATION

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

James Rogala
for Mackinac Mill Creek Company

Date

FEB 19, 2018

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

Yes No

Owner's Signature

James Rogala
FOR F.C.V.E., LLC

Date

FEB 19, 2018

FOR PLANNING /ZONING DEPT. USE ONLY

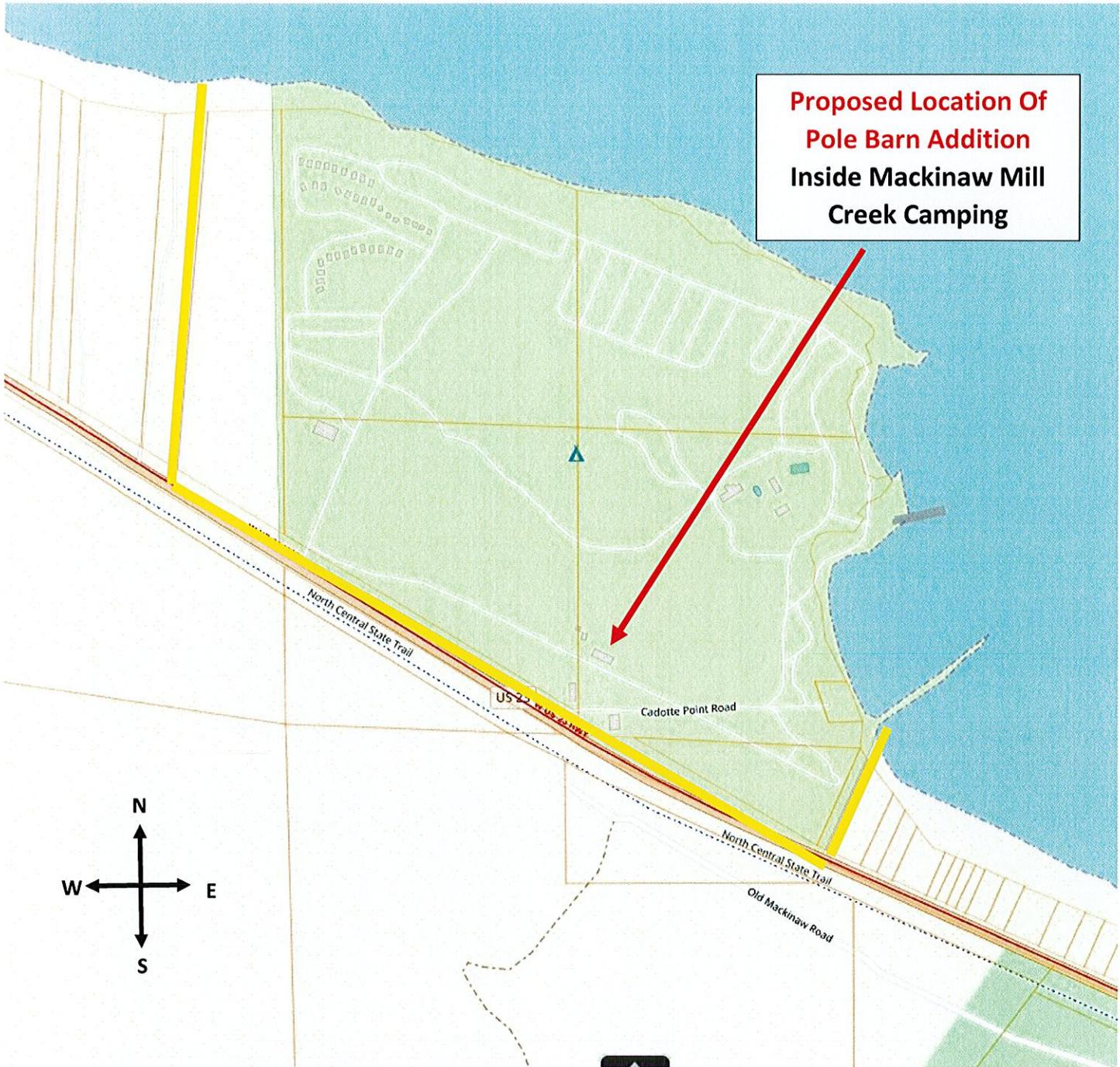
Date Received:	<u>2/22/18</u>	Notes:
Fee Amount Received:	<u>\$ 150.00</u>	
Receipt Number:	<u>6071</u>	
Public Hearing Date:		

Planning/Zoning Administrator Approval:

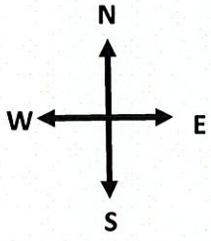
Jeffrey S. Hanson
Signature

3-16-18

Date



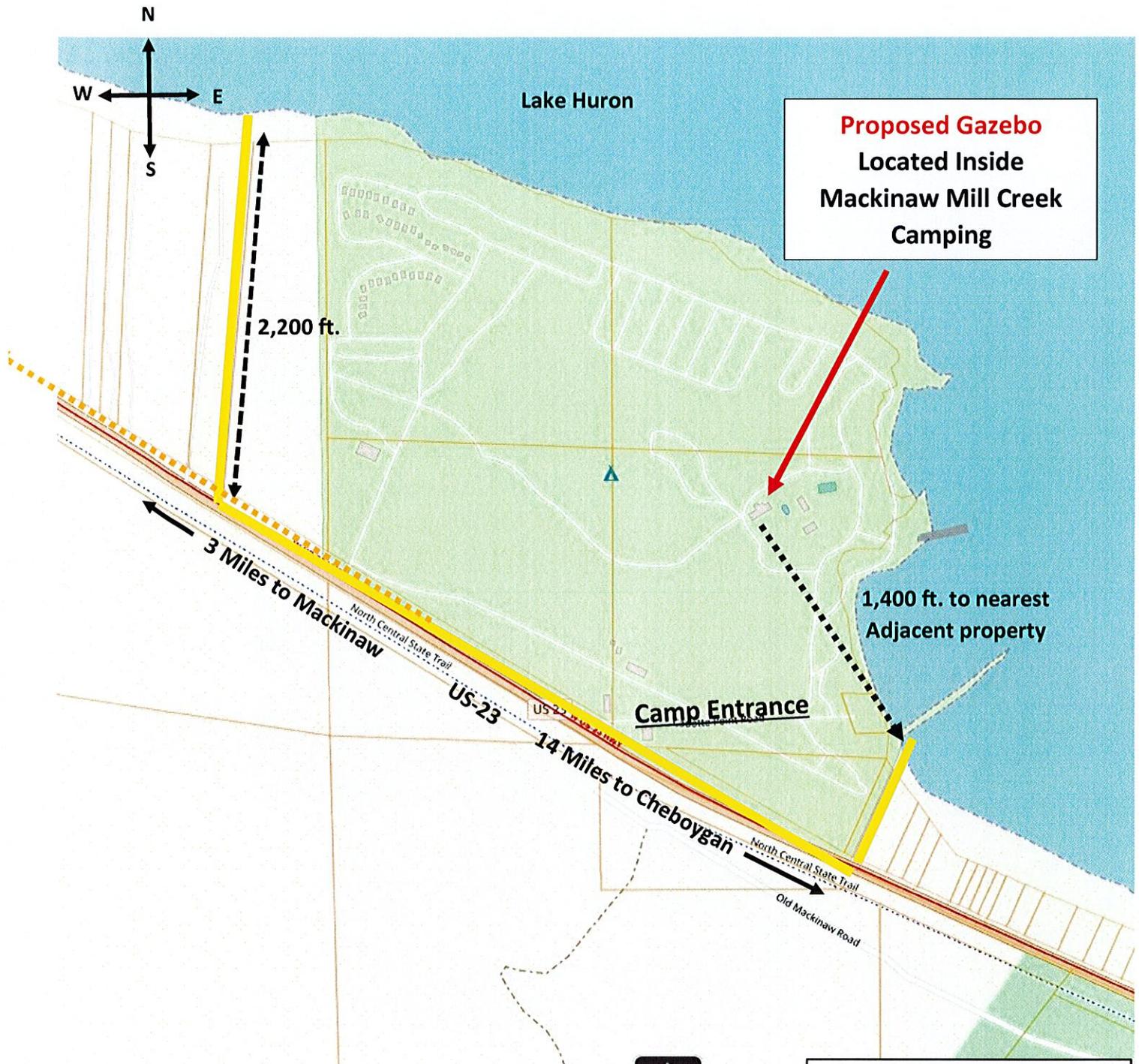
**Proposed Location Of
Pole Barn Addition
Inside Mackinaw Mill
Creek Camping**



**Mackinaw Mill Creek
Camping
G-2 Pole Barn Addition**

**9730 US-23 Hwy
Mackinaw Twp.**

**Vince Rogala
231-420-6999**



Proposed Gazebo
 Located Inside
 Mackinaw Mill Creek
 Camping

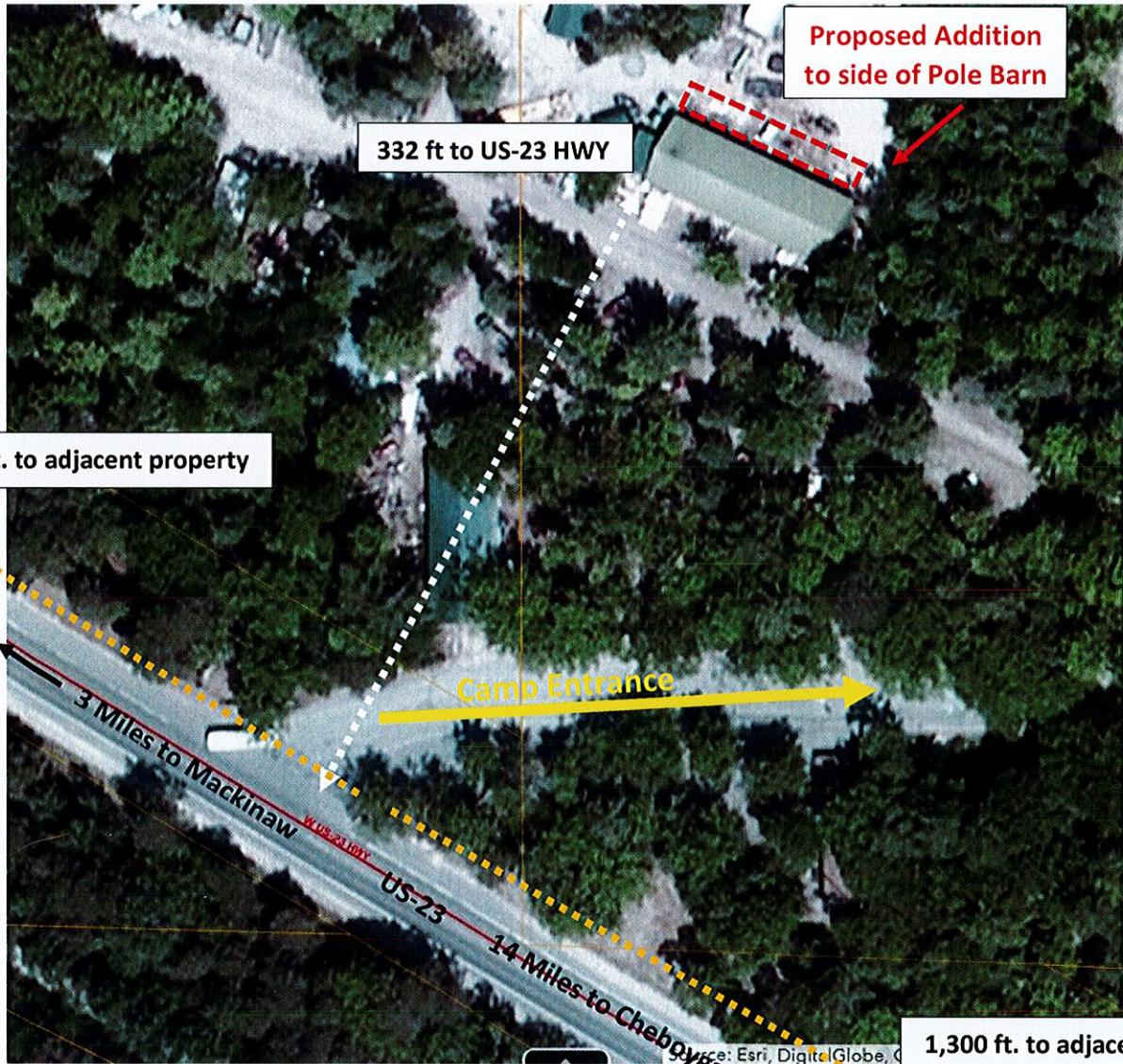
1,400 ft. to nearest
 Adjacent property

Camp Entrance

**Mackinaw Mill Creek
 Camping**
 20 x 40 gazebo
 Near Pool and Park Store

9730 US-23 Hwy
 Mackinaw Twp.
 Feb 2018
 Vince Rogala
 231-420-6999

6



Proposed Addition
to side of Pole Barn

332 ft to US-23 HWY

2,200 ft. to adjacent property

Camp Entrance

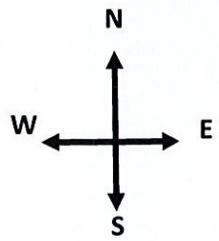
3 Miles to Mackinaw

US-23

14 Miles to Cheboygan

1,300 ft. to adjacent property

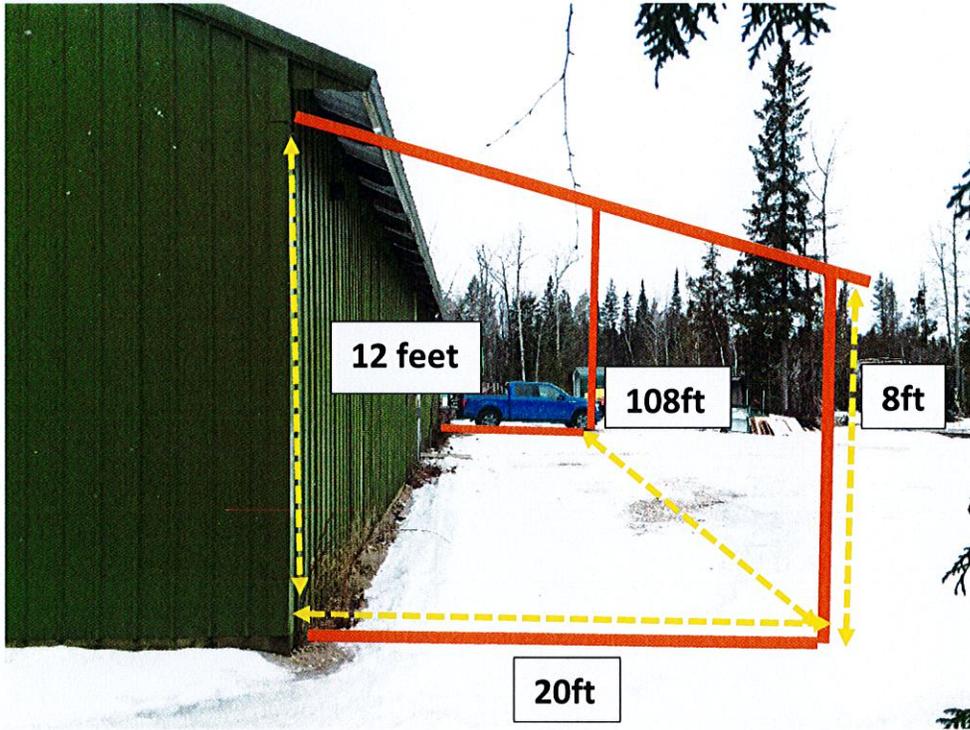
1 inch = 100ft



Mackinaw Mill Creek
Camping
G-2 Pole Barn
Addition

9730 US-23 Hwy
Mackinaw Twp.

Vince Rogala
231-420-6999

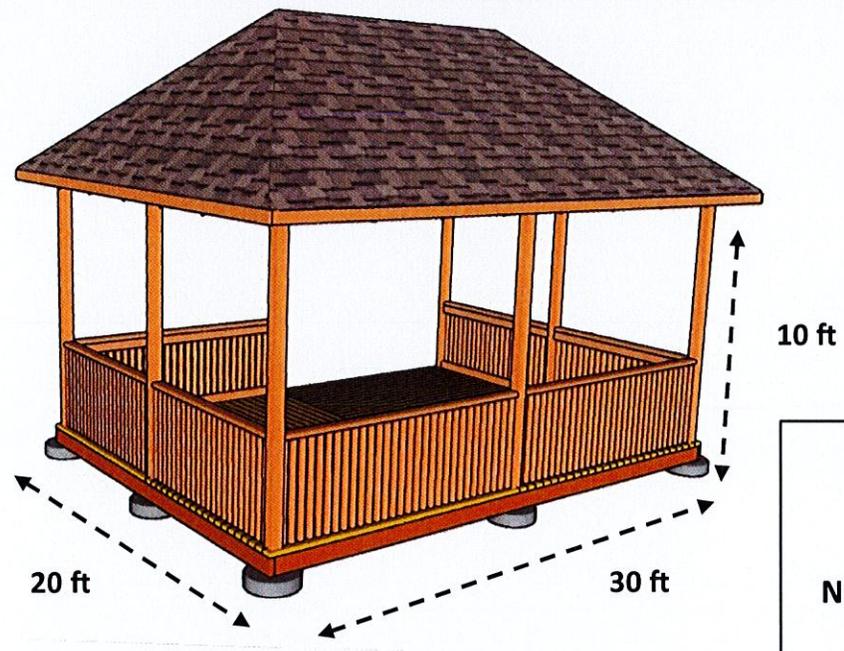
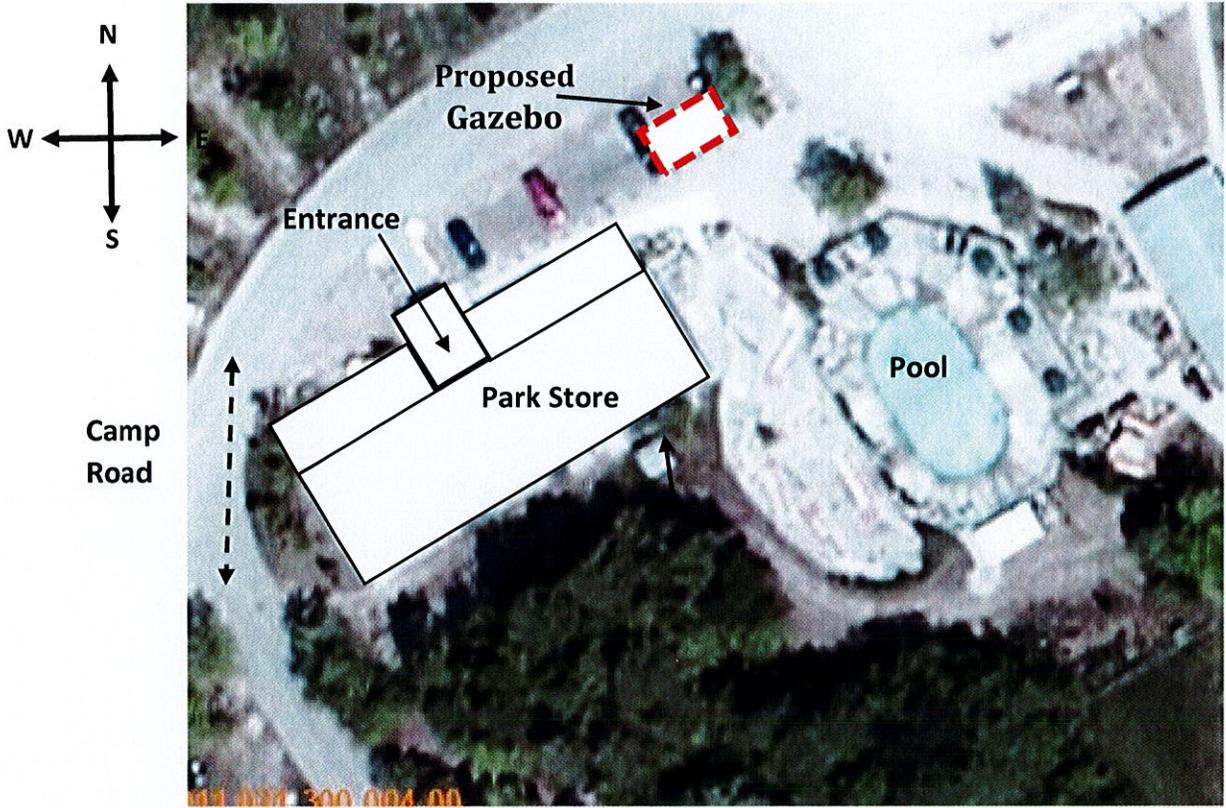


Conceptual Red Pole Barn Image Above
 Only to help visualize the proposed addition

**Mackinaw Mill Creek
 Camping
 G-2 Pole Barn
 Addition**

9730 US-23 Hwy
 Mackinaw Twp.

Vince Rogala
 231-420-6999



Conceptual Gazebo Image Above
 Only to help visualize the proposed addition

**Mackinaw Mill Creek
 Camping**
 20 x 40 gazebo
 Near Pool and Park Store

9730 US-23 Hwy
 Mackinaw Twp.
 Feb 2018
 Vince Rogala
 231-420-6999

011-021-300-001-00
FCVE, LLC
PO BOX 728
MACKINAW CITY, MI 49701

011-021-300-001-01
MICHIGAN DEPT OF NATURAL RESOURCES
PO BOX 30722
LANSING, MI 48909

011-021-300-002-00
FCVE, LLC
PO BOX 728
MACKINAW CITY, MI 49701

011-021-300-003-00
FCVE, LLC
PO BOX 728
MACKINAW CITY, MI 49701

011-021-300-004-00
FCVE, LLC
PO BOX 728
MACKINAW CITY, MI 49701

011-021-300-005-00
DEVELOPING PROPERTIES, LLC
PO BOX 728
MACKINAW CITY, MI 49701

011-028-100-001-00
FCVE, LLC
PO BOX 728
MACKINAW CITY, MI 49701

011-028-100-001-01
MICHIGAN DEPT OF NATURAL RESOURCES
PO BOX 30722
LANSING, MI 48909

011-028-100-002-00
SOUTHERN MICHIGAN QT, LLC
PO BOX 658
MACKINAW CITY, MI 49701

011-028-100-003-00
STATE OF MICHIGAN
PO BOX 30448
LANSING, MI 48909

011-028-200-001-00
BRENIZER, BETTY L/E AND
1102 LINWOOD AVE
JACKSON, MI 49203

011-028-200-002-01
LESKIE, ANDREW & IRENE H/W
17494 GOLFVIEW DR
LIVONIA, MI 48152

011-028-200-018-00
DEVELOPING PROPERTIES, LLC
PO BOX 728
MACKINAW CITY, MI 49701

011-028-200-001-00
OCCUPANT
9500 W US-23 HWY
MACKINAW CITY, MI 49701

011-028-200-002-01
OCCUPANT
9490 W US-23 HWY
MACKINAW CITY, MI 49701

011-028-200-018-00
OCCUPANT
9609 W US-23 HWY
MACKINAW CITY, MI 49701

011-021-300-003-00
OCCUPANT
9982 W US-23 HWY
MACKINAW CITY, MI 49701

011-021-300-004-00
OCCUPANT
9730 W US-23 HWY
MACKINAW CITY, MI 49701

011-021-300-005-00
OCCUPANT
9720 W US-23 HWY
MACKINAW CITY, MI 49701

011-028-100-001-00
OCCUPANT
9554 W US-23 HWY
MACKINAW CITY, MI 49701

011-028-100-002-00
OCCUPANT
9530 W US-23 HWY
MACKINAW CITY, MI 49701

Deborah Tomlinson

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

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

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

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

Debbie

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

Deborah Tomlinson

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

Follow Up Flag: Follow up
Flag Status: Flagged

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

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

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

Hi Kyle,

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

Debbie

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CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT

Item: FCVE, LLC (Mackinaw Mill Creek Camping) Amendment to Special Use Permit for addition to existing storage building	Prepared by: Jeffery Lawson
Date: March 26, 2018	Expected Meeting Date: April 4, 2018

GENERAL INFORMATION

Applicant: FCVE, LLC

Contact person: Vince Rogala

Phone: 231-420-6999 (cell)

Requested Action: Approve an amendment to a special use permit to allow construction of an addition (20 ft. x 108 ft.) to an existing storage building as well as a (20 ft. x 30 ft).

BACKGROUND INFORMATION

The current zoning of the subject property is Lake and Stream Protection District (P-LS) within 500 feet of the shore, and Agriculture and forestry Management District (M-AF) beyond 500 feet from shore. The subject site contains approximately 140 acres and 5,300 lineal feet of frontage on Lake Huron. (see exhibit 5)

The Planning Commission approved a special use permit on November 19, 2008 under Section 9.3.11 travel trailer courts, tenting areas and general camping grounds in a M-AF district, and section 10.3.2 campgrounds, camps and clubs for recreational use in Lake and Stream Protection P-LS district, to allow Mackinaw Mill Creek Camping to replace 107 existing campsites with 107 camping cabins in five (5) different areas of the campground with a phased construction plan of 6 years. (see exhibit 7). Eight (8) permits for construction of camping cabins have been issued since the special use permit was approved. The applicant also received approval of a special use permit to replace three (3) campsites with three (3) camping cabins in an additional location in the campground on November 2, 2011 as well as a special use permit on September 16, 2015 to construct a 20 ft. x 80 ft. addition to an existing storage building.

The applicant is seeking approval of an additional amendment to a special use permit to construct a 20 ft. x 108 ft. addition to an existing storage building located near the entry of the campground as well as a 20 ft. x 30 ft. gazebo near the center of the camp ground (see exhibit 5). The storage building is used for the storage and repair of equipment and maintenance of

campground equipment. It will be used on and off through the entire year. The gazebo will be used by campers and visitors to the campground. (see exhibit 3)

Public Utilities

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

Current Zoning

The current zoning is Lake and Stream Protection District (P-LS) within 500 feet of the shore, and Agriculture and forestry Management District (M-AF) beyond 500 feet from shore.

Surrounding Land Uses

The approximately 140 acres of property is located on Lake Huron, Mackinaw Township, north of US-23 Highway. Surrounding land use to the south and southwest include forestland and some open space. To the northwest and southeast are vacant properties interspersed with residential homes.

Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain) The subject property is located on Lake Huron. No other sensitive areas have been identified.

Historic buildings/features

There are no known historic buildings or features on this, or immediately-surrounding properties.

Traffic implications

The applicant is proposing to construct an addition to an existing storage building and gazebo. No change to traffic conditions is anticipated as a result.

Parking: Parking is provided for users at each individual campsite and cabin.

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

Ingress and egress is provided by a roadway to the campground office and continuing through out the camp ground from US-23.

Signs: There are no changes to the signage being proposed.

Fence/Hedge/Buffer: There are no changes in fencing being proposed.

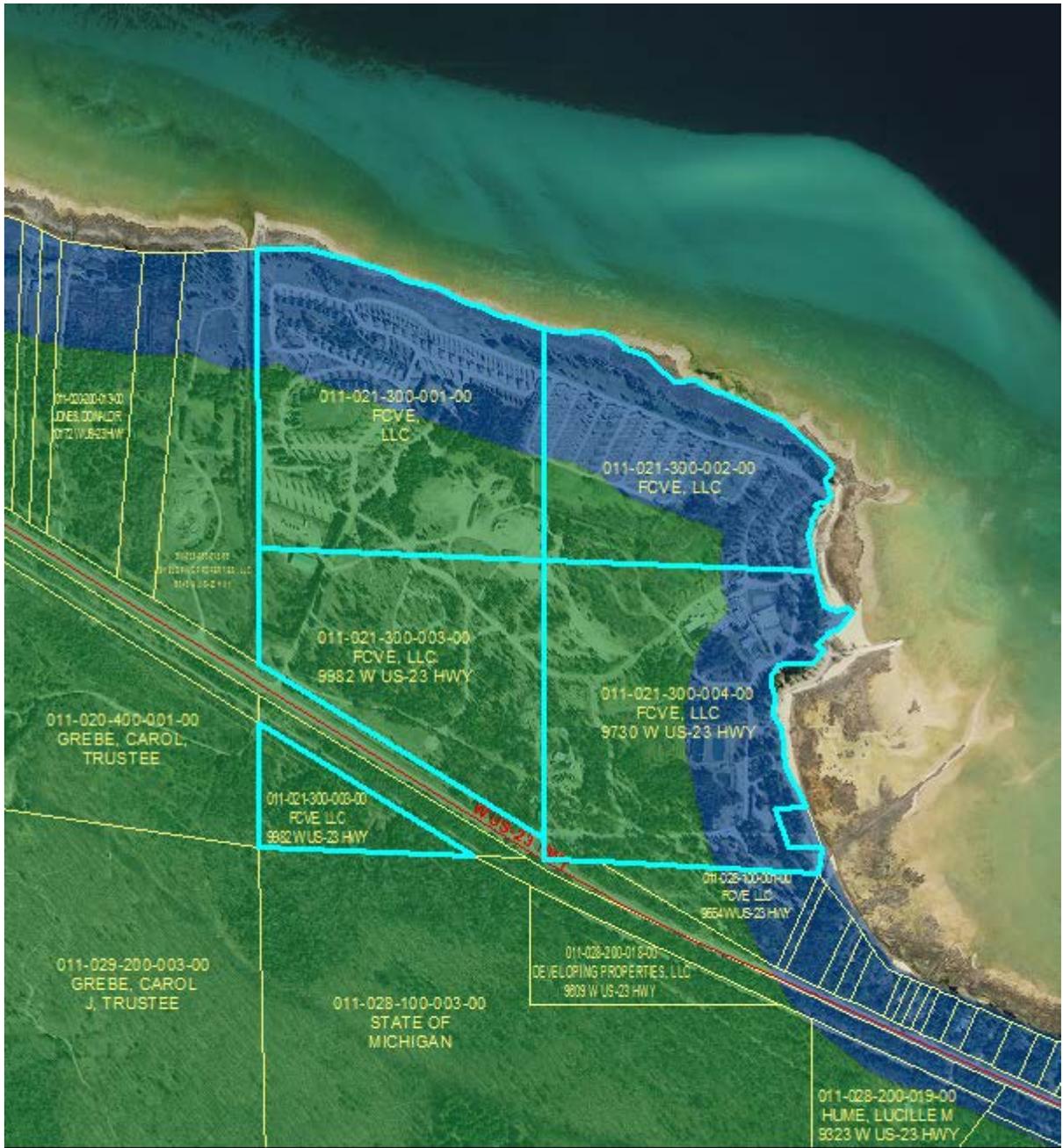
Lighting: No new lighting is proposed.

Stormwater management: No change to existing stormwater management is proposed.

Review or permits received from other government entities: Permits from the Department of Building Safety will be required.



Figure 1. Aerial photo



**Figure 1. Green = Existing Agriculture and Forestry Management (M-AF) Zoning
Blue = Existing Lake and Stream Protection (P-LS) Zoning**

CHEBOYGAN COUNTY PLANNING COMMISSION

SPECIAL USE PERMIT REQUEST

Wednesday, April 4, 2018 7:00 PM

Applicant

Mackinaw Mill Creek Camping,
Vince Rogala
9730 US-23 Highway
PO Box 728
Mackinaw City, MI 49701

Owner

FCVE LLC
9730 US-23 Highway
PO Box 728
Mackinaw City, MI 49701

Parcel

9730 US-23 Highway
Mackinaw Township
011-021-300-001-00
011-021-300-002-00
011-021-300-003-00
011-021-300-004-00

GENERAL FINDINGS

1. The property is located in both the Lake and Stream Protection District (P-LS, within 500' of the lake) and the Agriculture and Forestry Management (M-AF) district elsewhere. The proposed use is allowed by Special Land Use Permit: 10.3.2, campgrounds, camps and clubs for recreational use (P-LS), and 9.3.11, travel trailer courts, tenting areas and general camping grounds (M-AF).
2. The addition to the storage building and gazebo are proposed to be located in a portion of the campground zoned M-AF.
3. The Planning Commission Approved a special use permit for the subject properties for replacement of 107 camping sites with 107 camping cabins to be located in five (5) different areas within the grounds of Mackinaw Mill Creek Camping with a phased construction plan of six (6) years on November 19, 2008.
4. The applicant received approval of an amendment to a special use permit to replace three (3) existing campsites with three (3) camping cabins in an additional area of the campground on November 2, 2011.
5. The applicant received an amendment to a special use permit to construct an (80 ft. x 20 ft.) addition to an existing storage building on September 16, 2015.
6. The applicant is seeking an amendment to a special use permit for an addition (20 ft. x 108 ft.) to an existing storage building and construction of a (20 ft. x 30 ft.) gazebo.
7. The addition to the storage building and gazebo is proposed to be located in a portion of the campground zoned M-AF.
8. The applicant requires waiver of the topographic survey requirement
9. The applicant requires a waiver of the site plan minimum scale requirement.
- 10.
- 11.

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. Property within 500-feet of shore is located in the P-LS district which allows campgrounds, camps and clubs for recreational use by special land use permit. Property more than 500-feet from shore is located in the M-AF district which allows travel trailer courts, tenting areas and general camping grounds by special land use permit.
 2. The applicant is seeking an amendment to a special use permit for an addition (20 ft. x 108 Ft.) to an existing storage building and (20 ft. x 30 ft.). (see exhibits 4, 5 & 6)
 - 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 an amendment to a special use permit for an addition (20 ft. x 108 Ft.) to an existing storage building and (20 ft. x 30 ft.) gazebo.
 - 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 an amendment to a special use permit for an addition (20 ft. x 108 ft.) to an existing storage building and (20 ft. x 30 ft.) gazebo.
 - 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,

 - 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 an amendment to a special use permit for an addition (20 ft. x 108 Ft.) to an existing storage building and (20 ft. x 30 ft.) gazebo.
 - 2. The proposed use will not diminish the opportunities for surrounding properties to develop as zoned.
 - 3.
 - 4. Standard has been met.

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 use permit for an addition (20 ft. x 108 Ft.) to an existing storage building and a (20 ft. x 30 ft.) gazebo.
 - 2. The use and 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. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
 1. Access to the site is provided by driveways from US-23 Highway.(see exhibit 4, 6 & 7)
 - 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 3)
 - 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 4, 5 & 6)
 - 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. The applicant is seeking an amendment to a special use permit for an addition (20 ft. x 108 Ft.) to an existing storage building and (20 ft. x 30 ft.) gazebo (see exhibit 4)
 2. There will be no change in natural contours of the site and the proposed structure addition will not impede the normal and orderly development or improvement of surrounding property.
 - 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. The applicant is seeking an amendment to a special use permit for an addition (20 ft. x 108 ft.) to an existing storage building and (20 ft. x 30 ft.) gazebo.
 - 2. There will 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.
 - 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 an amendment to a special use permit for an addition (20 ft. x 108 Ft.) to an existing storage building and (20 ft. x 30 ft.) gazebo.
 - 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. No dwellings are on the site.

- 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.
 - 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 US-23 Highway.(see exhibit 4,6 & 7)
 - 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. No new lighting is proposed. (see exhibit 4)
 - 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. Pedestrians and bicyclists also use the internal private road system. (see exhibit 4)
 - 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, 4, 5 and 6)
 - 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 4, 2018

Patty Croft, Chairperson

Charles Freese, Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

Dan Slanec – Revised 04/26/18

Exhibit List

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

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

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

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

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

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

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

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

15. Affidavit To Authorize Agent – Charles Skruba & Christine Skruba (1 Page)
- 16.
- 17.
- 18.
- 19.

Note: Planning Commission members have exhibits 1 and 2.

NOTICE

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, MAY 2, 2018 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Mackinaw Mill Creek Camping/FCVE, LLC** - Requests an amendment to a Special Use Permit for construction of an addition to a storage, repair and maintenance building (Section 9.3.4.) and for construction of a gazebo (Section 9.3.4) at a campground. The property is located at 9730 W. US-23 Highway, Mackinaw Township, section 21, parcel #011-021-300-004-00 and is zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS).

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

Parcel #161-001-200-005-04
BEG AT E1/4 COR SEC 1, T35N,R3W; TH W ALG 1/4 LI 120.42FT TO R/W HWY-27 FOR POB; TH S 0D 14M 30S W ALG R/W 219.35FT; TH N 89D 45M 30S W 250FT; TH S 0D 14M 30S W 499.52FT TO NLY R/W OF ON RAMP FOR I-75 HWY; TH ALG CURVE CHR D BEARS N 45D 07M 30S W 563.38FT & ALG CURVE CHR D BEARS N 20D 14M 25S W 768.06FT; TH S 89D 45M 30S E 919.66FT TH S 0D 14M 30S W 396.44FT TO POB. *EXC: COM AT E 1/4 COR SEC 1, T35N,R3W; TH N 89D 45M 30S W 120.42FT TO WLY ROW LI OF HWY M-27; TH S 0D 14M 30S W 219.35FT ALG SD W ROW LI; TH N 89D 45M 30S W 250FT; TH S 0D 14M 30S W 200.23FT TO POB; TH CONT S0D 14M 30S W 299.12FT TO NLY LI OF I-75 OF N BOUND ON RAMP 468.54FT ALG CURVE TO RIGHT, HAVING RAD OF 749.18FT & CHR D BEARING N 49D 17M 46S W 460.94FT; TH S 89D 45M 30S E 350.70FT TO POB.

- 3.) **Tiger By The Tail, LLC/ Ty LaPrairie** - Requests a Special Use Permit Amendment for construction of an Indoor Storage Facility (Section 6.3.16). The property is located at 5142 South Straits Hwy. and 5138 S. Straits Hwy., Tuscarora Township, Section 35, parcel #161-035-200-013-00 and parcel #161-035-200-014-00 and is zoned Commercial Development (D-CM).

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

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

Pd. Rec# 6066

Fee \$ 225.00 Date 2/27/18

ZONING AMENDMENT APPLICATION

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

Application Approved by: _____

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

PLEASE PRINT

LOCATION (For property rezoning)

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

APPLICANT

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

PROPERTY OWNER (If different from applicant)

Name	Telephone	Fax	
Address	City & State		Zip Code

I. Action Requested

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

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

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

II. Property Information (For rezoning)

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

Attached

B. List all deed restrictions, if applicable:

NON - APPLICABLE

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

Chuck & Christine Skruba

15901 Princeton Court

Fraser MI 48026

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

E. Present use of the property is: Vacant

F. Attach a drawing of the property.

III. Justification for Requested Action

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

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

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

None

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

Owner's Signature

Jan Slamer

Date 2-20-18

IV. Affidavit

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

Jan Slamer

Applicant's Signature

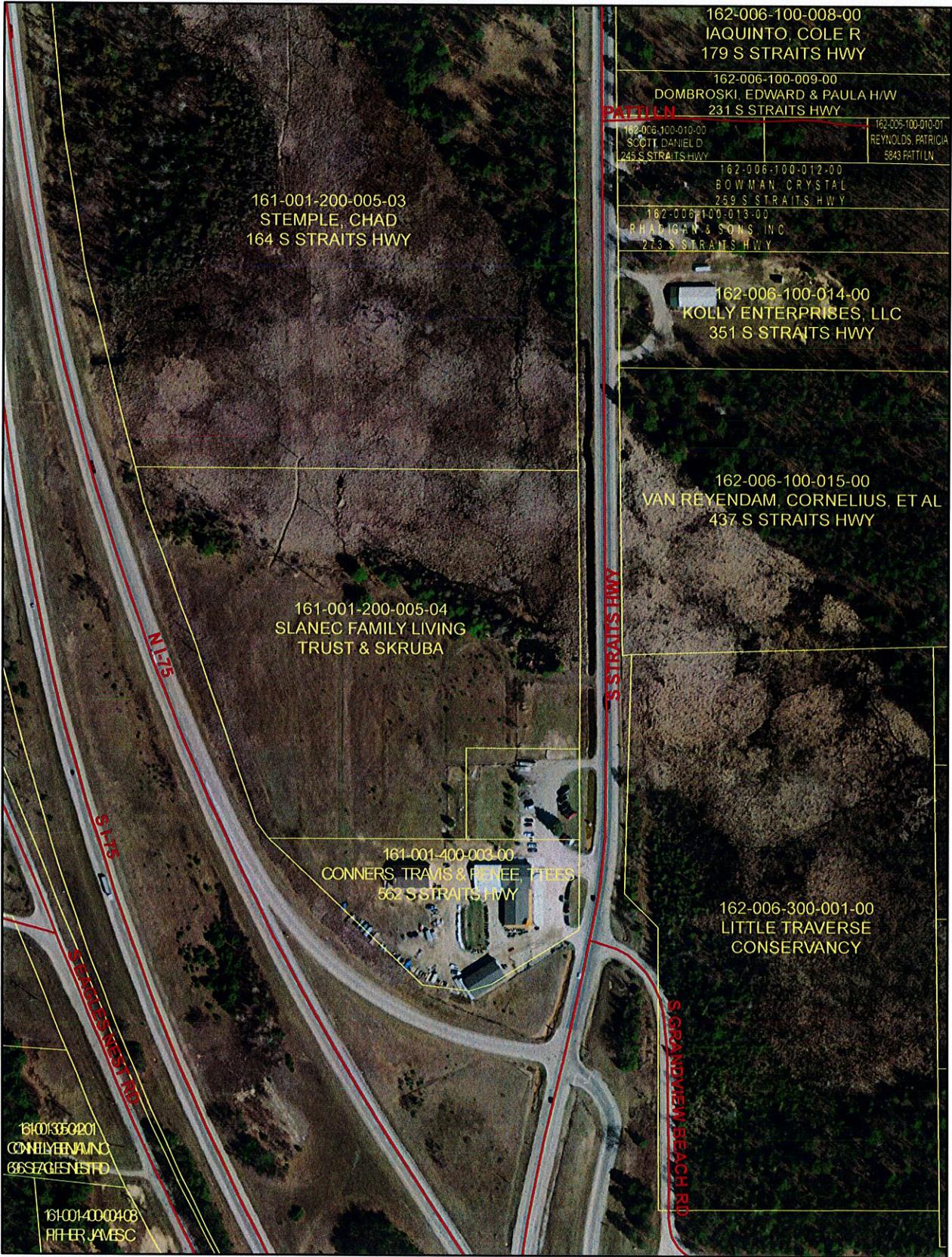
2-20-18

Date



<p style="text-align: center;">MESSAGE TO TAXPAYER</p> <p>DUE DECEMBER 1, 2016, TO AND INCLUDING, FEBRUARY 14, 2017, TO PAY WITHOUT PENALTY. FEBRUARY 15, 2017 A 3% PENALTY WILL BE ADDED. MARCH 1, 2017 ALL DELINQUENT TAXES ARE PAYABLE TO THE COUNTY TREASURER, EXCEPT FOR PERSONAL PROPERTY TAXES, WHICH REMAIN PAYABLE TO THE TOWNSHIP TREASURER. MARCH 1, 2017 A 4% P.T.A.F OR \$1 MINIMUM, AND 1% PER MONTH WILL BE ADDED. TUSCARORA TOWNSHIP TREASURER (231) 238-4220</p>	<p style="text-align: center;">PAYMENT INFORMATION</p> <p>PAYMENT SHOULD BE MAILED TO PO BOX 220, INDIAN RIVER, MI 49749. PAYMENTS ACCEPTED AT CITIZENS NATIONAL BANK AND AWAKON FEDERAL CU (IR BRANCHES). PAYMENT BY CREDIT CARD CAN BE MADE AT TUSCARORATWP.COM. NOTE: VENDOR CHARGES A 3% TRANSACTION FEE FOR CREDIT CARD TRANSACTIONS.</p>																																													
<p style="text-align: center;">PROPERTY INFORMATION</p> <p>Property Assessed To: SLANEC, DAN & LAUREN H/W PO BOX 333 TOPINABEE, MI 49791</p> <p style="text-align: right;">INLAND LAKES</p> <p>Prop #: 161-001-200-005-04 School: 16050</p> <p>Prop Addr:</p> <p>Legal Description: BEG AT E 1/4 COR SEC 1, T35N,R3W; TH W ALG 1/4 LI 120.42FT TO R/W HWY-27 FOR POB; TH S OD 14M 30S W ALG R/W 219.35FT; TH N 89D 45M 30S W 250FT; TH S OD 14M 30S W 499.52FT TO NLY R/W OF ON RAMP FOR I-75 HWY; TH ALG CURVE CHR D BEARS N 45D 07M 30S W 563.38FT & ALG CURVE CHR D BEARS N 20D 14M 25S W 768.06FT; TH S 89D 45M 30S E 919.66FT TH S OD 14M 30S W 396.44FT TO POB. *EXC: COM AT E 1/4 COR SEC 1, T35N,R3W; TH N 89D 45M 30S W 120.42FT TO WLY ROW LI OF HWY M-27; TH S OD 14M 30S W 219.35FT ALG SD W ROW LI; TH N 89D 45M 30S W 250FT; TH S OD 14M 30S W 200.23FT TO POB; TH CONT SOD 14M 30S W 299.12FT TO NLY LI OF I-75 OF N BOUND ON RAMP 468.54FT ALG CURVE TO RIGHT, HAVING RAD OF 749.18FT & CHR D BEARING N 49D 17M 46S ? 460.94FT; TH S 89D 45M 30S E 350.70FT TO POB. LINE ADJ 01/14/2013 INTO 161-001-400-003-00 749/809;921/533;1196/266</p> <p style="text-align: center;">*BALANCE OF DESCRIPTION ON FILE*</p>	<p style="text-align: center;">TAX DETAIL</p> <table style="width:100%; border: none;"> <tr> <td style="width:60%;">Taxable Value:</td> <td style="width:20%; text-align: right;">21,195</td> <td style="width:20%;">COMMERCIAL VACANT</td> </tr> <tr> <td>State Equalized Value:</td> <td style="text-align: right;">62,900</td> <td>Class: 202</td> </tr> <tr> <td>PRE/MBT %:</td> <td style="text-align: right;">0.0000</td> <td></td> </tr> </table> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p style="text-align: center;">Taxes are based upon Taxable Value. 1 mill equals \$1.00 per \$1000 of Taxable Value. Amounts with no millage are either Special Assessments or other charges added to this bill.</p> </div> <table style="width:100%; border: none;"> <thead> <tr> <th style="text-align: left;">DESCRIPTION</th> <th style="text-align: right;">MILLAGE</th> <th style="text-align: right;">AMOUNT</th> </tr> </thead> <tbody> <tr><td>SENIOR CITIZEN</td><td style="text-align: right;">0.50000</td><td style="text-align: right;">10.59</td></tr> <tr><td>AMBULANCE</td><td style="text-align: right;">0.25000</td><td style="text-align: right;">5.29</td></tr> <tr><td>COUNTY ROAD</td><td style="text-align: right;">1.00000</td><td style="text-align: right;">21.19</td></tr> <tr><td>TWP ALLOCATED</td><td style="text-align: right;">0.98700</td><td style="text-align: right;">20.91</td></tr> <tr><td>TWP FIRE</td><td style="text-align: right;">0.73780</td><td style="text-align: right;">15.63</td></tr> <tr><td>TWP POLICE</td><td style="text-align: right;">3.99480</td><td style="text-align: right;">84.66</td></tr> <tr><td>TWP LIGHTS</td><td style="text-align: right;">0.17640</td><td style="text-align: right;">3.73</td></tr> <tr><td>TWP LIBRARY</td><td style="text-align: right;">0.29600</td><td style="text-align: right;">6.27</td></tr> <tr><td>SCHOOL OPERATING</td><td style="text-align: right;">18.00000</td><td style="text-align: right;">381.51</td></tr> <tr><td>SCHOOL DEBT</td><td style="text-align: right;">2.65000</td><td style="text-align: right;">56.16</td></tr> <tr><td>COPISD</td><td style="text-align: right;">1.74730</td><td style="text-align: right;">37.03</td></tr> </tbody> </table>	Taxable Value:	21,195	COMMERCIAL VACANT	State Equalized Value:	62,900	Class: 202	PRE/MBT %:	0.0000		DESCRIPTION	MILLAGE	AMOUNT	SENIOR CITIZEN	0.50000	10.59	AMBULANCE	0.25000	5.29	COUNTY ROAD	1.00000	21.19	TWP ALLOCATED	0.98700	20.91	TWP FIRE	0.73780	15.63	TWP POLICE	3.99480	84.66	TWP LIGHTS	0.17640	3.73	TWP LIBRARY	0.29600	6.27	SCHOOL OPERATING	18.00000	381.51	SCHOOL DEBT	2.65000	56.16	COPISD	1.74730	37.03
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Please detach along perforation. Keep the top portion.





Zoning_...

D-CM 

M-AF 



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

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

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

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

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

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

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

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

162-006-100-015-00
OCCUPANT
437 S STRAITS HWY
INDIAN RIVER, MI 49749

161-001-400-002-00
OCCUPANT
556 S STRAITS HWY
INDIAN RIVER, MI 49749

161-001-400-003-00
OCCUPANT
562 S STRAITS HWY
INDIAN RIVER, MI 49749

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

Deborah Tomlinson

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

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

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

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

Debbie

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

Deborah Tomlinson

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

Hi Deb,

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

Respectfully,

David Carpenter
Fire Chief

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

Hi Dave,

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

Debbie

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

Deborah Tomlinson

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

Follow Up Flag: Follow up
Flag Status: Flagged

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

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

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

Hi Kyle,

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

Debbie

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

Deborah Tomlinson

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

Follow Up Flag: Follow up
Flag Status: Flagged

Mr Lawson,

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

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

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

Thank you,

Carl Muscott

Indian River

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

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

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

Date: March 23, 2018

To: Cheboygan County Planning Commission

From: Jeff Lawson

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

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

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

Deborah Tomlinson

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

Hello Jeff,

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

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

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

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

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

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

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

Thank you for your time,
Carl Muscott

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

SECTION 3.9.

ZONING DISTRICT BOUNDARIES

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

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

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

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

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

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

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

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

copy by the Zoning Administrator and the County Clerk.

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

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

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

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

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

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

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

Deborah Tomlinson

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

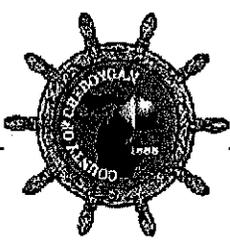
From: cherv179@aol.com [<mailto:cherv179@aol.com>]
Sent: Tuesday, April 03, 2018 1:03 PM
To: Jeff Lawson
Subject: Fwd: Stanec property

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

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

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

Mike Cherveney Chairman for the Tuscarora Township Planning Commission



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

AFFIDAVIT TO AUTHORIZE AGENT

(Name of all property owners)

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

Den D. Starec Lauren A. Starec Parcel # 161-001-200-
Charles N. Skuba Christene M. Skuba 005-04

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

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

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

Den D. Starec

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

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

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

[Signature]

Signature (Owner)

Charles W. Skuba

Print Name

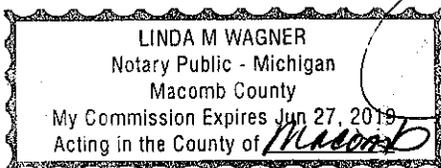
[Signature]

Signature (Owner)

Christene M. Skuba

Print Name

Subscribed and sworn before me on the 30 day of April, 2018



[Signature]

Notary Public

State of Michigan, County of Macomb

My Commission Expires: 06/27/2019



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

Date: March 23, 2018 (Revised 04/01/18)

To: Cheboygan County Planning Commission

From: Jeff Lawson

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

Introduction

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

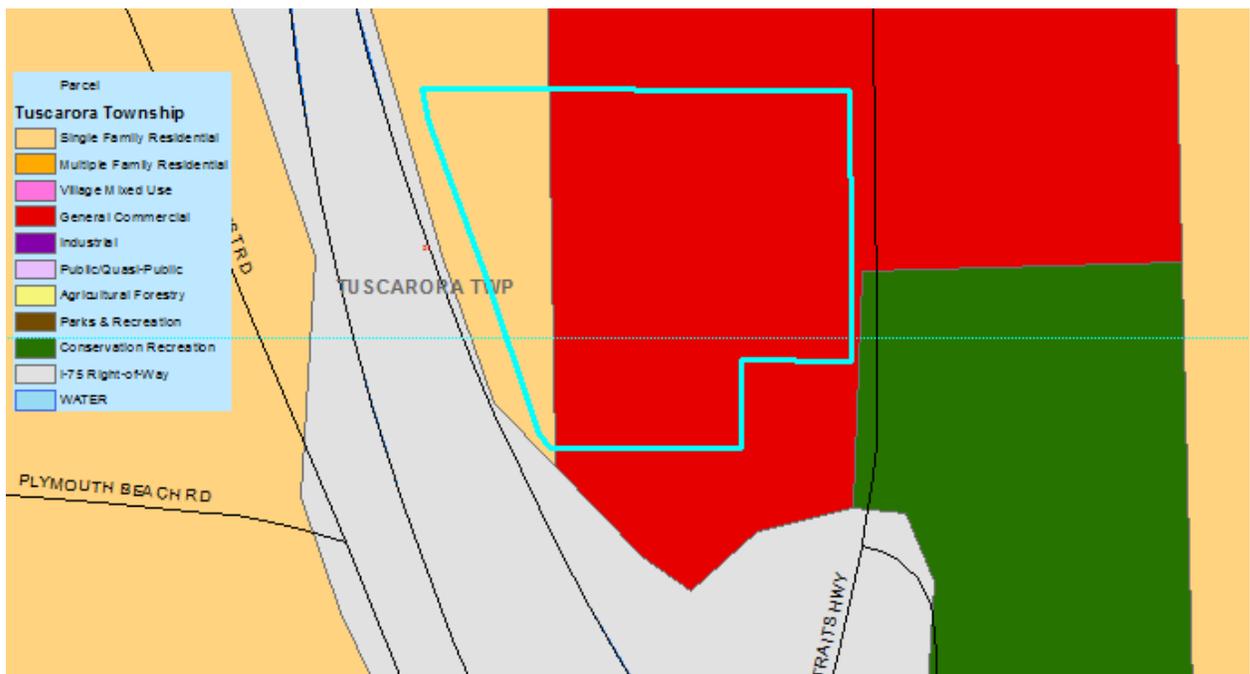


**Figure 1. Green = Existing Agriculture and Forestry Management (M-AF) zoning
Red = Existing Commercial Development (D-CM) zoning**

2. Existing Land Uses and Conditions

The property is located off of S Straits Highway a Michigan State Highway (M-27) adjacent to Indian River Sports Center to the south and I-75 to the west. The front of the parcel is approximately 690 feet from the I-75 North Bound 313 Entrance Ramp. The property contains 612 feet of existing commercial property frontage along M-27. Approximately the first 420 feet of depth of the property is currently zoned Commercial (D-CM) and the remaining back section of the property is Agricultural Forest Management (M-AF). The total area of the parcel is approximately 14 acres (the area to rezone is estimated at 7.6 acres). Current uses of the property include commercial sales of premade storage buildings along a portion of M-27, vacant land on the back area of the parcel and wetlands along the north portion of the property. Site Plan Review approval for sale of Premade Storage Buildings (section 6.2.19) was granted on 06/15/16.

Existing land uses on neighboring parcels lying to north is vacant land. Existing neighboring parcels lying to south of the area to be rezoned is vacant land and commercial. The existing neighboring parcel to the west is I-75 and the area to the east is vacant.



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

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

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

Township Level Land Use Planning

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

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

General Commercial:

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

lights, etc and provide safeguards to protect the neighboring property owners. The pursuit of this type of use should be explored with the Cheboygan County Department of Planning and Zoning (in coordination with Tuscarora Township) in consideration of the Cheboygan County Zoning Ordinance.

Single Family Residential:

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

4. Comparisons in the zoning setback and area requirements

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

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

SECTION 9.2. PERMITTED USES

- 9.2.1. Single Family Dwellings and Two Family Dwellings (Rev. 03/28/12, Amendment #108).
- 9.2.2. Commercial Farm Buildings. (Rev. 10/24/13, Amendment #120)
- 9.2.3. Commercial Farms. (Rev. 10/24/13, Amendment #120)
- 9.2.4. Greenhouses and nurseries.
- 9.2.5. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business.
- 9.2.6. Home occupations as defined in this ordinance.
- 9.2.7. Essential services.
- 9.2.8. Cemeteries.

- 9.2.9. Private aircraft landing strips.
- 9.2.10. Reserved for future use (Rev. 10/13/16, Amendment #135)
- 9.2.11. Tree farms, forest production and forest harvesting operations including portable sawmills, log storage yards and related activities.
- 9.2.12. Hunting grounds, fishing sites and wildlife preserves.
- 9.2.13. Private hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)
- 9.2.14. Private Storage Buildings, Private Storage/ Workshop Buildings and Agricultural/Private Storage/Workshop Buildings (Rev. 04/12/07, Amendment #67) (Rev. 10/24/13, Amendment #120)
- 9.2.15. Hobby Farm Buildings. (Rev. 10/24/13, Amendment #120)
- 9.2.16. Hobby Farms. (Rev. 10/24/13, Amendment #120)

SECTION 9.3. USES REQUIRING SPECIAL LAND USE PERMITS

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

- 9.3.2. Automobile repair and service and gasoline stations.
- 9.3.3. Assembly, educational or social event facilities (Rev. 09/01/17, Amendment #140).
- 9.3.4. Public parks and recreational areas, playgrounds and campgrounds. (Rev. 09/01/17, Amendment #140)
- 9.3.5. Entertainment and eating establishments.
- 9.3.6. Commercial Hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)
- 9.3.7. Golf courses, country clubs and sportsmen's' associations or clubs.
- 9.3.8. Grocery and party stores.
- 9.3.9. Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities.
- 9.3.10. Slaughter houses and meat packing plants.
- 9.3.11. Travel trailer courts, tenting areas and general camping grounds.
- 9.3.12. Public airports and landing fields, with appurtenant facilities.
- 9.3.13. Non-essential public utility and service buildings.
- 9.3.14. Adult Daycare Center, Assisted Living Center or Health Care Living Center. (Rev. 09/01/17, Amendment #141)
- 9.3.15. Animal feedlots or piggeries.
- 9.3.16. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.
- 9.3.17. Commercial kennels, pet shops, and veterinary hospitals according to Section 17.16. (Rev. 11/23/09, Amendment #81)
- 9.3.18. Junk yards, salvage yards and waste disposal sites. (Rev. 04/26/08, Amendment #75)
- 9.3.19. Commercial composting (Rev. 04/28/00, Amendment #14)
- 9.3.20. Contractor's Yards, provided all of the following requirements are met: (Rev. 12/24/03, Amendment #26)
 - 9.3.20.1. Minimum 10 acre parcel.
 - 9.3.20.2. Minimum 330' of road frontage / lot width.
 - 9.3.20.3. Minimum Setbacks: 100' front; 75' side; 100' rear.

- 9.3.20.4. All related equipment and materials must be stored within an enclosed building, not to exceed 5,000 square feet, or screened from view from public or private roads and adjoining properties under different ownership behind a wooden fence or greenbelt.
- 9.3.20.5. Buildings and uses permitted herein shall only be approved for parcels occupied by the parcel owner and which shall contain the owner's primary residence.
- 9.3.21. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)
- 9.3.22. Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)
- 9.3.23. Child Caring Institutions, subject to the requirements of Section 17.24. (Rev. 04/28/10, Amendment #85)
- 9.3.24. Indoor Storage Facilities, subject to requirements of section 17.27.1. (Rev. 05/25/13, Amendment #116)
- 9.3.25. Planned Projects subject to provisions of Section 17.28. (Rev. 05/25/13, Amendment #116)

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

SECTION 6.2. PERMITTED USES

- 6.2.1. Any use permitted in the D-RS, Residential Development District. (Rev. 05/23/15, Amendment #127)
- 6.2.2. Automobile, boat, equipment, and farm machinery sales, repair, rental and washing establishments.
- 6.2.3. Bars and taverns.
- 6.2.4. Bed and Breakfast (Rev. 10/25/09, Amendment #80)
- 6.2.5. Arcades, bowling alleys or billiard parlors. (Rev. 09/01/17, Amendment #140)
- 6.2.6. Cabinet making shops.
- 6.2.7. Dance, music, voice studios.
- 6.2.8. Dress making, millinery, clothing stores.
- 6.2.9. Drive in eating establishments, fast food establishments, and restaurants. (Rev. 04/12/07, Amendment #67)
- 6.2.10. Farm product stands.
- 6.2.11. Funeral homes, undertaking establishments.
- 6.2.12. Hotels, motels.
- 6.2.13. Laboratories.
- 6.2.14. Nurseries for flowers and plants.
- 6.2.15. Offices.
- 6.2.16. Parking lots, buildings and garages.
- 6.2.17. Retail sales establishment, General

- 6.2.18. Retail sales establishment, Household
- 6.2.19. Retail sales establishment, Specialty
- 6.2.20. Retail lumber yards.
- 6.2.21. Rifle or pistol ranges when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)
- 6.2.22. Assembly, educational or social even facilities (Rev. 09/01/17, Amendment #140)
- 6.2.23. Wholesale sales and storage when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)
- 6.2.24. Multiple family housing. (Rev. 05/23/15, Amendment #127)
- 6.2.25. Nurseries and day care centers for children. (Rev. 05/23/15, Amendment #127)
- 6.2.26. Adult Daycare Center, Assisted Living Center or Health Care Living Center. (Rev. 09/01/17, Amendment #141)
- 6.2.27. Boarding and lodging houses. (Rev. 05/23/15, Amendment #127)
- 6.2.28. Medical clinics and doctor's offices. (Rev. 05/23/15, Amendment #127)
- 6.2.29. Private storage buildings, subject to the requirements of Section 17.23. Rev. 05/23/15, Amendment #127)
- 6.2.30. Mobile food units, subject to the requirements of Section 17.29 Rev. 02/25/17, Amendment #137) Permitted uses in the D-CM zoning district require site plan review approval under Article 20 of the zoning ordinance. Exceptions to this requirement are single family dwellings, two family dwellings and private storage buildings.

SECTION 6.3. USES REQUIRING SPECIAL LAND USE PERMITS

- 6.3.1. Bus Terminals.
- 6.3.2. Commercial cleaning plants, dry cleaning, laundry establishments.
- 6.3.3. Contractor's yards, equipment storage and materials handling operations.
- 6.3.4. Gasoline service stations and garages.
- 6.3.5. Commercial kennels, pet shops, and veterinary hospitals, according to Section 17.16. (Rev. 11/22/09, Amendment #81)
- 6.3.6. Outdoor, drive-in theaters.
- 6.3.7. Outdoor commercial recreation activities.
- 6.3.8. Trailer and mobile home parks.
- 6.3.9. Manufacturing, production, processing and fabrication when the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust.
- 6.3.10. Junk yards, salvage yards and waste disposal sites.
- 6.3.11. Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)

- 6.3.12. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)
- 6.3.13 Child Caring Institutions, subject to the requirements of Section 17.24 (Rev. 04/28/10, Amendment #85)
- 6.3.14 Boat Storage (Rev. 08/26/10, Amendment #88)
- 6.3.15 Truck Terminals or Warehouses subject to the requirements of Section 17.26 (Rev. 03/28/12, Amendment #107)
- 6.3.16 Indoor Storage Facilities (Rev. 05/25/13, Amendment #116)
- 6.3.17 Planned Projects subject to provisions of Section 17.28 (Rev. 10/13/16, Amendment #136)

Summary

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

Please do not hesitate to contact with questions.

DRAFT
CHEBOYGAN COUNTY
PLANNING COMMISSION

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

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

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

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

Hearing Date: Wednesday April 4 2018 at 7:00 p.m.

PROPERTY DESCRIPTION

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

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

Hereinafter referred to as the "Property".

APPLICATION

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

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

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

GENERAL FINDINGS OF FACT

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

REZONING FACTORS

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the property is directly contiguous to an area already located in the D-CM District, such that adding the subject property as proposed by the applicant for rezoning would not result in an isolated, detached area of land rezoned D-CM. See exhibit 7.

- B. The Planning Commission finds that based upon the information provided in the staff report which includes the Cheboygan County Master Plan Future Land Use Map which indicates that the property is in the General Commercial land use category. See exhibit 2 and Future Land Use Map.

- C. The Planning Commission finds that upon review of the specific nature of the Property, which includes a portion of the existing parcel already zoned D-CM containing an approved commercial special use permit that the rezoning would not create a negative impact on surrounding property.

- D. The Planning Commission finds

WILL NOT SUPPORT THE FACTOR

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

- B. The Planning Commission finds that

This standard has/has not been met

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

WILL SUPPORT THE FACTOR

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

WILL NOT SUPPORT THE FACTOR

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

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

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

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that information has been submitted regarding the impact on neighboring property values and the evidence presented proves that if rezoning is granted that there would be an adverse impact on property values in the area. See exhibit ____.
- B. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

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

WILL NOT SUPPORT THE FACTOR

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

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

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

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that there is evidence that the proposed rezoning would deter the improvement or development of adjacent property in accordance with existing regulations since most properties to the north, east, and west are vacant open space. See exhibits 1 and 2 and 6.
- B. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

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

WILL NOT SUPPORT THE FACTOR

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

This standard has/has not been met.

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

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that although the front portion of the property is currently zoned D-CM and used for commercial use the back portion of the property can be used for all purposes listed under its current zoning classification. See exhibit 6 & 7.
- B. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

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

WILL NOT SUPPORT THE FACTOR

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

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

See exhibit 2 and Future Land Use Map.

- C. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

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

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the applicant has not sufficiently proven that that the site is or will be served by adequate public and private facilities. See exhibit ____.
- B. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

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

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that, with respect to the proposed rezoning, the currently zoned D-CM is adequate for the intended purpose. See exhibit 1 and 7.
- B. The Planning Commission finds that

This standard has/has not been met.

DECISION

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

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

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

Ayes: _____

Nays: _____

DATE DECISION AND ORDER ADOPTED

T æ ÁÇÇÈ

Date

Chair, Patty Croft

Secretary, Charles Freese

CHEBOYGAN COUNTY PLANNING COMMISSION

Ty LaPrairie / Tiger By The Tail – Revised 03/30/18

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Notice of Planning Commission Meeting (1 Page)
4. Special Use Permit Application (6 Pages)
5. Land Contract Dated 01/05/12, L1192 P982 (1 Page)
6. General Information, Sale Information And Legal Description For Parcel #161-035-200-014-00 (1 Page)
7. General Information, Sale Information And Legal Description For Parcel #161-035-200-013-00 (1 Page)
8. Overhang Detail (1 Page)
9. Cross Section Detail (1 Page)
10. North Side – Gable Side 1 Elevation (1 Page)
11. South Side – Gable Side 1 Elevation (1 Page)
12. Security Lights (2 Page)
13. Overhead Door Details (1 Page)
14. Mailing List (3 Pages)
15. Email dated 03/08/18 From Brian Fullford to Debbie Tomlinson Regarding Signs (1 Page)
16. Site Plan (1 Page)

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

17. Email Dated 03/21/18 From David Carpenter, Tuscarora Township Fire Department (1 Page)
18. Email Dated 03/20/18 From Kyle Keller, District Health Department #4 (1 Page)

The following items were added to the exhibit list on 03/30/18:

19. Email Dated 03/28/18 From Brent Shank, Cheboygan County Road Commission Engineer/Manager (1 Page)
- 20.

Note: Planning Commission members have exhibits 1 and 2.

NOTICE

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, MAY 2, 2018 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Mackinaw Mill Creek Camping/FCVE, LLC** - Requests an amendment to a Special Use Permit for construction of an addition to a storage, repair and maintenance building (Section 9.3.4.) and for construction of a gazebo (Section 9.3.4) at a campground. The property is located at 9730 W. US-23 Highway, Mackinaw Township, section 21, parcel #011-021-300-004-00 and is zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS).

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

Parcel #161-001-200-005-04
BEG AT E1/4 COR SEC 1, T35N,R3W; TH W ALG 1/4 LI 120.42FT TO R/W HWY-27 FOR POB; TH S 0D 14M 30S W ALG R/W 219.35FT; TH N 89D 45M 30S W 250FT; TH S 0D 14M 30S W 499.52FT TO NLY R/W OF ON RAMP FOR I-75 HWY; TH ALG CURVE CHR D BEARS N 45D 07M 30S W 563.38FT & ALG CURVE CHR D BEARS N 20D 14M 25S W 768.06FT; TH S 89D 45M 30S E 919.66FT TH S 0D 14M 30S W 396.44FT TO POB. *EXC: COM AT E 1/4 COR SEC 1, T35N,R3W; TH N 89D 45M 30S W 120.42FT TO WLY ROW LI OF HWY M-27; TH S 0D 14M 30S W 219.35FT ALG SD W ROW LI; TH N 89D 45M 30S W 250FT; TH S 0D 14M 30S W 200.23FT TO POB; TH CONT S0D 14M 30S W 299.12FT TO NLY LI OF I-75 OF N BOUND ON RAMP 468.54FT ALG CURVE TO RIGHT, HAVING RAD OF 749.18FT & CHR D BEARING N 49D 17M 46S W 460.94FT; TH S 89D 45M 30S E 350.70FT TO POB.

- 3.) **Tiger By The Tail, LLC/ Ty LaPrairie** - Requests a Special Use Permit Amendment for construction of an Indoor Storage Facility (Section 6.3.16). The property is located at 5142 South Straits Hwy. and 5138 S. Straits Hwy., Tuscarora Township, Section 35, parcel #161-035-200-013-00 and parcel #161-035-200-014-00 and is zoned Commercial Development (D-CM).

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

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



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.

Construct additional building for individual rental storage units. Units will have no utilities and no employees will be on site.

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.
The units are set back off the road, and some excavating is necessary for drainage and use of the land. The use is passive and less intense than many allowed uses. Traffic is very low. The use is compatible
- 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.
Minimal grading and vegetation removal will be accomplished for building construction.
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
All drainage will be directed to property immediately North, owned by Ty Laprairie. The soil is very sandy.
- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
The existing vegetation Southwest will be preserved as much as possible to protect trail park.
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
All access and maneuvering aisles shall comply with zoning ordinance.
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
Access provided to public street via existing approaches from restaurant/motel that was on site.
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
N/A
- h. Exterior lighting shall be arranged as follows:
- i. It is deflected away from adjacent properties. Lighting will be down directional wall packs on building.
- ii. It does not impede the vision of traffic along adjacent streets. It will not.
- iii. It does not unnecessarily illuminate night skies. It will not.

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

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.
Not applicable.

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.
Understood.

3. Size of property in sq. ft. or acres: 5.3 acres

4. Present use of property:
Indoor Storage Facilities

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. Storage is a very passive activity. Site will be kept neat and orderly.

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.** This type of use requires cleanliness and order to assure potential clients are satisfied with the service they pay for.

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.** The only demand of access onto the public road system is already in place. No refuse collection or utilities are proposed.



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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SPECIAL LAND USE PERMIT APPLICATION

g. 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 Ty J. Prairie Date 2-27-18

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

Yes No

Owner's Signature Ty J. Prairie Date 2-27-18

FOR PLANNING / ZONING DEPT. USE ONLY

Date Received:	<u>2/27/18</u>	Notes:
Fee Amount Received:	<u>\$150.00</u>	
Receipt Number:	<u>6067</u>	
Public Hearing Date:	<u>4/4/18</u>	

Planning/Zoning Administrator Approval:

Jeffrey S. Larson
Signature

3-10-18
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.
	✓	e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
✓		f. Location of existing and proposed buildings and intended uses thereof.
✓		g. Details of entryway and sign locations should be separately depicted with an elevation view.
✓		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
✓		i. Location, size, and characteristics of all loading and unloading areas.
✓		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.
✓		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

SECTION

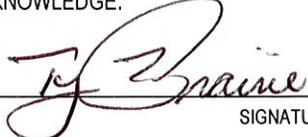
REASON FOR WAIVER REQUEST

d,e

Drainage arrows shown, all stormwater directed to vacant/wooded parcel to North.

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

2-27-18

 DATE

LAW OFFICE OF ROBERT C. KERZKA, P. C. 7380 W. M-68 • P. O. Box 98 • Indian River, MI 49749 • Phone: 231-238-8981 • FAX: 231-238-4545 • e-mail: rkerzka@core.com



RECEIVED FOR RECORD
MARY ELLEN TRYBAN, CLERK/REGISTER
CHEBOYGAN COUNTY, MICHIGAN
01/09/2012 11:46:15 AM

RECEIPT# 1689, STATION 1
\$26.00 LAND CONTRACT
\$1.00 TAX CERTIFICATION



LIBER 1192 PAGE 982

NE 1/4

LAND CONTRACT

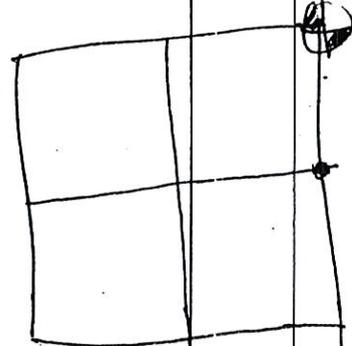
DATE: January 5, 2012

SELLER:

Larry J. Renaud, Trustee of the Larry J. Renaud Living Trust,
P.O. Box 3050
Indian River, Michigan 49749

PURCHASER:

Tiger by the Tail, LLC,
P.O. Box 159
Indian River, Michigan 49749



1/4

The Seller and Purchaser listed above do hereby agree that the Seller shall sell and convey to the Purchaser the land described below together with all structures located on said land pursuant to the terms and conditions set forth herein.

LAND:

Land in the Township of Tuscarora, Cheboygan County, Michigan described as follows:

PARCEL 1: Commencing at the Northeast corner of Section 35, T35N, R3W; thence South 0°04' East 658.14 feet; thence North 88°57' West 48.04 feet to the Westerly right-of-way of Highway U.S. 27 and the Point of Beginning of this description; thence North 88°57' West 610.42 feet; thence South 0°01'55" East 205.00 feet; thence South 88°30' East 610.83 feet to the Westerly right-of-way line of Highway U.S. 27; thence Northerly along said right-of-way line 205.00 feet to the Point of Beginning of this description; being a part of the NE 1/4 of the NE 1/4 of Section 35, T35N, R3W. 161-035-200-014-00

PARCEL 2: Commencing at the Southeast corner of the NE 1/4 of the NE 1/4 of Section 35, T35N, R3W; thence North 660.00 feet to a stake for a starting point; thence North 165.00 feet to a stake; thence West 660.00 feet to a stake; thence South 165.00 feet to a stake; thence East to the Point of Beginning; being a part of the NE 1/4 of the NE 1/4 of Section 35, T35N, R3W. 161-035-200-013-00

This transfer is subject to easements, reservations and restrictions of record including building and use restrictions of record and any other item of record.

TERMS AND CONDITIONS

1. That the *purchase price* of the subject property shall be in the amount of Fifty Five Thousand Dollars (\$55,000.00).
2. That the *down payment* shall be in the amount of zero (\$0).
3. That the *remaining balance* of Fifty Five Thousand Dollars (\$55,000.00) shall be payable as follows:

3.1 That the unpaid balance shall bear *interest* at the rate of Five and one-half (5.5%) percent per annum.

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

1/9 2012 Rachel Cobbleman CTZ
Cheboygan, MI Cheboygan County Treasurer
Ref # 23959

5 1

T. Bay

Cheboygan County Equalization Department



Parcel #: 161-035-200-014-00

Property Address

5142 S STRAITS HWY

Owner Information

TIGER BY THE TAIL LLC
P.O. BOX 159
INDIAN RIVER, MI, 49749

General Information

Property Class:	200	Assessed Value 2014:	40,300
School District:	16050	Taxable Value 2014:	15,240
Homestead %:	0	Assessed Value 2013:	15,000
Liber / Page:	1192/982	Taxable Value 2013:	15,000
Total Acres:	2.87		

Sale Information

Date of Sale:	01/05/2012	Sale Price:	\$55,000
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Legal Description

COM AT NE COR OF SEC 35, T35N,R3W; TH S 0D 4M E 658.14FT; TH N 88D 57M W 48.04FT TO WLY R/W LI OF HWY 27 & POB; TH N 88D 57M W 610.42FT; TH S 0D 1M 55S E 205FT; TH S 88D 30M E 610.83FT TO WLY R/W LI OF HWY 27; TH NLY ALG R/W LINE 205FT TO POB, PT OF NE1/4 OF NE1/4. 856/070;1060/888;1179/600; 1192/982



Cheboygan County Equalization Department



Parcel #: 161-035-200-013-00

Property Address

5138 S STRAITS HWY

Owner Information

TIGER BY THE TAIL LLC
4878 WESTWAY DR
INDIAN RIVER, MI, 49749

General Information

Property Class:	400	Assessed Value 2014:	16,500
School District:	16050	Taxable Value 2014:	15,240
Homestead %:	0	Assessed Value 2013:	15,000
Liber / Page:	1192/982	Taxable Value 2013:	15,000
Total Acres:	2.5		

Sale Information

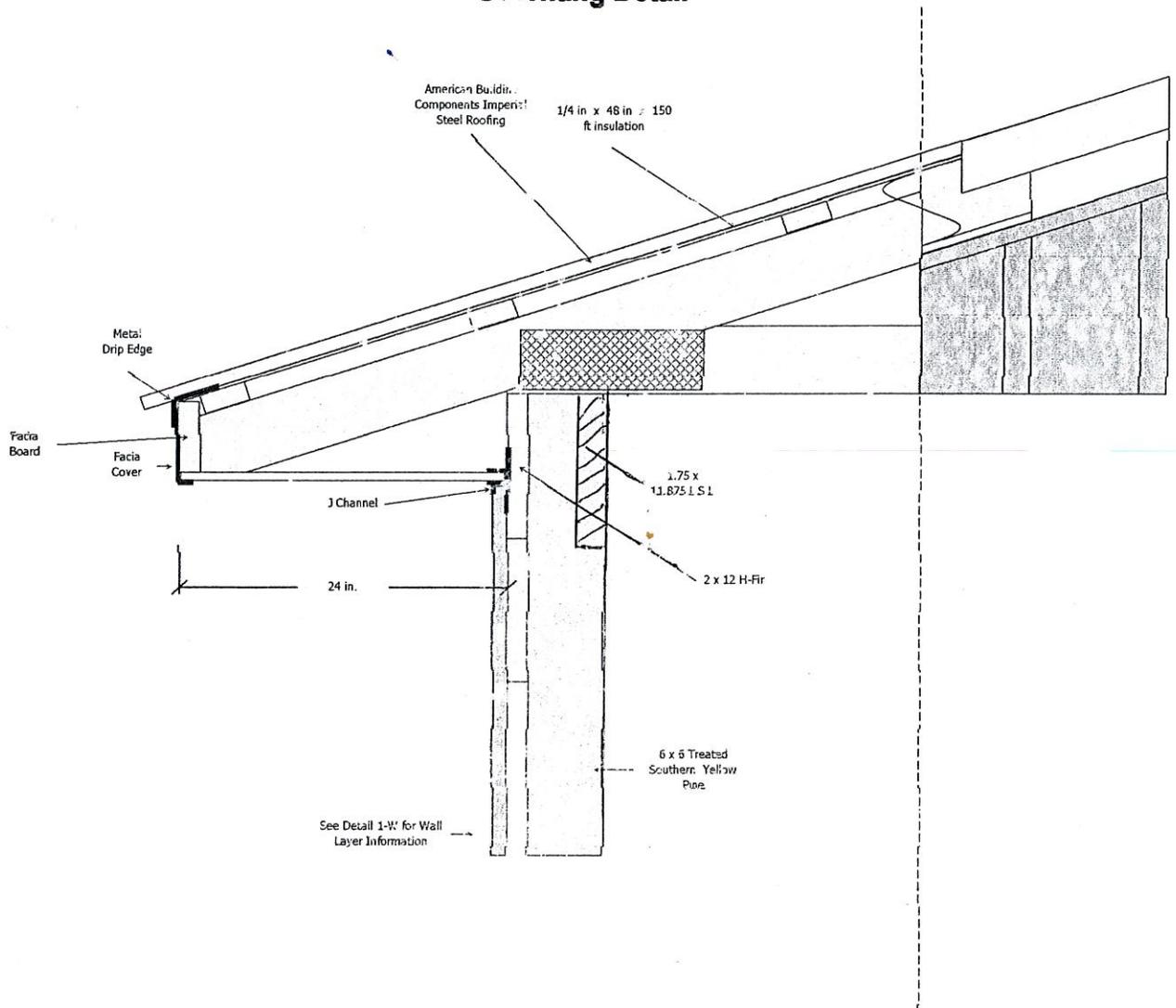
Date of Sale:	01/05/2012	Sale Price:	\$0
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Legal Description

COM AT SE COR OF NE1/4 OF NE1/4, SEC 35, T35N,R3W; TH N 660FT TO STK FOR STARTING POINT; TH N 165FT TO A STK; TH W 660FT TO A STK; TH S 165FT TO A STK; TH E TO POB, PT OF NE1/4 OF NE1/4. 856/070;1060/888;1179/600; 1192/982

LAKEMARINE
ALL Purpose Storage

Overhang Detail

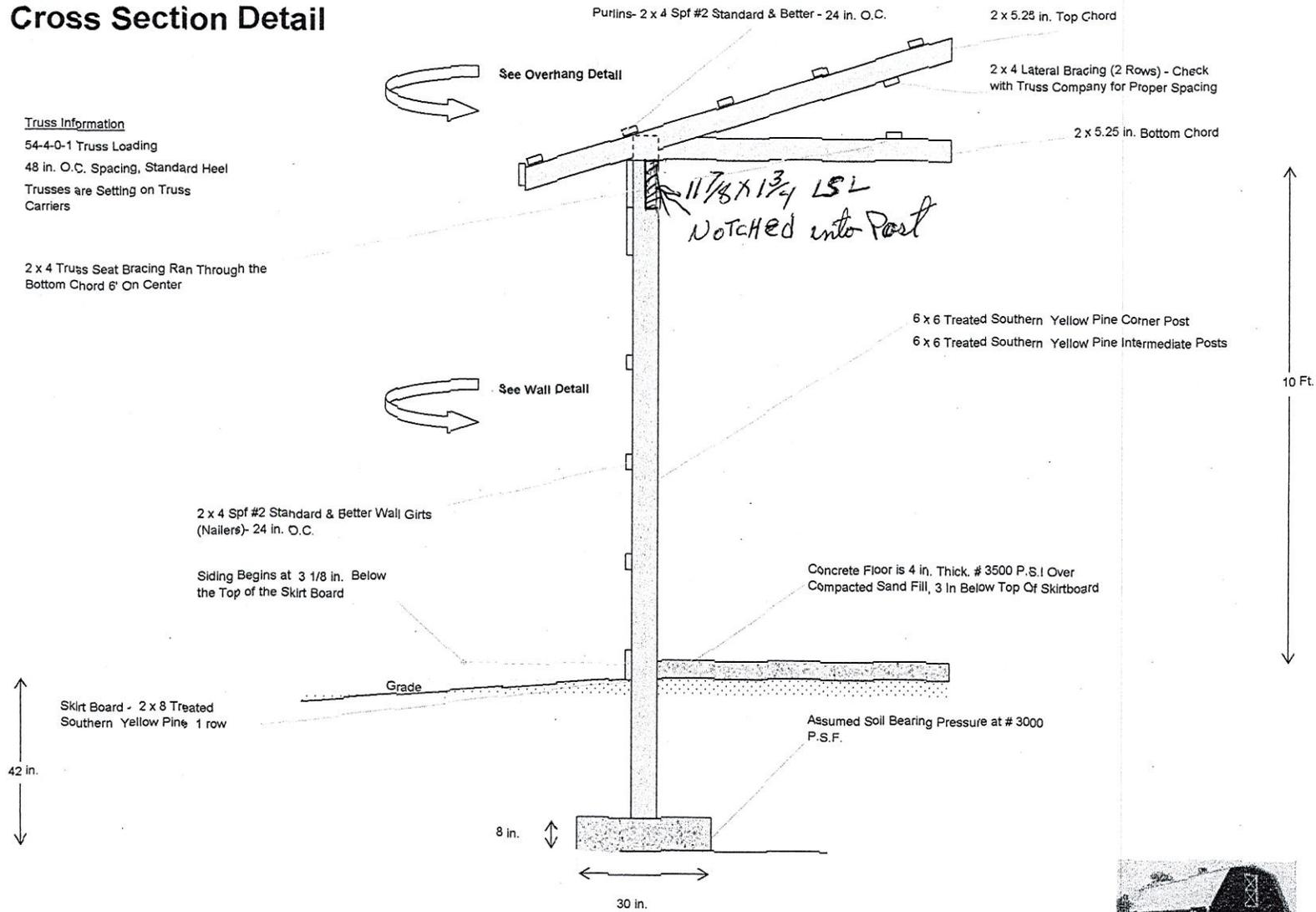


Cross Section Detail

Truss Information

54-4-0-1 Truss Loading
 48 in. O.C. Spacing, Standard Heel
 Trusses are Setting on Truss Carriers

2 x 4 Truss Seat Bracing Ran Through the Bottom Chord 6' On Center

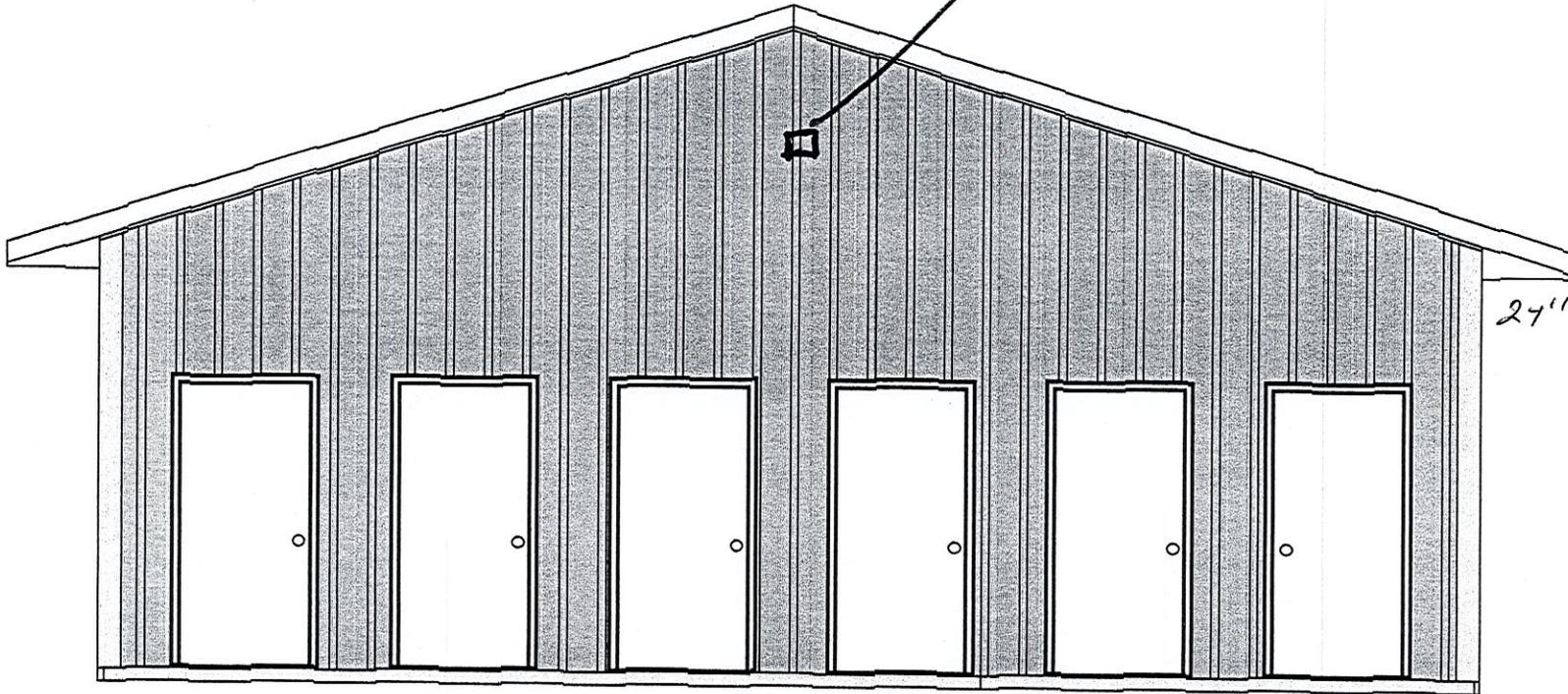




NORTH SIDE-GABLE SIDE 1 ELEVATION

Construction
Maestro[®]
Estimating Software
Pole Barns, Garages & Decks

Security Light



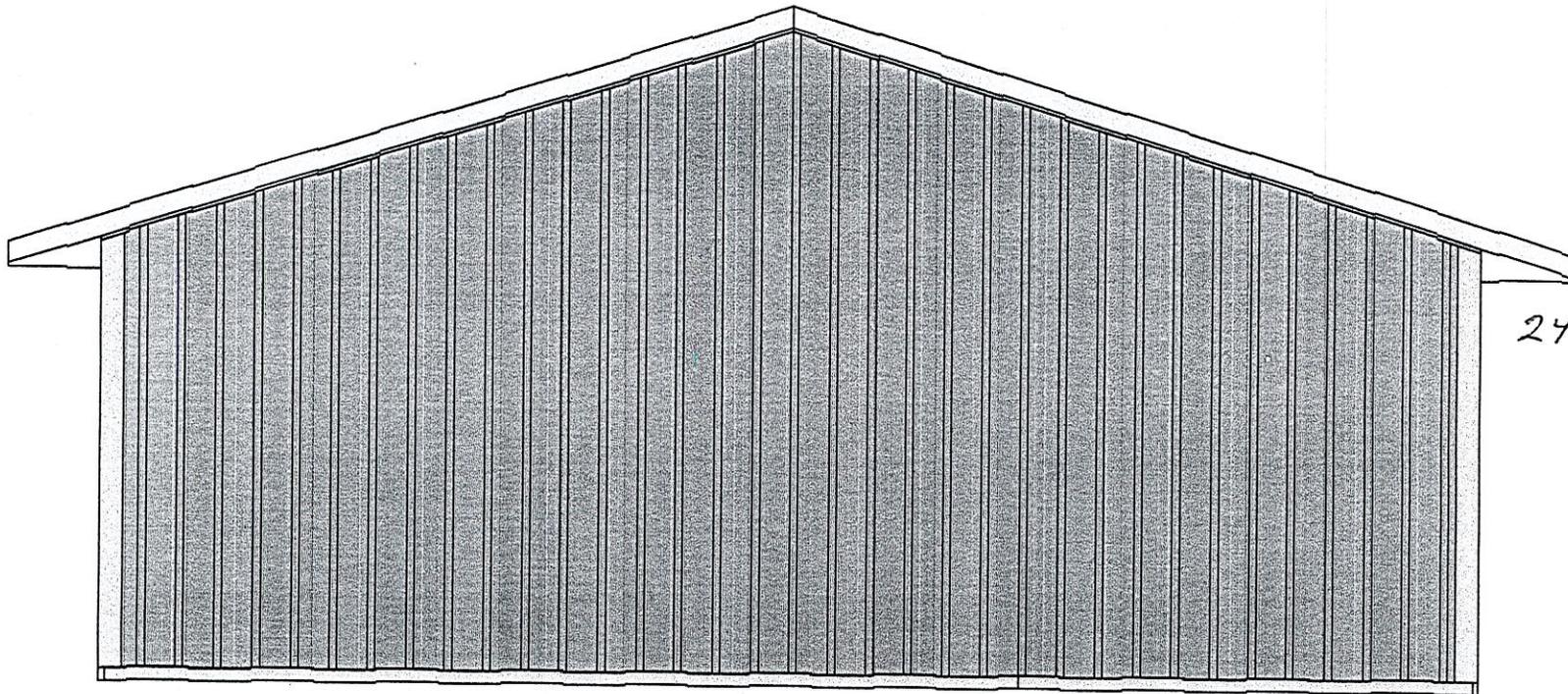
27' 0"

Burt Lake Marina
Estimate Number: 556
9/3/2015



SOUTH SIDE-GABLE SIDE 2 ELEVATION

Construction
Maestro[®]
Estimating Software
Pole Barns, Garages & Decks

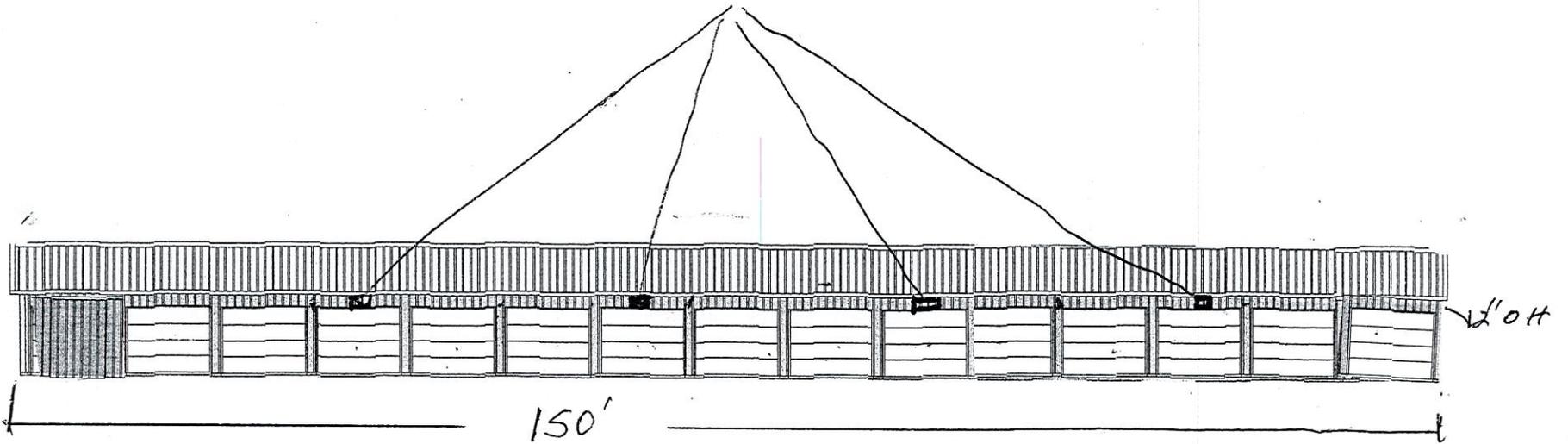


24" OH

Burt Lake Marina
Estimate Number: 556
9/3/2015

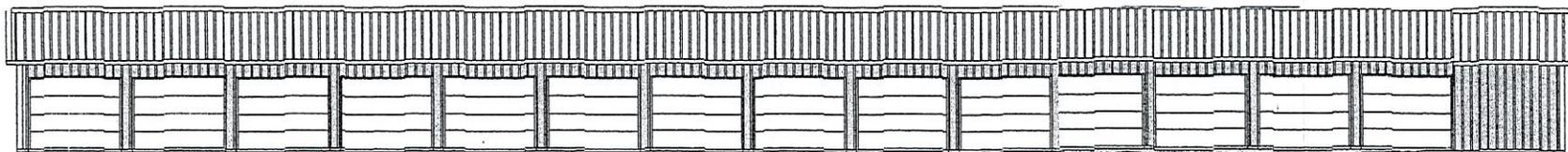
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Security lights



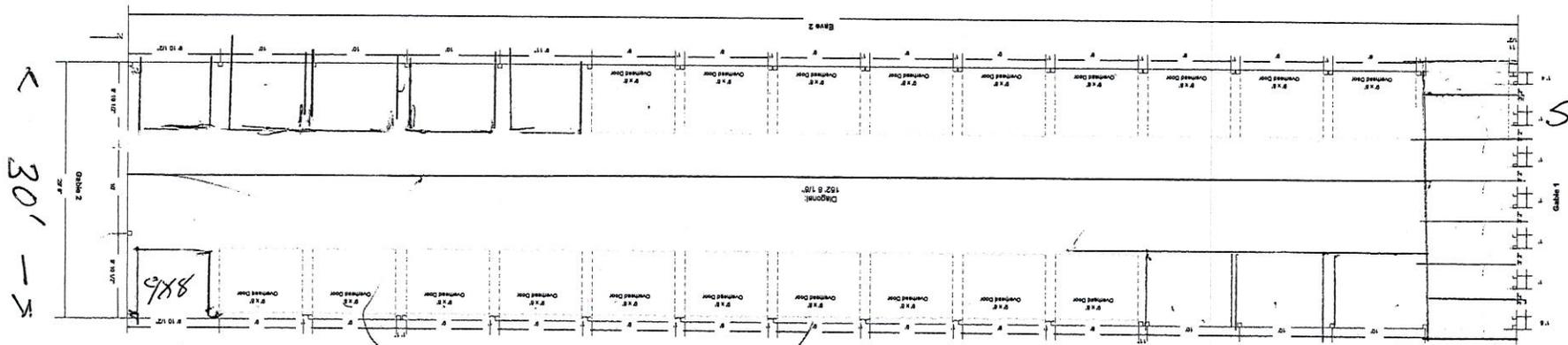
W

12



12'04"

F

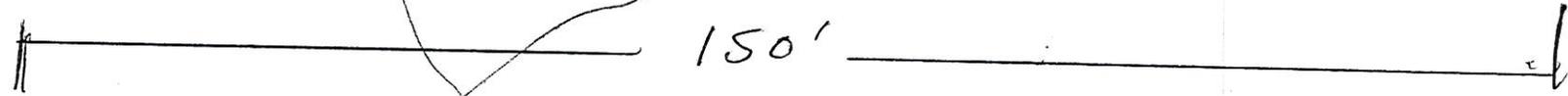


30' - 5"

6-
5' x 10' units

Masterbilt

POLE LAYOUT
COMMON DIM. AND AL.



150'

14 - 9' x 8' overhead Doors

161-035-200-002-00
BUNKER, GREGORY & ELOISE KALKOFEN
7267 W FISHER WOODS RD
INDIAN RIVER, MI 49749

161-035-200-006-00
SHIER, ROBERT W
6694 WOODLAND RD
BRUTUS, MI 49716

161-035-200-007-00
JABLONSKI, JAMES
7181 FISHER WOODS RD
INDIAN RIVER, MI 49749

161-035-200-008-00
BUNKER, GREGORY
7267 FISHER WOODS RD
INDIAN RIVER, MI 49749

161-035-200-009-00
BURNETTE, JEFFREY
7131 FISHER WOODS RD
INDIAN RIVER, MI 49749-9304

161-035-200-010-02
PERKINS, GEARITH
6727 MONA ST
INDIAN RIVER, MI 49749

161-035-200-010-03
SHERMAN, JASON & MELISSA H/W
7125 FISHER WOODS RD
INDIAN RIVER, MI 49749

161-035-200-011-00
IIVII CARTS, LLC
12130 BILDER RD
WOLVERINE, MI 49799

161-035-200-012-00
DICUS, CHRISTOPHER
5064 S STRAITS HWY
INDIAN RIVER, MI 49749

161-035-200-013-00
TIGER BY THE TAIL, LLC
PO BOX 159
INDIAN RIVER, MI 49749

161-035-200-014-00
TIGER BY THE TAIL, LLC
PO BOX 159
INDIAN RIVER, MI 49749

161-035-200-015-00
TOOLEY, HAROLD PAUL
550 ADRIENNE LN
ANN ARBOR, MI 48103-1505

161-035-200-016-00
TOOLEY, HAROLD PAUL
550 ADRIENNE LN
ANN ARBOR, MI 48103-1505

161-035-200-017-00
BEEBE, DAVID & LONDA H/W
955 W PIGEON RIVER RD
AFTON, MI 49705

161-035-200-018-00
TOOLEY, HAROLD PAUL
550 ADRIENNE LN
ANN ARBOR, MI 48103-1505

161-035-200-021-00
TOOLEY, HAROLD PAUL
550 ADRIENNE LN
ANN ARBOR, MI 48103-1505

161-035-200-028-00
TOOLEY, HAROLD PAUL
550 ADRIENNE LN
ANN ARBOR, MI 48103-1505

161-036-100-001-01
LANGE FAMILY LTD, LLC
PO BOX 906
INDIAN RIVER, MI 49749

161-036-100-002-00
FULLFORD, BRIAN & CAROLYN H/W
580 RANCH RD
INDIAN RIVER, MI 49749

161-036-100-003-00
SMITH, NANCY L
PO BOX 601
INDIAN RIVER, MI 49749

161-036-100-004-00
SMITH, NANCY L
PO BOX 601
INDIAN RIVER, MI 49749

161-036-100-005-00
WILSON, RODGER D & HEIDI R H/W
5233 S STRAITS HWY
INDIAN RIVER, MI 49749

161-036-100-006-00
WILSON, DICK & MAXINE H/W
5255 S STRAITS HWY
INDIAN RIVER, MI 49749

161-035-200-002-00
OCCUPANT
7450 BUNKER RD
INDIAN RIVER, MI 49749

161-035-200-006-00
OCCUPANT
7171 FISHER WOODS RD
INDIAN RIVER, MI 49749

161-035-200-007-00
OCCUPANT
7153 FISHER WOODS RD
INDIAN RIVER, MI 49749

161-035-200-008-00
OCCUPANT
7135 FISHER WOODS RD
INDIAN RIVER, MI 49749

161-035-200-009-00
OCCUPANT
7131 FISHER WOODS RD
INDIAN RIVER, MI 49749

161-035-200-010-02
OCCUPANT
7047 FISHER WOODS RD
INDIAN RIVER, MI 49749

161-035-200-010-03
OCCUPANT
7125 FISHER WOODS RD
INDIAN RIVER, MI 49749

161-035-200-011-00
OCCUPANT
5026 S STRAITS HWY
INDIAN RIVER, MI 49749

161-035-200-012-00
OCCUPANT
5064 S STRAITS HWY
INDIAN RIVER, MI 49749

161-035-200-013-00
OCCUPANT
5138 S STRAITS HWY
INDIAN RIVER, MI 49749

161-035-200-014-00
OCCUPANT
5142 S STRAITS HWY
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
5184 S STRAITS HWY
INDIAN RIVER, MI 49749

161-035-200-016-00
OCCUPANT
5208 S STRAITS HWY
INDIAN RIVER, MI 49749

161-035-200-017-00
OCCUPANT
5220 S STRAITS HWY
INDIAN RIVER, MI 49749

161-035-200-018-00
OCCUPANT
5216 S STRAITS HWY
INDIAN RIVER, MI 49749

161-035-200-021-00
OCCUPANT
7138 BUNKER RD
INDIAN RIVER, MI 49749

161-035-200-028-00
OCCUPANT
7154 JACKSON DR
INDIAN RIVER, MI 49749

161-036-100-001-01
OCCUPANT
5075 S STRAITS HWY
INDIAN RIVER, MI 49749

161-036-100-002-00
OCCUPANT
5097 S STRAITS HWY
INDIAN RIVER, MI 49749

161-036-100-003-00
OCCUPANT
5115 S STRAITS HWY
INDIAN RIVER, MI 49749

161-036-100-004-00
OCCUPANT
5161 S STRAITS HWY
INDIAN RIVER, MI 49749

161-036-100-005-00
OCCUPANT
5233 S STRAITS HWY
INDIAN RIVER, MI 49749

161-036-100-006-00
OCCUPANT
5219 S STRAITS HWY
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7027 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7028 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7037 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7038 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
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7047 JACKSON DR
INDIAN RIVER, MI 49749

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7048 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7057 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7058 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7103 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7068 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7109 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7078 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7117 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7088 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7127 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7110 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7133 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7118 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7137 JACKSON DR
INDIAN RIVER, MI 49749

161-035-200-015-00
OCCUPANT
7134 JACKSON DR
INDIAN RIVER, MI 49749

Deborah Tomlinson

From: Brian Fullford <bkfullford@sbcglobal.net>
Sent: Thursday, March 08, 2018 12:20 PM
To: Deborah Tomlinson
Cc: Ty LaPrairie, Burt Lake Marina Sales
Subject: Tiger by the Tail - Site Plan Amendment
Attachments: TIGER BY THE TAIL - SITE PLAN AMENDMENT REV 3-08-2018.pdf

Deb:

Attached is a revision to the site plan I submitted last week for the addition of a storage unit building for Ty LaPrairie, in order to address the sign. Currently there is a wall sign on the closest building to the road, and this will be moved to the new proposed building. We have deleted reference to the freestanding sign between the existing access drives.

If I need to clarify this on the application, please let me know.

Sincerely,
Fullford Surveying & Mapping, PC

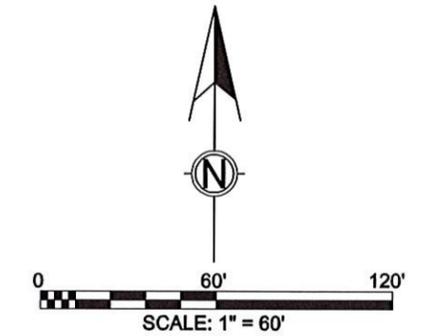
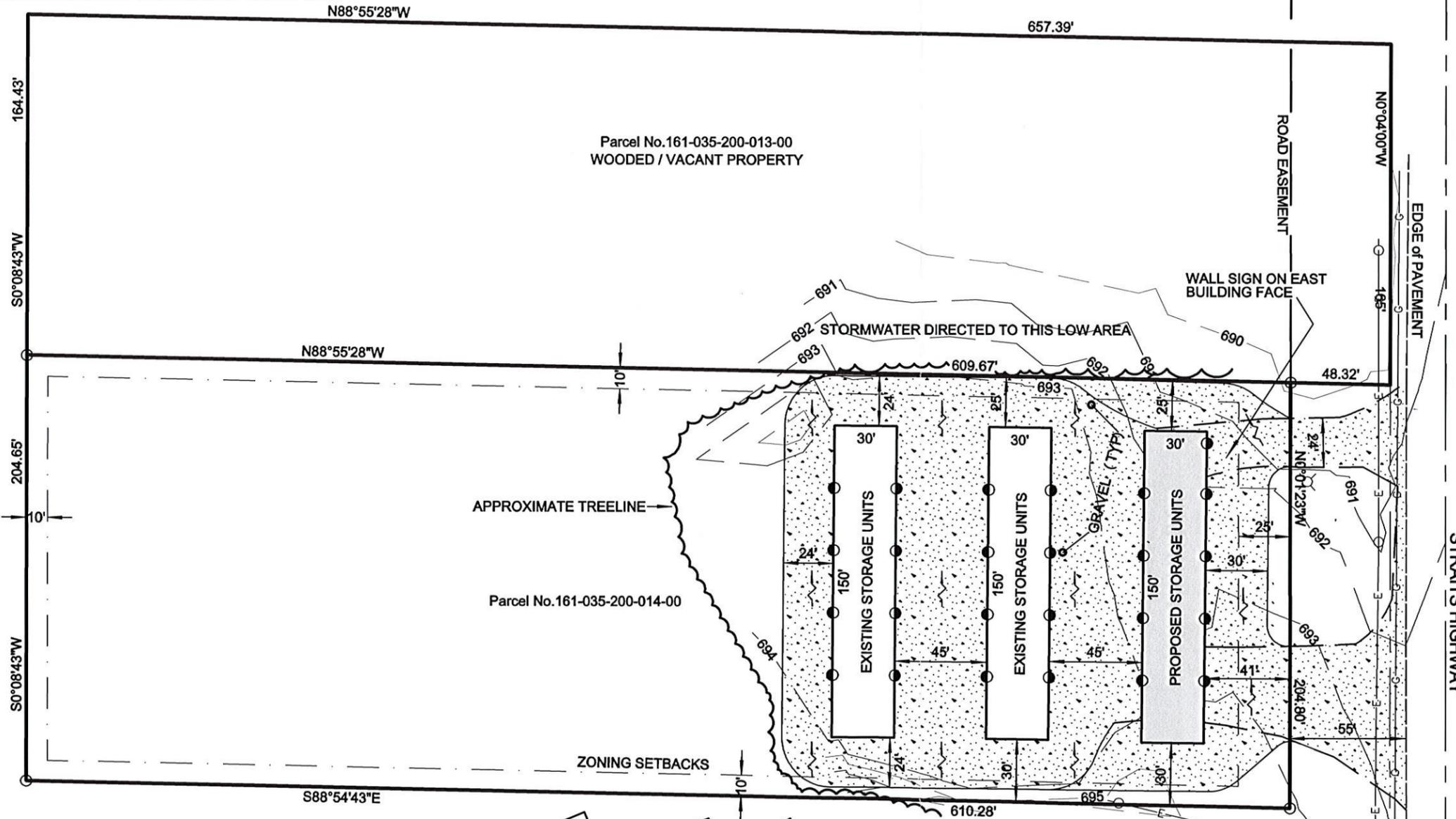
Brian K. Fullford, PS

NOTES:

1. The purpose of this site plan is to show the addition of a proposed building for individual storage rental units. No utilities are proposed. A 32 sq. ft wall sign will be utilized.
2. Site will be graded to direct stormwater onto the North parcel, which is wooded and vacant. The existing soils of both parcels is fine sand.
3. Access is via the existing drive approaches previously used for a motel/restaurant.
4. See building plans for location of downward directed wall lighting.
5. No other uses are proposed at this time.
6. Elevations shown are referenced to NAVD 1988.

SITE PLAN AMENDMENT for STORAGE BUILDINGS

PARCELS No.161-035-200-014-00 & 161-035-200-013-00
SECTION 35, T35N, R3W, TUSCARORA TOWNSHIP
CHEBOYGAN COUNTY, MICHIGAN



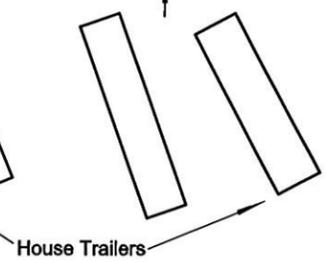
- IRON PIPE
- POWER POLE
- E— OVERHEAD ELECTRIC
- G— U.G. GAS
- — EDGE OF GRAVEL
- — PROPERTY LINE
- — 5' INDEX CONTOUR
- — 1' CONTOUR
- ↘ DRAINAGE ARROW
- LIGHT PACK



PREPARED UNDER THE SUPERVISION OF:

Brian K. Fullford 3/08/18
 BRIAN K. FULLFORD
 PROFESSIONAL SURVEYOR
 REGISTRATION NO. 41099

CHEBOYGAN COUNTY ZONING INFORMATION ZONING ORDINANCE No. 200, ADOPTED FEBRUARY 8, 1983				
ZONING DISTRICT	MINIMUM PARCEL SIZE	YARD SETBACKS (FT)		
		FRONT	SIDE	REAR
D-CM COMMERCIAL DEVELOPMENT	PER SITE PLAN	25	10	10



Rev: 3/8/2018 - Freestanding Sign Deleted

FOR:

TIGER BY THE TAIL, LLC

SEC. 35, T35N, R3W
 FB: CS15 / PAD
 DRAWN: BKF
 CHECK: BKF
 PROJECT NO.
 18-009S
 FULLFORD SURVEYING & MAPPING, P.C.
 PO BOX 969
 5097 S. STRAITS HIGHWAY, SUITE A
 INDIAN RIVER, MI 49749
 PHONE: 231-238-9199 FAX: 231-238-9195

Deborah Tomlinson

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

Hi Deb,

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

Respectfully,

David Carpenter
Fire Chief

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

Hi Dave,

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

Debbie

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

Deborah Tomlinson

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

Follow Up Flag: Follow up
Flag Status: Flagged

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

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

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

Hi Kyle,

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

Debbie

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

Deborah Tomlinson

From: Brent Shank <mgr@chcrc.com>
Sent: Wednesday, March 28, 2018 6:54 AM
To: Deborah Tomlinson
Subject: Re: Special Use Permit Application

Debbie,

No comments from the Road Commission. There is an existing driveway for the business.

Thanks,

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

From: Deborah Tomlinson
Sent: Monday, March 19, 2018 2:47 PM
To: manager
Subject: Special Use Permit Application

The following is a link to an application for Tiger By The Tail/Ty LaPrairie: <http://www.cheboygancounty.net/planning--zoning-31/#sect-1093>. This application will be reviewed at the 04/04/18 Planning Commission meeting. Please review this application and call me or e-mail me if you have any questions or comments. Thank you!!!

Debbie

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



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT

Item: Request for an amendment to Special Use Permit for Indoor storage facility structures in a Commercial Development (D-CM) zoning district.	Prepared by: Jeffery Lawson
Date: March 27, 2018	Expected Meeting Date: April 4, 2018

GENERAL INFORMATION

Applicant: Ty LaPrairie

Owner: Tiger by the Tail LLC

Contact person: Ty LaPrairie

Phone: 231-238-9315

Requested Action: Approval a special use permit to construct two (2) indoor storage facility structures pursuant to Section 6.3.16.

BACKGROUND INFORMATION

Introduction:

The applicant is seeking a special use permit for one (1) mini storage structures measuring 150 ft. wide x 30 ft. deep. The subject site is located at 5412 S. Straits Highway. The property is zoned Commercial Development District (D-CM). Indoor Storage Facility is a use which requires a special use permit in the D-CM district per Section 6.3.16.

Indoor storage facility is defined in the zoning ordinance as follows;

INDOOR STORAGE FACILITY

Any structure that is limited to indoor storage, for a fee, of goods, materials, or personal property which may provide individual renters to control individual storage spaces. No other commercial activities shall be allowed.

Current Zoning:

Commercial Development District. (D-CM)

Surrounding Land Uses:

Vacant land to the north, and west. Residential to the south. Vacant and residential/resort to the east.

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

Historic buildings/features:

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

Traffic Implications

This project is proposed on a site with two (2) existing driveways to S. Straits Highway which is a County Primary Road. This use will have minimal effect on current traffic conditions.

Parking:

Section 17.6. does not provide parking standards for the indoor storage facility or a commercial storage use for individuals. As a result the Planning Commission will have to make an adequate parking determination relative to the use per section 17.4.1.

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

Access to the site is provided by two existing driveways to S. Straits Highway, which is a County Primary Road, and Tuscarora Circle.

Signs

One existing wall mounted sign will be relocated to the east wall of the new storage building. The sign meets requirements of the sign ordinance regarding size and height. The relocation of the sign will require a new sign permit to relocate.

Fence/Hedge/Buffer

No hedge or other type of buffer is proposed nor required. All property neighboring the development is zoned Commercial Development District.

Lighting

Nine wall mounted outdoor lights are proposed for the new building. Lights should not project lighting off site.

Stormwater management

The applicant indicates that stormwater will be directed to the north on the subject property. The plan has been reviewed by staff.

Review or permits from other government entities:

Building Code permits and sign permit will be required.

Recommendations (proposed conditions)

Building Code and sign permit required



- D-CM
- D-RS
- M-AF

**Figure 2. Green = Existing Agriculture and Forestry Management (M-AF) zoning
 Red = Existing Commercial Development (D-CM) zoning
 Yellow = Existing Residential Development (D-RS) zoning**

CHEBOYGAN COUNTY PLANNING COMMISSION
SPECIAL USE PERMIT REQUEST
Wednesday, April 4, 2018 7:00 PM

Applicant

Ty LaPrairie
P.O. Box 159.
Indian River , Mi. 49749

Owner

Tiger by the Tail, LLC
P.O. Box 159.
Indian River , Mi. 49749

Parcel

5142 S. Straits Hwy.
Tuscarora Township
161-035-200-013-00
161-035-200-014-00

GENERAL FINDINGS

1. The subject property is zoned Commercial Development District. (D-CM)
2. The owner/applicant is seeking a special use permit for one additional structure which will contain individual rental storage units.
3. Indoor Storage Facility is a use which requires a special use permit in a D-CM zoning district per Section 6.3.16.
4. The applicant has provided topographical information.
- 5.

FINDINGS OF FACT UNDER SECTION 18.7 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 18.7 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 subject property is located in a Commercial Development (D-CM) Zoning district.
 2. The owner/applicant is seeking a special use permit for individual rental storage units. (see exhibit 3)
 3. Indoor Storage Facility is a use which requires a special use permit in a D-CM zoning district per Section 6.3.16. (see exhibit 1)
 - 4.
 5. 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. Indoor Storage Facility is a use which requires a special use permit in a D-CM zoning district per Section 6.3.16.
 2. The owner/applicant is seeking a special use permit for individual rental storage units. (see exhibit 3)
 - 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 owner/applicant is seeking a special use permit for individual rental storage units. (see exhibit 3)
 - 2. The proposed 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. (see exhibit 3)
 - 3.
 - 4. Standard has been met.
 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 owner/applicant is seeking a special use permit for individual rental storage units. (see exhibit 3)
 - 2. The ongoing use as proposed will be constructed, designed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. (see exhibits 3)
 - 3.
 - 4. Standard has been met.
 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 owner/applicant is seeking a special use permit for individual rental storage units. (see exhibit 3)
 - 2. The proposed use will not place demands of 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. (see exhibit 3)
 - 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. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
 - 1. The owner/applicant is seeking a special use permit for individual rental storage units. (see exhibit 3)
 - 2. The subject property is located on South Straits Highway which is a County Primary Road . See exhibit 3)
 - 3. The use will not cause congestion on South Straits Highway or increase traffic hazards in excess of current capacity. (see exhibit 3)
 - 4. The site is served by two (2) existing driveways from South Straits Highway which provides adequate access to the site. The access drives are more than 25 ft. from a street intersection. (see exhibit 3)
 - 5.

- 6. 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 owner/applicant is seeking a special use permit for individual rental storage units.
 - 2. Water and sewer facilities or refuse collection are not necessary for this use
 - 3.
 - 4. Standard has been met.
- Or.
- 1. The applicant has not adequately demonstrated that water and/or sewer and/or refuse collection is not needed.
 - 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 use complies with all the specific standards required under this Ordinance applicable to it and is of the same general character as the uses described in sections 6.2 and 6.3 pursuant to Section 6.3.11. (see exhibit 1 and 3)
 - 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. The site is designed 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 is proposed to be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. Changes to the overall contours of the site are minimal in order to facilitate the development. (see exhibit 3)
 - 2.
 - 3. Standard has been met.
- Or.
- 1.
 - 2. Standard has not been met.
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
- 1. Minimum topographic modifications are proposed with minimal tree and soil removal in order to facilitate the development. (see exhibit 3)
 - 2.
 - 3. Standard has been met.

Or.

- 1.
2. Standard has not been met.

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

1. The applicant indicates that stormwater will be directed to north on the subject property. (see exhibit 3)
- 2.
3. Standard has been met.

Or.

1. The applicant has not demonstrated that removal of storm waters will not adversely affect neighboring properties.
- 2.
3. Standard has not been met.

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

1. Not applicable. No dwelling units are proposed.

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

1. A practical means for access by emergency vehicle is provided via two access driveways from South Straits Highway. (see exhibit 3)
- 2.
3. Standard has been met.

Or.

- 1.
2. Standard has not been met.

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

1. The structures on the subject have access to South Straits Highway, which is a County Primary Road. (see exhibit 3)
- 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 condominiums or subdivision plats are proposed.

h. Exterior lighting shall be arranged as follows: a. It is deflected away from adjacent properties, b. It does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies.

1. Lighting will be down directional wall packs located on the buildings which deflected away from adjacent properties and does not impede vision of traffic and does not unnecessarily illuminate night skies. (see exhibit 3)
2. No other exterior lighting is proposed (see exhibit 3)
- 3.
4. Standard has been met.

Or.

- 1.

2. Standard has not been met.
 - i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
 1. Not applicable . No public common ways are proposed.
 - j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.
 1. The site plan conforms to applicable requirements of state and federal statutes and the Cheboygan County Master Plan. (see exhibit 2)
 - 2.
 3. Standard has been met
- Or.
- 1.
 2. Standard has not been met.

DECISION

TIME PERIOD FOR JUDICIAL REVIEW

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

DATE DECISION AND ORDER ADOPTED

Wednesday, April 4, 2018

Patty Croft, Chairperson

Charles Freese, Secretary

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Shining a Light on Agricultural Solar Energy Development

March 2018

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4

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5

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6

MICHIGAN STATE UNIVERSITY Extension

Handouts

- PowerPoint handout
- Planning and zoning for solar energy readiness: A hot proposition. MSUE News. February 11, 2015.
- Solar power case study. MSUE News. Jan. 2, 2018.
- Solar power - Is it the right investment for you? MSUE News. November 27, 2017.
- Commercial Solar Facilities on PA 116 Land. MDARD.
- Solar Site Pollinator Habitat Form. MSU Dept. of Entomology. Rufus Isaacs and Logan Rowe. Feb. '18.
- Spartyville activity handouts
- Evaluation; Civil Rights sheet (please return)

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What We Will Cover

- A. Context for Solar Energy Development on Michigan Farmland
- B. Community Vision for Solar Energy
- C. Zoning Approaches
- D. Siting Considerations for Utility-Scale Solar
- E. Integrating Solar with Existing Ag Systems
- F. Understanding Solar Energy Lease Agreements
- G. Taxation Guidance including Impact on PA 116
- H. Additional Resources

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Disclaimer

The information presented in this program is for **EDUCATIONAL PURPOSES ONLY** and should not be taken or interpreted as legal advice. Readers are encouraged to consult a private attorney for their individual legal questions.

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A. Context for Solar Energy Development on Michigan Farmland



Photo Credit: Rufus Isaacs

MICHIGAN STATE UNIVERSITY Extension

MICHIGAN STATE UNIVERSITY Extension

Reasons for Ag Solar Development Pressure

Five reasons why Michigan farms have attracted the attention of solar project developers:

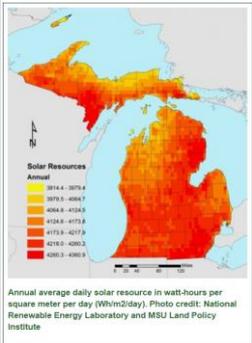
1. Michigan has adequate sunlight to produce electricity
2. Environmental benefits
3. Land availability and general proximity to power substations
4. Project costs have come down
5. New avoidance cost of electricity established

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MICHIGAN STATE UNIVERSITY Extension

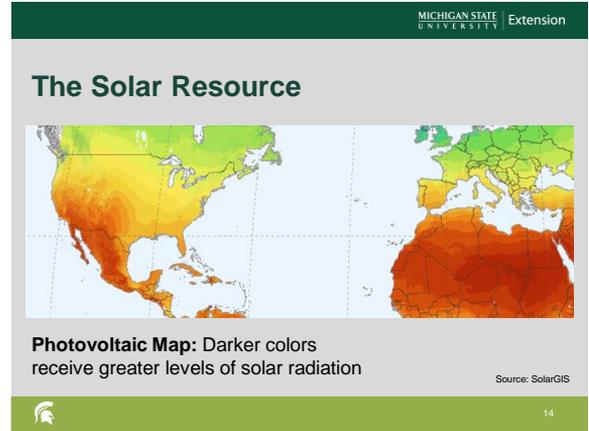
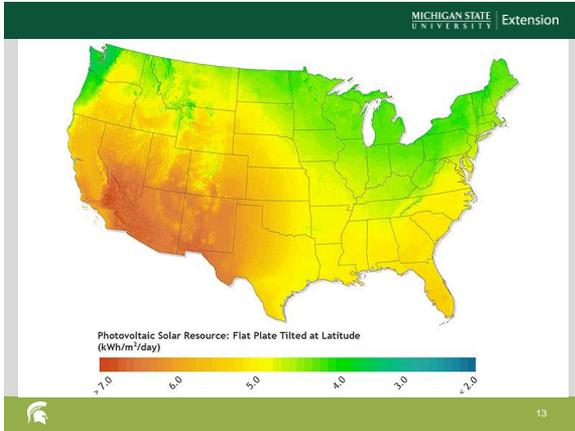
Solar Radiation Strength

- **Radiation:** The electromagnetic energy that emanates from the sun.
- Harnessed to create heat and electricity.
- Siting is the key!



Annual average daily solar resource in watt-hours per square meter per day (Wh/m²/day). Photo credit: National Renewable Energy Laboratory and MSU Land Policy Institute

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Environmental Benefits

- No air or water pollution.
- No CO₂ emissions, therefore no impact on climate change.

Source: Stephen Schmidt

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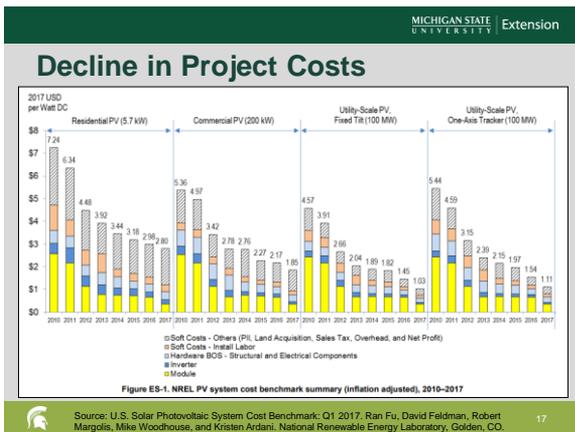
Land Availability

- How much marginal land is available in Michigan?
 - 11.3 M A available land
 - 6.8M A actively cropped
 - 4.5M A not actively cropped
- The most coveted land is closest to 3-phase power lines and power substations.

Photo Credit: Randy Jackson/GLBRC

Source: Dr. Kurt Thelen in a personal email to Charles Gould. Data referenced comes from the MSU Land Policy Institute.

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Avoided Cost of Electricity

- Nov. 21 MPSC issued a final order in a case setting the avoided cost rates for Consumers Energy. In Dec., another order was issued suspending the avoided cost implementation. In Feb., an order was issued limiting the full avoided cost payments to the first 150 MW of projects in the queue and reopening the case.
- What was the avoided cost and what is it now?
 - "Avoided cost" is defined as the cost equal to or below the cost for utilities to purchase or generate the power themselves. Previously, for Consumers Energy and DTE it was based on the cost of a coal plant. Now, the avoided cost is based on natural gas plant costs.
 - Now, for solar projects, the avoided cost is expected to be around \$0.095/kWh

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Avoided Cost of Electricity

- Why is the solar avoided cost significant?
 - The avoided cost is high enough and solar costs have decreased enough so that solar projects may have favorable economics.
 - The maximum size of solar projects able to take service under the standard offer power purchase agreement (no negotiations needed) is increased from 100 kW to 2 MW (2,000 kW) and contract terms up to 20 years, giving them additional certainty.
 - Solar projects larger than 2 MW and up to 20 MW qualify for the avoided cost, but must negotiate some of the terms and conditions with the utility.

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B. Community Vision for Solar Energy

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The Plan is the Future Community Vision

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The Local Master Plan – PA 33 of 2008

- Communities set the direction of solar in their policy documents, such as the Master Plan.
- Master plans can promote the potential for solar energy use, set goals for solar energy development, and provide solar-specific implementation strategies.
- Master Plans may outline important decisions related to solar access, solar easements, and solar siting.
- Multi-jurisdictional solar advisory committees can facilitate the creation of a region-wide master plan to guide future solar panel installation and regulation

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Understanding the Resource

- Project Specific Calculator for homeowners

<http://pvwatts.nrel.gov>

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Understanding the Resource

- Calculator for professionals

<https://sam.nrel.gov/>

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Proactive Planning vs. Reaction

- Like other community changes, solar has the potential to generate opposition if siting causes conflicts with surrounding land uses or interests.
- Planning ahead and engaging the public proactively to identify the best sites (utility-scale) will minimize conflict and opposition.

County planners endorse solar moratorium
 Brenda Batsel, Tribune Staff Writer | Published 9:03 am, Friday, May 12, 2017

BAD AXE – Before allowing commercial solar development in county-zoned townships, there are a few things officials need to sort out.

There must be an ordinance, the **Huron County Master Plan** needs to progress, and the taxation of solar development must be investigated.

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Planning for Solar

- First consider prioritizing solar on non-prime farmland:
 - Edges, transitional areas, steeper slopes, highly-erodible land, droughty soils, paved areas, etc.
- Marginal lands - a catch-all term for property that would make good sites for solar because of limitations on use, current condition, ownership, etc.
 - Brownfields, landfills, highway ROWs, airports, etc.

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Farm and Forestland Considerations

- Prime farm and forest land is already in a productive use
 - Not in transition to 'highest and best use'
- Other practical limitations:
 - PA 116 - Farmland and Open Space Preservation Program
 - Other state, federal programs providing tax benefits to retain land in undeveloped state

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Planning for Solar

- Understand the local political climate
- Incentivize, expedite for priority solar development areas
- More scrutiny for prime ag lands

Source: Google Images

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Physical Landscape Considerations

- **Brownfield sites**
 - Phase I and II Environmental Site Assessments are required
 - Cleanup and trucking away of contaminating ground material
- **Physical Obstructions**
 - Structures, trees, surface water, and slopes can affect solar placement and access

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Political Landscape Considerations

- **Economic Barriers**
 - Appropriating tax dollars for solar projects can be a contentious battle
 - Large scale solar arrays often require new transmission infrastructure, which comes at a premium
- **Legal Barriers**
 - Litigation over lease and easement agreements and circumventing restrictive covenants
 - Ground and mineral rights
- **Local Opposition** - Local politicians, residents, and businesses may object to solar on aesthetic grounds

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Example – Planning for Solar

- Kittitas County, WA set criteria for solar facility placement, including:
 - Sites within three-mile radius of infrastructure,
 - Less than a 5 percent slope, and
 - Not in prime agriculture zoning.
- Analysis splits land into three levels:
 - Tier 1 (green): Meet all criteria
 - Tier 2 (orange): Meets some criteria
 - Tier 3 (red): Meets few or no criteria

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Example – Planning for Solar

Kittitas County, WA
Proposed Solar Zoning

- Electrical Substations
- Lakes
- Mitigation Levels
 - Tier 1
 - Tier 2
 - Tier 3

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C. Zoning Approaches

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Principal Use vs. Accessory Use

- Adopt different standards for:
 - On-site use systems (accessory use of land)
 - Utility or community-based systems (principal use of land)

Marquette; Brad Neumann

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Principal Use vs. Accessory Use

- A principal use is the primary use or structure permitted on a property.
- Solar as a principal use on a property is generally a utility-scale array that occupies most of the property.

energy.utah.gov

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Principal Use vs. Accessory Use

- Accessory uses are uses or structures that offer an additional benefit to an accompanying principal use
- Many communities permit small-scale, ground- or roof-mounted solar systems as accessory uses in all districts

Photo Credit: Jim Surbrook

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Permitted Land Use (use by right)

- Within each zoning district, there will be a list of permitted uses.
 - Aka 'Use by Right'
- Owner can use the property in that way without special review and approval by the local government



Source: Google Images

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Special Land Use

- Generally compatible with other uses within a zoning district, but may not be appropriate in every location.
- Special land uses:
 - Typically require a public hearing and planning commission review.
 - Approved only when ordinance standards are met.



Source: Google Images

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<h3>On-Site Use</h3> <p>Zoning Approach:</p> <ul style="list-style-type: none"> • Accessory, Permitted Use in all districts as appropriate • Minimal review = expediency  <p>Source: Google Images</p>	<p>vs.</p>	<h3>Utility-Scale</h3> <p>Zoning Approach:</p> <ul style="list-style-type: none"> • Principal, Special Land Use in certain districts as appropriate • More review = siting based on standards  <p>Source: Google Images</p>
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Other Zoning Considerations for Solar

- Update Site Plan Review requirements;
- Amend subdivision regulations;
- Revise building code (if applicable);
- Streamline permitting processes;
- Modify inspection procedures;
- Adjust setbacks for solar to maximize solar input;
- Adopt solar access or solar easement provisions that define and protect property owners' rights to sun exposure.

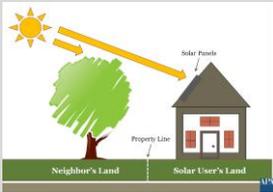
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Solar Access

- Solar Access Rights - to access and harness sunlight so property owners can:
 - Grow crops, illuminate space, dry clothes, etc.... and operate solar collectors



Source: "Solar Planning 101: Opportunities and Obstacles" (webinar), American Planning Association, 9/11/17

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Solar Access Zoning Provisions

- Solar access provisions define and protect property owners' rights to sunlight
- Some municipalities require:
 - **Solar Access Permits** to protect from prohibited interferences, i.e., vegetation and neighboring properties. Example: Tecumseh, MI
 - **Solar Access Easements** are effectuated to protect solar skyscape or a designated solar structure by forbidding activities, land uses, and structures that may interfere. Example: Milan, MI

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Other Sample Zoning Standards – Utility-Scale

- All applicable local, state, federal permits
- Comply with electrical and building codes
- Decommissioning plan
- Performance guarantee
- Height restrictions – the maximum height allowed in the district
- Lot coverage – waive for solar arrays
- Access – fencing surrounding
- Glare – not directed on roadways and neighbors
- Visual Impact - minimize adverse visual impact on historic structure, natural features, or neighborhood

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SPARTYVILLE

Activity – A Matter of Local Public Policy

Read the scenario in your handouts. Then discuss the questions with a neighbor:

- What are your own thoughts about private property rights?
- Can zoning go too far in restricting property owners' rights?

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D. Siting Considerations for Utility-Scale Solar

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Utility-Scale - Defined

- *Commercial Solar Energy System (SES) shall mean any SES facility and accessory structures or use that is designed and built to exclusively provide electricity to the electric utility's power grid and is not accessory to any other use. The commercial SES is a principal use of property and may occupy the same property as another principal use.*
 - Shiawassee County proposed zoning ordinance amendment to Section 21.2.G

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Concentrating Solar Power (CSP)

- Systems that use mirrors to focus light and heat a contained substance such as molten salts or water to create steam
- CSP unlikely in Michigan given levels of solar irradiance – a SW US technology for now.



NREL

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Utility-Scale Example - Lapeer Solar Parks



- Largest utility-owned installation in MI (DTE);
- 2 sites, 267 acres; 58MW; 200,000 panels that power 9,000 homes annually.

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What Solar Developers are Looking For

- Permissive Zoning
- Proximity to Transmission
- Suitable Land
- Irradiance
- Willing Landowner
- Site Conditions

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Permissive Zoning

- Most ordinances are written permissively:
 - “A permissive format states the permissive uses under the classification [zoning district], and necessarily implies the exclusion of any other non-listed use.”
 - *Independence Twp. v Skibowski*, 136 Mich App 178 (1984)
- So, if an ordinance doesn't say solar energy systems are allowed, they are not allowed.
 - i.e. If the ordinance is silent on it, it is not allowed

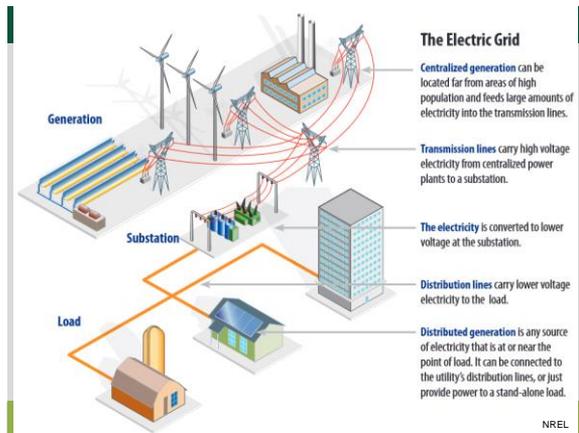
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Siting Considerations – The Grid

- Developers consider locations near grid infrastructure and whether a project will be able to successfully interconnect with the grid.
- If many sources feeding into the grid, it may not be possible to add new generation at a location.
- In other areas, where there is capacity in transmission lines, it will be more feasible to add a new solar project.

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Transmission, Sub-transmission, Distribution

up to 1000 kV 230 kV 138 kV 69 kV 7-13 kV

TRANSMISSION SUB-TRANSMISSION DISTRIBUTION

Source: www.samlexamerica.com

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Proximity to Transmission

- Utility-scale solar requires energy infrastructure within the area – ideally within 3 miles
 - Transmission lines, typically 69kV or greater, are needed for large solar projects of 20MW or more
 - Distribution lines as small as 8kV could support a small commercial solar project of 2MW
- Distributed, on-site solar is connected to distribution lines, typically 46kV lines and lower

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Transmission, Sub-transmission, Distribution

345 kV +

69 kV 138 kV <34.5 kV

Schindler Neumann Neumann

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Utility Infrastructure - Transmission

69 kV
115 kV
138 kV
230 kV
345 kV

ATC Transmission Network

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Transmission

ITC
Michigan Thumb Loop Project

- Approx. 140 miles of double-circuit 345,000 volt lines
- Four new substations
- Capable of supporting capacity of about 5,000 MW
- Targeted for completion by 2015

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Transmission

- A project connected to transmission requires approval by the Midcontinent Independent System Operator (MISO)

MISO East-ATC, ITC & UP

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Suitable Land

- Generally flat or slopes within 20-30 degrees of due south
- Gradual slopes of 2-3% are ideal for PV systems, especially when constructed to face south, thereby increasing sunlight exposure

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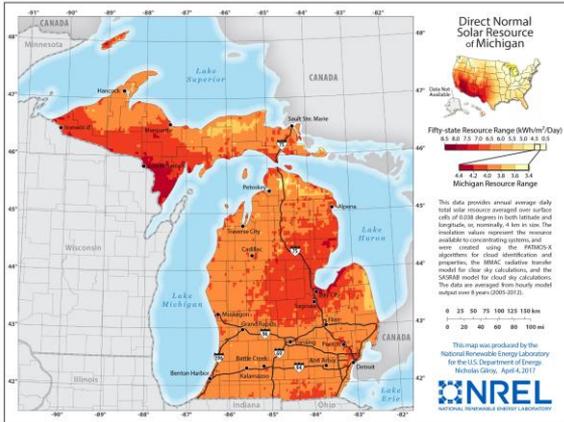
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Suitable Land

- Land of sufficient size for project to minimize land assembly
- Utility-scale solar requires approximately 5 acres per 1 MW
 - More important to be sized to capacity of transmission or distribution lines.

Source: DTE Energy

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Willing Landowner

- Regardless of anything else, solar development requires a willing landowner
 - Non-municipal utilities and developers do not have the power of eminent domain
- Development requires a land sale or signed lease.
 - Typically starts with an option, then assessment of the land, then a contract with a utility (up to 5 years), then a lease

Flickr user dhendrix73

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Site Conditions

- **Wind loading**
 - Wind-induced loads are often inadequately addressed in local codes and must be considered in solar array design
- **Geotechnical issues**
 - Soil composition, bearing capacity, groundwater level and surface water runoff
 - Site conditions will determine the appropriate foundation type, e.g., ballasts, ground-mounted, hybrid, etc.

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E. Integrating Solar with Existing Ag Systems

Photo credit: Rob Davis

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When you think of a solar project, what comes to your mind?

Photo credit: E.ON Climate and Renewables

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When you think of a solar project, what comes to your mind?

Photo credit: Rob Davis

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Categories of low impact solar development

- Solar centric
 - Minimal changes to solar configuration.
 - Low-lying vegetation for ground cover and habitat.
- Vegetation centric
 - Minimal changes to vegetation design.
 - Large spacing in solar technologies.
- Co-location and Co-optimization
 - Solar and vegetation configurations are designed jointly for maximum dual output.

Source: Jordan Macknick, National Renewable Energy Laboratory. 67

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Solar Centric



Source: Macknick, Jordan, Brenda Beatty, and Graham Hill. 2013. Overview of Opportunities for Co-Location of Solar Energy Technologies and Vegetation. NREL/TO-6A20-60240, National Renewable Energy Laboratory.

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Vegetation Centric



Sunflowers for oil production grown under panels in Wisconsin. Milwaukee Journal Sentinel, 2011



Source: Roberts, B. 2011. Potential for PV Installation in Non-Irrigated Corners of Center Pivot Irrigation Fields in the State of Colorado. NREL/TP-6A20-51330. Golden, CO: National Renewable Energy Laboratory.

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Co-location and Co-optimization



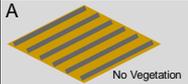
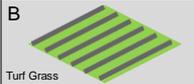
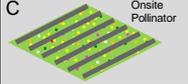
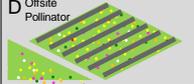
Source: Rob Davis, Center for Pollinators in Energy, Fresh Energy 70

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InSPIRE: Innovative Site Preparation and Impact Reductions on the Environment

The establishment of regional flowering plants such as milkweed and other wildflowers, and soil preparation methods, either within the solar facility footprint area (e.g., beneath PV panels) and/or in offsite areas adjacent to the solar facility, that attract and support insect pollinators by providing nesting areas and a source of food.

- Interest in restoration of ecosystem services of solar sites
- What about pollinator services through maintenance of solar-pollinator habitat?

<p>A</p>  <p>No Vegetation</p>	<p>B</p>  <p>Turf Grass</p>
<p>C</p>  <p>Onsite Pollinator</p>	<p>D</p>  <p>Offsite Pollinator</p>

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Making the Case for Solar-Pollinator Habitat

- Business case
 - Potential reductions in O&M costs with pollinator habitat (e.g., less mowing, risks)
 - SoCore Energy – “6x more expensive than turf but over the life of a 25 year project there is a 40% savings in O&M costs”.
- Ecosystem benefits
 - Increased biodiversity
 - Storm water and erosion control
 - Carbon storage
 - **Agricultural benefits (e.g., pollination services)**

Source: Argonne National Laboratories, NREL, and USDOE. 72

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Increased biodiversity



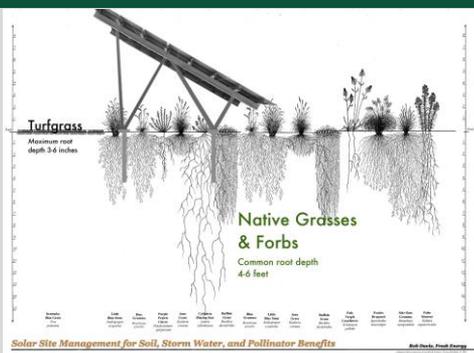
Ninety-six percent of **terrestrial birds rear their young on insects**
 ...and insects thrive on native plants.



Lazuli Bunting feeds young - Jim Cruce

Source: Rob Davis, Center for Pollinators in Energy, Fresh Energy

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Turfgrass
Maximum root depth: 3-4 inches

Native Grasses & Forbs
Common root depth: 4-6 feet

Solar Site Management for Soil, Storm Water, and Pollinator Benefits

Source: Rob Davis, Center for Pollinators in Energy, Fresh Energy

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What constitutes “pollinator-friendly” in the context of a solar array?

- Percent wildflowers
- Percent native species
- Diversity of species
- # seasons flowering
- Nearby assets
- Management plan
- Insecticide use
- >100 points possible
- 70+ for “pollinator friendly”



Source: Rob Davis, Center for Pollinators in Energy, Fresh Energy

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Pollinator-friendly habitat vs CRP

Pollinator-friendly habitat in commercial scale solar projects are different than CRP because:

- Solar projects have a site permit with conditions.
- These conditions include management of noxious and invasive weeds.
 - “Vegetation shall be managed to prevent the spread of noxious weeds”
 - “Vegetation seed mix shall be designed and managed in ways to be beneficial to pollinators and wildlife”
- Solar projects generate electricity, which creates a revenue stream that is significantly greater than CRP revenue.
- Plantings will be actively managed.

Source: Rob Davis, Center for Pollinators in Energy, Fresh Energy

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Michigan Pollinator Initiative

- Questions/resources for pollinator planting.
- Meghan Milbrath
 - Coordinator, Michigan Pollinator Initiative
 - MSU Department of Entomology
 - Phone: 517-884-9518
 - Email: mpi@msu.edu



Source: Rob Davis, Center for Pollinators in Energy, Fresh Energy

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Insurance against Federal intervention

- Once common Rusty-Patched Bumblebee.
- First-ever listing of a bee on the Endangered Species Act.
- If 2, then 3, then 5, then 10 insects species become endangered there could be Federal intervention in agricultural practices.
- Urgent need to create habitat at scale to insure against additional bee species becoming endangered.



Source: Rob Davis, Center for Pollinators in Energy, Fresh Energy

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Quantifying Potential Solar-Pollinator Agricultural Interactions

Total amount of highly pollinator-dependent agriculture near solar facilities

>40% dependence (e.g., Aizen et al. 2009)

Nearly 90,000 acres

Highly-Dependent Agriculture within 1.5 km of Solar Facilities (ha)

0 10 - 50 50 - 500 >500

Source: Argonne National Laboratories, NREL, and USDOE. 80

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Quantifying Potential Solar-Pollinator Agricultural Interactions

Summary of highly-dependent crops near solar facilities

These crops near solar facilities have >40% benefit from insect pollination (e.g., Aizen et al. 2009)

Crop Type	Total Hectares of USSE Foraging Zones Planted, All States	States with Greatest Crop Area Near USSE Facilities
Almonds	25,718	California (25,718 ha)
Cranberries	1,304	Massachusetts (1,885 ha), New Jersey (11 ha)
Melons (Cantaloupes, Honeydew, Watermelon)	1,287	California (1,013 ha), Maryland (106 ha), Arizona (61 ha), North Carolina (36 ha)
Apples	867	North Carolina (397 ha), Massachusetts (157 ha), New York (126 ha)
Blueberries	521	New Jersey (202 ha), Michigan (93 ha), North Carolina (77 ha), Georgia (44 ha)
Plums	477	California (473 ha), New York (2 ha)
Cherries	418	California (408 ha), Oregon (5 ha), Michigan (3 ha)
Pumpkins / Squash	351	New Jersey (115 ha), Massachusetts (106 ha), North Carolina (28 ha)
Peaches	189	California (53 ha), Georgia (40 ha), New Jersey (27 ha), North Carolina (22 ha)
Cucumbers	100	North Carolina (35 ha), New Jersey (30 ha), Michigan (10 ha)

Source: Argonne National Laboratories, NREL, and USDOE. 81

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Impact of flower plantings on pollination-dependent crops

- Pollination services from wild insects contribute to crop productivity around the world, but are at risk of decline in agricultural landscapes. Using highbush blueberry as a model system, we tested whether wildflower plantings established adjacent to crop fields would increase the abundance of wild pollinators during crop bloom and enhance pollination and yield.
- Plantings were seeded in 2009 with a mix of 15 perennial wildflower species that provided season-long bloom and increased plant density and floral area during the subsequent 3 years.
- Honeybees visiting blueberry flowers had similar abundance in enhanced and control fields in all 4 years of this study, whereas wild bee and syrphid abundance increased annually in the fields adjacent to wildflower plantings.

Source: Blaauw, Brent R. and Rufus Isaacs. 2014. Flower plantings increase wild bee abundance and the pollination services provided to a pollination-dependent crop. *Journal of Applied Ecology* 2014, 51, 890-898. 82

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Impact of flower plantings on pollination-dependent crops

- Crop pollination parameters including percentage fruit set, berry weight and mature seeds per berry were significantly greater in fields adjacent to wildflower plantings 3 and 4 years after seeding, leading to higher crop yields and with the associated revenue exceeding the cost of wildflower establishment and maintenance.
- Synthesis and applications:** We suggest that provision of forage habitat for bees adjacent to pollinator-dependent crops can conserve wild pollinators in otherwise resource-poor agricultural landscapes. Over time, these plantings can support higher crop yields and bring a return on the initial investment in wildflower seed and planting establishment, also insuring against loss of managed pollinators.

Source: Blaauw, Brent R. and Rufus Isaacs. 2014. Flower plantings increase wild bee abundance and the pollination services provided to a pollination-dependent crop. *Journal of Applied Ecology* 2014, 51, 890-898. 83

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Wildflowers enhance natural enemies to insect pests

- A mix of native flowering plants were established to provide season-long resources for beneficial insects.
- Higher natural enemy abundance was found in the flower plantings.
- Over three years, natural enemy abundance increased in crop fields adjacent to the plantings.
- Sentinel egg cards revealed similarly enhanced predation levels near the plantings.
- Native wildflower plantings support natural enemies and the services they provide.

Source: Blaauw, Brent R. and Rufus Isaacs. 2015. Wildflower plantings enhance the abundance of natural enemies and their services in adjacent blueberry fields. *Journal of Applied Ecology* 2014, 51, 890-898. 84

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Assessing the value and pest management window provided by neonicotinoid seed treatments for management of soybean aphid in the Upper Midwestern U.S. (April 2017, *Pest Management Science*)

- BACKGROUND:** A 2-year, multi-state study was conducted to assess the benefits of using soybean seed treated with the neonicotinoid thiamethoxam to manage soybean aphid in the upper Midwestern USA and compare this approach with an integrated pest management (IPM) approach that included monitoring soybean aphids and treating with foliar-applied insecticide only when the economic threshold was reached. Concentrations of thiamethoxam in soybean foliage were also quantified throughout the growing season to estimate the pest management window afforded by insecticidal seed treatments.
- RESULTS:** Both the IPM treatment and thiamethoxam-treated seed resulted in significant reductions in cumulative aphid days when soybean aphid populations reached threshold levels. However, only the IPM treatment resulted in significant yield increases. Analysis of soybean foliage from thiamethoxam-treated seeds indicated that tissue concentrations of thiamethoxam were statistically similar to plants grown from untreated seeds beginning at the V2 growth stage, indicating that the period of pest suppression for soybean aphid is likely to be relatively short.

<https://www.ncbi.nlm.nih.gov/pubmed/28459234> 85

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Assessing the value and pest management window provided by neonicotinoid seed treatments for management of soybean aphid in the Upper Midwestern U.S. (April 2017, *Pest Management Science*)

- CONCLUSION:** These data demonstrate that an IPM approach, combining scouting and foliar-applied insecticide where necessary, remains the best option for treatment of soybean aphids, both in terms of protecting the yield potential of the crop and of break-even probability for producers. Furthermore, we found that thiamethoxam concentrations in foliage are unlikely to effectively manage soybean aphids for most of the pests' activity period across the region.

<https://www.ncbi.nlm.nih.gov/pubmed/28459234>

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Integrated pest management best option for treatment of soybean aphids

- Financial savings from reduced pesticide use.
- A single ladybeetle may consume 5,000 aphids in its lifetime.
- Flowering meadows under and around solar arrays — paid for by the solar project — helps increase abundance of beneficial insects servicing adjacent crop fields.



<https://phys.org/news/2017-05-reveals-pest-option-treatment-soybean.html>

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Habitat Planning for Beneficial Insects

- Published on Xerces.org.
- Includes case study by MSU's Dr. Rufus Isaacs.
- Includes list and photos of insect predators.



http://www.xerces.org/wp-content/uploads/2016/10/Habitat-Planning-Beneficial-Insects_Feb2017_web.pdf

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Potential Benefits of Co-location of Solar and Agriculture/Vegetation

Benefits to Land Owners <ul style="list-style-type: none"> Self-generation of electricity and reduced energy bills. Additional income stream and increased revenue security. Compatible with grazing activities, provides shade and cover for livestock. New market opportunities for shade tolerant crops. Control of wind and erosion. Protection of natural habitat. Safeguarding soil health. Improved habitat for pollinator species. 	Benefits to Solar Developers <ul style="list-style-type: none"> Reductions in site preparation. Reductions in O&M costs. Reduced need for dust suppression. Reduction in litigation vulnerability. Decreased permitting time. Increased solar energy production from cooler air zone created under modules. Reduction in environmental mitigation investments.
---	--

Research is being conducted to quantify these benefits.

Source: National Renewable Energy Laboratory.

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Example 1

Organic Valley launches community solar partnership to be 100 percent renewably powered by 2019



Farmer-owned cooperative will become the largest food company in the world to source all its electricity from renewable resources within the decade.

Additionally, the community solar partnership will adopt pollinator-friendly solar standards as part of Organic Valley's commitment to animals, people and the planet. Rather than being planted with turf grass or covered in gravel, the installations will incorporate pollinator-friendly habitat into the design.

Once complete, these meadows, filled with native flowering plants and grasses, will create as much bee and butterfly habitat as if 30,000 families were to each plant six-by-twelve-foot pollinator gardens.

<http://www.organicvalley.com>

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Example 2

- Connexus Energy Performance Characteristics**
 - Visual appeal
 - Maintenance free for existing grounds crew
 - No loss of solar performance
 - Ecological services highlighted in company marketing materials



Seeded and managed by Prairie Restorations, Inc.

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Example 3

- Solarama Crush - world's first Solar Honey Craft IPA.
- Example of how a premium ingredient - Solar Honey - is used in a retail product.
- Beer will be tapped on March 29 at 56 Brewing in Minneapolis.



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F. Understanding Solar Energy Lease Agreements

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Get Legal and Tax Advice

- With relevant experience
 - Real estate transactions
 - Solar projects
- **Understand what you're signing**



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Research the Company

- View their website
- Look for a track record of projects
- Seek reviews, references, and ratings
- Should be member of industry associations
- Authorized to do business in Michigan
- Understand agency

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Document Types

- Letter of Intent
- Option
- Lease
- Right of First Refusal
- Purchase Agreement



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Letter of Intent

- Landowner typically cannot solicit, negotiate with, or furnish info to others during the time covered
- **Important – Is it a legally binding contract?**
 - Maybe
 - If signed by landowner (accepted) AND
 - Includes key provisions - premises, term, rent
 - Probably not
 - If only starts good-faith negotiations AND/OR
 - Has clear language like "not to be interpreted as a binding contract"

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Option

- Company interested but unable to commit
 - Still completing due diligence
 - Considering other sites
 - Waiting for something, e.g., financing
- May use to provide details of proposed lease
- **Landowner bound, option holder may exercise**
- Key provisions
 - Time period
 - Compensation

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Due Diligence

- Surveying, inspections, environmental studies, zoning, title search
- Understand scope of access
- Know time period
- Right to plant
 - Usually OK with notice
 - Promise to pay must be in writing
- Provision to repair any damage



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Lease

- Agreement by which a person or company has full possession and use of a parcel of real estate, a building, or portion of either for a stated period of time and pays periodic rent.
- Commercial leases are highly flexible and essentially limited only by negotiations of the parties.
- May contain a right of first refusal, an option to purchase, or a lease-purchase by the tenant.

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Right of First Refusal

- May be separate but typically within the lease
- When landowner receives a bona fide written offer from a 3rd party to purchase the property
 - If landowner intends to accept, must give solar company notice of such intent and the offer's terms
 - Solar company as holder of right has specified # of days to elect to purchase on same terms
- Key provisions
 - What property is included
 - Length of term (plus renewals or extensions)

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Purchase Agreement

- A legally binding contract for the sale and purchase of real estate
 - obligates the parties
 - provides the terms and conditions of the deal
- Some solar companies are purchasing property outright instead of leasing
- Seek legal and financial advice if you are a seller

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Lease – Parties

- Landowner
 - How is property titled? Who signs?
 - Any impact on your succession plans?
 - Can you sell subject to the lease?
- Tenant
 - Who is the entity?
 - Successors and assigns

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Lease – Property

- Identify property exactly for each purpose
 - Obtain survey from tenant
 - Preliminary vs. final and expansion areas
 - Tenant will record its interest
- Land Division Act
 - A division includes a lease of more than 1 year
 - Technically a new “parcel” if less than 40 acres or equivalent



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Lease – Term

- Development, construction, and operation phases
- Length - 20 to 30 years or more
- Renewals
 - May be automatic
 - May require notice



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Lease – Rent

- Calculation
 - Per acre or per megawatt
 - Or % of power sales or revenue
 - Should include periodic escalator
 - flat amount of increase OR
 - % amount – as inflation or other measure increases
- Timing
 - Paid annually or semi-annually
 - Know when it begins



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Lease – Existing Encumbrances

- Deed restrictions
- Mortgages
 - Lender permission, subordination
 - Assignment of rents
- Existing Easements
 - Access
 - Conservation
- Mineral and other subsurface rights



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Lease – Warranties & Representations

- Landlord's
 - Title, encumbrances, and restrictions
 - Hazardous and toxic substances
 - Environmental and other “sensitive” areas
 - Contracts impacting the property
- Tenant's
 - Will comply with all laws
 - Will not allow construction liens and will bond to remove



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Lease – Granting Easements

- For construction, operation, maintenance, and removal
 - Access - enter at any time without notice
 - Connect to grid
- Location
 - Should be shown on survey
 - Minimize impact on farming
 - Must be unobstructed
 - Understand exclusive



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Lease – Landowner Restrictions

- Entry onto the premises
- Compatibility of uses
- Cannot impair solar access
- Right to otherwise encumber

Ryan Coffey



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Lease – Liability and Insurance

- Risks
 - Injuries – to workers or visitors
 - Property damage - tenant's or landowner's
- Insurance - spell out who obtains, who pays
- Indemnification should be reciprocal
- Understand duty to defend
- Consider additional insured provision

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Lease – Taxes

- Spell out who pays which taxes
 - Tenant should pay its personal property
 - Tenant should pay its share of real property
- Beware of uncapping and recapture
- Tenant may have right to contest taxes
- Understand each party's rights if taxes become delinquent

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Lease – Other Obligations

- Utilities
 - Tenant should pay own
- Maintenance and repairs
 - Spell out expectations and limitations
 - Easement areas may differ
- Notices - DO NOT OVERLOOK
 - Know when and where you must provide notice
 - Important to preserving your rights and avoiding bad consequences

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Lease – Termination

- Decommissioning
 - End of term
 - Tenant removes equipment
 - Tenant restores grade, soil, vegetation
 - Also upon failure to complete
 - Require financial assurances
- Event of default or bankruptcy

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Lease – Dispute Resolution

- Choice of law – should be Michigan
- Forum and venue – should be local
- ADR
 - Arbitration – binding
 - Mediation – non-binding
- Attorney fees
 - Reciprocal provisions
 - Prevailing party



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Lease – Confidentiality

- Limit or eliminate if possible
- Applies to
 - Financial terms and payments
 - Site design and operation
- Exception for legal and financial advisors
- Survives termination

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SPARTYVILLE

Activity – Becoming Familiar with a Solar Lease

Read the scenario and sample lease in your handouts. Then discuss the questions with a neighbor.

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G. Taxation Guidance including Impact on PA 116

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Michigan Property Taxation

The General Property Tax Act
Public Act 206 of 1893

The People of the State of Michigan enact:
Michigan Compiled Laws (MCL)

211.1 “That all property, real and personal, within the jurisdiction of this state, **not expressly exempted**, shall be subject to taxation.”

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Expressed Agricultural Exemption

MCL 211.9j:

“Property actually used in agricultural operations ... ‘agricultural operations’ means farming in all its branches, including cultivation of the soil, growing and harvesting of an agricultural, horticultural, or floricultural commodity, dairying, raising of livestock, bees, fur-bearing animals, or poultry, turf and tree farming, raising and harvesting of fish, collecting, evaporating, and preparing maple syrup ... and any practices performed by a farmer or on a farm as an incident to, or in conjunction with, farming operations, ...”

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Michigan State Tax Commission Memo of June 11, 2013

“The State Tax Commission at their meeting on May 13, 2013, and affirmed again at their meeting on June 11, 2013, have determined that **solar panels are to be considered industrial personal property** and are to be reported on Table B – Machinery and Equipment on the personal property statement. This determination of the State Tax Commission supersedes any prior determinations.”

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STC Memo of February 13, 2018

The State Tax Commission at their meeting on February 13, 2018, **rescinding their prior guidance dated May 13, 2013 as it relates to the treatment of residential solar panels**, and have determined that solar panels on a parcel classified as residential real property shall be assessed as component of the real property. ...

This determination of the State Tax Commission is limited to solar panels on residential real property only.

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MAE and MPSC February 2018 Memo

The MAE / MPSC memo suggests that solar panels may be exempt under the Small Business Property Tax Exemption. This exemption is discussed in MCL 211.9o and is provided for with Michigan Department of Treasury Form 5076

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What are the requirements of Treasury Form 5076? Small Taxpayer's Exemption

MCL 211.9o provides for an exemption of "eligible personal property"

"Eligible Personal Property" is required to meet three conditions / criteria in order to receive the exemption.

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"Eligible Personal Property"

- The personal property must be classified as industrial personal property or commercial personal property as defined in MCL 211.34c or would be classified as industrial personal property or commercial personal property if not exempt **and**
- The combined **true cash value** of all industrial personal property and commercial personal property owned by, leased by or in the possession of the owner or a related entity claiming the exemption is less than \$80,000 **in the local tax collecting unit and**
- The property is not leased to or used by a person that previously owned the property or a person that, directly or indirectly controls, is controlled by, or under common control with the person that previously owned the property.

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The personal property must be classified as industrial personal property or commercial personal property **as defined in MCL 211.34c**

MCL 211.34c provides that Industrial personal property includes

All machinery and equipment, furniture and fixtures, and dies on industrial parcels, and inventories not exempt by law.

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Industrial Parcels - MCL 211.34c(2)

Industrial real property includes the following:

- Platted or unplatted parcels used for manufacturing and processing purposes, with or without buildings.
- Parcels used for utilities sites for generating plants, pumping stations, switches, substations, compressing stations, warehouses, rights-of-way, flowage land, and storage areas.
- Parcels used for removal or processing of gravel, stone, or mineral ores.

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Solar Panels May Fail to Meet Eligible Personal Property Criteria 1

- “Eligible Personal Property” is industrial personal property as defined in MCL 211.34c.
- Industrial Personal Property is to be located on “industrial parcels” as defined in MCL 211.34c
- Solar Panel projects located on agricultural land do not meet the definition of industrial personal property as defined in MCL 211.34c
- Therefore, Solar Panel projects may not meet the first criteria of “eligible personal property”

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The combined true cash value of all industrial personal property and commercial personal property owned by, leased by or in the possession of the owner or a related entity claiming the exemption is less than \$80,000 in the local tax collecting unit **and**

The property is not leased to or used by a person that previously owned the property or a person that, directly or indirectly controls, is controlled by, or under common control with the person that previously owned the property.

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STC Bulletin No. 8 of 2002

Buildings on Leased Land are assessed to the owner(s) of the building and NOT to the owner of the land.

Example: freestanding communication towers, outdoor advertising signs and freestanding billboards located on leased land are all assessed to the owner of the tower, sign or billboard and not to the owner of the land.

Solar Panel Projects on leased agricultural land may be treated the same way.

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Review Your Lease to avoid a “transfer of ownership” and “uncapping” of the Taxable Value

MCL 211.27a(6): As used in this act, “**transfer of ownership**” means the conveyance of title to or a present interest in property, **including the beneficial use of the property**, the value of which is substantially equal to the value of the fee interest. **Transfer of ownership of property includes**, but is not limited to, ...

MCL 211.27a(6)(g): **A conveyance by lease if the total duration of the lease, including the initial term and all options for renewal, is more than 35 years or the lease grants the lessee a bargain purchase option.**

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Review Your Lease to avoid a “transfer of ownership” and “uncapping” of the Taxable Value

..., “bargain purchase option” means the right to purchase the property at the termination of the lease for not more than 80% of the property’s projected true cash value at the termination of the lease.

After December 31, 1994, the taxable value of property conveyed by a lease with a total duration of more than 35 years or with a bargain purchase option shall be adjusted under subsection (3) for the calendar year following the year in which the lease is entered into.

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Qualified Agricultural Property Exemption

As described by the State Tax Commission:

“The qualified agricultural property exemption is an exemption from certain local school operating millages for parcels that meet the qualified agricultural property definition.”

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Qualified Agricultural Property Requirements

A qualified agricultural property is either
A parcel classified as Agricultural on the current assessment roll

OR

A parcel with more than 50% of the acreage of the parcel dedicated to agricultural use as defined by MCL 324.36101 which is the Natural Resources and Environmental Protection Act (Public Act 451 of 1994)

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Other Qualified Ag Issues

1. Could a utility-scale solar panel installation on an Ag parcel result in a property reclassification?
2. The statutory definitions of agriculture use do not include any reference to solar panels. As commercial or industrial purposes are not entitled to the qualified agricultural property exemption, could solar panels be treated the same way?
3. Is there a utility-scale solar installation tax exemption?

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PA 116 Land

Michigan Department of Agriculture & Rural Development (MDARD) stated in May 2017 as follows:

“A commercial solar panel operation is not permitted on land enrolled in a Farmland Development Rights Agreement under the PA 116 Program. The land use is not considered agricultural, and therefore, the land would need to be removed from the program prior to the construction of such a facility.”

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Can You Split a PA 116 Parcel?

- Yes. MDARD provides that a parcel “may be split into smaller agreements as long as the request is consistent with the intent of the act.”
- Resulting parcels must meet one criteria:
 - ✓ 40 acres or larger or
 - ✓ 5 to 40 acres with a minimum of 51% of acreage devoted to ag use and producing an income of \$200 or more per tillable acre per year.

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Can a Parcel be Released from PA 116?

- Yes. MDARD provides that it is possible to release property. Partial release are possible due to:
 1. Pre-existing structure
 2. Residence for Someone Essential to the Farm
 3. Public Interest
- A prorated share of the tax credits taken during the last seven years, attributable to the parcel being released are required to be repaid.

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PA 116 Information

Direct questions to:
Michigan Department of Agriculture
And Rural Development
P.O. Box 30449
Lansing, MI 48909
(517) 284-5663
MDARD-PA116@Michigan.gov
www.Michigan.gov/farmland

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Summary of Today's Discussion

1. General Property Tax Act provides: all property is taxable unless "expressly exempted".
2. Solar panels do not qualify for the expressed agricultural personal property exemption.
3. Commercial solar panels on all property except residential are to be treated and taxed as industrial personal property as per STC.

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4. STC has offered no guidance as to whether the solar panels qualify for the Small Business Taxpayer Exemption.
5. Solar panels do not appear to meet the definition of "Eligible Personal Property" required for the Small Business Taxpayer Exemption.
6. Commercial solar panels on agricultural land NOT enrolled in a PA 116 program may be treated in a "building on leased land".

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7. Ag Land leased for a period of more than 35 years may constitute a "transfer of ownership" and cause an uncapping of a parcel's taxable value.
8. Commercial solar panels are not permitted on ag land enrolled in a PA 116 program as per MDARD unless such land is removed from the program. Seven years of past tax credits would have to be repaid to remove the parcel from the PA 116 program

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The Last Word

Unless the Michigan Legislature provides for an expressed exemption of commercial solar panels on ag land:

1. One should assume that commercial solar panel projects on Ag land will be fully taxable.
2. Always review all potential property tax issues, lease agreements and PA 116 proposals with your qualified legal counsel to protect your own interests.

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H. Additional Resources

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Additional Resources

- Solar Electric Investment Analysis Bulletin Series. Energize Ohio - Ohio State University Extension. Sept. 2016.
- <https://energizeohio.osu.edu/news/solar-electric-investment-analysis-bulletin-series>
 - Part 1: Estimating System Production
 - Part 2: Assessing System Cost
 - Part 3: Forecasting the Value of Electricity
 - Part 4: Understanding Incentives
 - Part 5: Conducting a Financial Analysis
 - Part 6: PV Solar Example

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Additional Resources

- Guide to Land Leases for Solar. *Solar Energy Industries Association*. July 2016.
 - <https://www.seia.org/research-resources/seia-guide-land-leases-solar>

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Additional Resources

Powering MI Agriculture Webinar Series:

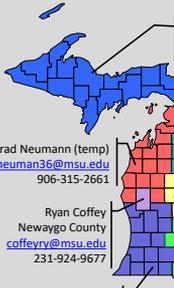
- Black Star Farm
 - https://mediaspace.msu.edu/media/Powering+Michigan+Agriculture+Black+Star+Farm+2018_01_25/1_0vva600a
- Grand Valley Farm
 - https://mediaspace.msu.edu/media/Powering+Michigan+Agriculture+Grand+Valley+Farms+2018-02-08/1_191csb7l

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Land Use Educators

Contact the MSU Extension land use educator closest to you with your planning and zoning questions.



- Brad Neumann
neuman36@msu.edu
906-315-2661
- Brad Neumann (temp)
neuman36@msu.edu
906-315-2661
- David Rowley
rowleyd2@msu.edu
989-317-4079
- Crystal Wilson
cwilson2@msu.edu
313-309-1674
- Harmony Gmazel
[gmazelh@msu.edu](mailto:gamazelh@msu.edu)
734-222-3832
- Ryan Coffey
Newaygo County
coffeyry@msu.edu
231-924-9677
- Wendy Walker
walkerdy@msu.edu
269-467-5634

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Thank you!

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