CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST. ▪ PO BOX 70 ▪ CHEBOYGAN, MI 49721
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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, JANUARY 6, 2016 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.) **Air North Communications and Alice Arnett** - Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 6773 North M-33, Benton Twp., section 32, parcel #104-032-200-002-20, and is zoned Agriculture and Forestry Management (M-AF).

UNFINISHED BUSINESS

1.) **Lawrence Hanson and Heritage Cove Farm, Inc.** – Request a Special Use Permit and approval of the submitted site plan. A Special Use Permit is requested under the following sections of the Cheboygan County Zoning Ordinance #200: Section 9.3.14., Nursing or convalescent homes, Section 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.), Section 10.3.2. Club, Section 10.3.3. Cabin colonies, Section 10.3.6. County club, Section 10.3.8. Duplex or multi-family buildings, and Section 10.3.14. Restaurant/Bar. The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6 , parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).

Heritage Cove Farm requests that Cheboygan County make all reasonable and necessary accommodations under the Americans with Disabilities Act of 1990, the Fair Housing Amendments Act of 1988 and the Michigan Persons with Disabilities Civil Rights Act with respect to the interpretation and application of the Cheboygan County Zoning Ordinance #200 such as to approve the Farm in all requested and required respects.

NEW BUSINESS

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY PLANNING COMMISSION

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

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING
WEDNESDAY, DECEMBER 16, 2015 AT 7:00 P.M.
ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdzyk

ABSENT: None

STAFF: Scott McNeil, Steve Schnell, Peter Wendling

GUESTS: Amy Rodriguez, Michael Redding, Redding, Dave Brandt, Phyllis Brandt, John Wallace, Tony Matelski, Carl Muscott, Charles McCain, Elizabeth McCain, Russell Crawford, Cheryl Crawford, Alice Wiltse, Sue Allor, Bruce Gauthier, Dave Rossman, Martha Sheerin, Ruth Bennett, Linda Weaver, Dan Weaver, John F. Brown, Abbi LaLond, Samantha Brown, Gerri Mesack, Renee D. Mesack, Steve Reh, Joe VanAntwerp, Gary Freismuth, Alan Gillespie, Brady Hebert, Scott Bieske, Larry Hanson, Betsy Hanson, Carol Wesch, John Gross, Donald MacLeod, Shari Shult, Gayle Casgrain

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

PLEDGE OF ALLEGIANCE
Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA
The meeting agenda was presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Jazdzyk, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES
The November 4, 2015 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Ms. Lyon, to approve the meeting minutes as presented. Motion carried unanimously.

The December 2, 2015 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS
Telecad Wireless on behalf of Verizon Wireless and David Brandt - Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 8407 Carter Road, Benton Twp., section 19, parcel #104-019-400-033-00, and is zoned Agriculture/ Forestry (M-AF).

Mr. McNeil stated this request is for a special use permit for a wireless communication facility in an Agriculture and Forestry Management zoning district. Mr. McNeil reviewed the location of the leased area, driveway, monopole and equipment on the detailed drawing provided by the applicant. Mr. McNeil reviewed an aerial photo of the parcel and noted the tower is proposed to be 195ft. tall. Mr. McNeil stated there is no proposed lighting, as this tower is under the FAA requirements. Mr. McNeil stated there is a single family dwelling on the parcel.

Ms. Rodriguez stated she is with Telecad Wireless and is representing Verizon. Ms. Rodriguez stated that she is proposing a 195ft. monopole tower that will accommodate 3 additional carriers in addition to Verizon. Ms. Rodriguez stated that generally FAA does not require lighting for less than 200ft. Ms. Rodriguez stated that in addition to the tower there will be an equipment cabinet and generator on a 10ft. x 12ft. platform. Ms. Rodriguez stated that this is a wooded parcel and the existing trees will be used as landscaping. Ms. Rodriguez reviewed the coverage maps (Exhibit 6) that were provided and noted that there is a coverage gap in this area. Ms. Rodriguez stated the proposed tower will work with the existing towers to fill in the coverage gap. Ms. Rodriguez explained that engineers researched the best location for a tower to fill the coverage gap. Ms. Rodriguez stated the engineers found that this parcel was the best location to fill the coverage gap.

Mr. Kavanaugh stated that a letter submitted to the Planning Commission stated that there were concerns regarding property values. Mr. Kavanaugh noted that in the letter it referred to a study and stated that property values were reduced by 25%. Ms. Rodriguez stated she has not seen the study, but as far as she knows property values will not be reduced.

Ms. Croft asked for public comments.

Mr. Redding stated that he is a neighbor of Mr. Brandt's. Mr. Redding stated he is one of the 47 residential neighbors in this area. Mr. Redding stated he has three concerns related to this industrial cell phone tower that is proposed for a residential neighborhood; health risks, property value reduction, cell phone tower appearance and maintenance. Mr. Redding stated an article in Consumers Report claims that we need more and better scientific research to prove cell phone tower radiation causes brain cancer. Mr. Redding stated more scientific research is needed to provide a link between neurological diseases such as Alzheimer's and Parkinson's disease. Mr. Redding stated the Verizon tower on Western Avenue has 5 signs on the chain link fence. Mr. Redding noted that one of the sign states "Warning: Radio frequency field beyond this point my exceed FCC general public exposure limits." Mr. Redding noted another sign stated "Obey all posted signs, guidelines for working and radio frequency environment." Mr. Redding noted another sign stated "States guidelines for working and radio frequency environment." Mr. Redding stated that with this sign there were 10 guidelines to follow. Mr. Redding stated that the tobacco industry claimed for years there were no health risks and later it was found that it was not true. Mr. Redding stated that even though Verizon claims that there are no health risks, they know that what they are saying is not true. Mr. Redding stated studies show a reduction of 15% of property values. Mr. Redding stated these studies are available at www.anticelltowerlawyers.com. Mr. Redding asked if anyone would want to purchase property with a cell phone tower on it or property without a cell phone tower on it. Mr. Redding stated that there is an industrial cell phone tower on Western Avenue if anyone would like to see what one looks like. Mr. Redding stated there is a 6ft. chain link fence with 5 strands of wire on top. Mr. Redding stated there is also a 1,000 gallon fuel tank and propane generator on a steel platform. Mr. Redding stated the cabinet will be constructed with bullet resistant material. Mr. Redding stated the site on Western Avenue has not been maintained and there are weeds that are waist high. Mr. Redding stated that the entrance is mud and the whole site behind Bishop Baraga is a disgrace. Mr. Redding stated that if Verizon claims that they will maintain the site it is not true. Mr. Redding presented photos of the cell phone tower site on Western Avenue. Mr. Redding stated that he does not believe that anyone of the Planning Commission members would want an industrial cell phone tower in their residential neighborhood. Mr. Redding stated his concerns regarding all of the property owners on Carter Road having to look at the cell phone tower for the rest of their lives. Mr. Redding urged the Planning Commission to vote no on this request for a special use permit and to not allow the cell phone tower in his neighborhood.

Ms. Schult stated she is a resident of Carter Road and lives across the street from the Brandt family. Ms. Schult stated her concerns about property values. Ms. Schult stated she moved up north to be in a rural location that is remote and aesthetically pleasing. Ms. Schult believes this tower will change that perception. Ms. Schult stated the tower will be an eyesore and it will be visible from the river. Ms. Schult stated she would like to preserve the rural setting. Ms. Schult stated she agrees with Mr. Redding's comments.

Mr. Bieske stated that he owns property on Hackmatack Road. Mr. Bieske stated he is opposed to a 195ft. tower that will be within a stone's throw from where he plans to build in the future.

Ms. Casgrain stated she lives next to the Brandt family on Carter Road. Ms. Casgrain stated she feels the same way as the other people who have already spoken in opposition to this request. Ms. Casgrain stated she prefers peace and quiet and aesthetic scenery.

Mr. Jazdzyk asked if there is a compelling reason (such as a business reason) to place the tower in this location. Ms. Rodriguez stated that it is mainly due to the coverage gap identified by the engineers. Ms. Rodriguez stated they did a search ring of approximately 1 mile and this was the best location to work with. Mr. Jazdzyk asked if during the planning process, there is only one option for the tower or if there is more than one option. Ms. Rodriguez stated there are normally a couple of options that the engineers will review.

Mr. Kavanaugh asked the applicant to comment on the concerns regarding the health risks. Mr. Rassel stated the Telecommunications Act establishes across the country that cell phone towers must be looked at by communities as a utility like a sewer, water service or electric service. Mr. Rassel stated these are another infrastructure that must be recognized by communities. Mr. Rassel stated that we all rely on cell phones for data, communications and many other uses. Mr. Rassel stated that Congress recognized that health concerns relative to radiofrequency were not a big concern. Mr. Rassel stated that congress passed the Telecommunications Act after careful study. Mr. Rassel stated that by Congress passing this act there was no substantive information or data available that would support the contention that radiofrequency given off by cell

towers poses any danger to the citizenry of any populous and therefore rural communities or dense communities could not consider the health risk posed to the citizenry when making their decision regarding whether to permit a basic infrastructure component such as a cell tower. Mr. Rassel noted that cell towers service emergency vehicles, hospitals, doctors, police, teachers, schools, bus drivers, etc. Mr. Rassel stated the ordinance has a special use permit process which allows cell towers in certain instances if the requirements are met. Mr. Rassel stated that Ms. Rodriguez presented the promulgations maps and noted that there is a coverage gap issue. Mr. Rassel stated that by law under their license with the Federal Communications Commission, if there is a coverage gap issue, they have to collocate on an existing tower within the gap or build towers to fill the gap. Mr. Rassel stated they can't charge their customers on a monthly basis if they are not able to access data and voice. Mr. Rassel stated they have an obligation and a duty to build towers. Mr. Rassel stated they have to show the Federal Communications Commission every month what they are doing to build out coverage gap areas. Mr. Rassel explained the process for site selection for a new cell tower. Mr. Rassel stated that the engineers identify the coverage gap area, site acquisition specialists identify potential locations and then apply to the community and attempt to fit it perfectly within the ordinance. Mr. Rassel stated they believe all of the special land use criteria have been met. Mr. Rassel stated the site appearance is covered by the ordinance by requiring screening and fencing. Mr. Rassel stated that they try to minimize, as best at possible, the visual impact and the safety concerns regarding an animal or a child that approaches the facility. Mr. Rassel stated that some of the tower is visible. Mr. Rassel stated they would have collocated on another tower if it was possible.

Mr. Jazdzyk asked Mr. Rassel what is the cell tower owner's responsibility regarding appearance. Mr. Jazdzyk asked how the adjacent property owners have recourse around the appearance issue. Mr. Rassel stated he does not have any visual knowledge of the Western Avenue site that Mr. Redding referred to. Mr. Rassel stated their commitment is to keep their sites perfectly clean. Mr. Rassel stated if there is trash at the site, it should be brought to the property owner and Verizon's attention so it can be cleaned up. Mr. Rassel stated if it is not cleaned up there may be recourse in the form of an ordinance violation. Mr. Borowicz noted that the Western Avenue site is not under Cheboygan County zoning. Ms. Croft noted that this cell tower is located within the City of Cheboygan.

Mr. Ostwald asked Mr. Redding if he knows how many of the 47 residents will be able to see the tower from their residence. Mr. Redding stated there are 25 homes on Beebe Road, 2 homes on Hackmatack and 20 residents on Carter Road. Mr. Redding stated that he owns 100 acres that surrounds Mr. Brandt's property. Mr. Redding stated the cell phone tower will be visible from the inland waterway. Mr. Redding stated that almost all 47 residential families will be impacted by this cell tower.

Mr. Jazdzyk asked if there is any information regarding the number of cell phone towers in residential areas. Mr. McNeil stated that information was referenced in the staff report.

Mr. Churchill stated the fall zone is 195ft. and that is also the distance to the road. Mr. Churchill asked if all of the trees will be left as they are currently. Ms. Rodriguez stated they will leave as many as they can as they play to use the existing trees as landscaping. Ms. Rodriguez stated they will have to remove some trees in the easement driveway. Mr. Churchill stated his concerns about removing trees in the fall zone area. Ms. Rodriguez stated that towers are designed to collapse on themselves. Discussion was held. Mr. McNeil stated that it is not uncommon for trees to be in the fall zone. Mr. McNeil noted that there is no requirement in our standards for clearing within the fall zone. Mr. McNeil stated there is a 1:1 ratio for the fall zone unless there is some type of engineering information to show that the tower will collapse and then the Planning Commission can consider a lesser fall zone. Mr. Kavanaugh asked if all of the trees will remain except the ones that will be removed from the driveway. Ms. Rodriguez stated trees will be removed for the compound and the driveway and the rest of the trees will stay.

Public comment closed.

The Planning Commission reviewed the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 17.13.2.b, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10.

Mr. Kavanaugh asked if the Planning Commission can require a maintenance agreement. Mr. McNeil stated they will have to continue to meet the standards and any local blight ordinances. Mr. Freese noted there are no blight ordinances. Mr. Freese suggested a stipulation that the site is to be maintained and there is to be no trash in the area. Mr. Jazdzyk stated it would be helpful to make it clear who has the responsibility and how to contact the individual. Mr. Kavanaugh stated the applicant did not really answer that question and referred it to staff. Mr. Freese stated if it is a condition of the special use permit, it will fall on the property owner and Verizon. Mr. McNeil stated it will fall on Verizon. Mr. Borowicz stated all of the standards must be met for the Planning Commission must approve this request. Mr. Freese stated there can be a condition on the approval.

Motion by Mr. Borowicz, seconded by Mr. Bartlett, to approve the special use permit based on the Finding of Fact Under

Section 17.13.2.b, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the stipulation that FCC requirements and FAA requirements be met and that the site be maintained properly (free of debris and trash) at all times. Motion carried unanimously.

Renee Mesack and Gerri Mesack – Requests a Site Plan Review for restaurant use (Section 6.2.9). The property is located at 3859 S. Straits Hwy., Tuscarora Township, Section 24, parcel #161-024-400-565-00 and is zoned Commercial Development (D-CM).

Mr. McNeil stated this request is for a site plan review for a proposed coffee shop in the Village of Indian River. Mr. McNeil stated the property is located in a Commercial zoning district, thus requiring site plan review. Mr. McNeil stated the coffee shop falls under restaurant use. Mr. McNeil stated he reviewed in the staff report how the application meets the standards. Mr. McNeil referred to the site plan and stated that parking standards have been met. Mr. McNeil stated the applicant is proposing a sign using the existing sign structure on the roof. Mr. McNeil stated this request is to use the existing building.

Mr. Kavanaugh stated that the Health Department has issued the well permit and sewer is available.

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

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

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Health Department approval and Department of Building Safety approval. Motion carried unanimously.

UNFINISHED BUSINESS

Lawrence Hanson and Heritage Cove Farm, Inc. – Request a Special Use Permit and approval of the submitted site plan. A Special Use Permit is requested under the following sections of the Cheboygan County Zoning Ordinance #200: Section 9.3.14., Nursing or convalescent homes, Section 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.), Section 10.3.2. Club, Section 10.3.3. Cabin colonies, Section 10.3.6. County club, Section 10.3.8. Duplex or multi-family buildings, and Section 10.3.14. Restaurant/Bar. The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6 , parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).

Mr. Wendling stated at the previous meeting there were many questions regarding the two zoning districts and whether or not independent requests for specific primary special uses can be asked for each of those parcels. Mr. Wendling stated that he explained it was the law, but he needed to provide a copy of a case on point. Mr. Wendling stated he has provided the Planning Commission a copy of the Anchor Steel & Conveyor Co. v. Dearborn case along with a memo. Mr. Wendling stated that this case is very similar to the Heritage Cove Farm request. Mr. Wendling stated this case involved a manufacturing plant where they manufactured and installed conveyor systems for a variety of industries. Mr. Wendling stated this property consisted of three separate zoning districts with only one of the zoning districts allowing for the manufacturing operation which of course was the basis for the whole purpose behind the business and ownership of the property. Mr. Wendling stated the two other districts had separate uses which included the request on the part of the manufacturing plant to have a drafting room office on a separate portion of the property and in different zoning district. Mr. Wendling stated another use was storage which was meant to feed the manufacturing plant in another portion of property also in a separate district where storage was otherwise allowed. Mr. Wendling stated the City of Dearborn would not approve the permits because the whole operation was a manufacturing facility. Mr. Wendling stated that independently these types of uses were allowed on the other portions of the property that are zoned differently. Mr. Wendling stated the City of Dearborn believed it was part and parcel of the whole and denied the application. Mr. Wendling explained that the Michigan Supreme Court stated that it is not relevant as to why the applicant wishes to have storage or why they wish to have a drafting room in another district. Mr. Wendling stated those uses can be stand-alone uses because the reason behind having those uses in that district is not relevant for purposes of zoning and land use. Mr. Wendling stated that the court ruled, "It is both unreasonable and arbitrary to deny plaintiff the use of its property in each zone to the full extent of its capabilities because such use either facilitates or hampers the operations in still

another zone. Moreover, it does not follow that, because the product of the drafting room is to be used in connection with the plaintiff's manufacturing operations, such operations will be likewise performed in the drafting room or that the storage of steel in an adjacent building, to be used for storage only, will constitute fabrication of conveyors. In this instance, plaintiff seeks merely to use his property for a use consistent with the restrictions imposed on each of the particular areas of that property by the zoning ordinance. The plaintiff had a clear legal right to have permits issued for such uses. Defendants' action in withholding the granting of said permits was an arbitrary act. We so hold. There is no merit in the balance of contentions made, and we concur with the finding and result reach by the trial court."

Mr. Freese stated this goes back to his original thinking and the Anchor Steel & Conveyor Co. v. Dearborn case disallows that line of reasoning. Mr. Freese stated they are very clear flow of accessory to primary uses is allowed in only direction. MR. Freese stated that the case shows that accessory uses in one district must be allowed in that district even though they are a part of a primary use in another district which said primary use is not allowed in the district in which the accessory uses are located. Mr. Freese stated if the manufacturing of steel "primary use" was flowing back to the other districts, they wouldn't have allowed it. Mr. Wendling stated that, assuming that Mr. Freese is right, this will go back to the discussion regarding the therapy aspect related to the convalescent and therapy treatment. Mr. Wendling stated in the Lake and Stream Protection zoning district there is an application for a restaurant. Mr. Wendling stated that by using this reasoning, it is more than logical for the Planning Commission to not allow therapy in the Lake and Stream Protection zoning district. Mr. Wendling stated that in regards to the farm uses, there are a mixture of other laws that are in place and also there is the use by right in the Agriculture Forestry Management zoning district and that there is a gardening use is the Lake and Stream Protection zoning district. Mr. Wendling stated that cabin colony and cafeteria are proposed in Lake and Stream Protection zoning district and the balance of the property is wetlands where there will be a dock. Mr. Wendling stated he agrees with Mr. Freese's reasoning regarding the restriction on the therapy use in the Lake and Stream Protection zoning district and he does not believe that it runs afoul of any federal laws pertaining to the Federal Fair Housing Act. Mr. Wendling stated this is not addressing the housing issue or the ADA because the property still has ample room in the Agriculture Forestry Management zoning district to conduct that therapy activity as part of the convalescent home. Discussion was held. Mr. Jazdzyk stated he is not sure that the court's decision helped as it seems they ended up right where we have to start. Mr. Wendling stated the applicant knows what is allowed in each zoning district and they picked primary uses in their application for each of the two separate zoning districts and that is the point behind the Anchor Steel & Conveyor Co. v. Dearborn case. Mr. Wendling explained that the court is saying that it doesn't really matter what the reasoning is behind it, even if it is feeding another operation where the property as a whole is being used for the main purpose which is a manufacturing plant. Mr. Wendling stated, we don't care about that, but what we care about is what is allowed in each of the zoning districts, even if they are located on the same property which has an overall purpose. Mr. Wendling stated there is an overall purpose with Heritage Cove Farm and we know that. Mr. Wendling stated the question is, regardless of that overall purpose, what are they allowed to do in the two zoning districts that exist on the property. Mr. Wendling stated this is where the therapy questions comes in as it really doesn't fit into any of their requested uses in the Lake and Stream Protection zoning district even if the cabin colony use works or even if the Planning Commission approves a cafeteria that is accessory to a cabin colony. Mr. Wendling noted that the rest of the issues involve the disability itself, which is an area that can't be considered as far as denial and this is where you would have to make a reasonable accommodation. Mr. Wendling questioned if there is enough here to do something given the existing ordinance or the reasonable accommodation factors don't come into play by looking at the two zoning districts separately. Mr. Wendling stated in Agriculture/Forestry Management zoning district there is the convalescent and the accessory uses. Mr. Wendling stated in the Lake and Stream Protection zoning district there is the cabin colony and the accessory uses. Mr. Wendling stated that at the last meeting the applicant noted that the cafeteria would be used a social hall between meal hours. Mr. Wendling does not believe that a social hall is a primary use as far as gathering for social purposes. Mr. Wendling stated he assumed this would be done in a regular cabin colony. Mr. Wendling referred to the country club use in the Agriculture/Forestry Management zoning district and stated it does not make a lot of sense. Mr. Wendling believes that this boils down to the convalescent home, treatment facility and the accessory uses related to that in the Agriculture/Forestry Management zoning district. Mr. Wendling stated that even the requested uses in the Lake and Stream Protection zoning district, mainly the cabin colony and accessory uses, regardless of the fact that they feed the balance of the operation, the overall purpose has to be viewed as a stand alone request and use and it doesn't matter what the purpose is. Mr. Wendling stated this is the core of the Anchor Steel & Conveyor Co. v. Dearborn case. Mr. Jazdzyk stated this raises the dilemma that the therapeutic use might not be approved in the Lake and Stream Protection zoning district because it does not exist. Mr. Jazdzyk noted that the overall description of the therapeutic farm is people wandering all different locations and getting therapy in different locations. Mr. Jazdzyk stated it is hard limit is so that the therapy stops at a certain line. Mr. Wendling stated the Planning Commission can ask the applicant what therapy means. Mr. Wendling stated that generally when they will be in the cabin colony they will be residing or eating. Mr. Wendling stated that whether the fact that they are farming or gardening or whether they have a mental disability or not, therapy could be a good atmosphere for people who are disabled and it could be a good atmosphere for people who are not disabled. Discussion was held on the complexity of this request. Mr. Wendling stated the ordinance is very liberal in what it allows in the Agriculture/Forestry Management zoning district and the Lake and Stream Protection

zoning district. Mr. Wendling stated the challenges facing the Planning Commission have to do with the existing uses in the ordinance. Mr. Wendling stated you can have a motel/hotel in the Lake and Stream Protection zoning district. Mr. Wendling stated what if an application was submitted for a 60 room motel/hotel in the Lake and Stream Protection zoning district. Mr. Wendling stated there wouldn't be a lot of happy neighbors if that type of proposal was brought forth. Mr. Wendling stated you have to live within the means of the uses that you have. Mr. Jazdzyk noted that there would be lots of other criteria for the hotel/motel to meet. Mr. Jazdzyk stated there might be other things that may cause the hotel/motel to succeed or fail.

Mr. Kavanaugh stated that the bottom line is that there are two zoning districts and the Planning Commission is to review each use in each district. Mr. Wendling stated yes, as this is what the applicant has provided to the Planning Commission. Mr. Wendling stated that legally there would be problems if the Planning Commission approved the proposed use for the Agriculture/Forestry Management zoning district and did not allow the other proposed uses in the Lake and Stream Protection zoning district. Mr. Wendling stated he would do his best to defend this decision, but he would have a difficult time defending this type of decision. Mr. Kavanaugh stated this is not a black and white decision. Mr. Kavanaugh stated that the Planning Commission is to look at two districts and the uses in each district, not as a whole. Mr. Wendling stated yes, that is correct.

Mr. Freese stated there have been many comments that the Findings of Fact seem to be one sided. Mr. Freese stated the legal counsel did try to make the Findings of Fact more balanced. Mr. Freese stated there another packet was provided by the people who are against this request. Mr. Freese stated this gives the other side of the coin. Mr. Freese believes that both packets should be considered. Mr. Freese stated that the Planning Commission should look at the proposed Findings of Fact from legal counsel and see if there is any interest for including any of Findings of Fact submitted from the other packet. Mr. Freese stated that each one can be discussed. Mr. Kavanaugh stated in the past the Planning Commission could never use the information that came after the public hearing was closed. Mr. Kavanaugh stated now the Planning Commission has received Findings of Fact and he agrees that some of them are interesting and believes that they should be looked at and used if the Planning Commission feels that they should be included. Mr. Kavanaugh asked Mr. Wendling if there are any problems if these Findings of Fact are also used. Mr. Wendling stated Findings of Fact are not an exhibit because we do not know what the final result will be. Mr. Wendling stated only the final result of the meeting and the Findings of Fact adopted by the Planning Commission will become part of this record. Mr. Wendling stated we are not taking extra exhibits, letters or expert reports. Mr. Wendling stated the exhibit list is unchanged. Mr. Jazdzyk stated that he thought that the Findings of Fact would be a compilation of information from both sides. Mr. Jazdzyk stated then he received the one set of Findings of Fact it was fairly one sided. Mr. Jazdzyk stated that the Planning Commission received another Findings of Fact from the attorney for the people who are against this request. Mr. Jazdzyk stated he believes the Planning Commission represents both sides. Mr. Jazdzyk stated that they try to give each side a fair hearing. Mr. Jazdzyk explained that he didn't feel like there wasn't a sense of fairness for the taxpayers on both sides to be adequately represented. Mr. Freese stated this is what he was proposing to do by looking at both packages. Mr. Wendling stated it is not unusual to have parties who are represented by counsel, whether on behalf of the applicant (who also provided findings at the beginning) or whether on behalf of a citizen's group to present findings. Mr. Wendling stated that part of being heard is making a decision whether to hire legal counsel and whether they wish to have legal counsel draft findings as well. Mr. Wendling stated there are plenty of findings in the original that would result in a denial. Mr. Wendling stated there are legal issues that surround this particular application. Mr. Wendling stated he has put together findings to the best of his ability based on existing law. Mr. Wendling stated his role as the attorney for the county is to provide the best advice to put the county (which includes the taxpayers) in the best legal position, including making sure that the taxpayers are not subject to legal jeopardy as a result of decisions made by the Planning Commission or the Zoning Board of Appeals. Mr. Wendling stated that variances are rarely granted by the Zoning Board of Appeals so most of the time the findings are one sided. Mr. Wendling stated that the law as far as Planning Commission decisions is that if the applicant meets the standards under the ordinance it has to be granted. Mr. Wendling stated that the Planning Commission can use the negative findings or the other findings. Mr. Wendling stated the Planning Commission can make up their own findings. Mr. Wendling stated that these findings are also drafted by staff. Mr. Schnell stated he heard Mr. Jazdzyk's concerns. Mr. Schnell stated that when staff drafts the findings or when legal counsel drafts the findings, it is not meant to communicate a particular direction. Mr. Schnell stated if there are 7 findings listed for something and 5 findings against something, it is not meant to communicate that the findings for something should win. Mr. Schnell stated their intent is to provide the most legally solid information to you and not provide something that can be seen as discriminatory. Mr. Schnell stated that when approving a special use permit or a site plan, you only need one factor to not comply.

Mr. Kavanaugh asked if there is a standard that is not met in 18.7, would the Planning Commission then review a reasonable accommodation. Mr. Wendling stated yes.

The Planning Commission reviewed and revised the General Findings of Fact provided by legal counsel and staff.

The Planning Commission reviewed and revised the General Findings of Fact provided by Bridget Brown Powers.

Mr. Jazdzyk stated he likes finding 5 because it gets into the Rose Hill, Hopewell and Gould that are in comparison with Heritage Cove Farm. Mr. Kavanaugh asked if the comparison is with the size. Mr. Jazdzyk stated yes. Mr. Freese stated this is a fact whether it is relevant or not.

Discussion was held regarding whether finding 8 is a fact or not. Mr. Wendling stated it can be crossed out if it is something that you are not sure of. Mr. Freese stated that finding 8 should not be included as it was not perfectly clear that staff would be there on a permanent basis. Mr. Kavanaugh stated that it is not clear as we do not have a definition of indefinite.

Mr. Freese stated that finding 10 is coming to conclusions that he does not believe are warranted. Mr. Freese stated finding 10 should be deleted. Mr. Jazdzyk stated there is legal importance behind this finding and it is not just a statement of someone's interpretation. Mr. Jazdzyk stated there is a Supreme Court ruling behind it. Mr. Jazdzyk questioned if this is the definition of infirmed that the Planning Commission agreed upon. Mr. Jazdzyk stated this is a statement of fact. Mr. Wendling stated he doesn't agree and that is why he doesn't include cases in the Findings of Fact. Mr. Wendling stated cases are interpreted differently and any reference to a case in Findings of Fact should be eliminated. Mr. Jazdzyk asked where did the Planning Commission's definition of infirmed come from. Mr. Wendling stated the law says to use a dictionary definition. Discussion was held. Mr. Freese noted the way finding 10 is written, "'feeble or weak in body or health [especially] because of age," and stated the case was probably that this was written in was probably an age case and the court emphasized that age was brought in as a possible health issue. Mr. Freese stated that mental health is just as important as physical health. Mr. Freese stated that the interpretation in finding 10 that they are trying to come to is that mental health is not a health issue. Mr. Wendling stated the Planning Commission is referring to a dictionary if there is a term that is not defined. Mr. Jazdzyk asked if there is a specific dictionary that should be referred to. Mr. Wendling stated that you can refer to a variety of dictionaries and you can refer to dictionaries on-line. Mr. Jazdzyk asked which dictionary this definition came from. Mr. Schnell stated it would be one of the dictionaries listed as exhibits 161-165. Mr. Freese stated this is saying that mental health is not an infirmity. Mr. Jazdzyk stated that he does not believe that it covers every interpretation of infirmed but in accordance with what we have it could conceivably be the definition. Mr. Jazdzyk stated that just because they didn't include mental disability doesn't mean that they don't care about mental disability. Mr. Freese stated they are trying to say that a mental health issue is not an infirmity and that it has to be physical or age related. Mr. Freese stated that he does not come to that conclusion based on what has been presented. Mr. Jazdzyk stated that Mr. Freese is expanding it to say that infirmity should include mental health issues and if that was our definition he would agree with Mr. Freese. Mr. Jazdzyk stated it is possible that it was not in there and wasn't included. Mr. Jazdzyk stated he doesn't know what was the intent of the people who put this together. Mr. Jazdzyk stated this definition is as good as the other definition, but he understands legally that we have to use a definition from a dictionary. Mr. Wendling stated that is why cases are not included in the findings as the cases can be based on different facts and aspects of the law. Mr. Kavanaugh stated in one instance the Planning Commission is being told to not use the cases, but the Planning Commission is basing the way they approach this whole request on the Anchor Steel & Conveyor Co. v. Dearborn case. Mr. Wendling stated this is correct and there is a difference. Mr. Wendling stated that case addressed how you view zoning just like there are laws that address how you view zoning. Mr. Wendling stated his job is to tell the Planning Commission what the law is on how to view zoning. Mr. Kavanaugh asked if the definitions from the dictionary are what the Planning Commission should use. Mr. Wendling stated yes or you can go online right now to look at the definitions. Mr. Jazdzyk asked what the Supreme Court's definition can't be used. Mr. Wendling stated because it does not say where it came from. Mr. Wendling suggested eliminating the case portion and pick a dictionary definition that you believe is appropriate. Discussion was held. Mr. Churchill read the definition of infirmed from Webster's Dictionary, "Having a condition of weakness or illness that usually lasts for a long time and is caused especially by old age." Mr. Schnell read from the definition of infirmed from Oxford Dictionary, "Not physically or mentally strong, especially through age or illness." Mr. Freese stated the key to this issue is what is an infirmity and does it include a mental infirmity. Mr. Kavanaugh stated that the Planning Commission can't go far without knowing this definition. Mr. Schnell read a definition of infirmity from the freedictionary.com (citing Random House Kernerman Webster's College Dictionary), "1. a physical weakness or ailment: the infirmities of age, 2. the quality or state of being infirm; lack of strength, 3. a moral weakness or failing." Mr. Schnell read from the definition of infirmity from the freedictionary.com (citing Collins English Dictionary) "1. The state or quality of being infirm, 2. Physical weakness or debility; frailty, 3. A moral flaw o failing." Mr. Churchill asked what was wrong with finding 10. Mr. Freese stated finding 10 is trying to exclude mental infirmity. Mr. Churchill stated he does not see it that way. Mr. Churchill stated he sees it as health; you have physical health and you have mental health. Mr. Freese stated if you follow their arguments they are saying that mental problems are not an infirmity. Mr. Churchill agreed with Mr. Freese. Mr. Freese stated that when you accept a definition that excludes mental problems as an infirmity then there is a good argument. Mr. Kavanaugh asked Mr. Wendling if the Planning Commission should pick 5 definitions and decide as a group which definition should be used. Mr. Wendling explained that the definition the Planning Commission moves forward with will be the definition chosen by the majority of Planning Commission members. Mr. Freese asked if the majority of the Commissioners will pick the definition that all will have to use or will each of the Planning Commission members use their own definition. Mr. Wendling stated if different Commissioners are following

different paths, then that would still be consistent all the way through. Mr. Wendling stated there is no absolute rules that there has to be absolute unanimity. Mr. Kavanaugh asked if the definition that the majority decides upon will be used in the findings. Mr. Wendling explained that it is the definition that will be used. Mr. Kavanugh stated that doesn't mean that everyone has to use that definition. Mr. Wendling stated that at the end everyone has to use that definition if you are going to vote consistently even though there may dissension among Planning Commission members. Mr. Kavanaugh asked if a couple of definitions can be included. Mr. Wendling stated yes, if the definitions are consistent. Mr. Kavanaugh stated they are not consistent. Mr. Kavanaugh stated the Planning Commission should include several of the conflicting definitions. Mr. Wendling stated they could be included in the General Findings. Mr. Schnell read the definition of infirm from Merriam Webster, "1. of poor or deteriorated vitality; especially: feeble from age, 2. weak of mind, will, or character, 3. not solid or stable." Discussion was held.

Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to include a definition that includes the mental health that is very clear and one that does not include mental health. Motion carried unanimously.

Ms. Croft asked the Planning Commission members if finding 10 should be included. Mr. Churchill and Mr. Freese stated no. Mr. Churchill and Mr. Freese agreed that the definition of infirmed should be removed from finding 10. Mr. Jazdzyk stated he thought the concern was the Michigan Supreme Court's definition. Mr. Jazdzyk thought the process was to have the definitions and the Planning Commission members could argue their case and vote how they felt. Mr. Kavanaugh stated the problem is that the Planning Commission would have to be able to read all of the definitions and make a motion to use certain definitions. Mr. Kavanaugh asked if it is reasonable to have both included and then move on. Mr. Wendling stated a motion has already been made that consists of two different definitions. Mr. Wendling stated the motion made by Mr. Kavanaugh had to do with the definitions provided by Mr. Schnell. Mr. Kavanaugh stated that we are to get rid of the Supreme Court's definition because we do not know where it came from. Mr. Kavanaugh stated there will be two that the Planning Commission can decide on. Mr. Kavanaugh asked what portion of finding 10 should be included or not included. Ms. Croft stated that part of 10 must be deleted. Discussion was held. Mr. Freese suggested keeping, "The Planning Commission finds that "convalescent or nursing home" is defined under the Cheboygan County Ordinance as "[a] home, qualified for license under applicable Michigan law, for the care of children, aged, or infirm and providing facilities for four or more patients." (See Exhibit 154.) The Planning Commission further finds that, pursuant to Applicant's materials, Applicant is not proposing that "children" or the "aged" will participate on the proposed Farm. The Planning Commission also finds that the Ordinance does not define the term, "infirm." Ms. Croft asked if the Planning Commission would like to keep "The Planning Commission further finds that Applicant represents that licensing will not be required for the uses Applicant proposes on the property." Mr. Freese noted the applicant stated in testimony that they would follow any necessary licensing requirements and up to and including applying for accreditation which is over and above licensing. Mr. Freese stated that this is not a fact and this sentence should be deleted. Mr. Jazdzyk stated that at one time the applicant stated that they would not apply for licensing and then they came back and said they would apply for any Michigan licensing that is required. Mr. Jazdzyk stated that Heritage Cove Farm may be able to structure their operation such that a license would not be required. Mr. Freese explained that this statement "that a license will not be required" is not what the applicant is saying. Mr. Freese stated this statement should be removed. Mr. Jazdzyk agreed with Mr. Freese and stated his concerns regarding a convalescent facility in this area that is not licensed, but is approved by the Planning Commission. Mr. Freese stated that if the application is approved we would require that they have to follow any necessary licensing procedures determined by their actual operation. Mr. Freese stated if this special use permit is approved, he believes this should be one of the conditions. Mr. Jazdzyk stated this will not completely protect the Planning Commission as we could end up with a facility that doesn't require licensing and they could run the facility in accordance with these requirements. Mr. Jazdzyk stated Heritage Cove Farm could run this facility legally, and noted that they could do so without a Michigan license based upon the type of clientele that they service. Mr. Freese and Mr. Wendling agreed that it will be required if the law requires it. Discussion was held. Mr. Churchill stated that the applicant explained that they can't go to the State to discuss licensing until they receive an approval from the Planning Commission. Mr. Churchill stated that they do not know what licensing is necessary. Mr. Freese stated there is an exhibit showing that the State did look at what the applicant presented and the State indicated that it probably was going to be an adult foster care facility. Mr. Freese stated if we do not approve some portions of this request, then it may not be able to be considered an adult foster care facility. Mr. Freese stated he can see where this is the problem when they say that they can't get the State to determine what licensing might be necessary until the Planning Commission makes a decision. Mr. Freese stated if the Planning Commission approves all or a portion of this request, then they will have to go to the State who will tell them, based on what the Planning Commission approved, what license is required or not required. Mr. Freese stated if a license is not required, then the State is saying that then there probably aren't the factors there that would require more safety precautions.

The Planning Commission agreed that 11 is acceptable.

Mr. Freese stated that the first statement in 12 is not true. Mr. Freese stated the ordinance does provide for what is really an analogy in 9.3.22. Mr. Freese stated there is no use like this in Lake and Stream Protection but there is in Agriculture and

Forestry Management. Mr. Freese referred to 12B and explained this falls back to the statement that Mr. Wendling made and the Tuscarora Township's objections to this and Griswold Mountain and legal counsel's differentiation between a zoning issue and a rezoning. Mr. Freese stated the Planning Commission is looking at a determination of zoning use and we are not looking at a rezoning therefore 12A and 12B are not applicable. Mr. Kavanaugh agreed with Mr. Freese and stated that the Tuscarora Township Planning Commission should be given weight as they have a Master Plan that we have approved. Mr. Kavanaugh stated Section 4 of our Master Plan states that we should be using their Master Plan in reviewing plans. Mr. Kavanaugh stated that the Tuscarora Township Planning Commission met, discussed this request and felt that it wasn't compatible and that should be included in the General Findings. Mr. Jazdzyk stated a lot of money was spent on a Master Plan and we said we would place credence in that Master Plan and it would be the road map for future planning and essentially the Master Plan for future zoning ordinances. Mr. Jazdzyk stated we also said we wanted to go to the township because they were closest to the people and they represented the people the best. Mr. Jazdzyk stated we accepted Tuscarora Township's Master Plan that they developed. Mr. Jazdzyk stated that the Master Plan is in effect and it should have weight because they are the closest to the people. Mr. Schnell stated there are three references to the Master Plan in the Zoning Ordinance and noted that Mr. Jazdzyk's points are right on as far as how the Master Plan applies to a zoning ordinance amendment. Mr. Schnell stated the Master Plan in reference to the actual regulations within the Zoning Ordinance. Mr. Schnell stated in the Open Space Subdivision purpose statement there is a goal that what they do will conform to the Master Plan. Mr. Schnell stated this is not relevant here as they are not doing open space. Mr. Schnell stated in the purpose statement for site plan review it states "The intent of this Section is to provide for consultation and cooperation between the developer and the County so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding land uses consistent with the requirements and purposes of this Ordinance. Through the application of the following provisions, the attainment of the Master Plan of Cheboygan County will be assured and the County will develop in an orderly fashion." Mr. Schnell stated the third reference to the Master Plan is also in site plan review and this seems to be an error in reference but it is in the Zoning Ordinance. Mr. Schnell read Section 20.10i, "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 the 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." Mr. Schnell stated the reference is probably intended to say that the Master Plan says that your neighborhood should have a grid pattern you should follow that and move forward.

Mr. Kavanaugh asked Mr. Schnell to look for the reference that we use their Master Plan whenever applicable. Mr. Schnell noted that is located in our Master Plan. Mr. Kavanaugh stated that is an important issue. Mr. Schnell stated that references amendments to the Zoning Ordinance. Mr. Freese stated that would be consistent with the Zoning Ordinance but what we are looking at is a use under the Zoning Ordinance as it is presently written. Mr. Freese stated we are trying to find something that is consistent with the Zoning Ordinance the way it is written. Mr. Freese stated we are not looking for a revision, amendment, change, or rezoning to the Zoning Ordinance. Mr. Kavanaugh stated that Tuscarora Township said that they felt it was not compatible with the land use plan. Mr. Freese stated that we have to look at the zoning ordinance as written which is the law. Mr. Freese stated this is what we are trying to follow and not a land use plan that may change the zoning in the future. Mr. Schnell stated he received a call from a Tuscarora Township resident who was concerned that the Master Plan was not worth anything anymore. Mr. Schnell explained that it is worth a lot as the County and the Township Master Plan, when making zoning amendment decisions, are the documents to review and they carry a lot of weight. Mr. Schnell stated that because we reference the Tuscarora Township Master Plan that carries a great deal of weight in making amendments to the Zoning Ordinance. Mr. Wendling stated the Zoning Ordinance is what is it is and you have to follow it as written. Mr. Wendling stated the reference in the Cheboygan County Master Plan requires that if you are going to make changes in the ordinance (legislative act, rezoning or otherwise) you need to consider the Tuscarora Township Master Plan. Mr. Wendling stated that for specific applications before you, the Zoning Ordinance is it. Mr. Kavanaugh suggested including the decision made by Tuscarora Township in the General Findings. Mr. Wendling agreed with Mr. Kavanaugh. Ms. Croft noted that 12B states that Craig Waldron made a motion that Heritage Cove Farm plan is not compatible with our future land use map and this is already part of the findings.

Mr. Freese read from 13, "The Planning Commission further finds that Applicant's September 22, 2015 letter also proposes a "garden" and "greenhouse" on that portion lying within the P-LS District, but fails to provide the provision(s) of the Ordinance in support of these proposed uses; however, Applicant does seek a reasonable accommodation for same." Mr. Freese stated that the garden is allowed under Section 10.2.2. Mr. Freese stated the greenhouse is specifically authorized in two other places (Resource Conservation and Agriculture and Forestry Management) but he questions whether that is not allowed under the Right To Farm Act. Ms. Croft asked if greenhouse falls within the Right To Farm Act. Mr. McNeil stated yes, provided it is being done commercially. Mr. McNeil stated gardening is a use permitted by right in the Lake and Stream Protection zoning district. Mr. Freese suggested replacing "The Planning Commission further finds that Applicant's September 22, 2015 letter also proposes a "garden" and "greenhouse" on that portion lying within the P-LS District, but fails to provide the provision(s) of the Ordinance in support of these proposed uses; however, Applicant does seek a reasonable accommodation for same." with the

applicant does not provide it but gardens are allowed under Section 10.2.2. Ms. Croft suggested including that a greenhouse, as long as it is commercial, is provided under The Right To Farm Act.

Ms. Croft asked if there are any additional General Findings that the Planning Commission would like to add.

Mr. Freese stated he would like to add to the General Findings, "The primary use of the entire application is for a therapeutic farm which is if not analogous to a convalescent home it certainly matches the definition and could be considered under Section 9.3.22." Mr. Kavanaugh questioned if this will tend to make the Planning Commission look at this as an entire project. Mr. Freese stated no and that it is just saying that they primary use of the entire application is for a therapeutic farm facility which is a convalescent home under our definition. Mr. Jazdzyk stated he did not know if he would stretch it that far. Mr. Freese stated you will have to come up with something that is in the regulation that is closer to it than convalescent home. Mr. Freese stated if it isn't exactly then the closest you can push it into 9.3.22 and that is the closest thing in the regulation that it matches. Discussion was held. Mr. Kavanaugh stated these are big terms. Mr. Freese questioned if the definition of convalescent home in the Zoning Ordinance is required to have a license or capable of having a license. Mr. Wendling stated he would view this as being capable of having a license because it is a requirement of whatever the state law will require. Mr. Wendling stated if licensing is required that is what it is for. Mr. Wendling stated if you don't think that is close enough, then match it up to Section 9.3.22. Mr. Freese stated he has gone through the regulation and can not find anything that comes closer than convalescent home and if you don't say that it is on point in every aspect then it is certainly close and you consider it under Section 9.3.22. Mr. Borowicz stated it is not a nursing home or an adult foster home because the term convalescent home implies the process of recovery. Mr. Borowicz stated that with this reasoning, this is as close as he can come. Mr. Kavanaugh asked Mr. Borowicz if he believes this is not close to a convalescent home. Mr. Borowicz stated he does and this is the closest that we can come to under Section 9.3.22. Mr. Freese stated you can't have exclusionary zoning and say that this is an elephant and there is no place for the elephant in the regulation because then you will have to come up with some place. Mr. Kavanaugh stated that both convalescent home and Section 9.3.22 should be included.

Mr. Freese stated there has been a lot of discussion that this is a residential area. Mr. Freese stated the use may be residential but the property is zoned Lake and Stream Protection. Mr. Freese stated the only parcels in the general area that have an underlying Residential zoning are the platted subdivisions. Ms. Croft noted that these properties are not within a platted subdivision. Mr. Freese stated the underlying use is still Lake and Stream Protection which is not a Residential zoning per se. Mr. Kavanaugh suggested including "It is zoned Lake and Stream Protection but the uses are residential." Mr. Churchill suggested including "Lake and Stream Protection allows residential uses." Mr. Kavanaugh stated that historically most of that area is developed residentially even though a good portion of it is zoned Lake and Stream Protection. Mr. Schnell asked if it would help to reference the purpose statement for the Lake and Stream Protection zoning district, "…it becomes apparent that there is considerable pressure for development of waterfront property for homes, tourism and recreation." Mr. Jazdzyk stated he does not know that it has a huge bearing on the General Findings. Mr. Freese stated the Lake and Stream Protection zoning district tries to preclude a denser housing use and noted that there is a 100ft. wide lot restriction. Mr. Freese stated this is a protection district that is trying to put some brakes on the residential use in that area. Mr. Jazdzyk stated or on any use that would increase densities in population.

The Planning Commission reviewed the Specific Findings Of Fact Under 18.7 Of The Cheboygan County Zoning Ordinance. Mr. Freese noted that "The Property is located in zoning districts in which the Farm is allowed by way of special land 415 use pursuant to M-AF §9.3 and P-LS § 10.3 as discussed in parts Ill(A)(l) and III(A)(2) of the 416 applicants letter dated April 20, 2015 (see Exhibit 1)." is to be added to Findings That Support This Standard under 18.7a. Discussion was held regarding this statement being included in the General Findings.

The Planning Commission reviewed the Findings That Support This Standard for 18.7.a submitted by legal counsel and staff. The Planning Commission agreed that 18.7.a.1 is acceptable. The Planning Commission discussed 18.7.a.2. Mr. Jazdzyk stated if you look at infirmity, it depends on the decision. Mr. Jazdzyk stated if you look at infirmity, as including the concept of mental disability, certainly it meets the criteria because it says it has to be licensed. Mr. Jazdzyk stated if you look at infirmity as the aged then you don't have this component in there. Mr. Jazdzyk stated there is a possibility to turn it down based on this. Mr. Freese stated this is a positive statement for the findings. Mr. Freese stated this is in support and you may not accept it. Ms. Croft explained that the Planning Commission is going through the findings that support the standard. Mr. Freese stated that a decision will be made that the whole thing does or does not support. Mr. Kavanaugh stated that the Planning Commission has reviewed the 8 Findings That Support This Standard for 18.7.a. Mr. Kavanaugh stated that the Planning Commission is now reviewing the Findings That Will Not Support This Standard for 18.7.a.

The Planning Commission reviewed the Findings That Will Not Support This Standard for 18.7.a submitted by legal counsel and staff. The Planning Commission agreed that 18.7.a.1, 18.7.a.2, 18.7.a.3, 18.7.a.4, are 18.7.a.5 are acceptable. Mr. Freese stated that 18.7.a.6 should be changed to, "The Planning Commissions finds that the Applicant's proposal for a country club

use under 10.3.6 is 458 not a part of what is being proposed as an operation in the M-AF Zoning District, but rather is a use 459 being proposed in the M-AF District as a convalescent home."

Ms. Croft asked if this standard has been met. Mr. Freese stated we are not going to decide yet. Mr. Kavanaugh stated the Planning Commission has to review the other findings that have been provided. Mr. Wendling stated this is a discretionary decision upon the Planning Commission. Mr. Freese stated the Planning Commission reviewed the General Findings the same way. Mr. Kavanaugh stated that the Planning Commission should review 18.7.a on the other side as this is the crux of the entire proposal. Mr. Kavanaugh stated this will be the most time consuming item and everything hangs on 18.7.a. Mr. Kavanaugh stated there is a lot of work and it is important to do this work.

Discussion was held regarding the Findings that were submitted by Bridget Brown Powers. Ms. Croft and Mr. Wendling referred to 18.7.a and stated that Bridget Brown Powers notes for the Planning Commission to refer to Cheboygan County Planning Commission Draft Findings of Fact for Findings That Support This Factor. Mr. Schnell noted the confusing part is that Bridget Brown Powers uses a capital letter A and B for the standards which are lower case a and b. The Planning Commission agreed.

The Planning Commission reviewed the Findings That Do Not Support This Standard for 18.7.a that were submitted by Bridget Brown Powers.

Discussion was held regarding 18.7.a.B (Uses Requested in the M-AF Zoning District). Mr. Freese stated animal pasture area, greenhouse, barn and workshop are allowed in Agriculture and Forestry Management. Mr. Freese stated the conclusion is not a fact. Mr. Kavanaugh stated a portion of it is not a fact. Mr. Kavanaugh noted that the first paragraph talks about "housing and cottages", "garage and laundry" and "administrative building". Mr. Kavanaugh stated that the animal pasture area, greenhouse, barn and workshop are approved uses. Mr. Kavanaugh stated the Planning Commission did not talk about "housing and cottages", "garage and laundry" and "administrative building" stretch into that zone. Mr. Borowicz stated it is not analogous to a convalescent home. Mr. Borowicz stated it is a convalescent home and in M-AF it is allowed. Mr. Freese stated that is right. Mr. Jazdzyk stated the Planning Commission has not made that determination. Mr. Kavanaugh agreed with Mr. Jazdzyk. Mr. Wendling stated that the Planning Commission will have to make that decision when discussing 18.7.a as it can't be open ended. Mr. Kavanaugh questioned if "housing and cottages", "garage and laundry" and "administrative building" are analogous to a convalescent home. Mr. Borowicz and Mr. Freese stated that they are components of a convalescent home. Mr. Kavanaugh stated that is not what it says. Mr. Freese stated he is not saying that it is analogous to, he is saying it is. Mr. Borowicz agreed with Mr. Freese and stated a convalescent home will have all of those facilities. Ms. Croft stated that with a convalescent home being a primary and all of those being a portion of. Mr. Borowicz stated it could be portions of one building or separate buildings. Mr. Freese stated there is nothing in the regulation stating that they have to be one structure. Mr. Kavanaugh stated that he does not believe that portion is the same as a convalescent home. Mr. Borowicz stated there are nine Planning Commission members that will have to make this decision. Mr. Wendling stated that the Planning Commission will have to make this decision. Discussion was held. Mr. Freese asked Mr. Wendling if there is a vote taken and the majority agrees that this is a convalescent home in Agriculture and Forestry Management zoning district, does the decision stand for the whole Planning Commission. Mr. Wendling stated yes and then you will go through and apply it. Mr. Churchill asked Mr. Kavanaugh why he does not feel that "housing and cottages", "garage and laundry" and "administrative building" are part of a convalescent home. Mr. Kavanaugh stated he does not believe that "housing and cottages", "garage and laundry" and "administrative building" fits a convalescent home. Mr. Kavanaugh stated it is not analogous to a convalescent home. Mr. Kavanaugh stated it may be portions of a convalescent home. Mr. Kavanaugh stated he does not believe it is the exact same thing as a convalescent home. Mr. Freese stated in this district there is also housing units and laundry is necessary. Mr. Freese stated that administration is there. Mr. Freese stated there will also be a barn, workshop and greenhouse. Mr. Kavanaugh stated he does not have a problem with these uses. Mr. Freese stated this is a therapeutic farm. Ms. Croft questioned if we are dealing with a therapeutic farm or a convalescent home. Mr. Freese stated he made a determination that a convalescent home is the closest item in the regulation to the proposed primary function of this application which is a therapeutic farm. Mr. Kavanaugh stated that the Planning Commission included both in that determination. Mr. Wendling stated that theoretically you could make a motion that it is closest to a convalescent home to the extent that it is not identical to a convalescent home it matches up as a use under 9.3.22. Mr. Jazdzyk stated then you will have to go back to see if the definition is met for a nursing convalescent home and determine whether you include the definition that we have for infirmity. Mr. Jazdzyk stated that by going through the rest of the Findings of Fact that the Planning Commission may find other things that would sway an opinion regarding this issue. Mr. Jazdzyk stated once that vote is taken, it is all over. Mr. Jazdzyk explained that there may be information provided later that may be helpful. Mr. Freese stated that this particular page can't be addressed at this point as this is the crux of the whole request.

Mr. Wendling stated that there is confusion with the other findings. Mr. Wendling stated that the findings can be merged into

one document. Mr. Wendling stated that for the next meeting it is critical that every Planning Commission member read all of the findings, make notes and be prepared to lay out their positions as to those findings so that later you don't have a different decision. Mr. Wendling stated that the Planning Commission should be prepared and know exactly what they are talking about because they have thoroughly read the findings and made their own determinations. Mr. Wendling stated that the Planning Commission should be prepared for the meeting so they can quickly argue those positions and move forward. Mr. Wendling stated that the Planning Commission is getting caught up due to the recent nature of some of the findings that were submitted. Mr. Wendling stated that the findings will be put into a format that is similar to what the Planning Commission is used to seeing which will make it easier to read. Mr. Wendling stated it is critical that all of the findings are read and review the corresponding exhibits and decide if exhibits should be changed, decide if any findings should be deleted. Mr. Wendling stated if a finding should be added it should hand written and submitted. Discussion was held.

Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to have legal and staff merge the two Findings of Fact. Motion carried unanimously.

Mr. Schnell stated that he will draft the Findings of Fact so that the source is clear. Mr. Schnell stated it will be easier to read and the Planning Commission will receive a digital copy and a paper copy. Mr. Schnell stated that the applicant submitted Findings of Fact also that will be included. Mr. Wendling agreed that the applicant's Findings of Fact should be included. Mr. Freese suggested that the Findings of Fact be color coded as to the source.

NEW BUSINESS
No comments.

STAFF REPORT
Mr. Schnell asked Ms. Croft if there is a specific meeting date that the Heritage Cove Farm request will be addressed. Ms. Croft asked what the holiday schedule looks like and how soon could this request be added to an agenda. Ms. Croft stated the next meeting is January 6, 2016. Discussion was held. Mr. Schnell stated this request can be added to the January 6, 2016 agenda. Mr. Freese asked if there are any other applications that will be reviewed at the January 6, 2016 meeting. Mr. McNeil stated there is one special use permit application that will be reviewed. Discussion was held.

PLANNING COMMISSION COMMENTS
No comments.

PUBLIC COMMENTS
No comments.

ADJOURN
Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:53pm.

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Charles Freese
Planning Commission Secretary

DRAFT

CHEBOYGAN COUNTY
PLANNING COMMISSION

AirNorth / Alice Arnett

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Special Use Permit Application (6 Pages)
4. Property Access Agreement (1 Page)
5. Mailing List (7 Pages)
6. Site Plan (1 Page)
7. Detail Site Plan (1 Page)
8.
9.
10.
11.
12.

Note: Planning Commission members have exhibits 1 and 2.

CHEBOYGAN COUNTY
PLANNING & ZONING DEPARTMENT

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

SITE PLAN REVIEW APPLICATION

PROPERTY LOCATION

Address	City / Village	Twp / Sec.	Zoning District
6773 N. M-33	CHEBOYGAN	BENTON / 32	M-AF
Property Tax I.D. Number	**Plat or Condo Name / Lot or Unit No.**		
104-032-200-002-00	N/A		

APPLICANT

Name	Telephone	Fax
AIR NORTH COMMUNICATIONS	231-333-3104	
Address	**City, State & Zip**	**E-Mail**
218 N. MAIN ST. SUITE 102A	CHEBOYGAN, MI 49721	INFO@AIRNORTH.NET

OWNER *(If different from applicant)*

Name	Telephone	Fax
ALICE ARNETT	231-445-2406	
Address	**City, State & Zip**	**E-Mail**
6773 N. M33 Hwy	Cheboygan, MI 49721	

PROPOSED WORK

Type *(check all that apply)*

- ☐ New Building
- ☐ Addition
- ☐ Change in Use or Additional Use
- ☐ Reconstruction
- ☐ Relocated Building
- ☐ Sign, Type: _____
- ☒ Other: TELECOMMUNICATION

Building/Sign Information

Overall Length: _____ feet
Overall Width: _____ feet
Floor Area: _____ sq. feet
Overall Building Height: _____ feet Sign
Area: _____ sq. feet
Sign Height _____ feet

PROPOSED USE *(check all that apply)*

- ☐ Single-Family Residence
- ☐ Duplex
- ☐ Multi-Family, # of units ___
- ☐ Expansion / Addition
- ☐ Garage or Accessory
- ☐ Storage
- ☐ Office
- ☒ Commercial
- ☐ Industrial
- ☐ Agricultural
- ☐ Institutional
- ☐ Utility
- ☒ Other: TELECOMMUNICATION

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: 1/4 Mi. South of Orchard Beach Road on M-33

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

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
N/A		m. Location and specifications for all fences, walls, and other screening features.
N/A		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
N/A		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
N/A		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
X		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
a	Large Property
d	flat Property

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

Dec 4, 2015

DATE

CHEBOYGAN COUNTY
PLANNING & ZONING DEPARTMENT

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

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.
Install Utility Pole. to Support Wireless Internet Equipment to be used for Broadcasting Wireless internet to Residential Users

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.
Requesting a special Land Use Permit to place a 70 ft Utility Pole on the North EAST of Parcel 104-032-200-002-20

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.
Land Should not be affected outside of where the pole is Placed and electric run to it

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

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.
N/A

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

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

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: No lights -

i. It is deflected away from adjacent properties. N/A

ii. It does not impede the vision of traffic along adjacent streets. N/A

iii. It does not unnecessarily illuminate night skies. N/A

CHEBOYGAN COUNTY
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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.

p/A

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

yes

3. Size of property in sq. ft. or acres: 39 Acres

4. Present use of property: Residence

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 - See Item 1

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 - See Item 1

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

NO - See Item 1

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

NO - See Item 1

f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? **Explain.** yes, will not need any special access - use existing driveway.

CHEBOYGAN COUNTY
PLANNING & ZONING DEPARTMENT

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

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)? _____

6. Does the proposed use of the property include or involve either:
   - Junk or salvage yard (Section 3.6) ☐ YES ☑ NO
   - Mineral extraction (Section 17.17) ☐ YES ☑ NO

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

7. Attach a copy of Warranty Deed or other proof of ownership.
8. Attach a copy of certified Property Survey or dimensioned property land plat.

AFFIDAVIT

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

Applicant's Signature _____ **Date** Dec 4, 2015

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes? SEE Attached Property Access Agreement

☒ **Yes** ☐ **No**

Owner's Signature _____ **Date** _____

Date Received:	12/4/15	*Notes:*
Fee Amount Received:	$200.00	
Receipt Number:	1655	
Public Hearing Date:	1/6/16	

Planning/Zoning Administrator Approval:

_____ Signature 12/7/15 Date

Property Access Agreement

This Relay Location Agreement ("Agreement") entered into as of the ___ day of December, 2015, by and between AirNorth Communications, Inc., a Michigan corporation with an office at 218 N. Main Street, Ste.102 A, Cheboygan, Michigan 49721 ("AirNorth") and Alice Arnett, of 6773 N. M-33 Highway, Cheboygan Michigan 49721 ("Land Owner"). AirNorth and Land Owner, desire to enter into this Agreement pursuant to which AirNorth has permission from Land Owner to install/construct a relay point/tower on property located at 6773 N. M-33 Highway, Cheboygan, Michigan 49721, and any related real estate necessary to support AirNorth's antenna and equipment.

The purpose of this is to allow AirNorth permission to construct either a relay point or a tower and ancillary equipment on the Land Owner's property to be used by AirNorth in the construction and operation of its wireless broadband internet network.

Alice Arnett, Land Owner

12/09/15
Date

16-104-029-100-001-01
MICHIGAN DEPT OF NATURAL RES
PO BOX 30722
LANSING MI 48909

16-104-029-200-007-04
PRESTON, ROBERT & JUDITH H/W
6741 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-104-029-200-007-09
CRAWFORD, JASON & MINDY H/W
9943 CRAWFORD LN
CHEBOYGAN MI 49721

16-104-029-200-007-10
SIMMONS, DAVID
2929 CEDAR BEACH LN
CHEBOYGAN MI 49721

16-104-032-200-001-01
MICHIGAN DEPT OF NATURAL RES
PO BOX 30722
LANSING MI 48909

16-104-032-200-002-01
ESLICK, WILLIAM R ET UX
6050 GOFF
STERLING HEIGHTS MI 48314

16-104-032-200-002-04
BOUCARD, PAUL F, TRUSTEE
1618 CENTER
CHEBOYGAN MI 49721

16-104-032-200-002-05
RUNSTROM, RICHARD & DANIELL
1914 ORCHARD BEACH RD
CHEBOYGAN MI 49721-9287

16-104-032-200-002-07
SKAGGS, MICHAEL & SUSAN, H/W
6501 N M 33
CHEBOYGAN MI 49721

16-104-032-200-002-08
PARSONS, EARL & LORI ANNE H/W
1890 MULLETT VIEW DR
CHEBOYGAN MI 49721

16-104-032-200-002-09
GAPCZYNSKI, JACOB & JAMIE H/W
1868 MULLETT VIEW DR
CHEBOYGAN MI 49721

16-104-032-200-002-10
BRIDGES, MELISSA K
1846 MULLETT VIEW DR
CHEBOYGAN MI 49721

16-104-032-200-002-11
DRAKE, KIMBERLY J
6764 N M-33 HWY
CHEBOYGAN MI 49721

16-104-032-200-002-12
VACCARI, JOSEPH & JEAN H/W
6173 AVOCET CT
DUBLIN OH 43017

16-104-032-200-002-13
DEVINE, CHARLES
PO BOX 837
PERRY MI 48872

16-104-032-200-002-14
KILPATRICK, BRIGID 1/2 INT JTWF
72520 ROME RD
ADDISON MI 49220

16-104-032-200-002-15
KILPATRICK, BRIGID 1/2 INT JTWF
72520 ROME RD
ADDISON MI 49220

16-104-032-200-002-16
KILPATRICK, BRIGID 1/2 INT JTWF
72520 ROME RD
ADDISON MI 49220

16-104-032-200-002-17
RECKINGER, HAROLD B
10438 HEILMAN RD
LEVERING MI 49755

16-104-032-200-002-18
KILPATRICK, BRIGID 1/2 INT JTWF
72520 ROME RD
ADDISON MI 49220

16-104-032-200-002-19
CLEARY, DAVID & DIANE H/W
6435 HOLLISON DR
KALAMAZOO MI 49009

16-104-032-200-002-20
ARNETT, ALICE J TRUSTEE
6773 N M-33 HWY
CHEBOYGAN MI 49721

16-104-032-200-003-00
GAHN, JAMES R III & CHRISTA H/W
1792 ORCHARD BEACH RD
CHEBOYGAN MI 49721

16-104-032-200-004-00
DEETER, DOUGLAS & AMY
8949 GARNER LN
FREELAND MI 48623

16-104-032-400-002-01
LYON, ALYCE & ROGER W/H
1370 MULLETT LAKE WOODS RD
CHEBOYGAN MI 49721

16-104-032-400-002-02
ELWELL, CAROLINE & BONNIE CHI
275 CHERRYLAND
AUBURN HILLS MI 48326

16-104-032-400-002-03
MELAVEY, EDWARD NEIL & ROBE
6184 WILMER ST
WESTLAND MI 48185

16-104-032-400-002-04
MELAVEY, EDWARD NEIL & ROBE
6184 WILMER ST
WESTLAND MI 48185

16-104-032-400-004-01
SKAGGS, MICHAEL & SUSAN H/W L
6501 N M-33 HWY
CHEBOYGAN MI 49721

16-104-032-400-004-02
COURTNEY, REBECCA A
6343 W FILLMORE
ITHACA MI 48847

16-104-032-400-009-00
SMITH, RICHARD A L/EWPTS &
1750 MULLETT LAKE WOODS RD
CHEBOYGAN MI 49721

16-104-032-401-002-00
TAYLOR, DIANNE
1745 MULLETT LAKE WOODS RD
CHEBOYGAN MI 49721

16-104-032-405-045-00
SKAGGS, GARY DEAN L/EWPTS &
212 NW 30TH ST
CAPE CORAL FL 33993

16-104-033-100-001-01
DRAKE, KIMBERLY J
6764 M-33 HWY
CHEBOYGAN MI 49721

16-104-033-100-004-00
DONELSON, ALICE
6666 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-100-005-00
KIEFER, ROBERT & ANN H/W
6662 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-100-006-00
PIERCE, DORIS
PO BOX 5234
CHEBOYGAN MI 49721

16-104-033-100-007-00
CHARBONEAU, EILEEN LE/WPTS; C
6544 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-100-008-00
BRANDT, FRED & EILEEN H/W L/E
6530 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-100-009-01
HATT, NICKI (MACZKA)
6516 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-103-025-00
LAFRINERE, ROGER ET UX
6900 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-111-109-00
DRISCOLL, ROBERT &NANCY H/W
606 PURDY LN
MORRICE MI 48857

16-104-033-111-110-00
DRAKE, HOWARD & KIMBERLY H/
6764 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-300-001-00
ALOHA TOWNSHIP, BENTON TOW
5104 PARADISE TRL
CHEBOYGAN MI 49721

16-105-P41-000-001-00
ROZEK, DOUGLAS & JANET H/W
PO BOX 369
CHEBOYGAN MI 49721

16-105-S59-000-001-00
ADLAM, DORINDA L, TRUSTEE
6187 RIDGE RD
CHEBOYGAN MI 49721

16-105-S59-000-014-00
ADLAM, DARINDA L, TRUSTEE
6187 RIDGE RD
CHEBOYGAN MI 49721

16-105-S63-000-001-00
PRESTON, ROBERT & JUDITH LEE
1680 HOLLYWOOD
GROSSE POINTE MI 48236

16-105-S63-000-002-00
BEDELL, LINDA, TRUSTEE
6505 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-003-00
BEDELL, LINDA, TRUSTEE
6505 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-005-00
PEET, CAROL, TRUSTEE
6561 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-009-00
ASA, DARWIN & BARBARA H/W
6571 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-010-00
SWAN, DUANE & NANCY H/W
6579 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-011-00
NOUSE, DOUGLAS, TTEE DOUGLAS
857 KENNESAW
BIRMINGHAM MI 48009

16-105-S63-000-012-00
CAMPBELL, ANDREW & N J H/W
6695 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-013-00
CAMPBELL, ANDREW & N J H/W
6595 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-014-00
CHIAVARAS, KIMBERLY A TRUST
7505 OLD LANTERN DR SE
CALEDONIA MI 49316

16-105-S63-000-016-00
LAWSON, PETER & SANDRA H/W
6635 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-017-00
ARSENAULT, ROBERT & CHRISTIN
11677 NORTON CREEK CT
WIXOM MI 48393

16-105-S63-000-018-00
COOK, HOWARD JR & KATHLEEN
2786 TAMARACK DR
TOLEDO OH 43614

16-105-S63-000-019-00
ARNETT, ALICE J TRUSTEE
6773 N M-33 HWY
CHEBOYGAN MI 49721

16-105-S63-000-020-00
DOUT, CAROL; CATHERINE OCONN
6685 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-021-00
OCONNOR, CATHERINE; CAROL D
6685 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-022-00
ORCHARD BEACH, LLC
2592 TARRAGONA WAY
TROY MI 48098-4219

16-105-S63-000-023-00
DOUT, RICHARD & CAROL H/W AN
8828 SARASOTA
REDFORD MI 48239

16-105-S63-000-024-00
VANBUREN, RICHARD & ROSE H/W
44392 CONSTELLATION DR
STERLING HEIGHTS MI 48314

16-105-S63-000-025-00
MAY, PATRICK & NORMA H/W
6715 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-026-00
SMITH, CRAIG & ROBIN, TTEES CR
2340 N CORSHAM
TOPANGA CA 90290

16-105-S63-000-027-00
REGLIN, DAVID & PATRICIA H/W
7190 LOMA LINDA
ROCKFORD MI 49341

16-105-S63-000-028-00
DEKLEVA, JOHN; MARK DEKLEVA
718 BEEBE ST
FREMONT MI 49412

16-105-S63-000-029-00
GATES, DONNA L/EWPTS AND
6749 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-030-00
GARVIN, JANET TUFT REVOCABLE
2925 PARKRIDGE DR
ANN ARBOR MI 48103

16-105-S63-000-031-00
CHARNEY, JOHN CLARK
1455 SALZBURG RD
AUBURN MI 48611

16-105-S63-000-032-00
MCINTYRE, TRAVIS & PAM H/W
5633 FOX RIDGE DR
CLARKSTON MI 48348

16-105-S63-000-033-00
LINDMAN, DARRELL & SUSAN H/W
6250 WHITEHILLS LAKES DR
EAST LANSING MI 48823

16-105-S63-000-034-00
LINDMAN, DARRELL & SUSAN H/W
6250 WHITEHILLS LAKES DR
EAST LANSING MI 48823

16-105-S63-000-035-00
HENGSTEBECK, TERESA; MICHAEL
27418 BONNIE
WARREN MI 48093

16-105-S63-000-039-00
ROGERS, MICHAEL & MARLENE H/
6863 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-040-00
HECKERT, THOMAS J AND/OR ROS
3498 E ELLSWORTH AVE #1108C
DENVER CO 80209

16-105-S63-000-042-00
STEVENS, MARK S DECLAR OF TR
600 ARLINGTON AVE
NAPERVILLE IL 60565-6307

16-105-S63-000-044-00
STEVENS, MARK S DECLAR OF TR
600 ARLINGTON AVE
NAPERVILLE IL 60565

16-105-S63-000-045-00
SHUERT, PETER J, TTEE
2722 RUBY ST
TRAVERSE CITY MI 49684

16-105-S63-000-046-00
SHUERT, PETER J, TTEE
2722 RUBY ST
TRAVERSE CITY MI 49684

16-105-S63-000-047-00
SHUERT, PETER J, TTEE
2722 RUBY ST
TRAVERSE CITY MI 49684

16-105-S63-000-048-00
SHUERT, MARK L & KRISTEN H/W
7740 ATHLONE DR
BRIGHTON MI 48116

16-105-S63-000-049-00
MORRIS, DANIEL & MARGARET H/
4675 ASHLAND DR
SAGINAW MI 48638

16-105-S63-000-050-00
STEMPKY, ANTHONY & SUE H/W
7951 STONE BARN DR
WEST CHESTER OH 45069

16-105-S63-000-051-00
SCHRYER, TROY & MIKE SHARKEY
6971 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-052-00
GEHRKE, ARLIN & JUDY H/W
25815 SURREY COURT
FARMINGTON MI 48335

16-105-S63-000-053-00
MCGEHEE, KEITH L/EWPTS &CHRI
BOX 5245
CHEBOYGAN MI 49721

16-105-S63-000-054-00
CAMPBELL, ANDREW & N J H/W
6595 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-104-029-200-007-04
OCCUPANT
1775 ORCHARD BEACH RD
CHEBOYGAN, MI 49721

16-104-029-200-007-10
OCCUPANT
1685 ORCHARD BEACH RD
CHEBOYGAN, MI 49721

16-104-032-200-002-01
OCCUPANT
1700 ORCHARD BEACH RD
CHEBOYGAN, MI 49721

16-104-032-200-002-05
OCCUPANT
1914 ORCHARD BEACH RD
CHEBOYGAN, MI 49721

16-104-032-200-002-07
OCCUPANT
1912 MULLETT VIEW DR
CHEBOYGAN, MI 49721

16-104-032-200-002-08
OCCUPANT
1890 MULLETT VIEW DR
CHEBOYGAN, MI 49721

16-104-032-200-002-09
OCCUPANT
1868 MULLETT VIEW DR
CHEBOYGAN, MI 49721

16-104-032-200-002-10
OCCUPANT
1846 MULLETT VIEW DR
CHEBOYGAN, MI 49721

16-104-032-200-002-11
OCCUPANT
1824 MULLETT VIEW DR
CHEBOYGAN, MI 49721

16-104-032-200-002-12
OCCUPANT
1802 MULLETT VIEW DR
CHEBOYGAN, MI 49721

16-104-032-200-002-13
OCCUPANT
1780 MULLETT VIEW DR
CHEBOYGAN, MI 49721

16-104-032-200-002-14
OCCUPANT
1766 MULLETT VIEW DR
CHEBOYGAN, MI 49721

16-104-032-200-002-20
OCCUPANT
6773 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-032-200-003-00
OCCUPANT
1792 ORCHARD BEACH RD
CHEBOYGAN, MI 49721

16-104-032-200-004-00
OCCUPANT
1834 ORCHARD BEACH RD
CHEBOYGAN, MI 49721

16-104-032-400-002-01
OCCUPANT
1595 MULLETT LAKE WOODS RD
CHEBOYGAN, MI 49721

16-104-032-400-004-01
OCCUPANT
6501 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-032-400-009-00
OCCUPANT
1750 MULLETT LAKE WOODS RD
CHEBOYGAN, MI 49721

16-104-032-401-002-00
OCCUPANT
1745 MULLETT LAKE WOODS RD
,

16-104-032-405-045-00
OCCUPANT
6497 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-033-100-004-00
OCCUPANT
6666 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-033-100-005-00
OCCUPANT
6662 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-033-100-006-00
OCCUPANT
6558 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-033-100-007-00
OCCUPANT
6544 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-033-100-008-00
OCCUPANT
6530 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-033-100-009-01
OCCUPANT
6516 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-033-103-025-00
OCCUPANT
6900 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-033-111-109-00
OCCUPANT
6826 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-033-111-110-00
OCCUPANT
6764 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-033-300-001-00
OCCUPANT
6490 N M-33 HWY
,

16-105-P41-000-001-00
OCCUPANT
6357 MULLETT LAKE WOODS SHORE
CHEBOYGAN, MI 49721

16-105-S59-000-001-00
OCCUPANT
1614 MULLETT LAKE WOODS RD
CHEBOYGAN, MI 49721

16-105-S59-000-014-00
OCCUPANT
1584 MULLETT LAKE WOODS RD
CHEBOYGAN, MI 49721

16-105-S63-000-001-00
OCCUPANT
6471 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-002-00
OCCUPANT
6491 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-003-00
OCCUPANT
6505 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-005-00
OCCUPANT
6561 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-009-00
OCCUPANT
6571 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-010-00
OCCUPANT
6579 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-011-00
OCCUPANT
6589 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-012-00
OCCUPANT
6595 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-013-00
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6605 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-014-00
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6615 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-016-00
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6635 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-017-00
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6643 ORCHARD BEACH DR
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16-105-S63-000-018-00
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6653 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-019-00
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6665 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-020-00
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6675 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-021-00
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6685 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-022-00
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6693 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-023-00
OCCUPANT
6703 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-024-00
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6709 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-025-00
OCCUPANT
6715 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-026-00
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6721 ORCHARD BEACH DR
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6727 ORCHARD BEACH DR
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16-105-S63-000-028-00
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6735 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

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16-105-S63-000-031-00
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CHEBOYGAN, MI 49721

16-105-S63-000-032-00
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6815 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-035-00
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16-105-S63-000-039-00
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6863 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

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6883 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-042-00
OCCUPANT
6907 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-044-00
OCCUPANT
6921 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-045-00
OCCUPANT
6929 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-046-00
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6939 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

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OCCUPANT
6949 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-048-00
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16-105-S63-000-049-00
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6959 ORCHARD BEACH DR
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16-105-S63-000-050-00
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CHEBOYGAN, MI 49721

16-105-S63-000-051-00
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6971 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-052-00
OCCUPANT
6981 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-053-00
OCCUPANT
6991 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

Property Information

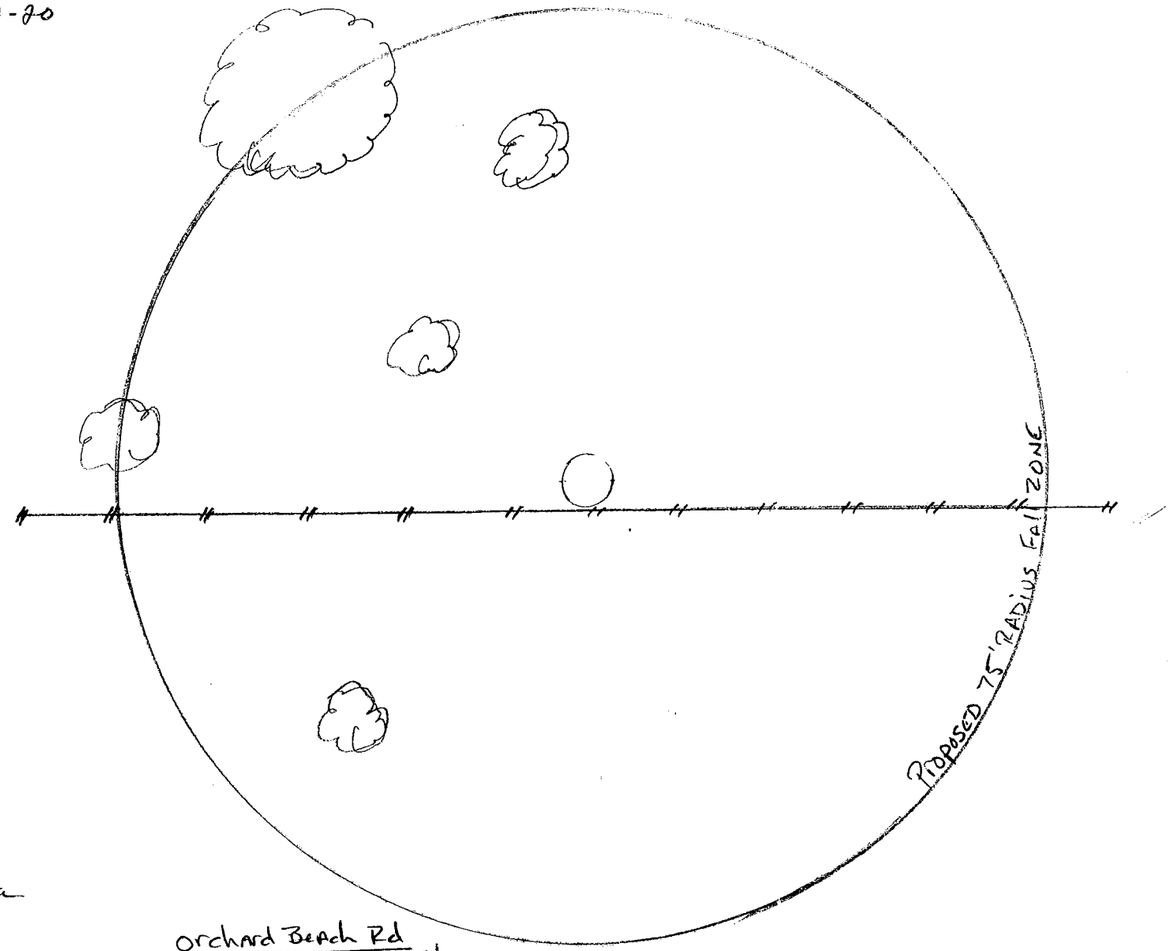
TAX Parcel # 104-032-200-002-20

Owner: Alice Arnett
6773 N. M-33 Hwy
Cheboygan, MI 49721

Utility Pole Site Address:

___ N. M-33 Hwy
Cheboygan, MI 49721

December 4, 2015
By: Charles Hague

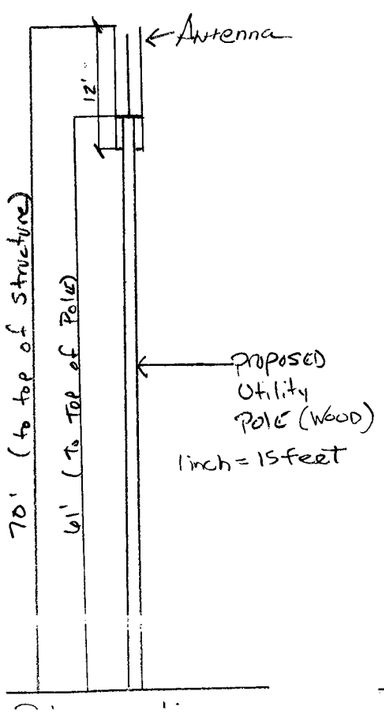


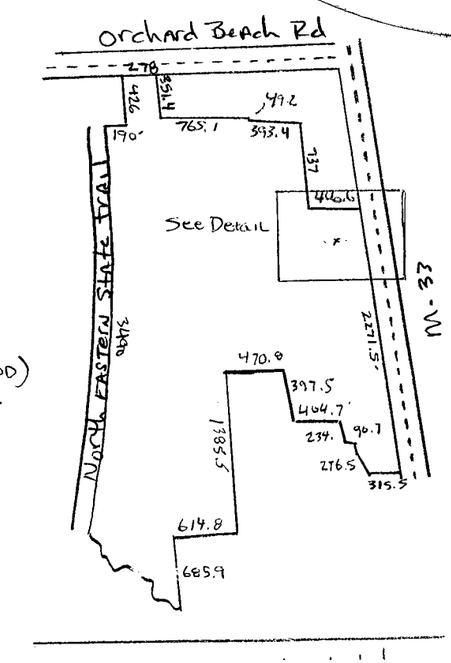
General Information

Property Class:	400	**Assessed Value 2015:**	81,200
School District:	16015	**Taxable Value 2015:**	66,782
Homestead %:	100	**Assessed Value 2014:**	77,400
Liber / Page:	1015/397	**Taxable Value 2014:**	65,711
Total Acres:	39.03		

Legal Description

NE 1/4, SEC 32, T37N,R1W **AND** NW1/4 OF SE1/4, SEC 32, T37N,R1W, LYING ELY OF DHR R/W *EXC: E 424FT OF N 1135FT OF NE1/4 *ALSO EXC: BEG AT COR SEC 32; TH S 89D 59M 35S W 442.5FT TO POB; TH CONT S 89D 59M 35S W 1025.2FT; TH S 0D 59M 10S E 352.76FT; TH S 89D 59M 35S E 763.62FT; TH S 11D 16M 20S E 47.24FT; TH N 89D 59M 24S E 377.8FT; TH N 11D 16M 20S W 400FT TO POB *ALSO EXC: BEG AT INT OF ELY R/W DMRR & SLY R/W CO RD; TH ELY ALG R/W 200FT; TH SLY PAR TO DMRR R/W 400FT; TH WLY PAR TO SD R/W 200FT; TH NLY ALG DMRR R/W TO POB *ALSO EXC: E 200FT OF S 400FT OF NW1/4 OF SE1/4, SEC 32, T37N,R1W *ALSO EXC: W 42.8FT OF E 491.3FT OF N 400FT OF NE1/4 OF NE1/4, SEC 32, T37N,R1W; *ALSO EXC: COM AT 1/4 COR SEC 32; TH S 5D 19M 30S E 1327.34FT; TH S 89D 8M 7S W 1357.46FT; TH N 6D 57M 24S W 32.35FT TO NLY R/W OF CO RD; TH S 89D 6M 7S W 200FT TO POB; TH CONT S 89D 6M 7S W 413.4FT; TH N 6D 57M 24S W 775FT; TH N 88D 6M 7S E 613.4FT; TH S 6D 57M 24S E 325FT; TH S 88D 6M 07S W 200FT; TH S 6D 57M 24S W 400 FT TO POB. *ALSO EXC: COM E 1/4 COR SEC 32; TH S 89D 23M 12S W 320.15FT TO POB; TH CONT S 89D 23M 12S W 1075.99FT; TH N 0D 36M 48S W 266FT; TH N 09D 58M 54S W 600FT; TH N 89D 23M 12S E 522.30FT; TH S 27D 36M 48S W 264.50FT; TH N 400FT; TH N 89D 23M 12S E 400FT; TH S 09D 58M 54S E 233.45FT; TH S 27D 36M 48S W 264.50FT TO POB. *ALSO EXC: COM E 1/4 COR SEC 32; TH S 89D 23' 12" W 1306.14FT; TH S 6D 57' 24" E 1314.85FT; TH S 88D 6' 7" W 854.81FT TO POB; TH S 88D 6' 7" W 700FT; TH N 3D 42' 37" E 821.69FT TO C/L OF A CREEK; TH ALG SD C/L THE FOLLOWING COURSES: S 88D 14' 34" E 70.82FT; TH S 41D 40' 14" E 78.36FT; TH S 16D 48' 21" E 37.96FT; TH S 6D 26' 5" W 39.69FT; TH S 26D 7' 33" E 34.84FT; TH N 83D 40' 6" E 26.69FT; TH S 32D 0' 22" E 68.22FT; TH N 84D 32' 52" E 70.35FT; TH S 44D 0' 12" E 27.54FT; TH S 4D 54' E 66.3FT; TH N 57D 30' 28" E 26.24FT; TH S 31' E 21.98FT; TH N 86D 5' 15" E 25.77FT; TH N 7D 32' 21" W 32.75FT; TH S 88D 41' 33" E 75.94FT; TH S 28D 44' 24" E 71.71FT; TH S 84D 5' 56" E 73.73FT; TH S 44D 32' 39" E 109.43FT; TH S 78D 2' 37" E 30.52FT; TH S 11D 33' 9" E 37.40FT; TH S 52D 39' 27" W 31.5FT; TH S 5D 12' 52" E 42.92FT; TH S 72D 56' 37" E 45.79FT; TH S 3D 26' 35" E 35.21FT; TH S 62D 27' 51" E 26.33FT; TH S 3D 42' 37" W 705.54FT TO POB. 1015/397



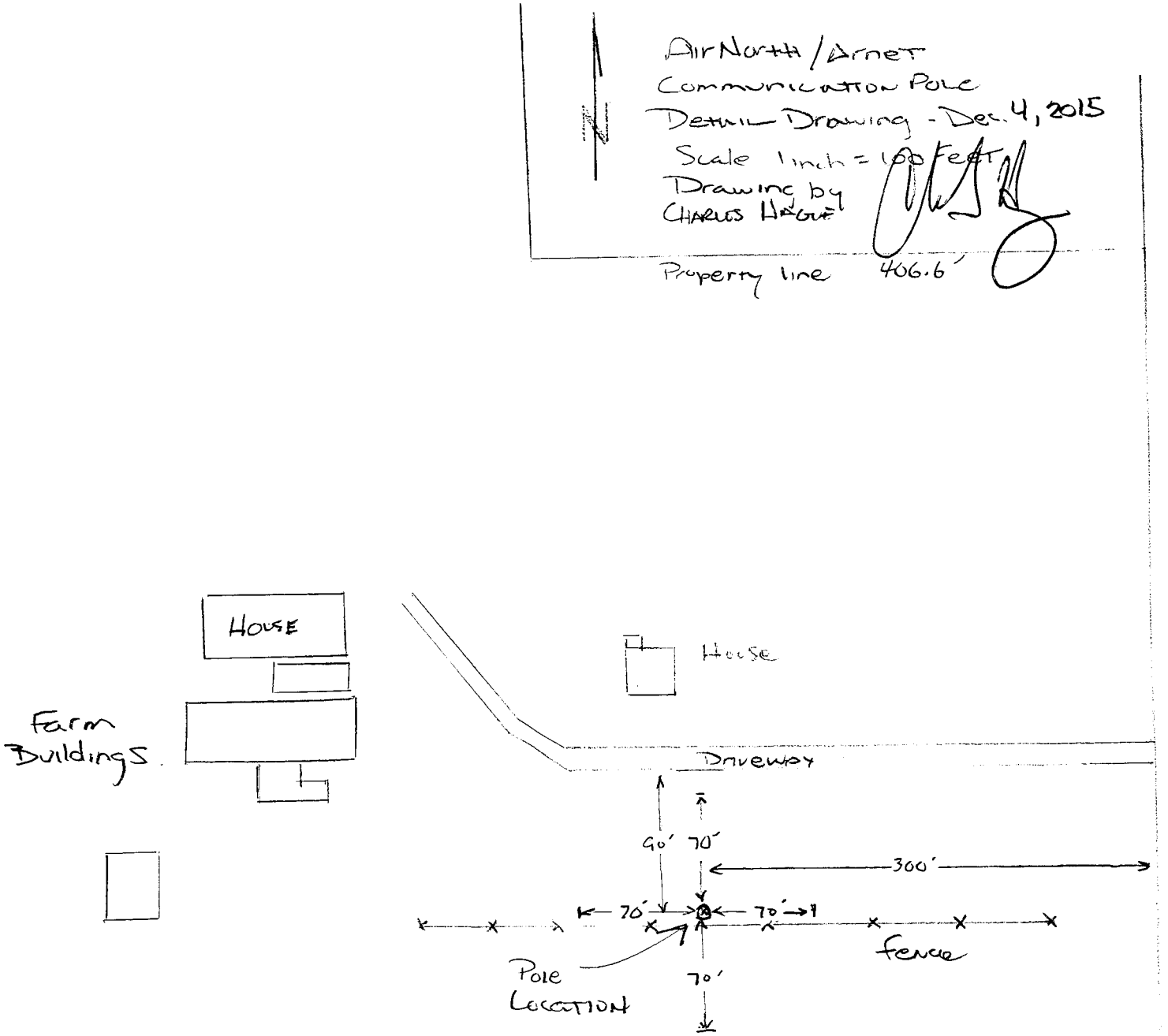


Legend

FENCE

Existing Tree or Bush

1 inch = 1300 feet


AirNorth / Arnet
Communication Pole
Detail Drawing - Dec. 4, 2015
Scale 1 inch = 100 feet
Drawing by
CHARLES HAGUE
Property line 406.6'
HOUSE
Farm Buildings
House
Driveway
90'
70'
300'
70'
70'
70'
Pole Location
fence

M - 33

CHEBOYGAN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT

Item: Special Use Permit for a wireless communication facility (Antenna pole. Section 17.13.)	**Prepared by:** Scott McNeil
Date: December 21, 2015	**Expected Meeting Date:** January 6, 2015

GENERAL INFORMATION

Applicant: Air North Communications and Alice Arnett

Location: 6773 N. M-33

Contact person: Charles Hague (Air North)

Phone: 231-333-3104

Requested Action: Special Use Permit per Section 17.13 for construction of a new Wireless Communication Tower and Facilities.

BACKGROUND INFORMATION

Introduction:

The applicant is seeking approval of a special use permit for construction of a new telecommunication tower 70 ft. which includes the antennas. The tower is to be placed on a parcel of land containing 166.6 acres in Benton Township.

The subject parcel where the communication facility is proposed is zoned Agriculture and Forestry Management (M-AF). Wireless Communication Facilities are authorized by special use permit in M-AF district pursuant to Sections 17.13.1 and 17.13.2. of the Zoning Ordinance.

The applicant has provided a site plan indicating that the isolation standard under section 17.13.1. is met. This section requires not less than one (1) times the height of the tower to all points of the property line.

Also you will find attached a map produced by the GIS department indicating the proposed tower and one known existing communication tower near Long Lake Road and M-33. The applicant must prove that new antennae cannot be located on these existing towers as per section 17.13.2.

Please note that I have provided proposed findings relative to reasonable opportunity for collocation for the proposed facilities on existing structures as required in section 17.13.1.b.

Current Zoning:
Agriculture and Forestry Management District (M-AF)

Surrounding Land Uses:
Parcels surrounding the subject location are zoned Agriculture Forestry Management District (M-AF).
Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain): There are no known environmentally sensitive areas.

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

Traffic Implications
This project will have minimal to no effect on current traffic conditions.

Parking
There are no parking requirements for this use.

Access and street design: (secondary access, pedestrian access, sidewalks, residential buffer, ROW width, access to adjacent properties)
Access to the site is provided via private driveway from M-33.

Signs
No signs are proposes for the site.

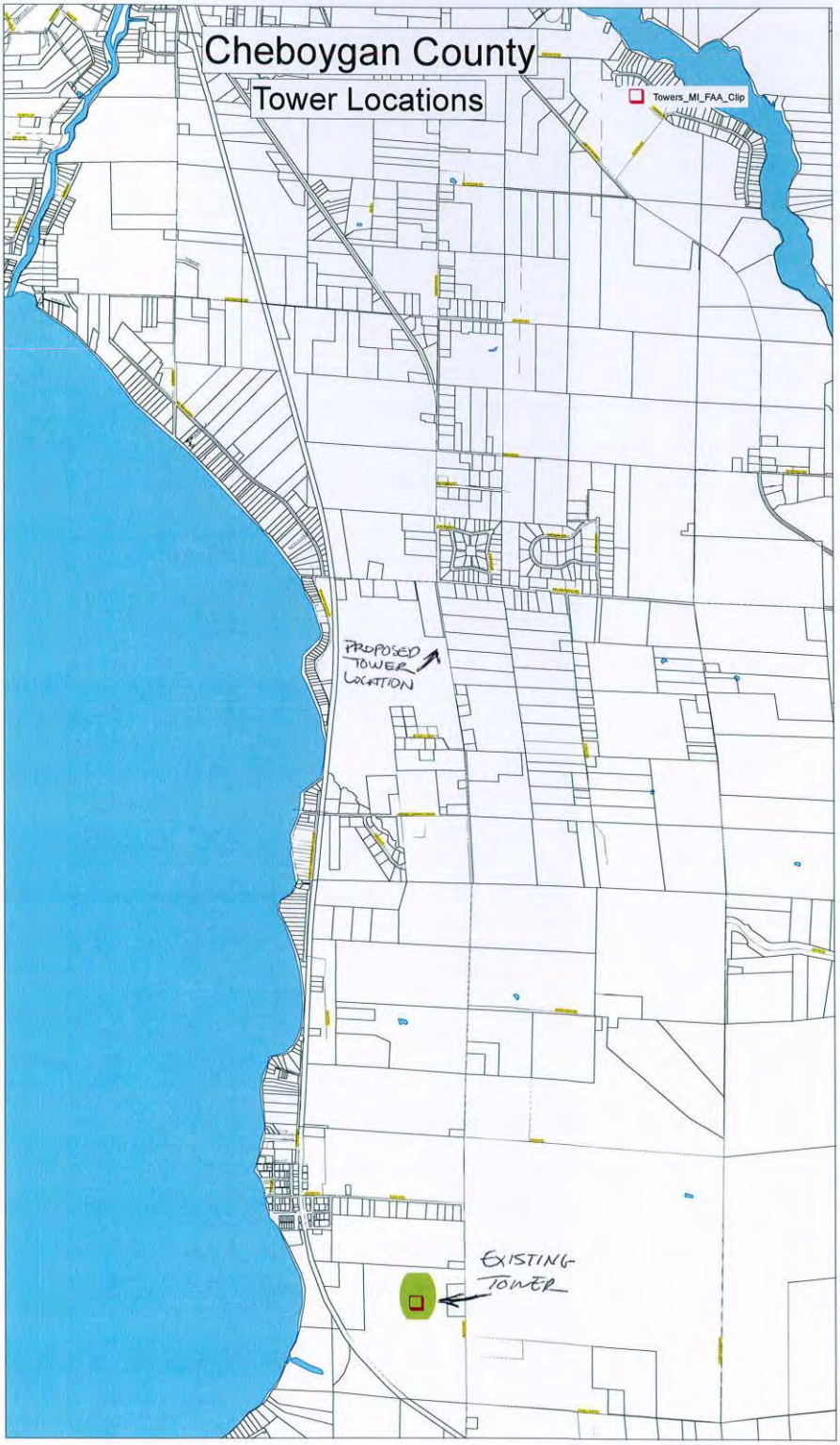
Fence/Hedge/Buffer;
No fence, hedge or buffer is proposed.

Lighting
No lighting is proposed

Stormwater management
There is no change to stormwater runoff.

Review or permits from other government entities:
FCC requirements may prevail.

Recommendations (proposed conditions)
Written confirmation of meeting FCC requirements before construction.


Cheboygan County
Tower Locations
Towers_MI_FAA_Clip
PROPOSED TOWER LOCATION
EXISTING TOWER

CHEBOYGAN COUNTY PLANNING COMMISSION

SPECIAL USE PERMIT REQUEST

Wednesday, December 16, 2015, 7:00 PM

Applicant	Property Owner	Parcel
Air North Communications	Alice Arnett	6773 N. M-33
218 N. Main	6773 N. M-33	Benton Township
Cheboygan, Mi. 49721	Cheboygan, Mi. 49721	104-032-200-002-00

GENERAL FINDINGS

1. The property is located in an Agriculture and Forestry management Zoning District (M-AF)
2. The Applicant is seeking approval of a special use permit for location of a wireless communications facility which includes pole and antenna up to 70 feet above ground level.
3. New Wireless Communication Facilities are allowed an M-AF zoning district pursuant to Section 17.13.2 by special use permit.
4.
5.

Findings of Fact under Section 17.13.2.b of the Zoning Ordinance

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

- The reference to item 1 in this section states as follows;
  Wireless Communication Facilities may locate in any zoning district if located on an existing building or structure, or a new structure is built within fifty (50) feet of the base of an existing tower and the Wireless Communication Facility is located within the new structure, or is otherwise hidden from view by being incorporated in an existing building**,** or if it collocates on an existing tower, and the proposed does not require a change in lighting by FCC and/or FAA regulations.

1. The Planning Commission finds that there is no reasonable opportunity for collocation or placement for the type of proposed facility on an existing structure.

   Or

1 The Planning Commission finds that the applicant has not submitted adequate documentation to show that there is no reasonable opportunity for collocation or placement of the proposed facility on an existing structure.

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

1. The proposed height meets FCC and/or FAA Regulations.
   a. The proposed facility will be no higher than 70 feet from ground level
   b. The applicant shall seek FCC approval and provide evidence of the same.
   c.
   d. Standard has been met.
   Or.
   a. The applicant has not provided information regarding applicable FCC or FAA requirements
   b.
   c. Standard has not been met.

2. Towers must be equipped with devices to prevent unauthorized climbing.
   a. The facility is comprised of a single round wood pole which cannot be climbed without specific equipment and thus will prevent unauthorized climbing.
   b.
   c. Standard has been met
   Or.
   a. There are no devices to prevent unauthorized climbing.
   b.
   c. Standard has not been met.

3. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting, and/or concealing he tower in a "stealth design".
   a. The proposed facility includes a typical utility type pole which is typically used along many road rights of way.
   b. The pole is proposed to be placed 300 feet from the road right of way.
   c.
   d. Standard has not been met
   Or.
   a. The proposed facility is proposed to be placed in clear view and will not blend with the landscape.
   b.
   c. Standard has not been met.

4. New towers should be engineered as appropriate for co-location of other antennae.
   a. The tower design proposes two (2) antennae. (see exhibit 6)
   b.
   c. Standard has been met.
   Or.
   a. No information has been provided regarding future collocation.
   b.
   c. Standard has not been met.

5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
   a. The proposed facility doses not propose guy wires.
   b.
   c. Standard has been met.
   Or.
   a.
   b. Standard has not been met.

6. All new towers must meet the applicable requirements for a commercial tower, per Article 17.13.1 of this Ordinance.
   1. See applicable findings above.
   2. Requirements have been met.

   Or.
   1. See applicable findings above
   2. Requirements have not been met.

FINDINGS OF FACT UNDER SECTION 18.7 OF THE ZONING ORDINANCE

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

a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
   1. The property is located in an Agriculture and Forest Management District (M-AF) which allows Wireless Communication Facilities by special use permit per Section 17.13. (see exhibit 1)
   2.
   3. Standard has been met.

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

b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
   1. The proposed wireless communication facility is unmanned stand alone facility.
   2. The proposed wireless communication facility will not cause the use of materials or involve processes that will create substantially negative impacts on county natural resources or the natural environment. (see exhibit 3, 6 & 7)
   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 proposed wireless communication facility is an unmanned standalone facility.
   2. The proposed wireless communication facility will not cause the use of materials or involve equipment or processes which would generate noise or traffic which is incompatible with the surrounding land uses. No smoke, glare, fumes or odors will be produced. (see exhibit 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 proposed wireless communication facility is to be placed 300ft. from M-33 right of way on a parcel of land containing 166 acres.(see exhibits 3, 6 and 7)
    2. The proposed wireless communication facility will not diminish the opportunity for surrounding properties to be used and developed as zoned.(see exhibit 6)
    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 proposed wireless communication facility is an unmanned standalone facility.
    2. The proposed wireless communication facility will not require public resources greater than current capacity nor increase hazards from fire or other dangers.
    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. Adequate access to the site is provided via private drive and M-33. (see exhibit 7)
    2. The entrance roadway is not within 25 feet of an intersection. (see exhibit 6)
    3.
    4. 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 proposed use is an unmanned stand alone wireless communication facility and will not require a water well, septic facilities or refuse collection. (see exhibit 3 and 6)
    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 use will comply with all relevant standards required under the ordinance. (see exhibit 1 3)
    2.
    3. Standard has been met.
    Or.
    1. 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 area where the proposed facility is to be placed is relatively level.
    2. There will be no changes to the overall natural features of the site. (see exhibit 3)
    3. The proposed wireless communication facility is to be placed 300ft. from M-33 right of way on a parcel of land containing 166 acres. (see exhibits 3, 6 and 7)
    4. The proposed construction of the wireless communication facility will not impede normal and orderly development or improvement of the surrounding property.
    5.
    6. Standard has been met.
    Or.
    1.
    2. Standard has not been met.

b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
    1. No changes are proposed that would affect the landscape or natural state of the site. (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. No changes in drainage on the site are proposed. (See exhibit 3 & 7)
    2.
    3. Standard has been met.
    Or.
    1.
    2. Standard has not been met.

d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
    1. Not applicable. No dwellings are proposed.

e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
    1. Emergency vehicle access is provided via M-33. (see exhibit 3, 6 and 7)
    2.
    3. Standard has been met.

    Or.

    1.
    2. Standard has not been met.

f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
    1. Access to the structures is provided via M-33 and private drive. (see exhibit 3 & 9)
    2.
    3. Standard has been met.

    Or.

    1.
    2. Standard has not been met.

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

h. Exterior lighting shall be arranged as follows: a. It is deflected away from adjacent properties, b. It does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies.
    1. The proposed pole structure and antenna making up the communication facility will be a maximum of 70 feet from ground level. (see exhibit 6)
    2. No 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 common ways are proposed.

j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits. The site plan will conform to state and federal statutes and the Cheboygan County Master Plan. (see exhibit 2)
    1. The site plan shall conform to all applicable requirements.
    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, January 6, 2016

_____

Patty Croft, Chairperson

_____

Charles Freese, Secretary

The public hearing on this application was closed at 9:31PM on Wednesday, November 4, 2015. All information received from the public up to that time is part of the record. The Planning Commission will continue their review of this matter and consideration of the information in the public record at their meeting on Wednesday, December 2, 2015 at 7:00PM at the Cheboygan High School Auditorium.

CHEBOYGAN COUNTY
PLANNING COMMISSION

Larry & Betsy Hanson / Heritage Cove Farms – *Revised 11/24/15*

1. Letter Dated 04/20/15 From Richard D. Rattner And Richard E. Rassell To Planning Commission (11 Pages)
2. Special Use Permit Application Dated 04/16/15 (8 Pages)
3. Quit Claim Deed Dated 09/07/00 L762 P254 (1 Page)
4. Certificate Of Death L762 P255 (1 Page)
5. Warranty Deed Dated 07/24/03 L911 P289 (1 Page)
6. Warranty Deed Dated 06/15/10 L1153 P444 (2 Pages)
7. Warranty Deed Dated 06/15/10 L1153 P443 (1 Page)
8. Warranty Deed Dated 05/20/02 L833 P624 (1 Page)
9. Topographic Survey And Proposed Improvements Dated 04/14/15 (1 Page)
10. Heritage Cove Farm Drawing (1 Page)
11. Floor Plans (5 Pages)
12. Supplement To Special Use Permit Application (1 Page)
13. Letter Dated 05/04/15 From Scott McNeil To Lawrence Hanson (2 Pages)
14. Letter Dated 05/13/15 From Richard D. Rattner And Richard E. Rassel To Scott McNeil And Planning Commission (3 Pages)
15. Letter Dated 05/26/15 From Richard D. Rattner And Richard E. Rassel To Scott McNeil And Planning Commission (3 Pages)
16. Memo Dated 05/13/15 From Richard D. Rattner And Richard E. Rassel To Scott McNeil And Planning Commission (4 Pages)

16a Letter Dated 05/14/15 From Scott McNeil to Lawrence Hanson (2 Pages)

17. Receipt #4505 (1 Page)
18. Letter Dated 05/17/15 From Thomas Magnum To Scott McNeil And Planning Commission (3 Pages)
19. Letter Dated 05/17/15 From Dave And Kay Lurie To Scott McNeil And Planning Commission (4 Pages)
20. Letter Dated 05/19/15 From Stephen M. Gross To Scott McNeil And Planning Commission (4 Pages)
21. E-mail Dated 05/19/15 From Patrick E. Lynch To Scott McNeil McNeil (3 Pages)
22. E-mail Dated 05/20/15 From Virgina Dirkes Morris To Scott McNeil (1 Page)
23. E-mail Dated 05/22/15 From Chris Lynch To Scott McNeil And Planning Commission (2 Pages)
24. Letter Dated 05/22/15 From John G. Mandelaris J.D. To Planning Commission (7 Pages)
25. Letter Dated 05/21/15 From Roger Miller And Barbara Miller To Planning Commission (3 Pages)
26. Letter Dated 05/22/15 From John J. Liegl To Planning Commission & Scott McNeil (1 Page)
27. Letter Dated 05/25/15 From Marcia M. Monette To Planning Commission (1 Page)
28. Letter Dated 05/22/15 From Christine A. Liegl To Planning Commission And Scott McNeil (2 Pages)
29. E-mail Dated 05/27/15 From Pamela Heos To Scott McNeil (2 Pages)
30. E-mail Dated 05/29/15 From Paul Chapoton To Scott McNeil And Planning Commission (1 Page)
31. Letter Received 05/25/15 From Michael Monette To Scott McNeil And Planning Commission (2 Pages)
32. Letter Received 06/01/15 From Gretchen A. Monette To Scott McNeil And Planning Commission (2 Pages)
33. E-mail Dated 05/31/15 From M. David Campbell To Scott McNeil And Planning Commission (2 Pages)
34. Letter Received 06/01/15 From Thomas And Lisa Weller To Scott McNeil (2 Pages)
35. E-mail Dated 05/30/15 From Larry R. Lutz To Scott McNeil And Planning Commission (2 Pages)
36. E-mail Dated 05/30/15 From Patti Henige To Scott McNeil (1 Page)
37. E-mail Dated 05/30/15 From Ernest Richardson To Scott McNeil (1 Page)
38. Letter Received 06/01/15 From Michael F. Wesley To Scott McNeil & Planning Commission (2 Pages)
39. Letter Received 06/01/15 From Patrick F. Monette To Planning Commission (1 Page)
40. Letter Received 06/01/15 From Martha Weinstock To Planning Commission (2 Pages)

41. E-mail Dated 05/28/15 From Andreau Ritter To Scott McNeil (3 Pages)
42. E-mail Dated 05/27/15 From Jeff Brancheau To Scott McNeil (1 Page)
43. Letter Dated 06/01/15 From Deborah J. Nagel Rdh, Bs & Family To Scott McNeil And Planning Commission (3 Pages)
44. E-mail Dated 06/01/15 From Ben Lurie To Scott McNeil (1 Page)
45. Letter Dated 05/26/15 From M. David Campbell To Scott McNeil And Planning Commission (3 Pages)
46. Letter Dated 06/02/15 From Roger L. Harris To Scott McNeil And Planning Commission (1 Page)
47. E-mail Dated 06/03/15 From Gary Freismuth To Scott McNeil (1 Page)
48. Letter Dated 05/30/15 From Thomas And Lisa Weller To Scott McNeil And Planning Commission (2 Pages)
49. Letter Dated 06/02/15 From Dawn Scheick To Scott McNeil And Planning Commission (1 Page)
50. E-mail Dated 06/07/15 From Dewitt And Patsy White To Scott McNeil (1 Page)
51. Letter Dated 05/30/15 From Gayleon Weller To Scott McNeil And Planning Commission (2 Pages)
52. E-mail Dated 06/10/15 From Martha Sheerin To Scott McNeil (1 Page)
53. Letter Dated 06/08/15 From Sandra Beatty To Scott McNeil (1 Page)
54. E-mail Dated 06/11/15 From David J. Rossman To Scott McNeil (1 Page)
55. Letter Dated 06/09/15 From Jeff And Cathy Vogl To Planning Commission (1 Page)
56. E-mail Dated 06/01/15 From John C. Fergus Ii To Scott McNeil And Planning Commission(1 Page)
57. Letter Dated 06/15/15 From Christopher F. Lindsay To Planning Commission (25 Pages)
58. Letter Dated 06/18/15 From Martha Roush Winchell To Scott McNeil And Planning Commission (2 Pages)
59. E-mail Dated 06/19/15 From Tony Naylor To Scott McNeil And Steve Schnell (1 Page)
60. Letter Dated 06/17/15 From John G. Mandelaris To Scott McNeil And Planning Commission (2 Pages)
61. Letter Dated 06/23/15 From Stephen Winchell To Scott McNeil And Planning Commission (3 Pages)
62. Letter Dated 06/17/15 From Peter Wendling To Richard D. Rattner And Richard E. Rassell (5 Pages)
63. Letter Dated 06/20/15 From Hermann Senger To Scott McNeil And Planning Commission (1 Page)
64. Letter Dated 06/20/15 From Ruth Bennett To Planning Commission (2 Pages)
65. Letter Dated 06/21/15 From Larry & Lois Roesner To Planning Commission And Scott McNeil (1 Page)
66. Letter Dated 05/20/15 From Mark M. Andreae To Planning Commission (2 Pages)
67. E-mails Between Lawrence Hanson And Scott McNeil From 05/14/15 To 05/19/15 (2 Pages)
68. E-mails Between Lawrence Hanson And Scott McNeil From 05/14/15 To 05/20/15 (2 Pages)
69. Letter Dated 05/29/15(Including Zoning Application And Dimensional Variance Application) From Scott McNeil To Lawrence Hanson (10 Pages)
70. E-mail Dated 06/25/15 From Scott McNeil To Richard Rassell (2 Pages)

The following items were added on 07/02/15:

71. Letter dated 06/25/15 from Annie and John Charters to Planning Commission (2 pages)
72. Letter, not dated, received 6/29/15 to Scott McNeil from Kay L. Lurie (1 page)
73. Letter dated 06/28/15 from Ewa Sell to Scott McNeil (1page)
74. Letter dated 06/28/15 from Stephen Sell to Scott McNeil (2 pages)
75. E-mail dated 06/29/15 from Tom Mangum to Scott McNeil (1 page)
76. E-mails between Richard Rassel and Scott McNeil and others from 06/25/15-06/26/15 (2pages)
77. E-mail dated 06/25/15 from Scott McNeil to Richard Rassel with attachment (Draft public notice) (2 pages)
78. E-mail dated 06/30/15 from Bill Hahn to Scott McNeil (1 page)
79. E-mails between Richard Rassel and Scott McNeil from 06/25/15 to 06/30/15 (3 pages)
80. E-mails between Richard Rassel and Steve Schnell from 06/25/15 to 07/01/15 (4 pages)
81. E-mails between Richard Rassel and Scott McNeil from 06/25/15 to 07/01/15 (3 pages)
82. E-mails between Richard Rassel and Steve Schnell from 06/25/15 to 07/01/15 (3 pages)
83. E-mails between Richard Rassel and Peter Wendling from 06/25/15 to 07/01/15 (4 pages)
84. E-mails between Richard Rassel and Scott McNeil, Steve Schnell from 06/25 to 07/01/15 (4 pages)
85. E-mails between Richard Rassel and Peter Wendling from 06/25/15 to 07/01/15 (5 pages)
86. E-mails between Richard Rassel and Peter Wendling, Steve Schnell from 06/25/15 and 07/01/15 (5 pages)
87. E-mail dated 07/01/15 from Peter Wendling to Steve Schnell (3 pages)

The following items were added on 07/10/15:

88. E-mail dated 07/06/15 from Linda Findley to Scott McNeil and Planning Commission (2 Pages)
89. Letter dated 07/06/15 from John and Pamela Kroeger to Scott McNeil and Planning Commission (1 Page)

The following items were added on 07/17/15:

90. E-mail dated 07/12/15 from Lori Hoehn to Scott McNeil & Planning Commission (2 Pages)

The following items were added on 07/22/15:

91. E-mail dated 07/12/15 from Lori Hastie to Scott McNeil and Planning Commission (1 Page)

The following items were added on 07/24/15:

92. E-mail dated 07/23/15 from Sue Devick to Scott McNeil and Planning Commission (2 Pages)

The following items were added on 08/26/15:

93. E-mail dated 08/24/15 from Sue Devick to Scott McNeil and Planning Commission (2 Pages)

The following items were added on 08/31/15:

94. Letter dated 08/31/15 from Dr. Dan Weaver and Lynda Weaver to Scott McNeil and Planning Commission (2 Pages)

The following items were added on 09/04/15:

95. Letter Dated 08/30/15 from Tom Magnum to Scott McNeil, Planning Commission & Cheboygan County Board of Commissioners (1 Page)

The following items were added on 09/11/15:

96. E-mail Dated 08/20/15 From Mahtina Rubritius To Steve Schnell (2 Pages)

The following items were added on 09/23/15:

97. Letter Dated 09/12/15 From Kathryn Joy Bingham Jung to Planning Commission and Scott McNeil (1 Page)
98. Letter Dated 09/19/15 From John F. Burns to Steve Schnell (2 Pages)

The following items were added on 09/24/15:

99. Letter Dated 09/22/15 From Richard E. Rassel and Susan A. Babcock to Haider A. Kazim (1 Page)

The following items were added on 10/08/15:

100. Undated Memo From Sue Devick to Scott McNeil & Planning Commission (88 Pages)

The following items were added on 10/13/15:

101. E-mail Dated 10/07/15 from Barbara Wamsley to Steve Schnell (2 Pages)
102. E-mail Dated 10/12/15 from Paula Melonakos to Scott McNeil (1 Page)
103. E-mail Dated 10/12/15 from Martha Weinstock to Scott McNeil (1 Page)
104. Mailing List (1 Page)

The following items were added on 10/19/15:

105. Letter Dated 10/14 From Mike & Linda Huard, Bradley Huard, Christina Ruf, Michael Huard and John Palazzolo to Scott McNeil (1 Page)
106. Letter Dated 10/16/15 From Scott McNeil To Lawrence Hanson (1 Page)
107. E-mail Dated 10/16/15 From Scott McNeil To Lawrence Hanson (1 Page)
108. E-mail Dated 10/16/15 From John R. Rasmussen M.D. To Scott McNeil (1 Page)
109. E-mails Dated 10/16/15 Between Betsy Hanson And Scott McNeil (1 Page)

110. E-mail Dated 10/16/15 From Tom Heckert To Scott McNeil (1 Page)
111. Letter Dated 10/19/15 From Fred O. Elliott To Scott McNeil

The following items were added on 10/21/15:

112. Undated Letter From Kathy Dale McNair To Steve Schnell (1 Page)
113. Communication and accompanying and referenced articles received via E-mail dated 10/21/15 from Applicant (85 pages)

The following items were added to the exhibit list on 10/29/15:

114. Letter dated 10/21/15 from Jesse Hanson to Planning Commission (1 page)
115. E-mail dated 10/22/15 from Scott McNeil to Tuscarora Police Chief Temple (2 pages)
116. E-mail dated 10/22/15 from Scott McNeil to Cheboygan County Sheriff Clarmont (2 pages)
117. Letter dated 10/23/15 from Tip of the Mitt Watershed Council to Planning Commission (4 pages)
118. E-mail with attachment dated 10/24/15 from Pat and Norma May to Scott McNeil (6 pages)
119. Letter received 10/26/15 from Karen Stankevich to County Planning and Zoning (2 pages)
120. Letter and attachments received 10/26/15 from John Mandelaris to Planning Commission (10 pages)
121. E-mail dated 10/26/15 from John Kolar to Scott McNeil (1 page)
122. Letter received 10/28/15 from Trish Harrington to Planning and Zoning (3 pages)
123. Letter received 10/28/15 from Michael Cherveny/Tuscarora Planning Commission to Planning Commission (1 page)
124. E-mail dated 10/28/15 from Scott McNeil to Sally Kolar (2 pages)
125. E-mail dated 10/28/15 from Ginny Robarge to Steve Schnell (1 page)
126. E-mail dated 10/29/15 from Don Warren to Scott McNeil (1 page)
127. Staff Report (12 Pages)

The following items were added to the exhibit list on 10/30/15:

128. E-mail dated 10/29/15 from Bridget Brown Powers to Steve Schnell and Scott McNeil (1 Page)
129. "Opposition To Heritage Cove Farm Special Land Use Permit Application" Submitted Bridget Brown Powers to Cheboygan County Planning Commission (569 Pages)
130. Undated Letter From Donald E. Eaton To Planning Commission and Scott McNeil (2 Pages)

The following items were added to the exhibit list on 11/03/15:

131. Letter Dated 11/02/15 From James And Jennifer Kight And Family To Planning Commission (1 Page)
132. E-mail Dated 11/02/15 From Andrew Keller To Steve Schnell (13 Pages)
133. Letter Dated 10/31/15 From Lila Massoumi (2 Pages)
134. E-mail Dated 11/01/15 From Thomas And Sally Baker To Scott McNeil (1 Page)
135. Letter Dated 10/27/15 From Walt Czapiga Of Grandview Beach Association To Planning Commission (2 Pages)
136. Letter Dated 10/27/15 From Walt Czapiga Of Grandview Beach Association To Planning Commission (2 Pages)
137. Letter Dated 10/23/15 From Tina Verlinden (1 Page)
138. E-mail Dated 10/31/15 From Louise Wilcox To Steve Schnell (1 Page)
139. Letter Dated 10/30/15 From Louise Wilcox, Cindy Bertucci, Lorna Hanks, Cyndi Shaffer, Jane Ryan, Susan Maynard, Janice Peterson, Judith Krause, Cheryl Jobin, Jennifer Peterson, Susan Shaver and John Taylor To Steve Schnell (2 Pages)
140. IRS Status (1 Page)
141. State Of Michigan Corporate Entity Details (5 Pages)
142. E-mail Dated 11/03/15 From Carol Ellstein to Steve Schnell (2 Pages)

The following items were added to the exhibit list on 11/04/15:

143. E-mail Dated 11/04/15 From Molly (Howell) Weingarten To Scott McNeil (1 Page)
144. E-mail Dated 11/04/15 From Mike And Beth Kinna To Scott McNeil (1 Page)
145. Letter Dated 11/03/15 From Susan Whitener To Steve Schnell (2 Pages)
146. E-mail Dated 11/04/15 From Erik And Carmany Thorp To Scott McNeil (1 Page)
147. E-mail Dated 11/04/15 From Richard Lincoln to Steve Schnell (3 Pages)

The following items were added to the exhibit list on 11/04/15:

148. Undated Letter From Patricia Campbell to Scott McNeil (2 Pages)
149. E-mail Dated 11/04/15 from Beverly Paisley to Steve Schnell (1 Page)
150. E-mail Dated 11/04/15 from Bonnie M. Paisley to Steve Schnell (1 Page)
151. Subdivision Streets Brochure Submitted At Planning Commission Meeting On 11/04/15 (2 Pages)
152. Letter Dated 11/04/15 From Christopher J. Baker Submitted At Planning Commission Meeting On 11/04/15 (3 Pages)
153. Petition Submitted At Planning Commission Meeting On 11/04/15 (13 Pages)

The following items were added to the exhibit list on 11/20/15:

154. Cheboygan County Zoning Ordinance #200
155. Cheboygan County Master Plan
156. Tuscarora Township Master Plan
157. 11/04/15 Planning Commission Meeting Minutes
158. 12/02/15 Planning Commission Meeting Minutes

The following items were added to the exhibit list on 11/23/15:

159. 11/04/15 Planning Commission Meeting Notice (1 Page)
160. 10/22/15 Tuscarora Township Planning Commission Meeting Minutes (1 Page)

The following items were added to the exhibit list on 11/24/15:

161 Merriam-Webster, 2015, online at i.word.com dictionary
162. Cambridge Academic Content Dictionary, Cambridge University Press online at dictionary.cambridge.org
163. Oxford Advanced American Dictionary 2015 online at Oxfordlearnersdictionaries.com
164. Macmillandictionary.com, 2015
165. Random House – Webster's college dictionary definition current and 1995 edition

The public hearing on this application was closed at 9:31PM on Wednesday, November 4, 2015. All information received from the public up to that time is part of the record. The Planning Commission will continue their review of this matter and consideration of the information in the public record at their meeting on Wednesday, December 2, 2015 at 7:00PM at the Cheboygan High School Auditorium.

Note: Planning Commission members have exhibits 154, 155 and 156.

RECEIVED
APR 20 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

W W R P

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Richard D. Rattner
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April 20, 2015

Cheboygan County Planning Commission
870 S. Main St.
Cheboygan, MI 49721

RE: *Heritage Cove Farm ("Farm")*
625 Grandview Beach Road, Indian River, Michigan

Dear Members of the Planning Commission:

Williams, Williams, Rattner & Plunkett, P.C. represents Heritage Cove Farm, a therapeutic farm community, (the "Farm") with respect to the property located at 625 Grandview Beach Road, Indian River, Michigan 49749 (the "Property").

The Property is situated in Tuscarora Township, Cheboygan County (the "County") and governed by the County's Zoning Ordinance No. 200. Please consider this letter and the attached documents, collectively, as the Farm's formal submission of an application for special land use permit and site plan approval with respect to the Property and the Farm's request for reasonable accommodations under federal and state civil rights laws. We write to you: (a) to provide a detailed description of the Farm and proposed project, (b) to explain how the Farm meets the County's permitted and special land use criteria and (c) to outline the areas of federal and state civil rights laws which require that reasonable zoning accommodations be made for persons with disabilities and that the Farm hereby petitions the County to take any and all necessary action to grant all necessary zoning and site plan approvals with respect to the Farm.

Attached here are (a) The Farm's completed Cheboygan County Special Land Use and Site Plan Application, (b) the Farm's site plan and survey, (c) architectural renderings of prototypes of the Farm's cottages, (c) Community House floor plans, and (d) three deeds showing petitioner's principal's ownership of the Property.

I. WHAT IS HERITAGE COVE FARM?

The Farm is a 501(c)(3) non-profit charitable organization formed for the purpose of providing a healing environment and peaceful home to adults with mental illness. The Farm strives to achieve its goal of providing a better quality of life to its residents by offering an array of meaningful therapy, work, leisure, and entertainment activities. The Farm provides residents an opportunity to experience the extraordinary beauty and tranquility of Northern, Michigan, on a vast 33-acre private waterfront community that encompasses 1,606 feet of waterfront and is situated adjacent to both state land and a state rails to trails system. The Farm delivers a holistic therapeutic environment specifically designed to provide a haven for healing and growth, for place and purpose, and for a feeling of enhanced self-worth, contribution, and social inclusion. *What is the Farm?* It is a therapeutic farm community. It is a picturesque, rural and agricultural

residence devoted to providing adults with mental disabilities a space and the tools to foster healing, socialization, and peace. For our residents *the Farm is home.*

II. FARM DESCRIPTION AND USES

The Farm is founded on the co-housing philosophy that peer support and living together in a community are key components to healing and growth for mentally disabled persons. Upon completion, the Farm will be a community-based program offering 24 attractive cottages for qualified individuals with mental disabilities that substantially affect one or more major life activities. This Farm also includes other ancillary buildings for communal dining and ancillary activities.

A. The Uses.

Housing. The Farm consists of housing for a total of 24 residents situated in four clusters of cabin colonies. Each cabin colony will contain four to six cottages. The resulting density is extremely low, with less than one resident per acre of property. It is anticipated that development of the Farm will occur in two phases: Phase I will accommodate up to 12 residents and Phase II will accommodate an additional 12 residents. It is expected that each resident will live at the Farm for roughly 4-12 months.

Dining and activities. The Property's existing two story farm home will be modified to serve as a communal dining and activity house (the "Community House"). The Farm anticipates a 20 x 40 foot addition to the Community House for the dining and communal activity area, and the conversion of the existing garage into a cold storage and kitchen pantry. The Farm will offer an array of meaningful nondenominational work, leisure, and entertainment activities including those that focus on the importance of nutrition, fitness, physical health, and overall well-being. Specifically, the Community House will host programs such as yoga, meditation, music, dance, visual arts, individual and group therapy programs, life skills coaching, fitness, health and wellness training, and CPR and first aid training. Throughout the Property, the residents will be able to participate in a wealth of activities related to the operation and maintenance of a farm and of the community itself. For example, the Farm will provide instruction and hands-on learning related to gardening, landscaping, the use of food produced in the garden for meal preparation, the maintenance and care of farm animals, and the use of animal products. The Farm plans to use the existing greenhouse and envision adding a woodworking shop behind the greenhouse where residents may participate in building kayaks, canoes and/or fishing boats or create other craft items. These workshop projects made by residents and staff will not be made for commercial sale, but instead shall be used for the enjoyment of the Farm's residents and for creative expression. Additional activities include biking, hiking, fishing, boating and cross-country skiing. Finally, off-Property, it is anticipated that residents may sell farm products at a farmer's market, participate in college or tech-programs and/or partake in other work, study, or employment.

Staff and services. The Farm will provide professional support of individual clinical care and 24-hour on-site staffing. It is projected that a maximum of 10 staff members are required for

Phase I and maximum of three additional staff members for Phase II. Two staff members will remain at the Farm overnight. A total of 7 staff members will assist during the daytime hours. The Farm will provide onsite cottages for at least three staff members and their families. To achieve this goal, the Farm proposes to convert the remaining three existing two-story houses located on the Property into staff housing and an administrative building. The administrative building will maintain standard business hours and will be used for general office work, admissions, video conferencing, and private counseling. The Farm will ensure that its staff and the Farm itself obtain and maintain required licenses and accreditations. The Farm anticipates creating affiliations with the state universities and colleges for programs and internship opportunities. Phase I also includes some additional changes to the Property to improve both aesthetics, functionality, and services at the Farm including removal of the existing trailer and sheds and building a new garage, laundry facility and barn in their place.

The Residents. The Farm will serve as a therapeutic community to both adult men and women with mental illnesses. It is anticipated that all residents voluntarily desire to (and have the capacity to work toward healing and living independently. The Farm's professional personnel will conduct admissions screenings and the Farm does not intend to accept residents with a history of physical abuse and/or violence. Admissions screening will also analyze the resident's existing medical recommendations and treatment history. The Farm anticipates accepting residents whose diagnoses include depression, schizophrenia, bipolar disorder, mental illnesses related to closed head injuries, and/or dual diagnoses.

Costs and Payment information. Each resident's fee will include participation in most onsite activities, one efficiency furnished cottage, three meals a day, laundry services, medication reminders, treatment plans with onsite clinical staff, individual and group therapy, access to video conferencing, transportation off-site within a certain mile radius, and internet access. Personalized home décor or accessories, medical prescriptions, and medical services are not included. This is a private pay facility, however, payment by insurance companies or other authorized third party payors will be accepted if available. The Farm anticipates a very limited number of Medicaid eligible cottages.

III. DISCUSSION OF LEGAL STANDARDS

A. The Zoning Ordinance

Consistent with the Michigan Zoning Enabling Act, the County's Zoning Ordinance requires that if a site plan meets Zoning Ordinance requirements, then the Planning Commission shall approve it. (§ 18.6, 18.7). The Property contains 3 parcels and falls within 2 zoning classifications -- The Property is subject to separate zoning districts: (1) M-AF - Agriculture and Forestry Management District and (2) P-LS - Lake and Stream Protection District. All section references in this letter refer to Article sections of Cheboygan County Zoning Ordinance.

1. Permitted Uses in M-AF District

Petitioner contends that the uses described for the Farm are all permitted uses consistent with the M-AF district. The M-AF district permits single and two family dwellings (9.2.1), greenhouses (§ 9.2.4), cabins (§ 9.2.13), hobby farms (§ 9.2.16) and hobby farm buildings (§ 9.2.15) by right without the need for a special use permit. The purpose of the M-AF district is to preserve and encourage farming and other "rural-type activities" (§ 9.1). The Farm falls squarely within the principal permitted uses stated above in that the Farm includes cabins, a hobby farm, hobby farm buildings, a greenhouse, and two dwellings. Consistent with the purpose of the M-AF District, the Farm preserves rural type activities and farming activities, including, but not limited to, growing crops, maintaining farm animals, fishing, and other peaceful, low-intensity, low-noise activities. Residents will be able to enjoy living in their own cabins in a healthy, rural atmosphere.

2. Special Uses Permitted in the M-AF District.

The M-AF district, at § 9.3, et seq., expressly allows uses by way of a special land use permit, uses that will exist at the Farm. Those uses, as set forth in the Zoning Ordinance, are far more invasive and intense than the uses that will exist at the Farm. The following uses are permitted by special land use under the Ordinance: (a) resorts and recreation farms (§ 9.3.9), (b) clubs (§ 9.3.7), (c) campgrounds (§ 9.3.3), (d) educational institutions (§9.3.4), (e) entertainment and eating establishments (§9.3.5), (f) commercial cabins (§ 9.3.6), and (g) schools and churches (§ 9.3.3). Also, some of the uses provided by the Farm are analogous to, but not as intense a use as, a nursing or convalescent home, both of which are allowed under 9.3.14. It should be noted that the Ordinance defines "convalescent home" as "a home, qualified for license under applicable Michigan law, for the care of children, aged, or ***infirm*** and providing facilities for four or more patients." (See §2.2) (Emphasis added.) (Michigan law defines "infirm" as "feeble or weak in body or health . . ." and recognizes both physical and *mental* infirmities. See *People v Duncan*, 494 Mich 713, 725; 835 NW2d 399 (2013) citing Random House Webster's College Dictionary (1995). The Farm is a home for the care of *infirm* residents that provides facilities to 4 or more people. While State convalescent home licensing rules do not necessarily apply, the Farm does qualify for protections under both federal and state civil rights laws as its residents have one or more disabilities that substantially impair one or more major life activities.

With respect to the definition of "club," the Ordinance's definition is "...a non-profit organization of persons for special purposes or for the conducting of social, athletic, scientific, artistic, political, or other similar endeavors." (§2.2). As described in detail above, consistent with the definition of "club", the Farm is a non-profit organization developed for the special purposes of providing various social, artistic and athletic activities to its residents. While some may argue that the group therapy component of the Farm is not consistent with the uses in the M-AF district, the Farm respectfully wholeheartedly disagrees. That is, note that schools, churches, and camps are all permitted within the M-AF district and all have counseling as a common ancillary component of their use. Here, group therapy is ancillary and accessory to the primary use of housing and feeding persons with disabilities.

Notwithstanding anything herein, the Farm certainly falls within the M-AF district's catch-all use provision at §9.3.22 which permits:

> 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 the 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 the zoning district, either by right or special use permit, and a proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district." Id.

Finally, the Farm's already existing mature evergreen and deciduous tree line and other natural vegetation provide abundant natural screening and buffering features consistent with the rural nature of the M-AF district.

Conclusion as to the M-AF District

In summary, the uses at the Farm are permitted by right under the M-AF zoning district, and even if, contrary to petitioner's analysis, certain uses may be determined to require a special use permit, then those uses are allowed in the M-AF district and compliant with all applicable requirements for a special land use in the M-AF district. (See Discussion of Special Land Use Criteria, infra.)

3. P-LS Zoning District

As to that portion of the Property that falls within the P-LS - Lakes and Streams Protection District ("P-LS"), the Farm's rural, agricultural, non-invasive use falls squarely within the P-LS's purpose of protecting the natural resources and excising environmental control. In fact, the Farm is far less invasive than other uses permitted by the P-LS.

For example, while P-LS expressly permits buildings and structures observing a forty (40) foot waterfront setback standard, the Farm's closest building to the waterfront is more than 300 feet from the water, *that is, more than seven times the required setback*. Second, by way of special land use, the P-LS district permits such crowded intensive uses as restaurants and bars. (§ 10.3.14). One building in the P-LS district is the Community House (refer to the site plan). The primary purpose of the Community House is to serve as a dining hall to the Farm's 24 residents, a use that is far less intrusive than a public restaurant or bar. Additionally, P-LS specifically permits cabin colonies (§ 10.3.3), multi-family apartment buildings and duplexes (§ 10.3.8), and bed and breakfasts (§ 10.3.15).

Therefore, the Farm's two small cabin colonies are permitted uses in the P-LS district pursuant to § 10.3.3, and the Farm use is far less intrusive than the multi-family apartment buildings permitted by § 10.3.8. Finally, the P-LS district permits recreational clubs and country clubs by special land use (§ § 10.3.2 and § 10.3.6). As described in detail above, the Farm meets the Ordinance's definition of "club" in that it is a nonprofit entity that provides various social, artistic and athletic activities to its residents. Here, the supplementary group counseling component of the Community House is an ancillary use to the dining component, as permitted by § 10.3.14, and the club component, as permitted by § 10.3.2 and § 10.3.6. Moreover, the permitted uses of churches, schools and camps all are likely to contain this same ancillary component of counseling.

Conclusion as to the P-LS District

In summary, the uses at the Farm are permitted by right under the P-LS zoning district, and even if, contrary to petitioner's analysis, certain uses may be determined to require a special use permit, then those uses are allowed in the P-LS district and compliant with all applicable requirements for a special land use in the P-LS district. (See Discussion of Special Land Use Criteria, infra.)

B. The Special Land Use Criteria

The Farm's use harmoniously combines the permitted uses of dwellings, a club, a farm, and a dining facility in a benign manner consistent with the rural purpose of the M-AF and P-LS district.

All uses determined by the County to require a special land use permit comply with the special land use criteria set forth in the Ordinance at Section 18.7. Specifically, this letter clearly explains that all of such criteria are met or superseded by the Farm uses.

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

The Property is located in zoning districts in which the Farm is allowed by way of special land use pursuant to M-AF §9.3 and P-LS §10.3 as discussed in parts III(A)(1) and III(A)(2) above.

§18.7(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.

The Farm does 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. Rather, it is clear that the uses and activities of the Farm are harmonious with the natural and agricultural surroundings of the Property, and will have a

beneficial, rather that negative impact on the natural resource of the County as discussed in greater detailed in parts I and II above.

§18.7(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.

The Farm 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. In fact, the Farm is an extremely quiet use with little or no impact on its immediate neighbors or the County in general. The Farm's uses will not involve fumes, glare, odors, or the accumulation of scrap material and minimal smoke, traffic or noise. (See detailed discussion of use in parts I and II above).

18.7(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.

The Farm will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. The Farm will maintain the quiet and rural character of the use of the existing property subject to the modification of the structures to better meet the needs of the Farm, and the construction and operation of other aspects of the Farm which are aesthetically pleasing and noninvasive. (See detailed discussion in parts I and II above).

18.7(e). 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.

The Farm 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. Representatives from the Farm met with both the Fire Chief and the Police Chief with respect to the Farm. The Farm does not cause a required increase in fire, police or other public resources.

18.7(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.

The Farm will not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity as residents are prohibited from having vehicles at the Property. Adequate access to the Property is furnished by existing roads. The Farm does not have a large area-wide patronage and the residents will not have transportation except for Farm Vehicles. The Farm's modest 30" x 50" entrance sign and all buildings, plantings, and other elements of the Farm will not interfere with driver visibility or safe vehicle operation as no such items are near a road. The entrance drives to Farm are not less than 25 feet from a street intersection.

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

Pursuant to meetings between the Farm's engineers and representatives from the health department, the Farm will be adequately served by the public streets, private on-site water and wastewater facilities, and private refuse collection and disposal services in accordance with Health Department requirements.

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

The Farm will comply with all specific standards required under the Ordinance applicable to it, accept as to those in which an accommodation is required, if any.

Summary of Zoning Analysis

This zoning analysis clearly shows that the Farm's uses are either permitted uses or uses permitted by special land use permit under the County's Ordinances for both the M-AF and P-LS districts. The type of activities and uses that would occur at the Farm are expressly analogous to and less intrusive than the uses and activities that are specifically permitted in the M-AF and P-LS district. The Farm's uses are wholly consistent with the stated purpose of both the M-AF and P-LS districts. This Project maintains the rural and farming nature of the Property, respects and protects the waters and natural environment of the waterfront, and provides a setback that is approximately 8 times the required setback. In fact, all of the uses are far less intense than most, if not all, of the permitted and special uses described in the Ordinance.

In the event that the County nonetheless determines that the Farm does not meet the County's Ordinance and/or Special Land Use requirements for M-AF and/or P-LS, please consider this letter the Farm's formal ***request for an accommodation*** under all applicable federal and state civil rights laws, including, but not limited to, those laws discussed briefly hereinbelow. An accommodation is necessary to provide for the Farm's lawful land use that is not otherwise permitted by the Ordinance and is necessary because the structure of the Ordinance's M-AF and P-LS zoning districts may have the effect of preventing persons with disabilities from residing in an area where people without disabilities are permitted to reside.

C. Legal Restrictions against Discrimination

It appears that there is already, at this early stage in the process, some negative public sentiment related to the Farm due to the types of persons that will reside at the Farm. It is important to note that the Farm will provide housing to persons suffering from mental disabilities that affect one or more major life activities. Both state and federal laws provide protections related to governmental action based upon such discriminatory fears that unfairly block persons with disabilities from residing within a community in which persons without disabilities could easily reside.

Established federal and Michigan laws prohibit a governmental agency from arbitrarily dictating in its official actions the type of person who will be allowed to occupy property or rendering decisions that effectively shut out individuals with special needs and disabilities. These prohibitions must be considered not only in light of the state and federal constitutional requirement that the County act at all times only in accord with an identifiable reasonable governmental interest(s) (i.e. actions reasonably related to a legitimate governmental interest such as health, safety and welfare), but also in light of the federal Americans with Disabilities Act, the federal Fair Housing Amendments Act, the Michigan Persons with Disabilities Civil Rights Act, and other applicable federal and state civil rights laws. Finally, not only must the County consider prohibitions against discrimination, but also, must consider the affirmative requirements under state and federal laws that a governmental agency grant reasonable accommodations in its zoning laws to persons with disabilities.

1. The Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (the "ADA"), as amended, prohibits discrimination based on disabilities. It expressly extends its prohibitions to such disability discrimination by any public entity. Qualified persons who suffer from disabilities under the ADA suffer from "a physical or mental impairment that substantially limits a major life activity." Such "major life activities" include, but are not limited to, "caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working, as well as the operation of several specified major bodily functions." The ADA provides for certain remedies and procedures that redress this type of governmental action. If a public entity discriminates against qualified individuals who suffer from a disability or their families, said activity would violate the ADA if such activity constituted a failure to provide a reasonable accommodation which resulted in the disabled being denied meaningful access to the benefit of services provided by the that entity.

2. Fair Housing Amendments Act

In many ways similar in this context to the ADA is the Fair Housing Amendments Act of 1988 ("FHAA"). This act, as it relates to this circumstance, expanded the coverage of the Fair Housing Act to prohibit discrimination in housing based on disability, among other things. Simply, the FHAA makes it unlawful to discriminate in the sale or rental or to otherwise make

unavailable or deny a dwelling to any buyer or renter because of a handicap or disability. The FHAA has been extended to outlaw discrimination in the consideration of public accommodations by governmental agencies. The prospective residents of the Farm meet the definition under the FHAA of "disabled," "single individuals" who are residents of a "dwelling" and thus we contend they are protected from discrimination by private or public entities under the FHAA.

3. Michigan Persons with Disabilities Civil Rights Act

The Michigan Persons with Disabilities Civil Rights Act, MCL 37.1101 et seq. ("PDCRA") provides that the opportunity to obtain housing and other real estate without discrimination because of a disability is guaranteed and is a civil right. Further, the PDCRA provides that a person shall accommodate a person with a disability for purposes of housing unless the person demonstrates that the accommodation would impose an undue hardship.

4. Other Legal Standards

The Farm will operate in accordance the Michigan Right to Farm Act (MCL 286.471 et seq.)("RTFA"), Michigan's Generally Accepted Agricultural and Management Practices (GAAMPs), and Michigan's Cottage Foods laws (see generally MCL 289.1105, MCL 289.4102, MCL 289.4105, and PA 113 of 2010) to the extent applicable.

Among other items, Michigan's GAAMPs are specifically designed to establish environmental practices that prevent surface water and groundwater pollution. In fact, Michigan's Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, refers to the GAAMPs in its directives regarding water quality standards. With respect to livestock, the GAAMPs specifically address rules regarding livestock's contact with lakes and streams.

Here, the Property and the Farm fall within Category 1 of the RTFA as a farm set in a rural/agricultural location and having less than 50 "animal units" (See e.g. the large barn located to the west of building 2 in attached photograph). The Site Plan specifically identifies the currently planned pasture areas for livestock. All other related dairy activities and housing of animals will be conducted in the planned barn. The Farm will follow the GAAMPs. The GAAMPs specifically address the issue of water quality for farming.(See GAAMPs generally). The RTFA prohibits municipal regulation that attempts to revise or conflicts with the GAAMPs (See MCL 286.474(6)). Here the livestock prohibition in the P-LS district imposes greater restrictions on farming of livestock near water than those imposed by the GAAMPs. While at this time, the Farm does not intend to extend its pasture areas beyond those specified on the site plan, it is the Farm's position that the County cannot prohibit the farming activities in the P-LS overlay district (whose purpose is to protect the water quality of lakes and streams), because the Farm will follow the GAAMPs, the GAAMPs already specifically address the issue of water quality for farming, and the RTFA prohibits municipal regulation that attempts to revise or conflicts with the GAAMPs (See MCL 286.474(6)).

CONCLUSION

The Farm requests that County approve the Farm as a principal permitted use in the M-AF zoning district and in the P-LS zoning district pursuant to the Ordinance. In the alternative, if the County determines certain of the uses to require a special land use permit, then the Farm requests that the County approve the Farm as a special land use in the M-AF and the P-LS zoning district(s) as applicable. Finally, to the extent that the County believes that the Farm is somehow not permitted under one of the many applicable zoning designations in the M-AF and P-LS zoning districts, then the Farm requests that the County make reasonable accommodations with respect to the interpretation and application of its Zoning Ordinance such as to approve the Farm in all required respects.

Please place the Farm on the County's Planning Commission agenda for site plan approval and possible special land use approval for the meeting that is set to occur on May 20, 2015. Further, we welcome the opportunity to discuss any possible concerns or questions prior to the public hearing.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

Richard D. Rattner
Richard E. Rassel

SAB/kp

00975080.DOCX

Print Form

CHEBOYGAN COUNTY PLANNING COMMISSION

PO BOX 70
870 SOUTH MAIN ST., ROOM 103
CHEBOYGAN, MI 49721
(231)627-8489 (PHONE)
(231)627-3646 (FAX)
www.cheboygancounty.net/planning

THE PLANNING COMMISSION MEETS THE
1ST AND 3RD WEDNESDAY OF EVERY MONTH AT 7:00 PM
IN THE COMMISSIONER'S ROOM (ROOM #135)
OF THE CHEBOYGAN COUNTY BUILDING.
DATE, TIME AND LOCATION ARE SUBJECT TO CHANGE.

ALL SPECIAL USE PERMIT APPLICATIONS WILL BE REVIEWED ADMINISTRATIVELY AND WILL BE PLACED ON A PLANNING COMMISSION AGENDA WHEN DEEMED COMPLETE. THE FOLLOWING ITEMS MUST BE SUBMITTED TO BE REVIEWED BY THE ZONING ADMINISTRATOR:

1. COMPLETED SPECIAL USE PERMIT APPLICATION WITH APPLICANT AND OWNER SIGNATURES (4 PAGES)
2. COMPLETED SITE PLAN REQUIREMENT CHECKLIST WITH SIGNATURE (2 PAGES)
3. SITE PLAN
4. WARRANTY DEED OR OTHER PROOF OF OWNERSHIP
5. CERTIFIED PROPERTY SURVEY OR DIMENSIONED PROPERTY LAND PLAT
6. APPLICATION FEE

SPECIAL LAND USE PERMIT APPLICATION

SPECIAL LAND USE PERMIT APPLICATION

APPLICANT'S INFORMATION AND INSTRUCTIONS

(KEEP FOR YOUR REFERENCE)

Applications that do not meet the requirements can NOT be placed on the agenda

SUBMITTAL PROCEDURE

- SUBMIT THE **COMPLETED** APPLICATION 30-DAYS PRIOR TO THE MEETING AT WHICH IT WILL BE REVIEWED.
- SITE PLANS MUST BE COMPLETE, INCLUDING THE APPLICANT'S AND PROPERTY OWNER'S SIGNATURE. IF THE APPLICATION IS NOT COMPLETE IT WILL BE RETURNED TO THE APPLICANT WITH A LIST OF ITEMS THAT MUST BE COMPLETED. (PLEASE USE THE PROVIDED CHECKLIST)
- IT IS RECOMMENDED THAT THE APPLICANT SUBMIT ONE SITE PLAN FOR INITIAL REVIEW BY THE PLANNING/ZONING ADMINISTRATOR BEFORE SUBMITTING THE REQUIRED 15 COPIES. A DIGITAL COPY OR LEDGER-SIZED PAPER COPIES ARE RECOMMENDED.
- THE APPROPRIATE FEE LISTED BELOW MUST BE SUBMITTED WITH THE APPLICATION
  SPECIAL USE PERMIT - $200.00 SPECIAL USE PERMIT AMENDMENT - $100.00
  SITE PLAN REVIEW - $150.00 SITE PLAN REVIEW AMENDMENT - $100.00
- ONCE THE APPLICATION IS COMPLETE, THE REQUEST WILL BE PLACED ON THE NEXT POSSIBLE PLANNING COMMISSION AGENDA.

PARCEL SIGN

THE APPLICANT WILL PICK UP A SIGN FROM THE PLANNING AND ZONING DEPARTMENT 10 DAYS PRIOR TO THE MEETING AND POST IT ON THE SITE SO THAT IT IS VISIBLE FROM THE ROAD. THE SIGN MUST BE RETURNED TO THE PLANNING & ZONING DEPARTMENT NO LATER THAN 5 DAYS AFTER THE MEETING.

PLANNING COMMISSION PUBLIC HEARING PROCESS

THE PLANNING COMMISSION MEETS AT 7:00 PM. PLANNING DEPARTMENT STAFF WILL PROVIDE A BRIEF INTRODUCTION OF THE APPLICANT'S REQUEST TO THE PLANNING COMMISSION. THE APPLICANT OR THEIR REPRESENTATIVE WILL THEN COME FORWARD TO ANSWER QUESTIONS ASKED BY PLANNING COMMISSION MEMBERS, AND HELP EXPLAIN OTHER ITEMS AS NECESSARY.

WITHDRAWAL OF APPLICATIONS

APPLICATIONS MAY BE WITHDRAWN BEFORE OR DURING THE MEETING, HOWEVER EXPENDITURES HAVE ALREADY BEEN MADE ON BEHALF OF THE APPLICANT, AND NO PORTION OF THE FEE CAN BE REFUNDED. A LETTER WILL BE NECESSARY, STATING THAT THE APPLICANT HAS WITHDRAWN THE APPLICATION.

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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.

Lawrence P Hanson — SIGNATURE

4-16-15 — DATE

CHEBOYGAN COUNTY
PLANNING & ZONING DEPARTMENT

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

SPECIAL LAND USE PERMIT APPLICATION

PROPERTY LOCATION

Address	City / Village	Twp / Sec.	Zoning District
625 Grandview Beach Road	Indian River	Tuscarora	M-AF
Property Tax I.D. Number	Plat or Condo Name / Lot or Unit No.		P-LS
See Attached	N/A		

APPLICANT

Name	Telephone	Fax
Lawrence Hanson on behalf of Heritage Cove Farm	231-238-0505	231-238-0582

Address	City, State & Zip	E-Mail
625 Grandview Beach Road	Indian River, MI 49749	lphanson@racc2000.com

OWNER *(If different from applicant)*

Name	Telephone	Fax
Lawrence Hanson	231-238-0505	231-238-0582

Address	City, State & Zip	E-Mail
625 Grandview Beach Road	Indian River, MI 49749	lphanson@racc2000.com

PROPOSED WORK

Type *(check all that apply)*

- ☒ New Building
- ☒ Addition
- ☒ Change in Use or Additional Use
- ☐ Reconstruction
- ☐ Relocated Building
- ☒ Sign, Type: Frstndg/Entrance
- ☐ Other: _____

Building/Sign Information

Overall Length: see site plan feet
Overall Width: see site plan feet
Floor Area: see attached sq. feet
Overall Building Height: varies feet
Sign Area: less than 18 sq. feet
Sign Height under 6 feet

PROPOSED USE *(check all that apply)*

- ☐ Single-Family Residence
- ☐ Duplex
- ☐ Multi-Family, # of units ___
- ☒ Expansion / Addition
- ☒ Garage or Accessory
- ☐ Storage
- ☒ Office
- ☐ Commercial
- ☐ Industrial
- ☒ Agricultural
- ☐ Institutional
- ☐ Utility
- ☒ Other: cabin colonies

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

If YES, date of approval: N/A Approved Use: _____

Directions to site: From Cheboygan, go south on Straits Highway to Grandview Beach Road. Go east (left) to old railroad grade and property is straight ahead after railroad grade.

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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.
   See attached.

Site Plan Standards.

PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
   Buildings, walking paths, parking areas, and related improvements will utilize existing elevation levels with a minimum of disturbance for construction of improvements.

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.
   Ample natural vegetation and property tree line will be preserved.

c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
   Site drainage will not be impacted by proposed improvements, nor will adjacent properties be affected.

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.
   Done, see attached. Also, ample natural vegetation will be preserved.

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

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

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
   ii. It does not impede the vision of traffic along adjacent streets. N/A
   iii. It does not unnecessarily illuminate night skies. Yes

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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 proposed use does not affect any existing or planned streets or pedestrians on bicycle pathway.

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.
Done.

3. Size of property in sq. ft. or acres: 33.6 acres

4. Present use of property:
Residential & agricultural (4 houses, a greenhouse, a hobby farm, & private storage buildings

5. SUP Standards:

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

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. See attached.

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. See attached.

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. See attached.

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

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

CHEBOYGAN COUNTY
PLANNING & ZONING DEPARTMENT

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

SPECIAL LAND USE PERMIT APPLICATION

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

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 Lawrence P. Hanson **Date** 4-16-15

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

☒ **Yes** ☐ **No**

Owner's Signature Lawrence P. Hanson **Date** 4-16-15

FOR PLANNING /ZONING DEPT. USE ONLY		
Date Received:	03/13/15	*Notes:*
Fee Amount Received:	$200.00	
Receipt Number:	4380	
Public Hearing Date:	11/4/15	

Planning/Zoning Administrator Approval:

Signature 9/24/15 Date

RECEIVED
FOR RECORD

00 SEP 12 AM 9:46

Vicky Ayczynski

CLERK/REGISTER
CHEBOYGAN COUNTY MICHIGAN

QUITCLAIM DEED

THIS INDENTURE is made and entered into this 7th day of September, 2000,

WITNESSETH, that LAWRENCE P. HANSON, surviving husband and tenant by entirety of Linda J. Throne, whose address is 625 Grandview Beach Rd., Indian River, MI 49749,

in consideration of the sum of ONE DOLLAR and 00/100 ($1.00);

CONVEYS and QUIT CLAIMS to Lawrence P. Hanson and Elizabeth A. Hanson, husband and wife, whose address if 625 Grandview Beach Rd., Indian River, MI 49749,

The following described lands and premises situated in the Township of Tuscarora, County of Cheboygan, State of Michigan, viz:

Part of Government Lots 4 and 5, Section 5 and part of the NE ¼ of the SE ¼ of Section 6, T35N, R2W, described as beginning at a point on the East-West ¼ line of said Section 5 distant 413.80 feet N 89° 13' E from the ¼ corner common said Sections 5 & 6 extending thence N 89° 13' E 357.98 feet along said East-West ¼ line, thence S 03° 29' 45" E 1,303.39 feet, thence S 60° 10' 10" W 757.88 feet and S 37° 29' W 400.00 feet along a traverse line on the shore of the Indian River, thence N 00° 42' W 1,105.48 feet, thence S 88° 30' W, 45.19 feet, thence N 24° 11' E 1,090.39 feet along the SE'ly R.O.W. line of Grandview Drive to the point of beginning. 162-005-300-002-00

Subject to the following: (i) any recorded building and use restrictions, easements and reservations affecting the land; and (ii) the lien of any taxes or assessments which are not yet due and payable, DEATH CERTIFICATE OF LINDA J. THRONE IS ATTACHED TO THIS DEED

This instrument is exempt from Michigan real estate transfer taxes pursuant to the provisions of (1) MCLA 207.505(a); MSA 7.456(5)(a), and MCLA 207.526(a); MSA 7.456(26)(a).

Witnesses by:

Shelly Vigneau

Elena Hendrickson

Signed on the Date first above written

Lawrence P. Hanson

Lawrence P. Hanson

STATE OF MICHIGAN)
COUNTY OF CHEBOYGAN)ss

The foregoing instrument was acknowledged before me this 7th day of September, 2000, by Lawrence P. Hanson.

Jeannie K Brusseau
Notary Public JEANNIE K BRUSSEAU
Cheboygan County, Michigan
My commission expires: 9/13/03

DRAFTED BY and RETURN TO:
Lawrence P. Hanson, P.C.
P. O. Box 456
Indian River, MI 49749
(231) 238-0505

9
2
CR 1470

LIBER 762 PAGE 254

25X 7

3

LF 99-31

CF

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH

CERTIFICATE OF DEATH

STATE FILE NUMBER
1441495

FIVE PRINT IN PERMANENT BLACK INK

NAME OF DECEDENT FOR USE BY PHYSICIAN OR INSTITUTION Throne, Linda

DECEDENT

1 DECEDENT'S NAME (First Middle Last): Linda J. Throne

2 SEX: Female

3 DATE OF DEATH (Month Day Year): January 21, 1999

4a AGE - Last Birthday (Years): 43

4b UNDER 1 YEAR: MONTHS / DAYS

4c UNDER 1 DAY: HOURS / MINUTES

5 DATE OF BIRTH (Month Day Year): June 9, 1955

6 COUNTY OF DEATH: Emmet

7a LOCATION OF DEATH (Enter place where pronounced dead in 7a, 7b, 7c): HOSPITAL OR OTHER INSTITUTION - Name (If not in either, give street and number): Forest ½ mile SE of Pellston Airport

7b IF HOSP OR INST Inpatient Op Emer Room DOA (Specify):

7c CITY, VILLAGE, OR TOWNSHIP OF DEATH: Maple River Twp.

8 SOCIAL SECURITY NUMBER: [redacted]

9a USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired): Attorney

9b KIND OF BUSINESS OR INDUSTRY: Law

10a CURRENT RESIDENCE - STATE: Michigan

10b COUNTY: Cheboygan

10c LOCALITY (Check one box and specify): ☐ INSIDE CITY OR VILLAGE OF ☒ TWP OF Tuscarora

10d STREET AND NUMBER: 625 N. Grandview Beach

10e ZIP CODE: 49749

11 BIRTHPLACE (City and State or Foreign Country): Elkhart, IN

12 MARITAL STATUS - Married, Never Married, Widowed, Divorced (Specify): Married

13 SURVIVING SPOUSE (If wife, give name before first marriage): Lawrence P. Hanson

14 WAS DECEDENT EVER IN U.S. ARMED FORCES? (Specify Yes or No): No

15 ANCESTRY - Mexican, Puerto Rican, Cuban, Central or South American, Other Hispanic, Afro-American, Arab, English, French, German, etc. (Specify below): German

16 RACE - American Indian, Black, White, etc. If Asian give nationality i.e., Chinese, Filipino, Asian Indian, etc. (Specify below): White

17 DECEDENT'S EDUCATION (Specify only highest grade completed): Elementary/Secondary (0-12): College (1-4 or 5+): 5+

PARENTS

18 FATHER'S NAME (First, Middle, Last): Robert H. Throne

19 MOTHER'S NAME (First, Middle, Surname before first marriage): H. Joan Weldy

INFORMANT

20a INFORMANT'S NAME (Type, Print): Lawrence P. Hanson

20b MAILING ADDRESS (Street and Number or Rural Route Number, City or Village, State, ZIP Code): 625 N. Grandview Beach Rd. Indian River, MI 49749

DISPOSITION

21 METHOD OF DISPOSITION - Burial, Cremation, Removal, Donation, Other (Specify): Cremation

22a PLACE OF DISPOSITION (Name of Cemetery, Crematory or other place): American Crematory

22b LOCATION - City or Village, State: Gaylord, MI

23 SIGNATURE OF FUNERAL SERVICE LICENSEE: [signature]

24 LICENSE NUMBER (of licensee): 6530

25 NAME AND ADDRESS OF FACILITY: Lintz Funeral Home, 6038 Prospect Indian River MI 49749

CAUSE OF DEATH

26 PART I Enter the disease, injuries, or complications that caused the death. Do NOT enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line.

IMMEDIATE CAUSE (Final disease or condition — resulting in death): a. EXTENSIVE FRACTURES SKULL CHEST, LIVER, EXTREMITIES — Approximate Interval Between Onset and Death: SECONDS

DUE TO (OR AS A CONSEQUENCE OF):

Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST:

b. SEVERE BLUNT FORCE TRAUMA — SECONDS

DUE TO (OR AS A CONSEQUENCE OF):

c. AIRCRAFT CRASH — SECONDS

DUE TO (OR AS A CONSEQUENCE OF):

d.

PART II Other significant conditions contributing to death but not resulting in the underlying cause given in Part I:

27a WAS AN AUTOPSY PERFORMED? (Yes or No): YES

27b WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? (Yes or No): YES

CERTIFIER

28 ACTUAL PLACE OF DEATH (Hospital, Nursing Home, Hospital Ambulance) (Specify): FOREST

29 WAS CASE REFERRED TO MEDICAL EXAMINER? (Specify Yes or No): YES

CERTIFYING PHYSICIAN

30a To the best of my knowledge death occurred at the time, date and place and due to the cause(s) stated. (Signature and Title):

30b DATE SIGNED (Mo. Day Yr.):

30c TIME OF DEATH: M

30d NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print):

MEDICAL EXAMINER

31a (Check one only) ☐ The case reviewed and determined not to be a medical examiner's case. ☒ On the basis of examination and of investigation in my opinion death occurred at the time, date and place and due to the cause(s) and manner stated. (Signature and Title): [signature] MD

31b DATE SIGNED (Mo. Day Yr.): JAN 22 1999

31c CASE NUMBER: MS99-11

31d PRONOUNCED DEAD (Mo. Day Yr.): ON JAN 22 1999

31e TIME OF DEATH: about 1216 P M

32a NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (ITEM 26) (Type or Print): EDWARD A. KAZYMOWSKI MD 101 MICHIGAN ST PETOSKEY MI. 49770

32b LICENSE NUMBER: 056936

MEDICAL EXAMINER

33a ACC SUICIDE HOM NATURAL OR PENDING INVEST (Specify): ACCIDENT

33b DATE OF INJURY (Mo. Day Yr.): JAN 21 1999

33c TIME OF INJURY: 1016 P M

33d DESCRIBE HOW INJURY OCCURRED: AIRCRAFT CRASH ON LANDING APPROACH

33e INJURY AT WORK (Specify Yes or No): NO

33f PLACE OF INJURY At home, farm, street, factory, office building, etc. (Specify): FOREST

33g LOCATION - Street or R.F.D. No., City, Village or Twp., State: short ½ mile SE Pellston Airport, Maple River MI

34a REGISTRAR'S SIGNATURE: Muriel K. Schave, Deputy Clerk

34b DATE FILED (Month Day Year): January 25, 1999

B 36 Page 6-26

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE RECORD ON FILE IN THE OFFICE OF THE COUNTY CLERK, EMMET COUNTY, MICHIGAN

[signature]
COUNTY CLERK

LIBER 762 PAGE 255

25x10

4

RCPT# 2780. STN 1
$14.00 D.WD
$1.00 TC

RECEIVED
FOR RECORD
11 SEP 2003 3:22:01 PM
MARY ELLEN TRYBAN
CLERK/REGISTER
CHEBOYGAN COUNTY, MICH.

LIBER 911 PAGE 289

WARRANTY DEED

THIS INDENTURE, Made this 24 day of July,2003 WITNESSETH that Bethany Ordway, a single woman, whose address is 573 Grandview Beach Road, Indian River, Michigan 49749 hereby convey by Warranty Deed to Lawrence P. and Elizabeth A. Hanson husband and wife, whose address is 625 Grandview Beach Road, Indian River, Michigan 49749,

The following described premises situated in the Township of Tuscarora, County of Cheboygan, State of Michigan, described as follows, to-wit:

> N'ly parcel: part of the NE ¼ of the SE ¼ of Sec 6, T35N, R2W, Described as: Beg. At a point on the E Section Line distant 987.72 feet S 00deg 42' E from the E ¼ corner of said Section 6 and extending TH S 00deg 42' E 332.28 feet along the E Section line; TH S 88deg 47'30" W 272.27 feet; TH N 24deg 11' E 365.64 feet along the E'ly ROW Line of the Detroit & Mackinaw Railroad; TH N 88deg 30' E 118.42 feet to the POB. Tax Parcel # 162-006-400-004-00

This property may be located in the vicinity of farmland or farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected under the Michigan Right to Farm Act.

The Grantors also grant to the Grantees the right to make all divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

Subject to building and use restrictions, reservations, easements, limitations and conditions of record, if any.

Consideration: One hundred 00/100 Dollars ($100.00), and other valuable consideration.

Dated this 24th day of July, 2003

In the Presence of:

Bethany Ordway

Brenda Nash
BRENDA NASH

STATE OF MICHIGAN
COUNTY OF CHEBOYGAN

I hereby certify that for the five years preceding date of said instrument there are no tax liens or Titles held by the State for any unpaid taxes, except such taxes as may be in the process of collecting.
9-11, 20 03 S Clemens, Dep
Cheboygan County Treasurer
#47488

The foregoing instrument was acknowledged before me this 24th day of July 2003, by Bethany Ordway.

BOBBI BALAZOVIC
Notary Public, Cheboygan County, MI
My Commission Expires Sept. 13, 2005

Notary Public
County, Michigan
My commission expires:

Drafted by:
Lawrence P. Hanson, P.C.
P. O. Box 456
Indian River, MI 49749

When recorded return to:
Lawrence P. Hanson, P.C.
P. O. Box 456
Indian River, MI 497

✓ 10 4 1
CR 2780-1

RECEIVED FOR RECORD
MARY ELLEN TRYBAN, CLERK/REGISTER
CHEBOYGAN COUNTY, MICHIGAN
06/23/2010 10:45:32 AM

RECEIPT# 34187, STATION 1
$17.00 WARRANTY DEED
$1.00 TAX CERTIFICATION

LIBER 1153 PAGE 444

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **LARRY J. ORDWAY**, a single man, whose address is 751 Grandview Beach Road, Indian River, Michigan 49749, as "Grantor", Conveys and Warrants to **LIB LIB, Inc.**, a Michigan Limited Liability Company, whose address is 625 Grandview Beach Road, Indian River, Michigan 49749, as "Grantee", the following described premises situated in the Township of Tuscarora, County of Cheboygan, and State of Michigan, to-wit:

out of 162-006-400-005-00

Part of the Southeast 1/4 of the Southeast 1/4 of Section 6, T35N-R2W, Tuscarora Township, Cheboygan County, Michigan, described as beginning at a point on the East section line distant 1,320.00 feet S00°42'E from the East 1/4 corner of said Section 6 and extending thence S00°42'E 773.20 feet, thence S33°29'30"W 444.89 feet along the shoreline of the Indian River, thence N00°42'W 1,138.98; thence N88°47'30"E 250.00 feet to the point of beginning.

EXCEPTING THEREFROM:
Beginning at a point on the East Section line distant 1319.92 feet S00°42'E along the East Section line from the East 1/4 corner of said Section 6 and extending thence S00°42'E 260.00 feet; thence S89°08'57"W 15.00 feet; thence N00°42'W 260.00 feet; thence N89°08'57"E 15.00 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:
Commencing at the East 1/4 corner of Section 6, T35N-R2W; thence S0°42'00"E 1304.75 feet (recorded as S0°42'E) along the East line of said Section; thence S89°08'57"W 150.00 feet to the POINT OF BEGINNING; thence S0°42'00"E parallel with the East Section line 250.00 feet; thence S89°08'57"W 100.00 feet; thence N0°42'00"W parallel with the East Section line 234.91 feet; thence S89°07'39"W 22.08 feet (recorded as N88°47'30"E 22.27 feet) to an iron pipe on the Easterly right of way line of the former Detroit and Mackinaw Railroad; thence N24°11'00"E 16.66 feet along said former Railroad right of way line; thence N89°08'57"E 115.07 feet to the POINT OF BEGINNING. Contains 25,280 square feet of land more or less.

for the full consideration of: **REAL ESTATE TRANSFER TAX VALUATION AFFIDAVIT** filed, subject to easements, reservations, restrictions, and encumbrances of record, if any,

The Grantor grants to the Grantee the right to make **ALL** permissible divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

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

June 23 20 10 Cheboygan MI
Cheboygan County Treasurer
Rec. # 18654

T. Tabor

Dated this 15 day of June, 2010.

Signed and Sealed:

Larry J. Ordway

STATE OF MICHIGAN)
COUNTY OF CHEBOYGAN)

The foregoing instrument was acknowledged before me this day of June, 2010, by Larry J. Ordway.

My Commission Expires:
9/13/12

Bobbi Balazovic, Notary Public
Cheboygan County, Michigan
Acting in Cheboygan County, Michigan

Recording Fee: $15.00
State Transfer Tax: R E Transfer Tax Valuation Affidavit filed
County Transfer Tax: RE Transfer Tax Valuation Affidavit filed
Parcel Tax #: 162-006-400-005-00

Drafted By and When Recorded Return To:
Lawrence P. Hanson
625 Grandview Beach Road
Indian River, MI 49749

Send subsequent tax bills to: Grantee

T. Talon

RECEIVED FOR RECORD
MARY ELLEN TRYBAN, CLERK/REGISTER
CHEBOYGAN COUNTY, MICHIGAN
06/23/2010 10:45:32 AM

RECEIPT# 34187, STATION 1
$14.00 WARRANTY DEED
$1.00 TAX CERTIFICATION

LIBER 1153 PAGE 443

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **LARRY J. ORDWAY,** a single man, whose address is 751 Grandview Beach Road, Indian River, Michigan 49749, as "Grantor", Conveys and Warrants to **LIB LIB, Inc.,** a Michigan Limited Liability Company, whose address is 625 Grandview Beach Road, Indian River, Michigan 49749, as "Grantee", the following described premises situated in the Township of Tuscarora, County of Cheboygan, and State of Michigan, to-wit:

out of 162-006-400-005-00

Commencing at the East 1/4 corner of Section 6, T35N-R2W; thence S0°42'00"E 1304.75 feet (recorded as S0°42'E) along the East line of said Section; thence S89°08'57"W 150.00 feet to the POINT OF BEGINNING; thence S0°42'00"E parallel with the East Section line 250.00 feet; thence S89°08'57"W 100.00 feet; thence N0°42'00"W parallel with the East Section line 234.91 feet; thence S89°07'39"W 22.08 feet (recorded as N88°47'30"E 22.27 feet) to an iron pipe on the Easterly right of way line of the former Detroit and Mackinaw Railroad; thence N24°11'00"E 16.66 feet along said former Railroad right of way line; thence N89°08'57"E 115.07 feet to the POINT OF BEGINNING. Contains 25,280 square feet of land more or less.

for the full consideration of: **REAL ESTATE TRANSFER TAX VALUATION AFFIDAVIT** filed, subject to easements, reservations, restrictions, and encumbrances of record, if any,

The Grantor grants to the Grantee the right to make **ALL** permissible divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated this 15th day of June, 2010.

Signed and Sealed:

Larry J. Ordway

STATE OF MICHIGAN)
COUNTY OF CHEBOYGAN)

The foregoing instrument was acknowledged before me this 15th day of June, 2010, by Larry J. Ordway.

My Commission Expires:
9/13/12

Bobbi Balzarc, Notary Public
Cheboygan County, Michigan
Acting in Cheboygan County, Michigan

Recording Fee: $15.00
State Transfer Tax: R E Transfer Tax Valuation Affidavit filed
County Transfer Tax: RE Transfer Tax Valuation Affidavit filed
Parcel Tax #: 162-006-400-005-00

Drafted By and When Recorded Return To:
Lawrence P. Hanson
625 Grandview Beach Road
Indian River, MI 49749

Send subsequent tax bills to: Grantee

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

June 23 2010 Cheboygan County Treasurer
Rct. # 18654

T. Talen

7

LIBER 833 PAGE 624

STATE OF MICHIGAN REAL ESTATE TRANSFER TAX
CHEBOYGAN
23 MAY 2002
13126
$ 192.50-CO
$ 1312.50-ST
#100011306

RECEIVED
FOR RECORD
02 MAY 23 PM 3:14
Mary Ellen Seyfert
CLERK/REGISTER
CHEBOYGAN COUNTY MICHIGAN

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that Jeannie K. Brussseau, by Lawrence P. Hanson, Power of Attorney, a copy of which is attached hereto, a single woman, whose address is 9275 Hudson Drive, Cheboygan, Michigan 49721

Convey(s) and Warrant(s) to Terry B and Rose M Williamson, husband and wife, whose address is 5720 South Chapin Road, Merrill, Michigan 48637.

The following described premises situated in the Township of Benton, County of Cheboygan, and State of Michigan:

PART OF GOVERNMENT LOT 6, SEC 17, T37N , R1W commencing at the Southwest corner of Government Lot 6; proceeding thence East 363.00 feet; thence North 00°42' West 875.06 feet; thence East 171.00 feet to the point of beginning; continuing thence East 85.00 feet; thence North 00°17'30" West 429.38 feet; thence North 16° 27'05" West 115.24 feet to the bank of the Cheboygan River; thence South 47°56' West 114.99 feet along said bank; thence North 00°01'30" West 20.68 feet; thence South 36°33'10" West 23.49 feet along said bank; thence South 03°19'42" East 242.86 feet; thence North 67°47'50" East 10.00 feet; thence South 06°31'23" East 227.46 feet to the point of beginning. Tax parcel 104-017-300-011-00

The Grantor also grants to the Grantee(s) the right to make all divisions under Section 108 of the Land Division Act, Act No. 288 of Public Acts of 1967.

The above-described premises may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected the Michigan Right to Farm Act.

For the full consideration of $175,000

Subject to any rights or easements of record.

Dated this 20th, day of May, 2002

I hereby certify that for the five years preceding date of said instrument there are no tax liens or Titles held by the State for any unpaid taxes, except such taxes as may be in the process of collecting.
5-23 2002 Cheboygan, MI — Cheboygan County Treasurer
#40711

WITNESSES:

Signed and Sealed:

Jeannie K. Brusseau by:

Lawrence P. Hanson
Lawrence P. Hanson Atty. in Fact
Pursuant to Power of Attorney

STATE OF MICHIGAN
COUNTY OF CHEBOYGAN

The foregoing instrument was acknowledged before me this 20th day of May 2002 by Lawrence P. Hanson, Atty. in Fact for Jeannie K. Brusseau.

LORNA JEAN BRACH
NOTARY PUBLIC, CHEBOYGAN CO., MI
MY COMMISSION EXPIRES June 11, 2003

Lorna Jean Brach, Notary Public
Cheboygan County Michigan
My commission expires: 6/11/03

Instrument drafted by:
Lawrence P. Hanson, P.C.
P. O. Box 456
Indian River, MI 49749

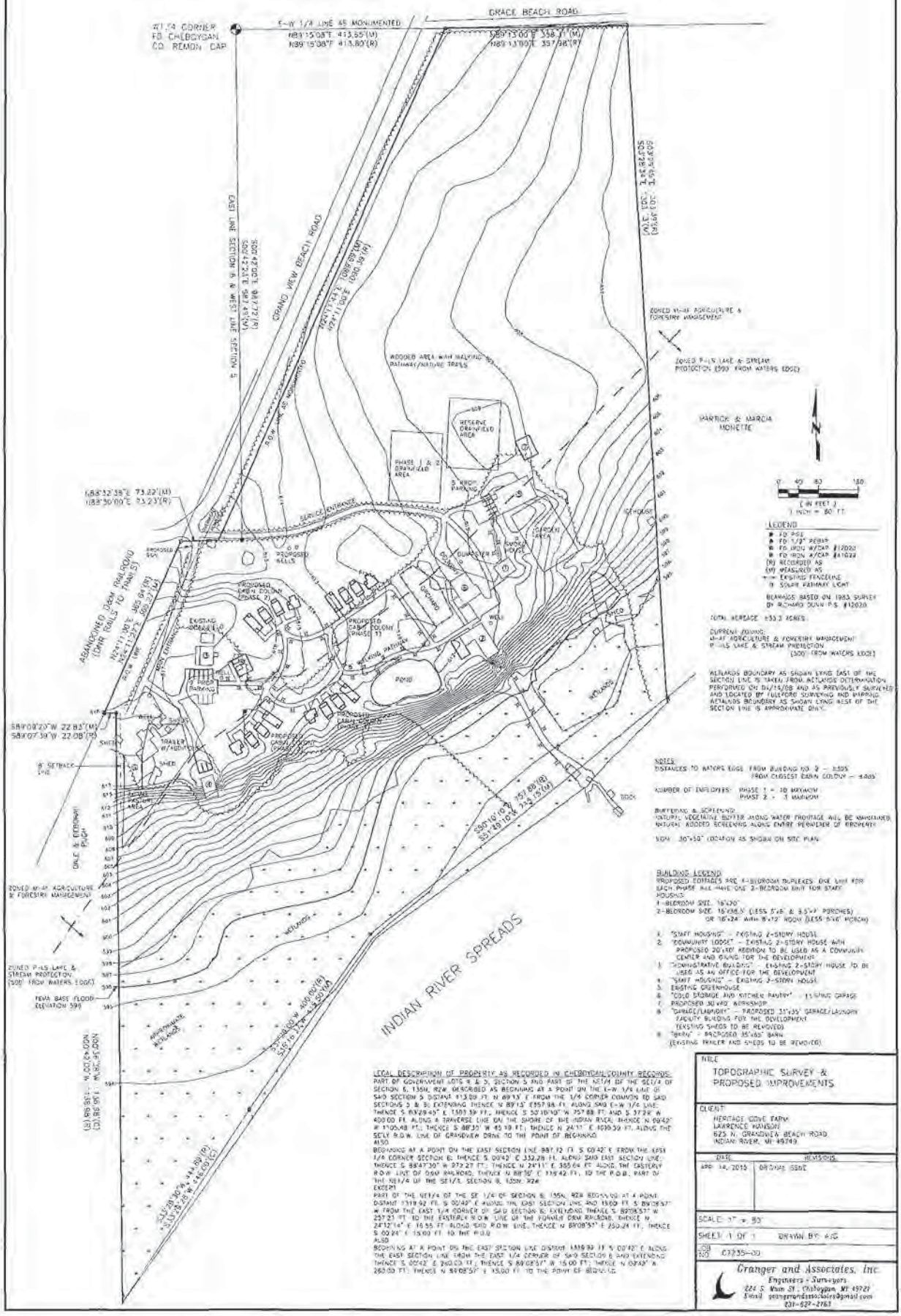
When recorded return to:
Terry & Rose Williamson
5720 South Chapin Rd.
Merrill, MI 48637

Send subsequent tax bills to: Grantee

9.
2.
1-
1505 - CE 13126
T.CT

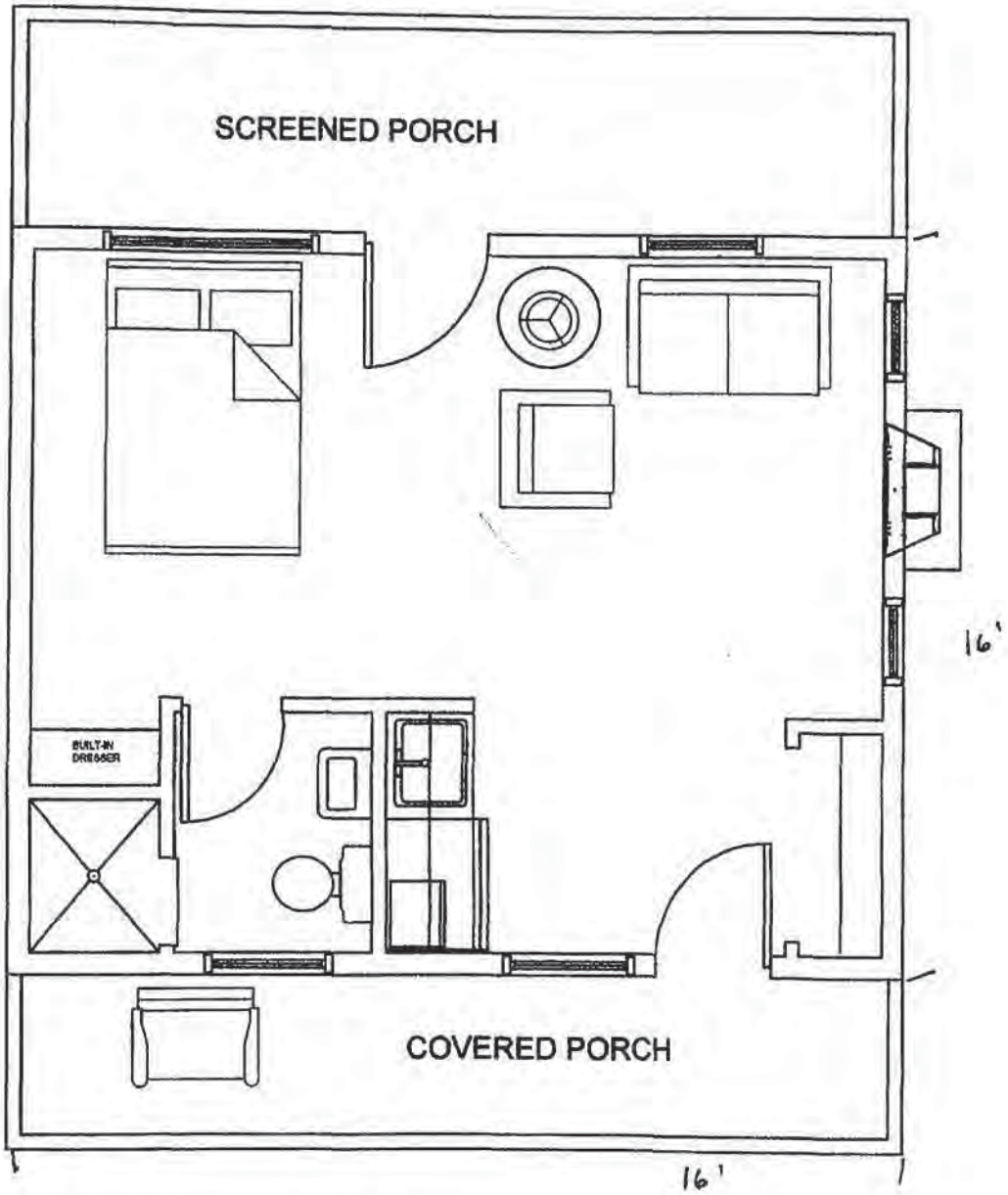
8

PART OF GOVERNMENT LOTS 4 & 5, SECTION 5 AND PART OF THE NE1/4 OF THE SE1/4 AND GOVERNMENT LOT 1, SECTION 6, T35N, R2W, TUSCARORA TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN



HERITAGE COVE FARM

A THERAPUTIC COMMUNITY



320 Sq. Ft.

1 BR - A

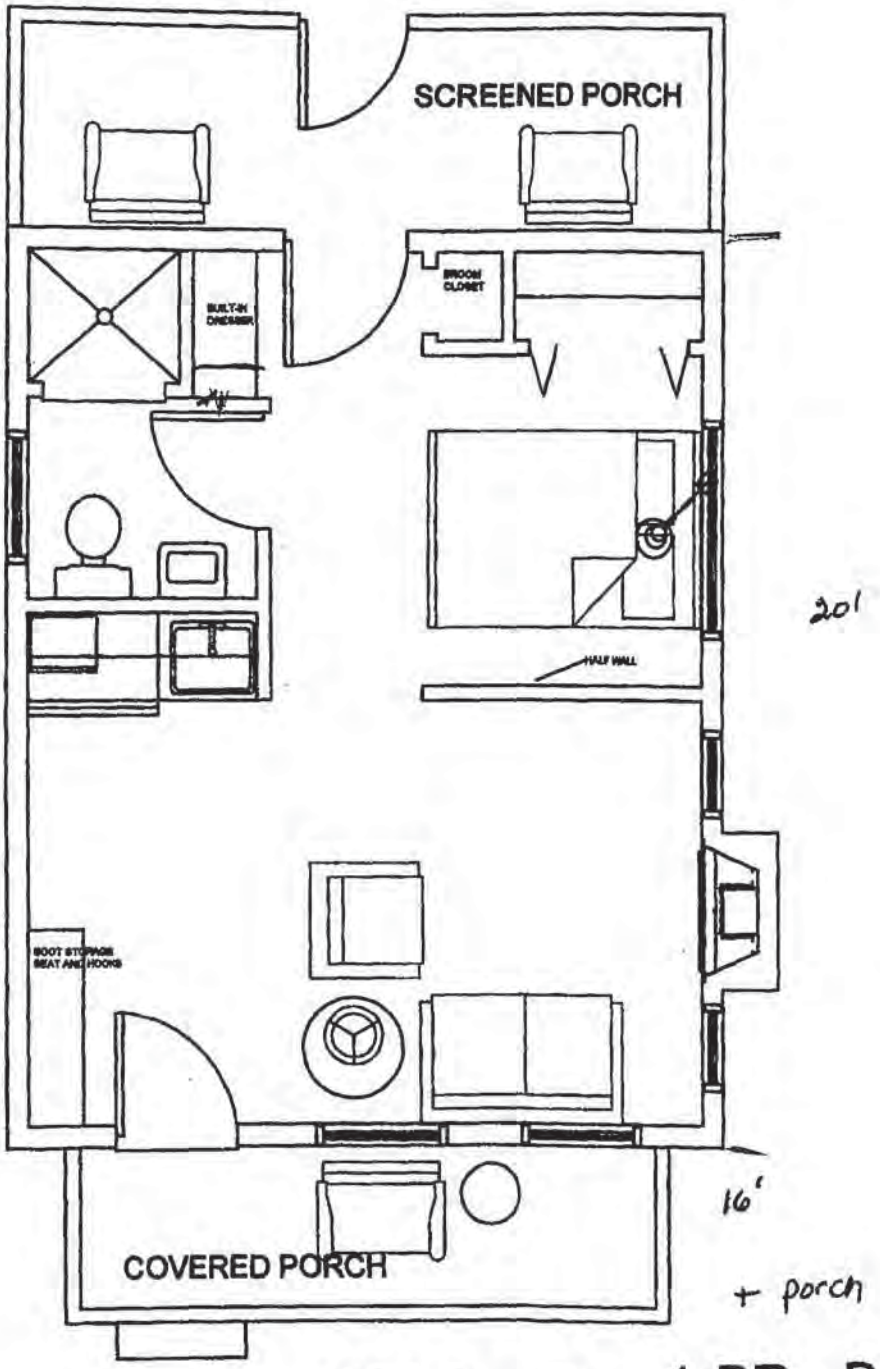
A

Cottage B

Drawn By: dhr
Date: 07-22-14
Revisions:

HERITAGE COVE FARM
625 N. Grandview Beach
Indian River, MI 49749

RHADIGAN & SONS, INC
PO BOX 22
INDIAN RIVER, MI 49749
www.rhadiganhomes.com

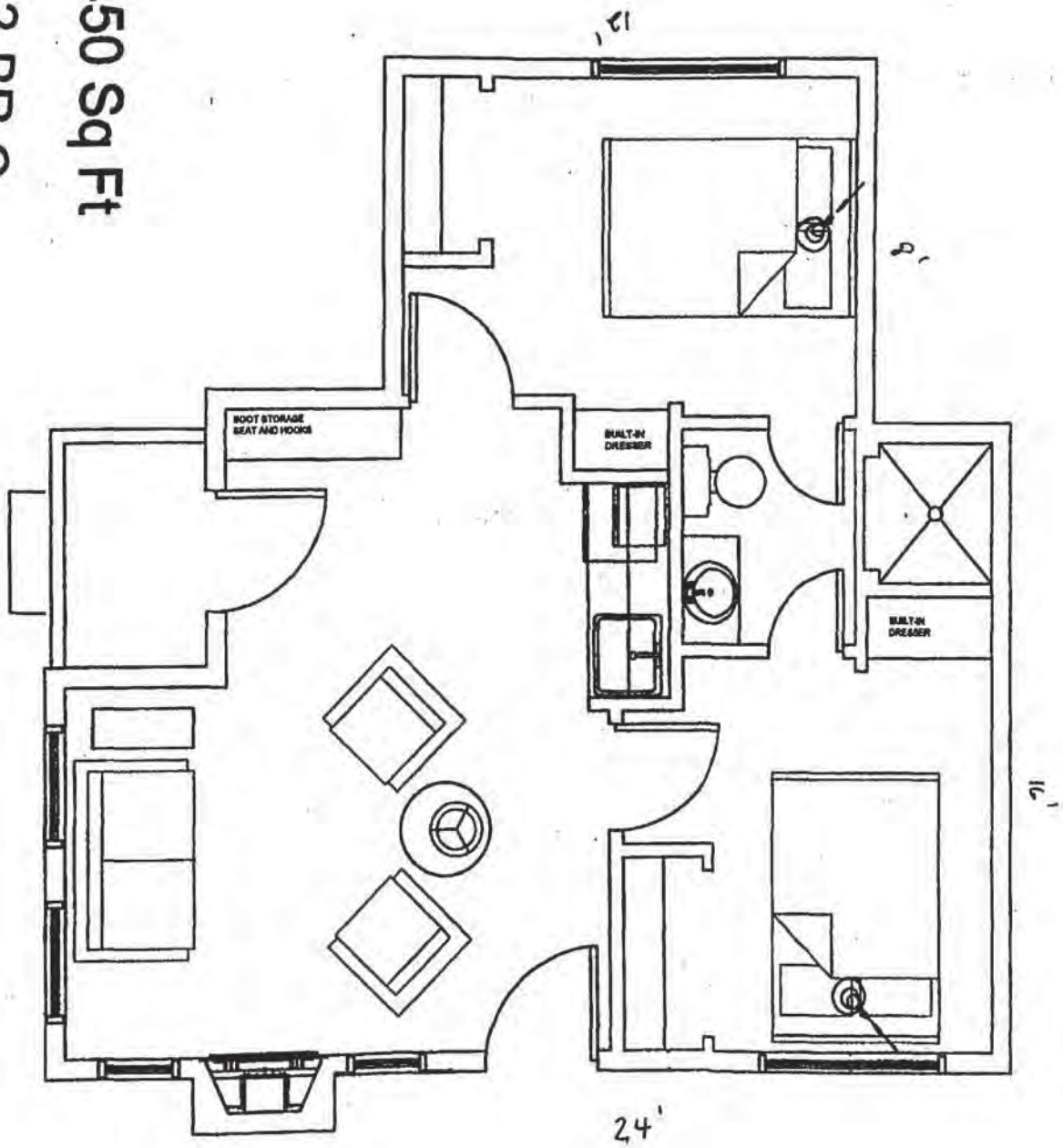


320 Sq. Ft. 1-BR - B

A	Cottage A Drawn By: dhr Date: 07-22-14 Revisions:	**HERITAGE COVE FARM** 625 North Grandview Beach Indian River, MI 49749	RHADIGAN & SONS, INC PO BOX 22 INDIAN RIVER, MI 49749 www.rhadiganhomes.com

450 Sq Ft

2-BR C



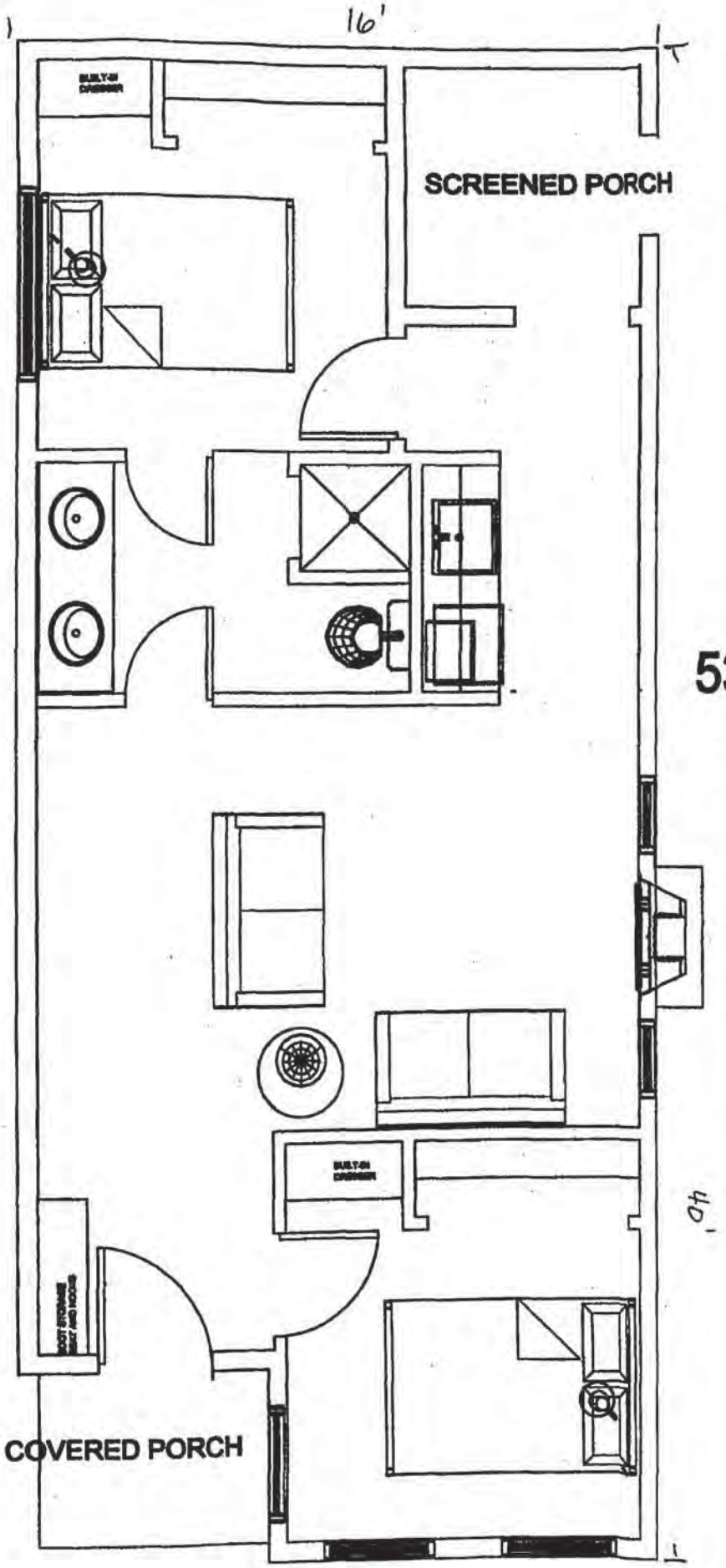
A

Cottage B

Drawn By: dhr
Date: 07-22-14
Revisions:

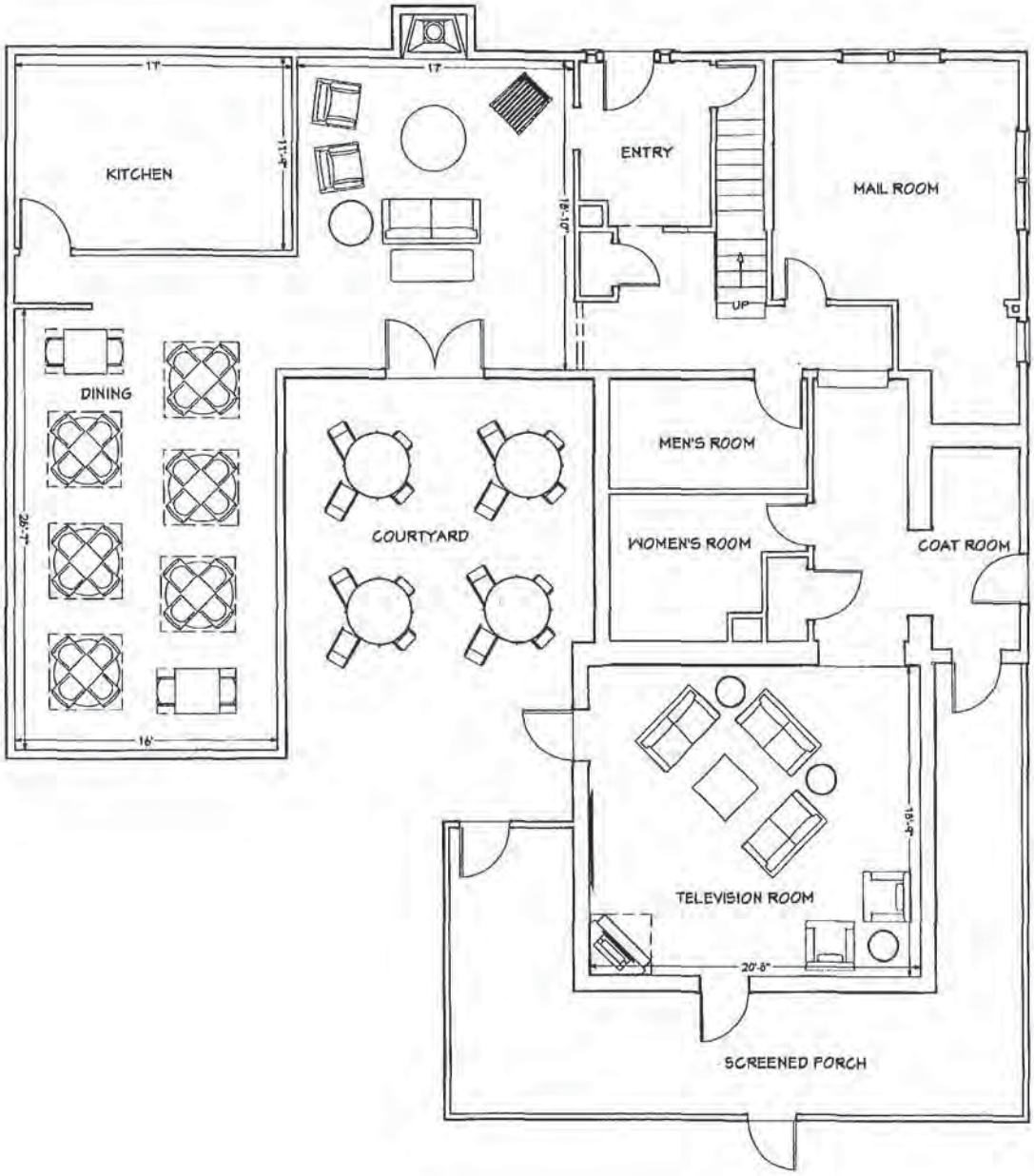
HERITAGE COVE FARM
625 N. Grandview Beach
Indian River, MI 49749

RHADIGAN & SONS, INC
PO BOX 22
INDIAN RIVER, MI 49749
www.rhadiganhomes.com



535 Sq Ft.

2-BR D



1st Floor

A#

SHEET:

SCALE: NTS

DATE:

DRAWINGS PROVIDED BY:
Rhadigan & Sons, Inc.
Quality Builders - Since 1983

HERITAGE COVE FARMS

COMMUNITY LODGE PROPOSED

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

HERITAGE COVE FARM/LAWRENCE P. HANSON

SUPPLEMENT TO SPECIAL USE PERMIT APPLICATION

Identified below are the three (3) Parcel ID#'s included in the Special Use Permit Application submitted April 20, 2015; attached are the deeds associated with each of these parcels.

162-005-300-002-00
162-006-400-004-00
162-006-400-005-00

Lawrence P. Hanson has the authority to act on behalf of all of the parcels included in the application.

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/

May 4, 2015

Mr. Lawrence Hanson
625 Grandview Beach Road
Indian River, Mi. 49749

RE: Heritage Cove Farm, 625 Grandview Beach Road
Special Use Permit Application received on April 20, 2015

Dear Mr. Hanson;

We have now completed initial review of your special use permit application for the Heritage Cove Farm.

The property for which the special use permit is being sought sits within two (2) different zoning districts which are Agriculture and Forestry Management District and Lake and Stream Protection District.

Regarding that part located in the Agriculture and Forestry Management District, we believe the application appears to address specific uses as provided under section 9.3.3. relative to an educational institution, section 9.3.9. relative to the cabins and perhaps exclusively under section 9.3.14., convalescent homes. The application also appears to request approval of a special use permit under section 9.3.22., uses not expressly authorized, with supporting information provided of like uses allowed in this zoning district.

With regard to the part located in the Lake and Stream Protection District we believe the application appears to address specific uses as provided under section 10.3.3. relative to the cabins, section 10.3.11 regarding housing of animals if applicable and under section 10.3.14 relative to the food service. With regard to the therapy use in the Lake and Stream Protection District, please provide applicable statutory and case law which would allow for the therapy use that supersedes the regulations of the Cheboygan County Zoning Ordinance. We find no provisions in the zoning ordinance that would allow the therapy use in the Lake and Stream Protection district, however it is more clearly permitted on that portion of the property zoned Agriculture and Forestry Management according to section 9.3.14.

Pursuant to the above, we find the application deficient as it does not specifically address which uses allowed by special use permit will be placed on each portion of the property subject to the separate zoning classifications of Agriculture and Forestry Management and Lake and Stream Development. Also, please provide specific legal support which shows how either federal and/or State law would supersede the zoning regulations in either of the zoning districts located on the property.

Yours Truly,

Scott E. McNeil
Community Development Planner
231.627.8475

To: Cheboygan County Planning Commission; Scott McNeil

From: Richard D. Rattner, Esq.; Richard E. Rassel, Esq.

Re: Heritage Cover Farm and Reasonable Accommodation Issues

Date: May 13, 2015

I. Introduction

The information that follows is a portion of our research regarding the federal Fair Housing Amendments Act (the "FHAA"), 42 USC § 3601 et. seq. accommodations requirements. This memorandum also includes a brief discussion of accommodations requirements under the Americans with Disabilities Act ("ADA"). Other federal and state statutes and authority that may be relevant to the items at issue with respect to Heritage Cove Farm's zoning request, such as the Persons With Disabilities Civil Rights Act, Section 504 and 505 of the Rehabilitation Act, exclusionary zoning laws, and/or the U.S. and Michigan Constitutions, and/or other theories and elements of the FHAA or ADA that are not addressed in detail herein.

II. The FHAA: Background

The FHAA's purpose is to protect the rights of disabled persons to live in the residence *of their choice* in a community.[i] The FHAA "is a declaration of congressional policy that the handicapped can no longer be relegated to the periphery or transitional zones within our communities and that the handicapped must be as free as anyone else to choose where to live."[ii] A party may proceed under any, or all, of three theories of discrimination: (1) disparate treatment, (2) disparate impact, and (3) failure to make reasonable accommodations[iii],[iv] (Heritage Cove Farm's position is that all three theories could be applicable here. However, this memorandum focuses only upon the third theory, reasonable accommodations.)

III. The FHAA: Zoning

The FHAA's prohibitions against discrimination specifically apply to state and local land use and zoning laws, regulations, decisions and practices.[v] The FHAA "prohibits the enforcement of zoning ordinances and local housing policies in a manner that denies people with disabilities access to housing on par with that of those who are not disabled."[vi] The Act is intended to prohibit the application of special requirements through land use regulations, restrictive covenants, and conditional <u>or special use permits</u> *that have the effect of* limiting the ability of such individuals to live in the residence of their choice in the community.[vii] It is a violation to the FHAA to apply or enforce neutral zoning rules or regulations in a manner that discriminates against people with disabilities[viii].

The purpose of the FHAA's requirement for reasonable accommodation is to facilitate the integration of persons with disabilities into all communities[ix]. The zoning processes and hearings enable a public entity the opportunity to make a reasonable accommodation in its zoning rules, policies, and practices[x]. *The very essence of a zoning accommodation under the FHAA involves a public entity's modification or waiver of traditional application of its zoning ordinances in order to accommodate persons with disabilities.*[xi] ***Public entities "must change, waive, or make exceptions in their zoning rules to afford people with disabilities the same opportunity to housing as those who are without disabilities."***[xii]

Pursuant to the FHAA discrimination includes "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling."[xiii] Generally, a request for an accommodation must be granted so long as it is reasonable and necessary to afford handicapped persons equal opportunity to use and enjoy housing.[xiv] Courts universally recognize disabled persons need to reside in a group facility environment so that such persons may obtain care and assistance such as shared care providers and shared homemaking responsibilities, and other services such as those that will occur in the Community House as described in our firm's letter of April 20, 2015.[xv]

IV. The ADA: Reasonable Accommodation

The ADA provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."[xvi] Public entities include counties, cities and towns.[xvii] The ADA clearly encompasses zoning decisions by local government entities.[xviii]

Similar to the FHAA, under the ADA, a locality is required to reasonably accommodate disabled persons by modifying its zoning policies, practices and procedures.[xix] A public entity must make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.[xx] The 'reasonable accommodation' provision prohibits the enforcement of zoning ordinances and local housing policies in a manner that denies people with disabilities access to housing on par with that of those who are not disabled."

V. The FHAA: Disparate Impact

While the focus of this memorandum is on reasonable accommodations, it is noteworthy that the FHAA's *disparate impact* theory is wholly on point here. Pursuant to the FHAA, the disabled person need only show that application of a facially neutral policy or practice has a discriminatory *effect* upon a disabled individuals, i.e. *it is not necessary to show discriminatory intent*.[xxi] In fact, it has even been found that if a disabled person is required to obtain a special use permit in an area where a nondisabled person is permitted to reside by right, such requirements "undoubtedly have a disparate impact on individuals with disabilities" and violate the FHAA.[xxii]

[i] *Smith & Lee Assocs. v. City of Taylor*, 102 F.3d 781, 795 (6th Cir. 1996) (internal citations omitted).
[ii] *Assisted Living Assocs. L.L.C. v. Moorestown Twp.*, 996 F. Supp. 409 (D.N.J. 1998).
[iii] *Lapid-Laurel v. Zoning Board of Adjustment of the Twp of Scotch Plains*, 284 F.3d 442, 448 (3d Cir. 2002).
[iv] 42 U.S.C. § 3604(f)
[v] *Oxford House v. City of Virginia Beach*, 825 F. Supp. 1251, 1257 (E.D. Va. 1993).
[vi] *Oconomowoc Residential Programs, Inc. v. City of Milwaukee*, 300 F.3d 775, 783 (7th Cir. 2002).
[vii] *Id.* citing H.R. Rep. No. 711, 100th Cong., 2d Sess. 24 (1988), reprinted in 1988 U.S.C.C.A.N. 2173, 2185 ("House Report") (emphasis added)
[viii] *Id.*
[ix] *Dr. Gertrude A. Barber Center, Inc. v. Peters Township*, 273 F. Supp. 2d 643 (W.D.Pa. 2003).
[x] *See Oxford House*, supra at 1261.

[xi] *Hovsons, Inc. v. Township of Brick*, 89 F.3d 1096, 1105 (3rd Cir. 1996)
[xii] *Id.*
[xiii] 42 U.S.C. § 3604(f)(3)(B).
[xiv] *Smith, supra* citing 42 U.S.C. § 3604(f)(3)(B).
[xv] (See e.g. *Forest City Daly, supra* citing *Smith, supra* (Use variance allowing group home for disabled in single-family residential zone, based upon need of disabled persons to share care-givers and homemaking responsibilities)(same).; *Elderhaven, Inc. v. City of Lubbock*, 98 F.3d 175 (5th Cir. 1996) (same); *Erdman v. City of Fort Atkinson*, 84 F.3d 960 (7th Cir. 1996) (same); *Oxford House-C v. City of Saint Louis*, 77 F.3d 249 (8th Cir. 1996) (same); *Hovsons, supra* (use variance allowing nursing home in residential zone); *Assisted Living Assocs. of Moorestown, supra* (exemption allowing assisted living facility in residential zone).
[xvi] 42 U.S.C. § 12132
[xvii] *Id;* 42 U.S.C. § 12131(A).
[xviii] *MX GroupInc. v City of Covington, 293 F.3d 326 (CA 6 2002); Oconomowoc Residential Programs, Inc. v City of Milwaukee*, 300 F3d 775, 782 (CA 7, 2002) citing *Regional Econ. Comty. Action Program, Inc. v. City of Middletown*, 281 F.3d 333, 2002 U.S. App. LEXIS 1769, 12 Am. Disabilities Cas. (BNA) 1317 (2d Cir. N.Y. 2002) petition for cert. filed, No. 01-1624 (May 3, 2002); *Bay Area Addiction Research and Treatment, Inc. v. City of Antioch*, 179 F.3d 725, 730 (9th Cir. 1999).
[xix] *Id.* citing *Hovsons, supra*
[xx] 28 C.F.R. § 35.130(b)(7).
[xxi] *Graoch Assocs. # 33, L.P. v. Louisville/ Jefferson County Metro Human Rels. Comm'n*, 508 F.3d 366, 371 (6th Cir. 2007); *Arthur v. Toledo*, 782 F.2d 565, 574 (6th Cir. 1986);

[xxii] *Sharpvisions, Inc. v. Borough of Plum*, 2007 U.S. Dist. LEXIS 11024, 19-20 (W.D. Pa. 2007)

W|W|R|P

Williams Williams Rattner & Plunkett, P.C.
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Richard E. Rassel, III
rer@wwrplaw.com

May 26, 2015

Via E-Mail scott@cheboygancounty.net
and First Class Mail

Cheboygan County Planning Commission
Scott McNeil
870 S. Main St.
Cheboygan, MI 49721

RE: *Heritage Cove Farm ("Farm")*
625 Grandview Beach Road, Indian River, Michigan

Dear Planning Commission Members and Mr. McNeil:

This letter is provided in response to Mr. McNeil's letter addressed to Mr. Lawrence Hanson of Heritage Cove Farm (the "Farm") dated May 14, 2015 (the "Escrow and List Letter").

The Escrow and List Letter provides that the Farm's application is deemed incomplete unless and until the Farm provides the Cheboygan County Treasurer with a check in the amount of $2,000.00 (the "Escrow"). Per your demand, a check written to the Cheboygan County Treasurer in the amount of $2,000.00 will be provided by the Farm. The Escrow is being provided by the Farm under protest and only in furtherance of a practical effort to move this matter along. The Farm expressly reserves any and all claims that the Escrow demand constitutes disparate, discriminatory treatment towards the Farm by Cheboygan County with respect to the subject land use application process. Further, please consider this letter an express disclaimer of any waiver by the Farm of its right to contest or refuse future requests for additional escrow amounts.

The Farm respectfully disagrees with your position that the Cheboygan County Zoning Ordinance (the "Ordinance") provides exclusively for "permissive" zoning that presumes that everything that is not specifically listed is prohibited in a particular zoning district. By way of example, but not limitation, the M-AF District specifically provides for a "catch all" provision under § 9.3.22 which allows for "uses which are not expressly authorized in any zoning district. . ." Moreover, both federal and state law require accommodations be made from strict application of a zoning ordinance in certain situations similar to the request for same posed here by the Farm to the County and the Planning Commission. The "round peg/round hole" application of the Ordinance simply is inconsistent with the plain language of the Ordinance and is opposite to federal and state discrimination and accommodation laws and requirements that the Farm contends apply here.

That said, in an effort to cooperate with your request for a "list" that includes Ordinance section numbers of the intended use under which the Farm is applying, please see the following chart which specifically lists each item identified on the Site Plan previously provided to you together with each corresponding Ordinance section number (which were previously referenced in our prior letters):

M-AF DISTRICT CHART

LABEL STATED ON THE SITE PLAN	PRIMARY REQUEST: Use Permitted by Right:	(2) IN THE ALTERNAVE Specific Special Land Use:	(3) IN THE ALTERNATIVE Special Use Pursuant to "Catch All Provision:	(4) IN THE ALTERNATIVE An Accommodation is Requested for the proposed Use Under Federal and State Law as Previously Outlined:
"Housing" and "Cottages"	§9.2.1 Family Dwellings[1]	Analogous to §9.3.14 Convalescent home (detached)	§9.3.22[2]	Yes
"Animal pasture area"	§9.2.16 Hobby Farm; Right to Farm Act		§9.3.22	Yes
"Barn"	§9.2.15 Hobby Farm Building; Right to Farm Act		§9.3.22	Yes
"Work Shop"	§9.2.14 Private Storage Workshop Building		§9.3.22	Yes
"Greenhouse"	§9.2.4 Greenhouses and Nurseries; Right to Farm Act		§9.3.22	Yes
"Garage" and "Laundry"	§9.2.1 Family Dwellings (Although this building is detached from the residential quarters, the activities are all ancillary to and a component of the residential use of housing persons with certain mental disabilities).	Analogous to §9.3.14 Convalescent[3] home (detached)	§9.3.22	Yes
"Administrative Building"	§9.2.1 Family Dwellings (Although this building is detached from the residential quarters, the activities are all ancillary to and a component of the residential use of housing persons with certain mental disabilities).	Analogous to §9.3.14 Convalescent home (detached)	§9.3.22	Yes

[1] "Family" includes "[a]n individual" and/or "[a] group of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit."

[2] The §9.3.22 catch all allows for "[u]ses 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 the subsection or corresponding subsections in other zoning districts . . ." See detailed letters from WWRP dated April 20, 2015 and May 13, 2015 which provide a detailed description explaining how the proposed use is of the same general character as the other uses allowed in the zoning district.

[3] The dictionary definition of "convalescence" means "to become healthy and strong again slowly over time after illness, weakness, or injury." http://www.merriam-webster.com/dictionary/convalesce

P-LS DISTRICT CHART

BUILDING/USE AS IDENTIFIED IN THE SITE PLAN	PRIMARY REQUEST: Use Permitted by right:	(2) IN THE ALTERNATIVE: Specific Special Land Use:	(3) IN THE ALTERNATIVE: Accommodation Requested for Use:
"Housing" and Cottages	§10.2.1 Family Dwellings	Analogous to §10.3.3 Cabin colonies §10.3.8 multifamily or duplex	Yes
"Garden"	§10.2.2 Gardening; Right to Farm Act		Yes
"Community House"	§10.2.1 Family Dwellings (Although this building is detached from the residential quarters, the activities, dining, individual and group therapy, are all ancillary to and a component of the residential use of housing persons with certain mental disabilities).	Analogous to 10.3.2 Club, 10.3.6 Country Club and 10.3.14 Restaurant	Yes
"Cold Storage and Kitchen Pantry"	10.2.4 Private storage building	10.3.14 Restaurant	Yes
"Greenhouse"	10.2.2 Gardening; Right to Farm Act		Yes

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

Richard D. Rattner
Richard E. Rassel

SAB/kp
cc: Heritage Cove Farm (*by e-mail*)
Peter R. Wendling, Esq. pwendling@upnorthlaw.com

W|W|R|P

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Attorneys and Counselors
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Fax: (248) 642-0856

May 13, 2015

Via E-Mail scott@cheboygancounty.net
and Fed Ex
Cheboygan County Planning Commission
870 S. Main St.
Cheboygan, MI 49721

RE: *Heritage Cove Farm ("Farm")*
625 Grandview Beach Road, Indian River, Michigan

Dear Mr. McNeil and Planning Commission Members:

This letter is provided in response to Mr. McNeil's letter addressed to Mr. Lawrence Hanson of Heritage Cove Farm (the "Farm") dated May 4, 2015 (the "Administrative Letter").

As an initial matter, we are disappointed to learn that the Farm's Special Use Permit Application has not been placed on the May 20, 2015 Planning Commission agenda. The Special Land Use Instructions form specifically states that "[o]nce the application is complete, the request will be placed on the next possible Planning Commission agenda."

We contend that the Farm timely submitted each and every item identified on the "Site Plan Requirement Checklist" together with all six of the required items listed on Cheboygan's Special Land Use Permit Application form including: (1) the completed special use permit application with applicant and owner signatures, (2) the completed site plan requirement checklist with signature, (3) the site plan, (4) the warranty deeds, (5) the property survey and (6) the application fee.[1]

Section 18.4 of the Cheboygan County Zoning Ordinance (the "Ordinance") provides that "[t]he Zoning Administrator shall review the application and information submitted under Section 18.4 of this Ordinance *to determine if all required information was supplied.* If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. . . ." *Id.* The "Applicants

[1] Hereinafter, any reference to the Application shall include (1) the detailed letter to the Planning Commission dated April 20, 2015 from WWRP, P.C. identifying details of the special use permit application and requesting reasonable accommodations under federal and state civil rights laws, (2) the site plan requirement checklist, (3) the completed special use permit application with applicant and owner signatures, (4) the completed site plan requirement checklist with signature, (5) the site plan, (6) the warranty deeds, (7) the property survey, and (8) the application fee[1].

Information and Instructions" page specifically states that if an applications is incomplete, "it will be returned to the applicant with a list of items that must be completed."

Respectfully, we contend that the Administrative Letter erroneously concludes that the Farm's "application [is] deficient" based upon the position that the Application "does not specifically address which uses allowed by special use permit will be placed on each portion of the property subject to the separate zoning clarifications of Agriculture and Forestry Management and Lake and Stream Development." The Application does in fact specifically address which intended uses will take place on each portion of the described Property. In fact, the Site Plan specifically (i) identifies the boundary line between the M-AF district and the P-LS district, (ii) depicts which district each building falls within, (iii) provides a legend identifying the proposed purpose of each building (e.g., "staff housing," "community lodge," "administrative building") and (iv) even provides additional use details (e.g., the community lodge is "to be used as a community center and dining"). Moreover, our firm's eleven (11) page single-spaced typed letter submitted as part of the Application provides a comprehensive description of the housing and activities at the Farm and where they will occur. Finally, any additional specific questions in this regard can be addressed by our client at the Planning Commission public hearing or we could alternatively easily and timely respond to more specific questions in writing before the Planning Commission public hearing.

As to Mr. McNeil's observations regarding the "therapy use" component, the Application identifying that group therapy will primarily be conducted in the Community House located within the P-LS - Lakes and Streams Protection District ("P-LS") contends that the uses at the Farm are permitted by right under the P-LS zoning district, and even if, contrary to the Farm's analysis, certain uses may be determined to require a special use permit, then those uses are allowed in the P-LS district and compliant with all applicable requirements for a special land use in the P-LS district in that the Farm meets the Ordinance's definition of "club" in that it is a nonprofit entity that provides various social, artistic and athletic activities to the club's members, or here the Farm's residents. Here, the supplementary group counseling or therapy component of the Community House is an ancillary use to the dining component, as permitted by § 10.3.14, and/or the club component, as permitted by § 10.3.2 and § 10.3.6. Moreover, the permitted uses of churches, schools and camps all are likely to contain this same ancillary component of counseling or in this case therapy for the disabled. The type of activities and uses that would occur at the Farm are expressly analogous to and less intrusive than the uses and activities that are specifically permitted in the P-LS district and said uses pose no environmental risk to any lake or stream.

In effort to further cooperate with the approval process, pursuant to your May 4, 2015 request, attached please find a legal Memorandum regarding federal reasonable accommodation requirements for the disabled in the context of public entity zoning. In the event that the

Planning Commission nonetheless determines that the Farm does not meet the County's Ordinance, the Farm has formally requested a reasonable accommodation from the County in accord with the requirements discussed in the attached Memorandum (an accommodation may be necessary to provide for the Farm's lawful land use in the case that is not otherwise permitted by the Ordinance in the district requested).

The Michigan Zoning Enabling Act specifically mandates that certain adult foster care facilities are (i) deemed a residential use of property for the purposes of zoning, (ii) constitute a permitted use in all residential zones, and (iii) are not subject to a special use or conditional use permits or procedures different from those required for other dwellings of similar density in the same zone. MCL §125.3206. Like adult foster care facilities, residents of the Farm have a disability that impairs one or more life activities, need care (including but not limited to therapy, dining services, and administrative services), and are entitled by state and federal law to live in residential areas of their choosing (see attached Memorandum). The purported "therapy use" is not a separate and distinct use at the Farm, but is instead a service required by way of the residents' disability for which an accommodation, if required, is both reasonable and necessary under the law. Simply put, rehabilitative psychotherapy care must be permitted at the Farm in either applicable zoning district just as all residents of the County are permitted by right in <u>any</u> residential district to receive in-home rehabilitative physical, speech, and/or occupational therapy following a stroke or other major medical trauma. Any other result would be abjectly discriminatory towards residents of the Farm.

With all due respect to your analysis of the purported "therapy use" in the PL-S district, the Farm contends that the Farm's uses are either permitted uses or uses permitted by special land use permit in the P-LS district and are specifically related to the residents' disabilities (such as therapy, dining services, and administrative services) and are not separate and distinct uses at the Property but are ancillary and necessary to the intended residential use. These zoning related questions and issues along with the Farm's request for all necessary reasonable accommodations for the disabled in both the MA-F and PL-S districts must be presented to the Planning Commission for determination and are not subject to administrative determination as to any "deficiency." The Farm anticipates and expects to be heard at the next Planning Commission Meeting on June 3, 2015.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

Richard D. Rattner
Richard E. Rassel

W|W|R|P

SAB/ae

cc: Heritage Cove Farm (*via e-mail*)
Peter Wendling, Esq. (*via e-mail*)

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/

May 14, 2015

Mr. Lawrence Hanson
625 Grandview Beach Road
Indian River, Mi. 49749

COPY

RE: Heritage Cove Farm, 625 Grandview Beach Road
Special Use Permit Application received on April 20, 2015

Dear Mr. Hanson;

Cheboygan County Zoning Ordinance #200 provides for permissive zoning. Permissive zoning presumes that everything that is not specifically listed is prohibited in a particular zoning district. This is why it is crucial for zoning applications and any related required public notice to include a list, including ordinance section numbers of the intended use under which the applicant's project should be listed.

Your project is proposed in two different zoning districts. Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS). We have attempted to identify the use requested within each zoning district by review of the site plan, letter submitted with the special use permit application dated April 20, 2015 and letter dated May 13, 2015. But there is still some need for clarity. We are doing our best to decipher your proposed uses as they pertain to the specific sections of the zoning ordinance.

By review of the site plan we have identified the following proposed uses within the M-AF zoning district:

Animal pasture area, Barn, Cabin Colony, Administrative building, Green house, Workshop, Garage/Laundry.

By review of the letter submitted with the special use permit application we have identified the following uses within the M-AF zoning district:

Convalescent home and club.

By review of the site plan we have identified the following proposed uses within the P-LS zoning district:

Garden, Staff housing, Cabin Colony, Community Lodge, Cold Storage and Kitchen Pantry.

COPY

Mr. Lawrence Hanson, May 14, 2015,

By review of the letter dated May 13, 2014 we have identified the following proposed uses within the P-LS zoning district:

Club and group counseling or therapy component of the Community House (Lodge) as an accessory (ancillary) use to the dining component under section 10.3.4. (Restaurant/Bar) and/or the club use (component) permitted under sections 10.3.2 (clubs for recreational use) and 10.3.6. (country clubs)

Please be advised that I request confirmation that the animal pasture area, barn, green house, workshop and garage/laundry will be used as allowed by right within the M-AF district under Hobby Farm per section 9.2.16 and Hobby Farm Buildings under section 9.2.16. of the zoning ordinance.

Subject to the above, it is my understanding that your application is intended to be for a special use permit for a convalescent home under section 9.3.1. and a club under section 9.3.7. for the administrative building and the cabin colony within the M-AF district. Please confirm.

Please be advised that I request confirmation that the garden and green house will be used as allowed by right within the P-LS district under section 10.2.2. Gardening.

Subject to the above, it is my understanding that your application for a special use permit is intended to be for a club for recreational use, country club and restaurant under sections 10.3.2., 10.3.6. and 10.3.4. respectively, relative to the cabin colony, staff housing, cold storage and kitchen pantry and community house/lodge. Please confirm.

Please let me know if the above is correct with respect to your special use permit application. The specific uses and section numbers requested will need to be placed in a public notice which must be delivered to the news paper by noon on Friday, May 15, 2015 in order to meet notice time frame requirements for the June 3, 2015 meeting.

Also please be advised that the Planning Commission has required the establishment of an escrow account under section 21.8.2. of the zoning ordinance in the amount of $2,000.00. This can be provided by check written to the Cheboygan County Treasurer. This will be required to be established in order to deem the application complete.

Sincerely,

Scott E. McNeil,
Community Development Planner

CHEBOYGAN COUNTY PLANNING/ZONING
870 S MAIN ST
RM #103
PO BOX 70
CHEBOYGAN, MI 49721
231-627-8489

OFFICIAL RECEIPT

RECEIPT 4505
CASHIE dtomlinson
DATE 05/29/2015

THE SUM OF $2,000.00

Received Of:
LAWRENCE P HANSON, PC

625 GRANDVIEW BEACH RD, PO BOX 456
INDIAN RIVER MI 49749

701-412-255.00	CUSTOMER DEPOSITS		2,000.00
SPECIAL USE PERMIT APPLICATION / ESCROW ACCT		Total	2,000.00

TENDERED: CHECKS 4687 2,000.00

Signed: Deborah Tomlinson

RECEIVED
MAY 27 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

May 17, 2015

Mr. Scott McNeil & Cheboygan County Planning Commission
870 S. Main St.
Cheboygan, MI 49721
Via email: scott@cheboygancounty.net

RE: Proposed commercial development known as "Heritage Cove Farm" located at 625 Grandview Beach Road, Indian River, Michigan (the "Development") to be developed by Larry Hanson (the Developer)

Dear Mr. McNeil & Members of the Planning Commission:

My name is Thomas Mangum. My wife and I own a residence located at 667 Grandview Beach Drive, Indian River, Michigan. My property, which has been in my family since 1973, is located within a few hundred yards of the Development and I adamantly object to its zoning application, development and construction for the following reasons:

1) The Development poses a real and dangerous threat to the families, residents, children (and guests) that live in this residential neighborhood.

   a) In the section of the Developer's zoning application ("Application") titled "The Residents", it states that "*...the Development does not intend to accept residents with a history of physical abuse and/or violence.*" If that were true, it would read "...the Development shall not, under any circumstances, accept residents with a history of physical abuse and/or violence." but it clearly does not, and deliberately so.

   b) Furthermore, by the Developer's own admission, the Development anticipates accepting residents whose diagnoses include, among things, "schizophrenia" and "bipolar disorder...". Schizophrenia and bipolar disorder can be extremely dangerous. Both can include "psychosis", "detachment from reality", "delusions" and "hallucinations", all of which are associated with extreme violence according to the Mayo Clinic and the U.S. Library of Medicine. This completely contradicts the Developer's claim that it doesn't "intend" to accept violent residents.

      According to psychiatrictimes.com, " *Persons with bipolar disorder are at significantly increased risk for violence, with some history of violent behavior ranging from 9.4% to just under 50%, often in the presence of comorbid diagnoses.15-18 Bipolar patients are prone to agitation that*

can result in impulsive aggression during manic and mixed episodes. However, depressed states can involve intense dysphoria with agitation and irritability, which can also increase the risk of violent behavior. Bipolar patients may have chronic impulsivity during euthymia, predisposing them to aggression.

c) Furthermore, the same section indicates that the Development will accept people with simply "mental illnesses" which could include conditions not specifically mentioned in the Application.

d) The Application does not address safety concerns, monitoring, supervision, licensing, etc. I would expect a facility of this sort to have extensive safety measures including perimeter fencing, security service, alarms, etc.

2) The Development clearly does not meet the zoning/special use requirements for Cheboygan County (the "County"). A high-density psychiatric ward such as the Development is hardly a specifically identified permitted use in the County's zoning ordinance, which is required for a special use permit. Attempts to "piecemeal" the uses is not the intended application of zoning law. Please let me know where mental health ward, asylum, multifamily, sanatorium, mental health facility or anything of the sort is specifically mentioned in the County's zoning ordinance. The fact that the Developer is using the FHA/ADA argument as a "Plan B" (which is a desperate reach in itself) only demonstrates that the Developer and his attorneys acknowledge that the Development does not meet the County's zoning ordinance. The suggestion that this facility is consistent with the uses allowed in the Lake, River and Stream Protection Zoning district and in a residential subdivision is ridiculous.

3) The Development would be located on 1,606 feet of waterfront on the flats of the Indian River, near the mouth of Mullett Lake. The environmental impact from construction, run-off and septic systems would be catastrophic and would harm the natural beauty of the area, the watershed, and wildlife habitat.

4) A non-conforming and incompatible property such as the Development will have a significantly negative impact on the desirability of the area and its property values. Residents in the area will incur actual monetary damages if the Development is developed. Furthermore, real estate tax collections by the County will decline far in excess of any incremental tax collected from the Development. In fact, if constructed, I intend to sell our property and purchase another property elsewhere where I don't have to fear for my family's safety.

Generally, I am in favor of privately funded projects such as the one described if they meet all of the regulatory, requirements, safety requirements and are in a residential neighborhood, for the reasons stated herein.

The fact that schizophrenia and bipolar disorder can each include "psychosis", "detachment from reality", "delusions" and "hallucinations", all of which are associated with extreme violence, should be enough to quickly end this debate. What happens when a resident of the Development wanders off onto a neighbor's property or stops a passerby on the recreation trail (the DNR recreation trail that is part of state's rails to trails system), which is directly adjacent to the development? Can I still let my kids ride their bikes up to the recreation trail access point ,which is at the entrance of the Development? Absolutely not!

The Developer and his attorneys are attempting to intimidate and bully the County as evidenced by the bloviated correspondence from the Developer's attorneys. Their statements are contradictory and anything less than an absolute denial of the Application is spot zoning, which of course, is illegal in Michigan.

Thank you for your time and consideration. I can be reached at (740) 920-4070 and mangum@roadrunner.com with any questions.

Respectfully,

Thomas Mangum

May 17, 2015

Mr. Scott McNeil
Cheboygan County Planning Commission
870 South Main Street, Room 103
PO Box 70
Cheboygan, MI 49721

Dear Scott:

My wife and I need to voice our strongest concern and objection to the proposed Mental Illness Treatment Facility (the so-called "Farm") on Grand View Beach.

As you know Grand View Beach is a single family residential beach front community and has been such for many generations. The Hanson's have been members of our single family residential community association with Mr. Hanson at one point serving on the Board. Their membership in our association is proof that they are part of our residential community.

There are so many elements of the proposal that are wrong and/or misguided, frankly it is hard to know where to start!

1) The so-called "Farm" is a mental illness treatment facility. It is designed to treat mentally ill adults. Its sole purpose is to attract adults who have some mental illness (schizophrenia, bipolar, depression, etc) who are seeking treatment. It is NOT a club as Hanson's attorneys desperately claim. Let us at least call it what it is!

2) While they say they "intend" to screen these adults, in fact the American Disabilities Act which Hanson's Birmingham, MI attorneys cite, specifically states that you cannot discriminate against a person if they are mildly schizophrenic or severely/uncontrollably schizophrenic. The attorneys somehow overlook that they cannot legally deny admittance to people with a history of physical abuse and/or violence, or under which statute, as the Persons with Disabilities Civil Rights Act (PDCRA) in Michigan differs from the ADA Act as amended in 2008. So, legally, they will have to admit ANY applicant, no matter their history. Clearly, they are keeping this information from the Planning Commission and police departments

3) The application does not state that residents would undergo extensive background/criminal history checks and the various ways in which a person's arrest for a violent crime might not actually end in a public conviction, but rather hospitalization, etc., that might not necessarily show up on a criminal history record. And there is no stipulation that sex offenders would be excluded. Thus, there are NO safeguards.

4) The Special Use Permit they are asking for must be compatible with Cheboygan County's Plan as well as consistent with the Tuscarora County Master Plan. Undeniably, Grand View Beach would be negatively impacted by this proposed commercial development in our neighborhood. This includes the safety of our residents as well as the environment of the Indian River Spreads which Hanson's property is on. Clearly and undeniably, this Mental Illness Treatment Facility is not compatible with our Township's Master Plan.

5) During our Grand View Beach Association Board meeting last September, Betsy Hanson gave us a presentation where she compared her so-called "Farm" with other mental illness treatment facilities such as Rose Hill Center in Holly, MI, Hopewell in Mesopotamia, OH and Gould Farm in Massachusetts. While the Hanson's have about **33** acres (much of which is in the protected lakes and streams area) to accommodate up to 24 mentally ill adults, Rose Hill Center has about **400** acres to accommodate up to 39 mentally ill adults and is adjacent to farmland – not a single family residential beach community. Similarly, Hopewell has 300 acres and Gould has 630 acres. The Hanson's comparatively small proposed facility is in close proximity to single family residences as well as the well-traveled bike/snowmobile trail.

6) The attorneys for the Hanson's use the kitchen sink approach, all at once, comparing this mental illness facility to a convalescent center and an adult foster care facility among others. However, it has to be noted that the proposed facility is UNLICENSED and UNCERTIFIED and UNREGULATED by the State of Michigan. A convalescent home, nursing home, school, adult foster care facility, community mental health center and hospitals are all LICENSED. To compare an UNLICENSED facility that can house severely mental ill adults to a LICENSED facility defies common sense and the law. Even a bar serving liquor has to be licensed! The so-called "Farm" will be impacting the lives of up to 24 mentally ill adults as well as the community at large.

7) In the attorneys' description of the Michigan Zoning Enabling Act they say that certain adult foster care facilities are deemed a residential use of property... However, they fail to say that the Hanson facility is NOT an adult foster care home. In fact, according to Marcia Elowsky, the State of Michigan consultant for Northern Michigan for adult foster care, the Hanson facility is specifically **NOT** an adult foster care facility since the adults <u>do not qualify</u> for foster care under the state's definition. So it does not matter what the attorneys assert about adult foster care since it <u>DOES NOT</u> apply to the proposed Hanson facility! And, if it is an adult foster care facility, it <u>must</u> be LICENSED!

   In addition, they assert that all citizens have the right for in-home rehabilitative care. Again, that DOES NOT apply at all to a commercial enterprise like the mental illness treatment facility proposed by the Hanson's. It will be a business with employees, administrative building, etc. Homeowners do not have

employees and an administrative building. Again, they are defying reality and common sense to subvert zoning law!

8) The Hanson's are proposing a mental health treatment facility – like Rose Hill Center in Holly MI – for mentally ill adults. Why then do they attorneys again defy realty and call this a "club" and refer to the therapy as "ancillary?" The adult residents of this facility will pay the fee to receive the type of mental health treatment they require – not to join a "club!"

   They go on to say that the permitted uses of "churches, schools and camps are all likely to contain the same ancillary component…" If this was not so serious it would be laughable! First, schools and camps are all licensed by the state, and churches are certainly not designed to be treatment facilities for potentially severely mentally ill adults.

9) In the application they say this will not impact police, fire or other community resources. On page 7 of the Hanson letter, the applicant misquotes Section 18.7(e) of The Standards for Special Land Use Approval, entirely omitting the important standard that "The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties." The applicant partially addresses the omitted standard in a paragraph below the misquoted ordinance, which states, "Representatives from the Farm met with both the Fire Chief and the Police Chief with respect to the Farm. The Farm does not cause a required increase in fire, police, or other public resources."
   They do not disclose the details of any contact with local fire or police officials, articulate what they presented to the police (did they call it a Farm or a Commercial Mental Illness Treatment Facility) and does not address any potential increase hazards or dangers to adjacent properties posed by this project. They supplied no expert opinions or supporting evidence that indicates any compliance with Ordinance 18.7(e). We must wonder how complete and accurate the information was that was provided to the local police and fire officials by the applicant; Senate Bill S.993 dated April 30, 2015 (Comprehensive Justice and Mental Health Act of 2015) states in its findings that "an estimated 2,000,000 individuals with serious mental illness are booked into jails each year... ." (See https:www.congress.gov/bill/114th-congress/senate-bill/993/text?)The fact is – regardless of what the attorneys who live 240 miles away say – there will be a definite impact on township and county resources.

10) Hanson asserts in his application that there is NO impact on stormwater management yet there is nothing to back this up. Does a barn containing animals impact stormwater? Do 40 people living on the protected area during the day impact stormwater? Does a commercial kitchen needed to feed up to 40 people daily have provisions to deal with stormwater? How about the medications that

most or all residents will take – how are they disposed of and how does that affect stormwater?

11) As homeowners with children and grandchildren who are now free to safely roam the neighborhood, we would be in fear for our safety and the safety of our family. It is no difference if this mental illness facility was built adjacent to Grand View Beach, Mullett Lake Village, Orchard Beach, Columbus Beach or any of the century old residential developments on Mullett or Burt Lake. This unlicensed, unfenced facility – a commercial development – would forever change the character of our neighborhood.

12) Our community is so concerned about the safety of others, signs will be posted to make bicyclists along the trail aware of the mental illness treatment facility that directly abuts the trail. Again, common sense dictates that this will impact the use of the bike path which will directly impact tourism which will impact jobs in our area that depends on tourism.

13) The area impacted is not just Grand View Beach since the property sits on the Indian River Spreads, the most environmentally sensitive area in our County. Since mentally ill adults evidently will have unfettered access to the water, there is a concern about other communities being impacted and frankly, since the proposal claims that adults with depression will be housed there, there should be great concern about someone taking their own life in the water.

14) Based on the educated opinions of local real estate agents, property values in Grand View Beach would drop an estimated 10%. A drop of that magnitude would directly affect the revenues of the County and Township as well as the resources of the local area.

15) While they are classified as a 501 c (3), please make no mistake that this is a BUSINESS where they will try to make as much money as possible. The word "non-profit" as it applies to this proposal only means they are exempt from federal taxes. They can raise and make as much money as they are able to.

As the demands and aggressiveness of the attorneys increase, as well as their desperation to push Cheboygan County into making what would be a serious mistake for the community at large, we have to wonder why they have resorted to this desperation. Something that is so disruptive to Grand View Beach residents as well as to the communities of Indian River and Topinabee must be rejected for the good of the community.

Dave and Kay Lurie - Homeowners
529 Grand View Beach Road
Indian River MI

McDonald Hopkins
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May 19, 2015

VIA OVERNIGHT MAIL AND EMAIL: scott@cheboygancounty.net

Cheboygan County Planning Commission
870 S. Main St.
Cheboygan, MI 49721

Re: Application for Special Use Permit Submitted by Lawrence Hanson on behalf of "Heritage Cove Farm" for property at 625 Grandview Beach Road, Indian River, Michigan

Dear Mr. McNeil and Planning Commission Members:

My wife and I have owned properties on Grandview Beach for almost thirty years and currently own the home at 565 Grandview Beach, where we, as well as our children who are all now grown, spend a significant amount of time throughout the year, especially in the summer and winter. My wife spent her summers here as a child and I was blessed to be able to have my children also spend their summers swimming in Mullet Lake and playing in the woods at Grandview Beach. It is my hope, that someday my grandchildren can be the third generation to romp and grow at my favorite place on earth.

While I am a strong believer that land owners are entitled to use their property as they deem fit, based upon the documents submitted with the above referenced Application, the proposed therapeutic farm, which is a use that is inconsistent with the historical character of Grandview Beach, will adversely impact my family's and our neighbors' use and enjoyment of our own properties. Among my concerns are the following:

1. Although this is called a farm and is a non-profit entity, it is nevertheless clearly a commercial business, albeit one that appears to be well intentioned. It is neither a club, a farm, nor any of the other permissible uses in the "Agricultural and Forestry Management" zoning district encompassing the Grandview Beach neighborhood. Frankly any type of commercial use of property in our residential beach neighborhood is entirely incompatible with our current property use.

2. The proposed Heritage Cove Farm is unlike all other therapeutic farms that that serve the same purpose in that the Hanson property consists of a mere 33 acres, approximately half of which is in the Lake, River, and Stream Protection Zoning District leaving less than 20 acres for the facility. Based upon what I have learned, the only existing similar therapeutic farms are located on 300-400 acre parcels, far away from private residences. (Rose Hill in Holly, Michigan 412 acres; Hopewell in Mesopotamia, Ohio, 300 acres; and Gould Farm in Monterey, Massachusetts, 630 acres.)

3. The proposed facility is not a state-licensed "convalescent" home as defined in the Cheboygan County ordinance. In fact, the proposed facility is not subject to State or Federal licensing, thus lacking any oversight or authority regarding standards of care, practices, and recognition of potential issues with the residents, as well as providing guidance or rules on how to address problems. This is especially troubling given the tragic murder that was committed on Grandview Beach years ago by a mentally ill young man.

4. While Cheboygan County should accommodate the type of business proposed by the Hanson's, and permit this type of commercial use to be located somewhere in the County, this use is not compatible within a residential neighborhood at the Hanson's undersized Grand View Beach property. The proposed use is also entirely incompatible with the surrounding properties and trails, especially given the fact that there are numerous other suitable properties in the County that provide a more appropriate location for this proposed type of commercial use.

5. Based on discussion with appraisers and local realtors, as well as common sense, it is highly likely that real property values of all residential properties in the vicinity of this this facility would be significantly decreased (along with the associated tax revenues) if this Special Use Permit is approved.

6. As noted above, safety is a significant concern, from many perspectives. The safety and security of my family, my guests and my neighbors could clearly be compromised with the addition of an unregulated mental illness treatment facility in our residential neighborhood with its associated transient residents and visitors. Although the Application for Special Use Permit represents that the proposed facility "will not place demands on fire, police, or other public resources in excess of current capacity", there is no proposed security system even though several hundred people use the DNR walking/biking/snowmobile trail, located directly adjacent to the Hanson property. It seems relatively obvious that the increased number of visitors will in and of itself, mandate additional fire and police protection in the entire area. Moreover, the application does not state that residents would undergo extensive background/criminal history checks. Neither does it address the various ways in which a person's arrest for a violent crime might not actually end in a public conviction, but rather hospitalization, etc., that might not necessarily show up on a criminal history record. When viewed in

combination with the lack of licensing noted above, there are no safeguards in place regarding the proposed facility other than local police, fire, EMS and other services.

7. Nearly half of the Hanson property is located in the Lake, River, and Stream Protection zoning district. As such, any development in this zoning district must consider "potential environmental and aesthetic impacts on the water resources", including the Indian River spreads, wetlands, and groundwater. The proposed Facility includes an orchard, waste storage areas, gardens, a smokehouse, a community lodge, and 8 apartments all within this environmentally protected area. The County has already determined that these uses are not allowed within the Lake, River, and Stream Protection District. Further, as with all other development, all wetlands on the property should be delineated, so there can be an appropriate analysis of this proposal with respect to State and Federal wetlands protection regulations.

8. The Application absurdly and without support indicates there is no impact on stormwater management. Any type of impervious structure, be it a building or parking lot, impacts the ability of stormwater to infiltrate into the ground. A stormwater management plan is a critical element of any building project, especially in an environmentally sensitive area that would include 16 apartments, expansion of several existing structures, workshop, garage/laundry building, a barn, and a parking area for at least 40 employees, visitors, residents, and staff. However, the Application boldly states "site drainage will not be impacted by the proposed improvement". Stormwater discharging to Michigan's surface waters is one of the greatest contamination threats facing our surface water resources and is especially concerning at Mullet Lake, which is one of the cleanest lakes in the state.

9. Having seen what it took for some of my neighbors to get wells and septics approved, it seems probable that the Hanson property, approximately half of which is located in the Lake, River, and Stream Protection Zoning District, does not have the characteristics necessary to support a community wastewater treatment system, and a community water supply system. There are no details on the required water and wastewater systems necessary to accommodate the approximately 40 people on site during most operating hours. The water table is very high here (as we all know) and is extremely vulnerable to contamination. Consequently the local Health Department should be consulted with respect to the requirements that would have to be met to accommodate the necessary water and wastewater infrastructure to support this facility.

10. The Application characterizes the proposed facility as a "farm" and the site plan includes a barn making it likely that there will be animals housed within this Lake, River and Stream Protection area. As such the Application should be required to include expert analysis of the potential sanitary and environmental impacts of the waste from farm animals in this environmental protection zoning district.

11. The Application includes several assertions regarding the proposed property use pursuant to the Americans With Disabilities Act (ADA), and suggests that the County must

accommodate this type of use at this property. It is clear that this commercial facility itself is required to comply with the ADA and cannot exclude people, as visitors or residents, with a history of violence, illegal substance use, or communicable diseases, making the City, Township, and County's obligations to provide for the safety of its citizens even more critical.

12. To be approved, the Planning Commission must to determine that the requested Special Use Permit is compatible with the Comprehensive County Plan, which requires that it be consistent with the Tuscarora Township Master Plan. The Township Plan Master Plan requires a determination that the proposed use does not adversely impact the preservation and enjoyment of a substantial property right possessed by other property in the vicinity. Obviously, if the health, safety, welfare, and the environment of the residents of Grandview Beach would not be adversely impacted by this proposed commercial development, I would not be taking the time to oppose the Hanson's use of their property as they see fit.

Based upon the foregoing, I urge the Planning Commission to deny the requested Special Use Permit unless all of the foregoing concerns are adequately addressed.

Very truly,

Stephen M. Gross

SMG/sh

McDonald Hopkins
A business advisory and advocacy law firm®

Deborah Tomlinson

From: lynchpe23@aol.com [mailto:lynchpe23@aol.com]
Sent: Tuesday, May 19, 2015 2:02 PM
To: Scott McNeil
Subject: Grand View Beach/Hanson property

Mr. Scott McNeil,

I am writing regarding the following:

"HERITAGE COVE FARMS" APPLICATION FOR SPECIAL LAND USE PERMIT
COMMERCIAL MENTAL ILLNESS TREATMENT FACILITY
UPDATE 5/15/15

Summary

Larry and Betsy Hanson, members of Grandview Beach Association, have recently submitted a *revised* request for a Special Use Permit for a proposed change to their land use that would create a Commercial-Mental Illness Treatment Facility. This revised request was submitted to the Cheboygan Co. Planning Commission (PC) on April 20, 2005, and is referred to as "Heritage Cove Farms". Recall that the Hanson's property is comprised of 33 acres located at the entrance of Grand View Beach, just after you cross the trail. Their previous request for a Special Use Permit was determined by the PC to be administratively incomplete, and the PC required more detailed information from the Hanson's. This recent submittal is substantially the same as their first request (with the exception of a minor change in the site plan and additional facility detail), but now also includes a major emphasis on the necessity for the PC to comply with the American With Disabilities Act (ADA) in its review and approval of the Special Land Use Permit and Site Approval. In fact, the application specifically requests "reasonable accommodations" under federal and civil rights laws. This second application has also been determined to be incomplete, resulting in a second PC request for additional information. Consequently, a hearing date has yet to be established; however it will not occur before June 17th.

This Commercial Facility would include the construction of 16 new apartments ("cottages"), expansion of the existing home for administration and staff housing, a new workshop, new garage/laundry building, and a new barn. It would accommodate up to 24 "residents" or "patients", and 13 staff members, including housing on-site for at least 3 staff and their families, kitchen and laundry facilities large enough to accommodate the residents, staff and family members, and students who come to train at the Facility. This Commercial Facility plans on accepting residents whose diagnoses include depression, schizophrenia, bipolar disorder, mental illnesses related to closed head injuries, and/or dual diagnoses (a person who experiences both a mental illness and a substance abuse problem simultaneously.)

Despite the characterization of this Commercial Facility as a "farm", it is clearly a **Commercial-Business**. This is not a club, a farm, or any of the other permissible uses in this "Agricultural and Forestry Management" zoning district. ANY type of Commercial use of property in our Residential beach neighborhood would be entirely incompatible with our current property use.

1. The proposed Heritage Cove Facility is **distinctly different than "therapeutic farms"**. The Hanson property is only 33 acres, approximately half of which is in the Lake, River, and Stream Protection Zoning District. This would leave less than 20 acres for Facility. Typically, therapeutic farms are located on 300-400 acre parcels, away from private residences. (Compare Rose Hill in Holly, Michigan 412 acres; Hopewell in Mesopotamia, Ohio, 300 acres; and Gould Farm in Monterey, Massachusetts, 630 acres.)

2. This Facility being proposed is not a state-licensed "convalescent" home as defined in the Cheboygan County ordinance. In fact, the proposed Facility **is not subject to State or Federal licensing, thus lacking any oversight authority.**
3. The Cheboygan County zoning ordinances should accommodate the type of business proposed by the Hanson's, and allow this type of commercial use to be located somewhere in the County, but NOT within a residential neighborhood at the Hanson's Residential Grand View Beach (GVB) property. We question whether the Hanson property is properly zoned, and further the proposed use is entirely incompatible with the surrounding properties and trails. There are numerous **other suitable properties in the County** that provide a more appropriate location for this proposed type of Commercial use.
4. Based on discussion with appraisers and local realtors, it is highly likely that **real property values** of all Residential properties in the vicinity of this Facility would be significantly**decreased** (along with the associated tax revenues) if this Commercial Facility is approved.
5. Safety is a significant concern, from many perspectives. The **safety and security** of our residents could clearly be compromised with the addition of an unregulated Commercial Mental Illness Treatment facility in our residential neighborhood with its associated transient residents and visitors. No security system is proposed. Several hundred people use the DNR walking/biking/snowmobile trail, located directly adjacent to the Hanson property. Yet the Special Use Permit application represents that the proposed Commercial Facility "will not place demands on fire, police, or other public resources in excess of current capacity". No facts or evidence to support this assertion are provided, yet it is obvious that there would be a significant need for additional fire and police protection in the entire area.
6. Nearly ½ of the Hanson property is located in the **Lake, River, and Stream Protection zoning district.** ANY development in this zoning district must consider "potential environmental and aesthetic impacts on the water resources", including the Indian River spreads, wetlands, and groundwater. Yet the proposed Commercial Facility includes an orchard, waste storage areas, gardens, a smokehouse, a community lodge, and 8 apartments **all within this environmental protection area.** The County has already determined that these uses are not allowed within the Lake, River, and Stream Protection District. Further, all wetlands on the property should be delineated, so there can be an appropriate analysis of this proposal with respect to State and Federal wetlands protection regulations.
7. The Special Use Permit application indicates there is NO impact on stormwater management. This is absurd. Any type of impervious structure, be it a building or parking lot, impacts the ability of stormwater to infiltrate into the ground. A stormwater management plan is a critical element of any building project, especially in an environmentally sensitive area that would include 16 apartments, expansion of several existing structures, workshop, garage/laundry building, a barn, and a parking area for at least 40 employees, visitors, residents, and Medical Staff. However, the Hanson application indicates "site drainage will not be impacted by the proposed improvement". **Stormwater discharging to Michigan's surface waters is one of the greatest contamination threats facing our surface water resources.**
8. The Hanson property, approximately half if it being located in the Lake, River, and Stream Protection Zoning District, **may not have the characteristics necessary to support a community wastewater treatment system, and a community water supply system.** There are no details on the required water and wastewater systems necessary to accommodate the approximately 40 people on site during most operating hours. The water table is very high here (as we all know) and is extremely vulnerable to contamination. The local Health Department should be consulted with respect to the requirements that would have to be met to accommodate the necessary water and wastewater infrastructure to support this Facility.
9. The Hanson application characterizes this Commercial Facility as a "farm". The site plan includes a barn, therefore it is likely that there will be animals housed and using property within this Lake, River and Stream Protection area. There needs to be careful consideration of the **potential sanitary and environmental impacts of the waste from farm animals in this environmental protection zoning district.**
10. The Hanson's Special Use Permit application includes several assertions regarding the proposed property use pursuant to the Americans With Disabilities Act (ADA), and suggesting that the County must accommodate this type of use at this property. It is clear that this Commercial Facility would be required to comply with the ADA as well, meaning the Commercial Facility **cannot exclude people**

with a history of violence, illegal substance use, or communicable diseases, making the City, Township, and County's obligations to provide for the safety of its citizens even more critical.

11. The PC is required to determine that the Special Use Permit is compatible with the Comprehensive County Plan. In turn, the County Plan requires consistency with the Tuscarora Township Master Plan. The Township Plan requires a determination that the Commercial Facility does not adversely impact the preservation and enjoyment of a substantial property right possessed by other property in the vicinity. **Clearly, the health, safety, welfare, and the environment of the residents of Grandview Beach would be adversely impacted by this proposed Commercial development.**
12. The application does not state that residents would undergo extensive background/criminal history checks and the various ways in which a person's arrest for a violent crime might not actually end in a public conviction, but rather hospitalization, etc., that might not necessarily show up on a criminal history record. Thus, there are NO safeguards.

As a long time property owner and tax payer on Grandview Beach I strongly object to the proposed use of the property adjoining the lakefront property our family has enjoyed now for three generations. I am fearful for the well being of potential residents of the proposed facility because of such a small and isolated piece of property for their use. But, I am more concerned for the well being of the small children in my family and the potential for tragedy associated with our close proximity to such a facility.

Thank You for your consideration of these issues.

Sincerely,

Patrick E. Lynch
639 Grandview Beach Drive
Indian River

Deborah Tomlinson

From: virginia dirkes morris [mailto:sweetbgts@yahoo.com]
Sent: Wednesday, May 20, 2015 1:11 PM
To: Scott McNeil
Subject:

we are strongly against the hanson farm . virginia and john morris

Deborah Tomlinson

From: chris.lynch@continental-corporation.com [mailto:chris.lynch@continental-corporation.com]
Sent: Friday, May 22, 2015 4:50 PM
To: Scott McNeil
Subject: Concerns re: Proposed Heritage Cove Facility (Hanson's Zoning Application)

Cheboygan County Planning Commission
c/o Scott McNeil
870 South Main Street, Room 103
PO Box 70
Cheboygan, MI 49721

Hello Scott,

I am writing as a concerned resident at 577 Grandview Beach on Mullet Lake. The commercial facility which is being proposed on the 33 acre Hanson property just South of us seems completely inconsistent with the other private residential properties in this area. Additionally, the intended use for temporary hospital-like admittance or institutionalization treatment of people with severe emotional and mental disorders is more consistently found in much larger properties further away from such populous areas (e.g., Rose Hill in Holly, Michigan with 412 acres; Hopewell in Mesopotamia, Ohio, with 300 acres; and Gould Farm in Monterey, Massachusetts, with 630 acres.) The concentration of so many (potentially troubled) patients in such relatively small property next to highly trafficked trails, waterways, and roads does not seem prudent.

While the kind of treatment facility being proposed is a very worthy endeavor that could assist many people in need, my concern is with the location. The impact to the value of my property is of direct concern to me. Considering the amount of tax we pay based on that property value, I would assume this is also a concern to the County since tax revenues would likely be severely impacted. Public services would likely be strained further from increased volumes of calls, for real or perceived incidents related to the facility patients, visitors, and staff. Certainly there must be more appropriate locations in the County that could accommodate the positive objectives of such an institution while minimizing the negative impact to adjacent residences and communities.

Besides the high concentration of people, the proposal also includes farm animals. It is hard to believe, given the already delicate environmental balance in the area, that this type of institution would not harm or somehow contaminate the local lake, river, or ground water supply. Protection of these natural resources that make this such an attractive place for so many people to come to should be a priority of the County.

I have been coming up to Grandview Beach since I was a child in the 1960's. It has always been a special place of wonder, relaxation, peace, and tranquility for families to share treasured moments. As kids, we could roam freely, exploring the beautiful natural surroundings, and having stress free fun. That level of innocent peace enjoyed in this area was severely interrupted only once in the early 1970's. A young man, likely suffering from similar ailments as some of the patients of this proposed facility, hacked his grandmother to death with a meat cleaver. That horrible, isolated incident now is the talk of scary stories told to the next generation around campfires. My kids have grown up coming here to see cousins and friends, making memories as I did. I hope to see my grandchildren enjoy the same.

Unfortunately, should this proposed facility somehow come to exist here, I could see an entire lifestyle and sense of safety & serenity lost for people within miles in all directions of the facility, even if no horrible incident is ever experienced. It is incomprehensible that the proposed facility would not adversely impact the preservation and enjoyment of a substantial property right currently possessed by other property owners in the area. I know it would make me have to question when, why, and with whom I would come.

Thank you for your time and serious consideration of this important matter.

Chris Lynch
Director of Finance

Continental Automotive Systems
One Continental Dr. Auburn Hill, MI 48326
Tel: 1 (248) 393-5385
Cel: 1 (248) 821-9035
Chris.Lynch@continental-corporation.com
www.continental-corporation.com

Proprietary and confidential. Distribution only by express authority of Continental AG or its subsidiaries

GENESEE COUNTY ROAD COMMISSION

Serving the motorists of Genesee County for more than 100 years

211 W. Oakley Street
Flint, MI 48503-3995
Website: www.gcrc.org
Board meetings: first and third Tuesdays at 10:00 A.M.

Phone: (810) 767-4920
Toll Free: (800) 249-4027
Fax (810) 767-5373 – Administration
Fax (810) 767-3634 – Maintenance

MAY 22, 2015

CHEBOYGAN COUNTY PLANNING COMMISSION
C/O SCOTT McNEIL
870 SOUTH MAIN STREET, ROOM 103
P.O. BOX 70
CHEBOYGAN, MI 49721

RECEIVED
MAY 27 ...
CHEBOYGAN COUNTY
PLANNING & ZONING

RE: PROPOSED SPECIAL LAND USE PERMIT
HERITAGE COVE "FARM"
625 GRANDVIEW BEACH ROAD
TUSCARORA TOWNSHIP, MI

DEAR COMMISSIONERS:

I AM A MEMBER OF THE ABOVE COMMISSION AND AN OWNER OF A COTTAGE ON GRANDVIEW BEACH, AND WANT TO BRING TO YOUR ATTENTION THE SERIOUS EFFECT THE ABOVE REFERENCED PROPOSED COMMERCIAL ENTERPRISE WILL HAVE ON THE GRANDVIEW BEACH ROAD. THE PASER ROAD RATING SYSTEM RATING FOR THIS ROAD IS A "H" (FAIR) IN MY OPINION, AND WOULD RAPIDLY DETERIORATE BY THE WEIGHT AND FREQUENCY OF LARGE TRUCKS CONVEYING CONSTRUCTION MATERIALS FOR THIS DEVELOPMENT, AND INCREASED VEHICULAR TRAFFIC IF IN OPERATION.

THIS PROPOSED PROJECT IS NOT A "FARM" BUT IN REALITY A COMMERCIAL MENTAL ILLNESS TREATMENT FACILITY VENTURE, INCOMPATABLE WITH THE LAKESIDE COTTAGE RESIDENTIAL NEIGHBORHOOD, IN MY OPINION. THE COMMISSION SHOULD SEEK THE OPINION OF THE COUNTY ROAD COMMISSION (CCRC).

SINCERELY,

John D Mandelaris, J.D.
487 GRANDVIEW BEACH DRIVE
TUSCARORA TOWNSHIP

ATTACHMENTS
cc: CCRC

Our mission, as Genesee County Road Commission employees, is to collectively provide and maintain a safe, cost-efficient and quality county road system for the motorists in Genesee County, Michigan.

Rating system

Surface rating	Visible distress*	General condition/ treatment measures
10 Excellent	None.	New construction.
9 Excellent	None.	Recent overlay. Like new.
8 Very Good	No longitudinal cracks except reflection of paving joints. Occasional transverse cracks, widely spaced (40' or greater). All cracks sealed or tight (open less than ¼").	Recent sealcoat or new cold mix. Little or no maintenance required.
7 Good	Very slight or no raveling, surface shows some traffic wear. Longitudinal cracks (open ¼") due to reflection or paving joints. Transverse cracks (open ¼") spaced 10' or more apart, little or slight crack raveling. No patching or very few patches in excellent condition.	First signs of aging. Maintain with routine crack filling.
6 Good	Slight raveling (loss of fines) and traffic wear. Longitudinal cracks (open ¼"– ½"), some spaced less than 10'. First sign of block cracking. Sight to moderate flushing or polishing. Occasional patching in good condition.	Shows signs of aging. Sound structural condition. Could extend life with sealcoat.
5 Fair	Moderate to severe raveling (loss of fine and coarse aggregate). Longitudinal and transverse cracks (open ½") show first signs of slight raveling and secondary cracks. First signs of longitudinal cracks near pavement edge. Block cracking up to 50% of surface. Extensive to severe flushing or polishing. Some patching or edge wedging in good condition.	Surface aging. Sound structural condition. Needs sealcoat or thin non-structural overlay (less than 2")
4 Fair	Severe surface raveling. Multiple longitudinal and transverse cracking with slight raveling. Longitudinal cracking in wheel path. Block cracking (over 50% of surface). Patching in fair condition. Slight rutting or distortions (½" deep or less).	Significant aging and first signs of need for strengthening. Would benefit from a structural overlay (2" or more).
3 Poor	Closely spaced longitudinal and transverse cracks often showing raveling and crack erosion. Severe block cracking. Some alligator cracking (less than 25% of surface). Patches in fair to poor condition. Moderate rutting or distortion (1" or 2" deep). Occasional potholes.	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of overlay.
2 Very Poor	Alligator cracking (over 25% of surface). Severe distortions (over 2" deep) Extensive patching in poor condition. Potholes.	Severe deterioration. Needs reconstruction with extensive base repair. Pulverization of old pavement is effective.
1 Failed	Severe distress with extensive loss of surface integrity.	Failed. Needs total reconstruction.

** Individual pavements will not have all of the types of distress listed for any particular rating. They may have only one or two types.*

The State of Michigan
Transportation Asset Management Council
2014 PASER Road Survey
Genesee County

Project Overview:
On July 14 through July 30, 2014, GLS Region V staff, along with representatives of the Genesee County Road Commission (GCRC), City of Flint, City of Burton, City of Swartz Creek, Village of Gaines, and the Michigan Department of Transportation (MDOT) assessed the condition of Genesee County federal aid eligible roads using the PASER road rating system as requested by the State of Michigan Transportation Asset Management Council.

PASER Road Rating System:
The PASER Road Rating System was developed by the University of Wisconsin-Madison Transportation Information Center to be used as the State of Wisconsin's standard road rating system. PASER is a "windshield" road rating system that uses a 1 to 10 rating scale, with a value of 10 representing a new road and a value of 1 representing a failed road. Condition ratings are assigned by monitoring the type and amount of visual defects along a road segment while driving the segment. The PASER system interprets these observations into a condition rating. PASER rating charts for asphalt and concrete roads have been included with this report.

The State of Michigan Transportation Asset Management Council has requested that the information gathered in this survey be reported using the following categories:

- **Roads with PASER ratings of 8-10 require Routine Maintenance.** Routine maintenance is the day-to-day maintenance activities that are scheduled, such as street sweeping, drainage clearing, gravel shoulder grading and sealing cracks to prevent standing water and water penetration.

- **Roads with PASER ratings of 5-7 require Capital Preventive Maintenance.** Capital preventive maintenance is a planned set of cost effective treatments to an existing roadway system and its appurtenances that preserves, retards future deterioration and maintains or improves the functional condition of the system without significantly increasing structural capacity. The purpose of capital preventive maintenance fixes is to protect the pavement structure, slow the rate of pavement deterioration and/or correct pavement surface deficiencies. Surface treatments are targeted at pavement surface defects primarily caused by the environment and by pavement material deficiencies.

- **Roads with PASER ratings of 1-4 require Structural Improvements.** This category includes work identified as rehabilitation and reconstruction, which address the structural integrity of a road.

Asphalt - PASER Rating System Manual

Genesee County Road Commission
211 W. Oakley St.
Flint, Michigan 48503-3995
Web site: www.gcrc.org
Email: johnmandelaris@gmail.com

John G. Mandelaris, J.D.
Commissioner

Phone: (810) 767-4920
Toll Free: (800) 249-4027
Fax: (810) 767-5373

May 22, 2015

RECEIVED
MAY 27 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Cheboygan County Road Commission
5302 S. Straits Highway
Indian River, MI 49749

Re: Grandview Beach Road, Tuscarora Township.
Prospective deterioration [PASER RATING "4" or "3"]

Dear Commissioners:

The enclosed copy is provided for your information regarding the proposed construction project for a commercial mental illness treatment facility at 625 Grandview Beach Road.

In my opinion, such a construction project would have a serious detrimental effect on the road, and the Road Commission should have input at the public hearing at the County Planning Commission, now scheduled for June 17, 2015, with respect to an application by Heritage Cove "Farm" for a special land use permit. Who will pay for road repairs - the County?

By way of full disclosure, I am a member of the Genesee County Road Commission and have a small cottage on Grandview Beach. and oppose the aforesaid construction.

Sincerely,

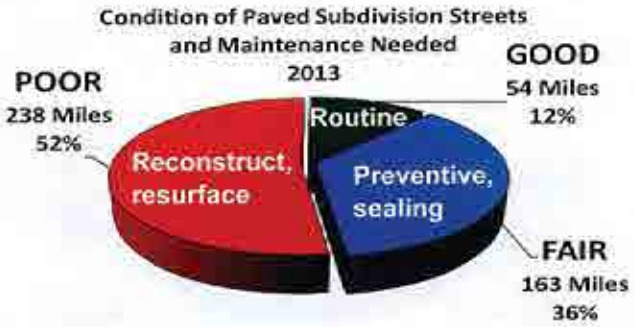
John S. Mandelaris, J.D.
487 Grandview Beach Road
TUSCARORA TOWNSHIP

Genesee County Road Commission
211 W. Oakley St.
Flint, Michigan 48503-3995
Web site: www.gcrc.org
Email: johnmandelaris@gmail.com

Mandelaris, J.D. Phone: (810) 767-4920
(989) 249-4027

What condition are subdivision streets in?

In a word, poor. In 2013, more than half the subdivision mileage in Genesee County was rated as being in poor condition - indicating that it has aged beyond patching and needs to be rebuilt.



What can residents do?

Improved subdivision streets increase homeowners' quality of life as well as their property values, but the Road Commission simply can't afford to rebuild all the subdivision streets that need it. To realize these benefits, residents can initiate a Special Assessment District (SAD) to finance capital improvements (resurfacing, reconstruction, etc.) over time.

- **Form a Special Assessment District**
  - A citizen-initiated public petition and assessment process administered by the local township government.
  - Requires at least 51% of property owners' signatures.
  - Multi-step process; multiple opportunities for input or to stop the process.
  - **GCRC will pay engineering & inspection (up to 25% of total project cost).**
  - The township would issue bonds at a rate they would receive from the market based on the township's current bond rating.
  - **Visit www.gcrc.org for more information.**
- **Contact us if you see a safety issue**

Safety is our first priority. If you spot a road hazard or unsafe condition, please contact the Road Commission immediately by calling **(810) 767-4920** or emailing the Pothole Hotline, potholes@gcrc.org.

-OVER-

Genesee County Road Commission

Board of Road Commissioners

John Mandelaris, Chair
Robert Johnson, Vice-Chair
David Arceo
Cloyce Dickerson
David Miller

John H. Daly III, Ph.D.
Manager-Director
Fred F. Peivandi, P.E.
County Highway Engineer
Anthony Branch
Director of Maintenance

Hours of Operation:

Winter:
8 a.m. to 4:30 p.m. Monday - Friday
Summer:
Maintenance: 6 a.m. to 4:30 p.m. Monday - Thursday
Administration: 8 a.m. to 4:30 p.m. Monday - Friday

Board meets first and third Tuesdays at 10 a.m.

Contact us:

211 W. Oakley Street
Flint, MI 48503
810-767-4920

Scan to visit gcrc.org for more information

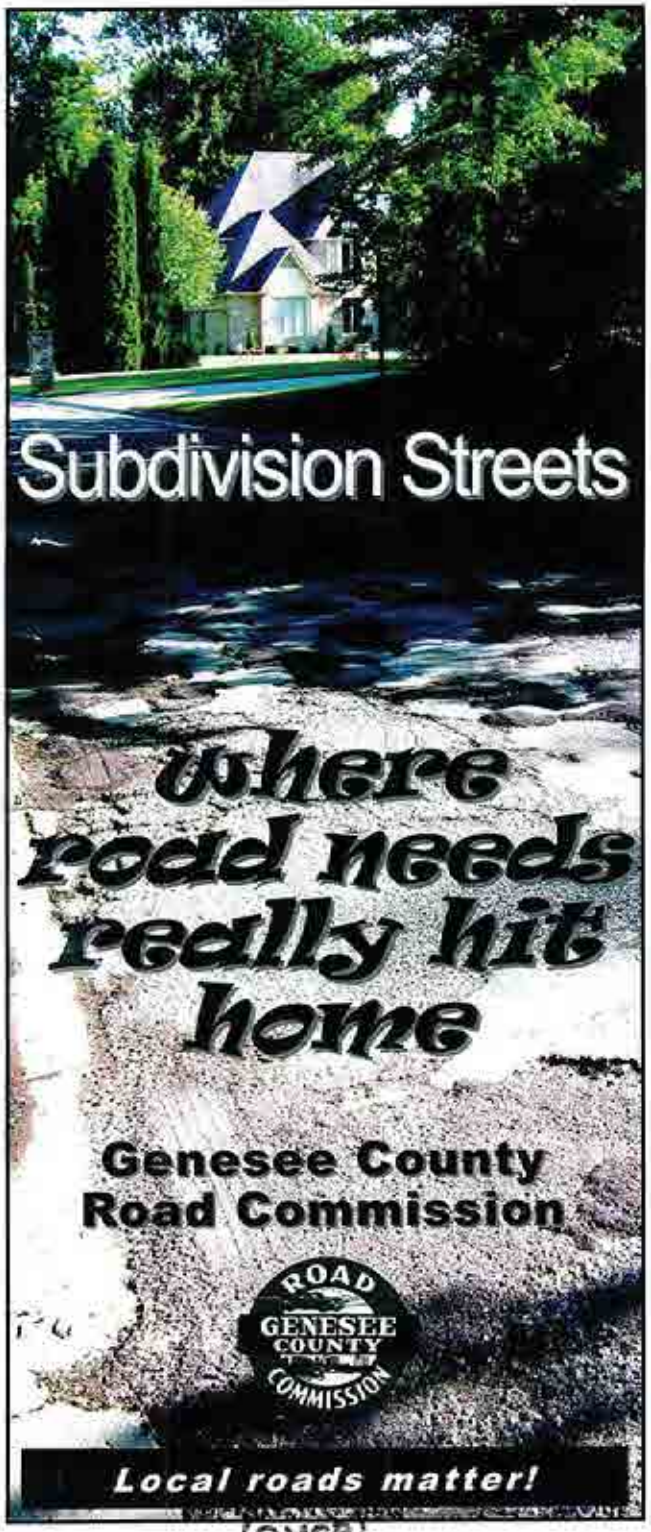
Website: www.gcrc.org
Pothole Hotline: potholes@gcrc.org

GCRC Mission Statement

Our mission, as Genesee County Road Commission employees, is to collectively provide and maintain a safe, cost efficient and quality county road system for the motorists in Genesee County, Michigan.

Printed January 2014 in Genesee County, Michigan

-OVER-



(OVER)

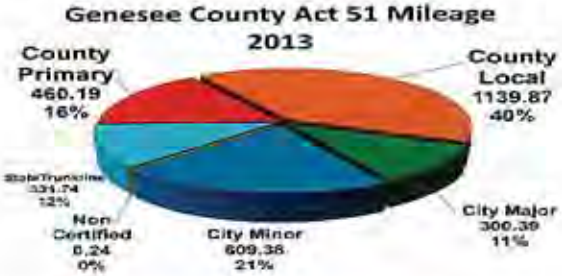
Where road needs really hit home!

All roads have a certain service life expectancy, all wear out and all have to be rebuilt eventually. This is painfully obvious in all of our daily travels, ***but it really hits home on the aging and crumbling streets on which we live.***

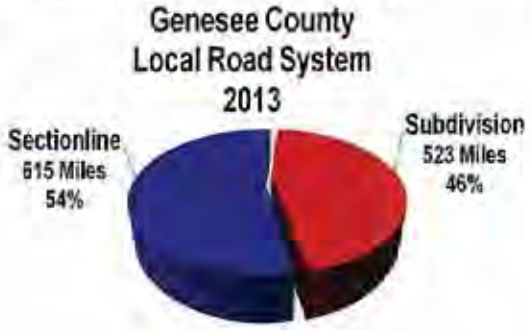
This brochure describes the County Road and Subdivision Street systems in Genesee County, identifies who is responsible for their maintenance, lists the services that the Genesee County Road Commission (GCRC) provides to subdivision streets, the cost of those services and where the funding comes from, and suggests ways residents can help.

What is the County Road System?

The County Road System includes all public roads that are not state trunk lines and that are outside of incorporated cities. As shown below, it is made up of 460 miles of **County *Primary*** and 1139 miles of **County *Local*** roads. There are two and a half times as many County Local road miles as there are County Primary miles.



The "**Local**" category includes both "**Sectionline**" **Local** Roads and **Subdivision Streets**



Who is responsible for maintenance of County roads and streets?

The GCRC has jurisdiction and responsibility for the entire County Road System. Funding to maintain the various types of roads varies widely, however.

Primary Roads: GCRC is responsible for maintenance and reconstruction. GCRC receives federal and state funds. These funds typically cover 80% of capital improvement costs.

"Sectionline" Local Roads: GCRC is responsible for maintenance. GCRC receives state funds. **State law prohibits GCRC from paying more than half the cost of major reconstruction.** GCRC allocates funds for capital improvements, match-able by townships. These roads are not eligible for federal aid.

Subdivision Streets: GCRC is responsible for maintenance. **State law prohibits GCRC from paying more than half the cost of major reconstruction.** By policy, GCRC participation in reconstruction is limited to engineering and inspection (up to 25% of project cost). These roads are not eligible for federal aid.

What maintenance is provided?

The GCRC, **in cooperation with townships**, provides the same services on subdivision streets as on Primary and Local roads.

- Bridge maintenance
- Culvert and underground
- Ditching
- Drainage & backslopes
- Dust control
- Grass and weed control
- Pothole patching
- Reshape gravel surface
- Roadside cleanup
- Shoulder maintenance
- Surface maintenance
- Sweeping and flushing
- Thermo plastic lines
- Traffic signals
- Traffic signs
- Trees and shrub removal
- Winter maintenance

Rehabilitation and reconstructing is expensive!

It costs upwards of **$285,000 per mile** to resurface a subdivision street. And much more to reconstruct one that has reached the end of its life.

Average estimated construction costs for local road improvements - 2013
PER CENTERLINE MILE

4" Limestone Resurfacing (20' Wide)	$95,000
3" Gravel Resurfacing (20' Wide)	$60,000
2" Asphalt Resurfacing (30' B/C to B/C) (Including Cold-Milling)	$285,000
2" Asphalt Resurfacing (26' Wide Open Ditch Streets)	$190,000
Microsurfacing (26' Wide)	$100,000
Ditching, Grading and Paving (26' Wide with 4' Shoulder)	$700,000
Grading and Paving with Concrete Curb & Gutter (30' B/C to B/C)	$1,200,000

Where does funding come from?

The Road Commission can't raise money on its own and it gets no funding from general fund property taxes, but is dependent on the Michigan Transportation Fund (MTF - the "gas tax"), other state funds and federal aid. **But the gas tax has not been increased since 1997** and in recent years the Road Commission has dipped into its fund balance to maintain service levels.

Where are the subdivisions?

Subdivisions are in every township in varying amounts ranging from less than half a mile in Forest Township to over 107 miles each in Flint Township and Grand Blanc Township.

Subdivision Street Mileage by Township

TOWNSHIP	Paved	Unpaved	TOTAL Subdivision
ARGENTINE	5.94	4.01	9.95
ATLAS	10.16	0	10.16
CLAYTON	9.33	0.19	9.52
DAVISON	33.79	0.27	34.06
FENTON	31.28	1.77	33.05
FLINT	87.38	20.16	107.54
FLUSHING	14.92	1.03	15.95
FOREST	0.32	0	0.32
GAINES	3.6	0	3.6
GENESEE	43.35	10.12	53.47
GRAND BLANC	103.25	4.34	107.59
MONTROSE	1	0.72	1.72
MT. MORRIS	51.91	21.97	73.88
MUNDY	33.13	1.59	34.72
RICHFIELD	5.85	0.72	6.57
THETFORD	4.45	0	4.45
VIENNA	14.12	2.17	16.29
Grand Total	**453.78**	**69.06**	**522.84**

How old are the subdivisions?

A building boom took place in Genesee County in the1960s and 1970s. Over 210 miles of subdivision streets were built or hard-surfaced between 1960 and 1980. Many of these subdivision streets have reached the end of their useful lives, are beyond pothole patching and need to be rebuilt.

(over)

Roger B. Miller
16 N. Grandview Beach Rd.
Indian River, MI 49749

Cheboygan County Planning Commission

c/o Scott McNeil

870 South Main ST. Room 103

PO Box 70

Cheboygan, Michigan 49721

May 21 2005

RECEIVED
MAY 28 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Subject: Heritage Cove Farms Application for Special Land Use Permit. Update 5/15/1.

Gentlemen:

My family have been lifelong residents of the Mullett Lake area, beginning about 1912 when my Mother's family built a cottage here. I have spent summers here all my 86 years and currently live at 16 North Grandview Beach Road in Grandview Beach.

We, our children, Grandchildren, and Great Grandchildren come here for the wonderful environment, safety, and waters of Mullett Lake. We have always supported those environmental activities and the businesses that support and protect the assets of our area. WE DO NOT Support the Zoning Changes that the Commercial Heritage Cove Farms Special Land Permit would bring to our area.

Attached are 13 issues developed by the Grandview Beach Association that detail our concerns.

Do not approve this Special Land Permit.

Sincerely, Roger Miller

Roger Miller
Barbara F. Miller

Issues of Concern (Can be used in part or in whole as talking points in letters, flyer's, conversations, etc.)

1. Despite the characterization of this Commercial Facility as a "farm", it is clearly a **Commercial Business**. This is not a club, a farm, or any of the other permissible uses in this "Agricultural and Forestry Management" zoning district. ANY type of Commercial use of property in our Residential beach neighborhood would be entirely incompatible with our current property use.
2. The proposed Heritage Cove Facility is **distinctly different than "therapeutic farms"**. The Hanson property is only 33 acres, approximately half of which is in the Lake, River, and Stream Protection Zoning District. This would leave less than 20 acres for Facility. Typically, therapeutic farms are located on 300-400 acre parcels, away from private residences. (Compare Rose Hill in Holly, Michigan 412 acres; Hopewell in Mesopotamia, Ohio, 300 acres, and Gould Farm in Monterey, Massachusetts, 630 acres.)
3. This Facility being proposed is not a state-licensed "convalescent" home as defined in the Cheboygan County ordinance. In fact, the proposed Facility **is not subject to State or Federal licensing, thus lacking any oversight authority.**
4. The Cheboygan County zoning ordinances should accommodate the type of business proposed by the Hanson's, and allow this type of commercial use to be located somewhere in the County, but NOT within a residential neighborhood at the Hanson's Residential Grand View Beach (GVB) property. We question whether the Hanson property is properly zoned, and further the proposed use is entirely incompatible with the surrounding properties and trails. There are numerous **other suitable properties in the County** that provide a more appropriate location for this proposed type of Commercial use.
5. Based on discussion with appraisers and local realtors, it is highly likely that **real property values** of all Residential properties in the vicinity of this Facility would be significantly **decreased** (along with the associated tax revenues) if this Commercial Facility is approved.
6. Safety is a significant concern, from many perspectives. The **safety and security** of our residents could clearly be compromised with the addition of an unregulated Commercial Mental Illness Treatment facility in our residential neighborhood with its associated transient residents and visitors. No security system is proposed. Several hundred people use the DNR walking/biking/snowmobile trail, located directly adjacent to the Hanson property. Yet the Special Use Permit application represents that the proposed Commercial Facility "will not place demands on fire, police, or other public resources in excess of current capacity". No facts or evidence to support this assertion are provided, yet it is obvious that there would be a significant need for additional fire and police protection in the entire area.
7. Nearly ½ of the Hanson property is located in the **Lake, River, and Stream Protection zoning district.** ANY development in this zoning district must consider "potential environmental and aesthetic impacts on the water resources", including the Indian River spreads, wetlands, and groundwater. Yet the proposed Commercial Facility includes an orchard, waste storage areas, gardens, a smokehouse, a community lodge, and 8 apartments **all within this environmental protection area.** The County has already determined that these uses are not allowed within the Lake, River, and Stream Protection District. Further, all wetlands on the property should be delineated, so there can be an appropriate analysis of this proposal with respect to State and Federal wetlands protection regulations.

9. The Hanson property, approximately half if it being located in the Lake, River, and Stream Protection Zoning District, **may not have the characteristics necessary to support a community wastewater treatment system, and a community water supply system.** There are no details on the required water and wastewater systems necessary to accommodate the approximately 40 people on site during most operating hours. The water table is very high here (as we all know) and is extremely vulnerable to contamination. The local Health Department should be consulted with respect to the requirements that would have to be met to accommodate the necessary water and wastewater infrastructure to support this Facility.
10. The Hanson application characterizes this Commercial Facility as a "farm". The site plan includes a barn, therefore it is likely that there will be animals housed and using property within this Lake, River and Stream Protection area. There needs to be careful consideration of the **potential sanitary and environmental impacts of the waste from farm animals in this environmental protection zoning district.**
11. The Hanson's Special Use Permit application includes several assertions regarding the proposed property use pursuant to the Americans With Disabilities Act (ADA), and suggesting that the County must accommodate this type of use at this property. It is clear that this Commercial Facility would be required to comply with the ADA as well, meaning the Commercial Facility **cannot exclude people with a history of violence, illegal substance use, or communicable diseases,** making the City, Township, and County's obligations to provide for the safety of its citizens even more critical.
12. The PC is required to determine that the Special Use Permit is compatible with the Comprehensive County Plan. In turn, the County Plan requires consistency with the Tuscarora Township Master Plan. The Township Plan requires a determination that the Commercial Facility does not adversely impact the preservation and enjoyment of a substantial property right possessed by other property in the vicinity. **Clearly, the health, safety, welfare, and the environment of the residents of Grandview Beach would be adversely impacted by this proposed Commercial development.**
13. The application does not state that residents would undergo extensive background/criminal history checks and the various ways in which a person's arrest for a violent crime might not actually end in a public conviction, but rather hospitalization, etc., that might not necessarily show up on a criminal history record. Thus, there are NO safeguards.

May 22, 2015

RECEIVED
MAY 28 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Cheboygan County Planning Commission
c/o Scott McNeil
870 S. Main St., Room 103
PO Box 70
Cheboygan, MI 49721

Mr. McNeil,

After you have re-zoned "Heritage Cove Farms" to allow a special land use for mentally handicapped individuals, and the Hansons have invested in a number of cabins to house these individuals, will they be allowed to rent these cabins to other individuals who might *not* be mentally handicapped?

I'm wondering, in case the Hansons decide after a year that a facility for such a purpose might not be the highest and best use of their property after all.

Sincerely,

John J. Liegl
211 S Grandview Beach
Indian River, MI 49749
231-838-1111

c: file

Untitled

May 25,2015

RECEIVED
MAY 28 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Dear Cheboygan County Zoning Commission,

This letter is to make known my opposition to the proposed facility to treat 24 mentally ill adults on the Tuscarora Twp. property owned by Larry and Betsy Hanson at 625 Grandview Beach Road, Indian River, MI 49749. Their property is immediately adjacent to our property where our home is located at 4700 Grace Beach Road, Indian River MI 49749.

These patients will be unsupervised from 5:00p.m. all night until the following morning with no walls,fences or anything to contain them on the facility property. These patients will be wandering around the nearby residential area and up and down the public bike trail.

I anticipate that many of them will be tresspassing on our property often. As I am a physically handicapped victim of a stroke, I will be unable to protect or defend myself or escape from any aggressive patient coming to my door.
Also, these patients will have unsupervised access to Mullett Lake which will be very dangerous to most of them.

I do not believe that the Grandview Beach area, a residential and retiree vacation community is an appropriate location for this mentally ill medical health commercial business.

Very sincerely

Marcia M. Monette

Marcia M. Monette
4700 Grace Beach Road
Indian River,MI 49749
231-290-6019

May 22, 2015

RECEIVED
MAY 28 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Cheboygan County Planning Commission
c/o Scott McNeil
870 S. Main St., Room 103
PO Box 70
Cheboygan, MI 49721

Mr. McNeil,

I have a number of concerns about the "Heritage Cove Farms" application for a special land use permit. But, the largest concern is that the facility being proposed would not function as a licensed entity. This would be a major lack of oversight authority.

I majored in psychology at the University of Michigan and graduated with a degree in Special Education. I worked with teens at the Children's Psychiatric Hospital, Wayne County Child development Center, and taught Special Education in the public school system. I have a 54-year-old son that was diagnosed with schizophrenia at the age of 15. I have a nephew diagnosed as bipolar. I am dumbfounded by the naïveté of the Hanson's project.

It appears that it would be way understaffed for starters. These residents would need the supervision of a psychiatrist as they will be on medications that have to be frequently monitored and prescriptions changed. They will need doctors and dentists as well.

The group dynamics of the situation are not predictable and could be quite volatile. Also it is not as simple as 24 residents. These people have husbands, wives, family. Certainly there will be visitors. This would also need to be managed. Meanwhile, who is managing the farm?

The Hanson's are lawyers, not psychiatrists. I am unaware of their having any training or experience in dealing with these special disabilities. I have no confidence in their judgment.

The Hanson's are of retirement age. How long would they be able to manage this facility? Are there long-term management plans?

If this project is incorporated, how would it function and by whom? Who would carry the liability and would it be adequate?

Without state or federal licensing for an oversight authority, this has the potential for a major disaster. I ask that you not permit a special land use for a commercial mental illness treatment facility under these circumstances, as it will inevitably result in failure and/or disaster.

Sincerely,

Christine A. Liegl
211 S Grandview Beach
Indian River, MI 49749
231-238-9898

c: file

Deborah Tomlinson

From: Pamela Heos [mailto:heosp@cooley.edu]
Sent: Wednesday, May 27, 2015 11:46 AM
To: Scott McNeil
Subject: RE: Heritage Cove Farms- Grand View Beach Proposed development project

Scott,

I am a resident and homeowner at 441 Grandview Beach Drive, Indian River. I live approximately 3/4 of a mile from the proposed project on the Hanson property. I understand this project is proposed to be an open and unrestricted residence for schizophrenic and mentally ill individuals. Although I fully understand the nature of mainstreaming and integrating those individuals into society, I would agree to the facility being a gated community with 24 hour security. **I am adamantly opposed to this facility operating as an open residence in a fully residential neighborhood.**

It is very important to note the **history of the Hanson property** over the last several years. **The property has been for sale several times, all of which I believe to be listed by owner. this indicates the Hanson's desire or need to "unload" this property for their own gain**. They are completely free to sell their property as they so choose, for residential usage only. This appears on the surface to be yet another attempt to "unload" this property in another guise of a mental health residential facility.

It is also important to note that most of the residents of this neighborhood are lifelong residents, and have enjoyed the peaceful and tranquil north woods setting. Those who are newer to the beach have come seeking the same peace, tranquility and beauty. Our property values are important to us and having a mental health facility which is open to its residents poses a huge issue from that perspective as well. To those who may try to sell their properties in the future, they stand to take a huge monetary hit.

As an older woman, I spend many days by myself in my home. My doors are left open and I walk 4-5 miles daily throughout the neighborhood. I love the freedom of being able to do so. I fear I would not be able to leave my doors wide open and walk by myself if the facility offers the same freedoms to its residents. **It is not fair or just to be forced to alter the living habits that I have enjoyed for so many years just because the Hansons want to sell out**. On a hot evening, with no air conditioning, I don't want to find a stranger coming through my door, and putting myself in danger .

I will be present at the hearing on July 1 and will adamantly oppose the development of the proposed Hanson project. This development is better suited on a remote parcel where there are no full time residents in close proximity. Please take my opposition into consideration at the upcoming hearing.

Respectfully submitted,

Pamela Heos
441 Grandview Beach Drive
IndianRiver, MI 49479

810-691-5571 cell

Pamela Heos
Director of Alumni and Donor Relations
Western Michigan University-Thomas M. Cooley Law School
300 South Capitol Ave.
Lansing, Michigan 48933
(517) 371-5140 x 2014
fax (517) 334-5748

Deborah Tomlinson

From: Paul C. [mailto:bigpinelodge@yahoo.com]
Sent: Friday, May 29, 2015 9:45 AM
To: Scott McNeil; Paul Chapoton
Subject: Heritage Cove Farms

To: Scott McNeil and the Cheboygan County Planning Commission

The purpose of this letter is to inform the county that we are opposed to the establishment of the commercial mental illness facility proposed by Larry and Betsy Hanson in the location that they are requesting. We are not in favor of the location for several reasons. We feel the facility would not be appropriate in an area that has been a residential area for decades. We believe the location is not suitable for a "working farm" in 2015. We feel that animal waste run off into the lake is a major issue as well as the increase in traffic on the road to the proposed facility which crosses the North Central Trail. We are also concerned about the facilities "unregulated" status in regards to the safety of people using the trail and the safety of near by residents. We could mention many other concerns that we are certain others have already brought to you attention. We believe a more rural setting with a larger parcel of land would be a better location for a facility of this type. We would request that any county permits needed by this facility be denied. Paul and Debra Chapoton 2764 South Extension Road Mullett Township Cheboygan County Michigan. Registered voters in Mullett Township.

Cheboygan County Planning Commission
c/o Scott McNeil
870 South Main Street, Room 103
PO Box 70
Cheboygan, MI 49721

RECEIVED
MAY 25 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Dear Mr. McNeil and the Cheboygan Planning Commission,

I write this letter to you to express my strong opposition to the Hanson's proposed Heritage Cove Farm. While I am a strong advocate for mental health assistance and medical access, I believe that Grandview Beach is the wrong location for this proposed commercial business (of which there are no others anywhere near). Simply on a matter of scale, the Hanson property is much too small. Much of the Hanson's thirty three acres are ponds, wetlands, and forest. Hanson's are modeling their idea on other mental health "farms" around the country that have upwards of ten times the land they do. Those other facilities don't have immediate neighbors. Beyond the size for a facility of this magnitude, there is the certainty of negative environmental impact with garbage, waste and septic. With forty people (patients, staff, students, visitors) expected to be on site constantly, the impact for septic overflow into the Indian River and Mullett Lake is a real concern. There are no sewers at Grandview. The Hanson's have also proposed upping their herds of livestock beyond the chickens, ducks, goats and donkeys they already have on their property. The waste from the livestock alone will continue to harm our waterway, possibly affecting tourism, but most certainly affecting the residents of Grandview who have come for generations to enjoy the clean air and water.

Further, I'm told this facility will not be licensed by the state or federal government, and thus will be devoid of oversight or regulations. From a personal and property security standpoint, I am concerned about patients wandering away from the non-secured facility. For those patients, there is a real danger with numerous water access points. For residents of Grandview Beach, there is the question of who these patients will be and with what possible criminal or violent potential there may be. Ultimately, there will be a potentially increased strain on township police and fire if they are constantly called to provide security for this low-security facility. Clearly, the health, safety, welfare, and the environment of the residents of Grandview Beach would be adversely impacted by this proposed commercial development.

While the Hanson's have rights to undertake certain projects on their property within reason, those rights shouldn't infringe on the rights of hundreds of Grandview Beach residents and their families to enjoy themselves on their own properties without fear or trepidation of what is lurking in their neighborhood. Additionally, these cottages have remained in families for generations and these families are proud to call themselves Grandview Beachers. If Hanson's project is allowed to go through, there will be many who will flee the community as property values and security will be on everyone's mind. Please consider this an appeal to the planning commision that the Hanson's "Heritage Cove Farm" is inconsistent with acceptable land-use for the character and approved use of Grandview Beach.

Thank you for your attention in this matter.

Sincerely,

Michael Monette

61296

North Ridge Trail
Washington Township, MI 48094

4700 Grace Beach Road
Indian River, MI 49749

248.546.3029

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JUN - 1 2015
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PLANNING & ZONING

To the Cheboygan County Planning Commission

c/o Scott McNeil-

I would like to address the proposed commercial business Heritage Cove Farms and it's far reaching implications for Indian River and the surrounding community.

While I appreciate the need for facilities to care for the mentally ill, the location the Hanson's proposal is not, in my opinion, the optimal area for the treatment and care of these individuals. There are many other suitable properties in the County, ones that are larger- the Hanson property being a mere 33 acres – and more appropriate for this proposed commercial use.

One concern regards the farm's proximity to the area surrounding Indian River, as well as the waterway itself. It is my understanding the proposed commercial business will ***not*** be subject to any State or Federal licensing, thus lacking any oversight authority. This can lead to negligence by the facilitators and potentially grave harm to clients. This concern is amplified with the close proximity the Hanson property is to I-75, the DNR walking/biking/snowmobile trail, located directly adjacent to the Hanson property that runs from Cheboygan to Petoskey and old US 27. I have read nothing about this proposed commercial business creating any security systems or barriers to the water, safety protocols to prevent drownings or patients leaving the property.

In addition to concern for the clients of the proposed Heritage Cove Farms, I am also extremely concerned for the safety of my family- consisting of two small daughters and their elderly and infirmed grandparents. The Hanson's maintain in their Special Use Permit that there would be no additional demands on fire and police resources, but that just demonstrates the ignorance these non-medically trained entrepreneurs have regarding their proposed business. I have first-hand experience with a mentally-ill person who stopped taking the prescribed medication and the ensuing dangerous situation made me fear for my life. Police action was required. If a patient stops taking his/her medication, the effects can be immediate and extremely violent, and with no security measures, the safety and security of Grand View Beach residents and the entire surrounding community is compromised.

Another concern I have is for the environment. The Indian River and all its areas are a valued and integral part of the environmental health of the community. The Hanson's Special Use Permit application indicates there would be no impact on storm water management. In such an environmentally sensitive area, the 16 apartments, expansion of several existing structures, workshop, garage/laundry building, a barn, orchard and a parking area for at least 40

employees, visitors, residents, and medical staff would indeed have an impact - a negative one - to the wetlands that surround the Hanson property, the "Spreads," and the multiple lakes, streams and wetlands that are supported by Indian River. In addition, the ancient septic system will undoubtedly be severely compromised with the extra waste generated by such a large scale operation. Again, this shows extreme ignorance to the true effect this proposed business will have on the surrounding area and the contempt the Hanson's apparently have for their Grand View Beach Association neighbors and the community.

These are just a few of the concerns I have regarding the Hanson's Special Use Permit request. When making your decision over the Heritage Cove Farm Special Use permit, please give careful consideration to the safety, sanitary and environmental issues this complicated commercial project will have on the entire community.

Thank you for your time-

Gretchen A. Monette

gvanmonette@gmail.com

Deborah Tomlinson

From: Dave Campbell [mailto:grandviewdave@yahoo.com]
Sent: Sunday, May 31, 2015 10:24 AM
To: Scott McNeil
Cc: grandviewpatty@yahoo.com
Subject: Heritage Cove Special Use Permit

Hello Mr. McNeil,

For your convience, I will send a signed copy to you for your files. Thank you for all of your hard work on this issues.

Dave

26 May 2015

Cheboygan County Planning Commission
c/o Scott McNeil
870 South Main Street, Room 103
PO Box 70
Cheboygan, MI 49721

Dear Mr. McNeil and Members of the Cheboygan County Planning Commission,

Thank you for taking the time to read what I am certain will be a large volume of letters regarding the application for the Heritage Cove facility by the Hansons. I feel very strongly that the mental health community needs more facilities in the US. This plan, however, is not an appropriate place for such a facility nor is it in any patients' best interest for rehabilitation. The Special Use Permit should be rejected for the following reasons:

It is not a farm; it is a business. First, and foremost, this Application should be denied because it is not a farm. It is a commercial enterprise trying to get wedged into a residential area. There are many more suitable places in Cheboygan County to locate a facility Heritage Cove proposed.

No experience running such a facility. The Planning Commission is being asked to grant a Special Use permit to individuals whom have no experience running a mental health facility as proposed. This presents a great deal of risk to the county.

Impact to public safety. In the application, HC stated there would be no impact to police or fire departments. It is either disingenuous or ignorant but either way it underscores the applicant has no knowledge or understanding of running a facility as proposed. The proposal does not include adequate security for their commercial patients or for local neighbors.

Environmental Impact. HC claims that there will be no impact to wastewater or stormwater. It is difficult to reconcile how adding dozens of buildings housing 40 people and dozens of farm animals would NOT impact our water and other natural resources.

Property Value Decrease. Should the PC approve the permit, know for a fact that all 72 homes Grandview Beach Association will expect an immediate and significant reduction in their SEV. I would also expect homes in several of the adjoining Associations to follow suit.

Real Estate Sales and Improvements. Sales of existing homes have come to a complete halt pending the outcome of this request, with the knowledge that values will plummet if HC is approved. I have a friend who was willing to pay full price on a GVB home over $500,000 but is holding off pending a decision on HC. Several existing families looking to make home improvements are now reconsidering making an investment into what may become a substantial financial loss of HC is approved.

Comps do not compute – Heritage is less than 10% of the size of what they reference as similar facilities. I do not understand how the applicant believes this is true "comparable" to meet the requirement.

Unsupported Business Model. I consulted a Clinical Neuropsychologist with clinical expertise in adult neuropsychological assessment about his thoughts on HC. He said, without equivocation, that HC was a "terrible" idea and he would "never" refer a patient there due to several issues; but specifically the lack of security for patients, especially with concern about proximity to water with the type of medications being dispensed. This proposed facility is not going to be licensed or regulated by state or federal authorities. Most health insurance providers require a licensed facility for reimbursement for treatment. The application provides no data confirming support of this concept from professionals. There is no data from the applicant guaranteeing referrals. Without a commitment of "pipeline" of patients from the referral community, the risk is very high for failure. By limiting themselves to private-payers as a majority of patients, the total addressable market is too small to expect a successful venture. "Hope" is not a strategy.

Commitment to Project. The Hanson's have stated this project is their only plan for their property. Over the past 13 years that we have lived here, there have been myriad plans by the Hanson's to develop or sell the property with similarly stated commitments. I do not doubt there sincerity to this project but one must factor the past into this equation. How can the PC be assured this plan is different from the previous plans?

Unqualified staff. The applicant has not disclosed resumes and credentials of qualified staff committing to this project. The county is being asked to make another leap of faith that qualified staff will be secured and retained. Given the shortage of available health care workers in Northern Michigan, this is another added risk to the project.

Sources of funding. What HC is proposing is going to require substantial capital and operational funding. What is the construction budget? What are the sources of funding? What is the annual operating budget and from what sources? What if they do not meet their revenue goals? What happens to the project if adequate resources are not met? There are more questions than answers and again the PC is being asked to approve a plan without adequate detail on their ability to execute.

Uninsurability. Given all of the risk factors I outlined above, I would question HC ability to secure adequate property, fire and liability insurance that is affordable. If insurance is too expensive to obtain and they chose to self-insure, how is the county protected from an under-funded liability? This is another example of a flawed business model and another layer of risk.

There are many more reasons to deny this Special Use permit but I am mindful of your time and will keep this brief. I very much appreciate your time serving on the Planning Commission. These issues are very important.

I urge you to reject the Special Use permit. It is the wrong use of residential property and, if approved, is founded on an unsustainable business model being run by individuals with no experience in this field. There are too many unanswered issues and, as such, the application remains incomplete. It is based on ill-conceived business expectations. It is fraught with risk. The likelihood of success for Heritage Cove is very low and then Cheboygan County will be left with a White Elephant after cratering property values and creating permanent environmental destruction.

Thank you for your consideration.

Sincerely,

M David Campbell, II
29 S Grandview Beach
Indian River, MI 49749

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PLANNING & ZONING

Thomas and Lisa Weller
67 N. Grand View Beach Road
Indian River, MI
813.215.6456
Tomweller41@gmail.com
May 30, 2015

Mr. McNeil
c/o Scott McNeil (scott@cheboygancounty.net)
870 South Main Street, Room 103
PO Box 70
Cheboygan, MI 49721

Dear Mr. McNeil:

We are writing to express our great concern regarding the proposed Heritage Cove Facility. Along with several family members we purchased our vacation home in the Grand View Beach community over a decade ago. This has been a significant financial investment for all of us. However, it is a wonderful family environment and we have deep emotional ties to the community. The Heritage Cove Facility threatens to irreparably change the nature of Grand View Beach and destroy the safe, family atmosphere which drew us to the area.

We have reviewed publicly available information about the proposed facility and are disturbed by many aspects of the application. First and foremost, the commercial facility would be completely out of character with the Grand View Beach community and the apparent lack of oversight authority, licensing requirements and required background checks of the residents is simply shocking. With many young children and older adults in the community, the threat to the safety of the residents is beyond disturbing. We are disappointed that the application could receive serious consideration when there are so many other larger and more suitable areas around Indian River for this type of business. Secondly, the proposed facility would certainly lower the property values in the Grand View Beach community. For many residents, including ourselves, this would have a significant impact on retirement planning and our ability to continue enjoying the community we have long planned for. A third major concern is the impact the proposed facility would have on the natural setting. The Grand View Beach community is treasured by the residents for its natural beauty and many dedicated individuals have been committed to its preservation for

decades. In our opinion the impact of the facility in terms of storm water discharge into the lake, water supply and wastewater treatment is severely underestimated. In addition to the above concerns, we hope that the county has considered the additional costs of policing the community and the negative impact on tax revenue given the reduced property values.

We appreciate your thoughtful review of our letter and look forward to your support of our Grand View Beach community.

Sincerely,

Thomas and Lisa Weller

Deborah Tomlinson

From: Larry Lutz [mailto:lrlutz@racc2000.com]
Sent: Saturday, May 30, 2015 1:26 PM
To: Scott McNeil
Subject: "Heritage Cove Farms"

May 30, 2015

Cheboygan County Planning Commission
Attention Mr. Scott McNeil
870 South Main Street, Room 103
PO Box 70
Cheboygan, Michigan 49721

Dear Mr. McNeil,

My wife Jill and I purchased our home on Grandview Beach Road in 1985 and moved here as year-round permanent residents in 2006. Our home is approximately .6 of a mile north of Mr. Larry Hanson's property and .8 of a mile from his driveway entrance. Our property is directly adjacent to the DNR walking/biking trail and is situated just 40-45 feet from the trail. We have many concerns over Mr. Hanson's intended use of his property referred to as "Heritage Cove Farms". Principal among them are:

INTENDED USE WITHIN A RESIDENTIAL COMMUNITY - Mr. Hanson's proposed commercial use of his parcel is in no way compatible with the community purposes for which its residents have purchased, maintained and used their homes for generations.

SAFETY - The fact that the residents to be housed at his facility may have been diagnosed with deep depression, schizophrenia or bipolar disorder, coupled with the fact they would not be confined to the Hanson property is an alarming situation. The DNR trail, directly adjacent to the Hanson property and so many properties for miles north and south, magnifies the issue of safety. In addition to the normal daily biking/walking/snowmobiling traffic on the trail, vacationers and guests, including our grandchildren, use the trail regularly and that causes us great concern.

I would also submit that Mr. Hanson's parcel is not a particularly safe property selection for his intended residents considering the potential dangers associated with the river, lake, wetlands and multiple use trail surrounding his parcel.

SECURITY - With 24 residents, 13 staff members (3 in-house with family) and student trainees, the demands placed upon law enforcement and fire employees would certainly increase and not just seasonally, but all year long. I contend that more manpower, more equipment and specialized training would be required at considerable cost.

PROPERTY VALUES – Once identified as a location housing 24 mentally challenged residents with no geographical limitations and ease of access to the DNR trail, property values and the number of prospective buyers will certainly decline, not only in the Grandview Beach area to include the Indian Wood Trails subdivision, but locations 5-10 miles north to include Woodside, Giauque Beach, Lakeshore Drive north to Liberty Point. Potential home buyers simply have too many Michigan lakefront options available without having to consider concerns of this nature.

LIMITED SIZE PARCEL, LARGE NUMBER OF RESIDENTS & SIGNIFICANT DEMANDS ON THE PROPERTY - A commercial property of 33 acres (reported as 20+ usable), intended to accommodate up to 40 people on a regular basis, the addition of several structures to supplement existing facilities and a number of farm animals would seem to place much greater demands upon the land itself relative to waste water, sanitation, animal waste, storm water and

a commercial kitchen. With a high water table, how can we be certain that our lake, rivers and wetlands will be respected, protected and not subjected to a large level of contamination?

Certainly common sense would indicate that this request for a special land use permit should not be granted. Those of us who oppose its approval greatly appreciate the time and attention to detail that is being provided in its evaluation.

Respectfully submitted,

Larry R. Lutz
106 N. Grandview Beach Road
Indian River, Michigan 49749

Deborah Tomlinson

From: Patti Henige [mailto:patti.henige@hotmail.com]
Sent: Saturday, May 30, 2015 1:09 PM
To: Scott McNeil
Subject:

I have enjoyed our cabin on Grandview Beach for 50 years. It is a serene, beautiful vacation spot. I am against having a mental facility built so close to my family's property. I live with two nurses and am aware of what these mentally ill people are capable of doing. Without the proper knowledge, these patients can be mentally, physically, and emotionally unstable. Staff will need training and education to know how to care for these patients, de-escalate situations, and contain these individuals.

I feel you as the zoning board should do everything you can to see to it that this is a safe environment for all of the homeowners on Grandview Beach, and for the users of the public rail trail that runs adjacent to this property.

Regardless of the whole scenario, I am extremely against having The Heritage Cove Farms Proposal granted. I can see it only causing problems in the future for everyone involved. This is a vacation area and is definitely not a place for this kind of institution.

In conclusion, I hope that the zoning board does not grant this permit. It is a shame that it has come to this and to think that our beautiful vacation home could have a mental facility in its backyard. I will do everything in my power to see that this place not be built.

Patti Richardson-Henige

541 Grandview Beach, Indian River, MI

6124 Ditch Rd. Chesaning, MI 48616

Deborah Tomlinson

From: Ernie Richardson [mailto:ejrich3@gmail.com]
Sent: Saturday, May 30, 2015 12:41 PM
To: Scott McNeil
Subject: Ernest Richardson

I am writing in regards to the Heritage Cove Farms that is planned to be built on Grandview Beach. My family has owned a cabin here since 1946. It's our get-a-way from the stress of everyday life.

I am extremely against having a secured or non-secured institution built so close to my property that will be housing mentally ill people. We are concerned that our safety will be jeopardized with the building of this facility. These individuals who will be patients are obviously going to this facility for a reason; they are emotionally and mentally unstable. Without the proper security and supervision, these individuals could be potentially dangerous.

The acreage the Hanson's have set aside for this facility is too small. Most facilities have at least 300 to 400 acres to house the mentally ill.

This beach has a lot of families with small children and also many elderly who wouldn't be able to protect themselves if they were attacked by one of these mentally ill patients. This is the last place a mental institution should be built. We have a right as homeowners to fight this to the end. Grandview beach is a vacation place, not a commercial area.

I sincerely hope the zoning board will not grant the Hanson's a permit to build this facility.

Ernest Richardson

541 Grandview Beach, Indian River, MI

4250 Easton Rd. Owosso, MI 48877

Cheboygan County Planning Commission
c/o Scott Mc Neil
870 South Main Street, Room 103
P.O. Box 70
Cheboygan, Mi 49721

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CHEBOYGAN COUNTY
PLANNING & ZONING

Members of the Planning Commission
Members of the Cheboygan county Zoning Board

I am writing this letter to express my total opposition to the venture proposed by Larry and Betsy Hanson. (Heritage Cove Farm)

I would like to touch on a point that must be addressed. Cheboygan County, and Tuscarora Township as well, like most other counties and townships, spend good money, and expend many hours, in the form of planning meetings, formulating a county "Master Zoning Plan". We all know this is a plan that puts forward a futuristic zoning goal for our community. It's basically a goal that is agreed upon, as to how our community will be organized in respects to zoning, most often a Planning Commissions efforts are to try and get a vision of the future, usually in increments of 20 years.

As I mentioned, county "Master Zoning Plans" are very costly, I think it would surprise the tax payers of Cheboygan County, exactly what the total cost of the Master Zoning Plan rests at.

To even contemplate allowing a non-conforming use of this nature, in a community such as Grandview Beach, is in, terms of astute zoning practices, absurd. It would make one wonder, why waste the time and money on a Master Zoning Plan, if the outcome is to cut and run in the face of a credible challenge to our goals as a community.

I am firmly behind the position, that we, as a, county goverment, township, and a community of citizens/tax payers, have the right to say "NO" to this obviously ludicrous, non-conforming use proposal, in our quiet, currently safe, neighborhood.

Please consider, "special use permits" are just another term for "spot zoning", and addressing "spot zoning" is the core intent of developing a "Master Zoning Plan".

A fitting aphorism "A place for everything, and everything in its's place".

I know the Planning Commission, Zoning Admistrator, and basically we as a community, are facing political/legal pressure. We can only use common sense, and our well thought goals as deciding factors.

Sincerely

Michael F. Wesley

382 Pleasant Beach Ct
Indian River, Mi, 49749
1-989-860-0013
mwesley46@gmail.com

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JUN - 1 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Dear Cheboygan County Planning Commission,

I would like to express the strongest opposition possible to Larry and Betsy Hanson's request to develop a residental treatment facility for 24 adults with mental illness on their thirty three acre property in the Grandview Beach resort community. I live on a 13.15 acre parcel that shares a 1425 foot property line with Hansons . All of this property was homesteaded in the late 1800s. In 1985, Kenneth Godley made a purchase aggreement for the entire 40 acre parcel contingent on him being able to develop it into a marina and condominiums. His request was denied by The U.S. Army Corps Of Engineers for environmental impact reasons. In 1986, I purchased the east 13.15 acres and in 1987 Larry Hanson purchased the remaining 26+ acres.

This COMMERCIAL development clearly does not meet the zoning rules and Master Plan for Cheboygan County and Tuscarora Township.

Our SAFETY AND SECURITY will be gone and surely put us in HARMS WAY. In a presentation by Betsy Hanson to the Granview neighbors, she said there would be no security at all. She said the patients would be free to roam the hiking trails and neighborhoods at will. There are no provisions for fences or restraits. This is a recipe for DISASTER! Needless to say, we will be scared for our lives

Environmental impact will negatively affect our water quality of this very sensitive area.

Since 2004 , we have used our carriage house as vacation rental for families in the summer months. It accounts for 15% of our retirement income. I would not risk the safety of our families with this facility in the neighborhood.

And finally, the loss of property value throughout this entire Grandview Beach community is an assumed reality.

Sincerely,

May 27, 2015

Patrick F. Monette

4700 Grace Beach Road

Indian River, Michigan 49749 Phone 231-290-6014

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JUN - 1 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

To the Cheboygan Planning Commission:

I am writing in support of the Grand View Beach Association and their arguments against the plan of Larry and Betsy Hanson's to build "Heritage Cove Farms" - a Commercial Mental Illness Treatment Facility - on their property on Grand View Beach, Indian River, Michigan.

You will have received, or will receive many letters from the residents of the beach voicing similar concerns over this proposal. Many or all of the facts about this case will be brought up, and I am not sure I will mention them all. I am a third generation owner of one of the cottages on the beach and much of my concern is based on my history and the emotions involved.

My grandfather built our cottage nearly 90 years ago and it is part of my DNA, having summered here during my childhood. I now host my own grandchildren each summer. Throughout my life, I have waited for summer to arrive so that I can come up to Mullet Lake and bask in the glory of Grand View Beach. I have had friends come up and, while gazing around at the surrounding beauty, proclaim to be having "a religious experience". We know we are extremely fortunate to have the beach. It is truly a paradise of the first order that not many people have. To many of us, it is heaven on earth.

From what I understand, the Hansons and the Grand View Beach Association have had a rocky past. There have been problems in the past regarding property rights, or selling of property, or boat-launching land....I have to admit I am fuzzy on those details. But I know that there were hard feelings on Mr. Hanson's part. This Heritage Cove Farms idea seems to be a result of this, and admittedly, it is breathtaking in it's power to lower our property values.

Can you even image? What is the one thing that could decimate every single person's cottage on the beach?? Every single one!!! THIS! It's amazing, really. Who, in their right mind, would ever buy one these cottages when they go up for sale, should Mr. Hanson's plan go through?? NO ONE. It will be become a ghost beach. Everyone's history, love and beautiful land will fade away.

My 88 year old mother lives alone year round on Grand View Beach in our cottage. It does not have a very sophisticated lock system. Because it is a COTTAGE. Can you even imagine her fear if this "farm" goes through? Schizophrenics, drug addicts, etc. able to walk around - walk past the cottages - somehow get it into their heads to steal money, goods, or maybe the voices in their heads will tell them to do something far worse. Would you want your 88 year old mother to live there alone? What about the little kids who come visit? No one will ever be completely safe from the citizens of the "farm". Paradise Lost, indeed.

This is my emotion talking. And, to me, it is just as important as all the facts of the case. From what I understand, the Hansons do not have sufficient property for one of these places - that most places of this sort are on 300-400 acres, away from populated areas. They couldn't possibly have the right infrastructure to take care of all the residents. We barely have it for ourselves. I can't even picture the environmental concerns. I don't believe our beach is zoned for anything commercial.

And, according to their plan, they will not be subject to State or Federal licensing, which would not require oversight authority? That doesn't even make sense. It's mind-boggling.

I know that these decisions have to be made by the book, following laws and zoning information, etc. But please - visit the beach. Look around and walk the road....just imagine. Imagine the monumental change that will take place, just because one person's feelings were hurt. Grand View Beach is a gift from Mother Nature that will be lost.

Sincerely,

Martha S Weinstock
118 Topton Way
St Louis MO 63105

Deborah Tomlinson

From: Andreau Ritter [mailto:andreau.ritter@gm.com]
Sent: Thursday, May 28, 2015 4:56 PM
To: Scott McNeil
Subject: Hanson Proposal for a Hospital at the current Grandview Beach address of Indian River, MI

Mr. Scott McNeil

I would request that the county please insure that the proposed Heritage Cove Facility for Grandview Beach of Indian River, MI be denied for each of the reasons outlined below.

Your support in this matter is very much appreciated.

1. Despite the characterization of this Commercial Facility as a "farm", it is clearly a **CommercialBusiness**. This is not a club, a farm, or any of the other permissible uses in this "Agricultural and Forestry Management" zoning district. ANY type of Commercial use of property in our Residential beach neighborhood would be entirely incompatible with our current property use.
2. The proposed Heritage Cove Facility is **distinctly different than "therapeutic farms"**. The Hanson property is only 33 acres, approximately half of which is in the Lake, River, and Stream Protection Zoning District. This would leave less than 20 acres for Facility. Typically, therapeutic farms are located on 300-400 acre parcels, away from private residences. (Compare Rose Hill in Holly, Michigan 412 acres; Hopewell in Mesopotamia, Ohio, 300 acres; and Gould Farm in Monterey, Massachusetts, 630 acres.)
3. This Facility being proposed is not a state-licensed "convalescent" home as defined in the Cheboygan County ordinance. In fact, the proposed Facility **is not subject to State or Federal licensing, thus lacking any oversight authority.**
4. The Cheboygan County zoning ordinances should accommodate the type of business proposed by the Hanson's, and allow this type of commercial use to be located somewhere in the County, but NOT within a residential neighborhood at the Hanson's Residential Grand View Beach (GVB) property. We question whether the Hanson property is properly zoned, and further the proposed use is entirely incompatible with the surrounding properties and trails. There are numerous **other suitable properties in the County** that provide a more appropriate location for this proposed type of Commercial use.
5. Based on discussion with appraisers and local realtors, it is highly likely that **real property values** of all Residential properties in the vicinity of this Facility would be significantly **decreased** (along with the associated tax revenues) if this Commercial Facility is approved.
6. Safety is a significant concern, from many perspectives. The **safety and security** of our residents could clearly be compromised with the addition of an unregulated Commercial Mental Illness Treatment facility in our residential neighborhood with its associated transient residents and visitors. No security system is proposed. Several hundred people use the DNR walking/biking/snowmobile trail, located directly adjacent to the Hanson property. Yet the Special Use Permit application represents that the proposed Commercial Facility "will not place demands on fire, police, or other public resources in excess of current capacity". No facts or evidence to support this assertion are provided, yet it is obvious that there would be a significant need for additional fire and police protection in the entire area.

7. Nearly ½ of the Hanson property is located in the **Lake, River, and Stream Protection zoning district.** ANY development in this zoning district must consider "potential environmental and aesthetic impacts on the water resources", including the Indian River spreads, wetlands, and groundwater. Yet the proposed Commercial Facility includes an orchard, waste storage areas, gardens, a smokehouse, a community lodge, and 8 apartments **all within this environmental protection area.** The County has already determined that these uses are not allowed within the Lake, River, and Stream Protection District. Further, all wetlands on the property should be delineated, so there can be an appropriate analysis of this proposal with respect to State and Federal wetlands protection regulations.
8. The Special Use Permit application indicates there is NO impact on stormwater management. This is absurd. Any type of impervious structure, be it a building or parking lot, impacts the ability of stormwater to infiltrate into the ground. A stormwater management plan is a critical element of any building project, especially in an environmentally sensitive area that would include 16 apartments, expansion of several existing structures, workshop, garage/laundry building, a barn, and a parking area for at least 40 employees, visitors, residents, and Medical Staff. However, the Hanson application indicates "site drainage will not be impacted by the proposed improvement". **Stormwater discharging to Michigan's surface waters is one of the greatest contamination threats facing our surface water resources.**
9. The Hanson property, approximately half if it being located in the Lake, River, and Stream Protection Zoning District, **may not have the characteristics necessary to support a community wastewater treatment system, and a community water supply system.** There are no details on the required water and wastewater systems necessary to accommodate the approximately 40 people on site during most operating hours. The water table is very high here (as we all know) and is extremely vulnerable to contamination. The local Health Department should be consulted with respect to the requirements that would have to be met to accommodate the necessary water and wastewater infrastructure to support this Facility.
10. The Hanson application characterizes this Commercial Facility as a "farm". The site plan includes a barn, therefore it is likely that there will be animals housed and using property within this Lake, River and Stream Protection area. There needs to be careful consideration of the **potential sanitary and environmental impacts of the waste from farm animals in this environmental protection zoning district.**
11. The Hanson's Special Use Permit application includes several assertions regarding the proposed property use pursuant to the Americans With Disabilities Act (ADA), and suggesting that the County must accommodate this type of use at this property. It is clear that this Commercial Facility would be required to comply with the ADA as well, meaning the Commercial Facility **cannot exclude people with a history of violence, illegal substance use, or communicable diseases,** making the City, Township, and County's obligations to provide for the safety of its citizens even more critical.
12. The PC is required to determine that the Special Use Permit is compatible with the Comprehensive County Plan. In turn, the County Plan requires consistency with the Tuscarora Township Master Plan. The Township Plan requires a determination that the Commercial Facility does not adversely impact the preservation and enjoyment of a substantial property right possessed by other property in the vicinity. **Clearly, the health, safety, welfare, and the environment of the residents of Grandview Beach would be adversely impacted by this proposed Commercial development.**
13. <u>The application does not state that residents would undergo extensive background/criminal history checks and the various ways in which a person's arrest for a violent crime might not actually end in a public conviction, but rather hospitalization, etc., that might not necessarily show up on a criminal history record. Thus, there are NO safeguards.</u>

Kindest Regards

Andreau Ritter

Tax Payer
89 Grandveiw Beach rd
Indian River, MI

Nothing in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message.

Confidentiality Note: This message is intended only for the person or entity to which it is addressed. It may contain confidential and/or privileged material. Any review, transmission, dissemination or other use, or taking of any action in reliance upon this message by persons or entities other than the intended recipient is prohibited and may be unlawful. If you received this message in error, please contact the sender and delete it from your computer.

Deborah Tomlinson

From: Jeff Brancheau [mailto:jbrancheau@williamsautoworld.com]
Sent: Wednesday, May 27, 2015 12:36 PM
To: Scott McNeil
Subject: ref.zoning @ 625 S. Grandview Beach Rd. Indian River,Mi. Heritage Cove Farms

To Whom it may concern,

I have been a resident of Grand View Beach for many years and reside at 441 Grandview Beach Dr. Indian River,Mi. I am very concerned about the safety for my family and the residents of Grandview Beach if this proposed health care facility (Heritage Cove Facility) AKA Hanson Farm's zoning is approved.There are numerous issues as supervision concerns,no guarantees of patients taking their prescribed medications,The patients being able to freely roam without supervision.From the information I have read and been provided by Betsy Hanson they have not planned for their project very professionally and seem very unorganized about how much professional care it really takes to care for people with these disabilities.I don't believe a residence of this manner belongs so close to so many private residences. The patients should not be housed so close to water for their safety.I think this would be better suited in an environment with at least 300- acres and not near water for their safety.Despite the characterization of this commercial facility as a farm,it is clearly a commercial –Business.This is not a club or a farm,or any of the other permissible uses in this" Agicultural and Foresty Management" zoning district.Any type of commercial use of property would be entirely incompatible with our current property use.Typically therapeutic farms are located on300-400 acre parcels away from private residences(Compare Rose Hill Holly,Mi. 412 acres Gould Farm Monterey, Mass. 630 acres,Hopewell. Mesopatamia,Oh.300acres.The facility is listed as a State licensed convalacent home as defined by Cheboygan County ordinance.In fact it is not subject to State or Federal licensing,thus lacking oversight authority.I sincerely appreciate your time studying this zoning application, as I do not feel it is in the best interest for our community,township and county.

Best Regards Jeff Brancheau

June 1, 2015
Cheboygan County Planning Commission
C/o Scott McNeil
870 South Main St. Room 103
P.O. Box 70
Cheboygan, MI 49721

RECEIVED
JUN - 3 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Dear Scott;
I am writing to you first as an owner of property on Grandview Beach since 1970. Our family has enjoyed many years of fond, fun and safe memories at our residence (497 Grandview Beach Drive.)
The only two memories of trouble on this quiet residential area over all the many years have been two in nature. The first (not sure of the year) was a homicide committed by a teenage grandson who killed and mutilated his grandmother because she wouldn't give him any money for his addictive drug habit. The other being a lawsuit filed by a beach resident Judd Hart whose lawyer was Larry Hanson (also a beach resident). The lawsuit was to invalidate a ruling made by the courts years ago. Judd wanted to change the ownership of the community boat launch from GVB residents to himself. This small strip of land was grandfathered in years ago. It was truly legal and financial nonsense and the courts agreed.

Now to the issues at hand in the Hanson application for a special land use permit. It is interesting to note that the Hanson's have applied for and obtained a 501(c)3 Public Charity EIN # 46-1766562 which is putting Heritage Cove Farm as a non-profit and they also have listed a site on American Express to make contributions to this farm as a tax deductible donation. I am not a legal expert in this field but am confused by the commercial vs non-profit in the two descriptions to this property use. Also this non-profit status was obtained last year before any applications to obtain a special land use permit for their farm.
These issues are not listed in necessarily a prioritized order but I do feel that each one could be number one.

1- I have been a retired health care professional for over 45 years and feel I have some valid issues concerning this mental illness treatment facility. We do have serious mental health issues in this country that definitely need to be addressed. The Hanson's property is 33 acres and from my understanding only 20 can be of use. Similar facilities across the country are addressing many mental health problems but within larger areas which would put them not near any residential areas. Examples: Rose Hill in Holly, Michigan 412 acres, Hopewell in Mesopotamia, Ohio 300 acres, and Gould Farm in Monterey, Massachusetts 630 acres.
2- In most instances where killing and many other forms of abuse have occurred the perpetrator(s) have some form of mental illness. According to Mayo Clinic mental illness refers to a wide range of mental health conditions.

These disorders affect your mood, thinking and behavior. They are so abnormal at times that they can cause suffering to themselves or others. Psychiatric floors in hospitals where a mentally ill person might be placed are under constant supervision and basically lockdown. Unfortunately in most instances one cannot be confined or committed until they commit a crime. I have fears that some of these residents if not supervised at all times could be a danger to our residential area, let alone to other residents and staff.

3- A physically handicapped person to me is or can be blind, deaf, an amputee or handicapped by cerebral palsy, which I'm sure could also include many other such physical handicaps. These handicaps generally can't be a threat to society. The Hanson's plan on accepting residents whose diagnoses include depression, schizophrenia, bipolar disorder, closed head injuries and dual diagnoses which is a mental illness along with a substance abuse. Does any facility want this kind of mental illness patient unsupervised at any time – I would suggest no. The Hanson's plan has no proposed security system, an does not mention any of these physical handicaps.

4- Not only will all the beach residents (adults and children) be affected by this facility but also the entire community. I suggest burdens on the fire and police departments as well. Plus walkers on the walking trail which is adjacent to this property along with businesses in this area will soon be affected. The total population census could very well in the long run be affected- with this unregulated facility. In no way am I against treating the mentally ill. It should be on the top of community and government lists. Priority should be finding treatment facilities in secure areas with professionals who are qualified. Larry Hanson is not a Psychiatric Physician but a Lawyer. How would he ever keep a qualified staff with no background in mental illness.

5- What will happen when most of the beach residents feel a need to protect themselves from possible danger with this facility in their back yard?
Not to mention if this facility is permitted, all the residents property values would be significantly decreased along with the associated tax revenues if this Commercial Facility is approved.

6- I am not an expert in the Lake, Rivers and Streams Protection zoning district but this area of the beach is in a wetland area. Consider the fact that area has not been built up as on the rest of the beach (approximately 75 residences) some established beginning in 1909. We have individual wells and septic fields which have to be closely watched. This facility will have 16 apartments, many other structures – with at least 40 employees, visitors. residents plus other staff. Their large amount of waste water and community water in a wet land (not commercial sewage and city water) to me, makes no sense in that small area and by far can be unsafe to our lakes and streams zoning. Clearly the health, safety, welfare and environment of GVB and the entire community would be affected.

7- Another issue to me is who is financing this enormous facility plus all the governing regulations that have to be changed for this special use permit. I understand that this farm is a non-profit charity with donations to this farm tax deductible. Where might I ask are the fees for patient services coming from – is it a private pay, Medicare, Medicaid, or individual insurances. More importantly would these individual patients be just "taken advantage of" since this facility is not subject to State and Federal Licensing thus lacking any oversight authority

I appeal to you as a board to deny this special use permit that changes all existing regulations because this will affect so many citizens in this community. The community (police, fire, retail, physicians, hospitals,) and the population may decline rather than grow in this area.

The Hanson's should look for a larger area in this community for the good of all. This importantly includes all of these mentally patients they are concerned about. The big question to me is: IS THIS A MONEY MAKING PROJECT OR A CARING ONE? The safety of the patients, staff, land, water and people of this community will definitely in jeopardy.

Thank you for your time and attention.
Respectfully submitted;

Deborah J. Nagel RDH, BS & Family
P.O. Box 4876
Whitefish, Montana 59937
810 280-0310

497 Grandview Beach Drive
Indian River, Michigan
231 238-9844 after July 1, 2015

Deborah Tomlinson

From: Ben Lurie [mailto:benlurie2@gmail.com]
Sent: Monday, June 01, 2015 1:41 PM
To: Scott McNeil
Subject: Hanson project Grandview Beach

Dear Scott:

I am writing you today to express my concern with the proposal submitted by the Hanson's at 625 S. Grandview Beach Rd to develop their property into a mental illness treatment facility.

I have been spending my summers at Grandview Beach for the past 25 years, and it has become not just vacation spot, it has become where I feel most at home. I started coming up there with my family when I was just 6 years old - now 25 years later I no longer live in Michigan, as my career has taken me outside of the state, but every year I get to come back and spend time with my family and friends in a spot that is so special to all of us. Grandview Beach is a peaceful, timeless spot; that peacefulness and security is currently being threatened.

The idea of having an unlicensed mental illness treatment facility as an immediate neighbor will ruin Grandview Beach for all of its residents, as we would no longer feel safe. One of the best things about Grandview Beach is we know who lives there and kids have the ability to play outside and enjoy the beauty of the area. If this facility is built, that would all be taken away from us.

I understand that everyone has a right to make a living, but putting a commercial business in the middle of a residential beach front community, putting us at serious risk, is not reasonable and should not be accepted.

I appreciate your time in taking my thoughts into consideration.

Best Regards,

Ben Lurie

529 Grandview Beach Rd.

26 May 2015

RECEIVED
JUN - 3 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Cheboygan County Planning Commission
c/o Scott McNeil
870 South Main Street, Room 103
PO Box 70
Cheboygan, MI 49721

Dear Mr. McNeil and Members of the Cheboygan County Planning Commission,

Thank you for taking the time to read what I am certain will be a large volume of letters regarding the application for the Heritage Cove facility by the Hansons. I feel very strongly that the mental health community needs more facilities in the US. This plan, however, is not an appropriate place for such a facility nor is it in any patients' best interest for rehabilitation. The Special Use Permit should be rejected for the following reasons:

It is not a farm; it is a business. First, and foremost, this Application should be denied because it is not a farm. It is a commercial enterprise trying to get wedged into a residential area. There are many more suitable places in Cheboygan County to locate a facility Heritage Cove proposed.

No experience running such a facility. The Planning Commission is being asked to grant a Special Use permit to individuals whom have no experience running a mental health facility as proposed. This presents a great deal of risk to the county.

Impact to public safety. In the application, HC stated there would be no impact to police or fire departments. It is either disingenuous or ignorant but either way it underscores the applicant has no knowledge or understanding of running a facility as proposed. The proposal does not include adequate security for their commercial patients or for local neighbors.

Environmental Impact. HC claims that there will be no impact to wastewater or stormwater. It is difficult to reconcile how adding dozens of buildings housing 40 people and dozens of farm animals would NOT impact our water and other natural resources.

Property Value Decrease. Should the PC approve the permit, know for a fact that all 72 homes Grandview Beach Association will expect an immediate and significant reduction

in their SEV. I would also expect homes in several of the adjoining Associations to follow suit.

Real Estate Sales and Improvements. Sales of existing homes have come to a complete halt pending the outcome of this request, with the knowledge that values will plummet if HC is approved. I have a friend who was willing to pay full price on a GVB home over $500,000 but is holding off pending a decision on HC. Several existing families looking to make home improvements are now reconsidering making an investment into what may become a substantial financial loss of HC is approved.

Comps do not compute – Heritage is less than 10% of the size of what they reference as similar facilities. I do not understand how the applicant believes this is true "comparable" to meet the requirement.

Unsupported Business Model. I consulted a Clinical Neuropsychologist with clinical expertise in adult neuropsychological assessment about his thoughts on HC. He said, without equivocation, that HC was a "terrible" idea and he would "never" refer a patient there due to several issues; but specifically the lack of security for patients, especially with concern about proximity to water with the type of medications being dispensed. This proposed facility is not going to be licensed or regulated by state or federal authorities. Most health insurance providers require a licensed facility for reimbursement for treatment. The application provides no data confirming support of this concept from professionals. There is no data from the applicant guaranteeing referrals. Without a commitment of "pipeline" of patients from the referral community, the risk is very high for failure. By limiting themselves to private-payers as a majority of patients, the total addressable market is too small to expect a successful venture. "Hope" is not a strategy.

Commitment to Project. The Hanson's have stated this project is their only plan for their property. Over the past 13 years that we have lived here, there have been myriad plans by the Hanson's to develop or sell the property with similarly stated commitments. I do not doubt there sincerity to this project but one must factor the past into this equation. How can the PC be assured this plan is different from the previous plans?

Unqualified staff. The applicant has not disclosed resumes and credentials of qualified staff committing to this project. The county is being asked to make another leap of faith that qualified staff will be secured and retained. Given the shortage of available health care workers in Northern Michigan, this is another added risk to the project.

Sources of funding. What HC is proposing is going to require substantial capital and operational funding. What is the construction budget? What are the sources of funding? What is the annual operating budget and from what sources? What if they do not meet their revenue goals? What happens to the project if adequate resources are not met? There are more questions than answers and again the PC is being asked to approve a plan without adequate detail on their ability to execute.

Uninsurability. Given all of the risk factors I outlined above, I would question HC ability to secure adequate property, fire and liability insurance that is affordable. If insurance is too expensive to obtain and they chose to self-insure, how is the county protected from an under-funded liability? This is another example of a flawed business model and another layer of risk.

There are many more reasons to deny this Special Use permit but I am mindful of your time and will keep this brief. I very much appreciate your time serving on the Planning Commission. These issues are very important.

I urge you to reject the Special Use permit. It is the wrong use of residential property and, if approved, is founded on an unsustainable business model being run by individuals with no experience in this field. There are too many unanswered issues and, as such, the application remains incomplete. It is based on ill-conceived business expectations. It is fraught with risk. The likelihood of success for Heritage Cove is very low and then Cheboygan County will be left with a White Elephant after cratering property values and creating permanent environmental destruction.

Thank you for your consideration.

Sincerely,

M David Campbell, II
29 S Grandview Beach
Indian River, MI 49749

Roger L. Harris
2617 Marathon Road
Lapeer, Michigan 48446

RECEIVED
JUN - 3 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

June 2, 2015

Cheboygan County Planning Commission
C/O Scott McNeil
870 South Main Street, Room 103
PO Box 70
Cheboygan, MI 49721

Gentlemen,
I am writing to urge you to uphold the Current Zoning classifications of the property on Grandview Beach. Our family has been resident in this neighborhood for over 70 years. It is a quiet neighborhood where we wandered as children and now our children and grandchildren are doing the same. It is the epitome of what we promote and advertise as the quiet Northern Michigan resort community. We are extremely upset that the Hansons have requested that the zoning be changed to allow them to develop a Commercial Mental Illness Treatment Facility within our neighborhood.

Their proposal, although disguised with words, is clearly a Commercial Business with its attendant traffic, parking, commercial buildings and transient visitors. How can this type of Commercial Activity fit within a residential neighborhood.

The Commercial Mental Illness Treatment Facility is proposed to be developed on property that is environmentally fragile as well. The potential for pollution due to concentrated sewage, storm water runoff and pharmaceuticals leaching into the groundwater and subsequently our lakes will be very high given the nature of the business they propose and the location they have chosen. There is no plan for any type of commercial sanitary system. Commercial businesses have no place in a neighborhood or location like this.

The impact on the neighbor's property values and quality of life will be dramatic. What right do they have to propose a Commercial Business in a neighborhood like this, which would impact the uses of the property that have be confirmed in both the County and Townships Master Plan. This type of business should be located in a commercial district or in an area that does not impact the use of existing residents. There would be dozens of locations within the Township and County that meet those criteria. No one is suggesting that they do not develop their business. Just do it in an area that is zoned properly.

Thank you for considering my thoughts and opinion during your considerations.

Sincerely,

Roger L. Harris, Grandview Beach Resident

Deborah Tomlinson

From: Gary Freismuth [mailto:gmoney13@outlook.com]
Sent: Wednesday, June 03, 2015 1:39 PM
To: Scott McNeil
Subject: Heritage Cove Farms

Please add my name to the many who are against this development.
Please know that I am a retired school teacher, coach and principal. I have a degree in counseling along with others. I have worked for many years with the people Mr. Hanson suggest will be living at his 'farm'.
That said, this simply is not a proper location for what is being described. This area is in a residential area and the total acreage available is no where near sufficient for such an undertaking.
Approval of this ill conceived venture would not only be unfair to the neighbors, it would be unfair and cruel to the very people Mr. Hanson claims he wishes to help.

Respectfully,

Gary Freismuth
Indian River, Mi

Sent from Windows Mail

Thomas and Lisa Weller
67 N. Grand View Beach Road
Indian River, MI
813.215.6456
Tomweller41@gmail.com
May 30, 2015

RECEIVED
JUN - 4 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Cheboygan County Planning Commission
c/o Scott McNeil (scott@cheboygancounty.net)
870 South Main Street, Room 103
PO Box 70
Cheboygan, MI 49721

Dear Mr. McNeil:

We are writing to express our great concern regarding the proposed Heritage Cove Facility. Along with several family members we purchased our vacation home in the Grand View Beach community over a decade ago. This has been a significant financial investment for all of us. However, it is a wonderful family environment and we have deep emotional ties to the community. The Heritage Cove Facility threatens to irreparably change the nature of Grand View Beach and destroy the safe, family atmosphere which drew us to the area.

We have reviewed publicly available information about the proposed facility and are disturbed by many aspects of the application. First and foremost, the commercial facility would be completely out of character with the Grand View Beach community and the apparent lack of oversight authority, licensing requirements and required background checks of the residents is simply shocking. With many young children and older adults in the community, the threat to the safety of the residents is beyond disturbing. We are disappointed that the application could receive serious consideration when there are so many other larger and more suitable areas around Indian River for this type of business. Secondly, the proposed facility would certainly lower the property values in the Grand View Beach community. For many residents, including ourselves, this would have a significant impact on retirement planning and our ability to continue enjoying the community we have long planned for. A third major concern is the impact the proposed facility would have on the natural setting. The Grand View Beach community is treasured by the residents for its natural beauty and many dedicated individuals have been committed to its preservation for

June 2, 2015

RECEIVED
JUN - 4 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Cheboygan County Planning Commission
c/o Scott McNeil
870 South Main Street, Room 103
PO Box 70
Cheboygan, MI 49721

Dear Mr. McNeil,

I am writing this letter to ask that you deny the request for a zoning change in our neighborhood at 625 Grandview Beach Road, Indian River, Michigan. Please do not allow this property to become a Commercial medical psychiatric facility.

As a child growing up on Grandview Beach it was safe for me to walk the trails, ride bikes and play without worry or constant adult supervision. Grandview Beach was a safe community where I didn't have to fear and could feel safe traveling up and down the road with friends, cousins and neighbors. As an adult now with 3 daughters of my own (a 2.5 year old and twin 1 month olds) the idea of having a facility for mentally-ill adults on the beach brings me great discomfort and fear for the freedom of my daughters, to grow up and enjoy Grandview Beach as I did as a girl. I want to know that my children can travel up and down the beach without fear of them running into a mentally unstable adult. Facilities like the one proposed do their best to keep their patients on the premises but mistakes happen and patients could wander or run away, this is well documented in other similar facilities.

I strongly urge you to deny the request for the rezoning of 625 Grandview Beach Road, Indian River, Michigan. Thank you for your consideration.

Sincerely,

Dawn Sheick

Dawn Sheick

Deborah Tomlinson

From: DeWitt & Patsy White [mailto:whitedewitt@aol.com]
Sent: Sunday, June 07, 2015 11:14 AM
To: Scott McNeil
Subject: Heritage Cove Farm

Mr. Scott McNeil,

We have been full-time residents of Cheboygan County since 2003 and reside in the Indian Woods Trail Subdivision, which is adjacent to the proposed Heritage Cove Farm commercial, adult, mental health treatment center to be built on Grandview Beach Road.

We are writing you to explain our vehement opposition to the proposed development of this mental illness treatment facility. The following points explain our basic reasons for opposing this proposed "farm:"

First, this commercial treatment center will house up to 24 adult, rotating, mentally ill patients plus staff and will include 16 cottages and other buildings on usable acreage of around 20 to 25 acres. Developments similar to Heritage Cove Farm, around the country, although a bit larger in number of patients and buildings, generally are built on 300 to 400 acres and are not in residential areas such as this proposed center. The scope of this development should realistically involve an area much larger than is planned and in a non-residential area.

Second, it is our understanding that the type of mental treatment center proposed will have little or no governmental, national, state or county, oversight. This obviously poses a very serious professional threat to the patients as well as the staff running the center. Since this enterprise is a commercial one, "making a profit" will be a priority. This may result in inadequate professional staffing and sub-par patient care. This treatment facility must have governmental oversight and guidance to be a creditable and professional institution.

Third, there will be no barriers or fencing used to prevent the mentally ill patients from wandering into the residential areas, the shore along Mullett Lake, and the DNR Northwest Trail, all of which are adjacent to the proposed treatment center grounds. This would be a clear danger to the safety and welfare of the housed patients as well as to the general public and residences in the immediate area.

For these reasons, we again, very strongly oppose the proposed Heritage Cove Farm mental health development to be built on Grandview Beach Road in Cheboygan County.

Sincerely,

DeWitt & Patsy White

197 E. Indian Woods Trail
P.O. 396
Indian River, MI 49749

RECEIVED
JUN - 8 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Thomas and Lisa Weller
67 N. Grand View Beach Road
Indian River, MI
813.215.6456
Tomweller41@gmail.com
May 30, 2015

Mr. McNeil
c/o Scott McNeil (scott@cheboygancounty.net)
870 South Main Street, Room 103
PO Box 70
Cheboygan, MI 49721

Dear Mr. McNeil:

We are writing to express our great concern regarding the proposed Heritage Cove Facility. Along with several family members we purchased our vacation home in the Grand View Beach community over a decade ago. This has been a significant financial investment for all of us. However, it is a wonderful family environment and we have deep emotional ties to the community. The Heritage Cove Facility threatens to irreparably change the nature of Grand View Beach and destroy the safe, family atmosphere which drew us to the area.

We have reviewed publicly available information about the proposed facility and are disturbed by many aspects of the application. First and foremost, the commercial facility would be completely out of character with the Grand View Beach community and the apparent lack of oversight authority, licensing requirements and required background checks of the residents is simply shocking. With many young children and older adults in the community, the threat to the safety of the residents is beyond disturbing. We are disappointed that the application could receive serious consideration when there are so many other larger and more suitable areas around Indian River for this type of business. Secondly, the proposed facility would certainly lower the property values in the Grand View Beach community. For many residents, including ourselves, this would have a significant impact on retirement planning and our ability to continue enjoying the community we have long planned for. A third major concern is the impact the proposed facility would have on the natural setting. The Grand View Beach community is treasured by the residents for its natural beauty and many dedicated individuals have been committed to its preservation for

decades. In our opinion the impact of the facility in terms of storm water discharge into the lake, water supply and wastewater treatment is severely underestimated. In addition to the above concerns, we hope that the county has considered the additional costs of policing the community and the negative impact on tax revenue given the reduced property values.

We appreciate your thoughtful review of our letter and look forward to your support of our Grand View Beach community.

Sincerely,

Thomas and Lisa Weller

Dear Mr McNeil,

Since my opinions and sentiments echo my son's, I am sending a copy of his letter.

We have loved the the area where our cottage is located and do not want to have the area changed.

Sincerely,
Gayleen Weller
67 N. Grandview Beach Rd.
Indian River, MI

Deborah Tomlinson

From: martha [mailto:tutumart@msn.com]
Sent: Wednesday, June 10, 2015 10:07 AM
To: Scott McNeil
Subject:

Mr. McNeil
I am writing in regards to the Heritage Cove Farm.
I agree with all the information that the Grandview Beach Association has provided , but would like to add my personal concerns. I am 87 years old and live alone. Actually. there are two of us that will turn 88 this year that reside here alone all year . There has been one murder on this beach committed by a mental deranged person. We do not need another.
I do realize that there should be places for these people, but not here where they as well as we would or could be in danger. Water and woods could be a danger to mentally disturb people.
If someone from the zoning or planning committee would go visit the premises of Mr. Hanson, they would see that they cannot keep their own property in acceptable condition. ...animals standing in water, empty machines standing empty...etc.
Thank you for your consideration
Martha Sheerin
455 grandview beach drive

June 8, 2015

Sandra Beatty
489 Pleasant Beach Court
Indian River, MI 49749

Cheboygan County Planning Commission
c/o Scott McNeil
870 South Main Street, Room 103
Cheboygan, MI 49721

Dear Mr. McNeil:

This letter is written to express my concern regarding the proposed building of a Mental Illness Treatment Facility in my neighborhood. I live on Grandview Beach on Mullett Lake. I have been summering on Grandview Beach for all of my sixty-five years. I have been a property owner for thirty-seven years and have been a full-time resident most of that time.

My grandfather, Scott Rundell, with three other men bought Grandview Beach from the railroad in 1905, one hundred and ten years ago. My parents vacationed here summers and moved here in 1965, 50 years ago. My two brothers have also owned property on this beach. Our family has always been proud to call Grandview Beach "home".

Needless to say, I believe this neighborhood is a great place to live. I enjoy the lake, the woods, and also the rail-trail. This residential property is beautiful and a peaceful place to live. Safety and security are my biggest concerns. I am not only concerned for my family, friends, and neighbors but also for the "patients" who would live in this facility. Mental health patients would be in danger living so close to the river. My family and neighbors would be in jeopardy from all sorts of crimes. Unsuspecting people using the rail trail would also be subject to danger. My second concern is property values. We pay a lot in taxes to enjoy the homes we have. This mental facility would greatly lower property values. The homes we have invested our lives in would be worth so much less.

Thank you for your consideration and attention to this problem and our concerns. Please make the right decisions regarding the safety of Cheboygan residents.

Sincerely,
Sandra Beatty

Sandra Beatty

Deborah Tomlinson

From: David Rossman [mailto:drossman39@gmail.com]
Sent: Thursday, June 11, 2015 9:07 AM
To: Scott McNeil
Cc: waltczapiga@gmail.com
Subject: Re: Heritage Cove Farm, 625 Grandview Beach Road (Hanson Property)

I am against the proposed mentally handicapped facility in this prime residential and resort area.
I am concerned about my and my family's security and that of my neighbors and good friends.
Only a few people live here year around and all of us are elderly and would have difficulty fending off any intruders. In the summer this is a beach resort and our families with children of all ages are here and free to roam to play with friends and everyone feels secure. Many most have family on this beach for generations dating back over 100 years. This is the "Heritage" of this residential and resort area. It is not a farm area, it may have been many many years ago. The size of the trees in this area including those on Hanson's property show how long this has been non-farm residential area. There are 72 cottages or residential homes on Grand View Beach and 2 not on the beach, but members of Grandview Beach Association. A map can be provided that is part of the GBA Directory.

The Hanson Property does not seem to to be a good place for mentally handicapped people. It is about 30 acres about one half forest and the other wet land or swamp. The Indian River runs from Burt Lake to Mullett Lake thru downtown Indian River and then meanders thru "the Flats" that are about 7000 acres of swamp. The subject property faces this swamp and that is were the proposed living quarters are to be. If someone were to wander into that swamp they likely would get lost or stuck in the mud and be very difficult to find.

The property was for sale and did not sell, probably because it not worth nearly as much as Hanson thinks. It is on Grandview Beach Road, but not on Grandview Beach of Mullett lake or even in view of Mullett Lake. It is not on Indian River, but on the swamp and the view to the Indian River is about a 1/4 mile away. This is probably an attempt to get more money from this property at the expense of 72 other families.

This would likely cost the county and township money for police and road maintenance and property tax value.

David J Rossman
297Grandview Beach Road
Indian River, MI 49749

Sent from my I pad

June 9, 2015

Cheboygan County Planning Commission,

We are writing to voice our concern about the proposed Heritage Cove Farms application in Indian River, Michigan.

As farmers ourselves, we are very aware of the EPA regulations that we need to follow concerning land usage. The proposed "farm" would need to follow the same. The Hanson property is only 33 acres, approximately half of which is in the Lake, River, and Stream Protection Zoning District. With less than 20 acres for the proposed facility and supporting structures, how can regulations be followed with the Hanson land zoned Agricultural/ Forestry Management and with 1600 ft of lake frontage?

We also are concerned not only for our safety but also the safety of the patients of the "farm" should this proposal be approved. Access to the North Central Trail is a positive perk for residents of the area, but we believe would be a concern to the caretakers of the patients if the patients were to decide they were not going to stay. If the patients were to decide to stop taking their medications, as frequently happens, this area would give them easy access to leave. With no security system proposed, this would be a very real problem in an "open facility".

Please do all that is possible to prevent this "farm" from happening.

Thank you for your time,

Jeff Vogl

Cathy Vogl

Jeff and Cathy Vogl

Indian Woods Trail

Indian River, Michigan

Deborah Tomlinson

From: Johncfergus@aol.com [mailto:Johncfergus@aol.com]
Sent: Monday, June 01, 2015 10:35 AM
To: Scott McNeil
Subject: Hanson Mental Illness Treatment Center Proposal

Cheboygan County Planning Commission
c/o Scott McNeil
870 South Main Street, Room 103
Cheboygan, MI 49721

Commissioners and Mr. McNeil,

My wife and I own a home at 163 N Grandview Beach Rd. Our family has been enjoying Mullet Lake and owned a home on the Lake for 125 years.

Grandview Beach is a single family community that has been around for generations. It is filled with both permanent residents and vacationing families. Outdoor activities like water sports, walks, adventures on the trails and children having the time of their lives are a mainstay of the neighborhood. Grandview Beach has developed as and has been used as a single family development since its creation. Our family, like the others in the neighborhood, bought in reliance on the zoning's residential character of Grandview Beach and we want and need to keep that character and use of the neighborhood in place.

The Hansons propose to bring a business to the beach. And, a business with a variety of characteristics and uses, like multi family housing, a commercial kitchen, a large capacity laundry, an office facility, employees, and a medical care and drug monitoring use. None of these is permitted by the Code, nor fitting to the adjacent properties. This intense use will generate storm water runoff, significant sanitary effluent adjacent to an environmental sensitive area and nearby water wells. And, all of this is physically at the gateway to our residential neighborhood.

The County has existing zoning classifications for the proposed use. There is no reason to modify or twist the intent or language of the existing classification to accommodate a business use into a single family neighborhood. The Hansons bought the property knowing what it was and were fully aware of all its physical characteristics, including that it is adjacent to a waterway, contains significant wetlands and is adjacent to the neighborhood. Their own actions have created the situation, not some characteristic of the land. That they live next door and want to transform this property into a business parcel isn't sufficient reason to do so and does not meet the standards set out in the Zoning Ordinance. They have no hardship; there is no circumstances or conditions applicable to this property or to its use that does not apply to other properties in the same district; no variance is necessary to preserve or create a property right possessed by other properties in the vicinity; granting a variance to allow the proposed business would detrimentally effect the value of the adjoining properties and would not be consistent with the County's Zoning Plan. Any one of the foregoing should be enough to deny their request; that the Ordinance requires that all must be met makes the inappropriate nature of the requested change clear.

I suppose that all of us can understand that the request may be founded on an intention to do something good. Their plan to do it in a single family neighborhood is misguided. I am confident that the County would and will support their business in a proper location, as will the residents of Grandview Beach.

John C Fergus II

The Fergus Companies
8377 Green Meadows Dr N; Ste A
Lewis Center, OH 43035
740-201-0500 Phone
740-201-0501 Fax
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www.FergusCompanies.com

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CHEBOYGAN, MICHIGAN 49721
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FAX 231-627-9902

CHRISTOPHER F. LINDSAY

STEPHEN E. LINDSAY

RECEIVED
JUN 16 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

June 15, 2015

Cheboygan County Planning Commission
870 South Main Street
PO Box 70
Cheboygan, MI 49721

RE: Special Land Use Request in Regard to Mental Health Treatment Facility, Heritage Cove Farm At 625 Grandview Beach Road, Indian River, Michigan

Dear Planning Commission Members:

I am writing this letter on behalf of a client who has a residence at Grandview Beach and who is an accomplished researcher but, for some reason, thinks that I can write a better letter than she. All the research cites, as contained in this letter, were provided by my client and are being provided so that a factual check may be made of any of the contents of this letter. I will attach photocopies of some of the research documents with hi-liting.

I've referred to this as a Special Land Permit Use Application as I believe that is what this will boil down to. Essentially the applicant is seeking permission to set up, or adapt to the purpose, 31 buildings for therapeutic treatment of adults with mental illness. The participants would include those suffering from schizophrenia, bipolar disorder, closed head injuries and their aftermath, and people with depression.

Essentially my client's objection to the granting of the special use request is that the granting of the permit will cause an unsafe environment for those persons living in the general area of the proposed facility and, of necessity, will cause light pollution and glare that will destroy the tranquility of the south end of Mullett Lake, and the neighborhood of the facility, upon any given night when the facility is in use.

First and foremost the treatment facility is in close proximity to a neighborhood of beach cottages on Mullett Lake. It also is adjacent to the North Central State Trail, and the lake itself. The activities suggested, for those using the facility, include biking, hiking, boating, fishing, and cross country skiing, all of which would take the participants off of the premises and into the surrounding residential and public use areas.

The application requests accommodation with respect to the American Disabilities Act, which act is not properly quoted, but warning of discrimination against people with disabilities while glossing over complicated health and safety issues that can, and may, accompany the mental health illnesses affecting the participants using the facility.

As far as glossing over the complicated issues is concerned the application simply states the facility won't cause unnecessary glare or overly burden police, fire, and other safety providers. The statements are conclusions, not statements of facts or solutions. As far as safety is concerned the statement is made that "The Farm does not intend to accept residents with a history of physical abuse and/or violence.", which statement is of little comfort considering the studies and statistics that exist.

Concerning safety please consider the following:

> The Department of Psychiatry at the University of Michigan finds that one of the symptoms of schizophrenia is "inappropriate emotion (such as becoming angry with strangers)." [1] Therefore the recitation of schizophrenia symptoms include anger and inappropriate emotion. A medical study entitled "The Two Types of Bipolar Disorder" notes that in the case of Bipolar 1, the symptoms "may require hospitalization to prevent harm to themselves or others." [2] A second study by authors Anderson and West entitled Violence Against Mental Health Professionals: When the Treater Becomes the Victim finds that "patients with serious mental illness (e.g. schizophrenia, major depression, or bipolar disorder) were 2 to 3 times as likely as people without such illness to be assaultive." [3]
>
> The applicant does not, nor could the applicant ever, guarantee that emergency assaultive situations won't occur at a mental health treatment facility treating patients diagnosed as having the same type of illnesses that are listed in the present application. The application does not state how the operators of the facility would sort out, and therefore discriminate against, those potential mental health residents with history of physical abuse and/or violence. In other words the applicant will be subject to the same statutes regarding discrimination that he employs to argue his case to the Cheboygan Planning Commission. Further HIPPA rules protect the privacy of patients' prior medical histories. There may be no ability to identify which prospective clients possess a history of physical abuse and/or violence. Is someone going to try to obtain and read through the entire mental health, and personal history of each prospective client?
>
> The application does not refer to fences or fail safe systems to keep potentially dangerous participants from wandering into the neighborhood and even states that it's anticipated only two staff members would be on site at night and at work. Those two staff members would watching over the activities and occupants of 24 cottages, a dining/activity building, greenhouse, storage and kitchen pantry, and a woodworking shop.
>
> On page 3 of the application letter it states that "medical services are not included" as part and parcel of the services provided to users of this private pay facility. The types of mental illnesses referred to in the application may require the provision of medical services in order to protect the safety of the surrounding community.
>
> As far as placing an additional burden on the County facilities are concerned the application fails to address the potential issue of attempted suicide, and suicide, at all. The

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[1] http://www.psych.med.umich.edu/mental_health/schizophrenia.asp
[2] http://www.psychcentral.com/lib/the- two-types-of-bipolar-disorder/00612
[3] http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3074201

Harvard Medical School states, "The risk of suicide is high among people with bipolar disorder; an estimated 1 of 4 people attempt suicide, and 1 of 10 succeed." [4] The Michigan Family Resource Guide provided by NAMI (The National Alliance on Mental Illness) states that the signs of depression include "Fear of losing control, 'going crazy' or harming oneself or others" as a warning signal of depression related suicide. [5] The Michigan Family Resource Guild also states that "in bipolar disorder, suicide is an ever-present danger, as some people become suicidal in manic or mixed states." [6]

The Planning Commission therefore must assess the various risks and consider the use of the County resources when evaluating this application.

The Special Land Use Permit Procedures in question specify, in Section 18.3f, that the applicant must provide a "detailed written statement with supporting evidence demonstrating how the proposed special land use will comply with the standards for special use approval specified in Section 18.8 of this Ordinance." The applicant's statement, put forth to show compliance with the procedures, and as is stated earlier, consists of statements of conclusions without reference to actual facts, or proposed safeguards, or anything else that the Commission can sink its teeth into to be satisfied that the conclusions stated are true.

For instance what will happen if a resident becomes assaultive or suicidal while out in the community on a hike, or cross country ski trip, or out on the lake boating or fishing. How will the issues be handled and how will the nearby residential community be protected. Without medical personnel on site any emergency responder is going to have to come from Indian River, 5 miles away, or from Cheboygan which is 20 miles away. Additionally any emergency responder is going to have to go down some winding two lane roads to get to the site of the problem. It is this writer's contention that the application does not currently meet the standards of the ordinance.

Another topic not covered in the application is the subject of pharmaceuticals and their administration. The application does state that "medication reminders" will be provided as a service, but that medical prescriptions and medical services are not provided. Any reading of any bipolar treatment studies will review that bipolar patients are notorious for not taking their medication because it makes them feel zombie like and that they miss the manic periods that they would go through without the medication. NAMI notes that some of the medications that are associated with the treatment of the types of illnesses that could be affecting the participants at the Farm come in injectable form, or require blood testing in order to regulate dosages. Further the side effects of some medications can cause serious medical complications. [7]

The safe storage, including any temperature controls, and the disposal of hazardous materials and used medications are not addressed in the application, which application contains the words

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[4] http://www.health.harvard.edu/mental-health/bipolar-disorder
[5] http://www.namimi.org/sites/default/files/FRG_022013.pdf
[6] http://www.nami.org/Learn-More/Mental-Health-conditions/Bipolar-Disorder/Overview
[7] https://www.nami.org/Learn-More/Treatment/Mental-Health-Medications

"non-applicable" in the appropriate section of the Site Plan Requirement Checklist, which check lists embodies the storage of chemicals and hazardous materials. Needles, lancets, and other medical waste are ignored by the application when they should be addressed, particularly because the applicant plans to house families at this site and there are families occupying the nearby residences. See the title "Needles and Other Sharps" at [8].

Further the EPA guidelines may be particularly useful in understanding the potential disposal issues related to medications, particularly in the area of the Farm site that either contains wetlands, or is adjacent to wetlands, and thus protected. [9]

We are not unmindful of the statement, on page 9 of the application letter, which states that it appears that there is some "negative public sentiment related to the Farm due to the types of persons that will reside at the Farm." We wish to point out there is a meaningful difference between having an awareness and respect for the complicated nature of various mental illnesses and discrimination toward people with mental illness. People who have chosen careers as caregivers to mentally ill people, and who have a deep sympathy for those suffering mental illness, can nevertheless be victims of violence or harmful behavior. By the way my client falls into this category having been injured by a mentally ill person she was providing services to in her past. The U.S. Department of Labor and the Occupational Safety and Health Administration, or OSHA, authored a publication entitled Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers. [10] One of the focuses of the guideline is residential treatment facilities. The guideline recommends personal alarms to be worn by employees, the establishment of safe rooms, establishing of dual exit routes, closed-circuit video systems, secured bathrooms, de-escalation areas, secure furniture, and physical barriers between drivers and patients in transportation vehicles. Most importantly the publication addresses lighting. The guideline mandates facility operators "to install bright, effective lighting—both indoors and outdoors on the grounds, in parking areas and walkways."

That statement takes us to our second subject of objection to the application. There will be in excess of 30 buildings at that residential site where the Farm is proposed to be constructed. The application states only that the outdoor lighting will be faced inward and not outward. However in order to provide a safe environment all thirty some of those buildings will have to be lit, and lit brightly, and lit at night, directly in violation of the appropriate section of the Special Land User Permit Procedures because "glare" is one of the concerns of the Special Use Permit application process.

The Anderson and West study, referenced on page 2 of this letter, finds that in a survey of 115 psychiatrists that "72% of assaultive patients had schizophrenia or another psychotic disorder". That same study also revealed that, according to a U.S. Department of Justice National Crime

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[8] http://www.fda.gov/MedicalDevices/ProductsandMedicalProcedures/HomeHealthandConsumer/ConsumerProducts/Sharps/default.htm

[9] http://water.epa.gov/scitech/swguidance/ppcp/upload/ppcpflyer.pdf

[10] https://www.osha.gov/Publications/osha3148.pdf

Victimization Survey, the rate of violent incidents directed towards mental healthcare professionals and custodial workers was almost 70 per 1,000, compared to about 12.6 per 1,000 in workers of all occupations.

Certainly those statistics support the concept that people who care about mentally ill people and who do not discriminate against them, can still raise real concerns about physical security of those persons working with the mentally ill persons and those persons living near a health or treatment facility. There is legitament concern, as well, as to the practical aspects relating to the care of the mentally ill yet still protecting the residents of properties in the immediate area.

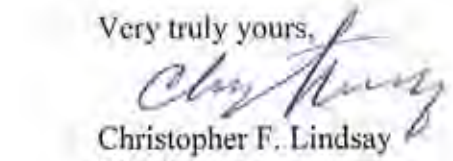
My client requests that the application be denied in its entirety for reasons of health and safety issues as well as nighttime glare destroying the sanctity of a residential lake community.

I would like to remind the Commission that the County, through its Commission, has a duty to act in accordance with reasonable governmental interest concerning such issues as safety and welfare of its residents and property owners. Even the application letter, on page 9, states as follows:

> "These prohibitions must be considered not only in the light of the state and federal constitutional requirement that the County act at all times only in accord with an identifiable reasonable governmental interest(s) (i.e. actions reasonably related to a legitimate governmental interest such as health, safety and welfare), but also in light of the federal Americans with Disabilities Act, the federal Fair Housing Amendments Act, the Michigan Persons with Disabilities Civil Rights Act, and other applicable federal and state civil rights laws."

In other words even the applicant recognizes that when a County applies the requirements and mandates of the applicable acts it must never forget its obligation to protect the health, safety, and welfare, of the residents of the county. There's nothing in the present application that assures that the health, safety, and welfare of the residents of the county will be protected nor does it even address the safety of the potential users of the facility in that there are no health care professionals on site and only two staff persons working on any given night.

Very truly yours,



Christopher F. Lindsay
CFL/jmr
Pc: Client

Schizophrenia

What is schizophrenia?

Schizophrenia is a severe brain disease that interferes with normal brain and mental function—it can trigger hallucinations, delusions, paranoia, and significant lack of motivation. Without treatment, schizophrenia affects the ability to think clearly, manage emotions, and interact appropriately with other people. It is often disabling and can profoundly affect all areas of your life (for example, becoming unable to work or go to school). Being told that you or someone you love has schizophrenia can be frightening or even devastating. The best way to improve your quality of life with schizophrenia is to learn as much as you can about this condition and then adhere to the recommended treatment.

There are several types of schizophrenia, and the specific types are diagnosed based upon symptoms. The most common type is paranoid schizophrenia, which causes fearful thoughts and hearing threatening voices.

Schizophrenia does not involve multiple personalities and is not the same condition as dissociative identity disorder (also called multiple personality disorder or split personality).

What causes schizophrenia?

There are many theories about the cause of schizophrenia, but none have yet been proved. Schizophrenia may be a genetic disorder, since your chances of developing schizophrenia increase if you have a parent or sibling with the condition, but most people with relatives who have schizophrenia will not develop it. It may also be related to problems experienced during pregnancy (such as malnutrition, or being exposed to a viral infection) that damages the unborn child's developing nervous system.

What are the symptoms?

Schizophrenia causes two groups of symptoms: negative symptoms and positive symptoms.

Negative symptoms generally include apathy or lack of motivation, self-neglect (such as not bathing), and reduced or inappropriate emotion (such as becoming angry with strangers). Negative symptoms usually appear first and may be confused with depression.

Positive symptoms, which generally appear later, include symptoms such as hallucinations, delusions, and disorganized or confusing thoughts and speech.

Symptoms of schizophrenia usually emerge in adolescence or early adulthood. Symptoms can appear suddenly or may develop gradually, often causing the illness to go unrecognized until it is in an advanced stage when it is more difficult to treat.

How is schizophrenia diagnosed?

Schizophrenia is diagnosed primarily with a medical history and a mental health assessment. Other tests, such as blood tests or imaging tests, may be done to rule out other conditions that can mimic symptoms of schizophrenia.

How is schizophrenia treated?

There is no cure for schizophrenia, but many people can effectively manage their symptoms with medications and professional counseling.

Consistent, long-term treatment is critical to the successful management of schizophrenia. Unfortunately, people with schizophrenia often do not seek treatment or they stop treatment due to unpleasant side effects of medications or lack of support.

Health information provided by healthwise

Department of Psychiatry / University of Michigan Health System / 1500 East Medical Center Drive / Ann Arbor, MI 48109-5295

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Struggling with **bipolar depression**?
Learn about a **treatment option**.

The Two Types of Bipolar Disorder

By Psych Central Staff
~ 10 min read

Pages: 1 2 3 4All

The DSM-IV (the diagnostic Bible) divides bipolar disorder into two types, rather unimaginatively labeled bipolar I and bipolar II. "Raging" and "Swinging" are far more apt:

Bipolar I

Raging bipolar (I) is characterized by at least one full-blown manic episode lasting at least one week or any duration if hospitalization is required. This may include inflated self-esteem or grandiosity, decreased need for sleep, being more talkative than usual, flight of ideas, distractibility, increase in goal-oriented activity and excessive involvement in risky activities.

The symptoms are severe enough to disrupt the patient's ability to work and socialize, and may require hospitalization to prevent harm to themselves or others. The patient may lose touch with reality to the point of being psychotic.

Violence Against Mental Health Professionals: When the Treater Becomes the Victim

Ashleigh Anderson, DO and Sara G. West, MD

Violence toward mental health staff has been receiving national attention in the face of diminishing resources to treat what appears to be an increasingly violent patient population. Assaults by psychiatric patients against mental health care providers are both a reality and a concern, as the effects of violence can be devastating to the victim. Some staff rationalize that violence is an occupational hazard and believe that they are equipped to cope with it. Despite these beliefs, these victims suffer from many of the same physical and psychological sequelae as victims of a natural disaster or street crime. This review of literature will examine several studies dealing with the precipitants of violence in the mental health setting, the patient populations more likely to become violent and the mental healthcare staff at the greatest risk of becoming their victims. It will also discuss possible methods of preventing such acts of violence and techniques for both staff and patients to cope with violent behavior.

Keywords: violence, mental health professionals, violence by psychiatric patients, violence by mentally ill patients

On September 3, 2006, Wayne Fenton, a prominent schizophrenia expert, was found dead in his office as a result of a tragic assault by his 19-year-old patient with schizophrenia. This incident raised the controversial debate regarding the potential danger posed by people with mental illness, and also caused many in the mental health community to be concerned about their own safety in dealing with patients with psychoses.[1] Assaults by psychiatric patients against mental healthcare providers are both a reality and concern, as the effects of violence can be devastating to the victim. Some staff members rationalize that violence is an occupational hazard and believe that they are equipped to cope with it. Despite these beliefs, victims of violence by patients suffer from many of the same physical and psychological sequelae as victims of a natural disaster or street crime.[2]

According to the United States Department of Justice's National Crime Victimization Survey conducted from 1993 to 1999, the annual rate of nonfatal, job-related violent crime was 12.6 per 1,000 workers in all occupations. Among physicians, the rate was 16.2 per 1,000, and among nurses, 21.9 per 1,000. However, for psychiatrists and mental healthcare professionals, the rate was 68.2 per 1,000, and for mental health custodial workers, 69 per 1,000.[3] And it appears that these events may happen early in one's career, as the literature suggests that 40 to 50 percent of psychiatry residents will be physically attacked by a patient during their four-year training program.[4]

Violence toward mental health staff has been receiving national attention in the face of diminishing resources to treat an increasingly violent patient population.[5] It is important to recognize that violence involves complex behaviors related to clinical as well as social components.[6] This review of literature will examine several studies dealing with the precipitants of violence in the mental health setting, the patient populations most likely to become violent, and the mental healthcare staff at the greatest risk of becoming their victims. We will also discuss possible methods of preventing such acts of violence and techniques for both staff and patients to cope with violent behavior.

Several studies have attempted to determine which psychiatric population is at the greatest risk of committing violent acts. Violence can be affected by severe mental illness, age, and gender. It is important to note that there is no generally accepted definition of violence.[7] Some studies include verbal abuse or threatening behavior in a definition of violence, while others refer to damage to property and self harm. Some investigators were concerned with physical attacks against peers while others limited their

interest to attacks on staff. Characteristics of the studies varied with size of facility, specialization of facility, and patient population served.

Severe mental illness. A number of studies have examined the correlation between severe mental illness and violence, and the results were conflicting. In their Epidemiologic Catchment Area (ECA) study, the National Institute of Mental Health (NIMH) examined the rates of various psychiatric disorders in a representative sample of 17,803 subjects in five United States communities. They found that patients with serious mental illness (e.g., schizophrenia, major depression, or bipolar disorder) were 2 to 3 times as likely as people without such illness to be assaultive. By contrast, in an article published in the *New England Journal of Medicine*, Friedman commented:

"Because serious mental illness is quite rare, it actually contributes very little to the overall rate of violence in the general population; the attributable risk has been estimated to be 3 to 5 percent, much lower than that associated with substance abuse, for example. (People with no mental disorder who abuse alcohol or drugs are nearly seven times as likely as those without substance abuse to report violent behavior). Thus, violence in people with serious mental illness probably results from multiple risk factors in several domains."[8]

Although there is a relatively small percentage of psychiatric patients who are violent, evidence from a number of studies indicates that certain subgroups of psychiatric patients, including patients who abuse substance, have psychoses, and are nonadherent to treatment, are at a greater-than-normal risk of being violent.[9]

A study by Tardiff et al[9] examined rates of violence perpetrated by patients with mental illness prior to admission, the types of patients at greater risk of acting violently, and the nature of the violent episodes. They found that 14 percent of patients admitted to the hospital had been violent toward other persons in the month before admission. Data from Faulkner et al[10] was congruent with these findings. Their study was conducted following the tragic deaths of two psychiatrists from Oregon caused by psychiatric patients in 1985. In an attempt to address this issue, the Oregon Psychiatric Association (OPA) established an *ad-hoc* committee to review available literature pertaining to the threats and assaults against psychiatrists. They developed and distributed questionnaires to psychiatrists in the OPA concerning their experiences with threats and assaults. One particular survey of 115 psychiatrists revealed that 72 percent of assaultive patients had schizophrenia or another psychotic disorder.[10] Furthermore, Rueve and Welton[1] showed that patients who reported more than three psychiatric diagnoses were 2 to 4.5 times more likely to also report violent behaviors when compared to participants who reported only one diagnosis.[1] Several other surveys also revealed patients with multiple diagnoses to be at greatest risk of violent behavior.

Gender differences. In society, men are more physically aggressive than women on numerous measures of aggression, including arrests for homicide and violent crimes.[11] In the United States, man have perpetrated most of the interpersonal violent crimes; men comprise 90 percent of individuals convicted of murder and 82 percent convicted of other violent crimes.[12] Several studies, however, have suggested that psychiatric disorders reduce the gender difference, and in some cases eliminate it all together.[11] Tardiff et al[9] found that female patients were just as likely as male patients to have been violent, and the characteristics of the violent attacks were the same for the two genders. Violence was often directed at family members in private residences, and while weapons were used infrequently, over one-third of the attacks resulted in physical injuries.[9]

Krakowski and Czobor[11] investigated the relationship between violence and positive psychotic symptoms, and found that it was equal in men and women. However, they further hypothesized that in women, a transient flare up in physical violence may be indicative of high arousal and excitation associated with acute psychotic symptoms. In men, acute symptoms play a lesser role in the emergence of violence, but psychotic symptoms may enhance more chronic predispositions to violence that reflect in part antisocial tendencies.[11]

Age. Age may also change the pattern of violence exhibited by patients with psychoses. James et al[1] compared violent and nonviolent patients on a 60-bed, acute, psychiatric ward over a 15-month period. They found that younger patients (25 years or

short term, they state that it may be more beneficial in the long term to attempt to intervene through changing behavioral patterns. The study suggests that patients who are repeatedly chemically or physically restrained likely perceive violence as an effective means to express their feelings of fear, anger, or frustration. Alternate approaches taught to patients could include communicating feelings verbally, meeting needs through assertive rather than aggressive behavior, recognizing their own escalating anger, and removing themselves from the situation. In addition, patients can learn how negative thoughts perpetuate aggressive behavior and learn how to improve their conflict resolution skills.

In a time of restricted healthcare budgets, a structured risk assessment is a low-cost intervention that has been proven to be effective in diminishing violence. Abderhalden et al conducted a study analyzing violence risk assessment on an inpatient psychiatric ward. The risk assessment was conducted twice daily for the first three days of hospitalization in patients with acute psychiatric symptoms. The risk assessment scores were followed by action tailored to the patients risk level. Risk assessments to evaluate violence potential may be a crucial first step in predicting and preventing aggressive and assaultive behavior in patients. It should also be an important element of treatment and management considerations.

Researchers in Norway developed the V-RISK-10, a structured risk assessment to be used in short-term psychiatric facilities. The V-RISK-10 has the ability to briefly and effectively screen patients for risk of violence at admission and discharge from an acute psychiatric unit. Most other risk assessments are developed for use in the forensic setting following long-term treatment. The V-RISK-10 can be utilized at both admission and discharge, is equally applicable to both genders, and has good predictive accuracy up to one year after discharge from acute psychiatric facilities.

Currently, little formal risk-assessment training occurs in psychiatric settings. A study in Oregon found that only 40 percent of surveyed psychiatrists had received some form of violence-management training. Another large study found that one-third of psychiatric residents did not receive adequate education in dealing with violent patients and assessing potential violence during their training. These statistics are particularly concerning given that clinicians with less experience are more likely to be victimized. Additionally, lack of training may negatively affect staff attitudes toward the management and treatment of violent psychiatric patients, thereby creating a less than optimal therapeutic environment for these individuals. Thus, proper training in dealing with violent patients in order to effectively assess, treat, and cope with this population should be implemented in training programs for mental health professionals.

Finally, an increase in patient violence has been associated with a decrease in permanent nursing staff. There are many reasons as to why this may occur. One theory suggests that patients prone to violence are often psychotic and in need of stability and continuity around them. James et al speculated that staff may interact less with more severely disturbed patients, and extreme behavior, such as violence, may be the most immediate way for the patient to gain attention. It is essential that staff are able to set reasonable limits for behavior and are trained in techniques of aggression control.

Swanson suggested performing a structured risk assessment only on those patients who have committed violent acts in the past or report thoughts of hurting someone in the future. Swanson also suggested that more accurate and efficient prediction tools are needed to asses this patient population.

Threats and assaults on mental health staff are prevalent and increasing in the psychiatric population. Several authors have stated that violent patients are not a homogenous group, and their violence reflects various biological, psychodynamic, and social factors. Most researchers and clinicians agree that a combination of factors plays a role in precipitating violence and aggression, although there are differing opinions regarding the importance of individual factors. Friedman states, "The challenge for medical practitioners is to remain aware that some of their psychiatric patients do, in fact, pose a small risk of violence, while not losing sight of the larger prospective – that most people who are violent are not mentally ill and most people who are mentally ill are not violent."

Bipolar disorder

Bipolar disorder, once known as manic-depressive disorder or manic depression, is a form of depression in which periods of deep depression alternate with periods of hyperactivity and uncontrolled elation (mania).

People with bipolar disorder differ from those with other depressive disorders in that their moods swing from depression to mania, often with periods of relatively normal mood between the two extremes.

The disorder usually begins with a depressive episode in adolescence or early adulthood. The first manic phase may not follow until several years later. The length of the cycle, from the heights of mania to deep depression, varies from person to person. The risk of suicide is high among people with bipolar disorder; an estimated 1 of 4 people attempt suicide, and 1 of 10 succeed.

Heredity is an important factor in bipolar disorder. Close relatives of people suffering from bipolar disorder are much more likely to develop it, or some other form of depression, than the general population. Environmental factors, such as troubled family relationships, may aggravate this disorder.

Symptoms

Bipolar disorder is a recurring disease that goes in cycles. One part of the cycle is marked by symptoms of mania, the other by symptoms of depression. These "mood episodes" are often intense. During the manic phase, an individual can be cheerful, outgoing, talkative, and energetic. Until the mania gets out of control, he or she can be extremely productive and wonderful company.

During a manic episode an individual may:

- feel very energetic
- talk a lot about different things
- have trouble sleeping or relaxing
- jump from thought to thought or project to project
- develop exaggerated self-confidence or thoughts of power and wealth
- do risky things like abuse alcohol or other drugs, recklessly spend or invest money, engage in reckless sex

During a depressive episode an individual may:

- feel down or worried
- lose interest in activities or relationships
- have trouble concentrating
- have trouble sleeping
- think about death or suicide

The symptoms of bipolar disorder are not always easy to distinguish from other serious conditions. Mania can be difficult to tell from schizophrenia. People who take amphetamines or corticosteroid drugs or people with overactive thyroid glands have symptoms similar to those of people with the manic phase of bipolar disorder. Some people have bipolar disorder for months, if not years, before it is diagnosed.

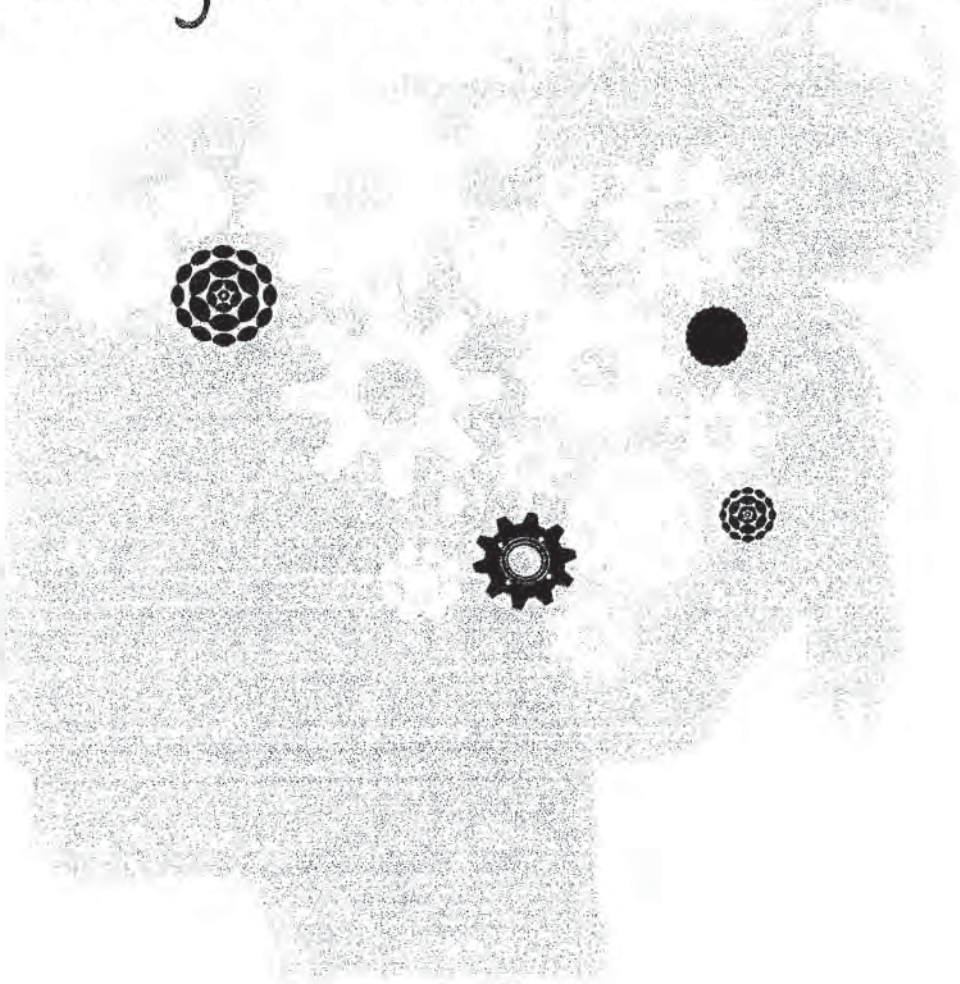
Untreated, the manic phase can last as long as 3 months. As the mania fades, the individual may have a period of normal mood and behavior that lasts for weeks, or even years. Eventually, the depressive phase of the illness sets in.

About 10% to 20% of people with bipolar disorder develop what is known as *rapid cycling*, with more than four episodes of mania and depression a year. The chance that there will be future attacks rises with each new episode.

Treatment options

If you or someone you are close to is experiencing the symptoms of bipolar disorder, medical attention is urgently needed. A person in a period of mania often does not know that he or she is behaving strangely and in need of medical attention. A complete evaluation by a psychiatrist is critical to arriving at an accurate diagnosis, which is the first step toward an appropriate treatment plan. Sometimes, manic people are so out of control that they pose a threat to themselves and others and need to be hospitalized.

A Resource Guide For Families Dealing With Mental Illness



- Change in behavior: difficulty concentrating on school, work or routine tasks; loss of appetite; crying
- Change in sleep patterns: oversleeping or insomnia, sometimes with early waking
- Loss of interest in friends, sex, hobbies or other activities previously enjoyed
- Fear of losing control, "going crazy," or harming oneself or others
- Worries about money or illness, either real or imagined
- Feelings of helplessness and worthlessness
- Sense of hopelessness about the future
- Drug or alcohol abuse
- Recent loss through death, divorce, separation or a broken relationship; also loss of a job, money, status, self-confidence or self-esteem
- Loss of religious faith
- Suicide threats and previous attempts. Alluding to plans about "leaving," either by giving away favorite possessions or revealing a desire to die
- Agitation, hyperactivity and restlessness

Threats of suicide or actual attempts should always be taken seriously. Find out, if you can, whether the person has some specific plan. Ask if he/she has a counselor or physician who might be notified. If you believe the situation may be dangerous, do not hesitate to contact your local 24-hour mental health crisis service, psychiatric emergency service, or emergency 911 for help.

Serious Disorders of Children & Adolescents

Some psychiatric disorders such as autism typically start in childhood, while others such as mood disorders may be diagnosed in childhood, adolescence, or adulthood. Although there is still much to learn about childhood disorders, it is generally accepted that many, if not most, of the disorders listed below are primarily biological in nature; that is, they are based on structural and/or chemical abnormalities in the brain.

Autism and other pervasive developmental disorders, schizophrenia, and schizoaffective disorder are clearly biologically based, resulting from a malfunction of the brain. Other disorders, including attention deficit hyperactivity disorder, anxiety disorders, obsessive-compulsive disorder, Tourette's disorder, and mood disorders may also be primarily biologically based, and generally respond to drug therapy. For such disorders, appropriate medical diagnosis and treatment are essential. If a child cannot process information or is not in control of his/her emotions, psychosocial and educational strategies alone are not likely to be effective.

Professionals have long been reluctant to "label" children with a diagnosis of mental illness, given the uncertainties about behavior that may be due to developmental problems, the impact of illegal drugs or alcohol, and the ordinary emotional turmoil that

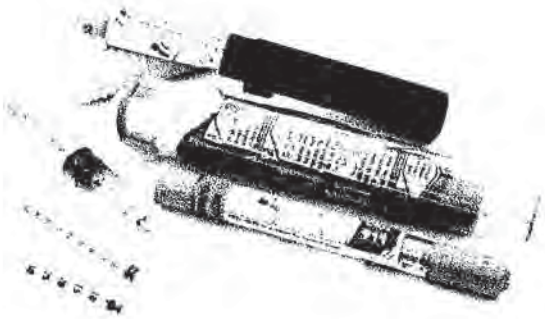
Needles and Other Sharps (Safe Disposal Outside of Health Care Settings)

This webpage gives tips for safely disposing (getting rid of) needles and other sharp devices that are used outside of health care settings. Patients and caregivers should keep these tips in mind when at home, at work, and while traveling.

- What are Sharps?
- Importance of Safe Sharps Disposal
- What to Do If You Are Accidently Stuck By a Used Needle or Other Sharp

What are Sharps?

"Sharps" is a medical term for devices with sharp points or edges that can puncture or cut skin.



Examples of sharps include:

- **Needles** – hollow needles used to inject drugs (medication) under the skin
- **Syringes** – devices used to inject medication into or withdraw fluid from the body
- **Lancets,** also called "fingerstick" devices – instruments with a short, two-edged blade used to get drops of blood for testing. Lancets are commonly used in the treatment of diabetes.
- **Auto Injectors,** including epinephrine and insulin pens – syringes pre-filled with fluid medication designed to be self-injected into the body
- **Infusion sets** – tubing systems with a needle used to deliver drugs to the body.
- **Connection needles/sets** – needles that connect to a tube used to transfer fluids in and out of the body. This is generally used for patients on home hemodialysis.

Sharps may be used at home, at work, and while traveling to manage the medical conditions of people or their pets. These medical conditions include allergies, arthritis, cancer, diabetes, hepatitis, HIV/AIDS, infertility, migraines, multiple

Guidelines for Preventing violence for Healthcare and Social Service Workers

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If new construction or modifications are planned for a facility, assess any plans to eliminate or reduce security hazards.

The following are possible engineering controls that could apply in different settings. Note that this is a list of suggested measures whose appropriateness will depend on a number of factors.

Possible engineering controls for different healthcare and social service settings

	Hospital	Residential Treatment	Non-residential Treatment/ Service	Community Care	Field Workers (Home Healthcare, Social Service)
Security/ silenced alarm systems	• Panic buttons or paging system at workstations or personal alarm devices worn by employees			• Paging system • GPS tracking[7] • Cell phones	
	• Security/silenced alarm systems should be regularly maintained and managers and staff should fully understand the range and limitations of the system.				
Exit routes	• Where possible, rooms should have two exits • Provide employee 'safe room' for emergencies • Arrange furniture so workers have a clear exit route		• Where possible, counseling rooms should have two exits • Arrange furniture so workers have a clear exit route	• Managers and workers should assess homes for exit routes	
	• Workers should be familiar with a site and identify the different exit routes available.				
Metal detectors – hand-held or installed	• Employers and workers will have to determine the appropriate balance of creating the suitable atmosphere for services being provided and the types of barriers put in place. • Metal detectors should be regularly maintained and assessed for effectiveness in reducing the weapons brought into a facility. • Staff should be appropriately assigned, and trained to use the equipment and remove weapons.				
Monitoring systems & natural surveillance	• Closed-circuit video – inside and outside • Curved mirrors • Proper placement of nurses' stations to allow visual scanning of areas • Glass panels in doors/walls for better monitoring		• Closed-circuit video – inside and outside • Curved mirrors • Glass panels in doors for better monitoring		
	• Employers and workers will have to determine the appropriate balance of creating the suitable atmosphere for services being provided and the types of barriers put in place. • Staff should know if video monitoring is in use or not and whether someone is always monitoring the video or not.				

[7] Employers and workers should determine the most effective method for ensuring the safety of workers without negatively impacting working conditions.

	Hospital	Residential Treatment	Non-residential Treatment/ Service	Community Care	Field Workers (Home Healthcare, Social Service)
Lighting	• Install bright, effective lighting—both indoors and outdoors on the grounds, in parking areas and walkways			• Ensure lighting is adequate in both the indoor and outdoor areas	• Work with client to ensure lighting is adequate in both the indoor and outdoor areas
	• Ensure burned out lights are replaced immediately. • While lighting should be effective it should not be harsh or cause undue glare.				
Travel vehicles	• Ensure vehicles are properly maintained • Where appropriate, consider physical barrier between driver and patients			• Ensure vehicles are properly maintained	

Administrative and work practice controls

Administrative and work practice controls are appropriate when engineering controls are not feasible or not completely protective. These controls affect the way staff perform jobs or tasks. Changes in work practices and administrative procedures can help prevent violent incidents. As with engineering controls, the practices chosen to abate workplace violence should be appropriate to the type of site and in response to hazards identified.

In addition to the specific measures listed below, training for administrative and treatment staff should include therapeutic procedures that are sensitive to the cause and stimulus of violence. For example, research has shown that Trauma Informed Care is a treatment technique that has been successfully instituted in inpatient psychiatric units as a way to reduce patient violence, and the need for seclusion and restraint. As explained by the Substance Abuse and Mental Health Services Administration, trauma-informed services are based on an understanding of the vulnerabilities or triggers of trauma for survivors and can be more supportive than traditional service delivery approaches, thus avoiding re-traumatization.[8]

[8] Referenced on the Substance Abuse and Mental Health Services Administration's website on February 25, 2013 (www.samhsa.gov/onic).

	All Areas	Some Areas	Few Areas	No Areas	NOTES/FOLLOW-UP ACTION
Are patients or clients in waiting areas clearly informed how to use the department's services so they will not become frustrated?					
Are waiting times for patient or client services kept short to prevent frustration?					
Are private, locked restrooms available for employees?					
Is there a secure place for workers to store personal belongings?					

3. INSPECTING EXTERIOR BUILDING AREAS

	Yes	No	NOTES/FOLLOW-UP ACTION
Do workers feel safe walking to and from the workplace?			
Are the entrances to the building clearly visible from the street?			
Is the area surrounding the building free of bushes or other hiding places?			
Is lighting bright and effective in outside areas?			
Are security personnel provided outside the building?			
Is video surveillance provided outside the building?			
Are remote areas secured during off shifts?			
Is a buddy escort system required to remote areas during off shifts?			
Are all exterior walkways visible to security personnel?			

6. COMMENTS

_____

_____

_____

_____

Checklist completed by: _____ Date: _____

Department/Location: _____

Phone Number: _____

Workplace Violence Prevention Program Assessment Checklist

Use this checklist as part of a regular safety and health inspection or audit to be conducted by the Health and Safety, Crime/Workplace Violence Prevention Coordinator, or joint labor/management committee. If a question does not apply to the workplace, then write "N/A" (not applicable) in the notes column. Add any other questions that may be appropriate.

	Yes	No	NOTES
STAFFING			
Is there someone responsible for building security?			
Who is it?			
Are workers told who is responsible for security?			
Is adequate and trained staffing available to protect workers who are in potentially dangerous situations?			
Are there trained security personnel accessible to workers in a timely manner?			
Do security personnel have sufficient authority to take all necessary action to ensure worker safety?			
Are security personnel provided outside the building?			
Is the parking lot attended or otherwise secure?			
Are security escorts available to walk employees to and from the parking lot?			

Schizophrenia

With **medication (/Learn-More/Treatment/Mental-Health-Medications), psychosocial rehabilitation (/Learn-More/Treatment/Psychosocial-Treatments)**, and family support, the symptoms of schizophrenia can be reduced. People with schizophrenia should get treatment as soon as the illness starts showing, because early detection can reduce the severity of their symptoms.

Recovery while living with schizophrenia is often seen over time, and involves a variety of factors including self-learning, peer support, school and work and finding the right supports and treatment.

Medication

Typically, a health care provider will prescribe **antipsychotics (/Learn-More/Treatment/Medications#antipsychotics)** to relieve symptoms of psychosis, such as delusions and hallucinations. Due to lack of awareness of having an illness and the serious side effects of medication used to treat schizophrenia, people who have been prescribed them are often hesitant to take them.

First Generation (Typical) Antipsychotics

These medications can cause serious movement problems that can be short (dystonia) or long term (called tardive dyskinesia), and also muscle stiffness. Other side effects can also occur.

- Chlorpromazine (Thorazine)
- **Fluphenazine (Proxlixin) (/Learn-More/Treatment/Mental-Health-Medications/Fluphenazine-(Prolixin))**
- **Haloperidol (Haldol) (/Learn-More/Treatment/Mental-Health-Medications/Haloperidol-(Haldol))**
- **Loxapine (Loxitane) (/Learn-More/Treatment/Mental-Health-**

recovery by helping them work on social skills with others. The **Illness Management Recovery (http://www.recoverywithinreach.org/education/imr)** (IMR) model is an evidence-based approach that emphasizes setting goals and acquiring skills to meet those goals.

Complementary Health Approaches

Omega-3 fatty acids (/Learn about Mental Illness/Treatment/Complementary Health Approaches#naturalproducts), commonly found in fish oil, have shown some promise for treating and managing schizophrenia. Some researchers believe that omega-3 may help treat mental illness because of its ability to help replenish neurons and connections in affected areas of the brain.

Additional Concerns

Physical Health. People with schizophrenia are subject to many medical risks, including diabetes and cardiovascular problems, and also smoking and lung disease. For this reason, coordinated and active attention to medical risks is essential.

Substance Abuse. About 25% of people with schizophrenia also abuse **substances (/Learn about Mental Illness/Mental Health Conditions/Dual Diagnosis)** such as drugs or alcohol. Substance abuse can make the treatments for schizophrenia less effective, make people less likely to follow their treatment plans, and even worsen their symptoms.

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2 iments

Are mental health workers sitting ducks? Philadelphia slaying raises the issue anew

In this July 24, 2014 file photo, a hospital worker embraces a woman near the scene of a shooting at the Mercy Fitzgerald Hospital in Darby, Pa. The deadly shooting at the suburban Philadelphia hospital is serving as yet another illustration of the hazards mental health professionals face on the job, and, experts say, the need for hospitals to do more to protect them. *(AP Photo)*

(http://connect.nola.com/user/nolaap/index.html) By The Associated Press (http://connect.nola.com/user/nolaap/posts.html)
on August 03, 2014 at 9:45 PM, updated August 03, 2014 at 9:47 PM

Print (http://blog.nola. entry=/2014/08/l
Email (mailto:? subject=Are%20 1 %3F%20Pl

When a man opened fire at a hospital outside Philadelphia, fatally shooting his caseworker and wounding his psychiatrist, the doctor saved his own life and probably the lives of others by pulling out a gun and shooting the patient.

If Dr. Lee Silverman's decision to arm himself at the office was unusual

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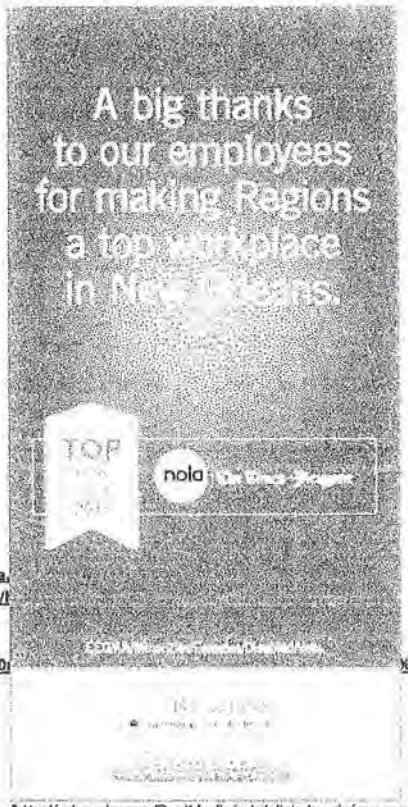

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the violence that erupted at Mercy Fitzgerald Hospital served as yet another illustration of the hazards mental health professionals face on the job -- and, experts say, the need for hospitals to do more to protect them.

Nurses, social workers, aides and other mental health providers are at far greater risk of assault than workers as a whole, an occupational hazard at the best of times and one that's been made worse by a persistent lack of funding for mental health services, the loss of thousands of inpatient psychiatric beds and the increasing use of hospitals to temporarily house criminals with mental illness.

Ignoring the problem, many health care facilities have failed to provide a safe working environment for their employees, workplace violence experts said.

"Hospitals don't want to have a reputation as being the wild, wild West," so they "try to minimize it and keep it quiet," said Dr. William Dubin, chairman of the psychiatry department at Temple University School of Medicine, who has written about violence against mental health professionals.

The great majority of people with mental illness are not violent, noted Gabriel Nathan, spokesman for Montgomery County Emergency Service, a private psychiatric hospital outside Philadelphia.

"Unfortunately, as in all populations, there are outliers," he said, "which is why it is important to be aware and alert."

A Department of Justice survey found 55,882 workplace violent crimes against psychiatrists, social workers and other mental health professionals from 2005 to 2009, making them four times as likely to be assaulted on the job as workers generally, according to statistics compiled by the U.S. Department of Justice.

Independent experts said the number of assaults is almost certainly far higher because violent incidents are grossly underreported.

That reluctance often stems from a belief among mental health providers that violent outbursts come with the territory, or a fear they'll be blamed for provoking the attack or an unwillingness to turn in someone they're trying to help. And health care administrators often discourage reporting, experts said.

Woman finds boyfriend with another, attacks him with a baseball bat, police say

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Lyndsi Lambert told police she was raped. Then, she says, things got worse.

(http://www.nola.com/crime/baton-rouge/index.ssf/2015/05/lyndsi_lambert_alleged_rape_1.htm
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video photos

Lyndsi Lambert describes her alleged rape (http://videos.nola.com/times-picayune/2015/05/lyndsi_lambert_describes_her
1:52 PM
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special report

"No one wants bad publicity that potentially comes from workers reporting that they suffered" an assault, said University of Maryland professor Jane Lipscomb, who researches occupational injuries in health care. "That's a huge barrier."

In the latest case of violence, authorities said Richard Plotts, 49, shot and killed his caseworker, 53-year-old Theresa Hunt, and wounded Silverman during a July 24 appointment at Mercy Fitzgerald Hospital outside Philadelphia.

Silverman, who was grazed in the temple and thumb, crouched behind a chair, pulled out his own gun and fired several shots at Plotts, authorities said. Plotts has been charged with murder.

The psychiatrist has not spoken publicly about the shooting, but prosecutors have said he regularly carried a weapon for protection.

No one answered the door at Silverman's home Friday. A picture evidently drawn by his child and posted on the front door depicted him with a bandaged head and thumb.

"My dad is a hero," it said.

The exchange of gunfire occurred on the third floor of the hospital's Wellness Center. Authorities have said there were no surveillance cameras in the doctor's office or the waiting area outside nor does the center have metal detectors.

A Mercy spokeswoman said the hospital, which has a policy prohibiting employees from carrying guns, is reviewing its security procedures.

Mental health workers typically receive training on how to recognize when a patient might be about to become violent, and on verbal de-escalation techniques aimed at preventing it. Some hospitals also train staff in self-defense.

Mental health professionals are often especially vulnerable to injury because their first impulse is to help, said Dr. Michael Privitera, a psychiatrist at the University of Rochester Medical Center in New York state.

"There is this conflict in your thinking right away," said Privitera, editor of a book on workplace violence in mental health facilities. "What you're trained to do is to try to help the person. To make it click in your mind -- that you are under threat now -- it takes a while."

In rare cases, attacks are fatal. Twenty people in health care support occupations, a category that includes psychiatric workers, were killed on the job from 2005 to 2009,

Louisiana Purchased: Campaign Expenses

(http://www.nola.com/tv/index.ssf/2014/06/louisiana_purch
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The Long Road to New Bethany and Back (http://www.nola.com/news/spec

• Twenty-five years ago, 14-year-old Jennifer Halter arrived at the gates of New Bethany Home for Girls. What happened there, she says, nearly killed her will to live.

according to the Bureau of Labor Statistics.

The Occupational Safety and Health Administration has published safety guidelines for psychiatric staff and other health care workers, recommending metal detectors, enclosed nurses' stations, multiple exits, furniture bolted to the floor in crisis treatment rooms, curved mirrors at hallway intersections and a variety of other steps.

But the guidelines are voluntary, and congressional investigators are looking into whether they have been widely implemented and whether they should become mandatory.

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June 18, 2015

Cheboygan County Planning and Zoning Department
Attention: Mr. Scott McNeil (scott@cheboygancounty.net)
870 S. Main St., Room 103
Cheboygan, MI 40721

Reference: Heritage Cove Farm Special Use Permit and Variance Application

Dear Planning & Zoning Commissioners

I am a homeowner on Grandview Beach Rd in Indian River, and I am writing to voice my opposition to Mr Hanson's request for a special use permit and/or variance for his residential property located at 625 Grandview Beach Road.

In his application, Mr Hanson's lawyers refer repeatedly to his venture as "the Farm". In reality, he is creating a commercial business where he will feed, house, treat (through individual or group therapy), and give "medication reminders" to as many as 24 adults who are infirmed, meaning not well enough to live on their own. In exchange, he will receive money for their care.

I am respectfully asking the Commissioners to deny his request based on the fact that his use of the property will not be consistent with the resort community known as Grandview Beach. It is a nonconforming use that violates current zoning ordinances. And, as much as Mr Hanson's lawyers try to imply in their application that these ordinances are discriminatory, they are not.

We also need assurances that our precious environment is being protected, and that the fragile wetlands on his property are not being sacrificed. Has the county consulted with the EPA or the Army Corps of Engineers regarding this proposed project? There seems to be some controversy as to the accuracy of the plot plan, and its rendition showing the location of the 500 foot P-LS setback.

Mr. Hanson has created a "compound" where he has transferred ownership of adjoining properties since 2010 into a Limited Liability Corporation. It appears Mr Hanson no longer intends to even live on his property. His architectural drawings show his home converted into an eating hall. Isn't it ironic that he implies that his neighbors are discriminatory and fearful of his project, yet he, himself, will not be living in the environment he is creating!

Because his facility will not be regulated, inspected, or accredited, Mr. Hanson has a responsibility to inform the community of all aspects of his business plan, which he has not done in his application. He cleverly has structured this facility like an adult foster care facility where very little or no regulation is required. In his application, Mr Hanson says no one with a violent history will be considered. Who screens the applicants? Why doesn't he require applicants to be medication compliant? What safety measures does he offer the community?

He proposes to have 24 mentally disabled residents, which is too dense a population compared to other therapeutic farms. It appears his "infirmed" residents would be free to roam the neighborhood and walk the bike path. Existing similar facilities are 10 to 30 times larger than the acreage Mr Hanson has to develop! Gould Farm, the oldest therapeutic farm in the country, has 630 acres and 40 residents. The Spring Lake Ranch in Cuttingsville, VT, has 700 acres and 31 residents. No other therapeutic farm borders a state owned public bike path.

I was an acute care registered nurse, licensed in 3 states, and practiced for over 30 years, so I have some degree of credibility when commenting on patient care, patient treatment plans and their execution. A major component of a successful treatment plan for anyone diagnosed with a serious mental condition is their adherence to prescribed medications. Many studies show that noncompliance with their prescription medications is a huge problem for those diagnosed with schizophrenia. No where does Mr. Hanson divulge who is accountable for assuring that these patients have properly taken their medications. He does not give any information on the staff he plans to hire, their credentials or their experience.

In contrast, Gould Farm provides medication monitoring 24 hours a day. They have two on site consulting psychiatrists, a registered nurse, a nursing assistant, a transition counselor, and four social workers. They not only require their applicants to be medication compliant; they have a whole list of requirements for admission. Gould Farm disqualifies "those with a history of arson, sexual offense, sociopathic disorders, violence, unresolved legal entanglements, mental retardation, severe developmental disorders, and complications including but not limited to pregnancy." (Reference www.gouldfarm.org). Mr. Hanson only proposes to exclude those with a "history of physical abuse and/or violence".

Mental illness is treatable and curable. But human behavior is unpredictable. Relapses can occur, even in an ideal environment. Statistics show that people with schizophrenia have a high probability of stopping their prescribed medications. Someone with substance abuse disorder could relapse and have access to and/or take illicit drugs. Mr Hanson does not explain how his facility will deal with clients who relapse or have a psychotic episode while residing at "the Farm". Who is accountable for their behaviors? By creating an LLC, has Mr. Hanson absolved himself of any liability?

In summary, too many questions remain unanswered about the operation of this LLC commercial business venture in the midst of a lakefront resort community. Mr Hanson's proposed development should be denied for several reasons:

1. The facility is not consistent with the rest of the community and is not a part of the Township or County's master plans.

2. The facility, as proposed, is too large for the usable acreage, as evidenced by comparable facilities across the country.

3. His proposed location may not qualify due to environmental infringement of wetlands.

4. Mr. Hanson has not satisfactorily proven that his facility will not "adversely affect surrounding property or the general neighborhood".

Sincerely,

Martha Roush Winchell
289 Grandview Beach Rd
Indian River, MI

Deborah Tomlinson

From: John Naylor [mailto:toenayl1334@gmail.com]
Sent: Friday, June 19, 2015 12:26 PM
To: Steve Schnell; Scott McNeil
Subject: Special Use Permit request by the Hansons

This email is from Tony Naylor as President of the Mullett Lake Area Preservation Society (MAPS) and its Board of Directors. We want to join with others objectors to any chanfe in the zoning status of the Hanson property on the Indian River Spreads. No Special Use Permit should be granted. The property in question is Lake, River and Stream property by its very geography. Any change could, in deed, set a poor precedent.Our understanding is that the essence of Zoning Regulations are to protection of County lands.

MAPS is a 30 year old Michigan non-profit corporation with approximately 400 dues paying riparian members. Many are concerned that the proposed zoning change of the Hanson property could have a deleterious effect to the pristine waters of beautiful Mullett Lake.

Please reject the request for a Special Use Permit for the benefit of Mullett Lake.

Tony Naylor---President MAPS--June 19, 2015 .

--
Tony Naylor
toenayl1334@gmail.com
3066 Liberty Point Dr.
Cheboygan, MI 49721
tel: 231 627 5085

GCMPC
GENESEE COUNTY METROPOLITAN
PLANNING COMMISSION

DEREK BRADSHAW
DIRECTOR-COORDINATOR
CHRISTINE A. DURGAN
ASSISTANT DIRECTOR

Room 223 – 1101 Beach Street, Flint, Michigan 48502-1470 • (810) 257-3010 • Fax (810) 257-3185 • www.gcmpc.org

JUNE 17, 2015

CHEBOYGAN COUNTY PLANNING COMMISSION
C/O SCOTT MCNEIL
870 SOUTH MAIN STREET, ROOM 103
P.O. BOX 70
CHEBOYGAN, MI 49721

RECEIVED
JUN 19 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

RE: PROPOSED SPECIAL LAND USE PERMIT
HERITAGE COVE "FARM"
625 GRANDVIEW BEACH ROAD
TUSCARORA TOWNSHIP, MICHIGAN

DEAR COMMISSIONERS:

I AM A MEMBER OF THE ABOVE COMMISSION AND AM AN OWNER OF A COTTAGE ON GRANDVIEW BEACH, AND WANT TO BRING TO YOUR ATTENTION THE SERIOUS AFFECT THE ABOVE REFERENCED PROPOSED COMMERCIAL ENTERPRISE WILL HAVE ON THE NEIGHBORHOOD OF SMALL COTTAGES AND PROPERTY VALUES.

THE PROPOSED PROJECT IS NOT A "FARM" BUT IN REALITY A COMMERCIAL ENTERPRISE DETRIMENTAL TO THE ENJOYMENT OF LAKESIDE COTTAGE RESIDENTIAL LONG-STANDING TRANQUILITY AND PERHAPS SAFETY.

Alan Himelhoch, Chairperson; Alexander H. Isaac, Vice-Chairperson; Gloria J. Nealy, Secretary; Carl V. Arthur, III, Commissioner; Jamie Curtis, Commissioner; Jeffrey M. Peake, Commissioner; Janice Karcher, Commissioner; Michael Lynch, Commissioner; John Mandelaris, Commissioner; Cheryl Sclater, Commissioner; Mark Young, Commissioner

AN EQUAL OPPORTUNITY ORGANIZATION

GCMPC
GENESEE COUNTY METROPOLITAN
PLANNING COMMISSION

DEREK BRADSHAW
DIRECTOR-COORDINATOR
CHRISTINE A. DURGAN
ASSISTANT DIRECTOR

Room 223 – 1101 Beach Street, Flint, Michigan 48502-1470 • (810) 257-3010 • Fax (810) 257-3185 • www.gcmpc.org

I, ACTING IN MY OFFICIAL CAPACITY OF PLANNING COMMISSIONER ON THE ABOVE BOARD, WOULD TAKE INTO ACCOUNT THE PERSONAL (IN MY OPINION) INCOMPATABILITY OF THIS PROPOSED COMMERCIAL MENTAL ILLNESS TREATMENT FACILITY VENTURE WITH THE NEIGHBORHOOD AND THE POTENTIAL FOR INCREASED BURDEN ON TOWNSHIP RESOURCES (POLICE, FIRE, E.M.S., ROAD USE + DETERIORATION, HEALTH DEPARTMENT, COMMUNITY MENTAL HEALTH SERVICES, ET. AL.).

AT THE VERY LEAST, I WOULD INQUIRE INTO WHAT LICENSES ARE REQUIRED, WHAT REGULATIONS APPLY, WHAT INSPECTIONS WOULD BE PERFORMED AND BY WHAT (STATE/COUNTY/LOCAL) AGENCIES?

PROTECTION OF THE COMMUNITY WOULD BE A PARAMOUNT CONSIDERATION AS A PUBLIC OFFICIAL ON THE PLANNING COMMISSION, AND PERHAPS THE CONSIDERATION OF AN ALTERNATE LOCATION BETTER SUITED TO THE REQUIREMENTS OF A COMMERCIAL MENTAL ILLNESS TREATMENT FACILITY.

MANY NEURO-PSYCHIATRISTS ARE NOW USING THE TERM "BRAIN DISORDER" INSTEAD OF "MENTAL ILLNESS" BECAUSE THE LATTER PERPETUATES THE NOTION THAT IT'S NOT A PHYSICAL ILLNESS.

PERCEPTION CAN BE CHANGED BY THE USE OF TERMINOLOGY. HENCE "FARM" FOR "MENTAL ILLNESS TREATMENT FACILITY"?

SINCERELY,

John G. Mandelaris

JOHN G. MANDELARIS
ATTORNEY
1083 BRIARCLIFF DR.
FLINT, MICHIGAN 48532

1083 BRIARCLIFFE DRIVE
FLINT, MICHIGAN 48532
johnmandelaris@gmail.com

RECEIVED
JUN 24 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

June 23, 2015

Cheboygan County Planning and Zoning Department
Attention: Mr. Scott McNeil (scott@cheboygancounty.net)
870 S. Main St., Room 103
Cheboygan, MI 40721

Reference: Heritage Cove Farm Special Use Permit and Variance Application

Dear Planning & Zoning Commission Members:

I am a summer resident of Grandview Beach and have been coming to this beautiful place every summer for over 50 years. Our cottage has been used by five generations of our family. It has always been a peaceful, quiet place where one can get away from the hustle and bustle of every day life, and just appreciate the natural beauty our forefathers envisioned when they built cottages on Mullet Lake.

I am writing today to express my very strong objection to the subject Special Use Permit and Variance applications by Mr. Larry Hanson to develop his Grandview Beach residential property into a 24 bed commercial mental illness treatment facility. As anyone can attest who has visited Grandview Beach, the proposed facility is clearly incompatible with the neighboring residential area, and it certainly does not meet current zoning ordinances, as repeatedly asserted by Mr. Hanson's legal team.

The variance request requires the applicant demonstrate his project is "in harmony with the intent and purpose of the Zoning Ordinance and the Comprehensive Development (or Master) Plan." This proposed commercial mental illness facility is not mentioned anywhere in the Town or County Master Plans, and Mr. Hanson's application fails to demonstrate he meets this requirement.

The effort by Mr. Hanson to sell this development as some combination of a "therapeutic farm" and a "convalescent home", or a "club", and to even suggest that it falls within the established zoning ordinances of Cheboygan County, is an insult to the intelligence of the members of the Planning & Zoning Board. It can only be characterized as a commercial mental illness treatment facility. And since the proposed facility is not licensed or regulated, it cannot be treated the same as as a "convalescent home" (which is allowed under the current zoning ordinances). Furthermore the facility will include rental apartments, and will involve treatment and therapy, not "education" as stated in the application.

Additionally, Mr. Hanson, despite several attempts, has not demonstrated he meets all of the County's Special Use standards. And since there appear to be no Federal, State or County regulations, certifications, or oversight for their proposed "therapeutic farm", a whole series of safety/security issues become extremely relevant when considering the proposed location, right in the midst of a residential neighborhood and an adjacent public biking/walking path.

The applicant states his intention to house persons with diagnoses of bipolar disorder, schizophrenia, depression, and "dual diagnosis" (a person who experiences both a mental illness and a substance abuse problem simultaneously), pretending that there is no association between these illnesses and the potential for harmful behavior when a patient becomes non-compliant with his medications The mere fact that these patients are residents of Mr. Hanson's mental illness treatment facility is an indication of their possible unstable behavior and potential for non-compliance.

On page 3 of the Hanson application letter dated April 20, 2015, he also states that "the Farm does not intend to accept residents with a history of physical abuse and/or violence." However, the applicant does not sufficiently explain how he can legally deny admittance to persons with either a history of physical abuse and/or violence. Furthermore, recent professional studies have shown "statistically significant increases of risk of violence in schizophrenia and in bipolar disorder in comparison with general population." (See http://www.ncbi.nlm.nih.gov/pubmed/23470603 and http://www.psychiatrictimes.com/bipolar-disorder/violence-bipolar-disorder Yet the Special Use Permit application represents that the proposed facility "will not place demands on fire, police, or other public resources in excess of current capacity." No facts or evidence to support this assertion are provided, yet there would clearly be a significant need for additional fire (ambulance) and police intervention resulting from the development of the proposed mental illness treatment facility.

A number of key safety-related questions remain unanswered in Mr. Hanson's application that have significant impact on the safety of all involved, including neighbors, employees, and patients:

1. Who has authority to decide what patients are accepted into the facility, and how is that accomplished without violating the Americans with Disabilities Act?
2. What specific Federal, State, or County regulations or certifications govern the design and operation of the proposed facility?
3. Since there is no physical security proposed, how will neighboring residents be protected when patients wander off the facility grounds while possibly being off their medications?
4. Will emergency personel be able to protect patients, employees, and neighbors? This is a basic function of local government and law enforcement agencies, which is not trumped by the concerns regarding meeting ADA requirements.
5. What detailed analysis has been conducted to demonstrate local fire and police departments are adequately staffed to meet the increased load such a facility will entail? Do County and Township budgets support such increased staffing?
6. Is the County (and its taxpayers) prepared to accept the financial liability related to approving such a facility in the midst of a residential neighborhood?

Furthermore, nowhere in Mr Hanson's SUP application, or variance request for the proposed rental buildings, does he factually demonstrate meeting the County requirement to not "adversely affect surrounding property or the general neighborhood." Such a facility in the midst of a residential lakefront neighborhood will clearly negatively impact property values and reduce County property tax revenue.

There are also significant concerns regarding the possible improper designation of the 500' Lake and Stream Protection demarcation line on Mr. Hanson's plot plan. A detailed review and analysis of this proposal with respect to State and Federal wetlands protection regulations is required, as this site may be completely unsuitable for the proposed project.

Mr. Hanson may have a right to develop such a facility in Cheboygan County, but not necessarily on the proposed site in the midst of a residential neighborhood that has no other commercial enterprise within a mile, and within an environmentally protected zoned area with sensitive wetlands less than 50 feet from the proposed development.

Also consider that he Hanson property is only 33 acres, approximately half of which is in the Lake, River, and Stream Protection Zoning District. This leaves less than 20 acres for his facility and its 24 patients. Similar facilities across the U.S. are located on 300-700 acres, far away from private residences. (Compare Rose Hill in Holly, Michigan with 412 acres for 39 patients; Hopewell in Mesopotamia, Ohio with 306 acres for 40 patients; Spring Lake Ranch in Cuttingsville, VT with 700 acres for 31 patients; and Gould Farm in Monterey, Massachusetts with 630 acres for 40 patients.)

There are clearly much more appropriate locations for this much needed facility, and no good reason why the County should approve this development in the Grandview Beach neighborhood. I urge the Planning Commissioners to reject Mr. Hanson's application, and suggest he consider developing his facility on one of many other available properties for sale in the County that have significantly more acreage and are not near residential neighborhoods and sensitive wetlands.

Sincerely,

Stephen Winchell
289 Grandview Beach Rd
Indian River, MI

YOUNG, GRAHAM, ELSENHEIMER & WENDLING, PC
Attorneys at Law
PO Box 398, 104 E. Forest Home Ave
Bellaire, Michigan 49615
(231) 533-8635
Facsimile (231) 533-6225

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

James G. Young, *Of Counsel*

June 17, 2015

RECEIVED
JUN 24 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Sent via email

Richard D. Rattner
Richard E. Rassel
Williams Williams Rattner & Plunkett, PC
380 North Old Woodward Avenue, Suite 300
Birmingham MI 48009

Subject: Heritage Cove Farms application

Dear Mr. Rattner and Mr. Rassel:

Based upon the information you have submitted, I have reorganized what I believe to be a correct application that you are presenting through the zoning department to the Cheboygan County Planning Commission for a special use permit pertaining to Heritage Cove Farms. As has been discussed in detail, the property is located in two zoning districts, the M-AF (Agricultural and Forestry Management) District and the P-LS (Lake and Stream Protection) District.

The remaining issue is therapy conducted on the portion of the property zoned P-LS. This will be presented as a possible accessory use in those districts which will be determined by the Planning Commission. A draft notice of the meeting from the County Planning and Zoning Department will be forwarded to you from Mr. McNeil for your review as well.

Sincerely,

Peter R. Wendling

PRW/tac

Enclosure

cc: Cheboygan County Planning & Zoning

#1 Answer:

The activity which will be conducted at the Heritage Cove Farm (Farm) property is an on-site residential therapeutic farm for adults suffering with mental illness. The Farm is run by a 501(c)(3) non-profit charitable organization. Residents at the Farm, who may be residing any where from 4 months or less to up to 12 months in any given year, will be receiving meaningful therapy for mental illness along with an opportunity to work on the property while enjoying and benefitting from leisure and entertainment activities.

Residents on the Farm will be residing on a cabin colony located on the Farm consisting of twenty-six (26) unit. Each cabin will house one (1) resident for a total of twenty-four (24) residents. The cabins will be clustered in four specific areas on the property. Each cluster of cabins will contain 4-6 cabins. The project will occur in two phases, with the first phase accommodating up to twelve residents and the second phase to accommodate the additional twelve residents. Food service is included in addition to the therapy work and the myriad variety of leisure and educational activities for the residents. This includes some work related to farm activities on the property, inclusive of a greenhouse, farming and gardening, landscaping as well as arts, crafts, and a workshop. These activities will produce products which may be sold either as farm products at a farmer's market or with such products otherwise being consumed on the property by the residents.

The property will be staffed by a total of ten (10) maximum staff members for the first phase. Two of the staff members will remain on the property during overnight hours in addition to what would otherwise be considered regular business hours of operation for the therapeutic farm community.

Residents on the property will be signing documents for their residential use of the property for at least one or more months of occupation. Residents will not be permitted to maintain their own vehicle at Heritage Cove Farms. To the extent that any of the residents are subject to a court order, such orders will be followed. Otherwise residents will be under no further restrictions than any other citizens of this county, state and nation.

5a. Answer:

The 33.3 acre parcel is made up of three (3) contiguous lots parcels which fall in two zoning classifications: M-AF (Agricultural and Forestry Management) District and also P-LS (Lake and Stream Protection) District. With respect to the portion located in the M-AF Zoning District, given the therapeutic nature of the Farm which includes recreation, part of the uses proposed are allowed by special use as a recreational farm under 9.3.3, Educational Programs and Assistance inclusive of structures and uses related thereto; Entertainment and Eating Establishments under 9.3.5; Resorts and Recreation Farms under 9.3.9 and Nursing or Convalescent Home under 9.3.14. To the extent applicable, the therapy use under 9.3.22, in that if therapy is not expressly authorized in the M-AF District, it is certainly a use consistent with any type of nursing

or convalescent home as well as with the proposed therapeutic farm. Agricultural activities are a use by right in the M-AF District, which includes buildings listed under 9.2.2 as applicable and depicted on the site plan, raising of crops and farm animals under 9.2.3, greenhouses and nurseries under 9.2.4.

With respect to the portion of the property located in the P-LS District, special land uses include cabin colonies under 10.3.3, housing of animals other than dogs or cats under 10.3.11 and a restaurant/food service under 10.3.14. A use by right under the P-LS District includes gardening under 10.2.2.

The answer to 5.a above constitutes the request for a special use permit for the listed uses along with a request and determination by Zoning and Planning staff to affirm the requested uses by right.

The Farm will operate in accordance with the Michigan Right to Farm Act (MCL 286.471 et seq.)("RTFA"), Michigan's Generally Accepted Agricultural and Management Practices (GAAMPs) and Michigan's Cottage Food laws (see generally MCL 289.1105, MCL 289.4102, MCL 289.4105 and P.A. 113 of 2010) to the extent applicable.

Among other items, Michigan's GAAMPs are specifically designed to establish environmental practices that prevent surface and groundwater pollution. In fact, Michigan's Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, refers to the GAAMPs in its directives regarding water quality standards. With respect to livestock, GAAMPs specifically address rules regarding livestock's contact with lakes and streams.

Here, the Property and the Farm fall within Category I of the RTFA as a farm set in a rural/agricultural location and having less than 50 "animal units" (See e.g. the large barn located to the west of building 2 in attached photograph). The Site Plan specifically identifies the currently planned pasture areas for livestock. All other related dairy activities and housing of animals will be conducted in the planned barn. The Farm will follow the GAAMPs. The GAAMPs specifically address the issue of water quality for farming (See GAAMPs generally). The RTFA prohibits municipal regulation that attempts to revise or conflicts with the GAAMPs (see MCL 286.474(6)). Here the livestock prohibition in the P-LS district imposes greater restrictions on farming of livestock near water than those imposed by the GAAMPs. While at this time, the Farm does not intend to extend its pasture areas beyond those specified on the site plan, it is the Farm's position that the County cannot prohibit the farming activities in the P-LS overlay district (whose purpose is to protect the water quality of lakes and streams), because the Farm will follow the GAAMPs, the GAAMPs already specifically address the issue of water quality for farming, and the RTFA prohibits municipal regulation that attempts to revise or conflicts with the GAAMPs (see MCL 286.474(6)).

Therefore, to the extent the applicability of the RTFA for farm based activities, the farm activities portion of Heritage Cove Farms must be allowed in both zoning districts so longs as GAAMPs and proof of commercial sales are met and proven.

5. b Answer:

The Farm does 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. Rather, it is clear that the uses and activities of the Farm are harmonious with the natural and agricultural surroundings of the Property, and will have a beneficial, rather than negative impact on the natural resource of the County as discussed in greater detail in parts I and II above.

5.c. Answer:

The Farm 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. In fact, the Farm is an extremely quiet use with little or no impact on its immediate neighbors or the County in general. The Farm's uses will not involve fumes, glare, odors or the accumulation of scrap material and minimal smoke, traffic and noise. (See detailed discussion of use in parts I and II above).

5.d Answer:

The Farm will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. The Farm will maintain the quiet and rural character of the use of the existing property subject to the modification of the structures to better meet the needs of the Farm, and the construction and operation of other aspects of the Farm which are aesthetically pleasing and noninvasive. (See detailed discussion of use in parts I and II above).

5.e Answer:

The Farm 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. Representatives of the Farm met with both the Fire Chief and the Police Chief with respect to the Project. The Farm does not case a required increase in fire, police or other public resources.

5.f Answer:

The Farm will not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity as residents are prohibited from having vehicles at the Property. Adequate access to the Property is furnished by existing roads. The Farm does not have a large area-wide patronage and the residents will not have transportation except for Farm vehicles. The Farm's modest

30" X 50" entrance sign and all buildings, plantings, and other elements of the Farm will not interfere with driver visibility or safe vehicle operation as no such items are near a road. The entrance drives to Project are not less than 25 feet from a street intersection.

5.g Answer:

Pursuant to meetings between the Farm's engineers and representatives from the health department, the Farm will be adequately served by the public streets, private on-site water and wastewater facilities, and private refuse collection and disposal services in accordance with Health Department requirements.

5.h Answer:

The Farm will comply with all specific standards required under the Ordinance applicable to it, except as to those in which an accommodation is required, if any.

RECEIVED
JUN 24 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Date: June 20-2015

Dear Mr. McNeil and Planning Commission Members,

I am writing this letter to voice our Opinion about the proposed "Therapeutic Farm" being planned by the Hanson's within the Grandview Beach Community.
For many Years we saved until we finally were able to purchase a cottage on the beautiful and peaceful beach of Mullet Lake. Our children, and now grandchildren, have enjoyed many wonderful days on the water or hiking and biking the trails throughout the neighborhood.
Now we hear that one of our neighbors is planning to establish a business in this residential community. Despite the characterization of this planned commercial facility as a "Farm" it is clearly a commercial business. This is not a club, a farm or any of the other permissible uses in this "Agricultural and Forestry Management" zoning district. Any type of commercial use of property in the GVB residential neighborhood would be entirely incompatible with our current property use.

While we are sympathetic to people with mental issues requiring care, we request that the Cheboygan County zoning ordinance should accommodate the type of business proposed by the Hanson's, and allow this type of commercial use to be located somewhere in the County, but not within any residential neighborhood or on the Hanson's property at Grand View Beach.
The fact that the proposed Therapeutic Farm is not subject to State or Federal licensing and thus lacking any oversight authority, brings up another concern. Since the Therapeutic Farm is proposed to be located on a relatively small property parcel, their residents will be able to roam the neighborhood, which will cause significant other concerns of safety and security for our families and GVB visitors.

The Hanson's special land use permit application includes several assertions regarding the proposed property use being pursuant to the Americans with Disabilities Act (ADA) and suggesting that the County must accommodate this type of use at this property. It is clear that this commercial facility would be required to comply with the ADA as well, meaning the facility cannot exclude people with a history of violence, illegal substance use, or communicable diseases, making it the obligation of the City, Township, and County to provide for the safety of its citizens. As you are aware, there have been several incidences of severe violence in the country, with the perpetrators always blaming mental issues for their actions. We certainly do not deserve to have the residents and their guests exposed to what might happen along the shores of Mullet Lake.
This proposed business will certainly require additional public resources in excess of current Township capacity.

We are requesting that you and the Commission members deny the "Application for Special Land Use Permit" being asked for by the Hanson's, and preserve the Grand View Beach environment as it currently exists.

Hermann Senger

Hermann Senger
For the entire Senger Family

Cheboygan County Planning Commission
6/20/15

RECEIVED
JUN 24 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Dear Sirs,

My name is Ruth Bennett. I'm 87 yrs. old and live on Grandview Bch. Rd. twelve months of the year. I have three children, seven grand children and eleven great grand children, the oldest of which is five years old. All of my family are up here several weeks of the year. My family rides bikes and walks up and down Grandview Bch. Rd. many many times.

I don't think its going to be safe to do that with the possible change in the Hanson property. There are seventy-two houses on the beach. All of them filled with families like mine. None of us are going to feel safe with 20-25 mentally disturbed men at one end of the beach. These men are not going to be totally contained. They are going to be free with "general" supervision. That is not going to solve the beaches problem. They can very easily walk into woods and be gone, maybe not even missed

for half of a day. Meanwhile he could have broken into someones home and done many things.

We are all wondering should we stay here or is it time to move on. A very hard decision since our property has been in my family since 1921.

I hope that all of you will come down and look at the situation before you let Hansons proceed with this. This could be a beach changing decision.

Thank you for reading this and considering all the problems that we are facing.

Ruth S. Benitt
115 Grandview Bch. Rd.

RECEIVED
JUN 24 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Cheboygan County Planning Commission
Scott McNeil

June 21, 2015

Lois & I want to go on record we are requesting the Planning Commission to not approve a private company putting a facility close to our property and our Association.

To have 24 mentally ill patients controlled by a private for profit company with out licensing by the state or the federal government will be a long term major problem.

I could write a long list of all the things that can result but just the daily news show the result of mentally ill people not under the the correct supervision.

Is this action meeting Michigan public act 218?

Regards

Larry Roesner

Larry & Lois Roesner
Lot 32 A
Indian Woods Trails Subdivision Association

cc phil Karas

May 20, 2015

The Cheboygan County Planning Commission
870 South Main Street, Room 103
P.O. Box 70
Cheboygan, Michigan 49721

RECEIVED
MAY 26 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Dear Members of the Commission,

Please accept this letter as my objection to the request by the Hanson's zoning special use application, for the following reasons;

1. They are requesting this property to be rezoned commercial. A commercial property in our residential beach neighborhood would be incompatible with our current property use. This being an "agriculture and forest management district" the proposed use is not allowed.

2. This facility being proposed is not a state-licensed "convalescent" home as defined in the Cheboygan County ordinance. In fact, the propose Facility is not subject to State or Federal licensing, thus lacking any oversight authority.

3. And based on discussion with appraisers and local realtors, it is highly likely that real property values of all residential properties in the vicinity of this Facility would significantly decreased (along with the associated tax revenues) if this Commercial Facility is approved.

4. Safety is a significant concern, from many perspectives. The safety and security of our residents could clearly be compromised with the addition of an unregulated Mental Illness Treatment facility in our residential neighborhood with its associated transient residents and visitors. No security system is proposed. Several hundred people use the DNR Walking /biking/snowmobile trail, located directly adjacent to the Hanson property. Yet the Special Use Permit application represents that the proposed Commercial Facility "will not place demands on fire, police or other public resources in excess of current capacity". No facts or evidence to support this assertion are provided, yet is obvious that there would be a significant need for additional fire and police protection in the entire area.

5. Nearly ½ of the Hanson property is located in the Lake, River, and Stream Protection zoning district. ANY development in this zoning district must consider "potential environmental and aesthetic impacts in the water resources", including the Indiana River spreads, wetlands, and groundwater. Yet the proposed Facility includes an orchard, waste storage areas, gardens, a smokehouse, a community lodge, and 8 apartments all within this environmental protection area. The County has already determined that these uses are not allowed within the Lake, River, and Stream Protection District. Further, all wetlands on the property should be delineated, so there can be an appropriate analysis of this proposal with respect to the State and Federal wetlands protection regulations.

6. The Hanson property, approximately half if it being located in the Lake, River and Stream Protection Zoning district, may not have the characteristics necessary to support a community wastewater treatment system, and a community water supply system. There are no details on the required water and wastewater systems necessary to accommodate the approximately 40 people on site during most operating hours. The water table is very high here (as we all know) and extremely vulnerable to contamination. The local Health Department should be consulted with respect to the requirements that would have to be met to accommodate the necessary water and wastewater infrastructure to support this Facility.

7. The Hanson's Special Use Permit application includes several assertions regarding the proposed property use pursuant to the American With Disabilities Act (ADA), and suggesting that the County must accommodate this type of use at this property. It is clear that this Commercial Facility would be required to comply with the ADA as well, meaning the Facility cannot exclude people with a history of violence, illegal substance use, or communicable diseases, making the City, Township, and County's obligations to provide for the safety of its citizens even more critical and, the application does not state that residents would undergo extensive background/criminal history checks and the various ways in which a person's arrest for a violent crime might not actually end in a public conviction, but rather hospitalization, ect., that might not necessarily show up on a criminal history record. Thus there are NO safeguards.

Sincerely,

Mark M. Andreae
199 Grandview Beach Rd.
Indiana River, Michigan 49749

Deborah Tomlinson

From: Scott McNeil
Sent: Tuesday, May 19, 2015 3:15 PM
To: Deborah Tomlinson
Subject: FW: Heritage Cove Farm Special Use Permit application.

Follow Up Flag: Follow up
Flag Status: Flagged

Re FOIA requests.

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

From: Scott McNeil
Sent: Tuesday, May 19, 2015 3:13 PM
To: 'RERassel@WWRPLaw.com'
Cc: 'Peter Wendling'
Subject: FW: Heritage Cove Farm Special Use Permit application.

Dear Mr. Rassel;

The attached is provided for your information.

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

From: Scott McNeil
Sent: Tuesday, May 19, 2015 2:07 PM
To: 'Lawrence P. Hanson'
Cc: Steve Schnell
Subject: FW: Heritage Cove Farm Special Use Permit application.

Dear Mr. Hanson;

If the information to complete the application per my letter dated May 14, 2015 is received today we would be able to schedule a public hearing for the June 17, 2015 regularly scheduled meeting of the Planning Commission. If the information is received by May 29, 2015 we would be able to schedule you for the July 1 regular meeting. This is being

provided for your information relative to the 30 day period from receipt of a complete special use permit application until the Planning Commission can hold a public hearing . Please contact me with questions.

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

From: Scott McNeil
Sent: Thursday, May 14, 2015 3:55 PM
To: 'Lawrence P. Hanson'
Cc: Steve Schnell; 'Peter Wendling'
Subject: Heritage Cove Farm Special Use Permit.

Dear Mr. Hanson;

In our effort to accommodate processing of your special use permit I have over looked the requirement that the complete application must be presented at least thirty days before the next regularly scheduled meeting per section 18.2.a. In this case, the next available meeting would be the June 17, 2014 regular meeting of the Planning Commission. I apologize for the confusion.

Please contact me with any questions.

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

Deborah Tomlinson

From: Scott McNeil
Sent: Wednesday, May 20, 2015 9:32 AM
To: Deborah Tomlinson
Subject: FW: Heritage Cove Farm Special Use Permit.

Follow Up Flag: Follow up
Flag Status: Flagged

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

From: Lawrence P. Hanson [mailto:lphanson@racc2000.com]
Sent: Wednesday, May 20, 2015 9:23 AM
To: Scott McNeil
Subject: RE: Heritage Cove Farm Special Use Permit.

DEAR MR. MCNEILL:

We have received your letter dated May 14, 2015 requesting a response by noon on May 15,2015. First the less than one business day response period is an inadequate timeframe to properly respond to your request. Second, I believe that the information required for a "complete" application has already been provided to you, and that this information is far more complete and detailed then is generally required of an applicant. In an effort to cooperate, however, I have forwarded your letter to our attorney. We will respond with yet another letter identifying our request. This additional letter will place the previously provided information to you in a "list" format as you requested.

Additionally, as a matter of courtesy, please email any communications regarding Heritage Cove Farm to both me at lphanson@racc2000.com and to my attorney at rerassel@wwplaw.com.

Lawrence P. Hanson
Lawrence P. Hanson, PC
625 Grandview Beach Rd, PO Box 456
Indian River, MI 49749
231.238.0505 231.238.0582 fax
lphanson@racc2000.com

The information contained in this e-mail is confidential. The information transmitted herewith is intended only for use by the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any review, retransmission, dissemination, distribution, copying or other use of, or taking of any action in reliance upon this information is strictly prohibited. If you have received this communication in error, please contact the sender and delete the material from your computer.

From: Scott McNeil [mailto:scott@cheboygancounty.net]
Sent: Thursday, May 14, 2015 3:55 PM
To: Lawrence P. Hanson
Cc: Steve Schnell; Peter Wendling
Subject: Heritage Cove Farm Special Use Permit.

Dear Mr. Hanson;

In our effort to accommodate processing of your special use permit I have over looked the requirement that the complete application must be presented at least thirty days before the next regularly scheduled meeting per section 18.2.a. In this case, the next available meeting would be the June 17, 2014 regular meeting of the Planning Commission. I apologize for the confusion.

Please contact me with any questions.

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

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/

Mr. Lawrence Hanson;
625 Grandview Beach Rd.
Indian River, Mi. 49749

May 29, 2015

Re: Heritage Cove Farm

Dear Mr. Hanson;
Pursuant to your PRIMARY REQUEST: Use Permitted by right: as presented in the chart by letter dated May 26, 2015 from your attorneys, attached please find a zoning permit application. This form is used to evaluate uses and structures that are proposed as Permitted Uses by right.

As a matter of being proactive please be advised that Section 17.1. requires a minimum of 720 square feet of floor area per dwelling in the M-AF zoning district. In the P-LS zoning district a minimum of 720 square feet of floor area and a minimum width of 24 feet is required for all dwellings. Based on my review of the application the cottages do not meet this requirement. As a result I have attached a dimensional variance application in this regard.

Also, based on my review of the special use permit application first submitted the Administrative Building proposed in the M-AF zoning district will be used for general office work, admissions, video conferencing and private counseling. Based on my review of the application this use is not accessory to a single family dwelling use as proposed. The definition of accessory building and accessory use are as follows;

ACCESSORY BUILDING
A building or a portion of a building subordinate to and on the same lot as the main building and occupied by or devoted exclusively to uses which are incidental or secondary to that of the main building, but such use shall not include residential or living quarters for human beings.

ACCESSORY USE
A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the building or land.

Mr. Lawrence Hanson, May 29, 2015

Also based on my review of the special use permit application first submitted the Community Building proposed in the P-LS zoning district includes an individual and group therapy use and is not an accessory use to a single family dwelling use as proposed.

Please contact me with questions.

Sincerely,

Scott E. McNeil
Community Development Planner
231.627.8475

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

▪ MAKE CHECK PAYABLE TO: **PLANNING & ZONING DEPARTMENT** ▪ PERMIT FEE IS .04¢ PER SQ. FT. (OR $30.00 WHICHEVER IS GREATER) ▪

JOB LOCATION

Address	City/Village	
Property Tax I.D. Number 16 - _____ - _____ - _____ - _____ - _____	Township	Section
Subdivision or Condo Name:	Plat or Lot No.	

SOIL AND SEDIMENTATION

Distance to nearest lake, stream, river or any body of water

APPLICANT INFORMATION

☐ Property Owner ☐ Purchaser – Option or Purchase Agreement **Date deed will be recorded with Register of Deeds** ___/___/___ ☐ Purchaser – Land Contract **Please attach a copy of the land contract**

☐ Tenant ☐ Developer / Contractor ☐ Engineer / Architect

Name	Company	
Address	City & State	Zip
Telephone	Fax	E-mail

OWNER INFORMATION

Name	Telephone	Email or Fax
Address	City & State	Zip

AFFIDAVIT

I hereby certify that I am the owner of the above described property and that the information provided herein is true and correct. In lieu of representing this request myself as owner of the subject property, I hereby authorize the person designated above as applicant to represent this request on my behalf. I hereby give permission for Cheboygan County Planning & Zoning Department Staff to enter the property subject to this permit application for purposes of inspection.

Owner's Signature _____ Print Name _____ Date _____

EXISTING USE OF PROPERTY

Please check all existing uses that apply.

☐ Residential – Single Family Dwelling	☐ Residential – Storage	☐ Residential – Home Occupation	_____
☐ Commercial – Retail	☐ Commercial - Storage	☐ Commercial:	_____
☐ Agricultural	☐ Vacant	☐ Other:	_____

Rev. 05/14/12

PERMIT REQUEST

Please provide a detailed description of your request (***proposed*** building, sign and/or ***proposed*** use):

_____

_____

_____

_____

_____

_____

SIGN INFORMATION

(If Applicable)

Type of Sign:	Dimensions of sign:	Sign Area:

PROPOSED BUILDING INFO

Number of Stories:		Overall Width:	
Overall Height:		Overall Length:	

PROPOSED BUILDING DIMENSIONS

1st Floor:		Mobile Home: *Year of Mobile Home:*_____	
2nd Floor:		Porch/Deck: *Covered:* ☐ *Yes* ☐ *No*	
Garage/Pole Building:		Porch/Deck: *Covered:* ☐ *Yes* ☐ *No*	
Other:_____		**Total Area:**	

PLOT PLAN

Please include each item listed below on the plot plan on page 3 of this application. Check the "drawn" box after the item is included on the plot plan. Check the "N/A" box if the item required is not applicable to your parcel.

Drawn	N/A	Required Information To Be Included On Plot Plan	Drawn	N/A	Required Information To Be Included On Plot Plan
☐	☐	Property line dimensions and property shape.	☐	☐	Parcels under separate ownership therein.
☐	☐	Front, rear, & side setback dimensions.	☐	☐	Road Right-Of-Way (ROW); access or utility easements.
☐	☐	Location, shape & size of all existing & proposed buildings on property.	☐	☐	The existing and intended use of the lot and structures.
☐	☐	Location of all drives and parking areas.	☐	☐	Place north arrow on plot plan.
☐	☐	Rivers, lakes, wetlands, or streams within 500 ft.	☐	☐	Other essential zoning information.

SETBACKS

Please provide the setback distance from the proposed structure to each property line. These setback dimensions are to be included on the plot plan also.

Front Setback	Rear Setback	Side Setback	Side Setback

PLOT PLAN

AFFIDAVIT

I agree the statements made above are true, and if found not to be true or incomplete, any zoning permit that may be issued may be void. I agree to comply with the conditions and regulations provided with any permit that may be issued. I agree the permit that may be issued is with the understanding all applicable sections of the Cheboygan County Zoning Ordinance will be complied with. I agree to notify Cheboygan County Planning & Zoning Dept. for inspection before the start of construction and when locations of proposed structure(s) are marked on the ground.

Signature of Applicant

Date

FOR OFFICE USE ONLY		
Permit Fee:	Payment Type:	Receipt #:

PLOT PLAN REQUIREMENTS

YES	NO	
☐	☐	Are property line dimensions and property shape included on plot plan?
☐	☐	Are front, rear & side setback dimensions included on plot plan?
☐	☐	Are location, shape & size of all existing & proposed buildings on property included on plot plan?
☐	☐	Are location of all drives and parking areas included on plot plan?
☐	☐	Are rivers, lakes, wetlands, or streams within 500 ft. included on plot plan?
☐	☐	Are parcels under separate ownership therein included on plot plan?
☐	☐	Are Road Right-Of-Way (ROW); access or utility easements included on plot plan?
☐	☐	Are the existing and intended use of the lot and structures included on the plot plan?
☐	☐	Is the north arrow included on the plot plan?

APPLICATION REQUIREMENTS

YES	NO	
☐	☐	Is the application / plot plan complete?
☐	☐	Did the property owner sign page 1 of the application?
☐	☐	Did the applicant sign the affidavit on page 3 of the application?
☐	☐	Is the project within 500ft of a lake, stream, river or any body of water? If yes, has the applicant applied for a Soil Erosion Permit?

APPROVAL / DENIAL

Zoning District:	☐ Zoning Application – Approved ☐ Zoning Application – Approved with conditions (see conditions below)
Approval based on Zoning Ordinance #200, Section #:	☐ Zoning Application - Denied ☐ Zoning Application - Not Required

Signature of Zoning Administrator _____ Date _____

CONDITIONS

_____

_____

_____

_____

_____

Print Form

WHAT IS A VARIANCE AND SHOULD I APPLY FOR ONE?

A variance is a zoning adjustment that permits minor changes of district requirements, where individual properties are both harshly and uniquely burdened by the strict application of the law due to uncommon or unique physical characteristics of the property. A variance is not a change in the zoning law but is a type of waiver of certain zoning requirements for a particular piece of property. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in the property.

1. A variance recognizes that the same district requirements do not affect all properties equally; it was devised to permit minor changes to allow unique properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is uniquely affected by special circumstances or unusual conditions, such as narrowness, shallowness, shape, or topography and is not due to your own personal or economic difficulty. These must result in uncommon burden and unequal treatment under the strict application of the Zoning Ordinance. Uncommon hardship shall mean physical hardship relating to the property itself, as distinguished from a hardship relating to convenience, financial considerations or caprice. Where some general hardship conditions extend to other properties, a variance cannot be granted. The remedy for general hardship is not a variance, but would be a change of the map or the text of the Zoning Ordinance.

2. You must prove that the combination of the Zoning Ordinance and the uncommon physical conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates the land and not people, the following conditions cannot be considered pertinent to the applications for a variance:

   1) Proof that a variance would increase the financial return from the land;
   2) Personal hardship;
   3) Self-imposed hardship.

   In the later case, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violation of the law.

3. No variance may be granted that would adversely affect surrounding property or the general neighborhood. All variances must be in harmony with the intent and purpose on the Zoning Ordinance and the Comprehensive Development (or Master) Plan. If your property is uniquely burdened by exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique only to your property, you may qualify for a variance. If you cannot meet these tests, however, then you should not apply for a variance.

CHEBOYGAN COUNTY
PLANNING & ZONING DEPT.
870 South Main St., PO Box 70
Cheboygan, MI 49721
(231) 627-8489 (Telephone)
(231) 627-3646 (Fax)

DIMENSIONAL VARIANCE APPLICATION

$100.00 APPLICATION FEE

RECEIPT #:	
CASH/CHECK:	
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address	City / Village	Township / Sec. /	Zoning District
Property Tax I.D. (Parcel) Number	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name	Telephone	Fax	
Address	City & State	Zip Code	E-Mail

OWNER (If different from applicant)

Name	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

_____

_____

_____

_____

Please Note: All applicable questions must be answered completely. If additional space is needed, number and attach additional sheets.

I. **Property Information**

A. List all known deed restrictions: _____

B. This property is ☐ unplatted, ☐ platted, ☐ will be platted. If platted, name of plat _____

C. Present use of the property is: _____

D. A previous appeal has / has not (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date _____, nature of action requested _____, and the decision _____.

E. Attach a site plan drawn per the attached directions.

II. Detailed Request and Justification

1. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance.

_____

_____

_____

2. A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following. All variance decisions made by the Zoning Board of Appeals are based on the following five (5) standards of the Cheboygan County Zoning Ordinance. **Please explain how the request meets each standard.**

   a. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.

   _____

   _____

   _____

   b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

   _____

   _____

   _____

   c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome

   _____

   _____

   _____

   d. That the requested variance is the minimum variance necessary to grant the applicant reasonable relief as well as to do substantial justice to other property owners in the district.

   _____

   _____

   _____

   e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

   _____

   _____

   _____

The Zoning Board of Appeals members will visit the site prior to the public hearing. Please clearly stake the corners of the proposed building or addition and the nearest property line. **Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?** ☐ Yes ☐ No

Owner's Signature _____ **Date** _____

AFFADAVIT

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

Applicant's Signature _____ **Date** _____

SITE PLAN INFORMATION **Please include the following on your site plan:**

1. Property Line dimensions and Property shape.
2. Front, Rear, & Side setback dimensions.
3. Location, shape & size of all existing & proposed buildings on property.
4. Location of all drives and parking areas.
5. Rivers, lakes, wetlands, or streams within 500 ft.
6. Parcels under separate ownership therein.
7. Road Right-Of-Way (ROW); access or utility easements.
8. The existing and intended use of the lot and structures.
9. Place North arrow in space provided.
10. Other essential zoning information.

Distance from property line to proposed structure:	Zoning District:	North:
Front: _____ Rear: _____ Side: _____ Side: _____		

Deborah Tomlinson

From: Scott McNeil
Sent: Thursday, June 25, 2015 9:57 AM
To: 'RERassel@WWRPLaw.com'
Cc: Steve Schnell; 'Lawrence P. Hanson'; 'Peter Wendling'
Subject: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Dear Mr. Rassel;

Attached please find a draft public notice based on the supplement to the application offered by Mr. Wendling. Please provide written confirmation that the supplement is to be included with the special use permit application. With this update we will then deem the application complete as we now have clearer information on your requested uses. Provided we receive such confirmation by July 6, 2015 and public hearing can be held on August 5, 2015.

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

DRAFT

NOTICE
CHEBOYGAN COUNTY PLANNING COMMISSION MEETING
WEDNESDAY, (date TBD) AT 7:00 PM
(location TBD)
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

Lawrence Hanson on behalf of Heritage Cove Farm. – Requests a Special Use Permit under the following sections of the Cheboygan County Zoning Ordinance #200; Section 9.3.3.Educational institutions structures and uses, Section 9.3.5. Entertainment and Eating Establishments, Section 9.3.9. Resorts and Recreation Farms, Section 9.3.14. Nursing or convalescent homes, Therapy use under Section 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., Section 10.3.3. Cabin colonies, Section 10.3.11. Housing of any animals other than pet dogs or cats and Section 10.3.14. Restaurant/Bar. The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6 , parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).

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

Annie & John Charters

168 Hamilton Road
Bloomfield Hills, MI 48301
248-633-4881
acharters@sbcglobal.net

June 25, 2015

Cheboygan County Planning Commission
c/o Scott McNeil
870 South Main Street, Room 103
PO Box 70
Cheboygan, MI 49721

Dear Mr. McNeil,

My name is Annie Charters. My parents, David and Kay Lurie, have owned the cottage at 529 Grandview Beach for 25 years. I have been fortunate enough to have spent time enjoying summers at Mullett Lake since I was ten years old. Today, I am a parent myself to three young boys; Max is 6 and my twins, William and Henry, are 2. My husband John and I love to bring our boys up north to experience the same carefree, relaxing summers that I enjoyed as a child.

However, we are immensely concerned about the proposed plan to build an unlicensed residential rehabilitation facility in such close proximity to our idyllic lake community. I have such fond memories of exploring the woods with my brother, searching for tiny brown toads, and coming back to the cottage only when it was time for lunch or dinner. We would walk down the old railroad tracks; my parents secure in the knowledge that we were in a safe community.

With the proposed plan, we will not be able to let our children out of our sight. Even a walk down the street could be dangerous. Instead of waving to a passerby that looks unfamiliar, we would immediately brand them suspicious. We can only hope that the police department will be prepared for the increased calls. Tuscorora Township Ordinance No. 11 describes a public nuisance as something that, "Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others." I can not imagine a more applicable description of what will happen if this proposed plan is allowed to move forward.

It concerns us that this "farm" proposes to have its residents participate in woodworking and farming - both of which require the use of tools that could easily be used as weapons. Because the very laws that protect against the discrimination of those with disabilities also

prevent the "farm" from excluding potentially dangerous or violent residents, there can be no way for the homeowners of Grandview Beach to be assured of their safety. The lack of security measures in the proposal demonstrates both naïveté and extreme negligence.

Other cities have had cause to prohibit similar facilities. For example, in the fall of 2014, the city of Detroit prohibited a developer from building a residential rehabilitation facility after residents cited concerns that, "such a residential facility would alter the character of the neighborhood, harm property values and set an unwelcome precedent for commercial uses..." (Detroit Free Press, 11/1/2014). If such a facility would have been detrimental for Detroit, imagine the harm it could do to a community that prides itself on safety, and depends on tourism for revenue.

We implore you to consider all of the potential damage that this proposal could cause, and to think of the families that have called this area home for so many years. Thank you.

Sincerely,

Annie Charters

John Charters, Jr. Esq.

RECEIVED
JUN 29 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Dear Mr. McNeil:

I need to add my voice to the throngs of residents who, in the strongest terms, believe that establishing an unlicensed mental illness treatment facility in our neighborhood is absolutely inappropriate

Let me outline the reasons:

1) This is an unlicensed, uncertified and unregulated mental health facility. It is somehow being compared to a convalescent center and nursing home – both of which are licensed. The facility is being compared to Rose Hill Center – which has 39 patients and 400 acres surrounded by farmland and IS LICENSED!

2) There will be 10 "maximum" staff members – does this mean 2 or 3 staff members? In addition, what are the qualifications of the staff members in this unlicensed facility? Are there psychiatrists? Psychologists? MSWs? MDs? How will these people receive treatment? From interns? Who will administer the psychotropic medications? How can this possibly be approved without a clear definition of who will administer treatment?

3) According to Cheboygan County documents and I quote "To the extent that any of residents are subject to a court order, such orders will be followed." Does this mean there will be criminals receiving treatment? Sex offenders? Rapists? Severely mentally ill residents? And since there is absolutely no security and the mentally ill will be free to go wherever they want, how will the staff be protected? How will our neighbors be protected? How will the bike riders on the Trail be protected?

4) According to a Cheboygan County document and I quote "The Farm will not place demands on fire, police, or other public resources in excess of current capacity." With up to 24 mentally ill adults, many or all who are medicated, some or all who have been hospitalized, some or all who have a criminal background, and some or all who have a history of drug addiction, it defies all logic and common sense that police resources will not be impacted. Have the applicants given a truthful and accurate definition to the police about the individuals who will be treated?

5) What is the risk to the County and to its residents and taxpayers from approving a facility that is unlicensed and unregulated? What is the risk to tourism that the area depends upon? Approving this proposal exposes the residents and visitors to Cheboygan County with substantially more risk. And frankly, even if this facility is licensed, what are the financial and safety and health risks to County residents?

There are many other reasons that this proposal cannot be approved and these have been outlined in other letters to the Commission. This is a poorly defined, poorly thought out, poorly located and will in no way improve life for the citizens of Cheboygan County and must be rejected!

Thank you, Kay L. Lurie

Kay L. Lurie
529 Grandview Beach Rd.
Indian River, MI 49749

Mrs. Ewa Sell
7348 Meadowridge Circle
West Bloomfield, MI 48332

RECEIVED
JUL 1 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

June 28, 2015

Mr. Scott McNeil
Community Development Planner
Cheboygan County Planning & Zoning
870 S Main St
Cheboygan, MI 49721

Dear Scott,

My name is Ewa Sell and I helped out at Heritage Cove Farm, for a short time.

I had been very, very depressed when I came there. But after a while I did begin to feel peace and serenity. The farm's owners-owners (Larry and Betsy) have many animals – Beautiful and person= friendly goats. I did milk them at morning and I did find pride in that service.

Six years ago, I lost a 23 years old son. He was depressed and I had no idea how to help him and where he needed to go. I didn't know what to do. If my deceased son had found so peaceful a place as Heritage Cove Farm, maybe I would have him, yet today. I would be be thankful for life if somebody like the people at Heritage Cove Farm had helped my son.

Larry and Betsy are wonderful people – Close to God – and they want to help lost people. I really want to express my gratitude to them for sharing their own lives and their own property to help emotionally disturbed people. My heart goes out to them and I want to help them with anything they need; I have a few skills to share with less fortunate people and I am happy to help them to help others gain a life's orientation. So many people are lost and seeking peace, within their own quiet solitude; Heritage Cove Farm provides them an opportunity and a place to continue their quest, but now accompanied by caring people and in a supportive environment. I would hope that each one could find what is necessary to heal him or herself.

I take very seriously the loss of my son and the probability that Heritage Cove Farm could have helped him on the journey toward peace and I hope that you, too, will take very seriously the serious work which is to be undertaken at Heritage Cove Farm. Personally, I am committed to an enduring relationship with two wonderful people, Larry and Betsy Hanson, and their magical dream; my hope is that I can volunteer, there, on a regular basis. I would also encourage you to visit the place and get to know the people, just like I did; perhaps, you will even get to milk the goats!

I love Larry and Betsy and Heritage Cove Farm is the Best!

Sincerely,

Ewa Sell

Ewa Sell

Mr. & Mrs. Stephen A. Sell
The Gwendolyn Beverly Ranch
10635 West Red Bridge Drive
POB 475
Atlanta, MI 49709

RECEIVED
JUL 1 : 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

June 28, 2015

Mr. Scott McNeil
Community Development Planner
Cheboygan County Planning & Zoning
870 S Main St
Cheboygan, MI 49721

RE: Heritage Cove Farm (Indian River, Michigan)

Dear Mr. McNeil:

I write, on behalf of and in support of the *concept* of Heritage Cove Farm and its *actual* existence and its efforts to assure a positive and therapeutic climate for those of our Northern Michigan family and friends, who are troubled with emotional afflictions. To those so distressed, the benefits of rehabilitation in a pastoral and bucolic setting, such as that in which Heritage Cove Farm is situated, cannot be denied. Indeed, humankind has been aware of the restorative aspects of idyllic settings, for thousands of years, as evidenced in art from the Antiquities Era, right down to modern times! The beautiful Mullett Lake location, especially in the lake's southwestern-most cove, offers a setting of peace and tranquility – one which is most highly prized, among those seeking, but are otherwise denied, peace and contentment. I cannot help but wonder if the region's early, native Ottawa and Chippewa Indians didn't prize the area for just that reason.

I would like to touch upon the subjects of Heritage Cove's animal and horticultural husbandry programs, as well, this also in the context of emotional therapy. One can point to a long history of the positive effects to be enjoyed, by the individual who raises chickens or weeds tomato plants. Certainly, those of us who are *blessed* to fall within the range of normality can enjoy the pleasures of watching that tomato plant grow, as well as the enjoyment of its fruit; likewise, we can enjoy hatching chicks and watching them grow, eventually providing fresh eggs and tasty meat for our tables. How much more might not an emotionally challenged person thrive from exposure to such? In both cases, the *patient* becomes the *caregiver*, thus gaining confidence and advancing in the curative process! Add to the fruits, vegetables, and animals the chance to sit on the dock and fish from Mullett Lake: Who does not find time spent with a rod in hand to be rehabilitating?

Several years before my parents passed away, I relocated them to live with us, at our small farm, near Atlanta, MI. This provided a wonderful opportunity for my dad, especially, to maintain his mental acuity. Even if he could not physically participate, he enjoyed watching the ducks and watching me muck out the stalls. (No doubt, he took special enjoyment in the latter!) When we picked fruit, he would help or sit in the golf cart and watch, then he and my mother helped to separate it – and they did so, as they watched the Thunderbay River relaxingly flow by. Even when it came time to butcher the

hogs, Dad was right there, watching and offering suggestions. When it became necessary for my folks to go into a nursing home, I still regaled them with *farm stories*; each time we visited them, we took our dog (as it wasn't practical to bring a goat). At one point before they died, I had discussions with the administrators of the nursing home, considering the possibility of actually bringing some of the farm animals.

As a thirty-plus year resident of Northern Michigan, I am all too aware of the things, which our rural communities lack, especially in regard to my own chosen profession (of forty plus years), hospital and health care administration; during this tenure, my involvement has also extended to out-patient psychiatric clinics (OPCs), which permits me to speak from some experience. Regarding the shortage of care alternatives, for instance, I live in a county, which has never had a hospital; for our personal health care, we drive to Gaylord or, in regard to Cancer care, down to Detroit. It is this very dearth of healthcare availability which makes the vision of Heritage Cove Farm such an exciting prospect!

That Heritage Cove Farm can deliver such vitally needed, emotional help and can do so with no negative impact upon the wonders of its natural setting (which we all appreciate and wish to preserve) makes its eventuality an even more desirable goal. As a northern Michigan resident who lives here, *because of it natural beauty*, I am among the first to object to any so-called improvements, which may negatively impact the environment. Having personally viewed the plans and walked the property, I can see only good things in its future. With plenty of acreage and incorporating topographical features ranging from dense hardwood forests to rolling meadows to groomed pathways to beautiful shoreline, the property is ideal for its stated purpose. Careful utilization of already open ground, upon which construction can occur, will assure limited, if any, impact upon the forests. Its proposed location, convenient to I-75 and M-68 make it a convenient one, for those throughout northern Michigan, who wish to visit loved one, who are healing at Heritage Cove Farm.

Without any reservation, I support the plans of Heritage Cove Farm and I encourage you to do the same, by extending to them a special usage permit. Please feel free to contact me, should you have any questions or comments.

Sincerely,

Deborah Tomlinson

From: Scott McNeil
Sent: Monday, June 29, 2015 9:00 AM
To: Deborah Tomlinson
Subject: FW: Proposed Commercial Development

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

From: Mangum [mailto:mangum@roadrunner.com]
Sent: Monday, June 29, 2015 8:58 AM
To: Scott McNeil
Subject: Proposed Commercial Development

Mr. McNeil,

My name is Tom Mangum. My wife and I own a residence located at 667 Grandview Beach Drive in Indian River. Our house is located within a few hundred yards of the proposed "Heritage Cove Farm" development which we strongly oppose.

Please note, I just noticed that my letter dated May 17, 2015 contained a typo in the first paragraph on the last page. For the record, I intended for it to read "Generally, I am in favor of privately funded projects such as the one described if they meet all of the regulatory requirements, safety requirements and are ***not located*** in a residential neighborhood (such as the area that Heritage Cove Farm is proposed to be located), for the reasons stated herein."

Thank you.
Tom Mangum

Deborah Tomlinson

From: Scott McNeil
Sent: Monday, June 29, 2015 2:14 PM
To: Deborah Tomlinson
Subject: FW: Heritage Cove Farm Special Use Permit Application Draft Public Notice

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

From: Richard Rassel [mailto:RERassel@WWRPLaw.com]
Sent: Friday, June 26, 2015 12:07 PM
To: Scott McNeil
Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling; Richard Rattner; Susan Babcock
Subject: RE: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Scott and Peter –

With respect to Scott's email below, It is crucial in my opinion that the public notice regarding Heritage Cove Farm clearly indicate that Heritage Cove Farm has requested as part of its land use application that the County make reasonable accommodations under referenced federal law with respect to the interpretation and application of its Zoning Ordinance such as to approve the Farm in all requested and required respects. Without this clear reference in the notice, any action by the Planning Commission that considers or incorporates any element of a reasonable accommodation into the relief granted to Heritage Cove Farm, expressly or by implication, even if that accommodation is in the form of a SLUP as part of site plan approval, subjects any affirmative relief granted to Heritage Cove Farm to possible collateral attack under the Open Meetings Act.

I do not want to wordsmith the County's notice but I wanted you to know and understand Heritage Cove Farm's position prior to publication.

I am available anytime Monday to discuss this issue.

Rick

FOR MORE THAN
40 YEARS
SINCE 1973

W|W|R|P

Williams Williams Rattner & Plunkett, P.C.

Richard E. Rassel, Esq.
380 North Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009

Main: (248) 642-0333 •Fax (248) 642-0856

rer@wwrplaw.com

Bio vCard wwrplaw.com

From: Scott McNeil [mailto:scott@cheboygancounty.net]
Sent: Thursday, June 25, 2015 9:57 AM
To: Richard Rassel
Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling
Subject: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Dear Mr. Rassel;

Attached please find a draft public notice based on the supplement to the application offered by Mr. Wendling. Please provide written confirmation that the supplement is to be included with the special use permit application. With this update we will then deem the application complete as we now have clearer information on your requested uses. Provided we receive such confirmation by July 6, 2015 and public hearing can be held on August 5, 2015.

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

Deborah Tomlinson

From: Scott McNeil
Sent: Monday, June 29, 2015 2:41 PM
To: Deborah Tomlinson
Subject: FW: Heritage Cove Farm Special Use Permit Application Draft Public Notice
Attachments: Heritage Cove Farm Draft PC Notice.pdf

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

From: Scott McNeil
Sent: Thursday, June 25, 2015 9:57 AM
To: 'RERassel@WWRPLaw.com'
Cc: Steve Schnell; 'Lawrence P. Hanson'; 'Peter Wendling'
Subject: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Dear Mr. Rassel;

Attached please find a draft public notice based on the supplement to the application offered by Mr. Wendling. Please provide written confirmation that the supplement is to be included with the special use permit application. With this update we will then deem the application complete as we now have clearer information on your requested uses. Provided we receive such confirmation by July 6, 2015 and public hearing can be held on August 5, 2015.

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

DRAFT

NOTICE
CHEBOYGAN COUNTY PLANNING COMMISSION MEETING
WEDNESDAY, (date TBD) AT 7:00 PM
(location TBD)
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

Lawrence Hanson on behalf of Heritage Cove Farm. – Requests a Special Use Permit under the following sections of the Cheboygan County Zoning Ordinance #200; Section 9.3.3.Educational institutions structures and uses, Section 9.3.5. Entertainment and Eating Establishments, Section 9.3.9. Resorts and Recreation Farms, Section 9.3.14. Nursing or convalescent homes, Therapy use under Section 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., Section 10.3.3. Cabin colonies, Section 10.3.11. Housing of any animals other than pet dogs or cats and Section 10.3.14. Restaurant/Bar. The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6 , parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).

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

Deborah Tomlinson

From: Scott McNeil
Sent: Tuesday, June 30, 2015 8:26 AM
To: Deborah Tomlinson
Subject: FW;

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

From: wjhahn42@aol.com [mailto:wjhahn42@aol.com]
Sent: Tuesday, June 30, 2015 8:18 AM
To: Scott McNeil
Subject:

I am writing to you in regard to the "mentally restricted community" that is being proposed in the Grand View Beach area on Mullette Lake. I feel this would be a big mistake on your part to O.K this. i feel this would decrease the property values by at least 20% and thus decrease your tax revenue. Also, I understand the inhabitants will have free reign to wander around the beach area. This could very well have desasterous results.

Sincerely Yours

Bill Hahn - Grand View Beach resident.

Deborah Tomlinson

From: Scott McNeil
Sent: Wednesday, July 01, 2015 8:10 AM
To: Deborah Tomlinson
Subject: FW: Heritage Cove Farm Special Use Permit Application Draft Public Notice

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

From: Richard Rassel [mailto:RERassel@WWRPLaw.com]
Sent: Tuesday, June 30, 2015 6:14 PM
To: Scott McNeil
Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling; Richard Rattner; Susan Babcock
Subject: RE: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Scott and Peter –

With respect my email below – please advise where this issue of notice and scheduling for the proposed project stands.

Thank you.

FOR MORE THAN 40 YEARS SINCE 1973
W|W|R|P
Williams Williams Rattner & Plunkett, P.C.
Richard E. Rassel, Esq.
380 North Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009
Main: (248) 642-0333 •Fax (248) 642-0856
rer@wwrplaw.com
Bio vCard wwrplaw.com

From: Richard Rassel
Sent: Friday, June 26, 2015 12:07 PM
To: 'Scott McNeil'

Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling; Richard Rattner; Susan Babcock
Subject: RE: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Scott and Peter –

With respect to Scott's email below, It is crucial in my opinion that the public notice regarding Heritage Cove Farm clearly indicate that Heritage Cove Farm has requested as part of its land use application that the County make reasonable accommodations under referenced federal law with respect to the interpretation and application of its Zoning Ordinance such as to approve the Farm in all requested and required respects. Without this clear reference in the notice, any action by the Planning Commission that considers or incorporates any element of a reasonable accommodation into the relief granted to Heritage Cove Farm, expressly or by implication, even if that accommodation is in the form of a SLUP as part of site plan approval, subjects any affirmative relief granted to Heritage Cove Farm to possible collateral attack under the Open Meetings Act.

I do not want to wordsmith the County's notice but I wanted you to know and understand Heritage Cove Farm's position prior to publication.

I am available anytime Monday to discuss this issue.

Rick

FOR MORE THAN 40 YEARS SINCE 1973

W|W|R|P

Williams Williams Rattner & Plunkett, P.C.

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380 North Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009
Main: (248) 642-0333 •Fax (248) 642-0856
rer@wwrplaw.com

Bio vCard wwrplaw.com

From: Scott McNeil [mailto:scott@cheboygancounty.net]
Sent: Thursday, June 25, 2015 9:57 AM
To: Richard Rassel
Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling
Subject: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Dear Mr. Rassel;

Attached please find a draft public notice based on the supplement to the application offered by Mr. Wendling. Please provide written confirmation that the supplement is to be included with the special use permit application. With this update we will then deem the application complete as we now have clearer information on your requested uses. Provided we receive such confirmation by July 6, 2015 and public hearing can be held on August 5, 2015.

Sincerely,

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

Deborah Tomlinson

From: Scott McNeil
Sent: Wednesday, July 01, 2015 9:16 AM
To: Deborah Tomlinson
Subject: FW: Heritage Cove Farm Special Use Permit Application Draft Public Notice

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

From: Steve Schnell
Sent: Wednesday, July 01, 2015 8:49 AM
To: Richard Rassel; Scott McNeil
Cc: Lawrence P. Hanson; Peter Wendling; Richard Rattner; Susan Babcock
Subject: RE: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Mr. Rassel,
We are still waiting for confirmation that you are incorporating changes to your application to clarify which uses you are applying under. Apparently you have verbally stated to Peter Wendling that his suggested additions to your application are appropriate and you have chosen to make that part of your application. Scott McNeil has requested that you confirm this in writing. We await that written confirmation.

Also, we need to be clear that the public notice is being prepared because you appear to be applying for a project that includes uses which require a special use permit. We are not preparing the special use permit for review of your request for reasonable accommodation. We will add the note that you requested to the public notice but it is not a requirement of the public notice.

This public notice and the meeting of the public hearing will not be scheduled or published until we have confirmation that you have incorporated some sort of clarification into your application as to your desired uses whether that be of your own draft or Mr. Wendling's.

We are more than happy to participate in a conference call with all interested parties at any time. We still seek clarity in your application and would like to do all that we can to clear this up.

Sincerely,

Steve Schnell

Steve Schnell, AICP
Community Development Director
Cheboygan County

80

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

From: Richard Rassel [mailto:RERassel@WWRPLaw.com]
Sent: Tuesday, June 30, 2015 6:14 PM
To: Scott McNeil
Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling; Richard Rattner; Susan Babcock
Subject: RE: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Scott and Peter –

With respect my email below – please advise where this issue of notice and scheduling for the proposed project stands.

Thank you.

FOR MORE THAN 40 YEARS SINCE 1973

W|W|R|P

Williams Williams Rattner & Plunkett, P.C.

Richard E. Rassel, Esq.
380 North Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009
Main: (248) 642-0333 •Fax (248) 642-0856
rer@wwrplaw.com

Bio vCard wwrplaw.com

From: Richard Rassel
Sent: Friday, June 26, 2015 12:07 PM
To: 'Scott McNeil'
Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling; Richard Rattner; Susan Babcock
Subject: RE: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Scott and Peter –

With respect to Scott's email below, It is crucial in my opinion that the public notice regarding Heritage Cove Farm clearly indicate that Heritage Cove Farm has requested as part of its land use application that the County make reasonable accommodations under referenced federal law with respect to the interpretation and application of its Zoning Ordinance such as to approve the Farm in all requested and required respects. Without this clear reference in the notice, any action by the Planning Commission that considers or incorporates any element of a reasonable accommodation into the relief granted to Heritage Cove Farm, expressly or by implication, even if that accommodation

is in the form of a SLUP as part of site plan approval, subjects any affirmative relief granted to Heritage Cove Farm to possible collateral attack under the Open Meetings Act.

I do not want to wordsmith the County's notice but I wanted you to know and understand Heritage Cove Farm's position prior to publication.

I am available anytime Monday to discuss this issue.

Rick

FOR MORE THAN 40 YEARS SINCE 1973

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Williams Williams Rattner & Plunkett, P.C.

Richard E. Rassel, Esq.
380 North Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009
Main: (248) 642-0333 •Fax (248) 642-0856
rer@wwrplaw.com

Bio vCard wwrplaw.com

From: Scott McNeil [mailto:scott@cheboygancounty.net]
Sent: Thursday, June 25, 2015 9:57 AM
To: Richard Rassel
Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling
Subject: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Dear Mr. Rassel;

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

Deborah Tomlinson

From: Scott McNeil
Sent: Wednesday, July 01, 2015 9:36 AM
To: Deborah Tomlinson
Subject: FW: Heritage Cove Farm Special Use Permit Application Draft Public Notice
Attachments: Heritage Cove Farm Draft 2 PC Notice.pdf

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

From: Scott McNeil
Sent: Wednesday, July 01, 2015 9:35 AM
To: 'Richard Rassel'
Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling; Richard Rattner; Susan Babcock
Subject: RE: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Dear Mr. Rassel;

Subject to the email message to you from Steve Schnell of this date attached please find a draft public notice.
Best regards,
Scott McNeil
Community Development Planner
Cheboygan County Planning and Zoning Department
Phone - 231-627-8475
Fax - 231-627-3646
scott@cheboygancounty.net
www.cheboygancounty.net/planning

From: Richard Rassel [mailto:RERassel@WWRPLaw.com]
Sent: Tuesday, June 30, 2015 6:14 PM
To: Scott McNeil
Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling; Richard Rattner; Susan Babcock
Subject: RE: Heritage Cove Farm Special Use Permit Application Draft Public Notice

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Thank you.

81

FOR MORE THAN 40 YEARS SINCE 1973

W|W|R|P

Williams Williams Rattner & Plunkett, P.C.

Richard E. Rassel, Esq.
380 North Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009

Main: (248) 642-0333 •Fax (248) 642-0856

rer@wwrplaw.com

Bio vCard wwrplaw.com

From: Richard Rassel
Sent: Friday, June 26, 2015 12:07 PM
To: 'Scott McNeil'
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Subject: RE: Heritage Cove Farm Special Use Permit Application Draft Public Notice

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Richard E. Rassel, Esq.
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Bio vCard wwrplaw.com

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Subject: Heritage Cove Farm Special Use Permit Application Draft Public Notice

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Sincerely,
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Cheboygan County Planning and Zoning Department
Phone - 231-627-8475
Fax - 231-627-3646
scott@cheboygancounty.net
www.cheboygancounty.net/planning

Deborah Tomlinson

From: Scott McNeil
Sent: Wednesday, July 01, 2015 10:23 AM
To: Deborah Tomlinson
Subject: FW: Heritage Cove Farm Special Use Permit Application Draft Public Notice

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

From: Richard Rassel [mailto:RERassel@WWRPLaw.com]
Sent: Wednesday, July 01, 2015 9:33 AM
To: Steve Schnell
Cc: Scott McNeil; Lawrence P. Hanson; Peter Wendling; Richard Rattner; Susan Babcock
Subject: Re: Heritage Cove Farm Special Use Permit Application Draft Public Notice

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From: Richard Rassel [mailto:RERassel@WWRPLaw.com]
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To: Scott McNeil
Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling; Richard Rattner; Susan Babcock
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Thank you.

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Richard E. Rassel, Esq.
380 North Old Woodward Avenue, Suite 300
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Main: (248) 642-0333 •Fax (248) 642-0856
rer@wwrplaw.com

Bio vCard wwrplaw.com

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Deborah Tomlinson

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>> Mr. Rassel,
>> We are still waiting for confirmation that you are incorporating changes to your application to clarify which uses you are applying under. Apparently you have verbally

stated to Peter Wendling that his suggested additions to your application are appropriate and you have chosen to make that part of your application. Scott McNeil has requested that you confirm this in writing. We await that written confirmation.

Also, we need to be clear that the public notice is being prepared because you appear to be applying for a project that includes uses which require a special use permit. We are not preparing the special use permit for review of your request for reasonable accommodation. We will add the note that you requested to the public notice but it is not a requirement of the public notice.

This public notice and the meeting of the public hearing will not be scheduled or published until we have confirmation that you have incorporated some sort of clarification into your application as to your desired uses whether that be of your own draft or Mr. Wendling's.

We are more than happy to participate in a conference call with all interested parties at any time. We still seek clarity in your application and would like to do all that we can to clear this up.

Sincerely,

Steve Schnell

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

From: Richard Rassel [mailto:RERassel@WWRPLaw.com]
Sent: Tuesday, June 30, 2015 6:14 PM
To: Scott McNeil
Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling; Richard Rattner; Susan Babcock
Subject: RE: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Scott and Peter –

With respect my email below – please advise where this issue of notice and scheduling for the proposed project stands.

Thank you.

<image001.jpg>

Richard E. Rassel, Esq.
380 North Old Woodward Avenue, Suite 300

Birmingham, Michigan 48009
Main: (248) 642-0333 •Fax (248) 642-0856
rer@wwrplaw.com

Bio vCard wwrplaw.com

From: Richard Rassel
Sent: Friday, June 26, 2015 12:07 PM
To: 'Scott McNeil'
Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling; Richard Rattner; Susan Babcock
Subject: RE: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Scott and Peter –

With respect to Scott's email below, It is crucial in my opinion that the public notice regarding Heritage Cove Farm clearly indicate that Heritage Cove Farm has requested as part of its land use application that the County make reasonable accommodations under referenced federal law with respect to the interpretation and application of its Zoning Ordinance such as to approve the Farm in all requested and required respects. Without this clear reference in the notice, any action by the Planning Commission that considers or incorporates any element of a reasonable accommodation into the relief granted to Heritage Cove Farm, expressly or by implication, even if that accommodation is in the form of a SLUP as part of site plan approval, subjects any affirmative relief granted to Heritage Cove Farm to possible collateral attack under the Open Meetings Act.

I do not want to wordsmith the County's notice but I wanted you to know and understand Heritage Cove Farm's position prior to publication.

I am available anytime Monday to discuss this issue.

Rick

<image002.jpg>

Richard E. Rassel, Esq.
380 North Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009
Main: (248) 642-0333 •Fax (248) 642-0856
rer@wwrplaw.com

Bio vCard wwrplaw.com

From: Scott McNeil [mailto:scott@cheboygancounty.net]
Sent: Thursday, June 25, 2015 9:57 AM
To: Richard Rassel
Cc: Steve Schnell; Lawrence P. Hanson; Peter Wendling
Subject: Heritage Cove Farm Special Use Permit Application Draft Public Notice

Dear Mr. Rassel;

Attached please find a draft public notice based on the supplement to the application offered by Mr. Wendling. Please provide written confirmation that the supplement is to be included with the special use permit application. With this update we will then deem the application complete as we now have clearer information on your requested uses. Provided we receive such confirmation by July 6, 2015 and public hearing can be held on August 5, 2015.

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

Steve Schnell

From: Peter Wendling <pwendling@upnorthlaw.com>
Sent: Wednesday, July 01, 2015 10:44 AM
To: Scott McNeil; Steve Schnell
Subject: Fwd: Re: Heritage Cove Farm

Going over my emails from last month. You should have this one given the recent email exchange.

-------- Forwarded Message --------
Subject: Re: Heritage Cove Farm
Date: Tue, 09 Jun 2015 13:34:15 -0400
From: Peter Wendling <pwendling@upnorthlaw.com>
To: Richard Rassel <RERassel@WWRPLaw.com>

Correct. I am working on a PUD now so I mis-typed. SLUP is correct.

On 6/9/2015 1:29 PM, Richard Rassel wrote:

> Peter - I don't recall ever discussing a PUD with you though I'll check with my partner Rick Rattner who may recall otherwise. I recall specifically Rick and I insisting in our last call that Heritage Cove Farm proceed to the Planning Commission as submitted and as explained in our several written submittals to the County in support of the SLUP and site plan review application. The relief Heritage Cove Farm seeks can be afforded by the process we have requested the project to be considered under per federal and state law. A PUD is a discretionary process that does not apply here in my view. I hope that further delays in proceeding as requested before the Planning Commission can be avoided. It's past time for a public hearing and a timely vote, up or down.
>
> Rick

FOR MORE THAN
40 YEARS
SINCE 1974

W|W|R|P

Williams Williams Rattner & Plunkett, P.C.

Richard E. Rassel, Esq.
380 North Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009
Main: (248) 642-0333 •Fax (248) 642-0856
rer@wwrplaw.com

Bio vCard wwrplaw.com

From: Peter Wendling [mailto:pwendling@upnorthlaw.com]
Sent: Tuesday, June 09, 2015 1:15 PM
To: Richard Rassel
Subject: Re: Heritage Cove Farm

From our last discussion, I am putting together the application for the PUD based on all the information submitted thus far, subject to your approval as well as the county.

Peter

On 6/9/2015 1:11 PM, Richard Rassel wrote:

> Peter I understand the second sentence of your email below regarding the form of public notice but can you explain the 1st sentence?
>
> Thank you

FOR MORE THAN
40 YEARS
SINCE 1971

W|W|R|P

Williams Williams Rattner & Plunkett, P.C.

Richard E. Rassel, Esq.
380 North Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009
Main: (248) 642-0333 •Fax (248) 642-0856
rer@wwrplaw.com

Bio vCard wwrplaw.com

From: Peter Wendling [mailto:pwendling@upnorthlaw.com]
Sent: Monday, June 08, 2015 3:46 PM
To: Richard Rassel
Subject: Re: Heritage Cove Farm

Richard,

You will have the application draft this week. We will also do a notice for your review as well.

Peter

On 6/8/2015 3:34 PM, Richard Rassel wrote:

> Peter –
>
> Any update on process I can pass along following our last phone conversation?

Thank you

FOR MORE THAN
40 YEARS
SINCE 1973

W|W|R|P

Williams Williams Rattner & Plunkett, P.C.

Richard E. Rassel, Esq.
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Bio vCard wwrplaw.com

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Deborah Tomlinson

From: Scott McNeil
Sent: Friday, July 10, 2015 12:36 PM
To: Deborah Tomlinson; Steve Schnell
Subject: FW: No to Hanson "Heritage Cove" Issue

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

From: Linda Findley [mailto:lfindley@yahoo.com]
Sent: Monday, July 06, 2015 7:10 PM
To: Scott McNeil
Cc: Walt Czapiga
Subject: No to Hanson "Heritage Cove" Issue

Dear Scott McNeil and the Cheboygan County Planning Commission,

I have been a summer resident of Grandview Beach for nearly seventy years and strongly request that the Hanson zoning variance proposal be denied.

The only other occasion that I remember over the years that caused such agitated fear on Grandview was in July, 1973 when a young man (Bruce Sampson) with supposedly manageable emotional challenges, hacked his salt-of-the-earth grandmother ("Nellie") to death. With a Meat Cleaver. Papers of the time refer to Cheboygan in the murder reporting, but it was on Grandview Beach.

http://tinyurl.com/pqr7rwh

The project described in the proposal is **not** a "therapeutic farm for residents", but instead a medical facility for patients who have complicated and unpredictable conditions ranging from mild depression to schizoid affective disorder.

The property simply is not large enough nor sequestered enough to protect both the patients from self harm (ex. wandering, lost off grounds into the river or woods), or potential harm to others on the beach during an unexpected setback of a patient's treatment..

No modifications to the size of cottages etc. can address this core issue. (The entrance to my own drive is 250 short steps from the proposed "nature trails.")

Another major consideration is that this beloved area will be further financially drained by little or no revenue from the project designated as a "charity", less tax revenue from residents such as myself anticipating a lower assessment valuation, and a logically expected increase to already stretched social and emergency services of both township and county.

For these reasons alone, please do not modify, but instead deny with certainty this inappropriate use of the Hanson property.

Sincerely,

Linda Findley
325 S Grandview Beach Rd
Indian River. 49749

Attention: Scott McNeil

Cheboygan County Planning Commission

Re: Larry Hanson Special Use Permit Application

Heritage Cove Farm

Date: July 1, 2015

From: John & Pamela Kroeger

102 N. Grandview Beach Rd

Indian River, MI 49749

941-922-6565

pwkltd@gmail.com

Please be advised that we own a residence on Grandview Beach on Mullett Lake and are part of the same association as Larry Hanson. We are opposed to Cheboygan County granting Mr. Hanson a special use permit for the creation and operation of the commercial enterprise known as Heritage Cove Farm. There are 76 private residential properties on Grandview Beach. Currently, the Hanson property is a private residence and goat farm and part of the Grandview Beach Association. This is a noncommercial neighborhood. We regard Mr. Hanson's special use permit application to create a nonprofit residential service for adult persons with mental disorders as unacceptable. Regardless of its nonprofit status, the planned "service" is a commercial enterprise. There will be marketing, money transactions, payrolls, contracts, deliveries and revenues produced should the application be approved. Our opposition to Mr. Hanson's application would exist if he were proposing a camp, church, club or hospital because we would find all these enterprises commercial. Please deny Mr. Hanson's application. Further, please deny their accommodation request. (We do not understand why it would be necessary to "accommodate" Mr. Hanson for a commercial service for adults that does not exist? He is not obligated to serve anyone at this point in time.)

Respectfully, John & Pamela Kroeger

Deborah Tomlinson

From: Lori Hoehn [mailto:lorih2000@gmail.com]
Sent: Sunday, July 12, 2015 3:41 PM
To: Scott McNeil
Cc: Steve Schnell
Subject: Mental Health Facility: Heritage Cove Farm

Cheboygan County Planning Commission
Attention: Mr. Scott McNeil
870 South Main Street, Room 103
PO Box 70
Cheboygan, Michigan 49721

Dear Mr. McNeil:

I'm writing to you to express my serious concern and opposition regarding the proposed Heritage Cove Farm on a 33 acre parcel in my residential area.

I respectfully ask that you deny the zoning special use request.

The local area that this parcel is situated in is a residential area that is very remote, woodland and wetland area bordering a heavily used North Central Recreational trail used by families, children and local visitors year round.

-The environmental impact of storm water runoff from farming and residential development will adversely affect the river, stream and land locally.

-The facility will not be licensed removing it from any federal or local oversight
-The property will not be secure nor supervised 24/7

-The remote, wetland location poses a significant risk to residents who may wonder off the property

-No requirements for skilled, trained medical professionals

-Lack of ready access to public safety or medical personnel and added demand on such personnel which is currently not staffed for this type of facility in the local area.
-No preadmission prerequisites for residents except the ability to pay hence any level of mental illness, addiction or behavioral past will be admitted.

-Should ADA laws be leveraged for approving this facility, there could be NO restrictions on who could be admitted hence increasing the safety and well being of the local community.

-It is a commercial entity operating as a nonprofit in a residential setting

As proposed, the facility is entirely incompatible with the surrounding residential properties, wetlands, rivers and trails. There are numerous other suitable properties in the County that provide a more appropriate location for this proposed type of commercial use.

Please deny this proposal and special permit, zoning request.

Thank you,

Lori Hoehn

Woodside Park

Indian River, MI 49749

Deborah Tomlinson

From: Lori Hastie [mailto:hastlor@hotmail.com]
Sent: Sunday, July 12, 2015 2:11 PM
To: Scott McNeil
Subject: Heritage Cove Farm Mental Health Facility

To:

Cheboygan County Planning Commission
Attention: Mr. Scott McNeil
870 South Main Street, Room 103
PO Box 70
Cheboygan, Michigan 49721

Dear Mr. McNeil:

I'm writing to you to ask that you deny the zoning requests for the proposed Heritage Cove Farm mental health facility. I am a local resident living near the property and the location proposed is not appropriate for the intended use.

The local area that this parcel is situated in is a residential area that is remote, woodland and wetland area bordering a heavily used North Central Recreational trail used by families and local visitors year round. It is not suitable for the care and treatment of individuals who require full time supervision and compliance with medication and therapies.

The Farm will not be a licensed facility and it will not have 24/7 staff or security for the well being of its residents and the local community. For residents that may wonder off this poses a significant risk to them, in addition to the local residents and visitors. The lack of licensing will also provide no requirements for skilled, trained medical professionals.

As proposed, it is a commercial enterprise attempting to operate in a residential setting with a nonprofit status. It lacks readily accessible public safety and medical personnel. This, along with the lack of proper licensing, clearly defined prerequisites for admission, and 24/7 supervision of its residence warrants the denial.

Thank you,
Lori Hastie
Indian River, Michigan

Deborah Tomlinson

From: Sue Devick [mailto:suedevick@aol.com]
Sent: Thursday, July 23, 2015 11:15 AM
To: Scott McNeil
Subject: July 23, 2015

July 23, 2015

Scott McNeil
Cheboygan Planning Commission
870 S. Main St.
Cheboygan, MI. 40721

Dear Mr. McNeil and Cheboygan County Planning Commission,

I am writing to express my deep concern over the special use zoning application and request for an accommodation under the American Disabilities Act submitted by attorney Larry Hanson for a mental health facility located at 625 Grandview Beach Road in Indian River. This project, entitled "Heritage Cove Farm," is presented to Cheboygan County's Planning Commission with an unrealistic viewpoint of the degree of care that is required by patients with the illnesses that Mr. Hanson intends to treat at his proposed facility, such as bipolar disorder, schizophrenia, and depression, which are highly complicated diagnoses. (See, for example, Mayo Clinic's website concerning bipolar disorder symptoms at http://www.mayoclinic.org/diseases-conditions/bipolar-disorder/basics/symptoms/con-20027544.) The overly romanticized description of the facility in the Hanson application does not address either the realities faced by Hanson's prospective patients or by the residents of Grandview Beach, many of whom face significant physical challenges and/or disabilities themselves.

An example of the oversimplification of the Hanson application is its treatment of medication for its patients, an integral part of any plan for a mental health facility.
Mr. Hanson states his intention to supply "medication reminders" to his patients, failing to address such issues as who will be in possession of the medications for up to 24 prospective patients, how the medications will be stored, what would happen if a patient refuses to take prescribed medicine, and where any unused medications or "sharps" would be disposed of without endangering either people or the environment. As detailed in the website for the National Institute of Mental Health, the side effects of various medications for schizophrenia can include very serious conditions which should be monitored by physicians. (See https://www.nimh.nih.gov/health/topics/schizophrenia/index.shtml.) The lack of detail in the Hanson plan about the health and safety of his prospective patients in this regard alone is sufficient to warrant its complete rejection of this application by Cheboygan County officials.

Area residents are unfairly criticized in the Hanson application for questioning and/or objecting to the inappropriate location for a mental health treatment facility.
(Mr. Hanson's attorney writes on p. 9 of his application letter that there is "negative public sentiment related to the Farm due to the types of persons that will reside at the Farm.") Many of the cottages along Grandview Beach belong to people whose families have owned their respective properties for generations, and the close proximity of the cottages lends itself to shared memories between neighbors.

One very sad event is still with the Grandview Beach neighbors, as a grandmother on the beach was slain by her teenaged grandson who apparently suffered from schizophrenia. Perhaps the residents of Grandview Beach understand the complex nature of mental illnesses and the need for adequate professional care, proper treatment, and readily available emergency assistance more than the applicant allows credit for in his special land use zoning request. As a long term resident of Grandview Beach, I ask that the Planning Commission deny this application.

Sincerely,

Susan Devick

Deborah Tomlinson

From: Scott McNeil
Sent: Monday, August 24, 2015 12:41 PM
To: Deborah Tomlinson
Cc: Steve Schnell
Subject: FW: Federal filing and Mr. Lindsay's letter

FYI

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

From: suedevick@aol.com [mailto:suedevick@aol.com]
Sent: Monday, August 24, 2015 12:38 PM
To: Scott McNeil
Subject: Re: Federal filing and Mr. Lindsay's letter

To: Cheboygan County Planning Commission

From: Susan Devick, 289 Grandview Beach Rd., Indian River (summer residency)

Subject: Special Land Use Permit Application submitted by Mr. Hanson

Dear Scott and Cheboygan County Planning Commission,

I read the filing submitted by Mr. Hanson and his counsel in federal court against Cheboygan County in regard to Mr. Hanson's Special Land Use Permit Application for his proposed mental health facility at 625 Grandview Beach Rd. in Indian River, and I was surprised to see included in that filing partial phrases and sentences taken out of context from numerous sources, but particularly from the letter written by Mr. Christopher Lindsay to the Planning Commission dated June 15, 2015. The partial phrases in Mr. Lindsay's letter were included (in a list labeled as "Prejudice Letters") in the federal filing on p. 24 as points "p" and "q". Although I am confident that the legal counsel for Cheboygan County will consider this in its response to the federal filing, I would like to briefly point out my observations:

Regarding point "p" (which states as written in the federal filing,"...the permit will cause an unsafe environment for those persons living in the general area...;"), the actual compound sentence written by Mr. Lindsay in the third paragraph of his letter is a general introduction to many issues, including safety and light pollution; his ensuing topics of discussion includes environmental safety and the disposal of medicine and sharps, the safety of those living at the proposed facility, OSHA guidelines and the safety of those working and/or working *and* living at the facility, as well as the security of those residing near the facility. Mr. Lindsay includes references and citations from the EPA, the FDA, OSHA, the National Institute of Health, and the National Alliance on Mental Illness (among other sources), information that is highly relevant to this special land use permit application and

federal lawsuit.

Regarding point "q" (which states as written in the federal filing, "the application fails to address the potential issue of attempted suicide, and suicide at all";), the quote does not indicate (due to its lack of punctuation) that other words in Mr. Lindsay's letter precede "the application'; **this is a total unethical misquote of Mr. Lindsay**. (The above example, point "p", demonstrates that the Hanson team knows how to correctly distinguish with ellipsis points when words precede a partial quote.) In fact, Mr. Lindsay's actual quote is, "As far as placing an additional burden on the County facilities are concerned the application fails to address the potential issue of attempted suicide, and suicide, at all. The Harvard Medical School states, 'The risk of suicide is high among people with bipolar disorder; an estimated 1 of 4 people attempt suicide, and 1 of 10 succeed.'" Mr. Lindsay's discussion of mental illness includes research citations from Harvard Medical School, the University of Michigan, the Resource Guide for Families Dealing with Mental Illness, and other professional medical sources and publications; his letter should not be erroneously labeled as a prejudiced document.

It is discouraging to me that the Hanson team also misquotes local codes and federal laws. The letter accompanying the Hanson application misquotes Cheboygan County Ordinance 18.7e, which states, "The Proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties." Mr. Lindsay's letter also points out the misquoting of the ADA in the application letter; the current law's inclusions appear to be different than those quoted in the letter. Also, a 2013 legal case that is "partially quoted" in the Hanson letter appears to be from the Supreme Court of Michigan (People v. Stanley Duncan) which centers around evidence allowed from the sexual assault of a three year old girl.

Also, I would like to point out a possible oversight in the Site Plan Requirement Checklist submitted by Mr. Hanson. According to Mr. Hanson's affidavit on 3/13/15, the issue of "hazardous materials" at the site of his project is non-applicable; in point "r" of the requirements in the checklist, he has written "n/a" in the blank next to the specification "Location of any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials... ." One would conclude that no chemicals or hazardous materials would be stored at this site; no exceptions are noted.

In the supplemental materials (including a letter later submitted by Mr. Hanson's team) dated 4/20/15, or several weeks later, it is acknowledged that "medical prescriptions, and medical services are not included" at the proposed facility; however, "medication reminders" would be offered. One would therefore conclude that any necessary prescription medicine required by any patient at this facility would be stored and possible disposed of at this facility, with no exceptions for injected medicines, "sharps," or other accompanying products that could potentially cause harm to either guests, employees (including those that would reside at the facility, along with their families), nearby residents, and wildlife. The delicate local environment, including the wetlands along Indian River, could be impacted by the storage and/or disposal of medications and sharps at or near the Hanson site. (See Christopher Lindsay letter referenced above, including all research citations.) Both the EPA and the FDA have guidelines regarding the disposal of medicines that are applicable to this situation, and it is doubtful that experts from these agencies would find that this matter should be swept aside as "non-applicable." In this regard, the licensing of the facility, or lack thereof, is also an important detail that should be examined by the Planning Commission, particularly because some medications must be stored with specific temperature controls or other restrictions.

Thank you for your attention in these important matters.

Sue Devick

RECEIVED
AUG 31 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

To the Cheboygan County Planning Comission
c/o Scott McNeil

I'm writing in response to Larry and Betsy Hansen's request for a special use permit for a change in their land use that would create a Commercial Mental illness treatment facility. This facility at times would accomodate up to 43 persons at a time, on 33 acres, more than ½ in the Indian River wetlands (lake, river) and stream protection area. Any development in this zoning district must consider potential environmental and direct impact on the water resources, including the Indian River, spreads, wetlands, and groundwater. Yet, the facility would include an orchard, waste storage area, gardens, smokehouse, a community lodge, 8-12 apartments all within the environmental protection area. This area already has a high water area, and will additional septic service, building and parking areas, garage and laundry facility. Wastewater for the number of people involved, site drainage would be of major concern, stormwater discharging to Michigan surface waters is one of the greatest threats facing our surface water resources.

The safety and security of our residents would certainly be compromised with the addition of an unregulated Commercial Illness treatment center. No security system to my knowledge has been proposed. The Indian River police department has already been forced to cut back, with the Cheboygan Sheriff's department having to do much of their past responsibilities. There are several single elderly women that live alone year around, as well as several elderly couples

The Hansens' special permit application includes several assertions regarding the proposed property use pursuant to the Americans with Disabilities Act (ADA) and suggesting that the county must accomodate this type of use at this property. Compliance with the ADA means the facility cannot exclude people with a history of violence, illegal substance abuse, or communicable diseases, making the obligations of the township and county more critical.

Grandview Beach has had a very good reputation for allowing our children and grandchildren to be left to play safely and without the fear of violence. This would change and the environment of the residents of Grandview Beach would be adversely impacted.

Realtors have said house and property along the beach would be adversely affected, and property values would depreciate. There are many areas that would be much more suitable for this type of facility.

I hope that you take even more than my concerns into consideration when reviewing this property and its intended use.

Sincerely,

Dr Dan Weaver

Lynda L Weaver

August 30, 2015

Mr. Scott McNeil & Cheboygan County Planning Commission
Cheboygan County Board of Commissioners

RE: Proposed mental facility known as "Heritage Cove Farm" to be located at 625 Grandview Beach Road, Indian River, Michigan (the "Development") to be developed by Larry Hanson (the Developer)

Dear Mr. McNeil, Members of the Planning Commission & Board of Commissioners,

My name is Tom Mangum. My wife and I own a residence located within a few hundred yards of the Development, which we strongly oppose. Regarding the Developer's application and baseless lawsuit against Cheboygan County, I have the following comments:

Regarding "discrimination" claims by the Developer:
The proposed business claims it will have "disabled" customers/patients. The key factor is that similar businesses whose customers/patients are not disabled are also prohibited under the same zoning code. For example, "therapy" is not a permitted use and that equally applies to disabled and non-disabled people, alike. Therefore, rejecting the Developer's application based on the zoning requirements is not discriminatory.

Regarding requests for "reasonable accommodations" by the Developer:
The Developer's lawsuit is (incorrectly) relying on "reasonable accommodations" under federal law. However, the proposed accommodation is not required in this situation for one very simple reason; it's not "reasonable". A joint statement from The United States Department of Justice and Department of Housing & Urban Development regarding this topic specifically states, ***"Not all requested modifications of rules or policies are reasonable. If a requested modification imposes an undue financial or administrative burden on a local government, or if a modification creates a fundamental alteration in a local government's land use and zoning scheme, it is not a reasonable accommodation."*** In other words, allowing a poorly conceived mental health facility (such as the Development) to be developed in a residential neighborhood (such as the Grandview Beach area) would be an obvious fundamental change to the neighborhood's land use and zoning scheme. Therefore, no accommodation is required under federal law.

It's unfortunate we have to waste so many resources on a desperate lawsuit that plays the discrimination card. However, as a taxpayer in Cheboygan County, I strongly encourage you to vigorously defend the county and its residents, enforce the existing zoning regulations and deny the Developer's application, at all costs. Anything less would be a breach of fiduciary duty.

Respectfully,

TM

Tom Mangum

Deborah Tomlinson

From: Rubritius, Mahtina (LARA) [mailto:RubritiusM@michigan.gov]
Sent: Thursday, August 20, 2015 1:50 PM
To: Steve Schnell
Cc: Bancroft, Suzanne (LARA)
Subject: Therapeutic Farm Community

Good afternoon Steve,

This correspondence is being sent as a follow-up to your inquiry regarding the proposed therapeutic farm community. The Bureau of Community and Health Systems (BCHS), AFC and Camps Licensing Division has not reviewed anything formal, outlining and describing what services will be provided at this facility. However, it should be noted that it was documented in a newspaper article (*Indian River Advocate*, dated June 12, 2015) that this program would be run similar to Rose Hill in Holly, MI, which is licensed as an AFC. In addition, if the therapeutic farm provides substance abuse treatment, a license through the Substance Abuse Program (LARA) may be required, depending on the services provided.

Per Public Act 218, 400.703 Sec. 3. (4) "Adult foster care facility" means a governmental or nongovernmental establishment that provides foster care to adults. Subject to section 26a(1), adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.

An adult foster care facility does not include any of the following:

> (h) An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

Per Public Act 218, 400.704 Sec. 4. (7) "Foster care" means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.

An operation needs to be licensed under Act 218 as an adult foster care (AFC) facility if it provides **personal care, supervision and protection** in addition to **room and board** to 20 or fewer unrelated persons who are aged, mentally ill, developmentally disabled, or physically disabled, for 24 hours a day, 5 or more days a week, for 2 or more consecutive weeks for compensation.

An operation needs to be licensed under Act 368 as a home for the aged (HFA) if it **provides room and board and supervised personal care** to 21 or more unrelated people who are 60 years of age or older; or if operated as a distinct part of a licensed nursing home, can be provided to fewer than 21 residents.

The elements of AFC and HFA are drawn from their statutory and administrative rule definitions.

Personal care means personal assistance with dressing, personal hygiene, grooming, maintenance of a medication schedule, or the development of those personal and social skills required to live in the least restrictive environment.

Supervision means guidance of a resident in the activities of daily living, including reminding a resident of important activities and appointments and to take medication, and being aware of a resident's general whereabouts even if the resident may travel independently in the community.

Protection means actions taken to insure the health, safety, and well-being of a resident, including protection from physical harm, humiliation, intimidation, and social, moral, financial, and personal exploitation.

Supervised personal care means guidance (cuing, prompting, reminding) or assistance with eating, toileting, bathing, grooming, dressing, transferring, mobility, medication management, reminding resident of important activities to be carried out, assisting a resident to keep appointments, supporting a resident's personal and social needs, and being aware of a resident's general whereabouts even if the resident is capable of independent travel about the community.

Room and board means the provision of housing and meals. Under this definition, a "room" could be a bedroom, an apartment, a suite, etc. Board means any involvement in the purchase or preparation of meals.

Personal care, supervised personal care, supervision, and protection are all defined in rule and statute: MCL 400.706(1)(4), 400.707(7) and 325.1901 (2)(16) (20)(22)(23).

Zoning: A proposed facility for 7 or more should first obtain written local zoning approval. The application process cannot proceed without this approval.

In conclusion, additional information and more specific details about the programming would be needed in order to adequately assess and determine if this facility requires licensure.

Thank you,
Mahtina

Mahtina Rubritius, MSW
Licensing and Regulatory Affairs
AFC/HFA Licensing Division
AFC Program Consultant
201 N. Washington Square, 4th Floor
Lansing, MI 48933
517-284-9724 or 517-262-8604

Kathryn Joy Bingham Jung
221 West Broadway
Granville, Ohio430231
740-587-4864
42majaka@gmail.com

September 12, 2015

Cheboygan County Planning
Commission c/o Scott McNeil
870 South Main Street, Room 103
POBox70
Cheboygan, MI 49721

Dear Mr. McNeil,

My name is Kathryn Joy Bingham Jung. My family has owned our cottage at 830 Giauque Beach for over 100 years. Our grandchildren are now the 6th generation to cherish this idyllic Mullett Lake community.

We strongly oppose the proposed plan to build Heritage Cove Farm , an unlicensed and unregulated residential rehabilitation facility, in such close proximity to our safe community. This safe lakeside community has allowed generations of children to safely enjoy the lake and Pure Michigan. The proposed plan will expose our community to potentially dangerous and violent residents. As parents and grandparents, we will not be able to comfortably allow our children to enjoy the community as they have done in the past. There have to be other locations that can safely accommodate this facility.

As other letters to the Commission illustrate, there are numerous other reasons to support our request to reject this proposal.

Thank you for your consideration,

Kathryn Joy Bingham Jung

Kathryn Joy Bingham Jung

PLUNKETT COONEY

September 18, 2015

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

RE: Heritage Cove Farm

Dear Mr. Schnell:

I write in support of the proposed Heritage Cove Farm project. I am an attorney in Detroit with extensive experience representing social agencies which deal with mental and developmental issues. I have represented on a pro bono basis two separate groups which provide services to persons with mental and developmental issues. One provides housing for adults with autism, some of whom exhibit violence. All of the housing is in densely populated areas. This housing has been in place for many year without problems or complaints. The other group operates a farm for the developmentally disabled, including persons with autism. Again, there have been no complaints. In fact the municipal authorities are very supportive.

The descriptive materials I have reviewed depict Heritage Cove Farm at the peak of development. In my experience, projects like this take time to grow and they maintain their relationship with local authorities throughout the whole process. The Americans With Disabilities Act and Fair Housing Act make Heritage Cove Farm possible, but they do not preclude application of laws covering regulatory, security, safety, sewerage, and other environmental impacts. In my experience, as the Farm develops, staff will determine the level of disability and mental illness they can safely handle in light of these requirements and their ability to help. There will be eligibility requirements and some applicants will not be accepted.

One of the objections is that Heritage Cove Farm will be a business. I can tell you that every charity large and small is a business. The business operates the charity. If the business fails, the charity fails. In fact, one of the principal activities of the Internal Revenue Service is to review organizations recognized as tax exempt (501(c)(3) entities) to make sure they are operating the charity which supports their exemption and not some other taxable enterprise.

ATTORNEYS & COUNSELORS AT LAW

Bold Building • 333 Griswold Street, Suite 2400 • Detroit, MI 48226 • T: (313) 965-3900 • F: (313) 983-4350 • plunkettcooney.com

In summary, my experience demonstrates that Heritage Cove Farm will not negatively impact the community.

Very truly yours,

John F. Burns
Direct Dial: (313) 983-4734
Email: jburns@plunkettcooney.com

JFB/sk

Cc: Lawrence P. Hanson

Bcc: Richard E. Rassel, III, Esq.

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W|W|R|P

Williams Williams Rattner & Plunkett, P.C.
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SEP 24 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Via email: kazim@cmda-law.com
Haider A. Kazim
Cummings, McClorey, Davis & Acho, P.L.C.
400 W. Front Street
Suite 200
Traverse City, MI 49684

September 22, 2015

RE: *Heritage Cove Farm ("HCF) v. Cheboygan County (the "County")*
Eastern District of Michigan Case No. 15-12752 (the "Litigation")

Submitted pursuant to FRE 408

With respect to the above-referenced litigation ("Litigation"), so long as HCF is placed on the Planning Commission's hearing agenda on the dates specified hereinbelow, in effort to move towards resolution of this matter and with express reservation of, and no prejudice to the Parties regarding, any and all claims and defenses that have been made, or may be made, in the Litigation, HCF hereby requests that the County process HCF's pending Application as a special land use permit request under and analogous to the ordinance sections listed below, approve the submitted site plan and grant HCF any and all reasonable accommodations with respect to the processing of HCF under said provisions.

M-AF DISTRICT CHART

LABEL STATED ON THE SITE PLAN	Specific Special Land Uses:	An Accommodation is Requested for the proposed Use Under Federal and State Law as Previously Outlined:
"Housing" and "Cottages"	Analogous to §9.3.14 Convalescent[1] home (detached) or under §9.3.22[2]	**Yes**
"Animal pasture area"	§9.3.22	**Yes**
"Barn"	§9.3.22	**Yes**
"Work Shop"	§9.3.22	**Yes**
"Greenhouse"	§9.3.22	**Yes**
"Garage" and "Laundry"	Analogous to §9.3.14 Convalescent home or under §9.3.22 (detached)	**Yes**
"Administrative Building"	Analogous to §9.3.14 Convalescent home (detached) or under §9.3.22	**Yes**

[1] The dictionary definition of "convalescence" means "to become healthy and strong again slowly over time after illness, weakness, or injury." http://www.merriam-webster.com/dictionary/convalesce

[2] The §9.3.22 catch all allows for "[u]ses 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 the subsection or corresponding subsections in other zoning districts . . ." See detailed letters from WWRP dated April 20, 2015 and May 13, 2015 which provide a detailed description explaining how the proposed use is of the same general character as the other uses allowed in the zoning district.

P-LS DISTRICT CHART

LABEL STATED ON THE SITE PLAN	Specific Special Land Use:	An Accommodation is Requested for the proposed Use Under Federal and State Law as Previously Outlined:
"Housing" and Cottages	Analogous to §10.3.3 Cabin colonies or §10.3.8 multifamily or duplex	**Yes**
"Garden"		**Yes**
"Community House"	Analogous and/or ancillary to 10.3.2 Club, 10.3.6 Country Club, 10.3.14 Restaurant, §10.3.3 Cabin colonies, and/or §10.3.8 multifamily or duplex	**Yes**
"Cold Storage and Kitchen Pantry"	Analogous and/or ancillary to 10.3.2 Club, 10.3.6 Country Club, 10.3.14 Restaurant, §10.3.3 Cabin colonies, and/or §10.3.8 multifamily or duplex	**Yes**
"Greenhouse"		**Yes**

The Parties expressly disclaim any waiver by them of any of their claims and defenses with respect to the Litigation by way of submission of this letter and/or participation in the corresponding administrative process. The Parties expressly reserve any and all arguments with respect to the Litigation.

The first public hearing shall be scheduled on or before November 4, 2015. Any and all subsequent hearings shall be scheduled on or before December 16, 2015, with the express understanding that this matter shall not be scheduled for hearing on November 10, 2015 through November 18, 2015.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

/s/ Richard E. Rassel

Richard E. Rassel
Susan A. Babcock

SAB/ae
cc: Heritage Cove Farm (*by e-mail*)

1006815

To: Scott McNeil, Cheboygan County Planning Commission

From: Sue Devick, 289 Grandview Beach Rd., Indian River, Mi 49749 (summer)

Dear Cheboygan County Planning Commission,

I am sending with this letter informational research that provides important insight into the complicated nature of the Hanson Special Land Use Permit Application for a proposed mental health facility located at 625 Grandview Beach Rd. in Indian River. Enclosed are documents relating to the "impaired quality" of Indian River and Mullett Lake, along with specific details concerning mental health conditions and medications, including:

Assessment Summary for Reporting Year 2010, Cheboygan Watershed

Watershed Council: Medicines in our Waterways

U.S. F.D.A.: Needles and Other Sharps

Drug Enforcement Administration correspondence regarding pharmaceutical wastage

University of Michigan: Biohazardous Sharps Waste

Waste Management: Household Hazardous Waste Disposal

National Institute of Mental Health: Bipolar Disorder in Adults

National Institute of Mental Health: Schizophrenia

National Institute of Mental Health: Depression

National Alliance on Mental Illness: Mental Health Medications

University of Michigan Department of Psychiatry: Bipolar Disorder, Schizophrenia

Mayo Clinic: Bipolar Disorder--Definition, Symptoms

Mayo Clinic: Schizophrenia--Definition, Symptoms

Thank you very much for your consideration.

Sue Devick

Sue Devick

http://ofmpub.epa.gov/tmdl_waters10/attains_watershed.control
Last updated on 9/1/2015

Watershed Assessment, Tracking & Environmental ResultS

You are here: EPA Home Water WATERS Water Quality Assessment and TMDL Information Watershed Quality Assessment Report

Return to home page

On This Page
- Assessment Summary
- Causes of Impairment
- Probable Sources Contributing to Impairment
- TMDL Alternatives by Cause of Impairment
- Cumulative TMDLs by Pollutant

Michigan State Report

For More Information:

Download Excel compatible information

Download GIS Information (Internet Explorer only)

Water Quality Data Available for this Watershed

Michigan, Cheboygan Watershed

Click on the watershed for an interactive map

Search for a waterbody within Cheboygan
Enter Waterbody Name:
Search

Features
- About This Database (Integrated Report)
- Assessing Water Quality (Questions and Answers)
- Integrated Reporting Guidance
- Previous National Water Quality Reports
- EnviroMapper for Water
- AskWATERS
- EPA WATERS Homepage
- Exchange Network
- Assessment Database
- Statewide Statistical Surveys
- *How's My Waterway* Local Search tool
- Pollution Categories Summary Document
- Nitrogen and Phosphorus Pollution Data Access Tool (NPDAT)

Assessment Summary for Reporting Year 2010
Michigan, Cheboygan Watershed

Description of this table

Click here to list Threatened and Impaired Waters Only

NOTE: Click on the underlined "Waterbody Name" to view a Waterbody report.

Waterbody Name	Waterbody ID	Location	Map	Waterbody Type	Size	Units	Status	State TMDL Development Status
Big Lake	MI040700040301-02	4.5 Miles Se Of Gaylord.	Waterbody Map	Freshwater Lake	125.8	Acres	Good	
Burt Lake	MI040700040209-06	Vicinity Of Indian River.	Waterbody Map	Freshwater Lake	17,371.6	Acres	Impaired	
Crooked Lake	MI040700040208-05	Vicinity Of Oden And Ponshewaing.	Data Unavailable	Freshwater Lake	2,400.0	Acres	Impaired	
Douglas Lake	MI040700040205-04	Entire Lake	Waterbody Map	Freshwater Lake	3,706.7	Acres	Good	
Hoffman Lake	MI040700040103-03	7 Miles Se Of Boyne Falls.	Waterbody Map	Freshwater Lake	117.6	Acres	Good	
Lake 27	MI040601050205-02	3 Miles Se Of Elmira.	Waterbody Map	Freshwater Lake	116.1	Acres	Good	
Lancaster Lake	MI040700040205-03	10 Miles Sw Of Cheboygan (Munro Twp.).	Waterbody Map	Freshwater Lake	50.7	Acres	Good	
Larks Lake	MI040700040203-02	7.5 Miles Nw Of Pellston.	Waterbody Map	Freshwater Lake	592.8	Acres	Good	

Mullett Lake	MI040700040403-06	S. Of Cheboygan And E. Of Burt Lake.	Waterbody Map	Freshwater Lake	16,724.7	Acres	Impaired	
Pickerel Lake	MI040700040104-02	7 Miles Ne Of Vanderbilt.	Waterbody Map	Freshwater Lake	43.5	Acres	Good	
Pickerel Lake	MI040700040202-02	Se Of Alanson.	Waterbody Map	Freshwater Lake	1,080.0	Acres	Impaired	
Rivers/Streams In Huc 040700040101	MI040700040101-01	Includes: Sturgeon River	Waterbody Map	River	28.3	Miles	Impaired	
Rivers/Streams In Huc 040700040102	MI040700040102-01	Includes: Club Stream	Waterbody Map	River	21.8	Miles	Impaired	
Rivers/Streams In Huc 040700040103	MI040700040103-02	Includes: West Branch Sturgeon River	Waterbody Map	River	42.3	Miles	Impaired	
Rivers/Streams In Huc 040700040104	MI040700040104-01	Includes: Pickerel Creek And Sturgeon River	Waterbody Map	River	23.7	Miles	Impaired	
Rivers/Streams In Huc 040700040105	MI040700040105-01	Includes: Allen Creek, Marl Creek And West Branch Sturgeon River	Waterbody Map	River	27.1	Miles	Impaired	
Rivers/Streams In Huc 040700040106	MI040700040106-01	Includes: Allen Creek, Blackjack Creek, Stewart Creek And Sturgeon River	Waterbody Map	River	34.5	Miles	Impaired	
Rivers/Streams In Huc 040700040107	MI040700040107-01	Includes: Beebe Creek And Sturgeon River	Waterbody Map	River	21.0	Miles	Impaired	
Rivers/Streams In Huc 040700040201	MI040700040201-01	Includes: Minnehaha Creek, Silver Creek And West Branch Minnehaha Creek	Waterbody Map	River	34.0	Miles	Impaired	
Rivers/Streams In Huc 040700040202	MI040700040202-01	Includes: Cedar Creek And Mud Creek	Waterbody Map	River	28.0	Miles	Impaired	
Rivers/Streams In Huc 040700040203	MI040700040203-01	Includes: Brush Creek	Waterbody Map	River	20.4	Miles	Impaired	
Rivers/Streams In Huc 040700040204	MI040700040204-01	Includes: Maple River	Waterbody Map	River	61.8	Miles	Impaired	
Rivers/Streams In Huc 040700040205	MI040700040205-01	Includes: Lancaster Creek	Waterbody Map	River	31.3	Miles	Impaired	
Rivers/Streams In Huc 040700040205	MI040700040205-02	Includes: Certon Creek And Cope Creek	Waterbody Map	River	20.4	Miles	Impaired	
Rivers/Streams In Huc 040700040206	MI040700040206-01	Includes: Cold Creek And Maple River	Waterbody Map	River	32.8	Miles	Impaired	

Rivers/Streams In Huc 040700040207	MI040700040207-01	Includes: Maple River	Waterbody Map	River	40.8	Miles	Impaired	
Rivers/Streams In Huc 040700040208	MI040700040208-02	Includes: Crooked River, Mcphee Creek And Whites Creek	Waterbody Map	River	62.3	Miles	Impaired	
Rivers/Streams In Huc 040700040209	MI040700040209-01	Includes: Hasler Creek, Little Carp River And Maple River	Waterbody Map	River	25.3	Miles	Impaired	
Rivers/Streams In Huc 040700040301	MI040700040301-01	Includes: Pigeon River And South Branch Pigeon River	Waterbody Map	River	35.2	Miles	Impaired	
Rivers/Streams In Huc 040700040302	MI040700040302-01	Includes: Pigeon River	Waterbody Map	River	18.8	Miles	Impaired	
Rivers/Streams In Huc 040700040303	MI040700040303-01	Includes: Cornwall Creek And Pigeon River	Waterbody Map	River	25.6	Miles	Impaired	
Rivers/Streams In Huc 040700040304	MI040700040304-01	Includes: Little Pigeon River	Waterbody Map	River	21.0	Miles	Impaired	
Rivers/Streams In Huc 040700040305	MI040700040305-01	Includes: Little Pigeon River And Pigeon River	Waterbody Map	River	20.4	Miles	Impaired	
Rivers/Streams In Huc 040700040306	MI040700040306-01	Includes: Kimberly Creek, Little Pigeon River, Middle Branch Little Pigeon River, Morrow Creek And North Branch Little Pigeon River	Waterbody Map	River	28.4	Miles	Impaired	
Rivers/Streams In Huc 040700040307	MI040700040307-01	Includes: Pigeon River And Wilkes Creek	Waterbody Map	River	34.6	Miles	Impaired	
Rivers/Streams In Huc 040700040401	MI040700040401-01	Includes: Johnson Creek And Little Sturgeon River	Waterbody Map	River	27.9	Miles	Impaired	
Rivers/Streams In Huc 040700040402	MI040700040402-01	Includes: Mullett Creek	Waterbody Map	River	11.2	Miles	Impaired	
Rivers/Streams In Huc 040700040402	MI040700040402-02	Includes: Mullett Creek	Waterbody Map	River	9.6	Miles	Impaired	
Rivers/Streams In Huc 040700040403	MI040700040403-01	Includes: Indian River, Scott Creek And Sturgeon River	Waterbody Map	River	37.6	Miles	Impaired	
Rivers/Streams In Huc 040700040404	MI040700040404-01	Includes: Cheboygan River, Huron, Lake, Laperell Creek And Tannery	Waterbody Map	River	45.4	Miles	Impaired	

		Gully						
Rivers/Streams In Huc 040700040404	MI040700040404-02	Includes: Cheboygan River	Waterbody Map	River	2.8	Miles	Impaired	
Rivers/Streams In Huc 040700050101	MI040700050101-01	Includes: West Branch Upper Rainy River	Waterbody Map	River	13.0	Miles	Impaired	
Rivers/Streams In Huc 040700050102	MI040700050102-01	Includes: Little Rainy River	Waterbody Map	River	12.9	Miles	Impaired	
Rivers/Streams In Huc 040700050103	MI040700050103-01	Includes: East Branch Rainy River And Rainy River	Waterbody Map	River	15.7	Miles	Impaired	
Rivers/Streams In Huc 040700050104	MI040700050104-01	Includes: Rainy River	Waterbody Map	River	21.1	Miles	Impaired	
Rivers/Streams In Huc 040700050104	MI040700050104-02	Includes: Cold Creek	Waterbody Map	River	7.7	Miles	Impaired	
Rivers/Streams In Huc 040700050201	MI040700050201-01	Includes: Black River And Saunders Creek	Waterbody Map	River	11.8	Miles	Impaired	
Rivers/Streams In Huc 040700050202	MI040700050202-01	Includes: Black River	Waterbody Map	River	12.7	Miles	Impaired	
Rivers/Streams In Huc 040700050203	MI040700050203-01	Includes: East Branch Black River And Rattlesnake Creek	Waterbody Map	River	39.3	Miles	Impaired	
Rivers/Streams In Huc 040700050204	MI040700050204-01	Includes: Black River And Stewart Creek	Waterbody Map	River	32.8	Miles	Impaired	
Rivers/Streams In Huc 040700050205	MI040700050205-01	Includes: Little Mcmasters Creek, Mcmasters Creek And West Mcmasters Creek	Waterbody Map	River	15.3	Miles	Impaired	
Rivers/Streams In Huc 040700050206	MI040700050206-01	Includes: Canada Creek, Montague Creek, Packer Creek And Van Hetton Creek	Waterbody Map	River	22.7	Miles	Impaired	
Rivers/Streams In Huc 040700050207	MI040700050207-01	Includes: Canada Creek And Oxbow Creek	Waterbody Map	River	26.8	Miles	Impaired	
Rivers/Streams In Huc 040700050208	MI040700050208-02	Includes: Tomahawk Creek	Waterbody Map	River	12.9	Miles	Impaired	
Rivers/Streams In Huc 040700050209	MI040700050209-01	Includes: Black River	Waterbody Map	River	22.1	Miles	Impaired	
Rivers/Streams In Huc 040700050210	MI040700050210-01	Includes: Gokee Creek, Lewis Branch Adair Creek, Milligan Creek And	Waterbody Map	River	16.3	Miles	Impaired	

		Weed Creek						
Rivers/Streams In Huc 040700050211	MI040700050211-01	Includes: Black River And Gregg Creek	Waterbody Map	River	18.1	Miles	Impaired	
Rivers/Streams In Huc 040700050212	MI040700050212-01	Includes: Adair Creek, Milligan Creek And Stony Creek	Waterbody Map	River	23.7	Miles	Impaired	
Rivers/Streams In Huc 040700050213	MI040700050213-01	Includes: Black River, Bowen Creek And Sturgis Creek	Waterbody Map	River	10.7	Miles	Impaired	
Rivers/Streams In Huc 040700050213	MI040700050213-02	Includes: Black River And Welch Creek	Waterbody Map	River	28.2	Miles	Impaired	
Rivers/Streams In Huc 040700050301	MI040700050301-01	Includes: Mud Creek	Waterbody Map	River	32.0	Miles	Impaired	
Rivers/Streams In Huc 040700050302	MI040700050302-02	Includes: Black River, Fisher Creek And Stewart Creek	Waterbody Map	River	22.9	Miles	Impaired	
Rivers/Streams In Huc 040700050303	MI040700050303-02	Includes: Black River, Long Lake Creek And Owens Creek	Waterbody Map	River	37.8	Miles	Impaired	
Rivers/Streams In Huc 040700050304	MI040700050304-01	Includes: Black River And Myers Creek	Waterbody Map	River	27.5	Miles	Impaired	
Round Lake	MI040700040208-03	4.5 Miles Ne Of Petoskey.	Waterbody Map	Freshwater Lake	351.4	Acres	Good	
Silver Lake	MI040700040105-02	West Of Wolverine.	Waterbody Map	Freshwater Lake	74.1	Acres	Good	
Thumb Lake	MI040700040103-04	8 Miles Ne Of Boyne Falls.	Waterbody Map	Freshwater Lake	471.2	Acres	Good	
Unassessed Lakes In Huc 040601050205	MI040601050205-NAL	Lakes Only 'Assessed' For Navigation, Agriculture, And Industrial Water Supply	Waterbody Map	Freshwater Lake	209.8	Acres	Good	
Unassessed Lakes In Huc 040601050606	MI040601050606-NAL	Lakes Only 'Assessed' For Navigation, Agriculture, And Industrial Water Supply	Waterbody Map	Freshwater Lake	22.5	Acres	Good	
Unassessed Lakes In Huc 040700040101	MI040700040101-NAL	Lakes Only 'Assessed' For Navigation, Agriculture, And Industrial Water Supply	Waterbody Map	Freshwater Lake	84.8	Acres	Good	
Unassessed Lakes In Huc 040700040102	MI040700040102-NAL	Lakes Only 'Assessed' For Navigation, Agriculture, And Industrial	Waterbody Map	Freshwater Lake	72.2	Acres	Good	

Medicines in Our Waterways

The two main sources of pharmaceuticals in the environment are excretion and disposal. Most people flush their unused medicines down the toilet or sink. Sewage treatment plants are not designed to treat all the substances contained in medications. Although wastewater treatment plants are currently equipped to remove chemicals, foreign materials, and microorganisms from the water prior to ejecting it into natural waters, such as streams and lakes, active drug compounds from humans are not eliminated from the water in the treatment process. Treatment systems permit up to 93% of highly concentrated active drug compounds to leave the treatment plant. Therefore, most of these chemicals pass through the wastewater treatment facility (or they are processed through septic systems) and accumulate in rivers, lakes, ground water, and aquatic organisms. Even drugs thrown in the trash can eventually leach into the landfill and wind up in our ground water.

Many studies in the last ten years have detected pharmaceutical compounds in treated wastewater effluent, rivers, lakes, and ground water. According to the USGS, over 80% of waterways tested in the United States show traces of common medications such as acetaminophen, hormones, blood pressure medicine, codeine, and antibiotics. Samples from 139 streams in 30 states were analyzed during 1999 and 2000 for 95 chemicals and 82 of the 95 chemicals were detected at least once. Generally, these chemicals were found at very low concentrations (in most cases, less than 1 part per billion). Mixtures of the chemicals were common; 75 percent of the streams had more than one, 50 percent had 7 or more, and 34 percent had 10 or more.

The continuous exposure to low levels of pharmaceuticals can harm aquatic communities. This presents a problem to the aquatic environment because pharmaceutical compounds are specifically designed to affect biological organisms. While environmental concentrations are below acutely toxic levels, the main concern is the chronic and/or synergistic effects of the "cocktail" of pharmaceuticals humans have created in the water. The specific scientific harm caused by discharge of highly concentrated active drug compounds into our nation's waterways is not precisely known due to the unknown effect of pharmaceutical drugs on organisms not intended to consume the drug, and the constantly changing chemical mixture discharged from wastewater treatment plants. Although extensive scientific study and additional analysis is needed to better understand the impact presented by these chemicals, researchers have already observed endocrine disruption in fish in close proximity to wastewater treatment plants. Endocrine disruption is the most widespread and documented effect that pharmaceuticals have on aquatic organisms. Chronic exposure to endocrine disruptors, such as the compounds used in birth control, can feminize male fish and debilitate their capacity to reproduce. Also of concern is the development of antibiotic resistant bacteria populations. A number of studies have shown a decrease in antibiotic effectiveness due to its widespread presence in the environment.

Additionally, an Associated Press five-month investigation concluded a vast array of pharmaceuticals have been found in drinking water supplies of at least 41 million Americans. At current levels, pharmaceutical residues are unlikely to pose an immediate risk to human health, but the long-term consequences of individual chemicals, and combinations of chemicals, are unknown, especially as concentrations rise.

Public Safety

Proper disposal of unwanted medicines is also a public safety issue. Keeping medicines around the home can lead to possible poisoning from accidental ingestion, particularly among young children and pets, or illegal use or theft. When unused or expired prescription drugs sit in the medicine cabinet, they become too easily available and appealing to potential drug abusers, especially young adults and youth. According to a National Survey on Drug Use and Health, persons between the ages of 12 and 17 abuse prescription drugs more than cocaine, heroin, and methamphetamine combined and prescription drug abuse is second only to marijuana use. Michigan has one of the highest rates of teen prescription drug abuse in the nation. A study by The White House Office of National Drug Control Policy found that an astounding 12% of teens in Michigan use prescription drugs recreationally, much higher than the 7% national average.

Additionally, medications left unattended can have tragic consequences. Among people aged 35–54 years, unintentional poisoning surpassed motor-vehicle crashes as the leading cause of unintentional injury death in 2005. Among the deaths attributed to drugs, the most common drug categories are cocaine, heroin, and a type of prescription drug called opioid painkillers such as oxycodone (Oxycotin) and hydrocodone (Vicodin). Furthermore, each year in the United States, more than 71,000 children aged 18 and younger are seen in emergency rooms for unintentional overdoses of prescription and over-the-counter drugs.

Properly getting rid of unused medicines reduces the risk that prescriptions will be mishandled and end up on the street.

How to Properly Dispose of Medications

Prescription & Over-the-Counter Drug Drop-Off Box (POD Box)

A secure, convenient, and environmentally sound option for the disposal of unused and unwanted household medications.

Residents can drop off unused or unwanted medications at any time throughout the year. All medications are handled according to the law enforcement agency's evidence protocols until take for final destruction in accordance with state and federal laws. To learn more about the POD Drop-off Program, visit www.pillsinthepod.com.

POD Drop Box Locations:

(Listed in alphabetical order, by county)

Antrim County

- **Antrim County Sheriff's Office**
  Administration Office
  107 Grove Street
  Bellaire, MI 49615
  (231) 533-8627

- **Elk Rapids Police Department**
  321 Bridge Street
  Elk Rapids, MI 49629
  (231) 264-6592

Charlevoix County

- **Boyne City - City Hall**
  319 North Lake Street
  Boyne City, MI 49712
  (231) 582-6611

- **Charlevoix County Sheriff's Office - Jail Entrance**
  1000 Grant Street
  Charlevoix, MI 49720
  (231) 547-4461

- **Charlevoix County Sheriff's Office**
  Beaver Island Substation
  37830 Kings Highway
  Beaver Island, MI 49782
  (231) 448-2700

- **City of Charlevoix Police Department**
  210 State Street
  Charlevoix, MI 49720
  (231) 547-3258

- **City of East Jordan Police Department**
  326 Main Street
  East Jordan, MI 49727
  (231) 536-2273

Sara Ward from the Petoskey-Harbor Springs Area Community Foundation demonstrates how easy it is to dispose of your unwanted and expired medications in the new POD Box located at the City Hall in Petoskey.

Cheboygan County

- **Cheboygan County Sheriff Department**
  County Building
  870 S. Main Street
  Cheboygan, MI 49721
  (231) 627-3155

- **Cheboygan Department of Public Safety**
  Cheboygan City Hall
  403 N. Huron Street
  Cheboygan, MI 49721
  (231) 627-4321

- **Mackinaw City Police Department**
  Village Hall
  102 S. Huron Avenue
  Mackinaw City, MI 49701
  (231) 436-7861

- **Tuscarora Township Police Department**
  3546 Sturgeon Avenue
  Indian River, MI 49749
  (231) 238-9481

Emmet County

- **City of Petoskey Department of Public Safety - Front Lobby of City Hall**
  101 East Lake Street
  Petoskey, MI 49770
  (231) 347-2500

- **City of Petoskey Department of Public Safety**
  Public Safety Station West - Bay Harbor
  3625 Charlevoix Avenue
  Petoskey, MI 49770
  (231) 347-4842

- **Emmet County Sheriff's Office - Jeffery P. Bodzick Administrative Office and Correctional Facility (Jail Entrance)**
  450 Bay Street
  Petoskey, MI 49770
  (231) 347-2036

- **Emmet County Sheriff's Office - Richard L. Zink Law Enforcement Center**
  3460 Harbor-Petoskey Road (M-119)
  Harbor Springs, MI 49740
  (231) 439-8900

- **Harbor Springs Police Department**
  170 Zoll Street
  Harbor Springs, MI 49740
  (231) 526-6211

- **Little Traverse Bay Bands of Odawa Indians**
  Tribal Police Department
  911 Spring Street, Lower Level
  Petoskey, MI 49770
  (231) 242-1574

Additional POD Boxes outside of

You can also help by reducing the quantity of unwanted medications in your home:

- Purchase only as much as you need and take the medication as prescribed by your physician.
- Centralize all medications in one location secured from children and pets. This may help to limit inadvertent over-purchasing of products you already have.
- In order to preserve the quality of your medicines, store medications at proper temperature and humidity as recommended on the label. This is sometimes NOT in the bathroom medicine cabinet.
- Say "No" to physician samples if you are not going to use them.

Tip of the Mitt Watershed Council • 426 Bay Street, Petoskey, MI 49770
PH: (231) 347-1181 • Fax: (231) 347-5928 • www.watershedcouncil.org
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Powered by SiteChalk

We will be accepting:

- Prescription Drugs
- Over-the-counter (OTC) Medicines
- Pet Medicines
- Nutritional Supplements and Vitamins
- Skin Care Products and more

Not in our service area? You still have options!

For those living outside of our four-county service area or even Michigan, you can use the National Association of Drug Diversion Investigators (NADDI) "Find a Rx Box Near You" Program to find a drop box where you live. Simply use the following link http://rxdrugdropbox.org/map-search/ and the closest drop box will appear on the map.

With all of these options, proper disposal of unwanted and unused medications should be possible for everyone!

Prescription and Over-the-Counter Drug Collection Events

PRESCRIPTION & OVER-THE-COUNTER DRUG DROP-OFF

Tuesday, April 21, 2015
10:00 a.m. - 2:00 p.m.
McLaren Northern Michigan, Cheboygan Campus
(Entrance North of the Emergency Department)

They will also be accepting sharps, cell phones, shoes, eyeglasses, and hearing aids for proper disposal/recycling.

Wednesday, April 22, 2015
7:00 a.m. - 4:00 p.m.
McLaren Northern Michigan, Petoskey Campus
(Hospital Circle Driveway. Entrance off Mitchell Street across from Johan's Bakery.)

They will also be accepting sharps, cell phones, shoes, eyeglasses, and hearing aids for proper disposal/recycling.

Saturday, April 25, 2015
10:00 a.m. - 2:00 p.m.
In front of Antrim County Courthouse
E. Cayuga Street, Bellaire

Saturday, July 25, 2015
9:00 a.m. - 12:00 Noon
Emmet County Drop-Off Center
(7363 Pleasantview Road, Harbor Springs)

Saturday, September 12, 2015
9:00 a.m. - 1:00 p.m.
Boyne City Road Commission Garage
(Just east of the Boyne City Public School football field.)

Wednesday, October 14, 2015
7:00 a.m. - 4:00 p.m.
McLaren Northern Michigan, Petoskey Campus
(Hospital Circle Driveway, Entrance off Mitchell Street across from Johan's Bakery.)

They will also be accepting sharps, cell phones, shoes, eyeglasses, and hearing aids for proper disposal/recycling.

Saturday, October 31, 2015
10:00 a.m. - 2:00 p.m.
In front of Antrim County Courthouse
E. Cayuga Street, Bellaire

our service area include:

Mackinac County

- **City of St. Ignace Police Department**
  396 N. State Street
  St. Ignace, MI 49781
  (906) 643-6077

- **Mackinac County Sheriff's Office**
  100 South Marley Street
  St. Ignace, MI 49781
  (906) 643-1911

Grand Traverse County

- **Grand Traverse County Sheriff/Traverse City Police Department**
  Law Enforcement Center
  851 Woodmere Avenue
  Traverse City, MI 49686
  (231) 995-5001

Items Accepted:

- Prescription Drugs (Including controlled substances)
- Over-the-counter (OTC) Medicines
- Pet Medicines
- Nutritional Supplements and Vitamins
- Medicated Ointments and Lotions
- Liquid Medications in Sealed Containers or Plastic Bags

Items Not Accepted:

- Needles, Lancets, or Pen Needles (ANY Sharps)
- Aerosol Cans
- Bloody or Infectious Waste
- Hydrogen Peroxide
- Thermometers
- IV Bags
- Trash
- Mail

The POD Collection Box Program was made possible by the generous funding of:

Charlevoix County Community Foundation
Petoskey-Harbor Springs Area Community Foundation
Dole Family Foundation
Emmet County Household Chemical Drop-off
Great Lakes Restoration Initiative (GLRI)
Michigan Department of Agriculture and Rural Development
Michigan Agriculture Environmental Assurance Program (MAEAP)
Petoskey Rotary Club Charities, Inc.
Burt Lake Preservation Association
Mullet Lake Area Preservation Society
Charlevoix County Sheriff's Office
Tip of the Mitt Watershed Council

Partners in the POD Collection Program include:

HARBOR Inc., Emmet County DPW, Little Traverse Bay Bands of Odawa Indians, Tip of the Mitt Watershed Council, McLaren Northern Michigan Hospital, The Michigan State Police, Prescription Services Pharmacy, Charlevoix County Recycling Program, Charlevoix County Conservation District, Northwest Michigan Community Health Agency, Charlevoix Area Hospital, Charlevoix County Commissioners, County Commission on Aging, Central Drug Store, Antrim County Sheriff's Office, Boyne City Police Department, Charlevoix County Sheriff's Office, City of East Jordan Police Department, City of Petoskey Department of Public Safety, Cheboygan County Sheriff Department, Cheboygan Department of Public Safety, Elk Rapids Police Department, Emmet County Sheriff's Office, Harbor Springs Police Department, Little Traverse Bay Bands of Odawa Indians Tribal Police, Mackinaw City Police Department, Tuscarora Township Police Department, City of St. Ignace Police Department, Grand Traverse County Sheriff and Traverse City Police Department.

U.S. Food and Drug Administration
Protecting and Promoting *Your* Health

Needles and Other Sharps (Safe Disposal Outside of Health Care Settings)

SHARE (HTTPS://WWW.FACEBOOK.COM/SHARER/SHARER.PHP?U=HTTP%3A%2F%2FWWW.FDA.GOV%2FMEDICALDEVICES%2FPRODUCTSANDMEDICALPROCEDURES%2FHOMEHEALTHANDCONSUMER%2FCONSUMERPRODUCTS%2FSHARPS%2FDEFAULT.HTM)

TWEET (HTTPS://TWITTER.COM/INTENT/TWEET/?TEXT=NEEDLES%20AND%20OTHER%20SHARPS%20%28SAFE%20DISPOSAL%20OUTSIDE%20OF%20HEALTH%20CARE%20SETTINGS%29&URL=HTTP%3A%2F%2FWWW.FDA.GOV%2FMEDICALDEVICES%2FPRODUCTSANDMEDICALPROCEDURES%2FHOMEHEALTHANDCONSUMER%2FCONSUMERPRODUCTS%2FSHARPS%2FDEFAULT.HTM)

LINKEDIN (HTTPS://WWW.LINKEDIN.COM/SHAREARTICLE?MINI=TRUE&URL=HTTP%3A%2F%2FWWW.FDA.GOV%2FMEDICALDEVICES%2FPRODUCTSANDMEDICALPROCEDURES%2FHOMEHEALTHANDCONSUMER%2FCONSUMERPRODUCTS%2FSHARPS%2FDEFAULT.HTM&TITLE=NEEDLES%20AND%20OTHER%20SHARPS%20%28SAFE%20DISPOSAL%20OUTSIDE%20OF%20HEALTH%20CARE%20SETTINGS%29&SOURCE=FDA)

PIN IT (HTTPS://WWW.PINTEREST.COM/PIN/CREATE/BUTTON/?URL=HTTP%3A%2F%2FWWW.FDA.GOV%2FMEDICALDEVICES%2FPRODUCTSANDMEDICALPROCEDURES%2FHOMEHEALTHANDCONSUMER%2FCONSUMERPRODUCTS%2FSHARPS%2FDEFAULT.HTM&DESCRIPTION=NEEDLES%20AND%20OTHER%20SHARPS%20%28SAFE%20DISPOSAL%20OUTSIDE%20OF%20HEALTH%20CARE%20SETTINGS%29)

+

EMAIL (MAILTO:?SUBJECT=NEEDLES%20AND%20OTHER%20SHARPS%20%28SAFE%20DISPOSAL%20OUTSIDE%20OF%20HEALTH%20CARE%20SETTINGS%29&BODY=HTTP%3A%2F%2FWWW.FDA.GOV%2FMEDICALDEVICES%2FPRODUCTSANDMEDICALPROCEDURES%2FHOMEHEALTHANDCONSUMER%2FCONSUMERPRODUCTS%2FSHARPS%2FDEFAULT.HTM)

PRINT

This webpage gives tips for safely disposing (getting rid of) needles and other sharp devices that are used outside of health care settings. Patients and caregivers should keep these tips in mind when at home, at work, and while traveling.

- What are Sharps?
- Importance of Safe Sharps Disposal
- What to Do If You Are Accidently Stuck By a Used Needle or Other Sharp

What are Sharps?

"Sharps" is a medical term for devices with sharp points or edges that can puncture or cut skin.

Examples of sharps include:

- **Needles** – hollow needles used to inject drugs (medication) under the skin
- **Syringes** – devices used to inject medication into or withdraw fluid from the body
- **Lancets,** also called "fingerstick" devices – instruments with a short, two-edged blade used to get drops of blood for testing. Lancets are commonly used in the treatment of diabetes.
- **Auto Injectors,** including epinephrine and insulin pens – syringes pre-filled with fluid medication designed to be self-injected into the body
- **Infusion sets** – tubing systems with a needle used to deliver drugs to the body.
- **Connection needles/sets** – needles that connect to a tube used to transfer fluids in and out of the body. This is generally used for patients on home hemodialysis.

Sharps may be used at home, at work, and while traveling to manage the medical conditions of people or their pets. These medical conditions include allergies, arthritis, cancer, diabetes, hepatitis, HIV/AIDS, infertility, migraines, multiple sclerosis, osteoporosis, blood clotting disorders, and psoriasis.

There are about 9 million Americans who use needles or other sharps to manage their medical conditions at home. This amounts to more than 3 billion used needles and other sharps that must be disposed of outside health care settings each year.[1]

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Importance of Safe Sharps Disposal

Used needles and other sharps are dangerous to people and pets if not disposed of

safely because they can injure people and spread infections that cause serious health conditions. The most common infections are:

- Hepatitis B (HBV),
- Hepatitis C (HCV), and
- Human Immunodeficiency Virus (HIV).

Safe sharps disposal is important whether you are at home, at work, at school, traveling, or in other public places such as hotels, parks, and restaurants.

Never place loose needles and other sharps (those that are not placed in a sharps disposal container) in the household or public trash cans or recycling bins, and never flush them down the toilet. This puts trash and sewage workers, janitors, housekeepers, household members, and children at risk of being harmed

Pet owners who use needles to give medicine to their pets should follow the same sharps disposal guidelines used for humans.

Back to top

What to Do If You Are Accidently Stuck By a Used Needle or Other Sharp

If you are accidently stuck by another person's used needle or other sharp:

1. Wash the exposed area right away with water and soap or use a skin disinfectant (antiseptic) such as rubbing alcohol or hand sanitizer.
2. Seek immediate medical attention by calling your physician or local hospital.

Follow these same instructions if you get blood or other bodily fluids in your eyes, nose, mouth, or on your skin. For more information on viruses and needle-stick prevention, visit the **Occupational Safety and Health Administration's website ()**.

Back to top

[1]Statistics provided by the U.S. Environmental Protection Agency (EPA).

Related Links

- **FDA Flickr Slideshow (http://www.flickr.com/photos/fdaphotos/sets/72157627949569161/)** **(/AboutFDA/AboutThisWebsite/WebsitePolicies/Disclaimers/default.htm)**
- **Improperly Discarded 'Sharps' Can Be Dangerous (Consumer Update) (/ForConsumers/ConsumerUpdates/ucm278763.htm)**

- **Press Release: FDA Launches Website on Safe Disposal of Used Needles and Other "Sharps" (/NewsEvents/Newsroom/PressAnnouncements/ucm278851.htm)** [ARCHIVED]
- **DOs and DON'Ts of Proper Sharps Disposal: Printable Version (PDF - 120KB) (/downloads/MedicalDevices/ProductsandMedicalProcedures /HomeHealthandConsumer/ConsumerProducts/Sharps/UCM278775.pdf)**
- **How to Get Rid of a Sharps Container: Printable Version (PDF - 136KB) (/downloads/MedicalDevices/ProductsandMedicalProcedures /HomeHealthandConsumer/ConsumerProducts/Sharps/UCM278782.pdf)**

More in Needles and Other Sharps (Safe Disposal Outside of Health Care Settings) (/MedicalDevices/ProductsandMedicalProcedures/HomeHealthandConsumer /ConsumerProducts/Sharps/default.htm)

Sharps Disposal Containers (/MedicalDevices/ProductsandMedicalProcedures /HomeHealthandConsumer/ConsumerProducts/Sharps/ucm263236.htm)

U. S. Department of Justice
Drug Enforcement Administration

www.dea.gov

October 17, 2014

Dear Practitioner:

The Drug Enforcement Administration (DEA) recently learned that some practitioners misunderstand how pharmaceutical wastage should be disposed of in conformance with the Disposal of Controlled Substances final rule (79 Fed. Reg. 53,520, Sept. 9, 2014). This letter seeks to clarify the DEA position regarding a practitioner's disposal of pharmaceutical wastage.

In the disposal final rule, the DEA stated that a "controlled substance dispensed for immediate administration pursuant to an order for medication in an institutional setting remains under the custody and control of that registered institution even if the substance is not fully exhausted (*e.g.*, some of the substance remains in a vial, tube, transdermal patch, or syringe after administration but cannot or may not be further utilized, commonly referred to as 'drug wastage' and 'pharmaceutical wastage'). Such remaining substance must be properly recorded, stored, and destroyed in accordance with DEA regulations (*e.g.*, § 1304.22(c)), and all applicable Federal, State, tribal, and local laws and regulations, although the destruction need not be recorded on a DEA Form 41." 79 Fed. Reg. 53,521. The DEA further stated that "pharmaceutical controlled substances remain under the custody and control of the DEA registrant if they are dispensed by a practitioner for immediate administration at the practitioner's registered location (such as a hospital) pursuant to an order for medication. If that substance is not fully exhausted (*e.g.*, some of the substance remains in a vial, tube, or syringe after administration but cannot or may not be further utilized), then the DEA registrant is obligated to destroy the remaining, unusable controlled substances, and record the destruction in accordance with § 1304.22(c). The DEA registrant shall not place such remaining, unusable controlled substance in a collection receptacle as a means of disposal. Hospital/clinic staff ***must also*** not dispose of any controlled substances ***in inventory or stock*** in a collection receptacle." 79 Fed. Reg. 53,523 (emphasis added).

The DEA intended the above excerpts to emphasize that practitioners shall continue to record the destruction of pharmaceutical wastage in accordance with 21 C.F.R. § 1304.22(c), and that the new disposal regulations contained in Part 1317 do not alter a practitioner's existing obligations to destroy pharmaceutical wastage in accordance with applicable Federal, State, tribal, and local laws and regulations (e.g., environmental, hazardous/biohazard, and other safety-related laws and regulations).

Further, the above excerpts were intended to emphasize that the disposal of practitioner ***inventory*** (as opposed to pharmaceutical wastage) shall be accomplished in accordance with the new disposal requirements of Part 1317. For example, controlled substances contained within multi-dose vials remain part of the practitioner's inventory.

In contrast, once a controlled substance has been dispensed to a patient by an institutional practitioner on the basis of an order for immediate administration to a patient at the registrant's registered location, the substance is no longer in the practitioner's inventory. For example, after a pre-filled syringe or a single-dose vial or syringe is administered to a patient, any remaining substance in the syringe or vial is not required to be destroyed in accordance with new Part 1317. However, the remaining substance should be destroyed in accordance with applicable Federal, State, tribal, and local laws and regulations.

Although Part 1317 does not apply to pharmaceutical wastage, the DEA strongly encourages all practitioners to continue to adhere to security controls and procedures that ensure pharmaceutical wastage is not diverted. For example, most institutional practitioners have implemented policies that require two persons to witness and record destruction of pharmaceutical wastage.

Should you have any questions pertaining to this matter, please contact your local DEA field office, or you may contact the DEA Office of Diversion Control, Liaison and Policy Section, at (202) 307-7297.

Sincerely,

Joseph T. Rannazzisi
Deputy Assistant Administrator

COMMUNITY HEALTH
CONTRACTOR SAFETY
ENVIRONMENTAL PROTECTION
ERGONOMICS
FIRE SAFETY
FOOD SAFETY
HAZARDOUS WASTE
- Ballast Waste
- Battery Waste
- Biohazardous Waste
  - Solid Biohazardous Waste
  - Liquid Biohazardous Waste
  - Biohazardous Sharps Waste
  - Pathological Waste
  - Containers
- Bulb Waste
- ChEM Reuse Program
- Chemical Waste
- Consumer Electronic Waste
- Drain Disposal
- In-Line Waste
- Radioactive Waste
- Refrigerant Management
- Request Waste Pickup
- Conservation & Waste Minimization

RADIATION SAFETY
RESEARCH SAFETY
SAFETY FIRST
SAFETY TRAINING
SCIENTIFIC DIVE SAFETY
WORKER SAFETY

HAZARDOUS WASTE

Biohazardous Waste

Biohazardous Sharps Waste

Sharps waste includes any object that will easily penetrate the skin. Examples include broken contaminated glass, needles, scalpels, intravenous tubing with needle attached, razor blades, and capillary tubes.

Sharps cannot be treated by the generator. All sharps must be collected by HMM. A "Sharps" label must be attached to the container or the word "Sharps" written on the container exterior. All containers of biohazardous sharps waste must also have a "biohazard label" attached. For containers that are not pre-labeled, sharps and biohazard labels can be ordered through HMM at 763-4568. When biohazardous sharps waste accumulation begins the accumulation start date must be written on the container or biohazard label. The accumulation start date is the date the waste is first generated. All biohazardous sharps waste must be sent for disposal through HMM within 60 days.

Biohazard Hazard Label

Sharps Label

Disposal Procedures for Sharps Waste

- Collect sharps in a properly labeled sharps container
- Close the container
- Call HMM at 763-4568 to arrange for a collection
- Various containers are available through Hazardous Materials Management (HMM) for the collection of sharps waste. Containers can be ordered by calling HMM at 763-4568. Examples include:

SHARPS WASTE

HAZARD GUIDELINES
CHEMICAL INVENTORY
SAFETY DATA SHEETS

WHERE TO GO IN THE EVENT OF AN INJURY

Occupational Health Services
(734) 764-8021
Clinic Location

After regular business hours:
U-M Emergency Department

HOW TO REPORT AN INJURY/ILLNESS

U-M Work Connections:
Injury/Illness Form
(734) 615-0643

3.5 Gallon Sharps Container

2 Gallon Sharps Container

U-M Gateway | Copyright © 2010 by the Regents of the University of Michigan

Household Hazardous Waste Disposal

At Waste Management, we've teamed up with communities to provide smart, cost-effective ways to safely dispose of hazardous waste.

By definition these materials can be harmful and should never go into your community's regular trash. The materials listed below have commonly been referred to as household hazardous waste or HHW but are now commonly referred to as home generated special materials.

These materials include:

- Automotive products (antifreeze, fluids, motor oil, oil filters, gasoline, polish and wax)
- Batteries (home and vehicle)Electronics (TV, computers, laptops, cell phones, printers, fax machines, MP3 players, DVD/CD/tape players, and more)
- Fluorescent light bulbs and compact fluorescent lamps (CFL)
- Household cleaners (ammonia, drain cleaner, rust remover, tile/shower cleaner and more)
- Universal materials(include mercury containing items: thermometers, thermostats)
- Paint products (oil-based paint, latex paint, spray paint, caulk, wood preservative, wood stain)
- Garden chemicals (pesticides, herbicides, fertilizers, insecticides)
- Sharps (needles and lancets)
- Swimming Pool Chemicals

Home Pickup

In certain communities, some of these materials can be collected at the home. It's important that residents keep these materials separate from regular trash. It is not recommended to place down a sink or storm drain – it could contaminate groundwater or potentially flow into larger bodies of water.

Return-by-mail Recycling Kits

Our household hazardous waste recycling kits are postage-paid, return-by-mail programs your residents can order online. They simply mail the items back to us for environmentally responsible treatment and disposal.

Community Collection and Drop Off

As your environmental partner, we can also work with you to organize regular community drop-off programs and retailer take-back events

The National Institute of Mental Health: www.nimh.nih.gov

Bipolar Disorder in Adults

(http://www.nimh.nih.gov//health/publications/bipolar-disorder-in-adults/Bipolar_Disorder_Adults_CL508_144295.pdf)
Order a free hardcopy

What is bipolar disorder?

Bipolar disorder, also known as manic-depressive illness, is a brain disorder that causes unusual shifts in mood, energy, activity levels, and the ability to carry out daily tasks. Symptoms of bipolar disorder can be severe. They are different from the normal ups and downs that everyone goes through from time to time. Bipolar disorder symptoms can result in damaged relationships, poor job or school performance, and even suicide. But bipolar disorder can be treated, and people with this illness can lead full and productive lives.

Bipolar disorder often appears in the late teens or early adult years. At least half of all cases start before age 25.[1] Some people have their first symptoms during childhood, while others may develop symptoms late in life.

Bipolar disorder is not easy to spot when it starts. Some people suffer for years before they are properly diagnosed and treated. Like diabetes or heart disease, bipolar disorder is a long-term illness that must be carefully managed throughout your life.

What are the signs and symptoms of bipolar disorder?

People with bipolar disorder experience unusually intense emotional states that occur in distinct periods called "mood episodes." **Each mood episode represents a drastic change from a person's usual mood and behavior**. An overly joyful or overexcited state is called a manic episode, and an extremely sad or hopeless state is called a depressive episode. Sometimes, a mood episode includes symptoms of both mania and depression. This is called a mixed state. People with bipolar disorder also may be explosive and irritable during a mood episode. Extreme changes in energy, activity, sleep, and behavior go along with these changes in mood.

Symptoms of bipolar disorder are described below.

This table is scrollable by touch on mobile devices.

Symptoms of mania or a manic episode include:	Symptoms of depression or a depressive episode include:
Mood Changes	**Mood Changes**
An overly long period of feeling "high," or an overly happy or outgoing mood Extreme irritability.	An overly long period of feeling sad or hopeless Loss of interest in activities once enjoyed, including sex.
Behavioral Changes	**Behavioral Changes**
Talking very fast, jumping from one idea to another, having racing thoughts	Feeling overly tired or "slowed down"

Being unusually distracted
Increasing activities, such as taking on multiple new projects
Being overly restless
Sleeping little or not being tired
Having an unrealistic belief in your abilities
Behaving impulsively and engaging in pleasurable, high-risk behaviors.

Having problems concentrating, remembering, and making decisions
Being restless or irritable
Changing eating, sleeping, or other habits
Thinking of death or suicide, or attempting suicide.

Bipolar disorder can be present even when mood swings are less extreme. For example, some people with bipolar disorder experience hypomania, a less severe form of mania. During a hypomanic episode, you may feel very good, be highly productive, and function well. You may not feel that anything is wrong, but family and friends may recognize the mood swings as possible bipolar disorder. Without proper treatment, people with hypomania may develop severe mania or depression.

Bipolar disorder may also be present in a mixed state, in which you might experience both mania and depression at the same time. During a mixed state, you might feel very agitated, have trouble sleeping, experience major changes in appetite, and have suicidal thoughts. People in a mixed state may feel very sad or hopeless while at the same time feel extremely energized.

Sometimes, a person with severe episodes of mania or depression has psychotic symptoms too, such as hallucinations or delusions. The psychotic symptoms tend to reflect the person's extreme mood. For example, if you are having psychotic symptoms during a manic episode, you may believe you are a famous person, have a lot of money, or have special powers. If you are having psychotic symptoms during a depressive episode, you may believe you are ruined and penniless, or you have committed a crime. As a result, people with bipolar disorder who have psychotic symptoms are sometimes misdiagnosed with schizophrenia.

People with bipolar disorder may also abuse alcohol or substances, have relationship problems, or perform poorly in school or at work. It may be difficult to recognize these problems as signs of a major mental illness.

How is bipolar disorder diagnosed?

Bipolar disorder usually lasts a lifetime. Episodes of mania and depression typically come back over time. Between episodes, many people with bipolar disorder are free of symptoms, but some people may have lingering symptoms.

Doctors diagnose bipolar disorder using guidelines from the *Diagnostic and Statistical Manual of Mental Disorders* (DSM). **To be diagnosed with bipolar disorder, the symptoms must be a major change from your normal mood or behavior**. There are four basic types of bipolar disorder:

1. **Bipolar I Disorder**—defined by manic or mixed episodes that last at least seven days, or by manic symptoms that are so severe that the person needs immediate hospital care. Usually, depressive episodes occur as well, typically lasting at least 2 weeks.
2. **Bipolar II Disorder**—defined by a pattern of depressive episodes and hypomanic episodes, but no full-blown manic or mixed episodes.
3. **Bipolar Disorder Not Otherwise Specified (BP-NOS)**—diagnosed when symptoms of the illness exist but do not meet diagnostic criteria for either bipolar I or II. However, the symptoms are clearly out of the person's normal range of behavior.
4. **Cyclothymic Disorder, or Cyclothymia**—a mild form of bipolar disorder. People with

cyclothymia have episodes of hypomania as well as mild depression for at least 2 years. However, the symptoms do not meet the diagnostic requirements for any other type of bipolar disorder.

A severe form of the disorder is called **Rapid-cycling Bipolar Disorder**. Rapid cycling occurs when a person has four or more episodes of major depression, mania, hypomania, or mixed states, all within a year.[2] Rapid cycling seems to be more common in people who have their first bipolar episode at a younger age. One study found that people with rapid cycling had their first episode about 4 years earlier—during the mid to late teen years—than people without rapid cycling bipolar disorder.[3] Rapid cycling affects more women than men.[4] Rapid cycling can come and go.

When getting a diagnosis, a doctor or health care provider should conduct a physical examination, an interview, and lab tests. Currently, bipolar disorder cannot be identified through a blood test or a brain scan, but these tests can help rule out other factors that may contribute to mood problems, such as a stroke, brain tumor, or thyroid condition. If the problems are not caused by other illnesses, your health care provider may conduct a mental health evaluation or provide a referral to a trained mental health professional, such as a psychiatrist, who is experienced in diagnosing and treating bipolar disorder.

The doctor or mental health professional should discuss with you any family history of bipolar disorder or other mental illnesses and get a complete history of symptoms. The doctor or mental health professional should also talk to your close relatives or spouse about your symptoms and family medical history.

People with bipolar disorder are more likely to seek help when they are depressed than when experiencing mania or hypomania.5 Therefore, a careful medical history is needed to assure that bipolar disorder is not mistakenly diagnosed as major depression. Unlike people with bipolar disorder, people who have depression only (also called unipolar depression) do not experience mania.

Bipolar disorder can worsen if left undiagnosed and untreated. Episodes may become more frequent or more severe over time without treatment.6 Also, delays in getting the correct diagnosis and treatment can contribute to personal, social, and work-related problems.7 Proper diagnosis and treatment help people with bipolar disorder lead healthy and productive lives. In most cases, treatment can help reduce the frequency and severity of episodes.

What illnesses often co-exist with bipolar disorder?

Substance abuse is very common among people with bipolar disorder, but the reasons for this link are unclear.[8] Some people with bipolar disorder may try to treat their symptoms with alcohol or drugs. Substance abuse can also trigger or prolong bipolar symptoms, and the behavioral problems associated with mania can lead to drinking too much.

Anxiety disorders, such as post-traumatic stress disorder (PTSD) and social phobia, also can co-occur with bipolar disorder.[9,10,11] Bipolar disorder can co-occur with attention deficit hyperactivity disorder (ADHD) as well, which has some symptoms that overlap with bipolar disorder, such as restlessness and being easily distracted. However, the symptoms of ADHD are persistent, whereas those of bipolar disorder are episodic.

In addition, people with bipolar disorder are at higher risk for thyroid disease, migraine headaches, heart disease, diabetes, obesity, and other physical illnesses.[12,13] These illnesses may cause symptoms of mania or depression, or they may be caused by some medications used to treat bipolar disorder.

What are the risk factors for bipolar disorder?

Scientists are studying the possible causes of bipolar disorder. Most agree that there is no single cause. Rather, many factors likely act together to produce the illness or increase risk for developing it.

Genetics

Bipolar disorder tends to run in families. Some research has suggested that people with certain genes are more likely to develop bipolar disorder than others.[14] Children with a parent or sibling who has bipolar disorder are much more likely to develop the illness, compared with children who do not have a family history of bipolar disorder.[15] However, most children with a family history of bipolar disorder will not develop the illness.

Technological advances are improving genetic research on bipolar disorder. One example is the launch of the Bipolar Disorder Phenome Database, funded in part by NIMH. Using the database, scientists will be able to link visible signs of the disorder with the genes that may influence them.[16]

Scientists are also studying illnesses with similar symptoms such as depression and schizophrenia to identify genetic differences that may increase a person's risk for developing bipolar disorder.[17,18,19] Finding these genetic "hotspots" may also help explain how environmental factors can increase a person's risk.

But genes are not the only risk factor for bipolar disorder. Studies of identical twins have shown that the twin of a person with bipolar illness does not always develop the disorder, despite the fact that identical twins share all of the same genes. Research suggests that factors besides genes are also at work. It is likely that many different genes and environmental factors are involved. However, scientists do not yet fully understand how these factors interact to cause bipolar disorder.

Brain structure and functioning

Brain-imaging tools, such as functional magnetic resonance imaging (fMRI) and positron emission tomography (PET), allow researchers to take pictures of the living brain at work. These tools help scientists study the brain's structure and activity.

Some imaging studies show how the brains of people with bipolar disorder may differ from the brains of healthy people or people with other mental disorders. For example, one study using MRI found that the pattern of brain development in children with bipolar disorder was similar to that in children with "multi-dimensional impairment," a disorder that causes symptoms that overlap somewhat with bipolar disorder and schizophrenia.[20] This suggests that the pattern of brain development in the two conditions may be associated with the risk for unstable moods.

Another MRI study found that the brain's prefrontal cortex in adults with bipolar disorder tends to be smaller and function less well compared to adults who don't have bipolar disorder.[21,22] The prefrontal cortex is a brain structure involved in "executive" functions such as solving problems and making decisions. This structure and its connections to other parts of the brain mature during adolescence, suggesting that abnormal development of this brain circuit may account for why the disorder tends to emerge during a person's teen years.[23] Pinpointing brain changes in youth may help us detect illness early or offer targets for early intervention.

The connections between brain regions are important for shaping and coordinating functions such as forming memories, learning, and emotions, but scientists know little about how different parts of the human brain connect. Learning more about these connections, along with information gained from genetic studies, helps

scientists better understand bipolar disorder. Scientists are working towards being able to predict which types of treatment will work most effectively.

How is bipolar disorder treated?

Bipolar disorder cannot be cured, but it can be treated effectively over the long-term. Proper treatment helps many people with bipolar disorder—even those with the most severe forms of the illness—gain better control of their mood swings and related symptoms.[24,25,26] But because it is a lifelong illness, long-term, continuous treatment is needed to control symptoms.[27]

However, even with proper treatment, mood changes can occur. In the NIMH-funded Systematic Treatment Enhancement Program for Bipolar Disorder (STEP-BD) study—the largest treatment study ever conducted for bipolar disorder—almost half of those who recovered still had lingering symptoms. Having another mental disorder in addition to bipolar disorder increased one's chances for a relapse.[28] See STEP-BD (http://www.nimh.nih.gov//funding/clinical-research/practical/step-bd/index.shtml) for more information.

Treatment is more effective if you work closely with a doctor and talk openly about your concerns and choices. An effective maintenance treatment plan usually includes a combination of medication and psychotherapy.

Medications

Different types of medications can help control symptoms of bipolar disorder. Not everyone responds to medications in the same way. You may need to try several different medications before finding ones that work best for you.

Keeping a daily life chart that makes note of your daily mood symptoms, treatments, sleep patterns, and life events can help you and your doctor track and treat your illness most effectively. If your symptoms change or if side effects become intolerable, your doctor may switch or add medications.

The types of medications generally used to treat bipolar disorder include mood stabilizers, atypical antipsychotics, and antidepressants. For the most up-to-date information on medication use and their side effects, contact the U.S. Food and Drug Administration (FDA).

Mood stabilizers are usually the first choice to treat bipolar disorder. In general, people with bipolar disorder continue treatment with mood stabilizers for years. Lithium (also known as Eskalith or Lithobid) is an effective mood stabilizer. It was the first mood stabilizer approved by the FDA in the 1970's for treating both manic and depressive episodes.

Anticonvulsants are also used as mood stabilizers. They were originally developed to treat seizures, but they also help control moods. Anticonvulsants used as mood stabilizers include:

- Valproic acid or divalproex sodium (Depakote), approved by the FDA in 1995 for treating mania. It is a popular alternative to lithium. However, young women taking valproic acid face special precautions. See the sidebar, "Should young women take valproic acid?"
- Lamotrigine (Lamictal), FDA-approved for maintenance treatment of bipolar disorder. It is often effective in treating depressive symptoms.
- Other anticonvulsant medications, including gabapentin (Neurontin), topiramate (Topamax), and oxcarbazepine (Trileptal).

Valproic acid, lamotrigine, and other anticonvulsant medications have an FDA warning. The warning states that their use may increase the risk of suicidal thoughts and behaviors. People taking anticonvulsant medications for bipolar or other illnesses should be monitored closely for new or worsening symptoms of depression, suicidal thoughts or behavior, or any unusual changes in mood or behavior. If you take any of these medications, do not make any changes to your dosage without talking to your doctor.

What are the side effects of mood stabilizers?

Lithium can cause side effects such as:

- Restlessness
- Dry mouth
- Bloating or indigestion
- Acne
- Unusual discomfort to cold temperatures
- Joint or muscle pain
- Brittle nails or hair.

When taking lithium, your doctor should check the levels of lithium in your blood regularly, and will monitor your kidney and thyroid function as well. Lithium treatment may cause low thyroid levels in some people.29 Low thyroid function, called hypothyroidism, has been associated with rapid cycling in some people with bipolar disorder, especially women.

Because too much or too little thyroid hormone can lead to mood and energy changes, it is important that your doctor check your thyroid levels carefully. You may need to take thyroid medication, in addition to medications for bipolar disorder, to keep thyroid levels balanced.

Common side effects of other mood stabilizing medications include:

- Drowsiness
- Dizziness
- Headache
- Diarrhea
- Constipation
- Heartburn
- Mood swings
- Stuffed or runny nose, or other cold-like symptoms.

These medications may also be linked with rare but serious side effects. Talk with your doctor or a pharmacist to make sure you understand signs of serious side effects for the medications you're taking. If extremely bothersome or unusual side effects occur, tell your doctor as soon as possible.

Should young women take valproic acid?

Valproic acid may increase levels of testosterone (a male hormone) in teenage girls. It could lead to a condition called polycystic ovary syndrome (PCOS) in women who begin taking the medication before age 20.[30,31] PCOS can cause obesity, excess body hair, an irregular menstrual cycle, and other serious symptoms. Most of these symptoms will improve after stopping treatment with valproic acid.[32] Young girls and women taking valproic acid should be monitored carefully by a doctor.

Atypical antipsychotics are sometimes used to treat symptoms of bipolar disorder. Often, these medications are taken with other medications, such as antidepressants. Atypical antipsychotics include:

Olanzapine (Zyprexa), which when given with an antidepressant medication, may help relieve symptoms of severe mania or psychosis.[33] Olanzapine can be taken as a pill or a shot. The shot is often used for urgent treatment of agitation associated with a manic or mixed episode. Olanzapine can be used as maintenance treatment as well, even when psychotic symptoms are not currently present.
Aripiprazole (Abilify), which is used to treat manic or mixed episodes. Aripiprazole is also used for maintenance treatment. Like olanzapine, aripiprazole can be taken as a pill or a shot. The shot is often used for urgent treatment of severe symptoms.
Quetiapine (Seroquel), risperidone (Risperdal) and ziprasidone (Geodon) also are prescribed to relieve the symptoms of manic episodes.

What are the side effects of atypical antipsychotics?

If you are taking antipsychotics, you should not drive until you have adjusted to your medication. Side effects of many antipsychotics include:

Drowsiness
Dizziness when changing positions
Blurred vision
Rapid heartbeat
Sensitivity to the sun
Skin rashes
Menstrual problems for women.

Atypical antipsychotic medications can cause major weight gain and changes in your metabolism. This may increase your risk of getting diabetes and high cholesterol.[34] Your doctor should monitor your weight, glucose levels, and lipid levels regularly while you are taking these medications.

In rare cases, long-term use of atypical antipsychotic drugs may lead to a condition called tardive dyskinesia (TD). The condition causes uncontrollable muscle movements, frequently around the mouth. TD can range from mild to severe. Some people with TD recover partially or fully after they stop taking the drug, but others do not.

Antidepressants are sometimes used to treat symptoms of depression in bipolar disorder. Fluoxetine (Prozac), paroxetine (Paxil), sertraline (Zoloft), and bupropion (Wellbutrin) are examples of antidepressants that may be prescribed to treat symptoms of bipolar depression.

However, taking only an antidepressant can increase your risk of switching to mania or hypomania, or of developing rapid-cycling symptoms.35 To prevent this switch, doctors usually require you to take a mood-stabilizing medication at the same time as an antidepressant.

What are the side effects of antidepressants?

Antidepressants can cause:

Headache
Nausea (feeling sick to your stomach)
Agitation (feeling jittery)
Sexual problems, which can affect both men and women. These include reduced sex drive and problems having and enjoying sex.

Report any concerns about side effects to your doctor right away. You may need a change in the dose or a different medication. You should not stop taking a medication without talking to your doctor first. Suddenly

stopping a medication may lead to "rebound" or worsening of bipolar disorder symptoms. Other uncomfortable or potentially dangerous withdrawal effects are also possible.

Some antidepressants are more likely to cause certain side effects than other types. Your doctor or pharmacist can answer questions about these medications. Any unusual reactions or side effects should be reported to a doctor immediately.

FDA Warning on Antidepressants

Antidepressants are safe and popular, but some studies have suggested that they may have unintentional effects on some people, especially in adolescents and young adults. The FDA warning says that patients of all ages taking antidepressants should be watched closely, especially during the first few weeks of treatment. Possible side effects to look for are depression that gets worse, suicidal thinking or behavior, or any unusual changes in behavior such as trouble sleeping, agitation, or withdrawal from normal social situations. For the latest information, see the FDA website .

Should women who are pregnant or may become pregnant take medication for bipolar disorder?

Women with bipolar disorder who are pregnant or may become pregnant face special challenges. Mood stabilizing medications can harm a developing fetus or nursing infant.[36] But stopping medications, either suddenly or gradually, greatly increases the risk that bipolar symptoms will recur during pregnancy.[37]

Lithium is generally the preferred mood-stabilizing medication for pregnant women with bipolar disorder.[38,39] However, lithium can lead to heart problems in the fetus. In addition, women need to know that most bipolar medications are passed on through breast milk.[40] The FDA has also issued warnings about the potential risks associated with the use of antipsychotic medications during pregnancy. If you are pregnant or nursing, talk to your doctor about the benefits and risks of all available treatments.

Psychotherapy

When done in combination with medication, psychotherapy can be an effective treatment for bipolar disorder. It can provide support, education, and guidance to people with bipolar disorder and their families. Some psychotherapy treatments used to treat bipolar disorder include:

Cognitive behavioral therapy (CBT), which helps people with bipolar disorder learn to change harmful or negative thought patterns and behaviors.
Family-focused therapy, which involves family members. It helps enhance family coping strategies, such as recognizing new episodes early and helping their loved one. This therapy also improves communication among family members, as well as problem-solving.
Interpersonal and social rhythm therapy, which helps people with bipolar disorder improve their relationships with others and manage their daily routines. Regular daily routines and sleep schedules may help protect against manic episodes.
Psychoeducation, which teaches people with bipolar disorder about the illness and its treatment. Psychoeducation can help you recognize signs of an impending mood swing so you can seek treatment early, before a full-blown episode occurs. Usually done in a group, psychoeducation may also be helpful for family members and caregivers.

In a STEP-BD study on psychotherapies, researchers compared people in two groups. The first group was treated with collaborative care (three sessions of psychoeducation over 6 weeks). The second group was treated with medication and intensive psychotherapy (30 sessions over 9 months of CBT, interpersonal and social rhythm therapy, or family-focused therapy). Researchers found that the second group had fewer

relapses, lower hospitalization rates, and were better able to stick with their treatment plans.[41] They were also more likely to get well faster and stay well longer. Overall, more than half of the study participants recovered over the course of 1 year.

A licensed psychologist, social worker, or counselor typically provides psychotherapy. He or she should work with your psychiatrist to track your progress. The number, frequency, and type of sessions should be based on your individual treatment needs. As with medication, following the doctor's instructions for any psychotherapy will provide the greatest benefit.

Visit the NIMH website for more information on psychotherapy.

Other treatments

Electroconvulsive Therapy (ECT)—For cases in which medication and psychotherapy do not work, electroconvulsive therapy (ECT) may be useful. ECT, formerly known as "shock therapy," once had a bad reputation. But in recent years, it has greatly improved and can provide relief for people with severe bipolar disorder who have not been able to recover with other treatments.

Before ECT is administered, a patient takes a muscle relaxant and is put under brief anesthesia. He or she does not consciously feel the electrical impulse administered in ECT. On average, ECT treatments last from 30–90 seconds. People who have ECT usually recover after 5–15 minutes and are able to go home the same day.[42]

Sometimes ECT is used for bipolar symptoms when other medical conditions, including pregnancy, make the use of medications too risky. ECT is a highly effective treatment for severely depressive, manic, or mixed episodes. But it is generally not used as a first-line treatment.

ECT may cause some short-term side effects, including confusion, disorientation, and memory loss. People with bipolar disorder should discuss possible benefits and risks of ECT with an experienced doctor.[43]

Sleep Medications—People with bipolar disorder who have trouble sleeping usually sleep better after getting treatment for bipolar disorder.[44] However, if sleeplessness does not improve, your doctor may suggest a change in medications. If the problems still continue, your doctor may prescribe sedatives or other sleep medications.

Herbal Supplements—In general, not much research has been conducted on herbal or natural supplements and how they may affect bipolar disorder. An herb called St. John's wort (Hypericum perforatum), often marketed as a natural antidepressant, may cause a switch to mania in some people with bipolar disorder.[45] St. John's wort can also make other medications less effective, including some antidepressant and anticonvulsant medications.[46] Scientists are also researching omega-3 fatty acids (most commonly found in fish oil) to measure their usefulness for long-term treatment of bipolar disorder.[47] Study results have been mixed.[48]

Be sure to tell your doctor about all prescription drugs, over-the-counter medications, or supplements you are taking. Certain medications and supplements taken together may cause unwanted or dangerous effects.

What research is NIMH doing to improve treatments for bipolar disorder?

Scientists are working to identify new targets for improving current medications or developing new treatments for bipolar disorder.[49,50] In addition, NIMH researchers have made promising advances toward finding fast-acting medication treatment. In a small study of people with bipolar disorder whose symptoms had not responded to prior treatments, a single dose of ketamine—an anesthetic medication—significantly reduced symptoms of depression in as little as 40 minutes.[51] These effects lasted about a week on average.

Ketamine itself is unlikely to become widely available as a treatment because it can cause serious side effects at high doses, such as hallucinations. However, scientists are working to understand how the drug works on the brain in an effort to develop treatments with fewer side effects and that act similarly to ketamine. Such medications could also be used for longer term management of symptoms.

In addition, NIMH is working to better understand bipolar disorder and other mental disorders by spearheading the Research Domain Criteria (RDoC) Project, which is an ongoing effort to map our current understanding of the brain circuitry that is involved in behavioral and cognitive functioning. By essentially breaking down mental disorders into their component pieces—RDoC aims to add to the knowledge we have gained from more traditional research approaches that focus solely on understanding mental disorders based on symptoms. The hope is that by changing the way we approach mental disorders, RDoC will help us open the door to new targets of preventive and treatment interventions.

How can I help a friend or relative who has bipolar disorder?

If you know someone who has bipolar disorder, it affects you too. The first and most important thing you can do is help him or her get the right diagnosis and treatment. You may need to make the appointment and go with him or her to see the doctor. Encourage your loved one to stay in treatment.

To help a friend or relative, you can:

- Offer emotional support, understanding, patience, and encouragement
- Learn about bipolar disorder so you can understand what your friend or relative is experiencing
- Talk to your friend or relative and listen carefully
- Listen to feelings your friend or relative expresses and be understanding about situations that may trigger bipolar symptoms
- Invite your friend or relative out for positive distractions, such as walks, outings, and other activities
- Remind your friend or relative that, with time and treatment, he or she can get better.

Never ignore comments from your friend or relative about harming himself or herself. Always report such comments to his or her therapist or doctor.

How can caregivers find support?

Like other serious illnesses, bipolar disorder can be difficult for spouses, family members, friends, and other caregivers. Relatives and friends often have to cope with the person's serious behavioral problems, such as wild spending sprees during mania, extreme withdrawal during depression, or poor work or school performance. These behaviors can have lasting consequences.

Caregivers usually take care of the medical needs of their loved ones. But caregivers have to deal with how this affects their own health as well. Caregivers' stress may lead to missed work or lost free time, strained relationships with people who may not understand the situation, and physical and mental exhaustion.

It can be very hard to cope with a loved one's bipolar symptoms. One study shows that if a caregiver is

under a lot of stress, his or her loved one has more trouble following the treatment plan, which increases the chance for a major bipolar episode.[52] If you are a caregiver of someone with bipolar disorder, it is important that you also make time to take care of yourself.

How can I help myself if I have bipolar disorder?

It may be very hard to take that first step to help yourself. It may take time, but you can get better with treatment.

To help yourself:

- Talk to your doctor about treatment options and progress.
- Keep a regular routine, such as going to sleep at the same time every night and eating meals at the same time every day.
- Try hard to get enough sleep.
- Stay on your medication.
- Learn about warning signs signaling a shift into depression or mania.
- Expect your symptoms to improve gradually, not immediately.

Where can I go for help?

If you are unsure where to go for help, ask your family doctor. Others who can help are listed below.

- Mental health specialists, such as psychiatrists, psychologists, social workers, or mental health counselors
- Health maintenance organizations
- Community mental health centers
- Hospital psychiatry departments and outpatient clinics
- Mental health programs at universities or medical schools
- State hospital outpatient clinics
- Family services, social agencies, or clergy
- Peer support groups
- Private clinics and facilities
- Employee assistance programs
- Local medical and/or psychiatric societies.

You can also check the phone book under "mental health," "health," "social services," "hotlines," or "physicians" for phone numbers and addresses. An emergency room doctor can also provide temporary help and can tell you where and how to get further help.

What if I or someone I know is in crisis?

If you are thinking about harming yourself, or know someone who is, tell someone who can help immediately.

- Call your doctor.
- Call 911 or go to a hospital emergency room to get immediate help or ask a friend or family member to help you do these things.
- Call the toll-free, 24-hour National Suicide Prevention Lifeline at 1-800-273-TALK

(1-800-273-8255); TTY: 1-800-799-4TTY (4889) to talk to a trained counselor.

Make sure you or the suicidal person is not left alone.

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Schizophrenia

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What is schizophrenia?

Schizophrenia is a chronic, severe, and disabling brain disorder that has affected people throughout history. About 1 percent of Americans have this illness.[1]

People with the disorder may hear voices other people don't hear. They may believe other people are reading their minds, controlling their thoughts, or plotting to harm them. This can terrify people with the illness and make them withdrawn or extremely agitated.

People with schizophrenia may not make sense when they talk. They may sit for hours without moving or talking. Sometimes people with schizophrenia seem perfectly fine until they talk about what they are really thinking.

Families and society are affected by schizophrenia too. Many people with schizophrenia have difficulty holding a job or caring for themselves, so they rely on others for help.

Treatment helps relieve many symptoms of schizophrenia, but most people who have the disorder cope with symptoms throughout their lives. However, many people with schizophrenia can lead rewarding and meaningful lives in their communities. Researchers are developing more effective medications and using new research tools to understand the causes of schizophrenia. In the years to come, this work may help prevent and better treat the illness.

What are the symptoms of schizophrenia?

The symptoms of schizophrenia fall into three broad categories: positive symptoms, negative symptoms, and cognitive symptoms.

Positive symptoms

Positive symptoms are psychotic behaviors not seen in healthy people. People with positive symptoms often "lose touch" with reality. These symptoms can come and go. Sometimes they are severe and at other times hardly noticeable, depending on whether the individual is receiving treatment. They include the following:

Hallucinations are things a person sees, hears, smells, or feels that no one else can see, hear, smell, or feel. "Voices" are the most common type of hallucination in schizophrenia. Many people with the disorder hear voices. The voices may talk to the person about his or her behavior, order the person to do things, or warn the person of danger. Sometimes the voices talk to each other. People with schizophrenia may hear voices for a long time before family and friends notice the problem.

Other types of hallucinations include seeing people or objects that are not there, smelling odors that no one else detects, and feeling things like invisible fingers touching their bodies when no one is near.

Delusions are false beliefs that are not part of the person's culture and do not change. The person believes delusions even after other people prove that the beliefs are not true or logical. People with schizophrenia can have delusions that seem bizarre, such as believing that neighbors can control their behavior with magnetic waves. They may also believe that people on television are directing special messages to them, or that radio stations are broadcasting their thoughts aloud to others. Sometimes they believe they are someone else, such as a famous historical figure. They may have paranoid delusions and believe that others are trying to harm them, such as by cheating, harassing, poisoning, spying on, or plotting against them or the people they care about. These beliefs are called "delusions of persecution."

Thought disorders are unusual or dysfunctional ways of thinking. One form of thought disorder is called "disorganized thinking." This is when a person has trouble organizing his or her thoughts or connecting them logically. They may talk in a garbled way that is hard to understand. Another form is called "thought blocking." This is when a person stops speaking abruptly in the middle of a thought. When asked why he or she stopped talking, the person may say that it felt as if the thought had been taken out of his or her head. Finally, a person with a thought disorder might make up meaningless words, or "neologisms."

Movement disorders may appear as agitated body movements. A person with a movement disorder may repeat certain motions over and over. In the other extreme, a person may become catatonic. Catatonia is a state in which a person does not move and does not respond to others. Catatonia is rare today, but it was more common when treatment for schizophrenia was not available.[2]

"Voices" are the most common type of hallucination in schizophrenia.

Negative symptoms

Negative symptoms are associated with disruptions to normal emotions and behaviors. These symptoms are harder to recognize as part of the disorder and can be mistaken for depression or other conditions. These symptoms include the following:

- "Flat affect" (a person's face does not move or he or she talks in a dull or monotonous voice)
- Lack of pleasure in everyday life
- Lack of ability to begin and sustain planned activities
- Speaking little, even when forced to interact.

People with negative symptoms need help with everyday tasks. They often neglect basic personal hygiene. This may make them seem lazy or unwilling to help themselves, but the problems are symptoms caused by the schizophrenia.

Cognitive symptoms

Cognitive symptoms are subtle. Like negative symptoms, cognitive symptoms may be difficult to recognize as part of the disorder. Often, they are detected only when other tests are performed. Cognitive symptoms include the following:

- Poor "executive functioning" (the ability to understand information and use it to make decisions)
- Trouble focusing or paying attention
- Problems with "working memory" (the ability to use information immediately after learning it).

Cognitive symptoms often make it hard to lead a normal life and earn a living. They can cause great emotional distress.

When does schizophrenia start and who gets it?

Schizophrenia affects men and women equally. It occurs at similar rates in all ethnic groups around the world. Symptoms such as hallucinations and delusions usually start between ages 16 and 30. Men tend to experience symptoms a little earlier than women. Most of the time, people do not get schizophrenia after age 45.[3] Schizophrenia rarely occurs in children, but awareness of childhood-onset schizophrenia is increasing.[4,5]

It can be difficult to diagnose schizophrenia in teens. This is because the first signs can include a change of friends, a drop in grades, sleep problems, and irritability—behaviors that are common among teens. A combination of factors can predict schizophrenia in up to 80 percent of youth who are at high risk of developing the illness. These factors include isolating oneself and withdrawing from others, an increase in unusual thoughts and suspicions, and a family history of psychosis.[6] In young people who develop the disease, this stage of the disorder is called the "prodromal" period.

Are people with schizophrenia violent?

People with schizophrenia are not usually violent. In fact, most violent crimes are not committed by people with schizophrenia.[7] However, some symptoms are associated with violence, such as delusions of persecution. Substance abuse may also increase the chance a person will become violent.[8] If a person with schizophrenia becomes violent, the violence is usually directed at family members and tends to take place at home.

The risk of violence among people with schizophrenia is small. But people with the illness attempt suicide much more often than others. About 10 percent (especially young adult males) die by suicide.[9,10] It is hard to predict which people with schizophrenia are prone to suicide. If you know someone who talks about or attempts suicide, help him or her find professional help right away.

People with schizophrenia are not usually violent.

What about substance abuse?

Some people who abuse drugs show symptoms similar to those of schizophrenia. Therefore, people with schizophrenia may be mistaken for people who are affected by drugs. Most researchers do not believe that substance abuse causes schizophrenia. However, people who have schizophrenia are much more likely to have a substance or alcohol abuse problem than the general population.[11]

Substance abuse can make treatment for schizophrenia less effective. Some drugs, like marijuana and stimulants such as amphetamines or cocaine, may make symptoms worse. In fact, research has found increasing evidence of a link between marijuana and schizophrenia symptoms.[12,13] In addition, people who abuse drugs are less likely to follow their treatment plan.

Schizophrenia and smoking

Addiction to nicotine is the most common form of substance abuse in people with schizophrenia. They are

addicted to nicotine at three times the rate of the general population (75 to 90 percent vs. 25 to 30 percent).[14]

The relationship between smoking and schizophrenia is complex. People with schizophrenia seem to be driven to smoke, and researchers are exploring whether there is a biological basis for this need. In addition to its known health hazards, several studies have found that smoking may make antipsychotic drugs less effective.

Quitting smoking may be very difficult for people with schizophrenia because nicotine withdrawal may cause their psychotic symptoms to get worse for a while. Quitting strategies that include nicotine replacement methods may be easier for patients to handle. Doctors who treat people with schizophrenia should watch their patients' response to antipsychotic medication carefully if the patient decides to start or stop smoking.

What causes schizophrenia?

Experts think schizophrenia is caused by several factors.

Genes and environment. Scientists have long known that schizophrenia runs in families. The illness occurs in 1 percent of the general population, but it occurs in 10 percent of people who have a first-degree relative with the disorder, such as a parent, brother, or sister. People who have second-degree relatives (aunts, uncles, grandparents, or cousins) with the disease also develop schizophrenia more often than the general population. The risk is highest for an identical twin of a person with schizophrenia. He or she has a 40 to 65 percent chance of developing the disorder.[15]

We inherit our genes from both parents. Scientists believe several genes are associated with an increased risk of schizophrenia, but that no gene causes the disease by itself.[16] In fact, recent research has found that people with schizophrenia tend to have higher rates of rare genetic mutations. These genetic differences involve hundreds of different genes and probably disrupt brain development.[17]

Other recent studies suggest that schizophrenia may result in part when a certain gene that is key to making important brain chemicals malfunctions. This problem may affect the part of the brain involved in developing higher functioning skills.[18] Research into this gene is ongoing, so it is not yet possible to use the genetic information to predict who will develop the disease.

Despite this, tests that scan a person's genes can be bought without a prescription or a health professional's advice. Ads for the tests suggest that with a saliva sample, a company can determine if a client is at risk for developing specific diseases, including schizophrenia. However, scientists don't yet know all of the gene variations that contribute to schizophrenia. Those that are known raise the risk only by very small amounts. Therefore, these "genome scans" are unlikely to provide a complete picture of a person's risk for developing a mental disorder like schizophrenia.

In addition, it probably takes more than genes to cause the disorder. Scientists think interactions between genes and the environment are necessary for schizophrenia to develop. Many environmental factors may be involved, such as exposure to viruses or malnutrition before birth, problems during birth, and other not yet known psychosocial factors.

Scientists are learning more about brain chemistry and its link to schizophrenia.

Different brain chemistry and structure. Scientists think that an imbalance in the complex, interrelated chemical reactions of the brain involving the neurotransmitters dopamine and glutamate, and possibly

others, plays a role in schizophrenia. Neurotransmitters are substances that allow brain cells to communicate with each other. Scientists are learning more about brain chemistry and its link to schizophrenia.

Also, in small ways the brains of people with schizophrenia look different than those of healthy people. For example, fluid-filled cavities at the center of the brain, called ventricles, are larger in some people with schizophrenia. The brains of people with the illness also tend to have less gray matter, and some areas of the brain may have less or more activity.

Studies of brain tissue after death also have revealed differences in the brains of people with schizophrenia. Scientists found small changes in the distribution or characteristics of brain cells that likely occurred before birth.[3] Some experts think problems during brain development before birth may lead to faulty connections. The problem may not show up in a person until puberty. The brain undergoes major changes during puberty, and these changes could trigger psychotic symptoms. Scientists have learned a lot about schizophrenia, but more research is needed to help explain how it develops.

How is schizophrenia treated?

Because the causes of schizophrenia are still unknown, treatments focus on eliminating the symptoms of the disease. Treatments include antipsychotic medications and various psychosocial treatments.

Antipsychotic medications

Antipsychotic medications have been available since the mid-1950's. The older types are called conventional or "typical" antipsychotics. Some of the more commonly used typical medications include:

Chlorpromazine (Thorazine)
Haloperidol (Haldol)
Perphenazine (Etrafon, Trilafon)
Fluphenazine (Prolixin).

In the 1990's, new antipsychotic medications were developed. These new medications are called second generation, or "atypical" antipsychotics.

One of these medications, clozapine (Clozaril) is an effective medication that treats psychotic symptoms, hallucinations, and breaks with reality. But clozapine can sometimes cause a serious problem called agranulocytosis, which is a loss of the white blood cells that help a person fight infection. People who take clozapine must get their white blood cell counts checked every week or two. This problem and the cost of blood tests make treatment with clozapine difficult for many people. But clozapine is potentially helpful for people who do not respond to other antipsychotic medications.[19]

Other atypical antipsychotics were also developed. None cause agranulocytosis. Examples include:

Risperidone (Risperdal)
Olanzapine (Zyprexa)
Quetiapine (Seroquel)
Ziprasidone (Geodon)
Aripiprazole (Abilify)
Paliperidone (Invega).

When a doctor says it is okay to stop taking a medication, it should be gradually tapered off, never stopped suddenly.

What are the side effects?

Some people have side effects when they start taking these medications. Most side effects go away after a few days and often can be managed successfully. People who are taking antipsychotics should not drive until they adjust to their new medication. Side effects of many antipsychotics include:

- Drowsiness
- Dizziness when changing positions
- Blurred vision
- Rapid heartbeat
- Sensitivity to the sun
- Skin rashes
- Menstrual problems for women.

Atypical antipsychotic medications can cause major weight gain and changes in a person's metabolism. This may increase a person's risk of getting diabetes and high cholesterol.[20] A person's weight, glucose levels, and lipid levels should be monitored regularly by a doctor while taking an atypical antipsychotic medication.

Typical antipsychotic medications can cause side effects related to physical movement, such as:

- Rigidity
- Persistent muscle spasms
- Tremors
- Restlessness.

Long-term use of typical antipsychotic medications may lead to a condition called tardive dyskinesia (TD). TD causes muscle movements a person can't control. The movements commonly happen around the mouth. TD can range from mild to severe, and in some people the problem cannot be cured. Sometimes people with TD recover partially or fully after they stop taking the medication.

TD happens to fewer people who take the atypical antipsychotics, but some people may still get TD. People who think that they might have TD should check with their doctor before stopping their medication.

How are antipsychotics taken and how do people respond to them?

Antipsychotics are usually in pill or liquid form. Some anti-psychotics are shots that are given once or twice a month.

Symptoms of schizophrenia, such as feeling agitated and having hallucinations, usually go away within days. Symptoms like delusions usually go away within a few weeks. After about six weeks, many people will see a lot of improvement.

However, people respond in different ways to antipsychotic medications, and no one can tell beforehand how a person will respond. Sometimes a person needs to try several medications before finding the right one. Doctors and patients can work together to find the best medication or medication combination, as well as the right dose.

Some people may have a relapse-their symptoms come back or get worse. Usually, relapses happen when people stop taking their medication, or when they only take it sometimes. Some people stop taking the medication because they feel better or they may feel they don't need it anymore. But no one should stop taking an antipsychotic medication without talking to his or her doctor. When a doctor says it is okay to stop taking a medication, it should be gradually tapered off, never stopped suddenly.

How do antipsychotics interact with other medications?

Antipsychotics can produce unpleasant or dangerous side effects when taken with certain medications. For this reason, all doctors treating a patient need to be aware of all the medications that person is taking. Doctors need to know about prescription and over-the-counter medicine, vitamins, minerals, and herbal supplements. People also need to discuss any alcohol or other drug use with their doctor.

To find out more about how antipsychotics work, the National Institute of Mental Health (NIMH) funded a study called CATIE (Clinical Antipsychotic Trials of Intervention Effectiveness). This study compared the effectiveness and side effects of five antipsychotics used to treat people with schizophrenia. In general, the study found that the older typical antipsychotic perphenazine (Trilafon) worked as well as the newer, atypical medications. But because people respond differently to different medications, it is important that treatments be designed carefully for each person. More information about CATIE is on the NIMH website (http://www.nimh.nih.gov//funding/clinical-research/practical/catie/index.shtml).

Psychosocial treatments

Psychosocial treatments can help people with schizophrenia who are already stabilized on antipsychotic medication. Psychosocial treatments help these patients deal with the everyday challenges of the illness, such as difficulty with communication, self-care, work, and forming and keeping relationships. Learning and using coping mechanisms to address these problems allow people with schizophrenia to socialize and attend school and work.

Patients who receive regular psychosocial treatment also are more likely to keep taking their medication, and they are less likely to have relapses or be hospitalized. A therapist can help patients better understand and adjust to living with schizophrenia. The therapist can provide education about the disorder, common symptoms or problems patients may experience, and the importance of staying on medications. For more information on psychosocial treatments, see the psychotherapies section on the NIMH website.

Illness management skills. People with schizophrenia can take an active role in managing their own illness. Once patients learn basic facts about schizophrenia and its treatment, they can make informed decisions about their care. If they know how to watch for the early warning signs of relapse and make a plan to respond, patients can learn to prevent relapses. Patients can also use coping skills to deal with persistent symptoms.

Integrated treatment for co-occurring substance abuse. Substance abuse is the most common co-occurring disorder in people with schizophrenia. But ordinary substance abuse treatment programs usually do not address this population's special needs. When schizophrenia treatment programs and drug treatment programs are used together, patients get better results.

Rehabilitation. Rehabilitation emphasizes social and vocational training to help people with schizophrenia function better in their communities. Because schizophrenia usually develops in people during the critical career-forming years of life (ages 18 to 35), and because the disease makes normal thinking and functioning difficult, most patients do not receive training in the skills needed for a job.

Rehabilitation programs can include job counseling and training, money management counseling, help in learning to use public transportation, and opportunities to practice communication skills. Rehabilitation programs work well when they include both job training and specific therapy designed to improve cognitive or thinking skills. Programs like this help patients hold jobs, remember important details, and improve their functioning.[21,22,23]

Family education. People with schizophrenia are often discharged from the hospital into the care of their

families. So it is important that family members know as much as possible about the disease. With the help of a therapist, family members can learn coping strategies and problem-solving skills. In this way the family can help make sure their loved one sticks with treatment and stays on his or her medication. Families should learn where to find outpatient and family services.

Cognitive behavioral therapy. Cognitive behavioral therapy (CBT) is a type of psychotherapy that focuses on thinking and behavior. CBT helps patients with symptoms that do not go away even when they take medication. The therapist teaches people with schizophrenia how to test the reality of their thoughts and perceptions, how to "not listen" to their voices, and how to manage their symptoms overall. CBT can help reduce the severity of symptoms and reduce the risk of relapse.

Self-help groups. Self-help groups for people with schizophrenia and their families are becoming more common. Professional therapists usually are not involved, but group members support and comfort each other. People in self-help groups know that others are facing the same problems, which can help everyone feel less isolated. The networking that takes place in self-help groups can also prompt families to work together to advocate for research and more hospital and community treatment programs. Also, groups may be able to draw public attention to the discrimination many people with mental illnesses face.

Once patients learn basic facts about schizophrenia and its treatment, they can make informed decisions about their care.

How can you help a person with schizophrenia?

People with schizophrenia can get help from professional case managers and caregivers at residential or day programs. However, family members usually are a patient's primary caregivers.

People with schizophrenia often resist treatment. They may not think they need help because they believe their delusions or hallucinations are real. In these cases, family and friends may need to take action to keep their loved one safe. Laws vary from state to state, and it can be difficult to force a person with a mental disorder into treatment or hospitalization. But when a person becomes dangerous to himself or herself, or to others, family members or friends may have to call the police to take their loved one to the hospital.

Treatment at the hospital. In the emergency room, a mental health professional will assess the patient and determine whether a voluntary or involuntary admission is needed. For a person to be admitted involuntarily, the law states that the professional must witness psychotic behavior and hear the person voice delusional thoughts. Family and friends can provide needed information to help a mental health professional make a decision.

After a loved one leaves the hospital. Family and friends can help their loved ones get treatment and take their medication once they go home. If patients stop taking their medication or stop going to follow-up appointments, their symptoms likely will return. Sometimes symptoms become severe for people who stop their medication and treatment. This is dangerous, since they may become unable to care for themselves. Some people end up on the street or in jail, where they rarely receive the kind of help they need.

Family and friends can also help patients set realistic goals and learn to function in the world. Each step toward these goals should be small and taken one at a time. The patient will need support during this time. When people with a mental illness are pressured and criticized, they usually do not get well. Often, their symptoms may get worse. Telling them when they are doing something right is the best way to help them move forward.

It can be difficult to know how to respond to someone with schizophrenia who makes strange or clearly false

statements. Remember that these beliefs or hallucinations seem very real to the person. It is not helpful to say they are wrong or imaginary. But going along with the delusions is not helpful, either. Instead, calmly say that you see things differently. Tell them that you acknowledge that everyone has the right to see things his or her own way. In addition, it is important to understand that schizophrenia is a biological illness. Being respectful, supportive, and kind without tolerating dangerous or inappropriate behavior is the best way to approach people with this disorder.

People with schizophrenia can get help from professional case managers and caregivers at residential or day programs.

What is the outlook for the future?

The outlook for people with schizophrenia continues to improve. Although there is no cure, treatments that work well are available. Many people with schizophrenia improve enough to lead independent, satisfying lives.

Continued research and understanding in genetics, neuroscience, and behavioral science will help scientists and health professionals understand the causes of the disorder and how it may be predicted and prevented. This work will help experts develop better treatments to help people with schizophrenia achieve their full potential. Families and individuals who are living with schizophrenia are encouraged to participate in clinical research. For up-to-date information about the latest NIMH-funded research in schizophrenia, see the NIMH Web site.

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MedlinePlus

The National Institute of Mental Health: www.nimh.nih.gov

Depression

What Is Depression?

Everyone occasionally feels blue or sad. But these feelings are usually short-lived and pass within a couple of days. When you have depression, it interferes with daily life and causes pain for both you and those who care about you. Depression is a common but serious illness.

Many people with a depressive illness never seek treatment. But the majority, even those with the most severe depression, can get better with treatment. Medications, psychotherapies, and other methods can effectively treat people with depression.

There are several forms of depressive disorders.

Major depression,—severe symptoms that interfere with your ability to work, sleep, study, eat, and enjoy life. An episode can occur only once in a person's lifetime, but more often, a person has several episodes.

Persistent depressive disorder—depressed mood that lasts for at least 2 years. A person diagnosed with persistent depressive disorder may have episodes of major depression along with periods of less severe symptoms, but symptoms must last for 2 years.

Some forms of depression are slightly different, or they may develop under unique circumstances. They include:

> **Psychotic depression,** which occurs when a person has severe depression plus some form of psychosis, such as having disturbing false beliefs or a break with reality (delusions), or hearing or seeing upsetting things that others cannot hear or see (hallucinations).
> **Postpartum depression**, which is much more serious than the "baby blues" that many women experience after giving birth, when hormonal and physical changes and the new responsibility of caring for a newborn can be overwhelming. It is estimated that 10 to 15 percent of women experience postpartum depression after giving birth.
> **Seasonal affective disorder (SAD)**, which is characterized by the onset of depression during the winter months, when there is less natural sunlight. The depression generally lifts during spring and summer. SAD may be effectively treated with light therapy, but nearly half of those with SAD do not get better with light therapy alone. Antidepressant medication and psychotherapy can reduce SAD symptoms, either alone or in combination with light therapy.

Bipolar disorder (http://www.nimh.nih.gov//health/publications/bipolar-disorder-in-adults/index.shtml), also called manic-depressive illness, is not as common as major depression or persistent depressive disorder. Bipolar disorder is characterized by cycling mood changes—from extreme highs (e.g., mania) to extreme lows (e.g., depression).

Causes

Most likely, depression is caused by a combination of genetic, biological, environmental, and psychological factors.

Depressive illnesses are disorders of the brain. Brain-imaging technologies, such as magnetic resonance

imaging (MRI), have shown that the brains of people who have depression look different than those of people without depression. The parts of the brain involved in mood, thinking, sleep, appetite, and behavior appear different. But these images do not reveal why the depression has occurred. They also cannot be used to diagnose depression.

Some types of depression tend to run in families. However, depression can occur in people without family histories of depression too. Scientists are studying certain genes that may make some people more prone to depression. Some genetics research indicates that risk for depression results from the influence of several genes acting together with environmental or other factors. In addition, trauma, loss of a loved one, a difficult relationship, or any stressful situation may trigger a depressive episode. Other depressive episodes may occur with or without an obvious trigger.

Signs & Symptoms

"It was really hard to get out of bed in the morning. I just wanted to hide under the covers and not talk to anyone. I didn't feel much like eating and I lost a lot of weight. Nothing seemed fun anymore. I was tired all the time, and I wasn't sleeping well at night. But I knew I had to keep going because I've got kids and a job. It just felt so impossible, like nothing was going to change or get better."

People with depressive illnesses do not all experience the same symptoms. The severity, frequency, and duration of symptoms vary depending on the individual and his or her particular illness.

Signs and symptoms include:

Persistent sad, anxious, or "empty" feelings
Feelings of hopelessness or pessimism
Feelings of guilt, worthlessness, or helplessness
Irritability, restlessness
Loss of interest in activities or hobbies once pleasurable, including sex
Fatigue and decreased energy
Difficulty concentrating, remembering details, and making decisions
Insomnia, early-morning wakefulness, or excessive sleeping
Overeating, or appetite loss
Thoughts of suicide, suicide attempts
Aches or pains, headaches, cramps, or digestive problems that do not ease even with treatment.

Who Is At Risk?

Major depressive disorder is one of the most common mental disorders in the United States. Each year about 6.7% of U.S adults experience major depressive disorder. Women are 70 % more likely than men to experience depression during their lifetime. Non-Hispanic blacks are 40% less likely than non-Hispanic whites to experience depression during their lifetime. The average age of onset is 32 years old. Additionally, 3.3% of 13 to 18 year olds have experienced a seriously debilitating depressive disorder.

Diagnosis

"I started missing days from work, and a friend noticed that something wasn't right. She talked to me about the time she had been really depressed and had gotten help from her doctor."

Depression, even the most severe cases, can be effectively treated. The earlier that treatment can begin, the more effective it is.

The first step to getting appropriate treatment is to visit a doctor or mental health specialist. Certain medications, and some medical conditions such as viruses or a thyroid disorder, can cause the same symptoms as depression. A doctor can rule out these possibilities by doing a physical exam, interview, and lab tests. If the doctor can find no medical condition that may be causing the depression, the next step is a psychological evaluation.

The doctor may refer you to a mental health professional, who should discuss with you any family history of depression or other mental disorder, and get a complete history of your symptoms. You should discuss when your symptoms started, how long they have lasted, how severe they are, and whether they have occurred before and if so, how they were treated. The mental health professional may also ask if you are using alcohol or drugs, and if you are thinking about death or suicide.

Other illnesses may come on before depression, cause it, or be a consequence of it. But depression and other illnesses interact differently in different people. In any case, co-occurring illnesses need to be diagnosed and treated.

Anxiety disorders, such as post-traumatic stress disorder (PTSD), obsessive-compulsive disorder, panic disorder, social phobia, and generalized anxiety disorder, often accompany depression. PTSD can occur after a person experiences a terrifying event or ordeal, such as a violent assault, a natural disaster, an accident, terrorism or military combat. People experiencing PTSD are especially prone to having co-existing depression.

Alcohol and other substance abuse or dependence may also co-exist with depression. Research shows that mood disorders and substance abuse commonly occur together.

Depression also may occur with other serious medical illnesses such as heart disease, stroke, cancer, HIV/AIDS, diabetes, and Parkinson's disease. People who have depression along with another medical illness tend to have more severe symptoms of both depression and the medical illness, more difficulty adapting to their medical condition, and more medical costs than those who do not have co-existing depression. Treating the depression can also help improve the outcome of treating the co-occurring illness.

Treatments

Once diagnosed, a person with depression can be treated in several ways. The most common treatments are medication and psychotherapy.

Medication

Antidepressants primarily work on brain chemicals called neurotransmitters, especially serotonin and norepinephrine. Other antidepressants work on the neurotransmitter dopamine. Scientists have found that these particular chemicals are involved in regulating mood, but they are unsure of the exact ways that they work. The latest information on medications for treating depression is available on the U.S. Food and Drug Administration (FDA) website .

Popular newer antidepressants

Some of the newest and most popular antidepressants are called selective serotonin reuptake inhibitors (SSRIs). Fluoxetine (Prozac), sertraline (Zoloft), escitalopram (Lexapro), paroxetine (Paxil), and citalopram

(Celexa) are some of the most commonly prescribed SSRIs for depression. Most are available in generic versions. Serotonin and norepinephrine reuptake inhibitors (SNRIs) are similar to SSRIs and include venlafaxine (Effexor) and duloxetine (Cymbalta).

SSRIs and SNRIs tend to have fewer side effects than older antidepressants, but they sometimes produce headaches, nausea, jitters, or insomnia when people first start to take them. These symptoms tend to fade with time. Some people also experience sexual problems with SSRIs or SNRIs, which may be helped by adjusting the dosage or switching to another medication.

One popular antidepressant that works on dopamine is bupropion (Wellbutrin). Bupropion tends to have similar side effects as SSRIs and SNRIs, but it is less likely to cause sexual side effects. However, it can increase a person's risk for seizures.

Tricyclics

Tricyclics are older antidepressants. Tricyclics are powerful, but they are not used as much today because their potential side effects are more serious. They may affect the heart in people with heart conditions. They sometimes cause dizziness, especially in older adults. They also may cause drowsiness, dry mouth, and weight gain. These side effects can usually be corrected by changing the dosage or switching to another medication. However, tricyclics may be especially dangerous if taken in overdose. Tricyclics include imipramine and nortriptyline.

MAOIs

Monoamine oxidase inhibitors (MAOIs) are the oldest class of antidepressant medications. They can be especially effective in cases of "atypical" depression, such as when a person experiences increased appetite and the need for more sleep rather than decreased appetite and sleep. They also may help with anxious feelings or panic and other specific symptoms.

However, people who take MAOIs must avoid certain foods and beverages (including cheese and red wine) that contain a substance called tyramine. Certain medications, including some types of birth control pills, prescription pain relievers, cold and allergy medications, and herbal supplements, also should be avoided while taking an MAOI. These substances can interact with MAOIs to cause dangerous increases in blood pressure. The development of a new MAOI skin patch may help reduce these risks. If you are taking an MAOI, your doctor should give you a complete list of foods, medicines, and substances to avoid.

MAOIs can also react with SSRIs to produce a serious condition called "serotonin syndrome," which can cause confusion, hallucinations, increased sweating, muscle stiffness, seizures, changes in blood pressure or heart rhythm, and other potentially life-threatening conditions. MAOIs should not be taken with SSRIs.

How should I take medication?

All antidepressants must be taken for at least 4 to 6 weeks before they have a full effect. You should continue to take the medication, even if you are feeling better, to prevent the depression from returning.

Medication should be stopped only under a doctor's supervision. Some medications need to be gradually stopped to give the body time to adjust. Although antidepressants are not habit-forming or addictive, suddenly ending an antidepressant can cause withdrawal symptoms or lead to a relapse of the depression. Some individuals, such as those with chronic or recurrent depression, may need to stay on the medication indefinitely.

In addition, if one medication does not work, you should consider trying another. NIMH-funded research

has shown that people who did not get well after taking a first medication increased their chances of beating the depression after they switched to a different medication or added another medication to their existing one.

Sometimes stimulants, anti-anxiety medications, or other medications are used together with an antidepressant, especially if a person has a co-existing illness. However, neither anti-anxiety medications nor stimulants are effective against depression when taken alone, and both should be taken only under a doctor's close supervision.

Report any unusual side effects to a doctor immediately.

FDA warning on antidepressants

Despite the relative safety and popularity of SSRIs and other antidepressants, studies have suggested that they may have unintentional effects on some people, especially adolescents and young adults. In 2004, the Food and Drug Administration (FDA) conducted a thorough review of published and unpublished controlled clinical trials of antidepressants that involved nearly 4,400 children and adolescents. The review revealed that 4 percent of those taking antidepressants thought about or attempted suicide (although no suicides occurred), compared to 2 percent of those receiving placebos.

This information prompted the FDA, in 2005, to adopt a "black box" warning label on all antidepressant medications to alert the public about the potential increased risk of suicidal thinking or attempts in children and adolescents taking antidepressants. In 2007, the FDA proposed that makers of all antidepressant medications extend the warning to include young adults up through age 24. A "black box" warning is the most serious type of warning on prescription drug labeling.

The warning emphasizes that patients of all ages taking antidepressants should be closely monitored, especially during the initial weeks of treatment. Possible side effects to look for are worsening depression, suicidal thinking or behavior, or any unusual changes in behavior such as sleeplessness, agitation, or withdrawal from normal social situations. The warning adds that families and caregivers should also be told of the need for close monitoring and report any changes to the doctor. The latest information from the FDA can be found on their website .

Results of a comprehensive review of pediatric trials conducted between 1988 and 2006 suggested that the benefits of antidepressant medications likely outweigh their risks to children and adolescents with major depression and anxiety disorders.

What about St. John's wort?

The extract from the herb St. John's wort (Hypericum perforatum) has been used for centuries in many folk and herbal remedies. Today in Europe, it is used extensively to treat mild to moderate depression. However, recent studies have found that St. John's wort is no more effective than placebo in treating major or minor depression.

In 2000, the FDA issued a Public Health Advisory letter stating that the herb may interfere with certain medications used to treat heart disease, depression, seizures, certain cancers, and those used to prevent organ transplant rejection. The herb also may interfere with the effectiveness of oral contraceptives. Consult with your doctor before taking any herbal supplement.

Psychotherapy

Now I'm seeing the specialist on a regular basis for "talk therapy," which helps me learn ways to deal with

this illness in my everyday life, and I'm taking medicine for depression.

Several types of psychotherapy—or "talk therapy"—can help people with depression.

Two main types of psychotherapies—cognitive-behavioral therapy (CBT) and interpersonal therapy (IPT)—are effective in treating depression. CBT helps people with depression restructure negative thought patterns. Doing so helps people interpret their environment and interactions with others in a positive and realistic way. It may also help you recognize things that may be contributing to the depression and help you change behaviors that may be making the depression worse. IPT helps people understand and work through troubled relationships that may cause their depression or make it worse.

For mild to moderate depression, psychotherapy may be the best option. However, for severe depression or for certain people, psychotherapy may not be enough. For example, for teens, a combination of medication and psychotherapy may be the most effective approach to treating major depression and reducing the chances of it coming back. Another study looking at depression treatment among older adults found that people who responded to initial treatment of medication and IPT were less likely to have recurring depression if they continued their combination treatment for at least 2 years.

More information on psychotherapy is available on the NIMH website (http://www.nimh.nih.gov//health/topics/psychotherapies/index.shtml).

Electroconvulsive therapy and other brain stimulation therapies

For cases in which medication and/or psychotherapy does not help relieve a person's treatment-resistant depression, electroconvulsive therapy (ECT) may be useful. ECT, formerly known as "shock therapy," once had a bad reputation. But in recent years, it has greatly improved and can provide relief for people with severe depression who have not been able to feel better with other treatments.

Before ECT begins, a patient is put under brief anesthesia and given a muscle relaxant. He or she sleeps through the treatment and does not consciously feel the electrical impulses. Within 1 hour after the treatment session, which takes only a few minutes, the patient is awake and alert.

A person typically will undergo ECT several times a week, and often will need to take an antidepressant or other medication along with the ECT treatments. Although some people will need only a few courses of ECT, others may need maintenance ECT—usually once a week at first, then gradually decreasing to monthly treatments. Ongoing NIMH-supported ECT research is aimed at developing personalized maintenance ECT schedules.

ECT may cause some side effects, including confusion, disorientation, and memory loss. Usually these side effects are short-term, but sometimes they can linger. Newer methods of administering the treatment have reduced the memory loss and other cognitive difficulties associated with ECT. Research has found that after 1 year of ECT treatments, most patients showed no adverse cognitive effects.

Other more recently introduced types of brain stimulation therapies used to treat severe depression include vagus nerve stimulation (VNS), and repetitive transcranial magnetic stimulation (rTMS). These methods are not yet commonly used, but research has suggested that they show promise.

More information on ECT, VNS, rTMS and other brain stimulation therapies is available on the NIMH website (http://www.nimh.nih.gov//health/topics/brain-stimulation-therapies/brain-stimulation-therapies.shtml).

Living With

How do women experience depression?

Depression is more common among women than among men. Biological, life cycle, hormonal, and psychosocial factors that women experience may be linked to women's higher depression rate. Researchers have shown that hormones directly affect the brain chemistry that controls emotions and mood. For example, women are especially vulnerable to developing postpartum depression after giving birth, when hormonal and physical changes and the new responsibility of caring for a newborn can be overwhelming.

Some women may also have a severe form of premenstrual syndrome (PMS) called premenstrual dysphoric disorder (PMDD). PMDD is associated with the hormonal changes that typically occur around ovulation and before menstruation begins.

During the transition into menopause, some women experience an increased risk for depression. In addition, osteoporosis—bone thinning or loss—may be associated with depression. Scientists are exploring all of these potential connections and how the cyclical rise and fall of estrogen and other hormones may affect a woman's brain chemistry.

Finally, many women face the additional stresses of work and home responsibilities, caring for children and aging parents, abuse, poverty, and relationship strains. It is still unclear, though, why some women faced with enormous challenges develop depression, while others with similar challenges do not.

How do men experience depression?

Men often experience depression differently than women. While women with depression are more likely to have feelings of sadness, worthlessness, and excessive guilt, men are more likely to be very tired, irritable, lose interest in once-pleasurable activities, and have difficulty sleeping.

Men may be more likely than women to turn to alcohol or drugs when they are depressed. They also may become frustrated, discouraged, irritable, angry, and sometimes abusive. Some men throw themselves into their work to avoid talking about their depression with family or friends, or behave recklessly. And although more women attempt suicide, many more men die by suicide in the United States.

How do older adults experience depression?

Depression is not a normal part of aging. Studies show that most seniors feel satisfied with their lives, despite having more illnesses or physical problems. However, when older adults do have depression, it may be overlooked because seniors may show different, less obvious symptoms. They may be less likely to experience or admit to feelings of sadness or grief.

Sometimes it can be difficult to distinguish grief from major depression. Grief after loss of a loved one is a normal reaction to the loss and generally does not require professional mental health treatment. However, grief that is complicated and lasts for a very long time following a loss may require treatment. Researchers continue to study the relationship between complicated grief and major depression.

Older adults also may have more medical conditions such as heart disease, stroke, or cancer, which may cause depressive symptoms. Or they may be taking medications with side effects that contribute to depression. Some older adults may experience what doctors call vascular depression, also called arteriosclerotic depression or subcortical ischemic depression. Vascular depression may result when blood vessels become less flexible and harden over time, becoming constricted. Such hardening of vessels prevents normal blood flow to the body's organs, including the brain. Those with vascular depression may have, or be at risk for, co-existing heart disease or stroke.

Although many people assume that the highest rates of suicide are among young people, older white males age 85 and older actually have the highest suicide rate in the United States. Many have a depressive illness that their doctors are not aware of, even though many of these suicide victims visit their doctors within 1 month of their deaths.

Most older adults with depression improve when they receive treatment with an antidepressant, psychotherapy, or a combination of both. Research has shown that medication alone and combination treatment are both effective in reducing depression in older adults. Psychotherapy alone also can be effective in helping older adults stay free of depression, especially among those with minor depression. Psychotherapy is particularly useful for those who are unable or unwilling to take antidepressant medication.

How do children and teens experience depression?

Children who develop depression often continue to have episodes as they enter adulthood. Children who have depression also are more likely to have other more severe illnesses in adulthood.

A child with depression may pretend to be sick, refuse to go to school, cling to a parent, or worry that a parent may die. Older children may sulk, get into trouble at school, be negative and irritable, and feel misunderstood. Because these signs may be viewed as normal mood swings typical of children as they move through developmental stages, it may be difficult to accurately diagnose a young person with depression.

Before puberty, boys and girls are equally likely to develop depression. By age 15, however, girls are twice as likely as boys to have had a major depressive episode.

Depression during the teen years comes at a time of great personal change—when boys and girls are forming an identity apart from their parents, grappling with gender issues and emerging sexuality, and making independent decisions for the first time in their lives. Depression in adolescence frequently co-occurs with other disorders such as anxiety, eating disorders, or substance abuse. It can also lead to increased risk for suicide.

An NIMH-funded clinical trial of 439 adolescents with major depression found that a combination of medication and psychotherapy was the most effective treatment option. Other NIMH-funded researchers are developing and testing ways to prevent suicide in children and adolescents.

Childhood depression often persists, recurs, and continues into adulthood, especially if left untreated.

How can I help a loved one who is depressed?

If you know someone who is depressed, it affects you too. The most important thing you can do is help your friend or relative get a diagnosis and treatment. You may need to make an appointment and go with him or her to see the doctor. Encourage your loved one to stay in treatment, or to seek different treatment if no improvement occurs after 6 to 8 weeks.

To help your friend or relative

Offer emotional support, understanding, patience, and encouragement.
Talk to him or her, and listen carefully.
Never dismiss feelings, but point out realities and offer hope.
Never ignore comments about suicide, and report them to your loved one's therapist or doctor.
Invite your loved one out for walks, outings and other activities. Keep trying if he or she declines, but don't push him or her to take on too much too soon.
Provide assistance in getting to the doctor's appointments.

Remind your loved one that with time and treatment, the depression will lift.

How can I help myself if I am depressed?

If you have depression, you may feel exhausted, helpless, and hopeless. It may be extremely difficult to take any action to help yourself. But as you begin to recognize your depression and begin treatment, you will start to feel better.

To Help Yourself

Do not wait too long to get evaluated or treated. There is research showing the longer one waits, the greater the impairment can be down the road. Try to see a professional as soon as possible.
Try to be active and exercise. Go to a movie, a ballgame, or another event or activity that you once enjoyed.
Set realistic goals for yourself.
Break up large tasks into small ones, set some priorities and do what you can as you can.
Try to spend time with other people and confide in a trusted friend or relative. Try not to isolate yourself, and let others help you.
Expect your mood to improve gradually, not immediately. Do not expect to suddenly "snap out of" your depression. Often during treatment for depression, sleep and appetite will begin to improve before your depressed mood lifts.
Postpone important decisions, such as getting married or divorced or changing jobs, until you feel better. Discuss decisions with others who know you well and have a more objective view of your situation.
Remember that positive thinking will replace negative thoughts as your depression responds to treatment.
Continue to educate yourself about depression.

Clinical Trials

NIMH supports research studies on mental health and disorders. See also: A Participant's Guide to Mental Health Clinical Research.

Participate, refer a patient or learn about results of studies in ClinicalTrials.gov , the NIH/National Library of Medicine's registry of federally and privately funded clinical trials for all disease.

Find NIH-funded studies currently recruiting participants with depression.

Science News About Depression

Register for upcoming mental health disparities webinar (http://www.nimh.nih.gov//news/science-news/2015/webinar-series-office-for-research-on-disparities-and-global-mental-health.shtml)

Video: "Postpartum Depression" (http://www.nimh.nih.gov//news/science-news/2015/nih-joins-with-womens-organization-to-debut-postpartum-depression-video.shtml)

Disorders Share Same Gene Pathways (http://www.nimh.nih.gov//news/science-news/2015/disorders-share-risk-gene-pathways-for-immune-epigenetic-regulation.shtml)

More (http://www.nimh.nih.gov//news/science-news/science-news-about-depression.shtml)

Posts From the Director's Blog About Depression

Accentuate the Positive: Rhythm and Blues (http://www.nimh.nih.gov//about/director/2015/accentuate-the-positive-rhythm-and-blues.shtml)June 30, 2015
Something Interesting is Happening (http://www.nimh.nih.gov//about/director/2015/something-interesting-is-happening.shtml)June 5, 2015
Collaborative Care (http://www.nimh.nih.gov//about/director/2015/collaborative-care.shtml)March 3, 2015

More (http://www.nimh.nih.gov//about/director/index-depression.shtml)

Join A Study

Depression Studies for Adults (http://www.nimh.nih.gov//labs-at-nimh/join-a-study/adults/adults-depression.shtml)
Depression Studies for Children (http://www.nimh.nih.gov//labs-at-nimh/join-a-study/children/children-depression.shtml)

Publication About Depression

(http://www.nimh.nih.gov//health/publications/depression/index.shtml)

Depression (http://www.nimh.nih.gov//health/publications/depression/index.shtml)

A detailed booklet that describes Depression symptoms, causes, and treatments, with information on getting help and coping.

More Publications About Depression (http://www.nimh.nih.gov//health/publications/depression-listing.shtml)

Research Results

Treatment choices for resistant depression – STAR*D trial (http://www.nimh.nih.gov//funding/clinical-research/practical/stard/index.shtml)
Treatment for Adolescents with Depression Study (TADS) (http://www.nimh.nih.gov//funding/clinical-research/practical/tads/index.shtml)
Treatment of SSRI-resistant Depression in Adolescents (TORDIA) study (http://www.nimh.nih.gov//funding/clinical-research/practical/tordia/treatment-of-ssri-resistant-depression-in-adolescents-tordia.shtml)
PubMed: Journal Articles about Depression

NAMI
National Alliance on Mental Illness
(/)

Mental Health Medications

Medications can play an important part of a treatment plan. Any information on this site should be discussed with a mental health care provider.

Medicines are usually more effective when combined with psychotherapy. In some cases, medication can reduce symptoms so that other methods of a treatment plan can be more effective. For example, a medication may alleviate some significant symptoms of major depression and then talk therapy can help you change negative patterns of thinking.

Medications may work better for one person than for another. It is difficult to predict exactly who will respond to what medication. Doctors usually review clinical records and see if there is an evidence base for recommending one type of medicine over another. Family history and side effects also come into play when prescribing medication.

Be persistent until you find the medication or combination of medications that works for you. A few psychiatric medications work quickly and you will see improvements within days, but many work more slowly. You may need to take a medication for several weeks before you see improvement.

If you feel a medication doesn't work, or you are having side effects, consult with a provider to adjust the treatment plan.

Some medications can be prescribed "off-label," which means they haven't been approved by the FDA for a given condition. A doctor should justify his thinking in recommending any treatment as well as be clear about the limits of the research around that medication and if there are any alternate options.

Medication may be a short-term aid that only needs to be taken for a few months. In other cases, medication may be a long-term, or even life-long, treatment approach. Some people are afraid that taking a medication will change their personality, but most people

find that treatment allows them to take charge of their personality and make decisions about treatment and their quality of life.

Knowing the benefits and risks of all treatment decisions is crucial. NAMI has brief summaries of mental health medications provided by the College of Psychiatric and Neurologic Pharmacists.

Types Of Medication

Psychiatric medications work by influencing the brain chemicals regulating emotions and thought patterns. Treatment typically consists of pills or capsules taken daily. A few medications are available as liquids, as injections or as tablets that dissolve in the mouth.

For most medications, your provider will start at a low dose and slowly increase dosages to therapeutic levels. Following these instructions will reduce side effects and discomfort.

Whenever stopping a medication, it's necessary to work with a doctor to taper off the dosage while brain chemicals get used to the change. Stopping medication abruptly can result in uncomfortable side effects.

Medications for mental illness fall into the following categories.

Antipsychotics

These medications reduce or eliminate the symptoms of psychosis (delusions and hallucinations) by impacting the brain chemical called dopamine. Antipsychotics play an important role in treating schizophrenia and schizoaffective disorder.

Newer, or second-generation or atypical, antipsychotics can also treat acute mania, bipolar disorder and treatment-resistant depression. The antipsychotics developed in the middle of the 20th century are often referred to as first-generation or typical antipsychotics.

The main difference between the two types of antipsychotics are the areas of the brain that they affect and their side effects. First-generation antipsychotics are more likely to cause movement disorders and second-generation antipsychotics are more likely to result in weight gain. The important thing is to find the medication that works best for you.

People who have difficulty remembering to take daily pills, or people who have a history of discontinuing medication, may have better results by taking medication as a shot at the doctor's office once or twice a month. This shot is called a long-acting injectable antipsychotic medication (LAI) and it has the same effects as medication taken in pill form.

Second-generation drugs aren't necessarily better or worse than first-generation, but do have different side effects. First-generation medications may cause a side effect known as **tardive dyskinesia (/Learn-More/Treatment/Mental-Health-Medications/Tardive-Dyskinesia)**. This is an uncomfortable, potentially embarrassing condition in which the brain misfires and causes random, uncontrollable muscle movements or tics. These most typically affect the arms, fingers, legs, toes or facial muscles.

Antidepressants

These medications improve the symptoms of depression by impacting the brain chemicals associated with emotion, such as serotonin, norepinephrine and dopamine.

Newer medications, SSRIs and SNRIs (selective serotonin reuptake inhibitors and selective norepinephrine reuptake inhibitors), have fewer side effects than older drugs, but no medication is side-effect-free.

Side effects of SSRIs and SNRIs include:

- Nausea
- Nervousness, agitation or restlessness
- Dizziness
- Reduced sexual desire or difficulty reaching orgasm or inability to maintain an erection
- Drowsiness
- Insomnia
- Weight gain or loss
- Headache
- Dry mouth
- Vomiting
- Diarrhea

Many people won't experience these side effects, or will see them go away within a few weeks. But if they continue, changing medications or dosage will often resolve the problem.

One antidepressant (bupropion) affects mostly the brain chemical dopamine and thus forms a category of its own.

Older types of antidepressants, which include tricyclics and MAOIs (monoamine oxidase inhibitors), may be prescribed by a mental health professional if newer medications do not seem to be effective.

The most common side effects of tricyclics (and tetracyclics) include:

- Dry mouth
- Blurred vision
- Constipation
- Urinary retention
- Drowsiness
- Increased appetite leading to weight gain
- Drop in blood pressure when moving from sitting to standing, which can cause lightheadedness
- Increased sweating

Monoamine oxidase inhibitors (MAOIs) are the least prescribed antidepressants because they can cause dangerously high blood pressure if combined with certain foods or medications. People taking MAOIs must watch their diets carefully to avoid potentially life-threatening complications. The foods that are off-limits include aged cheese, sauerkraut, cured meats, draft beer and fermented soy products such as miso, tofu or soy sauce. For some individuals, wine and all forms of beer may be contraindicated.

Many antidepressants may also be useful for treating depression that is mixed with anxiety. Some antidepressants may be useful for PTSD, generalized anxiety disorder and OCD, but may require higher doses.

Depression that is part of bipolar disorder requires more careful assessment, as antidepressants may worsen the risk of mania and provide little help for depression associated with bipolar disorder.

Anti-Anxiety Medications

Certain medications work solely to reduce the emotional and physical symptoms of anxiety. Benzodiazepines such as alprazolam (Xanax) can treat social phobia, generalized anxiety disorder and panic disorder. Heart medications known as beta-blockers are also effective at treating the physical trembling and sweating that people with phobias experience in difficult situations.

Benzodiazepines work quickly and are very effective in the short-term. People prone to substance abuse may become dependent on them, however. It also may be necessary to increase the dosage over time. The body becomes accustomed to these medications over time and may require larger doses for the same therapeutic effect. People who stop taking benzodiazepines abruptly may experience unpleasant withdrawal symptoms.

Other side effects can include:

- Low blood pressure
- Decreased sex drive
- Nausea
- Lack of coordination
- Disinhibition
- Depression
- Unusual emotional dysfunction, including anger and violence
- Memory loss
- Difficulty thinking

Mood Stabilizers

Mood stabilizers are the most common medications for treating the mood swings of bipolar disorder. The oldest of them, Lithium, has been in use for over 50 years and has proven very effective, particularly for bipolar I disorder. However, regular blood tests are a requirement if you're taking Lithium, which has potential serious side effects to the kidneys and thyroid.

There are also newer mood stabilizers originally created as anticonvulsants that may work better than Lithium for some people. Mood stabilizers can prevent highs (manic or hypomanic episodes) and lows (depressive episodes). All have important side effects to know about and monitor.

Special Groups

Children

Certain medications are safe and effective for children, while others haven't been formally researched yet. Doctors may treat children by prescribing these medications "off-label." Questions remain about how these medications affect a child's growing body and brain. Children may also experience different side effects than adults. Antidepressants, for instance, carry a warning that they may increase suicidal tendencies in young people. Because of these uncertainties, it's important to monitor children and teens closely when they're taking a medication.

Older Adults

As we age, our bodies process medicines more slowly, so older adults may need lower dosages. We're also more likely to take multiple medications, increasing the risk of unexpected and dangerous drug interactions. Memory problems may cause older adults to miss doses or overdose. And certain side effects may be more common in older adults, such as tardive dyskinesia, a side effect of antipsychotics. For all these reasons, older people should pay careful attention when monitoring treatment and symptoms.

Pregnant Women

A pregnant woman with mental illness (or who may be pregnant or may want to become pregnant) faces additional risks with medication. However, for some medicines there is not enough research to make the decision clear.

Women who stop taking medication because of pregnancy may relapse, which poses its own dangers for the mother and child. Some medications can be transmitted to the infant through the placenta or breastfeeding. Women should discuss the pros and cons with their doctor. After giving birth, women should also consult their doctor about how to prevent postpartum depression and whether it's safe to take medication while breastfeeding.

Members Of Specific Cultural Groups

Certain ethnic groups respond differently to medication, though more research is needed. African Americans and some Asian Americans, for instance, metabolize some medications more slowly than Caucasians. They are thus at increased risk of certain side effects and may benefit from lower dosages.

For many ethnic groups treatment is also complicated by language barriers, socio-economic stresses, lack of minority health care professionals and stigma. To improve the odds of a strong recovery, reach out to culturally-specific mental health providers. They

can help locate support groups and doctors who take culture and ethnic background into consideration.

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Bipolar Disorder

What is bipolar disorder?

Bipolar disorder is an illness that causes extreme mood changes that switch from manic episodes of very high energy to the extreme lows of depression. It is also called manic-depressive disorder.

This illness can cause behavior so extreme that you cannot function at work, in family or social situations, or in relationships with others. Some people with bipolar disorder become suicidal.

Having this disorder can make you feel helpless and hopeless. But you are not alone. Talking with others who suffer from it may help you learn that there is hope for a better life. And treatment can help you get back in control.

Family members often feel helpless when a loved one is depressed or manic. If your loved one has bipolar disorder, you may want to get counseling for yourself. Therapy can also help a child who has a bipolar parent.

What causes bipolar disorder?

The cause of bipolar disorder is not completely understood. We know that it runs in families. It may also be affected by your living environment or family situation. One possible cause is an imbalance of chemicals in the brain.

What are the symptoms?

The symptoms depend on your mood swings. In a manic episode, you may feel very happy, energetic, or on edge. You may feel like you need very little sleep. You may feel overly self-confident. Some people spend a lot of money or get involved in dangerous activities when they are manic.

After a manic episode, you may return to normal, or your mood may swing in the opposite direction to feelings of sadness, depression, and hopelessness. When you are depressed, you may have trouble thinking and making decisions. You may have memory problems. You may lose interest in things you once enjoyed. You may also have thoughts about killing yourself.

The mood swings of bipolar disorder can be mild or extreme. They may come on slowly over several days or weeks or suddenly over a few minutes or hours. The mood swings may last for a few hours or for several months.

How is bipolar disorder diagnosed?

Bipolar disorder is hard to diagnose. There are no lab tests for it. Instead your doctor or therapist will ask detailed questions about what kind of symptoms you have and how long they last. To be diagnosed as bipolar, you must have had a manic episode lasting at least a week (less if you had to be hospitalized). During this time, you must have had three or more symptoms of mania, such as needing less sleep, being more talkative, behaving wildly or irresponsibly in activities that could have serious outcomes, or feeling as if your thoughts are racing.

Your urine and blood may be tested to rule out other problems that could be causing your symptoms.

How is it treated?

The sooner bipolar disorder is identified and treated, the better your chances of getting it under control. One of the most important parts of dealing with a manic episode is recognizing the early warning signs so that you can start treatment early with medicine that is especially for manic phases.

A variety of medicines are used to treat bipolar disorder. You may need to try several before you find the right combination that works for you.

- Most people with bipolar disorder need to take a medicine called a mood stabilizer every day.
- Medicines called antipsychotics can help get a manic phase under control.
- Antidepressants are used carefully for episodes of depression, because they cause some people to move into a manic phase.

People often have to try several different medicines before finding what works for them. Regular checkups are important so that your doctor can tell if your treatment is working.

Counseling for you and your family is also an important treatment. It can help you cope with some of the work and relationship issues that your illness may cause.

Charting your mood is one way you can start to see your patterns and symptoms. Keep a notebook of your feelings and what brought them on. If you learn what triggers your mood swings, you may be able to avoid them sometimes.

People often stop taking their medicines during a manic phase because they feel good. But this is a mistake. You must take your medicines regularly, even if you are feeling better.

Who is affected by bipolar disorder?

Over 3 million Americans—about 1% of the population, or 1 in every 100 people—have bipolar disorder, with similar rates in other countries. Bipolar disorder occurs equally among males and females. It often begins between the ages of 15 and 24.

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Schizophrenia

What is schizophrenia?

Schizophrenia is a severe brain disease that interferes with normal brain and mental function—it can trigger hallucinations, delusions, paranoia, and significant lack of motivation. Without treatment, schizophrenia affects the ability to think clearly, manage emotions, and interact appropriately with other people. It is often disabling and can profoundly affect all areas of your life (for example, becoming unable to work or go to school). Being told that you or someone you love has schizophrenia can be frightening or even devastating. The best way to improve your quality of life with schizophrenia is to learn as much as you can about this condition and then adhere to the recommended treatment.

There are several types of schizophrenia, and the specific types are diagnosed based upon symptoms. The most common type is paranoid schizophrenia, which causes fearful thoughts and hearing threatening voices.

Schizophrenia does not involve multiple personalities and is not the same condition as dissociative identity disorder (also called multiple personality disorder or split personality).

What causes schizophrenia?

There are many theories about the cause of schizophrenia, but none have yet been proved. Schizophrenia may be a genetic disorder, since your chances of developing schizophrenia increase if you have a parent or sibling with the condition, but most people with relatives who have schizophrenia will not develop it. It may also be related to problems experienced during pregnancy (such as malnutrition, or being exposed to a viral infection) that damages the unborn child's developing nervous system.

What are the symptoms?

Schizophrenia causes two groups of symptoms: negative symptoms and positive symptoms.

Negative symptoms generally include apathy or lack of motivation, self-neglect (such as not bathing), and reduced or inappropriate emotion (such as becoming angry with strangers). Negative symptoms usually appear first and may be confused with depression.

Positive symptoms, which generally appear later, include symptoms such as hallucinations, delusions, and disorganized or confusing thoughts and speech.

Symptoms of schizophrenia usually emerge in adolescence or early adulthood. Symptoms can appear suddenly or may develop gradually, often causing the illness to go unrecognized until it is in an advanced stage when it is more difficult to treat.

How is schizophrenia diagnosed?

Schizophrenia is diagnosed primarily with a medical history and a mental health assessment. Other tests, such as blood tests or imaging tests, may be done to rule out other conditions that can mimic symptoms of schizophrenia.

How is schizophrenia treated?

There is no cure for schizophrenia, but many people can effectively manage their symptoms with medications and professional counseling.

Consistent, long-term treatment is critical to the successful management of schizophrenia. Unfortunately, people with schizophrenia often do not seek treatment or they stop treatment due to unpleasant side effects of medications or lack of support.

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Depression

What is depression?

Depression is an illness that causes a person to feel sad and hopeless much of the time. It is different from normal feelings of sadness, grief, or low energy.

Anyone can have depression. It often runs in families. But it can also happen to someone who doesn't have a family history of depression. You can have depression one time or many times.

If you think you may be depressed, tell your doctor. There are good treatments that can help you enjoy life again. The sooner you get treatment, the sooner you will feel better.

What causes depression?

The causes of depression are not entirely understood. Things that may trigger depression include

- Major events that create stress, such as childbirth or a death in the family.
- Illnesses, such as arthritis, heart disease, or cancer.
- Certain medicines, such as steroids or narcotics for pain relief.
- Drinking alcohol or using illegal drugs.

These and other factors can cause certain brain chemicals to get out of balance. As soon as the imbalance is corrected, symptoms of depression generally go away.

What are the symptoms?

Depression can cause different symptoms in different people, and they may be hard to notice at first. For example, a child may seem grouchy and irritable. An older adult may be forgetful. If you think a loved one is depressed, learn more about what symptoms to look for, and urge the person to get help if needed.

People who are depressed may:

- Think and speak more slowly than normal.
- Have trouble concentrating, remembering, and making decisions.
- Have changes in their eating and sleeping habits.
- Lose interest in things they enjoyed before they were depressed.
- Have feelings of guilt and hopelessness, wondering if life is worth living.
- Think a lot about death or suicide.
- Complain about problems that don't have a physical cause, such as headache and stomachache.

All of these symptoms can cause a problem with your quality of life. If you have had a few of these symptoms for at least 2 weeks, talk to your doctor. You may have depression that requires treatment.

How is it treated?

Depression is usually treated with counseling or antidepressant medicine, or both. It sometimes takes a few tries to find the right treatment, and it can take several weeks for the medicine to start working. Try to be patient and stay with your treatment.

If you have mild or moderate depression, you may be diagnosed and treated by your family doctor and a therapist or psychologist. If you have severe depression or do not respond to treatment, it may be helpful to see a psychiatrist. This is a medical doctor who specializes in mental health problems. Severe cases of depression may need to be treated in the hospital.

Let your doctor know if you believe you are depressed, because depression is often overlooked. If you are diagnosed with depression, you and your doctor can decide on the best treatment. The earlier you are treated, the more quickly you will recover.

How common is depression?

Many people will have depression at some point in their lives. Chances of becoming depressed are higher for certain people. For example:

- Women have depression twice as often as men. But men are more likely to commit suicide because of depression.
- Separated or divorced people, especially men, are more likely than married people to become depressed.
- People who have a serious illness are more likely to have depression.

If you have had depression before, there is a good chance that it will happen again. Taking your medicines even after you feel better can help keep you from getting depressed again. Some people need to take medicine for the rest of their lives.

What can you do if a loved one has depression?

Depression can lead to suicide. Learn the warning signs of suicide, and if you see them in a loved one, get help.

Watch your loved ones for these warning signs of suicide:

- Planning to, or saying they want to, kill themselves or someone else.
- Having a way to commit suicide, such as having a gun.
- Being out of touch with reality, having severe anxiety, or thinking they hear voices giving them commands.
- Using alcohol or drugs, especially in large amounts.
- Talking, writing, or drawing about death. This includes writing suicide notes and talking about items that can cause physical harm, such as pills, guns, or knives.
- Spending long periods of time alone.
- Giving away possessions.
- Acting mean and aggressive, or suddenly acting calm.

If a suicide threat seems real, with a specific plan and a way to carry it out, the following guidelines may help:

- Call 911 , a suicide hotline, or the police.
- Stay with the person, or ask someone you trust to stay with the person, until the crisis has passed.
- Encourage the person to seek professional help.
- Don't argue with the person ("It's not as bad as you think") or challenge him or her ("You're not the type to commit suicide").
- Tell the person you don't want him or her to die. Talk about the situation as openly as possible.

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Definition

By Mayo Clinic Staff

Bipolar disorder, formerly called manic depression, causes extreme mood swings that include emotional highs (mania or hypomania) and lows (depression). When you become depressed, you may feel sad or hopeless and lose interest or pleasure in most activities. When your mood shifts in the other direction, you may feel euphoric and full of energy. Mood shifts may occur only a few times a year or as often as several times a week.

Although bipolar disorder is a disruptive, long-term condition, you can keep your moods in check by following a treatment plan. In most cases, bipolar disorder can be controlled with medications and psychological counseling (psychotherapy).

Symptoms

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Symptoms

By Mayo Clinic Staff

There are several types of bipolar and related disorders. For each type, the exact symptoms of bipolar disorder can vary from person to person. Bipolar I and bipolar II disorders also have additional specific features that can be added to the diagnosis based on your particular signs and symptoms.

Criteria for bipolar disorder

The Diagnostic and Statistical Manual of Mental Disorders (DSM-5), published by the American Psychiatric Association, lists criteria for diagnosing bipolar and related disorders. This manual is used by mental health providers to diagnose mental conditions and by insurance companies to reimburse for treatment.

Diagnostic criteria for bipolar and related disorders are based on the specific type of disorder:

- **Bipolar I disorder.** You've had at least one manic episode. The manic episode may be preceded by or followed by hypomanic or major depressive episodes. Mania symptoms cause significant impairment in your life and may require hospitalization or trigger a break from reality (psychosis).
- **Bipolar II disorder.** You've had at least one major depressive episode lasting at least two weeks and at least one hypomanic episode lasting at least four days, but you've never had a manic episode. Major depressive episodes or the unpredictable changes in mood and behavior can cause distress or difficulty in areas of your life.
- **Cyclothymic disorder.** You've had at least two years — or one year in children and teenagers — of numerous periods of hypomania symptoms (less severe than a hypomanic episode) and periods of depressive symptoms (less severe than a major depressive episode). During that time, symptoms occur at least half the time and never go away for more than two months. Symptoms cause significant distress in important areas of your life.

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- **Other types.** These include, for example, bipolar and related disorder due to another medical condition, such as Cushing's disease, multiple sclerosis or stroke. Another type is called substance and medication-induced bipolar and related disorder.

Bipolar II disorder is not a milder form of bipolar I disorder, but a separate diagnosis. While the manic episodes of bipolar I disorder can be severe and dangerous, individuals with bipolar II disorder can be depressed for longer periods, which can cause significant impairment.

Criteria for a manic or hypomanic episode

The DSM-5 has specific criteria for the diagnosis of manic and hypomanic episodes:

- **A manic episode** is a distinct period of abnormally and persistently elevated, expansive or irritable mood that lasts at least one week (or less than a week if hospitalization is necessary). The episode includes persistently increased goal-directed activity or energy.
- **A hypomanic episode** is a distinct period of abnormally and persistently elevated, expansive or irritable mood that lasts at least four consecutive days.

For both a manic and a hypomanic episode, during the period of disturbed mood and increased energy, three or more of the following symptoms (four if the mood is only irritable) must be present and represent a noticeable change from your usual behavior:

- Inflated self-esteem or grandiosity
- Decreased need for sleep (for example, you feel rested after only three hours of sleep)
- Unusual talkativeness
- Racing thoughts
- Distractibility
- Increased goal-directed activity (either socially, at work or school, or sexually) or agitation
- Doing things that are unusual and that have a high potential for painful consequences — for example, unrestrained buying sprees, sexual indiscretions or foolish business investments

To be considered a manic episode:

- The mood disturbance must be severe enough to cause noticeable difficulty at work, at school or in social activities or relationships, or to require hospitalization to prevent harm to yourself or others, or to trigger a break from reality (psychosis).
- Symptoms are not due to the direct effects of something else, such as alcohol or drug use; a medication; or a medical condition.

To be considered a hypomanic episode:

- The episode is a distinct change in mood and functioning that is not characteristic of you when the symptoms are not present, and enough of a change that other people notice.
- The episode isn't severe enough to cause significant difficulty at work, at school or in social activities or relationships, and it doesn't require hospitalization or trigger a break from reality.
- Symptoms are not due to the direct effects of something else, such as alcohol or drug use; a medication; or a medical condition.

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Criteria for a major depressive episode

The DSM-5 also lists criteria for diagnosis of a major depressive episode:

- Five or more of the symptoms below over a two-week period that represent a change from previous mood and functioning. At least one of the symptoms is either depressed mood or loss of interest or pleasure.
- Symptoms can be based on your own feelings or on the observations of someone else.

Signs and symptoms include:

- Depressed mood most of the day, nearly every day, such as feeling sad, empty, hopeless or tearful (in children and teens, depressed mood can appear as irritability)
- Markedly reduced interest or feeling no pleasure in all — or almost all — activities most of the day, nearly every day
- Significant weight loss when not dieting, weight gain, or decrease or increase in appetite nearly every day (in children, failure to gain weight as expected can be a sign of depression)
- Either insomnia or sleeping excessively nearly every day
- Either restlessness or slowed behavior that can be observed by others
- Fatigue or loss of energy nearly every day
- Feelings of worthlessness or excessive or inappropriate guilt, such as believing things that are not true, nearly every day
- Decreased ability to think or concentrate, or indecisiveness, nearly every day
- Recurrent thoughts of death or suicide, or suicide planning or attempt

To be considered a major depressive episode:

- Symptoms must be severe enough to cause noticeable difficulty in day-to-day activities, such as work, school, social activities or relationships
- Symptoms are not due to the direct effects of something else, such as alcohol or drug use, a medication or a medical condition
- Symptoms are not caused by grieving, such as after the loss of a loved one

Other signs and symptoms of bipolar disorder

Signs and symptoms of bipolar I and bipolar II disorders may include additional features.

- **Anxious distress** — having anxiety, such as feeling keyed up, tense or restless, having trouble concentrating because of worry, fearing something awful may happen, or feeling you may not be able to control yourself
- **Mixed features** — meeting the criteria for a manic or hypomanic episode, but also having some or all symptoms of major depressive episode at the same time
- **Melancholic features** — having a loss of pleasure in all or most activities and not feeling significantly better, even when something good happens
- **Atypical features** — experiencing symptoms that are not typical of a major depressive episode, such as having a significantly improved mood when something good happens
- **Catatonia** — not reacting to your environment, holding your

body in an unusual position, not speaking, or mimicking another person's speech or movement
- **Peripartum onset** — bipolar disorder symptoms that occur during pregnancy or in the four weeks after delivery
- **Seasonal pattern** — a lifetime pattern of manic, hypomanic or major depressive episodes that change with the seasons
- **Rapid cycling** — having four or more mood swing episodes within a single year, with full or partial remission of symptoms in between manic, hypomanic or major depressive episodes
- **Psychosis** — severe episode of either mania or depression (but not hypomania) that results in a detachment from reality and includes symptoms of false but strongly held beliefs (delusions) and hearing or seeing things that aren't there (hallucinations)

Symptoms in children and teens

The same DSM-5 criteria used to diagnose bipolar disorder in adults are used to diagnose children and teenagers. Children and teens may have distinct major depressive, manic or hypomanic episodes, between which they return to their usual behavior, but that's not always the case. And moods can rapidly shift during acute episodes.

Symptoms of bipolar disorder can be difficult to identify in children and teens. It's often hard to tell whether these are normal ups and downs, the results of stress or trauma, or signs of a mental health problem other than bipolar disorder. And children who have bipolar disorder are frequently also diagnosed with other mental health conditions.

The most prominent signs of bipolar disorder in children and teenagers may include severe mood swings that are different from their usual mood swings.

When to see a doctor

If you have any symptoms of depression or mania, see your doctor or mental health provider. Bipolar disorder doesn't get better on its own. Getting treatment from a mental health provider with experience in bipolar disorder can help you get your symptoms under control.

Many people with bipolar disorder don't get the treatment they need. Despite the mood extremes, people with bipolar disorder often don't recognize how much their emotional instability disrupts their lives and the lives of their loved ones.

And if you're like some people with bipolar disorder, you may enjoy the feelings of euphoria and cycles of being more productive. However, this euphoria is always followed by an emotional crash that can leave you depressed, worn out — and perhaps in financial, legal or relationship trouble.

If you're reluctant to seek treatment, confide in a friend or loved one, a health care professional, a faith leader or someone else you trust. He or she may be able to help you take the first steps to successful treatment.

When to get emergency help

Suicidal thoughts and behavior are common among people with bipolar disorder. If you think you may hurt yourself or attempt suicide, call 911 or your local emergency number immediately.

Also consider these options:

- Reach out to a close friend or loved one.
- Contact a minister, spiritual leader or someone in your faith community.
- Call a suicide hotline number — in the United States, call the National Suicide Prevention Lifeline at 800-273-TALK (800-273-8255) to reach a trained counselor. Use that same number and press 1 to reach the Veterans Crisis Line.
- Make an appointment with your doctor, mental health provider or other health care provider.

If you have a loved one who is in danger of committing suicide or has made a suicide attempt, make sure someone stays with that person. Call 911 or your local emergency number immediately. Or, if you think you can do so safely, take the person to the nearest hospital emergency room.

Definition Causes

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1. Newsletter: Mayo Clinic Health Letter
2. Book: Mayo Clinic Family Health Book, 4th Edition

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Definition

By Mayo Clinic Staff

Schizophrenia is a severe brain disorder in which people interpret reality abnormally. Schizophrenia may result in some combination of hallucinations, delusions, and extremely disordered thinking and behavior.

Contrary to popular belief, schizophrenia isn't a split personality or multiple personality. The word "schizophrenia" does mean "split mind," but it refers to a disruption of the usual balance of emotions and thinking.

Schizophrenia is a chronic condition, requiring lifelong treatment.

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Symptoms

By Mayo Clinic Staff

In men, schizophrenia symptoms typically start in the early to mid-20s. In women, symptoms typically begin in the late 20s. It's uncommon for children to be diagnosed with schizophrenia and rare for those older than 45.

Schizophrenia involves a range of problems with thinking (cognitive), behavior or emotions. Signs and symptoms may vary, but they reflect an impaired ability to function. Symptoms may include:

- **Delusions.** These are false beliefs that are not based in reality. For example, you're being harmed or harassed; certain gestures or comments are directed at you; you have exceptional ability or fame; another person is in love with you; a major catastrophe is about to occur; or your body is not functioning properly. Delusions occur in as many as 4 out of 5 people with schizophrenia.
- **Hallucinations.** These usually involve seeing or hearing things that don't exist. Yet for the person with schizophrenia, they have the full force and impact of a normal experience. Hallucinations can be in any of the senses, but hearing voices is the most common hallucination.
- **Disorganized thinking (speech).** Disorganized thinking is inferred from disorganized speech. Effective communication can be impaired, and answers to questions may be partially or completely unrelated. Rarely, speech may include putting together meaningless words that can't be understood, sometimes known as word salad.
- **Extremely disorganized or abnormal motor behavior.** This may show in a number of ways, ranging from childlike silliness to unpredictable agitation. Behavior is not focused on a goal, which makes it hard to perform tasks. Abnormal motor behavior can include resistance to instructions, inappropriate and bizarre posture, a complete lack of response, or useless and excessive movement.

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- **Negative symptoms.** This refers to reduced ability or lack of ability to function normally. For example, the person appears to lack emotion, such as not making eye contact, not changing facial expressions, speaking without inflection or monotone, or not adding hand or head movements that normally provide the emotional emphasis in speech. Also, the person may have a reduced ability to plan or carry out activities, such as decreased talking and neglect of personal hygiene, or have a loss of interest in everyday activities, social withdrawal or a lack of ability to experience pleasure.

Symptoms in teenagers

Schizophrenia symptoms in teenagers are similar to those in adults, but the condition may be more difficult to recognize in this age group. This may be in part because some of the early symptoms of schizophrenia in teenagers are common for typical development during teen years, such as:

- Withdrawal from friends and family
- A drop in performance at school
- Trouble sleeping
- Irritability or depressed mood
- Lack of motivation

Compared with schizophrenia symptoms in adults, teens may be:

- Less likely to have delusions
- More likely to have visual hallucinations

When to see a doctor

People with schizophrenia often lack awareness that their difficulties stem from a mental illness that requires medical attention. So it often falls to family or friends to get them help.

Helping someone who may have schizophrenia

If you think someone you know may have symptoms of schizophrenia, talk to him or her about your concerns. Although you can't force someone to seek professional help, you can offer encouragement and support and help your loved one find a qualified doctor or mental health provider.

If your loved one poses a danger to self or others or can't provide his or her own food, clothing or shelter, you may need to call 911 or other emergency responders for help so that your loved one might be evaluated by a mental health provider. In some cases, emergency hospitalization may be needed. Laws on involuntary commitment for mental health treatment vary by state. You can contact community mental health agencies or police departments in your area for details.

Suicidal thoughts and behavior

Suicidal thoughts and behavior are common among people with schizophrenia. If you have a loved one who is in danger of committing suicide or has made a suicide attempt, make sure someone stays with that person. Call 911 or your local emergency number immediately. Or, if you think you can do so safely, take the person to the nearest hospital emergency room

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Deborah Tomlinson

Subject: FW: Heritage Cove Farm

From: Barbara Wamsley [mailto:bjwamsley@yahoo.com]
Sent: Wednesday, October 07, 2015 10:28 PM
To: Steve Schnell
Subject: Heritage Cove Farm

Dear Mr. Schnell,

In this country, many of the mentally ill are forgotten or ignored. State and local municipalities have trimmed treatment facilities right out of the budget. Seems our society would rather turn its head and look the other way. Some of the less fortunate will turn to drugs or alcohol in an effort to cope, but to no avail. Many end up homeless and /or in trouble with the law.

Cheboygan County has its share of people who suffer from mental and emotional illness. Some of them visit my pharmacy. They are no less human than you and I. Each one of them deserves love, respect and a place to live and belong. They have hopes, aspirations and a desire to live independently, just like you and me.

Betsy and Larry Hanson are not trying to create a new business venture to line their own pockets. Nor do they see themselves as Health Professionals. They have identified a need in this community that they are passionate about. They are offering their own property to be used for the proposed Heritage Cove Farm.

So Grand View Beach neighbors, out of fear of the unknown, have expressed concerns. I am not surprised by many of the comments expressed in letters to Cheboygan County. Unfortunately, it is my experience that, too often, people form opinions based on rumor and innuendo, rather than attempting to collect all the facts before rendering a judgment.

First, the complaints from neighbors regarding environmental concerns are unfounded. The Hansons' farm has been verified by the Michigan Agriculture Environmental Assurance Program (MAEAP). Verification ensures that the farmer has implemented environmentally sound practices, and has appropriate records and management strategies in place.

The proposed therapeutic community would be a supportive community run by health professionals. The screened residents will have already successfully completed any necessary drug/alcohol treatment. They will be required to participate in group and individual therapeutic programs as well as the operation and / or maintenance of the community. Seems to me that with the proposed 24-hr on site support staffing, the Heritage Cove Farm would be the safest possible environment.

The general public is allowed to wander around unsupervised on the North Central State Trail. I dare say, some individuals, members of the general public, are dangerous. The screened residents of the proposed Heritage Cove Farm are also members of this club I like to refer to as "The Public". They do not deserve to be imprisoned. They have every right to use grounds or facilities designated for public use just like you and I do.

Who is doing background/criminal history checks and drug screening on the other residents and their guests in the Grand View Beach residential community? We all know someone who drinks excessively. We all know someone who does not use their prescription drugs for legitimate purposes. Do I detect a double standard? Is it OK to abuse drugs, alcohol or another human being if you are not mentally ill?

Who is going to protect the residents of Heritage Cove Farm from the angry, misinformed neighbors that would rather form opinions based upon hearsay and gossip instead of using cold, hard facts?

Respectfully,

Barbara J. Wamsley, R.Ph.
Family Fare Pharmacy
Cheboygan, MI 49721
(231) 627-5371

Deborah Tomlinson

From: Paula Melonakos [mailto:pmelonakos@yahoo.com]
Sent: Monday, October 12, 2015 8:55 PM
To: Scott McNeil
Subject: proposed mental illness facility on Grandview Beach

Dear Mr McNeil,

My Name is Paula Melonakos and I have a year around home on Grandview Beach on Mullett Lake, Indian River Michigan.

I am unable to be at the public hearing meeting on November 4, 2015.

I have major concerns about this possible treatment facility in our precious neighborhood and on our magical Lake.

I have been a part of a family whom has enjoyed and loves this area for 5 generations. My grandparents, parents, myself, my children and now my three grandchildren. We have fished, hiked, snowmobiled, snowshoed, biked and walked the trails and road without concerns or fears. That will change if this facility goes in.
I will hate to see this occur.

So my concerns are safety.
My concern is property value going down.

My concern is the lake.. and the quality of the water with the amount of people either staying there with the extra sewage that comes from bathrooms, laundry, kitchen appliances(dishwasher) etc.
This is not an overly large amount of land for the use that has been proposed. Other facilities similar to this are usually on property that is more isolated, and way more acreage.

My concern is the type of patients they will have, mental illness, drugs, etc.

My concern is also the stress it will put on our police departments.

This is a neighborhood which should continue to be kept just that. A Neighborhood! It's a most magical and amazing area let's keep it that way. It's Full of families that enjoy the outdoors with no fears or concerns.

Thank you for your consideration.

Paula Melonakos
521 Grandview Beach Drive
Indian River, Michigan.

Deborah Tomlinson

From: Martha Weinstock [mailto:marty.weinstock@gmail.com]
Sent: Monday, October 12, 2015 3:19 PM
To: Scott McNeil
Subject: Public Hearing 11/4/15

Dear Mr. McNeil
I own a cottage on Grand View Beach, where my 88 year old mother currently lives full time.
Unfortunately, I live in St.Louis MO and cannot attend the public hearing on 11/4/15 re: the Heritage Cove Farm. I am hoping my mother will attend.
I have already written an impassioned letter to your office, explaining how the existence of the proposed mental health facility would greatly affect all of our property values on Grand View Beach, not to mention the safety concerns. My mother is scared to death that this may go through and she will feel unsafe living there alone.
I hope that you and the council (or commission) will be thoughtful and thorough in your decision. Mr. Hansen is vindictive and has a major bone to pick with the beach (I am not the most knowledgeable about the details) and has come up with this plan to "get back" at the GVB Assoc. We realize that a "farm" like this would be very nice for the mentally handicapped - but not in a populated, paradise-like vacation setting.
We recently heard of a bipolar woman who shot and killed her brother-in-law because he finally wanted to take a vacation, after years of taking care of her. Stories like these give us pause.
Please do not be swayed by expensive, well-known lawyers and their tricks. Please take a moment to walk along our road and imagine the changes that would take place.
Please vote against the Heritage Cove Farm plan.
Martha S Weinstock

16-162-005-100-001-01
MICHIGAN DEPT OF NATURAL RES
PO BOX 30722
LANSING MI 48909

16-162-005-100-002-00
GRANDVIEW BEACH ASSOCIATIO
4700 GRACE BEACH
INDIAN RIVER MI 49749

16-162-005-100-012-00
HART, JUDD & ALICIA H/W
PO BOX 222
BIRMINGHAM MI 48012-0222

16-162-005-100-014-00
GRANDVIEW BEACH ASSOCIATIO
4700 GRACE BEACH
INDIAN RIVER MI 49749

16-162-005-100-015-00
GRANDVIEW BEACH ASSOCIATIO
4700 GRACE BEACH
INDIAN RIVER MI 49749

16-162-005-300-001-00
TOLAS, PETRO J ET AL
306 E BROADWAY ST, STE #1
MOUNT PLEASANT MI 48858

16-162-005-300-002-00
HANSON, LAWRENCE & ELIZABET
625 S GRANDVIEW BEACH R
INDIAN RIVER MI 49749

16-162-005-300-002-01
MONETTE, PATRICK & MARCIA, TT
4700 GRACE BEACH RD
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16-162-006-200-001-30
KARAS, PHILIP J ET UX
35830 DEVEREAUX
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16-162-006-200-001-31
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22179 BEECH DALY RD
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OCCUPANT
697 S GRANDVIEW BEACH RD
INDIAN RIVER, MI 49749

October 14, 2015

Mr. Scott McNeil

870 South Main Street, Room 103

PO Box 70

Cheboygan, MI 49721

To whom it may concern,

Our family have been residents of Grand View Beach for over 80 years. We are writing this letter in regard to the Heritage Cove Farm Development proposed for 625 S. Grandview Beach Road. We are against changing the zoning of this property for the following reasons.

1. Grand View Beach is a summer recreational residence. There is no reason to change the zoning to fit the Heritage Cove Farm Development.
2. The property is not suited for this type of operation. The frontage on the water is marsh.
3. They are not close to any hospital, police, or fire departments.
4. There are more suitable properties that are closer to the city for this type of operation.
5. The safety of the families that live and visit Grand View Beach could easily be compromised if this was to happen.

I firmly believe this is going to have a devastating effect of the Grand View Beach property value and tax efforts to the city and county.

Truly yours,

Mike and Linda Huard

Bradley Huard

Christina Ruf

Michael Huard

John Palazzolo

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/

October 16, 2015 via email

Mr. Lawrence Hanson
625 Grandview Beach Road
Indian River, Mi. 49749

RE: Heritage Cove Farm, 625 Grandview Beach Road

Dear Mr. Hanson;

Upon review of the special use permit application site plan regarding the subject and the uses requested by letter dated September 22, 2015. I will be reporting to the Planning Commission that staff review of your site plan does not show adequate parking spaces required under section 17.6. of the Cheboygan County Zoning Ordinance #200 for the restaurant and multi-family uses.

Section 17.6. provides a requirement for one (1) parking space per three (3) persons of seating capacity for a Restaurant. The Restaurant use is proposed for the community center. There are 24 indoor seats and 16 outdoor seats provided on the community center floor plan which was provided with the original application. Based on seating indicated 14 parking spaces are required for the restaurant use. Section 17.6. also requires 2 parking spaces per dwelling for multi-family uses. The site plan indicates 19 dwelling structures which require 36 parking spaces. 50 parking spaces are required for the restaurant and multi-family use together. 17 parking spaces are identified on the site plan. Based on this analysis the site plan is deficient relative to parking for the multi-family use and the restaurant and multi-family use combined.

This is being provided for your information prior to the public hearing scheduled for November 4, 2015.

Please do not hesitate to contact me with questions.

Sincerely,

Scott E. McNeil,
Community Development Planner

Cc; Mr. Richard Rassel

Deborah Tomlinson

From: Scott McNeil
Sent: Friday, October 16, 2015 2:59 PM
To: Deborah Tomlinson
Subject: FW: Review of site plan and requested uses regardnig Heritage Cove Farm
Attachments: Heritage Cove Farm L Hanson ltr 10 16 15 re parking.doc

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

From: Scott McNeil
Sent: Friday, October 16, 2015 1:53 PM
To: 'lphanson@racc2000.com'
Cc: Steve Schnell; 'Richard Rassel'
Subject: Review of site plan and requested uses regardnig Heritage Cove Farm

Dear Mr. Hanson;

Please see the attached letter regarding my review of parking requirements relating to the site plan which was submitted with the special use permit application and requested uses per letter dated September 22, 2015 for Heritage Cove Farm.

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

Deborah Tomlinson

From: outlook_d665e1e78345cd17@outlook.com [mailto:outlook_d665e1e78345cd17@outlook.com] **On Behalf Of** John Rasmussen
Sent: Friday, October 16, 2015 10:00 AM
To: Scott McNeil
Subject: Proposed Mental Health Treatment Center

Dear Mr. Scott,
I can't imagine that anyone with any common sense would propose such a facility in a lakeside residential community.

Just one incident involving the patients or individuals living in the area would be a disaster. It sounds like security would be basically nonexistent.

This is not a reliable population to be housed in an area where children are present.

I can't believe that zoning would allow such a business in a pristine lakeside community.

Sincerely yours,
John R. Rasmussen M.D.

Deborah Tomlinson

From: Scott McNeil
Sent: Friday, October 16, 2015 9:46 AM
To: 'lphanson@racc2000.com'
Subject: RE: Sign for Special Lamd Use Hearing

Hi Betsy,

I have note that posting the sign is a requirement of the ordinance. I will be in the area today and will post the same at your driveway.
Best regards,
Scott McNeil
Community Development Planner
Cheboygan County Planning and Zoning Department
Phone - 231-627-8475
Fax - 231-627-3646
scott@cheboygancounty.net
www.cheboygancounty.net/planning

From: Lawrence Hanson [mailto:lphanson@racc2000.com]
Sent: Friday, October 16, 2015 9:40 AM
To: Scott McNeil
Subject: Sign for Special Lamd Use Hearing

Good morning Scott,

I just wanted to confirm my understanding from Larry, that we do not need to post one of the Departments signs in front of our property in connection with the Special Use Permit, and public hearing scheduled for November 4th. As he understood from you, this sign is generally for the benefit of the Planning Commission members that may want to visit the site, and all of them are familiar with our location.

Just let me know if I misunderstood.

Thanks,
Betsy

Lawrence P. Hanson
Lawrence P. Hanson, P.C.
PO Box 456
Indian River, MI 49749
231-238-0505
231-238-0582 fax
This messages originates from Law Offices Lawrence P. Hanson, P.C. It may contain information which is confidential or privileged. It is intended only for recipient and others are prohibited from disclosing, copying, distributing, or using the contents of this message. This email may not be copied or distributed without this disclaimer. If you receive this email in error, please advise the writer and destroy all electronic and printed copies of the message and any attachments.

Deborah Tomlinson

From: Heckert, Tom [mailto:Tom.Heckert@Broncos.nfl.net]
Sent: Friday, October 16, 2015 10:06 PM
To: Scott McNeil
Subject: Heritage Cove proposal

Scott,

I am a resident on Mullet Lake and I reside at 6883 Orchard Beach Dr.

I am writing to say that I am 100 % against the Heritage Cove Farm proposal. Although I understand the need for such facilities I believe there are much better places for these facilities to be put in place. There is just so much that can go wrong in an area as open and vast as our area and I personally do not want to be concerned for what could happen.

Thank you for reading my protest of this facility.

Tom Heckert

Tom Heckert
Director of Pro Personnel
Denver Broncos
13655 Broncos Parkway
Englewood, CO 80112
303.264.5596
Tom.heckert@broncos.nfl.net

Elliot
708 Charles Conner Dr
Kernersville, NC 27284

Oct. 19, 2015

Dear Mr. McNeil,

My family and I have been enjoying tranquil summers on Grandview Beach since my father build our cottage in 1926. We wish to keep this tranquility, which we believe would be changed if Heritage Cove became a reality.

We would be strongly against it.

Sincerely.

Fred O. Elliot

Steve Schnell
Community Development Director
PO Box 70
Cheboygan, MI 49721

Dear Mr. Schnell,

My name is Kathy Dale McNair. I am a Presbyterian minister, specializing in mental health ministry. I work for The National Alliance on Mental Illness as their FaithNet coordinator in the suburbs north of Chicago. Mr. Hanson and I talked several months back about his plan for Heritage Cove Farm. I was thrilled to hear of it.

As I understand it, this farm will be in a relatively remote area. It will be set aside as a community for individuals with mental illness with a staff and director to oversee the farm and its residents. I am told the residents will have individual rooms in cottages to retreat to in the evening, but a rich communal life in the daytime. This provides privacy and community, two vital components to anyone's mental health.

The details about how this will all unfold will come from Mr. Hanson. I would like to speak to another side of the issue.

I do, as do many others, believe that the character of a nation is judged by how well it treats the least among us. That goes for every state, county and municipality too. The least among us may have different names: refugees or immigrants or people with mental illnesses.

I believe America is guided by values that are anchored in the Judeo-Christian tradition. We relieve suffering whenever we can by caring for those with disabilities, whether they are physical or mental challenges. Our hospitals are staffed by people who work with patients who have all kinds of illnesses, including mental illness. In our public arena, we help the disenfranchised and the marginalized who experience homelessness, sometimes caused by mental illness.

People with mental illness are deserving of good care and the support from others to live good lives. We all need a little help in this world. People with mental illnesses need our help. To give life to this project is good for people with mental illness and good for the community helping them.

I hope you will decide in favor of supporting Heritage Cove Farm. It is a very worthwhile effort and contributes to the common good.

Sincerely, Kathy Dale McNair

Kathy Dale McNair, kdmcnair@comcast.net, 847-989-1989

W|W|R|P

Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors

380 North Old Woodward Avenue
Suite 300
Birmingham, Michigan 48009

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www.wwrplaw.com

Cheboygan County Planning Commission
C/O Haider A. Kazim
Via email: kazim@cmda-law.com
Cummings, McClorey, Davis & Acho, P.L.C.
400 W. Front Street, Suite 200
Traverse City, MI 49684

October 20, 2015

RE: *Heritage Cove Farm ("HCF) v. Cheboygan County (the "County")*
Eastern District of Michigan Case No. 15-12752 (the "Litigation")

On November 4, 2015, the County will hear HCF's request with respect to the property located at 625 Grandview Beach Road, Indian River, Michigan 49749 (the "Property") for a special land use permit and/or other reasonable lawful accommodations **and** final site plan approval with respect to enforcement and application of the County's Zoning Ordinance No. 200 (the "Ordinance") (the "Request"). The purpose of this submission is to provide information and documentation regarding lawful accommodations and how the Request meets the standards for lawful accommodations. The Request, of course, includes requests for lawful accommodations from certain site plan related parking requirements, if any, referenced in Scott McNeil's October 16, 2015 letter to Larry Hanson.

Please provide a complete copy of this letter and all submissions accompanying this letter to the Cheboygan County Planning Commission in connection with the Request.

I. ACCOMMODATIONS EXPLAINED

Pursuant to the Joint Statement of the United States Department of Justice and the Department of Housing and Urban Development (the "Joint Statement"), a "reasonable accommodation"[1] is defined as a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces." (The full text of the Joint Statement is attached hereto).

The Joint Statement further states that " since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with

[1] http://www.hud.gov/offices/fheo/library/huddojstatement.pdf

disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. The Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling." In order to be reasonable and necessary an identifiable relationship or nexus between the requested accommodation and the individual's disability must exist.

II. DISCUSSION OF HCF'S REQUEST FOR ACCOMMODATIONS

Pursuant to the standards for an accommodation set forth in the Joint Statement, HCF's request for accommodation to permit a group therapeutic farm residence at the Property is reasonable and necessary as (i) the density of the proposed project is much less invasive than the density otherwise permitted by law, (ii) group living in a residential area is expressly authorized by law, and (iii) therapy is a recognized method of treatment for the mentally disabled.

A. Density

With respect to density, HCF desires to provide housing for **24 persons/Residents** with disabilities on its 33 acre[2] Property, which amounts to less than one person per acre of property. Based upon the Ordinance, if 24 traditional families desired to reside at the Property such persons would be permitted to do so by right. In fact, pursuant to the Ordinance, approximately **66 single family homes** are permitted as of right on the Property[3].

Based upon the average family household size in the United States,[4] pursuant to the Ordinance, an average of **220 persons** could reside as of right at the Property. As such, HCF's request to provide residences for a mere **24 disabled persons/residents** at the Property, which is less than 11% of the average number of residents otherwise permitted pursuant to the Ordinance, is more than reasonable.

Moreover, the development of a portion of land in a cluster smaller than that required by local ordinances while leaving an equivalent amount of remaining area for open space is expressly recognized by Michigan law. That is, Michigan's open space law, MCL 125.3506, *requires* that a municipality provide that "land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land than specified in the zoning ordinance" when certain conditions are met, including that no more than 50% of the land is developed and at least 50% of the overall land area will remain in an

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[2] The Property's 33 acres is comprised of 15.6 situated in the M-AF - Agriculture and Forestry Management district and 17.4 acres situated in P-LS - Lake and Stream Protection District.

[3] The Family estimate is based upon Ordinance requirement of a minimum lot size of one acre in the M-AF district and 15,000 sq. feet in the P-LS district [Zoning Ordinance at 17.1]. (15,000 sq. ft. minimum lot size = 2.904 homes per acre in P-LS. 2.904 homes per acre * 17.4 acres = 50.52 homes in P-LS. 1 home per acre in M-AF * 15.6 acres = 15.6 homes in M-AF)

[4] See U.S. Census Bureau, America's Families and Living Arrangements 2012, Table 1, attached hereto providing that the average family household size in the United States is 3.34.

undeveloped state.[5] HCF's Request, as previously outlined in detail throughout HCF's prior submission and as visually depicted on the proposed Site Plan, falls squarely within the spirit of this statute.

B. The Nexus between Group Therapeutic Living and Mental Disabilities

With respect to the relationship between the group therapeutic living and mental disabilities, just as visually disabled persons must be granted accommodations with respect to seeing eye dogs and physically disabled persons must be granted accommodations with respect to wheelchair ramp access, mentally disabled persons must be granted accommodations with respect to both group living and therapeutic treatment.

Well established law expressly recognizes the need of disabled persons to live within a residential area and to reside in a commercial group home setting within such residential communities.[6] Moreover, the need to receive therapeutic treatment is expressly related to mental disabilities. Attached hereto is documentation from various sources discussing in detail the benefits of and the proven effectiveness of therapeutic communities for people coping with mental health issues and/or the fact that therapy is a generally recognize need of therapies as a treatment option for mental disabilities:

1. Letter from Gould Farm to Cheboygan County dated October 15, 2015.
2. Article entitled "**Benefits of Residential Treatment**" published by the American Residential Treatment Association's ("ARTA"), which is a nationwide group comprised of more than 30 member facilities offering residential care to adults with serious mental challenges, including schizophrenia, bipolar disorder, depression, personality disorders, and disorders combined with substance abuse;
3. Article entitled "**The Benefits of Community Living - why is it important for people with severe mental illness**" published on schizoprhneia.com which is a nonprofit source of information, support and education regarding schizophrenia. Its Editor holds a PhD in Clinical Psychology and has completed psychiatric work at Harvard University, University of Pennsylvania, and University of Utrecht.
4. Beneficial Impact Study from Gould Farm, an existing residential therapeutic community, together with three articles published by independent third parties explaining the benefits of the therapeutic farm environment.

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[5] *Id.* The conditions enumerated within MCL 125.3506 are as follows: (a) The land is zoned at a density equivalent to 2 or fewer dwelling units per acre or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre; (b) A percentage of the land area specified in the zoning ordinance, but not less than 50% for a county or township or 20% for a city or village, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed by the zoning ordinance**;** (c) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon the extension; (d) The option provided under this subsection has not previously been exercised with respect to that land.

[6] *Smith & Lee Assocs v City of Taylor*, 102 F3d 781, 788-89 (CA 6, 1996) citing *Smith & Lee Assoc., Inc. v. City of Taylor*, Mich., 13 F.3d 920 (6th Cir. 1993).

5. Brochure of the Rose Hill Center, a Michigan based residential therapeutic farm community similar to HCF.
6. Excerpt of articles published by the Mayo Clinic providing that therapy is a vital form of treatment for the mentally disabled.

III. SAFETY CONSIDERATIONS AND THE LAW

As you know, the Planning Commission packet contains voluminous written communications from persons who have expressed fear and concern regarding safety issues if HCF is approved. In making its decision, this Planning Commission must keep in mind that the law provides that *although the Planning Commission "certainly may consider legitimate safety concerns in its zoning decisions,* it *may not base its decisions on the perceived harm from such stereotypes and generalized fears*."[7] There is certainly no evidence in the record in this matter or with respect to similar uses statewide or nationally that HCF poses a safety concern to Cheboygan County.

IV. PARKING CONSIDERATIONS NOT A FACTOR

HCF received a letter from County Community Development Planner Scott McNeil dated October 16, 2015 concluding that "your site plan does not show adequate parking spaces required under section 17.6. of the Cheboygan County Zoning Ordinance #200 for the restaurant and multi-family uses." As explained, however, through multiple submittals to date to the County with respect to the Request, HCF is neither a restaurant nor a multi-family use. HCF is a therapeutic farm community for mentally disabled adults – a lawful land use not specifically provided for by the County in its Ordinance framework. Single person occupied residences and group dining facilities are an integral component of HCF and therapeutic farm communities for mentally disabled adults generally. An analysis with respect to parking focused on restaurant and multi-family uses here is completely misplaced. Further, HCF does not expect that any of its Residents will have vehicles and HCF is not open to the public. HCF's parking spaces depicted on its site plan are for Staff. As noted previously, it is projected that a maximum of 10 Staff members are required for Phase I and maximum of three additional Staff members for Phase II. Two Staff members will remain at the Farm overnight. A total of 7 Staff members will assist during the daytime hours. The Farm will provide onsite cottages for at least three Staff members and their families. In this sense, HCF's site plan shows the land use as **over-parked** at 17parking spaces. In any event, the Request here includes requests for lawful accommodations under certain site plan related parking requirements, if any, referenced in Mr. McNeil's October 16, 2015 letter.

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[7] See e.g. *Innovative Health Systems, Inc. v. City of White Plains*, 117 F.3d 37, 49 (2d. Cir. 1997). (Emphasis added).

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

/s/ Richard E. Rassel

Richard E. Rassel
Susan A. Babcock

SAB/ae
cc: Heritage Cove Farm (*by e-mail*)

GOULD FARM
Harvesting Hope • Promoting Recovery

October 15, 2015

Steve Schnell
Community Development Director
Cheboygan County Planning & Zoning
PO Box 70
Cheboygan, MI 49721

Dear Mr. Schnell,

I am writing in regards to Heritage Cove Farm, a therapeutic community being developed by Betsy and Larry Hanson in Indian River, Michigan. The founders of Heritage Cove Farm have sought counsel and been in dialogue with Gould Farm during the process of organizing and launching their residential treatment program for people living with mental illness. Heritage Cove Farm is one of several therapeutic communities in the United States that are modeled on Gould Farm. From Cooper Riis in North Carolina, to Hopewell in Eastern Ohio, to Rose Hill, in Holly Michigan, residential treatment programs that use work in a farm setting as a means of psychiatric rehabilitation, have proven to be effective at preparing people to live independently as productive members of communities across the country.

Founded in 1913, Gould Farm is the first residential community in the nation dedicated to helping adults with mental health challenges move toward recovery, health, and greater independence through community living, meaningful work, and clinical support. Within this safe, family-like community made up of guests, staff, families and volunteers, all members are accepted, respected and celebrated as individuals.

We work with 40 adults in residence on the farm who are living with mental health conditions such as depression, bipolar and schizoaffective disorder and schizophrenia. Gould Farm provides a safe environment in which everyone feels accepted and trusted while also being held to high expectations as a productive, working member of the community. Guests are empowered to share their many talents with the community and are also given the opportunity to learn and practice new skills in a supported environment.

Guests work with the clinical team to optimize their medications, build compensatory strategies to manage the symptoms of their illness, and create resiliency in work and social contexts. Through a stepped progression, symptoms improve, real-life skills are learned, and a sense of worth and hope is recovered that allows the individual to build the strength and confidence to move towards greater independence and recovery.

Gould Farm offers a continuum of services including supported transition out of residential treatment and an extended community in both the Berkshires and the Boston area. Our two transition homes, one in Medford, MA near Boston, and one in Monterey, MA, adjacent to the farm, are stepping homes for 15 individuals into the community where our alumni move into their own apartments, find and maintain employment, further their education and live as productive members of the community.

Gould Farm is respected and trusted in the community. We operate our own restaurant and bakery where our residents work. In addition to working on the farm, and in our community based businesses, our residents volunteer and work in the community, attend classes and worship services, visit the library, the gym and shop like anyone else. The people in the Berkshires are proud that Gould Farm is a part of this community, and we are grateful to be partners with so many wonderful, caring people, businesses and organizations.

Heritage Cove Farm is positioned to create another wonderful opportunity for people living with mental illness to find the treatment, support and opportunities that enable a full and meaningful life. We are proud to be a support to their cause.

Sincerely,

Lisanne Finston
Executive Director

P.O. Box 157 · 100 Gould Road · Monterey, MA 01245-0157 · t 413-528-1804 · f 413-528-5051
The William J. Gould Associates, Inc.
www.gouldfarm.org

Benefits of Residential Treatment

Residential care works.

We believe in the proven effectiveness of supportive therapeutic communities for people coping with mental health issues.

While varying in style, residential facilities share the following core practices, each practice proven to promote healing that is more likely to be sustained:

- Every resident is seen as a **unique individual** with strengths and weaknesses (like the rest of us), and is **accepted** and **appreciated** for who they are, rather than being viewed as a "case" or a "patient."
- Growth occurs in small steps, the product of **individualized goals**. A major goal of all residential facilities is to develop a wide range of habits of self-care, from personal hygiene and taking meds to resting and asking for help.
- A high level of **supportive structure** is built into daily life. All residential facilities help residents establish normal, stabilizing routines for day and night.
- Residents take **responsibility for their behavior** since it affects others.
- Residents **contribute to the community** in some way, which boosts self-esteem.
- Residents **support one another**, forming **relationships**.
- **Quality of life** is stressed, which includes meaningful activity and nurturing relationships.

Taken together and working synergistically, these practices create a powerful therapeutic community – *a healing environment that only exists in a residential setting*.

The alternatives to residential care often don't work.

Residential psychiatric care is a positive alternative to the less productive route that typically starts with a hospital stay. After managing the acute crisis that triggers the admission, hospitals usually do not offer patients enough structure, despite the fact that the majority of people with serious psychiatric disorders do best with a high degree of structure. Equally important, *the typical psychiatric hospital stay is not long enough for a patient to develop the necessary skills and habits to function well.*

It is well documented that, following discharge from the hospital, many ex-patients

do not take advantage of outpatient mental health services, tending to withdraw from these services over time. Nor do the services, themselves, provide the level of structure and protection necessary for a person on the "outside."

Once discharged, the person typically returns to an isolated lifestyle, either at home, in the community, or on the street. While social isolation may feel comfortable and familiar, it is a negative force that not only impedes the person's growth toward mental health, but often sends them sliding backwards.

For many people, there is also the issue of medication. Chances are, the patient was discharged from the hospital when they were not yet willing or not yet able (or both) to take their medication regularly. But outpatient services often do not effectively monitor the taking of medication, certainly not over the long haul. Now add the fact that former patients engage less and less with these services over time – and monitoring becomes non-existent.

When a person returns home from a psychiatric hospitalization, the burden of responsibility often falls on the family to provide daily structure and to monitor the taking of medication. Since there is often a history of stressful relations between the family and the troubled person over these very issues, the family's attempts to help can add to the strain on all involved.

In this isolated and almost treatment-free state, the person's level of functioning deteriorates. Medication use grows sporadic and often stops. The stage is now set for another hospitalization. In all this time, little or no progress toward growth or recovery has taken place.

There is a high dollar cost for this unproductive cycle. But the human cost is huge – a person who could have quality of life and make a contribution to society is caught in a loop that prevents them from functioning better. . . or even flourishing.

Residential care offers you a way out of this unproductive cycle. It offers you proven resources and approaches for leading a better life.

ARTA -- The American Residential Treatment Association
Hope • Community • Healing

The Benefits of Community Living - why is it important for people with severe mental illness?[1]

Research indicates that, for people who are adequately supported and have the functional capacity, transitioning to living in a community setting (as opposed to in-patient treatment or psychiatric hospital facilities) is an important step in attaining recovery. The standards for treatment of severe mental illness are undergoing a sea-change; rather than settling for a remission of visible symptoms, health-care providers and consumers are now looking at returning to the previous functional level (the ability to do the things that one was able to do before becoming ill) as the ultimate goal of treatment. For many people with schizophrenia, bipolar disorder, and other psychiatric disabilities, living in the community can be a part of returning to a healthy level of functioning.

How do quality community housing facilities help recovery? Consider the following findings from research:

- **Community living reduces stigma**. Browne and Courtney (2004) found that people with severe mental illness living in apartments or community housing are more accepted, less lonely, and have a greater quality of life (as compared to those in specialized treatment facilities).
- **There is a relationship between quality of housing options for people with severe mental illness, overall global functioning, and quality of life.** A comparison of psychiatrically disabled residents of boarding homes vs. private homes (with family or alone) in Australia found that residents of boarding homes had greater measures of cognitive problems, social problems, overall disability, and reduced levels of self-care. However, their overall psychiatric symptoms were no more severe than those living in private homes; this implies that the causal factor is the difference in housing situation, not a fundamental difference in disease severity between the two groups.
- **A key determinant for readmission rates in schizophrenia patients is the type of situation to which they are discharged**. Browne and Courtney (2004) reported that people discharged to lower-quality housing situations had higher rates of readmission to the hospital. Lack of quality housing options can contribute to the "revolving door" phenomenon experienced by so many people with mental illness.
- **The quality of housing has a critical effect on relapse rates** (J Community Psychol, 1991:19:1). The results of this study, which followed the outcome of patients discharged from in-patient care, concluded that when patients are in need of both residential *and* psychiatric services, "housing interventions are more important than psychiatric services for patients' ability to stay in the community" (measured by the rate of rehospitalization during a six-month period).
- **80-90% of people with severe mental illness indicate that they would prefer to live in the community** as opposed to a psychiatric institution. Although this might seem like an obvious point, the extension is that providing adequate,

[1] **From: http://www.schizophrenia.com/housing.html**

supportive community housing options to comply with patients' preferences will positively influence their subjective perception of their own quality of life (Horan et al, 2001).

Characteristics of a Good Living Situation for Someone with a Psychiatric Disability:

A Review of What Works - evidence-based literature review on housing and residential support for people with psychiatric disabilities:

In 1997, the Canadian Advisory Network on Mental Health released "Review of the Best Practices in Mental Health Reform." This was a massive review of both published and unpublished literature to that date, the goal of which was to derive evidence-based practices to direct future mental health policy programs.

With regards to residential facilities for people with severe mental illness, the literature review revealed the following general points (which seem to be in agreement with the more recent literature reviewed by this author):

- community residential programs can successfully substitute for long-term inpatient care
- supported housing can successfully serve a diverse population of persons with psychiatric
  disabilities but support networks need to be monitored
- consumer choice is associated with housing satisfaction, residential stability and emotional well-being
- consumers prefer single occupancy, choice, and supports when requested
- individuals with severe mental illness, including homeless people, can be housed when provided with assertive case management services.

Based on these and other, more recent literature reviews, the following characteristics have been identified by researchers and by mental health consumers themselves as the most essential to a good residential facility. Doing your best to assess the quality and sustainability of a housing situation for someone with a psychiatric disorder (keeping in mind the special needs of that person and their individual level of functioning) may be crucial to supporting a long-term recovery. To reiterate the findings in Browne and Courtney (2004): "A key determinant for readmission rates in schizophrenia patients is the type of situation to which they are discharged"

What is important for residents with psychiatric disabilities when looking for housing:

- **Freedom of Choice:** Numerous studies from various countries (see Jones et al 2003, Tsemberis et al 2003, Browne and Courtney 2004)) of people living in community residential facilities report that in general, clients prefer the freedom of choice and flexibility (particularly in terms of living companions, or the option of

living alone) of supported housing or independent living in subsidized housing, as opposed to group homes, half-way houses, or special live-in facilities.

- **Stability:** Research shows that clients prefer supportive/stable residential situations for independent living, as opposed to transitional solutions (i.e., facilities that limit how long residents are allowed to stay - such as many homeless shelters and halfway houses). Fakhoury 2002, in a meta-analysis of supportive housing programs, concluded that supportive housing environments (as opposed to transitional ones) facilitated the development of emotionally supportive networks, and higher overall functionality of residents.
- **Domesticity:** Taking care of daily maintenance and upkeep tasks for a home is not just a good daily routine - it creates a sense of ownership and purpose. For people with schizophrenia, who often struggle with symptoms such as apathy, lack of energy, and extreme withdrawal, having the opportunity to engage in a daily routine of housekeeping and upkeep can be especially therapeutic. It also creates a sense of "normalcy" - the person in recovery is doing the normal tasks that any healthy person would do, instead of being taken care of (which happens in hospital situations).
- **Quality of physical environment** - the actual physical comfort of a dwelling goes a long way towards making it feel less like a transitional solution and more like a home. Other important factors cited by surveyed clients in supported housing situations included: a convenient location to treatment facilities and community amenities, proximity to public transportation, and safety of the building and neighborhood.
- **Organization/management of staff (if applicable):** Some residential facilities may have live-in or visiting staff to provide support services to clients. One meta-analysis of supportive housing programs (Fakhoury 2002) showed that less restrictive regimes imposed upon the clients by staff actually leave more opportunity for the residents to create their own normal living rhythms. Another research study (Dickey 2000) defined the most successful staffed programs as taking a "nonthreatening approach", showing patience in encouraging client independence and motivation, responding quickly to client needs, having flexible services, and maintaining repeated contacts with clients over time.

  Fakhoury 2002 also reported that the level of expressed emotion (EE) by staff members can have an effect on the wellness of clients. Expressed emotion includes a very specific subset of emotions: critical attitudes, statements of dislike, annoyance, or resentment, with accompanying negative voice tone. Situations of high expressed emotion can increase the risk of relapse, similar to any family or home environment with highly express emotions. If possible, try to get a feel for the expressed-emotion and general stress level of the residential facility, both among the staff and among the other residents.
- **Support -** Help with day-to-day living tasks - budgeting, shopping, planning meals, etc - is essential for a person in recovery. People with schizophrenia can get easily overwhelmend and over-stimulated; it is important for them to have support so as to avoid added stress and risk of relapse. Particularly during the period right after a hospitalization, when they may be adjusting to new

medications and side effects, it is extra important that someone be available to help manage day-to-day tasks and to be a caring presence. The goal is to eventually bring the ill person to a state of independence (to the extent that they are able), but they will need to re-learn many of the skills for independent living first, and it can take months or even years to regain full functionality.

Some residential facilities will include support services as part of the program, but many will not - particularly if you opt for independent living in Section 8 subsidized housing (these situations are only subsidized for low-income individuals; they do not include support or rehabilitation services). It may be in your best interests to find a case manager to help with these and other support services during the recovery period. A case manager can also help with managing medications and treatment, applying for insurance and government aid, and finding vocational rehabilitation programs. If a case manager is not an option in your area, a family member or hired part-time help can also be good options to provide support.

- **Love/social relationships:** Although the subjects of housing facility studies in general preferred the greater choices afforded by independent living situations (as opposed to boarding homes or group living), one of the drawbacks often cited was the potential for loneliness and isolation. The importance of maintaining a social support network for someone in recovery has been stressed over and over in research studies; social relationships improve the overall wellness and functionality of someone with a chronic disease in a myriad of ways.

  Of course, a love or partner relationship is not always an option (or necessarily a desire). But there are other ways to avoid isolation, even if someone is living alone. Keep in touch with relatives, siblings, kids, grandkids, and friends through phone calls, emails, or even just photograph walls. Pets can also be a great option for people in recovery - not only do they provide affection and company, but they give the ill person a purpose and daily tasks that can keep them from slipping into apathy. Some research has even shown the benefits of 'pet therapy' for people with disabilities.

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Living at home vs. other options - ways to make the choice:

A mentally ill family member may be unable to live independently, even if they are of legal age to be living alone. In these situations, other arrangements can be made, either in the home or in another facility.

Many families are neither prepared nor equipped to accept a mentally ill relative into their homes, particularly if they have a job and a family of their own. It's most important that the patient be on medication, and if you have no way to ensure that in your house, then taking them in helps no one. Moreover, psychotic episodes may put you or your children in danger.

Indications that a person with severe mental illness may be able to live at home, and/or independently in the community:

- the ill person functions at a fairly high level, has friendships, and is involved in activities outside the house
- if there are young children, their lives are not negatively affected
- interaction among family members is relaxed, and
- the ill person intends to take advantage of available support services, and is compliant with treatment.

Indications that a person with severe mental illness may need more support than can be offered in the home:

- the main support person is single, ill, or elderly
- the person with schizophrenia is so seriously ill that there is little or no chance to lead a normal family life
- children become frightened and resentful, and feel like they are living in a hospital
- marital relationships deteriorate
- most family concerns revolve around the person with schizophrenia
- no support services are used, or services are not available
- the individual has behavioral difficulties: for example, aggression or extreme antisocial tendencies
- the individual has a dual-diagnosis (substance abuse disorder and mental illness)

If one or more of the characteristics above describe your loved one, they may not be able to live independently in the community. A better option for them may be a

residential facility with specially-trained, full-time staff, or perhaps in-patient care in a psychiatric facility.

Even though you may feel obligated to help your family member, and guilty about not taking on the responsibility, you first have an obligation to yourself (your own mental and physical health and well-being) and your family. The best thing for everyone involved is to find them another, supportive place to live. Research treatment centers, halfway houses, group homes, crisis housing, clubhouses, or a live-in home/nursing aide.

Housing options outside the family home:

The literature agrees that, given the diversity of people with severe mental illness, it is important to maintain a variety of viable housing options that serve this population. Following is a list of the more common housing models available in communities today:

Supported housing - Established by state-run programs, someone qualifying for supported housing will live independently in a community facility, either on the open market (such as an apartment), or in a non-profit or cooperative organization. Treatment is not associated with the living place, and there are usually not required group activities. The resident is not restricted on how long he/she is allowed to stay, which provides stability and a sense of home.

Residents of supported housing units are assigned a case manager to help them with day-to-day living. The main difference between this model and support*ive* housing (see below), is that support services are provided from outside the residence, usually by a different organization than the managment of the residential facility. This allows the support offered to be more flexible, and to potentially move with the resident if needed.

In the United States, the Housing and Urban Development department has designated funds for communities to establish supported housing. Properties using these funds - which are required by HUD to have subsidized rent and to provide some form of supportive services for clients - are designated as **Section 811** housing. (More information - see HUD article on section 811)

Our Impact

Gould Farm has been collecting data on the well-being of guests and evaluating the work we do since 1998. Using standard psychiatric measurement tools like the Global Assessment of Functioning (GAF) and Basis-24, we gather information on current residents and those who have left Gould Farm for a period up to 36 months after treatment.

Measureable improvements are experienced by most guests as they move through the program and after they leave. The observed improvements for guests after discharge include:

- Reduction in negative psychiatric symptoms
- An improvement in social functioning
- Greater readiness for community reintegration.

Preliminary research into longer term outcomes indicate successful integration of guests into their homes and families, securing employment, advancing their education, and building new social relationships.

- Those living in private residences increased from 35% at departure to 63% at 18 months*;
- Paid employment went from 14% at departure to 81% at 18 months*.

**From the 2015 Gould Farm Outcomes Report*

" When I went to Gould Farm for treatment, they empowered me to think for myself. After a year and a half , I moved to Fellside and then I moved in with a roommate and got a job.

I now have a job delivering for Meals on Wheels. Something I have learned is that strructure is the key to getting well. I have lifted myself back from dealth to life."

Peter W.

Gould Farm is a therapeutic community that
promotes recovery for people with mental health and related challenges through meaningful work, community living, and clinical care.

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THE NEW FARM www.newfarm.org

Farming for health and well-being

A community of caring individuals in the Berkshire mountains of western Massachusetts discovers that farmwork is therapy ... and healing is a two-way street.

By Dan Sullivan
Posted November 23, 2004

Editor's note: In order to protect the privacy of guests at Gould Farm, only their first names have been used in this article. Therefore, we've omitted all surnames in the egalitarian spirit of the community and for consistency.

photography by Jason Houston

Nestled into the gentle, time-worn hills of the Berkshire Mountains 7 miles east of Great Barrington, in western Massachusetts, lies Gould Farm, a therapeutic community and working farmstead. The daily routine here includes growing organic vegetables to supply the community kitchen, an on-site farm stand and a bustling roadhouse café; running a dairy and beef operation to serve the community's needs, provide raw material for value-added products such as cheese and butter, and for limited use by the café; a maple syrup operation and bakery (for the community and for sale); careful management of a nature trail and sustainably producing forest; and the treatment of 42 guests with psychiatric challenges such as severe depression, schizophrenia and bipolar disorder.

With a belief that emotional healing can manifest through hard work and service to one's neighbors—in other words, through earnest participation in community—visionary religious thinker William J. Gould and his wife, Agnes, purchased a rundown 650-acre farm and surrounding forestland in 1913 and put Will's beliefs to the test. They began inviting guests—some marginalized by society because of physical or emotional challenges; others seeking a rural lifestyle and a chance to serve—and soon had a fledgling community under way.

Gould's spiritual contemporaries wrote of his vision with profound awe and respect: "For years I have lectured to classes about the Kingdom of God, the rule of whose life is set forth in the words of Jesus in the Gospels," wrote Professor Clayton R. Bowens from Meadville Theological School in Pennsylvania. "After I had been at this Gould Farm for a week I said, 'This is it.'"

Will Gould literally gave his life in service to his community, perishing of a heart attack in 1925 at the age of 57 while fighting a fire that broke out on the farm. Four years later, Agnes set Gould Farm up as a nonprofit trust. And this is how Gould Farm operates today. It accepts no insurance and no state or federal money. Those guests who can pay for treatment do so, which helps to offset the cost for care of those who cannot. Endowments, grants and the farm's growing moneymaking enterprises also help keep things running…along with a wing and a prayer.

A day in the life

It's 7 a.m. and a clear, crisp July morning as I walk the half mile from our guest quarters—where I've left my family to rest up following a late-night journey—to Main House for breakfast and morning meeting. Just past a field of broccoli and cauliflower ripe for picking, a handful of community members—guests? workers? it's difficult to tell—try to redirect a cow that's conquered the fence and found its way to the road.

"Animals and people; nobody likes to be penned in," says Executive Director Cate as I relate the morning's excitement over farm-baked French toast dripping with farm-harvested maple syrup and farm-churned butter.

photography by Jason Houston

"Animals and people; nobody likes to be penned in."

Just outside the dining hall, the community forms a circle for morning meeting. Announcements are read (comings and goings; visitors introduced), everyone joins in song ("This Train" accompanied by a farm guest on acoustic guitar), the quote for the day is shared ("It is not what you have that is your greatness; it is what you can give") and other business is taken care of before everyone splits up into morning work parties.

I'm assigned to the garden crew, and it's right back to those beautiful heads of broccoli and cauliflower, this time armed with harvest bags and a paring knife. Longtime community member Steve has just taken over management of the garden. "The therapeutic value of farming—just planting a seed—it's just amazing," says Steve, who arrived here as a volunteer in 1992. Like most workers at Gould Farm, Steve lives here with his wife and children. While it's no longer a stringent requirement—Steve himself recently bought a neighboring parcel of land and plans to build there eventually—workers are encouraged to live onsite with their families in order to engender a real feeling of community. (Housing is one tangible reward of a job that's pretty much 24/7.)

"I call out the different things that need to be harvested, and people do what they're interested in," Steve says as he demonstrates the proper technique for liberating a head of broccoli from its stalk.

Chard, kale, lettuce, spinach and green beans are also on today's list. Once the morning's harvest is complete, it's hauled to the bottom of the Harvest Barn for cleaning, weighing, packaging, labeling and storing. Some goes to the kitchen, some goes to the Roadside Store & Café, and some goes into the freezer for winter.

"We're not certified organic, but we follow the practices," Steve explains. "That's what we tell people." Those "people" are farm-stand customers who show up weekly to buy produce at the farm's recently built Harvest Barn. In the late '90s, the farm-stand model took the place of a CSA, which was deemed too labor intensive for the farm's main focus.

"It kind of took away from the energy of working with the guests," Steve explains. "It was too hectic; it just wasn't good energy.

“We used to have a small farm stand by the roadside store," Steve says, explaining that this was also tricky considering logistical challenges such as lack of adequate refrigeration. “This new farm stand [complete with walk-in cooler] requires the least amount of energy and certainly fits what we are doing here. And it opens up another opportunity for leadership for guests.

“The CSA was certainly our most profitable, but in spite of the profits it just didn’t seem to fit.”

This sentiment is echoed repeatedly throughout my two-day immersion into Gould Farm: the place exists first of all for the well-being and healing of the guests. As garden manager, Steve has to consider, for instance, how guests on medications might react to harvesting on a hot, humid day and be flexible enough to make adjustments in the schedule.

photography by Jason Houston

"A lot of times you’re balancing what’s good for the people with what’s good for the garden. You try to match it but if you can't, you always go with the people."

Pictured above: Steve, Garden manager, and guest

“A lot of times you’re balancing what’s good for the people with what’s good for the garden,” he observes. “You try to match it but if you can't, you always go with the people. We’re not dependant on what we grow, but we do depend on trying to make the program as meaningful to guests as possible.”

'Patient' is a word you’ll never hear at Gould Farm. In fact, one of my first observations as a visitor was that I could not readily discern between worker, guest and volunteer. As Cate tells me sometime during my stay, people are not defined by their condition here, but define themselves through their contributions to the community.

“This isn’t so-and-so with bipolar disorder,” she says. “This is John the person who happens to be dealing with this challenge.”

Chop wood, carry water

“There’s certainly nothing more grounding than having your hands in the dirt and being outside,” says Gould Farm guest Damian. While the freedom offered from day one here can be a challenge

to adapt to, especially for someone coming right out of a clinical setting, it's also literally a breath of fresh air, he says. "I don't think it's natural to be inside all day.

"They're not training people to be farmers; they're training them to have good work practices. When I leave here I'll have the confidence to say, "I've worked for two years; I can hold down a 30-hour job or hold down school, because I've been doing it."

Guests are assigned jobs based on their particular limits and challenges, Damian explains, within comfort zones that also exercise those limits. "If your challenges are social, you might go to the kitchen because you'll have to interact with people." With the diversity of jobs at Gould Farm, he says, it's usually possible to match a person's particular therapeutic needs to a task that needs doing.

photography by Jason Houston

Guests are assigned jobs based on their particular limits and challenges.

"If your challenges are social, you might go to the kitchen because you'll have to interact with people."

Following a fabulous lunch of tempe stir-fry (vegans and vegetarians are readily accommodated here) and a salad bar stocked with fresh garden produce, I climb into a truck with AmeriCorps volunteer C.J. and head down the hill to meet the farm team, a few of whom are just returning from a 12-Step meeting in town. It's the farm team's responsibility to keep all the farm machinery in working order and to keep the farm animals healthy and producing. Farm products include milk, pork, beef, chicken, eggs, butter and cheddar cheese.

Like the working guests who invest their love and labor at Gould Farm, the farm animals, too, are sometimes given special deference—or given special roles—compared to what life might be like on a more conventional farm. Wilbur, a behemoth boar who can't stand fences—and hasn't met one that could stop him—is spared from the breakfast plate for sentimental reasons. The community votes to give a beloved cow whose calf died in utero an expensive C-section to try to save her life (it failed). Two Gould Farm workers smuggle a newborn calf into a psych ward to lift the spirits of a community member who'd taken a downturn (it worked).

For this community, therapy is not a one-way street, but rather resembles the spokes of bicycle, with the human heart as the hub. "It's not just the therapeutic value that we deliver to guests," Cate explains. "It's the therapeutic value that we derive ourselves from the same situation."

"You go to Forestry and Grounds on your first day here; they hand you a maul and they get you to chop wood," says Reid, a two-year guest and integral member of the farm team. "Which is very bizarre if you've just come out of a hospital where you're not allowed to have shoelaces or not allowed to have a razor. It's very surreal."

The value of that—besides offering a liberating feeling of independence—says Reid, is the sense of responsibility to community and what that brings. "If we don't get the wood chopped before it gets cold, people will freeze," she says matter-of-factly.

That sense of service, and the appreciation it cultivates, translates to all the various jobs on the farm, she says, and it's what ultimately motivates people. "If I miss milking, that cow is going to be in a lot of pain… . Every job here impacts everyone, it's not just mindless. I think that's how they get people engaged."

For most guests, Gould Farm is a place to get one's bearings and build the social skills necessary to get back out into society. For a few, it can also be a door to a new vocation.

"I'm from New York City; I've never lived in the country, and I've certainly never touched a cow, so this was all new," Reid explains, taking a quick break in the shade before leading the cows in from pasture, my 5-year-old daughter squealing in delight alongside her. "When I leave here, I'm going to go work on another farm and then go to vet school."

Gould Farm is a far cry from Reid's former life working on Wall Street, an existence that also included psychiatric hospitals, traditional therapies and halfway houses. "The biggest therapy for me has been getting to spend time with the animals. I've participated in five live births—talk about life affirming."

Reid says she realizes that the special nature of Gould Farm also means that she'll face some challenges when she moves to another operation. "These cows, they're like puppy dogs. People don't usually treat their farm animals like pets. I don't eat them…it makes me sad. I have to think, how much of this can I handle?"

She confesses that part of the reason the farm spares the cantankerous Wilbur is because she saved him when he was a wee little pig. She also admits casting a vote for the unsuccessful C-section.

"They're not looking at the bottom line, and they've allowed us to be this way," she says. "It's not how most farms are run."

Reid also views the work-as-therapy model as somewhat of a tradeoff.

"Here, I believe that work—doing work and improving one's state of mind—is the primary therapy, and that's a big controversy because it is not going to address really deep-seated issues. We all work together to run this farm. It's pretty special, but there is very little traditional therapy."

photography by Jason Houston

"Here, I believe that work—doing work and improving one's state of mind—is the primary therapy, and that's a big controversy . . ."

Part of that, she says, stems from what's at the core of Gould Farm—all-inclusive community. "In traditional therapy, you don't know the therapist. Here, you know your therapist, you know where they live, and you probably just had dinner with their kids.

"You can't get as deep because there are too many lines crossed here. It has its positives, but it does inhibit the traditional side of psychotherapy."

Another less traditional component of treatment at Gould Farm—which involves five clinical caseworkers and weekly visits from a contracted psychiatrist—is intense participation by family and core community members. "My family knows the whole farm team, Reid says. "And my team leader has been involved in a lot of my therapy sessions."

Gould Farm has been through many changes since Will and Agnes first arrived here in 1913, but the belief that each person has something valuable to contribute to the community regardless of mental or emotional limitations remains a cornerstone philosophy.

Today, says outgoing clinical director John, modern developments such as advanced psychotropic drugs offer individuals with even the most severe biologically-based psychiatric disorders a chance to participate in society that just wasn't an option 20 years ago, much less in the Goulds' day. And, John says, the community atmosphere of Gould Farm offers them a safe place to practice those skills.

"I often tell people, 'You're going to have a therapist here, but that might not be your most therapeutic relationship. That might be Wayne on the Farm Team, or Emily in the kitchen, or my dog or my kid. And that's okay. But you're going to have a therapist and a program to keep you on schedule.'"

Nine years ago, says John, the farm shifted its policy from placing no time limits on how long guests could stay to setting a maximum of three years (the Gould Farm program also has group housing in place in more urban settings in order, in part, to help facilitate gradual transition back into the mainstream). "What we do well here is develop skills that help people to be more independent and help people transition…so that they use this more as a stepping stone."

While many guests write back to say "thank you"—the community's old newsletters are filled with these heartfelt messages—some come back to share their gratitude in the form of service. "If you've been out a year and you're out of treatment and living independently, you can apply to come work here," John says, acknowledging as he says this that the timeframe between treatment and employment might be a little on the short side.

The volunteers from AmeriCorps and various youth groups from around the country come to Gould Farm to serve, John says; they go back into the world with a deeper understanding of mental illness, serving as emissaries to help wipe out the unfair and inaccurate stigma of the disease that affects so many. (According to the National Institute of Mental Health, about one in five Americans over the age of 18 suffers from a diagnosable mental disorder in any given year.)

Work it on out

As in any community--or any family for that matter--contradiction and conflict are also part of the daily routine.

photography by Jason Houston

While the stated purpose of the Harvest Barn was to expand Gould Farm's commercial

Wayne, director of agricultural operations, shows me a central boiler furnace that pumps hot water into both the farm ops building—where heat is crudely dispatched through car radiators hung from the ceiling—and into radiant tubing encased in the floors of the new state-of-the-art, 4,000-square-foot timber-framed Harvest Barn constructed with funds from a recent $750,000 capital campaign. Both the contrast in destinations (gum-and-clothespins old versus high-tech new) and the image of water at a boiling point serve as apt metaphors for a conflict that's about to erupt at the weekly community meeting.

While the stated purpose of the Harvest Barn was to expand Gould Farm's commercial enterprises in order to generate revenues—a licensed commercial kitchen for preparing value-added products and a new marketing office are both housed there—and to provide for more public outreach as well as realistic vocational training for guests, many of those guests (and, it's implied, some of the workers and volunteers) feel that too much focus on enterprise will take away from the farm's core mission and, worse yet, perhaps hinder access to the program for those who cannot afford it.

enterprises in order to generate revenues . . . and to provide for more public outreach, many of the guests . . . feel that too much focus on enterprise will take away from the farm's core mission.

Pictured above: Wayne, Director of agricultural operations

"We realize that Gould Farm is moving toward more commerce," says Reid, reciting a laundry list of capital projects that require funding, including new staff housing and a residential building in Boston. "I assume most of the money comes from us and from donations," she tells the gathered circle. "There are a lot of people here on a sliding scale and through donations. If there was less of that, it would be a shame. Gould Farm is a community that helps people and takes them in."

Executive director Cate—whose been burning the candle at both ends to close the deal on the new building in Boston since my arrival —suggests a day-long forum "around the whole financial piece" in order to facilitate transparency. "As a community, we need to define our priorities," she says.

Other suggestions include full financial disclosure at community meetings and having a guest attend board meetings. "How can you make decisions without input from the guests?" a guest named Nick asks.

Cate explains the level of guest involvement in the Boston project, where the abrupt sale of a property that had been rented for next to nothing for 27 years necessitated the search for a new home. The message from guests there was loud and clear, she said: "Don't abandon us."

"We are all participants at any given time, but we're not owners," offers Donna, who came to work at Gould Farm with husband Wayne in 1984 and who lost a son to the ravages of mental illness. "I have a role. Part of it comes from the idealism of a pure democracy…and the other comes from gathering our best ideas and trying to live them as perfectly as possible in an imperfect world.

"…What our goal has to be is to not have roles define our value. We have to affirm that."

Roma is ancient. During my second breakfast in the dining hall, I notice her tapping her foot to the morning music and thoroughly enjoying herself (on my first morning she marched right up to me and asked pointedly who I was and what I was doing here). She came here as a guest, Cate tells me, during the Great Depression.

photography by Jason Houston

I think about how elders are so often put out to pasture in our society—probably way too kind a euphemism—and how here at Gould Farm, Roma is dearly valued and treated with love and respect, even reverence. In turn, she continues to give back.

In the old days, someone reveals, Roma would sometimes bottle maple syrup until 1 a.m., then get up at 6 a.m. to help put breakfast on the table. Now, her main task is to assign seating for each evening

meal. She does this by placing individually crafted napkin holders marked with guests' names onto the big square tables that fill up the hall. Roma takes her job seriously, considering each choice carefully, sometimes changing her mind in the process.

In the old days, someone reveals, Roma would sometimes bottle maple syrup until 1 a.m., then get up at 6 a.m. to help put breakfast on the table.

Pictured above: Roma

I want them to be happy," she says earnestly as she goes about her task. "I want them to be comfortable."

Jason Houston has been photographing the local and sustainable agriculture movement for three years in his home region of Western Massachusetts, the Berkshires. His photography appears regularly on NewFarm.org.

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new england PSYCHOLOGIST

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December 1, 2011

Farm provides alternative to typical residential facility

Gould Farm in Western, Mass., believes its few hundred acres is the perfect place for learning to cope and live with mental illness. Located among the Bay State's bucolic Berkshire Mountains, in two short years it will turn 100 years old. And as the country's oldest residential therapeutic community, it still does what founders William J. and Agnes Gould intended: provide psychosocial rehabilitation in a nurturing and non-institutional environment for adults age 18 and older.

What separates Gould from other residential facilities is that the "farm" in its name isn't for decoration. In 29 houses on 650 acres, staff and guests live and work together while raising their own livestock for meat, growing and harvesting their own produce and producing their own dairy products, baked goods and maple syrup. Gould Farm even keeps its own home embers burning by heating with its own wood. Completing the sustainability circle, it has its own waste water system.

The community's guests – and everyone who is not on staff is referred to as a "guest" – comprise people coping with conditions such as depression, bipolar and schizoaffective disorder and schizophrenia. Currently, non-guests within the community range in age from six months to 72. The Goulds's core belief when they founded the farm is still what joins the community, that emotional rehabilitation could be achieved with a gentle balance of "respectful discipline, wholesome work and unstinting kindness."

"The approach of our program is well integrated," says Cindy Kelly, director of marketing and outreach and who for 16 years has worked with non-profits to promote the work that they do. "Our psychiatrists, clinicians, residential advisors and work leaders work collaboratively to ensure that each guest is getting the most benefit from the program."

Kelly works to inform families and clinicians about Gould Farm who may need help placing individuals in need of care. When a guest arrives, Kelly says they become "a vital member of the community" from the start and may work on any number of "teams." Typically, the Forestry and Grounds Team lets guests learn the literal lay of the land as they tend woods, trails, grounds and living areas. Other teams include the Farm, Garden, Harvest Barn, Kitchen, Maintenance and the Roadside Store and Cafe Team.

In addition to their farm participation, each guest is assigned a member of Gould's Clinical Team – a master's-level clinician who advises them during their stay. Therapists provide one-on-one therapy, case management and life coaching throughout Gould's strength-based recovery program. The on-site clinical staff comprises two psychiatrists, a registered nurse, a nursing assistant, a clinical director, a transitional counselor and three social workers.

"Being a productive member of the community restores confidence, builds self esteem and gives guests a feeling of belonging and inclusion," she says. "Where we were once considered a bit backward, I believe that we are now quite cutting edge and are seeing more and more programs modeled after ours."

After a typical nine- to 11-month stay, guests may apply to live in Gould's Boston Area residential program which Kelly says offers a different level of independence. A private-pay facility, although Gould Farm does not take insurance, families may apply for financial aid of which the farm granted more than $1 million last year.

By Jennifer E Chase

PSYCHIATRIC NEWS

From The American Psychiatric Association

Community News

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Farm Has Spent 100 Years Helping Those with Serious Mental Illness

Joan Arehart-Treichel

Before the start of the deinstitutionalization movement, mental hospitals often had farm operations where patients helped with chores. There is still a place, however, where farms are helping people recover.

This building serves as headquarters for a farm in western Massachusetts that for 100 years has been helping individuals with serious mental illnesses recover. The farm has been a model and inspiration for treatment facilities throughout the world.

It's dinnertime for the cows on Gould Farm. Milking them is one of the guests' chores.

Even before the fog lifts from the Berkshire Mountains in western Massachusetts, and while the air is redolent with the scent of spruce and pines, adults with severe mental illness are up for breakfast before heading out to gardens, fields, barns, and a bakery. There are cows to be milked, pigs to be fed, and vegetables to harvest and prepare for lunch.

This is the way it has been for the past 100 years—ever since Gould Farm was established by visionary social reformer William Gould and his wife, Agnes, to help those with serious mental illness.

Gould Farm is all about recovery from serious mental illness and was so long before the recovery movement became popular in psychiatry.

"I think Gould Farm is an excellent place—superb!" exclaims Jeffrey Geller, M.D., a professor of psychiatry at the University of Massachusetts and APA's Area 1 Trustee. Geller has also had first-hand experience at the farm, trying his hand at milking cows.

The individuals who come to live and work at Gould Farm and stay for an average of nine months are referred by various sources—New York Presbyterian Hospital, McLean Hospital, the Menninger Clinic, among others. Many are college students who have had their first psychotic break or young adults who have had multiple episodes. In general they have mental illnesses with a psychotic component and have not responded fully to short-term hospital treatment.

The staff at Gould Farm works hard to make patients feel at home and get them involved. For example, they are called guests, not patients. When they arrive, they are asked, “What brought you to the farm?,” Not, “What mental illness do you have?” Phyllis Vine of New York City and a member of the Gould Farm board, points out.

“They are asked to give as well as to receive,” says Donna Burkhart, acting director of Gould Farm. Burkhart has been working at Gould Farm for some 30 years, along with her husband, Wayne, who serves as agricultural director.

All the guests work, and they have job choices. “The work is very serious,” says Geller. “You are expected to answer to supervisors, follow a schedule, and there are expectations about the quality of your work.”

At the same time that guests are working on the farm, they are also living there, as are many staff members and their families. They eat meals, socialize, and go on various outings together. “The Gould Farm staff does an excellent job in creating a community that engages guests, many of whom have great difficulty in successful social interactions,” Geller notes.

Jesse Goodman, M.D., supervises patient care at Gould Farm. To learn more about his work, see information at end of story.

While the guests are at the farm, their psychiatric needs are carefully tended to. Psychiatrist Jesse Goodman, M.D., supervises their care and their psychotropic medications. Five social workers provide a combination of supportive, cognitive, and psychodynamic therapies. A nurse dispenses the medications. All of the staff members carefully monitor the status of each guest and log their observations.

“The program relies on the old-fashioned work cure of the early part of the century, but not for morality reasons,” Goodman explains. “It is because engaging in focused learning and productive activity facilitates growth, development, independence, and improvement in symptoms.”

Robert Patterson, M.D., a psychiatrist at Harvard Medical School and McLean Hospital, served as the program’s consulting psychiatrist for many years. The farm “is part of the mainstream in thinking about pharmacologic, behavioral, and social treatment of major mental illnesses,” he states.

On Wednesday afternoons, Burkhart runs a community meeting that includes everyone—guests and staff. During the meeting, there are announcements: “There will be a ski trip on Monday,” or “We’re going to have popcorn and a movie at our house tomorrow night, and all of you are welcome to come.” Sometimes there is discussion of issues that arise in the community. And there is a custom of expressing appreciation. Tom might say, “I want to appreciate Joe; he helped me gather eggs today.” And Joe might reply, “Thanks, Dude!” And it’s not obvious to a visitor whether Tom and Joe are staff members or guests. And whenever a guest is about to leave the farm, the appreciations go on overtime, Burkhart remarks. “There are tears, laughter, encouragement—good therapy.”

Guests can also enjoy their free time at the farm. There are spontaneous music gatherings, Berkshire-area performances, Passover seders, Christmas parties, bonfires, skating, skiing, yoga, and checking out a newborn calf.

At this roadside cafe, Gould Farm guests sell some of their products.

Good things often come out of guests' stay at Gould Farm. They may make friendships that will endure after they leave. They may acquire skills that will help them get a job. One young guest got so adept at cooking that he was accepted into the Culinary Institute of America. "I was in such a bad place when I got here," he says, "but am now so excited, hopeful, and enthusiastic!"

In 2010, Gould Farm published its first outcomes study, of 450 guests, and learned some valuable information from it. For instance, a comparison of psychiatrist-rated Global Assessments of Functioning (GAF) of the guests at the beginning and end of their treatment showed statistically significant improvements. Former guests also reported what the GAF evaluations had shown—that the farm had helped them with their mental health, physical health, family relationships, and social relationships. And when the guests were asked what had helped them the most during their farm stay, they rated friends, family, and community most highly, followed by work and staff, then by therapy, activities, and safety/structure, and finally by psychotropic medications.

So many former guests cherish their time at the farm that they attended a Gould Farm centennial reunion in August. And as someone pointed out at a Gould Farm centennial symposium in April, "Recovery is a journey of the heart—not an outcome. The goal is to become more connected to what makes us human." ■

More information about Gould Farm is posted athttp://www.gouldfarm.org. To watch a video interview with Jesse Goodman, M.D., about his work at Gould Farm, go to http://youtu.be/G6RGpOhku2M.

Mission

To provide a highly effective therapeutic program for adults with mental illness so they can learn to manage their symptoms, achieve their highest level of independence and lead rewarding lives.

Vision

People can recover when they receive professional psychiatric care, participate in meaningful daily activity, develop mutually supportive relationships, and engage in their own treatment program.

About Rose Hill

Founded in 1992 by Dan and Rosemary Kelly, Rose Hill Center offers comprehensive psychiatric treatment and rehabilitation services on a 400 acre campus. The residential buildings are nestled among woodlands, lakes and fields and yet are close to amenities such as shopping, colleges and universities, hospitals, recreation centers and parks.

Accreditation & Licensing

Rose Hill has earned the Gold Seal of Approval from the Joint Commission, an independent, not-for-profit organization that accredits and certifies 20,500 health care organizations and programs in the United States.

Rose Hill is licensed by the State of Michigan. Professional staff are licensed to practice in their area of specialty and receive regular and rigorous
in-service training.

Rose Hill is a member of the American Residential Treatment Association (ARTA).

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At Rose that people c ness when th psychiatric, care participate in meaningful daily activity, develop mutually supportive relationships and engage in their own treatment program.

Our programs have been carefully designed to treat individuals with a variety of mental illness diagnoses including schizophrenia, schizoaffective disorder,
clinical depression and bipolar disorder.

Rose Hill has a full continuum of programs to support the needs of each resident. Our goal is to provide individuals with insights, life skills, attitudes and the medications needed to move to recovery and manage their illness.

For more information about the Residential Rehabilitation Program or any of Rose Hill's other treatment programs, phone the Admissions Office: 248-531-2405.

At Rose Hill Center, individuals rise to the challenge of learning the skills needed to live successfully in the community. By participating in a variety of innovative programs, residents are able to develop the strength and confidence to do, and be, their best.

Rose Hill Center makes a profound difference in people's lives.

The Residential Rehabilitation Program

at Rose Hill Center

ROSE HILL

TREATMENT

GROWTH

RECOVERY

Achieving stability

and restoring self-esteem

Diseases and Conditions

Bipolar disorder

By Mayo Clinic Staff

Psychotherapy

Psychotherapy is a vital part of bipolar disorder treatment and can be provided in individual, family or group settings. Several types of therapy may be helpful. These include:

- **Cognitive behavioral therapy.** The focus of cognitive behavioral therapy is identifying unhealthy, negative beliefs and behaviors and replacing them with healthy, positive ones. It can help identify what triggers your bipolar episodes. You also learn effective strategies to manage stress and to cope with upsetting situations.
- **Psychoeducation.** Counseling to help you learn about bipolar disorder (psychoeducation) can help you and your loved ones understand bipolar disorder. Knowing what's going on can help you get the best support and treatment, and help you and your loved ones recognize warning signs of mood swings.
- **Interpersonal and social rhythm therapy (IPSRT).** IPSRT focuses on the stabilization of daily rhythms, such as sleep, wake and mealtimes. A consistent routine allows for better mood management. People with bipolar disorder may benefit from establishing a daily routine for sleep, diet and exercise.
- **Other therapies.** Other therapies have been studied with some evidence of success. Ask your doctor if any other options may be appropriate for you.

America's Families and Living Arrangements: 2012

Population Characteristics

By Jonathan Vespa, Jamie M. Lewis, and
Rose M. Kreider
Issued August 2013
P20-570

INTRODUCTION

Families and living arrangements in the United States have changed over time, just as they have developed distinct regional trends because of factors such as local labor markets and migration patterns. As a result, it is difficult to talk about a single kind of family or one predominant living arrangement in the United States. The goals of this report are to provide an updated picture of the composition of families and households and to describe trends in living arrangements in the United States.[1] The report also describes how families and households have changed in recent years, notably during the latest economic recession, which lasted from 2007–2009.[2]

This report uses data from the Annual Social and Economic Supplement (ASEC) to the Current Population Survey (CPS) and the American Community Survey (ACS).[3] It capitalizes on the strengths of both data sets, using CPS detailed information about family structure and characteristics over time, along with ACS data about how basic family and household characteristics vary across states.[4]

The report contains five sections: (1) a review of some data sources for studying family life in the United States; (2) households and living arrangements of adults; (3) family groups; (4) spouses, partners, and couples; and (5) the economic well-being of families before and after the 2007–2009 recession, focusing on children's perspective.

Some highlights of the report are:

- Sixty-six percent of households in 2012 were family households, down from 81 percent in 1970.
- Between 1970 and 2012, the share of households that were married couples with children under 18 halved from 40 percent to 20 percent.
- The proportion of one-person households increased by 10 percentage points between 1970 and 2012, from 17 percent to 27 percent.
- Between 1970 and 2012, the average number of people per household declined from 3.1 to 2.6.

[1] The 8.0 million people living in group quarters (rather than households) in 2011, 2.8 percent of whom were under the age of 18, are not included in this report. See Table S2601A accessible on American FactFinder at <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_S2601A&prodType=table>.

[2] For periods of recession in the United States, see the National Bureau of Economic Research, <www.nber.org/cycles.html>. The most recent recession began December 2007 and ended June 2009.

[3] The data in this report are from the CPS ASEC, collected in February, March, and April of 2012 and earlier supplements, and the 2011 ACS. The CPS represents the civilian noninstitutionalized population living in the United States, and the ACS represents the population in households.

[4] For more details on the ACS, including its sample size and questions, see <www.census.gov/acs/www/>. Further information on the CPS is available at <www.census.gov/cps/>.

For a comparison of households and families estimates in ACS and CPS, see Martin O'Connell and Gretchen Gooding, 2005, "Comparison of ACS and ASEC Data on Households and Families: 2004," Census Bureau Working Paper accessible online at <www.census.gov/acs/www/Downloads/library/2006/2006_OConnell_01.pdf>.

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- Nearly three-quarters (72 percent) of men aged 65 and over lived with their spouse compared with less than half (45 percent) of women.
- Married couples made up most (63 percent) of the family groups with children under the age of 18.
- Partners in married opposite-sex couples were less likely (4 percent) to be different races than partners in either unmarried opposite-sex couples (9 percent) or same-sex couples (12 percent).[5]
- Black children (55 percent) and Hispanic children (31 percent) were more likely to live with one parent than non-Hispanic White children (21 percent) or Asian children (13 percent).[6]
- During the latest recession, the percentage of stay-at-home mothers declined and did not return to its prerecession level until 2012.
- During the latest recession, homeownership among households with their own children under the age of 18 fell by 15 percent. These households saw a 33 percent increase in parental unemployment.

Households

A ***household*** contains one or more people. Everyone living in a housing unit makes up a household. One of the people who owns or rents the residence is designated as the ***householder***. For the purposes of examining family and household composition, two types of households are defined: ***family*** and ***nonfamily***.

A ***family household*** has at least two members related by birth, marriage, or adoption, one of whom is the householder.

A ***nonfamily household*** can be either a person living alone or a householder who shares the housing unit only with nonrelatives—for example, boarders or roommates. The nonrelatives of the householder may be related to each other.

Family households are maintained by married couples or by a man or woman living with other relatives. Children may or may not be present. In contrast, nonfamily households are maintained only by men or women with no relatives at home.

Own children are a subset of all ***children***—they are the biological, step, or adopted child of the householder or family reference person (in the case of subfamilies) for the universe being considered, whether household, family, or family group. Own children are also limited to children who have never been married, are under the age of 18 (unless otherwise specified), and are not themselves a family reference person. Foster children are not included as own children since they are not related to the householder.

DATA SOURCES FOR STUDYING AMERICAN FAMILIES

Because the family interacts with many aspects of social life, surveys typically opt for depth over breadth by concentrating data collection on a handful of related family topics. Appendix Table A highlights the variety of data sources available for studying families, households, and living arrangements in the United States.

The various designs and topics of the surveys provide an array of perspectives for studying America's families and living arrangements. For example, the U.S. Census Bureau's Survey of Income and Program Participation (SIPP) is a panel study that follows the same respondents over time. It collects detailed information on household relationships, assets, and participation in government transfer programs, which researchers can use to study disadvantaged families as well as the living arrangements, support, and economic well-being of children. Other data sources, such as the Early Childhood Longitudinal Studies and National Survey of Adoptive Parents, focus specifically on the cognitive, physical, and mental development of children. The National Longitudinal Surveys of Youth follow the same birth cohort over time, collecting data

[5] Note that unmarried opposite-sex couples were not statistically different from same-sex couples.

[6] Federal surveys now give respondents the option of reporting more than one race. Therefore, two basic ways of defining a race group are possible. A group such as Asian may be defined as those who reported Asian and no other race (the race-alone or single-race concept) or as those who reported Asian regardless of whether they also reported another race (the race-alone-or-in-combination concept). The body of this report (text, figures, and tables) shows data using the first approach (race alone). Use of the single-race population does not imply that it is the preferred method of presenting or analyzing data. The Census Bureau uses a variety of approaches. For further information, see the 2010 Census Brief, "Overview of Race and Hispanic Origin: 2010" (C2010BR-02) at <www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>. This report will refer to the White-alone population as White, the Black-alone population as Black, the Asian-alone population as Asian, and the White-alone-non-Hispanic population as White, non-Hispanic. Because Hispanics may be any race, data in this report for Hispanics overlap with data for racial groups. Based on the 2012 CPS ASEC, 19 percent of the White population was Hispanic, as was 7 percent of the Black population, 4 percent of Asians, and 23 percent of others who reported only one race. Since the ACS sample is much larger than the CPS, we are able to show additional categories for race groups in Table 1.

on educational, family, and work experiences through young adulthood and into middle age, while the Health and Retirement Study follows the life course experiences of older Americans. Other surveys focus on ties between the family and specific experiences such as incarceration and substance abuse (e.g., the Survey of Inmates in State and Federal Correctional Facilities and the National Survey on Drug Use and Health).

This report features data from the ACS and CPS to describe America's families and living arrangements. The ACS provides statistics about the nation's people, housing, and economy at various geographic levels including the nation, state, and county. The CPS collects detailed information about the economic characteristics of households, including employment patterns, work hours, earnings, and worker occupation. Because the survey began in 1940, researchers can use the CPS to examine change in families and households over the last half century.[7]

AMERICA'S HOUSEHOLDS AND LIVING ARRANGEMENTS

Many factors affect the number, type, and size of households. These include patterns of population growth such as fertility and mortality, decisions individuals make about their living arrangements, and changes in social norms, health, and the economy that influence how individuals organize their lives. In turn, individual decisions produce aggregate societal changes in household and family composition. This section of the report highlights several historical changes in America's households and living arrangements:

- Households and families have gotten smaller over time.
- Married households tended to be older and made up a smaller share of all households.
- Living alone has become more widespread as the rising number of one-person households offset the shrinking number of married households with children.
- The increase in living alone and the decline in married households reflect a rising age at first marriage for men and women.

In 2011, there were 56 million married-couple households and 32 million one-person households (Table 1).

The United States had about 115 million households in 2011 (Table 1). Family households numbered 76 million, which included about 56 million married-couple households and 5 million male and 15 million female householders with no spouse present.[8] Nonfamily households numbered 39 million and represented one-third of all households in the United States. Of these nonfamily households, 32 million consisted of one person living alone. Twelve million nonfamily households were maintained by individuals 65 years and older.

Over time, the proportion of households headed by older individuals has increased.[9] Twenty-two percent of households in 2011 had a householder 65 or older, up from 20 percent in 2007, when the U.S. Census Bureau last reported on this topic in detail. Householders in married-couple family households also tended to be older than those in other family households (Table 1). In 2011, 41 percent of married-couple family householders were at least 55 years old; in comparison, about 24 percent of other male family householders and 26 percent of other female family householders were in this age range. The difference partly results from the way these families are defined. When a married couple with children becomes empty nesters, they are still counted as a married-couple family. But when children move out of a one-parent family household, a parent living alone is counted as a nonfamily household. Because parents with children still at home tended to be younger, other family householders tended to be younger.

Fewer family households with a Hispanic or Black householder were maintained by a married couple (Table 1).

In 2011, married-couple households made up 81 percent of the family households that an Asian householder maintained and 80 percent that a White, non-Hispanic householder maintained. The corresponding proportion among Hispanic and Black householders was smaller: 62 percent and 44 percent, respectively. Likewise, other family households were more common among Hispanic or Black householders than they were among Asian or non-Hispanic White householders.

[7] For more information on the history of the CPS, see Chapter 2 of Technical Paper 66 at <www.census.gov/cps/files/Techincal paper 66 chapter 2 history.pdf>.

[8] The estimates in this report (which may be shown in text, figures, and tables) are based on responses from a sample of the population and may differ from actual values because of sampling variability or other factors. As a result, apparent differences between the estimates for two or more groups may not be statistically significant. All comparative statements have undergone statistical testing and are significant at the 90 percent confidence level unless otherwise noted.

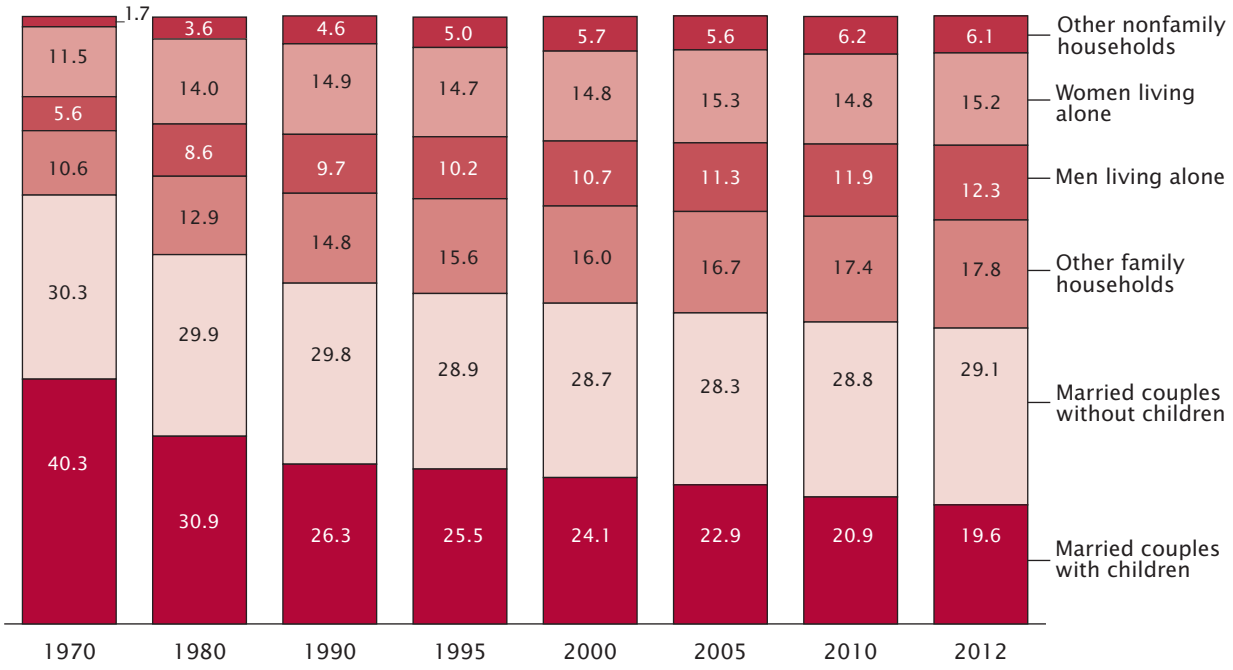
[9] See Table 1, Rose M. Kreider and Diana Elliott, 2009, "America's Families and Living Arrangements: 2007," *Current Population Reports*, P20-561, U.S. Census Bureau, Washington, DC.

Table 1.
Households by Type and Selected Characteristics: ACS 2011

Characteristic	All households		Family households				Nonfamily households		
					Other families				
	Number	Margin of error[1]	Total	Married couple	Male house-holder	Female house-holder	Total	Male house-holder	Female house-holder
All households	**114,991,725**	**179,541**	**76,084,006**	**55,519,648**	**5,457,141**	**15,107,217**	**38,907,719**	**18,030,888**	**20,876,831**
Age of Householder									
15 to 24 years	4,704,541	44,095	2,058,709	791,259	386,058	881,392	2,645,832	1,311,058	1,334,774
25 to 34 years	17,704,876	60,479	11,834,989	7,547,784	1,145,249	3,141,956	5,869,887	3,434,054	2,435,833
35 to 44 years	21,065,572	48,364	16,560,256	11,440,262	1,321,452	3,798,542	4,505,316	2,801,769	1,703,547
45 to 54 years	24,351,960	50,700	17,651,283	13,008,878	1,308,663	3,333,742	6,700,677	3,617,182	3,083,495
55 to 64 years	21,760,211	51,095	14,293,163	11,643,837	731,021	1,918,305	7,467,048	3,333,840	4,133,208
65 years and over	25,404,565	61,226	13,685,606	11,087,628	564,698	2,033,280	11,718,959	3,532,985	8,185,974
Race and Hispanic Origin of Householder									
White alone	89,716,881	118,696	58,946,781	45,982,567	3,802,675	9,161,539	30,770,100	14,173,114	16,596,986
Non-Hispanic	80,686,965	98,050	51,980,137	41,500,162	3,060,572	7,419,403	28,706,828	13,082,329	15,624,499
Black or African American alone	13,879,391	46,747	8,726,419	3,804,021	836,460	4,085,938	5,152,972	2,312,473	2,840,499
American Indian and Alaska Native alone	814,468	15,555	557,425	315,753	61,588	180,084	257,043	133,593	123,450
Asian alone	4,644,197	24,448	3,446,258	2,787,491	219,358	439,409	1,197,939	591,684	606,255
Native Hawaiian and Other Pacific Islander alone	130,399	4,921	100,674	67,105	11,180	22,389	29,725	15,795	13,930
Some Other Race alone	3,841,498	29,836	3,026,253	1,759,462	404,534	862,257	815,245	472,839	342,406
Two or More Races	1,964,891	34,711	1,280,196	803,249	121,346	355,601	684,695	331,390	353,305
Hispanic (any race)	13,637,150	56,416	10,541,142	6,528,120	1,212,573	2,800,449	3,096,008	1,673,986	1,422,022
Size of Household									
1 person	31,886,794	114,173	X	X	X	X	31,886,794	14,119,225	17,767,569
2 people	38,635,170	115,300	32,882,461	24,712,814	2,171,427	5,998,220	5,752,709	3,069,470	2,683,239
3 people	18,044,529	75,552	17,225,354	11,006,882	1,611,009	4,607,463	819,175	533,053	286,122
4 people	15,030,350	58,958	14,710,713	11,290,906	903,885	2,515,922	319,637	218,093	101,544
5 people	6,940,508	46,062	6,854,293	5,268,439	440,483	1,145,371	86,215	59,209	27,006
6 people	2,704,873	26,971	2,674,980	2,003,798	186,396	484,786	29,893	22,465	7,428
7 or more people	1,749,501	22,103	1,736,205	1,236,809	143,941	355,455	13,296	9,373	3,923
Average size	2.64	Z	3.34	3.28	3.50	3.49	1.28	1.35	1.22
Number of Related Children Under 18									
No related children	77,844,222	158,791	38,936,503	31,462,882	2,372,577	5,101,044	38,907,719	18,030,888	20,876,831
With related children[2]	37,147,503	78,916	37,147,503	24,056,766	3,084,564	10,006,173	X	X	X
1 child	15,902,634	66,375	15,902,634	9,325,508	1,714,744	4,862,382	X	X	X
2 children	13,414,048	58,604	13,414,048	9,368,291	889,656	3,156,101	X	X	X
3 children	5,430,075	38,142	5,430,075	3,774,744	334,647	1,320,684	X	X	X
4 or more children	2,400,746	27,581	2,400,746	1,588,223	145,517	667,006	X	X	X
Presence of Own Children Under 18									
No own children	81,228,585	150,547	42,320,866	32,958,335	2,805,085	6,557,446	38,907,719	18,030,888	20,876,831
With own children[2]	33,763,140	78,715	33,763,140	22,561,313	2,652,056	8,549,771	X	X	X
With own children under 12	24,346,074	69,573	24,346,074	16,523,483	1,854,578	5,968,013	X	X	X
With own children under 6	14,307,333	64,326	14,307,333	9,855,286	1,117,335	3,334,712	X	X	X
With own children under 3	8,086,757	60,155	8,086,757	5,697,549	644,262	1,744,946	X	X	X
With own children under 1	2,782,662	28,518	2,782,662	1,984,657	242,226	555,779	X	X	X
Tenure									
Owned home	74,264,435	230,440	54,627,945	44,808,444	2,929,038	6,890,463	19,636,490	8,511,414	11,125,076
Rented home	38,515,453	103,548	20,313,830	10,027,501	2,405,146	7,881,183	18,201,623	8,972,270	9,229,353
Occupied without payment	2,211,837	24,889	1,142,231	683,703	122,957	335,571	1,069,606	547,204	522,402

X Not applicable.
Z Rounds to zero.
[1] This number, when added to or subtracted from the estimated total number of households in each category or the average household size, represents the 90 percent confidence interval around the estimate.
[2] Excludes ever-married children under 18 years.
Note: See <www.census.gov/acs/www/Downloads/data_documentation/Accuracy/ACS_Accuracy_of_Data_2011.pdf> for further information on the accuracy of the data.
Source: U.S. Census Bureau, American Community Survey, 2011.

Figure 1.
Households by Type, 1970 to 2012: CPS
(In percent)



Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, selected years, 1970 to 2012.

The share of households that married couples maintained has fallen since 1970, while the share of nonfamily households has increased (Figure 1).

Figure 1 shows households by type from 1970 to 2012. Family households predominated in 1970, when they made up 81 percent of all households. This proportion dropped to around 66 percent by 2012. Note, however, that most of this change occurred between 1970 and 1990. Changes in household type since 1990 have been smaller.

The most noticeable trend in Figure 1 is the decline of married-couple households with their own children, from 40 percent of households in 1970 to 20 percent in 2012. As of 1970, married couples with children outnumbered married couples without children but by 2012 the opposite was true. Indeed, the number of married couples without children has grown in recent years, from 28 percent of households in 2005 to 29 percent in 2012. This change is likely related to the aging of householders, noted earlier, as well as delays in childbearing.[10]

The other family households shown in Figure 1 (families whose householder was living with children or other relatives but had no spouse present) increased from 11 percent of households in 1970 to 18 percent in 2012.[11] Since 1992, however, the proportion of households that are one-parent families (included in the other family households category) has stabilized at about 9 percent.[12]

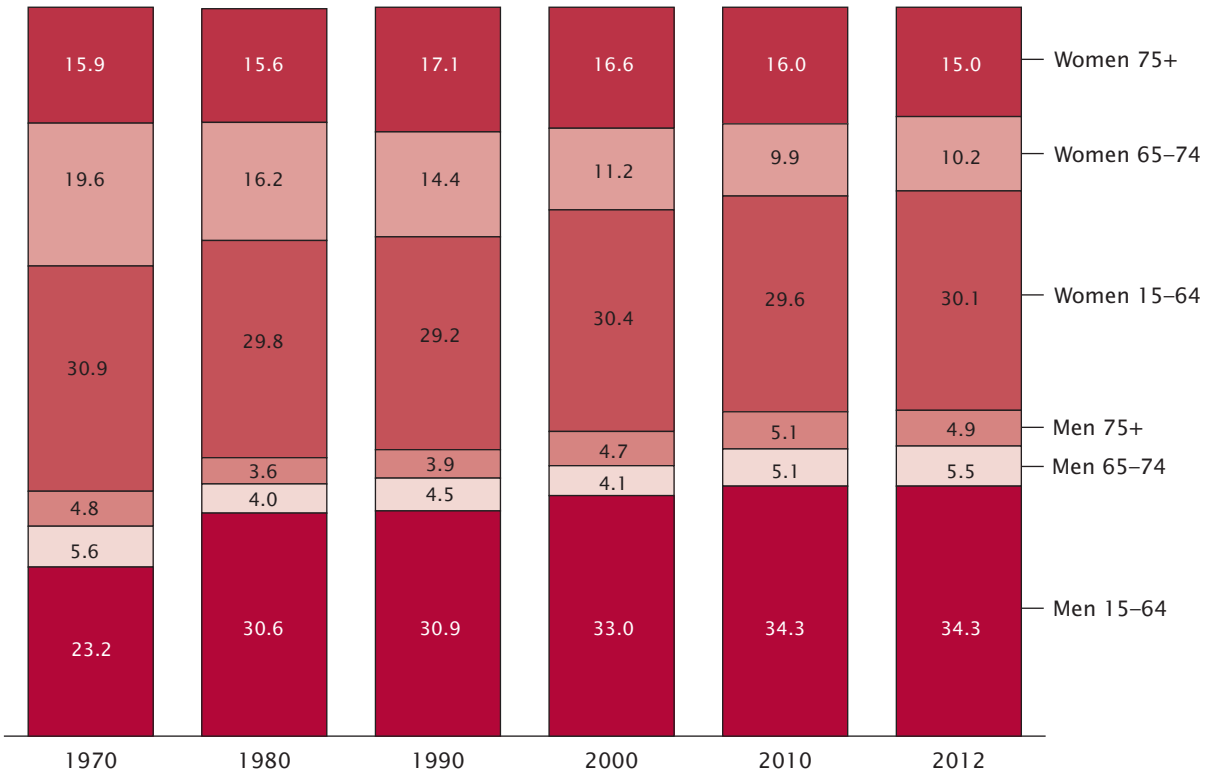
The growth in one-person households (people living alone) is responsible for most of the increase in nonfamily households over time—and the corresponding decrease in family households. The proportion of one-person households increased by 10 percentage

[10] Between 1970 and 2006, the average age of first-time mothers increased from 21.4 years to 25.0 years. See T. J. Mathews and Brady E. Hamilton, 2009, "Delayed Childbearing: More Women are having their First Child Later in Life," *NCHS Data Brief*, No. 21, National Center for Health Statistics, Hyattsville, MD.

[11] Although a spouse is not present, an unmarried partner of the parent may or may not be present.

[12] See historical Tables HH-1 and FM-1, accessible on the U.S. Census Bureau Web site at <www.census.gov/hhes/families/files/hh1.xls> and <www.census.gov/hhes/families/files/fm1.xls>. Although the proportion of one-parent families remained around 9 percent throughout this period, the 2012 value is significantly higher than in 2008 through 2010, 2000 through 2005, and 1992 through 1993.

Figure 2.
One-Person Households by Age and Sex, 1970 to 2012: CPS
(In percent)



Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, selected years, 1970 to 2012.

points between 1970 and 2012 (from 17 percent to 27 percent) compared with an increase of 4 percentage points in other nonfamily households (from 2 percent to 6 percent) during the same period (Figure 1). In 2012, women represented more than half (55 percent) of one-person households, although men have been closing this gap over time.

More one-person households were headed by men aged 15 to 64 in 2012 than in 1970 (Figure 2).

Figure 2 highlights changes in one-person households, by age and sex, from 1970 to 2012. It shows a decline in the share of older women living alone, which fell by half over the 40-year period, from 20 percent to 10 percent, among 65- to 74-year-old women. The decrease for the oldest women (aged 75 and older) was much smaller, dipping by 1 percent across the same period.

The share of one-person households maintained by men aged 65 and older did not change between 1970 and 2012. However, one-person households headed by men aged 15 to 64 did rise, from 23 percent in 1970 to 34 percent in 2012. This pattern could result from changes in divorce rates, which increased sharply between 1970 and 1980.[13] However, one-person households among women of the same age did not increase between 1970 and 2012. This may be explained by living arrangements following divorce. Because mother-only custody is the dominant living arrangement for children following divorce, men more often than women live alone following a divorce.[14]

Households and families have become smaller over time (Figure 3).

Between 1970 and 2012, the average number of people per household declined from 3.1 to about 2.6.[15] But the most profound changes in household size occurred among the largest and smallest

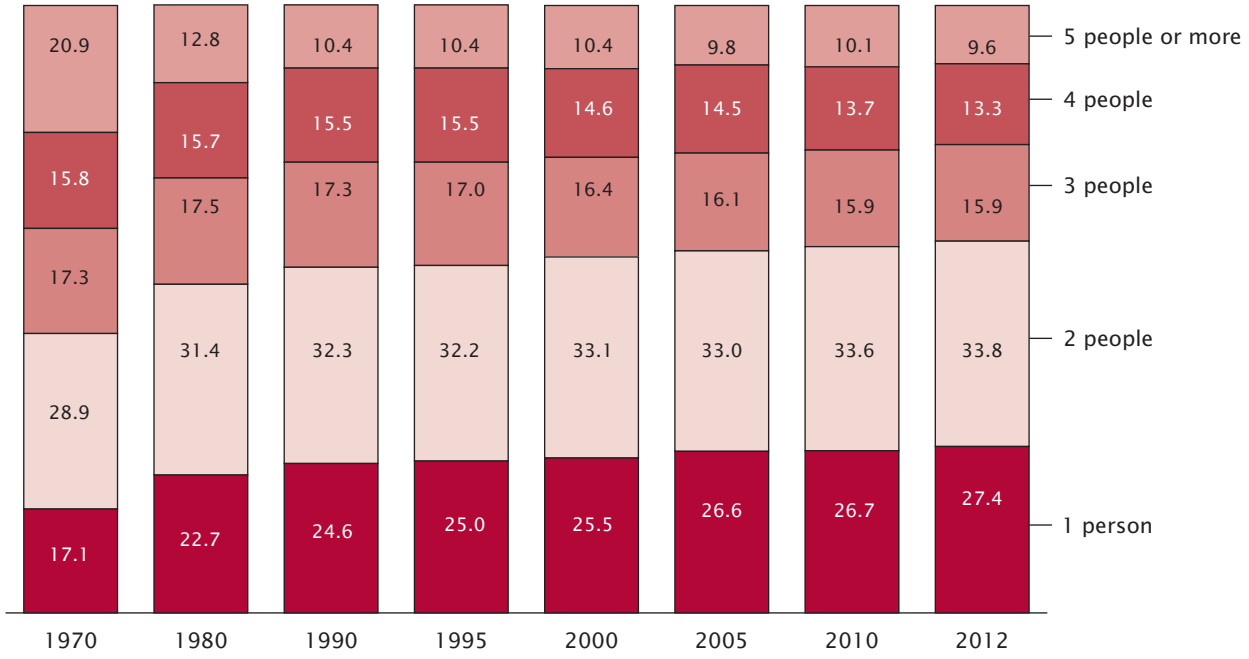
[13] See Joshua R. Goldstein, 1999, "The Leveling of Divorce in the United States," *Demography*, 36:409–414.

[14] See Maria Cancian and Daniel R. Meyer, 1998, "Who Gets Custody?" *Demography*, 35:147–157.

[15] See historical Tables HH-4 and HH-6, accessible on the U.S. Census Bureau Web site at <www.census.gov/hhes/families/files/hh4.xls> and <www.census.gov/hhes/families/files/hh6.xls>.

Figure 3.
Households by Size, 1970 to 2012: CPS

(In percent)



Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, selected years, 1970 to 2012.

households (Figure 3). Households with five or more people decreased by half, from 21 percent to 10 percent of households, between 1970 and 2012 while the share of households with only one or two people increased from 46 percent to 61 percent. Consistent with trends in Figure 1 for household type, changes in more recent decades have been small. There was no significant difference, for example, in households with five or more people between 2005 and 2012.

Multigenerational households were less common among White, non-Hispanic householders (Table 2).

The term multigenerational refers to family households consisting of three or more generations. These include families with either a householder with both a parent and a child, a householder with both a child and grandchild, a householder with both a grandchild and a parent, or a four-generation household (i.e., a householder with a parent, child, and grandchild present). In 2012, multigenerational households made up 5 percent of family households, although this percentage differed by race and Hispanic origin (Table 2).[16] Multigenerational households made up 3 percent of family households with a White, non-Hispanic householder compared with 6 percent of those with an Asian reference person and 8 percent of those with a Black or Hispanic reference person.[17]

The most common type of multigenerational household was one in which a householder lives with a child and a grandchild (64 percent). This pattern was especially pronounced among multigenerational households with a White, non-Hispanic householder. The next most common type was one in which a householder lives with a child and a parent (34 percent). This pattern was predominant among multigenerational households with an Asian householder.

[16] The comparable figure from the ACS was 6 percent. See Tables B11017 and B11001, accessible on American FactFinder at <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_B11017&prodType=table> and <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_B11001&prodType=table>.

[17] The share of family households that were multigenerational did not differ statistically for Black and Hispanic householders.

Table 2.

Multigenerational Households by Race and Hispanic Origin of Reference Person: CPS 2012

(Numbers in thousands)

Characteristic	Total all family households	Total multigenerational households	Race of family reference person				
			White alone	White alone, non-Hispanic	Black alone	Asian alone	Hispanic (any race)
Total all family households	**80,506**	**3,726**	**64,614**	**54,146**	**9,651**	**4,149**	**11,585**
Total multigenerational households	**3,726**	**3,726**	**2,533**	**1,638**	**799**	**262**	**970**
Percent multigenerational households	**4.6**	**100.0**	**3.9**	**3.0**	**8.3**	**6.3**	**8.4**
Number	**80,506**	**3,726**	**2,533**	**1,638**	**799**	**262**	**970**
Type of multigenerational household[1]							
Householder with child and grandchild	2,390	2,390	1,690	1,187	544	91	539
Householder with child and parent	1,274	1,274	798	425	245	164	412
Householder with grandchild and parent or four-generation household	62	62	44	25	9	6	19
Presence of foreign-born persons in household							
No foreign-born persons	63,829	2,519	1,716	1,463	671	30	286
Householder is foreign-born	3,010	105	81	18	18	4	68
Other person beside householder is foreign-born	13,667	1,102	736	157	109	228	616
Poverty status							
Below 100 percent of poverty	9,486	694	414	206	209	40	229
100 to 199 percent of poverty	6,572	514	362	196	100	20	183
200 percent of poverty and above	64,448	2,518	1,756	1,236	489	202	558
Presence of children under 18[2]							
No children under 18	45,522	2,252	1,591	1,157	493	105	458
At least one child under 18	34,984	1,474	942	481	306	157	512
At least one child under 15	30,413	1,222	776	372	244	138	448
At least one child under 12	25,596	990	621	299	199	115	360
At least one child under 6	15,342	581	366	161	110	68	228
At least one child under 3	8,606	296	192	79	58	27	126
At least one child under 1	2,802	106	75	25	17	7	54
Percent	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**
Type of multigenerational household[1]							
Householder with child and grandchild	3.0	64.1	66.7	72.5	68.1	34.7	55.6
Householder with child and parent	1.6	34.2	31.5	25.9	30.7	62.6	42.5
Householder with grandchild and parent or four-generation household	0.1	1.7	1.7	1.5	1.1	2.3	2.0
Presence of foreign-born persons in household							
No foreign-born persons	79.3	67.6	67.7	89.3	84.0	11.5	29.5
Householder is foreign-born	3.7	2.8	3.2	1.1	2.3	1.5	7.0
Other person beside householder is foreign-born	17.0	29.6	29.1	9.6	13.6	87.0	63.5
Poverty status							
Below 100 percent of poverty	11.8	18.6	16.3	12.6	26.2	15.3	23.6
100 to 199 percent of poverty	8.2	13.8	14.3	12.0	12.5	7.6	18.9
200 percent of poverty and above	80.1	67.6	69.3	75.5	61.2	77.1	57.5
Presence of children under 18[2]							
No children under 18	56.5	60.4	62.8	70.6	61.7	40.1	47.2
At least one child under 18	43.5	39.6	37.2	29.4	38.3	59.9	52.8
At least one child under 15	37.8	32.8	30.6	22.7	30.5	52.7	46.2
At least one child under 12	31.8	26.6	24.5	18.3	24.9	43.9	37.1
At least one child under 6	19.1	15.6	14.4	9.8	13.8	26.0	23.5
At least one child under 3	10.7	7.9	7.6	4.8	7.3	10.3	13.0
At least one child under 1	3.5	2.8	3.0	1.5	2.1	2.7	5.6

[1] For total all family households, categories do not add to total or 100 percent, as there is no category for nonmultigenerational households.
[2] Excludes ever-married children under 18 years, as well as householders.
Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2012.

Multigenerational households were more likely to contain foreign-born persons (Table 2).

Table 2 shows that 79 percent of family households had no foreign-born persons, compared with 68 percent of multigenerational households. Multigenerational households with an Asian or Hispanic householder were substantially more likely to include the foreign-born than those with a White, non-Hispanic or a Black householder. Eighty-nine percent of multigenerational households headed by White, non-Hispanics and 84 percent headed by Blacks contained no foreign-born persons, compared with 29 percent of those with a Hispanic householder and 11 percent with an Asian householder. These patterns are not surprising when considering that half (53 percent) of all foreign-born persons in the United States come from Latin America and the Caribbean, and over one-quarter (28 percent) come from Asia.[18]

Multigenerational households were more likely to be in poverty (Table 2).

In 2012, 19 percent of multigenerational households were below 100 percent of poverty compared with 12 percent of all family households (Table 2). Poverty was especially pronounced for multigenerational households with a Black (26 percent) or Hispanic reference person (24 percent).[19] Forming a multigenerational household may be a strategy for coping with poverty and could offer a financial safety net for some families.[20]

Women aged 25 to 34 were more likely to live with a spouse than men were; men in this age group were more likely than women were to live alone or in their parents' home (Table 3).

The last part of this section discusses the living arrangements of men and women and of younger and older adults (Table 3 and Figure 4). Gender differences in the age at first marriage and cohabitation drive the living arrangements of young men and women. Table 3 shows that 59 percent (9 million) of men 18 to 24 years old lived in their parents' home in 2012, compared with 51 percent (7.6 million) of women the same age.[21] It is important to note that the CPS counts students living in dormitories as living in their parents' home.[22] In contrast, women 18 to 24 years old were more likely to live with a spouse or unmarried partner. Among this age group of young adults, 11 percent of women and 6 percent of men were married and living with their spouse. An additional 12 percent of women and 8 percent of men cohabited with an unmarried partner. These differences reflect a trend in which women typically marry at younger ages than men do.[23]

This gender pattern was also present at older ages. Although living with a spouse was the most prevalent type of living arrangement among 25- to 34-year-olds, a greater proportion of women in this age group lived with a spouse than men (48 percent versus 40 percent, respectively). And although some 25- to 34-year-olds were living in their parents' home, this arrangement was more common among men than women (16 percent versus 10 percent).

Men aged 65 or older were more likely to live with their spouse; women in this age group were more likely to live alone (Table 3).

Differences in living arrangements among older adults most likely reflect women's longer life expectancy, their higher rate of widowhood, and lower rate of remarriage.[24] Shown in Table 3, older men were more likely to live with their spouse while older women were more likely to live alone. For example, 36 percent of women 65 and over lived alone, compared with only 19 percent of men.

Table 3 highlights some notable differences among older adults as well. Living with one's spouse was more common for 65- to 74-year-old men and women than it was for adults aged 75 or older. For example, 75 percent of men and

[18] See Elizabeth M. Grieco et al., 2012, "The Foreign-Born Population in the United States: 2010," *American Community Survey Reports*, ACS-19, U.S. Census Bureau, Washington, DC.

[19] The share of multigenerational households in poverty did not differ statistically between those with a Black and Hispanic householder.

[20] See Rakesh Kochhar and D'Vera Cohn, 2011, "Fighting Poverty in a Tough Economy, Americans Move in with their Relatives," Pew Research Center, Washington, DC, <www.pewsocialtrends.org/files/2011/10/Multigenerational-Households-Final1.pdf>.

[21] For more information on young adults living at home, see Laryssa Mykyta and Suzanne Macartney, 2012, "Sharing a Household: Household Composition and Economic Well-Being: 2007–2010," *Current Population Reports*, P60-242, U.S. Census Bureau, Washington, DC. See also, Rose M. Kreider, 2007, "Young Adults Living in their Parents' Home," a working paper presented at the Annual Meeting of the American Sociological Association, New York, NY, August 11–14, 2007, <www.census.gov/hhes/families/files/young-adults-in-parents-home.pdf>.

[22] Estimates from ACS data show that about 7.8 percent of young adults aged 18 to 24 lived in college/university housing. See Tables S2601B and B01001, accessible on American FactFinder at <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_S2601B&prodType=table> and <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_B01001&prodType=table>.

[23] In 2012, the median age at first marriage was 28.6 for men and 26.6 for women. See historical Table MS-2, accessible on the U.S. Census Bureau Web site at <www.census.gov/hhes/families/files/ms2.xls>.

[24] See Elizabeth Arias, 2012, "United States Life Tables, 2008," *National Vital Statistics Reports*, 61(3), National Center for Health Statistics, Hyattsville, MD.

Table 3.
Living Arrangements of Younger and Older Adults by Age: CPS 2012
(Numbers in thousands)

Characteristic	Number		Percent	
	Men	Women	Men	Women
YOUNGER ADULTS				
Total, 18 to 34 Years				
Total	**35,612**	**35,714**	**100.0**	**100.0**
Living alone	2,976	2,482	8.4	7.0
Living with spouse	9,163	11,625	25.7	32.5
Living with an unmarried partner	4,139	4,627	11.6	13.0
Child of the householder—not living with a spouse or partner[1]	12,254	9,639	34.4	27.0
Other living arrangement	7,079	7,341	19.9	20.6
18 to 24 Years				
Total	**15,154**	**14,971**	**100.0**	**100.0**
Living alone	653	724	4.3	4.8
Living with spouse	925	1,592	6.1	10.6
Living with an unmarried partner	1,151	1,765	7.6	11.8
Child of the householder—not living with a spouse or partner[1]	9,008	7,626	59.4	50.9
Other living arrangement	3,417	3,265	22.6	21.8
25 to 34 Years				
Total	**20,458**	**20,743**	**100.0**	**100.0**
Living alone	2,323	1,758	11.4	8.5
Living with spouse	8,238	10,033	40.3	48.4
Living with an unmarried partner	2,988	2,862	14.6	13.8
Child of the householder—not living with a spouse or partner[1]	3,247	2,014	15.9	9.7
Other living arrangement	3,662	4,076	17.9	19.6
OLDER ADULTS				
Total, 65 Years and Over				
Total	**18,333**	**23,160**	**100.0**	**100.0**
Living alone	3,462	8,355	18.9	36.1
Living with spouse	13,216	10,335	72.1	44.6
Living with an unmarried partner	430	305	2.3	1.3
Other living arrangement	1,225	4,164	6.7	18.0
65 to 74 Years				
Total	**10,980**	**12,393**	**100.0**	**100.0**
Living alone	1,829	3,369	16.7	27.2
Living with spouse	8,199	6,875	74.7	55.5
Living with an unmarried partner	274	230	2.5	1.9
Other living arrangement	678	1,920	6.2	15.4
75 years and Over				
Total	**7,353**	**10,767**	**100.0**	**100.0**
Living alone	1,633	4,987	22.2	46.3
Living with spouse	5,017	3,461	68.2	32.1
Living with an unmarried partner	156	75	2.1	0.7
Other living arrangement	548	2,244	7.5	20.8

[1] The CPS counts students living in dormitories as living in their parents' home.
Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2012.

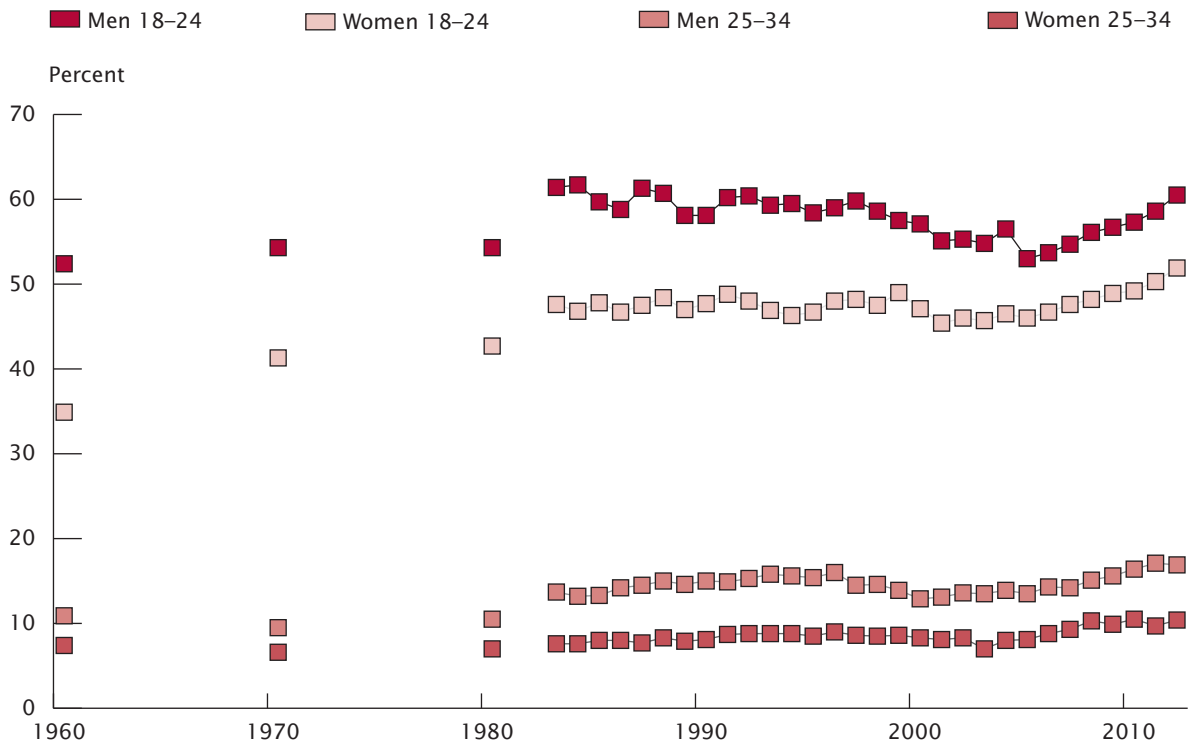
56 percent of women aged 65 to 74 resided with their spouse, compared with 68 percent of men and only 32 percent of women who were aged 75 or older.

Fewer women 65 and over lived alone in 2012 than in 2003 (Table 3).

Consistent with trends shown in Figure 2, the percentage of women aged 65 or older who lived alone declined between 2003 and 2012, from 40 percent to 36 percent.[25] During the same period, the percentage of older women who lived with a spouse rose from 41 percent to 45 percent. Nonetheless, the

[25] See Table 7, Jason Fields, 2003, "America's Families and Living Arrangements: 2003," *Current Population Reports*, P20-553, U.S. Census Bureau, Washington, DC.

Figure 4.
Young Adults Living in Their Parents' Home, 1960 to 2012: Census and CPS



Source: U.S. Census Bureau, 1960, 1970, and 1980 Census, and Current Population Survey, Annual Social and Economic Supplement, 1983 to 2012.

share of men in this age group who lived alone or with a spouse did not change during this period. These trends likely reflect the gradually closing gap between male and female life expectancy.[26]

More men and women aged 18 to 34 lived in their parents' home in 2012 than in the early 2000s (Figure 4).

Figure 4 shows the percentage of young adults who lived in their parents' home between 1960 and 2012. Between 2000 and 2012, the trend has been for a rising share of young adult men and women to live in their parents' home, among both 18- to 24-year-olds and 25- to 34-year-olds. This living arrangement was much more common among 18- to 24-year-olds than among the older group of young adults. These trends in young adult living arrangements follow a broader pattern in the United States in which young adults are experiencing the traditional markers of adulthood, such as starting a family, leaving their parents' home, and establishing stable careers, later in life than previous recent generations did.[27] Importantly, the CPS, but not the decennial census, counts students living in dormitories as living in their parents' home. A nontrivial number of young adults were enrolled in college or graduate school: 43 percent of 18- to 24-year-olds.[28] This difference in survey design helps account for the apparent increase in this living

[26] Between 1996 and 2008, the male-female gap in life expectancy at birth narrowed from 6 to 5 years. See Robert N. Anderson, 1998, "United States Abridged Life Tables, 1996," *National Vital Statistics Reports*, 47(13), National Center for Health Statistics, Hyattsville, MD; Elizabeth Arias, 2012, "United States Life Tables, 2008," *National Vital Statistics Reports*, 61(3), National Center for Health Statistics, Hyattsville, MD.

[27] Francis Goldscheider and Calvin Goldscheider, 1999, "The Changing Transition to Adulthood: Leaving and Returning Home," Thousand Oaks, CA: Sage; Maria Lacovou, 2002, "Regional Differences in the Transition to Adulthood," *Annals of the American Academy of Political Social Science*, 580:40–69; Jeffrey Jensen Arnett, 2007, "Emerging Adulthood: What is it and what is it Good for?" *Child Development Perspectives*, 1:68–73.

[28] See Table B14004, accessible on American FactFinder at <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_B14004&prodType=table>.

arrangement between 1980 (decennial census data) and 1983 (CPS data).

AMERICA'S FAMILIES

The family is a vital institution in American society and serves as a major source of support and socialization for individuals, especially children. The CPS can identify family units regardless of whether they include the householder. For example, if a mother and child live in the home of the mother's parents, then the mother and her child are considered a separate family group. This section of the report highlights several trends in America's families and family groups:

Family Groups

Households can contain more than one married-couple family or one-parent family. Nonfamily households can contain families that are not related to the householder. In 1970 the Census Bureau developed the concept of the ***family group*** to count all of these types of families.

Family groups include family households plus all family groups that do not include the householder (subfamilies). These subfamilies may consist of either married couples or parent-child units. An individual may be counted in two different family groups. For example, the householder and her adult daughter and granddaughter form one family group. The adult daughter and her child form a second family group, a mother-child subfamily.

Reference people are the members of a household around whom family units are organized. In family households, the householder is always the reference person for the primary family, while another member of the household would be the reference person for the subfamily.

Table 4.
Family Groups by Race and Hispanic Origin of Reference Person: CPS 2012
(Numbers in thousands)

Type of family group	Total	Race of family reference person				
		White alone	White alone, non-Hispanic	Black alone	Asian alone	Hispanic (any race)
Number	**85,463**	**68,080**	**56,299**	**10,459**	**4,621**	**13,046**
Married couple	61,047	51,545	44,264	4,521	3,666	7,889
With children under 18[1]	24,445	20,035	15,760	1,961	1,779	4,655
Without children under 18	36,602	31,510	28,505	2,560	1,888	3,234
Unmarried parent couple[2]	1,859	1,402	881	301	66	609
Mother only with children under 18[3]	10,322	6,566	4,521	3,035	265	2,381
Father only with children under 18[3]	1,956	1,489	1,185	324	56	345
Householder and other relative(s)[4]	10,277	7,078	5,448	2,279	568	1,822
Grandparent householder with grandchildren under 18	1,249	791	590	376	33	222
Householder with adult children	5,747	4,067	3,406	1,337	193	734
Householder with young adult children aged 18 to 24	2,371	1,607	1,294	615	71	361
Householder with parent	2,420	1,613	1,022	459	238	664
Percent	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**
Married couple	71.4	75.7	78.6	43.2	79.3	60.5
With children under 18[1]	28.6	29.4	28.0	18.7	38.5	35.7
Without children under 18	42.8	46.3	50.6	24.5	40.9	24.8
Unmarried parent couple[2]	2.2	2.1	1.6	2.9	1.4	4.7
Mother only with children under 18[3]	12.1	9.6	8.0	29.0	5.7	18.3
Father only with children under 18[3]	2.3	2.2	2.1	3.1	1.2	2.6
Householder and other relative(s)[4]	12.0	10.4	9.7	21.8	12.3	14.0
Grandparent householder with grandchildren under 18	1.5	1.2	1.0	3.6	0.7	1.7
Householder with adult children	6.7	6.0	6.0	12.8	4.2	5.6
Householder with young adult children aged 18 to 24	2.8	2.4	2.3	5.9	1.5	2.8
Householder with parent	2.8	2.4	1.8	4.4	5.2	5.1

[1] Excludes ever-married children under 18 years.
[2] Includes unmarried opposite-sex couples who have at least one joint never-married child under 18 years.
[3] Parent may have a cohabiting partner, but none of his or her children are also identified as the child of his or her cohabiting partner.
[4] Subcategories of "householder and other relative(s)" are not mutually exclusive.
Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2012.

- Married families tended to be economically advantaged compared with other families, but the economic well-being of all families has worsened since 2007.
- Married families were still the most common family arrangement and tended to be prevalent in the Plains States, Midwest, and West.

Married family groups have declined over time but remained the most common type of family group regardless of race or Hispanic origin (Table 4).

Married couples, especially those with children under the age of 18, have made up a declining share of family groups over time, while other family groups have become more common (Table 4). In 2012, 71 percent of family groups were married couples, down from 74 percent in 2003.[29] Of these married couples, 40 percent had children under the age of 18, down from 45 percent in 2003.[30] Both the absolute number and relative size of all other types of family groups, except for unmarried mothers, have increased since 2007.[31] These groups include unmarried-parent couples,[32] unmarried fathers with children under the age of 18, and householders who live with other relatives.

Table 4 shows that the most common family group was married couples, regardless of race or Hispanic origin. The distribution of family groups varied depending on the race and Hispanic origin of the family reference person, however. Married family groups, for example, were more common among Whites and Asians (76 percent and 79 percent, respectively) than Blacks or Hispanics (43 percent and 61 percent, respectively). Blacks had the highest percentage of mother-only family groups and householders living with other relatives (29 percent and 22 percent, respectively), followed by Hispanics (18 percent and 14 percent, respectively). Unmarried-parent couples were most common among Hispanics, at 5 percent. Since 2007, householders living with other relatives have increased across all racial and ethnic groups; they now make up a larger share of family groups than they did 5 years ago.

The percentage of mother-only and father-only family groups increased since 2007 (Table 5).

Table 5 details characteristics of the nearly 39 million family groups with children under 18 years old and highlights three noteworthy trends. First, married parents were economically advantaged compared with other family groups with children under the age of 18. Second, father-only family groups were in better economic standing than mother-only family groups. And third, the economic welfare of all family groups with children under the age of 18 declined since 2007.

Overall, married couples made up the majority of family groups with children under the age of 18 (63 percent). This percentage decreased since 2007, however, when they made up 67 percent of family groups with children. Across the same period, the percentage of mother-only family groups rose from 25 to 27 percent while that of unmarried couples with children and father-only family groups each rose from 4 to 5 percent.

Married parents were the most economically advantaged of all the family groups with children under the age of 18 (Table 5).

The economic advantage of married families is consistent with research showing that marriage is associated with greater wealth.[33] Married parents were more likely to be college educated and to be homeowners compared with unmarried parents and with mother-only and father-only families.[34] Nine percent of married-family groups were living below the poverty level and 9 percent were receiving food stamps compared with 4 times as many mother-only families who were living below poverty or receiving food stamps.

Not all one-parent family groups were similarly disadvantaged. Father-only groups were in better economic standing than mother-only groups, evidenced by their better educational attainment, higher rates of employment and homeownership, and lower rates of food stamp receipt (Table 5). Roughly 19 percent of these single fathers had a bachelor's degree, compared with 17 percent of the single mothers. Furthermore, over

[29] See Table 3, Jason Fields, 2003, "America's Families and Living Arrangements: 2003," *Current Population Reports*, P20-553, U.S. Census Bureau, Washington, DC.

[30] See Table 3, Jason Fields, 2003, "America's Families and Living Arrangements: 2003," *Current Population Reports*, P20-553, U.S. Census Bureau, Washington, DC.

[31] See Table 2, Rose M. Kreider and Diana Elliott, 2009, "America's Families and Living Arrangements: 2007," *Current Population Reports*, P20-561, U.S. Census Bureau, Washington, DC.

[32] CPS data can better identify these groups in 2007–2012 than in 2003. Beginning in 2007, the CPS added a direct question to measure cohabitation. See Rose M. Kreider, 2008, "Improvements to Demographic Household Data in the Current Population Survey: 2007," <www.census.gov/population/www/documentation/twps08/twps08.pdf>.

[33] See, for example, Daniel Schneider, 2011, "Wealth and the Marital Divide," *American Journal of Sociology*, 177:627–667. See also, Jonathan Vespa and Matthew A. Painter II, 2011, "Cohabitation History, Marriage, and Wealth Accumulation," *Demography*, 48:983–1004, Scholars have found both that wealthier people are more likely to marry and married people accumulate more wealth.

[34] Note that the share of unmarried parents who were homeowners was not significantly different from the share of mother-only families who were homeowners.

Table 5.

Family Groups With Children Under 18[1] by Selected Characteristics: CPS 2012

(Numbers in thousands)

Characteristic	Number				Percent			
	Two parents		One parent		Two parents		One parent	
	Married parents	Unmarried parents[2]	Mom only	Dad only	Married parents	Unmarried parents[2]	Mom only	Dad only
Total	**24,445**	**1,859**	**10,322**	**1,956**	**100.0**	**100.0**	**100.0**	**100.0**
Age of Reference Person								
Under 20 years	18	26	225	11	0.1	1.4	2.2	0.6
20 to 24 years	466	237	1,278	76	1.9	12.7	12.4	3.9
25 to 29 years	1,901	484	1,559	200	7.8	26.0	15.1	10.2
30 to 34 years	3,790	402	1,890	320	15.5	21.6	18.3	16.4
35 to 39 years	4,763	246	1,858	367	19.5	13.2	18.0	18.8
40 to 44 years	5,064	230	1,507	358	20.7	12.4	14.6	18.3
45 years and over	8,442	235	2,006	624	34.5	12.6	19.4	31.9
Race and Hispanic Origin of Reference Person								
White alone	20,024	1,366	6,566	1,489	81.9	73.5	63.6	76.1
Non-Hispanic	15,751	832	4,521	1,185	64.4	44.8	43.8	60.6
Black alone	2,047	340	3,035	324	8.4	18.3	29.4	16.6
Asian alone	1,728	65	265	56	7.1	3.5	2.6	2.9
Other race	646	88	457	87	2.6	4.7	4.4	4.4
Hispanic (any race)	4,647	613	2,381	345	19.0	33.0	23.1	17.6
Education of Male								
Less than high school	2,786	476	X	268	11.4	25.6	X	13.7
High school graduate	6,335	780	X	793	25.9	42.0	X	40.5
Some college	6,143	462	X	519	25.1	24.9	X	26.5
Bachelor's degree or higher	9,180	141	X	376	37.6	7.6	X	19.2
Education of Female								
Less than high school	2,391	408	1,688	X	9.8	21.9	16.4	X
High school graduate	5,446	636	3,229	X	22.3	34.2	31.3	X
Some college	6,769	610	3,677	X	27.7	32.8	35.6	X
Bachelor's degree or higher	9,839	206	1,729	X	40.2	11.1	16.8	X
Employment of Male								
Not employed	2,625	428	X	446	10.7	23.0	X	22.8
Employed	21,820	1,432	X	1,510	89.3	77.0	X	77.2
Employment of Female								
Not employed	8,542	819	3,448	X	34.9	44.1	33.4	X
Employed	15,903	1,040	6,875	X	65.1	55.9	66.6	X
Household Receives Food Stamps								
Receives food stamps	2,263	607	4,010	366	9.3	32.7	38.8	18.7
Does not receive food stamps	22,182	1,252	6,312	1,590	90.7	67.3	61.2	81.3
Tenure								
Owned home	17,919	668	3,908	1,105	73.3	35.9	37.9	56.5
Rented home[3]	6,526	1,192	6,415	851	26.7	64.1	62.1	43.5
Poverty Status[4]								
Below 100 percent of poverty	2,168	785	3,960	351	8.9	42.2	38.4	17.9
100 to 199 percent of poverty	4,159	530	2,945	522	17.0	28.5	28.5	26.7
200 percent of poverty and above	18,118	545	3,418	1,084	74.1	29.3	33.1	55.4

X Not applicable.
[1] Excludes ever-married children under 18 years.
[2] Includes unmarried opposite-sex couples who have at least one joint never-married child under 18 years.
[3] "No cash rent" is included with rented home.
[4] For both primary families and subfamilies, poverty status of the primary family is shown.
Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2012.

half (57 percent) of the father-only groups were homeowners, compared with 38 percent of the mother-only groups.

One reason for these differences is that the fathers were older than the mothers, which reflects a common route to single parenthood for men and women in the United States. Most fathers who become single parents do so through divorce whereas single mothers are more often never married. Table 6 shows that of all the children who lived with their father only, 44 percent had a divorced father but 47 percent of children who lived with their mother only had a never-married mother.[35]

The share of one-parent family groups that fathers maintained rose from 10 to 17 percent between 1980 and 2012 (Table 6).

Table 6 reinforces the finding that one-parent family groups were concentrated in the South, as was shown in Figure 6. The table also reveals that regional variation depends on the parent's race and Hispanic origin. For example, Asian and Hispanic one-parent family groups lived predominantly in the West, while Black one-parent groups lived predominantly in the South. These patterns most likely reflect historical trends in residence and migration across the United States.[36] Table 6 also shows differences between father-only and mother-only family groups. For example, children in father-only family groups were more likely to live with the parent's cohabiting partner than children in mother-only family groups. In addition, more mother-only family groups had young children, under the age of 6, in the household as father-only family groups.

[35] See Table C3 accessible on the U.S. Census Bureau Web site at <www.census.gov/hhes/families/data/cps2012.html>.

[36] See Karen R. Humes et al., 2011, "Overview of Race and Hispanic Origin: 2010," *2010 Census Brief*, C2010BR-02, U.S. Census Bureau, Washington, DC.

Cohabitation

Cohabitation. This report uses the terms unmarried partner, cohabiting partner, and cohabiter interchangeably. Since 1995 and in the historical tables since 1996, a category of relationship to the householder has been available from the Current Population Survey for use in the measurement of cohabitation. This category allows respondents to identify an individual in the household as the "unmarried partner" of the householder. Beginning in 2007, a question was also asked of adults who lived with adult nonrelatives to find out if they had a boyfriend, girlfriend, or partner living in the household. In the ACS, a relationship category for unmarried partner has been available since its inception in 2005.

Married households with their own children under the age of 18 were more prevalent in the Plains States, Midwest, and West (Figure 5).

Following national trends in America's families, Figures 5–7 show geographic differences in the prevalence of family households. Research has shown that regional variations in married and unmarried households are related to the job opportunities of men and women and the availability of potential mates in a given area.[37]

Figure 5 shows the percentage of U.S. households with children under the age of 18 that married couples maintained (67 percent) and whether the estimate for each state was above or below the national average. The figure shows distinct regional differences. States with a percentage of married-parent households that was below the national estimate were concentrated near the Great Lakes and in the South and Southwest. These households were more prevalent in the Plains States, West, and parts of the Midwest. Washington, DC, had the lowest share (42 percent) while Utah had the highest (79 percent).

[37] See, for example, Daniel T. Lichter et al., 1991, "Local Marriage Markets and the Marital Behavior of Black and White Women," *American Journal of Sociology*, 96:843–867; R. Kelly Raley, 1996, "A Shortage of Marriageable Men? A Note on the Role of Cohabitation in Black-White Differences in Marriage Rates," *American Sociological Review*, 61:973–983; and Scott J. South and Kim M. Lloyd, 1992, "Marriage Opportunities and Family Formation: Further Implications of Imbalanced Sex Ratios," *Journal of Marriage and the Family*, 54:440–451.

One-parent households with children under the age of 18 were more prevalent in states near the Great Lakes and in the South and Southwest (Figure 6).

Figure 6 forms nearly a mirror image of the previous figure. States with the smallest shares of married-parent households typically had the highest shares of one-parent households. States with percentages of one-parent households that were higher than the national estimate were concentrated near the Great Lakes and in the South and parts of the Southwest. States with the smallest shares included Utah (18 percent), Hawaii (20 percent), and Minnesota (20 percent).[38] Places with the largest shares included Washington, DC (49 percent), Mississippi (36 percent), and Louisiana (34 percent).

In addition to married parents and single parents, children may live in a household with two unmarried

[38] The proportion of one-parent households did not differ statistically for Utah versus Hawaii or Minnesota versus Hawaii.

Table 6.

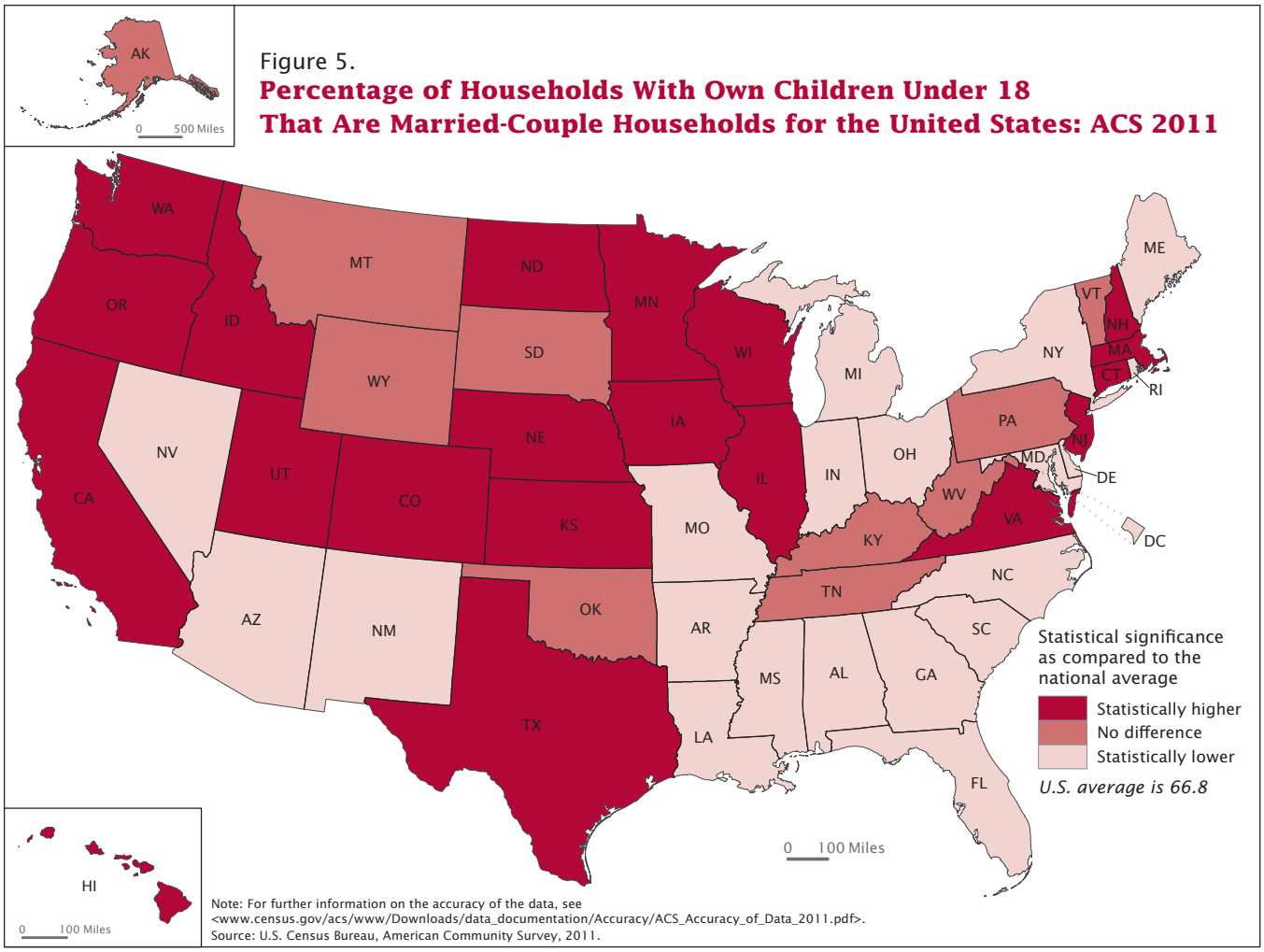
One-Parent Family Groups by Sex and Selected Characteristics: CPS 2012

(In thousands)

Characteristic	Total	Maintained by father						Maintained by mother					
		Total	Race and Hispanic origin					Total	Race and Hispanic origin				
			White alone	White alone, non-Hispanic	Black alone	Asian alone	Hispanic (any race)		White alone	White alone, non-Hispanic	Black alone	Asian alone	Hispanic (any race)
All one-parent family groups	**14,473**	**2,453**	**1,878**	**1,512**	**403**	**72**	**414**	**12,020**	**7,642**	**5,371**	**3,545**	**317**	**2,643**
Region													
Northeast	2,500	396	319	277	62	7	49	2,104	1,400	1,014	614	52	515
Midwest	3,134	539	441	408	72	6	43	2,595	1,732	1,523	720	29	234
South	5,706	916	657	541	226	14	116	4,790	2,658	1,835	1,895	91	904
West	3,133	602	461	286	42	45	205	2,531	1,852	998	316	144	990
Living Arrangement													
Parent is sole adult	5,376	761	565	468	144	26	118	4,615	2,722	1,889	1,612	79	944
Parent has cohabiting partner	1,593	486	377	301	83	5	79	1,107	869	697	137	26	226
Another adult age 18 or older is present	7,504	1,206	937	742	176	40	217	6,298	4,052	2,784	1,795	212	1,473
Number of Own Children Under 25													
1 child	7,738	1,571	1,206	968	271	37	273	6,167	4,004	3,007	1,713	170	1,166
2 children	4,383	655	508	423	98	19	96	3,729	2,424	1,687	1,043	101	857
3 children	1,639	192	140	102	30	14	39	1,447	858	505	507	35	403
4 or more children	714	36	24	19	4	3	6	678	355	171	282	11	217
Number of Own Children Under 18													
None	2,197	497	389	327	79	16	69	1,700	1,078	851	510	52	263
1 child	6,871	1,255	969	762	209	31	235	5,615	3,662	2,672	1,549	151	1,155
2 children	3,603	531	398	333	83	19	77	3,072	1,967	1,329	883	82	749
3 children	1,281	147	106	77	28	5	30	1,134	679	391	391	22	326
4 or more children	523	23	15	12	4	2	3	499	256	128	212	9	151
Presence of Own Children Under 25[1]													
With own children under 25	14,473	2,453	1,878	1,512	403	72	414	12,020	7,642	5,371	3,545	317	2,643
With own children under 18	12,277	1,956	1,489	1,185	324	56	345	10,321	6,564	4,520	3,035	265	2,381
With own children under 12	8,645	1,211	880	690	225	40	215	7,434	4,650	3,080	2,257	191	1,818
With own children under 6	4,837	525	381	282	102	12	108	4,312	2,667	1,671	1,346	97	1,143
With own children under 3	2,415	200	146	102	32	7	50	2,215	1,378	852	694	46	608
With own children under 1	747	52	37	30	9	Z	7	695	429	284	228	16	162
Education													
Less than high school	2,191	316	253	131	37	16	123	1,875	1,243	440	484	45	901
High school graduate	4,742	969	736	600	167	23	160	3,773	2,315	1,615	1,250	59	810
Some college	4,925	674	491	435	137	12	71	4,251	2,662	2,090	1,298	72	694
Bachelor's degree or higher	2,614	493	399	346	62	21	59	2,121	1,422	1,226	512	141	239
Marital Status													
Never married	5,926	651	425	286	181	14	151	5,275	2,669	1,649	2,262	86	1,211
Divorced	5,202	1,159	969	866	120	26	117	4,043	3,118	2,506	692	98	692
Separated[2]	2,662	512	385	280	81	25	121	2,149	1,455	881	498	104	662
Widowed	684	131	99	79	21	8	24	553	400	335	94	29	78
Poverty Status in 2011[3]													
Below 100 percent of poverty	4,646	402	283	204	89	9	84	4,243	2,454	1,473	1,524	60	1,148
100 to 199 percent of poverty	3,981	616	431	326	134	21	125	3,365	2,141	1,419	951	97	840
200 percent of poverty and above	5,846	1,435	1,164	981	180	42	204	4,412	3,047	2,478	1,069	160	655

Z Rounds to zero.
[1] Excludes ever-married children under 25 years.
[2] Separated includes married spouse absent.
[3] For both primary families and subfamilies, poverty status of the primary family is shown.
Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2012.

Figure 5.
Percentage of Households With Own Children Under 18 That Are Married-Couple Households for the United States: ACS 2011



Note: For further information on the accuracy of the data, see <www.census.gov/acs/www/Downloads/data_documentation/Accuracy/ACS_Accuracy_of_Data_2011.pdf>.
Source: U.S. Census Bureau, American Community Survey, 2011.

parents (Figure 7).[39] Although one-parent households were concentrated in the South (Figure 6), unmarried parents living with an unmarried partner were concentrated in the West and Southwest. States with estimates that were higher than the national average included Alaska (11 percent), Maine (11 percent), New Mexico (11 percent), and Wyoming (10 percent).[40] States with the lowest percentages included Utah (4 percent), Arkansas (5 percent), and Alabama (5 percent).[41]

AMERICA'S SPOUSES, PARTNERS, AND COUPLES

Intimate relationships form an integral element of adult life and are an important source of support and well-being. Indeed, about 86 percent of young men and 89 percent of young women are projected to marry at some point in their lives.[42] This report looks at three kinds of couples: (1) married spouses who are of the opposite sex, (2) unmarried couples living together who are of the opposite sex, and (3) same-sex couples who are either married or living together unmarried. This section highlights several trends in America's spouses, partners, and couples:

- Cohabitation has rapidly expanded in recent decades, led primarily by changes in young adults' living arrangements.
- Married parents were older, better educated, and had higher earnings than cohabiting parents.
- Interracial relationships were more common among opposite-sex cohabiters and same-sex couples than among opposite-sex married couples.

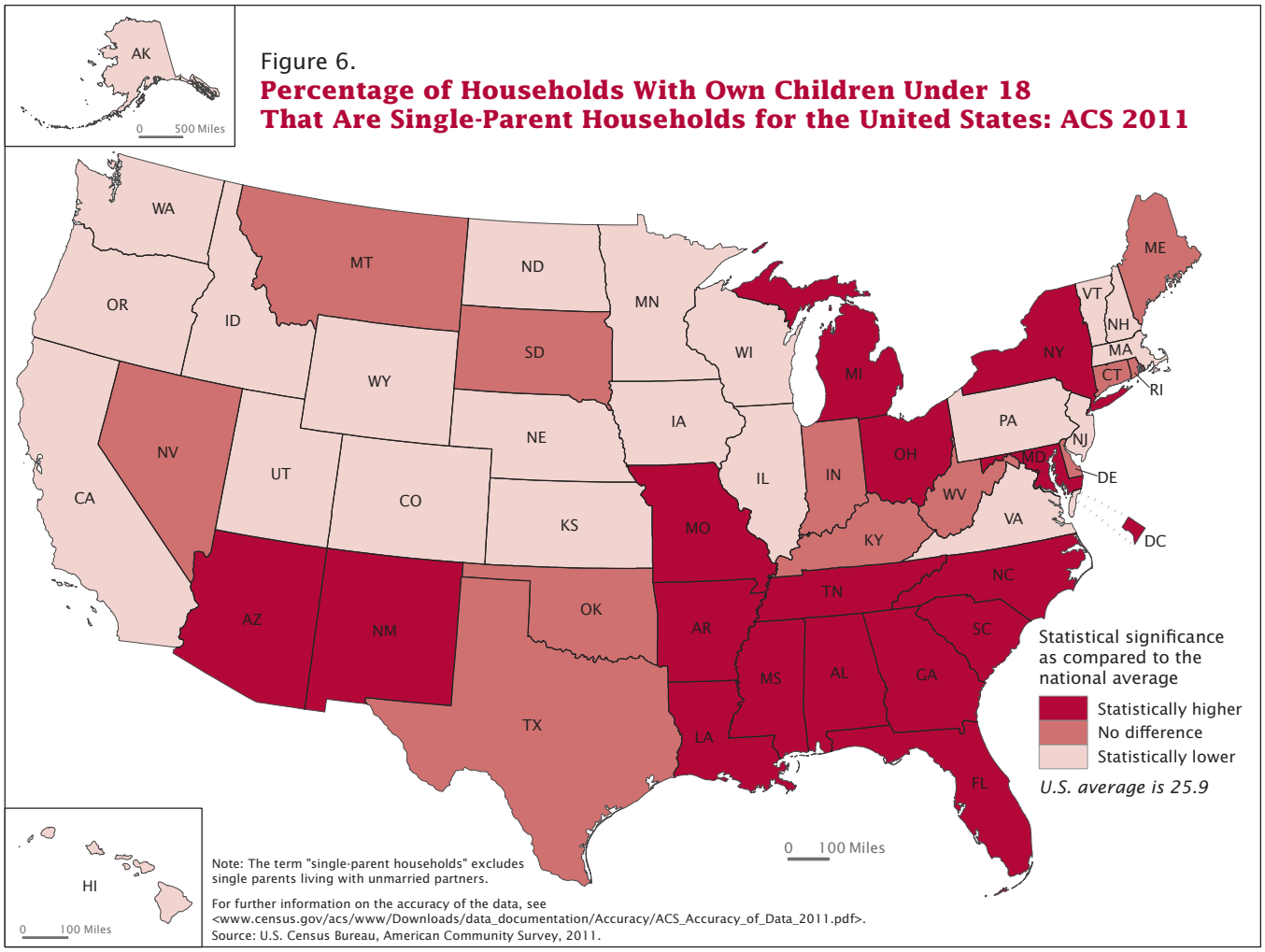
[39] In ACS data, only the relationship to householder is collected, so we cannot determine whether the unmarried partner of the householder is also the parent of the householder's child.

[40] Although all of these states had a high proportion of unmarried-parent households compared with the United States overall, they do not differ statistically from one another.

[41] The percentage of unmarried-parent households did not differ statistically for Arkansas versus Alabama.

[42] See Table 11, Rose M. Kreider and Jason Fields, 2002, "Number, Timing, and Duration of Marriages and Divorces: 1996," *Current Population Reports*, P70-80, U.S. Census Bureau, Washington, DC.

Figure 6.
Percentage of Households With Own Children Under 18 That Are Single-Parent Households for the United States: ACS 2011



Note: The term "single-parent households" excludes single parents living with unmarried partners.

For further information on the accuracy of the data, see <www.census.gov/acs/www/Downloads/data_documentation/Accuracy/ACS_Accuracy_of_Data_2011.pdf>.
Source: U.S. Census Bureau, American Community Survey, 2011.

- Married couples with children overwhelmingly had only their joint biological children in the household, as did a majority of cohabiting parents.

Statistics in Table 7 suggest that cohabitation was more prevalent during young adulthood, while marriage was more prevalent later in adulthood, a fact that Table 3 also reinforced by showing the living arrangements of younger and older adults. For example, over half of cohabiting men and women (51 percent and 57 percent, respectively) were 34 years old or younger, compared with less than one-fifth of married men and women (15 percent and 19 percent, respectively).

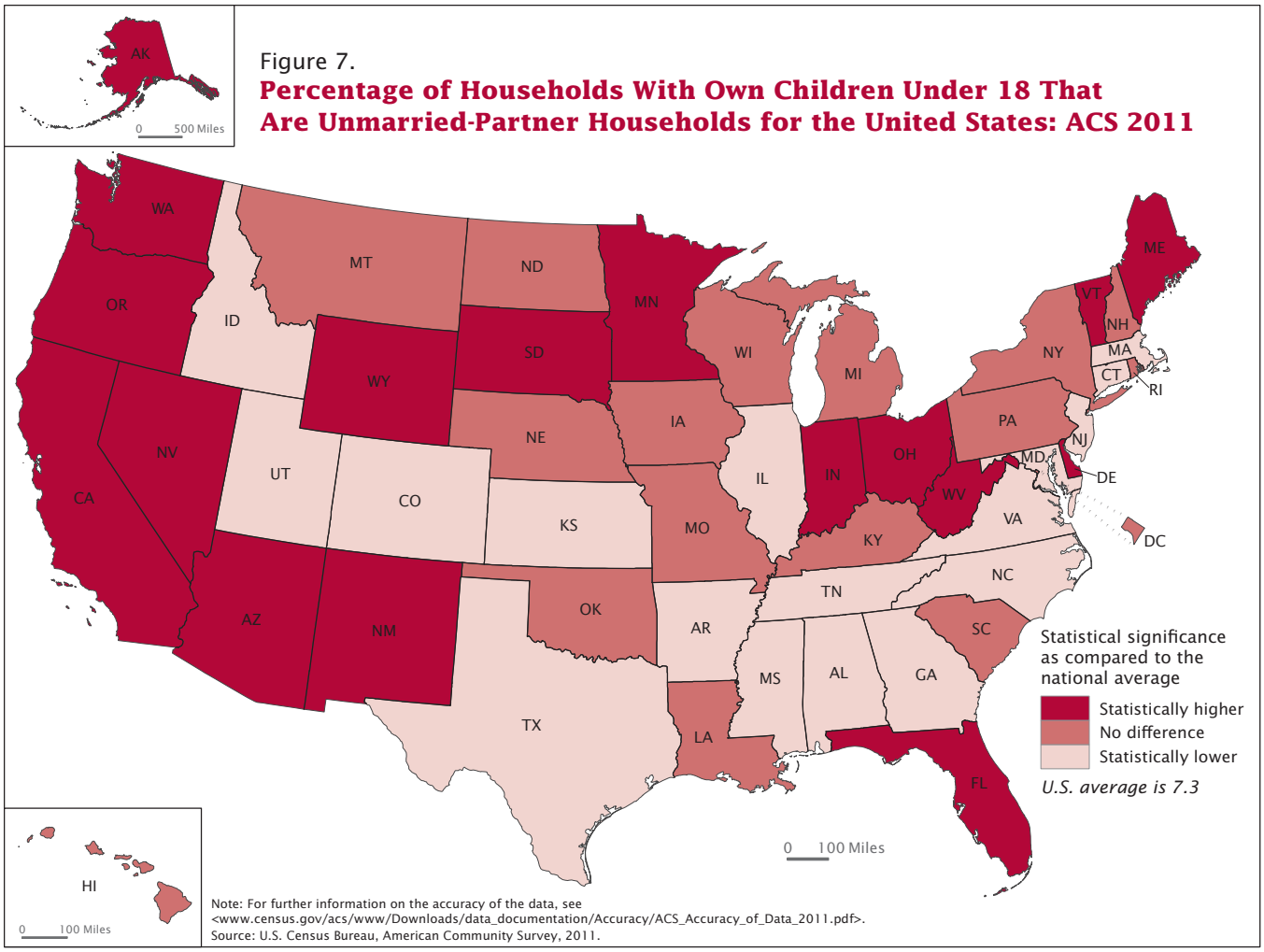
Over one-third of married men and women had a bachelor's degree, compared with about one-fifth of cohabiting men and women (Table 7).

Overall, married men and women were better educated—over one-third had a bachelor's degree—than their cohabiting counterparts, about one-fifth of whom had a bachelor's degree (Table 7). However, women were better educated than men among cohabiters, a pattern that did not exist among spouses. About 55 percent of female cohabiters had some college or a bachelor's degree, compared with 46 percent of male cohabiters. Some researchers argue that women may be more willing to cohabit with than to marry a man who has less education than she does.[43]

Table 7 shows that being employed was more common among cohabiters than spouses, although this difference did not necessarily translate into better economic standing. About 66 percent of female cohabiters were employed, compared with 56 percent of female spouses. And 75 percent of male cohabiters were employed, compared with 71 percent of male spouses. Nonetheless, the percentage of men and women earning at least $50,000 was higher among the married: 37 percent of male spouses and 16 percent of female spouses earned

[43] See Zhenchao Qian, 1998, "Changes in Assortative Mating: The Impact of Age and Education, 1970–1990," *Demography*, 35:279–292.

Figure 7.
Percentage of Households With Own Children Under 18 That Are Unmarried-Partner Households for the United States: ACS 2011



Note: For further information on the accuracy of the data, see <www.census.gov/acs/www/Downloads/data_documentation/Accuracy/ACS_Accuracy_of_Data_2011.pdf>.
Source: U.S. Census Bureau, American Community Survey, 2011.

at least $50,000, compared with 21 percent of male cohabiters and 12 percent of female cohabiters. One reason for the discrepancy in employment is that spouses are older than cohabiters. Thus a higher proportion of married individuals may be retired and out of the labor force.[44]

In economic terms cohabiters are faring worse today than they were a decade ago. Although the percentage of female cohabiters with a bachelor's degree increased in the last decade, the percentage who were employed and had earnings declined. About 18 percent of male cohabiters and 27 percent of female cohabiters had no earnings in 2012, up from 11 percent and 20 percent respectively in 2003.[45]

Married parents were older and better educated than cohabiting parents (Table 7).

In general, the patterns observed for cohabiting partners and spouses also extended to parents, but cohabiting parents tended to be very young. About 23 percent of cohabiting women and 13 percent of cohabiting men who had children under the age of 18 were between 15 and 24 years old; the corresponding figures for male and female spouses were 2 percent and 4 percent, respectively. Married parents were also better educated. For example, 40 percent of married women with children under the age of 18 had a bachelor's degree, compared with 12 percent of their cohabiting counterparts.

The majority of spouses in opposite-sex married couples were married to someone within 5 years of their own age (Table 8).

People commonly marry someone who has similar characteristics as themselves. For example, college-educated people tend to marry other college-educated people, and members of one race tend to marry

[44] Note, however, that the percentage of married men who were not in the labor force did not statistically differ from the percentage of cohabiting women who were not in the labor force.

[45] See Table 8, Jason Fields, 2003, "America's Families and Living Arrangements: 2003," *Current Population Reports*, P20-553, U.S. Census Bureau, Washington, DC.

Table 7.

Characteristics of Male-Female Unmarried Partners and Spouses by Sex: CPS 2012

(In thousands)

Characteristic	Unmarried partners				Married spouses			
	Total		With children under 18[1]		Total		With children under 18[1]	
	Men	Women	Men	Women	Men	Women	Men	Women
Total	**7,845**	**7,845**	**3,202**	**3,202**	**61,047**	**61,047**	**24,445**	**24,445**
Age								
15 to 24 years	1,124	1,723	402	721	933	1,618	485	885
25 to 34 years	2,850	2,723	1,386	1,401	8,238	10,033	5,692	7,320
35 to 44 years	1,562	1,402	858	796	12,256	12,731	9,828	10,113
45 to 54 years	1,176	1,102	419	251	13,914	14,207	6,752	5,410
55 to 64 years	755	646	111	26	12,491	12,123	1,447	608
65 years and over	378	249	26	7	13,216	10,335	243	109
Race and Hispanic Origin								
White alone	6,242	6,672	2,413	2,651	51,592	51,347	20,024	19,987
Non-Hispanic	4,962	5,072	1,642	1,728	44,323	43,932	15,751	15,751
Black alone	1,094	920	545	456	4,652	4,373	2,047	1,884
Asian alone	197	253	84	95	3,528	3,985	1,728	1,897
Hispanic (any race)	1,468	1,446	906	897	7,875	8,115	4,647	4,757
Education								
Less than high school	1,152	1,012	691	583	6,865	5,728	2,786	2,391
High school graduate	3,062	2,474	1,379	1,110	17,656	17,887	6,335	5,446
Some college	2,130	2,622	840	1,124	15,047	16,551	6,143	6,769
Bachelor's degree or higher	1,501	1,737	293	385	21,480	20,882	9,180	9,839
Employment Status								
Employed	5,867	5,160	2,488	1,892	43,098	34,458	21,820	15,903
Unemployed	738	588	345	295	2,526	1,940	1,158	859
Not in labor force	1,240	2,096	369	1,015	15,424	24,650	1,467	7,684
Earnings in 2011								
Without earnings	1,385	2,130	456	1,015	15,319	24,041	1,725	7,483
With earnings	6,459	5,714	2,746	2,187	45,728	37,007	22,721	16,963
Under $5,000 or loss	335	504	153	268	1,446	2,525	429	1,282
$5,000 to $9,999	381	535	177	255	1,373	2,617	495	1,256
$10,000 to $14,999	527	629	229	267	1,926	3,136	791	1,554
$15,000 to $19,999	554	605	260	260	2,033	3,160	1,004	1,408
$20,000 to $24,999	619	583	280	237	2,629	3,469	1,336	1,521
$25,000 to $29,999	612	484	283	176	2,330	2,779	1,147	1,168
$30,000 to $39,999	1,041	925	458	304	5,898	5,461	3,023	2,489
$40,000 to $49,999	756	502	330	154	5,370	4,081	2,778	1,891
$50,000 to $74,999	965	625	360	185	9,894	5,720	4,983	2,511
$75,000 and over	670	322	214	80	12,829	4,059	6,733	1,885

[1] May be biological, step, or adopted children of either or both partners. Excludes ever-married children under 18 years.
Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2012.

someone of the same race.[46] Tables 8 and 9 look at the three kinds of couples detailed in this study and ask how similar spouses and partners are to each other.[47]

Opposite-sex spouses were the most similar in age. About three-quarters (77 percent) had spouses whose ages were within 5 years of one another compared with two-thirds (68 percent) of opposite-sex cohabiters and 60 percent of same-sex couples. Same-sex couples were less similar in age: one-fifth of the couples (21 percent) had a partner who was at least 10 years older than the other, twice as high as opposite-sex married couples. This pattern differed by gender:

[46] Debra Blackwell and Daniel T. Lichter, 2005, "Homogamy among Dating, Cohabiting, and Married Couples," *The Sociological Quarterly*, 45:719–737; Christine R. Schwartz and Robert D. Mare, 2005, "Trends in Educational Assortative Marriage from 1940 to 2003," *Demography*, 42:621–646; and Zhenchao Qian, 1998, "Changes in Assortative Mating: The Impact of Age and Education, 1970–1990," *Demography*, 35:279–292.

[47] Here, we show all same-sex couples as a group, rather than distinguish between same-sex married and unmarried couples. In the 2011 ACS, about 1 percent of all coupled households in the United States reported as same-sex couples, totaling about 605,000 households. About 28 percent reported themselves as spouses. See Tables 1 and 3 accessible on the U.S. Census Bureau Web site at <www.census.gov/hhes/samesex/files/ssex-tables-2011.xls>. For more information on same-sex couples, see also, Daphne Lofquist, 2011, "Same-Sex Couple Households," *American Community Survey Brief*, ACSBR/10-03, U.S. Census Bureau, Washington, DC.

about 25 percent of male same-sex couples had one partner at least 10 years older, compared with 18 percent of female same-sex couples. Same-sex couples face more restricted dating pools than opposite-sex couples, which may explain their wider age gaps between partners.[48]

Interracial and interethnic couples were least common among opposite-sex spouses (Tables 8 and 9).

In this report, the term interracial refers to couples where one partner is a different race than the other partner; interethnic refers to couples where one partner is Hispanic and the other is non-Hispanic. Interracial marriages among opposite-sex couples were relatively rare. Relationships in which both partners were the same race were the most prevalent among opposite-sex spouses, at 96 percent. This figure compared with 91 percent of opposite-sex cohabiting couples and 88 percent of same-sex couples.[49] Interethnic couples were equally rare among opposite-sex spouses: just 4 percent had one Hispanic and one non-Hispanic spouse. The corresponding figures for opposite-sex cohabiters and same-sex couples were over twice as high, at 9 percent and 10 percent respectively.

More same-sex couples had two college-educated partners than opposite-sex married couples (Tables 8 and 9).

Same-sex couples had the highest share (31 percent) of unions in which both partners had a bachelor's degree, followed by opposite-sex married couples (24 percent) and opposite-sex cohabiting couples (12 percent).

Eighty-seven percent of married parents with children under 18 had only biological children of both spouses present, compared with 51 percent of cohabiting couples (Table 8).[50]

Equal shares of opposite-sex cohabiters (41 percent) and opposite-sex spouses (40 percent) had children under the age of 18 present in the household. Far fewer same-sex couples (16 percent) had children under the age of 18 present. Among opposite-sex parents, however, almost 9 in 10 spouses had children who were the biological offspring of both spouses, compared with only 51 percent of cohabiting parents. Over one-third of these cohabiting couples (38 percent) had children who were the offspring of only one partner. Thus, more cohabiting adults lived with children who were not biologically related to them than did married spouses.[51] Among same-sex unions children were far more prevalent in female than male couples. Of all the same-sex couples who had children under the age of 18 in the household, 70 percent were female-female couples, and 30 percent were male-male couples.

FAMILY ECONOMIC WELL-BEING AND THE 2007–2009 RECESSION

This section of the report focuses on changes in children's living arrangements and economic well-being around the most recent recession, which began in December 2007 and officially ended in June 2009. The welfare of children concerns parents, policymakers, and researchers alike because social, economic, and developmental experiences during childhood may have lasting consequences through adulthood and later life.[52] This section highlights several trends in children's living arrangements and family economic well-being during the recession:

- Children living with two married parents resided in the most economically advantaged households, compared with children living in other family arrangements.
- The share of children living with one parent varied widely by race and Hispanic origin.
- The economic well-being of households with children declined during the recession, evidenced by a drop in homeownership and rise in unemployment rates among households with children.
- The percentage of stay-at-home mothers declined during the recession and did not return to its prerecession level until 2012.

The majority of children in the United States lived with two married parents (Table 10).

The most common family arrangement for the 74 million children in the United States in 2012 was living with two married parents (64 percent) (Table 10). This arrangement was less common than it was a decade ago, when 69 percent of children lived with two married

[48] See Michael J. Rosenfeld and Reuben J. Thomas, 2012, "Searching for a Mate: The Rise of the Internet as a Social Intermediary," *American Sociological Review*, 77:523–547; and Michael J. Rosenfeld, 2007, "The Age of Independence: Interracial Unions, Same-Sex Unions, and the Changing American Family," Harvard University Press, Cambridge, MA.

[49] Note that the percentage of opposite-sex cohabiters who were in an interracial relationship was not statistically different from the percentage of same-sex couples.

[50] Table 8 does not show this percentage but it can be calculated from the numbers in the table.

[51] Note that opposite-sex cohabiters and same-sex couples were not statistically different from one another.

[52] See Susan L. Brown, 2006, "Family Structure Transitions and Adolescent Well-Being," *Demography*, 43:447–461; Wendy D. Manning and Susan Brown, 2006, "Children's Economic Well-Being in Married and Cohabiting Parent Families," *Journal of Marriage and Family*, 68:345–362; R. Kelly Raley and Elizabeth Wildsmith, 2004, "Cohabitation and Children's Family Instability," *Journal of Marriage and Family*, 66:210–219.

Table 8.

Characteristics of Male-Female Unmarried and Married Couples: CPS 2012

(In thousands)

Characteristic	Unmarried couples			Married couples		
	Total	With children under 18[1]	No children under 18	Total	With children under 18[1]	No children under 18
Total	**7,845**	**3,202**	**4,642**	**61,047**	**24,445**	**36,602**
Age Difference						
Male 10 or more years older than female	852	389	462	4,576	1,816	2,759
Male 6 to 9 years older than female	1,010	465	545	6,935	2,911	4,024
Male 2 to 5 years older than female	2,237	980	1,257	20,516	8,156	12,360
Within 1 year of each other	2,234	833	1,401	20,344	8,209	12,135
Female 2 to 5 years older than male	830	321	508	5,981	2,497	3,486
Female 6 to 9 years older than male	364	123	242	1,682	585	1,097
Female 10 or more years older than male	318	91	227	1,013	272	742
Race and Hispanic Origin Difference						
Both White alone, non-Hispanic	4,472	1,471	3,001	41,996	14,684	27,312
Both Black alone, non-Hispanic	738	341	397	3,860	1,554	2,306
Both Other alone or any combination, non-Hispanic	244	112	133	3,616	1,761	1,855
Both Hispanic	1,103	746	358	6,730	4,037	2,693
Neither Hispanic, different groups	579	222	358	2,315	1,080	1,236
One Hispanic, other non-Hispanic	708	312	396	2,530	1,332	1,200
Race Difference						
Both White alone	5,942	2,303	3,639	50,240	19,421	30,819
Both Black alone	856	425	431	4,174	1,775	2,399
Both Asian alone	162	75	87	3,288	1,603	1,686
Both Other alone or any combination	167	97	70	685	366	319
Partners identify as different races	717	302	415	2,660	1,280	1,379
Hispanic Origin Difference[2]						
Neither Hispanic	6,033	2,145	3,888	51,787	19,078	32,709
Both Hispanic	1,103	746	358	6,730	4,037	2,693
Male Hispanic, female not	365	160	205	1,146	610	535
Female Hispanic, male not	343	152	191	1,385	720	665
Type of Children						
Only her children	859	859	X	X	X	X
Only his children	357	357	X	X	X	X
His children and her children	1,986	1,986	X	24,445	24,445	X
Only biological children of both partners	1,626	1,626	X	21,383	21,383	X
Education Difference						
Neither has Bachelor's degree	5,571	2,654	2,917	33,034	12,247	20,787
Male has Bachelor's degree, female has less	537	163	374	7,132	2,359	4,773
Female has Bachelor's degree, male has less	773	255	517	6,533	3,018	3,516
Both have Bachelor's degree or higher	964	130	834	14,348	6,821	7,527
Employment Status						
Both in labor force, both employed	4,199	1,526	2,673	28,584	14,235	14,349
Both in labor force, only male employed	398	203	195	1,397	669	728
Both in labor force, only female employed	391	173	217	1,535	714	821
Both in labor force, both unemployed	102	54	49	287	134	154
Male in labor force, male employed	1,270	759	511	13,116	6,916	6,200
Male in labor force, male unemployed	245	118	127	704	310	393
Female in labor force, female employed	571	192	378	4,339	953	3,385
Female in labor force, female unemployed	88	39	49	256	56	200
Not in labor force, not employed	581	138	443	10,830	457	10,372

See notes at end of table.

Table 8.
Characteristics of Male-Female Unmarried and Married Couples: CPS 2012—Con.
(In thousands)

Characteristic	Unmarried couples			Married couples		
	Total	With children under 18[1]	No children under 18	Total	With children under 18[1]	No children under 18
Earnings Difference in 2011[3]						
Male earns $50,000+ more	687	279	408	13,232	6,902	6,330
Male earns $30,000 to $49,999 more	850	438	412	7,495	3,989	3,505
Male earns $10,000 to $29,999 more	1,825	873	951	10,126	5,234	4,891
Male earns $5,000 to $9,999 more	613	233	380	2,458	1,148	1,311
Within $4,999 of each other	1,912	666	1,246	15,495	2,731	12,764
Female earns $5,000 to $9,999 more	409	180	228	1,780	729	1,051
Female earns $10,000 to $29,999 more	1,000	369	631	5,230	1,898	3,332
Female earns $30,000 to $49,999 more	303	89	214	2,508	897	1,612
Female earns $50,000+ more	246	73	172	2,723	917	1,807

X Not applicable.
[1] May be biological, step, or adopted children of either or both partners. Excludes ever-married children under 18 years.
[2] This difference does not consider race. People of Hispanic origin may be of any race.
[3] Includes people with no earnings or loss.
Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2012.

parents.[53] Living with their mother only (24 percent) was the next most common arrangement in 2012. Together, these two arrangements described the living situation of almost 9 in 10 children in the United States (88 percent). The remaining 12 percent of children were split fairly evenly among three other types of living arrangements: two unmarried parents, father only, and no parents.[54]

Children living with two married parents typically resided in economically advantaged households (Table 10).

Seventy percent of the children who lived with two married parents were in households that were at least 200 percent above the poverty level (Table 10). But nearly 1 in 2 children who lived with their mother only, two unmarried parents, or no parents at all were living below the poverty level.[55] Children living in these other family arrangements were also more likely than those living with two married parents to receive public assistance and food stamps, and to lack health insurance coverage.

This is not to say that marriage ensures economic security for children. Of the 16 million children who lived below the poverty level, 31 percent lived with two married parents—a share that is statistically unchanged compared with 2002. What is more, the percentage receiving food stamps more than doubled since 2002, from 4 percent to 11 percent, showing that children with two married parents were also vulnerable to economic distress.

Indeed, the economic welfare of family groups with children under the age of 18 has deteriorated since the latest recession began in 2007. Even 3 years after its official end in 2009, well-being has remained lower than it was before the recession began. For example, more family groups of all types were receiving food stamps in 2012 than in 2007 (Table 5). For married family groups, the share receiving food stamps more than doubled during this 5-year period, from 4 percent to 9 percent,[56] while the share of unmarried-couple parents increased from 21 percent to 33 percent, mother-only family groups increased from 28 percent to 39 percent, and father-only family groups increased from 11 percent to 19 percent.

Twenty-eight percent of children in the United States lived with one parent (Figure 8).

Approximately 21 million children—or about 28 percent of children in the United States—lived with one parent in 2012 (Table 10). This percentage varied depending on the child's race and Hispanic origin, however. Figure 8 shows that Asian children had the smallest proportion that lived with one parent, at 13 percent. In contrast,

[53] See Table 7, Jason Fields, 2003, "Children's Living Arrangements and Characteristics," March 2002, *Current Population Reports*, P20-547, U.S. Census Bureau, Washington, DC.

[54] Note that the percentage of children living with two unmarried parents does not differ statistically from the share of children living with their father only.

[55] The percentage of children living below the poverty level was not statistically different between those living with two unmarried parents and with their mother only.

[56] For information on family groups with children under the age of 18 before the recession began in 2007, see Table 3, Rose M. Kreider and Diana Elliott, 2009, "America's Families and Living Arrangements: 2007," *Current Population Reports*, P20-561, U.S. Census Bureau, Washington, DC.

Table 9.

Characteristics of Same-Sex Couple Households: ACS 2011

Characteristic	All same-sex couples		Male-male couples		Female-female couples	
	Number	Percent	Number	Percent	Number	Percent
Total	**605,472**	**100.0**	**284,295**	**100.0**	**321,177**	**100.0**
Age Difference						
One 10 or more years older than other	126,995	21.0	70,238	24.7	56,757	17.7
One 6 to 9 years older than other	114,662	18.9	53,243	18.7	61,419	19.1
One 2 to 5 years older than other	227,051	37.5	99,855	35.1	127,196	39.6
Within 1 year of each other	136,764	22.6	60,959	21.4	75,805	23.6
Race and Hispanic Origin Difference						
Both White alone, non-Hispanic	413,148	68.2	189,220	66.6	223,928	69.7
Both Black alone, non-Hispanic	31,861	5.3	11,350	4.0	20,511	6.4
Both Other alone or any combination, non-Hispanic	67,141	11.1	33,550	11.8	33,591	10.5
Both Hispanic	35,738	5.9	17,160	6.0	18,578	5.8
One Hispanic, other non-Hispanic	57,584	9.5	33,015	11.6	24,569	7.6
Race Difference						
Both White alone	470,634	77.7	221,594	77.9	249,040	77.5
Both Black alone	33,279	5.5	11,810	4.2	21,469	6.7
Both Asian alone	7,165	1.2	3,366	1.2	3,799	1.2
Both Other alone or any combination	20,649	3.4	8,605	3.0	12,044	3.7
One White alone, one Black alone	21,776	3.6	12,023	4.2	9,753	3.0
One White alone, one Asian alone	15,940	2.6	10,792	3.8	5,148	1.6
One White alone, one Other alone or any combination	36,029	6.0	16,105	5.7	19,924	6.2
Hispanic Origin Difference[1]						
Neither Hispanic	512,150	84.6	234,120	82.4	278,030	86.6
Both Hispanic	35,738	5.9	17,160	6.0	18,578	5.8
One Hispanic, other non-Hispanic	57,584	9.5	33,015	11.6	24,569	7.6
Presence of Own Children in the Household[2]						
Not present	506,231	83.6	254,526	89.5	251,705	78.4
Present	99,241	16.4	29,769	10.5	69,472	21.6
Education Difference						
Neither has Bachelor's degree	252,528	41.7	107,928	38.0	144,600	45.0
One has Bachelor's degree, one has less	164,995	27.3	84,205	29.6	80,790	25.2
Both have Bachelor's degree or higher	187,949	31.0	92,162	32.4	95,787	29.8
Employment Status						
Population 16 years and older						
Both in labor force, both employed	350,944	58.0	166,074	58.4	184,870	57.6
Both in labor force, only one employed	45,120	7.5	22,374	7.9	22,746	7.1
Both in labor force, both unemployed	5,723	0.9	2,046	0.7	3,677	1.1
One in labor force, employed	119,899	19.8	57,591	20.3	62,308	19.4
One in labor force, unemployed	11,881	2.0	6,360	2.2	5,521	1.7
Not in labor force, not employed	70,901	11.7	29,617	10.4	41,284	12.9
Earnings Difference in 2011[3]						
Population 16 years and older						
One earns $50,000+ more	144,620	23.9	81,366	28.6	63,254	19.7
One earns $30,000 to $49,999 more	97,760	16.1	47,429	16.7	50,331	15.7
One earns $10,000 to $29,999 more	164,762	27.2	72,811	25.6	91,951	28.6
One earns $5,000 to $9,999 more	58,166	9.6	25,487	9.0	32,679	10.2
Within $4,999 of each other	139,160	23.0	56,969	20.0	82,191	25.6

[1] This difference does not consider race. People of Hispanic origin may be of any race.
[2] May be biological, step, or adopted children of the householder. Excludes ever-married children under 18 years.
[3] Includes people with no earnings or loss.
Source: U.S. Census Bureau, American Community Survey, 2011.

Table 10.

Children's Economic Situation by Family Structure: CPS 2012[1]

(Numbers in thousands)

Characteristic	Total	Living with two parents		Living with one parent		Not living with any parent
		Married	Unmarried	Mother only	Father only	
Number	**73,817**	**47,330**	**2,937**	**17,990**	**2,925**	**2,634**
Family Income						
Under $15,000	9,746	1,824	997	5,638	397	893
$15,000 to $29,999	10,856	4,175	743	4,843	601	497
$30,000 to $49,999	13,083	7,531	609	3,708	715	520
$50,000 to $74,999	12,600	9,157	346	2,085	684	328
$75,000 to $99,999	9,145	7,807	111	780	246	202
$100,000 and over	18,387	16,836	134	938	286	193
Poverty Status[2]						
Below 100 percent of poverty	16,397	5,155	1,344	8,152	586	1,160
100 to 199 percent of poverty	16,471	9,162	832	4,969	813	695
200 percent of poverty and above	40,949	33,012	761	4,869	1,527	780
Household Receives Public Assistance						
Receives assistance	3,497	835	218	2,031	102	310
Does not receive assistance	70,321	46,495	2,720	15,960	2,821	2,325
Household Receives Food Stamps						
Receives food stamps	15,673	5,230	1,016	8,037	633	759
Does not receive food stamps	58,144	42,100	1,921	9,954	2,292	1,876
Household Tenure						
Owned home	45,134	34,431	1,055	6,408	1,608	1,630
Rented home[3]	28,683	12,899	1,882	11,581	1,317	1,004
Health Insurance Coverage						
Covered by health insurance	66,930	43,760	2,590	16,004	2,486	2,089
Not covered by health insurance	6,887	3,570	348	1,987	437	546
Parental Employment Status						
Father only in labor force	18,272	14,839	896	X	2,536	X
Mother only in labor force	15,778	2,141	171	13,465	X	X
Both father and mother in labor force	30,624	28,903	1,720	X	X	X
No coresident parent in labor force	6,510	1,446	150	4,525	389	X
No parents present	2,634	X	X	X	X	2,634
Percent	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**
Family Income						
Under $15,000	13.2	3.9	33.9	31.3	13.6	33.9
$15,000 to $29,999	14.7	8.8	25.3	26.9	20.5	18.9
$30,000 to $49,999	17.7	15.9	20.7	20.6	24.4	19.7
$50,000 to $74,999	17.1	19.3	11.8	11.6	23.4	12.5
$75,000 to $99,999	12.4	16.5	3.8	4.3	8.4	7.7
$100,000 and over	24.9	35.6	4.6	5.2	9.8	7.3
Poverty Status[2]						
Below 100 percent of poverty	22.2	10.9	45.8	45.3	20.0	44.0
100 to 199 percent of poverty	22.3	19.4	28.3	27.6	27.8	26.4
200 percent of poverty and above	55.5	69.7	25.9	27.1	52.2	29.6
Household Receives Public Assistance						
Receives assistance	4.7	1.8	7.4	11.3	3.5	11.8
Does not receive assistance	95.3	98.2	92.6	88.7	96.4	88.3

See notes at end of table.

Table 10.
Children's Economic Situation by Family Structure: CPS 2012[1]—Con.
(Numbers in thousands)

Characteristic	Total	Living with two parents		Living with one parent		Not living with any parent
		Married	Unmarried	Mother only	Father only	
Household Receives Food Stamps						
Receives food stamps	21.2	11.1	34.6	44.7	21.6	28.8
Does not receive food stamps	78.8	88.9	65.4	55.3	78.4	71.2
Household Tenure						
Owned home	61.1	72.7	35.9	35.6	55.0	61.9
Rented home[3]	38.9	27.3	64.1	64.4	45.0	38.1
Health Insurance Coverage						
Covered by health insurance	90.7	92.5	88.2	89.0	85.0	79.3
Not covered by health insurance	9.3	7.5	11.8	11.0	14.9	20.7
Parental Employment Status						
Father only in labor force	24.8	31.4	30.5	X	86.7	X
Mother only in labor force	21.4	4.5	5.8	74.8	X	X
Both father and mother in labor force	41.5	61.1	58.6	X	X	X
No coresident parent in labor force	8.8	3.1	5.1	25.2	13.3	X
No parents present	3.6	X	X	X	X	100.0

X Not applicable.
[1] All people under age 18, excluding group quarters, householders, subfamily reference people, and their spouses or unmarried partners.
[2] For children in both primary families and subfamilies, poverty status of the primary family is shown.
[3] "No cash rent" is included with rented home.
Note: Data based on the Annual Social and Economic Supplement to the 2012 Current Population Survey. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <www.census.gov/prod/techdoc/cps/cpsmar12.pdf>.
Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2012.

approximately 1 in 5 White, non-Hispanic children (21 percent); 1 in 3 Hispanic children (31 percent); and 1 in 2 Black children (55 percent) lived with one parent. Again, except for Asian children, the percentage of children who lived with the boyfriend or girlfriend of their unmarried parent was not statistically different across racial and ethnic groups.

The percentage of stay-at-home mothers declined during the recession and did not return to its prerecession level until 2012 (Figure 9).

This report defines stay-at-home parents as those who had a spouse in the labor force all 52 weeks last year while they were out of the labor force during the same period to care for home and family.[57] Estimates of stay-at-home parents caring for children under 15 are based not on the parents' activities as childcare providers but on their labor force status and the primary reason why they were not in the labor force during the previous 52 weeks. This labor force based measure is derived from the CPS ASEC and allows for consistent measurement of stay-at-home parent families over time.[58]

Figure 9 shows that a decline in stay-at-home mothers produced an overall decrease in stay-at-home parents during the recession; the percentage of married fathers who stayed at home did not change. Before the recession began in 2007, roughly 24 percent of married mothers with children under the age of 15 were stay-at-home parents. This percentage did not drop until 2009 but then remained below prerecession levels through 2011. The percentage of married mothers who were stay-at-home parents returned to its prerecession level by 2012.[59]

Overall, the percentage of married fathers who were stay-at-home parents has been quite small, under 1 percent (Figure 9). Between 2006 and 2010, that percentage remained unchanged. Beginning in 2011 and 2012, however, the percentage of married fathers who were stay-at-home parents increased slightly (0.8 percent and 0.9 percent, respectively) compared with its level in 2007, before the recession began (0.7 percent).[60]

Disproportionately higher unemployment rates for men during the recession and the prolonged

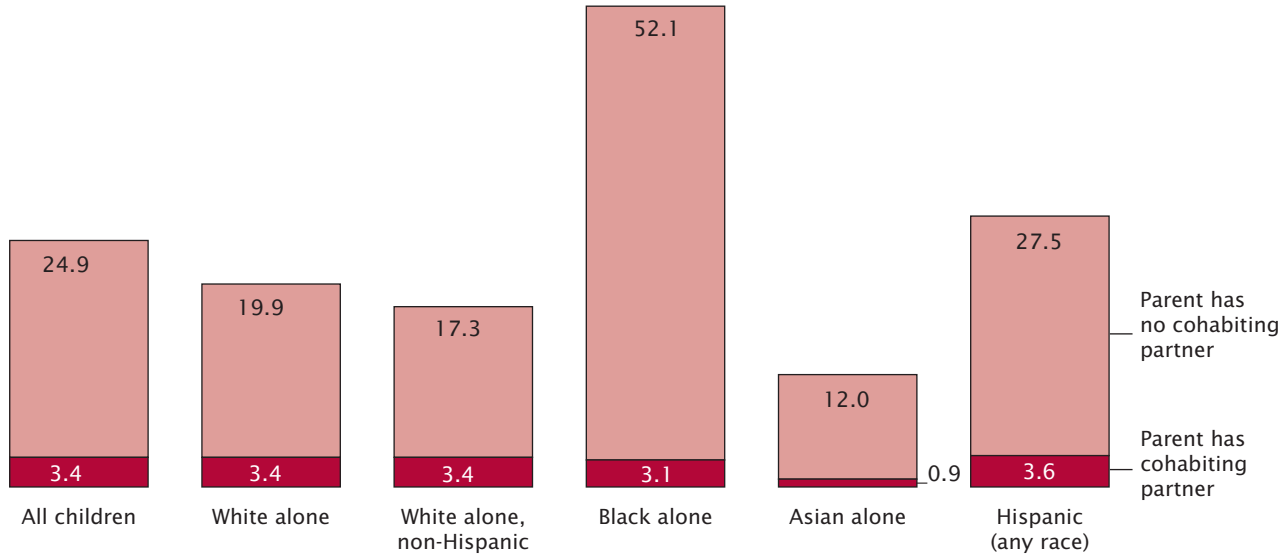
[57] This is a restrictive definition of stay-at-home parents. We use this definition to approximate the often-called "traditional" arrangement that was more common in the mid-twentieth century.

[58] See historical Table SHP-1 accessible on the U.S. Census Bureau Web site at <www.census.gov/hhes/families/files/shp1.xls>.

[59] The years 2006, 2007, 2008, and 2012 were not statistically different from 2005, nor were the years 2007 and 2008 different from one another, nor 2009 and 2010.

[60] The years 2006, 2007, 2008, 2009, and 2010 were not statistically different from one another, nor were 2011 and 2012 different from one another.

Figure 8.
Children Living With One Parent by Race and Hispanic Origin: CPS 2012
(In percent)



Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2012.

jobless recovery may underlie the rise in stay-at-home fathers and the decline in stay-at-home mothers.[61] Research has found that in response to their husband's job loss during a recession, wives tended to enter or return to the labor force. Indeed, over the last 3 decades the single largest 1-year increase in a wife's contribution to family earnings occurred between 2008 and 2009.[62]

Homeownership among households with children fell by 15 percent nationally between 2005 and 2011 (Figure 10).

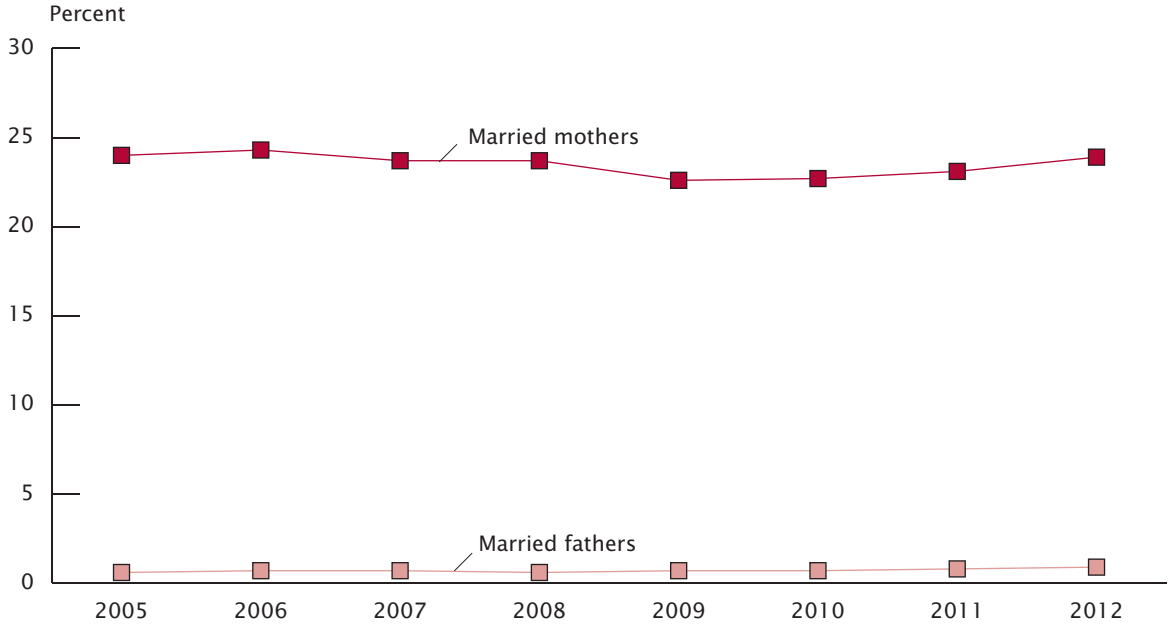
Table 5 showed that the proportion of homeowners among all family groups with children under 18 declined between 2007 and 2012. Trends in homeownership and unemployment varied geographically because the recession affected states differently. Based on Figure 10, children living in the Plains States may have fared better during the recession than children living elsewhere in the Midwest or in the West, at least in terms of homeownership. Between 2005 and 2011, the number of households with children under the age of 18 that owned a home fell by 15 percent nationally (Figure 10). In some states the decline was steeper, in particular California (–22 percent) and Arizona (–22 percent) in the West and Michigan (–23 percent), Ohio (–20 percent), and Illinois (–18 percent) in the Midwest. Along with New York (–17 percent), Florida (–19 percent), and New Hampshire (–19 percent), these states witnessed greater declines than the national average in homeownership rates among households with children under 18.[63]

[61] See Aysegül Sahin et al., 2010, "The Unemployment Gender Gap during the 2007 Recession," Federal Reserve Bank of New York: Current Issues in Economics and Finance 16:1–7; Michael Hout et al., 2011, "Job Loss and Unemployment," pp. 59–81 in "The Great Recession," edited by David B. Grusky, Bruce Western, and Christopher Wimer, New York: Russell Sage Foundation; and Heather Boushey, 2009, "Job Prospects Remain Dim for Millions of Workers," Center for American Progress, Washington, DC, <www.americanprogress.org /issues/2009/10/employment1009 .html>.

[62] See Kristin Smith, 2012, "Recessions Accelerate Trend of Wives as Breadwinners," Brief 56, Carsey Institute: Durham, NH, <http://carseyinstitute.unh.edu/sites /carseyinstitute.unh.edu/files/publications /IB-Smith-Breadwinners-2012-web.pdf>.

[63] The change in home ownership did not differ statistically for the following comparisons: California versus Arizona, Michigan, Ohio, or New Hampshire; Arizona versus Michigan, Ohio, Florida, or New Hampshire; Michigan versus New Hampshire; Ohio versus Florida or New Hampshire; Illinois versus New York, Florida, or New Hampshire; New York versus New Hampshire; or Florida versus New Hampshire.

Figure 9.
Percentage of Married-Couple Family Groups With Children Under 15 With a Stay-at-Home Parent by Sex, 2005 to 2012: CPS



Note: Stay-at-home parents are out of the labor force for the entire year with the reason "taking care of home and family," and have a spouse in the labor force all of the previous year.
Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2005 to 2012.

Households with at least one unemployed parent rose by one-third nationally between 2005 and 2011 (Figure 11).

Between 2005 and 2011, the number of households with children under 18 that had at least one unemployed parent rose by one-third (33 percent) across the United States (Figure 11). States experiencing a larger than average increase included Hawaii (95 percent), California (61 percent), Nevada (148 percent), and Colorado (56 percent) in the West and Florida (93 percent), North Carolina (54 percent), New Jersey (63 percent), and Connecticut (65 percent) in the East.[64] Some of the states with steep declines in homeownership also witnessed a larger rise than the national average in unemployment rates, notably California and Florida. Not all of the states overlapped with the ones that saw a decline in homeownership, however. Although homeownership declined in Michigan, Ohio, New York, and New Hampshire, households with children in these states saw a smaller than average increase in parental unemployment.

[64] The change in parental unemployment did not differ statistically for the following comparisons: Hawaii versus California, Nevada, Colorado, Florida, North Carolina, New Jersey, or Connecticut; California versus Colorado, North Carolina, New Jersey, or Connecticut; Colorado versus North Carolina, New Jersey, or Connecticut; Florida versus Connecticut; North Carolina versus New Jersey or Connecticut; or New Jersey versus Connecticut.

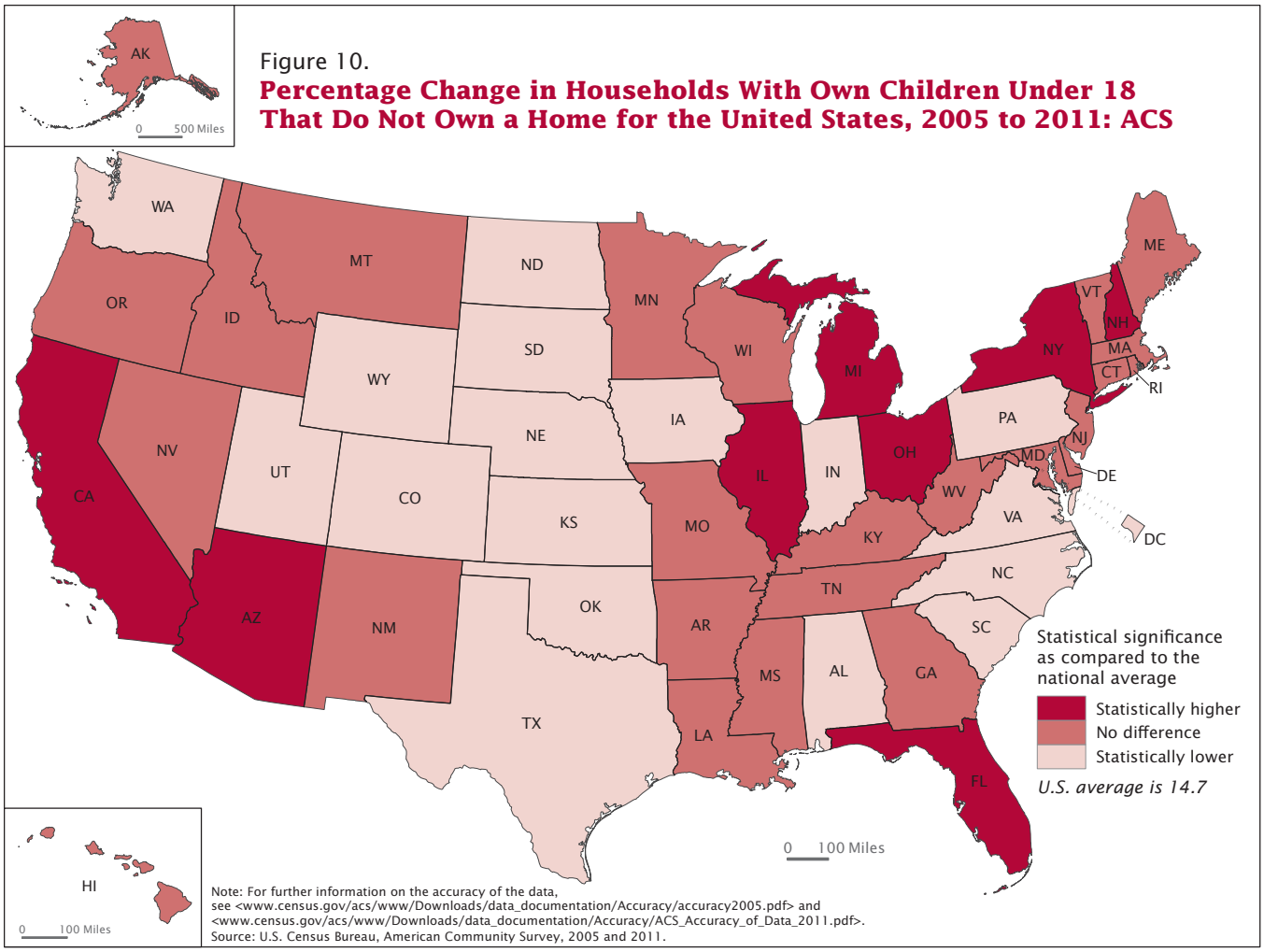
It is helpful to remember that these maps do not represent all households in the United States, but only those with children under the age of 18.

SUMMARY

This report uses data from the 2012 Current Population Survey and the 2011 American Community Survey to describe trends in living arrangements and the composition of families and households in the United States. The report highlights the complexity and variety of contemporary families and living arrangements and also illustrates how they have changed over time.

Over the last few decades the trend in the United States has been toward smaller households,

Figure 10.
Percentage Change in Households With Own Children Under 18 That Do Not Own a Home for the United States, 2005 to 2011: ACS



Note: For further information on the accuracy of the data, see <www.census.gov/acs/www/Downloads/data_documentation/Accuracy/accuracy2005.pdf> and <www.census.gov/acs/www/Downloads/data_documentation/Accuracy/ACS_Accuracy_of_Data_2011.pdf>.
Source: U.S. Census Bureau, American Community Survey, 2005 and 2011.

fewer family and married-couple households, and more people living alone, especially at older ages. Although married families tend to be economically better off than other families, the economic well-being of all family types worsened on average during the 2007–2009 recession and in the years since its official end. These trends showcase the importance of collecting detailed demographic and economic information about how the shape of America's families and households are changing over time.

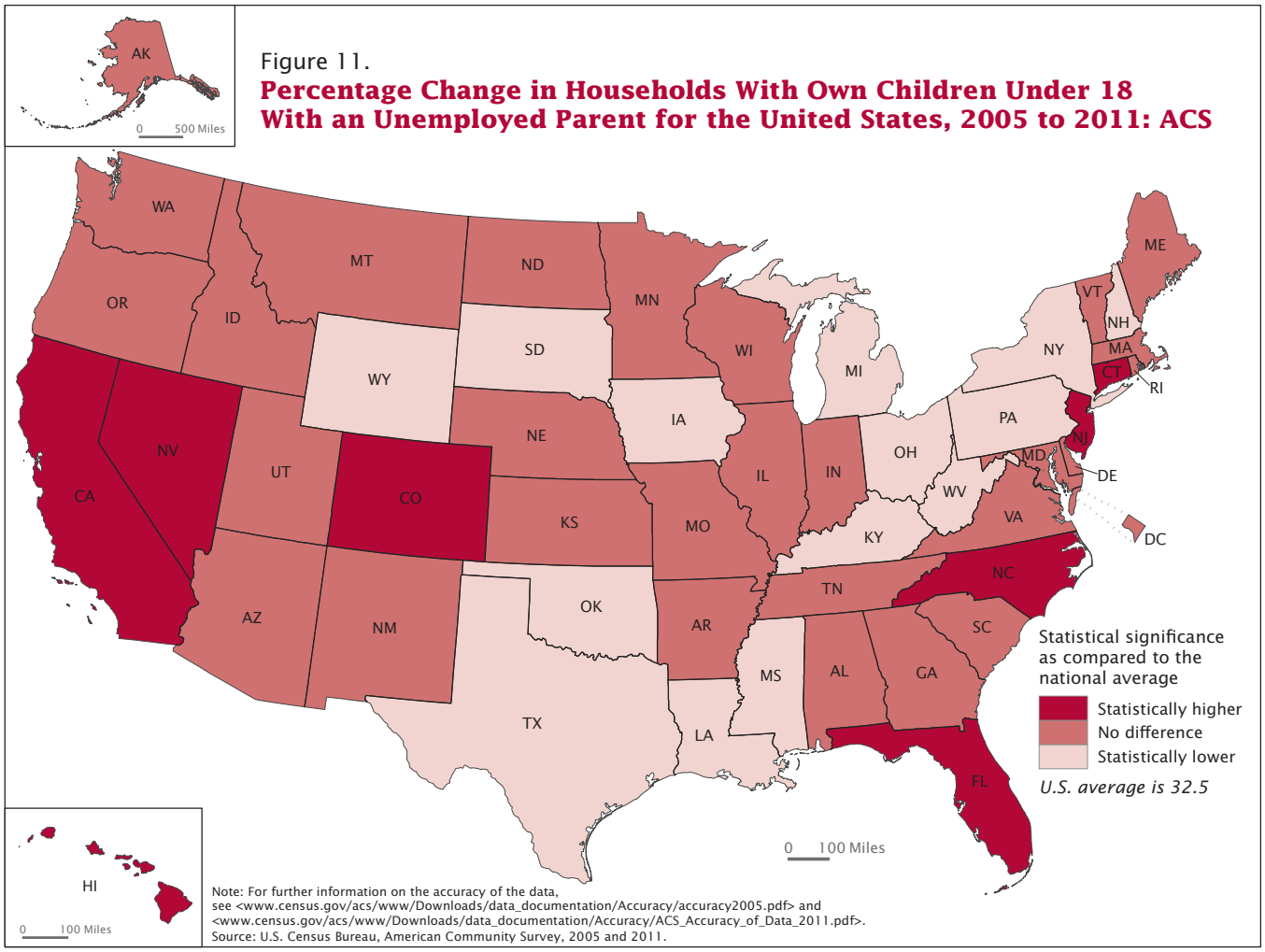
SOURCE OF THE DATA

The data in this report are from the Annual Social and Economic Supplement (ASEC) to the 2012 Current Population Survey (CPS) and the 2011 American Community Survey (ACS). The population represented (the population universe) in the ASEC is the civilian noninstitutionalized population living in the United States. Members of the Armed Forces living off post or with their families on post are included if at least one civilian adult lives in the household. The institutionalized population, which is excluded from the population universe, is composed primarily of the population in adult correctional institutions and nursing facilities (94 percent of the 4.0 million institutionalized people in the 2010 Census).[65] Most of the data from the ASEC were collected in March (with some data collected in February and April), and the data were controlled to independent population estimates for March 2012. For annual time series from the CPS, data collected in the 2012 ASEC may be compared with data collected in the March Supplement to the CPS in prior years.

This report also presents data from the 2011 ACS. The population represented (the population universe) in the ACS is the population living

[65] See Table P42, available on American FactFinder at <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_P42&prodType=table>.

Figure 11.
Percentage Change in Households With Own Children Under 18 With an Unemployed Parent for the United States, 2005 to 2011: ACS



Note: For further information on the accuracy of the data, see <www.census.gov/acs/www/Downloads/data_documentation/Accuracy/accuracy2005.pdf> and <www.census.gov/acs/www/Downloads/data_documentation/Accuracy/ACS_Accuracy_of_Data_2011.pdf>.
Source: U.S. Census Bureau, American Community Survey, 2005 and 2011.

in both households and group quarters—that is, the resident population. The group quarters population consists of the institutionalized population (such as people in correctional institutions or nursing homes) and the noninstitutionalized population (most of whom are in college dormitories). For tabulation purposes in this report, ACS data are shown only for the population living in households since relationship data are not collected for the group quarters population.

ACCURACY OF THE ESTIMATES

Statistics from surveys are subject to sampling and nonsampling error. All comparisons presented in this report have taken sampling error into account and are significant at the 90 percent confidence level, unless otherwise indicated. This means the 90 percent confidence interval for the difference between the estimates being compared does not include zero. Nonsampling errors in surveys may be attributed to a variety of sources, such as how the survey is designed, how respondents interpret questions, how able and willing respondents are to provide correct answers, and how accurately the answers are coded and classified. The Census Bureau employs quality control procedures throughout the production process—including overall survey design, question wording, review of interviewers' and coders' work, and statistical review of reports—to minimize these errors.

The CPS weighting procedure uses ratio estimation, whereby sample estimates are adjusted to independent estimates of the national population by age, race, sex, and Hispanic origin. This weighting partially corrects for bias due to undercoverage, but biases may still be present; for example, when people who are missed by the survey differ from those interviewed in ways other than age, race, sex, and Hispanic origin. How this weighting procedure affects other variables in the survey is not precisely known. All of these considerations affect comparisons across different surveys or data sources.

For further information on statistical standards and the computation and use of standard errors, go to <www.census.gov/apsd/techdoc/cps/cpsmar12.pdf> or contact the Census Bureau's Demographic Statistical Methods Division via e-mail at <dsmd.source.and.accuracy@census.gov>.

The final ACS population estimates are adjusted in the weighting procedure for coverage error by controlling specific survey estimates to independent population controls by age, race, sex, and Hispanic origin. The final ACS estimates of housing units are controlled to independent estimates of total housing. This weighting partially corrects for bias due to over or undercoverage, but biases may still be present; for example, when people who are missed by the survey differ from those interviewed in ways other than age, race, sex, and Hispanic origin. How this weighting procedure affects other variables in the survey is not precisely known. All of these considerations affect comparisons across different surveys or data sources.

For further information on the ACS sample, weighting procedures, sampling error, nonsampling error, and quality measures from the ACS, see <www.census.gov/acs/www/Downloads/data_documentation/Accuracy/ACS_Accuracy_of_Data_2011.pdf>.

MORE INFORMATION

Detailed tables from the 2012 Annual Social and Economic supplement to the CPS are available on the Internet at the Census Bureau's Web site at <www.census.gov/hhes/families/data/cps2012.html>. To access ACS tables about households and families, see American FactFinder on the Census Bureau's Web site at <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>.

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Appendix Table A.

Summary of National Surveys for Studying Families, Households, and Living Arrangements in the United States

Survey	Description	Family Topics	Uses for Family Research and Data
American Community Survey (ACS) *www.census.gov/acs/www/*	Provides cross-sectional data on social, economic, demographic, and housing characteristics of the U.S. population at various geographic levels (nation, region, state, congressional district, census tract)	Household characteristics; marital and relationship information; data on number and type of children	Examine geographic variation in household characteristics; identify multigenerational households and examine changes in family events such as marriage and childbearing
Consumer Expenditure Survey (CE) *www.bls.gov/cex/*	Cross-sectional survey on the consumer habits of Americans; provides data on expenditures, income, and consumer unit (families and single consumers) characteristics	Household and family characteristics; work status of family members	Examine expenditures and income of families and single consumers including childcare costs, assistance to family members, and money spent on education and housing
Current Population Survey (CPS) *www.bls.gov/cps/*	A monthly cross-sectional survey with data going back 50 years on the economic characteristics of U.S. households, including employment and earnings	Household characteristics; marital status; supplements on fertility and child support	Examine employment patterns of households including labor force participation, earnings, work hours, and industry and occupation of workers
Survey of Income and Program Participation (SIPP) *www.census.gov/sipp/*	Panel survey that collects information on income, employment, assets and liabilities, and participation in government transfer programs	Detailed household relationships; marital and fertility histories; child well-being, childcare and support, and child living arrangements	Examine household and family composition in relation to changes in income, labor force behaviors, and program participation
Early Childhood Longitudinal Study: Kindergarten Class of 1998-99 (ECLS-K) *nces.ed.gov/ecls/kindergarten.asp*	Longitudinal study on the school experiences and development of young children with data on teachers, schools, and parents	Household structure, parental marital history, and relationship to the child; childcare arrangements and well-being	Link children's early cognitive, social, emotional, and physical development with their home, family, and classroom experiences
Early Childhood Longitudinal Study: Birth Cohort (ECLS-B) *nces.ed.gov/ecls/birth.asp*	Longitudinal panel survey on early childhood experiences from 9 months to kindergarten	Household characteristics and information about the primary caregiver, parenting practices, and social support; data from resident and nonresident fathers	Link children's health, development, care, and education with family experiences
Fragile Families and Child Well-Being Study (FFCWB) *www.fragilefamilies.princeton.edu*	A panel study of a cohort of children born to mostly unmarried parents between 1998 and 2000; focuses on children's family experiences and the relationships of the parents	Information on parenting behavior and relationships, attitudes, and demographic characteristics; children's cognitive and emotional development; home environment characteristics	Study experiences and transitions of fragile families, changes in the parents' relationship and children's well-being, and father's interaction with his children and participation in family life
Health and Retirement Study (HRS) *hrsonline.isr.umich.edu*	A panel study that began in 1992 of Americans who are at least 50 years old that examines older adults' experiences with retirement and aging	Event history information on marriage and cohabitation; transfers to family members; intergenerational relationships; caregiving support across generations	Study family lives and experiences of older Americans including living situations, intergenerational relationships and transfers, caregiving, and interactions with children and grandchildren
Integrated Fertility Survey Series (IFSS) *www.icpsr.umich.edu/icpsrweb/IFSS/*	A harmonized data set of ten cross-sectional surveys on fertility dating from 1955 to 2002	Fertility intentions and pregnancy histories; infertility information; number and type of children; family planning; adoption	Examine family and fertility experiences across 6 decades using comparable measures from different surveys
Monitoring the Future (MTF) *www.monitoringthefuture.org*	Annual cross-sectional survey that began in 1975 on the values and attitudes of high school seniors	Attitudes toward interpersonal relationships; expectations for marriage and childbearing; family values	Study changes in family values and expectations of adolescents since 1975

Appendix Table A.

Summary of National Surveys for Studying Families, Households, and Living Arrangements in the United States—Con.

Survey	Description	Family Topics	Uses for Family Research and Data
National Longitudinal Study of Adolescent Health (Add Health) *www.cpc.unc.edu/projects/addhealth*	Panel study that began in 1994 of adolescents who have been followed over four waves into young adulthood; focuses on health and health behaviors	Marriage and cohabitation event histories; fertility information for men and women; information on other romantic relationships and sexual partners	In conjunction with biomarkers and neighborhood and school characteristics, study the emotional content and quality of romantic, cohabiting, and marital relationships; examine sexual behavior and pregnancy histories
National Longitudinal Survey of Youth 1979 (NLSY79) *www.bls.gov/nls/nlsy79.htm*	Longitudinal panel survey that began in 1979 that has followed the life course experiences, schooling, training, and employment of a birth cohort from youth into middle adulthood	Fertility outcomes and relationship event histories for marriage and cohabitation; fertility expectations and desires, and family attitudes; linked to cohort study of all children born to women of the NLSY79	Examine relationship and family experiences from youth into middle adulthood in conjunction with labor market experiences; the linked children's cohort allows for studying generational linkages of family and life course experiences
National Longitudinal Survey of Youth 1997 (NLSY97) *www.bls.gov/nls/nlsy97.htm*	Longitudinal panel survey that began in 1997; examines the transitions of youth from school to work and into young adulthood	Fertility outcomes; relationship event histories for marriage and cohabitation (including transitions between survey waves); detailed rosters for the household, partner, and children; partner characteristics	Examine the labor market behavior and educational experiences of young adults over time in conjunction with marriage and family experiences
National Survey of Adoptive Parents (NSAP) *www.cdc.gov/nchs/slaits/nsap.htm*	Nationally representative cross-sectional survey on the nation's adopted children, aged 0-17, and their adoptive families	Demographic characteristics; child well-being and mental health; child relationships with adoptive parents and siblings; parent's motivations for adoption	Link adopted children's health and school performance with family relationships in conjunction with parents' participation in adoption support services
National Survey on Drug Use and Health (NSDUH) *nsduhweb.rti.org*	An annual survey providing information on the prevalence of and trends in drug use in the United States, including illicit drugs, alcohol, and tobacco use; illegal activities and gang involvement; and substance abuse education	Household composition and demographics; pregnancy information; marital status and history; social support	Link household composition, marital histories, and social support with substance abuse and health issues
National Survey of Family Growth (NSFG) *www.cdc.gov/nchs/nsfg.htm*	Periodic cross-sectional survey on the nation's fertility and family experiences	Retrospective information on marriage, cohabitation, and sexual histories; information on pregnancies, births, contraception, infertility, and intendedness; fathering activities; family background	Examine fertility, contraceptive, and relationship experiences for women and men
National Survey of Families and Households (NSFH) *www.ssc.wisc.edu/nsfh/*	Periodic cross-sectional survey on family experiences, formation and change, and living arrangements	Life history information on living arrangements, marriage and cohabitation, and fertility	Study family transitions and experiences across 3 decades
Panel Study of Income Dynamics (PSID) *psidonline.isr.umich.edu*	A 4-decade household panel survey that collects information from families on employment, wages, wealth and debt, housing characteristics, and expenditures	Marital status and fertility information; measures on development and well-being	Examine how household and family composition vary across a spectrum of economic characteristics
Survey of Inmates in State and Federal Correctional Facilities (SISFCF) *www.icpsr.umich.edu/icpsrweb/content/NACJD/guides/sisfcf.html*	A series of cross-sectional panels on the demographic characteristics of inmates and their deviant and criminal behaviors, offenses and sentences, and criminal histories	Family background characteristics; relationship and contact with children; support to children prior to incarceration; children's living arrangements during incarceration	Examine linkages between incarceration and family composition, family criminal history, and contact with children

Appendix Table B.

Margins of Error[1] for Table 1 Estimates—Households by Type and Selected Characteristics: ACS 2011

Characteristic	All households	Family households				Nonfamily households		
		Total	Married couple	Other families		Total	Male householder	Female householder
				Male householder	Female householder			
All households	**179,541**	**144,469**	**157,000**	**40,784**	**60,980**	**111,894**	**62,091**	**81,015**
Age of Householder								
15 to 24 years	44,095	25,425	16,653	10,947	15,489	30,043	20,917	16,989
25 to 34 years	60,479	57,610	50,969	18,757	33,370	40,148	29,160	28,221
35 to 44 years	48,364	44,834	43,877	22,735	33,365	34,197	27,324	21,187
45 to 54 years	50,700	52,643	49,924	19,136	30,544	41,426	26,750	25,118
55 to 64 years	51,095	45,268	39,463	12,748	22,847	39,553	27,635	27,814
65 years and over	61,226	42,173	36,620	12,401	18,139	55,337	22,323	42,214
Race and Hispanic Origin of Householder								
White alone	118,696	106,665	125,980	30,176	52,104	93,305	55,192	63,430
Non-Hispanic	98,050	92,017	108,566	28,408	44,111	85,449	49,123	57,908
Black or African American alone	46,747	37,848	28,426	19,534	25,469	42,789	27,560	30,655
American Indian and Alaska Native alone	15,555	12,176	9,620	3,996	6,083	8,839	5,897	5,510
Asian alone	24,448	19,133	22,537	8,622	11,703	17,737	14,549	11,769
Native Hawaiian and Other Pacific Islander alone	4,921	4,028	3,586	1,937	1,876	3,435	2,236	2,479
Some Other Race alone	29,836	22,566	20,595	11,654	14,250	17,430	12,974	10,296
Two or More Races	34,711	25,162	18,811	6,313	10,142	17,605	11,062	10,628
Hispanic (any race)	56,416	44,881	46,407	19,710	28,267	38,068	23,670	23,059
Size of Household								
1 person	114,173	X	X	X	X	114,173	61,645	76,918
2 people	115,300	109,137	96,421	25,130	37,668	42,852	32,156	31,850
3 people	75,552	77,037	62,889	21,701	40,438	16,542	14,840	8,482
4 people	58,958	60,910	54,558	18,652	28,853	10,005	7,916	5,209
5 people	46,062	46,223	41,067	12,556	23,168	4,693	4,056	3,084
6 people	26,971	26,969	22,729	7,706	12,733	3,219	2,845	1,523
7 or more people	22,103	21,986	17,257	7,337	11,487	1,551	1,436	921
Average size	Z	0.01	Z	0.02	0.01	Z	0.01	Z
Number of Related Children Under 18								
No related children	158,791	106,937	105,172	24,512	31,644	111,894	62,091	81,015
With related children	78,916	78,916	79,567	31,495	55,947	X	X	X
1 child	66,375	66,375	53,963	23,351	34,750	X	X	X
2 children	58,604	58,604	50,259	15,381	31,049	X	X	X
3 children	38,142	38,142	32,435	12,046	22,965	X	X	X
4 or more children	27,581	27,581	22,520	7,345	15,958	X	X	X
Presence of Own Children Under 18								
No own children	150,547	103,135	103,385	28,792	39,614	111,894	62,091	81,015
With own children	78,715	78,715	79,059	31,162	52,337	X	X	X
With own children under 12	69,573	69,573	69,063	26,392	43,782	X	X	X
With own children under 6	64,326	64,326	57,802	21,391	34,547	X	X	X
With own children under 3	60,155	60,155	52,559	13,696	25,029	X	X	X
With own children under 1	28,518	28,518	25,614	9,162	11,673	X	X	X
Tenure								
Owned home	230,440	169,066	155,085	26,946	42,706	99,922	50,979	68,258
Rented home	103,548	81,408	51,534	32,473	51,732	77,063	51,634	52,312
Occupied without payment	24,889	16,940	13,557	6,772	8,305	17,035	11,656	10,691

X Not applicable.
Z Rounds to zero.
[1]This number, when added to or subtracted from the corresponding estimate in Table 1, represents the 90 percent confidence interval around the estimate.
Note: See <www.census.gov/acs/www/Downloads/data_documentation/Accuracy/ACS_Accuracy_of_Data_2011.pdf> for further information on the accuracy of the data.
Source: U.S. Census Bureau, American Community Survey, 2011.

Diseases and Conditions

Depression (major depressive disorder)

By Mayo Clinic Staff

Psychotherapy

Psychotherapy is a general term for treating depression by talking about your condition and related issues with a mental health provider. Psychotherapy is also known as talk therapy or psychological therapy.

Different types of psychotherapy can be effective for depression, such as cognitive behavioral therapy or interpersonal therapy. Your mental health provider also may recommend other therapies. Psychotherapy can help you:

- Adjust to a crisis or other current difficulty
- Identify negative beliefs and behaviors and replace them with healthy, positive ones
- Explore relationships and experiences, and develop positive interactions with others
- Find better ways to cope and solve problems
- Identify issues that contribute to your depression and change behaviors that make it worse
- Regain a sense of satisfaction and control in your life and help ease depression symptoms, such as hopelessness and anger
- Learn to set realistic goals for your life
- Develop the ability to tolerate and accept distress using healthier behaviors

Hospital and residential treatment

In some people, depression is so severe that a hospital stay is needed. This may be necessary if you can't care for yourself properly or when you're in immediate danger of

harming yourself or someone else. Psychiatric treatment at a hospital can help keep you calm and safe until your mood improves.

Partial hospitalization or day treatment programs also may help some people. These programs provide the outpatient support and counseling needed to get symptoms under control.

Diseases and Conditions

Schizophrenia

By Mayo Clinic Staff

Psychosocial interventions

Once psychosis recedes, psychological and social (psychosocial) interventions are important — in addition to continuing on medication. These may include:

- **Individual therapy.** Learning to cope with stress and identify early warning signs of relapse can help people with schizophrenia manage their illness.
- **Social skills training.** This focuses on improving communication and social interactions.
- **Family therapy.** This provides support and education to families dealing with schizophrenia.
- **Vocational rehabilitation and supported employment.** This focuses on helping people with schizophrenia prepare for, find and keep jobs.

Most individuals with schizophrenia require some form of daily living support. Many communities have programs to help people with schizophrenia with jobs, housing, self-help groups and crisis situations. A case manager or someone on the treatment team can help find resources. With appropriate treatment, most people with schizophrenia can manage their condition.

Coping with a mental disorder as serious as schizophrenia can be challenging, both for the person with the condition and for friends and family. Here are some ways to cope:

- **Learn about schizophrenia.** Education about the condition can help motivate the person with the disease to stick to the treatment plan. Education can help friends and family understand the condition and be more compassionate with the person who has it.

- **Join a support group.** Support groups for people with schizophrenia can help them reach out to others facing similar challenges. Support groups may also help family and friends cope.
- **Stay focused on goals.** Managing schizophrenia is an ongoing process. Keeping treatment goals in mind can help the person with schizophrenia stay motivated. Help your loved one remember to take responsibility for managing the illness and working toward goals.
- **Learn relaxation and stress management.** The person with schizophrenia and loved ones may benefit from stress-reduction techniques such as meditation, yoga or tai chi.

There's no sure way to prevent schizophrenia. However, early treatment may help get symptoms under control before serious complications develop and may help improve the long-term outlook.

Sticking with the treatment plan can help prevent relapses or worsening of schizophrenia symptoms. In addition, researchers hope that learning more about risk factors for schizophrenia may lead to earlier diagnosis and treatment.

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U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

Washington, D.C.
May 17, 2004

JOINT STATEMENT OF
THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AND THE DEPARTMENT OF JUSTICE

REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT

Introduction

The Department of Justice ("DOJ") and the Department of Housing and Urban Development ("HUD") are jointly responsible for enforcing the federal Fair Housing Act[1] (the "Act"), which prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, and disability.[2] One type of disability discrimination prohibited by the Act is the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.[3] HUD and DOJ frequently respond to complaints alleging that housing providers have violated the Act by refusing reasonable accommodations to persons with disabilities. This Statement provides technical assistance regarding the rights and obligations of persons with disabilities and housing providers under the Act relating to

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[1] The Fair Housing Act is codified at 42 U.S.C. §§ 3601 - 3619.

[2] The Act uses the term “handicap” instead of the term "disability." Both terms have the same legal meaning. *See* Bragdon v. Abbott, 524 U.S. 624, 631 (1998) (noting that definition of “disability” in the Americans with Disabilities Act is drawn almost verbatim “from the definition of 'handicap' contained in the Fair Housing Amendments Act of 1988”). This document uses the term "disability," which is more generally accepted.

[3] 42 U.S.C. § 3604(f)(3)(B).

reasonable accommodations.[4]

Questions and Answers

1. What types of discrimination against persons with disabilities does the Act prohibit?

The Act prohibits housing providers from discriminating against applicants or residents because of their disability or the disability of anyone associated with them[5] and from treating persons with disabilities less favorably than others because of their disability. The Act also makes it unlawful for any person to refuse "to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford ... person(s) [with disabilities] equal opportunity to use and enjoy a dwelling."[6] The Act also prohibits housing providers from refusing residency to persons with disabilities, or placing conditions on their residency, because those persons may require reasonable accommodations. In addition, in certain circumstances, the Act requires that housing providers allow residents to

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[4] Housing providers that receive federal financial assistance are also subject to the requirements of Section 504 of the Rehabilitation Act of l973. 29 U.S.C. § 794. Section 504, and its implementing regulations at 24 C.F.R. Part 8, prohibit discrimination based on disability and require recipients of federal financial assistance to provide reasonable accommodations to applicants and residents with disabilities. Although Section 504 imposes greater obligations than the Fair Housing Act, (*e.g.*, providing and paying for reasonable accommodations that involve structural modifications to units or public and common areas), the principles discussed in this Statement regarding reasonable accommodation under the Fair Housing Act generally apply to requests for reasonable accommodations to rules, policies, practices, and services under Section 504. *See* U.S. Department of Housing and Urban Development, Office of Public and Indian Housing, Notice PIH 2002-01(HA) (www.hud.gov/offices/fheo/disabilities/PIH02-01.pdf) and "Section 504: Frequently Asked Questions," (www.hud.gov/offices/fheo/disabilities/sect504faq.cfm#anchor272118).

[5] The Fair Housing Act's protection against disability discrimination covers not only home seekers with disabilities but also buyers and renters without disabilities who live or are associated with individuals with disabilities 42 U.S.C. § 3604(f)(1)(B), 42 U.S.C. § 3604(f)(1)(C), 42 U.S.C. § 3604(f)(2)(B), 42 U.S.C. § (f)(2)(C). *See also* H.R. Rep. 100-711 – 24 (reprinted in 1988 U.S.C.A.N. 2173, 2184-85) ("The Committee intends these provisions to prohibit not only discrimination against the primary purchaser or named lessee, but also to prohibit denials of housing opportunities to applicants because they have children, parents, friends, spouses, roommates, patients, subtenants or other associates who have disabilities."). *Accord*: Preamble to Proposed HUD Rules Implementing the Fair Housing Act, 53 Fed. Reg. 45001 (Nov. 7, 1988) (citing House Report).

[6] 42 U.S.C. § 3604(f)(3)(B). HUD regulations pertaining to reasonable accommodations may be found at 24 C.F.R. § 100.204.

make reasonable structural modifications to units and public/common areas in a dwelling when those modifications may be necessary for a person with a disability to have full enjoyment of a dwelling.[7] With certain limited exceptions (*see* response to question 2 below), the Act applies to privately and publicly owned housing, including housing subsidized by the federal government or rented through the use of Section 8 voucher assistance.

2. Who must comply with the Fair Housing Act's reasonable accommodation requirements?

Any person or entity engaging in prohibited conduct – *i.e.*, refusing to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling – may be held liable unless they fall within an exception to the Act's coverage. Courts have applied the Act to individuals, corporations, associations and others involved in the provision of housing and residential lending, including property owners, housing managers, homeowners and condominium associations, lenders, real estate agents, and brokerage services. Courts have also applied the Act to state and local governments, most often in the context of exclusionary zoning or other land-use decisions. *See e.g.*, City of Edmonds v. Oxford House, Inc., 514 U.S. 725, 729 (1995); Project Life v. Glendening, 139 F. Supp. 703, 710 (D. Md. 2001), aff'd 2002 WL 2012545 (4th Cir. 2002). Under specific exceptions to the Fair Housing Act, the reasonable accommodation requirements of the Act do not apply to a private individual owner who sells his own home so long as he (1) does not own more than three single-family homes; (2) does not use a real estate agent and does not employ any discriminatory advertising or notices; (3) has not engaged in a similar sale of a home within a 24-month period; and (4) is not in the business of selling or renting dwellings. The reasonable accommodation requirements of the Fair Housing Act also do not apply to owner-occupied buildings that have four or fewer dwelling units.

3. Who qualifies as a person with a disability under the Act?

The Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

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[7] This Statement does not address the principles relating to reasonable modifications. For further information see the HUD regulations at 24 C.F.R. § 100.203. This statement also does not address the additional requirements imposed on recipients of Federal financial assistance pursuant to Section 504, as explained in the Introduction.

The term "substantially limits" suggests that the limitation is "significant" or "to a large degree."

The term "major life activity" means those activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, and speaking.[8] This list of major life activities is not exhaustive. *See e.g.*, Bragdon v. Abbott, 524 U.S. 624, 691-92 (1998)(holding that for certain individuals reproduction is a major life activity).

4. Does the Act protect juvenile offenders, sex offenders, persons who illegally use controlled substances, and persons with disabilities who pose a significant danger to others?

No, juvenile offenders and sex offenders, by virtue of that status, are not persons with disabilities protected by the Act. Similarly, while the Act does protect persons who are recovering from substance abuse, it does not protect persons who are currently engaging in the current illegal use of controlled substances.[9] Additionally, the Act does not protect an individual with a disability whose tenancy would constitute a "direct threat" to the health or safety of other individuals or result in substantial physical damage to the property of others unless the threat can be eliminated or significantly reduced by reasonable accommodation.

5. How can a housing provider determine if an individual poses a direct threat?

The Act does not allow for exclusion of individuals based upon fear, speculation, or stereotype about a particular disability or persons with disabilities in general. A determination that an individual poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence (*e.g.*, current conduct, or a recent history of overt acts). The assessment must consider: (1) the nature, duration, and severity of the risk of injury; (2) the probability that injury will actually occur; and (3) whether there are any reasonable accommodations that will eliminate the direct threat. Consequently, in evaluating a recent history of overt acts, a provider must take into account whether the individual has received intervening treatment or medication that has eliminated the direct threat (*i.e.*, a significant risk of substantial harm). In such a situation, the provider may request that the individual document

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[8] The Supreme Court has questioned but has not yet ruled on whether "working" is to be considered a major life activity. See Toyota Motor Mfg, Kentucky, Inc. v. Williams, 122 S. Ct. 681, 692, 693 (2002). If it is a major activity, the Court has noted that a claimant would be required to show an inability to work in a "broad range of jobs" rather than a specific job. *See* Sutton v. United Airlines, Inc., 527 U.S. 470, 492 (1999).

[9] *See, e.g.*, United States v. Southern Management Corp., 955 F.2d 914, 919 (4th Cir. 1992) (discussing exclusion in 42 U.S.C. § 3602(h) for "current, illegal use of or addiction to a controlled substance").

how the circumstances have changed so that he no longer poses a direct threat. A provider may also obtain satisfactory assurances that the individual will not pose a direct threat during the tenancy. The housing provider must have reliable, objective evidence that a person with a disability poses a direct threat before excluding him from housing on that basis.

Example 1: A housing provider requires all persons applying to rent an apartment to complete an application that includes information on the applicant's current place of residence. On her application to rent an apartment, a woman notes that she currently resides in Cambridge House. The manager of the apartment complex knows that Cambridge House is a group home for women receiving treatment for alcoholism. Based solely on that information and his personal belief that alcoholics are likely to cause disturbances and damage property, the manager rejects the applicant. The rejection is unlawful because it is based on a generalized stereotype related to a disability rather than an individualized assessment of any threat to other persons or the property of others based on reliable, objective evidence about the applicant's recent past conduct. The housing provider may not treat this applicant differently than other applicants based on his subjective perceptions of the potential problems posed by her alcoholism by requiring additional documents, imposing different lease terms, or requiring a higher security deposit. However, the manager could have checked this applicant's references to the same extent and in the same manner as he would have checked any other applicant's references. If such a reference check revealed objective evidence showing that this applicant had posed a direct threat to persons or property in the recent past and the direct threat had not been eliminated, the manager could then have rejected the applicant based on direct threat.

Example 2: James X, a tenant at the Shady Oaks apartment complex, is arrested for threatening his neighbor while brandishing a baseball bat. The Shady Oaks' lease agreement contains a term prohibiting tenants from threatening violence against other residents. Shady Oaks' rental manager investigates the incident and learns that James X threatened the other resident with physical violence and had to be physically restrained by other neighbors to keep him from acting on his threat. Following Shady Oaks' standard practice of strictly enforcing its "no threats" policy, the Shady Oaks rental manager issues James X a 30-day notice to quit, which is the first step in the eviction process. James X's attorney contacts Shady Oaks' rental manager and explains that James X has a psychiatric disability that causes him to be physically violent when he stops taking his prescribed medication. Suggesting that his client will not pose a direct threat to others if proper safeguards are taken, the attorney requests that the rental manager grant James X an exception to the "no threats" policy as a reasonable accommodation based on James X's disability. The Shady Oaks rental manager need only grant the reasonable accommodation if James X's attorney can provide satisfactory assurance that James X will receive appropriate counseling and

periodic medication monitoring so that he will no longer pose a direct threat during his tenancy. After consulting with James X, the attorney responds that James X is unwilling to receive counseling or submit to any type of periodic monitoring to ensure that he takes his prescribed medication. The rental manager may go forward with the eviction proceeding, since James X continues to pose a direct threat to the health or safety of other residents.

6. What is a "reasonable accommodation" for purposes of the Act?

A “reasonable accommodation” is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. The Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.

To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual’s disability.

Example 1: A housing provider has a policy of providing unassigned parking spaces to residents. A resident with a mobility impairment, who is substantially limited in her ability to walk, requests an assigned accessible parking space close to the entrance to her unit as a reasonable accommodation. There are available parking spaces near the entrance to her unit that are accessible, but those spaces are available to all residents on a first come, first served basis. The provider must make an exception to its policy of not providing assigned parking spaces to accommodate this resident.

Example 2: A housing provider has a policy of requiring tenants to come to the rental office in person to pay their rent. A tenant has a mental disability that makes her afraid to leave her unit. Because of her disability, she requests that she be permitted to have a friend mail her rent payment to the rental office as a reasonable accommodation. The provider must make an exception to its payment policy to accommodate this tenant.

Example 3: A housing provider has a "no pets" policy. A tenant who is deaf requests that the provider allow him to keep a dog in his unit as a reasonable accommodation. The tenant explains that the dog is an assistance animal that will alert him to several sounds, including knocks at the door, sounding of the smoke detector, the telephone ringing, and cars coming into the driveway. The housing

provider must make an exception to its "no pets" policy to accommodate this tenant.

7. Are there any instances when a provider can deny a request for a reasonable accommodation without violating the Act?

Yes. A housing provider can deny a request for a reasonable accommodation if the request was not made by or on behalf of a person with a disability or if there is no disability-related need for the accommodation. In addition, a request for a reasonable accommodation may be denied if providing the accommodation is not reasonable – *i.e.*, if it would impose an undue financial and administrative burden on the housing provider or it would fundamentally alter the nature of the provider's operations. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the provider, the benefits that the accommodation would provide to the requester, and the availability of alternative accommodations that would effectively meet the requester's disability-related needs.

When a housing provider refuses a requested accommodation because it is not reasonable, the provider should discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related needs without a fundamental alteration to the provider's operations and without imposing an undue financial and administrative burden. If an alternative accommodation would effectively meet the requester's disability-related needs and is reasonable, the provider must grant it. An interactive process in which the housing provider and the requester discuss the requester's disability-related need for the requested accommodation and possible alternative accommodations is helpful to all concerned because it often results in an effective accommodation for the requester that does not pose an undue financial and administrative burden for the provider.

Example: As a result of a disability, a tenant is physically unable to open the dumpster placed in the parking lot by his housing provider for trash collection. The tenant requests that the housing provider send a maintenance staff person to his apartment on a daily basis to collect his trash and take it to the dumpster. Because the housing development is a small operation with limited financial resources and the maintenance staff are on site only twice per week, it may be an undue financial and administrative burden for the housing provider to grant the requested daily trash pick-up service. Accordingly, the requested accommodation may not be reasonable. If the housing provider denies the requested accommodation as unreasonable, the housing provider should discuss with the tenant whether reasonable accommodations could be provided to meet the tenant's disability-related needs – for instance, placing an open trash collection can in a location that is readily accessible to the tenant so the tenant can dispose of his own trash and the provider's maintenance staff can then transfer the trash to the dumpster when they are on site. Such an accommodation would not involve a

fundamental alteration of the provider's operations and would involve little financial and administrative burden for the provider while accommodating the tenant's disability-related needs.

There may be instances where a provider believes that, while the accommodation requested by an individual is reasonable, there is an alternative accommodation that would be equally effective in meeting the individual's disability-related needs. In such a circumstance, the provider should discuss with the individual if she is willing to accept the alternative accommodation. However, providers should be aware that persons with disabilities typically have the most accurate knowledge about the functional limitations posed by their disability, and an individual is not obligated to accept an alternative accommodation suggested by the provider if she believes it will not meet her needs and her preferred accommodation is reasonable.

8. What is a "fundamental alteration"?

A "fundamental alteration" is a modification that alters the essential nature of a provider's operations.

Example: A tenant has a severe mobility impairment that substantially limits his ability to walk. He asks his housing provider to transport him to the grocery store and assist him with his grocery shopping as a reasonable accommodation to his disability. The provider does not provide any transportation or shopping services for its tenants, so granting this request would require a fundamental alteration in the nature of the provider's operations. The request can be denied, but the provider should discuss with the requester whether there is any alternative accommodation that would effectively meet the requester's disability-related needs without fundamentally altering the nature of its operations, such as reducing the tenant's need to walk long distances by altering its parking policy to allow a volunteer from a local community service organization to park her car close to the tenant's unit so she can transport the tenant to the grocery store and assist him with his shopping.

9. What happens if providing a requested accommodation involves some costs on the part of the housing provider?

Courts have ruled that the Act may require a housing provider to grant a reasonable accommodation that involves costs, so long as the reasonable accommodation does not pose an undue financial and administrative burden and the requested accommodation does not constitute a fundamental alteration of the provider's operations. The financial resources of the provider, the cost of the reasonable accommodation, the benefits to the requester of the requested accommodation, and the availability of other, less expensive alternative accommodations that would effectively meet the applicant or resident's disability-related needs must be considered in determining whether a requested accommodation poses an undue financial and administrative

burden.

10. What happens if no agreement can be reached through the interactive process?

A failure to reach an agreement on an accommodation request is in effect a decision by the provider not to grant the requested accommodation. If the individual who was denied an accommodation files a Fair Housing Act complaint to challenge that decision, then the agency or court receiving the complaint will review the evidence in light of applicable law- and decide if the housing provider violated that law. For more information about the complaint process, see question 19 below.

11. May a housing provider charge an extra fee or require an additional deposit from applicants or residents with disabilities as a condition of granting a reasonable accommodation?

No. Housing providers may not require persons with disabilities to pay extra fees or deposits as a condition of receiving a reasonable accommodation.

> **Example 1**: A man who is substantially limited in his ability to walk uses a motorized scooter for mobility purposes. He applies to live in an assisted living facility that has a policy prohibiting the use of motorized vehicles in buildings and elsewhere on the premises. It would be a reasonable accommodation for the facility to make an exception to this policy to permit the man to use his motorized scooter on the premises for mobility purposes. Since allowing the man to use his scooter in the buildings and elsewhere on the premises is a reasonable accommodation, the facility may not condition his use of the scooter on payment of a fee or deposit or on a requirement that he obtain liability insurance relating to the use of the scooter. However, since the Fair Housing Act does not protect any person with a disability who poses a direct threat to the person or property of others, the man must operate his motorized scooter in a responsible manner that does not pose a significant risk to the safety of other persons and does not cause damage to other persons' property. If the individual's use of the scooter causes damage to his unit or the common areas, the housing provider may charge him for the cost of repairing the damage (or deduct it from the standard security deposit imposed on all tenants), if it is the provider's practice to assess tenants for any damage they cause to the premises.

> **Example 2:** Because of his disability, an applicant with a hearing impairment needs to keep an assistance animal in his unit as a reasonable accommodation. The housing provider may not require the applicant to pay a fee or a security deposit as a condition of allowing the applicant to keep the assistance animal. However, if a tenant's assistance animal causes damage to the applicant's unit or the common areas of the dwelling, the housing provider may charge the tenant for

the cost of repairing the damage (or deduct it from the standard security deposit imposed on all tenants), if it is the provider's practice to assess tenants for any damage they cause to the premises.

12. When and how should an individual request an accommodation?

Under the Act, a resident or an applicant for housing makes a reasonable accommodation request whenever she makes clear to the housing provider that she is requesting an exception, change, or adjustment to a rule, policy, practice, or service because of her disability. She should explain what type of accommodation she is requesting and, if the need for the accommodation is not readily apparent or not known to the provider, explain the relationship between the requested accommodation and her disability.

An applicant or resident is not entitled to receive a reasonable accommodation unless she requests one. However, the Fair Housing Act does not require that a request be made in a particular manner or at a particular time. A person with a disability need not personally make the reasonable accommodation request; the request can be made by a family member or someone else who is acting on her behalf. An individual making a reasonable accommodation request does not need to mention the Act or use the words "reasonable accommodation." However, the requester must make the request in a manner that a reasonable person would understand to be a request for an exception, change, or adjustment to a rule, policy, practice, or service because of a disability.

Although a reasonable accommodation request can be made orally or in writing, it is usually helpful for both the resident and the housing provider if the request is made in writing. This will help prevent misunderstandings regarding what is being requested, or whether the request was made. To facilitate the processing and consideration of the request, residents or prospective residents may wish to check with a housing provider in advance to determine if the provider has a preference regarding the manner in which the request is made. However, housing providers must give appropriate consideration to reasonable accommodation requests even if the requester makes the request orally or does not use the provider's preferred forms or procedures for making such requests.

Example: A tenant in a large apartment building makes an oral request that she be assigned a mailbox in a location that she can easily access because of a physical disability that limits her ability to reach and bend. The provider would prefer that the tenant make the accommodation request on a pre-printed form, but the tenant fails to complete the form. The provider must consider the reasonable accommodation request even though the tenant would not use the provider's designated form.

13. Must a housing provider adopt formal procedures for processing requests for a reasonable accommodation?

No. The Act does not require that a housing provider adopt any formal procedures for reasonable accommodation requests. However, having formal procedures may aid individuals with disabilities in making requests for reasonable accommodations and may aid housing providers in assessing those requests so that there are no misunderstandings as to the nature of the request, and, in the event of later disputes, provide records to show that the requests received proper consideration.

A provider may not refuse a request, however, because the individual making the request did not follow any formal procedures that the provider has adopted. If a provider adopts formal procedures for processing reasonable accommodation requests, the provider should ensure that the procedures, including any forms used, do not seek information that is not necessary to evaluate if a reasonable accommodation may be needed to afford a person with a disability equal opportunity to use and enjoy a dwelling. See Questions 16 - 18, which discuss the disability-related information that a provider may and may not request for the purposes of evaluating a reasonable accommodation request.

14. Is a housing provider obligated to provide a reasonable accommodation to a resident or applicant if an accommodation has not been requested?

No. A housing provider is only obligated to provide a reasonable accommodation to a resident or applicant if a request for the accommodation has been made. A provider has notice that a reasonable accommodation request has been made if a person, her family member, or someone acting on her behalf requests a change, exception, or adjustment to a rule, policy, practice, or service because of a disability, even if the words "reasonable accommodation" are not used as part of the request.

15. What if a housing provider fails to act promptly on a reasonable accommodation request?

A provider has an obligation to provide prompt responses to reasonable accommodation requests. An undue delay in responding to a reasonable accommodation request may be deemed to be a failure to provide a reasonable accommodation.

16. What inquiries, if any, may a housing provider make of current or potential residents regarding the existence of a disability when they have not asked for an accommodation?

Under the Fair Housing Act, it is usually unlawful for a housing provider to (1) ask if an applicant for a dwelling has a disability or if a person intending to reside in a dwelling or anyone associated with an applicant or resident has a disability, or (2) ask about the nature or severity of such persons' disabilities. Housing providers <u>may</u>, however, make the following inquiries, provided these inquiries are made of all applicants, including those with and without disabilities:

- An inquiry into an applicant's ability to meet the requirements of tenancy;

- An inquiry to determine if an applicant is a current illegal abuser or addict of a controlled substance;

- An inquiry to determine if an applicant qualifies for a dwelling legally available only to persons with a disability or to persons with a particular type of disability; and

- An inquiry to determine if an applicant qualifies for housing that is legally available on a priority basis to persons with disabilities or to persons with a particular disability.

Example 1: A housing provider offers accessible units to persons with disabilities needing the features of these units on a priority basis. The provider may ask applicants if they have a disability and if, in light of their disability, they will benefit from the features of the units. However, the provider may not ask applicants if they have other types of physical or mental impairments. If the applicant's disability and the need for the accessible features are not readily apparent, the provider may request reliable information/documentation of the disability-related need for an accessible unit.

Example 2: A housing provider operates housing that is legally limited to persons with chronic mental illness. The provider may ask applicants for information needed to determine if they have a mental disability that would qualify them for the housing. However, in this circumstance, the provider may not ask applicants if they have other types of physical or mental impairments. If it is not readily apparent that an applicant has a chronic mental disability, the provider may request reliable information/documentation of the mental disability needed to qualify for the housing.

In some instances, a provider may also request certain information about an applicant's or a resident's disability if the applicant or resident requests a reasonable accommodation. See Questions 17 and 18 below.

17. What kinds of information, if any, may a housing provider request from a person with an obvious or known disability who is requesting a reasonable accommodation?

A provider is entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation may be necessary because of a disability. If a person's disability is obvious, or otherwise known to the provider, and if the need for the requested accommodation is also readily apparent or known, then the provider may not request any additional information

about the requester's disability or the disability-related need for the accommodation.

If the requester's disability is known or readily apparent to the provider, but the need for the accommodation is not readily apparent or known, the provider may request only information that is necessary to evaluate the disability-related need for the accommodation.

> **Example 1:** An applicant with an obvious mobility impairment who regularly uses a walker to move around asks her housing provider to assign her a parking space near the entrance to the building instead of a space located in another part of the parking lot. Since the physical disability (*i.e.*, difficulty walking) and the disability-related need for the requested accommodation are both readily apparent, the provider may not require the applicant to provide any additional information about her disability or the need for the requested accommodation.

> **Example 2:** A rental applicant who uses a wheelchair advises a housing provider that he wishes to keep an assistance dog in his unit even though the provider has a "no pets" policy. The applicant's disability is readily apparent but the need for an assistance animal is not obvious to the provider. The housing provider may ask the applicant to provide information about the disability-related need for the dog.

> **Example 3:** An applicant with an obvious vision impairment requests that the leasing agent provide assistance to her in filling out the rental application form as a reasonable accommodation because of her disability. The housing provider may not require the applicant to document the existence of her vision impairment.

18. If a disability is not obvious, what kinds of information may a housing provider request from the person with a disability in support of a requested accommodation?

A housing provider may not ordinarily inquire as to the nature and severity of an individual's disability (*see* Answer 16, above). However, in response to a request for a reasonable accommodation, a housing provider may request reliable disability-related information that (1) is necessary to verify that the person meets the Act's definition of disability (*i.e.*, has a physical or mental impairment that substantially limits one or more major life activities), (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation. Depending on the individual's circumstances, information verifying that the person meets the Act's definition of disability can usually be provided by the individual himself or herself (*e.g.*, proof that an individual under 65 years of age receives Supplemental Security Income or Social Security Disability Insurance benefits[10] or a credible statement by the individual). A doctor or other

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[10] Persons who meet the definition of disability for purposes of receiving Supplemental Security Income ("SSI") or Social Security Disability Insurance ("SSDI") benefits in most cases meet the definition of disability under the Fair Housing Act, although the converse may not be true. *See e.g.*, Cleveland v. Policy Management Systems Corp., 526 U.S. 795, 797 (1999)

medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability. In most cases, an individual's medical records or detailed information about the nature of a person's disability is not necessary for this inquiry.

Once a housing provider has established that a person meets the Act's definition of disability, the provider's request for documentation should seek only the information that is necessary to evaluate if the reasonable accommodation is needed because of a disability. Such information must be kept confidential and must not be shared with other persons unless they need the information to make or assess a decision to grant or deny a reasonable accommodation request or unless disclosure is required by law (*e.g.*, a court-issued subpoena requiring disclosure).

19. If a person believes she has been unlawfully denied a reasonable accommodation, what should that person do if she wishes to challenge that denial under the Act?

When a person with a disability believes that she has been subjected to a discriminatory housing practice, including a provider's wrongful denial of a request for reasonable accommodation, she may file a complaint with HUD within one year after the alleged denial or may file a lawsuit in federal district court within two years of the alleged denial. If a complaint is filed with HUD, HUD will investigate the complaint at no cost to the person with a disability.

There are several ways that a person may file a complaint with HUD:

- By placing a toll-free call to 1-800-669-9777 or TTY 1-800-927-9275;

- By completing the "on-line" complaint form available on the HUD internet site: http://www.hud.gov; or

- By mailing a completed complaint form or letter to:

Office of Fair Housing and Equal Opportunity
Department of Housing & Urban Development
451 Seventh Street, S.W., Room 5204
Washington, DC 20410-2000

(noting that SSDI provides benefits to a person with a disability so severe that she is unable to do her previous work and cannot engage in any other kind of substantial gainful work whereas a person pursuing an action for disability discrimination under the Americans with Disabilities Act may state a claim that "with a reasonable accommodation" she could perform the essential functions of the job).

Upon request, HUD will provide printed materials in alternate formats (large print, audio tapes, or Braille) and provide complainants with assistance in reading and completing forms.

The Civil Rights Division of the Justice Department brings lawsuits in federal courts across the country to end discriminatory practices and to seek monetary and other relief for individuals whose rights under the Fair Housing Act have been violated. The Civil Rights Division initiates lawsuits when it has reason to believe that a person or entity is involved in a "pattern or practice" of discrimination or when there has been a denial of rights to a group of persons that raises an issue of general public importance. The Division also participates as *amicus curiae* in federal court cases that raise important legal questions involving the application and/or interpretation of the Act. To alert the Justice Department to matters involving a pattern or practice of discrimination, matters involving the denial of rights to groups of persons, or lawsuits raising issues that may be appropriate for *amicus* participation, contact:

U.S. Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section – G St.
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

For more information on the types of housing discrimination cases handled by the Civil Rights Division, please refer to the Housing and Civil Enforcement Section's website at http://www.usdoj.gov/crt/housing/hcehome.html.

A HUD or Department of Justice decision not to proceed with a Fair Housing Act matter does not foreclose private plaintiffs from pursuing a private lawsuit. However, litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and the Department of Justice encourage parties to Fair Housing Act disputes to explore all reasonable alternatives to litigation, including alternative dispute resolution procedures, such as mediation. HUD attempts to conciliate all Fair Housing Act complaints. In addition, it is the Department of Justice's policy to offer prospective defendants the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

JESSE HANSON

RECEIVED
OCT 21 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

October 9, 2015

TO: Cheboygan County Planning Commission

I heard there was some doubt cast upon the permission for Heritage Cove Farm in this area.

Well, my parents are the backbone of this project and I've been through 30 years of living on the Heritage Cove Farm site, and into the mental health system, and my parents and I know why people are hesitant to invite questionable patrons on this property and near other property.

Not all mental patients are trustworthy and straight up and ready for Heritage Cove. I've been reassured though, that the programs and group therapy on this farm will fit well with where these clients are in life. Goat births, wood cutting and stacking, fishing, hunting and plain hard work have built me as a man, and added to my personality in a special way.

The intent here is not to pent up some 21 year old friends, unless they're ready to recover and get ready for the work force, which at 32, I am again, thanks to Heritage Cove.

If you have any questions about what it's like to live with a mental illness, and what it means to be able to live more independently because of programs like Heritage Cove, feel free to call me.

Sincerely,

Jesse Hanson

Jesse Hanson
231-290-1477

Deborah Tomlinson

From: Scott McNeil
Sent: Thursday, October 22, 2015 3:11 PM
To: 'temple@tuscarorapolice.com'
Cc: Steve Schnell
Subject: Heritage Cove Farm special use permit application

Dear Chief Temple;

The Following is a summary of the Heritage Cove Farm special use permit application the Cheboygan County Planning Commission well be reviewing on November 4, 2015 at 7:00 P.M. If you have any comments or questions from your public safety perspective please feel free to share those with us at your earliest convenience. Below is a link to the application file.
http://www.cheboygancounty.net/current-applications-in-review-359/

The subject property is located at 625 South Grand View Beach Road. The site contains a total 33.3 acres and 1,606 feet on Mullett Lake.
The applicant describes Heritage Cove Farm as a therapeutic farm community for the purpose of providing a healing environment and home to adults with a mental illness. The applicant states that there will be a maximum of 13 staff members and 24 residents at the site. Also included in the application materials is a statement that "The Farm will ensure that its staff and the Farm itself obtain and maintain required licenses and accreditations." They further state "It is anticipated that all residents voluntarily desire to (and have the capacity to work toward healing and living independently. The Farm's professional personnel will conduct admissions screenings and the Farm does not intend to accept residents with a history of physical abuse and/or violence."

The applicant is seeking a special use permit which requires a public hearing.

The site plan submitted with the application proposes existing and future buildings for the following uses as listed in the Building Legend; administrative building to be used as office for the development, phase 2 cabin colony staff housing and resident housing, green house, garage/laundry and barn. Existing sheds are to be removed. Cottages (staff housing, resident housing), community lodge to be used as a community center and dining for the development, cold storage and kitchen pantry and greenhouse. The proposed uses are further described on pages 2 though 6 in the letter attachment to the application dated April 20, 2015 and designated as exhibit 1 in the application file.

The applicant is seeking a special use permit under Section 10.3.2. Club, section 10.3.3. Cabin colonies, section 10.3.6. County club, section 10.3.8. Duplex or multi-family buildings, and section 10.3.14. Restaurant/Bar, section 9.3.14., Nursing or convalescent homes and under section 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.

We are interested in learning any questions you may have and, most importantly, if you have any comments to share with the Planning Commission.

Sincerely
Scott McNeil
Community Development Planner
Cheboygan County Planning and Zoning Department

Phone - 231-627-8475
Fax - 231-627-3646
scott@cheboygancounty.net
www.cheboygancounty.net/planning

Deborah Tomlinson

From: Scott McNeil
Sent: Thursday, October 22, 2015 3:07 PM
To: Dale Clarmont
Cc: Steve Schnell
Subject: Summary of Heritage Cove Farm special use premit application

Dear Sheriff Clarmont;

The Following is a summary of the Heritage Cove Farm special use permit application the Cheboygan County Planning Commission well be reviewing on November 4, 2015 at 7:00 P.M. If you any comments or questions from your public safety perspective please feel free to share those with us at your earliest convenience. Below is a link to the application file.

http://www.cheboygancounty.net/current-applications-in-review-359/

The subject property is located at 625 South Grand View Beach Road. The site contains a total 33.3 acres and 1,606 feet on Mullett Lake.
The applicant describes Heritage Cove Farm as a therapeutic farm community for the purpose of providing a healing environment and home to adults with a mental illness. The applicant states that there will be a maximum of 13 staff members and 24 residents at the site. Also included in the application materials is a statement that "The Farm will ensure that its staff and the Farm itself obtain and maintain required licenses and accreditations." They further state "It is anticipated that all residents voluntarily desire to (and have the capacity to work toward healing and living independently. The Farm's professional personnel will conduct admissions screenings and the Farm does not intend to accept residents with a history of physical abuse and/or violence."

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The applicant is seeking a special use permit under Section 10.3.2. Club, section 10.3.3. Cabin colonies, section 10.3.6. County club, section 10.3.8. Duplex or multi-family buildings, and section 10.3.14. Restaurant/Bar, section 9.3.14., Nursing or convalescent homes and under section 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.

We are interested in learning any questions you may have and, most importantly, if you have any comments to share with the Planning Commission.

Sincerely.
Scott McNeil
Community Development Planner

Cheboygan County Planning and Zoning Department
Phone - 231-627-8475
Fax - 231-627-3646
scott@cheboygancounty.net
www.cheboygancounty.net/planning

Tip of the Mitt Watershed Council
426 Bay St., Petoskey, MI 49770
231.347.1181 www.watershedcouncil.org

October 23, 2015

Cheboygan County Planning Commission
(via email)
PO Box 70
Cheboygan, MI 49721

Dear Planning Commissioners,

I am writing today on behalf of Tip of the Mitt Watershed Council and over 2,200 individual, business, and lake association members. Thank you for the opportunity to comment on the proposal to construct Heritage Cove Farm (HCF) in the Grand View Beach neighborhood on Mullett Lake.

We are working from the 11/4/15 Planning Commission Packet that is online and was updated on 10/21/15. We hope that you will consider our comments and require some changes.

First and foremost, because of the unique location of this site, we request that you require a comprehensive wetland delineation on this property. That would ensure that all buildings and development do not impact existing wetlands. These wetlands must be kept intact to provide the important natural functions necessary for protecting water quality in Mullett Lake. This is not a small matter.

As you know, Mullett Lake and Burt Lake are connected by a five-mile stretch of the Indian River. The area where the River flows into Mullett Lake is known as the "Indian River Spreads" and this is actually a large, important marsh complex. The entire Spreads, including the open water portions and a forested wetland, is close to 1,000 acres in size.

Importantly for the economy of this area, the extensive undeveloped marsh shoreline creates ideal conditions for this wetland to provide a fishery function. The emergent vegetation provides cover for fish. It also provides a ridged substrate, where fish food, such as periphyton and aquatic macro-invertebrates, can anchor. Cover for fish in this wetland is composed of submerged logs, emergent vegetation, and aquatic bed vegetation.

Notably, the HCF proposal includes shoreline property that is part of the Indian River Spreads, and what happens there will definitely matter for water quality, in addition to habitat and fishery concerns (see enclosed map).

The HCF shoreline has a diversity of vegetation that contributes to a rich mosaic of habitat types for hundreds of wetland dependent species. It is paramount that you keep rooftops, driveways, and any other impervious surface as far away as possible from this shoreline. And of course, it would be critical to ensure that no medications are ever dumped into the lake.

The mention of impervious surfaces brings us to stormwater. The SUP application asks that special attention be given to proper site drainage, so that removal of storm waters will not adversely affect neighboring properties. This point is important for construction purposes, of course, and the on-going drainage when construction is completed. However, we are concerned about stormwater pollution that comes from the addition of impervious surfaces to this site. When you add cottages, barns, community centers, driveways, parking spaces, etc. to this site, those places will no longer absorb stormwater runoff. Instead, the rain and snowmelt that accumulates on these surfaces will be pushed into the lake. What will come along with that is all the dirt, grit, oil, cigarette butts, and other sources of pollution that the runoff picks up from roads, driveways, and parking lots, etc.

Because of this, we hope the Planning Commission will require a stormwater management plan for this development proposal. This should address Best Management Practices (BMPs) that can be incorporated into the site plan, such as rain gardens, strategically placed to collect the stormwater runoff and filter it, before it hits the wetlands or the lake. We would be happy to meet with the applicant to discuss what BMPs are available and would be appropriate for this site.

We also note the inclusion of a "hobby farm" for the site. We respect the Right to Farm Act and all that it allows. However, we also caution that certain agricultural practices are not appropriate on a lake front.

The agricultural community has an entire set of Generally Accepted Agricultural Management Practices (GAAMPS) that protect water resources. However, we are not certain that the applicants are aware of GAAMPS, and what should be in place, to ensure no pollution results from farming practices.

For example, even though manure, urine and soiled bedding from barns are organic materials, many of their biological and chemical properties can be detrimental to fish, insects, and other aquatic life if those wastes get into local water bodies. Nutrients from this waste carried by stormwater runoff can lead to algae blooms. Even small amounts of ammonia from urine dissolved in water can kill fish. Salts contained in manure do not breakdown and when carried to the lake, the presence of salts can be a limiting factor upon the species of fish, amphibians, and invertebrate life. Therefore, we urge the Planning Commission to ensure practices will be adhered to that ensure water quality does not suffer.

Finally, another point of concern is septic system requirements. The Watershed Council is currently involved in an extensive research project related to local conditions and septic systems. We regularly see how septic systems that are poorly sited can impact waters, directly.

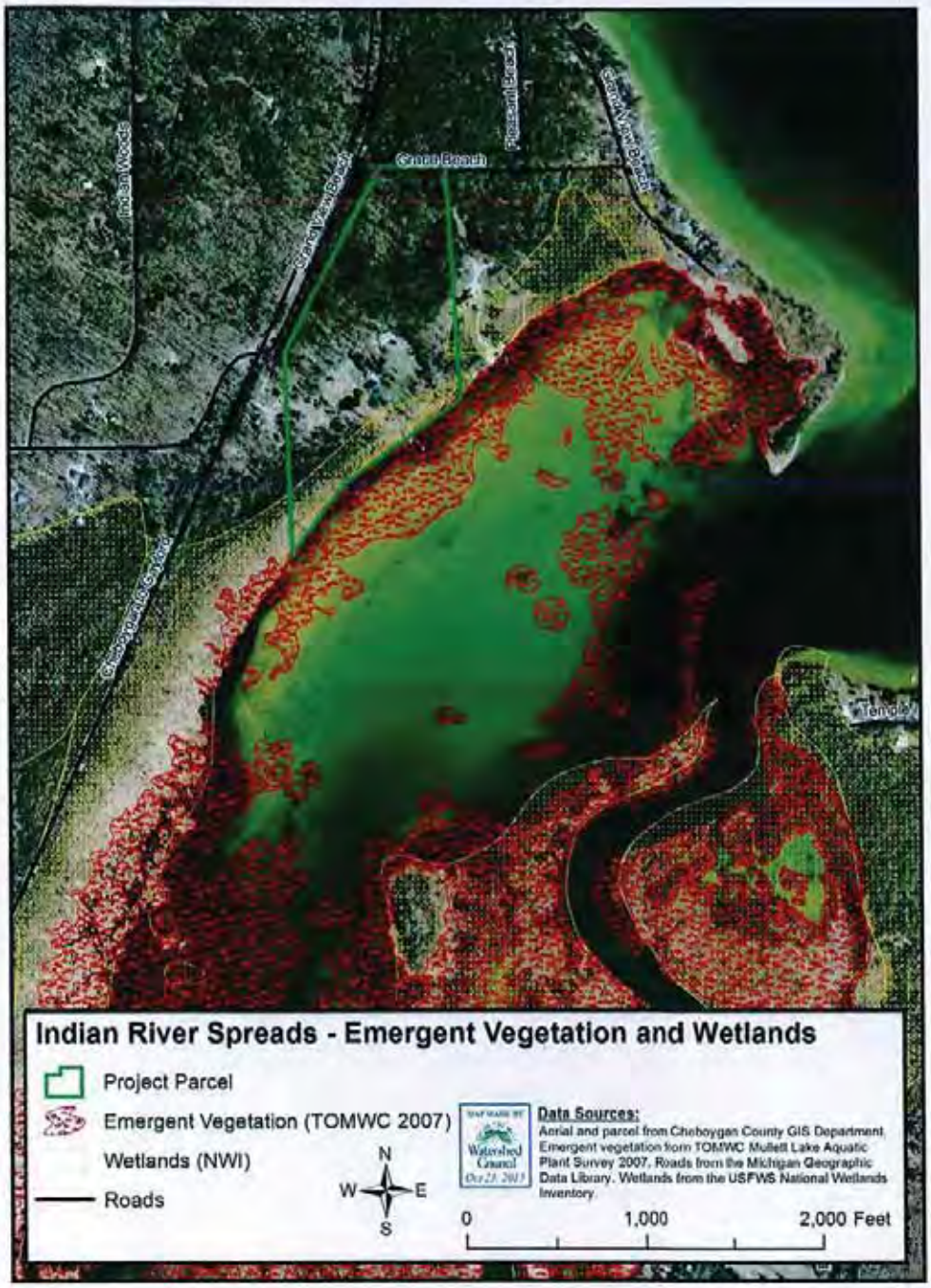
Other than seeing the drainfields noted on the map, our review of the packet did not reveal information regarding plans for on-site wastewater treatment, and if we missed that, we apologize. However, if it is not addressed, we think the Planning Commission should require specific details about whether the Health Department has inspected the area and what that inspection revealed, regarding suitability for the planned on-site wastewater system.

Again, we thank you for the opportunity to submit our comments regarding this application. If you have any questions, feel free to contact me at 231.347.1181 ext. 118.

Thank you for your consideration.

Sincerely,

Grenetta Thomassey, PhD
Program Director
grenetta@watershedcouncil.org


Indian River Spreads - Emergent Vegetation and Wetlands
Project Parcel
Emergent Vegetation (TOMWC 2007)
Wetlands (NWI)
Roads
N
W
E
S
Data Sources:
Aerial and parcel from Cheboygan County GIS Department. Emergent vegetation from TOMWC Mullett Lake Aquatic Plant Survey 2007. Roads from the Michigan Geographic Data Library. Wetlands from the USFWS National Wetlands Inventory.
0
1,000
2,000 Feet

Deborah Tomlinson

From: norma patrick [mailto:patnrmy@hotmail.com]
Sent: Saturday, October 24, 2015 1:50 PM
To: Scott McNeil
Subject: Nov. 4th meeting

We are opposed to the proposal to change the use of 33 acres of land on Grandview Beach Rd. known as Heritage Cove Farm.
Our opinion is that an unlicensed, unregulated mental illness treatment facility should not be placed in a residential area on a limited parcel of land. The sewage/septic/water demands should also be considered in this area.
We are not opposed to this type of facility for a treatment center be placed in Cheboygan County but feel a larger more rural area be considered.
Sincerely.
Pat and Norma May
6715 Orchard Beach dr.
Cheboygan, Michigan 49721

118

Dear Planning Commissioners:

We hope you consider the information contained below that demonstrates the strong connection between schizophrenia and violence. We strongly oppose this facility being placed so close to our home.

Schizophrenia and violence
Mental health experts have found that "studies show that even when controlled for other factors [being young, male or poor], there does seem to be an increased risk of violence in people living with a diagnosis of schizophrenia," especially among those with symptoms such as hallucinations and delusions, Dr. Douglas Mossman, professor of psychiatry at the University of Cincinnati said. In a 2009 study published in the Journal of the American Medical Association, researchers found that people with schizophrenia have an increased risk of violent crime when compared with the general public, particularly among patients with substance abuse issues.

After Aurora, Questions About Mass Murder and Mental Illness

Time Magazine 2012
So how can we understand who is at risk for becoming violent without increasing the stigma associated with mental illness, especially when that stigma may account for a large part of the association between the two? Some data may help: people with schizophrenia — a disorder being studied by the psychiatrist who was treating Holmes — are roughly twice as likely to be violent as those who do not have the disorder, according to a 2009 review of research. People who have schizophrenia and a substance-use disorder are at even greater risk: they have a nine times higher risk of violence than people with neither disorder. The association is especially marked for homicide: those with schizophrenia are nearly 20 times as likely to kill another person as people unaffected by the disease.

What Would We Find Wrong in the Brain of a Serial Killer?

Psychological conditions associated with killing and their biological correlates.
Published on April 5, 2013 by Jack Pemment, M.A., M.S. in Blame the Amygdala
The last disorder I would like to mention as a candidate is schizophrenia. Schizophrenics, especially when experiencing psychotic symptoms (such as auditory and visual hallucinations), can become violent. Ronald Markman M.D., who served as a forensic psychiatrist, details the life of Richard Chase, who was also known as *The Vampire of Sacramento* (Markman & Bosco, 1989). Chase was diagnosed numerous times as a paranoid schizophrenic, before he committed a number of murders towards the end of the 1980s.

Violence and schizophrenia: examining the evidence

1. ELIZABETH WALSH, MRCPsych, ALEC BUCHANAN, MD, THOMAS FAHY, MD

1. *Section of Forensic Mental Health, Institute of Psychiatry, London*
2. *Department of Forensic Psychiatry, Institute of Psychiatry, London*
3. *Section of Forensic Mental Health, Institute of Psychiatry, London*

1. Dr Elizabeth Walsh, Section of Forensic Mental Health, Institute of Psychiatry, De Crespigny Park, Denmark Hill, London SE5 8AF. E-mail: sppmemw@iop.kcl.ac.uk

It is now accepted that people with schizophrenia are significantly more likely to be violent than other members of the general population.

Schizophrenia and Violence

By National Institute of Mental Health

Substance abuse significantly raises the rate of violence in people with schizophrenia but also in people who do not have any mental illness. People with paranoid and psychotic symptoms, which can become worse if medications are discontinued, may also be at higher risk for violent behavior.

VIOLENCE IN SCHIZOPHRENIA AND BIPOLAR DISORDER

Jan Volavka
New York University School of Medicine, New York, USA
2.12.2012; accepted: 23.12.2012

Results:

There were statistically significant increases of risk of violence in schizophrenia and in bipolar disorder in comparison with general population. The evidence suggest s that the risk of violence is greater in bipolar disorder than in schizophrenia.Most of the violence in bipolar disorder occurs during the manic phase. The risk of violence in schizophrenia and bipolar disorder is increased by comorbid substance use disorder. Most psychiatric patients are not violent. Nevertheless, there is a general consensus that mental illness, particularly schizophrenia and bipolar disorder, does increase violence risk.

What Is The Relationship Between Bipolar Disorder And Violence?

February 28, 2008
Igor Galynker, M.D., Ph.D., Director, The Family Center for Bipolar Disorder, Beth Israel Medical Center
Question: What is the relationship between bipolar disorder and violence?
Answer: There is a relationship between bipolar disorder and violence. As there is a relationship between severe mental illness and violence in general.

Mental illness and violence

JAN 2011 Harvard Mental Health Letter
Multiple interacting factors contribute to violent behavior.
The MacArthur Violence Risk Assessment Study found that 31% of people who had both a substance abuse disorder and a psychiatric disorder (a "dual diagnosis") committed at least one act of violence in a year, compared with 18% of people with a psychiatric disorder alone.
In two of the best designed studies, investigators from the University of Oxford analyzed data from a Swedish registry of hospital admissions and criminal convictions. (In Sweden, every individual has a unique personal identification number that allowed the investigators to determine how many people with mental illness were convicted of crimes and then compare them with a matched group of controls.) In separate studies, the investigators found that people with bipolar disorder or schizophrenia were more likely — to a statistically significant degree — to commit assaults or other violent crimes when compared with people in the general population.

Are the mentally ill more violent?

January 20, 2011|By Amina Khan, Los Angeles Times
The The link between violence and schizophrenia certainly exists said forensic psychiatrist Seena Fazel of the University of Oxford. In 2009, Fazel and colleagues conducted a meta-analysis of 20 studies that looked for a link between mental illness and violence. The overall trend was clear.
"If you look at the issue in different ways, different countries, different periods of time, there seems to be a consistent problem," said Fazel, who published the results in 2009 in the journal PLoS Medicine. "That's not a nice thing to say, but there it is."

Systematic review and meta-analysis of homicide recidivism and Schizophrenia

Andrei Golenkov[1], Olav Nielssen[23] and Matthew Large[24*]
BMC Psychiatry 2014, 14:46 doi:10.1186/1471-244X-14-46

Received:	31 July 2013
Accepted:	12 February 2014
Published:	18 February 2014

Background

The aim of this study was to estimate the proportion of homicide recidivists among population studies of homicide offenders with schizophrenia.

Methods

Systematic review and meta-analysis of published studies of homicide associated with schizophrenia conducted in defined populations and indexed in Medline, PsychINFO, or Embase between January 1960 and November 2013. Published data was supplemented with unpublished data about recidivism obtained by personal communication from the authors of published studies of homicide and schizophrenia. Random effects meta-analysis was used to calculate a pooled estimate of the proportion of homicide recidivists.

Results

Three studies reported that 4.3%, 4.5%, and 10.7% of homicide offenders with schizophrenia had committed an earlier homicide.

Criminal Recidivism and Family Histories of Schizophrenic and Nonschizophrenic Fire Setters: Comorbid Alcohol Dependence in Schizophrenic Fire Setters

Eila Repo, MD, and Matti Virkkunen, MD

Life-time criminality, family history, and situational factors during a fire-setting offense were compared between 44 fire setters who had been diagnosed with schizophrenia or delusional psychosis and 260 nonpsychotic fire setters who had undergone a pretrial forensic psychiatric evaluation. The same comparisons were made between alcoholic (n = 25) and nonalcoholic (n = 19) schizophrenic fire setters. Medical and criminal records were studied. Life-time criminal histories of schizophrenic and nonschizophrenic fire setters were not significantly different with respect to multiple fire setting and violent offenses. Nonschizophrenic and alcoholic schizophrenic fire setters had, in general, a high rate of criminal offenses. The family history of schizophrenic fire setters was often characterized by the father's alcoholism and the mother's psychosis. Comorbid familial alcoholism increased life-time criminal recidivism among schizophrenic fire setters.

The proportion of schizophrenic patients and alcohol dependence seem to be found among fire setters has been reported to more commonly among schizophrenic range from 10 to 30 percent.

Sincerely,

Michael W. & Judith Ann Boyer
559 Grandview Beach Dr.
Indian River, MI

October 21, 2015

Mr. Steve Schnell
Cheboygan County Planning & Zoning
PO Box 70
Cheboygan, MI 49721

RECEIVED
OCT 26 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Dear Mr. Schnell,

I have been a long time resident and business owner in Indian River, and the purpose of this letter is to express my strong support for the Heritage Cove Farm project you will be considering at your November 4, 2015 Planning Commission meeting.

Before I moved to Northern Michigan I worked as a Masters Prepared Psychiatric Nurse serving specifically at Mt. Carmel and Mt. Sinai in Detroit, Michigan in their ER's, Crisis Clinics and their In Patient Psych Units. During my career, I experienced all levels of psychotic, manic, depressive, and acute mental behavior, and I would like to make it clear, that individuals with mental illness are not all alike. There is recovery for many of those suffering with mentally illness, and for every mentally ill person, there is a family (parents, brothers and sisters, a spouse, children, and grandparents) who are directly impacted as well.

According to the National Alliance on Mental Illness, one in four adults experience some form of mental illness each year, and one in 17 or 13.6 million, live with a serious mental illness. I applaud the board of directors for Heritage Cove Farm for their courage and strength in bringing meaningful response to an issue we chose to ignore or bury our heads in the sand, if it doesn't affect you personally.

In this day and age, I am appalled (but not surprised) to read the letters posted on your web site, from objecting property owners close to the project site. Mental illness is just that, an illness. Extreme violence by the mentally ill who are actively engaged in treatment, is simply not supported by evidence.

Those working hard at recovery, need the type of supportive community environment being proposed at Heritage Cove Farm I would not be afraid to live next door to this 33 acre site. I would not be afraid to work as a volunteer at Heritage Cove Farm. I would not be afraid to have my grandson accompany me to work side by side with or share a meal with the residents on this farm. And I am proud to sign my name in support of Heritage Cove Farm's plans to provide this much needed residential supportive program in my community.

It is naive' to think that people with mental illness are only in institutions far from populated areas. Contrary to popular belief those with mental illness may well be in your own family living with you and in the community at large. They are living in the "shadows" in your community, in your schools, in the business community and maybe

some of them may even own property in the Grandview Beach community. Perhaps before property is sold to anyone in Grandview Beach they should undergo a battery of tests to determine their mental capacity to see if they are "normal".

Maybe the alternative to Heritage Cove Farm would be to let the government build a facility with tax payer dollars to house those individuals that need help. We all know how well the government programs work.

Instead of bad mouthing Mr. and Mrs. Hanson we should applaud them and be grateful to them for wanting to use their own property to build a much needed community to provide help for those who need professional help.

Let us not forget that those individuals are human beings just like you and me but they need professional help. Are you going to turn your back on a fellow human being or will you heed the message in the Bible, "when you do unto those the least of my brethren you do unto me"?

Sincerely,

Karen Stankevich

Karen Stankevich, R.N., MSN - retired

Genesee-Lapeer-Shiawassee Region V
Planning and Development Commission
ROOM 223 – 1101 BEACH STREET FLINT, MICHIGAN 48502-1470
TELEPHONE (810) 257-3010 FAX (810) 257-3185
DEREK BRADSHAW
FISCAL OFFICER

RECEIVED
OCT 26 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

October 20, 2015

Cheboygan County Planning Commission
c/o Mr. Scott McNeil
870 South Main Street, Room 103
P.O. Box #70
Cheboygan, Michigan 49721

Re: Proposed Hanson Mental Health Treatment Facility

Dear Commissioners:

I am a member of the GLS Region V PDC, and I own a small cabin on Grandview Beach. I am opposed to the above referenced proposed "mental health treatment facility" for the following reasons as set out in the attached copies, and based on my over five years of public service reviewing many applications and making informed decisions. My experience is that "making reasonable accommodation" under the ADA refers to "public" not "private" facilities (eg: restaurants, hotels, et cet.). Also, the Grandview Beach Road has a PASER rating of "4" or lower (POOR).

Thank you for your consideration.

Sincerely,

John D. Mandelaris, J.D.

ATTACHMENTS

120

GLS REGION V PLANNING AND DEVELOPMENT COMMISSION

OFFICERS

Sidney Grinnell - Shiawassee County
Chairperson

Gary Roy - Lapeer County
Vice Chairperson

Derek Bradshaw - Genesee County
Fiscal Officer

COMMITTEE MEMBERS

Genesee County:

Alan Himelhoch
John Mandelaris
Ed Benning
Charles Van Duren (alt)
Robert Johnson (alt)
Jeffrey Kelley
Bill Henry
Christina Johnson
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Lapeer County:

Cheryl Clark
Michael Hemmingsen
Dyle Henning (alt)
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Lenny Schneider (alt)

Shiawassee County:

Julie Hales-Smith
John Horvath
Robert McLaren

GCMPC
GENESEE COUNTY METROPOLITAN
PLANNING COMMISSION

DEREK BRADSHAW
DIRECTOR-COORDINATOR
CHRISTINE A. DURGAN
ASSISTANT DIRECTOR

Room 223 - 1101 Beach Street, Flint, Michigan 48502-1470 * (810) 257-3010 * Fax (810) 257-3185 * www.gcmpc.org

JUNE 17, 2015

CHEBOYGAN COUNTY PLANNING COMMISSION
C/O SCOTT MCNEIL
870 SOUTH MAIN STREET, ROOM 103
P.O. BOX 70
CHEBOYGAN, MI 49721

RE: PROPOSED SPECIAL LAND USE PERMIT
HERITAGE COVE "FARM"
625 GRANDVIEW BEACH ROAD
TUSCARORA TOWNSHIP, MICHIGAN

DEAR COMMISSIONERS:

I AM A MEMBER OF THE ABOVE COMMISSION AND AM AN OWNER OF A COTTAGE ON GRANDVIEW BEACH, AND WANT TO BRING TO YOUR ATTENTION THE SERIOUS AFFECT THE ABOVE REFERENCED PROPOSED COMMERCIAL ENTERPRISE WILL HAVE ON THE NEIGHBORHOOD OF SMALL COTTAGES AND PROPERTY VALUES.

THE PROPOSED PROJECT IS NOT A "FARM" BUT IN REALITY A COMMERCIAL ENTERPRISE DETRIMENTAL TO THE ENJOYMENT OF LAKESIDE COTTAGE RESIDENTIAL LONG-STANDING TRANQUILITY AND PERHAPS SAFETY.

Alan Himelhoch, Chairperson; Alexander H. Isaac, Vice-Chairperson; Gloria J. Nealy, Secretary; Carl V. Arthur, III, Commissioner; Jamie Curtis, Commissioner; Jeffrey M. Peake, Commissioner; Janice Karcher, Commissioner; Michael Lynch, Commissioner; John Mandelaris, Commissioner; Cheryl Sclater, Commissioner; Mark Young, Commissioner

AN EQUAL OPPORTUNITY ORGANIZATION

GCMPC
GENESEE COUNTY METROPOLITAN
PLANNING COMMISSION

DEREK BRADSHAW
DIRECTOR-COORDINATOR
CHRISTINE A. DURGAN
ASSISTANT DIRECTOR

Room 223 · 1101 Beach Street, Flint, Michigan 48502-1470 · (810) 257-3010 · Fax (810) 257-3185 · www.gcmpc.org

I, ACTING IN MY OFFICIAL CAPACITY OF PLANNING COMMISSIONER ON THE ABOVE BOARD, WOULD TAKE INTO ACCOUNT THE PERSONAL (IN MY OPINION) INCOMPATABILITY OF THIS PROPOSED COMMERCIAL MENTAL ILLNESS TREATMENT FACILITY VENTURE WITH THE NEIGHBORHOOD AND THE POTENTIAL FOR INCREASED BURDEN ON TOWNSHIP RESOURCES (POLICE, FIRE, E.M.S., ROAD USE + DETERIORATION, HEALTH DEPARTMENT, COMMUNITY MENTAL HEALTH SERVICES, ET. AL.).

AT THE VERY LEAST, I WOULD INQUIRE INTO WHAT LICENSES ARE REQUIRED, WHAT REGULATIONS APPLY, WHAT INSPECTIONS WOULD BE PERFORMED AND BY WHAT (STATE/COUNTY/LOCAL) AGENCIES?

PROTECTION OF THE COMMUNITY WOULD BE A PARAMOUNT CONSIDERATION AS A PUBLIC OFFICIAL ON THE PLANNING COMMISSION, AND PERHAPS THE CONSIDERATION OF AN ALTERNATE LOCATION BETTER SUITED TO THE REQUIREMENTS OF A COMMERCIAL MENTAL ILLNESS TREATMENT FACILITY.

MANY NEURO-PSYCHIATRISTS ARE NOW USING THE TERM "BRAIN DISORDER" INSTEAD OF "MENTAL ILLNESS" BECAUSE THE LATTER PERPETUATES THE NOTION THAT IT'S NOT A PHYSICAL ILLNESS.

PERCEPTION CAN BE CHANGED BY THE USE OF TERMINOLOGY. HENCE "FARM" FOR "MENTAL ILLNESS TREATMENT FACILITY"?

SINCERELY,

John G Mandelaris

JOHN G. MANDELARIS
ATTORNEY
1083 BRIARCLIFF DR.
FLINT, MICHIGAN 48532

1083 BRIARCLIFFE DRIVE
FLINT, MICHIGAN 48532
johnmandelaris@gmail.com

GENESEE COUNTY ROAD COMMISSION

Serving the motorists of Genesee County for more than 100 years

211 W. Oakley Street
Flint, MI 48503-3995
Website: www.gcrc.org
Board meetings: first and third Tuesdays at 10:00 A.M.

Phone: (810) 767-4920
Toll Free: (800) 249-4027
Fax (810) 767-5373 – Administration
Fax (810) 767-3634 – Maintenance

MAY 22, 2015

CHEBOYGAN COUNTY PLANNING COMMISSION
C/O SCOTT McNEIL
870 SOUTH MAIN STREET, ROOM 103
P.O. BOX 70
CHEBOYGAN, MI 49721

RE: PROPOSED SPECIAL LAND USE PERMIT
HERITAGE COVE "FARM"
625 GRANDVIEW BEACH ROAD
TUSCARORA TOWNSHIP, MI

DEAR COMMISSIONERS:

I AM A MEMBER OF THE ABOVE COMMISSION AND AM OWNER OF A COTTAGE ON GRANDVIEW BEACH, AND WANT TO BRING TO YOUR ATTENTION THE SERIOUS EFFECT THE ABOVE REFERENCED PROPOSED COMMERCIAL ENTERPRISE WILL HAVE ON THE GRANDVIEW BEACH ROAD. THE PASER ROAD RATING SYSTEM RATING FOR THIS ROAD IS A "4" (FAIR) IN MY OPINION, AND WOULD RAPIDLY DETERIORATE BY THE WEIGHT AND FREQUENCY OF LARGE TRUCKS CONVEYING CONSTRUCTION MATERIALS FOR THIS DEVELOPMENT, AND INCREASED VEHICULAR TRAFFIC IF IN OPERATION.

THIS PROPOSED PROJECT IS NOT A "FARM" BUT IN REALITY A COMMERCIAL MENTAL ILLNESS TREATMENT FACILITY VENTURE, INCOMPATABLE WITH THE LAKESIDE COTTAGE RESIDENTIAL NEIGHBORHOOD, IN MY OPINION. THE COMMISSION SHOULD SEEK THE OPINION OF THE COUNTY ROAD COMMISSION (CCRC).

SINCERELY,

John D Mandaloris, J.D.
487 GRANDVIEW BEACH DRIVE
TUSCARORA TOWNSHIP

ATTACHMENTS
cc: CCRC

Our mission, as Genesee County Road Commission employees, is to collectively provide and maintain a safe, cost-efficient and quality county road system for the motorists in Genesee County, Michigan.

P.A.S.E.R.
ROAD

Rating system

Surface rating	Visible distress*	General condition/ treatment measures
10 Excellent	None.	New construction.
9 Excellent	None.	Recent overlay. Like new.
8 Very Good	No longitudinal cracks except reflection of paving joints. Occasional transverse cracks, widely spaced (40' or greater). All cracks sealed or tight (open less than ¼").	Recent sealcoat or new cold mix. Little or no maintenance required.
7 Good	Very slight or no raveling, surface shows some traffic wear. Longitudinal cracks (open ¼") due to reflection or paving joints. Transverse cracks (open ¼") spaced 10' or more apart, little or slight crack raveling. No patching or very few patches in excellent condition.	First signs of aging. Maintain with routine crack filling.
6 Good	Slight raveling (loss of fines) and traffic wear. Longitudinal cracks (open ¼"– ½"), some spaced less than 10'. First sign of block cracking. Sight to moderate flushing or polishing. Occasional patching in good condition.	Shows signs of aging. Sound structural condition. Could extend life with sealcoat.
5 Fair	Moderate to severe raveling (loss of fine and coarse aggregate). Longitudinal and transverse cracks (open ½") show first signs of slight raveling and secondary cracks. First signs of longitudinal cracks near pavement edge. Block cracking up to 50% of surface. Extensive to severe flushing or polishing. Some patching or edge wedging in good condition.	Surface aging. Sound structural condition. Needs sealcoat or thin non-structural overlay (less than 2")
4 Fair	Severe surface raveling. Multiple longitudinal and transverse cracking with slight raveling. Longitudinal cracking in wheel path. Block cracking (over 50% of surface). Patching in fair condition. Slight rutting or distortions (½" deep or less).	Significant aging and first signs of need for strengthening. Would benefit from a structural overlay (2" or more).
3 Poor	Closely spaced longitudinal and transverse cracks often showing raveling and crack erosion. Severe block cracking. Some alligator cracking (less than 25% of surface). Patches in fair to poor condition. Moderate rutting or distortion (1" or 2" deep). Occasional potholes.	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of overlay.
2 Very Poor	Alligator cracking (over 25% of surface). Severe distortions (over 2" deep). Extensive patching in poor condition. Potholes.	Severe deterioration. Needs reconstruction with extensive base repair. Pulverization of old pavement is effective.
1 Failed	Severe distress with extensive loss of surface integrity.	Failed. Needs total reconstruction.

** Individual pavements will not have all of the types of distress listed for any particular rating. They may have only one or two types.*

The State of Michigan
Transportation Asset Management Council
2014 PASER Road Survey
Genesee County

Project Overview:
On July 14 through July 30, 2014, GLS Region V staff, along with representatives of the Genesee County Road Commission (GCRC), City of Flint, City of Burton, City of Swartz Creek, Village of Gaines, and the Michigan Department of Transportation (MDOT) assessed the condition of Genesee County federal aid eligible roads using the PASER road rating system as requested by the State of Michigan Transportation Asset Management Council.

PASER Road Rating System:
The PASER Road Rating System was developed by the University of Wisconsin-Madison Transportation Information Center to be used as the State of Wisconsin's standard road rating system. PASER is a "windshield" road rating system that uses a 1 to 10 rating scale, with a value of 10 representing a new road and a value of 1 representing a failed road. Condition ratings are assigned by monitoring the type and amount of visual defects along a road segment while driving the segment. The PASER system interprets these observations into a condition rating. PASER rating charts for asphalt and concrete roads have been included with this report.

The State of Michigan Transportation Asset Management Council has requested that the information gathered in this survey be reported using the following categories:

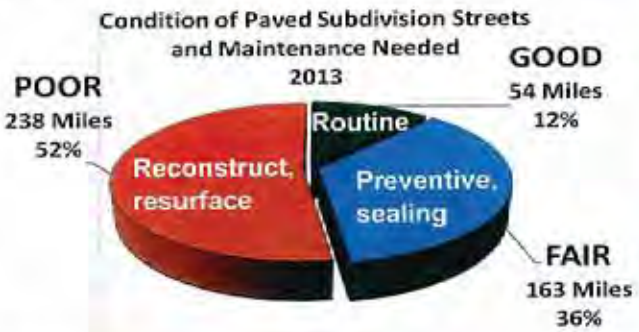
- **Roads with PASER ratings of 8-10 require Routine Maintenance.** Routine maintenance is the day-to-day maintenance activities that are scheduled, such as street sweeping, drainage clearing, gravel shoulder grading and sealing cracks to prevent standing water and water penetration.

- **Roads with PASER ratings of 5-7 require Capital Preventive Maintenance.** Capital preventive maintenance is a planned set of cost effective treatments to an existing roadway system and its appurtenances that preserves, retards future deterioration and maintains or improves the functional condition of the system without significantly increasing structural capacity. The purpose of capital preventive maintenance fixes is to protect the pavement structure, slow the rate of pavement deterioration and/or correct pavement surface deficiencies. Surface treatments are targeted at pavement surface defects primarily caused by the environment and by pavement material deficiencies.

- **Roads with PASER ratings of 1-4 require Structural Improvements.** This category includes work identified as rehabilitation and reconstruction, which address the structural integrity of a road.

What condition are subdivision streets in?

In a word, poor. In 2013, more than half the subdivision mileage in Genesee County was rated as being in poor condition - indicating that it has aged beyond patching and needs to be rebuilt.



What can residents do?

Improved subdivision streets increase homeowners' quality of life as well as their property values, but the Road Commission simply can't afford to rebuild all the subdivision streets that need it. To realize these benefits, residents can initiate a Special Assessment District (SAD) to finance capital improvements (resurfacing, reconstruction, etc.) over time.

- **Form a Special Assessment District**
  - A citizen-initiated public petition and assessment process administered by the local township government.
  - Requires at least 51% of property owners' signatures.
  - Multi-step process; multiple opportunities for input or to stop the process.
  - **GCRC will pay engineering & inspection (up to 25% of total project cost).**
  - The township would issue bonds at a rate they would receive from the market based on the township's current bond rating.
  - **Visit www.gcrc.org for more information.**
- **Contact us if you see a safety issue**

Safety is our first priority. If you spot a road hazard or unsafe condition, please contact the Road Commission immediately by calling **(810) 767-4920** or emailing the Pothole Hotline, potholes@gcrc.org.

Genesee County Road Commission

Board of Road Commissioners

John Mandelaris, Chair
Robert Johnson, Vice-Chair
David Arceo
Cloyce Dickerson
David Miller

John H. Daly III, Ph.D.
Manager-Director
Fred F. Peivandi, P.E.
County Highway Engineer
Anthony Branch
Director of Maintenance

Hours of Operation:

Winter:
8 a.m. to 4:30 p.m. Monday - Friday
Summer:
Maintenance: 6 a.m. to 4:30 p.m. Monday - Thursday
Administration: 8 a.m. to 4:30 p.m. Monday - Friday

Board meets first and third Tuesdays at 10 a.m.

Contact us:

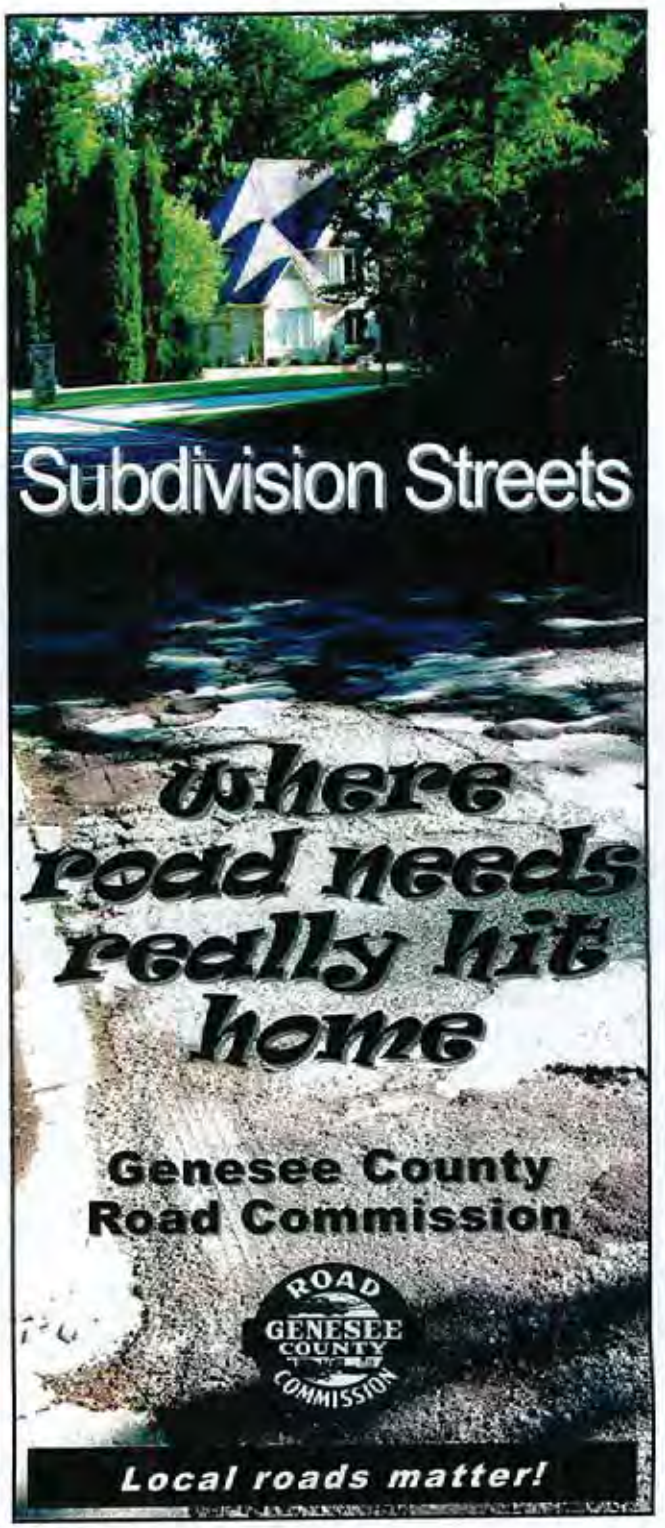
211 W. Oakley Street
Flint, MI 48503
810-767-4920

Website: www.gcrc.org
Pothole Hotline: potholes@gcrc.org

Scan to visit gcrc.org for more information

GCRC Mission Statement

Our mission, as Genesee County Road Commission employees, is to collectively provide and maintain a safe, cost efficient and quality county road system for the motorists in Genesee County, Michigan.



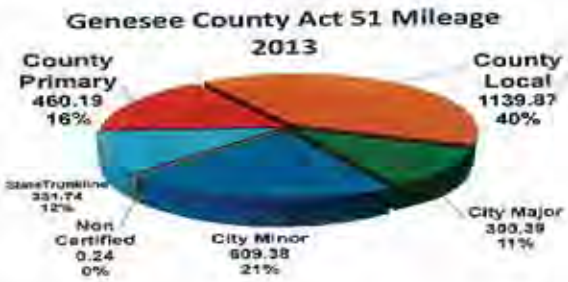
Where road needs really hit home!

All roads have a certain service life expectancy, all wear out and all have to be rebuilt eventually. This is painfully obvious in all of our daily travels, ***but it really hits home on the aging and crumbling streets on which we live.***

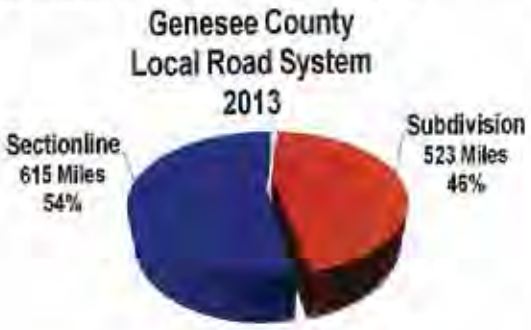
This brochure describes the County Road and Subdivision Street systems in Genesee County, identifies who is responsible for their maintenance, lists the services that the Genesee County Road Commission (GCRC) provides to subdivision streets, the cost of those services and where the funding comes from, and suggests ways residents can help.

What is the County Road System?

The County Road System includes all public roads that are not state trunk lines and that are outside of incorporated cities. As shown below, it is made up of 460 miles of **County *Primary*** and 1139 miles of **County *Local*** roads. There are two and a half times as many County Local road miles as there are County Primary miles.



The "**Local**" category includes both "**Sectionline**" **Local** Roads and **Subdivision Streets**



Who is responsible for maintenance of County roads and streets?

The GCRC has jurisdiction and responsibility for the entire County Road System. Funding to maintain the various types of roads varies widely, however.

Primary Roads: GCRC is responsible for maintenance and reconstruction. GCRC receives federal and state funds. These funds typically cover 80% of capital improvement costs.

"Sectionline" Local Roads: GCRC is responsible for maintenance. GCRC receives state funds. **State law prohibits GCRC from paying more than half the cost of major reconstruction.** GCRC allocates funds for capital improvements, match-able by townships. These roads are not eligible for federal aid.

Subdivision Streets: GCRC is responsible for maintenance. **State law prohibits GCRC from paying more than half the cost of major reconstruction.** By policy, GCRC participation in reconstruction is limited to engineering and inspection (up to 25% of project cost). These roads are not eligible for federal aid.

What maintenance is provided?

The GCRC, **in cooperation with townships**, provides the same services on subdivision streets as on Primary and Local roads.

- Bridge maintenance
- Culvert and underground
- Ditching
- Drainage & backslopes
- Dust control
- Grass and weed control
- Pothole patching
- Reshape gravel surface
- Roadside cleanup
- Shoulder maintenance
- Surface maintenance
- Sweeping and flushing
- Thermo plastic lines
- Traffic signals
- Traffic signs
- Trees and shrub removal
- Winter maintenance

Rehabilitation and reconstructing is expensive!

It costs upwards of **$285,000 per mile** to resurface a subdivision street. And much more to reconstruct one that has reached the end of its life.

Average estimated construction costs for local road improvements - 2013
PER CENTERLINE MILE

4" Limestone Resurfacing (20' Wide)	$95,000
3" Gravel Resurfacing (20' Wide)	$60,000
2" Asphalt Resurfacing (30' B/C to B/C) (Including Cold-Milling)	$285,000
2" Asphalt Resurfacing (26' Wide Open Ditch Streets)	$190,000
Microsurfacing (26' Wide)	$100,000
Ditching, Grading and Paving (26' Wide with 4' Shoulder)	$700,000
Grading and Paving with Concrete Curb & Gutter (30' B/C to B/C)	$1,200,000

Where does funding come from?

The Road Commission can't raise money on its own and it gets no funding from general fund property taxes, but is dependent on the Michigan Transportation Fund (MTF - the "gas tax"), other state funds and federal aid. **But the gas tax has not been increased since 1997** and in recent years the Road Commission has dipped into its fund balance to maintain service levels.

Where are the subdivisions?

Subdivisions are in every township in varying amounts ranging from less than half a mile in Forest Township to over 107 miles each in Flint Township and Grand Blanc Township.

Subdivision Street Mileage by Township

TOWNSHIP	Paved	Unpaved	TOTAL Subdivision
ARGENTINE	5.94	4.01	9.95
ATLAS	10.16	0	10.16
CLAYTON	9.33	0.19	9.52
DAVISON	33.79	0.27	34.06
FENTON	31.28	1.77	33.05
FLINT	87.38	20.16	107.54
FLUSHING	14.92	1.03	15.95
FOREST	0.32	0	0.32
GAINES	3.6	0	3.6
GENESEE	43.35	10.12	53.47
GRAND BLANC	103.25	4.34	107.59
MONTROSE	1	0.72	1.72
MT. MORRIS	51.91	21.97	73.88
MUNDY	33.13	1.59	34.72
RICHFIELD	5.85	0.72	6.57
THETFORD	4.45	0	4.45
VIENNA	14.12	2.17	16.29
Grand Total	**453.78**	**69.06**	**522.84**

How old are the subdivisions?

A building boom took place in Genesee County in the1960s and 1970s. Over 210 miles of subdivision streets were built or hard-surfaced between 1960 and 1980. Many of these subdivision streets have reached the end of their useful lives, are beyond pothole patching and need to be rebuilt.

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INDIAN RIVER, MI 49749 ■ THURSDAY, OCTOBER 15, 2015 ■ VOL. 56 • NO. 42

Unknown rescuers dive in to save man who fell into Mullett Lake

BY L. SCOTT SWANSON

An unplanned October swim in Mullett Lake could have been bad news for a local man, but fortunately two good Samaritans dove to his rescue.

Dan Weaver, who lives on Grandview Beach, was at the Topinabee boat launch on the morning of Thursday, Oct 8 helping his neighbor get his boat out of the water. It was a cold morning so he had on a lot of clothes.

When the boat came out of the water, the stern wasn't square on the trailer and needed to go over a bit. Weaver went to push the boat over, but in the process lost his balance and fell into the lake.

Weaver, who is 80 years old, says that when he hit the water all of the clothes that he was wearing soaked up water and got heavy. He was in water over his head. Although he was bobbing to the surface Weaver found that he couldn't lift himself. He spotted the post at the end of the dock and tried grabbing that.

Weaver said that although his memory of events after that is sketchy, as he understands it there were two people on a fishing boat waiting to get to the launch ramp and

continued on page 3

Unknown rescuers dive in to save man

continued from front

and one of them dove into the water. Someone from land also dove in from the dock and the two of them hauled him up on the shore. Someone also called the ambulance.

"They said I was very blue at the time. I couldn't get my breath. I couldn't talk," Weaver said.

The ambulance took Weaver to the hospital. He was in the emergency room for seven and a-half hours where they had him in an inflated suit with warm air. Later in the day, he was transferred to another room and he got out of the hospital the next day at 6 p.m.

Weaver said he doesn't know who rescued him, but he's very appreciative.

"Without them, I wouldn't be talking to you now," he says. "I was in trouble."

Deborah Tomlinson

From: John Kolar [mailto:jkolarsys@att.net]
Sent: Monday, October 26, 2015 5:59 PM
To: Scott McNeil
Cc: slawson14@aol.com
Subject: Zoning Permit for Mental Health Facility

Mr. Scott McNeil,
870 S. Main Street, Room 103,
PO Box,
Cheboygan, Michigan 49721

Subject: Letter of Opposition to the Proposed change in Zoning to Permit a Mental Health Facility

or any other change in use or nonconforming use .

Dear Mr. McNeil;
This is from a taxpayer of lakefront vacation property on Orchard Beach Dr., Mullet Lake.

Please know I'm strongly opposed to the proposal to re-designate part of a parcel on Mullet lake in order to use it to build a mental health treatment facility. This use is extremely inconsistent with the existing use of as vacation/residential lakefront community on Mullet Lake. It doesn't make sense to put such a facility on or near any

such lake.

I can go on, but simply put, I respectfully oppose this as it would change of character of this lake, which already has limited public access and campgrounds in addition to the residential and vacation properties on it.

Certainly the revenue and the jobs would be highly desirable, but this zoning change is not. **Such a facility is warranted in town where hospitals can provide other services that patients need (Cheboygan or elsewhere),**

but NOT on this, nor any resort lake.

Understand, I am much in favor of more mental health facilities, lord knows we don't have enough, but placing one on a resort-lake cannot be construed as "proper-use".

I am one voice, and my objection is sincere.

Respectfully!
John Kolar - SFI

Sr. Project Mgr.

Industrial Design and City Planning

John Kolar [mailto:jkolarsys@att.net]

Saturday, October 24, 2015

Cheboygan Co. Planning & Zoning
Att: Steve Schnell
P.O. Box 70
Cheboygan, MI 49721

RECEIVED
OCT 28 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

Re: Heritage Cove Farm

To the Planning and Zoning commission:

I am writing to express **full support** for the planned residential community that will allow a small group of adults who have been impacted by mental illness to live in a caring and supportive community at Heritage Cove Farm. The residents will benefit from meaningful work, therapeutic intervention and the healing peace that comes from a home setting rich in natural beauty and the rhythms of the natural world.

I propose that for the commission to only consider the objections to this proposal at the *surface/stated* level is completely missing the undercurrent and subtext for these same objections. If the commission only focuses on issues of "rules" and "easements" and concerns about "who will be using the bike path" and "how much trash will accumulate", or this mythological issue of "safety of our children" it will completely miss the unexpressed subtext for ALL opposition to this project. It is my belief as a mental health professional that has worked in the field of public mental health for 25 years, that the true objection that is unspoken in ALL of the opposition to this project, is the culturally embedded bias against looking openly and inclusively at people who have mental illness; also known as stigma. The expression of "not in my back yard" value expressed as "can't they go somewhere else?" is only the tip of the proverbial iceberg of this stigma, both expressed and unexpressed.

The United States has been in a continual evolution of enlightened de-institutionalization of individuals with mental illness since the early 1970's when institutions of horrific warehousing were closing and the county-based *community* mental health system was initiated across the country. Decade by decade more and more services in the form of formal treatment, psychosocial rehabilitation centers (a.k.a. clubhouse model), adult foster care, supported employment, as well as other *community* based interventions based on the idea of treatment AND community inclusion of those with mental illness have become the best practice norm. This process continues today with the integration of mental health services into primary care settings as well as school based health clinics that include mental health services. This most recent phase of community-based services actually predicts the possibility of formal community mental health centers potentially becoming obsolete and that the care truly will be fully integrated into community portals of health care. In other words, the kind of community proposed by Heritage Cove Farm is extremely current and future oriented in value and practice and many similar communities have existed in forward thinking communities around the country for decades.

It has been my experience, both as a mental health professional and as a citizen of northern Michigan, that when a proposed change is met with opposition that often it is born out of fear - particularly when the proposal involves anything related to mentally ill adults. Fear of the unknown…fear of the "other".... And in the case of the Heritage Cove Farm proposal the "other", is "those with mental illness". What I would respectfully request that this commission and anyone involved in the decision making about the Heritage Cove Farm consider that mental illness is absolutely a part of every one of our every day lives. Mental illness includes such common diagnoses as depression, anxiety, panic disorder, obsessive compulsive disorder, attention deficit/hyperactivity disorder, bipolar depression and on and on. I will argue with certainty that each and every one of us knows many, many people who have these conditions. Our server at the restaurant we ate breakfast at, the clerk at the grocery store who just checked out our groceries, our accountant, our lawyer, our hair dresser, or dry cleaner, our neighbor, our minister, the person sitting to our right and the person sitting to our left right now most likely have had or are presently struggling with some manner of mental illness in themselves or a very close loved one. If one in 4 adults have at one time in their lives carried a diagnosis that meets the criteria of *mental illness*, most people you and I know are now (or have in the past been) prescribed an anti-depressant, anti-anxiety, mood stabilizing, sleep or focus improving medication. This is routine care at the most routine level of health care. Mental illness does not dwell in some far away place.... Some "other" community..... some other family. It is here, and now and it affects me, and you, and our spouses, and our children, our parents, our cousins and their children… our neighbors… all of us. To believe anything different is not accepting reality. The truth is, most likely you *already* live next door to someone with a mental illness, you just haven't thought of it that way.

I would further suggest that anyone having any power of decision making in the matter of the Heritage Cove Farm proposal actually take the time to go through a day and actively consider that each person they meet, speak to, do business with, pass in a car or otherwise have contact with *has or has had some degree of mental illness.* These people we see every day function to the best of their capacity, often with great success. The halls of power, industry and the arts include individuals that all had mental illness..... Brian Wilson, Robin Williams, Patty Duke , John Nash, Jr, Howard Hughes, J.D. Salinger, Jane Pauley, William Styron, Ted Turner, Jonathan Winters, Judy Collins and Mike Wallace to name a few familiar and public names of Americans who had/have mental illness.

My final appeal is to state the obvious: One of the things that is painfully lacking in our current society is the concept and actuality of "community". The reality is that nobody can survive alone and without some level of supportive community. Those lucky enough to have it, get it from a biological family. Others create it out of a group of like-minded friends or a spiritual community or a family created out of a shared cohesive interest in a personal passion such as travel or skiing. Humans need community to become the best we can become. The community that Heritage Cove Farm proposes will most certainly be transformative for the residents of that community and something the larger northern Michigan community could be very proud of. I quote former Vice president Hubert Humphrey (© 1977) who said "the moral test of government is how that

government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadows of life, the sick, the needy and the handicapped…"

My family has resided in Tuscarora Township for over 100 years, my paternal grandfather (J.H. Harrington, Sr.) and maternal grandparents (Mabel and Dan Fisher and many of their children) settled on Burt Lake in the very early 20th century, were involved in the creation of the Catholic Shrine (Cross in the Woods) and other businesses in the local communities of Indian River and Cheboygan. Although I now reside in Charlevoix County, I am co-owner of my mother's property on Burt Lake and as such am an interested party/property owner in Tuscarora Township.

We have the chance to do something really important here and I encourage you to join me in fully supporting the proposed community at Heritage Cove Farm. I trust Larry and Betsy Hanson to shepherd this amazing idea into reality to the benefit of each and every one of us.

Respectfully submitted,

Trish Harrington, MSW, LMSW

Trish Harrington, MSW, LMSW
Licensed Clinical Social Worker- State of Michigan
5818 Springvale Road
Boyne Falls, MI 49713

TUSCARORA
TOWNSHIP

RECEIVED
OCT 28 2015
CHEBOYGAN COUNTY
PLANNING & ZONING

October 26, 2015

Cheboygan County Planning Commission
870 S. Main Street
PO Box 70
Cheboygan, MI 49721

Re: Heritage Cove Farm Special Use Permit Request

Dear Planning Commission Members:

At the October 22, 2015, regular meeting of the Tuscarora Planning Commission the Heritage Cove Farm Special Use Permit Request was reviewed to determine if the submitted plan was compatible with our future land use map.

After review of the 2012 Master Plan, Mr. Craig Waldron made a motion that the Heritage Cover Farm Plan is not compatible with our future land use map. This motion was seconded by Mr. Dan Nivelt and it carried unanimously.

Thank you in advance for your consideration of the Tuscarora Township Planning Commission's determination.

Sincerely,

TUSCARORA TOWNSHIP PLANNING COMMISSION

Michael Cherveny, Chair

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231.238.7088 Supervisor • 231.238.4220 Treasurer • 231.238.0970 Clerk • 231.238.7865 Parks Commission

Deborah Tomlinson

Attachments: FOIA Request and Response Forms.pdf

From: Scott McNeil
Sent: Wednesday, October 28, 2015 8:27 AM
To: Kolar, Sally
Cc: Deborah Tomlinson
Subject: RE: Proposed change in Zoning to Permit a Mental Health Facility - Mullett Lake

Dear Ms. Kolar;

Thank you for your letter. It will be placed in the record as an exhibit relative to the special use permit application. I note that you have requested to be advised of all correspondence, meetings and munities related to this topic. In order to facilitate this request policy requires that you complete the attached freedom of information request application and pay appropriate fees associated with the cost of providing the requested information. Be advised that the record is extensive. 112 exhibits are currently included in the file. Attached is the application form. Do not hesitate to contact me with any questions.

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

From: Kolar, Sally [mailto:s.kolar@lackstrim.com]
Sent: Tuesday, October 27, 2015 5:51 PM
To: Scott McNeil
Subject: Proposed change in Zoning to Permit a Mental Health Facility - Mullett Lake

Mr. Scott McNeil,
870 S. Main Street, Room 103,
PO Box,
Cheboygan, Michigan 49721

Letter of Opposition to the Proposed change in Zoning to Permit a Mental Health Facility or any other change in use or nonconforming use .

Dear Mr. McNeil;
I am a taxpaying co- owner of lakefront vacation property at 6693 Orchard Beach , on Mullett Lake.

I write in opposition to the proposal to redesignate part of a parcel on Mullet lake in order to use it to build a mental health treatment facility. This use is highly inconsistent with the existing use of the quiet, vacation/residential lakefront community such as the ones on Mullett Lake.

The environment is very fragile and so is the ecosystem which supports it. Many birds, including loons and blue herons, and other wild birds of every type and variety which need forested and quiet habitats and clean water live here too, and are the reasons residents and vacationers live/visit here on the lake to fish and enjoy looking at rural vistas – not commercial buildings . I respectfully oppose the change of character to the use of this lake which already has with limited (and welcome) public access and campgrounds in addition to the residential and vacation properties on it.

I specifically oppose any increased septic/sewer, water drawdown, and commercial traffic that such a facility would bring. The revenue, I am sure, and the jobs would be highly desirable, but the zoning change is not. Such a facility is appropriate in town (Cheboygan or elsewhere) but NOT for this fragile lake, and the community's ecosystem. More phosphate runoff into the lake, more destruction of fragile habitat for birds and other wildlife is not what we need , and it will destroy what little is left.

While I am strongly in favor of more mental health facilities and can appreciate the difficulty of siting them ; such facilities should be located in cites near hospitals which can provide other service that patients need, not in limited vacation sites. Otherwise, the county will be squandering one resource (vacation properties and the revenue they yield supporting without using the schools). The location of this mental health facility will draw down property values resulting in a reduction of tax revenue for the area overall and create security issues for the residents in the area. This is too high of a price to pay for a facility that could be located in a metropolitan area more suited to the needs of the clients it will serve.

Kindly keep me advised of all correspondence, meetings and minutes related to this topic.

Sincerely,
Sally Kolar

Director of Sales - Chrysler LLC
Lacks Trim Systems
248-351-3123 Office

s.kolar@lackstrim.com

Steve Schnell

From: Ginny Robarge <ginnyrobarge@yahoo.com>
Sent: Wednesday, October 28, 2015 5:54 PM
To: Steve Schnell
Subject: Heritage Cove Farm

Even though our country and state need more facilities for the mentally ill, the "therapeutic farm" the Hanson's have proposed, in a residential bordering the trail is a very poor choice. The impact to the residents of Grandview Beach and the surrounding areas from this "therapeutic farm" would be astronomical. The people would be living in a state of constant fear for themselves and their families. Adults and children alike would no longer be able to enjoy all the gifts that this beautiful area ofGod's Country affords us without looking over their shoulder. Fear for the safety of their own property, fear to walk or bike on the trail, fear in leaving children in their own yards without a watchful eye, as we know fear alone can be debilitating. With this in mind, the residents if indeed they can sell their property, with this mental facility at their doorstep, and with probable declined property values. The mentally ill, need an enclosed facility, away from the general populous, NOT in a residential area with a trail that draws many tourists throughout the year, but a treatment facility with preferred enclosed grounds, with psychiatrists and full time PROPER staffing, to deal with the many challenges they face daily. It is common knowledge, that chronic drug abusers can experience mental health issues as drugs exacerbate the symptoms of the disorder and both substance abuse and mental illness have hereditary factors at play, making certain individuals susceptible to both over time. Early recognition to this deterioration is the key, to their overall well being. We all want to help the mentally ill, but this needs to be done in an enclosed controlled environment not in our own backyards. I OPPOSE HERITAGE COVE FARM. Sincerely, Virginia Schaefer- Robarge

Deborah Tomlinson

From: Scott McNeil
Sent: Thursday, October 29, 2015 9:15 AM
To: Deborah Tomlinson
Subject: FW: Question Location of Purposed Heritage Cove Farm

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

From: Don Warren [mailto:warren.don@earthlink.net]
Sent: Thursday, October 29, 2015 8:49 AM
To: Scott McNeil
Cc: Giauque Garlick Bud Sue 558; Giauque Ginny and Jay Robarge; mccaincharlie@yahoo.com; Giauque Beach Jeannie and Greg Benjamin 762; Giauque Jack and Geri McMath 744; Don Warren ; Sue Warren; lrlutz@racc2000.com
Subject: Question Location of Purposed Heritage Cove Farm

Sir, this is Don and Sue Warren from Giauque Beach in Topinabee, MI. We are writing voicing our concern over the Rezoning of the 33 acre Parcel of land owned by Mr. and Mrs. Larry Hanson near the wetlands of Grandview Beach in Topinabee, MI. Although we are in favor of this adventure, we are very concerned over the location of such an endeavor!

This is a Great Undertaking, but we really question the Location of it. It will be a safety hazard for the residences (patients) with the water and marsh being in a short walking distance. From what we understand from the recommendation, the residence of the Heritage Cove Farm would be at a high risk of bad opportunities. Please consider all the options before allowing this project to develop at this location.

Our community, zoned residential, is also being put in an awkward position with this proposal. I am not sure our property value will remain the same with this proposed Heritage Cove Farm in such close proximity! Certainly a different location would be much more suitable for both the proposed residences and local property owners. The Safety and Management of this proposed facility would be very acceptable located in a Non-Residential Zoned Community. Please enter our opposition to this Project in this Location!

Respectfully,

Donald and Susan Warren
690 Giauque Beach Drive
PO Box 319
Topinabee, MI 49791

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
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STAFF REPORT

Item: Request for a special use permit and request for reasonable accommodation by Larry Hanson on behalf of Heritage Cove Farm for new uses in an Agriculture and Forestry Management zoning district and Lake Stream Protection zoning District (See attached copy of subject public hearing notice.)	**Prepared by:** Scott McNeil, Steve Schnell
Date: October 29, 2015	**Expected Meeting Date:** November 4, 2015

GENERAL INFORMATION

Applicant:
Larry Hanson on behalf of Heritage Cove Farm

Contact person:
Larry Hanson

Phone:
231-238-0505 ***(Please note that the applicant requests an appointment be made for site inspections)***

Requested Action:
See attached notice of public hearing.

INTRODUCTION

Due to the extent of the materials being submitted for this application, findings of fact will be drafted following the public hearing in order to ensure all input received is treated fairly and included for consideration. It is important at this first meeting and public hearing to gather all necessary information and facts from the applicant on their application. Once the public hearing and public record are closed those are the only facts which you may use in your final decision(s) on this application.

This application will require special attention to the uses which are being requested by the applicant. Decisions on this application should be separated by use and by zoning district. The Planning Commission should make a decision for each of the uses they request approval under and for each zoning district that the site is in. This will mean that you either agree or disagree with the applicant as to whether their declared uses meet the requirements and definitions of those uses in zoning ordinance. If those uses are not defined then common definitions should be used.

For instance, the applicant has stated that they have a restaurant use on the property. They state that there is communal dining. A definition by Merriam-Webster is “a place where you can buy and eat a meal”. The Oxford English Dictionary states that a restaurant is: “An eating establishment at which meals are cooked

and served to customers on the premises; a public eating house. Also: a similar establishment provided esp. by an employer for members of staff." These should be compared with the description by the applicant to decide on consistency of the described use of the dining hall with the definition of restaurant. This type of review should be applied to all declared uses. More discussion on this follows in this report for each use and accessory use.

It will also be up to the Planning Commission to review each use as well as determining whether the proposed "ancillary" or accessory uses are actually *accessory* or subordinate to the main use. Accessory use is defined in our ordinance as: *a use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the building or land*.

As you review the application materials you will find communication from the applicant referencing residential and other uses which only require a zoning permit and would be approved administratively by department staff. However, no zoning permit application has been filed with this office even though this type of application was explained to the applicant. There has been significant effort by staff to clarify which uses the applicant intended to request as allowed under the zoning ordinance. The applicant submitted a supplement letter to the application dated September 22, 2015 which has been added to the application file as exhibit 99. In this letter the applicant provided specific uses with section numbers from the zoning ordinance for which a special use permit is being sought. With receipt of that letter the application was deemed complete. The report will provide an overview and evaluation for your review of the special use permit application pursuant to the uses requested in the aforementioned letter of September 22, 2015.

Project Overview

The subject property is located at 625 South Grand View Beach Road. The site contains a total 33.3 acres and 1,606.65 feet on Mullett Lake. The subject property and special use permit request involves the Lake and Stream Protection (P-LS) zoning district and the Agriculture and Forestry Management (M-AF) zoning district. The portion of the site within the Lake and Stream Protection zoning district contains approximately 13.3 acres and the portion of the within the Agriculture and Forestry Management zoning contains approximately 20 acres. The applicant describes Heritage Cove Farm as a therapeutic farm community for the purpose of providing a healing environment and home to adults with a mental illness. The applicant states that there will be a maximum of 13 staff members and 24 residents at the site on the last paragraph of page 2 and first paragraph on page 3 in the letter attachment to the application dated April 20, 2015 and designated as exhibit 1 in the application file. It is further stated on the third page, first paragraph in the exhibit 1 that "The Farm will ensure that its staff and the Farm itself obtain and maintain required licenses and accreditations." The letter in also states in the second paragraph of the third page "It is anticipated that all residents voluntarily desire to (and have the capacity to work toward healing and living independently. The Farm's professional personnel will conduct admissions screenings and the Farm does not intend to accept residents with a history of physical abuse and/or violence."

The applicant is seeking a special use permit for that part of the site within the Agriculture and Forestry Management District under section 9.3.14., Nursing or convalescent homes and under section 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.

The proposed uses are further described on pages 2 though 6 in the letter attachment to the application dated April 20, 2015 and designated as exhibit 1 in the application file. The applicant has also responded to

the application questions related to the specific findings under section 18.7 and 20.10 beginning on page 6 of exhibit 1. Floor plans for the cabin colony and community center are included in exhibit 10.

The applicant has submitted a supplement letter to the application dated September 22, 2015 which is designated as exhibit 99. The letter sets forth each proposed use and the corresponding use requested which requires a special use permit for each zoning district. The application was deemed complete upon review of this supplement letter. These are the uses they believe their project most closely describe their proposed project.

Per the September 22, 2015 letter, the applicant is seeking a special use permit for that part of the site within the Lake and Stream Protection District under Section 10.3.2. Club, section 10.3.3. Cabin colonies, section 10.3.6. County club, section 10.3.8. Duplex or multi-family buildings, and section 10.3.14. Restaurant/Bar and seeking a special use permit for that part of the site within the Agriculture and Forestry Management District under section 9.3.14., Nursing or convalescent homes, Section 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.)

The Site Plan
By review of the site plan you will find existing and future buildings within the Agriculture and Forestry Management District are proposed for the following uses as listed in the Building Legend: administrative building to be used as office for the development, phase 2 cabin colony staff housing and resident housing, green house, garage/laundry and barn. Existing sheds are to be removed. The proposed uses are further described on pages 2 though 6 in the letter attachment to the application dated April 20, 2015 and designated as exhibit 1 in the application file. The applicant has also responded to the specific findings beginning of page 6. Floor plans for the phase 2 cabin colony are included in exhibit 10.

By review of the site plan you will find existing and future buildings within the Lake and Stream Protection District are proposed for the following uses as listed in the building legend: Cottages (staff housing, resident housing), community lodge to be used as a community center and dining for the development, cold storage and kitchen pantry and greenhouse.

Each of the aforementioned structures located on the site plan and their uses as described in the application materials will need to be evaluated as to whether they are accessory uses to each of the main uses as requested in the September 2, 2015 supplemental letter (exhibit 99).

Proposed Uses
The site is within both the Agriculture Forestry Management (M-AF) and Lake and Stream Protection (P-LS) zoning districts. This application has multiple uses which are being proposed within each of those zoning districts. The Planning Commission will be required to review each requested use and accessory uses in each zoning district pursuant to each section as they are cited in the public hearing notice. Draft findings of fact will be provided which outline this level of detail required of the Planning Commission's review. Following is a staff summary of their proposed uses by zoning district:

Uses requested within the Lake and Stream Protection (P-LS) District.
As previously stated, the applicant is seeking a special use permit for that part of the site within the Lake and Stream Protection District under Section 10.3.2. Club, section 10.3.3. County club, and section 10.3.14. Restaurant/Bar. It is noted that the applicant concludes as follows on the 6th page in the first

paragraph of the letter attached to the application dated April 20, 2105 (exhibit 1); the supplementary group counseling component of the Community House is an ancillary use to the dining component, as permitted by section 10.3.14 , and the club component as permitted by sections 10.3.2 and 10.3.6. The Planning Commission should decide if they agree that the counseling component is an accessory use.

The applicant is also seeking a special use permit for that part of the site within the Lake and Stream Protection District (P-LS) under section 10.3.8. Duplex or multi-family buildings. In consideration of the multi-family use, the lot width requirement must be reviewed. The current lot width of the property is estimated at less than 600 feet as measured according to the definition of lot width in the zoning ordinance. Section 17.1. provides that a lot width of 100 feet is required per duplex and per single family dwelling, and 50 feet per dwelling unit within a multi-family use. This would require the subject lot with 24 dwellings arranged as 12 duplexes and 5 staff houses, as indicated in the application materials to be 1700 feet. This is calculated as 100' per duplex and 100' per dwelling.

In this case there would be no minimum lot width requirement for the cabin colony use since there are no lot width requirements for those uses in those districts. No minimum lot width requirement exists for clubs and these proposed cabins do not meet the definition of dwelling since they do not have permanent provisions for cooking.

The Planning Commission should decide if they agree that the other uses proposed are indeed accessory uses to cabin colonies. Specifically, staff would direct your attention to the therapy use, which has been mentioned as a use to occur in the "administrative building" and the "community house". Therapy use as an accessory use to a cabin colony in the P-LS zoning district may not be consistent with the zoning ordinance definition of accessory use. We define accessory use as "naturally or normally incidental and subordinate to, and devoted exclusively to the main use of the building or land". Whether or not therapy use meets this definition relative to cabin colonies is a decision to be made by the Planning Commission.

Uses requested in the Agriculture and Forestry Management (M-AF) District.
As noted, the applicant is seeking a special use permit for that part of the site within the Agriculture and Forestry Management District (M-AF)under section 9.3.14., Nursing or convalescent homes, Section 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.)

In this case there would be no minimum lot width requirement for the convalescent home use since there are no lot width requirements for those uses in those districts. No minimum lot width requirement exists for clubs and these proposed cabins do not meet the definition of dwelling since they do not have permanent provisions for cooking.

The Planning Commission should decide if they agree that the other uses proposed are indeed accessory uses to convalescent homes. Specifically, staff would direct your attention to the therapy use, which has been mentioned as a use to occur in the "administrative building". Therapy as an accessory use to convalescent homes could be allowed but only in the same zoning district as the convalescent home (M-AF). Therapy use as an accessory use to a cabin colony in the P-LS zoning district may not be consistent with the zoning ordinance definition of accessory use. We define accessory use as "naturally or normally incidental and subordinate to, and devoted exclusively to the main use of the building or land". Whether or not therapy use meets this definition relative to cabin colonies is a decision to be made by the Planning Commission.

The applicant has also requested that Cheboygan County make all reasonable and necessary accommodations under the Americans with Disabilities Act of 1990, the Fair Housing Amendments Act of 1988 and the Michigan Persons with Disabilities Civil Rights Act with respect to the interpretation and application of the Cheboygan County Zoning Ordinance #200 such as to approve the Farm in all requested and required respects. The request is mentioned in the aforementioned letter dated April 20, 2015 and aforementioned letter dated September 22, 2105 and in the attached public notice.

The applicant has also submitted a letter dated October 20, 2015 addressed to the Planning Commission. You will note the letter references the letter from me dated October 16, 2015 which you can find as exhibit 107. The letter provides further information from the applicant regarding the accommodations request.

Community Development Director Steve Schnell has provided a supplemental staff report relative to accommodation under the Fair Housing Amendments Act. Our legal counsel will provide information and guidance reading the accommodation request relative to each of the federal acts cited in the accommodation request.

Surrounding Land Uses: Vacant to the north, Mullett Lake to the south, residential to the east and vacant and residential to the west including the North Central State Trail.

Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain): The site includes frontage on Mullett Lake. The lot may contain wetland areas along the lake front. No other environmentally sensitive areas have been identified. See the provided site plan indicating wetland areas as well as the map at the end of this staff report showing potential wetlands on or near the site as identified by the Michigan Department of Environmental Quality using data that includes the National Wetlands Inventory. There appears to be an existing fenced-in area and shed within an area shown to have wetlands on the site plan drawing. It is not clear what this fenced-in area will be used for.

Historic buildings/features: There are no historic buildings for features in the subject area.

Traffic Implications: Traffic increase is expected to be minimal to moderate relative to a therapeutic farm use. The application material indicates a maximum of 13 employees and 24 residents for the facility. Additional service related traffic is also expected. More significant traffic increases can be anticipated for Club, Country Club and Restaurant as main uses. Traffic increases are not anticipated for these uses as accessory uses.

Parking: By review of the structures and proposed uses as presented in exhibit 99 relative to Lake and Stream Protection District you will find proposed main uses for Cabin colonies, Club, Country Club, Duplex multi-family and Restaurant/Bar. Section 17.6. does not provide parking requirements for Cabin colonies, Club or Country Club. Section 17.6. provides a requirement for one (1) parking space per three (3) persons of seating capacity for a Restaurant. The Restaurant use is proposed for the community center. There are 24 indoor seats and 16 outdoor seats provided on the community center floor plan which is included in exhibit 10. Based on seating indicated 14 parking spaces are required for the restaurant use. Section 17.6. also requires 2 parking spaces per dwelling for multi-family uses. The site plan indicates 19 dwellings which require 36 parking spaces. 50 parking spaces are required for the restaurant and multi-family use together. 17 parking spaces are identified on the site plan. Based on this analysis the site plan is deficient relative to parking for the multi-family use and the restaurant and multi-family use combined. Plus 1 space per 2 employees for those uses not already listed in the table (from top of table 17.6). Since employees are for therapeutic farm and not restaurant use, should those be included? Perhaps it’s not clear which use the employees are associated with.

Uses requested in the Agriculture and Forestry Management zoning district are Convalescent home and other uses as provided per section 9.3.22. as stated in the introduction of this report. Section 17.6. does not provide parking requirements for these uses. The Planning Commission will need to make an adequate parking determination under section 17.4.1. regarding approval of these uses in the Agriculture and Forestry zoning district.

Access and street design: (secondary access, pedestrian access, sidewalks, residential buffer, ROW width, access to adjacent properties): Street assess to this site is provided from South Grand View Beach Road.

Signs: One freestanding sign of less than 18 square feet of sign surface area and under six (6) feet high is indicated in the application and located on the on the site plan in the section of the property zoned Agriculture and Forestry Management. The sign surface area and height meet requirements for a freestanding sign in this zoning district. The site plans indicates that the sign is to be placed in the South Grand View Beach Right of way. A five (5) foot setback is required in this zoning. The setback requirement is recommended to be affirmed under the findings as required in section 18.6.f. and section 20.7.g. You will find proposed findings in this regard for your consideration.

Fence/Hedge/Buffer: No hedge or buffer is proposed.

Lighting: Solar pathway lighting is indicated on the site plan. The applicant indicates in the application that all outdoor lighting will meet standards for approval.

Stormwater management: Change to stormwater management is proposed. All new construction will require a permit under the Cheboygan County Stormwater Control and Soil Sedimentation Ordinance.

Review or permits from other government entities: Review by the Cheboygan County Department of Building Safety, District 4 Health Department, and review under the Cheboygan County Soil Sedimentation and Stormwater Control Ordinance will be requiring. Review by the Michigan Department of Licensing and Regulation will also be required.

Rose Hill Center is a treatment facility which was used as a comparison by the applicant. Staff contacted the zoning administrator for the township which has zoning jurisdiction in that area and approved that project. The zoning administrator had been asked about the size of the project. She stated that they are allowed to have over 100 people under their care. She was asked under what uses that project was approved and she stated it was approved as a medical facility by a special use permit but couldn’t remember the exact use terminology. She was not on staff when it was initially approved. I asked her if there had been any issues with the site and she said no but that public safety had been called a couple of times to find people who had left the grounds.

Public comments received: See application file and exhibit list.

Recommendations (proposed conditions)
Review under the Cheboygan County Soil Sedimentation and Stormwater Control Ordinance, by the Cheboygan County Department of Building Safety, District 4 Health Department, and review by the Michigan Department of Licensing and Regulation.

Close review of the uses proposed to be accessory uses is recommended, especially close review of the therapy use as an accessory use to cabin colonies or perhaps this is a reasonable accommodation that is required due to the disability of the clients of the Farm.

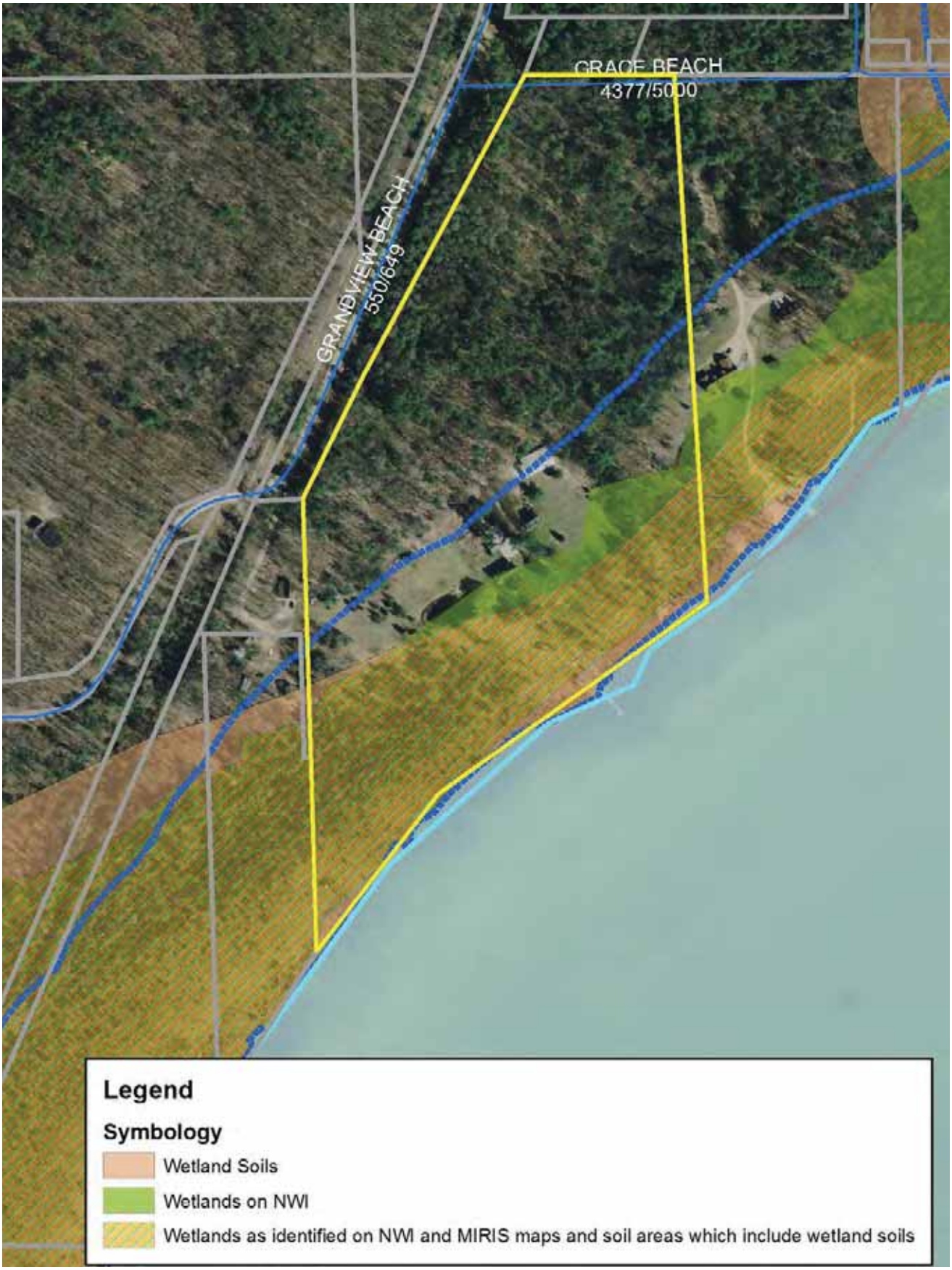

Figure 1 - Source: Michigan Department of Environmental Quality, Wetlands Inventory Maps

CHEBOYGAN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

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MEMO

Date: **October 29, 2015**

To: **Planning Commissioners**

From: **Steve Schnell, Community Development Director**

Re: **Fair Housing Act and reasonable accommodations**

Fair Housing Amendment Act

There are many questions you probably have about how Fair Housing Act, referenced many times in the application, plays into your review of this application. The application for Heritage Cove Farm makes reference to the Fair Housing Act and asks for "reasonable accommodations" under this law. I will summarize some basics about Fair Housing and its impact on local zoning which is information taken from various sources. The most helpful for you at this time will probably be the Department of Justice's website with specific resources on Fair Housing and local zoning. The web page is:

http://www.justice.gov/crt/joint-statement-department-justice-and-department-housing-and-urban-development-1

The Fair Housing Act was originally adopted in 1968 to ensure equal access to housing and to prohibit discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin. The Fair Housing Act was amended in 1988 by the Fair Housing Amendment Act. Changes included expanded coverage of people with disabilities and familial status. This law does not pre-empt local zoning laws. However, in situations where local zoning laws are inconsistent with federal law then the federal law will prevail.

Regarding group living situations similar to Heritage Cove Farm, the federal law doesn't affect the local zoning law nor does it change how it should be applied unless the zoning requirements discriminate against the residents on the basis of race, color, national origin, religion, sex, handicap (disability) or familial status (families with minor children).

If local laws are believed to be discriminating against a person with a handicap (disability) then a reasonable accommodation must be granted. The reasonable accommodation only needs to address changes or alterations which are necessary based on the individual disability. We currently have some of this built into our ordinance in the way we accommodate wheelchair ramps within setbacks if they are necessary for the individual disability.

A disability does not include users of illegal controlled substance, sex offenders, juvenile offenders. These are not considered disabled people requiring protection under this Act. However, people with addictions and mental illness are considered disabled. The examples provided by the Department of

Justice of the legal meaning of the term “disabled” include people with conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The person has a disability if this condition limits their “seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working”.

Evaluating Requests for Reasonable Accommodation, What is “reasonable”?
This is a very important part of this zoning review so I am going to simply quote from the Department of Justice’s website:

> **Q. What is a reasonable accommodation under the Fair Housing Act?**
>
> As a general rule, the Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" (modifications or exceptions) to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling.
>
> Even though a zoning ordinance imposes on group homes the same restrictions it imposes on other groups of unrelated people, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. For example, it may be a reasonable accommodation to waive a setback requirement so that a paved path of travel can be provided to residents who have mobility impairments. A similar waiver might not be required for a different type of group home where residents do not have difficulty negotiating steps and do not need a setback in order to have an equal opportunity to use and enjoy a dwelling.
>
> Not all requested modifications of rules or policies are reasonable. Whether a particular accommodation is reasonable depends on the facts, and must be decided on a case-by-case basis. The determination of what is reasonable depends on the answers to two questions: First, does the request impose an undue burden or expense on the local government? Second, does the proposed use create a fundamental alteration in the zoning scheme? If the answer to either question is "yes," the requested accommodation is unreasonable.
>
> What is "reasonable" in one circumstance may not be "reasonable" in another. For example, suppose a local government does not allow groups of four or more unrelated people to live together in a single-family neighborhood. A group home for four adults with mental retardation would very likely be able to show that it will have no more impact on parking, traffic, noise, utility use, and other typical concerns of zoning than an "ordinary family." In this circumstance, there would be no undue burden or expense for the local government nor would the single-family character of the neighborhood be fundamentally altered. Granting an exception or waiver to the group home in this circumstance does not invalidate the ordinance. The local government would still be able to keep groups of unrelated persons without disabilities from living in single-family neighborhoods.
>
> By contrast, a fifty-bed nursing home would not ordinarily be considered an appropriate use in a single-family neighborhood, for obvious reasons having nothing to do with the disabilities of its residents. Such a facility might or might not impose significant burdens and expense on the community, but it would likely create a fundamental change in the single-

> family character of the neighborhood. On the other hand, a nursing home might not create a "fundamental change" in a neighborhood zoned for multi-family housing. The scope and magnitude of the modification requested, and the features of the surrounding neighborhood are among the factors that will be taken into account in determining whether a requested accommodation is reasonable.

Comparison to other uses in the area
In the last year, the YMCA camp on Burt Lake proposed a medical clinic which was approved by the County as an accessory use to the camp. Similarly, camp counselors are often employed by youth camps. There are still some differences in the nature of a YMCA camp and a therapeutic farm, namely the type of "campers" (if this is considered a camp) or residents (if this is considered a residential use). The applicant has said it is either or both of these uses in their application. The differences between the YMCA and the therapeutic farm should be evaluated on the basis of how they impact land use only.

What conditions are we prohibited from requiring?
It's impossible to provide a complete list, but generally it is not permitted for us require that one group home or similar use be a minimum distance from another group home (or similar use). For one reason, we don't currently have that as a requirement in our zoning ordinance but also because the United States Department of Housing and Urban Development (HUD), the Department of Justice, and the courts generally have ruled against such restrictions.

We cannot prohibit a group home or add conditions to an approval based on a *perceived* safety concern. Any safety concerns that might factor into a decision should be based on fact and hard evidence only. It would be a violation of the Fair Housing Act to deny a permit based on stereotypical fears of a person with a disability.

Regarding the safety of the facility, it is recommended that discussion again keep to the facts and known evidence of safety issues which can be documented. Consideration has to be given to the level of oversight, security, and licensing by the state or other agencies.

State licensing
Please see exhibit 96 for the response to our inquiry of required licensing by a person at the Michigan Department of Licensing and Regulatory Affairs (LARA). The LARA representative stated that they would need additional information to adequately assess licensure requirements for this facility. The applicant has not stated clearly that licensing is required for their specific operation. The applicant has only stated that the facility and their staff would obtain any required licensing. Although, the applicant has said they are analogous to a convalescent home which by definition in our ordinance is a "home, qualified for license under applicable Michigan law". The applicant is burdened with the proof of which licenses are required.

Heritage Cove Reasonable Accommodations
Heritage Cove Farm's (HCF) application references many different uses. It was challenging for staff to determine which of the uses they were applying for were primary uses and which were being requested as accessory uses. Clarification was provided on September 22nd from the applicant's attorneys with the statement that they were asking for approval in the M-AF zoning district for a convalescent home and in the P-LS district for cabin colony, multi-family/duplex, country club, club, restaurant, cabin colony, and/or multi-family/duplex uses.

Therapy as reasonable accommodation
Reasonable accommodations are being requested to allow for therapy use as an accessory uses for the cabin colony use as well as the "dining" use under the section 10.3.14 which is for restaurants. They have stated that, due to their disability, the residents will need group therapy services and these should be provided as an "ancillary use" (same as "accessory use" in the county zoning ordinance) to the residential use of housing of persons with mental disabilities. A cabin is a dwelling as per our definition and could be considered residential use of property.

The applicant is stating that this is a need of their residents in a similar manner as a person in wheelchair would need a ramp which may be in a required setback.

This request for reasonable accommodation would need to be reviewed according to two standards:

1. Does the request impose an undue burden or expense on the local government?
2. Does the proposed use create a fundamental alteration in the zoning scheme?

If therapy is offered to the residents of this cabin colony (or club, or multi-family/duplexes), is this posing a burden or expense to local government? Is this going to fundamentally alter the zoning scheme for the area?

The Planning Commission will need to determine whether this is an accessory use (as they are requesting as a reasonable accommodation) OR whether you disagree with the applicant in regards to this use in the P-LS zoning district and consider this is a primary use of this property. As a primary use, this is not permitted in P-LS but could be considered part of a convalescent home which could be permitted approximately 100 feet away in the M-AF zoning district portion of the property as part of an SUP.

Comparisons are made by the applicant to other similar uses allowed in the P-LS zoning district such as camps, churches, and schools could all be considered to have a therapy or counseling component. Determination should be made as to whether the applicants' request for therapy create a fundamental alteration of the County zoning scheme for this district or is it consistent with other uses or accessory uses which have been approved in this area.

Parking as reasonable accommodation
They state in their September 22nd letter that they want approval as a use that is analogous to a restaurant. The use as they describe it does not appear to be a restaurant as would be commonly defined. In fact, in their letter of October 20 they now state that it is not a restaurant nor is it multi-family. With these contradictions, some additional clarity is needed. However, they state that this is not a restaurant open to the public and, if so, the parking requirements would not be appropriate for this area. No accommodation would probably be needed if they clarify that this is not a restaurant for the record.

Multi-family use, lot width matters
At various points in their application they state that they are proposing something analogous to multi-family use. If it is determined that multi-family use is the primary use of this property, the lot width requirement must be reviewed as it does not appear to be sufficient. The current lot width of the property is estimated as less than 600' when measured according to standards of the zoning

ordinance. Lot width is required to be 100’ for each single family residence, 100’ per duplex, and 50’ per dwelling unit within a multi-family use, according to Section 17.1.

If the use is multi-family, the lot width requirement for a lot with 24 dwellings arranged as 12 duplexes and 5 staff houses would be 1700 feet. This is calculated as 100’ per duplex and 100’ per dwelling.

Cabin Colony in P-LS and Convalescent Home in M-AF
It appears most likely that they are applying as a convalescent home in the M-AF zoning district and cabin colony in the P-LS zoning district. In this case there would be no minimum lot width requirement for those uses since there are no lot width requirements for those uses in those districts. No minimum lot width requirement exists for clubs and these proposed cabins do not meet the definition of dwelling since they do not have permanent provisions for cooking.

The Planning Commission should decide if they agree that the other uses proposed are indeed accessory uses to convalescent homes and cabin colonies. Specifically, staff would like to direct your attention to the therapy use, which has been mentioned as a use to occur in the “administrative building” and the “community house”. Therapy as an accessory use to convalescent homes could be allowed but only in the same zoning district as the convalescent home (M-AF). Therapy use as an accessory use to a cabin colony in the P-LS zoning district may not be consistent with the zoning ordinance definition of accessory use. We define accessory use as “naturally or normally incidental and subordinate to, and devoted exclusively to the main use of the building or land”. Whether or not therapy use meets this definition relative to cabin colonies is a decision to be made by the Planning Commission.

Deborah Tomlinson

From: Scott McNeil
Sent: Friday, October 30, 2015 8:19 AM
To: Deborah Tomlinson
Subject: FW: Letter on Behalf of Grandview Beach Association

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

From: Bridget Brown Powers [mailto:bbrownpowers@brownpowers.com]
Sent: Thursday, October 29, 2015 6:09 PM
To: Steve Schnell; Scott McNeil
Subject: Letter on Behalf of Grandview Beach Association

Steve and Scott:

We tried for quite some time to scan the exhibits to Steve, but the transmission failed every time, due to the size of the files, even after separating them into several files. So, Lynda from my office will be hand-delivering the hard copy of the letter with the exhibits in a binder early tomorrow morning. Let me know how you want us to proceed thereafter. The letter was scanned to you separately, so you have the final draft of that.

Best regards,

Bridget

Exhibit 128

Brown Powers, PLLC

518 Howard Street
Petoskey, Michigan 49770
Phone: 231.347.8200
Fax: 231.347.0336

October 29, 2015

Bridget Brown Powers, J.D.
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Re: Heritage Cove Farm Special Land-Use Permit Application

Dear Chairperson Croft and Commission Members Bartlett, Borowicz, Churchill, Freese, Jazdzyk, Kavanaugh, Lyon, and Oswald:

Please accept this letter memorandum on behalf of the Grandview Beach Association, Inc. (the "Association"), in opposition to the Heritage Cove Farm ("HCF") special land-use permit application submitted by Lawrence P. Hanson (the "Applicant").

The Association is a nonprofit corporation that was formed in 1948 to provide resort facilities to its members who own property east of the original railroad right-of-way, bounded by the Indian River Flats, Mullett Lake, and northerly to and including 116 N. Grandview Beach Road in both Tuscarora and Mullett Townships. Association members include year-round and seasonal residents, many from families who have had their lakefront homes passed down from generation to generation since before the Association was formed.

Several of the Association members have submitted individual letters for your review and consideration since and after the first iteration of the HCF Application was filed, most of whom fully intended to also attend the public hearing to voice their concerns in person. Unfortunately, because the Applicant did not complete the Application until late September, 2015, most of the Association members will now be unable to attend the November hearing. Please know that their absence at the public hearing is indicative only of their inability, logistically, to attend; their concerns regarding the proposed HCF development have only heightened.

Applicant and his wife, Elizabeth Hanson, own property commonly known as 625 Grandview Beach Road, Indian River, Michigan 49749 (the "Hanson Property"). Applicant initially submitted a special land-use application and site-plan approval request (the "Application" or "Proposed Project") to the Cheboygan County Community Development Department[1] by document dated April 20, 2015, through his counsel, Williams, Williams, Rattner & Plunkett, P.C., of Birmingham, Michigan, to use the Hanson Property, together with two adjacent parcels of land owned by Lib, Lib, LLC, a Michigan limited liability company

[1] Although Tuscarora Township has adopted a Master Plan and has established its own Planning Commission, it does not have a zoning ordinance. Consequently, the Subject Property is subject to the County's zoning ordinance.

formed by Mr. Hanson as a real estate holding company in 2010 (hereinafter collectively referred to as the "Subject Property"), as a "therapeutic farm community" named Heritage Cove Farm (the "Farm"). The Subject Property totals 33 acres, significant portions of which are wetlands. Applicant supplemented his initial application on May 26, 2015, at the request of County staff; however, he failed to address all of the staff-determined inadequacies, causing the application to remain incomplete for your review, pursuant to Section 18.4(a) of the Cheboygan County Zoning Ordinance. *See* Attached Cheboygan County Zoning Ordinance at Exhibit A.

Rather than provide the information and clarification to complete the application, HCF and Applicant instead first filed a six-count Complaint in the U.S. District Court, for the Eastern District of Michigan, against the County (the "Court Case"), ostensibly to intimidate the County into approving the special land-use permit application (by settlement or otherwise) and to persuade the Planning Commission that HCF is entitled to a "reasonable accommodation" under federal legislation. The Association respectfully requests that, while the Planning Commission hears comments and makes its deliberations in this matter, it not fall victim to the "discrimination card" defense tactic. The legislation to which the lawyers refer serves a good and necessary purpose; however, it is simply not applicable to the requests made in the Application, as will be explained in detail below.

The public hearing in this matter has been scheduled to take place on the evening of November 4, 2015, to hear comments from County staff, Applicant, and members of the public concerning the Proposed Project. The Association respectfully requests that this letter in opposition to the Proposed Project be made, together with the exhibits attached hereto, a part of that record.

At the hearing, the members of the Association who are able to attend will be present to voice their concerns in addition to the undersigned. While we understand that past practice suggests that Chairperson Croft might limit each person's comment period to three minutes, we kindly ask that, given the nature of the Application, we (and other individuals present) be provided a longer or indefinite time within which to make comments.

The Heritage Cove Farm Project.

The Subject Property is comprised of three contiguous parcels of land, one owned by Applicant and his wife, Elizabeth Hanson, and two owned by Lib Lib, LLC (the "Company"), which collectively straddle two zoning districts, the M-AF Agriculture and Forestry Management District (the "M-AF District") and the P-LS Lake and Stream Protection District (the "P-LS District"). That portion of the Subject Property lying within the P-LS District runs 1606 feet[2] along the ordinary high water mark of the Indian River Spreads landward 500 feet. *See* attached maps and County Equalization reports at Exhibit B.

Applicant's topographical survey shows more than one-half of the Subject Property located in the P-LS District to be wetlands; however, the wetland area depicted on the survey lying east of the Section 5-6 boundary line was not resurveyed, but rather was drawn from data collected in 2008, and the wetland area lying west of the Section line was an approximation based on that outdated data, with the FEMA base flood elevation at 596 feet making up most of the wetlands on the survey. Although the watercourse lying adjacent to the Subject Property is controlled by dams, in 2008, water levels were much lower and have since risen significantly

[2] According to Applicant.

during the past two years, as a result of significant snow precipitation events in the 2013-2014 and 2014-2015 winters. Thus, given the outdated survey, it is unclear whether the wetland areas have spread farther north upon and within the Subject Property, warranting the Planning Commission to require Applicant to provide a new survey to accurately delineate same vis á vis the location of the Proposed Project.

The balance of the Subject Property is located within the M-AF District. The lands surrounding the Subject Property are primarily smaller parcels used for single-family residences along the shores of the Indian River Spreads and Mullett Lake, including members of the Association and neighboring associations.

According to Applicant, HCF "is a 501(c)(3) nonprofit charitable organization formed for the purpose of providing a healing environment and peaceful home to adults with mental illness." However, upon information and belief, although Heritage Cove Farm is a Michigan nonprofit corporation that was incorporated on January 18, 2013, it has not provided a copy of the IRS exemption determination letter to the County staff verifying its charitable status.

The Proposed Project would not provide a "residential setting" for patients, within the meaning of the Ordinance or federal law, but rather an inpatient stay for roughly 4-12 months, depending upon how the patient responds to treatment. Applicant proposes having up to 24 separate buildings in a "community-based program," rather than a more traditional hospital setting housed in one building. The buildings would be small, 320-square feet for patients and would include one bedroom, one bathroom, and one small sitting area. Farm staff members and their families would be placed in 450-square-foot, two-bedroom building units that would also

have one bathroom and one small sitting area. None of these "efficiency" structures would contain kitchen, dining, laundry, or any other facilities, as would a residence, nor would patients live together as a "family unit" or otherwise, as is the case in "group homes." Instead, patients and staff members would dine together in the Community House, where the kitchen and dining facilities would be located. The Community House would also be used for the provision of entertainment and programing for patients. Rather than walking down a hallway to a bedroom, to therapy, to the cafeteria, or to an activity as in the traditionally-constructed mental health treatment facility, these patients would walk outside from one building to another.

According to Applicant, the Farm would provide "a wealth of activities related to the operation and maintenance of a farm and of the community itself." Applicant proposes that the following amenities would be offered:

> For example, the farm will provide instruction and hands-on learning related to gardening, landscaping, the use of food produced in the garden for meal preparation, the maintenance and care of farm animals, and the use of animal products. The Farm plans to use the existing greenhouse and envision[s] adding a woodworking shop behind the greenhouse where residents may participate in building kayaks, canoes and/or fishing boats or create other craft items. These workshop projects made by residents and staff will not be made for commercial sale, but instead shall be used for the enjoyment of the Farm's residents and for creative expression. Additional activities include biking, hiking, fishing, boating and cross-country skiing. Finally, off-property, it is anticipated that residents may sell farm products at a farmer's market, participate in college or tech-programs and/or partake in other work, study, or employment.

(Application letter at page 2.)

Although Applicant claims that the Farm would not be subject to federal or state licensing, Applicant intends to provide therapy to patients "whose diagnoses include depression,

schizophrenia, bipolar disorder, mental illnesses related to closed head injuries, and/or dual diagnoses." Applicant fails to provide an exhaustive list of what else would qualify participants for admission into the Farm's program, but merely states that participants would be adult men and women who would enroll into the Farm's treatment program on a *voluntary* basis. It is not clear what, exactly, "voluntary" means, inasmuch as it is common for individuals to voluntarily enter into plea-bargain agreements in criminal matters that include participation in inpatient and/or out-patient rehabilitation-treatment and/or other therapy programs. Often in such cases, criminal charges are dismissed, reduced, or deferred, thus not resulting in convictions. So, although Applicant claims that there is no *intention* to accept persons having histories of violence or physical abuse, there is no proposed mechanism in place that could provide assurance of same. In addition, Farm staff members would not possess the legal authority to access nonpublic records, but rather would, instead, have to rely completely upon full disclosures by proposed Farm patients.

The Proposed Project does not provide for any on-site security whatsoever, thus giving patients full access to neighboring residential properties, the bike trail, adjacent rights-of-way, and the waters of the Indian River Spreads and Mullett Lake. Applicant proposes only to have "professional support of individual clinical care and 24-hour on-site staffing" – whatever that means.

In addition to the 24 patients, the Farm proposes to have 10 staff members, initially, with the eventual addition of three more. Two staff members would remain at the Farm overnight, and a total of seven staff members would be available daily. As stated above, to facilitate the staff, the Farm would also have bedroom/bathroom units on the Subject Property as part of the

Proposed Project for at least three staff members and their families. In addition to staff members, the Farm proposes to have college students on site participating in programs as interns.

The enrollment fee paid by each Farm participant would pay for the following amenities at the Farm: use of one efficiency unit; three meals a day at the Community House; laundry services at the laundry facilities; participation in most activities offered on the Subject Property; treatment plans with onsite clinical staff; one-on-one therapy at the Community House; group therapy at the Community House; video conferencing;[3] off-site transportation; and Internet access.

I. The Proposed Project is Not Permitted Within the M-AF or P-LS Zoning Districts Special Land Use Permit or Reasonable Accomodation.

When the County adopted the Zoning Ordinance, it established nine zoning districts, covering all property located within the County, with the exception of land located within the City of Cheboygan, the Villages of Mackinaw City and Wolverine, and the Township of Burt, each having adopted its own respective zoning ordinance. Five of the County's zoning districts are development districts, one is a management district, and three are protection districts. The M-AF District serves as the sole management district, and the P-LS District is one of three protection districts. § 3.8.1

Pursuant to Section 3.1 of the Ordinance, "no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered or moved upon any property unless it is in conformance with the

[3] The Applicant does not provide information relative to the purpose of "video conferencing." However, it is believed that, given the recent significant increase in psychiatrist- and psychologist-provided psychotherapy sessions by some form of video conferencing, the purpose would be part of each patient's necessary therapy.

previsions and intent of this ordinance and of the specific zoning district." Uses that are permitted by right under the Ordinance are those that are "recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the schedule of regulations, permit, and site plan requirements found . . . in th[e] ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions." (§ 3.14)

Special land-uses allowed under the Ordinance are those that are "recognized as possessing characteristics of such unique and special nature (relative to condition, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community." (§ 3.15)

A. <u>Uses Proposed in the M-AF Zoning District</u>.

Section 9.1 of the Ordinance, set forth the purpose of the M-AF District:

> Agriculture and Forestry Management Districts are those areas where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. They include areas which, although not currently so used, have a potential for agriculture and forestry. Large vacant areas, fallow land and wooded areas may also be included. *Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply and timber resources are essential to the health and welfare of the county, state and nation.*

(Emphasis added.)

Article 17 of the Ordinance sets forth supplemental regulations and standards for zoning districts. In the M-AF District, unless a variance is granted, - - and Applicant has not requested one - - the following dimensional requirements apply:

1. Minimum floor area: 720 square feet per dwelling unit
2. Minimum building width: no minimum
3. Minimum lot area: one acre per dwelling unit
4. Minimum lot width: 150 feet
5. Minimum front-yard setback: 50 feet
6. Minimum side-yard setback: 10 feet
7. Minimum rear-yard setback: 30 feet
8. Maximum height of structures: 35 feet (except for commercial farm buildings.)

It is the Association's understanding that Applicant's September 22, 2015, supplement to the Application takes the place of and supersedes the prior-submitted May 26, 2015, supplement by Applicant. As such, Applicant no longer seeks approval for any uses by right. Additionally, Applicant no longer seeks approval of the "garden" and "greenhouse," pursuant to the Right-to-Farm Act; nor does Applicant seek approval under any provision of the Zoning Ordinance for same. Finally, Applicant no longer claims that the "garage and laundry," "administrative building," and "community house" are "ancillary to and a component of the residential use of housing persons with certain mental disabilities." As such, neither of same will be addressed herein.

Thus, by Applicant's September 22, supplement, he now requests the Planning Commission to grant a special land-use permit authorizing the following uses upon that portion of the Subject Property lying within the M-AF Zoning District, pursuant to the authorities identified:

M-AF Proposed Uses:	**Use Requested Pursuant to:**
Housing and cottages	§ 9.3.14 by analogy, § 9.3.22, and reasonable accommodation
Animal pasture area	§ 9.3.22 and reasonable accommodation
Barn	§ 9.3.22 and reasonable accommodation
Work shop	§ 9.3.22 and reasonable accommodation
Greenhouse	§ 9.3.22 and reasonable accommodation
Garage and Laundry	§ 9.3.14 by analogy, § 9.3.22, and reasonable accommodation
Administrative building	§ 9.3.14 by analogy, § 9.3.22, and reasonable accommodation

Applicant requests that the Application be processed "as a special land use permit request," requesting that the "housing and cottages," "garage" and "laundry," and the "administrative building" each be approved as analogous to a "convalescent home," under Section 9.3.14, or under the Section 9.3.22 "catch-all" provision. Applicant further requests that the "animal pasture area," "barn," "work shop," and "greenhouse" each be allowed under the Section 9.3.22 catch-all provision. Finally, Applicant requests that "reasonable accommodations" be provided for each such proposed use under federal law. Applicant does not claim any uses by right under the Zoning Ordinance within the M-AF Zoning District.

Applicant presents a piecemeal approach to his zoning approval request and does not distinguish between principal and accessory uses. However, because Applicant analogizes three of the proposed buildings to a "convalescent home," it would appear that those are proposed as the collective principal use, with the balance of uses being proposed as accessories to same. In any event, whether the uses are analyzed individually or collectively, neither approach passes muster under the County's Zoning Ordinance.

Moreover, the County's Zoning Ordinance does not allow uses "by analogy." They are either permitted, or they are not, with the exception of the "catch-all" provision, discussed, *infra*. Thus, on its face, Applicant's request should be denied, unless he can demonstrate that the uses are a "convalescent home," as defined by the Zoning Ordinance.

1. The Proposed Uses do Not Constitute a "Convalescent Home."

Applicant seeks a special land-use permit, pursuant to Section 9.3.14 of the Ordinance, on the basis that the proposed "housing and cottages," "garage and laundry," and "administrative building" are all uses analogous to a "convalescent home." Whether Applicant proposes these as separate or collective uses, his contention is without merit.

Section 2.2 of the Ordinance defines a "convalescent or nursing home," treated synonymously, as "a home, qualified for license under applicable Michigan law, for the care of children, aged, or infirm and providing facilities for four or more patients." The Ordinance does not define the word, "infirm."

Our Michigan courts have long recognized that, when an ordinance or statute does not define a term, looking to dictionary definitions to construe a term in accordance with its common usage is appropriate. *Trumble's Rent-L-Center, Inc. v. Employment Security Comm.* 197 Mich. App. 229, 234; 495 N.W.2d 180 (1992). In the case of *People v. Duncan*, 494 Mich. 713, 725, 835 N.W.2d 399, 406 (2013), our Michigan Supreme Court, citing to *Random House Webster's College Dictionary* (1995), did exactly that. When construing the terms "infirmity" and "infirm," the High Court reasoned: "First, we address the term 'infirmity.' 'Infirmity is defined as 'the quality of state of being infirm; lack of strength.' In turn, 'infirm' is defined as 'feeble or weak in body or health [especially] because of age.' Of note, age is specifically designated as a factor that may give rise to an infirmity." *Id.* Thus, according to the Michigan Supreme Court, "infirm" includes persons who are physically weak or feeble, especially "because of age."

Applicant states in his Application that the patients would be persons diagnosed with *mental* illnesses, not physical illnesses or disabilities. As described by Applicant, these individuals would not be elderly or physically weak or feeble. Thus, the "housing" and "cottages" within the Proposed Project would not constitute a "nursing or convalescent home." Moreover, "[a] nursing home [which appears to be synonymous with convalescent home under the County's Zoning Ordinance] provides medical care and houses people of limited mobility, who struggle to walk, who need help bathing and dressing, who, in short, need constant physical assistance." *Get Back Up, Inc. v. City of Detroit*, 2013 WL 3305672. The physical incapability of most nursing-home residents renders a nursing home materially different from a substance-abuse treatment center." *Id.* "A nursing home [or convalescent home] is said to be uniquely sedate and unburdensome." *Id.*

Not only does the proposed use fail to meet the definition of a "convalescent home," but Applicant also claims that the Farm would *not* "qualify for license under Michigan law." Moreover, none of the uses described in the Proposed Project would constitute a "home." While the Ordinance does not define "home," Section 2.2 does define a "home occupation" as "[a]ny commercial business operation *on a residential use parcel* by the resident(s) thereof . . ." (Emphasis added.) Thus, it logically follows that a "home" is a "dwelling" or "dwelling unit" that provides "complete independent living facilities for one (1) family for *residential purposes*, including *permanent provisions for living, sleeping, heating, cooking, and sanitation."* For the reasons above stated, the uses proposed by Applicant do not fall within the meaning of a "convalescent home."

2. <u>The Proposed Uses Do Not Fit Into the "Catch-all" Section</u>.

As an alternative, Applicant requests approval to construct all of the requested uses located within the M-AF District by special land-use permit under the Section 9.3.22 catch-all provision, which provides that "uses which are not expressly authorized in *any zoning district*, either by right or by special use permit, or uses which [sic.] 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." (Again, Applicant fails to differentiate between principal and accessory uses.)

Thus, there are four conditions precedent to lawfully granting a special land-use permit under Section 9.3.22:

1. The requested use is not allowed in any zoning district;
2. The requested use was not previously allowed by the Planning Commission in another zoning district under a similar catch-all section;
3. The requested use "is of the same general character" as the other uses allowed in the M-AF zoning district either by right, or by special-use permit; and
4. The requested use complies with the Cheboygan County Comprehensive Plan.

Each of the above four Zoning Ordinance requirements for special land-use approval will be addressed herein below *seriatim.*

a. <u>The Principal Use Is Allowed In Other Zoning Districts Within The County</u>.

As stated above, the "housing and cottages," "garage and laundry," and "administrative building" fail to qualify as a convalescent home, either individually or collectively. Collectively, their use would constitute a mental health treatment center where patients suffering from "depression, schizophrenia, bipolar disorder, mental illnesses related to closed-head injuries, and/or dual diagnoses" could stay for periods of four months or longer at a time. Each of these three components would typically be found in one building in the more traditionally-constructed treatment facility in a hospital or clinic setting. Such a use is allowed by right in the Development District ("D-MR"), the Commercial Development District ("D-COM"), and the Light Industrial Development District ("D-GI"). In addition, such a use is also allowed in the City of Cheboygan and the Village of Mackinaw City.

b. <u>The Requested Use Has Not Previously Been Allowed In Another Zoning District Under Its Catch-All Section</u>.

Upon information and belief, the Planning Commission has not authorized the requested use previously by special land-use permit under a similar catch-all provision in a different zoning district.

c. **The Requested Use Is Not Of The Same General Character As Other Permitted M-AF Uses Either By Right Or By Special Land Use.**

The following are the only uses permitted without a special-use permit or use variance in the M-AF District:

Single-family dwellings and two-family dwellings;
Commercial farm buildings;
Commercial farms;
Greenhouses and nurseries;
Markets for the sale of products grown or produced upon the premises;
Home occupations;
Private aircraft landing strips;
Temporary mobile homes and travel trailers;
Tree farms, forest-production and forest-harvesting operations, including portable sawmills, log-storage yards, and related activities;
Hunting grounds, fishing sites, and wildlife preserves;
Private hunting and fishing cabins;
Private storage buildings, private storage/workshop buildings and agricultural/private storage/workshop buildings;
Hobby farm buildings; and
Hobby farms.

Uses that are permitted by special land-use permits within the M-AF zoning district are the following:

Automobile repair and service and gasoline stations;
Churches and parish houses, schools and educational institutions and municipal buildings, structures and uses;
Community buildings, public parks and recreational areas, playgrounds and campgrounds;
Entertainment and eating establishments;
Commercial Hunting and fishing cabins;
Golf courses, country clubs and sportsmen's associations and clubs;

Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities;
Slaughter houses and meat packing plants;
Travel trailer courts, tenting areas and general camping grounds;
Public airports and landing fields, with appurtenant facilities;
Non-essential public utility and service buildings;
Nursing or convalescent homes;
Animal feedlots or piggeries;
Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses;
Commercial kennels, pet shops, and veterinary hospital;
Junk yards, salvage yards and waste disposal sites;
Commercial composting;
Contractor's yards;
Public and private wind generation and anemometer towers;
Child care institutions; and
Indoor storage faclilities.

It is clear that a mental health treatment center is not of the same general character as any of the above-listed uses. Admittedly, the closest use would be a "convalescent home," but on closer examination, they are, indeed, of a much different character, as above explained

Not only is the use being proposed not of the same general character as the uses permitted within the M-AF District, it also does not serve the purpose of the M-AF district. Section 9.1 states that "farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged." Zoning changes within the M-AF district "should be made cautiously with the realization that adequate food supply and timber resources are essential to the health and welfare of the County, State and Nation." *Id.*

The uses proposed by Applicant would create greater density on the Subject Property that the M-AF Zoning District protects against. Indeed, Applicant proposes to have 24 patients, 13 employees, and the families of employees, together with other health-care professionals on the

Subject Property. And, as a commercial business, open 24/7, people would be coming and going at any hour, and vendors and visitors would no doubt come onto the Subject Property frequently. Such a busy commercial activity bears no comparison to a farm, nursery, airstrip, or the like.

d. <u>The Proposed Use Does Not Comply With The Cheboygan County Master Plan or the Tuscarora Township Master Plan</u>.

The most recent Cheboygan County Master Plan was adopted on January 15, 2014, by the Planning Commission (the "County Master Plan"). Because Tuscarora Township has not enacted its own zoning ordinance, property within the Township is subject to the jurisdiction and authority of Cheboygan County. However, the Township does have a seven-member Planning Commission, and, although it does not regulate zoning, the Township has adopted its own Master Plan, which was adopted by its Planning Commission on January 24, 2013, and its Board on February 5, 2013 (the "Township Master Plan").

The County Master Plan is the "blueprint" for the future of the County. (Page 6) According to the County, "it guides our land[-]use decisions and subsequent development by creating land[-]use goals for the next 10 to 20 years. We create a vision so that we always keep in mind how we intend to retain our economic health, conserve our natural resources, meet the needs of our residents and business people, ensure our efficient transportation system, ensure compatible land uses, and promote public health, safety, and welfare." *Id.* A Copy of the County's Master Plan is Attached at Exhibit C.

Notwithstanding its own Master Plan, Cheboygan County gives deference to the Township's Master Plan for properties located within Tuscarora Township, to wit:

> 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 for the County as a whole. *Id at 20-21.*

i. <u>Tuscarora Township Master Plan</u>.

Because the County Master Plan recommends that the Township Master Plan be used by the County for "developing land[-]use and zoning recommendations" and to "take the place of more general recommendations for the County," the County Planning Commission should accord significant weight to the Township Master Plan when it reviews and considers the Proposed Project. As such, a review of the following relevant stated goals within the Township Master Plan is instructive here:

1. **<u>Land Use Goal</u>:**

   Goal: Maintain an ecologically sound balance between human activities, economic growth and the environment to retain the Township's scenic and rural character, while meeting the needs of the current and future residents. Work with the County to control the location of new development by designating appropriate areas for new residential, commercial, and industrial land uses. Consistent with smart growth principles and the complete streets initiative, encourage the use of access management standards, non-motorized facilities, appropriate setbacks, retention of green space, buffer zones between differing land uses, screened parking areas, and roadside landscaping; and encourage the retention of open space and scenic vistas with PUD's, clustering, and conservation easements.

2. **<u>Agriculture and Forestry Goal:</u>**

   Goal: Acknowledge the importance of agricultural lands and forestry management. Recognize that the presence of agricultural and forested lands adds to the scenic and rural character of the Township. Participate

in efforts to educate the community regarding agricultural preservation. Promote re-forestation and sound forestry management practices for areas with productive forest soils. Work with County to provide greater zoning flexibility regarding uses of large parcels of land. Work with County to provide greater zoning flexibility regarding uses of large parcels of land.

3. **Recreation Goal:**

Goal: Provide and maintain recreation lands and facilities for safe access and year-round healthy enjoyment by residents and visitors. Promote the use of the Northern Central State Trail, through the establishment of Marina Park as a designated trailhead.

4. **Natural Resource Goal**

Protect and preserve groundwater, surface water, woodlands, wetlands, open space, wildlife habitat and steep slopes.

See copy of the Township Master Plan at Exhibit D.

Based on the clear and unambiguous language of the Township's Master Plan, Tuscarora Township's goal is to preserve agricultural lands and to retain the "scenic and rural character" of the Township. In addition, the Township seeks to have "appropriate setbacks, retention of green space, buffer zones between differing land uses, [and] screened parking areas." The Township further seeks to retain "open space and scenic vistas." And, perhaps most significantly, given the Subject Property's amount of shoreline and several acres of wetlands, are the Township's goals to "[p]rotect and preserve groundwater, surface water, woodlands, wetlands, open space, wildlife habitat and steep slopes." The proposed Project, if approved, would completely frustrate each and every one of these stated goals.

Clearly the Township agrees. At its meeting held on October 22, 2015, the Tuscarora Township Planning Commission passed a motion declaring that the Proposed Project is *not* compatible with the Township's Master Plan. The motion was passed unanimously. *See* copy

of correspondence from the Township Planning Commission Chair Mike Cherveny attached at Exhibit E.

In addition to running afoul of the Township's master Plan, the Proposed Project would also fail to comply with the County Master Plan:

1. **Forest/Agriculture:**

   The Forest/Agricultural designation is intended to provide areas where management and production of crops and timber is the predominant land use. For comprehensive planning purposes, private lands in Cheboygan County were included in this category to include forestry or agriculture where they are well suited for future farm and forestry use. Forestry operations, farming and pasture are anticipated future uses for this area. Residential uses are consistent with farm and forestry operations when properly designed and located to minimize lands taken out of agricultural or forestry. Mineral extraction, especially sand and gravel operations, is anticipated to continue in the Forest / Agricultural areas. Specific uses directly related to forestry and agriculture, such as sawmills or agricultural product processing, are also consistent with the forest and agricultural classification. Ideally, a parcel size of forty acres or more is consistent with maintaining economically viable forestry and agricultural uses. However, it is also important to recognize that niche, high-value agricultural crops can be grown on as little as 1-2 acres. Open space or cluster residential incentives could encourage maintenance of larger lots for agriculture or forestry use. Appropriate uses for this area include forestry, agricultural operations, mineral extraction (such as oil & gas production), timber production, sawmills and agricultural product processing centers, smaller niche farming operations, open space or clustered residential. Also, appropriate uses include small to mid-size campgrounds and similar rural tourist lodging uses.

2. **Lake, River, and Stream Protection:**

   The Lake, River, and Stream Protection category contains undeveloped land as well as developed residential and recreational uses. This classification applies to both current and future residential and smaller commercial uses along the shores of all the County's lakes and inland waterways. The Future Land Use Map presents the locations of this class by highlighting the shores of selected, major lakes and waterways. This class is designed to apply to all residential, small commercial waterfront development and the map was not intended, nor would it be feasible, to show all graphically. Future development in the Lake, River, and Stream Protection class should be planned in consideration of potential environmental and aesthetic impacts on the water resources. Shoreline buffers to prevent erosion and filter storm water run-off, limitations on the application of fertilizers, large setbacks from the water line, lower density, and/or requirements

for public sewer for higher density developments are recommended mechanisms for maintaining high water quality. Accommodations may need to be made for historically smaller waterfront lots such as older platted subdivisions. Larger commercial areas with higher density of commercial activity should be located in the areas designated by the Commercial future land use category. Appropriate uses for this area include residential, waterfront access, public boat ramps, municipal parks and public beaches.

3. **Rural Character/Country Living:**

This classification is intended to provide open space land areas for both agricultural and country living uses of a rural character. The number of homes per unit of area, referred to as residential density, in this classification would be the second lowest (lowest being the Forest / Agricultural classification) among all the future land use classifications. Consideration of the size of the parcels should be dependent on the resource value of the land to be developed as well as the prolonged safety and sustainability of on-site water supply and sewage disposal systems. Occasional site condominium and platted subdivision developments may be well suited for certain areas where larger, contiguous areas of open space and natural resources can be maintained (blending development with the existing landscape). These development designs should be representative of a traditional country living environment. Opportunities to protect these resources should be encouraged using residential density bonuses offering an incentive to guide development away from valued resource areas and building constraints including wetland buffer areas, non-perking soils, existing farmland, larger forest stands, and retain natural features wherever possible. While commercial agriculture and forestry may be suitable in this area, these activities are not intended to be the predominant uses. The keeping of horses and other limited domestic animals can be considered a compatible accessory use in this class's country setting when situated on parcels of appropriate size. Crop production is a desirable land use at the same level as that considered appropriate as for the Forest/Agricultural category of land use.

The stated goals and objectives in both the County Master Plan and the Township Master Plan, among others, involve principles of preservation and balance. The Farm would contravene those stated goals. The Farm would not promote a balanced ecology or retention of green space; quite the contrary, the Proposed Project would threaten existing ecosystems within the wetlands and surrounding areas, as a result of the dense population and resultant waste, as explained in greater scientific detail by Grenetta Thomassey, Ph.D., Tip of the Mitt Watershed Council, in her letter to the Planning Commission dated October 23, 2015. *See* copy of same at Exhibit F.

Additionally, construction of the Farm would not preserve forestry and agriculture, nor would it ensure low residential density. Indeed, Applicant proposes just the opposite.

In addition to the foregoing, mental health treatment facilities are not of the same general character as the other uses allowed in the M-AF District (or the P-LS District), either by right or by special use, the purpose of the district being consistent with the Cheboygan County Master Plan and the Tuscarora Master Plan. However, mental health treatment centers are allowed in other zoning districts within the County. So, it is unequivocally clear that Applicant's special land-use-approval request under the Section 9.3.22 catch-all provision must be denied.

B. Uses Proposed in the P-LS Zoning District.

Applicant further requests the following uses be allowed as special land uses on that portion of the Subject Property located within the P-LS District:

P-LS Proposed Uses:	**Use Requested Pursuant to:**
Housing and cottages	§10.3.3 by analogy or §10.3.8 and reasonable accommodation
Garden	No citation provided
Community house	§10.3.2, §10.3.6, §10.3.14, §10.3.3, and/or §10.3.8 by analogy or ancillary
Cold Storage and Kitchen Pantry	§10.3.2, §10.3.6, §10.3.14, §10.3.3, and/or §10.3.8 by analogy or ancillary
Greenhouse	No citation provided

In addition to the zoning ordinance sections cited, Applicant also, in the alternative, requests that these uses be permitted by "reasonable accommodation." (None of the above-identified uses in the P-LS District are requested by right.)

The P-LS District "includes all property within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any river, stream, pond or lake which can be identified on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County." Section 10.1.1 sets forth the purpose of the P-LS District, one of the three protection districts in Cheboygan County:

> Cheboygan County has the distinction of having more water surface than any other county in the State of Michigan. 77.3 Square miles (9.69% of its area) are inland waters. The county has 344 inland lakes and 420 miles of streams. When 32 miles of Lake Huron shoreline are added, it becomes apparent that there is considerable pressure for development of waterfront property for homes, tourism and recreation. It is vital to the orderly future development of the county that these waters and natural resources be protected and that environmental control be exercised. The purpose of the conditions and requirements to be met in this district is to:
>
> > Avoid excessive structural encroachment on the waters and waterways except for uses traditionally depending upon direct water access.
> >
> > Provide high water quality by encouraging natural vegetation strips along waterfronts to filter out nutrients and sediment from surface run-off, keep ten from entering the waters, prevent erosion and help maintain cool water temperatures through shading.
> >
> > Protect the natural environment of streams and lakes for wildlife habitat purposes and to preserve, to the extent possible, the natural image of landscapes.
> >
> > Promote the general welfare of the county by protecting water quality, ground water resources, public health, property values, recreational values, riparian rights and erecting safeguards against flood.

Article 17 of the Ordinance sets forth supplemental regulations and standards for zoning districts. In the P-LS District, unless a variance is granted, the following dimensional requirements apply:

1. Minimum floor area: 720 square feet per dwelling unit
2. Minimum building width: 24 feet per dwelling unit
3. Minimum lot area: 15,000 square feet per dwelling unit
4. Minimum lot width: 100 feet per dwelling unit
5. Minimum front-yard setback: 40 feet, 30 feet for non-waterfront
6. Minimum side-yard setback: 8 feet (unless width is less than 80 feet, then each side setback is 10% of width or 5 feet, whichever greater.
7. Minimum rear-yard setback: 12 feet
8. Maximum height of structures: 35 feet

Applicant seeks to construct "housing and cottages," under Section 10.3.3, "Cabin colonies," or Section 10.3.8, "multifamily or duplex;" a "garden," a "community house," and "cold storage and kitchen pantry," under sections 10.3.2, 10.3.6, 10.3.14, 10.3.3, and/or 10.3.8; and a "greenhouse" within the P-LS District by special land-use permit, or, alternatively, requests a "reasonable accommodation" under federal and state law. As a protection district, the only uses allowed by right in the P-LS District are single-family dwellings, gardening, home occupations, and private storage buildings, none of which Applicant seeks. Uses allowed by special land-use permit in the P-LS District are:

Campgrounds, camps and clubs for recreation use;
Cabin colonies;
Retail stores and shops;
Boat liveries, marinas and launching ramps;
Golf courses, driving ranges, and country clubs;
Motels and hotels;
Duplexes, multi-family, and apartment buildings;
Schools, libraries, churches and municipal structures;
Housing of any animals other than pet dogs and/or cats;
Use of any parcel of waterfront property as a common use area for access to the water by one (1) or more non-waterfront single-family dwellings(s);
Public access sites;
Restaurant/bar; and
Bed and breakfasts.

"Housing" and "Cottages"

Applicant seeks a special land-use permit to construct "housing" or "cottages" upon that portion of the Subject Property lying within the P-LS Zoning District pursuant to §10.3.3 "cabin colonies," or, alternatively, under § 10.3.8 "multi-family or duplex," by analogy. It should again be noted that the Zoning Ordinance does not authorize the issuance of special land-use permits "by analogy" to other uses, nor does the P-LS Zoning District provide a "catch-all" use provision. To that end, the analysis should end here, and these use requests should also be denied.

Section 10.3 of the Ordinance provides that "cabin colonies," "duplexes," and "multi-family buildings" are permitted by special land-use permit. The standards and conditions in Article 17 and the procedures and standards in Article 18 apply. In addition, Section 10.4 sets forth supplemental requirements that apply to the P-LS Zoning District. And, under Section 3.7.1, all outdoor lighting must be "shielded to prevent glare."

A "cabin" is "any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes." §2.2. The Ordinance does not define "colonies" or "cabin colonies." According to the application, the "cabins" housed by staff and their families would be 450-square feet, and the patient colonies would be 320-square feet each. The minimum floor area allowed is 720 square feet for any dwelling within the P-LS district. Thus, Applicant's buildings would not constitute "cabins" within the meaning of the Zoning Ordinance.

A "multi-family dwelling" is [a] building, or portion thereof, containing three (3) or more dwellings. A "dwelling" is [a] single unit building, or portion thereof, providing complete independent living facilities for one (1) family for residential purposes, including permanent provisions for living, sleeping, heating, cooking, and sanitation." As reflected on the Application, the buildings would not have "complete independent living facilities" as defined above. Rather, each unit is proposed to have one to two bedrooms, one bathroom, and one sitting room. Living room, dining room, kitchen, laundry, garage, and garbage facilities will be located elsewhere upon the Subject Property. Applicant's proposed uses also do not satisfy the definitional requirements for a "multi-family" building or duplex dwelling unit.

Next, Applicant seeks to install a garden and a greenhouse by special land-use permit, but fails to cite any provision of the Zoning Ordinance in support of these requested uses. Because it is Applicant's responsibility to provide the authority pursuant to which he seeks to have these uses permitted, the Planning Commission is under no obligation to consider same. Applicant also seeks a "reasonable accommodation" for these uses; however, on their face, they are not "dwellings" or "housing," thereby making a reasonable accommodation inapplicable. In any event, the Association incorporates by reference its legal arguments regarding the inapplicability of providing a "reasonable accommodation" set forth below as if again restated here. And, because Applicant has not requested a principal use that complies with the Zoning Ordinance, his accessories to same, regardless of the request, equally could not comply.

Finally, Applicant requests that a special land-use permit be granted to allow the "community house" and the proposed "cold storage and kitchen pantry," pursuant to the following by analogy: §10.3.2 "club," §10.3.6 "country club," §10.3.14 "restaurant," §10.3.3 "cabin colonies," and/or § 10.3.8 "multi-family or Duplex." It shall again be stated here that the P-LS Zoning District does not provide that uses may be allowed by special land-use permit, or otherwise, "by analogy" to other uses that are specifically listed under Section 10.3, nor does the P-LS Zoning District have a "catch-all" provision. Thus, the Planning Commission should deny these requests on that basis alone.

Article 2 defines a "club" as "[a] non-profit organization of persons for special purposes or for the conducting of social, athletic, scientific, artistic, political, or other similar endeavors." The Zoning Ordinance does not define "country club." Dictionary.com defines a "country club," as "a club, usually in a suburban district, with a clubhouse and grounds, offering various social activities and generally having facilities for tennis, golf, swimming, etc." Based on Applicant's Application, neither the "community house," nor "cold storage and kitchen pantry" has any such amenities or features and thus fails to satisfy those definitions.

Applicant also claims the "community house" is a restaurant. The Ordinance also does not define a "restaurant." However, Merriam Webster's online dictionary defines a "restaurant" as "a business establishment where meals or refreshments may be purchased." And, dictionary.com defines a "restaurant as "an establishment where meals are served to customers." Again, none of the uses described by Applicant, nor the site

plan, describes or depicts such uses, and none of these buildings are open to or used by "customers," or members of the public generally. As such, Applicant's argument fails.

The definitions relative to "cabin colonies" and "multi-family buildings" cited and discussed above are incorporated herein by reference, and demonstrate, again, that same are equally without application to the uses claimed by Applicant.

It is clear that the principal use contemplated is for mental health treatment, together with purported accessories to the same, none of which would fall within the meaning of the stated definitions. In addition, because a restaurant typically serves members of the public for a consideration, the "kitchen" could not be a "restaurant," based on its everyday meaning, logic and common sense. Finally, Applicant fails to meet the required parking requirements for a "restaurant," as previously determined by County staff.

In addition to the "micro" analyses of the uses requested as set forth above, the big-picture perspective, i.e., the collective principal use - - a mental health treatment facility - - would not be permitted within the P-LS Zoning District, in any event. Because the principal use could not be permitted, it logically follows that any accessories to same also would not be permitted.

As reflected on Applicant's topographical Survey, the Subject Property is uniquely situated in that approximately one-half of the Subject Property lying within the P-LS Zoning District is composed of wetlands, most of which are within the FEMA base flood plain (and the survey is relying on outdated data, such that the wetlands area might have enlarged northward.) This portion of the Subject Property is bounded by the Indian

River Spreads to the south and Mullett Lake at is easterly boundary line. Given the significantly increased density that the Proposed Project would cause on a relatively small area of buildable land, the potential for contamination and human-caused pollution within the wetlands and adjacent open waters is exactly what this district protects against. By allowing this project to proceed, it would frustrate the very purpose of the P-LS District and would run counter to the County and Township's respective master plans, as explained in more detail above. In addition, the proposed uses would threaten the natural habitat of the surrounding area - - including that of the Bald Eagle discussed below - - especially the wetlands and the Indian River Spreads and disturb the natural eco-systems within that area, as articulated by Dr.Grenetta Thomassey's October 23, 2015 letter to the Planning Commission.

C. <u>The Proposed Project Fails to Meet Article 18 Standards.</u>

Article 18 of the Zoning Ordinance sets forth the required provisions and standards for application, notice, hearing, review, and approval for special land-use permits, applicable to the uses requested in both zoning districts. "Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics) which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the County." §18.1

Article 18 of the Ordinance sets forth the required procedures and standards for the grant of special land-use permits. And, Section 18.3 requires that a special land-use permit applicant provide the following information:[4]

1. The Applicant's name, address, and telephone number;
2. The legal description, address, and tax identification number of the proposed site;
3. A signed statement the Applicant is the owner of the proposed site, or is acting as the owner's representative;
4. A site plan meeting all of the requirements of Section 20.3 of this Ordinance;
5. A detailed written description of the proposed special land use;
6. A detailed written statement, with supporting evidence, demonstrating how the proposed special land use will comply with the standards for special land use approval specified in Section 18.8 of this ordinance; and
7. Any additional information reasonably deemed necessary by the Planning Commission to determine compliance with the standards for special land use approval Specified in Section 18.8 of this Ordinance and the impact of the proposed special land use on adjacent properties, public infrastructure, and the County as a whole. This information may take the form of, but is not limited to, traffic impact analyses, environmental impact assessments, market studies (to determine demand and/or use saturation), fiscal impact analyses or reports and/or information from officials representing state, county, or local police, fire, or health departments, the county road commission or Michigan Department of Transportation, and/or state, county, or local environmental regulatory agencies.

Following the public hearing, the Planning Commission shall *only* approve or approve with conditions the Proposed Project, *if* the Planning Commission specifically finds that the proposed special land use complies with *all* of the following standards in Section 18.7 (a)-(h), which are addressed herein below *seriatim*:

[4] Applicant must also submit a copy of the application to the Cheboygan County Road Commission, Tuscarora Fire Department, and the Cheboygan County Health Department for review and comment. §18.2 (b.)

(a) <u>The property subject to the application is located in a zoning district in which the proposed special land use is allowed</u>.

For the reasons stated above and below, the proposed special land use is not allowed in the M-AF or P-LS Districts.

(b) <u>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</u>.

The Proposed Project will have an adverse impact upon the natural resources and environment for several reasons. First, the development will cause a disturbance to the natural wildlife habitat of the Subject Property and surrounding properties, including the Indian River Spreads and Mullett Lake because of waste that will be generated by the number of people and farm animals coming onto the Subject Property. With a significant portion of the Subject Property being composed of wetlands and lying in close proximity to the Spreads and Lake, the risk of contamination is much higher. Even if Applicant's Proposed Project were permitted, Applicant should be required to install his own on-site sewer system to safeguard against potential leaching of waste products, including the waste of farm animals and water runoff.

In addition to the waste contamination, the Proposed Project will generate noise pollution that will adversely affect neighboring persons and wildlife living in its habitat. And, the Proposed Project will disturb Bald Eagles in violation of federal laws, as explained in detail, *infra*, in Section III.

Moreover, the Proposed Project runs contra to the Ordinance's statements of purpose relative to both the M-AF and P-LS Districts, as well as the County and Tuscarora Township's Master Plans, discussed *supra*.

The Association urges the Planning Commission to deny Applicant's request, or, at a minimum, to require Applicant to provide an environmental impact study addressing each of these concerns.

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

The Proposed Project will negatively impact the surrounding properties in many respects. The Subject Property would be used by a nonprofit company, as boasted by Applicant, but one that would conduct a *commercial activity* doing business 24-hours-per day every day of the year as a mental health and drug and alcohol treatment center for patients with mental illnesses, including dual diagnoses in a rural setting surrounded by single-family residences, wetlands, and open water, without any oversight or security. Although the idea of "nonprofit status" sounds pristine, it is completely irrelevant to the zoning analysis of whether its intended uses are permissible. The simple truth is that the increased traffic to and from the area, not only by the patients, staff members, healthcare professionals, and families of staff, but also by all of the usual traffic associated with a commercial activity, such as delivery trucks, sales persons, maintenance workers, vendors, and the like, would be extremely significant and disruptive in such a quaint residential neighborhood. "It is a fundamental premise of zoning law that residential and non-residential uses tend to differ in how, and to what degree, they produce noise, occupy parking, create traffic, generate tax revenue, consume utilities and public services, affect local property value, and impact local employment." *Get Back Up, Inc. v. City of Detroit*, 2013

WL 3305772 (E.D. Mich.), citing *Lakewood, Ohio, Congregation of Jehovah's Witnesses, Inc. v. Lakewood*, 699 F.2d 303, 308 (6th Cir. 1983).

In addition, the noise pollution, nighttime light pollution, and farm animal noise and odors would negatively impact the surrounding properties. Moreover, as a result of the foregoing disruptions and negative impacts, the Proposed Project would depreciate the fair-market value of the surrounding properties, including those of Association members, which in turn would lower the taxable values on those lands, ultimately reducing tax revenues.

Finally, it should be noted that a 24-hour treatment center would undoubtedly require outdoor lighting that would not be permitted in the P-LS District: "All outdoor lighting used for illumination for any premises... within the Lake and Stream Protection (P-LS) . . . District shall be shielded to prevent glare." §3.7.

(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.**

The Association incorporates by reference its responses to Standards (a)-(c) as if again fully restated here. Moreover, it would be difficult for the surrounding properties to be used and developed as zoned with a commercial mental health treatment center in the neighborhood.

(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.**

The Association concedes that the Proposed Project most likely would not place demands on fire resources in excess of current capacity, but believes that it would place demands exceeding the current resources for police and pre-hospital, emergency-medical services, given

the types and number of patients who would be receiving treatment at the Farm. According to a 2012 study in the *Emergency Medicine International Journal* cited by the *Washington Post*, "psychiatric patients make up 7 to 10 percent of emergency room visits[.]" (Khazan, Olga, www.washingtonpost.com, Jan 22, 2013.) This is especially true in light of the recent downsize of the McLaren Northern Michigan Cheboygan Campus, including its Emergency Department.

The Association urges the Planning Commission to contact local fire, police, and ambulance authorities, as well as North Country Community Mental Health, to obtain an impact assessment relative to these emergency services, prior to making any decision.

(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**.

The commercial activity proposed by Applicant would increase traffic to and from the Subject Property and within the surrounding area, not only by the patients, staff members, and families of both, but also by all of the usual traffic associated with a commercial activity, such as delivery trucks, sales persons, maintenance workers, vendors, and the like. This traffic would pose risks to neighboring properties and persons, especially children living and recreating in and about the surrounding area.

The only way by which to access the Subject Property by motor vehicle would be by use of minor residential streets that currently have minor traffic as these are not thoroughfare streets. In addition, the snowmobile and bike trail intersects Grandview Beach Road across from the

current entrance to Applicant's Subject Property, and runs adjacent to Grandview Beach Road for several meters. Thus, the Proposed Project would not only increase traffic hazards and cause congestion on this narrow residential road, but it would also make that portion of the snowmobile and bike trail dangerous to trial users as a result. *See* pictures at Exhibit G.

(g) <u>The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.</u>

The Proposed Project will not be adequately served by an on-site septic system with the numbers of persons and animals being proposed to come onto the Subject Property. Rather, Applicant should be required to have an on-site sewer system installed and maintained to prevent human and animal waste contamination and water runoff to leach in and onto surrounding properties, the Indian River Spreads, and Mullett Lake.

(h) <u>The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.</u>

Applicant incorporated its responses in (a)-(g) as if again fully set forth. The Proposed Project fails to meet all specific standards in addition to all of the other reasons set forth herein above.

II. <u>Applicant is Not Entitled to a Reasonable Accommodation Under Federal Law.</u>

As Applicant's final alternative argument, he asserts that all of the uses requested in both the M-AF and P-LS Zoning Districts must be permitted as "reasonable accommodations" under the Americans with Disabilities Act, the Fair Housing Amendments Act, and the Michigan Persons with Disabilities Civil Rights Act. This claim is nothing more than a smokescreen attempt to bully the County and is completely devoid of any legal merit.

The Fair Housing Amendments Act of 1988 was enacted by Congress to expand protection to the handicapped. 42 U.S.C. § 3604(f)(2). The Act also broadened the definitional scope of unlawful discrimination to include "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling." 42U.S.C.§ 3604(f)(3)(B). "The Reasonable-Accommodation cases therefore form on the 'operative elements' of that provision: whether the proposed accommodation is reasonable and whether it is necessary to afford disabled persons an equal opportunity for enjoyment." *Hollis v. Chestnut Bend Homeowners Assoc.*, 760 F.3d 531, 540 (6th Cir. 2014). *See also Smith & Lee Assoc. v. City of Taylor*, 102 F. 3d 781,794 (6th Cir. 1996), and *Howard v. City of Beavercreek*, 276 F.3d 802, 806 (6th Cir. 2002). Thus, the reasonableness and necessity of the requested accommodation must be provided by the party requesting it. *Id.* Moreover, the requestor "must also prove that [he or she] suffers from a disability, that [he or she] requested an accommodation or modification, that the defendant housing provider refused to make the accommodation or to permit the modification, and that the defendant knew or should have known of the disability at the time of the refusal." *Id* citing *Overlook Mut. Homes, Inc. v. Spencer*, 415 Fed. Appx. 617, 621 (6th Cir. 2011). The person requesting the accommodation has the burden of proving each such element. *Id. See also Grover v. Golden Gate Apts*, 250 F.3d 1039, 1044-5 (6th Cir. 2001).

In addition to the foregoing, a reasonable-accommodation requestor must also establish "that, but for the requested accommodation or modification, he 'likely will be denied an equal opportunity to enjoy the housing of his choice.'" *Id.* "The Act is intended to prohibit the application of special requirements through land-use regulation, restrictive covenants, and

conditional or special use permits that have the effect of limiting the ability of [handicapped] individuals to live in the residence of their choice in the community." It. R. Rep. No. 100-711, at 4 (1988), U.S. Code Cong. & Admin. News 1988, 2173, 2185. "Thus, local governments are prohibited from 'applying land use regulations in a manner that will exclude people with disabilities entirely from zoning neighborhoods, particularly residential neighborhoods, or that will give disabled people less opportunity to live in certain neighborhoods than people without disabilities." *Howard v. City of Beavercreek,* 276 F.3d 802, 807 (6th Cir. 2002), citing *Smith & Lee Assocs., Inc. v. City of Taylor,* 102 F.3d 781, 795 (6th Cir. 1996). This applies to "municipal zoning ordinances that affect housing opportunities for the disabled" and "discriminatory actions taken by municipalities pursuant to zoning ordinances." *Id.* at 924. However, a "[county's] interpretation of [its] ordinance cannot serve as evidence of intentional discrimination unless the [county's] interpretation strained the plain meaning of a statute to further it discriminatory crimes." *Smith,* at 792.

The Americans with Disabilities Act, 42§ U.S.C. § 12101, *et seq.* (the "ADA"), was enacted in 1990 by Congress "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." Pub. L. No. 101-336, §2(b)(1), 1990 U.S.C.C.A.N. (104 Stat.) 327, 329. The ADA applies to three areas, employment, public services, and public accommodations. *See* Titles I-III of the ADA. The Applicant in this zoning matter claims that he is entitled to an "accommodation" under the ADA under Title II of same, which provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the

services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C § 12132.

In this matter, Applicant has not claimed to be disabled in any way. And, Heritage Cove Farm is not itself disabled, nor does it currently have any patients who are disabled. Indeed, Heritage Cove Farm merely exists on paper. It is no more than a concept at this stage. Although some federal courts[5] have held that an individual or entity has standing to bring a discrimination claim against a municipality for denying a zoning permit on the basis that the denial was the result of discriminatory treatment by the municipality against the person or entity because of the latter's known association or relationship with a disabled person, such application of 28 C.F.R 35.130(g) is inapplicable here, because Applicant does not contend that the County has discriminated against Applicant because of any known association or relationship with a disabled person. Rather, Applicant is merely asserting that he is entitled to "reasonable accommodation."

In addition, it is proposed that future patients undergoing in the future who will go through the Farm's mental health treatment program will stay on the Farm *temporarily* in a community-based setting. The purpose of the federal legislation cited by Applicant and summarized above is not to accommodate disabled patients undergoing therapy in a hospital-like program, but rather to accommodate disabled individuals who are seeking to reside in residential areas, to be on equal footing with their nondisabled counterparts. If the laws were as interpreted by Applicant, any type of hospital or treatment center would be able to construct facilities anywhere, which, of course, would defy logic and common sense.

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[5] See, e.g. *Mx Group, Inc. v. City of Covington*, 293 F. #d 326 (6th Cir. 2002), distinguishing *Hunt v. Washington State Apple Advertising Comm.*, 432 U.S. 333, 97 S.Ct. 2434 (1977).

The policy of the FHAA is "to provide, within constitutional limitations, for fair housing throughout the United States." 42 U.S.C. § 3601. The FHAA specifically prohibits the discrimination "in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of services or facilities in connection with such dwelling, because of a handicap of (A) that buyer or renter, (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or (C) any person associated with that buyer or renter." 42 U.S.C. § 3604 (4)(i).

A handicap is defined as:

1. a physical or mental impairment which substantially limits one or more of such person's major activities,
2. a record of having such and impairment, or
3. being regarded as having such and impairment 42 U.S.C. § 3062 (h)(l)-(3)

However a "handicap" does not include "current, illegal use of or addiction to a controlled substance." *Id.*

A "dwelling" is "any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, **a residence** by one or more families, and any vacant land which is offered for sale or lease for the construction or location therein of any such building, structure, or portion thereof." 42 U.S.C. § 3602 (b). (Emphasis added.)

The FHAA defines discrimination to include "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a **dwelling**." (Emphasis added.) 42 U.S.C. § 3604(f)(3)(B). A person alleging discrimination under this section of the

Act may do so on one or more of three theories: (1) disparate treatment; (2) disparate impact; and/or (3) failure to make a reasonable recommendation. *Smith and Lee Assoc., Inc. v. City of Taylor*, 102 F.3d 781 (6th Cir. 1996.) According to Applicant's May 13, 2015, legal memorandum in support of his Application, "Heritage Cove Farm's position is that all three theories could be applicable here. However, this memorandum focuses only upon the third theory, reasonable accommodations." (Applicant's legal memorandum at p.1.) As such, the Association, likewise, focuses its response on the reasonable-accommodation theory.

In order for a person to claim protection under the ADA, and by judicial application, the FHAA, he or she must be disabled within the meaning of the Act. "(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such and impairment." 42 U.S.C. § 12102 (2). However, "[m]early having an impairment does not make one disabled for purposes of the ADA." *Toyota Motor Mfg., Ky., Inc v. Williams,* 534 U.S. 184, 195, 122 S. Ct. 681, 151, (2002). The Supreme Court held that the statutory terms, "substantially limits" and "major life activities," "need to be interpreted strictly to create a demanding standard for qualifying as disabled." *Id.* at 197, 681. " Major life activities" "refer [] to those activities that are of central importance to daily life," *Id.* In this matter, Applicant, who is a principal of the Farm, asserts that he is entitled to a reasonable accommodation because he intends to start a new business that treats patients suffering from mental illnesses and/or patients with mental illnesses and drug and/or alcohol addiction. Applicant himself does not claimed to be disabled. The Farm is not the Applicant, nor is it claimed to be disabled. At present, the Farm has not yet started its

business; it is merely conceptual, presumably pending all required approvals. Thus, the Farm does not have any patients.

Moreover, it is not clear from the Application whether future patients would be "disabled" within the meaning of applicable law. Applicant contends that each patient would be given unsupervised sleeping quarters, and, presumably, bathe, dress, and the like on his or her own. The patients would not have any physical handicaps, and the patients would partake in activities on and off the Farm without any security. And, Applicant contends that the Farm will not require state licensing. For all of these reasons, Applicant fails to demonstrate that a qualifying disability exists that would trigger protection under the laws cited.

Assuming, *argendo*, that a qualifying disability were to exist, it would create "an affirmative duty [on the part of the County] to afford . . . reasonable accommodations in its municipal zoning practices if necessary to afford such persons equal opportunity in the use and enjoyment of their property." *Howard v. City of Beavercreek*, 276 F. 3d 802, 806 (6th Cir. 2002). It is important to note that the law requires only "equal opportunity," nothing more. Thus, the three operative elements to an accommodation analysis are "reasonable," "equal opportunity," and "necessary." *Smith and Lee Assoc., Inc. v. City of Taylor*, 102 F. 3d 781, 794 (6th Cir. 1996).

"But the crux of a reasonable-accommodation or reasonable-modification claim typically will be the question of reasonableness. To determine the reasonableness of the requested modifications, the burden that the requested modification would impose on [the County] must be weighed against the benefits that would secure to [Applicant]." *Hollis v. Chestnut Bend Homeowners Ass'n.*, 760F. 3d 531, 542,543 (6th Cir. 2014). "An accommodation is reasonable

when it imposes no 'fundamental alteration in the nature of the program' or 'undue financial and administrative burdens.'" *Howard v. City of Beavercreek,* 276 F.3d 802, 806 (6th Cir. 2002). "Equal Opportunity" means "giving the handicapped individuals the right to choose to live in single-family neighborhoods, for that right serves to end the exclusion of handicapped individuals from the American Mainstream." *Smith and Lee Assoc., Inc. v. City of Taylor,* 102 F. 3d 781, 794, 795 (6th Cir. 1996). To prove that an accommodation is necessary, Applicant "must show that, but for the accommodation, [Applicant] likely will be denied an equal opportunity to enjoy the housing of [Applicant's] choice." *Id.* And, "the concept of necessity requires at a minimum the showing that the desired accommodation will affirmatively enhance a disabled [person's] quality of life by ameliorating the effects of the disability." *Brook v. Ineichen,* 54 F. 3d 425, 429, (7th Cir. 1995).

In *Howard v. City of Beavercreek,* 276 F.3d 802, 806 (6th Cir. 2002), the federal court of appeals upheld the city's denial of a Plaintiff's six-foot-high fence variance request. The plaintiff claimed that he was disabled as a result of post-traumatic stress disorder and needed to have a six-foot-high fence installed to avoid being upset. The trial court found in the City's favor on the basis that the plaintiff failed to prove that the accommodation of granting the variance was "necessary." The Court of Appeals affirmed.

In *First City Daly Hms., Inc. v. Town of N. Hempsted,* 1999 WL 222316 (2nd. Cir. 1999), the U.S. Court of Appeals held that a municipality was not required to make reasonable accommodations by allowing construction of an assisted-living facility on commercially-zoned property. In that case, a special-use permit would not have been granted for any residence of

similar size – whether it be for disabled persons or nondisabled persons. The court also found that the Town's master plan discouraged residential encroachment into the subject area.

The Seventh Circuit Court of Appeals held that a village's denial of a developer's request to rezone property from single-family residential to high-density, multiple-family residential to construct eight townhouses for disabled persons did not violate the FHAA. *Hemisphere Bldg. Co. v. Village of Richton Park,* 171 F.3d 437 (7th Cir. 1999). The Court upheld the Village's denial based on the fact that, to rezone the property, it would negatively impact the Village's land-use plans (e.g. its Master Plan). The Court held: "A municipality can if it wants to retard the erosion of its land-use plans by being chintzy about permitting departures from its existing zoning." *Id.*

Based on the foregoing law, it is unequivocally clear that Applicant is not entitled to a reasonable accommodation. The request is nothing more than a ploy to intimidate the County into granting a special land-use permit [or permits] for uses that do not qualify for same.

Applicant is not disabled within the meaning of the Act. The requested accommodation is not reasonable because, in order to grant it, it would impose a fundamental alteration in the county's Zoning Ordinance, which would, in turn, open Pandora's box, creating an administrative nightmare. The multiple uses requested by Applicant, taken together or individually, do not satisfy the zoning ordinance's requirements for a special land-use permit in the M-AF or the P-LS Zoning District. The same would be true for disabled or non-disabled persons. If the uses were permitted, the grant of same would completely undermine the purpose of those zoning districts as well as the County Master Plan. Moreover, Tuscarora Township's Planning Commission recently determined that the Proposed Project does not comply with the

Township's Master Plan, and the County's Master Plan yields to the Township's Master Plan. Further, not only would the uses not be of the same character as the uses permitted by right and those permitted by special land-use permit in both zoning districts, but, because significant portions of the Subject Property are wetlands (much of which lie within the FEMA base flood plain) and the Subject Property is bounded by the Indian River Spreads at it southerly border and Mullett Lake at its easterly border, the dense population proposed on the Subject Property, coupled with multiple buildings, streets, parking lots, animals, lighting, and other structures, would no doubt pose a significant threat of pollution in the forms of waste, noise, and light that would leach/travel to the wetlands and watercourse as well as to surrounding properties.

Finally, and perhaps most significantly, the federal legislation was enacted by Congress as a means to enable disabled persons to integrate into residential neighborhoods, primarily single-family residences. Disabled person may reside in any single-family residence, multi-family residence, and the like in the same manner as nondisabled persons within the County. They are treated no differently. In contrast, what Applicant proposes is to construct a health facility within the M-AF and P-LS Districts - - not within a residential district. The uses proposed are not "dwellings" or "residences" of a disabled person's choice. Rather, they are rooms, without independent living facilities, that are part of a health treatment facility. Such a use is <u>not</u> permitted no matter who the Applicant is. The Applicant is asking the County to provide it with a greater opportunity than a nondisabled person – not an equal one. For this and all the reasons above set forth, a reasonable accommodation must not be granted.

III. The Proposed Project Would Disturb Nesting Bald Eagles in Violation of the Bald and Golden Eagle Act, Migratory Bird Treaty Act, and the Lacey Act.

Cheboygan County, located in the Northern tip of Michigan's Lower Peninsula, has more surface water than any other county in Michigan, and, consequently, is home to the Bald Eagle, a large bird more particularly named *Haliaeetus leucocephalus* (meaning, "the sea eagle with the white head"). Bald Eagles are occasionally seen flying over or along our bodies of water. Indeed, the natural beauty and wildlife in our area is something that makes us proud and attracts our tourists. One of the prominent areas where Bald Eagles annually nest is in and around the Indian River Spreads.

A. Bald Eagles Nest in and Around the Indian River Spreads.

According to the Indian River Chamber of Commerce, "[t]he Indian River Spreads is a wildlife habitat for a variety of wildlife including Bald Eagle, Osprey, Otters, Loons and other waterfowl." (See irchamber.com/summer.htm.) Similarly, the Cheboygan Area Chamber of Commerce boasts that "[i]t is not unusual to see fish jumping, hear loons singing, *or observe a mighty bald eagle as you ply the route*" through the inland Waterway. (www.cheboygan.com)

Chosen as our nation's national emblem on June 20, 1782, when the great seal of the Unites States was adopted, the Bald Eagle represents freedom and is protected by the Bald and Golden Eagle Act, 16 U.S.C. 668, *et seq.* (the "Eagle Act"), the Migratory Bird Treaty Act, 16 U.S.C. 703, *et seq.* (the "MBTA"), and the Lacey Act. The U.S. Fish and Wildlife Service (the "Service") has developed National Bald Eagle Management Guidelines (the "Guidelines") to minimize prohibited "disturbance" of Bald Eagles. *See* Guidelines at Exhibit H.

Under the Eagle Act, the "taking" of any Bald Eagle, or their parts, eggs, or nests, is prohibited, unless the "taker" has a permit issued by the Secretary of the Interior. The Eagle Act imposes civil as well as criminal penalties against persons who "take . . . a bald eagle . . . alive or dead, or any part, nest, or egg thereof." " The Eagle Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." And, relevant to Applicant's proposed development, "disturb" means the following:

> Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

According to the Service, this "also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that injuries an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment." Guidelines at 2.

Bald Eagles generally nest along coastlines, lakes, streams, and rivers that provide an adequate supply of food. The nests can be in live trees, dead trees, on the ground, cliffs, power poles, towers, and other places. The nests are usually four to six feet in diameter and three feet deep, but can be larger. Bald Eagles live up to 25 years in the wild and are faithful to their nests, often returning to the same nest year after year. *Id.* at 3-4. "Breeding bald eagles occupy 'territories,' areas they will typically defend against intrusion by other eagles. In addition to an active nest, a territory may include one or more alternate nests (nests built or maintained by the

eagles but not used for nesting in a given year)." *Id.* Thus, it is common to find both active and alternate nests in areas where Bald Eagles are known to nest, and, because Bald Eagles generally return to the same nesting grounds, federal laws prohibits the disturbance of both active and alternate nests.

B. Applicant's Proposed Project Does Not Meet U.S. Fish and Wildlife Service Guidelines.

The Service's Guidelines provide recommendations for avoiding disturbances at nest sites to prevent persons from violating the Eagle Act and the MBTA:

> To avoid disturbing bald eagles, we recommend (1) keeping a distance between the activity and the nest (distance buffers), (2) maintaining preferably forested (or natural) areas between the activity and around nest trees (landscape buffers), and (3) avoiding certain activities during the breeding season. The buffer areas serve to minimize visual and auditory impacts associated with human activities near nest sites. Ideally, buffers would be large enough to protect existing nest trees and provide for alternative or replacement nest trees.
>
> The size and shape of effective buffers vary depending on the topography and other ecological characteristics surrounding the nest site. In open areas where there are little or no forested or topographical buffers, such as in many western states, distance alone must serve as the buffer. Consequently, in open areas, the distance between the activity and the nest may need to be larger than the distances recommended under Categories A and B of these guidelines . . . if no landscape buffers are present. The height of the nest above the ground may also ameliorate effects of human activities; eagles at higher nests may be less prone to disturbance.
>
> On addition to the physical features of the landscape and nest site, the appropriate size for the distance buffer may vary according to the historical tolerances of eagles to human activities in particular localities, and may also depend on the location of the nest in relation to feeding and roosting areas used by the eagles. Increased competition for nest sites may lead bald eagles to nest closer to human activity (and other eagles).

> Seasonal restrictions can prevent the potential impacts of many short-term, obtrusive activities that do not entail landscape alterations (e.g., fireworks, outdoor concerts). In proximity to the nest, these kinds of activities should be conducted only outside the breeding season. For activities that entail both short-term, obtrusive characteristics and more permanent impacts (e.g., building construction), we recommend a combination of both approaches: retaining a landscape buffer *and* observing seasonal restrictions.

Id. at 9-10.

The Service's Guidelines provide two categories with regard to new construction near nesting sites with recommended distance buffers to prevent disturbance to the eagles. However, these are just guidelines, and the following of same will not serve as a defense in the event a Bald Eagle is nonetheless disturbed.

A construction project with a footprint of more than one-half an acre, which is substantially smaller than the project being proposed by Applicant, falls within Category B, the most restrictive, calling for 600 feet of distance from the Bald Eagle nesting areas. *Id.* at 12. The Service also recommends that none of the construction take place during the time that eagles are nesting, which is typically in the spring and summer. In addition, the Service recommends that runoff from agriculture areas and other waste be minimized, because they could contaminate the Bald Eagles and their food sources. *Id.* at 15.

Inasmuch as a significant portion of the Subject Property lying adjacent to the Indian River Spreads is wetlands, essentially an extension of the Spreads, the Bald Eagle nesting likely includes a large area of the Subject Property. A look at Applicant's survey makes it clear that the proposed improvements would mostly or completely be within 600 feet of where the nesting areas are likely to be. Thus, unless Applicant obtains a "taking" permit, he likely will be in

violation of the Eagle Act and the MBTA if he develops the Subject Property as proposed. At a minimum, as a condition precedent to obtaining any form of zoning approval, Applicant must demonstrate to the Planning Commission that his project, or any portion thereof, would not be in violation of federal law, if constructed and subsequently put to use.

IV. The Proposed Project Is Not a "Theraputic Farm Community".

Last August, Applicant's wife, Elizabeth Hanson, made a presentation to the Association regarding the Proposed Project, during which she advised that patients would come to the site "voluntarily" from anywhere, i.e., admission would not be restricted to local or Michigan residents. She further advised that the Proposed Project would not have any security in place, and the patients would be permitted to engage in activities off site, including access to and use of the adjacent bike/snowmobile trail. Additionally, she advised that the Proposed Project would have a "small on-site business," but did not explain what, exactly, that would be. She then represented to the Association that the Proposed Project would be similar to treatment programs known as Rose Hill, in Holly, Michigan; Hopewell, in Mesopotamia, Ohio; and Gould Farms, in Monterey, Massachusetts. A look at each is instructive here.

A. Rose Hill Center.

The Rose Hill Center sits *on 412 acres of isolated land* in northern Oakland County and facilitates up to 76 patients who stay at the Center on an average of nine months. The Center is licensed by the State of Michigan. According to the Rose Hill website: "By combining medication review and management with intensive therapeutic residential rehabilitation and a

continuum of care options, Rose Hill gives patients the tools they need to regain and maintain psychiatric stability." Rose Hill is an in-patient mental health treatment facility.

As demonstrated by the materials attached at Exhibit I, Rose Hill's mental health treatment program concentrates on "providing highly effective psychiatric treatment," focused on recovery. The goal is to treat patients to enable them to recover from their illness and/or disease so that they can return to society with limited or no assistance. According to the Application, the proposed Farm would treat patients suffering from the same types of mental illnesses treated at Rose Hill, including patients with dual diagnoses, i.e., those who suffer a mental illness in addition to drug and/or alcohol addiction, which "is more complicated than the treatment for either condition alone." *Id.*

However, what is interesting about Rose Hill are the published reports at mlive.com, gannett.com, and upnorthlive.com that reported residents of the Holly community were outraged when a Rose Hill bipolar patient, who had previously been found not guilty by reason of insanity for beating to death a 34-year-old mother of three with an axe and shovel because he thought he was the anti-Christ, was released from Rose Hill and thereafter beheaded his cat and stabbed himself because God told him to do so. *See* Exhibit J.

B. <u>Hopewell</u>.

Hopewell is another mental health treatment center situated in a vast "therapeutic farm" setting, in lieu of the more traditional "bricks and mortar" hospital approach, also likened to the Proposed Project by Mrs. Hanson. Hopewell is located in Mesopotamia, Ohio, *on a 300-acre campus*. Typical patients at Hopewell suffer from and are treated for illnesses similar to those

being proposed by Applicant. However, unlike what Applicant proposes here, Hopewell, like Rose Hill, is located in a very rural area, away from the public and residential neighborhoods, to provide "a dependable and safe daily structure." *See* information from Hopewell's website at Exhibit K.

C. **Gould Farm.**

Gould Farm *is located on 630 acres, more than 500 of which are composed of forest land.* Housing the same kinds of patients as Applicant proposes, it is located in Monterey, Massachusetts, and accommodates up to 40 persons. Gould Farm is the oldest one of its kind, and Rose Hill is modeled after it. Like the others, its vast campus is not located near the public or near residential areas. However, like Rose Hill, Gould Farm is not without problems. There have been several alarming instances of patients escaping custody and committing suicide. For example, one Alex Dickey was dropped off for an outing in a nearby community in October, 2013, and his dead body was not found until May of 2014. And, one Gregory Hillman escaped a hospital transport and committed suicide. For more information on Gould Farm please see Exhibit M.

It is clear from the foregoing and the attached, that there are significant differences between these treatment farms and what is being proposed by Applicant. First, these facilities are licensed. Second, these facilities are located on vast campuses of 300 to 630 acres of land, away from the public and nowhere near residential communities. Third, these centers identify themselves for what they are: mental health treatment centers that provide psychiatric therapy to patients. In other words, like what Applicant is proposing here, these "farms" are mental health

treatment centers providing inpatient therapy programs similar to mental health hospitals or clinics. However, rather than walking down a corridor in a large mental health hospital or institution, these patients walk from building to building on large isolated campuses. And, even with such large tracts of land lying between them and the public, tragic events have still occurred.

In contrast, Applicant's proposed mental health and dual diagnoses treatment facilities would provide similar services to similar patients, but only on a mere 33 acres of land, significant portions of which are wetlands, immediately located next to single-family residences, a popular and frequently used bike/snowmobile trail, two public roadways, and open water with absolutely no security. In addition, the proposed patients would not be "screened," there being no way for Applicant or the Farm to do criminal history background checks and the like.

For all of the reasons stated herein, the Association respectfully requests that the Planning Commission deny Applicant's special land-use permit application.

Respectfully submitted,

Bridget Brown Powers

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ZONING ORDINANCE NO. 200

CHEBOYGAN COUNTY

ADOPTED: February 8, 1983
By the County Board of Commissioners

Latest Amendment – Amendment #129
August 2, 2015

Note: Please note that the provisions and map of the Cheboygan County Zoning Ordinance are subject to amendment and may therefore change from time to time as provided by law. Anyone having any questions on final or pending zoning amendments is hereby advised to check with the Cheboygan County Zoning Administrator.

CHEBOYGAN COUNTY PLANNING COMMISSION
COUNTY BUILDING
CHEBOYGAN, MI 49721

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ARTICLE 1- SHORT TITLE AND PURPOSE

SECTION 1.1 SHORT TITLE

This Ordinance shall be known and may be cited as the Cheboygan County Zoning Ordinance.

SECTION 1.2 PURPOSE

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals and general welfare of the people of the unincorporated portions of Cheboygan County. The provisions herein are intended to encourage the use of lands, waters and other natural resources as they pertain to the social, physical and economic well being of the county, to limit the improper use of land and natural resources, to reduce hazards to life and property, to provide for orderly development within the county, to avoid overcrowding of land and water resources, to provide for adequate light, air and health conditions in dwellings and buildings hereafter installed, erected or altered, to lessen congestion on the public roads and streets, to protect and conserve natural recreational areas, agricultural, residential and other areas suited to particular uses, to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public facilities, to conserve the expenditure of monies for public improvements and services to conform with the most advantageous uses of land, resources and properties, and to be one means of implementing the policies, goals and objectives as set forth in the Cheboygan County Comprehensive Plan.

SECTION 1.3 REPEAL OF PRIOR ORDINANCE

Zoning Ordinance No. 100 and all amendments thereto previously adopted by Cheboygan County are hereby repealed. The repeal of Ordinance No. 100 and its amendments does not affect or impair any act, violation or offense committed, or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance No. 200 became effective and was enforced, prosecuted or inflicted.

SECTION 1.4 INTERPRETATION

In the interpretation and application, the provisions of this ordinance shall be held to be the minimum requirement adopted for the promotion of the public health, safety, morals, comfort, convenience or general welfare. Where this ordinance imposes a greater restriction than is required by prior ordinance or by rules, regulations or permits, the provisions of this ordinance shall control. Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

SECTION 1.5 SEVERABILITY

This ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

SECTION 1.6 RIGHTS AND REMEDIES

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

SECTION 1.7 GENERAL RESPONSIBILITY

The County Board of Commissioners or its duly authorized representative is hereby charged with the duty of enforcing this ordinance, and said board is hereby empowered to begin and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court or any other court having jurisdiction to restrain and/or prevent any non-compliance with, or violation of any of the provisions of this ordinance, and to correct, remedy and/or abate such non-compliance or violation. And, it is further provided that any person aggrieved or adversely affected by such non-compliance or violation may institute suit and/or join the County Board of Commissioners in such a suit to abate the same.

ARTICLE 2- DEFINITIONS

SECTION 2.1. GENERAL

2.1.1. In case of a difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
2.1.2. The particular shall control the general.
2.1.3. The words used in the present tense shall include the future and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
2.1.4. A "building" or "structure" includes any part thereof.
2.1.5. The phrase "used for" includes "arranged for," "designed for," "intended for" or "occupied for."
2.1.6. The word "person" includes an individual, a corporation, a partnership, and incorporated association or any other similar entity.
2.1.7. The word "lot" includes the word "plot," "tract" or "parcel."
2.1.8. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.2. DEFINITIONS OF SPECIFIC TERMS USED IN THIS ORDINANCE

ABANDONMENT
The cessation of activity in, or use of a dwelling, structure or lot other than that which would normally occur on a seasonal basis, for a period of six months or longer.

ABUTTING
Having property or district lines in common, e.g., two lots are abutting when they have property lines in common.

ACCESS
A way of approaching or entering a property. For the purposes of this ordinance, all lots of record shall have access to a public street or highway or to a permanent unobstructed access easement of record to a public road.

ACCESSORY BUILDING
A building or a portion of a building subordinate to and on the same lot as the main building and occupied by or devoted exclusively to uses which are incidental or secondary to that of the main building, but such use shall not include residential or living quarters for human beings.

ACCESSORY USE
A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the building or land.

ADDITION (Rev. 03/09/05, Amendment #39)
Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or floor area.

AGGRIEVED PARTY (Rev. 03/09/05, Amendment #39), (Rev. 04/12/07, Amendment #67)
1. Any person who can demonstrate that he/she or his/her property will suffer some special damages not common to other property owners by a decision of the Zoning Administrator, Planning Commission, or Zoning Board of Appeals.
2. In decisions concerning the completion, presumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, any person requiring notice pursuant to this ordinance.

AGRICULTURAL / PRIVATE STORAGE / WORKSHOP BUILDING (Rev. 04/12/07, Amendment #67)
A building that is used for both agricultural and private noncommercial storage or home workshop purposes, with no provisions for overnight living or sleeping areas.

ALLEY (Rev. 03/09/05, Amendment #39)
A public right-of-way, affording a secondary means of access to abutting property but not intended for general traffic circulation.

ANEMOMETER (Rev. 06/17/04, Amendment #31)
An instrument for measuring and recording the speed of the wind.

ANEMOMETER TOWER (Rev. 06/17/04, Amendment #31)
A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of wind generation.

BASEMENT (Rev. 03/09/05, Amendment #39)
That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the perimeter of the outer walls has exposed areas in excess of five feet from grade of over 50% of its total length of the perimeter walls, this is considered a first story.

BED & BREAKFAST (Rev. 03/09/05, Amendment #39) (Rev. 01/28/06, Amendment #53)
An owner-occupied dwelling where lodging and breakfasts are provided for compensation to three or more individuals.

BIG-BOX RETAIL STORE (Rev. 03/09/05, Amendment #39)
A singular retail or wholesale user, who occupies no less than 50,000 square feet of gross floor area and has a regional sales market. Retail and wholesale can include, but are not limited to bulk sales, discount stores, and department stores.

BLUFFLINE (Rev. 03/09/05, Amendment #39)
The line which is the edge or crest of the elevated segment of the waterline above the beach or floodplain which normally has a precipitous front inclining steeply on the water side.

BOARDINGHOUSE
A dwelling where lodging or meals or both are provided for compensation to three or more individuals.

BOATHOUSE (Rev. 01/28/06, Amendment #53)
A building at the water's edge which has the sole purpose of storing a boat(s).

BOAT LIVERY (Rev. 03/09/05, Amendment #39)
Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, or providing use thereof to persons other than the owners for a charge or fee.

BOAT WELL (Rev. 09/21/14, Amendment #122)
An artificial embayment created by the removal of earth located at the shore or bank of waters on a waterfront lot for mooring of boats and other water craft.

BUFFER
A designated area within a land use district and along the perimeter (or one or more of the edges) of a particular land use area, where all land use is regulated so as to screen that use and/or protect it. In most cases a buffer will be in the form of a well vegetated or landscaped strip of land that acts to ensure that a development activity fits harmoniously into an existing natural environment.

BUILDABLE AREA (Rev. 03/09/05, Amendment #39)
The space remaining on a lot or lots of record after the minimum setback, open space requirements, and non-buildable areas have been complied with.

BUILDABLE LAND (Rev. 12/18/02, Amendment #21)
The area of a parcel remaining after the minimum setback and open space requirements are met, and not to include wetlands, steep slopes, floodplains, or other similarly unbuildable land.

BUILDING (Rev. 03/09/05, Amendment #39)
A structure erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING FOOTPRINT (Rev. 03/09/05, Amendment #39) (Rev. 03/30/13, Amendment #115)
For a single story building, the square footage of floor space measured from exterior wall to exterior wall; for a multi-story building, the largest square footage of floor space on any story measured from exterior wall to exterior wall.

BUILDING HEIGHT
The vertical distance from the established grade of a building to the following roof lines: a) flat roof - to the highest point; b) mansard roof - to the deck; c) gable, hip, and gambrel roofs - to the mean height between eaves and ridge. The average ground level at the wall line, in the case of sloping terrain, will be used for measuring height. (See Section 2.3, Roof Diagrams)

BUILDING LINE
A line parallel to the front lot line at the minimum required front setback line.

BUILDING PERMIT
The written authority issued by the Zoning Administrator or his agent of the County permitting the construction, removal, moving, alterations or use of a building in conformity with the provisions of this Ordinance.

CABIN
Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

CAMPGROUND (Rev. 09/20/03, Amendment #23)
An area of land under the control of a person in which pre-established sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for two (2) or more tents, travel trailers, motor homes, or other types of recreational vehicles.

CHILD CARING INSTITUTION (Rev. 04/28/10, Amendment #85)
A child caring institution under this Ordinance is a child caring institution defined and licensed by the Michigan Department of Human Services, or a successor agency or department, under Act 116 of the Public Acts of 1973, as amended.

CLUB
A non-profit organization of persons for special purposes or for the conducting of social, athletic, scientific, artistic, political, or other similar endeavors.

COMMERCIAL FARM (Rev. 10/24/13, Amendment #120)
Land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products to be sold at a profit.

COMMERCIAL FARM BUILDING (Rev. 10/24/13, Amendment #120)
A structure or building used solely for and on a commercial farm.

COMMERCIAL PRODUCTION OF FARM PRODUCTS (Rev. 10/24/13, Amendment #120)
The act of producing or manufacturing farm products intended to be marketed and sold at a profit.

COMPOSTING
The controlled biological degradation of organic matter to make compost. (Rev. 04/28/00, Amendment #14)

CONDOMINIUM SUBDIVISION (SITE CONDOMINIUM) (Rev. 12/18/02, Amendment #21)
A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended. Any condominium unit or portion thereof consisting of vacant land shall be equivalent to the term “lot” for the purposes of determining compliance of a condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and minimum setbacks.

CONDOMINIUM UNIT (Rev. 12/18/02, Amendment #21)
That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed. A condominium unit may consist or either vacant land or space which either encloses or is enclose by a building structure.

CONSERVATION LAND (Rev. 12/18/02, Amendment #21)
Any parcel or area of land that remains undeveloped through deeds or other legal means. Uses of these areas shall be limited to agricultural, forestry, or recreational activities.

CONTRACTOR (Rev. 12/24/03, Amendment #27)
General builders engaged in the construction or modification or residential, commercial, and industrial structures and/or involved in activities such as masonry, paving, highway construction, and utility construction and excluding home occupations as defined in the ordinance.

CONTRACTOR’S YARD (Rev. 12/24/03, Amendment #27)
A lot or parcel upon which a contractor maintains storage of construction equipment and materials used in the trade.

CONVALESCENT OR NURSING HOME
A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm and providing facilities for four or more patients.

COUNTY
Where used in this Ordinance shall mean County of Cheboygan, State of Michigan.

DAY CARE HOME (Rev. 06/29/05, Amendment #44)
A dwelling in which a permanent resident provides for the care of children or adults who do not reside on the site. Such activities shall meet the requirements for home occupations and meet State standards for registration and inspection of child care as described in PA 116 of 1973 and PA 218 of 1979.

DAY CARE CENTER (Rev. 04/28/10, Amendment #85)
Any facility other than a dwelling and other than a Child Caring Institution that provides care to unrelated children and adults for a fee. Such activities shall meet the requirements for State standards for registration and inspection of child care as described in PA 116 of 1973 and PA 218 of 1979.

DENSITY
The intensity of development in any given area, measured in this ordinance by the number of dwelling units per acre.

DEVELOPMENT (Rev. 03/09/05, Amendment #39)
The construction of a new building or other structure on a parcel of land, the relocation of an existing building on another parcel of land, or the use of open land for a new use.

DISTRICT
A portion of the unincorporated area of the County in which certain building and activities are permitted and in which, certain regulations, in accordance with this ordinance, are applicable.

DRIVE-IN (Rev. 03/09/05, Amendment #39)
A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles rather than within a building or structure.

DWELLING or DWELLING UNIT (Rev. 04/12/07, Amendment #67)
A single unit building, or portion thereof, providing complete independent living facilities for one (1) family for residential purposes, including permanent provisions for living, sleeping, heating, cooking, and sanitation.

DWELLING: APARTMENT
A building divided into separate living quarters, each having at a minimum, its own sleeping and living facilities. All apartments must conform to regulations applicable to dwelling units in this ordinance.

DWELLING: CONDOMINIUM
An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

DWELLING, MULTI-FAMILY (Rev. 04/12/07, Amendment #67)
A building, or portion thereof, containing three (3) or more dwellings.

DWELLING, PATIO HOUSE (Rev.01/13/12, Amendment #105)
A single family dwelling that is part of a two-family or multi-family dwelling development and that orients outdoor activities within rear or side yard patio areas.

DWELLING, SINGLE-FAMILY (Rev. 04/12/07, Amendment #67)
A building, or portion thereof, containing one (1) dwelling.

DWELLING: TOWN HOUSE
A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

DWELLING, TWO-FAMILY (Rev. 04/12/07, Amendment #67)
A building, or portion thereof, containing two (2) dwellings.

EASEMENT (Rev. 03/09/05, Amendment #39)
Recorded authorization by a property owner for the use by another, and for a specified purpose, of a designated part of said property.

ENCLOSED, LOCKED FACILITY (Rev. 09/12/11, Amendment #91)
That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

ERECTED
As used in this ordinance, "erected" signifies the construction, alteration, reconstruction, placement upon, or any physical alteration on the premises, including the excavating, moving, and filling of earth.

ESSENTIAL SERVICES (Rev. 06/17/04, Amendment #31)
The erection, construction, alteration or maintenance by public utilities or commissions of underground, surface, or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety, and general welfare. Provided, however, that telecommunication towers, alternative tower structures, antennas, wind generation and anemometer towers shall not be considered essential services.

EXCAVATION
The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

EXISTING GRADE
The vertical location of the existing ground surface prior to cutting or filling.

FAMILY (Rev. 04/28/10, Amendment #85)
1. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
2. A group of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, group of students, child caring institution, or other individuals whose domestic relationship is of a transitory or seasonal nature.

FARM PRODUCTS (Rev. 10/24/13, Amendment #120)
Plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

FEEDLOT (Rev. 09/29/06, Amendment #61)
Any tract of land or structure wherein cattle, sheep, goats or swine are kept, for the purpose of fattening such livestock for final shipment to market.

FENCE (Rev. 06/29/05, Amendment #44)
An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening, or confinement, but not including hedges, shrubs, trees, or other natural growth.

FILLING
The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

FLOOD PLAIN
The relatively flat area or lowlands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by flood water. Determination of a flood plain is:

a) Contiguous areas paralleling a river stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred years.
b) Principal estuary courses of wetland areas that are part of the river flow system.
c) Contiguous area paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

FLOOD PRONE AREA
Area adjacent to the channel of a river, stream, ocean, lake, or other body of surface water, which has been or may be covered by water. Generally areas that flood at least once every one hundred years are defined as flood prone.

FLOOR AREA: USABLE (For the purpose of computing parking)
That area of a building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the floors in the building measured from the interior faces of the exterior walls.

FLOOR AREA, TOTAL (Rev. 03/30/13, Amendment #115)
The total floor area of all stories within a building measured from exterior wall to exterior wall, but excluding enclosed and unenclosed porches, breezeways, and attic, basement, and cellar areas.

FOREST MANAGEMENT ACTIVITIES
Timber cruising and other forest resource evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities.

GAMBLING (Rev. 06/29/05, Amendment #44)
To deal, operate, carry on, conduct, maintain, or expose for play any game, sports book, pari-mutuel, or any other form of wagering.

GAMBLING ESTABLISHMENT (Rev. 06/29/05, Amendment #44)
Room(s) or building(s) in which legal gambling is conducted. This definition does not apply to games of chance by charitable organizations.

GARAGE: PRIVATE
A building used primarily for the storage of self-propelled vehicles for the use of occupants of a premise on which such building is located.

GASOLINE SERVICE STATION
A place primarily operated and designed for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories.

GLARE (Rev. 08/25/13, Amendment #119)
The effect produced by the brightness of light sufficient to cause annoyance, discomfort or loss in visual performance and visibility to a person of reasonable sensitivity.

GRADE
For purposes of this ordinance, the level of the ground adjacent to the walls. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.

GREENBELT - See BUFFER

GROUNDWATER
Any water beneath the soil surface where all pore spaces are saturated. The upper limit of the zone of saturation is considered the water table.

GUEST HOUSE (Rev. 05/25/12, Amendment #110)
An detached structure or portion of an detached structure located on the same lot as a single-family dwelling that is used for sleeping and/or eating purposes by nonpaying friends, relatives, or acquaintances of the resident or owner of the single-family dwelling.

HAZARDOUS AND TOXIC MATERIALS
Materials which are corrosive, reactive, ignitable or radioactive. Toxic materials are materials poisonous to humans and/or fish and wildlife. Hazardous and toxic materials include but are not limited to automotive fluid, solvents, paints, pesticides, acids and bases, gasoline, diesel fuel and oil.

HIGH WATER MARK
That line on the shores and banks of waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relates to the area where vegetation changes from predominantly aquatic to predominantly terrestrial.

HOBBY FARM (Rev. 10/24/13, Amendment #120)
Land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment and other appurtenances which are not used in the commercial production of farm products and not intended to be sold at a profit.

HOBBY FARM BUILDING (Rev. 10/24/13, Amendment #120)
A building or structure used for and on hobby farm.

HOME OCCUPATION (Rev. 06/29/05, Amendment #43)
Any commercial business operation on a residential use parcel by the resident(s) thereof and that does not conflict with or operate out of character with any surrounding land uses.

HOSPITAL (Rev. 09/29/06, Amendment #61)
An institution for the treatment, care, and cure of the sick and wounded, for the study of disease, and for the training of physicians, nurses, and allied health personnel.

HOUSEBOAT (Rev. 06/29/05, Amendment #44)
A boat designed and equipped to be used as a dwelling.

INDOOR STORAGE FACILITY (Rev. 12/24/03, Amendment #27) (Rev. 05/25/13, Amendment #116)
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.

INTERMITTENT STREAM
A watercourse with a definite bank and streambed which periodically conveys water.

JUNK
For the purpose of this ordinance, this term shall refer to any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or materials that are damaged or deteriorated.

JUNK YARD
An area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap and other metals, paper, rags, rubber tires, bottles and similar items. A junk yard includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk as described here, but does not include uses established entirely within enclosed buildings.

KENNELS, COMMERCIAL (Rev. 11/23/09, Amendment #81)
Any building(s), structure(s), or location(s), where either of the following apply: (A) four (4) or more dogs more than four (4) months of age are housed for one or more of the following purposes: grooming, breeding, boarding, training for compensation or (B) more than nine (9) dogs more than four (4) months of age are housed for any purpose. Provided, however, building(s), structure(s), or location(s) where dogs engaged in herding or protecting crops, cattle, goats, sheep, poultry, horses, or other agricultural livestock are housed or located shall not be included in the definition of a commercial kennel after verification by the Zoning Administrator.

KENNELS, PRIVATE (Rev. 11/23/09, Amendment #81)
Any building(s), structure(s), or location(s), where between four (4) and nine (9) dogs, inclusive, which are more than four (4) months of age, are housed but not boarded, bred, groomed for compensation, trained for compensation, or sold. Provided, however, building(s), structure(s), or location(s) where dogs engaged in herding or protecting crops, cattle, goats, sheep, poultry, horses, or other agricultural livestock are housed or located shall not be included in the definition of a private kennel after verification by the Zoning Administrator.

LARGE DOMESTICATED ANIMALS (Rev. 10/27/11, Amendment #101)
Equine, bovine, swine, deer, sheep, goats, or any other domesticated animal that traditionally weigh more than 20 pounds at full maturity and maintained primarily outside of a dwelling.

LOADING SPACE
An off-street space on the same lot with a building for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT (Rev. 04/26/08, Amendment #73)
A parcel of land, either described by metes and bounds or by reference to a recorded plat, or a site condominium unit created in a recorded master deed, occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width as required by this Ordinance for the zoning district in which it is located.

LOT AREA
The total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating lot from the private street, and not the center line of said private street.

LOT COVERAGE
That portion of the lot occupied by main and accessory buildings.

LOT DEPTH (Rev. 08/26/10, Amendment #87)
The distance measured from the front lot line to the rear lot line. In cases where the front and rear lot lines are not parallel or there is a change in bearing along a front or rear lot line, the lot depth shall be measured by drawing imaginary lines from the front lot line to the rear lot line perpendicular to the front lot line at ten (10) foot intervals and averaging the length of these imaginary lines.

LOT LINE, FRONT (Rev. 08/26/10, Amendment #87)
In the case of a corner lot, through lot, or waterfront lot in the D-GI, D-LI, D-CM, or D-VC zoning districts it is that line separating said lot from the street which is designated as the front street in the plat and in the application for a building permit or occupancy permit. In the case of an interior lot it is the line separating the lot from the abutting public or private road right-of-way. In the case of a waterfront lot in the P-LS and P-NR zoning districts it is the ordinary high water mark.

LOT LINE, REAR (Rev. 08/26/10, Amendment #87)
The lot line opposite and most distant from the front lot line. In the case of a lot irregularly shaped at the rear it is an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.

LOT LINE, SIDE (Rev. 08/26/10, Amendment #87)
A lot line other than a front lot line or a rear lot line. A side lot line separating a lot from an abutting public or private road right-of-way is a street side lot line. A side lot line separating a lot from another lot is an interior side lot line.

LOT LINES (Rev. 08/26/10, Amendment #87)
The property lines as defined in this Ordinance bounding a lot, or two or more lots used as one development site.

LOT OF RECORD (Rev. 04/26/08, Amendment #73)
A lot defined by a legal description and recorded in the office of the Cheboygan County Register of Deeds Office on or before the effective date of this Ordinance, or any applicable amendment of this Ordinance.

LOT WIDTH
The mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot size shall be considered as the average of the width between such side lot lines.

LOT, CORNER (Rev. 08/26/10, Amendment #87)
A lot located at the intersection of two (2) public or private roads, or a lot bounded on two (2) sides by a curving public or private road, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

LOT, INTERIOR (Rev. 08/26/10, Amendment #87)
A lot other than a corner lot with only one (1) lot line fronting on a public or private road.

LOT, THROUGH (Rev. 08/26/10, Amendment #87)
Any interior lot having frontage on two (2) more or less parallel public or private roads.

LOT, WATERFRONT (Rev. 08/26/10, Amendment #87)
A lot having a lot line abutting the shore of a lake or river.

LOT: FLAG (Rev. 06/29/05, Amendment #44)
A lot where access to the public roadway or access easement is limited to a narrow drive or strip.

MAIN BUILDING
A building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE
The principal use to which the premises are devoted and the principal purpose for which the premises exists.

MARIJUANA OR MARIHUANA (Rev. 09/12/11, Amendment #91)
That term as defined in Section 7106 of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106.

MASTER PLAN
The County Comprehensive Plan as may be amended or updated, including graphic and written proposals indicating general locations for roads, streets, parking, schools, public buildings, and other physical development features, including resource conservation objectives.

MEDICAL MARIHUANA OR MEDICAL USE OF MARIHUANA PRIMARY CAREGIVER (Rev. 09/12/11, Amendment #91)
Marihuana as defined in Section 7106 of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106, that meets the definition of “medical use” in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

MINERALS: COMMERCIAL EXTRACTION
Removal of mineral resources with the intent of selling for profit.

MOBILE HOME
A single family dwelling designed for transportation after fabrication on street and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking for assembly operations, location on jacks or permanent foundations, connection to utilities and the like. This does not include travel trailers.

MOBILE HOME PARK
Any parcel or plot of ground upon which three (3) or more mobile homes occupied for dwelling or sleeping purposes are located.

MOTEL OR MOTOR INN
A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space to provide for temporary lodging.

NATURAL GROUND SURFACE
The ground surface in its original state before any grading, excavation or filling.

NATURAL VEGETATION STRIP
A band of vegetation at least 40 feet wide, paralleling a lake shore or stream bank for the purpose of filtering out nutrients and sediment from surface run-off and preventing erosion. Natural Vegetation Strips shall be composed of undisturbed native vegetation where possible but may be created or enhanced through selective planting. A lawn is not an acceptable Natural Vegetation Strip.

NONCONFORMING BUILDING OR STRUCTURE
A building or structure or portion thereof lawfully existing at the effective date of this ordinance, or amendments thereto, and which does not conform to the provisions of the ordinance in the zoning district in which it is located.

NONCONFORMING LOT OF RECORD (Rev. 04/26/08, Amendment #73)
A lot of record which lawfully existed on the effective date of this Ordinance or lawfully exists on the effective date of any amendment to this Ordinance that is applicable to the lot of record and which fails to conform to the dimensional regulations of the zoning district in which it is located.

NONCONFORMING USE
An activity existing at the time of the enactment of this ordinance, on a lot or lots of record, which is not in conformance with the use regulations for the zoning district in which it is located according to the ordinance.

NUISANCE
An offensive, annoying, unpleasant, or obnoxious thing, act, or practice; a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line or another so as to cause harm or discomfort, to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare, smoke, fumes, vibration, objectionable effluent, noise of congregation of people and odor are examples of nuisances.

NURSERY: PLANT MATERIALS
Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees, and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

OFF-ROAD VEHICLE (Rev. 01/28/06, Amendment #53)
Any motorized vehicle, such as an all-terrain vehicle (ATV), snowmobile, dirt bike, etc., designed for or capable of cross-country travel on land, snow, ice, sand, or other natural terrain.

OFF-STREET PARKING LOT
A parking area off the street, which may require drives and aisles for maneuvering, for the parking of four (4) or more vehicles.

OFFICE (Rev. 09/28/11, Amendment #92)
The use of a building primarily for conducting the affairs of a business, profession, or service (excluding however any manufacturing or industrial uses) such as financial, legal, insurance, health, real estate, educational, social, and similar services.

ORDINARY HIGH WATER MARK- Lake Huron (Rev. 09/21/14, Amendment #122)
The line between upland and bottomland that is created by the edge of a seawall or the line that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law of government, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark..

OUTDOOR STORAGE FACILITY (Rev. 12/24/03, Amendment #27)
Storage, for a fee, of goods, materials, or personal property in an unenclosed and/or uncovered area. Outdoor storage shall require fencing or screening from view from public or private roads and adjoining properties under different ownership.

PARENT PARCEL (Rev. 12/18/02, Amendment #21)
A parcel of record on the effective date of this ordinance amendment, or the “parent parcel” or “parent tract” as defined by Public Act 288 of 1967, Michigan Land Division Act, (MCL 560.101 et. seq.).

PARK
Any area of land designated for outdoor recreational purposes.

PARKING AREA
An area other than a street used for the temporary parking of more than four vehicles and available to the public if it is a public parking area, either for free or for compensation.

PRIMARY CAREGIVER (Rev. 09/12/11, Amendment #91)
That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

PRIVATE STORAGE BUILDING (Rev. 11/06/08, Amendment #77)
A building or structure that is used for private non-commercial storage of materials that are owned by the property owner and used only by the property owner and does not have permanent facilities for living, sleeping, cooking, and/or sanitation including but not limited to a toilet facility.

PRIVATE STORAGE / WORKSHOP BUILDING (Rev. 10/24/13, Amendment #120)
A building that is used for private, noncommercial storage or home workshop purposes, with no provisions for overnight living or sleeping areas.

PRIVATE WIND GENERATION (Rev. 06/17/04, Amendment #31)
WG 150 kilowatts or less designed and used primarily to generate electricity or produce mechanical energy for use on the property where located. Provided, however, that WG used primarily to produce mechanical energy for use on the property where located with a wind generation tower height of 35 feet or less shall not be considered private wind generation.

PROFESSIONAL ENGINEER
An engineer duly registered or otherwise authorized by the State of Michigan to practice in the field of civil engineering.

PUBLIC SERVICES
Those services related to filling the need for water supply, waste disposal, fire and police protection, public utilities, hospital and health services, transportation and education.

PUBLIC UTILITY
A person, firm, or corporation, municipal department, board or commission duly authorized to provide and providing, under Federal, State, or Municipal regulations to the general public any of the following: water, gas, steam, electricity, telephone, telegraph, waste disposal, communication, or transportation.

QUALIFYING PATIENT (Rev. 09/12/11, Amendment #91)
That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act, and includes the parents or legal guardians of a qualifying patient under the age of 18 who are serving as the primary caregiver as required by the Michigan Medical Marijuana Act exclusively for that qualifying patient under the age of 18.

RECREATIONAL VEHICLE (HABITABLE) (Rev. 03/09/05, Amendment #39)
A motorized or non-motorized vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, but not to include manufactured or mobile homes.

RECREATIONAL FACILITIES
Forms of development that are essential to conduct particular recreational activities, e.g., ski lifts, golf courses, sporting camps, hiking/ski trails, and campsites. Also included are facilities which support, but are not essential to, the performance of the recreational activity, e.g., access roads and parking lots.

RECREATIONAL RESOURCES
Natural areas, such as bodies of water, shorelands, forest, fish and wildlife, and areas of historic, scenic or scientific interest which provide a means of refreshment and diversion to people during leisure-time activity.

RETAIL SALES ESTABLISHMENT, GENERAL (Rev. 01/28/06, Amendment #53)
Unless otherwise noted in this Ordinance, retail operation establishments that carry an assortment of merchandise and may include but not limited to department stores, discount stores, and similar stores.

RETAIL SALES ESTABLISHMENT, HOUSEHOLD (Rev. 01/28/06, Amendment #53)
Unless otherwise noted in this Ordinance, retail operation establishments that carry goods for furnishing or improving dwelling units and may include but not limited to furniture stores, electronic stores, appliance stores, hardware stores, and similar stores.

RETAIL SALES ESTABLISHMENT, SPECIALTY (Rev. 01/28/06, Amendment #53)
Unless otherwise noted in this Ordinance, retail operation establishments that carry goods in one type of line or merchandise and may include but not limited to shoe stores, jewelry stores, antique stores, book stores, clothing stores, and similar stores.

RIGHT-OF-WAY (ROW) (Rev. 01/28/06, Amendment #53)
An area determining the street or highway public limit or ownership used to accommodate a public transportation system and necessary public utility infrastructure. In addition to the roadway and utilities, it normally incorporates curbs, sidewalks and drainage facilities.

RIVER'S EDGE - See HIGH WATER MARK

ROADSIDE STAND
An accessory and temporary farm structure operated for the purpose of selling local agricultural products raised or produced on the same farm premises.

ROOMING HOUSE
A building, or part of a building, other than a hotel, motel, or motor court, where sleeping facilities are provided and meals may be served regularly for remuneration.

RUBBISH
The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, auto parts, junked cars, or any similar or related combination thereof.

SCIENTIFIC RESOURCE
An area containing unique or rare land forms, water resources, vegetation, animals or archeological sites which are of special interest for scientific research or educational purposes.

SEAWALL (Rev. 09/21/14, Amendment #122)
A permanent revetment structure for erosion protection or bank stabilization located along the shore or bank of a waterfront lot.

SETBACK (Rev. 08/26/10, Amendment #87)
The minimum horizontal distance from an applicable lot line within which no building or structure can be placed, except as otherwise provided in this Ordinance.

SETBACK, FRONT (Rev. 08/26/10, Amendment #87)
The required setback measured from the front lot line.

SETBACK, REAR (Rev. 08/26/10, Amendment #87)
The required setback measured from the rear lot line.

SETBACK, SIDE (Rev. 08/26/10, Amendment #87)
The required setback measured from a side lot line.

SITE PLAN REVIEW
A procedure for evaluating proposed development or conservation projects based on the quality of and/or concept incorporated in the proposal and designed to meet general performance standards for such projects. Site plan review

should allow more flexibility and innovation in development or conservation proposals than traditional zoning regulations.

SLOPE
Degree of deviation of surface from the horizontal usually expressed in percent or degree.

SMALL DOMESTICATED ANIMALS (Rev. 10/27/11, Amendment #101)
Birds of poultry, rabbits, or other domesticated animals that traditionally weigh 20 pounds or less at full maturity that are kept and maintained primarily outside of a dwelling.

SOIL
All unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.

SPRAWL (Rev. 01/28/06, Amendment #53)
Low-density land use patterns that are automobile-dependant, energy and land consumptive, and require a very high ratio of road surface to development served.

STABLE
A building for housing domestic animals, other than dogs, cats, or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

STORY
That portion of a building included between the upper surface of any floor and the upper surface of a floor immediately above, except that the top story shall be that portion of a building included between the upper surface of the uppermost floor and the ceiling or roof immediately above. A basement shall be considered a full story only if fifth (50%) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.

STREET
A publicly dedicated right-of-way which affords general traffic circulation and access to abutting property, but does not include alleys.

STRUCTURE
Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, mobile homes, sheds and permanent signs, and exclude vehicles, sidewalks and paving.

STRUCTURAL ALTERATION
Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, or any change in width or number of exits, or any substandard change in the roof, or any addition.

SURFACE WATERS
Bodies of standing or flowing waters on the earth's surface. These waters include lakes, ponds, rivers and streams.

TEMPORARY BUILDING AND USE
A structure or use permitted by the building inspector to exist during periods of construction of the main use or for special events.

TRAVEL TRAILER OR CAMPER
Any trailer coach, motor home, demountable camper, tent camper or unit designed as a vacation unit for short term seasonal occupancy, which measures eight (8) feet or less in width and/or is designed to be operated on highways.

TRAVEL TRAILER PARK
Any parcel or plot of ground upon which five (5) or more travel trailers or campers occupied for dwelling or sleeping purposes are located.

TRUCK (Rev. 03/28/12, Amendment #107)
Any motor vehicle with a gross vehicle weight rating more than 26,000 pounds designed to carry or otherwise transport property or a motor vehicle designed to serve as a power unit to draw a truck trailer and is designed to accommodate a gross combination weight rating more than 26,000 pounds when combined with a truck trailer.

TRUCK TERMINAL (Rev. 03/28/12, Amendment #107)
A premises used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of trucks.

TRUCK TRAILER (Rev. 03/28/12, Amendment #107)
Any vehicle without the motive power used to carry or otherwise transport property so constructed that some part of its weight and that of its load rests upon or is carried by a truck.

USE
The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

VARIANCE
Action taken by the Board of Appeals granting a property owner relief from certain provisions of the ordinance when because of the particular physical surroundings, shape, or topographical conditions of the property compliance would result in an undue hardship upon the owner, as distinguished from a mere inconvenience or desire for an increased economic return.

WAREHOUSE(Rev. 03/28/12, Amendment #107)
The principal building on a lot or the principal use of land for the storage and distribution of products and supplies for commercial or industrial purposes.

WATERCOURSE
Any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or flood water.

WETLAND
Any land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh.

WIND GENERATION (WG) OR PUBLIC WG (Rev. 06/17/04, Amendment #31)
A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

WIND GENERATION TOWER HEIGHT (Rev. 06/17/04, Amendment #31)

1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point on the arc of the rotor wind blades mounted on a horizontal axis wind turbine generator.
2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the wind turbine generator.

WIRELESS COMMUNICATION FACILITIES
Includes transmitters, antenna structures, towers and other types of equipment necessary for providing wireless services and all commercial mobile services, including all those that are available to the public (for-profit or not-for-profit) which gives subscribers the ability to access or receive calls from the public switched telephone network. Common examples are Personal Communications Systems (PCS), cellular radiotelephone services, paging, and wireless internet. Also included are services that are non-licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wireline local exchange providers.

YARD (Rev. 08/26/10, Amendment #87)
The space between a principal building, excluding steps, and a lot line.

YARD, FRONT (Rev. 08/26/10, Amendment #87)
The yard between the principal building and the front lot line extending across the entire width of the lot.

YARD, REAR (Rev. 08/26/10, Amendment #87)
The yard between the principal building and the rear lot line extending across the entire width of the lot.

YARD, SIDE (Rev. 08/26/10, Amendment #87)
The yard between the principal building and a side lot line extending between the front yard and the rear yard.

ZONING ADMINISTRATOR
The official designated by the County Board of Commissioners to administer and enforce the provisions of the ordinance, and which individual may be the Building Official, Building Inspector, or other person charged with the responsibility of administering building, land use, and/or other codes in Cheboygan County.

ZONING DISTRICT (Rev. 03/09/05, Amendment #39)
A portion of the unincorporated area of the County in which certain building and activities are permitted and in which, certain regulations, in accordance with this ordinance, are applicable.

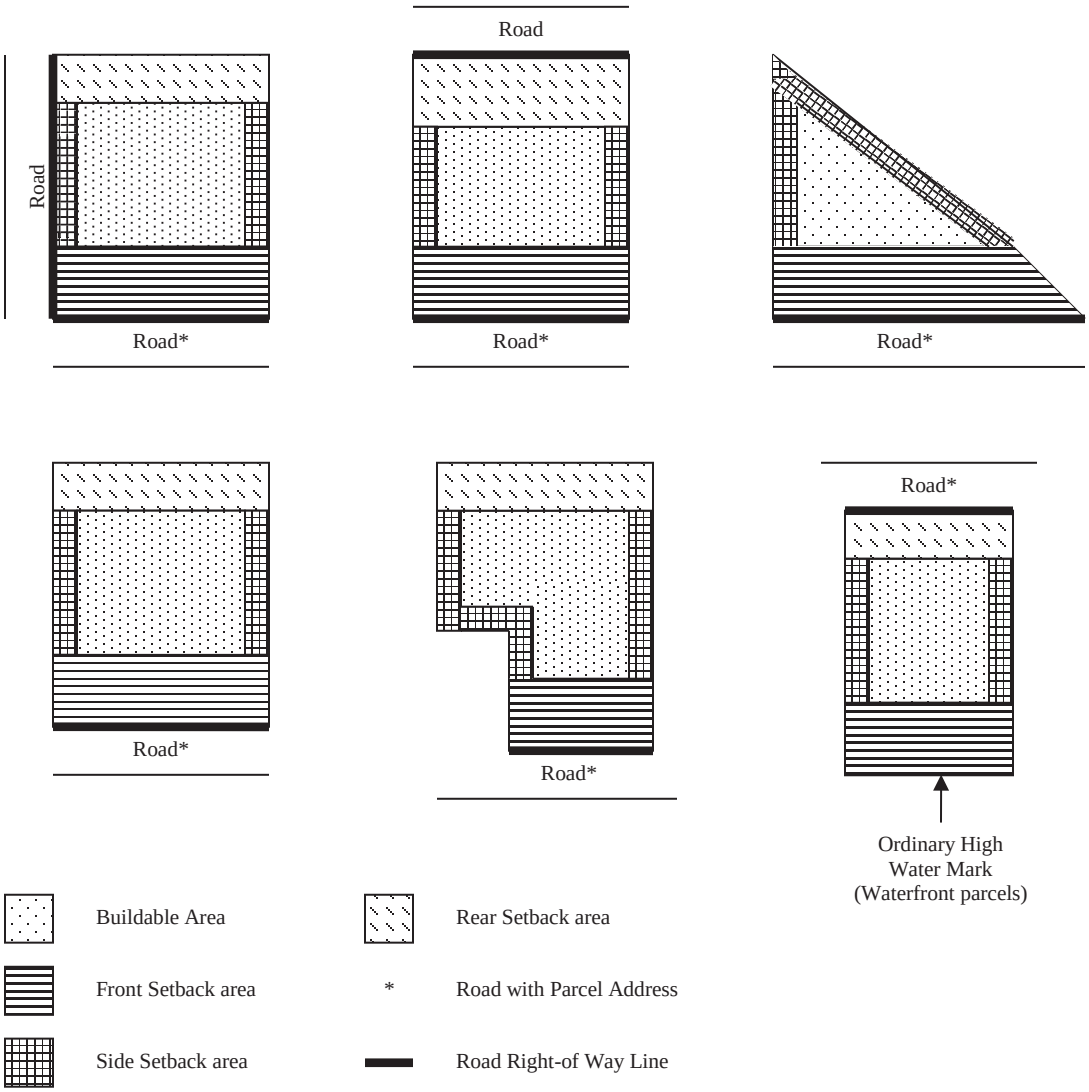
ZONING EXCEPTIONS AND VARIANCES.
Permitted only after review of an application to the Zoning Administrator.

a) Variance: A modification of the literal provision of the Zoning Ordinance where such interpretation would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
b) Exception: The "Exception" differs from the "Variance" in several respects. An exception does not require "undue hardship" in order to be allowable. Review is necessary because provisions of the ordinance covering conditions and requirements are not precise enough to interpret for all situations. Exceptions found in this ordinance are approved through the issuance of a special land use permit.

ZONING PERMIT (Rev. 03/09/05, Amendment #39)
The written authority issued by the Zoning Administrator or his agent of the County permitting the construction, removal, moving, alterations or use of a building in conformity with the provisions of this Ordinance.

SECTION 2.3 SETBACK DIAGRAMS AND ROOF DIAGRAMS

SETBACK DIAGRAMS (Rev. 10/28/05, Amendment #51)

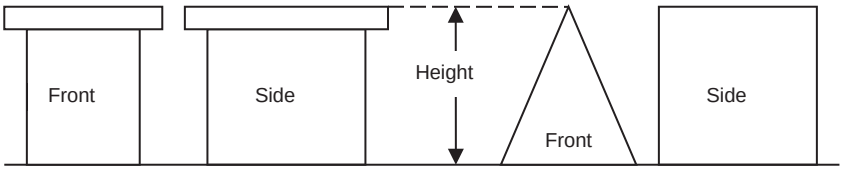


Note: The above diagrammed 'Buildable Area' may exclude such potential unbuildable areas as wetlands, steep slopes, and easements.

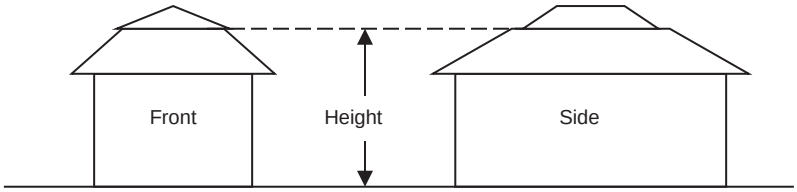
ROOF DIAGRAMS (Rev. 03/04/06, Amendment #56)

Flat Roof

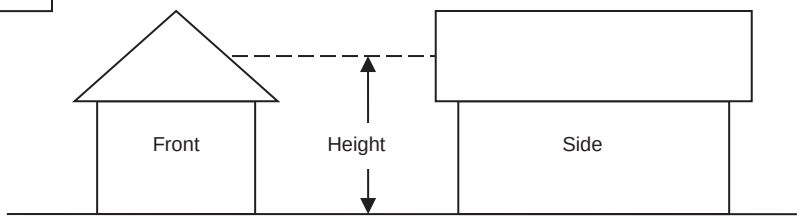
A-Frame



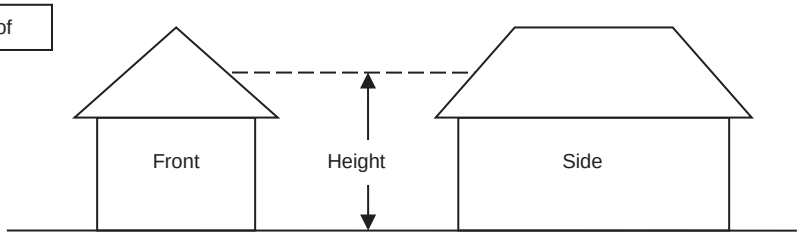
Mansard Roof



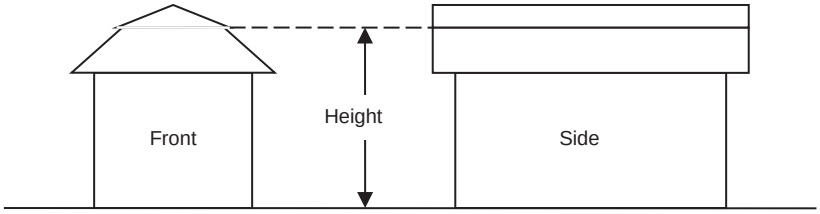
Gable Roof



Hip Roof



Gambrel Roof



ARTICLE 3 - GENERAL PROVISIONS

SECTION 3.1. THE EFFECT OF ZONING.

In order to carry out the intent of this ordinance, hereinafter no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered or moved upon any property unless it is in conformance with the provisions and intent of this ordinance and of the specific zoning district.

SECTION 3.2. LOT ACCESSIBILITY.

No dwelling unit shall be built on a lot unless the lot abuts upon a public road or upon a permanent unobstructed access easement of record to a public road. Such easement of record shall have a minimum width of 30 feet, excepting where an access easement of record of less width existed prior to the adoption of this ordinance. All regulations contained in this ordinance shall apply to such easements of record in the same manner as if the same were dedicated roads.

SECTION 3.3. ACCESSORY BUILDINGS AND USE.

3.3.1. Accessory buildings built only as a construction facility use shall terminate upon completion of the principal building or buildings upon the premises.

3.3.2. Where the accessory building is attached to or within 200 feet of a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to the main buildings.

3.3.3. (Rev. 05/25/12, Amendment #110)
A Guest House shall be allowed as an accessory use to a single family dwelling, provided it complies with all of the following regulations and standards:

a. It does not exceed six hundred (600) square feet in total floor area.
b. It is located on a lot that conforms with the minimum lot area requirements of the zoning district in which it is located.
c. It contains no more than two (2) bedrooms.
d. The single family dwelling and guest house will both be serviced by potable water and a sanitary sewer system that meet the applicable requirements of the Health Department.
e. No more than one (1) guest house is located on the same lot as the single family dwelling.

3.3.4. Front and side setback requirements for accessory buildings shall be the same as for the main structure.

3.3.5. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front line of the lot to its rear, said building shall not project beyond the front yard setback line required on the lot in the rear of such corner lot.

3.3.6. Vans or enclosed semitrailers may be used as temporary accessory buildings for storage only while construction of a principal building is underway on the property. Upon completion of the principal building or buildings, such vans or semi-trailers for storage are not permitted and shall be removed.

3.3.7. *This section has been deleted and is reserved for future use.* (Rev. 08/26/10, Amendment #87)

SECTION 3.4. ESSENTIAL PUBLIC SERVICES.

The erection, construction, alteration and maintenance of facilities considered to be essential to serve the general public shall be exempt from the regulations set forth in this ordinance, except the regulations in Section 15A.4.2 of the High Wire Utility Corridor Overlay District, and shall be permitted in any use district except those considered by the Planning Commission to be a danger to the health, safety or welfare of the general public. (Rev. 06/17/04, Amendment #31), (Rev. 11/01/06, Amendment #65)

SECTION 3.5. DISMANTLED, NON OPERATING, JUNK OR UNLICENSED MOTOR VEHICLES

3.5.1. Outdoor storage and accumulation of junk vehicles, unused vehicles and dilapidated non operating motor vehicles is detrimental to the general welfare of the community. Such accumulations present an unsightly and unattractive appearance, create a health and safety hazard, discourage adjoining property owners from improving their property, threaten property values and diminish the quality of life in the community. The purpose of these regulations is to limit and control such outdoor accumulations and storage and thereby protect the general welfare of the community.

3.5.2. No person, firm or corporation shall store, place or permit to be stored or placed, or allowed to remain on any parcel of land for a period of more than thirty (30) days in any one year, a dismantled, partially dismantled and inoperable or unlicensed and inoperable motor vehicle, unless the same is kept in a wholly enclosed structure, or is located in a junkyard which has been approved in accordance with this ordinance (see SECTION 3.6.) or unless a variance therefore has been first obtained from the board of appeals. Such variances shall be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected and where the spirit and purpose of these regulations is still observed.

3.5.3. These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse or junk but shall be construed as supplementary to any such ordinances as well as statutes of the State of Michigan relating thereto.

SECTION 3.6. JUNK YARDS AND DUMPING OF MATERIALS

3.6.1. Accumulation, dumping or storage of waste materials shall not be permitted except in approved junkyards and solid waste disposal sites.

3.6.2. Dumping of soil, sand and clay materials except for landscaping of the site shall not be permitted without approval of the zoning administrator.

3.6.3. Dumping and/or transport of hazardous materials and/or nuclear wastes shall not be allowed in Cheboygan County except as permitted by P.A. 113 of 1978, State of Michigan.

3.6.4. No junkyard or waste disposal site shall be established unless a Special Land Use Permit has been obtained in accordance with the procedures and applicable requirements of ARTICLE 18 – SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS. (Rev. 04/28/00, Amendment #14)

3.6.4.1. Junkyards, salvage yards and waste disposal sites may be permitted only in the D-CM, Commercial Development, D-LI, Light Industrial Development, D-GI, General Industrial Development and M-AF, Agriculture and Forestry Management Districts.

3.6.4.2. Dumping, disposal, disassembly or storage shall not negatively affect the water table or cause pollution of surface or ground waters. Natural terrain shall not be altered in any fashion which would create safety or health hazards upon termination of the activity.

3.6.4.3. Junkyards, salvage yards and places for storage, wrecking, dismantling and disposing of industrial, agricultural and automotive vehicles, powered and non-powered, and other junk and refuse materials must be located in completely enclosed buildings or have open junk or storage yards or areas entirely enclosed by an obscuring eight (8) foot high wall, fence or green belt. Junk and salvage yard facilities shall be located not less than two hundred feet (200) feet from any Residential District (D-RS) or Lake and Stream Protection District (P-LS) and not less than one hundred (100) feet from any other district. (Rev. 05/23/15, Amendment #127)

3.6.4.4. Due to the nature of salvage and junkyards, release of hazardous and toxic materials into the environment is a constant threat requiring the utmost regard for site design, location and operation so as to protect human and environments health. Junkyards shall not be permitted in environmentally sensitive areas such as wetlands, areas where the water table is within six (6) feet of the ground surface, in the Lake and Stream Protection District, the Natural Rivers Protection District or the Resource Conservation District.

3.6.5. In addition to the documentation requirements of ARTICLE 18 and ARTICLE 19, applications for special land use permits to establish junkyards, salvage yards, waste disposal sites or facilities for handling, disposal or storage of hazardous and/or toxic materials shall contain a written plan detailing how these materials will be handled and disposed of and how they will be prevented from entering the ground water. The plan must contain a spill contingency plan for hazardous and toxic materials. Work areas where spills of oil and gasoline are inevitable shall have impervious floors with an internal floor drain collection system which drains into a blind sump where spilled materials can be recovered and be roofed to prevent rainfall from washing these materials off site into the surface or ground water. Storage vaults shall be provided for temporary storage of batteries and vehicle fluids which comply with federal and state laws and standards.

SECTION 3.7. GENERAL LIGHTING REQUIREMENTS

(Rev. 08/25/13, Amendment #119).

3.7.1. All outdoor lighting used for illumination of any premises, within the Residential Development (D-RS), Lake and Stream Protection (P-LS) and Natural Rivers Protection (P-NR) zoning districts shall be shielded to prevent glare. (Rev. 05/23/15, Amendment #127)

3.7.2. This section has been deleted and is reserved for future use. (Rev. 08/25/13, Amendment #119).

3.7.3. This section has been deleted and is reserved for future use. (Rev. 08/25/13, Amendment #119).

3.7.4. This section has been deleted and is reserved for future use. (Rev. 08/25/13, Amendment #119).

SECTION 3.8. ZONING DISTRICTS

3.8.1. This ordinance establishes the following zoning districts in Cheboygan County. (Rev. 05/23/15, Amendment #127)

Development Districts

D-RS	Residential
D-CM	Commercial
D-LI	Light Industrial
D-GI	General Industrial
D-RC	Rural Character/Country Living

Village Center Districts

D-VC	Village Center
VC-IR	Village Center Indian River
VC-IR-O	Village Center Indian River Overlay
VC-T	Village Center Topinabee
VC-T-O	Village Center Topinabee Overlay
VC-T-RO	Village Center Topinabee Residential Overlay

Management District

M-AF	Agriculture & Forestry

Protection Districts

P-LS	Lake and Stream
P-NR	Natural Rivers
P-RC	Resource Conservation

3.8.2. Unless specified otherwise in this ordinance, all platted subdivisions in the jurisdiction of Cheboygan County Ordinance No. 200 are zoned D-RS, Residential Development Districts.

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.

SECTION 3.10. ACCESSORY USES ASSUMED

For each district established in this ordinance it shall be assumed that customary buildings and uses which are incidental to any principal uses or uses allowed by special use permit are permissible as part of the main use.

SECTION 3.11. ZONING OF VACATED AREAS

Whenever any street, alley, highway or other public right-of-way within the county shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the center line of such abandoned right-of-way shall remain in the boundary line and the lands on either side of said center line shall become attached to their respective adjoining properties.

SECTION 3.12. ZONING OF FILL AREAS

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a useable or buildable space, such fill area shall take on the zoning district and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the county unless appropriate permits are obtained.

SECTION 3.13. ZONING DISTRICT CHANGES

When district boundaries change, any non-conforming use may be continued subject to all other applicable provisions of the ordinance.

SECTION 3.14. USE PERMITTED BY RIGHT

Permitted uses are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the schedule of regulations, permit, and site plan requirements found elsewhere in this ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions.

SECTION 3.15. USES REQUIRING SPECIAL LAND USE PERMITS

The uses listed in this ordinance as special approval uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

SECTION 3.16 OTHER LAND USE CONTROLS

In addition to the provisions of this ordinance, provisions contained in the following federal, state and county laws and regulations shall be complied with:

PA 203, Wetland Protection Act
PA 297, Soil Conservation Law
PA 347, Soil Erosion Control Law
PA 288, Subdivision Control Law
PA 247, Sale, Lease and Alteration of Submerged Lands
PA 291, Inland Lakes and Streams Regulations
Michigan Construction Code
Corps of Engineers Regulations on Work and Structures on Navigable Waters
Cheboygan County Nuisance Abatement Regulations
PA 245, Shorelands Protection and Management Act, 1970

SECTION 3.17 KENNELS, PRIVATE

(Rev. 11/23/09, Amendment #81)

Private kennels are permitted by right as an accessory use to approved residential uses in the D-CM, M-AF, and P-RC zoning districts. A zoning permit application for a private kennel shall be issued when the zoning administrator finds, based on information provided by the applicant, that all of the following requirements have been met:

a. There shall be no more than nine (9) dogs more than four (4) months of age housed on the premises at any time.
b. If more than nine (9) dogs more than four (4) months of age are housed on the premises at any time, regardless of whether the owner receives compensation, then such establishment shall be deemed a commercial kennel.
c. If between four (4) and nine (9) dogs, inclusive, more than four (4) months of age are housed on the premises at any time, then those dogs shall not be boarded, bred, groomed for compensation, trained for compensation, or offered for sale.
d. All dogs within the facility must have a current rabies vaccination provided by a veterinarian.
e. A single family home must exist on the property and the owner(s) of the dogs must be the resident(s) of the home for the period of time that four (4) or more dogs more than four (4) months of age are housed on the property.
f. The lot on which the private kennel will be located must be no less than two (2) acres in area.
g. All dog enclosures shall be screened so that any activity on neighboring parcels or on the public or private streets shall not be visible to the dogs.
h. All dog enclosures shall be set back a minimum of 100 feet from the side and rear lot lines of the lot on which located.
i. The facility shall comply with the requirements to obtain a kennel license as issued by the Cheboygan County Animal Control Officer and shall keep an active kennel license in order to comply with this section.
j. All dogs must be housed within an enclosure that meets the requirements of Section 3.17.g. between the hours of 10:00pm and 8:00am.

ARTICLE 4 - RESIDENTIAL DEVELOPMENT DISTRICT (D-RS)

SECTION 4.1. PURPOSE

This district classification is designed to be the most restrictive to encourage an environment of predominantly low-density single family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents of the area. The intent is to keep this district relatively quiet and free from detrimental use influences. New residential development is to be encouraged adjacent to existing developed residential areas and kept separate from commercial or industrial development.

SECTION 4.2. PERMITTED USES

4.2.1. Single Family Dwellings and Two Family Dwellings (Rev. 03/28/12, Amendment #108).

4.2.2. Gardening, but not including the raising of animals, except for household pets. Sheltering, raising or stabling of animals shall be a violation of this ordinance.

4.2.3. Existing farms and agricultural uses.

4.2.4. Public, parochial and private schools, libraries and municipal structures and uses.

4.2.5. Churches

4.2.6. Home occupations subject to the limitations as defined.

4.2.7. Office or studio of a physician, dentist or other professional person residing on the premises.

4.2.8. Essential public utility services, excluding buildings and regulator stations.

4.2.9. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business.

4.2.10. State licensed residential facilities (6 or less persons).

4.2.11. Private storage buildings, subject to the requirements of Section 17.23 (Rev. 11/06/08, Amendment #77)

SECTION 4.3. USES REQUIRING SPECIAL LAND USE PERMITS

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

4.3.2. Nurseries and day care centers for children.

4.3.3. Elderly housing and convalescent homes.

4.3.4. Multi-family housing.

4.3.5. Patio homes, townhouses, apartment buildings, condominiums.

4.3.6. Parks, playgrounds, golf courses, and other recreational facilities.

4.3.7. Cemeteries.

4.3.8. Essential public utility service buildings, or gas or electric regulator stations or buildings (excluding public works garages and storage yards).

4.3.9. Private non-commercial recreation camps.

4.3.10. Private clubs and lodges.

4.3.11. Marinas.

ARTICLE 5

This article has been deleted and is reserved for future use. (Rev. 05/23/15, Amendment #127)

ARTICLE 6 - COMMERCIAL DEVELOPMENT DISTRICT (D-CM)

SECTION 6.1. PURPOSE

This District is designed to provide for General Business Activities such as retail sales, commercial service uses, and selected light manufacturing, production, processing and fabrication uses. Additional commercial development will be encouraged in existing Commercial Districts rather than creating new Commercial Districts.

SECTION 6.2. PERMITTED USES

(Rev. 08/26/10, Amendment #88)

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. Bowling alleys, pool or billiard parlors and clubs.

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. Theaters (excluding drive in theaters). (Rev. 09/28/11, Amendment #92)

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. Elderly housing, nursing and convalescent homes. (Rev. 05/23/15, Amendment #127)

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)

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. Any other use which shall be determined by the Planning Commission to be of the same general character as the uses described in Sections 6.2. and 6.3. 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)

SECTION 6.4. SUPPLEMENTAL REQUIREMENTS FOR D-CM, COMMERCIAL DEVELOPMENT DISTRICTS

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

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

6.4.3. Applicants for permits for new construction or for alterations to existing structures, for permitted and for uses requiring special land use permits, shall be required to submit their plans showing how they will comply with these supplemental requirements.

6.4.4. New walls, septic systems and absorption fields shall comply with District Health Department standards. See ARTICLE 22, NONCONFORMING USES, STRUCTURES in cases where lots of record at the time of adoption of this ordinance cannot meet area, setback or other requirements.

6.4.5. Any property which is within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any river, stream, pond or lake which is identifiable on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County shall be subject to the following special conditions. These conditions are deemed the minimum necessary to protect surface and ground water resources, flood plains and wetlands from adverse construction and alteration which would be detrimental to water quality and ecology.

6.4.6. There shall be no fill or permanent construction on any flood way or wetland appurtenant to property in this district. Fill can be approved only if accomplished in such a way as to not reduce or diminish the water holding capacity of the flood way or wetland and that such is documented by a Registered Professional Engineer.

6.4.7. All dredging, filling, grading and other earth changes shall comply with the provisions of Michigan's Inland Lakes and Streams Act (P.A. 346 of 1972), the Soil Erosion and Sedimentation Act (P.A. 347 of 1972) and the Wetlands Protection Act (P.A. 203 of 1979)

6.4.8. Landfills, open pits and industries producing, storing or handling toxic or hazardous wastes shall not be permitted within one half (1/2) mile of the ordinary high water mark of any river, stream, pond or lake in this district.

6.4.9. Buildings, permanent structures, parking lots and other impervious surfaces, except boat docks, boat slips, boat wells, ramps, marinas, seawalls or other water dependent uses, shall observe both a minimum setback of forty (40) feet from the ordinary high water mark and a minimum setback of twenty-five (25) feet from any boat well as measured in any direction from the boat well. Except for potential interference in flood ways or wetlands, setbacks for this paragraph shall not apply to drains or intermittent streams. An intermittent stream is a water course with a definite bank and streambed which periodically conveys water. (Rev. 09/21/14, Amendment #122)

6.4.10. On property where existing structures on both sides are within two hundred (200) feet of a new building wall and said structures do not meet waterfront setback standards, the required setback need not be greater than the average setback on the adjoining developed lots.

6.4.11. For any use which in the opinion of the Zoning Administrator would constitute a danger or nuisance because of the nature of the operation (fire, explosion, radiation, noise, air pollution, emissions and the like), the applicant for a permit may be required to submit certified statements that the proposed use meets at least the minimum safety-health requirement prescribed by the state and/or federal standards pertaining to the specific use.

ARTICLE 7 - D-LI LIGHT INDUSTRIAL DEVELOPMENT DISTRICT

SECTION 7.1. PURPOSE

The D-LI, Light Industrial Development District is designed to provide for wholesale activities, warehouses and industrial operations whose external physical effects are not detrimental to surrounding districts.

SECTION 7.2. PERMITTED USES

7.2.1. Any use permitted in the D-CM, Commercial Development District which does not require a Special Land Use Permit.

SECTION 7.3. USES REQUIRING SPECIAL LAND USE PERMITS

7.3.1. Any use which requires a Special Land Use Permit in the D-CM, Commercial Development District, except Child Caring Institutions. (Rev. 04/28/10, Amendment #85)

7.3.2. Greenhouses and plant materials.

7.3.3. Junk yards, salvage yards and waste disposal sites.

7.3.4. Commercial kennels and veterinarian hospitals, according to Section 17.16 (Rev. 11/23/09, Amendment #81)

7.3.5. Manufacturing, fabricating, processing and assembling activities.

7.3.6. Manufacture and processing of products such as food, cosmetics, pharmaceuticals and hardware.

7.3.7. Petroleum, gas a flammable liquid storage when accessory to a use permitted in the district, excluding tank farms or bulk storage.

7.3.8. Public utilities.

7.3.9. Tool, die, gauge and machine shops.

7.3.10. Vehicle and equipment repair and maintenance, engine overhaul, vehicle body repair, undercoating and rustproofing.

7.3.11. Warehousing, wholesale establishments, trucking facilities and terminals, meat locker and/or freezer plants.

7.3.12. Water treatment plants and reservoirs, recycling operations and sewage treatment plants.

7.3.13. Any other use which shall be determined by the Planning Commission to be of the same general character as the uses described in Sections 6.2. and 6.3. 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)

7.3.14. Storage facility for building materials, sand, gravel stone, lumber, storage of contractor's equipment and supplies. (Rev. 04/28/00, Amendment #14)

7.3.14. Commercial composting (Rev. 04/28/00, Amendment #14)

7.3.16. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)

7.3.17 Indoor Storage Facilities (Rev. 05/25/13, Amendment #116)

7.3.18 Outdoor Storage Facilities (Rev. 05/25/13, Amendment #116)

SECTION 7.4. SUPPLEMENTAL REQUIREMENTS FOR D-LI, LIGHT INDUSTRIAL DEVELOPMENT DISTRICT

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

7.4.2. When adjacent to a Residential Development District (D-RS), Rural Character Development District (D-RC), Lake and Stream Protection District (P-LS), or Natural Rivers Protection District (P-NR), uses described in Sections 7.2. and 7.3. shall be located not less than seventy five (75) feet distant from any of these zones and shall require a green belt, wall or concealing fence in accordance with Section 17.18. (Rev. 08/05/06, Amendment #60), (Rev. 05/23/15, Amendment #127)

7.4.3. Applicants for permits for new construction or for alterations to existing structures, for permitted and for uses requiring special land use permits, shall be required to submit their plans showing how they will comply with these supplemental requirements.

7.4.4. New wells, septic systems and absorption fields shall comply with District Health Department standards. See ARTICLE 22, NONCONFORMING USES, STRUCTURES in cases where lots of record at the time of adoption of this ordinance cannot meet area, setback or other requirements.

7.4.5. Any property which is within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any river, stream, pond or lake which is identifiable on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County shall be subject to the following special conditions. These conditions are deemed the minimum necessary to protect surface and ground water resources, flood plains and wetlands from adverse construction and alteration which could be detrimental to water quality and ecology.

7.4.6. There shall be no fill or permanent construction on any flood way or wetland appurtenant to property in this district. Fill can be approved only if accomplished in such a way as to not reduce or diminish the water holding capacity of the flood way or wetland and that such is documented by a Registered Professional Engineer.

7.4.7. All dredging, filling, grading and other earth changes shall comply with the provisions of Michigan's Inland Lakes and Streams Act (P.A. 346 of 1972), and the Soil Erosion and Sedimentation Act (P.A. 347 of 1972) and the Wetlands Protection Act (P.A. 203 of 1979).

7.4.8. Landfills, open pits and industries producing, storing or handling toxic wastes shall not be permitted within one half (1/2) mile of the ordinary high water mark of any river, stream, pond or lake in this district.

7.4.9. Buildings, permanent structures, parking lots and other impervious surfaces, except boat docks, boat slips, boat wells, ramps, marinas, seawalls or other water dependent uses, shall observe both a minimum setback of one hundred (100) feet from the ordinary high water mark and a minimum setback of sixty (60) feet from any boat well as measured in any direction from the boat well. Except for potential interference in flood ways or wetlands, setbacks for this paragraph shall not apply to drains or intermittent streams. An intermittent stream is a water course with a definite bank and streambed which periodically conveys water. (Rev. 09/21/14, Amendment #122)

7.4.10. For any use which in the opinion of the Zoning Administrator would constitute a danger or nuisance because of the nature of the operation (fire, explosion, radiation, noise, air polluting emissions and the like), the applicant for a permit may be required to submit certified statements that the proposed use meets at least the minimum safety-health requirements prescribed by the state and/or federal standards pertaining to the specific use.

ARTICLE 8 - D-GI GENERAL INDUSTRIAL DEVELOPMENT DISTRICT

SECTION 8.1. PURPOSE

This district is designed to provide for manufacturing, fabrication, assembling, mineral extraction, servicing and similar activities which require greater outdoor storage, larger sites and may have an adverse affect on adjacent non-industrial districts.

SECTION 8.2. PERMITTED USES

8.2.1. Any use permitted in the D-CM, Commercial Development District which does not require a Special Land Use Permit.

SECTION 8.3. USES REQUIRING SPECIAL LAND USE PERMITS

8.3.1. Any use which requires a Special Land Use Permit in the D-CM, Commercial Development District or the D-LI, Light Industrial Development District, except Child Caring Institutions. (Rev. 04/28/10, Amendment #85)

8.3.2. Blast furnace, steel furnace, blooming or rolling mill.

8.3.3. Contractor's equipment and storage yard.

8.3.4. Fuel and any flammable liquid or gas production, refining or storage.

8.3.5. Gravel and mineral extraction, mining and quarrying.

8.3.6. Heating and electrical power generating plants.

8.3.7. Incineration or garbage or refuse when conducted within an approved and enclosed incinerator plant (non-pyrolysis type).

8.3.8. Junkyards, salvage yards and waste disposal sites.

8.3.9. Major utility service yards and buildings, either public or private.

8.3.10. Manufacture of corrosive acid or alkali, cement, lime gypsum or plaster of paris.

8.3.11. Meat packing plants and slaughter houses.

8.3.12. Metal plating, buffing and polishing.

8.3.13. Research laboratories and experimental operations not permitted in the Light Industrial Development District.

8.3.14. Sawmills and planing mills.

8.3.15. Smelting of metals and foundries.

8.3.16. Any other use which shall be determined by the Planning Commission to be of the same general character as the uses described in Sections 6.2. and 6.3. 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)

8.3.17. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)

ARTICLE 8 - D-GI GENERAL INDUSTRIAL DEVELOPMENT DISTRICT

SECTION 8.4.
SUPPLEMENTAL REQUIREMENTS FOR D-GI, GENERAL INDUSTRIAL DEVELOPMENT DISTRICTS.

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

8.4.2. When adjacent to a Residential Development District (D-RS), Rural Character Development District (D-RC), Lake and Stream Protection District (P-LS), or Natural Rivers Protection District (P-NR), uses described in Sections 8.2. and 8.3. shall be located not less than sevemtu five (75) feet distant from any of these zones and shall require a green belt, wall or concealing fence in accordance with Section 17.18. (Rev. 08/05/06, Amendment #60), (Rev. 05/23/15, Amendment #127)

8.4.3. Applicants for permits for new construction or for alterations to existing structures, for permitted and for uses requiring special land use permits, shall be required to submit their plans showing how they will comply with these supplemental requirements.

8.4.4. New wells, septic systems and absorption fields shall comply with District Health Department standards. See ARTICLE 22, NONCONFORMING USES AND STRUCTURES in cases where lots of record at the time of adoption of this ordinance cannot meet area, setback or other requirements.

8.4.5. Any property which is within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any river, stream, pond or lake which is identifiable on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County shall be subject to the following special conditions. These conditions are deemed the minimum necessary to protect surface and ground water resources, flood plains and wetlands from adverse construction and alteration which could be detrimental to water quality and ecology.

8.4.6. There shall be no fill or permanent construction on any flood way or wetland appurtenant to property in this district. Fill can be approved only if accomplished in such a way as to not reduce or diminish the water holding capacity of the flood way or wetland and that such is documented by a Registered Professional Engineer.

8.4.7. All dredging, filling, grading and other earth changes shall comply with the provisions of Michigan's Inland Lakes and Streams Act (P.A. 346 of 1972), the Soil Erosion and Sedimentation Act (P.A. 347 of 1972) and the Wetlands Protection Act (P.A. 203 of 1979).

8.4.8. Landfills, open pits and industries producing, storing or handling toxic wastes shall not be permitted within one half (1/2) mile of the ordinary high water mark of any river, stream, pond or lake in this district.

8.4.9. Buildings, permanent structures, parking lots and other impervious surfaces, except boat docks, boat slips, boat wells, ramps, marinas, seawalls or other water dependent uses, shall observe both a minimum setback of one hundred (100) feet from the ordinary high water mark and a minimum setback of sixty (60) feet from any boat well as measured in any direction from the boat well. Except for potential interference in flood ways or wetlands, setbacks for this paragraph shall not apply to drains or intermittent streams. An intermittent stream is a water course with a definite bank and streambed which periodically conveys water. (Rev. 09/21/14, Amendment #122)

8.4.10. For any use which in the opinion of the Zoning Administrator would constitute a danger or nuisance because of the nature of the operation (fire, explosion, radiation, noise, air pollution, emissions and the like), the applicant for a permit may be required to submit certified statements that the proposed use meets at least the minimum safety-health requirements prescribed by the state and/or federal standards pertaining to the specific use.

ARTICLE 9 - M-AF AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT

SECTION 9.1. PURPOSE

Agriculture and Forestry Management Districts are those areas where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. They include areas which, although not currently so used, have a potential for agriculture and forestry. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply and timber resources are essential to the health and welfare of the county, state and nation.

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. Temporary mobile homes and travel trailers maintained in sound running condition with a current vehicle license. (See SECTION 17.7).

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

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

9.3.2. Automobile repair and service and gasoline stations.

9.3.3. Churches and parish houses, schools and educational institutions and other municipal buildings, structures and uses.

9.3.4. Community buildings, public parks and recreational areas, playgrounds and campgrounds.

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. Nursing or convalescent homes.

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)

SECTION 9.3.
USES REQUIRING SPECIAL LAND USE PERMITS

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

ARTICLE 10 - P-LS LAKE AND STREAM PROTECTION DISTRICT

SECTION 10.1. PURPOSE

10.1.1. Cheboygan County has the distinction of having more water surface than any other county in the State of Michigan. 77.3 square miles (9.69% of its area) are inland waters. The county has 344 inland lakes and 420 miles of streams. When 32 miles of Lake Huron shoreline are added, it becomes apparent that there is considerable pressure for development of waterfront property for homes, tourism and recreation. It is vital to the orderly future development of the county that these waters and natural resources be protected and that environmental control be exercised. The purpose of the conditions and requirements to be met in this district is to:

10.1.1.1. Avoid excessive structural encroachment on the waters and waterways except for uses traditionally depending upon direct water access.

10.1.1.2. Promote high water quality by encouraging natural vegetation strips along waterfronts to filter out nutrients and sediment from surface run-off, keep them from entering the waters, prevent erosion and help maintain cool water temperatures through shading.

10.1.1.3. Protect the natural environment of streams and lakes for wildlife habitat purposes and to preserve, to the extent possible, the natural image of landscapes.

10.1.1.4. Promote the general welfare of the county by protecting water quality, ground water resources, public health, property values, recreational values, riparian rights and erecting safeguards against flooding.

10.1.2. The Lake and Stream Protection District includes all property within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any river, stream, pond or lake which can be identified on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County. Exact boundaries shall be interpreted by the most logical continuations or interpolations of property lines. In following such continuations, district boundaries may be greater than 500 feet from the shoreline but never less. If there are questions on the interpretation of district boundaries, the Zoning Board of Appeals shall decide.

10.1.3. The requirements of the Lake and Stream Protection District do not apply in the Commercial Development (D-CM), Light Industrial Development (D-LI), General Industrial Development (D-GI), Natural Rivers Protection (P-NR), Village Center Indian River (VC-IR), Village Center Indian River (VC-IR-O), Village Center Topinabee (VC-T) and Village Center Topinabee Overlay (VC-T-O) and Village Center Topinabee Residential Overlay (VC-T-RO) zoning districts. See ARTICLES 6, 7, 8, 11 13, 13A, 13B, 13C, 13D, and 13E for separate requirements in those districts. (Rev. 09/28/11, Amendment #92) (Rev. 01/13/12, Amendment #105)

SECTION 10.2. PERMITTED USES.

10.2.1. Single family dwellings. (Rev. 03/28/12, Amendment #108)

10.2.2. Gardening, not to include the raising of animals except dogs and/or cats as household pets. Raising, stabling or sheltering or other animals, unless authorized by a Special Land Use Permit, shall be a violation of this ordinance.

10.2.3. Home occupations as defined in Section 17.21. (Rev. 05/17/06, Amendment #57)

10.2.4. Private storage buildings, subject to the requirements of Section 17.23 (Rev. 11/06/08, Amendment #77)

SECTION 10.3.
USES REQUIRING SPECIAL LAND USE PERMITS

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

10.3.2. Campgrounds, camps and clubs for recreational use. (Rev. 09/20/03, Amendment #23)

10.3.3. Cabin colonies.

10.3.4. Retail stores and shops.

10.3.5. Boat liveries, marinas and launching ramps.

10.3.6. Golf courses, driving ranges and country clubs. (Rev. 09/20/03, Amendment #23)

10.3.7. Motels and hotels.

10.3.8. Duplexes, multi-family and apartment buildings.

10.3.10. Schools, libraries, churches and municipal structures.

10.3.11. Housing of any animals other than pet dogs and/or cats.

10.3.12. Use of any parcel of waterfront property as a common use area for access to the water by one (1) or more non-waterfront single family dwelling(s). (See Section 10.4.4) (Rev. 02/23/11, Amendment #90)

10.3.13. Public access sites.

10.3.14. Restaurant/Bar (Rev. 04/28/00, Amendment #14)

10.3.15. Bed & Breakfasts (Rev. 05/17/06, Amendment #57)

SECTION 10.4. SUPPLEMENTAL REQUIREMENTS FOR LAKE AND STREAM PROTECTION DISTRICT

10.4.1. There shall be no fill or permanent construction in any flood way appurtenant to property in this district. Fill can be approved if accomplished in such a way as to not reduce or diminish the water holding capacity of the flood way and that such is documented by a Registered Professional Engineer.

10.4.2. All dredging, filling, grading and other earth changes shall comply with the provisions of the Soil Erosion and Sedimentation Control Act (P.A. 347 of 1972), Michigan's Inland Lakes and Streams Act (P.A. 346 of 1972) and the Wetlands Protection Act (P.A. 203 of 1979).

10.4.3. Landfills, open pits and industries producing, storing or handling toxic wastes or hazardous materials shall not be permitted within one half (1.2) mile of the ordinary high water mark of any river, stream, pond or lake in this district.

10.4.4. Shared Waterfront Access. (Rev. 06/20/07, Amendment #70)
Any land within this district with frontage on a body of water may provide access to that body of water for more than one dwelling upon compliance with the requirements of this section and the issuance of a zoning permit for such use by the zoning administrator. For purposes of the shared waterfront access regulations contained in this section and its subsections, "body of water" means a navigable body of water as defined under Michigan law and not a privately owned body of water to which the public has no lawful right of access. This section is intended to preserve the quality of water, avoid congestion, and to preserve the quality of recreational use of all waters within the county. Therefore, in addition to the other regulations of this district, any shared waterfront access shall comply with all of the following waterfront access regulations, whether such waterfront access is gained by joint fee ownership; a common element or a limited common element in a condominium development; a covenant running with the land or an easement benefiting a non-waterfront lot or condominium unit; a lease or license; or another legally recognized personal or property interest:

10.4.4.1. The land providing the shared waterfront access shall have no less than 150 feet of frontage as measured at the ordinary high water mark and shall be no less than 22,500 square feet in area.

10.4.4.2 Except as provided in subsection 10.4.4.3, a total of not more than two (2) dwellings located on either or both the waterfront lot and non-waterfront lots may have legal access to the body of water either from or over a waterfront lot.

10.4.4.3 For each dwelling in excess of two (2) benefited with the legal right to access a body of water from or over a waterfront lot, the land providing the shared waterfront access, in addition to meeting the dimensional requirements of subsection 10.4.4.1, shall have no less than fifty (50) additional feet of frontage as measured at the ordinary high water mark and shall have no less than 7,500 square feet of additional area.

10.4.4.4 Any legal access to the body of water over a waterfront lot which benefits dwellings located on non-waterfront lots shall have frontage of no less than twenty-five (25) feet. For each dwelling located on a non-waterfront lot in excess of two (2) benefited with the legal right to access a body of water over a waterfront lot the legal access to the body of water shall have an additional ten (10) feet of frontage as measured at the ordinary high water mark.

10.4.4.5 The legal access to the body of water over a waterfront lot which benefits dwellings located on non-waterfront lots shall be setback no less than twenty-five (25) feet from any adjoining property.

10.4.4.6 One (1) off-street parking space shall be provided on the waterfront lot for each dwelling located on a non-waterfront lot benefited with the legal right to access a body of water over a waterfront lot. The required off-street parking shall be setback no less than twenty-five (25) feet from any adjoining property, no less than fifteen (15) feet from a public or private road right-of-way, and no less than forty (40) feet from the water's edge.

10.4.4.7 No boat launching facilities or clubhouses shall be permitted on the land providing the shared waterfront access.

10.4.4.8 Except for the owners of the waterfront lot, no person shall store a watercraft, boat hoist, or dock on the upland portion of the lot outside of a completely enclosed building for more than three (3) consecutive days.

10.4.4.9 One (1) storage building accessory to the dwellings located on non-waterfront lots benefited with the legal right to access a body of water over the waterfront lot which is no greater than 149 square feet in area and no more than 12 feet in height shall be permitted on that portion of the waterfront lot which provides the legal access to the body of water, provided that the required setback from the waterfront is met.

10.4.4.10 For each dwelling located on a non-waterfront lot benefited with the legal right to access a body of water over a waterfront lot no more than one (1) watercraft slip, mooring, boat hoist, or other means of non-temporary anchorage shall be permitted. In addition, no more than one (1) dock shall be permitted on the land providing the shared waterfront access. If a dock is used to provide the watercraft slips or moorings, the dock shall provide no less than two (2) of the allowed watercraft slips or moorings, shall be no more than eight (8) feet in width, and shall be no longer than thirty (30) feet or a longer length, if necessary to provide a maximum water depth for the watercraft using the dock of five (5) feet. No dock, boat hoist, mooring anchor, or other means of non-temporary anchorage shall be located within twenty-five (25) feet of the riparian boundaries of adjoining property, as projected into the water under the laws of the state of Michigan.

10.4.4.11 The regulations of Section 10.4.4 and its subsections provided above, however, shall not apply to a public access site or waterfront lot under the possession and control of a governmental agency, including but not limited to Cheboygan County, townships located within Cheboygan County, the Cheboygan County Road Commission, or the State of Michigan, that is intended to provide the general public with access to the body of water.

10.4.5. New wells, septic systems and absorption fields shall comply with District Health Department standards. See ARTICLE 22, NONCONFORMING USES AND STRUCTURES in cases where lots of record at the time of adoption of this ordinance cannot meet area, setback or other requirements.

10.4.6. Buildings, permanent structures, parking lots and other impervious surfaces, except boat docks, boat slips, boat wells, ramps, marinas, seawalls or other water dependent uses, shall observe both a minimum setback of forty (40) feet from the ordinary high water mark and a minimum setback of twenty-five (25) feet from any boat well as measured in any direction from the boat well. Except for potential interference in flood ways or wetlands, setbacks for this paragraph shall not apply to drains or intermittent streams. An intermittent stream is a water course with a definite bank and streambed which periodically conveys water. (Rev. 09/21/14, Amendment #122)

10.4.7. Ground decking and patios without railings and which are less than thirty (30) inches above the natural grade at the deck building line may extend into the setback area but not nearer to the shoreline than twenty five (25) feet. Railed decks and enclosed patios shall observe the setback lines for the main buildings. Walkways and pathways, if not wider than eight (8) feet are not restricted by this paragraph.

10.4.8. On property where existing structures on both sides are within two hundred (200) feet of a new building wall and said structures do not meet waterfront setback standards, the required setback need not be greater than the average setback on the adjoining developed lots.

SECTION 10.5. NATURAL VEGETATION STRIP

10.5.1. Native trees, shrubs and vegetation should be maintained and enhanced along the banks of the rivers, streams, ponds and lakes in this district. Maintenance of the natural vegetation strip is required to help stabilize the riverbanks, minimize erosion, provide shading which will help maintain cool water temperatures, help protect water quality by absorbing nutrients from surface water run-off, provide screening of manmade elements and protect fisheries and wildlife habitat. The zoning administrator shall notify each applicant for a building permit of the purpose of the natural vegetation strip and of the provisions of this section.

10.5.2. The vegetation strip shall be maintained for a distance of 40 feet inland measured horizontally from the ordinary high water mark or from the landward extent of the beach, bulkhead, sea wall or rip-rap if present.

10.5.3. A lawn is not an acceptable natural vegetation strip.

10.5.4. A planting of native species is encouraged in the vegetation strip to enhance and protect the water's edge. The Department of Natural Resources, the Soil Conservation District and the Cooperative Extension Service may be consulted for selection of native plant species.

10.5.5. Applicants for permits for new waterfront development shall be required to submit their plans for the establishment and maintenance of the natural vegetation strip.

10.5.6. The zoning administrator should annually publicize through local media the desirability and need for establishment of waterfront natural vegetation strips on existing waterfront properties.

10.5.7. See ARTICLE 17, SUPPLEMENTAL REGULATIONS AND STANDARDS for additional information on lot sizes, setback and other requirements.

SECTION 10.6. *RESERVED FOR FUTURE USE (Rev. 11/20/11, Amendment #102)*

ARTICLE 11 - NATURAL RIVERS PROTECTION DISTRICT

SECTION 11.1. PURPOSE

11.1.1. (Rev. 06/28/12, Amendment #113)
The area of the Pigeon River and its tributaries and an area of the Upper Black River and its tributaries has been assigned a Natural Resource Protection land use designation pursuant to the Cheboygan County Comprehensive Plan. The Natural Rivers Protection District is established to preserve, protect and enhance the unique and significant values, qualities and natural resources of the Pigeon River and Upper Black River and to provide measures to protect those invaluable natural assets in the interest of present and future generations. The Pigeon River has been designated as a wild-scenic river, under authority of part 305 of the Natural Resources and Environmental Resources Protection Act, Public Act 451 of 1994, based on its water quality, resource and recreation values. The Upper Black River has been identified as a priority stream by the Michigan Department of Natural Resources, Natural River Program, noting qualities and resource values similar to the designated portions of the Pigeon River.

11.1.2. Based on this designation and identification, the portions of the Pigeon River, Upper Black River and their tributaries delineated in SECTION 11.2 are included in Cheboygan County's Natural River Protection District for the following purposes:

a. To maintain the water quality, clarity and free flowing condition of the Pigeon and Upper Black Rivers and their tributaries for total body contact recreation (swimming), cold water fish species and other uses.

b. To prevent ecological and aesthetic damage which may result from overcrowding or disorderly development.

c. To permit reasonable and compatible uses of land which complement the natural characteristics of the rivers and further the purposes of this ordinance while protecting the rivers' scenic qualities.

d. To limit or prohibit those developments and activities which may damage or destroy the rivers' fish, wildlife, scenic, economic, historic and recreation values and uses.

e. To protect the rivers' natural floodwater storage capacity and provide for the conservation of soil, riverbed and banks and adjoining uplands.

f. To ensure that recreational uses which do occur are done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream, and that a quality recreation experience is maintained.

SECTION 11.2. DESIGNATED AREA

The Natural Rivers Protection District includes an area 500 feet deep on each side of and parallel to all channels of the mainstream of the Pigeon and Upper Black Rivers and to their tributaries, as noted below. This distance is measured from the river's edge, determined by the ordinary high water mark of the river or tributary, as defined in the Inland Lakes and Streams Act, P.A. 346 of 1972.

Pigeon River:
Mainstream - From the river's entry into Cheboygan County in Section 33, T33N, R1W, downstream to the Hackleburg Road Bridge.
Tributaries - All streams which flow into the Pigeon River upstream of M-68, from their sources to their confluence with the Pigeon River.

Upper Black River:
Mainstream - From the river's entry into Cheboygan County in Section 32, T33N, R1E, downstream to the Upper Black River Road Bridge in Section 34, T36N, R1E.
Tributaries - McMasters, Little McMasters and Milligan Creeks, from their sources to their confluence with the Upper Black River.

SECTION 11.3. RESIDENTIAL USES

Single family dwellings are permitted within the district with the following conditions:

11.3.1. Building setbacks for new structures or appurtenances shall be 200 feet from the water's edge along the mainstreams and 150 feet from the water's edge along tributaries.

11.3.2. Unplatted lots and new subdivisions shall provide minimum lot widths of 200 feet on the mainstreams and 150 feet on tributaries.

11.3.3. Lots or properties of record which are non-conforming at the date this ordinance takes effect because of a lack of size to accommodate setback or width requirements may be built upon, following review of site conditions and building plans and granting of a variance by the Zoning Board of Appeals following the requirements of ARTICLE 23 of this ordinance. Buildings on substandard lots should be located so as to best meet the objectives of Natural River Protection District.

11.3.4. One single family dwelling shall be permitted on each lot or parcel.

11.3.5. All habitations shall be provided with sanitary waste disposal facilities approved by the District Health Department. New septic systems shall meet the standards in SECTION 11.6

SECTION 11.4. INDUSTRIAL AND COMMERCIAL USES

11.4.1. New industrial uses and buildings and expansion of such existing uses and buildings are not permitted within the Natural River Protection District.

11.4.2. Commercial uses and buildings, such as gas stations, motels, restaurants, retail stores, mobile home parks, etc. are not permitted within the Natural River Protection District.

11.4.3. Commercial uses which are compatible with maintaining the natural character of the rivers may be permitted as special land uses, based on the requirements of ARTICLE 18. of this ordinance. These commercial uses include:

a. Small home operated businesses such as photography studio, beauty shop, home repair, insurance, or other businesses which do not alter the residential nature of the property and are in conformance with established setbacks.

b. Small rental cabins with light housekeeping, but not motels, which are in conformance with setback requirements.

11.4.4. Buildings must be set back 200 feet from the water's edge along mainstreams and 150 feet from the water's edge along tributaries.

SECTION 11.5. NATURAL VEGETATION STRIP

11.5.1. Trees, shrubs and other vegetation native to the Pigeon and Upper Black River areas shall be maintained and enhanced on each side of the rivers and their tributaries to retain the rivers' natural values. Maintenance of the natural vegetation strip is required to help stabilize the riverbanks, minimize erosion, provide shading which will help maintain cool water temperatures, help protect water quality by absorbing nutrients from surface water run-off, provide screening of man-made elements, protect fisheries and wildlife habitat, and maintain the aesthetic quality of the river. The zoning administrator shall notify each applicant for a building permit of the purpose of the natural vegetation strip and of the provisions of this section.

11.5.2. A vegetation strip shall be maintained on each side of the stream to a distance of 100 feet along the mainstreams and 75 feet along tributaries. The following provisions shall apply within the natural vegetation strip:

a. Distances of the natural vegetation strip shall be measured horizontally from the ordinary high water mark.

b. Dead, diseased, unsafe or fallen trees, shrubs and noxious plants, including poison ivy, poison sumac and poison oak, and other plants regarded as a common nuisance in Section 2, Public Act 357 of 1941, as amended, may be removed.

c. Trees and shrubs may be pruned for a filtered view of the river.

d. Upon approval of the local zoning administrator, trees and shrubs may be selectively removed for harvest of merchantable timber, public utility facilities, to achieve a filtered view of the river from the principal structure, and for reasonable private access to the structure, and for reasonable private access to the river.

e. Clear cutting within the above described management zones generally is not permitted. However, it may be allowed if it is necessary to maintain or enhance native vegetation, upon approval of the Pigeon River Country Area Forester.

f. Planting of native species is encouraged in the vegetation strip to enhance and protect the river's edge. The Department of Natural Resources or the Soil Conservation Service may be consulted for selection of native plant species.

SECTION 11.6. ON-SITE SANITATION SYSTEMS

11.6.1. Minimum standards for new septic systems within the Natural Rivers Protection District.

a. The setback for septic tanks and absorption fields shall be a minimum of 150 feet from the ordinary high water mark.

b. The bottom of the absorption field shall be at least four feet above the known high ground water table.

c. No absorption field shall be closer than 50 feet from any permanent surface or subsurface drainage system.

d. Variances from these standards may be allowed by the district health departments where existing lots of record cannot conform because of their size.

11.6.2. The bottom of an earth privy shall be not less than six feet above the known high ground water table. Where this is not feasible, a water tight vault shall be installed.

SECTION 11.7 SIGNS

11.7.1. Only those signs necessary for: identification, direction, resource information, regulation of use, and related to permitted uses, shall be placed along the designated rivers and tributaries. Within the Natural River Protection District, signs for the sale of products or services shall be prohibited. Signs within the Natural River Protection District must conform to the following standards:

a. Signs may not be larger than one square foot in area, posted no more than one per 100 feet or one sign posted at upstream and downstream corner of lot. However, one temporary real estate "for sale" sign per parcel of land not to exceed four square feet in area shall be allowed outside of the natural vegetation strip.

b. Signs may not be attached to any tree or shrub.

c. Signs may not be illuminated.

SECTION 11.8. AGRICULTURAL ACTIVITIES

11.8.1. Agricultural practices existing on the effective date of the ordinance will be permitted within the natural vegetation strip. Grazing will be permitted within the natural vegetation strip unless the Bureau of Environmental Protection of the Department of Natural Resources determines that it contributes to stream degradation (Act 245, P.A. 1929). In those cases, livestock will be fenced out to protect the riverbanks. Cattle crossings and watering areas shall be constructed according to accepted methods, after the landowner has consulted with the local Soil Conservation District, Soil Conservation Service, County Extension Service, and/or Department of Natural Resources.

11.8.2. Water withdrawal for irrigation will continue to be permitted in accordance with the rights of other riparians and the public values associated with the Pigeon River system.

11.8.3. New agricultural uses and practices including commercial tree farms and feedlots shall be allowed in the Natural River District provided they are landward of the natural vegetation strip.

SECTION 11.9. GENERAL PROVISIONS

11.9.1. Docks

The construction of docks along streams and tributaries in the Natural River Protection District is strongly discouraged. However, if necessary to provide safe and ecologically sound access for the riparian landowner, “log-sod covered docks” may be constructed of natural materials. Docks must be constructed in accordance with the rules of Act 346, P.A. 1972. Upon request of the property owner, the Department of Natural Resources will assist in the siting and location of a dock so as to blend in with the natural surroundings and best meet the objectives of the natural river designation.

11.9.2. Minerals:

Extraction of sand or gravel is not permitted within 300 feet of the rivers or tributaries included in the Natural Rivers Protection District. Additionally, new development, exploration or production of gas, oil, salt brine or other minerals except groundwater are not permitted within 300 feet of the designated portions of the Pigeon River and its tributaries.

11.9.3. Disposal of Solid Wastes:

No unsightly or offensive material, including, but not limited to: trash, refuse, junk cars, junk appliances or garbage, shall be dumped or stored within the Natural River Protection District or as provided by Act 641, P.A. 1978. No dumps or sanitary landfills shall be permitted within the district.

11.9.4. Land Alteration:

Land alteration for building such as grading, dredging and filling of the land surface outside of the natural vegetation strip is permitted, unless the groundwater table is within six feet of the land surface or on lands subject to flooding. All activities must meet provisions of Michigan’s Inland Lakes and Streams Act, Act 346, P.A. 1972, Soil Erosion and Sedimentation Control Act, Act 347, P.A. 1972, and the Wetlands Protection Act, Act 203, P.A. 1979.

11.9.5 General Recommendations:

a. Wherever possible, natural materials and unobtrusive colors should be used in construction of new or remodeling of existing buildings.
b. Buildings visible from the rivers should be screened with native vegetation wherever possible.
c. Planting of perennial native vegetative species in the natural vegetation strip should be considered wherever possible, especially where exposed soil and steep slopes exist.

ARTICLE 12 - P-RC RESOURCE CONSERVATION DISTRICT

(Rev. 11/01/06, Amendment #64)

SECTION 12.1. PURPOSE

The Resource Conservation District is designed to protect, preserve or manage natural, recreational, historic and scenic resources such as wetlands, prime forestlands, aquifer recharge areas, flood hazard zones, fish spawning areas, wildlife habitats, parks, campgrounds, swimming areas, historic structures, archeological discoveries, scientific and educational facilities, open spaces and similar resources. Development in this district shall be closely regulated to protect against erosion, water supply contamination, flood damage, malfunctioning waste disposal systems, permanent loss of fish and wildlife habitats and destruction of historical structures or archeological remains, while allowing for the management of resources as permitted in this article. Examples of Resource Conservation areas include Dingman Marsh, Black Mountain Recreation Area, and Mackinaw State Forest. Privately owned parcels within the Resource Conservation zone are not part of the Resource Conservation zone, but are in fact Agriculture/Forestry.

SECTION 12.2. PERMITTED USES

12.2.1. Agricultural activities including accessory buildings.

12.2.2. Management or enhancement of fish and wildlife habitats.

12.2.3. Public campgrounds.

12.2.4. Public outdoor recreational activities.

12.2.5. Tree farms, forest production and forest harvesting operations including portable sawmills, log storage yards, accessory buildings, and related activities.

SECTION 12.3. USES REQUIRING SPECIAL LAND USE PERMITS

12.3.1. Mineral/gravel extraction.

12.3.2. Structures serving educational or scientific purposes.

12.3.3. Any development on seasonal roads that requires public services or utilities.

12.3.4. 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)

SECTION 12.4. PROHIBITED USES AND ACTIVITIES

12.4.1. Any development on slopes of 20% or more.

12.4.2. Sanitary landfills and other filling, dredging, and draining operations.

12.4.3. Manufacturing, use or disposal of flammable substances, pesticides, or toxic materials.

12.4.4. Any development that limits the forest production capabilities of designated prime forest parcels.

12.4.5. Closure of any seasonal roads, except by the Cheboygan County Road Commission.

ARTICLE 13 – D-VC VILLAGE CENTER

(Rev. 08/05/06, Amendment #58)

SECTION 13.1. PURPOSE

This District is intended to provide for a concentration of residential, social, local commercial and public uses in a small community setting, while lessening the effects of sprawl. Reuse of existing structures shall be encouraged, with development review procedures implemented to provide for multi-family structures, pedestrian amenities, and small-scale commercial uses as well as recreational, shopping, and employment opportunities. Examples for this district include the unincorporated community centers of Topinabee, Afton, Indian River, Tower, and Alverno.

13.2. PERMITTED USES

13.2.1 Any use permitted in the D-RS District.

13.2.2 Bars and taverns.

13.2.3 Bed and Breakfasts.

13.2.4 Bowling alleys, pool or billiard parlors and clubs.

13.2.5 Chambers of Commerce.

13.2.6 Day care centers.

13.2.7 Farm product stands.

13.2.8 Grocery and party stores.

13.2.9 Offices

13.2.10 Parking lots and garages.

13.2.11 Restaurants.

13.2.12 Retail sales establishments, General.

13.2.13 Retail sales establishments, Household.

13.2.14 Retail sales establishments, Specialty.

13.2.15 Theaters, excluding drive-in theaters. (Rev. 09/28/11, Amendment #92)

SECTION 13.3. USES REQUIRING SPECIAL LAND USE PERMITS

13.3.1 Automobile repair and washing establishments.

13.3.2 Bus terminals.

13.3.3 Dry cleaning and laundry establishments.

13.3.4 Educational, municipal, and religious institutions.

13.3.5 Gasoline service stations and garages.

13.3.6 Hotels and motels.

13.3.7 Multiple-family housing.

13.3.8 Outdoor recreation activities.

13.3.9 Veterinary hospitals.

13.3.10 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)

SECTION 13.4. SUPPLEMENTAL REQUIREMENT FOR VILLAGE CENTER DISTRICT

Unless otherwise noted, buildings and uses shall comply with the following requirements:

13.4.1. Any outside storage shall be clearly an accessory use to the principal permitted use.

13.4.2. Vehicles parked on a site shall not be used principally for storage or advertising.

13.4.3. No use shall have a building footprint of more than 20,000 square feet.

13.4.4. The Planning Commission may waive off-street parking requirements of Article 17 if an applicant can show that sufficient parking would exist through shared and/or on-street parking.

13.4.5. On property where existing structures on both sides are within one hundred (100) feet of a new building wall and said structures do not meet front yard setback standards, the required front setback need not be greater than the average front setback on the adjoining developed lots.

13.4.6. Any property which is within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any river, stream, pond or lake which is identifiable on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County shall be subject to the following special conditions. These conditions are deemed the minimum necessary to protect surface and ground water resources, flood plains and wetlands from adverse construction and alteration which would be detrimental to water quality and ecology.

13.4.7. There shall be no fill or permanent construction on any flood way or wetland appurtenant to property in this district. Fill can be approved only if accomplished in such a way as to not reduce or diminish the water holding capacity of the flood way or wetland and that such is documented by a Registered Professional Engineer.

13.4.8. All dredging, filling, grading and other earth changes shall comply with the provisions of Michigan's Inland Lakes and Streams Act (P.A. 346 of 1972), the Soil Erosion and Sedimentation Act (P.A. 347 of 1972) and the Wetlands Protection Act (P.A. 203 of 1979).

13.4.9. Landfills, open pits and industries producing, storing or handling toxic or hazardous wastes shall not be permitted within one half (1/2) mile of the ordinary high water mark of any river, stream, pond or lake in this district.

13.4.10. Buildings, permanent structures, parking lots and other impervious surfaces, except boat docks, boat slips, boat well, ramps, marinas, seawall or other water dependent uses, shall observe both a minimum setback of forty (40) feet from the ordinary high water mark and a minimum setback of twenty-five (25) feet from any boat well as measured in any direction from the boat well. Except for potential interference in flood ways or wetlands, setbacks for this paragraph shall not apply to drains or intermittent streams. An intermittent stream is a water course with a definite bank and streambed which periodically conveys water. (Rev. 09/21/14, Amendment #122)

13.4.11. On property where existing structures on both sides are within two hundred (200) feet of a new building wall and said structures do not meet waterfront setback standards, the required setback need not be greater than the average setback on the adjoining developed lots.

13.4.12. For any use which in the opinion of the Zoning Administrator would constitute a danger or nuisance because of the nature of the operation (fire, explosion, radiation, noise, air pollution, emissions and the like), the applicant for a permit may be required to submit certified statements that the proposed use meets at least the minimum safety-health requirement prescribed by the state and/or federal standards pertaining to the specific use.

ARTICLE 13A – VC-IR VILLAGE CENTER INDIAN RIVER DISTRICT

(Rev. 09/28/11, Amendment #92)

SECTION 13A.1 PURPOSE

This District is intended to provide for a concentration of residential, social, local commercial and public uses in a small community setting, while lessening the effects of sprawl. Reuse of existing structures shall be encouraged, with development review procedures implemented to provide for multi-family structures, pedestrian amenities, and small-scale commercial uses as well as recreational, shopping, and employment opportunities.

SECTION 13A.2. PERMITTED USES

13A.2.1. Arcades, bowling alleys, pool or billiard parlors and clubs.

13A.2.2. Artisan workshop which may include an artisan residence

13A.2.3. Bakeries

13A.2.4. Bars and taverns.

13A.2.5. Bed and Breakfasts.

13A.2.6. Day care centers.

13A.2.7. Farm product stands, farmers markets

13A.2.8. Grocery and party stores.

13A.2.9. Home occupations subject to Section 17.21.

13A.2.10. Hotels and motels

13A.2.11. Multiple-family housing

13A.2.12. Offices

13A.2.13. Restaurants

13A.2.14. Retail sales establishments, General

13A.2.15. Retail sales establishments, Household

13A.2.16. Retail sales establishments, Specialty

13A.2.17. Single-family, two-family dwellings.

SECTION 13A.3. USES REQUIRING SPECIAL LAND USE PERMITS

13A.3.1. Assisted Living Facility/Convalescent Home

13A.3.2. Automobile repair and washing establishments

13A.3.3. Dry cleaning and laundry establishments

13A.3.4. Educational, municipal, and religious institutions, private clubs

13A.3.5. Gasoline service stations and garages

13A.3.6. Outdoor recreation activities

13A.3.7. Veterinary hospitals

13A.3.8. Visitor Center

SECTION 13A.4. SUPPLEMENTAL REQUIREMENT FOR VILLAGE CENTER INDIAN RIVER

13A.4.1. The Planning Commission may waive all or a portion of the off-street parking requirements normally assigned to uses according to Article 17.6 if the Planning Commission finds that sufficient parking would exist through shared and/or on-street parking.

13A.4.2. Any outside storage shall be clearly an accessory use to the principal permitted use.

13A.4.3. Vehicles parked on a site shall not be used principally for storage or advertising.

13A.4.4. No use shall have a building footprint of more than 20,000 square feet.

13A.4.5. For all uses in this district, including food service, any outdoor seating shall meet the following requirements:

a. The outdoor seating shall not be located on a public sidewalk or public right-of-way, unless the government body with jurisdiction over the public sidewalk or public right-of-way consents in writing to such outdoor seating.

b. Any outdoor seating shall be reviewed and approved by the Planning Commission following the same procedures as an original site plan or special use permit application.

c. Any outdoor seating shall be located so that the seating itself or the access to and from that seating does not impede the safe and efficient movement of pedestrians along a public sidewalk or public right-of-way and does not impede the safe ingress and egress for pedestrians to any building.

13A.4.6. The area for the outdoor display of merchandise in connection with a non-residential use shall be reviewed and approved by the Planning Commission following the same procedures as an original site plan or special use permit application.

13A.4.7. The following requirements apply to lots which abut a body of water:

a. No development shall be allowed within a flood plain or wetland regulated by the State of Michigan, including dredging, filling, grading and other earth changes and including the construction or placement of any structure, unless the property owner obtains all required permits showing compliance with the provisions of Part 301, Inland Lakes and Streams; Part 91, Soil Erosion and Sedimentation; and Part 303, Wetlands Protection of the Natural Resources and Environmental Protection Act (NREPA), Public Act 451 of 1994, as amended.

b. Buildings, permanent structures, parking lots and other impervious surfaces, except walkways no wider than 8 feet, boat docks, boat slips, ramps, or other water dependent uses shall observe a minimum setback of twenty (20) feet from the ordinary high water mark.

ARTICLE 13B – VC-IR-O VILLAGE CENTER INDIAN RIVER OVERLAY DISTRICT

(Rev. 09/28/11, Amendment #93)

SECTION 13B.1 PURPOSE

This is an overlay district in the Village Center Indian River zoning district and is intended to promote a densely developed pedestrian-oriented retail shopping atmosphere for the resident and visitor. Office uses and retail service establishments are intended to be of secondary importance compared to pedestrian-oriented retail and restaurant uses.

SECTION 13B.2. PERMITTED USES

13B.2.1. Bakeries

13B.2.2. Bars and taverns.

13B.2.3. Bed and Breakfasts.

13B.2.4. Farmers markets which meet the Michigan Department of Agriculture's Generally Accepted Agricultural Management Practices for Farm Markets

13B.2.5. Home occupations subject to Section 17.21.

13B.2.6. Multiple-family housing

13B.2.7. Offices

13B.2.8. Restaurants

13B.2.9. Retail sales establishments, General

13B.2.10. Retail sales establishments, Household

13B.2.11. Retail sales establishments, Specialty

13B.2.12. Single-family, two-family dwellings according to Section 13A.4.3.

SECTION 13B.3. USES REQUIRING SPECIAL LAND USE PERMITS

13B.3.1. Arcades, bowling alleys, pool or billiard parlors and clubs.

13B.3.2. Artisan workshop which may include an artisan residence

13B.3.3. Farm product stands, farmers markets

13B.3.4. Grocery and party stores.

13B.3.5. Visitor Center

SECTION 13B.4. SUPPLEMENTAL REQUIREMENT FOR VILLAGE CENTER INDIAN RIVER OVERLAY

Except as modified below, all development within the overlay district shall be in accord with the existing development standards for the underlying zoning district as specified in this Ordinance.

13B.4.1. There shall be no parking requirements for those uses which are permitted by right or by special use permit in the VC-IR-O zoning district except residential uses, which shall comply with the following:

a. One (1) off-street parking space shall be required for each dwelling unit.

b. The required parking space(s) shall be provided on site or on leased land within 300 feet of the property.

c. The required parking space(s) shall be maintained as long as each dwelling is occupied.

13B.4.2. The following requirements apply to lots which abut a body of water:

a. No development shall be allowed within a flood plain or wetland regulated by the State of Michigan, including dredging, filling, grading and other earth changes and including the construction or placement of any structure, unless the property owner obtains all required permits showing compliance with the provisions of Part 301, Inland Lakes and Streams; Part 91, Soil Erosion and Sedimentation; and Part 303, Wetlands Protection of the Natural Resources and Environmental Protection Act (NREPA), Public Act 451 of 1994, as amended.

b. Buildings, permanent structures, parking lots and other impervious surfaces, except walkways no wider than 8 feet, boat docks, boat slips, ramps, or other water dependent uses shall observe a minimum setback of twenty (20) feet from the ordinary high water mark.

13B.4.3. For residential uses, the following requirements shall apply:

a. No single-family, two-family, or multi-family residential uses shall be permitted unless within a lot of record which also includes at least one (1) commercial use.

b. All single-family, two-family, and multi-family dwellings and uses accessory to the residential use(s) shall not be located in a building within thirty (30) feet of any public right-of-way, unless such dwelling and its accessory uses are located above the ground floor of that building. Provided, however, an entryway no more than six (6) feet in width providing ingress and egress to a dwelling and its accessory uses may be located in a building within thirty (30) feet of any public right-of-way.

ARTICLE 13C – VC-T VILLAGE CENTER TOPINABEE DISTRICT

(Rev. 01/13/12, Amendment #105)

SECTION 13C.1 PURPOSE

This District is intended to provide for a concentration of residential, social, local commercial and public uses in a small community setting, while lessening the effects of sprawl. Reuse of existing structures shall be encouraged, with development review procedures implemented to provide for multi-family structures, pedestrian amenities, and small-scale commercial uses as well as recreational, shopping, and employment opportunities.

SECTION 13C.2. PERMITTED USES

13C.2.1. Arcades, bowling alleys, pool or billiard parlors and clubs.

13C.2.2. Artisan workshop which may include an artisan residence

13C.2.3. Bakeries

13C.2.4. Bars and taverns

13C.2.5. Detached single family dwellings

13C.2.6. Farm product stands, farmers markets

13C.2.7. Grocery and party stores

13C.2.8. Home occupations subject to Section 17.21

13C.2.9. Hotels and Motels

13C.2.10. Multi-family housing

13C.2.11. Offices

13C.2.12. Restaurants

13C.2.13. Retail sales establishments, General

13C.2.14. Retail sales establishments, Household

13C.2.15. Retail sales establishments, Specialty

13C.2.16. Two family dwellingsaccording to Section 13A.4.3.

SECTION 13C.3. USES REQUIRING SPECIAL LAND USE PERMITS

13C.3.1. Assisted Living Facility/Convalescent Home

13C.3.2. Automobile repair and washing establishments

13C.3.3. Bed and Breakfasts

13C.3.4. Day Care Centers

13C.3.5. Dry cleaning and laundry establishments

13C.3.6. Educational, municipal, and religious institutions, private club

13C.3.7. Gasoline service stations and garages

13C.3.8. Outdoor recreation activities

13C.3.9. Veterinary hospitals

SECTION 13C.4. SUPPLEMENTAL REQUIREMENT FOR VILLAGE CENTER TOPINABEE

13C.4.1. The Planning Commission may waive all or a portion of the off-street parking requirements normally assigned to uses according to Section 17.6 if the Planning Commission finds that sufficient parking would exist through shared and/or on street parking.

13C.4.2. Any outside storage shall be clearly an accessory use to the principal permitted use.

13C.4.3. Vehicles parked on a site shall not be used principally for storage or advertising.

13C.4.4. No use shall have a building footprint of more than 20,000 square feet.

13C.4.5. For all uses in this district, including food service, any outdoor seating shall meet the following requirements:

a. The outdoor seating shall not be located on a public sidewalk or public right-of-way, unless the government body with jurisdiction over the public sidewalk or public right-of-way consents in writing to such outdoor seating.

b. Any outdoor seating shall be reviewed and approved by the Planning Commission following the same procedures as an original site plan or special use permit application.

c. Any outdoor seating shall be located so that the seating itself or the access to and from that seating does not impede the safe and efficient movement of pedestrians along a public sidewalk or public right-of-way and does not impede the safe ingress and egress for pedestrians to any building.

13C.4.6. The area for the outdoor display of merchandise in connection with a non-residential use shall be reviewed and approved by the Planning Commission following the same procedures as an original site plan or special use permit.

13C.4.7. For residential uses, the following requirements shall apply:

a. All detached single family and two family residential uses and uses accessory to the residential use shall require a thirty (30) foot front setback and an eight (8) foot side setback unless such dwelling and its accessory uses are located above the ground floor of a building containing a commercial use. Provided, however, an entryway no more than six (6) feet in width providing ingress and egress to the dwelling and its accessory uses may be located in a building within thirty (30) feet of any public right-of-way

b. Unenclosed attached porches no greater than ten (10) feet in depth may extend into the required front setback but not nearer to the front lot line than twenty (20) feet.

ARTICLE 13D – VC-T-O VILLAGE CENTER TOPINABEE OVERLAY DISTRICT

(Rev. 01/13/12, Amendment #105)

SECTION 13D.1 PURPOSE

This is an overlay district in the Village Center Topinabee zoning district and is intended to promote a densely developed, pedestrian-oriented retail shopping atmosphere for the resident and visitor. Office uses and retail service establishments are intended to be of secondary importance compared to pedestrian-oriented retail and restaurant uses.

SECTION 13D.2. PERMITTED USES

13D.2.1. Bars and taverns.

13D.2.2. Farmers markets which meet the Michigan Department of Agriculture's Generally Accepted Agricultural Management Practices for Farm Markets.

13D.2.3. Home occupations according to Section 17.21.

13D.2.4. Real Estate Offices (see Section 13D.4.2.b.)

13D.2.5. Restaurants

13D.2.6. Retail sales establishments, General

13D.2.7. Retail sales establishments, Household

13D.2.8. Retail sales establishments, Specialty

13D.2.9. Single family dwellings according to Section 13D.4.1

SECTION 13D.3. USES REQUIRING SPECIAL LAND USE PERMITS

13D.3.1. Arcades, bowling alleys, pool or billiard parlors and clubs.

13D.3.2. Artisan workshop which may include an artisan residence

13D.3.3. Bed and Breakfasts

13D.3.4. Grocery and party stores.

13D.3.5. Municipal uses

13D.3.6. Offices, according to Section 13D.4.2.

13D.3.7. Two Family and Multi-Family Housing, according to Section 13D.4.1.a.

SECTION 13D.4. SUPPLEMENTAL REQUIREMENT FOR VILLAGE CENTER TOPINABEE OVERLAY

Except as modified below, all development within the Village Center Topinabee Overlay district shall be in accord with the existing development standards for the underlying zoning district as specified in this Ordinance.

13D.4.1. There shall be no parking requirements for those uses which are permitted by right or by special use permit in the VC-T-O zoning district except residential uses, which must comply with the following:

a. Two (2) off-street parking spaces shall be required for each dwelling unit.

b. The required parking space(s) shall be provided on site or on leased land within 300 feet of the property.

c. The required parking spaces shall be maintained as long as each dwelling unit is occupied.

13D.4.2. For Office uses the following requirements shall apply;

a. Except as provided in subsection b, Office uses and uses accessory to the office use shall not be located in a building within thirty (30) feet of any public right-of-way, unless such office or retail service establishment use and its accessory use(s) are located above the ground floor of that building. Provided, however, an entryway no more than six (6) feet in width providing ingress and egress to an office or retail service establishment use and accessory use(s) may be located in a building within thirty feet of any public right-of-way.

b. Real estate offices may be located in a building within thirty feet of any public right-of-way.

13D.4.3. For residential uses, the following requirements shall apply:

a. No single family uses shall be permitted except on a lot of record which also includes at least one commercial use.

b. All single family, two family, and multi-family residential uses and uses accessory to the residential use shall not be located in a building within thirty (30) feet of any public right-of-way, unless such dwelling and its accessory uses are located above the ground floor of that building. Provided, however, an entryway no more than six (6) feet in width providing ingress and egress to the dwelling and its accessory uses may be located in a building within thirty (30) feet of any public right-of-way.

ARTICLE 13E – VC-T-O VILLAGE CENTER TOPINABEE RESIDENTIAL OVERLAY DISTRICT

(Rev. 01/13/12, Amendment #105)

SECTION 13E.1 PURPOSE

This is an overlay district in the Village Center Topinabee zoning district and is intended to promote consistency in area, height, bulk and density for those parcels of land which are located above the bluff that borders a residential zoning district. This overlay district is also intended to encourage an environment of predominantly medium density single family dwellings together with other residentially related facilities and activities primarily of service to residents of the area.

SECTION 13E.2. PERMITTED USES

13E.2.1. Single family and two family dwellings.

13E.2.2. Gardening, but not including the raising of animals, except for household pets. Sheltering, raising or stabling of animals shall be a violation of this ordinance.

13E.2.3. Existing farms and agricultural uses.

13E.2.4. Public, parochial and private schools, libraries and municipal structures and uses.

13E.2.5. Churches

13E.2.6. Home occupations subject to the limitations as defined.

13E.2.7. Office or studio of a physician, dentist or other professional person residing on the premises.

13E.2.8. Essential public utility services, excluding buildings and regulator stations.

13E.2.9. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business.

13E.2.10. State licensed residential facilities (6 or less persons)

13E.2.11. Private storage buildings, subject to the requirements of Section 17.23

SECTION 13E.3. USES REQUIRING SPECIAL LAND USE PERMITS

13E.3.1. Nurseries and day care centers for children.

13E.3.2. Elderly housing and convalescent homes.

13E.3.3. Multi-family housing.

13E.3.4. Patio homes, townhouses, apartment buildings, condominiums.

13E.3.5. Parks, playgrounds, golf courses, and other recreational facilities.

13E.3.6. Cemeteries.

13E.3.7. Essential public utility service buildings, or gas or electric regulator stations or buildings (excluding public works garages and storage yards).

13E.3.8. Private non-commercial recreation camps.

13E.3.9. Private clubs and lodges.

13E.3.10. Marinas.

SECTION 13E.4. REQUIREMENTS FOR VILLAGE CENTER TOPINABEE RESIDENTIAL OVERLAY

All development within the Village Center Topinabee Residential Overlay district shall be in accord with the existing development standards for the underlying zoning district as specified in this Ordinance.

ARTICLE 14- D-RC RURAL CHARACTER / COUNTRY LIVING

(Rev. 08/05/06, Amendment #59)

SECTION 14.1. PURPOSE

Rural Character / Country Living is intended to provide open space land areas for both agricultural and country living uses of a rural character that would act as a buffer between residential and agricultural/forestry areas. The number of homes per unit of area, referred to as residential density, in this district would be the second lowest (lowest being the Agriculture/Forestry classification) among all the land use classifications. Consideration of the size of the parcels should be dependent on the resource value of the land to be developed as well as the prolonged safety and sustainability of on-site water supply and sewage disposal systems. Site condominium and platted subdivision developments may be well suited for certain areas where larger, contiguous areas of open space and natural resources can be maintained (blending development with the existing landscape). These development designs should be representative of a traditional country living environment. Opportunities to protect agricultural and natural resources are encouraged using residential density bonuses offering an incentive to guide development away from valued resource areas and building constraints including wetland buffer areas, non-perking soils, existing farmland, larger forest stands, and retention of natural features wherever possible. While commercial agriculture and forestry may be suitable in this area, these activities are not intended to be the predominant uses.

SECTION 14.2. PERMITTED USES

14.2.1 Single Family Dwellings and Two Family Dwellings. (Rev. 03/28/12, Amendment #108)

14.2.2 Essential public utility services and buildings.

14.2.3 Existing farms and agricultural uses.

14.2.4 Existing forest production and forest harvesting operations including portable sawmills, log storage yards and related activities.

14.2.5 Home occupations.

14.2.6 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.

14.2.7 Private greenhouses and nurseries.

14.2.8 Sheltering, stabling, or raising of livestock (see section 14.4).

14.2.9 State licensed residential facility (6 or less persons).

14.2.10 Subdivisions and site condominiums (see Article 20).

14.2.11 Tree farms

14.2.12 Private storage buildings, subject to the requirements of Section 17.23 (Rev. 10/27/11, Amendment #101)

SECTION 14.3.
USES REQUIRING SPECIAL LAND USE PERMITS

14.3.1 Automobile repair businesses.

14.3.2 Bed & Breakfasts.

14.3.3 Cemeteries.

14.3.4 Commercial greenhouses and nurseries.

14.3.5 Community buildings, public parks and recreational areas, and playgrounds.

14.3.6 Day care centers.

14.3.7 Educational, municipal, and religious institutions.

14.3.8 Gas stations.

14.3.9 Golf courses, country clubs and sportsmen's associations or clubs.

14.3.10 Grocery and party stores.

14.3.11 Multiple family housing.

14.3.12 Non-essential public utility and service buildings.

14.3.13 Nursing or convalescent homes.

14.3.14 Private and commercial clubs and lodges with activities in completely enclosed buildings.

14.3.15 Public greenhouses and nurseries.

14.3.16 Offices (Rev. 09/28/11, Amendment #92)

14.3.17 Veterinary hospitals.

14.3.18 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)

SECTION 14.4.1.
SUPPLEMENTAL REQUIREMENTS FOR RURAL CHARACTER / COUNTRY LIVING DISTRICT

(Rev. 10/27/11, Amendment #101)

14.4.1. The keeping of large domesticated animals and the keeping of small domesticated animals is hereby authorized as an accessory use to a one family dwelling in the Rural Character/Country Living District when all of the following applicable regulations are met.

14.4.1.1 Large Domesticated Animals (Rev. 06/23/13, Amendment #118)

Animal Type	Number of Animals	Minimum fenced land area required subject to section 14.4.1.3.
Equine, bovine or deer	Two or less	One acre
	Three or more	An additional one half acre for each additional equine, bovine or deer over two.
All large domesticated animals except equine, bovine and deer.	Three or less	One acre
	Four or more	An additional one half acre for every two animals over three.

14.4.1.2. Small Domesticated Animals (Rev. 06/23/13, Amendment #118)

Number of Animals	Minimum fenced land area required subject to section 14.4.1.3.
Nineteen or less	One acre
Twenty or more	An additional one half acre for every five animals over twenty.

14.4.1.3. All large domesticated animals and small domesticated animals shall be maintained within a fenced area and/or a structure. The fenced area and any structure used for the keeping of large domesticated animals and small domesticated animals shall be located a minimum of twenty five (25) feet from any property line and seventy five (75) feet from any pre-existing dwelling unit on a neighboring parcel. These distance limitations shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point of the fenced area or structure used for the keeping large domesticated animals and small domesticated animals, to the nearest point of the property line or dwelling unit.

ARTICLE 15- WIND GENERATION

(Rev. 04/12/07, Amendment #68)

SECTION 15.1. PURPOSE

The purpose of this Article is to establish general guidelines for the location of Wind Generation (WG), commonly known as wind turbines or windmills, and anemometer towers. The county recognizes that it is in the public interest to permit the location of wind turbine generators within the county. The county also recognizes the need to protect the scenic beauty of Cheboygan County from unnecessary and unreasonable visual interference. As such, this ordinance seeks to:

15.1.1 Protect residential areas from any potential adverse impacts of WG and anemometer towers;
15.1.2 Encourage the location of WG and anemometer towers in nonresidential areas;
15.1.3 Consider the public health and safety of WG and anemometer towers; and
15.1.4 Avoid potential damage to adjacent property from the failure of WG and anemometer towers.

SECTION 15.2. APPLICATION REQUIREMENTS

In addition to the application requirements of Article 18 and Article 20 of this ordinance, an application for a special use permit for WG or an anemometer tower shall include all of the following information, unless expressly indicated otherwise:

15.2.1 A site plan meeting all of the requirements of Article 20 of this Ordinance.

15.2.2 A detailed analysis by a qualified registered engineer describing the specific WG structure(s) or anemometer tower proposed and all phases for implementing the development, if any. Provided, however, this application requirement shall not apply to private wind generation.

15.2.3 A study prepared by a qualified registered engineer documenting that the site of the WG has sufficient wind resources for the proposed WG equipment. Provided, however, this application requirement shall not apply to private wind generation and an anemometer tower.

15.2.4 A resume or other written summary of the education, experience, and other qualifications of all experts providing information concerning the WG or anemometer tower project. Provided, however, this application requirement shall not apply to private wind generation.

15.2.5 An avian study based on U.S. Fish and Wildlife Service, "Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines", Federal Register: July 10, 2003 (Volume 68, Number 132). Provided, however, this application requirement shall not apply to private wind generation and an anemometer tower.

15.2.6 An inventory of endangered and/or threatened species impacted by the proposed WG or anemometer tower in the vicinity of the proposed site conducted by qualified biologist. Vicinity shall be based on the species. Provided, however, this application requirement shall not apply to private wind generation and an anemometer tower.

15.2.7 A detailed written statement, with supporting evidence, demonstrating how the proposed WG or anemometer tower will comply with all of the standards for approval specified in this section.

15.2.8 Written documentation establishing whether the proposed WG location on the site will create shadow flicker on any existing structures located off the property on which the WG will be constructed, and if so, the extent and duration of the shadow flicker on these existing structures and the steps to be taken to minimize the shadow flicker on these existing structures. Provided, however, this application requirement shall not apply to an anemometer tower.

15.2.9 Written documentation that the applicant has notified the FAA and any other applicable state and federal regulatory agencies of the proposed WG or anemometer tower.

15.2.10 Written documentation that the applicant has notified the operators of any microwave or communication link towers or similar facilities of a proposed WG when the proposed location of the WG is within the line of sight between two or more microwave or communication link towers or similar facilities. Provided, however, this application requirement shall not apply to an anemometer tower.

15.2.11 Elevation drawings, computer generated photographic simulations or other images, or other visual aids that depict how the WG tower and all accessory structures or anemometer tower will appear as constructed on the proposed site from vantage points north, south, east, and west of the WG tower or anemometer tower. Provided, however, this application requirement shall not apply to private wind generation and an anemometer tower.

15.2.12 Any additional information reasonably deemed necessary by the Planning Commission to determine compliance with the standards for WG or anemometer tower approval specified in this section and the impact of the proposed WG or anemometer tower on adjacent properties, public infrastructure, and the county as a whole. This information may take the form of, but is not limited to, traffic impact analyses, environmental impact assessments, and/or information from officials representing federal, state, or county departments or regulatory agencies.

SECTION 15.3. APPLICATION REVIEW BY ZONING ADMINISTRATOR

15.3.1 The zoning administrator shall review the application and information submitted under Section 15.2 of this Ordinance to determine if all required information was supplied. If the zoning administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the WG or anemometer tower shall not proceed until all required information has been supplied.

15.3.2 Once all required information is submitted, the zoning administrator shall forward the application to the Planning Commission for its review under the procedures of this section.

SECTION 15.4. PUBLIC HEARING REQUIREMENTS

Following receipt of a complete application for a WG or an anemometer tower, the Planning Commission shall hold at least one (1) public hearing. Notice of the public hearing shall be given as required by Section 18.5 of this Ordinance.

SECTION 15.5. STANDARDS FOR WG AND ANEMOMETER TOWER APPROVAL

The Planning Commission shall approve, or approve with conditions, an application for WG or an anemometer tower only upon a finding that the proposed WG or anemometer tower complies with all of the following applicable standards:

15.5.1 The proposed site shall have documented annual wind resources sufficient for the operation of the proposed WG. Provided, however, this standard shall not apply to private wind generation and an anemometer tower.

15.5.2 The minimum site area for WG or an anemometer tower shall be as necessary to meet required setbacks and any other standards of this section.

15.5.3 A WG shall produce sound levels that are no more than fifty (50) decibels as measured on the dBA scale at the property lines of the site in question. Provided, however, this standard shall not apply to an anemometer tower.

15.5.4 The WG shall not produce vibrations beyond the property lines of the site in question of such intensity, duration, frequency or character which annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on any reasonable person of normal sensitiveness. Provided, however, this standard shall not apply to an anemometer tower.

15.5.5 The potential blade and ice throw for the proposed WG shall not cross the property lines of the site in question. Provided, however, this standard shall not apply to an anemometer tower.

15.5.6 A WG shall meet a setback from any adjoining lot line and any adjoining public or private road a distance equal to 1,500 feet. The setback shall be measured from the outermost point on the base of the WG. The Planning Commission shall reduce this setback to the shortest distance, not less than 500 feet for a Public WG and not less than 180 feet for a Private WG, where the proposed WG meets standards 15.5.3, 15.5.4, and 15.5.5 above. Provided, however, this standard shall not apply to an anemometer tower.

15.5.7 An anemometer tower shall meet a setback from any adjoining lot line and any adjoining public or private road a distance equal to the height of the anemometer tower. The setback shall be measured from the outermost point on the base of the anemometer tower. Provided, however, this standard shall not apply to any WG.

15.5.8 The maximum wind generation tower height shall be 300 feet for a Public WG and 80 feet for a Private WG. The maximum height of an anemometer tower shall be 400 feet. The Planning Commission shall approve an increased height for a Public WG, not to exceed 400 feet, and an increased height for a Private WG, not to exceed 110 feet, if all of the following conditions are met. The increased height, however, shall be the smallest increase necessary to meet both of the following conditions:

15.5.8.1 The increased height is necessary for the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.

15.5.8.2 The increased height is necessary to achieve a reasonable rate of return on the operation of the WG given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator. The Planning Commission shall not grant the increased height if economic return is not met due to the use of inefficient equipment that does not utilize current commercial technologies.

Provided, however, this standard shall not apply to an anemometer tower.

15.5.9 For both horizontal and vertical axis WG turbines, the rotor shall be located on the tower such that the minimum blade clearance above the ground level is 25 feet for Private WG and 50 feet for Public WG. Provided, however, this standard shall not apply to an anemometer tower.

15.5.10 All WG turbines shall be equipped with controls to limit the rotational speed of the blades within design limits for the specific WG. Provided, however, this standard shall not apply to an anemometer tower.

15.5.11 The on-site electrical transmission lines connecting the WG to a public utility electricity distribution system shall be located underground. Provided, however, this standard shall not apply to private wind generation and an anemometer tower.

15.5.12 The WG or anemometer tower shall meet or exceed any standards and regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate WG or other tall structures in effect at the time the WG or anemometer tower approval is granted.

15.5.13 The WG or anemometer tower shall, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the WG or anemometer tower is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.

15.5.14 The WG or anemometer tower shall not be artificially lighted unless required by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA. Unless the FAA requires otherwise, the lighting shall be a nonpulsating or nonblinking red light.

15.5.15 The WG or anemometer tower shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorize personnel only. Provided, however, this standard shall not apply to private wind generation.

15.5.16 The WG or anemometer tower shall be constructed and operated so that it does not interfere with television, radio, or microwave reception in neighboring areas. If degradation of television, radio, or microwave reception occurs as the result of the WG or anemometer tower, the developer shall pay to correct the television, radio, or microwave reception.

15.5.17 A Public WG shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires. A Private WG or anemometer tower may be a lattice-style tower and may utilize guy wires.

15.5.18 The WG or anemometer tower shall have posted on the site in a visible, easily accessible location a sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours and on weekends or holidays. Provided, however, this standard shall not apply to private wind generation.

15.5.19 The WG or anemometer tower shall have no advertising painted on or attached to the tower or any other structure of the WG.

15.5.20 The WG shall be designed and sited in such a manner to minimize shadow flicker expected to fall on a roadway and on any existing structures located off the property on which the WG is constructed. Provided, however, this standard shall not apply to an anemometer tower.

15.5.21 The WG or anemometer tower shall be sited on the property in a location that takes into consideration all of the following:

15.5.21.1 The WG or anemometer tower will be in an area with economically viable wind resources. Provided, however, this standard shall not apply to private wind generation and an anemometer tower.

15.5.21.2 The WG or anemometer tower will be in an area that reduces the adverse aesthetic impacts from adjacent properties.

15.5.21.3 The WG or anemometer tower will not have a significant adverse impact on existing, off-site WG.

15.5.22 The construction and operation of WG shall comply with all applicable requirements of the U.S. Fish and Wildlife Service, the Michigan Department of Natural Resources, and any other agency of the state or federal government with the authority to regulate WG. Provided, however, this standard shall not apply to an anemometer tower.

15.5.23 The Applicant provides a legally binding and recorded covenant running with the land on which the WG or anemometer tower will be located placing ultimate responsibility on the property owner, his or her heirs, successors, and assigns, to remove the WG or anemometer tower from the property in the event the owner of the WG or anemometer tower fails to do so as required by this ordinance. Provided, however, this standard shall not apply to private wind generation.

SECTION 15.6. CONDITIONS

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

15.6.1 Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the WG or anemometer tower under consideration, residents and landowners immediately adjacent to the proposed WG or anemometer tower, and the community as a whole.

15.6.2 Be related to the valid exercise of the police power, and purposes which are affected by the proposed WG or anemometer tower.

15.6.3 Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the WG or anemometer tower under consideration, and be necessary to insure compliance with those standards.

SECTION 15.7. ONGOING COMPLIANCE

The owner of a Public WG shall conduct physical inspections of the Public WG structure(s) and associated equipment annually to ensure continuing compliance with this section and any conditions imposed with the approval of the Public WG. Copies of all inspection reports shall be submitted to the zoning administrator within thirty (30) days of the inspection.

SECTION 15.8. PERFORMANCE GUARANTEE

In connection with the approval of a Public WG or anemometer tower, the Planning Commission shall require the owner of the Public WG to furnish the county with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the county in an amount equal to the estimated costs associated with removal of the Public WG or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition.

SECTION 15.9. REMOVAL OF WG AND ANEMOMETER TOWERS

Public WG and anemometer towers that are not operated for a continuous period of twelve (12) months shall be removed by the owner of the Public WG or anemometer tower within 90 days of receipt of a notice from the county requiring such removal. For purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the anemometer instrument(s) being removed from the anemometer tower or disconnected so that wind resources are no longer being measured, the blades of the Public WG remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the Public WG is no longer connected to the public utility electricity distribution system. Any foundation associated with a Public WG or anemometer tower shall be removed to a minimum depth of three (3) feet below the final grade and site vegetation shall be restored.

ARTICLE 15A – HIGH WIRE UTILITY CORRIDOR OVERLAY DISTRICT

(Rev. 11/01/06, Amendment #65)

SECTION 15A.1 PURPOSE

The High Wire Utility Corridor Overlay District is designed to provide open access to and promote greater utilization of the deep water Port of Calcite on Lake Huron. The greater utilization of this deep water port will enhance economic development within Cheboygan County and the surrounding region by promoting and encouraging the expansion and development of markets for products produced in Cheboygan County and the surrounding region utilizing overland and water-based transportation systems.

SECTION 15A.2 DISTRICT BOUNDARIES

The High Wire Utility Corridor Overlay District shall apply to all property within the M33 & M68 rights-of-way between the east half of Section 1 and Section 12, as well as to all property within the Countyline Road right-of-way in Sections 12 and 13 of Forest Township, Cheboygan County, Michigan.

SECTION 15A.3 PERMITTED USES

All uses by right and by special use permit allowed in the underlying zoning district shall be permitted in the High Wire Utility Corridor Overlay District.

SECTION 15A.4 REGULATIONS

15A.4.1 All uses by right and by special use permit within the High Wire Utility Corridor Overlay District shall comply with all dimensional regulations of the underlying zoning district.

15A.4.2 All electric, cable television, cable internet, telephone, and other public or private utility lines crossing the M33 & M68 rights-of-way between the east half of Section 1 and Section 12, as well as to all property within the Countyline Road right-of-way in Sections 12 and 13 of Forest Township, Cheboygan County, Michigan, shall be either buried beneath the right-of-way or located no less than twenty-eight feet above the right-of-way.

ARTICLE 16 – OPEN SPACE SUBDIVISIONS

(Rev. 12/18/02, Amendment #21)

SECTION 16.1. PURPOSE

The purpose of this section is to regulate and control the division of land within the County of Cheboygan, as well as the development of condominium subdivisions, in order to promote safety, public health, and general welfare in accordance with Public Act 183 of 1943, County Zoning Act, (MCL 125.201 *et. seq.*) as amended 12/01. This section also conforms to the Cheboygan County Master Plan as follows:

a. To maintain a friendly and safe small-town or rural atmosphere.
b. To match development densities to available services, and to the environmental characteristics of the site.
c. To expand open space and recreational opportunities for residents.
d. To recommend future land use patterns that respect the environmental integrity and limitations of the land.
e. To develop zoning and land use regulations that protect environmental values, especially air and water quality.
f. To carefully evaluate waterfront developments for environmental impacts.
g. To preserve historic sites where practicable.
h. To preserve wildlife and waterfowl habitat.
i. To maintain adequate farm and forest lands to meet the economic, social, and environmental needs of Cheboygan County.
j. To direct development to areas where appropriate public services exist.
k. To require that road and utility improvements be made to coincide with new development.

Notwithstanding provisions of the Ordinance relating to dimensional requirements, the Planning Commission, in reviewing and approving proposed open space subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design. This flexibility shall not be construed as granting variances.

SECTION 16.2. OPEN SPACE SUBDIVISON DEVELOPMENT

This section is to provide for residential development on the buildable portion of land that may not exceed 50% developed. At least 50% of the Buildable Land portion must remain undeveloped with two (2) or fewer dwellings per acre, or three (3) or fewer dwellings per acre if serviced by a public sewer. The remaining 50% or greater of the parent parcel shall be kept as open space, or Conservation Land, in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the Planning Commission.

16.2.1 Open space refers to those areas established specifically for common use by all residents or homeowners of the PUD. In an effort to preserve and enhance open space and to provide adequate recreational areas for residential developments, the designated common open space shall comprise of at least 50% of the total buildable area of the PUD to be used for recreational, park, or environmental amenities for collective enjoyment by occupants of the development but shall not include public or private streets, driveways, golf courses, building setbacks, or utility easements.

16.2.2. Determining Maximum Allowable Parcel Divisions: The maximum number of new parcels that may be created within the parent parcel is determined by dividing the total buildable area of the parent parcel by the minimum parcel area required in the respective zoning district. To illustrate this density, a conceptual plan of division of the parent parcel shall be submitted by the applicant to the Zoning Administrator. This plan shall contain proposed parcels, roads, rights-of-way, areas that are not in the buildable area, and other pertinent features. This plan must be drawn to scale, but does not need to be based on a field survey.

16.2.3. Design Guidelines for New Parcels: Diversity and originality in parcel layout shall be encouraged to achieve the best possible relationship between Buildable and Conservation Land areas. The Planning Commission shall evaluate proposals to determine whether the proposed site plan meets the following criteria and Site Plan criteria contained in this Ordinance:

a. Protects and preserves all shorelines contiguous to a lake or stream, wetlands, areas not accepted by District #4 Health Department of jurisdiction for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Health Department, flood plains, existing public utility easements, existing public rights-of-way, waterfront setback areas, and slopes over 20% from clearing, grading, filling, or construction.

b. As practical, preserves and maintains existing fields, meadows, crop land, pastures, and orchards and creates significant buffer areas to minimize conflicts between residential and agriculture/forestry uses. When new development must be located in these areas due to greater constraints in all other parts of the site, buildings should be sited on the least prime and important or unique farmland or forest land soils, and in locations at the far edge of a field, as seen from existing roads.

c. Maintains or creates a buffer of natural native species vegetation of at least 40 feet in depth adjacent to wetlands and surface waters.

d. Minimizes impacts on woodlands greater than 5 acres, especially those located on upland soils considered prime for forest production.

e. Leaves scenic views and vistas unblocked and uninterrupted, particularly as seen from adjacent roads and surface water.

f. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.

g. Meets Federal and State environmental requirements.

h. Designs around and preserves sites of historic, archaeological, or cultural value, insofar as needed to safeguard the character of the feature.

i. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, and so on.

j. Provides that Conservation Lands shall be reasonable and contiguous. While Conservation Lands are exempt from the 4:1 maximum parcel depth to width ratio as described under the Land Division Act, fragmentation of these lands shall as much as practical be minimized so that (except for common greens and playground areas) these areas are not divided into numerous small parcels located in various parts of the development.

k. When Conservation Lands are held in common by surrounding parcel owners, the proposed site plan shall:

   1) Provide for active recreational areas in suitable locations that offer convenient access to residents and adequate screening from nearby parcels in the buildable area(s).

   2) Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between parcels, activity areas, special features, and contiguous developments.

   3) Ownership of Conservation Lands may remain with the owner of the parent parcel, a homeowners association made up of parcel owners in the development, the township, or a recognized non-profit land conservancy.

   4) Conservation Lands shall be covered by a conservation easement prohibiting the further splitting or development of these lands in the future. Such conservation easement shall be held jointly by

both the township and one of the following: a homeowners association consisting of parcel owners in the development or a recognized non-profit land conservancy.

l. All applications that meet these requirements shall be approved.

SECTION 16.3. APPLICATION AND REVIEW PROCESS

16.3.1 A pre-application conference between the applicant, the site designer, and the Zoning Administrator to discuss the applicant's objective and how these may be achieved shall be mandatory for all parcels to be split under this section of the Ordinance. Engineering, site plans, or surveys shall not be accepted or reviewed at the pre-application conference. If necessary, a site visit may be scheduled during this conference.

16.3.2. The application shall then be processed under Article 20(Site Plan Review) of this Ordinance. The County shall simultaneously approve the land division splits, if applicable, as part of the review. (Rev. 03/09/05, Amendment #38)

SECTION 17.1. AREA, WIDTH, LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS

(Rev. 05/17/06, Amendment #57), (Rev. 08/05/06, Amendment #58 & #59) (Rev. 09/28/11, Amendment #92) (Rev. 01/13/12, Amendment #105), (Rev. 05/25/12, Amendment #111),(Rev. 06/28/12, Amendment #112) (Rev. 06/28/12, Amendment #113), (Rev. 10/24/13, Amendment #120), (Rev. 05/23/15, Amendment #127)

		Min. Floor Area	Min. Bldg. Width	Min. Lot Size		Minimum Yard Setbacks (Feet)			Maximum Height of Structures
Zoning Districts		Sq. Ft.	Feet	Area (Sq.Ft.)	Width (Ft.)	Front	Sides	Rear	Feet
D-RS	Residential Development	720 [D]	14 [D]	12,000 [D]	75 [D]	30	8	12	35
D-CM	Commercial Development	Submit Site Plan				25	10	10	35[I]
D-LI	Light Industrial Development	Submit Site Plan				25	10	10	
D-GI	General Industrial Development	Submit Site Plan				25	10	10	
D-RC	Rural Character Development	720 [D]	14 [D]	1 Acre [D]	150 [D]	25	10	12	35
M-AF	Agriculture & Forestry Management	720 [D]	No Min.	1 Acre [D]	150 [D]	50	10	30	35 [L]
P-LS	Lake & Stream Protection	720 [D]	24 [D]	15000[D]	100[D]	40[A]	8[J]	12	35
P-NR	Natural River Protection	720	24	50,000 Waterfont Main stream 30,000 Waterfront Tributaires 15,000 Non Waterfront	200[K] Waterfront Mainstream 150[K] Waterfront Tributaries 100 Non Waterfront	200[A] Mainstream 150[A] Tributaries	15 Waterfront 8 Non Waterfront	25 Waterfront 12 Non Waterfront	35
P-RC	Resource Conservation	Submit Site Plan							
VC-IR	Village Center Indian River	720	16	No Min.	50	0	0	10	35
VC-IR-O	Village Center Indian River Overlay	720	No Min.	No Min.	No Min.	0[F]	0[F]	0[F]	35

SECTION 17.1. AREA, WIDTH, LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS (Continued)

		Min. Floor Area	Min. Bldg. Width	Min. Lot Size		Minimum Yard Setbacks (Feet)			Maximum Height of Structures
Zoning Districts		Sq. Ft.	Feet	Area (Sq.Ft.)	Width (Ft.)	Front	Sides	Rear	Feet
VC-T	Village Center Topinabee	720	16	No Min.	50	0[G]	0[G]	10[G]	35
VC-T-O	Village Center Topinabee Overlay	500	16	No Min.	25	0[H]	0[H]	0[H]	35
VC-T-RO	Village Center Topinabee Residential Overlay	720[D]	14[D]	9000[D]	60[D]	30	8	12	35
	All Districts	B			C				

NOTES: (Rev. 05/17/06, Amendment #57) (Rev. 02/23/11, Amendment #90) (Rev. 09/28/11, Amendment #92) (Rev. 11/20/11, Amendment #102) (Rev. 01/13/12, Amendment #105), (Rev. 05/25/12, Amendment #111), Rev. 06/28/12, Amendment #112), (Rev. 06/28/12, Amendment #113)

A. The minimum front setback for non waterfront lots in the P-LS and P-NR Districts shall be thirty (30) feet.
B. The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages.
C. Minimum; Duplex, 100ft.; Multi-family, 50ft. per family.
D. Required minimum measured per dwelling unit.
E. Notwithstanding any other provision of this Section, no single family dwelling(s) shall be permitted on a waterfront lot that provides shared waterfront access under Section 10.4.4. of this Ordinance, unless such single family dwelling(s) meets the dwelling unit requirements of this Section independent of the requirements of the shared water front access.
F. See Section 13B.4.3.b.for setback requirements for residential uses in Village Center Indian River Overlay (VC-IR-O) district.
G. See Section 13C.4.7. for setback requirements for residential uses in Village Center Topinabee (VC-T) district.
H. See Section 13D.4.3.b. for setback requirements for residential uses in Village Center Topinabee Overlay (VC-T-O) district..
I. Antennas and Flag Poles which are accessory to a main use shall be allowed a maximum height of fifty (50) feet.
J. If the lot is less than 80 feet in width, then each side setback shall be 10% of the lot width, or 5 feet, whichever is greater.
K. A lot in the P-NR District shall meet the definition of lot width within this Ordinance and lots on a Main Stream shall have a minimum lot width of 200 feet as measured between the side lot lines at the front setback line, and lots on a Tributary shall have a minimum lot width of 150 feet as measured between the side lot lines at the front setback line.
L. Commercial Farm Buildings are exempt from maximum structure height requirements. (Rev. 10/24/13, Amendment #120)

In addition, be sure to check the sections of this ordinance pertinent to the particular land use for exceptions to the above or for special requirements.

17.1.1 Developments within the Village Center Indian River (VC-IR), Village Center Indian River Overlay (VC-IR-O), Village Center Topinabee (VC-T) and Village Center Topinabee Overlay (VC-T-O) zoning districts shall have a maximum lot coverage of eighty (80) percent. (Rev. 09/28/11, Amendment #92) (Rev. 01/13/12, Amendment #105)

SECTION 17.2. SUPPLEMENTAL AREA, WIDTH, LOT SIZE, SETBACK & HEIGHT REQUIREMENTS

17.2.1. All areas within 500 feet of lakes, ponds, flowing rivers, streams and bodies of water, see ARTICLE 10, LAKE AND STREAM PROTECTION DISTRICT.

17.2.2. Setbacks – General Requirements (Rev. 08/26/10, Amendment #87)

Except as provided herein, no building or structure shall be located within any required setback. Provided, however, the following buildings and structures may be located in a required setback under the terms and conditions specified herein:

a. Telephone, gas, electrical, and fire suppression equipment shall be permitted within any required setback.

b. Decks, covered porches, or similar structures, including attached railings, which provide ingress and egress from a building and is no larger than the minimum width and depth as required by the adopted Michigan Building Code shall be permitted in any required setback in the Commercial Development Zoning District. Decks, covered porches, or similar structures, including attached railings, which provide ingress and egress from a building which are no larger than nine (9) square feet shall be permitted in any required setback in all zoning districts except the Commercial Development Zoning District. (Rev. 08/02/15, Amendment #129)

c. Stairways, including any railings, and powered lifts used to traverse up and down a steep slope to the shore of a lake or river shall be permitted within the waterfront setback.

d. Except as provided herein, fences that are no taller than 8 feet (measured from the surface of the ground to the top of the fence posts) shall be permitted in any required setback. Provided, however, a fence within a waterfront setback shall meet all of the following requirements:

1) Except as provided in subsection 2) below, fences located in a required waterfront setback shall have an opacity of no more than fifty percent (50%) of the fence surface area (the area calculated between the surface of the ground and the top of the fence posts) as determined within each eight (8) feet segment of the fence.

2) Fences with an opacity of fifty percent (50%) or more of the fence surface area (the area calculated between the surface of the ground and the top of the fence posts) as determined within each eight (8) feet segment of the fence may be located in a required waterfront setback along the side lot line if and only if a building greater than 150 square feet in area is located on the adjacent lot or within 100 feet of the side lot line, whichever results in the lesser distance, but such fence shall be located no closer to the ordinary high water mark than the distance the adjacent building is from the ordinary high water mark.

e. Ramps and similar structures built according to Americans with Disabilities Act design standards and as required by the adopted Michigan Building Code shall be permitted in any required setback.

f. Decks or decking material, without railings, no more than thirty (30) inches in height as measured from the surface of the ground, whether portable or permanently attached to the ground, shall be permitted in the required waterfront setback if the deck or decking material is less than 8 feet in width.

g. Architectural features such as chimneys, flues, cornices, eaves, gutters and similar features shall be permitted to project into any required setback a maximum of twenty-four (24") inches.

h. Retaining walls used as landscaping shall be permitted in any required setback.

i. Accessory buildings shall be permitted in any required setback if the accessory building meets all of the following requirements:

1) The accessory building is no more than one hundred fifty (150) square feet in floor area and is no more than twelve (12) feet in height.

2) The accessory building is not constructed on a permanent foundation.

3) The accessory building is used exclusively for residential storage purposes.

4) No more than two (2) accessory buildings are located on the same lot within any required setback.

5) On corner lots the accessory building is setback no less than thirty (30) feet from both abutting road rights-of-way.

j. Outdoor seating for restaurants shall be permitted in any required setback when approved through site plan review or special use permit application process as applicable.

k. Accessory buildings authorized under Section 3.3.1 shall be permitted in any required setback, but shall be removed upon completion of the principal building or buildings upon the lot.

l. Permanent in-ground private pools shall be allowed in any required setback, except the required setback from a road right-of-way, if the pool is located on the lot such that the outside pool wall is no less than six (6) feet from the property line.

m. On waterfront lots permanent above-ground private pools shall be permitted in the waterfront setback but no closer than twenty-five (25) feet from the ordinary high water mark.

n. Buildings or structures which have been approved as part of a Planned Unit Development according to Section 19 of this Zoning Ordinance shall be permitted in any required setback.

o. Approved signs which conform to the sign placement requirements of Section 17.19 shall be permitted in any required setback.

17.2.3. For the purpose of applying yard regulations, multiple dwellings shall be considered as one building occupying one lot. When more than one multiple dwelling building occupies one lot, the two or more structures must be separated by at least 20 feet when end to end and 50 feet when face to face or back to back for structures up to two stories. These isolated distances shall be increased by 8 feet for each story above the first two stories.

17.2.4. *This section has been deleted and is reserved for future use.* (Rev. 08/26/10, Amendment #87)

17.2.5. Minimum yard setback requirements between multiple dwellings, condominiums, duplexes, patio houses, and townhouses, and corresponding front, side and rear property lines shall conform to the requirements of SECTIONS 17.1. and 17.2. for the district in which such dwellings are located.

17.2.6. For apartments, the minimum required floor space per dwelling unit shall be:

Efficiency	350 square feet
One bedroom apartment	500 square feet
Two bedroom apartment	700 square feet
Three bedroom apartment	800 square feet

Plus an additional 80 square feet for each bedroom in excess of three bedrooms in any dwelling unit.

17.2.7. Minimum floor areas for condominiums, duplexes, multiplexes, patio houses, town houses and similar structures shall be the same as for single-family units.

17.2.8. MULTIPLE-FAMILY LAND AREA REQUIREMENTS IN SQUARE FEET PER DWELLING UNIT, EXCLUDING PUBLIC ROADS.

Type of Unit	Apartments	Condominiums, Duplexes, Patio Houses, Townhouses, Multiplexes
Efficiency or one bedroom	3000	4200
Two bedroom	4200	5100
Three bedroom	5100	5700
Each additional bedroom	300	400

NOTES:

a. A den, library or extra room shall count as a bedroom.
b. In a rooming house, boarding house, group quarters or residential care facility, every 3 persons of occupancy shall count as equivalent to one bedroom.
c. Subject to approval of the site plan, the multiple-family land area requirements may be reduced by 30%, provided approved community sewers serve the units, there is at least 150 feet of frontage on a State Highway or County Primary Road, or the Planning Commission determines that land uses on adjoining properties are of an intensity and/or density that would be comparable and compatible with such a 30% reduction, and a plan for site landscaping is submitted for approval as part of the site plan.

17.2.9. (Rev. 06/28/12, Amendment #112)

Following a Public Hearing held pursuant to requirements of Section 18.5 of this ordinance, the Planning Commission may approve the height of buildings in all zoning districts to exceed the maximum height of structures, without an upper limit, if it finds that all of the following conditions are met:

1. The added height will not significantly interfere with line-of sight scenic views of lakes and rivers from neighboring properties.
2. There is no conflict with airport zoning height restrictions.
3. The percent of lot coverage for all buildings, parking lots and other impervious surfaces do not exceed 50%.
4. The applicant has demonstrated that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise has demonstrated to the Planning Commission that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.

SECTION 17.3. SINGLE-FAMILY DWELLINGS

A building containing not more than one dwelling unit designed for residential use shall comply with the following standards:

17.3.1. It shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.

17.3.2. It shall comply with the minimum width requirements of this Ordinance across any front, side or rear elevation and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of PA 230 of 1970, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by above cited Michigan State Construction Code, then and in that event such federal or state standard or regulation shall apply.

17.3.3. It is firmly attached to a permanent foundation constructed on the site in accordance with the state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed or such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured in accordance with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

17.3.4. In the event that a dwelling is a mobile home as defined herein, the minimum square footage & width requirement for the zone in which it is located applies to the original construction before any additions. Each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.

17.3.5. The dwelling is connected to a public sewer and water supply or to such private facilities as approved by the county health department.

17.3.6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

17.3.7. The dwelling is aesthetically compatible in design and appearance with other residents in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the County Zoning Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Inspector's decision.

Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the county. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

17.3.8. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

17.3.9. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

17.3.10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state and federal law or otherwise specifically required by this ordinance pertaining to such parks.

17.3.11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and Michigan State Construction Code provisions and requirements.

SECTION 17.4. OFF-STREET PARKING FOR MOTOR VEHICLES

17.4.1. Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces unless waived by the Planning Commission according to section 13.C.4.1., and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property. Provided however, that loading and unloading facilities shall not be required in the VC-IR, VC-IR-O, VC- T or VC-T-O zoning districts. (Rev. 09/28/11, Amendment #92) (Rev. 01/13/12, Amendment #105)

17.4.2. A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one-family and two family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.

17.4.3. Off-street parking shall be prohibited in the areas between buildings and the abutting street line or lines within the Residence Development Districts except for such temporary parking within private driveways not exceeding 20 feet in width.

17.4.4. (Rev. 06/29/05, Amendment #45)
Off-street parking may be permitted in the front yard, except that a ten foot wide grass or landscaped buffer must be maintained between the front lot line (or right-of-way line) and the parking area.

a. Landscaping shall also be encouraged for parking lots of 25 or more spaces using the following ratios:

- Multi-family- 1 canopy tree per 8 spaces
- Commercial- 1 canopy tree per 7 spaces
- Industrial- 1 canopy tree per 15 spaces

b. All parking lot trees shall be placed within the parking lot envelope, described as the area including the parking lot surface and extending 15 feet from the edge of the parking lot. Landscaping and canopy tree placement shall be dispersed throughout the parking lot in order to balance and soften large areas of pavement and help direct traffic flow within the lot. All parking lot tree calculations and requirements shall be rounded up.

17.4.5. Off-street parking existing at the effective date of this ordinance which serves an existing building or use shall not be reduced in size less than that required under the terms of this ordinance.

17.4.6. Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type not to exceed 3/4 ton. The parking of any other type of commercial vehicle, or buses, except for those parked on school property, is prohibited in a residential zone.

17.4.7. The Zoning Board of Appeals may grant variances from these parking requirements where it is satisfied under the circumstances prevailing that the requirements for off-street parking are excessive for the particular development.

17.4.8. REQUIREMENTS FOR ALL PARKING SPACES AND PARKING LOTS:

b. All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust-free surface resistant to erosion.

c. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light down and away from any adjoining residential lots. (Rev. 06/29/05, Amendment #45)

d. In all cases where parking lots abut public sidewalks, wheel blocks or chocks will be provided to prevent vehicles from extending closer than 5 feet a lot or setback line or a public sidewalk.

e. Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a walk fence or compact planting not less than 4 feet or more than 8 feet high. Planting shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.

f. The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, behind the front setback line and shall consist of a parking strip, parking apron and/or a garage.

g. The off-street parking facilities required for other than residential uses may be located on the same lot as the structures and uses to be served on or other lots within 300 feet of the location served.

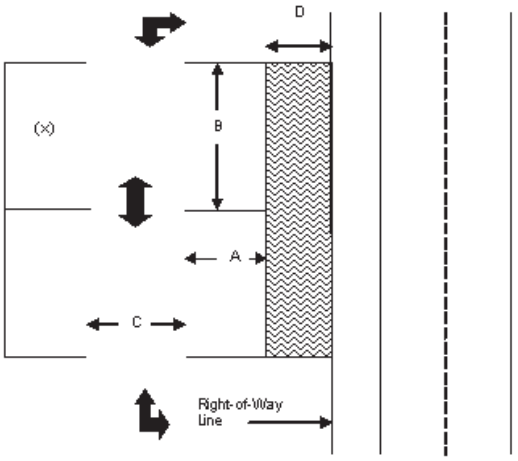
h. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one to two family dwellings.

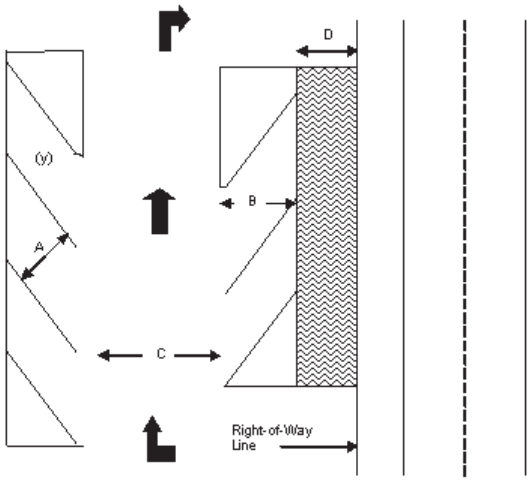
i. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement. Loading and unloading space shall be provided in the rear yard in the ratio of at least ten square feet per linear foot of front building wall. Loading space shall not be counted as required off-street parking. Loading zones may be located in other non-required yards, if screened or obscured from view from public streets and residential districts.

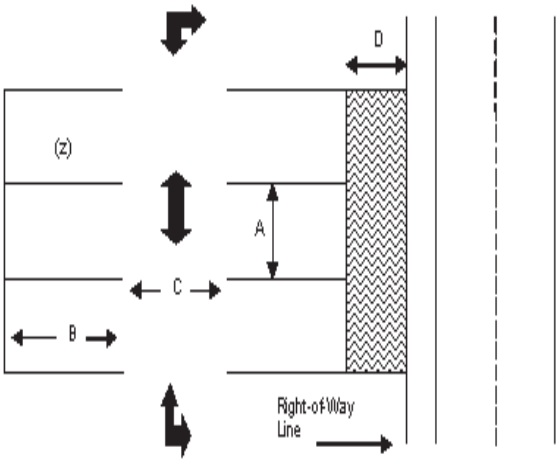
SECTION 17.5. MINIMUM LOT SPACE REQUIREMENTS

(Rev. 06/29/05, Amendment #45)

	Parallel (x)	Up to 53° (y)	54° to 74° (y)	75° to 90° (z)
Parking Space Width (A)	9’	9’	9’	9’
Parking Space Length (B)	24’	22’	21’	20’
Aisle Width (C)	12’ (one way) 20’ (two way)	13’	18’	22’
Front Setback / Landscaped Buffer (D)	10’	10’	10’	10’







SECTION 17.6. TABLE OF MINIMUM PARKING REQUIREMENTS

(Rev. 03/09/05 Amendment #40, Rev. 06/29/05 Amendment #45)

All Uses	1 per 2 employees, in addition to the following, unless shown otherwise in the table
Appliance, Furniture, Hardware, Household equipment, and similar stores	1 per 800 sq. ft. useable floor area
Auditoriums, Assembly halls, Religious Institutions, Theatres, Stadiums	1 per 4 seats of maximum seating capacity
Automobile dealerships- new and used, Open air businesses	1 per 5,000 sq. ft. outdoor sales area plus 1 per 250 sq. ft. indoor display area
Automobile repair garages, gas stations	2 per service bay plus 1 per 4 fuel pumps
Automobile wash establishment (self service)	4 stacking spaces per wash stall
Automobile wash est. (other than self service)	4 stacking spaces per 20 ft. wash operation line
Banks, Credit Unions, Post Offices	1 per 250 sq. ft. useable floor area plus 4 stacking spaces per teller window plus 2 stacking spaces per drive-thru ATM
Bars, Night Clubs	1 per 100 sq. ft. useable floor area
Barber shops, beauty parlors	2 per service chair
Bowling alleys	4 per bowling lane
Child & Adult day care centers	1 per 10 children, 1 per 5 adults plus 1 per employee
Child Caring Institution (Rev. 04/28/10, Amendment #85)	1 space for each 4 beds plus 1 space for each employee on the largest shift
Clinics- medical & dental, Doctors' offices (Rev. 07/03/15, Amendment #128)	2 per examination/treatment room plus 1 per employee on largest working shift
Dance halls, Exhibition halls, Pool halls, Assembly halls w/o seating	1 per 4 persons of maximum capacity
Funeral homes	1 per 4 persons of maximum capacity
Golf courses	5 per hole
Hospitals	1 per 2 beds plus 1 per employee on largest working shift

Industrial, wholesale, research est.	1 per employee on largest working shift
Laundromat	1 per 2 machines
Libraries, Museums	1 per 800 sq. ft. useable floor area
Machinery sales, plumbing, electrical or similar trade showrooms	1 per 1,000 sq. ft. useable floor area
Miniature or Par 3 golf course	2 per hole
Motels, Hotels, Bed & Breakfasts	1 per rental unit
Multiple family dwelling	2 per dwelling
Nursing homes, Hospice facilities	1 per 3 beds
Offices- Business and Professional	1 per 300 sq. ft. gross floor area
Private clubs, Fraternities, Dormitories	1 per 3 members
Residential, single family, multiple or mobile homes	2 per dwelling unit
Restaurants- carry out	1 per 125 sq. ft. gross floor area with a minimum of 4 spaces
Restaurants- regular	1 per 3 persons of seating capacity
Restaurants- fast food, drive in	1 per 75 sq. ft. of customer service and dining area plus 5 stacking spaces for drive-thru window
Retail stores unless otherwise provided herein	1 per 250 sq. ft. useable floor area
Roadside stands	5 per establishment
Schools, Colleges, Universities	1 per teacher, administrator plus 1 per classroom plus 1 per 10 students
Shopping centers Up to 15,000 sq.ft. 15,001 to 45,000 sq. ft. 45,001+	 1 per 200 sq. ft. useable floor area 1 per 225 sq. ft. useable floor area 1 per 250 sq. ft. useable floor area
Video Rental stores	1 per 300 sq. ft. useable floor area

SECTION 17.7. TENTS, CAMPERS, TRAVEL TRAILERS, MOTOR HOMES AND UNDERSIZED MOBILE HOMES

17.7.1. Tents, campers, travel trailers, motor homes and undersized mobile homes may be used outside of campgrounds or trailer parks only as follows under the conditions stated. These uses require a permit from the Zoning Administrator. The permit shall state the period of time during which the use is permitted, must be renewed each year and shall be displayed at the site.

17.7.2. As temporary dwellings in any district until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a Building Permit has been issued. The temporary dwelling may be included in the Building Permit, may be maintained as long as substantial progress is being made on the main construction and property use and shall be removed upon issuance of an Occupancy Permit for the main use.

17.7.3. As a watchman's or caretaker's office in the Commercial, Light Industrial or General Industrial Development Districts, but only as an accessory use to the main use on the premises.

17.7.4. As a temporary contractors office and/or equipment shed in any district when in connection with a construction project which has been authorized in accordance with this ordinance.

17.7.5 Other temporary uses of campers, travel trailers or motor homes for dwelling purposes may be permitted under the following conditions:

17.7.5.1. On property which is within one thousand (1,000) feet of a permanent residence, use by the property owner may be permitted for a period of 30 consecutive calendar days each year. The camper, travel trailer or motor home must be removed from the property during periods not approved for use.

17.7.5.2. On property which is one thousand (1,000) feet or more distant from any permanent residence, campers, travel trailers and motor homes may be permitted to remain on the property, may be used for vacation and hunting stays but shall not be used as full-time residences.

17.7.5.3. Such temporary uses must observe a setback of one hundred (100) feet from the water's edge of any river, stream, pond or lake which is identifiable on the U.S. quadrangle series of Cheboygan County.

17.7.5.4. Such temporary use must have a District Health Department approved method of sewage and waste disposal.

17.7.6. The storage of an unoccupied camper, travel trailer or motor home shall be allowable on any residential property by the owner thereof on his own property as a permitted accessory use of the premises where there is a residential building, provided such storage is confined to the rear yard when the rear yard is accessible. If the rear yard is not accessible, then storage in the side yard is acceptable provided no nuisances, hazards, or blocking views are created for adjoining properties. Storage on vacant lots shall not be allowed. Permit is not required.

SECTION 17.8. CAMPGROUNDS

Campgrounds shall be permitted only on sites of 10 acres or more in area with a minimum property width of 600 feet. (Rev. 08/05/06, Amendment #60)

SECTION 17.9. MOBILE HOME COURTS AND PARKS

Where permitted by special approval, mobile home courts and parks shall comply with the following requirements:

a. Development shall be in accordance with the requirements of Act 419 of 1976 & Act 243 of 1959 of the Public Acts of the State of Michigan, as amended.

b. Each mobile home site shall contain a minimum area of 5,000 square feet. All such trailer site areas shall be computed exclusive of service drives, facilities and recreation space.

c. A wall, greenbelt or obscuring fence at least four feet and six inches (4'6") high shall be provided on all sides of the mobile home park or court, with the exception of that portion providing ingress and egress to the site which must be landscaped and kept in a neat and presentable condition. Landscaping shall be as indicated on the site plan.

d. No mobile home shall be sited nearer than ten (10) feet to the boundary line of any individual site or lot. Minimum lot width shall be fifty (50) feet.

e. The land parcel being proposed for a mobile home court or park shall be of such area as to provide for a minimum of at least twenty (20) sites and shall not exceed a maximum of one hundred (100) sites.

f. For each mobile home space in the park, there shall be provided an area of not less than two hundred (200) square feet for outdoor recreation, with a minimum area of not less than five thousand (5,000) square feet, which shall be no longer than two times its width. Such area shall be developed and maintained by the management so as to provide recreation for the children housed in the mobile home park.

SECTION 17.10. RESERVED FOR FUTURE USE (Rev. 04/26/08, Amendment #74)

SECTION 17.11. OUTDOOR SWIMMING POOLS

a. Protective and adequate fencing shall be required around all outdoor swimming pools to be not less than four feet six inches above the established grade.

SECTION 17.12. OUTDOOR THEATRES

a. Points of ingress and egress shall be from streets and roads capable of serving the use, but shall not impair the use of abutting properties, especially residential uses.

b. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space.

c. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares.

SECTION 17.13. COMMERCIAL TELEVISION AND RADIO TOWERS AND PUBLIC UTILITY MICROWAVES AND T.V. TRANSMITTING TOWERS AND WIRELESS COMMUNICATION FACILITIES, AUTHORIZED BY SPECIAL USE PERMIT.

(Rev. 08/2001, Amendment #20)

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

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

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

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

17.13.2. The following standards will be required for all Wireless Communication Facilities:

a. Wireless Communication Facilities may locate in any zoning district if located on an existing building or structure, or a new structure is built within fifty (50) feet of the base of an existing tower and the Wireless Communication Facility is located within the new structure, or is otherwise hidden from view by being incorporated in an existing building, or if it collocates on an existing tower, and the proposed does not require a change in lighting by FCC and/or FAA regulations. (Rev. 02/23/11, Amendment #90)

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

1. The proposed height meets FCC and/or FAA regulations.
2. Towers must be equipped with devices to prevent unauthorized climbing.
3. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting, and/or concealing the tower in a "stealth design.
4. New towers should be engineered as appropriate for co-location of other antennae.
5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
6. All new towers must meet the applicable requirements for a commercial tower, per Article 17.13.1 of this Ordinance.

c. All wireless communication facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used).

d. Visible damage must be repaired within 90 days of occurrence.

17.13.3. Wireless communication facilities may be permitted after a public hearing by special use permit, approved for locations in the Residential Development District (D-RS), subject to the following conditions and findings: (Rev. 05/23/15, Amendment #127)

a. All reasonable measures to co-locate or locate on or adjacent to an existing structure must be documented; and such location proves feasible.

b. The type of facility is a pole, and not a tower.

c. All reasonable efforts to locate in Commercial or Forestry/Ag zones have been made and are proven to infeasible, unavailable, or not a compatible land use as deemed by the Planning Commission.

d. The structure shall not exceed a height of 115 feet, including the antenna, and no lights are used or required.

e. The applicant must find a location, and/or use construction materials that will blend the pole into the physical or natural landscape in such a manner as to be compatible with the surrounding neighborhood, and so as not to be a dominant structural feature in the neighborhood skyline. The Planning Commission finds that the structure or planned site, does not change the character of the residential area.

f. The applicant proposed, or can incorporate innovative design and construction methods (or materials), and by locating in a Residential District, the applicant uses poles that are lower in height and/or narrower in profile than towers.

g. The Planning Commission finds that a location in a Residential District is the best overall alternative considering tall factors of land use, visibility, and satisfactory signal coverage and that the proposed pole complies with the standards of Article 17.13.1, of this ordinance.

h. Four (4) known County Airports to be provided copies of the Special Use Permits.

i. Tower shall not encumber the normal air traffic within the district.

17.13.4. Maximum height of structures recited in tables of 17.1 does not apply.

17.13.5. The conditions of this section are in addition to the conditions imposed by Section 18.7. (Rev. 04/26/08, Amendment #73)

17.13.6. Advertising is prohibited on towers or antennas.

SECTION 17.14. RACE TRACKS

(including midget auto and carting tracks)

Because race tracks develop a concentration of vehicular traffic and cause noise levels which project beyond the property, race tracks shall be permitted only in the Commercial and Industrial Districts subject to the following conditions and such other controls as the Planning Commission, after holding a hearing, deems necessary to promote health, safety and general welfare.

a. All parking shall be provided as off-street parking within the boundaries of the development.

b. All access to the parking areas shall be provided from major traveled roads. Approval of ingress and egress points by the police or sheriff authority having jurisdiction in the area shall be required.

c. All sides of the development except access points shall be provided with twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.

SECTION 17.15. RIDING ACADEMIES OR STABLES

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

SECTION 17.16. COMMERCIAL KENNELS, PET SHOPS AND VETERINARIAN HOSPITALS

(Rev. 11/23/09, Amendment #81)

Commercial kennels, pet shops and veterinarian hospitals may be permitted upon approval of a Special Land Use Permit only in Rural Character (D-RC), Commercial (D-CM), Light Industrial (D-LI), General Industrial (D-GI) Development Districts, and in Agriculture and Forestry Management (M-AF) Districts. The special use permit application for a commercial kennel shall be issued when all other zoning requirements have been met and the planning commission finds, based on information provided by the applicant, that all of the following requirements have been met:

a. The commercial kennel building(s) and all associated dog enclosures must be located at least five hundred (500) feet from any Residential (D-RS) and Lake and Stream Protection (P-LS) zoning district boundary. This section shall apply only for commercial kennels located in the Rural Character/Country Living (D-RC) and Agriculture and Forestry Management (M-AF) zoning districts. (Rev. 05/23/15, Amendment #127)

b. All dog enclosures shall be screened so that any activity on neighboring parcels or on the public or private streets shall not be visible to the dogs.

c. The facility shall comply with the requirements to obtain a kennel license as issued by the Cheboygan County Animal Control Officer and shall keep an active kennel license in order to comply with this section.

d. All dogs must be housed within completely enclosed buildings between the hours of 10:00pm and 8:00am.

SECTION 17.17. GRAVEL AND MINERAL EXTRACTION, MINING AND QUARRYING ACTIVITIES

Applicants for special land use permits to use land for gravel and mineral extraction and mining and quarrying activities must submit plans outlining their operation and reclamation procedures. The number of truck trips to and from the proposed site and the tonnage of material to be hauled shall be included with the operations plan. These figures shall be given as a daily or weekly average, as appropriate. The operations plan shall also include the proposed routing of trucks to and from the site. The reclamation plan shall include an outline and commitment for restoring the land as closely as possible upon termination of its use to its original natural configuration and ground cover. Revegetation of the site and the elimination of uncovered holes and steep slopes shall be required as part of the reclamation plan.

SECTION 17.18. GREENBELTS, WALLS OR FENCES (PROTECTIVE & SCREENING)

17.18.1. Fences within any zoning district shall comply with the following regulations and standards (Rev. 02/22/14, Amendment #121):

17.18.1.a Fences containing barbed wire or which are electrified, may be used provided any of the following conditions are met:

17.18.1.a.1. The barbed wire or electrified fence is located within an Agriculture and Forestry Management (M-AF) zoning district or a Rural Character/Country Living (D-RC) zoning district. A zoning permit is not required to locate a barbed wire or electrified fence in the Agriculture and Forestry Management (M-AF) zoning district or a Rural Character/Country Living (D-RC) zoning district.

17.18.1.a.2. The barbed wire or electrified fence is identified on a site plan approved pursuant to Article 20 of this Ordinance,

17.18.1.a.3. The barbed wire or electrified fence is approved in conjunction with a special use permit pursuant to Article 18 of this Ordinance.

17.18.1.a.4. The barbed wire or electrified fence is used in conjunction with a lawful non-conforming commercial farm use.

17.18.1.a.5. An electrified fence is used to enclose a garden in zoning districts other than Agriculture and Forestry Management (M-AF) and Rural Character/Country Living (D-RC), provided it is not placed within any required setback and a sign is placed on the fence facing each lot line which states “electric fence” with wording at least eighteen (18) inches long and four (4) inches high.

17.18.1.b No fence shall obscure the vision of operators of vehicles or pedestrians at any driveway entrance or exit, or access point to any access easement of record, street or right of way.

17.18.1.c. All fences shall be constructed so visible structural supports are located toward the subject property and the finished or smooth side located toward the neighboring property.

17.18.2. For nonresidential uses, except farms, which abut a permitted residential area, or which are adjacent to a Residential or Lake and Stream Protection District, greenbelts, walls or fences shall be provided as follows. These requirements do not apply whenever the use is more than two hundred (200) feet from any adjacent Residential or Lake and Stream Protection District Boundary. (Rev. 05/23/15, Amendment #127)

Specific Nonresidential Uses Requiring Greenbelts, Walls or Fence	Greenbelt, Wall or Fence Height At Property Line	Protective	Screening or Obscuring
Drive-in Restaurants, gasoline stations & vehicle repair	6 Feet	X	X
Institutional and school playground	6 Feet	X	
Parking lot accessory to nonresidential uses	6 Feet		X
Hospital and Funeral Home service entrances	6 Feet		X
Utility buildings and substations	6 Feet	X	
Open storage areas larger than 200 square feet	6 Feet		X
Junk Yards	8 Feet	X	X

(Rev. 05/23/15, Amendment #127)

17.18.3. All plans for greenbelts, walls or fences must be approved by the Zoning Administrator for construction specifications and shall be designed and maintained to fulfill the primary function of protection and/or screening.

17.18.4. Wherever a greenbelt or planting is required in this ordinance, it shall be planted within eighteen (18) months from the date of issuance of a Zoning Permit and shall thereafter be maintained with permanent plant materials to provide a screen to abutting properties. Material equal to characteristics to the plant materials listed here with the spacing as required shall be provided.

a. Plant materials shall not be closer than 4 feet from the fence line or property line.
b. Where planting materials are planted in two or more rows, planting shall be staggered in rows.
c. Evergreen trees shall be planted not more than 30 feet on centers.
d. Narrow evergreens shall be planted not more than 3 feet on centers.
e. Deciduous trees shall be planted not more than 30 feet on centers.
f. Tree like shrubs shall be planted not more than 10 feet on centers.
g. Large deciduous shrubs shall be planted not more than 4 feet on centers.

17.18.5. The following are suggested plant materials:

SUGGESTED PLANT MATERIALS (HEIGHT IN FEET)	MINIMUM
Evergreen Trees, Juniper, Red Cedar, White Cedar, Pines	5 feet
Narrow Evergreens, Irish Juniper, Pyramidal Arbor Vitea, Columnar Juniper	3 feet
Flowering Crabs, Russian Olives, Mountain Ash, Redbud, Rose of Sharon	4 feet
Large Deciduous Shrubs, Honeysuckle, Viburnum, Mock Orange, Forsythis, Lilacs, Ninebark	6 feet
Large Deciduous Trees, Oak, Birch, Beech, Hard Maples, Ash, Hackberry, Sycamore	8 feet

17.18.6. The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens.

17.18.7 On corner lots, no greenbelts, walls or fence shall be established or maintained which obstruct the view of vehicular traffic in any direction. All right-of way intersections shall be provided and maintained with a clear unobstructed vision corner extending not less than 20 feet from all right-of-way line intersections along said right-of-way line in the form of a triangle. (Rev. 08/25/13, Amendment #119)

SECTION 17.19. SIGNS

(Rev. 12/24/03, Amendment #25), (Rev. 02/25/15, Amendment #125)

The purpose of this section is to regulate the size, location, number, and types of signs that are constructed or reconstructed within the County. These regulations are intended to promote the health, safety and welfare of the general public, and protect the economic value of land within and the aesthetic quality and character of Cheboygan County. In addition, these sign regulations are intended to be a comprehensive system of reasonable, content-neutral, time, place, and manner restrictions for signs that are designed to accomplish all of the following:

- To allow for adequate and effective signage for business identification and other commercial speech.
- To provide for the dissemination of public information, including but not limited to public safety information and notification as required by law.
- To promote safety by providing that signs do not create a hazard from collapse, fire, collision, decay or abandonment, obstruction of police and fire services, and vehicular and pedestrian traffic impairments.
- To protect the public right to receive messages, especially non-commercial types such as religious, social, political, economic, and others protected by the 1st Amendment of the U.S. Constitution.

17.19.1. SIGN DEFINITIONS

BANNER
Any sign of lightweight fabric or similar material that is mounted to a pole, building, or other structure. National, state, and municipal flags are not included.

CANOPY
Any sign that is part of or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area, excluding marquees.

DOUBLE-FACED SIGN (Rev. 06/20/08, Amendment #76)
A sign having back-to-back sign surfaces.

ELECTRONIC SIGN SURFACE (Rev. 06/20/08, Amendment #76)
That portion of a sign surface capable of changing its message or image electronically.

FREESTANDING SIGN
Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

GOVERNMENTAL SIGN
A sign by Cheboygan County, the State of Michigan, the federal government, or other governmental agency for street direction, destination, hazardous condition, traffic control, or other similar purposes.

INCIDENTAL SIGN
A sign that is informational and non-commercial, such as “No Parking”, “Entrance”, “Telephone”, etc.

MARQUEE SIGN
A permanent roof-like structure projecting over an entrance.

NEIGHBORHOOD IDENTIFICATION SIGN (Rev. 02/25/15, Amendment #125)
A sign which provides a display for apartment dwellings, subdivisions, property owner’s associations, condominium dwellings, site condominium or similar developments. A neighbor identification sign may display the name of property owners within such development on the sign.

NEON SIGN (Rev. 09/28/11, Amendment #94)
A sign formed from neon lamps containing neon gas.

NONCOMMERCIAL SIGN (Rev. 06/20/08, Amendment #76)
A sign displaying information pertaining to an idea, belief, or opinion and not pertaining to a product, use, occupancy, function, service, activity, or other commercial purpose.

NON-CONFORMING SIGN
Any sign lawfully in existence that does not conform to the requirements of this ordinance.

OFF-PREMISE SIGN (Rev. 08/19/04, Amendment #34), (Rev. 02/25/15, Amendment #125)
A sign which carries a message which is not exclusively related to an activity on the property on which the sign is displayed.

PENNANT
Any lightweight plastic, fabric, or other material, with or without a message, which is suspended and designed to move in the wind.

POLITICAL SIGN
A sign relating to the election of a person to public office, to a political party or to a proposition to be voted on at a general or special election called by a public body.

PORTABLE SIGN
Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported such as those transported by means of wheels, excluding such vehicles used in the day-to-day operations of the business.

PROJECTING SIGN
Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of the building or wall.

REAL ESTATE SIGN
A sign containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent.

ROOF SIGN
Any sign erected and constructed wholly on and over the roof structure.

SIGN (Rev. 06/20/08, Amendment #76), (Rev. 02/25/15, Amendment #125)
A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is placed or displayed upon any structure, building, parcel of land, and afforded public visibility from out of doors on behalf of or for the benefit of any product, place, activity, individual, firm, corporation, institution, profession, association, business or organization.

SIGN HEIGHT
The distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade is the existing grade prior to construction or the newly established grade after construction, not including any filling or mounding solely for the purpose of locating the sign.

SIGN SURFACE (Rev. 06/20/08, Amendment #76)
That portion of a sign excluding its base, foundation and erection supports on which information pertaining to an idea, belief, opinion, product, use, occupancy, function, service, or activity is displayed.

TEMPORARY SIGN
Any sign that is used temporarily and not permanently mounted.

V-TYPE SIGN (Rev. 06/20/08, Amendment #76)
A sign constructed in a "V" pattern but having only one sign surface visible from any one direction.

WALL SIGN
Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN (Rev. 02/25/15, Amendment #125)
A sign affixed to, etched or painted onto, or placed in or immediately adjacent to a window of a building that is intended to be viewed from a street or from adjacent property.

17.19.2. SIGNS NOT REQUIRING A ZONING PERMIT
(Rev. 02/25/15, Amendment #125)
The following signs may be placed in any zoning district without a zoning permit, provided such signs are established in a lawful manner and do not create a nuisance or safety hazard.

A. Incidental signs, not exceeding 3 square feet of sign
B. Temporary signs that are located on a lot for no more than 30 days in a calendar year, do not exceed 8 square feet of sign surface area, and do not exceed 4 feet in height. Temporary signs relating to an event shall be removed within 5 days after such event.
C. Governmental signs.
D. One (1) dwelling owner or occupant name plate per use which is not illuminated and does not exceed an area of two (2) square feet of sign surface area, and may be in addition to any other permitted sign..
E. One (1) Neighborhood Identification sign, not exceeding 18 square feet of sign surface area.
F. Signs that have been approved in conjunction with a valid site plan or PUD.
G. Real estate signs not exceeding 32 square feet of sign surface area.
H. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
I. Signs on motor vehicles not used primarily for advertising purposes.
J. A sign not exceeding eight (8) square feet of sign surface area and not exceeding six (6) feet in height that contains a non-commercial message.
K. Political Signs not exceeding thirty two (32) square feet of sign surface area and not exceeding six (6) feet in height. Political Signs shall be removed within ten (10) days after the election.

17.19.3. PROHIBITED SIGNS

A. Signs with moving or revolving parts.
B. Signs affixed to trees, rocks, shrubs, or other natural features.
C. Signs affixed to any governmental or public utility structure.
D. Signs located in the right-of-way of a public sidewalk or highway, unless the governmental body with jurisdiction over the public sidewalk or highway consents in writing to such sign in the D-CM, VC, VC-IR, VC-IR-O, VC-T, VC-T-O, D-LI and D-GI zoning districts and such sign otherwise meets the applicable sign regulations of this Ordinance. (Rev. 01/13/12, Amendment #106)
E. Signs utilizing vehicles, trucks, vans, trailers or other similar wheeled devices, including those where the wheels have been removed, excluding such vehicles used in the day-to-day operations of the business.
F. Banners, balloons, pennants, pinwheels, searchlights, and other similar signs exceeding 15 days and excluding CM, LI, and GI districts. Banners shall be permitted in AF district.
G. Signs that interfere with traffic visibility or public services.
H. Signs with concrete foundations or other solid anchoring devices that project above the surface of the ground and located as to constitute a safety hazard to vehicular traffic. The Planning Commission may rule on the hazard potential of any proposed sign or sign structure and shall prohibit such sign or require a modification upon finding the presence of a safety hazard.
I. Off-premise signs and signs not advertising a business on the same parcel as the sign itself is located. This section includes all zoning districts, excluding CM, VC, LI, and GI. (Rev. 09/11/04, Amendment #35)

17.19.4. ILLUMINATION (Rev. 06/20/08, Amendment #76)

A. Except as permitted under Section 17.19.8.1 for electronic sign surfaces, no sign shall contain flashing, oscillating, moving, animated, or intermittent lights.
B. All external lighting intended to illuminate the sign surface shall be white, shall be directed downward so as not to unnecessarily illuminate the night sky, and shall be shielded so as not to interfere with the vision of persons on adjacent streets or properties.

C. For internally lighted signs, the sign background or field shall be opaque. Letters, numerals, logos and similar message elements may be of a transparent material to permit the internal lighting to reveal the message or image on the sign surface.
D. Any light bulbs or other illumination devices used as part of a message or image within the sign surface shall automatically dim to a light level such that the surface of the illuminated sign reflects no greater than 186 foot candles at or before one-half hour following sunset and until one-half hour before sunrise.

17.19.5. VILLAGE CENTER INDIAN RIVER ZONING DISTRICT SIGN REQUIREMENTS (Rev. 09/28/11, Amendment #94)

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

17.19.5.A VILLAGE CENTER TOPINABEE SIGN REQUIREMENTS (Rev. 01/13/12, Amendment #106)

All signs in the VC- and VC-T-O zoning districts shall comply with the following:

A. Such signs shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.
B. To respect the character of village centers, off-premise signs and billboards shall not be permitted.
C. Lots with more than one (1) lot line abutting a public right-of-way may have one (1) permanent sign located on the lot along each public right-of-way, subject to the total size requirements under Section 17.19.8. Provided, however, this provision shall not apply to canopy signs.
D. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and approved by the governing authority having jurisdiction over the ROW.

17.19.6. SIGNS IN EXISTENCE ON OR BEFORE SEPTEMBER 25, 2014 AND NONCONFORMING SIGNS (Rev. 02/25/15, Amendment #125)

A. Purpose. It is often difficult to determine whether a sign that does not comply with the current zoning ordinance sign regulations was erected lawfully at the time and thus constitutes a lawful nonconforming sign or whether the sign was erected at the time in violation of the zoning ordinance sign regulations. In an effort to more effectively enforce sign regulations in the future the Zoning Administrator conducted an inventory of those signs that existed on or before September 25, 2014 which did not comply with the sign regulations in effect on that date. The purpose of this subsection is to classify those signs that existed on or before September 25, 2014 which do not comply with the zoning ordinance sign regulations in effect on that date as nonconforming signs regardless of whether those signs were lawful when first erected. It is further the purpose of this subsection to enforce zoning ordinance sign regulations against signs that were erected after September 25, 2014 in violation of the sign regulations in effect at the time the sign was erected.
B. Nonconforming Sign Status. Any sign in existence on or before September 25, 2014 that did not comply with the zoning ordinance sign regulations in effect on that date shall be deemed a nonconforming sign for purposes of this section, regardless of whether that sign was lawful when first erected.

C. Sign Conformity Requirement. Any sign erected after September 25, 2014 that did not comply with the zoning ordinance sign regulations in effect on that date shall be subject to enforcement action under Section 21.9 of this Ordinance.
D. Nonconforming Sign Regulations.
   1. Any nonconforming sign may be altered or repaired and may be replaced by a different sign in the same location, provided that the sign nonconformity, including but not limited to sign surface area, sign height, or setback, is not increased.
   2. Any nonconforming sign that is moved to a new location and any nonconforming sign that is replaced with a different sign by the owner in a different location, either on the same lot or a different lot shall be considered a new sign and shall comply with all zoning ordinance sign regulations in effect at that time.

17.19.7. SIGN PERMITS

A. Except for the signs allowed without a zoning permit under Section 17.19.2, a person who desires to erect or display a sign shall obtain a zoning permit for a sign. All sign permit applications shall be submitted to the Zoning Administrator on the appropriate form. (Rev. 02/25/15, Amendment #125).
B. Each application shall be accompanied by the applicable fees as established by the Cheboygan County Board of Commissioners.
C. All applicable signs shall comply with the building and electrical requirements of the Construction Code Department.
D. Billboards and other off-premise signs within business areas, as defined by the Highway Advertising Act of 1972 (1972 PA 106), that border interstate highways, freeways, or primary highways, as defined in said Act, shall be regulated and controlled by the provisions of such Act, notwithstanding the provisions of this ordinance. (Rev. 08/19/04, Amendment #34)
E. A permit shall be required for any sign type not specifically covered in this Ordinance and will be reviewed on a case-by-case basis.

17.19.8. SIGN REGULATONS AND STANDARDS

(Rev. 06/20/08, Amendment #76) (Rev. 09/28/11, Amendment #94) (Rev 01/13/12, Amendment #106) (Rev. 02/25/15, Amendment #125)

RS	Residential	LI	Light Industrial	
D-RC	Rural Character/Country Living	GI	General Industrial	
CM	Commercial	AF	Forestry/Agriculture	P= Permitted, no zoning permit for sign required
VC	Village Center	LS	Lake & Stream Protection	S= Zoning permit for sign required
VC-IR	Village Center Indian River	P-RC	Resource Conservation	N= Not Permitted
VC-IR- O	Village Center Indian River Overlay	NRP	Natural Rivers Protection	NA= Not Applicable
VC-T	Village Center Topinabee			
VC-T-O	Village Center Topinabee Overlay			

	RS	D-RC	CM	VC[3]	VC-IR	VC-IR-O	VC-T	VC-T-O	LI	GI	AF	LS	P-RC	NRP[4]
Freestanding	S	S	S	S	S	N	S	N	S	S	S	S	S	S
Banner[1]	N	N	P	N	N	N	P	P	P	P	P	N	N	N
Canopy	S	S	P	P	P	P	P	P	P	P	S	S	S	S
Marquee	N	N	S	S	S	S	S	S	S	S	N	N	N	N
Portable	N	N	P	S	S	N	S	N	P	P	N	N	N	N
Projecting	S	S	P	S	S	S	S	S	P	P	S	S	S	S
Roof	N	N	S	N	N	N	N	N	S	S	N	N	N	N
Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wall	S	S	P	P	S	S	S	S	P	P	S	S	S	S
Window	N	N	P	P	P	P	P	P	P	P	P	P	N	N

Freestanding Sign Requirements

	RS	D-RC	CM	VC[3]	VC-IR	VC-IR-O	VC-T	VC-T-O	LI	GI	AF	LS	P-RC	NRP[4]
Maximum Sign Surface Area (sq. ft.)	8	8	80	32	32	NA	32	NA	120	120	18	8	8	8
Maximum Height (ft.)	6	6	25	15	15	NA	15	NA	25	25	12	6	6	6
Minimum Setback[2] (ft.)	4	4	0	0	0	NA	0	NA	0	0	5	4	5	5
Max. number per Parcel	1	1	3	1	1	NA	1	NA	3	3	1	1	1	1

Window Sign Requirements
Non-illuminated – No maximum number and no maximum sign surface area
Illuminated – Maximum of 2 per structure and maximum of 10 sq. ft. of sign surface area each.

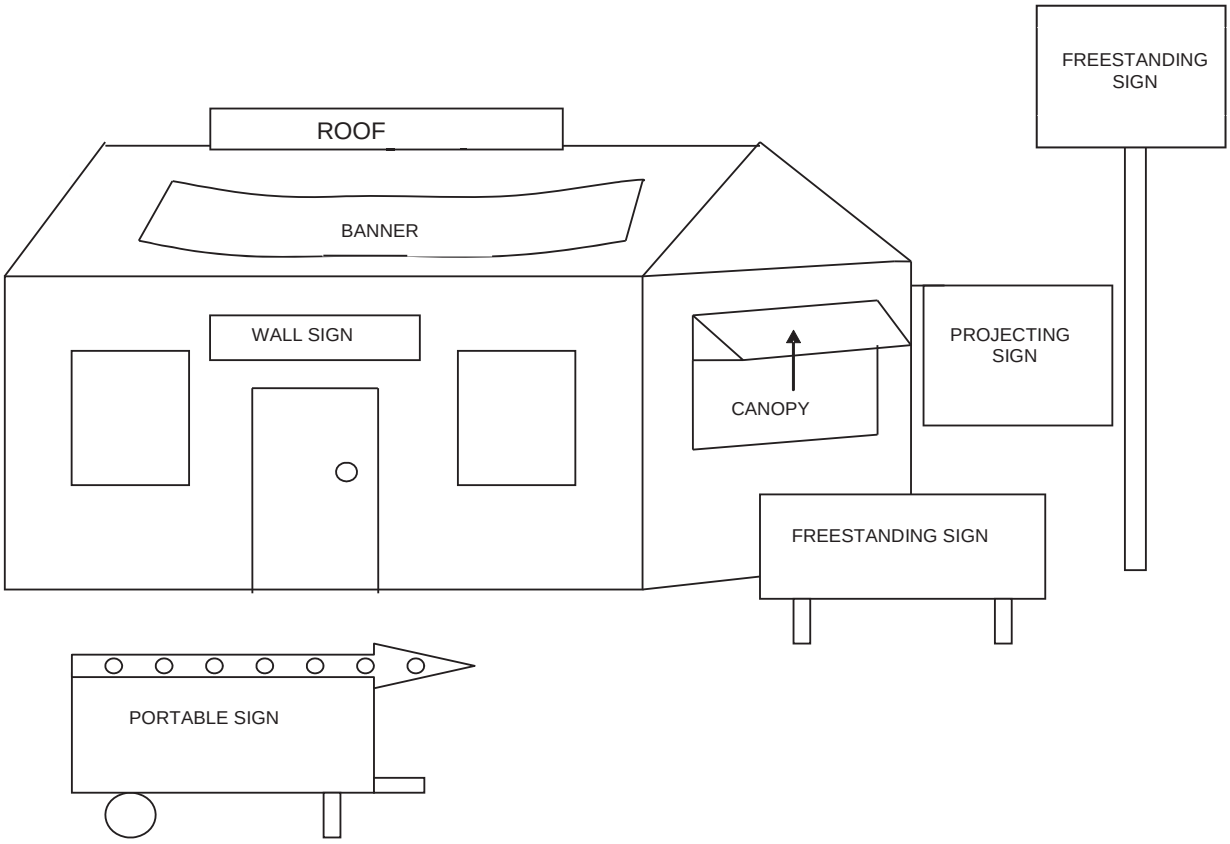
Building Sign Type Regulations (Rev. 08/19/04, Amendment #34), (Rev. 09/29/06, Amendment #62), (Rev. 06/20/08, Amendment #76) (Rev. 09/28/11, Amendment #94) (Rev. 01/13/12, Amendment #106), (Rev. 02/25/15, Amendment #125)

In addition to the Freestanding signs and Window signs as may be permitted, parcels may include signs from up to two (2) of the following categories, as permitted.

<table>
<tr><th></th><th colspan="2">Maximum Number Permitted[4]</th><th colspan="3">Maximum Sign Surface Area</th></tr>
<tr><td>Banner[1]</td><td>2 per parcel</td><td>VC-T 3 per parcel
VC-T-O 1 per parcel</td><td colspan="2">18 sq. ft.</td><td>VC-T 36 sq. ft.
VC-T-O 12 sq. ft.</td></tr>
<tr><td>Canopy</td><td colspan="2">2 per structure</td><td colspan="3">NA</td></tr>
<tr><td>Marquee</td><td colspan="2">1 per parcel</td><td colspan="3">40 sq. ft.</td></tr>
<tr><td>Portable</td><td colspan="2">1 per parcel</td><td colspan="3">32 sq. ft.</td></tr>
<tr><td>Projecting</td><td colspan="2">1 per structure</td><td colspan="3">18 sq. ft.</td></tr>
<tr><td>Roof</td><td colspan="2">1 per parcel</td><td colspan="3">40 sq. ft.</td></tr>
<tr><td>Temporary</td><td colspan="2">1 per parcel</td><td colspan="3">18 sq. ft.</td></tr>
<tr><td rowspan="2">Wall</td><td colspan="2" rowspan="2">No Maximum</td><td>D-CM, D-LI, D-GI</td><td>VC-IR , VC-T, VC-IR-O VC-T-O</td><td>All other zoning districts</td></tr>
<tr><td>2 per structure or one (1) per individual business up to 40 square feet each or 10% of structure wall area facing a public road or street, whichever is greater. The total aggregate area of wall signs shall not exceed three hundred (300) sq. ft.</td><td>18 sq.ft. for first 25 feet of street frontage[5]</td><td>18 sq. ft.</td></tr>
</table>

[1] See Section 17.19.3.F, [2] See Section 17.19.3.D.,[3] See Section 17.19.5., [4] See Section 11.7,

[5] Additional sign surface area according to the following: One (1) additional sq.ft. of sign surface area for each additional one (1) foot of street frontage above twenty five (25) with a maximum sign surface area of 32 sq. ft.


FREESTANDING SIGN
ROOF
BANNER
WALL SIGN
PROJECTING SIGN
CANOPY
FREESTANDING SIGN
PORTABLE SIGN

17.19.8.1 ELECTRONIC SIGN SURFACE REQUIREMENTS (Rev. 06/20/08, Amendment #76)

Electronic sign surfaces shall comply with all of the following requirements:

A. The electronic sign surface shall only be within a freestanding sign or a wall sign.
B. The area of the electronic sign surface shall not exceed 75% of the total sign surface.
C. The message or image shall be static during its display and shall not move or be animated in any way.
D. The message or image displayed shall remain static for no less than three (3) seconds before changing.
E. Any change of message or image shall be completed simultaneously throughout the entire electronic sign surface so that no portion of the new message or image is visible in the electronic sign surface at the same time as the old message or image.
F. Any light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices used to display the message or image within the electronic sign surface shall automatically dim to a light level no greater than 2000 NITS (candelas per square meter) at or before one-half hour following sunset and until one-half hour before sunrise.

17.19.8.2 SIGN SURFACE AREA AND TOTAL SIGN AREA (Rev. 06/20/08, Amendment #76)

The following regulations shall apply to the calculation of sign area:

A. The maximum sign surface area shall be computed around the perimeter of the frame or border of the sign surface where such exists or around the perimeter of the symbols or letters or other display elements where no border or frame exists. Where a sign surface is composed of letters or images attached directly to a façade, window, door, or marquee, and the letters or images are not enclosed by a border or trimming, the sign surface shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points of the letters or images.
B. Double-faced signs and V-type signs shall be considered one sign with the area of the sign surface calculated on the larger of the sign surfaces.
C. A structure containing multiple sign surfaces shall be considered one sign if all of the sign surfaces are included in the same border or frame of the sign. The maximum sign surface area for such a sign shall be computed around the perimeter of the frame or border of the sign surfaces. Otherwise, each sign surface shall constitute a separate sign.
D. The area of a sign surface shall not include the area of its supporting structure or canopy if the supporting structure or canopy contains no message or image.
E. For a sign surface that is in the form of a three-dimensional object, the area of the sign surface shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points or edges of the projected image of the object and multiplying that area by two (2). For purposes of this subsection, the "projected image" is that image created by tracing the largest possible two-dimensional outline of the object.
F. The total sign area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points or edges of the base, foundation and erection supports of the sign.
G. The total sign area shall not exceed 120% of the sign surface area within the sign, if the sign surface is not in the form of a three-dimensional object. If the sign surface is in the form of a three-dimensional object, then the total sign area shall not exceed 60% of the sign surface area.

SECTION 17.20. HIGHWAY AND RAILROAD INTERSECTIONS

A. At the intersections of highways where grades are not separated, setback lines are hereby established across each sector between the intersecting highways. (Includes railroads.) Such setback lines shall be straight lines connecting points on the intersecting highway right-of-way lines.

B. At the intersection of any Cheboygan County Primary or scenic-recreation road or any Michigan State trunkline highway with any other highway, said connection points shall be located one hundred (100) feet distant from the intersections of the highway right-of-way lines. At the intersection of any highway which is not included in either the Cheboygan County Primary or Michigan State trunkline system with any other such highway, said points shall be located fifty (50) feet distant from the intersection of the highway right-of-way lines

C. No building or structure of any kind, except necessary highway and traffic signs and open fences through which there shall be clear vision, shall hereafter be constructed, erected or moved into the space within such setback lines. Except as herein provided, no building or structure, except necessary highway and traffic signs, presently existing within such setback lines, shall be renewed or replaced hereafter in any way, except outside the setback lines.

D. No building or structure within the established setback lines, except necessary highway and traffic signs and open fences hereinbefore mentioned, shall be altered, enlarged or added to in any way which will increase or prolong the permanency of any portion within the established setback lines.

E. When any highway, or part thereof, is officially adopted into the Cheboygan County Primary Road or the Michigan State trunkline system, such highway shall automatically be subject to the provisions of this ordinance.

SECTION 17.21. HOME OCCUPATIONS

(Rev. 06/29/05, Amendment #43)

Cheboygan County recognizes the desire and/or need of some citizens to use their residence for business activities in order to reduce trip generation and to provide another economic development tool, but it also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

17.21.1 ADMINISTRATION

A. Home occupations requiring zoning permits are those involving any of the following:
   1.) Requires an additional on site, non-resident employee.
   2.) Requires commercial signage.
   3.) Requires additional parking for or results in additional traffic from customers.
   4.) Requires commercial deliveries or pick ups of materials or supplies used in the home occupation.

B. No home occupation shall be conducted until a zoning application has been approved by the Zoning Administrator. The application shall include the following:
   1.) The type of business and business activities.
   2.) The number of employees.
   3.) The vehicles used in the home occupation.
   4.) The number of expected customer visits per day.
   5.) The number of expected deliveries/drop offs.

17.21.2 PERMITTED USES

It is recognized that this list may not be totally inclusive. The Zoning Administrator shall determine whether a request is similar to a following listed use as to approve or deny.

A. Home offices, including architects, counselors, clergy, doctors, dentists, engineers, attorneys, contractors, and accountants
B. Home studios, including artists, sculptors, musicians, photographers, and authors
C. Personal services, including barbershops and beauty parlors
D. Instructional services, including music, dance, art, and craft classes

E. Repair services, including small appliances, small engines, and computers/electronics
F. Workrooms, including weaving and woodworking
G. Day care homes

17.21.3 STANDARDS
A. Home occupations must be conducted within the principal residential structure and permitted accessory structures.
B. Customer visits and delivery vehicles are limited to the hours of 8am to 7pm.
C. Delivery vehicles are limited to passenger vehicles, mail carriers, and express carriers.
D. Nonresident employees on the premises are limited to one (1) at any one time.
E. Home occupations shall not create traffic, visible displays, vibrations, heat, noise, odors, dust, glare, or other similar nuisances not normally found in the surrounding area.
F. Home occupations shall not generate waste or sewage in volume or type which is not normally associated with residential use.

17.21.4 CONDITIONAL APPROVALS
The Zoning Administrator may impose reasonable conditions with the approval of an application, pursuant to Section 17.21.3 of this Ordinance.

SECTION 17.22. SEXUALLY ORIENTED BUSINESSES

(Rev. 01/13/06, Amendment #52)
PURPOSE The purpose and intent of the sections of this ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the county, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health safety, and welfare of county residents. The provisions of this ordinance are not intended to offend the guarantees of the first amendment of the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this ordinance to legitimize activities which are prohibited by county ordinances, township ordinances, state or federal laws. If any portion of this ordinance relating to the regulation of sexually oriented businesses or referenced in this section is found to be invalid or constitutional by a court of competent jurisdiction, the county intends that this portion be disregarded, reduced and so be revised so as to be recognized to the fullest extent possible by law. The county further states that it would have passed and adopted what remains of any portion of this ordinance relating to regulation of sexually oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

17.22.1. DEFINITIONS
ADULT ARCADE
Any place to which the public is permitted or invited wherein there are coin operated, token operated, or credit and/or debit card operated electronic or mechanically controlled still or motion picture machines, projectors, or other image producing devices maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”.

ADULT BOOK STORE
An establishment which has in excess of twenty five percent (25%) of its stock-in-trade for sale or rent, which stock-in-trade consists of books, magazines, newspapers, videotapes, video discs, DVD’s, slides, digital photographs, computer discs, photographic reproductions, and motion pictures of any kind, which are characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”, or which establishment excludes admission to minors by virtue of age.

ADULT CABARET
A cafe, restaurant or bar where patrons are entertained by dancers, strippers or male or female impersonators, whether accompanied by music or not, whose conduct is characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

ADULT MOTEL
A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

ADULT MOTION PICTURE THEATER
An establishment, or part thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”, as defined herein, for observation by patrons therein.

ADULT NOVELTY BUSINESS
A business which has a principle activity the sale of devices which stimulate human genitals or devices designed for sexual stimulation.

ADULT PERSONAL SERVICE BUSINESS
A business having as its principle activity a person, while nude or while displaying specified anatomical areas, and/or providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, escort agency, wrestling studios, and theatrical performances or entertainment.

ADULT VIDEO STORE
An establishment which has in excess of twenty five percent (25%) of its stock-in-trade for sale or rental to the public or patrons, video cassettes, video tapes, DVD’s, slides, digital photographs, computer discs, photographic reproductions, and motion pictures of any kind, having as a dominant theme an emphasis on matter depicting, describing or relating to “specified sexual activity” or “specified anatomical areas”.

NUDE MODELING STUDIO
Any building, structure, premises or part thereof used primarily as a place which offers as its principal activity the providing of models to display specified anatomical areas for artists and photographers for a fee.

SEXUALLY ORIENTED BUSINESS
Includes, but is not limited to “adult arcade”, “adult book store”, “adult cabaret”, “adult motel”, “adult motion picture theater”, “adult novelty business”, “adult personal service business”, “adult video store”, and “nude modeling studio”.

SPECIFIED SEXUAL ACTIVITIES

1. The stimulation or arousal of human genitalia;
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or other erotic touching of human genitalia, pubic region, buttock or female breast.

4. Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

SPECIFIED ANATOMICAL AREAS

1. Less than completely and/or opaquely covered:
    a. Human genitalia and pubic region;
    b. Buttock; or
    c. Female breast below a point immediately above the top of the areola; or
2. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

17.22.2 SEXUALLY ORIENTED BUSINESSES- STANDARDS

The Planning Commission may issue a Special Use Permit to authorize the uses specified within this Ordinance in the Commercial zoning district and in compliance with Article 18 and the procedures and regulations set forth below:

a. No sexually oriented business shall be established on a parcel within one thousand feet (1000') of any public park, school, child care facility, or religious institution. The distance between a proposed sexually oriented business and any public park, school, child care facility, church or place of worship, or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the public park, school, child care facility, church or place of worship.
b. No sexually oriented business may be established, operated or maintained within fifteen hundred (1,500) feet of any other adult business.
c. Distance limitations shall be measured in a straight line, without regard to intervening structures or objects, from the parcel or lot line of the sexually oriented business to the nearest lot line of the protected use specified above.
d. No person shall reside in or permit any person to reside on the premises of a sexually oriented business.
e. Each booth, room or cubicle shall be accessible to and from aisles and public areas of the sexually oriented business to the extent as required by the Americans with Disabilities Act, and shall be unobstructed by any door, lock or other control-type devices.
f. Any individual viewing booths, entertainment rooms, or similar cubicles designed or used for individuals to view specified anatomical areas or to view specified sexual activities shall not be completely enclosed from the common areas, hallways, or other areas of the adult business.
g. The lighting level of the parking lot shall be a minimum of 10 foot candles and shall remain lit during regular business hours and until one hour after closing time.
h. Daily hours of operation of any adult business shall be limited to the period of time from 8:00 a.m. to 12:00 a.m., Monday – Sunday.
i. Any sign or signs proposed for the sexually oriented business must comply with the provisions of section 17.19 of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
j. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any areas where they can be viewed from a public sidewalk or road adjacent to the establishment.

SECTION 17.23 PRIVATE STORAGE BUILDINGS AND USES (Rev. 11/06/08, Amendment #77)

Cheboygan County recognizes the desire and/or need of some citizens to have a parcel that is used primarily for indoor storage of items that are typically used in a home or to store equipment used for maintenance of a single family home or enjoyment by the residents of a single family home. Private storage is a primary use, not subordinate to another use on the same property. Placement of a private storage building on the property should support the future placement of a residence.

17.23.1 STANDARDS

The following standards apply to private storage buildings and uses on the Residential (D-RS), Rural Character/Country Living (D-RC) and Lake and Stream Protection(P-LS) zoning districts. Private storage buildings that are allowed in other zoning districts do not have to abide by this section, but must follow all other applicable standards.
(Rev. 10/27/11, Amendment #101), (Rev. 05/23/15, Amendment #127)

a. The structure shall not serve as a residence or dwelling of any kind.

b. No home occupations or home occupation related activity can occur on the property or within the building.

c. Only goods and material storage is permitted in the private storage structure. The structure is not to be used for human habitation at any time.

d. If within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.

e. No more than two (2) private storage buildings are allowed per acre of contiguous property under the same ownership as recorded with the office of the register of deeds with a maximum of four (4) storage buildings allowed for all properties under the same ownership.

f. The total floor area of the foot print(s) of all private storage buildings on the same lot of record or on one or more contiguous lots of record under the same ownership, as recorded with the office of the register of deeds, shall comply with the following applicable requirements: (Rev. 03/28/12, Amendment #109)

    1. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is two (2) acres or less, then the total floor area shall be no more than 1,600 square feet.

    2. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than two (2) acres but is three (3) acres or less, then the total floor area shall be no more than 3,200 square feet.

    3. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than three (3) acres, then the total floor area shall be no more than 6,000 square feet.

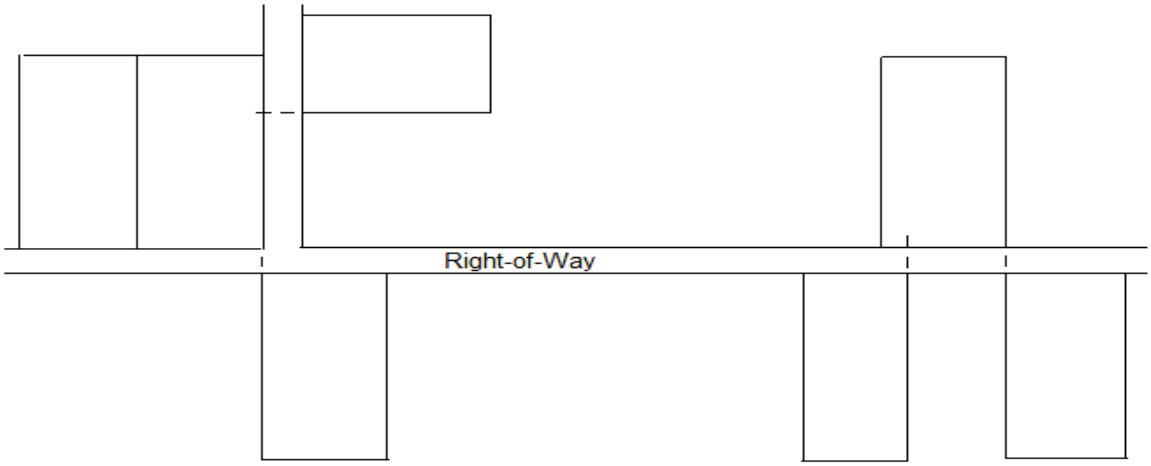
g. In the P-LS district, all private storage buildings must meet a minimum setback from the water's edge of 50 feet and must meet all other applicable setbacks for the zoning district in which located.

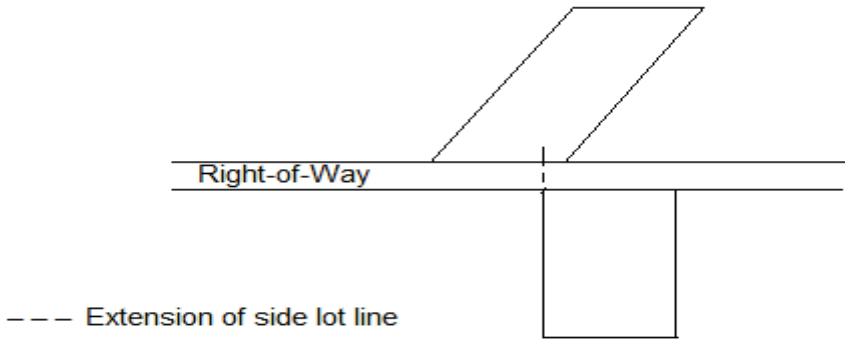
h. No bathroom facilities are permitted in the private storage structure.

i. The structure may not be used to house or support animals of any type.

j. The structure cannot be used for any commercial and/or business uses including the storage of materials, vehicles or other items used for commercial or business purposes.

k. (Rev. 05/25/13, Amendment #117)
Contiguous lots of record for purposes of Section 17.23.1.e and Section 17.23.1.f. shall also include lots of record separated by a right-of-way, but only when at least one of the lot's side lot lines when extended over the right-of-way either aligns with a side lot line of the other lot or is located between the side lot lines of the other lot as illustrated by the following diagrams;





Note: Lots must be under the same ownership as recorded within the office of the register deeds.

SECTION 17.24 CHILD CARING INSTITUTIONS (Rev. 04/28/10, Amendment #85)

In addition to meeting the general standards for special use permit approval under Section 18.7 of this Ordinance, a Child Caring Institution shall comply with all of the following applicable supplemental regulations and standards:

1. Compliance with state licensing requirements
   The proposed Child Caring Institution shall at all times be licensed by the Michigan Department of Human Services, or a successor agency or department, under Act 116 of the Public Acts of 1973, as amended.

2. Prohibited Principal Uses
   The Child Caring Institution shall not consist of an education program (i.e., a public or private school in the facility buildings), a psychological treatment and/or counseling program, or substance abuse assessment and/or treatment program that are singularly the principal use of the property. However, these uses may, either singularly or in combination, be accessory uses to the Child Caring Institution.

3. Minimum Lot Area (Rev. 05/23/15, Amendment #127)
   The Child Caring Institution shall be located on a lot meeting the following applicable minimum lot area requirements:
   a. In the M-AF zoning district the minimum lot area shall be 2 acres or 4,000 square feet of lot area per resident, whichever is greater.
   b. In the D-CM zoning district the minimum lot area shall be 20,000 square feet or 3,000 square feet of lot area per resident, whichever is greater.

4. Setbacks
   All buildings used in connection with a Child Caring Institution and all outdoor recreation areas accessory to the Child Caring Institutions shall comply with a minimum setback of 100 feet from all residentially used property, regardless of the zoning district in which the Child Caring Institution is located.

5. Loading/Unloading area
   If the Child Caring Institution provides a daytime psychological or substance abuse assessment, treatment and/or counseling program or provides a private or public education program provided to children who are brought to the facility only for those purposes, then the Child Caring Institution shall provide a bus loading/unloading zone that meets the following requirements:
   a. One (1) bus loading/unloading space shall be provided for every twenty (20) children/students authorized for service under the Child Caring Institution state license for the program(s) provided (based on the maximum number authorized), regardless of the actual number of children/students being served.
   b. The size of each bus loading/unloading space shall be no less than twelve (12) feet wide and no less than thirty-five (35) feet long.
   c. Adequate maneuvering space shall be provided immediately adjacent to each bus loading/unloading space for a 28' bus to turn around.

6. Parking Requirements
   The Child Caring Institution shall comply with the parking requirements in Section 17.6 of this Ordinance and the following applicable parking requirements:
   a. If the Child Caring Institution provides an educational program in the form of a private or public school as an accessory use, then one (1) parking space shall be provided for every ten (10) students who are brought to the facility for the educational program, and one (1) parking space shall be provided for every teacher.

b. If the Child Caring Institution provides a daytime psychological or substance abuse assessment, treatment and/or counseling program, then one (1) parking space shall be provided for every five (5) children who are brought to the facility for the assessment, treatment and/or counseling program.

7. Screening Requirements
All accessory buildings and structures, including any outdoor recreation areas, shall comply with the greenbelt, wall, or fence requirements of Section 17.18 of this Ordinance.

8. Required public meeting with township board
The applicant for a Child Caring Institution shall document to the County Planning Commission, either by a letter signed by a township official, by a copy of township board minutes, or by a certified mailing receipt, that no more than thirty (30) days before filing an application for a Child Caring Institution with the zoning administrator pursuant to Section 18.2 of this Ordinance the applicant presented, or requested to present, the substance of the proposed Child Caring Institution development to the township board of the township in which the proposed development will be located. The township board may submit any written comments concerning the proposed Child Caring Institution to the County Planning Commission up to the date of any public hearing on the proposed Child Caring Institution. Any changes to the proposed development through the County Planning Commission review process, however, shall not require additional presentations to the township board.

SECTION 17.25 MEDICAL MARIJUANA (Rev. 09/12/11, Amendment #91)

17.25.1. INTENT AND PURPOSE

With the enactment of the Michigan Medical Marijuana Act (hereinafter referred to as the "MMMA"), Initiated Law 1 of 2008, MCL 333.26423, *et seq*, and its administrative rules, R 333.101, *et seq*, the Cheboygan County Zoning Ordinance has not kept pace with this recent legislation. As a result, the purpose of this section is to implement land use regulations to address medical marijuana in accordance with the MMMA.

17.25.2. REGULATIONS FOR QUALIFYING PATIENTS

The medical use of marijuana by a qualifying patient in that qualifying patient's dwelling is hereby recognized as an accessory use to the principal residential use of the dwelling and can be established without a zoning permit, but shall be subject to the following regulations:

a. The qualifying patient must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
b. All marijuana plants or products must be contained within the dwelling in an enclosed, locked facility that permits access only by the qualifying patient.
c. If a room with windows within the dwelling is utilized to grow medical marijuana, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
d. The qualifying patient shall not trade or exchange medical marijuana for any service or item of value.

17.25.3. REGULATIONS FOR PRIMARY CAREGIVERS

The medical use of marijuana by a primary caregiver is hereby authorized as a use by right in a dwelling in any zoning district, provided that all of the following regulations are met:

a. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
b. The primary caregiver must obtain a zoning permit under Section 21.3 of this Ordinance.
c. All marijuana plants or products must be contained within the dwelling in an enclosed, locked facility that permits access only by the primary caregiver.
d. If a room with windows within the dwelling is utilized to grow medical marijuana, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
e. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services to qualifying patients within a single dwelling. Provided, however, a husband and wife; two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities (domestic partners); and the parents, children, grandparents, grandchildren, brothers, and sisters of the husband, wife, or either domestic partner who reside with the husband and wife or domestic partners may be primary caregivers within the same dwelling.

f. Except for any qualifying patients who reside with the primary caregiver at the dwelling, no more than five (5) qualifying patients per primary caregiver may be present at the same time at a dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a dwelling in which a primary caregiver of medical marijuana is providing services for purposes unrelated to primary caregiver services.

g. Qualifying patient visits to a dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients shall be restricted to between the hours of 7 a.m. and 8 p.m., except when the qualifying patient resides with the primary caregiver at the dwelling and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.

h. No qualifying patients under the age of 18 (eighteen) shall be permitted at any time at a dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients, except in the presence of his/her parent or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.

i. No medical marijuana shall be dispensed by the primary caregiver to qualifying patients at the dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients, except when the qualifying patient resides with the primary caregiver at the dwelling. Except as provided herein, the primary caregiver shall deliver all medical marijuana for the use of such qualifying patient and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all medical marijuana delivered to a qualifying patient shall be packaged so the public cannot see or smell the marijuana.

j. No medical marijuana shall be consumed, smoked, or ingested by a qualifying patient by any method at a dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients, except when the qualifying patient resides with the primary caregiver at the dwelling.

k. A dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients shall display indoors and in a manner legible and visible to his/her qualifying patients:
   1. A notice that qualifying patients under the age of eighteen (18) are not allowed at a dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients, except in the presence of his/her parent or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposes unrelated to primary caregiver services, and
   2. A notice that no dispensing or consumption of medical marijuana shall occur at a dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients, except to or by a qualifying patient who resides with the primary caregiver at the dwelling.

l. A dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the dwelling

m. A dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients shall not be located within 1,000 feet of a lot on which any of the following uses are located:
   1. Any church or place of worship and its accessory structures.
   2. Any public or private school, having a curriculum including kindergarten through twelve grade and its accessory structures.
   3. Any preschool, child care or day care facility and its accessory structures.
   4. Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children congregate.

n. The primary caregiver shall not trade or exchange medical marijuana for any service or item of value.

17.25.4 RELATIONSHIP TO FEDERAL LAW

Nothing within this section is intended to grant nor shall it be construed as granting immunity from federal law.

SECTION 17.26 TRUCK TERMINALS OR WAREHOUSES

(Rev. 03/28/12, Amendment #107)

In addition to meeting the general standards for special use permit approval under Section 18.7 of this Ordinance, a Truck Terminal or Warehouse use within the Commercial Development District shall comply with all of the following applicable supplemental regulations and standards:

17.26.1. A truck terminal or warehouse shall provide a designated overnight parking area and a designated overflow parking area that are both screened by the truck terminal or warehouse building or by a fence or evergreen hedge no less than eight (8) feet in height located at the edge of the parking areas so that the parking areas are not visible from a public or private road or from an adjoining property. This screening requirement, however, shall not be required if the planning commission finds that because of the remote locations of the parking areas or the topography of the site the visual impact of the parking areas would not cause a substantial detrimental effect on adjacent properties.

17.26.2. No more than a total of eight (8) trucks and truck trailers in any combination may be parked outdoors in the designated overnight parking area.

17.26.3. No more than a total of three (3) trucks and truck trailers in any combination may be parked outdoors in the designated overflow parking area.

17.26.4. No outdoor storage of materials, truck or trailer equipment or parts, or truck cargo shall be permitted, unless placed within the screened overflow parking area as required in section 17.26.1.

17.26.5. Truck Terminals shall be located no closer than 1,000 feet from any other Truck Terminal.

17.26.6. Materials that are labeled flammable or explosive as regulated by the United States Department of Transportation pursuant to Title CFR 49 – Federal Code of Regulations, shall not be stored in a truck terminal.

SECTION 17.27 INDOOR STORAGE FACILTIES

(Rev. 05/25/13, Amendment #116)

In addition to meeting the general standards for special use permit approval under Section 18.7 of this Ordinance, an Indoor Storage Facility use within the Agricultural and Forestry Management District shall comply with all of the following applicable supplemental regulations and standards:

17.27.1. A solid evergreen hedge, wall or fence a minimum of 6 feet in height shall be placed a minimum of 3 feet from a rear or side lot line which screens all Indoor Storage Facilities from adjoining lots which are under different ownership.

17.27.2. A minimum distance of 30 feet shall be required between Indoor Storage Facility structures where a wall with doors faces another Indoor Storage Facility structure.

17.27.3. Indoor Storage Facilities shall be located on a County Primary Road or State Trunkline.

ARTICLE 18 - SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS

(Rev. 07/20/04, Amendment #33)

SECTION 18.1. PURPOSE

It is the purpose of this Article to specify the procedure and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics) which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the County.

SECTION 18.2. APPLICATION AND FEES (Rev. 11/20/11, Amendment #103)

a. An application for a special use permit shall be made by filing with the zoning administrator fifteen (15) copies of a completed application form at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission, including all required information, and the fees established pursuant to Section 21.8 of this Ordinance.

b. The applicant shall send additional copies of the completed application including all required information to the County Road Commission, Fire Department with jurisdiction, and County Health Department where applicable. These agencies will keep the application and other required information. Upon delivery of the application and other required information, the applicant shall obtain a receipt from the agencies as proof of delivery or a stamped, signed application indicating no comment. One copy of the application and other required information should be returned with comments from each agency, if any, to the Planning Commission. An application will be placed on the agenda of a meeting of the Planning Commission for discussion only after receipt of comments from the above agencies, unless the completed application including all required information has been in possession of the reviewing agencies for ten (10) days without review and/or comment.

SECTION 18.3. DATA REQUIRED

The application for a special land-use permit shall include all of the following information:

a. The Applicant's name, address, and telephone number.

b. The legal description, address, and tax identification number of the proposed site.

c. A signed statement that the Applicant is the owner of the proposed site, or is acting as the owner's representative.

d. A site plan meeting all of the requirements of Section 20.3 of this Ordinance.

e. A detailed written description of the proposed special land use.

f. A detailed written statement, with supporting evidence, demonstrating how the proposed special land use will comply with the standards for special land use approval specified in Section 18.8 of this Ordinance.

g. Any additional information reasonably deemed necessary by the Planning Commission to determine compliance with the standards for special land use approval specified in Section 18.8 of this Ordinance and the impact of the proposed special land use on adjacent properties, public infrastructure, and the County as a whole. This information may take the form of, but is not limited to, traffic impact analyses, environmental impact assessments, market studies (to determine demand and/or use saturation), fiscal impact analyses or reports and/or information from officials representing state, county, or local police, fire, or health departments, the county road commission or Michigan Department of Transportation, and/or state, county, or local environmental regulatory agencies.

SECTION 18.4. ZONING ADMINISTRATOR'S REVIEW

a. The Zoning Administrator shall review the application and information submitted under Section 18.4 of this Ordinance to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the special use permit cannot proceed until all required information has been supplied.

b. Once all required information is submitted, the Zoning Administrator shall forward the application to the Planning Commission for its review under the procedures of this Article.

SECTION 18.5. PUBLIC HEARING REQUIREMENTS (Rev. 04/12/07, Amendment #69)
Following receipt of a complete special use permit application, the Planning Commission shall hold a public hearing. The notices for all public hearings before the planning commission concerning requests for special use permits shall comply with all of the following:

18.5.1 The content of the notice shall include all of the following information:

18.5.1.1 A description of the nature of the proposed special use request.

18.5.1.2 A description of the property on which the proposed special use will be located. The notice shall include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.

18.5.1.3 The time, date, and place the proposed special use request will be considered.

18.5.1.4 The address where and the deadline when written comments will be received concerning the proposed special use request.

18.5.2 The notice shall be published in a newspaper of general circulation within the county not less than 15 days before the scheduled public hearing.

18.5.3 The notice shall be sent by first-class mail or personal delivery to the owners of the property on which the proposed special use will be located not less than 15 days before the scheduled public hearing.

18.5.4 The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the proposed special use will be located and to the occupants of all structures within 300 feet of the property on which the proposed special use will be located not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the county. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

SECTION 18.6. REVIEW AND APPROVAL AUTHORITY
Following the public hearing the Planning Commission shall review the special land use request and shall approve, deny, or approve with conditions the special use permit based on the standards for special land use approval specified in Section 18.8 of this Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on the evidence presented at the public hearing, on each standard.

SECTION 18.7. STANDARDS FOR SPECIAL LAND USE APPROVAL (Rev. 04/26/08, Amendment #74)
The Planning Commission shall approve, or approve with conditions, an application for a special land use permit only upon a finding that the proposed special land use complies with all of the following standards:

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

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.

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.

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.

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.

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.

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

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

SECTION 18.8. CONDITIONS

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

a. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use, and the community as a whole.

b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed special land use.

c. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the special land use under consideration, and be necessary to insure compliance with those standards.

SECTION 18.9. PERFORMANCE GUARANTEE

In connection with the approval of a special use permit, the Planning Commission may require the Applicant to furnish Cheboygan County with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the County in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the site on which the special land use will be located or which the Applicant has agreed to construct even though located outside the site. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the site on which the special land use will be located. For purposes of this subsection, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering

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

a. One-third of the cash deposit after completion of one-third of the public and site improvements;

b. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and

c. The balance at the completion of the public and site improvements.

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

SECTION 18.10. COMPLIANCE WITH APPROVED SPECIAL USE PERMIT REQUIRED

Unless amended pursuant to Section 18.12 of this Ordinance, an approved special land use shall be developed, constructed, maintained, and operated in strict compliance with the approved special use permit and any conditions of approval. In the event public or site improvements were designed by an architect or engineer, the Applicant shall, following completion of construction, provide a statement prepared by his or her architect or engineer certifying that all public and/or site improvements were constructed in compliance with the approved special land use permit and any conditions of approval.

SECTION 18.11. AMENDMENT OF SPECIAL USE PERMIT

Amendments to an approved special use permit shall be permitted only under the following circumstances:

a. The owner of property for which a special land use has been approved shall notify the zoning administrator of any desired change to the approved special use permit. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

    1. Reduction of the size of any building and/or sign.
    2. Movement of buildings by no more than twenty (20) feet. Movement of signs shall be reviewed according to the requirements for a zoning permit as per Section 21.3, provided all applicable provisions of this ordinance are met. Rev. 02/23/11, Amendment #90)
    3. Landscaping approved in the special use permit that is replaced by similar landscaping to an equal or greater extent.
    4. Any change in the building footprint of a building that does not exceed ten percent (10%) of the building footprint of that building as originally approved by the Planning Commission, provided that the proposed addition does not alter the character of the use or increase the amount of required parking more than ten (10%) percent. No more than two (2) approvals shall be granted by the zoning administrator under this subsection after the Planning Commission approves a special use permit. (Rev. 02/23/11, Amendment #90) (Rev. 03/30/13, Amendment #115)
    5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
    6. Changes related to items (a) through (e) above, required or requested by Cheboygan County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.

7. All amendments to a special land use permit approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

b. An amendment to an approved special use permit that cannot be processed by the zoning administrator under subsection (a) above shall be processed in the same manner as the original special use permit application.

SECTION 18.12. EXPIRATION OF SPECIAL USE PERMIT

a. An approved special use permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning Commission for an extension prior to the expiration of the special use permit. The Planning Commission may grant one (1) extension of an approved special use permit for an additional one (1) year period if it finds:

   1. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and

   2. The requirements and standards for special use permit approval that are reasonably related to the development have not changed.

b. If the special use permit expires pursuant to subsection (a) above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the procedures for a new special use permit.

SECTION 18.13. REAPPLICATION

No application for a special use permit which has been denied, wholly or in part, by the Planning Commission shall be re-submitted for a period of one (1) year from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid or if the county attorney by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or the procedure used in the matter was clearly erroneous. A reapplication shall be processed in the same manner as the original application.

SECTION 18.14. JURISDICTION OF ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall have no jurisdiction over decisions of the Planning Commission in regard to matters concerning the granting of special use permits.

ARTICLE 19. PLANNED UNIT DEVELOPMENT

SECTION 19.1. PURPOSE The purpose of these Planned Unit Development (PUD) provisions is to permit and encourage design flexibility within certain specific zoning districts of this ordinance through use of the Special Land Use Permit procedures. The PUD technique as described in this ordinance will enable both developers and Cheboygan County officials to propose, review and agree upon site plans which integrate housing, circulation networks, nonresidential facilities and open space/recreational areas which are compatible with the natural environment.

SECTION 19.2. USES PERMITTED No use will be permitted in a PUD that is not permitted in the zoning district in which a PUD is proposed.

SECTION 19.3. APPLICATION AND APPROVAL PROCEDURES The following procedures shall be used for the review and approval of a Planned Unit Development application.

19.3.1. Prior to the submittal of a PUD special land use permit application, the applicant is encouraged to informally meet with the Cheboygan County Zoning Administrator to inform county officials of his general intentions and to give the applicant detailed information on the required procedures for such a permit application. At this pre-application conference, the applicant should provide the Zoning Administrator with two copies of a concept plan for the proposed PUD. This concept plan should include information on the types and placement of residential structures, utilities and public facilities, and recreational facilities; minimum lot sizes; densities; landscaping and environmental treatment; pedestrian and auto circulation; the compatibility of the proposed development with surrounding uses; financing of the project; and such other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development. The Zoning Administrator shall keep on file documentation signed by the prospective applicant, of any pre-application conference. Following this pre-application conference, the Zoning Administrator shall present the concept plan to the Cheboygan County Planning Commission at their next regular public meeting for their information and review.

19.3.2. Preliminary Plan Following a pre-application conference, if any, the applicant shall submit a preliminary plan for the PUD in accordance with those provisions outlined below. The preliminary plan must contain that information which is required of a site plan as set forth in Article 20 of this ordinance.

a. General Requirements for the Preliminary Plan

1 A statement of the objectives of the planned unit development, including physical, social and economic considerations.

2 A schedule of development, including phasing of residential, public, and open space/recreation areas.

3 Future selling and/or leasing intentions and accompanying management techniques.

4 A tabulation of the land area percentages (by land use type) for residential, public, utility and open space/recreation areas.

5 Any additional information that has been gathered by the developer that would be useful in giving the Planning Commission a description of the proposed project.

b. Graphic Requirements for the Preliminary Plan. Preliminary plan shall contain a base map with topographic identification (using a minimum of five (5) foot contour intervals or less if the Planning Commission determines that site conditions require more detail) plus important environmental features (including, but not limited to water bodies, surface drainage, vegetation and soils). It shall also contain additional maps identifying:

1 proposed lot lines and the location and floor areas of proposed buildings

2 existing and proposed pedestrian and vehicular circulation routes and off-street parking areas

3 existing and proposed utility systems

4 areas to be dedicated for open space and/or public use

5 plans of proposed landscape work

6 general descriptions of architectural and landscape elements within the proposed development

c. Additional Requirements for the Preliminary Plan, if requested by the Planning Commission.

1 Information on the projected demand for the development to determine the feasibility of the proposed land use development.

2 Detailed information on the development's impact on soils, surface and groundwater's, existing vegetation, wildlife and other natural features of the site.

d. The preliminary plan shall be submitted to the Zoning Administrator and Planning Commission by the applicant when all necessary requirements have been met. The Zoning Administrator shall present all material submitted by the applicant to the Planning Commission at their regular public meeting. The Planning Commission shall then have 30 days from the date of the public meeting at which said preliminary plan is submitted, to solicit the recommendations from the Planning Commission, County Soil Conservation District, the Township in which the PUD is proposed, the District Health Department, the County Drain Commissioner and the Cheboygan County Road Commission.

e. The Planning Commission shall review the preliminary plan and advise the applicant of any changes that are required. A formal response shall be given to the applicant on the preliminary plan, including all recommendations and comments of the Planning Commission.

19.3.3. Final Plan Once the applicant has been advised of the comments on the preliminary plan, he must submit a final plan to the Planning Commission within nine (9) months. The final plan shall include all modifications from the preliminary plan, any additional necessary or pertinent legal documents, and detailed drawings or plans of elements which were presented in general fashion in the preliminary plan. During this time, the applicant must also submit a formal application for a Special Land Use Permit, following the procedures outlined in Article 18.

a. After receiving the final plan and the Special Land Use application, the Planning Commission shall conduct a public hearing on the PUD proposal, following the notice requirements of Section 18.5. All decisions must be based upon those standards presented in this article pertinent to Planned Unit Developments. (Rev. 04/12/07, Amendment #69)

b. The Planning Commission shall also act on the PUD Special Land Use request within 45 days of submittal by the applicant. Approval, approval with modifications or disapproval of the Special Land Use request shall follow the procedures outlined in Article 18.

c. If the final plan or Special Land Use request is disapproved by the Planning Commission, reasons or the denial shall become part of the public record and shall be presented to the applicant in written form.

19.3.4. Modification to Final Plan If it becomes necessary, due to unforeseen circumstances, to modify the approved final plan, the applicant shall submit, in writing, the situation regarding the need for modification, reasons for modification, and specifications of the proposed changes to the Zoning Administrator. The Planning Commission shall then, after being notified by the Zoning Administrator, review the proposed changes and solicit recommendations from the Zoning Administrator and Planning Commission. The Planning Commission shall approve the modifications, propose alternative changes or disapprove (adhere to approved final plan). In any event, the Planning Commission must ensure that the standards set forth in this Article are not violated by the proposed changes to the final development plan.

19.3.5. Design Requirements All Planned Unit Developments shall adhere to the following conditions and standards:

a. General.

1. The minimum site size shall be five (5) acres. (Rev. 09/29/06, Amendment #63)

2. All PUD's shall be controlled by one owner or group of owners and shall be planned and developed as a single project

3. Exclusions from gross area - Identifiable flood plains, wetlands, significant organic soils, bodies of water and areas with slopes averaging 20% or more shall be specifically excluded from all building improvements and shall not be considered in determining the developable area of the PUD.

b. Environmental Design Requirements.

1. Within the designated developable boundary, the Planning Commission shall require the following: preservation of existing trees to the greatest extent possible, predominant shrubbery, waterways, scenic viewing areas, historic points, and the planting of native and ecologically compatible vegetation or placement of protective cover on slopes of 12%-19% to minimize hillside erosion resulting from land development and any streets and walkways. The Planning Commission shall require that the applicant demonstrate that building activity will occur on portions of the site with soils most suitable for development.

2. Any portion of the PUD site, if deemed environmentally significant, and not already excluded from the developable area, may upon review by the Planning Commission, be preserved in its natural state.

   The internal vehicular circulation system of the PUD shall be designed and constructed so as not to reduce the slope of the natural terrain by more than 7%.

c. Perimeter Treatment. To provide adequate separation between the PUD and the surrounding land uses, a buffer zone shall be established on the perimeter of the development, in which no structures are to be located. The buffer zone shall be at least 20 feet deep and may extend up to 100 feet depending on the PUD's compatibility with surrounding uses. Adequate screening and landscaping or protection by natural features shall be included in the buffer zone.

d. Open Space. Open space, as defined by the Planning Commission for the purposes of these PUD design requirements, refers to those areas established specifically for common use by all residents or homeowners of the Planned Unit Development. In an effort to preserve and enhance open space and to provide adequate recreational areas for residential developments, the designated common open space shall comprise at least 30% of the total developable area of the PUD to be used for recreational, park, or environmental amenities for collective enjoyment by occupants of the development but shall not include public or private streets, driveways, or utility easements, provided, however, that up to 10% of the required open space may be composed of open space on privately owned properties dedicated by easement to assure that the open space will be permanent.

e. Densities for Residential Development. Since the Planned Unit Development concept is designed to encourage flexible and innovative building patterns, density requirements shall be based on the number of dwelling units per acre rather than the traditional minimum lot size requirements which would normally be applicable to the zoning district in which the PUD is located. The density requirements for residential uses in Planned Unit Developments shall be four and one-half (4 1/2) dwelling units per developable acre. Density increases may be permitted by the Planning Commission for the following reasons:

1. The following formula shall be used in determining the increase of total additional dwelling units to be allowed as an incentive for designating additional open space within the developable area of the PUD.

For Planned Unit Developments of 80 acres or more:

Additional acres of open space provided (beyond the minimum requirement for the developable areas of the PUD)	Increase in number of dwelling units allowed per acre of developable land:	
	For unimproved open space	For improved open space
5 – 6	.5	.55
7 – 5	.75	.80
9+	1.00	1.05

For Planned Unit Developments of 20 - 79 acres:

Additional acres of open space provided (beyond the minimum requirement for the developable areas of the PUD)	Increase in number of dwelling units allowed per acre of developable land:	
	For unimproved open space	For improved open space
5 – 6	1.1	1.2
7 – 5	1.5	1.7
9+	2.3	2.5

2. For the development of a nature interpretive trail through the non-developed lands of the PUD, including such improvements as wood chip trails, wooden stairways or boardwalks, interpretive signage for significant natural features or plant and animal species, and other facilities designed to advance the appreciation of the natural environment, the Planning Commission may allow up to one additional dwelling unit per every four (4) acres of developable land.
3. For the employment of unusually attractive or innovative building design or grouping, such as clustering, sun orientation, variation of building setbacks or other design features determined to significantly improve the character of the PUD, the Planning Commission may allow a density increase up to one additional dwelling unit per every five (5) acres of developable land.
4. For the use of additional or attractive landscaping, particularly in the screening of parking areas, accessory buildings, public facilities, or utilities, the Planning Commission may allow for a density increase up to one additional dwelling unit per every five (5) acres of developable land.

NOTE: Any fractional number of dwelling units (for the total developable area) shall be rounded to the next lowest whole number.

f. Building Spacing. While the traditional front, side and rear yard setback requirements are not necessarily required for Planned Unit Developments, the Planning Commission will establish minimum spacing distances between structures to assure adequate light, air, privacy and fire protection for all residents. The following standards are established to achieve these objectives.

1. When buildings are designed to provide adequate privacy, light and air, and effective utility of space for residents, there may be a reduction allowed in the spacing of structures.
2. Front yard requirements: In those areas where street design reduces traffic flow, adequate screening or landscaping is provided, the residence, if facing onto a common open space, or through interior room design minimizing the use of the front yard, front yard requirements may be reduced from the standards for the zoning district in which the PUD is proposed.

3. Lot width requirements: Those lots which have an awkward configuration, yet allow adequate light and ventilation between the structures, may reduce their lot width requirements from the standards for the district which the PUD is located. This reduction must not interfere with the maintenance of adequate light, ventilation, and access for structures in the PUD.
4. Building heights: To ensure adequate light, ventilation, and open space amenities in the PUD while allowing a variety of building types and densities, building heights should be part of the review process. However, to protect the character of the area, a maximum building height of thirty-five (35) feet shall be instituted.

g. Parking standards

1. For each dwelling unit, there shall be a minimum of two off-street parking spaces consisting of not less than 180 square feet each;
2. For all other land uses, parking spaces shall be provided as required in Section 17.6., table of minimum parking requirements.
3. Parking areas shall be arranged so as to prevent through traffic to other parking areas;
4. Parking areas shall be screened from adjacent roads, structures, and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls;
5. No more than 12 parking spaces shall be permitted in a continuous row without being interrupted by landscaping;
6. No more than 60 parking spaces shall be accommodated in any single parking area;
7. All streets and any off-street loading area shall be paved, and the design thereof approved by the Planning Commission; all areas shall be marked so as to provide for orderly and safe loading, parking and storage;
8. All parking shall adequately be graded and drained to dispose of all surface water without erosion, flooding, or other inconveniences.

h. Circulation Standards

1. Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated with the PUD and in relation to the community as a whole. These systems shall promote safety, convenience, easy access, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUD's should not be connected with external streets to discourage through traffic. Emergency access and safety standards shall be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.
2. All streets within the PUD must be designed to accommodate anticipated traffic loads, including volume, vehicle weight and size, speed, emergency vehicles, and turning radii. Street construction drawings must be accompanied by a report from a qualified road engineer to assure the adequacy of the design and also a written review from the superintendent/engineer of the Cheboygan County Road Commission.

ARTICLE 20 - SITE PLAN REVIEW

(Rev. 03/25/05, Amendment #42)
SECTION 20.1. PURPOSE

The intent of this Section is to provide for consultation and cooperation between the developer and the County so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding land uses consistent with the requirements and purposes of this Ordinance. Through the application of the following provisions, the attainment of the Master Plan of Cheboygan County will be assured and the County will develop in an orderly fashion.

SECTION 20.2. SITE PLAN REVIEW AND APPROVAL AUTHROIZED

a. The Planning Commission shall review and approve, review and approve with conditions, or review and deny all site plans submitted under this Ordinance.

b. Each action taken with reference to site plan review shall be duly recorded in the minutes of the Planning Commission.

SECTION 20.3. SITE PLAN REVIEW REQUIRED.

Site plan review shall be required in the following situations:

a. Any use or development for which the submission of a site plan is required by any provision of this Ordinance.

b. Any new construction in a Commercial Development, Light Industrial Development, General Industrial Development, Village Center, Village Center Indian River, Village Center Indian River Overlay, Village Center Topinabee or Village Center Topinabee Overlay zoning district except single family dwellings, two family dwellings and private storage buildings. (Rev. 11/06/08, Amendment #77), (Rev. 11/24/13, Amendment #120)

c. Any development, except single family dwellings, two family dwellings for which off- street parking areas are provided as required in this Ordinance. (Rev. 11/24/13, Amendment #120)

d. All platted subdivisions developed pursuant to the Land Division Act (P.A. 288 of 1967 as amended)(MCL 560.101 et. Seq. as amended) and all Condominium subdivisions developed pursuant to the Condominium Act (P.A. 59 of 1978 as amended)(MCL 559.101 et. Seq. as amended).

SECTION 20.4. GENERAL APPLICATION AND PROCEDURAL OUTLINE

The procedure for processing site plans includes a pre-application conference, if desired by the applicant or the Planning Commission, and final site plan approval.

SECTION 20.5. PRE-APPLICATION CONFERENCE

If a prospective applicant or the Planning Commission requests a pre-application conference, the prospective applicant shall provide a generalized site plan for consideration of the overall idea of the development.

a. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure shall be discussed.

b. This conference should be scheduled by a prospective applicant with the Zoning Administrator and such other County representatives as appropriate, including one member of the Planning Commission.

c. At this conference the applicant or his/her representative shall be presented with the applicable procedures required by this Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Zoning Board of Appeals for any variances.

d. Any application requirements that are not applicable for the specific proposed development should be identified; however, the Planning Commission may require additional information that they later determine appropriate.

e. There shall be no charge or fee to the applicant for this pre application conference.

SECTION 20.6. APPLICATION REQUIREMENTS FOR SITE PLAN

The application for site plan approval shall, at a minimum, include the following information on the application, site plan, or attached as exhibits:

a. The applicant's name, address, and phone number in full.

b. Proof of property ownership and whether there are any options on the property.

c. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).

d. The address and or parcel number of the property.

e. Name and address of the developer (if different from the applicant).

f. Name and address of the engineer, architect, land surveyor, or other site plan preparer if the request includes a structure(s) and/or addition(s) to be used for profit or public involvement.

g. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by the ordinance.

h. The total and net acreage of all parcels in the project.

i. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.

j. Project completion schedule/development phases.

k. Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.

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

For all Site Plan Reviews, Special Use Permits, and Planned Unit Developments, fifteen (15) copies of the site plan containing all information required in this Ordinance shall be presented for consideration. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 100' or less, showing the site and all structures within 150' of the site. If multiple sheets are used, each shall be labeled and numbered and the preparer identified. If the applicant fails to provide all the information required by this Ordinance, then the site plan shall be deemed incomplete, shall not be processed, and may be denied by the Zoning Administrator on that basis. Each site plan shall depict the following, unless the Planning Commission waives a particular information requirement of this section upon a finding that the information is not applicable to the proposed development and the information is not needed to determine whether the proposed development meets the standards for approval in Section 20.10 of this Ordinance:

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

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

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

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

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

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

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.

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 as any containment structures or clear zones required by government authorities.

s. Floor plans, when needed to determine the number of parking spaces required.

SECTION 20.8. SUBMITTAL REQUIREMENTS FOR SITE PLAN REVIEW

a. The applicant shall complete and submit an original and fifteen (15) copies of the application and site plan to the Zoning Administrator at least fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission. If the applicant fails to provide all the information required by this Ordinance, the application and site plan shall be deemed incomplete, shall not be processed, and may be denied by the Zoning Administrator on that basis. (Rev. 02/23/11, Amendment #90)

b. The applicant shall send a copy of the application and site plan to the County Road Commission, Fire Department with jurisdiction, and County Health Department where applicable. These agencies will keep the application and one (1) copy of the site plan. Upon delivery of the application and site plan, the applicant shall obtain a receipt from the agencies as proof of delivery or a stamped, signed site plan indicating no comment. One copy of the site plan should be returned with comments from each agency, if any, to the Planning Commission. An application will be placed on the agenda of a meeting of the Planning Commission for discussion only after receipt of comments from the above agencies, unless the site plan has been in possession of the reviewing agencies for ten (10) days without review and/or comment. When a site plan is submitted in conjunction with a special use permit, the Planning Commission shall consider the site plan in a public hearing noticed pursuant to the requirements of Article 18 of this Ordinance. (Rev. 11/20/11, Amendment #103)

c. Application fees as determined pursuant to Section 21.8.1 of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.

d. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

e. The applicant or his/her representative shall be present at each scheduled review or the matter shall be tabled for a maximum of two consecutive meetings due to lack of representation. After the two meetings, the application shall be rendered void and the applicant would need to re-apply.

SECTION 20.9. SITE PLAN REVIEW (Rev. 11/20/11, Amendment #103)

Following receipt of a complete application and site plan and after either receiving comments from the County Road Commission, Fire Department, County Health Department, and Michigan Department of Natural Resources, where applicable, or the expiration of the ten (10) day comment period, the Planning Commission shall review the site plan pursuant to the standards contained in section 20.10 below.

SECTION 20.10. STANDARDS FOR GRANTING SITE PLAN APPROVAL

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.

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.

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.

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

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

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

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

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

h. Exterior lighting shall be arranged as follows:

    a. It is deflected away from adjacent properties.

    b. It does not impede the vision of traffic along adjacent streets.

    c. It does not unnecessarily illuminate night skies.

i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or

planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

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

SECTION 20.11. CONFORMITY TO APPROVED SITE PLAN REQUIRED

Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan. Failure to do so shall be deemed a violation of this Ordinance.

SECTION 20.12. CONDITIONAL APPROVALS

The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to Section 20.10 of this Ordinance.

SECTION 20.13. PERFORMANCE GUARANTEE REQUIRED

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to Section 21.8.2 of this Ordinance.

SECTION 20.14. AMENDMENTS TO APPROVE SITE PLANS

Amendments to an approved site plan shall be permitted only under the following circumstances:

a. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
   1. Reduction of the size of any building and/or sign.
   2. Movement of buildings and by no more than twenty (20) feet. Movement of signs shall be reviewed according to the requirements for a zoning permit as per Section 21.3, provided all applicable provisions of this ordinance are met. (Rev. 02/23/11, Amendment #90)
   3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
   4. Any change in the building footprint of a building that does not exceed twenty percent (20%) of the building footprint of that building as originally approved by the Planning Commission, provided that the proposed addition does not alter the character of the use or increase the amount of required parking more than twenty (20%) percent. No more than two (2) approvals shall be granted by the zoning administrator under this subsection after the Planning Commission approves a special use permit. (Rev. 02/23/11, Amendment #90) (Rev. 03/30/13, Amendment #115)
   5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
   6. Changes related to items 1 through 5 above, required or requested by the Township, the County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
   7. Changes in use, provided all of the following are met: (Rev. 02/23/11, Amendment #90)
      a. The new use is a use authorized by right in the zoning district in which the property is located.
      b. The new use does not require more that a twenty percent (20%) increase in required parking beyond that which was required by the originally approved use.
      c. The originally approved site plan satisfies all current site plan requirements for the new use.

d. The new use does not trigger additional site plan requirements that were not considered when the original site plan was approved.

b. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

c. An amendment to an approved site plan that cannot be processed by the zoning administrator under subsection 'a' above shall be processed in the same manner as the original site plan application.

SECTION 20.15. AS-BUILT SITE PLAN

Upon installation of required improvements as shown on the approved final site plan, the property owner shall submit to the Zoning Administrator 2 copies of an "As built" site plan. The Zoning Administrator shall circulate the as built plans among the appropriate persons for review to insure conformity with the approved final site plan and other Cheboygan County requirements. The Zoning Administrator shall immediately notify the owner of compliance with the final site plan or of any discrepancy with the final site plan.

SECTION 20.16. EXPIRATION OF SITE PLAN REVIEW

a. An approved Site Plan Review shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning Commission for an extension prior to the expiration of the Site Plan Review. The Planning Commission may grant one (1) extension of an approved Site Plan Review for an additional one (1) year period if it finds:

   1. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and

   2. The requirements and standards for special use permit approval that are reasonably related to the development have not changed.

b. If the Site Plan Review expires pursuant to subsection (a) above, no work pursuant to the Site Plan Review approval may be undertaken until a new Site Plan Review is obtained from the Planning Commission following the required procedures.

SECTION 20.17. REAPPLICATION

No application for a Site Plan Review which has been denied, wholly or in part, by the Planning Commission shall be re-submitted for a period of one (1) year from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid or if the county attorney by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or the procedure used in the matter was clearly erroneous. A reapplication shall be processed in the same manner as the original application.

SECTION 21.2. ENFORCEMENT

21.2.1. The provisions of this ordinance shall be administered and enforced by the County Zoning Code Administrator. The Zoning Administrator may delegate members of his department to enforce the provisions of this ordinance.

21.2.2. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

21.2.3. The Zoning Administrator shall establish and maintain an indexed file of all variances and zoning changes which have been approved subsequent to the date of adoption of this ordinance.

21.2.4. The Zoning Administrator shall under no circumstances be permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out his duties as Zoning Administrator.

21.2.5. The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

21.2.6. *This section has been deleted and is reserved for future use.* (Rev. 11/20/11, Amendment #102)

SECTION 21.3. ZONING PERMIT

21.3.1. No building, sign, or other structure shall be erected, moved, enlarged, or structurally altered, nor shall there be a change to a different use listed in a zoning district within a building or on a lot without a permit therefor, issued by the Zoning Administrator. No permit shall be issued except in strict conformity with the provisions of this ordinance, unless the Zoning Administrator receives a written order from the Zoning Board of Appeals. (Rev. 04/12/07, Amendment #67, Rev. 02/23/11, Amendment #90)

21.3.2. The Zoning Administrator shall have the power to issue zoning permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or any permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance.

21.3.3. The Zoning Administrator shall require that every application for a permit for excavation, construction, moving, or alteration or change in type of use or the type of occupancy be filed in duplicate and accompanied by written statement and, as applicable, dimensioned plans or plats drawn to scale, and showing the following:

a. The actual shape, location, and dimensions of the lot.

b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.

c. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

d. The lines of the lots or parcels under separate ownership therein.

e. The names and widths of abutting pavements and rights-of-way.

f. The signature of the fee holder owner of the premises concerned.

g. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

21.3.4. One copy of the application shall be returned to the applicant by the Zoning Administrator, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original application, similarly marked, shall be retained by the Zoning Administrator, maintained on file and available to the public for inspection upon request during normal business hours. In all cases when the Zoning Officer shall refuse to issue a permit, he shall state such refusal in writing with the cause and reasons for said refusal.

21.3.5. The Zoning Administrator shall void any permit which has been issued on the basis of false or misrepresented information on the permit application.

SECTION 21.4. EXPIRATION OF ZONING PERMIT If the work described in any permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Zoning Officer and written notice thereof shall be given to the persons affected

SECTION 21.5. CONFORMANCE WITH APPROVED PLANS Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and do not authorize other use, arrangement, or construction. Use arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by SECTION 21.9.

SECTION 21.6. CERTIFICATES OF OCCUPANCY

21.6.1. It shall be unlawful to use or permit the use of any land, building, or structure for which a permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Zoning Administrator shall have issued a Certificate of Occupancy to the applicant for the permit in effect stating that the provisions of this ordinance have been complied with.

a. Temporary Certificates. Certificates of Temporary Occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force more than 90 days, nor more than 30 days after the building or structure is fully completed and ready for occupancy; and provided further, that such portions of the building or structure are in conformity with the provisions of this ordinance.

b. Records of Certificates. A record of all Certificates of Occupancy shall be kept in the office of the Zoning Administrator and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

c. Certificates for Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

d. Application for Certificates. Certificates of Occupancy shall be applied for in writing to the Zoning Administrator coincidentally with application for building permits and shall be issued within 5 days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this ordinance. If such Certificate of Occupancy is refused

for cause, the applicant shall be notified of such refusal and the cause thereof within the aforesaid 5 day period.

SECTION 21.7. FINAL INSPECTION The recipient of any permit for the erection, construction, alteration, repair or moving of any building, structure, or part thereof, shall notify the Zoning Officer immediately upon the completion of the work authorized by such permit, for a final inspection.

SECTION 21.8. FEES (Rev. 03/06/04, Amendment #30)

21.8.1. To assist in defraying the costs of investigating, reviewing and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the County, the County Board of Commissioners may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:

a. Zoning permits.

b. Special use permits.

c. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the County Board of Commissioners, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.

d. Classification of unlisted property uses.

e. Requests for variances from the Zoning Board of Appeals.

f. Requests for rezoning of property by individual property owners. Rezoning of property initiated by the County Board of Commissioners, or the Planning Commission shall not be subject to a zoning fee.

g. Site plan reviews.

h. Requests for a planned unit development (PUD).

i. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

21.8.2. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the County Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any

actual costs incurred by the County in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

SECTION 21.9. ENFORCEMENT PROCEDURES, PENALTIES
21.9.1. (Rev. 02/04/04, Amendment #29)

A. Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

B. Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined in subsection A above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 ($500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

C. The County Zoning Administrator and Code Enforcement Officer are hereby designated as the authorized county officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

D. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the County may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

21.9.2. Any person who shall commence the construction of any building or established a new land use without first obtaining a valid permit as required by law shall be penalized to the extent of paying double the amount of the required permit fee, in addition to any other penalties that may be levied in the enforcement of this ordinance and the prosecution of violations thereof.

SECTION 21.10. REMEDIES The Zoning Administrator, the Board of Appeals, County Board of Commissioners, or any interested party, may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, abate or remove any violation of this ordinance. The rights and remedies herein provided are civil in nature and in addition to criminal remedies.

SECTION 21.11. SCOPE OF REMEDIES The rights and remedies provided in this ordinance are cumulative and are in addition to all other remedies provided by law. All monies received from penalties assessed shall be distributed in accordance with the prevailing statutes.

ARTICLE 22. - NON-CONFORMING USES, STRUCTURES

SECTION 22.1. Lawful non-conforming uses or structures in existence or under construction at the time of passage of this ordinance may be continued but shall not be extended, added to or altered unless such extension, addition or alteration is in conformity with the provisions of this ordinance.

SECTION 22.2. If the cost of repair or replacement of a non-conforming use or structure which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy exceeds 50% of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance.

SECTION 22.3. If the non-conforming use of any land or structure shall terminate for a continuous period of time exceeding one year, such use shall not be re-established and any future use of the land and structure shall be in conformity with this ordinance.

SECTION 22.4. If a non-conforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a non-conforming less restrictive use.

SECTION 22.5. Notwithstanding the foregoing, a home located in a zone which does not permit the same may still be altered, expanded and/or rebuilt.

SECTION 22.6. Nothing in this ordinance shall prevent the strengthening of a lawful, non-conforming building or structure, or point thereof, which has been declared unsafe by the Zoning Administrator, building official or public health inspector, nor the requirement to adhere to the lawful orders of such individuals.

SECTION 22.7. No lot or lots, nor yard, court, parking space or any other space shall be so divided, altered or reduced as to provide less than the minimum allowable area and dimensions set forth in this ordinance. If such areas are already less than the minimum allowable area or dimensions set forth in this ordinance, they shall not be divided, altered or reduced further.

SECTION 22.8. (Rev. 04/26/08, Amendment #73)
Any nonconforming lot of record may be used for any purpose authorized within the zoning district in which it is located. Any structure or building constructed on the nonconforming lot of record shall meet all applicable setback and other dimensional regulations of the zoning district, unless a variance is obtained from the Zoning Board of Appeals pursuant to the procedures and standards of this Ordinance.

ARTICLE 23. - ZONING BOARD OF APPEALS

SECTION 23.1. CREATION AND MEMBERSHIP

There is hereby established a Board of Appeals which shall perform its duties and exercise its powers as provided in Act 183 of the Public Acts of 1943, as amended and in such a way that the objectives of this ordinance shall be observed, public health, safety and welfare assured and justice served. The Board shall consist of the following five (5) members.

23.1.1. One member shall be a member of the County Planning Commission.

23.1.2. Each member shall be chosen from the electors residing in the unincorporated areas of the county.

23.1.3. An elected officer of the county or an employee of the County Board of Commissioners may not serve simultaneously as a member of or as an employee of the Board of Appeals.

23.1.4. All members shall be appointed by the County Board of Commissioners to serve staggered terms of three (3) years.

SECTION 23.2. BOARD MEETINGS

(Rev. 09/25/10, Amendment #89)

23.2.1 The Board of Appeals shall not conduct business unless a majority of the regular members are present. Meetings of the Board of Appeals will be held at the call of the chairman, and at other such times and places as the Board of Appeals may determine. All meetings shall be open to the public. The Board of Appeals shall keep minutes of all its proceedings and shall keep records of its findings, proceedings at hearings and other official actions, all of which shall be filed in the office of the Zoning Administrator and County Clerk, and shall be a public record. The Board of Appeals shall adopt its own rules of procedure for meetings.

23.2.2. The concurring vote of a majority of the entire membership of the zoning board of appeals shall be necessary to reverse or amend any order, requirement, decision or determination of the Zoning Administrator, administrative official or body, to decide in favor of the applicant on any matter upon which they are required to pass under the zoning ordinance, or to grant a variance in the Zoning Ordinance.

SECTION 23.3. APPEAL

23.3.1. The Board of Appeals shall, when called upon, act upon all questions as they arise in the administration of this zoning ordinance including interpretation of the county zoning map; except, the Zoning Board of Appeals shall not be empowered to hear appeals from Planning Commission or Zoning Board decisions on either Special Use Permits pursuant to Article 18 or Planned Unit Developments pursuant to Article 19 of this ordinance. Such an appeal may be taken by any person aggrieved, or by any officer, department, board, or bureau of the county or state. It shall hear and decide appeals from any review any order, requirements, decisions or determinations made by the Zoning Administrator; except that the decision of the Zoning Administrator to issue a municipal civil infraction citation shall not be appealable to the Zoning Board of Appeals. (Rev. 02/04/04, Amendment #28)

23.3.2. An appeal shall be taken within such time as shall be prescribed by the Board of Appeals. The appeal, in writing and specifying the grounds for the appeal, shall be filed with the Zoning Administrator. The Zoning Administrator shall forthwith transmit the appeal to the Board of Appeals along with all the papers constituting the record upon which the action appealed was taken.

23.3.3. An owner of property, or his authorized agent, shall not file an appeal for a zoning variance affecting the same parcel more often than once every twelve (12) months. An exception to this rule may be made in those cases where the Board of Appeals determines that: (a) conditions affecting the property have changed substantially, or (b) the nature of the request has changed substantially from the date of the previous petition.

23.3.4. Appeal: The decision by the Planning Commission may be appealed by the property owner or other aggrieved party to the Cheboygan County Zoning Board of Appeals. Requests for appeal shall be made in writing on the property appeal form within 45 days of Planning Commission action.

SECTION 23.4. STAY.
An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life

or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application.

SECTION 23.5. JURISDICTION.
The Board of Appeals shall have the following powers and it shall be its duty:

23.5.1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance, except that the decision of the Zoning Administrator to issue a municipal civil infraction citation shall not be appealable to the Zoning Board of Appeals. (Rev. 02/04/04, Amendment #28)

23.5.2. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances therefore as may be in harmony with the general purpose and intent of this Ordinance, as will assure public health, safety and welfare and will serve justice, including the following:

23.5.2.1. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the zoning map.

23.5.2.2. Permit the erection and use of a building or an addition to an existing building, for a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established.

23.5.2.3. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.

23.5.2.4. Permit such modification of the area, width, lot size, setback and density regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics that it cannot otherwise be improved without such modification.

23.5.2.5. Permit temporary buildings and uses for periods not to exceed two (2) years, which may be renewed upon request for not more than one (1), one (1) year period.

23.5.3. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, will assure that public health, safety and welfare is secured and substantial justice done. No such variance for the use provisions of this Ordinance shall be granted unless all of the following facts and conditions exist: (Rev. 09/11/04, Amendment #36)

23.5.3.1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same district.

23.5.3.2. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

23.5.3.3. The granting of the variance will relate only to the property under control of the appellant.

23.5.3.4. The granting of the variance will not adversely affect the purposes or objectives of the Zoning Plan of the County.

23.5.3.5. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.

23.5.4. (Rev. 09/11/04, Amendment #36)

A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

23.5.4.1 That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.

23.5.4.2 That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

23.5.4.3 That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

23.5.4.4 That the requested variance is the minimum variance necessary to grant the applicant reasonable relief as well as to do substantial justice to other property owners in the district.

23.5.4.5 That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

23.5.5. *This section has been deleted and is reserved for future use.* (Rev. 11/20/11, Amendment #102)

23.5.6. Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the County Board of Commissioners in the manner hereinafter provided by law.

SECTION 23.6. APPROVAL PERIODS. No order of the Board of Appeals permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within the said period; provided, however, that such order shall continue in force and effect, if a permit for said erection or alteration has been obtained, and said work is started and proceeds to completion in accordance with said permit.

SECTION 23.7. NOTICE OF HEARING. (Rev. 04/12/07, Amendment #69)

The Board of Appeals shall make no recommendation except in a specific case and after a Public Hearing conducted by said Board. The notices for all public hearings before the zoning board of appeals concerning appeals, interpretations, and variances shall comply with all of the following applicable provisions:

23.7.1 For an appeal or a request for an interpretation, the notice shall comply with all of the following:

23.7.1.1 The content of the notice shall include all of the following information:

a. A description of the nature of the appeal or interpretation request.

b. If the appeal or interpretation request involves a specific parcel, then the notice shall describe the property involved. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
c. The time, date, and place the appeal or interpretation request will be considered.
d. The address where and the deadline when written comments will be received concerning the appeal or interpretation request.

23.7.1.2 The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.

23.7.1.3 The notice shall be sent by first-class mail or personal delivery to the person filing the appeal or requesting the interpretation and, if the appeal or interpretation request involves a specific parcel, to the owners of the property involved not less than 15 days before the scheduled public hearing.

23.7.1.4 If the appeal or the interpretation request involves a specific parcel, then the notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property involved and to the occupants of all structures within 300 feet of the property involved not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the occupant or tenant is not know, the term "occupant" may be used in making notification under this subsection. For property located within the Natural Rivers Protection District and within designated high-risk erosion areas, notice of a hearing shall be sent to the proper department or authority within the Michigan Department of Natural Resources. (Rev. 11/20/11, Amendment #102)

23.7.2 For a variance request, the notice shall comply with all of the following:

23.7.2.1 The content of the notice shall include all of the following information:

a. A description of the nature of the variance request.
b. A description of the property on which the requested variance will apply. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
c. The time, date, and place the variance request will be considered.
d. The address where and the deadline when written comments will be received concerning the variance request.

23.7.2.2 The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.

23.7.2.3 The notice shall be sent by first-class mail or personal delivery to the owners of the property seeking the variance not less than 15 days before the scheduled public hearing.

23.7.2.4 The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property involved and to the occupants of all structures within 300 feet of the property on which the requested variance will apply not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the occupant or tenant is not know, the term "occupant" may be used in making notification under this

subsection. For property located within the Natural Rivers Protection District and within designated high-risk erosion areas, notice of a hearing shall be sent to the proper department or authority within the Michigan Department of Natural Resources. (Rev. 11/20/11, Amendment #102)

SECTION 23.8. FEES. The County Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Board of Appeals. At the time notice for appeal is filed, said fee shall be paid to the Zoning Office.

ARTICLE 24 – AMENDMENTS

SECTION 24.1. AMENDMENT TO THIS ORDINANCE

The County Board of Commissioners is authorized and empowered to cause this ordinance to be amended, supplemented or changed, pursuant to the authority and procedures set forth in Michigan Zoning Enabling Act, PA 110 of 2006. Proposals for amendments may be initiated by the County Board of Commissioners, the County Planning Commission or by application of one (1) or more owners of property in Cheboygan County affected by such proposed amendment. Application must show residential address of applicant(s) and date of signature.

SECTION 24.2. PROCEDURE FOR PROCESSING OF AMENDMENTS (Rev. 04/12/07, Amendment #69)

24.2.1 Each petition shall be submitted to the Zoning Administrator accompanied by the proper fee and shall then be referred to the Planning Commission at the next regularly scheduled meeting or at a special meeting called for such purpose.

24.2.2 The Planning Commission shall conduct a public hearing. The notices for all public hearings before the Planning Commission or County Commission concerning proposed zoning ordinance amendments (zoning text or map amendments) shall comply with all of the following applicable provisions:

24.2.2.1 For a proposed amendment to the text of the zoning ordinance, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:
   a. A description of the nature of the proposed zoning ordinance amendment.
   b. The time, date, and place the proposed zoning ordinance will be considered.
   c. The places and times at which the proposed zoning ordinance amendment may be examined.
   d. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.
2. The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.
3. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

24.2.2.2 For a proposed zoning ordinance amendment rezoning an individual property or 10 or fewer adjacent properties, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:
   a. A description of the nature of the proposed zoning ordinance amendment.
   b. A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
   c. The time, date, and place the proposed zoning ordinance will be considered.
   d. The places and times at which the proposed zoning ordinance amendment may be examined.
   e. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.

2. The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
4. The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property or properties proposed for rezoning and to the occupants of all structures within 300 feet of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
5. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

24.2.2.3 For a proposed zoning ordinance amendment rezoning 11 or more adjacent properties, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:
   a. A description of the nature of the proposed zoning ordinance amendment.
   b. The time, date, and place the proposed zoning ordinance will be considered.
   c. The places and times at which the proposed zoning ordinance amendment may be examined.
   d. The address where and the deadline when written comments can be sent concerning the proposed zoning ordinance amendment.
2. The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
4. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

24.2.3. Following the public hearing, the Planning Commission shall transmit its recommendations to the County Board of Commissioners.

24.2.4. No petition for rezoning, which has been disapproved by the County Board of Commissioners, shall be resubmitted for a period of one (1) year from the date of disapproval except as permitted by the Board of Commissioners after becoming aware of new evidence which may result in approval upon resubmittal.

ARTICLE 25 - ENACTMENT & EFFECTIVE DATE

SECTION 25.1. ENACTMENT & EFFECTIVE DATE
The foregoing zoning ordinance and zoning maps were adopted at a meeting of the Cheboygan County Board of Commissioners, on Feb. 1983, after approval of the same by the Cheboygan County Planning Commission following a public hearing on 23 August 1982. Upon final review and approval by the Department of Commerce, Lansing, Michigan, on March 11, 1983, this zoning ordinance was adopted and implemented for Cheboygan County. Notice of adoption was ordered published in a newspaper having general circulation in Cheboygan County and said ordinance become effective 30 days after the date of such publication.

Amendments have been made to this ordinance, the last being approved by the department of Commerce, Lansing, Michigan on March 19, 1990.

CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200

APPENDIX I
THE CHEBOYGAN COUNTY ZONING MAP

This map is for general reference. The Official Cheboygan County Zoning Map is located in the office of the Zoning Administrator and shall be the final authority concerning district boundaries. See SECTIONS 3.8. and 3.9. for standards to establish exact zoning district boundaries.

INDEX

This Index Map shows the Townships in Cheboygan County and page numbers of the detailed township zoning district maps.

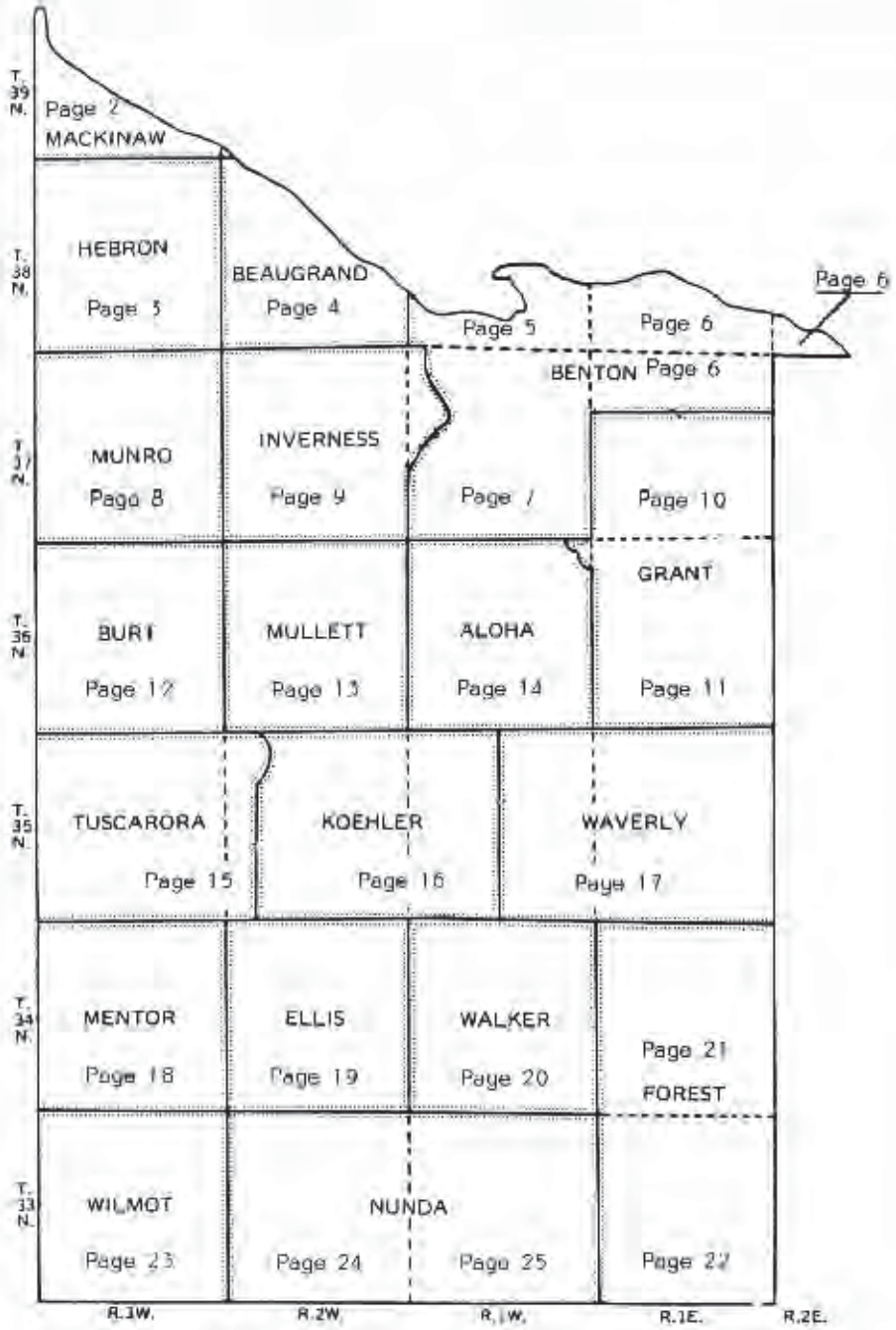
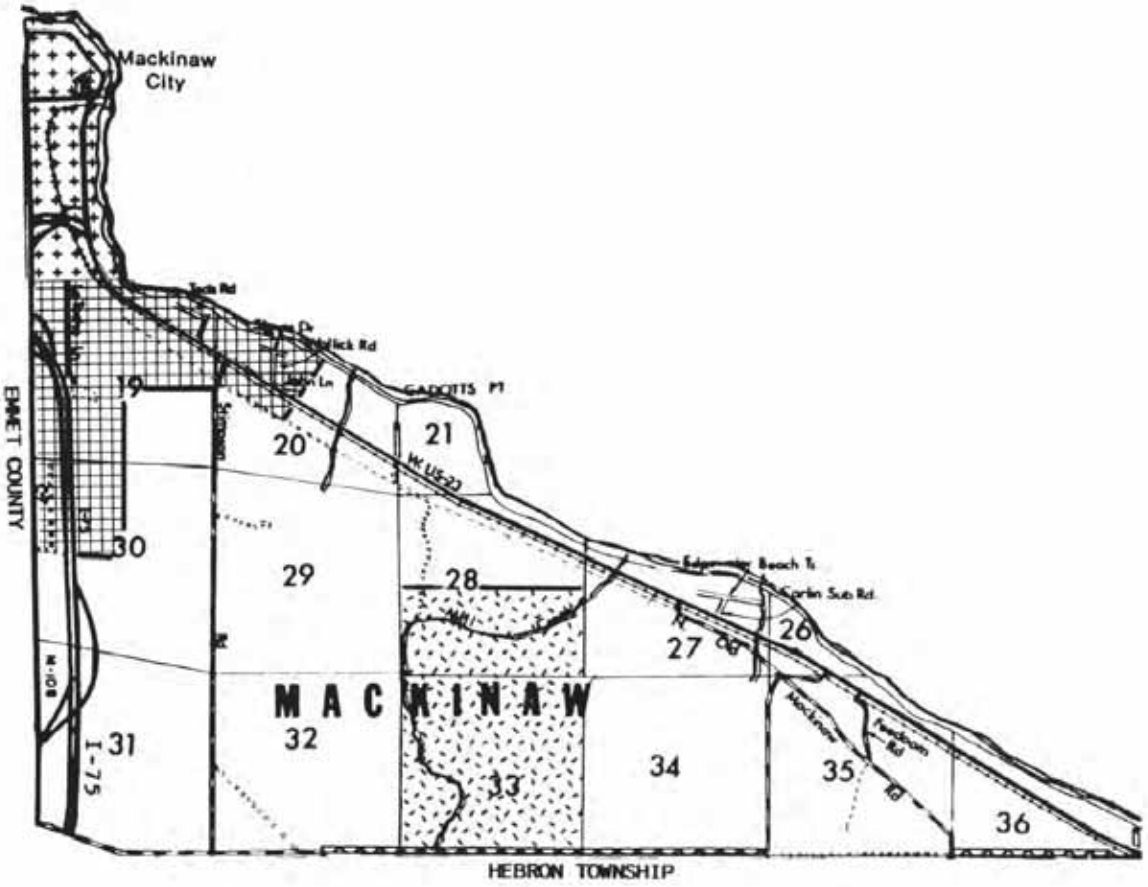


Exhibit 129

CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

MACKINAW TOWNSHIP, T39N-R3W



MAP SCALE: 1 INCH = 1 MILE

ZONING DISTRICT LEGEND

- CITIES, VILLAGES AND TOWNSHIPS TO WHICH THIS ORDINANCE DOES NOT APPLY
- D-RS RESIDENTIAL
- D-MR MIXED RESIDENTIAL
- D-CM COMMERCIAL
- D-LI LIGHT INDUSTRIAL
- D-GI GENERAL INDUSTRIAL
- M-AF AGRICULTURE AND FORESTRY
- P-RC RESOURCE CONSERVATION

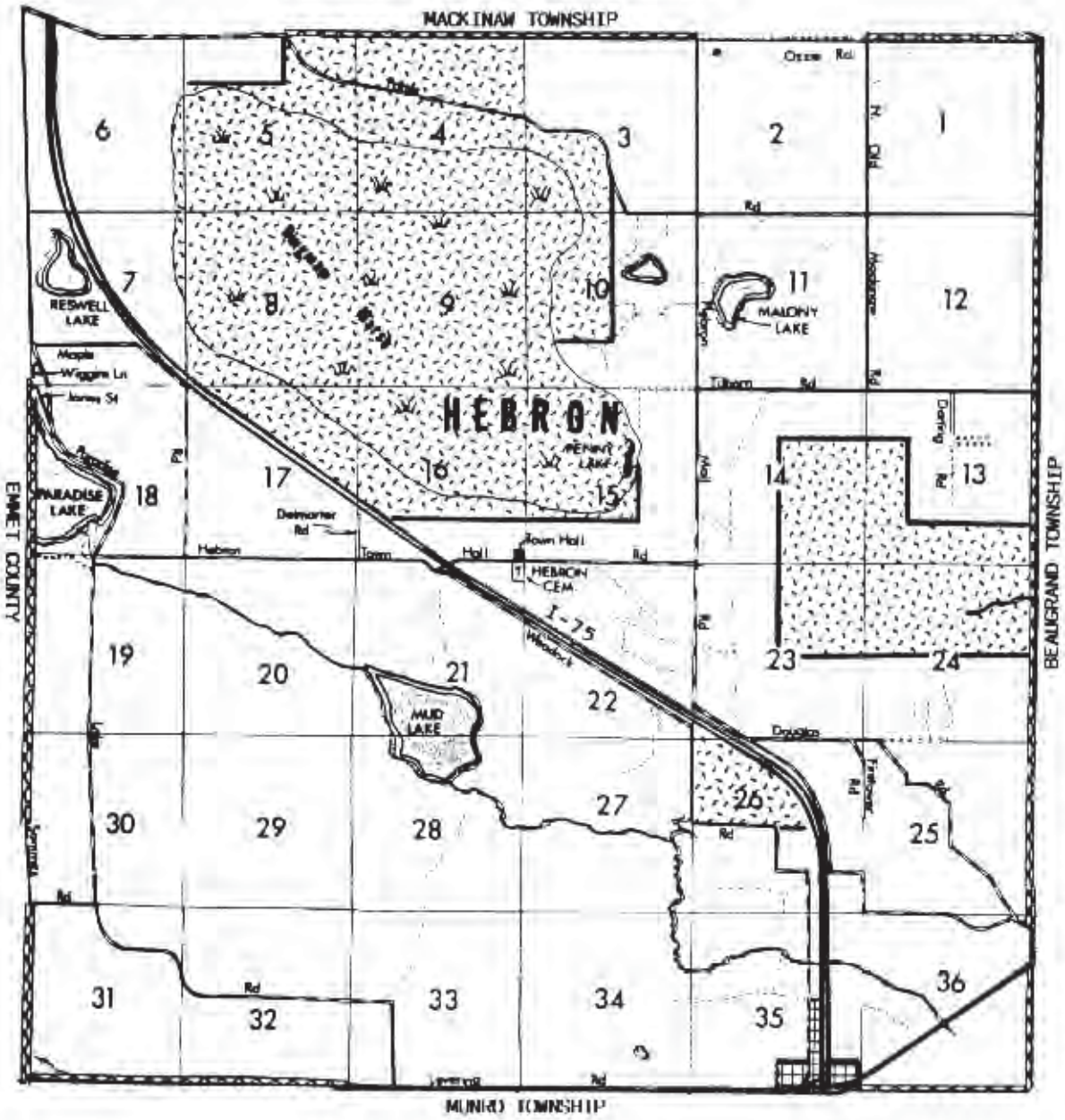
P-NR NATURAL RIVERS PROTECTION DISTRICT - NOT SHOWN ON MAP, IS DESCRIBED IN ARTICLE 11.

P-LS LAKE AND STREAM PROTECTION DISTRICT - NOT SHOWN ON MAP, IS DESCRIBED IN ARTICLE 10.

ALL PLATTED SUBDIVISIONS - NOT SHOWN ON MAP, ARE ZONED D-RS, RESIDENTIAL.

CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

HEBRON TOWNSHIP, T38N-R3W



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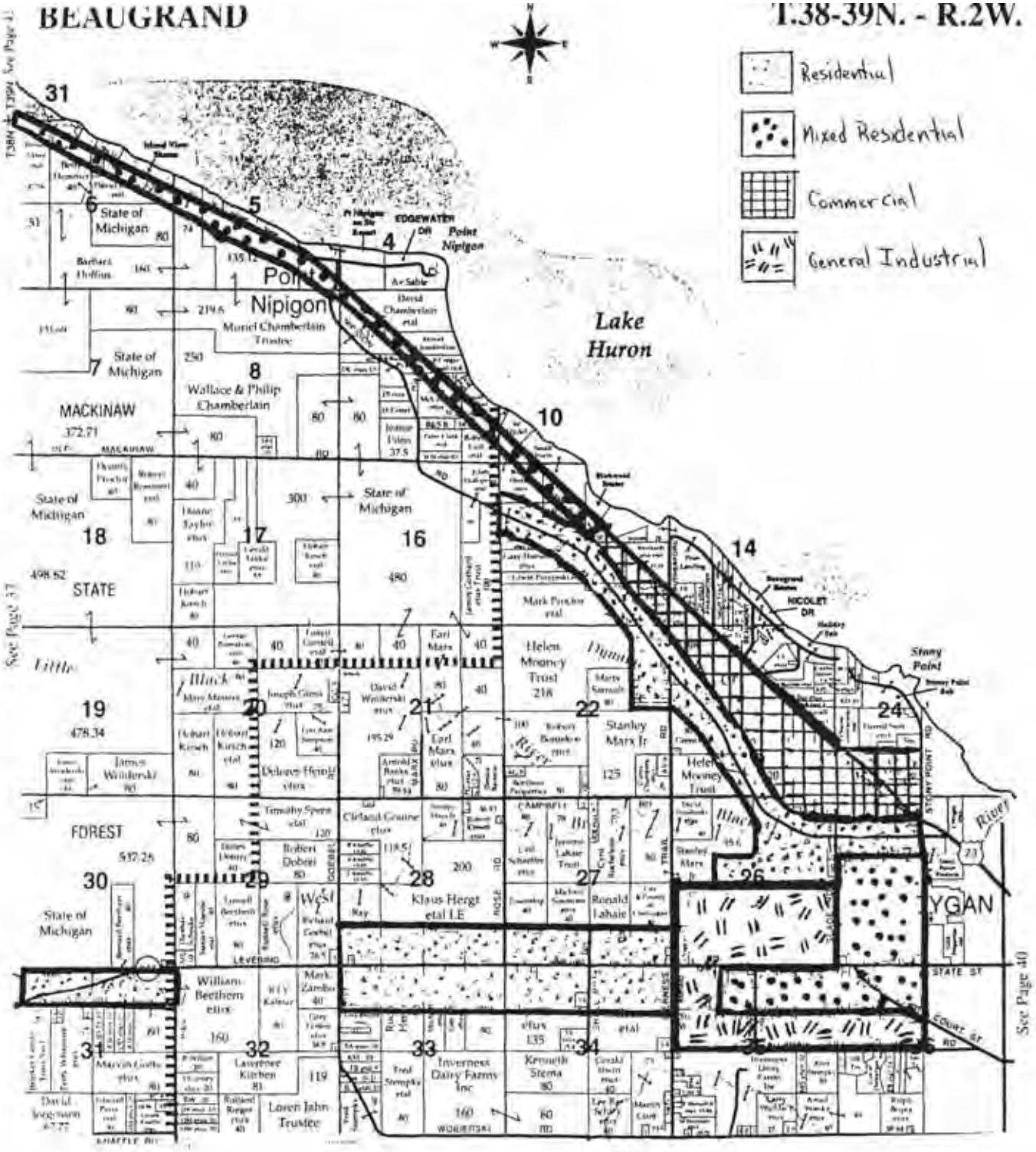
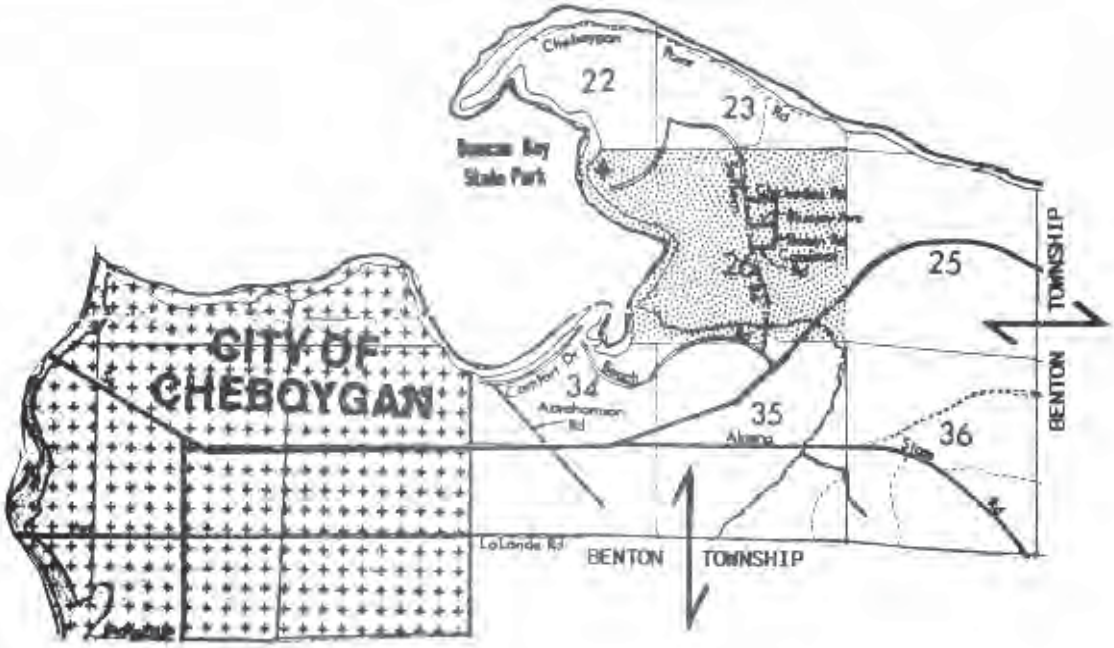

BEAUGRAND
T.38-39N. - R.2W.
Residential
Mixed Residential
Commercial
General Industrial
Lake Huron
Point Nipigon
EDGEWATER DR
Point Nipigon
Muriel Chamberlain Trustee
Wallace & Philip Chamberlain
MACKINAW
State of Michigan
STATE
FOREST
Little
Black
Helen Mooney Trust
Stanley Marx Jr
Klaus Hergt etal LE
Ronald Lahaie
Inverness Dairy Farms Inc
Kenneth Stema
Lawrence Kirchen
Laren Jahn Trustee
William Beethem etux
Robert Dobrei
Delaware Henkel etux
Earl Marx etux
Mark Pinsker etal
NICOLET DR
Stony Point
STONY POINT RD
STATE ST
Court St
See Page 37
See Page 40

CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

BENTON TOWNSHIP, T38N-R1W



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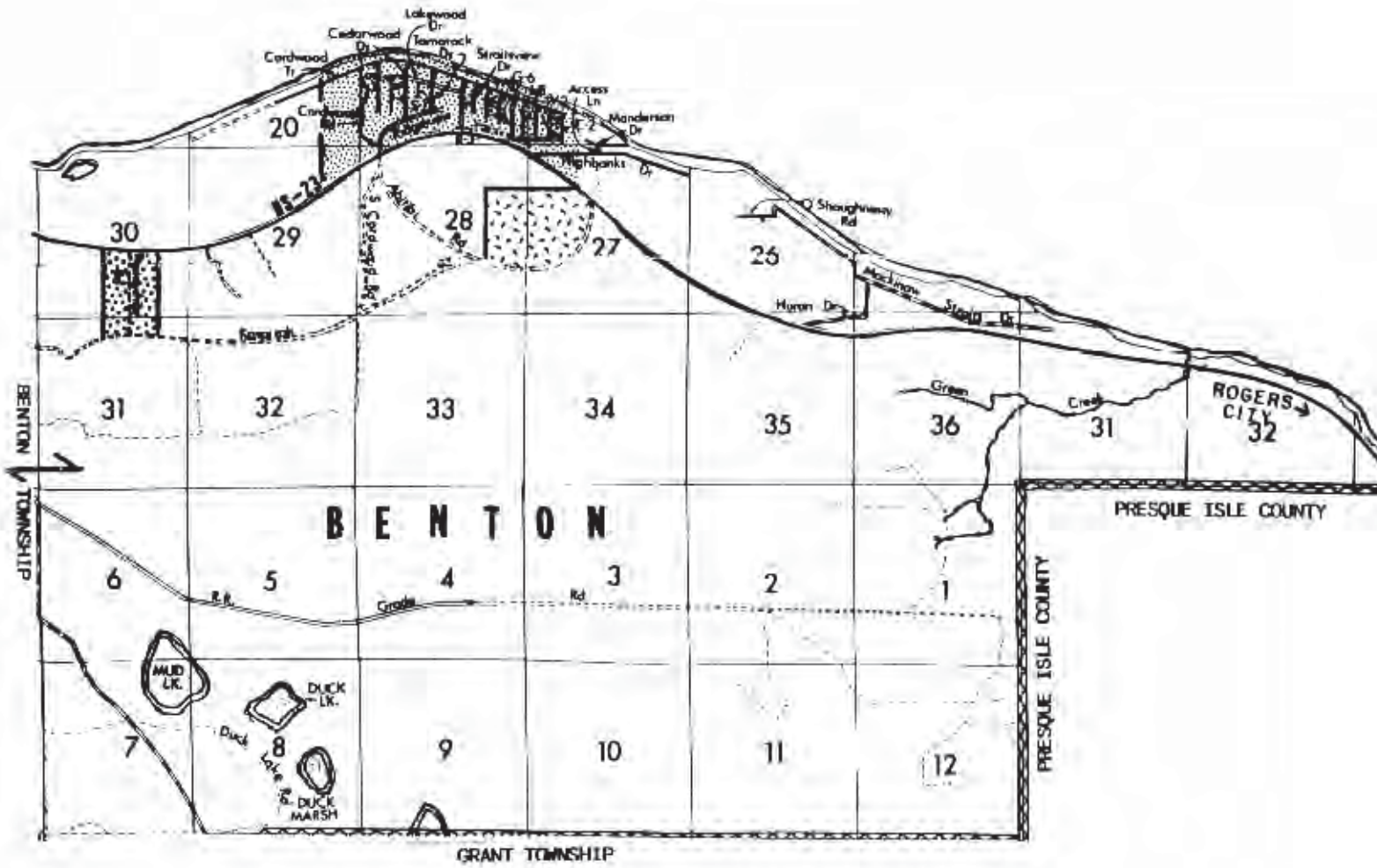
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

BENTON TOWNSHIP, T37N-R1E, T38N-R2E



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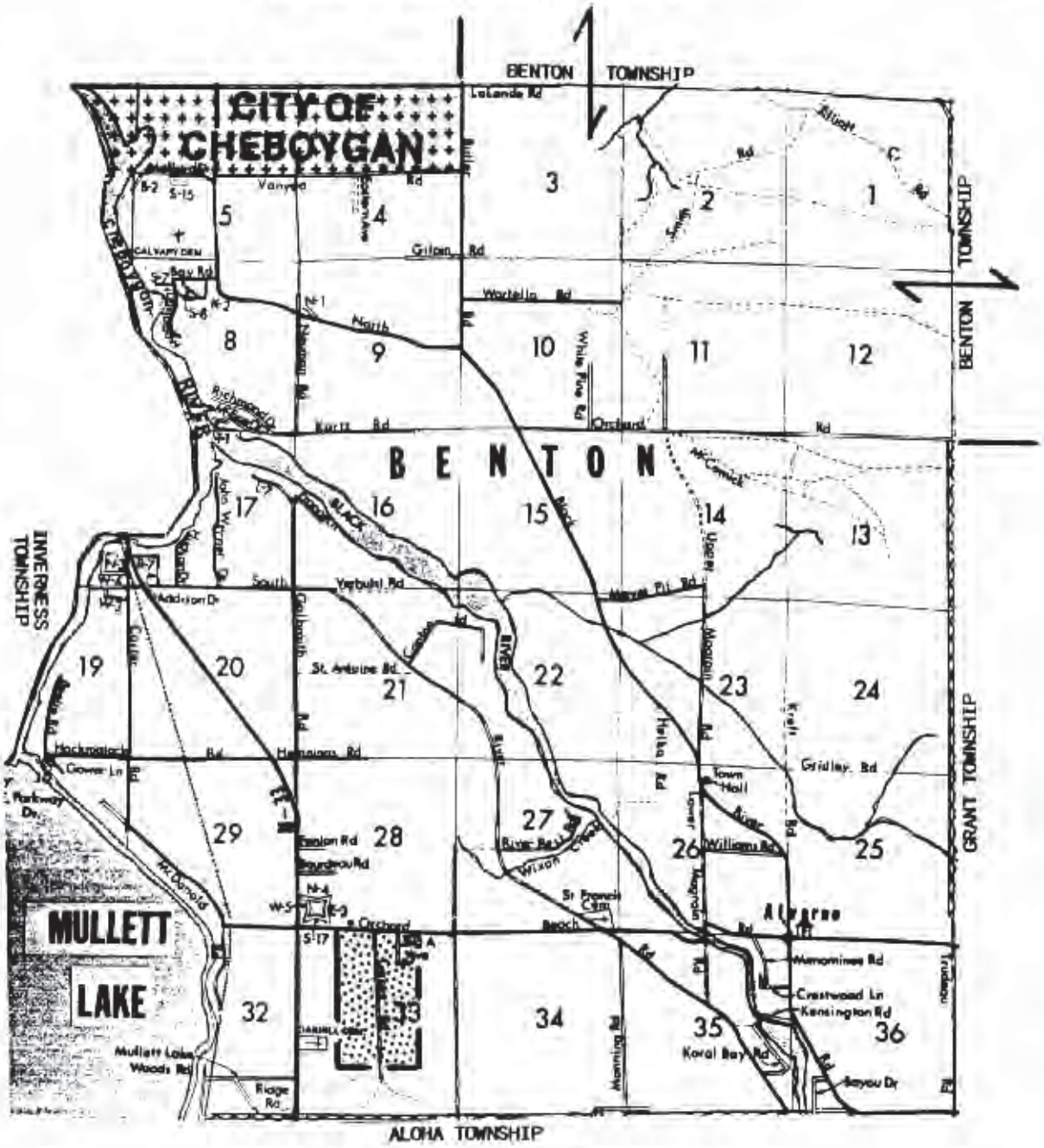
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

BENTON TOWNSHIP, T37N-R1W



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CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

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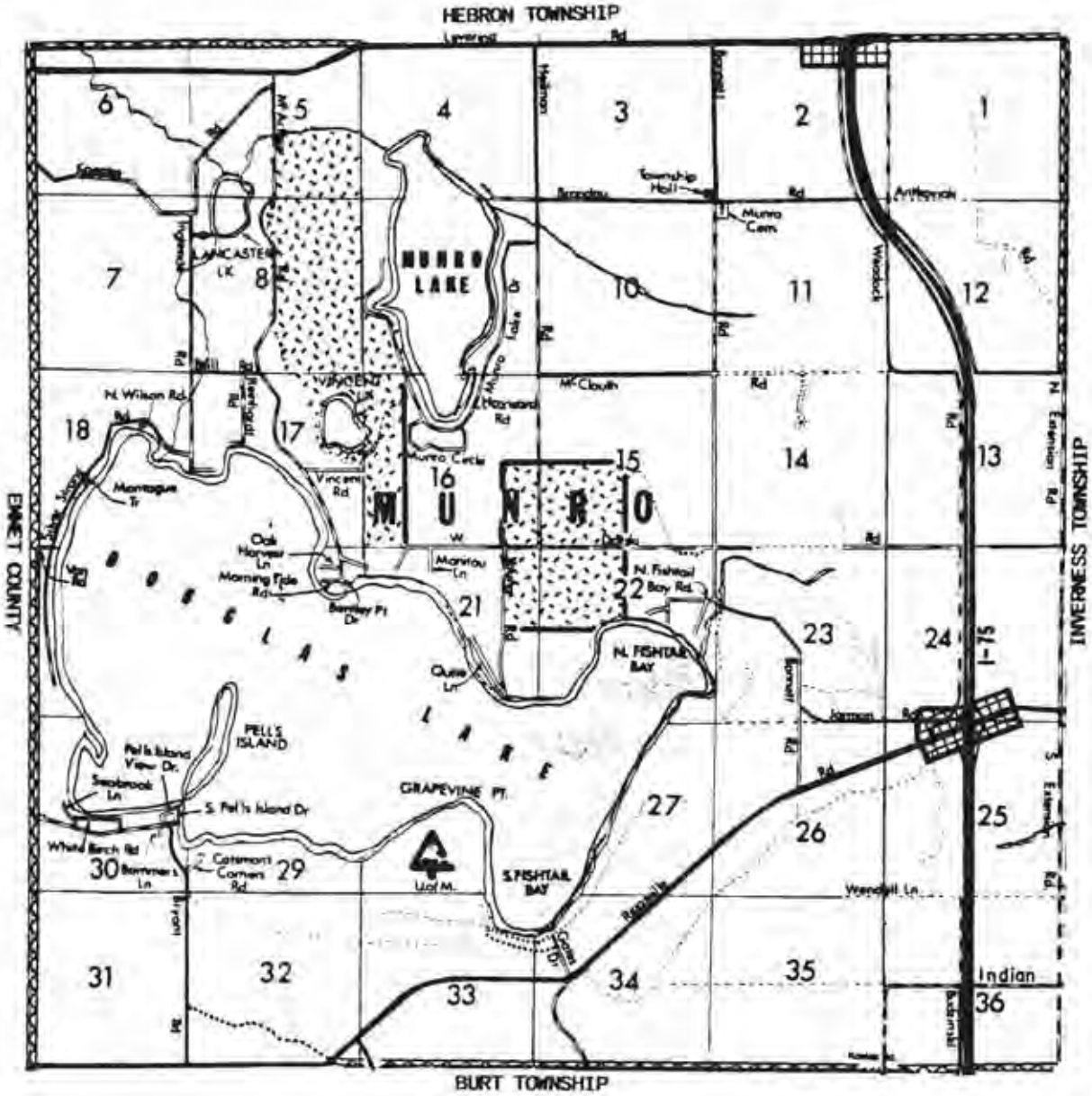

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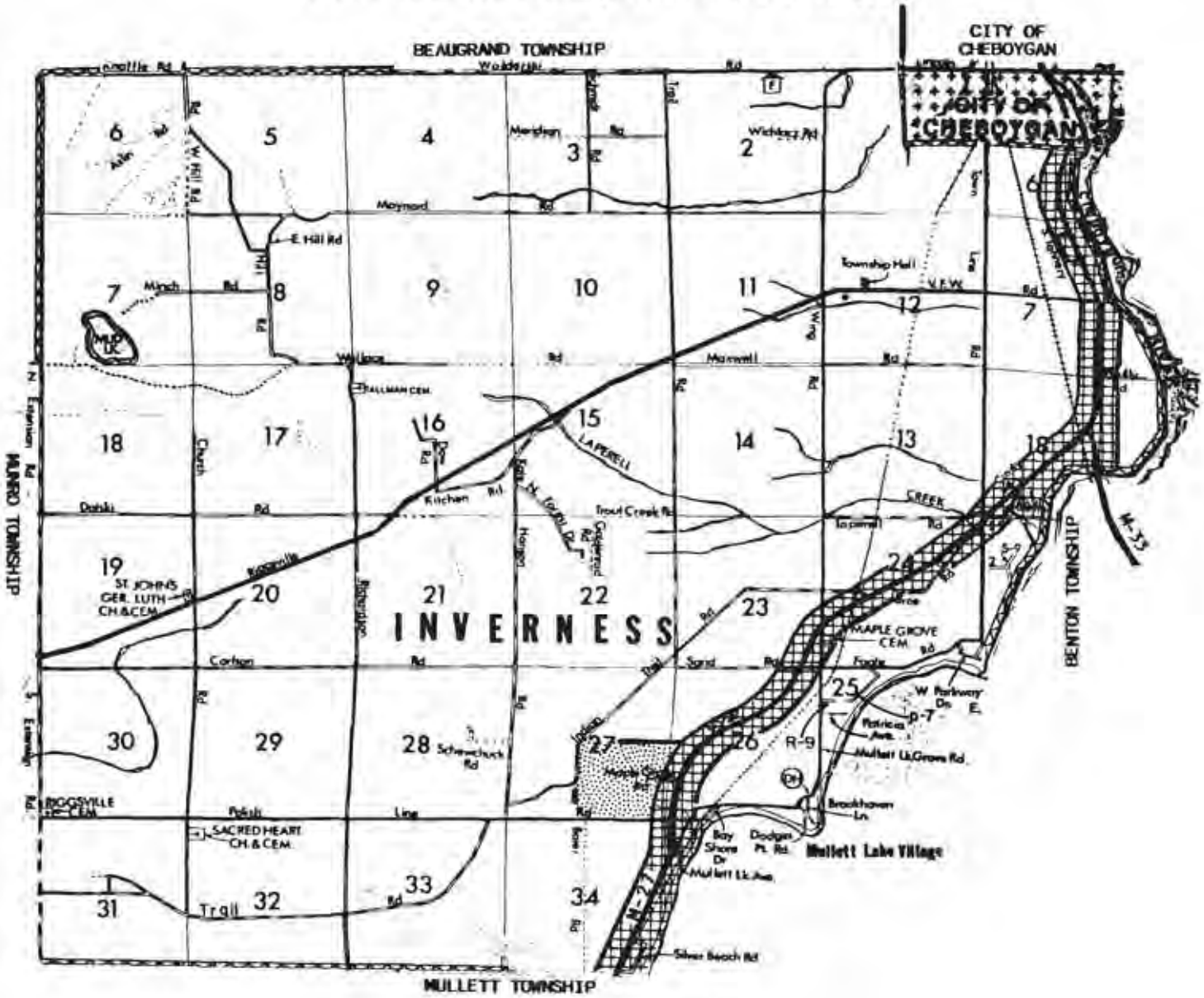
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

INVERNESS TOWNSHIP, T37N-R2W & T37N-R1W



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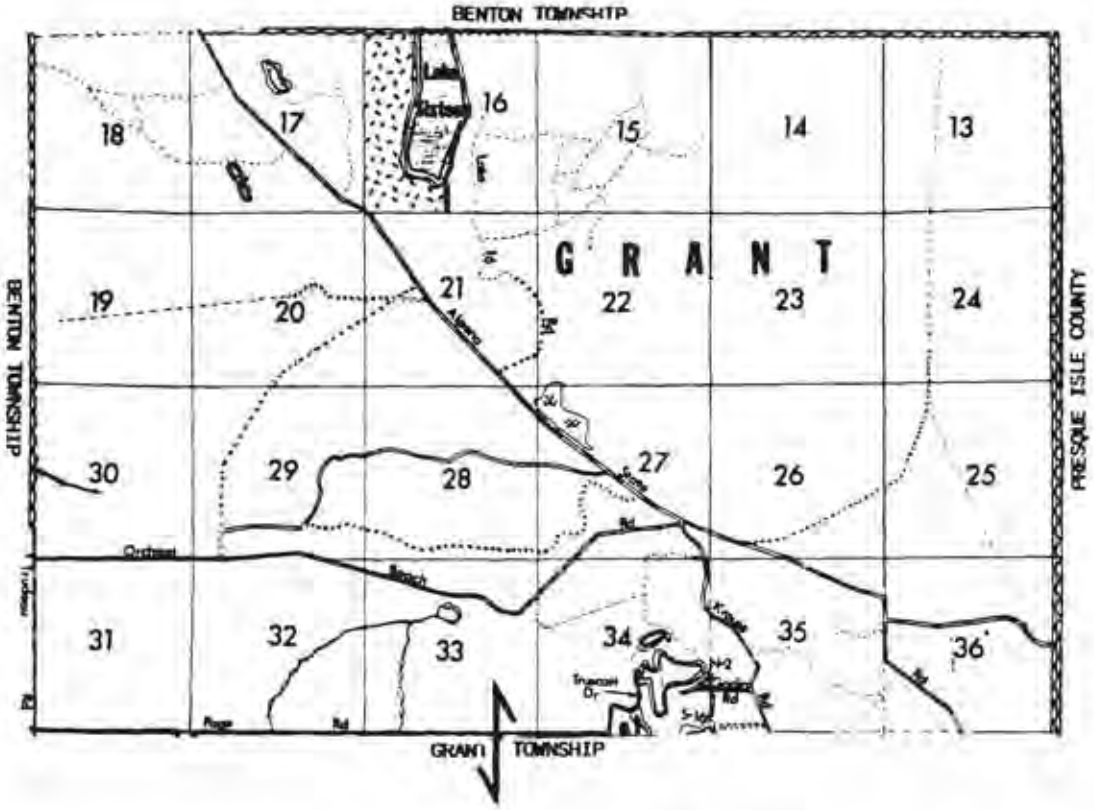
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

GRANT TOWNSHIP, T37N-R1E



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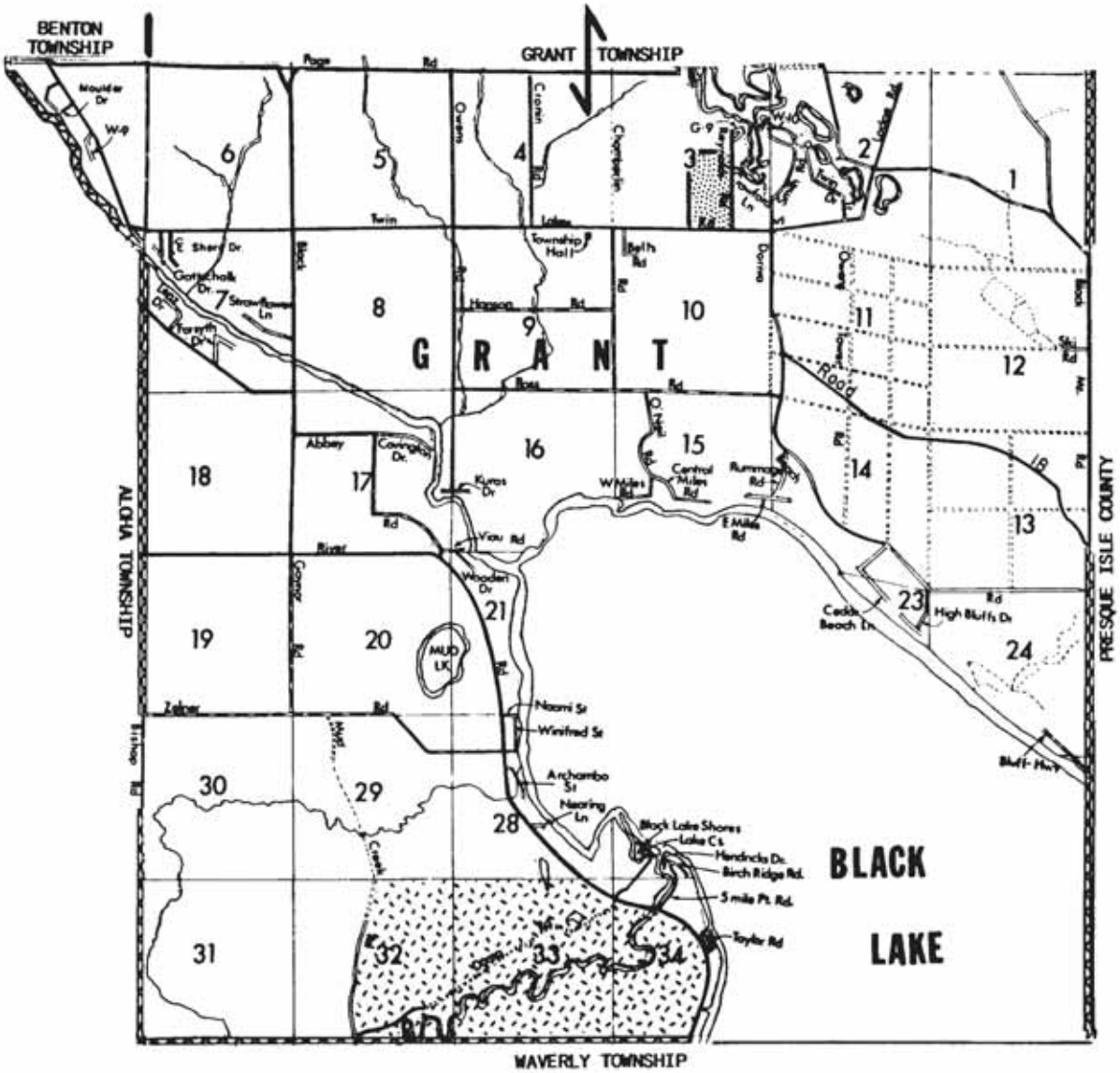
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

GRANT TOWNSHIP, T36N-R1W & T36N-R1E



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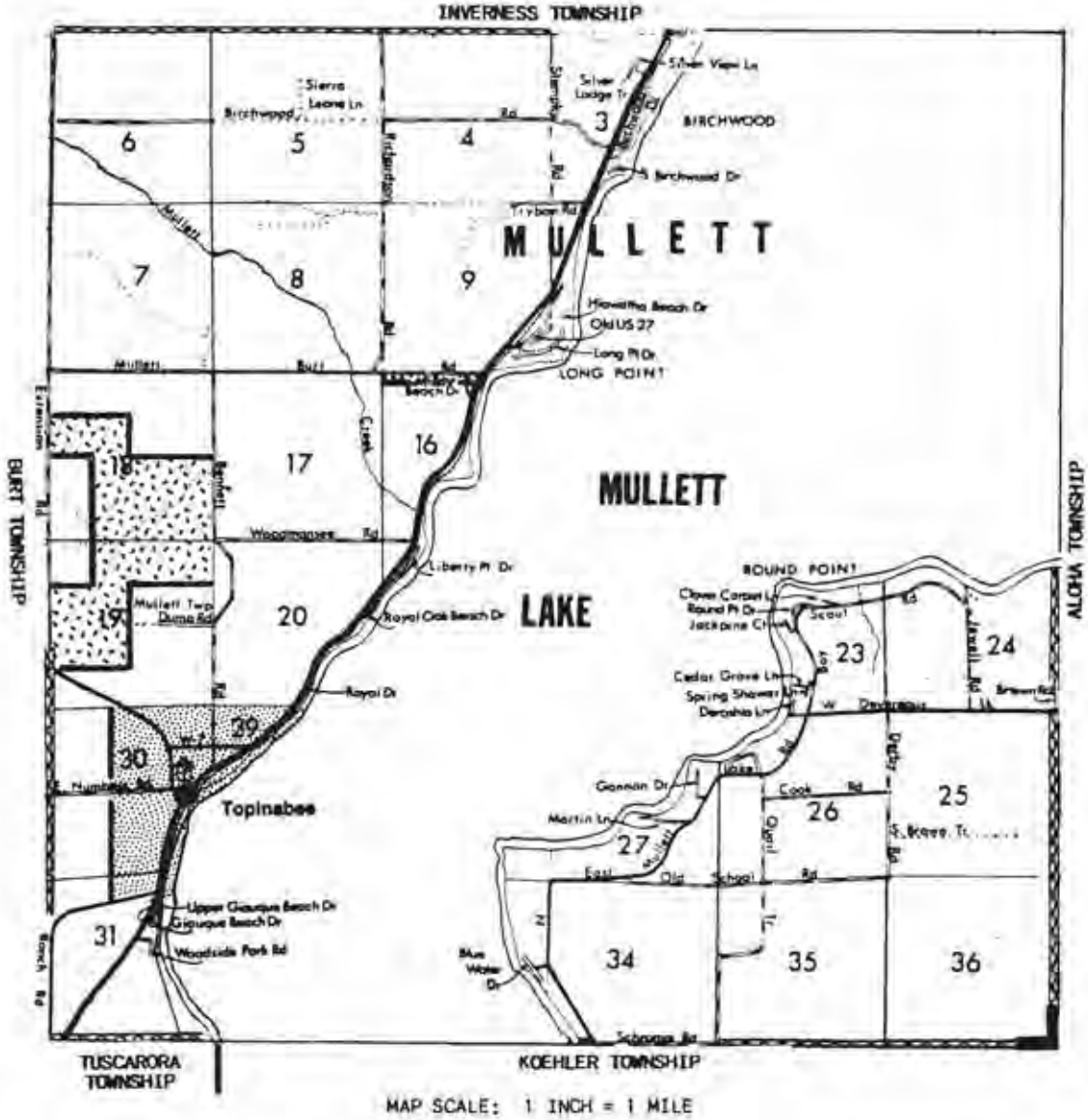
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

MULLETT TOWNSHIP, T36N-R2W



MAP SCALE: 1 INCH = 1 MILE

ZONING DISTRICT LEGEND

- CITIES, VILLAGES AND TOWNSHIPS TO WHICH THIS ORDINANCE DOES NOT APPLY
- D-RS RESIDENTIAL
- D-MR MIXED RESIDENTIAL
- D-CM COMMERCIAL
- D-LI LIGHT INDUSTRIAL
- D-GI GENERAL INDUSTRIAL
- M-AF AGRICULTURE AND FORESTRY
- P-RC RESOURCE CONSERVATION

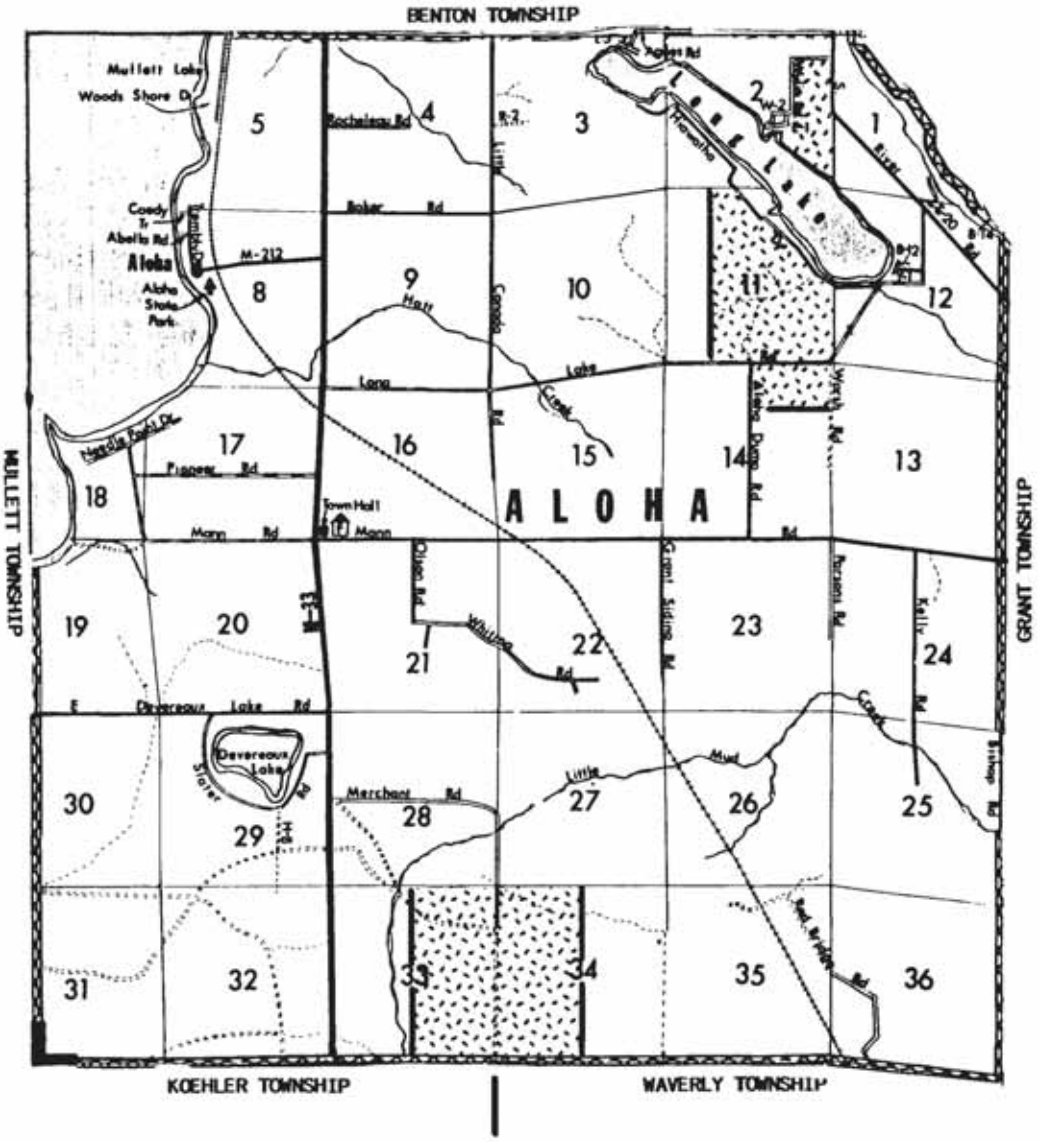
P-NR NATURAL RIVERS PROTECTION DISTRICT - NOT SHOWN ON MAP, IS DESCRIBED IN ARTICLE 11.

P-LS LAKE AND STREAM PROTECTION DISTRICT - NOT SHOWN ON MAP, IS DESCRIBED IN ARTICLE 10.

ALL PLATTED SUBDIVISIONS - NOT SHOWN ON MAP, ARE ZONED D-RS, RESIDENTIAL.

CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

ALOHA TOWNSHIP, T36N-R1W



ZONING DISTRICT LEGEND

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- D-RS RESIDENTIAL
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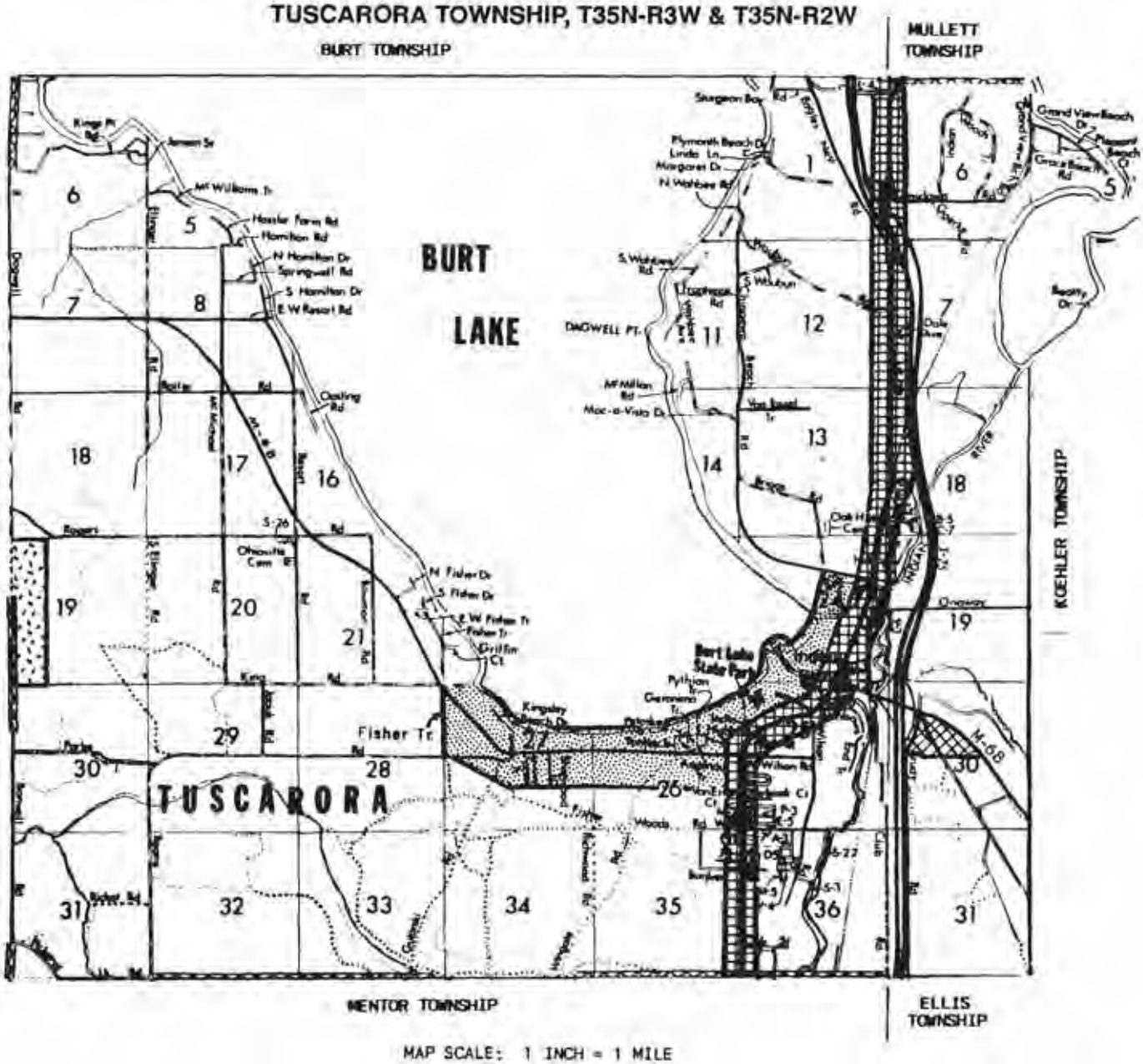
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

TUSCARORA TOWNSHIP, T35N-R3W & T35N-R2W



MAP SCALE: 1 INCH = 1 MILE

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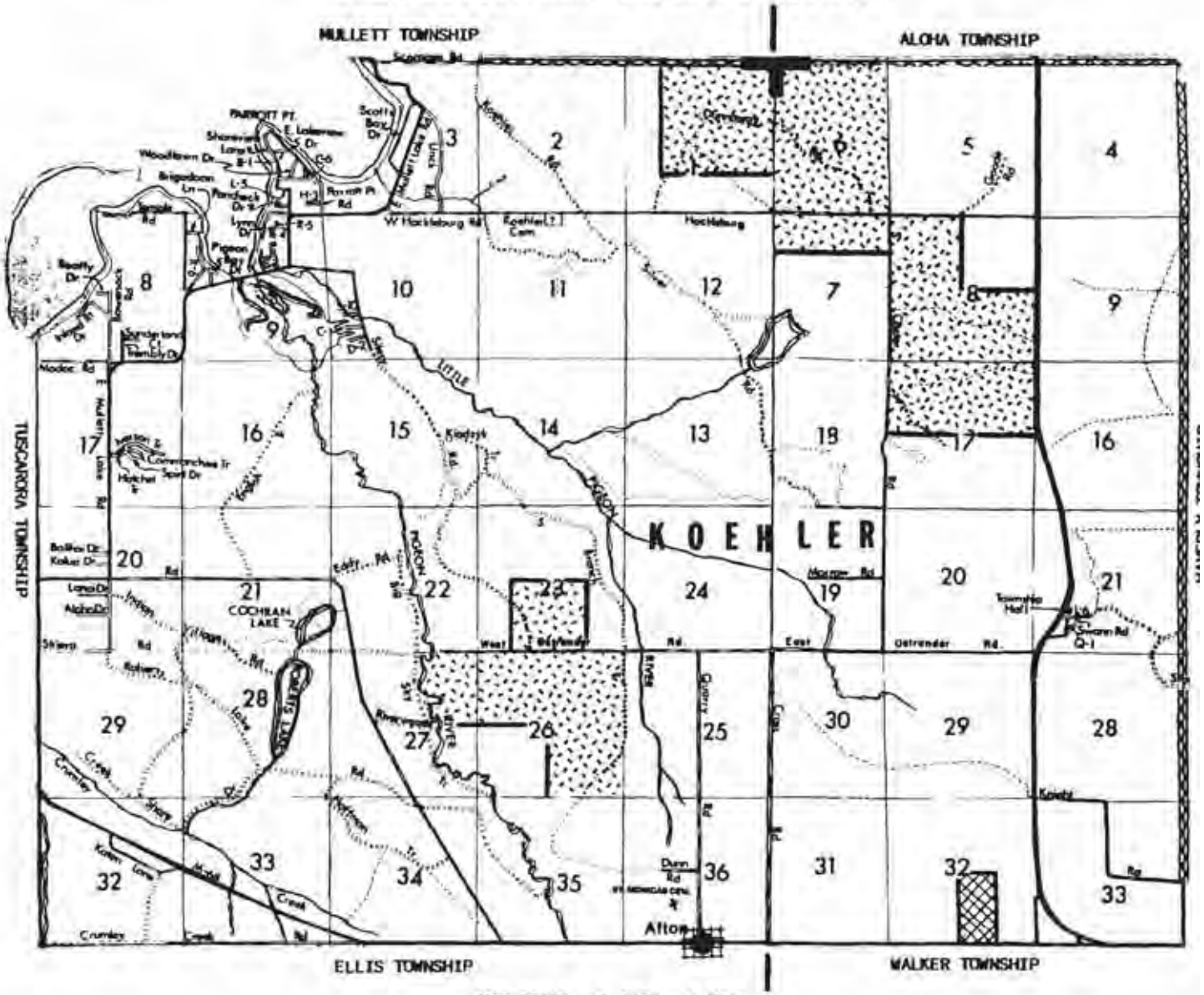
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

KOEHLER TOWNSHIP, T35N-R2W & T35N-R1W



MAP SCALE: 1 INCH = 1 MILE

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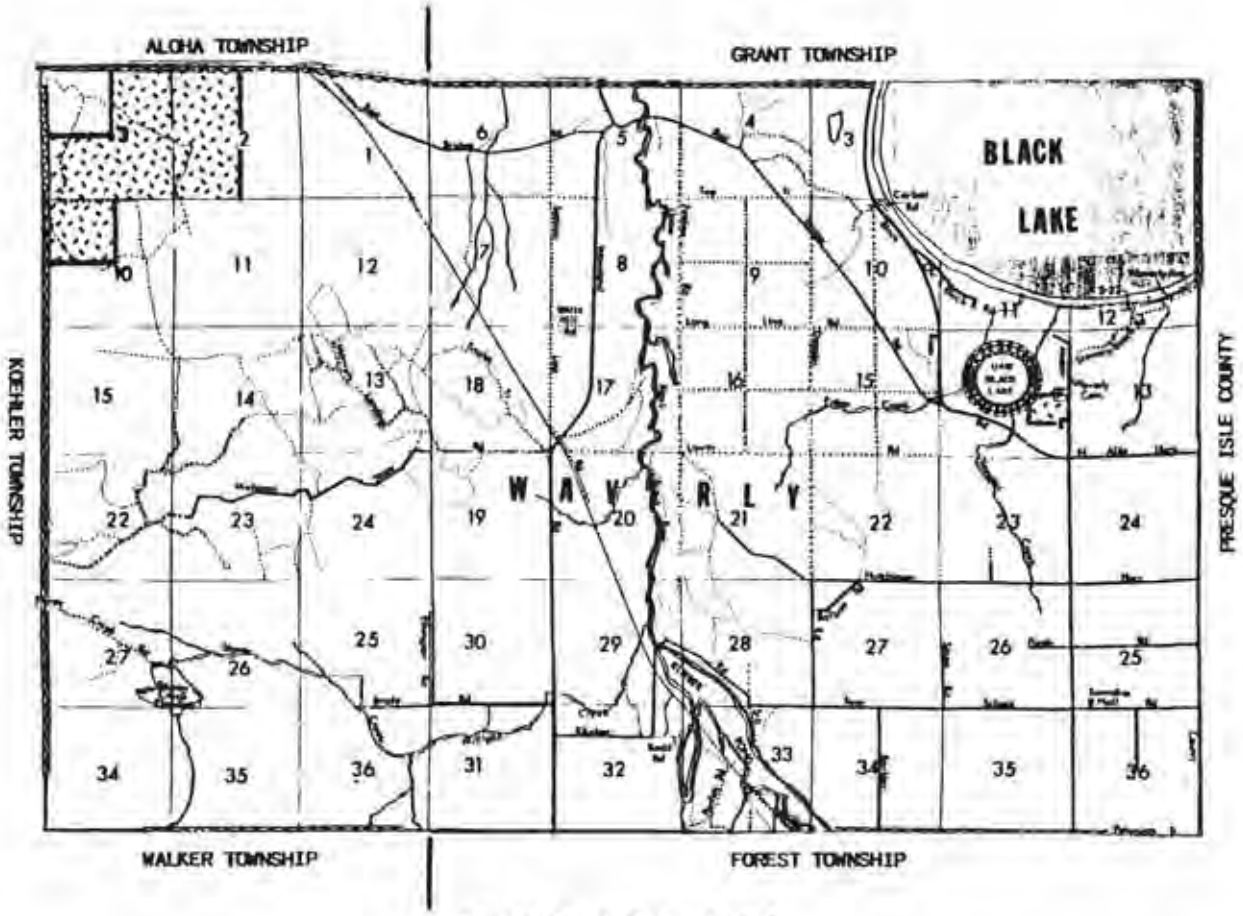
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

WAVERLY TOWNSHIP, T35N-R1W & T35N-R1E



MAP SCALE: 1 INCH = 1 MILE

ZONING DISTRICT LEGEND

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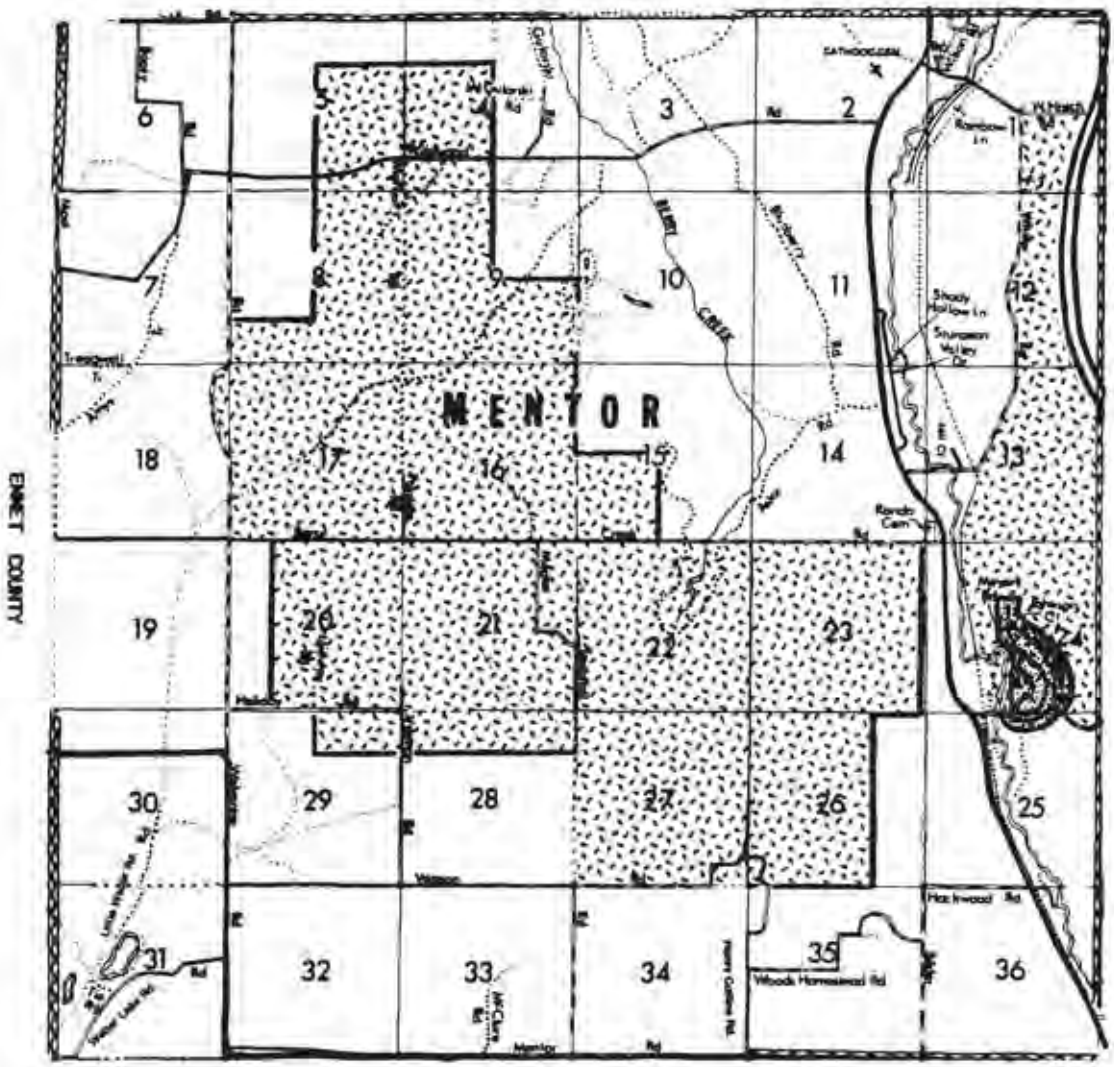
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

MENTOR TOWNSHIP, T34N, R3W

TUSCARORA TOWNSHIP



MAP SCALE: 1 INCH = 1 MILE

ZONING DISTRICT LEGEND

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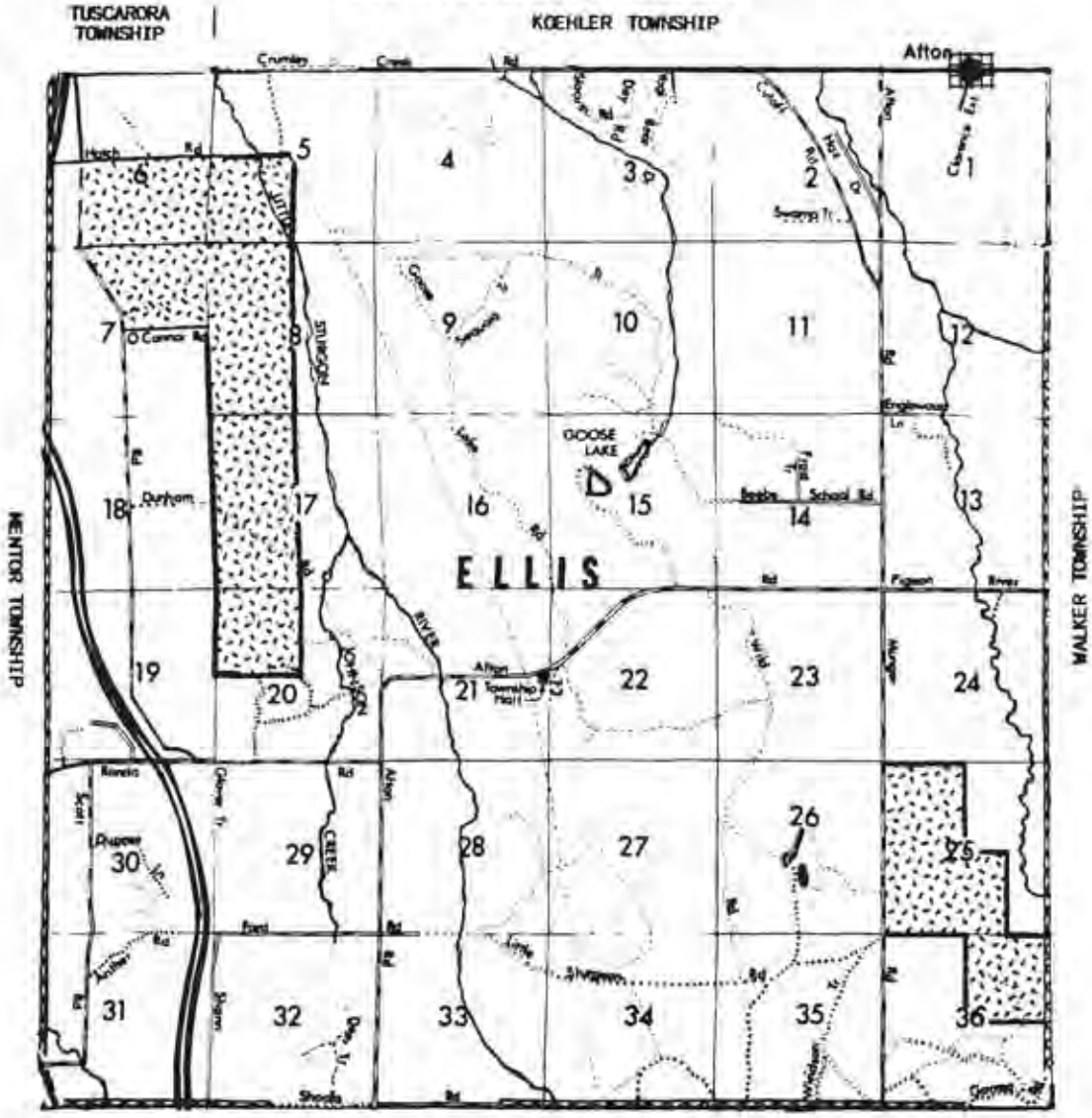
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

ELLIS TOWNSHIP, T34N-R2W



MAP SCALE: 1 INCH = 1 MILE

ZONING DISTRICT LEGEND

- CITIES, VILLAGES AND TOWNSHIPS TO WHICH THIS ORDINANCE DOES NOT APPLY
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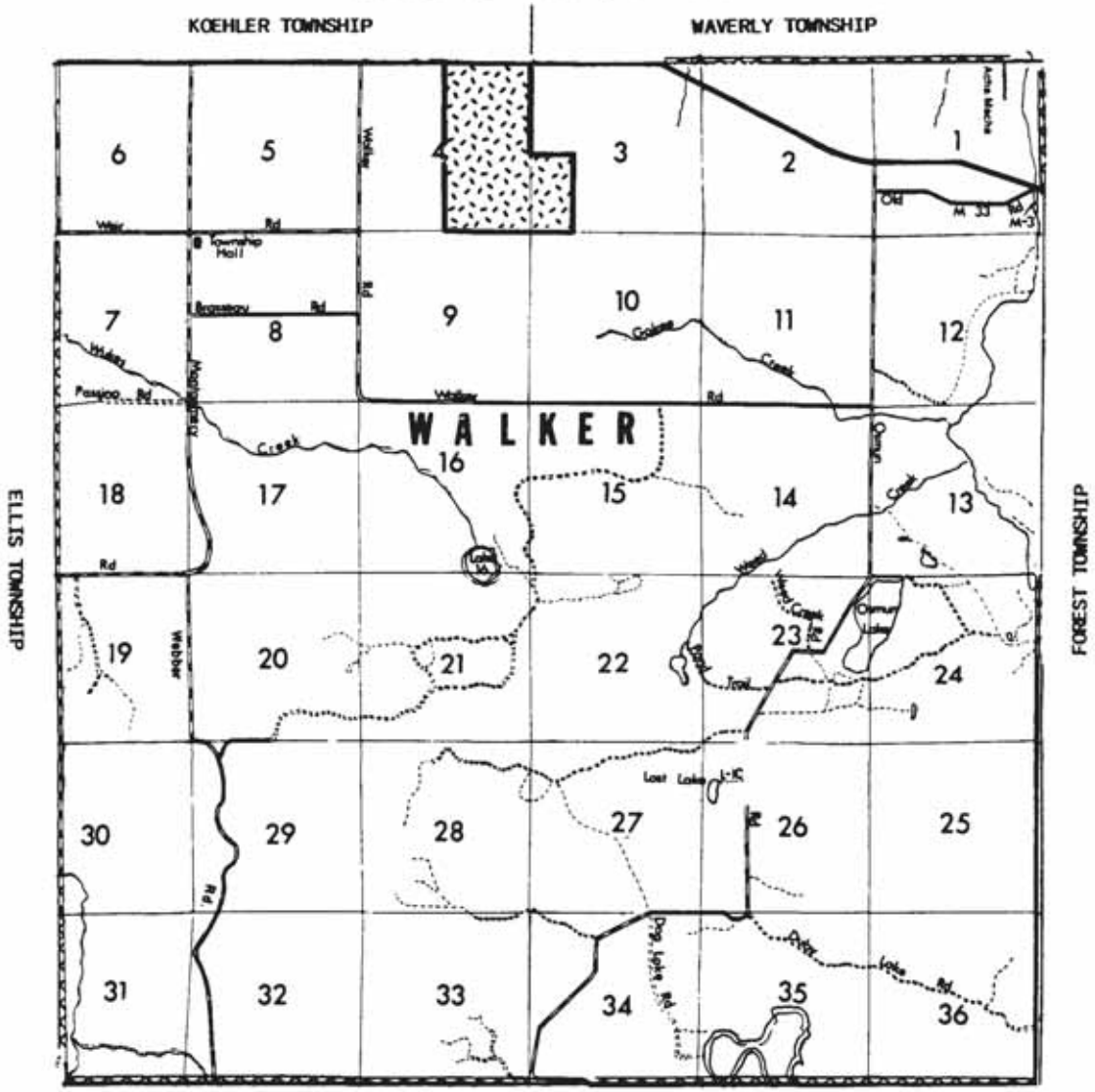
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

WALKER TOWNSHIP, T34N-R1W



MAP SCALE: 1 INCH = 1 MILE

ZONING DISTRICT LEGEND

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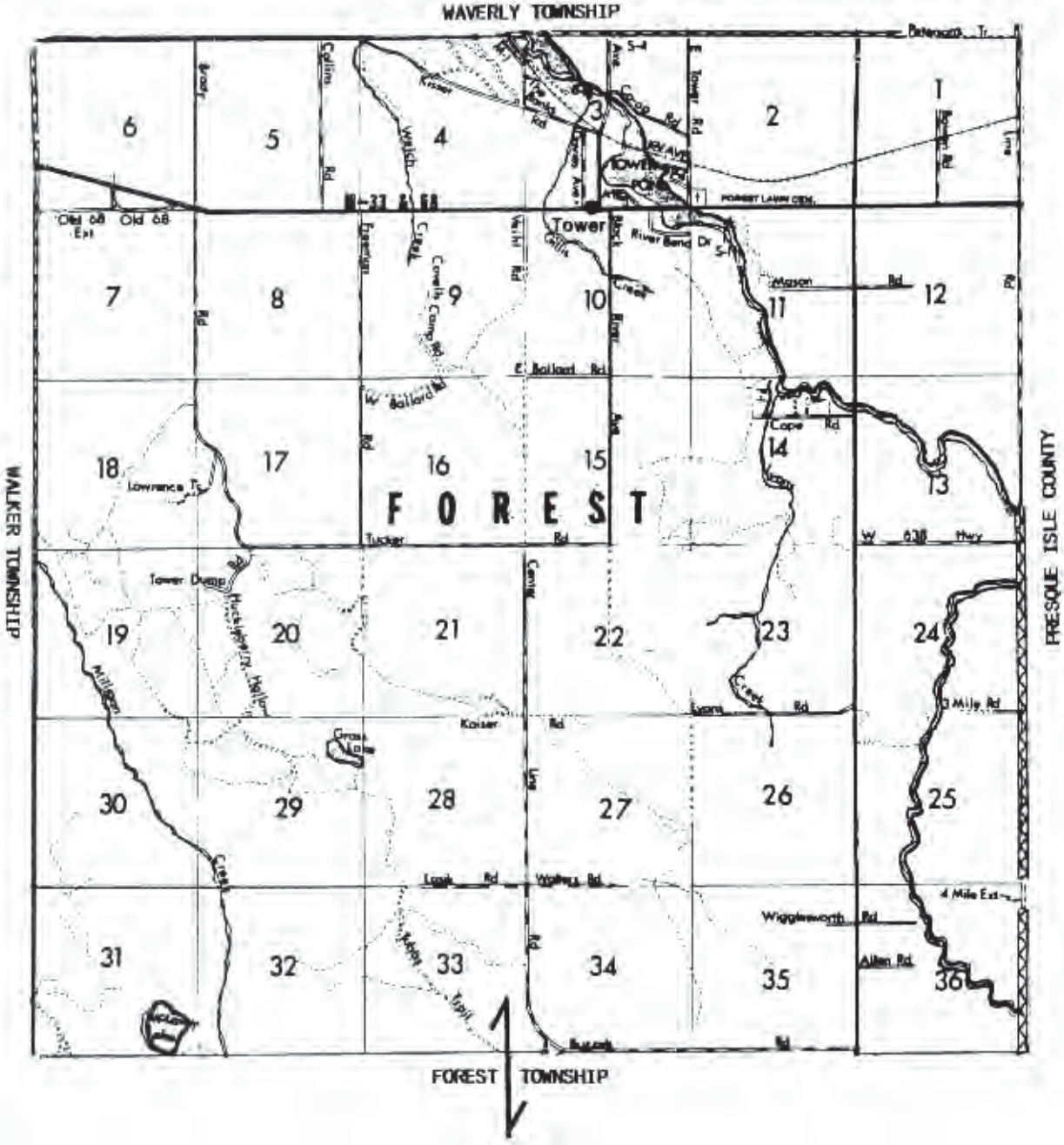
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

FOREST TOWNSHIP, T34N-R1E



MAP SCALE: 1 INCH = 1 MILE

ZONING DISTRICT LEGEND

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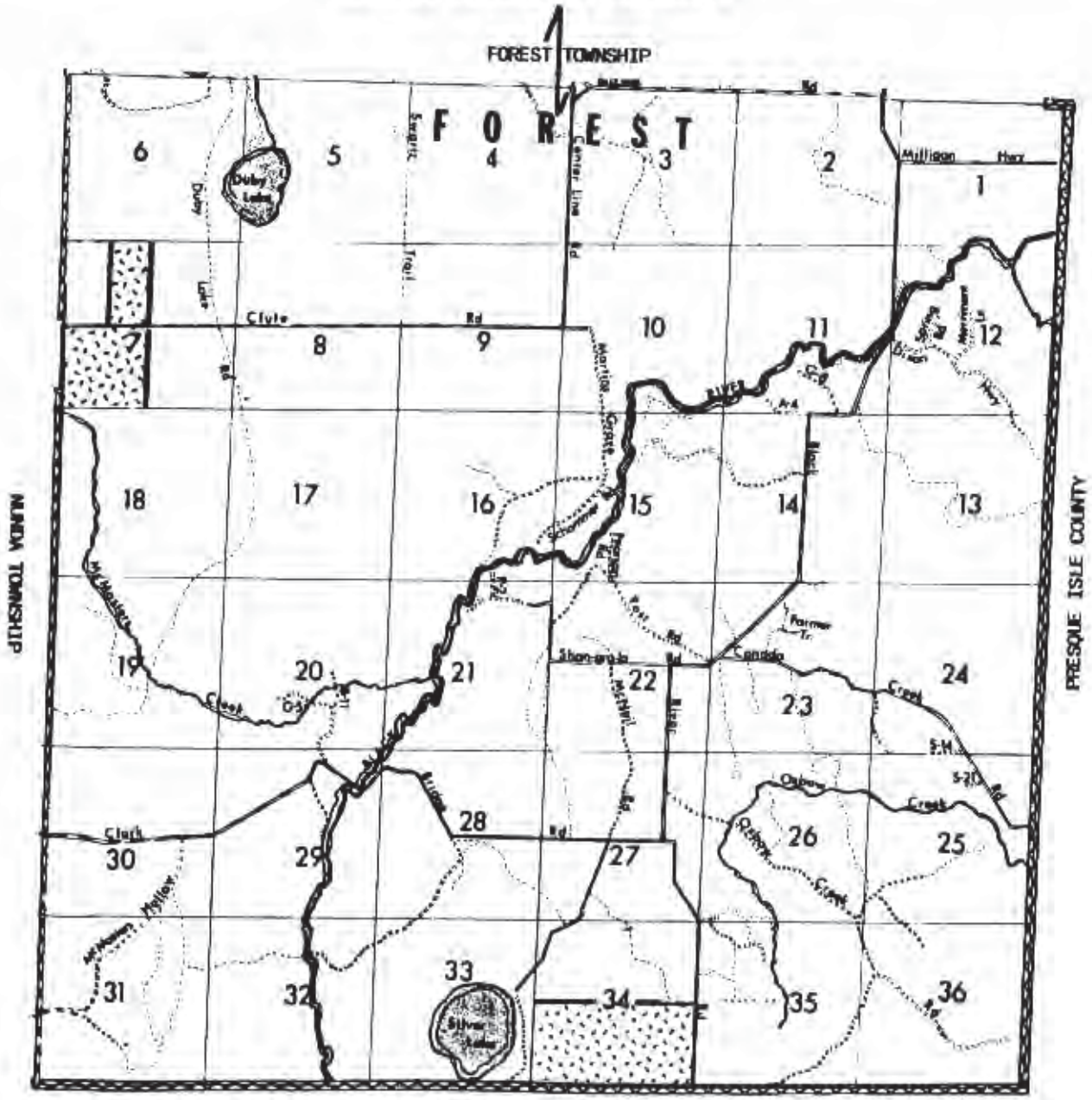
Exhibit 120

CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

FOREST TOWNSHIP, T33N-R1E



MAP SCALE: 1 INCH = 1 MILE

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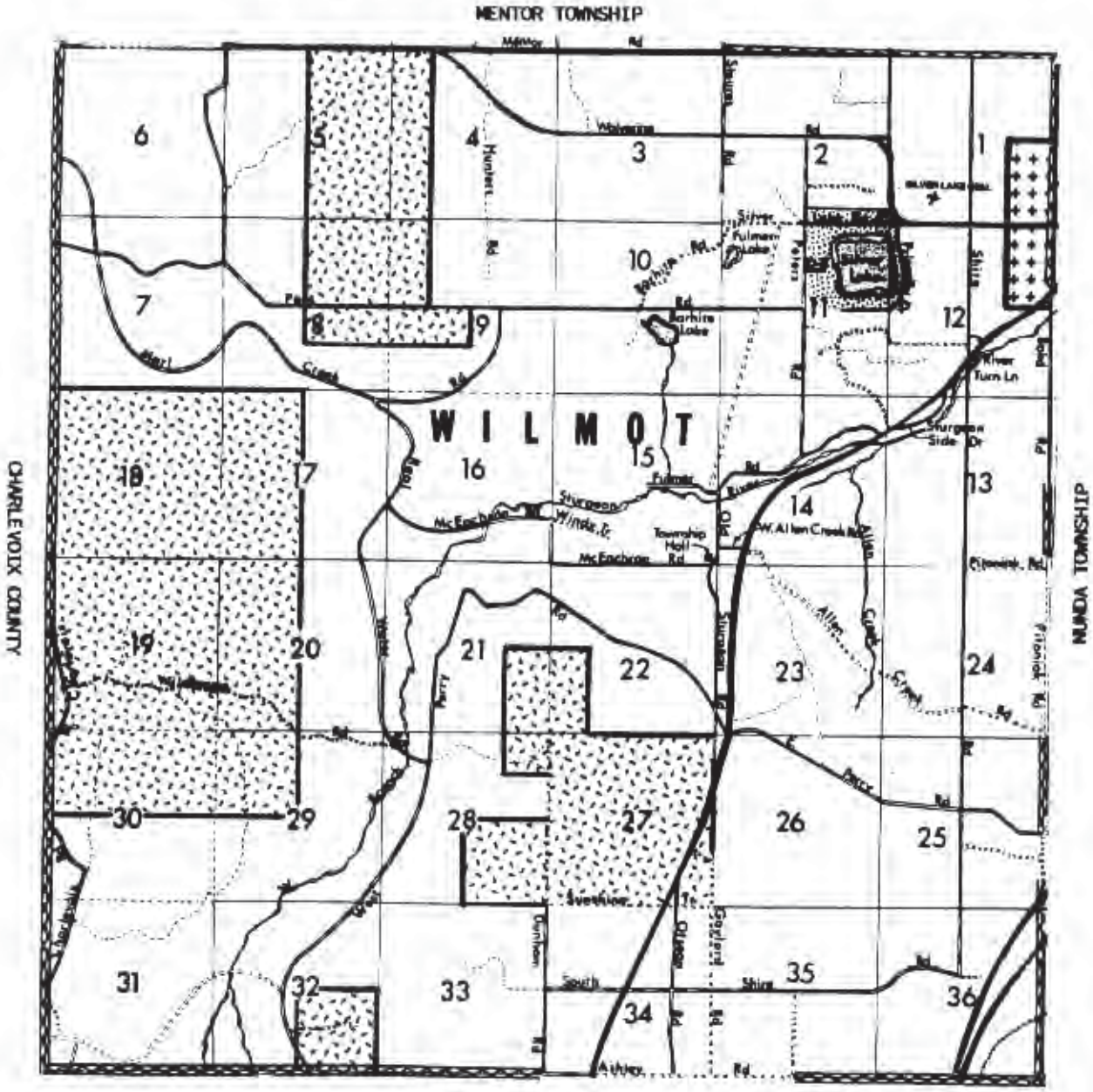
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

WILMOT TOWNSHIP, T33N-R3W



MAP SCALE: 1 INCH = 1 MILE

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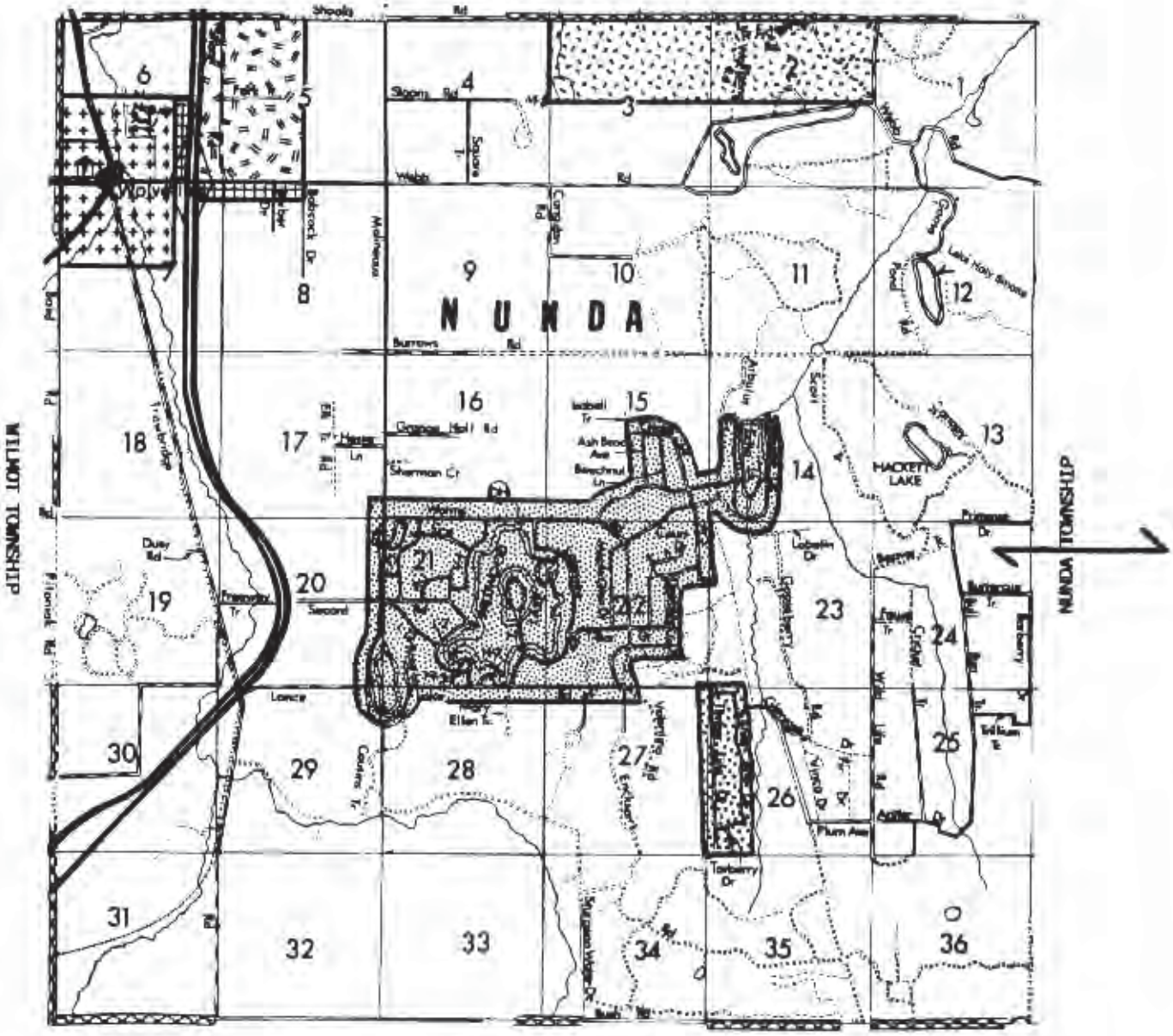
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

NUNDA TOWNSHIP, T33N, R2W

ELLIS TOWNSHIP



OTSEGO COUNTY

MAP SCALE: 1 INCH = 1 MILE

ZONING DISTRICT LEGEND

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- D-CM COMMERCIAL
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- D-GI GENERAL INDUSTRIAL
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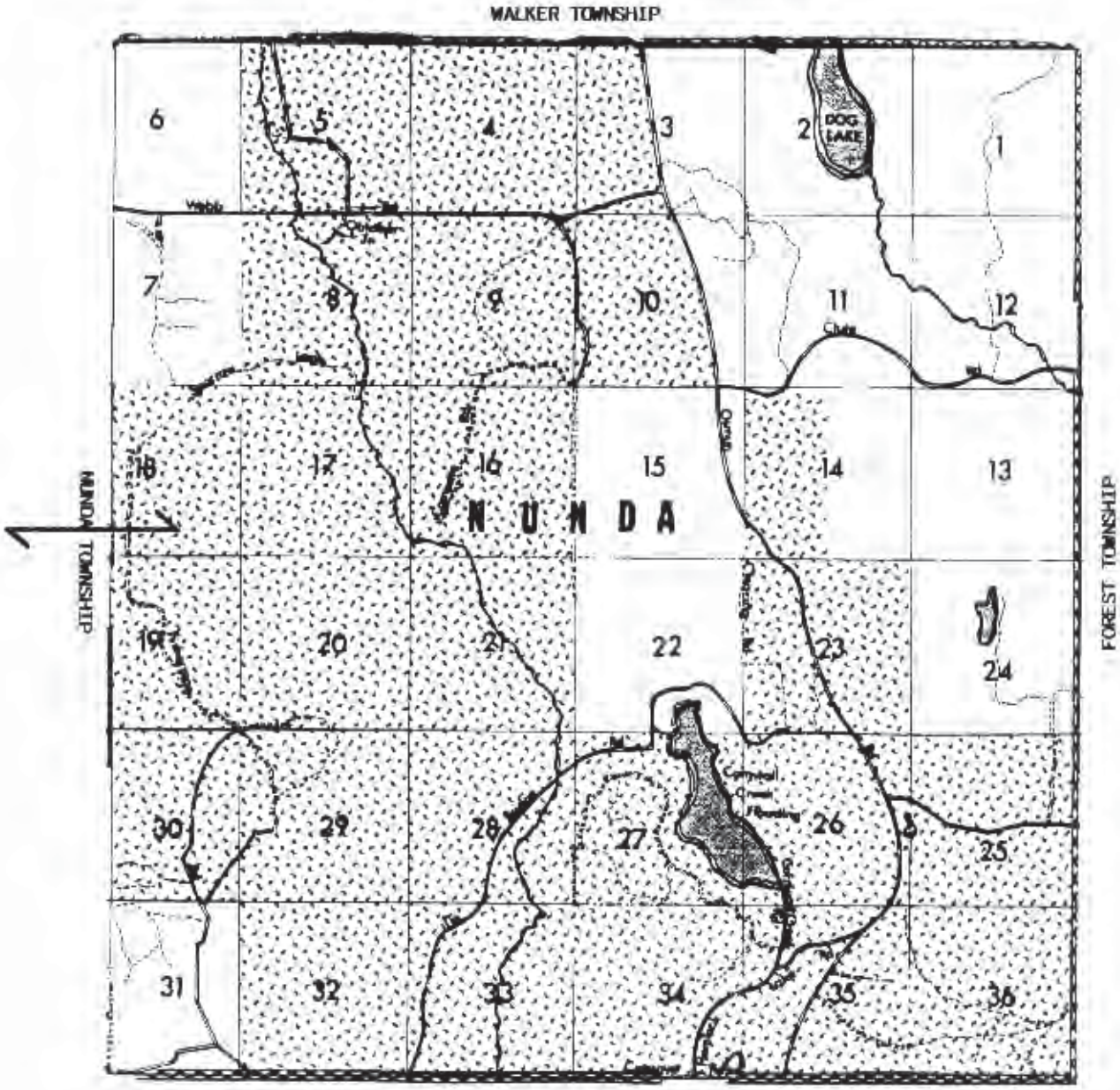
CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
ZONING DISTRICT MAPS

NUNDA TOWNSHIP, T33N-R1W



MAP SCALE: 1 INCH = 1 MILE

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- D-CM COMMERCIAL
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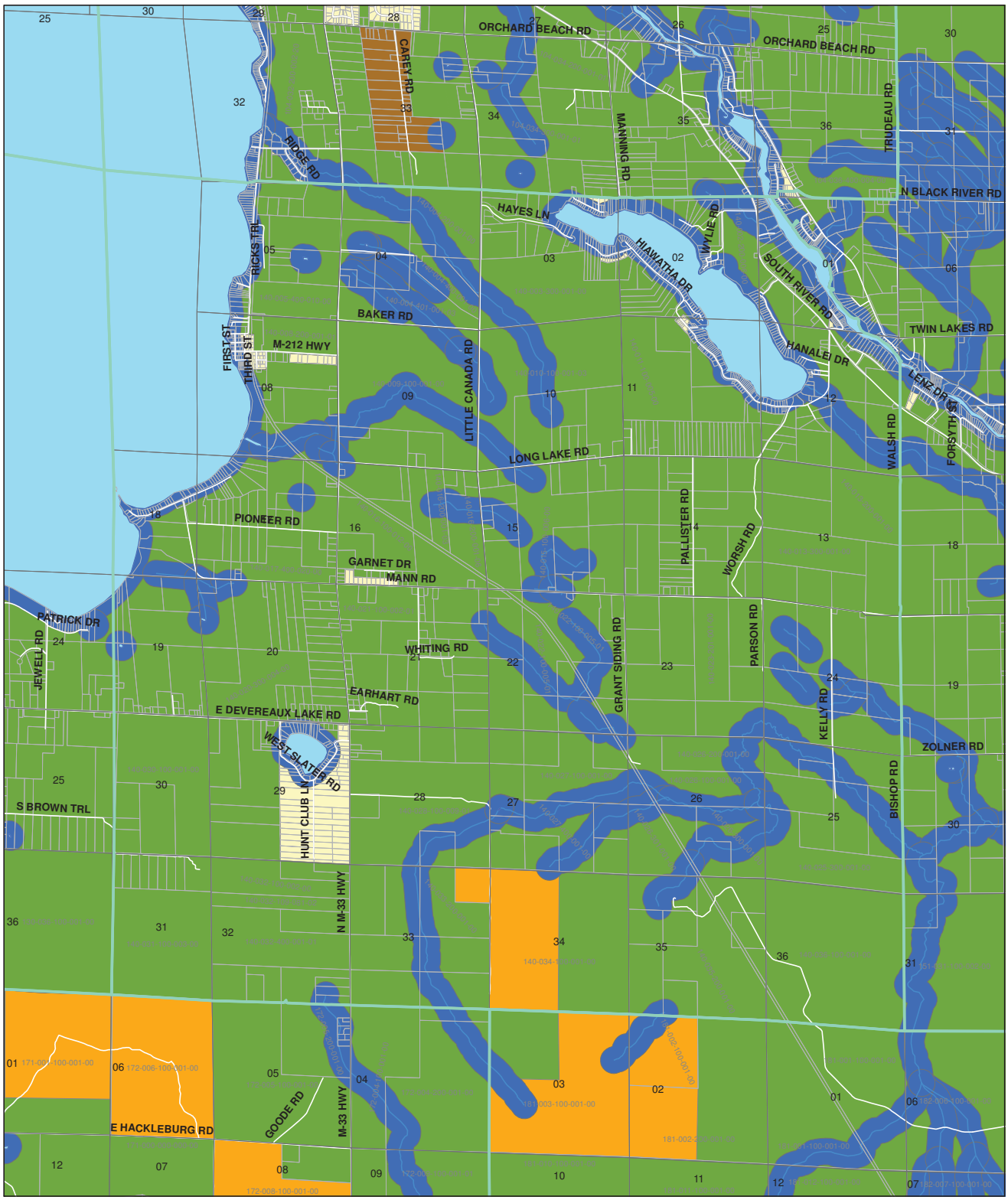
Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
ALOHA TWP



Natural Rivers	VC-IR	D-RC
D-CM	VC-IR-O	D-MR
D-GI	VC-T	D-RS
D-LI	VC-T-O	M-AF
EXEMPT	VC-T-RO	P-RC
	P-LS	

This map generally represents zoning districts in Cheboygan County.

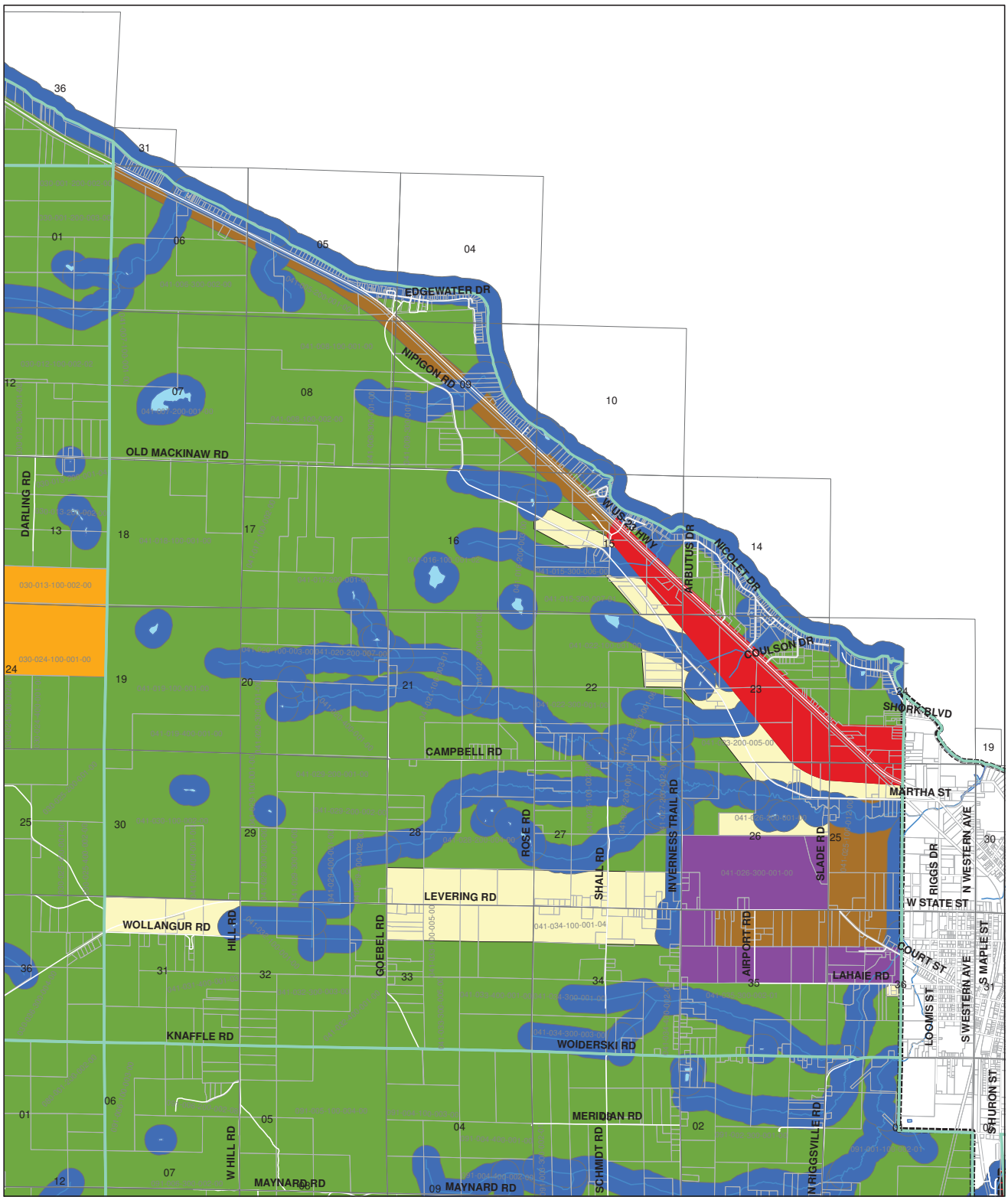
Exhibit 129

This is not the official zoning map. For determination of a parcel(s) zoning district please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

Cheboygan County Zoning Ordinance No. 200

Zoning District Maps

BEAUGRAND TWP



Natural Rivers	VC-IR	D-RC
D-CM	VC-IR-O	D-MR
D-GI	VC-T	D-RS
D-LI	VC-T-O	M-AF
EXEMPT	VC-T-RO	P-RC
	P-LS	

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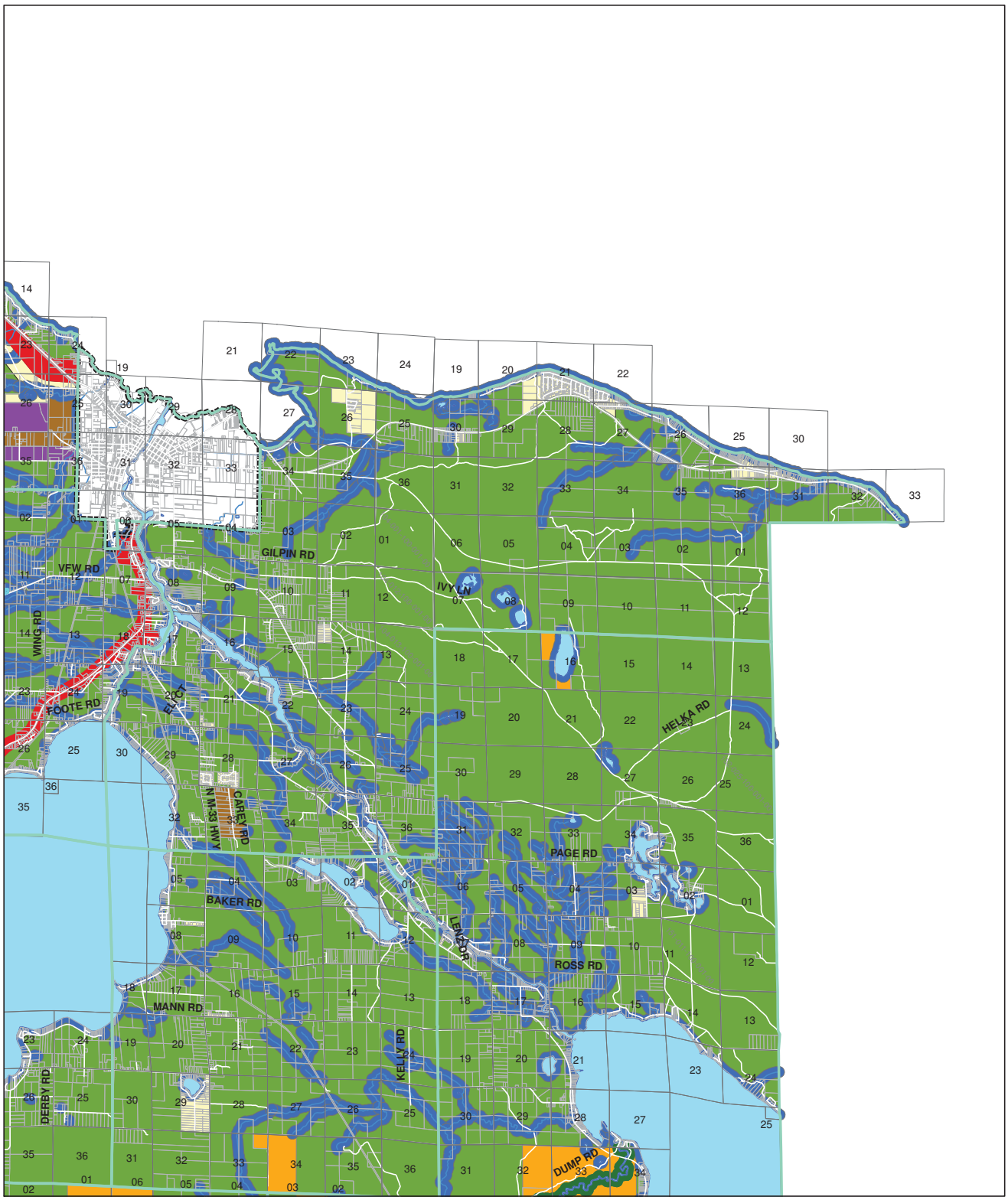
Cheboygan County Zoning Ordinance No. 200

Zoning District Maps

BENTON TWP



Natural Rivers	VC-IR	D-RC
D-CM	VC-IR-O	D-MR
D-GI	VC-T	D-RS
D-LI	VC-T-O	M-AF
EXEMPT	VC-T-RO	P-RC
	P-LS	

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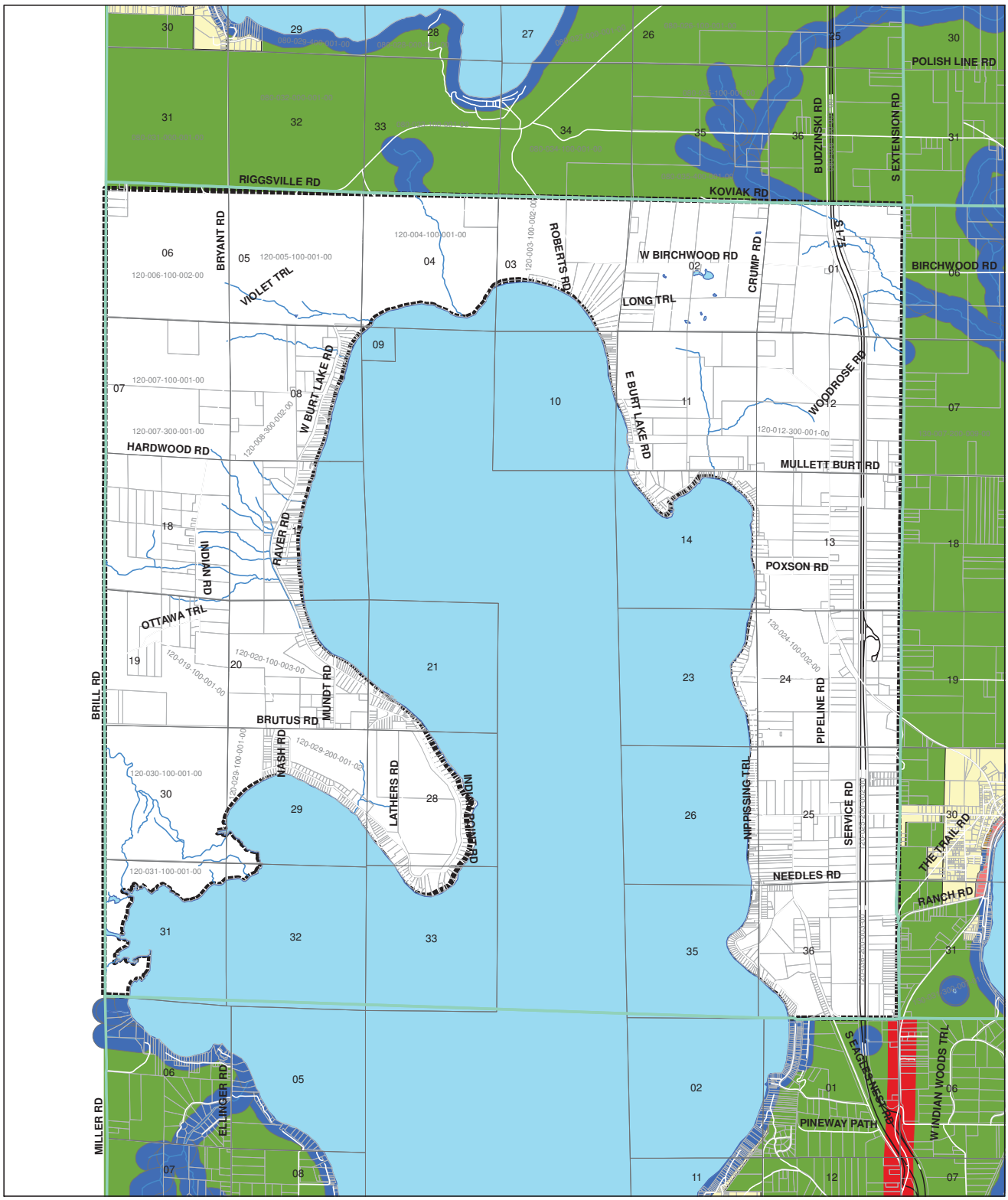
Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
BURT TWP



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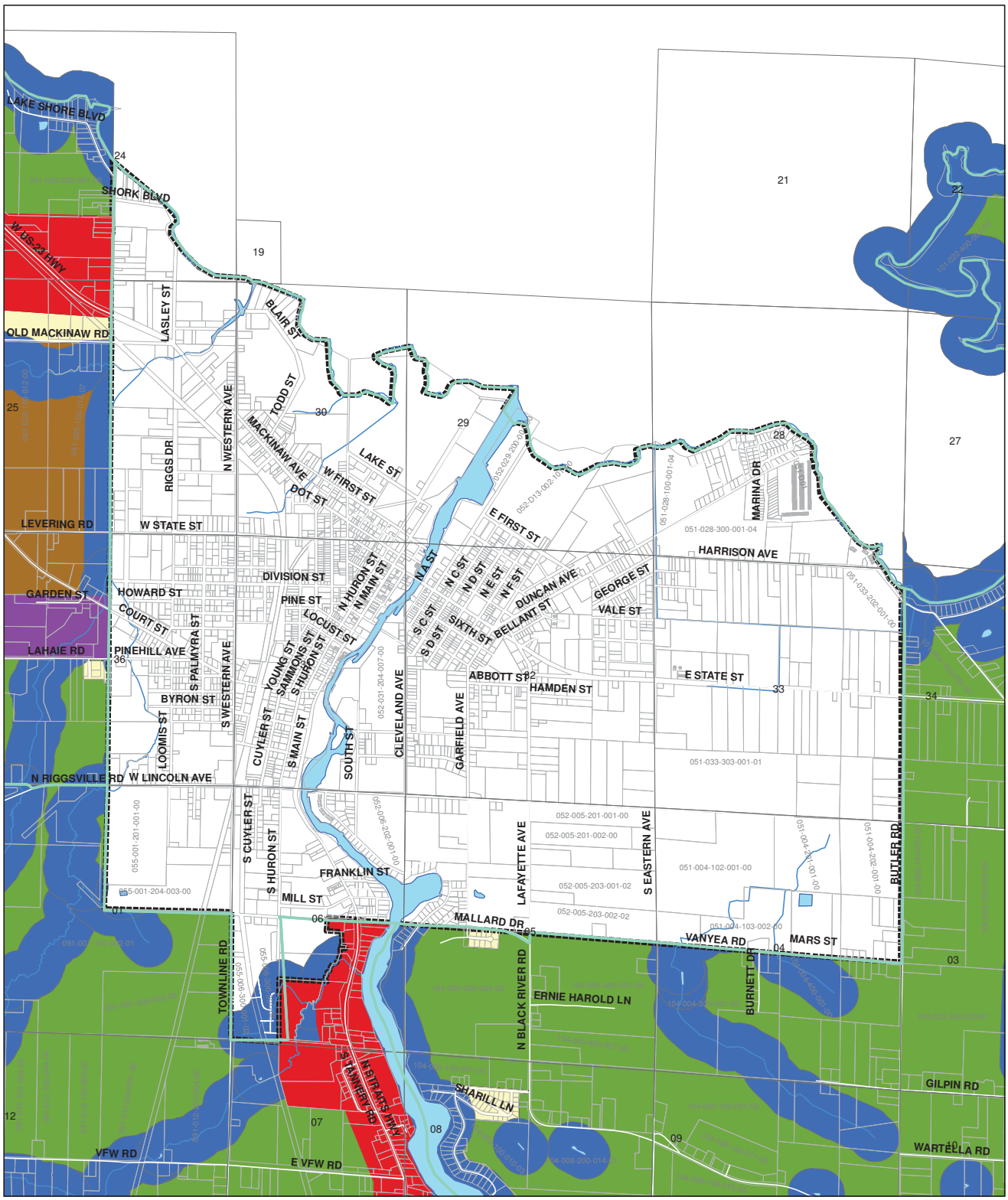
Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
CHEBOYGAN



Natural Rivers	VC-IR	D-RC
D-CM	VC-IR-O	D-MR
D-GI	VC-T	D-RS
D-LI	VC-T-O	M-AF
EXEMPT	VC-T-RO	P-RC
	P-LS	

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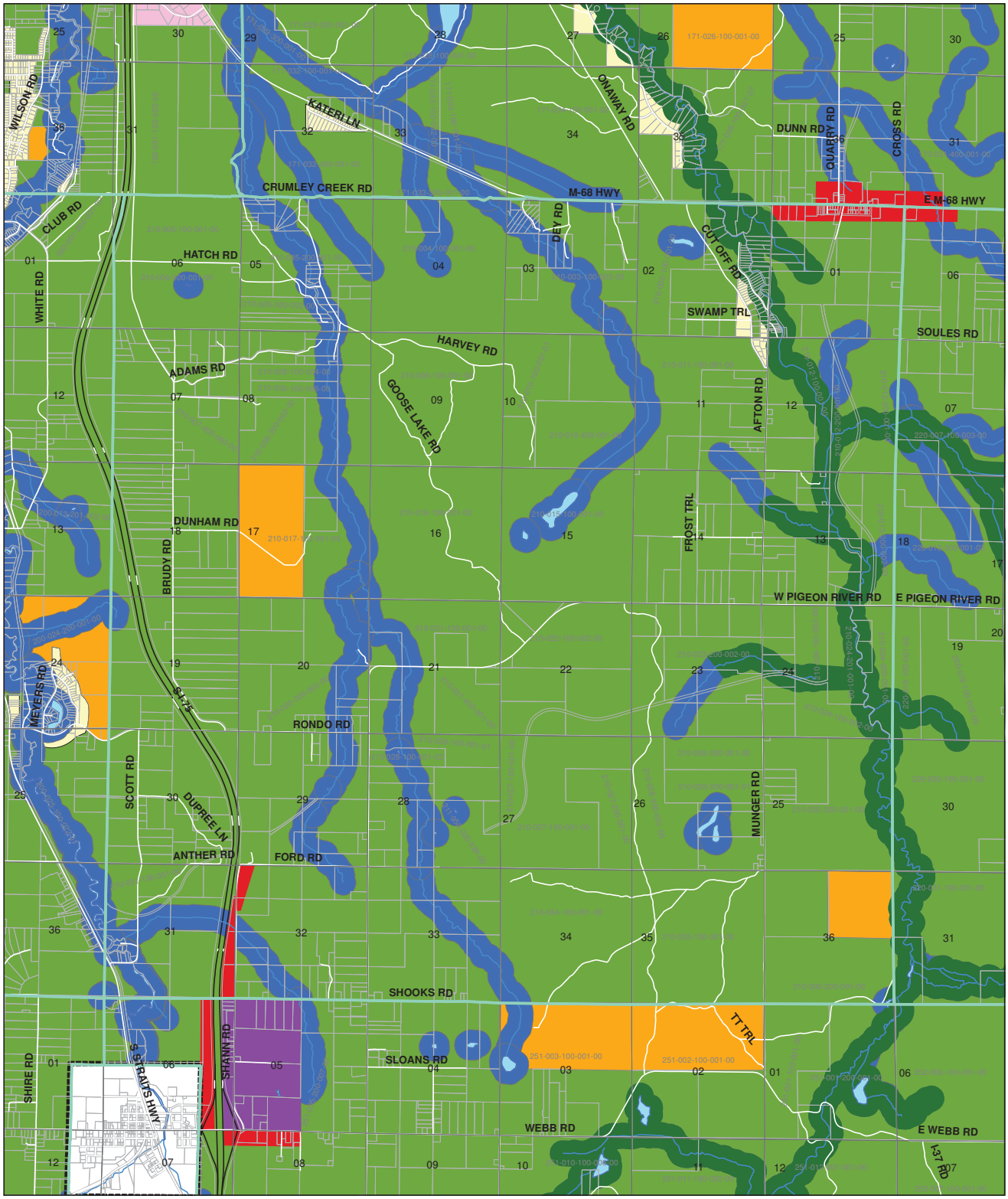
Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
ELLIS TWP



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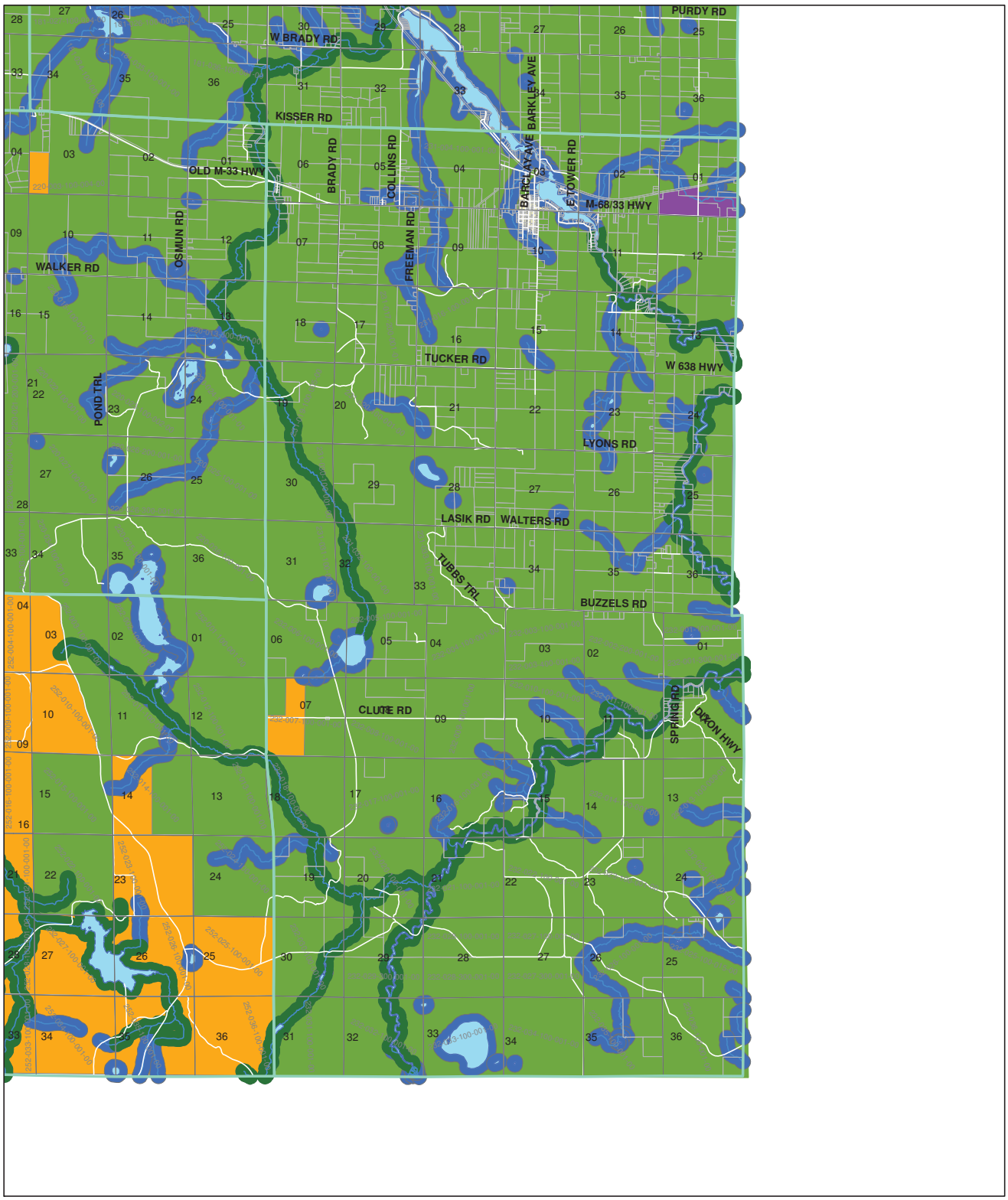
Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
FOREST TWP



Natural Rivers	VC-IR	D-RC
D-CM	VC-IR-O	D-MR
D-GI	VC-T	D-RS
D-LI	VC-T-O	M-AF
EXEMPT	VC-T-RO	P-RC
	P-LS	

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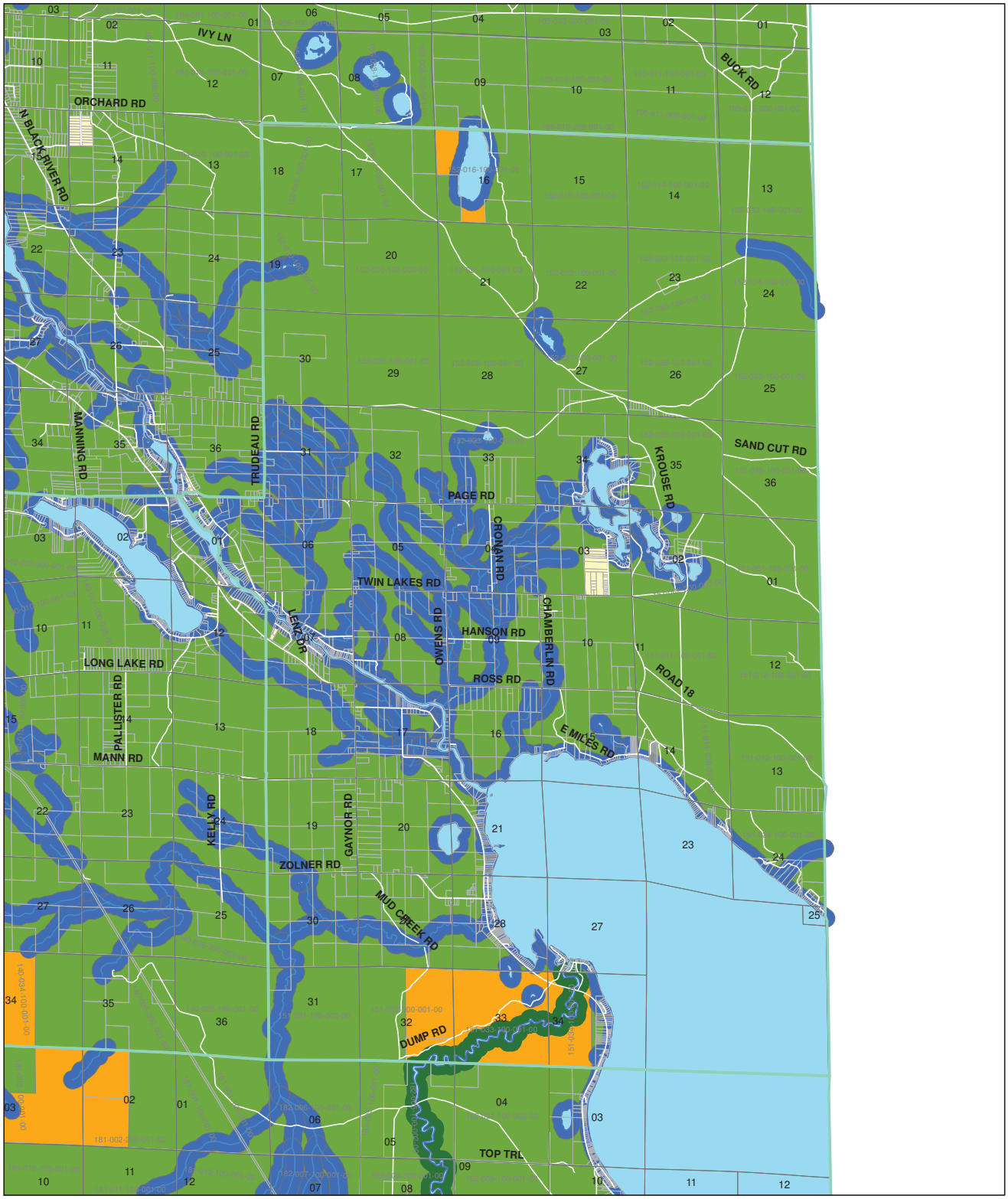
Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
GRANT TWP



Natural Rivers	VC-IR	D-RC
D-CM	VC-IR-O	D-MR
D-GI	VC-T	D-RS
D-LI	VC-T-O	M-AF
EXEMPT	VC-T-RO	P-RC
	P-LS	

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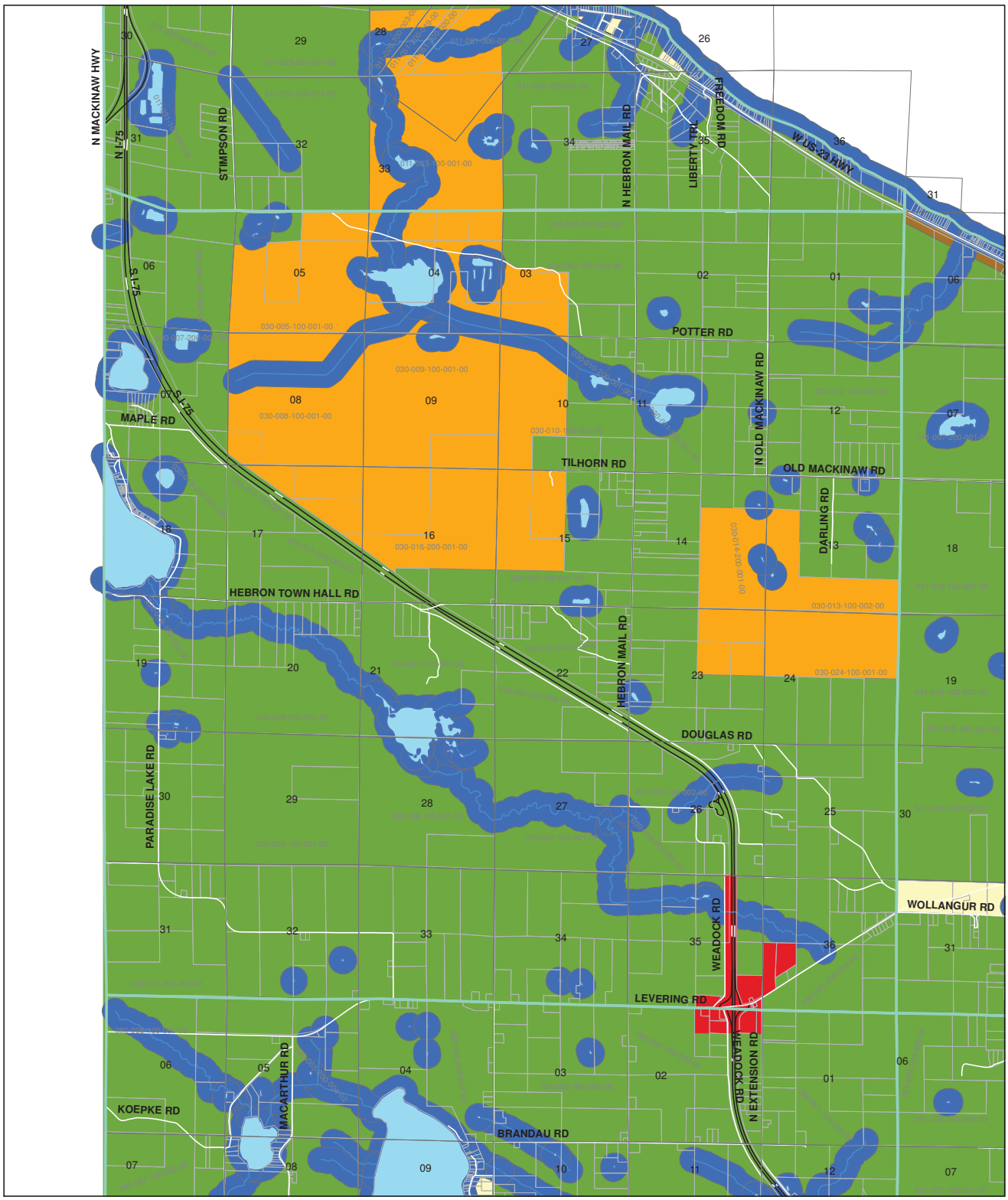
Cheboygan County Zoning Ordinance No. 200

Zoning District Maps

HEBRON TWP



Natural Rivers	VC-IR	D-RC
D-CM	VC-IR-O	D-MR
D-GI	VC-T	D-RS
D-LI	VC-T-O	M-AF
EXEMPT	VC-T-RO	P-RC
	P-LS	

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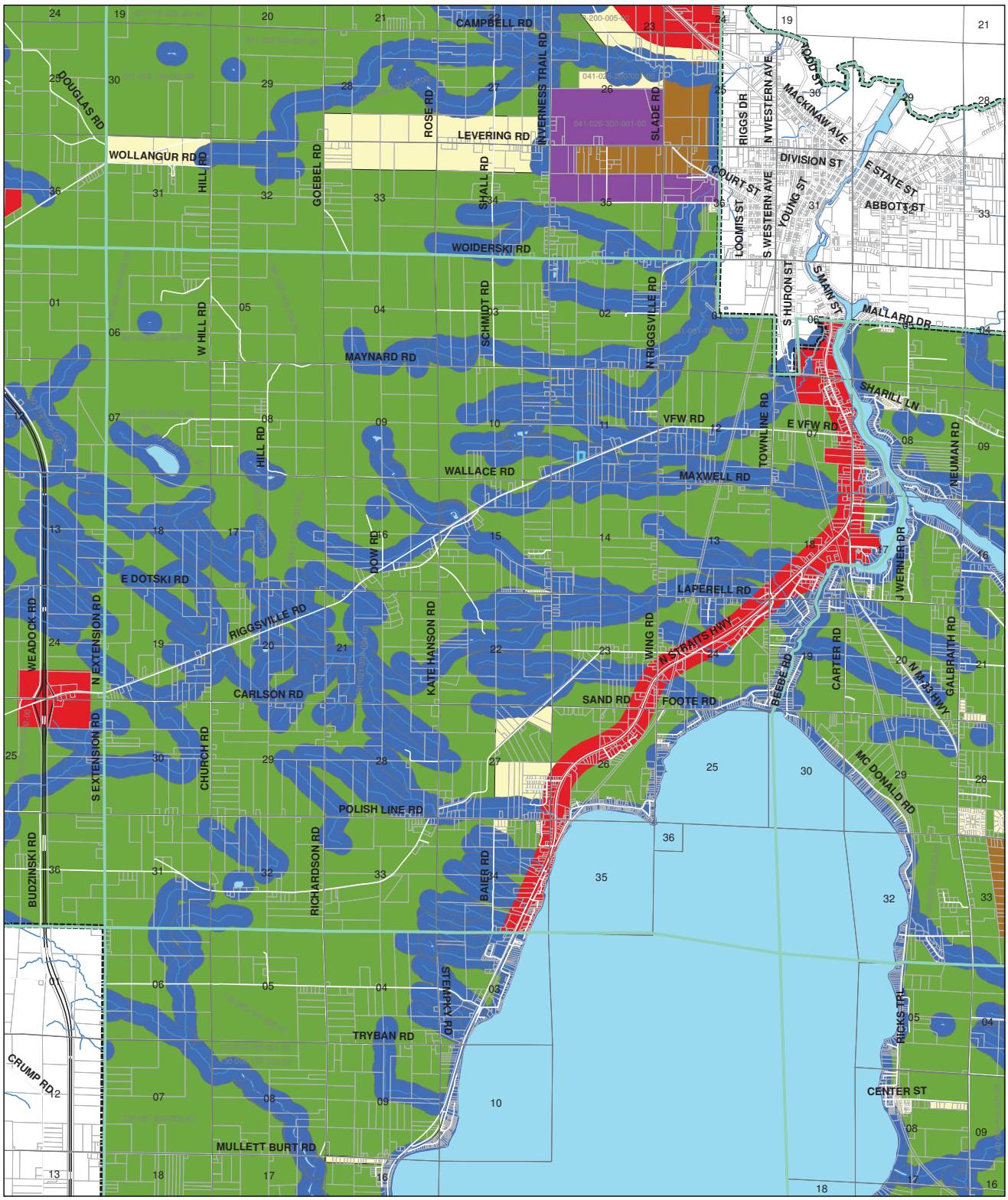
Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
INVERNESS TWP



Natural Rivers	VC-IR	D-RC
D-CM	VC-IR-O	D-MR
D-GI	VC-T	D-RS
D-LI	VC-T-O	M-AF
EXEMPT	VC-T-RO	P-RC
	P-LS	

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Exhibit 129

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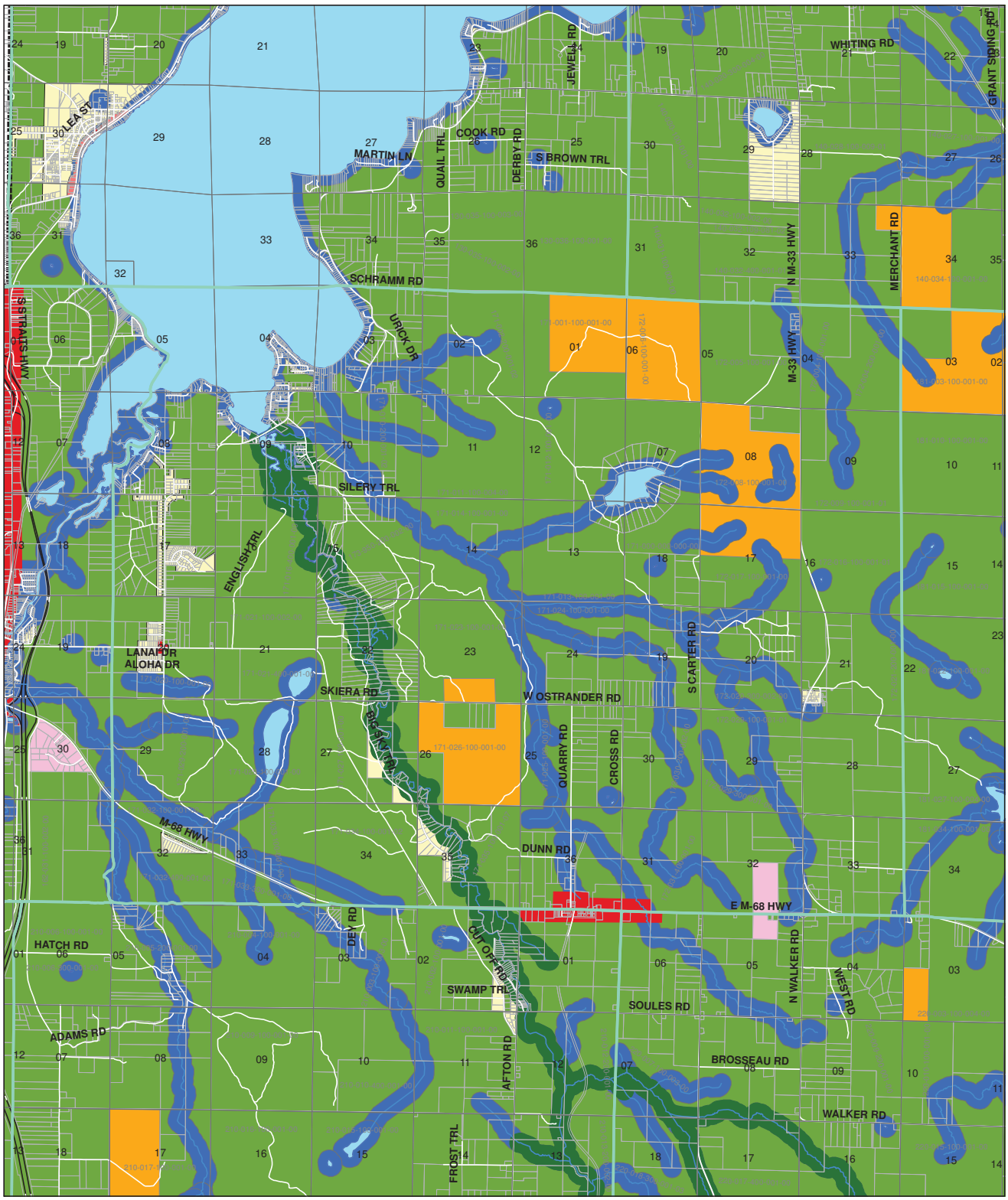
Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
KOEHLER TWP



Natural Rivers	VC-IR	D-RC
D-CM	VC-IR-O	D-MR
D-GI	VC-T	D-RS
D-LI	VC-T-O	M-AF
EXEMPT	VC-T-RO	P-RC
	P-LS	

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Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
MACKINAW CITY

Natural Rivers	VC-IR	D-RC
D-CM	VC-IR-O	D-MR
D-GI	VC-T	D-RS
D-LI	VC-T-O	M-AF
EXEMPT	VC-T-RO	P-RC
	P-LS	

This map generally represents zoning districts in Cheboygan County.

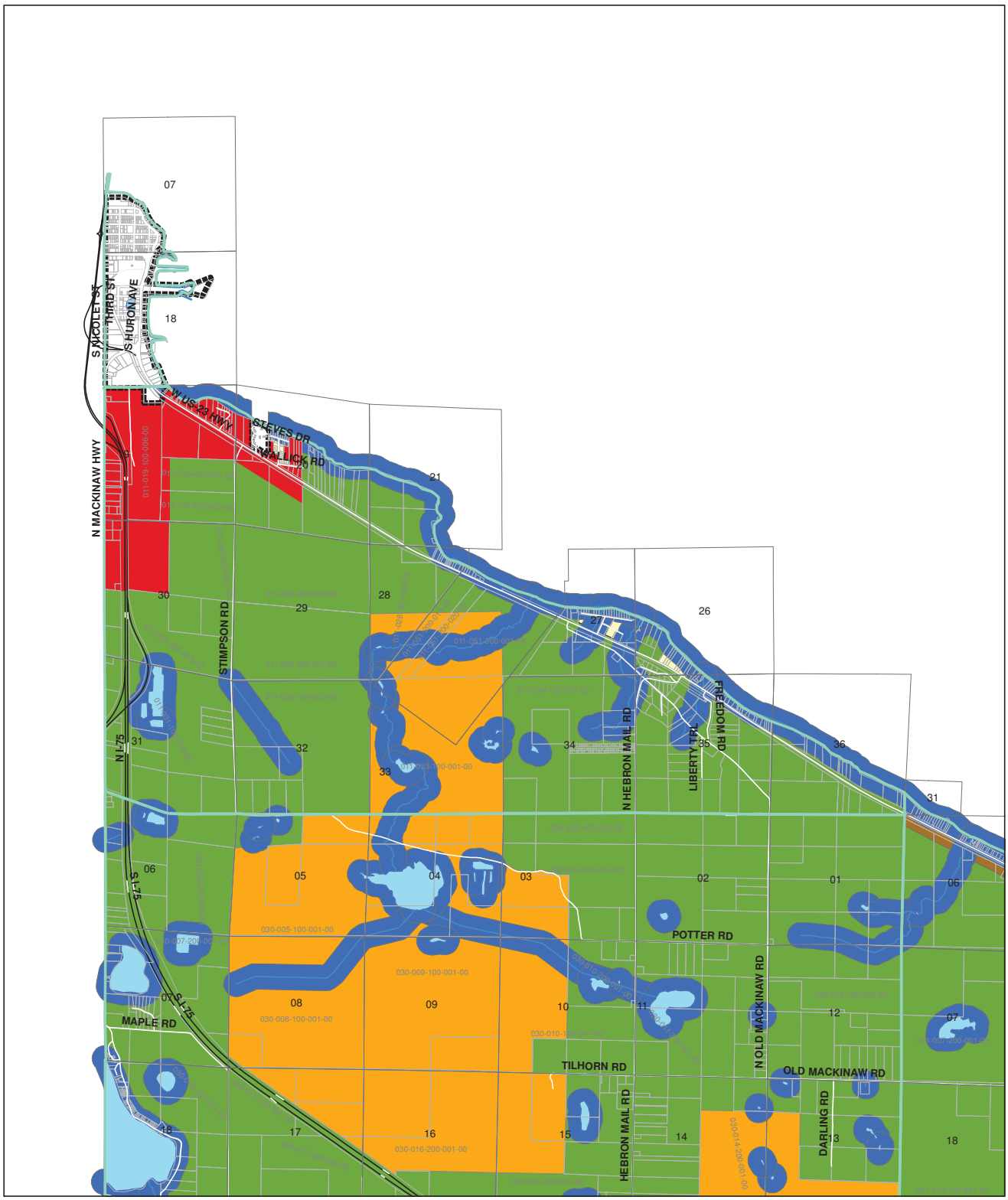
Exhibit 129

This is not the official zoning map. For determination of a parcel(s) zoning district please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

Cheboygan County Zoning Ordinance No. 200

Zoning District Maps

MACKINAW TWP



Natural Rivers	VC-IR	D-RC
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D-GI	VC-T	D-RS
D-LI	VC-T-O	M-AF
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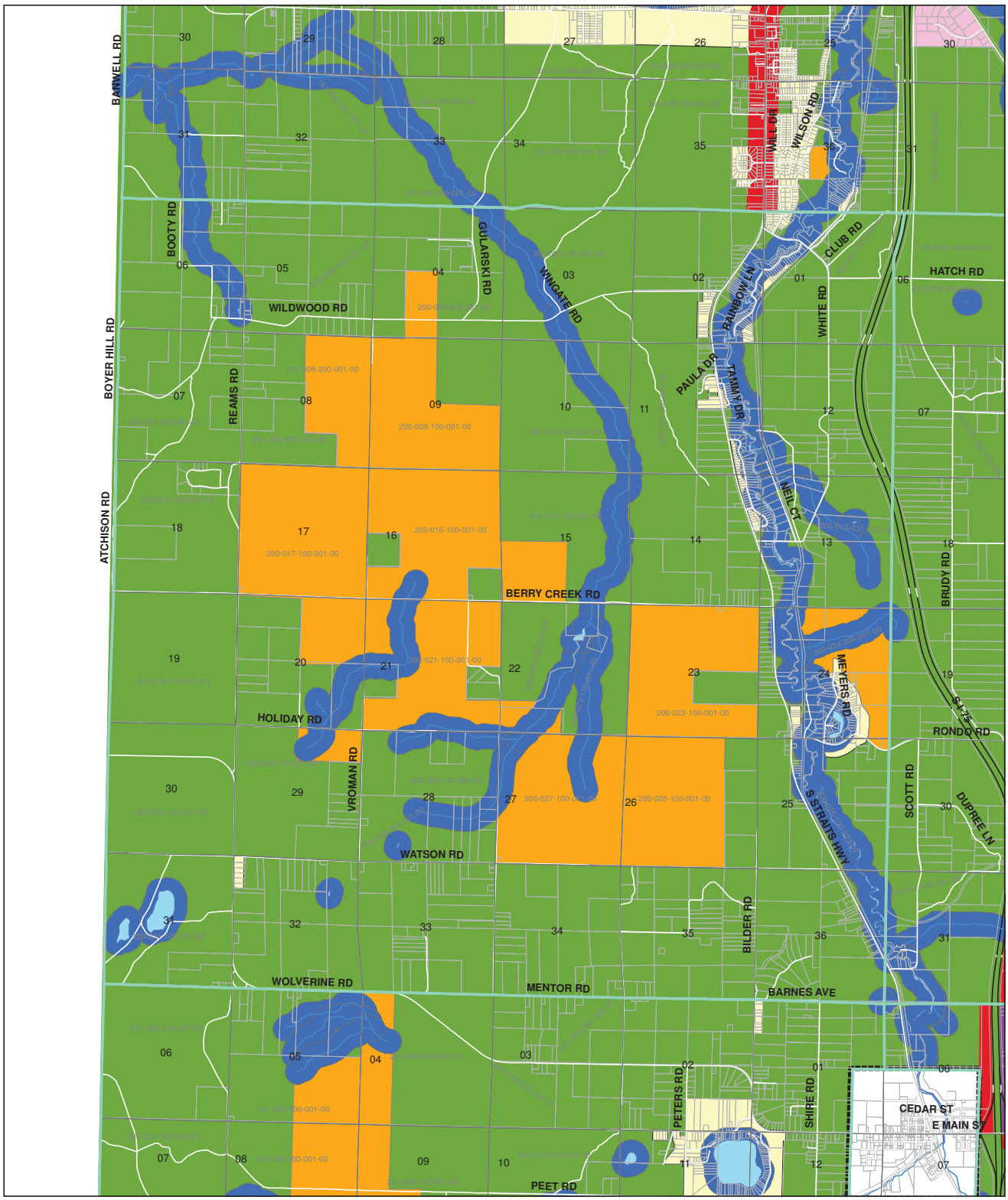
Cheboygan County Zoning Ordinance No. 200

Zoning District Maps

MENTOR TWP



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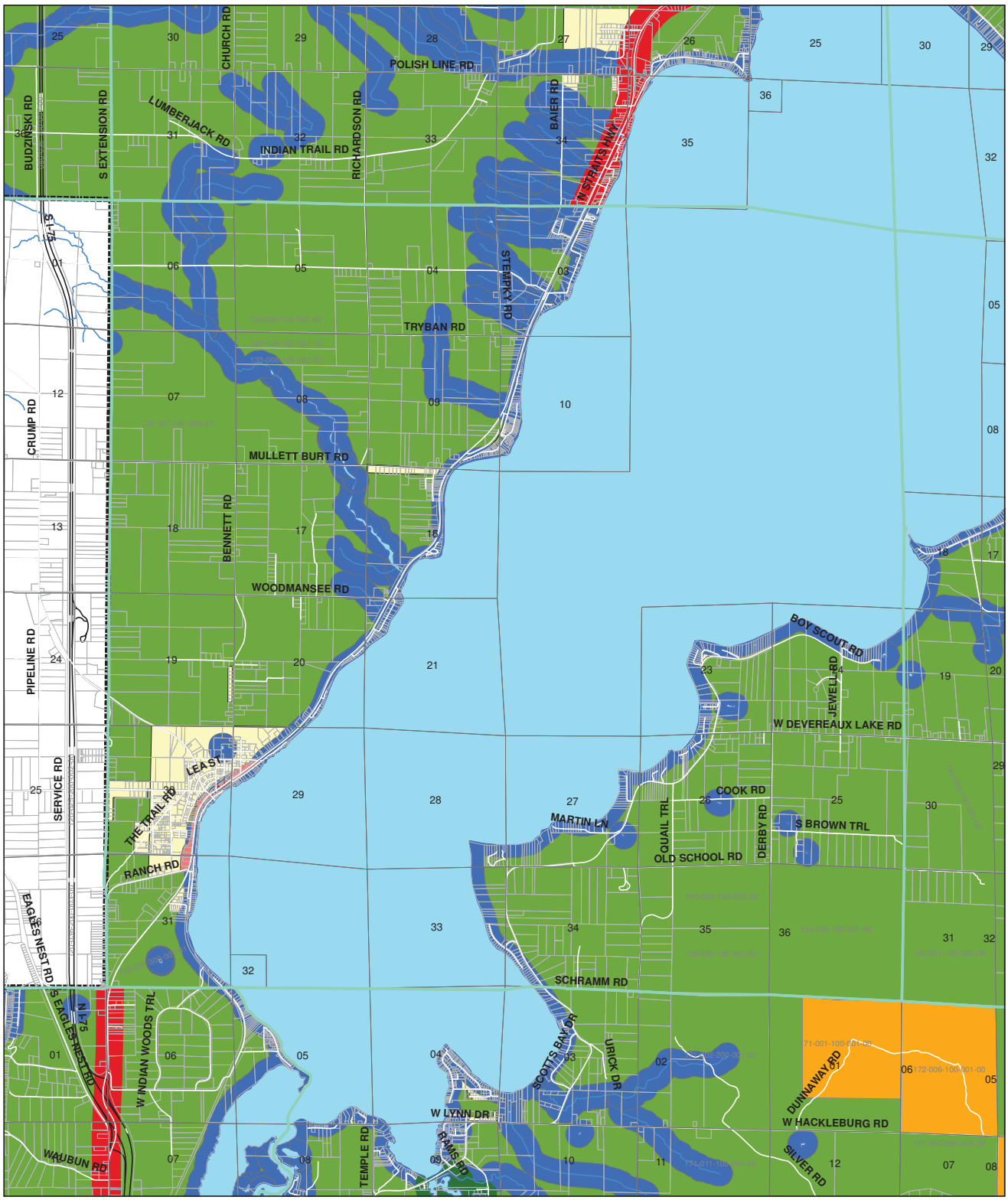
Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
MULLETT TWP



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D-GI	VC-T	D-RS
D-LI	VC-T-O	M-AF
EXEMPT	VC-T-RO	P-RC
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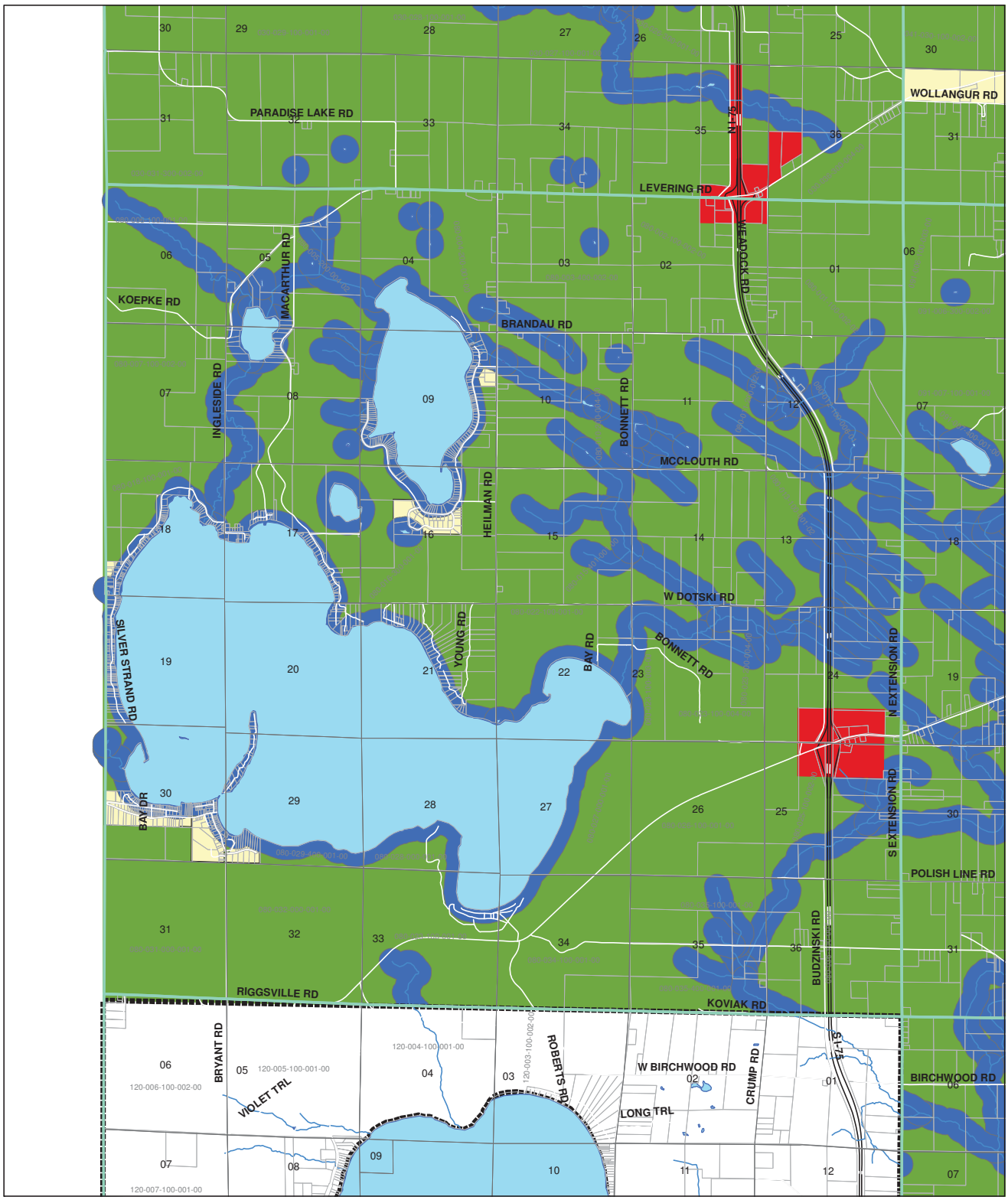
Cheboygan County Zoning Ordinance No. 200

Zoning District Maps

MUNRO TWP



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D-GI	VC-T	D-RS
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EXEMPT	VC-T-RO	P-RC
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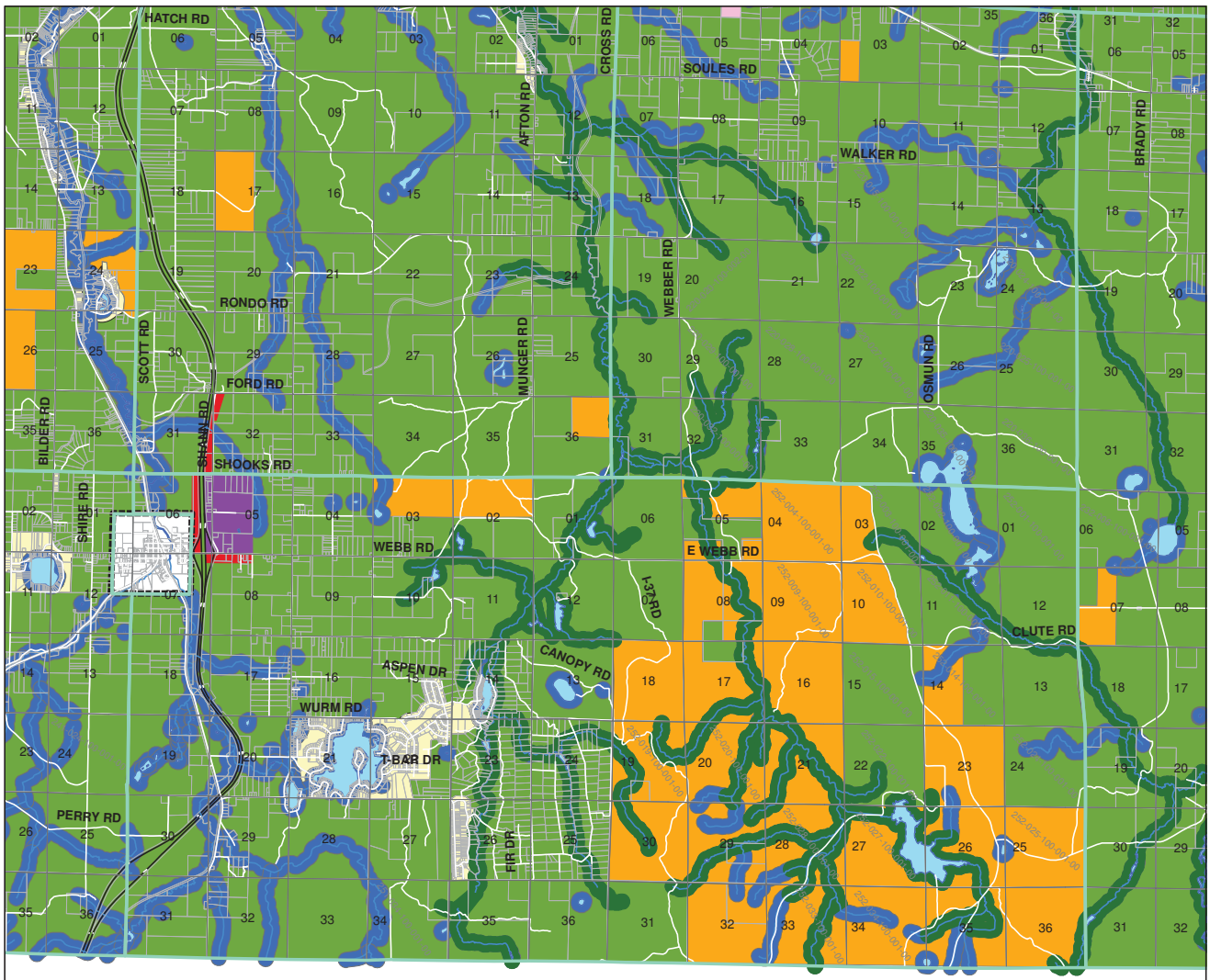
Cheboygan County Zoning Ordinance No. 200

Zoning District Maps

NUNDA TWP



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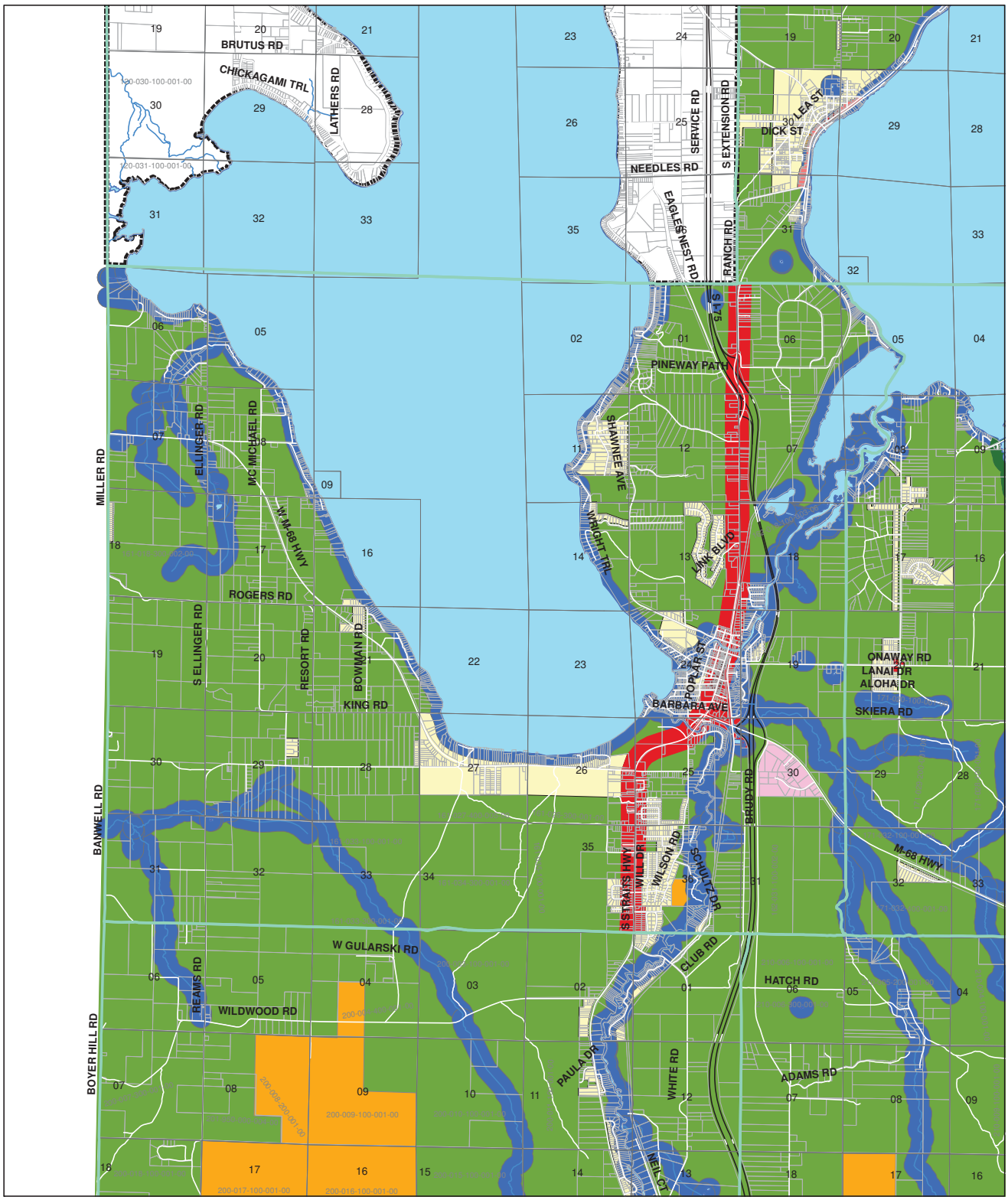
Cheboygan County Zoning Ordinance No. 200

Zoning District Maps

TUSCARORA TWP



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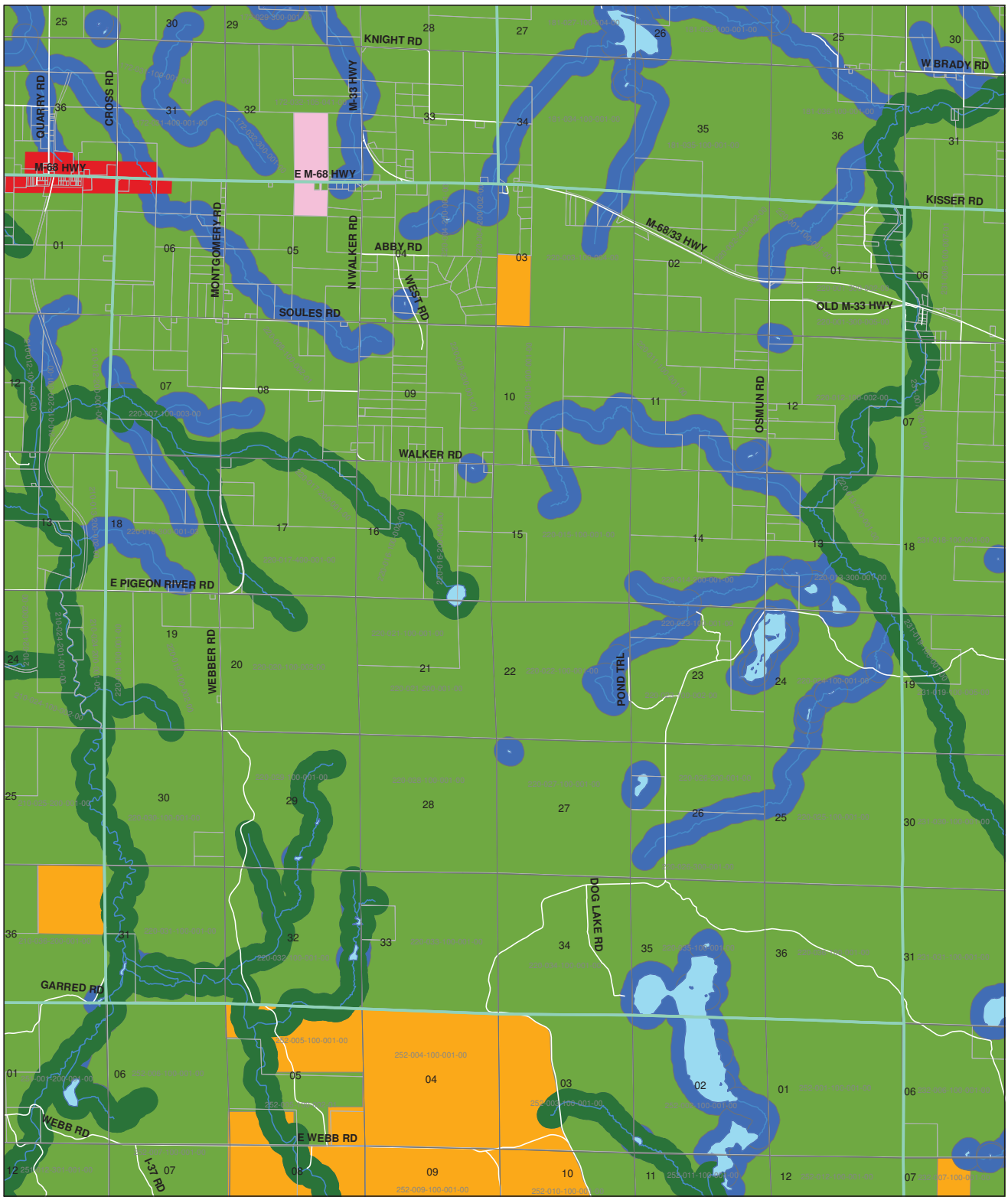
Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
WALKER TWP



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D-CM	VC-IR-O	D-MR
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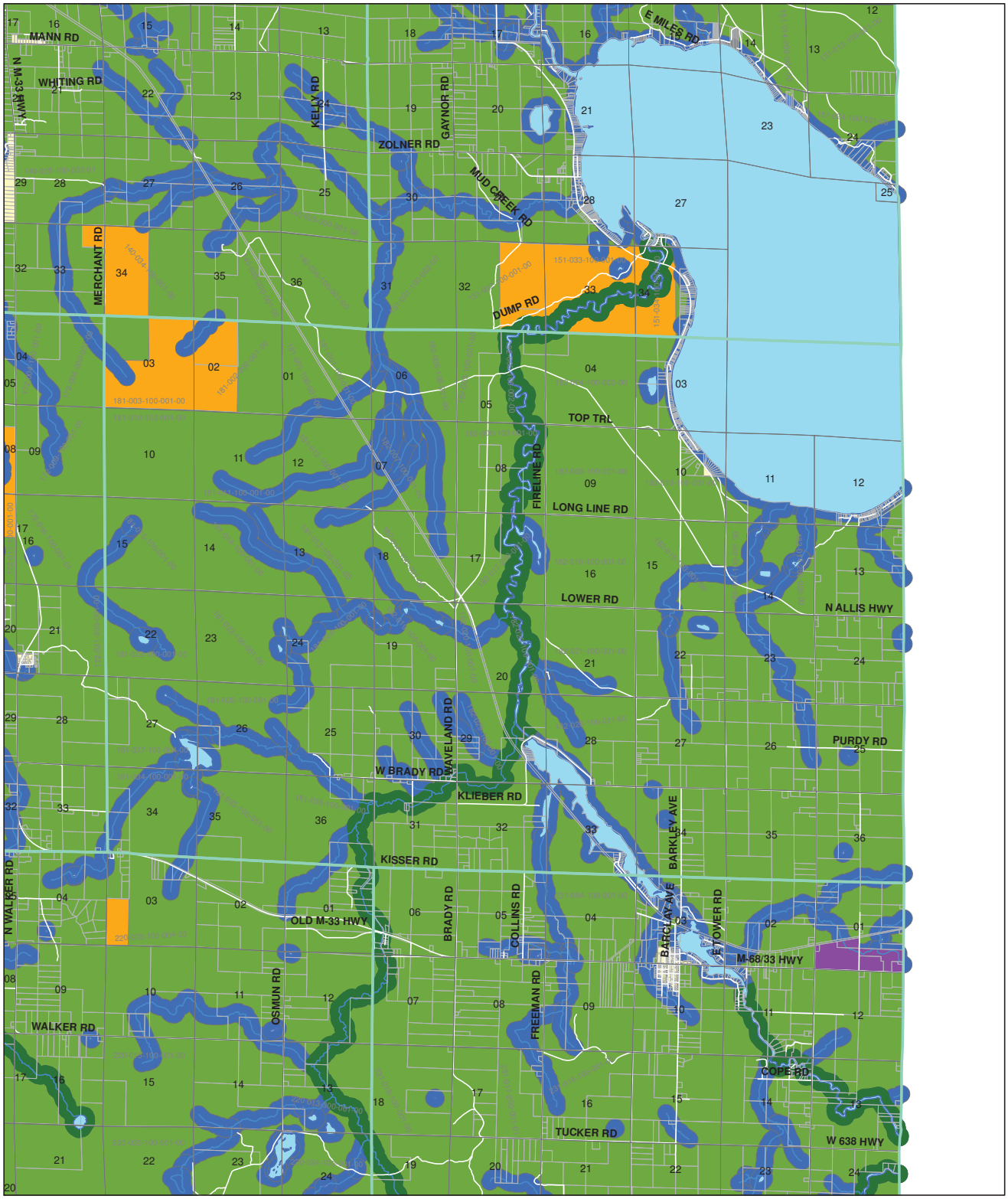
Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
WAVERLY TWP



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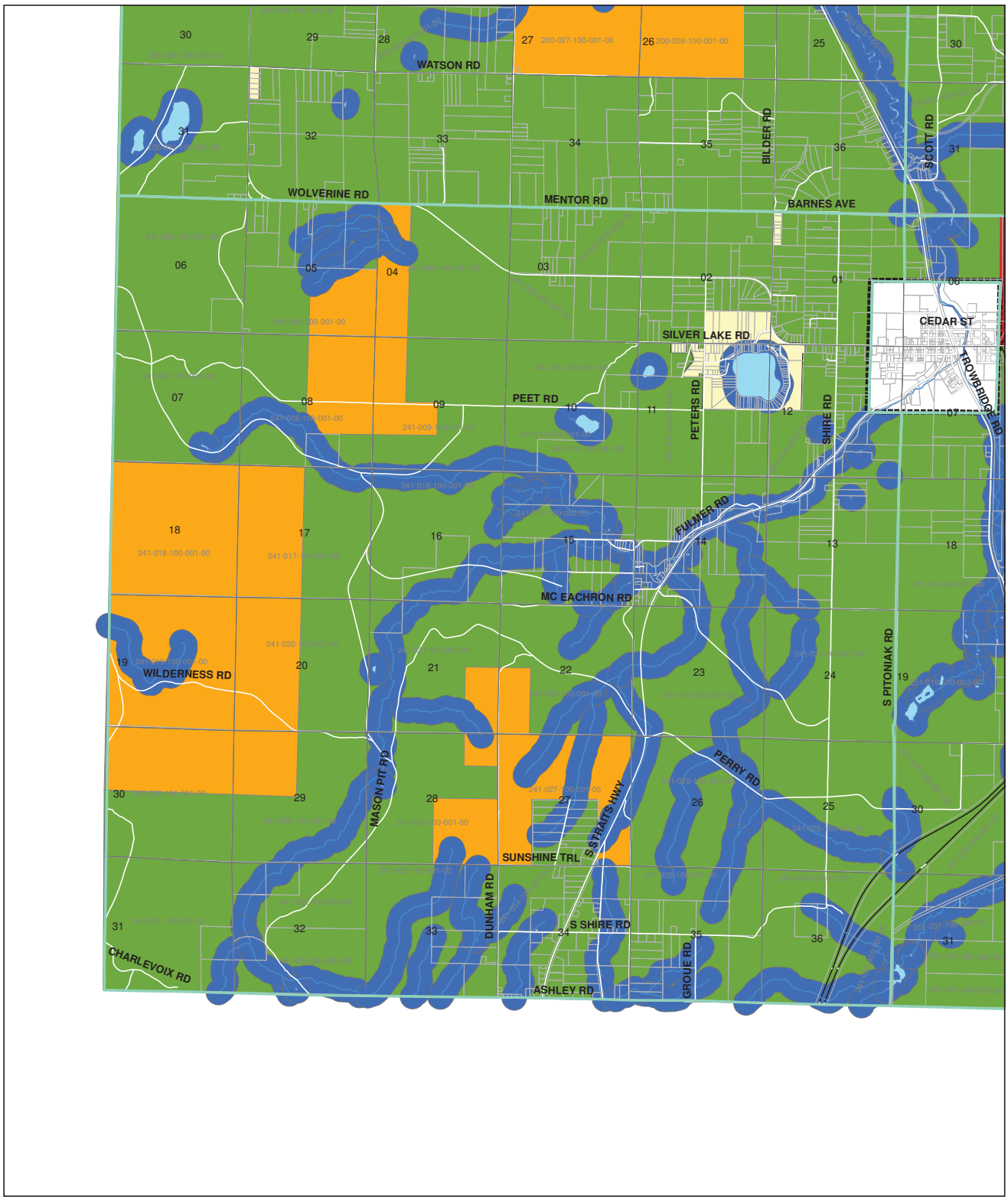
Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
WILMOT TWP



Natural Rivers	VC-IR	D-RC
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Cheboygan County Zoning Ordinance No. 200
Zoning District Maps
WOLVERINE

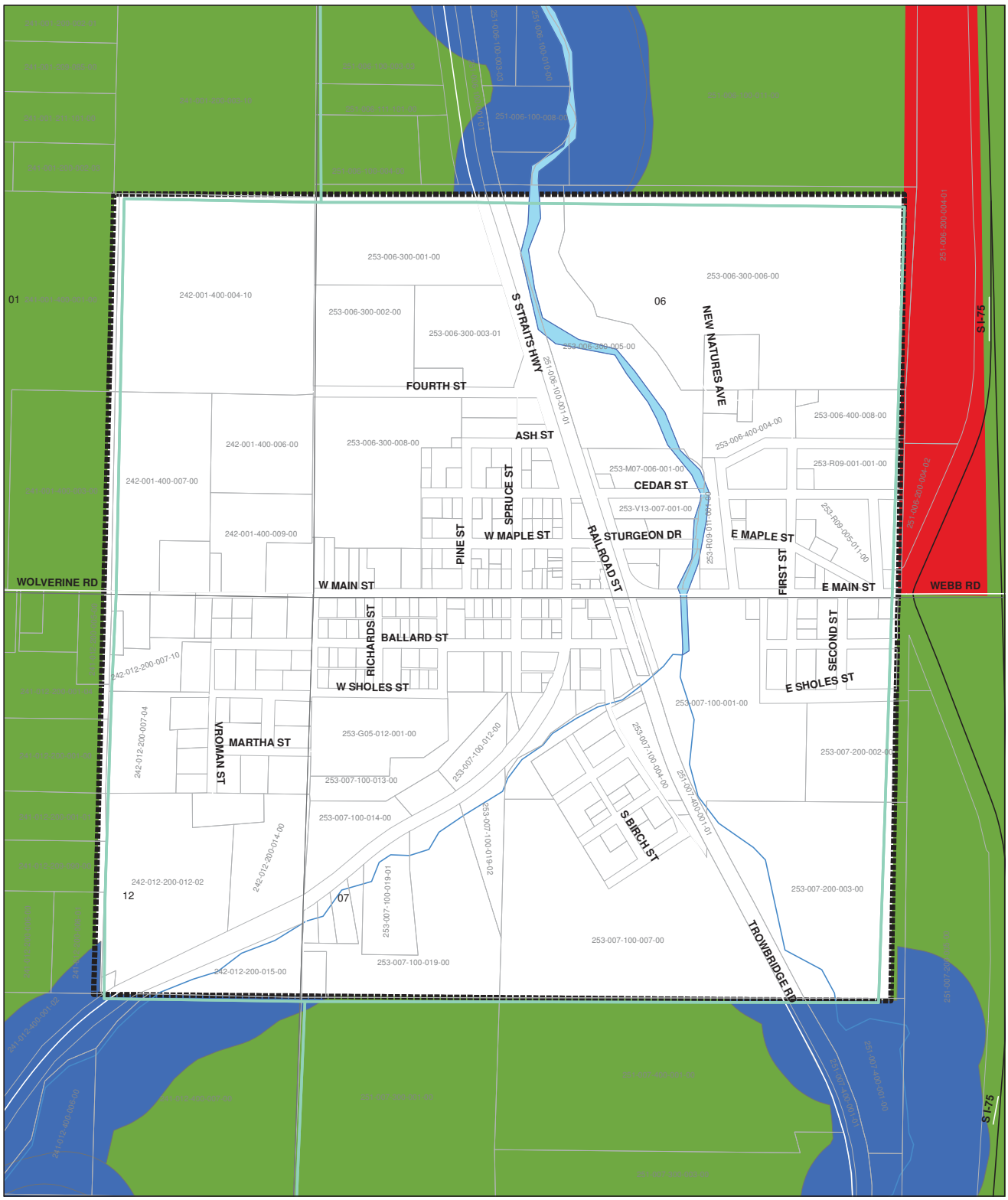

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Exhibit 129

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Aerial photos are from 2008 for zoom levels 3-9 and 2012 for levels 1-2

Showing Parcel Lines & Labels

Aerial photos are from 2008 for zoom levels 3-9 and 2012 for levels 1-2

The original photographs used on this web site were provided by the Cheboygan County Planning Office. The photos for zoom level 3-9 were collected in the spring of 2008. The 'best resolution' of these images is 0.5 feet (6 inch) per pixel. The photos for zoom level 1-2 were collected in the spring of 2012. The 'best resolution' of these images is 1 foot per pixel.

The Aerial Photo Map (orthophotography) consists of images processed by computer to remove the distortions caused by tilt of the aircraft and topographic relief in the landscape. These images are properly scaled and located in the state plane coordinate system (NAD83) thus giving them similar characteristics of a map.

N

950 US Feet

Aerial Photo Map

County Border

Municipal Boundary

Public Roads

KOEHLER W / TUSCARORA E

T-35-N • R-2-W

See Pages 85-86 For Addi

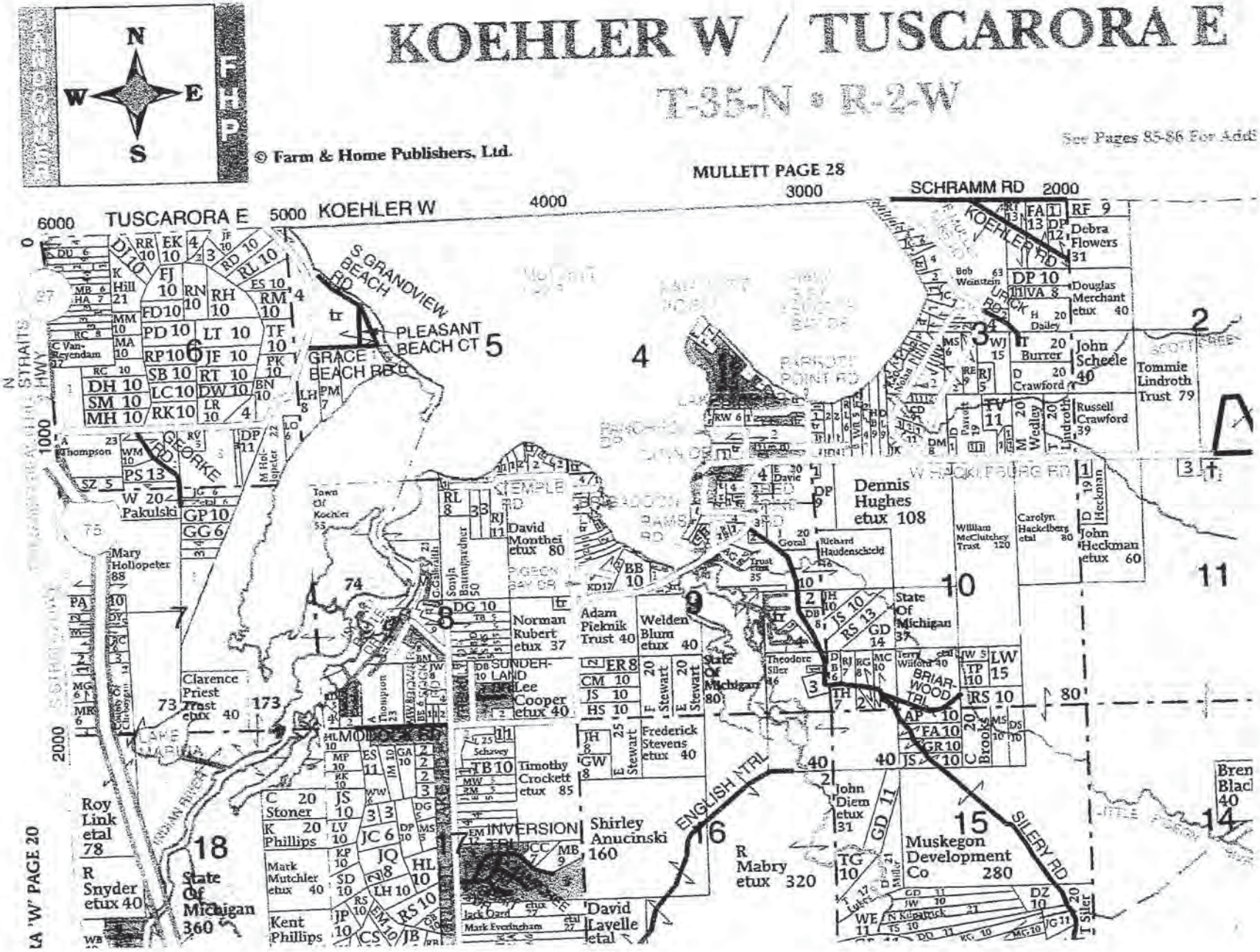

Exhibit 129

Cheboygan County Equalization Department

Print

Parcel #: 162-006-400-004-00

Property Address

627 S GRANDVIEW BEACH RD

Owner Information

HANSON, LAWRENCE P & ELIZABETH H/W
PO BOX 456
INDIAN RIVER, MI, 49749

General Information

Property Class:	400	**Assessed Value 2014:**	40,000
School District:	16050	**Taxable Value 2014:**	40,000
Homestead %:	0	**Assessed Value 2013:**	41,200
Liber / Page:	1056/85	**Taxable Value 2013:**	41,200
Total Acres:	0		

Sale Information

Date of Sale:	12/08/2006	**Sale Price:**	$0

Legal Description

BEG AT A PTE ON E SEC 987.72FT S 0D 42M E FROM E 1/4 COR SEC 6, T35N,R2W; TH S 0D 42M E 332.28FT ALG SD E SEC LI; TH S 88D 47M 30S W 272.27FT; TH N 24D 11M E 365.64FT ALG ELY R/W LI D&MRR; TH N 88D 30' E 118.42FT TO POB. **AND** BEG AT A PTE ON E SEC LI DIST 1319.92FT S 00D 42' E ALG E SEC LI FROM E 1/4 COR OF SD SEC 6; TH S 00D 42' E 260 FT; TH S 89D 08' 57" W 15 FT; TH N 00D 42' W 260 FT; TH N 89D 08' 57" E 15FT TO POB, PT OF NE1/4 OF SE1/4. 700/799;954/189; 986/818;1056/85

© 2004-14 Cheboygan County Equalization Department

Exhibit 129

Cheboygan County Equalization Department

Print

Parcel #: 162-005-300-002-00

Property Address

625 S GRANDVIEW BEACH RD

Owner Information

HANSON, LAWRENCE & ELIZABETH H/W
625 N GRAND VIEW BEACH RD
INDIAN RIVER, MI, 49749

General Information

Property Class:	400	**Assessed Value 2014:**	225,000
School District:	16050	**Taxable Value 2014:**	127,392
Homestead %:	100	**Assessed Value 2013:**	236,500
Liber / Page:	762/254	**Taxable Value 2013:**	125,386
Total Acres:	8.03		

Sale Information

Date of Sale:	09/07/2000	**Sale Price:**	$0

Legal Description

PT OF GOVT LOTS 4 & 5 SEC 5 & PT OF NE1/4 OF SE1/4, SEC 6, T35N,R2W, DESC AS: COM W 1/4 COR SEC 5; TH N 89D 13M E 413.80FT TO POB; TH CONT N 89D 13M E 357.98FT; TH S 03D 29M 45S E 1303.39FT TO TRAV LI ON SH OF INDIAN RIV; TH S 50D 10M 10S W ALG SD LI 757.88 FT; T S 37D 29M W ALG SD LI 400FT; TH N 00D 42M W 1105.48FT; TH S 88D 30M W 45.19FT; TH N 24D 11M E 1090.39FT ALG SLY R/W CO RD TO POB. 482/680;762/254

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CHEBOYGAN COUNTY MASTER PLAN

Our land. Our people.
Our future.

Adopted January 15, 2014

PLANNING COMMISSION
Patty Croft, Chairperson
Harold Borowicz, Vice Chairperson
Charles Freese, Secretary
Stuart Bartlett
Stephen Churchill
John Jazdzyk
Michael Kavanaugh
Sharon Lyon
Charles Ostwald

PLANNING AND ZONING IN CHEBOYGAN COUNTY

The responsibility of planning for most of the land in Cheboygan County is delegated to the County Planning Commission. In July of 1969, the Cheboygan County Planning Commission was formed. The creation of the County Planning Commission is authorized by the State of Michigan under Act 33 of 2008. It is the duty of the County Planning Commission to make and adopt a Master Plan for the development of Cheboygan County.

This Plan's updated recommendations will apply to all of Cheboygan County, except Burt Township, the village of Mackinaw City, the village of Wolverine and the city of Cheboygan. While these municipalities are within Cheboygan County's boundary, each maintains its own planning and zoning authority under their respective State of Michigan Public Acts. The county cannot plan for incorporated areas (such as a city), unless those areas act to adopt the Plan. Also, the county has the authority to plan for its townships, unless such townships act on their own behalf (i.e. Burt Township).

The Cheboygan County Planning Commission and Zoning Board of Appeals were formed in December of 1969. In that same month, the county's first zoning ordinance was adopted. The County's zoning authority is enabled by the State of Michigan Act 110 of 2006. The zoning ordinance has been amended numerous times since its enactment in order to meet the goals of the Master Plan and evolving needs of the community.

This plan is prepared as authorized under the Michigan Planning Enabling Act (PA33 of 2008) and is used to satisfy the requirement of section 203(1) of the Michigan Zoning Enabling Act (PA110 of 2006), MCL 125.3203. The planning jurisdiction of this plan is the County of Cheboygan and all townships therein except for Burt Township and not including the city of Cheboygan, village of Mackinaw City, and village of Wolverine.

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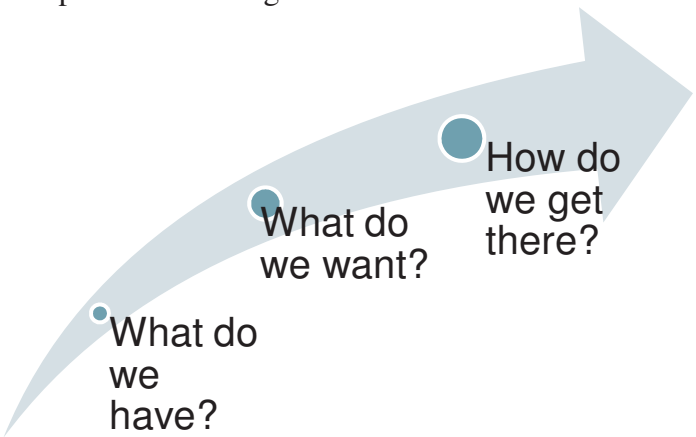
Chapter 1 Intro to Plan and Planning Process

What is a Master Plan and why do we have one?
The County's Master Plan is our blueprint for our future. It guides our land use decisions and subsequent development by creating land use goals for the next 10 to 20 years. We create a vision so that we always keep in mind how we intend to retain our economic health, conserve our natural resources, meet the needs of residents and business people, ensure an efficient transportation system, ensure compatible land uses, and promote public health, safety, and welfare.

In creating this plan the question is asked of Cheboygan County stakeholders: What do you want Cheboygan County to be like in the future? To be best able to answer that question, the plan provides information as to what we have now. Goals are identified and then objectives are determined which will help achieve those goals.



What does this have to do with zoning?
This isn't a zoning ordinance, which is a law. However, the Master Plan is the guide and the community's policies that are used to make changes to that law. The Master Plan is the vision, the zoning ordinance is the system of rules that make that vision reality. State law requires that any place that has a zoning ordinance must have also have a Master Plan and must use that Master Plan when any changes are made to that zoning ordinance law.

Why should people be involved?
It's important to know that change *will* happen regardless of whether we plan for it. This Master Plan is an effort to determine what kind of change is desired and how to achieve the *desired* goals. You can do your part to make sure your community's interests are communicated and the community's goals are included in future updates to this Plan. This will go a long way in making sure that the change that occurs is desired by the community.

This Master Plan should be a living document. This means that it should be updated as often as necessary to reflect changing community values, land use trends, and new goals.

For more information, visit the Master Plan website**:** **www.cheboygancounty.net/masterplan**

Presentation of this Master Plan
The Cheboygan County Master Plan is presented in a manner to make it as easy to use as possible. The plan is oriented to first provide the goals and objectives of the community, the plan to make changes to the related land use laws, then provide the background data that help guide the decision making. This plan is presented in this way to provide the most relevant information needed to take action at the outset.

Also included as part of this Master Plan document is a shortened summary version of the plan showing the Future Land Use Map along with the basic goals and objectives. The Master Plan information, links to other related information, as well as any new information will be maintained at the Master Plan's website which is www.cheboygancounty.net/masterplan.

Chapter 2 Snapshot of Cheboygan County

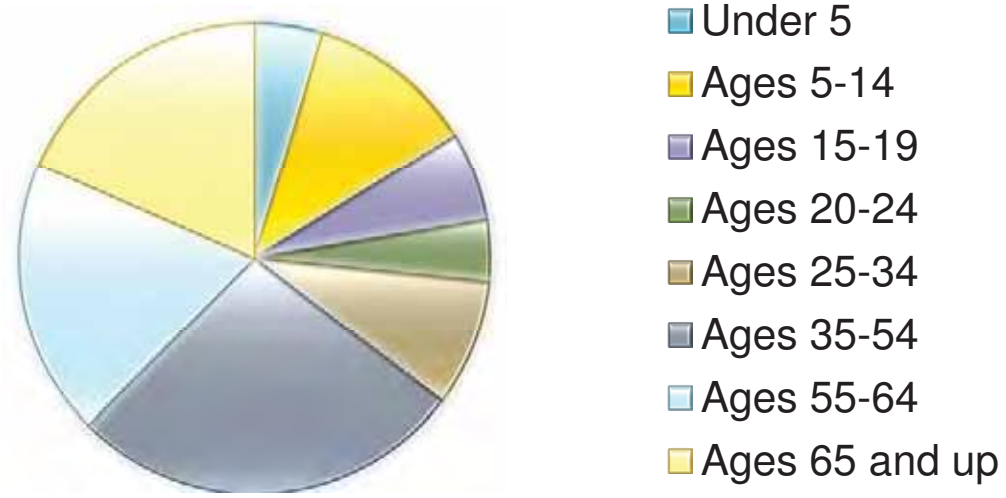
Total Population: *26,152*

Median Age: *47.1* Average Household Size: *2.31*

Percent of total Households with individuals 65+ years of age: *35.3%*

(Information comes from the 2010 census)

2010 Age Composition



What increased between 2000 to 2010?

- 35% **more** relatives besides spouse and children living in the same household
- There are 30.9% **more** people between the ages of 60 and 64 years.
- 125% **higher** homeowner vacancy rate

What decreased between 2000 to 2010?

- There are 22.6% **fewer** people between the ages of 25 and 34 years.
- 4.5% **decrease** in household size for owner-occupied housing units

Chapter 3 The Community Vision - Goals and Objectives

The following are goals and objectives formed directly from input gathered from Cheboygan County stakeholders. Included here is a discussion on how the Planning Commission can achieve those particular objectives which are at least partially within their scope of work. Other objectives may receive support of the Planning Commission but they may not be within the power of the Planning Commission.

These are not presented in a particular order of priority. To find a prioritized list of action items, see the Zoning Plan section of this Master Plan. These goals are all categorized by the following general topic headings: Public/Private & Intergovernmental Collaboration, Community Development, Natural Resources & Recreation, Public Services & Infrastructure, Transportation, and Economic Development.

Public/Private & Intergovernmental Collaboration

GOAL ➔ Promote cooperation between adjacent communities and municipalities.

Maintaining good communications among neighboring municipalities can increase efficiencies and help other entities be more aware of opportunities for growth. A good example of this is the Cheboygan County Trailways Advisory Committee. This group meets monthly to share their experiences with their local trails. The participants share grants that they have utilized as well as methods on how to deal most effectively with issues that they have come across. These meetings sometimes include state and regional entities such as the DNR and County Road Commission.

Objectives

a. **Maintain existing and encourage similar intermunicipality planning committees, such as Northern Cheboygan County Intermunicipal Planning Committee (NCCIPC).**

   The Northern Cheboygan County Intergovernmental Planning Committee (NCCIPC) was formed to encourage cooperation between local governmental units. The planning committee is made up of representatives from the townships of Beaugrand, Benton, and Inverness, the city of Cheboygan, and the county of Cheboygan. It is recognized by these entities that intergovernmental cooperation can produce a climate of trust and collaboration and create stronger leadership. Coordinated efforts can lead to more efficient government, which can also lead to more economic development opportunities and cost savings to tax payers.

b. **Maintain thorough communication on planning & zoning and capital improvement activities with the townships and other entities within Cheboygan County.**

Better coordination of activities across governmental units can create greater efficiencies. Brining, plowing, and road improvements are just some examples of how coordinated efforts across multiple jurisdictions can lower costs. Cheboygan County Planning Commission, through its Capital Improvement Planning process, has a real opportunity to create these avenues of communication.

- Provide annual report on Planning Commission activities to MTA as well as periodic updates as appropriate.
- Provide annual communications meant to address the taxpayers and voters in Cheboygan County. Include information on how anyone can get involved in local government decision making.

c. Coordinate efforts to reach common goals such as land use planning along common borders, blight reduction, shared land use goals as listed in each entity's master plan, and economic development.

- Recognizing that counties cannot enact blight ordinances per se, Community Development staff should serve as liaison, facilitators, and/or coordinators of blight efforts by townships, city, and villages.
- Initiate more ways to communicate through social media, newsletters, and email with townships, neighboring communities, residents and business owners within Cheboygan County.
- Work with the road commission for better access management (improved means of vehicular access to property that is less costly, more efficient and safer).
- Coordinate planning efforts for other forms of transportation and recreation including rural transit and non-motorized transportation routes and recreational pathways.

d. Provide joint training in good land use planning principles and best practices.

- Offer training opportunities appropriate for all levels of government on common planning matters.

Community Development

GOAL ➔ Encourage quality development and well-maintained buildings and property.

Quality development is not only good for business, it can improve the health and safety of our residents and employees, preserve the natural environment, and improve the overall quality of life.

Objectives

a. **Assist townships and other local municipalities to coordinate efforts to increase community beautification and reduce blight, recognizing that each level of government has unique tools and those efforts can be coordinated to reach common goals.**

   - Update signage zoning provisions to accommodate more potential recreational trail signage improvements. (The DNR is being asked to allow for more signs on the trails to alert trail users to more commercial businesses. We don't currently have clear provisions for this type of commercial signage.)

b. **Encourage local township and community activities that support better planning, design, and management of public spaces.**

   - Request sharing of information from townships as they do Capital Improvements to their parks and recreation assets and other municipal properties.

c. **Identify neighborhoods below median home value in the county and consider targeted rehabilitation efforts.**

d. **Provide for a variety of home occupations which lower business startup costs.**

   - Review home occupation regulations for appropriateness to current trends.

   - Provide for more artisan home occupations in all areas of the county that provide for artisans to live and work in the same location which may include retail use.

GOAL ➔ Ensure a diversity of commercial activity and residential living options.

Clearly each community has its own character and this character evolves over time. It is important to allow for growth and change by providing flexibility in land use regulations which still preserve the character of the community. The population of Cheboygan County is older, on average. The county is also experiencing a loss of its young adults as they move to bigger cities with more options. Cheboygan County won't be all things to all people, but the range of opportunities for both commercial activity and additional residential options should be explored. In some cases, due to rising energy costs and a need to simplify, very small homes have become more desirable for some. An example of diversifying of commercial activity includes creating more options for home-based businesses. Very appropriate for this rural area, home based businesses that are also compatible with surrounding residential uses are often necessary.

Objectives

a. **Provide for neighborhood corner stores and similar small business opportunities.**

   - Provide for rural commercial areas within the county on the future land use map.

b. **Preserve existing "neighborhood" commercial uses such as party stores and bar/restaurants at rural intersections.**

- Provide for rural commercial areas within the county on the future land use map.

c. **Ensure affordable, accessible, independent living opportunities.**

- Explore allowing more Accessory Dwelling Units which would allow people to age with dignity in their own home or a home of a close friend or family member.

d. **Provide protection of quality rental housing, downtown housing, and adequate property maintenance.**

GOAL ➔ Provide adequate and efficient standards for land use development.

Land use regulations must strike a very important balance of providing opportunities for growth in quality of life, personal income while also protecting the natural resources and preventing encroachments and threats on neighbors' quality of life. Although the ordinance has been amended more than 100 times, these amendments are very important and ensure the ordinance meets current needs, which are always changing.

Objectives

a. **Amend the existing ordinance to provide for changes in the economy and improvements in land use regulation methods.**

- Evaluate parking standards and update ratios and dimensions as appropriate.
- Create incentives within the zoning ordinance to encourage development within existing commercial corridors, specifically within existing sewer districts and in locations where existing public infrastructure already exists. Incentives should also be used to encourage infill development.
- Evaluate Planned Unit Development (PUD) review process that involves rezoning and flexibility in use standards. Allow for more uses in some PUD situations which provides more flexibility in plan review.
- Evaluate form based codes to allow for more appropriate standards for some downtowns and more flexibility of allowable uses.
- Streamline the list of allowable uses in all zoning districts, combine similar uses to reduce confusion, provide table of allowable uses within the zoning ordinance to clarify allowable uses.
- Create means for expedited zoning approvals for redevelopment of existing buildings.
- Utilize a new future land use category identifying Rural Commercial Nodes where isolated but desirable small commercial activity exists and should be preserved. Utilize new land use category designation for those areas not already accommodated by existing zoning.

- Create optional use and design standards based on the goals of the Master Plan which, if adhered to, allow for expedited approval.

- Select common uses in commercial and industrial zoning districts and redevelopment sites which could receive expedited administrative approval, providing an attractive business opportunities.

GOAL ➔ Ensure promotion and preservation of historic, cultural and recreational resources in Cheboygan County.

Cheboygan County already has an extensive collection of attractions that bring visitors to our area and, if presented in the right way, could help those visitors realize that this is also a great place to do business. Cheboygan County has a very high quality of life which attracts people of all ages. It is a highly desirable place to live and work. Cheboygan County has the most coastline of any county in Michigan as well as many miles of forest "coastline", or private properties that border a state forest. In addition, the historic resources are significant not only to local residents but played a role in the development of the state and our nation.

Objectives

a. **Allow for flexibility in reuse of historic buildings.**

- Provide more flexibility in allowable uses for existing buildings where it may not be feasible to continue the previous use.

b. **Provide ample opportunities for historic and appropriate tourism activities.**

- Ensure zoning provisions allow for agri-tourism and other tourism that provides a means for economic growth in our rural county.

Natural Resources & Recreation

GOAL ➔ Ensure adequate recreational trail development, maintenance, and promotion of recreation for residents of all ages and abilities.

Recreational assets create economic development in many ways. The trails create opportunities for people to live healthy lifestyles, which in turn reduces health care costs overall. Recreational assets bring more visitors to the area which also grow the local economy through local retail, restaurant, and lodging establishments. The Outdoor Industry Association (OIA) estimates that in the State of Michigan, outdoor recreation generates $18.7 billion in consumer spending, 194,000 direct jobs, and $5.5 billion in wages and salaries. Nationally, the OIA estimates that annual consumer spending on outdoor recreation is almost double the amount of consumer spending on motor vehicles and parts. Also, across the nation more people are employed in the outdoor industry than the construction trades.

Objectives

a. **Ensure access to trails by appropriate users of all abilities.**

- Participate in a county-wide recreational trail and pathway study to ensure connectivity, accessibility, and coordination with township efforts.

b. **Provide recreational opportunities throughout the county for all ages.**

- Participate in a county-wide recreational trail and pathway study to ensure connectivity, accessibility, and coordination with township efforts.

c. **Encourage trail development for trails of all kinds including motorized, non-motorized, water trails and harbors.**

GOAL ➔ Leverage the natural resources for appropriate forms of economic development while maintaining excellent conditions of natural resources.

Efforts can be made to create more opportunities to utilize the County's extensive recreational assets for more entrepreneurial growth. One example is to partner with the DNR to allow for more signs along and near recreational trails to alert trail users to nearby businesses that may serve their needs.

Objectives

a. **Monitor condition of natural resources, educate citizens on causes of deterioration and incentivize maintenance of natural resources.**

- Staff provides, annually, information compiled from local organizations on water and natural resource quality measurements for Planning Commission to monitor and act upon as needed.

b. **Allow for responsible oil and gas extraction and evaluate screening requirements.**

- Staff provides, annually, information compiled from the state well permits for Planning Commission to monitor and act upon as needed.

c. **Encourage responsible use and management of the Pigeon River Country wilderness area.**

d. **Ensure adequate protection of high water quality.**

- Staff provides, annually, information compiled from local organizations on water and natural resource quality measurements for Planning Commission to monitor and act upon as needed.

e. **Encourage promotion of recreational resources and evaluate sign regulations to allow for appropriate trail-side signage.**

- Update signage zoning provisions to accommodate more potential recreational trail signage improvements. (The DNR is being asked to allow for more signs on the trails

to alert trail users to more commercial businesses. We don't currently have clear provisions for this type of commercial signage.)

f. **Communicate the "Natural Affordability" of Cheboygan County.**

g. **Encourage retention of open space and scenic vistas using Planned Unit Developments (PUD) and provide incentives for clustering of non-farm development.**

- Allow for more uses in some PUD situations which provides more flexibility in plan review.

Public Services & Infrastructure

GOAL ➔ Provide opportunities for safe and efficient use and transport of energy sources.

Energy costs are rising and showing no signs of getting any cheaper in the future. Other means of energy production shouldn't be hampered by local land use regulations as long as they can be assured of being compatible with local land use goals. Transportation options should also be provided. Rural transit can provide a much-needed option for low-income residents of the County to remain employed regardless of the condition of their automobile. This can help them not only stay employed but make the payments on their home and pay for needed healthcare for their family. A transportation system that accommodates all users of all abilities increases everyone ability to remain mobile, active, healthy, and employed.

Objectives

a. **Allow for appropriate use and transport of all forms of energy.**

b. **Ensure opportunities for development of renewable energy that maximizes sustainable use of natural resources and retains energy dollars in the local economy.**

- Improve opportunities for farmers to take advantage of Wind Turbine Generator.

c. **Keep up to date on evolving renewable energy technologies, land use implications and ensure regulations are appropriate.**

GOAL ➔ Encourage efficient broadband implementation throughout the county using local providers when appropriate.

More and more, broadband is a necessary part of life. Education systems utilize the Internet for lessons. Higher education opportunities are available in rural areas via the Internet as long as broadband is available. For many businesses, the Internet is their primary avenue to reach their customers and is more important than good roads. The fastest growing business sectors are those with companies doing business on the Internet.

Objectives

a. **Ensure local regulations are consistent with FCC, with needs of local providers and with emerging technologies.**

b. **Ensure land use information is available for use by private sector Internet Service Providers to make market decisions.**

GOAL ➔ Provide incentives and flexibility to reuse and repurpose existing public and institutional buildings.

Rising costs of providing education force some schools to consolidate and close some of their buildings. In order to eliminate the potential for building to remain vacant for extended periods of time it is important for land use laws to add some flexibility for allowable uses in those buildings.

Objectives

a. **Explore option to amend the zoning ordinance to allow for PUD's that rezone properties and accommodate additional uses.**

b. **Explore option to create an overlay zoning district for existing school and public buildings for appropriate reuse.**

GOAL ➔ Encourage educational opportunities for youth focused on the benefits of the quality of life in northern Michigan and educate on the entrepreneurial opportunities in Cheboygan County.

Objectives

a. **Encourage youth involvement and understanding of local planning and zoning. Create opportunities for youth to understand how to get involved in local decision making.**

Transportation

GOAL ➔ Maintain an adequate transportation system

Transportation options for people of all abilities should be provided. A transportation system that accommodates all users of all abilities increases everyone ability to remain mobile, active, healthy, and employed.

Objectives

a. **Improve access management standards for new development which will provide safer and more efficient movement of vehicles and pedestrians.**

- Expand on what access management is and examples of what can be done.
- Include recommendations for future access management plan needs.

b. **Ensure roadways are planned and designed and constructed to be accessible to all legal users of the road including pedestrian, bicyclists, ATV riders, motorists, and transit riders of all ages and abilities.**

- Discuss transportation system connectors for non-motorized users on roadways (recommend future connector route study but include some potential connectors now).

c. **Ensure adequate rural transit opportunities.**

- Support Straits Regional Ride efforts

d. **Provide adequate public input opportunities for transportation planning and decision making process.**

GOAL ➔ Recreational trail network to enhance transportation options

Recreational trails can serve as a transportation alternative, providing safer and more convenient transportation options.

Objectives

a. **Develop links between schools and residential areas to promote safer routes to schools and between neighborhoods.**

b. **Encourage links of new residential and commercial development to recreational/transportation trail systems.**

- More support for the discussion of transportation system linkages for non-motorized and rural road users such as ATV/ORV road users.

Economic Development

GOAL ➔ Support agriculture and encourage farming and forestry opportunities

Farming has been part of Cheboygan County's history. Local food production can enhance the economy of Cheboygan County by providing not only local food needs but also become an export that brings money into the local economy. Properly managed forest assets in the County also have the potential, as they have throughout Cheboygan County's history, to provide much needed income for local landowners. These resources need special attention in the zoning ordinance to allow for appropriate use and protection.

Objectives

a. In the zoning ordinance, recognize the different needs of farming compared to forestry. Each should be adequately recognized and accommodated.

b. **Acknowledge the importance of the agriculture industry and lands to the scenic character, quality of life, and economic development of the County.**

c. **Acknowledge the importance of forestry industry and management.**

d. **Increase land available for farming, especially niche agricultural crops in future land use goals.**

- Increase land in Ag/Forest future land use category.
- Ensure prime farmland soils are available in the Ag/Forest land use wherever possible.

e. **Use incentives rather than regulations to keep land in farming or forestry use.**

f. **Provide adequately for forestland and timber production including large timber stands, sawmills, and lumber grading and processing facilities.**

- Review the zoning ordinance to ensure agriculture and timber production is accommodated according to the demand.

g. **Ensure agriculture is a top priority due to its importance to local residents' physical health, economic health, community character, and quality of life in Cheboygan County.**

h. **Provide opportunities for farmers to take advantage of wind turbine, gas, oil leases primarily as a farming land use preservation tool.**

- Review zoning provisions for wind turbines, gas & oil production.

GOAL ➔ Protect and enhance the existing commercial development and maximize new growth opportunities

The most important work to create greater economic development is to support a community's existing businesses and assist in their efforts to grow. These businesses already employ people, already pay taxes and are invested in the community. Also, when these businesses grow they will act as an attractor for new and complementary businesses to locate nearby.

Objectives

a. **Ensure adequate year-round business opportunities.**

b. **Increase opportunities to reuse existing buildings.**

- Provide more flexibility in allowable uses for existing buildings where it may not be feasible to continue the previous use.

c. **Communicate land use information and available properties for business owners seeking to relocate in Cheboygan County.**

- Encourage partnerships with townships and assessors to ensure an up-to-date GIS database of commercial and industrial buildings.

d. Review zoning requirements to ensure a streamlined review process that allows for flexibility through form-based codes or other similar methods.

- Provide more flexibility in allowable uses for existing buildings where it may not be feasible to continue the previous use.

e. Involve Youth in the planning of community events and public spaces.

f. Encourage Youth-oriented entrepreneurial training programs

g. Encourage opportunities for special events that are family and youth oriented.

Chapter 4 Land Use Plan

The most important part of a Master Plan is communicating a community's desired future land use pattern. The plan should illustrate how the land use goals and objectives are to be translated into action. The Future Land Use Map, included in this plan, is the geographic translation of those goals into future zoning ordinance (law) changes. Anticipated new uses or uses in higher demand will need room to grow, so the future land use map must identify suitable areas for new development. Lastly, the plan can suggest ways to help resolve or avoid land use problems or conflicts, especially those problems identified during the public outreach component of the County's planning process.

State law requires communities with zoning ordinances to have Master Plans. These plans guide the Planning Commission as they make recommendations for law changes to the legislative body, the County Board of Commissioners. The Board of Commissioners are the elected officials who are the only people who are allowed to make changes to land use law.

Nobody can predict everything that can happen in the future, let alone the next 20 years. However, this plan serves as the best possible vision as long as it is reviewed often and amended as changes occur in the County. This plan must respond to changes in the economy, market changes, and changing community goals.

The following land use goals and the placement of the land use categories on the Future Land Use Map were created from those goals expressed by the community through more than a dozen public meetings around the county at many township halls and at regular meetings of the County Planning Commission. The future land use plan and map should be interpreted as guidance for future land use activities. The plan also allows residents to understand the rationale used by the County when considering future land development proposals.

The future land use plan should be considered a policy document and is not designed to be a reflection of the present zoning ordinance, which is county law. The primary difference between the application of the future land use plan and zoning ordinance is timing. The comprehensive plan is implemented over a period of 20 years while the zoning ordinance is effective immediately. Each of these categories presents the supporting rationale for land use and land development throughout the County during the plan's life.

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.

Future Land Use Categories

The following are descriptions of the categories of future land uses that are desired in various areas of Cheboygan County. These categories correspond to the Future Land Use Map, which displays geographically the areas of Cheboygan County where these various land uses are desired in the next 20 years. It is important to note here that the map is very general and is meant to show vaguely where each of these uses is desired. The Future Land Use category descriptions should be relied upon over the future land use map. In addition, boundaries along the edges of these Future Land Use areas on the map should be interpreted loosely and the actual land use goals may be better described by an adjacent Future Land Use category.

- **Natural Resource & Water Resource Protection**
- **Public Interest Area**
- **Forest / Agricultural**
- **Rural Character/Country Living**
- **Residential**
- **Lake, River, & Stream Protection**
- **Commercial**
- **Commercial – Office, Research & Development**
- **Village Centers**
- **Rural Commercial Nodes**
- **Light Industrial**
- **General Industrial**

Natural Resource & Water Resource Protection

The Natural Resource & Water Protection designation is intended to identify those areas of the County that have natural resources including water resources that would require special considerations when the land is used or developed. These natural features benefit the County by complementing its attractive rural setting and providing an economic resource derived from the recreational benefits residents and visitors seek to experience. These lands include conservation easements (although these cannot be mapped), areas designated as natural rivers and their tributaries, marsh areas, wetland areas, and generally areas with severe building limitations. This category also includes large tracts of privately owned, undeveloped lands which contain unique or significant natural resources, and areas near prime fish breeding grounds. It is not the intent of this class to prevent the use and development of these lands, but to insure that development is done in a responsible manner with appropriate measures taken to protect the natural resource.
This category includes areas like Cornwall Creek Flooding, Stoney Creek Flooding, the breeding grounds for game fish within Mullett Creek, and Dingman Marsh.

Appropriate uses for this area include low density or clustered residential, low-impact outdoor recreation, and some farming and forestry.

Public Interest Area

Public Interest Areas are shown on the future land use map with the intention of identifying lands that have natural, historic, recreational, or cultural value to the general public. Most of the Public

Interest Lands in the County are owned by the State of Michigan, the County or Townships while some are owned by private land conservancies. It is expected that a relatively small portion of Public Interest Areas will be converted to private ownership. As Public Interest Areas is converted to private ownership, the specific characteristics and features of the land, as well as the overall land use needs of the County, should be considered when determining the appropriate use for the land. Examples of Public Interest Areas include major holdings of State forest lands covering large portions of Mackinaw and Hebron Townships; the Black Mountain Recreation Area in Benton and Grant Townships; and Mackinaw State Forest lands in Mentor, Wilmot, Waverly, Walker, Nunda and Forest Townships.

Appropriate uses for this area include public parks, nature preserves, outdoor education uses, natural resources, such as managed timber production, and oil & gas production.

Forest / Agricultural

The Forest / Agricultural designation is intended to provide areas where management and production of crops and timber is the predominant land use. For comprehensive planning purposes, private lands in Cheboygan County were included in this category to include forestry or agriculture where they are well suited for future farm and forestry use. Forestry operations, farming and pasture are anticipated future uses for this area. Residential uses are consistent with farm and forestry operations when properly designed and located to minimize lands taken out of agricultural or forestry. Mineral extraction, especially sand and gravel operations, is anticipated to continue in the Forest / Agricultural areas. Specific uses directly related to forestry and agriculture, such as sawmills or agricultural product processing, are also consistent with the forest and agricultural classification. Ideally, a parcel size of forty acres or more is consistent with maintaining economically viable forestry and agricultural uses. However, it is also important to recognize that niche, high-value agricultural crops can be grown on as little as 1-2 acres. Open space or cluster residential incentives could encourage maintenance of larger lots for agriculture or forestry use.

Appropriate uses for this area include forestry, agricultural operations, mineral extraction (such as oil & gas production), timber production, sawmills and agricultural product processing centers, smaller niche farming operations, open space or clustered residential. Also, appropriate uses include small to mid-size campgrounds and similar rural tourist lodging uses.

Rural Character/Country Living

This classification is intended to provide open space land areas for both agricultural and country living uses of a rural character. The number of homes per unit of area, referred to as residential density, in this classification would be the second lowest (lowest being the Forest / Agricultural classification) among all the future land use classifications. Consideration of the size of the parcels should be dependent on the resource value of the land to be developed as well as the prolonged safety and sustainability of on-site water supply and sewage disposal systems. Occasional site condominium and platted subdivision developments may be well suited for certain areas where larger, contiguous areas of open space and natural resources can be maintained (blending development with the existing landscape). These development designs should be representative of a traditional country living environment. Opportunities to protect these resources should be encouraged using residential density bonuses offering an incentive to

guide development away from valued resource areas and building constraints including wetland buffer areas, non-perking soils, existing farmland, larger forest stands, and retain natural features wherever possible. While commercial agriculture and forestry may be suitable in this area, these activities are not intended to be the predominant uses. The keeping of horses and other limited domestic animals can be considered a compatible accessory use in this class's country setting when situated on parcels of appropriate size. Crop production is a desirable land use at the same level as that considered appropriate as for the Forest/Agricultural category of land use.

Residential

The Residential area is intentionally designed to be restrictive in character, focusing on residential uses. The area is characterized by medium-density residential development. Typical residential development methods could include platted subdivisions, site condominiums or smaller parcel splits. Uses related to residential purposes, such as assembly halls, schools and parks, can be included if designed in a way that preserves the residential character of the area. Day care and group home facilities at residential scale are also anticipated.

Open-space designs, with clustered residential units are also appropriate, particularly where such a design can preserve natural or recreational resources. New clustered residential developments that include small, neighborhood commercial activity as part of a comprehensive site design could be acceptable with proper controls. It is important to ensure adequate home occupation opportunities are available in the residential future land use category.

Lake, River, and Stream Protection

The Lake, River, and Stream Protection category contains undeveloped land as well as developed residential and recreational uses. This classification applies to both current and future residential and smaller commercial uses along the shores of all the County's lakes and inland waterways. The Future Land Use Map presents the locations of this class by highlighting the shores of selected, major lakes and waterways. This class is designed to apply to all residential, small commercial waterfront development and the map was not intended, nor would it be feasible, to show all graphically.

Future development in the Lake, River, and Stream Protection class should be planned in consideration of potential environmental and aesthetic impacts on the water resources. Shoreline buffers to prevent erosion and filter stormwater run-off, limitations on the application of fertilizers, large setbacks from the water line, lower density, and/or requirements for public sewer for higher density developments are recommended mechanisms for maintaining high water quality.

Accommodations may need to be made for historically smaller waterfront lots such as older platted subdivisions. Larger commercial areas with higher density of commercial activity should be located in the areas designated by the Commercial future land use category.

Appropriate uses for this area include residential, waterfront access, public boat ramps, municipal parks and public beaches.

Commercial

The Commercial designation is intended to provide for business locations outside of village centers designed to meet the variety of commercial needs of a growing community. The Commercial areas are intended to provide retail goods and services to local and regional consumers as well as tourist support services. The Commercial area is also intended to provide space for commercial operations that require significantly more space or parcel size than is normally found in village centers. Examples of such uses may include motor vehicle display and sale, modular home sales, equipment rental, home improvement centers, or shopping centers. Because the Commercial classification includes a diverse collection of land areas with a variety of attributes, access to the area and the impact on the surrounding property should be considered carefully. Also, the specific nature of the land should be reviewed when determining appropriate commercial land uses.

For commercial areas along the waterfront, typical uses in these areas would be marinas, motels, resorts, larger campground resorts, convenience retail and services and recreational uses. Commercial areas located on waterfront property should generally be less intensive and special considerations should be made to mitigate any possible adverse impacts. Possible impacts could include, but are not limited to, shoreline erosion, septic discharge, and removal of natural features along the shoreline.

To ensure a diversity of residential living options, some mixed uses of commercial and residential should be considered where appropriate in this future land use area.

Major general Commercial areas are located along significant highway corridors in Cheboygan County, including U.S. 23 east of Mackinaw City (Mackinaw Township), Old 27 south of Cheboygan (Inverness Township), and Straits Highway (Old 27) north and south of Indian River (Tuscarora Township). Smaller concentrations of general commercial uses exist and are planned at or near the several Interstate-75 interchanges within Cheboygan County.

Commercial – Office, Research & Development

This future land use category is intended to provide a buffer zone to allow some additional commercial uses at the edge of the existing agricultural areas. This area is also intended to be a transitional area between the more intense Commercial land use area and Residential or Agriculture Forestry or other land uses. These uses have less impact on residential and agricultural areas. Land uses in this area should include standards for access management to keep vehicular movement out of residential neighborhoods and on roads appropriate for light commercial traffic.

Appropriate uses for this area include medical, dental, and other types of health care offices, other forms of common office uses, call centers, very light manufacturing with no externally visible signs of manufacturing and very limited commercial truck traffic.

Village Centers

Village Centers designate areas that are intended to provide for a concentration of residential, social, commercial, and public uses in a small community setting. Although Village Centers

may be tourist or recreation destinations or have regionally targeted shopping or employment opportunities, Village Centers are primarily intended to provide for residential neighborhoods, convenience shopping, services, and community centers. A variety of housing opportunities may be available in a Village Center, including single-family or multi-family housing, at medium to high densities. A variety of social and civic functions occur in a Village Centers, including governmental offices, churches and schools, personal services and retail trade. Important land use and design considerations for Village Centers may include shallower setbacks, smaller lot sizes, side or rear yard parking requirements, special sign regulations, consideration of pedestrian amenities, and limits on building height or size. Regulations in these areas should be flexible enough to allow re-use of existing structures and development review procedures should be crafted in such a way as to allow small-scale commercial and multi-family.

These Village Centers may also be a tourist or recreational destination, a regional shopping or an employment center. Examples of Village Centers in Cheboygan County include the city of Cheboygan, the village of Mackinaw City, the village of Wolverine, and the unincorporated community centers of Indian River, Topinabee, Afton, Aloha, and Tower.

To encourage reuse of existing structures, existing buildings formerly used as schools, churches, and assembly halls, for instance, should be considered for similar treatment as Village Centers or similar type of overlay district.

Rural Commercial Nodes

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

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

Light Industrial

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

General Industrial

The General Industrial classification identifies areas where more intensive industrial uses are located. Good accessibility from a year-round, Class A highway is one important criteria, and depending upon the needs of the particular industry, public services or utilities such as sewer, water, three-phase power or natural gas may be significant location requirements. Depending on the particular industry, impacts on surrounding properties due to noise, odors, traffic, material storage, or visual aspects of the development may need to be screened and buffered. Typical uses in the General Industrial classification would include heavy industrial manufacturing and fabrication, the storage or processing of raw materials such as fuel, lumber, asphalt or concrete and uses with outdoor storage of materials and equipment.

Future Land Use Map

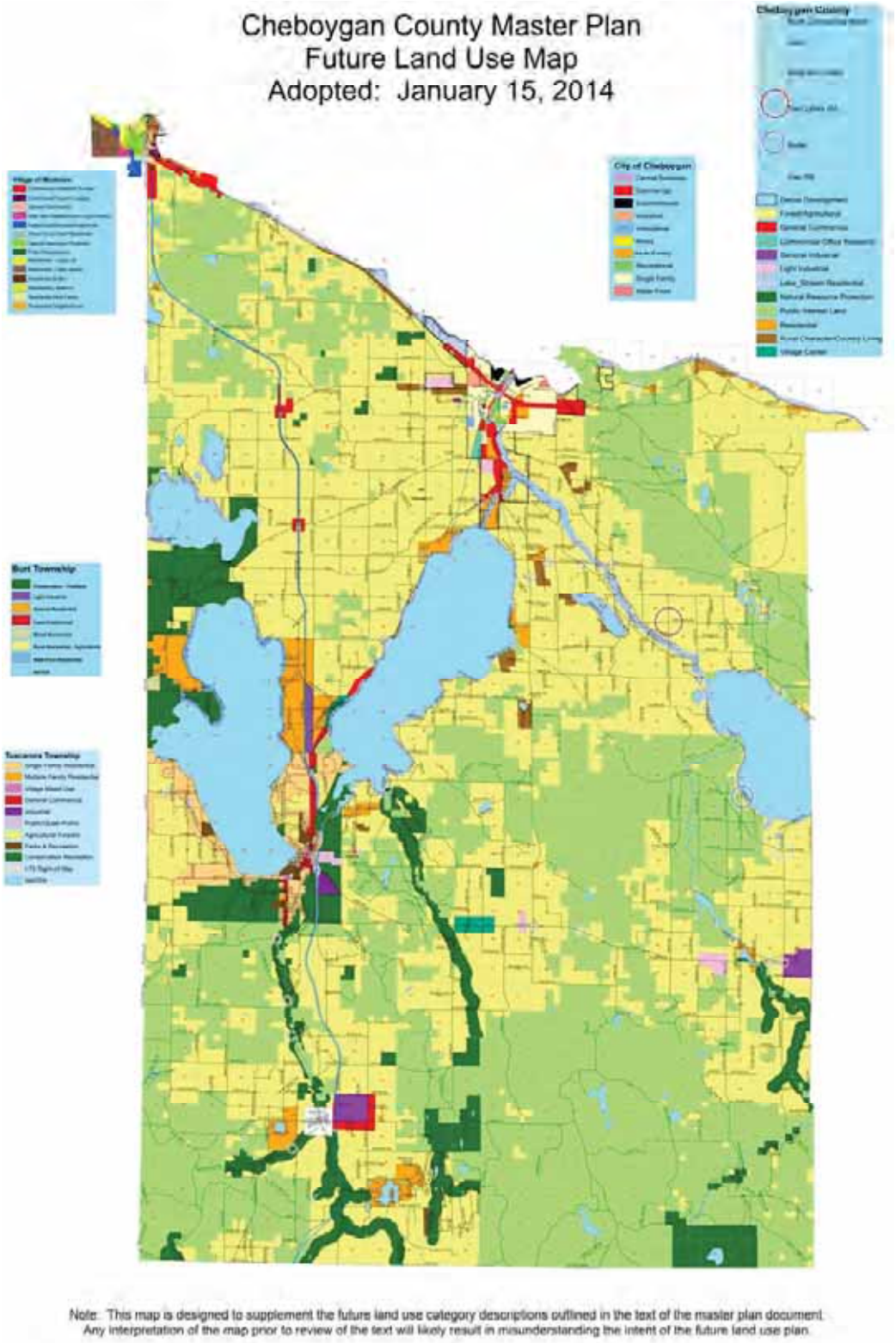


Figure 1 - Future Land Use Map, a large format map is also provided

Chapter 5 Five-year Implementation Plan (Zoning Plan)

The Zoning Plan is an important part of a Master Plan. It explains how the land use categories on the Future Land Use Map relate to the zoning districts as well as how the Goals and Objectives relate to improvements needed in the zoning ordinance. The importance of a Zoning Plan is to facilitate immediate action to accomplish the goals of the Master Plan.

Future Land Use/Zoning Comparison Table

The following table shows how the Future Land Use category compares with the existing zoning districts and a brief summary of the recommended changes. Additional detail on the recommended changes are included in the discussion of that particular future land use category in the previous chapter.

Table 1- Future Land Use/Zoning Comparison Table

Future Land Use Category	Current Zoning	Recommendation
Natural Resource & Water Resource Protection	P-LS Lake & Stream Protection P-NR Natural Rivers Protection P-RC Resource Conservation	Refine language for this district to better identify water resources in need of protection rather than *everything* that is on a 7.5' USGS topographical map.
Public Interest Area	M-AF Agriculture & Forestry Management D-RC Rural Character/Country Living P-LS Lake & Stream Protection P-NR Natural Rivers Protection P-RC Resource Conservation	Public lands are allowed in all zoning districts and no specific zoning district is proposed for this land use category.
Forest/Agriculture	M-AF Agriculture & Forestry Management	It is proposed that land used for agricultural purposes be identified and those lands used for forestry purposes be identified separately. Based on this information, it is possible that the Planning Commission will want to create two separate zoning districts.
Rural Character/Country Living	D-RC Rural Character/Country Living	For those areas that are currently in the M-AF zoning district and

Future Land Use Category	Current Zoning	Recommendation
	M-AF Agriculture & Forestry Management	near areas zoned residential, a D-RC zoning district may be more appropriate and compatible with residential areas.
Residential	D-RS Residential Development D-MR Mixed Residential Development	No particular changes specific to the *boundaries* of this district are proposed.
Lake, River, & Stream Protection	P-LS Lake & Stream Protection	Refine these zoning districts to better identify water resources in need of protection rather than everything that is on a 7.5' USGS topographical map.
Commercial	D-CM Commercial Development	No particular changes specific to the *boundaries* of this district are proposed.
Commercial – Office, Research & Development	D-CM Commercial Development M-AF Agriculture & Forestry Management	For some areas that are currently M-AF and near D-CM, this is intended to be an appropriate transitional zoning district.
Village Centers	VC Village Center VC-IR Village Center Indian River VC-IR-O Village Center Indian River Overlay VC-T Village Center Topinabee VC-T-O Village Center Topinabee Overlay VC-T-R Village Center Topinabee Residential Overlay	There are some additional areas in the County that could be considered for a new Village Center zoning district with appropriate regulations for that community.
Rural Commercial Nodes	No existing zoning	These areas are each unique in their needs. Most of these areas will be rezoned upon request from the individual land owner or local government entity. Each may require a unique and new zoning district created either as a standalone district or overlay.
Light Industrial	D-LI Light Industrial Development	No particular changes specific to the *boundaries* of this district are

Future Land Use Category	Current Zoning	Recommendation
		proposed.
General Industrial	D-GI General Industrial Development	No particular changes specific to the *boundaries* of this district are proposed.

It is important to recognize that any of these ordinance changes can take longer than expected and demand may arise for a particular ordinance amendment. Either of these situations can alter the actual year by which the ordinance change is accomplished.

Table 2 - Zoning Ordinance Changes Based on Master Plan Goals

Zoning Ordinance Changes	Target Year for Revision
Refine for clarity the allowable uses in each district. Create a table of allowable uses within the ordinance. Create consistent terminology of permitted uses. List all permitted uses in each district rather than referencing allowable uses in other zoning districts.	2014
Provide more flexibility in Industrially zoned areas - consider uses to be permitted by expedited administrative review and additional uses such as indoor recreation, renewable energy, medical research, movie industry, IT/office uses.	2014
Create a new, user-friendly zoning map	2014-2015
Allow for signs along recreational trails. Create appropriate sign regulations considering recreational trails in a similar manner to public rights of way with sign sizes appropriate for trailside placement.	2014
Update sign standards to allow sign size to be proportional to building façade size.	2014
Accommodate commercial storage uses	2014
Update PUD language, consider allowing other uses and PUD rezoning options to provide more flexibility.	2015
Create use and design standards that, if adhered to, provide an expedited administrative approval which attract business opportunities. (i.e. use of property to be redeveloped, standards for common allowable uses)	2015
Update home occupation regulations to allow more and appropriate home-based business opportunities.	2015
Accommodate those small commercial uses in rural areas that are not appropriately zoned. (i.e. Rural Commercial Nodes on FLU Map)	As requested by communities
Update renewable energy facility accommodations	2016
Update shared parking standards	2016
Update the parking requirements for more flexibility and more accurate	2016

standards.	
Clarify recycling operation use requirements	2016
Create *maximum* parking requirements for big box stores.	2016
Include where appropriate accommodations for accessory dwelling units to accommodate needs of an extended family.	2017
Clarify subdivisions and their zoning districts	2017
Add standards for access management.	2017
Identify and rezone as needed those are that should be Forest separate from Agriculture, and vice-versa.	2018
Review zoning ordinance to ensure adequate provisions to allow for a variety of agri-tourism uses.	2018
Revise zoning ordinance so that the zoning district, such as in Resource Conservation (P-RC), does not depend on ownership alone. Current regulations of Section 12.1 state that ownership determines the zoning district, which does not support due process of zoning changes.	2018

Maintaining a Master Plan – Ensuring its effectiveness

Although a Master Plan's purpose is to provide the best possible long-term vision, it is important to review the plan as needed and at least annually. State law requires it to be reviewed every 5 years, however an annual review can ensure that the plan remains relevant. This annual review of the master plan should be included in the process of creating the Planning Commission's Work Plan as well as the drafting of the annual Capital Improvement Plan (CIP).

A Master Plan is based on data from many sources. Although the census is conducted only once every 10 years, other data is available annually or even more frequently. Some important data that impacts land use controls should be reviewed as often as possible. For instance, important land use data might include household size, housing types/cost/conditions, on-going zoning enforcement matters, adjacent jurisdictions planning and zoning efforts, and infrastructure changes. Some of the infrastructure changes to keep an eye on include transportation systems, water/sewer systems, energy costs and regulatory changes, and additions to the county's recreational assets.

Chapter 6 Supporting Information

The following subchapters summarize various important aspects of Cheboygan County including its history, population trends as well as the state of employment, economic development, education, housing, land use and community services.

History

Cheboygan County is located at the northern tip of the Lower Peninsula. It is bordered on the north by the Straits of Mackinac and Lake Huron, on the east by Presque Isle County, on the south by Otsego County and on the west by Emmet and Charlevoix Counties. Cheboygan County is 10 miles from Lake Michigan and its northern border runs for 32.5 miles along the Straits of Mackinac and Lake Huron.

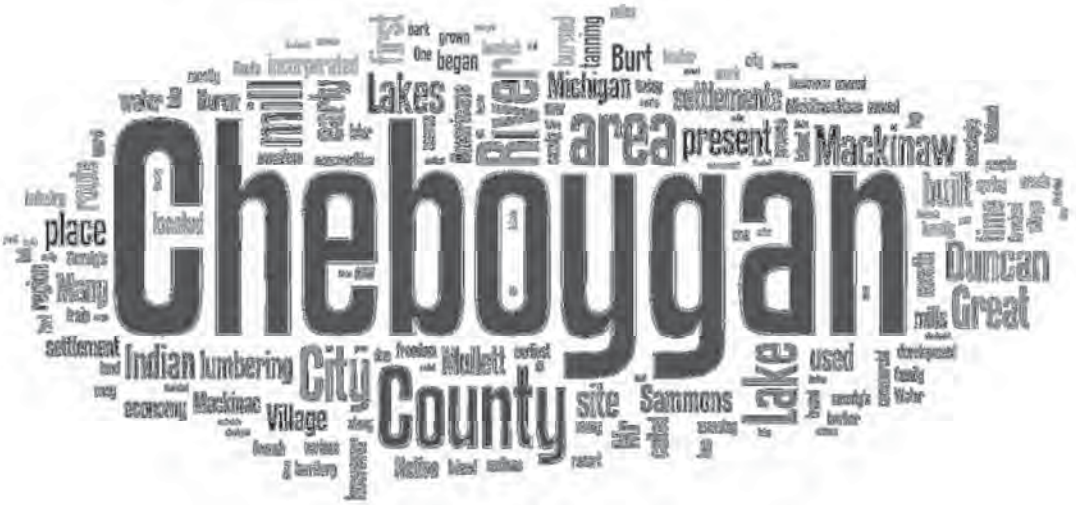
Cheboygan County has a total land area of 715.6 square miles. The county is comprised of 19 townships, one incorporated city (Cheboygan) and two incorporated Villages (Wolverine and Mackinaw City).

As with all of the United States, Cheboygan County was originally the homeland for Native Americans. The area that is now the city of Cheboygan was originally an Ojibwe settlement. In the early 1600's, the French explored the area and established a profitable fur business and missions. In the mid 1700's, both the British and French courted the friendship of the Native Americans. Control of the Michigan territory was in a state of flux between the three nations for about 100 years. The Northwest Ordinance of 1787 formed the region between the Ohio and Mississippi Rivers and the Great Lakes into the first organized territory. However, there was little land development due to insufficient land surveys, disputes with the native population and unstable governments.

In 1828, the area that is now Cheboygan County was part of Michilimackinac County. It was transferred to Mackinac County in 1840. In 1856, Cheboygan County was vastly enlarged to include most of Northeast Michigan. At one time, Cheboygan County was divided into the two counties of Cheboygan and Wyandot. From 1860 to the present, Cheboygan County's boundaries

have remained essentially the same. The area was first surveyed from 1840 to 1843, by State surveyors Messrs. Burt and Mullett. Burt and Mullett Lakes are named in their honor.

The name Cheboygan has many spellings and meanings. One possible meaning is from the Anishinaabeg (Chippewa Indian) word *Cha-boia-gan*, meaning "place of entrance, a portage or harbor". This could refer to the Cheboygan River mouth, which was a favorite harbor of refuge for those who sought shelter behind Bois Blanc Island from the fierce winds, which swept Lake Huron. Other pronunciations and meanings are *Che-pog-an*, which is an Indian word for "pipe", or a corruption of *Che-boy-ganning*, which means "the place of the wild rice fields".



The earliest industrial site in the county, as well as the upper Great Lakes Region, was located at Mill Creek. Although the exact year in which the Campbell saw mill was constructed is not known, records indicate that it was built between 1784 and 1793 and supplied lumber for both Fort Michilimackinac and Fort Mackinac. This mill was located about 4 miles southeast of the present Mackinaw City, along the shores of Lake Huron. The mill has been reconstructed at its original site and is open to the public for tours.

The county's earliest settlement was the present site of the village of Mackinaw City. The first settler in Cheboygan County was Jacob Sammons, who left Chicago in the spring of 1844. He came to Mackinac Island and stayed until autumn, when he sailed over to the Cheboygan River mouth in his sailing scow called the "Bunker Hill". Mr. Sammons, a cooper by trade, was enchanted by the area's beauty and easy river accessibility to the Great Lakes. He built a shanty for building and selling barrels. On his return visit, Mr. Sammons was accompanied by his friend Alexander "Sandy" McLeod. Together they built a log cabin. The following spring, Mr. Sammons brought his family to the area to live with him. Mr. McLeod eventually built the first dam at the site of the present one, which he used to operate a primitive water-powered upright saw.

Cheboygan and Duncan were the two settlements near the Cheboygan River mouth that prospered and grew. Duncan, later referred to as "Duncan City", was really a company-owned lumbering town of about 500 people, who worked for the Thompson Smith family. Cheboygan and Duncan were the logical places for settlement because early communities depended mostly upon boats for travel and supplies.

The "Inland Water Route" has been important in the early development of the Cheboygan area. The route consists of the Cheboygan River, Mullett Lake, Indian River, Burt Lake, Crooked River and Crooked Lake. This connected waterway provides access between Lake Huron at Cheboygan and Conway (a village nine miles north of Petoskey). The route has always been heavily used. At first the Native Americans paddled canoes through the water systems, then early crews used the route for commercial transportation of the great log booms of the late 1800's. It was later dredged and dammed to facilitate water travel. This water route is still heavily used to this day, mostly by small pleasure crafts.

One early industry in Cheboygan County was commercial lake fishing. The Cheboygan River offered easy access to the Straits and to the Great Lakes, and many fisheries flourished along the Cheboygan River. Many families made their living from harvesting tons of lake trout, whitefish, walleye, perch, herring, menominees and chub.

At the same time, the lumbering era began in Cheboygan County (around 1845), as the seemingly endless supply of white pine was rafted down the rivers. Lumber mills sprang up all over the county, causing Cheboygan and Duncan to grow rapidly. In 1871, Cheboygan was incorporated as a village. During the lumber boom peak, the Michigan Central and the Grand Rapids and Indian Railroads laid track to Cheboygan. Roads were opened to surrounding communities as new settlements began in the county's interior. The present site of the village of Wolverine was platted in 1881 and called "Torry". Up to this time, various persons had tried in vain to revive the abandoned Mackinaw City settlement. In 1882, the area was incorporated as the village of Mackinaw City. Other settlements which developed during this period were Indian River, Topinabee, Freedom, Afton, LeGrand, Burt Lake, Cold Springs, Aloha, Manning, Alverno, Mullett Lake, Indianville, Elmhurst, Haak-wood, Trowbridge, Rondo and Wildwood. Many of these settlements were stations for the various railroads. Freedom was so named because the train engineer would slow down in this area so that escapees could jump off the train before reaching the checkpoint station at Mackinaw City.

In 1889, Cheboygan Village had grown enough to be incorporated as the city of Cheboygan. The city was more populous than it is today, because of the extensive lumbering which was taking place. The Detroit and Mackinaw Railroad moved into the area in 1904, as did the paper mill. After five decades of prosperity, however, the seemingly endless forests were logged off. In 1898, the Duncan City mills burned, leaving 400 men jobless. Other mills and businesses burned or moved out, as Cheboygan became an unprofitable place to stay. The Phister and Vogel Leather Company, located in Cheboygan, was once the world's largest shoe tanning mill. Large quantities of hemlock bark were needed for the tanning process. Many people were hired to cut hemlock for its bark or to work in the mill. Later, a new tanning process and other considerations caused the mill to leave the city. The last big mill in Cheboygan burned on November 15, 1928.

Cheboygan County's economy was hit hard by the loss of jobs from the lumbering industry. Many of the area's residents left in order to find work in southern Michigan and elsewhere. At about the same time, however, the region began to become a popular recreation and resort area. Resorts were built in Cheboygan County on the "Little Great Lakes", as the lakes of the Inland Water Route were often called. This surge in the resort business helped the economy, but largely only during the

summer months. As with all of the nation, Cheboygan County was devastated due to the Great Depression in the 1930's. A reawakening of the economy took place, however, in response to the need for goods and materials during World War II. With the advent of modern automobiles and the construction of I-75 through the Cheboygan County area, the region has grown into the community it is today.

Population

Introduction

The Data Book provides snapshots of information showing the past and present of Cheboygan County. This chapter of the Master Plan Data Book will summarize population trends in Cheboygan County and in our townships, city and villages. We include some population projections which attempt to predict future population changes which might influence our land use decisions. With this information the residents and other stakeholders of Cheboygan County can best communicate a vision of what our community should be like in the next 20 years.

Why is review of population change so important? Population change is tied to the economic health of an area, more so now in the New Economy. In the Old Economy manufacturing was dominant. People went where the jobs were, which were in larger cities that had the substantial infrastructure necessary for manufacturing. In this New Economy jobs are based more on knowledge and knowledge workers and jobs can more easily follow people.

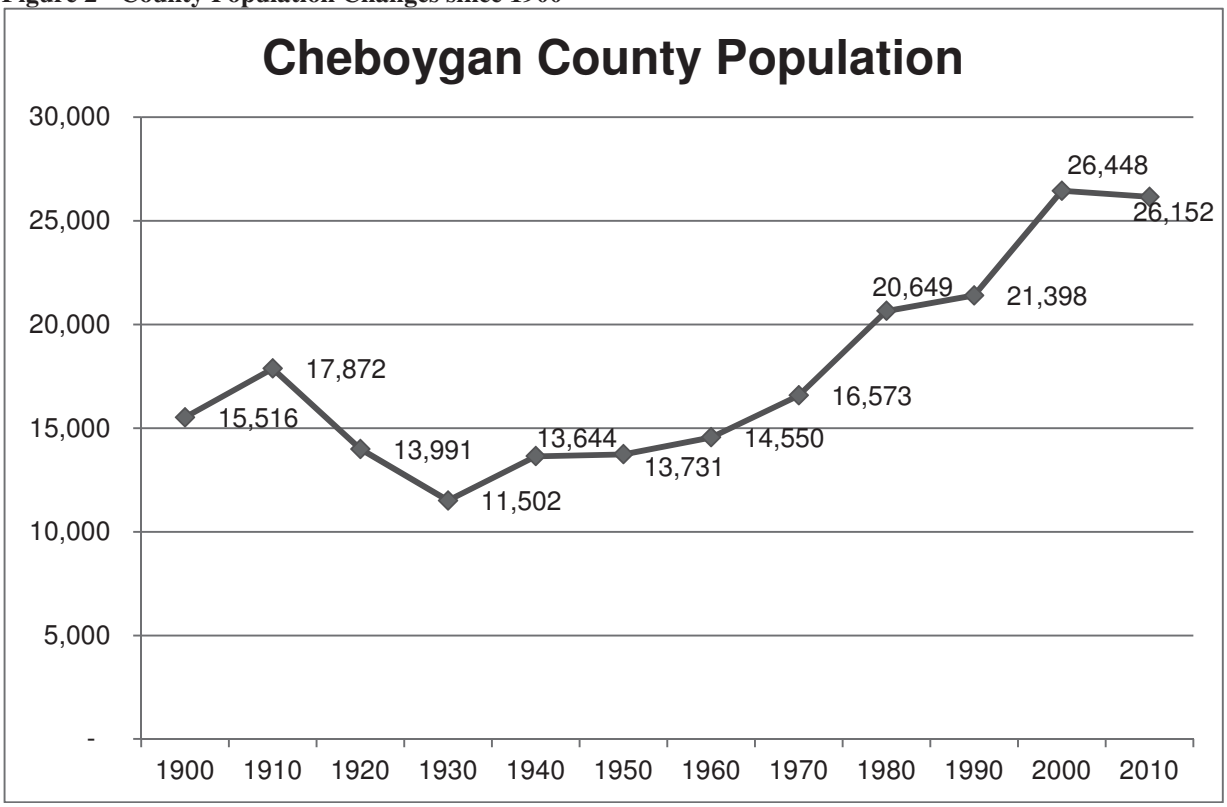
Job availability is less dependent on municipal infrastructure and more on quality of life. The jobs follow the knowledge workers who increasingly choose where they want to live based on their own quality of life preferences. Also, knowledge workers in the New Economy are more mobile and in many cases can take their job with them. This means there isn't a job opening created in the community they've moved from.

The New Economy is also very service oriented. For instance, people eat out more often and buy more services in the community where they live. Consequently, when those people move away the jobs associated with those services are also lost. As a direct result of the population losses, Michigan saw the greatest job losses in the food services sectors. (Source: "The Economic Impacts of County Population Changes in Michigan", Land Policy Institute, 2009.)

Summary of Population Data

Although there have been some noticeable population decreases in Cheboygan County in the last 5-8 years, overall the county has more than doubled in size in the last 70 years. The following chart shows population history since 1900.

Figure 2 - County Population Changes since 1900



In the last 10 years between the 2000 and 2010 census the state, county and many of our municipalities have experienced a loss of population. The state of Michigan has made yearly population estimates which have indicated a population decrease since 2004. The state makes yearly population estimates and for 2009 population numbers, the state estimated that we had lost 1.3% of our population since 2000. In the decennial census our population is estimated to have lost 1.1% since 2000.

There are some townships which have experienced an increase in population. Beaugrand, Benton, Burt, Ellis, Koehler, Mentor, Mullett, Nunda, Walker, and Wilmot are some of these townships.

To make informed land use decisions, we need to know why this is happening to see if we can make law or policy changes to reverse this trend. We can make some comparisons with other socio-economic trends to find these answers. One possible reason for this decrease is the sale of homes to people who have a primary residence somewhere else. There are some people in other parts of the state or Midwest who have weathered the recession and are willing and able to take advantage of decreased home prices and are now investing in a second home and/or future retirement home in our county. They are welcome additions to our county but that sale would in effect reduce our population if the former homeowners were full-time residents.

There is a trend over the last 10 years for our region to experience decreases in population in the cities/villages and increases in surrounding townships' population. Mackinaw City, Wolverine,

and city of Cheboygan all lost population. The townships surrounding Wolverine and Cheboygan all gained in population except Inverness.

Here are the population changes experienced in surrounding counties between 2000 and 2010:

Table 3 - Population Changes - Cheboygan and Surrounding Counties and Michigan

	2000	2010	Change from '00-'10
MICHIGAN	9,938,492	9,883,640	- 0.6%
Charlevoix	26,090	25, 949	- 0.5%
Cheboygan	**26,448**	**26,152**	**- 1.0%**
Emmet	31,437	32,694	4.0%
Mackinac	11,943	11,113	- 6.9%
Montmorency	10,315	9,765	- 5.3%
Otsego	23,301	24,164	3.7%
Presque Isle	14,411	13,376	- 7.2%

Population in incorporated areas

A larger portion of the county lives outside of an incorporated area now compared to 50 years ago. The city of Cheboygan and the villages of Mackinaw City and Wolverine used to hold more of the population as a percentage of the whole county. In 1960, 40% of the county's population lived in the city of Cheboygan. In the 2010 census, only 19% of the population lived in the City. The portion of Mackinaw City that lies within Cheboygan County held 4% of the county's population and Wolverine held 2% of the population in 1960. Fifty years later Mackinaw City and Wolverine each hold only 1% of the population. The total population living in an incorporated area in Cheboygan County decreased from 46% to 21% in the last 50 years from 1960 to 2010.

Population Projections

There are many factors which need to be considered when doing population projections and many assumptions that need to made. For example, for many decades we have assumed that the health of future generations will improve and, therefore, mortality rates will improve, creating population increases. This may not be the case in the future. In fact, some studies have shown that the next generation is less healthy and may have a shorter life span due to childhood obesity, which has tripled in the last 30 years (Center for Disease Control and Prevention).

According to the State of Michigan Demographer, Kenneth Darga, the most critical assumption used to make population projections for Michigan will be about migration to and from other states. This is also the assumption that has the most uncertainty. The last 25 years we have seen net migration to other states that does not paint an optimistic picture for the future. The US Census Bureau projects these rates will continue through 2030. However, our state demographer believes there are other factors to consider that improve our situation in the coming years.

We have abundant water resources while other states, which are projected to have greater population growth, may encounter water problems which hinder growth. The many Michigan natives who have migrated away may return home at a later stage in their lives as many people do. As we make our cities more attractive and expand our economy our out-migration rate should decrease.

Population projections for the county, city, villages, and townships for this Master Plan are to be viewed with caution. When there are significant fluctuations in rates of change in population the population projections become less accurate. There has been a shift in population trends between 1990 and 2010. All but two places in Cheboygan County (Mackinaw City and Mackinaw Township) there were population increases between 1990 and 2000. However, between 2000 and 2010 more than half of the 22 places in Cheboygan County experienced population decline.

The following projections use a linear projection. Due to the fluctuation in population rate of change between the last two decennial censuses, we show two population projections – one uses a 20 year average population change rate and the other uses a 30 year average population change rate. The 30-year average change rate takes more of the past population change history into account and, in most cases, leads to smaller population changes. In the following graph we also show a population projection using the rate of population change between 2000 and 2010, a 10-year linear average rate.

Figure 3 - Population Projections for Cheboygan County

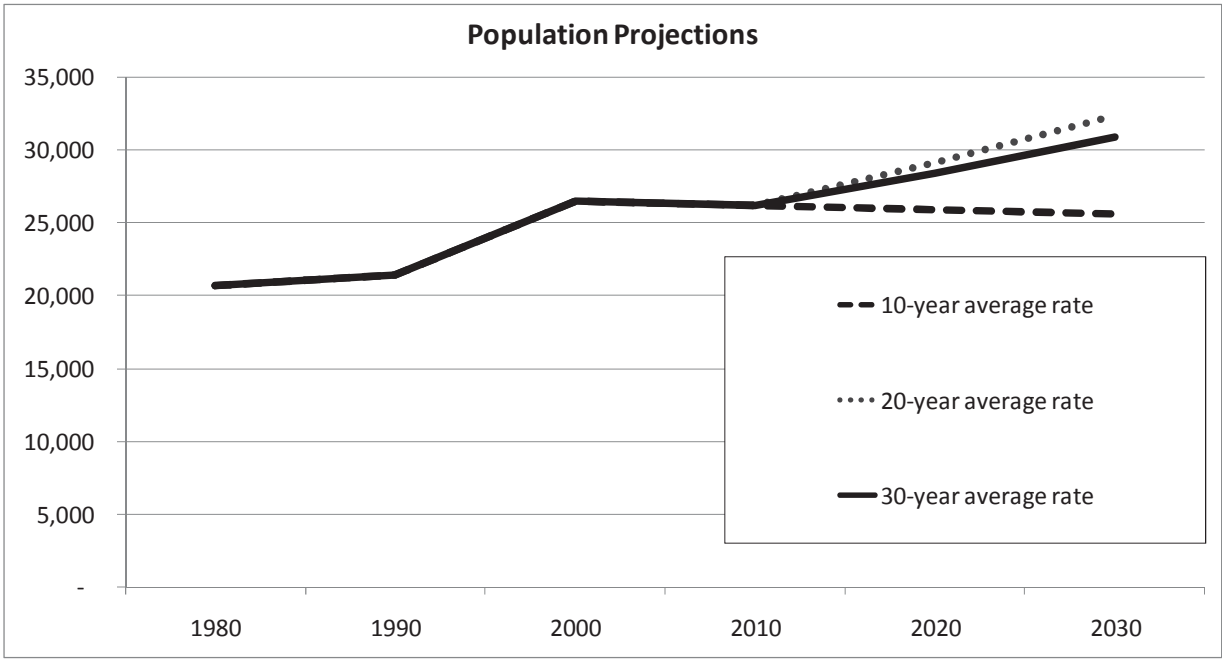


Table 4 - Population Changes for Cheboygan County Municipal Corp.'s

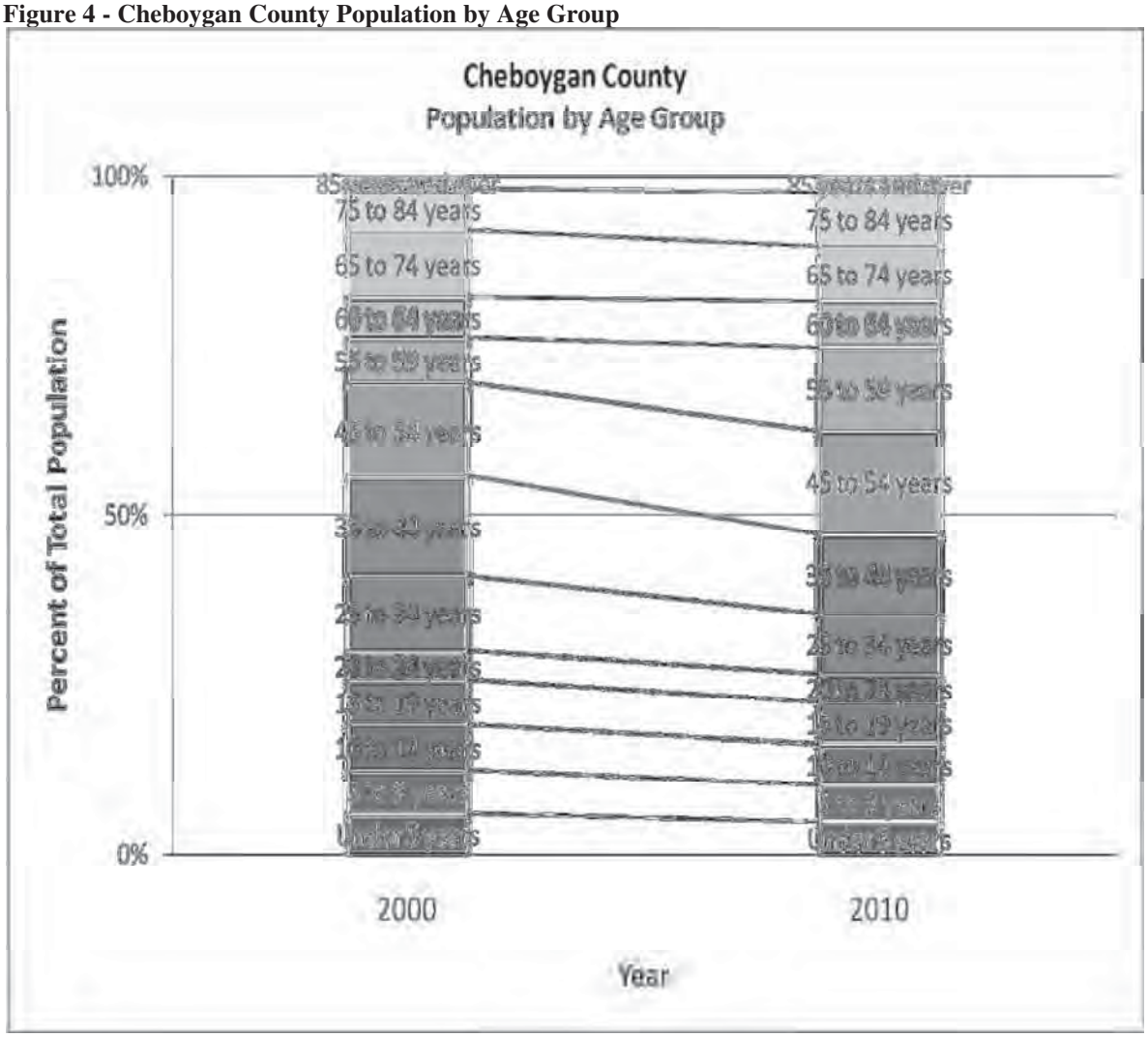
	Population				Projection using 20 year average			Projection using 30 year average		
	1980	**1990**	**2000**	**2010**	**Avg. Rate of Change 1990-2010**	**2020**	**2030**	**Avg. Rate of Change 1980-2010**	**2020**	**2030**
Aloha township	726	707	1,041	949	19%	1,131	1,348	12%	1062	1189
Beaugrand township	1,023	1,004	1,157	1,168	8%	1,263	1,365	5%	1224	1282
Benton township	2,017	2,388	3,080	3,206	17%	3,736	4,354	17%	3756	4400
Burt township	520	533	654	680	13%	771	874	10%	746	819
Cheboygan city	5,106	4,999	5,295	4,867	-1%	4,814	4,762	-1%	4798	4730
Ellis township	298	345	519	596	33%	791	1,048	27%	757	962
Forest township	971	929	1,080	1,045	7%	1,113	1,185	3%	1075	1106
Grant township	579	686	947	846	14%	962	1,094	15%	975	1124
Hebron township	188	202	303	269	19%	321	383	15%	310	358
Inverness township	2,179	1,952	2,278	2,261	8%	2,441	2,636	2%	2303	2345
Koehler township	755	722	1,168	1,283	36%	1,742	2,366	22%	1571	1923
Mackinaw City village	820	875	859	806	-4%	774	743	0%	803	799
Mackinaw township	880	604	576	539	-6%	509	481	-14%	463	397
Mentor township	462	518	781	818	28%	1,045	1,335	23%	1002	1228
Mullett township	934	1,056	1,284	1,312	12%	1,468	1,642	12%	1473	1654
Munro township	459	512	679	571	8%	619	670	9%	625	684
Nunda township	690	725	925	1,042	20%	1,252	1,503	15%	1199	1381
Tuscarora township	1,952	2,297	3,091	3,038	16%	3,537	4,118	17%	3550	4148
Walker township	260	256	292	327	13%	370	418	8%	354	383
Waverly township	456	371	472	457	12%	512	573	2%	465	474
Wolverine village	364	283	359	244	-3%	238	232	-9%	222	201
Wilmot township	524	592	826	878	23%	1,079	1,326	20%	1050	1256

Age

Although the overall population saw only a 1.1% decrease between 2000 and 2010, there were much more significant changes to the populations in certain age groups in the county. The median age of the population increased 14% from 41.3 to 47.1 years of age. The age group for those 25 to 34 years of age decreased in size by 22.6%. Children under 5 years of age decreased 21.1%. The smallest change in population occurred for those between 20 and 24 years of age. This group only decreased 2.2%.

The age group for those between 60 and 64 years of age increased 30.9%. This was followed closely by the 85 and older age group which increased 29.1%.

Figure 4 - Cheboygan County Population by Age Group



Relationship in households

Some notable changes occurred between 2000 and 2010 in household relationship characteristics. There was a 35% increase in the number of other relatives besides spouses and children who lived in a household. There was also an increase of 32% in the number of nonrelatives who lived in a household. Fewer (-18.8%) children under the age of 18 lived in the same household as the rest of their family.

Education

A trend which can impact population is college attendance for our youth. If more high school students are going away to college now than in 2000, they are less likely to return to the area once they graduate. Upon graduation, they would no longer be counted as county residents. It is not unique to our rural area to experience a youth brain drain as youth are often attracted to the opportunities of an urban environment. However, increase job availability and outdoor recreation opportunities can make a rural area much more attractive to recent college graduates and reverse a brain drain. Of course another possible reason for a population decrease is the reduction in available year-round jobs.

More Population information

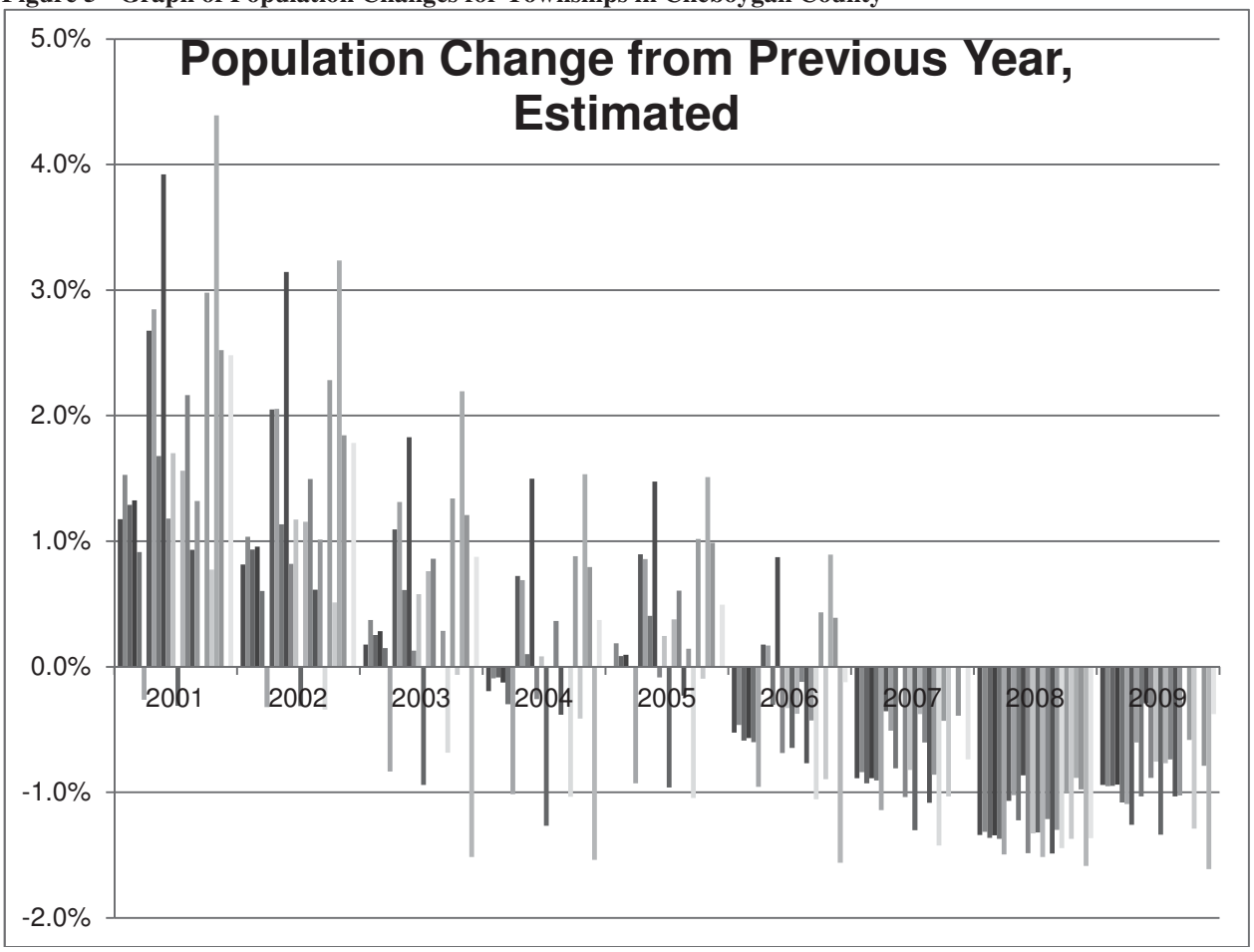
The following table shows the changes in population from 2000 to 2010 for the townships, city and villages in the County.

Table 5 - Population Changes for Cheboygan County Municipal Corp.'s

	2000-2010 Percent Change
Aloha township	**-8.8%**
Beaugrand township	**1.0%**
Benton township	**4.1%**
Burt township	**4.0%**
Cheboygan city	**-8.1%**
Ellis township	**14.8%**
Forest township	**-3.2%**
Grant township	**-10.7%**
Hebron township	**-11.2%**
Inverness township	**-0.7%**
Koehler township	**9.8%**
Mackinaw City village (pt.)	**-6.5%**
Mackinaw township	**-6.3%**
Mentor township	**4.7%**
Mullett township	**2.2%**
Munro township	**-15.9%**
Nunda township	**12.6%**
Tuscarora township	**-1.7%**
Walker township	**12.0%**
Waverly township	**-3.2%**
Wolverine village	**-32.0%**
Wilmot township	**6.3%**

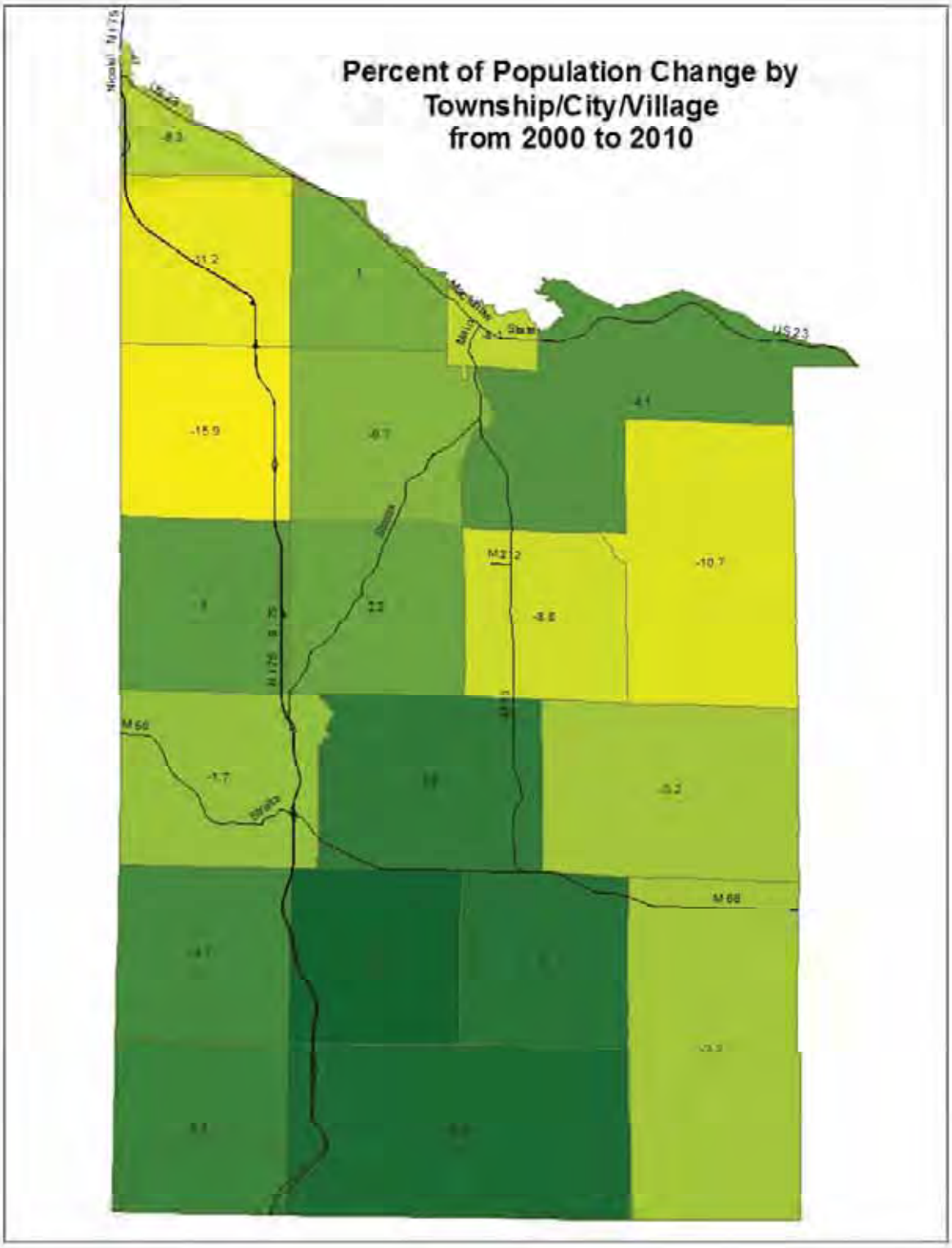
The following chart shows the percent of population changes from the previous year using the US Census Bureau's annual population estimates. Each bar in the chart below represents a township, city or village in the County. Although it is not possible to read each individual entity's data, the trends of population changes are obvious. Each year, more municipalities experienced a population decrease from the previous year.

Figure 5 - Graph of Population Changes for Townships in Cheboygan County



Source: U.S. Census Bureau, Population Estimates Branch, Estimates of Sub-county Population for 2000-2008, released July 1, 2009. These estimates were prepared by the U.S. Census Bureau through the Federal-State Cooperative for Population Estimates.

Figure 6 - Map of Population Changes in Cheboygan County Municipal Corp.'s



Employment & Education

Introduction
This chapter of the Master Plan Data Book covers the workforce of Cheboygan County and the education of County residents. Much of this information is also provided in the County's Economic Development Corporation's (EDC) Strategic Plan adopted in late 2009. This summarizes the data available on the industries that the County's residents are employed in, the characteristics of our unemployed population and trends that have been witnessed in years past.

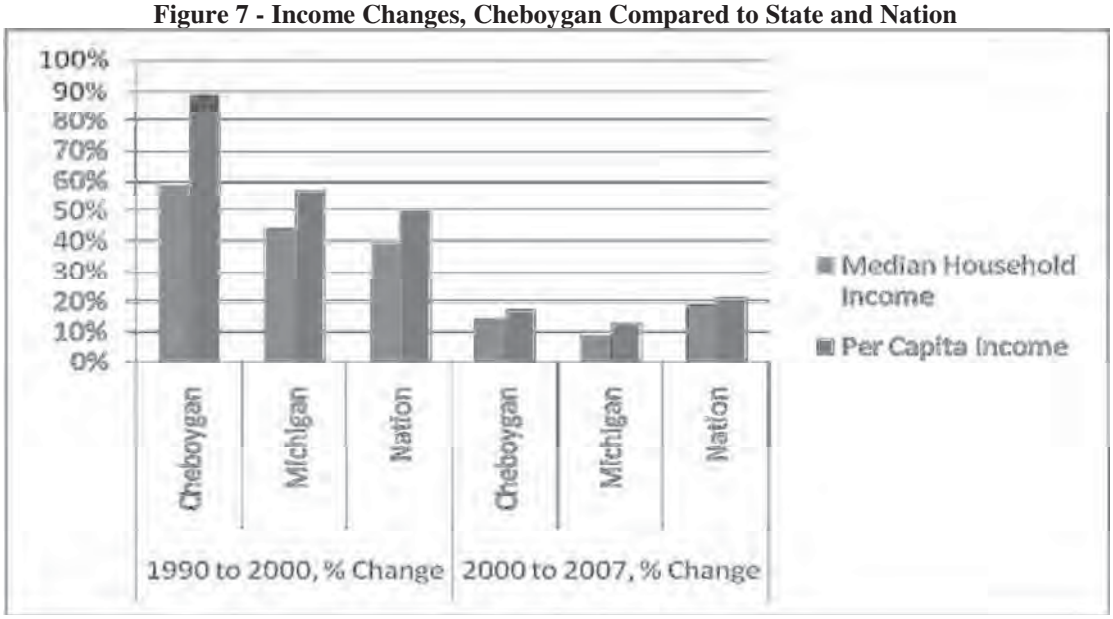
Education
When analyzing our local economy we look at the strength of our workforce. For a strong economy the workforce needs to be highly and appropriately skilled. This means that extensive and technical job training programs that build the local human resource base around the local industries are essential to attracting high value firms.

Cheboygan County has a slightly higher percentage of its population with a high school education (86%) when compared with the nation (84%). However, the county saw fewer of its residents receive bachelor's degree or other higher education according to 2007 Census Bureau estimates. Only 17.2% of the county's residents 25 and older received a bachelor's degree or higher, compared with the nation's 27% estimate in 2007.

In order to have a more highly educated workforce, we need to create more educational opportunities for our residents. This can be achieved by creating more links to universities and community colleges. There are existing links to North Central Michigan College in Petoskey through satellite classrooms located in the city of Cheboygan. In Gaylord, the M-Tech Center and University Center provide technical and higher education opportunities. Also, there is a very large and prestigious satellite learning facility in Cheboygan County called the University of Michigan Biological Station, located on Douglas Lake. Many well-educated scientists have developed long-term attachments to Cheboygan County while studying there during their summers.

Household income - Between 1990 and 2000, the County and the state of Michigan both experienced greater increases in median household income than the nation. Between 2000 and 2007, Cheboygan County did better than the State of Michigan in income gains. Cheboygan County experienced 14% increase in median household income and the State of Michigan saw a 9% gain. However, the national average was still greater with a 19% gain in median household income. This increase in median household income may be due to early retirees, with higher incomes, moving into the area on a more permanent basis.

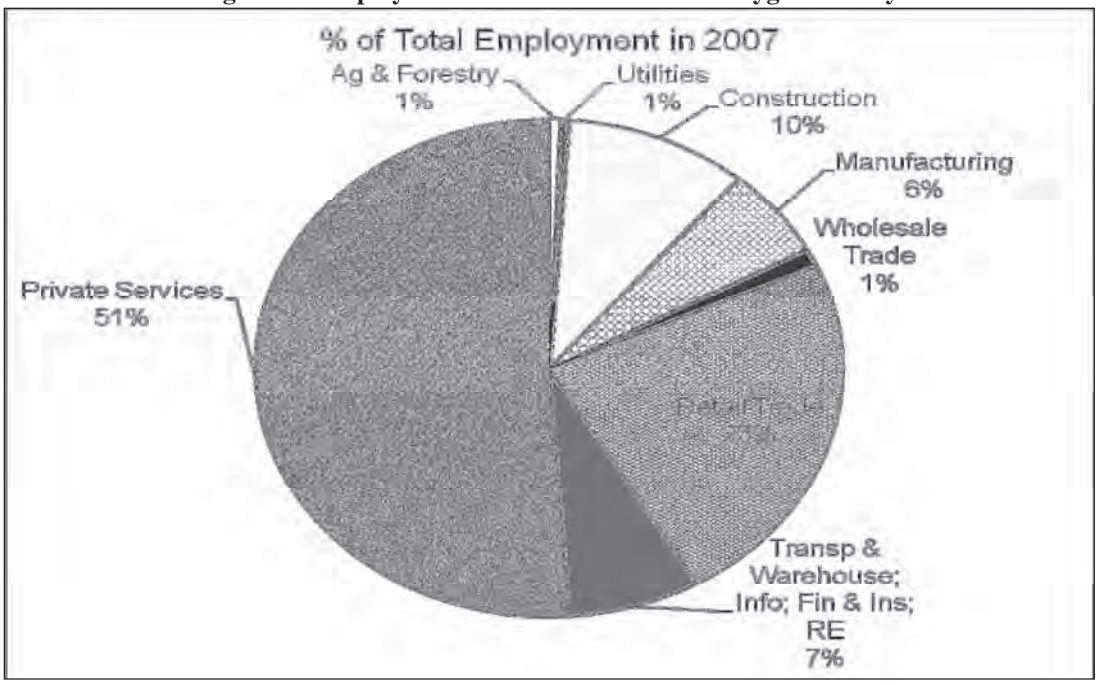
Figure 7 - Income Changes, Cheboygan Compared to State and Nation



Employment/Industry Sectors

In January of 2009, Whittaker Associates, Inc. completed a study called the NLEA Targeted Business Development Strategy for the Northern Lakes Economic Alliance (NLEA). NLEA is a four-county non-profit economic development organization, of which Cheboygan County is a partner. This study includes a thorough analysis of the existing industries in the region. The strongest local industries are identified as well as potential growth industries. This is a synopsis of that local industry analysis as it relates to Cheboygan County.

Figure 8 - Employment Characteristics in Cheboygan County



There are many ways to examine a local economy, one of which is to analyze the *location quotient* of a community. This method collects employment data within industry sectors from the nation, the state, and the local community to find out how the local mix of industries compares with the mix of industries at the national level. An industry with a higher location quotient employs a higher percentage of the local population than are employed as a percentage of the nation's workforce. More employees derive their income from an industry with a high location quotient and, therefore, the community will be more positively and negatively impacted by changes in that industry as a whole.

In Cheboygan County there is a much higher percentage of our workforce in the accommodation and food services industry compared to the nation. Other concentrations of employment are in retail trade, construction, health care and social services, and arts/entertainment/recreation.

Table of Location Quotients

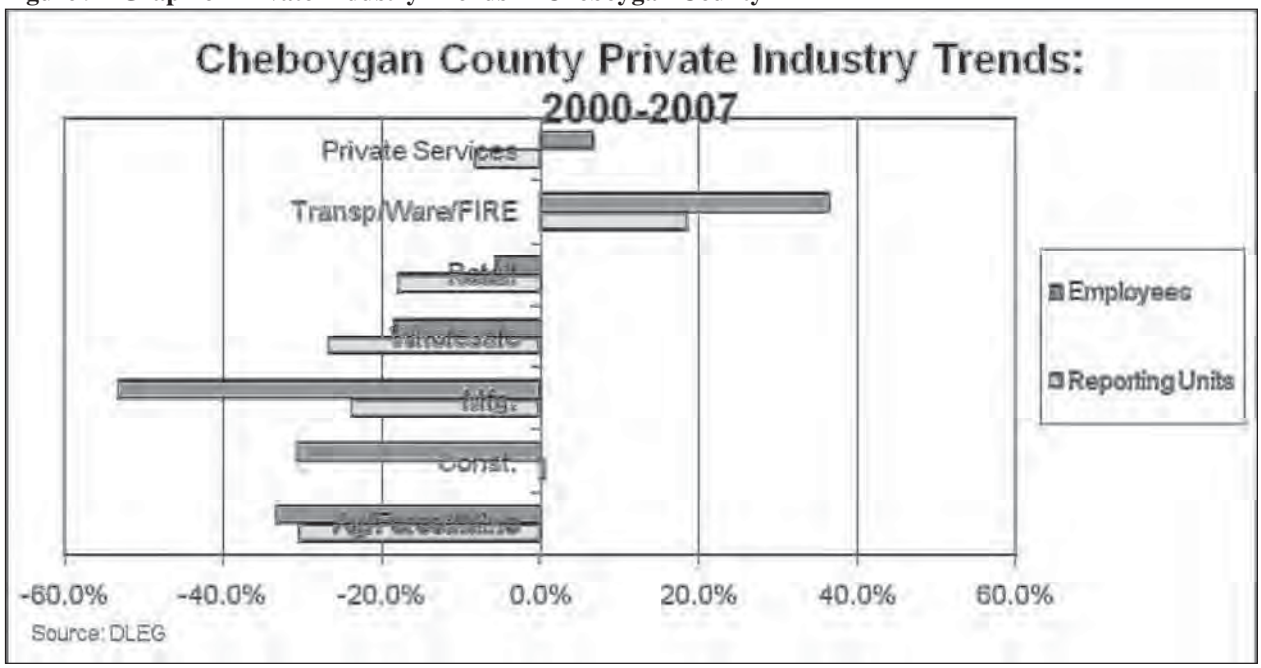
(Higher concentrations of Cheboygan County employment are highlighted)

Table 6 - Table of Location Quotients

Industry	State of Michigan	Cheboygan	Traverse City MSA
Base Industry: Total, all industries	1	1	1
NAICS 11 Agriculture, forestry, fishing, and hunting	0.69	0.56	0.49
NAICS 21 Mining, quarrying, and oil and gas exploration	0.30	NC	1.33
NAICS 23 Utilities	1.18	1.10	1.25
NAICS 23 Construction	0.69	1.50	1.01
NAICS 31-33 Manufacturing	1.44	0.47	0.99
NAICS 42 Wholesale Trade	0.89	0.23	0.53
NAICS 44-45 Retail Trade	1.00	1.70	1.36
NAICS 48-49 Transportation and warehousing	0.77	0.57	0.36
NAICS 51 Information	0.68	0.45	0.88
NAICS 52 Finance and insurance	0.81	0.59	0.97
NAICS 53 Real estate and rental and leasing	0.79	0.44	0.76
NAICS 54 Professional and technical services	1.02	0.73	0.81
NAICS 55 Management of companies and enterprises	1.00	NC	0.10
NAICS 56 Administrative and waste services	1.04	0.29	0.57
NAICS 61 Educational services	0.85	0.50	1.14
NAICS 62 Health care and social assistance	1.09	1.45	1.40
NAICS 71 Arts, entertainment, and recreation	1.00	1.40	0.73
NAICS 72 Accommodation and food services	0.96	1.80	1.27
NAICS 81 Other services, except public administration	0.92	1.03	0.84
Unclassified	3.47	NC	0.02

Source: US Census Bureau, as presented in *NLEA Targeted Business Development Strategies*, Whittaker Associates, 2008.

Figure 9 - Graph of Private Industry Trends in Cheboygan County



Workforce Training & Industry Sector Support

For an economic development strategy to work in any community it must focus on creating successful industry sectors – networks of complementary businesses which support each other and utilize local resources. These sectors need to be supported by a well- and appropriately-trained workforce. New businesses in these sectors need a support network. Youth within the community need training in these growth sectors so that they remain in the community and support its growth.

Cheboygan County has many of these qualities. The county's workforce has low-turnover, is loyal, and skilled. There is great potential to tap into the brain trust created by being a valued vacation community that attracts many high-income, well-educated summer residents to its lake shores. There is also the potential to tap into the financial resources of these individuals to create venture capital or angel funding mechanisms. Many of the summer residents are business owners from the Detroit and Chicago areas which creates an opportunity to attract businesses from those areas also.

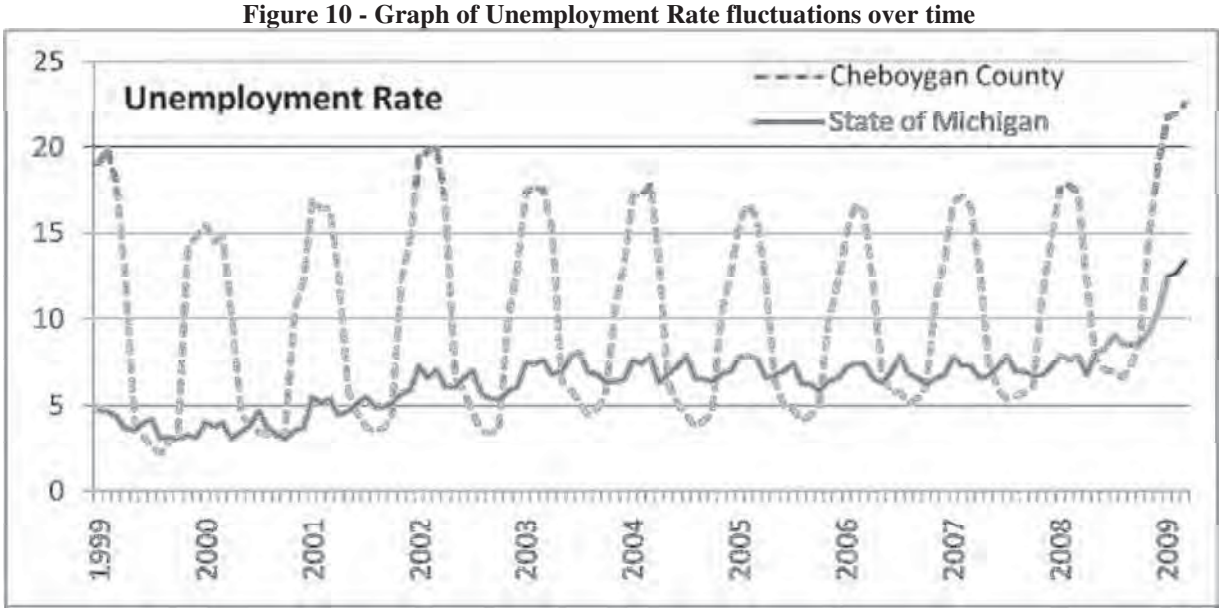
The region has quality schools and extensive business and industry workforce training programs. The workforce in the region is under-employed, which means they are not working to their full potential. There are many who have moved to the area for its natural beauty who have underemployed but highly educated spouses.

Unemployment

The following is a snapshot of unemployment trends, showing seasonal changes in Cheboygan County compared to the state of Michigan. Cheboygan County experiences a large fluctuation in seasonal employment levels due to the strong tourism industry. There are sustained periods during the winter where the county's unemployment levels are much greater than the state's average.

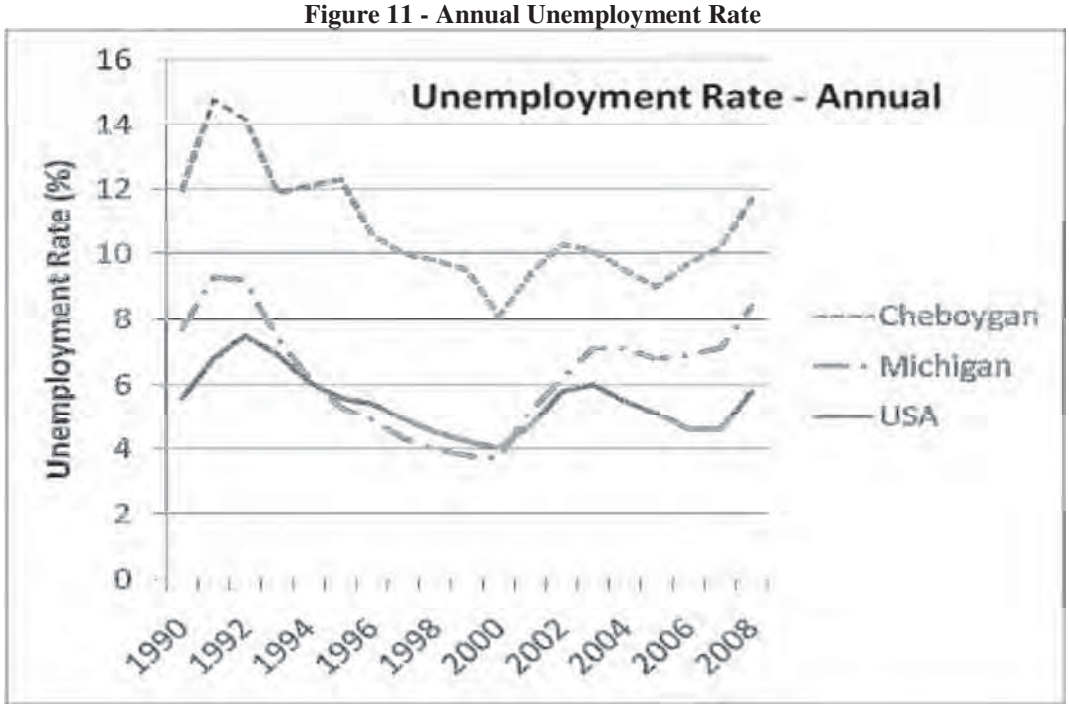
Clearly, efforts need to be made to create more year-round employment and create employment opportunities in the winter months.

Figure 10 - Graph of Unemployment Rate fluctuations over time



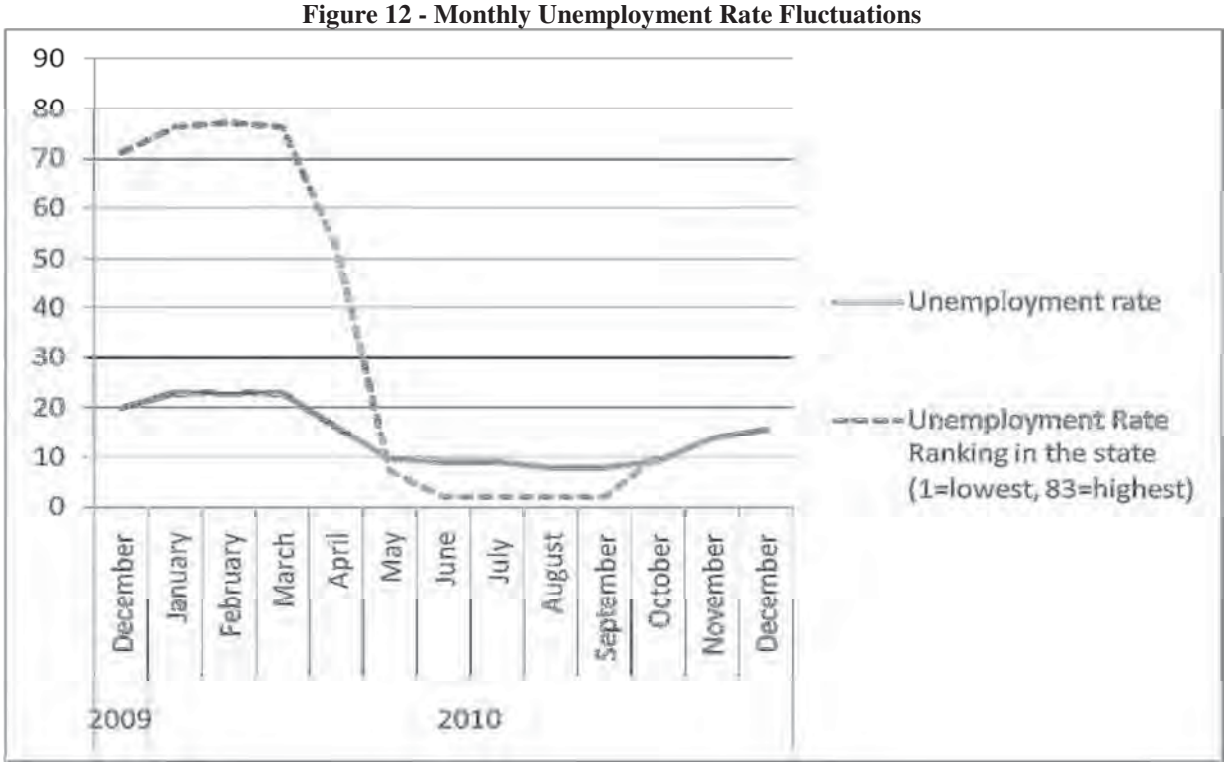
Annual unemployment rates have risen over the last 3-4 years at the county, state, and national levels. Cheboygan County has consistently experienced higher annual unemployment rates than both the state of Michigan and the nation. Although Cheboygan County saw a greater rate of increase in unemployment from 2005 to 2008 this *rate of increase* has more closely matched the state and the nation in recent years than it has in the past.

Figure 11 - Annual Unemployment Rate



The following chart shows how Cheboygan County's unemployment rate fluctuates in relation to other counties in the state. The dashed line shows our ranking among all counties in lowest unemployment. We have one of the lowest unemployment rates in the state from May to September and one of the highest in the winter months. This is rather intuitive as we have very seasonal employment opportunities.

Figure 12 - Monthly Unemployment Rate Fluctuations



Housing

Introduction

This chapter of the Master Plan Data Book will summarize housing trends in Cheboygan County and in our townships, city and villages. Review of our housing stock is important to ensure that our residents always have safe, attractive, and reasonably priced housing. With this information the residents and other stakeholders of Cheboygan County can best communicate a vision of what our community should be like in the next 20 years. Most of this housing information comes from US Census Bureau data.

Summary of Housing Data

Homeownership data in Cheboygan County when compared to the State of Michigan generally shows that more of the county's population own homes, they stay in them longer, and there are slightly fewer people living in each house.

According to the Census of 2010, there were 18,298 housing units, which is a 10% increase from 2000. Of those housing units, 11,133 (61%) were occupied. Which means 39% of the county's housing units are vacant for a variety of reasons. In 2000, only 35% of housing units were

vacant. The thematic maps at the end of this chapter show the changes occupied and vacant housing units between 2000 and 2010 in the townships of Cheboygan County. Mackinaw township experienced a 94% *increase* in vacant housing units while Walker township experienced a 27% *decrease* in vacant housing units.

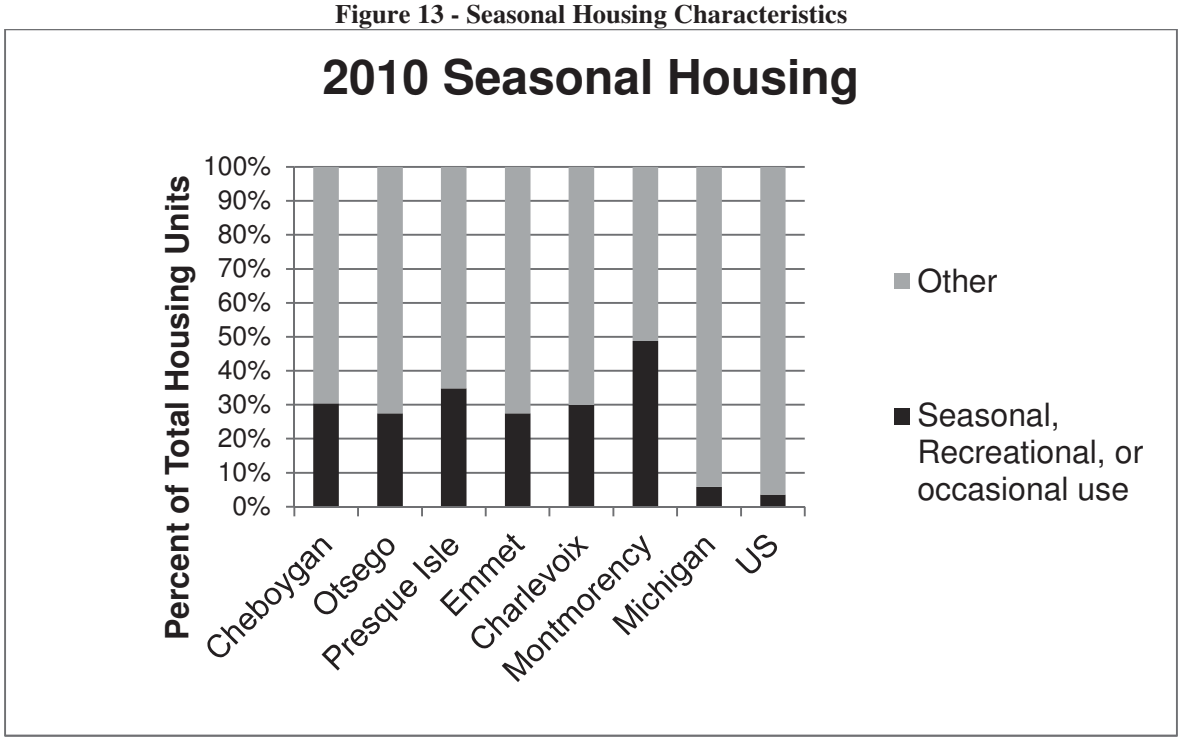
Of those vacant housing units, most (77.6%) are used for seasonal, recreational, or occasional use. Seasonal housing makes up 30.4% of *all* housing units in the county. The state of Michigan has only 5.8% of its housing units used for seasonal purposes.

Those housing units waiting to be rented were only 5.4% of vacant units and those on the market to be sold made up 5.9% of the vacant units. Overall, 81.6% of the housing units were owner-occupied.

Housing values have been on the decline for a number of years across the country. In Cheboygan County assessed values of real property have been on the decline for three years. Between 2010 and 2011 there was a change in assessed values of -6.1%. Residential real property changed -5.58% in those same years. The changes from the previous years in 2010 and 2009 were -13.05% and -3.65% respectively.

The number of bank foreclosures have also risen. In 2001 there were 32 bank foreclosures. In 2010 there were 159. The peak year in the last decade was 2008 with 169 foreclosures.

Figure 13 - Seasonal Housing Characteristics



Source: US Census Bureau

From 2000 to 2010, there were 10% (1,715) more housing units in the county. In that same time frame, the following also occurred:

- 2.8% increase in *occupied* housing units (+2.3% for Michigan)

- 24.7% increase in *vacant* housing units (+47.1% for Michigan)
- 16.3% increase in *seasonal/recreational/occasional use* housing units
- 4.5% decrease in household size for *owner-occupied* housing units
- 0.9% increase in housing size for *renter-occupied* housing units
- 125% increase in homeowner vacancy rate
- 119% increase in rental vacancy rate

Housing Assistance

There are many organizations which are working to improve housing conditions for Cheboygan County residents. The County of Cheboygan operates a home improvement program for very low- and low-income home owners. The program provides low-interest loans using HUD money, allocated to the County via the Michigan State Housing Development Authority (MSHDA) and the Community Development Block Grant (CDBG) program. This program is administered by the County's Community Development Department. Through this department and the Home Improvement Loan Services program, the County monitors the laws and ordinances in its jurisdiction and provides loans to low to very low income homeowners and ensures that housing is provided fairly to all residents.

The Northeast Michigan Community Service Agency (NEMCSA) offers grants and low-interest loans which provide assistance for energy efficiency upgrades for Cheboygan County homeowners. The Supportive Housing Program is designed as part of the *Continuum of Care* strategy and provides assistance and supportive services to homeless persons who are transitioning from streets and shelters to permanent housing and maximum self-sufficiency.

The Northeast Michigan Affordable Housing, Inc. (NEMAH) provides other forms of housing assistance including foreclosure intervention counseling, homebuyer education, financial management education, and more. The Cheboygan County Department of Human Services provides moving expense assistance, rent payment assistance, and rental deposit assistance.

CDBG Home Improvement Loan Services

This program of those listed above is a county allocation and is coordinated by the Cheboygan County Community Development Department. The program provides loans to low and very low income homeowners at either low-interest rates or, in some cases, on a deferred basis. The program was operated by a local housing non-profit agency but was returned to control of the County in early 2013. The program has initiated many loans around the county. The following map shows where the projects are located. The project locations are overlain on a map showing median home value by census block group and tract. The darker green shows the census tract that has homes with a median value between $120,001 and $220,000. The lighter green indicates a median home value of $60,001 to $120,000. There are two additional images that show the two block groups with the lowest median home value in Cheboygan County. They are located within the city of Cheboygan and the area near Tower and Afton communities, west of Onaway.

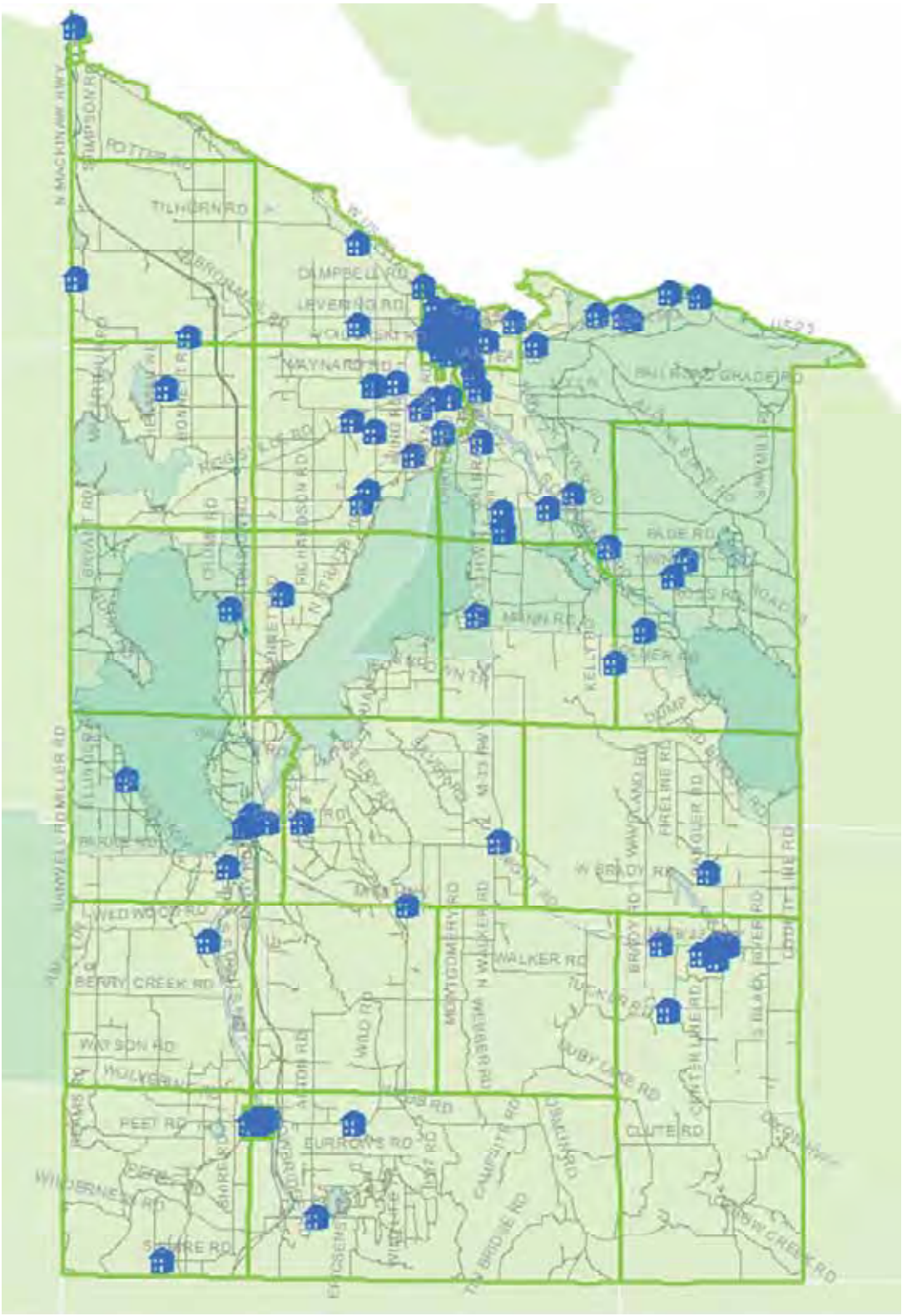


Figure 14 - Housing projects in Cheboygan County

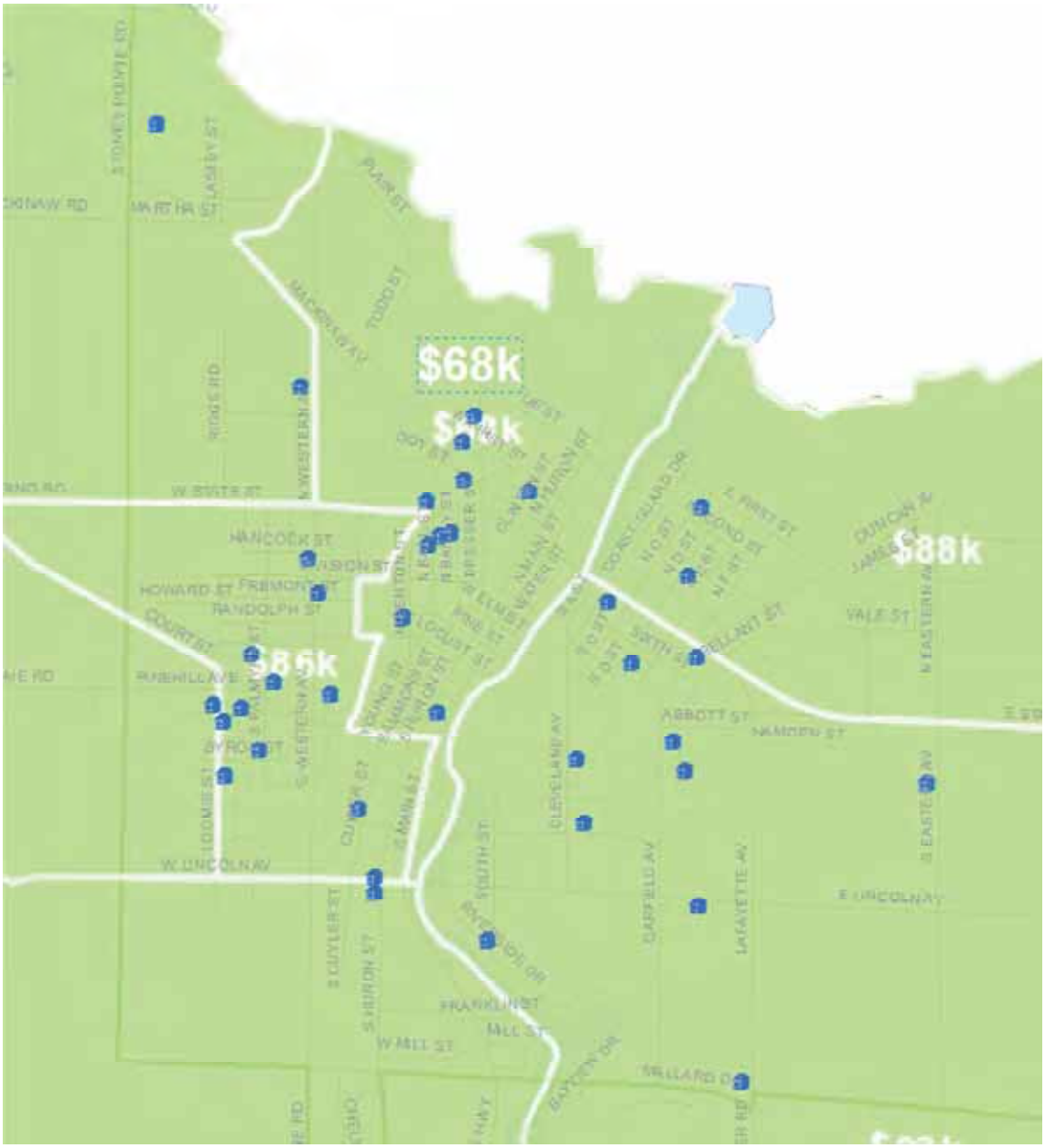


Figure 15 - Census Block Group in city of Cheboygan, second lowest median home value of $68,000

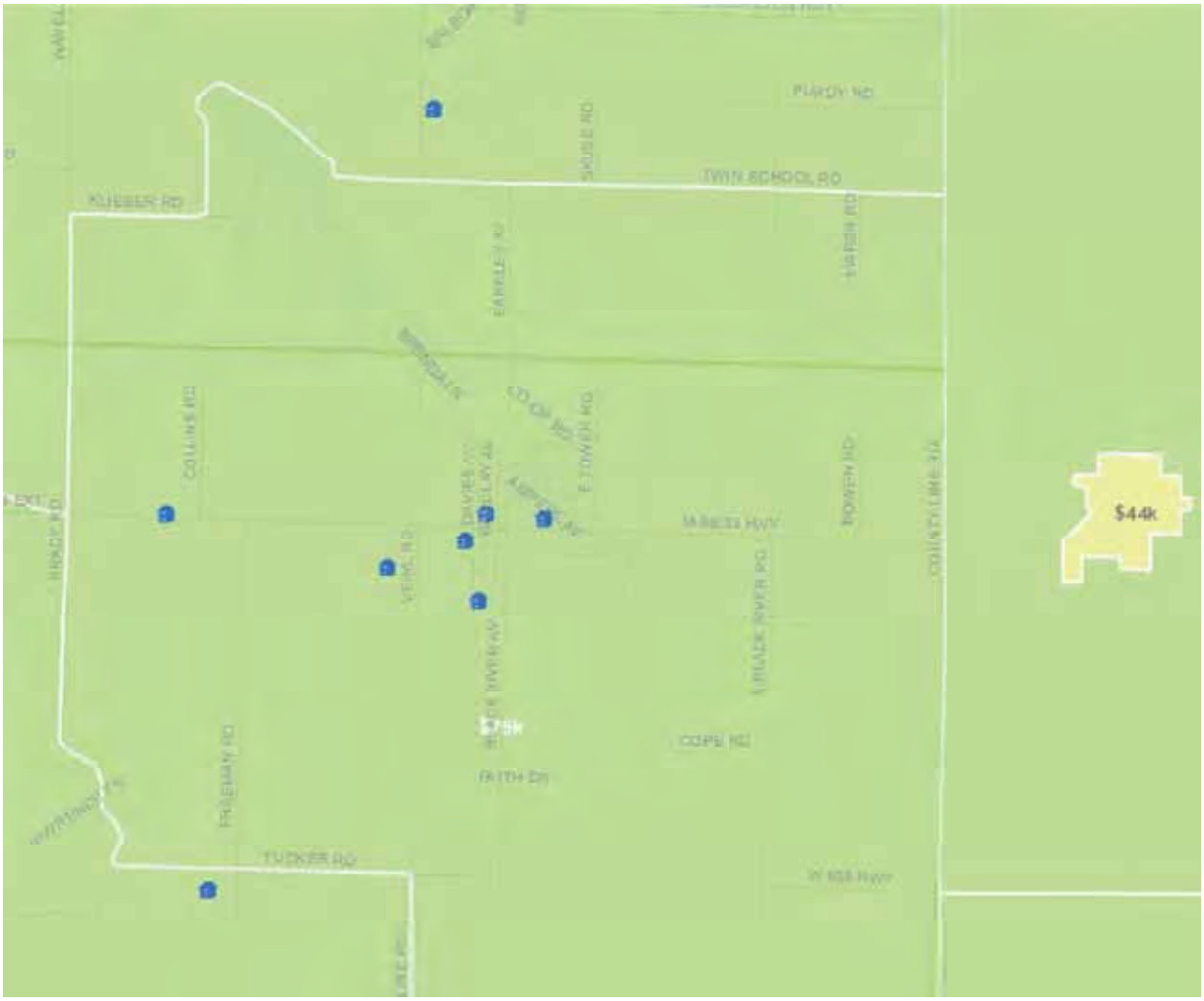


Figure 16 - Census Block Group near Onaway, Median Home Value of $75,000

Centennial Farms

There are still a number of families living on a Centennial Farm. These farms must be 10 or more acres that has been continuously owned by the same family for at least 100 years. This program is being run by the Historical Society of Michigan which is currently working to correct and update its database. As of 2006, when the last known reliable data was collected and checks were made to ensure proper certification, there were 21 centennial farms in Cheboygan County.

Building activity

Between 2000 and 2010 Cheboygan County experienced a severe decline in building activities. There were relatively few new homes being built in 2010 compared to 2000. Cheboygan County experienced an 84% decline in building permits for new homes in that time period. In 2000, there were 240 permits pulled for new homes. In 2010 there were only 39 building permits for new homes. No multi-family housing structures were built in 2010 whereas 12 were built in 2000. Overall, there was a 57% decline in permits pulled for building, plumbing, electrical, and mechanical. There was a decrease in all types of permits in that time period but the smallest

amount of decline was experienced in additions and alterations to buildings. There was a 36% decline in additions to residences and only a 7% decline in additions to garages and storage buildings.

Homelessness

Homelessness is often thought of in the context of an urban setting. However, there is homelessness in rural areas, it just takes a different form. The McKinney-Vento Homeless Assistance Act which provides assistance to homeless people uses a definition of homeless person is very urban oriented and does not incorporate the type of homelessness that rural areas experience. Therefore, the federal money designated for prevention of homelessness distributed on the basis of those definitions often does not reach rural areas.

The Act defines a homeless person as someone who lives in shelters or some other public/private place not designed for sleeping accommodation for humans. Rural homeless often live in structures that do not meet this definition. They live in structures that are substandard or designed for only temporary accommodations. For instance, studies have shown that homeless people in rural areas are more likely to live in a car or camper or with relatives in overcrowded or substandard housing. ("Rural Homelessness", National Coalition for the Homeless, July, 2009, http://www.nationalhomeless.org/factsheets/rural.html)

A study by Fisher in 2005 (Fisher, Monica. Why Is U.S. Poverty Higher in Nonmetropolitan than Metropolitan Areas?, 2005. Rural Poverty Research Center. Available at www.rprconline.org.) shows that homeless people in rural areas will more often be white, female, married, and currently working. They will more likely be homeless for the first time and for a shorter period of time. Estimates of total number of homeless people vary widely since they are very difficult to count. Solutions to homelessness in rural areas means greater access to affordable housing and transportation which can accommodate the greater distances from home to work ("Rural Homelessness", National Coalition for the Homeless, July, 2009).

SUMMARY

This Housing Needs Study is provided with the expectation that more information will be integrated upon completion of the Cheboygan County Placemaking Study which will be provided by a MSHDA consultant. This Placemaking Study is required of all counties seeking their allocation to determine the targeted area(s) which will be the focus of future program funding.

Figure 17 - Assessed Value Changes for Cheboygan County

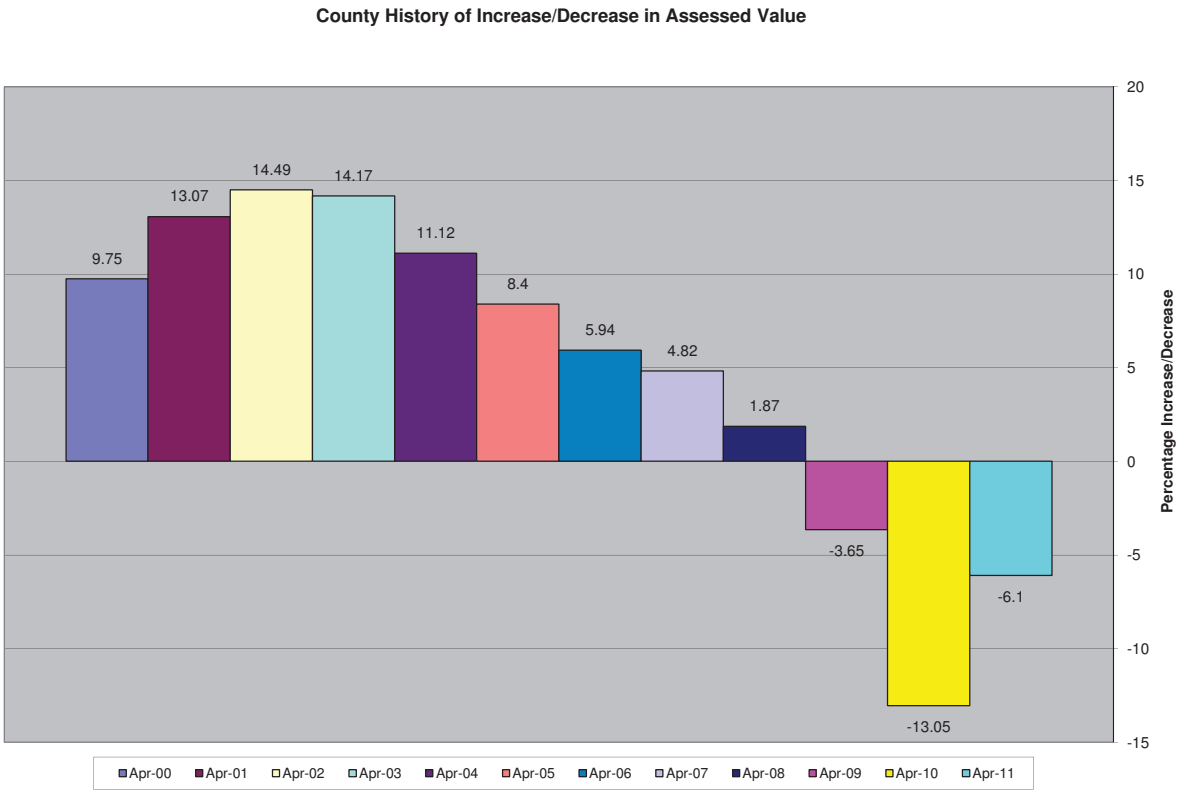
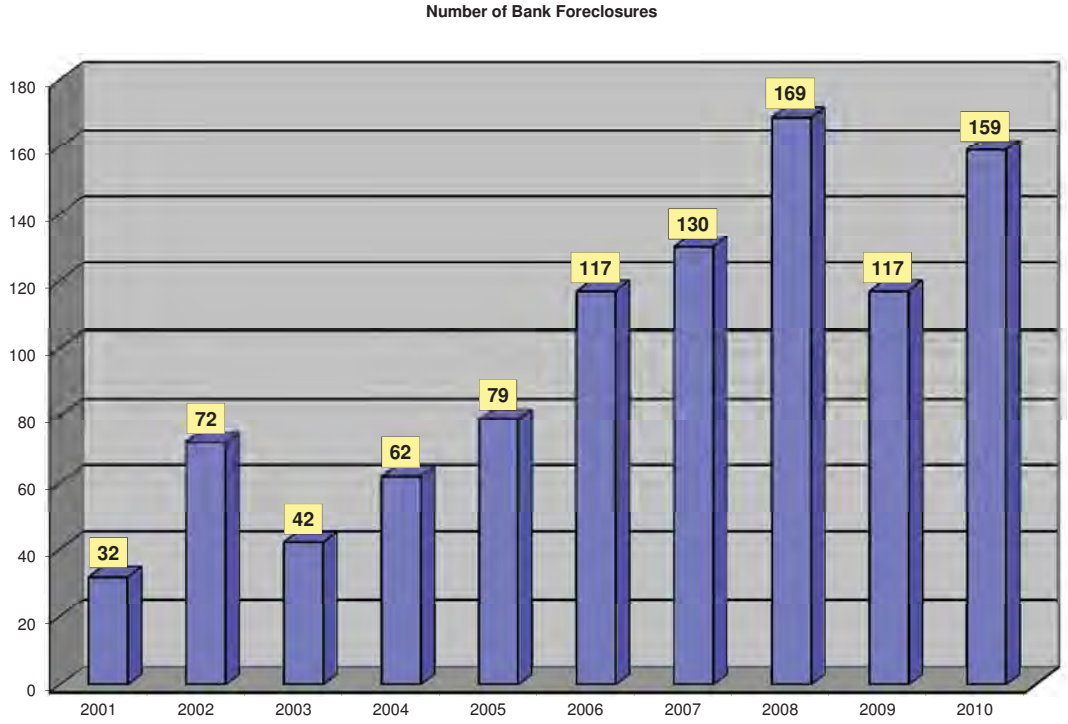


Figure 18 - Bank Foreclosures



Source: Cheboygan County Equalization Department

Exhibit 129

Figure 19 - Total Valuation of Properties in Cheboygan County

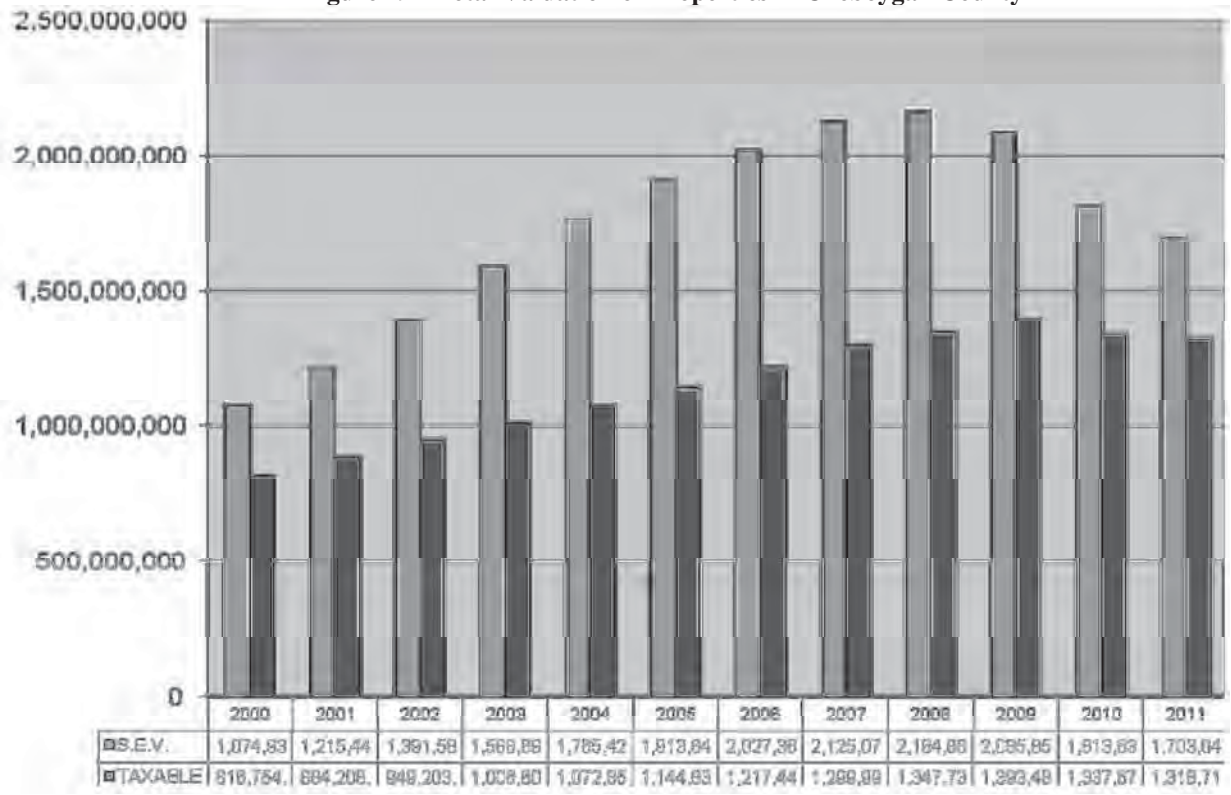
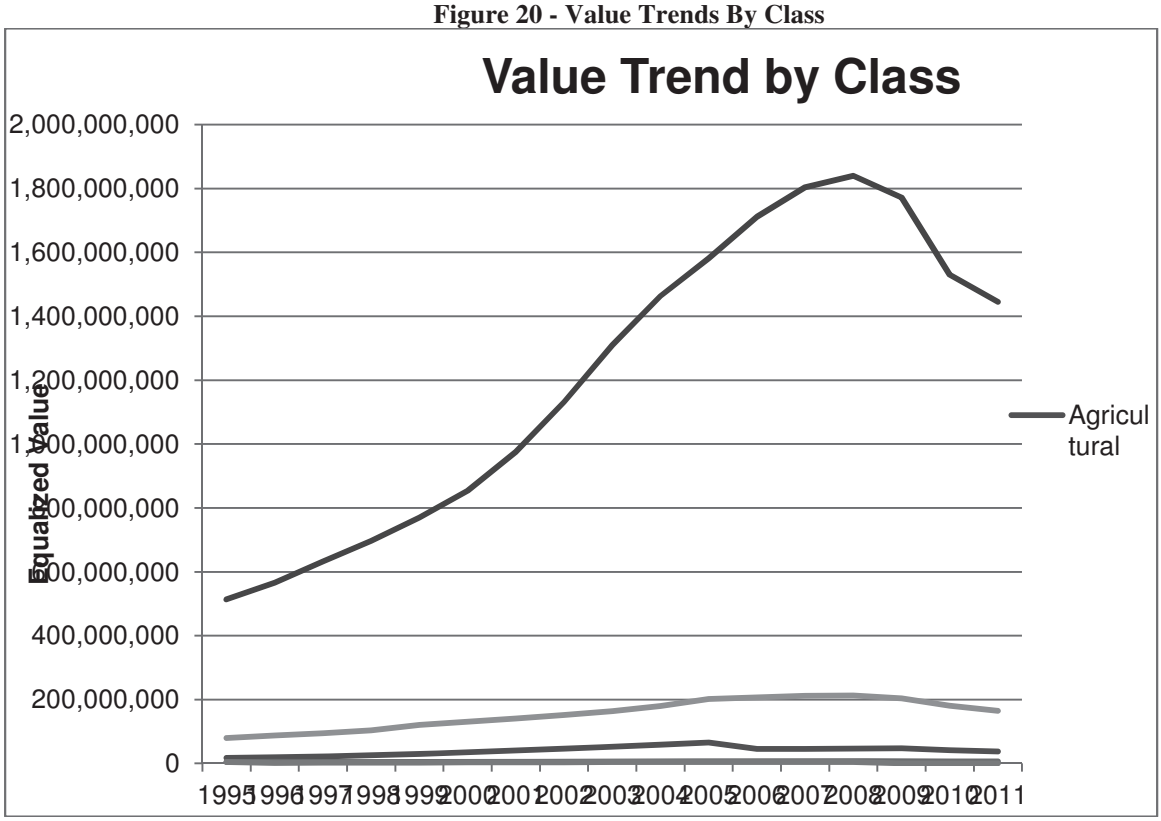


Figure 20 - Value Trends By Class



Source: Cheboygan County Equalization Department

Figure 21 - % Change in Occupied Housing Units

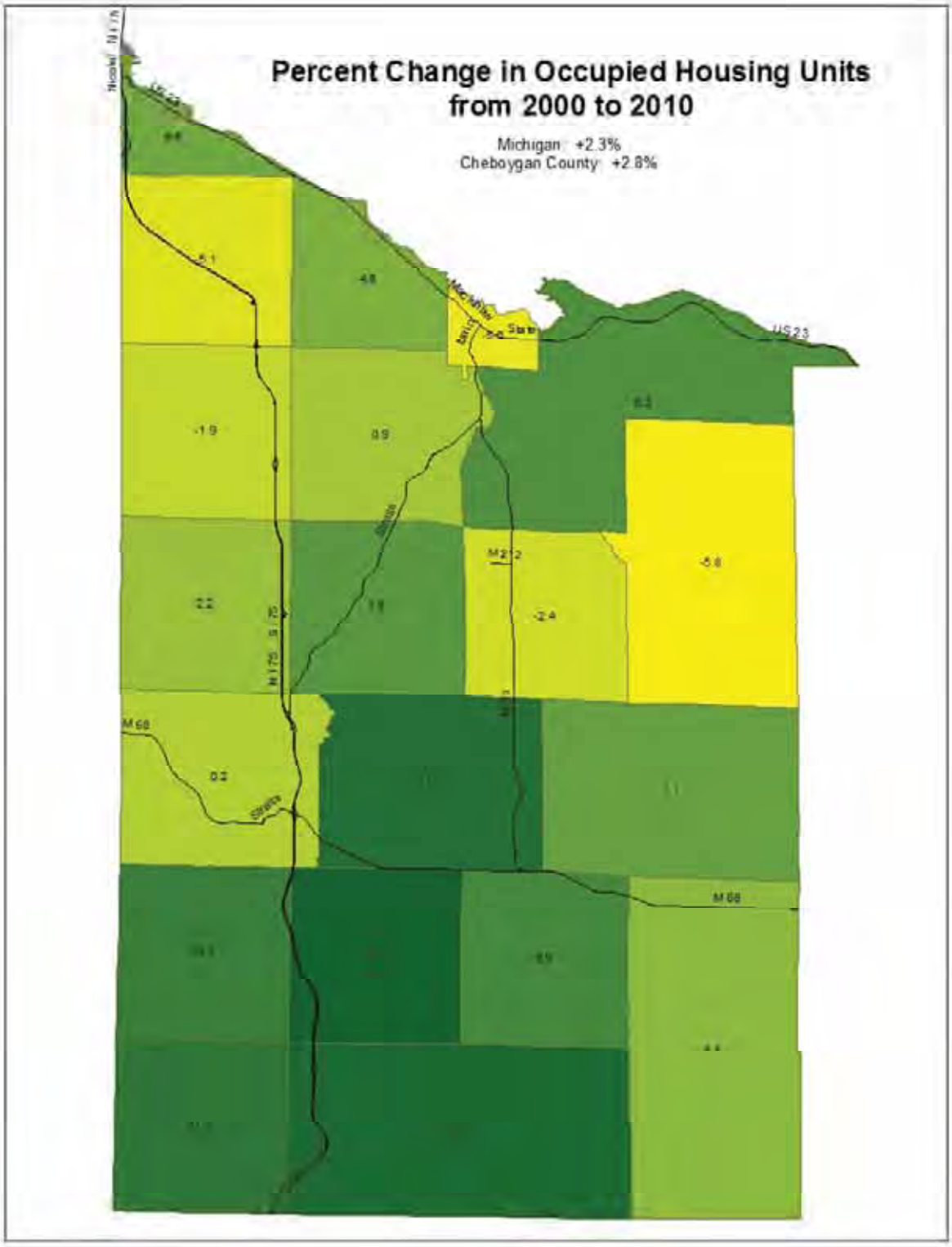


Figure 22 - Percent Change in Vacant Housing Units

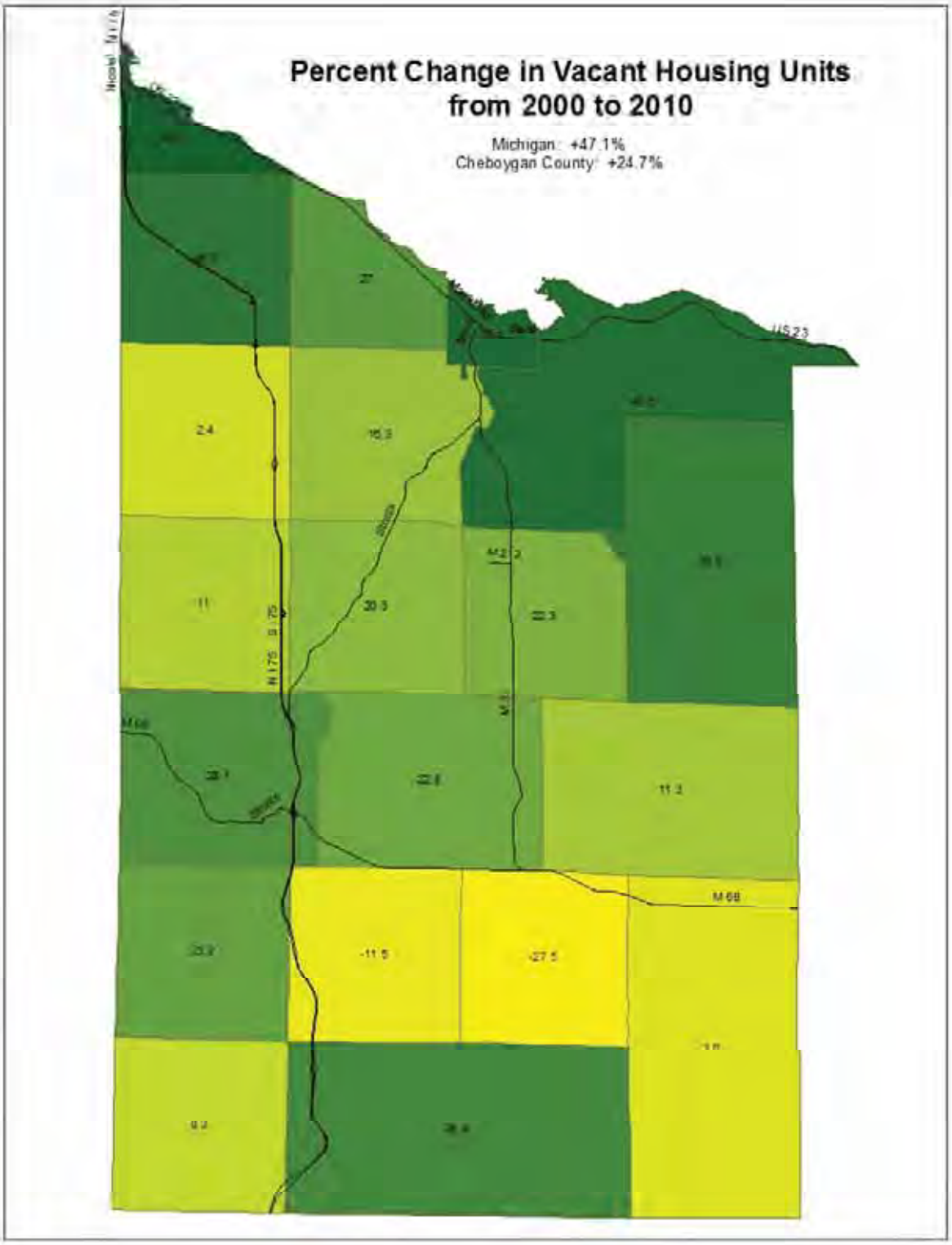
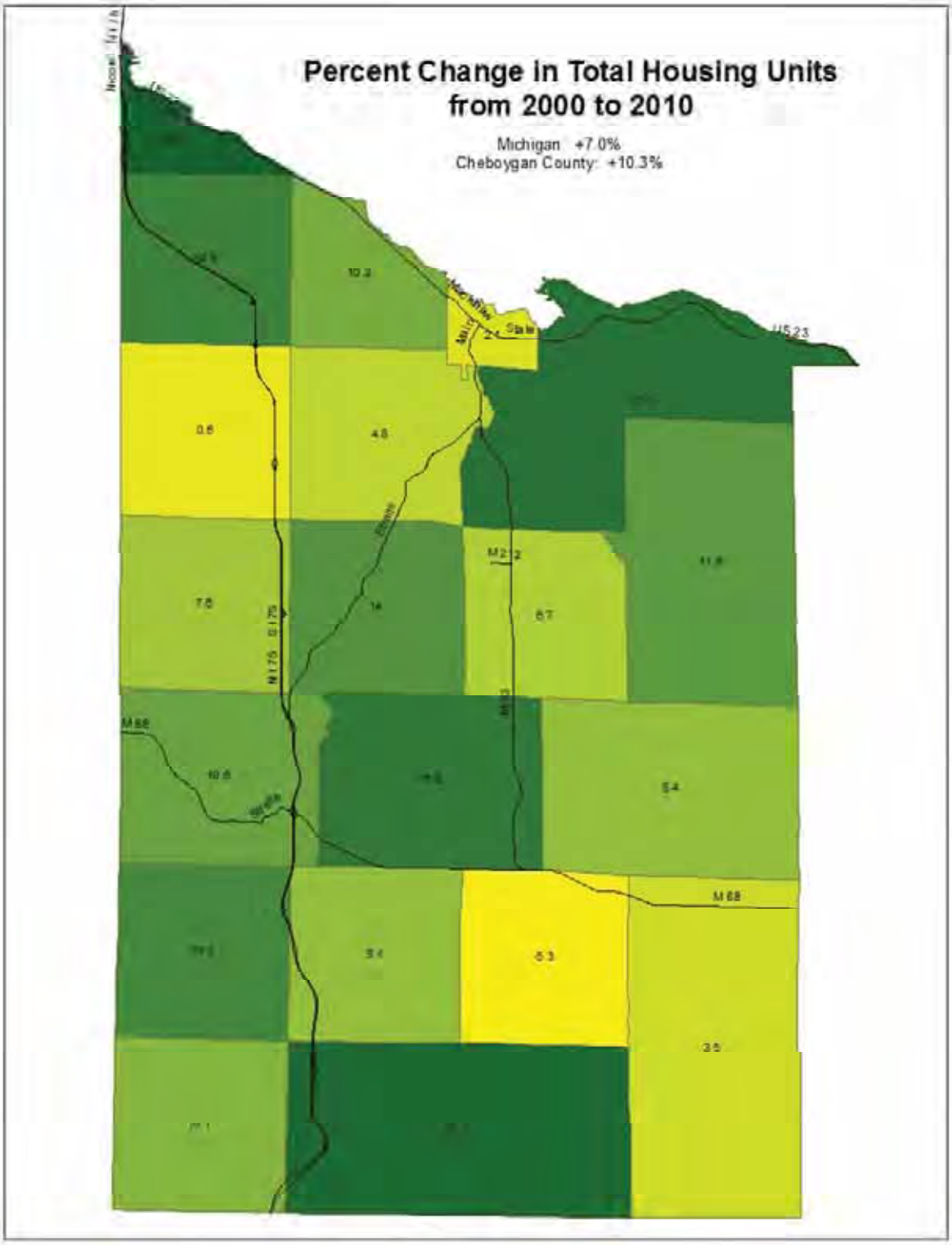


Figure 23 - Percent Change in Total Housing Units



Land Use, including Recreation & Transportation & Natural Resources

Introduction

The primary purpose of the Master Plan is to address matters that ultimately impact land use in Cheboygan County. In the Master Planning process we ask ourselves three questions: Where are we now, where do we want to be in 20 years, and how do we get there. Review of the existing land use provides an important framework of where we are now from which to set goals for the future. Knowing our existing land use can help us identify resources that we need to maintain and potentially utilize for economic development and to improve the overall quality of life for the people who live and work in Cheboygan County.

Table 7 - Area of Land per Land Use Types

Cheboygan County - 1998 Land Use Land Use Type	Number of Acres	Number of Square Miles	Percent of Total Area
Residential	14,582	22.8	2.9%
Commercial	1,031	1.6	0.2%
Industrial	3,868	6.0	0.8%
Institution/ Recreation	2,088	3.3	0.4%
Agricultural	32,152	50.2	6.3%
Non-Forest	54,468	85.1	10.7%
Upland Forest	237,074	370.4	46.5%
Lowland Forest	87,999	137.5	17.3%
Wetlands	26,312	41.1	5.2%
Beaches	77	0.1	0.02%
Surface Water	49,937	78.0	9.8%
Total	509,588	796.2	100%

In this chapter of the Master Plan Data Book we review various aspects of how our land is being used currently as well as how our land use has changed over the years. Land use is often categorized using the following terms: residential, commercial, institutional, recreational, industrial, agricultural, forested, non-forested, wetlands, surface water, and transportation systems.

EXISTING LAND USE

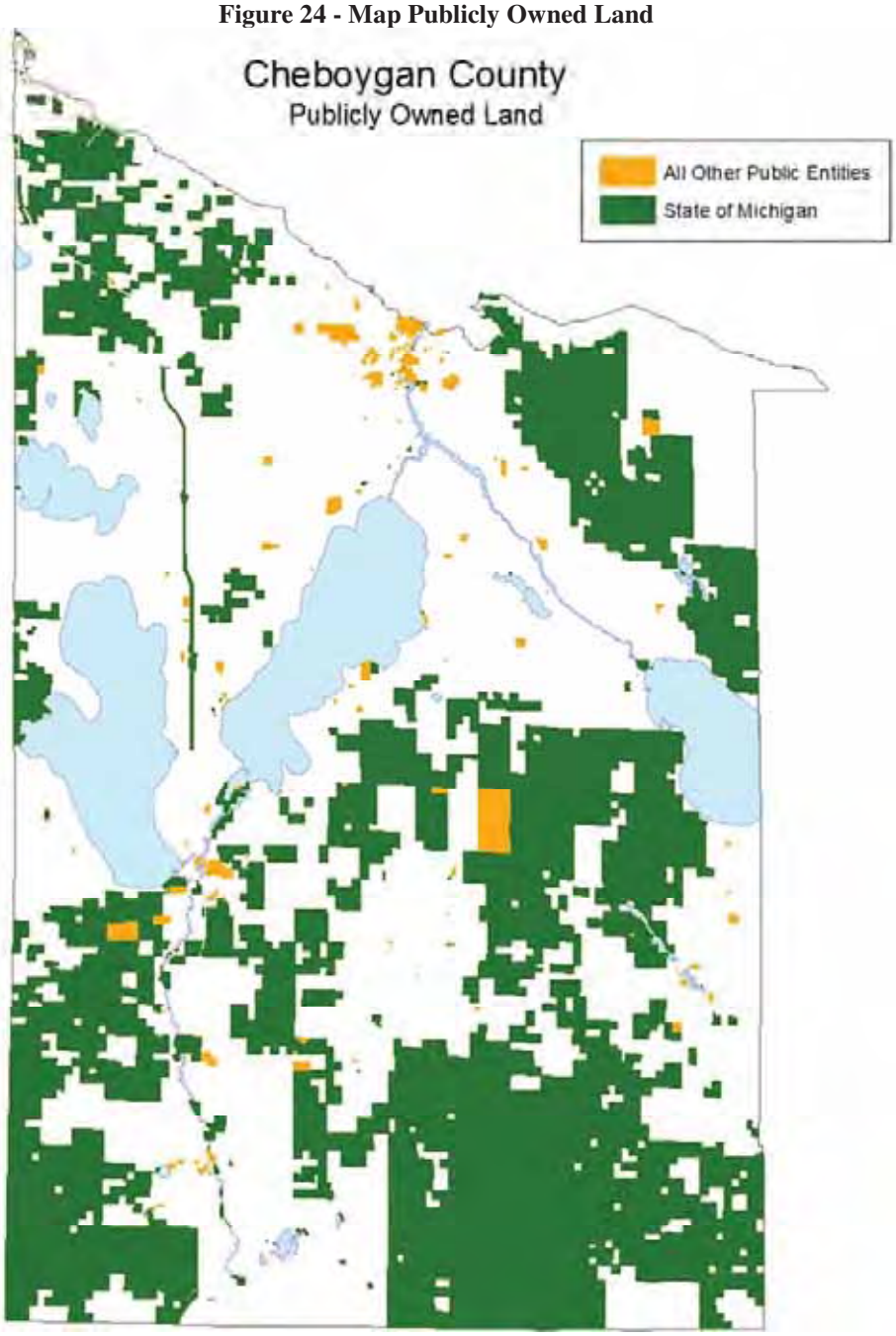
Although land use inventories at the county level, especially large counties such as Cheboygan, can be prohibitively expensive to conduct, some information is available through the Michigan Resource Information System (MIRIS) and through smaller scale land use inventories at the local level. MIRIS data is available from a 1998 update of a 1978 MIRIS land cover/land use inventory. The County is also in the process of conducting targeted land use inventories in community centers around the County to measure growth in those corridors. Information presented in this report includes data from the most recent MIRIS inventory primarily and data from the last County Master Plan (Comprehensive Development Plan) from 2002, updated with data as available.

No matter where or when the data comes from, the land uses in Cheboygan County are dominated by forests, surface water, wetlands, and agricultural land.

Source: 1998 update of 1978 MIRIS Land Cover/Use Inventory by Wade-Trim.
Note: Data does not include the city of Cheboygan or the village of Mackinaw City. Data for agricultural uses does not match data from USDA for total "farm" acres due to differing criteria for measuring farms and agricultural uses.

Another way to review land use is to look at the ownership of the land, especially the public and private ownership of land. Although public land may not be under local control and provides no property tax revenue, there are recreational and economic opportunities (forestry, etc.) available which can provide other benefits to the local communities. Publicly owned land makes up about one-third of all land in the county. State-owned land makes up 31% of the total acres of Cheboygan County.

Figure 24 - Map Publicly Owned Land



Climate

The climate of Cheboygan County makes it an attractive area for four-season recreational pursuits. A generous amount of snowfall in the winter, makes winter sports popular in the county (snowmobiling, skiing, ice fishing, etc.). The warmth of summer, however, makes outdoor summer activities also possible and popular (swimming, boating, fishing, hiking, biking, etc.). Spring time weather brings out mushroom hunters and bird watchers, while the fall is prime for hunting activities and fall color tours.

Cheboygan County's climate is directly affected by the Great Lakes and inland lakes of Michigan. Differences in temperature and precipitation exist between the northern and southern portions of the county. This is generally attributed to the moderating influence of the lakes in the northern portion of the county. The local weather conditions in the southern portion are similar to those in the Vanderbilt and Gaylord areas.

The presence of the Great Lakes tends to keep the temperature near the shoreline portions of the county warmer in the winter months and cooler in the summer months than the inland areas. This affects the length of the growing season in the various portions of the county. The lakeshore region of the county may have a growing season of as long as 140 days, whereas the interior portions of the county are limited to a shorter season of typically 70 to 80 days.

The average temperature in the summer months is 65 degrees Fahrenheit, while the winter average is 19 degrees (data from NOAA; 1960 through 1990). The overall annual average temperature for Cheboygan County is 52 degrees, although variations occur. Historical temperature data illustrates the following county temperature extremes. The highest recorded temperature was 104 degrees (8/6/47) and lowest recorded was 38 degrees below zero (2/6/95).

Precipitation is well distributed throughout the year with the growing season, May to October, receiving an average of 17.3 inches, 61% of the total annual average. The average annual snowfall for Cheboygan is 81.8 inches, but can vary considerably throughout the county.

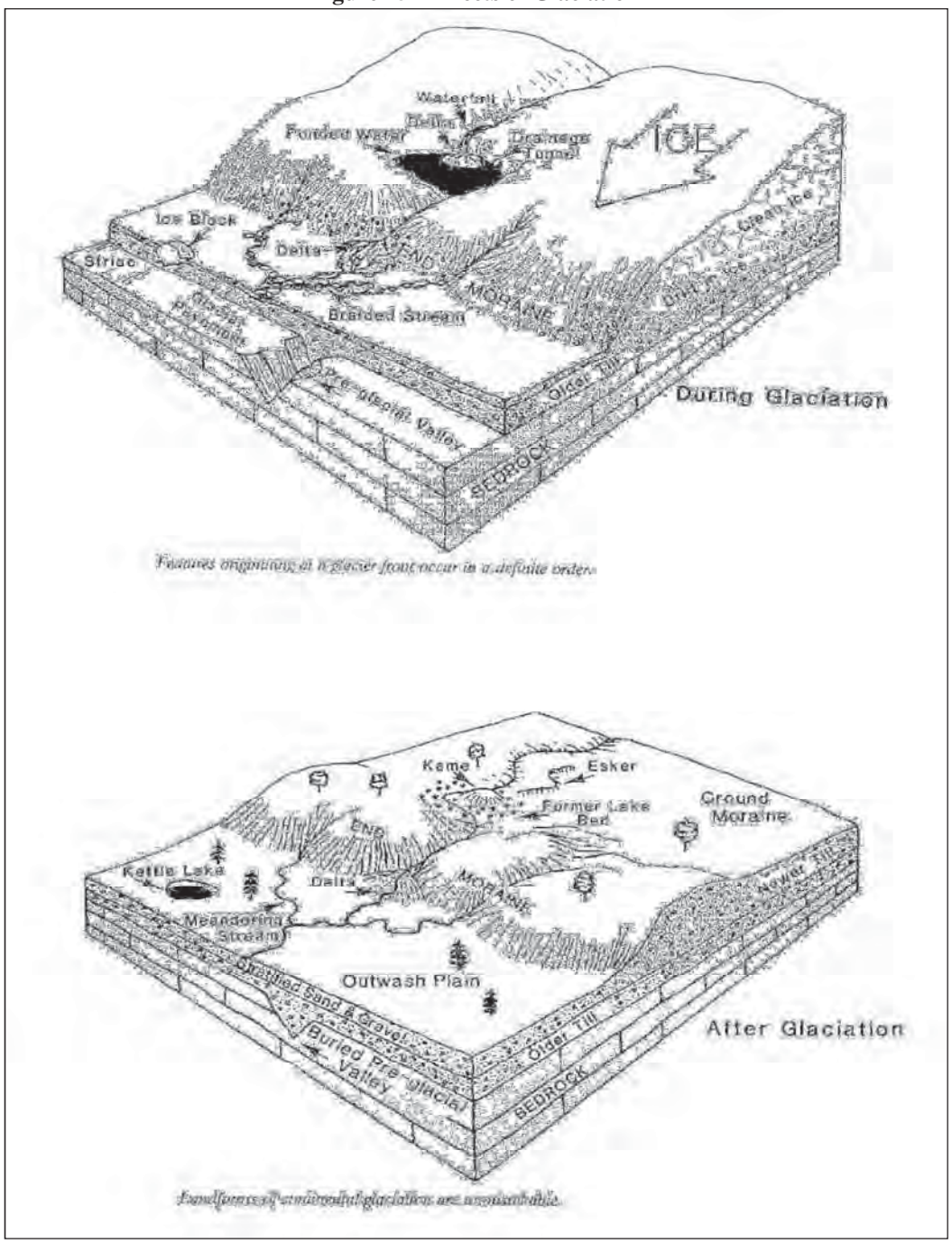
Geology

The surface and subsurface features of Cheboygan County and the surrounding vicinity are directly attributed to geologic activity. Throughout history, advancing and retreating glaciers created varying landscapes. The last glacial advance, which is principally responsible for the development of present-day features, occurred approximately 11,800 years ago. As the glaciers moved, they carried along and deposited debris. The advancing and retreating motions deposited unsorted sand, gravel, rock and clay at the margin of the glacier to form the moraines as shown in **Figure 1.6**. A moraine represents the former position of a glacier's edge. Moraines primarily occur in the southern portion of the county.

Some areas in the southern portion of the county were subjected to the onslaught of rapidly melting waters. Melting waters carried debris as they spread out in a sheet-like formation away from the glaciers. This formation is clearly evident in the county's present day landscape as outwash and glacial channels in **Figure 1.7**. When the glaciers stopped advancing and began to rapidly melt,

channels were formed through, on and under the ice mass. The rushing water carried with it debris which eventually filled the channel. As the glaciers continued to melt, the rubble was deposited in long, narrow channels which spread and settled once the retaining walls of the channel had melted. Such a formation is called an "esker". One such esker exists in Koehler and Waverly townships, and is seven miles long.

Figure 25 - Effects of Glaciation



Large blocks of ice were left behind when the glaciers melted. Many of these ice chunks formed the lakes, such as Burt and Mullett Lakes, within Cheboygan County. As the ice receded further north, the meltwaters flooded areas of the county. The higher elevations, above water formed islands. Areas above the meltwaters, predominantly in the southern portion of present day Cheboygan County, were not submerged. During this period the clays and sands of the northern part of the County were deposited on the lake bed of the meltwater Lake Algonquin.

As the glaciers melted further to the north, a low outlet valley caused a drastic dip in the elevation of the lakes. Finally, the lake rose again and a new lake level was established, Lake Nipissing. It covered the present shoreline of Cheboygan County and raised the level of the inland lakes. Nipissing cut into the old Algonquin Lake bed and formed the terraces on which US-23 was built. The city of Cheboygan and village of Mackinaw City were built on the floor of Lake Nipissing. During this time period, the Cheboygan River did not exist. This was formed in post-Nipissing years by the action of a tributary of the Black River.

Figure 26 - Post Glacial Shoreline and Islands

WATER RESOURCES

Cheboygan County is blessed with many cherished waterways, from stunning lakes, to trout rich rivers and streams. Thirty eight miles of Lake Huron shoreline establish the northern boundary of the county. Inland lakes cover 10% (51,358 acres) of the county's total surface area, the largest percentage of any county in the state. There are several large bodies of water in the county. The largest inland lake in the county and the fourth largest in the State is Burt Lake (17,335 acres). The second largest is Mullett Lake (16,744 acres), followed by Douglas Lake (3,745 acres) and Black Lake, of which 7,887 acres are in the county. Of the 182 miles of inland lakeshore, 46 miles are publicly owned.

Cheboygan County, along with portions of the Counties of Presque Isle, Emmet, Otsego, Montmorency and Charlevoix, is within the Cheboygan River Watershed. Within the Cheboygan River Watershed and the boundary of Cheboygan County are the sub-watersheds of the Sturgeon, Pigeon and Black Rivers. Drainage from the Cheboygan River Watershed flows into the Cheboygan River through the city of Cheboygan and into Lake Huron. Portions of the county northwest and east of the city of Cheboygan are part of the coastal watershed which drains directly into Lake Huron.

Within each of these watersheds are numerous lakes and rivers. The Sturgeon River Watershed, in the western portion of the county, includes the Sturgeon River, which drains into Burt Lake. Directly adjacent is the renowned Pigeon River Watershed. The Pigeon River flows into Mullett Lake which empties into the Cheboygan River and directly into Lake Huron. The western portion of the county includes the Black River Watershed. The Upper Black River and its tributaries within the county drain directly into Black Lake. The Black River flows into the Cheboygan River.

The purity and clarity of the county's lakes and streams is maintained and enhanced, in large part, by wetlands. Cheboygan County's wetlands are unique ecosystems that serve as the transitional zone between upland and aquatic habitats. Wetlands filter out nutrients and sediments, some of the most harmful pollutants associated with lakes and streams. Without wetlands these pollutants can cloud once clear waters and accelerate the growth of choking aquatic weeds.

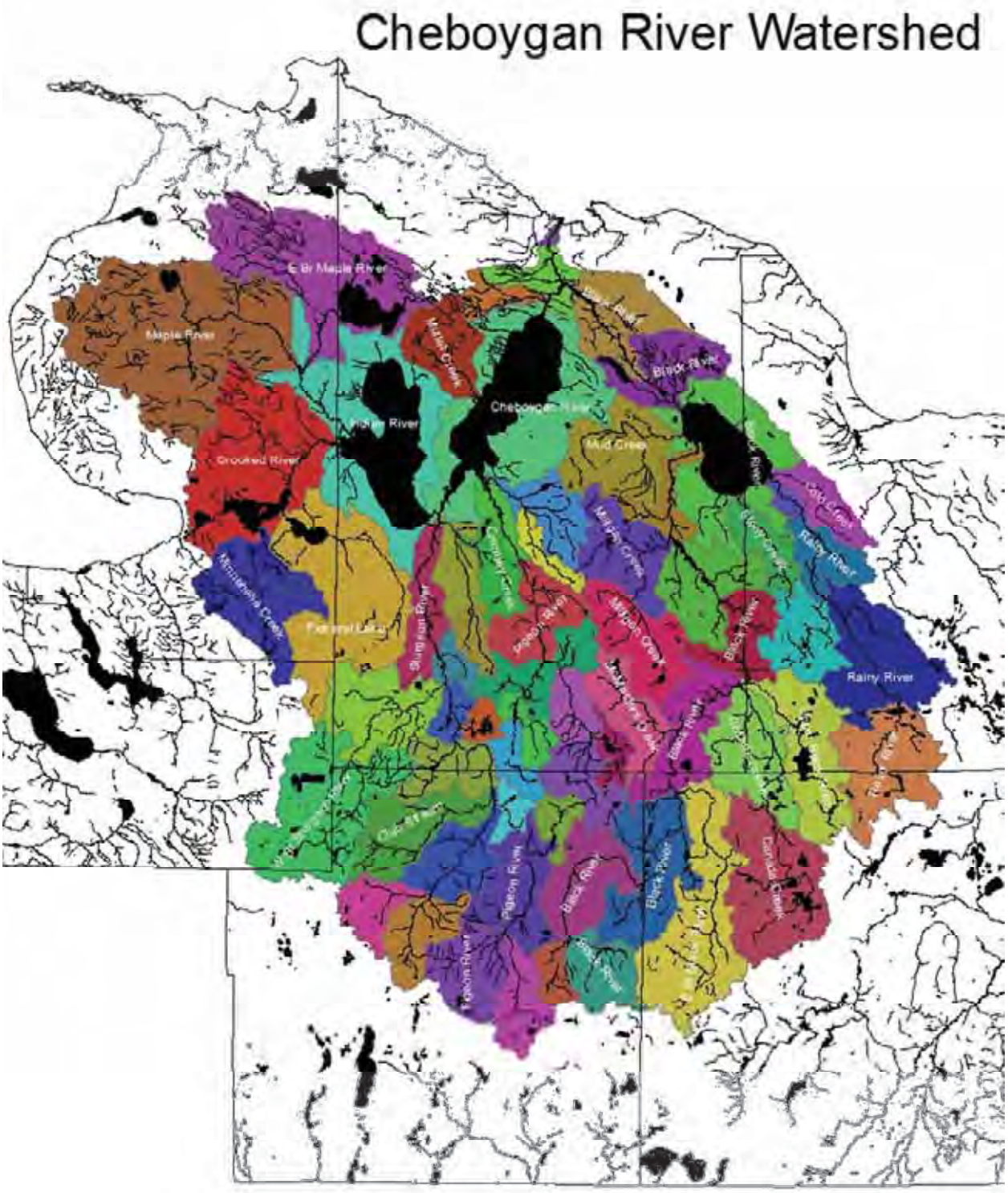
The ecological functions that wetlands provide benefit numerous property owners. Conversely, land use alterations that disturb or alter wetland functions can create nuisances or cause damage to surrounding private tracts (e.g., downstream flooding as a result of upstream wetland filling) as well as effecting broader public health issues (e.g., wetland loss can lead to water quality impairment of lakes and streams). Some of the most obvious functions and values wetlands provide Cheboygan County communities include:

- Fish and wildlife habitat
- Flood storage and conveyance
- Water pollution control
- Sediment control
- Water supply
- Barrier to waves and erosion
- Threatened and endangered species habitat
- Hunting, fishing and trapping
- Food and fiber production
- Education and research
- Recreation and aesthetic values

Cheboygan County has been blessed with abundant groundwater supplies of very high quality. The generally thick glacial deposits in the County result in ample groundwater aquifers and a large number of springs and streams with cold, steady, high quality flows of groundwater. The bedrock geology and the large amount of limestone in the glacial deposits influence the chemical quality of groundwater and surface waters, resulting in moderately high hardness and alkalinity.

The groundwater of Cheboygan County is an extremely valuable resource. Groundwater discharge is important to the recreational values of the county. Groundwater is the principal source of water in streams and rivers during drier, rainless periods, providing Cheboygan County with rivers and streams that flow year-round. Groundwater is also a major control of water temperatures. Groundwater leaves the ground at a constant temperature year round; therefore, it has the effect of moderating water temperature. Streams that receive large amounts of groundwater are generally cooler in summer and warmer in winter than those where groundwater inputs are small. These temperature moderations and year-round flows provide ideal conditions for many fish, including trout, as well as other wildlife.

Figure 27 - Map of Cheboygan River Watershed



FISH AND WILDLIFE

Cheboygan County's varied topography, climate and abundant inland waters and forests provide extensive fish and wildlife habitats. Unique species found in the area include wild turkey, osprey, elk, pileated woodpecker and bobcat. The county is noted for its variety of wild game and fish and thousands of sports minded individuals are attracted to the county each year to hunt and fish.

Lakes in Cheboygan County provide a vast array of fish for those seeking fishing opportunities. Black, Burt and Mullet Lakes are well known for its sport fishing. Black Lake supports a naturally producing sturgeon population, muskellunge, walleye and a variety of pan fish. Burt Lake's fishing is known for its walleye, perch and brown trout. Mullet lake's fisheries include muskellunge, planted lake trout, cisco as well as pan fish.

The Pigeon, Sturgeon and Black Rivers are all excellent clear, cold trout streams. Streams open to extended trout and salmon fishing during open season are the Cheboygan, Maple, Pigeon and Sturgeon Rivers and Green and Mill Creeks. The Black River, below Kleber Dam, has artificial spawning shoals for sturgeon. There are also numerous wildlife flooding areas providing excellent habitat for fish and fowl alike: Dingman March, Cornwall and Stoney Creeks, and Dog Lake.

FORESTRY

In the 1998 update of the MIRIS land use inventory it was estimated that over 63% of the county was forested and in both public and private ownership. This compares to forest land covers 53% of the whole state. Michigan's timberland acreage is fifth largest in the United States. Much of the public land now owned by the State of Michigan is tax delinquent land that was either abandoned by early timber companies or by families who failed at attempts to farm it, according to the DNR.

According to a 2002 Michigan DNR assessment, the state of Michigan has over 200,000 jobs that are supported by Michigan forests. That concentration of jobs is more intense in Michigan's northern counties. Counties of northern Michigan have less economic diversity than more urban or metro-counties. Counties such as Cheboygan have more dependence on natural resource industries, which includes tourism and agriculture.

Since forestland is an important part of this economy, it is important to note the factors that influence whether land stays forested or gets converted or developed. Tax rates for absentee (non-homestead) landowners in northern Michigan are higher and, therefore, create higher costs for private owners of forestland. As a result, development or conversion of that same land becomes more profitable for the land owner than maintenance of the land for forestland. Other costs of living impact whether private forestland gets converted or developed including cost of health care. In Wisconsin, a survey showed that cost of health care was the most important concern that would cause people to sell their family forestland.

As of the last inventory of Michigan forests, 58% of timberland was owned by private landowners and 42% by public entities. Timberland is forested land that contains timber of commercial value, capable of producing more than 20 cubic feet per acre per year of industrial wood in natural stands. There has been an increase in private ownership of timberland both as a proportion of total timberland in the county and in total acres. Private ownership of timberland in 1980 was 49% of the total area and 51% by state and local. In 1993 there was an even split.

The following map is from 1996, which is not very current data, but it gives an idea of our historic dependence on forest and wildland resources compared to other counties in the state.

Figure 28 - Map of Economic Dependence on Forest Resources in Michigan

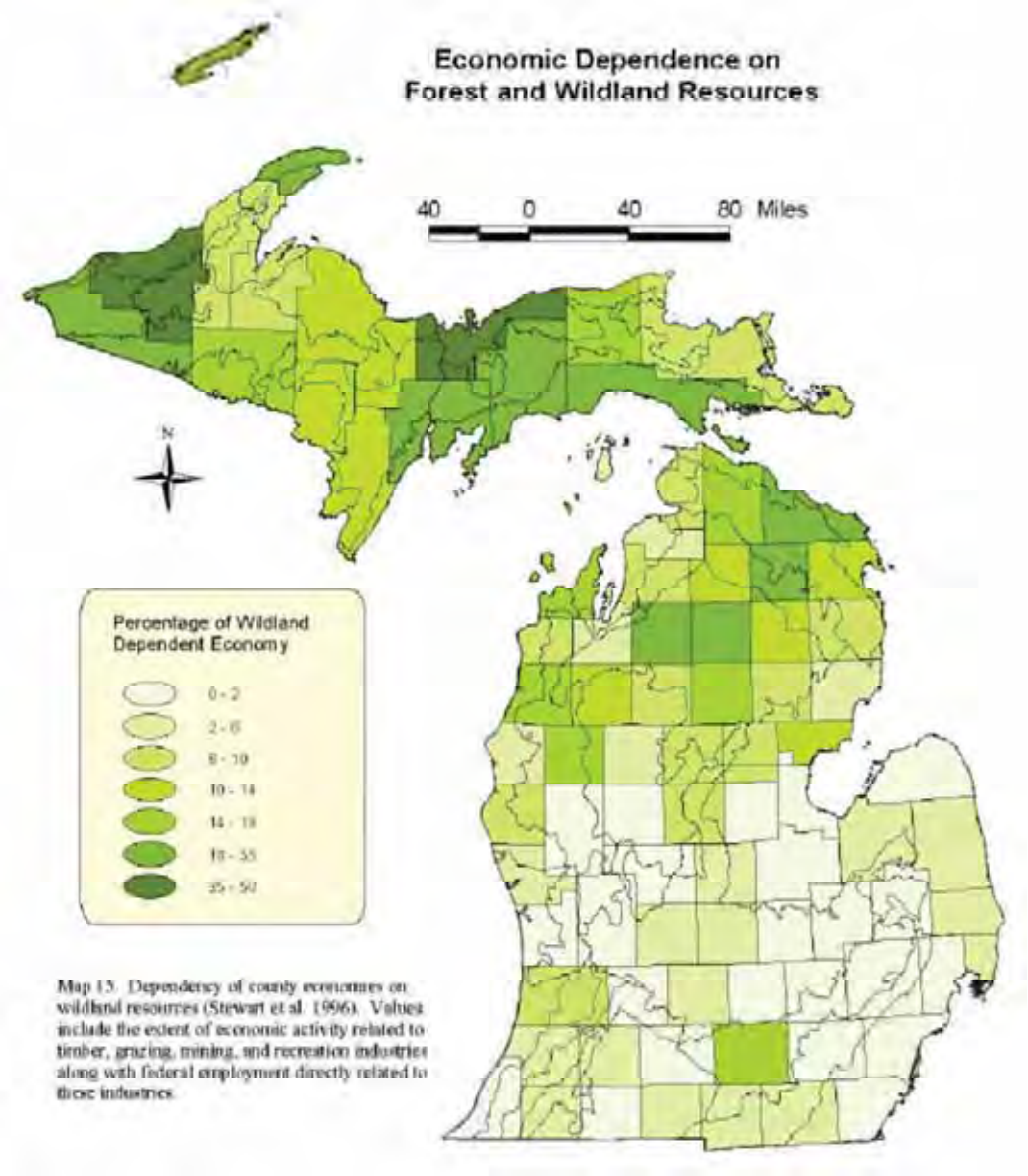
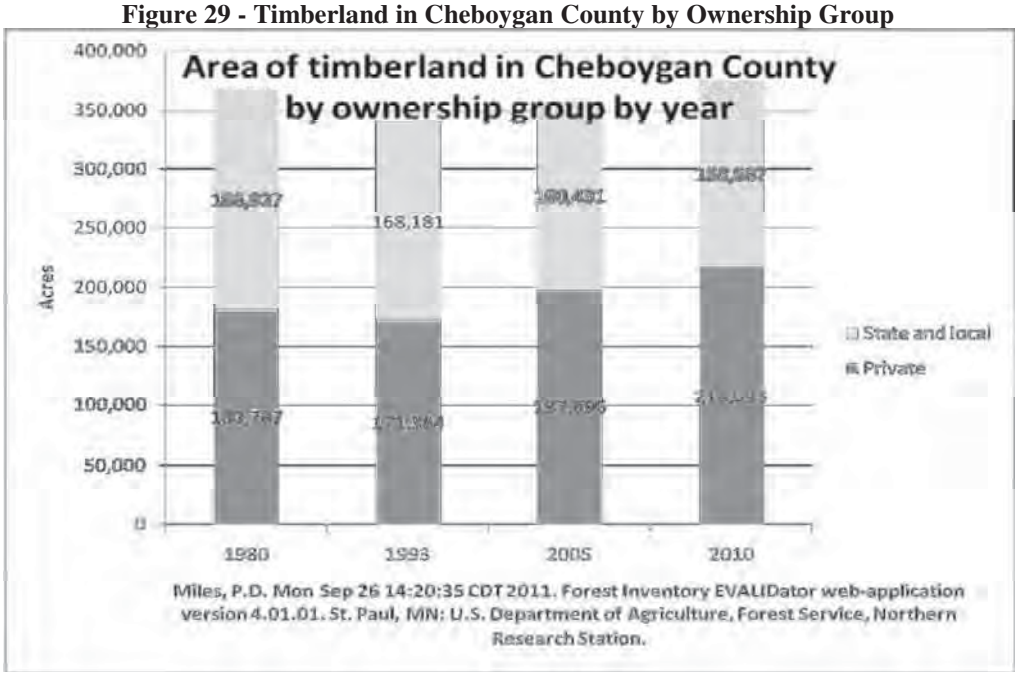
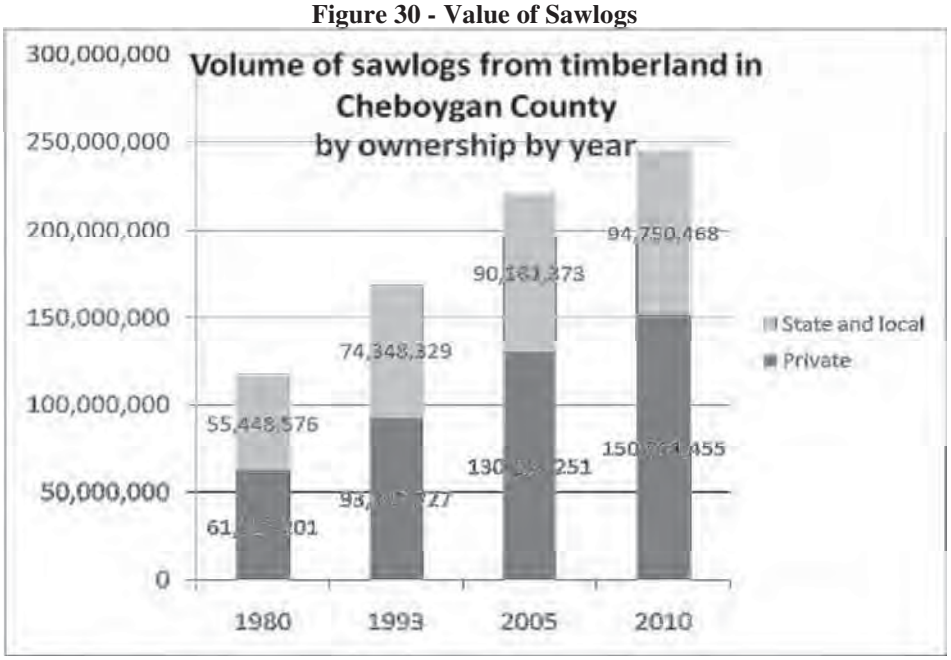


Figure 29 - Timberland in Cheboygan County by Ownership Group



Another way to measure our forests is by the volume of sawlogs produced, measured in cubic feet. Saw logs are logs that are large enough to be sawed into boards. The most recent data from the survey that ended in 2010 shows a 109% increase since 1980 in the volume of sawlogs from timberland. Again we see a greater increase in this forest production coming from privately owned land. In this same timeframe from 1980 to 2010 there was an increase of 71% in sawlog volume from state and locally owned land and a 144% increase in sawlog volume from privately held land.

Figure 30 - Value of Sawlogs



AGRICULTURE

The bulk of the county's agricultural land is found in the northern portion of the county, in Beaugrand, Munro, Inverness, Benton, Aloha and Grant Townships, with smaller sections of farm land found in all other townships. It is interesting, but not surprising, to note that much of the agricultural property is found along or very near the county's major rivers and lakes. Predominant agricultural land uses are pastures, hay-land and growing crops such as beans, oats, and barley. A small amount of land is used for livestock such as cattle, milk cows and hogs.

Overall, Cheboygan County farms are smaller than they used to be but there has been an increase in the number of farms. More people are getting back into farming but are farming smaller areas. As of 2007, there were 47,562 acres that were classified as a farm by the United States Department of Agriculture Michigan Field Office. This means approximately 9% of the county's land area was being used for farming. Over time, the portion of land area used for farming has dipped from 14.5% in 1964 to 9.3% in 2007, the most recent data available from the USDA. In 1992 only 8.0% of land was used for farming.

At the same time, we are experiencing growth in the number of farms. In 1964 there were 339 farms. In 1992 there were only 170, the lowest recorded number in the last 40 years. Since 1992 there has been a real increase such that in 2007 there were 347 farms, a 104% increase. However, the growth in farming is occurring in very small farms.

Obviously, if there was a 104% increase in number of farms since 1992 and only a 16% increase in acres of land farmed the average farm size is decreasing. In 1992 the average farm was 240 acres. In 2007 the average size of a farm was 137 acres.

The cost of farming is increasing. The overall expenses for farming for all of Cheboygan County increased by 101% between 1992 and 2007. In 1992 Cheboygan County farmers spent $4,087,000. In 2007 they spent $8,235,000. Since farms were much smaller in 2007, each farmer was spending a little less than they were in 1992 on equipment.

The value of farmland in relation to other types of land in Cheboygan County has decreased at a greater rate in the past year. According to the Cheboygan County Equalization Department, the equalized value of all land in the county decreased by 6.1% between 2010 and 2011. Land classified as agricultural decreased by 9.9% in that same year.

Figure 31 - Number of Farms by Value of Sales

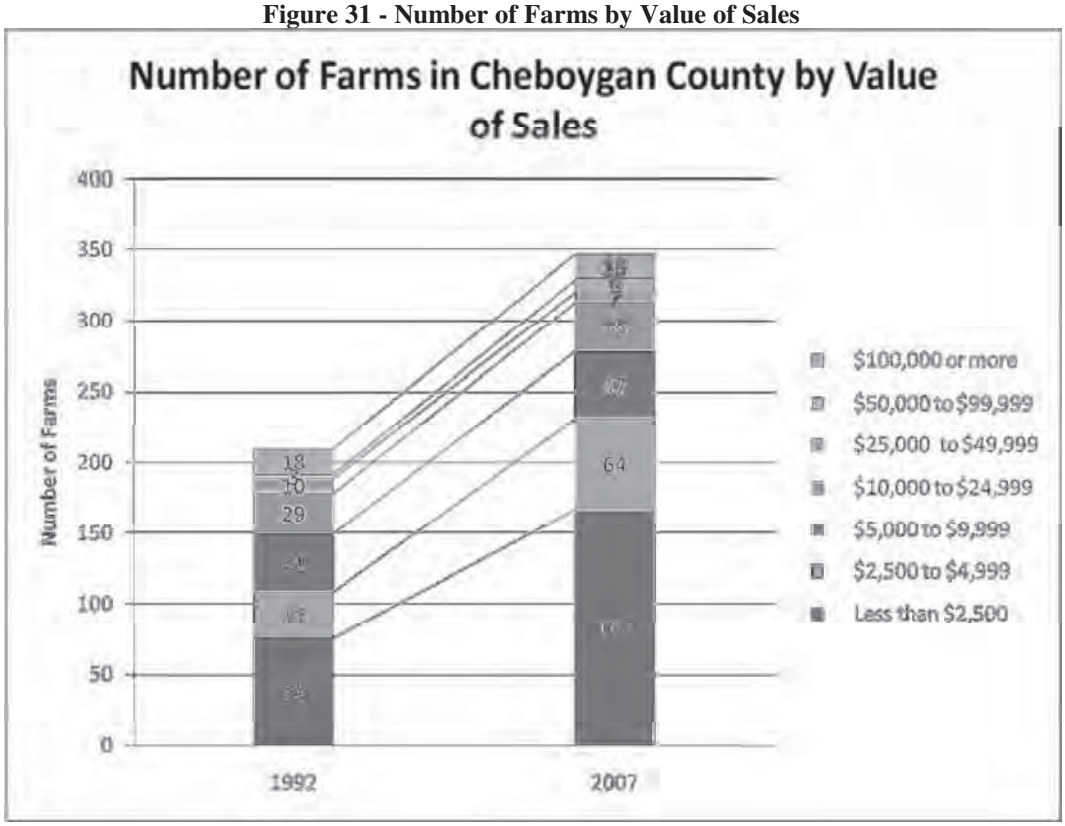
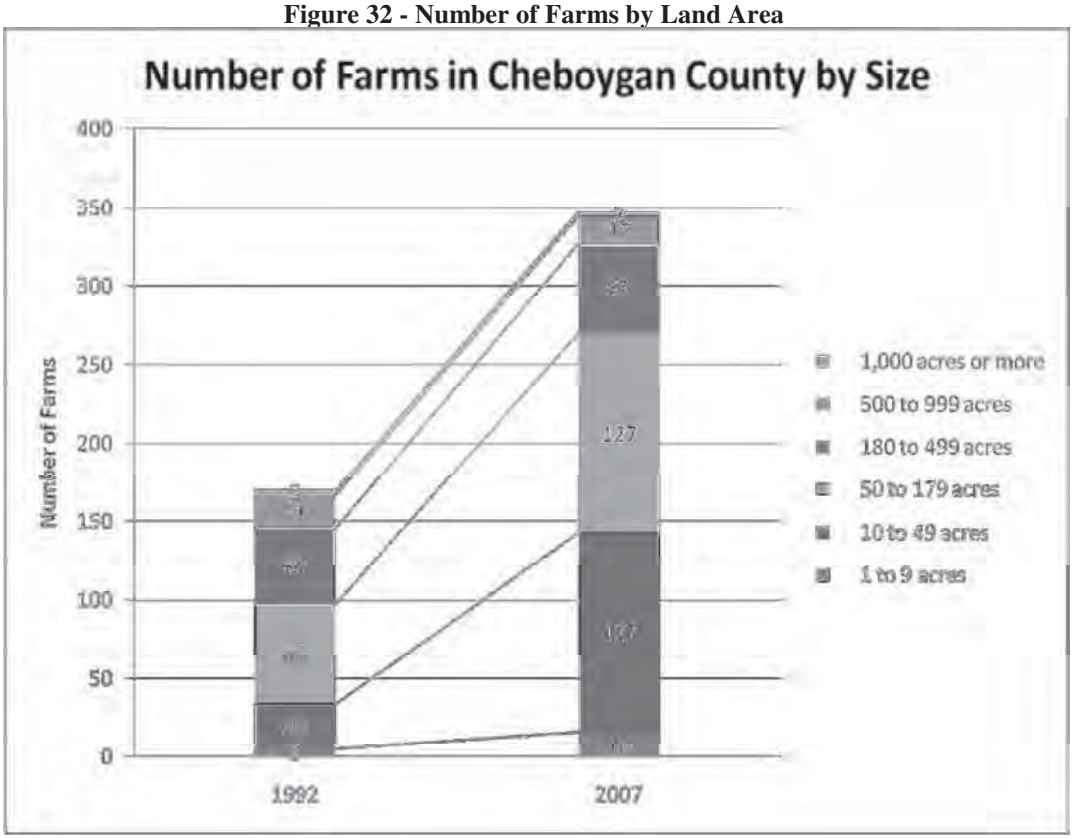


Figure 32 - Number of Farms by Land Area

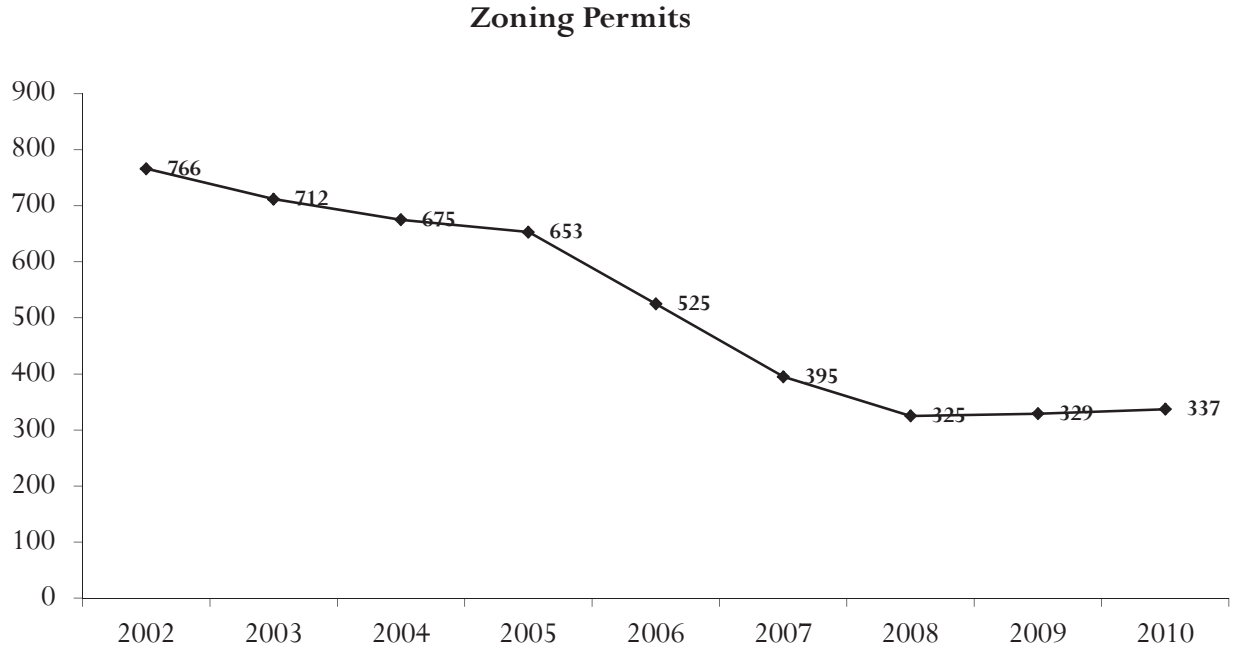


Since farms are an integral part of Michigan's history, recognition is given to farms that have remained in the same family for at least 100 years. These are called Centennial Farms. The latest year of reliable data from this program was 2006. At that time there were 20 certified Centennial Farms in Cheboygan County. Management of this program was transferred to the Historical Society of Michigan which is working to update this list. They stated that many of these farms may not meet certification requirements any more.

LAND USE PERMIT ACTIVITY

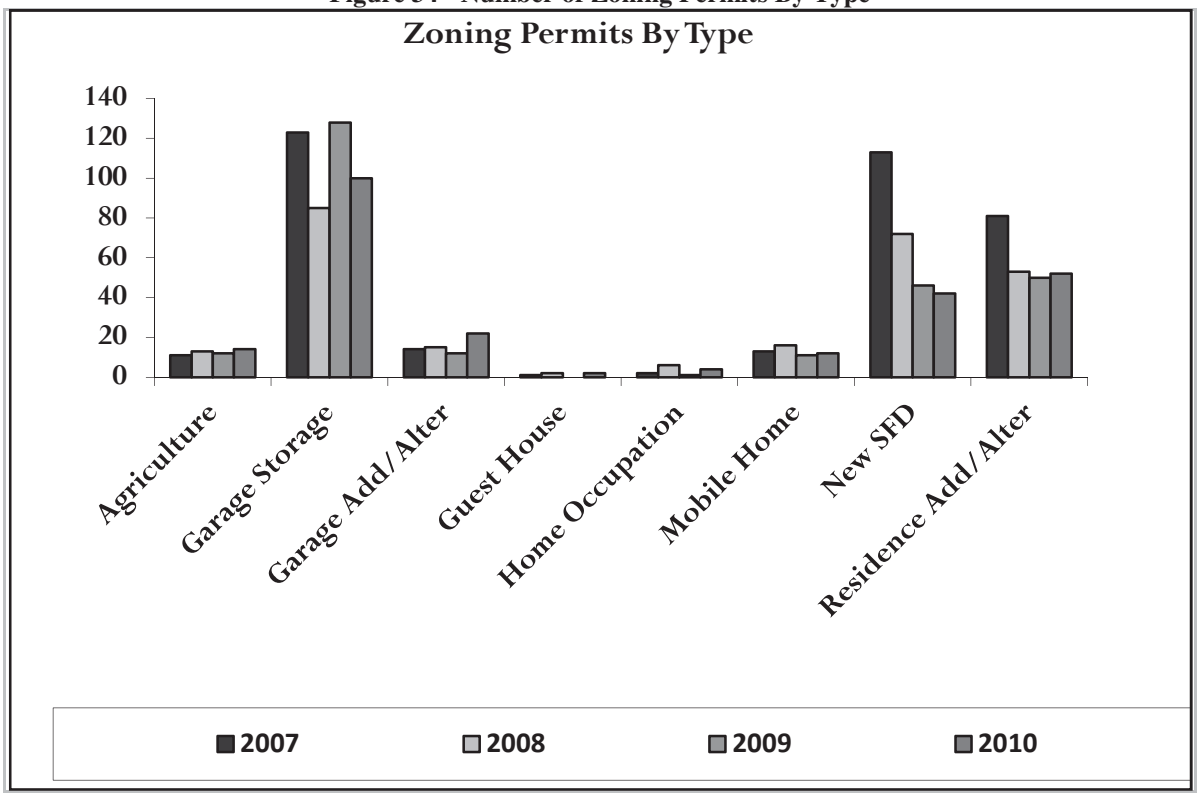
Beginning around the year 2006 there began a steep decline in both the economic health of our nation and the amount of new construction. The number of permits for most types of building activity was declining gradually in 2002 and has only begun to increase from the previous years numbers since 2008. Those increases have been very gradual.

Figure 33 – Number of Zoning Permits by Year



Source: Cheboygan County Community Development Department, 2010

Figure 34 - Number of Zoning Permits By Type

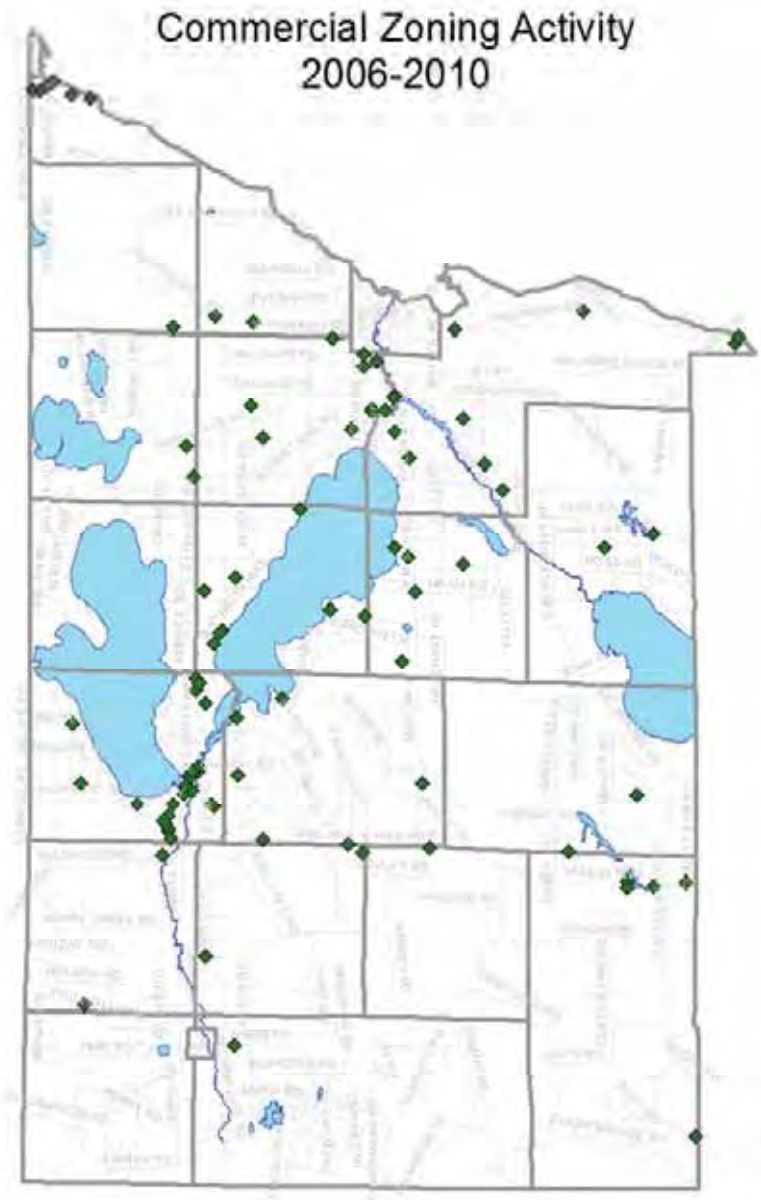


Source: Cheboygan County Community Development Department, 2010

COMMERCIAL

The adjacent map shows the locations of new commercial development in the County in the five years spanning 2006 to 2010. Much commercial activity, as expected, occurs in existing commercially zoned corridors at intersections of major roadways. The greatest concentration of commercial permitting activity is in Indian River (Tuscarora Township) which is at the intersection of I-75, M68, and Straits Highway/M27. Commercial activity that is not represented on the map is that which occurs within the city of Cheboygan and village of Mackinaw City. Mackinaw City has a thriving tourism base which attracts over a million visitors every year. Much of the economic base for the county is in the tourism business and business which serves seasonal residents. Commercial activity is very seasonal in the county as the population of some townships almost doubles in the summer.

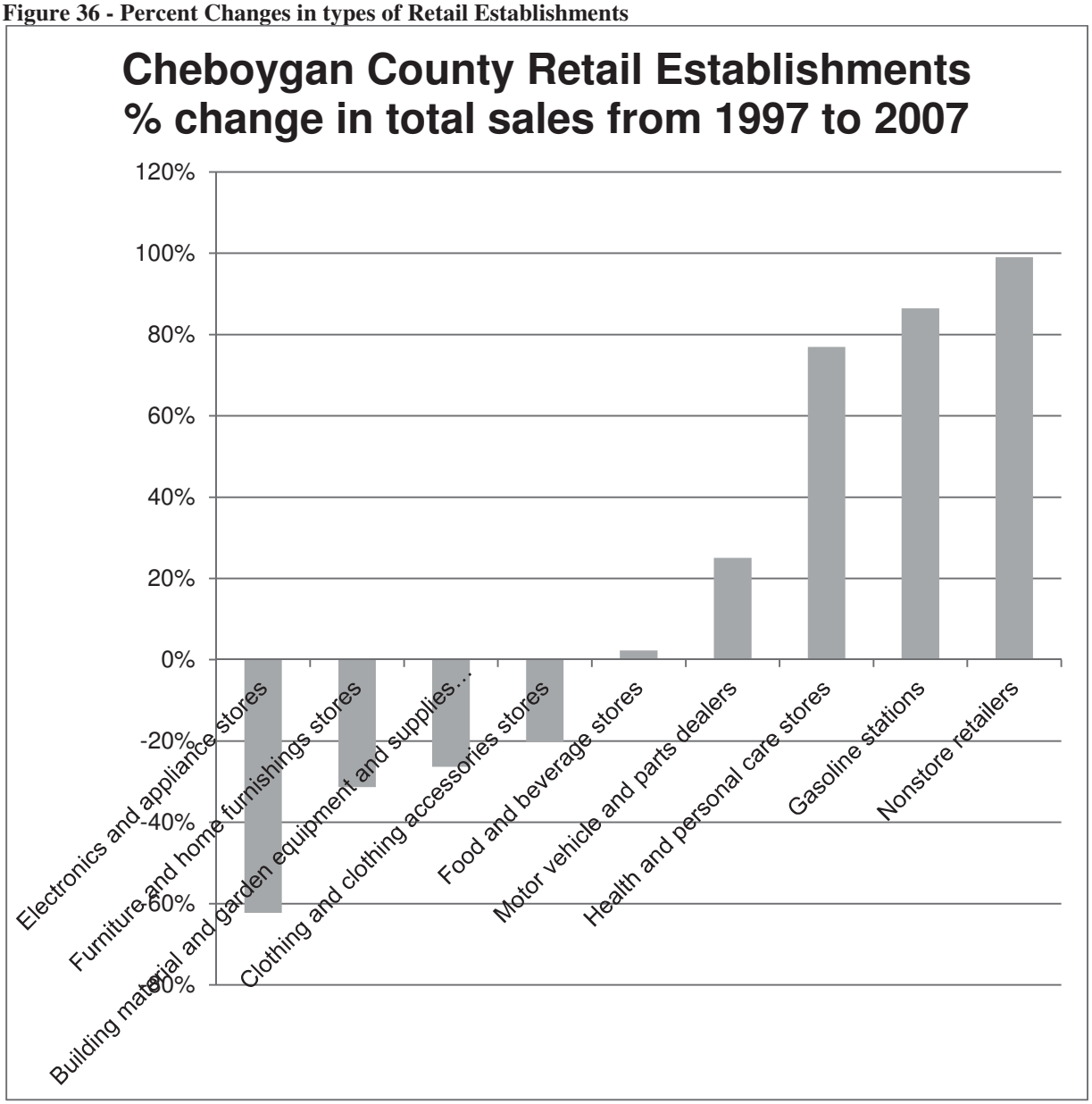
Figure 35 - Commercial Zoning Reviews Previous



Land use impact can vary greatly from one commercial use to another. For instance, retail that takes place in a store is quite different than retail that takes plan online via the internet. At the national level there has been a drastic change in retail sales and where they occur: online or at a bricks-and-mortar store.

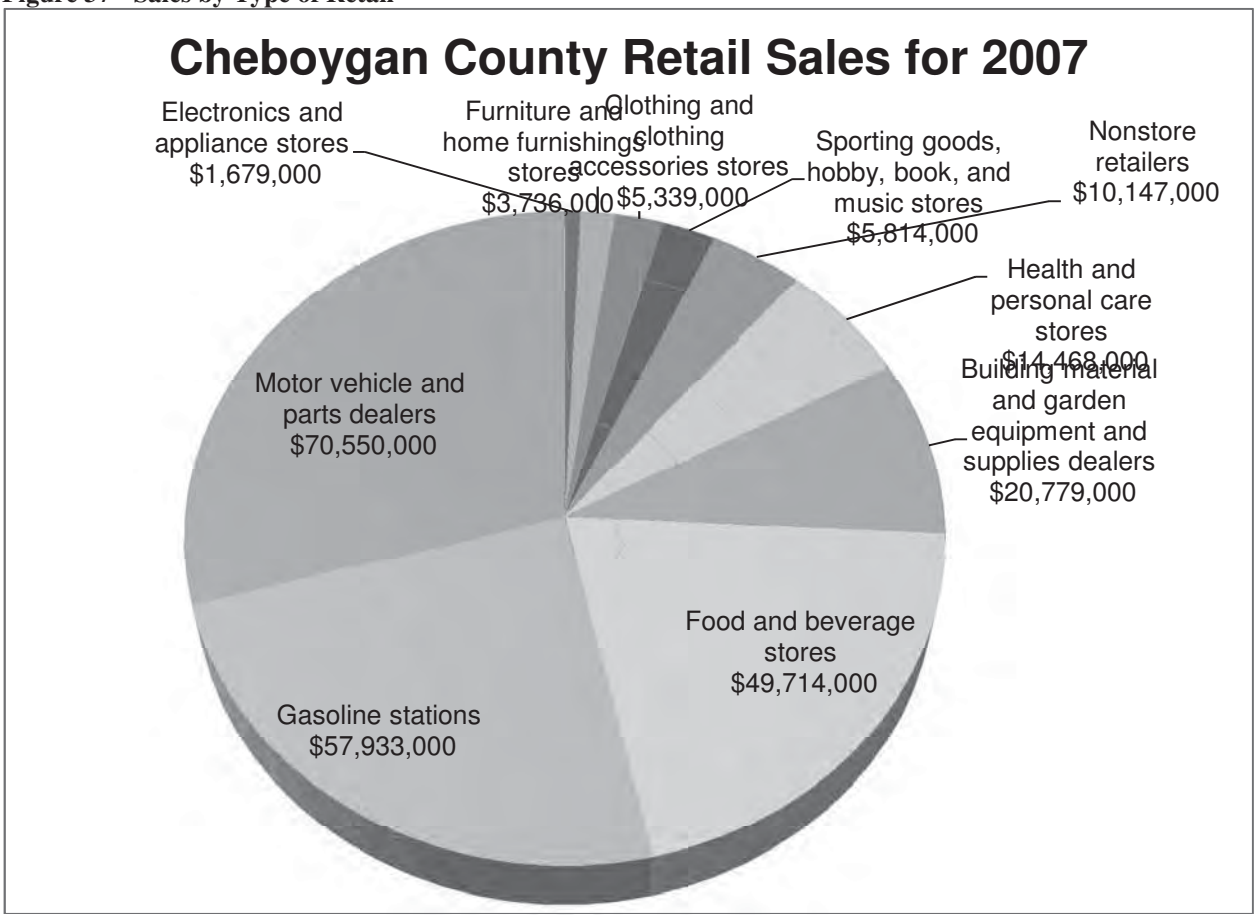
From 1992 to 2002 there was a 297% increase in "Non-store retailers". These include web-based retail operations. This trend is occurring in Cheboygan County also. The following graph shows the retail sector changes from 1997 to 2007. Notice the highest increase in total sales is also for the "Non-store retailers". It should be noted that the number of "non-store retailer" establishments in Cheboygan County, of which there are nine (9), did *not* increase during that same time frame.

Figure 36 - Percent Changes in types of Retail Establishments



The following pie chart shows how the retail sector in Cheboygan County is divided amongst the various subcategories and their retail sales figures:

Figure 37 - Sales by Type of Retail



INDUSTRIAL

There are five areas or clusters of industrial activity in the county, although there is other more isolated industrial activity dispersed around the county. In Tuscarora Township there is an area east of downtown Indian River that includes an industrial park with some land within the park developed and more land owned by the township for future industrial activity. This area zoned industrial is approximately 130 acres located adjacent to I-75.

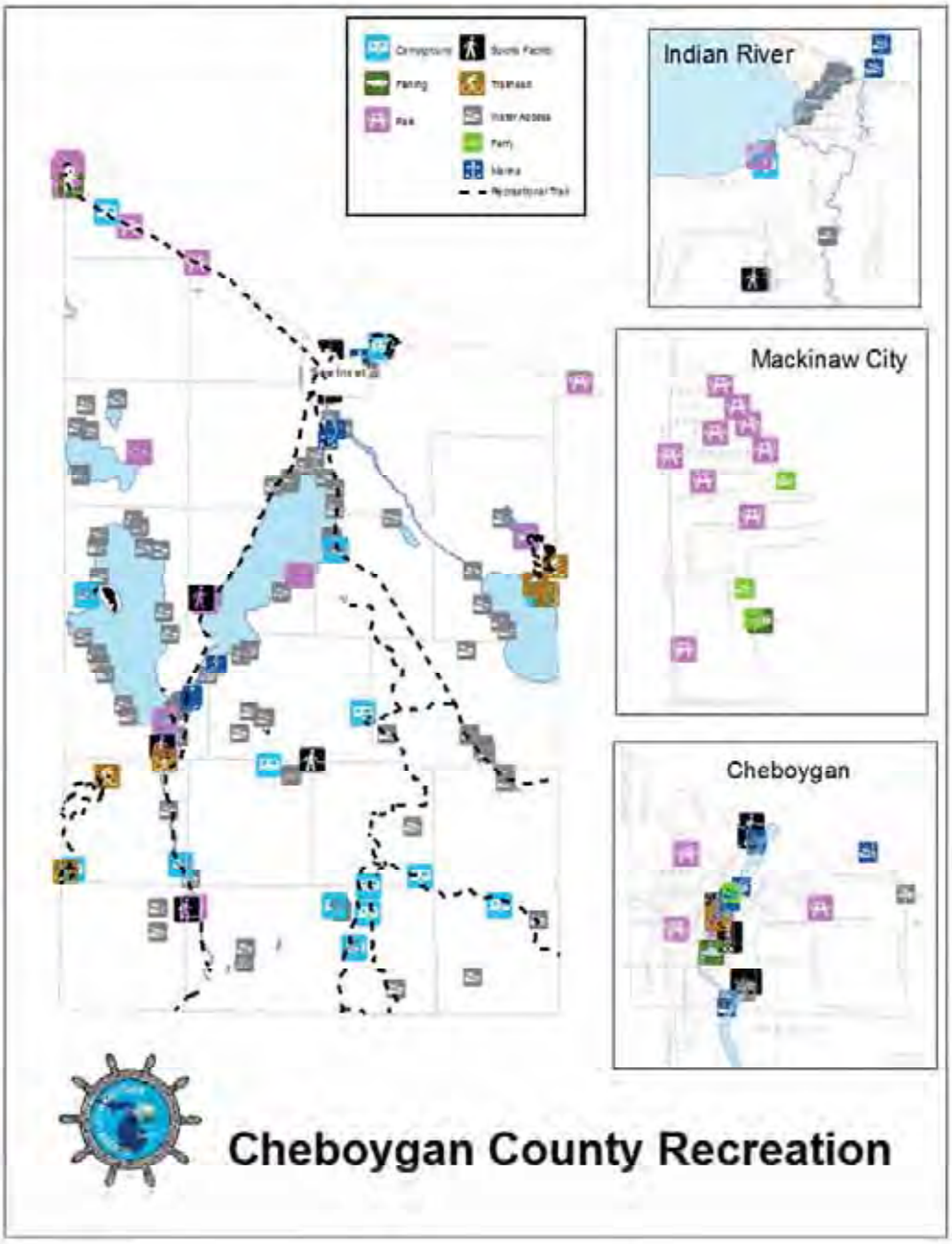
The city of Cheboygan includes some industrial land that is in close proximity to industrial land in neighboring Beaugrand Township to the west. Burt Township has some land that is zoned for industrial use adjacent to I-75 in the southeast part of the township. In an industrial zone in Forest Township is occupied solely by Moran Ironworks, which is a manufacturer of large steel structures. There is also an industrially zoned area just outside of the village of Wolverine adjacent to I-75. One other smaller industrially zoned are includes two manufacturing facilities at the intersections of M-68 and M-33 east of Indian River, west of Tower at a crossroads called Fingerboard Corners.

RECREATION - PARKS & TRAILS

Recreational use of land is an important part of the economic health of our economy and physical health of our people. Planning for adequate long-term maintenance of this land is an important part of land use planning.

Although difficult to provide a map showing details of all recreational assets, the following map shows generally how the various recreational assets are distributed around the county:

Figure 38 - Map of Cheboygan County Recreational Assets



Back in 2006, Cheboygan County completed a Recreation Plan which includes an inventory of recreation facilities in the County. All townships in the county were mailed the old recreation

inventory list to update. The townships updated their portions and the county updated their public recreation facility information. Important to a recreation inventory is the accessibility evaluation of each facility. Accessibility is rated using the following numerical system.

1=none of the facilities/park areas meet accessibility guidelines
2=some of the facilities/park areas meet accessibility guidelines
3=most of the facilities/park areas meet accessibility guidelines
4=the entire park meets accessibility guidelines
5=the entire park was developed/renovated using the principals of universal design

Cheboygan County owns the County Fairgrounds, the Soccer Fields, and the County Marina, which are located in the city of Cheboygan. Part of the Boy Scout Camp in Mullett Township is still owned by Cheboygan County. A description of each follows along with an accessibility assessment of each site.

Boy Scout Camp
The 80 acre Boy Scout Camp is located at 2863 Boy Scout Road. The camp is classified as a special use park. Part of the park was sold for $1 to Mullett Township by the County in 2010 in order to provide the township more opportunities for grant funding of improvements. The township-owned portion of the park's service area is the community with a pavilion and picnic area. The bathrooms are not handicap accessible. Accessibility evaluation is #2.

Cheboygan County Marina
County Marina is located at 1080 N. Huron Street, Cheboygan, and its 7.8 acres include 84 slips with gas and electrical hook-up, pump-out, laundry, showers, telephones, grocery and beverage delivery, fresh water. This is a special use park for the county and visitors. Accessibility evaluation is #5.

County Fairgrounds & Soccer Fields
The County Fairgrounds is a 23 acre facility located in Cheboygan. It is a community park offering restrooms and showers. The Soccer Fields are located at 780 Garfield. This 22 acre parcel is open for leagues and the general public. Accessibility evaluation is #3.

Aloha Township Hall
The Aloha Township Hall is located at Mann Road and M-33. It is a mini-park. With an accessibility evaluation of #4.

Unimproved Lots
There are two unimproved lots owned by the township. One is on Long Lake and one is on Black River Road with an accessibility evaluation of #1 for both lots.

Benton Township Park
Benton Township Park is a community park situated on 40 acres of land. It offers a walking path, picnic area, playground and recently completed volley ball and basket ball courts. Accessibility evaluation of #5.

Grant Township Hall
Grant Township Hall offers a picnic area that is considered a mini-park. The area is handicap accessible. Accessibility evaluation of #4.

Foote Road Beach
Foot Road Beach is located on Mullet Lake. It is a community park offering a public outhouse. Accessibility evaluation of #2.

Polish Line Beach
Polish Line Beach is a small beach area on Mullet Lake. It is a neighborhood park. Accessibility evaluation of #1.

Afton Softball Field
Afton Softball Field is on 6 acres. It is a neighborhood park that offers one field and no restrooms. Accessibility evaluation of #1.

Sturgeon River Roadside Park
West Branch of the Sturgeon River Roadside Park is a small neighborhood park approximately four acres with a pavilion, picnic tables, benches, outhouse, swings, merry-go-round, sandbox and grills. Accessibility evaluation of #2.

NOTE: In the appendix of this chapter is the full inventory of recreational facilities in Cheboygan County as listed in the 2007 Cheboygan County Recreation Plan.

Trails
Trails are considered linear parks of which there are over 400 miles in Cheboygan County. These trails serve all users including those who enjoy ORV/ATV's, snowmobiles, bicycles, cross country skiing, hiking, snowshoeing, and horseback riding. Many of these linear parks are owned by the State of Michigan through the Department of Natural Resources (DNR).

Recent activity in trail development include the resurfacing in 2009 of the North Central State Trail which extends from Gaylord in Otsego County through Wolverine, Indian River, Topinabee, Cheboygan, and ending in Mackinaw City along a former railroad right of way. A similar trail development, called the North Eastern State Trail, was completed in October of 2011, extends from the city of Cheboygan to the south and east through Onaway and on to Alpena.

Cheboygan County, in early 2011, created maps that represent the recreational trail system in Cheboygan County. In 2009 the county passed an ordinance that allows for ORV's to travel on the side of the road. The County used these new maps to properly show the roads where this type of travel is allowed and where it isn't. These maps used information gathered and mapped by Northeast Michigan Council of Governments (NEMCOG).

LIST OF OTHER RECREATIONAL FACILITIES

Residents of Cheboygan County often utilize recreational facilities outside the participating township boundaries but within the county. Facilities most heavily used are located in the city of Cheboygan and the village of Mackinaw City. The following list is from the Cheboygan County Recreation Plan of 2007.

PARKS
Aloha State Park

Black Mountain Forest Rec Area
Boy Scout Camp Picnic Are
Burt Lake State Park
Cheboygan State Park
Historic Mill Creek State Park
Mullet Township Park
Munro Township Picnic Grounds
Nine Mile Point State Roadside Park (US23)
"Point Nipigon" State Roadside Park (US23)
Topinabee Beach Park
Topinabee Park
Village of Wolverine Park
Gordon Turner Park, Straits of Mackinac, Cheboygan
Washington Park, Main St. and Cheboygan River, Cheboygan
Kiwanis Park Playground, Mackinaw Ave., Cheboygan
Veterans Memorial Park, Court St., Cheboygan
Major City Park, Cleveland Ave., Cheboygan
James Felix Merchant Neighborhood Park, Eastern Ave., Cheboygan
Indian Pathways Park, Mackinaw City
Alexander Henry Waterfront Park, Mackinaw City
Sinclair Park, Mackinaw City
Depeyster Park, Mackinaw City
Scherf Park, Mackinaw City
Wawatam Park, Mackinaw City
Old School Park, Mackinaw City
Arnold Line Playground Park, Mackinaw City
Conkling Heritage Park, Mackinaw City
McRae Nature Park, Mackinaw City
Co-Operation Park, Indian River

CAMPGROUNDS
Aloha State Park
Black Lake State Forest Campground
Black Lake Trail Camp
Bluffs Resort
Burt Lake State Park Campground
Cheboygan State Park
Dunn's Fishing Camp
East Mullett Campground
Elkwood Campground
Gossards Pigeon Bay Campground
Haackwood State Forest Campground
Indian River RV Resort and Campground
Mackinaw City KOA Campground
Mackinaw Mill Creek
Maple Bay State Forest Campground
Pine Grove State Forest Campground
Pigeon River Country Horse Camps
Roberts Landing
Stoney Creek Trail Camp
Sturgeon River Campground
Tee Pee Campground
Twin Lakes State Forest Campground(closed as of 2011)
UAW – Walter & May Reuther Family
Waterways Campground
Weber Lake State Forest Campground
Yogi Bears Jellystone Park Camp

BOAT ACCESS SITES
Aloha State Park

Black Lake
Black Lake State Forest Campground
Stewarts Beach & Co. Line Rd.

Black River
Neuman Rd.
Kuras Dr.
Klieber Rd., Black River at Klieber Pond

Burt Lake
Plymouth Beach Rd.

White Goose Rd.
Lawless Lane
Greenman's Point Rd.
Plymouth Beach Rd.
Shawnee Ave.
Wahbee Ave.
Ellinger Rd., King's Point
Maple Bay State Forest Campground
Roberts Rd.
Curve of Chippewa Beach Rd.
E. Fisher Rd.
King Rd.
Rotter Rd.
N. Hamilton Dr. & Resort Rd.
Hamilton Rd. & N. Hamilton Dr.
Woodmonsee Rd.
Hardwood Rd.
Mundt Rd.
Brutus Rd.
Needles Rd.
Hoppie's Launch

Cheboygan River
Paully Rd., Cheboygan/Black Rivers
McRae Rd., Cheboygan/Black Rivers
Cheboygan River, Cheboygan
Beebe Rd., S. Cheboygan River
S. Cheboygan River, Cheboygan
Cochran Lake Dr., Cochran Lake
Cornwall Lake Rd., Cornwall Lake
Oshmun Rd., Dog Lake

Douglas Lake
Near Ingleside Resort
N. Wilson Rd.
Bently Point Dr.
Ashton Bay Rd.
Young Rd.
Van Rd.
Douglas Lake Rd.
S. Pell's Island Dr.

Chippewa And Straits Hwy, Indian River
Klieber Pond
Shanty Rapids Rd.
Twin School Rd.
Klieber Rd.

Koepke and W. Lancaster Lake Rd.,
Lancaster Lake
Lake Land Rd., Long Lake

Mackinaw Area
Mackinaw City
Freedom Rd. & US23, Straits of Mackinac

Mullett Lake
Dorvia Beach Rd.
Bowersocks Camp
DNR Boat Access, N. of Boy Scout Camp
Coedy Trail
Mullett Lake Rd.
McDonald & Orchard Beach Rd.
Mullett Lake Woods Rd.
Cater and McDonads Rd.
Bayshore Dr.
Island Route Dr.
Mullett Lake Dr.
Beebe Rd. & Gower Ln.
Lakeside Dr. & Parrott Point Dr.
Devereaux Lake Rd. (Kayak, canoe only)
S. Gradview Beach & Pleasant Beach
Woodruff St.
M-27
Red Bridge Rd.
Silver Beach Rd.
Zolner Rd.
Taylor Rd.
Corbat Rd.
Birch Ridge Rd.
Brandau Rd., Munro Lake
Osmun Rd., Osmun Lake

Munro Lake
Brandau Rd.

Pigeon River
Hazard & Afton Rd.
Eddy Rd.
Big Sky Tr. & Skiera Rd.
Webb Rd.
Shady Trail
Campsite Rd.
Abrahamson Rd., Puncan Bay
Roberts Lake Rd., Roberts Lake
Stoney Creek Rd., Stoney Creek Flooding

Sturgeon River
White Rd.
S. Straits Hwy. & Hackwood Rd.
Scott Rd.
Fisher Woods Rd.

Tower Pond
Co-Op and E. Tower Rd.
Co-Op Rd. & Barkely Ave.
M33/M68

Twin Lake Forest Campground

Upper Black River
S. Black River Rd. & Dixon Hwy.
Clark Bridge Rd.

Weber Lake State Forest Campground

Wildwood Lake
Wurns Rd.
Island Dr.

PUBLIC FISHING ACCESS SITES
Brady & Waveland Rd., Stoney Creek
Onaway Dump Rd., Upper Black River
Black River Rd., Upper Black River
Wigglesworth Rd., Upper Black River
Section 36, Upper Black River
Fisherman's Landing, South St. and Lincoln Ave., Cheboygan
Fishing and Observation Pier, Mackinaw City

MARINAS, HARBORS, FERRY SERVICE
Cheboygan City Marina
Cheboygan County Marina
Ferry to Bois Blanc Island, Cheboygan
Harbor, city of Cheboygan
Harbor, Mackinaw City
DNR Marina, Mackinaw City
Johnson Marine, Main St., Cheboygan
Walstrom Marine, State St., Cheboygan
Duncan Bay Boat Club, Harrison Ave., Cheboygan

WILDLIFE FLOODING AREAS
Cornwall Lake State Wildlife Flooding
Dingman Marsh State Wildlife Flooding
Dog Lake State Wildlife Flooding
Stoney Creek State Wildlife Flooding

TRAILHEADS
Black Mountain Pathway Trailhead, Dorvia Beach Rd.
Black Mountain Pathway Trailhead, Black Mountain Rd.
Bummer's Roost Motorcycle Trailhead
Lost Tamarack Trailhead, Weber Lake State Forest Campground
Indian Waterway Trailhead
Tomahawk Motorcycle Trailhead, Wilson Rd.
Wildwood Hills Pathway Trailhead
Health Path & Exercise Trail, Major City Park, Cheboygan

SCHOOLS
Bishop Baraga Elementary
Black River Elementary
Cheboygan High School
Inland Lakes Schools
Inverness Elementary School
Junior High School, Cheboygan
Smith School
West Side Elementary School
Wolverine Elementary School
Wolverine High School

BALL FIELDS AND COURTS
Soccer Fields, Gordon Turner Park, Cheboygan
Volleyball Court, Gordon Turner Park, Cheboygan
Shuffleboard Courts, Washington Park, Cheboygan
Softball Fields, Major City Park, Cheboygan
Outdoor Basketball Courts, Major City Park, Cheboygan
Softball Fields, Mackinaw City Recreation Complex
Tennis Courts, Mackinaw City Recreation Complex
Basketball Court, Mackinaw City Recreation Complex

Softball Fields, village of Wolverine
Softball & Soccer Fields, Basketball & Tennis Courts, Co-Operation Park, Indian River
Softball Fields, Afton
Softball Fields, Topinabee
Tennis Courts, Topinabee

ICE RINKS

Indoor Ice Rink in Major City Park, Cheboygan
Indoor Ice Rink, Mackinaw City Recreation Complex
Outdoor Ice Rink & Warming House, Cooperation Park, Indian River

OTHER

Bowling Alleys, "Goldfront" and "Spare Time Lanes", Cheboygan
Straits of Mackinac Bottomland Preserve
Cheboygan Golf and Country Club
Cheboygan County Fairgrounds, Lincoln Ave., Cheboygan
Cheboygan Opera House, Cheboygan
US Coast Guard Base, Coast Guard Dr., Cheboygan
Cheboygan Dam and Locks, Lincoln Ave., Cheboygan
Indoor Racket Ball Court, Cheboygan
Cheboygan Youth Center, Cheboygan
Cheboygan Public Library

SOIL EROSION

The Soil Erosion/Stormwater daily activities include issuing soil erosion and stormwater permits in accordance with the requirements of Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act 1994 PA 451, as amended and the Cheboygan County Stormwater Ordinance. On-site inspections are made of the commercial, industrial and residential building sites and other assorted projects that include any earth changes throughout the County to ensure full compliance with the act and county ordinance. The Soil Erosion officer ensures that construction is in conformance with plans and specifications and requires that violations be corrected. The program ensures that the water quality of Cheboygan County is not adversely impacted by construction activities.

Trends over the last couple of years since the economic downturn include fewer permits for new residential houses and more for smaller projects such as additions and pole buildings and lake shore stabilizations projects. Smaller sites requiring stormwater permits are seeing a trend to designing rain gardens to address their stormwater runoff on appropriate sites. Also there is a growing trend for using native species. The number of permits issued for 2010 increased 13.5% over 2009.

The relationship of soil erosion with land use planning are of increasing concern because of limited soil resources and the importance of maintaining quality soils. When planning the use of any area, its soil is an important consideration. A soil's suitability for a particular use often depends on the characteristic of its profile to a depth of 3 to 5 feet.

The costs of overcoming the soil limitations of a prospective site can often be a significant percentage of the total costs of a project and could be avoided simply by locating on a better suited soil.

The future soil conditions will be impacted by the current use of the property. For instance, an area used for buildings, parking lots, airports, or highways is not easily returned to crop production.

The following is a soil map of Cheboygan County. This map is a simplified version of the United States Department of Agriculture's "Soil Survey of Cheboygan County, Michigan". The soil types were compiled into broader categories by the Cheboygan County Soil Erosion officer for ease of understanding.

Figure 39 - Map of Cheboygan County Soil Types

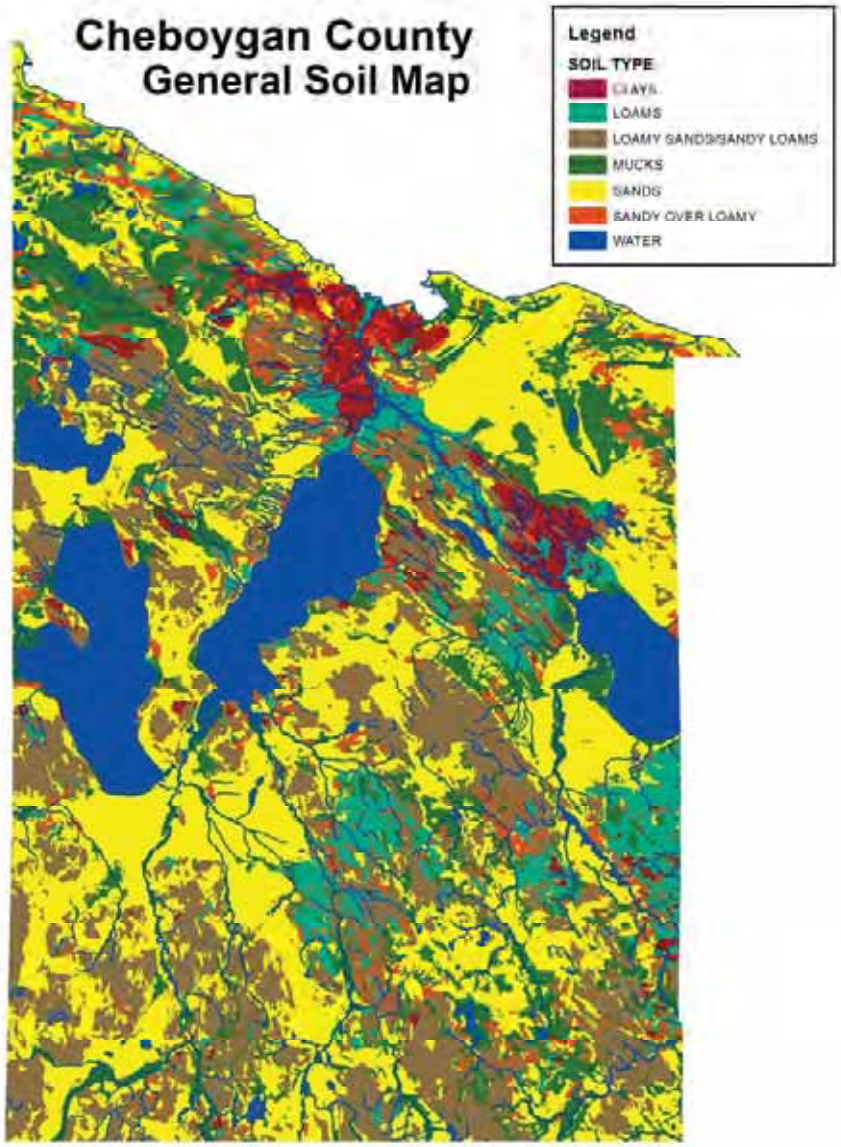
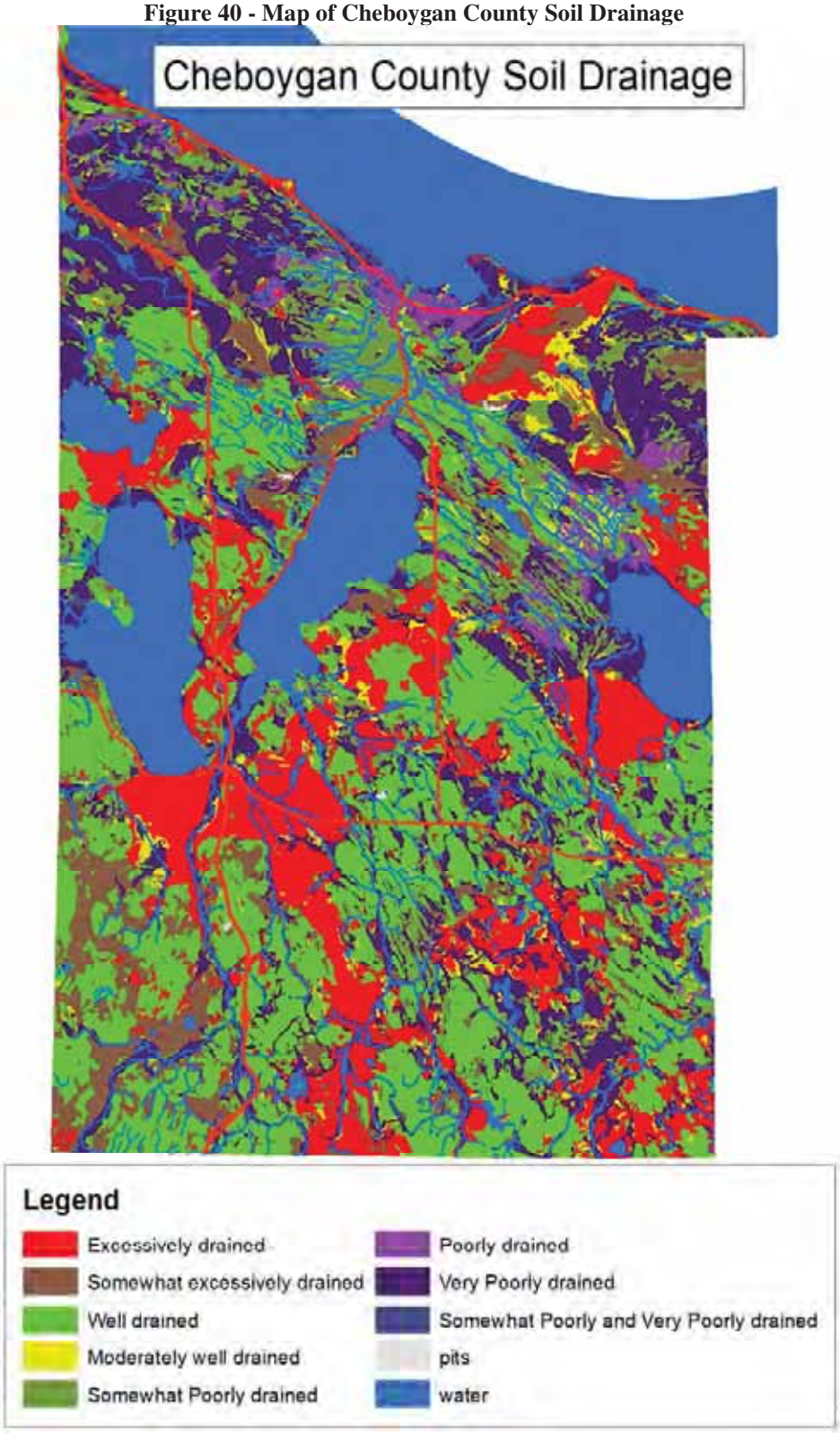


Figure 40 - Map of Cheboygan County Soil Drainage



Drainage Class Definitions

Drainage class (natural) refers to the frequency and duration of periods of saturation or partial saturation during soil formation, as opposed to altered drainage, which is commonly the result of artificial drainage or irrigation but may be caused by the sudden deepening of channels or the blocking of drainage of outlets. Seven classes of natural soil drainage are recognized:

Excessively drained: Water is removed from the soil very rapidly. Excessively drained soils are commonly very coarse textured, rocky, or shallow. Some are steep. All are free of the mottling related to wetness.

Somewhat excessively drained: Water is removed from the soil rapidly. Many somewhat excessively drained soils are sandy and rapidly pervious. Some are shallow. Some are so steep that much of the water they receive is lost as runoff. All are free of the mottling related to wetness.

Well drained: Water is removed from the soil readily, but not rapidly. It is available to plants throughout most of the growing season, and wetness does not inhibit growth of roots for significant periods during most growing seasons. Well drained soils are commonly medium textured. They are mainly free of mottling.

Moderately well drained: Water is removed from the soil somewhat slowly during some periods. Moderately well drained soils are wet for only a short time during the growing season, but periodically they are wet long enough that most mesophytic crops are affected. They commonly have a slowly pervious layer within or directly below the solum, or periodically receive high rainfall, or both.

Somewhat poorly drained: Water is removed slowly enough that the soil is wet for significant periods during the growing season. Wetness markedly restricts the growth of mesophytic crops unless artificial drainage is provided. Somewhat poorly drained soils commonly have a slowly pervious layer, a high water table, additional water from seepage, nearly continuous rainfall, or a combination of these.

Poorly drained: Water is removed so slowly that the soil is saturated periodically during the growing season or remains wet for long periods. Free water is commonly at or near the surface for long enough during the growing season that most mesophytic crops cannot be grown unless the soil is artificially drained. The soil is not continuously saturated in layers directly below plow depth. Poor drainage results from a high water table, a slowly pervious layer within the profile, seepage, nearly continuous rainfall, or a combination of these.

Very poorly drained: Water is removed from the soil so slowly that free water remains at or on the surface during most of the growing season. Unless the soil is artificially drained, most mesophytic crops cannot be grown. Very poorly drained soils are commonly level or depressed and are frequently ponded. Yet, where rainfall is high and nearly continuous, they can have moderate or high slope gradients.

Mesophytic crop: mesophyes are terrestrial plants which are adapted to neither a particularly dry nor particularly wet environment. Northern temperate climate.

TRANSPORTATION

Roads

Cheboygan County's road network is critical to providing the flow of goods and services and for enabling people to move efficiently to and from employment, shopping and recreation sites. The major roads within the county are Interstate 75, running north and south, M-68, running east toward Onaway and west toward Alanson, US-23, running east and west along the Lake Huron shoreline, M-27, from Otsego County running through Wolverine, continuing north through Indian River to the city of Cheboygan, and M-33 running north and south, connecting M-68 with M-27.

Cheboygan County Roads 66 and 64 provide east and west connection for the city of Cheboygan and Douglas and Burt lakes and westerly into Emmet County. County road F-05 connects the city of Cheboygan in the north, to the Black Lake and southern portions of the county. Several other county maintained, paved roads link outlying sections of the county with the major road network. In addition to these paved roads, an extensive system of dirt and gravel roads covers all the portions of the county, providing access to the lakes and forests that serve as sites for residential and recreational activities, as well as forestry activities.

Figure 41 - Cheboygan County Roads by Type and Miles

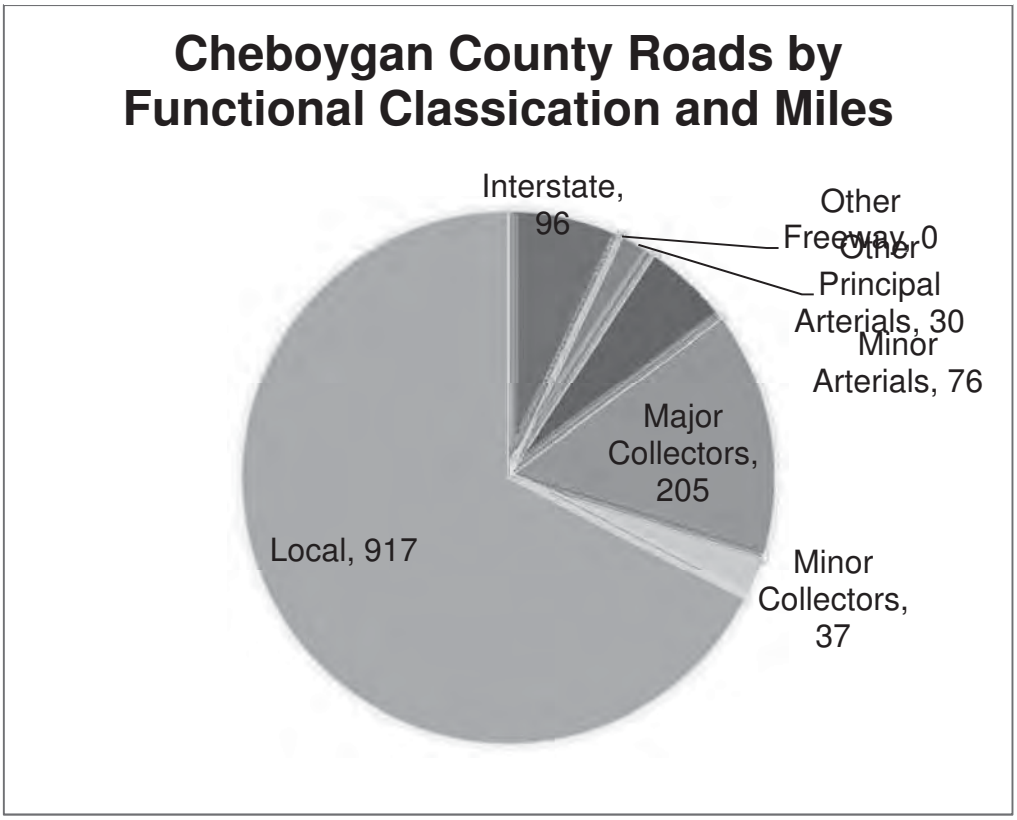
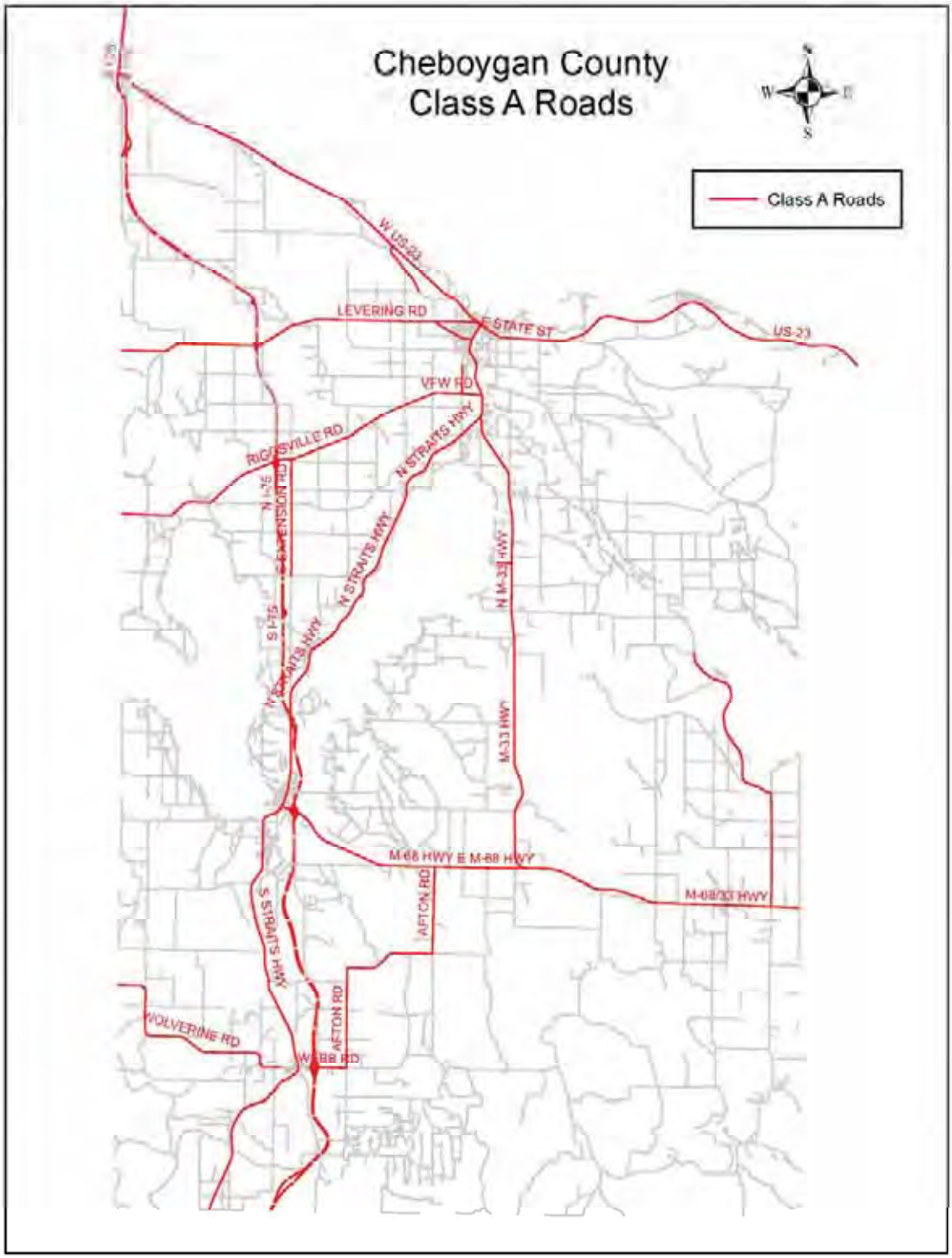


Figure 42 - Map of Class A Roads



Road Conditions

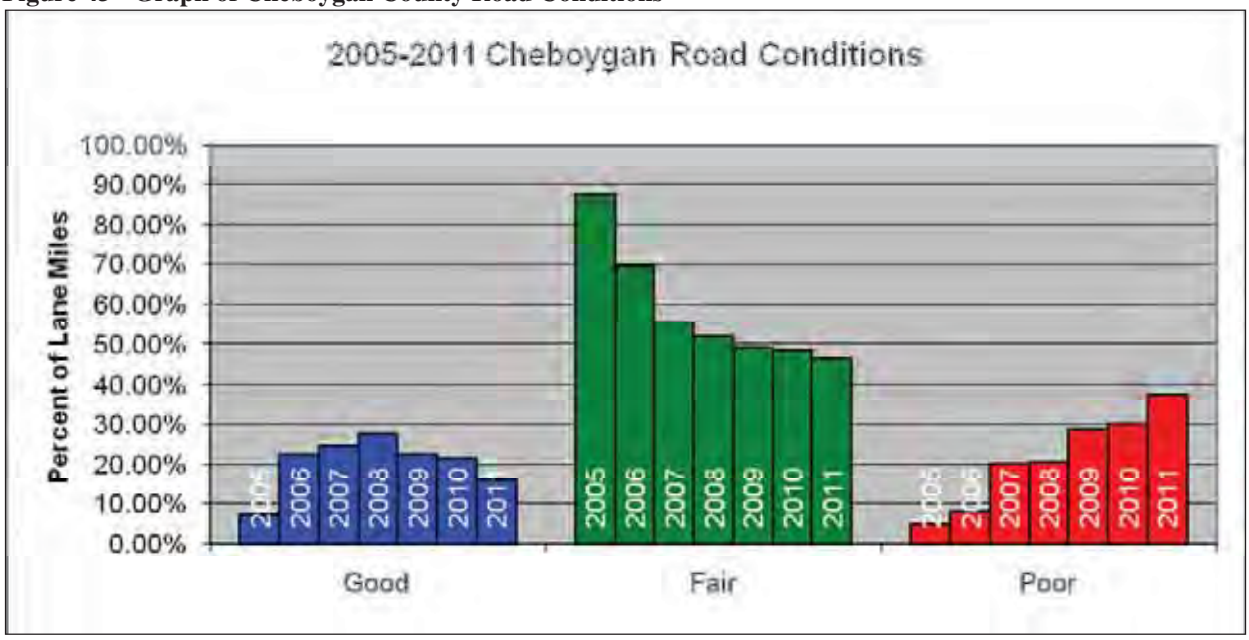
Due to decreasing revenues for road maintenance and construction, there has been a corresponding decline in the conditions of Cheboygan County's roadways. In 2011 a report called the PASER

(Pavement Surface Evaluation and Rating) Road Survey was conducted by the Northeast Michigan Council of Government (NEMCOG), Cheboygan County Road Commission, and Michigan Department of Transportation. This rating system is repeated annually and provides trend information on road conditions.

The study is done for those roads in the county which are eligible for federal aid, which total 359 miles of roadway. The ratings are lumped into three categories of prescribed fixes: routine maintenance, capital preventive maintenance, and structural improvements. A "routine maintenance" category road is a new road or road in *good* condition. A road that is prescribed "capital preventive maintenance" is in *fair* to *good* condition. A road that is recommended for "structural improvements" is in *failed* to *fair* condition.

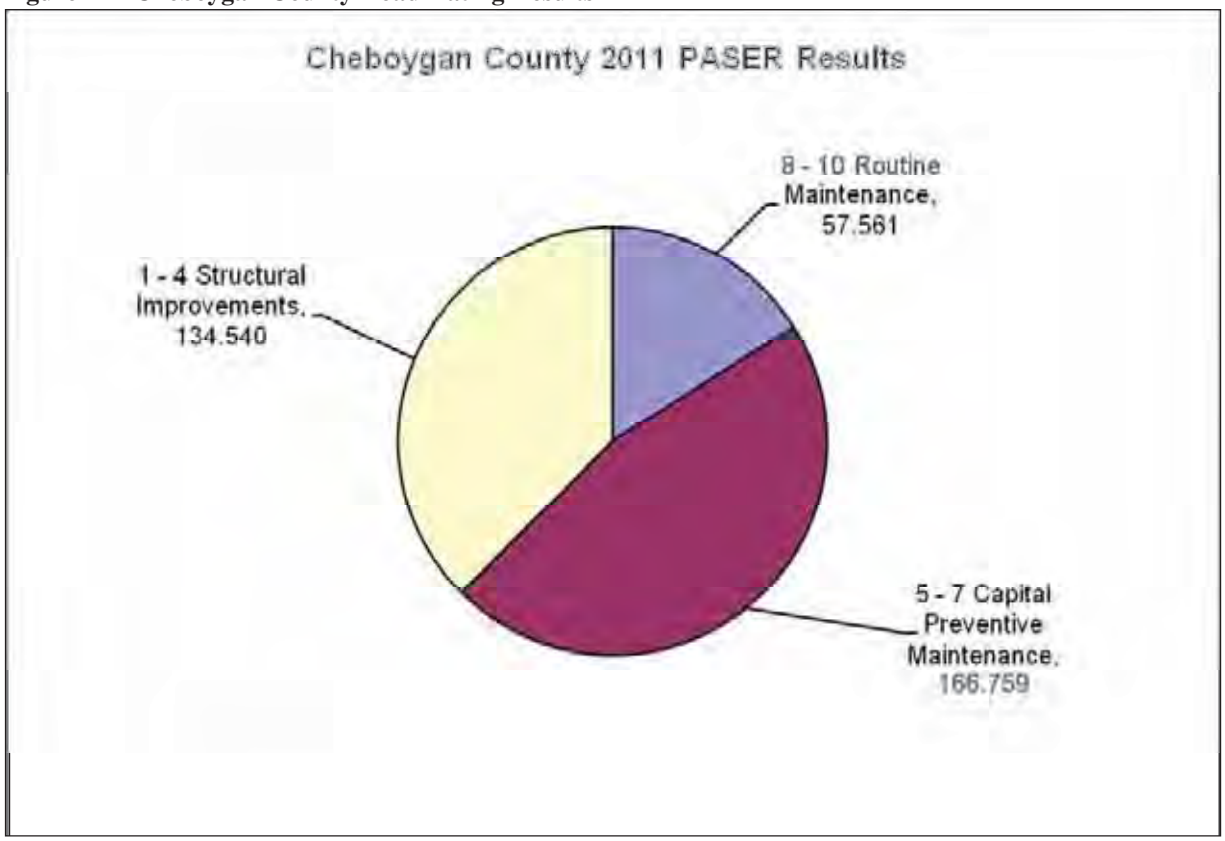
The number of miles in need of "structural improvements" increased from 5% in 2005 to 37.5% in 2011. The following graph displays the changes in the three categories between 2005 and 2011.

Figure 43 - Graph of Cheboygan County Road Conditions



The following chart shows the 2011 PASER results according to category.

Figure 44 - Cheboygan County Road Rating Results



Public Transit

Public transit is most efficient when origins and destinations are clustered., It is challenging to provide efficient service that meets the needs of citizens in low-density regions such as Cheboygan County. Regional transit service is provided by Straits Area Regional Ride, a multi-county bus system serving Cheboygan, Emmet, and Presque Isle Counties. Bus stops are located in all three counties along many routes. The system has frequent trips in the summer and operates on a reduced schedule in the winter. The service operates Monday through Friday and has front door pickup and flexible routes. The buses are accessible to people with varying degrees of mobility.

Private bus transportation to destinations outside of Cheboygan County is provided by Indian Trails, Inc., with a bus stop in Mackinaw City at the Village Hall, 102 South Huron. Indian Trails provides two bus routes serving Mackinaw City. The Chicago-Flint-St. Ignace line connects Mackinaw City and points along the eastern side of Michigan's Lower Peninsula and connecting service to Greyhound buses in St. Ignace and Flint. The Chicago-Kalamazoo-St. Ignace line connects Mackinaw City and points along the western side of Michigan's Lower Peninsula.

Water travel

As a county with one of the most miles of shoreline in the State of Michigan, travel by water is a significant part of Cheboygan County's history. One of the most significant water features in the county is the Inland Waterway, which is now a major recreation destination but has served in the past

as a primary means of transportation. Vacationers used to visit resorts on the inland lakes by steamship which utilized docks more than 1200 feet long to drop off their passengers.

Located at the mouth of the Cheboygan River is the dock for the US Coast Guard Cutter Mackinaw. This dock has housed a ship called the Mackinaw since 1944, which does icebreaking duties and search & rescue, aids to navigation, Homeland Security, marine environmental protection, and public relations.

Marinas

The village of Mackinaw City operates a Municipal Marina which is primarily used for pleasure watercraft. The Marina has 136 slips; 50 slips are reserved for seasonal boat docking and 54 are slips for transient boaters. The Marina can accommodate boats of up to 100 feet in length.

Within the city of Cheboygan both the city and Cheboygan County operate neighboring Marinas. The city's marina has over 800 feet of broadside dockage at two dock sites. The County marina has 84 boat slips, 34 of which are season and 49 are for transient users. The longest boat slip is 120 feet and slips have both 30 and 50 amp service. The County marina provides gas and diesel sales, pump outs, wi-fi, laundry, picnic areas, and playground. Four boat launch ramps and a fish cleaning station is also available at this marina. This marina is open from the beginning of May to the second weekend in October.

The State of Michigan's Waterways Commission operates the Straits State Harbor in Mackinaw City which opened in 2009. The harbor is a 136 slip transient facility offering boaters many amenities including cruise ship docking slips and chart room.

Ferry Services

At the end of the summer of 2011, there were four ferry services in Cheboygan County serving neighboring islands, which are located in Mackinac County. The islands are called Mackinac Island and Bois Blanc Island. Three ferry lines serve Mackinaw City with frequent seasonal service to Mackinac Island. Those ferry line are Shepler's Mackinac Island Ferry, Arnold Transit Co. catamaran ferry service and Star Line Mackinac Island Ferry service. News reports of 2011 indicated that Star Line Mackinac Island Ferry had been sold to Arnold Transit, which also operates a ferry service to Mackinac Island. These ferry services provide access for people, bicycles and cargo only since no motor vehicles are allowed on Mackinac Island. Bois Blanc Island is served by Plaunt Transportation, Inc., which will ferry motor vehicles to Bois Blanc island.

Airports

The Cheboygan County Airport is located west of the city of Cheboygan on Levering Road (County Road 64). This public airport provides the needs of private and charter aircraft throughout the region. The community of Indian River also maintains an airport for private and chartered aircraft. In 2006 the Cheboygan Airport acquired 10 acres at the southeast corner of Levering and Airport road to pave the approach clearance for one of the runways. In 2007 the airport constructed and paved a parallel taxiway "A" to a runway number 1028 for a safety improvement. In 2010 runway 1735 was paved and lighted and a new parallel taxiway "C" was constructed and paved. It is expected that the airport will soon build an equipment storage building and make improvements to the terminal.

The Michigan Aeronautics Commission requires the Cheboygan County airport as well as some privately owned airports to file airport Approach Protection Plans and Airport Layout Plans. These plans ensure safe use of the airport and protect against encroachment of the safe takeoff and landing

area by structures on neighboring parcels. Two other airports have filed such plans with the Michigan Aeronautics Commission as well as Cheboygan County Planning Department, which is required by state law. In Mullett Township there is a privately owned, publicly accessible airport called Peabeaaye Airport. Another such airport is called Hoffman's Black Mt. Aerodrome in Grant Township.

There is presently no commercial passenger service in the county, although air charter service is available. Residents and visitors must make commercial airline connections through neighboring cities (Pellston, Alpena, Traverse City or Sault Ste. Marie).

Rail

No active rail lines exist within Cheboygan County. The portion of the Detroit & Mackinaw Railroad line, which provided railroad service between the village of Mackinaw City and Alpena, was purchased by the State of Michigan using the Michigan Land Trust Fund. The grades between Millersburg and the village of Mackinaw City and Gaylord to city of Cheboygan are used as a multi-purpose, all season recreational trails used by hikers, bicyclists, and snowmobilers.

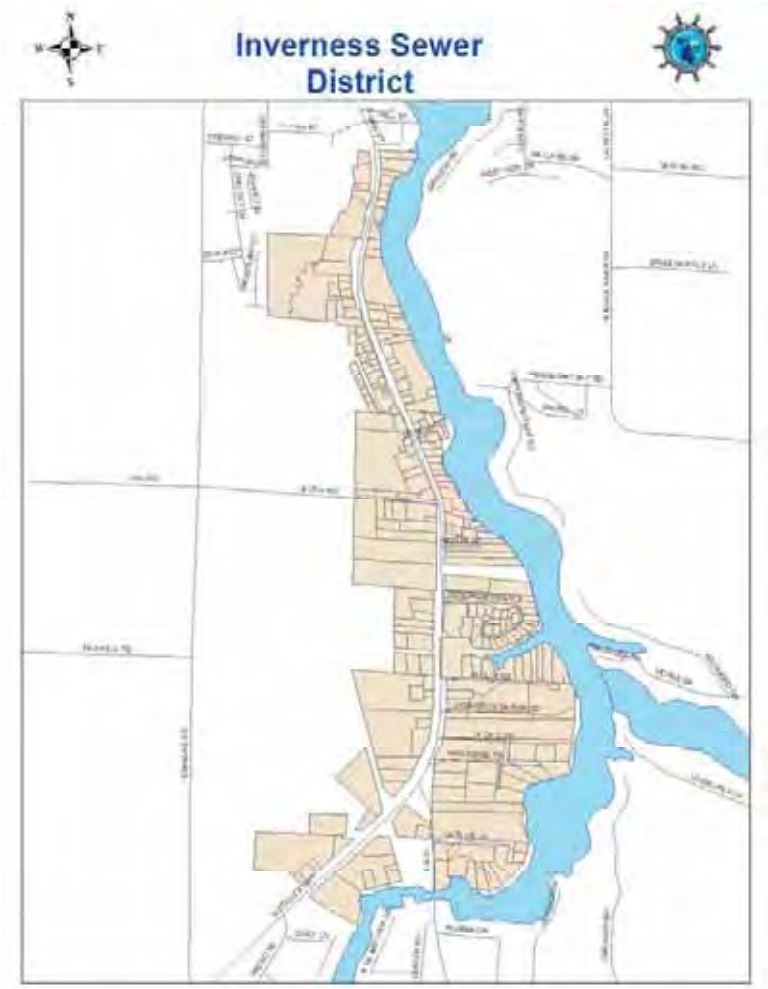
Community Services & Utilities

Introduction
The public sector in Cheboygan County provides a wide range of services. They include the police and fire departments, health care system, school and library facilities. These services are used by both residents of the county and visitors to the area and are often faced with the same seasonal variations and population pressures that affect the county's land use and economy. All services and utility providers are faced with the challenges of a rural area and a dispersed population.

Water & Sewer

City of Cheboygan
As of 2011, the city of Cheboygan has 1,813 residential customers on its water and sewer system. There are 57 commercial connections. Through a sewer district that extends into the neighboring township of Inverness, there are an additional 172 connections to the sewer system. They expect to provide water system improvements both north and south of the Cheboygan River.

Figure 45 - Map of Inverness Sewer District



Inverness Sewer District
Utilizing the city of Cheboygan's sewer system and wastewater treatment plant, the township of Inverness has a Sewer District which encompasses the US27 highway and commercial corridor adjacent to the city limits to the south.

Village of Mackinaw City
The Village's Water and Sewer Department is managed by the Water Superintendent and is staffed by 3 full-time employees. The Water and Sewer Department is responsible for the Operation of the Village's four municipal water wells, 200,000 gallon elevated storage tank, eight sewage lift stations and the waste water treatment plant.

A large majority of the developed portion of the village of Mackinaw City is served by a municipal water and sewer system. Mackinaw City has the unique challenge of providing water and sewer services for a varied mix of customers. Since the Village enjoys many visitors in the summer, the capacity of the systems must be much greater than would normally be required to serve the less than 1,000 year-round residents of the Village. There can be an estimated 15,000 visitors who stay overnight in the many hotel rooms and campground facilities in the Village.

The water and sewer systems have 638 customers. Customers can range from a 200-room hotel resort to a single family home. Over 72% of the Village's water and sewage usage is consumed by commercial customers. Many customers are seasonal users of the system. Many commercial entities close their buildings for the winter and have their water system drained and shut down.

Total production of the Mackinaw City water system for the year between March, 2010 and December, 2010 totaled 82,386,757 gallons. This is a great deal more than would normally be produced for a village with 404 households (2000 US Census). How many households would this serve? This same amount of annual water consumption would serve over 647 average households, or 60% more than Mackinaw City based on estimates by the American Water Works Association Research Foundation (1999).

Seasonal changes in water consumption are the most important factor in determining the village's peak capacity needs. The summer season water consumption increases approximately 211% over the previous spring billing period. Compared to the winter billing quarter, the village's lowest for the year, the increase in summer water consumption is 651%.

Tuscarora Township Sewer Efforts

The township of Tuscarora has been working on establishing a sewer system since the late 1940's for the downtown area known as Indian River. Growing problems with dense development in the downtown and lack of room for septic fields and resulting lack of expansion capacity for downtown properties have contributed to the need for some type of public wastewater/sewer system. By the end of 2011 and beginning of 2012, the township appeared to have acquired enough interest from area property owners to consider a vote to construct such a system in the very near future.

Electric & Gas Utilities

The following maps show the general customer service areas of the two electric providers in Cheboygan County, Consumer's Energy and Presque Isle Electric Cooperative. These two providers and all utility providers are providing service in a low-density county.

Figure 46 - Map of Consumers Energy Service Area

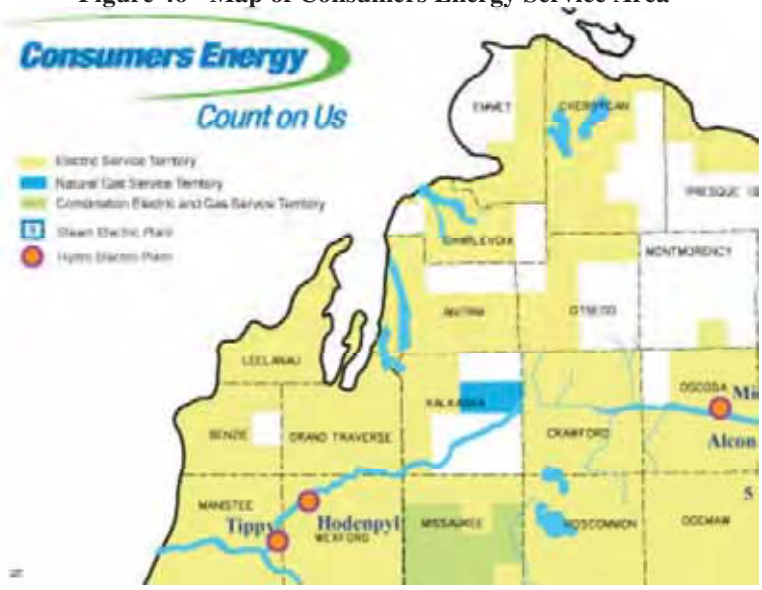


Figure 47 - Map of PIE&G Service Area

TABLE OF UTILITY SYSTEMS SERVING CHEBOYGAN COUNTY

Table 8 - Utilities Serving Cheboygan County

Cheboygan County Utility System SERVICE	COMPANY	SERVICE AREA
Natural Gas	Consumers Energy	NA
	Michigan Consolidated Gas (MichCon)	Portions of Mackinaw, Beaugrand, Benton, Inverness, Burt, Mullett, Tuscarora, Mentor, Ellis and Wilmot townships, & the villages of Wolverine and Mackinaw, & the city of Cheboygan
	Presque Isle Electric & Gas	Portions of Benton, Aloha, Mullett, Koehler, Inverness, Tuscarora, and Forest Townships
	Aurora Gas Co.	Waverly, Forest, Walker, Koehler, Grant, Ellis, Nunda, Aloha
Electricity	Consumers Energy	Portions of Aloha, Beaugrand, Benton, Burt, Ellis, Hebron, Inverness, Koehler, Mackinaw, Mentor, Mullett, Munro, Nunda, Tuscarora and Wilmot Townships, city of Cheboygan, and the Villages of Mackinaw City and Wolverine
	Great Lakes Energy	Portions of Burt, Hebron, Mentor, Munro, Tuscarora, and Wilmot Townships.
	Presque Isle Electric & Gas	Most of Cheboygan County except for far west and south areas.
Telephone	General Telephone (GTE)	Only portions of the Wolverine region
	Ameritech	Most of Cheboygan County
Water & Sewer	Village of Mackinaw City	The majority of residential and commercial units within the Village limits.
	City of Cheboygan	City limits of Cheboygan

Shipping Harbor

Located in the city of Cheboygan, 16 miles southeast of the Straits of Mackinac, the Cheboygan Harbor is a deep draft commercial harbor. It is the home port of the US Coast Guard's only US heavy ice breaking resource, the cutter Mackinaw. The Harbor provides the only ferry service to Bois Blanc island where approximately 4-5 trips per day are made in the summer. The Harbor also serves as the maritime travelway for material that is not allowed on the Mackinac Bridge.

There are approximately 12,000 feet of maintained channel in the harbor. The outer channel is approximately 21 feet deep, 18.5 feet deep in the turning basin, and 8.5 feet deep above the State Street bridge.

Major stakeholders include U.S. Coast Guard, Lake Carriers' Association, U.S. Fish and Wildlife Service, Michigan DNR, Durocher Marine (division of Kokosing), Ryba Marine, BP Fuel Terminal, Shepler's Ferry, Plaunt Transportation, and Walstrom Marine. According to the US Army Corps of Engineers, the Harbor is on a 10-20 year maintenance dredging cycle but was last dredged in 1976.

In 2008, the US Army Corps reports 120,000 tons of material were either shipped or received in the Cheboygan Harbor. Materials shipped or received include fuel oil, slag, and gasoline. They also estimate that approximately 300 jobs are supported by this Harbor. The recreational aspects of this Harbor include approximately 300 recreational boat slips, access to the 43 mile-long Inland Waterway, and 40 charter fishing boats.

Table 9 - Map of Recycling Locations

Solid Waste and Recycling

Cheboygan County adopted a Solid Waste Management Plan in 2000 that established goals and objectives for handling solid waste in the county. The approved plan is required under the Natural Resources and Environmental Protection Act, PA 451 of 1994, Part 115. Part of this plan set forth the goal of establishing a recycling program within the county.

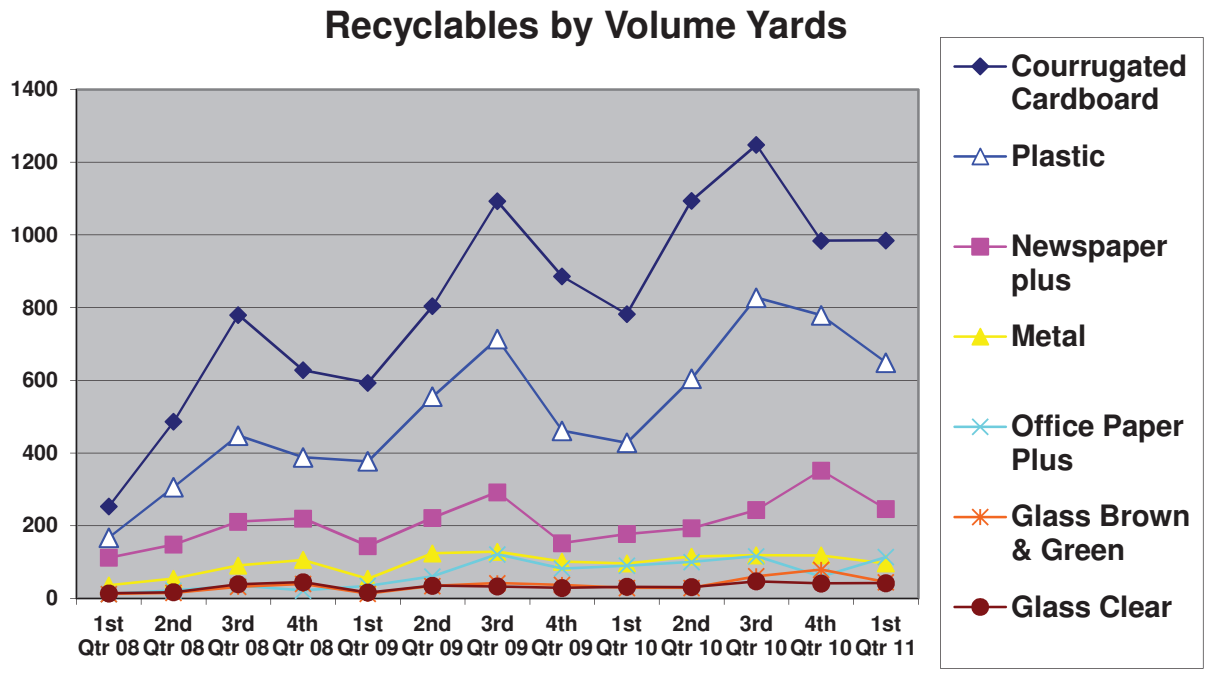
In 2008 Cheboygan County began a recycling program that includes the townships of Aloha, Beaugrand, Burt, Ellis, Hebron, Inverness, Koehler, Mentor, Mullett, Munro, Tuscarora, and Waverly and the city of Cheboygan. The program is run by the County with support from those municipalities that choose to take part. A surcharge to fund the system is placed on properties within those townships and incorporated areas that opt in. Current annual rates are $20 per household.

A recycling coordinator was hired part time to take care of the Department. In 2009 sites were added in Aloha Township, east Burt Township, and what is now the McLaren Northern Michigan Medical Center. The County also started a Wednesday Hazardous Household pickup at the Fairgrounds and Commercial Recycling. The workload had significantly increased with these additions so starting the first of 2010 The recycling coordinator's position was changed to a full time position. In 2010 the Burt West site was added and a new cement slab for the bins at the Cheboygan site was constructed.

The 2010 recycling report showed that the program began by preventing 23,708 bags of trash from reaching a landfill. In 2010 that had increased to 44,370 bags of trash.

There are currently no solid waste landfills open for public use in Cheboygan County. All solid waste is exported out of the county. There continues to be more than adequate capacity at the sites Cheboygan County solid waste haulers export to, which are the Elk Ridge Landfill in Presque Isle County, Montmorency-Oscoda-Alpena Solid Waste Facility in Atlanta, and the Waste Management Landfill in Waters. Other solid waste destinations include the Emmet County Resource Recovery Facility and Type A Transfer facility. There are Type B transfer stations in Cheboygan County located in the townships of Benton, Burt (2), Forest, Inverness, Koehler, Waverly, and Wilmot.

Figure 48 - Graph of Recyclables by Volume



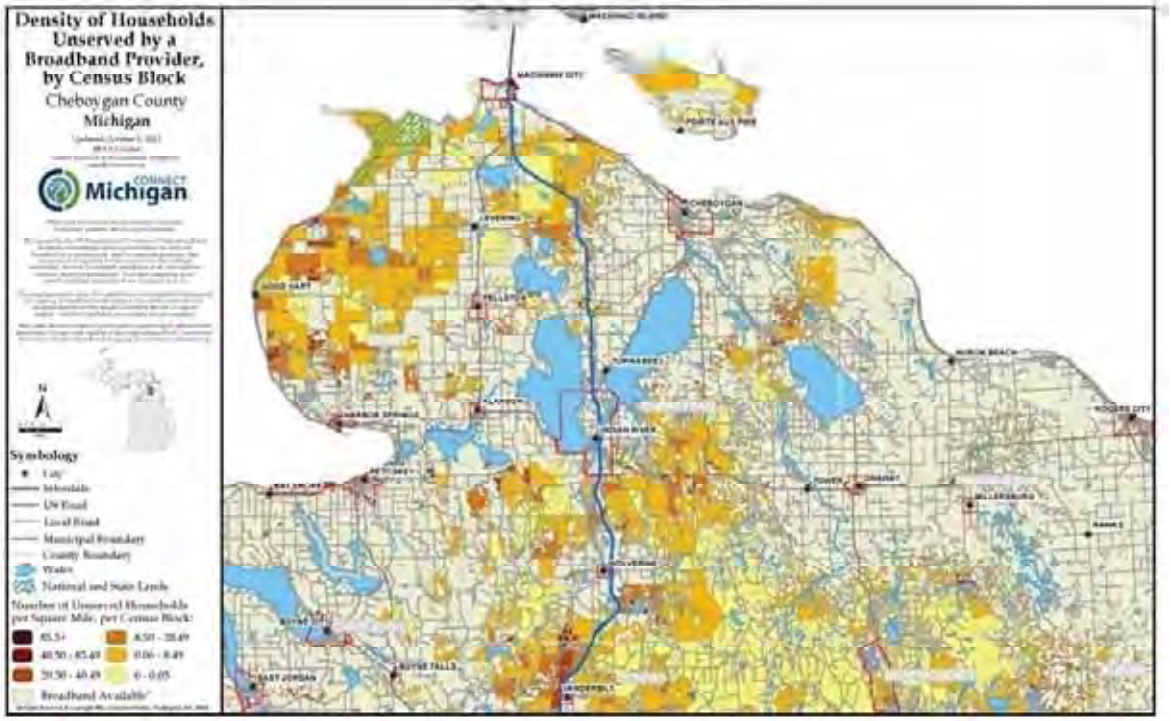
Broadband

Broadband coverage in rural areas such as Cheboygan County is very limited at this time. MERIT Network, Inc. is a non-profit which recently received an award of federal stimulus

money to implement broadband in rural areas across Michigan. Cheboygan County will benefit from fiber optic installations by MERIT in 2013. This project is called a middle mile installation that will allow Internet Service Providers (ISP) to connect more affordably. Since this makes more broadband options available for ISP's, it is expected that this will create lower costs of entry for ISP's and more options and lower costs for end users.

Connect Michigan, a nonprofit that is working with the Michigan Public Service Commission, maps the broadband connections in the State using information provided by ISPs for census block. As of October of 2011, the map shows a large area of Cheboygan County covered by some form of broadband service of at least 3Mbps. However, Connect Michigan representatives explain that this data is provided by the ISP and only by census blocks. They inform us that if one person is connected to broadband in that census block that the whole census block is considered to be covered by broadband.

Figure 49 - Estimated Broadband Service Map



School Districts

Nearly all of Cheboygan County residents are served by the Cheboygan-Otsego-Presque Isle Intermediate School District's public schools, while some are served by various private parochial schools located in the area. The Cheboygan Area Schools service the city of Cheboygan and its outlying townships. Kindergarten through sixth grade education is also provided by the Bishop Baraga Catholic School and the Cornerstone Christian School in the city of Cheboygan. The Mackinaw City Public Schools System covers the northern tip of the Lower Peninsula including the village of Mackinaw City. The Inland Lakes Community Schools includes residents living near Burt and Mullett lakes and the community of Indian River. The Wolverine Community

Schools extend from the Otsego and Cheboygan County borders north to the Inland Lakes Community School system. The southeastern portion of Cheboygan County is served by the Onaway Area Community School System in Presque Isle County.

Table 10 - 2011 Enrollment at Cheboygan County Schools

School District	Students	Instructors	Buildings
Cheboygan Area Schools	1943	106	5
Inland Lakes Public Schools	873	41	3
Mackinaw Area Schools	206	19	2
Wolverine Community Schools	348	23	2

Source: November, 2011 inquiry of School Superintendents and COPESD

Figure 50 - Map of School Districts

North Central Michigan College

North Central Michigan College has been offering classes in Cheboygan County since 1973. In 1998, the college opened an office in Cheboygan offering an array of student services, including academic advising and assistance with the application/registration process. In 2000, a second office space with a small computer lab was created to give students an area to conduct writing and research in a lab setting.

Beginning with less than a dozen classes, Cheboygan once averaged a little over 100 students taking classes at the Cheboygan site. All courses were offered at the Cheboygan High School in the evenings and primarily focused on general education courses. By 2007, course offerings more than doubled with daytime, evening and weekend courses scheduled. In 2011, North Central designed a Certificate of Development in Business Development exclusively offered at the Cheboygan Site. Courses include topics covering business methods, communication and entrepreneurship.

Today North Central in Cheboygan produces over 1000 credit hours per semester, with enrollment just topping 400 each winter and fall. In addition to utilizing the Cheboygan Area Schools, the college has also partnered with the McLaren Northern Michigan Medical Center, the Cheboygan Public Library, Cheboygan Opera House and the Cheboygan Michigan Works to host a variety of courses. The current NCMC Cheboygan schedule of classes continues to maintain the general education courses, in addition to classes in the area of nursing clinicals, paramedic, business and computers.

Chambers of Commerce

There are three local Chambers of Commerce with offices in Cheboygan County. These entities are supportive of their member businesses. In Cheboygan County the Mackinaw Area Chamber of Commerce, the Indian River Chamber of Commerce, and the Cheboygan Area Chamber of Commerce have offices that serve Cheboygan County.

Mackinaw City is also served by a separate entity called the Mackinaw Area Visitors Bureau. Cheboygan also maintains a Cheboygan Area Tourist Bureau, which is served by the staff of the Cheboygan Area Chamber of Commerce. These are established under the Convention Marketing Act, Public Act 59 of 1984, and are financed through the collection of assessment revenue from owners, operators, and managers of its members.

Downtown Development

Besides the Chambers of Commerce which support business throughout the community, there are entities which specifically support those businesses and development in downtowns. They are called Downtown Development Authorities (DDA). These DDA's are established under Public Act 197 of 1975, the Downtown Development Authority Act. Any city, village, or township can establish an area within which the land uses are primarily for business.

The DDA provides leadership and funding options to make improvements and create employment opportunities in a community's downtown district. Funding options include tax increment financing and the ability to levy a limited millage for administrative expenses. Special assessments, revenue bonds, donations, revenue from leased property owned by the DDA, and contributions from local units of government are also financing mechanisms to pay for DDA services. DDA's sometimes have staff that can provide event coordination and many other small business support services.

In Cheboygan County there are three DDA's and they are in Mackinaw City, city of Cheboygan, and Tuscarora Township. Cheboygan has a full time employee who is the Downtown Coordinator and has part of her services are to support the DDA.

Libraries

Cheboygan County has five libraries, each with its own jurisdictional management.

The Indian River Area Library is a 5,000 square foot facility located in the Tuscarora Township municipal building. As of December 30, 2011 it holds 51,526 physical units for circulation, including everything from new fiction/non-fiction to a broad array of children's materials, books on cassette and compact disc, films on VHS and DVD, a large music collection (books, films, CDs), large print books and over 100 magazine subscriptions. It also has public computers with a T1 connection, which will be changing to fiber-optic in late fall 2012. The library has a real-time website where materials can be researched, reserved, and renewed once (www.indianriverarealibrary.michlibrary.org/). The township served free of charge is Tuscarora. A non-resident card is available for $20.00 and it is useable for one year.

The Cheboygan Area Public Library, located in the city of Cheboygan, expanded to a 27,000 square foot building in June 2006. The library, formally established in Cheboygan in 1913, started in a Carnegie building still located at Elm and Huron streets. The library moved to the current site on Pine and Bailey streets in 1966, was expanded in 1974, and underwent a major expansion in 2005. The new library occupies two floors. The main level houses the library functions. The lower level has four public meeting rooms, including an art studio and gallery. The library has over 60,000 volumes in its holdings, 24 public workstations, and open Wi-Fi access. The library accommodates over 900 events and meetings each year.

The 2,500 square foot village of Wolverine's public library was constructed in 1992. It contains 14,000 volumes and offers one public workstation. The library's staff has Internet access but no public Internet access is presently available.

The Topinabee library is located in the town's old railroad depot, which was constructed in 1881. No expansions have been or plan to be made in the near future. The library contains nearly 7,000 volumes and does not allow public access to the Internet.

The library in the village of Mackinaw City is the main branch of four district libraries in the region, none of the previously mentioned. Along with three other libraries, located in Pellston, Bliss Township (Emmet County), and Levering, the main library in Mackinaw City is part of a library district. The district has its own separate taxing authority. The main library expanded its facilities in 1994 to include a wing to the main building. It contains no public computers; rather two staff computers have access to the Internet. The main library in the village of Mackinaw City contains over 40,000 volumes. It also boasts the second highest per capita circulation rate in northern Michigan. Forest and Waverly Townships are served by the Presque Isle District Library.

Senior Services

Cheboygan County Council on Aging

The Cheboygan County Council on Aging provide many services to senior citizens in Cheboygan County at two locations near both the city of Cheboygan and village of Wolverine. Their primary programs include:

- Sand Castles Adult Day Center – Sand Castles offers a caring place that your loved one will enjoy while providing respite to the family.
- MMAP program – offers Medicare/Medicaid Assistance.
- Home Delivered Meals – available to those who qualify.
- Congregate Meal Program – Open to Senior Citizens and the public, offering nutritionally balanced menus for a suggested donation for those citizens 60 years and over and for those under 60 years, the meals are available for a fee. Soup & salad bar, as well as dessert are also available for a small fee.
- Each senior center, Cheboygan and Wolverine, provides an opportunity for seniors to socialize and participate in various programs and parties for all occasions.
- Fitness Center – treadmills, elliptical, bicycle and weights are available at both Centers. Free of charge.

Housing and Homelessness Services

There exists a Cheboygan County Housing and Homeless Coalition that has a goal to end homelessness in Cheboygan County. This coalition includes the Department of Human Services, Please see the Data Book chapter on Housing for more information on this topic.

Animal Rescue

The Cheboygan County Humane Society's mission is to prevent cruelty to animals by providing rescue, housing, food and medical attention for lost, stray, injured or abandoned animals. The Animal Control Department investigates complaints of cruelty and animal neglect. They also enforce all local and State Animal Control laws and ordinances. The Humane Educator provides programs to local school children and civic groups to teach children how to stay safe around animals.

The animal shelter is located on Hackleburg Road, about 12 miles south of Cheboygan, just off of M-33. The shelter houses approx. 25 dogs and 35 cats. Occasionally there are other pets such as birds, rabbits, guinea pigs and pet mice available for adoption. They also operate a "Pet Food" pantry where area residents can pick up free pet food for their animals. In 2011, the Humane Society helped fund the spaying or neutering of over 1200 dogs and cats for area residents.

Also serving Cheboygan County is the Second Chance Animal Rescue and Sanctuary (SCARS). This is a private non-profit operating near Indian River. The group's mission is to provide a safe location for abandoned, stray and neglected animals.

Public Safety

Emergency 911 services

Emergency 911 telephone service is provided to Cheboygan County through a multi-county 911 system for Cheboygan, Emmett and Charlevoix Counties. It is a state-of-the art enhanced 911 system, which provides emergency dispatch for all calls to the police, fire departments and ambulance service for the entire three county area. Police cruisers are equipped with laptop

"mobile data terminals" for direct communications between the 911 dispatch and the officers in the field. The mapping system used by the 911 system was developed through the use of satellite technology through a GPS (global positioning system) unit.

Michigan State Police

In 2011, the Michigan State Police closed the post that was in Cheboygan County, located in the city of Cheboygan. State Police officers operate out of their vehicle primarily and use an office in Petoskey as their main offices.

Sheriff's Department

Divisions

The Cheboygan County Sheriff Department mans a Road Patrol Division, Detective Division, K-9 Division, Marine/Snowmobile/ATV Division, Dive Team and Search And Rescue Division as well as the operation of the county jail.

Road Patrol

The Cheboygan County Sheriff Department Road Patrol's main emphasis is the protection of life and property and the preservations of the public peace by adherence to policies, pro active enforcement for the prevention of crime, enforcement of laws, the apprehension of offenders and assisting the Prosecutor's Office with due process of those accused.

Detective Division

The Cheboygan County Sheriff Department Detective Division consists of investigations of felony crimes, drug crimes, undercover operations, fire investigations and school investigations.

K-9

The Cheboygan County Sheriff Department K-9 unit is utilized for the detection of illegal drugs and narcotics, apprehension of fleeing offenders, search and rescue, community education and the deterrence of criminal activity in the schools.

Marine/Snowmobile/ATV

The Cheboygan County Sheriff Department operates a Marine/Snowmobile/ATV Division within the county which encompasses all inland lakes and waterways including the Lake Huron border as well as several hundred miles of trails and roads. The division has two main purposes; patrolling of the waterways, trails and roads to ensure safe recreation and in search and rescue operations.

Search and Rescue and Dive Team

The Cheboygan County Sheriff Department Search and Rescue and Dive Team though two separate entities have the same mission; to assist those in need in the preservation of life. The Cheboygan County Sheriff Department receives several calls a year for assistance in land and water rescue and search operations

Correctional Facility

Under the Michigan Constitution the Sheriff is required to administer the county jail, including booking, supervision and care of inmates. The Cheboygan County Sheriff Department operates

an 80 bed jail facility for those sentenced on misdemeanor and felony crimes with sentences of one year or less.

Community Safety Education Classes
The Cheboygan County Sheriff Department provides not only safety education but also public safety programs within the county to provide a better quality of life and security in our community. These programs include:

Amber Alert: This program is designed to assist law enforcement when a child has been abducted or is missing by utilizing all media avenues to quickly disseminate information about the child to the public to assist law enforcement.

A Child Is Missing: This program is designed to assist law enforcement when a child, disabled person or the elderly is missing through mapping and satellite systems utilizing phone services to place up to 1000 calls to the public in the area last seen, to assist law enforcement in the search and rescue operations.

National Child Identification Program: A child identity kit provided by the Cheboygan County Sheriff Department which includes fingerprints, photos and the description of the child. This program allows parents to have with them all necessary information about their child ready for law enforcement without having to take time to gather it saving precious time during an investigation.

Boater Safety, Snowmobile and ATV Classes: The Cheboygan County Sheriff Department has certified trainers to properly teach classes. Several times a year the Sheriff Department puts on Boater Safety, Snowmobile and ATV classes to educate and certify citizens in the safe operation of these vessels and vehicles.

Assisting Our Seniors
Several times a year the Cheboygan County Sheriff Department puts on seminars for senior citizens at all Senior Centers in cooperation with the Council on Aging to educate them on scams, identity theft, and protection around the home.

Mackinaw City Police Department
Mackinaw City has a year-round population of just over 800 people. However, they can have over 10,000 people stay overnight and many more visit during the summer tourism season. This creates some unique challenges for public safety. The Mackinaw City Police Department has a staff of 1 Police Chief, 1 Sergeant, 3 full-time Patrol Officers, 2 Seasonal Bicycle Patrol Officers, and 1 part-time Code Enforcement Officer. They provide road patrol, bicycle patrol in the summer tourism season, and snowmobile trail patrol in the winter. The Department handles between 900 and 1150 formal complaints each year.

City of Cheboygan Police Department
The Cheboygan Public Safety Department consists of a Director/Chief of Police, 1 full-time Sergeant, 5 full-time officers, a pool of part-time public safety officers, and 1 part-time secretary. The Fire Division consists of a Fire Chief, Assistant Chief, two additional Command Officers,

and twenty volunteer Fire Fighters. The department provides Police and Fire services for the city of Cheboygan and provides mutual aid for Police and Fire for the townships in Cheboygan County.

The Department provides road patrol and snowmobile patrol in the winter. The police division handles between 1100-1500 complaints each year and approximately 3000-5000 calls from the regional 911 service. The Fire Department handles approximately 40-50 fire calls each year and an average of 10 structure fires.

Tuscarora Township Police Department

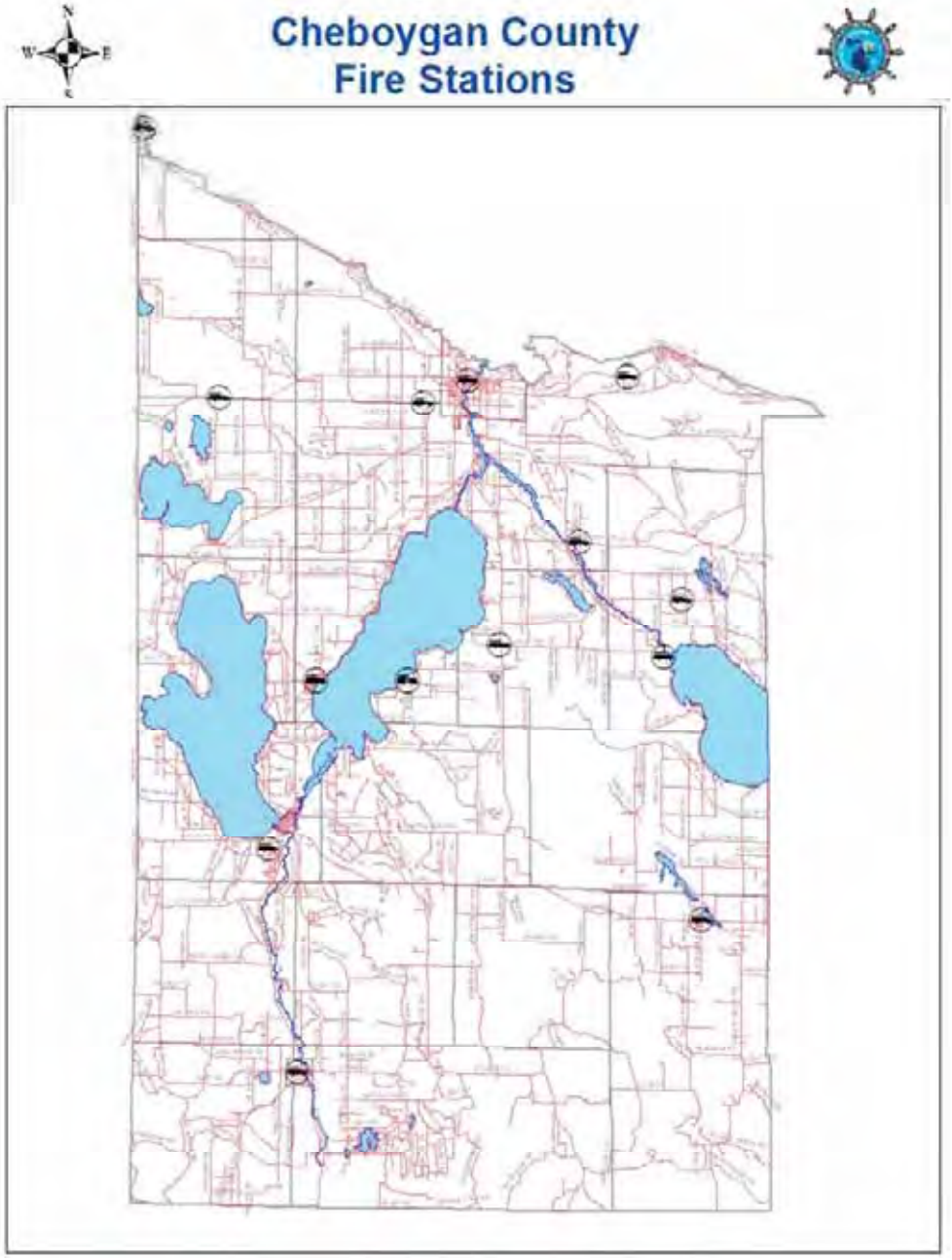
The Tuscarora Township Police Department was established in 1965 and consists of a Police Chief, Sergeant, 5 full time and 2 part time patrolmen, and one full time office administrator. These officers provide many services to the community including road patrol, safety training in guns, snowmobile operation and training for hunters. Some officers are certified in child safety seat installation.

There are 6 fully trained evidence technicians. There are two trained child safety seat inspectors and give child safety seats to those in need. There are two trained firearms instructors. The department has two advanced accident investigators. The Chief and Sergeant along with one Patrolman have been appointed as Medical Examiner Investigators by the County Medical Examiner. The department does Vacation Property Check which during the winter months can be as many as 125 residences to check. Officers handle many calls for service that most other departments in the area no longer respond to. Department members conduct patrol duties in patrol vehicles, on snowmobiles, and on foot.

Fire Departments

Cheboygan County is served by a mix of public and private non-profit fire departments throughout the county. The following map shows the locations of those fire departments.

Figure 51 - Map of County Fire Stations



<u>Veterans' Administration</u>

Cheboygan County has an Office of Veteran's Services within the County building which assists veterans and their families. The Office evaluates veterans and/or their family members for possible Federal benefits due them because of the veteran's service to this country. The benefits include health care, education, non-service connected pension, service connected disability compensation, death and burial benefits, vocational rehabilitation, retrieval and/or correction of

military records, assistance in accessing 1 or more of the 3 veteran's assistance funds, and referral to other agencies as appropriate. The Office also conducts educational sessions and outreach to the public about the services provided.

In 2010, $10.2 million in veterans' benefits were given to veterans in Cheboygan County. In 2011, there were 672 appointments scheduled and many others were handled without appointments by walk-ins or phone calls. A VA medical clinic opened in Cheboygan County, just outside of Mackinaw City in 2011.

In 2011, there was $23,705 in assistance given to veterans and/or their families through the Veterans Assistance Fund, emergency food & shelter, Soldier's Relief Fund, and Michigan Veterans Trust Fund.

Health Care Systems

Figure 52 - McLaren-Northern Michigan, Cheboygan Campus

Cheboygan Hospital

Cheboygan's Health Care system is centered around McLaren-Northern Michigan, Cheboygan Campus (McLaren). This facility has a long tradition of providing personalized, quality health care services to the community. Originally named Community Memorial Hospital when it opened in 1942, the facility became known as Cheboygan Memorial Hospital in 2001 and received Critical Access designation in 2010.

McLaren campus in Cheboygan currently includes:

- Blood Draw Services
- 24/7 Emergency Services
- Imaging Services
- Outpatient/Ambulatory Surgical Services
- Cheboygan Patient appointments with General Practitioners and other specialists
- Vitalcare Services
- Patient Mediport Flushing

The only facility located off campus is the Indian River Medical Center, located 20 miles south of Cheboygan. It offers two primary care providers and has x-ray facilities on site.

SOCIAL SERVICE AGENCIES SERVING CHEBOYGAN COUNTY

- Alcoholics Anonymous has local branches which seek to help those recovering from alcohol or drug abuse.
- Bay Area Substance Education Services is a local organization providing drug and substance abuse prevention services for teens in northern Michigan.
- Catholic Human Services provides mental health, substance abuse, prevention, pregnancy counseling, open adoption, social services and senior services.
- Wawatam Area Senior Citizens, Inc., which operates the Mackinaw City Senior Center and provides meals on wheels, health care, transportation, classes, clubs, and organized activities for area senior citizens.
- Cheboygan County Council on Aging provides services to area elderly with locations in city of Cheboygan and Wolverine.
- Cheboygan County Department of Human Services provide a variety of social services which include adoption and foster care, adult and child abuse protective services, and services to the elderly.
- Cheboygan County Emergency Management Department provides disaster response services.
- Cheboygan County United Way supports member agencies that offer care, guidance, education, comfort and a range of human services to those people in our community who want and need them.
- Cheboygan Housing Commission was established under PA 18 of 1933 by the city of Cheboygan to administer Section 8 Vouchers, and the Low Income Housing Program within the City.
- Child and Family Services of Michigan offers individual, family and pregnancy counseling as well as domestic violence, substance abuse, juvenile delinquency, foster care, adoption and elderly assistance programs.
- The Domestic Violence Shelter provides counseling and other services to those seeking assistance with issues of domestic violence.
- Habitat for Humanity constructs homes for families unable to afford decent housing, with an office in Cheboygan.
- Meals on Wheels provides hot, nutritious meals to homebound seniors in the region.
- North Country Community Mental Health Services (Cheboygan and Emmet Counties) provides mental health services to the region.
- Northeast Michigan Community Service Agency is a community action agency providing grant funding information and programs to the poor and disadvantaged of northern Michigan.
- Women's Resource Center of Northern Michigan is a nonprofit community-based organization dedicate to serving women and families and to provide domestic violence prevention work, child care, rape & sexual assault services, youth educational programs, and counseling services.

Chapter 7 Appendix

Master Planning Process

The planning process is an extensive and time-consuming process but very necessary and rewarding. A great deal of effort was made to seek public input from all around the county and let the people of Cheboygan County direct the process and create the goals. The following is an outline of the various meetings that were held around the county. You'll see that the draft future land use map was taken around the county to various township halls where multiple neighboring townships were invited to one location to discuss the map and share their goals for their own as well as their neighboring communities.

A Master Plan Advisory Group (MPAG) assisted in the planning process by meeting periodically to provide guidance from their unique perspectives. Members of the MPAG were chosen by the Planning Commission and representation gained in the areas of farming, educating, health, natural resources, city & township government, downtown development, business, economic development, construction trades, and marketing.

List of Master Plan related public meetings

Date	Meeting Type	Location	Topic
12/15/2010	Regular	Commissioners Room	Discussion Of Draft Outline For Master Plan Process
1/19/2011	Regular	Commissioners Room	Review of Master Plan notice of intent to plan and timeline
3/2/2011	Regular	Commissioners Room	Selection Of Members For The Master Plan Advisory Group
3/16/2011	Regular	Commissioners Room	Selection of Committee Members For Master Plan Advisory Group
8/29/2011	Special Meeting	Inland Lakes Schools	Visioning Session
8/30/2011	Special Meeting	Cheboygan Middle School	Visioning Session
9/21/2011	Regular	Commissioners Room	Visioning Sessions Update
1/18/2012	Regular	Commissioners Room	Appointment of two (2) representatives from the Planning Commission for the January 24, 2012 Cheboygan County Master Plan special topic meeting on farming.
1/24/2012	Special Meeting	Commissioners Room	Agriculture & Farming - Special Topics Meeting
4/11/2012	Special Meeting	Doris Reid Center	Master Plan Special Topic - Discussion of Natural Resources in Cheboygan County
4/11/2012	Special Meeting	Doris Reid Center	Natural Resources - Special Topics Meeting
4/11/2012	Special Meeting	Cheboygan Library	Future of Youth in Cheboygan - Special Topics Meeting
4/18/2012	Regular	Commissioners Room	Master Plan - Follow Up On Natural Resources Discussion and Process Update
5/16/2012	Regular	Commissioners Room	Master Plan Update
6/6/2012	Regular	Commissioners Room	Master Plan Update

6/20/2012	Regular	Commissioners Room	Master Plan Update
7/11/2012	Regular	Commissioners Room	Master Plan Update
7/23/2012	Special Meeting	Doris Reid Center	Master Plan Update
8/15/2012	Regular	Commissioners Room	Master Plan Update
9/19/2012	Regular	Commissioners Room	Master Plan Update
10/3/2012	Regular	Commissioners Room	Master Plan Discussion of Draft Future Land Use
10/15/2012	Special Meeting	Mullett Township Hall	Discussion and review of the draft future land use map for the Cheboygan County Master Plan
10/22/2012	Special Meeting	Wolverine Community Center	Discussion and review of the draft future land use map for the Cheboygan County Master Plan
10/23/2012	Special Meeting	Munro Township Hall	Discussion and review of the draft future land use map for the Cheboygan County Master Plan
10/24/2012	Special Meeting	Cheboygan City Hall	Discussion and review of the draft future land use map for the Cheboygan County Master Plan
10/25/2012	Special Meeting	Tuscarora Township Hall	Discussion and review of the draft future land use map for the Cheboygan County Master Plan
10/29/2012	Special Meeting	Walker Township Hall	Discussion and review of the draft future land use map for the Cheboygan County Master Plan
10/30/2012	Special Meeting	Aloha Township Hall	Discussion and review of the draft future land use map for the Cheboygan County Master Plan
11/7/2012	Regular	Commissioners Room	Discussion of Master Plan
12/5/2012	Regular	Commissioners Room	Discussion Regarding Master Plan
12/19/2012	Regular	Commissioners Room	Discussion and Review of Master Plan Goals and Objectives
1/2/2013	Regular	Commissioners Room	Discussion Regarding Master Plan Update/Draft Future Land Map Review
1/16/2013	Regular	Commissioners Room	Discussion of Master Plan Goals and Objectives
2/6/2013	Regular	Commissioners Room	Review of Master Plan and Draft Future Land Use Map – Townships of Mentor, Ellis, Walker, Forest, Nunda, Wilmot, Waverly, village of Wolverine
2/14/2013	Special Meeting	Mackinaw City Village Hall	Discussion and Review of County Master Plan and Draft Future Land Use Map
2/20/2013	Regular	Commissioners Room	Review of Master Plan and Draft Future Land Use Map – Townships of Tuscarora, Koehler, Burt, Mullett, Aloha, Grant
3/6/2013	Regular	Commissioners Room	Review of Master Plan and Draft Future Land Use Map – Townships of Mackinaw, Hebron, Beaugrand, Munro, Inverness, Benton, city of Cheboygan, village of Mackinaw City
3/20/2013	Regular	Commissioners Room	Discussion of Master Plan- Including Draft Future Land Use Map and Discussion of Draft Zoning Plan
4/3/2013	Regular	Commissioners Room	Discussion of Master Plan - Including Draft Goals and Objectives and Recreation Plan

5/15/2013	Regular	Commissioners Room	Discussion of Master Plan - Including Draft Goals and Objectives
6/20/2013	Regular	Commissioners Room	Master Plan Discussion
7/17/2013	Regular	Commissioners Room	Master Plan Update – Request authorization from Board of Commissioners for distribution of draft plan
9/10/2013	Board of Commissioners Finance Meeting	Commissioners Room	Board of Commissioners authorize distribution of draft plan to the public.

Airport Plans

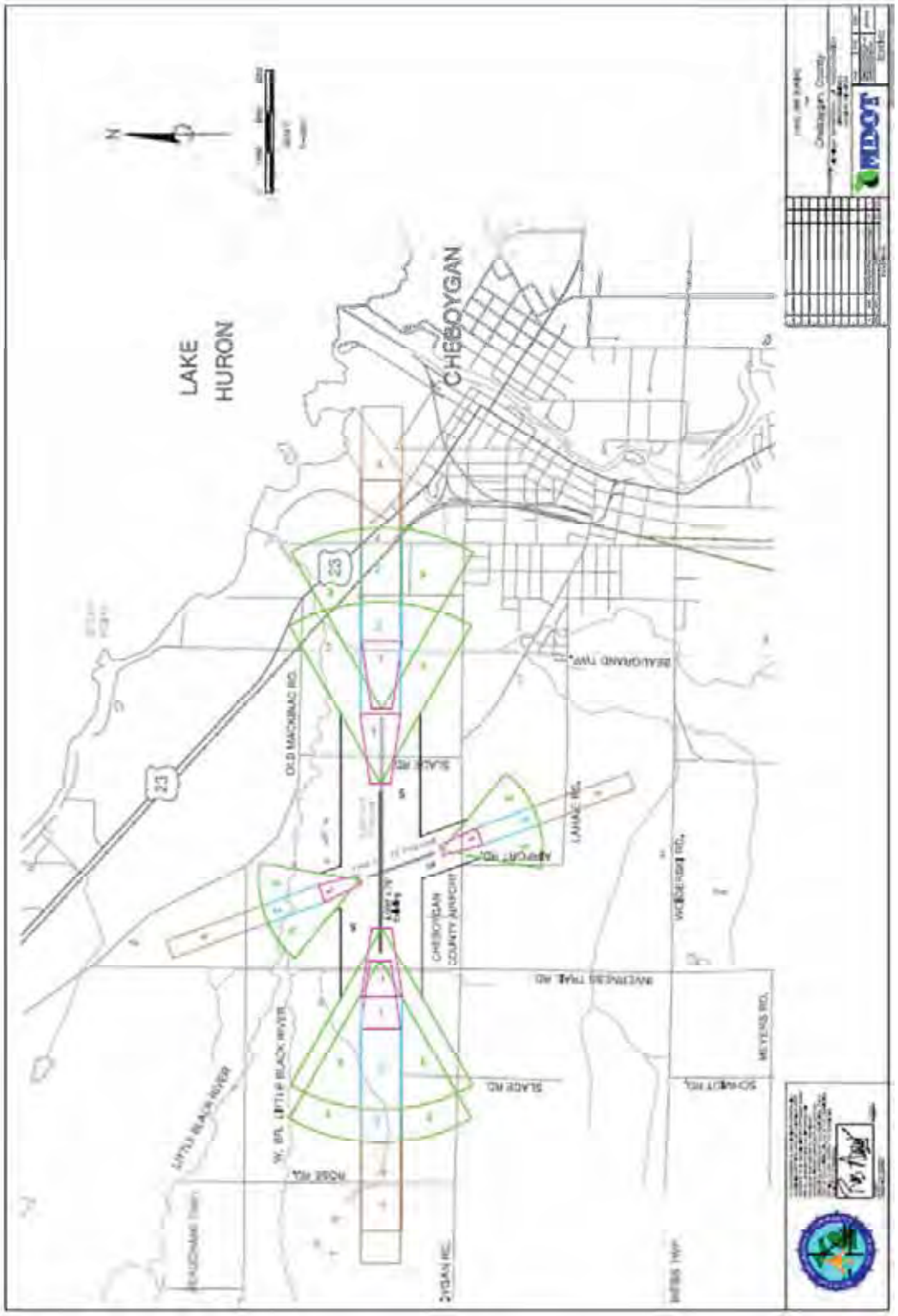
The Zoning Enabling Act (PA 110 of 2006) requires zoning to be based on a plan, and that plan shall incorporate the airport layout plan or airport approach plan that has been submitted. These airport plans should be referenced when any changes are made to the zoning near these airports.

For those airports that have submitted plans to Cheboygan County Planning and Zoning office, they are referenced here and a plan drawing is included. The following are airports located in Cheboygan County:

A. Cheboygan Airport Authority Approach Plan, Cheboygan; submitted September, 2010.
B. Hoffman's Black Mountain Aerodrome, Cheboygan; submitted May, 2002.
C. Pbeaaye Airport Approach Plan, Topinabee; submitted May, 2002.
D. Calvin Campbell Airport, Indian River; no plans on file.

Cheboygan Airport, Cheboygan

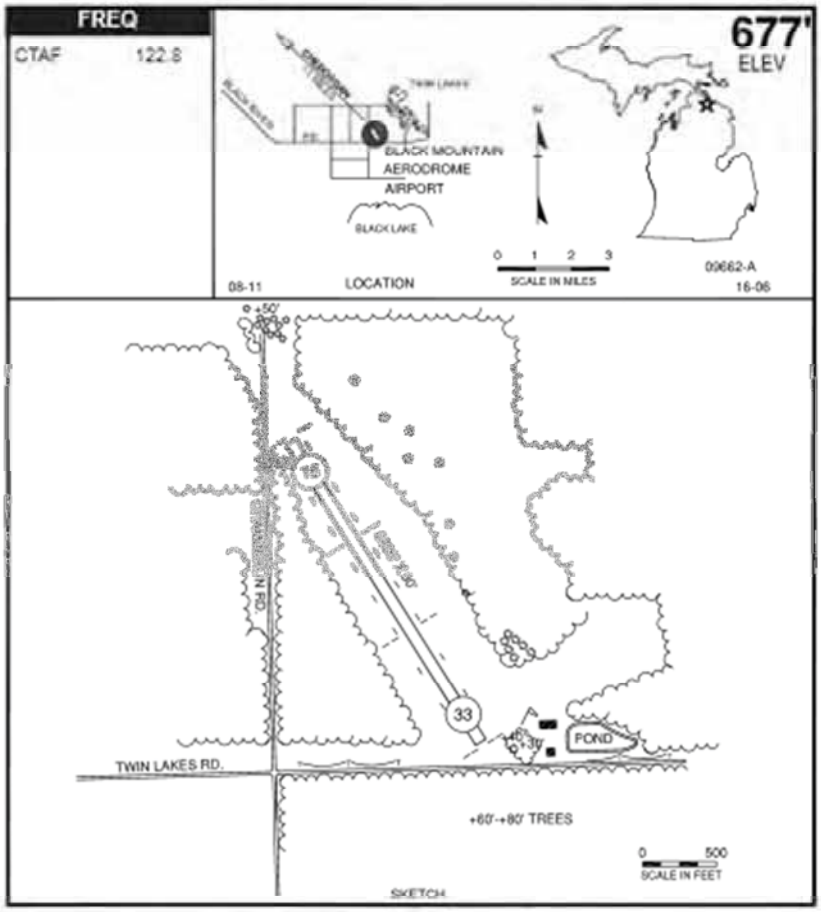
(The complete plan submitted is on file at the County Planning & Zoning Office)



Hoffman's Black Mountain Aerodrome, Cheboygan

(The complete plan submitted is on file at the County Planning & Zoning Office, the following drawing from MDOT, Office of Aeronautics website)

CHEBOYGAN, HOFFMAN'S BLACK MT (2M7)



RWY LENGTH BEYOND DISPLACED THR
15/ 1600
33/ 1900

COORDINATES
45° 31.85'N
084° 18.44'W

License
Basic Utility

FM CITY: 11 SE
LGT: None
MGR: Allen D. Hoffman, Sr.
PH: 231-625-2418 (Mgr Res)
FBO: Hoffman's Flying Svc
ATND: Irreg May 1 - Oct 31(Mgr resides at arpt)
Closed Nov.1 - late Apr vfy cond

NAV AIDS: 111.8 (PLN) 115° 18 NM to fld
FUEL: None
RPR: Major A&P
WX: None
SNW RMVL: yes, vfy cond
TRNSP: Yes
MEALS: 1 mi
RON: On arpt

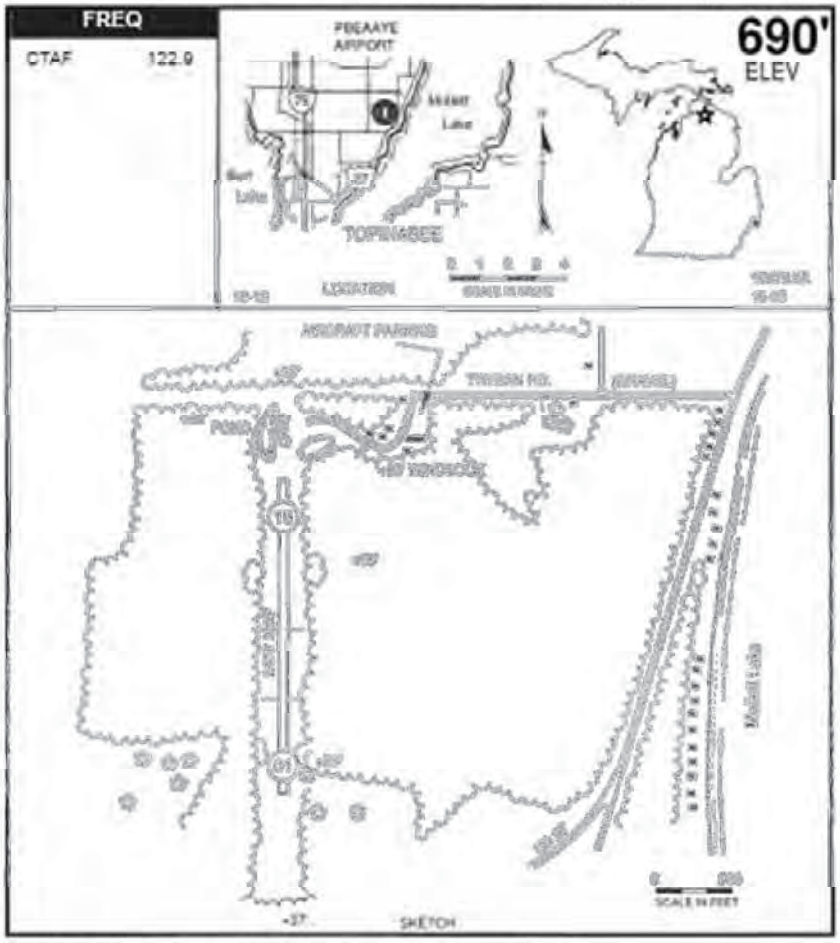
Pbeaaye Airport, Topinabee

(The complete plan submitted is on file at the County Planning & Zoning Office)

TOPINABEE, PBEAAYE (Y30)

FREQ	
CTAF	122.9

690' ELEV



RWY LENGTH BEYOND DISPLACED THR
19/ 1670'
01/ 2020'

COORDINATES
45° 31.87'N
084° 33.42'W

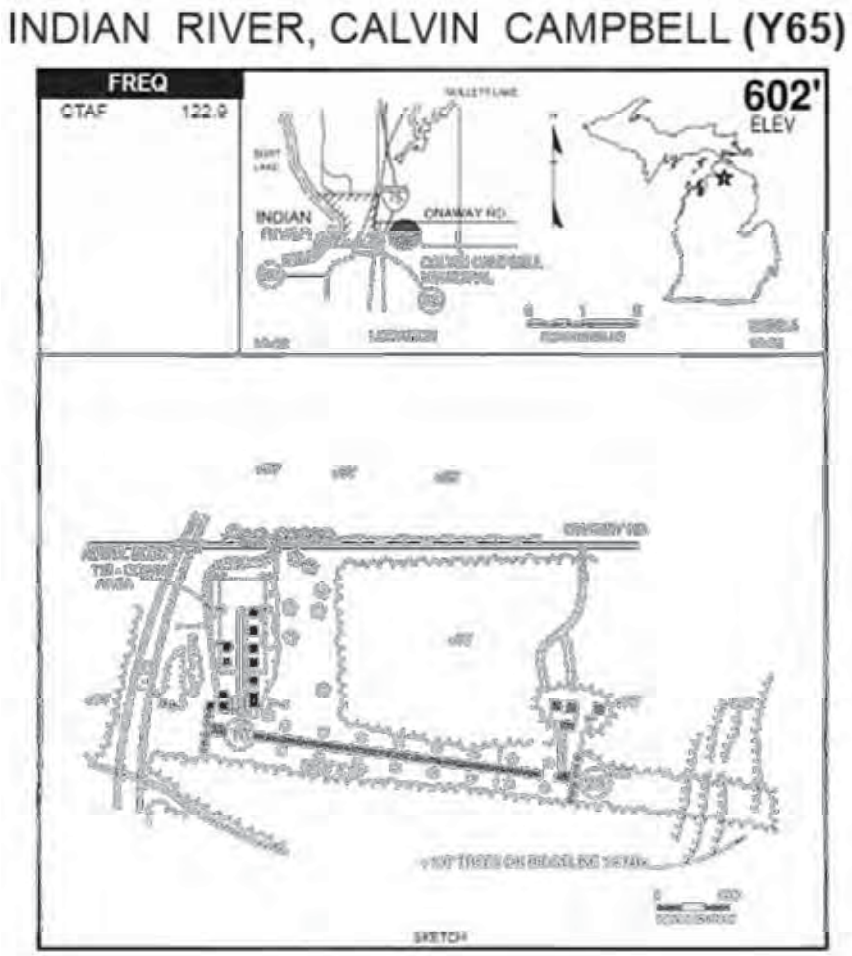
License
Basic Utility

FM CITY: 3.0 NE
LGT: None
MGR: Earl Kirchoff
Jeff Passeno (Contact person)
PH: 231-267-1048 (Mgr res)
231-268-8965 (Mgr cell)
231-268-8042 (Jeff Passeno)
FBO: None
ATND: Irreg

NAV AIDS: 111.8 (PLN) 151° 8.0 NM to fld.
FUEL: None
RPR: None
WX: None
SNW RMVL: None, ski opns only
TRNSP: No
MEALS: In town, 3.0 mi
RON: In town, 3.0 mi

Calvin Campbell, Indian River

(No plans on file with Cheboygan County, drawing from MDOT, Office of Aeronautics website)



RWY LENGTH BEYOND DISPLACED THR
10/ —
28/ 2406'

COORDINATES
45° 24.50'N
084° 35.00'W

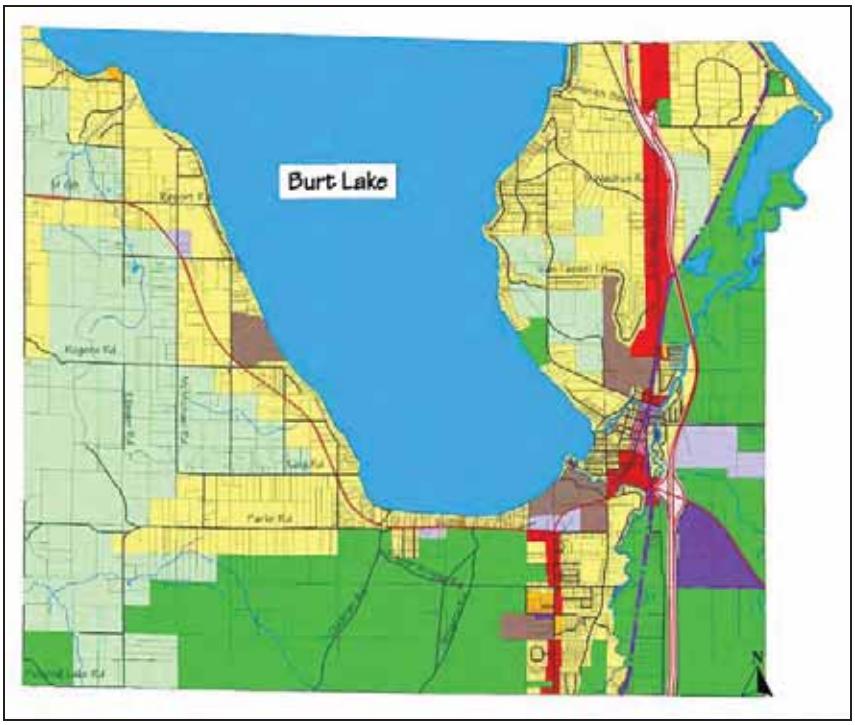
License Class
Basic Utility

FM CITY: 1.0 mi E
LGT: LIRL 122.9 5X PCL CTAF
MGR: Norman F. Pratt
Christian Kindsvatter, Asst
PH: 231-373-2070 (Mgr cell)
517-202-9926 (Asst cell)
FBO: None
ATND: Intmt - mgr lives adj

NAV AIDS: 111.8 (PLN) 175° 13.6 NM to fld
FUEL: Yes*
RPR: None
WX: None
SNW RMVL: Intmt–vfy cond
TRNSP: By arngmt w/ arpt Mgr
MEALS: In town, 0.75 mi
RON: In town, 0.75 mi

TUSCARORA TOWNSHIP

2012 MASTER PLAN UPDATE



Planning Commission Adopted: January 24, 2013
Township Board Adopted: February 5, 2013

With Planning Assistance provided by:

M. C. Planning & Design
504 Liberty Street
Petoskey, MI 49770
(231) 487-0745
mcampbell@mcplanningdesign.com

Tuscarora Township

Cheboygan County, Michigan

2012 Master Plan Update

Prepared by:

Tuscarora Township Planning Commission

Mike Cherveny, Chair

Present Members

Kelly Ashford
David Barton
Denny Darst
Jim MacLaren
Mike Vizina
Craig Waldron

Adopted

Planning Commission: January 24, 2013
Township Board: February 5, 2013

With Planning Assistance Provided By:

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Petoskey, MI 49770
(231) 487-0745

TUSCARORA TOWNSHIP
2012 MASTER PLAN UPDATE

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CHAPTER 1

Introduction

Purpose and Planning Process

The purpose of the Tuscarora Township Master Plan is to provide guidelines for future development, while protecting the natural resources and rural character of the Township. This plan presents extensive background information including socio-economic data on the Township; description and mapping of natural resources and existing land uses; and inventory of existing community facilities. The background information is analyzed to identify important characteristics, changes and trends occurring in the Tuscarora Township. Community concerns were identified based on past survey findings, previous planning efforts, and public meetings. Previously prepared goals and policies were reviewed and updated to better guide future development based on the background studies, key land use trends and community issues. These goals, along with an updated map of existing land use, provided the basis for the Future Land Use Map which specifies where the various types of future development ideally will be located in the Township. This plan also provides suggestions for implementation of the identified goals and policies. The guidance provided by this Master Plan will be utilized in reviewing the Cheboygan County Zoning Ordinance as it applies to Tuscarora Township.

Regional Setting and Historical Context

Tuscarora Township is located on the western border of Cheboygan County, which is situated in the north central part of Michigan's Lower Peninsula. While Tuscarora Township is greater than a standard geographic township in area, approximately 30 percent of the Township is water (Burt Lake).

Centrally located in the northern part of the Lower Peninsula, Tuscarora Township is approximately 20 miles from both Lake Huron and Lake Michigan. Tuscarora Township encompasses an area of 41.7 square miles. The township contains the southern half of Burt Lake, which occupies approximately 12 sq. miles of the township’s area, see Figure 1-1.

As with all of the United States, Tuscarora Township was originally the homeland for Native Americans. In the early 1600's, the French explored the area and established a profitable fur business and missions. In the mid 1700's, both the British and French courted the friendship of the Native Americans. Control of the Michigan territory was in a state of flux between the nations for about 100 years.

In 1828, the area that is now Cheboygan County was part of Michilimackinac County. It was transferred to Mackinac County in 1840. In 1856, Cheboygan County was vastly enlarged to include most of Northeast Michigan. At one time, Cheboygan County was divided into the two counties of Cheboygan and Wyandot. From 1860 to the present, Cheboygan County's boundaries have remained essentially the same. The area was first surveyed from 1840 to 1843, by State surveyors Messrs. Burt and Mullett. Burt and Mullett Lakes are named in their honor.

Tuscarora Township is located at the heart of the "Inland Water Route". The "Inland Water Route" has been important in the early development of the Cheboygan area. The route consists of the Cheboygan River, Mullett Lake, Indian River, Burt Lake, Crooked River, Crooked Lake and Pickerel Lake. This connected waterway provides access between Lake Huron at

Cheboygan and Conway (a village nine miles north of Petoskey). The route has always been heavily used. At first the Native Americans paddled canoes through the water systems, then early crews used the route for commercial transportation of the great log booms of the late 1800's. It was later dredged and dammed to facilitate water travel. This water route is still heavily used to this day, mostly by small pleasure crafts.

With the settlement of northern Michigan by Europeans, the area's economic base went from fur trading to farming and timber. After a large amount of virgin timber was harvested in northern Michigan and agricultural practices began to become more modern, these two major industries saw a big decline in this region. Cheboygan County's economy was hit hard by the loss of jobs from these industries. Many of the area's residents left in order to find work in southern Michigan and elsewhere. At about the same time, however, the region began to become a popular recreation and resort area. Resorts were built in Cheboygan County on the "Little Great Lakes", as the lakes of the Inland Water Route were often called. This surge in the resort business helped the economy, but largely only during the summer months. As with all of the nation, Cheboygan County was devastated due to the Great Depression in the 1930's. A reawakening of the economy took place, however, in response to the need for goods and materials during World War II. With the advent of modern automobiles and the construction of I-75 through the Tuscarora Township area, the region has grown into the community it is today.

The Status of Planning and Zoning in Tuscarora Township

Cheboygan County formed their Zoning Commission and Board of Zoning Appeals in December of 1969, and adopted the County's first zoning ordinance that same month. The County's first Comprehensive Plan was adopted in August 1979. Tuscarora Township initially formed a Planning Commission in the late 1970s and adopted its first Master Plan in 1991. While Tuscarora Township has regularly reviewed and updated the Plan, since originally adopting a Master Plan, the Township has elected to remain under the Cheboygan County Zoning Ordinance. The Planning Commission was re-configured in accordance with both Michigan Planning Enabling Act and Michigan Zoning Enabling Act, in 2009.

In 2009, the Tuscarora Township Planning Commission reviewed the previous 1999 Master Plan and prepared an updated Plan in accordance with the Michigan Planning Enabling Act. Due to lapse of a decade since the last update, the 2010 update of the Master Plan was a comprehensive review and significant updates were made regarding the social and economic characteristics, the services, the existing land use/cover map. The goals, objectives and policies were found to generally still be applicable, but were supplemented to address current concerns. The future land use map was reviewed and updated based on public input.

In 2012, the Planning Commission prepared a minor update primarily to include the 2010 Census and related data, update the sewer status, and include minor revisions to the Future Land Use Plan.

Zoning ordinances supported by up-to-date comprehensive land use plans are considered the main tool Michigan communities have at their command to control land use patterns and development pressures. To provide a strong legal foundation a zoning ordinance should correspond to an up-to-date adopted Master Plan. Since the County administers a Zoning Ordinance covering the Township, it is advisable that the Township re-review the Zoning Ordinance following any Master Plan updates to ensure the local zoning is supported by the plan to provide a stronger legal foundation for the County Zoning Ordinance within Tuscarora Township.

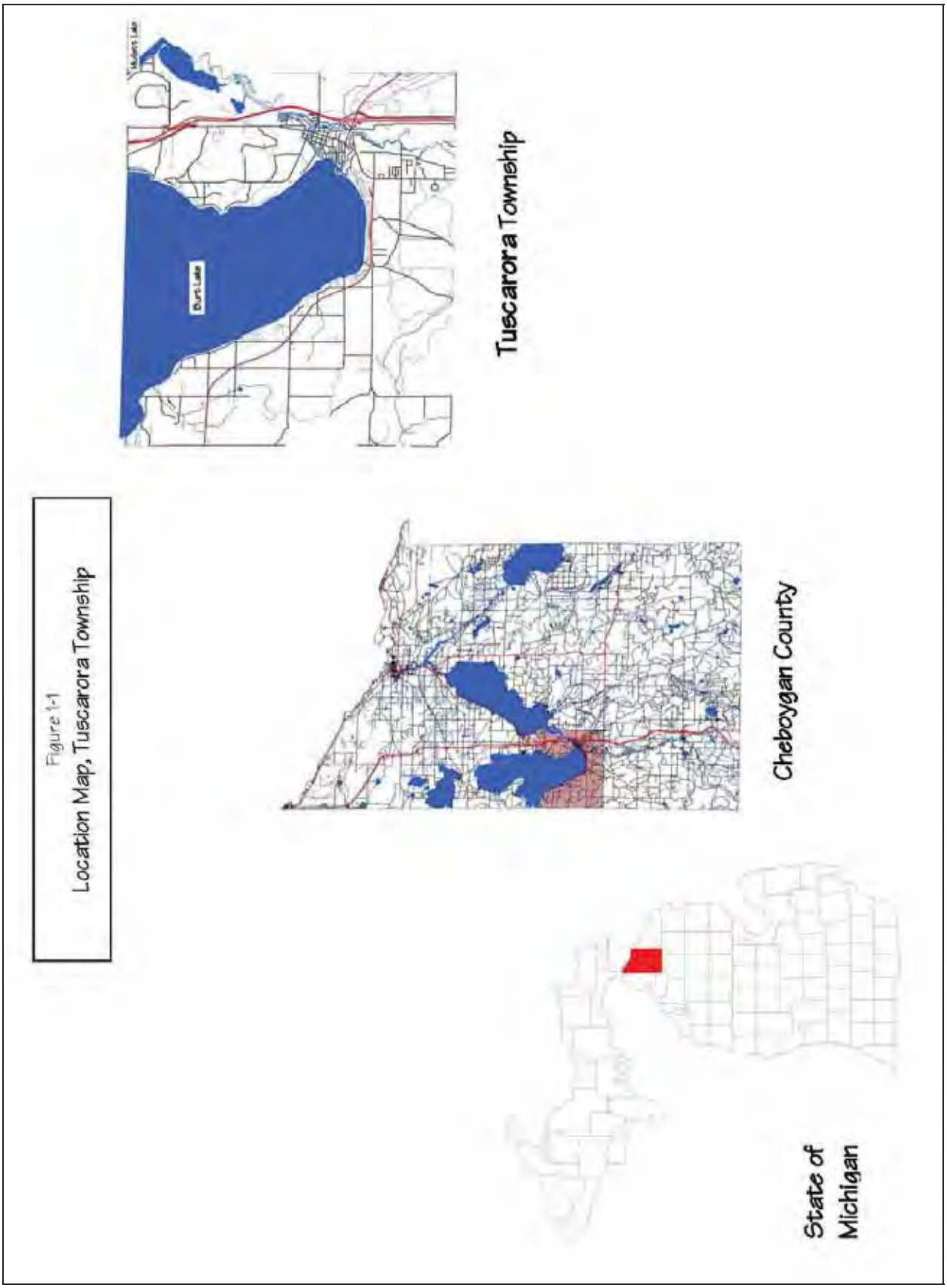


Figure 1-1
Location Map, Tuscarora Township

CHAPTER 2

Township Social and Economic Characteristics

Population

According to the U.S. Census Bureau, the population for Tuscarora Township in 2010 was 3,038 persons (1,468 male – 1,570 female), averaging approximately 103 persons per square mile for the Township's 29.5 square miles of land area. This population density can be compared to approximately 36.5 persons per square mile for Cheboygan County and 174.0 persons per square mile for the State of Michigan.

In discussing the population for Tuscarora Township, however, it is important to note that the figure presented by the 2010 Census does not reflect the actual number of persons residing in the Township during the summer months. This situation can be seen throughout much of northern Michigan. The Census tally, taken on April 1st, does not count residents who winter elsewhere. Respondents are asked to declare a permanent residence different from their April location, if more than six months are spent at the alternate address. However, many fail to do so for reasons of misunderstanding or for tax purposes.

In reviewing the social and economic information derived from Census data, the figures presented for housing characteristics show 846 units or 35 percent of the total housing units as seasonal, recreational, or occasional use homes. Based on the average household size in Tuscarora Township of 2.23, the expected seasonal increase would be approximately 1,887 persons. In addition, many summer visitors stay at private lodging places or at the homes of family or friends.

Table 2-1 illustrates population statistics for permanent residents for Tuscarora Township and Cheboygan County from 1960 to 2010. As can be seen, the Township has experienced significant population growth during each of the decades between 1960 and 2000, with the most substantial percentage growth occurring between 1970 and 1980, when the township grew 45.7 percent. More recently, between 2000 and 2010, the Township and the County have each experienced a slight population decrease.

Table 2-1:
Population Changes 1960-2010
Tuscarora Township & Cheboygan County

	1960	Percent Change	1970	Percent Change	1980	Percent Change	1990	Percent Change	2000	Percent Change	2010
Cheboygan County	14,550	13.9	16,573	24.3	20,649	3.6	21,398	23.6	26,448	-1.1	26,152
Tuscarora Twp.	1,048	27.9	1,340	45.7	1952	17.7	2,297	34.6	3,091	-1.7	3,038

Source: US Census Bureau 2010

Age Distribution and Racial Make-up

Information on age distribution within a population can assist the community in matching public services to community characteristics and in determining what, if any, special needs specific resident groups might have.

Age distribution for Tuscarora Township in 2010 reflects a population which is slightly older than that of Cheboygan County, and the State of Michigan as a whole, as illustrated in Table 2-2. While, the school age (5-17) and young adults (18-24) are slightly under represented in the Township in comparison to the County and State, the proportion of adults in the wage earning years (25-65) is closer to the County and State norms, and most age groups over age 45 higher than the County and State levels, with the 65 and older group being much greater percentage than state-wide. Table 2-2 provides the statistical comparison of the age distribution for the Township, the County and the State, based on the 2010 Census.

At the time of the 2010 Census, the median age for Tuscarora Township was 49.5 years, for Cheboygan County, 47.1 years, and for the State, 38.9 years. The Township median age is somewhat older than both the State and County. It is important to remember these statistics do not include the seasonal resident population, which is also likely to have a larger proportion of older persons.

Table 2-2:
Age Distribution - 2010
Tuscarora Township, Cheboygan County, State of Michigan

Age	Tuscarora Twp.	Township %	Cheboygan Co.	County %	State %
Under 5	148	4.9	1,229	4.7	6.0
5-17	452	14.9	4,117	15.7	17.7
18-20	63	2.1	748	2.9	4.6
21-24	92	3.0	857	3.3	5.3
25-44	565	18.6	5,378	20.6	24.7
45-54	472	15.5	4,012	15.3	15.3
55-59	300	9.9	2,147	8.2	6.9
60-64	247	8.1	2,043	7.8	5.8
65 +	699	23.0	5,621	21.5	13.8
Total	**3,038**	**100.0**	**26,152**	**100.0**	**100.1**
Median age	49.5		47.1		38.9

Note: Due to rounding, percents may not equal 100
Source: Census of Population and Housing 2010; prepared by the Bureau of Census.

The racial make-up of the Township is primarily white (2,923 persons). Native Americans are the primary minority population (52 persons), and there are very few persons of African American or Asian background reported.

Income and Employment

Income statistics from the U.S. Census 2006-2010 American Community Survey 5-year estimates show income levels for Northern Michigan greater than those found in the State as a whole. Table 2-3 compares income statistics for Tuscarora Township to Cheboygan County and the State.

Table 2-3:
Income Statistics
Tuscarora Township, Cheboygan County and State of Michigan

	Median Household Income	**Per Capita Income**
Tuscarora Township	$ 51,087	$ 26,650
Cheboygan County	$ 37,903	$ 23,038
State of Michigan	$ 48,432	$ 25,135

Source: U.S. Census Bureau 2006-2010 American Community Survey

Employment data on the civilian labor force is compiled on a monthly and annual basis by the Office of Labor Market Information (OLMI), Michigan Department of Energy, Labor and Economic Growth. Table 2-4 below compares the civilian labor force statistics for the County and State for 2007, 2009 and 2011; unfortunately township level data is no longer available.

Table 2-4:
Civilian Labor Force Comparisons and Unemployment
Cheboygan County and State of Michigan

	County			**State (in 1,000's)**		
	2011	2009	2007	2011	2009	2007
Labor Force	10,696	11,709	12,554	4,658	4,851	5,034
Employed	9,534	10,119	11,284	4,178	4,200	4,678
Unemployed	1,162	1,590	1,270	480	651	356
Unemployment Rate %	10.9	13.6	10.1	10.3	13.4	7.1

Note: All numbers rounded to nearest 25.
Source: Office of Labor Market Information, Michigan Department of Energy, Labor and Economic Growth

Another method of describing the economic characteristics of a community is to analyze the different categories of employment. Along with employment and unemployment data, Employment data by Industry is provided from the 2006-2010 American Community Survey for the Township, County and State presented in Table 2-5.

Table 2-5 **Employment by Industry 2010** Township, County and State					
Industry	Tuscarora Township		Cheboygan County		State of Michigan
	Number	Percent	Number	Percent	Percent
Agriculture, forestry, fishing, hunting, and mining	0	0.0	209	2.0	1.3
Construction	29	2.5	1,111	10.9	5.3
Manufacturing	159	13.8	791	7.7	17.6
Wholesale trade	63	5.4	249	2.4	2.8
Retail trade	110	9.5	1,596	15.6	11.6
Transportation warehousing, and utilities	14	1.2	467	4.6	4.2
Information	0	0.0	78	0.8	1.9
Finance, insurance, real estate, rental and leasing	84	7.3	477	4.7	5.7
Professional, scientific, management, administrative, and waste management services	85	7.4	599	5.9	8.9
Educational, health, and social services	340	29.4	2,315	22.6	23.2
Arts, entertainment, recreation, accommodation and food services	196	17.0	1,364	13.3	9.1
Other services (except public administration)	56	4.8	531	5.2	4.7
Public administration	20	1.7	446	4.4	3.8
Source: U.S. Census Bureau 2006-2010 American Community Survey					

As shown by the data above, the highest percentage of the jobs are in the educational, health and social services industries at the Township level. The other main employment industries for the Township which each provide more than ten percent of the employment are: arts, entertainment, recreation, accommodation and food services (17%) and manufacturing (13.8%).

Education

According to the U.S. Census Bureau 2006- 2010 American Community Survey, of the 2,264 persons in Tuscarora Township over 25 years of age, 92.2 percent have attained an education of high school graduate or higher, while 24.9 percent have attained a bachelor's degree or higher. This level of educational achievement is somewhat higher than the County as a whole, with 88.2 percent of the County's population having earned a high school diploma or higher and 17.8 percent a bachelor's degree or higher. The Township educational levels for high school diplomas at 92.2 percent is higher than the State level of 88.0 percent, and the Township's bachelor's degree levels at 16.8 percent is higher than the State level of 15.5 percent.

Housing Stock and Property Values

An evaluation of housing stock and property values can be very beneficial in determining community characteristics or housing needs. For example, a large percentage of seasonal housing units is indicative of an increased seasonal population, as is the case of Tuscarora Township.

Statistics from the 2006-2010 American Community Survey show a total of 2,320 housing units for Tuscarora Township: 1,990 single-family units, 35 units in duplexes, 77 units in multi-family structures, and 218 mobile homes. Multi-family housing represents just 4.8 percent of the housing stock, and mobile homes are about 9.4 percent of the housing stock in Tuscarora Township.

When compared to the State as a whole, seasonal housing in the Township and County is very significant, as shown in Table 2-6.

Table 2-6:
Seasonal Housing Characteristics
Tuscarora Township, Cheboygan County and State of Michigan - 2010

	Total Units	Seasonal Units	% Seasonal
Tuscarora Township	2,391	846	35.4
Cheboygan County	18,298	5,557	30.4
State of Michigan	4,532,233	263,071	5.8

Source: U.S. Bureau of Census, 2010 Census

Household Size

Census data from 2010 shows Tuscarora Township has a household size of 2.23 persons per household, compared with 2.31 persons per household in both Cheboygan County and 2.49 for the State of Michigan as a whole. These figures are a significant change from prior decades. Over the past few decades, many communities across the state have experienced a shrinking average household size. This trend to smaller households is important, because it creates a demand for additional housing units, even in the absence of numerical increase in population.

Ownership

In Tuscarora Township, 80.8 percent of the permanently occupied housing units are owner-occupied, nearly the same as the 81.6 percent at the County level. The owner occupancy rates state-wide are only 72.1 percent. The renter-occupied housing in Tuscarora Township accounts for 19.2 percent of the total housing of 723 units (median rent $544), compared with State level of 27.9 percent and median rent, as reported in the 2010 census and 2006-2010 American Community Survey.

Housing Value

Another comparative measure for housing is value, as shown in Table 2-7. The median value of owner-occupied year-round housing units is $176,700 for Tuscarora Township compared to $114,600 in 2000. Cheboygan County's median value in 2010 is $123,400 as compared to the value of $94,500 in 2000, while Michigan's 2010 median value owner-occupied housing unit is $144,200 ($115,600 in 2000). This information, while collected by the Census Bureau is subjectively provided by the general population regarding what he or she thinks is the value of his or her house, therefore this information should be used with caution. Additionally, it is believed that some people may have underestimated the value of their homes due to concerns that accurate reporting might raise their taxes.

Table 2-7:
Value of Specified Owner-Occupied Housing Units
Tuscarora Township - 2010

Housing Values	Percent of Units
Less than $50,000	5.1
$50,000 - 99,999	18.1
$100,000 - 149,999	24.4
$150,000 - 199,999	7.2
$200,000 - 299,999	19.1
$300,000 or more	26.2

Source: U.S. Bureau of Census 2006-2010 American Community Survey

Property Value

Property values can also be analyzed by reviewing State Equalized Value (SEV) figures. By law, SEV, which constitutes a community's tax base, is equal to approximately one-half of the true market value of real property and certain taxable personal properties. Table 2-8 provides data for 2006, 2008 and 2010. As shown in Table 2-9, as of 2012, the Township SEV decreased. The largest valued nonresidential class of properties continues to be commercial land, which accounts for 9.5 percent of the Township's total SEV. The pie chart presented in Figure 2-1, presents distribution of total SEV by Township within the County, and clearly illustrates that Tuscarora Township has the largest SEV of any of the Townships within Cheboygan County, and comprises over 16 percent of the total County SEV.

Table 2-8:
State Equalized Valuation by Property Class
Tuscarora Township

Class	2006 SEV	2008 SEV	2010 SEV
Agriculture	628,600	722,200	579,500
Commercial	28,060,300	29,695,500	28,077,000
Industrial	142,500	150,500	97,800
Residential	287,628,550	288,432,080	243,030,950
Timber Cutover	0	0	0
Developmental	0	0	0
Total Real Property	316,359,950	319,000,280	271,785,250
Personal Property	5,345,700	5,373,100	5,396,750
Total SEV	**321,705,650**	**324,373,380**	**277,182,000**

Source: Cheboygan County Equalization Department.

Table 2-9:
Distribution of the SEV
Tuscarora Township and Cheboygan County - 2012

Real Property:	**Tuscarora Township**		**Cheboygan County**	
	Amount	Percent	Amount	Percent
Agricultural	467,400	0.2	35,158,800	2.2
Commercial	25,015,913	9.5	157,280,613	9.7
Industrial	97,800	0.04	5,871,000	0.4
Residential	231,479,700	88.2	1,367,800,619	84.6
Timber Cutover	0	0.0	575,000	0.04
Developmental	0	0.0	3,343,900	0.2
Total Real Property	257,060,813	97.9	1,570,029,932	97.1
Personal Property	5,441,150	2.1	47,319,734	2.9
Total SEV	**262,501,963**	**100.0**	**1,617,349,666**	**100.0**

Source: Cheboygan County Equalization Department

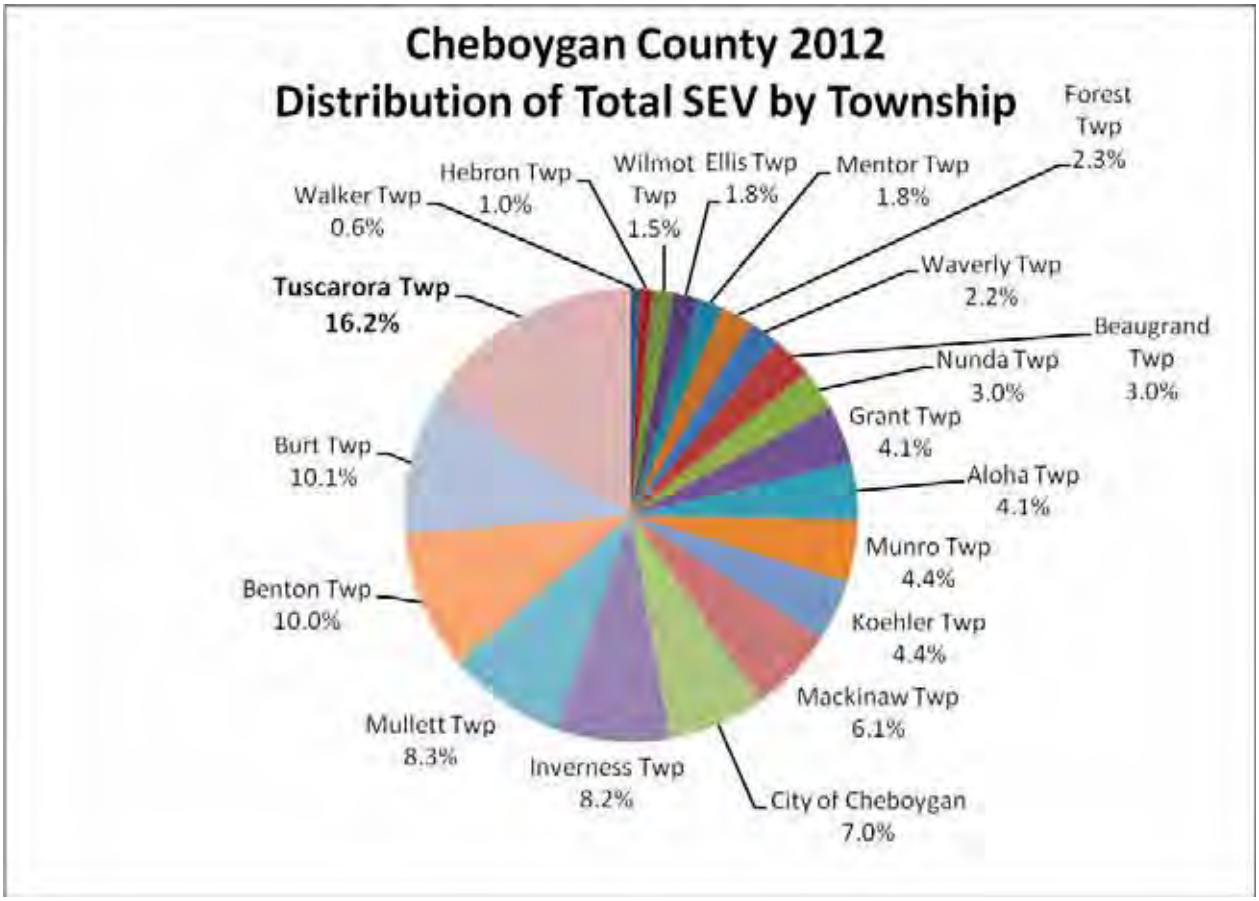


Figure 2-1 Source: Cheboygan County Equalization Reports-2012

CHAPTER 3

Natural Resources

Climate

Tuscarora Township's position in the interior of northern Lower Michigan means it lacks the climate-moderating effects of proximity to the Great Lakes. Due to the inland location, the growing season can be as short as 70-80 days as a result. However, Burt Lake does provide some moderation of temperature extremes to the Township.

County-wide the presence of the Great Lakes tends to keep the temperature near the shoreline portions of the county warmer in the winter months and cooler in the summer months than the inland areas. This affects the length of the growing season in the various portions of the county. The lakeshore region of the county may have a growing season of as long as 140 days, whereas the interior portions of the county are limited to a shorter season of typically 70 to 80 days.

The average temperature in the summer months as recorded by the Cheboygan weather station is 65 degrees Fahrenheit, while the winter average is 19 degrees (data from NOAA; 1960 through 1990). The overall annual average temperature for Tuscarora Township is 52 degrees, although variations occur. Historical temperature data illustrates the following county temperature extremes. The highest recorded temperature of 104 degrees (8/6/47) and lowest recorded of 38 degrees below zero (2/6/95).

Precipitation is well distributed throughout the year with the growing season, May to October, receiving an average of 17.3 inches, 61% of the total annual average. Snowfall ranges from 120-130 inches in Tuscarora Township.

Geology

Bedrock underlying the county was formed from an ancient sea, which covered the area some 250-600 million years ago. The bedrock underlying Tuscarora Township was formed during the Middle Devonian ages of the Paleozoic Era. Beneath the surface is gray, thin bedded limestone and shales creating black bituminous limestone filled with heads of coral at the base.

The primary surface geologic features in Tuscarora Township are moraines, course textured glacial till and dune sand. Moraines, linear hilly ridges, were formed by the deposition of unsorted sand, gravel, rock and clay at the margins of a glacier. A moraine represents the former position of a glacier's edge. One such landform can be seen in the southern portion of Tuscarora Township and spreading into the adjacent Mentor Township.

Some areas in the southern portion of Cheboygan County were subjected to the onslaught of rapidly melting waters. The meltwater carried debris as it spread out in a sheetlike formation away from the glaciers. Evidence of the resulting outwash plains and glacial channels can be seen in two prominent sections of Tuscarora Township. One area is located on southeastern shore of Burt Lake, and covers a large part of the township's northeast corner. The other, larger area is located on the southwestern shore of the lake and spreads into neighboring Emmet County.

Topography

The topography of Tuscarora Township is shown in Figure 3-1, with elevations ranging from 577-643 feet above sea level along the shore of Burt Lake to gently rolling hills that reach an elevation of 907-971 feet above sea level. The higher elevations in the Township appear to directly correspond to the areas of outwash plains.

Slope is an important development consideration associated with topographic features. Steep roadway grades, septic field failures, soil erosion and excavation costs are some of the difficulties associated with severe grades. Areas of steep slopes (12 percent and greater) are considered a potential constraint for development. Sleep slope areas are identified on Figure 3-3.

Soils and Farmland

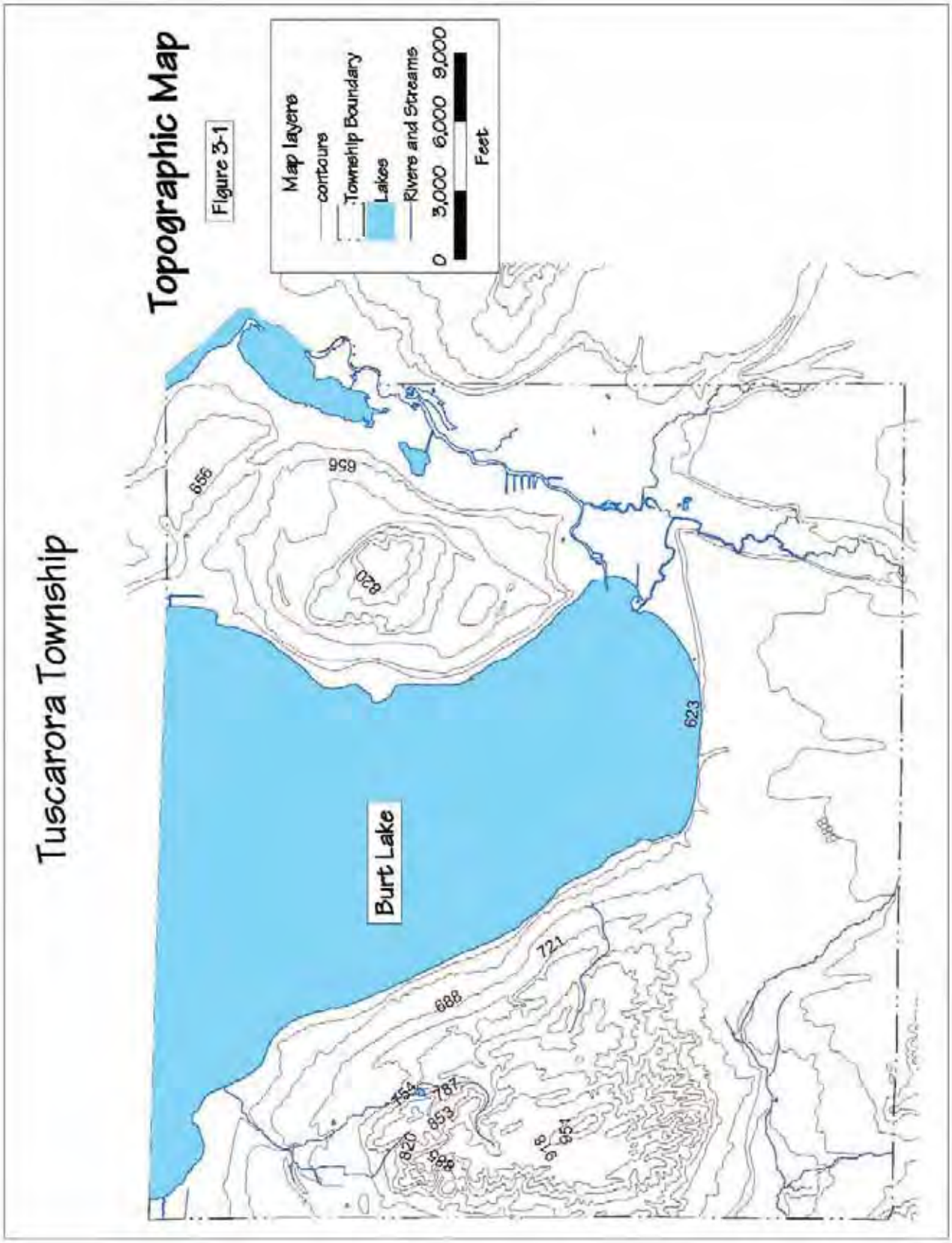
One important determinant of land use is the soil's suitability for development. Land uses must correspond to the capacity of the soils on which they occur, and soil suitability for each use should be determined before development occurs.

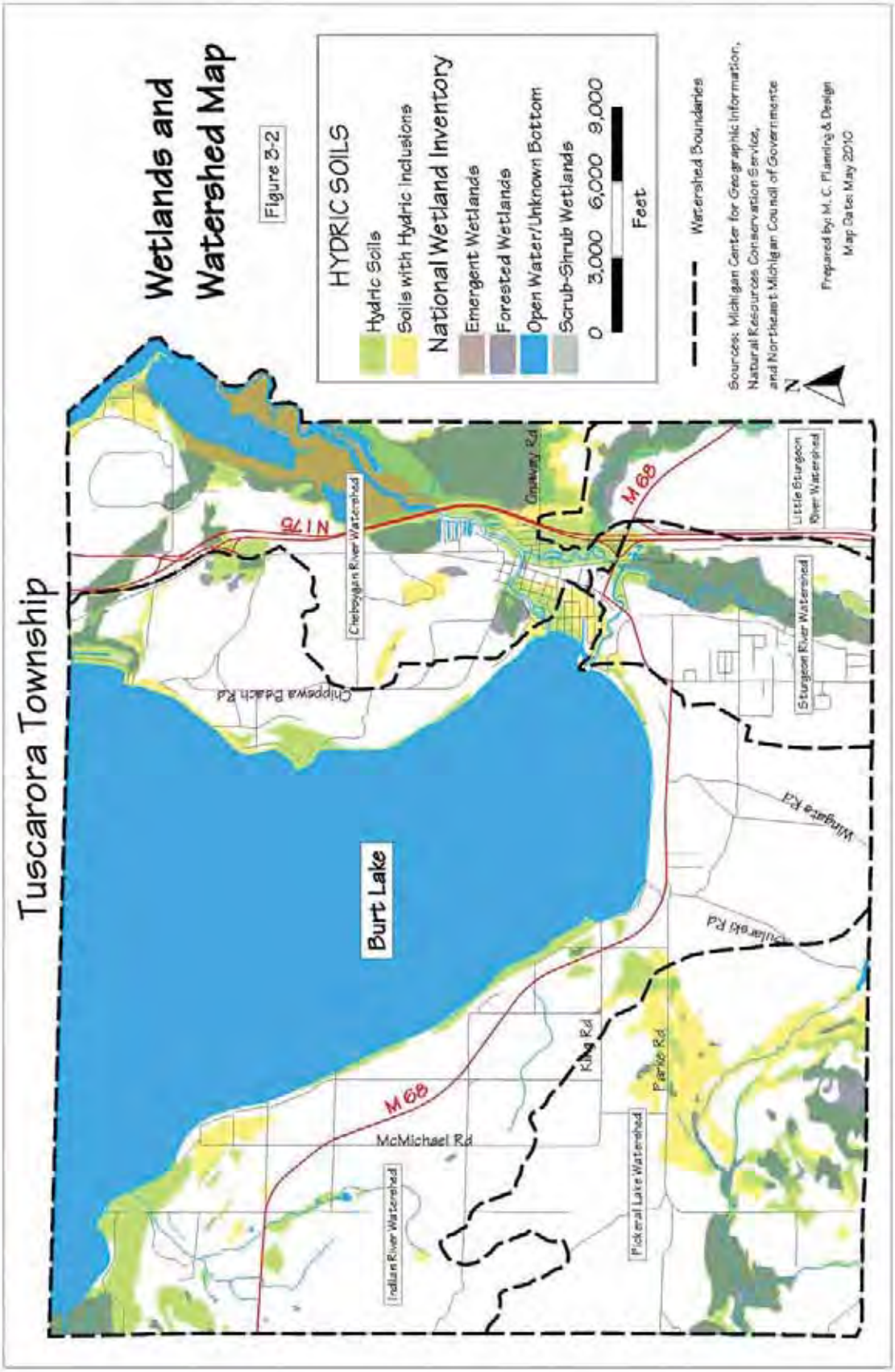
There are three predominant soil associations located in Tuscarora Township. *Rubicon-Grayling*, commonly called 'jack pine plains', features nearly level to undulating, well-drained sandy soils. *Rubicon-Graycalm-Montcalm*, is typically undulating to hilly, well-drained sandy soils. The *Leelanau-Emmet-Kalkaska* soil association describes undulating to hilly well-drained sandy and loamy soils. Each of these soil associations are considered to be fair for recreational development and fair to good for residential development.

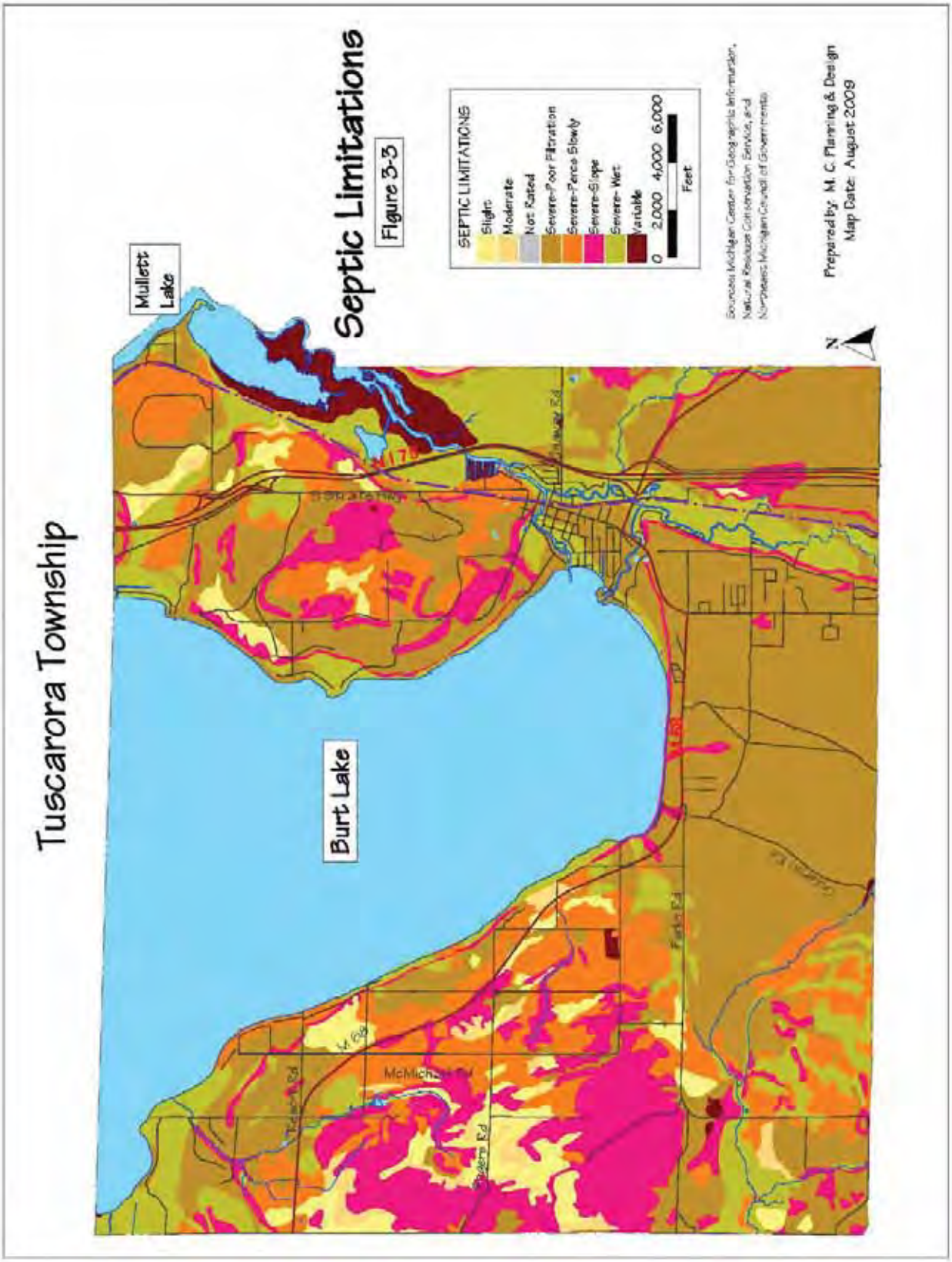
Approximately 13.1 percent of Tuscarora Township is wetland area, comprised of soils which are hydric (wetland) soils or have hydric inclusions, see Figure 3-2. Soils identified as having hydric inclusions are soil types which may have some wetland areas, but can not be determined by the soil type alone. Soils identified as having hydric inclusions must be field checked to verify whether or not wetland areas exist.

Soils and topography also determine which areas are classified as prime farmland and locally important farmland. The prime farmland classification indicates soils which are ideally suited for agricultural or timber production. Unique farmland is land other than prime that is used for the production of specific high value food and fiber crops. Locally important farmland includes soils which are nearly prime, but are located on slightly steeper grades. These soils can produce high yields when treated and managed according to modern farming methods. With good management these soils may produce yields equal to that of prime soils. Agricultural soils are an important and valuable natural resource within the Township and region. Areas currently being used for agricultural purposes are shown in Figure 4-1.

Figure 3-3 identifies areas with soil limitations for septic systems. The limitations identified are either related to slope, hydric soils or both. These limitations do not preclude the development of specific sites. The developer should realize, however, that construction on some soils may be more costly in time and money. A more detailed analysis of the soils by the District Health Department will determine suitability for siting a septic system. Health Department approval is required by State law.


Tuscarora Township
Topographic Map
Figure 3-1
Map layers
contours
Township Boundary
Lakes
Rivers and Streams
0
3,000
6,000
9,000
Feet
Burt Lake
656
656
820
623
721
688
787
653
820
686
651
616


Wetlands and Watershed Map
Figure 3-2
HYDRIC SOILS
Hydric Soils
Soils with Hydric Inclusions
National Wetland Inventory
Emergent Wetlands
Forested Wetlands
Open Water/Unknown Bottom
Scrub-Shrub Wetlands
0 3,000 6,000 9,000
Feet
Watershed Boundaries
Sources: Michigan Center for Geographic Information, Natural Resources Conservation Service, and Northeast Michigan Council of Governments
Prepared by: M. C. Planning & Design
Map Date: May 2010
N
Tuscarora Township
Burt Lake
N 76
M 68
Cheboygan River Watershed
Indian River Watershed
Pickerel Lake Watershed
Sturgeon River Watershed
Little Sturgeon River Watershed
Chippewa Beach Rd
McMichael Rd
King Rd
Parke Rd
Niagara Rd
Gaylord Rd


Tuscarora Township
Mullett Lake
Burt Lake
Septic Limitations
Figure 3-3
SEPTIC LIMITATIONS
Slight
Moderate
Not Rated
Severe-Poor Filtration
Severe-Percs Slowly
Severe-Slope
Severe- Wet
Variable
0 2,000 4,000 6,000
Feet
Sources: Michigan Center for Geographic Information, Natural Resource Conservation Service, and Northwest Michigan Council of Governments
Prepared by: M. C. Planning & Design
Map Date: August 2009
N
McMichael Rd
Tuttle Rd
Sturgeon Rd
Fetch Rd
Tuttle Rd

Water Resources

One of the most valuable natural resources of Tuscarora Township is water. The Township is located within the Cheboygan River watershed, which is sub basin of (Lake Huron) watershed, (see Figure 3-2). The waters of Burt Lake provide for a variety of recreational activities such as fishing, boating and swimming.

Major rivers and streams in the township include the Sturgeon River which begins to the south in Otsego County and flows north into Burt Lake near Indian River. The Indian River, which connects Burt Lake to Mullet Lake, serves as a focal point of the Inland Water Route. Encompassing a good deal of northern Michigan, the Inland Water Route stretched from Crooked Lake in Emmet County to the mouth of the Cheboygan River at Lake Huron.

Both groundwater and surface water are vital resources within Tuscarora Township. Because there is no central water distribution system, residents must rely upon individual wells for drinking water. The vulnerability of drinking water aquifers to surface contamination is high in the Township due to the highly permeable soils. Surface waters in lakes and creeks of the Township are an important resource for scenic, recreational and groundwater recharge amenities. It is therefore important that water resources be protected and managed in a manner which would ensure their quality.

Groundwater

Important factors in the evaluation of groundwater are the quantity and quality of the water. The geologic and hydrologic features of the Township provide residents with sufficient water quantities. Water availability will not likely be a factor in limiting growth. In Tuscarora Township, water quality is more of a limiting factor than water supply. Water hardeners, iron content, salinity and septic field contamination are problems encountered in Tuscarora Township. While hardness and salinity are minor problems, high iron content is common throughout the Township. A more significant concern is the potential contamination of wells by failing septic systems, see Chapter 6 for a detailed discussion of this issue.

Surface Water

The major body of water in Tuscarora Township is Burt Lake. Burt Lake is located in the northern half of Tuscarora Township covering over 25 percent of the township. The surface area of the lake is 17,120 acres, with a maximum depth of 73 feet and average depth of 39 feet. Figure 3-3 shows the lakeshore and streams. The lake and its associated tributary streams and creeks offer scenic and recreational amenities to Township residents and visitors. Surface water, including all of the township's lakes and streams, makes up nearly 30 percent of the township's land use types, over 7900 acres. Surface water is the second largest land use for Tuscarora Township. It is extremely important that the quality of these surface waters be protected from the negative impacts of development, such as pollution and loss of scenic views to open water.

The Burt Lake Preservation Association is an active organization of interested citizens and property owners concerned with the protection of Burt Lake.

Lakes, creeks, and wetlands are important for surface drainage, groundwater recharge and wildlife habitat. Alterations to the water features can contribute to flooding, poor water quality, insufficient water supply and loss of valuable wildlife habitat.

Water quality testing includes dissolved oxygen and temperature profiles, pH levels, Total Phosphorus, Nitrate/Nitrite, Conductivity, Chloride, and Water Clarity Secchi Disc readings. Dissolved oxygen (D.O.) is an important factor in determining the lake's water quality, since most aquatic organisms depend on having an abundant supply of oxygen available. The pH level is a measure of the acidity or alkalinity on a scale from zero to 14. Low pH indicates acidity, high pH indicates alkaline conditions and a pH of 7 is neutral. Higher than background levels of Phosphorous results in excessive growth of algae and aquatic plants. Phosphorous is considered the most important nutrient influencing lake water quality. Nitrogen is considered the second most important nutrient affecting water quality. Low concentrations of nitrogen indicate good water quality. Conductivity and chloride are usually not water quality problems, but are valuable indicators of human influence on water quality. The Secchi Disc provides a simple and valuable method to measure water clarity and assess water quality. A weighted disc, attached to an incrementally marked rope, is lowered into the water until it is no longer visible.

Overall the results of the Tip of the Mitt volunteer lake-monitoring program do not indicate a significant change in the water quality of Burt Lake in recent years. The Trophic Status Index Value for Burt Lake has ranged between 32 and 38 between 1992 and 2002. The most recent, in 2002, TSI was 32, which was well within the Oligotrophic range (0-38) and thus Burt Lake is considered to have excellent water quality.

While the current quality of surface waters in Tuscarora Township is good, the threat of potential water pollution from non-point sources is a concern. Proper land use management can help control water quality conditions in Tuscarora Township. Some methods to curb pollution include runoff control measures, septic field corrections, proper treatment of sanitary wastes, and fertilizer application restrictions.

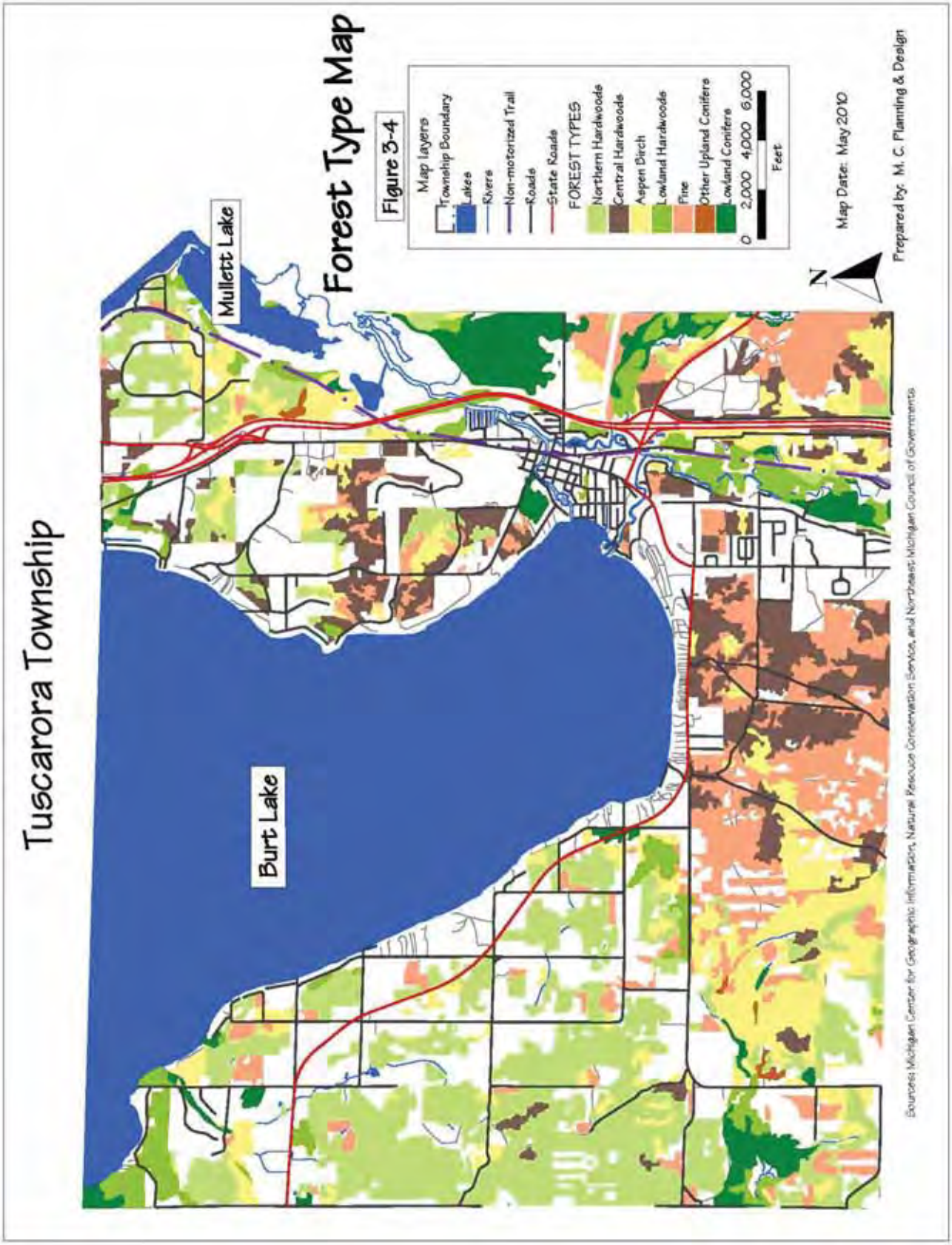
Wetlands and Woodlands

In addition to the scenic characteristics of woodlands, forested areas provide habitat for wildlife, protect the soil from erosion, and act as a buffer from noise on heavily traveled highways. Figures 3-4 and 4-1 show the distribution of forested land within the Township. Forested and wetland areas occur throughout much of Tuscarora Township. Some of these lands are under public ownership and other of these lands are protected in land trusts or with conservation easements.

The dominant forest associations, 70 percent, in Tuscarora Township are northern hardwoods (sugar and red maple, beech, yellow birch, cherry, basswood, white ash and aspen). Upland conifers such as red, jack and scotch pines, white and black spruce, balsam, and douglas fir come in second, covering nearly 8 percent of township land, comprising 18 percent of the forests. The areas identified central hardwood (also known as oak forest), are typically comprised of red oak, white oak, northern pin oak, white pine and aspen. In the lowland or wetland areas, common hardwood species include ash, elm and red maple. The common coniferous associations are cedar, black spruce, white spruce, balsam fir and tamarack in the wetlands.

Fish and Wildlife

Trout, pike, walleye, perch, bass, and bluegill are the primary species found in Burt Lake, creating good recreational fishing opportunities. Burt Lake fishery management strategy includes stocking


Tuscarora Township
Burt Lake
Mullett Lake
Forest Type Map
Figure 3-4
Map Layers
Township Boundary
Lakes
Rivers
Non-motorized Trail
Roads
State Roads
FOREST TYPES
Northern Hardwoods
Central Hardwoods
Aspen Birch
Lowland Hardwoods
Pine
Other Upland Conifers
Lowland Conifers
0 2,000 4,000 6,000
Feet
N
Map Date: May 2010
Prepared by: M. C. Planning & Design
Sources: Michigan Center for Geographic Information, Natural Resource Conservation Service, and Northeast Michigan Council of Governments

and periodic surveying to assess the survival and growth of stocked species and status of fish populations. The lake is stocked periodically with lake sturgeon and rainbow trout by the Michigan Department of Natural Resources and Environment (DNRE). Additionally, multiple species of trout swim the waters of the Sturgeon River, and the Indian River is a spawning ground for Great Lakes' muskellunge.

Habitat for populations of songbirds, wild turkeys, muskrat, mink, and raccoon is also supplied by wetlands within the Township. Predominant mammal species found throughout Tuscarora Township are fox, squirrel, rabbit, raccoons, porcupines, coyotes and deer. Bear are occasionally spotted in the Township. Additionally, the Michigan Monkey-flower is an endangered species both at the state and federal level, and are found in Tuscarora Township. Also, the bald eagle which is a "threatened" species has been sighted in Tuscarora Township. The red-shouldered hawk and common loon are classified "special concern" bird species and are known to nest in Tuscarora Township.

Scenic Features

The dynamic, year round views of Burt Lake from along its shoreline are another important asset to Tuscarora Township. Development which occurs along the Burt Lake shoreline area is visible to many other property owners and boaters on the lake. Just as consideration is given to the impact of development on water quality, the impact of development on visual quality should be considered.

In addition to Burt Lake, wooded areas, farmlands, streams and creeks, rolling topography, and historical structures are all important attributes found within Tuscarora Township. Extensive panoramic views encompassing these features help create the pleasant rural and scenic character appreciated by residents and visitors alike.

Sites of Environmental Contamination

The Michigan Department of Natural Resources and Environment provides for the identification, evaluation and risk assessment of sites of environmental contamination in the State, under part 201 of PA 451 of 1995. The Environmental Response Division (ERD) of the Michigan Department of Natural Resources and Environment (DNRE) is charged with administering this law. A site of environmental contamination, as defined by the ERD, is "a location at which contamination of soil, ground water, surface water, air or other environmental resource is confirmed, or where there is potential for contamination of resources due to site conditions, site use or management practices."

The agency publishes an annual list of environmentally contaminated sites by county, showing the sites by name, Site Assessment Model score, pollutant(s) and site status. As of May 15, 2009, two environmentally contaminated sites were located in Tuscarora Township.

Surface Water Discharge Permits

All point source discharges into surface waters are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit which is issued by the Michigan Water Resources Commission upon recommendation by DNRE, Surface Water Quality Division. Permit requirements generally address discharge limitations, effluent characteristics, monitoring and reporting requirements, along with facility management requirements. Currently two known point source permit holders are listed in Tuscarora Township.

Air Quality

Air Quality is monitored by the Air Quality Division of the Michigan Department of Natural Resources and Environment. Standards have been established as acceptable levels of discharge for any of the following air pollutants: particulate matter, sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone, lead, and trace metals. These pollutants are monitored on a continuing basis at selected locations around the state. Monitoring in recent years has shown the level of pollutants in the region to be within the established acceptable standards.

Air discharge permits are required for businesses discharging more than the acceptable level of any of the regulated air pollutants. Within Cheboygan County there is currently one known permit holder, which is not located in Tuscarora Township.

Summary

The review of the natural resources in Tuscarora Township indicate the natural features and agricultural resources are currently relatively unimpaired; however, these resources are extremely vulnerable to change, see Chapters 6 and 7 regarding potential issues. The environmental features of the Township are an important asset to the community, and need continued protection.

CHAPTER 4

Existing Land Use

Pattern of Land Divisions

As development occurs, larger tracts of land are generally broken down into smaller parcels. Therefore, studying the existing pattern of land divisions is one way to analyze the status of land use and development. Land division patterns for Tuscarora Township are discussed below.

The largest land owner in the Township is the State of Michigan with approximately 3,850 acres. The State of Michigan has large areas of contiguous undeveloped land, which are currently being maintained for recreation, conservation and educational purposes.

Subdivisions and small tracts are primarily located along the lakefront of Burt Lake, Mullett Lake and the rivers. Other small tract land divisions are occurring as small parcels in the commercial area of Indian River and along the roads. In terms of land division patterns, it is worth noting that some of the newer residential developments in Tuscarora Township may be created as site condominiums rather than traditional subdivisions. A site condominium does not actually create lots by land division. Therefore, a site condominium project may continue to appear as a large, undivided tract when it has already been converted to relatively dense residential use.

Existing Land Use Statistics and Characteristics

Of Tuscarora Township's total 41.7 square miles of area, the land area is 29.5 square miles, according to US Census information.

The map of existing land use, shown as Figure 4-1, illustrates the distribution of land uses and/or cover types within the Township. The existing land use map is a compilation of data provided by the previous Master Plan, land use mapping available through Michigan Geographic Information, and updating using recent aerial photography and additional field checking.

Table 4-1: **Existing Land Use/Land Cover** Tuscarora Township	
Land Use Category	**2009 Percent of Township**
Upland forests	32.7
Water – lakes and rivers	30.3
Residential	12.8
Non-forested uplands	6.3
Lowland forest	5.7
Nonforested wetlands	3.6
Institutional/Recreational	3.0
Industrial/Transportation	2.5
Commercial	1.8
Agricultural	1.3
TOTAL	**100**

Source: Michigan Resource Information System, Wade-Trim mapping (previous plan), Cheboygan County GIS Department, Michigan Center for Geographic Information, and MCP&D Map Updating and Field Verification.

Forests and Wetlands

Forests, which include upland hardwoods and conifers, account for 32.7 percent of the Township land area in 2009. Upland forests are the predominant cover type found in the southern and western portions as can be seen in Figure 4-1. Included in the Upland forest area is commercial maple syrup operation, which utilizes approximately 240 acres of forest land in the western portion of the Township. A map depicting the all woodland areas, both upland and lowland forests, is presented in Chapter 3, Figure 3-4.

Wetlands include land that has sufficient water at, or near, the surface to support wetland or aquatic vegetation. These areas are commonly referred to as swamps, marshes, or bogs. Wetland areas may also include land which supports lowland hardwoods and conifers. Wetland information was not verified by field inspection when these maps were compiled. Thus, the areas shown as wetlands by Michigan Resource Information System may not actually meet State and Federal criteria for legally regulated wetlands.

Wetland and lowland forest areas comprise 9.3 percent of the Township in 2009. The lowland forest category is typically comprised of forested wetland areas. As illustrated in Figure 4-1, the most significant portion of the wetlands are located in the northeast portion of the Township mostly around the southern portion of Mullett Lake and northern portion of the Indian River. Wetlands and lowland forests are also prevalent south of Indian River along the Sturgeon River and southeast of Indian River along Crumley Creek. Additional wetlands and lowland forest are scattered in locations throughout the Township which have not been developed.

Water

Surface water accounts for more than 8,000 acres or 30 percent of the Township's total area, due in

large part to portions of Burt Lake, Mullett Lake, the Sturgeon River and other rivers which are located in part within Tuscarora Township, see Figure 4-1.

Residential

As can be seen from Table 4-1 and Figure 4-1, the amount of land being used for residential purposes was 12.8 percent of the township in 2009.

The pattern of residential development within the Township is shown in Figure 4-1. Residential use has been the predominant land use along the lakefront of Burt Lake. Small tract land division concentrations also surround the commercial center of Indian River and south along old US 27, with additional residential areas scattered along the roads throughout the Township.

Nonforested

The nonforested land category consists of upland herbaceous open and shrub land. As shown in Table 4-1, the percent of nonforested land in the Township is 6.3 in 2009. Nonforested lands are well distributed throughout the Township, as shown in Figure 4-1.

Institutional and Recreation

Recreation and institutional lands currently comprise about 3.0 percent of Tuscarora Township. Churches, cemeteries and municipal facilities are included in the institutional portion of this category. The largest land areas in this category include Burt Lake State Park, Indian River Golf Course, Camp Al-Gon-Quian (YMCA/YWCA property), Cooperation Park, and the Little Traverse Conservancy properties. The Cheboygan County Road Commission identified public access sites are shown in Figure 4-1.

Industrial/Transportation/Extractive

A major component of this land use category is I-75 and its corresponding right-of-way. Table 4-1 shows a combined percent for industrial and extractive uses. As of 2009 this land category makes up 2.5 percent of the Township. Also included in this category are transportation and utilities, such as utility line corridors.

Commercial

Table 4-1 shows that the amount of land developed as commercial in Tuscarora Township is 1.8 percent. The locations of the commercially used property are shown in Figure 4-1 and primarily concentrate in the Indian River area, the Industrial park east of the I-75 interchange at M-68, and along old US 27.

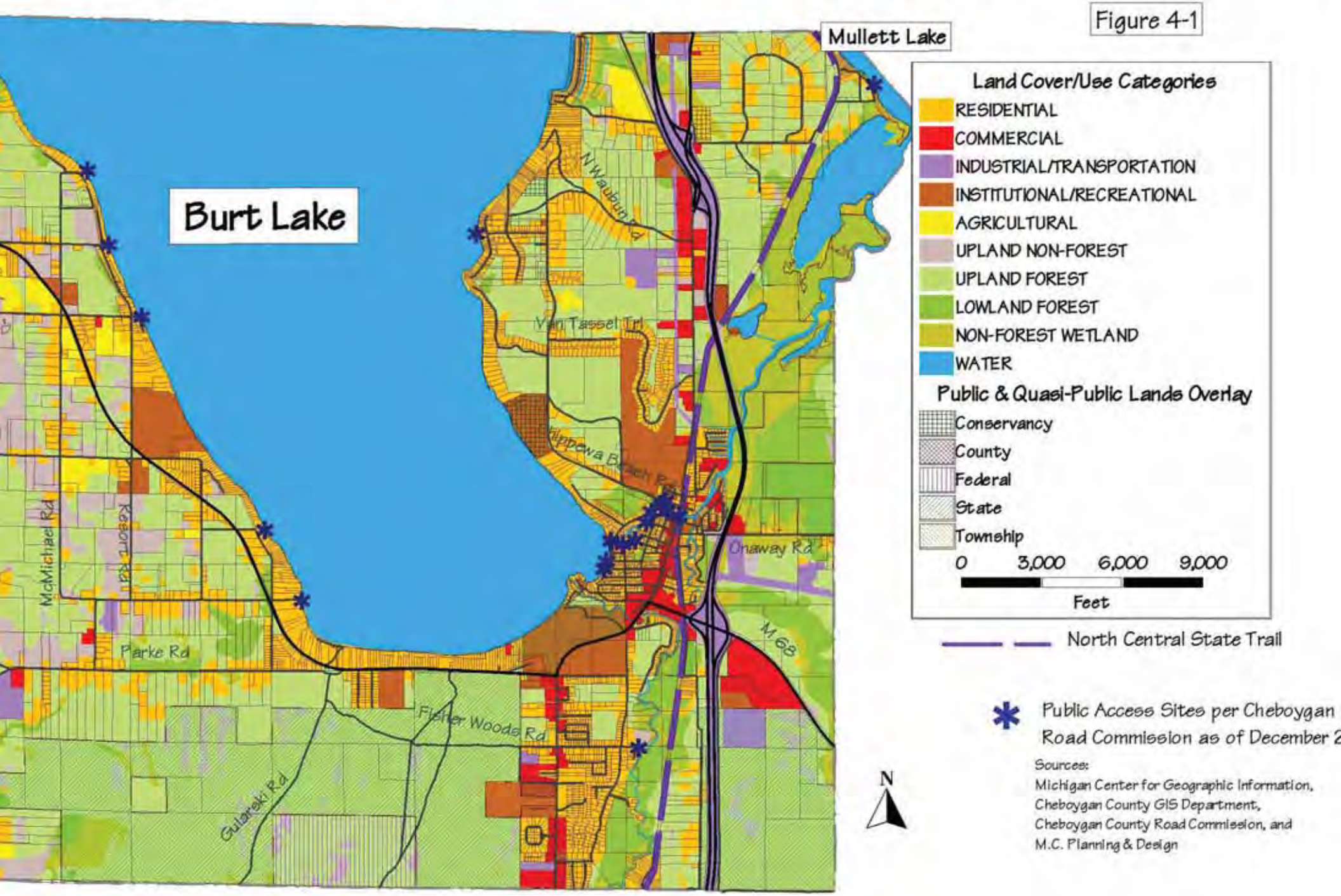
Agricultural

As shown in Table 4-1, actively used agricultural lands are limited and only occupied 1.3 percent of the Township land area in 2009. As is illustrated in Figure 4-1, most of the active agricultural lands occur in the northwestern portion of the Township with a few pockets in other portions of the Township. Fallow fields, those not being actively farmed, are classified as non-forested.

USCARORA TOWNSHIP

Existing Land Cover/Use

Figure 4-1



Sources:
Michigan Center for Geographic Information,
Cheboygan County GIS Department,
Cheboygan County Road Commission, and
M.C. Planning & Design

CHAPTER 5

Community Services, Facilities and Transportation

Water and Sewage Disposal Systems

Tuscarora Township does not currently have a public drinking water system or a public sewer disposal system. A very limited number of residential developments located around Burt Lake have shared septic systems. A sewer system is currently being planned, and it is hoped that phase one, including the downtown and the industrial park, will be constructed within the next few years. Future phases of the sewer system are anticipated to extend into other portions of the Township, see Chapter 6 for a more detailed discussion of the sewer issues. Currently, most of the Township residents have on-site private wells for domestic drinking water and individual septic systems. Septic systems and wells are regulated by the Cheboygan County Health Department.

Two important determinants for siting a septic system are soil suitability and depth to bedrock. Chapter Three – Natural Resources discusses the geology and soils of the Township.

Solid Waste

Private haulers offer residential weekly curbside trash pick-up within Tuscarora Township. Additionally, the Township offers residents one annual 'anytime clean-up' voucher to be used at the Emmet County Drop-off Center on Pleasantview Rd, north of Harbor Springs.

Cheboygan County is offering a county-level recycling program with six drop-off sites located throughout the county, with the closest site located behind Napa Auto on Straits Highway in Indian River. Some Township residents recycle using Emmet County facilities, or utilize the weekly household hazardous waste drop off available at Cheboygan County fairgrounds.

Other Public Utilities

Tuscarora Township residents receive electric service from Consumers Energy, Great Lakes Energy or Presque Isle Electric and Gas Co-operative. Natural gas is available in portions of the Township, primarily along M-68 and Straits Highway. Residents choose from several providers of local and long distance phone service. Cable service, where available, is provided either by Cable Max or by Charter Communications. High speed internet service (DSL) and wireless high speed service is currently available to residents throughout much of the Township.

Police, Fire, Ambulance

The Charlevoix, Cheboygan, Emmet (CCE) Central Dispatch Authority communications agency provides emergency call receipt and dispatch service for Emmet, Charlevoix and Cheboygan Counties. Enhanced-911 telephone service, computer-aided dispatch and a multi-channel radio system are in place, including a system which identifies the actual location from which a cellular phone call is made.

The Tuscarora Township Police Department, Cheboygan County Sheriff and Michigan State Police provide law enforcement services to Tuscarora Township. Fire protection is provided by the Tuscarora Township Fire Department, with a station located in Indian River. Advanced life support (ALS) ambulance service is primarily provided by Cheboygan County Ambulance Service, from a location on Old 27 in Tuscarora Township, and a new facility is expected to open in the industrial park in 2010. Township residents have access to three area hospitals, Cheboygan Memorial Hospital, Otsego Memorial Hospital in Gaylord, and Northern Michigan Regional Hospital in Petoskey.

Recreation

The recreation opportunities in the Township are largely of water-related activities (boating, fishing, swimming, etc). There are numerous public access sites, including sixteen sites on the Sturgeon and Indian Rivers and six on Burt Lake within the Township that are well utilized both in the summer and winter seasons, (see the Township Recreation Plan for more detail). Green Docks and Marina Park are two recently improved public access sites.

The Township owned Co-operation Park provides a wide variety of active recreation facilities including, six baseball fields, a practice field with two diamonds, four tennis courts, a basketball court, horse shoe pits, three soccer fields as well as recent additions of a skateboard park, ice/roller rink with warming hut and a sledding hill. The park also hosts a 5,900 square foot children's playstructure within a fence yard, with a perimeter walking track planned for the future.

Burt Lake State Park, located in the Township offers a large beach and swim area on Burt Lake, boat launch site, a day use/picnic area with a ballfield, and 380 campsites. The area is also served by additional public and private campgrounds, and private camps including Camp Al-Gon-Quian which is owned by the Ann Arbor YMCA/YWCA.

Additionally the Township hosts an extensive system of well used trails for hiking, skiing, biking, ORVS as well as some trails for snowmobiling. The networks of trails in the Township are located on both public and semi-public lands, such as the Burt Lake State Park, State Forest land, and the Little Traverse Conservancy properties. The recently completed non-motorized North Central State Trail passes through Tuscarora Township as it runs from Gaylord to Mackinaw City.

The region is well served by numerous golf courses, including the Indian River Golf Course which is located within the Township and is open to the public.

Additional local recreational facilities are provided by the Inland Lakes Schools.

Municipal Facilities

The Tuscarora Township Municipal Building, located in Indian River, was built in 1994, replacing the original municipal building that was built in 1902. This facility accommodates the Township public meetings, Township office space, the Indian River Area Library and the Tuscarora Township Police Department. The facility is located on a parcel approximately one acre in size. This facility meets the current Township needs and is expected to do so for the foreseeable future.

Exhibit 129

Schools and Libraries

Tuscarora Township residents are served by the Inland Lakes Schools which operates an elementary school, a middle school, a high school and an alternative education program, all located in Indian River. In the 2009-2010 academic year, the school district is serving 943 students in grades Kindergarten through 12th grades.

Northern Michigan Christian Academy is a private school located on McMichael Road. This school offers a curriculum for grades kindergarten through the twelfth grade, and as of fall 2009 had an enrollment of approximately 85 students. Additionally, many students in the area are home schooled.

Post high school education is available locally at North Central Michigan College (NCMC) in Petoskey and with some classes available in Cheboygan and the M-TEC in Gaylord. NCMC and M-TEC offer two-year associate's degrees and some one-year certificate programs. Additionally, some bachelor's and master's degree programs are offered through agreements with other Michigan universities.

Tuscarora Township is served by the Indian River Area Library located within the Tuscarora Township Municipal Building. Township residents have access to library facilities with a free library card.

Child care / Daycare

The region is served by a variety of day care providers, offering services in either in home-based daycare or child care centers, many of which are located in Cheboygan, Petoskey or Harbor Springs. The Jubilate Child Care Center is located in Tuscarora Township on W. M-68, offering care for children ranging in age from six weeks to 12 years. While the center leases space from the Transfiguration Episcopal Church, the daycare is not religious based, and currently serves 50-60 area children. Additionally, the child care need is served by many smaller private providers.

Private, Civic and Fraternal Organizations

Typically there are many private, civic and fraternal organizations active in Tuscarora Township or in which Tuscarora Township residents are involved that are not specifically affiliated with the Township. The organizations either located in Tuscarora Township or quite active in the Township include the following:

- Downtown Development Authority
- Indian River Chamber of Commerce
- Burt Lake Preservation Association
- Kiwanis Club of Indian River
- Fraternal Order of Eagles 4046
- Veterans of Foreign Wars (VFW)
- Indian River Women's Club
- Snowmobile Club
- An Indian River Christmas
- Masons (Frat. Org. of Freemasons)
- Indian River Lions Club
- Knights of Columbus
- Friends of Inland Lakes Schools, Inc
- Bulldog Group, Inc.
- Inland Lakes Education Foundation

Other organizations are typically regional organizations which have a larger membership and a larger service area than the Township. A listing of such organizations is available from the

Indian River Chamber of Commerce. Many Township residents participate in the organizations available throughout the region.

Churches and Cemeteries

The churches located in Tuscarora Township include Burt Lake Christian Church, Cross in the Woods (Catholic Church), Indian River Baptist Church, Indian River United Methodist Church, Northern Michigan Baptist Bible Church and Academy and Transfiguration Episcopal Church.

There are four cemeteries in the Township, one is associated with Transfiguration Episcopal Church, a Baptist cemetery on McMichael, Oakhill Cemetery is located off Chippewa Beach Road behind the Indian River Golf Course, located on the east side of Burt Lake and the Ohioville Cemetery located off Rogers Road, on the west side of Burt Lake.

Transportation and Road Maintenance

The only interstate route through the Township is I-75, which is the dominant north/south route through the Township. This highway is under the jurisdiction of the Michigan Department of Transportation. The total mileage of I-75 passing through Tuscarora Township is approximately six miles. Other State routes passing through the Township include M-68 a main east-west route and old 27 a north south route.

The Cheboygan County Road Commission provides road maintenance and snow removal services on all public non-seasonal roads within the Township. The Cheboygan County Road Commission main facility is located on S. Straits Hwy in Tuscarora Township.

The Straits Area Regional Ride provides an on-call dial-a-ride bus service within a multi-county area including the counties of Cheboygan, Emmet, Presque Isle, and Otsego.

Commercial passenger air service, as well as air cargo service is available at the Pellston Regional Airport. The area is also served by the Calvin Campbell Municipal Airport, located in the eastern portion of the Township which provides general aviation services and facilities.

CHAPTER 6

Sewer Related Land Use Issues

Sewer System Status – 2012

While Tuscarora Township has commissioned various sewer studies over the years, many of the past proposed projects included the 'greater Indian River' area, and the costs proved to be prohibitive for the property owners. In February 2006, a Tuscarora Township Commercial District Sanitary Sewer Study was prepared by Gourdie-Fraser, which provided guidance for the renewed efforts to bring a sewer to the Indian River Area. This study concentrated primarily on the business corridor along M-68 east of Straits Highway to (and including) the Industrial Park, and the business corridor along Straits Highway south of the Indian River and north of the Sturgeon River.

An ad hoc sewer committee has explored in detail the various options, and ultimately recommended a gravity collection system, which will limit the required on-going maintenance by property owners in the district, and allows the flexibility to incrementally add to the sewer plant if the property owners in other areas of the Township wish to become part of the sewer district in a later phase.

In 2012, a special assessment sewer district was established based on the petition supporting such being signed by approximately 67% of the property owners of the total land area within the proposed district. The proposed sewer district for the construction of the sewer collection system, the area included in phase I is shown in Figure 6-1. Construction bids for the collection system are expected in October 2012, the construction anticipated to be complete and the system operational by August 2013. The operation and maintenance costs will be charged based on usage to those property owners within the district.

The timing of the sewer construction is scheduled to take advantage of a grant and a low interest loan made available to Tuscarora Township by the US Department of Agriculture/Rural Development. Additionally, by coordinating the construction with the Downtown Development Authority's Streetscape project, some of the typical costs associated with the excavation and site restoration associated with the installation of the sewer pipes will be eliminated, thus providing considerable savings for the sewer construction project.

Background and History

The discussion of sewers and/or the need for such in Tuscarora Township is nothing new, and is documented back to 1947, when then Township supervisor Rollie Dagwell received a letter from the Michigan Stream Commission asking to review Indian River's plans for a sewer system. Since that time, there have been people promoting the idea, citing environmental concerns and a chance for the community to grow; as well as people opposing the idea who contend a sewer system would invite too much growth and that the expense would bankrupt the Township.

Over the years Tuscarora Township has had a number of studies conducted by different engineering firms, with the type of sewer system, extent of the district and the associated costs varying with the different studies. The level of opposition typically escalated as the detailed

plans and costs were made known, in the early 1980s one such project was never put to a vote and the original commitment for grant money withdrawn due to the opposition which even included threats of recall for board members. Another discussion was to have a system with Inverness, Burt and Mullett Townships, however before this project gained momentum the combined townships withdrew and the concept was dropped.

In the 1990s, there seemed to be overwhelming support for a proposed sanitary sewer district and another engineering firm retained to do the final engineering and design. Once the plans were complete, petitions put to the residents with the cost per REU (Residential Equivalency Unit) set at $65, and some businesses were advised they would be assessed more than one REU. The public sentiment seemed to have swung, with letters flowing into the Township stating “No Sewers”, and the petition drive faltered with only 20% of the district in support.

The fees associated with the various engineering studies and designs, which were originally expected to be covered in part by grants and bonds when the sewer project moved forward, were considerable and were the Township’s responsibility when the sewer project did not move forward.

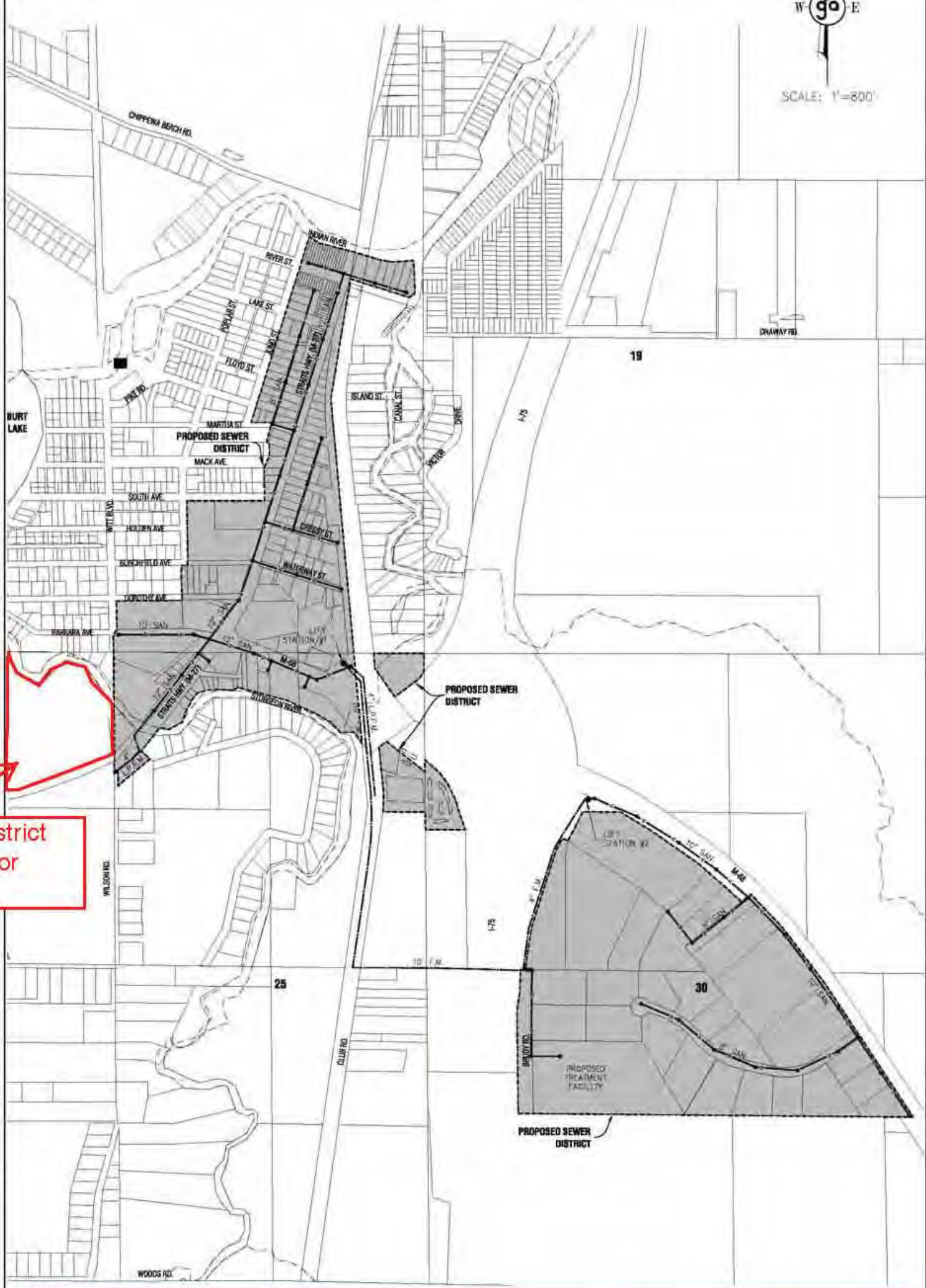
Over the years the need for a sewer system has only increased. Demands on septic systems have changed significantly since the early sewer discussions, with the typical household water usage having increased dramatically due to dishwashers, clothes washers, garbage disposals and more frequent bathing. Businesses that were once operated seasonally, are now operated year-round. The poor soils and high water table often can not handle the increased amount and rate of waste water flow. These factors combined with pending legislation have given rise to renewed interest in sewers. The engineering firm with whom Tuscarora Township has an on-going working relationship, prepared a Commercial District Sanitary Sewer Study in 2006, which was financed by a grant from USDA and funds from the Indian River Chamber of Commerce, and the Burt Lake Preservation Association (no Township dollars). A sewer committee continues to work with the engineering firm on the best ways to move forward on this issue.

Description of Existing Facilities

[source: *Tuscarora Township Commercial District Sanitary Sewer Study*, prepared by Gourdie-Fraser]

Currently there is no centralized sanitary collection system. The community has considered a transition from public on-site systems to a centralized system for nearly a decade. However, the service areas and systems contemplated have proven too costly for the number of users involved.

The homes and businesses in the study area generally are served by on-site septic tanks and drain fields for treatment and disposal. Several properties have on-site mound systems. Many lots in the area are extremely small and the ground water is very close to the surface. The conditions of many of the existing systems are unknown. New homes are required to install systems in compliance with the County Health Codes. Older homes are obligated to update their systems based on the County Health Codes when their systems fail. Consequently, the size, condition and performance of many on-site waste water systems in the downtown area, and the older residential areas are generally unknown, as their systems may not have been upgraded or changed since installation.


W
E
SCALE: 1"=800'
CHIPPEWA BEACH RD.
INDIAN RIVER
RIVER ST.
LAKE ST.
FOREST ST.
FLOYD ST.
PINE RD.
BURT LAKE
MARTHA ST.
PROPOSED SEWER DISTRICT
MACK AVE.
SOUTH AVE.
WITT BLVD.
HOLDEN AVE.
BURCHFIELD AVE.
DOROTHY AVE.
BARBARA AVE.
STRAITS HWY. (M-27)
ISLAND ST.
CANAL ST.
VICTOR DRIVE
I-75
DRAWAY RD.
19
CROSBY ST.
WATERWAY ST.
LIFT STATION #1
M-68
STURGEON RIVER
PROPOSED SEWER DISTRICT
WILSON RD.
25
CLUB RD.
LIFT STATION #2
30
BIRCH RD.
PROPOSED TREATMENT FACILITY
PROPOSED SEWER DISTRICT
WOODS RD.
ntial District
ansion for
e Park

Health and Safety Concerns

[source: *Tuscarora Township Commercial District Sanitary Sewer Study*, prepared by Gourdie-Fraser]

At present, the residences and businesses utilize individual on-site wells for their potable water needs. At this time, the extent of failing septic systems is not known, but many systems are of such an age as to pre-date the time records began being kept in the mid-1970's. Some of the existing systems may be inadequately sized or not functioning properly. Health department officials have indicated that recent dye tests conducted in the area showed dye present in the river after release into a sanitary drain. No direct discharge point was found, but connection to the storm water drainage system was suspected.

Some limitations have been mandated by the Health Department on food services [and other high water uses] within the downtown area. Isolation distances between sanitary discharge/treatment and private potable water wells is a problem in some areas, as there is not currently a municipal water system or sanitary collection system. Private non-commercial use property isolation distance is 50 feet and generally 75 feet for commercial use. Many properties in this study simply do not have the available space to maintain these minimum isolation distances. Should vacant properties sell for development, or uses change to ones which generate higher strength waste, it may be questionable for the Health Department to allow on-site permits. Understandably, this may affect the long-term economic viability of the subject area.

Growth

[source: *Tuscarora Township Commercial District Sanitary Sewer Study*, prepared by Gourdie-Fraser]

Residential growth in the overall area is expected, as well as increased commercial operations to serve the additional population. A factor limiting growth in the subject area has been the lack of a sewer system and available space. Construction of a municipal sanitary system would potentially release property for commercial use [including high water uses such as restaurants, motels, etc.] and may encourage the purchase of property and construction of additional businesses.

CHAPTER 7

Other Significant Land Use Issues

Shoreline Development Issues

Within Tuscarora Township there is an extensive amount of waterfront property, which includes the Indian River spreads, the approximately 12.4 miles of shoreline along Burt Lake, approximately 2.6 miles of the Indian River and approximately 3.1 miles of the Sturgeon River as well as the Little Sturgeon (the actual frontage amount is at least double the mileage of the rivers), within the Township, but varies due to the meandering nature of the river shorelines. While the water is a major attraction for both residents and visitors alike, development and redevelopment of the waterfront properties presents a number of issues to be addressed.

Much of the waterfront property was split or platted into lots pre-zoning, creating lots in some portions of the Township which are too small to adequately accommodate a septic system, drainfield and reserve field as required by the current sanitary code. Additionally, many of the smaller lots were originally developed for occasional vacation use cabins and cottages, which may now be being used year-round, have been expanded or replaced, which combined with lifestyles which are more water-intensive places additional burden on the aging septic systems. The records regarding the older septic systems in the area are limited and due to the costs, most systems are typically not replaced or upgraded until required due to a failure. The septic issues are further complicated in some portions of the Township by the high water table and soil types. (See Chapter 6 for more history on the septic and sewer issues in the Township). Leaking septic systems on waterfront properties can have a major impact on the water quality.

Over the years it has been well established and documented that manicured (and fertilized) lawns down to the water's edge negatively impact water quality as the nutrients from fertilizers runoff into the lake and enhance algae and weed growth. The establishment and enforcement of greenbelt (zoning) provisions along lakeshores and river shorelines, can assist with the filtration of the runoff to reduce the quantity of nutrients entering the water body, as well as provide shoreline stabilization with the root structures of trees and shrubs maintained or planted along the shoreline. Since waterfront properties are typically more expensive properties, and those who own waterfront property are typically concerned about maintaining views of the water, consequently educational campaigns are often needed to gain support for greenbelt provisions which balance the water quality protection with the rights of the property owners. Lake associations typically play an important role in this educational process.

Tuscarora Township residents and visitors have many opportunities to gain lake access even if they do not own waterfront property. The Cheboygan County Road Commission lists 21 road end access sites for pedestrian use, vehicular use or both (shown on Figure 4-1). Of the 21 Road Commission identified public access sites, 11 provide access to Burt Lake, seven provide access to the Indian River, two provide access to the Sturgeon River and one to Mullett Lake. Additionally Tuscarora Township owns and maintains some pubic recreation access sites (shown on Figure 4-1 and discussed in Chapter 5).

Downtown Indian River – Village Center

The downtown Indian River area is proposed for a compact mixed-use Village Center, which promotes a higher density development with retail commercial activities on the street level, and

residential and office on the upper floors. The inclusion of residential in the upper stories of retail properties typically provides some more affordable housing, increases the pedestrian traffic in the area and provides additional customers to support the downtown businesses. In order to most effectively create an Indian River village center, the area should be served by sewer (see Chapter 6) and minimum lot size and setback requirements revised. Many successful mixed use downtown areas have zero-lot line setbacks, i.e. allowing for construction up to the property line to create the continuous storefront.

Tuscarora Township is currently working with Cheboygan County to designate a portion of the Indian River area to be re-zoned to the recently established Village Center zoning district with some modifications to reduce the potential for new incompatible uses to be established adjacent to one another. The implementation of appropriate planning, zoning and available infrastructure to support the development of a compact mixed-use Village Center can stimulate economic synergistic development and open grant opportunities to the Township through programs such as the Michigan Main Street Program and the Michigan State Housing Authority's programs promoting the development of residential units above commercial retail space.

Recent improvements and consequently increased use of Marina Park in the heart of downtown Indian River is serving as a catalyst for the planning of additional downtown improvement in the near future. Some of the proposed improvements include the replacement of the Straits highway bridge over the Indian River, a proposed streetscape project for the downtown area, as well as the sewer project.

Industrial Park Development

The Industrial Park is located on the east side of I-75 and with the entrance off M-68, Figures 4-1 and 7-1 show the general park location and the park layout respectively. While the park was initially designed and lots laid out in 2000 by the Planning Commission, as of December 2009 natural gas, electric and the road system serving the lots were all in place, but no lots had been developed. Development of the first parcel in the park, (parcel # 6), is planned in 2010 to house a new ambulance station for the Cheboygan County Ambulance Service. In recent years, a portable temporary asphalt facility has located within the industrial park during the construction season.

One of the development limitations which has plagued the Industrial Park is the lack of sewer service. As discussed in Chapter 6, the industrial park is included in the proposed initial phase of the sewer project as currently proposed. Due to the premier location, at the intersection of I-75, the primary N/S interstate highway in Michigan and the main E/W route in northeastern Michigan (M-68), it is anticipated that having sewer available to lots in the industrial park will greatly improve the rate of development of the lots. The property located south of the Industrial Park is state owned land, as shown on Figure 4-1, thus may present opportunities for future expansion when needed.

The Industrial Park building and use restrictions are presented in Figure 7-2.

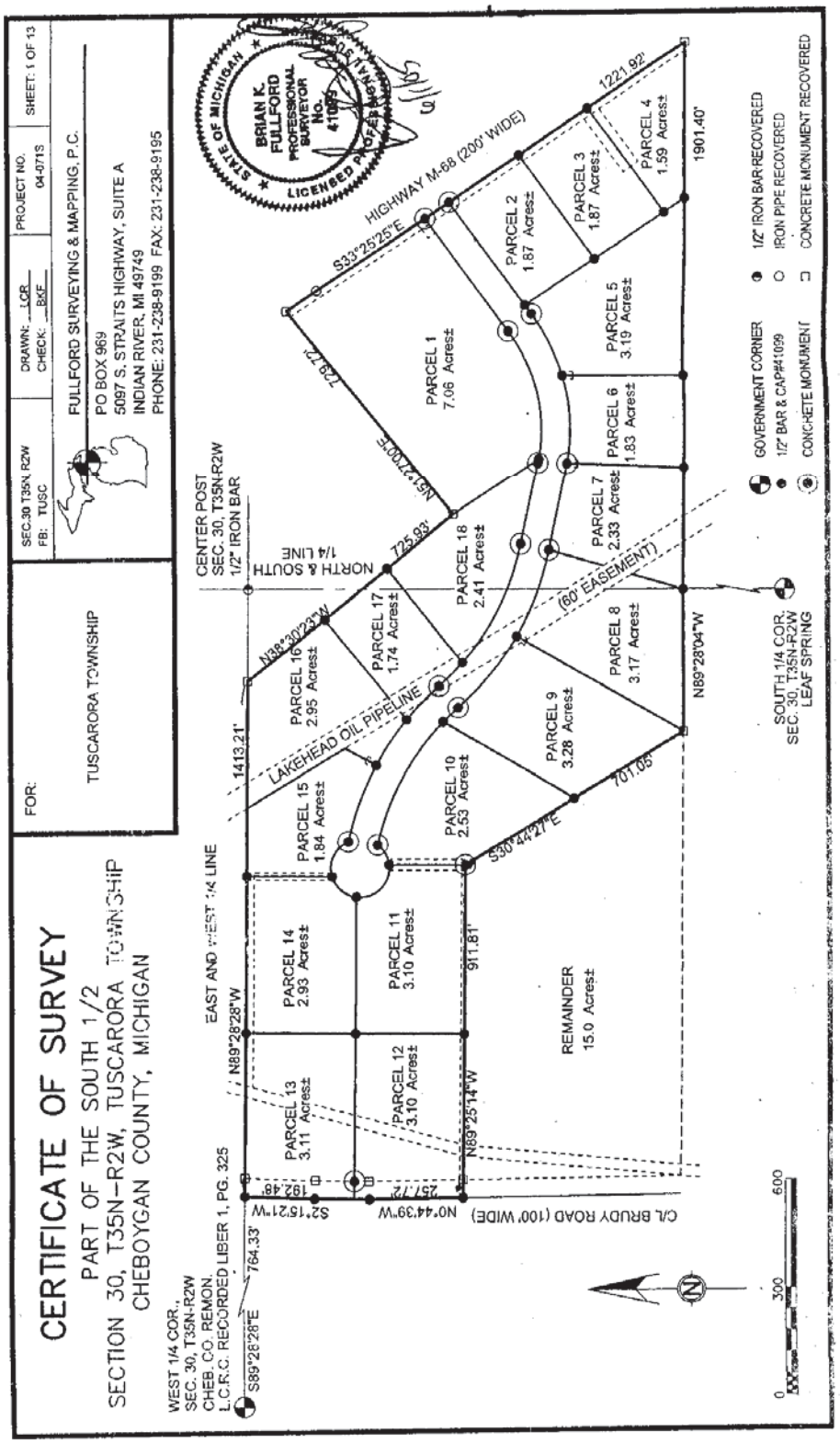


Figure 7-1 Industrial Park layout

Figure 7-2

Industrial Park: Building and Use Restrictions

1. District Health Department No. 4 must approve the proposed use and/or any changes of use prior to development on each site.
2. Disposal of industrial waste is prohibited.
3. A minimum isolation distance of 75 feet must be maintained between all septic tanks, dosing tanks, discharge lines and drainfields to all wells.
4. Adequate site drainage must be provided on each site.
5. Proper barricades must be provided to protect the septic tank and drainfield from damage from traffic, parking, snow removal, etc.
6. Snow removal must be accompanied in a manner to prevent damage to the sewage disposal system. Plowing in the drainfield area or plowing snow onto the drainfield is prohibited.
7. 50 feet submergence of the well screen will be required to provide additional protection to the aquifer.
8. On-site sewage disposal systems must be located in the areas designated on the site plan.
9. Water wells must be located in the areas as designated on the site plan.
10. Permits for the construction of on-site sewage disposal and water systems are required, and are the responsibility of each individual owner.
11. Site plans shall first be reviewed by the Tuscarora Township Commercial Development Committee for compliance with deed restrictions prior to submittal to the Cheboygan County Zoning Department.
12. Tuscarora Township Commerce Park shall consist of 18 individual development lots or parcels. No platted lot may be further divided, with the following exception: A lot may be divided if the property taken from 1 lot is added to an adjacent lot. Parcel means a contiguous area of land under the same ownership. Lot means a measured portion of land described and fixed in the recorded Plat of Tuscarora Township Commerce Park. All resulting parcels shall conform to applicable Zoning Ordinance. In the event a lot is expanded by adding a portion of an adjacent lot or if any adjacent lots are under the same ownership, then all setback requirements shall apply to the exterior lot lines of the combined lots.
13. Minimum Yard Setbacks: Front 50 feet Side 20 feet Rear 20 feet
14. The side and rear setbacks shall be maintained as greenbelt. The greenbelt may consist of lawn, septic system, storm water management facilities, landscaped or remain in a natural condition.
15. Drives shall not be located closer than 25 feet to adjoining parcels, unless the drive is common access shared by the adjoining parcels or lots.
16. All drainage originating on the site as a result of development shall be retained on the site. The 20 foot side and rear setbacks may be utilized for management of storm water runoff.
17. Upon approval of the site plan and zoning department approval, improvements to the site shall be completed within 12 months for structures and 18 months for landscaping after commencing structure construction.
18. Patron parking shall be located in the front or side yards.
19. All drives shall be hard surfaced from the edge of existing bituminous road to the property line or right of way. Drives shall be constructed in accordance with the standard detail for the commercial park.
20. Onsite lighting is permitted provided the lighting consist of wall packs, low intensity landscape lighting or pole mounted lights with fixtures providing 100% horizontal cutoff.
21. Overhead garage type doors will not be permitted on the roadside elevation of any structure.
22. Signs: All signs shall meet the standards and requirements of the DDA (Tuscarora Township Downtown Development Authority).
23. A 10-foot wide landscape buffer is required in the front yard. The 10-foot landscape buffer will begin at the property line (road right of way) and extend 10 feet onto the property. The minimum requirements for the front yard landscape buffer are contained in Article 17.18.4 and Article 17.18.5 of the Cheboygan County Zoning Ordinance. Additional minimum landscaping requirements for the front yard are as follows:
    A. One deciduous tree and two evergreen trees, plus one additional deciduous and evergreen tree for each 100 feet of road frontage or fraction thereof.
    B. Shrubs at a rate of one per each tree required.
    C. Plantings shall be located so as not to obstruct the vision of drivers entering or leaving the site.
    D. Landscaped areas shall be provided with sufficient water to maintain plants in a healthy condition.
    E. All planting beds shall be mulched with mulch cover at least 3 inches deep to retain moisture around roots.
24. Unsightly areas as determined by the Cheboygan County Zoning Ordinance or the Tuscarora Township Commercial Development Committee shall be screened with fencing or landscaping.

Blight Concerns/Awareness

As in many rural areas, there are concerns regarding property maintenance and blight both downtown and in the more rural portions of the Township. The Township officials recognize this as an area for continued efforts. Such efforts should include citizen education regarding current regulations (i.e. the existing applicable ordinances -zoning and blight); review of the existing regulations to determine if modifications are needed; as well as enforcement of the existing regulations.

Retention of Large Parcels

The large parcels in the Township provide valuable wildlife habitat and significantly contribute to the natural character of the Township. The State of Michigan is one of the owners of many large parcels. Many of the privately owned large parcels are actively used for agriculture, forestry/forest management, and/or maple syrup production. In order to promote the continued existence of these large parcels, the Township wishes to work with the County to promote some added flexibility in the Zoning Ordinance which would allow for a broader range of allowable uses in these areas, including agricultural-tourism activities, value-added agricultural businesses and agricultural support businesses.

CHAPTER 8

COMMUNITY GOALS AND OBJECTIVES

Introduction

Before a community can actively plan for its future growth and development, it must first set certain goals and objectives that define the boundaries of its needs and aspirations and, thus, establish a basis for Master Plan formulation. In developing community goals and policies, it is important to analyze existing community characteristics, such as: social and economic features, environmental resources, available services and facilities, and existing land use. In addition to examining existing characteristics, another important tool in the development of community goals and policies is to identify community assets, problems and other issues to be addressed.

The following goals (the ultimate purposes or intent of the plan) and objectives (means of attaining community goals) set forth to guide local decision-makers in reviewing future land use proposals are the result of input received during the preparation of the Master Plan update.

Goals and Objectives

Land Use Goal

GOAL:

Maintain an ecologically sound balance between human activities, economic growth and the environment to retain the Township's scenic and rural character, while meeting the needs of the current and future residents.

OBJECTIVES AND ACTION STEPS:

1. Pursue the development of a sewer system to enhance development opportunities in downtown Indian River, while protecting the water quality.
2. Review the county Zoning Ordinance as related to the Township Master Plan, and work cooperatively to amend the County Ordinance as appropriate.
3. Pursue the establishing of downtown Indian River as a mixed-use Village Center.
4. Work with the County to control the location of new development by designating appropriate areas for new residential, commercial, and industrial land uses.
5. Encourage growth and development in and immediately around Indian River.
6. Consistent with smart growth principles and the complete streets initiative, encourage the use of access management standards, non-motorized facilities, appropriate setbacks, retention of green space, buffer zones between differing land uses, screened parking areas, and roadside landscaping; and encourage the retention of open space and scenic vistas with PUD's, clustering, and conservation easements.

Residential Goal

GOAL:

Promote the development of suitable housing opportunities for the varied economic and lifestyle needs of the residents.

OBJECTIVES AND ACTION STEPS:

1. Work with the County to ensure areas are designated as appropriate for all types of residential development compatible with the surrounding natural environment, including single family, multi-family, condominium, low to moderate-income rental complexes, and extended care facilities.
2. Encourage the development of continuous care housing options for the increasing senior population in the area.
3. Encourage participation with Northern Homes and Michigan State Housing Development Authority (MSHDA) programs to rehabilitate substandard housing and to provide needed moderately priced housing in the Township.
4. Preserve the integrity of existing residentially zoned areas by protecting from intrusion of incompatible uses.
5. Work with Cheboygan County to address potential zoning incompatibilities, such as residential uses from locating in areas zoned for agriculture or industrial uses.
6. Require a buffer between Residential uses and other more intensive uses.

Economic Development

GOALS:

Strengthen the local economy through the development and retention of enterprises, which provide employment opportunities

To provide for a full range of commercial facilities and infrastructure which are adequate to serve both the resident and tourist markets.

OBJECTIVES AND ACTION STEPS:

1. Encourage the promotion and development of Indian River area as a business center serving both the local consumer population and sub-regional market base.
2. Encourage the expansion of existing establishments and the establishment of new commercial uses in downtown Indian River.
3. Encourage the development of clustered commercial, light industrial and/or office facilities in industrial park in close proximity to the I-75 interchange
4. Encourage the development of new types of industries and those that are economically associated with the existing industrial base.
5. Provide industry at locations that are easily accessible to the existing transportation network and in areas likely to be served by public utilities.
6. Limit commercial thoroughfare frontage developments to Straits Highway for auto-oriented type businesses and other business uses that are, too large or are otherwise unsuited to location in downtown Indian River.
7. Encourage the implementation of access management standards, including the use of shared driveways and access drives as a means of reducing traffic conflicts along main corridors.
8. Work with the County to ensure appropriate buffers are required to transition between commercial and residential areas.
9. Encourage the development of professional enterprises which offer employment and growth opportunities to the Township's skilled workforce.
10. Encourage the development of local Main Street program in coordination with or through the Downtown Development Authority.
11. Encourage the establishment of home based businesses, especially those which rely primarily on internet based business and/or provide web-based jobs.
12. Promote the Indian River area as an ALL season recreation destination.

Agriculture & Forestry Goal

GOAL:

Acknowledge the importance of agricultural lands and forestry management.

OBJECTIVES AND ACTION STEPS:

1. Recognize that the presence of agricultural and forested lands adds to the scenic and rural character of the Township.
2. Work to provide economically feasible options for continued agricultural and forestry use of lands with prime farmland and forestland soils.
3. Allow for and encourage farmland protection, such as through the transfer of development rights (when available), purchase of development rights, conservation easements and the clustering of non-farm development.
4. Participate in efforts to educate the community regarding agricultural preservation
5. Work to retain and manage existing forestland
6. Promote re-forestation and sound forestry management practices for areas with productive forest soils.
7. Work with County to provide greater zoning flexibility regarding uses of large parcels of land.

Recreation Goal

GOAL:

Provide and maintain recreation lands and facilities for safe access and year-round healthy enjoyment by residents and visitors.

OBJECTIVES AND ACTION STEPS:

1. Maintain an up-to-date recreation plan to address the needs (current and anticipated) and maintenance plan for all recreation trails, facilities and parklands.
2. Promote the use of the North Central State Trail, through the establishment of Marina Park as a designated trailhead.
3. Develop or designate bike/pedestrian routes linking downtown Indian River, the educational facilities, tourist destinations and recreation areas in the Township, including (but not limited to) Inland Lakes Schools and Burt Lake State Park, consistent with a Complete Streets policy.
4. Maintain, improve and expand Township parks and facilities to serve the needs of residents and visitors.
5. Work cooperatively with neighboring townships, Counties and other key stakeholders to establish connecting bike trail or routes, such as between the North Central State Trail and the [currently unimproved] Petoskey to Mackinaw City trail.
6. Promote winter tourism for the area, including snowmobiling, x-country skiing, snowshoeing, and ice fishing.
7. Establish a handicap accessible fishing area, such as the proposed Veterans Pier at DeVoe Park.
8. Promote the accessibility of ORV and Snowmobile trails from the Indian River area.
9. Promote the hunting and fishing opportunities of the area.
10. Seek grant assistance for trail and park improvement projects.

Natural Resource Goal

GOAL:

Protect and preserve groundwater, surface water, woodlands, wetlands, open space, wildlife habitat and steep slopes.

OBJECTIVES AND ACTION STEPS:

1. Pursue the implementation of a municipal sewer system, to protect the water quality of the groundwater and surface water in the area.
2. Work with Cheboygan County to encourage a land use pattern that is oriented to the natural features and water resources of the area by evaluating type and density of proposed developments based on soil suitability; slope of land; potential for ground water and surface water degradation and contamination; compatibility with adjacent land uses; and impacts to sensitive natural areas like wetlands, greenways and wildlife corridors.
3. Encourage the maintenance of natural vegetation adjacent to lakes, streams, and wetlands.
4. Support the strengthening of groundwater protection and stormwater management regulations in the County's zoning ordinance, while encouraging the continued natural use of wetlands as groundwater recharge, stormwater filtering and stormwater holding areas.
5. Promote regulations for development on steeply sloped areas and require erosion control measures where construction is permitted. Require slope stabilization and re-vegetation on disturbed slopes or in extraction areas.
6. Encourage planting of native tree and shrub species when properties are developed.
7. Encourage the retention and management of existing forest lands.

Infrastructure & Public Service Goal

GOAL:

Maintain and improve the Township facilities, programs and systems consistent with the community needs, and the ability to finance the improvements.

OBJECTIVES AND ACTION STEPS:

1. Pursue the implementation of a sewer system in the Indian River area.
2. Develop, adopt and begin implementation of a Complete Streets policy, to improve transportation equity, while encouraging health through physical activity and active transportation.
3. Continue to support the local public safety and emergency services including the local Police Department and Fire Department .
4. Continue to work with the County on road improvements consistent with funding ability and the Township's priority list.
5. Participate in county-wide comprehensive waste management efforts, including emphasis on recycling.
6. Continue to pursue expansion of affordable high-speed communications throughout the entire Township.
7. Monitor and explore the utility expansion needs, as more development occurs.
8. Pursue placement of utilities underground.
9. Work to create a more pedestrian friendly downtown by providing sidewalks, reducing curb cuts and improving parking.
10. Establish and maintain on-going communication with adjacent Townships regarding planned projects in order to facilitate joint projects, such as road improvements where wider shoulders could facilitate a cooperative and coordinated bicycle connector route.

Exhibit 129

CHAPTER 9

Future Land Use Recommendations

Introduction

The Future Land Use Plan is designed to serve as a guide for future development. If it is to serve the needs of the community and function effectively, it must incorporate several important characteristics.

The Plan must be general

The Plan, by its very nature, cannot be implemented immediately. Therefore, only generalized locations (not necessarily related to property lines) for various land uses are indicated on the Plan.

The Plan should embrace an extended but foreseeable time period

The Plan depicts land uses and community development strategies through the Year 2020.

The Plan should be comprehensive

The Plan, if it is to serve its function as an important decision-making tool, must give adequate consideration to the sensitive relationships which exist between all major land use categories, including environmentally sensitive properties. Development in environmentally sensitive areas should be discouraged by Tuscarora Township. All future development as indicated on the Future Land Use (Figure 9-1) shall occur only as environmental conditions permit and must take into consideration those environmental restrictions as outlined in the Natural Features element of this Plan.

The Plan should acknowledge regional conditions and trends

Tuscarora Township is an integral part of Cheboygan County and the Northeast Michigan Council of Governments, a multi-county regional planning agency; therefore, the Plan should acknowledge the Township's regional context. Through recognition of regional implications, the Township's Future Land Use Plan will be more realistic and reasonable in terms of guiding the future utilization of land resources in the Township.

The Plan must be updated periodically

The Plan may require periodic revisions to reflect significant changes in local, state, or national conditions which cannot be foreseen at this time.

For example, over the past fifty years, several major innovations in land development have occurred. Included among these are: the initiation and expansion of the freeway system; modifications in shopping facilities; relocation of employment centers from the cities to the suburbs; changes in housing preferences; and the declining family size.

It is, of course impossible to predict the type of changes which may occur over the next decade or two. In compliance with the Michigan Planning Enabling Act, a comprehensive review of the Master Plan should be undertaken every five years to provide for an adequate analysis of new conditions and trends, and the plan updated as appropriate. If major re-zoning requests which are in conflict with Plan recommendations are deemed desirable, then, the Plan should be reviewed and amended as appropriate prior to the re-zoning.

Plan Recommendations

Ten (10) future land use categories plus a category for water are proposed for Tuscarora Township. The various land uses are portrayed on Future Land Use Map, Figure 9-1 and in Table 9-1 A discussion of each land use category is presented below.

Table 9-1
Future Land Use Acreage

Land Use Category	Area in Acres	Percent in Total
1. Agricultural / Forestry	4,843.9	18.0
2. Single Family Residential	6,436.2	24.0
3. Multi-Family Residential	63.2	0.2
4. Village Mixed Use	33.7	0.1
5. General Commercial	580.9	2.2
6. Industrial	262.4	1.0
7. Park/Recreation	508.4	1.9
8. Conservation Recreation	5,450.0	20.3
9. Public/Semi-Public	279.4	1.0
10. Right-of-Way (I-75)	334.3	1.2
Water	8,045.4	30.0
Total	**26,837.8**	**99.9**

*Note: Numbers do not add to 100 due to rounding.

Agricultural/Forestry: This category is intended to preserve the rural character of the Township. A total 4,844 acres (18%) are devoted to this classification. Farming and related agricultural activities and rural housing are the principal uses. Central water and sanitary sewer facilities are not currently available and are not intended to be available during the planning period.

The Agricultural/Forestry area is designed to conserve, stabilize, enhance, and develop farming and related natural resource based activities; to minimize conflicting uses of parcels, lots, buildings, and structures detrimental to, or incompatible with these activities; and to prohibit uses of parcels, lots, buildings, and structures which require streets, drainage, and other public facilities and services of a different type and quantity than those that currently exist. The district, in preserving area for agricultural use, is also designed to prevent proliferation of residential subdivision and urban sprawl.

Agricultural properties may be used for general and specialized farming, including the raising or growing of crops, livestock, poultry, bees, and other farm animals and product. Buildings or structures may be located which are used for the day-to-day operation of such activities. Any lot that is kept as idle cropland should be managed to prevent soil erosion by wind or water and should be free of excessive weeds and shrubs.

Single-family homes that are compatible with the agricultural use and rural character of the district are encouraged. Setting a maximum lot area of one or two acres for each residential unit would help preserve the majority of land in the agricultural area for farm and forest use, and should be considered. Clustering of residential units is another recommended technique to preserve farmland and open space.
Within this future land use category, limited use outdoor recreation/event facilities may be

compatible when located on parcels 40 acres in size or greater 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. Allowing for such a use could take the form of a property owner initiated conditional rezoning; a Planned Unit Development; or a Special Land Use if allowed for in the Zoning District. 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.

Multi-Family Residential: This area (63 acres or 0.2%) encompasses the existing mobile home parks, apartments, and condominiums. No new land is designated for such uses. However, proposals for new multi-family developments should be approved on a case-by-case basis if certain conditions are met. Compatibility with the surrounding uses, land suitability, access, and availability of public services are among the factors that should be considered in locating multi-family developments.

Village Mixed-Use: This plan identifies two distinctly different areas for future commercial development: "Village Mixed Use" and "General Commercial". The Village Mixed Use area encompasses the downtown portions of Indian River, generally extending along Straits Highway from the Indian River to South Avenue. As used in this Plan, the term "Village Mixed Use" is not intended to refer to Village as a governmental entity, but rather to communicate the idea of a small-scale Village-like setting for commercial and community activity. The Village Mixed Use concept anticipates a synergistic mix of commercial, civic, residential and recreational uses in close proximity, rather than exclusive commercial use.

Consistent with planning goals developed by the Tuscarora Township Downtown Development Authority, commercial development in the Village Mixed Use area is anticipated to be relatively small-scale, and oriented to pedestrian as well as vehicular access. It will serve both the retail commercial needs of year-round residents, and provide an attractive, unique shopping environment for tourists and seasonal residents. Desirable commercial uses in this area include retail and specialty shops, personal services, commercial and professional offices, restaurants and taverns. Future design features in the Village Mixed Use area ideally will include an integrated and coherent system of sidewalks, landscaping, lighting, seating and signs. Both on and off-street parking will be provided.

It is important to note that residential uses exist immediately adjacent to the Village Mixed Use

area, both to the east and west of Straits Highway. The concept of a Village Mixed Use in downtown Indian River includes and depends upon maintaining vibrant residential neighborhoods within walking distance of downtown. Therefore, the Village Mixed Use area would be suitable for mixed use type of zoning, similar to the Village Center zoning district, currently provided in the Cheboygan County Zoning Ordinance. Provisions for zero lot line (zero setback) should be explored for this area, especially once sewers are available.

Further, it is acknowledged that the Village Mixed Use area also contains a number of important civic uses, such as the Tuscarora Township Hall, Library, Post Office and Chamber of Commerce (Tourist Information) office. Maintaining these civic uses at the heart of downtown is also important to the future success of the Village Mixed Use area.

Because the downtown area is in close proximity to both the Sturgeon and Indian Rivers, and to Burt Lake, recreation is an important existing and future use in the Village Mixed Use area. As part of this Plan, the Tuscarora Township Planning Commission recommends and supports improved recreational opportunities, both public and private, in the downtown area. Two important future recreational opportunities are mentioned here. First, it is recommended that the Township continue to work with the DNRE to promote the North Central State Trail and related recreational uses. This trail has the potential to bring a positive flow of tourist and recreational traffic to and through downtown Indian River. Second, it is recommended that public dockage and water access downtown be maintained and expanded. At present, the Township uses the “Green Dock”, as a waterfront walkway and public fishing area. This dock is located just west of Straits Highway, on the north side of Indian River. Additionally, efforts are in progress to site a new public marina in or near downtown, which could provide transient docking for approximately 30 boats. One location under consideration is at the juncture of the Little Sturgeon and the Indian River, just east of Straits Highway.

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.

Industrial: The Future Land Use Plan designates one primary location for expanded industrial development: the industrial park area southeast of the I-75 interchange at Indian River. Because of good commercial visibility and proximity to I-75, it is recognized that some of the M-68 frontage property at this location may actually be developed for highway-related commercial use. Therefore, lands adjacent to the existing industrial park have been designated for future industrial use to allow additional industrial expansion space behind the M-68 frontage parcels. The Cheboygan County Road Commission facility located on Old 27 South is also designated Industrial.

Parks & Recreation: The Tuscarora Township is blessed with a large amount of land devoted for recreational purposes. The existing 508 acres (1.9%) is adequate to serve the recreational needs of the current and future population of the Township. Additionally, three recreation sites in the Indian River area which were proposed for improvements in the previous plan, have been completed: a recreational trail on the old rail right-of-way, fishing and waterfront walkway improvements at the Green Dock location and public dockage near downtown, and the juncture of the Little Sturgeon and Indian Rivers, thus increasing the recreational opportunities.

Conservation/Recreation: If Tuscarora Township is to continue to fulfill its role as an attractive place to live and visit, it must actively encourage the preservation of its environmentally sensitive resources.

It is necessary for a Township to have lands available for recreational use, but it is also necessary to have land remain in its natural state untouched by any type of development. The value to the public of certain open areas of the Township is represented in their natural, undeveloped, or unbuilt condition. It is recognized that the principal use of certain open areas is, and ought to be, the preservation, management, and utilization of the natural resource base possessed by these areas.

On privately held parcels in this area, very low density residential and recreational use are appropriate. Assets to be protected include woodlands, wetlands, lands containing protected species, and scenic areas. In doing so, the Township may see a reduction of hardships and financial burdens imposed upon the community through the destruction of resources, improper use of open land or wooded areas, and the periodic flooding of creeks and streams.

Conservation/open space areas are of extreme importance to a community. Not only do they meet the increasing opportunities afforded by increasing leisure time and are a source of health and pleasure, but also serve as a reminder that people can never put their natural habitat back. A total of 5,450.0 acres (20.3%) are designated for conservation/recreation purposes. Mackinaw State Forest covers slightly more than one-half of this acreage; most of the remainder being wetlands along the Sturgeon River west of I-75, and along the Indian River and Mullett Lake, east of I-75, including the ecologically significant Indian River Spreads.

Public/Semi-Public: The Plan designates 279 acres (1.0%) as public/semi-public area. This category includes most of the major existing public or semi-public facilities, such as Campbell Landing Field, schools, churches, and government offices.

Water: Water bodies account for the largest share of the Tuscarora Township area. A total of 8,045 acres (30.0%) is classified as water, which includes portions of Burt Lake, Mullett Lake, and the Indian River. The difference between the acreage of water listed in the previous plan and this plan are due to changes in available mapping data (with the recent data typically

considered more accurate) and mapping techniques.

Right-of-Way: The dedicated rights-of-way of the I-75 corridor within the Township account for the 334 acres, or 1.2% of the total. Due to the variation in road rights-of-way from one road to another, and the relatively limited width of the rights-of-way for most county roads, the other rights-of-way are not separated from the surrounding land uses.

TUSCARORA TOWNSHIP

Future Land Use M

Figure 9-1

Map layers
- Parcels
- North Central State
- Roads
- State Roads

FUTURE LAND USE
- SINGLE FAMILY RESIDENTIAL
- MULTIPLE FAMILY RESIDENTIAL
- VILLAGE MIXED USE
- GENERAL COMMERCIAL
- INDUSTRIAL
- PUBLIC/QUASI-PUBLIC
- AGRICULTURAL FORESTRY
- PARKS & RECREATION
- CONSERVATION RECREATION
- I-75 RIGHT-OF-WAY
- WATER

0 800 1,600 2,400
Feet

North Central Stat

Burt Lake

Resort Rd
Rd
Ellinger Rd
Hawthorne Rd
King Rd
Parks Rd
Plymouth Beach Rd
N Waubun Rd
Van Tassel Trl
Elbert Wood Rd
Colwood Rd
Wagner Rd

N

Downtown Enlargement

Map Upated Date: September 2012

Sources:
Michigan Center for Geographic Information,
Cheboygan County GIS Department, and
M. C. Planning & Design

CHAPTER 10

Plan Adoption and Implementation

Draft Plan Circulated for Comments

The draft Tuscarora Township 2012 Master Plan Update was transmitted to the Township Board for review and comment in September 2012. The Board authorized distribution of the plan to the adjacent Townships and Counties, as required by statute, on October 2, 2012. Following the Board's authorization, the draft 2012 Master Plan Update was distributed to the adjacent Townships, as well as to the county planning commissions of Cheboygan and Emmet Counties on or before October 11, 2012. No written comments were received.

2010 Master Plan
The draft Tuscarora Township 2010 Master Plan was transmitted to the Township Board for review and comment in April 2010. The Board authorized distribution of the plan to the adjacent Townships and Counties, as required by statute, on May 11, 2010. Following the Board's authorization, the draft 2010 Master Plan was distributed to the adjacent Townships, as well as to the county planning commissions of Cheboygan and Emmet Counties on May 17, 2010. No written comments were received.

Public Hearing

A public hearing on the proposed 2012 Master Plan Update for Tuscarora Township, as required by the Michigan Planning Enabling Act, was held on January 24, 2013. The legally required public hearing notice was published in the Straitsland Resorter newspaper on January 3, 2013, as well as posted on the Township website. A copy of the public hearing notice is reproduced at the end of this chapter. During the review period, the draft 2012 Master Plan Update was available for review on the Township's website, at the Indian River Public Library or by contacting the Township office.

2010 Master Plan
A public hearing on the proposed 2010 Master Plan for Tuscarora Township, as required by the Michigan Planning Enabling Act, was held on August 17, 2010. The legally required public hearing notice was published in the Straitsland Resorter newspaper on July 29, 2010, as well as posted on the Township website. A copy of the public hearing notice is reproduced at the end of this chapter. During the review period, the draft 2010 Master Plan was available for review on the Township's website, at the Indian River Public Library or by contacting the Township office.

The purpose of the respective public hearings was to present the proposed Master Plan (or Update) to accept comments from the public. In addition to the Planning Commission members, twelve other residents of the township attended the public hearing on the 2012 Master Plan Update.

The public hearings began with brief explanation of the planning process. Plan development and subsequent update included several Planning Commission workshop meetings, and input from the Township Board. During the original plan hearing, maps of existing land use, color coded resource, proposed future land use recommendations were presented. During the 2012

Update hearing, the changes were highlighted. The minutes from the public hearing are included in this chapter.

Plan Adoption

The Planning Commission formally adopted by resolution, the Tuscarora Township 2012 Master Plan Update, including all associated maps on January 24, 2013. The Township Board having formally asserted its right to approve or reject the plan on October 2, 2012, formally adopted the Tuscarora Township 2012 Master Plan Update on February 5, 2013.

2010 Master Plan
The Planning Commission formally adopted by resolution, the Tuscarora Township 2010 Master Plan, including all associated maps on October 28, 2010. The Township Board having formally asserted its right to approve or reject the plan on October 5, 2010, formally adopted the Tuscarora Township 2010 Master Plan on November 9, 2010.

Legal Transmittals

Michigan planning law requires that the adopted Master Plan be transmitted to the Township Board, as well as to the adjacent Townships and the County Planning Commission. Copies of these transmittal letters appear at the end of this chapter.

Plan Implementation

A Master Plan is developed to provide a vision of the community's future. It is designed to serve as a tool for decision making on future development proposals. A Master Plan will also act as a guide for future public investment and service decisions, such as the local budget, grant applications, road standards development, community group activities, tax incentive decisions, and administration of utilities and services.

According to the Michigan Zoning Act, comprehensive planning is the legal basis for the development of a zoning ordinance. The Act states: "The zoning ordinance shall be based upon a plan designed to promote the public health, safety and general welfare, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to conserve natural resources and energy, to meet the needs of the state's residents for food, fiber, and other natural resources, places to residence, recreation, industry, trade, service, and other uses of land, to insure that uses of the land shall be situated in appropriate locations and relationships, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties."

Zoning

The Zoning Ordinance is the most important tool for implementing the Master Plan. Zoning is the authority to regulate private use of land by creating land use zones and applying development standards in various zoning districts. A zoning ordinance regulating land use activities has been in effect in Cheboygan County since 1970. The initial Ordinance was

repealed with the adoption of the current ordinance in 1983, which has since been amended numerous times. For four decades the applicable Zoning Ordinance has regulated the location, density and standards for local development. The County Zoning Ordinance should be re-reviewed to ensure consistency and compatibility of the Ordinance as it applies to Tuscarora Township, especially as related to the goals and the Future Land Use Plan presented in this Master Plan.

Grants and Capital Improvement Plan

A Master Plan can also be used as a guide for future public investment and service decisions, such as the local budget, grant applications and administration of utilities and services. Many communities find it beneficial to prioritize and budget for capital improvement projects, such as infrastructure improvements, park improvements, etc. A Capital Improvements Program (CIP) is one tool which is often used to establish a prioritized schedule for all anticipated capital improvement projects in the community. A CIP includes cost estimates and sources for financing for each project, therefore can serve as both a budgetary and policy document to aid in the implementation of a community's goals defined in the Master Plan. The Planning Commission may develop a CIP in the near future.

2012 Update, Adoption Documentation

Public hearing notice

Page 14 - Straitsland Resorter - Thursday, January 3, 2013

Classifieds / Services

PUBLIC NOTICES

Deadline for legal and public notices, classified and display advertising is Tuesday at noon. To reserve space for a quarter page or larger, please call the Resorter on Monday, 231-238-7362. To ensure timely publication of local news and events, please have copy in the Resorter office on Monday.

Ellis Twp. Notice

The Ellis Twp. Board will be meeting on Tuesday, Jan. 8 at 7 p.m. at the Ellis Hall, 9605 Afton Rd.

Sheryl Hilliker, Clerk

Notice

Walker Township Treasurer will be at the town hall on Friday, Dec. 28 from 9 a.m. to 5 p.m. accepting tax payments.

Dan O'Henley, Treasurer
51-2tc

Tuscarora Township Public Hearing
Master Plan Amendment

The Tuscarora Township Planning Commission will hold a public hearing on a proposed Tuscarora Township Master Plan Amendment. The public hearing on this proposed Master Plan Amendment will begin at 7:00 p.m. on Thursday, January 24, 2013, in the Tuscarora Township Hall at 3546 S. Straits Hwy., Indian River.

All interested parties are invited to attend the hearing and comment on the proposed Master Plan Amendment for Tuscarora Township. The proposed Master Plan Amendment is available on-line at (http://www.tuscaroratwp.com/notices.html). Additionally, hard copies can be viewed at the Township offices or at the Indian River Area Library. For additional information, contact Susan Fisher, Tuscarora Township Clerk at (231) 238-0970. Written comments may be submitted in advance of the public hearing to: Susan Fisher, P.O. Box 220, Indian River, MI 49749.

Dump Permits

Ellis Twp. residents dump permits are available for $75 each. You can purchase them at the Ellis Hall on Saturday, Jan. 5 from 10 a.m.-2 p.m. or from S. Hilliker 238-8803 or C. Taglauer 525-8468.

Notice

Ellis Township Treasurer will be at her home at 10397 Munger Road, Afton, MI 49705 to collect 2012 taxes between 8 a.m. & 4 p.m. on Friday, December 28, 2012. Any questions call 231-525-8468.

51-2tc

Mullett Township
News & Views
mulletttownship.blogspot.com

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Call or stop by the Resorter for information, 231-238-7362

Copy of Planning Commission Public Hearing minutes

MINUTES OF THE PUBLIC HEARING OF THE
TUSCARORA TOWNSHIP PLANNING COMISSION
Thursday, January 24, 2013

Meeting called to order at 7:00 p.m. by Mike Cherveny.

Members Present: Kelly Ashford, Dave Barton, Denny Darst, Mike Cherveny, Jim MacLaren, Craig Waldron
Members Absent: Mike Vizina

12 citizens present.

Introduction and agenda by Mike Cherveny identifying three points of coverage for the meeting:

- Update Master Plan to Include 2010 Census data
- Sewer District project update
- Griswald Mountain changed back to Agricultural/Forestry

The purpose of the meeting is to receive public input on above topics so that plan can be forwarded to County.

Mary Campbell explained the changes to the plan and identified the website where complete Plan may be reviewed. That plan has been available on the website since October, 2012. Additionally, the County has reviewed and is in agreement and is in process of putting together a letter to Tuscarora Township confirming their agreement.

As background Mary explained the legal description of a Master Plan: it is a policy document, legal foundation of zoning, background information and a look forward with goals and objectives with resident input.

Changes reviewed:

- Chapter 2: Population change from 2000-2010, lost population in parallel with state population migration. No significant change in seasonal population. State Equalized Value has seen a decrease.
- Chapters 3-5: No change – Mary pointed out currently "land use and land cover map, not zoning map.
- Chapter 6: Updated sewer description and map of footprint to now include State Park into the district
- Future Land Use: Purple on existing map is now changed to Agricultural/Forestry (Griswald Mountain). Mary reviewed definition of Agricultural/Forestry.

Public comments and questions:

- Even if map is use, zoning people grant future use zoning based on that legend?
- Is future land use map accurate?
- What is the relation of Tuscarora Master Plan to Cheboygan County Plan?

Mike Cherveny explained that future use of the Griswald Mountain property will be covered in a public hearing on February 28, 2013. The meeting will be adequately published in advance.

Craig Waldron moved to close the public comment portion of meeting. Mike Cherveny seconded and the motion carried.

Waldron moved that one change be made to Page 9-2: Western 1/3 and change to preserve rural character of the Township.

Waldron moved to adopt the Tuscarora Township Updated 2012 Master Plan, including all the associated maps, with changes. Mike Cherveny seconded and a roll call vote was taken: MacLaren, yes; Barton, yes; Ashford, yes; Waldron, yes; Darst, yes; Cherveny, yes; Vizina absent.

Mary will email to Karen Pung the resolution for recording.

Craig Waldron moved to adjourn at 8:05 p.m, Mike Cherveny seconded and the motion carried.

Respectfully submitted,

Karen Pung, Deputy Clerk/PC Recording Secretary
Tuscarora Township Planning Commission

Board Right to Approve or Reject

TUSCARORA TOWNSHIP
3545 S Straits Hwy
Indian River, MI 49749

Authorize Distribution of, and Right to Approve or Reject the Tuscarora Township Master Plan 2012 Update

At a regular meeting of the Tuscarora Township Board of Trustees, Cheboygan County, Michigan, held at the Tuscarora Township Hall on the 2nd day of October, 2012, 7:00 PM.

Present: McGinnis, Balazovic, Ridley, Fisher, Waldron
Absent: None

The following resolution was offered by Trustee McGinnis and supported by Trustee Waldron.

WHEREAS, the Township Planning Commission recommends, distribution of the Master Plan 2012 Update to the surrounding Townships, and the Counties for the required comment period, and make the plans available for public review during this period in accordance with the Michigan Planning Enabling Act (PA 33 of 2008, as amended), and

WHEREAS, the Michigan Planning Enabling Act (PA 33 of 2008, as amended) provides for the Township Board to assert its right to approve or reject the plan, now

THEREFORE, BE IT RESOLVED, that the Tuscarora Township Board authorizes distribution of the Master Plan 2012 Update as required, and

BE IT FURTHER RESOLVED, that the Tuscarora Township Board hereby asserts its right to exercise final approval or rejection of the Tuscarora Township Master Plan 2012 Update.

ADOPTED by roll-call vote as follows:

AYES: McGinnis, Balazovic, Ridley, Fisher, Waldron

NAYS: None

ABSENT: None

RESOLUTION DECLARED ADOPTED

STATE OF MICHIGAN)
)
COUNTY OF CHEBOYGAN)

I, Susan Fisher, Clerk of Tuscarora Township, Cheboygan County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a meeting held on the 2nd day of October, 2012, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan 1976, as amended.

Susan Fisher, Tuscarora Township Clerk

October 2, 2012
Date

Exhibit 129

Copy of Planning Commission Resolution

Tuscarora Township Planning Commission

Resolution

WHEREAS, the Tuscarora Township Planning Commission desires to adopt an updated 2012 master plan and has made the necessary inquiries, investigations and surveys of the appropriate resources of the township; and

WHEREAS, the updated 2012 master plan will promote the public health, safety and general welfare; to encourage the use of resources in accordance with their character and adaptability; to avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets; to facilitate provision for a system of transportation, sewage disposal, safe and adequate water supply, recreation and other public improvements; and consider the character of the township and its suitability for particular uses judged in terms of such factors as the trend in land and population development; and

WHEREAS, the Tuscarora Township Planning Commission has noticed and conducted a public hearing in accordance with the requirements of the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended), said hearing was held on January 24, 2013, following distribution of the draft plan to the planning commissions of the adjacent townships, Cheboygan County and Emmet County on or before October 11, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the Tuscarora Township Planning Commission hereby adopts the Tuscarora Township 2012 Master Plan Update, including all the associated maps.

YEAS: Ashford, Barton, Cherveny, Darst, MacLaren, Waldron

NAYS: None

ABSENT: Vizina

RESOLUTION DECLARED ADOPTED.

I certify that the foregoing resolution was adopted by the Tuscarora Township Planning Commission at its meeting on January 24, 2013.

Karen Pung

Karen Pung, Deputy Clerk/ PC Recording Secretary
Tuscarora Township Planning Commission

Jan. 24, 2013
Date

MINUTES OF THE REGULAR MEETING OF THE
TUSCARORA TOWNSHIP BOARD
February 5, 2013

Meeting called to order at 7:00 pm by Supervisor Ridley.

Members Present: McGinnis, Balazovic, Ridley, Waldron, Fisher
Members Absent: None
31 citizens were in attendance.

Treasurer Balazovic moved and Trustee Waldron seconded to approve the January 8th, regular meeting minutes as presented and the January 18th special meeting with the following correction: "Members Present: McGinnis, Balazovic, Fisher, Waldron. Members Absent: None". Motion carried.

Clerk Fisher moved and Trustee Waldron seconded to adopt the agenda as presented.

Police Report: Chief Wagner recommends looking at an ordinance that prohibits snowmobile use on sidewalks for next winter. He has had quite a few problems this year with keeping snowmobilers off the sidewalk.

Committee reports:
Marina Park: Marina Park approved a contract with a Landscape Architect for the Trailhead project. **DDA:** We received a $299,500 grant for the streetscape project through the CCRC. **Parks Commission:** Been busy with the ice rink and plowing snow. The ice rink and the sledding hill are being well used. **Beautification:** No report. **Planning Commission:** On January 24th a public hearing was held to receive public comment on the 2012 Master Plan Update. The Planning Commission has been asked to sponsor a public hearing on February 28th to receive public comment for the proposed motocross race track. **West Side Road End:** The first meeting of the new committee will be within the next couple of weeks. The dock permit has been received for Ellinger Road.

Airport Manager's report: Other than plowing snow, nothing new to report. Only had to shut the runway down one time and that was due to mechanical problems, not snow.

Treasurer's report: The general accounts have $895,336.88; the tax accounts have $460,772.54 and this is with interest.

Correspondence:
1. We are in receipt of a Stipulated Order of Dismissal on the civil case against Tuscarora Township, the DDA, and the Committee to bring Wastewater Treatment, Mike Ridley, Craig Waldron and Susan Fisher.
2. An email from Kathy Swanson inquiring as to what legal steps have been taken, or do you anticipate taking to use township owned lands in the development of the proposed sewer district. In 1994 the Industrial Park was reconfigured; at that time 15 acres was set aside to possibly be used for a wastewater treatment facility.

Dennis Burwell provided an update on the fundraising efforts for Veterans Pier. The projected cost of the Pier is $549,900 of which we have received a 70% MDNR Trust Fund Grant - $384,930. The Committee has raised $100,085, with $51,000 coming from Burt Lake Preservation, 39% is still needed. The goal is to raise the balance by this summer and begin the project fall, 2013.

Clerk Fisher moved to approve the Sewer Grant of Easement for parcel 162-030-300-001-21 in the industrial park. Trustee McGinnis seconded and the motion carried.

A motion by Trustee Waldron to grant the Top O Michigan Outboard Racing Club's request for a waiver of the no wake ordinance on August 17th and August 18th, 2013 for the power boat races was seconded by Trustee McGinnis and the motion carried unanimously.

Treasurer Balazovic moved to approve the cemetery rates for 2013. Opening and closing rates remained the same except for winter cremains and to add a $40 fee for Bruce to mark where foundations are to be placed if they do not want to purchase one from him. Trustee McGinnis seconded and the motion carried with five ayes.

A resolution was read by Supervisor Ridley to approve the 2012 Master Plan Update including all associated charts and maps. A motion was made by Trustee Waldron to adopt the resolution, Trustee McGinnis seconded the motion and a roll call vote was taken: McGinnis, yes; Balazovic, yes; Ridley, yes; Fisher, yes; Waldron, yes.

Trustee McGinnis and Treasurer Balazovic reviewed the sessions they attended at the 2013 MTA Conference. One of the items McGinnis brought back was information on healthcare and the changes that will be taking place. Balazovic received information that will benefit the Parks Commission on setting user rates.

Township Board Minutes – page 2

Citizen comments: Public comments began at 7:28 p.m. Comments were received from seven persons. Comments ended at 7:49 p.m.

Trustee Waldron moved to pay the bills. Trustee McGinnis seconded and it carried unanimously.

Trustee Waldron moved to adjourn at 7:53 p.m.

Respectfully submitted,
Susan L. Fisher, Clerk Michael Ridley, Supervisor

Board Resolution to Approve

RESOLUTION

Tuscarora Township Master Plan 2012 Update Approval

At a regular meeting of the Township Board of Tuscarora Township, Cheboygan County, Michigan, held at the Tuscarora Township Hall on the 5th day of February, 2013, at 7:00 p.m.

Present: McGinnis, Balazovic, Ridley, Fisher, Waldron
Absent: None

The following resolution was offered by Trustee Waldron and supported by Trustee McGinnis.

WHEREAS, the Tuscarora Township Planning Commission adopted the Tuscarora Township Master Plan 2012 Update at its meeting on January 24, 2012, following properly noticed public hearing in accordance with the Michigan Planning Enabling Act (PA 33 of 2008, as amended), and following distribution of the draft plan to planning commissions of the adjacent townships and to the Cheboygan and Emmet County Planning Commissions; and

WHEREAS, the Tuscarora Township Board on October 2, 2012, asserted its right to approve or reject the plan in accordance with the Michigan Planning Enabling Act (PA 33 of 2008, as amended);

NOW, THEREFORE, BE IT RESOLVED, that the Tuscarora Township Board hereby approves the Tuscarora Township 2012 Master Plan Update, including all associated charts and maps.

ADOPTED by roll-call vote as follows:

AYES: McGinnis, yes; Balazovic, yes; Ridley, yes; Fisher, yes; Waldron, yes

NAYS: None

ABSENT: None

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF CHEBOYGAN)

I, Susan Fisher, Clerk of Tuscarora Township, Cheboygan County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Tuscarora Township Board at a meeting held on the 5th day of February, 2013, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan 1976, as amended.

Susan Fisher, Tuscarora Township Clerk

APPENDIX

PLANNING CONCEPTS INFORMATION

- Principles of Smart Growth
- Complete Streets Vocabulary

Principles of Smart Growth

- Create Range of Housing Opportunities and Choices
  Providing quality housing for people of all income levels is an integral component in any smart growth strategy.
- Create Walkable Neighborhoods
  Walkable communities are desirable places to live, work, learn, worship and play, and therefore a key component of smart growth.
- Encourage Community and Stakeholder Collaboration
  Growth can create great places to live, work and play -- if it responds to a community's own sense of how and where it wants to grow.
- Foster Distinctive, Attractive Communities with a Strong Sense of Place
  Smart growth encourages communities to craft a vision and set standards for development and construction which respond to community values of architectural beauty and distinctiveness, as well as expanded choices in housing and transportation.
- Make Development Decisions Predictable, Fair and Cost Effective
  For a community to be successful in implementing smart growth, it must be embraced by the private sector.
- Mix Land Uses
  Smart growth supports the integration of mixed land uses into communities as a critical component of achieving better places to live.
- Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas
  Open space preservation supports smart growth goals by bolstering local economies, preserving critical environmental areas, improving our communities quality of life, and guiding new growth into existing communities.
- Provide a Variety of Transportation Choices
  Providing people with more choices in housing, shopping, communities, and transportation is a key aim of smart growth.
- Strengthen and Direct Development Towards Existing Communities
  Smart growth directs development towards existing communities already served by infrastructure, seeking to utilize the resources that existing neighborhoods offer, and conserve open space and irreplaceable natural resources on the urban fringe.
- Take Advantage of Compact Building Design
  Smart growth provides a means for communities to incorporate more compact building design as an alternative to conventional, land consumptive development.

Source: Smart Growth Network, smartgrowth.org

Complete Streets Vocabulary

The following are generally accepted planning definitions for some common phrases that may come up in a Complete Streets conversation.

Complete Streets: are designed and operated to enable safe access for all users. Pedestrians, bicyclists, motorists and bus riders of all ages and abilities are able to safely move along and across a complete street.

Complete Streets Policy: an official government plan, at any level, that mandates the inclusion of complete streets in transportation and other infrastructure planning.

Non-Motorized Network: the existing infrastructure for non-motorized transportation, including sidewalks, bike-lanes, mixed-use paths, public transportation (buses, subways, light-rail), and bike routes.

Non-Motorized Network Plan: a plan, generally completed at the local level, that provides a plan of action for making the community more friendly to biking and walking. Generally, a non-motorized plan will identifies the transportation system's existing non-motorized facilities, establishes a future conceptual network with a map and list of improvements, and identifies resources to help fund future additions to the nonmotorized transportation network.

Bike Plans are a community's vision to make bicycling an integral part of daily life. A plan recommends projects, programs and policies to encourage use of this practical, non-polluting and affordable mode of transportation.
Two common overall goals of a bicycle plan:
· To increase bicycle use, so that 5 percent of all trips less than five miles are by bicycle.
· To reduce the number of bicycle injuries by 50 percent from current levels.

Context Sensitive Solutions: Context sensitive solutions (CSS) is a collaborative, interdisciplinary approach that involves all stakeholders to develop a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility. CSS is an approach that considers the total context within which a transportation improvement project will exist.

Mixed Use: An appropriate combination of multiple uses, inside a single structure or place within a neighborhood, where a variety of different living activities (live, work, shop, and play) are in close proximity (walking distance) to most residents.
http://ncppp.org/resources/papers/surprenant_development.pdf

Road Diet: A change in the number of travel lanes, or width of existing lanes, with the addition of other elements such as bike lanes or car parking. Enhances safety by reducing traffic conflict points and lowering speeds.

Transit-Oriented Development: Residential and commercial districts designed to maximize access by public transit and non-motorized transportation, with good connectivity, mixed-use, parking management and other design features that facilitate public transit use and maximize overall accessibility.

Smart Growth: invests time, attention, and resources into restoring community and vitality to center cities and older suburbs. New smart growth is more town-centered, is transit and pedestrian oriented, and has a greater mix of housing, commercial and retail uses. It also preserves open space and many other environmental amenities.

Greenways are linear corridors of land that connect key resources and open space within a region. Open spaces are blocks of land that are generally self-contained with limited connections or linkages to other areas. A greenways network includes greenways as well as hubs of specifically identified natural resources or open space and manmade features or destinations that influence the development of the development of the linear greenway corridor.

TUSCARORA
TOWNSHIP

October 26, 2015

Cheboygan County Planning Commission
870 S. Main Street
PO Box 70
Cheboygan, MI 49721

Re: Heritage Cove Farm Special Use Permit Request

Dear Planning Commission Members:

At the October 22, 2015, regular meeting of the Tuscarora Planning Commission the Heritage Cove Farm Special Use Permit Request was reviewed to determine if the submitted plan was compatible with our future land use map.

After review of the 2012 Master Plan, Mr. Craig Waldron made a motion that the Heritage Cover Farm Plan is not compatible with our future land use map. This motion was seconded by Mr. Dan Nivelt and it carried unanimously.

Thank you in advance for your consideration of the Tuscarora Township Planning Commission's determination.

Sincerely,

TUSCARORA TOWNSHIP PLANNING COMMISSION

Michael Chervery, Chair

Tip of the Mitt Watershed Council
426 Bay St., Petoskey, MI 49770
231.347.1181 www.watershedcouncil.org

October 23, 2015

Cheboygan County Planning Commission
(via email)
PO Box 70
Cheboygan, MI 49721

Dear Planning Commissioners,

I am writing today on behalf of Tip of the Mitt Watershed Council and over 2,200 individual, business, and lake association members. Thank you for the opportunity to comment on the proposal to construct Heritage Cove Farm (HCF) in the Grand View Beach neighborhood on Mullett Lake.

We are working from the 11/4/15 Planning Commission Packet that is online and was updated on 10/21/15. We hope that you will consider our comments and require some changes.

First and foremost, because of the unique location of this site, we request that you require a comprehensive wetland delineation on this property. That would ensure that all buildings and development do not impact existing wetlands. These wetlands must be kept intact to provide the important natural functions necessary for protecting water quality in Mullett Lake. This is not a small matter.

As you know, Mullett Lake and Burt Lake are connected by a five-mile stretch of the Indian River. The area where the River flows into Mullett Lake is known as the "Indian River Spreads" and this is actually a large, important marsh complex. The entire Spreads, including the open water portions and a forested wetland, is close to 1,000 acres in size.

Importantly for the economy of this area, the extensive undeveloped marsh shoreline creates ideal conditions for this wetland to provide a fishery function. The emergent vegetation provides cover for fish. It also provides a ridged substrate, where fish food, such as periphyton and aquatic macro-invertebrates, can anchor. Cover for fish in this wetland is composed of submerged logs, emergent vegetation, and aquatic bed vegetation.

Notably, the HCF proposal includes shoreline property that is part of the Indian River Spreads, and what happens there will definitely matter for water quality, in addition to habitat and fishery concerns (see enclosed map).

The HCF shoreline has a diversity of vegetation that contributes to a rich mosaic of habitat types for hundreds of wetland dependent species. It is paramount that you keep rooftops, driveways, and any other impervious surface as far away as possible from this shoreline. And of course, it would be critical to ensure that no medications are ever dumped into the lake.

The mention of impervious surfaces brings us to stormwater. The SUP application asks that special attention be given to proper site drainage, so that removal of storm waters will not adversely affect neighboring properties. This point is important for construction purposes, of course, and the on-going drainage when construction is completed. However, we are concerned about stormwater pollution that comes from the addition of impervious surfaces to this site. When you add cottages, barns, community centers, driveways, parking spaces, etc. to this site, those places will no longer absorb stormwater runoff. Instead, the rain and snowmelt that accumulates on these surfaces will be pushed into the lake. What will come along with that is all the dirt, grit, oil, cigarette butts, and other sources of pollution that the runoff picks up from roads, driveways, and parking lots, etc.

Because of this, we hope the Planning Commission will require a stormwater management plan for this development proposal. This should address Best Management Practices (BMPs) that can be incorporated into the site plan, such as rain gardens, strategically placed to collect the stormwater runoff and filter it, before it hits the wetlands or the lake. We would be happy to meet with the applicant to discuss what BMPs are available and would be appropriate for this site.

We also note the inclusion of a "hobby farm" for the site. We respect the Right to Farm Act and all that it allows. However, we also caution that certain agricultural practices are not appropriate on a lake front.

The agricultural community has an entire set of Generally Accepted Agricultural Management Practices (GAAMPS) that protect water resources. However, we are not certain that the applicants are aware of GAAMPS, and what should be in place, to ensure no pollution results from farming practices.

For example, even though manure, urine and soiled bedding from barns are organic materials, many of their biological and chemical properties can be detrimental to fish, insects, and other aquatic life if those wastes get into local water bodies. Nutrients from this waste carried by stormwater runoff can lead to algae blooms. Even small amounts of ammonia from urine dissolved in water can kill fish. Salts contained in manure do not breakdown and when carried to the lake, the presence of salts can be a limiting factor upon the species of fish, amphibians, and invertebrate life. Therefore, we urge the Planning Commission to ensure practices will be adhered to that ensure water quality does not suffer.

Finally, another point of concern is septic system requirements. The Watershed Council is currently involved in an extensive research project related to local conditions and septic systems. We regularly see how septic systems that are poorly sited can impact waters, directly.

Other than seeing the drainfields noted on the map, our review of the packet did not reveal information regarding plans for on-site wastewater treatment, and if we missed that, we apologize. However, if it is not addressed, we think the Planning Commission should require specific details about whether the Health Department has inspected the area and what that inspection revealed, regarding suitability for the planned on-site wastewater system.

Again, we thank you for the opportunity to submit our comments regarding this application. If you have any questions, feel free to contact me at 231.347.1181 ext. 118.

Thank you for your consideration.

Sincerely,

Grenetta Thomassey, PhD
Program Director
grenetta@watershedcouncil.org

Indian Woods
Grace Beach
Pleasant Beach
Grand View Beach
Grand View Beach
Cheboygan River
Temple
Indian River Spreads - Emergent Vegetation and Wetlands
Project Parcel
Emergent Vegetation (TOMWC 2007)
Wetlands (NWI)
Roads
N
W
E
S
Watershed Council
Data Sources:
Aerial and parcel from Cheboygan County GIS Department. Emergent vegetation from TOMWC Mullett Lake Aquatic Plant Survey 2007. Roads from the Michigan Geographic Data Library. Wetlands from the USFWS National Wetlands Inventory.
0
1,000
2,000 Feet

SNOWMOBILE
TRAFFIC
PROHIBITED
ON TRAIL
12AM-8AM
NEXT
11 MILES

35
SNOWMOBILE
TRAFFIC
PROHIBITED
ON TRAIL
12AM-6AM
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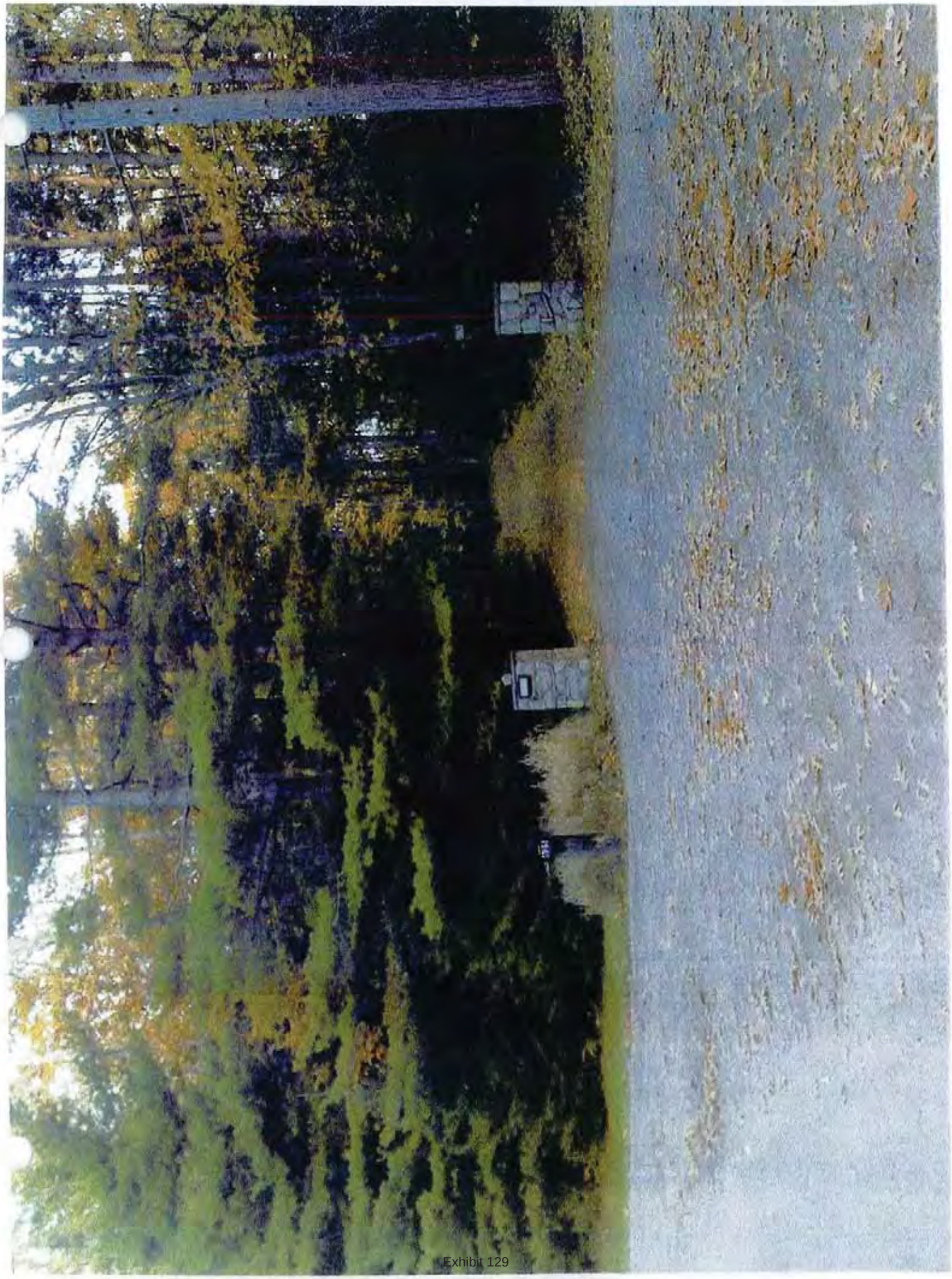

Exhibit 129

NATIONAL BALD EAGLE MANAGEMENT GUIDELINES

U.S. Fish and Wildlife Service

May 2007

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INTRODUCTION

The bald eagle (*Haliaeetus leucocephalus*) is protected by the Bald and Golden Eagle Protection Act (Eagle Act) and the Migratory Bird Treaty Act (MBTA). The MBTA and the Eagle Act protect bald eagles from a variety of harmful actions and impacts. The U.S. Fish and Wildlife Service (Service) developed these National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with bald eagles when and under what circumstances the protective provisions of the Eagle Act may apply to their activities. A variety of human activities can potentially interfere with bald eagles, affecting their ability to forage, nest, roost, breed, or raise young. The Guidelines are intended to help people minimize such impacts to bald eagles, particularly where they may constitute "disturbance," which is prohibited by the Eagle Act.

The Guidelines are intended to:

(1) Publicize the provisions of the Eagle Act that continue to protect bald eagles, in order to reduce the possibility that people will violate the law,

(2) Advise landowners, land managers and the general public of the potential for various human activities to disturb bald eagles, and

(3) Encourage additional nonbinding land management practices that benefit bald eagles (see Additional Recommendations section).

While the Guidelines include general recommendations for land management practices that will benefit bald eagles, the document is intended primarily as a tool for landowners and planners who seek information and recommendations regarding how to avoid disturbing bald eagles. Many States and some tribal entities have developed state-specific management plans, regulations, and/or guidance for landowners and land managers to protect and enhance bald eagle habitat, and we encourage the continued development and use of these planning tools to benefit bald eagles.

Adherence to the Guidelines herein will benefit individuals, agencies, organizations, and companies by helping them avoid violations of the law. However, the Guidelines themselves are not law. Rather, they are recommendations based on several decades of behavioral observations, science, and conservation measures to avoid or minimize adverse impacts to bald eagles.

The U.S. Fish and Wildlife Service strongly encourages adherence to these guidelines to ensure that bald and golden eagle populations will continue to be sustained. The Service realizes there may be impacts to some birds even if all reasonable measures are taken to avoid such impacts. Although it is not possible to absolve individuals and entities from liability under the Eagle Act or the MBTA, the Service exercises enforcement discretion to focus on those individuals, companies, or agencies that take migratory birds without regard for the consequences of their actions and the law, especially when conservation measures, such as these Guidelines, are available, but have not been implemented. The Service will prioritize its enforcement efforts to focus on those individuals or entities who take bald eagles or their parts, eggs, or nests without implementing appropriate measures recommended by the Guidelines.

The Service intends to pursue the development of regulations that would authorize, under limited circumstances, the use of permits if "take" of an eagle is anticipated but unavoidable. Additionally, if the bald eagle is delisted, the Service intends to provide a regulatory mechanism to honor existing (take) authorizations under the Endangered Species Act (ESA).

During the interim period until the Service completes a rulemaking for permits under the Eagle Act, the Service does not intend to refer for prosecution the incidental "*take*" of any bald eagle under the MBTA or Eagle Act, if such take is in full compliance with the terms and conditions of an incidental take statement issued to the action agency or applicant under the authority of section 7(b)(4) of the ESA or a permit issued under the authority of section 10(a)(1)(B) of the ESA.

The Guidelines are applicable throughout the United States, including Alaska. The primary purpose of these Guidelines is to provide information that will minimize or prevent violations only of *Federal* laws governing bald eagles. In addition to Federal laws, many states and some smaller jurisdictions and tribes have additional laws and regulations protecting bald eagles. In some cases those laws and regulations may be more protective (restrictive) than these Federal guidelines. If you are planning activities that may affect bald eagles, we therefore recommend that you contact both your nearest U.S. Fish and Wildlife Service Field Office (see the contact information on p.16) and your state wildlife agency for assistance.

LEGAL PROTECTIONS FOR THE BALD EAGLE

The Bald and Golden Eagle Protection Act

The Eagle Act (16 U.S.C. 668-668c), enacted in 1940, and amended several times since then, prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. The Act provides criminal and civil penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." "Disturb" means:

> "Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle=s return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

A violation of the Act can result in a criminal fine of $100,000 ($200,000 for organizations), imprisonment for one year, or both, for a first offense. Penalties increase substantially for additional offenses, and a second violation of this Act is a felony.

The Migratory Bird Treaty Act
The MBTA (16 U.S.C. 703-712), prohibits the taking of any migratory bird or any part, nest, or egg, except as permitted by regulation. The MBTA was enacted in 1918; a 1972 agreement supplementing one of the bilateral treaties underlying the MBTA had the effect of expanding the scope of the Act to cover bald eagles and other raptors. Implementing regulations define "take" under the MBTA as "pursue, hunt, shoot, wound, kill, trap, capture, possess, or collect."

Copies of the Eagle Act and the MBTA are available at: http://permits.fws.gov/ltr/ltr.shtml.

State laws and regulations
Most states have their own regulations and/or guidelines for bald eagle management. Some states may continue to list the bald eagle as endangered, threatened, or of special concern. If you plan activities that may affect bald eagles, we urge you to familiarize yourself with the regulations and/or guidelines that apply to bald eagles in your state. Your adherence to the Guidelines herein does not ensure that you are in compliance with state laws and regulations because state regulations can be more specific and/or restrictive than these Guidelines.

NATURAL HISTORY OF THE BALD EAGLE

Bald eagles are a North American species that historically occurred throughout the contiguous United States and Alaska. After severely declining in the lower 48 States between the 1870s and the 1970s, bald eagles have rebounded and re-established breeding territories in each of the lower 48 states. The largest North American breeding populations are in Alaska and Canada, but there are also significant bald eagle populations in Florida, the Pacific Northwest, the Greater Yellowstone area, the Great Lakes states, and the Chesapeake Bay region. Bald eagle distribution varies seasonally. Bald eagles that nest in southern latitudes frequently move northward in late spring and early summer, often summering as far north as Canada. Most eagles that breed at northern latitudes migrate southward during winter, or to coastal areas where waters remain unfrozen. Migrants frequently concentrate in large numbers at sites where food is abundant and they often roost together communally. In some cases, concentration areas are used year-round: in summer by southern eagles and in winter by northern eagles.

Juvenile bald eagles have mottled brown and white plumage, gradually acquiring their dark brown body and distinctive white head and tail as they mature. Bald eagles generally attain adult plumage by 5 years of age. Most are capable of breeding at 4 or 5 years of age, but in healthy populations they may not start breeding until much older. Bald eagles may live 15 to 25 years in the wild. Adults weigh 8 to 14 pounds (occasionally reaching 16 pounds in Alaska) and have wingspans of 5 to 8 feet. Those in the northern range are larger than those in the south, and females are larger than males.

Where do bald eagles nest?

Breeding bald eagles occupy "territories," areas they will typically defend against intrusion by other eagles. In addition to the active nest, a territory may include one or more alternate nests (nests built or maintained by the eagles but not used for nesting in a given year). The Eagle Act prohibits removal or destruction of both active and alternate bald eagle nests. Bald eagles exhibit high nest site fidelity and nesting territories are often used year after year. Some territories are known to have been used continually for over half a century.

Bald eagles generally nest near coastlines, rivers, large lakes or streams that support an adequate food supply. They often nest in mature or old-growth trees; snags (dead trees); cliffs; rock promontories; rarely on the ground; and with increasing frequency on human-made structures such as power poles and communication towers. In forested areas, bald eagles often select the tallest trees with limbs strong enough to support a nest that can weigh more than 1,000 pounds. Nest sites typically include at least one perch with a clear view of the water where the eagles usually forage. Shoreline trees or snags located in reservoirs provide the visibility and accessibility needed to locate aquatic prey. Eagle nests are constructed with large sticks, and may be lined with moss, grass, plant stalks, lichens, seaweed, or sod. Nests are usually about 4-6 feet in diameter and 3 feet deep, although larger nests exist.

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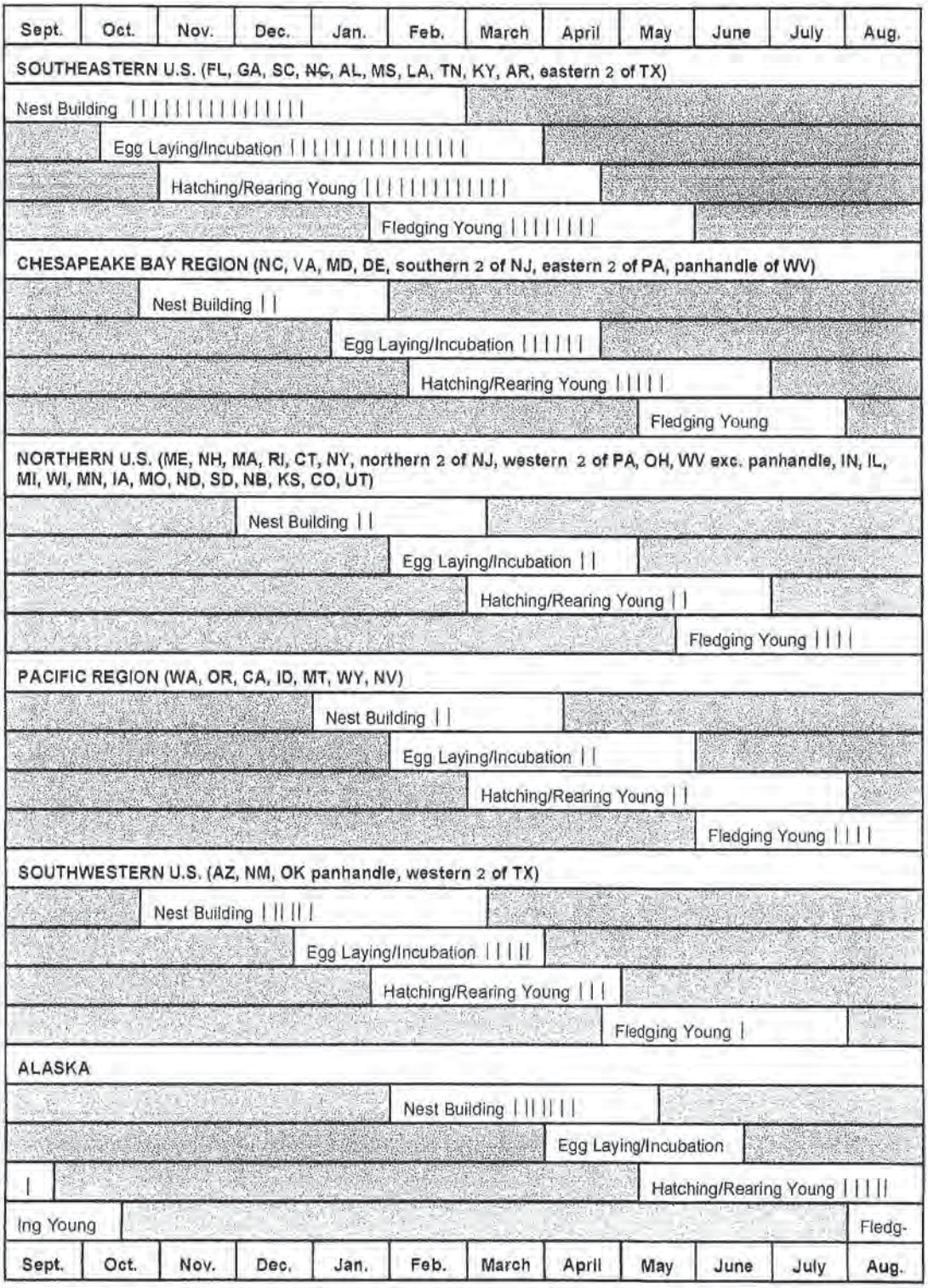
The range of breeding bald eagles in 2000 (shaded areas). This map shows only the larger concentrations of nests; eagles have continued to expand into additional nesting territories in many states. The dotted line represents the bald eagle's wintering range.

When do bald eagles nest?
Nesting activity begins several months before egg-laying. Egg-laying dates vary throughout the U.S., ranging from October in Florida, to late April or even early May in the northern United States. Incubation typically lasts 33-35 days, but can be as long as 40 days. Eaglets make their first unsteady flights about 10 to 12 weeks after hatching, and fledge (leave their nests) within a few days after that first flight. However, young birds usually remain in the vicinity of the nest for several weeks after fledging because they are almost completely dependent on their parents for food until they disperse from the nesting territory approximately 6 weeks later.

The bald eagle breeding season tends to be longer in the southern U.S., and re-nesting following an unsuccessful first nesting attempt is more common there as well. The following table shows the timing of bald eagle breeding seasons in different regions of the country. The table represents the range of time within which the majority of nesting activities occur in each region and does not apply to any specific nesting pair. Because the timing of nesting activities may vary within a given region, you should contact the nearest U.S. Fish and Wildlife Service Field Office (see page 16) and/or your state wildlife conservation agency for more specific information on nesting chronology in your area.

Chronology of typical reproductive activities of bald eagles in the United States.



How many chicks do bald eagles raise?
The number of eagle eggs laid will vary from 1-3, with 1-2 eggs being the most common. Only one eagle egg is laid per day, although not always on successive days. Hatching of young occurs on different days with the result that chicks in the same nest are sometimes of unequal size. The overall national fledging rate is approximately one chick per nest, annually, which results in a healthy expanding population.

What do bald eagles eat?
Bald eagles are opportunistic feeders. Fish comprise much of their diet, but they also eat waterfowl, shorebirds/colonial waterbirds, small mammals, turtles, and carrion. Because they are visual hunters, eagles typically locate their prey from a conspicuous perch, or soaring flight, then swoop down and strike. Wintering bald eagles often congregate in large numbers along streams to feed on spawning salmon or other fish species, and often gather in large numbers in areas below reservoirs, especially hydropower dams, where fish are abundant. Wintering eagles also take birds from rafts of ducks at reservoirs and rivers, and congregate on melting ice shelves to scavenge dead fish from the current or the soft melting ice. Bald eagles will also feed on carcasses along roads, in landfills, and at feedlots.

During the breeding season, adults carry prey to the nest to feed the young. Adults feed their chicks by tearing off pieces of food and holding them to the beaks of the eaglets. After fledging, immature eagles are slow to develop hunting skills, and must learn to locate reliable food sources and master feeding techniques. Young eagles will congregate together, often feeding upon easily acquired food such as carrion and fish found in abundance at the mouths of streams and shallow bays and at landfills.

The impact of human activity on nesting bald eagles
During the breeding season, bald eagles are sensitive to a variety of human activities. However, not all bald eagle pairs react to human activities in the same way. Some pairs nest successfully just dozens of yards from human activity, while others abandon nest sites in response to activities much farther away. This variability may be related to a number of factors, including visibility, duration, noise levels, extent of the area affected by the activity, prior experiences with humans, and tolerance of the individual nesting pair. The relative sensitivity of bald eagles during various stages of the breeding season is outlined in the following table.

Nesting Bald Eagle Sensitivity to Human Activities

Phase	Activity	Sensitivity to Human Activity	Comments
I	Courtship and Nest Building	Most sensitive period; likely to respond negatively	Most critical time period. Disturbance is manifested in nest abandonment. Bald eagles in newly established territories are more prone to abandon nest sites.
II	Egg laying	Very sensitive period	Human activity of even limited duration may cause nest desertion and abandonment of territory for the breeding season.
III	Incubation and early nestling period (up to 4 weeks)	Very sensitive period	Adults are less likely to abandon the nest near and after hatching. However, flushed adults leave eggs and young unattended; eggs are susceptible to cooling, loss of moisture, overheating, and predation; young are vulnerable to elements.
IV	Nestling period, 4 to 8 weeks	Moderately sensitive period	Likelihood of nest abandonment and vulnerability of the nestlings to elements somewhat decreases. However, nestlings may miss feedings, affecting their survival.
V	Nestlings 8 weeks through fledging	Very sensitive period	Gaining flight capability, nestlings 8 weeks and older may flush from the nest prematurely due to disruption and die.

If agitated by human activities, eagles may inadequately construct or repair their nest, may expend energy defending the nest rather than tending to their young, or may abandon the nest altogether. Activities that cause prolonged absences of adults from their nests can jeopardize eggs or young. Depending on weather conditions, eggs may overheat or cool too much and fail to hatch. Unattended eggs and nestlings are subject to predation. Young nestlings are particularly vulnerable because they rely on their parents to provide warmth or shade, without which they may die as a result of hypothermia or heat stress. If food delivery schedules are interrupted, the young may not develop healthy plumage, which can affect their survival. In addition, adults startled while incubating or brooding young may damage eggs or injure their young as they abruptly leave the nest. Older nestlings no longer require constant attention from the adults, but they may be startled by loud or intrusive human activities and prematurely jump from the nest before they are able to fly or care for themselves. Once fledged, juveniles range up to ¼ mile from the nest site, often to a site with minimal human activity. During this period, until about six weeks after departure from the nest, the juveniles still depend on the adults to feed them.

The impact of human activity on foraging and roosting bald eagles

Disruption, destruction, or obstruction of roosting and foraging areas can also negatively affect bald eagles. Disruptive activities in or near eagle foraging areas can interfere with feeding, reducing chances of survival. Interference with feeding can also result in reduced productivity (number of young successfully fledged). Migrating and wintering bald eagles often congregate at specific sites for purposes of feeding and sheltering. Bald eagles rely on established roost sites because of their proximity to sufficient food sources. Roost sites are usually in mature trees where the eagles are somewhat sheltered from the wind and weather. Human activities near or within communal roost sites may prevent eagles

from feeding or taking shelter, especially if there are not other undisturbed and productive feeding and roosting sites available. Activities that permanently alter communal roost sites and important foraging areas can altogether eliminate the elements that are essential for feeding and sheltering eagles.

Where a human activity agitates or bothers roosting or foraging bald eagles to the degree that causes injury or substantially interferes with breeding, feeding, or sheltering behavior and causes, or is likely to cause, a loss of productivity or nest abandonment, the conduct of the activity constitutes a violation of the Eagle Act's prohibition against disturbing eagles. The circumstances that might result in such an outcome are difficult to predict without detailed site-specific information. If your activities may disturb roosting or foraging bald eagles, you should contact your local Fish and Wildlife Service Field Office (see page 16) for advice and recommendations for how to avoid such disturbance.

RECOMMENDATIONS FOR AVOIDING DISTURBANCE AT NEST SITES

In developing these Guidelines, we relied on existing state and regional bald eagle guidelines, scientific literature on bald eagle disturbance, and recommendations of state and Federal biologists who monitor the impacts of human activity on eagles. Despite these resources, uncertainties remain regarding the effects of many activities on eagles and how eagles in different situations may or may not respond to certain human activities. The Service recognizes this uncertainty and views the collection of better biological data on the response of eagles to disturbance as a high priority. To the extent that resources allow, the Service will continue to collect data on responses of bald eagles to human activities conducted according to the recommendations within these Guidelines to ensure that adequate protection from disturbance is being afforded, and to identify circumstances where the Guidelines might be modified. These data will be used to make future adjustments to the Guidelines.

To avoid disturbing nesting bald eagles, we recommend (1) keeping a distance between the activity and the nest (distance buffers), (2) maintaining preferably forested (or natural) areas between the activity and around nest trees (landscape buffers), and (3) avoiding certain activities during the breeding season. The buffer areas serve to minimize visual and auditory impacts associated with human activities near nest sites. Ideally, buffers would be large enough to protect existing nest trees and provide for alternative or replacement nest trees.

The size and shape of effective buffers vary depending on the topography and other ecological characteristics surrounding the nest site. In open areas where there are little or no forested or topographical buffers, such as in many western states, distance alone must serve as the buffer. Consequently, in open areas, the distance between the activity and the nest may need to be larger than the distances recommended under Categories A and B of these guidelines (pg. 12) if no landscape buffers are present. The height of the nest above the ground may also ameliorate effects of human activities; eagles at higher nests may be less prone to disturbance.

In addition to the physical features of the landscape and nest site, the appropriate size for the distance buffer may vary according to the historical tolerances of eagles to human activities in particular localities, and may also depend on the location of the nest in relation

to feeding and roosting areas used by the eagles. Increased competition for nest sites may lead bald eagles to nest closer to human activity (and other eagles).

Seasonal restrictions can prevent the potential impacts of many shorter-term, obtrusive activities that do not entail landscape alterations (e.g. fireworks, outdoor concerts). In proximity to the nest, these kinds of activities should be conducted only outside the breeding season. For activities that entail both short-term, obtrusive characteristics and more permanent impacts (e.g., building construction), we recommend a combination of both approaches: retaining a landscape buffer *and* observing seasonal restrictions.

For assistance in determining the appropriate size and configuration of buffers or the timing of activities in the vicinity of a bald eagle nest, we encourage you to contact the nearest U.S. Fish and Wildlife Service Field Office (see page 16).

Existing Uses

Eagles are unlikely to be disturbed by routine use of roads, homes, and other facilities where such use pre-dates the eagles' successful nesting activity in a given area. Therefore, in most cases *ongoing* existing uses may proceed with the same intensity with little risk of disturbing bald eagles. However, some *intermittent, occasional, or irregular* uses that pre-date eagle nesting in an area may disturb bald eagles. For example: a pair of eagles may begin nesting in an area and subsequently be disturbed by activities associated with an annual outdoor flea market, even though the flea market has been held annually at the same location. In such situations, human activity should be adjusted or relocated to minimize potential impacts on the nesting pair.

ACTIVITY-SPECIFIC GUIDELINES

The following section provides the Service=s management recommendations for avoiding bald eagle disturbance as a result of new or intermittent activities proposed in the vicinity of bald eagle nests. Activities are separated into 8 categories (A – H) based on the nature and magnitude of impacts to bald eagles that usually result from the type of activity. Activities with similar or comparable impacts are grouped together.

In most cases, impacts will vary based on the visibility of the activity from the eagle nest and the degree to which similar activities are already occurring in proximity to the nest site. Visibility is a factor because, in general, eagles are more prone to disturbance when an activity occurs in full view. For this reason, we recommend that people locate activities farther from the nest structure in areas with open vistas, in contrast to areas where the view is shielded by rolling topography, trees, or other screening factors. The recommendations also take into account the existence of similar activities in the area because the continued presence of nesting bald eagles in the vicinity of the existing activities indicates that the eagles in that area can tolerate a greater degree of human activity than we can generally expect from eagles in areas that experience fewer human impacts. To illustrate how these factors affect the likelihood of disturbing eagles, we have incorporated the recommendations for some activities into a table (categories A and B).

First, determine which category your activity falls into (between categories A – H). If the activity you plan to undertake is not specifically addressed in these guidelines, follow the recommendations for the most similar activity represented.

If your activity is under A or B, our recommendations are in table form. The vertical axis shows the degree of visibility of the activity from the nest. The horizontal axis (header row) represents the degree to which similar activities are ongoing in the vicinity of the nest. Locate the row that best describes how visible your activity will be from the eagle nest. Then, choose the column that best describes the degree to which similar activities are ongoing in the vicinity of the eagle nest. The box where the column and row come together contains our management recommendations for how far you should locate your activity from the nest to avoid disturbing the eagles. The numerical distances shown in the tables are the closest the activity should be conducted relative to the nest. In some cases we have included additional recommendations (other than recommended *distance* from the nest) you should follow to help ensure that your activity will not disturb the eagles.

Alternate nests

For activities that entail permanent landscape alterations that may result in bald eagle disturbance, these recommendations apply to both active and alternate bald eagle nests. Disturbance becomes an issue with regard to alternate nests if eagles return for breeding purposes and react to land use changes that occurred while the nest was inactive. The likelihood that an alternate nest will again become active decreases the longer it goes unused. If you plan activities in the vicinity of an alternate bald eagle nest and have information to show that the nest has not been active during the preceding 5 breeding seasons, the recommendations provided in these guidelines for avoiding disturbance around the nest site may no longer be warranted. The nest itself remains protected by other provisions of the Eagle Act, however, and may not be destroyed.

If special circumstances exist that make it unlikely an inactive nest will be reused before 5 years of disuse have passed, and you believe that the probability of reuse is low enough to warrant disregarding the recommendations for avoiding disturbance, you should be prepared to provide all the reasons for your conclusion, including information regarding past use of the nest site. Without sufficient documentation, you should continue to follow these guidelines when conducting activities around the nest site. If we are able to determine that it is unlikely the nest will be reused, we may advise you that the recommendations provided in these guidelines for avoiding disturbance are no longer necessary around that nest site.

This guidance is intended to minimize disturbance, as defined by Federal regulation. In addition to Federal laws, most states and some tribes and smaller jurisdictions have additional laws and regulations protecting bald eagles. In some cases those laws and regulations may be more protective (restrictive) than these Federal guidelines.

Temporary Impacts

For activities that have temporary impacts, such as the use of loud machinery, fireworks displays, or summer boating activities, we recommend seasonal restrictions. These types of activities can generally be carried out outside of the breeding season without causing disturbance. The recommended restrictions for these types of activities can be lifted for alternate nests within a particular territory, including nests that were attended during the current breeding season but not used to raise young, after eggs laid in another nest within the territory have hatched (depending on the distance between the alternate nest and the active nest).

In general, activities should be kept as far away from nest trees as possible; loud and disruptive activities should be conducted when eagles are not nesting; and activity between the nest and the nearest foraging area should be minimized. If the activity you plan to undertake is not specifically addressed in these guidelines, follow the recommendations for the most similar activity addressed, or contact your local U.S. Fish and Wildlife Service Field Office for additional guidance.

If you believe that special circumstances apply to your situation that increase or diminish the likelihood of bald eagle disturbance, or if it is not possible to adhere to the guidelines, you should contact your local Service Field Office for further guidance.

Category A:
Building construction, 1 or 2 story, with project footprint of ½ acre or less.
Construction of roads, trails, canals, power lines, and other linear utilities.
Agriculture and aquaculture – new or expanded operations.
Alteration of shorelines or wetlands.
Installation of docks or moorings.
Water impoundment.

Category B:
Building construction, 3 or more stories.
Building construction, 1 or 2 story, with project footprint of more than ½ acre.
Installation or expansion of marinas with a capacity of 6 or more boats.
Mining and associated activities.
Oil and natural gas drilling and refining and associated activities.

	If there is no similar activity within 1 mile of the nest	***If there is similar activity closer than 1 mile from the nest***
If the activity will be visible from the nest	660 feet. Landscape buffers are recommended.	660 feet, or as close as existing tolerated activity of similar scope. Landscape buffers are recommended.
If the activity will not be visible from the nest	Category A: 330 feet. Clearing, external construction, and landscaping between 330 feet and 660 feet should be done outside breeding season. Category B: 660 feet.	330 feet, or as close as existing tolerated activity of similar scope. Clearing, external construction and landscaping within 660 feet should be done outside breeding season.

The numerical distances shown in the table are the closest the activity should be conducted relative to the nest.

Category C. Timber Operations and Forestry Practices

- Avoid clear cutting or removal of overstory trees within 330 feet of the nest at any time.

- Avoid timber harvesting operations, including road construction and chain saw and yarding operations, during the breeding season within 660 feet of the nest. The distance may be decreased to 330 feet around alternate nests within a particular territory, including nests that were attended during the current breeding season but not used to raise young, after eggs laid in another nest within the territory have hatched.

- Selective thinning and other silviculture management practices designed to conserve or enhance habitat, including prescribed burning close to the nest tree, should be undertaken outside the breeding season. Precautions such as raking leaves and woody debris from around the nest tree should be taken to prevent crown fire or fire climbing the nest tree. If it is determined that a burn during the breeding season would be beneficial, then, to ensure that no take or disturbance will occur, these activities should be conducted only when neither adult eagles nor young are present at the nest tree (i.e., at the beginning of, or end of, the breeding season, either before the particular nest is active or after the young have fledged from that nest). Appropriate Federal and state biologists should be consulted before any prescribed burning is conducted during the breeding season.

- Avoid construction of log transfer facilities and in-water log storage areas within 330 feet of the nest.

Category D. Off-road vehicle use (including snowmobiles). No buffer is necessary around nest sites outside the breeding season. During the breeding season, do not operate off-road vehicles within 330 feet of the nest. In open areas, where there is increased visibility and exposure to noise, this distance should be extended to 660 feet.

Category E. Motorized Watercraft use (including jet skis/personal watercraft). No buffer is necessary around nest sites outside the breeding season. During the breeding season, within 330 feet of the nest, (1) do not operate jet skis (personal watercraft), and (2) avoid concentrations of noisy vessels (e.g., commercial fishing boats and tour boats), except where eagles have demonstrated tolerance for such activity. Other motorized boat traffic passing within 330 feet of the nest should attempt to minimize trips and avoid stopping in the area where feasible, particularly where eagles are unaccustomed to boat traffic. Buffers for airboats should be larger than 330 feet due to the increased noise they generate, combined with their speed, maneuverability, and visibility.

Category F. Non-motorized recreation and human entry (e.g., hiking, camping, fishing, hunting, birdwatching, kayaking, canoeing). No buffer is necessary around nest sites outside the breeding season. If the activity will be visible or highly audible from the nest, maintain a 330-foot buffer during the breeding season, particularly where eagles are unaccustomed to such activity.

Category G. Helicopters and fixed-wing aircraft.
Except for authorized biologists trained in survey techniques, avoid operating aircraft within 1,000 feet of the nest during the breeding season, except where eagles have demonstrated tolerance for such activity.

Category H. Blasting and other loud, intermittent noises.
Avoid blasting and other activities that produce extremely loud noises within 1/2 mile of active nests, unless greater tolerance to the activity (or similar activity) has been demonstrated by the eagles in the nesting area. This recommendation applies to the use of fireworks classified by the Federal Department of Transportation as Class B explosives, which includes the larger fireworks that are intended for licensed public display.

RECOMMENDATIONS FOR AVOIDING DISTURBANCE AT FORAGING AREAS AND COMMUNAL ROOST SITES

1. Minimize potentially disruptive activities and development in the eagles' direct flight path between their nest and roost sites and important foraging areas.

2. Locate long-term and permanent water-dependent facilities, such as boat ramps and marinas, away from important eagle foraging areas.

3. Avoid recreational and commercial boating and fishing near critical eagle foraging areas during peak feeding times (usually early to mid-morning and late afternoon), except where eagles have demonstrated tolerance to such activity.

4. Do not use explosives within ½ mile (or within 1 mile in open areas) of communal roosts when eagles are congregating, without prior coordination with the U.S. Fish and Wildlife Service and your state wildlife agency.

5. Locate aircraft corridors no closer than 1,000 feet vertical or horizontal distance from communal roost sites.

ADDITIONAL RECOMMENDATIONS TO BENEFIT BALD EAGLES

The following are additional management practices that landowners and planners can exercise for added benefit to bald eagles.

1. Protect and preserve potential roost and nest sites by retaining mature trees and old growth stands, particularly within ½ mile from water.

2. Where nests are blown from trees during storms or are otherwise destroyed by the elements, continue to protect the site in the absence of the nest for up to three (3) complete breeding seasons. Many eagles will rebuild the nest and reoccupy the site.

3. To avoid collisions, site wind turbines, communication towers, and high voltage transmission power lines away from nests, foraging areas, and communal roost sites.

4. Employ industry-accepted best management practices to prevent birds from colliding with or being electrocuted by utility lines, towers, and poles. If possible, bury utility lines in important eagle areas.

5. Where bald eagles are likely to nest in human-made structures (e.g., cell phone towers) and such use could impede operation or maintenance of the structures or jeopardize the safety of the eagles, equip the structures with either (1) devices engineered to discourage bald eagles from building nests, or (2) nesting platforms that will safely accommodate bald eagle nests without interfering with structure performance.

6. Immediately cover carcasses of euthanized animals at landfills to protect eagles from being poisoned.

7. Do not intentionally feed bald eagles. Artificially feeding bald eagles can disrupt their essential behavioral patterns and put them at increased risk from power lines, collision with windows and cars, and other mortality factors.

8. Use pesticides, herbicides, fertilizers, and other chemicals only in accordance with Federal and state laws.

9. Monitor and minimize dispersal of contaminants associated with hazardous waste sites (legal or illegal), permitted releases, and runoff from agricultural areas, especially within watersheds where eagles have shown poor reproduction or where bioaccumulating contaminants have been documented. These factors present a risk of contamination to eagles and their food sources.

CONTACTS

The following U.S. Fish and Wildlife Service Field Offices provide technical assistance on bald eagle management:

Alabama	Daphne	(251) 441-5181
Alaska	Anchorage	(907) 271-2888
	Fairbanks	(907) 456-0203
	Juneau	(907) 780-1160
Arizona	Phoenix	(602) 242-0210
Arkansas	Conway	(501) 513-4470
California	Arcata	(707) 822-7201
	Barstow	(760) 255-8852
	Carlsbad	(760) 431-9440
	Red Bluff	(530) 527-3043
	Sacramento	(916) 414-6000
	Stockton	(209) 946-6400
	Ventura	(805) 644-1766
	Yreka	(530) 842-5763
Colorado	Lakewood	(303) 275-2370
	Grand Junction	(970) 243-2778
Connecticut	(See New Hampshire)	
Delaware	(See Maryland)	
Florida	Panama City	(850) 769-0552
	Vero Beach	(772) 562-3909
	Jacksonville	(904) 232-2580
Georgia	Athens	(706) 613-9493
	Brunswick	(912) 265-9336
	Columbus	(706) 544-6428
Idaho	Boise	(208) 378-5243
	Chubbuck	(208) 237-6975
Illinois/Iowa	Rock Island	(309) 757-5800
Indiana	Bloomington	(812) 334-4261
Kansas	Manhattan	(785) 539-3474
Kentucky	Frankfort	(502) 695-0468
Louisiana	Lafayette	(337) 291-3100
Maine	Old Town	(207) 827-5938
Maryland	Annapolis	(410) 573-4573
Massachusetts	(See New Hampshire)	
Michigan	East Lansing	(517) 351-2555
Minnesota	Bloomington	(612) 725-3548
Mississippi	Jackson	(601) 965-4900
Missouri	Columbia	(573) 234-2132
Montana	Helena	(405) 449-5225
Nebraska	Grand Island	(308) 382-6468
Nevada	Las Vegas	(702) 515-5230
	Reno	(775) 861-6300
New Hampshire	Concord	(603) 223-2541
New Jersey	Pleasantville	(609) 646-9310
New Mexico	Albuquerque	(505) 346-2525
New York	Cortland	(607) 753-9334
	Long Island	(631) 776-1401
North Carolina	Raleigh	(919) 856-4520
	Asheville	(828) 258-3939
North Dakota	Bismarck	(701) 250-4481
Ohio	Reynoldsburg	(614) 469-6923
Oklahoma	Tulsa	(918) 581-7458
Oregon	Bend	(541) 383-7146
	Klamath Falls	(541) 885-8481
	La Grande	(541) 962-8584
	Newport	(541) 867-4558
	Portland	(503) 231-6179
	Roseburg	(541) 957-3474
Pennsylvania	State College	(814) 234-4090
Rhode Island	(See New Hampshire)	
South Carolina	Charleston	(843) 727-4707
South Dakota	Pierre	(605) 224-8693
Tennessee	Cookeville	(931) 528-6481
Texas	Clear Lake	(281) 286-8282
Utah	West Valley City	(801) 975-3330
Vermont	(See New Hampshire)	
Virginia	Gloucester	(804) 693-6694
Washington	Lacey	(306) 753-9440
	Spokane	(509) 891-6839
	Wenatchee	(509) 665-3508
West Virginia	Elkins	(304) 636-6586
Wisconsin	New Franken	(920) 866-1725
Wyoming	Cheyenne	(307) 772-2374
	Cody	(307) 578-5939

National Office
U.S. Fish and Wildlife Service
Division of Migratory Bird Management
4401 North Fairfax Drive, MBSP-4107
Arlington, VA 22203-1610
(703) 358-1714
http://www.fws.gov/migratorybirds

State Agencies

To contact a state wildlife agency, visit the Association of Fish & Wildlife Agencies' website at http://www.fishwildlife.org/where_us.html

GLOSSARY

The definitions below apply to these National Bald Eagle Management Guidelines:

Communal roost sites – Areas where bald eagles gather and perch overnight – and sometimes during the day in the event of inclement weather. Communal roost sites are usually in large trees (live or dead) that are relatively sheltered from wind and are generally in close proximity to foraging areas. These roosts may also serve a social purpose for pair bond formation and communication among eagles. Many roost sites are used year after year.

Disturb – To agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

In addition to immediate impacts, this definition also covers impacts that result from human-caused alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle=s return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

Fledge – To leave the nest and begin flying. For bald eagles, this normally occurs at 10-12 weeks of age.

Fledgling – A juvenile bald eagle that has taken the first flight from the nest but is not yet independent.

Foraging area – An area where eagles feed, typically near open water such as rivers, lakes, reservoirs, and bays where fish and waterfowl are abundant, or in areas with little or no water (i.e., rangelands, barren land, tundra, suburban areas, etc.) where other prey species (e.g., rabbit, rodents) or carrion (such as at landfills) are abundant.

Landscape buffer – A natural or human-made landscape feature that screens eagles from human activity (e.g., strip of trees, hill, cliff, berm, sound wall).

Nest – A structure built, maintained, or used by bald eagles for the purpose of reproduction. An **active** nest is a nest that is attended (built, maintained or used) by a pair of bald eagles during a given breeding season, whether or not eggs are laid. An **alternate** nest is a nest that is not used for breeding by eagles during a given breeding season.

Nest abandonment – Nest abandonment occurs when adult eagles desert or stop attending a nest and do not subsequently return and successfully raise young in that nest for the duration of a breeding season. Nest abandonment can be caused by altering habitat near a nest, even if the alteration occurs prior to the breeding season. Whether the eagles migrate during the non-breeding season, or remain in the area throughout the non-breeding season, nest abandonment can occur at any point between the time the eagles return to the nesting site for the breeding season and the time when all progeny from the breeding season have

dispersed.

Project footprint – The area of land (and water) that will be permanently altered for a development project, including access roads.

Similar scope – In the vicinity of a bald eagle nest, an existing activity is of similar scope to a new activity where the types of impacts to bald eagles are similar in nature, and the impacts of the existing activity are of the same or greater magnitude than the impacts of the potential new activity. Examples: (1) An existing single-story home 200 feet from a nest is similar in scope to an additional single-story home 200 feet from the nest; (2) An existing multi-story, multi-family dwelling 150 feet from a nest has impacts of a greater magnitude than a potential new single-family home 200 feet from the nest; (3) One existing single-family home 200 feet from the nest has impacts of a lesser magnitude than three single-family homes 200 feet from the nest; (4) an existing single-family home 200 feet from a communal roost has impacts of a lesser magnitude than a single-family home 300 feet from the roost but 40 feet from the eagles' foraging area. The existing activities in examples (1) and (2) are of similar scope, while the existing activities in example (3) and (4) are not.

Vegetative buffer – An area surrounding a bald eagle nest that is wholly or largely covered by forest, vegetation, or other natural ecological characteristics, and separates the nest from human activities.

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Rose Hill

2 Foot Contours
5 Foot Contours
FEMA Base Flood Elevation
FEMA Base Stations
100 yr - FEMA Floodplain
100 yr (Approx.) - FEMA Floodplain
500 yr - FEMA Floodplain
FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.

OAKLAND COUNTY

L. Brooks Patterson
Oakland County Executive

Date Created: 10/9/2014

NORTH

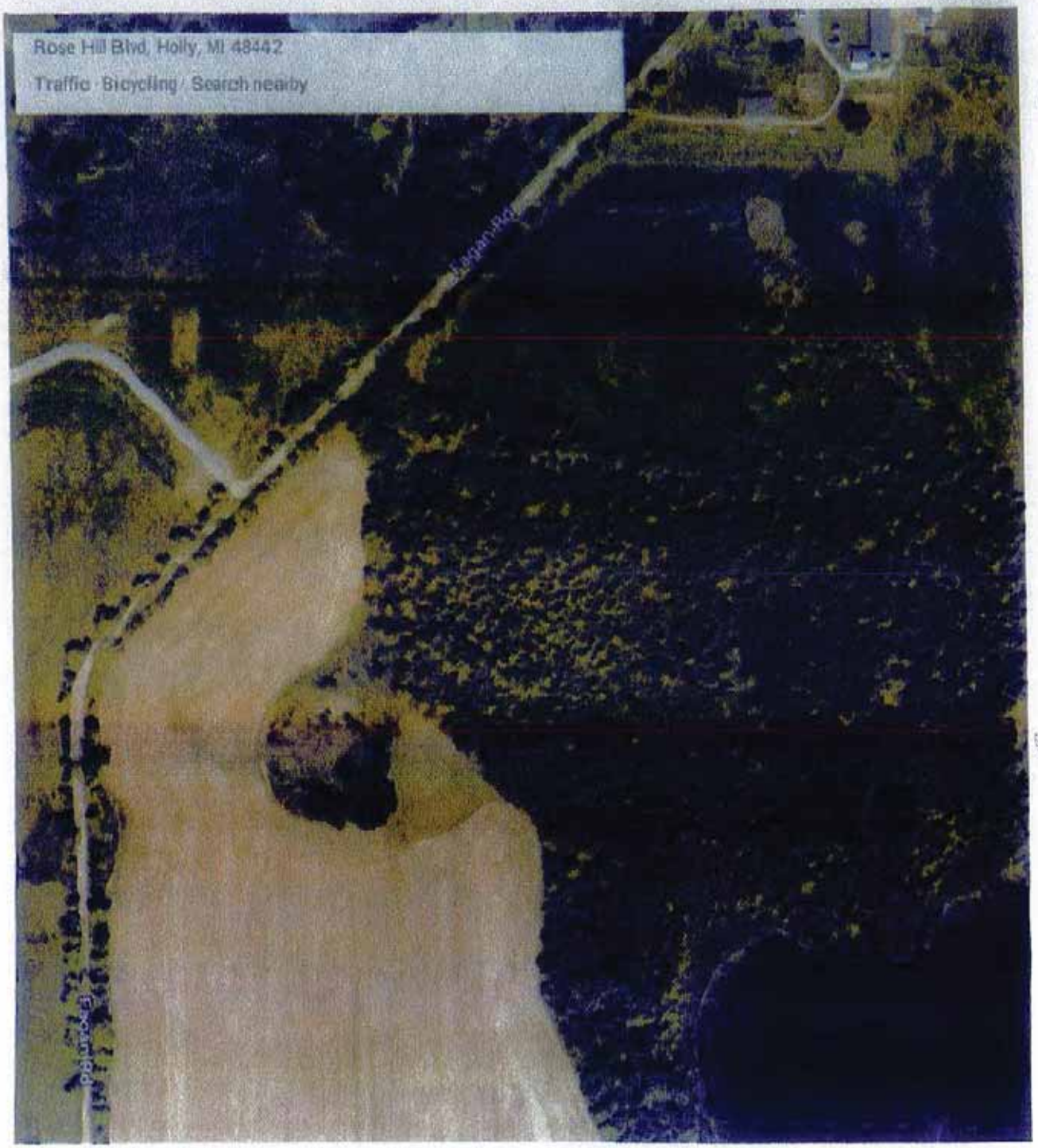
1 inch = 1,600 feet

Directions from here
Directions to here
What's here?
Measure distance

Exhibit 129

Traffic Bicycling Directions
Ragan Rd

Rose Hill Blvd, Holly, MI 48442
Traffic · Bicycling · Search nearby
Round Lake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Traffic · Bicycling · Search nearby

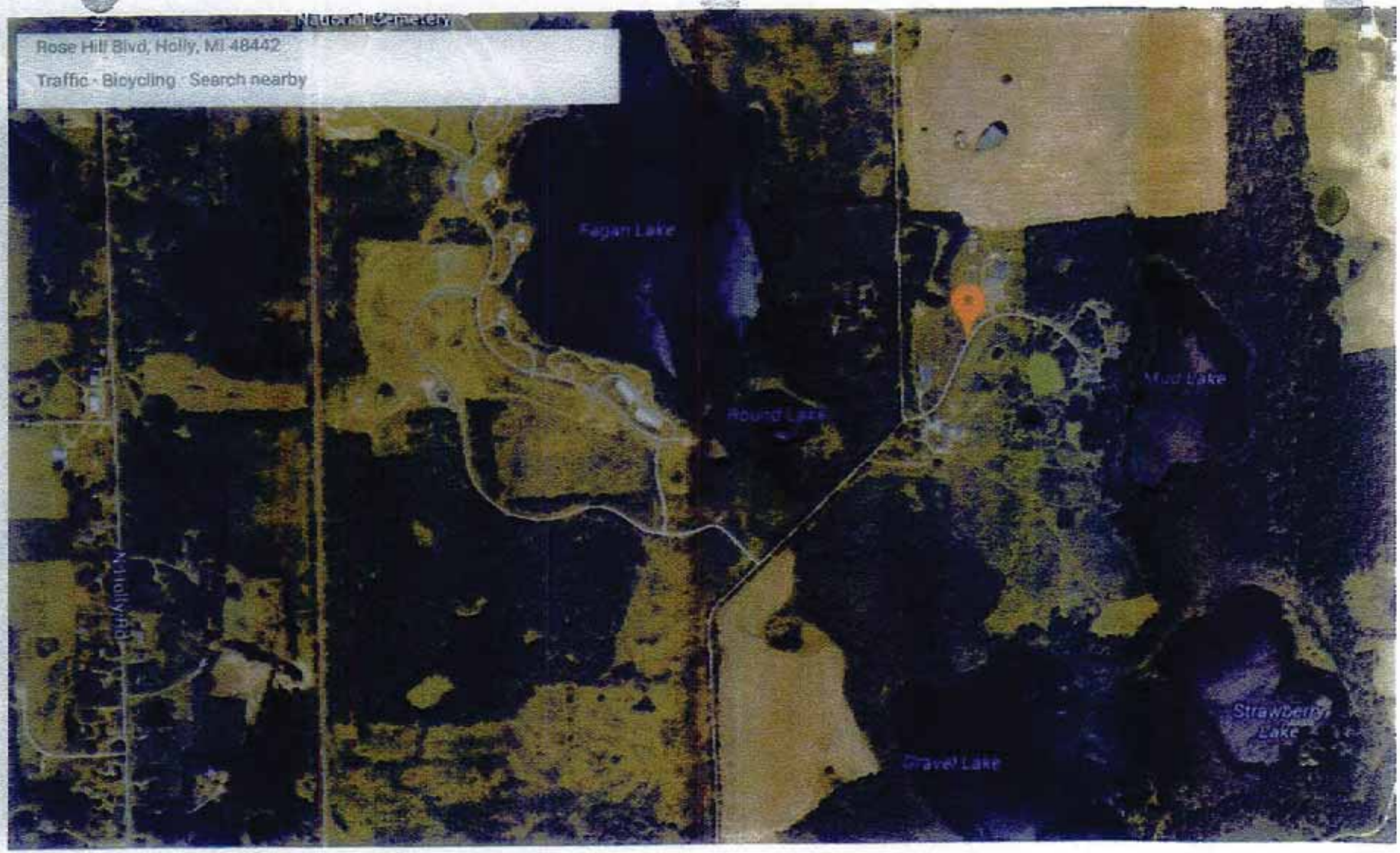

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Exhibit 129

(http://www.facebook.com/#!/pages/Rose-Hill-Center/169839249723547) (http://twitter.com/rosehillcenter) (http://youtube.com/rosehillcenter)

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Treatment.Growth.Recovery.

Rose Hill Center offers comprehensive psychiatric treatment and rehabilitation services in a peaceful setting. Our mission is to provide an effective therapeutic program for adults with mental illness so that they can learn to manage their symptoms, achieve their highest level of independence and go on to lead rewarding lives.

Learn More

News & Events

September 28th Open House and Building Dedication (http://rosehillcenter.org/open-house-building-dedication/)

October 7, 2014

We had a wonderful turnout for our Open House Sunday, September 28th. The weather was perfect and it was a beautiful day to be able ...

Read More (http://rosehillcenter.org/open-house-building-dedication/)

Our Blog

Letter to the editor by Ben Y. Robinson (http://rosehillcenter.org/letter-editor-ben-y-robinson/)

October 2, 2014

Included in USA Today is this Letter to the Editor from Rose Hill Center's President & CEO, Ben Y. Robinson. Ben commented on the fourth

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Treatment.Growth.Recovery.

What Makes a Quality Mental Rehabilitation Center

When you or a loved one is suffering with a long-term mental disorder or addiction, finding an appropriate setting for mental rehabilitation is key to a quality recovery.

The primary goal of mental rehabilitation should be to "help individuals with persistent and serious mental illness to develop the emotional, social and intellectual skills needed to live, learn and work in the community with the least amount of professional support," according to the National Institutes of Health. (http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1636112/)

Mental rehabilitation can be very effective for those recovering from depression or severe anxiety disorders (http://rosehillcenter.org/programs-admissions/residential-rehabilitation-program/) by helping them to reclaim or develop healthy habits in their thinking and daily activities to replace the troubling and often habitual ones associated with their disorders.

For individuals recovering from addiction (http://rosehillcenter.org/programs-admissions/residential-rehabilitation-program/) , mental rehabilitation is a useful tool for learning how to navigate daily life again. The effects of substance abuse often impacts one's ability and desire to take care of simple tasks like personal hygiene or engage in normal social interactions.

An effective mental rehabilitation facility will offer a variety of therapy approaches. Rose Hill offers several that provide a well-balanced approach to a quality mental rehabilitation including:

- Behavioral Therapy
- Cognitive Therapy
- Dialectical Behavioral Therapy
- Group Therapy
- Mental Health Therapy

At Rose Hill, our structured, simulated work environments teach job readiness skills like accountability, dependability and teamwork. This ensures patients areprepared to live a healthy, productive and satisfying life once they leave.

Rose Hill (http://rosehillcenter.org/programs-admissions/residential-rehabilitation-program/) **provides a variety of leisure and recreational activities on our campus. Residents can explore their interests in art or music, or use the full-size gym and work-out facility to participate in activities that range from aerobics and yoga to basketball, volleyball and other team sports.**

Residents at Rose Hill can also work to earn their GED, attend local community colleges and universities or take advantage of their state-of-the-art computer lab to take online courses.

Rose Hill also offers career planning services by qualified professionals.

An effective inpatient mental rehabilitation program takes a comprehensive approach to therapy and offers a variety of work, leisure and educational opportunities. At Rose Hill (http://rosehillcenter.org/contact-us/) **, we've gone to great lengths to ensure our residents have the most effective therapies available and provide a wide variety of opportunities to develop good habits that can last a life time.**

You can learn more about Rose Hill's mental rehabilitation program here (http://rosehillcenter.org/programs-admissions/residential-rehabilitation-program/) or you can reach someone who can answer your questions here. (http://rosehillcenter.org/contact-us/)

(http://www.facebook.com/#!/pages/Rose-Hill-Center/169839249723547)

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Treatment.Growth.Recovery.

Psychiatric Treatment Center

Acknowledging the presence of a mental illness is challenging, but finding the appropriate psychiatric treatment center doesn't have to be.

Mental illness refers to the 200+ mental disorders classified today. These disorders are distinguished by irregularity in thinking, feelings or behaviors. While we all face times of irritability, anxiety, sadness and moodiness, the issue of mental illness arises when these things start to negatively impact daily life. While there are many challenges to overcome with each and every disorder, spending time at a psychiatric treatment center has been proven to help. When receiving proper care, approximately 80% of depressive disorder patients significantly improve their mental stability and overall quality of life.

Rose Hill Psychiatric Treatment Center provides a serene healing environment located on more than 400 acres of peaceful farmland in Holly, Michigan. Through the combined efforts of a reputable staff, therapeutic work programs, social engagement, personal therapy and lifestyle management, the Rose Hill environment enables individuals to overcome their challenges and return to independent life.

There are many different psychiatric treatment options available. From full-time Residential Rehabilitation, to Co-Occurring Residential Rehabilitation for those battling both mental illness and substance abuse, you'll find the perfect fit at Rose Hill.

If ever you feel alone in struggling with a disorder, remember there are 42.5 million other American adults suffering from mental illness every year, according to Newsweek (http://www.newsweek.com/nearly-1-5-americans-suffer-mental-illness-each-year-230608). Unfortunately, only about half of those suffering actually receive treatment – you don't have to be one of them. Take control of your illness. Take back control of your life.

Many do not receive the assistance they require from a psychiatric treatment center due to factors including unawareness their disorder is even present, fear of embarrassment for acknowledging their illness, refusal to accept help, or lack of knowledge on treatment options. Please remember, help is out there, and the benefits of seeking psychiatric treatment far outweigh the negatives.

When you're ready, The Rose Hill Psychiatric Treatment Center is here for you. Your journey on the road to mental health and an enriched life starts here.

"I wanted to let all of you know how much being at Rose Hill helped meat that time of my life. When I look back at it now, I don't know where I'd be right now if I hadn't been at Rose Hill."

– Former patient

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Rose Hill provides mental illness treatment for individuals struggling with disorders around the world, including New York. According to SAMHSA (http://www.samhsa.gov/) , between 18-20% of the New York population suffers from some form of mental illness.

There is an evident shortage of mental illness treatment centers in New York today. Between the limited resources and overcrowding, individuals battling disorders in the state of New York are not receiving the proper treatment they require.

As a nationally acclaimed center for treating schizophrenia, bipolar disorder, schizoaffective disorder, major depression and other mental illnesses, individuals travel from around the country, and even internationally, to receive treatment at Rose Hill. In fact, nearly half of Rose Hill patients come from areas outside of Michigan.

Rose Hill is one of few mental illness treatment centers of its kind across the country. Located on more than 400 acres of peaceful farmland in Holly, Michigan, the Rose Hill environment is one that enables mental healing, personal growth and confidence to regain independence.

Mental illness is a prevalent issue for many. In the U.S., approximately 42.5 million adults suffer from mental illness every year. Perhaps an even more disconcerting statistic, less than half of those battling a mental disorder receive the mental illness treatment they require - Rose Hill is here to help change that.

Available mental illness treatment programs include:

- **Residential Rehabilitation Program:** Residents receive care from dedicated professionals, social engagement opportunities, therapy sessions and effective life management assistance to achieve their highest level of independence.
- **Co-Occurring Residential Rehabilitation Program:** Designed specifically for those dealing with both mental illness and substance abuse simultaneously.
- **Transitional Living Program:** Residents share an on-campus townhome to receive the upmost independent living experience.
- **Community Support Program:** After leaving Rose Hill, patients living nearby can utilize the community

support program to successfully continue their mental health journey.

- **Extended Residential Program:** Provides continued support for those still in need of a structured program upon completion of their initial program.

Whatever your current stage, Rose Hill has the appropriate treatment option to help you progress. Don't wait until mental illness consumes your life – regain control today. Speak with a Rose Hill professional today to take the first step on your road to recovery.

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No two people are the same and mental illness effects each person differently. For these reasons, the professionals at Rose Hill (http://rosehillcenter.org/contact-us/) believe it is necessary to develop a treatment plan that is tailored to each individual for treating their specific mental illness and symptoms.

The treatment plan is meant to assess, plan and track treatment and will likely be developed before treatment begins. **It is important that the plan is developed by both the mental health professionals who will be providing the treatment and the person seeking treatment.** Because at Rose Hill (http://rosehillcenter.org/contact-us/) , we believe working together from the beginning leads to the most effective outcome for treating mental illness in the end.

Treatment Plans for Mental Health Patients Available at Rose Hill Center:

- Residential Rehabilitation
- Transitional Living Program
- Community Mental Health Support Program
- Extended Residential Rehabilitation

Much of the information for the treatment plan will be gained during a face-to-face conversation between a **professional mental health care worker and the patient.**

Because patients come to our facility with a diagnosis, our doctors are able to immediately begin assessing what type of treatment plan will be most effective. This also provides an opportunity for the staff member to ask questions about current medications, physical and mental health history, family history and any other information that may be helpful for treating mental illness. After reviewing the person's current mental health condition, we will work to develop goals and strategies for accomplishing them.

Depending on the individual's specific needs, we will use our years of experience and expertise to help guide them to the best treatment plan; one which will aid them in securing and maintaining a healthy, stable life with the proper tools to manage their mental health. At Rose Hill (http://rosehillcenter.org/contact-us/) , we take the

time and care to craft a treatment plan that honors the patient's specific situation and goals while embracing the latest treatments, medications and therapies for effectively treating mental illness.

If you'd like to learn more about how our treatment plans can help you, or someone you care about, contact our team today (http://rosehillcenter.org/contact-us/) .

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Finding appropriate mental illness treatment can be intimidating in a society that still struggles with acceptance of mental health issues.

Many obstacles stand between treatment, especially early treatment, and a person experiencing the symptoms of a mental illness.

Given that mental illness often brings with it feelings of shame and inadequacy, seeking mental health services can feel embarrassing and isolating. An estimated 54 million Americans deal with some sort of mental illness each and every year according to the Mental Health America website (http://www.mentalhealthamerica.net/recognizing-warning-signs) ; that's roughly 1 million in Michigan. Fewer than half of them are getting treatment, but that means tens of millions of Americans are seeking mental health treatment each year. Clearly, you are not alone in your struggle, even though it may feel like it.

Symptoms often come on gradually - so they can feel like a part of who you are. Everybody experiences some sort of depression occasionally but for others it can become chronic — lasting for weeks, months or even years. It may have caused you to withdraw from activities you used to - or wish you could - enjoy, but just can't seem to. You may find it increasingly difficult to handle basic day-to-day responsibilities, or that you are experiencing unexplained and undefined physical ailments. These symptoms and others, if left untreated, may escalate to suicidal thoughts.

It may feel hopeless, but facts prove that a quality mental health treatment program can help you regain a life that is meaningful, productive and satisfying through a variety of therapeutic activities, proper support and education.

Knowing which mental illness you are looking for treatment of can also be complicated. It is generally accepted that we go to a medical doctor with vague symptoms that are causing us discomfort or pain looking for a diagnosis and treatment. We start with our general practitioner or family doctor, and she refers us to a specialist if she feels we need to see one.

We should treat our mental health with such comprehensive care and concern, but our society isn't set up that way. Don't let that stop you from having the life you wish you could have. Rose Hill Center (http://rosehillcenter.org/)

has a highly-qualified and professional staff that can help determine a diagnosis and develop an appropriate treatment plan that will work for you.

If trust or decision-making issues are among your symptoms, ask someone that you know has your best interest at heart to help you make the decision. Make a several week or month commitment to allow time to develop the trust required to create a good working relationship that can have you on the road to mental illness recovery and living your life to its fullest potential.

Rose Hill (http://rosehillcenter.org/), located on 400 acres of beautiful farm land in Holly, Michigan, offers a variety of mental illness treatment programs for a variety of mental illnesses using a combination of therapy, medications, peer support and lifestyle programs. Our skilled staff will help you learn to manage your symptoms, treatment and medications so that you can move on to living a satisfying and fulfilling life. Contact a Rose Hill Center representative (http://rosehillcenter.org/contact-us/) today, and see how we can help you get on your path to better mental health as soon as possible.

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About Rose Hill Center

"Rose Hill is real proof of how much people with mental illness can accomplish if they are given a chance." – Dan & Rosemary Kelly, Founders

Rose Hill Center is a mental health treatment center that offers comprehensive psychiatric treatment and rehabilitation services in a peaceful setting. Located on more than 400-acres, Rose Hill's campus includes woodlands, lakes and fields. Rose Hill offers residents a tranquil setting that is within easy reach of amenities such as:

- Shopping
- Colleges and universities
- Hospitals
- Recreation centers and parks

Our program works because we combine a pastoral, healing environment with **highly competent staff**, a **therapeutic work program**, **group and individual therapy**, and **medication management**. The goal is simple—to assist individuals in achieving and maintaining psychiatric stability and their highest level of independence.

Mission

Our mission is to provide a highly effective therapeutic program for adults with mental illness so they can learn to manage their symptoms, achieve their highest level of independence, and go on to lead rewarding lives.

Vision

We believe that recovery can take place when people receive professional psychiatric care, participate in meaningful daily activity, develop mutually supportive relationships and engage in their own treatment program.

Accreditation & Licensing

Rose Hill has earned the Gold Seal of Approval from the Joint Commission, an independent, not-for-profit organization that accredits and certifies more than 17,000 health care organizations and programs in the United States. Joint Commission accreditation and certification is recognized nationwide as a symbol of quality that reflects an organization's commitment to meeting certain performance standards. For more information, please visit (http://www.jointcommission.org)*www.jointcommission.org*.

Rose Hill is licensed by the state of Michigan. Our staff members are licensed to practice in their area of specialty and receive regular and rigorous in-service training. Rose Hill is also a member of the American Residential Treatment Association (ARTA). For more information about ARTA, please visit *www.artausa.org*.

American Residential Treatment Association

ARTAusa.org

(http://www.artausa.org/)

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Board of Directors

Rose Hill Center benefits from the passion and dedication of a wide variety of business and community leaders, and mental health experts. Our board is charged with creating and updating the mission and vision, determining the type and scope of programs, and guiding staff decision-making.

Board of Directors

Member	Position
Daniel J. Kelly (http://rosehillcenter.org/about/company-history/)	Chairman of the Board
Ben Y. Robinson (http://rosehillcenter.org/professional-staff/#ben)	President
Rosemary Kelly (http://rosehillcenter.org/about/company-history/)	Vice Chairman
Robert E. Baker	Secretary
Richard T. Walsh	Treasurer & Assistant Secretary
David H. Boerger	
Raymond M. Cracchiolo	
Jeffrey A. Evans	
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Michael Stavropolous
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Organization History

In the late 1980s, Dan and Rosemary Kelly's son John was diagnosed with schizophrenia. Following a series of psychiatric breaks and hospitalizations, they searched in vain for a program that would provide the treatment and follow-up care that would make a lasting difference to John. Faced with the void of rehabilitation and treatment centers available to them, the Kellys conceived of and created Rose Hill Center. With the help of friends, family, mental health professionals, corporations and foundations, the funds were raised to purchase a 372-acre parcel in Holly, Michigan, erect buildings, and hire medical staff and a small administrative team.

Rose Hill welcomed its first residents in May 1992.

Today, Dan is Chairman of the Board and Rosemary is Vice Chairman. They are active mental health advocates and tireless fundraisers for the Rose Hill Foundation. They have overseen the transformation of a private working farm into a state-of-the-art mental health care campus where residents live, share meals, work, relax and heal.

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Treatment Programs

The mental health treatment programs at Rose Hill have been carefully designed to effectively treat patients with a variety of mental health illness diagnoses. Some of the specific illnesses treated include schizophrenia, schizoaffective disorder, clinical depression and bipolar disorder.

We provide patients with the insights, medications and coping skills they need to manage their illness. By combining medication review and management with intensive therapeutic residential rehabilitation and a continuum of care options, Rose Hill gives patients the tools they need to regain and maintain psychiatric stability.

Rose Hill is now able to provide on-campus, overnight housing for families of current patients and visiting professionals. A townhouse near the residential buildings can accommodate up to four people for a one- or two-night visit at a nominal per person fee. For more information about rates and reservations, please contact the administrative office at 248-634-5530, ext 0.

The focus of our program is recovery

We believe that recovery can take place when people receive professional psychiatric care, participate in meaningful daily activity, develop mutually supportive relationships, and engage in their own mental health treatment program.

Patients gain insights and learn to manage medications through our five mental health treatment programs:

- Residential Rehabilitation (http://rosehillcenter.org/programs-admissions/residential-rehabilitation-program/)
- Co-Occurring Residential Rehabilitation (http://rosehillcenter.org/programs-admissions/co-occurring-residential-rehabilitation-program/)
- Transitional Living (http://rosehillcenter.org/programs-admissions/transitional-living-program/)
- Extended Residential (http://rosehillcenter.org/programs-admissions/extended-residential/)
- Community Support (http://rosehillcenter.org/programs-admissions/community-support-program/)

For many patients, the right medication at the right dose can bring great relief. However, many people suffering from mental health illness have often taken a wide variety of medications, either in an outpatient setting or in a hospital, without the desired outcomes.

t Rose Hill Center, time and attention can be the difference between success and failure. In our residential setting we can focus the time and attention on finding the most effective medication and dosage for each individual.

With therapy and intervention, patients take an active part in learning to manage their mental health illness.

"I have learned an incredible amount about myself and how I am, as well as about my illness. I feel it is now my time to move on with my life. I will take with me the tools and coping mechanisms that will help me conquer my illness." - Former patient

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Co-Occurring Residential Rehabilitation Program

Treatment of people with mental illness and co-occurring substance use is more complicated than the treatment for either condition alone. Rose Hill offers a distinct residential program specifically to meet the unique and often

complex treatment needs of this vulnerable, under-served population.

Rose Hill meets residents in the Co-Occurring program where they are and helps them develop a comprehensive **treatment plan in which they determine their own personal goals. Each plan addresses physical, mental and emotional goals by guiding the resident through participation in structured programming, therapy, and activities designed to create a foundation for lifelong recovery.**

An Individualized Treatment Plan for Co-Occurring Disorder can include:

- Group and Individual Therapy
- Dialectical Behavior Therapy
- Cognitive Behavioral Therapy
- Psycho-educational group
- 12-step community group

- Yoga and mindfulness group
- Sober recreational activities

Available by referral:

- Neurofeedback Therapy
- Eye Movement Desensitization and Reprocessing

The program goal is to effectively treat individuals with mental illness and substance use disorder by combining therapeutic strategies from the fields of psychiatry and addiction treatment to achieve more consistently positive outcomes. By fostering mental health stability and sobriety we provide the experience and tools needed for recovery.

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Transitional Living Program (TLP)

Testing new skills in a safe environment

Rose Hill Center's Transitional Living Program helps bridge the gap to community living. Once a patient is ready to take greater responsibility for the management of their illness in a safe and supportive environment, they may apply for admission to our Transitional Living Program.

Patients enrolled in our Transitional Living Program live in one of the town houses on our campus and must engage in meaningful daily activity for a minimum of 20 hours per week. Emphasis is placed on working at paid employment, attending school or volunteering in the community. Transitional Living patients work cooperatively with a housemate to plan meals and set housekeeping schedules. They also take responsibility for planning a budget and paying bills.

Throughout this phase of treatment, patients have the support of familiar Rose Hill case managers, therapists, doctors and friends. They continue to receive help with medication management and have access to:

- 24-hour assistance for residents of the TLP
- Weekly support groups and activities
- Quarterly treatment plan reviews
- Assistance managing health benefits and insurance

Direct Admission to TLP

While not appropriate for everyone, a "direct admit" to transitional living may be the right option for some. This un-licensed apartment-like setting has proven to be a confidence building bridge to independent living. To participate in this program candidates must:

- Participate in a 30 day assessment period
- Participate in the community through work, school or a volunteer program

- Be capable of living in an environment with supports but not 24 hour residential services
- Demonstrate psychiatric stability for 6 months prior to the assessment period

Acceptance into the direct admit Transitional Living Program will be determined by the admission and clinical staff Rose Hill Center.

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Community Support Program (CSP)

Fostering successful independence with Community Mental Health Support

Studies show that the stress of returning to the community without adequate support increases the likelihood of re-hospitalization. Rose Hill Center's Community Support Program gives people the opportunity to continue successfully managing their mental health illness when living in a community near Rose Hill. This proximity allows them to reach out for support from our professional staff when they need it.

We foster this independence with a range of fee-based services that provide a mental health safety net. These can include the development of individual treatment plans and reviews, on-call and 24-hour emergency community mental health supports, psychiatrist and case manager appointments, community mental health support groups, and medication education and supervision.

Level of services is determined by individual needs, with in-home visits that can vary from as few as one per month to as many as twelve. Program participants are responsible for structuring their lives with meaningful daily activities such as gainful employment, education or volunteerism.

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Extended Residential Rehabilitation

Providing daily care and supervision

Our Extended Residential Rehabilitation Program has proven to be an important option for those people who, despite showing improvement in the Residential Rehabilitation Program (http://rosehillcenter.org/programs-admissions/residential-rehabilitation-program/), still require a moderate level of staff assistance to structure their days.

Two extended residential rehabilitation buildings, all located on Rose Hill's campus, accommodate up to 17 residents. Each house provides:

- Individualized supervision, as indicated clinically
- Organized social and volunteer activities
- Community meals
- Medication monitoring in a safe and supportive setting

Extended Residential Rehabilitation Program residents focus on achieving meaningful daily activities in the community rather than on moving through stages. They are important contributing members of both the Rose Hill and surrounding communities, and they have received numerous awards for volunteerism.

Participants in this program make use of the resources at Rose Hill including:

- Library
- Computer lab
- Gym and exercise rooms
- Art and music classes

Town trips, outings and activities in the community are part of the weekly schedule.

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Professional Staff

Dedicated, expert staff

"I wanted to let all of you know how much being at Rose Hill helped me at that time of my life. When I look back at it now, I don't know where I'd be right now if I hadn't been at Rose Hill."
- Former patient

Teams of dedicated professionals are the heart of Rose Hill Center. Our experienced psychiatrists, consulting psychologists, nurses, therapists, social workers, case managers and other specialists work together with one goal in mind - helping each patient achieve his or her highest level of independence.

Management Team

Rose Hill's President Ben Robinson leads all aspects of Rose Hill's operations including the medical and clinical teams, admissions, fundraising, public policy and financial management.

"We are fortunate to have a dedicated management team with over 90 years of combined experience at Rose Hill Center. Together we provide highly effective and efficient services that lead to the desired clinical outcomes for our patients." - Ben Robinson

Ben Y. Robinson

Ben has been President & CEO of Rose Hill Center since 2007. Prior to that, he served as the senior officer managing overall operations for Lutheran Social Services in Michigan and Ohio, and as the CEO of Adult Well-Being Services in Detroit. Ben has more than 35 years of experience in mental health services. He has a bachelor's degree in

(http://rosehillcenter.org/wp-content/uploads/2013/11/Ben-5-e1384801928323.jpg)

philosophy and psychology as well as a master's degree in guidance and counseling, both from the University of Michigan. He also has an MBA in business economics from Wayne State University.

Ben is a past chairman of the Advisory Council on Mental Illness for the Michigan Department of Community Health, on which he served from 1995-2006. He currently serves on the Behavioral Health Advisory Council, is Treasurer of the Provider Alliance and on the Executive Board of the Michigan Association of Community Mental Health Boards, is the trustee and the Treasurer of the Hannan Foundation in Detroit.

VIEW VIDEO

Clinical Team

Directed by Vice President of Programs Cheryl LeClear Wallace, MSW, the clinical team delivers the therapeutic and skill development programs that help patients master daily living skills. This team includes psychologists, therapists, case managers, employment advisors and work team leaders.

"Our clinical team is comprised of dedicated professionals who approach the provision of clinical services in a holistic manner, with the focus of moving every individual toward recovery and an improved quality of life." - Cheryl LeClear Wallace

(http://rosehillcenter.org/wp-content/uploads/2010/04/Cheryl-LeClear-Wallace-for-Web.jpg)

Cheryl LeClear Wallace, MSW

Cheryl was appointed Vice President of Programs at Rose Hill Center in 2009. She has more than 27 years of experience in the field of community mental health. Cheryl is a Licensed Social Worker with a bachelor's degree in psychology from the University of Michigan, and a master's degree in social work from Eastern Michigan University. She also has a certificate of completion in Dialectical Behavioral Therapy (DBT) from Behavioral Tech LLP.

VIEW VIDEO

Medical Team

Led by Medical Director Lynne M. Lyons, MD, the medical team consists of doctors, nurses and other trained support staff. The doctors provide diagnostic assessments, prescribe medication if indicated, meet with patients regularly to monitor their progress and address side effects, and oversee both the psychiatric and medical needs of

each patient.

"Having observed many treatment facilities, I believe the comprehensive and holistic program available here at Rose Hill is by far the most effective approach for those with severe and complex issues." – Lynne M. Lyons, MD

(http://rosehillcenter.org/wp-content/uploads/2014/08/Dr.-Lyons-1.jpg)

Lynne M. Lyons, MD

Dr. Lyons joined the Rose Hill staff as a psychiatrist in 1999 and was appointed Medical Director in 2005. A 1995 graduate of the Wayne State University School of Medicine, she completed the adult psychiatry residency and was chief resident at the University of Michigan Department of Psychiatry in 1999. In addition to her position here, she is practicing at, and the medical director of, 2 outpatient clinics in Oakland County. Dr. Lyons remains involved in the Michigan Psychiatric Society and APA.

VIEW VIDEO

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Admission Process

To move forward in the admission process, please download and complete the forms below. Once the admission forms are complete, please sign and mail or fax them to:

Admission Department
Rose Hill Center
5130 Rose Hill Blvd.
Holly, MI 48442
Phone: 248-531-2405
Fax: 248-531-0360

(For your convenience, these forms can also be filled out using the interactive PDF forms linked below. Complete the form as directed, save the file to your computer and then email it as an attachment to admissions@rosehillcenter.org.)

Physician Referral (http://rosehillcenter.org/wp-content/uploads/2014/07/Physician-Referral-Form-2014.pdf) - This form is to be completed by the current attending psychiatrist and should also include supporting documents such as lab results and psychiatric evaluations. NOTE: If the Rose Hill applicant is hospitalized, this form should *not* be completed by the hospital psychiatrist but rather the treating psychiatrist prior to hospitalization.

Benefit Contact Information- (http://rosehillcenter.org/wp-content/uploads/2014/07/RH-Benefit-Contact-Info-Form-2014.pdf) This form must be completed as part of the application and can be done by either the applicant or the applicant's family. Copies of the required documents listed under the heading "Necessary for Admission" must be mailed or faxed to Rose Hill Center. (Note: Be sure to copy both sides of any two-sided documentation, i.e., insurance card, driver's license, etc).

Financial Form (http://rosehillcenter.org/wp-content/uploads/2014/07/RH-Financial-Form-2014.pdf) - This form must be completed by the individual who will assume financial responsibility for the patient while at Rose Hill Center.

Patient Application (http://rosehillcenter.org/wp-content/uploads/2014/07/Patient-Application-2014.pdf) - This form must be completed only by the patient applicant. (Note: If the patient is too ill to complete this form, the Director of Admissions may determine that it is not required for admission).

Release of Information (http://rosehillcenter.org/wp-content/uploads/2014/07/Authorization-to-Release-Information-for-Admission.pdf) - This form should be printed out, signed and forwarded to the medical records department of any hospital where the patient has been treated for psychiatric diagnoses. For your convenience, we have provided this form although some hospitals may require that you use only their form. NOTE: Rose Hill's Admissions Department is available to follow up with the hospital(s) after you have signed the release of information form and spoken with the medical records department. Please provide us with the name and phone number of the hospital along with the name of the medical records personnel with whom you spoke.

If the applicant is currently hospitalized, advise the hospital treatment team of your interest in Rose Hill Center prior to discharge and ask them to call Laura Mueller, Admissions Coordinator at 248-531-0341. We understand the critical time constraints of hospital admissions and discharges and can respond promptly to work with the hospital therapy team on plans for discharge to Rose Hill Center.

Next steps

Face-to-face interview - After review of the clinical information and Rose Hill application forms, the Director of Admissions will make arrangements with the applicant and their family for a pre-admission interview. This can take place at Rose Hill Center, in the applicant's geographic vicinity or, if hospitalized, at the hospital.

The decision - The entire application and clinical information is carefully reviewed by the Admissions Committee. The Director of Admissions will notify the applicant of the admission decision by the Admissions Committee and arrange an admission date and time.

Preparation for admission - The Director of Admissions will advise you of a date and time for admission. It is a licensing requirement that you must have a physical exam completed by a medical doctor, not more than 30 days prior to admission to Rose Hill Center. NOTE: If you are coming directly from a hospital to Rose Hill, we can obtain this physical exam information from the hospital records.

The following may be useful in your preparation for admission:

Health Care Appraisal Form (http://rosehillcenter.org/wp-content/uploads/2014/07/AFC-Health-Care-Appraisal.pdf)

What to bring and what not to bring for admission (http://rosehillcenter.org/wp-content/uploads/2014/08/What-to-Bring-on-Your-Day-of-Admission-2014.pdf)

Day of admission - When you arrive at Rose Hill Center, you and your family members will have an opportunity to meet Rose Hill Center staff and other patients, get settled into your room and complete the paperwork necessary to finalize your admission.

We look forward to being part of your recovery team.

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Financial Considerations

Overview of costs

Program	*Cost*
Residential Rehabilitation Program (http://rosehillcenter.org/programs-admissions/residential-rehabilitation-program/)	$305/day semi-private room $330/day private room
Dialectical Behavioral Therapy (DBT) as determined by Individual Treatment Plan	$45.00/day (residential) $22.50/day (transitional)
Transitional Living Program (http://rosehillcenter.org/programs-admissions/transitional-living-program/)	$120/day
Community Support Program (http://rosehillcenter.org/programs-admissions/community-support-program/)	$335 to $795/month
Extended Residential Program (http://rosehillcenter.org/programs-admissions/extended-residential/)	$208/day
Co-Occurring Residential Rehabilitation Program	$380.00/day

All prices listed above are in effect as of January 1, 2014 and may be modified at any time.

Upon admission a $250.00 deposit is required which will be put into a seperate escrow account. The escrow account will be used by Rose Hill staff to obtain necessary treatment in the community for the patient (i.e. medication, medication co-pays, lab work, medical treatment, etc.) Each month you will receive a statement of the

status of this account, including an itemization of funds disbursed, along with the statement (per diem charges) for services rendered at Rose Hill Center. It is required that you maintain the $250.00 balance in this account on a monthly basis.

Rose Hill Center offers a full range of Services & Activities (http://rosehillcenter.org/wp-content/uploads/2013/02/RH-Serives-Activities-2013.pdf) to patients in our residential programs.

Sources for funding

Securing funding for treatment of a mental illness in a residential setting can be challenging for patients and families. Please review the Financial Assistance information below. Sometimes patients from Michigan can receive support from their Community Mental Health (CMH) agency. This assistance is provided on an individual case basis and referral is determined by CMH.

After the patient is admitted, if the patient and family wish, our experienced staff will research eligibility for, federal or state benefits if applicable (i.e. Supplemental Social Security, Social Security Disability Insurance or Medicaid). We also will provide, upon request, invoices for clinical services which may be reimbursed through private insurance. However, because Rose Hill Center is neither a psychiatric hospital nor an outpatient clinic, we have found that many insurance carriers decline coverage.

Financial Assistance

For families who are unable to pay the full daily rate at Rose Hill, a Financial Assistance Program funded by Rose Hill Foundation (http://www.rosehillfoundation.org/) has been established. Grants may be offered, prior to admission, based on financial need and the availability of Financial Assistance funds. Financial assistance is not available to patients who are receiving services through one of Michigan's public mental health organizations.

To be considered for financial assistance, the potential resident and/or family should discuss the Financial Assistance Program with the Admission Department.

Following that conversation, there are two financial assistance application forms that must be completed:

- Potential Resident Financial Assistance Application Form (http://rosehillcenter.org/wp-content/uploads/2014/06/Form-201-Rose-Hill-1415-INTs.pdf)
- Payor for Potential Resident Financial Assistance Application Form (http://rosehillcenter.org/wp-content/uploads/2014/07/Form-202-Rose-Hill-1415-INTs.pdf)

An instruction guide outlining the financial assistance application process is also available:

- Financial Assistance Application and Approval Procedures (http://rosehillcenter.org/wp-content/uploads/2014/06/FINANCIAL-ASSITANCE-PROCEDURES-Jan.-2014.pdf)

To inquire further about financial assistance, please contact:

Admission Department
Rose Hill Center
5130 Rose Hill Blvd.
Holly, MI 48442
Tel: 248-531-2405 or 866-504-2259 ext 405 (toll free)
Fax: 248-531-0360

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Welcome! Welkom! Bienvenue! Willkommen! Bienvenidos! Karibu!

Since opening in 1992, Rose Hill Center, located in the state of Michigan, has provided highly effective psychiatric treatment, primarily to U.S. citizens. Recently, Rose Hill has also successfully served people from other countries who are not U.S. citizens. Based on an increased number of inquiries, we have now developed guidelines and procedures to help facilitate treatment for international residents seeking a program in the United States.

If you have not already done so, we encourage you to review our entire website to learn more about Rose Hill. As you can see, the overall focus of our program is recovery for people who are living with schizophrenia, schizoaffective disorder, clinical depression, bipolar disorder and other mental health disorders. Our highly trained staff provides education, insights, medication support, and therapy to assist individuals in achieving and maintaining psychiatric stability, and in reaching their highest level of independence.

We also invite you to contact our admissions staff who can answer your questions about Rose Hill's treatment program. Our team is ready to help guide you through the Rose Hill admission process (http://rosehillcenter.org/financial/admission-process/) as well as the international admission process. We cannot provide legal advice but we can assist you in locating the forms, guidelines, and procedures (based on your country of origin) necessary to enter the United States for treatment. Simply stated: Our goal is to help guide you through the process as efficiently as possible and facilitate the admission to Rose Hill Center so that you or your loved one can experience the life changing treatment we provide.

We look forward to hearing from you and would be honored to help you in any way we can. For more information about Rose Hill Center's highly effective psychiatric treatment program and to learn more about the admission process for non-U.S. citizens, please contact us (http://rosehillcenter.org/contact-us/) directly.

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Resources

Where to turn?

At Rose Hill, we believe that educating parents, families, friends and health care professionals about mental illness is an important part of our mission. We have dedicated space here to providing resources and information that is reliable and trustworthy.

The information collected on our For Patients & Families (http://rosehillcenter.org/resources/patients-families/) page offers links to advocacy and support organizations.

Our For Professionals (http://rosehillcenter.org/resources/for-professionals/) page presents links to organizations that support mental health professionals. We've also begun to present some of our own observations about working in a residential treatment center and the outcomes we see in our patients.

To learn more about Rose Hill Center, we encourage you to read our most current print newsletter (http://rosehillcenter.org/wp-content/uploads/2014/08/RH-Update-8-14-FINAL-for-Web.pdf) and our 2013 Annual Report (http://rosehillcenter.org/wp-content/uploads/2014/08/2014-Community-Report-w-2013-financials-FINAL.pdf) .

Advocacy

At Rose Hill, we believe mental illnesses are both treatable and manageable and that with the appropriate clinical support, individuals can achieve an improved level of mental health. Therefore, as stated in our Public Policy Statement (http://rosehillcenter.org/wp-content/uploads/2010/01/RHC-PUBLIC-POLICY-STATEMENT.pdf) , we think all individuals with mental illness should have access to quality treatment and should be able to seek treatment without being stigmatized.

Please refer to the links below for information related to public policy, legislation and legal issues, and learn how

You, too, can advocate on behalf of people with mental illness.

- Click here (http://rosehillcenter.org/wp-content/uploads/2011/01/MACMHB-Advocacy-Plan-1.24.11.pdf) to view an updated advocacy plan provided by the Michigan Association of Community Mental Health Boards (MACMHB).
- Click here (http://rosehillcenter.org/wp-content/uploads/2011/01/CREC-JAN-2011.pdf) to view a report provided by the Michigan Association of Community Mental Health Boards (MACMHB), which includes a culmination of projections by the House Fiscal Agency, Senate Fiscal Agency and Department of Treasury regarding state revenues for fiscal years 2011 and 2012.
- Click here (http://rosehillcenter.org/wp-content/uploads/2011/01/SPECIAL-REPORT.pdf) to view a special report provided by the Michigan Assisted Living Association (MALA) concerning the state budget.
- Click here (http://rosehillcenter.org/wp-content/uploads/2010/01/Mental-Health-in-Michigan-July-2010.pdf) to view a report funded by The Ethel & James Flinn Foundation, which describes and analyzes the existing structure of mental health care in Michigan.
- Click here (http://rosehillcenter.org/wp-content/uploads/2010/01/MALA-Special-Report.pdf) to view a special report by the Michigan Assisted Living Association (MALA) regarding the 2010-11 Department of Community Health (DCH) budget.

Concerns or Complaints?

If you have concerns about client safety and/or quality of care at Rose Hill Center, you should contact Rose Hill's President, Ben Robinson, by phone at 248-634-5530 ext. 411 or by e-mail at brobinson@rosehillcenter.org. You may report concerns about client safety and/or quality of care to The Joint Commission by phoning 1-800-994-6610 or by sending an email to complaint@jointcommission.org. For detailed information about The Joint Commission's complaint process and/or quality incident review process, go to http://www.jointcommission.org/ (http://www.jointcommission.org/GeneralPublic/Complaint/)

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For Professionals

As professionals in the field of mental health, we are constantly learning both from our peers and from our patients. As part of our public policy initiative, "we advocate for and collaborate in advanced research into the prevention, early detection, and treatment" of patients with mental illness.

To fulfill this mission, we are sharing both our own research and links to organizations and institutions whose work we find valuable.

Research

- "Outcomes Study of Rose Hill Center (http://rosehillcenter.org/wp-content/uploads/2010/04/RoseHillOutcomesStudy.pdf) " conducted by Wayne State University, 2002, and funded by the DeRoy Testamentary Foundation
- Dialectical Behavioral Therapy Study (http://rosehillcenter.org/wp-content/uploads/2014/08/Rosehill-DBT-Final-Report-REV-05-15-2012.pdf) prepared by SPEC Associates in Detroit, MI, 2012

Links

- Depression and Bipolar Support Alliance (http://www.dbsalliance.org)
- Mental Illness Research Association (http://www.miraresearch.org)
- Medicare (http://www.medicare.gov)
- Michigan Assisted Living Association (http://www.miassistedliving.org/)
- Michigan Association of Community Mental Health Boards (http://www.macmhb.org)
- Michigan Association of County Veterans Counselors (http://www.macvc.net)
- Michigan Department of Human Services (http://www.michigan.gov/dhs/0,1607,7-124-5455_27716_27717----,00.html)
- Michigan Medicare/Medicaid Assistance Program/MMAP (http://mmapinc.org/)
- National Alliance on Mental Illness (http://www.nami.org)
- National Alliance on Mental Illness (Michigan) (http://www.namimi.org/)

- National Council for Community Behavioral Healthcare (http://www.thenationalcouncil.org/)
- National Institute of Mental Health (http://www.nimh.nih.gov/)
- Schizophrenia and Related Disorders Alliance of America (SARDAA) (http://www.sardaa.org/)
- Social Security Online (http://www.ssa.gov)
- Substance Abuse and Mental Health Services Administration's National Mental Health Information Center (http://www.mentalhealth.samhsa.gov)
- Summary of Surgeon General's Report on Mental Health (http://www.surgeongeneral.gov/library/mentalhealth/home.html)
- The Ethel and James Flinn Foundation (http://www.flinnfoundation.org)
- University of Michigan Depression Center (http://www.depressioncenter.org/)

Killer Warren Martin Culver released from prison, living in Holly

Posted: 09.23.2009 at 11:43 AM

Read more: Local, State, Crime, Warren Martin Culver, Marty Bulson, Holly, Mourer, Prison, Killer, Insane, Insanity, Newaygo County

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Marty Bulson's family is extremely upset.

For 12 years, family members have been fighting to keep her killer off the streets.

But after a recent court hearing, they lost that fight and now say no one is safe.

Warren Martin Culver killed one of his best friends in 1997.

Marty Bulson went to Culver's house in Evert Township to deliver a birthday gift. Culver was in the yard. When Bulson approached, Culver beat her with a shovel, killing her and nearly decapitating the body.

Culver later said he believed that Bulson, a mother of three, was the anti-Christ.

Days earlier, Culver broke into a nearby church, painting a cross in his own blood, leaving bullets at the alter.

Bulson's family, on the advice of Newaygo County prosecutors, say they chose not to have a jury trial, thinking they had a better chance getting Culver put away for life. But the judge in the case found Culver not guilty by reason of insanity.

"He should have been convicted of first-degree murder," said Dawn Mourer, Bulson's sister. "This is something we're going to have to live with for the rest of our life."

Culver was diagnosed with bi-polar disorder and was treated in psychiatric hospitals for the next 12 years. As part of a letter he wrote in 2003, he expresses remorse, saying he went from mania to a psychosis, lost contact with reality and is full of shame.

Bulson's family argues he knew what he was doing.

STAPLES

MAKE more

"He had this planned," Mourer said.

This doctor's letter, dated July of this year, was key in Culver's release. It states Culver has shown no signs of mania or depression the past five years and is compliant with his medication.

Citing a release petition, Bulson's family says doctors know Culver is still a risk to society.

"Right here the doctor lists 'risk to harm other individuals if becomes symptomatic,'" Mourer said.

And with Culver back on the streets, they fear the worst.

"He is a threat to you, me, anyone he comes in contact with," Mourer said.

Court officials believe Culver is currently living in Holly, in Oakland County.

He's under strict doctor's orders to comply with his medication, adhere to certain living conditions, and continue aftercare programs. If he violates those orders he could be sent back to a psychiatric facility.

MORE TO EXPLORE

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Recommended by

Rose Hill Center CEO Ben Y. Robinson (from left), Chairman Daniel J. Kelly, his son John Kelly and wife Vice Chairwoman Rosemary Kelly broke ground on a $2.5 million, 50,000-square-foot addition to their current mental health facility in Holly Township on Wednesday. The new building should be completed by spring 2014. Photo submitted

By Monica Drake, The Oakland Press

Posted: 10/02/13, 7:26 PM EDT

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When Dan and Rosemary Kelly's son was diagnosed with paranoid schizophrenia, they tried to find a rehabilitation center in Michigan that would help him live a normal life.

And, since the Bloomfield Hills couple couldn't find a center they considered suitable for their son's care, they decided to create their own.

Now, 21 years later, the state-licensed Rose Hill Center in Holly Township has served more than 1,200 residents diagnosed with mental illness. And on Wednesday, the couple, their son John and CEO Ben Robinson of Rochester broke ground on a $2.5 million addition to the facility, located on the 412-acre site.

Approximately 300 donors contributed to make this a possibility with a remaining $200,000 needed to meet their goal.

The addition will include a 50,000-square-foot visitors center and administration building, a new campus entrance, a horticulture area, an indoor fitness center, an examining room and an infirmary area — expected to be completed by spring 2014.

"(The new building) will house most of our business office staff. ... It will allow us to return the (existing) building, the Kelly Community Center, to all private rooms," said Robinson, who has worked as president of the center for six years.

Robinson said these changes will increase exercise opportunities, improve the center's ability to treat medical issues and heighten the resident's living experience by creating private rooms.

The center offers financial assistance and possible grant opportunities for interested residents of the facility.

People come from all over the country to receive care at the Rose Hill Center. Robinson said 40 percent of people served last year were from 15 states other than Michigan — including Alaska.

Dan said, "We've been told by psychiatrists that it's the best rehab center of its kind in the country." The capacity of residents living on site at a time is 76 and the average length of stay is nine months. The center offers rehabilitation services, transitional apartment living and extended residential care. Rosemary said, "Many of our residents come to us who don't have friendships. They have now been able to make friendships. John didn't have a lot of friends other than his family. Since being here at Rose Hill, he now has over 1,200 friends."

Dan said that the goal of the center is for the individuals to not only understand their illness and have their medication stabilized, but to have a future plan. He added that many of the former residents have gone back to college, been hired at profitable jobs and have purchased homes after their stay at the center.

"Serious mental illness can be treated, and people can get better and live very happy lives. There are people out there who think mentally ill people are worthless. But that's just not true at all," said Dan. Rosemary said there's a stigma against mental illness. She said the media reports on mentally ill people harming others — and she stressed that this is few and far between.

"The people we care for are normal human beings who need help from a brain disorder," she said.

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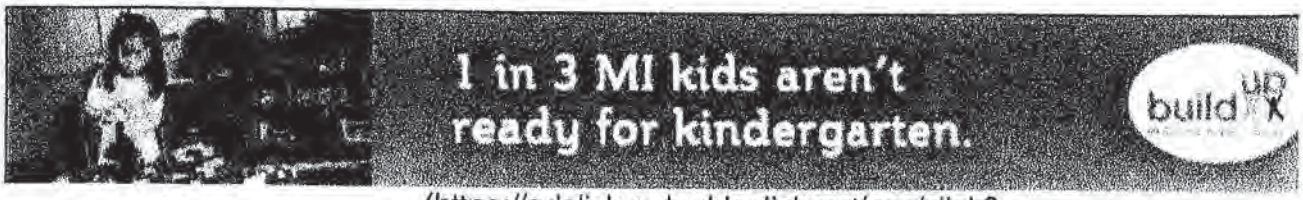

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Released killer living in Holly area gives residents sense of uneasiness

Print (http://blog.mlive.com/fenton_impact/print.html?entry=/2009/09/released_killer_living_in_holl.html)

(http://connect.mlive.com/user/efish/index.html) By Eric Fish | Flint Journal (http://connect.mlive.com/user/efish/posts.html)
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HOLLY, Michigan — The release of a high-profile ax killer has created tension in the Holly community and outrage from the victim's family.

Warren Culver, found not guilty by reason of insanity in the 1997 killing of Marty Bulson, was released from the **Rose Hill (http://www.rosehillcenter.com/)** rehabilitation center in Holly on Sept. 6 with plans to reside without supervision in a Holly-area apartment.

"Buzz has been circulating around town," said Holly Township resident Mike Gould. "Just the fact that somebody has committed a horrific crime brings it to another level of awareness."

On Aug. 21, 1997, Culver killed Bulson when she appeared at his White Cloud home for a belated birthday visit. Culver allegedly claimed his friend Bulson was the Antichrist and attacked her with an ax and shovel.

Details of Culver's current whereabouts are not available due to the Health Information Privacy Protection Act, or **HIPPA. (http://www.hhs.gov/ocr/privacy/)** Terms of Culver's release state he must continue to take mood stabilizing medications.

Exhibit 129

"He was supposed to be taking his medication when he killed my sister, too, but he stopped," said Kris Hardenbrook, a sister of Bulson of Newaygo County. "What if he quits taking it again?"

Culver's release was based on recommendations from the **Michigan Center for Forensic Psychiatry, (http://www.michigan.gov/mdch/1,1607,7-132-2941_4868_4896-14465--,00.html)** Rose Hill and a Newago County mental health center. Culver has been found fit to work a part-time maintenance job in Flint for the past three years and has been allowed outside visits with family. According to the Newaygo County Circuit Court, Culver will be required to comply with monitored medication treatment and group therapy sessions upon his discharge or face re admittance to a psychiatric facility.

Holly Township resident Larry Lilly said news of Culver's release was "shocking."

"I don't think it's right," he said. "I don't feel those people should be released.

"The Holly community — we have enough problems right now."

Other area residents are OK with Culver's release if it's ensured that he receives his proper medication.

"I don't know how they go about (monitoring when he's) taking his medication ... but I would hope and trust that that's taken care of," said a village resident and mother of three who asked to remain anonymous.

Holly Township Supervisor Jesse Lambert issued a statement Wednesday in his monthly e-mail urging residents to "maintain constant vigilance for yourselves and your neighbors."

Holly Police Chief Rollie Gackstetter said he has spoken with the police and fire departments and Holly schools regarding the matter. Gackstetter said he will work toward having a strong liaison with area mental health officials to ensure the safety of the community.

"It's placed us all in a situation where we're uneasy," he said. "We didn't invite this situation. If we'd had a choice in the matter, we would not have chosen this situation. The fact of the matter is it's the state of the law."

In February, Culver's counselor, Brian Dykes, stated his client is aware of his illness and its impact on his life.

"He believes he has repeatedly expressed his remorse over the past 11 years for his actions which led to the death of his friend," Dykes wrote.

Lambert said the township will be consulting with its legal staff to determine if Culver's discharge from Rose Hill was a permitted action.

Journal News Services ***contributed (http://www.mlive.com/news/grand-rapids/index.ssf/2009/09/accused_shovelwielding_killer.html)*** *to this report.*

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101 comments

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Exhibit 129

0

From the Archive

Newest | Oldest

ki chan Oct 3, 2009

Haha, I live in Holly.

I'm not worried too much about myself personally... but I am worried about anyone who may become close to him. No one knows if he will keep up with his medicine, and I personally do not think bi-polar disorder is enough of an excuse.

But I hope he knows... Holly is a small town, it seems like everyone knows everyone, and now that he's in the news, EVERYONE in Holly will know him. This town has very little action going on in it, so I'm sure the cops are waiting to jump on him.

the one and only great me Sep 27, 2009

"found not guilty by reason of insanity in the 1997" And after only 11/12 years he is out. Looks like he beat the system.
I'm sorry but, if it only took that short amount of time for him to be sane again, then he is vary capably to stand trial for murder!
I have no pity for him. I feel bad for the family of Bulson and the residents of Holly, who now have to worry about a psychopath that got away with murder once all ready.

justicesearc Sep 24, 2009

perhaps if the government stopped spending money on saving GM or supporting forign governments, they could afford to keep people like this man in jail. He may never offend again. But if he does, the results will be catastrophic. It sickens me that dangerous people like this man are out walking the streets without any effective monitoring. I agree with jbrent - arm yourselves and be prepared to use any force needed to keep your family safe. The government will not protect you - they are too busy keeping welfare folks in food and cars and crooked CEO's in retirement money.

burgerwache Sep 23, 2009

Uneasy? Folks, just arm yourselves, and when he goes off again be prepared. Obviously the judges in this state are inept, and need to have a little justice demonstrated to them. If the guy never again commits a crime, then he lives. But if he messes up once, and happens to threaten the safety of another, some body nearby needs to act definitively. Something Michigan courts don't seem to be competent of these days.

rebel4us Sep 23, 2009

The COURT SYSTEMS have made BAD choices before , letting convicts out early, Child sex offenders out early..AND all they do is RE-offend again!
It is only a matter of time, before something bad happens to someone in the community. And as we sit here and rely on the LEGAL system to PROTECT Innocent CITIZENS, they instead are Protecting CRIMINALS instead.

billmeone Sep 23, 2009

killin folk is killin folk. Insane or not, once you end someones life, yours should either de ended also or permanently incarcerated. No excuse for this, it just demonstrates how life means nothing to the socialist society that is invading our lives.

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NEWAYGO COUNTY, Mich. (WZZM) - A Newaygo County man who beat a woman to death with a shovel 16 years ago, is back in the hospital.

Warren Martin Culver was found not guilty by reason of insanity back in 1997. He was released from a mental institution in 2009. Now, he's accused of beheading his cat and stabbing himself.

"Not surprised at all. We kept telling them, why are you releasing him?" says Dawn Mourer. It's been 16 years since Mourer lost her sister, Marty Bulson. The 34-year old mother of three was beaten to death at Culver's home near White Cloud. Culver is bipolar and told police that voices told him to do it.

"That's how my sister was murdered, cause he quit taking his meds," says Mourer.

Culver was found not guilty by reason of insanity. He spent 12 years in a mental facility. He was released, against the wishes of Bulson's family and the Newaygo County Sheriff's Department.

Sheriff Mike Mercer says, "Yeah, we've had concerns about this individual for quite some time."

For the past few years, Culver stayed out of trouble. Then, earlier this week, he called 911. He said he stabbed himself. He also beheaded his cat. He said God told him to do it.

When Mourer found out, she wasn't surprised. "I said, did he hurt anybody? They said no. I said thank God."

The concern now is that the same process will take place. Culver is currently in the hospital, but what's next? Sheriff Mercer says we need to take a hard look at how our system deals with mental health. "There needs to be better resources and attention given to these types of situations. To keep our communities safe." Mercer says Culver doesn't belong in jail, but instead, needs long term care.

As for Mourer, she says she will continue her fight for her sister. She wants to make sure Martin Culver is put away for good. "I'm gonna do everything in my power to make sure he's not walking out in society. My sister can't be here, why does he feel he should be here?. It's not fair."

Culver is currently in the hospital being treated for stab wounds. Mercer says he will likely go to a mental facility for treatment.

If he is released, the Newaygo County Prosecutor has authorized criminal charges and will pursue Culver at that point.

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Exhibit 129

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Treatment.Growth.Recovery.

Treatment Disclaimer

Rose Hill Center provides treatment and rehabilitation services for adults with serious mental illness who are admitted after careful screening and who voluntarily enroll in our programs. Rose Hill Center is not a crisis center, emergency room, psychiatric hospital, a service for persons with developmental disabilities, a skilled nursing facility, or a substance abuse treatment program. We are not prepared to serve persons who may be in imminent danger to themselves or others, require substance abuse detoxification and treatment, or require intensive medical or continual nursing care. Residents who require short-term hospitalization for a psychiatric or medical condition may return to Rose Hill Center only if we can care for them as part of our established programs.

While we find that most individuals who are admitted to Rose Hill Center can improve functioning, achieve psychiatric stability, and reach many of the goals that they have established for themselves, there is no way to assure a positive outcome. We have found that there are some individuals whose co-occurring conditions, personality disorders, permanent cognitive limitations, resistance to recommended treatment (including psychiatric medication), substance abuse, or other conditions interfere with the effectiveness of our treatment. If this is determined to be the case after admission, we will help develop a discharge plan with the resident, family, or guardian for a more suitable placement.

Michigan

Mentally ill killer gains release, to dismay of Newaygo County victim's family

[http://connect.mlive.com/staff/jagargr/index.html] By John Agar | jagar@mlive.com [http://connect.mlive.com/staff/jagargr/posts.html]
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on September 20, 2009 at 4:52 AM, updated August 17, 2010 at 8:10 PM

Emily Zoladz The Grand Rapids Press
Dawn Mourer said the killer of her sister, Marty Bulson, remains dangerous.

NEWAYGO COUNTY — Shortly after her sister's slaying 12 years ago, Dawn Mourer and her parents met with the Newaygo County prosecutor, who assured them that suspect Warren Martin Culver, a man with a history of mental illness, never would go free.

Mourer said Prosecutor Chrystal Roach told the family that in a nonjury trial before a judge, Culver "would get life in a mental institution."

"That was a promise. That came out of Chrystal Roach's mouth."

If Roach — she did not return calls from The Press — made that promise, it was one she could not keep.

Press File PhotoWarren Culver at a hearing in 2006Culver, 49, who nearly decapitated Marty Bulson with a shovel outside of his White Cloud home in 1997, was judged not guilty by reason of insanity. He recently was ordered released from a residential treatment facility in Oakland County.

After stays at Ypsilanti's Center for Forensic Psychiatry, Kalamazoo Regional Psychiatric Hospital and the Rose Hill Center in Holly, Culver now has an apartment in Holly and a part-time job.

While living unsupervised, he still has to comply with court orders, including taking his medication, for a year, Berrien County Probate Judge Mable Mayfield ruled.

Culver's freedom is in stark contrast to the life he would be living had a Newaygo County judge found him guilty but mentally ill. As a convicted criminal, he still would have received treatment, but he also likely would have been incarcerated for life.

For suspects like Culver who are found not guilty by reason of insanity, the goal is rehabilitation. This typically involves a medication regimen and intense therapy in supervised environments. Ultimately, many are released.

"The goal is to assist individuals to recover to the point of being able to return to the community," said Cynthia Kelly, director of the state Bureau of Hospital, Center and Forensic Mental Health Services.

"However, this is not ... possible for all individuals. Each request is reviewed extensively on a case-by-case basis."

It's unclear how many people accused of murder — and later found not guilty by reason of insanity — are released back into the community each year. The state does not categorize patients by their alleged crime, and the specifics of their cases are considered confidential.

Press File PhotoMarty BulsonCulver's release last month was a stunning development for the victim's family, who attended hearings — sometimes every six months — as he tried to be released from his commitment to psychiatric hospitals.

Mourer, who lives in Rockford, and another sister, Kris Hardenbrook, of Galesburg, cannot believe Culver no longer is a danger. He had bipolar disorder, with episodes of severe mania, paranoia and hallucinations when he killed Bulson under the delusion she was the Antichrist.

She was bringing him flowers and a belated birthday card when he attacked her with a shovel and an ax.

While in the state's care, Culver worked a job and even lived in a townhouse at the Rose Hill Center. A therapist noted in court documents that Culver has a "level of high-functioning as his independence and responsibilities have increased."

Understands his illness

Culver could not be reached for comment. His mother, Patricia Culver, said her son has made monthly visits to his family for five or six years, and has no problems now that he has proper medication. She said many people cannot accept that mental illness can be successfully treated.

"It's an illness of the brain, instead of the body," she said. "He's all right, taking the medication."

She said her son feels "terrible" about Bulson's death, but "he didn't know what he was doing. He didn't even know what happened. It probably would've never happened if (Culver received) the right medication. He wasn't on the right medication until something terrible happened."

She said the killing and publicity have been hard on her family, but they will continue to support him.

Court records show Culver understands his mental illness and has no problems while taking his prescribed drugs. But his psychiatrist noted the public risk inherent in his condition if he's not properly medicated.

"Risk of harm to others if becomes symptomatic," Dr. Lynne Lyons wrote. "Took someone's life while ill."

Lyons proposed Culver still should be seen by mental-health workers because his stability and proper use of medication have come only in supervised settings.

But, she said, "I believe Mr. Culver has every intention of staying compliant with medication and psychiatric follow up."

Rare success in defense

Experts say an insanity defense like Culver's is asserted in less than 1.5 percent of felony cases, and is successful only one in four times. It essentially says that insane defendants should not be held accountable for acts they don't know are wrong, or can't control.

In fiscal year 2007, the state's Center for Forensic Psychiatry released 71 patients who had been deemed not guilty by reason of insanity, who had an average stay of 320 days. In fiscal year 2008, it released 65 NGRI patients, with an average stay of 279 days. So far this year, it has released 62 such patients, whose average stay has been 381 days.

The state Department of Community Health requir [illegible] ed by the center before patients are transferred or given alternative treatment. Culver and others like him al [illegible] the health department.

The patients generally are not released directly to the community. They are transferred to other state hospitals for an extended period and must undergo extensive review again before any less restrictive placement.

Assistant Berrien County Prosecutor Russell Szwabowski, who, like Judge Mayfield handled the latest hearing as part of a rotation, agreed with the decision to release Culver as long as the court retained jurisdiction for at least a year. He said legal authorities generally defer to the medical professionals.

"Once we get into the mental-health arena ... judges and prosecutors are limited on what they can do," Szwabowski said. "The case itself, I am aware of some of the things he did. I can only imagine."

Newaygo County Circuit Judge Anthony Monton, who initially found Culver legally insane, had no comment.

For Mourer, Culver's release is just the latest injustice. She said her sister, who left three children, has been forgotten during this civil process.

"Marty never got justice," she said.

E-mail: **jagar@grpress.com**

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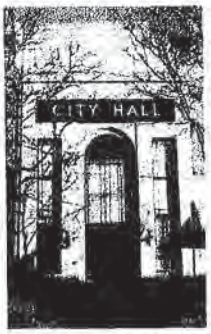

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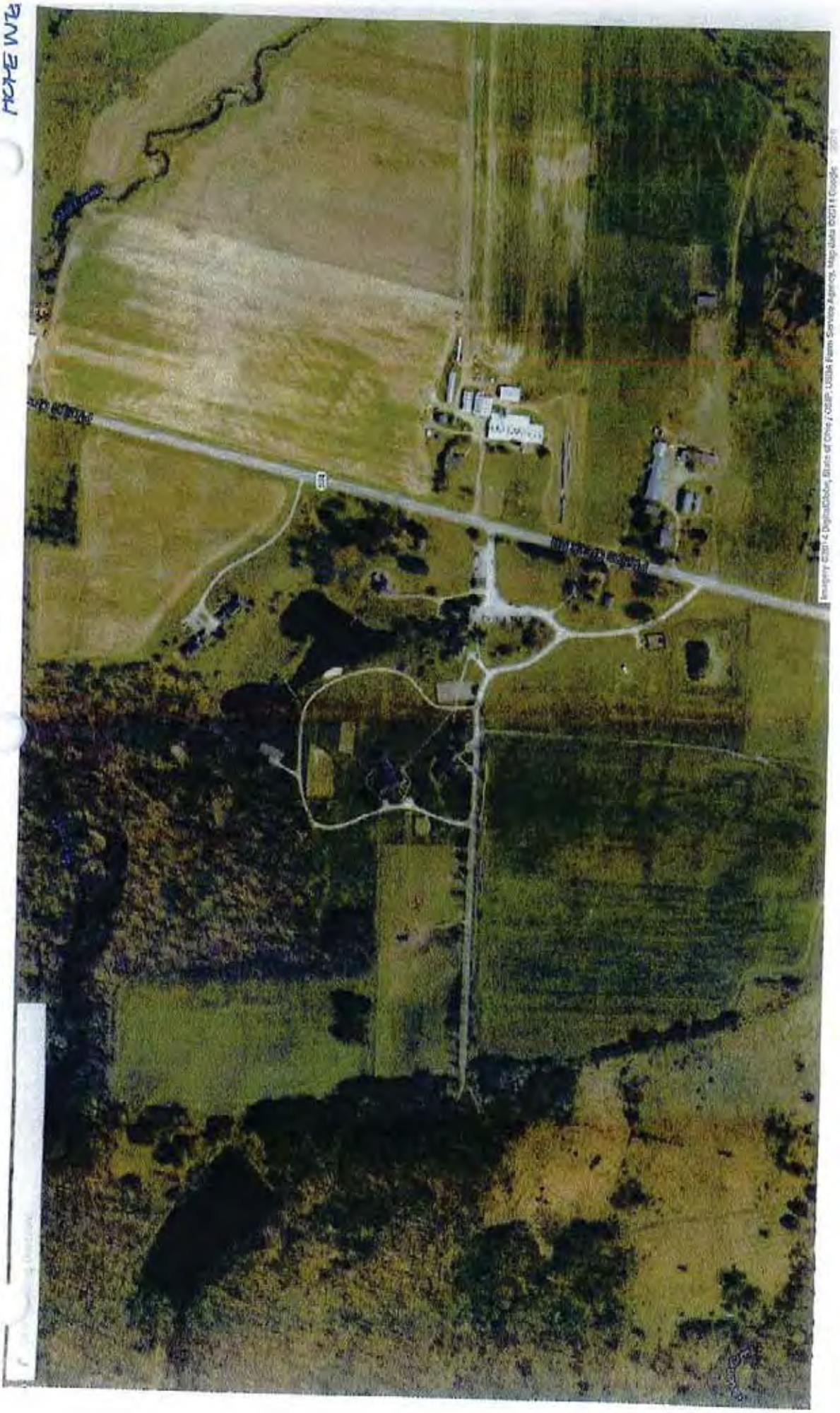
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Bird's-eye view maps can't be printed, so another map view has been substituted.

our strategic plan

Mission

Hopewell provides an opportunity for adults with serious mental illness to experience a self-reliant and satisfying life through participation in a vibrant residential therapeutic farm community.

Focus

Hopewell provides an effective healing environment for individuals with serious mental illness once acute psychiatric symptoms are stabilized. We assist the members of the Hopewell community by strengthening their social skills, their emotional competency, and their commitment to medication compliance to enable them to function at their highest level of effectiveness.

Vision

Using the power of nature, meaningful work, therapeutic community, evidence-based practices and a highly skilled, caring staff, Hopewell aims to transform the lives of those living with serious mental illness. In an atmosphere of respect and acceptance, residents develop the skills and outlook they need to connect to a supportive fabric of family, friends, services, and work when they leave.

We routinely refine our practices on the basis of our own research and that of others. We contribute our knowledge to the field of mental health treatment and promote healthy attitudes about mental illness. We envision a future of financial strength that will enable us to welcome individuals regardless of their ability to afford treatment.

Values

At Hopewell,

We believe in the power of the community to create an environment of caring, acceptance, compassion, growth and fulfillment.

We believe that everyone can experience success, find a life of purpose, and feel hope. We believe in recovery.

We believe that people can be helped to find answers to their own problems through support and care in a physically and psychologically safe environment, with appropriate professional help.

We recognize the importance of medication and medication compliance as a necessary support for recovery from mental illness, and of educating our residents to understand the continuing need for both medication compliance and utilization of professional assistance.

We believe in respecting, valuing, and helping each other.

We value the whole person - mind, body and spirit.

We believe in the healing power of nature and meaningful work.

We believe in being stewards of our resources - globally, locally, and legacy.

Download the full Strategic Plan Summary here

We recognize that we are part of a larger community - including family, neighbors, professionals, supporters, mental health agencies, and those advancing knowledge in the field of mental health. We value these partnerships.

We recognize our responsibility to take a leadership role in sharing what we learn

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Hopewell is a 501(c)(3) nonprofit organization

for professionals

Group sessions are led by licensed mental health providers. Many of our groups are reimbursable by insurance companies.

Hopewell offers residential and daily programming. Contracts are available for mental health and developmental disability (workers compensation, I/O waiver options) boards.

Our program is developed and supervised by licensed mental health providers with many years of experience in a variety of settings. Clinicians are active in resident and family counseling, case coordination psychiatric and medication management and discharge transitions.

In addition to daily staff and resident work crews that keep the farm functioning, programming includes:

- Mood management
- Dialectical Behavior Therapy
- Creative expression
- Dual diagnosis issues
- Equine-assisted learning
- Meditation and spirituality
- Education (high school diploma program)
- Money management
- Independent living skills (planning, shopping, cooking, healthy living)

Hopewell is the only residential mental health facility in Ohio that provides this type of treatment-based, community-centered care, and is among one of very few facilities of its kind in the country that provides comprehensive mental health treatment in a working farm setting.

Intensive Assessment Program (IAP)

Hopewell offers a unique program for individuals transitioning from a secured setting (such as state hospitals) to a more independent situation like our therapeutic community.

We provide a higher level of care - 24 hours of one-to-one staffing - for 30 days while residents acclimate to our daily programming. Our traditional case management, psychiatric and nursing services, medication management and group sessions with licensed clinicians are available throughout the program.

Pre-Admission requirements include:

- Completed Hopewell physician referral form
- Current and complete psychiatric history and hospital records
- Interview with our admissions committee & tour of our facility
- Completed physical exam within last month
- Current 2-step TB test or chest x-ray (unless physical shows person is not at risk)
- Completed Hopewell financial disclosure form
- Signed releases of information and copy of guardianship papers (if applicable)

Accreditations

We are the first provider of mental health services in the country to be reviewed and accredited as a Therapeutic Community by the Commission on Accreditation of Rehabilitation Facilities (CARF). Hopewell is licensed and certified by the Ohio Department of Mental Health. We are a member of the National Alliance of Mental Illness (NAMI) and American Residential Treatment Association (ARTA).

our board certified staff
An integral part of the Hopewell family.

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overview

Residents receive medications based on individual needs from our registered nurses.

The admissions process at Hopewell is responsive, caring and confidential. Our admissions staff guides you every step of the way and, in most cases, does a great deal of the footwork for you.

We encourage you to call or email our team for a more comprehensive overview on the admissions process.

Who Hopewell Helps

Hopewell residents are 18 years of age or older, have a primary diagnosis of a mood or thought disorder and express a readiness for treatment. Typical diagnoses include schizophrenia, schizoaffective disorder, bipolar disorder and major depression.

Success at Hopewell depends upon many factors, but in general, we have found that people gain the most benefit when they are:

- Comfortable living in a rural, farm setting for several months
- Willing to accept medication
- Interested in learning how to live with and get along with people
- Accepting of physical work and community participation
- Interested in increasing their knowledge, understanding and acceptance of their mental illness

Some of our residents may be recovering from drug or alcohol abuse. They must, however, have an absence of active abuse. Individuals should have some self-care skills, be medication compliant and be in reasonable physical health. For a complete list of admissions criteria, please talk with our admissions staff.

Length of Stay

The average length of stay is 4-5 months. Some residents, however, require extended stays depending on their treatment plans and progress.

Program Overview

We offer a residential and a day program. In both cases, the farm is a key part of our success. Organized in work teams, residents assume the major responsibilities for all aspects of the farm's daily work. In addition to daily staff and resident work crews that keep the farm functioning, programming includes:

- Mood management
- Dialectical Behavior Therapy
- Creative expression
- Dual diagnosis issues
- Equine-assisted learning
- Meditation and spirituality
- Education (high school diploma program)
- Money management
- Independent living skills (planning, shopping, cooking, healthy living)

Our clinical team is active in resident and family counseling, case coordination, psychiatric and medication management and discharge transitions.

Financial Considerations

Hopewell is a private-pay facility. For information on daily charges for our residential care program, Club Hope day program and Lyman House residence contact our Admissions Director at ext 122.

Hopewell is an approved provider with several private insurers and our admissions team will work with your insurance company to determine whether any portion of treatment can be covered.

Many residents supplement private payment with benefits from Social Security, the Veteran's Administration, workers' compensation and other third-party payers. In addition, we receive referrals from in- and out-of-state county boards of mental health, school districts, boards of developmental disabilities (workers' compensation, I/O waiver options) and others.

We also work with an independent loan organization called Clark Behavioral Health Financing. Loans may be able to cover treatment costs, tuition and other related services. If you are interested in qualifying for a private loan, **click on this link** to complete a brief, on-line loan application.

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We are licensed and accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF) and licensed and certified by the Ohio Department of Mental Health (ODMH).

Qualified. Caring. Supportive. All words that describe the people who create the healing environment that is Hopewell. This remarkable team nurtures and challenges our residents as they work together in our farm community. Hopewell's program is developed and supervised by licensed mental health providers with many years of experience in a variety of settings. Clinicians are active in resident and family counseling, case coordination, psychiatric and medication management and discharge transitions.

Rick Karges, LISW-S, ACSW

Executive Director

Rick was attracted to Hopewell because of our innovative therapeutic farm community-based model. He believes it offers us an opportunity to be on the leading edge of behavioral healthcare treatment. In his more than 20 years in the mental health field...

more

Betsie Arvin

Marketing and Outreach Coordinator

Betsie is responsible for promoting Hopewell to mental health professionals through direct mail efforts. She also helps residents coordinate Social Security and Medicaid related benefits. When residents' discharge time nears, Betsie helps connect them with housing and mental health...

more

Candace Carlton, MSW, LISW-S

Quality Improvement & Compliance Director

Candace is the one who keeps us on track here at Hopewell. Using her exceptional organizational skills, she oversees our accreditations with a variety of mental health licensing organizations and collects our research data. Candace does double duty as...

more

Cheryl Meister, RN

Nurse Manager

Cheryl is a Registered Nurse with 30 years of psychiatric nursing experience. As a Nurse Manager at Hopewell, her responsibilities include coordination of care for the residents' nursing, medical and psychiatric needs. She received her Bachelor of Science degree in Nursing.

more

Colleen Welder, RN, C

Director of Program Services

Colleen makes sure that day-to-day operations run smoothly and that program staff are working to benefit our residents. She has worked in the mental health field since 1986 and started at Hopewell in 2003. An advocate of Hopewell's treatment model, Colleen...

more

Daniel B. Horne, PCC-S, LSW

Clinical Manager

As a licensed social worker and licensed professional clinical counselor, Daniel views treatment from a holistic approach. He was immediately drawn to the healing power of the Hopewell environment and program. Daniel's responsibilities as Clinical Manager include counseling residents...

more

Jennifer Palovich, PC
Clinician

Jennifer is a Licensed Professional Counselor who graduated from Kent State University with a Master's degree in Counseling. Before joining Hopewell, Jennifer specialized in working with individuals with schizophrenia and other persistent mental illness diagnoses. She not only serves as...

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Lynn Childers
Finance Manager

Lynn's careful attention to detail and her love of Hopewell make her a dedicated and skilled Finance Manager. She works every day with families, residents, staff and board members – a pretty diverse group of "customers". Lynn takes pride...

more

Martha Schinagle
Psychiatrist

Dr. Martha Schinagle is Hopewell's psychiatrist. Martha values Hopewell's humanistic and holistic approach to treatment and feels privileged to work with our phenomenal group of dedicated clinicians. Martha firmly believes that interaction with nature is important and healing. Each...

more

Nicole Shuster, LSW

Nicole is a Licensed Social Worker who began working at Hopewell in 2008 as a member of the kitchen staff. Inspired by Hopewell's mission, she decided to pursue a career in social work. While earning her Masters degree in Social Work...

more

Peggy Barnes Szpatura
Director of Development

Peggy is a fundraising professional with more than 25 years of experience working with nonprofit organizations in Northeast Ohio, including the Cleveland Clinic, the Alzheimer's Association Cleveland Area Chapter and the Greater Cleveland Neighborhood Centers Association. She has been published by

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Rachael McLaughlin, LPCC-S, NCC
Director of Admissions/Marketing & Senior Mental Health Clinician

Rachael meets with referral agencies and families from around the country to introduce them to Hopewell. Along with other Hopewell clinicians, Rachael talks with potential residents to determine whether our therapeutic community is right for them. As a clinician, she...

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faqs

Horses at Hopewell are important "therapists." We use them in our equine-assisted psychotherapy groups, where they help residents explore relationships, non-verbal communication and teamwork.

What does Hopewell cost? How do people pay for Hopewell?

Hopewell is a private-pay facility. The daily fee for the first 2 months is $275, with the total cost of the first month due upon admission into our program. Prior to admission, financially responsible parties (family, guardian, or applicant) must complete a Financial Disclosure form; after two months, the daily fee will be reduced to $175 for qualifying families who apply for assistance.

What type of mental illness does Hopewell treat?

Hopewell residents are 18 years of age or older, have a primary diagnosis of a mood or thought disorder and express a readiness for treatment. Typical diagnoses include schizophrenia, schizoaffective disorder, bipolar disorder and major depression.

Some of our residents may be recovering from drug or alcohol abuse. They must, however, have an absence of active abuse. Individuals should have some self-care skills, be medication compliant and be in reasonable physical health. For a complete list of admissions criteria, please talk with our admissions staff.

What are the demographics of the resident population?

Hopewell residents are 18 years of age or older. While the majority of the residents are from Northeast Ohio, there are a number of residents from across the U.S.

What is the usual length of stay?

Depending on the recommendation of the referring physician and the individual's response to the program, residents stay between 6-9 months. The progress of each resident is monitored and reevaluated regularly.

Where do residents go after Hopewell? Do you help find them placement?

Over 70% of our residents have successfully moved into more self-reliant settings. The clinical staff works with the family and the resident's case manager to coordinate plans for the next step. Hopewell has established relationships with area mental health and housing agencies to support residents as they move forward.

What do the residents do each day?

In addition to participation in the areas of community work (i.e. farm animal care, kitchen, housekeeping, gardens, and grounds), Hopewell supports the individual in his or her efforts to achieve recovery goals through programs such as high school and college education, volunteer opportunities and employment in the greater community, health and well-being education groups, and relapse prevention programs.

Hopewell seems very distant - why is it located so far from major metropolitan areas?

The rural setting offers a healing respite from the chaotic daily life found closer to cities. Hopewell's approach to care creates a connection to the earth and each other, a dependable and safe daily routine and opportunities to experience success.

How is Hopewell funded? Does it receive public money?

Hopewell is a 501(c) (3) nonprofit organization. Daily fees for service and county sponsored placements or resident benefit payments from the VA and Social Security generate 70% of the revenue. The remaining 30% is generated from philanthropic support from individuals, corporations, and foundations.

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HOPEWELL
A therapeutic farm community for adults with mental illness.
9637 State Route 534, PO Box 193
Mesopotamia, OH 44439
Phone- 440-693-4074 | Fax- 440-693-4167

Hopewell History and Physical

Hopewell is a residential farm community for adults with chronic mental illness. This form is to be completed as an initial part of the admission assessment process and annually thereafter. Candidates need to demonstrate a level of health that allows for physical work on a farm and ability to safely navigate between buildings over uneven ground.

Patient Information:
Last name: _____ MI: ____ First Name: _____
Date of Birth: _____ Age: _____ Gender: F M T
Home Address: _____
City: _____ State: _____ Zip Code: _____
E-Mail: _____
Home # _____ Work # _____ Cell# _____

Medical History

Family History: Please identify biologically related family members who have had any of the following conditions:

Disease Type	Family Members Diagnosed	Deceased? Yes or No
Osteoporosis		
Cancer (specify type)		
Bleeding Disorder		
Diabetes		
Genetic Disorder		
Cardiovascular Diseases		
Pulmonary Diseases		

Patient Allergies:	List Allergies	List Reactions
Medication Allergies		
Food Allergies		
Environmental Allergies		

Medications and Supplements:
Please list ALL medications including as necessary meds, nutritional supplements, herbs, vitamins and over the counter meds (use back of sheet if necessary):

Standing Medications:

Name	Dose	Time	Reason	Prescriber

Name: _____ Date of Birth: _____

Form CL010

Approved/Revised 7-19-11

Medications and Supplements (continued):

PRN meds (include OTC):

Name	Dose	Time	Reason	Prescriber

Nutritional supplements:

Name	Dose	Time	Reason	Prescriber

Accidents: Please list any past accidents with major injuries, falls with injuries, fractures or dislocations, and head injuries:

Year	Event	Injury

Surgeries and hospitalizations: Please list any surgeries and medical hospitalizations:

Year	Event	Hospital

Substance use: If history exists we may request a urine drug screen prior to admission (except for nicotine & caffeine).

Type:	Amount:	Last use:
Alcohol		
Cocaine		
Opioids		
Amphetamines		
Marijuana		
Barbiturates		
Benzodiazepines		
"Club" drugs		
Nicotine		
Caffeine		
Psychedelics		
Inhalants		

Name: _____ Date of Birth: _____

REVIEW OF MEDICAL SYSTEMS

○Check this box if previously had and provide dates if known in comment section
☐Check this box if currently has

Integumentary

○☐ Skin rashes ○☐ Psoriasis ○☐ Skin cancer ○☐ Piercings ○☐ Scars
○☐ Slow healing ○☐Herpes ○☐ Discolorations ○☐ Changes in moles ○☐ Bruise easily
○☐ Pruritis ○☐ Sores ○☐ Tattoos
Comments: _____

Neurological

○☐ Syncope ○☐ Disorientation ○☐ Weakness ○☐ Confusion
○☐ Memory Loss ○☐ Concussion ○☐ Loss of coordination ○☐ Numbness
○☐ Difficulty speaking ○☐ Headaches ○☐ Difficulty walking ○☐ Tingling
○☐ Multiple Sclerosis ○☐ Migraines ○☐ Stroke ○☐ Tremors
○☐ Parkinson's Disease ○☐ Epilepsy ○☐ Dementia ○☐ Cerebral palsy
○☐ Dizziness ○☐ Seizures
Comments: _____

Sensory

○☐ Glaucoma ○☐ Ear pain ○☐ Cataracts ○☐ Dental problems
○☐ Blurred vision ○☐ Hearing loss ○☐ Double vision ○☐ Ear noises
○☐ Glasses ○☐ Contacts ○☐ Dentures ○☐ Hearing Aide
○☐ Loss of smell

Last dental appointment: _____ Dentist: _____
Last vision exam: _____ Doctor: _____
Comments: _____

Respiratory

○☐ Nose bleeds ○☐ Hoarseness ○☐ Sore throats
○☐ Coughing ○☐ Pneumonia ○☐ Bronchitis ○☐ Sinusitis
○☐ Hematamesis ○☐ Difficulty breathing ○☐ Emphysema ○☐ SOB
○☐ Asthma ○☐ Tuberculosis ○☐ Lung cancer

Last TB test: _____ Results: _____
Last chest X-ray: _____ Results: _____
Comments: _____

Endocrine

○☐ Hypothyroidism ○☐ Hyperthyroidism ○☐ Diabetes ○☐ Goiter
Comments: _____

Cardiovascular

○☐ Hypertension ○☐ Aneurysm ○☐ Chest pain
○☐ Heart attack ○☐ Hypotension ○☐ Edema
○☐ Irregular heartbeat ○☐ Cardiomegaly ○☐ High triglycerides
○☐ Murmurs ○☐ High cholesterol levels ○☐ Rheumatic fever
Comments: _____

Gastrointestinal

O☐ Cholecystitis O☐ Constipation O☐ GERD O☐ Encopresis
O☐ Liver trouble O☐ Diarrhea O☐ Colostomy O☐ Hematemesis
O☐ Hepatitis O☐ Ulcers O☐ Hiatal hernia O☐ Pancreatitis
O☐ Heartburn O☐ Colitis O☐ Colon cancer O☐ Melena/Hematochezia
O☐ Weight loss O☐ Weight gain O☐ Loss of appetite O☐ Vomiting
O☐ Swallowing problems

Diet: _____

Comments: _____

Genitourinary

O☐ Painful urination O☐ Frequent urination O☐ Kidney infection O☐ Kidney stones
O☐ Hematuria O☐ Incontinence O☐ Urostomy

Comments: _____

Hematologic

O☐ Anemia O☐ Bleeding disorder O☐ Sickle cell anemia O☐ Lymphoma
O☐ Clotting issues O☐ History of clots

Comments: _____

Musculoskeletal

O☐ Arthritis O☐ Head injury O☐ Fibromyalgia
O☐ Osteoarthritis O☐ Neck injury O☐ Muscle weakness O☐ Gout
O☐ Rheumatoid arthritis O☐ Back injury O☐ Osteoporosis O☐ Scoliosis
O☐ Spinal trauma O☐ Muscular dystrophy O☐ Lupus
O☐ Birth trauma O☐ Spina bifida O☐ Polio
O☐ Fractures O☐ Birth defects O☐ Spondylothiasis

Comments: _____

Immunologic

O☐ Routine childhood immunizations O☐ Tetanus
O☐ MRSA O☐ Vaccinations
O☐ HIV O☐ AIDS

Comments: _____

Women only

O☐ Nipple discharge O☐ Premenstrual depression O☐ Menopause O☐ STD
O☐ Menstrual cramps O☐ Lumps in breasts O☐ Perimenopause O☐ LMP
O☐ Vaginal discharge O☐ Pap smear O☐ Hysterectomy O☐ Mammogram
O☐ HCG

Comments: _____

Men only

O☐ Nightly urination O☐ Prostate trouble O☐ STD O☐ ED
O☐ Difficulty starting urine O☐ Dripping after urination O☐ Prostate cancer

Comments: _____

Please provide current vital signs

Height: _____ Weight: _____

BP: sit_____ stand_____ P: _____ R: _____ T: _____

Healthcare Provider name: (print) _____ Title _____

Healthcare Provider Signature _____ Date _____

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A therapeutic farm community for adults with mental illness.

Family and Personal History

Name of the potential resident **(PR)** being referred to Hopewell: _____

Age: ____ DOB: ___/___/_____ SS#: ____/___/____ Address: _____

Phone: _____ - _____ - _____ _____

Current living situation: _____

Person providing information: Name: _____ Relationship: _____

Address: _____

Home Phone # _____ Cell # _____

Names and relationships of significant family members:

Name: _____ Relationship: _____

Name: _____ Relationship: _____

Name: _____ Relationship: _____

Name: _____ Relationship: _____

History of behaviors that illustrate the family's concerns or reasons for the referral:

_____

_____

_____

_____

_____

When did the family first begin to notice behaviors that may be related to mental illness?

_____

Were there any significant and/or traumatic events in the lives of your family members? (Please describe)

_____

_____

_____

_____

Are there any legal issues regarding the PR? [ ] Yes [ ] No (If yes please describe)

_____

_____

_____

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Does the PR have any medical problems? [ ] Yes [ ] No (If yes please describe)

_____

_____

Has the PR ever suffered a head injury? [ ] Yes [ ] No (If yes please describe)

_____

Is there history of mental illness and/or alcohol & drug use in the family? [ ] Yes [ ] No

Relationship to PR: _____ Diagnosis: _____

Relationship to PR: _____ Diagnosis: _____

Is there any history of drug or alcohol abuse with the PR? [ ] Yes [ ] No

Date of last use: _____ Substances Abused: _____

Has the PR ever been hospitalized? [ ] Yes [ ] No (If yes please provide name(s) of hospital(s))

Hospital: _____ Approximate dates: _____

Hospital: _____ Approximate dates: _____

Hospital: _____ Approximate dates: _____

Hospital: _____ Approximate dates: _____

Is the PR currently being provided case management through a mental health agency? [ ] Yes [ ] No

Name of agency: _____ Case Manager: _____ Ph. # _____

Is the PR currently receiving Social Security benefits? [ ] Yes [ ] No monthly amount: $_____

Is there a payee? [ ] Yes [ ] No

Please provide name/address/phone # _____

_____

Is the PR currently receiving Medicare? [ ] Yes [ ] No Please provide Medicare # _____

Is the PR currently receiving Medicaid? [ ] Yes [ ] No Please provide Medicaid # _____

Does the PR have private insurance? [ ] Yes [ ] No Insurance Company _____

ID# _____ Group # _____ Phone # _____

Please describe the PR's strengths _____

_____

Please describe any limitations the PR may have with regard to daily living skills, i.e., self-care, bathing, dressing, cleanliness, vocational skills, social skills: _____

_____

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To what extent does the family or PR considet spirituality or religion important to their lives?

_____

Are there any significant cultural or ethnic issues? _____

Please provide a history of the educational experiences for the PR: _____

_____

_____

_____

Please provide a history of the vocational or work experiences for the PR: _____

_____

_____

_____

Did the PR ever serve in the military? [ ] Yes [ ] No

Does the PR receive any VA benefits? [ ] Yes [ ] No Amount per month $_____

Identify any problems in the following areas: Please explain any [X] areas

[ ] Nutrition/Eating patterns, changes, disorders: _____

[ ] Pain Management: _____

[ ] Depressed Mood/Sad: _____

[ ] Anxiety: _____

[ ] Traumatic Stress: _____

[ ] Anger Aggression: _____

[ ] Oppositional Behaviors: _____

[ ] Inattention/Withdrawal: _____

[ ] Impulsivity: _____

[ ] Disturbed Reality Contact (psychosis): _____

[ ] Bizarre Thoughts: _____

[ ] Mood Swings/Hyperactivity: _____

[ ] Sleep Problems: _____

[ ] Social Stressors: _____

[ ] Current risk to self or others: _____

[ ] History of harming self or others: _____

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Identify if there is a history of any of the following: Please explain any [X] areas

[ ] Physical Abuse: _____

[ ] Mental Abuse: _____

[ ] Sexual Abuse: _____

[ ] Emotional Abuse: _____

[ ] Domestic Violence: _____

[ ] Community Violence: _____

[ ] Physical Neglect: _____

[ ] Elder Abuse: _____

[ ] Cruelty to Animals: _____

Does the PR have a legal guardian? [ ] Yes [ ] No If so, guardian of: [ ] Person [ ] Estate [ ] Both

Please provide name/ address/ phone # along with proper documentation of guardianship

_____

Are there other areas that are important for the staff to understand about the person who may live at Hopewell?

_____

_____

Hopewell will assist residents in applying for or maintaining Social Security and Medicaid benefits. However, copies of the following items must be submitted upon admission:

Birth Certificate

Social Security Card

Insurance Card

Current Photo ID

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HOPEWELL FINANCIAL APPLICATION

Name of Resident: _____ Pin Number: _____

	Applicant #1	Applicant #2	No. of Dependents
Name:			Adults:
Street Address:			Children:
City, State Zip			
Home Phone:			
Cell Phone:			
Email Address:			
Social Security #:			
Birth Date:			

The following information is being asked to assist in determining the daily rate for residential treatment. Please complete the financial statement using estimated monthly amounts and attach a copy of your most recent tax return.

A. Monthly Income

1. Family Member _____	Gross pay per month $ _____ Net pay per month	$
2. Family Member _____	Gross pay per month $ _____ Net pay per month	$
3. Other Income – Please list below: (real estate, retirement, child support, social security, etc.)		
_____		$
_____		$
_____		$
_____		$
	Total net monthly income	$

B. Fixed Monthly Expenditures

1. Rent or mortgage (including taxes and insurance)	$
2. Utilities	$
3. Telephone	$
4. Child care	$
5. Car payments	$
6. Car insurance	$
7. Credit card payments	$
8. Other loan payments	$
9. Child support or alimony	$
10. Regular savings/investments	$
11. Life Insurance	$
12. Health Insurance	$
13. Other _____	$
14. Other _____	$
Total fixed expenditures	$

C. Variable Monthly Expenditures (please list average monthly expenditure)

1. Food	$
2. Clothing	$
3. Gasoline	$
4. Entertainment	$
5. Other _____	$
6. Other _____	$
Total variable expenditures	$

D. Assets

	Total Value
1. Residence (market value)	$
2. Other real estate (market value)	$
3. Cars -- specify:	
a. _____	$
b. _____	$
4. Savings	$
5. Stocks/Bonds	$
6. Other _____	$
Total Assets	$

E. Liabilities

	Balance Owed
1. Residence mortgage	$
2. Other mortgage	$
3. Car loans	$
4. Other loans	$
5. Credit cards	$
6. Other _____	$
7. Other _____	$
8. Other _____	$
Total Liabilities	$

F. Any pertinent information not covered

_____

_____

_____

_____

_____

_____

_____

I authorize Hopewell to verify the information provided on this form and to obtain my credit history.

Applicant #1 _____ Date _____
Signature

Applicant #2 _____ Date _____
Signature

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Psychiatrist Referral Form

This form **must** be completed in its entirety

Date: ___/___/___ Psychiatrist's Name: _____

Office Address:

_____
Street City State Zip code

Ph. #: _____ Fax #: _____

Email _____

Name of Patient referral: _____ How long has he/she been in treatment with you? ___

D.O.B.: ___/___/___ SSN: ___/___/_____

DSM-IV DIAGNOSIS: Hopewell is a Therapeutic Farm Community specializing in Mental Health Treatment.
The following is a list of commonly referred diagnosis.

Please check the DSM-IV-TR Axis I-II diagnosis for the referred patient:

____295.3 Schizophrenia, Paranoid type
____295.10 Schizophrenia, Disorganized Type
____295.90 Schizophrenia, Undifferentiated Type
____295.60 Schizophrenia, Residual Type
____295.20 Schizophrenia, Catatonic Type
____295.70 Schizoaffective (Bipolar type/Depressive type)
____295.40 Schizophreniform Disorder, with good prognostic features
____298.8 Brief Psychotic Disorder
____296.2 Major Depressive Disorder, single episode
____296.3 Major Depressive Disorder, Recurrent
____300.4 Dysthymic Disorder, NOS
____311. Depressive Disorder, NOS
____296. Bipolar I Disorder
____296.89 Bipolar II Disorder
____296.80 Bipolar Disorder, NOS
____301.1 Cyclothymic Disorder
____296.9 Mood Disorder, NOS
____300.23 Social Phobia
____309.0 Adjustment Disorder with Depressed Mood
____309.24 Adjustment Disorder with Anxiety
____309.28 Adjustment Disorder/Mixed Anxiety/Depressed Mood
____301.20 Schizoid Personality Disorder
____301.6 Dependent Personality Disorder

____301.4 Obsessive-Compulsive Personality Disorder
____295.40 Schizophreniform Disorder without good prognostic features
____297.1 Delusional Disorder, (Bipolar type/Depressive Type)
____300.3 Obsessive-Compulsive Disorder
____309.81 Posttraumatic Stress Disorder
____300.00 Anxiety Disorder, NOS
____312.30 Impulse Control Disorder, NOS
____305.1 Nicotine Dependence
____309.9 Adjustment Disorder, Unspecified
____301.0 Paranoid Personality Disorder
____301.83 Borderline Personality Disorder
____301.50 Histrionic Personality Disorder
____301.81 Narcissistic Personality Disorder
____301.82 Avoidant Personality Disorder
____301.9 Personality Disorder, NOS
____305.00 Alcohol Abuse
____305.20 Cannabis Abuse
____292.89 Caffeine Induced Anxiety Disorder
____292.9 Caffeine Related Disorder NOS
____305.70 Amphetamine Abuse
____299.80 Asperger's Disorder

Other Referred Diagnoses

____307.1 Anorexia Nervosa
____307.51 Bulimia Nervosa
____307.50 Eating Disorder, NOS
____312.34 Intermittent Explosive Disorder
____312.32 Kleptomania
____312.31 Pathological Gambling
____309.3 Adjustment Disorder/Disturbance in Conduct
____309.4 Adjustment Disorder/ Mixed Disturbance or Conduct and Emotions
____301.7 Antisocial Personality Disorder
____303.9 Alcohol Dependence
____304.30 Cannabis Dependence
____304.20 Cocaine Dependence
____305.6 Cocaine Abuse
____304.5 Hallucinogen Dependence
____305.30 Hallucinogen Abuse
____304.60 Inhalant Dependence
____305.90 Inhalant Abuse
____304.40 Amphetamine Dependence

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Diagnosis not listed_____

AxisIII:_____

_____

Axis IV: Problems related to: ____ Primary Support _____

____ Social Environment _____

____ Education _____

____ Occupational _____

____ Economic _____

____ Other _____

Axis V: Current GAF: _____ Highest in past year: _____

Length of stay recommended: ____3-6 months ____ 6-12 months ____ long-term treatment

Current Mental Status:

YES NO Suicidal History

Ideation Dates: _____, _____, _____, _____ method_____

Plan Dates: _____, _____, _____, _____ method_____

Attempt Dates: _____, _____, _____, _____ method_____

YES NO Aggression History

_____ Verbal Who_____when_____

_____ Physical Who_____when_____

_____ Assault History Dates: _____, _____method_____

YES NO Arrest Record

Dates: _____ reason_____

Current Status_____Probation/Parole_____

Dates: _____ reason_____

Current Status_____Probation/Parole_____

YES NO Sexual Abuse Victim / Perpetrator

YES NO Physical Abuse Victim / Perpetrator

YES NO Substance Abuse

Type:

____Cigarettes

____Caffeine

____Medication

____Illegal

____Other _____

YES NO Recent trauma

YES NO Homeless

YES NO Family Support

YES NO Delusions

Type:

____Grandiose

____Somatic

____Religious

____Other _____

HOPEWELL

A therapeutic farm community for adults with mental illness.

YES NO Hallucinations
Type:
____Auditory
____Visual
____Other _____

YES NO Self Abuse
YES NO Mentally Disabled
Type:
____317 Mild Mental Retardation IQ Level 50 to 70
____318.0 Moderate Mental Retardation IQ Level 35 to 55
____Other _____

YES NO Appropriate Affect
Type:
____Animated
____Blunted
____Flat
____Inappropriate
____labile
____Constricted
____Other _____

YES NO Client has Judgment/ Insight relating to safety of self/others; to include children and animals
YES NO Independent Living Skills
_____Regular Staff support for daily prompting
_____Individualized 1:1 staff support for prompting

Please add additional comments

_____

_____

Current Psychiatric Prescribed MEDICATIONS:
Please write-in below or attach a current medication record

MEDICATION	DOSE	FREQUENCY	RATIONALE

PRN MEDICATION	DOSE	FREQUENCY	RATIONALE

PHYSICIAN'S SIGNATURE: _____

Other Licensed Staff Assisting_____

Please add additional comments:

_____

_____

_____

HOPEWELL

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Authorization for Release of Confidential Information

FROM THE RECORDS OF:

Client Name _____ **Date of Birth** _____
(Please Print) **Last** **First** **M/I**

This release authorizes: Hopewell staff to: [X] receive from, [X] disclose to:

_____ _____ ____ _____
(Name of Organization/Person & Relationship) **City** **State** **Zip Code**

Phone # _____ **Fax #** _____

Please provide information in the format checked: [ ] Verbal [ ] Written [X] Verbal and/or Written

Description of Information to be released:

[ ] Diagnostic Assessment & Update
[ ] Psychiatric Examinations
[ ] Psychological Evaluations
[ ] Nursing Assessment
[ ] Health History & Physical
[ ] Treatment Plans
[ ] Orders
[ ] Consultations
[ ] Quarterly Report
[ ] Drug Screens/Treatment
[ ] Information Shared During Staffing
[ ] Progress Notes
[ ] Lab Results
[ ] Discharge Summaries
[ ] Other (specify) _____

Purpose of disclosure is to: [ ] Assess for Possible Admission [ ] Continuity of Care [ ] Updates on Progress [ ] Other _____

I understand that I, and/or my guardian, if appropriate, may shorten or lengthen the authorization period or may revoke this authorization at any time, except to the extent that action has been taken in reliance on it. If not previously shortened, lengthened or revoked, this authorization is valid for the duration of treatment and residence at Hopewell.

I understand that the information disclosed is protected by law and may not be re-disclosed without my written authorization or as otherwise authorized by law; however, I understand that Hopewell cannot control the recipient's use of the information.

I understand that my treatment, payment for my services, my enrollment or eligibility for benefits cannot be conditioned upon my giving authorization for disclosure of information.

I expressly consent to the release of information designated above. I understand and acknowledge that this authorization extends to all or any part of the records designated above, which may include treatment for mental illness (ORC512231), alcohol/drug use and/or abuse (42 CFR Part 2), and/or Human Immunodeficiency Virus (HIV)/acquired Immune Deficiency Syndrome (AIDS) test results or diagnosis (ORC3701.24.3). I understand that the information disclosed is protected by law and may not be redisclosed without my written consent or as otherwise authorized by law; however I understand that Hopewell cannot control the recipient's use of the information. Records obtained from other sources and made available to Hopewell may not be redisclosed to other parties.

_____ _____
Signature of Individual **Date**

_____ _____ _____
Signature of Guardian/Personal Representative **Relationship to Patient/Resident** **Date**

_____ _____
Signature of Hopewell staff facilitating disclosure of information **Date**

TO BE SIGNED ONLY IF AUTHORIZATION IS REVOKED

This authorization can be revoked at any time by providing written notice to Hopewell. I understand that any information released prior to revocation cannot be retrieved and that Hopewell will not be held responsible for such. I hereby release Hopewell from all legal responsibilities or liability that may arise from this act.

SIGNATURE OF INDIVIDUAL/GUARDIAN: _____ DATE: _____

WITNESS: _____ TIME: _____ DATE: _____

GOULD FARM

Exhibit 129

Imagery ©2014 Google, Map data ©2014 Google 1000 ft

HOME | ABOUT US | COMMUNITY LIVING | WORK PROGRAMS | CLINICAL SUPPORT | DONATE | NON RESIDENTIAL SERVICES | ADMISSIONS

A Pioneer and Model Community

Founded in 1913, the Gould Farm model continues to be the inspiration for many other residential treatment centers throughout the country.

5K RACE/WALK | BAKERY | MODEL FOREST | VOLUNTEER | EMPLOYMENT | PLAN A VISIT | HELPFUL LINKS | CONTACT | READING LIST | BOD

PLAN A VISIT

The Berkshires was rated one of the 10 best destinations on Earth by National Geographic Traveler Magazine.
To find out why...
Click Here

Our Forest
Bidwell House
The Fish Hatchery
and of course
Gould Farm

To learn more about the Farm watch our video

WHAT'S NEW

Gould Farm 5k
Running for Recovery 2014

DONATE

It is because of friends like you that Gould Farm is able to "Harvest Hope" for adults with mental illness.

Gould Farm is a 501(C)(3) nonprofit organization

Donate Now!

Gould Farm is the first residential therapeutic community in the nation dedicated to helping adults with mental illness move toward recovery, health and greater independence through community living, meaningful work and individual clinical care.

In a supportive community environment made up of residents, staff and their families, we help adults with depression, bipolar disorder, schizoaffective disorder and schizophrenia begin to rebuild and regain their lives. Gould Farm offers a full continuum of care, with a Boston-area program for those ready for new challenges and structured transition.

GOULD FARM COMMEMORATIVE COOKBOOK BUY YOUR COPY NOW!!!

LOOK INSIDE!

gould farm

FAQS

What type of mental illness does Gould Farm treat?

What does the Farm charge for treatment?

What is the Extended Community Program?

What is the age range of the guests?

What kind of work do guests engage in while at the Farm?

What happens during the first 2 week evaluation?

What is the average length of stay?

How long can one remain in the program?

For answers click here

Work Programs

NON RESIDENTIAL SERVICES

Follow us here
for more information

HARVEST BARN BAKERY

The retail bakery and cafe serves delicious breads, pastries, coffee and tea. In addition, we offer products such as Gould Farm maple syrup, honey, cheddar cheese and eggs, as well as jams, chocolates, granola and much more! During the summer months we also sell vegetables from our gardens.

Open Saturday and Sunday

9 a.m. to 3 p.m.

JOIN OUR MAILING LIST

Go green and receive our newsletters and event invites by email
Click here to join our mailing list

Follow us on Facebook and Twitter

Submit Express Inc.
Search Engine Marketing

RESIDENTIAL LIFE

Residential life for guests at Gould Farm includes private rooms in one of three houses on the campus.

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DONATE

It is because of friends like you that Gould Farm is able to "Harvest Hope" for adults with mental illness.

Gould Farm is a 501(C)(3) nonprofit organization

Donate Now!

About Us

In the year 1900, William J. Gould, a visionary and pioneer in social reform, conceived of a plan for emotional rehabilitation based on the principles of respectful discipline, wholesome work and unstinting kindness.

Thirteen years later, "Brother Will" and his wife, Agnes, purchased a farm in the Berkshire hills, giving birth to the nation's oldest therapeutic community.

Now, nearly a century later, Gould Farm's success continues to stem from the truth that a society is healthiest when its most vulnerable members are enabled to thrive. The Farm provides psycho-social rehabilitation in a nurturing and non-institutional environment for adults (ages 18 and over) coping with mental health conditions such as depression, bipolar and schizoaffective disorder and schizophrenia. Gould Farm is a diverse community of guests (our clients) and staff and their families.

William and Agnes Gould

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Gould Farm the nations first therapeutic community of its kind

Community Living

"Gould Farm is a unique and pioneering refuge for people with mental disorders...a place where respect and relationship, work and friends are central to the healing process." — Dr. Oliver Sacks

At any given time there are approximately 100 people living in the Gould Farm community. There is room for 40 guests and the rest are staff members and their families. While guests must be 18 years or older, young children and seniors are present as well.

Every weekday morning at 8:00 the entire community gathers for Morning Meeting. The agenda includes the announcement of activities, appointments with doctors or therapists, introductions of newcomers, a weather report and other information that might need to be shared. The meeting ends with a poem or reading and a group song, generally accompanied by whoever has a guitar in hand. Wednesday afternoon at 3:30 is Community Meeting, when community issues can be discussed and spontaneous recognition and appreciation are accorded those who have helped others in their daily lives at the Farm.

Socialization and the chance to be creative, learn new things and broaden one's horizons are important goals as guests begin to rebuild their lives. Gould Farm's activities program is coordinated by the Residential Team with input from guests, and activities are designed to complement the therapeutic experience by offering opportunities during "off time" that are enriching and rewarding. When interest is expressed, the Farm provides classes and workshops in pottery, painting, writing, yoga, songwriting and as many other areas as possible. Trips to museums, the theater, the movies, the community center, bowling and overnight camping adventures are scheduled as well. Vans go to malls and bookstores and other shopping sites, and transportation is provided to religious services of all denominations. There is also a healthy array of on-farm activities, including music, dance, acting and poetry reading.

Gould Farm the nations first therapeutic community of its kind

Work Program

Forestry & Grounds Team

When guests arrive at Gould Farm they are generally assigned to work on the Forestry & Grounds Team. The team's tasks are diverse, and through the work, guests have the opportunity to become familiar with the campus and the surroundings. It's a good spot for a newcomer. Team members get to know each other while tending to the woodlands, trails and grounds as well as indoor common living areas. Work includes lawn mowing, seasonal landscaping, splitting and delivering wood to the community's many houses, maple tree tapping and syrup production. Instruction is given in maintaining and repairing equipment and tools for forestry and, as with all teams, coming to work on time, participating in team meetings and working with teammates are emphasized.

Farm Team

The Farm Team is responsible for the care of the dairy and beef cattle, pigs and hens. Guests on the Farm Team tend to the animals, collect and clean eggs, work in the dairy barn, harvest hay, repair fences and farm equipment and respond to other needs as they arise. The team gathers every morning to set the schedule for the day and discuss any special assignments or issues that need attention. Coming to work on time and cooperating with and supporting team members is essential.

Garden Team

The Garden Team raises many of the vegetables that feed the Farm community. Guests start the seeds in the greenhouse, prepare the fields for planting, transfer the seedlings to the fields and tend to them throughout the growing season. Weeding, watering, inspecting for bugs and diseases and harvesting are skills guests can attain. The ultimate self-esteem comes when the results of their labor appear in the dishes the Kitchen Team prepares for the community. There is a strong connection between the Garden Team, the Harvest Barn Team and the Kitchen Team, and guests benefit from the collaborative efforts among the three. Teamwork requires that guests arrive at work on time, follow directions and fully participate in the tasks at hand. Guests learn to appreciate how each team's work enhances the others and that dependability is a key to success.

Harvest Barn Team

Gould Farm's Harvest Barn Team operates from a beautiful three-story barn on the lower half of the campus. The team uses the barn's commercial kitchen to process and prepare a variety of food products that help sustain the Farm community. Experienced staff help guests develop baking and food processing skills (often with Farm-grown ingredients), learn to market the products, manage inventory and package and ship products that are sold in the marketplace and through the Harvest Barn's mail order operation. The team manager encourages on-time attendance, consistency in the quality of a guest's work and a team approach to productivity.

Kitchen Team

The Kitchen Team prepares three meals a day for 90 to 100 guests, staff and the families of staff. Under the supervision of a creative team manager, guests learn the importance of preparing healthy and balanced meals using ingredients from Gould Farm products. Guests enjoy preparing their favorite recipes from home and learn how to prepare them in large quantities for Farm meals. The team manager watches for guests' on-time arrival at work, nurtures a collaborative team spirit and helps them manage the multitude of tasks they undertake in this very focused area of work.

Maintenance Team

Gould Farm maintains 35 buildings on its campus. Among them are guest residences, staff houses, barns, repair shops and a large farmhouse that serves as the administrative and clinical headquarters as well as the community gathering place. Whenever possible, building repairs and maintenance are handled by the staff and guests on the Farm's Maintenance Team. Guests have the opportunity to acquire a variety of skills that can be useful when they move on to independent lives. Projects can range from refurbishing entire houses to furniture repair, plumbing, electrical work and painting. Staff are flexible in assigning tasks to guests, evaluating their ability to handle particular projects and encouraging them to rise to new challenges.

Roadside Store & Café Team

The Roadside Store & Cafe is located on Route 23 - just a stone's throw away from the Farm. A restaurant and cafe with seating for 28 customers, the Roadside is open to the public for breakfast and lunch. This program is particularly attractive to guests who are thinking about transitioning off the Farm and would like some experience in a faster paced, sometimes challenging work program as they wait tables, prepare meals and learn how to operate the grill. The Roadside is open Wednesday through Saturday from 7:30 to 2:30. The menu includes food and products from our Farm, including fresh eggs, cheeses and our famous pancakes with our own maple syrup.

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Clinical Support

Our on-site clinical staff includes two consulting psychiatrists, a registered nurse, a nursing assistant, a clinical director, a transition counselor and four social workers. We provide psychiatric evaluations, individual and group counseling, medication monitoring and coverage 24 hours a day, seven days a week.

Each guest is assigned a member of the Clinical Team (an experienced, master's-level clinician) who will walk beside him or her through his or her stay at the Farm. Our therapists provide one-on-one therapy, case management and coaching as they support a strength-based recovery program, from orientation to discharge planning.

Clinicians are in constant collaboration with the Residential and Work teams and provide guidance to all staff to support each individual's recovery. The integration of the program ensures a comprehensive treatment process.

The sense of self-worth generated through the work program and the increased capacities provided by living in community are the foundations of our therapeutic work. The clinical program provides many forms of therapy, as guests progress through the stages of treament at the Farm. Cognitive behavioral and psycho-educational techniques, in addition to psycho-dynamic and recovery oriented therapies are each used in relation to individualized treatment planning.

Medications are prescribed by our psychiatrist, held in the nursing office and distributed on schedule. At the appropriate time, guests prepare their own medication packages and, when they are ready, hold the medication in a locked box in their room. The nursing office is also where guests can receive on-Farm first aid, while full medical services are coordinated off the Farm, in the local community.

Guests begin planning for transition and a greater level of independence when stabilization and symptoms permit. Planning meetings take place regularly and include evaluating the progress of their goals, planning for transition and increasing their level of independence. When appropriate, family members can be invited to these meetings.

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Non Residential Services

Transition Preparation

Guests who demonstrate a sustainable level of recovery at Gould Farm, who are preparing to self-administer medications, who manage self-care, community participation, personal space, finances, work, and leisure time appropriately, will begin to participate in specific transition structures. A certified psychiattic rehabilitation practitionet meets individually with Guests to assess work and cognitive skills and explore next steps through a series of intensive exercises and conducts a serious of Transiton Group meetings. Development and enrichment activities may include: GED preparation, college classes, driver's license preparation, informational interviewing, private tutoring, and cognitive- remediation. Visits to explore our Boston-based services are encouraged as appropriate.

Non-residential Support Services

Guests who meet qualifications for partial, sustainable self-reliance and whose families wish to secure living arrangements in either the Berkshires or Boston area can continue in the Gould Farm program as non-resident clients. Clients are supported in honing transition skills while assuming increasing levels of successful life management. Staff supports each client in establishing and maintaining 30 hours of structure which can include goal planning, academic pursuits, volunteering, employment, individual therapy, psychiatric supports, wellness enhancement, and wholistic self-care practices. Staff encourages, through shared meals and scheduled activities, a continuing connection to Gould Farm as a community in the broadest sense, providing a rich resource of meaningful connection and affirmation.

Extended Community Services

Clients who are well established in their self-sufficiency but would like to maintain an on-going relationship to Gould Farm may do so by way of individualized contracted services with a minimal monthly fee. This program is available on a long-term basis and includes weekly meetings with a staff member. Clients who have contracted for either level of non-residential services are given priority re-admission to residential care at appropriate fees as needed so long as partnerships have been sustained by both the client and the supporting family.

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Admissions

Gould Farm is a private, nonprofit corporation under IRS Code 501(c)(3). We serve without regard to race, creed or national origin:

Admission Criteria

- Adults 18 years and older
- With major mental illness: depression, bipolar disorder, schizoaffective disorder, schizophrenia and related disorders at a sub-acute level
- With co-occurring disorders at a non-acute level or fully in remission
- Who are voluntarily in treatment and are medication compliant
- Who can contract for safety and acceptable behavior within an open, normative residential setting with a 30-hour structured work week, community life and clinical therapy
- And who are supported financially and logistically by a private family partnership

Gould Farm cannot serve those with a history of arson, sexual offense, characterological or sociopathic disorders, violence, unresolved legal entanglements, mental retardation, severe developmental disorders, active substance disorders, a refractory constellation of disorders, complications including but not limited to pregnancy, or those wholly dependent upon state-supported services.

Requirements for admission

- A referral from a treating psychiatrist (see below for a link to the required forms) with current, signed medication orders and a two-week supply of medication in hand
- Copies of recent hospital and treatment records
- A signed private partnership agreement for appropriate payment of fees, plan for living accommodations and appropriate continuation of care if applicant chooses not to remain in our program or is requested to leave the program
- An in-person or phone interview with applicant
- A two-week evaluation visit with the expectation of full acceptance into our program at the end of this evaluation period. Gould Farm reserves the right to deny acceptance if, for any reason, we do not see our services to be an appropriate match for a given individual at a given time
- Gould Farm requests, when possible, a biographical narrative from both the family and the applicant, and completion of a general health assessment.
- Applicants may be required to submit evidence of abstinence from drugs and alcohol for a specific period of time

On intake and during the two-week evaluation period applicants will be required to sign Gould Farm's Residency Agreement, Communication Agreement, Budgeting Treatment Plan, Consent for Prescription of Medication, Consent for Routine and Preventative Care, and the Admissions Data Form. All applicants will be given access to a Notice of Privacy Practices and sign acknowledgement of such. All applicants will be oriented to and sign acceptance of all provisions of the Guest Agreement and general community guidelines as outlined in the Guest Handbook.

Cost

Gould Farm is a private pay facility. We are not able to accept insurance. The daily fee is $335. There is limited financial aid available to qualifying families willing to make full financial disclosure. No financial aid is available directly to applicants without a family partnership.

Click here to download a list of items to bring with you

Click here to download the physician's referral form

Click here to download the partnership financial form

Click here to download the Authorization for Use or Disclosure of Health Information Form

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The Harvest Barn Bakery and Café

Gould Farm's Harvest Barn Team operates from a beautiful three-story barn on the lower half of the cam pus. The team uses the barn's commercial kitchen to process and prepare a variety of food products that help sustain the Farm community. Experienced staff help guests develop baking and food processing skills (often with Farm-grown ingredients), learn to market the products, manage inventory and package and ship products that are sold in the marketplace and through the Harvest Barn's mail order operation. The team manager encourages on-time attendance, consistency in the quality of a guest's work and a team approach to productivity.

The retail bakery and café serves delicious breads, pastries, coffee and tea. In addition, we offer products such as Gould Farm maple syrup, honey, cheddar cheese and eggs, as well as jams, chocolates, granola and much more! During the summer months we also sell vegetables from our gardens. **Open Saturday and Sunday 9 a.m. to 3 p.m.**

The self-service store offers a selection of packaged cookies, breads and other baked goods, along with our maple syrup, honey, cheddar and eggs. Stop by and feel free to serve yourself. **Open Wednesday, Thursday and Friday 10 a.m. to 3 p.m.**

Readily Available Special Orders: Delicious baked good that can be made to order with only a two day notice include citrus curd tarts, ganache-filled tarts, cheesecakes, chocolate mousse cakes, strawberry Bavarian cakes, small buttercream cakes and scones. Inscriptions are available at no additional cost.

Special Orders: Let us create your wedding cake, birthday cakes, holiday desserts, cookies and platters. Due to the nature of our program, we ask that you order one week in advance for these items.

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Our Model Forest

Gould Farm presently consists of about 630 acres, more than 500 of which are forested. The Forest Guild has designated ours a Model Forest, a recognition that has been given to only 20 forests across the entire country. We harvest our wood with care and concern for this valuable resource and the community it serves. We have protected our trails and have saved specimen trees and majestic pines with a sensitivity that has fostered a respect for the forest.

Our forestry manager, Bob Rausch, has been at Gould Farm for more than 30 years, and he knows every inch of our square mile of land. He shares his wisdom and love of the land, and inspires all who come here to cultivate a relationship with nature. Today, Gould Farm's woodlands are crisscrossed by a network of trails and old logging roads that are also used for hiking, skiing, collecting maple sap and gathering firewood. Diane's Trail, named in memory of Bob's wife, who died of cancer in 1992, is open to the public. Largely a wetland trail, it has allowed many individuals and groups to learn about this unique habitat. In fact, our Model Forest woodlands have nurtured the lives of many in need.

To learn more about Gould Farm's Model Forest please visit The Forest Guild and Walking the Berkshires.

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Suggested Reading Materials

We live and believe in the strength of community. This is the belief that we are each nourished within a context of affirming, empowering and caring with others. Recovery is a difficult and courageous path. These are some of the books that we have found to have enhanced us in some way. Each title below will link directly to Amazon.com for you to make a purchase. If you would like to pass your book along to us for our guest library when you are finished with it we would love to have it!

Please send all donations to:

Gould Farm
P.O. Box 157
Monterey, MA 01245
ATTN: Jane Linsley

Families in Pain: Children, Siblings, Spouses, and Parents of the Mentally Ill Speak Out **Vine, Phyllis. Pantheon Books; 1st ed. 1982**

Man Behind His Voices - One Family's Journey From the Chaos of Schizophrenia to Hope **Kaye, Randye, Roman and Littlefield Publishers, Inc., 2011**

Stop walking on eggshells: taking your life back when someone you care about has borderline personality disorder Mason, Paul T. and Randi Kreger. . New Harbinger, 1997.

Lost in the mirror: an inside look at borderline personality disorder. Moskowitz, Richard. 2d ed. Taylor, 2001. 206 p.

Free to Fly A Story of Manic Depression by Caroline Fei-Yang Kwok (2006). Inclusion Press.This book brings a unique view of what it is like to live with manic depression, and survive the treatment system, in the context of the Chinese culture. The author's experience portrays the stigma that individuals with mental illness experience from friends, employers, and family and provides important insight into how mental illness is viewed within the Chinese culture.

After her Brain Broke Helping My Daughter Recover Her Sanity Susan Inmann (2010) is published by Bridgeross Communications. ISBN 978-0-9810037-8-8

Coping with Schizophrenia: A Guide for Families Kim Tornval Mueser, Ph.D. and Susan Gingrich, M.S.W., ©1994 New Harbinger Publications
Provides excellent strategies for families to help cope with acute or chronic episodes of schizophrenia of a loved one. It also provides concise, up to date information and research on causes and treatments of schizophrenia.

Surviving Schizophrenia, *A Manual for Families, Consumers and Providers*, 3rd Edition,
E. Fuller Torrey, M.D., ©1995 Harper Perennial, A Division of HarperCollins Publishers
This indispensable reference guide has helped thousands of consumers, families and medical professionals. It clearly defines much misunderstood concepts such as the nature and causes of the illness, common symptoms, treatments, and insights on living with the illness.

Contemporary Treatment of Psychosis : Healing Relationships in the Disorder of the Soul Jon G. Allen, Dean T. Collins

The Center Cannot Hold: My Journey through Madness. Elyn R. Saks (2007). Hyperion. This memoir was written by a remarkable woman who was able to achieve so much and at such

high levels despite having episodes of psychosis. The book includes detailed accounts of treatment in both the United States and the United Kingdom along with the consequences of medication while striving continuously to maintain a professional life.

The Family Face of Schizophrenia: Patricia Backlar, Nancy C. Andreasen
True Stories of Mental Illness with Practical Advice from America's Leading Experts

Transforming Madness, New Lives for People Living with Mental Illness Jay Neugeboren (1999). William Morrow and Company

Imagining Robert, My Brother, Madness, and Survival: A Memoir Jay Neugeboren (2003) Rutgers University Press. The story of Jay's family's struggle against mental illness. In this book he presents an overview of mental health care in this country and how it has failed in many ways.

An Unquiet Mind: a Memoir of Moods and Madness, Kay Redfield Jamison (1995). Alfred A. Knopf., Inc. This book describes Kay Redfield Jamison's personal struggle since adolescence with manic depression, and how it shaped her life. Jamison, a psychologist and professor of psychiatry at Johns Hopkins University, discusses the importance of medication used in conjunction with psychotherapy and how this combination of treatment controls her illness and has enabled her to succeed.

Night Falls Fast *Understanding Suicide*, Kay Redfield Jamison, ©1999 Alfred A. Knopf
"Suicide is a particularly awful way to die: the mental suffering leading up to it is usually prolonged, intense, and unpalliated," writes Kay Redfield Jamison. "There is no morphine equivalent to ease the acute pain, and death not uncommonly is violent and grisly." Jamison has studied manic-depressive illness and suicide both professionally--and personally. She first planned her own suicide at 17; she attempted to carry it out at 28. Now professor of psychiatry at Johns Hopkins School of Medicine, she explores the complex psychology of suicide, especially in people younger than 40: why it occurs, why it is one of our most significant health problems, and how it can be prevented.

We Heard the Angels of Madness: A Family Guide to Coping with Manic-Depression: Diane Berger, Lisa Berger, Diane Bergerm and Alexander Vuckovic When 18-year-old Mark returned home from college, his family thought he was on drugs. In fact, he was suffering from manic depression. This is the intimate, inspiring story of how Mark's family coped with his illness and the valuable information they gathered about manic depression: up-to-date, useful facts on drugs, doctors, therapy, insurance and other resources.

Dare to Confront! :How to Intervene when Someone You Care About Has an Alcohol or Drug Problem
Bob Wright, Deborah George Wright (Contributor)
Over 30 million Americans are addicted to alcohol or other drugs. One out of every three families is a victim. This book can make a difference. It shows anyone how to use the step-by-step methods of professional interventionists to motivate drug-dependent people to accept the help they need.

Readings in Dual Diagnosis
Robert E. Drake (Editor), ©1997 International Association of Psychosocial Rehabilitation
This book brings together information from many of the preeminent researchers and clinicians in the challenging field of mental illness and substance abuse.

Families of the Mentally Ill
by Agnes B. Hatfield Ph.D. and Harriet P. Lefley, Ph.D., (Editors), ©1999 Guilford Press
An introduction, overview, and description of mental illness addressing the experience of mental illness in the context of the family life cycle and developmental stages of the illness.

Surviving Mental Illness, *Stress, Coping, and Adaptation*
by Agnes B. Hatfield, Ph.D. and Harriet P. Lefley, Ph.D., ©1999 Guilford Press
Discusses the experience of mental illness from a variety of perspectives including: one's experience of psychosis, sense of self, family relationship, and the recovery process.

Hidden Victims, An Eight-Stage Healing Process for Families and Friends of the Mentally Ill, 2nd Edition,
Julie Tallard Johnson, MSW, ACSW, ©1994 P E M A Publications, Inc.
Based on her work as a psychotherapist, the author has developed this cathartic eight stage program to guide family members as they come to terms with feelings of loss, fear, anger and guilt, and set positive goals for the future.

Full Catastrophe Living, Using the Wisdom of Your Body and Mind to Face Stress, Pain, and Illness,
by Jon Kabat-Zinn, Ph.D., ©1990 Dell Publishing
Featured on Bill Moyer's PBS special Healing and the Mind, this practical guide to mindfulness, meditation and healing from the author of the best-selling Wherever You Go, There You Are is a classic in the field of alternative medicine.

How to Cope With Mental Illness in Your Family, A Self-Care Guide for Siblings, Offspring, and Parents,
Diane T. Marsh, Ph.D. and Rex M. Dickens, ©1998 Putnam Publishing Group
This book explores the nature of illnesses such as schizophrenia, major depression, and manic depression, while providing the tools to overcome the devastating effects of growing up or living in a family where they exist. Readers are led through the essential stages of recovery, from revisiting childhood to revising their family legacy, and, ultimately, to reclaiming their life.

I'm not sick I Don't Need Help by Xavier Amador, Ann_Lica Johanson(contributor)

When Things Fall Apart, Advice for Difficult Times
Pema Chodron, ©1997 Shambhala PublicationsThere is a fundamental happiness available to every individual--yet we usually miss it while spending our lives trying to escape suffering that is ultimately quite inescapable. Pema Chodron, an American Buddhist teacher, shows that the secret to freeing oneself from pain is not to run from it, but to step right up to the uncharted territory of difficulty with friendliness and curiosity.

WEB Site Links

Empowered Parents - http://www.empoweredparents.com/index.asp This site empowers parents to recognize eating disorder warning signs and take a proactive role with child and professionals to promote healing.

MIWatch http://www.miwatch.org A news site of interest to everybody affected by a mental illness or an ongoing psychiatric disorder.

Caring on line http://www.caringonline.com/ A website dedicated to resources to help you, or someone you love, who suffers from negative body image or any of the following eating disorders-Anorexia, Bulimia, Binge Eating and Compulsive Overeating.

Go Ask Alice- http://www.goaskalice.columbia.edu/ Columbia University web site of Q&A for students about anything pertaining to being an emergent adult including drugs and alcohol, sexuality, emotional health, relationships etc. great reference.

Depression and Bipolar support Alliance

http://www.dbsalliance.org/site/PageServer?pagename=home

Mental Illness Education Project

http://www.mieprvideos.org/

What a difference a friend makes, Anti stigma http://www.[illegible]

Faces and Voices of Recovery [illegible] Resources for consumers and friends and family.

* **FEAST** http://www.feast-ed.org/ is an organization of and for parents and caregivers to help loved ones recover from eating disorders by providing information and mutual support, promoting evidence-based treatment, and advocating for research and education to reduce the suffering associated with eating disorders.

HEALTHY PLACE www.healthyplace.com HealthyPlace.com is the largest consumer mental health site, providing comprehensive, trusted information on psychological disorders and psychiatric medications from both a consumer and expert point of view.

Copeland Center for Wellness and Recovery http://copelandcenter.com/ Resource for information about WRAP and the Recovery movement.

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Donald E. Eaton
50 N. Grandview Beach Rd.
Indian River, Michigan 49749
Phone 231-238-7576 Cell 231-620-2556

To: Cheboygan County Planning Commission
C/o Mr. Scott McNeil
870 South Main Street
Room 103
P.O. Box 70
Cheboygan, Michigan 49721

The purpose of this communication is oppose the request by "Heritage Cove Farm" for special land use permit.

I have owned property on Grandview Beach Road since the late 1960"s. I have had the privilege of raising two sons and four Grandkids on beautiful Mullett Lake. Now I have four Great Grand kids growing up in family tradition on Mullett Lake. I chose this property because it was on a dead end road with very limited traffic.

By definition this will not be a farm it will clearly become a "Commercial Mental Health Treatment Facility". It will more than triple the density of people in this area for about ten months of the year. There are approxitmately19 people that live on Grandview Beach for twelve months a year. This new" Commercial Mental Health Treatment Facility" will add over forty people on a year around baes which will increase the work load of the fire and police department of the townships, county and state police. It will also increase the traffic of heavy trucks delivering supplies to this facility.

At a time that the township and county need tax revenue this commercial facility will probably decrease the valuation of property all along Grandview Beach and will decrease the tax revenue to the Township, School System and the County. I have a guest cottage that I rent out which helps pay my property taxes and also gives employment to a lady that needs work. If this is approved some families have indicated they will not return especially the families with small children.

This proposed site is total inadequate when compared to other successful mental treatment facilities throughout Michigan or the United States.(compare Rose Hill in Holly Michigan 412 acres Hopewell in Mesopotamia, Ohio 300 acres} The Hanson property is only 33 acres and approximately half of which is located in Lake, River, and Stream Protection Zone District. This would leave less than 20 acres for the Commercial Mental Health Facility. Currently there are animals that walk in and out of wet lands on this property. This was a problem in Inverness Township with a dairy farm a few years ago. The Special Use Permit indicates there is no impact on storm water management, this simply is not true. Any building,

storage area or parking area does impact the ability of storm water to infiltrate into the ground and especially in an environmentally wet land area.

Safety is another issue because there is one neighbor lady that has had a stroke and several elderly people that would be unable to protect themselves if confronted. The application also indicates they would screen the applicants, however according to the Disabilities Act that is illegal. This Commercial Medical Health Treatment Facility would have to comply with ADA meaning it cannot exclude people with a history of violence, illegal substance use, or communicable diseases making the city, Township and County's obligations to provide for the safety of its citizens even more critical.

It is my understanding that the Tuscarora Township Board has recently voted 5 to 0 that this property doesn't conform to their zoning plans.

Please do not approve any zoning change.

Sincerely;

Donald E. Eaton

November 2, 2015

To: Members of the Cheboygan County Planning Commission,

We have been coming to Grandview Beach for over 50 years. Our family has owned a home there for over 40 years. As we look out over Mullet Lake and the wetlands, we see single-family homes.

The Planning Commission is now considering a request for a Special Use Permit and approval of a submitted Site Plan while conforming to the county and township Master Plans.

This area has a unique and important area of wetlands that contribute to the water quality of Mullett Lake, Indian River, and the inland waterways. In addition to water quality, the wetlands are supportive of many different animals and plants. The Bald Eagles have a nest in this area and are often seen flying with their off spring in the summer. Adding additional buildings and an increase in population would certainly have an affect on the wetlands that we try so hard to maintain and protect.

The township, city, and county services of police, fire, and emergency would have additional responsibilities for more people and buildings to service and protect.

The roads would have more traffic and noise with on going deliveries and daily staff traveling to work. This would have an impact on our roads while creating additional traffic noise and disturbances to the area and natural wildlife.

Tuscarora Township has a Master Plan and has already determined that this request does not comply with the Township's Master Plan.

The request for a Special Use Permit and approval of a submitted Site Plan needs to be DENIED....

We thank you for your time and efforts in overseeing the use of our county's lands and properties.

James & Jennifer Kight & Family
97 Grandview Beach Road
Indian River, MI 49749

Deborah Tomlinson

From:	Steve Schnell
Sent:	Monday, November 02, 2015 10:52 AM
To:	Deborah Tomlinson
Subject:	FW: Letter of Support for Heritage Cove Farm, Inc. special use permit and site plan
Attachments:	Heritage Cove Farm Support Letter (2015-11-02).pdf; Keller Resume 2015.pdf; Washington Post Article.pdf

From: Andrew Keller [mailto:akeller@triwestgroup.net]
Sent: Monday, November 02, 2015 10:27 AM
To: Steve Schnell
Subject: Letter of Support for Heritage Cove Farm, Inc. special use permit and site plan

Dear Mr. Schnell -

Attached, please find a letter of support and two attachments:

- Attachment 1 – my resume
- Attachment 2 – Washington Post article

These are in support of the request of Lawrence Hanson and Heritage Cove Farm, Inc. for a special use permit and approval of the submitted site plan to establish a Therapeutic Farm for adults with mental disabilities at 625 Grandview Beach Road, Tuscarora Township, Indian River. Their hearing is scheduled for this Wednesday, November 4, at 7:00pm at Cheboygan County High School.

Please confirm receipt.

Please also confirm that these materials will be shared with the members of the Cheboygan County Planning Commission prior to Wednesday's meeting. If Commissioners have any further questions regarding these submitted materials, please do note hesitate to contact me via email (abk@chartermi.net).

Best regards,

Andy

Andrew Keller, PhD, PLLC

"This message may contain confidential information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message and any attachments. Thank you."

ANDREW KELLER, PHD, PLLC
113 HOWARD STREET
PETOSKEY, MI 49770

November 2, 2015

Steve Schnell
Community Development Director
P.O. Box 70
Cheboygan, MI 49721

Delivered via Email to: steve@cheboygancounty.net

Dear Mr. Schnell:

I am writing this letter in strong support of the application of Heritage Cove Farm, Inc. for a special use permit and approval of the submitted site plan to establish a Therapeutic Farm for adults with mental disabilities at 625 Grandview Beach Road, Tuscarora Township, Indian River.

People in Northern Michigan need the transitional housing resources and associated therapeutic supports that Heritage Cove Farm plans to provide. Among the 133,000 residents of the six counties of Northern Lower Michigan and the Eastern Upper Peninsula in closest proximity to the proposed site (Cheboygan, Charlevoix, Emmet, Mackinac, Otsego, and Presque Isle), every year there is tremendous need:

- Approximately 4,500 people living in these six counties have a serious mental illness that significantly impairs their ability to live and function independently;
- Approximately 3,400 people living in these six counties suffer from post-traumatic stress severe enough to need medical care; and
- Approximately 500 people living in these six counties suffer from schizophrenia and an additional 500 from bipolar disorder.

These are our neighbors and the children of our neighbors. Most of them are doing well and living in the community, working, worshipping, and enjoying our beautiful corner of the world alongside us. However, a relatively small number of people with the most severely impairing mental illnesses need more help. Every year, approximately 300 adults in Northern Michigan will have such a high state of need that they are at risk of ending up homeless, in jail or in the emergency room in the absence of intensive supports, including transitional housing.

Heritage Cove Farm is designed to serve people in transition from a high state of need back to a stable life in the community. Studies show that housing supports are essential to helping people with severe mental health needs continue with the medical treatment they need and recover.

I have been practicing as a clinical psychologist in Northern Michigan for 15 years (my resume is attached), and there have been numerous times I've wished I could refer parents struggling to care for a son or daughter with schizophrenia or severe bipolar disorder to a place like Heritage Cove Farm.

Because of my work over the last 20 years consulting nationally on the design of best-practice programs for the treatment of adults with serious mental illness, I've seen programs like this across the country – CooperRiis in North Carolina, Gould Farm in New York, and the step-down programs associated with the Menninger Clinic across the country. They work. And people in Northern Michigan deserve a resource like this.

Programs like Heritage Cove Farm are also good for their communities. Despite this, many people understandably fear developments like this because of stereotypes about mental illness in the media and because we do a poor job educating people about the reality of mental illness. Research is clear that people that simply have a severe mental illness are at no higher risk to be violent that the rest of society. People with mental illness are sometimes violent, just like people without mental illness, but research clearly shows that the factors that cause these rare instances are the same factors that lead to violence more generally – a history of antisocial behavior, substance abuse, and circumstance (divorce, unemployment, abuse, victimization).

Ironically, it is the lack of programs like Heritage Cove Farm that can lead to negative outcomes for people with severe mental illness, including violence. Those 300 people in Northern Michigan every year that repeatedly end up in jails, homeless or in the emergency room because of the severity of their symptoms do so because of a lack of supports. Recent studies (I have attached a copy of a recent Washington Post article about one that came out just last week) show that medication isn't enough – it takes the kind of comprehensive rehabilitation that a program like Heritage Cove Farm, alongside other community resources, can provide.

Absent these supports, our children, families, and friends will continue to suffer in Northern Michigan without enough care. Those with sufficient family resources will struggle to care for their loved one at home; those without will be less likely to be able to, and our jails and hospitals and safety net programs will do their best to keep them and our communities safe.

Heritage Cove Farm can make a difference. It can help these people stay on the path to recovery, and it can help their families stay intact and engaged in our community. Recent surveys have shown that three-quarters of people have a family member or close friend affected by mental illness.

It is on behalf of these people and families that I implore the Cheboygan County Planning Commission to approve the special use permit and site plan for Heritage Cove Farm.

Best regards,

Andrew Keller, PhD, PLLC
Psychologist License #: 6301011199

Andy Keller, PhD

11 Duncannon Court, Dallas, TX 75225
231.881.0770 | abk@chartermi.net

EXECUTIVE MANAGEMENT EXPERIENCE - POLICY

Executive Vice President for Policy and Programs, The Meadows Mental Health Policy Institute, Dallas, Texas, *October 2013 to present:* Responsible for all behavioral health policy work and policy deliverables, as well as currently co-leading day-to-day operations with COO:

- Developed and currently provide executive leadership to the policy arm of the Institute from its outset. Currently oversee budget and performance for over $4.25 million annual staff, consultant, and university partner contract resources. Built team of five staff, four Texas-based consultants, and seven additional lead consultants.
- Supported our CEO and legislative team through the Sunset Review of the state's health agencies and throughout the 83rd Legislature. Testified six times regarding mental health funding levels, agency performance, workforce, veterans needs, and insurance benefits. Contributed to the design and passage of substantive legislation increasing funding and interagency coordination for mental health and substance abuse services.
- Designed and implemented the Texas Veterans Initiative, leading to passage of SB 55.
- Led design and report writing for comprehensive behavioral health system performance evaluations in Bexar, Dallas, Denton, Harris, Midland, Tarrant, and Travis Counties.
- Oversaw development and performance for foundation grants with Methodist Healthcare Ministries of South Texas ($500,000 annually), St. David's Foundation ($1,000,000 over two years), and Paso del Norte Health Foundation (grant in process).
- Developed partnerships with seven universities (UT Houston School of Public Health, TAMU Health Science Center, UT Austin School of Social Work, UT San Antonio Health Sciences Center, UT Southwestern Medical School, Texas State University, Texas Tech School of Nursing), two international consulting firms (McKinsey and Company, ZiaPartners, Inc.), and numerous Texas non-profits (including Texas Hospital Association, Texas Council of Community Centers, Texas Association of Substance Abuse Providers, Center for Public Policy Priorities, and Texas Public Policy Foundation).

Founding and Managing Partner, TriWest Group, Boulder, Colorado, *May 1998 to present:* Andy is one of two equity partners leading this firm of 18 staff (15 consulting staff, three administrative), offices in six states (CA, CO, IL, MI, TX, WA), and over $5 million in annual revenue. Founded in 1998 to "help human service agencies do a better job of helping others," Andy worked with his partner and team to build TriWest into a leading national firm delivering evaluation, best practice translation, and clinical/finance policy expertise for behavioral health.

- The firm has been profitable and growing every year, and has worked in 25 states with a diverse client base in the private (state/national foundations, private consulting firms, inpatient / outpatient health systems, insurers, large non-profits) and public (urban and

rural counties, states, federal government) sectors. TriWest has done business in Texas since 2000, operating an office in El Paso (since 2004) and Dallas (since 2014).

- Andy and his partner have developed a work place culture that welcomes, values, and retains people with diverse cultural backgrounds and experiences, multiple language skills, and lived experience with mental illness, resulting in a cohesive, mission-driven team with average tenure of over eight (8) years (excluding new hires).
- The firm maintains a strong, national network of medical and clinical thought leaders.

Andy leads three of the four areas of core expertise in the firm: public behavioral health financing (especially Medicaid); evidence-based / integrated behavioral health practice implementation; and applied evaluation / data-driven analysis. He also works closely with the lead for the fourth area, children's services (mental health, child welfare, juvenile justice, schools, systems of care). Major consulting projects led by Andy include:

- **Meadows Foundation, Inc.,** *April 2013 to September 2014:* Led the feasibility study, business plan development, initial board development, CEO recruitment process, and 9-month successful launch of the first statewide mental health policy institute in Texas.
- **Paso del Norte Health Foundation,** *May 2013 to February 2014*: Completed evaluation of clinical capacity, gaps, and overall mental health system performance for the El Paso community, and developed performance improvement plan driving change today.
- **Various Medicaid Projects,** *2004 to present*: Currently leading Medicaid behavioral health work– benefit expansion, managed care system development and benefit integration – in 9 states (CA, DE, IL, NE, NY, OR, SC, TX, WA); past work in 16 more (AZ, CO, CT, FL, IN, KS, LA, MA, MI, MD, NC, OH, NM, PA, UT, WI); 16-year strategic relationship with a leading actuarial firm (**Mercer Consulting)** in 14 of these states.
  - Texas HHSC, Austin, TX *(November 2011 to June 2015):* Completed evaluation of Frew EPSDTSettlement Activities, centered on primary care dental access outcomes.
  - Nebraska Division of Behavioral Health, Lincoln, NE *(January 2013 to present)*: Led process to develop rates for wraparound services, peer support, interagency child and family services (child welfare, juvenile justice, IDD, mental health).
  - Washington State Behavioral Health Organization (BHO) Development, 20 counties across state *(January 2014 to present):* Leading merger and redesign projects for five regional BHOs serving 20 of 39 Washington State counties integrating at-risk managed care operations for mental health and substance abuse services.
  - Office of Mental Health and Substance Abuse (OMHSAS), Commonwealth of Pennsylvania, Harrisburg, PA (*June 2002 to August 2015):* For Mercer, led clinical design for Medicaid financing of wraparound coordination, child/family evidence-based care, peer support, assertive community treatment, inpatient alternatives.
  - Louisiana Coordinated System of Care Development Project *(April 2010 to May 2013):* For Mercer, led development of financing, readiness assessment, and

procurement documents for initial wave of regional Wraparound Agencies and Family Support Organizations as part of statewide system of care implementation.

- Executive Office of Health and Human Services, Commonwealth of Massachusetts, Boston, MA *(November 2006-August 2007, follow-up Summer 2008)*: For Mercer, led readiness assessment, developed clinical assumptions for comprehensive cost-offset analysis for Rosie D EPSDT Settlement, including multiple evidence-based practices.

- **County of Santa Barbara,** *September 2012 to present*: Beat multiple national firms to evaluate administrative, clinical, system performance (financial, clinical outcomes) for county behavioral system. Developed redesign plan, advised on implementation. See: http://cosb.countyofsb.org/uploadedFiles/admhs_new/resources/TriWest%20Final%20Report%20May%202013.pdf
- **Parkland Health and Hospital System,** *March 2010 to June 2011*: Beat Bain Consulting, McKinsey & Company, Health Management Associates, and other national firms to win $360,000 evaluation of system capacity, performance, and treatment gaps/needs of the Dallas and NorthSTAR behavioral health systems. Developed multi-year plan for system improvement still in use, including design of current Behavioral Health Leadership Team: http://www.ntbha.org/docs/Dallas%20BH%20Assessment%202010-10-04%20Detailed%20Report.pdf
- **Colorado Health Foundation, The Colorado Trust, Caring for Colorado Foundation, and The Denver Foundation**, *October 2002 to November 2011*: Authored two landmark statewide behavioral health system capacity and redesign reports for a coalition of private health foundations, including recommendations to map that state's future for health reform, particularly behavioral health / physical health (integration. From 2005 to 2010, oversaw six pilot sites for the foundations' *Advancing Colorado's Mental Health* initiative: two on integrated primary care / mental health; two on integrated substance abuse / mental health services; and two on school-based services for children. See:
  - http://www.coloradohealth.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=5642
  - http://www.coloradohealth.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=5660
  - http://www.coloradotrust.org/sites/default/files/MHCCfinalreport_0.pdf
- **SAMHSA-funded Primary and Behavioral Health Care Integration (PBHCI) Program Evaluation**, *September 2010 to present:* Oversee local evaluations for five PCHCI programs (one past, three current, one new) that include cross-system collaborations between FQHCs, community behavioral health centers, and health providers.
- Led dozens of additional projects addressing mental health, primary care integration, addiction, autism, child welfare redesign, cultural competence / health disparities, rural / frontier health, intellectual / developmental disabilities, juvenile justice, employment, health information, homelessness / housing, peer-delivered services, and prevention.

Consultant, Access Behavioral Care, Colorado Access, Denver, CO, April 1999 to December 2000. Lead writer for RFP response to retain contract as managed care entity to provide mental health services for nearly 50,000 Medicaid recipients in Denver, and seven concurrent

proposals for services for over 150,000 additional Colorado Medicaid recipients. Also provided a variety of program evaluation, analytic and program development roles in support of CEO.

EXECUTIVE MANAGEMENT EXPERIENCE – CLINICAL

Director of Managed Care, Mental Health Corporation of Denver, Denver, CO, *June 1998 to April 1999:* Most senior position reporting to the Chief Operating Officer within a behavioral health care organization serving over 7000 persons annually with a budget of $28 million and 450 staff. Helped design the position (from 3 existing positions) to manage all aspects of a $14 million Medicaid contract to provide mental health services within a $30 million capitated mental health carve-out which MHCD governs as part of a multi-provider/HMO coalition. To ensure both the highest quality of clinical care and organizational responsiveness to this contract, the position managed an $8.2 million comprehensive outpatient service employing over 150 staff across six clinics and serving over 4400 child, adolescent, adult and special population consumers annually. Accomplishments included:

- Lead author of utilization management criteria used by Medicaid managed care plan,
- Diversified contracting to include private payers (e.g., Kaiser, PacifiCare, local HMOs),
- Reengineered clinical intake system in response to Medicaid criteria to decrease wait for first session; by one month had decreased wait from over six weeks to under two weeks and intake no-show rate by 40%.

Assistant Deputy Director, Mental Health Corporation of Denver, Denver, CO, *September 1995 to May 1998.* Prior to formation of Director of Managed Care position, served in the most senior position reporting to the Chief Operating Officer. Responsible for a progressively broader array of clinical management and corporate trouble-shooting/reengineering roles, including:

- **Project Director for Medicaid Capitation** *(July 1997 to May 1998):* Led team to develop proposal to manage $30 million capitated mental health services contract for over 60,000 Medicaid members. Managed day-to-day relationship with national ASO partner and developed: final proposal, network of 800 individual and 40 facility providers, QI system, pricing/risk sharing strategy, and member / stakeholder relations approach. Carried forward all responsibilities of this position as Director of Managed Care.
- **Director of Child, Adolescent and Special Population Services** *(April to May 1998):* Line management responsibility for $5.3 million outpatient program employing over 100 staff and serving over 2400 children, adolescents and adults (included specialized programs for Latinos and African Americans, persons living with HIV, deaf and hard of hearing clients, prevention and early intervention). Integrated program into outpatient continuum in preparation for managed care contracting. Carried forward all responsibilities of this position as Director of Managed Care.
- **Director of Adult Outpatient Services** *(November 1997 to May 1998):* Line management responsibility for $2.7 million outpatient program employing over 40 staff and serving over 2000 adult consumers with serious mental illness, including adults on involuntary

treatment. In response to decreased Medicare revenue, reduced costs by over $200,000 by consolidating management / administrative positions and implementing reduction in force, while maintaining level of clinical effort and improving quality of clinical documentation. Carried forward all responsibilities of the position as Director of Managed Care.

- **Director of Assertive Community Treatment Services** *(September 1996 to July 1997):* Line management responsibility for $7.8 million national model, intensive community-based case management service with 125 staff serving over 1500 adults with serious mental illness, including adults on involuntary treatment. Successfully resolved pre-existing regulatory compliance concerns through 62% increase in documented clinical services, instituted QI process, and consolidated management positions.

OTHER CLINICAL EXPERIENCE

Licensed Clinical Psychologist, Colorado, #2126; Michigan, #6301011199

Private Practice, Petoskey, Michigan, *February 2000 to present:* Maintain small clinical practice focused on adult mood and anxiety disorders and family therapy.

Clinical Psychologist, University of Colorado Health Sciences Center, Department of Psychiatry, Colorado Psychiatric Health, Denver, CO, *April 1999 to December 1999:* Clinical faculty responsible for development, administration and subject recruitment for clinical trials for schizophrenia and mood disorders. Also consulted on program administrative redesign.

Interventions with Children and Families (full time and part time)

- Outpatient Child Clinic, University of Colorado Health Sciences Center, Denver, CO *(9/1994 to 9/1995)*
- Woodburn Center for Community Mental Health, Annandale, VA *(9/1993 to 8/1994)*
- D. C. Institute for Mental Health, Washington, DC *(8/1991 to 7/1993)*
- Children's Inpatient Unit, Forest Hospital, Desplaines, IL *(9/1988 to 5/1989)*

Interventions with Adults and Seriously Mentally Ill Adults (part time)

- Woodburn Center for Community Mental Health, Annandale, VA *(9/1993 to 8/1994)*
- Way Station, Inc., Frederick, MD *(8/1990 to 5/1991)* (Fountain-house model)
- Therapeutic Outdoor Adventure Program, College Park, MD *(9/1990 to 5/1991)*
- Psychology Service, VA Medical Center, Baltimore, MD *(8/1989 to 5/1990)*

EDUCATION

University of Maryland, College Park, MD

PhD 1994, Clinical and Community Psychology

University of Maryland, College Park, MD
MA 1991, Clinical and Community Psychology

Wheaton College, Wheaton, IL
BA *summa cum laude* 1988, Philosophy

ACADEMIC APPOINTMENTS AND EXPERIENCE

Instructor, University of Colorado Health Sciences Center, Colorado Psychiatric Health, Dept. of Psychiatry, Denver, CO, *April 1999 to December 1999*

Senior Fellow, Public Psychology, University of Colorado Health Sciences Center, Denver, CO, *September 1995 to August 1997*

Postdoctoral Fellow, Public Psychology, University of Colorado Health Sciences Center, Denver, CO, *September 1994 to September 1995*

SELECT PUBLICATIONS

Coursey, R. D., Gearon, J., Bradmiller, M. A., J. Ritsher, Keller, A. B. & Selby, P. M. (2001). A psychological view of people with serious mental illness. *New Directions for Mental Health Services, 88,* 61-72. San Francisco, CA: Jossey-Bass.

Coursey, R. D., Keller, A. B., & Farrell, E. W. (1995). Individual psychotherapy and persons with serious mental illness: The clients' perspective. *Schizophrenia Bulletin, 21,* 283-301.

Harding, C., & Keller, A. B. (1998). Long-term outcome of social functioning. In K.T. Mueser, & N. Tarrier (Eds.), *Handbook of social functioning in schizophrenia*. Boston, MA: Allyn and Bacon.

Keller, A. B. (1996). Quality systems of care for Hispanic/Latino consumers. In *Building an effective workforce to meet the behavioral health needs of Hispanic/Latino communities*. Boulder, CO: Western Interstate Commission for Higher Education Mental Health Program.

Keller, A. B. (1998). *Managed behavioral health care in the frontier: Will the frontier manage and how?* Denver, CO: Frontier Mental Health Services Resource Network.

McGuirk, F. D., Keller, A. B., & Obata, M. L. (1996). *Providers of mental health services to people in frontier areas: strategies for workforce development.* Denver, CO: Frontier Mental Health Services Resource Network.

McGuirk, F. D., Keller, A. B., & Croze, C. (1995). *Blueprints for managed care: State systems and structure*. Rockville, MD: Center for Mental Health Services, U.S. Department of Health and Human Services.

Past Peer Reviewer for American Psychiatric Association journal, *Psychiatric Services.*

The Washington Post

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Health & Science

Study suggests new way to treat people after first schizophrenia episode

By Lenny Bernstein October 20

Quickly identifying people who have suffered a first schizophrenic episode and treating them with coordinated, sustained services sharply boosts their chances of leading productive lives, according to a major study being published Tuesday. And the treatment can be provided in a typical community mental health setting, the researchers concluded.

The study's findings offer new hope for individuals with the severe mental illness. Although it affects only about 1 percent of the population, far less than depression, schizophrenia and its associated disorders often have a devastating, lifelong effect on individuals and families.

Schizophrenia often consigns people to homelessness, incarceration and unemployment. The hallucinations, delusions and often incoherent speech that mark it have proved notoriously difficult to combat with standard treatments, which for many people include only medication and individual therapy.

"The United States is really a decade behind the rest of the world in doing what we already know works," said Vinod Srihari, an associate professor of psychiatry at the Yale School of Medicine, who was not involved in the study but has conducted similar research. With the new findings, "it's possible now to say that in many community settings . . . it is possible to deliver this kind of coordinated care and the outcomes are good."

The study, called Recovery After an Initial Schizophrenia Episode (RAISE), found that people who are provided years of "coordinated specialty care" in community clinics had a greater quality of life, more involvement in work and school, and less ongoing pathology than others who received typical care.

Although this approach is more expensive and labor-intensive, the researchers suggest that it may be cost-effective in the long run. The approach includes psychotherapy, medication, supported employment and

education, help for families of the mentally ill person, and case management. Much of the effort can be funded under insurance and government reimbursement policies, the researchers note.

The study confirms previous research results that the most critical element of treatment may be starting it as quickly as possible after a first psychotic episode. It found "a substantial difference" in effect for patients who began treatment less than 74 weeks after their first symptoms — the median length of time that people in the study went untreated after the onset of psychosis.

"Doing the right thing — and doing the right thing at the right time — that's the key finding," said Robert Heinssen, director of the division of services and intervention research at the National Institute of Mental Health, which funded the $25 million, six-year study. "That is guiding our efforts going forward. That has become the north star of where we're going."

Maggie, a 20-year-old nursing student in the Baltimore area, began hearing voices at age 15 that made terrifying suggestions — and still do. The voices told her that cutting off her finger would help her live longer, and they suggested that she climb a tall tree and try jumping from limb to limb, she recounted last week. At other times, they told her she was worthless and should die.

But no treatment worked until she enrolled at one of the RAISE sites, the Walter P. Carter Carruthers Clinic at the University of Maryland Medical Center in Baltimore.

The intensive approach to her illness made the difference, she said. Her treatment team included her as an equal and worked with her parents. It helped keep her in high school and college, and when an adviser suggested that nursing would be too challenging a major, Maggie's therapist called to disagree.

The program helped her "learn to treat the voices like they're not a threat" — that while they may never go away, "they are not real," said Maggie, who asked that her last name not be used to protect her privacy. "Now, I just kind of laugh at them, because they'll say the most ridiculous things."

Collin Spencer of Eaton Rapids, Mich., was treated at a RAISE site after he began to think billboards and television programs were sending him messages that he should run away from home to protect his family. Medication has suppressed the delusions, and the help the 22-year-old received has allowed him to maintain two jobs, including one as a peer-support specialist in a mental health clinic.

Schizophrenia commonly develops between the ages of 15 and 25, and about 100,000 teens and young adults suffer a first psychotic episode every year in the United States. Eighty to 90 percent of people with the disorder are unemployed, 20 percent are homeless, and 17 percent are in jail or prison, according to federal statistics.

The RAISE study, led by John M. Kane, chairman of the Psychiatry Department at Hofstra North Shore-LIJ School of Medicine, included 404 people treated at 34 clinics across the country after a first psychotic episode. Personnel in half of the clinics had been trained to deliver the coordinated therapeutic approach, while mental health workers in the other half delivered traditional care.

Its results are being published in the American Journal of Psychiatry.

A 2014 study funded by the Robert Wood Johnson Foundation attempted to reach young people with the same kinds of comprehensive therapy before their first psychotic episodes. That study also showed that young people who received comprehensive treatment were more likely to remain in school or in their jobs.

But Kane said it is extremely difficult to identify people who will develop schizophrenia before a first episode of psychosis. Only 10 to 20 percent of people predicted to develop the illness actually do, he said.

Research shows that about 10 percent of people who suffer a psychotic episode will do well without treatment and 10 to 15 percent are almost impossible to treat, Srihari said. The vast majority of people with schizophrenia would be candidates for the RAISE approach, he said.

Cost remains a challenge, because some of the services offered by the comprehensive care model are not reimbursed under traditional fee-for-service arrangements, Kane and his colleagues said. Last week, though, three federal agencies issued guidance to help states design benefit packages for treatment of first-episode psychosis using Medicaid and mental health block-grant funds.

Lenny Bernstein covers health and medicine. He started as an editor on the Post's National Desk in 2000 and has worked in Metro and Sports.

The Post Recommends

Pat Robertson says Halloween is the day when 'millions of children...celebrate Satan'

Robertson, a longtime critic of Halloween, made his comments on the 700 club this week

Ben Carson's health-care prescription is no cure for what ails Americans

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The senator from Vermont was asked about charges of sexism coming from his campaign.

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Lila Massoumi, MD, ABIHM
Integrative Holistic Psychiatry
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Phone: (248) 468-1889 – Fax: (248) 419-2453

10/31/15

STATEMENT OF SUPPORT FOR HERITAGE COVE FARM

To Whom It May Concern:

I am a psychiatrist in Michigan who would like to express my whole-hearted support for the development of Heritage Cove Farm.

As pure coincidence, I am writing this letter on the 52nd anniversary of the Community Mental Health Act, signed into law by President John F. Kennedy on October 31, 1963.

The intention of the Community Mental Health Act was laudable: stop sticking our chronically mentally ill—against their will-- into over-crowded hospitals with ill-trained staff, where they might be treated inhumanely for the purpose of "social quarantine". Instead, allow patients to live freely in the community, and provide them the support, services, and resources that they need for re-integration into society.

Now, fifty-two years after this act was signed into law, we have successfully deinstitutionalized (ie "set free") 98% of our persistently mentally ill.

But the US mental health system still finds itself in shambles, because the rapid rate of psychiatric hospital closings has far exceeded the rate of development of the community resources, services, and supports, needed by those deinstitutionalized patients.

The chronically mentally ill require the intensive and comprehensive treatments and supports as provided by a center like Heritage Cove Farm. And the development of Heritage Cove Farm should not be thwarted based on stigma.

Unfortunately, the current stigma of mental illness in the US is comparable to the stigma in the 1980's of having HIV/AIDS. In both cases, the public's fear far outweighs the reality of risk.

The stigma of having mental illness is so severe, that even though up to 10% of the population suffers from it, everyone who can hide it and remain in the closet does so, leaving public perception of mental illness limited to the news reports of the rare mass shootings in which the perpetrators had serious psychiatric problems.

If God-forbid I had a child with a severe and persistent mental illness, I would surely be seeking out a facility like Heritage Cove Farm, to teach my child how to manage his/her mental illness yet still live productively as an active member of a community.

Lila Massoumi, MD, ABIHM
Integrative Holistic Psychiatry
31555 West Fourteen Mile Rd, Suite 103, Farmington Hills, MI 48334
Phone: (248) 468-1889 – Fax: (248) 419-2453

And if my child was mentally healthy, and lived near Heritage Cove Farm, I would teach him/her about how the majority of US Society once feared "blacks", then "gays", then "crazies". But now, thank goodness, society is more compassionate and tolerant of differences. And the residents at Heritage Cove Farm may behave differently than we do in some ways, but we are all equal under the eyes of God.

Sincerely,

Lila Elizabeth Massoumi, M.D., ABIHM

- Medical Director, Michigan Integrative Holistic Psychiatry
- Chair, American Psychiatric Association Caucus on Complementary, Alternative, & Integrative Medicine
- Past-Chair, Department of Psychiatry, Hurley Medical Center
- Clinical Associate Professor, Department of Psychiatry, Michigan State University
- Diplomate, American Board of Psychiatry & Neurology
- Diplomate, American Board of Integrative Holistic Medicine

Deborah Tomlinson

From: Sally Baker [mailto:swbaker52@icloud.com]
Sent: Sunday, November 01, 2015 4:02 PM
To: Scott McNeil
Subject: Heritage Cove Farm

This letter of intent is directed to the Cheboygan County Planning and Zoning Commission in reference to the November 4th 2015 meeting at Cheboygan High School Auditorium. We appreciate your time an efforts in acknowledging our concerns involving the Heritage Farm Cove special land use permit an approval of a submitted site plan.

Coming up to beautiful Mullett Lake in Tuscarora Township as a generational owner, I feel strongly in preserving the use of land in question ,to remain zoned as single family residential. Our wet lands are what we passionately protect an invest in from commercialization that will affect the ecosystem,habitat,water quality,and water ways. The county resources that we have depended on and have served us well, i.e. Fire,Police,an Emergency System will have additional responsibilities. Not to mention additional noise and traffic to residents on the beach and to the wildlife.

In a nut shell we just don't believe or support this as the right location for Heritage Cove Farm. Thank you for your time an understanding of those with our concerns.

Sincerely,
Thomas and Sally Baker

Sent from my iPad

Walt Czapiga
Grandview Beach Association Board President
551 Grand View Beach Drive
Indian River, Michigan 49749
October 27, 2015

Cheboygan County Planning Commission
C/O Scott McNeil
Community Development Planner
Cheboygan County Planning and Zoning

Dear Cheboygan County Planning Commission:

I am writing this letter on behalf of the Grandview Beach Association, as I currently serve as Board President. This letter is to express our Association's opposition to the Heritage Cove Farm application for a special use permit. We ask you to take the necessary time to read and evaluate the Letter of memorandum and supporting documents submitted by our Attorney Bridget Brown Powers. We believe she has articulated very clearly why this zoning application does not comply with or meet Cheboygan County Zoning Ordinance 200 and the reasonable accommodation request.

The current land usage of the general Grandview Beach area has been a residential beach community surrounded by forest and has remained the same since it originated in 1906. Also of note is the commercial based activities and zoning have been limited in practice and zoning to the Straits Highway corridor.

We are an association of 70 single family homes and cottages that was incorporated as an association in 1948. The proposed facility is essentially surrounded by two residential neighborhoods of Indian Wood Trails, Grandview Beach and the DNR Trail for walking and biking. Both of these residential communities are made up of primarily retired seasonal and full time residents. It is an area that during the summer months includes grandchildren and homeowners enjoying the environment, water and trails.

Grandview Beach Association has a long history of land use stewardship and practices. The Association has through its history purchased vacant lands, approximately 25 acres to maintain green zones and lake water quality. Individuals who are members of the associations have purchased property in conjunction with Little Traverse Conservancy approximately 20 acres located on Grandview Beach road to maintain and protect our lake environment and green zone to our neighboring communities. As such, dramatic land use

changes are of extreme concern to us as it will affect and introduce water quality, noise, lighting, and traffic, road structure concerns.

Thank you for your consideration,

Walt Czapiga

Grandview Beach Association Board President

Walt Czapiga
Grandview Beach Association Board President
551 Grand View Beach Drive
Indian River, Michigan 49749
October 27, 2015

Cheboygan County Planning Commission
C/O Scott McNeil
Community Development Planner
Cheboygan County Planning and Zoning

Dear Cheboygan County Planning Commission:

The proposed land use requested by Heritage Cove Farm implies usage of pharmaceutical drugs for patient treatment. We are not pleased with the current site plans methodology for dealing with the waste of these chemicals. It is not only an issue of drug security and disposal, but also with chemical transport through human excrement. Past academic studies have shown that many pharmaceutical drug compounds are excreted by the human as only slightly transformed or even unchanged from original form (Heberer, 2002; Jelic et al. 2011, etc). Therefore, when patients consume these drugs, they are inevitably later transported as effluent to the sewage treatment facility. The present site plan utilizes septic fields to filter sewage effluent prior to infiltration to the groundwater table. Septic fields are designed as primary filtering devices to remove particulate matter, not pharmaceutical chemicals. A review of academic research shows a void in studies on pharmaceutical drug removal via septic fields. However, recent research of much more sophisticated methods employed at municipal wastewater treatment plants only shows 70% and 85% removal rates for trickling filters and activated sludge treatment systems, respectively (Kaspryzyk-Hordem, et al. 2008). Other methods, such as a membrane bioreactor have removal efficiencies around 80% as well (Radjenovic et al. 2007). Suffice to say, we cannot expect the septic systems to approach these modest reduction rates.

After passing through the septic field, the water and chemicals infiltrate to the groundwater table and join the unconfined aquifer adjacent to Mullet Lake. This community does not have access to the municipal water supply and must use groundwater wells to extract their drinking water. Many of these wells are tapped into unconfined aquifer, so we note that these chemicals would then enter the same water body as our drinking water supply. Furthermore, local well fields remove the water locally, which generates flow gradients to replenish the local supply. Much of this may come from the lake, but it is possible for regional gradients to direct water from the proposed site toward the adjacent residential homes. The current site plan does not include any studies for the fate and transport of the chemicals that will be administered at the proposed facility. *We insist that safe drinking water is our right and implore the commission*

to require further inquiry into the developer's methods to reduce pharmaceutical chemicals in the proposed developments wastewater (and their reduction efficiency) and a study of regional groundwater flows which could push these chemicals to our drinking water supply.

We also note that the lake water level likely affects regional groundwater gradients, and groundwater could flow toward the lake during a low-level period. What impacts would that have on the local ecosystem?

Walt Czapiga

Grandview Beach Association board President

References

Thomas Heberer, Tracking persistent pharmaceutical residues from municipal sewage to drinking water, Journal of Hydrology, Volume 266, Issues 3–4, 15 September 2002, Pages 175-189, ISSN 0022-1694, http://dx.doi.org/10.1016/S0022-1694(02)00165-8.

Aleksandra Jelic, Meritxell Gros, Antoni Ginebreda, Raquel Cespedes-Sánchez, Francesc Ventura, Mira Petrovic, Damia Barcelo, Occurrence, partition and removal of pharmaceuticals in sewage water and sludge during wastewater treatment, Water Research, Volume 45, Issue 3, January 2011, Pages 1165-1176, ISSN 0043-1354, http://dx.doi.org/10.1016/j.watres.2010.11.010.

Radjenovic J, Petrovic M, Barceló D. Analysis of pharmaceuticals in wastewater and removal using a membrane bioreactor. *Analytical and Bioanalytical Chemistry*. 2007;387(4):1365-1377. doi:10.1007/s00216-006-0883-6.

Barbara Kasprzyk-Hordern, Richard M. Dinsdale, Alan J. Guwy, The removal of pharmaceuticals, personal care products, endocrine disruptors and illicit drugs during wastewater treatment and its impact on the quality of receiving waters, Water Research, Volume 43, Issue 2, February 2009, Pages 363-380, ISSN 0043-1354, http://dx.doi.org/10.1016/j.watres.2008.10.047.

October 23, 2015

To Whom it May Concern: (Planning Commission)

I am writing this letter in support of the request from Heritage Cove Farm to develop a therapeutic farm for young adults with mental illness. While I initially lived and worked in the northern Michigan area, I am currently a school psychologist in southern Michigan working with adolescents and their families. I have worked in this capacity for over 25 years. Available and effective treatments and services for young adults with mental illness have diminished and changed considerably during this time. Researched and evidenced based programs have become less available, cost can be a factor for many individuals and the type of treatment needed to *truly* be effective requires more than medication adjustments and monitoring.

Adolescence and early adulthood is frequently identified as the time of onset for a variety of mental illnesses. This diagnosis can be extremely difficult for individuals to understand and comprehend. Coping with a mental health diagnosis can be life-changing and challenging. Often this diagnosis comes at a time when society is expecting independence and a transition to adult living; leaving their parents' home, living on their own, supporting themselves, etc. As these young adults begin to learn about, and cope with, their illnesses, it becomes reality that they will need support and assistance in managing the many aspects of daily living. Families with young adults recently diagnosed also need support in understanding the impact these diagnoses many have on an individual's ability to live independently and function in society. Individuals and families can be stressed and overwhelmed when processing these changes without support or assistance.

The proposal from Heritage Cove Farm would provide necessary support, supervision, counseling, monitoring, and education for young adults working through these issues. All of us learn and grow as we contribute to our homes and our communities. Contributing in a small, safe, and supportive environment will be important and critical for these young adults who, in a moment, have had their world changed forever. Heritage Cove Farm, as outlined, will help individuals develop pre-vocational, vocational, personal care, communication, management, emotional regulation and independent living skills.

I understand that there may be some opposition from neighbors when asked to have a program such as this in their area. It is important to note that Heritage Cove Farm has made a commitment to carefully screen and select its residents to ensure the safety of the community and the success of the farm. While Heritage Cove Farm will be a small community of individuals working toward independent skills while living cooperatively, it is also a part of the broader community that surrounds it. As changes have occurred in the available supports and services for those diagnosed with mental illness, it would be refreshing to find a community willing to surround these young adults. How exciting it would be to be part of a community where all individuals are embraced and supported!!!

I urge you to seriously consider the request from Heritage Cove Farm. As it has been developed and conceptualized, the program would be a benefit for residents and the greater community that surrounds them. Thank you for your consideration.

Sincerely,

Tina Verlinden,

School Psychologist, 248-623-3550

S

Steve Schnell

From: Lou <lous_peace@yahoo.com>
Sent: Saturday, October 31, 2015 1:36 PM
To: Steve Schnell
Cc: Larry Hanson
Subject: Heritage Cove Farm
Attachments: Heritage Cove Farm 10-15.docx

Good Morning Mr. Schnell,

Attached is a letter in support of the Heritage Cove Farm proposal.
It is with honor that we support this venture - knowing first hand as individuals living with mental illness (either ourselves or a loved one.)
There are such limited programs to assist individuals in becoming an active part of society, it would be a shame to not allow this program to be established as a successful stepping stone much as Rose Hill has been for that community.
Unfortunately we are not able to attend the public forum, but know that our well wishes are with the Hanson's and their Board as they continue to pursue their dream.

Sincerely,
Louise Wilcox
NAMI Alger-Marquette Chair

Steve Schnell
Cheboygan Co. Planning & Zoning
PO Box 70
Cheboygan, MI 49721

October 30, 2015

To Mr. Schnell and All Concerned Parties:

We, the National Alliance for Mental Illness (NAMI) Alger-Marquette affiliate are writing in support of the proposal for Heritage Cove Farm's facility in your neighborhood. It has come to our attention this proposal has been met with opposition and suspicion by the residents of Indian River, who have voiced their concerns about the proposed facility. These concerns fall mostly into three categories, and we wish to address them, and ease the community's anxiety, as follows:

1. How will we protect ourselves from attacks by the mentally ill?

Several residents expressed fears of violence or confrontations with potential patients at Heritage Cove Farm, or were concerned about resident safety in the neighborhood. This concern is based in a flawed understanding of mental illnesses and the people who live with them. A 2014 study, titled "Community Violence Perpetration and Victimization Among Adults With Mental Illnesses," published in the American Journal of Public Health, suggests that people with mental illnesses are more likely to be the victims of violent crime than to perpetuate it. The researchers of this paper found that a full 30.9% of adults with a mental illness have been a victim of a violent crime. Indeed, people with mental illness are an at-risk group, and not a threat to safety. However the media more often covers crimes committed by people with mental illnesses, because it's a "hot button" issue that generates TV ratings. But the idea that persons with mental illnesses are dangerous on average is not accurate.

Other residents have raised concerns about "the mentally ill" having "unfettered access to the beach." In truth, they already do. The Centers for Disease Control (CDC) estimates that one-in-five adults in America has a mental illness of some form. This is true across all regions of the country. The people of Indian River have, in fact, been seeing and interacting with the mentally ill on their beaches for years without incident, and there is no reason to believe this will change with the opening of Heritage Cove Farm, whose informational sheet clearly states that they will take only people with "No current history or concern of physical abuse and/or violence," and will only accept voluntary admissions, not court ordered or police petitioned patients.

2. Our property values will plummet.

One resident voiced the following concern: "Who, in their right mind, would ever buy one of these cottages when they go up for sale, should Mr. Hanson's plan go through? No one. It will become a ghost beach. Everyone's history, love and beautiful land will fade away."

This fear is not grounded in economic reality. The opening of group homes or residential treatment facilities has historically not had an impact on property values in the neighborhoods that host them. When the

Rose Hill facility opened in Holly, MI in 1992, it had no impact on surrounding property values. Today, an average home in Holly near Rose Hill goes for between two hundred to five hundred thousand dollars (source: www.realtor.com). In fact, access to a quality residential treatment facility can draw new families to a community, bolstering economic growth and community vitality. Simply because some current locals would not buy a cottage in proximity to this facility does not make it so nationwide. This positive new addition to Indian River cannot take away anyone's history or beauty, only add to it. However, excluding people with mental illnesses over economic concerns could have a chilling, negative impact on the community's reputation, especially in this age of social media and word of mouth recommendations. It should also be noted that the Heritage Cove Farm proposal does not change existing zoning designations, but is merely a site plan and Special Use Permit approval.

3. This community just isn't the place for persons with mental illnesses.

People with mental illnesses are not a public nuisance. They are our friends, our family, the youth in our communities. They are the people most in need of our compassion, which is what the Heritage Cove facility will provide for them. Several residents expressed concerns about the lack of fences or restraints. Aside from the legal limitations placed on such barriers by the Michigan Mental Health Code (which legally requires that people with mental illnesses receive treatment in the least restrictive environment possible), Heritage Cove Farm is not meant to be a prison facility. Rather, it is a part of the community where persons with mental illnesses can recover in a normal living environment.

Other residents commented "A place for everything, and everything in its place" and "A physically handicapped person to me is or can be blind, deaf, an amputee, or handicapped by cerebral palsy, which I'm sure could also include many other such physical handicaps. These handicaps generally can't be a threat to society." Mental illnesses are physical illnesses. They are conditions of the brain that affect people daily and are no different than, and pose no more threat to society than, cancer and diabetes. Indeed, the only danger is to leave them unacknowledged, untreated and forgotten. The place for persons recovering from mental illnesses is not in some dark, convenient room in a far away hospital or "insane asylum," but in the community of which they are a part. That's what Heritage Cove Farm will bring: community. It will give people with mental illnesses hope for recovery. This is a noble, worthy goal, and Indian River is an ideal host community.

For these reasons, we of the National Alliance on Mental Illness express our heartfelt hope that the permit for Heritage Cove farms will be approved. Your community will be better and stronger for it.

Thank you for your consideration.

Signed,

Louise Wilcox RN, Chairperson, NAMI Alger-Marquette
Cindy Bertucci, Vice Chairperson, NAMI Alger-Marquette
Lorna Hanks, Secretary, NAMI Alger-Marquette
Cyndi Shaffer, Treasurer, NAMI Alger-Marquette
Jane Ryan, Member at Large, NAMI Alger-Marquette
Susan Maynard, Member at Large, NAMI Alger-Marquette
Janice Peterson, Member at Large, NAMI Alger-Marquette
Judith Krause LMSW, Member at Large, NAMI Alger-Marquette
Cheryl Jobin RN, Member at Large, NAMI Alger-Marquette
Jennifer Peterson, Member at Large, NAMI Alger-Marquette
Susan Shaver MPA, Pathways CMH Recipient Rights Committee, Member at Large, NAMI Alger-Marquette
John Taylor, Consumer Advocate on Pathways Community Mental Health's Recipient Rights Advisory Committee (RRAC), Member at Large NAMI Alger-Marquette

IRS

Exempt Organizations Select Check

Exempt Organizations Select Check Home

Organizations Eligible to Receive Tax-Deductible Charitable Contributions (Pub. 78 data) - Search Results

The following list includes tax-exempt organizations that are eligible to receive tax-deductible charitable contributions. Click on the "Deductibility Status" column for an explanation of limitations on the deductibility of contributions made to different types of tax-exempt organizations.

Results are sorted by EIN. To sort results by another category, click on the icon next to the column heading for that category. Clicking on that icon a second time will reverse the sort order. Click on a column heading for an explanation of information in that column.

1-1 of 1 results Results Per Page 25 OK « Prev | 1-1 | Next »

EIN	Legal Name (Doing Business As)	City	State	Country	Deductibility Status
46-1766562	Heritage Cove Farm	Indian River	MI	United States	PC

Return to Search

« Prev | 1-1 | Next »

Deductibility Status Results Help - Google Chrome

https://apps.irs.gov/app/eos/forwardToDeductibilityHelp.do?deductib

IRS

Deductibility Status

In general, an individual who itemizes deductions may deduct contributions to most charitable organizations up to 50% of his or her adjusted gross income computed without regard to net operating loss carrybacks. Individuals generally may deduct charitable contributions to other organizations up to 30% of their adjusted gross income (computed without regard to net operating loss carrybacks). These limitations (and organizational status) are indicated as follows:

Code	Type of organization and use of contribution.	Deductibility Limitation
PC	A public charity.	50%

Close

LARA

Department of Licensing and Regulatory Affairs

MICHIGAN.GOV

Michigan's Official Web Site

CORPORATE ENTITY DETAILS

Searched for: HERITAGE COVE FARM
ID Num: 71247U
Entity Name: HERITAGE COVE FARM
Type of Entity: Domestic Nonprofit Corporation
Resident Agent: LAWRENCE P HANSON
Registered Office Address: 625 GRANDVIEW BEACH RD INDIAN RIVER MI 49749
Mailing Address: P.O. Box 456 INDIAN RIVER MI 49749
Formed Under Act Number(s): 162-1982
Incorporation/Qualification Date: 1-18-2013
Jurisdiction of Origin: MICHIGAN
Number of Shares: 0
Year of Most Recent Annual Report: 15
Year of Most Recent Annual Report With Officers & Directors: 14
Status: ACTIVE **Date:** Present

View Document Images

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Michigan.gov Home | Business Entity Search Home | Contact Corporations | Corps Home | LARA Home
State Web Sites | Accessibility Policy | Link Policy | Security Policy

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BCS/CD-502 (Rev. 04/11)

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMERCIAL SERVICES

Date Received	
JAN 18 2013	This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Tran Info:1 18296195-1 01/17/13
Chk#: 4128 Amt: $20.00
ID: LAWRENCE HANSON PC

FILED

JAN 18 2013

EFFECTIVE DATE:

Administrator
BUREAU OF COMMERCIAL SERVICES

Name		
Lawrence P. Hanson		
Address		
PO Box 456		
City	State	ZIP Code
Indian River	MI	49749

Document will be returned to the name and address you enter above. If left blank, document will be returned to the registered office.

71247U

ARTICLES OF INCORPORATION
For use by Domestic Nonprofit Corporations
(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is:

HERITAGE COVE FARM

ARTICLE II

The purpose or purposes for which the corporation is organized are:

To provide a long-term residential therapeutic community farm for the benefit of disabled adults.

ARTICLE III

1. The corporation is organized upon a nonstock basis.
(Stock or Nonstock)

2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is N/A. If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

ARTICLE III (cont.)

3. a. If organized on a nonstock basis, the description and value of its real property assets are: (if none, insert "none")

   None

   b. The description and value of its personal property assets are: (if none, insert "none")

   None at this time.

   c. The corporation is to be financed under the following general plan:

   Public fund raising, donations, and grant awards will be solicited from individuals, foundations and others.

   d. The corporation is organized on a Membership basis.
   (Membership or Directorship)

ARTICLE IV

1. The name of the resident agent at the registered office is:

   Lawrence P. Hanson

2. The address of its registered office in Michigan is:

   6625 Grandview Beach Rd (Street Address) Indian River (City), Michigan 49749 (ZIP Code)

3. The mailing address of the registered office in Michigan if different than above:

   PO Box 456 (Street Address or PO Box) Indian River (City), Michigan 49749 (ZIP Code)

ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name	Residence or Business Address
Elizabeth A. Hanson	625 Grandview Beach Rd, Indian River, MI
Lawrence P. Hanson	625 Grandview Beach Rd, Indian River, MI

Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

ARTICLE VI: Said corporation is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

ARTICLE VII: No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article Third hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

ARTICLE VIII: Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

I, (We), the incorporator(s) sign my (our) name(s) this 14 day of JANUARY, 2013

Eglm Hansen Lawrence P Hanson

Vers 5.0 (06/15)

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU
NONPROFIT CORPORATION ANNUAL REPORT

2015

[X] On behalf of the corporation, I certify that no changes have occurred in the required information since the last year filed annual report.

Identification Number	Corporation Name
71247U	HERITAGE COVE FARM

Resident agent name and mailing address of the registered office

LAWRENCE P HANSON

P.O. Box 456
INDIAN RIVER MI 49749

The address of the registered office

625 GRANDVIEW BEACH RD

INDIAN RIVER MI 49749

Describe the purpose and activities of the corporation during the year covered by this report:

Electronic Signature

Filed By	Title	Phone
LAWRENCE P. HANSON	AUTHORIZED OFFICER OR AGENT	2312380505

[X] I certify that this filing is submitted without fraudulent intent and that I am authorized by the business entity to make any changes reported herein.

Payment Information

Payment Amount	Payment Date/Time	Reference Nbr
$ 20	07/07/2015 16:15:17	71315 6800 71247U 2015

Steve Schnell

From: Carol Ellstein <cgellstein@gmail.com>
Sent: Tuesday, November 03, 2015 1:04 PM
To: Steve Schnell
Subject: Heritage Cove Farms

Dear Mr. Schnell -

I am writing to support Larry and Betsy Hanson's proposal to create and implement Heritage Cove Farms on their property. I assume that you have all the particulars, both pro and con, so I won't rehash them here. Instead, I am adding a professional voice to the mix.

I am a licensed psychologist who has worked with countless children and adults with severe developmental disabilities and/or mental health issues over the course of my 35-year career. The bulk of my experience was gained in public sector agencies in metro Detroit and Lansing areas (i.e., local schools and intermediate school districts, and the Clinton-Eaton-Ingham Community Mental Health Board), where services were organized and plentiful. My responsibilities included psychological/ behavioral assessments and programming, home-based individual and family psychotherapy, case management, respite program development and implementation, and coordination with community agencies (e.g., Social Services, Court, school).

Upon relocating full time to northern Michigan in 2002, I discovered that the area lacked both the quantity and quality of community-based services that my downstate clients enjoyed. Fortunately, residents in the area's small towns and villages often provided informally what the larger cities offered, albeit with less community support and expertise at their disposal.

I established my independent practice in Cheboygan County with high hopes that I could make a positive impact on my clients' lives with some back-up from established mental health entities. In short order, my hopes were dashed, as I discovered that the few services already in place were inadequate in size or scope to meet the larger community's needs. To my chagrin, I also discovered that many local providers had a much more limited knowledge base than mine, which also compromised successful treatment..

A few local psychiatrists and the Lockwood-MacDonald unit administered to the population when I first arrived; however, the unit closed several years ago, and the last remaining local psychiatrist is retiring in 2016. The local Community Mental Health agency has continued to offer a range of services; however, criteria for access has tightened considerably in recent years due to tighter funding and stricter standards for program inclusion. In short, a population that is already vulnerable has essentially lost the last of its viable community supports.

Local primary care medical providers have largely taken up the slack, with neither the knowledge nor training to perform the intricate medication management tasks that are asked of them. In partial response, I have been providing mental health support to providers and patients at Little Traverse Primary Care, located in Harbor Springs and Petoskey, for the past seven years. Unfortunately, there is only one of me, and many other primary care practices in the area. It is worth noting that most patients like seeing me in the primary care office because it normalizes their experience; however, a few folks prefer coming to my Indian River office because it is located in a different community than theirs. Stigma remains alive and well in northern Michigan.

This morning, I happened to read an article in the New York Times indicating that suicide in rural areas occurs twice more often than in metropolitan areas. The article cites the following reasons: (1) small towns and rural

areas provide proportionately higher numbers of military troops, who often return home with emergent mental illnesses; (2) services are fewer and farther between; and (3) stigma about mental health issues is higher in rural areas than in cities. One solution is to place mental health professionals into primary care practices. Obviously, my association with LTPC is well ahead of the curve.

I was thrilled to hear about Heritage Cove Farms. My previous home-based work taught me that community support is typically the linchpin in long-term success; the more accessible the services are, the better the predicted (and actual) outcome. Heritage Cove Farms will partially fill the immense gap that now exists in northern Michigan mental health service delivery.

I am appalled by local concerns that amount to nothing more than stigmatized "not-in-my-neighborhood" declarations. I've seen this many times before; the outcry 30-40 years ago and since over the establishment of neighborhood-based adult foster care homes was not different from what we're hearing now. I'm sure that you are aware of a large research literature that supports community-based residences for mental health treatment, so I won't belabor it here.

Wednesday is my late night at the LTPC Harbor Springs office, and it's quite possible that I won't be able to leave the office on time. I hope that this letter will add my absent voice to those of other supporters.

I am happy to provide any supportive professional information that you or the Planning Commission might wish to have. I can be reached at my Indian River voice mail at 231-238-0356 or via email at cgellstein@gmail.com.

Sincerely,

Carol Ellstein, Ph.D.
Licensed Psychologist
Indian River, MI 49749

Residence: Wolverine MI 49799

Deborah Tomlinson

From: molls2528@gmail.com [mailto:molls2528@gmail.com]
Sent: Wednesday, November 04, 2015 12:17 PM
To: Scott McNeil
Subject: Heritage Cove Facility

To Whom It May Concern,

I am writing you to urge you to deny the proposed psychiatric mental health facility at 625 Grandview Beach. As a third generation Grandview Beach resident I am very concerned about the effects that such a facility will have on our residential community. In addition to being a safety concern, the mental health facility is a commercial facility that clearly goes against zoning ordinances. To allow it to be built in a residential community where it will dramatically impact the lives,character, and environment of Grandview Beach and its residents is irresponsible. Thank you for your consideration.

Molly (Howell) Weingarten

Sent from my iPhone

Deborah Tomlinson

From: Beth Kinna [mailto:bethkinna@comcast.net]
Sent: Wednesday, November 04, 2015 11:34 AM
To: Scott McNeil
Cc: 'mike@mikekinna.com'
Subject: Mike and Beth Kinna feedback on Heritage Cove Proposed Plan

Hi Scott
We have a cottage on Grandview Beach. We have four children and are deeply concerned about the Heritage Cove Proposal. Because we have 4 kids, we are unable to get away to attend tonight's meeting. However, I would like to express the opinion my husband and I have regarding this proposed plan:

Mike and I feel that any change to our current zoning that allows any type of business into a residential/retirement area such as Mullet Lake and Grand View Beach (for profit or non-profit) will provide a wide open door allowing additional businesses to build or set up shop on these properties. This will greatly compromise the appeal of our current environment as well as bring property values way down. People that live and purchase property in the Mullett Lake and Grand View Beach area buy because it is zoned as residential and is considered vacation property. I sincerely hope that the county understands this and does not allow the Heritage Cove Farm to be constructed on the Mullett Lake/Grandview Beach residentially zoned properties, or any other existing residential/vacation property in the surrounding area.
Thank you,
Mike and Beth Kinna
556 Grandview Beach Rd
Indian River, MI.

November 3 2015

Cheboygan County Planning and Zoning
ATT Steve Schnell
PO Box 70
Cheboygan MI 49721
VIA email

RE Heritage Cove Farm

I am writing to express my support for the planned residential community based program, Heritage Cove Farm. I am out of town at a conference or would have been present at the meeting tomorrow night. I am a year round resident who lives approximately 2 miles away on Chippewa Beach Road.

As a licensed counselor who has provided counseling and support to people for over 35 years, I am disappointed by the archaic, biased attitudes toward mental illness I have found in the opposition letters. I had hoped our attitudes toward mental illness had evolved beyond fear and stereotypes. I refer you to the numerous letters from professionals in the field, such as the one from the NAMI who pointed out that statistics show that mentally ill persons are an at risk group rather than a threat to safety of others.

Heritage Cove Farm residents will not represent a significant threat to the neighborhood or the community. Real threats are much more likely to come from areas open to the general public such as local motels, I-75, & the bicycle path. To the contrary, the farm will provide a valuable service to our community. This type of program maximizes the likelihood of a full recovery by providing a transitional step in the long journey toward full recovery; one that will often make the difference between success and failure.

Concerns about fences, locks, guards further illustrates the unrealistic fears of the neighbors and the lack of understanding of future residents. As aptly stated by another letter, people with mental illness are part of our everyday lives. They are our parents, our sisters, brothers, children, relatives and neighbors.

I am an avid environmentalist. I feel this project will have less negative impact on the environment than a subdivision of single family homes and in fact less impact than many of the current homes in our community. Construction will be done to current codes unlike many of the original cottages and summer homes built many years ago in our area with inadequate septic systems. As for disposal of medicine, this type of community will have disposal systems in place. Private homes do not: how many people throw away old medicines, inappropriately dispose of used needles etc?

The Hansons will provide green space and maintain shorelines protected by natural vegetation. Studies have shown that nature has a positive effect on everyone, including individuals dealing with mental illness and other stressors. Research done by the *University of Illinois at Urbana-Champaign* studied public housing in Chicago and randomly assigned each subject to a room with a view of grass and trees

or a view of a barren courtyard. They found that subjects who were assigned to rooms with a view of nature had fewer aggressive conflicts, incidents of domestic violence, procrastinated less on goals they deemed important, and were less likely to believe that they had unsolvable problems.

Animal assisted therapy has also been shown to promote physical and mental health. This is well documented in literature and news headlines. Heritage cove will offer the residents the opportunity to care for farm and companion animals.

I have had lengthy discussions with the Hanson's and feel confident that they can develop this project and will use professional consultants and experts to assure it is effective and successful.

From a professional standpoint, I fully support the concept of a residential supportive environment which provides residents with the opportunity to slowly transition back into the full demands of our society. I encourage the commission to research the concept itself: read the material from Gould Farm and other similar programs to reach their decision based on fact, not fears.

Susan Whitener MA LLPC
1555 Chipppewa Beach Road
Indian River MI 49749

http://www.rochester.edu/news/show.php?id=3450

Deborah Tomlinson

From: Scott McNeil
Sent: Wednesday, November 04, 2015 2:10 PM
To: Deborah Tomlinson
Subject: FW: Heritage Cove Farm

Follow Up Flag: Follow up
Flag Status: Completed

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

From: Erik Thorp [mailto:erikt@vector-corrosion.com]
Sent: Wednesday, November 04, 2015 1:51 PM
To: Scott McNeil
Subject: Heritage Cove Farm

Scott,

We want to express our strong disapproval for the above project going forward. There are two key problems with this.

First, in general, other than one marina, Mullett Lake has not had commercial establishments established immediately on its shores. The existing residents have not purchased properties desiring these sort of facilities and we really don't see any need to change. The lakeshore has residences only and that is the way we would like it to stay.

Secondly, at 13 acres, the size of the property for this facility is totally inadequate. This sort of facility needs a lot more room than this small parcel.

As full time residents in Mullett Lake Village, we strongly recommend turning down the approval for this project.

Erik and Carmany Thorp
991 Dodge Point Road
Mullett Lake, MI 49761
231.627.7840

Steve Schnell

From:	lincoln@innovativesepticsolutions.com
Sent:	Wednesday, November 04, 2015 2:51 PM
To:	Steve Schnell
Cc:	Lawrence Hanson
Subject:	Heritage Cove Farm: Special Use Permit
Attachments:	Letter of Support.docx

Steve...Please find my attached letter supporting the special use permit for Heritage Cove Farm. This endeavour is badly needed and in every respect would be a great addition to this community.

Cheers,

R Lincoln

Richard Lincoln
Biologist/Owner
Authorized SludgeHammer Distributor

Innovative Septic Solutions LLC
At BrassWind Landing
PO Box 251
6240 Mack Avenue
Indian River, MI 49749

Mobile: 231-760-0103
Store: 231-238-4843

Websites:

www.innovativesepticsolutions.com
www.sludgehammer.net
www.brasswindlanding.com

SludgeHammer
www.sludgehammer.net
Authorized SludgeHammer® Dealer
Innovative Septic Solutions LLC
Improving The Environment... One Septic System at a Time...
231-760-0103 www.innovativesepticsolutions.com

Mr. Steve Schnell

Community Development

Cheboygan County

11-04-15

Mr. Schnell,

The purpose of this letter is to document support for Heritage Cove Farm, the therapeutic community proposed for the Hanson property located in Cheboygan County.

My support today comes with a bit of irony, in that twenty two years ago I objected to a group home proposed for the Country Side Estates subdivision of Dayton Township in Newaygo County. This was the subdivision that my wife and I lived along with our three young children. The group home was to be built less than one hundred and fifty yards from our home and would house 6-8 full time residents with a wide variety of mental disabilities.

There were about twenty five families in Country Side Estates and most of the residents were young middle class professionals striving for the advantages associated with rural living. We all shared similar fears should the proposed group home be built and sited many of the same objections expressed by the neighboring property owners to Heritage Cove Farm. Security of our children, environmental concerns and compromised property values were a common theme for rejection. I even remember expressing at the Township Planning meeting; "Why would they even want to live here?"

The home was approved by the Township and built in 1993. The reality of having residents with mental disabilities as neighbors proved to be very different than the projected concerns and fears. A tough admission but simply put, we were all wrong.

The group home has become fully integrated into the Country Side estates community. To date, there have been no security issues or acts of violence on the part of the residents of the group home. There have been no environmental issues. Private well's continue to provide clean clear drinking water and the surrounding wetlands are doing just fine. Household trash gets picked up every Monday along with the trash of the neighbors. Property values are stable and have convincingly survived the most recent recession. In 2012 our home sold for the second time.

Residents of the community, including the residents of the group home, come and go. My family has moved, new families have built homes in Country Side Estates and life moves along. The other day I asked my youngest, Zoe, how she remembered the residents of the home. Her reply; "My most vivid memory is that they passed out the best Halloween candy and would always bake Christmas cookies for the subdivision. I also remember that kids on the school bus, that didn't live in the subdivision, would make cruel comments about both the residents of the home and about the rest of us living there."

In closing, the Cheboygan County Zoning and Planning Commission has a unique opportunity to do something very important for the community that is critical to the well being of a very special group of

our citizenry. Heritage Cove Farm, through therapeutic community living, offers mentally challenged individuals a clear path towards true independence. Given what's at stake, there is no rational basis for not granting this special use and moving forward with the required zoning changes to help make Heritage Cove Farm a reality.

Respectfully,

Richard Lincoln

Resident and Business Owner

Indian River MI

Dear Mr. Scott McNeil,

At the October 22, 2015 Tuscarora Township Planning Committee meeting, the committee members unanimously voted 5 to 0 to decline support of the Hansen's request to change the zoning because it did not comply with the Tuscarora Township Master Plan.

According to the Cheboygan County Master Plan, on page 20, it states "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 the 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."

I ask that you accept Tuscarora's decision as your own.

Furthermore, I oppose this Special Land Use permit request because of the high density of buildings and persons on a fragile piece of property that serves to protect our lakes and waterways. The Hansen's property sits on what is commonly referred to as the

Spreads. It is this area that helps keep our lakes and waterfront property ecologically safe.

According to the Cheboygan County Master Plan, under the heading of Water Resources, it states " The purity and clarity of the county's lakes and streams is maintained and enhanced, in large part, by wetlands. Cheboygan County's wetlands are unique ecosystems that serve as the transitional zone between upland and aquatic habitats. Wetlands filter out nutrients and sediments, some of the most harmful pollutants associated with lakes and streams. Without wetlands these pollutants can cloud once clear waters and accelerate the growth of choking weeds. The ecological functions that wetlands provide benefit numerous property owners. Conversely, land use alterations that disturb or alter wetland functions can create nuisances or cause damage to surrounding private tracts."

I ask that you help us protect the integrity of Mullett Lake and the surrounding waterways by declining this application.

Thank you,

Patricia H. Campbell

29 Grandview Beach Indian River, MI 49749

Steve Schnell

From: bev@redpinepoint.com
Sent: Wednesday, November 04, 2015 3:58 PM
To: Steve Schnell
Subject: Heritage Cove Farm

To Whom It May Concern,

I am writing on behalf of Betsy Hanson and her plans to initiate Heritage Cove Farm. I have known Betsy Hanson for 15 years. In this time she has demonstrated integrity to the highest degree. When we met she was working with the American Red Cross and the national disaster Katrina had recently devastated our Gulf states. In this role Betsy demonstrated leadership, honesty, and above all else integrity. I mention all of this because I believe that Betsy Hanson will also provide this skill set with her new endeavor, Heritage Cove Farm

Heritage Cove Farm will provide a much needed service in Northern Michigan. Mental illness affects so many of our friends and family in this area. Not only will the Hanson's be helping those in need, but they will be providing much needed jobs to our area. As a long time resident of Indian River, I have seen our employment numbers fall, our jobs driven south, our kids leaving for better opportunities. While this is a small investment in employment, it is an investment nonetheless.

I would like to strongly urge the board to move forward with the Hanson's plan to build a community in the north for people who need us to advocate for them, simply because they cannot do so for themselves. This community is strong and can only be made stronger by helping those in need. We should thank the Hanson family for their commitment to such a project rather than fight them. I am in full support of the Heritage Cove Farm.

Sincerely,

Beverly Paisley

Steve Schnell

From: Bonnie M Paisley <bpaisley@sbcglobal.net>
Sent: Wednesday, November 04, 2015 3:37 PM
To: Steve Schnell
Subject: Heritage Cove Farm

To Whom This May Concern,

I am writing in favor of the the plan to implement the Heritage Cove Farm, a therapeutic farm community for up to 24 adults struggling with mental illness. I understand that there is much backlash to such a facility being built in a residential area. I do not share these concerns. As a resident of Indian River and health care provider I believe that this type of facility will work to strengthen the community. We should be supporting this movement as mental illness affects so many people in our country today. According to the National Alliance on Mental Illness, NAMI, one in four adults experiences mental illness. A more disturbing fact is adults living with mental illness die on average 25 years earlier than other Americans, largely due to treatable medical conditions.

Heritage Cove Farm will work to help these non violent people struggling with mental illness by providing a type of therapy that has a proven track record. The Rose Hill facility in Holly, MI has shown their community that such a place can have an enormously positive success rate in helping people who struggle with a wide range of mental illness. As humans it is our responsibility to help our fellow man and not turn our backs on people just because we do not understand. The community will provide these people with treatment, doctors, and social integration to better their lives; it will help them reintegrate back into society. Mental illness cost America $193.2 billion in lost earning every year. By voting down the construction of Heritage Cove Farm we are only adding to this enormous figure.

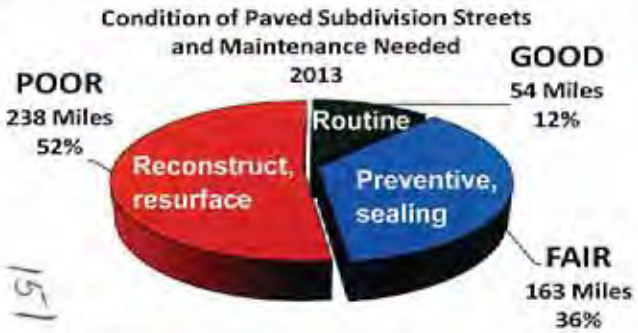
In conclusion I feel that many people who have written in with concerns about these people having access to the bike path or being able to use the lake need to take the time to learn more about mental illness and what this type of facility will mean to the people who are in need. The fact that mental illness is as prevalent in our society is disconcerting. But what is more concerning is the blatant disregard for the betterment of our fellow humans. Chances are a large percentage of the people who want this project to go away have either suffered themselves from mental illness or have been directly affected. Would you turn your back on this project if it meant your sister, daughter, mother would benefit from attending? Probably not. I am guessing the naysayers do not have a family member affected, but just remember these people are someone else's son, sister, daughter, mother, father, brother. I am in full support of Heritage Cove Farm and implore the board to do the same

Sincerely,

Bonnie M. Paisley MS, LAc, Dipl OM

What condition are subdivision streets in?

In a word, poor. In 2013, more than half the subdivision mileage in Genesee County was rated as being in poor condition - indicating that it has aged beyond patching and needs to be rebuilt.



151

What can residents do?

Improved subdivision streets increase homeowners' quality of life as well as their property values, but the Road Commission simply can't afford to rebuild all the subdivision streets that need it. To realize these benefits, residents can initiate a Special Assessment District (SAD) to finance capital improvements (resurfacing, reconstruction, etc.) over time.

- **Form a Special Assessment District**
  - A citizen-initiated public petition and assessment process administered by the local township government.
  - Requires at least 51% of property owners' signatures.
  - Multi-step process; multiple opportunities for input or to stop the process.
  - **GCRC will pay engineering & inspection (up to 25% of total project cost).**
  - The township would issue bonds at a rate they would receive from the market based on the township's current bond rating.
  - **Visit www.gcrc.org for more information.**
- **Contact us if you see a safety issue**

Safety is our first priority. If you spot a road hazard or unsafe condition, please contact the Road Commission immediately by calling **(810) 767-4920** or emailing the Pothole Hotline, potholes@gcrc.org.

Genesee County Road Commission

Board of Road Commissioners

John Mandelaris, Chair
Robert Johnson, Vice-Chair
David Arceo
Cloyce Dickerson
David Miller

John H. Daly III, Ph.D.
Manager-Director
Fred F. Peivandi, P.E.
County Highway Engineer
Anthony Branch
Director of Maintenance

Hours of Operation:

Winter:
8 a.m. to 4:30 p.m. Monday - Friday

Summer:
Maintenance: 6 a.m. to 4:30 p.m. Monday - Thursday
Administration: 8 a.m. to 4:30 p.m. Monday - Friday

Board meets first and third Tuesdays at 10 a.m.

Contact us:

211 W. Oakley Street
Flint, MI 48503
810-767-4920

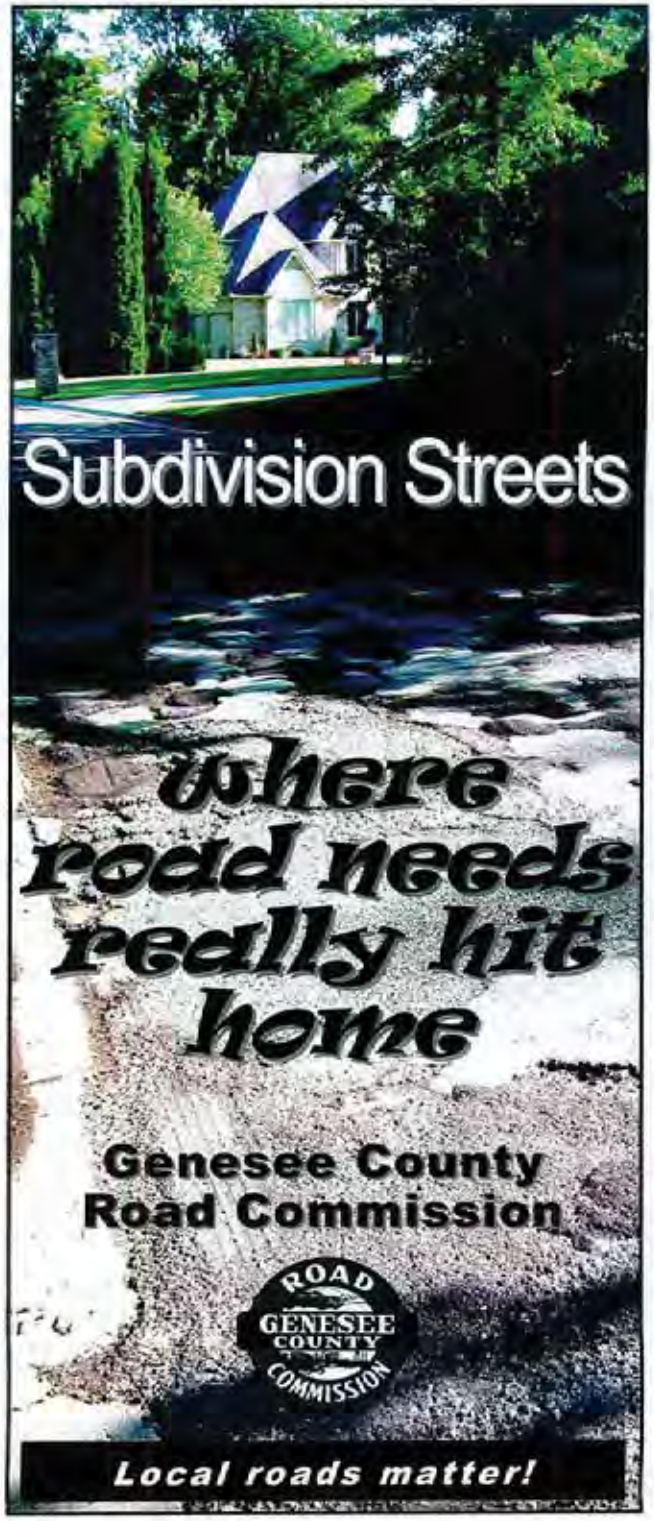
Scan to visit gcrc.org for more information

Website: www.gcrc.org
Pothole Hotline: potholes@gcrc.org

GCRC Mission Statement

Our mission, as Genesee County Road Commission employees, is to collectively provide and maintain a safe, cost efficient and quality county road system for the motorists in Genesee County, Michigan.

Printed January 2014 in Genesee County, Michigan



Where road needs really hit home!

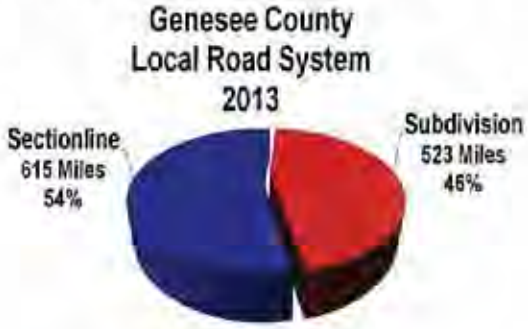
All roads have a certain service life expectancy, all wear out and all have to be rebuilt eventually. This is painfully obvious in all of our daily travels, ***but it really hits home on the aging and crumbling streets on which we live.***

This brochure describes the County Road and Subdivision Street systems in Genesee County, identifies who is responsible for their maintenance, lists the services that the Genesee County Road Commission (GCRC) provides to subdivision streets, the cost of those services and where the funding comes from, and suggests ways residents can help.

What is the County Road System?

The County Road System includes all public roads that are not state trunk lines and that are outside of incorporated cities. As shown below, it is made up of 460 miles of **County *Primary*** and 1139 miles of **County *Local*** roads. There are two and a half times as many County Local road miles as there are County Primary miles.

The "**Local**" category includes both "**Sectionline**" **Local** Roads and **Subdivision Streets**



Who is responsible for maintenance of County roads and streets?

The GCRC has jurisdiction and responsibility for the entire County Road System. Funding to maintain the various types of roads varies widely, however.

Primary Roads: GCRC is responsible for maintenance and reconstruction. GCRC receives federal and state funds. These funds typically cover 80% of capital improvement costs.

"Sectionline" Local Roads: GCRC is responsible for maintenance. GCRC receives state funds. **State law prohibits GCRC from paying more than half the cost of major reconstruction.** GCRC allocates funds for capital improvements, match-able by townships. These roads are not eligible for federal aid.

Subdivision Streets: GCRC is responsible for maintenance. **State law prohibits GCRC from paying more than half the cost of major reconstruction.** By policy, GCRC participation in reconstruction is limited to engineering and inspection (up to 25% of project cost). These roads are not eligible for federal aid.

What maintenance is provided?

The GCRC, **in cooperation with townships**, provides the same services on subdivision streets as on Primary and Local roads.

- Bridge maintenance
- Culvert and underground
- Ditching
- Drainage & backslopes
- Dust control
- Grass and weed control
- Pothole patching
- Reshape gravel surface
- Roadside cleanup
- Shoulder maintenance
- Surface maintenance
- Sweeping and flushing
- Thermo plastic lines
- Traffic signals
- Traffic signs
- Trees and shrub removal
- Winter maintenance

Rehabilitation and reconstructing is expensive!

It costs upwards of **$285,000 per mile** to resurface a subdivision street. And much more to reconstruct one that has reached the end of its life.

Average estimated construction costs for local road improvements - 2013
PER CENTERLINE MILE

4" Limestone Resurfacing (20' Wide)	$95,000
3" Gravel Resurfacing (20' Wide)	$60,000
2" Asphalt Resurfacing (30' B/C to B/C) (Including Cold-Milling)	$285,000
2" Asphalt Resurfacing (26' Wide Open Ditch Streets)	$190,000
Microsurfacing (26' Wide)	$100,000
Ditching, Grading and Paving (26' Wide with 4' Shoulder)	$700,000
Grading and Paving with Concrete Curb & Gutter (30' B/C to B/C)	$1,200,000

Where does funding come from?

The Road Commission can't raise money on its own and it gets no funding from general fund property taxes, but is dependent on the Michigan Transportation Fund (MTF - the "gas tax"), other state funds and federal aid. **But the gas tax has not been increased since 1997** and in recent years the Road Commission has dipped into its fund balance to maintain service levels.

Where are the subdivisions?

Subdivisions are in every township in varying amounts ranging from less than half a mile in Forest Township to over 107 miles each in Flint Township and Grand Blanc Township.

Subdivision Street Mileage by Township

TOWNSHIP	Paved	Unpaved	TOTAL Subdivision
ARGENTINE	5.94	4.01	9.95
ATLAS	10.16	0	10.16
CLAYTON	9.33	0.19	9.52
DAVISON	33.79	0.27	34.06
FENTON	31.28	1.77	33.05
FLINT	87.38	20.16	107.54
FLUSHING	14.82	1.03	15.85
FOREST	0.32	0	0.32
GAINES	3.6	0	3.6
GENESEE	43.35	10.12	53.47
GRAND BLANC	103.25	4.34	107.59
MONTROSE	1	0.72	1.72
MT. MORRIS	51.91	21.97	73.88
MUNDY	33.13	1.59	34.72
RICHFIELD	5.85	0.72	6.57
THETFORD	4.45	0	4.45
VIENNA	14.12	2.17	16.29
Grand Total	453.78	69.06	522.84

How old are the subdivisions?

A building boom took place in Genesee County in the1960s and 1970s. Over 210 miles of subdivision streets were built or hard-surfaced between 1960 and 1980. Many of these subdivision streets have reached the end of their useful lives, are beyond pothole patching and need to be rebuilt.

Psychological Consultation Center

A specialty clinic of Pine Rest Christian Mental Health Services

300 68th Street, S.E.
P.O. Box 165
Grand Rapids, MI 49501
Phone 616.281.6311/fax 616.281.6397

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DEVELOPMENTAL DISORDERS
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AUTISTIC SPECTRUM / ASPERGER'S ASSESSMENT
PRESURGICAL EVALUATION
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DEMENTIA SCREENING
INDEPENDENT MEDICAL EVALUATION
FORENSIC ASSESSMENT
PERSONALITY TESTING

Christopher Baker, Ph.D.
Rebecca Barcy, Ph.D.
Gary Burkhart, Ph.D., A.B.P.P.
Valerie Cook, M.D.
Mark DeVries, Ph.D.
Scott Halstead, Ph.D.
Selina Hill Lee, Ph.D.
Lindsey Root Luna, Ph.D.
Marge Penning, Ph.D.
Daniel Post, Psy.D.
Kim Prose, Psy.D.
Bruce Retterath, Ph.D.
Jennifer Sachek, Ph.D.
William Sanders, D.O.
Julie Smithee, Ph.D.
Brant VanOrman, Psy.D.
Natalie Wallace, M.D.
Tim Zwart, Ed.D

Wednesday, November 4th, 2015

Good Evening,

I'd like to thank the commission for providing the opportunity to speak tonight about the proposed Heritage Cove Farm. To provide some background, my name is Christopher Baker. My family has been a part of Grandview Beach since the 1950s, and I am proud to be a resident of such a beautiful place in Michigan. I am also a concerned resident.

While I recognize that the primary focus of tonight's meeting is on issues of zoning, I will defer to others that are far more knowledgeable and qualified to speak on those issues. However, I want to discuss some clinical issues that I feel need to be brought to light at this time. I believe that I am qualified to speak on these issues in light of my training. I am a licensed psychologist in the State of Michigan with specialty training in neuropsychology, having earned a Ph.D. from the University of Cincinnati. I currently work for Pine Rest Mental Health Services, which is one of the 5 largest free-standing behavioral health care providers in the United States. Before joining Pine Rest, I trained at the Cleveland Clinic and also completed an internship at Patton State Hospital in San Bernardino, California, which is the largest forensic psychiatric hospital in the world. Prior to that, I worked at Summit Behavioral Healthcare, the largest freestanding behavioral healthcare facility in the state of Ohio. I have been privileged to work at some of the best psychiatric and mental health treatment centers this country has to offer. Given my training and education, it would be fair to say that I carry both a strong personal and professional investment in providing excellent clinical treatment and care to individuals with severe mental illness.

Within this context, I have some very serious concerns with the Hanson's proposal. Let me be clear – the Hanson's have put forth a proposal for an inpatient psychiatric facility. This is not a convalescent dwelling, or a therapeutic farm, despite the language that is being used. This is a facility where patients with severe mental illness will come to receive treatment, and the facility should be subject to the same licensing and regulatory requirements of comparable facilities. However, it is unclear who will be providing the treatment at this facility. Psychiatrists? Psychologists? Licensed social workers? Professional counselors? The Hanson's have not indicated who will be providing the treatment, nor what their qualifications or training will be. The Hanson's proposal

their medications reliably and consistently at all times is patently false. Anyone who has worked in a psychiatric facility is well aware of this phenomenon.

Tonight I have barely touched on the myriad number of concerns and issues that the Hanson's proposal raises. I recognize that our time to speak tonight is limited and I want to ensure that others have their opportunity to speak as well. I realize that there continues to be stigma associated with severe mental illness, and I appreciate how that can lead to misunderstanding and bias among some members of the public. I also unequivocally support the further development of treatment programs for individuals with severe mental illness. However, it must be done in accordance with best practice guidelines to ensure the safety of the patients, the staff, and the public. In my professional estimation, the Hanson proposal violates these guidelines on many levels. They have raised far more questions than answers at this time. I believe they have put forth a Pollyanna proposal that fails to recognize just how many challenges are inherent to a treatment facility of this magnitude. I believe the Hanson's proposal should be summarily denied for several reasons, and I would be happy to further discuss this with members of the commission and general public at a later time. Thank you again for the opportunity to speak tonight.

Dictated by: Christopher J. Baker, Ph.D.

Christopher J. Baker, Ph.D.
Licensed Neuropsychologist
Michigan License #6301016035

Name:

PETITION

PURPOSE OF PETITION: To voice opposition to Mr. and Mrs. Larry Hanson's intention to change the use of their 33 acre parcel at 625 S. Grandview Beach Road to create an **unlicensed, unregulated Commercial Mental Illness Treatment Facility (Heritage Cove Farm)** in an otherwise residential community. It would accommodate 24 patients whose diagnoses include schizophrenia, bipolar disorder, depression, mental illnesses related to closed head injuries and/or dual diagnoses (combination of mental illness and substance abuse). Additionally, there would be 13 staff members to include 3 living on-site with families. Their facility would include the construction of 16 new cottages, workshop, garage, laundry building and barn, as well as the expansion of their existing home for administration and staff housing. Since the patients would not be confined to the Hanson property which is directly adjacent to the DNR Trail, there are major **SAFETY** concerns for the thousands of people who walk, bike, and snowmobile the trail annually. Obvious **SECURITY** concerns follow with the demand for more law enforcement and fire personnel, more equipment and specialized training at considerable cost. The proposed **COMMERCIAL** use of this parcel is not compatible with the residential purposes for which residents have purchased, maintained and used their homes for generations. **PROPERTY VALUES** would most likely decline in the neighboring area, nearby subdivisions and for miles along the DNR Trail, resulting in lower tax revenue for the county and local townships. **ENVIRONMENTAL** concerns are significant due to the commercial kitchen and laundry facilities that would be necessary to service 40+ people on a daily basis — very large sewage/septic demands on a 33 acre parcel which borders Indian River and Mullett Lake, about one-third of which is in the Lakes & Streams Protected area. All info available at www.cheboygancounty.net/planning-zoning-31.

LOCATION (Town, Beach, Association, etc.): _____

DATE	NAME (PRINT)	SIGNATURE	NORTHERN MI ADDRESS (INCL. TWP.)
9/07/15	MARY NISSLEY	Mary Nissley	1624 Lakeshore Dr, Topinabee, MI (Mullett Twp)
9/07/15	Marcia Macpherson	Marcia Macpherson	1640 Lakeshore Dr Topinabee MI
9/7/15	[illegible]	[illegible]	"
9/9/15	MICHAEL W PEARBERTON	[illegible]	1648 LAKESHORE DR TOPINABEE
9/9/15	LINDA MILLER	Linda Miller	1654 Lakeshore Topinabee
9/9/15	Phil Kelch	[illegible]	1740 Lakeshore Topinabee
9/9/15	MARY JOAN Weber	Mary Joan Weber	1740 Lakeshore Dr Topinabee
9/12/15	ROBERT H. SCHULTZ	Robert H. Schultz	6341 LINK BLVD, INDIAN RIVER 49749
9/12/15	PAUL PHILLIP SCHMIDT	[illegible]	3472 N STRAITS HWY CHEBOYGAN 49721
9/12/15	F.J. VANANTWERP	[illegible]	5429 BIRCHWOOD DR. CHEBOYGAN MI 49721
9/12/15	Susan Schmidt	Susan Schmidt	3472 N. Straits Hwy Cheboygan 49721
9/12/15	Susan Schultz	Susan J. Schultz	6341 Link Blvd, Indian River, 49749
9/12/15	JIM LEH	[illegible]	4144 Long Point Dr. Cheboygan 49721
9/12/15	K C LEH	[illegible]	4144 Long Point Dr. Cheboygan 49721
9/12/15	Nancy Van Antwerp	Nancy Van Antwerp	5429 Birchwood Dr. Cheboygan, MI 49721
9/14/15	JOHN BLUNESSY	[illegible]	6530 LINK BLVD, INDIAN RIVER, 49749
9-14-15	STEVE BATARAN	Steve Bataran	6391 LINK BLVD. INDIAN RIVER 49749
9/14/15	DENNIS COWLES	Dennis M. Cowles	609 CEDAR DR, INDIAN RIVER 49749
9/14/2015	RONALD S. MILLER	Ronald S. Miller	3028 W. Burt Lake Rd. Brutus, MI 49716
9-14-15	Craig Druskins	CC Druskins	6311 Link Blvd, I. R, MI 49749
9-14-15	DON MCINTOSH	Don McIntosh	919 STRADROAD LN, INDIAN RIVER MI 49749
9/14/15	James R Beebe	James R Beebe	1734 Birch Bark Cv IR MI 49749
9/14/15	STEVE CHELE	Steve R Chele	147 W. PARKWAY CHEBOYGAN, MI 49721

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LOCATION (Town, Beach, Association, etc.): _____

DATE	NAME (PRINT)	SIGNATURE	NORTHERN MI ADDRESS (INCL. TWP.)
9-4-15	PAULA MELONAKOS	Paula Melonakos	521 GRANDVIEW BEACH, INDIAN RIVER
9/4/15	Mark Giska	[illegible]	521 Grandview Beach Indian River
9/4/15	Jacqueline Welch	Jacqueline Welch	505 Grandview Beach Dr Indian River
9/4/15	Lynn Nagel	Lynn Nagel	497 Grand View Beach Dr. I.R
9/4/15	Pauline Mandelaris	Pauline Mandelaris	487 Grand-view Beach Dr.
9/4/2015	JOHN G. MANDELARIS	John G Mandelaris	487 GRAND VIEW BEACH TUSCARORA TOWNSHIP, MI
9-4-15	KATHERYN BACHELKES	Katheryn Bachelkes	525 GRAND View Beach DR. I.R.
9/4/15	Benjamin F. Thomas Jr	Benjamin F Thomas Jr	433 Grand View Beach Dr IR 49749
9/4/15	Jane Thomas	Jane Thomas	433 Grand View Beach Dr. IR 49749
9-4-15	JULIETTE OSTERLUND	Juliette Osterlund	383 Grand View Beach Dr. IR 49749
9-4-15	Jay Dillingham	Jay Dillingham	145 Grandview Beach IR
9-4-15	DAN DILLINGHAM	Dan Dillingham	145 GRANDVIEW BEACH RD. IR 49749
9-4-15	WILLIAM BENNETT	[illegible]	115 GRANDVIEW BEACH RD. 49749
9-4-15	Charlie Trudell	Charlie Trudell	115 Grandview Beach Rd 49749
9/4/15	Ruth Bennett	Ruth Bennett	115 Grandview Beach Rd. 49749
9-4-15	Sally W Baker	Sally W Baker	97 Grandview Beach Rd 49749
9-4-15	Jennifer A Knight	Jennifer A Knight	~~464 Fern Creek Tr~~ 97 Grand View Beach 49749
9-4-15	Dave Campbell	[illegible]	29 Grandview beach
9/5/15	Judith Ann Boyer	Judith Ann Boyer	559 Grandview Beach Dr.

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LOCATION (Town, Beach, Association, etc.): Woodside Beach, Mullett Twp.

DATE	NAME (PRINT)	SIGNATURE	NORTHERN MI ADDRESS (INCL. TWP.)
9/5/15	ROBERT S PAWLIK	[illegible]	5426 WOODSIDE PARK MULLETT
	Elizabeth Pawlik	[illegible]	5426 WOODSIDE PARK MULLETT
	Walter & STEWART	Walter & Stewart	
9/5/15	PATRICK MURPHY	[illegible]	
	ARLENE MURPHY	Arlene Murphy	
9/5/15	RONALD D. ROGERS	[illegible]	5347 Woodside PK
	KARYN L. ROGERS	[illegible]	5347 " "
9/5/15	REVA A McCARTY	Reva A. McCarty	5497 Woodside PK.
9-5-15	NANCY SCHLICKER	[illegible]	
9/5/15	Theresa Ellis	Theresa Ellis	5390 Woodside PK
9/5/15	WILLIAM A. ELLIS	William A. Ellis	5390 Woodside PK
9-5-15	Jennifer Kretz	[illegible]	5396 Woodside PK
9/5/15	MARK KRETZ	[illegible]	5396 Woodside PK.
9/5/15	KEN HOEHN	[illegible]	5313 WOODSIDE PK, IR, MI
9/5/15	LORI HOEHN	[illegible]	5313 WOODSIDE PK, IR, MI
9/5/15	WALTER GARGA	Walter Garga	551 Grandview Beach Dr, IR, MI
9/6/15	Bill Hahn	[illegible]	481 Grand View Beach DR IR/MI
9/6/15	Michael Bayer	[illegible]	559 G V Beach Dr
9/6/15	Thomas Mangum	[illegible]	667 Grandview Beach Dr
9/6/15	Jessica Mangum	Jessica Mangum	667 Grandview Beach Dr.
9/6/15	STEPHEN M. GROSS	[illegible]	565 GRANDVIEW BEACH DR.
9/6/15	J. M. KINNA	[illegible]	556 Grandview Beach Dr
9/6/15	Christopher J. Lynch	[illegible]	577 Grandview Beach Dr.

PETITION

PURPOSE OF PETITION: To voice opposition to Mr. and Mrs. Larry Hanson's intention to change the use of their 33 acre parcel at 625 S. Grandview Beach Road to create an **unlicensed, unregulated Commercial Mental Illness Treatment Facility (Heritage Cove Farm)** in an otherwise residential community. It would accommodate 24 patients whose diagnoses include schizophrenia, bipolar disorder, depression, mental illnesses related to closed head injuries and/or dual diagnoses (combination of mental illness and substance abuse). Additionally, there would be 13 staff members to include 3 living on-site with families. Their facility would include the construction of 16 new cottages, workshop, garage, laundry building and barn, as well as the expansion of their existing home for administration and staff housing. Since the patients would not be confined to the Hanson property which is directly adjacent to the DNR Trail, there are major **SAFETY** concerns for the thousands of people who walk, bike, and snowmobile the trail annually. Obvious **SECURITY** concerns follow with the demand for more law enforcement and fire personnel, more equipment and specialized training at considerable cost. The proposed **COMMERCIAL** use of this parcel is not compatible with the residential purposes for which residents have purchased, maintained and used their homes for generations. **PROPERTY VALUES** would most likely decline in the neighboring area, nearby subdivisions and for miles along the DNR Trail, resulting in lower tax revenue for the county and local townships. **ENVIRONMENTAL** concerns are significant due to the commercial kitchen and laundry facilities that would be necessary to service 40+ people on a daily basis — very large sewage/septic demands on a 33 acre parcel which borders Indian River and Mullett Lake, about one-third of which is in the Lakes & Streams Protected area. All info available at www.cheboygancounty.net/planning--zoning-31.

LOCATION (Town, Beach, Association, etc.): Grandview Beach

DATE	NAME (PRINT)	SIGNATURE	NORTHERN MI ADDRESS (INCL. TWP.)
9-3-15	Mary Howell	Mary Howell	607 Grandview Beach
9-3-15	Michael V. Howell	Michael V. Howell	607 Grandview Beach
9/3/15	PAMELA HEOS	PAMELA HEOS	441 GRANDVIEW BEACH
9/4/15	[illegible]	Jeff Brangen	441 Grandview Beach
9/4/15	Gale Rodgers	Gale Rodgers	370 Grandview Beach
9/4/15	Jeanette Rodgers	Jeanette Rodgers	370 Grandview Beach
9/4/15	Linda Findley	Linda Findley	325 S. Grandview Beach Rd
9/4/15	DAVID J. ROSSMAN	[illegible]	297 S. GRANDVIEW BEACH RD
9/4/15	Pamela W. Krueger	[illegible]	100 N Grandview Bch. Rd.
9/4/15	Donald E. Eaton	Donald E. Eaton	50 N. Grandview Beach Rd
9/4/15	Roger B. Miller	Roger B. Miller	16 N Grandview Beach Rd.
9/4/15	Barbara F. Miller	Barbara F. Miller	16 N. Grandview Beach Rd
9/5/15	DAVID LURIE	David Lurie	529 Grandview Beach Rd, Tuscarora Twp
9/05/15	Roxanne Czapga	Roxanne Czapga	551 Grandview Beach Dr. - Tuscarora Twp
9/05/15	Kay Lurie	Kay Lurie	529 Grandview Beach Dr. - Tuscarora Twp.

PETITION

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LOCATION (Town, Beach, Association, etc.): _____

DATE	NAME (PRINT)	SIGNATURE	NORTHERN MI ADDRESS (INCL. TWP.)
9/4/15	LARRY R. LUTZ		106 N. GRANDVIEW BEACH RD., MULLETT TWP INDIAN RIVER MI
9-5-15	Jill Lutz		106 N. Grandview Beach Rd. Mullett Twp Indian River
9-5-15	BILL FISHER		68 PROSPECT IR 49749
9-5-15	JOHN KROEGER		102 N. Grandview Bch Rd Indian River MI
9-5-15	Joseph R Fox		116 N Grandview Beach Rd Indian River
9-5-15	Katrinka Fox	Katrinka Fox	116 N. Grandview Beach Rd. Indian River
9-5-15.	HERMANN SENGER	H. Senger	112 GRANDVIEW BEACH, INDIAN RIVER
9-6-15	BRUCE HARRIS		255 E. INDIAN WOOD TRAILS, INDIAN RIVER
9-6-15	TOMMI HARRIS		255 E INDIANWOOD TRAILS, INDIAN RIVER
9-6-15	Margaret Harris	Margaret Harris	74 N Grandview Beach Rd, Indian River
9/6/15	ROGER L. HARRIS		74 N. GRANDVIEW Beach Rd Indian River
9/6/15	James Skog	James Skog	99 N. Grandview Beach Indian River
9/6/15	R Garlick	R Garlick	558 Grandview Beach Rd, Topinabee MI
9/6/15	S Garlick	S Garlick	558 Grandview Beach Rd, Topinabee, MI
9/7/15	John Gibson	John Gibson	25 Grandview Beach R. Indian, MI
9/7/15	Dawn Southwell	DAVE SOUTHWELL	700 Scotto Bay DR I. R.
9/8/15	HENRY HERPEL		6145 PROSPECT INDIAN RIVER, MI.
9/8/15	Stephen Rich		3815 Fisher Tr., Alanson, MI
9-8-15	MARK C. KRAMP		4711 INLAND RT. Indian River, MI 49749
9-8-15	Pamela M Lesperance	M Lesperance	181 N Grandview Beach Rd IR 49749
9/8/15	GERALD L. Lesperance		181 Grandview Beach Rd. Ind. River 49749
9/11/15	Suzanne Herpel	S. Herpel	6145 Prospect, Indian River, MI 49749

PETITION

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LOCATION (Town, Beach, Association, etc.): _____

DATE	NAME (PRINT)	SIGNATURE	NORTHERN MI ADDRESS (INCL. TWP.)
9/5/15	FRANK JAMES	Frank James	169 INDIAN WDS TRAIL I.R. 49749
9/5/15	MARY A. JAMES	Mary A. James	169 INDIAN WDS TR I.R. 49749
9/5/15	M. Charlotte Lance	M. Charlotte Lance	368 INDIAN WOOD TR. I.R. 49749
9-5-15	Robert McCollum	Robert McCollum	409 INDIAN WOOD TRAILS 49749
9/5/15	PHILIP J. KRAUS	Philip J. Kraus	501 E INDIAN WOOD TR. 49749
9/5/15	DEWITT WHITE	DeWitt White	197 E. INDIAN WOODS TR. 49749
9/5/15	THOMAS J FISHER	Thomas J Fisher	439 E INDIAN WOODS TR 49749
9/6/15	JACQUELINE THORNTON	Jacqueline Thornton	522 E. INDIAN WOOD TRAILS, I.R. 49749
9/6/15	Raymond Thornton	Raymond Thornton	522 E INDIAN WOOD TRAILS, 49749
9/6/15	BARBARA CLARK	Barbara Clark	476 INDIAN WDS TRL INDIAN RIVER 49749
9/6/15	Robert CLARK	Robert Clark	476 INDIAN WDS TRL INDIAN RIVER 49749
9/6/15	William Falsetti	William Falsetti	INDIAN WDS TRL INDIAN RIVER 49749
9/6/15	matthew McCollum		409 indian woods
9-6-15	Sherrie Rasmussen	Sherrie Rasmussen	202 W Indian Woods Trail IR 49749 Tuscarora Twnshp
9-6-15	Robert R Rasmussen	Robert R Rasmussen	202 W Indian Woods Trail, I.R. 49749 Tuscarora Township
9-6-15	Robert DORAN	Robert Doran	440 W Indian Wood Trail I.R. MI 49749
9-6-15	KATHY DORAN	Kathy Doran	440 E INDIAN TRAIL 49749
9-6-15	Cynthia McCollum	Cynthia McCollum	409 E Indian Wood Trail 48749
9-6-15	PATRICIA A. SIMON	Patricia A. Simon	337 E. Indian Wood Trail 48749
9-6-15	TIMM WILLIAMS	Timm Williams	818 Court St Cheboygan 49721
9/6/15	Emily Hawthorne	Emily Hawthorne	1111 N. Straights Hwy Topinabee, MI 49791
9/6/15	Joseph Hawthorne	Joseph Hawthorne	1111 N Straights Hwy Topinabee 49791
9/6/15	PATTI HAWTHORNE	Patti Hawthorne	288 Indian Woods Tr. Indian River, MI 49791

PETITION

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LOCATION (Town, Beach, Association, etc.): _____

DATE	NAME (PRINT)	SIGNATURE	NORTHERN MI ADDRESS (INCL. TWP.)
9/6/15	CLAY HAWTHORNE	Clay Hawthorne	255 Indian Wood Tr, Indian River, Mi.
9-6-15	PATSY WHITE	Patsy White	PO Box 396 - 197 E Indian Woods Tr. IR
9-11-15	Cindy Sorensen	Cindy Sorensen	3170 Gratiot, Indian River, MI Tuscarora Twsp

PETITION

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LOCATION (Town, Beach, Association, etc.): _____

DATE	NAME (PRINT)	SIGNATURE	NORTHERN MI ADDRESS (INCL. TWP.)
9/6/15	Kathie Lafferty	Kathie Lafferty	618 Indian Woods Tr. I.R.
9/6/15	DAVE LAFFERTY	Dave Lafferty	618 Indian Woods Tr. I.R.
9/6/15	Daniel Lafferty	Daniel Lafferty	593 Indian Woods Tr. I.R.
9/6/15	Sherrie Lafferty	Sherrie Lafferty	593 Indian Woods TR, IR
9-8-15	RONALD WILSON	Ronald Wilson	1530 MULLETT LK. WDS. DR. CHEB.
9-8-15	BEVERLY WILSON	Beverly Wilson	1530 Mullett Lk Woods Cheb

PETITION

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LOCATION (Town, Beach, Association, etc.) _____

DATE	NAME (PRINT)	SIGNATURE	NORTHERN MI ADDRESS (INCL. TWP)
9/11/15	STEVEN OEHLER	[illegible]	103 N.E. Mullett Lake Rd
9/11/15	WILLIAM A. ELLIOTT	[illegible]	147 NE MULLETT LK RD
9/11/15	JANET E. ELLIOTT	[illegible]	147 NE MULLETT LAKE RD
9/11/15	ROSS B. POBANZ	Ross Pobanz	8232 W M-68 Indian River, MI
9/11/15	MARY R. POBANZ	Mary R. Pobanz	5232 W M-68 INDIAN RIVER, MI
9/11/15	Cynthia J Fisher	Cynthia J. Fisher	6157 Prospect, Indian River, MI
9/11/15	Helen L. ZIMMER	Helen L. Zimmer	4341 Kateri Ln, Indian River, MI
9/11	BOB ZIMMER	[illegible]	" " " "
9/13	ROY E. FOUCH	[illegible]	55 NE MULLETT LAKE RD. I.R. MI
9/13	[illegible]	Pat C. Fouch	55 NE MULLETT LAKE RD. INDIAN RIVER
9/13/15	RICHARD D. MEYER	Richard D. Meyer	75 NE MULLETT LK. RD I.R. MI
9/14/15	Janet L. Meyer	Janet L. Meyer	75 NE Mullett LK Rd IR MI

PETITION

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LOCATION (Town, Beach, Association, etc.): _____

DATE	NAME (PRINT)	SIGNATURE	NORTHERN MI ADDRESS (INCL. TWP.)
9/8/15	Barbara Rasmussen	Barbara Rasmussen	632 Giauque Beach
9/7/15	LORI DUBACH	Lori Dubach	642 GIAUQUE BEACH
9/7/15	Jeanne Benjamin	Jeanne Benjamin	762 Giauque Beach
9/7/15	GREG BENJAMIN		762 Giauque Beach
9/7/15	D.J. Burke	D.J. Burke	868 Giauque Beach
9-7-2015	Patricia S. Thrig	Patricia S. Thrig	794 Giauque Beach Dr.
9-7-2015	ELIZABETH MCCANN	Elizabeth McCann	716 Giauque Beach Dr.
9-7-15	CHARLES McCann		716 GIAUQUE BEACH DR.
9-7-15	MARK CYCHOLL		776 GIAUQUE BEACH DR.
9-7-15	MARY CYCHOLL	Mary Cycholl	776 Giauque Beach DR.
9/7/15	L. JAY ROBARGE	L. Jay Robarge	816 GIAUQUE BEACH DR.
9-7-15	Virginia Shaffer-Robarge	Virginia Shaffer-Robarge	816 GIAUQUE BEACH DR.
9-9-15	ROBIN K. MIYAMOTO	Robin K Miyamoto	926 GIAUQUE BEACH DR
9-9-15	Katherine Donahue	Katherine Donahue	250 M-33 Hwy
9/12/15	Tracy L. McMath	Tracy L. McMath	752 Giauque Beach Dr.
9-12-15	Carol J Bush	Carol J Bush	542 Giauque Beach Dr
9/12/15	DANA R. BUSH	Dana R. Bush	542 GIAUQUE BEACH DR
9/12/15	Dawn Bohar		3863 N. Straits Hwy Cheb.
9-12-2015	Sallie VandenBrussche		P.O Box 124 Topinabee
9-13	Marianne Schlichter		1365 Patterson St. 49791
9/14/15	SUSAN L. Warren	Susan L Warren	906 Giauque Beach Dr 49791
9/14/15	DEREK A SCHLICHTER	Derek A Schlichter	4780 SUMMER PLACE LN 49791
9-14-15	Donald B Warren	Donald B Warren	906 Giauque Beach Dr. 49791
9/17/15	JAMES YOUNG		630 GIAUQUE BEACH DR 49791

PETITION

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LOCATION (Town, Beach, Association, etc.): Tuscarora Township

DATE	NAME (PRINT)	SIGNATURE	NORTHERN MI ADDRESS (INCL. TWP.)
9/12/15	GARY FREISMUTH	Gary Freismuth	1246 Wahbee, Indian River, MI Tuscarora
9/12/15	MICHAEL VIZINA	Michael Vizina	4715 Forest Tr Indian River MI Tuscarora
9/12/15	Brandon Vizina	Brandon Vizina	17660 Chippewa Beach Rd, MI Tuscarora
9/12/15	BRIAN RABBLEYE	Brian Rabbleye	17660 NEWTON Topinabee Mi
9/12/15	Mike Thomson	Mike Thomson	333 Ranch Rd Topinabee, Mi - Burt
9/17/15	Carol Freismuth	Carol A Freismuth	1246 Wahbee, IR, Tuscarora
9-18-15	Tom PARKE	Tom Parke	1232 WAHBEE IR TUSCARORA
9-18-15	Jack Bear	Jack Bear	1252 Wahbee IR Tuscarora
9-18-15	Kristina Moutric	Kristina Moutric	6390 Link Blvd, IR Tuscarora

PETITION

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LOCATION (Town, Beach, Association, etc.): STURGEON ISLAND TUSCARORA TWP.

DATE	NAME (PRINT)	SIGNATURE	NORTHERN MI ADDRESS (INCL. TWP)
9-8-15	MIKE FEARDON	[illegible]	6908 GRACE ST. TUSCARORA TWP.
9-8-15	MARYLOU FEARDON	Mary Lou Feardon	6908 GRACE ST. TUSCARORA TWP.
9-10-15	JIM BURKE	Jim Burke	3971 WENONAH TUSCARORA TWP.
9-10-15	GINA BURKE	[illegible]	3971 WENONAH TUSCARORA TWP.

PETITION

PURPOSE OF PETITION: To voice opposition to Mr. and Mrs. Larry Hanson's intention to change the use of their 33 acre parcel at 625 S. Grandview Beach Road to create an **unlicensed, unregulated Commercial Mental Illness Treatment Facility (Heritage Cove Farm)** in an otherwise residential community. It would accommodate 24 patients whose diagnoses include schizophrenia, bipolar disorder, depression, mental illnesses related to closed head injuries and/or dual diagnoses (combination of mental illness and substance abuse). Additionally, there would be 13 staff members to include 3 living on-site with families. Their facility would include the construction of 16 new cottages, workshop, garage, laundry building and barn, as well as the expansion of their existing home for administration and staff housing. Since the patients would not be confined to the Hanson property which is directly adjacent to the DNR Trail, there are major **SAFETY** concerns for the thousands of people who walk, bike, and snowmobile the trail annually. Obvious **SECURITY** concerns follow with the demand for more law enforcement and fire personnel, more equipment and specialized training at considerable cost. The proposed **COMMERCIAL** use of this parcel is not compatible with the residential purposes for which residents have purchased, maintained and used their homes for generations. **PROPERTY VALUES** would most likely decline in the neighboring area, nearby subdivisions and for miles along the DNR Trail, resulting in lower tax revenue for the county and local townships. **ENVIRONMENTAL** concerns are significant due to the commercial kitchen and laundry facilities that would be necessary to service 40+ people on a daily basis — very large sewage/septic demands on a 33 acre parcel which borders Indian River and Mullett Lake, about one-third of which is in the Lakes & Streams Protected area. All info available at www.cheboygancounty.net/planning--zoning-31.

LOCATION (Town, Beach, Association, etc.): _____

DATE	NAME (PRINT)	SIGNATURE	NORTHERN MI ADDRESS (INCL. TWP.)
1/14/15	Jessie McFadden	Jessie McFadden	7610 M-68 Indian River
1/16/15	Carol Beebe	Carol Beebe	1734 Birch Bark Cove I.R. MI.

NOTICE OF PUBLIC HEARING
CHEBOYGAN COUNTY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 4, 2015 AT 7:00 PM
CHEBOYGAN HIGH SCHOOL AUDITORIUM, 801 WEST LINCOLN AVE., CHEBOYGAN, MICHIGAN 49721

Notice is given that the Cheboygan County Planning Commission will hold a public hearing on Wednesday, November 4, 2015 at 7:00 P.M. at the Cheboygan High School Auditorium, 801 West Lincoln Ave., Cheboygan Michigan 49721. The purpose of this meeting and public hearing is to hear comments about and consider the request of Lawrence Hanson and Heritage Cove Farm, Inc. for a special use permit and approval of the submitted site plan to establish a Therapeutic Farm for adults with mental disabilities at 625 Grandview Beach Road, Tuscarora Township

Lawrence Hanson and Heritage Cove Farm, Inc. – Request a Special Use Permit and approval of the submitted site plan. A Special Use Permit is requested under the following sections of the Cheboygan County Zoning Ordinance #200: Section 9.3.14., Nursing or convalescent homes, Section 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.), Section 10.3.2. Club, Section 10.3.3. Cabin colonies, Section 10.3.6. County club, Section 10.3.8. Duplex or multi-family buildings, and Section 10.3.14. Restaurant/Bar. The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6 , parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).

Please note: Heritage Cove Farm requests that Cheboygan County make all reasonable and necessary accommodations under the Americans with Disabilities Act of 1990, the Fair Housing Amendments Act of 1988 and the Michigan Persons with Disabilities Civil Rights Act with respect to the interpretation and application of the Cheboygan County Zoning Ordinance #200 such as to approve the Farm in all requested and required respects.

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

Tuscarora Township
Planning Commission Meeting
October 22, 2015

Meeting called to order at 7:00 p.m.

Members Present: Cherveny, Thuston, Schams, Nivelt, Waldron
Absent: Ashford, Vizina

A motion by Craig Waldron, and seconded by Dan Nivelt, to approve the agenda with the addition of Reappointment of John Schams and Election of Officers. Motion carried.

A motion by Dan Nivelt to approve the February, 2015 Special Meeting Minutes as presented. John Schams seconded and the motion carried.

Motion by Francine Thuston and seconded by Craig Waldron to make a recommendation to the Township Board to reappoint John Schams to an additional three-year term. Motion carried.

Motion by Craig Waldron and seconded by John Schams to nominate Mike Cherveny as Chair. Motion carried with five ayes.

Motion by Craig Waldron and seconded by Dan Nivelt to nominate John Schams as Vice-Chair. Motion carried with five ayes.

Public Comment began at 7:04 p.m. Comments were heard from seven persons. Comments ended at 7:29 p.m. Letter and petitions submitted to the Commission by Pat Monette to be included with the minutes.

The Heritage Farm Special Use Permit Application was reviewed and discussed to determine if it is compatible with the Tuscarora Township Master Plan's Future Land Use. The plans indicate that the majority of the development would be located in an area that is identified on the Future Land Use Map as single family residential. Craig Waldron noted that the cottages themselves would probably meet the density requirements for single family use. What makes this incompatible with the Master Plan is the combination of all of the proposed uses of Heritage Cove Farm.

Motion by Craig Waldron and seconded by Dan Nivelt that the Heritage Cove Farm Plan is not compatible with the Tuscarora Township Master Plan future land use map. Motion carried unanimously.

Craig Waldron moved to adjourn at 7:48 p.m.

Respectfully submitted,

Sue Fisher

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 a special use permit and request for reasonable accommodation by Larry Hanson on behalf of Heritage Cove Farm for new uses in an Agriculture and Forestry Management zoning district and Lake Stream Protection zoning District (See attached copy of subject public hearing notice.)	**Prepared by:** Scott McNeil, Steve Schnell
Date: October 29, 2015	**Expected Meeting Date:** November 4, 2015

GENERAL INFORMATION

Applicant:
Larry Hanson on behalf of Heritage Cove Farm

Contact person:
Larry Hanson

Phone:
231-238-0505 ***(Please note that the applicant requests an appointment be made for site inspections)***

~~**Requested Action:**~~
~~See attached notice of public hearing.~~

~~INTRODUCTION~~

~~Due to the extent of the materials being submitted for this application, findings of fact will be drafted following the public hearing in order to ensure all input received is treated fairly and included for consideration. It is important at this first meeting and public hearing to gather all necessary~~ information and facts from the applicant on their application. Once the public hearing and public record are closed those are the only facts which you may use in your final decision(s) on this application.

This application will require special attention to the uses which are being requested by the applicant. Decisions on this application should be separated by use and by zoning district. The Planning Commission should make a decision for each of the uses they request approval under and for each zoning district that the site is in. This will mean that you either agree or disagree with the applicant as to whether their declared uses meet the requirements and definitions of those uses in zoning ordinance. If those uses are not defined then common definitions should be used.

For instance, the applicant has stated that they have a restaurant use on the property. They state that there is communal dining. A definition by Merriam-Webster is “a place where you can buy and eat a meal”. The Oxford English Dictionary states that a restaurant is: “An eating establishment at which meals are cooked

and served to customers on the premises; a public eating house. Also: a similar establishment provided esp. by an employer for members of staff." These should be compared with the description by the applicant to decide on consistency of the described use of the dining hall with the definition of restaurant. This type of review should be applied to all declared uses. More discussion on this follows in this report for each use and accessory use.

It will also be up to the Planning Commission to review each use as well as determining whether the proposed "ancillary" or accessory uses are actually *accessory* or subordinate to the main use. Accessory use is defined in our ordinance as: *a use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the building or land*.

As you review the application materials you will find communication from the applicant referencing residential and other uses which only require a zoning permit and would be approved administratively by department staff. However, no zoning permit application has been filed with this office even though this type of application was explained to the applicant. There has been significant effort by staff to clarify which uses the applicant intended to request as allowed under the zoning ordinance. The applicant submitted a supplement letter to the application dated September 22, 2015 which has been added to the application file as exhibit 99. In this letter the applicant provided specific uses with section numbers from the zoning ordinance for which a special use permit is being sought. With receipt of that letter the application was deemed complete. The report will provide an overview and evaluation for your review of the special use permit application pursuant to the uses requested in the aforementioned letter of September 22, 2015.

Project Overview

The subject property is located at 625 South Grand View Beach Road. The site contains a total 33.3 acres and 1,606.65 feet on Mullett Lake. The subject property and special use permit request involves the Lake and Stream Protection (P-LS) zoning district and the Agriculture and Forestry Management (M-AF) zoning district. The portion of the site within the Lake and Stream Protection zoning district contains approximately 13.3 acres and the portion of the within the Agriculture and Forestry Management zoning contains approximately 20 acres. The applicant describes Heritage Cove Farm as a therapeutic farm community for the purpose of providing a healing environment and home to adults with a mental illness. The applicant states that there will be a maximum of 13 staff members and 24 residents at the site on the last paragraph of page 2 and first paragraph on page 3 in the letter attachment to the application dated April 20, 2015 and designated as exhibit 1 in the application file. It is further stated on the third page, first paragraph in the exhibit 1 that "The Farm will ensure that its staff and the Farm itself obtain and maintain required licenses and accreditations." The letter in also states in the second paragraph of the third page "It is anticipated that all residents voluntarily desire to (and have the capacity to work toward healing and living independently. The Farm's professional personnel will conduct admissions screenings and the Farm does not intend to accept residents with a history of physical abuse and/or violence."

The applicant is seeking a special use permit for that part of the site within the Agriculture and Forestry Management District under section 9.3.14., Nursing or convalescent homes and under section 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.

The proposed uses are further described on pages 2 though 6 in the letter attachment to the application dated April 20, 2015 and designated as exhibit 1 in the application file. The applicant has also responded to

the application questions related to the specific findings under section 18.7 and 20.10 beginning on page 6 of exhibit 1. Floor plans for the cabin colony and community center are included in exhibit 10.

The applicant has submitted a supplement letter to the application dated September 22, 2015 which is designated as exhibit 99. The letter sets forth each proposed use and the corresponding use requested which requires a special use permit for each zoning district. The application was deemed complete upon review of this supplement letter. These are the uses they believe their project most closely describe their proposed project.

Per the September 22, 2015 letter, the applicant is seeking a special use permit for that part of the site within the Lake and Stream Protection District under Section 10.3.2. Club, section 10.3.3. Cabin colonies, section 10.3.6. County club, section 10.3.8. Duplex or multi-family buildings, and section 10.3.14. Restaurant/Bar and seeking a special use permit for that part of the site within the Agriculture and Forestry Management District under section 9.3.14., Nursing or convalescent homes, Section 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.)

The Site Plan
By review of the site plan you will find existing and future buildings within the Agriculture and Forestry Management District are proposed for the following uses as listed in the Building Legend: administrative building to be used as office for the development, phase 2 cabin colony staff housing and resident housing, green house, garage/laundry and barn. Existing sheds are to be removed. The proposed uses are further described on pages 2 though 6 in the letter attachment to the application dated April 20, 2015 and designated as exhibit 1 in the application file. The applicant has also responded to the specific findings beginning of page 6. Floor plans for the phase 2 cabin colony are included in exhibit 10.

By review of the site plan you will find existing and future buildings within the Lake and Stream Protection District are proposed for the following uses as listed in the building legend: Cottages (staff housing, resident housing), community lodge to be used as a community center and dining for the development, cold storage and kitchen pantry and greenhouse.

Each of the aforementioned structures located on the site plan and their uses as described in the application materials will need to be evaluated as to whether they are accessory uses to each of the main uses as requested in the September 2, 2015 supplemental letter (exhibit 99).

Proposed Uses
The site is within both the Agriculture Forestry Management (M-AF) and Lake and Stream Protection (P-LS) zoning districts. This application has multiple uses which are being proposed within each of those zoning districts. The Planning Commission will be required to review each requested use and accessory uses in each zoning district pursuant to each section as they are cited in the public hearing notice. Draft findings of fact will be provided which outline this level of detail required of the Planning Commission's review. Following is a staff summary of their proposed uses by zoning district:

Uses requested within the Lake and Stream Protection (P-LS) District.
As previously stated, the applicant is seeking a special use permit for that part of the site within the Lake and Stream Protection District under Section 10.3.2. Club, section 10.3.3. County club, and section 10.3.14. Restaurant/Bar. It is noted that the applicant concludes as follows on the 6th page in the first

paragraph of the letter attached to the application dated April 20, 2105 (exhibit 1); the supplementary group counseling component of the Community House is an ancillary use to the dining component, as permitted by section 10.3.14 , and the club component as permitted by sections 10.3.2 and 10.3.6. The Planning Commission should decide if they agree that the counseling component is an accessory use.

The applicant is also seeking a special use permit for that part of the site within the Lake and Stream Protection District (P-LS) under section 10.3.8. Duplex or multi-family buildings. In consideration of the multi-family use, the lot width requirement must be reviewed. The current lot width of the property is estimated at less than 600 feet as measured according to the definition of lot width in the zoning ordinance. Section 17.1. provides that a lot width of 100 feet is required per duplex and per single family dwelling, and 50 feet per dwelling unit within a multi-family use. This would require the subject lot with 24 dwellings arranged as 12 duplexes and 5 staff houses, as indicated in the application materials to be 1700 feet. This is calculated as 100' per duplex and 100' per dwelling.

In this case there would be no minimum lot width requirement for the cabin colony use since there are no lot width requirements for those uses in those districts. No minimum lot width requirement exists for clubs and these proposed cabins do not meet the definition of dwelling since they do not have permanent provisions for cooking.

The Planning Commission should decide if they agree that the other uses proposed are indeed accessory uses to cabin colonies. Specifically, staff would direct your attention to the therapy use, which has been mentioned as a use to occur in the "administrative building" and the "community house". Therapy use as an accessory use to a cabin colony in the P-LS zoning district may not be consistent with the zoning ordinance definition of accessory use. We define accessory use as "naturally or normally incidental and subordinate to, and devoted exclusively to the main use of the building or land". Whether or not therapy use meets this definition relative to cabin colonies is a decision to be made by the Planning Commission.

Uses requested in the Agriculture and Forestry Management (M-AF) District.
As noted, the applicant is seeking a special use permit for that part of the site within the Agriculture and Forestry Management District (M-AF)under section 9.3.14., Nursing or convalescent homes, Section 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.)

In this case there would be no minimum lot width requirement for the convalescent home use since there are no lot width requirements for those uses in those districts. No minimum lot width requirement exists for clubs and these proposed cabins do not meet the definition of dwelling since they do not have permanent provisions for cooking.

The Planning Commission should decide if they agree that the other uses proposed are indeed accessory uses to convalescent homes. Specifically, staff would direct your attention to the therapy use, which has been mentioned as a use to occur in the "administrative building". Therapy as an accessory use to convalescent homes could be allowed but only in the same zoning district as the convalescent home (M-AF). Therapy use as an accessory use to a cabin colony in the P-LS zoning district may not be consistent with the zoning ordinance definition of accessory use. We define accessory use as "naturally or normally incidental and subordinate to, and devoted exclusively to the main use of the building or land". Whether or not therapy use meets this definition relative to cabin colonies is a decision to be made by the Planning Commission.

The applicant has also requested that Cheboygan County make all reasonable and necessary accommodations under the Americans with Disabilities Act of 1990, the Fair Housing Amendments Act of 1988 and the Michigan Persons with Disabilities Civil Rights Act with respect to the interpretation and application of the Cheboygan County Zoning Ordinance #200 such as to approve the Farm in all requested and required respects. The request is mentioned in the aforementioned letter dated April 20, 2015 and aforementioned letter dated September 22, 2105 and in the attached public notice.

The applicant has also submitted a letter dated October 20, 2015 addressed to the Planning Commission. You will note the letter references the letter from me dated October 16, 2015 which you can find as exhibit 107. The letter provides further information from the applicant regarding the accommodations request.

Community Development Director Steve Schnell has provided a supplemental staff report relative to accommodation under the Fair Housing Amendments Act. Our legal counsel will provide information and guidance reading the accommodation request relative to each of the federal acts cited in the accommodation request.

Surrounding Land Uses: Vacant to the north, Mullett Lake to the south, residential to the east and vacant and residential to the west including the North Central State Trail.

Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain): The site includes frontage on Mullett Lake. The lot may contain wetland areas along the lake front. No other environmentally sensitive areas have been identified. See the provided site plan indicating wetland areas as well as the map at the end of this staff report showing potential wetlands on or near the site as identified by the Michigan Department of Environmental Quality using data that includes the National Wetlands Inventory. There appears to be an existing fenced-in area and shed within an area shown to have wetlands on the site plan drawing. It is not clear what this fenced-in area will be used for.

Historic buildings/features: There are no historic buildings for features in the subject area.

Traffic Implications: Traffic increase is expected to be minimal to moderate relative to a therapeutic farm use. The application material indicates a maximum of 13 employees and 24 residents for the facility. Additional service related traffic is also expected. More significant traffic increases can be anticipated for Club, Country Club and Restaurant as main uses. Traffic increases are not anticipated for these uses as accessory uses.

Parking: By review of the structures and proposed uses as presented in exhibit 99 relative to Lake and Stream Protection District you will find proposed main uses for Cabin colonies, Club, Country Club, Duplex multi-family and Restaurant/Bar. Section 17.6. does not provide parking requirements for Cabin colonies, Club or Country Club. Section 17.6. provides a requirement for one (1) parking space per three (3) persons of seating capacity for a Restaurant. The Restaurant use is proposed for the community center. There are 24 indoor seats and 16 outdoor seats provided on the community center floor plan which is included in exhibit 10. Based on seating indicated 14 parking spaces are required for the restaurant use. Section 17.6. also requires 2 parking spaces per dwelling for multi-family uses. The site plan indicates 19 dwellings which require 36 parking spaces. 50 parking spaces are required for the restaurant and multi-family use together. 17 parking spaces are identified on the site plan. Based on this analysis the site plan is deficient relative to parking for the multi-family use and the restaurant and multi-family use combined. Plus 1 space per 2 employees for those uses not already listed in the table (from top of table 17.6). Since employees are for therapeutic farm and not restaurant use, should those be included? Perhaps it’s not clear which use the employees are associated with.

Uses requested in the Agriculture and Forestry Management zoning district are Convalescent home and other uses as provided per section 9.3.22. as stated in the introduction of this report. Section 17.6. does not provide parking requirements for these uses. The Planning Commission will need to make an adequate parking determination under section 17.4.1. regarding approval of these uses in the Agriculture and Forestry zoning district.

Access and street design: (secondary access, pedestrian access, sidewalks, residential buffer, ROW width, access to adjacent properties): Street assess to this site is provided from South Grand View Beach Road.

Signs: One freestanding sign of less than 18 square feet of sign surface area and under six (6) feet high is indicated in the application and located on the on the site plan in the section of the property zoned Agriculture and Forestry Management. The sign surface area and height meet requirements for a freestanding sign in this zoning district. The site plans indicates that the sign is to be placed in the South Grand View Beach Right of way. A five (5) foot setback is required in this zoning. The setback requirement is recommended to be affirmed under the findings as required in section 18.6.f. and section 20.7.g. You will find proposed findings in this regard for your consideration.

Fence/Hedge/Buffer: No hedge or buffer is proposed.

Lighting: Solar pathway lighting is indicated on the site plan. The applicant indicates in the application that all outdoor lighting will meet standards for approval.

Stormwater management: Change to stormwater management is proposed. All new construction will require a permit under the Cheboygan County Stormwater Control and Soil Sedimentation Ordinance.

Review or permits from other government entities: Review by the Cheboygan County Department of Building Safety, District 4 Health Department, and review under the Cheboygan County Soil Sedimentation and Stormwater Control Ordinance will be requiring. Review by the Michigan Department of Licensing and Regulation will also be required.

Rose Hill Center is a treatment facility which was used as a comparison by the applicant. Staff contacted the zoning administrator for the township which has zoning jurisdiction in that area and approved that project. The zoning administrator had been asked about the size of the project. She stated that they are allowed to have over 100 people under their care. She was asked under what uses that project was approved and she stated it was approved as a medical facility by a special use permit but couldn’t remember the exact use terminology. She was not on staff when it was initially approved. I asked her if there had been any issues with the site and she said no but that public safety had been called a couple of times to find people who had left the grounds.

Public comments received: See application file and exhibit list.

Recommendations (proposed conditions)
Review under the Cheboygan County Soil Sedimentation and Stormwater Control Ordinance, by the Cheboygan County Department of Building Safety, District 4 Health Department, and review by the Michigan Department of Licensing and Regulation.

Close review of the uses proposed to be accessory uses is recommended, especially close review of the therapy use as an accessory use to cabin colonies or perhaps this is a reasonable accommodation that is required due to the disability of the clients of the Farm.

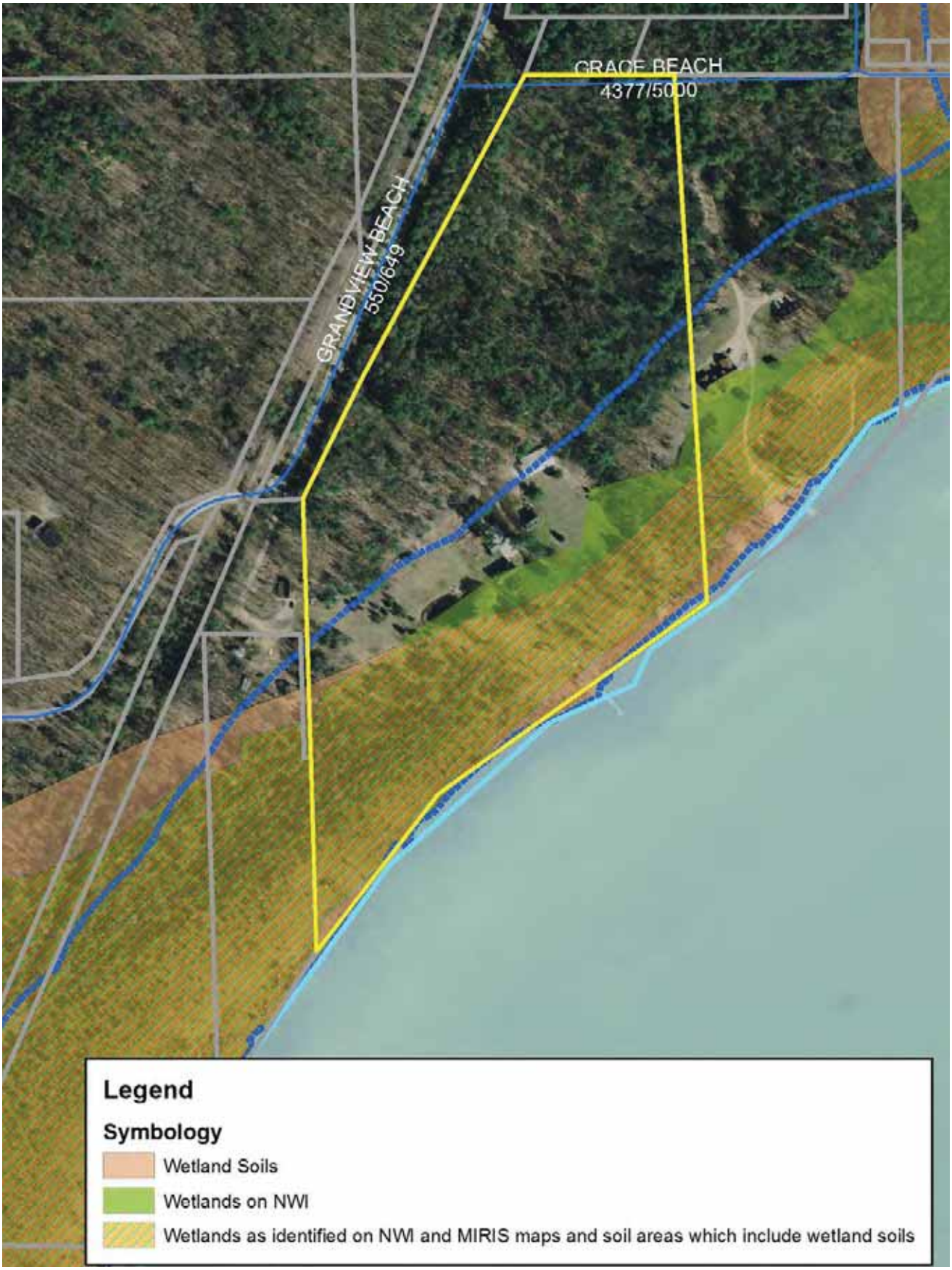

Figure 1 - Source: Michigan Department of Environmental Quality, Wetlands Inventory Maps

CHEBOYGAN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ▪ 870 S. MAIN STREET, PO BOX 70 ▪ CHEBOYGAN, MI 49721
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www.cheboygancounty.net/planning/

MEMO

Date: **October 29, 2015**

To: **Planning Commissioners**

From: **Steve Schnell, Community Development Director**

Re: **Fair Housing Act and reasonable accommodations**

Fair Housing Amendment Act

There are many questions you probably have about how Fair Housing Act, referenced many times in the application, plays into your review of this application. The application for Heritage Cove Farm makes reference to the Fair Housing Act and asks for "reasonable accommodations" under this law. I will summarize some basics about Fair Housing and its impact on local zoning which is information taken from various sources. The most helpful for you at this time will probably be the Department of Justice's website with specific resources on Fair Housing and local zoning. The web page is:

http://www.justice.gov/crt/joint-statement-department-justice-and-department-housing-and-urban-development-1

The Fair Housing Act was originally adopted in 1968 to ensure equal access to housing and to prohibit discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin. The Fair Housing Act was amended in 1988 by the Fair Housing Amendment Act. Changes included expanded coverage of people with disabilities and familial status. This law does not pre-empt local zoning laws. However, in situations where local zoning laws are inconsistent with federal law then the federal law will prevail.

Regarding group living situations similar to Heritage Cove Farm, the federal law doesn't affect the local zoning law nor does it change how it should be applied unless the zoning requirements discriminate against the residents on the basis of race, color, national origin, religion, sex, handicap (disability) or familial status (families with minor children).

If local laws are believed to be discriminating against a person with a handicap (disability) then a reasonable accommodation must be granted. The reasonable accommodation only needs to address changes or alterations which are necessary based on the individual disability. We currently have some of this built into our ordinance in the way we accommodate wheelchair ramps within setbacks if they are necessary for the individual disability.

A disability does not include users of illegal controlled substance, sex offenders, juvenile offenders. These are not considered disabled people requiring protection under this Act. However, people with addictions and mental illness are considered disabled. The examples provided by the Department of

Justice of the legal meaning of the term “disabled” include people with conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The person has a disability if this condition limits their “seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working”.

Evaluating Requests for Reasonable Accommodation, What is “reasonable”?
This is a very important part of this zoning review so I am going to simply quote from the Department of Justice’s website:

> **Q. What is a reasonable accommodation under the Fair Housing Act?**
>
> As a general rule, the Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" (modifications or exceptions) to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling.
>
> Even though a zoning ordinance imposes on group homes the same restrictions it imposes on other groups of unrelated people, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. For example, it may be a reasonable accommodation to waive a setback requirement so that a paved path of travel can be provided to residents who have mobility impairments. A similar waiver might not be required for a different type of group home where residents do not have difficulty negotiating steps and do not need a setback in order to have an equal opportunity to use and enjoy a dwelling.
>
> Not all requested modifications of rules or policies are reasonable. Whether a particular accommodation is reasonable depends on the facts, and must be decided on a case-by-case basis. The determination of what is reasonable depends on the answers to two questions: First, does the request impose an undue burden or expense on the local government? Second, does the proposed use create a fundamental alteration in the zoning scheme? If the answer to either question is "yes," the requested accommodation is unreasonable.
>
> What is "reasonable" in one circumstance may not be "reasonable" in another. For example, suppose a local government does not allow groups of four or more unrelated people to live together in a single-family neighborhood. A group home for four adults with mental retardation would very likely be able to show that it will have no more impact on parking, traffic, noise, utility use, and other typical concerns of zoning than an "ordinary family." In this circumstance, there would be no undue burden or expense for the local government nor would the single-family character of the neighborhood be fundamentally altered. Granting an exception or waiver to the group home in this circumstance does not invalidate the ordinance. The local government would still be able to keep groups of unrelated persons without disabilities from living in single-family neighborhoods.
>
> By contrast, a fifty-bed nursing home would not ordinarily be considered an appropriate use in a single-family neighborhood, for obvious reasons having nothing to do with the disabilities of its residents. Such a facility might or might not impose significant burdens and expense on the community, but it would likely create a fundamental change in the single-

> family character of the neighborhood. On the other hand, a nursing home might not create a "fundamental change" in a neighborhood zoned for multi-family housing. The scope and magnitude of the modification requested, and the features of the surrounding neighborhood are among the factors that will be taken into account in determining whether a requested accommodation is reasonable.

Comparison to other uses in the area
In the last year, the YMCA camp on Burt Lake proposed a medical clinic which was approved by the County as an accessory use to the camp. Similarly, camp counselors are often employed by youth camps. There are still some differences in the nature of a YMCA camp and a therapeutic farm, namely the type of "campers" (if this is considered a camp) or residents (if this is considered a residential use). The applicant has said it is either or both of these uses in their application. The differences between the YMCA and the therapeutic farm should be evaluated on the basis of how they impact land use only.

What conditions are we prohibited from requiring?
It's impossible to provide a complete list, but generally it is not permitted for us require that one group home or similar use be a minimum distance from another group home (or similar use). For one reason, we don't currently have that as a requirement in our zoning ordinance but also because the United States Department of Housing and Urban Development (HUD), the Department of Justice, and the courts generally have ruled against such restrictions.

We cannot prohibit a group home or add conditions to an approval based on a *perceived* safety concern. Any safety concerns that might factor into a decision should be based on fact and hard evidence only. It would be a violation of the Fair Housing Act to deny a permit based on stereotypical fears of a person with a disability.

Regarding the safety of the facility, it is recommended that discussion again keep to the facts and known evidence of safety issues which can be documented. Consideration has to be given to the level of oversight, security, and licensing by the state or other agencies.

State licensing
Please see exhibit 96 for the response to our inquiry of required licensing by a person at the Michigan Department of Licensing and Regulatory Affairs (LARA). The LARA representative stated that they would need additional information to adequately assess licensure requirements for this facility. The applicant has not stated clearly that licensing is required for their specific operation. The applicant has only stated that the facility and their staff would obtain any required licensing. Although, the applicant has said they are analogous to a convalescent home which by definition in our ordinance is a "home, qualified for license under applicable Michigan law". The applicant is burdened with the proof of which licenses are required.

Heritage Cove Reasonable Accommodations
Heritage Cove Farm's (HCF) application references many different uses. It was challenging for staff to determine which of the uses they were applying for were primary uses and which were being requested as accessory uses. Clarification was provided on September 22nd from the applicant's attorneys with the statement that they were asking for approval in the M-AF zoning district for a convalescent home and in the P-LS district for cabin colony, multi-family/duplex, country club, club, restaurant, cabin colony, and/or multi-family/duplex uses.

Therapy as reasonable accommodation
Reasonable accommodations are being requested to allow for therapy use as an accessory uses for the cabin colony use as well as the "dining" use under the section 10.3.14 which is for restaurants. They have stated that, due to their disability, the residents will need group therapy services and these should be provided as an "ancillary use" (same as "accessory use" in the county zoning ordinance) to the residential use of housing of persons with mental disabilities. A cabin is a dwelling as per our definition and could be considered residential use of property.

The applicant is stating that this is a need of their residents in a similar manner as a person in wheelchair would need a ramp which may be in a required setback.

This request for reasonable accommodation would need to be reviewed according to two standards:

1. Does the request impose an undue burden or expense on the local government?
2. Does the proposed use create a fundamental alteration in the zoning scheme?

If therapy is offered to the residents of this cabin colony (or club, or multi-family/duplexes), is this posing a burden or expense to local government? Is this going to fundamentally alter the zoning scheme for the area?

The Planning Commission will need to determine whether this is an accessory use (as they are requesting as a reasonable accommodation) OR whether you disagree with the applicant in regards to this use in the P-LS zoning district and consider this is a primary use of this property. As a primary use, this is not permitted in P-LS but could be considered part of a convalescent home which could be permitted approximately 100 feet away in the M-AF zoning district portion of the property as part of an SUP.

Comparisons are made by the applicant to other similar uses allowed in the P-LS zoning district such as camps, churches, and schools could all be considered to have a therapy or counseling component. Determination should be made as to whether the applicants' request for therapy create a fundamental alteration of the County zoning scheme for this district or is it consistent with other uses or accessory uses which have been approved in this area.

Parking as reasonable accommodation
They state in their September 22nd letter that they want approval as a use that is analogous to a restaurant. The use as they describe it does not appear to be a restaurant as would be commonly defined. In fact, in their letter of October 20 they now state that it is not a restaurant nor is it multi-family. With these contradictions, some additional clarity is needed. However, they state that this is not a restaurant open to the public and, if so, the parking requirements would not be appropriate for this area. No accommodation would probably be needed if they clarify that this is not a restaurant for the record.

Multi-family use, lot width matters
At various points in their application they state that they are proposing something analogous to multi-family use. If it is determined that multi-family use is the primary use of this property, the lot width requirement must be reviewed as it does not appear to be sufficient. The current lot width of the property is estimated as less than 600' when measured according to standards of the zoning

ordinance. Lot width is required to be 100’ for each single family residence, 100’ per duplex, and 50’ per dwelling unit within a multi-family use, according to Section 17.1.

If the use is multi-family, the lot width requirement for a lot with 24 dwellings arranged as 12 duplexes and 5 staff houses would be 1700 feet. This is calculated as 100’ per duplex and 100’ per dwelling.

Cabin Colony in P-LS and Convalescent Home in M-AF
It appears most likely that they are applying as a convalescent home in the M-AF zoning district and cabin colony in the P-LS zoning district. In this case there would be no minimum lot width requirement for those uses since there are no lot width requirements for those uses in those districts. No minimum lot width requirement exists for clubs and these proposed cabins do not meet the definition of dwelling since they do not have permanent provisions for cooking.

The Planning Commission should decide if they agree that the other uses proposed are indeed accessory uses to convalescent homes and cabin colonies. Specifically, staff would like to direct your attention to the therapy use, which has been mentioned as a use to occur in the “administrative building” and the “community house”. Therapy as an accessory use to convalescent homes could be allowed but only in the same zoning district as the convalescent home (M-AF). Therapy use as an accessory use to a cabin colony in the P-LS zoning district may not be consistent with the zoning ordinance definition of accessory use. We define accessory use as “naturally or normally incidental and subordinate to, and devoted exclusively to the main use of the building or land”. Whether or not therapy use meets this definition relative to cabin colonies is a decision to be made by the Planning Commission.

CHEBOYGAN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

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

Date: **November 30, 2015, updated December 2, 2015**
To: **Planning Commissioners**
From: **Steve Schnell, Community Development Director**
Re: **Heritage Cove Farm Second Staff Report**

NOTE: This is an update to this staff report. The study which was cited regarding safety of group homes in Illinois was a study done on group homes of the *developmentally disabled*. Heritage Cove Farm has not used the terms *developmentally disabled* in this application. They have referred to potential residents as mentally disabled, adult men and women with mental illnesses among other terms.

You'll see that the findings address some but not all of the uses which Heritage Cove Farm (HCF) has applied under. The applicant has chosen to list many uses under which they believe their application is closest to or most analogous to. The draft findings of fact address those uses proposed by the applicant which appear to be most applicable under the zoning ordinance.

Remember that review of this application regards only its land use. The disabilities of the future residents and any reasonable accommodation would be considered based on whether the reasonable accommodation would impose an undue financial or administrative burden on the County or fundamentally alter the County zoning ordinance.

Review of uses

Determining the appropriate use category is one of the decisions to be made by the Planning Commission. Typically, there is not much debate about this as it is often more straight forward in most of the other applications presented to the Planning Commission. In this application, the applicant has proposed many uses which they believe are similar. They also ask that, if the Planning Commission finds that one of their proposed uses is not applicable, to then consider one of the other proposed uses, or a combination thereof. In addition, the applicant has requested that, if any aspect of this is found deficient in how it meets zoning standards, to then provide a reasonable accommodation under federal laws including the ADA and Fair Housing Amendments Act.

The proposed findings focus on what appears most prevalent in the application: a convalescent home use in the M-AF zoning and cabin colony and restaurant in the P-LS zoning. The Planning Commission will need to decide on whether the application meets the standards of these uses. If the application is found to be deficient in meeting those standards, an additional review must be done on whether reasonable accommodation(s) should be granted.

As you'll see in the draft findings, the application seems to be most like a convalescent home use throughout the property. Therapy use is stated as an accessory use throughout the parcel. If the Planning Commission agrees that therapy is an accessory use (defined as naturally and normally incidental) to restaurant or cabin colonies, then this can be approved as presented. However, if this does not meet the definition of accessory use for cabin colonies or restaurants, then further review should be conducted as to whether it requires a reasonable accommodation under the federal laws.

At the end of the findings of fact are some standards for your review and some suggested findings to review this project in light of these federal laws. Key to this to this review is whether counseling or therapy is necessary to allow people with disabilities equal opportunity to use or enjoy this dwelling, whether it's reasonably necessary accommodation, and whether it will impose a financial or administrative burden on the county or fundamentally alter the zoning ordinance.

Evaluating the proposed uses, comparisons

It might be helpful to look at other allowable uses and the possible accessory uses for those allowed in P-LS zoning. The proposed findings address the use of convalescent home within the M-AF zoning district and the cabin colony as well as cafeteria restaurant use in the P-LS zoning district. The proposed activity is most likely going to be similar to the convalescent home use within the M-AF zoning district. Within the P-LS zoning district portion of the property the therapy and other uses associated with the proposed therapeutic farm have not yet been considered by previous applications. This is rather unique. However, similar activities have recently been reviewed by the Planning Commission for comparison.

For instance, the YMCA camp in the P-LS zoning was recently approved for a medical facility which is to be used as an accessory use to the camp. Minor medical treatment would be provided for the campers in that building. Similarly, a cabin colony has been approved at the most recent Planning Commission meeting which proposed a higher density than is being proposed at Heritage Cove Farm.

There are differences to the purpose for the campers/residents/visitors who are occupying each of these three examples (YMCA, Rogala cabin colony, and Heritage Cove Farm). However, similar accessory uses are or could be permitted. At a YMCA camp some

counseling can be envisioned for the campers. In addition, religious institutions which are permitted in the P-LS zoning district by special use permit, could feasibly include individual counseling albeit in the form of consultation with a religious leader of a church.

How do these different uses compare: residents of a vacation cabin colony, campers at the YMCA, and the residents of the Heritage Cove Farm? The purpose of a visit to each of these types of uses may be seen by some as quite different due to the perceived safety threat. Comments received at the public hearing pointed to the topic of safety.

The draft findings show both statements that support and some that do not support the various standards. A summary of those main points that need your attention is as follows:

Does Heritage Cove Farm (HCF) meet the definition of convalescent home?

Licensing is part of this definition. If HCF does not receive a license, it wouldn't meet this definition. Then the question must be answered as to whether, under the Fair Housing Amendments Act, the HCF deserves a reasonable accommodation to provide treatment to the infirm without a license.

Also, in meeting this definition, what does the word "infirm" mean? Does this only involve treatment of the aged or does it include those with mental illness regardless of age? This will be determined by your decision on which common definitions of infirm you rely upon.

In the P-LS zoning district-portion of the property, can the proposed activity be approved as something other than a convalescent home? The proposed uses are the same or similar throughout the whole property and in both zoning districts. The applicant has stated that they will be doing the same uses across both zoning districts. They are asking, however, for approval under different use categories. This isn't necessarily inappropriate as they have asked for reasonable accommodations under federal law to allow for such uses which are needed due to the disabilities but not necessarily permitted under the zoning ordinance.

Therapy

The applicant proposes a use that is similar to a convalescent home for the whole parcel. However, the applicant has not called the use a convalescent home in the P-LS zoning district but has chosen to call it a cabin colony and restaurant for that part of the property. The Planning Commission now decides whether this is appropriate under the ordinance. If it is not, then the Planning Commission also decides whether it is appropriate to grant a reasonable accommodation under the Fair Housing Amendments Act. The Act requires review of the question: Would therapy be something that would be

approved as accessory to other uses allowed in the same zoning district? If it wasn't for the disability of the applicant property's clients, would this or similar use be allowed in this same zoning district? If so, then an accommodation should be granted since it would not necessarily create an undue financial or administrative burden on the county in enforcement of the zoning ordinance.

Therapy by trained professionals as well as co-counseling by fellow residents is a use proposed by the applicants. This is an activity that can be imagined to be part of a convalescent home and other types of medical or mental health treatment facilities. The applicant points out that therapy can be done in a residential setting also. In fact, federal laws such as the Fair Housing Amendments Act are in place to ensure that people with disabilities are able to live in residential neighborhoods and not be discriminated against. Federal law requires that, if therapy is something that people need in order to live their lives it should be an allowed accessory use for residences for the disabled in a residential area.

There are uses currently allowed by special use permit in the P-LS zoning district which it could be considered acceptable if therapy was provided as part of or accessory to the primary use. Such uses could be churches, institutions, or camps. The YMCA camp which has been approved for zoning expansions and is a permitted use in the P-LS zoning district provides activities designed to improve the health of its campers against "diabetes, heart disease, and obesity".

The applicant may need to more clearly state what therapy entails at HCF.

CHEBOYGAN COUNTY
PLANNING COMMISSION
DRAFT FINDINGS OF FACT

Lawrence Hanson and Heritage Cove Farm, LLC
Special Use Permit

Applicant:	Lawrence Hanson on behalf of Heritage Cove Farm, LLC 625 N. Grandview Beach Road Indian River, MI 49749
Owners:	Lawrence Hanson on behalf of Heritage Cove Farm, LLC 625 N. Grandview Beach Road Indian River, MI 49749
Parcels:	625 N. Grandview Beach Road, Sections 5 and 6, Tuscarora Township Parcel No's. 162-005-300-002-00, 162-006-400-004-00 and 162-006-400-005-00
Hearing Date:	Public Hearing on Wednesday, November 4, 2015 at 7:00 p.m. at the Cheboygan High School Auditorium Deliberations on Wednesday, December 2, 2015 at 7:00 p.m. at the Cheboygan High School Auditorium

PROPERTY DESCRIPTION

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

See attached legal descriptions.

Hereinafter referred to as the "Property".

APPLICATION

The purpose of this meeting and public hearing is to hear comments about and consider the request of Lawrence Hanson and Heritage Cove Farm, Inc. for a special use permit and approval of the submitted plan to establish a Therapeutic Farm for adults with mental disabilities. The Applicant is requesting the following:

> A Special Use Permit is requested under the following sections of the Cheboygan County Zoning Ordinance #200: Section 9.3.14., Nursing or convalescent homes, Section 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), Section 10.3.2. Club, Section 10.3.3 Cabin Colonies, Section 10.3.6 Country Club, Section 10.3.8 Duplex or multi-family buildings, and Section 10.3.14 Restaurant/Bar. The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6, parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).

Please note: Heritage Cove Farm requests that Cheboygan County make all reasonable and necessary accommodations under the Americans with Disabilities Act of 1990, the Fair Housing Amendments Act of 1988 and the Michigan Persons with Disabilities Civil Rights Act with respect to the interpretation and application of the Cheboygan County Zoning Ordinance #200 such as to approve the Farm in all requested and required respects.

The Planning Commission having considered the Application, the Planning Commission having heard the statements of the Applicants/Applicants' attorney and/or agents, the Planning Commission having considered letters submitted by members of the public and comments by members of the public and considerable written evidence on the record, the Planning Commission having considered 165 Exhibits, 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's property contains a total of 33 (thirty-three) acres with 15.6 acres located in the Agriculture and Forestry Management District (hereinafter M-AF) and 17.4 acres located in the Lake and Stream Protection District (hereinafter P-LS). (See exhibits 2, 3, 4, 5, 6, 7, 8, and 154)

2. The Planning Commission finds that Lawrence P. Hanson and Elizabeth A. Hanson, as husband and wife, are owners of the property subject to this request. (See exhibits 3, 4, 5, 6, 7 and 8)

3. The Planning Commission finds that LIB, LIB, Inc., is the owner of 162-006-400-005-00. (See exhibits 6 and 7)

4. The Planning Commission finds that the Warranty Deed for the property in Benton Township provided by the Applicant is not on the supplied drawing and is assumed to be an error in the application. (See exhibit 8).

5. The Planning Commission finds that the Applicant plans to put into place and operate on the property a therapeutic farm community known as Heritage Cove Farm to be operated under Heritage Cove Farm, LLC, a non-profit 501(c)(3) corporation which currently exists and, according to State records, is in good standing. (See exhibits 113 and 141)

6. The Planning Commission finds that the purpose of the proposed land use is to serve as a therapeutic farm community to both adult men and women with mental illnesses, anticipating that such mentally ill persons occupying the farm may have diagnoses of depression, schizophrenia, bi-polar disorder, mental illnesses related to closed head injuries, and/or dual diagnoses. (See exhibit 1)

7. The Planning Commission finds that all anticipated activities related to Heritage Cove Farms are specifically listed in the Applicant's materials, specifically the letter and associated tables in the Applicant's letter dated September 22, 2015 and in the presentation by Applicant on November 4, 2015 and on Applicant's Special Land Use Permit Application dated 4/16/2015. (See exhibits 2 and 157)

8. The Planning Commission finds that residents who will be occupying the property will do so in cabins as depicted on the site plan of which 12 (twelve) of such cabins are located in the P-LS District and 12 (twelve) are located in M-AF District. (See exhibits 2, 9, 10, 12 and 154)

9. The Planning Commission finds that "cabin" is defined under the Cheboygan County Zoning Ordinance as "Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes." (See exhibit 154)

10 The Planning Commission finds that "convalescent or nursing home" is defined under the Cheboygan County Zoning Ordinance as "A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm and providing facilities for four or more patients." (See exhibit 154)

11 The Planning Commission finds that in the M-AF Zoning District, nursing and convalescent homes are allowed by special use under subsection 9.3.14. (See exhibit 154)

12. The Planning Commission finds that subsection 9.3.22, under uses requiring special land use permits in the M-AF District, allows for the following:

> 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).

(See exhibit 154)

13. The Planning Commission finds that subsection 10.3.8 in the P-LS District allows via special land use, duplexes, multi-family buildings and further, that subsection 10.3.3 allows for cabin colonies. The Planning Commission further finds that restaurants are allowed by special use under 10.3.14. (See exhibit 154)

14. The Planning Commission finds that the Cheboygan County Zoning Ordinance does not define “restaurant,” but that common definitions include the following:

> A business establishment where meals or refreshments may be purchased. (See exhibit 161).

or

> A place or business where people can choose a meal to be prepared and served to them at a table, and for which they pay, usually after eating. (See exhibit 162).

15. The Planning Commission finds that “cafeteria” is also not defined in the Cheboygan County Zoning Ordinance, but is commonly defined as follows:

> A restaurant where you choose to pay for your meal at a counter and carry it to a table. Cafeterias are often found in factories, colleges, hospitals, etc. (See exhibit 163).

or

> An informal restaurant in places such as a college or hospital where you take the food to the table yourself. (See exhibit 164).

16. The Planning Commission finds that the Applicant requests that the county make all reasonable accommodations as stated above in the notice for the request for a special use permit. (See exhibit 159)

17 The Planning Commission finds that

18 The Planning Commission finds that

19. The Planning Commission finds that

SPECIFIC FINDINGS OF FACT UNDER 18.7 OF THE CHEBOYGAN COUNTY ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by Section 18.7 of the Cheboygan County Zoning Ordinance with respect to each of the following standards:

STANDARDS FOR SPECIAL LAND USE APPROVAL
The Planning Commission shall approve, or approve with conditions, an application for a special land use permit only upon a finding that the proposed special land use complies with the following standards:

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

FINDINGS THAT SUPPORT THIS STANDARD

1. The Planning Commission finds that the definition of infirm includes people who not mentally strong or are weak of mind, will, or character, not solid or stable. (See exhibits 161-165)

2. The Planning Commission finds that convalescent homes are allowed by special use in the M-AF District, and that Heritage Cove Farm (hereinafter “HCF”) plans to provide services which meet in part or in whole the uses listed by HCF. (See exhibits 2 and 154)

3. The Planning Commission finds that convalescent homes as defined in section 2.2 of the Cheboygan County Zoning Ordinance (hereinafter “CCZO”) matches the main function of what Applicant proposes to conduct on the portion of the property zoned M-AF, in that Applicant’s HCF proposes to take care of and provide therapy as an accessory use to the mentally infirm. (See exhibits 2, 12, 99 and 154)

4. The Planning Commission finds that cabins for residents of HCF as proposed meet the definition of cabin contained in Article 2 of the CCZO. (See exhibits 2, 12, 99 and 154)

5. The Planning Commission finds that the CCZO does not restrict the number of structures which are part of a convalescent home, a use allowed by special use in the M-AF District. (See exhibit 154)

6. The Planning Commission finds that cabin colonies are allowed in the P-LS District by special use and that the CCZO does not require a specific purpose for the establishment of a cabin colony in the P-LS District other than that such cabin colonies must meet the special use and site plan criteria under the CCZO. (See exhibit 154)

7. The Planning Commission finds that restaurant/cafeteria uses are analogous, if not synonymous, as stated in the general findings of fact and that the same is allowed in the P-LS District so long as such restaurant/cafeteria meets the special use and site plan criteria under the CCZO. (See exhibit 154).

8. The Planning Commission finds that the Applicant makes the analogy to camps and churches providing therapy uses, which are uses allowed in the P-LS Zoning District. (See exhibits 2 and 154)

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD

1. The Planning Commission finds that cabin colonies and cabins of the type being proposed by the Applicant are not allowed as either a use by right or by special use in the M-AF District. The Planning Commission further finds that due to the fact that cabin colonies are expressly authorized in the P-LS District and that Applicant's property is divided in half by the zoning districts, subsection 9.3.22 is not applicable and this use is not allowed in the M-AF District. (See exhibit 154)

2. The Planning Commission finds that Applicant represents that licensing will generally not be required for HCF for the activity Applicant proposes to engage in on the property. As such, based upon Applicant's representations, what Applicant proposes does not meet the definition of convalescent home under the CCZO. The Planning Commission further finds that under Michigan law, convalescent homes exist for the purpose of caring for the infirm. Finally, the Planning Commission finds that the word "infirm" with respect to convalescent homes has been defined under Michigan law as "A person who is feeble or weak in body or health (especially) because of age." (See exhibits 154, 165 and exhibit 129 -

Bridget Brown Powers's [hereinafter "BBP"] report, page 13 with legal citations).

3. The Planning Commission finds that therapy is traditionally part of an activity engaged in by a convalescent home and meets the definition of accessory use, and as such, convalescent home and associated therapy accessory use is allowed in the M-AF District, but is not allowed in the P-LS District where convalescent homes are not allowed. (See exhibit 154)

4. The Planning Commission finds that therapy meets the definition of accessory use in relation to the convalescent home use, which is listed as a permitted use by special use permit in the M-AF Zoning District. The Planning Commission further finds that convalescent home use is excluded from the P-LS Zoning District as an allowable use by right and by special use permit. It is thus also excluded as a use in the P-LS Zoning District. As such, the Planning Commission finds that since therapy use is an accessory use to convalescent home use and convalescent home use is allowed in the M-AF Zoning District, subsection 9.3.22 is not applicable to what the Applicant is proposing. (See exhibit 154)

5. The Planning Commission finds that the Applicant is proposing uses which are consistent with a convalescent home for the entire subject property. The Planning Commission further finds that the Applicant has not adequately shown that the convalescent home use and accessory uses thereof, including but not limited to therapy, are not happening within the P-LS Zoning District portion of the property where such use is not allowed. (See exhibits 2 and 154)

The Planning Commission finds that this standard has/has not been met.

18.7.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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that based upon the site plan no construction will be conducted within the areas designated as wetlands on the property other than a path to access the lake and a dock, a use which is otherwise allowed in the P-LS District. (See exhibits 2, 12, 99 and 154)

2. The Planning Commission finds that the uses allowed both in the M-AF District as well as the P-LS District under the CCZO include more

intensive uses. By example, the Planning Commission finds that in the P-LS District campgrounds, retail stores and shops, boat liveries, marinas, launching ramps, motels, hotels and golf courses are allowed by special land use. (See exhibit 154 - section 10). With respect to the M-AF District, the Planning Commission finds that more intensive uses include such things as automobile repair, service and gas stations, entertainment and eating establishments, commercial hunting and fishing cabins, golf courses, country clubs and sportsmen's associations or clubs, grocery or party stores, resorts, hotels, motor inns, slaughterhouses, meat packing and other uses by special land use. (See exhibit 154 - section 9).

3. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

18.7.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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the special land use request for a therapeutic farm with therapy accessory use located in the M-AF District along with farming and residential cabins 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, glares, 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, given the setbacks from the proposed cabin areas and residual open space left in the M-AF District. (See exhibits 2, 12, 99 and 154).

2. The Planning Commission finds that the proposed special land use in the

P-LS District, to wit; cabin colonies and the cafeteria/restaurant, are adequately set back from surrounding properties and are not located in any delineated wetland or steep slopes area, such that the residential and eating facilities will not result in any additional traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway. (See exhibits 2, 12, 99 and 154)

3. The Planning Commission finds that with respect to the property in both the M-AF and the P-LS Districts, that there will be little in the way of traffic, even after phase 2 of the cabins have been completed, in that the residents of the therapeutic farm and cabin colony will not have automobiles and that the only automobiles will be those of HCF staff personnel. The Planning Commission further finds that the activity is not of the type that will generate any smoke, fumes, glares, odors, or accumulation of scrap material given the nature of the operation other than those associated with farming, which are protected under Michigan's Right to Farm Act. (See exhibits 2, 12, 99 and 154)

4. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that due to 24 hour staffing and operations, that there will always be some traffic during the change of shifts of employees and noise related to that traffic as well as noise of traffic related to the delivery of supplies to HCF. (See exhibit 129 - BBP report)

2. The Planning Commission finds that

3. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

18.7.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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the proposed special land use of HCF leaves a substantial portion of the property in both zoning districts vacant allowing for substantial setbacks, both from the waters edge as well as from properties located off of Grandview Beach Road to the north of the service drive. As such, the Planning Commission finds that there will be very little in the way of impacts which would prevent or diminish the opportunity for surrounding properties to be used and developed as zoned. (See exhibits 2, 12, 99 and 154)

2. The Planning Commission finds that with respect to properties to the west and south of the proposed service drive of HCF, that the setbacks for the residential and cafeteria area are substantial and buffered by pasture land wholly located within the M-AF District with the southerly and southwesterly exposure of the property being largely vacant due to steep topography and wetlands going down to the Indian River spreads such that the farming activity, residential and the service of meals, along with any treatment on site in the M-AF District would not result in an activity that would diminish the opportunity for surrounding properties to be used and developed as zoned. (See exhibits 2, 12, 99 and 154)

3. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

18.7.e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the proposal of HCF for a therapeutic treatment center for the mentally ill is of a density and intensity which

would not place any additional significant demands on fire, police, or public resources. The Planning Commission further finds that this is particularly true given that a lot of the land will remain undeveloped forest land or pasture land and that the wetlands will not be disturbed. (See exhibits 2, 12 and 99)

2. The Planning Commission finds that given the uses both by right and particularly by special use in both the M-AF and P-LS Districts, that the proposed special land use would place less in the way of demands on fire, police or other public resources and would not increase hazards from fire or other dangers to the subject or adjacent property compared to other potential uses as listed. The Planning Commission further finds that the service drives and interconnection of internal roads provide adequate spacing and access for fire and emergency vehicles. (See exhibits 2, 12, 99 and 154, BBP exhibit 129-tab B)

3. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

18.7.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 or highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Sign, 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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the proposed special land use is adequately served by Grandview Beach Road, a paved county local road,

and that the internal design of the service entrance and interconnectivity of roads within HCF provide adequate access without increasing traffic hazards and much in the way of additional congestion. The Planning Commission further finds that this is particularly true given the more intensive uses which parcels in the M-AF and P-LS Districts can be used for under special land uses in each district. (See exhibits 2, 12, 99 and 154)

2. The Planning Commission finds that the property is not served by minor residential streets to access the property. The Planning Commission further finds that given the fact that the residents will not be allowed to have automobiles on the property as represented by the Applicant, that the amount of traffic and vehicles would be less than would otherwise normally occur in any given cabin colony, hotel, motel or other more intensive uses allowed by special land use in both the M-AF and P-LS Districts. (See exhibits 2, 12, 99 and 154)

3. The Planning Commission finds that signs, buildings, plantings, and other elements of the project shall not interfere with driver visibility on Grandview Beach Road and that the entrance drives and parking areas are more than twenty-five (25') feet from any street intersection as measured from the road right-of-way. (See exhibits 2, 12 and 99)

4. The Planning Commission finds that internally the entrance drive and off street parking, particularly in the delivery area and proposed parking on the northeast portion of the property, does result in off street parking areas that are not only less than 25' from the boundary of a different zoning district, but actually bisects the zoning district. However, the Planning Commission finds that the purpose behind this regulation was meant to apply to parcels that are separate from an applicant’s parcel wherein a parcel boundary line is in the next zoning district. The Planning Commission further finds that it was not the intent of this portion of the CCZO to regulate and require off street parking areas to be more than 25' from the boundary of a different zoning district when the boundary is located on the same parcel. (See exhibits 2, 12, 99 and 154).

5. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

2. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

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

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the drainfield servicing the property is adequate in size and is located well away from the wetlands and Indian River spreads on the portion of the property zoned M-AF. The Planning Commission further finds that the existing drainfield is also located well away from the Indian River spreads and the wetlands areas of the property and is also in the portion of the property zoned M-AF. As such, the Planning Commission finds that there are adequate sewer and septic disposal facilities on site. (See exhibits 2, 12 and 99)

2. The Planning Commission finds that the property is currently served by two existing wells and that the plan also calls for proposed additional wells on the property. The Planning Commission further finds that the siting of such wells and adequacy of the same is determined by the Cheboygan County Health Department and absent any problems with receiving permits from the Health Department, the Planning Commission finds that there are adequate water facilities to service the property. (See exhibits 2, 12 and 99)

3. The Planning Commission finds that the use is not as intensive as many of the other special land uses allowed within both the M-AF and P-LS Zoning Districts and that given the size of the property and the proposed number of residents on it, the property is adequately served by water, sewer as well as refuse collection and disposal services as available in the zoning districts and the County. (See exhibits 2, 12 and 99)

4. The Planning Commission finds that animal grazing and pasture areas are located in the M-AF District and that under Michigan's Right to Farm Act as well as the uses allowed in the M-AF District permit the raising of farm animals and farming in general. (See exhibits 2, 12, 99 and 154)

5. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

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

1. The Planning Commission finds that this is not a standard, but a requirement under the CCZO that a party seeking and obtaining a special land use permit must comply with the CCZO in its entirety. (See exhibit 154, Article 18)

PROPOSED CONDITIONS IF SPECIAL LAND USE IS APPROVED

1. Obtain all building code and health department permits for construction and file the same with Cheboygan County Planning and Zoning staff.

2. Obtain all licenses required for the operation of Heritage Cove Farm from the State of Michigan and/or the federal government and either provide copies of the licenses to Planning and Zoning staff or provide letters or other written documentation from state and federal agencies that license facilities caring for the mentally ill or infirm that Heritage Cove Farm's proposed use does not require a license or licenses normally issued to facilities that care for the mentally ill and/or infirm.

3. All agricultural practices will follow Generally Accepted Agricultural Management Practices (GAAMPS) with GAAMPS certification through the Michigan State University Agricultural Extension being supplied to Planning and Zoning staff for all farming activities on the property prior to the commencement of farming activities.

4.

5.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE CHEBOYGAN COUNTY ZONING ORDINANCE

STANDARDS FOR GRANTING SITE PLAN APPROVAL

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.

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

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that all proposed construction whether in the M-AF or P-LS District is located in the area with the least amount of slope and grade steepness with a substantial portion of the property to the north and northwest being reserved as woodland area and with the wetlands located in the P-LS District having no construction other than a pathway to access a dock on the lake, as with other similar properties within the area. As such, the Planning Commission finds that given the nature of the proposed project there are no substantial changes being proposed to elevation on the site. The Planning Commission further finds that the development as proposed preserves to the extent possible the existing topography and maintains a character similar to adjoining property, inclusive of size and type of buildings such that HCF is designed in a manner minimizing site disturbances for the proposed therapeutic farm. (See exhibits 2, 12 and 99)

2. The Planning Commission finds that the setbacks of all structures and the lack of construction on steep slopes or in the wetlands area of the property

does not impede the normal and orderly development or improvement of surrounding property for permitted uses of the land under the CCZO. (See exhibits 2, 12, 99 and 154)

3. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that the density of the development is concentrated on the western and southwestern section of the property wherein more of the development could be placed further upland and in the M-AF Zoning District which would not have a significant impact on slopes while providing additional buffer to surrounding properties with respect to noise and traffic generated by the facility. (See exhibits 2, 12, 129 and 154)

2. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

20.10.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.

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that the development as proposed leaves largely undisturbed, other than a pathway to a dock, all wetlands and steep slope areas going down to the Indian River spreads within the portion of the property zoned P-LS. In addition, the Planning Commission finds that the upland area of the property in the M-AF District, particularly in the north and northwest portion of the property, will be left undisturbed as a wooded area with walking trails. As such, the Planning Commission finds that given the nature of the proposed development, it is to be built in a manner which minimizes tree and soil removal and preserves many topographic features of the property, even after both phases have been

built. (See exhibits 1, 2, 12, 99 and BBP exhibit 129-tab B)

2. The Planning Commission finds that

3. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

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

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that the site is properly drained and that there is no evidence that storm water would adversely affect any neighboring property given the setbacks established for the proposed project and the distance of structures and impervious surfaces from the neighboring properties. (See exhibits 2, 12, 99 and BPP exhibit 129-tab B)

2. The Planning Commission finds that

3. The Planning Commission finds that

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

20.10.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.

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that all structures and parking areas on the property are set back in an adequate manner and otherwise buffered by pasture, orchard or landscape features such that there is appropriate screening as well as adequate privacy for both the proposed occupants of the property and neighboring properties as well. (See exhibits 2, 12, 99 and BPP exhibit 129-tab B)

2. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

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

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that the service drive adequately connects to all internal drives running along the proposed cabins and other buildings, either proposed or existing, with internal drives connecting the service drive with the entrance on the southern portion of the property. The Planning Commission finds that this design allows for emergency vehicles to loop through all proposed developed portions of HCF. As such, the Planning Commission finds that the proposed groups of buildings are arranged in a manner as to properly permit easy emergency vehicle access to all proposed and existing structures on the property. (See exhibits 2, 12 and BBP exhibit 129)

2. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

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

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that the property has two entrances, including the service drive, which has adequate parking and internal drives that are connected and provide access from all structures out to Grandview Beach Road, a paved county local road. (See exhibits 2, 12 and BBP exhibit 129-tab B)

2. The Planning Commission finds that the property has walking trails in the wooded area to the north and pastures located on the southwestern portion of the property such that in both districts these areas can be used by those occupying the property. (See exhibits 2, 12 and BPP exhibit 129-tab B)

3. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

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

1. The Planning Commission finds that this standard is not applicable because the request is not a subdivision plat or a subdivision condominium.

20.10.h. Exterior lighting shall be arranged as follows:

a. It is deflected away from adjacent properties.

1. The Planning Commission finds that exterior lighting is limited in large part to the internal drives accessing the proposed cabins and shall be constructed as to deflect light away from adjacent property, avoid the impediment of vision on Grandview Beach Road as well as the internal service entrance drive and other internal drives within the proposed development. The Planning Commission further finds that the outdoor lighting shall be directed so as to not unnecessarily illuminate the night sky **(THE PLANNING COMMISSION MAY WISH TO ADDRESS LIGHTING PROPOSED THE WALKWAY TO THE DOCK AREA - THE PLANNING COMMISSION MAY WISH TO MAKE THIS PROVISION A CONDITION IF THE PROJECT IS APPROVED).** (See exhibits 2, 12 and 99)

2. The Planning Commission finds that

3. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

b. It does not impede the vision of traffic along adjacent streets.

1. The Planning Commission finds that exterior lighting is limited in large part to the internal drives accessing the proposed cabins and shall be constructed as to deflect light away from adjacent property, avoid the impediment of vision on Grandview Beach Road as well as the internal service entrance drive and other internal drives within the proposed development. The Planning Commission further finds that the outdoor lighting shall be directed so as to not unnecessarily illuminate the night sky **(THE PLANNING COMMISSION MAY WISH TO ADDRESS LIGHTING PROPOSED THE WALKWAY TO THE DOCK AREA - THE PLANNING COMMISSION MAY WISH TO MAKE THIS PROVISION A**

CONDITION IF THE PROJECT IS APPROVED). (See exhibits 2, 12 and 99)

2. The Planning Commission finds that

3. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

c. It does not necessarily illuminate night skies.

1. The Planning Commission finds that exterior lighting is limited in large part to the internal drives accessing the proposed cabins and shall be constructed as to deflect light away from adjacent property, avoid the impediment of vision on Grandview Beach Road as well as the internal service entrance drive and other internal drives within the proposed development. The Planning Commission further finds that the outdoor lighting shall be directed so as to not unnecessarily illuminate the night sky **(THE PLANNING COMMISSION MAY WISH TO ADDRESS LIGHTING PROPOSED THE WALKWAY TO THE DOCK AREA - THE PLANNING COMMISSION MAY WISH TO MAKE THIS PROVISION A CONDITION IF THE PROJECT IS APPROVED).** (See exhibits 2, 12 and 99)

2. The Planning Commission finds that

3. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

20.10.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 have a dedicated right-of-way equal to that specified in the Master Plan.

FINDINGS WHICH WOULD SUPPORT THIS STANDARD

1. The Planning Commission finds that the internal roads as well as the two drives accessing the property as proposed are planned, designed and constructed to be accessible to all legal users and will not result in excessive traffic which interferes with travel along Grandview Beach Road such that it meets the goals of the Master Plan with respect to roadways. (See exhibits 2, 12 and 155 - page 17)
2. The Planning Commission finds that given the type of developments which could be proposed and allowed under special land uses in the CCZO, the internal road system as proposed for HCF and the fact that the residents, other than employees, will not have automobiles, lessens the amount of traffic volume in the vicinity which otherwise could occur under more intensive and allowed forms of development in both the M-AF and P-LS Districts. (See exhibits 2, 12 and 154)

3. The Planning Commission finds that

FINDINGS WHICH WOULD NOT SUPPORT THIS STANDARD

1. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

20.10.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 Planning Commission finds that this standard is a requirement for all developments that must obtain a site plan under the Cheboygan County Zoning Ordinance and shall be adhered to by the Applicant and subsequent owners of Heritage Cove Farms. (See exhibit 154)

ADDITIONAL STANDARDS FOR REASONABLE ACCOMMODATION UNDER THE AMERICANS WITH DISABILITIES ACT (ADA), THE FEDERAL FAIR HOUSING ACT (FFHA), AND THE PERSONS WITH DISABILITIES CIVIL RIGHTS ACT

a. Does the person or persons, whether the applicant or those occupying the property, have a disability?

FINDING

1. The Planning Commission finds that the Applicant and the Applicant's corporate officers do not have a disability. However, the Planning Commission finds that HCF proposes to have individuals who have a mental illness occupy the property who would be considered disabled under the ADA, FFHA and the Persons With Disabilities Civil Rights Act. (See exhibits 1, 2, 12, 14, 15, 16, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113 and BBP exhibit 129 - page 40)

ALTERNATIVE FINDING

1. The Planning Commission finds that

b. Is there a modification being requested from the standards and requirements contained in the Cheboygan County Zoning Ordinance based upon a disability?

FINDING

1. The Planning Commission finds that the Applicant claims it is making a request for modifications of the standards and requirements contained in the CCZO based upon the disability. In that the Planning Commission finds that the proposed use or uses in the P-LS District do not constitute a cabin colony nor cafeteria proposed in the P-LS District and the proposed use is consistent with a convalescent home and is, therefore, not an allowed use or is simply accessory to the convalescent home use contained in the M-AF District, then the Planning Commission finds that the Applicant is requesting a modification of the provisions of the CCZO to allow for the proposed use or uses in the P-LS District. (See exhibits 1, 2, 12, 14, 15, 16, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109 and 113)

ALTERNATIVE FINDING

1. The Planning Commission finds that although a modification is requested, it is not reasonable or necessary under any circumstance to accommodate such a disability because cabin colonies and cafeteria restaurants are an allowed use by special land use in the P-LS District, the proposed activity meets the zoning requirements for these uses and that the balance of HCF's request for a special land use is allowed in the M-AF District. As such, the Planning Commission finds that the Applicant's request for a special land use sufficiently meets the needs of what the Applicant is requesting without having to consider the disabilities of those who would eventually reside on the property. (See exhibits 1, 2, 12, 14, 15, 16, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113 and 154)

c. To the extent that a modification is requested, is it reasonably necessary to accommodate that disability?

FINDING

1. The Planning Commission finds that the requested modification is reasonable and necessary with respect to the uses proposed in the P-LS District attributable to the proposed development as a whole. The Planning Commission finds that if an owner of property in the P-LS District proposed a cafeteria, cabin colony, church or other use otherwise allowed by special land use, and met the standards contained under the CCZO for special land uses and site plan review, such a use would be approved. In this case, the Applicant's requested uses in the P-LS District are part of HCF in its entirety. Thus, under the CCZO uses such as the cabin colony or cafeteria/restaurant are not stand alone uses under the facts as presented by Applicant. However, because the sole reason for not allowing the uses presented as stand alone uses is directly related to the disabilities of the future residents of HCF, a modification of the zoning standards is reasonable and necessary to accommodate the disability of the proposed residents of HCF. (See exhibits 2, 12 and 154)

ALTERNATIVE FINDING

1. The Planning Commission finds that although a modification is requested, it is not reasonable or necessary under any circumstance to accommodate such a disability because cabin colonies and cafeteria restaurants are an allowed use by special land use in the P-LS District and that the balance of HCF's request for a special land use is allowed in the M-AF District. As such, the Planning Commission finds that the Applicant's request for a special land use sufficiently meets the needs of what the Applicant is

requesting without having to consider the disabilities of those who would eventually reside on the property. (See exhibits 1, 2, 12, 14, 15, 16, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113 and 154)

d. Are such accommodations necessary to allow persons with disabilities an equal opportunity to use or enjoy a dwelling?

FINDING

1. Because the Planning Commission has found that the cabin colony and cafeteria restaurant in the P-LS District is not an allowed use for reasons already stated in these findings of fact, the Planning Commission finds that it is necessary to accommodate the disability of those who would reside at HCF. The reason the Planning Commission makes this finding is that if a person or group of persons proposed a cabin colony and/or restaurant/cafeteria as stand alone uses in the P-LS District, then such a use would be allowed if all of the zoning requirements for a special land use and site plan had been met. As such, the Planning Commission finds that the only reason for denying the cabin colony and the cafeteria/restaurant is because such uses are related and directly connected to the HCF therapeutic use that is on the portion of the property zoned M-AF. As such, a denial based upon the zoning standards for the cabin colony and cafeteria use in the P-LS District is solely related to the disability of the residents who will occupy the cabin colonies and use the cafeteria/restaurant. As such, it is necessary to accommodate the residents who will be disabled on the property and allow for the cabin colony and cafeteria regardless of whether it is accessory to the therapeutic use allowed in the M-AF District. (See exhibits 1, 2, 12, 14, 15, 16, 45-66, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113)

ALTERNATIVE FINDING

1. The Planning Commission finds that

e. Would the requested accommodations impose an undue financial or administrative burden upon the County, and will it fundamentally alter the Cheboygan County Zoning Ordinance?

FINDING

1. The Planning Commission finds that the requested accommodations are not necessary as the uses as proposed by HCF are allowed on the M-AF zoned portion of the property, which is bifurcated by the M-AF and P-LS Zoning Districts. The Planning Commission finds that the only use that is

prohibited is the convalescent home's accessory use of therapy in the P-LS District. However, the Planning Commission finds that an accommodation is not required with respect to the therapy accessory use because the Applicant has adequate property located in the M-AF District to allow for therapy accessory uses to the convalescent home which would otherwise not interfere with the cabin colony and cafeteria/restaurant uses in the P-LS District. Other uses in both districts constitute farming activities allowed under the CCZO and under Michigan's Right to Farm Act and, overall, the special land uses do not impose an undue financial or administrative burden on the County . (See exhibits 1, 2, 12, 14, 15, 16, 45-66, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113 and 154)

ALTERNATIVE FINDING

2. The Planning Commission finds that based upon the general findings of fact and the specific findings of fact for both the special land use as well as the site plan standards, that the requested reasonable accommodations would not impose an undue financial or administrative burden upon the County. The Planning Commission further finds that a reasonable accommodation does not fundamentally alter the CCZO because approval of the therapy accessory use in the P-LS District, albeit said use not matching what is required under the CCZO, would still look and appear on the land as a cabin colony along with a cafeteria/restaurant. Other allowed uses within the P-LS zoning district, such as churches, schools, and camps would provide similar accessory uses. As such, the Planning Commission finds that the use of the therapy accessory use to cabin colony and cafeteria/restaurant in the P-LS District which the Planning Commission is allowed as a reasonable accommodation under the ADA, FFHA and the Persons With Disabilities Civil Rights Act will not result in a material change on how properties in the area are zoned or, for that matter, look after development. This includes HCF as built out and represented by Applicant in its application. (See See exhibits 1, 2, 12, 14, 15, 16, 45-66, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113)

Motion made by _____ , supported by _____ that based upon the general findings of fact and the rezoning factors that the applicant's request for a special use permit is hereby recommended to be denied/approved/approved with conditions.

Ayes: _____

Nays: _____

DATE DECISION AND ORDER ADOPTED

_____
Date

_____
Chair

Secretary

YOUNG, GRAHAM, ELSENHEIMER & WENDLING, P.C.

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M E M O R A N D U M

Sent via email

TO: Scott McNeil, Community Development Planner
Steve Schnell, Community Development Director
Planning Commission Members
Cheboygan County

FROM: Peter R. Wendling

DATE: December 14, 2015

SUBJECT: Further research and answer to questions posed at the December 2nd Planning Commission meeting, Heritage Cove Farm

One of the main issues we discussed at the last Planning Commission meeting involved Heritage Cove Farm's request for separate uses in the P-LS and M-AF Districts. The issue which the planning commission wanted further review of involved the position that the uses proposed particularly in the P-LS District, are stand alone uses regardless of the fact that they may assist in the service and overall function of Heritage Cove Farm in both zoning districts. This position is based upon what has been presented on the application to the planning commission for approval, to wit; cabin colony and restaurant, and community hall in the P-LS District. While there is some discussion of whether the facility as proposed as being a restaurant is, in fact, a restaurant or rather a cafeteria, I do believe that the planning commission may consider a cafeteria with a cabin colony as an accessory to the cabin colony use.

The main case that addresses a single property divided in separate zoning districts and the various uses allowed is *Anchor Steel & Conveyor Co v City of Dearborn*, 342 Mich 361 (1955). In that case, the plaintiff, a corporation, was engaged in the business of manufacturing and installing conveyor systems for a variety of industries. It purchased property in the City of Dearborn which included an initial manufacturing building. Before further construction or permits were obtained, the zoning classification of the property changed from Business C and Industrial A to Business C, Industrial A and Industrial B, resulting in three classifications on the same parcel. The classification divided the building in which the company conducted its manufacturing operations into 75% Industrial A and 25% Industrial B. Nonconforming use issues aside, after the zoning classification was changed, the property owner applied for a certificate of compliance and a building permit to construct a storage building north of and adjacent to the building on site and to erect a drafting office which would constitute a second story on another building on the property. This permit was denied. During the trial and appeal, the plaintiff acknowledged the three zoning districts on the property and stated that in

each of these different zoning districts different operations pertaining to the plant were carried on. The heavy manufacturing operations were carried on in the area of the property zoned Industrial B and were largely, if not entirely, conforming with the requirements of that zoning district. During the trial, the City Zoning Administrator was questioned regarding the denials of the building permits. The following testimony was elicited:

> Q. Why did your department deny the building permit?
> A. Steel fabrication was not a permitted use in the Industrial A district.
> *The Court:* How about a drafting room added over another building?
> A. It would still be part of a steel fabrication building.

The Court noted that in of themselves, such operations were permissible within the areas in which such contemplated structures were to be placed.

> Q. Would you deny a permit to anybody who wanted to put a separate drafting room on, say, the business C portion of this property, where there was somebody other than Anchor Steel & Conveyor, would they be granted a permit for a draft room?
> A. For a drafting room in business C district?
> Q. Yes.
> A. Provided they had the necessary off-street parking.
> Q. As such, the drafting room would not be objectionable?
> A. Under different circumstances, it wouldn't be.
> Q. How about a steel-storage room on business C property?
> A. Steel storage is permitted in the business C district.
> Q. And, being permitted in a business C area, it would also be permitted in industrial A?
> A. Yes.

In reviewing this testimony, the Michigan Supreme Court stated as follows:

> In the situation with which we are confronted, the structures which plaintiff contemplates erecting involve uses permissible in the absence of an ordinance and admittedly conforming with the ordinance itself. That is to say, in and of themselves, the business operations conducted in the storage room and in the drafting room would be in conformity with the present zoning restrictions. They do, however, contribute to the furtherance of an overall enterprise, some parts of which could not (assuming the validity of the ordinance) be conducted in the zones in question. Are the structures, then, violative of the ordinance? Neither diligence of counsel nor fruits of our own research disclose Michigan authority squarely on point. (342 Mich 368).

The Michigan Supreme Court then reviewed an out of jurisdiction case wherein the Pennsylvania Supreme Court stated as follows:

> It is appellant's contention that the use of the driveway to take supplies into the yard of the brick manufactory and to haul bricks out is accessory to the industry of brick making and, as such, constitutes a violation of the existing ordinance. With this contention, we cannot agree. The driveway is used merely for ingress and egress and for no other purposes. No part of the manufacturing process is carried out on the driveway or on any portion thereof located within the appellant borough. (342 Mich 368, quoting *Prospect Park Borough v McClaskey*, 151 Pa Super 467, 470 (30 A2d 179).

The Michigan Supreme Court in *Anchor Steel* adopted this reasoning stating that,

> The result and the reasoning commend themselves to us. It is both unreasonable and arbitrary to deny plaintiff the use of its property in each zone to the full extent of its capabilities because such use either facilitates or hampers the operations in still another zone. Moreover, it does not follow that, because the product of the drafting room is to be used in connection with plaintiff's manufacturing operations, such operations will be likewise performed in the drafting room or that the storage of steel in an adjacent building, to be used for storage only, will constitute fabrication of conveyors. In this instance, plaintiff seeks merely to use his property for a use consistent with the restrictions imposed on each of the particular areas of that property by the zoning ordinance. The plaintiff had a clear legal right to have permits issued for such uses. Defendants' action in withholding the granting of said permits was an arbitrary act. We so hold. (342 Mich 368-369)

As such, it is clear under Michigan law that regardless of the fact that the cabin colony and accessory cafeteria uses will be used as part of the whole operation of Heritage Cove Farm, including the uses in the M-AF District, a request for a cabin colony, regardless of its relationship to the Farm as a whole, as allowed. Such use, applied for separately, must be considered and if it meets the requirements under the Cheboygan County Zoning Ordinance, must be approved. A copy of the *Anchor Steel* case is attached for your review in preparation for Wednesday's meeting. It would appear that the *Anchor Steel & Conveyor Co.* case is almost identical factually to the matter at hand before the Cheboygan County Planning Commission.

Even if assuming the law were different than already described, the second question is would the county be required to provide for a reasonable accommodation under the Federal Fair Housing Act and the Americans with Disabilities Act with respect to the uses in either of the zoning districts as proposed? As already discussed, mental illness is recognized as a handicap and disability provided that it substantially limits one or more life activities. (28 CFR § 41.31(b)(1)(ii); 45 CFR § 84.3(j)(2)(I); 24 CFG § 100.201(a)(2)). For example, in the P-LS District cabin colonies are a permitted use by a special use permit as is a restaurant, community hall and in M-AF, a country club . Under the law, assuming that the mentally ill residents of Heritage Cove Farm meet the definition of having a disability that substantially limits one or more life activities, then reasonable accommodations must be granted provided that a non-disabled person would otherwise be granted the permit.

Generally, reasonable accommodations are very fact specific. Factually, municipalities must change, waive, or make exceptions to their zoning ordinances to afford people with disabilities the same opportunity as those without disabilities (see *Hovsons, Inc. v Township of Brick*, 89 F.3rd 1096, 1104 (CA 3 1996)). To establish that an accommodation is not reasonable, a municipality must prove that it could not have granted the accommodation without undue financial and administrative burdens takne on by the municipality (see *Hovsons, Inc. v Township of Brick*, etc.). The *Hovsons* case involved a situation wherein the plaintiff requested a variance to build a nursing home in the township's R-R-2 Residential Zoning District. The court ordered the township to allow it, finding that the variance did not impose any undue financial or administrative burdens, nor did it fundamentally undermine the zoning scheme.

In the case of *Barry v Town of Rollinsford*, an unpublished per curium opinion of the United States District Court for the District of New Hampshire issued October 6, 2003 (Civil No.02-147-M), the court ruled that the requested waiver of the requirement that the lot be subdivided and a waiver of the ZBA's limited review of the project, plans, findings, and parking scheme, were not required because neither of these waivers were necessary. This is because the plaintiff's reluctance to subdivide their property did not establish that an assisted living facility of the type that plaintiffs wanted to build could not be built without the waiver of the subdivision requirement. In other words, the project could be built either way and the regulation did not impact the ability to do so. Thus, no reasonable accommodation was needed.

In our case, Heritage Cove Farm wants a land use that is authorized under the zoning district in each of the zoning districts as proposed. There does not appear to be any evidence that Heritage Cove Farm's use would fundamentally undermine the zoning scheme given the land uses allowed and the facts that the residents of the Farm will have mental illnesses. Thus, given the *Anchor Steel & Conveyor Co.* case, the uses requested in the P-LS District are uses that would otherwise be granted regardless of the fact that the residents in the P-LS District would utilize the property, including the therapy and convalescent use, in the M-AF zone portion. Thus if the Planning Commission were to rule that regardless of the Anchor Steel & Conveyor Co. case that the cabin colony and accessory uses such as a cafeteria were not allowed, the Planning Commission would have to provide reasonable accommodation because the only reason it is forbidden is because of the overall use of the property to service the mentally disabled residents.

/tac

cc: Haider Kazim (w/enclosure)

Enclosures

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Document:Anchor Steel & Conveyor Co. v. Dearborn, 342 Mich. 361

Anchor Steel & Conveyor Co. v. Dearborn, 342 Mich. 361

Copy Citation

Supreme Court of Michigan

Submitted April 5, 1955. Calendar No. 46,234 ; Decided June 6, 1955.

No Number in Original

Reporter

342 Mich. 361 | 70 N.W.2d 753 | 1955 Mich. LEXIS 405

CITY OF DEARBORN. *v.*

Core Terms

industrial, zoning, operations, ordinance, storage, zoning ordinance, drafting room, Steel, manufacturing, building permit, certificate, Conveyor, plant

Case Summary

Procedural Posture

Defendant city sought review of the decision of the Circuit Court of Wayne County (Michigan), which granted plaintiff steel company a peremptory writ of mandamus ordering the issuance of a building permit and certificates of compliance.

Overview

The steel company manufactured conveyor systems for various industries. It acquired a building within the city's boundaries to open a manufacturing operation. After inspecting another factory operated by the steel company, the city issued an occupancy permit and a certificate of conformity with zoning laws and allowed the steel company to complete their purchase of the buildings. The property was subsequently rezoned into three different categories, and the city denied the steel company's permit to build a storage building in one area of the tract. The zoning board of appeals denied the steel company's request. The steel company sought and received a writ of mandamus. On appeal, the court affirmed holding that although zoning laws carry with them a presumption of validity and constitutionality, it was entirely unreasonable and arbitrary for the city to have denied plaintiff the use of its property in each of the zones to the full extent of its capability because such use hampered the operations in still another zone. The steel company had every right to use each of the zoned properties within its property to the fullest extent allowed by the zoning laws.

Outcome

The court affirmed the judgment of the circuit court, which issued a mandamus against the city to prevent it from denying the steel company a use permit.

LexisNexis® Headnotes

Real Property Law > Zoning > General Overview

Real Property Law > Zoning > Constitutional Limits

Real Property Law > Zoning > Ordinances

HN1 The test to be applied in determining the validity of a zoning ordinance is that a zoning ordinance must be reasonable and its reasonableness becomes the test of its legality. *Shepardize* - Narrow by this Headnote

Environmental Law > Land Use & Zoning > Constitutional Limits

Environmental Law > Land Use & Zoning > Equitable & Statutory Limits

Real Property Law > Zoning > General Overview

Real Property Law > Zoning > Constitutional Limits

Real Property Law > Zoning > Ordinances

HN2 The law is well settled that zoning ordinances are constitutional in principle as a valid exercise of the police power. It is also settled law that a zoning ordinance must be reasonable and that its reasonableness becomes the test of its legality. *Shepardize* - Narrow by this Headnote

Environmental Law > Land Use & Zoning > Constitutional Limits

Evidence > Inferences & Presumptions > General Overview

Real Property Law > Zoning > General Overview

Real Property Law > Zoning > Constitutional Limits

Real Property Law > Zoning > Ordinances

HN3 Each zoning case must be determined upon its own facts and circumstances. There is nevertheless a presumption in favor of the constitutionality of zoning regulations, and plaintiffs must sustain the burden of showing that such regulations have no real substantial relation to public health, morals, safety, or general welfare. *Shepardize* - Narrow by this Headnote

Headnotes/Syllabus

Headnotes

1. MUNICIPAL CORPORATIONS -- ZONING ORDINANCES -- POLICE POWER.

Municipal zoning ordinances are constitutional in principle as a valid exercise of police power.

2. MUNICIPAL CORPORATIONS -- ZONING ORDINANCES MUST BE REASONABLE.

A municipal zoning ordinance must be reasonable and its reasonableness is the test of its legality.

3. MUNICIPAL CORPORATIONS -- ZONING ORDINANCES PRESUMED CONSTITUTIONAL.

Municipal zoning ordinances are presumed to be constitutional.

4. MUNICIPAL CORPORATIONS -- ZONING ORDINANCE -- BURDEN OF SHOWING UNCONSTITUTIONALITY.

One assailing the constitutionality of a municipal zoning ordinance has the burden of showing that it has no real substantial relation to public health, morals, safety or

general welfare.

5. APPEAL AND ERROR -- QUESTIONS REVIEWABLE -- CONSTITUTIONALITY OF MUNICIPAL ZONING ORDINANCE -- CONFORMING USES.

The constitutionality of defendant city's zoning ordinance is not discussed, where the differing uses to which plaintiff desired to make of its property conformed to the permitted uses in the various zones into which it was rezoned after plaintiff had purchased the property.

6. MUNICIPAL CORPORATIONS -- USE OF PROPERTY -- ZONING ORDINANCE.

An owner has the right to make any desired use of his premises not amounting to a nuisance, in the absence of a municipal zoning ordinance.

7. MUNICIPAL CORPORATIONS -- ZONING BOARD OF APPEALS -- USES OF PROPERTY.

A municipal zoning board of appeals may not prohibit a use of property that it permissible in the absence of an ordinance and equally permissible under the terms of the ordinance.

8. MUNICIPAL CORPORATIONS -- USE AFFECTING OPERATIONS IN ANOTHER ZONE.

It is unreasonable and arbitrary to deny a property owner the use of its property in each zone in which situated to the full extent of its capabilities because such use either facilitators or hampers the operations in still another zone.

9. MUNICIPAL CORPORATIONS -- ZONING -- STEEL FABRICATOR -- STORAGE -- DRAFTING -- CONFORMING USES.

Plaintiff property owner, a steel fabricator, whose property was rezoned into 3 different zones had a clear legal right to have permits issued for construction of buildings for steel storage and drafting, uses which conformed to the uses permitted in the respective zones, even though such uses facilitated fabrication operations in another zone, which latter operations were not permissible in the zone in which new construction was sought; hence, mandamus was properly issued. REFERENCES FOR POINTS IN HEADNOTES

[1] 58 Am Jur, Zoning § 14.

[2] 58 Am Jur, Zoning § 21.

[3, 4] 58 Am Jur, Zoning § 16.

[4] 58 Am Jur. Zoning § 223.

[6] See, generally, 58 Am Jur, Zoning § 3.

[7] See, generally, 58 Am Jur, Zoning § 7.

[8] 58 Am Jur, Zoning § 141.

[9] 58 Am Jur, Zoning § 155 *et seq* .

Syllabus

Appeal from Wayne; FitzGerald (Frank), J. Submitted April 5, 1955. (Calendar No. 46,234.) Decided June 6, 1955.

Petition for mandamus by Anchor Steel & Conveyor Company, a Michigan corporation, against the City of Dearborn, its officers and it zoning board of appeals, to compel issuance of building permits. Judgment for plaintiff. Defendants appeal. Affirmed.

Counsel: *John P. O'Hara, Jr* ., for plaintiff.

Dale H. Fillmore , Corporation Counsel, and *Frederick C. Weideman* , Assistant Corporation Counsel, for defendants.

Opinion by: SMITH, J.

Opinion

[363] SMITH, J. Defendants, city of Dearborn, *et al* ., have appealed upon leave granted from a judgment of the circuit could of Wayne county granting plaintiff Anchor Steel & Conveyor Company a peremptory writ of mandamus ordering the issuance of building permit and certificates of compliance.

The plaintiff corporation is engaged in the manufacture and installation of conveyor systems for various industries. In 1948 it acquired, by purchase, an existing manufacturing building located in the city of Dearborn on the east side of Kingsley avenue and bounded on the north by Blesser avenue.

Prior to the purchase of the property, the plaintiff corporation requested Dearborn city officials to examine its plant operations in Detroit to determine whether its manufacturing operations would be permitted, under the existing zoning ordinance, in the building it contemplated purchasing. The requested examination was made. Subsequent thereto plaintiff applied for a certificate of occupancy and simultaneously requested a building permit for the reaction of a steel storage and a machinery storage building on the premises. On September 3, 1948, defendant city, through its department of public works, issued a certificate of occupancy to plaintiff certifying that the occupancy of the Kingsley avenue building for the manufacture of conveyors was **[364]** in conformity with the zoning laws and issued permits for the construction of the storage buildings. It thereafter completed its purchase of the property.

On Paril 19, 1949, all of the industrial property in the defendant city was rezoned. Under the new ordinance the zoning of plaintiff's property was changed from business C and industrial A to business C, industrial A, and industrial B. Under the present zoning ordinance plaintiff's property was thus divided into 3 classifications: Business C at the corner of Kingsley and Blesser; a 100-foot-wide strip measured south from an alley running parallel with Blesser and a 133-foot stop along the east side of Kinglsey was classified industrial A, and the balance of plaintiff's property comprising a rectangle at the southeasterly corner was designated industrial B. This classification divided the building in which plaintiff conducted its manufacturing operations into approximately 75% industrial A and 25% industrial B.

In February, 1953, plaintiff corporation applied to defendant city for a certificate of compliance and a building permit to construct a storage building north of and adjacent to its present building and to erect a drafting office, which would constitute a second story to an existing building. The permit was denied and on appeal to the defendant city zoning board of appeals was again denied.

In May, 1953, plaintiff appealed its application for a certificate of compliance and a building permit for the addition of the drafting office alone as a second story on its present building to the zoning board of appeals of defendant city. This also was subsequently denied by the board on June 11, 1953. Plaintiff thereafter, on Jury 3, 1953, filed a petition for writ of mandamus, upon which an order to show cause issued. A Haring was had and an April 30, 1954, the court ordered the issuance of the writ. **[365]** Leave to appeal was granted by this Court on June 18, 1954. Thus the outlines of the controversy.

This Court, in numerous cases, has discussed ***HN1*** the test to be applied in determining the validity of a zoning ordinance. A zoning ordinance must be reasonable and its reasonableness becomes the test of its legality. *Moreland* v. *Armstrong*, 297 Mich 32; *Pere Marquette Railway Co. v. Muskegon Township Board* , 298 Mich 31; *Pringle* v. *Shevnock* , 309 Mich 179; *Hammond* v. *Bloomfield Hills Building Inspector* , 331 Mich 551; and *Fenner* v. *City of Muskegon* , 331 Mich 732.

In *Hammond* v. *Bloomfield Hills Building Inspector, supra* , the applicable rules of construction were stated thus (p 555):

HN2 "The law is well settled that zoning ordinances are constitutional in principle as a valid exercise of the police power. *Austin* v. *Older* , 283 Mich 667; *Village of Euclid* v. *Ambler Realty Co* ., 272 US 365 (47 S Ct 114, 71 L ed 303, 54 ALR 1016). It is also settled law that a zoning ordinance must be reasonable and that its reasonableness becomes the test of its legality. *Moreland* v. *Armstrong*, 297 Mich 32; and *Hitchman* v. *Township of Oakland* , 329 Mich 331.

HN3 "Each zoning case must be determined upon its own facts and circumstances. *Senefsky* v. *City of Huntington Woods* , 307 Mich 728 (149 ALR 1433); and *Hitchman* v. *Township of Oakland, supra* . There i nevertheless a presumption in favor of the constitutionality of zoning regulations, and plaintiffs must sustain the burden of showing that such regulations have no real substantial relation to public health, morals, safety, or general welfare. *Fass* v. *City of Highland Park* , 321 Mich 156; *Northwood Properties Co. v. Royal Oak City Inspector* , 325 Mich 419; and *Hitchman* v. *Township of Oakland, supra* ."

See, also, *Redford Moving & Storage Company* v. *City of Detroit* , 336 Mich 702; *Janesick* v. *City of* **[366]** *Detroit* , 337 Mich 549; and *Plum Hollow Golf & Country Club* v. *Township of Southfield* , 341 Mich 84.

Plaintiff's property, as above noted, was divided by the amended ordinance into 3 different zones, business C, industrial A and industrial B. In each of these areas different operations are carried on, as described by the plaintiff's president. There was testimony, and the conclusion is permissible, that the so-called heavy operations are conducted in the area of the property zoned as industrial B and that all of the individual operations within the plant were substantially conforming rather than nonconforming with the requirements of the zone within which each was conducted. It is the contention of the appellants, however, both as to existing operations and as to the proposed additions to the plant, that we must look at the plant as a whole. This, it is clear, is devoted to the accomplishment of steel fabrication, which, under the amended ordinance, was put in an industrial B district. Appellants' theory is made clear in the testimony of the plans examiner of the building department for the city of Dearborn:

"*Q* . Why did your department deny the building permit?

"*A* . Steel fabrication was not a permitted use in an industrial A district.

"*The Court* : How about a drafting room added over another building?

"*A* . It would still be part of a steel fabrication building."

In and of themselves, such operations, it was testified, were permissible within the areas in which such contemplated structures were to be placed.

"*Q* . Mr. McEvilly, would you deny a permit to anybody who wanted to put a separate drafting room **[367]** on, say the business C portion of this property, where there was somebody other than Anchor Steel & Conveyor, would they be granted a permit for a drafting room?

"*A* . For a drafting room in a business C district?

"*Q* . Yes.

"*A* . Provided they had the necessary off-street parking.

"*Q* . As such, the drafting room would not be objectionable?

"*A* . Under different circumstances, it wouldn't be.

"*Q* . How about a steel-storage room on business C property?

"*A* . Steel storage is permitted in a business C district.

"*Q* . And, being permitted in a business C area, it would also be permitted in industrial A?

"*A* . Yes."

In the light of these disclosures we need not rule upon the constitutionality of the amended ordinance insofar as it affects the use of plaintiff's property, although we think it proper to

note that it would require considerable dexterity to sustain, as a reasonable exercise of the police power, the creation of a buffer strip of a fixed width which plunges directly through an existing plant. *Janesick* v. *City of Detroit, supra* . What we have here is a narrower question. Plaintiff's relatively small piece of property has been split into 3 different zones. We start with the propositions, as expressed in *Teglund* v. *East Lansing Building Inspector* , 316 Mich 185, 189, that in the absence of a zoning ordinance an owner has the right to made any desired use of his premises not amounting to a nuisance, and that a board may not prohibit a use permissible in the absence of an ordinance and equally permissible under the terms of an ordinance. In the situation with which we are confronted, the structures which plaintiff contemplates erecting involve uses permissible in the absence **[368]** of an ordinance and admittedly conforming with the ordinance itself. That is to say, in and of themselves the business operations conducted in the storage room and in the drafting room would be in conformity with the present zoning restrictions. They do, however, contribute to the furtherance of an over-all enterprise, some parts of which could not (assuming the validity of the ordinance) be conducted in the zones in question. Are the structures, then, violative of the ordinance? Neither diligence of counsel nor fruits of our own research disclose Michigan authority squarely in point. We turn, then, for whatever guidance may be afforded, to the deliberations of sister jurisdictions. The case of *Prospect Park Borough* v. *McClaskey* , 151 Pa Super 467, 470 (30 A2d 179), is analogous in many respects. The defendant's premises lay in 2 zones, one industrial, the other commercial, a driveway to the industrial zone being located in the commercial zone. The court stated the problem and its holding on the point, dismissing the complaint, in the following terms:

"It is appellant's contention that the use of the driveway to take supplies into the yard of the brick manufactory and to haul bricks out is accessory to the industry of brick making and as such constitutes a violation of the existing ordinance. With this contention we cannot agree. The driveway is used merely for ingress and egress and for no other purposes. No part of the manufacturing process is carried out on the driveway or on any portion thereof located within the appellant borough."

The result and the reasoning commend themselves to us. It is both unreasonable and arbitrary to deny plaintiff the use of its property in each zone to the full extent of its capabilities because such use either facilitates or hampers the operations in still another zone. Moreover, it does not follow that, because the **[369]** product of the drafting room is to be used in connection with plaintiff's manufacturing operations, such operations will be likewise performed in the drafting room or that the storage of steel in an adjacent building, to be used for storage only, will constitute fabrication of conveyors. In this instance plaintiff seeks merely to use his property for a use consistent with the restrictions imposed on each of the particular areas of that property by the zoning ordinance. The plaintiff had a clear legal right to have permits issued for such uses. Defendants' action in withholding the granting of said permits was an arbitrary act. We so hold. There is no merit in the balance of contentions made, and we concur with the finding and result reached by the trial court.

Judgment is affirmed, with costs to appellee.

CARR, C.J., and BUTZEL, SHARPE, BOYLES, REID, DETHMERS, and KELLY, JJ., concurred.

Content Type: Cases

Terms: 342 mich 361

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CHEBOYGAN COUNTY
PLANNING COMMISSION
DRAFT FINDINGS OF FACT

Lawrence Hanson and Heritage Cove Farm, LLC
Special Use Permit

Applicant:	Lawrence Hanson on behalf of Heritage Cove Farm, LLC 625 N. Grandview Beach Road Indian River, MI 49749
Owners:	Lawrence Hanson on behalf of Heritage Cove Farm, LLC 625 N. Grandview Beach Road Indian River, MI 49749
Parcels:	625 N. Grandview Beach Road, Sections 5 and 6, Tuscarora Township Parcel No's. 162-005-300-002-00, 162-006-400-004-00 and 162-006-400-005-00
Hearing Date:	Public Hearing on Wednesday, November 4, 2015 at 7:00 p.m. at the Cheboygan High School Auditorium Deliberations on Wednesday, December 2, 2015 at 7:00 p.m. at the Cheboygan High School Auditorium Deliberations on Wednesday December 16, 2015 at 7:00 p.m. at the Cheboygan County Building

PROPERTY DESCRIPTION

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

See attached legal descriptions.

Hereinafter referred to as the "Property".

APPLICATION

The purpose of this meeting and public hearing is to hear comments about and consider the request of Lawrence Hanson and Heritage Cove Farm, Inc. for a special use permit and approval of the submitted plan to establish a Therapeutic Farm for adults with mental disabilities. The Applicant is requesting the following:

A Special Use Permit is requested under the following sections of the

Cheboygan County Zoning Ordinance #200: Section 9.3.14., Nursing or convalescent homes, Section 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), Section 10.3.2. Club, Section 10.3.3 Cabin Colonies, Section 10.3.6 Country Club, Section 10.3.8 Duplex or multi-family buildings, and Section 10.3.14 Restaurant/Bar. The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6, parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).

Please note: Heritage Cove Farm requests that Cheboygan County make all reasonable and necessary accommodations under the Americans with Disabilities Act of 1990, the Fair Housing Amendments Act of 1988 and the Michigan Persons with Disabilities Civil Rights Act with respect to the interpretation and application of the Cheboygan County Zoning Ordinance #200 such as to approve the Farm in all requested and required respects.

The Planning Commission having considered the Application, the Planning Commission having heard the statements of the Applicants/Applicants' attorney and/or agents, the Planning Commission having considered letters submitted by members of the public and comments by members of the public and considerable written evidence on the record, the Planning Commission having considered 165 Exhibits, 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's property contains a total of 33 (thirty-three) acres with 15.6 acres located in the Agriculture and Forestry Management District (hereinafter M-AF) and 17.4 acres located in the Lake and Stream Protection District (hereinafter P-LS). (See exhibits 2, 3, 4, 5, 6, 7, 8, and 154)

2. The Planning Commission finds that Lawrence P. Hanson and Elizabeth A. Hanson, as husband and wife, are owners of the property subject to this request. (See exhibits 3, 4, 5, 6, 7 and 8)

3. The Planning Commission finds that LIB, LIB, Inc., is the owner of 162-006-400-005-00. (See exhibits 6 and 7)

4. The Planning Commission finds that the Warranty Deed for the property in Benton Township provided by the Applicant is not on the supplied drawing and is assumed to be an error in the application. (See exhibit 8).

5. The Planning Commission finds that the Applicant plans to put into place and operate on the property a therapeutic farm community known as Heritage Cove Farm to be operated under Heritage Cove Farm, LLC, a non-profit 501(c)(3) corporation which currently exists and, according to State records, is in good standing. (See exhibits 113 and 141)

6. The Planning Commission finds that the purpose of the proposed land use is to serve as a therapeutic farm community to both adult men and women with mental illnesses, anticipating that such mentally ill persons occupying the farm may have diagnoses of depression, schizophrenia, bi-polar disorder, mental illnesses related to closed head injuries, and/or dual diagnoses. (See exhibit 1)

7. The Planning Commission finds that all anticipated activities related to Heritage Cove Farms are specifically listed in the Applicant's materials, specifically the letter and associated tables in the Applicant's letter dated September 22, 2015 and in the presentation by Applicant on November 4, 2015 and on Applicant's Special Land Use Permit Application dated 4/16/2015. (See exhibits 2 and 157)

8. The Planning Commission finds that residents who will be occupying the property will do so in cabins as depicted on the site plan of which 12 (twelve) of such cabins are located in the P-LS District and 12 (twelve) are located in M-AF District. (See exhibits 2, 9, 10, 12 and 154)

9. The Planning Commission finds that "cabin" is defined under the Cheboygan County Zoning Ordinance as "Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes." (See exhibit 154)

10 The Planning Commission finds that "convalescent or nursing home" is defined under the Cheboygan County Zoning Ordinance as "A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm and providing facilities for four or more patients." (See exhibit 154)

11 The Planning Commission finds that in the M-AF Zoning District, nursing and convalescent homes are allowed by special use under subsection 9.3.14. (See exhibit 154)

12. The Planning Commission finds that subsection 9.3.22, under uses requiring special land use permits in the M-AF District, allows for the following:

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).
>
> (See exhibit 154)

13. The Planning Commission finds that subsection 10.3.8 in the P-LS District allows via special land use, duplexes, multi-family buildings and further, that subsection 10.3.3 allows for cabin colonies. The Planning Commission further finds that restaurants are allowed by special use under 10.3.14. (See exhibit 154)

14. The Planning Commission finds that the Cheboygan County Zoning Ordinance does not define "restaurant," but that common definitions include the following:

    > A business establishment where meals or refreshments may be purchased. (See exhibit 161).

    or

    > A place or business where people can choose a meal to be prepared and served to them at a table, and for which they pay, usually after eating. (See exhibit 162).

15. The Planning Commission finds that "cafeteria" is also not defined in the Cheboygan County Zoning Ordinance, but is commonly defined as follows:

    > A restaurant where you choose to pay for your meal at a counter and carry it to a table. Cafeterias are often found in factories, colleges, hospitals, etc. (See exhibit 163).

    or

    > An informal restaurant in places such as a college or hospital where you take the food to the table yourself. (See exhibit 164).

16. The Planning Commission finds that the Applicant requests that the county make all reasonable accommodations as stated above in the notice for the request for a special use permit. (See exhibit 159)

17 The Planning Commission finds that a majority of the public, both at the public hearing, at the December 2, 2015 meeting, and in writing, oppose the development as presented for a variety of reasons as stated in the correspondence as well as preserved by a court reporter at the December 2, 2015 public hearing. (See exhibits 18 through 66, 129 and 158)

18 The Planning Commission finds that

19. The Planning Commission finds that

SPECIFIC FINDINGS OF FACT UNDER 18.7 OF THE CHEBOYGAN COUNTY ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by Section 18.7 of the Cheboygan County Zoning Ordinance with respect to each of the following standards:

STANDARDS FOR SPECIAL LAND USE APPROVAL

The Planning Commission shall approve, or approve with conditions, an application for a special land use permit only upon a finding that the proposed special land use complies with the following standards:

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

FINDINGS THAT SUPPORT THIS STANDARD

1. The Planning Commission finds that convalescent homes are allowed by special use in the M-AF District, and that Heritage Cove Farm (hereinafter "HCF") plans to provide services which meet in part or in whole the uses listed by HCF. (See exhibits 2 and 154)

2. The Planning Commission finds that convalescent homes as defined in section 2.2 of the Cheboygan County Zoning Ordinance (hereinafter "CCZO") matches the main function of what Applicant proposes to conduct on the portion of the property zoned M-AF, in that Applicant's HCF proposes to take care of and provide therapy as an accessory use to the mentally infirm. (See exhibits 2, 12, 99 and 154)

3. The Planning Commission finds that cabins for residents of HCF as proposed meet the definition of cabin contained in Article 2 of the CCZO. (See exhibits 2, 12, 99 and 154)

4. The Planning Commission finds that the CCZO does not restrict the number of structures which are part of a convalescent home, a use allowed by special use in the M-AF District. (See exhibit 154)

5. The Planning Commission finds that cabin colonies are allowed in the P-LS District by special use and that the CCZO does not require a specific purpose for the establishment of a cabin colony in the P-LS District other than that such cabin colonies must meet the special use and site plan criteria under the CCZO. (See exhibit 154)

6. The Planning Commission finds that restaurant/cafeteria uses are analogous, if not synonymous, as stated in the general findings of fact and that the same is allowed in the P-LS District so long as such restaurant/cafeteria meets the special use and site plan criteria under the CCZO. (See exhibit 154).

7. The Planning Commission finds that the Applicant makes the analogy to camps and churches providing therapy uses, which are uses allowed in the P-LS Zoning District. (See exhibits 2 and 154)

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD

1. The Planning Commission finds that cabin colonies and cabins of the type being proposed by the Applicant are not allowed as either a use by right or by special use in the M-AF District. The Planning Commission further finds that due to the fact that cabin colonies are expressly authorized in the P-LS District and that Applicant's property is divided in half by the zoning districts, subsection 9.3.22 is not applicable and this use is not allowed in the M-AF District. (See exhibit 154)

2. The Planning Commission finds that Applicant represents that licensing will generally not be required for HCF for the activity Applicant proposes to engage in on the property. As such, based upon Applicant's representations, what Applicant proposes does not meet the definition of convalescent home under the CCZO. The Planning Commission further finds that under Michigan law, convalescent homes exist for the purpose of caring for the infirm. Finally, the Planning Commission finds that the word "infirm" with respect to convalescent homes has been defined under Michigan law as "A person who is feeble or weak in body or health (especially) because of age." (See exhibits 154, 165 and exhibit 129 - Bridget Brown Powers's [hereinafter "BBP"] report, page 13 with legal citations).

3. The Planning Commission finds that therapy is traditionally part of an activity engaged in by a convalescent home and meets the definition of accessory use, and as such, convalescent home and associated therapy accessory use is allowed in the M-AF District, but is not allowed in the P-LS District where convalescent homes are not allowed. (See exhibit 154)

4. The Planning Commission finds that therapy meets the definition of

accessory use in relation to the convalescent home use, which is listed as a permitted use by special use permit in the M-AF Zoning District. The Planning Commission further finds that convalescent home use is excluded from the P-LS Zoning District as an allowable use by right and by special use permit. It is thus also excluded as a use in the P-LS Zoning District. As such, the Planning Commission finds that since therapy use is an accessory use to convalescent home use and convalescent home use is allowed in the M-AF Zoning District, subsection 9.3.22 is not applicable to what the Applicant is proposing. (See exhibit 154)

5. The Planning Commission finds that the Applicant is proposing uses which are consistent with a convalescent home for the entire subject property. The Planning Commission further finds that the Applicant has not adequately shown that the convalescent home use and accessory uses thereof, including but not limited to therapy, are not happening within the P-LS Zoning District portion of the property where such use is not allowed. (See exhibits 2 and 154)

6. The Planning Commissions finds that the Applicant's proposal for a country club use under 10.3.6 is not part what is being proposed as an operation either in the M-AF Zoning District, but rather a use being proposed in the M-AF District is for a convalescent home. (See exhibits 2, 99 and 154)

The Planning Commission finds that this standard has/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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that based upon the site plan no construction will be conducted within the areas designated as wetlands on the property other than a path to access the lake and a dock, a use which is otherwise allowed in the P-LS District. (See exhibits 2, 12, 99 and 154)

2. The Planning Commission finds that the uses allowed both in the M-AF District as well as the P-LS District under the CCZO include more intensive uses. By example, the Planning Commission finds that in the P-LS District campgrounds, retail stores and shops, boat liveries, marinas, launching ramps, motels, hotels and golf courses are allowed by special land use. (See exhibit 154 - section 10). With respect to the M-AF District, the Planning Commission finds that more intensive uses include such things as automobile repair, service and gas stations, entertainment and eating establishments, commercial hunting and fishing cabins, golf

courses, country clubs and sportsmen's associations or clubs, grocery or party stores, resorts, hotels, motor inns, slaughterhouses, meat packing and other uses by special land use. (See exhibit 154 - section 9).

3. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the special land use request for a therapeutic farm with therapy accessory use located in the M-AF District along with farming and residential cabins 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, glares, 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, given the setbacks from the proposed cabin areas and residual open space left in the M-AF District. (See exhibits 2, 12, 99 and 154).

2. The Planning Commission finds that the proposed special land use in the P-LS District, to wit; cabin colonies and the cafeteria/restaurant, are adequately set back from surrounding properties and are not located in any delineated wetland or steep slopes area, such that the residential and eating facilities will not result in any additional traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway. (See exhibits 2, 12, 99 and 154)

3. The Planning Commission finds that with respect to the property in both the M-AF and the P-LS Districts, that there will be little in the way of traffic, even after phase 2 of the cabins have been completed, in that the

residents of the therapeutic farm and cabin colony will not have automobiles and that the only automobiles will be those of HCF staff personnel. The Planning Commission further finds that the activity is not of the type that will generate any smoke, fumes, glares, odors, or accumulation of scrap material given the nature of the operation other than those associated with farming, which are protected under Michigan's Right to Farm Act. (See exhibits 2, 12, 99 and 154)

4. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that due to 24 hour staffing and operations, that there will always be some traffic during the change of shifts of employees and noise related to that traffic as well as noise of traffic related to the delivery of supplies to HCF. (See exhibit 129 - BBP report)

2. The Planning Commission finds that

3. The Planning Commission finds that

The Planning Commission finds that this standard has/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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the proposed special land use of HCF leaves a substantial portion of the property in both zoning districts vacant allowing for substantial setbacks, both from the waters edge as well as from properties located off of Grandview Beach Road to the north of the service drive. As such, the Planning Commission finds that there will be very little in the way of impacts which would prevent or diminish the opportunity for surrounding properties to be used and developed as zoned. (See exhibits 2, 12, 99 and 154)

2. The Planning Commission finds that with respect to properties to the west

and south of the proposed service drive of HCF, that the setbacks for the residential and cafeteria area are substantial and buffered by pasture land wholly located within the M-AF District with the southerly and southwesterly exposure of the property being largely vacant due to steep topography and wetlands going down to the Indian River spreads such that the farming activity, residential and the service of meals, along with any treatment on site in the M-AF District would not result in an activity that would diminish the opportunity for surrounding properties to be used and developed as zoned. (See exhibits 2, 12, 99 and 154)

3. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the proposal of HCF for a therapeutic treatment center for the mentally ill is of a density and intensity which would not place any additional significant demands on fire, police, or public resources. The Planning Commission further finds that this is particularly true given that a lot of the land will remain undeveloped forest land or pasture land and that the wetlands will not be disturbed. (See exhibits 2, 12 and 99)

2. The Planning Commission finds that given the uses both by right and particularly by special use in both the M-AF and P-LS Districts, that the proposed special land use would place less in the way of demands on fire, police or other public resources and would not increase hazards from fire or other dangers to the subject or adjacent property compared to other potential uses as listed. The Planning Commission further finds that the service drives and interconnection of internal roads provide adequate spacing and access for fire and emergency vehicles. (See exhibits 2, 12, 99 and 154, BBP exhibit 129-tab B)

3. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/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 or highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Sign, 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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the proposed special land use is adequately served by Grandview Beach Road, a paved county local road, and that the internal design of the service entrance and interconnectivity of roads within HCF provide adequate access without increasing traffic hazards and much in the way of additional congestion. The Planning Commission further finds that this is particularly true given the more intensive uses which parcels in the M-AF and P-LS Districts can be used for under special land uses in each district. (See exhibits 2, 12, 99 and 154)

2. The Planning Commission finds that the property is not served by minor residential streets to access the property. The Planning Commission further finds that given the fact that the residents will not be allowed to have automobiles on the property as represented by the Applicant, that the amount of traffic and vehicles would be less than would otherwise normally occur in any given cabin colony, hotel, motel or other more intensive uses allowed by special land use in both the M-AF and P-LS Districts. (See exhibits 2, 12, 99 and 154)

3. The Planning Commission finds that signs, buildings, plantings, and other

elements of the project shall not interfere with driver visibility on Grandview Beach Road and that the entrance drives and parking areas are more than twenty-five (25') feet from any street intersection as measured from the road right-of-way. (See exhibits 2, 12 and 99)

4. The Planning Commission finds that internally the entrance drive and off street parking, particularly in the delivery area and proposed parking on the northeast portion of the property, does result in off street parking areas that are not only less than 25' from the boundary of a different zoning district, but actually bisects the zoning district. However, the Planning Commission finds that the purpose behind this regulation was meant to apply to parcels that are separate from an applicant's parcel wherein a parcel boundary line is in the next zoning district. The Planning Commission further finds that it was not the intent of this portion of the CCZO to regulate and require off street parking areas to be more than 25' from the boundary of a different zoning district when the boundary is located on the same parcel. (See exhibits 2, 12, 99 and 154).

5. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

2. The Planning Commission finds that

The Planning Commission finds that this standard has/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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the drainfield servicing the property is adequate in size and is located well away from the wetlands and Indian River spreads on the portion of the property zoned M-AF. The Planning Commission further finds that the existing drainfield is also located well away from the Indian River spreads and the wetlands areas of the property and is also in the portion of the property zoned M-AF. As such, the Planning Commission finds that there are adequate sewer and septic

disposal facilities on site. (See exhibits 2, 12 and 99)

2. The Planning Commission finds that the property is currently served by two existing wells and that the plan also calls for proposed additional wells on the property. The Planning Commission further finds that the siting of such wells and adequacy of the same is determined by the Cheboygan County Health Department and absent any problems with receiving permits from the Health Department, the Planning Commission finds that there are adequate water facilities to service the property. (See exhibits 2, 12 and 99)

3. The Planning Commission finds that the use is not as intensive as many of the other special land uses allowed within both the M-AF and P-LS Zoning Districts and that given the size of the property and the proposed number of residents on it, the property is adequately served by water, sewer as well as refuse collection and disposal services as available in the zoning districts and the County. (See exhibits 2, 12 and 99)

4. The Planning Commission finds that animal grazing and pasture areas are located in the M-AF District and that under Michigan's Right to Farm Act as well as the uses allowed in the M-AF District permit the raising of farm animals and farming in general. (See exhibits 2, 12, 99 and 154)

5. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/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 Planning Commission finds that this is not a standard, but a requirement under the CCZO that a party seeking and obtaining a special land use permit must comply with the CCZO in its entirety. (See exhibit 154, Article 18)

PROPOSED CONDITIONS IF SPECIAL LAND USE IS APPROVED

1. Obtain all building code and health department permits for construction and file

the same with Cheboygan County Planning and Zoning staff.

2. Obtain all licenses required for the operation of Heritage Cove Farm from the State of Michigan and/or the federal government and either provide copies of the licenses to Planning and Zoning staff or provide letters or other written documentation from state and federal agencies that license facilities caring for the mentally ill or infirm that Heritage Cove Farm's proposed use does not require a license or licenses normally issued to facilities that care for the mentally ill and/or infirm.

3. All agricultural practices will follow Generally Accepted Agricultural Management Practices (GAAMPS) with GAAMPS certification through the Michigan State University Agricultural Extension being supplied to Planning and Zoning staff for all farming activities on the property prior to the commencement of farming activities.

4.

5.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE CHEBOYGAN COUNTY ZONING ORDINANCE

STANDARDS FOR GRANTING SITE PLAN APPROVAL

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.

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.

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that all proposed construction whether in the M-AF or P-LS District is located in the area with the least amount of slope and grade steepness with a substantial portion of the property to the north and northwest being reserved as woodland area and with the wetlands located in the P-LS District having no construction other than a pathway to access a dock on the lake, as with other similar properties within the area. As such, the Planning Commission finds that given the nature of the proposed project there are no substantial changes being proposed to elevation on the site. The Planning Commission further finds that the development as proposed preserves to the extent possible the existing topography and maintains a character similar to adjoining property, inclusive of size and type of buildings such that HCF is designed in a manner minimizing site disturbances for the proposed therapeutic farm. (See exhibits 2, 12 and 99)

2. The Planning Commission finds that the setbacks of all structures and the lack of construction on steep slopes or in the wetlands area of the property does not impede the normal and orderly development or improvement of surrounding property for permitted uses of the land under the CCZO. (See exhibits 2, 12, 99 and 154)

3. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that the density of the development is concentrated on the western and southwestern section of the property wherein more of the development could be placed further upland and in the M-AF Zoning District which would not have a significant impact on slopes while providing additional buffer to surrounding properties with respect to noise and traffic generated by the facility. (See exhibits 2, 12, 129 and 154)

2. The Planning Commission finds that

The Planning Commission finds that this standard has/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.

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that the development as proposed leaves largely undisturbed, other than a pathway to a dock, all wetlands and steep slope areas going down to the Indian River spreads within the portion of the property zoned P-LS. In addition, the Planning Commission finds that the upland area of the property in the M-AF District, particularly in the north and northwest portion of the property, will be left undisturbed as a wooded area with walking trails. As such, the Planning Commission finds that given the nature of the proposed development, it is to be built in a manner which minimizes tree and soil removal and preserves many topographic features of the property, even after both phases have been built. (See exhibits 1, 2, 12, 99 and BBP exhibit 129-tab B)

2. The Planning Commission finds that

3. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/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.

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that the site is properly drained and that there is no evidence that storm water would adversely affect any neighboring property given the setbacks established for the proposed project and the distance of structures and impervious surfaces from the neighboring properties. (See exhibits 2, 12, 99 and BPP exhibit 129-tab B)

2. The Planning Commission finds that

3. The Planning Commission finds that

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/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.

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that all structures and parking areas on the property are set back in an adequate manner and otherwise buffered by pasture, orchard or landscape features such that there is appropriate screening as well as adequate privacy for both the proposed occupants of the property and neighboring properties as well. (See exhibits 2, 12, 99 and BPP exhibit 129-tab B)

2. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

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

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that the service drive adequately connects to all internal drives running along the proposed cabins and other buildings, either proposed or existing, with internal drives connecting the service drive with the entrance on the southern portion of the property. The Planning Commission finds that this design allows for emergency vehicles to loop through all proposed developed portions of HCF. As

such, the Planning Commission finds that the proposed groups of buildings are arranged in a manner as to properly permit easy emergency vehicle access to all proposed and existing structures on the property. (See exhibits 2, 12 and BBP exhibit 129)

2. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/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.

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that the property has two entrances, including the service drive, which has adequate parking and internal drives that are connected and provide access from all structures out to Grandview Beach Road, a paved county local road. (See exhibits 2, 12 and BBP exhibit 129-tab B)

2. The Planning Commission finds that the property has walking trails in the wooded area to the north and pastures located on the southwestern portion of the property such that in both districts these areas can be used by those occupying the property. (See exhibits 2, 12 and BPP exhibit 129-tab B)

3. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/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. The Planning Commission finds that this standard is not applicable because the request is not a subdivision plat or a subdivision condominium.

h. Exterior lighting shall be arranged as follows:

a. It is deflected away from adjacent properties.

1. The Planning Commission finds that exterior lighting is limited in large part to the internal drives accessing the proposed cabins and shall be constructed as to deflect light away from adjacent property, avoid the impediment of vision on Grandview Beach Road as well as the internal service entrance drive and other internal drives within the proposed development. The Planning Commission further finds that the outdoor lighting shall be directed so as to not unnecessarily illuminate the night sky **(THE PLANNING COMMISSION MAY WISH TO ADDRESS LIGHTING PROPOSED THE WALKWAY TO THE DOCK AREA - THE PLANNING COMMISSION MAY WISH TO MAKE THIS PROVISION A CONDITION IF THE PROJECT IS APPROVED).** (See exhibits 2, 12 and 99)

2. The Planning Commission finds that

3. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

b. It does not impede the vision of traffic along adjacent streets.

1. The Planning Commission finds that exterior lighting is limited in large part to the internal drives accessing the proposed cabins and shall be constructed as to deflect light away from adjacent property, avoid the impediment of vision on Grandview Beach Road as well as the internal service entrance drive and other internal drives within the proposed development. The Planning Commission further finds that the outdoor lighting shall be directed so as to not unnecessarily illuminate the night sky **(THE PLANNING**

COMMISSION MAY WISH TO ADDRESS LIGHTING PROPOSED THE WALKWAY TO THE DOCK AREA - THE PLANNING COMMISSION MAY WISH TO MAKE THIS PROVISION A CONDITION IF THE PROJECT IS APPROVED). (See exhibits 2, 12 and 99)

2. The Planning Commission finds that

3. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

c. It does not necessarily illuminate night skies.

1. The Planning Commission finds that exterior lighting is limited in large part to the internal drives accessing the proposed cabins and shall be constructed as to deflect light away from adjacent property, avoid the impediment of vision on Grandview Beach Road as well as the internal service entrance drive and other internal drives within the proposed development. The Planning Commission further finds that the outdoor lighting shall be directed so as to not unnecessarily illuminate the night sky **(THE PLANNING COMMISSION MAY WISH TO ADDRESS LIGHTING PROPOSED THE WALKWAY TO THE DOCK AREA - THE PLANNING COMMISSION MAY WISH TO MAKE THIS PROVISION A CONDITION IF THE PROJECT IS APPROVED).** (See exhibits 2, 12 and 99)

2. The Planning Commission finds that

3. The Planning Commission finds that

The Planning Commission finds that this standard has/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 have a dedicated right-of-way equal to that specified in the Master Plan.

FINDINGS WHICH WOULD SUPPORT THIS STANDARD

1. The Planning Commission finds that the internal roads as well as the two drives accessing the property as proposed are planned, designed and constructed to be accessible to all legal users and will not result in excessive traffic which interferes with travel along Grandview Beach Road such that it meets the goals of the Master Plan with respect to roadways. (See exhibits 2, 12 and 155 - page 17)

2. The Planning Commission finds that given the type of developments which could be proposed and allowed under special land uses in the CCZO, the internal road system as proposed for HCF and the fact that the residents, other than employees, will not have automobiles, lessens the amount of traffic volume in the vicinity which otherwise could occur under more intensive and allowed forms of development in both the M-AF and P-LS Districts. (See exhibits 2, 12 and 154)

3. The Planning Commission finds that

FINDINGS WHICH WOULD NOT SUPPORT THIS STANDARD

1. The Planning Commission finds that

The Planning Commission finds that this standard has/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 Planning Commission finds that this standard is a requirement for all developments that must obtain a site plan under the Cheboygan County Zoning Ordinance and shall be adhered to by the Applicant and subsequent owners of Heritage Cove Farms. (See exhibit 154)

ADDITIONAL STANDARDS FOR REASONABLE ACCOMMODATION UNDER THE AMERICANS WITH DISABILITIES ACT (ADA),

THE FEDERAL FAIR HOUSING ACT (FFHA), AND THE PERSONS WITH DISABILITIES CIVIL RIGHTS ACT

a. Does the person or persons, whether the applicant or those occupying the property, have a disability?

FINDING

1. The Planning Commission finds that the Applicant and the Applicant's corporate officers do not have a disability. However, the Planning Commission finds that HCF proposes to have individuals who have a mental illness occupy the property who would be considered disabled under the ADA, FFHA and the Persons With Disabilities Civil Rights Act. (See exhibits 1, 2, 12, 14, 15, 16, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113 and BBP exhibit 129 - page 40)

ALTERNATIVE FINDING

1. The Planning Commission finds that

b. Is there a modification being requested from the standards and requirements contained in the Cheboygan County Zoning Ordinance based upon a disability?

FINDING

1. The Planning Commission finds that the Applicant claims it is making a request for modifications of the standards and requirements contained in the CCZO based upon the disability. In that the Planning Commission finds that the housing in the P-LS District does not constitute a cabin colony and that the cafeteria proposed in the P-LS District is not an allowed use or is simply accessory to the convalescent home use contained in the M-AF District, then the Planning Commission finds that the Applicant is requesting a modification of the provisions of the CCZO to allow for the cabins and the cafeteria in the P-LS District. (See exhibits 1, 2, 12, 14, 15, 16, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109 and 113)

ALTERNATIVE FINDING

1. The Planning Commission finds that although a modification is requested, it is not reasonable or necessary under any circumstance to accommodate such a disability because cabin colonies and cafeteria restaurants are an allowed use by special land use in the P-LS District

and that the balance of HCF's request for a special land use is allowed in the M-AF District. As such, the Planning Commission finds that the Applicant's request for a special land use sufficiently meets the needs of what the Applicant is requesting without having to consider the disabilities of those who would eventually reside on the property. (See exhibits 1, 2, 12, 14, 15, 16, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113 and 154)

c. To the extent that a modification is requested, is it reasonably necessary to accommodate that disability?

FINDING

1. The Planning Commission finds that the requested modification is reasonable and necessary with respect to the uses proposed in the P-LS District attributable to the proposed development as a whole. The Planning Commission finds that if an owner of property in the P-LS District proposed a cafeteria, cabin colony, church or other use otherwise allowed by special land use, and met the standards contained under the CCZO for special land uses and site plan review, such a use would be approved. In this case, the Applicant's requested uses in the P-LS District are part of HCF in its entirety. Thus, under the CCZO uses such as the cabin colony or cafeteria/restaurant are not stand alone uses under the facts as presented by Applicant. However, because the sole reason for not allowing the uses presented as stand alone uses is directly related to the disabilities of the future residents of HCF, a modification of the zoning standards is reasonable and necessary to accommodate the disability of the proposed residents of HCF. (See exhibits 2, 12 and 154)

ALTERNATIVE FINDING

1. The Planning Commission finds that although a modification is requested, it is not reasonable or necessary under any circumstance to accommodate such a disability because cabin colonies and cafeteria restaurants are an allowed use by special land use in the P-LS District and that the balance of HCF's request for a special land use is allowed in the M-AF District. As such, the Planning Commission finds that the Applicant's request for a special land use sufficiently meets the needs of what the Applicant is requesting without having to consider the disabilities of those who would eventually reside on the property. (See exhibits 1, 2, 12, 14, 15, 16, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113 and 154)

d. Are such accommodations necessary to allow persons with disabilities an equal opportunity to use or enjoy a dwelling?

FINDING

1. Because the Planning Commission has found that the cabin colony and cafeteria restaurant in the P-LS District is not an allowed use for reasons already stated in these findings of fact, the Planning Commission finds that it is necessary to accommodate the disability of those who would reside at HCF. The reason the Planning Commission makes this finding is that if a person or group of persons proposed a cabin colony and/or restaurant/cafeteria as stand alone uses in the P-LS District, then such a use would be allowed if all of the zoning requirements for a special land use and site plan had been met. As such, the Planning Commission finds that the only reason for denying the cabin colony and the cafeteria/restaurant is because such uses are related and directly connected to the HCF therapeutic use that is on the portion of the property zoned M-AF. As such, a denial based upon the zoning standards for the cabin colony and cafeteria use in the P-LS District is solely related to the disability of the residents who will occupy the cabin colonies and use the cafeteria/restaurant. As such, it is necessary to accommodate the residents who will be disabled on the property and allow for the cabin colony and cafeteria regardless of whether it is accessory to the therapeutic use allowed in the M-AF District. (See exhibits 1, 2, 12, 14, 15, 16, 45-66, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113)

ALTERNATIVE FINDING

1. The Planning Commission finds that

e. Would the requested accommodations impose an undue financial or administrative burden upon the County, and will it fundamentally alter the Cheboygan County Zoning Ordinance?

FINDING

1. The Planning Commission finds that the requested accommodations are not necessary as the uses as proposed by HCF are allowed on the property which is bifurcated by the M-AF and P-LS Zoning Districts. The Planning Commission finds that the only use that is prohibited is the convalescent home's accessory use of therapy in the P-LS District. However, the Planning Commission finds that an accommodation is not required with respect to the therapy accessory use because the Applicant has adequate property located in the M-AF District to allow for therapy accessory uses to the convalescent home which would otherwise not interfere with the cabin colony and cafeteria/restaurant uses in the P-LS District. Other uses in both districts constitute farming activities allowed

under the CCZO and under Michigan's Right to Farm Act and, overall, the special land uses do not impose an undue financial or administrative burden on the County . (See exhibits 1, 2, 12, 14, 15, 16, 45-66, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113 and 154)

ALTERNATIVE FINDING

2. The Planning Commission finds that based upon the general findings of fact and the specific findings of fact for both the special land use as well as the site plan standards, that approval of the project would not impose an undue financial or administrative burden upon the County. The Planning Commission further finds that a reasonable accommodation does not fundamentally alter the CCZO because approval of the cabin colony and cafeteria/restaurant in the P-LS District, albeit said use not matching what is required under the CCZO, would still look and appear on the land as a cabin colony along with a cafeteria/restaurant. As such, the Planning Commission finds that the use of the cabin colony and cafeteria/restaurant in the P-LS District which the Planning Commission is allowed as a reasonable accommodation under the ADA, FFHA and the Persons With Disabilities Civil Rights Act will not result in a material change on how properties in the area are zoned or, for that matter, look after development. This includes HCF as built out and represented by Applicant in its application. (See See exhibits 1, 2, 12, 14, 15, 16, 45-66, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113)

Motion made by _____ , supported by _____ that based upon the general findings of fact and the rezoning factors that the applicant's request for a special use permit is hereby recommended to be denied/approved/approved with conditions.

Ayes: _____

Nays: _____

DATE DECISION AND ORDER ADOPTED

_____
Date

Chair

Secretary

SUPPLEMENT TO CHEBOYGAN COUNTY PLANNING COMMISSION

DRAFT FINDINGS OF FACT

Lawrence Hanson/Heritage Cove Farm Special Land-Use Permit Application

General Findings of Fact

1. The Planning Commission finds that Applicant's property contains a total of 33 acres (more or less) with approximately 15.6 acres of same located within the Agriculture and Forestry Management District (the "M-AF District") and approximately 17.4 acres located within the Lake and Stream Protection District (the "P-LS District") (hereinafter collectively, "the Property"). (See Exhibits 2-8 and 154.) According to Applicant's site plan, the Property is bound by both the Indian River Spreads and Mullett Lake, and more than one-half of the Property that is located within the P-LS District is composed of wetlands. (See Exhibit 9) With regard to these two zoning districts, the Planning Commission further finds the following:

   A. Section 9.1 of the Cheboygan County Zoning Ordinance (the "Ordinance") provides the purpose of the M-AF District: "Agriculture and Forrest Management Districts are those areas where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. They include areas, which, although not currently so used, have a potential for agriculture and forestry. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that inadequate food supply and timber resources are essential to the health and welfare of the county, state and nation."

   B. Section 10.1 of the Ordinance sets forth the purpose of the P-LS District: "Cheboygan County has the distinction of having more water surface than any other county in the State of Michigan. 77.3 square miles (9.69% of its area) are inland waters. The county has 344 inland lakes and 420 miles of streams. When 32 miles of Lake Huron shoreline are added, it becomes apparent that there is considerable pressure for development of waterfront property for homes, tourism and recreation. It is vital to the orderly future development of the county that these waters and natural resources be protected and that environmental control be exercised. The purpose of the conditions and requirements to be met in this district is to:

10.1.1.1 Avoid excessive structural encroachment on the waters and waterways except for uses traditionally depending upon direct water access.

10.1.1.2 Promote higher water quality by encouraging natural vegetation strips along waterfronts to filter out nutrients and sediment from surface run-off, keep them from entering the waters, prevent erosion and help maintain cool water temperatures through shading.

10.1.1.3 Protect the natural environment of streams and lakes for wild life habitat purposes and to preserve, to the extent possible, the natural image of landscapes.
10.1.1.4 Promote the general welfare of the county by protecting water quality, ground water resources, public health, property values, recreational values, riparian rights and erecting safeguards against flooding.

The Planning Commission finds that Applicant has not asserted, nor does the record otherwise reflect any evidence that the uses proposed by Applicant are "uses traditionally depending upon direct water access." (§10.1.1.1)

2. See page 2 of Cheboygan County Planning Commission Draft Findings of Fact.

3. See page 2 of Cheboygan County Planning Commission Draft Findings of Fact.

4. See page 3 of Cheboygan County Planning Commission Draft Findings of Fact.

5. The Planning Commission finds that Applicant proposes to use the Property as a "private-pay facility" identified as a "therapeutic farm community" known as "Heritage Cove Farm," to be operated by Heritage Cove Farm, LLC, a Michigan nonprofit limited liability company and 501(c)(3) charitable organization. According to the State of Michigan, Department of Licensing and Regulatory Affairs, said company exists and is in good standing. (See Exhibits 113 and 141) The Planning Commission finds that the Ordinance does not define a "therapeutic farm community," nor could a definition be found in a dictionary. However, the Planning Commission finds that uses in other communities that are identified as "therapeutic farm communities" include Rose Hill Center, located in Holly, Michigan, which sits on 412 isolated acres of land; Hopewell, located in Mesopotamia, Ohio, which is located on 300 acres of land; and Gould Farm, located in Monterey, Massachusetts, on 630 acres of land, more than 500 of which is forest land. (See Exhibit 129, BBP's Report)

6. See page 3 of Cheboygan County Planning Commission Draft Findings of Fact.

7. The Planning Commission finds that all of the uses proposed by Applicant are specifically listed in Applicant's materials, specifically the Application of April 16, 2015, the

September 22, 2015, letter, and Applicant's November 4, 2015, presentation at the Planning Commission hearing. (See Exhibits 2 and 157) The Planning Commission further finds that Applicant does not distinguish its proposed uses as principal or accessory uses.

8. The Planning Commission finds that individuals who will be treated at the proposed Farm will occupy "four clusters" of what Applicant has labelled "cabin colonies" on the site plan. Applicant proposes two such "clusters" of "cabin colonies" of four-to-six "cabins" each on that portion of the Property located within the P-LS District and another two of such "cabin colonies" on that portion of the Property located within the M-AF District, again each such "cabin colony" having four-to-six "cabins" each. The Planning Commission further finds that, according to Applicant's materials, the "cabins" will be utilized by patients roughly four-to-12 months at a time. (See exhibits 2, 9, 10, 12, and 154) The Planning Commission finds that, according to the drawings of Rhadigan & Sons, Inc., Indian River, submitted with Applicant's application materials, the "cabins" will not have kitchen, dining, living, laundry, and other facilities, but rather would have a bedroom with sitting area and one bathroom. The Planning Commission also finds that Applicant plans to have "professional support of individual clinical care and 24-hour on site staffing." (Exhibit 1, Applicant's April 20, 2015, letter at page 2.) The Planning Commission further finds that that Applicant proposes 13 staff members over the course of two phases, two of whom would stay at the site overnight. Id at 3. Three of the staff members along with their families would stay at the site indefinitely. In addition, "affiliations with the state universities and colleges for programs and internship opportunities" are anticipated by Applicant to take place on site. Id. at 3. In exchange for a fee that is either privately paid, paid by insurance companies or other authorized third-party payers, or Medicaid, the "Farm" would provide the following services to participants: "[P]articipation in most onsite activities, one efficiency furnished 'cottage,' three meals a day, laundry services, medication reminders, treatment plans with onsite clinical staff, individual and group therapy, access to video conferencing, transportation off-site within a certain mile radius, and internet access." (Letter at page 3.)

9. See page 3 of Cheboygan County Planning Commission Draft Findings of Fact.

10. The Planning Commission finds that "convalescent or nursing home" is defined under the Cheboygan County Ordinance as "[a] home, qualified for license under applicable Michigan law, for the care of children, aged, or infirm and providing facilities for four or more patients." (See Exhibit 154.) The Planning Commission further finds that, pursuant to Applicant's materials, Applicant is not proposing that "children" or the "aged" will participate on the proposed Farm. The Planning Commission also finds that the Ordinance does not define the term, "infirm." However, the Planning Commission finds that the Michigan Supreme Court, citing to a dictionary definition, has recently defined "infirm" as "'feeble or weak in body or health [especially] because of age.'" And that Court further held that "age is specifically designated as a factor that may give rise to an infirmity." Thus, pursuant to and consistent with that decision, the Planning Commission finds that "infirm"

includes persons who are physically weak or feeble, especially "because of age." (*See People v. Duncan*, 494 Mich. 713, 725, 835 N.W.2d 399, 406 (2013), cited on page 13 of BBP Report at Exhibit 129.) The Planning Commission also finds that Applicant's materials do not propose that the types of individuals who will participate in the proposed Farm's activities as those who are "physically weak or feeble in body or health" "because of age," but rather adult men and women "whose diagnoses include depression, schizophrenia, bipolar disorder, mental illnesses related to closed head injuries, and/or dual diagnoses." The Planning Commission further finds that Applicant represents that licensing will not be required for the uses Applicant proposes on the property.

11. The Planning Commission finds that, within the M-AF District, "nursing and convalescent homes" are allowed by special use under subsection 9.3.4. (See Exhibit 154). The Planning Commission also finds that "nursing and convalescent homes" are not allowed in the P-LS by right or by special land-use permit. (See Exhibit 154.)

12. The Planning Commission finds that the Ordinance does not provide that uses may be permitted if analogous to permitted uses. Rather, in the M-AF District, the only other uses that are allowed if not specifically permitted by right or by special land use are uses by special land use under the Section 9.3.22 "catch all" provision, which provides: "Uses which are not 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 of the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district." The Planning Commission Further finds the following:

A. The Cheboygan County Master Plan, adopted by the Planning Commission on January 24, 2013, and by the County Board of Commissioners on February 5, 2013, provides that, "[b]ecause 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 recommending for that community. The most recently[-]adopted Township future land[-]use map should take the place of more general recommendations for the County as a whole." (Page 20-21 of Master Plan at Exhibit 155.)

B. That by letter dated October 26, 2015, from the Tuscarora Township Planning Commission Chair, Michael Cherveny, to the Planning Commission concerning this matter, the Tuscarora Township Planning Commission advised the County Planning Commission as follows: "At the October 22, 2015, regular meeting of the Tuscarora Planning Commission the Heritage Cove Farm Special Use Permit Request was reviewed to determine if the submitted plan was compatible with our future land use map. After review of the 2012

Master Plan, Mr. Craig Waldron made a motion that the Heritage Cover [sic.] Farm Plan is not compatible with our future land use map. This motion was seconded by Mr. Dan Nivelt and it carried unanimously. Thank you in advance for your consideration of the Tuscarora Township Planning Commission's determination." (See Exhibit 160.)

13. The Planning Commission finds that Section 10 of the Ordinance allows "cabin colonies" under Section 10.3.3, "duplexes" and "multi-family" buildings under Section 10.3.8, and "restaurant/bar" under 10.3.14, within the P-LS District by special land-use permit. (See Exhibit 154.) The Planning Commission further finds that neither "cabins" nor "cabin colonies" are permitted by right or by special land-use permit within the M-AF District. The Planning Commission finds that Article 2 of the Ordinance defines multi-family dwellings as "[a] building, or portion thereof, containing three (3) or more dwellings. The Planning Commission finds that Article 2 of the Ordinance defines "dwelling" as "[a] single unit building, or portion thereof, providing complete independent living facilities for one (1) family for residential purposes, including permanent provisions for living, sleeping, heating, cooking, and sanitation." (Exhibit 154) The Planning Commission further finds that Applicant's September 22, 2015 letter also proposes a "garden" and "greenhouse" on that portion lying within the P-LS District, but fails to provide the provision(s) of the Ordinance in support of these proposed uses; however, Applicant does seek a reasonable accommodation for same. The Planning Commission finds that the P-LS District does not allow uses by special land use permit under a "catch all" provision, nor does the Ordinance provide that uses may be permitted within the P-LS District if analogous to other permitted uses within the P-LS District.

14. The Planning Commission finds that, although the Ordinance defines the word, "cabin," as above quoted, it does not define the words, "cabin colony." The Planning Commission further finds that the Ordinance does not define "restaurant," "restaurant/bar," or "bar." However, common definitions of "restaurant" include the following: "A business establishment where meals or refreshments may be purchased." (See Exhibit 161.) "A place or business where people can choose a meal to be prepared and served to them at a table, and for which they pay, usually after eating." (See Exhibit 162.) "[A]n establishment where meals are served to customers." (Exhibit 129, BBP's Report.)

The Planning Commission further finds that Section 10.3.14 is the only section in the Ordinance that specifically provides for a "restaurant/bar" combination. A "restaurant" is identified under Sections 5.3.8, 13.2.11, 13A.2.13, 13B.2.8, 13C.2.12, and 13D.2.5. "Bars and Taverns" are referenced under Sections 6.2.3, 13.2.2, 13A.2.4, 13B.2.2, 13C.2.4, and 13D.2.1. (Exhibit 154.)

15. See page 4 of Cheboygan County Planning Commission Draft Findings of Fact.

16. See page 4 of Cheboygan County Planning Commission Draft Findings of Fact.

17. The Planning Commission finds that the Ordinance does not define "duplex." The Planning further finds that Merriam Webster Dictionary defines "duplex" as "a building that is divided into two separate homes."

18. The Planning Commission finds that the Ordinance defines "club" as a "nonprofit organization of persons for special purposes or for the conducting of social, athletic, scientific, artistic, political, or other similar endeavors." (See Exhibits 161-165 for dictionary definitions.)

19. The Planning Commission finds that the Ordinance does not define "country club." However, a dictionary definition of a "country club" is "a club, usually in a suburban district, with a clubhouse and grounds, offering various social activities and generally having facilities for tennis, golf, swimming, etc." (See BBP's Report at 28.)

20. The Planning Commission finds that the Ordinance does not permit uses within a zoning district on the basis of being "less intrusive," "less invasive," or "less intense" than uses that are specifically permitted by right or by special land-use permit within that zoning district.

21. Special land uses allowed under the Ordinance are those that are "recognized as possessing characteristics of such unique and special nature (relative to condition, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community." (§ 3.15) (Exhibit 154.)

SPECIFIC FINDINGS OF FACT UNDER SECTION 18.7 OF THE ORDINANCE

Pursuant to Section 18.6 of the Ordinance, the Planning Commission, following a public hearing, "shall review the special land use request and shall approve, deny, or approve with conditions the special use permit based on the standards for special land use approval specified in Section 18.8 of this Ordinance. " The Planning Commission "shall approve, or approve with conditions, an application for a special land use permit only upon a finding that the proposed special land use complies with all of the following [Section 18.7] standards[:]"

Section 18.7a <u>The Property Subject to the Application is Located in a Zoning District in which the Proposed Special Land Use is Allowed</u>.

A. FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at pages 5 and 6.

B. FINDINGS THAT DO NOT SUPPORT THIS STANDARD:

Uses Requested in the M-AF Zoning District:

Applicant sets forth the proposed uses requested by chart in his September 22, 2015, letter. For uses in the M-AF District, Applicant requests that the "housing and cottages," "garage and laundry," and "administrative building" be allowed as special land uses as being "analogous to §9.3.22 Convalescent home (detached) or under § 9.3.22" catch-all provision and by reasonable accommodation under federal and state law. Applicant also requests that his uses identified as "animal pasture area," "barn," "workshop," and "greenhouse" be permitted by special land use under the § 9.3.22 catch-all provision or by reasonable accommodation. (Exhibit 99) After careful review of Applicant's materials and comments made at the November 4 public hearing, the voluminous materials submitted and made a part of this record by members of the public, County staff, and legal counsel, and after careful review and a familiarity with the Ordinance, the Planning Commission finds that the uses requested by Applicant are not allowed within the M-AF Zoning District for the following reasons:

1. Applicant seeks approval for what appears to be the principal use as "analogous to" "convalescent homes." Although the Ordinance has a "catch-all" provision that allows certain uses by special land-use permit within the M-AF District, the Ordinance is devoid of any provision that allows the Planning Commission to grant special land-use approval upon a finding that a proposed use is analogous to a specifically-permitted use by special land-use permit. As such, the Planning Commission is without the authority to approve an application on that basis.

2. Although convalescent homes are allowed by special land-use permit within the M-AF District, the uses proposed and described by Applicant, whether individually or collectively, do not satisfy the definition of "convalescent home" under the Ordinance. A convalescent home is "a home, qualified for license under applicable Michigan law, for the care of children, aged, or infirm and providing facilities for four or more patients." The patients being proposed by Applicant are not the aged nor are they children. Because the Ordinance does not define the word, "infirm," the Planning Commission follows the definition cited by our Michigan Supreme Court in the 2013 *People v. Duncan* case and finds that "infirm" means "feeble or weak in body or health because of age." (Exhibit 129) The Planning Commission believes that the definition cited by the High Court provides that "age is specifically designated as a factor that may give rise to an infirmity." According to Applicant, the patients would be engaging in activities that would include yoga, dance, fitness, gardening, landscaping, meal preparation, caring for animals, woodworking, biking, hiking, fishing, boating, cross-country skiing, working, and studying, in addition to other activities. (Exhibit 1) The Planning Commission finds that participation in these types of activities is not consistent with patients who are "feeble or weak in body or health." The Planning Commission further finds that, even if "infirm" did not apply to the "aged," the activities being proposed would not be

conducive to those who were weak or feeble at any age. The planning further finds that the patients who would participate on the Farm are not weak and feeble merely because of their diagnoses. The Planning Commission finds that there exists no evidence in this record to indicate that these persons would be weak or feeble. Indeed, Applicant has stated that these individuals would participate in a plethora of activities that negate any such finding.

3. Applicant has stated that none of the uses being proposed by Applicant would require state or federal licensing. Accordingly, for this additional reason, the uses fail to satisfy the Ordinance's definition of "convalescent home." (Exhibit 154)

4. Convalescent homes are not multiple-building facilities, nor do they have many of the types of accessory uses being proposed by Applicant.

5. Applicant also seeks approval for the above-stated uses within the M-AF District under the Ordinance's Section 9.3.22 "catch-all provision, which provides: "Uses which are not 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 of 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." (Exhibit 154)

6. The uses being proposed by Applicant are allowed in other zoning districts, are not of the same general character as the other uses allowed within the M-AF District, and the proposed uses do not comply with the Cheboygan County Master Plan or the Tuscarora Township Master Plan. (Exhibits 154, 155 and 156) The following uses are permitted as of right in the M-AF District:

   Single-family dwellings and two-family dwellings;
   Commercial farm buildings;
   Commercial farms;
   Greenhouses and nurseries;
   Markets for the sale of products grown or produced upon the premises;
   Home occupations;
   Private aircraft landing strips;
   Temporary mobile homes and travel trailers;
   Tree farms, forest-production and forest-harvesting operations, including portable sawmills, log-storage yards, and related activities;
   Hunting grounds, fishing sites, and wildlife preserves;
   Private hunting and fishing cabins;

Private storage buildings, private storage/workshop buildings and agricultural/private storage/workshop buildings;
Hobby farm buildings; and
Hobby farms.

Uses that are permitted by special land-use permits within the M-AF zoning district are the following:

Automobile repair and service and gasoline stations;
Churches and parish houses, schools and educational institutions and municipal buildings, structures and uses;
Community buildings, public parks and recreational areas, playgrounds and campgrounds;
Entertainment and eating establishments;
Commercial Hunting and fishing cabins;
Golf courses, country clubs and sportsmen's associations and clubs;
Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities;
Slaughter houses and meat packing plants;
Travel trailer courts, tenting areas and general camping grounds;
Public airports and landing fields, with appurtenant facilities;
Non-essential public utility and service buildings;
Nursing or convalescent homes;
Animal feedlots or piggeries;
Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses;
Commercial kennels, pet shops, and veterinary hospital;
Junk yards, salvage yards and waste disposal sites;
Commercial composting;
Contractor's yards;
Public and private wind generation and anemometer towers;
Child care institutions; and
Indoor storage faclilities.

7. None of the permitted uses are of the same general character as the uses proposed by Applicant. The uses proposed by Applicant are more akin to a healthcare treatment facility or medical clinic, which are permitted in other zoning districts within the County. In addition, Applicant's proposed uses do not comply with the County's Master Plan or Tuscarora Township's Master Plan as Section 9.3.22 requires as a condition for approval. Our Master Plan provides: "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 for the County as a whole." (Exhibit 155) According to the Township's Master Plan, the following are the stated goals:

a. Land Use Goal:

Goal: Maintain an ecologically sound balance between human economic growth and the environment to retain the Township's scenic and rural character, while meeting the needs of the current and future residents. Work with the County to control the location of new development by designating appropriate areas for new residential, commercial, and industrial land uses. Consistent with smart growth principles and the complete streets initiative, encourage the use of access management standards, non-motorized facilities, appropriate setbacks, retention of green space, buffer zones between differing land uses, screened parking areas, and roadside landscaping; and encourage the retention of open space and scenic vistas with PUD's, clustering, and conservation easements.

b. Agriculture and Forestry Goal:

Goal: Acknowledge the importance of agricultural lands and forestry management. Recognize that the presence of agricultural and forested lands adds to the scenic and rural character of the Township. Participate in efforts to educate the community regarding agricultural preservation. Promote re-forestation and sound forestry management practices for areas with productive forest soils. Work with County to provide greater zoning flexibility regarding uses of large parcels of land. Work with County to provide greater zoning flexibility regarding uses of large parcels of land.

c. Recreation Goal:

Goal: Provide and maintain recreation lands and facilities for safe access and year-round healthy enjoyment by residents and visitors. Promote the use of the Northern Central State Trail, through the establishment of Marina Park as a designated trailhead.

d. Natural Resource Goal

Protect and preserve groundwater, surface water, woodlands, wetlands, open space, wildlife habitat and steep slopes.

See copy of the Township Master Plan at Exhibit 156 at Exhibit D to BBP Report at Exhibit 129.

8. The Tuscarora Township Planning Commission has reviewed Applicant's application materials and has determined that the proposed uses do not comply with the Township's Master Plan. (Exhibit 160) After our independent review of both the County and the Township's Master Plans, we find that the proposed uses fail to comply with both Plans.

9. As further support for our determination that the proposed uses are not allowed within the M-AF District as a "convalescent home" or under the catch-all provision, we find the following:

    A. The uses being proposed are multiple buildings. (Exhibits 1, 2, 9, 10, 11)

    B. Applicants proposes the property will have 24 patients, 13 employees, and the family members of three employees. In addition, the Applicant "anticipates creating affiliations with the state universities and colleges for programs and internship opportunities." Thus, the site would have a minimum of 37 persons at all times, in addition to the family members of Farm employees, which could bring that number up to 50 persons or more. (Exhibit 1)

    C. Farm animals will be on the property. (Exhibit 1,2,9,10,11)

    D. Applicant proposes that the facility will be open 24-hours per day, every day of the year. (Exhibit 1)

    E. Patients will receive professional medical treatment and therapy on the property. (Exhibit 1)

    F. The property abuts the Indian River Spreads and Mullett Lake, and the majority of the property located within the P-LS Districts is composed of wetlands. (Exhibit 9, 117, 129)

    G. Bald Eagles and other wild animals live in and around the Indian River Spreads. (Exhibit 129)

    H. The activities proposed by Applicant will generate noise.

    I. The persons and animals proposed by Applicant will generate some waste.

    J. Although no studies have been presented by Applicant or anyone else, a potential exists for noise, waste, and/or light from the foregoing to disrupt the natural wildlife habitat in the immediate area as well as adversely impact water quality. See Dr. Grenetta Thomasey's letter to Planning Commission in the record. (Exhibit 117) Allowing even a potential to exist would run contra to the stated goal of preserving and protecting groundwater, surface water, woodlands, wetlands, open space, and wildlife habitat.

10. Neither "cabins" nor "cabin colonies" are allowed in the M-AF District by right or by special land-use permit. (Exhibit 154)

11. Because the principal use is being proposed as analogous to a convalescent home, and because the proposed collective uses do not meet the definitional standard, nor are they of the same general character as a convalescent home, all of Applicant's proposed

accessories cannot be approved; a use cannot be permitted as an accessory to a principal use that is not permitted.

Uses Requested in the P-LS District:

The Planning Commission finds that the uses proposed for that portion of the property lying within the P-LS District are not allowed within said District based upon the following findings:

1. The P-LS District does not contain a provision that allows approval for a use that is "analogous to" or "ancillary to" other specifically-permitted uses within the P-LS District either by right or by special land-use permit. (Exhibit 154)

2. The P-LS District does not have a "catch-all" provision allowing uses not specifically permitted. (Exhibit 154)

3. Applicant is proposing a use that Applicant believes is "analogous to" a "convalescent home," with components of same in multiple buildings located on property within the M-AF and P-LS Districts. Convalescent homes are not allowed by right or by special land-use permit within the P-LS District. If convalescent homes are not allowed within the P-LS District, accessory uses, including but not limited to professional medical treatment and therapy, to convalescent homes are equally not allowed within the P-LS District.

4. Schools, churches, and camps do not and cannot provide professional, medical treatment and therapy to students, parishioners, and campers.

5. None of the uses being proposed within the P-LS District satisfy the definition of "restaurant."

6. None of the uses being proposed within the P-LS District constitute a "restaurant/bar" combination.

7. None of the uses being proposed within the P-LS District constitute a "club."

8. None of the uses being proposed within the P-LS District constitute a "country club."

9. None of the uses being proposed within the P-LS District constitute a "multi-family" building or "duplex."

10. None of the uses being proposed within the P-LS District constitute any form of "dwelling."

Based on the foregoing, the Planning Commission finds that this standard has not been met.

Section 18.7b **<u>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</u>.**

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at pages 7 and 8.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

The Planning Commission finds that the proposed special land use would involve uses, activities, processes, materials, and/or equipment that would, if allowed, create substantially negative impacts on the County's natural resources or the natural environment as a whole, for the following reasons:

1. The Planning Commission finds that, given the amount of wetlands as depicted on Applicant's site plan, and the number of persons who are being proposed to be on the property, including 24 residents, 13 employees, the families of three employees, as well as the "Farm" animals, the proposed uses will create a greater density than the uses generally found within the M-AF and the P-LS Districts, as well as the neighboring properties.

2. The Planning Commission finds that the proposed uses will create noise, waste, and/or nighttime light or glare from persons and/or animals that would, if allowed, create a substantially negative impact on the natural wildlife habitats and ecosystems along, around, and within the Indian River Spreads, the wetlands areas of the property adjacent to the Indian River Spreads and Mullett Lake, as stated by Dr. Grenetta Thomassey of the Tip of the Mitt Watershed Council.

3. The Planning Commission finds that Bald Eagles, a federally-protected species of bird, maintain nesting grounds in and around the Indian River Spreads that are likely to be disturbed by the uses proposed by Applicant. The Planning Commission makes this finding based on the general knowledge that the Bald Eagles nest in that area, the reporting of same by the Indian River Chamber of Commerce, the BBP Report (at Exhibit 129), and the effects of the proposed uses on natural wildlife habitat as reviewed and evaluated by Dr. Thomassey. (Exhibit 117)

The Planning Commission finds that this standard has not been met.

Section 18.7c **<u>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</u>.**

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at pages 8 and 9.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

The Planning Commission finds that the proposed special land use will 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, and/or odors based upon the following:

1. The proposed "Farm" will be open 24-per hours a day, every day of the year. Thus traffic would come at all hours for employees, family members, staff family members, delivery persons, contractors, and the like. In addition, nighttime lighting would be required that would not otherwise be present in a residential area.

2. The nature of the uses and activities of the proposed "Farm" is not residential as are the surrounding lakefront single-family residential properties. Although the Farm is proposed as a nonprofit business, it is nonetheless commercial in nature.

3. Although it is unclear from the record to what extent traffic would increase in the area, because of the numbers of persons and the fact that this is commercial in nature, some increase in traffic would result in an otherwise quiet neighborhood.

4. Based on the activities that would take place on the property and that the "Farm" would be open 24 hours, noise would be generated in an otherwise quiet neighborhood.

5. Because the proposed use is of a business or commercial nature in an otherwise quiet, lakefront, single-family residential neighborhood, property values to surrounding properties would likely decrease.

6. Residential and nonresidential uses differ with respect to degree of noise, parking, traffic, tax revenue generated, properties values, and the like.

The planning Commission finds that this standard has not been met.

Section 18.7d <u>The Proposed Special Land Use Will be Designed, Constructed, Operated, and Maintained so as to not Diminish the Opportunity for Surrounding Properties to be Used and Developed as Zoned</u>.

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at page 10.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

The Planning Commission incorporates by reference its findings under Section 18.7c.

The Planning Commission finds that this standard has not been met.

Section 18.7e **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.**

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at page10 and 11.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

The Planning Commission finds that it has not received reports from law enforcement, ambulance, or fire personnel, under whose jurisdictions the subject site would fall. The Planning Commission notes that a 2012 study was referenced in the record from the *Emergency Medicine International Journal* cited by the *Washington Post*, "psychiatric patients make up 7 to 10 percent of emergency room visits[.]" (Khazan, Olga, www.washingtonpost.com, Jan 22, 2013.) (Exhibit 129) The Planning Commission finds that, if a special land-use permit were to be granted, such approval should be conditioned on the results of a police, fire, and ambulance impact study to determine whether this standard has been met by Applicant.

Section 18.7f **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 or Highways or Proposed Roads and Highways. Minor Residential Street Shall not be Used to Serve as Access to Uses Having Larger Area-Wide Patronage. Sign, 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 Distrcit.**

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at pages 11 and 12.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

The Planning Commission finds that there are conflicting statements in the record and/or the record contains insufficient information to determine whether this standard has been met. As such, if the conditional land-use permit were to be approved, such approval must be conditioned on the results of a completed traffic impact study to ascertain whether Applicant meets this standard. This study should also include the impact of the adjacent public bike/snowmobile trail.

Section 18.7g <u>The Proposed Special Land Use Will be Adequately Served by Water and Sewer Facilities, and Refuse Collection and Disposal Services</u>.

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at page 13.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

The Planning Commission finds that there are conflicting statements in the record and/or the record contains insufficient information to determine whether this standard has been met. As such, if the conditional land-use permit were to be approved, such approval must be conditioned on the results of a completed water/sewer/refuse and environmental impact study to ascertain whether Applicant meets this standard, which should also incorporate the recommendations made by Dr. Grenetta Thomassey of the Tip of the Mitt Watershed Council, Petoskey, Michigan. (Exhibit 117)

Section 18.7h <u>The Proposed Special Land Use Will Comply With all Specific Standards Required Under this Ordinance Applicable to it</u>.

See Cheboygan County Planning Commission Draft Findings of Fact at page 14.

For all of the findings above set forth, the Planning Commission finds that the special land use proposed would not comply with all of the specific standards required under the Ordinance applicable to it.

PROPOSED CONDITIONS IF SPECIAL LAND USE IS APPROVED:

1. See page 14 of Draft Findings.
2. See page 14 of Draft Findings.
3. See page 14 of Draft findings.
4. Obtain updated survey of subject property.
5. Obtain police/fire/ambulance impact study.

6. Obtain environmental impact study.
7. Obtain water/septic/refuse impact study.
8. Obtain traffic impact study, including impact of adjacent bike/snowmobile trail.
9. Obtain Bald Eagle disturbance study and/or Bald Eagle Takings Permit.
10. Implementation of Stormwater management plan, inclusive of BMPs.
11. Require parcels of property to be joined and held under common ownership.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ORDINANCE.

Section 20.10a. **The Site Plan Shall be Designed so 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 the buildings. The site shall not be developed so as not to impede the normal and oderly development or improvement of surrounding property for uses permitted in this Ordinance.**

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at pages 15 and 16.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at page 16.

Section 20.10b **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.**

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at pages 16 and 17.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

The Planning Commission finds that the survey submitted by Applicant is outdated.

Section 20.10c **Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.**

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at page 17.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

See proposed conditions above. The Planning Commission finds that it is without sufficient information upon which to determine whether this standard could be met.

Section 20.10d **The site plan shall provide reasonable, visual and sound privacy for all dwelling units 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.**

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at page 18.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

Applicant is not proposing the implementation of any barriers to adjacent parcels.

Section 20.10e **All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.**

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at page 18.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

A traffic-impact study has not been prepared to make a determination.

Section 2010f **Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.**

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at page 19.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

See above.

Section 20.10g **For subdivision plats and subdivision condominiums, there shall be a circulation system as approved by the Planning Commission.**

The Planning Commission finds that this standard is not applicable.

Section 20.10h **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.**

c. **It does not necessarily illuminate night skies.**

See pages 20-21 of County Planning Commission Draft Findings of Fact.

The Planning Commission finds that the special lighting requirements of the P-LS District have not been met by Applicant.

Section 20.10i **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. Street 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 have a dedicated right-of-way equal to that specified in the Master Plan.**

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at page 22.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

This determination cannot be made until the traffic-impact study has been completed.

Section 20.10j **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.**

FINDINGS THAT SUPPORT THIS STANDARD:

See Cheboygan County Planning Commission Draft Findings of Fact at page 22.

FINDINGS THAT DO NOT SUPPPORT THIS STANDARD:

The survey is noncompliant because it is not current.

ADDITIONAL STANDARDS FOR REASONABLE ACCOMMODATION UNDER THE AMERICANS WITH DISABILITIES ACT (ADA), THE FEDERAL FAIR HOUSING ACT (FFHA), THE FAIR HOUSING AMENDMENTS ACT, AND THE PERSONS WITH DISABILITIES CIVIL RIGHTS ACT.

a. Does the Person or Persons, Whether the Applicant of Those Occupying the Property, Have a Disability?

FINDING:

See Page 23 of the Cheboygan County Planning Commission Draft Findings of Fact.

ALTERNATE FINDING:

1. The Planning Commission finds that the Applicant is not disabled, nor does he claim to be disabled.

2. The Planning Commission finds that, at present, the Farm is not in operation and, therefore, no disabled persons could exist.

3. The Planning Commission finds that Applicant has not claimed that the 13 employees or the family members of the employees would be disabled persons within the meaning of the federal and state laws under which Applicant seeks an accommodation.

4. The Planning Commission finds that Applicant has not provided any evidence or indication that the individuals who would be on the "Farm" (the "Farm Participants") would suffer from a physical or mental impairment that would substantially limit one or more of their major life activities.

5. The Planning Commission finds that each Farm Participant would be provided unsupervised, private sleeping and toilet/bathing quarters and there is no indication from Applicant that Farm Participants would need assistance with sleeping, toileting, bathing, dressing, grooming, and the like.

6. The Planning Commission finds that Farm Participants would not have any physical handicaps.

7. The Planning Commission finds that the farm would not require licensing oversight authority for treatment of the Farm Participants.
8. The Planning Commission finds that, according to the application materials submitted by Applicant, Farm Participants would engage in the following activities: Yoga, meditation, music, dance, visual arts, individual and group therapy programs, life-skills teaching, fitness, health and wellness training, CPR training, first-aid training, gardening, landscaping, food and meal preparation, maintenance and care of farm animals, build kayaks, canoes, and/or fishing boats, crafts, biking, hiking, fishing, boating, cross-country skiing, etc. (Exhibit 1)

9. The Planning Commission finds that, in addition to the activities described above, Farm Participants also would – off site – "sell farm products at a farmer's market, participate in college or tech-programs and/or partake in other work, study, or employment."

10. The Planning Commission finds that the Farm will not have on-site security.

Based on the foregoing, the Planning Commission finds that neither the Applicant, nor the Farm employees or the Farm Participants would be disabled persons within the meaning of applicable federal and state law.

b. <u>Is There a Modification Being Requested From the Standard and Requirements Contained in the Cheboygan County Zoning Ordinance Based Upon a Disability</u>?

FINDING:

See page 23 of the Cheboygan County Draft Findings of Fact.

ALTERNATE FINDING:

See page 24 of the Cheboygan County Draft Findings of Fact.

SUPPLEMENTAL ALTERNATE FINDING:

The Planning Commission finds that, if the Planning Commission were to find that the uses, or any of them, were not permitted by the Ordinance, the Applicant would seek approval of those non-permitted uses by reasonable accommodation, under the ADA, the FFHA, the FHA, and the PDCA.

c. <u>To the Extent That a Modification is Requested, is it Reasonably Necessary to Accommodate that Disability</u>?

FINDING:

See page 24 of Cheboygan County Draft Findings of Fact.

ALTERNATE FINDING:

See pages 24-25 of Cheboygan County Draft Findings of Fact.

SUPPLEMENTAL ALTERNATE FINDING:

1. The Planning Commission incorporates by reference all of its general and specific findings of fact above as if again fully restated herein.

2. The Planning Commission finds that the farm Participants do not need the requested accommodation for a reason related to their claimed disabilities.

3. The Planning Commission finds that the uses requested by Applicant are not within the scope of uses protected by the federal and state laws under which they seek an accommodation.

4. The Planning Commission finds that the Farm is not a "dwelling," "residence," "home," or "group home" as defined by the Ordinance and by the federal and state laws under which Applicant seeks an accommodation, thereby rendering those laws inapplicable to Applicant's application for special land-use approval.

5. The Planning Commission finds that Farm Participants stay on the Farm roughly four months up to one year, a temporary basis, which negates the notion of affording a disabled person with an equal opportunity to use and enjoy a dwelling.

6. The Planning Commission finds that the requested accommodation is not necessary for Farm Participants to have an equal opportunity to enjoy a dwelling.

7. The Planning Commission finds that Applicant has not demonstrated an identifiable relationship or nexus between the claimed disabilities of Farm Participants and the accommodation requested.

8. The Planning Commission finds that the requested accommodation is not reasonable because it would impose an undue administrative burden on the County and would fundamentally alter the nature of the County's Ordinance and both the County and Tuscarora Township's Master Plans.

9. The Planning Commission finds that granting the requested accommodation would not only alter and frustrate the essential nature of the County's Ordinance, but would specifically alter and completely frustrate the above-quoted stated goals and purposes for the M-AF District, which is a management district, and the P-LS District, which is a protection district.
10. The Planning Commission finds that allowing a multiple-building development with upward of 50 people on site on property straddling two zoning districts with a significant amount of wetland area and abutting open water on two sides would completely alter the very essence of the M-AF and P-LS Districts, the Ordinance as a whole, the County's Master Plan, and the Tuscarora Master Plan.

11. The Planning Commission finds that the requested accommodation is not necessary to cure or lessen the limitation of the claimed disabilities (as to each individual).

12. The Planning Commission finds that granting the requested accommodation would change the character of the neighborhood.

13. The Planning Commission finds that granting the requested accommodation would not afford Farm Participants with the same opportunity to obtain housing as persons without disabilities, but rather would, instead, provide Farm Participants with more or greater opportunity than their non-disabled counterparts.

14. The Planning Commission finds that the requested accommodation is not necessary because, if but for the accommodation, the Farm Participants would not be denied an equal opportunity to enjoy housing of their choice because the Farm is not "housing" within the meaning of applicable law and because non-disabled persons would not be treated in a more favorable manner than would Farm Participants.

15. The Planning Commission finds that Applicant is not being denied housing opportunities available to nondisabled persons.

16. The Planning Commission finds that Applicant's proposed uses are inconsistent with the Ordinance and the Master Plans, which would not trigger a right to an accommodation under applicable law.

17. The Planning Commission finds that the provisions of the Ordinance applicable to Applicant's special land-use application do not disparately impact people with disabilities.

18. The Planning Commission finds that there exists within the County alternative locations that would allow Applicant's proposed uses.

For all of the reasons contained herein, the Planning Commission finds that the requested accommodation is not reasonably necessary to accommodate the disabilities claimed, is not necessary to allow Farm Participants with claimed disabilities an equal opportunity to use or enjoy a dwelling, and the requested accommodation, if granted, would impose an undue administrative burden upon the County and alter the County's Ordinance and Master Plan as well as the Tuscarora Township Master Plan.

d. <u>Are such accommodations necessary to allow persons with disabilities an equal opportunity to use or enjoy a dwelling</u>?

FINDING:

See page 25 of Cheboygan County Planning Commission Draft Findings of Fact.

ALTERNATE FINDING:

The Planning Commission hereby adopts by reference its findings in the preceding subsection c as if again fully restated.

For the reasons stated herein above, the Planning Commission finds that the requested accommodation is not necessary to allow Farm Participants with claimed disabilities an equal opportunity to use or enjoy a dwelling.

e. <u>Would the Requested Accommodations Impose an Undue Financial or Administrative Burden Upon the County, and Will it Fundamentally Alter the Cheboygan County Zoning Ordinance</u>?

FINDING:

See page 25 of Cheboygan County Planning Commission Draft Findings of Fact.

ALTERNATE FINDING:

See page 26 of the Cheboygan County Planning Commission Draft Findings of Fact.

SUPPLEMENTAL ALTERNATE FINDING:

The Planning Commission hereby adopts by reference its findings in the subsection (c) as if again fully restated.

For the reasons stated herein above, the Planning Commission finds that the requested accommodation would impose an undue burden on the County and further would fundamentally alter the Ordinance as well as run afoul of and completely frustrate and alter the purpose, plan, and stated goals within the County and Tuscarora Township's Master Plans.

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/

MEMO

Date: **December 23, 2015**

To: **Planning Commissioners**

From: **Steve Schnell, Community Development Director**

Re: **Heritage Cove Farm**

The various draft findings of fact have been combined and revised as requested by the Planning Commission at the December 16th, 2015 Planning Commission meeting. Also, some revisions were made to the staff/legal counsel draft findings in light of the Anchor Steel court case which supports the review of the requested uses in the P-LS district separately from the convalescent home in the M-AF portion of the property.

Please re-read previous staff reports and be very familiar with the details of what the applicant is requesting. Also, if you have questions, please contact me at any time in the next two weeks prior to the meeting. My cell phone number is 231-445-2599.

The law must be followed and it is imperative that you make sure you are familiar with the information regarding the Fair Housing Amendments Act especially. It is not easy and we recognize this. The application is complex given the many uses requested and the bifurcation of the property into two zoning districts. The Anchor Steel case was provided to you and supports reviewing each of the uses as they requested separately in each zoning district.

Receiving reasonable accommodation requests is not a familiar process for probably any planning commission. Any aspect of the application that is denied based on zoning compliance will need to be reviewed according to their reasonable accommodations request.

CHEBOYGAN COUNTY PLANNING COMMISSION
DRAFT FINDINGS OF FACT

Please note: *Although this document includes findings provided by County Planning Staff and County Legal Counsel these findings also, by request, include other draft findings not provided by County Staff or County Legal Counsel.*

Lawrence Hanson and Heritage Cove Farm, LLC Special Use Permit

Applicant: Lawrence Hanson on behalf of Heritage Cove Farm, LLC
625 N. Grandview Beach Road
Indian River, MI 49749

Owners: Lawrence Hanson on behalf of Heritage Cove Farm, LLC
625 N. Grandview Beach Road
Indian River, MI 49749

Parcels: 625 N. Grandview Beach Road, Sections 5 and 6,
Tuscarora Township
Parcel No's. 162-005-300-002-00, 162-006-400-004-00 and
162-006-400-005-00

Hearing Date: Public Hearing on Wednesday, November 4, 2015 at 7:00 p.m. at the Cheboygan High School Auditorium
Deliberations on Wednesday, December 2, 2015 at 7:00 p.m. at the Cheboygan High School Auditorium
Deliberations on Wednesday, December 16, 2015 at 7:00 p.m. at the Cheboygan County Building
Deliberations on Wednesday, January 6, 2016 at 7:00 p.m. at the Cheboygan County Building

PROPERTY DESCRIPTION

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

See attached legal descriptions.

Hereinafter referred to as the "Property".

APPLICATION

The purpose of this meeting and public hearing is to hear comments about and consider the request of

Lawrence Hanson and Heritage Cove Farm, Inc. for a special use permit and approval of the submitted plan to establish a Therapeutic Farm for adults with mental disabilities. The Applicant is requesting the following:

> A Special Use Permit is requested under the following sections of the Cheboygan County Zoning Ordinance #200: Section 9.3.14., Nursing or convalescent homes, Section 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), Section 10.3.2. Club, Section 10.3.3 Cabin Colonies, Section 10.3.6 Country Club, Section 10.3.8 Duplex or multi-family buildings, and Section 10.3.14 Restaurant/Bar. The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6, parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).
>
> Please note: Heritage Cove Farm requests that Cheboygan County make all reasonable and necessary accommodations under the Americans with Disabilities Act of 1990, the Fair Housing Amendments Act of 1988 and the Michigan Persons with Disabilities Civil Rights Act with respect to the interpretation and application of the Cheboygan County Zoning Ordinance #200 such as to approve the Farm in all requested and required respects.

The Planning Commission having considered the Application, the Planning Commission having heard the statements of the Applicants/Applicants' attorney and/or agents, the Planning Commission having considered letters submitted by members of the public and comments by members of the public and considerable written evidence on the record, the Planning Commission having considered 165 Exhibits, 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's property contains a total of 33 (thirty-three) acres with 15.6 acres located in the Agriculture and Forestry Management District (hereinafter M-AF) and 17.4 acres located in the Lake and Stream Protection District (hereinafter P-LS). (See exhibits 2, 3, 4, 5, 6, 7, 8, and 154)

2. The Planning Commission finds that Applicant's property contains a total of 33 acres (more or less) with approximately 15.6 acres of same located within the Agriculture and Forestry Management District (the "M-AF District") and approximately 17.4 acres located within the Lake and Stream Protection District (the "P-LS District") (hereinafter collectively, "the Property"). (See Exhibits 2-8

and 154.) According to Applicant's site plan, the Property is bound by both the Indian River Spreads and Mullett Lake, and more than one-half of the Property that is located within the P-LS District is composed of wetlands. (See Exhibit 9) With regard to these two zoning districts, the Planning Commission further finds the following:

Section 9.1 of the Cheboygan County Zoning Ordinance (the "Ordinance") provides the purpose of the M-AF District: "Agriculture and Forest Management Districts are those areas where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. They include areas, which, although not currently so used, have a potential for agriculture and forestry. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that inadequate food supply and timber resources are essential to the health and welfare of the county, state and nation."

Section 10.1 of the Ordinance sets forth the purpose of the P-LS District: "Cheboygan County has the distinction of having more water surface than any other county in the State of Michigan. 77.3 square miles (9.69% of its area) are inland waters. The county has 344 inland lakes and 420 miles of streams. When 32 miles of Lake Huron shoreline are added, it becomes apparent that there is considerable pressure for development of waterfront property for homes, tourism and recreation. It is vital to the orderly future development of the county that these waters and natural resources be protected and that environmental control be exercised. The purpose of the conditions and requirements to be met in this district is to:

§10.1.1.1 Avoid excessive structural encroachment on the waters and waterways except for uses traditionally depending upon direct water access.

§10.1.1.2 Promote higher water quality by encouraging natural vegetation strips along waterfronts to filter out nutrients and sediment from surface run-off, keep them from entering the waters, prevent erosion and help maintain cool water temperatures through shading.

§10.1.1.3 Protect the natural environment of streams and lakes for wild life habitat purposes and to preserve, to the extent possible, the natural image of landscapes.

§10.1.1.4 Promote the general welfare of the county by protecting water quality, ground water resources, public health, property values, recreational values, riparian rights and erecting safeguards against flooding.

The Planning Commission finds that Applicant has not asserted, nor does the record otherwise reflect any evidence that the uses proposed by Applicant are "uses traditionally depending upon direct water access." (§10.1.1.1)

3. The Planning Commission finds that Lawrence P. Hanson and Elizabeth A. Hanson, as husband and wife, are owners of the property subject to this request. (See exhibits 3, 4, 5, 6, 7 and 8)

4. The Planning Commission finds that LIB, LIB, Inc., is the owner of 162-006-400-005-00. (See exhibits 6 and 7)

5. The Planning Commission finds that the Warranty Deed for the property in Benton Township provided by the Applicant is not on the supplied drawing and is assumed to be an error in the application. (See exhibit 8).

6. The Planning Commission finds that the Applicant plans to put into place and operate on the property a therapeutic farm community known as Heritage Cove Farm to be operated under Heritage Cove Farm, LLC, a non-profit 501(c)(3) corporation which currently exists and, according to State records, is in good standing. (See exhibits 113 and 141)

7. The Planning Commission finds that Applicant proposes to use the Property as a "private-pay facility" identified as a "therapeutic farm community" known as "Heritage Cove Farm," to be operated by Heritage Cove Farm, LLC, a Michigan nonprofit limited liability company and 501(c)(3) charitable organization. According to the State of Michigan, Department of Licensing and Regulatory Affairs, said company exists and is in good standing. (See Exhibits 113 and 141) The Planning Commission finds that the Ordinance does not define a "therapeutic farm community," nor could a definition be found in a dictionary. However, the Planning Commission finds that uses in other communities that are identified as "therapeutic farm communities" include Rose Hill Center, located in Holly, Michigan, which sits on 412 isolated acres of land; Hopewell, located in Mesopotamia, Ohio, which is located on 300 acres of land; and Gould Farm, located in Monterey, Massachusetts, on 630 acres of land, more than 500 of which is forest land. (See Exhibit 129, BBP's Report)

8. The Planning Commission finds that the purpose of the proposed land use is to serve as a therapeutic farm community to both adult men and women with mental illnesses, anticipating that such mentally ill persons occupying the farm may have diagnoses of depression, schizophrenia, bi-polar disorder, mental illnesses related to closed head injuries, and/or dual diagnoses. (See exhibit 1)

9. The Planning Commission finds that all anticipated activities related to Heritage Cove Farms are specifically listed in the Applicant's materials, specifically the letter and associated tables in the Applicant's letter dated September 22, 2015 and in the presentation by Applicant on November 4, 2015 and on Applicant's Special Land Use Permit Application dated 4/16/2015. (See exhibits 2 and 157)

10. The Planning Commission finds that all of the uses proposed by Applicant are specifically listed in Applicant's materials, specifically the Application of April 16, 2015, the September 22, 2015, letter, and Applicant's November 4, 2015, presentation at the Planning Commission hearing. (See Exhibits 2 and 157) The Planning Commission further finds that Applicant does not distinguish its proposed uses as principal or accessory uses.

STAFF COMMENT: The applicant has provided information on uses which are being proposed both as primary uses and as accessory uses. Although they use the word "ancillary" it has the same meaning as accessory. For instance, the Applicant stated that, in the P-LS zoning district, they are proposing therapy use as accessory to "the housing and feeding of persons", more specifically "an ancillary use to the dining component, as permitted by Section 10.3.14 and the club component, as permitted by Section 10.3.2 and Section 10.3.6." (See exhibit 1, pages 4 and 6)

11. The Planning Commission finds that residents who will be occupying the property will do so in cabins as depicted on the site plan of which 12 (twelve) of such cabins are located in the P-LS District and 12 (twelve) are located in M-AF District. (See exhibits 2, 9, 10, 12 and 154)

12. The Planning Commission finds that individuals who will be treated at the proposed Farm will occupy "four clusters" of what Applicant has labeled "cabin colonies" on the site plan. Applicant proposes two such "clusters" of "cabin colonies" of four-to-six "cabins" each on that portion of the Property located within the P-LS District and another two of such "cabin colonies" on that portion of the Property located within the M-AF District, again each such "cabin colony" having four-to-six "cabins" each. The Planning Commission further finds that, according to Applicant's materials, the "cabins" will be utilized by patients roughly four-to-12 months at a time. (See exhibits 2, 9, 10, 12, and 154) The Planning Commission finds that, according to the drawings of Rhadigan & Sons, Inc., Indian River, submitted with Applicant's application materials, the "cabins" will not have kitchen, dining, living, laundry, and other facilities, but rather would have a bedroom with sitting area and one bathroom. The Planning Commission also finds that Applicant plans to have "professional support of individual clinical care and 24-hour on site staffing." (Exhibit 1, Applicant's April 20, 2015, letter at page 2.) The Planning Commission further finds that that Applicant proposes 13 staff members over the course of two phases, two of whom would stay at the site overnight. Id at 3. Three of the staff members along with their families would stay at the site indefinitely. In addition, "affiliations with the state universities and colleges for programs and internship opportunities" are anticipated by Applicant to take place on site. Id at 3. In exchange for a fee that is either privately paid, paid by insurance companies or other authorized third-party payers, or Medicaid, the "Farm" would provide the following services to participants: "[P]articipation in most onsite activities, one efficiency furnished 'cottage,' three meals a day, laundry services, medication reminders, treatment plans with onsite clinical staff, individual and group therapy, access to video conferencing, transportation off-site within a certain mile radius, and internet access." (Letter at page 3.)

13. The Planning Commission finds that "cabin" is defined under the Cheboygan County Zoning Ordinance as "Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes." (See exhibit 154)

14. The Planning Commission finds that "convalescent or nursing home" is defined under the Cheboygan County Zoning Ordinance as "A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm and providing facilities for four or more patients." (See exhibit 154)

15. The Planning Commission finds that acceptable definitions of "infirm" include:

American Heritage Dictionary
- Weak in body or mind, especially from old age or disease
- Not strong or stable; shaky

Merriam-Webster
- Of poor or deteriorated vitality; especially: feeble from age
- Weak of mind, will, or character
- Not solid or stable

Oxford Dictionaries
- Not physically or mentally strong, especially through age or illness

STAFF COMMENT: This was inserted as per the discussion by the Planning Commission on 12/16/15.

16. The Planning Commission finds that "convalescent or nursing home" is defined under the Cheboygan County Ordinance as "[a] home, qualified for license under applicable Michigan law, for the care of children, aged, or infirm and providing facilities for four or more patients." (See Exhibit 154.) The Planning Commission further finds that, pursuant to Applicant's materials, Applicant is not proposing that "children" or the "aged" will participate on the proposed Farm. The Planning Commission also finds that the Ordinance does not define the term, "infirm."

17. The Planning Commission finds that in the M-AF Zoning District, nursing and convalescent homes are allowed by special use under subsection 9.3.14. (See exhibit 154)

18. The Planning Commission finds that, within the M-AF District, "nursing and convalescent homes" are allowed by special use under subsection 9.3.4. (See Exhibit 154). The Planning Commission also finds that "nursing and convalescent homes" are not allowed in the P-LS by right or by special land-use permit. (See Exhibit 154.)

19. The Planning Commission finds that subsection 9.3.22, under uses requiring special land use permits in the M-AF District, allows for the following:

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). (See exhibit 154)

20. The Planning Commission finds that the Ordinance does not provide that uses may be permitted if analogous to permitted uses. Rather, in the M-AF District, the only other uses that are allowed if not specifically permitted by right or by special land use are uses by special land use under the Section 9.3.22 "catch all" provision, which provides: "Uses which are not 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 of the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district." The Planning Commission further finds the following:

> STAFF COMMENT: It is the Planning Commission's duty to decide whether an applicant's described activity meets the ordinance requirements and definition of their requested use. Every site plan or SUP you review you are essentially deciding if what they propose falls under the specific use category as permitted in that zoning district. Although for most of the applications you review it is often more cut-and-dry. For instance, there are a wide variety of outdoor commercial recreation activities as permitted under Section 6.3.7. and you have reviewed similar but slightly different proposals under this one use category.
>
> Also, Zoning district requirements are not contained in the Master (Comprehensive) Plan. As we discussed at the last meeting, master plan or comprehensive plans are used to set goals and priorities and are to be referenced when amending the zoning ordinance.

A. The Cheboygan County Master Plan, adopted by the Planning Commission on January 24, 2013, and by the County Board of Commissioners on February 5, 2013, provides that, "[b]ecause 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 recommending for that community. The most recently [-]adopted Township future land[-]use map should take the place of more general recommendations for the County as a whole." (Page 20-21 of Master Plan at Exhibit 155.)

B. That by letter dated October 26, 2015, from the Tuscarora Township Planning Commission Chair, Michael Cherveny, to the Planning Commission concerning this matter, the Tuscarora Township Planning Commission advised the County Planning Commission as follows: "At the October 22, 2015, regular meeting of the Tuscarora Planning Commission the Heritage Cove Farm Special Use Permit Request was reviewed to determine if the submitted plan was compatible with our future land use map. After review of the 2012 Master Plan, Mr. Craig Waldron made a motion that the Heritage Cover [sic.] Farm Plan is not compatible with our future land use map. This motion was seconded by Mr. Dan Nivelt and it carried unanimously. Thank you in advance for your consideration of the Tuscarora Township Planning Commission's determination." (See Exhibit 160.)

21. The Planning Commission finds that subsection 10.3.8 in the P-LS District allows via special land use, duplexes, multi-family buildings and further, that subsection 10.3.3 allows for cabin colonies. The Planning Commission further finds that restaurants are allowed by special use under 10.3.14. (See exhibit 154)

22. The Planning Commission finds that Section 10 of the Ordinance allows "cabin colonies" under Section 10.3.3, "duplexes" and "multi-family" buildings under Section 10.3.8, and "restaurant/bar" under 10.3.14, within the P-LS District by special land-use permit. (See Exhibit 154.) The Planning Commission further finds that neither "cabins" nor "cabin colonies" are permitted by right or by special land-use permit within the M-AF District. The Planning Commission finds that Article 2 of the Ordinance defines multi-family dwellings as "[a] building, or portion thereof, containing three (3) or more dwellings. The Planning Commission finds that Article 2 of the Ordinance defines "dwelling" as "[a] single unit building, or portion thereof, providing complete independent living facilities for one (1) family for residential purposes, including permanent provisions for living, sleeping, heating, cooking, and sanitation." (Exhibit 154) The Planning Commission further finds that Applicant's September 22, 2015 letter also proposes a "garden" and "greenhouse" on that portion lying within the P-LS District, but fails to provide the provision(s) of the Ordinance in support of these proposed uses; however, these uses are permitted in the ordinance under section 10.2.2 and supported by the Right to Farm Act and Applicant does seek a reasonable accommodation for same. The Planning Commission finds that the P-LS District does not allow uses by special land use permit under a "catch all" provision, nor does the Ordinance provide that uses may be permitted within the P-LS District if analogous to other permitted uses within the P-LS District.

> STAFF COMMENT: Gardens and greenhouses are listed in the application as uses to be conducted on the property. As with any zoning application, if it is not proposed as a primary use it is likely that the applicant is proposing this as an accessory use.
>
> For example, retail site plan applications often include a store manager's office on the plans. This has not been reviewed separately as office use because it is not proposed as a primary use. It is typically proposed and assumed to be accessory use to the retail operations.
>
> On December 16th the Planning Commission recognized the applicability of the right to farm act in this case also.

23. The Planning Commission finds that the Cheboygan County Zoning Ordinance does not define "restaurant," but that common definitions include the following: A business establishment where meals or refreshments may be purchased. (See exhibit 161).or A place or business where people can choose a meal to be prepared and served to them at a table, and for which they pay, usually after eating. (See exhibit 162).

24. The Planning Commission finds that, although the Ordinance defines the word, "cabin," as above quoted, it does not define the words, "cabin colony." The Planning Commission further finds that the Ordinance does not define "restaurant," "restaurant/bar," or "bar." However, common

definitions of "restaurant" include the following: "A business establishment where meals or refreshments may be purchased." (See Exhibit 161.) "A place or business where people can choose a meal to be prepared and served to them at a table, and for which they pay, usually after eating." (See Exhibit 162.) "[A]n establishment where meals are served to customers." (Exhibit 129, BBP's Report.)

25. The Planning Commission further finds that Section 10.3.14 is the only section in the Ordinance that specifically provides for a "restaurant/bar" combination. A "restaurant" is identified under Sections 5.3.8, 13.2.11, 13A.2.13, 13B.2.8, 13C.2.12, and 13D.2.5. "Bars and Taverns" are referenced under Sections 6.2.3, 13.2.2, 13A.2.4, 13B.2.2, 13C.2.4, and 13D.2.1. (Exhibit 154.)

> STAFF COMMENT: This section 5.3.8 along with entire article 5 has been repealed.

26. The Planning Commission finds that "cafeteria" is also not defined in the Cheboygan County Zoning Ordinance, but is commonly defined as follows: A restaurant where you choose to pay for your meal at a counter and carry it to a table. Cafeterias are often found in factories, colleges, hospitals, etc. (See exhibit 163).or An informal restaurant in places such as a college or hospital where you take the food to the table yourself. (See exhibit 164).

27. The Planning Commission finds that the Applicant requests that the county make all reasonable accommodations as stated above in the notice for the request for a special use permit. (See exhibit 159)

28. The Planning Commission finds that a majority of the public, both at the public hearing, at the December 2, 2015 meeting, and in writing, oppose the development as presented for a variety of reasons as stated in the correspondence as well as preserved by a court reporter at the December 2,2015 public hearing. (See exhibits 18 through 66, 129 and 158)

29. The Planning Commission finds that the Ordinance does not define "duplex." The Planning further finds that Merriam Webster Dictionary defines "duplex" as "a building that is divided into two separate homes."

30. The Planning Commission finds that the Ordinance defines "club" as a "nonprofit organization of persons for special purposes or for the conducting of social, athletic, scientific, artistic, political, or other similar endeavors." (See Exhibits 161-165 for dictionary definitions.)

31. The Planning Commission finds that the Ordinance does not define "country club." However, a dictionary definition of a "country club" is "a club, usually in a suburban district, with a clubhouse and grounds, offering various social activities and generally having facilities for tennis, golf, swimming, etc." (See BBP's Report at 28.)

32. The Planning Commission finds that the Ordinance does not permit uses within a zoning district on

the basis of being "less intrusive," "less invasive," or "less intense" than uses that are specifically permitted by right or by special land-use permit within that zoning district.

33. Special land uses allowed under the Ordinance are those that are "recognized as possessing characteristics of such unique and special nature (relative to condition, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community." (§ 3.15) (Exhibit 154.)

> STAFF COMMENT: Correction: "…relative to location…" is the exact wording of the zoning ordinance.

34. The use being proposed by the applicant is the most closely described by Convalescent home as permitted in section 9.3.14 and if not that section than it is adequately described in Section 9.3.22

35. The Lake and Stream Protection district is not a residential zoning district, it is a protection district. There are residential uses that are permitted but the zoning district is not described in the ordinance nor in the zoning district's purpose statement as a residential zoning district. It does not encourage dense residential development as evidenced by the larger lot width compared with residential zoning districts.

SPECIFIC FINDINGS OF FACT UNDER SECTION 18.7 OF THE CHEBOYGAN COUNTY ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by Section 18.7 of the Cheboygan County Zoning Ordinance with respect to each of the following standards:

STANDARDS FOR SPECIAL LAND USE APPROVAL
The Planning Commission shall approve, or approve with conditions, an application for a special land use permit only upon a finding that the proposed special land use complies with the following standards:

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

FINDINGS THAT SUPPORT THIS STANDARD

1. The Planning Commission finds that convalescent homes are allowed by special use in the M-AF District, and that Heritage Cove Farm (hereinafter "HCF") plans to provide services which meet in part or in whole the uses listed by HCF. (See exhibits 2 and 154)

2. The Planning Commission finds that convalescent homes as defined in section 2.2 of the Cheboygan County Zoning Ordinance (hereinafter "CCZO") matches the main function of what Applicant proposes to conduct on the portion of the property zoned M-AF, in that Applicant's HCF proposes to take care of and provide therapy as an accessory use to the mentally infirm. (See exhibits 2, 12, 99 and 154)

3. The Planning Commission finds that cabins for residents of HCF as proposed meet the definition of cabin contained in Article 2 of the CCZO. (See exhibits 2, 12, 99 and 154)

4. The Planning Commission finds that the CCZO does not restrict the number of structures which are part of a convalescent home, a use allowed by special use in the M-AF District. (See exhibit 154)

5. The Planning Commission finds that cabin colonies are allowed in the P- LS District by special use and that the CCZO does not require a specific purpose for the establishment of a cabin colony in the P-LS District other than that such cabin colonies must meet the special use and site plan criteria under the CCZO. (See exhibit 154)

6. The Planning Commission finds that restaurant/cafeteria uses are analogous, if not synonymous, as stated in the general findings of fact and that the same is allowed in the P-LS District so long as such restaurant/cafeteria meets the special use and site plan criteria under the CCZO. (See

exhibit 154).

7. The Planning Commission finds that the Applicant makes the analogy to camps and churches providing therapy uses, which are uses allowed in the P-LS Zoning District. (See exhibits 2 and 154)

8. The Property is located in zoning districts in which the Farm is allowed by way of special land use pursuant to M-AF §9.3 and P-LS § 10.3 as discussed in parts Ill(A)(l) and III(A)(2) of the applicants letter dated April 20, 2015 (see Exhibit 1).

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD

1. The Planning Commission finds that cabin colonies and cabins of the type being proposed by the Applicant are not allowed as either a use by right or by special use in the M-AF District. The Planning Commission further finds that due to the fact that cabin colonies are expressly authorized in the P-LS District and that Applicant's property is divided in half by the zoning districts, subsection 9.3.22 is not applicable and this use is not allowed in the M-AF District. (See exhibit 154)

2. The Planning Commission finds that Applicant represents that licensing will generally not be required for HCF for the activity Applicant proposes to engage in on the property. As such, based upon Applicant's representations, what Applicant proposes does not meet the definition of convalescent home under the CCZO. The Planning Commission further finds that under Michigan law, convalescent homes exist for the purpose of caring for the infirm. Finally, the Planning Commission finds that the word "infirm" with respect to convalescent homes has been defined under Michigan law as "A person who is feeble or weak in body or health (especially) because of age." (See exhibits 154, 165 and exhibit 129 - Bridget Brown Powers's [hereinafter "BBP"] report, page 13 with legal citations).

3. The Planning Commission finds that therapy is traditionally part of an activity engaged in by a convalescent home and meets the definition of accessory use, and as such, convalescent home and associated therapy accessory use is allowed in the M-AF District, but is not allowed in the P- LS District where convalescent homes are not allowed. (See exhibit 154)

4. The Planning Commission finds that therapy meets the definition of accessory use in relation to the convalescent home use, which is listed as a permitted use by special use permit in the M-AF Zoning District. The Planning Commission further finds that convalescent home use is excluded from the P-LS Zoning District as an allowable use by right and by special use permit. It is thus also excluded as a use in the P-LS Zoning District. As such, the Planning Commission finds that since therapy use is an accessory use to convalescent home use and convalescent home use is allowed in the M-AF Zoning District, subsection 9.3.22 is not applicable to what the Applicant is proposing. (See exhibit 154)

5. The Planning Commission finds that the Applicant is proposing uses which are consistent with a

convalescent home for the entire subject property. The Planning Commission further finds that the Applicant has not adequately shown that the convalescent home use and accessory uses thereof, including but not limited to therapy, are not happening within the P-LS Zoning District portion of the property where such use is not allowed. (See exhibits 2 and 154)

6. The Planning Commissions finds that the Applicant's proposal for a country club use under 10.3.6 is not a part of what is being proposed as an operation in the M-AF Zoning District, but rather is a use being proposed in the M-AF District as a convalescent home. (See exhibits 2, 99 and 154)

7. **Uses Requested in the P-LS District:** Applicant sets forth the proposed uses requested by chart in his September 22, 2015, letter. For uses in the M-AF District, Applicant requests that the "housing and cottages," "garage and laundry," and "administrative building" be allowed as special land uses as being "analogous to §9.3.22 Convalescent home (detached) or under § 9.3.22" catch-all provision and by reasonable accommodation under federal and state law. Applicant also requests that his uses identified as "animal pasture area," "barn," "workshop," and "greenhouse" be permitted by special land use under the §9.3.22 catch-all provision or by reasonable accommodation. (Exhibit 99) After careful review of Applicant's materials and comments made at the November 4 public hearing, the voluminous materials submitted and made a part of this record by members of the public, County staff, and legal counsel, and after careful review and a familiarity with the Ordinance, the Planning Commission finds that the uses requested by Applicant are not allowed within the M-AF Zoning District for the following reasons:

> STAFF COMMENT: We urge careful consideration of the statement that these uses are not allowed at all in the M-AF zoning district. Stating that a barn, workshop, animal pasture area and greenhouse wouldn't be permitted in an agricultural area might be difficult to defend.
>
> Although they aren't listed specifically as permitted uses by special use permit, they could be considered as accessory uses according to both the definition of accessory use and Section 3.10 ACCESSORY USES ASSUMED. This section states that "it shall be assumed that customary buildings and uses which are incidental to any principal uses or uses allowed by special use permit are permissible as part of the main use."

A. Applicant seeks approval for what appears to be the principal use as "analogous to" "convalescent homes." Although the Ordinance has a "catch-all" provision that allows certain uses by special land-use permit within the M-AF District, the Ordinance is devoid of any provision that allows the Planning Commission to grant special land-use approval upon a finding that a proposed use is analogous to a specifically-permitted use by special land-use permit. As such, the Planning Commission is without the authority to approve an application on that basis.

STAFF COMMENT: As part of every permit application reviewed by the Planning Commission, the activity proposed is reviewed as to whether or not it meets the definition and requirements of an allowed use or uses within that zoning district.

This review is conducted by the Planning Commission every time. It may not be discussed because it may be more straight forward in most cases but this review is part of all your decisions on SUP's or site plans when considering new uses.

B. Although convalescent homes are allowed by special land-use permit within the M-AF District, the uses proposed and described by Applicant, whether individually or collectively, do not satisfy the definition of "convalescent home" under the Ordinance. A convalescent home is "a home, qualified for license under applicable Michigan law, for the care of children, aged, or infirm and providing facilities for four or more patients." The patients being proposed by Applicant are not the aged nor are they children. Because the Ordinance does not define the word, "infirm," the Planning Commission follows the definition cited by our Michigan Supreme Court in the 2013 *People v. Duncan* case and finds that "infirm" means "feeble or weak in body or health because of age." (Exhibit 129) The Planning Commission believes that the definition cited by the High Court provides that "age is specifically designated as a factor that may give rise to an infirmity." According to Applicant, the patients would be engaging in activities that would include yoga, dance, fitness, gardening, landscaping, meal preparation, caring for animals, woodworking, biking, hiking, fishing, boating, cross-country skiing, working, and studying, in addition to other activities. (Exhibit 1) The Planning Commission finds that participation in these types of activities is not consistent with patients who are "feeble or weak in body or health." The Planning Commission further finds that, even if "infirm" did not apply to the "aged," the activities being proposed would not be conducive to those who were weak or feeble at any age. The planning further finds that the patients who would participate on the Farm are not weak and feeble merely because of their diagnoses. The Planning Commission finds that there exists no evidence in this record to indicate that these persons would be weak or feeble. Indeed, Applicant has stated that these individuals would participate in a plethora of activities that negate any such finding.

C. Applicant has stated that none of the uses being proposed by Applicant would require state or federal licensing. Accordingly, for this additional reason, the uses fail to satisfy the Ordinance's definition of "convalescent home." (Exhibit 154)

STAFF COMMENT: This is not consistent with the applicant's statements about their licensing.

D. Convalescent homes are not multiple-building facilities, nor do they have many of the types of accessory uses being proposed by Applicant.

> STAFF COMMENT: There are no standards in the ordinance that require convalescent homes to be in one building. There were three separate buildings approved for The Brook's special use permit in the M-AF zoning district.

E. Applicant also seeks approval for the above-stated uses within the M-AF District under the Ordinance's Section 9.3.22 "catch-all provision, which provides: "Uses which are not 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 of 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." (Exhibit 154)

F. The uses being proposed by Applicant are allowed in other zoning districts, are not of the same general character as the other uses allowed within the M-AF District, and the proposed uses do not comply with the Cheboygan County Master Plan or the Tuscarora Township Master Plan. (Exhibits 154, 155 and 156) The following uses are permitted as of right in the M-AF District:

Single-family dwellings and two-family dwellings;
Commercial farm buildings;
Commercial farms;
Greenhouses and nurseries;
Markets for the sale of products grown or produced upon the premises;
Home occupations;
Private aircraft landing strips;
Temporary mobile homes and travel trailers;
Tree farms, forest-production and forest-harvesting operations, including portable sawmills, log-storage yards, and related activities;
Hunting grounds, fishing sites, and wildlife preserves;
Private hunting and fishing cabins;
Private storage buildings, private storage/workshop buildings and agricultural/private storage/workshop buildings;
Hobby farm buildings; and
Hobby farms.

Uses that are permitted by special land-use permits within the M-AF zoning district are

548 the following:
549
550 Automobile repair and service and gasoline stations;
551 Churches and parish houses, schools and educational institutions and municipal
552 buildings, structures and uses;
553 Community buildings, public parks and recreational areas, playgrounds and
554 campgrounds;
555 Entertainment and eating establishments;
556 Commercial Hunting and fishing cabins;
557 Golf courses, country clubs and sportsmen's associations and clubs;
558 Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other
559 tourist lodging facilities;
560 Slaughter houses and meat packing plants;
561 Travel trailer courts, tenting areas and general camping grounds;
562 Public airports and landing fields, with appurtenant facilities;
563 Non-essential public utility and service buildings;
564 Nursing or convalescent homes;
565 Animal feedlots or piggeries;
566 Earth removal, quarrying, gravel processing, mining and related mineral extraction
567 businesses;
568 Commercial kennels, pet shops, and veterinary hospital;
569 Junk yards, salvage yards and waste disposal sites;
570 Commercial composting;
571 Contractor's yards;
572 Public and private wind generation and anemometer towers;
573 Child care institutions; and
574 Indoor storage facilities.
575
576 **G.** None of the permitted uses are of the same general character as the uses proposed by
577 Applicant. The uses proposed by Applicant are more akin to a healthcare treatment facility
578 or medical clinic, which are permitted in other zoning districts within the County. In
579 addition, Applicant's proposed uses do not comply with the County's Master Plan or
580 Tuscarora Township's Master Plan as Section 9.3.22 requires as a condition for approval.
581 Our Master Plan provides: "According to Michigan Statute, zoning must be based on a plan
582 in order to be legally valid. Because Tuscarora Township has undertaken its own master
583 plan, it is recommended that the Tuscarora Township Master Plan be utilized by Cheboygan
584 County for developing land[-]use and zoning recommendations for that community. The
585 most recently[-]adopted Township future land[-]use map should take the place of more
586 general recommendations for the County as a whole." (Exhibit 155) According to the
587 Township's Master Plan, the following are the stated goals:

STAFF COMMENT: This section 9.3.22 requires "compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district." The current Master (or Comprehensive) Plan, adopted in 2014, does not have requirements specific to the M-AF zoning district.

i. Land Use Goal:

Goal: Maintain an ecologically sound balance between human economic growth and the environment to retain the Township's scenic and rural character, while meeting the needs of the current and future residents. Work with the County to control the location of new development by designating appropriate areas for new residential, commercial, and industrial land uses. Consistent with smart growth principles and the complete streets initiative, encourage the use of access management standards, non-motorized facilities, appropriate setbacks, retention of green space, buffer zones between differing land uses, screened parking areas, and roadside landscaping; and encourage the retention of open space and scenic vistas with PUD's, clustering, and conservation easements.

ii. Agriculture and Forestry Goal:

Goal: Acknowledge the importance of agricultural lands and forestry management. Recognize that the presence of agricultural and forested lands adds to the scenic and rural character of the Township. Participate in efforts to educate the community regarding agricultural preservation. Promote re-forestation and sound forestry management practices for areas with productive forest soils. Work with County to provide greater zoning flexibility regarding uses of large parcels of land. Work with County to provide greater zoning flexibility regarding uses of large parcels of land.

iii. Recreation Goal:

Goal: Provide and maintain recreation lands and facilities for safe access and year-round healthy enjoyment by residents and visitors. Promote the use of the Northern Central State Trail, through the establishment of Marina Park as a designated trailhead.

iv. Natural Resource Goal

Protect and preserve groundwater, surface water, woodlands, wetlands, open space, wildlife habitat and steep slopes.

See copy of the Township Master Plan at Exhibit 156 at Exhibit D to BBP Report at Exhibit 129.

H. The Tuscarora Township Planning Commission has reviewed Applicant's application materials and has determined that the proposed uses do not comply with the Township's

Master Plan. (Exhibit 160) After our independent review of both the County and the Township's Master Plans, we find that the proposed uses fail to comply with both Plans.

I. As further support for our determination that the proposed uses are not allowed within the M-AF District as a "convalescent home" or under the catch-all provision, we find the following:

i. The uses being proposed are multiple buildings. (Exhibits 1, 2, 9, 10, 11)

> STAFF COMMENT: As stated earlier, there is no ordinance requirement that restricts convalescent homes from operating out of multiple buildings.

ii. Applicant proposes the property will have 24 patients, 13 employees, and the family members of three employees. In addition, the Applicant "anticipates creating affiliations with the state universities and colleges for programs and internship opportunities." Thus, the site would have a minimum of 37 persons at all times, in addition to the family members of Farm employees, which could bring that number up to 50 persons or more. (Exhibit 1)

iii. Farm animals will be on the property. (Exhibit 1,2,9,10,11)

iv. Applicant proposes that the facility will be open 24-hours per day, every day of the year. (Exhibit 1)

v. Patients will receive professional medical treatment and therapy on the property. (Exhibit 1)

> STAFF COMMENT: There are no standards which restrict convalescent homes from having these accessory uses. Indeed, treatment and 24/7 operation might be considered normal or natural for a convalescent home.

vi. The property abuts the Indian River Spreads and Mullett Lake, and the majority of the property located within the P-LS Districts is composed of wetlands. (Exhibit 9, 117, 129)

vii. Bald Eagles and other wild animals live in and around the Indian River Spreads. (Exhibit 129)

viii. The activities proposed by Applicant will generate noise.

ix. The persons and animals proposed by Applicant will generate some waste.

x. Although no studies have been presented by Applicant or anyone else, a potential exists for noise, waste, and/or light from the foregoing to disrupt the natural wildlife habitat in the immediate area as well as adversely impact water quality. See Dr. Grenetta Thomasey's letter to Planning Commission in the record. (Exhibit 117) Allowing even a potential to exist would run contra to the stated goal of preserving and protecting groundwater, surface water, woodlands, wetlands, open space, and wildlife habitat.

J. Neither "cabins" nor "cabin colonies" are allowed in the M-AF District by right or by special land-use permit. (Exhibit 154)

K. Because the principal use is being proposed as analogous to a convalescent home, and because the proposed collective uses do not meet the definitional standard, nor are they of the same general character as a convalescent home, all of Applicant's proposed accessories cannot be approved; a use cannot be permitted as an accessory to a principal use that is not permitted.

8. Uses Requested in the P-LS District:

The Planning Commission finds that the uses proposed for that portion of the property lying within the P-LS District are not allowed within said District based upon the following findings:

A. The P-LS District does not contain a provision that allows approval for a use that is "analogous to" or "ancillary to" other specifically-permitted uses within the P-LS District either by right or by special land-use permit. (Exhibit 154)

Please see the previous staff comment on this matter.

B. The P-LS District does not have a "catch-all" provision allowing uses not specifically permitted. (Exhibit 154)

C. Applicant is proposing a use that Applicant believes is "analogous to" a "convalescent home," with components of same in multiple buildings located on property within the M-AF and P-LS Districts. Convalescent homes are not allowed by right or by special land-use permit within the P-LS District. If convalescent homes are not allowed within the P-LS District, accessory uses, including but not limited to professional medical treatment and therapy, to convalescent homes are equally not allowed within the P-LS District.

D. Schools, churches, and camps do not and cannot provide professional, medical treatment and therapy to students, parishioners, and campers.

E. None of the uses being proposed within the P-LS District satisfy the definition of "restaurant."

F. None of the uses being proposed within the P-LS District constitute a "restaurant/bar" combination.

G. None of the uses being proposed within the P-LS District constitute a "club."

H. None of the uses being proposed within the P-LS District constitute a "country club."

I. None of the uses being proposed within the P-LS District constitute a "multi-family" building or "duplex."
J. None of the uses being proposed within the P-LS District constitute any form of "dwelling."

The Planning Commission finds that this standard has/has not been met.

18.7.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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that based upon the site plan no construction will be conducted within the areas designated as wetlands on the property other than a path to access the lake and a dock, a use which is otherwise allowed in the P-LS District. (See exhibits 2, 12, 99 and 154)

2. The Planning Commission finds that the uses allowed both in the M-AF District as well as the P-LS District under the CCZO include more intensive uses. By example, the Planning Commission finds that in the P- LS District campgrounds, retail stores and shops, boat liveries, marinas, launching ramps, motels, hotels and golf courses are allowed by special land use. (See exhibit 154 - section 10). With respect to the M-AF District, the Planning Commission finds that more intensive uses include such things as automobile repair, service and gas stations, entertainment and eating establishments, commercial hunting and fishing cabins, golf courses, country clubs and sportsmen's associations or clubs, grocery or party stores, resorts, hotels, motor inns, slaughterhouses, meat packing and other uses by special land use. (See exhibit 154 - section 9).

3. The Farm does 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. Rather, it is clear that the uses and activities of the Farm are harmonious with the natural and agricultural surroundings of the Property, and will have a beneficial, rather than negative impact on the natural resource of the County as discussed in greater detailed in parts I and II of the applicants letter dated April 20, 2015 (see Exhibit 1).

4. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that the proposed special land use would involve uses, activities, processes, materials, and/or equipment that would, if allowed, create

substantially negative impacts on the County's natural resources or the natural environment as a whole, for the following reasons:

A. The Planning Commission finds that, given the amount of wetlands as depicted on Applicant's site plan, and the number of persons who are being proposed to be on the property, including 24 residents, 13 employees, the families of three employees, as well as the "Farm" animals, the proposed uses will create a greater density than the uses generally found within the M-AF and the P-LS Districts, as well as the neighboring properties.

B. The Planning Commission finds that the proposed uses will create noise, waste, and/or nighttime light or glare from persons and/or animals that would, if allowed, create a substantially negative impact on the natural wildlife habitats and ecosystems along, around, and within the Indian River Spreads, the wetlands areas of the property adjacent to the Indian River Spreads and Mullett Lake, as stated by Dr. Grenetta Thomassey of the Tip of the Mitt Watershed Council.

C. The Planning Commission finds that Bald Eagles, a federally-protected species of bird, maintain nesting grounds in and around the Indian River Spreads that are likely to be disturbed by the uses proposed by Applicant. The Planning Commission makes this finding based on the general knowledge that the Bald Eagles nest in that area, the reporting of same by the Indian River Chamber of Commerce, the BBP Report (at Exhibit 129), and the effects of the proposed uses on natural wildlife habitat as reviewed and evaluated by Dr. Thomassey. (Exhibit 117)

The Planning Commission finds that this standard has/has not been met.

18.7.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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the special land use request for a therapeutic farm with therapy accessory use located in the M-AF District along with farming and residential cabins 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, glares, 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, given the setbacks

from the proposed cabin areas and residual open space left in the M-AF District. (See exhibits 2, 12, 99 and 154).

2. The Planning Commission finds that the proposed special land use in the P-LS District, to wit; cabin colonies and the cafeteria/restaurant, are adequately set back from surrounding properties and are not located in any delineated wetland or steep slopes area, such that the residential and eating facilities will not result in any additional traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway. (See exhibits 2, 12, 99 and 154)

3. The Planning Commission finds that with respect to the property in both the M-AF and the P-LS Districts, that there will be little in the way of traffic, even after phase 2 of the cabins have been completed, in that the residents of the therapeutic farm and cabin colony will not have automobiles and that the only automobiles will be those of HCF staff personnel. The Planning Commission further finds that the activity is not of the type that will generate any smoke, fumes, glares, odors, or accumulation of scrap material given the nature of the operation other than those associated with farming, which are protected under Michigan's Right to Farm Act. (See exhibits 2, 12, 99 and 154)

4. The Farm 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. In fact, the Farm is an extremely quiet use with little or no impact on its immediate neighbors or the County in general. The Farm's uses will not involve fumes, glare, odors, or the accumulation of scrap material and minimal smoke, traffic or noise. (See detailed discussion of use in parts I and II of the applicants letter dated April 20, 2015 (see Exhibit 1).

5. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that due to 24 hour staffing and operations, that there will always be some traffic during the change of shifts of employees and noise related to that traffic as well as noise of traffic related to the delivery of supplies to HCF. (See exhibit 129 - BBP report)

2. The Planning Commission finds that the proposed special land use will 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, and/or odors based upon the following:
    a. The proposed "Farm" will be open 24-per hours a day, every day of the year. Thus traffic would come at all hours for employees, family members, staff family members, delivery persons, contractors, and the like. In addition, nighttime lighting would be required that would not otherwise be present in a residential area.
    b. The nature of the uses and activities of the proposed "Farm" is not residential as are the surrounding lakefront single-family residential properties. Although the Farm is

proposed as a nonprofit business, it is nonetheless commercial in nature.

c. Although it is unclear from the record to what extent traffic would increase in the area, because of the numbers of persons and the fact that this is commercial in nature, some increase in traffic would result in an otherwise quiet neighborhood.

d. Based on the activities that would take place on the property and that the "Farm" would be open 24 hours, noise would be generated in an otherwise quiet neighborhood.

e. Because the proposed use is of a business or commercial nature in an otherwise quiet, lakefront, single-family residential neighborhood, property values to surrounding properties would likely decrease.

> STAFF COMMENT: Evidence to this effect should be cited. Without citations to factual studies, this should not be included in findings of fact.

f. Residential and nonresidential uses differ with respect to degree of noise, parking, traffic, tax revenue generated, properties values, and the like.

The Planning Commission finds that this standard has/has not been met.

18.7.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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the proposed special land use of HCF leaves a substantial portion of the property in both zoning districts vacant allowing for substantial setbacks, both from the water's edge as well as from properties located off of Grandview Beach Road to the north of the service drive. As such, the Planning Commission finds that there will be very little in the way of impacts which would prevent or diminish the opportunity for surrounding properties to be used and developed as zoned. (See exhibits 2, 12, 99 and 154)

2. The Planning Commission finds that with respect to properties to the west and south of the proposed service drive of HCF, that the setbacks for the residential and cafeteria area are substantial and buffered by pasture land wholly located within the M-AF District with the southerly and

3. southwesterly exposure of the property being largely vacant due to steep topography and wetlands going down to the Indian River spreads such that the farming activity, residential and the service of meals, along with any treatment on site in the M-AF District would not result in an activity that would diminish the opportunity for surrounding properties to be used and developed as zoned. (See exhibits 2, 12, 99 and 154)

4. The Farm will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. The Farm will maintain the quiet and rural character of the use of the existing property subject to the modification of the structures to better meet the needs of the Farm, and the construction and operation of other aspects of the Farm which are aesthetically pleasing and noninvasive. (See detailed discussion in parts I and II of the applicants letter dated April 20, 2015, Exhibit 1)

5. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission incorporates by reference its findings under Section 18.7c.

2. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

18.7.e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the proposal of HCF for a therapeutic treatment center for the mentally ill is of a density and intensity which would not place any additional significant demands on fire, police, or public resources. The Planning Commission further finds that this is particularly true given that a lot of the land will remain undeveloped forest land or pasture land and that the wetlands will not be disturbed. (See exhibits 2, 12 and 99)

2. The Planning Commission finds that given the uses both by right and particularly by special use in both the M-AF and P-LS Districts, that the proposed special land use would place less in the way of demands on fire, police or other public resources and would not increase hazards from fire or other dangers to the subject or adjacent property compared to other potential uses as listed. The Planning Commission further finds that the service drives and interconnection of internal roads provide adequate spacing and access for fire and emergency vehicles. (See exhibits 2, 12, 99 and 154, BBP exhibit 129-tab B)

3. The Farm 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. Representatives from the Farm met with both the Fire Chief and the Police Chief with respect to the Farm. The Farm does not cause a required increase in fire, police or other public resources.

4. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that it has not received reports from law enforcement, ambulance, or fire personnel, under whose jurisdictions the subject site would fall. The Planning Commission notes that a 2012 study was referenced in the record from the *Emergency Medicine International Journal* cited by the *Washington Post*, "psychiatric patients make up 7 to 10 percent of emergency room visits[.]" (Khazan, Olga, www.washingtonpost.com, Jan 22, 2013.) (Exhibit 129) The Planning Commission finds that, if a special land-use permit were to be granted, such approval should be conditioned on the results of a police, fire, and ambulance impact study to determine whether this standard has been met by Applicant.

2. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

18.7.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 or highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Sign, 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.

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the proposed special land use is adequately served by Grandview Beach Road, a paved county local road, and that the internal design of the service entrance and interconnectivity of roads within HCF provide adequate access without increasing traffic hazards and much in the way of additional congestion. The Planning Commission further finds that this is particularly true given the more intensive uses which parcels in the M-AF and P-LS Districts can be used for under special land uses in each district. (See exhibits 2,

12, 99 and 154)

2. The Planning Commission finds that the property is not served by minor residential streets to access the property. The Planning Commission further finds that given the fact that the residents will not be allowed to have automobiles on the property as represented by the Applicant, that the amount of traffic and vehicles would be less than would otherwise normally occur in any given cabin colony, hotel, motel or other more intensive uses allowed by special land use in both the M-AF and P-LS Districts. (See exhibits 2, 12, 99 and 154)

3. The Planning Commission finds that signs, buildings, plantings and other elements of the project shall not interfere with driver visibility on Grandview Beach Road and that the entrance drives and parking areas are more than twenty-five (25') feet from any street intersection as measured from the road right-of-way. (See exhibits 2, 12 and 99)

4. The Planning Commission finds that internally the entrance drive and off street parking, particularly in the delivery area and proposed parking on the northeast portion of the property, does result in off street parking areas that are not only less than 25' from the boundary of a different zoning district, but actually bisects the zoning district. However, the Planning Commission finds that the purpose behind this regulation was meant to apply to parcels that are separate from an applicant's parcel wherein a parcel boundary line is in the next zoning district. The Planning Commission further finds that it was not the intent of this portion of the CCZO to regulate and require off street parking areas to be more than 25' from the boundary of a different zoning district when the boundary is located on the same parcel. (See exhibits 2, 12, 99 and 154).

5. The Farm will not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity as residents are prohibited from having vehicles at the Property. Adequate access to the Property is furnished by existing roads. The Farm does not have a large area-wide patronage and the residents will not have transportation except for Farm Vehicles. The Farm's modest 30" x 50" entrance sign and all buildings, plantings, and other elements of the Farm will not interfere with driver visibility or safe vehicle operation as no such items are near a road. The entrance drives to Farm are not less than 25 feet from a street intersection.

6. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that there are conflicting statements in the record and/or the record contains insufficient information to determine whether this standard has been met. As such, if the conditional land-use permit were to be approved, such approval must be conditioned on the results of a completed traffic impact study to ascertain whether Applicant meets this standard. This study should also include the impact of the adjacent public bike/snowmobile

trail.

2. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

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

FINDINGS THAT WILL SUPPORT THIS STANDARD.

1. The Planning Commission finds that the drainfield servicing the property is adequate in size and is located well away from the wetlands and Indian River spreads on the portion of the property zoned M-AF. The Planning Commission further finds that the existing drainfield is also located well away from the Indian River spreads and the wetlands areas of the property and is also in the portion of the property zoned M-AF. As such, the Planning Commission finds that there are adequate sewer and septic disposal facilities on site. (See exhibits 2, 12 and 99)
2. The Planning Commission finds that the property is currently served by two existing wells and that the plan also calls for proposed additional wells on the property. The Planning Commission further finds that the siting of such wells and adequacy of the same is determined by the Cheboygan County Health Department and absent any problems with receiving permits from the Health Department; the Planning Commission finds that there are adequate water facilities to service the property. (See exhibits 2, 12 and 99)

3. The Planning Commission finds that the use is not as intensive as many of the other special land uses allowed within both the M-AF and P-LS Zoning Districts and that given the size of the property and the proposed number of residents on it, the property is adequately served by water, sewer as well as refuse collection and disposal services as available in the zoning districts and the County. (See exhibits 2, 12 and 99)

4. The Planning Commission finds that animal grazing and pasture areas are located in the M-AF District and that under Michigan's Right to Farm Act as well as the uses allowed in the M-AF District permit the raising of farm animals and farming in general. (See exhibits 2, 12, 99 and 154)

5. Pursuant to meetings between the Farm's engineers and representatives from the health department, the Farm will be adequately served by the public streets, private on-site water and wastewater facilities, and private refuse collection and disposal services in accordance with Health Department requirements.

6. The Planning Commission finds that

7. The Planning Commission finds that

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that there are conflicting statements in the record and/or the record contains insufficient information to determine whether this standard has been met. As such, if the conditional land-use permit were to be approved, such approval must be conditioned on the results of a completed water/sewer/refuse and environmental impact study to ascertain whether Applicant meets this standard, which should also incorporate the recommendations made by Dr. Grenetta Thomassey of the Tip of the Mitt Watershed Council, Petoskey, Michigan. (Exhibit 117)

2. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

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

1. The Planning Commission finds that this is not a standard, but a requirement under the CCZO that a party seeking and obtaining a special land use permit must comply with the CCZO in its entirety. (See exhibit 154, Article 18)

2. The Farm will comply with all specific standards required under the Ordinance applicable to it, accept as to those in which an accommodation is required, if any.

FINDINGS THAT WILL NOT SUPPORT THIS STANDARD.

1. For all of the findings above set forth, the Planning Commission finds that the special land use proposed would not comply with all of the specific standards required under the Ordinance applicable to it.

PROPOSED CONDITIONS IF SPECIAL LAND USE IS APPROVED

1. Obtain all building code and health department permits for construction and file the same with Cheboygan County Planning and Zoning staff.

2. Obtain all licenses required for the operation of Heritage Cove Farm from the State of Michigan

and/or the federal government and either provide copies of the licenses to Planning and Zoning staff or provide letters or other written documentation from state and federal agencies that license facilities caring for the mentally ill or infirm that Heritage Cove Farm's proposed use does not require a license or licenses normally issued to facilities that care for the mentally ill and/or infirm.

3. All agricultural practices will follow Generally Accepted Agricultural Management Practices (GAAMPS) with GAAMPS certification through the Michigan State University Agricultural Extension being supplied to Planning and Zoning staff for all farming activities on the property prior to the commencement of farming activities.

4. Obtain updated survey of subject property.

5. Obtain police/fire/ambulance impact study.

6. Obtain environmental impact study.

7. Obtain water/septic/refuse impact study.

8. Obtain traffic impact study, including impact of adjacent bike/snowmobile trail.

9. Obtain Bald Eagle disturbance study and/or Bald Eagle Takings Permit.

10. Implementation of Stormwater management plan, inclusive of BMPs.

11. Require parcels of property to be joined and held under common ownership.

12.

13.

14.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE CHEBOYGAN COUNTY ZONING ORDINANCE

STANDARDS FOR GRANTING SITE PLAN APPROVAL

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.

1096

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

1097
1098 FINDINGS THAT WOULD SUPPORT THIS STANDARD.
1099

1100 1. The Planning Commission finds that all proposed construction whether in the M-AF or P-LS
1101 District is located in the area with the least amount of slope and grade steepness with a
1102 substantial portion of the property to the north and northwest being reserved as woodland area
1103 and with the wetlands located in the P-LS District having no construction other than a pathway
1104 to access a dock on the lake, as with other similar properties within the area. As such, the
1105 Planning Commission finds that given the nature of the proposed project there are no
1106 substantial changes being proposed to elevation on the site. The Planning Commission further
1107 finds that the development as proposed preserves to the extent possible the existing topography
1108 and maintains a character similar to adjoining property, inclusive of size and type of buildings
1109 such that HCF is designed in a manner minimizing site disturbances for the proposed
1110 therapeutic farm. (See exhibits 2, 12 and 99)
1111
1112 2. The Planning Commission finds that the setbacks of all structures and the lack of construction
1113 on steep slopes or in the wetlands area of the property does not impede the normal and orderly
1114 development or improvement of surrounding property for permitted uses of the land under the
1115 CCZO. (See exhibits 2, 12, 99 and 154)
1116
1117 3. The Planning Commission finds that
1118
1119 FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.
1120
1121 1. The Planning Commission finds that the density of the development is concentrated on the
1122 western and southwestern section of the property wherein more of the development could be
1123 placed further upland and in the M-AF Zoning District which would not have a significant
1124 impact on slopes while providing additional buffer to surrounding properties with respect to
1125 noise and traffic generated by the facility. (See exhibits 2, 12, 129 and 154)
1126
1127 2. The Planning Commission finds that

1128 The Planning Commission finds that this standard has/has not been met.

20.10.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.

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that the development as proposed leaves largely undisturbed, other than a pathway to a dock, all wetlands and steep slope areas going down to the Indian River spreads within the portion of the property zoned P-LS. In addition, the Planning Commission finds that the upland area of the property in the M-AF District, particularly in the north and northwest portion of the property, will be left undisturbed as a wooded area with walking trails. As such, the Planning Commission finds that given the nature of the proposed development, it is to be built in a manner which minimizes tree and soil removal and preserves many topographic features of the property, even after both phases have been built. (See exhibits 1, 2, 12, 99 and BBP exhibit 129-tab B)

2. The Planning Commission finds that

3. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that the survey submitted by Applicant is outdated.

STAFF COMMENT: Elements which would cause the survey (site plan?) to be outdated should be cited.

The Planning Commission finds that this standard has/has not been met.

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

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that the site is properly drained and that there is no evidence that storm water would adversely affect any neighboring property given the setbacks established

for the proposed project and the distance of structures and impervious surfaces from the neighboring properties. (See exhibits 2, 12, 99 and BBP exhibit 129-tab B)

2. The Planning Commission finds that

3. The Planning Commission finds that

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. See proposed conditions above. The Planning Commission finds that it is without sufficient information upon which to determine whether this standard could be met.

The Planning Commission finds that this standard has/has not been met.

20.10.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.

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that all structures and parking areas on the property are set back in an adequate manner and otherwise buffered by pasture, orchard or landscape features such that there is appropriate screening as well as adequate privacy for both the proposed occupants of the property and neighboring properties as well. (See exhibits 2, 12, 99 and BBP exhibit 129-tab B)
2. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. Applicant is not proposing the implementation of any barriers to adjacent parcels.

The Planning Commission finds that this standard has/has not been met.

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

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that the service drive adequately connects to all internal drives running along the proposed cabins and other buildings, either proposed or existing, with internal drives connecting the service drive with the entrance on the southern portion

of the property. The Planning Commission finds that this design allows for emergency vehicles to loop through all proposed developed portions of HCF. As such, the Planning Commission finds that the proposed groups of buildings are arranged in a manner as to properly permit easy emergency vehicle access to all proposed and existing structures on the property. (See exhibits 2, 12 and BBP exhibit 129)

2. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. A traffic-impact study has not been prepared to make a determination.

The Planning Commission finds that this standard has/has not been met.

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

FINDINGS THAT WOULD SUPPORT THIS STANDARD.

1. The Planning Commission finds that the property has two entrances, including the service drive, which has adequate parking and internal drives that are connected and provide access from all structures out to Grandview Beach Road, a paved county local road. (See exhibits 2, 12 and BBP exhibit 129-tab B)

2. The Planning Commission finds that the property has walking trails in the wooded area to the north and pastures located on the southwestern portion of the property such that in both districts these areas can be used by those occupying the property. (See exhibits 2, 12 and BPP exhibit 129- tab B)

3. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. See above.

The Planning Commission finds that this standard has/has not been met.

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

1. The Planning Commission finds that this standard is not applicable because the request is not a subdivision plat or a subdivision condominium.

20.10.h. Exterior lighting shall be arranged as follows:
a. It is deflected away from adjacent properties.

1. The Planning Commission finds that exterior lighting is limited in large part to the internal drives accessing the proposed cabins and shall be constructed as to deflect light away from adjacent property, avoid the impediment of vision on Grandview Beach Road as well as the internal service entrance drive and other internal drives within the proposed development. The Planning Commission further finds that the outdoor lighting shall be directed so as to not unnecessarily illuminate the night sky (THE PLANNING COMMISSION MAY WISH TO ADDRESS LIGHTING PROPOSED THE WALKWAY TO THE DOCK AREA - THE PLANNING COMMISSION MAY WISH TO MAKE THIS PROVISION A CONDITION IF THE PROJECT IS APPROVED). (See exhibits 2, 12 and 99)

2. The Planning Commission finds that

3. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that the special lighting requirements of the P-LS District have not been met by Applicant.

STAFF COMMENT: Specific section of the ordinance should be cited. Section 3.7.1. requires outdoor lighting "be shielded to prevent glare".

20.10.h. Exterior lighting shall be arranged as follows:
b. It does not impede the vision of traffic along adjacent streets.

1. The Planning Commission finds that exterior lighting is limited in large part to the internal drives accessing the proposed cabins and shall be constructed as to deflect light away from adjacent property, avoid the impediment of vision on Grandview Beach Road as well as the internal service entrance drive and other internal drives within the proposed development. The Planning Commission further finds that the outdoor lighting shall be directed so as to not unnecessarily illuminate the night sky (THE PLANNING COMMISSION MAY WISH TO ADDRESS LIGHTING PROPOSED THE WALKWAY TO THE DOCK AREA - THE PLANNING COMMISSION MAY WISH TO MAKE THIS PROVISION A CONDITION IF THE PROJECT IS APPROVED). (See exhibits 2, 12 and 99)

2. The Planning Commission finds that

3. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that the special lighting requirements of the P-LS District have not been met by Applicant.

STAFF COMMENT: Same as previous comment, which sections of the ordinance have not been met?

20.10.h. Exterior lighting shall be arranged as follows:
c. It does not necessarily illuminate night skies.

1. The Planning Commission finds that exterior lighting is limited in large part to the internal drives accessing the proposed cabins and shall be constructed as to deflect light away from adjacent property, avoid the impediment of vision on Grandview Beach Road as well as the internal service entrance drive and other internal drives within the proposed development. The Planning Commission further finds that the outdoor lighting shall be directed so as to not unnecessarily illuminate the night sky (THE PLANNING COMMISSION MAY WISH TO ADDRESS LIGHTING PROPOSED THE WALKWAY TO THE DOCK AREA - THE PLANNING COMMISSION MAY WISH TO MAKE THIS PROVISION A CONDITION IF THE PROJECT IS APPROVED). (See exhibits 2, 12 and 99)

2. The Planning Commission finds that

3. The Planning Commission finds that

FINDINGS THAT WOULD NOT SUPPORT THIS STANDARD.

1. The Planning Commission finds that the special lighting requirements of the P-LS District have not been met by Applicant.

STAFF COMMENT: Same as previous.

The Planning Commission finds that this standard has/has not been met.

20.10.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 have a dedicated right-of-way equal to that specified in the Master Plan.

FINDINGS WHICH WOULD SUPPORT THIS STANDARD

1. The Planning Commission finds that the internal roads as well as the two drives accessing the property as proposed are planned, designed and constructed to be accessible to all legal users and will not result in excessive traffic which interferes with travel along Grandview Beach Road such that it meets the goals of the Master Plan with respect to roadways. (See exhibits 2, 12 and 155 - page 17)

2. The Planning Commission finds that given the type of developments which could be proposed and allowed under special land uses in the CCZO, the internal road system as proposed for HCF and the fact that the residents, other than employees, will not have automobiles, lessens the amount of traffic volume in the vicinity which otherwise could occur under more intensive and allowed forms of development in both the M-AF and P-LS Districts. (See exhibits 2, 12 and 154)

3. The Planning Commission finds that

FINDINGS WHICH WOULD NOT SUPPORT THIS STANDARD

1. This determination cannot be made until the traffic-impact study has been completed.

The Planning Commission finds that this standard has/has not been met

1331

20.10.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.

1332
1333
1334 1. The Planning Commission finds that this standard is a requirement for all
1335 developments that must obtain a site plan under the Cheboygan County Zoning
1336 Ordinance and shall be adhered to by the Applicant and subsequent owners of
1337 Heritage Cove Farms. (See exhibit 154)
1338
1339 FINDINGS THAT DO NOT SUPPORT THIS STANDARD:
1340
1341 1. The survey is noncompliant because it is not current.
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1343
1344
1345

STAFF COMMENT: Surveys are not a required element of an SUP or site plan application.

ADDITIONAL STANDARDS FOR REASONABLE ACCOMMODATION UNDER THE AMERICANS WITH DISABILITIES ACT (ADA), THE FEDERAL FAIR HOUSING ACT (FFHA), AND THE PERSONS WITH DISABILITIES CIVIL RIGHTS ACT

a. Does the person or persons, whether the applicant or those occupying the property, have a disability?

FINDING

1. The Planning Commission finds that the Applicant and the Applicant's corporate officers do not have a disability. However, the Planning Commission finds that HCF proposes to have individuals who have a mental illness occupy the property who would be considered disabled under the ADA, FFHA and the Persons With Disabilities Civil Rights Act. (See exhibits 1, 2, 12, 14, 15, 16, 67, 68, 76,79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113 and BBP exhibit 129 - page 40)

ALTERNATIVE FINDING

1. The Planning Commission finds that the Applicant is not disabled, nor does he claim to be disabled.

   STAFF COMMENT: Reasonable accommodation requests can be made by facility operators. Reasonable accommodation claims are not restricted to disabled people.

2. The Planning Commission finds that, at present, the Farm is not in operation and, therefore, no disabled persons could exist.

3. The Planning Commission finds that Applicant has not claimed that the 13 employees or the family members of the employees would be disabled persons within the meaning of the federal and state laws under which Applicant seeks an accommodation.

4. The Planning Commission finds that Applicant has not provided any evidence or indication that the individuals who would be on the "Farm" (the "Farm Participants") would suffer from a physical or mental impairment that would substantially limit one or more of their major life activities.

5. The Planning Commission finds that each Farm Participant would be provided unsupervised, private sleeping and toilet/bathing quarters and there is no indication from Applicant that Farm Participants would need assistance with sleeping, toileting, bathing, dressing, grooming, and the like.

6. The Planning Commission finds that Farm Participants would not have any physical handicaps.

> STAFF COMMENT: Reasonable accommodation requests can be made by facility operators. Reasonable accommodation claims are not restricted to disabled people. Disabilities of the future residents are stated in the application.

7. The Planning Commission finds that the farm would not require licensing oversight authority for treatment of the Farm Participants.

> STAFF COMMENT: The planning commission is not a licensing agency and there is no evidence provided that determines the applicant's licensing requirements.

8. The Planning Commission finds that, according to the application materials submitted by Applicant, Farm Participants would engage in the following activities: Yoga, meditation, music, dance, visual arts, individual and group therapy programs, life-skills teaching, fitness, health and wellness training, CPR training, first-aid training, gardening, landscaping, food and meal preparation, maintenance and care of farm animals, build kayaks, canoes, and/or fishing boats, crafts, biking, hiking, fishing, boating, cross-country skiing, etc. (Exhibit 1)

9. The Planning Commission finds that, in addition to the activities described above, Farm Participants also would – off site – "sell farm products at a farmer's market, participate in college or tech-programs and/or partake in other work, study, or employment."

10. The Planning Commission finds that the Farm will not have on-site security.

Based on the foregoing, the Planning Commission finds that neither the Applicant, nor the Farm employees or the Farm Participants would be disabled persons within the meaning of applicable federal and state law.

b. Is there a modification being requested from the standards and requirements contained in the Cheboygan County Zoning Ordinance based upon a disability?

FINDING

1. The Planning Commission finds that the Applicant is making a request for reasonable accommodations and modifications of the standards and requirements contained in the CCZO based upon the disability. In that the Planning Commission finds that the therapy accessory use in the P-LS District does not meet the definition of accessory use, then the Planning Commission finds that the Applicant is requesting a modification of the provisions of the CCZO to allow for therapy as an accessory use in the P-LS District. (See exhibits 1, 2, 12, 14, 15, 16, 67, 68, 76, 79, 80, 81, 82, 83, 84, 85, 86, 99, 109 and 113)

STAFF COMMENT: In light of the Anchor Steel case, the application can be reviewed as cabin colonies/clubs/restaurants in the P-LS while the convalescent home is reviewed in the M-AF. Therefore, this finding was modified to address the therapy accessory use proposed by the applicant.

ALTERNATIVE FINDING

1. The Planning Commission finds that, although a modification is requested, it is not reasonable or necessary to accommodate such a disability because the therapy use can be accommodated on the same property within the M-AF zoning district and approximately 100 feet away from the proposed location and on property controlled by the applicant. As such, the Planning Commission finds that the Applicant's request for a special land use sufficiently meets the needs of what the Applicant is requesting without having to consider the disabilities of those who would eventually reside on the property (See exhibits 1, 2, 12, 14, 15, 16, 67, 68, 76, 79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113 and 154)

2. The Planning Commission finds that although a modification is requested, it is not reasonable or necessary under any circumstance to accommodate such a disability because cabin colonies and cafeteria restaurants are an allowed use by special land use in the P-LS District and that the balance of HCF's request for a special land use is allowed in the M-AF District. As such, the Planning Commission finds that the Applicant's request for a special land use sufficiently meets the needs of what the Applicant is requesting without having to consider the disabilities of those who would eventually reside on the property. (See exhibits 1, 2, 12, 14, 15, 16, 67, 68, 76, 79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113 and 154)

c. To the extent that a modification is requested, is it reasonably necessary to accommodate that disability?

FINDING

1. The Planning Commission finds that the requested modification is reasonable and necessary with respect to the uses proposed in the P-LS District attributable to the proposed development as a whole. The Planning Commission finds that if an owner of property in the P-LS District proposed a cafeteria, cabin colony, church or other use otherwise allowed by special land use, and met the standards contained under the CCZO for special land uses and site plan review, such a use would be approved. In this case, the Applicant's requested uses in the P-LS District are part of HCF in its entirety. Therapy is a use proposed to be provided within the P-LS zoning and is determined to be necessary for the future residents of HCF because of their federally protected disability. However, because the sole reason for not allowing therapy accessory use presented is directly related to the disabilities of the future residents of HCF, a modification of the zoning standards is reasonable and necessary to accommodate the disability of the proposed residents of HCF. (See exhibits 2, 12 and 154)

> STAFF COMMENT: This finding was modified in light of the Anchor Steel case which clarifies that the uses applied for by the applicant in the P-LS zoning district can be reviewed separately from the convalescent home and reviewed on their own merits.
>
> This finding focuses on the therapy accessory use.

~~1.~~2. Therapy use is similar to other accessory uses that would be typical of other permitted uses in the P-LS zoning district such as camps, churches, and clubs. Therefore, allowing therapy use is determined to be a reasonable accommodation as it would not pose an undue hardship on the County to permit this use for those with a disability who are residents of HCF.

ALTERNATIVE FINDING

1. The Planning Commission finds that although a modification is requested, it is not reasonable or necessary under any circumstance to accommodate such a disability because cabin colonies and cafeteria restaurants are an allowed use by special land use in the P-LS District and that the balance of HCF's request for a special land use is allowed in the M-AF District. As such, the Planning Commission finds that the Applicant's request for a

special land use sufficiently meets the needs of what the Applicant is requesting without having to consider the disabilities of those who would eventually reside on the property. (See exhibits 1, 2, 12, 14, 15, 16, 67, 68, 76, 79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113 and 154)

SUPPLEMENTAL ALTERNATE FINDING:

1. The Planning Commission incorporates by reference all of its general and specific findings of fact above as if again fully restated herein.
2. The Planning Commission finds that the farm Participants do not need the requested accommodation for a reason related to their claimed disabilities.
3. The Planning Commission finds that the uses requested by Applicant are not within the scope of uses
4. The Planning Commission finds that the Farm is not a "dwelling," "residence," "home," or "group home" as defined by the Ordinance and by the federal and state laws under which Applicant seeks an accommodation, thereby rendering those laws inapplicable to Applicant's application for special land-use approval.
5. The Planning Commission finds that Farm Participants stay on the Farm roughly four months up to one year, a temporary basis, which negates the notion of affording a disabled person with an equal opportunity to use and enjoy a dwelling.

   STAFF COMMENT: The length of stay alone is not what determines applicability of the Fair Housing Amendments Act.

6. The Planning Commission finds that the requested accommodation is not necessary for Farm Participants to have an equal opportunity to enjoy a dwelling.
7. The Planning Commission finds that Applicant has not demonstrated an identifiable relationship or nexus between the claimed disabilities of Farm Participants and the accommodation requested.
8. The Planning Commission finds that the requested accommodation is not reasonable because it would impose an undue administrative burden on the County and would fundamentally alter the nature of the County's Ordinance and both the County and Tuscarora Township's Master Plans.
9. The Planning Commission finds that granting the requested accommodation would not only alter and frustrate the essential nature of the County's Ordinance, but would specifically alter and completely frustrate the above-quoted stated goals and purposes for the M-AF District, which is a management district, and the P-LS District, which is a protection district.
10. The Planning Commission finds that allowing a multiple-building development with upward of 50 people on site on property straddling two zoning districts with a significant amount of wetland area and abutting open water on two sides would completely alter the very essence of

the M-AF and P-LS Districts, the Ordinance as a whole, the County's Master Plan, and the Tuscarora Master Plan.

11. The Planning Commission finds that the requested accommodation is not necessary to cure or lessen the limitation of the claimed disabilities (as to each individual).
12. The Planning Commission finds that granting the requested accommodation would change the character of the neighborhood.
13. The Planning Commission finds that granting the requested accommodation would not afford Farm Participants with the same opportunity to obtain housing as persons without disabilities, but rather would, instead, provide Farm Participants with more or greater opportunity than their non-disabled counterparts.
14. The Planning Commission finds that the requested accommodation is not necessary because, if but for the accommodation, the Farm Participants would not be denied an equal opportunity to enjoy housing of their choice because the Farm is not "housing" within the meaning of applicable law and because non-disabled persons would not be treated in a more favorable manner than would Farm Participants.
15. The Planning Commission finds that Applicant is not being denied housing opportunities available to nondisabled persons.
16. The Planning Commission finds that Applicant's proposed uses are inconsistent with the Ordinance and the Master Plans, which would not trigger a right to an accommodation under applicable law.
17. The Planning Commission finds that the provisions of the Ordinance applicable to Applicant's special land-use application do not disparately impact people with disabilities.
18. The Planning Commission finds that there exists within the County alternative locations that would allow Applicant's proposed uses.

For all of the reasons contained herein, the Planning Commission finds that the requested accommodation is not reasonably necessary to accommodate the disabilities claimed, is not necessary to allow Farm Participants with claimed disabilities an equal opportunity to use or enjoy a dwelling, and the requested accommodation, if granted, would impose an undue administrative burden upon the County and alter the County's Ordinance and Master Plan as well as the Tuscarora Township Master Plan.

d. Are such accommodations necessary to allow persons with disabilities an equal opportunity to use or enjoy a dwelling?

FINDING

1. Because the Planning Commission has found that the therapy use in the P-LS district does not meet the definition of accessory use to any of the uses proposed in the P-LS zoning district by HCF for reasons already stated in these findings of fact, the Planning Commission finds that it is necessary to accommodate the disability of those who would reside at the HCF and allow therapy use as an accessory use as a reasonable accommodation under the Fair Housing Amendments Act. The reason the Planning Commission makes this finding is that churches or camps are permitted by special use permit in the P-LS zoning district and it is determined that this proposed therapy use is similar enough in nature to activities conducted within a typical church or camp. Examples of such similar uses are counseling provided by a religious institution whether individually or in a group setting, individual growth learning activities, physical activities provided by a club, or medical attention provided at a camp clinic. (See exhibits 1, 2, 12, 14, 15, 16, 45-66, 67, 68, 76, 79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113, 154)

STAFF REPORT: In light of the Anchor Steel case, the application can be reviewed as cabin colonies/clubs/restaurants in the P-LS while the convalescent home can be reviewed separately in the M-AF. Therefore, this finding was modified to address the therapy accessory use proposed by the applicant.

ALTERNATIVE FINDING

1. The Planning Commission hereby adopts by reference its findings in the preceding subsection c as if again fully restated.

2. For the reasons stated herein above, the Planning Commission finds that the requested accommodation is not necessary to allow Farm Participants with claimed disabilities an equal opportunity to use or enjoy a dwelling.

e. Would the requested accommodations impose an undue financial or administrative burden upon the County, and will it fundamentally alter the Cheboygan County Zoning Ordinance?

FINDING

1. The Planning Commission finds that based upon the general findings of fact and the specific findings of fact for both the special land use as well as the site plan standards, that approval of the project would not impose an undue financial or administrative

burden upon the County. The Planning Commission further finds that a reasonable accommodation does not fundamentally alter the CCZO because approval of the therapy accessory use in the P-LS District, albeit said use not matching what is required under the CCZO, would still look and appear on the land as a cabin colony along with a cafeteria/restaurant. As such, the Planning Commission finds that the therapy accessory use in the P-LS District is a reasonable accommodation under the ADA, FFHA and the Persons with Disabilities Civil Rights Act and will not result in a material change on how properties in the area are zoned or, for that matter, look after development. This includes HCF as built out and represented by Applicant in its application. (See exhibits 1, 2, 12, 14, 15, 16, 45-66, 67, 68, 76, 79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113)

ALTERNATIVE FINDING

1. The Planning Commission finds that the requested accommodations are not necessary as the uses as proposed by HCF are allowed on the property which is bifurcated by the M-AF and P-LS Zoning Districts. The Planning Commission finds that the only use that is prohibited is the convalescent home's accessory use of therapy in the P-LS District. However, the Planning Commission finds that an accommodation is not required with respect to the therapy accessory use because the Applicant has adequate property located in the M-AF District to allow for therapy accessory uses to the convalescent home which would otherwise not interfere with the cabin colony and cafeteria/restaurant uses in the P-LS District. Other uses in both districts constitute farming activities allowed under the CCZO and under Michigan's Right to Farm Act and, overall, the special land uses do not impose an undue financial or administrative burden on the County. (See exhibits 1, 2, 12, 14, 15, 16, 45-66, 67, 68, 76, 79, 80, 81, 82, 83, 84, 85, 86, 99, 109, 113 and 154)

SUPPLEMENTAL ALTERNATE FINDING:

1. The Planning Commission hereby adopts by reference its findings in the subsection (c) as if again fully restated.

2. For the reasons stated herein above, the Planning Commission finds that the requested accommodation would impose an undue burden on the County and further would fundamentally alter the Ordinance as well as run afoul of and completely frustrate and alter the purpose, plan, and stated goals within the County and Tuscarora Township's Master Plans.

Motion made by _____, supported by _____ that based upon the general findings of fact and the rezoning factors that the applicant's request for a special use permit is hereby recommended to be denied/approved/approved with conditions.

Ayes: _____

1622
1623 Nays: _____
1624
1625 DATE DECISION AND ORDER ADOPTED
1626 _____
1627 Date
1628
1629 _____
1630 Chair
1631
1632 _____
1633 Secretary