

PROJECT INFORMATION DOCUMENT FOR

FOX RUN

A PLANNED MANUFACTURED HOME
COMMUNITY IN BOYNE CITY, MICHIGAN

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FAQ FOR FOX RUN MANUFACTURED HOME COMMUNITY

What is a manufactured home?

A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.

What is the difference between manufactured and modular homes?

Manufactured homes are constructed according to a code administered by the U.S. Department of Housing and Urban Development (HUD Code). The HUD Code, unlike conventional building codes, requires manufactured homes to be constructed on a permanent chassis. Modular homes are constructed to the same state, local or regional building codes as site-built homes. Other types of systems-built homes include panelized wall systems, log homes, structural insulated panels, and insulating concrete forms.

What are my options for financing the purchase of a manufactured home?

There are many alternatives for financing your home, including a growing number of lending institutions that are providing conventional and government-insured financing plans for prospective owners. The most common method of financing a manufactured home is through a retail installment contract, available through your retailer. Some lending institutions that offer conventional, long-term real estate mortgages may require the homes to be placed on approved foundations. Manufactured homes are eligible for government-insured loans offered by the Federal Housing Administration (FHA), the Veterans Administration (VA), and the Rural Housing Services (RHS) under the U.S. Department of Agriculture.

For additional assistance, you may wish to contact HUD's Housing Counseling Clearinghouse. HUD-approved housing counseling agencies provide housing counseling to renters, first-time buyers, and homeowners. Homeowners with problems that could result in default of their mortgage or foreclosure on their property need to contact a HUD-approved housing counseling agency immediately. HUD's Housing Counseling Clearinghouse operates a toll-free 24-hour-a-day automated voice response system that provides referrals to local housing counseling agencies, at (800) 569-4287. Referrals are also available to Spanish-speaking consumers.

Q: Are manufactured homes a good investment?

A: Manufactured homes appreciate in value just like site-built houses. Start building equity instead of pouring rent money down the drain. You will get the investment and tax advantages that only come with owning your own home.

Q: Aren't site-built homes better than manufactured homes?

A: No! Manufactured homes are the only housing in America built to a national code. I have previously detailed many of the advantages of manufactured homes versus the site built — including the fact that manufactured homes are constructed in a factory environment that is not subject to weather conditions that can impact a home built on site.

FAQ FOR FOX RUN MANUFACTURED HOME COMMUNITY

Energy efficiency and fire safety are just two of many qualities of manufactured home construction that are superior to a typical site-built home.

Is it ok to use the word trailer?

NO! People in the industry would have a heart-attack if they heard anyone use the term trailer.

Trailer is an outdated, derogatory slang term for a mobile home and should not be used. Likewise, the word 'trailer park' should not be used. The correct term is 'mobile home' or 'manufactured home' community or land lease community. 'Trailer' should be used for campers that you tow behind your vehicle or vintage mobile homes made before 1954 (when the Trailer Coach Association of America renamed themselves The Mobile Home Association).

Are manufactured homes safe?

Yes! Yes! Yes! Yes! Manufactured homes are built to the HUD Code which is a performance-based construction and safety standard. Homes are built to regional conditions. Research has shown manufactured homes can withstand weather events like hurricanes as well as or better than site-built homes.

Insurance studies reflect the fact that manufactured homes today are designed to prevent fires, and have features designed to inhibit and limit the damage caused should a fire occur. 99% of the things you think you know about a manufactured home is most likely false – they are safer than stick-built homes and have 50% fewer deaths by fire.

Is Fox Run going to be a section 8 or government subsidized housing project?

NO, it is a market rent land lease community that is not subsidized by any government funding.

What will the monthly cost be for buying a new manufactured home?

Fox Run will offer for sale new Champion manufactured homes that will range in price from approximately \$55,000 to \$125,000. See <https://www.championhomes.com/about-champion-homes> There are a number of sources for financing the homes purchased by the residents.

Cascade Financial, www.cascadeloans.com, offers loans with credit scores as low as 575, up to 50% debt to income ratios and as little as 5% down for qualified buyers. Amortization available up to 23 years.

For example, a \$55,000 home, using 6% interest the payments would be \$350/month with 5% down, \$334/month with 10% down, \$312/month with 15% down, and \$294/month with 20% down. Add \$450/lot rent and monthly payments are as low as \$744/month, plus utilities.

FAQ FOR FOX RUN MANUFACTURED HOME COMMUNITY

The payment on a \$100,000 home (which would be a well-appointed 3 bedroom 2 bath home) using 6% interest, could be as low as \$635/month with only 5% down, \$602/month with 10% down, \$568/month with 15% down, or \$535/month with 20% down. With 50% debt to income ratios, income levels could be as low as \$23,640.

With financing potentially available from local banks, the cost for debt service on a loan is about \$8 per \$1000 borrowed. Citizens National Bank Petoskey, 231- 881-9294, offer loans for the new homes with a 15-year amortization, 25% down at 7%. A \$100,000 home requires a \$640 payment/month + \$450 rent then at 35% debt-income ratio would be \$37,000 gross income. Or a \$55,000 home would require \$352/payment plus lot rent of \$450 for a total of \$802/month or around \$28,000 year of gross income to qualify.

How many homes sites will be available in Fox Run?

145 sites have been designed to fit the 30 acres which will be a combination of sites for single unit homes and double unit homes. This equals 4.9 units an acre a decrease from the current density of 7.06 dwelling units per acre under the current zoning . The maximum units permitted by state law is 6 units an acre.

When is Fox Run going to be open for business?

If all approvals are obtained as quickly as possible from all government agencies, Fox Run should be available to sell homes in the summer of 2021.

FOR MORE INFORMATION CONTACT:

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6/25/2020

REZONING REQUEST FOR 30 ACRES AT 600 JEFFERSON STREET, BOYNE CITY, MI

To Boyne City Planning Commission Members:

My family has been a part of the Boyne City community for more than 25 years and have developed other properties in Traverse City (Terrace Bluff Condominiums) , Grand Rapids, (Brook Hollow subdivision consisting of 75 single family homes) and a few income properties around Boyne City. I have “flipped’ over 250 houses in Western Michigan and quite well versed on construction and remodeling costs and issues, not the least of which is finding quality/affordable trades.

I have read with interest the studies articulating the need for affordable housing in our community and know first- hand the need for it. I own a number of rental properties in the area and whenever I have a vacancy I am inundated with requests for people desperate to find housing. I get an average of 30 inquiries every time I post an ad on Craigslist for a vacant rental unit.

I also recently posted an ad on Craigslist <https://nmi.craigslist.org/apa/d/boyne-city-new-proposed-manufactured/7138045017.html> notifying people of Fox Run (name changed from Deer Run was thought to cause confusion with other projects/roads) being submitted to the City for approval and have received numerous inquiries/responses from people who have been looking for affordable housing for years and can’t find anything. Here are some sample responses I’ve received to the Craigslist posting re the proposed Deer Run community (which is typical of the numerous responses I have received):

VZW Wi-Fi 3:20 PM 64%

< Inbox

Alyssa Belcher

To: 452ada84391135... >

11:45AM

New Proposed Manufactured Home Community Boyne City

Would be extremely interested in the new manufactured home community for my son and I! Great idea!



Here is another :

“Hey, I’m very interested in this! I currently live in Boyne city, but have been renting for the last 6 years in the same place and would love the opportunity to own my own home. If you have any more information, please keep me posted!

Thanks,
Tori “

And others:

“ I am very interested in your manufactured homes going into Boyne city next year! I would love the opportunity for this. For me it’s a chance of a lifetime! My name is Randi bowman, if you would like my number I’m more than happy to send it to you! And information you need I will provide. Please let me know 😊”

“Hello, Yes me and my husband have lived in Boyne city for 3 years now (also grew up here) and we have almost 2 yo twins! We currently live in an apartment and have been desperately looking for other options. can we schedule a time I could call you tomorrow? I was thinking sometime between 10am-11am.

Thank you!
Bailee M.”

There are many more responses like this.

I know firsthand that to get skilled trades to do construction work is virtually impossible due to the demand for their services in this community and lack of availability. I have remodeled a number of homes both personally and for rental in this area and it takes forever if you can find the trades to do the work to get it done. The prices that are being commanded for new stick-built construction or remodeling along with the cost of materials make stick-built homes unattainable for the demographic that needs it most. On the other hand, manufactured homes are built in controlled settings and to higher standards and start as low as \$50 sq. ft. See link below for information on manufactured home quality etc.

I have hired Don Westphal as my design consultant/development leader for the Fox Run community. (I changed the name to Fox Run after concerns were expressed as to possible confusion with other projects with Deer Run in the name.) There is a link in the email below to Don Westphal’s webpage where you can see he has in excess of 50 years of experience in successfully designing manufactured home communities. Don will provide you with answers to any questions you may have about the details of this development and nuances of manufactured home communities in public hearings.

I would like to address one issue that seems to be an item of concern and that is the density permitted under the Boyne City Manufactured Housing Development District (“ MHDD”). Under MHDD, 10 units per acre are permitted. The design that Don has prepared and we are proposing for this site is 4.9 units per acre which is down from the 7 units per acre that the current zoning on this parcel permits for the apartments.

Under the mobile home commission rules there are mandated setbacks from the street, side yards, rear yards, etc. Of course, the roads and other improvements for the community will take up 25 to 35% of the property. Therefore, even assuming that all the 30 acres is capable of being developed – which it is not due to the topography – the maximum number of units per acre permitted under the mobile home commission rules is approximately six units per acre.

This particular parcel has a couple of acres that are not capable of being developed due to the topography and are going to be left in the natural state along with other green space and open space.

In addition, the site plan that will be submitted to the state of Michigan for approval under the Mobile Home Commission Act mandates approval by the local Boyne City planning commission and will not allow deviation from that preliminary approved site plan. So, there is virtually no chance of a manufactured home development with higher density being approved by the state for this site unless the local planning commission approves it. And, again, given the topography of this site and applicable mandated setbacks, it cannot be developed for more than what is proposed in Don's plan that has been submitted and attached.

Lastly I understand the recent amendments to the Boyne City Zoning ordinance relating to the MHDD density of 10 units per acre was done to primarily accommodate an expansion of the Lakeview Village that was proposed. I also applaud the City in acknowledging that the adoption of the MHDD zoning district was a step toward addressing the acute need for affordable housing in Boyne City as stated in the January 14, 2020 minutes, attached hereto as **Exhibit 1**. It was stated in the amendments that they were primarily related to Manufactured Housing and were necessary to address the acute housing shortage in Boyne City. Also, the amendments limit the MHDD zoning to parcels of 10 acres or more. I am not aware of any other undeveloped parcel in Boyne City that has 10 or more contiguous acres other than this parcel of land thus making this the only suitable site for the newly created MHDD zone.

Here is some more information for consideration:

I. Fox Run Manufactured Home Community Overview/Zoning Change to MHDD

Attached is a Zoning application to re-zone the 30 acres at 600 Jefferson St., Boyne City, ("Property") to Manufactured Housing Development District ("MHDD"), a zoning district not currently designated to any contiguous 10 acre parcel within the City that is available for development.

Fox Run is designed to accommodate 145 homes, or about 4.83 units per acre which is a decrease of 67 living units from the current permitted use of 212 apartment units or 7.066 units an acre. Please see the attached presentation document prepared by Don Westphal Associates showing the proposed layout of the community and renderings of potential homes to be located therein attached as **Exhibit 2**. Mr. Westphal has been designing successful manufactured home communities for over 50 years and is known and respected as a leader in the industry throughout the country. Here is a link to Mr. Westphal's web page <http://dcwestphal.com/>.

There is a 25-foot setback from all surrounding properties except the front setback for the main entrance on Jefferson which is 50 feet. Care was given to design the community so the homes around the perimeter sit parallel to the lot lines vs perpendicular to be more appealing to surrounding properties/neighbors. There will be internal sidewalks for residents and connected to sidewalks on Jefferson St., for great pedestrian traffic and walkability to downtown and other shops and nearby parks.

Fox Run will be professionally managed, and grounds maintained by the owner to insure it remaining a first quality community. There will be "Guidelines for Living" incorporated into the leases which will contain requirements for maintenance and appearance of homes and lots within the community.

As set forth in the Manufactured Home Community Rent Study ("Rent Study"), attached as **Exhibit 3**, the average lot rent in Northern Michigan is \$417/month. Please see the attached Northern Michigan

Rent Study attached hereto ("Rent Study"). Due to the costs associated with a new community, Fox Run expects lot rents to be around an average of \$450/month.

The Rent Study confirms the huge demand in northern Michigan for manufactured home communities as evidenced by the 96 % average occupancy. Given regular turn-over, that is essentially 100% or close to it.

Fox Run will offer for sale new Champion manufactured homes that will range in price from approximately \$55,000 to \$125,000. See <https://www.championhomes.com/about-champion-homes>

There are a number of sources for financing the homes purchased by the residents.

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With financing potentially available from local banks, the cost for debt service on a loan is about \$8 per \$1000 borrowed. Citizens National Bank Petoskey, 231- 881-9294, offer loans for the new homes with a 15-year amortization, 25% down at 7%. A \$100,000 home requires a \$640 payment/month + \$450 rent then at 35% debt-income ratio would be \$37,000 gross income. Or a \$55,000 home would require \$352/payment plus lot rent of \$450 for a total of \$802/month or around \$28,000 year of gross income to qualify.

II. Why Manufactured Homes vs Stick Built

Obtaining qualified subcontractors to perform work in Boyne City is, at a minimum challenging if not impossible. To locate sufficient trades to build a sizable single-family development (or anything "stick built") would be virtually impossible. Same goes for an apartment complex even assuming there was a developer willing to invest \$25 million or so to build out 222 units that are currently authorized for the Property. Both Ted Macksey's company (prior owner of the Property) and GISA, LLC ("Applicant") have tried repeatedly to sell this property to other apartment developers throughout the state (and outside the state) to use it as it is currently zoned. The overwhelming response is (1) that they don't think there's a sufficient demand for market rate apartments at rental rates that supports the high cost of construction (2) given the current building costs in northern Michigan -which exceed the building costs in even Detroit- makes it cost prohibitive and not economically feasible, and (3) the lack of adequate and appropriate trades people to do the work required in a timely/cost effective manner. Therefore, the use of the Property for apartments or standalone single-family residential units doesn't work from both an economic perspective due to the escalating costs of on-site construction and the lack of sufficiently trained trades people.

Here is a link to an article – (there are many) about the escalating construction costs in our country. With the new and changing and more stringent energy codes in northern environments, the costs here are even higher.

[2020 Cost To Build A House | New Home Construction Cost \(Per Sq. Ft\)](#)

In Michigan, as we all know, construction costs have risen so significantly depressing new home construction because it puts the new homes out of the reach of those that need it for affordable housing. Here is a link to an article in the Detroit Free Press discussing it.

[Michigan faces a shortage of affordable homes, study finds](#)

Of course, the studies in Northern Michigan (specifically Charlevoix county) also show a significant shortage of affordable housing and needs for up to 800 new units. See Housing Study attached as **Exhibit 4**.

An attempt to build affordable housing by a recent modular homes builder in Charlevoix area with Pepperdine homes recently sold a 1200 ft.² house for over \$300,000 -hardly affordable. After subtracting the lot cost, the vertical construction cost was about \$242 a square foot!

The homes built by the Boyne City high school program around Boyne City also are not affordable having sold in the high \$200s even with the discounted labor cost etc., they realize.

Other single-family lot developments in Boyne City, including the Parkside project immediately adjacent to the Property, have been dismal failures. You can see the lack of construction on the properties at Parkside which speaks volumes. It has been about 15 years since the lots were completed with improvements but very few sales. The owner recently sold (basically gave away) the remaining lots for the high school building project. This development failed because it did not meet the needs of people desiring attainable/affordable housing. Boyne City does not need another failed development.

We know for certain there is a lack of affordable/attainable housing in Charlevoix County. We know that the annual income range that manufactured homes can adequately provide quality housing is \$24,000-\$38,000, which fits within the socio-economic parameters of those needing housing. We know that getting trades in northern Michigan that could build multiple housing units is virtually impossible. We know other single-family developments with pricing in the \$275-\$350,000 range have failed.

Regarding the utility costs etc. and R-values for manufactured homes versus stick-built homes, here is an article from 6 years ago attesting to the superior quality and weather resistance of manufactured homes in Michigan vs stick built. The quality of construction of manufactured homes has only improved since this study.

[Manufactured Homes | Michigan Tough: MFH Warmer Than Stick Built Homes](#)

Here is a good discussion of the affordability of manufactured homes by HUD in its spring 2020 newsletter. As stated in the article, manufactured homes meet the needs of those who want and need affordable homes :

“ The average sales price of a new manufactured home in 2018 was \$78,500 (\$52,400 for a single-piece home and \$99,500 for a two-piece home).⁹ The Manufactured Housing Institute (MHI) estimates that 22 million people with a median annual household income of \$30,000 live in manufactured homes.¹⁰ Nearly one-quarter of residents of manufactured homes are between 8 and 29 years old, and 19 percent are older than 60. More than half (55%) earn less than \$30,000 per year.¹¹”

<https://www.huduser.gov/portal/periodicals/em/WinterSpring20/highlight1.html>

Modern manufactured home communities are great for not only the residents (why else would communities in Northern Michigan enjoy virtually 100% occupancy) but the surrounding downtown businesses will benefit greatly- almost immediately- from the close proximity to the Property. After the significant negative impact of COVAID -19 on local businesses, they need a boost and need it immediately in order to survive. So, having 145 new homes within walking distance to downtown Boyne City will help rebuild the businesses that have suffered during this pandemic more quickly. Our goal is to have phase 1 of Fox Run ready for occupancy early next year. This will provide an immediate source of much-needed housing and stimulate the downtown businesses that have suffered. This will happen in months vs years on other possible projects that are not even on the table, proposed or likely not economically feasible.

The bottom line is that manufactured homes provide a great alternative to stick-built homes at an affordable cost and people want to live in them. Otherwise why are they 100% occupied in Northern Michigan? They serve the socioeconomic sector of the population in need of attainable housing-\$30-38,000 annual income They will help meet the needs in relatively short order of the housing shortage in the Boyne City and surrounding community and will provide a much added boost to Boyne City merchants who have suffered due to COVAID-19.

Attached as **Exhibit 5** is a copy of the Michigan Manufactured Housing Rules for your information and file. It lays out the minimum construction requirements and the process for achieving a state permit for construction of a Manufactured Housing Community. The plans we have for the Fox Run community in Boyne City exceed many of the requirements in the rules. In the absence of a local ordinance approved by the commission, the rules take precedence. Mr. Westphal has served on the commission Ordinance Review committee for forty years, so he is quite familiar with the process and would be happy to answer any questions you may about the act and rules.

III. What about the proposed use not conforming to the 6-year-old data used in Boyne City’s 2015 Master plan

Some may argue that the proposed zoning/use does not meet the 2015 Boyne City master plan. A plan that is apparently “stale” based on the over-reaching and unsatisfied need/demand for affordable housing that is not really addressed in the master plan.

As stated therein, the master plan is “a guide” and “is not intended to be rigidly administered. Changing conditions in the community may affect the goals and philosophy established when the plan was originally developed.” See the introduction page1-4, attached as **Exhibit 6**.

It is readily apparent that the conditions that existed in 2014 (the year data was compiled for the 2015 master plan) and before no longer exist today. In fact, almost simultaneously with the adoption of the

2015 master plan, the city commission deviated significantly from it by approving the Brooke elder care facility which is contiguous to the 30 acre/Property. The master plan designated the Brooke care facility property as “residential open space” as it did for this Property.

The planning/city commissions also rezoned this 30-acre Property to permit 212 apartments which does not appear to be consistent with the designation in the master plan for “ residential open space “. Both the planning and city commissions apparently recognized that the master plan in this economy and environment is likely no longer applicable and has deviated from it for properties in this area and rightfully so. They should be commended for realizing that development needs to be fluid and change as demands and needs change.

Lastly, the January 2020 amendments creating the MHDD zone (which did not even exist when the master plan was created in 2015) were clearly done to address the housing shortage which was not as severe in 2014 as it is now.

IV. Application of Criteria for Zoning Change pursuant to Section 2.5 C of the City of Boyne City Zoning Ordinance (“Ordinance”).

The proposed change to Manufactured Housing Development District (“ MHDD”) is appropriate pursuant to the factors enumerated in Section 2.5 C of the City of Boyne City Zoning Ordinance (“Ordinance”) as amended January 20, 2020 as follows:

1. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a conditional land-use in the existing zoning district.

DISCUSSION: The newly established MHDD zone is the only applicable district for Fox Run . The Ordinance was specifically amended and adopted in January 2020 to address the acute need for affordable/attainable housing and Boyne City. The proposed Fox Run community is a Manufactured Housing Development As the term is defined pursuant to article 1 of the Ordinance.

Attempting to pigeonhole this project into the conditional zoning that currently exist on the property will not work because the conditional zoning was specifically geared toward the development of the property with 212 apartments and other “stick built structures”. Manufactured Housing communities are governed by the state of Michigan and therefore need to be within appropriately zoned districts that contain the requisite specification and detail for the State of Michigan consideration.

2. The property cannot be reasonably used as zoned, and the applicant cannot receive a reasonable return on investment to developing the property with one (1) of the uses permitted under current zoning the time of purchase or at the time of securing legal control of the property.

DISCUSSION: Both the applicant the predecessor in title have made numerous attempts to market this property for development to larger apartment developers both in Michigan and out of state. The response has been that the cost of construction (due in part to the absence of trades in the area) render multifamily vertical construction cost prohibitive. The rents would have to be beyond what the local market will support. The bigger issue is having sufficient capacity of trades to build anything on site in a

cost-effective and reasonable time frame. This is a national problem that has contributed significantly to the lack of attainable/affordable housing. See link above showing \$155 sq. ft construction costs of single family homes and <https://www.fixr.com/costs/build-apartments> that says an 861 sq. ft apartment costs between \$64,575 to \$86,100 per unit WITHOUT land cost or infrastructure for roads, utilities, landscaping, parking lots, soft costs for construction management fees, interest carry, etc. Using \$25,000 per unit for land acquisition, infrastructure improvements and soft costs makes the average cost of an 861 s f apartment \$111,000 a unit. Multiply \$111,000 x 212 approved units for this site and it is approximately \$23,500,000 invested. To realize a 12% return (which for the risk is the minimum return sought by investors) is \$2,800,000 a year in net revenue. Adding taxes (mileage at 57.5514 per \$1000=\$676,228 /year), maintenance/grounds of \$40,000 cost per year, \$40,000 management fee and insurance of \$50,000 (total \$3,606,000) then rents would have to be at least \$1417/month plus gas and electric utilities **for only 861 sq. ft. of living space**. This assumes there are lenders which would fund such a project and the necessary trades were available. The \$1417 is way beyond the affordable market rental rate specified in the attached Boyne City Rent study. So, these new 861 sq. foot apartments would be at least 49% HIGHER than the rental market in Boyne City can sustain. No one will build them as it does not make economic sense.

3. The proposed zone change is supported by and consistent with the goals, policies and future land-use map of the adapted city comprehensive plan, including any sub-area or corridor studies. If conditions have changed since the comprehensive plan was adopted, as determined by the planning commission, the consistency with recent development trends in the area shall be considered.

DISCUSSION: As stated therein, the master plan is “a guide” and “is not intended to be rigidly administered. Changing conditions in the community may affect the goals and philosophy established when the plan was originally developed.” See the introduction page1-4, attached as **Exhibit 6**.

It is readily apparent that the conditions that existed in 2014 (the year data was compiled for the 2015 master plan) and before no longer exist today. In fact, almost simultaneously with the adoption of the 2015 master plan, the city commission deviated significantly from it by approving the Brook elder care facility which is contiguous to this 30 acre/Property. The master plan designated the Brooke care facility property as “residential open space” as it did for this Property.

The planning/city commissions also recently rezoned this 30-acre Property to permit 212 apartments which does not appear to be consistent with the designation in the master plan for “ residential open space “. Both the planning and city commissions apparently recognized that the master plan in this economy and environment is likely no longer applicable and has deviated from it for properties in this area and rightfully so. They should be commended for realizing that development needs to be fluid and change as demands and needs change.

Lastly, the January 2020 amendments creating the MHDD zone (which did not even exist when the master plan was created in 2015) were clearly done to address the housing shortage which was not as severe in 2014 as it is now. See **Exhibit 1**.

4. The proposed zone change is compatible with the established land use patterns, surrounding uses, and surrounding Zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impact, aesthetic, infrastructure and potential influence on property values, and is consistent with the needs of the community.

DISCUSSION: As set forth above, the changes to the property surrounding this parcel – and including this parcel – have gone from less dense to more dense. The Brooke retirement/assisted living facility is a higher density, multi person use of the property as is the current zoning of this parcel permitting 212 apartments. The proposed use of the property as a manufactured home community would reduce density from the currently permitted 7.06 units an acre to 4.9 units per acre thus further minimizing any potential negative impact on the streets, utilities and surrounding areas. The site plan will ultimately be approved by the planning commission before it is submitted to the state of Michigan and is intended to be consistent with the site plan submitted herewith. Water and sewer are available in Jefferson Street and the infrastructure will be sufficient to support the 145-site community. There is no question that there is a need for this type of housing in the community as evidenced in part by the numerous responses received by the applicant to its posting on craigslist and the market study for manufactured housing communities attached hereto. There are also housing committees established in Boyne City whose reports confirm the need for more affordable housing. One such study is attached hereto. The need/demand is also evidenced by the 100% occupancy enjoyed by the existing Lakeview Village (and all other northern Michigan MHC's) and it is intended expansion to accommodate additional demand.

5. All the potential uses allowed in the proposal zoning district are compatible with the site's physical, geological, hydrological, and other environmental features.

DISCUSSION: Submitted with this application are the following reports:

- a. Traffic Study (attached as **Exhibit 7**): completed by progressive EE engineering shows that the road leading up to the development would be well under-utilization capacity, regardless of how the 30-acre site is developed, even during peak hours.
 - b. Soil study (attached as **Exhibit 8**): the study completed by Northwest Design Group Consulting Engineering confirm that the soil will support conventional methods of excavation, road and utility construction and foundations.
 - c. Wetland study (attached as **Exhibit 9**): Completed by Voice Environmental Group, LLC, concluded that there are no areas on the site that are properly designated as wetland and is properly designated as "upland" in its entirety.
6. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the city. The planning commission may require a general impact assessment in accordance with the requirements of this ordinance if it determines the proposal zoning change could have a negative impact upon traffic, public facilities, utilities, natural characteristics, populations density or other concerns. A traffic impact study in accordance with the requirements of this ordinance shall be required if the proposed rezoning district permits uses that could generate 100 (100) or more directional trips during the peak hour, or at least one thousand (1000) trips per day more than the majority of the uses that could be developed under current zoning.

DISCUSSION: The studies attached to this submission as **Exhibits 7, 8, and 9**, confirm that there will not be any severe impact upon traffic, public facilities, utilities or the natural characteristics of the area and this project will reduce population density not increase it. As set forth above, although the MHDD

permits up to 10 units per acre, that is physically impossible and not permitted under the rules promulgated by the Mobile Home commission. The applicant intends to submit a site plan consistent with the site plan submitted herewith showing 4.9 units per acre. The planning commission will have the ultimate say and approval of any site plan submitted to the State of Michigan for this community.

7. The rezoning would constitute and create an isolated and unplanned spot zone granting a special privilege to one landowner not available to others.

DISCUSSION: The MHDD zoning classification was created in January of this year with the specific intent of addressing the acute housing shortage as evidenced by the minutes of the reading of the amendments attached hereto. The 10 acre minimum requirement for MHDD would suggest that this particular parcel was contemplated by the city commissioners when the MHDD was established because the applicant is unaware of any other contiguous 10 acres in Boyne City that is undeveloped and suitable for a manufactured home community. therefore, cannot be said that this was not planned as a potential site for MHDD. The proposed rezoning does not have the normal trappings of a spot zoning; First, although, if approved, the zoning district may only be a small or isolated area, this factor is explained away by the fact that this is a new zoning district and its placement would inevitably be an isolated, also that dimensional and natural characteristics of land within the City that would meet other necessary criteria virtually limit the qualifying properties to this parcel; Second, as provide below the uses allowed in the rezoned parcel would not be inconsistent with the existing or allowable uses in the rezoned parcel's vicinity; Third, the rezoning would not confer a special benefit on the applicant that could not be otherwise enjoyed by owner of similar property, i.e., similarly situated to qualify for this zoning designation, and; Fourth, to the extent the proposed rezoning may be inconsistent with the master plan, those portions of the master plan which are inconsistent appear, by the actions of the City, to be contradictory to the goals and objectives of the City today.

8. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet dimensional regulations for the proposal in district listed in the Schedule of Regulations.

DISCUSSION: The project will be consistent with the regulations required by the state of Michigan Mobile Home commission act. It does not appear the schedule of regulations in this ordinance are applicable. This is consistent with the Brook Retirement Village contiguous to this parcel and the previous zoning of this parcel permitting 212 apartments and therefore is not inconsistent with the existing or permitted uses in the vicinity of the proposed rezoned parcel.

9. There has been a change of conditions in the area supporting the proposed rezoning.

DISCUSSION: The change in the area for the need of affordable housing has occurred over the last few years necessitating manufactured housing is an alternative in the community. This property is already zoned for a higher, denser use and the district created for manufactured housing addresses the housing shortage in Boyne City.

10. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.

DISCUSSION: There is no other property zoned MHDD within the Boyne City limits and upon information and belief there is no other 10-acre parcel available within Boyne City limits that could facilitate the MHDD designation.

11. There was a mistake in the original zoning classification.

DISCUSSION: This factor does not appear to be applicable to this request. There does not appear to have been a mistake Zoning this parcel for the conditional zoning of 212 multi- family units.

12. The request has not previously been submitted within the past one (1) year, unless conditions have changed, or new information has been provided.

DISCUSSION: This request has not been previously submitted at any time.

I hope this provides ample information to properly evaluate the zoning change request attached as **Exhibit 10** to zone the Property to Manufactured Housing Development District to allow this Fox Run project to become a reality and assist in addressing the severe shortage of affordable housing in Charlevoix County within months, not years. The goal is to be able to be up and running by the spring of 2021.

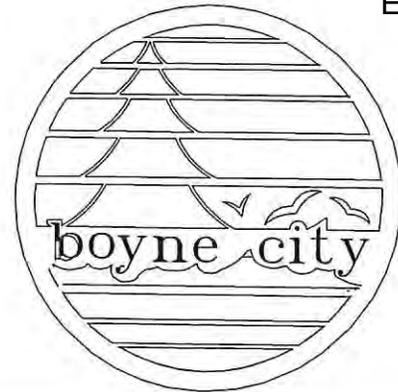
Respectively Submitted,

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6/25/2020

Exhibits to Fox Run MHC submission to Boyne City Re-Zoning

1. January 14, 2020 minutes of City Council Meeting adding MHDD
2. Don Westphal Site Plan
3. Northern Michigan Rent Study for Manufactured Home Communities
4. Charlevoix County Housing Study
5. Michigan Manufactured Housing Rules
6. Boyne City 2015 Master Plan
7. Traffic Study
8. Soil Study
9. Wetland Study
10. Re-Zoning Application

CITY OF BOYNE CITY



To: Michael Cain, City Manager
 From: Scott McPherson Planning Director *SM*
 Date: January 14, 2020
 Subject: Housing Barrier Amendments Second Reading

Background

In January the City Commission formally adopted the City Goals and associated high priority action items. Several of the action items are specifically targeted at addressing the housing shortage issue and fall within the role and responsibilities of the planning commission.

Discussion

Over the summer the Planning Commission reviewed the entire Boyne City Zoning Ordinance with the objective of identifying potential barriers to housing development. From that review multiple proposed amendments to various sections were developed. For the following proposed ordinance amendments deleted text is shown with a ~~strikeout~~ and new text is shown in *italics*.

Proposed Amendments to Article I Definitions

Several amendments to the definitions in Article I are being proposed. The amendments are intended to make the language consistent and eliminate unnecessary and duplicate definitions. The proposed amendments are as follows:

Dwelling, Manufactured Home: A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory ~~in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended~~ *and is in compliance with all applicable codes to be classified and used as a dwelling;*
2. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities;
3. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

A mobile home ~~and modular home is~~ *are considered a type of manufactured dwelling homes.*

Dwelling, Mobile Home: A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered “mobile homes” for the purposes of this Ordinance. ~~(See Mobile Home (Manufactured Housing Unit)).~~

Dwelling, Modular Home: A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and which shall not be considered a mobile home.

~~**Mobile Home (Manufactured Housing Unit):** A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle as described and regulated herein for the purposes of this Ordinance. (See Dwelling, Manufactured, and Dwelling, Mobile Home.)~~

~~**Mobile Home Park (Manufactured Housing Development):** A parcel or tract of land under the control of a person upon which three (3) or more mobile *manufactured* homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile *manufactured* home and which is not intended for use as a temporary trailer park, subject to conditions set forth in the Michigan Manufactured Housing Commission Rules and Michigan Public Act 419 of 1976, 96 of 1987 as amended. *Seasonal mobile home parks as defined by the Act are not Manufactured Housing Developments.*~~

Proposed Amendments to Article IV

The amendments proposed to Article VI would allow accessory dwellings and duplex's as a use by right and permit multiple family units with a maximum of 4 units as a conditional use. The proposed amendments are as follows:

Section 4.20 Principal Permitted Uses.

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance.

- A. Single family detached dwellings.
- B. *Attached or detached accessory apartments, provided the site contains an owner occupied single family dwelling, limited to one (1) accessory apartment per site. Accessory apartments can be attached to either a single family dwelling or a detached garage. Detached accessory apartments shall have a minimum side yard and rear yard setback of ten (10) feet. Off-street parking shall be in accordance with D.1.a of this subsection.*
- C. *Two-family dwellings.*

Section 4.30 Conditional Uses.

The following uses shall be considered conditional and shall require conditional use approval, and shall comply with any applicable conditional use requirements of Article XXV:

- A. ~~Attached or detached accessory apartments, provided the site contains an owner occupied single family dwelling, limited to one (1) accessory apartment per site. Accessory apartments can be attached to either a single family dwelling or a detached garage. Detached accessory apartments shall have a minimum side yard and rear yard setback of ten (10) feet. Off street parking shall be in accordance with D.1.a of this subsection.~~ *Multiple dwelling with a maximum of 4 units* subject to the following:
 - 1. Lot area must contain a minimum of 2,500 square feet per unit.
 - 2. Units must be compatible with surrounding
- B. Private recreation areas, uses and facilities including, marinas, and swimming pools subject to the following:
 - 1. No building shall be located within one-hundred (100) feet of a dwelling.
 - 2. Facilities such as licensed restaurants and bars may be permitted when occupying an integral part of the main structure, provided there is no exterior display or advertising of said facilities.

3. Swimming pools, tennis courts, boat docks, and similar uses shall be located not less than thirty-five (35) feet from any property line.
- C. Home occupations in which customers or patrons visit the site for the delivery of goods and/or services.
- D. ~~Two family dwellings.~~
1. ~~Criteria for granting conditional uses for two family dwellings in a Traditional Residential District (TRD).~~
 - a. ~~A parking area shall be provided for the occupant of both units which shall be hard surfaced, preferably asphalt, brick or concrete, and shall have at least two (2) parking spaces for each dwelling unit (not less than four (4) spaces).~~
 - b. ~~The applicant shall submit a site plan (drawn to scale and indicating the setbacks) and a floor plan of both units showing the present use and the proposed use of each room in the structure. Any permit granted allowing the conditional use shall designate the number of bedrooms allowed in each unit and such number shall not thereafter be increased.~~
 - c. ~~The size and architecture shall be in harmony with the existing neighborhood in which it is located and will not be detrimental to the future orderly development of the nearby properties.~~
 - d. ~~Any refuse and garbage collection area or devices shall comply with 35.052, Section 2, Containers, of the City of Boyne City General Ordinances.~~
 - e. ~~The applicant shall compile a list and provide a map of existing duplex units, multiple family units, rooming houses, and care facilities within three hundred (300) feet of the proposed structure. The Planning Commission shall be entitled to consider the density of such units and limit the density within that area.~~

Proposed Amendments to Article VII

The amendments to Article VII would change the terminology from mobile home to manufactured home and park to development, increase the density to 10 units per acre and allow the 25,000 square feet open space requirement to be met by more than 1 area. The proposed amendments are as follows:

**ARTICLE VII
MANUFACTURED HOUSING ~~PARK DEVELOPMENT~~ DISTRICT (~~MHPD~~ MHDD)**

Section 7.10 Purpose.

The purpose of this district is to provide sites for ~~mobile homes~~ and manufactured housing units at appropriate locations in relationship to the existing and potential development of the surroundings while establishing an attractive residential environment.

Section 7.20 Principal Permitted Uses.

- A. Manufactured housing ~~units~~ *development*.
- B. Accessory structures and uses customarily incidental to the above permitted uses.

Section 7.30 Conditional Uses.

The following uses shall be considered conditional and shall require conditional use approval, and shall comply with any applicable conditional use requirements of Article XXV.

- A. Public, parochial and private schools including nursery schools, churches, temples, or similar places of worship, libraries, community buildings, hospitals, convalescent homes, and funeral homes. (amended: October 24, 2007)

- B. Private recreation areas, uses and facilities including country clubs, marinas, golf courses and swimming pools subject to the following:
 - 1. No building shall be located within one-hundred (100) feet of a dwelling.
 - 2. Facilities such as licensed restaurants and bars may be permitted when occupying an integral part of the main structure provided there is no exterior display or advertising of said facilities.
 - 3. Golf fairways, swimming pools, tennis courts, boat docks, and similar uses shall be located not less than thirty-five (35) feet from any property line.

- C. Public utility transformer stations, substations and gas regulator stations without service or storage yards shall comply with the requirements of this Ordinance and shall be subject to the following:

A front yard setback of not less than fifty (50) feet shall be provided (irrespective of the yard requirement of the district in which it is located) and two (2) side yards and a rear yard shall be provided, each shall not be less than twenty-five (25) feet in width. The previously mentioned conditional uses shall be landscaped with a buffer of plant materials that effectively screens the view of the use from property used for residences. The standard buffer shall consist of a landscaped strip at least six feet (6) wide outside the perimeter of the compound. The buffer shall contain a variety of species of plants.

Section 7.40 Development Requirements.

The following requirements shall be met within a Manufactured Housing Park District (MHPD):

- A. Preliminary development plan approval shall be required as set forth in Article XIX of this Ordinance. Following review of preliminary requirements and written notice of approval by the County Drain Commission, Road Commission, and the local health agency, the Planning Commission shall notify the developer of its action within sixty (60) days of filing a complete application. Review of a final development plan shall occur as set forth in the State of Michigan Public Act 96 of 1987.
- B. Off-street parking for manufactured homes as specified in Article XXIV of this Ordinance together with the following:
 - 1. All ~~mobile~~ *manufactured* home sites shall be provided with two (2) parking spaces.
 - 2. If on-site vehicle parking is provided, it shall be in compliance with both of the following:
 - a. The parking spaces may be either in tandem or side-by-side. If in tandem, the width shall not be less than ten (10) feet and the combined length shall not be less than forty (40) feet. If side-by-side, the combined width of the two (2) parking spaces shall not be less than nineteen (19) feet and the length shall not be less than twenty (20) feet. In either method, the length shall be measured from the curb or inner walkway edge.
 - b. A parking space shall be hard-surfaced and shall be constructed in compliance with Act No. 8 of the Public Acts of 1973, being S 125.1361 of the Michigan Compiled Laws.
 - 3. If off-site vehicle parking is provided, the parking spaces shall be adjacent to the ~~mobile~~ *manufactured* home site and shall comply with the following:
 - a. Parking facilities shall be provided for the storage of ~~mobile~~ *manufactured* homes if a sales office is part of the ~~park~~ *development* operation.
 - b. Parking facilities shall be provided for the storage of maintenance vehicles.
 - c. Parking facilities shall be provided at the office location for office visitors.
 - d. A minimum of one (1) parking space for every (3) ~~mobile~~ *manufactured* home sites shall be provided for visitor parking located convenient to the area served.

- e. If off-site parking facilities are provided in bays and at office or other facilities, they shall be in compliance with R 408.30427 of the Michigan Administrative Code.
 - f. If not provided for on-site or in parking bays, a separate parking area may be provided for vehicles that cannot be accommodated within the standards set forth in these rules, and for recreational vehicles, such as motor homes, travel trailers, and snowmobiles.
- C. Signs for all uses as specified in the Boyne City Sign Ordinance.
- D. In a ~~mobile~~ *manufactured home park development*, the following specific standards shall apply:
1. Lot Area and Density.
 - a. The tract to be developed shall contain a minimum of ten (10) acres.
 - b. ~~The mobile manufactured home park development may have a maximum density of 10 units per acre. shall be developed with sites averaging five thousand five hundred (5,500) square feet per manufactured home unit. This 5,500 square feet for any one site may be reduced by twenty percent (20%) provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.~~
 2. Yard Requirements.
 - a. A ~~mobile~~ *manufactured home* shall be in compliance with the following minimum distances:
 - 1). Twenty (20) feet from any part or attached structure of another manufactured home which is used for living purposes.
 - 2). Ten (10) feet from either an on-site parking space of an adjacent manufactured home site or an attached or detached structure or accessory which is not used for living purposes.
 - 3). Fifty (50) feet from a permanent building.
 - 4). One-hundred (100) feet from a sports field.
 - b. Any part or structure that belongs to a ~~mobile-manufactured~~ home shall be set back the following minimum distances:
 - 1). Ten (10) feet from the edge of an internal road and seven (7) feet from a parking bay.
 - 2). Seven (7) feet from a common pedestrian walkway.
 - 3). Ten (10) feet from a natural or man-made lake, object, or waterway.
 - c. A ~~mobile~~ *manufactured home* site length may vary depending on park design and layout and the manufactured home to be installed; however the minimum standards pertaining to distance between manufactured homes shall be complied with.
 - d. Site dimensions may be computed to include the space requirements for manufactured homes which may contain expandable rooms, or in anticipation of the attachment of expansions such as add-a-rooms.

3. Setbacks from Property Boundary Lines.
- a. ~~Mobile Manufactured~~ homes, permanent ~~park development~~ buildings and facilities, and other structures shall not be located closer than ten (10) feet from the property boundary line of the ~~park development~~.
 - b. If ~~mobile manufactured~~ homes, permanent ~~park development~~ buildings and facilities, and other structures abut a public right-of-way, they shall not be located closer than twenty-five (25) feet from the park boundary line. This rule does not apply to internal ~~park~~ roads if dedicated for public use, providing the roads do not present a nuisance or safety hazard to the ~~park development~~ tenants.

4. Streets.
- a. An internal road is subject to approval by the Michigan Department of Commerce and shall be in compliance with all of the following general requirements:
 - 1). The road shall be hard-surfaced.
 - 2). The road shall have access to a public thoroughfare by a permanent easement which shall be recorded prior to approval. Sole access by an alley is prohibited.
 - 3). A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
 - 4). An adequate safe-sight distance shall be provided at intersections.
 - 5). An offset at an intersection or an intersection of more than two (2) streets is prohibited.
 - 6). All roads shall be clearly marked with appropriate traffic signs, subject to the provisions of Rule 701(2) as set forth by the Michigan Department of Commerce.
 - 7). A road shall be named and so identified by street signs located at all road intersections.
 - 8). A name for an internal road shall be approved by the municipality.
 - b. A road shall have a driving surface of not less than the following:
 - 1). One way, with no parking - thirteen (13) feet.
 - 2). Two way, with no parking - twenty-one (21) feet
 - c. At access points where general traffic enters or leaves the park, the width shall be sufficient to permit free movement from or to the stream of traffic on the public roads.

5. Open Space Requirements.
- a. ~~A mobile home park that contains fifty (50) or more mobile home sites shall have at least one (1) easily accessible open space area continuing not less than twenty five thousand (25,000) square feet including a minimum of ten thousand (10,000) square feet of open space developed for active recreation facilities.~~ A manufactured home development that contains 50 or more home sites which are constructed according to a permit to construct issued under the act shall have not less than 2% of the development's gross acreage dedicated to designated open space, but not less than 25,000 square feet.

- b. ~~The total of the land dedicated for open space shall not be less than two percent (2%) of the park's acreage but not less than twenty five thousand (25,000) square feet.~~
6. A hard-surfaced walkway or patio connecting the dwelling with its off-street parking area shall be provided.
 7. Each lot shall contain an area reserved for the placement of a living unit, the base construction (i.e., foundation, pads, ribbons, etc.) of which shall meet or exceed State specifications.
 8. Each living unit shall be skirted, entirely enclosing the bottom, within thirty (30) days after its placement. In the event of inclement weather and upon demonstration of extenuating circumstances, an extension may be granted beyond thirty (30) days.
 9. Each living unit lot shall be provided with anchors, tie downs or other devices as provided for under Rules 601-609 of the Michigan Department of Commerce Manufactured Home Commission General Rules.
 10. *Mobile Manufactured home parks development*, when adjacent to a developed residential zoning district, shall be completely screened by fencing or natural growth along the entire property boundary line abutting the district. If planting material is used for the development of a natural edge, the recommendations of Article XXIII of this Ordinance shall be followed. These requirements may be waived when, in the Planning Commission's opinion, the intent of this requirement has been satisfied.

Proposed Amendments to Article X

The proposed amendments for Article X would eliminate the setback requirements for apartment buildings in the CBD district and would permit dwellings on the ground floor of mixed use developments:

Section 10.20 Principal Permitted Uses.

In the CBD, no use shall be permitted, unless otherwise provided in this Ordinance, except for the following:

- A. Apartment buildings, up to a maximum of eight (8) units per building, ~~subject to the following standards:~~
 1. ~~All public utilities are available.~~
 2. ~~All units shall have at least one (1) living room and one (1) bedroom, except that two (2) units may be of an efficiency apartment type.~~
 3. ~~Buildings shall have a ten (10) foot front yard setback, five (5) foot side yard setbacks, and a fifteen (15) foot rear yard setback.~~
- B. Art galleries.
- C. Bus passenger stations.
- D. Business schools and colleges.
- E. Business establishments which perform services on premises such as, but not limited to: banks, savings and loans and credit unions (excluding drive-through branches and drive-through lanes); brokerage houses; insurance, real estate, and travel agencies; pedestrian-oriented automated teller machine facilities.
- F. Churches, temples, and similar places of worship, limited to a capacity of five-hundred (500) worshippers.
- G. Clubs, fraternal organizations, and lodge halls.
- H. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer, limited to two-thousand (2,000) square feet of floor area. Central dry cleaning plants serving more than two (2) retail outlets shall be prohibited.

- I. Essential public services, telephone exchanges, public utility offices, substations and uses when conducted within a completely enclosed building, excluding storage yards, provided the use and building are consistent with the appearance and character of the downtown as determined by the Planning Commission.
- J. Hotels, motels, bed and breakfast inns, and bed and breakfast houses.
- K. Laundromats (self-service or coin-operated).
- L. Medical offices including offices of doctors, dentists and similar or allied professions, with up to ten-thousand (10,000) square feet gross floor area.
- M. ~~Mixed use buildings, with business, commercial, or service uses on the ground floor, and residential, office, or warehouse uses on upper floors, subject to the conditions of contained herein. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential uses.~~
Mixed-use buildings, with residential and all principle permitted uses as specified by this section subject to the following conditions: Residential units located on the first floor shall be located to the rear of the commercial uses, the units shall not have frontage on any adjacent street and shall be provided a separate, private pedestrian entranceway.

Proposed Amendments to Article XI

The proposed amendments for Article XI would eliminate the setback requirements for apartment buildings in the TCD district and would permit dwellings on the ground floor of mixed use developments:

Section 11.02 Principal Permitted Uses.

In a TCD, no building, structure or premise shall be erected, altered, or used, except for one (1) or more of the following uses, unless otherwise provided in this Ordinance (except that conversions of warehouse or industrial facilities to loft type dwelling units may increase the total number to a maximum of sixteen (16)).

- A. Apartments, up to a maximum of eight (8) units per building, ~~subject to the following standards:~~
 - 1. ~~All public utilities are available.~~
 - 2. ~~All units shall have at least one (1) living room and one (1) bedroom, except that two (2) units may be of an efficiency apartment type.~~
 - 3. ~~Buildings shall have a ten (10) foot front yard setback, a minimum of one five (5) foot side yard setback and a total of two (2) not less than fifteen (15) feet, and a fifteen (15) foot rear yard setback.~~
- B. Art galleries.
- C. Bed and breakfast inns and homes.
- D. Business establishments which perform services on premises such as, but not limited to: banks, savings and loans and credit unions (excluding drive-through branches); brokerage houses; insurance, real estate, and travel agencies; pedestrian-oriented automated teller machine facilities.
- E. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants shall be prohibited.
- F. Essential public services, telephone exchanges, public utility offices, substations and uses when conducted within a completely enclosed building, excluding storage yards, provided the use and building are consistent with the appearance and character of the downtown as determined by the Planning Commission.

- G. Medical offices including offices of doctors, dentists and similar or allied professions, with up to ten-thousand (10,000) square feet gross floor area.
- H. ~~Mixed-use buildings, with business, commercial, or service uses on the ground floor, and residential, office, or warehouse uses on upper floors, subject to the conditions of contained herein. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential uses.~~
Mixed-use buildings, with residential and all principle permitted uses as specified by this section subject to the following conditions: Residential units located on the first floor shall be located to the rear of the commercial uses, the units shall not have frontage on any adjacent street and shall be provided a separate, private pedestrian entranceway.

Process

In accordance with the Michigan Zoning Enabling Act and the Boyne City Zoning Ordinance Section 2.40 Amendment Procedures, a public hearing was held by the Planning Commission on October 21, 2019 and after reviewing the Amendment Criteria as required by the Boyne City Zoning Ordinance Section 2.50 B, the Planning Commission recommended approval of the proposed amendment. The proposed ordinance amendment was submitted to the City Commission for a First Reading on November 12, 2019 and the proposed ordinance was reviewed by the Commission and the proposed amendment was scheduled for a second reading on January 14, 2020. As required by the Boyne City Charter, ordinances cannot be adopted until at least one month after the meeting it is introduced.

Section 2.50 Amendment Criteria.

- B. For amendment requests to change or to add additional regulations or standards to a district or a use, the Planning Commission and City Commission shall use the following as a guide:
 1. The proposed rule, change or addition helps to reinforce the Comprehensive Plan.
 2. The proposed rule, change or addition is in keeping within the spirit and intent of this Ordinance, and with the objectives of the zoning district.
 3. The problem or issue which the change is intended to address cannot be accomplished in another, more appropriate fashion.
 4. The proposed amendment would correct an error in the Ordinance.
 5. The proposed amendment would clarify the intent of the Ordinance.
 6. Documentation has been provided indicating problems and conflicts in implementation or interpretation of specific sections of this Ordinance.
 7. The proposed amendment would address changes to county, state or federal legislation.
 8. The proposed amendment would address potential legal issues or administrative problems with this Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
 9. The proposed amendment would promote compliance with changes in other city ordinances and/or county, state, or federal regulations.

10. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
11. Other criteria as determined by the Planning Commission or City Commission which would protect the health, safety, and welfare of the public, protect public and private investment in the City, promote implementation of the goals and policies of the Comprehensive Plan, and enhance the overall quality of life in the City.

Recommendation

Approve proposed amendment as the amendment meets the criteria standards of Section 2.50 (B).

Options

1. Do not adopt the proposed amendment.
3. Postpone for further consideration or review.
4. Other options as determined by the City Commission.

**AN ORDINANCE TO AMEND THE CITY OF BOYNE CITY ZONING ORDINANCE
THE CITY OF BOYNE CITY HEREBY ORDAINS:**

1. AMENDMENT OF ARTICLE I

The following definitions in Section 1.4 shall read as follows:

Dwelling, Manufactured Home: A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory and is in compliance with all applicable codes to be classified and used as a dwelling;
2. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities;
3. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

A mobile home and modular home are considered manufactured homes.

Dwelling, Mobile Home: A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered “mobile homes” for the purposes of this Ordinance.

Dwelling, Modular Home: A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and which shall not be considered a mobile home.

Manufactured Housing Development: A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home, subject to conditions set forth in the Michigan Manufactured Housing Commission Rules and Michigan Public Act, 96 of 1987 as amended. Seasonal mobile home parks as defined by the Act are not Manufactured Housing Developments.

The definition *Mobile Home (Manufactured Housing Unit)* shall be deleted in its entirety.

2. AMENDMENT OF ARTICLE IV

Section 4.20 shall read as follows:

Section 4.20 Principal Permitted Uses.

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance.

- A. Single family detached dwellings.
- B. Attached or detached accessory apartments, provided the site contains an owner occupied single family dwelling, limited to one (1) accessory apartment per site. Accessory apartments can be attached to either a single family dwelling or a detached garage. Detached accessory apartments shall have a minimum side yard and rear yard setback of ten (10) feet. Off-street parking shall be in accordance with D.1.a of this subsection.

- C. Two-family dwellings.
- D. Public, parochial and private schools including nursery schools; churches, temples, and similar places of worship with a maximum capacity of five-hundred (500) worshipers; libraries; and community buildings.
- E. Municipal parks, playgrounds, and recreation centers.
- F. Adult foster care family homes, provided, this subsection shall not apply to adult foster care facilities, licensed by a state agency, for the care and treatment of persons released from or assigned to adult correctional institutions.
- G. Home occupations in which customers or patrons do not visit the site for the delivery of goods and/or services.
- H. Family day care homes.
- I. Accessory structures and uses customarily incidental to the above permitted uses.
- J. The keeping of four (4) hens per parcel provided that:
 - 1. No person shall keep any rooster
 - 2. No person shall slaughter or dress chickens outdoors
 - 3. Chickens shall be provided with a covered enclosure and/or a fenced enclosure in the rear yard.
 - 4. All covered enclosures shall be kept a minimum of ten (10) feet from the rear and side lot line.
 - 5. Covered enclosures shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
 - 6. All feed and other items associated with the keeping of chickens are to be stored as to not attract rodents.
 - 7. Hens and their enclosures must be kept in a neat, clean and sanitary condition from offensive odors, excessive noise, or other condition that would constitute a nuisance.
 (amended: March 19, 2012)

Section 4.3 shall read as follows:

Section 4.30 Conditional Uses.

The following uses shall be considered conditional and shall require conditional use approval, and shall comply with any applicable conditional use requirements of Article XXV:

- A. Multiple dwelling with a maximum of 4 units.
- B. Private recreation areas, uses and facilities including, marinas, and swimming pools subject to the following:
 - 1. No building shall be located within one-hundred (100) feet of a dwelling.
 - 2. Facilities such as licensed restaurants and bars may be permitted when occupying an integral part of the main structure, provided there is no exterior display or advertising of said facilities.
 - 3. Swimming pools, tennis courts, boat docks, and similar uses shall be located not less than thirty-five (35) feet from any property line.

- C. Home occupations in which customers or patrons visit the site for the delivery of goods and/or services.
- D. Public utility transformer stations, substations and gas regulator stations without service or storage yards shall comply with the requirements of this Ordinance and shall be subject to the following: a front yard setback of not less than fifty (50) feet shall be provided (irrespective of the yard requirement of the district in which it is located) and two (2) side yards and a rear yard shall be provided, each shall not be less than twenty-five (25) feet in width. The previously mentioned conditional uses shall be landscaped with a buffer of plant materials that effectively screens the view of the use from property used for residences, public walkways, and rights of-way. The standard buffer shall consist of a landscaped strip at least six feet (6) feet wide outside the perimeter of the compound. The buffer shall contain a variety of species of plants.
- E. Funeral homes. (amended: October 24, 2007)

3. AMENDMENT OF ARTICLE VII

Section 7.10 shall read as follows:

Section 7.10 Purpose.

The purpose of this district is to provide sites for manufactured housing units at appropriate locations in relationship to the existing and potential development of the surroundings while establishing an attractive residential environment.

Section 7.20 shall read as follows:

Section 7.20 Principal Permitted Uses.

- A. Manufactured housing *development*.
- B. Accessory structures and uses customarily incidental to the above permitted uses.

Section 7.40 shall read as follows:

Section 7.40 Development Requirements.

The following requirements shall be met within a Manufactured Housing Park District (MHPD):

- A. Preliminary development plan approval shall be required as set forth in Article XIX of this Ordinance. Following review of preliminary requirements and written notice of approval by the County Drain Commission, Road Commission, and the local health agency, the Planning Commission shall notify the developer of its action within sixty (60) days of filing a complete application. Review of a final development plan shall occur as set forth in the State of Michigan Public Acts of 1987 , Act No. 96.
- B. Off-street parking for manufactured homes as specified in Article XXIV of this Ordinance together with the following:
 - 1. All manufactured home sites shall be provided with two (2) parking spaces.
 - 2. If on-site vehicle parking is provided, it shall be in compliance with both of the following:
 - a. The parking spaces may be either in tandem or side-by-side. If in tandem, the width shall not be less than ten (10) feet and the combined length shall not be

less than forty (40) feet. If side-by-side, the combined width of the two (2) parking spaces shall not be less than nineteen (19) feet and the length shall not be less than twenty (20) feet. In either method, the length shall be measured from the curb or inner walkway edge.

- b. A parking space shall be hard-surfaced and shall be constructed in compliance with Act No. 8 of the Public Acts of 1973, being S 125.1361 of the Michigan Compiled Laws.
3. If off-site vehicle parking is provided, the parking spaces shall be adjacent to the manufactured home site and shall comply with the following:
 - a. Parking facilities shall be provided for the storage of manufactured homes if a sales office is part of the development operation.
 - b. Parking facilities shall be provided for the storage of maintenance vehicles.
 - c. Parking facilities shall be provided at the office location for office visitors.
 - d. A minimum of one (1) parking space for every (3) manufactured home sites shall be provided for visitor parking located convenient to the area served.
 - e. If off-site parking facilities are provided in bays and at office or other facilities, they shall be in compliance with R 408.30427 of the Michigan Administrative Code.
 - f. If not provided for on-site or in parking bays, a separate parking area may be provided for vehicles that cannot be accommodated within the standards set forth in these rules, and for recreational vehicles, such as motor homes, travel trailers, and snowmobiles.
- C. Signs for all uses as specified in the Boyne City Sign Ordinance.
- D. In a manufactured home development, the following specific standards shall apply:
1. Lot Area and Density.
 - a. The tract to be developed shall contain a minimum of ten (10) acres.
 - b. The manufactured home development may have a maximum density of 10 units per acre.
 2. Yard Requirements.
 - a. A manufactured home shall be in compliance with the following minimum distances:
 - 1). Twenty (20) feet from any part or attached structure of another manufactured home which is used for living purposes.
 - 2). Ten (10) feet from either an on-site parking space of an adjacent manufactured home site or an attached or detached structure or accessory which is not used for living purposes.
 - 3). Fifty (50) feet from a permanent building.
 - 4). One-hundred (100) feet from a sports field.
 - b. Any part or structure that belongs to a manufactured home shall be set back the following minimum distances:
 - 1). Ten (10) feet from the edge of an internal road and seven (7) feet from a parking bay.
 - 2). Seven (7) feet from a common pedestrian walkway.
 - 3). Ten (10) feet from a natural or man-made lake, object, or waterway.

- c. A manufactured home site length may vary depending on park design and layout and the manufactured home to be installed; however the minimum standards pertaining to distance between manufactured homes shall be complied with.
 - d. Site dimensions may be computed to include the space requirements for manufactured homes which may contain expandable rooms, or in anticipation of the attachment of expansions such as add-a-rooms.
3. Setbacks from Property Boundary Lines.
- a. Manufactured homes, permanent development buildings and facilities, and other structures shall not be located closer than ten (10) feet from the property boundary line of the development.
 - b. If manufactured homes, permanent development buildings and facilities, and other structures abut a public right-of-way, they shall not be located closer than twenty-five (25) feet from the park boundary line. This rule does not apply to internal roads if dedicated for public use, providing the roads do not present a nuisance or safety hazard to the development tenants.
4. Streets.
- a. An internal road is subject to approval by the Michigan Department of Commerce and shall be in compliance with all of the following general requirements:
 - 1). The road shall be hard-surfaced.
 - 2). The road shall have access to a public thoroughfare by a permanent easement which shall be recorded prior to approval. Sole access by an alley is prohibited.
 - 3). A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
 - 4). An adequate safe-sight distance shall be provided at intersections.
 - 5). An offset at an intersection or an intersection of more than two (2) streets is prohibited.
 - 6). All roads shall be clearly marked with appropriate traffic signs, subject to the provisions of Rule 701(2) as set forth by the Michigan Department of Commerce.
 - 7). A road shall be named and so identified by street signs located at all road intersections.
 - 8). A name for an internal road shall be approved by the municipality.
 - b. A road shall have a driving surface of not less than the following:
 - 1). One way, with no parking - thirteen (13) feet.
 - 2). Two way, with no parking - twenty-one (21) feet
 - c. At access points where general traffic enters or leaves the park, the width shall be sufficient to permit free movement from or to the stream of traffic on the public roads.
5. A manufactured home development that contains 50 or more home sites which are constructed according to a permit to construct issued under the act shall have not less than 2% of the development's gross acreage dedicated to designated open space, but not

less than 25,000 square feet.

6. A hard-surfaced walkway or patio connecting the dwelling with its off-street parking area shall be provided.
7. Each lot shall contain an area reserved for the placement of a living unit, the base construction (i.e., foundation, pads, ribbons, etc.) of which shall meet or exceed State specifications.
8. Each living unit shall be skirted, entirely enclosing the bottom, within thirty (30) days after its placement. In the event of inclement weather and upon demonstration of extenuating circumstances, an extension may be granted beyond thirty (30) days.
9. Each living unit lot shall be provided with anchors, tie downs or other devices as provided for under Rules 601-609 of the Michigan Department of Commerce Manufactured Home Commission General Rules.
10. Manufactured home development, when adjacent to a developed residential zoning district, shall be completely screened by fencing or natural growth along the entire property boundary line abutting the district. If planting material is used for the development of a natural edge, the recommendations of Article XXIII of this Ordinance shall be followed. These requirements may be waived when, in the Planning Commission's opinion, the intent of this requirement has been satisfied.

4. AMENDMENT OF ARTICLE X

Section 10.20 (A) shall read as follows:

- A. Apartment buildings, up to a maximum of eight (8) units per building.

Section 10.20 (M) shall read as follows:

- M. Mixed-use buildings, with residential and all principle permitted uses as specified by this section subject to the following conditions: Residential units located on the first floor shall be located to the rear of the commercial uses, the units shall not have frontage on any adjacent street and shall be provided a separate, private pedestrian entranceway.

5. AMENDMENT OF ARTICLE XI

Section 11.20 (A) shall read as follows:

- A. Apartment buildings, up to a maximum of eight (8) units per building.

Section 11.20 (H) shall read as follows:

- H. Mixed-use buildings, with residential and all principle permitted uses as specified by this section subject to the following conditions: Residential units located on the first floor shall be located to the rear of the commercial uses, the units shall not have frontage on any adjacent street and shall be provided a separate, private pedestrian entranceway.

6. SEVERABILITY



PROJECT INFORMATION DOCUMENT FOR

FOX RUN

A PLANNED MANUFACTURED HOME
COMMUNITY IN BOYNE CITY, MICHIGAN

BY STEVEN BRATSCHE

JUNE 24, 2020

Westphal
A s s o c i a t e s

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PROJECT DESCRIPTION

Westphal Associates and Steven Bratschie are making an application to the city of Boyne City, Charlevoix County in Michigan, for a Planned Manufactured Home Community at 600 Jefferson Street on parcels #15-051-026-005-00 and #15-051-026-004-15. The parcels, currently zoned Multiple Family Residential District (MFRD), are requested to be rezoned to Manufactured Housing Development District (MHDD). The Project will consist of 145 leased lots on the 29.64 acre tract surrounded by Jefferson Street to the west, residential areas (zoned RED and MFRD) to the south and east RED, and Evageline township to the north (zoned Rural Residential/Farm Forest). The Homesites will be occupied by single section and multi-section homes built to the HUD code. All homes initially placed in the community will be new and have exterior horizontal lap siding and pitched, shingled roofs. The homes will be uniformly skirted, installed and inspected in accordance with State and Federally approved procedures.

All utilities are currently available to the site. Storm water issues will be addressed in accordance with city and State regulations. Flows off-site will be limited to historic levels.

This Community will be professionally managed and homesite leases will be tied to a comprehensive set of 'Guidelines for Living' that will assure the continued high level of maintenance and appearance of the community. A copy of the proposed guidelines will be made available if requested. The team of professionals assisting the developer, led by a 50 year manufactured housing veteran, is committed to making this project a Community that the residents, neighbors and Boyne City can be proud of. The Community will provide an additional source of affordable housing for the area.



LOCATION AND SITE INFORMATION

Legal Description:

All of parcels #15-051-026-005-00 and #15-051-026-004-15, 29.64 acres, surrounded by Jefferson Street to the west, residential areas to the south and east, and Evageline township to the north.

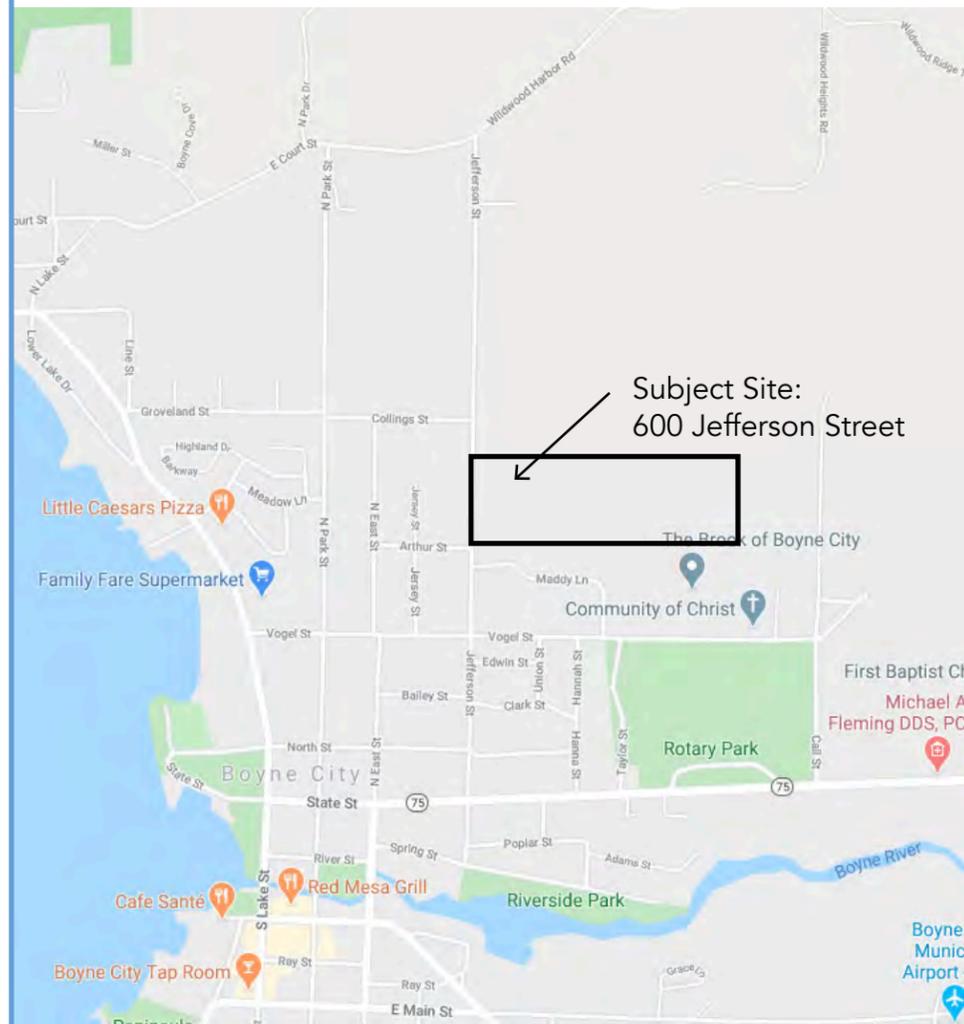
Zoning Information:

- Multiple Family Residential District (MFRD)

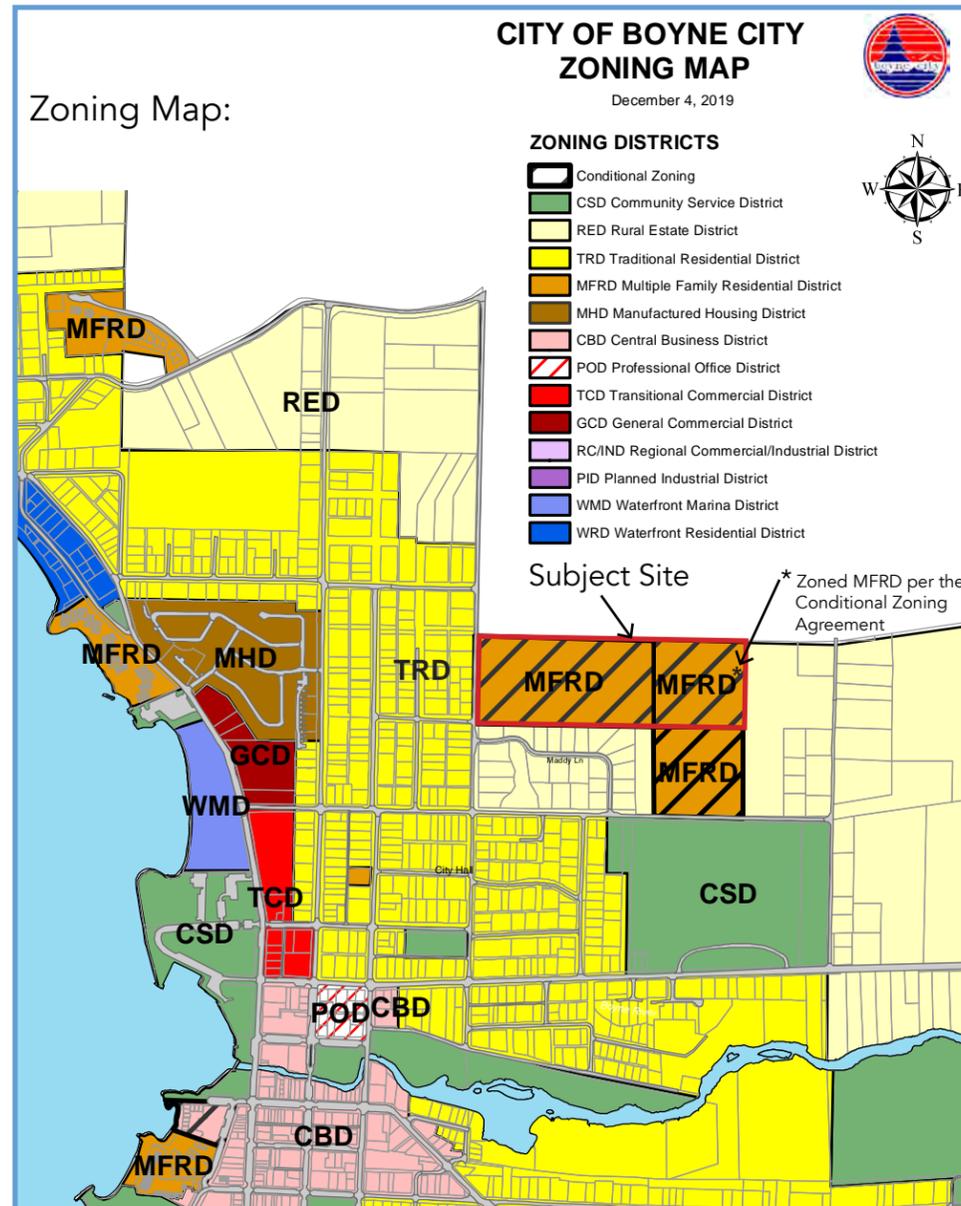
Land Characteristics:

The property is 80% wooded and is relatively flat off Jefferson street for 30% of the property. The topography then gradually rises to the east.

Location Map:

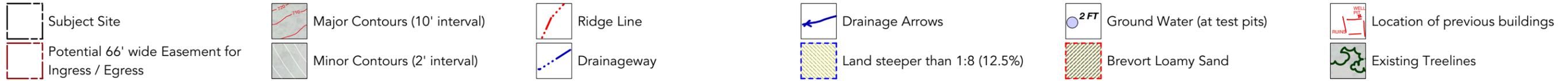
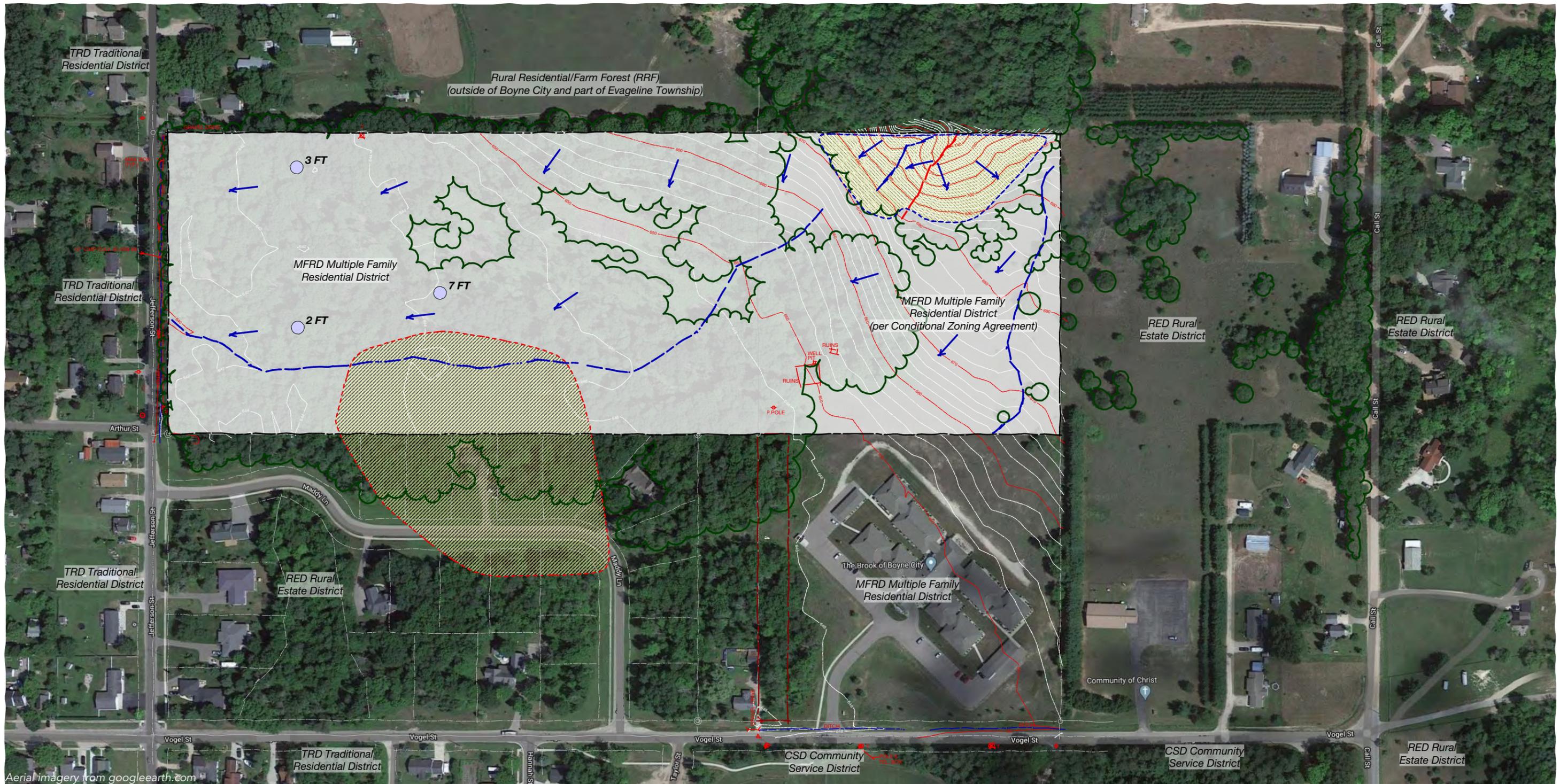


Zoning Map:



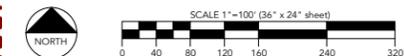
Aerial Map:



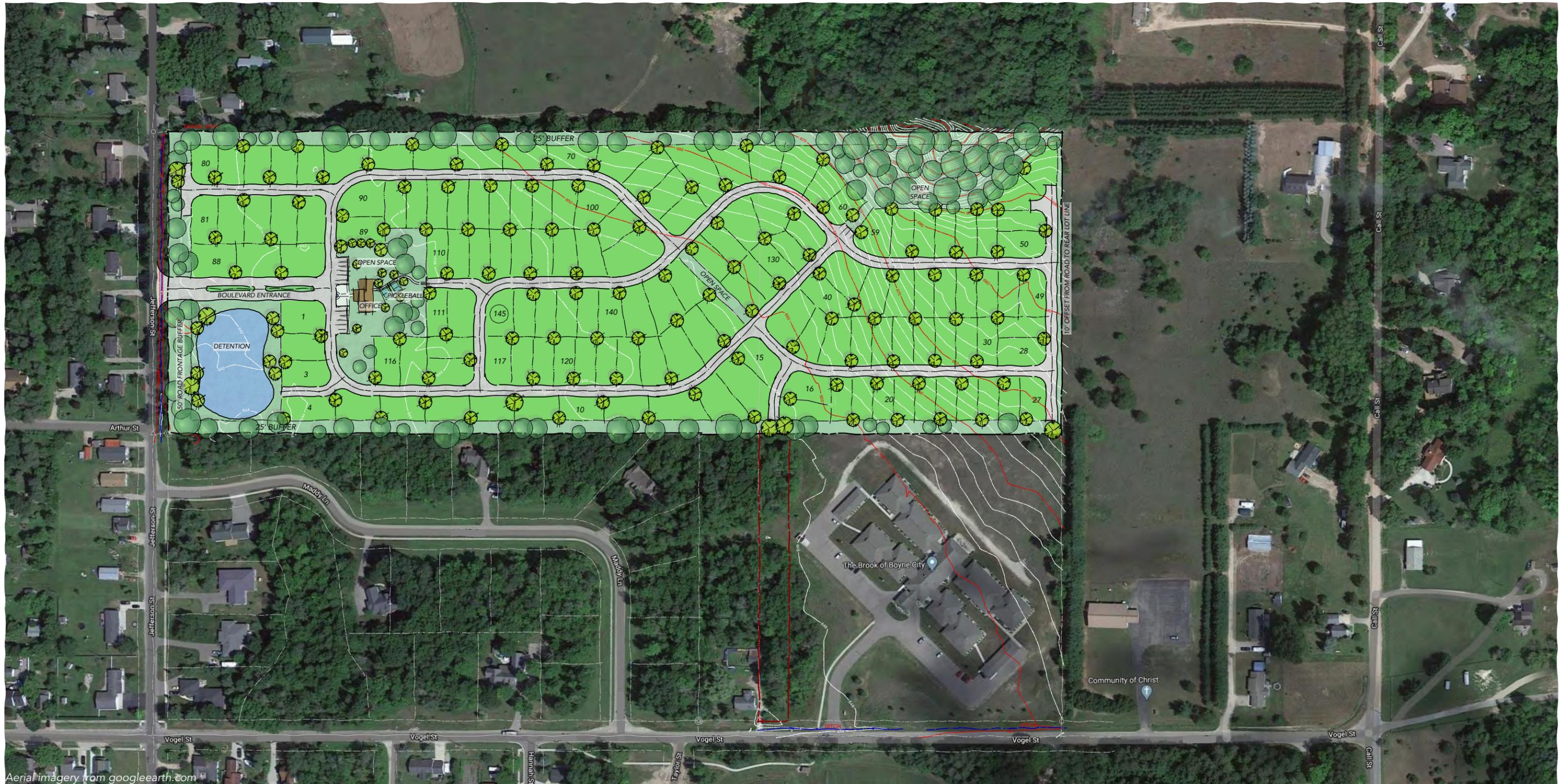


FOX RUN, BOYNE CITY MICHIGAN
SITE ANALYSIS

Westphal
 Associates



Information furnished regarding this property is from sources deemed reliable. DCWestphal Associates has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.



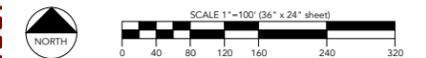
Aerial imagery from googleearth.com

- Subject Site
- Potential 66' wide Easement for Ingress / Egress

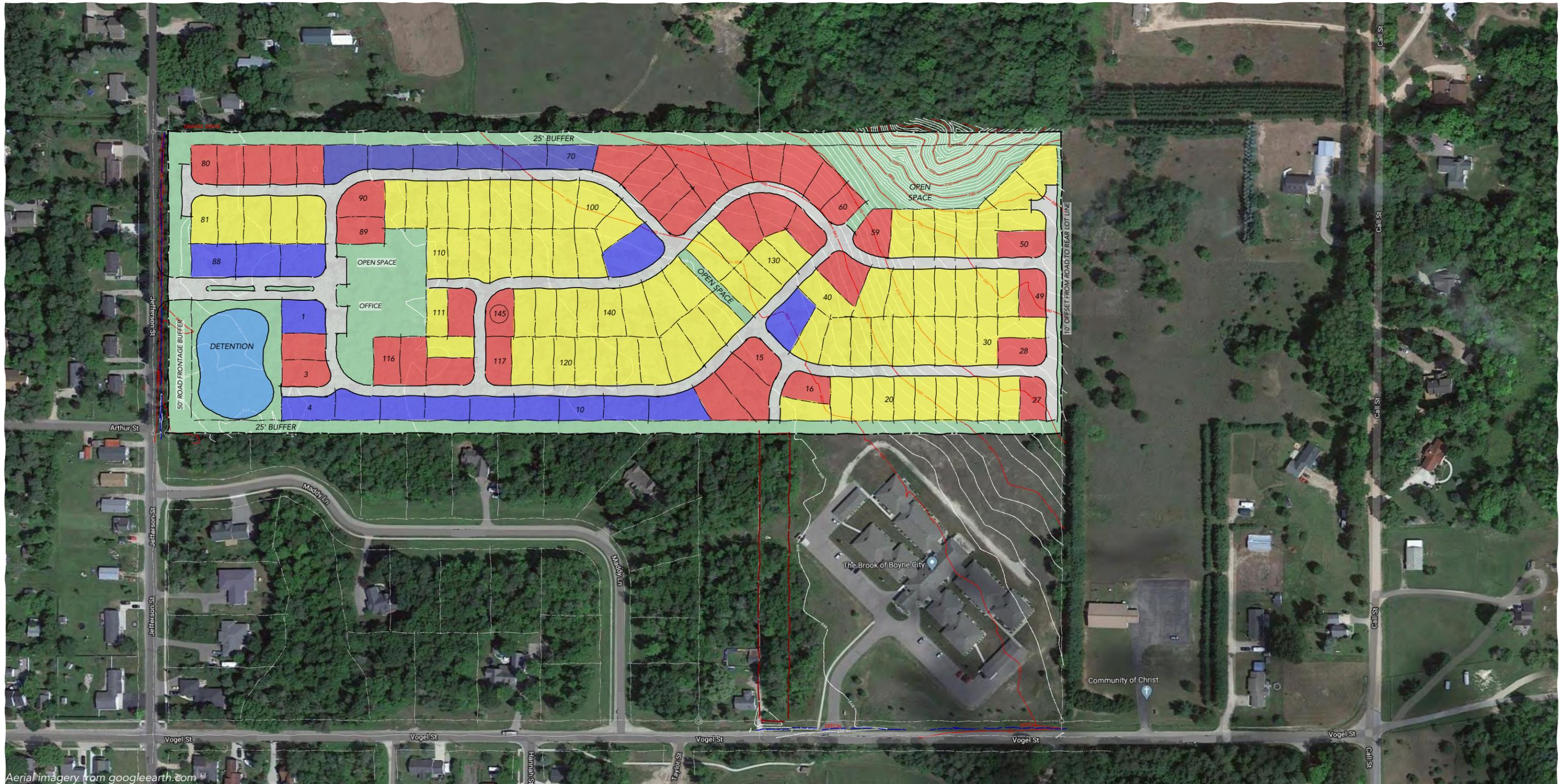
Site Data:
 Area of Site - 29.64 Ac.
 Commons Area & Open Space - 2.87 Ac.
 Number of Sites - 145
 Density - 4.89 U/Ac.
 Typical Lot = 46'x106', 58'x86'/96', 98'x108'/73'
 Parking: 2 Spaces per Home Site

FOX RUN, BOYNE CITY MICHIGAN
PRELIMINARY SKETCH PLAN

Westphal
 Associates



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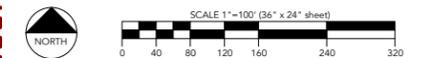
Aerial imagery from googleearth.com

- | | | | |
|---|--|---|--|
|  | Subject Site |  | Single Section |
|  | Potential 66' wide Easement for Ingress / Egress |  | Multi Section Perpendicular
Typical Lot = 58'x86'/96' |
| | |  | Multi Section Parallel
Typical Lot = 98'/108'x73' |

Site Data:
 Area of Site - 29.64 Ac.
 Commons Area & Open Space - 2.87 Ac.
 Number of Sites - 145
 Density - 4.89 U/Ac.
 Parking: 2 Spaces per Home Site

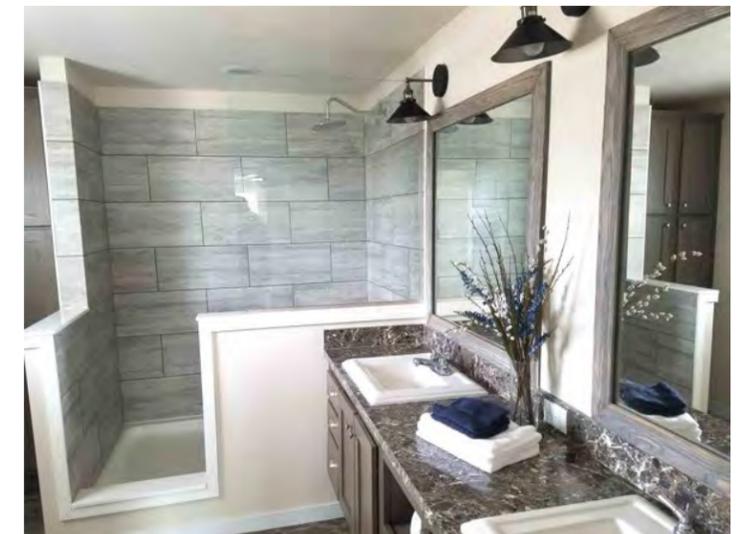
FOX RUN, BOYNE CITY MICHIGAN
LOT TYPE PLAN

Westphal
 Associates



Information furnished regarding this property is from sources deemed reliable. DCWestphal Associates has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

PROPOSED HOME ILLUSTRATIONS



WATER, SANITARY DISPOSAL AND RUNOFF DATA

All utilities are currently available to the site. The property is directly serviced off Jefferson Street by City of Boyne City water/sewer, Consumer Energy electrical service, DTE natural gas service and Charter cable service.

Capacity of water/sewer is more than sufficient to service the entire site at full density.

Storm water issues will be addressed in accordance with city and State regulations. Flows off-site will be limited to historic levels.

TRAFFIC AND SOIL

Traffic Study:

Findings of the study (based on a residential community at a higher density), completed by Progressive AE Engineering, showed that the road would be well under utilization capacity, regardless of how the site is developed (even during peak hours).

Soil Study:

Findings of the study, completed by Northwest Design Group Consulting Engineering confirmed that the soils will support conventional methods of excavation, road and utility construction and building foundations. The MDEQ has been contacted and visited the site and although it does not appear that there are any regulated wetlands on the property, a Wetland Determination Report was performed by Voice Environmental Group LLC. Findings of the report confirmed that all property is upland (non-wetland) in its entirety.

CONCLUSIONS

Steven Bratschie and the development team of experienced professionals are making every effort to lay the ground work for a successful and acceptable affordable community in Boyne City. The need is great. We are prepared to move forward with all dispatch and hope that the preceding information will assist in obtaining a favorable response from the Planning Commission, City Council and the citizens of Boyne City.

Thank you for taking the time to review this document. We will be happy to provide answers to additional concerns that may arise.

Note: Copies of the traffic, soils and wetland studies are available on request



DATACOMP[®]

JLT Market Report

Northern Michigan

February 2020



On behalf of everyone at Datacomp, it is my pleasure to present our Northern Michigan February 2020 JLT Market Report. This report includes 20 land lease communities consisting of 3,848 homesites.

As with all of our 140+ market reports, this report includes detailed research and information about each community including marketing programs, the latest rent statistics and increases, and a variety of other useful management insights.

In addition, we include a report that compares 2020 occupancy and average rents to the previous year as well as a report showing average rents and occupancy rates from 2016 to 2020. You will find an index to the specific sections of this report in the Table of Contents on the following page.

For over 20 years, countless professionals have trusted JLT Market Reports for timely and accurate research and information on land lease manufactured home communities nationwide. We are honored that our reports are recognized as the industry standard for community market analysis.

That standard of excellence now continues as JLT Market Reports are produced using the resources, skills and market research expertise of Datacomp, the industry's oldest and largest national manufactured housing appraisal company, and MHVillage, the premier Internet advertising and marketing website for manufactured homes in land lease communities.

We are committed to providing exceptional customer service. If you have unique information requirements that you would like to see prepared specifically for your organization, please contact us at reports@datacompusa.com or (800) 588-5426.

We thank you for your confidence and look forward to continuing to serve you in the months and years ahead.

Sincerely,

A handwritten signature in black ink that reads "Mark A. Johnson". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Mark Johnson
Vice-President of Personal Property

Northern Michigan JLT Market Report - February 2020

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Northern Michigan Communities

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Northern Michigan JLT Market Report - February 2020

Findings and Observations

- The survey includes 20 land lease communities. 18 are classified as "All Ages" and 2 are classified as "55+". There are 3,687 "All Ages" homesites and 161 "55+" homesites.
- 14 communities implemented or announced rent increases during the last twelve months. The market rent increases ranged from \$5 to \$31. A majority of the market increases ranged from \$15 to \$19. The average market increase was \$17.
- In the **Northern Michigan** area, the average adjusted monthly homesite rent in the "All Ages" communities is \$417, an increase of \$12 (3.0%) from the previous published report. The average adjusted monthly homesite rent in the "55+" communities is \$364, an increase of \$2 (0.6%) from the previous published report.
- In the **Northern Michigan** area, the occupancy rate in the "All Ages" communities is 96%, an increase of 0.4% (+15 homesites) from the previous published report. The occupancy rate in the "55+" communities is 75%, no change from the previous published report.
- 15 of 20 (75%) communities reported occupancy rates of 95% or higher.
- **King's Court** can build an additional 1 homesite.
- **Huron Estates, Suburban Estates** and **Buena Vista** were dropped from the report due to lack of response.
- **The Bluffs On Manistee Lake** was added to the report.
- **King's Court** experienced a 1.4% decrease in their adjusted average market rent. This was due to no rent increase coupled with the increased cost of services included in the rent.
- **First Point MHC** increased the market rent 10.7%. Their market rent is still well below the overall market average.

Northern Michigan JLT Market Report - February 2020 Utilities

In communities where water and sewer services are included in the monthly rent, the following assumptions were used to account for the value of those services: In "All Ages" communities, 5,500 gallons of water per month. In "55+" communities, 3,000 gallons of water per month.

Utility Name	Water	Trash	Sewer	Cable
Boyne City, MI All Ages Communities	-	\$21	-	\$40
Cadillac, MI All Ages Communities	-	\$11	-	-
Charlevoix, MI All Ages Communities	\$49	\$21	\$72	-
East Jordan, MI All Ages Communities	-	\$23	-	-
Elk Rapids, MI (55+ Communities)	-	\$23	-	-
Gaylord, MI All Ages Communities	\$15	\$21	\$41	-
Harbor Springs, MI All Ages Communities	-	\$30	-	-
Ludington, MI All Ages Communities	\$19	\$15	\$37	-
Petoskey, MI All Ages Communities	\$31	\$30	-	-
Traverse City, MI All Ages Communities	\$17	\$12	\$46	\$40

The following services are included by some communities

Utilities Included	# of Communities
Cable	1
Trash	11
Water	1
Water, Sewer	1
Water, Sewer, Trash	4

Northern Michigan JLT Market Report - February 2020

Glossary

OCC

Rent Paying Resident Occupied Homesites

Services In Rent

Price of total included utilities and services. Key below.

W = Water

S = Sewer

T = Trash

C = Cable

L = Lawn

G = Natural Gas

P = Pest Control

O = Other

None: No Utilities or Services

WNR = Would Not Reveal

TBD = To Be Determined

Northern Michigan JLT Market Report - February 2020

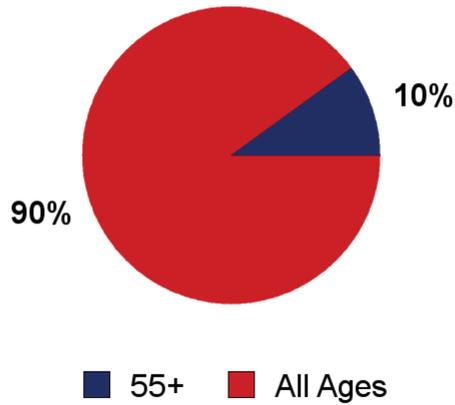
Summary

Type	# of Communities	# of Homesites	Occ*	% Occ	Average # of Homesites	Average Market Rent**
All Communities						
55+	2	161	121	75%	81	\$364
All Ages	18	3,687	3,540	96%	205	\$417
Total	<u>20</u>	<u>3,848</u>	<u>3,661</u>	<u>95%</u>	<u>192</u>	<u>\$414</u>

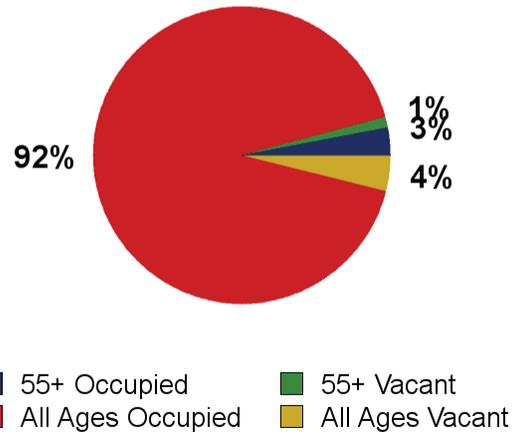
Northern Michigan JLT Market Report - February 2020

Graphs

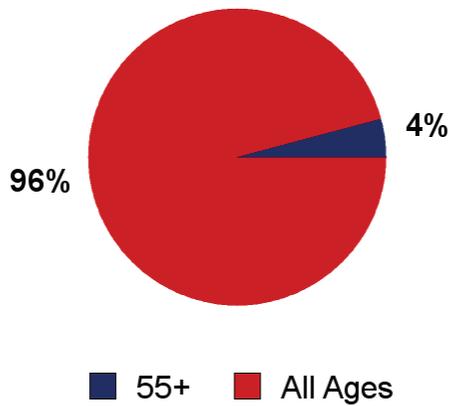
Communities by Type



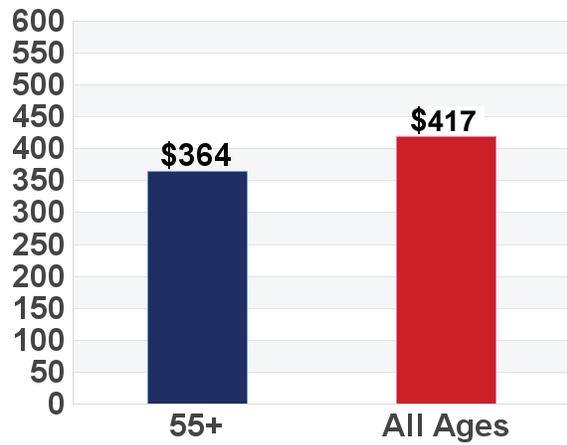
Occupancy by Type



Homesites by Type

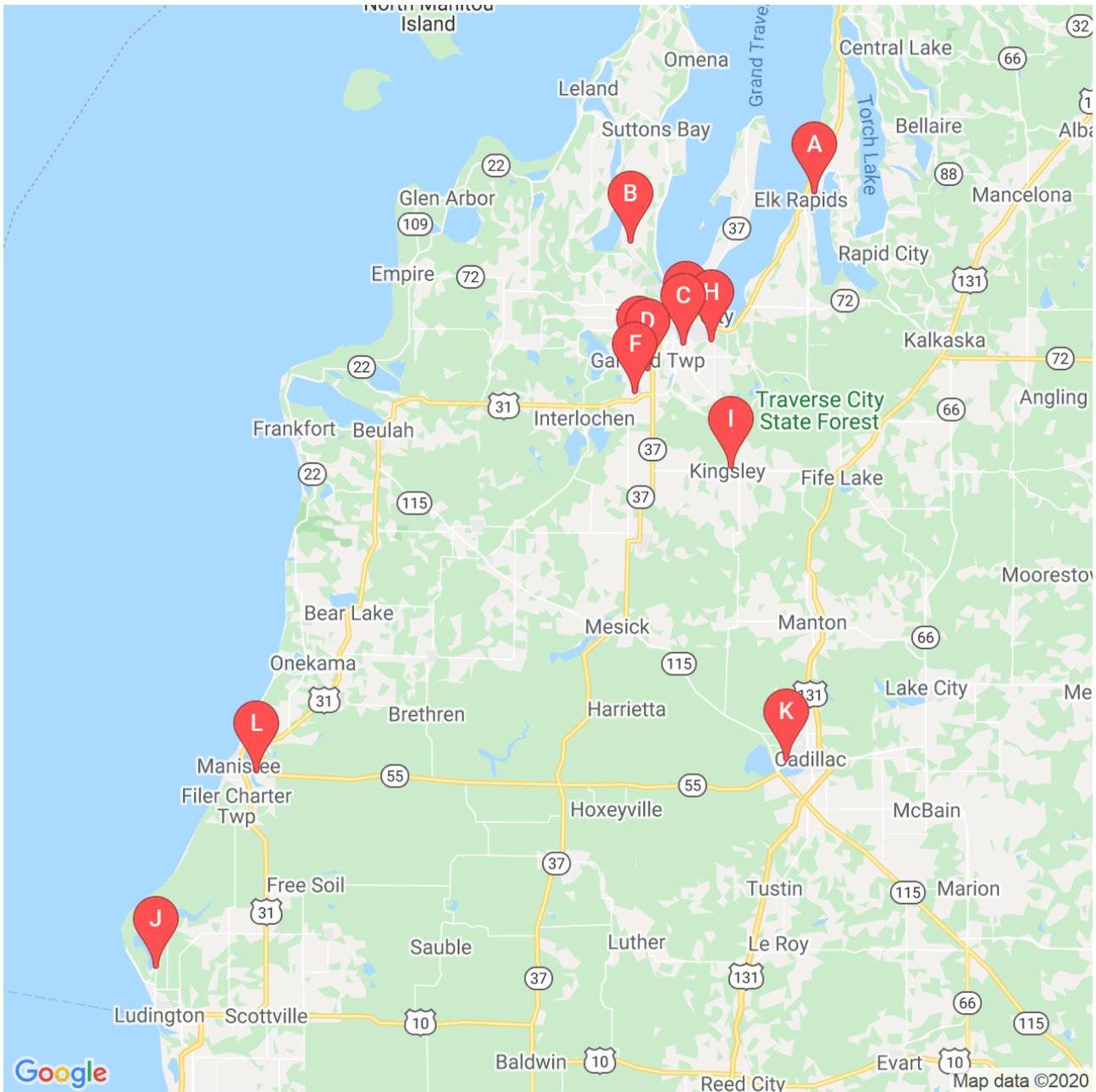


Average Adjusted Market Rent



Northern Michigan Report Overview Map

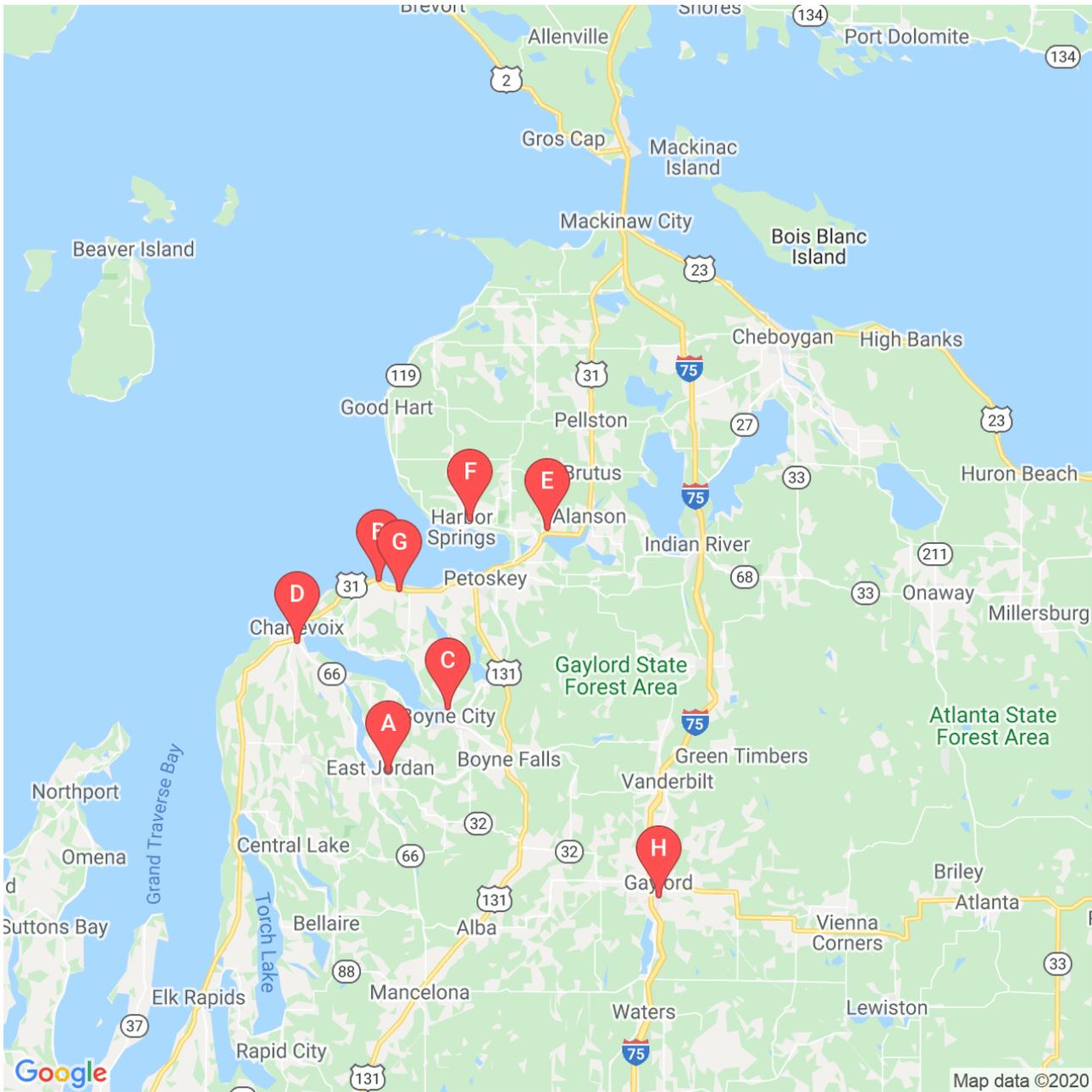
Pin Map - Traverse City/Ludington/Cadillac



- | | | |
|-------------------------------|---------------------------------|-----------------------------------|
| A Vacation Village MHP | E Burke Silver Lake View | I Cherrywood Village Farms |
| B First Point MHC | F Silver Shores MHP | J Tamarac Village |
| C King's Court | G Town and Country | K Country Acres |
| D Meadow Lane MHC | H Woodcreek | L Bluffs On Manistee Lake |

Northern Michigan Report Overview Map

Pin Map - Northern Michigan



- | | | | | | |
|---|-----------------------|---|------------------------|---|-------------------|
| A | East Jordan MHP | D | Charlevoix Estates | G | Bay Shore Estates |
| B | Lake Michigan Heights | E | Conway Commons | H | Aspen Village |
| C | Lakeview Village MHP | F | Harbor Springs Estates | | |

Northern Michigan JLT Market Report

Historical Recap of Rents and Occupancy Market Rent

Year	Month	55+			All Ages		
		Market Rent*	Increase %	Occupancy	Market Rent*	Increase %	Occupancy
2020	Feb	\$364	0.55%	75%	\$417	2.96%	96%
2019 (1)	Feb	\$362	6.78%	75%	\$405	9.16%	96%
2018	Feb	\$339	1.50%	100%	\$371	3.34%	91%
2017	Feb	\$334	2.77%	100%	\$359	3.46%	90%
2016	Feb	\$325		100%	\$347		90%
Compound Annual Growth Rate		2.87%			4.70%		

(1) The historical "All Ages" adjusted market rents have been increased for the years 2016 - 2018. This was due to the addition of two communities to the 2019 report which had larger than average adjusted market rents.

Northern Michigan JLT Market Report - February 2020

Ranked By Community Name

COMMUNITY	# OF HOME SITES	HOME SITES OCC*	% OCC	MONTHLY MARKET RENT			SERVICES* IN RENT	ADJUSTED MARKET RENT			MONTHLY PASS THRU	AVG ADJUSTED MARKET RENT + PASS THRU
				LOW	HIGH	AVG**		LOW	HIGH	AVG**		
<u>All Ages Communities</u>												
Aspen Village	233	213	91%	\$297	\$297	\$297	T - \$21	\$276	\$276	\$276	\$3	\$279
Bay Shore Estates	84	77	92%	\$297	\$297	\$297	T - \$30	\$267	\$267	\$267	\$3	\$270
Burke Silver Lake View	52	50	96%	\$297	\$297	\$297	T - \$12	\$285	\$285	\$285	\$3	\$288
Charlevoix Estates	189	186	98%	\$347	\$347	\$347	T - \$21	\$326	\$326	\$326	\$3	\$329
Cherrywood Village Farms	193	189	98%	\$267	\$267	\$267	None	\$267	\$267	\$267	\$3	\$270
Conway Commons	91	91	100%	\$360	\$360	\$360	W - \$31	\$329	\$329	\$329	-	\$329
Country Acres	182	172	95%	\$477	\$477	\$477	T - \$11	\$466	\$466	\$466	\$3	\$469
East Jordan MHP	70	64	91%	\$197	\$232	\$197	T - \$23	\$174	\$209	\$174	\$3	\$177
First Point MHC	53	53	100%	\$257	\$257	\$257	W/S - \$63	\$194	\$194	\$194	\$3	\$197
Harbor Springs Estates	68	68	100%	\$241	\$241	\$241	T - \$30	\$211	\$211	\$211	\$3	\$214
King's Court	802	717	89%	\$560	\$588	\$560	T - \$12	\$548	\$576	\$548	\$3	\$551
Lake Michigan Heights	108	104	96%	\$352	\$372	\$352	W/S/T - \$142	\$210	\$230	\$210	\$3	\$213
Lakeview Village MHP	152	152	100%	\$277	\$277	\$277	T - \$21	\$256	\$256	\$256	\$3	\$259
Meadow Lane MHC	487	486	100%	\$540	\$558	\$540	C - \$40	\$500	\$518	\$500	-	\$500
Silver Shores MHP	200	200	100%	\$485	\$500	\$485	W/S/T - \$75	\$410	\$425	\$410	-	\$410
Tamarac Village	301	300	100%	\$447	\$697	\$597	W/S/T - \$71	\$376	\$626	\$526	\$3	\$529
Town and Country	192	192	100%	\$535	\$535	\$535	T - \$12	\$523	\$523	\$523	\$3	\$526
Woodcreek	230	226	98%	\$442	\$497	\$442	W/S/T - \$75	\$367	\$422	\$367	\$3	\$370
Total for All Ages	<u>3,687</u>	<u>3,540</u>	<u>96%</u>			<u>\$451</u>				<u>\$417</u>		<u>\$419</u>

*See Glossary for Definitions

***Annual Pass Thru divided by 12

**The Average Rent is normally rent for a Standard Homesite
The Monthly Market Rent & Adjusted Market Rent is net any pass thrus

Northern Michigan JLT Market Report - February 2020 Ranked By Community Name

COMMUNITY	# OF HOME SITES	HOME SITES OCC*	% OCC	MONTHLY MARKET RENT			SERVICES* IN RENT	ADJUSTED MARKET RENT			MONTHLY PASS THRU	AVG ADJUSTED MARKET RENT + PASS THRU
				LOW	HIGH	AVG**		LOW	HIGH	AVG**		
<u>55+ Communities</u>												
Bluffs On Manistee Lake	96	56	58%	\$375	\$375	\$375	None	\$375	\$375	\$375	-	\$375
Vacation Village MHP	65	65	100%	\$371	\$410	\$371	T - \$23	\$348	\$387	\$348	-	\$348
Total for 55+	<u>161</u>	<u>121</u>	<u>75%</u>			<u>\$373</u>				<u>\$364</u>		<u>\$364</u>
Grand Total	<u>3,848</u>	<u>3,661</u>	<u>95%</u>			<u>\$448</u>				<u>\$414</u>		<u>\$417</u>

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Northern Michigan JLT Market Report - February 2020

Ranked By Number of Homesites

COMMUNITY	# OF HOME SITES	HOME SITES OCC*	% OCC	MONTHLY MARKET RENT			SERVICES* IN RENT	ADJUSTED MARKET RENT			MONTHLY PASS THRU	AVG ADJUSTED MARKET RENT + PASS THRU
				LOW	HIGH	AVG**		LOW	HIGH	AVG**		
<u>All Ages Communities</u>												
King's Court	802	717	89%	\$560	\$588	\$560	T - \$12	\$548	\$576	\$548	\$3	\$551
Meadow Lane MHC	487	486	100%	\$540	\$558	\$540	C - \$40	\$500	\$518	\$500	-	\$500
Tamarac Village	301	300	100%	\$447	\$697	\$597	W/S/T - \$71	\$376	\$626	\$526	\$3	\$529
Aspen Village	233	213	91%	\$297	\$297	\$297	T - \$21	\$276	\$276	\$276	\$3	\$279
Woodcreek	230	226	98%	\$442	\$497	\$442	W/S/T - \$75	\$367	\$422	\$367	\$3	\$370
Silver Shores MHP	200	200	100%	\$485	\$500	\$485	W/S/T - \$75	\$410	\$425	\$410	-	\$410
Cherrywood Village Farms	193	189	98%	\$267	\$267	\$267	None	\$267	\$267	\$267	\$3	\$270
Town and Country	192	192	100%	\$535	\$535	\$535	T - \$12	\$523	\$523	\$523	\$3	\$526
Charlevoix Estates	189	186	98%	\$347	\$347	\$347	T - \$21	\$326	\$326	\$326	\$3	\$329
Country Acres	182	172	95%	\$477	\$477	\$477	T - \$11	\$466	\$466	\$466	\$3	\$469
Lakeview Village MHP	152	152	100%	\$277	\$277	\$277	T - \$21	\$256	\$256	\$256	\$3	\$259
Lake Michigan Heights	108	104	96%	\$352	\$372	\$352	W/S/T - \$142	\$210	\$230	\$210	\$3	\$213
Conway Commons	91	91	100%	\$360	\$360	\$360	W - \$31	\$329	\$329	\$329	-	\$329
Bay Shore Estates	84	77	92%	\$297	\$297	\$297	T - \$30	\$267	\$267	\$267	\$3	\$270
East Jordan MHP	70	64	91%	\$197	\$232	\$197	T - \$23	\$174	\$209	\$174	\$3	\$177
Harbor Springs Estates	68	68	100%	\$241	\$241	\$241	T - \$30	\$211	\$211	\$211	\$3	\$214
First Point MHC	53	53	100%	\$257	\$257	\$257	W/S - \$63	\$194	\$194	\$194	\$3	\$197
Burke Silver Lake View	52	50	96%	\$297	\$297	\$297	T - \$12	\$285	\$285	\$285	\$3	\$288
Total for All Ages	<u>3,687</u>	<u>3,540</u>	<u>96%</u>			<u>\$451</u>				<u>\$417</u>		<u>\$419</u>

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Northern Michigan JLT Market Report - February 2020

Ranked By Number of Homesites

COMMUNITY	# OF HOME SITES	HOME SITES OCC*	% OCC	MONTHLY MARKET RENT			SERVICES* IN RENT	ADJUSTED MARKET RENT			MONTHLY PASS THRU	AVG ADJUSTED MARKET RENT + PASS THRU
				LOW	HIGH	AVG**		LOW	HIGH	AVG**		
<u>55+ Communities</u>												
Bluffs On Manistee Lake	96	56	58%	\$375	\$375	\$375	None	\$375	\$375	\$375	-	\$375
Vacation Village MHP	65	65	100%	\$371	\$410	\$371	T - \$23	\$348	\$387	\$348	-	\$348
Total for 55+	<u>161</u>	<u>121</u>	<u>75%</u>			<u>\$373</u>				<u>\$364</u>		<u>\$364</u>
Grand Total	<u>3,848</u>	<u>3,661</u>	<u>95%</u>			<u>\$448</u>				<u>\$414</u>		<u>\$417</u>

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Northern Michigan JLT Market Report - February 2020

Ranked By Occupancy %

COMMUNITY	# OF HOME SITES	HOME SITES OCC*	% OCC	MONTHLY MARKET RENT			SERVICES* IN RENT	ADJUSTED MARKET RENT			MONTHLY PASS THRU	AVG ADJUSTED MARKET RENT + PASS THRU
				LOW	HIGH	AVG**		LOW	HIGH	AVG**		
<u>All Ages Communities</u>												
Silver Shores MHP	200	200	100%	\$485	\$500	\$485	W/S/T - \$75	\$410	\$425	\$410	-	\$410
Town and Country	192	192	100%	\$535	\$535	\$535	T - \$12	\$523	\$523	\$523	\$3	\$526
Lakeview Village MHP	152	152	100%	\$277	\$277	\$277	T - \$21	\$256	\$256	\$256	\$3	\$259
Conway Commons	91	91	100%	\$360	\$360	\$360	W - \$31	\$329	\$329	\$329	-	\$329
Harbor Springs Estates	68	68	100%	\$241	\$241	\$241	T - \$30	\$211	\$211	\$211	\$3	\$214
First Point MHC	53	53	100%	\$257	\$257	\$257	W/S - \$63	\$194	\$194	\$194	\$3	\$197
Meadow Lane MHC	487	486	100%	\$540	\$558	\$540	C - \$40	\$500	\$518	\$500	-	\$500
Tamarac Village	301	300	100%	\$447	\$697	\$597	W/S/T - \$71	\$376	\$626	\$526	\$3	\$529
Charlevoix Estates	189	186	98%	\$347	\$347	\$347	T - \$21	\$326	\$326	\$326	\$3	\$329
Woodcreek	230	226	98%	\$442	\$497	\$442	W/S/T - \$75	\$367	\$422	\$367	\$3	\$370
Cherrywood Village Farms	193	189	98%	\$267	\$267	\$267	None	\$267	\$267	\$267	\$3	\$270
Lake Michigan Heights	108	104	96%	\$352	\$372	\$352	W/S/T - \$142	\$210	\$230	\$210	\$3	\$213
Burke Silver Lake View	52	50	96%	\$297	\$297	\$297	T - \$12	\$285	\$285	\$285	\$3	\$288
Country Acres	182	172	95%	\$477	\$477	\$477	T - \$11	\$466	\$466	\$466	\$3	\$469
Bay Shore Estates	84	77	92%	\$297	\$297	\$297	T - \$30	\$267	\$267	\$267	\$3	\$270
East Jordan MHP	70	64	91%	\$197	\$232	\$197	T - \$23	\$174	\$209	\$174	\$3	\$177
Aspen Village	233	213	91%	\$297	\$297	\$297	T - \$21	\$276	\$276	\$276	\$3	\$279
King's Court	802	717	89%	\$560	\$588	\$560	T - \$12	\$548	\$576	\$548	\$3	\$551
Total for All Ages	<u>3,687</u>	<u>3,540</u>	<u>96%</u>			<u>\$451</u>				<u>\$417</u>		<u>\$419</u>

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Northern Michigan JLT Market Report - February 2020 Ranked By Occupancy %

COMMUNITY	# OF HOME SITES	HOME SITES OCC*	% OCC	MONTHLY MARKET RENT			SERVICES* IN RENT	ADJUSTED MARKET RENT			MONTHLY PASS THRU	AVG ADJUSTED MARKET RENT + PASS THRU
				LOW	HIGH	AVG**		LOW	HIGH	AVG**		
<u>55+ Communities</u>												
Vacation Village MHP	65	65	100%	\$371	\$410	\$371	T - \$23	\$348	\$387	\$348	-	\$348
Bluffs On Manistee Lake	96	56	58%	\$375	\$375	\$375	None	\$375	\$375	\$375	-	\$375
Total for 55+	<u>161</u>	<u>121</u>	<u>75%</u>			<u>\$373</u>				<u>\$364</u>		<u>\$364</u>
Grand Total	<u>3,848</u>	<u>3,661</u>	<u>95%</u>			<u>\$448</u>				<u>\$414</u>		<u>\$417</u>

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Northern Michigan JLT Market Report - February 2020

Ranked By Average Adjusted Market Rent

COMMUNITY	# OF HOME SITES	HOME SITES OCC*	% OCC	MONTHLY MARKET RENT			SERVICES* IN RENT	ADJUSTED MARKET RENT			MONTHLY PASS THRU	AVG ADJUSTED MARKET RENT + PASS THRU
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<u>All Ages Communities</u>												
King's Court	802	717	89%	\$560	\$588	\$560	T - \$12	\$548	\$576	\$548	\$3	\$551
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Town and Country	192	192	100%	\$535	\$535	\$535	T - \$12	\$523	\$523	\$523	\$3	\$526
Meadow Lane MHC	487	486	100%	\$540	\$558	\$540	C - \$40	\$500	\$518	\$500	-	\$500
Country Acres	182	172	95%	\$477	\$477	\$477	T - \$11	\$466	\$466	\$466	\$3	\$469
Silver Shores MHP	200	200	100%	\$485	\$500	\$485	W/S/T - \$75	\$410	\$425	\$410	-	\$410
Woodcreek	230	226	98%	\$442	\$497	\$442	W/S/T - \$75	\$367	\$422	\$367	\$3	\$370
Charlevoix Estates	189	186	98%	\$347	\$347	\$347	T - \$21	\$326	\$326	\$326	\$3	\$329
Conway Commons	91	91	100%	\$360	\$360	\$360	W - \$31	\$329	\$329	\$329	-	\$329
Burke Silver Lake View	52	50	96%	\$297	\$297	\$297	T - \$12	\$285	\$285	\$285	\$3	\$288
Aspen Village	233	213	91%	\$297	\$297	\$297	T - \$21	\$276	\$276	\$276	\$3	\$279
Cherrywood Village Farms	193	189	98%	\$267	\$267	\$267	None	\$267	\$267	\$267	\$3	\$270
Bay Shore Estates	84	77	92%	\$297	\$297	\$297	T - \$30	\$267	\$267	\$267	\$3	\$270
Lakeview Village MHP	152	152	100%	\$277	\$277	\$277	T - \$21	\$256	\$256	\$256	\$3	\$259
Harbor Springs Estates	68	68	100%	\$241	\$241	\$241	T - \$30	\$211	\$211	\$211	\$3	\$214
Lake Michigan Heights	108	104	96%	\$352	\$372	\$352	W/S/T - \$142	\$210	\$230	\$210	\$3	\$213
First Point MHC	53	53	100%	\$257	\$257	\$257	W/S - \$63	\$194	\$194	\$194	\$3	\$197
East Jordan MHP	70	64	91%	\$197	\$232	\$197	T - \$23	\$174	\$209	\$174	\$3	\$177
Total for All Ages	<u>3,687</u>	<u>3,540</u>	<u>96%</u>			<u>\$451</u>				<u>\$417</u>		<u>\$419</u>

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Northern Michigan JLT Market Report - February 2020

Ranked By Average Adjusted Market Rent

COMMUNITY	# OF HOME SITES	HOME SITES OCC*	% OCC	MONTHLY MARKET RENT			SERVICES* IN RENT	ADJUSTED MARKET RENT			MONTHLY PASS THRU	AVG ADJUSTED MARKET RENT + PASS THRU
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Bluffs On Manistee Lake	96	56	58%	\$375	\$375	\$375	None	\$375	\$375	\$375	-	\$375
Vacation Village MHP	65	65	100%	\$371	\$410	\$371	T - \$23	\$348	\$387	\$348	-	\$348
Total for 55+	<u>161</u>	<u>121</u>	<u>75%</u>			<u>\$373</u>				<u>\$364</u>		<u>\$364</u>
Grand Total	<u>3,848</u>	<u>3,661</u>	<u>95%</u>			<u>\$448</u>				<u>\$414</u>		<u>\$417</u>

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Northern Michigan JLT Market Report - February 2020

Ranked By Average Adjusted Market Rent + Pass Thru

COMMUNITY	# OF HOME SITES	HOME SITES OCC*	% OCC	MONTHLY MARKET RENT			SERVICES* IN RENT	ADJUSTED MARKET RENT			MONTHLY PASS THRU	AVG ADJUSTED MARKET RENT + PASS THRU
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<u>All Ages Communities</u>												
King's Court	802	717	89%	\$560	\$588	\$560	T - \$12	\$548	\$576	\$548	\$3	\$551
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Country Acres	182	172	95%	\$477	\$477	\$477	T - \$11	\$466	\$466	\$466	\$3	\$469
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Conway Commons	91	91	100%	\$360	\$360	\$360	W - \$31	\$329	\$329	\$329	-	\$329
Burke Silver Lake View	52	50	96%	\$297	\$297	\$297	T - \$12	\$285	\$285	\$285	\$3	\$288
Aspen Village	233	213	91%	\$297	\$297	\$297	T - \$21	\$276	\$276	\$276	\$3	\$279
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Harbor Springs Estates	68	68	100%	\$241	\$241	\$241	T - \$30	\$211	\$211	\$211	\$3	\$214
Lake Michigan Heights	108	104	96%	\$352	\$372	\$352	W/S/T - \$142	\$210	\$230	\$210	\$3	\$213
First Point MHC	53	53	100%	\$257	\$257	\$257	W/S - \$63	\$194	\$194	\$194	\$3	\$197
East Jordan MHP	70	64	91%	\$197	\$232	\$197	T - \$23	\$174	\$209	\$174	\$3	\$177
Total for All Ages	<u>3,687</u>	<u>3,540</u>	<u>96%</u>			<u>\$451</u>				<u>\$417</u>		<u>\$419</u>

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Northern Michigan JLT Market Report - February 2020 Ranked By Average Adjusted Market Rent + Pass Thru

COMMUNITY	# OF HOME SITES	HOME SITES OCC*	% OCC	MONTHLY MARKET RENT			SERVICES* IN RENT	ADJUSTED MARKET RENT			MONTHLY PASS THRU	AVG ADJUSTED MARKET RENT + PASS THRU
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Vacation Village MHP	65	65	100%	\$371	\$410	\$371	T - \$23	\$348	\$387	\$348	-	\$348
Total for 55+	<u>161</u>	<u>121</u>	<u>75%</u>			<u>\$373</u>				<u>\$364</u>		<u>\$364</u>
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Northern Michigan JLT Market Report - February 2020 Comparison of February 2020 to February 2019

COMMUNITY	# OF HOME SITES	Feb-20 OCCUPANCY*		Feb-19 OCCUPANCY*		% INC	AVERAGE MARKET RENT**		SERVICES IN RENT Feb-20, Feb-19	AVERAGE ADJUSTED RENT		% INC
		#	%	#	%		Feb-20	Feb-19		Feb-20	Feb-19	
All Ages Communities												
Aspen Village	233	213	91%	213	91%	0.0%	\$297	\$297	T - \$21, \$21	\$276	\$276	0.0%
Bay Shore Estates	84	77	92%	77	92%	0.0%	\$297	\$287	T - \$30, \$29	\$267	\$258	3.4%
Burke Silver Lake View	52	50	96%	50	96%	0.0%	\$297	\$297	T - \$12, \$12	\$285	\$285	0.0%
Charlevoix Estates	189	186	98%	174	92%	6.9%	\$347	\$322	T - \$21, \$21	\$326	\$301	8.2%
Cherrywood Village Farms	193	189	98%	189	98%	0.0%	\$267	\$252	None	\$267	\$252	5.9%
Conway Commons	91	91	100%	91	100%	0.0%	\$360	\$350	W - \$31, \$30	\$329	\$320	2.8%
Country Acres	182	172	95%	181	99%	-5.0%	\$477	\$477	T - \$11, \$9	\$466	\$468	-0.4%
East Jordan MHP	70	64	91%	64	91%	0.0%	\$197	\$197	T - \$23, \$23	\$174	\$174	0.0%
First Point MHC	53	53	100%	53	100%	0.0%	\$257	\$232	W/S - \$63, \$57	\$194	\$175	10.7%
Harbor Springs Estates	68	68	100%	66	97%	3.0%	\$241	\$231	T - \$30, \$29	\$211	\$202	4.4%
King's Court	802	717	89%	733	91%	-2.2%	\$560	\$560	T - \$12, \$12	\$548	\$548	0.0%
Lake Michigan Heights	108	104	96%	104	96%	0.0%	\$352	\$352	W/S/T - \$142, \$139	\$210	\$213	-1.4%
Lakeview Village MHP	152	152	100%	152	100%	0.0%	\$277	\$262	T - \$21, \$21	\$256	\$241	6.1%
Meadow Lane MHC	487	486	100%	474	97%	2.5%	\$540	\$510	C - \$40, \$40	\$500	\$470	6.4%
Silver Shores MHP	200	200	100%	194	97%	3.1%	\$485	\$460	W/S/T - \$75, \$69	\$410	\$391	4.9%
Tamarac Village	301	300	100%	297	99%	1.0%	\$597	\$566	W/S/T - \$71, \$69	\$526	\$497	5.8%
Town and Country	192	192	100%	192	100%	0.0%	\$535	\$516	T - \$12, \$12	\$523	\$504	3.7%
Woodcreek	230	226	98%	221	99%	2.3%	\$442	\$437	W/S/T - \$75, \$69	\$367	\$368	-0.3%
Total for All Ages	<u>3,687</u>	<u>3,540</u>	<u>96%</u>	<u>3,525</u>	<u>96%</u>	<u>0.4%</u>	<u>\$451</u>	<u>\$438</u>		<u>\$417</u>	<u>\$405</u>	<u>3.0%</u>

*See Glossary for Definitions

**The Average Rent is normally rent for a Standard Homesite
The Monthly Market Rent is net any pass thrus

Northern Michigan JLT Market Report - February 2020 Comparison of February 2020 to February 2019

COMMUNITY	# OF HOME SITES	Feb-20 OCCUPANCY*		Feb-19 OCCUPANCY*		% INC	AVERAGE MARKET RENT**		SERVICES IN RENT Feb-20, Feb-19	AVERAGE ADJUSTED RENT		% INC
		#	%	#	%		Feb-20	Feb-19		Feb-20	Feb-19	
55+ Communities												
Bluffs On Manistee Lake	96	56	58%	56	58%	0.0%	\$375	\$375	None	\$375	\$375	0.0%
Vacation Village MHP	65	65	100%	65	100%	0.0%	\$371	\$365	T - \$23, \$23	\$348	\$342	1.8%
Total for 55+	<u>161</u>	<u>121</u>	<u>75%</u>	<u>121</u>	<u>75%</u>	<u>0.0%</u>	<u>\$373</u>	<u>\$371</u>		<u>\$364</u>	<u>\$362</u>	<u>0.6%</u>
Grand Total	<u>3,848</u>	<u>3,661</u>	<u>95%</u>	<u>3,646</u>	<u>95%</u>	<u>0.4%</u>	<u>\$448</u>	<u>\$435</u>		<u>\$414</u>	<u>\$403</u>	<u>2.7%</u>

*See Glossary for Definitions

**The Average Rent is normally rent for a Standard Homesite
The Monthly Market Rent is net any pass thrus

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Aspen Village 204 Aspen Commons Drive Gaylord MI 49735 989-732-4417</p> <p>All Ages Community Owned by Anthony Randazzo</p>	

Site Info	
Homesites	233
Vacant Sites	20
Physical Occupancy	213
Repossessions	0
Inventory Homes	0
Occupied Sites*	213
Occupied Percent	91%
Rent Control	No
Single Section	45%
Multiple Section	55%

Customer Incentives	Notes
None	A rent increase in 2020 is unknown at this time. Market Rent has been reduced to exclude a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Jan 2019	TBD
Amount	\$37	TBD

Community Amenities			
Clubhouse	Fitness Center	RV/Boat Storage	Walking Trails

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	Yes	\$21
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
All Homesites	\$297	\$276

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Bay Shore Estates 7463 Old US 31 Highway Petoskey MI 49770 231-347-4441 terrymarie101@aol.com</p> <p>All Ages Community</p>	

Site Info	
Homesites	84
Vacant Sites	7
Physical Occupancy	77
Repossessions	0
Inventory Homes	0
Occupied Sites*	77
Occupied Percent	92%
Rent Control	No
Single Section	85%
Multiple Section	15%

Customer Incentives	Notes
None	A rent increase in 2020 is unknown at this time. Market Rent has been reduced to exclude a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Sep 2019	TBD
Amount	\$10	TBD

Community Amenities
None

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	Yes	\$30
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
All Homesites	\$297	\$267

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Burke Silver Lake View, LLC 5099 Silver Lake View Road Traverse City MI 49684 231-943-7888</p> <p>All Ages Community</p>	

Site Info	
Homesites	52
Vacant Sites	0
Physical Occupancy	52
Repossessions	0
Inventory Homes	2
Occupied Sites*	50
Occupied Percent	96%
Rent Control	No
Single Section	100%
Multiple Section	0%

Customer Incentives	Notes
None	The community was acquired by a new owner in August 2019. A rent increase in 2020 is unknown at this time. Market Rent has been reduced to exclude a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Jan 2019	TBD
Amount	\$5	TBD

Community Amenities			
Beach	Lake Access		

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	Yes	\$12
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
All Homesites	\$297	\$285

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Charlevoix Estates 6685 M 66 North Charlevoix MI 49720 231-216-0249 Charlevoix@fourleafprop.com</p> <p>All Ages Community Owned by Four Leaf Properties</p>	

Site Info	
Homesites	189
Vacant Sites	0
Physical Occupancy	189
Repossessions	0
Inventory Homes	3
Occupied Sites*	186
Occupied Percent	98%
Rent Control	No
Single Section	75%
Multiple Section	25%

Customer Incentives	Notes
Purchase a new community home and receive \$5,000 off purchase and 2 months free site rent. Purchase a pre-owned community home and receive \$1,000 off purchase and 1-month free site rent. Rental home incentives offered.	Market Rent has been reduced to exclude a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Jan 2020	TBD
Amount	\$25	TBD

Community Amenities			
Basketball Playground	Clubhouse Tennis	Fitness Room	Heated Swimming Pool

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	Yes	\$21
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
All Homesites	\$347	\$326

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Cherrywood Village Farms</p> <p>2451 M-113 East Kingsley MI 49649 231-263-7929 sherwinrentals@gmail.com</p> <p>All Ages Community</p>	

Site Info	
Homesites	193
Vacant Sites	4
Physical Occupancy	189
Repossessions	0
Inventory Homes	0
Occupied Sites*	189
Occupied Percent	98%
Rent Control	No
Single Section	90%
Multiple Section	10%

Customer Incentives	Notes
None	40 rental homes \$650 - \$1,000 We were unable to obtain the number of vacant sites; this was estimated using the most recent satellite view A rent increase in 2020 is unknown at this time. Market Rent has been reduced to exclude a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Mar 2019	TBD
Amount	\$15	TBD

Community Amenities
None

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	No	
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
All Homesites	\$267	\$267

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Conway Commons PO Box 370 Petoskey MI 49770 269-364-7975 conwaycommons@maill.com</p> <p>All Ages Community Owned by George Spanos</p>	

Site Info	
Homesites	91
Vacant Sites	0
Physical Occupancy	91
Repossessions	0
Inventory Homes	0
Occupied Sites*	91
Occupied Percent	100%
Rent Control	No
Single Section	90%
Multiple Section	10%

Customer Incentives	Notes
None	Market Rent does not include a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Jan 2020	TBD
Amount	\$10	TBD

Community Amenities
None

Service	Included In Rent	Value
Water	Yes	\$31
Sewer	No	
Trash	No	
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
All Homesites	\$360	\$329

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Country Acres 300 Kristy Jo Cadillac MI 49601 888-460-4698 countryacresales@suncommunities.com</p> <p>All Ages Community Owned by Sun Communities, Inc.</p>	

Site Info	
Homesites	182
Vacant Sites	3
Physical Occupancy	179
Repossessions	2
Inventory Homes	5
Occupied Sites*	172
Occupied Percent	95%
Rent Control	No
Single Section	60%
Multiple Section	40%

Customer Incentives	Notes
Various incentives offered throughout the year.	A rent increase in 2020 is unknown at this time. Market Rent has been reduced to exclude a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Jan 2019	TBD
Amount	\$17	TBD

Community Amenities			
Clubhouse	Playground	RV/Boat Storage	

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	Yes	\$11
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
All Homesites	\$477	\$466

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
East Jordan Mobile Home Park - Old Section 707 State Street East Jordan MI 49727 231-536-0370 All Ages Community	

Site Info	
Homesites	70
Vacant Sites	6
Physical Occupancy	64
Repossessions	0
Inventory Homes	0
Occupied Sites*	64
Occupied Percent	91%
Rent Control	No
Single Section	95%
Multiple Section	5%

Customer Incentives	Notes
None	Rent depends on the size and location of homesite. There will be no rent increase in 2020. Market Rent has been reduced to exclude a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Feb 2017	TBD
Amount	\$10	TBD

Community Amenities
None

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	Yes	\$23
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
Low	\$197	\$174
High	\$232	\$209
Average	\$197	\$174

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
First Point Mobile Home Court 7903 Birchpoint Drive Traverse City MI 49684 231-946-2378 All Ages Community	

Site Info	
Homesites	53
Vacant Sites	0
Physical Occupancy	53
Repossessions	0
Inventory Homes	0
Occupied Sites*	53
Occupied Percent	100%
Rent Control	No
Single Section	95%
Multiple Section	5%

Customer Incentives	Notes
None	A rent increase in 2020 is unknown at this time. Market Rent has been reduced to exclude a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Mar 2019	TBD
Amount	\$25	TBD

Community Amenities
None

Service	Included In Rent	Value
Water	Yes	\$17
Sewer	Yes	\$46
Trash	No	
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
All Homesites	\$257	\$194

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Harbor Springs Estates 629 East Lake Street Harbor Springs MI 49740 231-526-9455 dhowell@northernpropertiesllc.com</p> <p>All Ages Community Owned by Northern Properties LLC</p>	

Site Info	
Homesites	68
Vacant Sites	0
Physical Occupancy	68
Repossessions	0
Inventory Homes	0
Occupied Sites*	68
Occupied Percent	100%
Rent Control	No
Single Section	100%
Multiple Section	0%

Customer Incentives	Notes
Purchase an inventory home and receive 3 months of free homesite rent.	Market Rent has been reduced to exclude a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Sep 2019	Sep 2020
Amount	\$10	TBD

Community Amenities			
Clubhouse	Playground		

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	Yes	\$30
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
All Homesites	\$241	\$211

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>King's Court 1585 Ray Blvd. Traverse City MI 49686 888-456-0242 kingscourtsales@suncommunities.com</p> <p>All Ages Community Owned by Sun Communities, Inc.</p>	

Site Info	
Full Buildout	803
Homesites	802
Vacant Sites	29
Physical Occupancy	773
Repossessions	1
Inventory Homes	55
Occupied Sites*	717
Occupied Percent	89%
Rent Control	No
Single Section	60%
Multiple Section	40%

Customer Incentives	Notes
Various incentives offered throughout the year	Rent varies based on location of the site. There will be a 2020 rent increase but the date and amount are unknown at this time. Market Rent has been reduced to exclude a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Feb 2019	TBD
Amount	\$24	TBD

Community Amenities			
Basketball	Community Center - 2	Fitness Center	Free Wi-Fi
Laundry Room	Library	Pets Allowed	Playground
RV/Boat Storage			

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	Yes	\$12
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
Low	\$560	\$548
High	\$588	\$576
Average	\$560	\$548

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Lake Michigan Heights 7400 Lakeview Drive Charlevoix MI 49720 231-547-7290</p> <p>All Ages Community</p>	

Site Info	
Homesites	108
Vacant Sites	4
Physical Occupancy	104
Repossessions	0
Inventory Homes	0
Occupied Sites*	104
Occupied Percent	96%
Rent Control	No
Single Section	50%
Multiple Section	50%

Customer Incentives	Notes
None	<p>The market rent varies based on the size and location of the homesite.</p> <p>The rent increases \$10 for each pet.</p> <p>There was no rent increase in 2019 and there will be no rent increase in 2020.</p> <p>We were unable to verify the market rent history.</p> <p>Market Rent has been reduced to exclude a \$3 monthly pass thru</p>

Market Rent Increases		
	Last	Next
Date	Unknown	TBD
Amount	Unknown	TBD

Community Amenities			
Lakeview	Pets - w/ Restrictions		

Service	Included In Rent	Value
Water	Yes	\$49
Sewer	Yes	\$72
Trash	Yes	\$21
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
Low	\$352	\$210
High	\$372	\$230
Average	\$352	\$210

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Lakeview Village Mobile Home Park 526 North Lake Street Boyne City MI 49712 231-582-9521 dhowell@northernpropertiesllc.com</p> <p>All Ages Community Owned by Northern Properties, LLC</p>	

Site Info	
Homesites	152
Vacant Sites	0
Physical Occupancy	152
Repossessions	0
Inventory Homes	0
Occupied Sites*	152
Occupied Percent	100%
Rent Control	No
Single Section	95%
Multiple Section	5%

Customer Incentives	Notes
None	Market Rent has been reduced to exclude a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Sep 2019	Sep 2020
Amount	\$15	TBD

Community Amenities			
Basketball	Community Center	RV Storage	

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	Yes	\$21
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
All Homesites	\$277	\$256

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Meadow Lane Mobile Home Community</p> <p>4310 Meadowlane Drive Traverse City MI 49684 231-946-2988 noblehomes@thewindwardgroupllc.com</p> <p>All Ages Community Owned by RV Horizons Inc</p>	

Site Info	
Homesites	487
Vacant Sites	1
Physical Occupancy	486
Repossessions	0
Inventory Homes	0
Occupied Sites*	486
Occupied Percent	100%
Rent Control	No
Single Section	90%
Multiple Section	10%

Customer Incentives	Notes
None	<p>116 rental homes \$980 - \$1,550</p> <p>The market rent varies based on the size and location of the homesite.</p> <p>Residents pay \$11 for trash removal service.</p> <p>Internet service is included in cable tv service.</p> <p>Market Rent does not include a \$3 monthly pass thru</p>

Market Rent Increases		
	Last	Next
Date	Aug 2019	Aug 2020
Amount	\$30	\$5 - \$10

Community Amenities			
Basketball	Clubhouse	Playground	Pond

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	No	
Cable	Yes	\$40
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
Single Section	\$540	\$500
Corner	\$545	\$505
Pond	\$550	\$510
Multi-Section	\$558	\$518
Average	\$540	\$500

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Silver Shores Mobile Home Park 1257 Overlook Drive Traverse City MI 49685 231-943-4470 silvershores@continentalcommunities.com</p> <p>All Ages Community Owned by Continental Communities</p>	

Site Info	
Homesites	200
Vacant Sites	0
Physical Occupancy	200
Repossessions	0
Inventory Homes	0
Occupied Sites*	200
Occupied Percent	100%
Rent Control	No
Single Section	90%
Multiple Section	10%

Customer Incentives	Notes
None	80 rental homes \$750 - \$1,100 Market Rent does not include a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Aug 2019	Aug 2020
Amount	\$25	TBD

Community Amenities			
Basketball	Boat Launch	Playground	Private Beach
Volleyball			

Service	Included In Rent	Value
Water	Yes	\$17
Sewer	Yes	\$46
Trash	Yes	\$12
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
Standard	\$485	\$410
Corner	\$490	\$415
Lake/Multi-Section	\$500	\$425
Average	\$485	\$410

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Tamarac Village 2875 North Lakeshore Drive Ludington MI 49431 888-853-9251 tamaracsales@suncommunities.com</p> <p>All Ages Community Owned by Sun Communities, Inc.</p>	

Site Info	
Homesites	301
Vacant Sites	0
Physical Occupancy	301
Repossessions	0
Inventory Homes	1
Occupied Sites*	300
Occupied Percent	100%
Rent Control	No
Single Section	60%
Multiple Section	40%

Customer Incentives	Notes
Various incentives offered throughout the year	The rent varies based on the size and location of the homesite. Market Rent has been reduced to exclude a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Jul 2019	TBD
Amount	\$21 - \$31	TBD

Community Amenities
None

Service	Included In Rent	Value
Water	Yes	\$19
Sewer	Yes	\$37
Trash	Yes	\$15
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
Interior	\$447	\$376
Canal	\$597	\$526
Waterfront	\$697	\$626
Average	\$597	\$526

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>The Bluffs on Manistee Lake</p> <p>956 Tennessee Avenue Manistee MI 49660 231-303-1799 info@thebluffsonmanisteelake.com</p> <p>55+ Community</p>	

Site Info	
Homesites	96
Vacant Sites	36
Physical Occupancy	60
Repossessions	0
Inventory Homes	4
Occupied Sites*	56
Occupied Percent	58%
Rent Control	No
Single Section	25%
Multiple Section	75%

Customer Incentives	Notes
None	Community also has 16 RV sites This community was built in 2017 and placed its first home on a homesite in May of 2018. The community has never had a market rent increase. The community also has a seasonal RV park section. Market Rent does not include a \$3 pass thru

Market Rent Increases		
	Last	Next
Date	Unknown	TBD
Amount	Unknown	TBD

Community Amenities			
Clubhouse	Heated Swimming Pool	Hot Tub	Lakes
Pets - w/ Restrictions	Pickleball Courts		

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	No	
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
All Homesites	\$375	\$375

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Town and Country 849 Manor Lane Traverse City MI 49686 888-497-9242 townandcountrysales@suncommunities.com</p> <p>All Ages Community Owned by Sun Communities, Inc.</p>	

Site Info	
Homesites	192
Vacant Sites	0
Physical Occupancy	192
Repossessions	0
Inventory Homes	0
Occupied Sites*	192
Occupied Percent	100%
Rent Control	No
Single Section	70%
Multiple Section	30%

Customer Incentives	Notes
Various incentives offered throughout the year	Market Rent has been reduced to exclude a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Jan 2020	TBD
Amount	\$19	TBD

Community Amenities			
Community Center	Laundry Room	Pets Allowed	Playground
RV/Boat Storage			

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	Yes	\$12
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
All Homesites	\$535	\$523

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
Vacation Village Mobile Home Park 509 Lake Street Elk Rapids MI 49629 231-264-8899 55+ Community	

Site Info	
Homesites	65
Vacant Sites	0
Physical Occupancy	65
Repossessions	0
Inventory Homes	0
Occupied Sites*	65
Occupied Percent	100%
Rent Control	No
Single Section	65%
Multiple Section	35%

Customer Incentives	Notes
None	The market rent varies based on the size and location of the homesite. Market Rent does not include a \$3 monthly pass thru

Market Rent Increases		
	Last	Next
Date	Jan 2020	TBD
Amount	\$6 - \$19	TBD

Community Amenities			
Lake Access			

Service	Included In Rent	Value
Water	No	
Sewer	No	
Trash	Yes	\$23
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
Low	\$371	\$348
High	\$410	\$387
Average	\$371	\$348

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Northern Michigan JLT Market Report February 2020

Community Information	
<p>Woodcreek</p> <p>501 Woodcreek Boulevard Traverse City MI 49686 231-933-4800</p> <p>All Ages Community Owned by RC Herman</p>	

Site Info	
Homesites	230
Vacant Sites	1
Physical Occupancy	229
Repossessions	0
Inventory Homes	3
Occupied Sites*	226
Occupied Percent	98%
Rent Control	No
Single Section	0%
Multiple Section	100%

Customer Incentives	Notes
None	<p>The community's market rent is based on the size and location of the homesite.</p> <p>The community remodeled its tennis court to include pickleball in the past 12 months.</p> <p>Market Rent has been reduced to exclude a \$3 monthly pass thru</p>

Market Rent Increases		
	Last	Next
Date	Jan 2020	TBD
Amount	\$5	TBD

Community Amenities			
Basketball Tennis/Pickleball	Clubhouse	Hiking Trails	Swimming Pool

Service	Included In Rent	Value
Water	Yes	\$17
Sewer	Yes	\$46
Trash	Yes	\$12
Cable	No	
Lawn	No	

Site Type	Market Rent	Adjusted Rent**
Standard	\$442	\$367
Premium	\$497	\$422
Average	\$442	\$367

*Rent Paying Resident Occupied Homesites

**The Adjusted Rent is the Current Rent less the value of the Included Services

Charlevoix County, Michigan Residential Target Market Analysis Annual Market Potential – Year 2020



The City of
Boyne City



The City of
Charlevoix



The City of
East Jordan



Bay Shore CDP
Census Designated Place



DRAFT
October 18, 2019



LandUseUSA
UrbanStrategies

Residential Target Market Analysis
Annual Market Potential – Year 2020
Guide and Recommendations

Introduction – This residential target market analysis was completed by LandUseUSA | Urban Strategies on behalf of Housing North and Networks Northwest. It was completed in 2019 with forecasts for the year 2020; and it is an update to an original TMA that was completed in 2014.

Geographic Perspective – This TMA update includes a chapter for several places within each of ten counties in the Northwest Michigan Prosperity Region 02 (PR-2). The individual places include cities, villages, and census designated places (CDP) as defined by the U.S. Census.

The Market Potential – The main report titled “Annual Market Potential – 2020” includes three pages of Infographics for each place. All three pages represent a complete set and should be studied together. The market potential represents the total number of new households moving into each place annually, plus the number of existing households that are moving from one address to another within that same place. Note: The market potential is intentionally not adjusted for out-migration.

Page One – For each place, the first page includes charts demonstrating the annual market potential by building format (detached v. attached), and the annual market potential by tenure (owners v. renters). It also demonstrates how the two data sets can be combined by allocating all owners to the detached houses, filling all attached formats with renters, and then assigning the balance of renters to the balance of detached units.

Caution – This approach described above leaves no market potential for the development of attached units for year-round owners. If attached formats are built for owners, then those who do trade will leave behind a growing surplus of detached houses. That surplus of vacant houses might then be subdivided into rental units and to generate rental income. That in turn would reduce the market potential for new attached for-lease formats like townhouses, accessory dwellings, and urban lofts. This scenario should be avoided if possible.

Pages Two and Three – For each place, the second page of exhibits demonstrates the annual market potential for owners, and detailed by home value. The third page demonstrates the market potential for renters, and detailed by monthly contract rent. (Note: Contract rent may also be referred to as cash or net rent, and it typically excludes utilities and other extra fees.) Again, the market potential shown on each page can be met with the development of both new-builds, and the rehab (or remodel) of existing housing units.

Residential Target Market Analysis
Annual Market Potential – Year 2020
Recommendations and Data Sources

Recommendations – Based on the results of the analysis, there are several key recommendations for prospective developers and investors. First, the market potential can be met by building new housing units, and by rehabbing (or remodeling) existing units.

Second, some new vacancies might materialize after existing households “trade up” into the newest units. This should not be used to deter new development. The vacancies should be rehabbed and returned to the market to help satisfy some of the market potential for the following year.

Third, it is highly recommended that the market potential for owner-occupied units be satisfied with the rehab of existing houses, plus the development of new houses, cottages, duplexes, and other detached units with similar formats. It is explicitly recommended that attached townhouses, lofts, or “condos” not be developed for year-round owner occupants.

Fourth, it is highly recommended that the market potential for renter-occupied units be satisfied with the rehab of existing houses that are already vacant (particularly traditional mansion-style houses that may be subdivided into rentals), the rehab of existing apartments, the development of new accessory dwellings, and the development of new attached formats like townhouses and urban lofts. It is assumed that few if any developers would build new detached houses on the prospect of leasing them to renters.

Data Source: American Community Survey – The underlying data includes five-year estimates for 2009 through 2017 as provided by the American Community Survey (ACS). It includes households and incomes by tenure (owners and renters), home values, monthly contract rents, and movership rates.

Data Source: Experian Decision Analytics – The underlying data also includes behavioral data on 71 lifestyle cluster as provided by Experian Decision Analytics, and through year-end 2018. The Experian data includes the same variables as the ACS, but detailed for each of the lifestyle clusters. A lifestyle cluster (a.k.a., target market) is a group of households with similar attributes based on social-economic attributes.

Annual Forecasts – the ACS and Experian data have been forecast forward to the years 2019 and 2020 by LandUseUSA. The market potential results can be applied each year through 2025. The clock must be reset each year, and the data should not be rolled forward or accumulated over time. For example, if no new housing is developed in 2020, then the market potential is not twice as high for the year 2021.

Section 0

Charlevoix County



The City of
Boyne City



The City of
Charlevoix

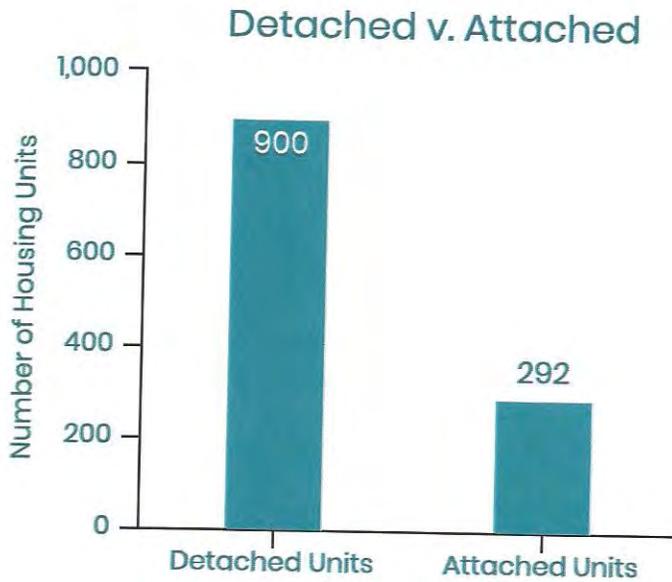


The City of
East Jordan

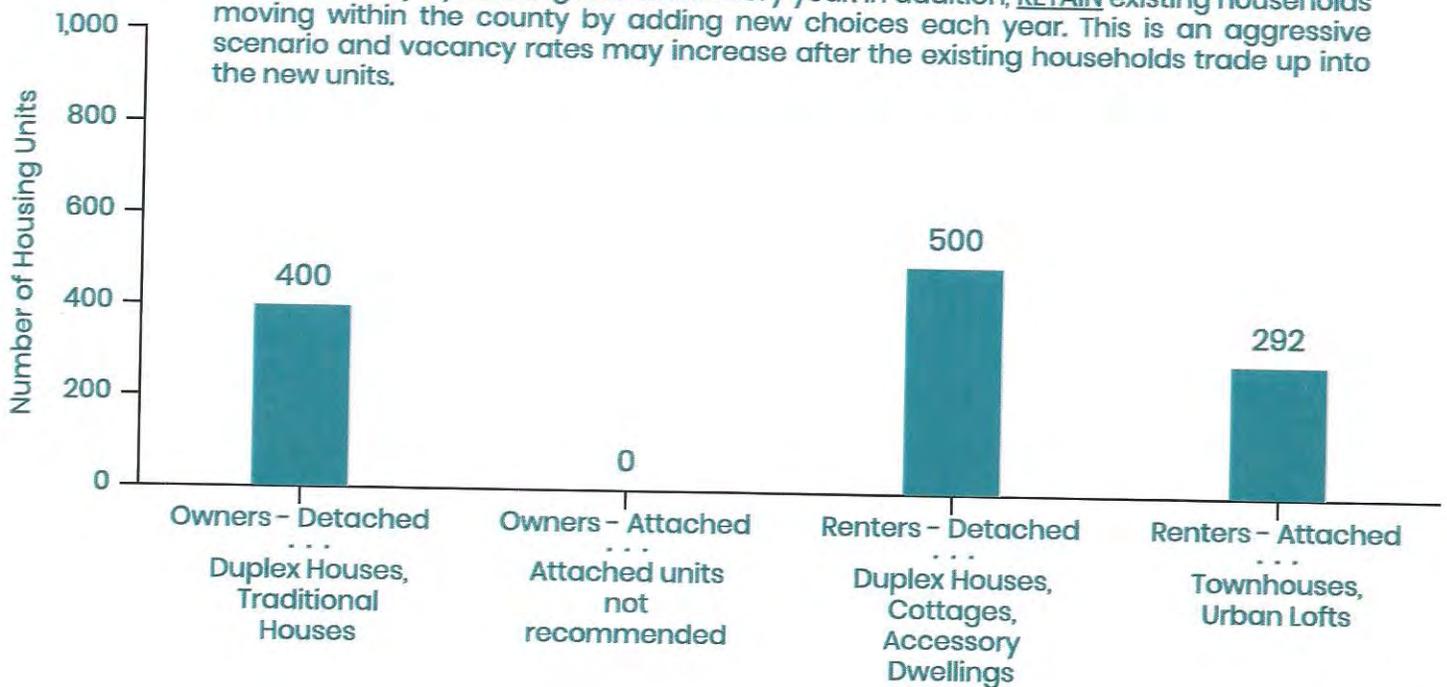


Bay Shore CDP
Census Designated Place

Market Potential | Charlevoix County New Builds and Rehabs | Year 2020

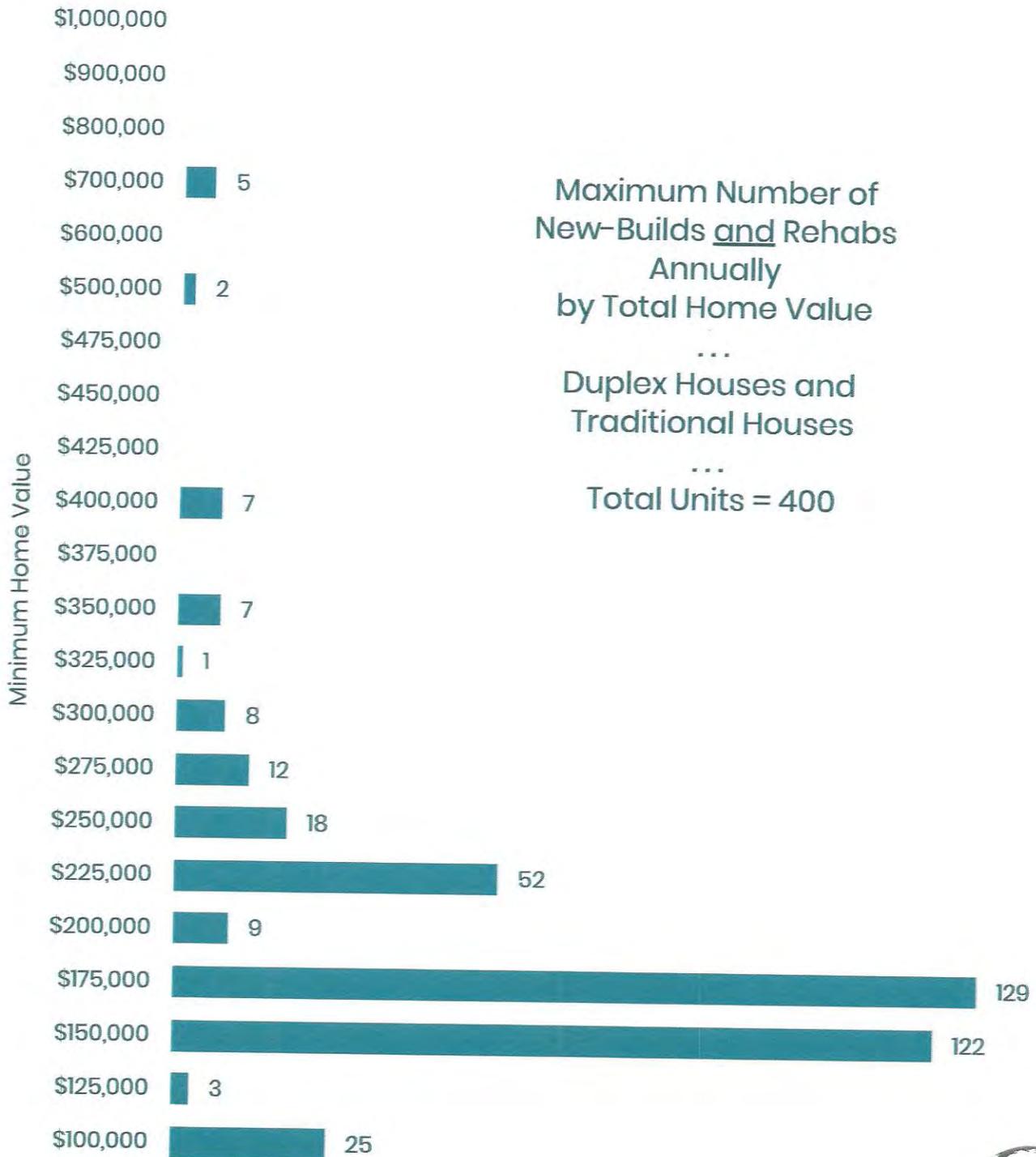


All charts represent the maximum annual market potential based on in-migration and internal movership. There is a need to CAPTURE new households that are moving into the county by building new units every year. In addition, RETAIN existing households moving within the county by adding new choices each year. This is an aggressive scenario and vacancy rates may increase after the existing households trade up into the new units.



All figures have not been adjusted downward for existing vacancies, and they also have not been adjusted for out-migration. Underlying target market analysis and exhibit prepared by LandUseUSA | Urban Strategies © 2019 on behalf of Housing North and Networks Northwest.

Owners | Charlevoix County Total Home Values | Year 2020

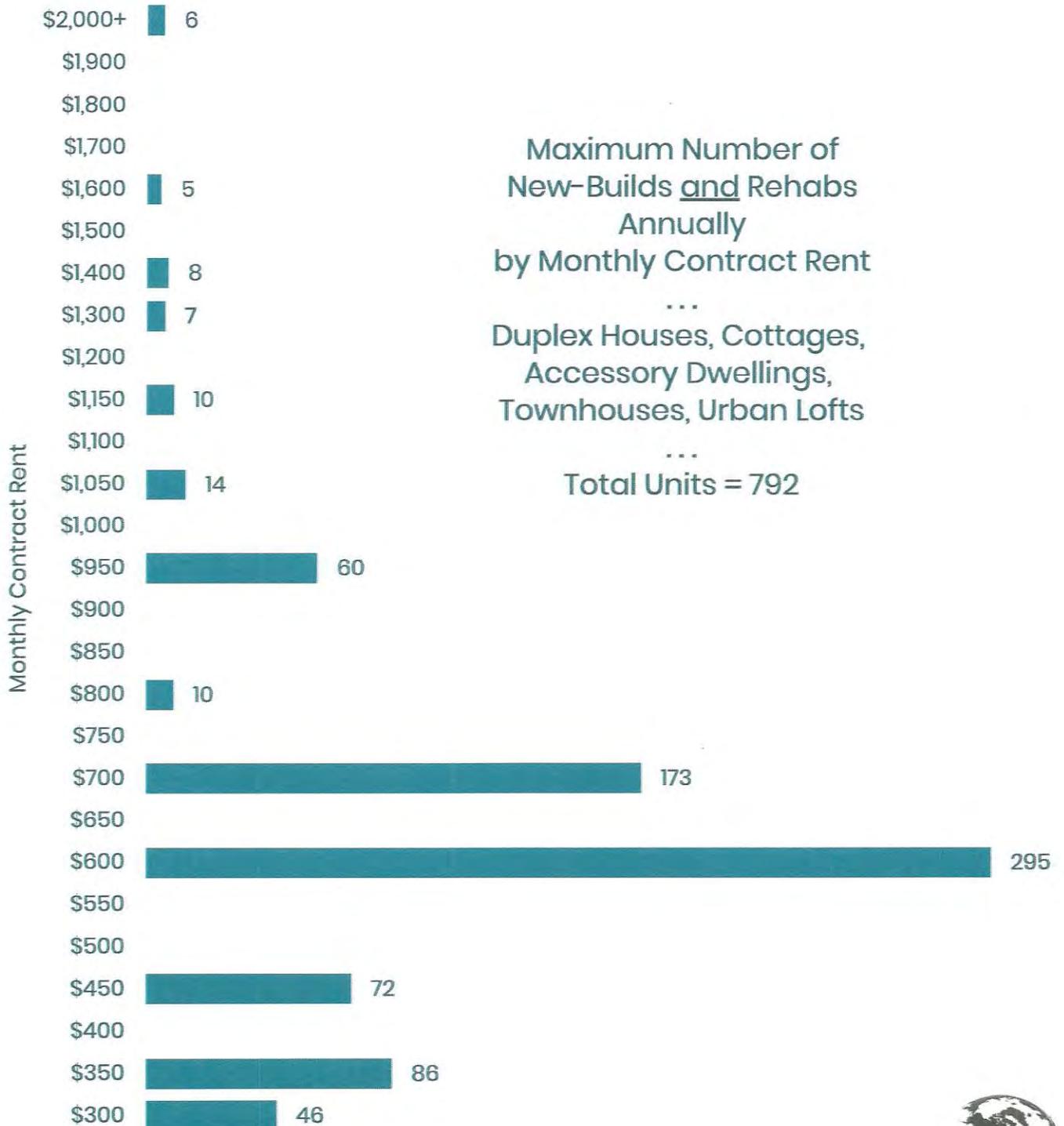


Based on the results of a Target Market Analysis and study of households moving into and within the community. Analysis & exhibit prepared by LandUseUSA | Urban Strategies © on behalf of Housing North and Networks Northwest, 2019.



Renters | Charlevoix County

Monthly Contract Rents | Year 2020



Based on the results of a Target Market Analysis and study of households moving into and within the community. Analysis & exhibit prepared by LandUseUSA | Urban Strategies © on behalf of Housing North and Networks Northwest, 2019.

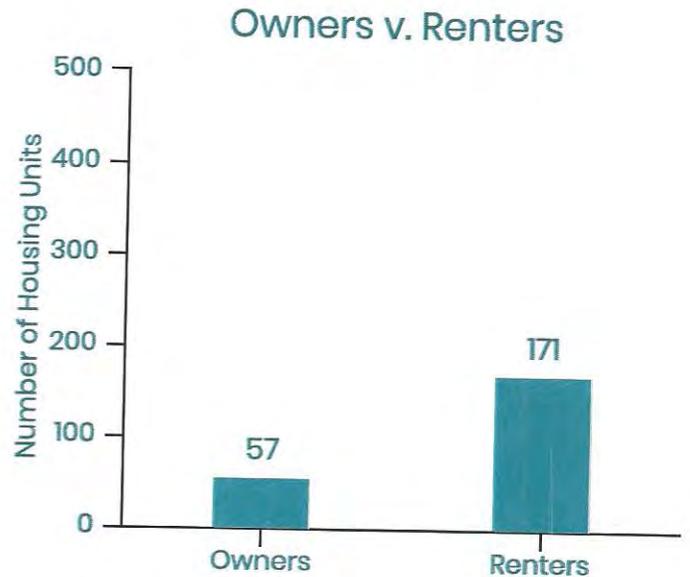
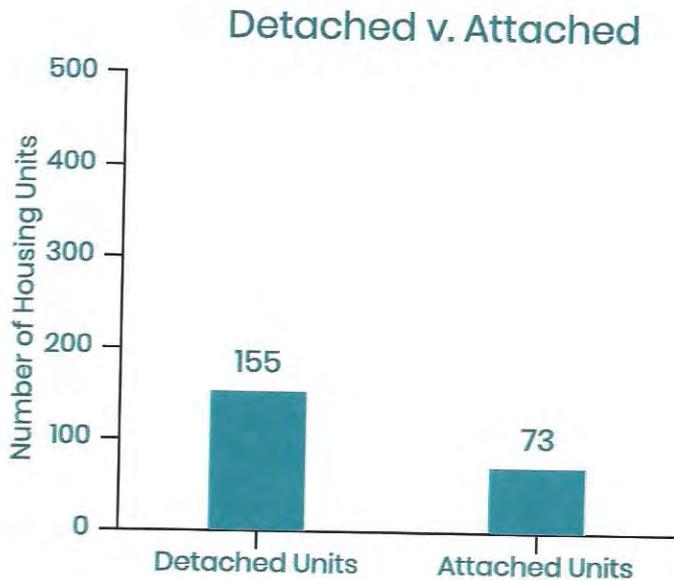


Section 1

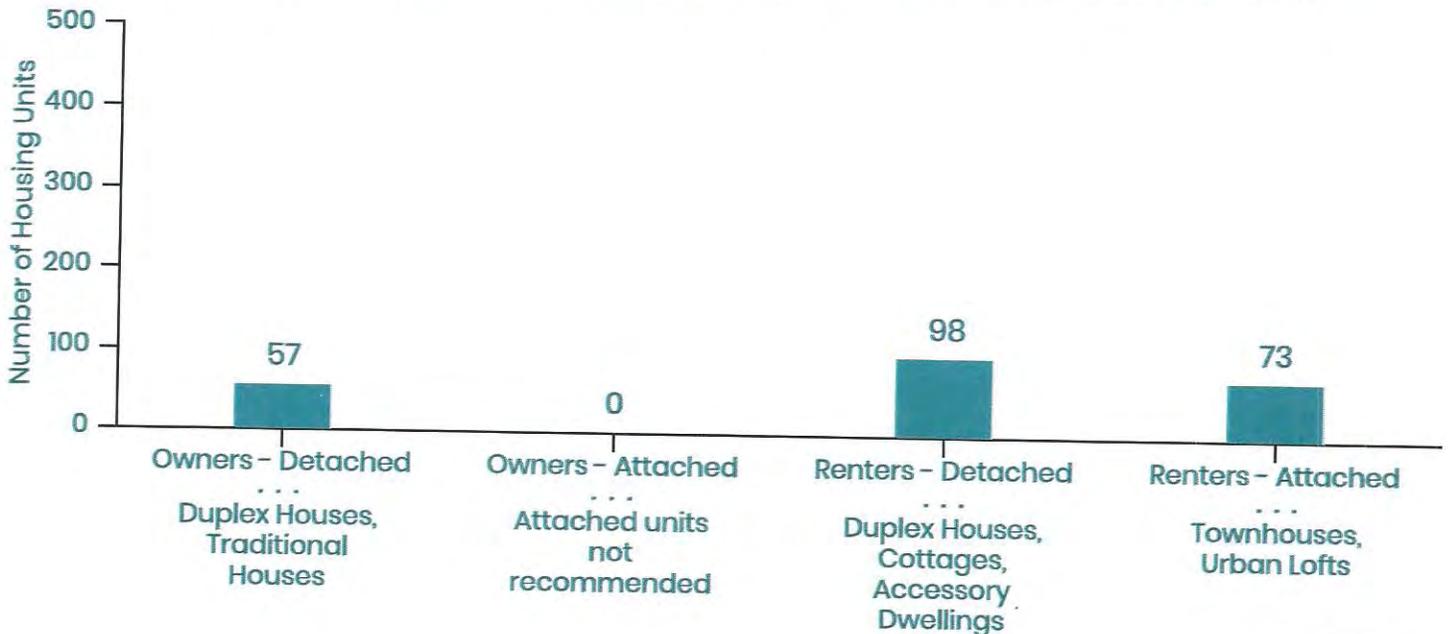
The City of Boyne City



Market Potential | Boyne City New Builds and Rehabs | Year 2020



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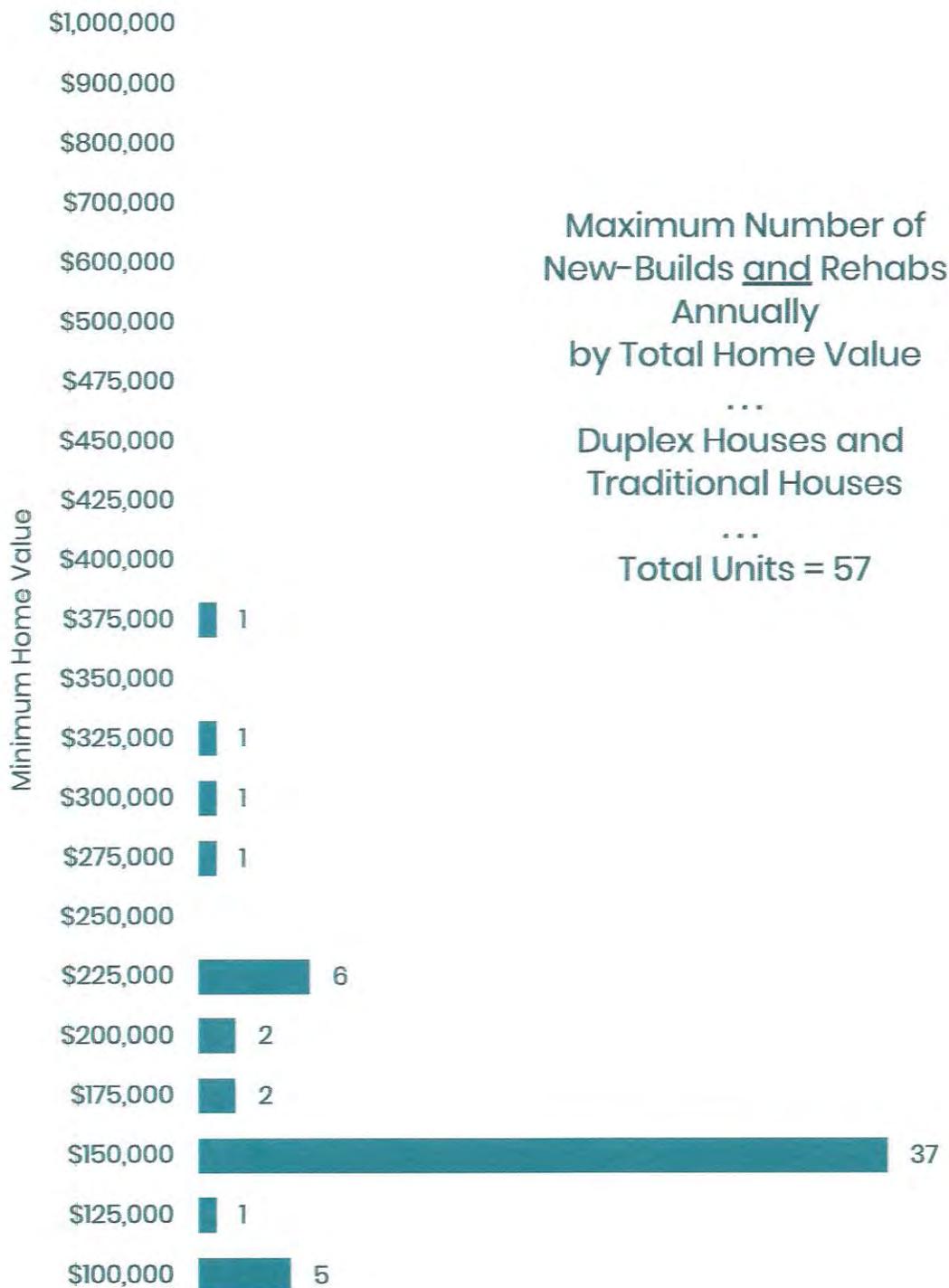


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Owners | Boyne City

Total Home Values | Year 2020

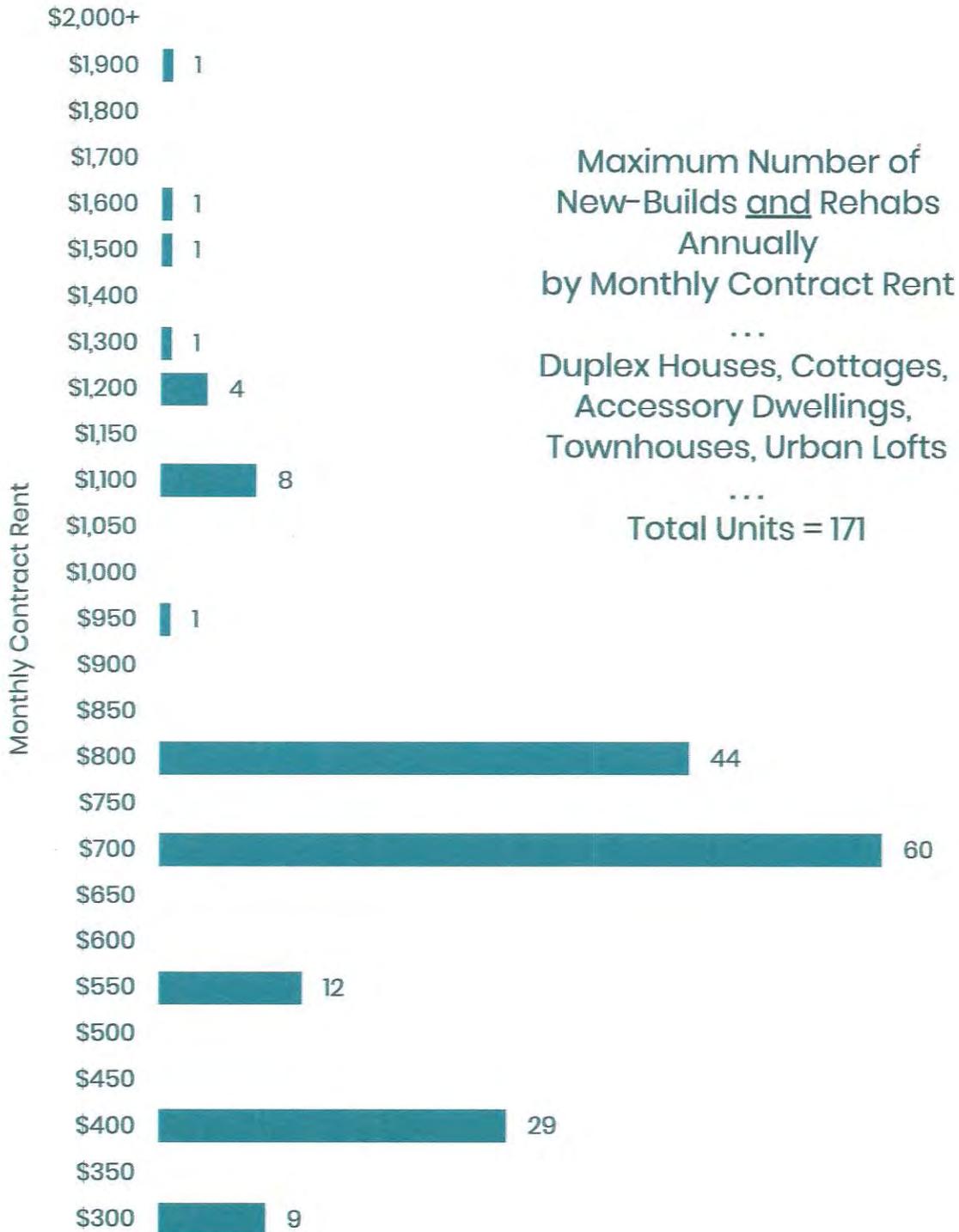


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Renters | Boyne City

Monthly Contract Rents | Year 2020



Based on the results of a Target Market Analysis and study of households moving into and within the community. Analysis & exhibit prepared by LandUseUSA | Urban Strategies © on behalf of Housing North and Networks Northwest, 2019.

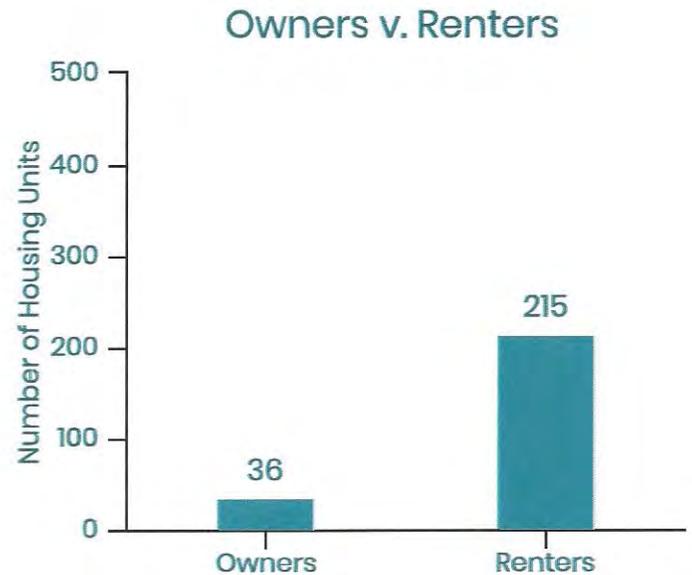
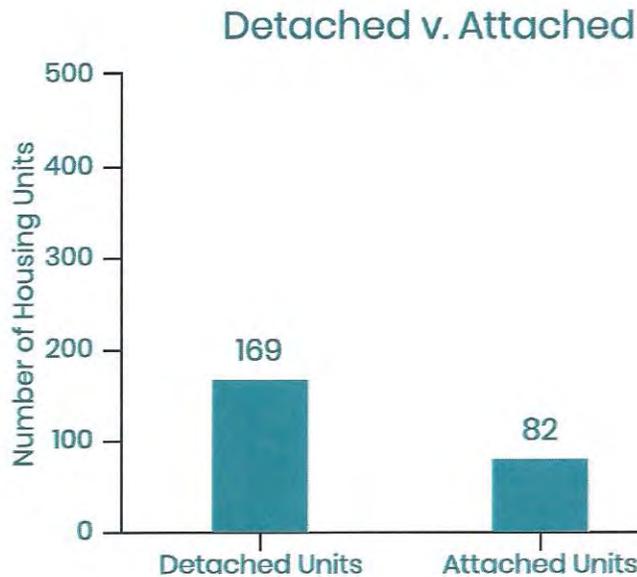


Section 2

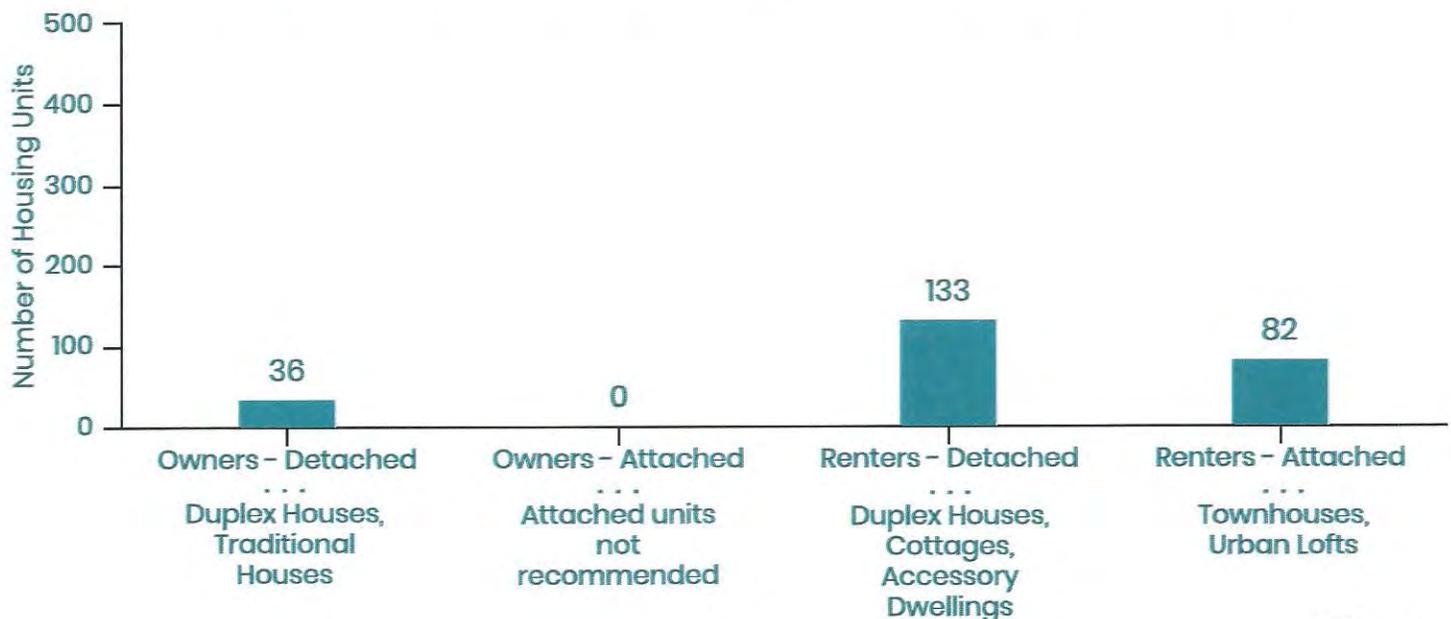
The City of Charlevoix



Market Potential | Charlevoix City New Builds and Rehabs | Year 2020



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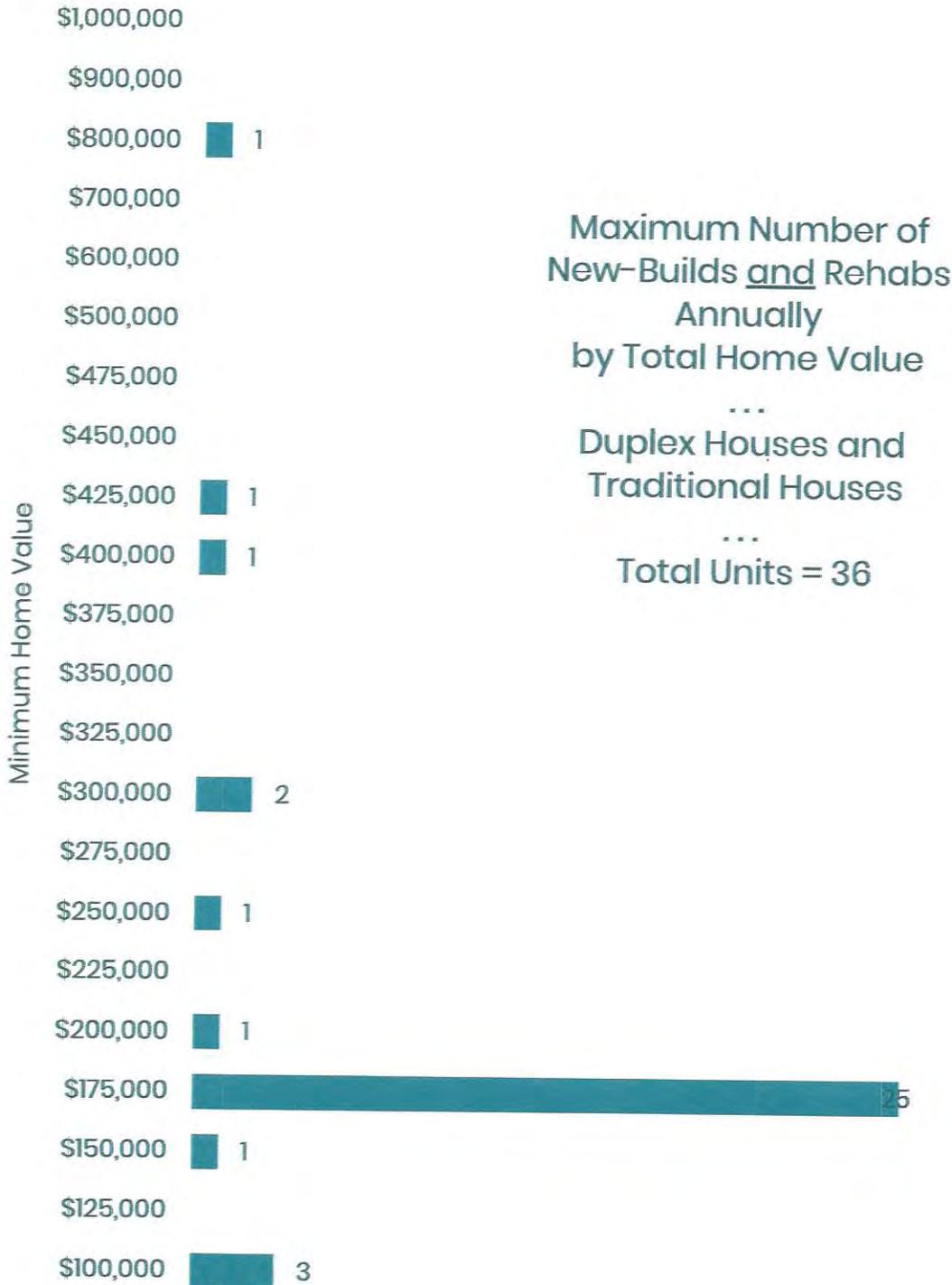


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Owners | Charlevoix City

Total Home Values | Year 2020

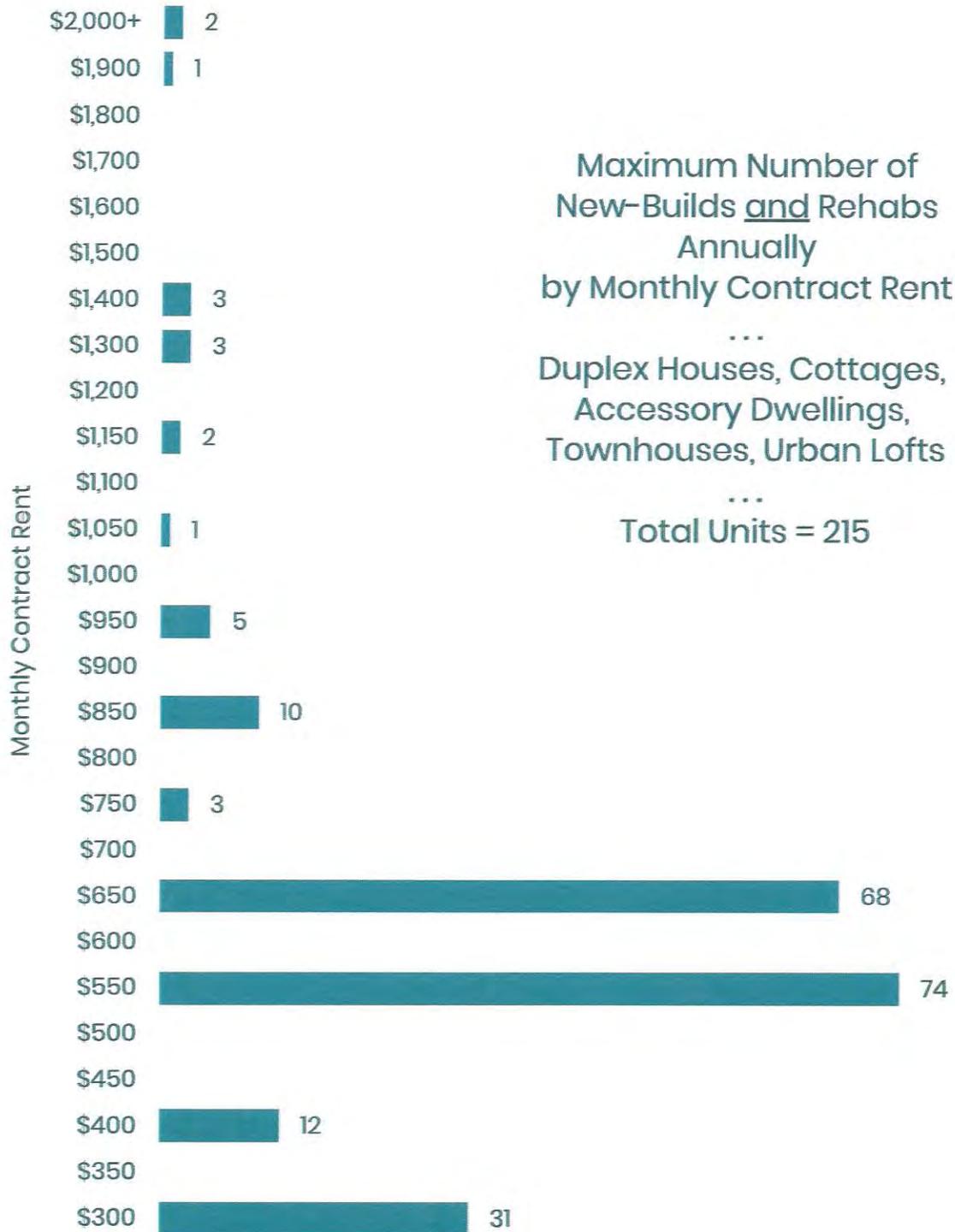


Based on the results of a Target Market Analysis and study of households moving into and within the community. Analysis & exhibit prepared by LandUseUSA | Urban Strategies © on behalf of Housing North and Networks Northwest, 2019.



Renters | Charlevoix City

Monthly Contract Rents | Year 2020



Based on the results of a Target Market Analysis and study of households moving into and within the community. Analysis & exhibit prepared by LandUseUSA | Urban Strategies © on behalf of Housing North and Networks Northwest, 2019.

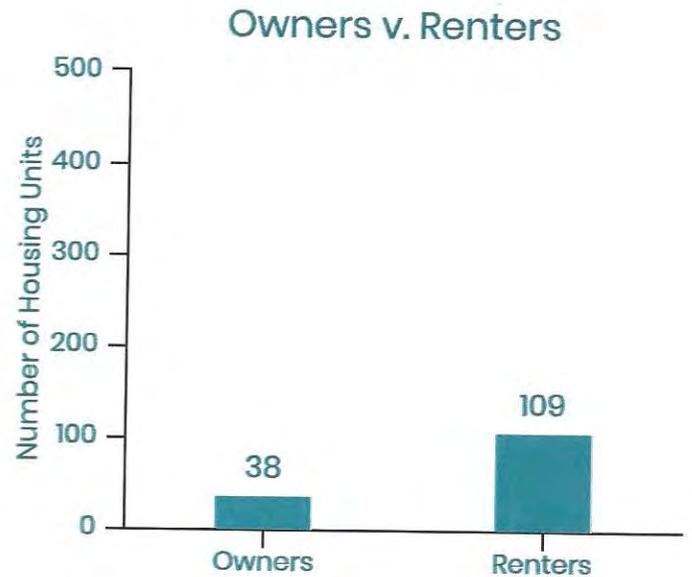
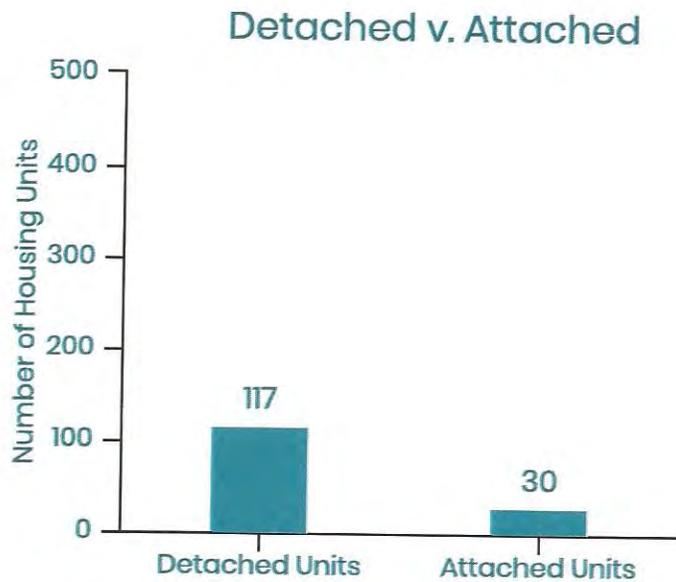


Section 3

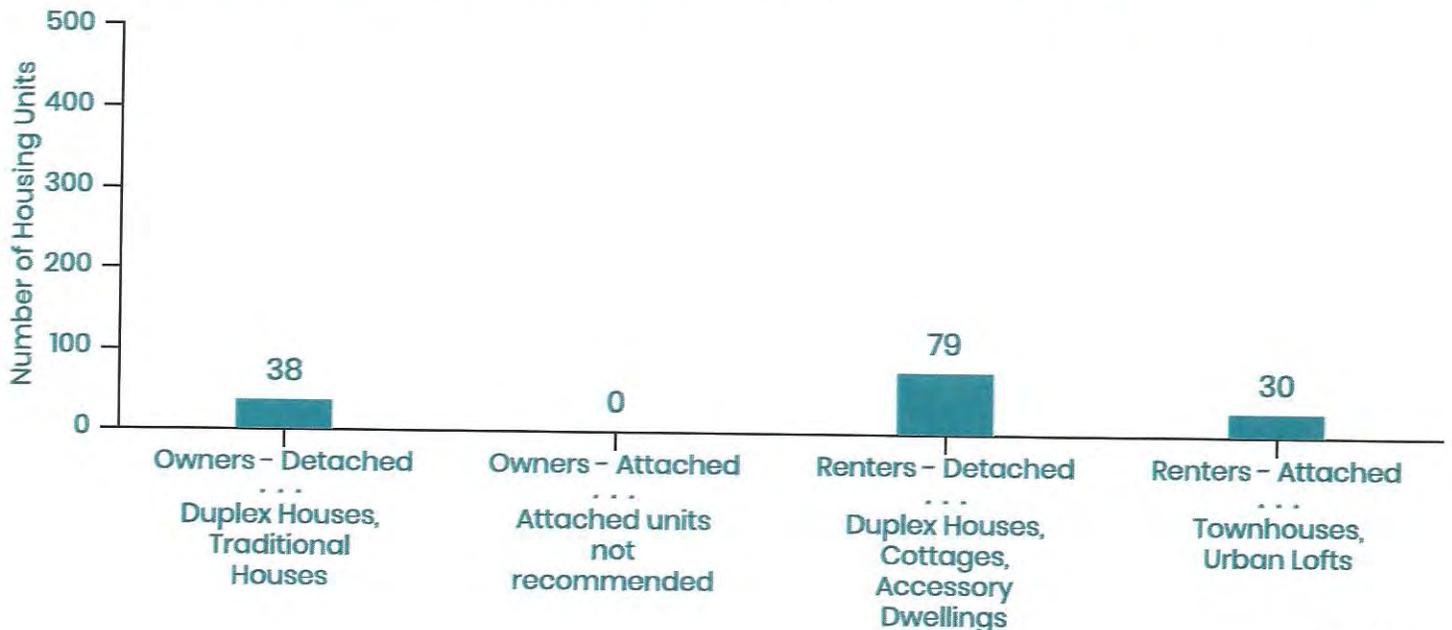
The City of East Jordan



Market Potential | East Jordan New Builds and Rehabs | Year 2020



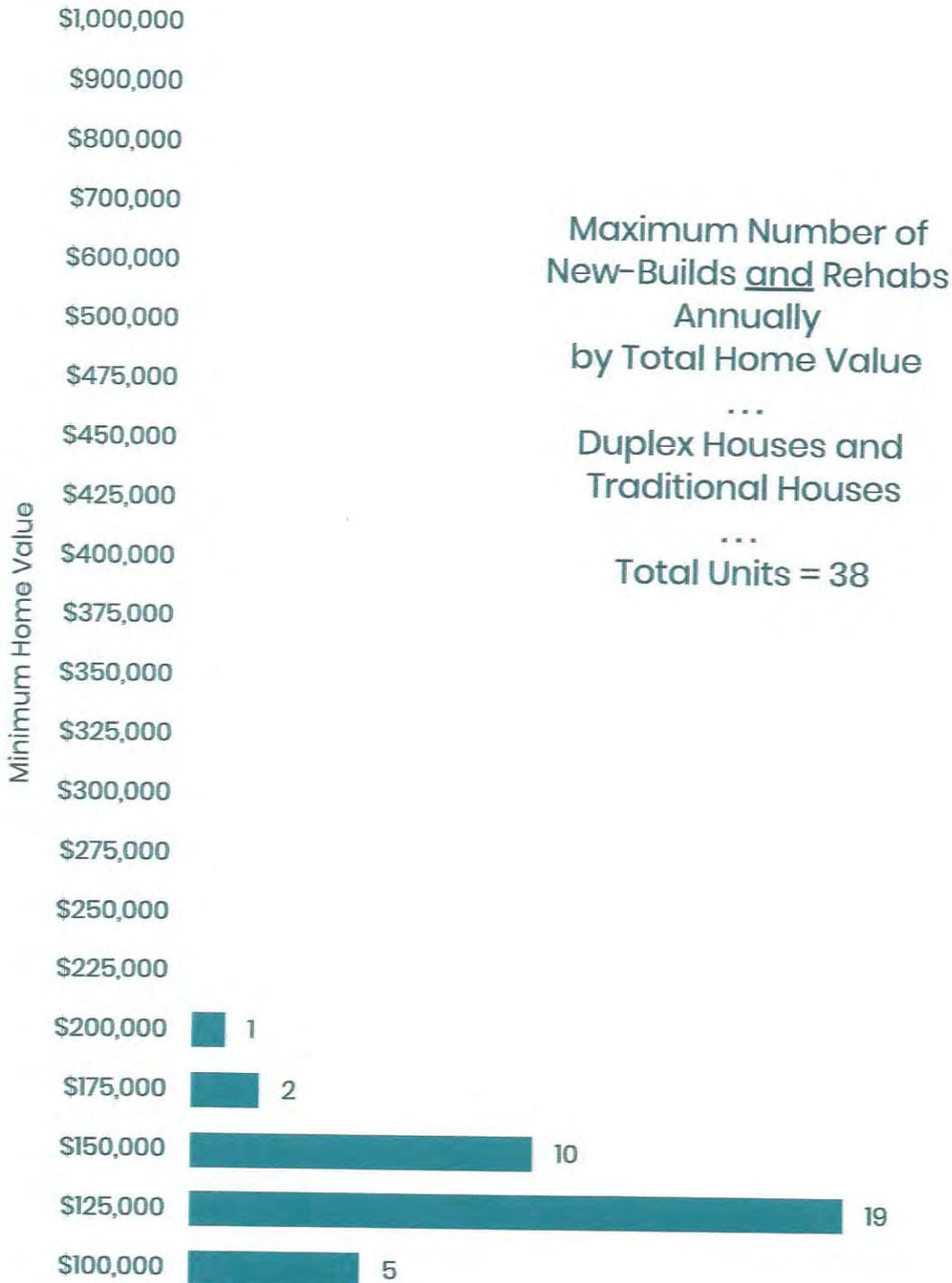
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Owners | East Jordan Total Home Values | Year 2020



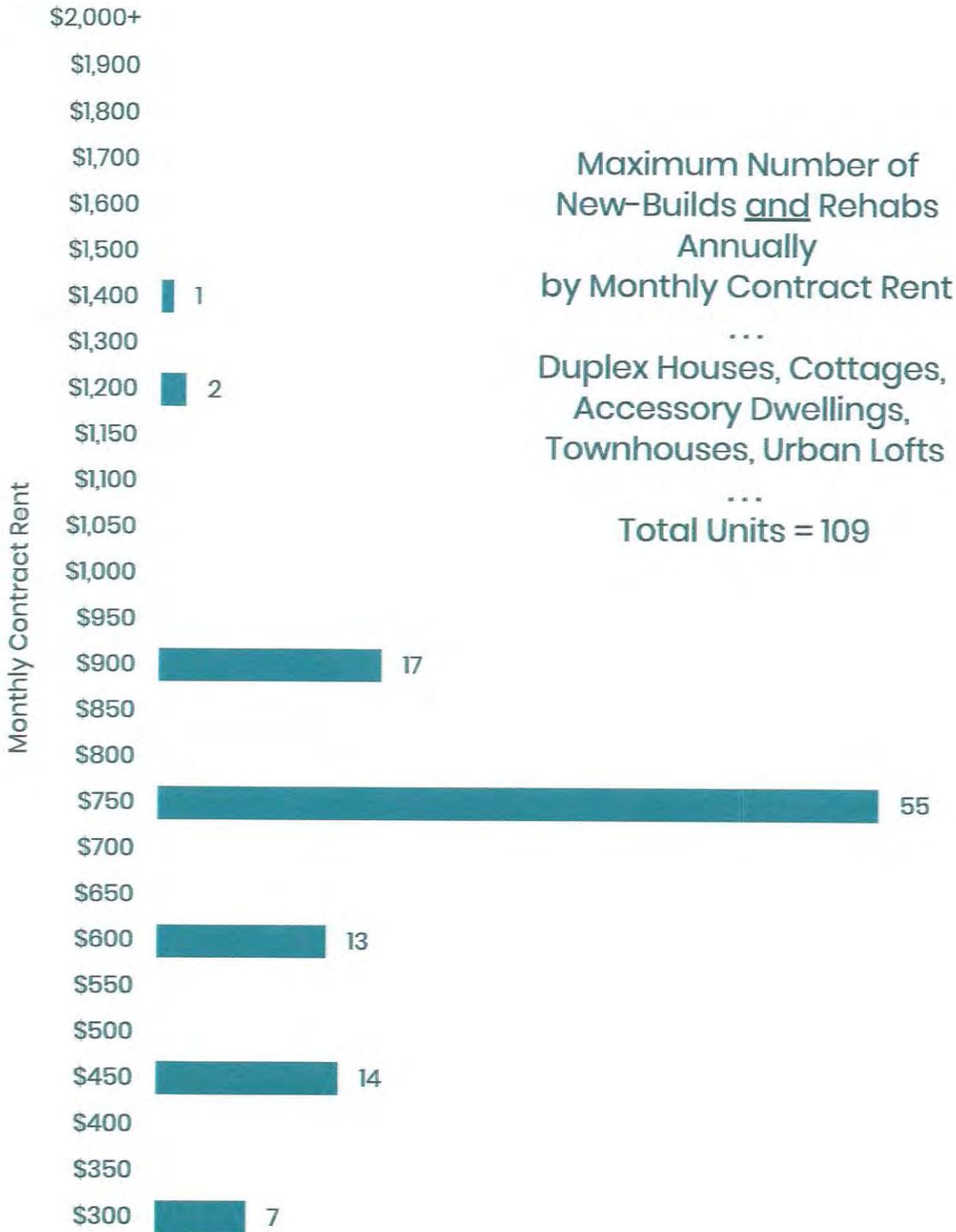
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LandUseUSA
Urban Strategies

Renters | East Jordan

Monthly Contract Rents | Year 2020



Based on the results of a Target Market Analysis and study of households moving into and within the community. Analysis & exhibit prepared by LandUseUSA | Urban Strategies © on behalf of Housing North and Networks Northwest, 2019.



LandUseUSA
UrbanStrategies

Section 4

Bay Shore CDP

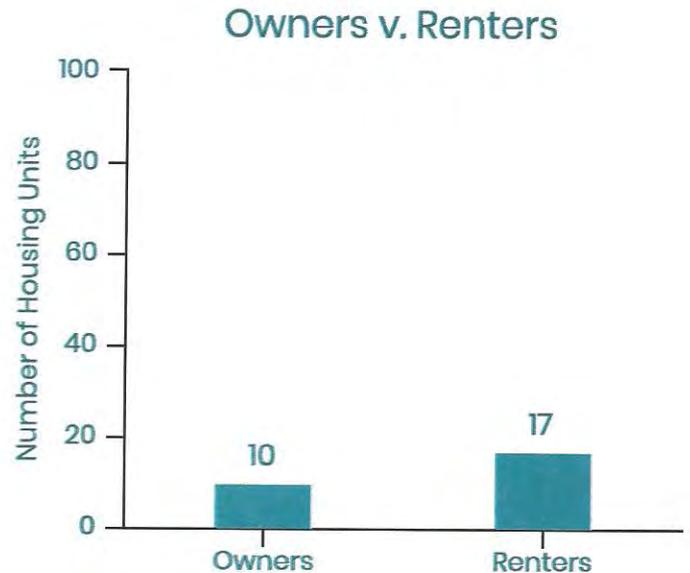
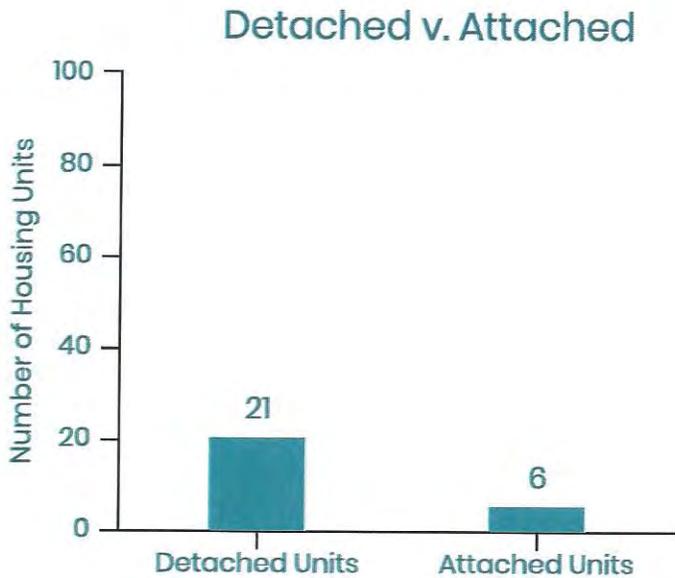


CDP

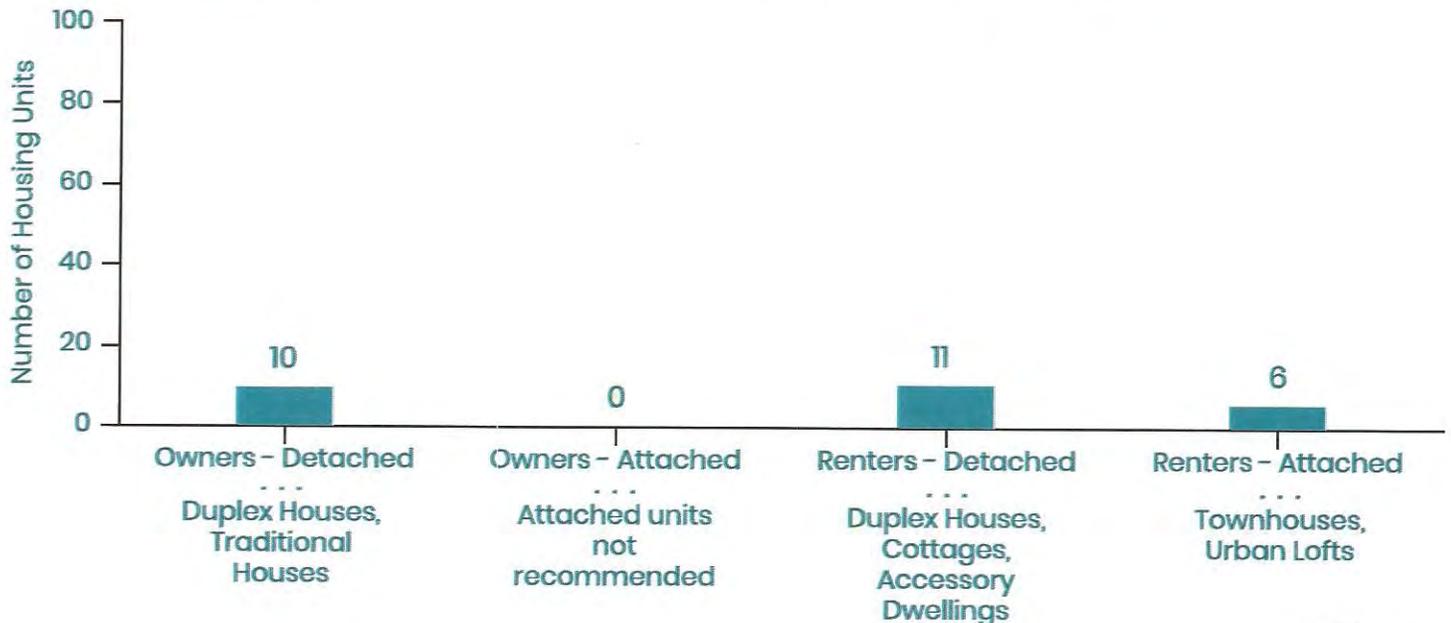
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Census
Designated
Place

Market Potential | Bay Shore New Builds and Rehabs | Year 2020



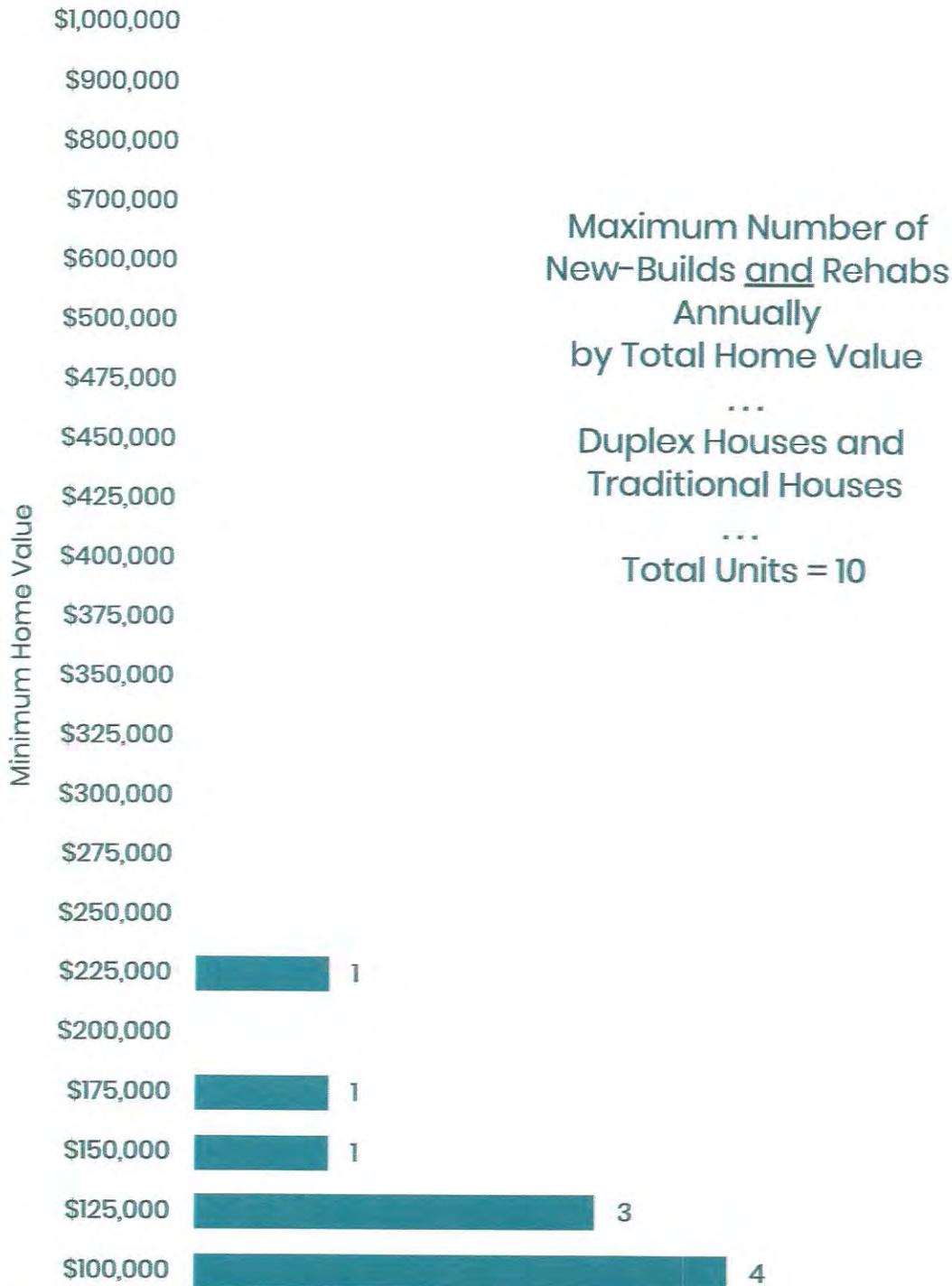
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Owners | Bay Shore

Total Home Values | Year 2020



Based on the results of a Target Market Analysis and study of households moving into and within the community. Analysis & exhibit prepared by LandUseUSA | Urban Strategies © on behalf of Housing North and Networks Northwest, 2019.



Renters | Bay Shore

Monthly Contract Rents | Year 2020



Maximum Number of
New-Builds and Rehabs
Annually
by Monthly Contract Rent

...
Duplex Houses, Cottages,
Accessory Dwellings,
Townhouses, Urban Lofts

...
Total Units = 17

Based on the results of a Target Market Analysis and study of households moving into and within the community. Analysis & exhibit prepared by LandUseUSA | Urban Strategies © on behalf of Housing North and Networks Northwest, 2019.



Charlevoix County, Michigan Residential Target Market Analysis Existing Market Profiles – Year 2019

Appendix A – Owners
Appendix B – Renters



DRAFT
October 18, 2019



Residential Target Market Analysis
Existing Market Profiles – Year 2020
Appendix A and Appendix B

Appendix A (Owners) – The TMA report includes two appendices demonstrating existing market profiles for the current year 2019. The first appendix includes two pages for each place to demonstrate the share of existing owners by income bracket, and the share of existing owner-occupied housing units by value bracket. In general, there tends to be a mismatch between the highest incomes of existing owners and relatively low values of existing units. However, affluent owners also tend to be very settled and disinclined to move, so they do not generate very much of the market potential.

Appendix B (Renters) – The second appendix includes two pages for each place to demonstrate the share of exiting renters by income bracket, and the share of existing renter-occupied housing units by contract rent bracket. Again, there tends to be a mismatch between the highest renter incomes and relatively low rents among existing units. As with the owners, affluent renters also tend to be more settled and less inclined to move, so they do not generate very much of the market potential.

HUD Income Limits – The exhibits in Appendix A and Appendix B also identify low-to-moderate income (LMI) limits as established by the U.S. Department of Housing and Urban Development (HUD). These limits are based on the Area Median Income (AMI) of each respective county, also established by HUD.

In general, households with extremely low incomes are earning about 30% of AMI; those with very low incomes are earning 50% of AMI; and those with low income are earning 80% of AMI. Households earning 80% to 120% of AMI are often described as those with “worker” incomes, or as “market rate”. However, these are not steadfast rules and there may be some variations between counties.

The charts showing the home value and contract rent brackets are also aligned with HUD’s LMI limits. The incomes are translated into value and rent thresholds based on the assumptions that renters should not spend more than 30% of their total income on contract rents; and owners should not spend more than 40% of their total income on a yearly mortgage, including principal and interest.

The LMI limits shown on the exhibits are intended for general reference and as a benchmark for developers interested in building new affordable housing projects. However, they should not be used to make decision on the values or rents of new market-rate housing.

Appendix A

Owner Incomes v. Home Values



The City of
Boyne City



The City of
Charlevoix



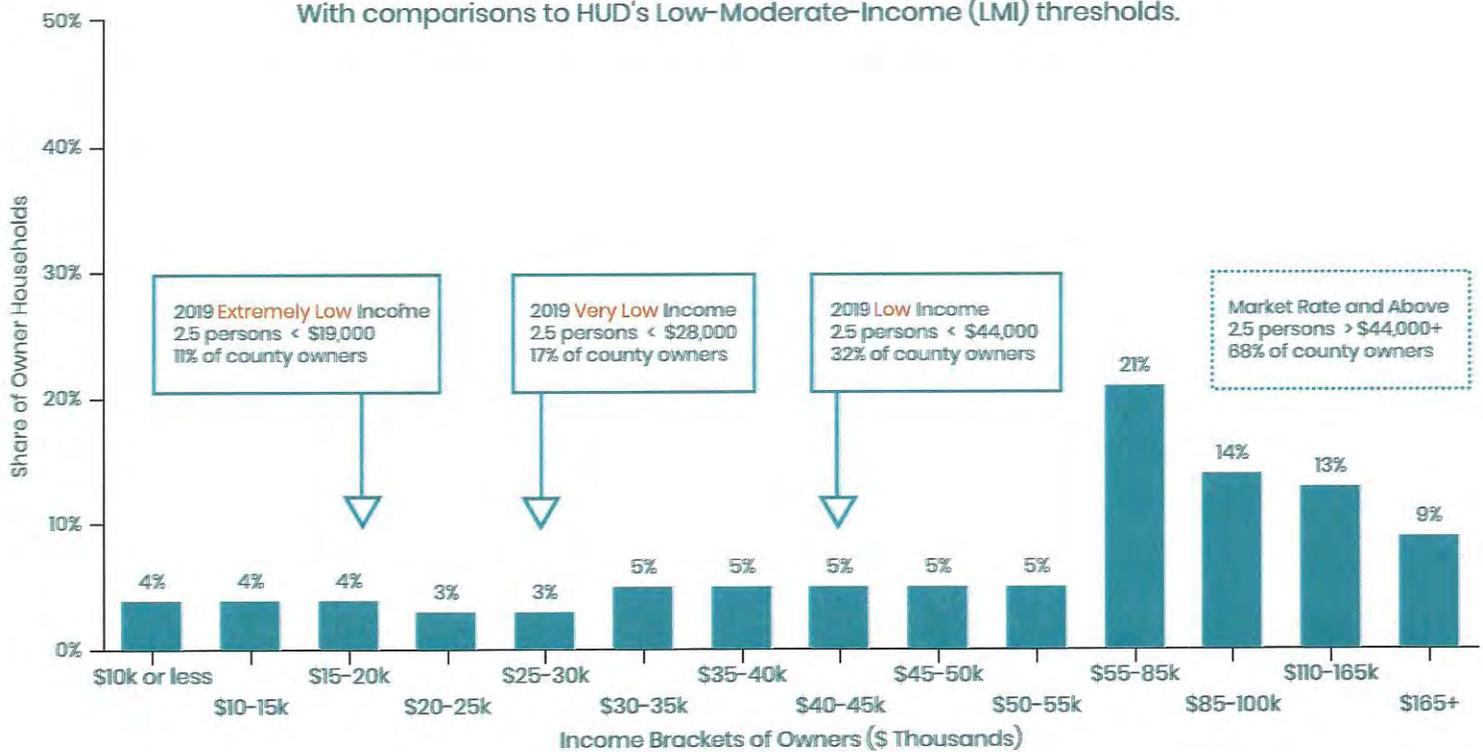
The City of
East Jordan



Bay Shore CDP
Census Designated Place

Owners | Charlevoix County Income Brackets | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.



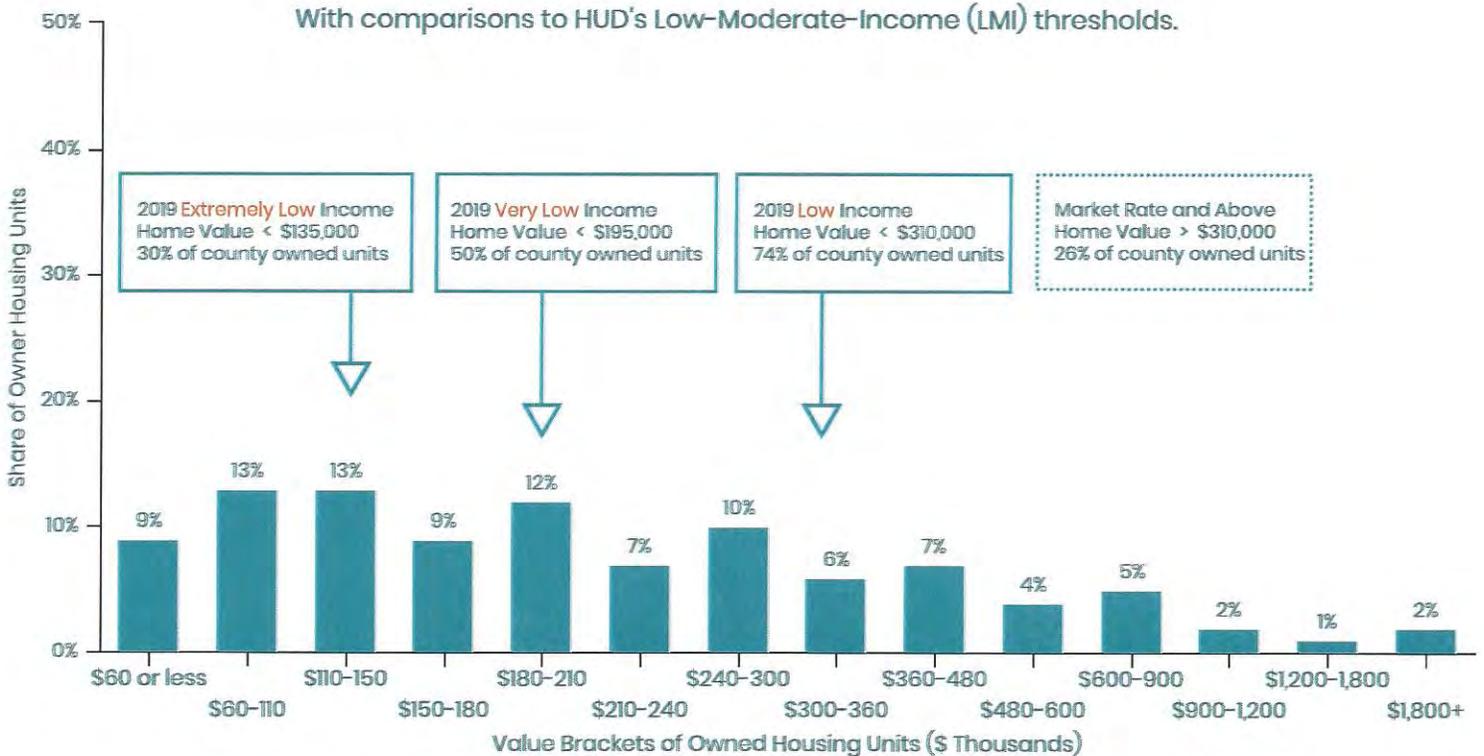
The 2019 Low-to-Moderate Income (LMI) limits are based on midpoint data provided by the U.S. Department of Housing and Urban Development (HUD) for 2 and 3 person households. For each place, the standard is the Area Median Income (AMI) for the county and as established by HUD. In general, extremely low income households are earning less than 30% of the county's AMI; similarly, very low income households are earning less than 50% of the county's AMI; and low income households are earning less than 80% of AMI. It is generally believed that households earning 80% of AMI or above should be able to afford market rate home values, and those earning less than 80% need more "affordable" housing choices. Also: The share of households by income bracket is based on the American Community Survey (ACS) with 1-year and 5-year estimates through the year 2017, and then forecast to the year 2019 by LandUseUSA | Urban Strategies ©.



LandUseUSA
UrbanStrategies

Owners | Charlevoix County Total Home Values | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.



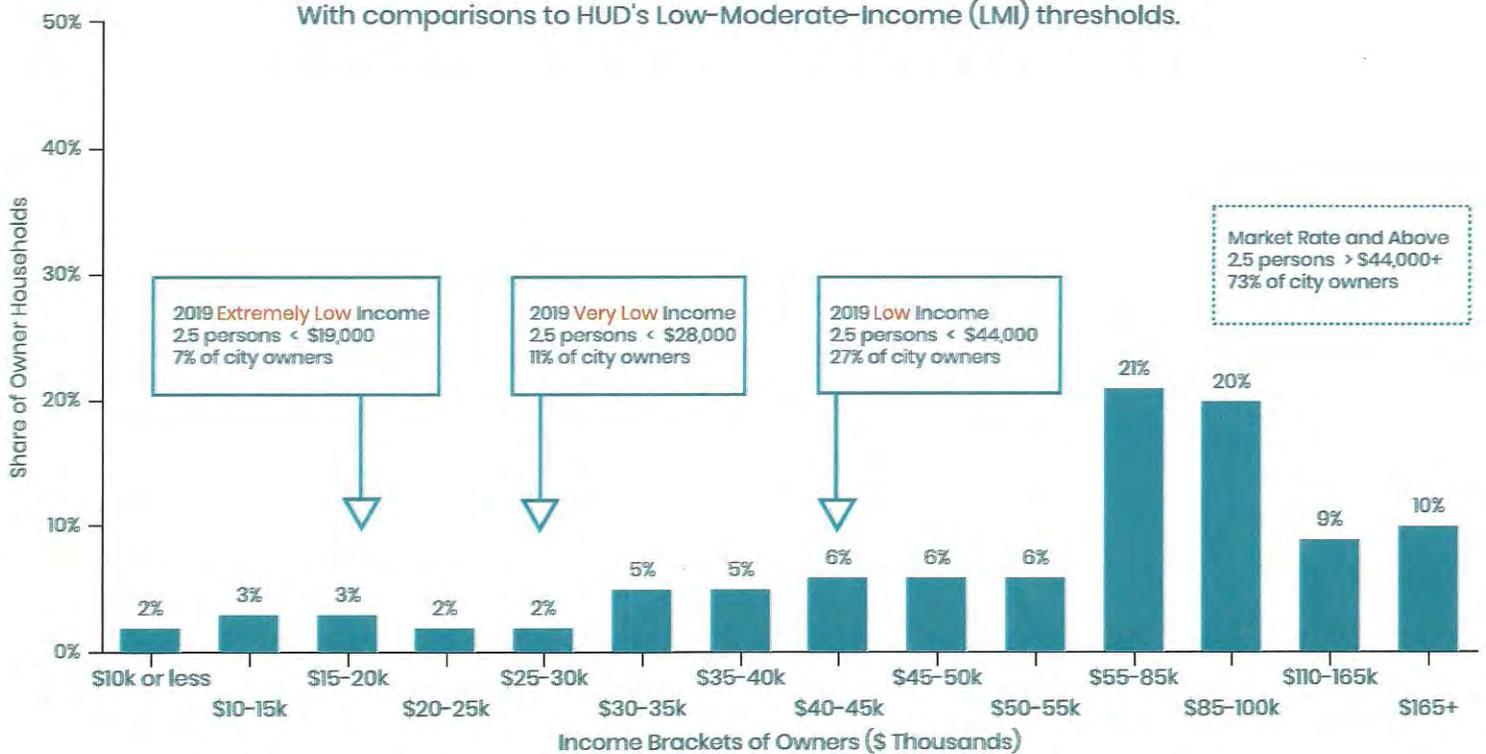
The 2019 Low-to-Moderate Income (LMI) limits are provided by the U.S. Department of Housing and Urban Development (HUD) for 2 and 3 person households, and averaged for the midpoint of 25 persons. The standard is the Area Median Income (AMI) for the county as established by HUD. Extremely low income households are generally earning less than 30% of the county's AMI; very low income households are earning less than 50% of the AMI; and low income households are earning less than 80%. It is generally believed that households earning 80% of AMI or above should be able to afford market rate home values, and those earning less than 80% need more "affordable" housing choices. This analysis also assumes that owners should spend no more than 40% of their income (30-year mortgages at a 4% interest rate). Also: The share of owner-occupied housing units by value bracket is based on the American Community Survey (ACS) with 1-year and 5-year estimates through the year 2017, and then forecast to the year 2019 by LandUseUSA | Urban Strategies ©.



LandUseUSA
UrbanStrategies

Owners | Boyne City Income Brackets | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.

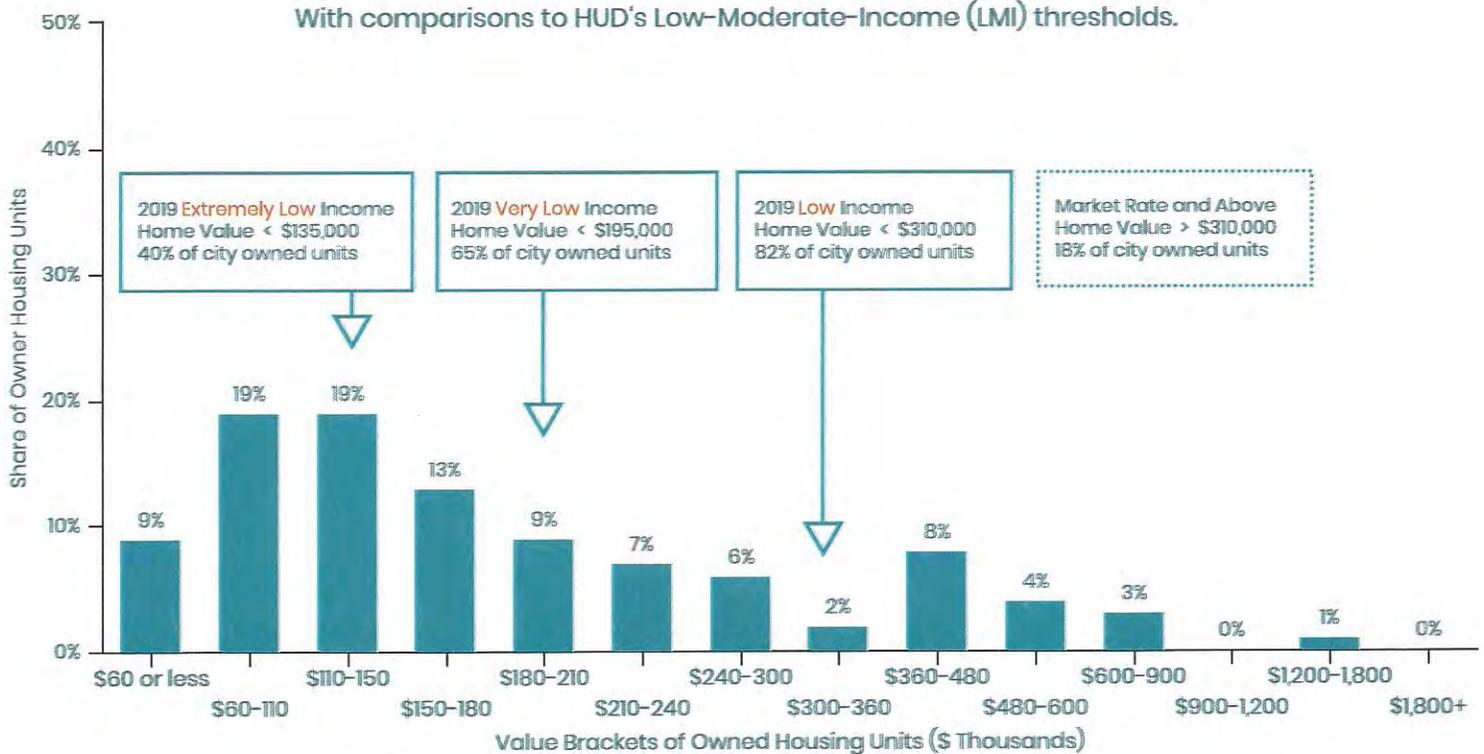


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Owners | Boyne City Total Home Values | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.



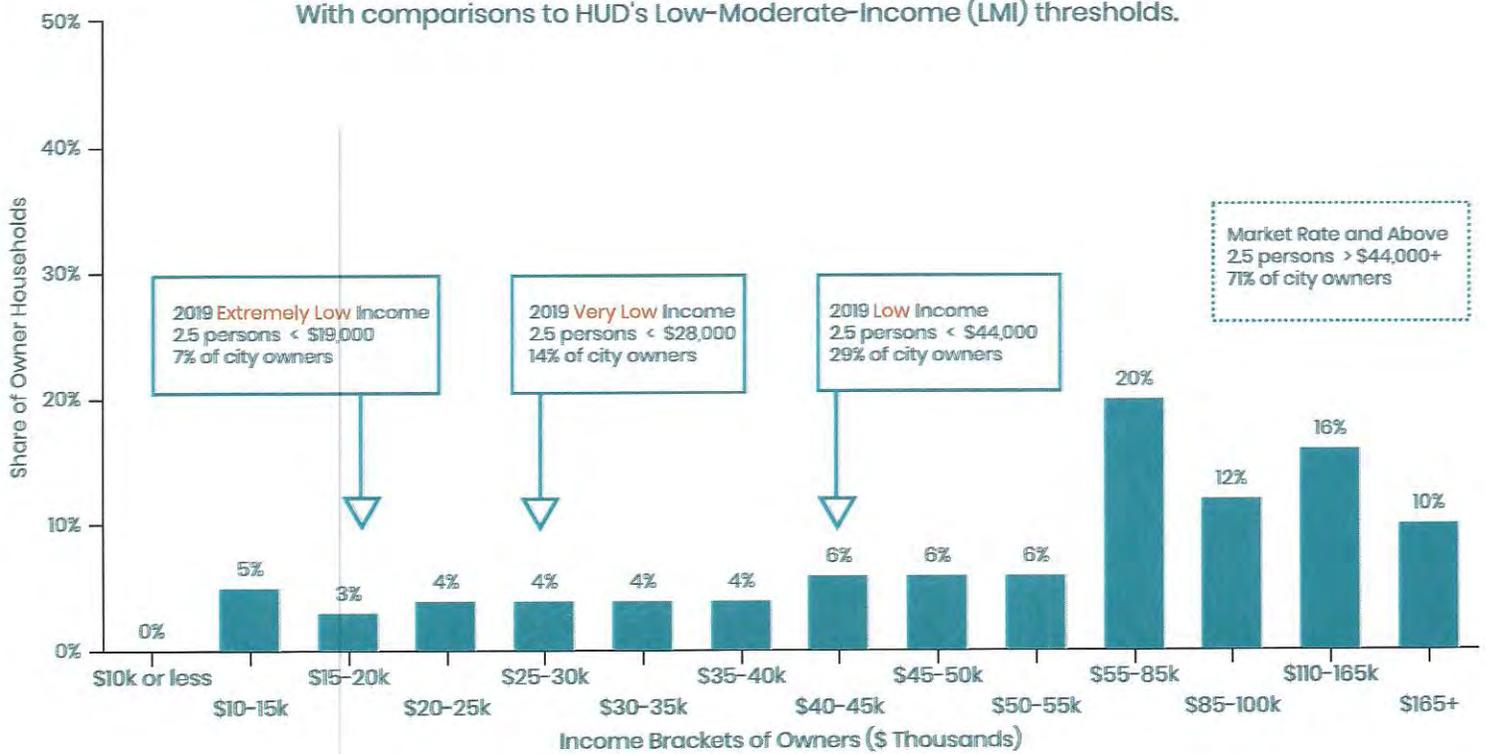
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LandUseUSA
UrbanStrategies

Owners | Charlevoix City Income Brackets | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.



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Owners | Charlevoix City Total Home Values | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.



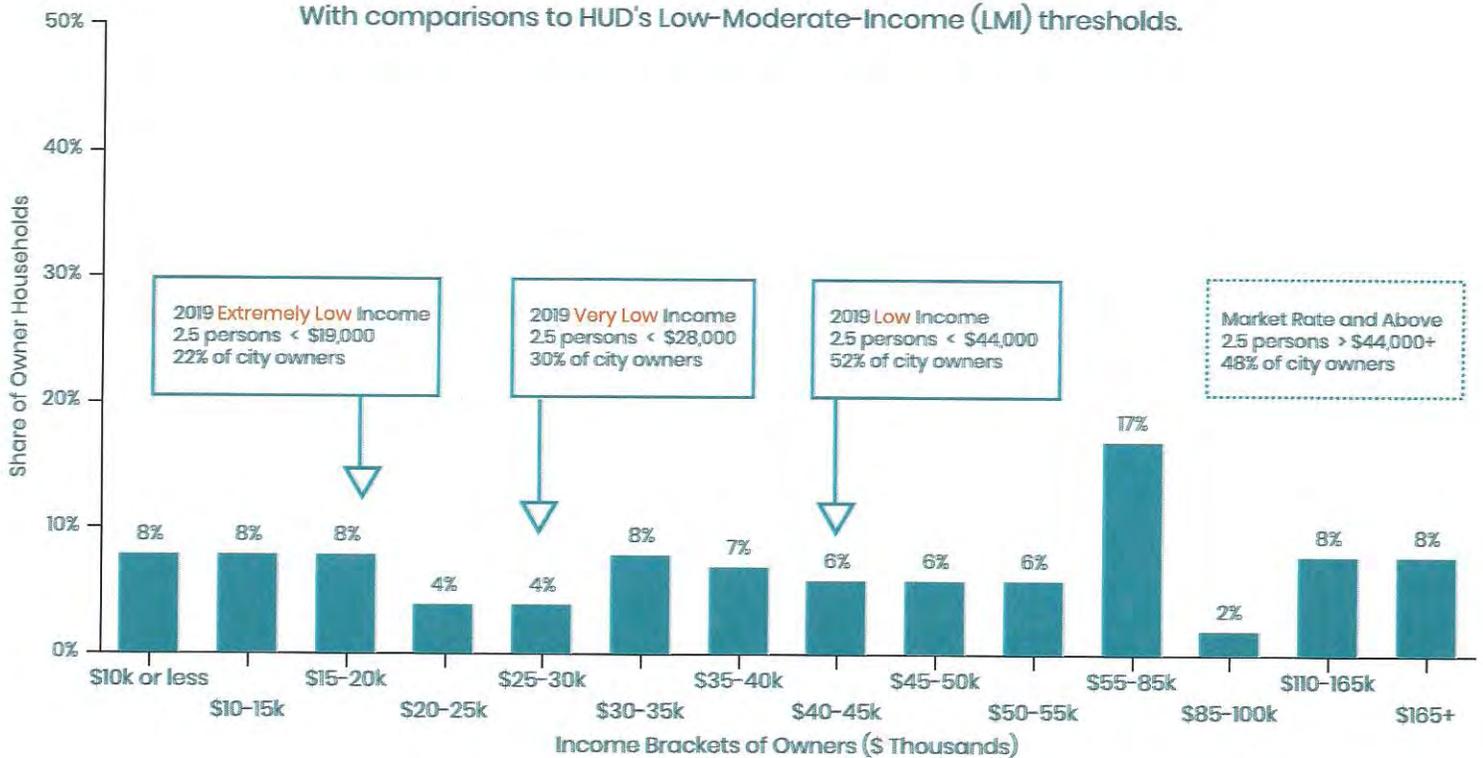
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LandUseUSA
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Owners | East Jordan Income Brackets | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.

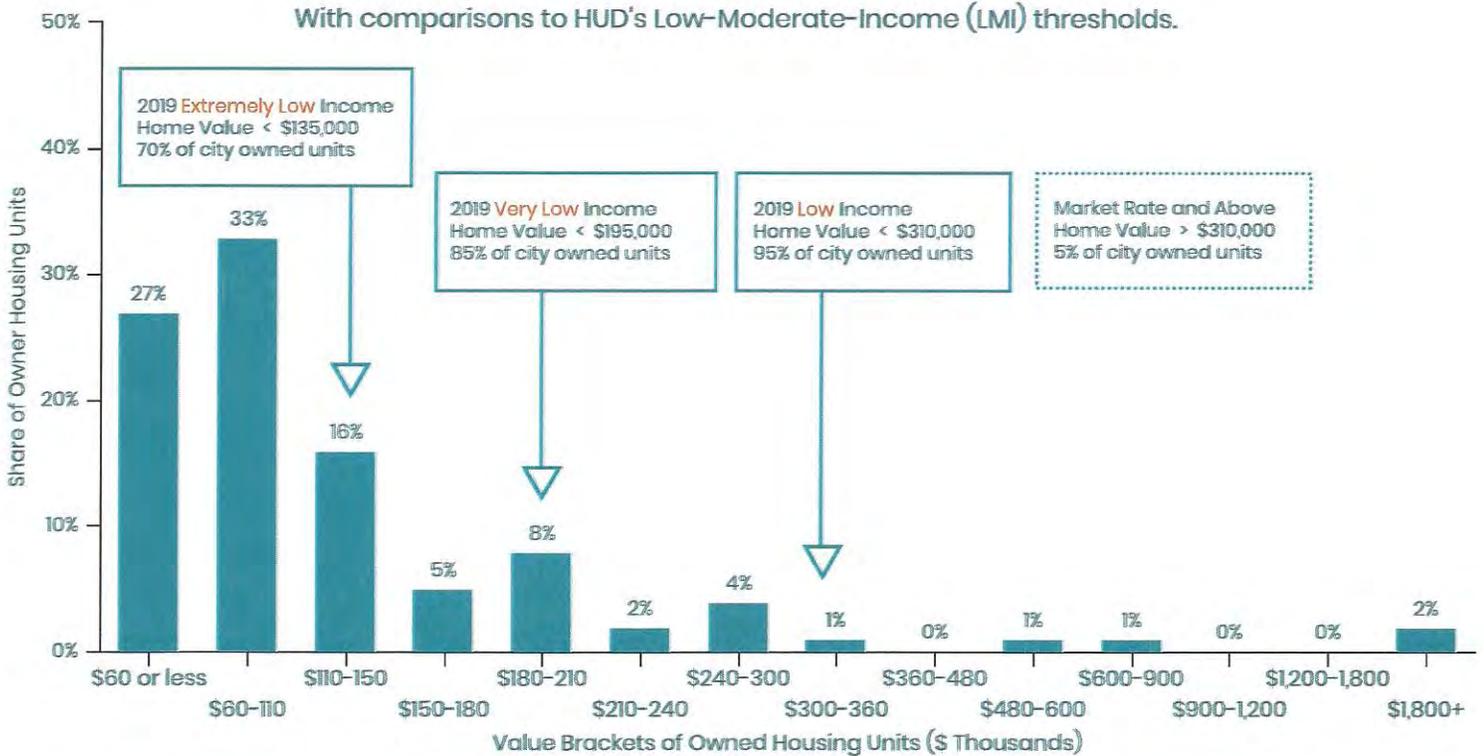


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Owners | East Jordan Total Home Values | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.



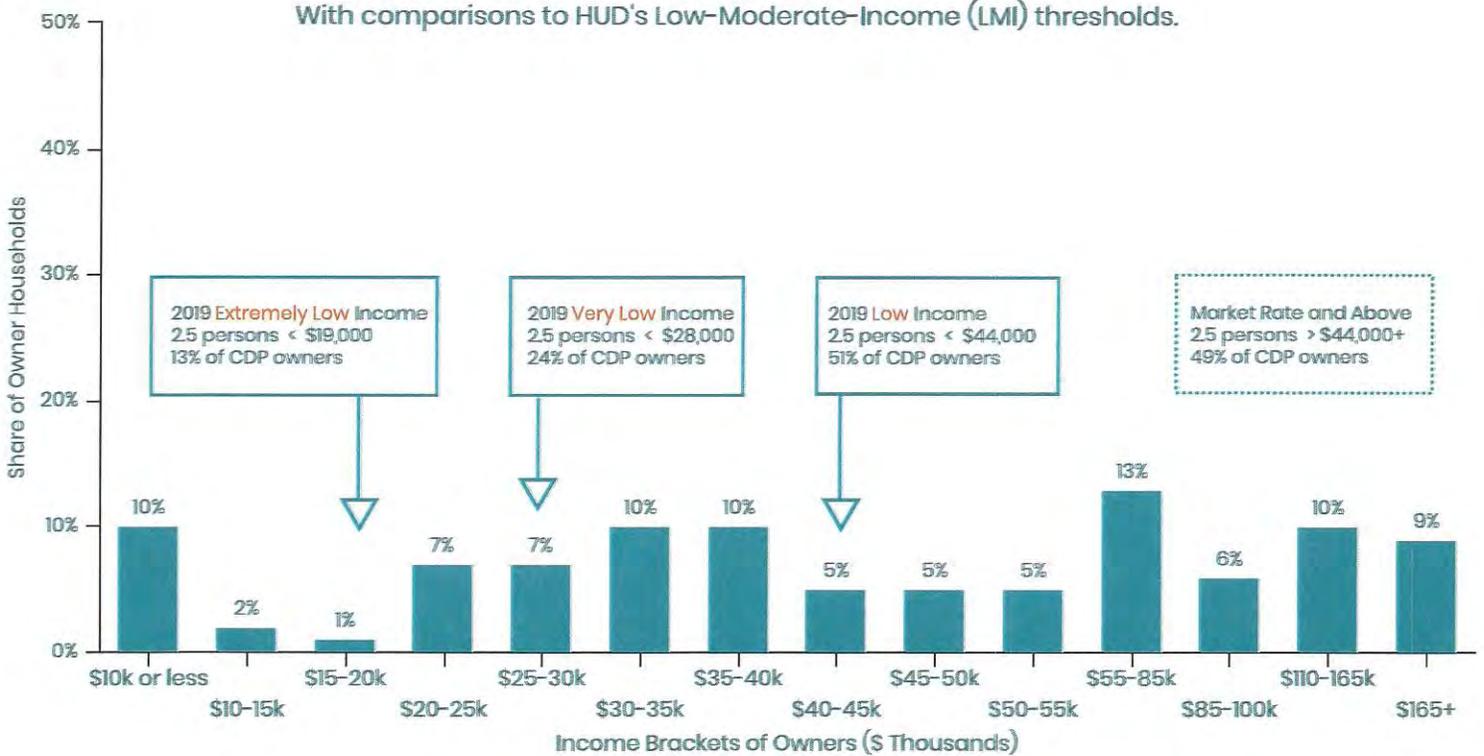
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LandUseUSA
Urban Strategies

Owners | Bay Shore Income Brackets | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.



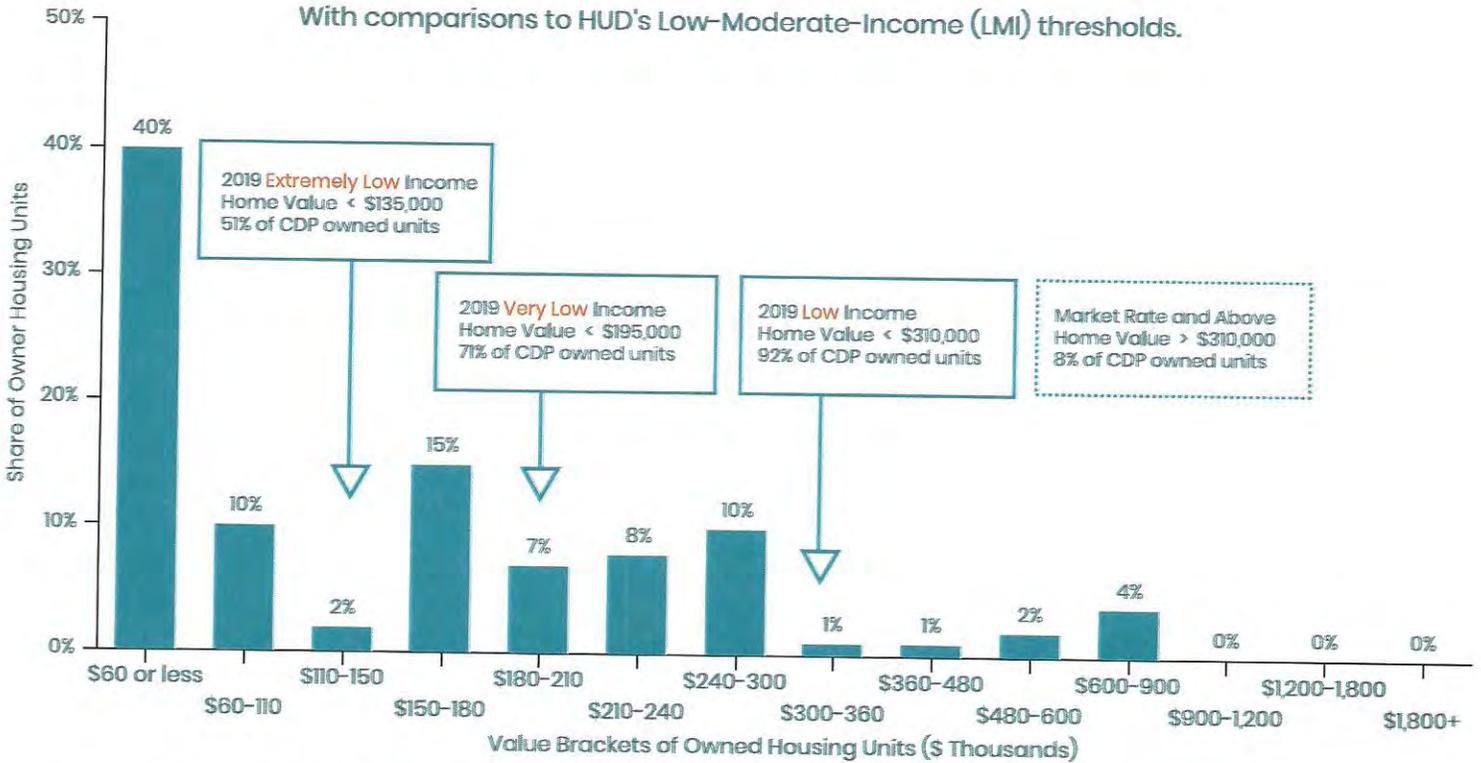
The 2019 Low-to-Moderate Income (LMI) limits are based on midpoint data provided by the U.S. Department of Housing and Urban Development (HUD) for 2 and 3 person households. For each place, the standard is the Area Median Income (AMI) for the county and as established by HUD. In general, extremely low income households are earning less than 30% of the county's AMI. Similarly, very low income households are earning less than 50% of the county's AMI; and low income households are earning less than 80% of AMI. It is generally believed that households earning 80% of AMI or above should be able to afford market rate home values, and those earning less than 80% need more "affordable" housing choices. Also: The share of households by income bracket is based on the American Community Survey (ACS) with 1-year and 5-year estimates through the year 2017, and then forecast to the year 2019 by LandUseUSA | Urban Strategies ©.



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Owners | Bay Shore Total Home Values | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.



The 2019 Low-to-Moderate Income (LMI) limits are provided by the U.S. Department of Housing and Urban Development (HUD) for 2 and 3 person households, and averaged for the midpoint of 2.5 persons. The standard is the Area Median Income (AMI) for the county as established by HUD. Extremely low income households are generally earning less than 30% of the county's AMI; very low income households are earning less than 50% of the AMI; and low income households are earning less than 80%. It is generally believed that households earning 80% of AMI or above should be able to afford market rate home values, and those earning less than 80% need more "affordable" housing choices. This analysis also assumes that owners should spend no more than 40% of their income (30-year mortgages at a 4% interest rate). Also: The share of owner-occupied housing units by value bracket is based on the American Community Survey (ACS) with 1-year and 5-year estimates through the year 2017, and then forecast to the year 2019 by LandUseUSA | Urban Strategies ©.



Appendix B

Renter Incomes v. Contract Rents



The City of
Boyne City



The City of
Charlevoix



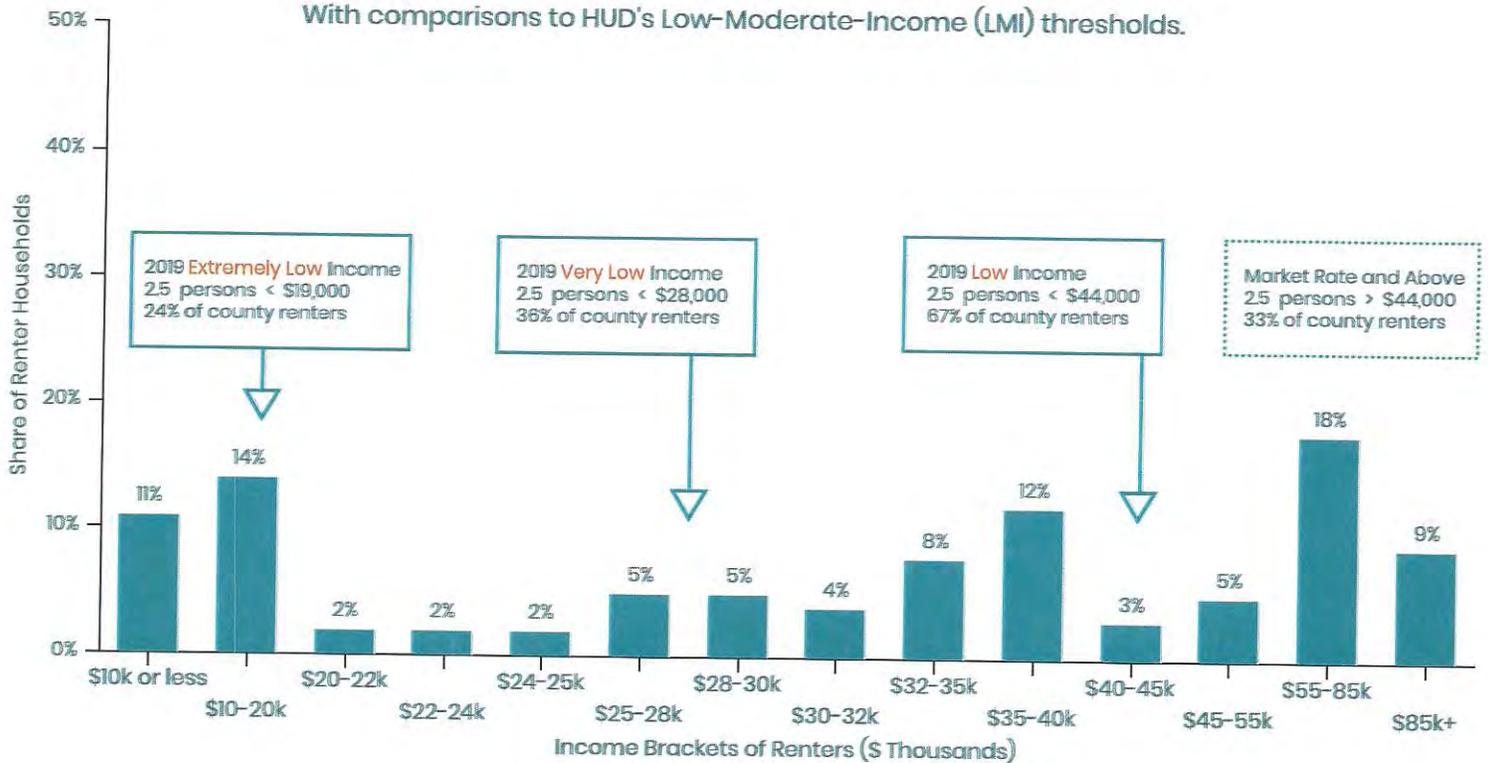
The City of
East Jordan



Bay Shore CDP
Census Designated Place

Renters | Charlevoix County Income Brackets | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.

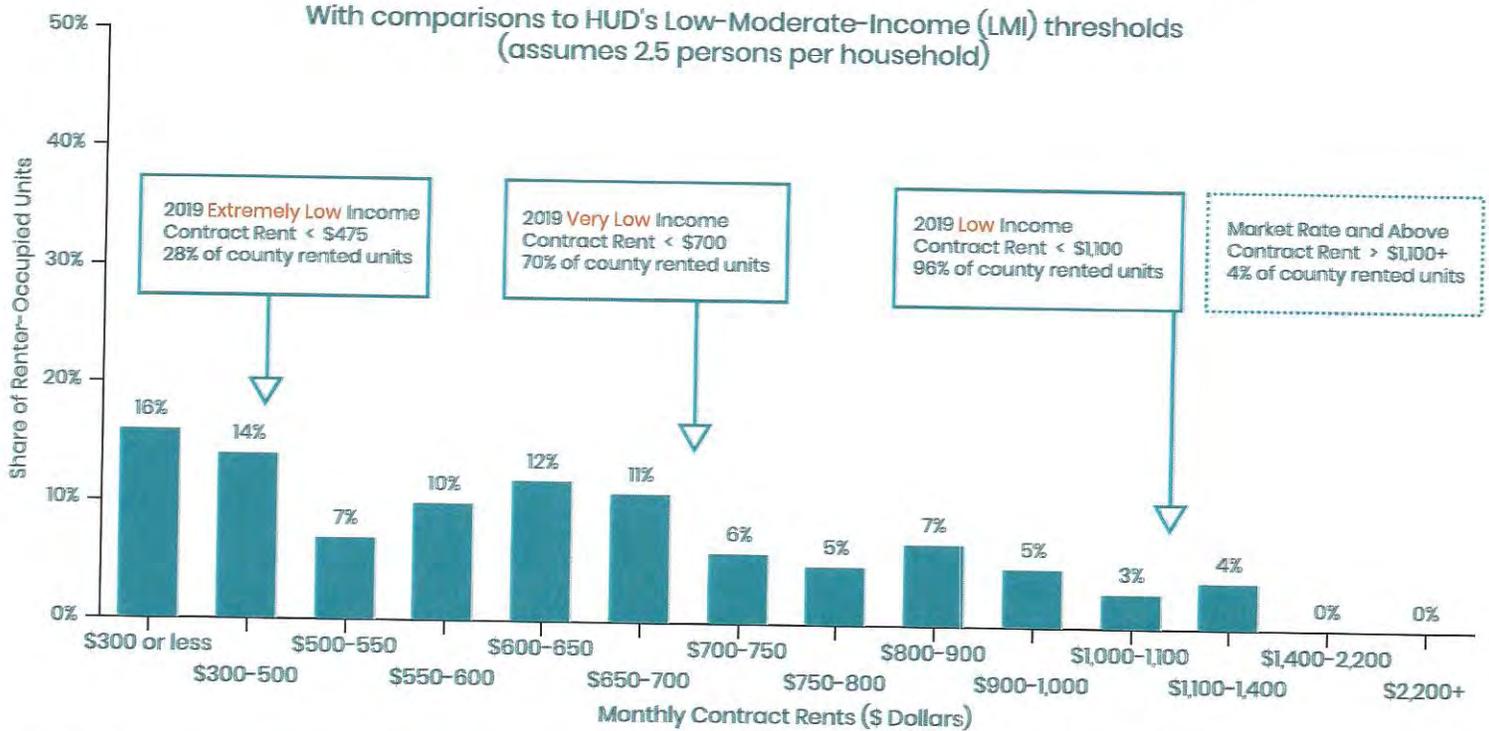


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Renters | Charlevoix County Monthly Contract Rents | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds
(assumes 2.5 persons per household)



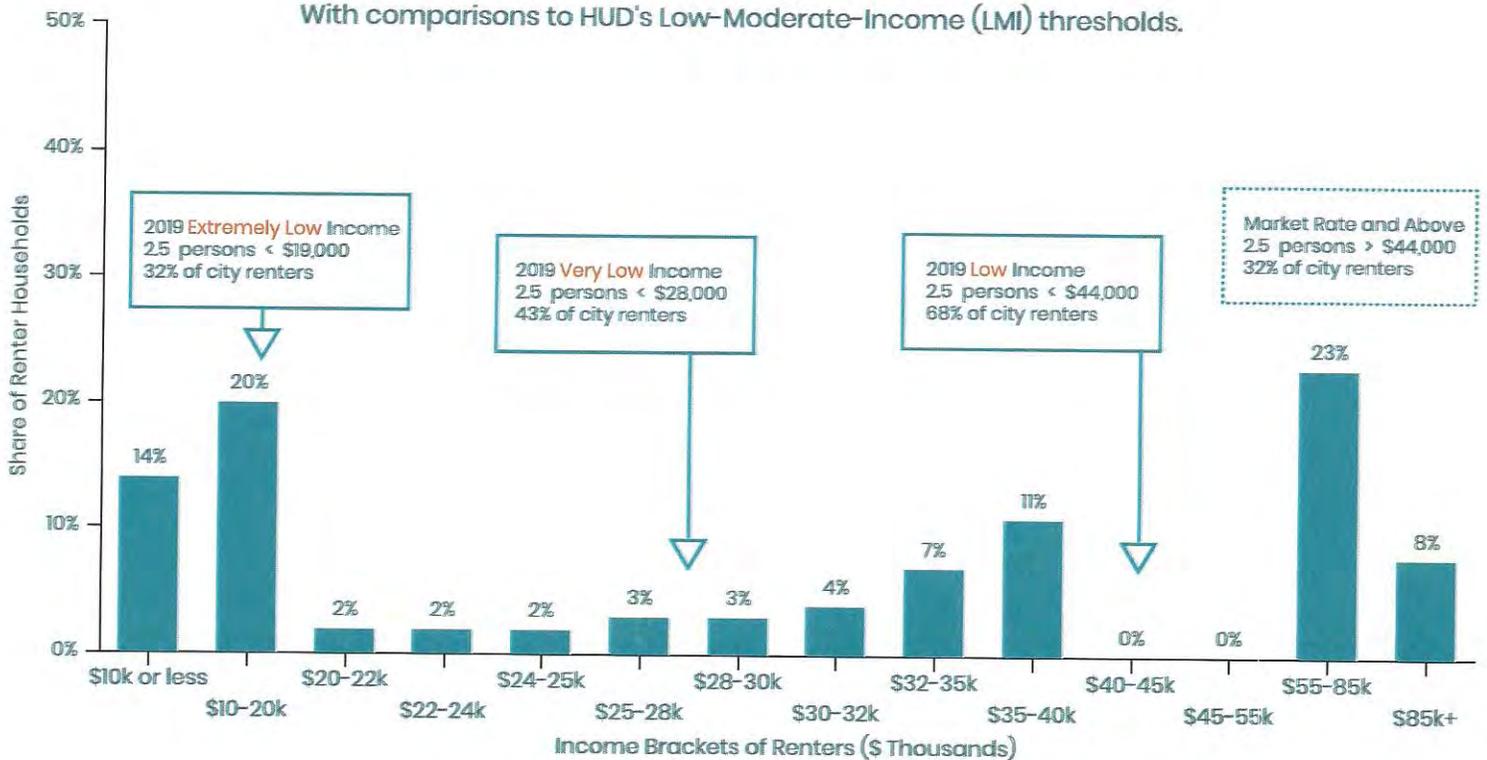
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Renters | Boyne City Income Brackets | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.



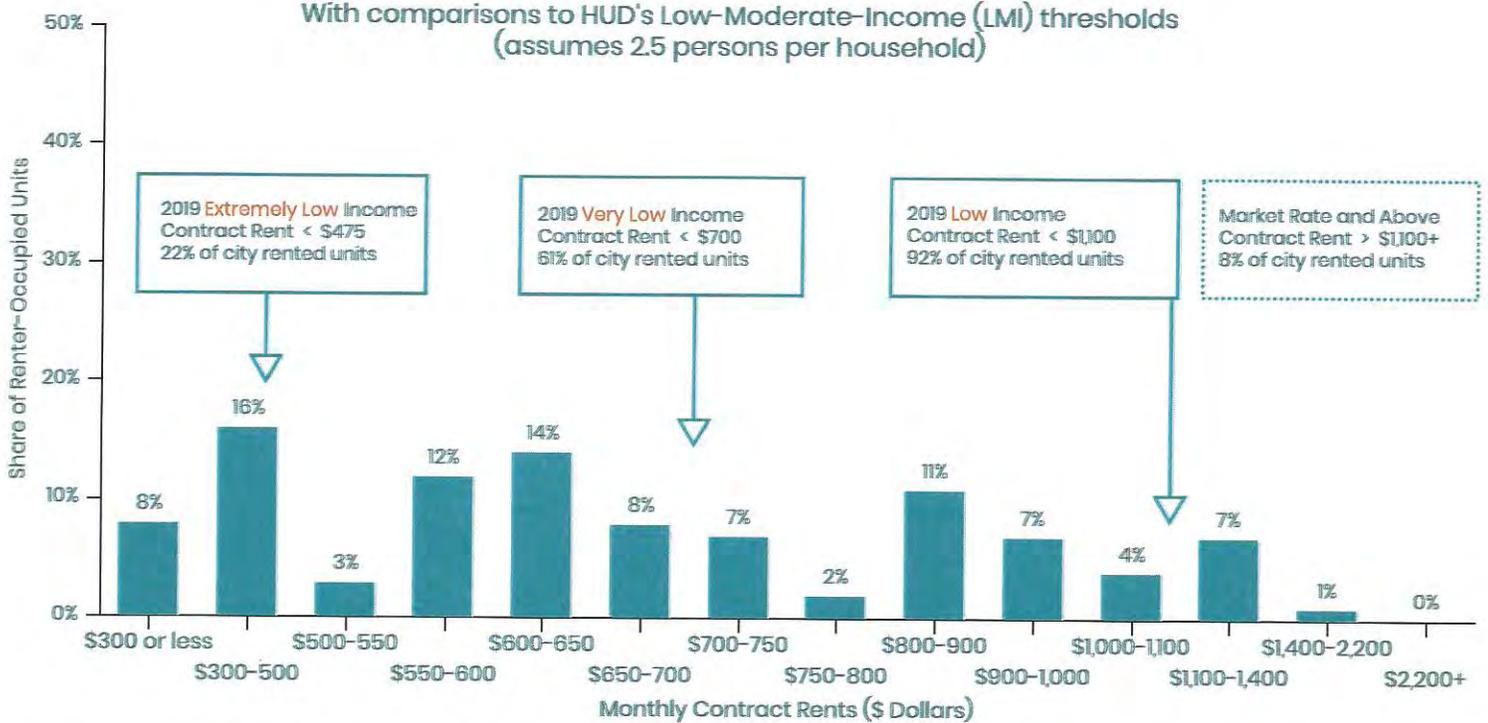
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Renters | Boyne City

Monthly Contract Rents | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds
(assumes 2.5 persons per household)

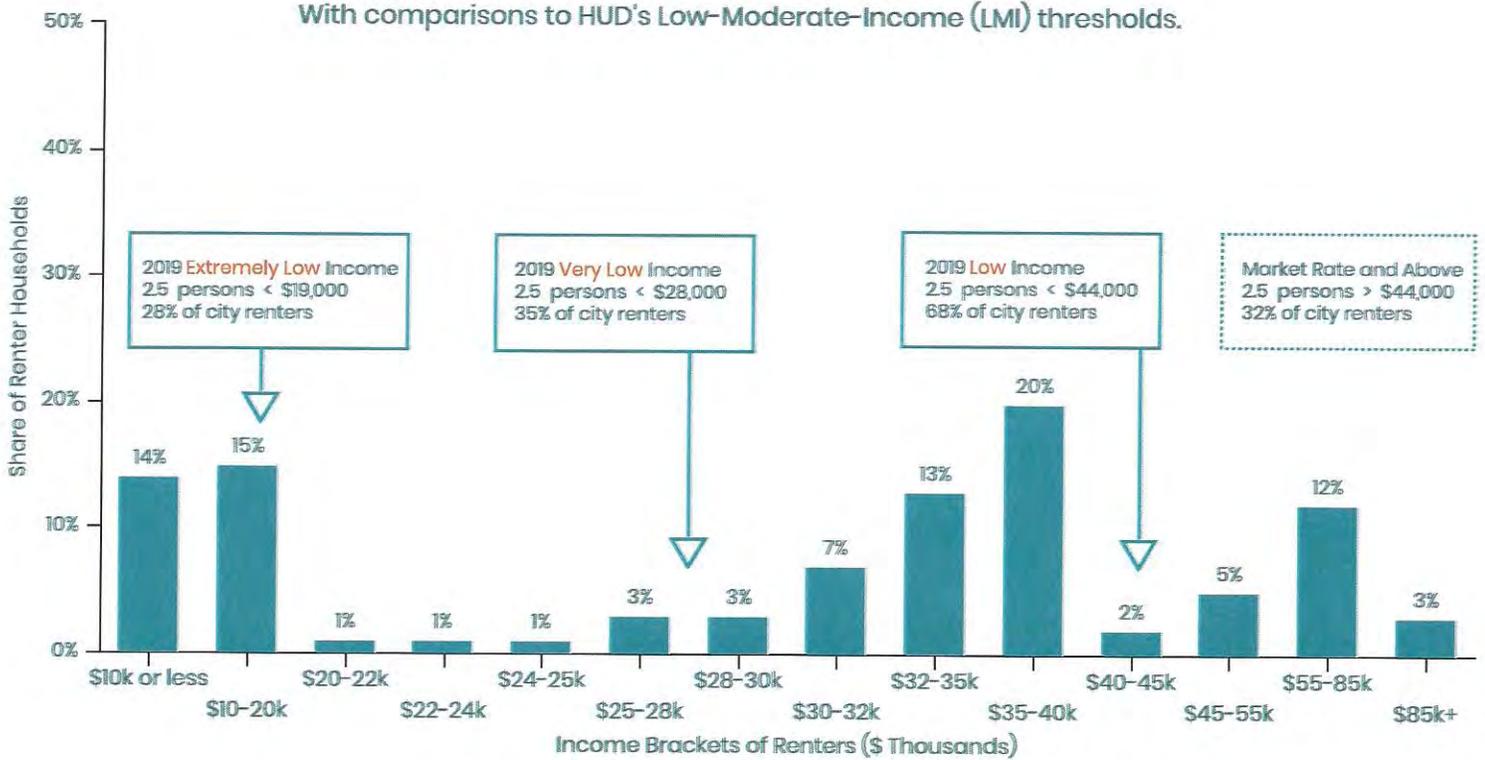


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Renters | Charlevoix City Income Brackets | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.



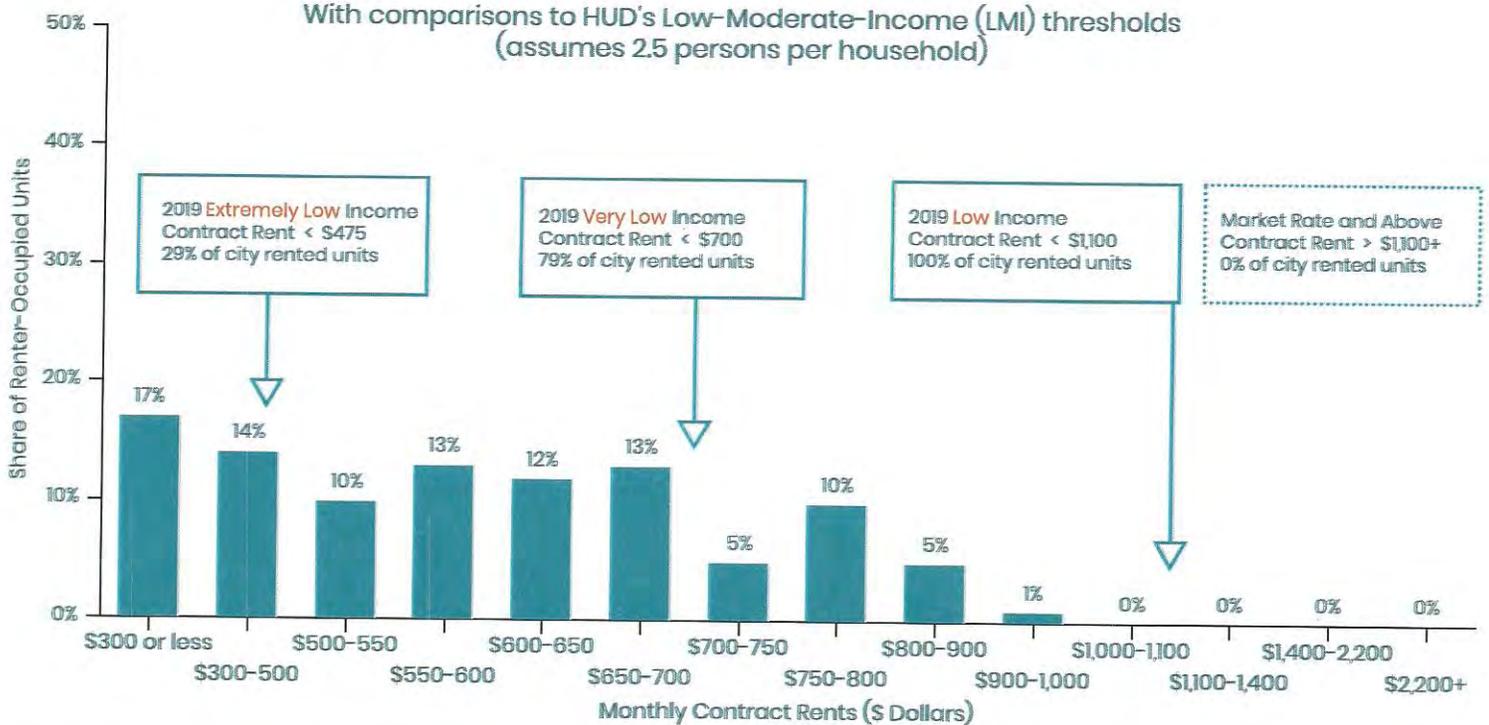
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Renters | Charlevoix City

Monthly Contract Rents | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds
(assumes 2.5 persons per household)



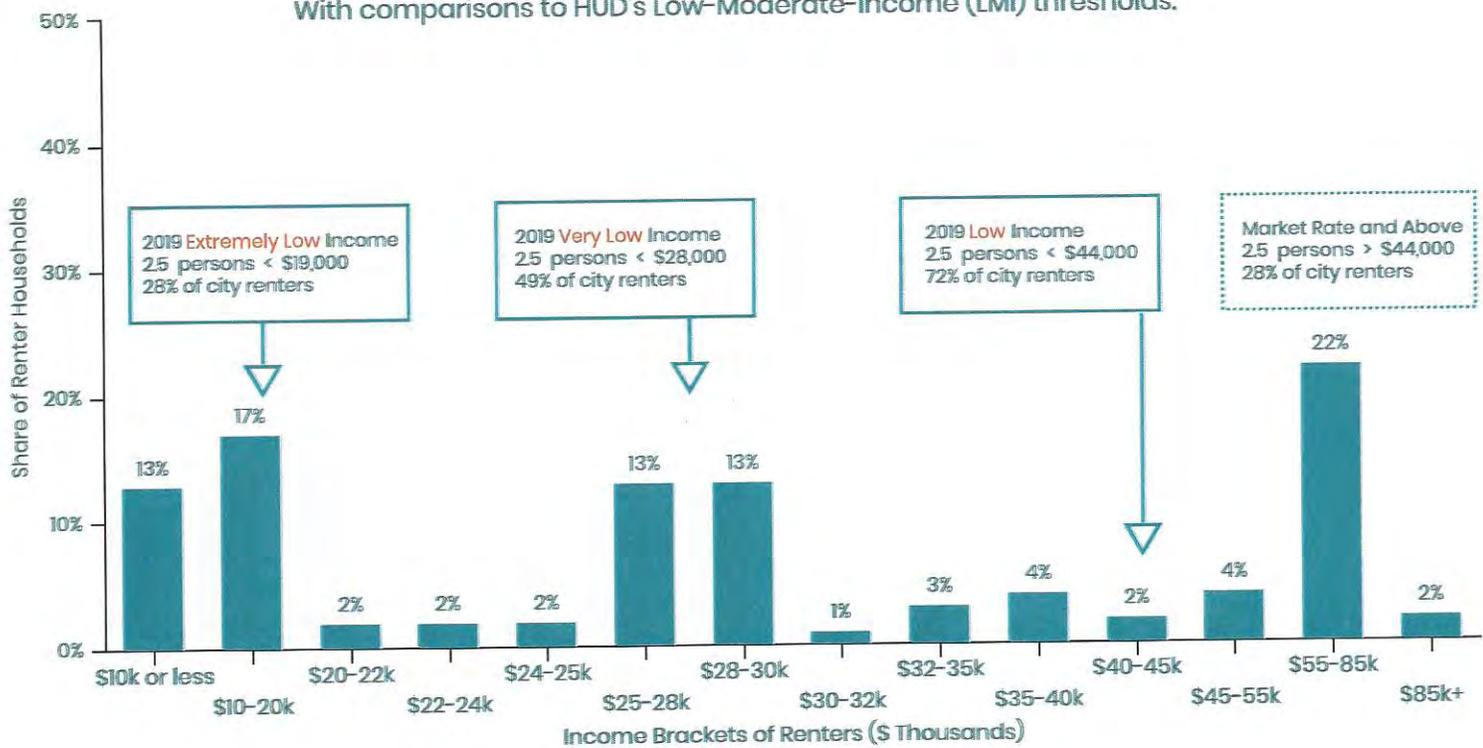
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Renters | East Jordan Income Brackets | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds.



The 2019 Low-to-Moderate Income (LMI) limits are based on midpoint data provided by the U.S. Department of Housing and Urban Development (HUD) for 2 and 3 person households. For each place, the standard is the Area Median Income (AMI) for the county and as established by HUD. In general, extremely low income households are earning less than 30% of the county's AMI; similarly, very low income households are earning less than 50% of the county's AMI; and low income households are earning less than 80% of AMI. It is generally believed that households earning 80% of AMI or above should be able to afford market rate rents, and those earning less than 80% need more "affordable" housing choices. Also: The share of households by income bracket is based on the American Community Survey (ACS) with 1-year and 5-year estimates through the year 2017, and then forecast to the year 2019 by LandUseUSA | Urban Strategies ©.

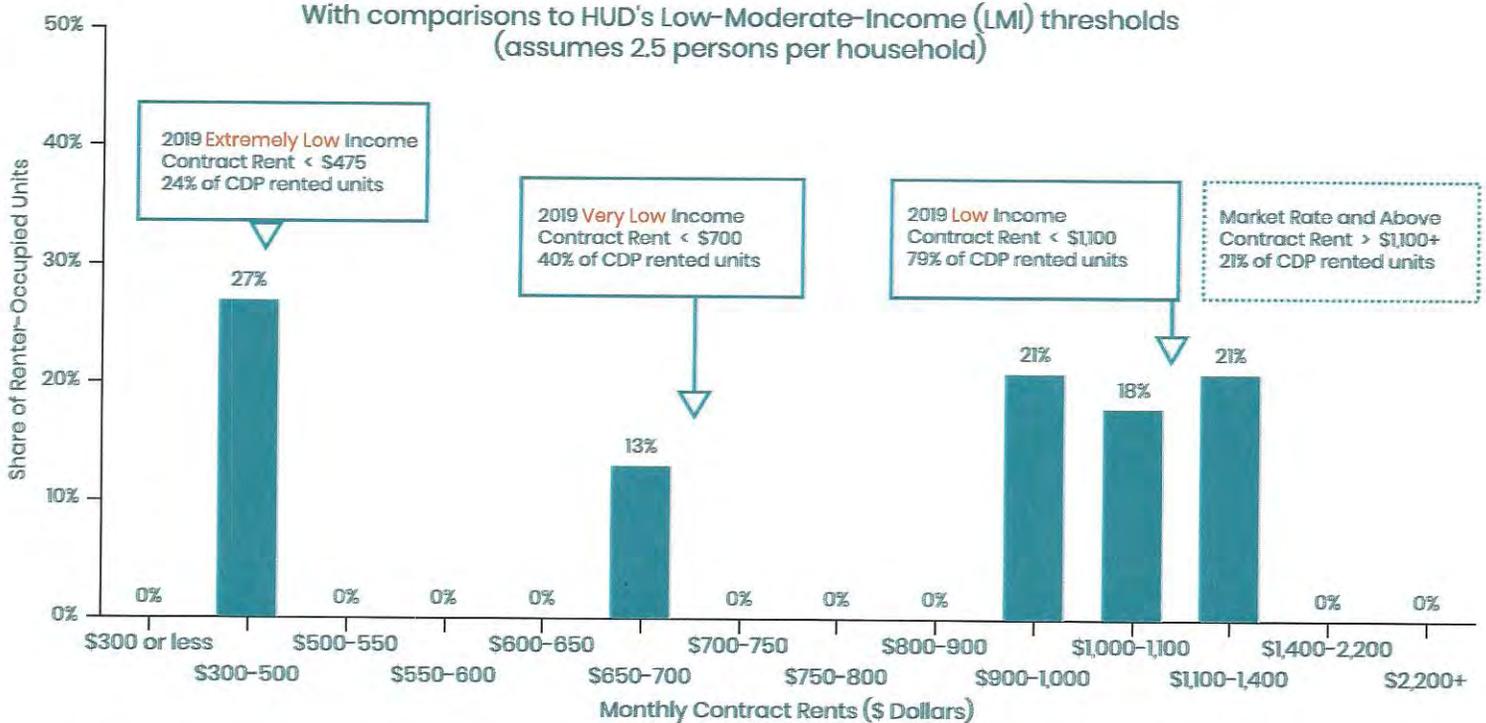


LandUseUSA
UrbanStrategies

Renters | Bay Shore

Monthly Contract Rents | Year 2019

With comparisons to HUD's Low-Moderate-Income (LMI) thresholds
(assumes 2.5 persons per household)



The 2019 Low-to-Moderate Income (LMI) limits are based on midpoint data provided by the U.S. Department of Housing and Urban Development (HUD) for 2 and 3 person households. For each place, the standard is the Area Median Income (AMI) for the county and as established by HUD. In general, extremely low income households are earning less than 30% of the county's AMI. Similarly, very low income households are earning less than 50% of the county's AMI; and low income households are earning less than 80% of AMI. It is generally believed that households earning 80% of AMI or above should be able to afford market rate home values, and those earning less than 80% need more "affordable" housing choices. This analysis also assumes that renters should spend no more than 30% of their household income on contract rent. Also: The share of owner-occupied housing units by value bracket is based on the American Community Survey (ACS) with 1-year and 5-year estimates through the year 2017, and then forecast to the year 2019 by LandUseUSA | Urban Strategies ©.





MANUFACTURED HOUSING GENERAL RULES



Michigan Department of Labor & Economic Growth
Bureau of Construction Codes
<http://www.michigan.gov/bcc>

INTRODUCTION

Amendments to the Manufactured Housing Rules become effective September 2, 2008.

Additional copies of the rules are available from the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, P.O. Box 30255, Lansing, Michigan 48909 at a cost of \$5.00. Please make check or money order payable to the State of Michigan.

Printed under the authority of 1987 PA 96

Paid with Manufactured Housing Commission Fees

BCC-Pub 0900

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DEPARTMENT OF LABOR & ECONOMIC GROWTH

DIRECTOR'S OFFICE

MANUFACTURED HOUSING

(By authority conferred on the director of the department of labor & economic growth by 1987 PA 96, MCL 125.2301 and Executive Reorganization Orders No. 1996-2, 2003-1, and 2006-2, MCL 445.2001, 445.2011, and 445.1981)

R 125.1101, R 125.1120, R 125.1125, R 125.1130, R 125.1175, R 125.1185, R 125.1192, R 125.1202b, R 125.1212, R 125.1213a, R 125.1214, R 125.1214d, R 125.1214f, R 125.1214i, R 125.1214n, R 125.1303, R 125.1305, R 125.1401, R 125.1403, R 125.1408, R 125.1602, R 125.1605, R 125.1610, R 125.1701, R 125.1702a, R 125.1705, R 125.1901, R 125.1904a, R 125.1905, R 125.1906, R 125.1908, R 125.1920, R 125.1922, R 125.1940a, R 125.1947a, R 125.1950, R 125.2001, R 125.2001a, R 125.2005a and R 125.2006a of the Michigan Administrative Code are amended and R 125.1102, R 125.1701a, R 125.1703, R 125.1711, R 125.1712, R 125.1713, R 125.1714, R 125.1715, R 125.1716, R 125.1717, R 125.1718, R 125.1719, and R 125.1720 are added and R 125.1214l, R 325.3347, R 325.3348, R 325.3349, R 325.3351, R 325.3353, R 325.3361, and R 325.3363, R 325.3371, and R 325.3372 of the code are rescinded as follows:

PART 1. GENERAL PROVISIONS

R 125.1101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Accessory" means anything which is joined to a home, which renders it more complete, which accompanies it, which is connected to it, or which performs a function incident to the safety or convenience, or both, of the occupant, such as an attached or detached carport or garage, steps, or decks. An accessory shall be constructed pursuant to the standards set forth in the provisions of R 408.30101 to R 408.30121 of the Michigan Administrative Code.

(b) "Act" means 1987 PA 96, MCL 125.2301 to 125.2350 and known as the mobile home commission act.

(c) "Advertising" means the publication of, or causing to be published, by any means of communication, all material that is prepared for public distribution and consumption, including any sign used by a licensee. A licensee shall use the name under which it's doing business in all advertisements. The term does not include applications for licensing or stockholder communications, such as any of the following:

- (i) Annual reports.
- (ii) Interim financial reports.
- (iii) Proxy materials.
- (iv) Registration statements.
- (v) Securities.
- (vi) Business or financial prospectuses.

(d) "Certificate of manufactured home ownership" means a document which is issued by the department or its authorized representative and which establishes lawful transfer and ownership of a home.

(e) "Closing" means the procedure in which final documents are executed.

- (f) “Commission” means the manufactured housing commission.
- (g) “Common sidewalk” means a sidewalk in a community that is intended for the common use of all residents in the community.
- (h) “Community” means both a “mobile home park” and a “seasonal mobile home park” as defined in the act.
- (i) “Consumer” means a retail purchaser.
- (j) “Consumer deposit” means all payments of cash or by personal check, money order, certified or cashier’s check, credit card or similar instrument, or other collateral or security paid to a retailer prior to closing by the consumer for the right to purchase a home subject to return upon cancellation of the purchase agreement.
- (k) “Department” means the Michigan department of labor & economic growth.
- (l) “Director” means the director of the Michigan department of labor & economic growth.
- (m) “Final documents” include termination statements, or releases of lien, purchase agreements, installment loan contracts, manufacturer’s invoices, closing statements, shipping records, delivery receipts, and escrow disbursement documents.
- (n) “Home” has the same meaning as “manufactured home,” which has the same meaning as “mobile home” as defined in the act. A new home is a home for which a certificate of manufactured home ownership should have been issued under the act.
- (o) “Homeowner” means the person or persons listed on the certificate of manufactured home ownership and on the security agreement, if one exists, for the home.
- (p) “Home site” means the entire area that is designated to be used for a specific home.
- (q) “Individual sidewalk” means a private sidewalk which extends from the common sidewalk, driveway, or internal road to the home site and which is intended for the use of the home site resident.
- (r) “Installer and servicer” has the same meaning as “installer and repairer” as defined in the act.
- (s) “Internal road” means a road which is contained within the boundaries of a community and which is under the care, custody, and control of the community.
- (t) “Location” means a staffed sales office that lists or sells, or lists and sells, new or pre-owned homes.
- (u) “Manufactured housing commission” has the same meaning as “commission” as defined in the act.
- (v) “Operator” means an individual 18 years of age or older who is an officer of a corporation, a manager or member, if member managed, of a limited liability company, a general partner, a copartner, or a sole proprietor.
- (w) “Optional improvement” means an amenity in new community construction or existing licensed community expansion that is not required under the community construction rules contained in these rules.
- (x) “Payments” does not include payments collected by a retailer on behalf of either a lender, in order for financing to be approved, or a state or local governmental agency, in order to apply for permits, and forwarded by the retailer to the lender or governmental agency.
- (y) “Permanent foundation” means a base upon which a home is placed that is not subject to excessive movement caused by changes in weather or home weight distribution.
- (z) “Purchase agreement,” for the purpose of records maintained under these rules, means an express written agreement in which a person agrees to buy, and another person agrees to sell, a home and includes specific home identification information, which shall include all of the following information:
 - (i) Year of manufacture or year on previous certificate of manufactured home ownership.

- (ii) Serial number if available.
- (iii) Name of manufacturer.
- (iv) Model name or number.
- (v) The agreed to price of the home.
- (vi) Each buyer-selected option and accessory.
- (vii) Other costs to the buyer, such as taxes and certificate of manufactured home ownership fees.
- (aa) “Purchaser” means a retail purchaser.
- (bb) “Retailer” has the same meaning as “mobile home dealer” as defined in the act. A community that rents or leases homes within the community is not required to be licensed as a retailer, but shall comply with the retailer business practices rules. A lender that only sells homes it has repossessed is not required to be licensed as a retailer. A community that only sells homes that have been abandoned or for which a title has been transferred without consideration or in lieu of rent owed is not required to be licensed as a retailer.
- (cc) “Rubbish” means not putrescible solid wastes, except ashes, consisting of either combustible or noncombustible wastes, such as paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.
- (dd) “Seasonal community” has the same meaning as “seasonal mobile home park” as defined in the act.
- (ee) “Successor” means a person who obtains all of the assets and liabilities of a former owner.
- (ff) “Terminate” means ceasing activities authorized under the terms and powers of a license specified in the act.
- (gg) “Year of manufacture” means the calendar year in which a home is manufactured.
- (2) Terms defined in the act have the same meanings when used in these rules.

R 125.1102 Adoption by reference

Rule 102. The following standards are referenced in these rules and are adopted by reference in this rule:

- (a) The standards of the United States department of housing and urban development, 24 C.F.R. part 1700 to 1799, revised April 1, 2006, and parts 3280 and 3282, revised April 1, 2006, under the national manufactured housing construction and safety standards act of 1974, as amended, 42 U.S.C. §601 to §628. Copies of the adopted standards may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C., 20204, at no cost. Copies may also be obtained from, or are available for inspection at, the Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at no cost.
- (b) Part 3282 of the manufactured home procedural and enforcement regulations, revised April 1, 2006, promulgated under the national manufactured housing construction and safety standards act of 1974 is adopted by reference in these rules and is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, at a cost as of the time of adoption of these amendatory rules of \$15.00.
- (c) ASTM standard C 90-99, printed June 1999, is adopted by reference in these rules and is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American

Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, at a cost as of the time of adoption of these amendatory rules of \$29.00.

(d) The United States department of housing and urban development standards entitled “Manufactured Home Construction and Safety Standards,” revised April 1, 2006, are adopted by reference in these rules. Copies of the standards may be obtained at no cost from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, or from the Department of Labor & Economic Growth, Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909.

(e) The American Society for Testing and Materials (ASTM) specification F1487-05, August 15, 2005, edition, is adopted by reference in these rules and is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan, 48864. A copy of this specification may be purchased or inspected from the American Society for Testing and Materials, 100 Barr Harbor, West Conshohocken, PA 19428-2959, at a cost as of the time of adoption of these amendatory rules of \$52.00.

(f) The 2003 edition, international fire code, appendix D, figure D103.1 dealing with dead end fire apparatus access roads, is adopted by reference in these rules. The code is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan, 48864. The code may be purchased from the International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, D.C. 20001, at a cost as of the time of adoption of these amendatory rules of \$74.00.

(g) The guide for design of pavement structures, March 1993 printing and the March 1, 1998 supplement as published by the American association of state highway and transportation officials (AASHTO), is adopted by reference in these rules and is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Association of State Highway & Transportation Officials, 444 North Capitol Street N.W., Suite 249, Washington, DC 20001, at a cost as of the time of adoption of these amendatory rules of \$150.00.

(h) The requirements of American water works association standards C700-02, effective January 1, 2003, entitled “Cold Water Meters – Displacement Type” (the cost at the time of adoption of these rules is \$54.00); C708-05, effective June 1, 2005, entitled “Cold Water Meters – Multijet Type” (the cost at the time of adoption of these rules is \$37.00); and C710-02, effective January 1, 2003, entitled “Cold Water Meters – Displacement Type Plastic Main Case” (the cost at the time of adoption of these rules is \$37.00). These standards are adopted in these rules by reference and are available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

R 125.1105 Commission; voting.

Rule 105. Each member of the commission shall have 1 vote.

R 125.1106 Commission; conflict of interest.

Rule 106. A commissioner or commission committee member shall not participate in a decision or discussion leading to a decision relating to a business entity in which the commissioner or commission committee member has a financial or personal interest. However,

a commissioner or commission committee member may be present in the meeting room during the discussion and decision.

R 125.1110 Commission; meeting; quorum; agenda.

Rule 110. (1) A quorum shall be required to conduct commission business.

(2) The chairperson and the executive director of the commission shall determine the meeting agenda. A member may place an item on the tentative agenda 14 days before the scheduled meeting date.

(3) A meeting shall be called by the chairperson. Except in emergency circumstances, the call for a meeting, specifying the time and place of the meeting, shall be personally communicated or mailed to each member of the commission not less than 7 days before the date of the meeting.

(4) The vice-chairperson shall fulfill the duties of the chairperson if the chairperson is absent.

(5) The chairperson shall appoint committees of the commission, subject to commission approval.

(6) A meeting of the commission or a committee shall be conducted under Robert's Rules of Order.

R 125.1115 Commission; meeting; public participation.

Rule 115. Testimony or comments, or both, presented by a member of the public during a commission meeting shall be limited to 10 minutes for an individual representing an organization and limited to 6 minutes for an individual not representing an organization. The individual presiding over the meeting may grant 10 additional minutes to anyone. Additional comments may be submitted to the commission in writing.

R 125.1120 Proposed higher standard; filing; approval and disapproval; adoption by ordinance.

Rule 120. (1) Under the act, local governments proposing a higher standard than specified in these rules shall, after public hearing, file the proposed standard with the department for the commission's review and approval.

(2) The filing shall be in letter form and shall contain, but not be limited to, all of the following information:

(a) The current specific standard for which a higher standard is being proposed.

(b) The proposed higher standard.

(c) A statement or statements setting forth the reasons for a standard that is higher than the existing standard.

(d) A statement or statements that the proposed higher standard is not designed to generally exclude homes or persons who engage in any aspect pertaining to the business of homes.

(e) A statement or statements comparing the proposed higher standard with the standard applicable to other types of housing. The standard applicable to other types of housing shall be submitted with the statement or statements.

(f) Any other information and data that provides justification for the proposed higher standard.

(3) The commission shall approve or disapprove the proposed higher standard within 60 days after the standard is filed with the commission and shall notify the local government, in writing, of its decision. If the commission denies the request, then the local government is entitled to a hearing before the commission or its designated representative under 1969 PA 306, MCL 24.271 to 24.328.

(4) If the commission does not approve or disapprove the proposed higher standard within 60 days after the standard is filed with the commission at the department, then the standard shall be

considered approved unless the local government has granted the commission additional time to consider the proposal.

(5) After receipt of approval, or if the 60 days or extended time limit has lapsed, the local government may adopt the standard by ordinance.

R 125.1125 Proposed higher standard; intent to deny; order.

Rule 125. (1) The commission may deny a proposed higher standard by local government under the provisions of the act. The department shall notify the local government by certified mail or personal delivery of the preliminary order of intent to deny. The preliminary order of intent to deny constitutes notification within the 60-day time limit, and extension if any, under the act.

(2) The preliminary order of intent to deny shall automatically be final 15 days after the date of receipt of the order by a local government, unless the local government requests, in writing, a hearing before the commission or its designated representative under the provisions of 1969 PA 306, MCL 24.271 to 24.328.

R 125.1130 Aggrieved persons; hearing.

Rule 130. A person who is aggrieved by a decision of a local government shall be given an opportunity for a hearing under the act, provided that a written request is received by the department not more than 60 days from the date a decision is rendered by the local government.

R 125.1175 Declaratory rulings.

Rule 175. The commission and the department, at the request of an interested person, may issue a declaratory ruling in accordance with the department of labor and economic growth declaratory ruling procedures prescribed in R 338.81.

R 125.1185 Home Construction Standards.

Rule 185. (1) All new homes sold within Michigan shall comply with the construction standards promulgated by the United States department of housing and urban development, 24 C.F.R. part 1700 to 1799, and parts 3280 and 3282, under the national manufactured housing construction and safety standards act of 1974, as amended, 42 U.S.C. §601 to §628. The standards are adopted by reference in R 125.1102 of these rules. (2) All new or pre-owned United States department of housing and urban development-approved homes brought into or sold within the state of Michigan shall be in compliance with the requirements for the appropriate roof load. All homes sited on July 16, 1998 may be sold on the home site.

(3) The dividing line between the south roof load zone (20 pounds per square foot) and the middle roof load zone (30 pounds per square foot) shall be the centerline of highway M-55 west from Tawas City to the intersection of highway M-115 and then northwest along the centerline of M-115 to Frankfort. The beginning and end of the dividing line shall be at waters' edge.

R 125.1190 Inspections.

Rule 190. (1) The department, or its authorized representative, shall not conduct an inspection under the act or these rules without upon arrival, identifying itself to the developer, owner, operator, or authorized representative of the home business to be inspected. An inspection which is an audit shall not be conducted without first mailing a written notice to the developer, owner, or operator of the home business at least 10 days before the audit, unless the developer, owner, or operator waives the notice requirement in writing. "Inspection," for the purpose of this rule, means, but is not limited to, drive-throughs, walk-throughs, compliance inspections, or any other

means from which visual or oral information would be obtained pertaining to the management or operation, or both, or any other aspect of the home business in which the person being inspected is engaged.

(2) This rule does not apply to investigations conducted under section 36(1)(a) of the act.

R 125.1192 Posting of complaint notice.

Rule 192. A licensee shall post, in a conspicuous place, the following statement for resolving complaints:

“Under the Mobile Home Commission Act you have the right to file a complaint that pertains to violations of that act or rules published under the act. Before a complaint can be filed under the act or rules, you must notify the manufactured home manufacturer, community, retailer, or installer and servicer in writing that a problem exists. If a reasonable response is not received within 10 business days of receipt of your complaint, you may file a complaint with the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, Office of Local Government and Consumer Services, P.O. Box 30254, Lansing, Michigan 48909. Please note that only complaints about violations of the mobile home commission act or rules can be accepted by the Department. Examples of complaints may regard any of the following:

1. Purchase of manufactured homes, goods, or services and applicable warranties.
2. Lease or rental agreements.
3. Manufactured home communities.
4. Metering of utilities.
5. Manufactured home installation and service.

Complaints pertaining to manufactured home community rent costs do not fall under the authority of the act.”

R 125.1192a Complaint Process

Rule 192a. (1) The complainant shall send an alleged complaint to the respondent in writing of the alleged violation, giving the respondent 10 business days to respond.

(2) A person may file a complaint with the department, on a form prescribed by the department, pertaining to a violation of the act and rules.

(3) The department shall send the complaint to the respondent if the department determines there is a potential violation of the act or rules.

(4) The respondent shall respond to the complaint in writing to the department within 10 business days after receipt from the department or attempted delivery of the complaint.

(5) If the respondent does not respond to the complaint in writing within 10 business days after receipt, the department shall send the complaint to the alleged respondent a second time.

(6) The respondent shall respond to the complaint in writing to the department within 5 business days after receipt from the department under subrule (5) of this rule.

(7) If the respondent does not respond to the complaint under subrule (6) of this rule, then the department shall send an order to answer via certified mail to the respondent directing a response.

(8) Under subrule (7) of this rule, the respondent shall respond to the order to answer within 10 business days after receipt from the department or attempted delivery of the complaint.

(9) If the respondent does not respond to the order to answer under subrule (8) of this rule, then the department shall initiate administrative action against the respondent.

(10) If the respondent responds to the complaint or order to answer, the department shall send the response to the complainant.

(11) The complainant shall respond to the response in writing to the department within 10 business days after receipt.

(12) If the complainant does not respond to the response within 10 business days after its receipt, or notifies the department in writing that the response is satisfactory, then the department shall close the complaint file.

(13) If the complainant notifies the department in writing that the response is not satisfactory, then the department shall determine whether the respondent has violated the act or these rules.

(14) If the department determines that the respondent has not violated the act or rules, then the department shall notify the complainant and the respondent in writing and shall close the complaint file.

(15) If the department determines that the respondent has violated the act or rules, then the department shall notify the complainant and the respondent in writing of the required remedial action and the deadline by which the remedial action shall be completed.

(16) When the remedial action is complete, the respondent shall notify the department in writing and provide documentation that the remedial action is complete.

(17) If the department is satisfied that the remedial action is complete, then the department shall notify the respondent and complainant of this determination and then shall close the file.

PART 2. LICENSING

R 125.1202 Application; truthful completion.

Rule 202. An applicant for a license under the act shall complete the application truthfully and shall not misrepresent any material fact on the application.

R 125.1202b Disclosure.

Rule 202b. Under the act, if filing an application under the act or these rules, all general partners or copartners in a partnership; officers of a corporation; managers or members, if member managed of a limited liability company; or sole proprietors shall provide all of the following information:

(a) A conviction or administrative or civil judgment rendered against them within 10 years before the date of the application in connection with any aspect of the business of homes, which includes, but is not limited to, sales, brokering, installation, servicing, financing, and insuring homes or any aspect of community ownership, management, operation, development, or construction.

(b) A conviction or administrative or civil judgment rendered against them within 10 years before the date of application in connection with a violation of a statute regulating the offering of securities or franchises or regulating builders, real estate brokers, or real estate agents or a violation of 1972 PA 286, MCL 565.801 to 565.835.

(c) Information necessary to conduct a criminal record check on a form provided by the department.

R 125.1202c Operator.

Rule 202c. On the application for licensure, a person shall identify an operator, who shall sign the application and be directly responsible for the operation of the licensee.

R 125.1204 Applications; changes.

Rule 204. An applicant shall file a change to a licensing application with the department within 30 days after the change is made.

R 125.1204a Additional licenses; filing of information.

Rule 204a. If a person holds a license issued under the act and subsequently applies for an additional license issued under the act, then the applicant need file only that information not on file with the department in addition to the appropriate application and fee.

R 125.1209 License issuance licensee's true and assumed names required to appear on license; duplicate license.

Rule 209. A license may be issued to a person who meets the requirements of the act and these rules. The licensee's true name and assumed name shall appear on the license.

R 125.1211a Use of similar names on license prohibited; exception.

Rule 211a. A new licensee may not conduct business under a name which is so similar to the name under which an existing licensee is conducting business that it would be confusing to the public. This rule does not apply to an existing licensee that receives a new license of the same type or adds another location to its license.

R 125.1211b License display.

Rule 211b. A license issued under the act and these rules shall be conspicuously displayed at the location shown on the license.

R 125.1212 License; request for renewal; fee.

Rule 212. An application for license renewal shall be on a form provided by the department and shall be accompanied by the fee prescribed by the act.

R 125.1213 Temporary original license.

Rule 213. The department may authorize or issue temporary original licenses as evidence of proper licensing. The department shall prescribe the information that the license shall contain.

R 125.1213a License; failure to renew; expiration.

Rule 213a (1) If a licensee fails to file a license renewal application with the department before October 1, then the license held shall expire in compliance with the act.

(2) An initial or renewal license under the act shall be issued for 3 years. Licenses shall expire on October 1 of the current licensing cycle.

R 125.1214 Operation after expiration of license.

Rule 214. A licensee may continue to operate as previously licensed using only its expired wall license as evidence of proper licensing if its completed application for renewal, with proper fee, has been received by the department before October 1 of the current licensing cycle.

R 125.1214a Disposal of interest in home business; notice.

Rule 214a. A licensee shall notify the department, in writing, within 10 days after having sold, transferred, given away, or otherwise disposed of a home business. The notice shall include the name, address, and telephone number of the new owner of the home business.

R125.1214b Employment of operator licensee whose license is suspended or revoked prohibited.

Rule 214b. A licensee shall not employ an individual who was an operator of a licensee whose license has been suspended or revoked under the act during the time of suspension or revocation.

R 125.1214c Return of suspended or revoked license.

Rule 214c. The holder of a license or licenses issued under the act shall return the license or licenses to the department within 5 days of notification of suspension or revocation. Return shall be made either personally, for which receipt shall be obtained, or by certified mail.

R 125.1214d Local government; licensing.

Rule 214d. A local government shall not require a person licensed under the act to obtain a local license or to register its license unless the requirement is established by ordinance and the ordinance is approved by the commission under the provisions of the act.

R 125.1214e Original license required to engage in retail sale of homes.

Rule 214e. An applicant shall submit a completed licensing application to the department on a form prescribed by the department before the date on which the applicant intends to be a retailer.

R 125.1214f Surety bonds; cancellation.

Rule 214f. (1) A surety bond of \$10,000.00 or a deposit of \$10,000.00 in cash or securities, made payable to the "State of Michigan," on a form prescribed by the department, is required for each retailer location, up to a maximum surety bond or deposit of \$100,000.00 for all locations of the same retailer.

(2) If a surety bond is not in effect, then the retailer shall stop all sales activity.

R 125.1214g Retailer's license; license amendments; application for amendments.

Rule 214g. (1) An applicant shall obtain a license for each location from which the applicant proposes to operate by filing the completed application form prescribed by the department.

(2) Separate applications shall be filed for each sales location.

R 125.1214h Temporary retailer location.

Rule 214h. (1) A retailer shall notify the department in writing of a temporary sales location such as a shopping center, public show, or other similar limited-term general public event for home exhibition and sales.

(2) The exhibition and sales shall not exceed 20 calendar days at any one time and shall not exceed a total of 60 calendar days within a 12-month period.

(3) The notice shall include the name of the event, address, and inclusive dates for the exhibition and sales.

R 125.1214i Installer and servicer; licensing required.

Rule 214i. (1) An applicant shall submit a completed licensing application to the department on a form prescribed by the department before the date on which the applicant intends to be an installer and servicer.

(2) A person who, for compensation installs or disassembles the installation of homes, including their nonpermanently affixed steps, skirting, and anchoring systems, or who services homes, for which service another Michigan license is not required, shall be licensed as an installer and servicer.

(3) Before applying for an original or renewal installer and servicer license, the operator shall complete 12 hours of department-approved installation programs throughout the current licensing cycle.

R 125.1214k Community license application.

Rule 214k. (1) If a licensing application is for a new community or an expansion to an existing community, then the applicant shall submit a completed application to the department on a form prescribed by the department.

(2) If a licensing application is for a community that is or was licensed to another person, then the applicant shall submit a completed application to the department on a form prescribed by the department not more than 30 days after the date the community is conveyed by deed or land contract.

(3) After conveyance, the applicant is responsible for operation of the community.

R 125.1214l Rescinded.

R 125.1214n New community and additional home sites license; application; issuance; conditions.

Rule 214n. (1) Except as provided in subrule (2) of this rule, before the department issues an initial license for a new community or adds additional home sites to the community's existing license, all of the following shall be certified to be complete under the provisions of the act:

(a) Internal roads servicing the completed home sites. The owner may construct the final lift of the road in the next construction season if a bond covering the cost of constructing the final lift is delivered to the department before licensure. The bond shall be made payable to the "State of Michigan."

(b) Home site individual sidewalk.

(c) Common sidewalks, if provided, servicing the completed home sites.

(d) Parking servicing the home site.

(e) Patios, if provided.

(f) Permanent foundations.

(g) Internal road lighting servicing the completed home sites.

(h) At a minimum, the stabilization of the soil on the completed home sites to prevent, as much as possible, erosion and soil runoff.

(2) Upon approval by the department, all of the following may be constructed after licensing of a home site for the purpose of customizing the home site to a specific home:

(a) The home site individual sidewalk.

(b) Parking on the home site.

(c) Patio, if provided.

(d) Light fixture, if on the home site.

(e) Permanent foundation.

(3) The applicant shall file all of the following documents with the license application for a new community or additional home sites:

(a) An affidavit signed by the community owner or operator and an engineer or architect stating that the construction was completed according to the approved plans and specifications under the provisions of the act. If the community owner or operator elects to complete the home site under the provisions of subrule (2) of this rule, then the affidavit shall specifically state that the home site construction shall be completed before the home is occupied and shall be

completed according to the approved plans and specifications. The affidavit shall cite the specific home sites to be licensed by home site number.

(b) Certification of the community sewer system by home site number under the provisions of R 325.3391.

(c) Certification of the community-owned electrical system by home site number under the provisions of R 325.3391.

(4) Before the department may issue a license, the department shall receive certification of the home sites by the Michigan department of environmental quality and the Michigan department of labor and economic growth under the provisions of the act.

(5) It is a violation of this rule and the act if any home that is placed on a home site is occupied by residents before the home site is licensed. In a licensed community, each home site that has a home occupied by residents shall be licensed whether or not it is being offered to the public.

PART 3. FEES

R 125.1302 Certificate of manufactured home ownership; application; fees.

Rule 302. (1) An application for a certificate of manufactured home ownership and the appropriate fee shall be filed on a form prescribed by the department with the department or its authorized representative within 30 days after the closing of the sale transaction. In addition, a late fee of \$15.00 shall be charged if the application is filed after the 30-day limit. The payment of a late fee does not preclude administrative action being taken against the purchaser or the purchaser's authorized representative.

R 125.1303 Certificate of title; cancellation; fees.

Rule 303. An affidavit required under the act, executed for the purpose of canceling a certificate of title shall be filed with the department with a fee of \$90.00.

R 125.1305 Community license; renewal.

Rule 305. (1) Each applicant for a community license or for a license renewal shall make application for the license or the license renewal on a form provided by the department. Except for a seasonal community, the nonrefundable fee for the 3-year license is \$225.00, plus an additional \$3.00 for each home site in excess of 25 home sites in the community. For a seasonal community, the nonrefundable fee for the 3-year license is \$120.00, plus an additional \$1.50 for each home site in excess of 25 home sites in the community.

(2) The fee shall be submitted with the application to the department.

R 125.1315 Community construction and conversion fees.

Rule 315. (1) The following nonrefundable fees shall accompany the documents submitted under R 125.1905 for new community construction or for expansion of an existing licensed community:

(a) Application for plans approval and a permit to construct \$185.00 plus an additional \$4.00 for each home site over 25 home sites, to a maximum of \$1,000.00.

(b) Application for an extension of a permit to construct \$185.00.

(2) A nonrefundable fee of \$505.00, plus an additional \$4.00 for each home condominium home site over 25 home sites, that is to be constructed, shall accompany the documents that are submitted for the construction of a new home condominium or the expansion of an existing home condominium.

(3) For an existing community that converts to a home condominium with an increase in the number of home sites within the community, the accompanying nonrefundable fee shall be \$505.00, plus an additional \$4.00 for each home condominium home site over 25 home sites, to a maximum of \$1,480.00.

(4) A nonrefundable fee of \$50.00 shall accompany an application for a permit to construct that is submitted under the provisions of R 125.1950.

PART 4. RETAILER BUSINESS PRACTICES

R 125.1401 Advertising; prohibited activities.

Rule 401. A retailer, in connection with the sale of homes, equipment, or accessories, shall not, directly or indirectly, engage in any of the following activities:

(a) Advertise a home for sale if the name of the retailer does not appear in the advertisement. A home committed by a home owner to a retailer for sale may be advertised if the offer visibly states that the home is “offered on consignment.”

(b) Advertise a home and falsely offer any year of manufacture, make, type, model, serial number, fixed location, price, equipment, or terms or make a claim or condition to the sale of a home that is not truthful.

(c) Advertise the phrase “close out,” “final clearance,” or “going out of business” or similar phrases in connection with home sales unless the phrase is true. A retailer who is going out of business shall comply with the provisions of 1961 PA 39, MCL 442.211 which includes regulation of the sales activities of businesses that are going out of business.

(d) Advertise the term “authorized retailer” if the retailer is not a manufacturer’s authorized retailer or advertise as a franchised retailer if the retailer is not a registered franchised retailer under 1974 PA 269, MCL 445.1501.

(e) Advertise a home by making inaccurate, misleading, or false comparisons with competitors’ services, prices, products, quality, or business methods.

(f) Use a picture or photograph of a home in advertising if the picture or photograph does not represent a home of the same year of manufacture, make, and model and does not contain all the standard equipment of the model that is actually being offered for sale at the price quoted in the advertisement.

(g) Advertise a home for sale in a manner that conveys or creates an erroneous impression as to which home is being offered at the advertised price.

(h) Advertise the statement “write your own deal” or “name your own price” or similar statements, unless the statements are true and a buyer can, in fact, negotiate his or her own price.

(i) Advertise the phrase “at cost,” “below cost,” “below wholesale,” “below invoice,” “above cost,” “above wholesale,” or “above invoice” or similar phrases, unless the phrases are true. As used in this subsection, “cost” means the actual price paid by a retailer to a manufacturer for a specific home as that price appears on the retailer invoice received from the manufacturer.

(j) Advertise a specified trade-in amount or range of amounts for a pre-owned home without offering the advertised trade-in amount or range of amounts regardless of the condition of the pre-owned home when presented to the retailer for trade-in by a prospective customer, unless the statement “subject to condition appraisal” is contained in the advertisement.

(k) Advertise that “no retailer has lower prices,” “the retailer is never undersold,” or statements of similar meaning, unless the statements are true.

(l) Advertise in a manner that is false or misleading as to what a new home guarantee, warranty, or protection includes.

- (m) Advertise the phrase “manufacturer’s warranty,” unless referring to a new home covered by a bona fide written manufacturer’s warranty.
- (n) Advertise equipment, accessories, or other merchandise as “free” if the cost, or any part of the cost, is included in the quoted price of the home.
- (o) Advertise the phrase “no credit rejected” or “we finance everyone” or similar phrases, unless the phrases are true.
- (p) Advertise the offering of a rebate or referral bonus unless true.
- (q) Advertise a home as new, unless it has never been occupied.
- (r) Advertise, or infer by advertising, that a home is “repossessed,” unless it is true.
- (s) Advertise in any manner which infers that a purchaser will be receiving benefits of an existing loan on a home if the benefits do not exist.
- (t) Advertise pre-owned homes as carrying an unused portion of the original manufacturer’s warranty, unless this is true.
- (u) Advertise the terms of financing a home, unless the advertisement is in compliance with all of the requirements of the federal truth in lending act, 15 U.S.C. §601 et seq., and the accompanying regulation Z, 12 C.F.R. part 226 et seq.
- (v) Advertise under any other name than that which appears on the retailer license.
- (w) Advertise for the buying of a home without the telephone number and the name of the retailer.

R 125.1402 Accounts and records; record of homes bought, sold, or exchanged; content; application for certificate of manufactured home ownership; purchase agreement; retention of additional records; consumer deposit records; accounts and records inspection; bond, cash, or security deposit records.

Rule 402. (1) In addition to accounts and records that are required by local ordinances, by other laws, or as prescribed elsewhere in these rules, a retailer shall maintain a record of all homes bought, sold, or exchanged for 4 years. The record shall include all of the following entries:

- (a) The date each home is taken into inventory.
 - (b) The name and address of the person from whom the home was obtained.
 - (c) The purchase or stock number of the home.
 - (d) The identification number of the home.
 - (e) The manufacturer’s trade name.
 - (f) The year of manufacture and model name or number of the home.
 - (g) The dates bought, sold, and exchanged.
 - (h) The name and address of the purchaser.
- (2) If a retailer is selling or brokering the home, except to another retailer that will be holding the home for resale, the retailer or its authorized representative shall prepare and file an application for a certificate of manufactured home ownership, which shall include any lien held against the home. If a retailer is selling or brokering the sale of a home that it was holding for resale, except to another retailer that will be holding the home for resale, it shall also file the application for a certificate of manufactured home ownership. The application shall be on a form prescribed by the department.
- (3) All sales of a home shall be executed by purchase agreement.
- (4) A retailer shall retain all of the following documents for 4 years:
- (a) A copy of the manufacturer’s invoice for each new home.
 - (b) A copy of each purchase agreement, as defined in these rules, with any attachments needed to complete the purchase agreement for each home bought, sold, and exchanged.

- (c) The retailer's copy of the validated application for a certificate of manufactured home ownership.
- (d) Service records for each home sold. If the home is pre-owned, all records that the retailer may have knowledge of shall be retained.
- (e) A list of all options purchased with a specific home, unless otherwise contained in the purchase agreement.
- (f) A copy of the retail installment sales agreement for all retailer-arranged financing.
- (5) A retailer that maintains an escrow account shall maintain a separate record of consumer deposits at its principal place of business for 4 years. The records shall consist of all of the following:
 - (a) A record that shows the chronological sequence in which consumer deposits are received and disbursed.
 - (b) For consumer deposits received, the record shall include all of the following information:
 - (i) The date of receipt.
 - (ii) The name of the individual who is giving the consumer deposit.
 - (iii) The name of the individual receiving the consumer deposit.
 - (iv) The amount.
 - (c) If the consumer deposit is in the form of collateral or security other than cash or a cash negotiable instrument, then the record shall specifically identify the collateral or security, and the cash value shall be the same as contained in the purchase agreement.
 - (d) For disbursements, the record shall include all of the following information:
 - (i) The date.
 - (ii) The payee.
 - (iii) The check number.
 - (iv) The amount.
 - (e) A running balance shall be shown after each entry of receipt and disbursement.
- (6) A retailer who maintains a bond, cash, or security deposits in place of an escrow account shall maintain a record for 4 years consisting of the following:
 - (a) For consumer deposits received, the record shall include all of the following information:
 - (i) The date of receipt.
 - (ii) The name of the individual who is giving the consumer deposit.
 - (iii) The name of the individual receiving the consumer deposit.
 - (iv) The amount.
 - (b) If the consumer deposit is collateral or security other than cash or a cash negotiable instrument, then the record shall specifically identify the collateral or security, and the cash value shall be the same as contained in the purchase agreement.
 - (c) For disbursements, the record shall include all of the following information:
 - (i) The date.
 - (ii) The payee.
 - (iii) The check number.
 - (iv) The amount.
- (7) The retail installment contract shall disclose all arrangements made between the retailer and the consumer regarding the consumer deposit, such as any of the following:
 - (a) Trade-ins.
 - (b) Rebates.
 - (c) Promissory notes.
 - (d) Cash.

R 125.1403 Consumer deposits; providing consumer with executed purchase agreement; recording amount of consumer deposit; refunds; notice to consumer of intent to cancel purchase agreement; accepting deposits and agreements in name of retailer; escrow accounts; alternative to escrow account; notice of refund on purchase agreement.

Rule 403. (1) Before receiving a consumer deposit, a retailer shall give the consumer an executed purchase agreement.

(2) Unless the retailer has a consumer deposit bond or cash or security deposits under subrule (9) of this rule, a consumer deposit shall be placed in an escrow account and remain there until the closing. After the closing, the retailer may transfer the deposit to a general account.

(3) A retailer shall record the exact amount of the consumer deposit on each request for financing that is sent to a lending institution.

(4) A retailer shall refund to a consumer the total amount of a consumer deposit on the purchase of a home not more than 15 banking days after a request for financing has been rejected by the lending institution or if the consumer cancels the purchase agreement before the binding date under subrule (13) of this rule. The consumer shall notify the retailer, in writing, of his or her intent to cancel the purchase agreement. The notification shall be delivered to the retailer by certified mail postmarked before the close of the business day on the binding date to be eligible for return of the consumer deposit. A retailer has no obligation to refund the consumer deposit if the consumer cancels the purchase agreement of a new or pre-owned home after the binding date. As used in this subrule, "binding date" means either 7 days after the date that a purchaser of a home receives a legible copy of the executed purchase agreement or the time at which the purchase agreement is executed if an application for certificate of manufactured home ownership is executed within 7 days.

(5) An employee who accepts consumer deposits and purchase agreements in the name of a retailer is authorized by the retailer to accept the deposits.

(6) As a condition of licensing, a retailer shall establish an escrow account, post a consumer deposit bond, or deposit cash or other securities in compliance with the provisions of the act for the protection of consumer deposits received by the retailer.

(7) If a retailer establishes an escrow account, the retailer shall place all consumer cash deposits or similar negotiable instruments of the consumer's deposit in the escrow account by the end of the second banking day following receipt. Escrow accounts shall be maintained as checking accounts.

(8) A retailer may maintain an escrow account at each location where it maintains records. A retailer may maintain not more than \$500.00 of its own funds in each deposit escrow account to cover bank service charges and to avoid the account being closed or overdrawn if there are no other funds in the account. The funds shall be accounted for in a bookkeeping system as prescribed in these rules.

(9) In place of an escrow account, a retailer may maintain, for each location, a consumer deposit bond or cash or security deposits in an amount equal to the highest monthly receipts of consumer cash deposits and cash value of other security recorded over the previous 3 years. If the highest monthly receipts formula is used to determine the amount of the bond or deposit, then the amount of the bond or deposit shall be adjusted to reflect the previous 3 years' experience before a license is renewed. If at any time the consumer deposits received exceed the amount of the bond or deposit established under the formula, then the retailer shall immediately increase the amount of the bond or deposit or escrow the excess amount.

(10) If a retailer posts a bond or deposits cash or other securities, then the retailer who files an initial application shall maintain the bond, cash, or other securities at a minimum of \$10,000.00

per location until sufficient data is available to comply with the formula. If the retailer has more than 1 location, then the required bonds or deposits may be combined into 1 bond or deposit.

(11) All bonds shall be made payable to the "State of Michigan" on a form prescribed by the department and shall accompany an application for a retailer's license. All cash or security deposits shall be deposited with the State of Michigan upon application for a retailer's license. If the application is for a renewal license only, and if a copy of the bond is on file and the bond is continuous or if the cash or securities are on deposit, then this subrule shall not apply.

(12) If a retailer establishes an escrow account, then the retailer shall file, with the department, on a form prescribed by the department, an affidavit attesting to the fact that account has been established. The affidavit shall be filed as an enclosure to the retailer license application.

(13) The front of each purchase agreement shall contain the following statement in not less than 8-point, boldfaced, all caps type:

"Seven days after the purchaser receives a legible copy of the executed purchase agreement, or if any time within the 7 days an application for a certificate of manufactured home ownership is fully executed, the sale is final and the retailer is not obligated to refund the consumer deposit if the purchaser subsequently cancels the agreement. If the purchaser elects to cancel the purchase agreement within the 7 day limit and an application for a certificate of manufactured home ownership has not been fully executed, the purchaser shall notify the retailer in writing by certified mail postmarked before the end of the seventh day to be eligible for full refund of the consumer deposit."

R 125.1404 Prohibited business practices.

Rule 404. (1) In addition to other laws and rules promulgated for the purpose of regulating business practices, a retailer shall not engage in any of the following practices:

(a) Without the express written consent of the purchaser, alter or substitute a home purchased from inventory for which a purchase agreement has been executed by all parties to the transaction. The purchaser's consent shall become an attachment to the purchase agreement.

(b) Without the express written consent of the purchaser, alter, substitute, or remove a part, option, accessory, or item of standard equipment of a home purchased from inventory for which a purchase agreement has been executed by all parties to the transaction. The purchaser's consent shall become an attachment to the purchase agreement.

(c) Without the express written consent of the purchaser, alter, or substitute a part or entry of, a purchase or financing agreement after the agreement has been executed by all parties to the transaction. The purchaser's consent shall become an attachment to the purchase or financing agreement.

(2) A retailer shall comply with the provisions of 1976 PA 331 MCL 445.901 et seq.

R 125.1405 Retail installment sales agreements; retailer-obtained financing or insurance; payment of floor plan lender; pay off of loan.

Rule 405. (1) A retail installment sales agreement utilized by a retailer shall conform to the federal consumer credit protection act, Public Law 90-321, 15 U.S.C. §1601 et seq., and to 1966 PA 224, MCL 445.851.-et seq.

(2) A retailer shall not require retailer-obtained financing or insurance of a home as a condition of sale.

(3) A retailer shall pay its floor plan lender for a home within 15 days after the retailer receives payment for the home from a purchaser or a purchaser's lender.

(4) A retailer shall pay off a loan on a home within 15 days after taking the home in trade or receiving payment for the home unless the requirement is waived by the homeowner, borrower, and the lender holding the loan on the home.

R 125.1407 Retailer termination.

Rule 407. (1) Immediately upon determining to terminate, a retailer shall do all of the following:

(a) By certified mail, notify the department of its proposed termination:

(b) By certified mail, notify each purchaser of a new or pre-owned home who within 1 year before the proposed termination date, purchased a home from the retailer that the retailer shall be terminated. The notification shall clearly state the responsibilities for future service and repair under guarantees and warranties, financial claims, and all other retailer claims and obligations previously issued under the purchase agreement.

(2) A terminated retailer shall retain all accounts and records prescribed by these rules for 4 years after the date of retailer termination.

(3) If required, a retailer who terminates shall surrender all accounts and records to the department.

(4) The person from whom records are requested shall provide the records to the department not later than 15 days after the date the person receives written notice of the request, unless advised otherwise by the department.

(5) A retailer that is terminating shall post a sign which states that the retailer is terminating.

R 125.1408 Warranties and service.

Rule 408. (1) A manufacturer shall warrant that a new home is free from failures to conform, as defined in Part 3282 – manufactured home procedural and enforcement regulations, promulgated under the national manufactured housing construction and safety standards act of 1974, and was delivered to the retailer in that condition. The standard is adopted by reference in R 125.1102 of these rules.

(2) A retailer shall warrant that a new home is free from failures to conform, as defined in Part 3282 – manufactured home procedural and enforcement regulations promulgated under the national manufactured housing construction and safety standards act of 1974, as referenced in subrule (1) of this rule, which occurred after the manufacturer delivered the home to the retailer but before home installation begins.

(3) A manufacturer and retailer shall warrant that they shall take appropriate corrective action at the site of the home for breach of their respective warranty obligations that become evident within 1 year from the later of the date of the completed installation or purchase of the home. However, the purchaser must give written notice to the manufacturer or retailer not later than 1 year and 10 days after the date of completed installation or purchase.

(4) The warranty shall include the appliances situated in the home, unless the appliances are covered by a warranty from the appliance manufacturer that equals or exceeds the warranty provided in subrules (1), (2), and (3) of this rule.

R 125.1409 Retailer acting as broker; responsibilities.

Rule 409. (1) A retailer acting as a broker who obtains a home listing shall give a true copy of the listing agreement to the listing homeowner. A listing agreement shall be completed by the retailer acting as a broker before it is signed by the listing homeowner.

(2) A listing agreement shall set forth an expiration date. A listing agreement shall not contain a provision requiring the listing homeowner to notify the retailer acting as a broker of the listing homeowner's intention to cancel the listing on or after the expiration date.

(3) A retailer acting as a broker shall deliver to an offeror a signed copy of the offer to purchase immediately after it is signed by the offeror. Upon receipt of the written offer to purchase, a retailer acting as a broker shall promptly deliver the written offer to purchase to the seller. Upon obtaining a proper acceptance of the offer to purchase that is signed by the seller, the retailer acting as a broker shall promptly deliver true copies of the acceptance to the purchaser and the seller. A retailer acting as a broker shall certify, in writing, that all conditions of the home transaction are included in the offer to purchase.

(4) A retailer acting as a broker who is involved in the consummation of a home transaction shall furnish the buyer and seller with a complete and detailed closing statement which is signed by the retailer acting as a broker and which shows all receipts and disbursements of the transaction.

(5) A retailer acting as a broker shall not close a home transaction contrary to the terms or conditions of the offer to purchase, unless the written amendments are approved and signed by the purchaser and the seller.

(6) A person seeking an exclusion to the definition and rules of a retailer shall show proof of the exclusion.

(7) In addition to accounts and records prescribed by these rules, a retailer acting as a broker shall retain copies of all of the following for a period of 4 years:

- (a) Listing agreements.
- (b) Offers to purchase.
- (c) Validated receipts for applications for a certificate of manufactured home ownership.
- (d) Closing statements.
- (e) Leasing agreements.
- (f) Consumer deposit accounts and records.

R 125.1410 Retailer; place of business.

Rule 410. A retailer shall maintain a physical location in Michigan from which it conducts business. A post office box, secretarial service, telephone answering service, or similar entity does not constitute a physical location.

R 125.1411 Retailer or agent; prohibited activities.

Rule 411. (1) A retailer or agent of a retailer shall not do any of the following:

- (a) Aid or abet an unlicensed person to evade the provisions of the act or these rules.
- (b) Knowingly combine or conspire with, or be acting as an agent, partner, or associate for, an unlicensed person.
- (c) Allow one's license to be used by an unlicensed person.
- (d) Be acting as or be an apparent licensed retailer for an undisclosed person or persons who do or will control or direct, or who may have the right to control or direct, directly or indirectly, the business operations or performance, or both, of the licensee.
- (e) Buy or acquire, directly or indirectly, an interest in a home that is listed with the retailer, unless the true position of the retailer or agent is clearly made known in writing, to the listing owner.
- (f) Acquire, directly or indirectly, an option to purchase a particular home, unless the true position of the retailer or agent is clearly known through a written notice to the homeowner of

the particular home who requested the services of the retailer or agent to transact the brokering of the particular home.

(g) When buying or acquiring an interest in a home, directly or indirectly, charge or accept from the seller, directly or indirectly, a commission, fee, or other valuable consideration as a result of the sale of the home in the transaction without receiving the seller's previous written consent to the specified consideration, given after the notice provided in subdivision (f) of this subrule.

(h) Enter into a net listing agreement with a homeowner or seller in which the retailer receives, as its payment, all monies in excess of the minimum sales price agreed upon by the retailer and the seller.

(2) Upon a request by the department, a retailer shall present proof of compliance with this rule.

(3) A retailer shall not purchase or otherwise acquire a home from a person unless the certificate of manufactured home ownership for the home is conveyed to the retailer by the current homeowner or homeowners, their legal heirs, or their designated agent.

(4) A retailer shall not enter into a listing agreement with any person other than the person or persons indicated on the certificate of manufactured home ownership, their legal heirs, or their designated agent.

R 125.1413 "Other transfer" explained.

Rule 413. "Other transfer," as used in section 30c(3)(b) of the act, includes the following transfer: If a homeowner dies owning 1 or more homes that have a total value of not more than \$10,000.00 and does not leave other property that requires the procurement of letters administration or letters testamentary under section 114 of 1978 PA 642, MCL 700.14 then the surviving husband or wife or heir in the order named in section 115 of 1978 PA 642, MCL 700.15 may apply for a certificate of manufactured home ownership. Before applying, the surviving husband or wife or heir shall provide the department proper proof of the death of the homeowner. The surviving husband or wife or heir shall also attach an affidavit to the proof of death that sets forth the fact that the prospective applicant is the surviving husband or wife or heir. Upon proper petition, the department shall furnish the applicant with a certificate of manufactured home ownership.

R 125.1414 Business practices; retailers acting as brokers; standard of conduct.

Rule 414. The standard of conduct with respect to the business practices of a retailer acting as a broker shall conform to that of a fiduciary to the seller of the home.

R 125.1415 Retailer; disclosures in purchase and listing agreements.

Rule 415. A retailer shall do both of the following:

(a) Disclose in the listing agreement that the home offered is located on a home site in a community and, if required, that the seller has obtained approval for the sale of the home on the home site in the community. The listing agreement shall also disclose the compensation to be received by the retailer upon closing.

(b) Disclose in the purchase agreement that the purchaser has obtained approval for his or her tenancy in the community.

R 125.1417 Retailer; supervision and control.

Rule 417. (1) It shall be a failure upon the part of a retailer to exercise supervision and control of an employee if the retailer has knowledge that a provision of the act or these rules pertaining

to regulation of retailers is being violated by an employee and immediate action is not taken to correct the violation so as to insure compliance with the act or these rules.

(2) A retailer shall have the burden of proof to show compliance with this rule.

R 125.1418 Certificate of manufactured home ownership transfer; power of attorney.

Rule 418. (1) The department may accept an executed power of attorney by a seller of a pre-owned home in place of the homeowner's signature on the current certificate of manufactured home ownership for transfer of the certificate.

(2) The power of attorney shall be attached to the existing certificate.

(3) The execution of the power of attorney shall be required only when the certificate is held by a person other than the homeowner and the retailer is the entity effecting a payoff to the certificate holder.

(4) The power of attorney shall be executed on a form provided by the department.

R 125.1419 Certificate of origin; addendum to application for certificate of manufactured home ownership.

Rule 419. (1) The certificate of origin shall be attached as an addendum to the application for a certificate of manufactured home ownership when filing for an original certificate of manufactured home ownership.

(2) For the purpose of complying with subrule (1) of this rule, the certificate of origin shall be immediately surrendered by the lender holding such certificate to the retailer upon request.

(3) The department may authorize the issuance of a certificate of manufactured home ownership without the manufacturer's certificate of origin if the department is satisfied as to the ownership of a home and is unable to obtain the certificate.

PART 5. INSTALLER AND SERVICER BUSINESS PRACTICES

R 125.1501a "Work order" defined.

Rule 501a. As used in this part, "work order" means an express written agreement in which a person agrees to install or service a home and includes the installer and servicer's license number.

R 125.1502 Advertising.

Rule 502. (1) Advertising by an installer and servicer shall not misrepresent facts.

(2) An installer and servicer shall not advertise the term "authorized factory service" or "authorized manufacturer's service representative" or similar terms if the installer and servicer does not have the express written manufacturer's authorization.

R 125.1503 Place of business.

Rule 503. An installer and servicer shall maintain a physical location in Michigan from which it conducts business. A post office box, secretarial service, telephone answering service, or similar entity does not constitute a physical location.

R 125.1503a Warranty.

Rule 503a. (1) An installer and servicer shall warrant that a new home is free from failures to conform, as defined in Part 3282 – manufactured home procedural and enforcement regulations promulgated under the national manufactured housing construction and safety standards act of

1974, which occurred during the installation of the home. This standard is adopted by reference in R 125.1408.

(2) An installer and servicer shall warrant that it shall take appropriate corrective action at the site of the home for breach of its warranty obligations that become evident within 1 year from the later of the date of the completed installation or purchase. However, the purchaser must give written notice to the manufacturer, retailer, or installer and servicer not later than 1 year and 10 days after date of completed installation or purchase.

R 125.1504 Work orders; estimates; warranties; abandonment.

Rule 504. (1) All installation and service of a home shall be executed under a work order. The conditions set forth in a work order may vary according to type of work required and desired specifications, but at a minimum shall include the specific work to be performed and itemized costs based on information available at the time the work order is executed. The work order may be used for separate cost estimates or as a receipt for customer deposits. All conditions of the installation or service shall be included in the work order.

(2) All estimates for installation and service of a home shall be executed under a work order.

(3) Changes in a work order shall not be made by an installer and servicer without the express written consent of the customer.

(4) If, for any reason, an installer and servicer intends to abandon a work order, the installer and servicer shall notify each customer for which it has outstanding obligations under the conditions of the work order of the exact reason for abandonment. Notice shall be in writing and by certified mail. Abandonment of a work order by an installer and servicer includes, but is not limited to, the following acts or omissions:

(a) Failure to start and complete work according to the conditions of the work order, unless the express written consent of the customer is given.

(b) Failure to request, within 7 days after the work order has been executed, the necessary permits to perform the work agreed upon in the work order, unless the express written consent of the customer is given.

(c) Failure to maintain the schedule of performance agreed upon in the work order without good cause, unless the express written consent of the customer is given.

R 125.1505 Retention of documents.

Rule 505. (1) All of the following documents shall be retained by an installer and servicer for 4 years:

(a) Accounts and records required by local ordinances, other laws, and these rules.

(b) A copy of each work order with attachments.

(2) All accounts and records that are required by these rules to be retained shall be available for inspection by an authorized representative of the department during normal business hours.

R 125.1507 Voluntary termination; retention of accounts and records.

Rule 507. (1) An installer and servicer may terminate after notifying by certified mail both of the following entities of its intent to terminate and the proposed date of termination:

(a) The department.

(b) Each customer to which it has outstanding obligations pursuant to the conditions of a work order and warranty.

(2) A terminated installer and servicer shall retain all accounts and records prescribed by these rules for 4 years after the date of termination.

R 125.1508 Unlawful practices.

Rule 508. (1) Without the express written consent of a customer, an installer and servicer shall not install or service a home or a part, option, accessory, or item of standard equipment of a home that, to the best of its knowledge, will result in an alteration or substitution to the manufacturer's installation, construction, and performance standard in effect at the time of manufacture. The customer's consent shall be attached to the work order.

(2) If a customer desires installation or service that alters or substitutes the manufacturer's standard, then the engaged installer and servicer shall notify the customer by certified mail or personal delivery, that, to the best of its knowledge, the desired installation or service alters or substitutes the manufacturer's standard and that the alteration or substitution may void the manufacturer's warranty.

(3) An installer and servicer shall not do any of the following:

(a) Divert money or other security that is received for the prosecution or completion of an installation or service, or both, of a home or a part, option, accessory, or item of equipment of a home under the conditions of the work order.

(b) Fail to account for or remit money in the installer and servicer's possession that belongs to others.

(c) Willfully depart from or disregard plans, specifications, or the conditions set forth in the work order without the written consent of the customer.

(d) Willfully violate or disregard the building laws, codes, and ordinances of the state or a political subdivision of the state, including failing to obtain the permits that are required for the installation or service, or both, of a home.

(e) Fail to deliver to a customer the customer's signed work order executed upon completion of the installation or service performed under the conditions of the work order.

(f) Fail to deliver to a customer the entire executed work order, including itemized costs of materials and other charges arising out of, or incidental to, the work order for the installation or service, or both, of a home before the work commences.

(g) Aid or abet an unlicensed person to evade the provisions of the act or rules promulgated under the act; knowingly combine or conspire with, or be acting as agent, partner, or associate for, an unlicensed person; allow one's license to be used by an unlicensed person; or be acting as, or be an apparent licensed installer and servicer for, an undisclosed person who does or will control or direct, or who may have the right to control or direct, directly or indirectly, the business operations or performance, or both, of the licensee.

PART 6. HOME INSTALLATION

R 125.1601 Definitions.

Rule 601. As used in this part:

(a) "Anchoring equipment" means straps, cables, turnbuckles, chains, including tension devices, or other securing devices that are used with ties to secure a home to ground anchors.

(b) "Anchoring system" means a combination of ties, anchoring equipment, and ground anchors that will, when properly installed, resist the movement of an emplaced home caused by wind forces.

(c) "Cap" means a 2-inch or more solid concrete block, a 2-inch or less solid pressure-treated wood or hardwood block that resists decay, or a 1/4-inch or more solid steel plate that is placed on top of the pier. The dimensions of the cap shall be the same width and length of the pier.

(d) "Factory installed" means any construction or installation of any integral part of a home at the site of manufacture or at the site of installation and includes any of the following:

- (i) Water supply hookup from the water riser to the water supply inlet.
- (ii) Sewer system hookup from the sewer riser to the drain or drains outlet.
- (iii) Fuel supply systems hookup from the service supply connection to the fuel supply inlet.
- (iv) Electrical supply line from the main service line to the home service entry if the connection is a simple plug-in and does not require direct wiring or exceed a service of 50 amps.
- (e) "Footing" means that part of the foundation system that lies directly on the ground or below the surface of the ground and on which the piers are placed. If a footing is below the surface of the ground, it shall be 16 inches or more in diameter and at least 42 inches below grade. The footing may be less than a 42-inch depth if supported by a soils analysis. A footing shall be constructed in compliance with R 408.30401 et seq. of the Michigan building code.
- (f) "Foundation system" means a combination of footings, piers, caps and shims that will, when properly installed, support a home.
- (g) "Ground anchor" means any device designed to transfer the home anchoring loads to the ground or foundation.
- (h) "Installation" means the process of setting a home, including its non-permanently affixed steps, skirting, and anchoring systems, on a foundation footing. The term includes all of the following:
 - (i) Leveling.
 - (ii) Stabilizing, if required.
 - (iii) Connecting utilities, including water meters, under subdivision (d) of this rule.
- (i) "Pier" means the vertical portion of the home support system between the footing and the home frame, exclusive of caps and shims.
- (j) "Shim" means a tapered wedge of hardwood or other approved material which has a maximum thickness of 1 inch, which is a minimum of 3 inches wide and 6 inches long, and which, when driven in tightly in pairs between the cap and the home frame I-beams, performs as a lending and stabilizing device.
- (k) "Stabilizing system" means a combination of properly installed anchoring and support systems.
- (l) "Tie" means a strap, cable, or a securing device that is used to connect a home to ground anchors.

R 125.1602 Installation.

Rule 602. (1) For all new homes brought into or sold in Michigan, the manufacturer shall provide express written instructions for the installation of each home specifying the location and required design load capacity of the piers and the location and the required design load capacity of any other recommended stabilizing systems, if required. All homes shall be installed according to the manufacturer's installation instructions. The person installing a home has the option of installing a plastic vapor barrier on the ground under the home, unless the manufacturer's installation instructions specifically mandate the placement of the vapor barrier. Crossbeaming shall not be allowed under a home installed after July 16, 1998, unless approved by the manufacturer of the home. In the case of a pre-owned home, the approval also may be given by a licensed design professional registered in compliance with the requirements of 1980 PA 299, MCL 339.101 to 339.2721.

(2) In the absence of the manufacturer's installation instructions, the installation of homes shall be in compliance with specifications prepared by a licensed design professional registered in compliance with the requirements of 1980 PA 299, MCL 339.101 to 339.2721 or, if a licensed design professional is not available, in compliance with all of the following specifications:

- (a) All grass shall be removed and the foundation footing shall be installed on or in stable soil.

(b) Piers shall be installed directly under each main frame beam, unless crossbeamed after approval from the manufacturer of the home or a licensed design professional registered in compliance with 1980 PA 299, MCL 339.101 to 339.2721.

(c) Footing and pier spacing shall not exceed the minimum span identified in table A-1 and a positive grade shall be established.

Table A-1

Soil Capacity	1500 PSF	2000 PSF	2500 PSF	3000 PSF	3500 PSF	4000 PSF
Footing Size (a)(f)	24"x24"x6"	22"x22"x6"	20"x20"x6"	18"x18"x6"	16"x16"x6"	16"x16"x6"
Spacing:						
Main Beams	6' (ii)(iii)	6' (ii)(iii)	6' (ii)(iii)	8' (ii)(iii)	8' (ii)(iii)	8' (ii)(iii)
Perimeter	(v)	(v)	(v)	(v)	(v)	(v)
Marriage Beam	8' (ii)(iv)	8' (ii)(iv)	8' (ii)(iv)	10' (ii)(iv)	10' (ii)(iv)	10' (ii)(iv)

(i) All footings shall extend 42 inches below actual grade. The footing may be less than the 42-inch depth if supported by a soil analysis. A footing shall be installed in compliance with R 408.30401et seq. of the Michigan building code.

(ii) Piers shall be located under each main beam and marriage line beam starting within 2 feet from the end of each beam then spaced according to this table.

(iii) Piers may be offset up to 1 foot to allow for such obstruction as axles (if permanently attached to frame).

(iv) Additional piers shall be added on each end of every opening in the marriage wall which is 4 foot or larger and shall be considered columns.

(v) Perimeter piers shall be installed on sidewall openings greater than 4 foot and exterior doors.

(vi) Footing shape may be other than square. Maintain equal amount of footing area.

(d) Piers shall be installed under the center beam/marriage line of multisectional homes at all interior openings of more than 4 feet on the marriage wall and at each end of the marriage line.

(e) The piers nearest each end of the home shall be within 2 feet of either end of the home frame.

(f) Concrete block piers shall be constructed of at least 8-inch by 8-inch by 16-inch blocks and placed on the foundation footing. The blocks shall be placed with the open cells vertical. A cap shall be placed on top of the pier. A wood plate that has the same dimensions as the pier and cap may be placed on top of the cap for additional leveling. Shims may be fitted and driven tight between the wood plate or cap and the main frame I-beam and shall not take up more than 1 inch of vertical height.

(g) Pier tiering shall comply with all of the following requirements:

(i) Piers 30 inches in height or less above a footing may be single-tier construction composed of 8-inch by 8-inch by 16-inch open cell concrete blocks that conform to ASTM standard C 90-

99. The standard is adopted by reference in R 125.1102 of these rules. Blocks shall be capped with 2-inch by 8-inch by 16-inch hardwood or treated wood, with a solid concrete block cap, or with a 1/4-inch solid steel plate. Blocks shall be set with the openings vertical.

(ii) Piers that are more than 30 inches in height above a footing shall be double-tier construction with blocks interlocked and capped with a 4-inch by 16-inch by 16-inch solid concrete cap.

(iii) The concrete blocks of double-tier piers that are more than 80 inches in height above a footing shall be filled with concrete and steel reinforcing rods.

(h) Piers shall be installed perpendicular to the main frame of the home and shall not be offset from the foundation footing.

(3) Crossover heat ducts shall not lie on the ground. Heat duct strapping shall not restrict the opening.

(4) A home shall not be placed in a designated floodway, as determined by the Michigan department of environmental quality.

(5) An anchoring system shall be installed on a home.

(6) Permits shall be obtained for the construction of footings and accessories and the installation of homes from the enforcing agency charged with the administration and enforcement of the codes pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 to 125.1531.

R 125.1602a Installation; systems compatibility.

Rule 602a. All components used in the installation of a home, such as foundation footings and piers, shall be uniform in construction .

R 125.1603 Utility hookups.

Rule 603. All utility hookups to a home shall be in compliance with the following minimum standards:

(a) Water: Each home shall be connected to the service outlet by semirigid tubing, such as copper tubing or approved plastic piping. The minimum size of the threaded inlet connection shall be 3/4 of an inch . An easily accessible, hand-manipulated shutoff valve shall be installed on the water supply inlet to the home. A water supply protection device, such as a heat tape, which is approved to be sold or for use in this state by the state construction code commission and which is designed for use with homes, shall be installed at the time the home is installed on a home site to prevent service lines, valves, and riser pipes from freezing. The water service riser shall be insulated and covered to prevent the loss of heat. If an extension cord is used, it shall be listed by underwriters laboratories or by a similar organization and shall be approved for exterior use. The protection device shall be installed in compliance with the manufacturer's specifications as approved by the state construction code commission. It is the responsibility of the resident to provide protection for the water line from 1 inch beyond the underside of the home to 30 inches below the surface of the ground within the water crock or to the bottom of the crock, whichever is less.

(b) Home fuel supply systems shall be in compliance with all of the following provisions:

(i) Furnaces, hot water heaters, appliances, or any item of equipment that uses gas shall be fully compatible with the type of gas used. All fuel-burning appliances, except ranges, ovens, illuminating appliances, clothes dryers, solid fuel-burning fireplaces, and solid fuel-burning fireplace stoves, shall be installed to provide for the complete separation of the combustion system from the interior atmosphere of the home. Combustion air inlets and flue gas outlets shall be listed or certified as components of the appliance. The required separation may be

obtained by installing direct vent system (sealed combustion system) appliances or by installing appliances within enclosures so as to separate the appliance combustion system and venting system from the interior atmosphere of the home and ensuring that there is no door, removable access panel, or other opening into the enclosure from the inside of the home and that any opening for ducts, piping, wiring, or similar items is sealed. This paragraph applies to the installation of the systems specified in this paragraph in new and pre-owned homes.

(ii) An easily accessible, approved, hand-manipulated shutoff valve controlling the flow of gas to the entire gas piping system shall be installed as close as possible to the service meter or supply connection of the liquefied petroleum gas container. Approved piping that has a 1/2-inch or more inside diameter shall be used for any gas line. After the home is connected to the service meter or supply connection, the piping system shall be tested to not less than 10 inches nor more than 14 inches of water column (1/2 psi). An appliance connection shall be tested for leakage with soapy water or bubble solution.

(iii) A fuel supply system other than gas shall be in compliance with state codes.

(iv) Fuel supply meters, regulators, shutoff valves, and pedestals shall not be located under a home or within a skirted area.

(v) Natural gas, liquefied petroleum gas (LPG), and fuel oil piping that connects the home to the service pedestal or tank shall be installed underground if the distance between the pedestal or tank and the home is more than 2 feet.

(c) Drain: Schedule 40 ABS or PVC plastic pipe that has the same diameter as the drain outlet shall be installed from the home outlet to the home site sewer service riser. The drain line shall be supported at not less than 4-foot intervals. Plumber's strapping shall be used for support where possible. All joints shall be sealed to preclude leaks. There shall be an approved seal at the sewer riser. All drain lines shall have a cleanout installed within 2 feet of each drain outlet.

(d) If the calculated load is more than 50 amperes or if a permanent electrical supply line is used, then the line shall be connected by a person who is licensed under the provisions of 1956 PA 217, MCL 338.881. et seq.

(e) Electrical meters and pedestals shall not be located under a home or within a skirted area.

(f) An electrical supply line shall not be installed so as to lie on the surface of the ground or permit the cord or line to hang over the home. For all homes installed before July 17, 1985, the line shall not be suspended less than 7 feet from the ground above designated pedestrian walkways. For all homes installed on or after July 17, 1985, if the distance between the electrical pedestal and the home is 2 feet or more, then the line shall be placed underground according to state codes.

R 125.1604 Skirting.

Rule 604. (1) Home skirting shall be vented in accordance with the manufacturer's installation instructions. In the absence of instructions, louvered or similar vents shall have a minimum of 600 square inches of open space per 1,000 square feet of living space. A minimum of 1 vent shall be placed at the front and rear of the home and 2 at each exposed side. Access panels of sufficient size to allow full access to utility hookups located beneath the home shall be installed. Skirting, if any, shall be an exterior building material.

(2) Skirting shall be installed in a manner so as to resist damage under normal weather conditions, including damage caused by freezing and frost, wind, snow, and rain.

(3) A local government may require the installation of skirting without obtaining the commission's approval, under section 7 of the act, if the requirement is established by ordinance and the ordinance is in compliance with the requirements of this rule.

R 125.1604a Compliance responsibility.

Rule 604a. A community is responsible for ensuring compliance with the spacing requirements in R 125.1941, R 125.1944, and R 125.1947a(3) for the installation of homes within the community.

R 125.1605 Anchoring systems.

Rule 605. (1) A home anchoring system that is sold or manufactured or installed within this state shall be in compliance with all of the following provisions:

(a) Be designed and constructed in compliance with the United States department of housing and urban development standards entitled “Manufactured Home Construction and Safety Standards,” which are adopted by reference in R 125.1102 of these rules.

(b) Be installed in compliance with its manufacturer’s specifications.

(c) Be approved to be sold and for use within this state by the state construction code commission.

(2) An anchoring system that is sold in this state shall be certified, in writing, by its manufacturer as meeting the standards required by these rules.

(3) An anchoring system manufacturer shall furnish, and ship with each approved anchor system, information pertaining to the type or types of soil the system has been tested and certified to be installed in and instructions as to the method of installation and the periodic maintenance required.

(4) The model number shall be permanently marked on each anchor system.

R 125.1607 Anchoring systems; changes in design, construction, and materials.

Rule 607. Changes in design, construction, and materials used in an approved home anchoring system shall not be made. If changes are made to an approved home anchoring system by the manufacturer, then the revised anchoring system shall be resubmitted to the state construction code commission for approval.

R 125.1610 Heat tape; approval to be sold or for use.

Rule 610. Heat tape, also known as heating cable, shall not be sold or installed for use on a home by a person licensed under the act, unless the heat tape is approved to be sold or for use in this state by the state construction code commission under 1972 PA 230, MCL 125.1501 to 125.1531, and known as the Stille-DeRossett-Hale single state construction code act, and 1994 PA 129, MCL 125.2501 to 125.2508, and known as the heating cable safety act.

PART 7. COMMUNITY SAFETY

R 125.1701 Annual inspection.

Rule 701. (1) An annual inspection shall be conducted of a mobile home park or seasonal mobile home park, as prescribed in section 17 of the act.

(2) An inspection report shall document the findings of the inspection.

R 125.1701a Certification of status of compliance.

Rule 701a. (1) The initial certification of compliance shall be issued by the department of environmental quality when applicable.

(2) A mobile home park or seasonal mobile home park shall be reviewed annually. The review shall be based upon a completed annual inspection report and other pertinent information. The certification shall contain 1 of the following recommendations:

- (a) The mobile home park or seasonal mobile home park is eligible for license renewal.
- (b) The mobile home park or seasonal mobile home park is eligible for license renewal, provided that certain conditions are met. The conditions shall be listed on the certification.
- (c) The mobile home park or seasonal mobile home park is not eligible for license renewal. Items not in compliance with the act or rules shall be listed on the certification. The applicant shall be notified of the items of noncompliance.

R 125.1702 Swimming pools.

Rule 702. Swimming pools shall be in compliance with 1978 PA 368, MCL 333.1101 et seq. and R 325.2111 et seq. of the department of environmental quality rules for public swimming pools.

R 125.1702a Fire safety.

Rule 702a. The community management shall notify each resident in writing, upon occupancy, of all of the following:

- (a) The home site shall be kept free of fire hazards, including combustible materials under the home.
- (b) Fire hydrants shall be placed within a community according to local city or township ordinances. The vehicular parking on internal roads is prohibited within 15 feet of a hydrant in compliance with the requirements of 1949 PA 300, MCL 257.1 to 257.923.
- (c) Each home site shall be numbered and clearly marked for positive identification. Each number shall be easily readable from the road servicing the home site.
- (d) 1974 PA 133, MCL 125.771 to 125.774 which provides for home fire protection, requires that all homes manufactured, sold, or brought into this state shall be equipped with at least 1 fire extinguisher approved by the national fire protection association and 1 smoke detector approved by the state construction code commission. The homeowner of a home brought into this state for use as a dwelling shall have 90 days to comply with this act.

R 125.1703 Speed limits; traffic signs; internal road signs.

Rule 703. (1) Speed limits on community internal roads shall be posted at a minimum at all community entrances intersecting public roads within 100 feet of the entrance or before the first intersection, and shall be enforced in compliance with the requirements of 1949 PA 300, MCL 257.1.

(2) All internal roads shall be clearly marked with traffic signs, except that all community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.

(3) Internal roads shall be named and so identified by signs located at all internal road intersections.

R 125.1704 Emergency telephone numbers.

Rule 704. Immediately upon occupancy, the community shall provide each resident with a list containing, but not limited to, all of the following information:

- (a) The telephone number of the servicing fire fighting agency.
- (b) The telephone number of the servicing law enforcement agency.
- (c) The telephone number of the community office, including any normal business hours and emergency telephone number where a representative of the community can be reached after normal business hours. A representative of the community shall be available to respond to emergencies.

R 125.1705 Playgrounds and recreational and athletic areas.

Rule 705. (1) Each playground and recreational and athletic area shall be kept free of safety hazards. Playground equipment shall meet the American Society for Testing and Materials (ASTM) specification F1487-05, which is adopted by reference in R 125.1102 of these rules.

(2) Playground areas and equipment shall be inspected for defects by the community or its authorized representative once each calendar month when the playground equipment is in use. All defective equipment shall be removed, rendered unusable, or repaired immediately.

(3) A written record of the inspection shall be maintained at the community office. The record shall contain, but is not limited to, the date of inspection, defects noted, if any, date corrected, and the name of the individual performing the inspection. These records shall be maintained in accordance with R 125.2007.

R 125.1706 Severe weather warning; shelters.

Rule 706. Immediately upon occupancy, the community shall provide each community resident with written information indicating whether the local government provides a severe weather warning system or designated shelters and, if provided, describing the system and giving the nearest shelter location.

R 125.1708 Electrical maintenance.

Rule 708. (1) The community shall keep every building or structure or part thereof and any part of the community-owned electrical system in good repair.

(2) The community shall maintain yard lights that are part of the community lighting system unless otherwise disclosed in the community rules established by each community.

(3) Any part of the community electrical system that may present a real or potential safety hazard shall be immediately disconnected and repaired in compliance with R 408.30801 et seq. of the Michigan electrical code, or shall be condemned so as to protect against injury or loss of life.

(4) The homeowner shall ensure that the electrical supply line from the home to the pedestal is kept in good repair and in a serviceable condition. The line shall be approved for home use.

(5) Upon a determination of an electrical problem, the community shall, if the electrical system is community-owned, disconnect the home from the electrical pedestal on individually metered home sites. If direct billing by the servicing utility company is made, then the utility company shall disconnect the home's electrical service.

(6) An electrical supply line shall not be installed so as to lie on the surface of the ground or permit the cord or line to hang over the home. For all homes installed before July 17, 1985, the line shall not be suspended less than 7 feet from the ground above designated pedestrian walkways. For all homes installed on or after July 17, 1985, if the distance between the electrical pedestal and the home is 2 feet or more, then the line shall be placed underground according to state codes.

R 125.1709 Maintaining community internal roads, walkways, driveways, and permanent foundations.

Rule 709. (1) The community does not have to maintain its internal roads, walkways, driveways, and permanent foundations free of cracks, but the community shall maintain its internal roads, walkways, driveways, and permanent foundations in a sound condition reasonably free of all of the following:

- (a) Holes.

- (b) Upheavals.
- (c) Buckling.
- (d) Depressions.
- (e) Rutting or channeling of the wearing surface.
- (f) Shifting of the driving or walking surface or foundation base and subbase.
- (g) Improper grading.

(2) The community shall maintain all of its internal roads serving licensed and occupied home sites in a passable condition.

R 125.1710 Utility service disconnect.

Rule 710. (1) Disconnected fuel service lines shall be locked off or plugged so as to prevent leakage.

- (2) Disconnected electrical service lines shall be removed from the home site and the home site pedestal circuit breaker master switch shall be placed in the off position. If a fuse system is installed, then the master fuse shall be removed. The protective cover of the circuit breaker or fuse box shall be secured.

R 125.1711 Floodplain limits.

Rule 711. A mobile home park or seasonal mobile home park shall be well drained. A pad, a dwelling unit, and a park maintenance and service building shall be above the elevation of the contour defining the flood plain limits for a hypothetical flood having a reoccurrence frequency of once in about 100 years. No portion of a street that provides access to a site in a mobile home park or seasonal mobile home park shall be at an elevation lower than 1 foot below the elevation of the 100-year contour.

R 125.1712 Street grade.

Rule 712. A street in a mobile home park or seasonal mobile home park shall be sloped at a minimum grade of 0.4 percent to an approved storm water catch basin or other approved outlet.

R 125.1713 Drainage swale; grade.

Rule 713. A grassed swale to conduct drainage shall have a minimum grade of not less than 1 percent.

R 125.1714 Site drainage.

Rule 714. (1) If possible, drainage from a mobile home site or other surface area shall be directed to the street but may be directed to an approved outlet when the site topography makes drainage to the street impractical. Drainage may be routed across adjacent lots to approved outlets. A mobile home pad shall be elevated not less than 6 inches above that portion of the street or the drainage outlet at the lot boundary to which the site drainage is directed.

(2) Storm sewers and storm water drainage systems shall be designed and installed according to the department of environmental quality R 325.3342 to R 325.3346. Storm sewers and storm water drainage systems shall be inspected by the department of labor and economic growth.

R 125.1715 Storage.

Rule 715. (1) A storage container for garbage shall be watertight and shall preclude infestation of insects and rodents.

(2) Rubbish shall be properly contained and stored. The area for storage shall be kept in a manner suitable to preclude infestation of insects and rodents. Where dumpsters are used, they

shall be placed on a paved area that shall extend a minimum of 2 feet in all directions from the dumpsters. Water used in cleaning a dumpster shall be discharged to a sanitary sewer system.

(3) A storage container for garbage and rubbish shall be cleaned with sufficient frequency to preclude the attraction of insects and rodents.

(4) The storage of garbage and rubbish shall not create a harborage or food source for insects or rodents.

R 125.1716 Frequency of removal.

Rule 716. Garbage and rubbish shall be removed from a mobile home park or seasonal mobile home park at least once a week, or more often if the container lid or lids will not properly close.

R 125.1717 Insect and rodent control.

Rule 717. The owner and manager of a mobile home park or seasonal mobile home park shall routinely inspect the park to observe any possible evidence of an insect or rodent infestation. When such evidence is found, measures compatible with proper pest control practice shall be taken to reduce the infestation to a level where insects or rodents no longer exert an adverse affect on the health and well-being of park residents.

R 125.1718 Operation, maintenance, and safety.

Rule 718. The operator of a mobile home park or seasonal mobile home park shall maintain the mobile home park or seasonal mobile home park, its facilities, and the equipment in a sanitary and safe condition in conformance with the provisions of the act and these rules.

R 125.1719. Water supply systems.

Rule 719. Water supply systems shall be designed and installed in accordance with the department of environmental quality R 325.3321. Water supply systems not under the authority of the department of environmental quality shall be inspected by the department of labor and economic growth.

R 125.1720. Sewage collection and disposal systems.

Rule 720. Sewage collection and disposal systems shall be designed, installed, and maintained in accordance with the department of environmental quality R 325.3331 to R 325.3335. Sewage collection and disposal systems not under the authority of the department of environmental quality shall be inspected by the department of labor and economic growth.

R 325.3347 Rescinded.

R 325.3348 Rescinded.

R 325.3349 Rescinded.

R 325.3351 Rescinded.

R 325.3353 Rescinded.

R 325.3361 Rescinded.

R 325.3363 Rescinded.

R 325.3371 Rescinded.

R 325.3372 Rescinded.

PART 9. COMMUNITY CONSTRUCTION

R 125.1901 Definitions.

Rule 901. As used in this part:

- (a) "Access point" means the main community ingress and egress road.
- (b) "Alley" means a public or private right-of-way that serves and is dedicated as rear access to a parcel or parcels of land.
- (c) "Ingress and egress road" means the internal road that connects a public road with the remainder of the internal road system of a community.
- (d) "Meter" means a nationally recognized and approved device that measures the quantity of water, electricity, natural gas, liquefied petroleum gas, or fuel oil used.
- (e) "Parking bay" means any area in which more than 2 parking spaces are provided other than on a home site.
- (f) "Plans approval and permit to construct" means a department order upon approval of an application for a plans approval and permit to construct that permits the construction of a community or home condominium, permits a licensed community or existing home condominium to add home sites, or approves the as-built plans of a licensed community for subsequent conversion to a home condominium. The order also permits the construction within the community or condominium of optional improvements, but does not relieve the developer or owner from the responsibility of obtaining the required permits under other statutes or regulations pertaining to the optional improvement to be constructed. The order does not relieve the developer or owner from obtaining building, electrical, mechanical, and plumbing permits if required.
- (g) "Public thoroughfare" means a public road that provides access to a community.

R 125.1902a Home condominium; application; conversion of existing community to home condominium.

Rule 902a. (1) An application for the construction of a home condominium project shall be submitted to the department by the developer in compliance with section 127 of 1978 PA 1959, MCL 559.227.

(2) The application for the construction of a new home condominium or the expansion of an existing home condominium shall be filed under R 125.1909.

(3) An applicant applying for approval of construction plans and a permit to construct for the conversion of a community to a home condominium with expansion shall file the application according to R 125.1905.

(4) An existing community that does not meet the standards of construction set forth in this part and R 325.3311 et seq. of the Michigan Administrative Code may be converted to a home condominium if it is brought into compliance with the standards under a plans approval and permit to construct or if a variance is approved by the commission under R 125.1948.

R 125.1904a Preliminary plan; disapproval.

Rule 904a. (1) A municipality, county road commission, county drain commissioner, or local health department shall not disapprove a preliminary plan, as defined in the act, based on a local

standard that is higher than the standards contained in these rules, unless the higher standards are approved by the commission under the provisions of the act and R 125.1120.

(2) If a preliminary plan is disapproved by the agencies listed in subrule (1) of this rule based on a local standard which is higher than the standards contained in these rules and which has not been approved by the commission, then the developer may petition the commission for review of the disapproval under R 125.1130. If the commission finds that the local standards are in conflict with the standards contained in these rules, then the developer may substitute the commission's finding for the disapproval of the agencies listed in subrule (1) of this rule under the act.

R 125.1905 Plans approval and permit to construct; application for approval; issuance of approval or intent to deny; validity; transferability.

Rule 905. (1) The department shall not issue a plans approval and permit to construct until all of the following are received from the developer and are approved by the department:

(a) Two copies of the community construction plans and specifications under R 125.1906 to R 125.1909.

(b) The fee specified in R 125.1315.

(c) On a form prescribed by the department, an application and required exhibits completely and accurately filled out and executed.

(2) All of the following exhibits shall be submitted with the application:

(a) Copies of all existing and proposed easements or dedications, if any. If easements or dedications do not exist, then the developer shall submit a statement to that effect with the application.

(b) A soils analysis, which shall be provided by a professional engineer, shall state that the soils are sufficiently stable so as to support the home and the permanent foundation.

(c) Evidence of title to the property, such as title insurance, a deed, a land contract, an owner's affidavit, or, if the property is not owned by the developer, the owner's affidavit attesting to ownership and the granting of permission to develop the community project. If the developer has an option to purchase the property or is leasing the property, then the developer shall submit a copy of the purchase option or leasing agreement.

(3) Before the department issues a plans approval and permit to construct, the Michigan department of environmental quality shall issue to the department a construction plan approval pertaining to the public health aspects of the construction under the act, including all of the following approvals:

(a) Preliminary approvals of the local health department, county road commission, county drain commissioner, and municipality or an affidavit from the developer which states that the statutory time limit of 60 days, under the act, has expired without the unit of local government taking the appropriate action.

(b) Approval from the department of environmental quality, in compliance with the requirements of 1994 PA 451, MCL 324.101 to 324.90106 if the project lies in a floodplain.

(c) Approval from the department of environmental quality, in compliance with the requirements of 1979 PA 203, MCL 281.701 if the project lies in a wetlands area.

(4) The department shall issue a plans approval and permit to construct or intent to deny order within 90 days after receipt of a complete application or the plans are considered approved. The application shall be in compliance with the requirements in subrules (1), (2), and (3) of this rule.

(5) A plans approval and permit to construct shall be valid for 5 years after the date of the issuance and may, upon application, review of the previously approved construction plans for compliance with these rules, and approval of the application, be renewed by the department if the

last renewal does not expire more than 10 years after the initial plans approval and permit to construct was issued.

(6) A permit to construct is transferable upon approval by the department.

(7) The department shall maintain the plans approval and permit to construct and a copy of the approved plans and specifications as a permanent record. A copy of the approved plans and specifications shall be at the construction site or readily available during construction.

R 125.1906 Construction plans; drawings; preparation and contents.

Rule 906. An architect or engineer who is licensed to practice in this state shall prepare the drawings that constitute the plans. More than 1 architect or engineer licensed in this state may prepare different segments of the same community construction plans. Submissions for review shall be 24-inch by 36-inch reproductions of original drawings. Each sheet shall contain the name of the community and the name and address of the firm responsible for the preparation of the sheet. The plans shall be sealed and signed by the licensee in responsible charge in accordance with 1980 PA 299, MCL 339.101 to 339.2721.

R 125.1907 Construction plans; preparation requirements.

Rule 907. When preparing community construction plans, the architect or engineer shall comply with all of the following provisions:

- (a) A scale shall be used in preparing the drawings.
- (b) Each sheet shall be numbered and the total number of sheets in the set shall be shown.
- (c) All prints of plans submitted for review shall be free of unnecessary background and shall be legible for photo reduction.
- (d) The scale of each drawing shall be depicted on each sheet, where applicable.
- (e) All sheets shall be dated.
- (f) The name of the community shall be shown on each sheet.
- (g) Match lines shall be used when the survey plan, site plan, or floor plan are shown on more than 1 sheet.

R 125.1908 Construction plans; contents.

Rule 908. (1) A complete set of community construction plans shall include specifications and working drawings. The documents shall show the design, location, dimensions, materials, quality of materials, and workmanship standards necessary to construct the proposed community as related to internal road construction, utilities construction, home site construction, density, layout, open spaces, and other improvements to protect the health, safety, and welfare of community residents. Recreational facilities and any optional improvements shall be included in the plans. Specific plans shall include all of the following information:

- (a) A cover sheet that contains all of the following:
 - (i) The name and location of the community.
 - (ii) A comprehensive sheet index.
 - (iii) List of abbreviations.
 - (iv) Schedule of symbols.
- (v) A location map of the project depicting its relationship to the surrounding area.
- (b) A site plan that shows all of the following:
 - (i) The location of all structures, sidewalks, internal roads, parking, and public road frontage.
 - (ii) The dimensions and identity of all existing and proposed easements and encroachments.

(iii) A survey bench mark shown by symbol and referenced to an official bench mark of the national geodetic survey or the United States geological survey, which are based on the national geodetic vertical datum of 1929.

(iv) Identification of all contiguous properties or waterways.

(v) If the community lies within or abuts a 100-year floodplain, floodplain data showing the 100-year contour line to the point where it intersects with the boundaries of the community or its limits, whichever is greater. Where a floodplain area exists, it shall be clearly labeled with the words "floodplain area."

(c) A typical home site at an enlarged scale that shows all of the following:

(i) Foundation construction.

(ii) Required distances from other structures under R 125.1941 except alterations to existing communities may comply with R 125.1947a(3).

(iii) Details and location of sewer and water connections.

(iv) Details and location of the utility pedestal.

(v) Home site parking and other improvements.

(vi) Details showing subsurface gas lines and electric lines.

(d) Except in a seasonal community, a community lighting plan showing the location of all light fixtures and a detail of the fixture to be installed, including a note indicating compliance with the illumination requirements under R 125.1929. In a seasonal community, a community lighting plan showing the location of all light fixtures, if provided, and a detail of the fixture to be installed.

(2) Where appropriate, plans may be combined if legibility is not impaired.

(3) The plans shall contain site drainage details and locations in accordance with R 125.1711 to R 125.1714 of these rules.

R 125.1909 Construction plans; identifying home sites and optional improvements.

Rule 909. Individual home sites and optional improvements shall be identified as follows:

(a) Each home site within a community shall be numbered consecutively starting with the number 1. If a community is an existing community, then the numbers shall be continuous, with no duplication.

(b) Other than the home sites, each structure or optional improvement shall be identified by its title.

R 125.1912 Filing changes in plans with department; notice of approval or disapproval.

Rule 912. A developer shall file 2 copies of bulletins, addendums, or shop drawings depicting changes with the department for approval before any physical changes are made. The department shall notify the developer of approval or disapproval within 20 days after receipt of the change. The department shall return 1 copy to the developer.

R 125.1916 Facilitating review of application for plans approval and permit to construct.

Rule 916. To facilitate the review of the application for plans approval and permit to construct, the department may require the developer to submit engineering reports, site reports, topographic and other maps, and other data.

R 125.1917 Construction reports, tests, and other data; availability to department.

Rule 917. All reports, tests, or other data used to determine construction suitability or structural stability shall be available to the department or its authorized representative upon request.

R 125.1918 Field inspections.

Rule 918. The department shall make field inspections necessary for an accurate evaluation and review of the community before, during, or after construction to ensure compliance with these rules and the approved plans.

R 125.1920 Internal roads; general requirements; local conditions.

Rule 920. (1) Internal roads shall be approved by the department when they are in compliance with all of the following general requirements:

(a) Internal roads shall be constructed in compliance with R 125.1922(1).

(b) Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the department. Sole access by an alley is prohibited.

(c) Dead end internal roads shall terminate with one of the configurations listed in the 2003 edition, international fire code, appendix D, figure D103.1 dealing with dead end fire apparatus access roads, which is adopted by reference in R 125.1102 of these rules.

Parking shall not be permitted within the turning area, which shall be posted within the turning area.

(d) A safe-sight distance of 200 feet shall be provided at intersections.

(e) Offsets at intersections or intersections of more than 2 internal roads are prohibited.

(f) Internal roads shall have driving surfaces with widths not less than the following:

(i) No parking.....21 feet.

(ii) Parallel parking, 1 side.....31 feet.

(iii) Parallel parking, 2 sides.....41 feet.

(2) All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows:

(a) All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth measured from the edge of the pavement of the public road into the community.

(b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.

(c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.

(d) Alternative designs that provide for adequate ingress and egress shall be approved by the department.

R 125.1922 Internal roads; construction materials.

Rule 922. (1) An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel in compliance with the guide for design of pavement structures, as published by the American association of state highway and transportation officials (AASHTO), which is adopted by reference in R 125.1102 of these rules.

(2) The community developer may use other suitable materials of equal quality if approved by the department.

R 125.1923 Internal roads; curbing.

Rule 923. A developer may install curbing on all internal roads. If curbing is used, it shall be constructed of concrete or asphalt.

R 125.1924 Driveways.

Rule 924. Improved hard surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings; to delivery and collection points for fuel, refuse, and other materials; and elsewhere as needed. The minimum width shall be 10 feet. The entrance shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

R 125.1925 Resident vehicle parking.

Rule 925. (1) All home sites shall be provided with 2 parking spaces.

(2) If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:

(a) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the 2 parking spaces shall not be less than 20 feet and the length shall not be less than 20 feet. In either method, the length shall be measured from the closest edge of the back of the curb, the paving surface, or the common sidewalk, if provided.

(b) A parking space shall be hard-surfaced.

(3) If vehicle parking is provided off the home site, then the parking spaces shall be adjacent to the home site and shall be in compliance with R 125.1926(2) and (3).

R 125.1926 Additional parking facilities.

Rule 926. (1) A minimum of 1 parking space for every 3 home sites shall be provided for visitor parking. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve. The 500 feet shall be measured along a road or sidewalk.

(2) If parking bays are provided, then they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.

(3) If parking facilities are provided off the home site in bays and at office or other facilities, then they shall be in compliance with R 408.30427.

R 125.1928 Sidewalks.

Rule 928. If a developer provides sidewalks, then the sidewalks shall be designed, constructed, and maintained for safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. A sidewalk system shall be in compliance with all of the following requirements:

(a) If constructed, sidewalks shall have a minimum width of 3 feet and shall be constructed in compliance with the requirements of 1973 PA 8, MCL 125.1361 et seq., an act which regulates sidewalks for handicappers.

(b) Except in a seasonal community, an individual sidewalk shall be constructed between at least 1 entrance, or patio, porch, or deck, if provided, and the parking spaces on the home site or parking bay, whichever is provided, or common sidewalk, if provided.

(c) In a community built under construction plans and specifications approved under a previous act, an individual sidewalk which is lengthened shall be the same width for its full length and at least equal in width for its full length to the original individual sidewalk.

R 125.1929 Vehicular and sidewalk systems; illumination levels.

Rule 929. Except in a seasonal community, all vehicular and sidewalk systems within a community shall be illuminated as follows:

(a) Access points shall be lighted. If the adjacent public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the thoroughfare.

(b) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall be not less than .15 footcandles.

(c) Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 footcandles.

R 125.1931 Proof of compliance with rules.

Rule 931. A community shall show proof of compliance with these rules upon request of the department or its authorized representative.

R 125.1932 Community electrical system.

Rule 932. A community electrical system shall, at a minimum, be designed, installed, operated, and maintained in compliance with the rules entitled "Electrical Lines and Equipment," being R 460.811 to R 460.815 and according to the construction, installation, and safety standards of the servicing public service company. A community is responsible for installing the electrical system up to and including the meter and its disconnect in new or existing communities. In addition, all of the following provisions shall be complied with:

(a) Primary and secondary distribution lines shall be installed underground.

(b) The system shall be designed to provide, at a minimum, 100 amp service according to applicable standards.

(c) A home site shall have an approved individual weatherproof meter installed. A community master meter shall not be used.

R 125.1933 Electrical system.

Rule 933. A home site shall have an approved easily accessible electrical systems circuit breaker or fuse system installed. The circuit breaker or fuse system shall be located at the pedestal and shall be installed by a licensed electrician.

R 125.1934 Community natural gas system.

Rule 934. The design, installation, operation, and maintenance of a community natural gas system shall, at a minimum, be in compliance with R 460.20101 et seq. of the Gas Safety rules and R 460.2301 et seq. of the Technical Standards for Gas Service and the construction, installation, and safety standards of the servicing public utility company. A community is responsible for installing the natural gas system up to and including the meter and its disconnect in new or existing communities. In addition, the community shall comply with all of the following provisions:

(a) Gas piping shall not be installed under a home building envelope or home, except for the piping required to connect the home to the servicing pedestal.

(b) A home site shall be equipped with an approved weatherproof gas regulator and individual meter. The regulator and meter shall not be located under the home when it is placed on the home site. A community master meter shall not be used.

(c) A home site shall have an approved gas shutoff valve installed upstream of the home site gas outlet and located on the inlet riser not less than 4 inches above the ground. The valve shall not be located under a home.

(d) The minimum hourly volume of gas required at each point shall be designed according to applicable standards and the manufacturer's standard for the appliance or appliances served.

R 125.1935 Community centralized liquefied petroleum gas (LPG) system.

Rule 935. If a centralized community liquefied petroleum gas (LPG) system is provided, it shall be designed, installed, operated, and maintained according to the rules entitled "Liquefied Petroleum Gases," being R 29.4001 to R 29.4035. A community shall install the liquefied petroleum gas system up to and including the meter and its disconnect in new or existing communities. In addition to the requirements of R 29.4001 to R 29.4035 both of the following provisions shall apply:

(a) A home site shall have an approved liquefied petroleum gas meter installed.

(b) The minimum hourly volume of liquefied petroleum gas required at each point in the system shall be calculated according to applicable standards and the manufacturer's standard for the appliance or appliances to be served.

R 125.1936 Individual home liquefied petroleum gas (LPG) system.

Rule 936. If an individual home liquefied petroleum gas system is permitted, then the installation, operation, and maintenance shall be in compliance with the manufacturer's installation instructions and R 29.4001 et seq. of the Liquefied Petroleum Gases rules.

R 125.1937 Community centralized fuel oil systems; installation after effective date of rule prohibited.

Rule 937. Community centralized fuel oil systems shall not be installed after July 16, 1998.

R 125.1938 Home site meter calibration.

Rule 938. A home site meter connected to a centralized community electric and fuel service system shall be calibrated upon installation and shall thereafter be calibrated by an independent calibrating company according to the servicing utility company's standard.

R 125.1940 Television, telephone, and certain heating systems; compliance with state or local standards and ordinances.

Rule 940. (1) If central television antenna systems, cable television, or other similar services are provided, then the distribution systems shall be underground and shall be constructed and installed in compliance with state and local standards and ordinances.

(2) Telephone systems shall be installed underground and shall be in compliance with state and local standards and ordinances. If state and local standards and ordinances do not exist, then the system shall be installed according to the construction, installation, and safety standards established by the servicing telephone company.

(3) If a heating system other than natural gas, liquefied petroleum gas (LPG), or fuel oil is used, then the system shall be in compliance with state codes.

R 125.1940a Water system meters.

Rule 940a. (1) Water meter installation shall be in compliance with R 325.3321 and shall be approved by the Michigan department of environmental quality.

(2) All water meters shall be in compliance with the requirements of American water works association standards C700-02, entitled "Cold Water Meters – Displacement Type;" C708-05, entitled "Cold Water Meters – Multijet Type;" and C710-02, entitled "Cold Water Meters –

Displacement Type Plastic Main Case” . These standards are adopted in R 125.1102 of these rules by reference .

R 125.1941 Required distances between homes and other structures.

Rule 941. (1) A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:

(a) For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.

(b) For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.

(c) Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.

(d) Fifty feet from permanent community-owned structures, such as either of the following:

(i) Clubhouses.

(ii) Maintenance and storage facilities.

(e) One hundred feet from a baseball or softball field.

(f) Twenty-five feet from the fence of a swimming pool.

(g) Attached or detached structures or accessories that may not be used for living purposes for the entire year shall be a minimum distance of 10 feet from an adjacent home or its adjacent attached or detached structures.

(2) A home, including an accessory, shall be set back all the following minimum distances, where applicable:

(a) Seven feet from the edge of the back of the curb or the edge of an internal road paving surface.

(b) Seven feet from a parking space on an adjacent home site or parking bay off a home site.

(c) Seven feet from a common sidewalk.

(d) Twenty-five feet from a natural or man-made lake or waterway.

(3) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the 2 long sides and the entrance side:

(a) Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the closest edge of the internal road and 2 feet or more from the closest edge of a common sidewalk, if provided.

(b) Roof overhang shall be set back 2 feet or more from the edge of the internal road.

(4) Steps and their attachments shall not encroach into parking areas more than 3 1/2 feet.

(5) A home sited on one side of the dividing line between a community constructed under a previous act and an expansion of the community constructed in compliance with the requirements of the act shall be a minimum of 13 feet from a home sited on the other side of the dividing line.

R 125.1942 Layout.

Rule 942. The layout of a community, including other facilities intended for resident use, shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety, and welfare of the residents.

R 125.1943 Home site construction.

Rule 943. A permanent foundation shall be installed on a home site.

R 125.1944 Setbacks from property boundary lines.

Rule 944. (1) Homes, permanent buildings and facilities, and other structures shall not be located closer than 10 feet from the property boundary line of the community or home condominium and shall not be required by a local ordinance, unless approved by the commission, to be more than 10 feet from the property boundary line.

(2) Homes, permanent buildings and facilities, or any other structures that abut a public right-of-way shall not be located less than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line. Homes, permanent buildings and facilities, and other structures shall not be required by a local ordinance to be more than 50 feet from the boundary line, unless the commission approves the ordinance. This rule does not apply to internal roads dedicated for public use.

R 125.1945 Screening; fencing.

Rule 945. The developer of a community or home condominium may completely or partially screen the community or condominium by installing fencing or natural growth along the entire property boundary line, including the line abutting a public thoroughfare, except at access points.

R 125.1946 Designated open space requirements.

Rule 946. A community of home condominium that contains 50 or more home sites which are constructed according to a permit to construct issued under the act shall have not less than 2% of the community's gross acreage dedicated to designated open space, but not less than 25,000 square feet.

R 125.1947 Optional improvements.

Rule 947. (1) Optional improvements may fulfill part or all of the total designated open space requirement.

(2) Optional improvements shall be in compliance with current state codes and applicable laws and ordinances pertinent to construction, including the obtaining of the appropriate state or local permits pertinent to the facility or structure being constructed.

R 125.1947a Communities constructed pursuant to previous acts or local ordinances, or both.

Rule 947a. (1) A community licensed under the construction standards of previous acts and rules for which a license was legally issued and valid at the time these of rules, or any subsequent amendment of these rules is not required to fulfill the current requirements for community construction in these rules. Amendments to the community construction standards in these rules do not apply to complete applications for plans approval and permits to construct received by the department before the effective date of such amendatory rules.

(2) A community that expands shall conform to all the requirements pertaining to community construction in these rules for the expansion.

(3) A community constructed according to the standards in previous acts, rules, or local ordinances shall be maintained or altered in a manner consistent with the standards in effect at the time of original construction, including but not limited to spacing of homes, road widths and sizing and design of community infrastructure, with the following exceptions:

(a) A community shall be adequately lighted during darkness.

(b) If individual home site meters are installed, then the installation shall be in compliance with R 125.1932, R 125.1934, and R 125.1935.

(c) Meters that are owned by the community shall be calibrated in compliance with R 125.1938.

(4) In communities issued a permit to construct before February 28, 1979, enclosed structures attached to homes are considered obstructions in the 10-foot side yard space. All other structures or vegetation are not obstructions if there is a 4-foot wide ground level pathway which is obstruction free to 7 feet in height and which runs the length of the side yard with access to the road.

R 125.1948 Variances; procedure.

Rule 948. (1) The commission may authorize under ~~section 18(5)~~ of the act the department to enter into agreements with community developers, owners, operators, or authorized agents for the purpose of granting a variance to the community design and construction rules promulgated by the director.

(2) An applicant may file a request with the department for a specific variance if the specific requirement would cause an exceptional practical difficulty.

(3) An applicant shall file with the municipal clerk's office, all residents on home sites immediately adjacent to the place for which a variance is being requested, and the Michigan department of environmental quality, if the variance is to or would impact on public health regulations, a notice of the request at the time the request is filed with the department. A complete request that contains all of the information specified in this subrule shall be filed before the department considers the request under subrule (1) of this rule or not less than 30 days before any commission meeting at which it is to be considered. The request shall be in writing and shall include, but is not limited to, all of the following information:

(a) The specific citation of the rule requirement.

(b) Specific reason or reasons for the variance.

(c) A statement describing why the condition caused by the requirement is not so general or recurring that consideration should be given to amend the rules as the most practical means to rectify the difficulty.

(d) A statement describing the difficulty encountered if the specific requirement of the rule was literally applied.

(e) A statement describing the difficulty encountered in ensuring the protection of the health, safety, and welfare of community residents if the specific requirement of the act or these rules was literally applied, if applicable.

(f) If a variance is requested for a specific home site, then the applicant shall provide all the following information:

(i) When the home site and all adjacent home sites were built.

(ii) When the home on the home site and all adjacent homes were installed.

(iii) The location of the hitch and all outside doors of the home on the home site.

(iv) The distance between the home on the home site and all adjacent homes, structures, sidewalks, internal roads, and community boundaries. The distance information shall be accompanied by an affidavit signed by the community owner or operator verifying the accuracy of all measurements.

(g) Any other specific information and data pertinent to justification for the specific variance.

(4) The applicant or an authorized representative of the applicant shall attend any commission meeting at which a variance request will be considered and be prepared to explain the request.

(5) A municipality, a resident, or a representative of the department of environmental quality, as described in subrule (3) of this rule, may submit comments relative to the request verbally at the commission meeting at which the variance will be considered or in writing. Any submitted comments shall be considered by the commission or the department in approving or denying the request.

(6) If a community developer, owner, or operator or a local government is aggrieved by a decision of the department under subrule (1) of this rule, then the aggrieved party may petition the commission for a hearing in compliance with the requirements of 1969 PA 306, MCL 24.201. et seq.

(7) This rule does not apply to a request for a variance to a local ordinance, zoning requirement, or local rules which may be granted only by local government under ~~section 18(4) of the act.~~

R 125.1949 “Repair and maintenance” defined; existing communities; construction; permit to construct; general repair and maintenance; exemption.

Rule 949. (1) “Repair and maintenance,” for the purpose of this rule, means projects such as, but not limited to, the following:

- (a) Repairing internal roads.
 - (b) Replacing existing lighting fixtures and illumination elements.
 - (c) Replacing, repairing, or maintaining existing sewer lines, drain lines, water mains, utility lines, and appurtenances.
 - (d) Repairing and maintaining existing home sites, buildings, or grounds.
- (2) Existing communities that are licensed under the act are exempt from filing an application with the department for a permit to construct for general repair and maintenance-type construction projects if the projects do not add to, subtract from, or alter, the standards of the approved master community plans and specifications under which the community was originally constructed.
- (3) Subrule (1) of this rule does not exempt the community from obtaining any permits, approvals, or inspections required by other laws, rules, or local ordinances applicable to a repair and maintenance project.

R 125.1950 Existing communities; construction; permit to construct; alterations.

Rule 950. (1) An application for a permit to construct shall be filed with the department for all construction projects that alter an existing community in ~~any~~ manner materially different from the community construction plans and specifications approved under 1939 PA 143, MCL 125.751 to 125.769 or 1959 PA 243, MCL 125.1001 to 125.1097. The following provisions apply:

- (a) Alteration projects include, but are not limited to, upgrading, installing, expanding, or removing common utility service systems, community lighting systems, or internal roads.
 - (b) No permit to construct is required for the following, which are not considered alteration projects: Removal or replacement of existing homes, or the reconstruction, relocation, or replacement of existing utility lines from the individual service panel to the home sites.
 - (c) A community licensed under the construction standards of previous acts and rules for which a license was legally issued and valid at the time of these rules, or any subsequent amendment of these rules is not required to fulfill the current requirements for community construction in these rules or the amendments hereto for any alteration projects.
- (2) The department shall not issue a permit to construct until all of the following are received:
- (a) From the applicant, and as approved by the department, all of the following items:
 - (i) Construction plans and specifications.
 - (ii) On a form prescribed by the department, an application completely and accurately filled out and executed.
 - (iii) The fee as specified in R 125.1315(4).
 - (b) From the department of environmental quality, both of the following approvals:

- (i) Approvals of the local health department, county drain commissioner, county road commission, and municipality, if appropriate.
- (ii) Approval by the department of environmental quality for matters pertaining to on-site water supply, sewage collection and disposal.
- (3) An application shall not be considered complete until all items referred to in subrule (2) of this rule have been received. This rule does not exempt the community from inspection requirements that are required by other laws, rules, or local ordinances as they apply to the specific project.
- (4) The department shall issue a permit to construct or an intent to deny order within 45 days after receipt of a complete application.

PART 10. COMMUNITY BUSINESS PRACTICES

R 125.2001 Definitions.

Rule 1001. (1) As used in this part:

(a) "Community rules" means a written document promulgated by the community which regulates all of the following and which includes the informational and disclosure items specified in R 125.2006:

- (i) Yard maintenance.
- (ii) Automobiles.
- (iii) Children.
- (iv) Pets.
- (v) Guests.
- (vi) Garbage and rubbish disposal.
- (vii) Rental payments.
- (viii) Other conditions of tenancy.

(b) "Inventory checklist" means the identical written form used at the commencement and termination of tenancy that records the condition of all items on the home site which are owned by the community, including, but not limited to all of the following:

- (i) Building envelopes.
- (ii) Utility hookups.
- (iii) Patios.
- (iv) Driveways.
- (v) Parking spaces.
- (vi) Sewer connections.

(c) "Lease" means a written agreement for the use, possession, and occupancy of a home site or home, or both, which contains all conditions of tenancy and which may include the community rules and regulations.

(d) "Rent" means any consideration paid by a resident for the right to use, possess, and occupy a home site or home, or both, and other facilities made available to the resident by the community.

(e) "Security deposit" means a deposit, in any amount, paid by the resident to the landlord or its agent to be held for the term of the rental agreement, or any part thereof. "Security deposit" includes any of the following:

- (i) Any required prepayment of rent other than the first full rental period of the lease.
- (ii) Any sum required to be paid as rent in any rental period in excess of the average rent for the term.

(iii) Any other amount of money or property that is returnable to the resident on the condition of return of the rental unit by the resident in the condition required by the rental agreement. “Security deposit” does not include an amount paid for an option to purchase under a lease with an option to purchase, unless it is shown that the intent was to evade the act.

(2) As used in the act:

(a) “Entrance fee” means a fee charged by a community as a condition precedent to the right to reside in the community, including a community requirement for resident paid for or provided landscaping or underground sprinkling systems, or both. The term does not include any of the following:

(i) Security deposits.

(ii) Fees and taxes charged by a unit of government, except for fees and taxes to be paid by the community that are related to capital improvements.

(iii) Deposits for service charged by public utilities.

(iv) Utility charges billed directly to the resident by the community.

(v) Rent.

(vi) Actual cost of a credit report, if one is obtained.

(vii) Nonrefundable cleaning fee as allowed by law.

(viii) A community requirement that a current or prospective resident, a retailer, or an installer and servicer pay for changing the electrical service provided to the home from the electrical pedestal disconnect box if the change is necessary to meet the Michigan electrical code, R 408.30801 et seq. for service to the home. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.

(ix) A community-required payment for the part of a foundation system that is more than 66 feet in length for a single section home and 56 feet in length for a multiple section home. The home lengths may be altered annually by the commission through an interpretive statement. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site. This exemption applies to foundation systems on new home sites in communities whose applications for permits to construct were received after June 29, 1994.

(x) A community-required payment for the part of a foundation system in excess of that which exists on a previously occupied home site. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.

(xi) A community-required payment for a foundation system that is approved by the department for use in the community, but not provided by the community. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.

(xii) Other fees as determined by the commission by declaratory ruling or interpretive statement.

(b) “Exit fee” means any fee charged by a community as a condition precedent to the right to terminate tenancy. This does not foreclose the right of the community to retain the security deposit in compliance with the requirements of 1972 PA 348, MCL 554.601 to 554.616.

R 125.2001a Inspections; inspection standards.

Rule 1001a. Before a home is offered for sale or placement of a “For Sale” sign, a home shall be inspected if required by the community rules. The inspection shall be in compliance with the act and shall be valid for 1 year. The inspection standards shall be stated in the community rules and met by a majority of the homes in the community.

R 125.2002 Advertising restriction.

Rule 1002. A community shall not advertise that facilities or physical conditions, or both, exist if not true.

R 125.2003 Means to assure completion of optional improvements.

Rule 1003. An optional improvement for resident use or convenience which has not been completed, shall not be advertised unless the completion of the optional improvement is assured by substantial completion or the advertising discloses the promised date of completion, or both. If an optional improvement is not completed by the date promised, then the department may, after notice of opportunity for hearing, require an irrevocable bank letter of credit, bond, or similar undertaking that is acceptable to the department posted with a public authority or may require adequate reserves established and maintained in a trust or escrow account to ensure completion of the optional improvement. In determining adequacy of the account, the department shall be guided by the facts and circumstances of each individual case, but the account shall be in compliance with all of the following provisions:

(a) Funds shall be kept and maintained in a separate escrow account.

(b) The account shall be approved by the department and shall be established in a financial institution doing business in this state or in another state whose laws require the account to be maintained in that state.

(c) Monthly progress reports shall be furnished to the department by the community for a new project for the first 6 months and, in the department’s discretion, quarterly or semiannually after the first 6 months.

(d) The trust or escrow agreement shall state that its purpose is to protect the resident or prospective resident if the community fails to complete the construction of promised optional improvements. The trust or escrow agreement also shall authorize the department to inspect the records of the trustee relating the agreement.

R 125.2005 Leases; refusal; terms; security deposits; inventory checklists.

Rule 1005. (1) A written lease shall be offered for each home site at the beginning of tenancy. The lease shall conform to the procedures in 1972 PA 348, MCL 554.601-et seq. and 1978 PA 454, MCL 554.631. et seq.

(2) If a resident refuses the lease offered at the beginning of tenancy, then the community shall require a written statement of refusal. The refusal is not a waiver of any of the resident’s rights as guaranteed by law.

(3) A community shall not charge a premium for a lease.

(4) If a community requires a resident or prospective resident to prove ownership of a newly acquired home as a condition of siting the home in the community, then the resident or prospective resident may satisfy the requirement by providing a photocopy of a validated signed application for a certificate of manufactured home ownership.

(5) A community may allow a retailer, consumer, or lending institution to pay rent on a home site in the community before placing a home on the home site if the action does not result in a

closed community. The home site that is rented is unavailable for rental to another retailer, consumer, or lending institution.

(6) A community may allow a retailer, consumer, or lending institution to place a home on a home site before the sale of the home. The home site upon which the home is placed is unavailable for the placement of another home.

(7) A community shall provide its permission for a sale in the community and on the home site and its acceptance of a prospective purchaser as a resident in writing, if requested.

(8) A security deposit received by a community shall be maintained in compliance with 1972 PA 348, MCL 554.601. et seq.

(9) If a community requires a security deposit, then the community shall utilize an inventory checklist at the beginning and termination of the tenancy to determine damages. The community shall comply with 1972 PA 348, MCL 554.601. et seq.

R 125.2005a Buyer's and resident's handbook.

Rule 1005a. A manufactured home buyer's and resident's handbook shall be provided by retailers to home purchasers at the time a purchase agreement is executed and by communities to prospective residents at the time an application for residency is signed. The handbook shall be available from the department, on the department's internet site at www.michigan.gov/bcc, and linking to publications in the left column.

R 125.2006 Community rules; provision of community rules to prospective and existing residents; community rule changes; rent charges.

Rule 1006. (1) The community shall provide each prospective and existing resident with a copy of the community rules. The resident shall execute a written receipt for the community rules.

(2) The community shall provide proposed changes to the community rules to each resident not less than 30 days before the date on which the changes become effective.

(3) Community rules shall not do any of the following:

(a) Prohibit "For Sale" signs.

(b) Require "For Sale" signs to be less than 18 inches by 24 inches.

(c) Prohibit or restrict the placement of up to 2 "For Sale" signs in the windows of or on a home.

(d) Require a home to meet a construction standard other than that to which it was built in order to be sold in the community.

(e) Require tires to be present if a home is to be sold in the community.

(4) The community shall post, in a conspicuous place in the community office, a detailed list of current rent ranges and a detailed list of any other charges that are added to the base rent which establish the monthly rental amount that a resident is to pay.

(5) A community rent structure shall be in compliance with 1976 PA 453, MCL 37.2502 and 37.2503.

R 125.2006a Water meter installation disclosure.

Rule 1006a. If the community converts its water metering to individual site metering, then the community shall notify each then-current resident, in writing, not less than 30 days before providing water for which an invoice is rendered following meter installation. The disclosure shall include, but not be limited to, all of the following items:

(a) The water and sewer rate per thousand gallons or in the units measured by the meter.

(b) All additional charges.

- (c) Minimum fees.
- (d) Shutoff procedures.
- (e) Installation procedures.
- (f) Payment procedures, including the billing period and due dates and a requirement that bills include beginning and ending meter readings and total usage.
- (g) Rate change procedures.
- (h) A statement that the community shall provide a state-approved and properly functioning heat tape and shall be maintained by the community for a period of not less than 1 year.

R 125.2006b Resident-provided utility service.

Rule 1006b. If the community resident provides any utility service that results in common community use, then the community shall disclose the charge to all affected residents.

R 125.2007 Accounts and records; maintenance; inspections; retention.

Rule 1007. (1) The community shall maintain all the following accounts and records at the community office or at a central office for 4 years:

- (a) A copy of the lease for each resident or a copy of the statement of refusal signed by the resident.
- (b) A copy of the inventory checklists for each resident.
- (c) A copy of the resident receipt for community rules.
- (d) A record of the rent receipts for each resident.
- (e) If security deposits are required, then a current and accurate record system of security deposits received and disbursed upon termination of tenancy for each home or home site, or both.
- (f) A current and accurate record of the community residents, which shall include all of the following information:
 - (i) Name of each resident and member of the resident's household, if applicable.
 - (ii) Home site number.
 - (iii) Date of tenancy.
 - (iv) Date of termination.

(2) All accounts and records that are required to be maintained by these rules shall be available for inspection by an authorized representative of the department during normal business hours.

(3) Unless otherwise provided for by law, these or other rules, or local ordinances that require a longer retention period, the following accounts and records shall be maintained for a period of 4 years after tenancy termination:

- (a) A copy of the resident's most recent lease or rental agreement or the resident's lease refusal statement.
- (b) A copy of the final inventory checklist for each resident.
- (c) A copy of the resident's most recent receipt for community rules.
- (d) A resident's file.

R 125.2009 Community owner or operator; prohibited practices.

Rule 1009. A community owner or operator shall not do any of the following:

- (a) Aid or abet an unlicensed person to evade the provisions of the act or these rules.
- (b) Knowingly combine or conspire with, or be acting as an agent, partner, or associate for an unlicensed person.
- (c) Allow one's license to be used by an unlicensed person.

(d) Be acting as a licensed retailer for an undisclosed person who does or will control or direct, or who may have the right to control or direct, directly or indirectly, the business operations or performance, or both, of the licensee.

(e) Use age or size, either separately or in combination, as a sole basis for refusing to allow the sale of a home in the community and on the home site.

(f) Prohibit a resident from using a licensed retailer of the resident's choice to sell his or her home in the community.

(g) Prohibit the installation, in compliance with federal law, of a satellite dish on a home.

(h) Prohibit political yard signs. Political yard signs means "campaign signs demonstrating a position on candidates for publicly elected offices or proposals for public election."

(i) Require political yard signs to be less than 18 inches by 24 inches.

(j) Prohibit or restrict the placement of up to 2 political yard signs per site.

(k) Restrict the display duration of political yard signs when they are in compliance with the local government ordinance, for a period beginning 4 weeks before and, 1 week after a governmental election.

Department of Labor & Economic Growth

Bureau of Construction Codes

Mailing Addresses:

P.O. Box 30254 (Codes: general correspondence, Office of Local Government and Consumer Services)
P.O. Box 30255 (Codes: permits, licenses, and other documents containing payments)
P.O. Box 30704 (Office of Land Survey and Remonumentation)
Lansing, Michigan 48909

Physical Addresses:

2501 Woodlake Circle, Okemos – Administration; Office of Administrative Services **Fax:** 517-241-9570

Office of Management Services; Plumbing Division **Fax:** 517-373-8547

Office of Local Government and Consumer Services; Building Division; Electrical Division; Mechanical Division; and Plan Review Division **Fax:** 517-241-9308

6546 Mercantile Way, Lansing – Office of Land Survey and Remonumentation; Elevator Safety Division; and Boiler Division **Fax:** 517-241-6301

Web site: www.michigan.gov/bcc

Telephone Numbers:

Administration	517-241-9302
Office of Administrative Services (OAS).....	517-335-2972
Office of Management Services (OMS).....	517-241-9313
Boiler Division	517-241-9334
Building Division.....	517-241-9317
Electrical Division	517-241-9320
Elevator Safety Division	517-241-9337
Mechanical Division	517-241-9325
Office of Land Survey and Remonumentation (OLSR).....	517-241-6321
Office of Local Government and Consumer Services (OLGCS).....	517-241-9347
Plan Review Division.....	517-241-9328
Plumbing Division.....	517-241-9330

DLEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

MASTER PLAN 2015



City of Boyne City

ADOPTED:

Planning Commission: September 21, 2015

City Commission: October 13, 2015

City of Boyne City

MASTER PLAN 2015

PREPARED BY:

BOYNE CITY PLANNING COMMISSION

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CONSULTING PLANNING ASSISTANCE PROVIDED BY:

MARY H. CAMPBELL, M. C. PLANNING & DESIGN

ADOPTED

PLANNING COMMISSION: SEPTEMBER 21, 2015

CITY COMMISSION: OCTOBER 13, 2015

BOYNE CITY MASTER PLAN 2015

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Part I

Master Plan Action Plan

1. Introduction
2. Goals and Objectives
3. Future Land Use
4. Implementation and Plan Adoption

Chapter 1 Introduction

What is planning?

Everybody plans. People make financial plans, work plans, and even grocery lists to efficiently achieve their goals. Planning helps each of us work toward accomplishing objectives in an orderly, step-by-step fashion. It also helps a community avoid costly errors by allowing for a good look at the issues. Communities that fail to plan are like people who shop without a grocery list — they spend too much on junk food and not enough on what is actually needed.

The comprehensive planning process encourages governments to think strategically about all aspects of their community and the way these elements interact. Planning allows us to take a look at where the community has been, how it got to this point, where it wants to go, and how it can get there. Without a clear picture of the goals, policy makers must often make decisions in a manner that may not be in the best interests of local residents.

Planning encourages a community development process that initiates action rather than one that simply reacts to events. But comprehensive planning is not easy. A community must work hard to reach their vision through the plan.

Planning 101

- Planning is an orderly, open approach to determining local needs, setting goals and priorities, and developing a guide for action.
- Planning is a concentrated effort by a community to reach a balance between the natural environment and residential, commercial, industrial and agricultural development.
- A plan is a guide for public officials and private citizens to use in making informed decisions that will affect their community.

Change is inevitable. Planning is a process that helps a community prepare for change rather than react to it. The process involves working citizens through four basic questions:

1. Where is the community now?
2. How did the community get here?
3. Where does the community want to go?
4. How does the community get there?

With Effective Planning, Boyne City Can:

Make informed decisions. The comprehensive planning process provides facts on existing conditions and trends and helps a community understand the potential positive and negative impacts of managing growth in different ways. This provides a basis to make informed decisions and allows Boyne City to coordinate individual developments so that they complement rather than detract from each other.

Develop and preserve community character. Can anyone envision the Boyne area without the vibrant northwood's-based economy of winter sports, summer water sports, and a great outdoor environment? Planning for the physical design of Boyne City will facilitate the preservation of

the cultural, economic and environmental features that help make a community a special place. Planned growth can be used as an ingredient to expand Boyne City's unique character.

Achieve predictability. Good planning provides private landowners and developers with a guide that defines where and what type of development the community desires. This information allows individuals to plan for the purchase and use of property consistent with community goals.

Produce positive economic development. Planning helps Boyne City retain existing businesses and industries while attracting new ones. It is often used as a tool to revitalize downtowns and create vibrant main streets. The planning process allows the Planning Commission to consider workforce, education and local infrastructure capacity, among other things, so that appropriate economic development strategies can be developed.

Adopt a balanced approach. Any local government function involves political, personal, and community values. Comprehensive planning and managing future growth involve balancing the community interest and the private interest. Planning encourages a balanced approach as the community develops, thus ensuring that community rights and private property privileges are both protected.

A History of Boyne City

John and Harriet Miller are credited with being the area's first non-native permanent settlers. After Harriet dreamt of a bear-shaped lake with an abandoned cabin at its east end, the Millers traveled from New York and landed on the shores of Boyne on November 14, 1856. They claimed a cabin abandoned by Mormons as their home. John and his sons soon discovered a scenic stream that reminded John of a famous river in Ireland. He promptly christened it the Boyne River.



The lumbering era thrust Boyne City from its quiet beginning into a bustling industrial center.

From the mid-1880s to the 1920s, the community was known as the lumber capital of northwestern Michigan. The community's population grew as people traveled to where jobs could be found. By the 1920s, the mill whistles silenced. The lumber boom was over.

Boyne City & Southeastern Railroad began bringing freight to town in 1893. The service was designed to connect Grand Rapids and Indiana to Great Lakes shipping from Boyne City's harbor. While the railroad was a critical component in lumbering, it also found an identity as an ideal way for passengers to travel north in comfort. The railroad eventually closed in 1978.



During the city's lumber boom, a variety of businesses needed to support a thriving community were established. Many of these businesses remained after the lumber era ended. As the years have passed, the business community has evolved as much as its residents. Tourism has become a primary industry as the community draws summer residents to their second homes and for visitors who travel north for the weekend to fill lakeside cabins.



It's obvious that the Boyne area is still booming. With its schools within walking distance of downtown, diverse businesses enabling people to live, work and shop close to home, and events such as spaghetti dinners still making personal calendars, residents and visitors enjoy the value of relationships and the opportunities found in each day.

Planning Process

The purpose of the Boyne City Master Plan-2015 Update is to provide guidelines for future development, while protecting the natural resources and character of the community. Part II of this plan presents extensive background information including socio-economic data on the City; description and mapping of natural resources and existing land uses; and inventory of existing community infrastructure and facilities. The background information was analyzed to identify important characteristics, changes and trends occurring in Boyne City. Community concerns were identified based on a review of prior sub-area plans, the results of a recent community goal setting session, a public input session conducted in October 2014, previous planning efforts, and input from the Planning Commission. Goals and objectives were developed and refined to guide future development based on the background studies, key land use trends and community issues. These goals, along with a detailed 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 City. This plan also provides suggestions for implementation of the identified goals and policies. The guidance provided by this Master Plan will be utilized in future updating of the Zoning Ordinance.

The plan is intended to serve as a guide that will be used by the City to help determine land uses and development policies that will affect the community's physical development. It defines general planning goals, policies and action plans that provide a philosophical base for use by the Planning Commission as it guides future growth and land use in Boyne City. Because it is a guide, this plan is not intended to be rigidly administered. Changing conditions in the community may affect the goals and philosophy established when the plan was originally developed. Such changes do not automatically mean that the plan must be subject to wholesale revisions, but rather that the goals and philosophy espoused should be evaluated to determine if the plan remains valid.

Chapter 2 Goals and Objectives

In developing community goals and objectives, 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 objectives is to identify community assets, problems and other issues to be addressed. The goals and objectives in this Master Plan update are intended to serve as the foundation for a strategy that can be used in an ongoing process to guide growth and development over the short and long-term.

As part of this Master Plan update, the Boyne City Planning Commission reviewed the goals and objectives from recent plans for the waterfront, downtown, marina, cultural economic development and input from recent goal setting meetings to compile a few consolidated broad goals with supporting objectives, which cover most of the themes from the earlier plans. The Planning Commission conducted a public meeting to share the draft goals and solicit input. Based on the input received, the Planning Commission further refined the consolidated community goals and objectives.

Over the years, different organizations have written slogans or tag lines which are now embraced by the community as describing the unique character of Boyne City and its people. This plan combines two such statements:

Boyne City:
Where Life Meets Lake—Home town feel, small town appeal



Goal 1: Inspiring local Business and Economic Development

Supporting Objectives:

- Promote a friendly and sustainable community, where people care and are involved. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce, and Boyne City Main Street / Timeline: In progress)*
- Continue to support and implement the 5 long-term cultural and economic development goals identified in the Boyne City, Michigan Cultural Economic Plan. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce, Boyne City Main Street / Timeline: In progress)*
 - Position Boyne City as the ‘go-to’ place for unique and creative regional food experiences and ‘take-home’ food products. *(Responsible Party: Boyne City Farmers Market, City of Boyne City / Timeline: mid-term)*
 - Create a favorable working environment for traditional and creative artists and performers, as well as craftmakers and food producers in all forms. *(Responsible Party: Boyne Arts Collective, City of Boyne City, Boyne City Farmers Market / Timeline: mid-term)*
 - Maintain and build on the vitality of the Historic Downtown and lake front. *(Responsible Party: City of Boyne City, Boyne City Main Street, Boyne City Downtown Development Authority, Boyne City Chamber of Commerce / Timeline: long-term)*
 - Promote the area’s natural environment and outdoor recreation opportunities as a draw for visitors and as a quality of life. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce, Boyne City Main Street / Timeline: short-term)*
 - Improve communication, coordination and effectiveness of local development efforts. *(Responsible Party: City of Boyne City, Boyne City Main Street, Boyne City Downtown Development Authority / Timeline: short-term)*
- Continue the combination of marketing and event-producing capacities together with signature creative/wild/hand made foods and the culinary arts, to provide a lead industry cluster around which Boyne City’s identity and economy can be enhanced. *(Responsible Party: City of Boyne City, Boyne City Farmers Market, Boyne City Main Street / Timeline: In progress)*
- Attract new and repeat visitors and enhance their experience through foods and a more complete creative and cultural experience. *(Responsible Party: City of Boyne City, Boyne City Farmers Market, Boyne City Main Street / Timeline: In progress)*
- Continue to support the growth of the Boyne City Farmer’s Market as an intermediary to bridge growers, producers, consumers,



and wholesale buyers. *(Responsible Party: City of Boyne City, Boyne City Farmers Market, Boyne City Main Street / Timeline: In progress)*

- Continue to focus efforts to refine distinctive events and activities that connect the lakefront with downtown. *(Responsible Party: City of Boyne City, Downtown Development Authority, Boyne City Main Street / Timeline: In progress)*
- Attract visitors and improve quality of life for year-round residents through economic activity and investment. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce / Timeline: In progress)*
- Promote all-season outdoor recreation, dining options, home-grown cultural activities, excellent schools, and other quality of life factors for business and employee recruitment and retention. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce, Boyne City Main Street / Timeline: In progress)*
- Continue to foster the cooperative synergy between the City, the Chamber and Main Street to promote and support economic development in Boyne. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce, Boyne City Main Street / Timeline: In progress)*
 - Continue the efforts of Team Boyne to promote economic activities to support business recruitment and retention. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce, Boyne City Main Street / Timeline: In progress)*
 - Highlight the Redevelopment Ready Community designation to promote the re-use/redevelopment of buildings and sites in Boyne. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce, Boyne City Main Street / Timeline: mid-term)*
 - Attract and retain family supporting jobs. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce, Boyne City Main Street / Timeline: long-term)*
 - Create a vibrant downtown which attracts and retains young talent and supports diversity. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce, Boyne City Main Street / Timeline: long-term)*
 - Encourage an entrepreneurial community. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce, Boyne City Main Street / Timeline: long-term)*
 - Continue Stroll the Streets and other events to enhance Boyne City's vibrant downtown to attract visitors and provide recreation, retail and dining opportunities for



- all. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce, Boyne City Main Street / Timeline: In progress)*
- Continue to celebrate and embrace the arts. *(Responsible Party: Boyne Arts Collective, City of Boyne City, Boyne City Chamber of Commerce, Boyne City Main Street / Timeline: In progress)*
- Provide regulatory flexibility to encourage exploration of innovative business concepts. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce, Boyne City Main Street / Timeline: mid-term)*
- Continue to celebrate and embrace the seniors and retirees as mentors and valued community assets. *(Responsible Party: City of Boyne City / Timeline: In progress)*
- Continue open communication and collaboration with schools. *(Responsible Party: City of Boyne City / Timeline: In progress)*
 - Maintain, support and promote high quality Boyne City schools. *(Responsible Party: City of Boyne City / Timeline: In progress)*
 - Integrate students and young adults into more active roles in the community. *(Responsible Party: City of Boyne City, Boyne City Chamber of Commerce / Timeline: mid-term)*
 - Continue to work with schools on Safe Routes to Schools and integrate into the Trail Town efforts. *(Responsible Party: Boyne City Parks and Recreation Committee, City of Boyne City, Boyne City Main Street / Timeline: short-term)*
- Encourage/develop/expand broadband and wireless services available throughout the City. *(Responsible Party: City of Boyne City / Timeline: In progress)*
- Continue to maintain and improve Boyne City streets, infrastructure and services to meet the community needs. *(Responsible Party: City of Boyne City / Timeline: In progress)*
 - Continue to enhance Boyne City as a walkable community. *(Responsible Party: City of Boyne City, Boyne City Main Street / Timeline: In progress)*
 - Consider a Complete Streets approach for all street improvement projects. *(Responsible Party: City of Boyne City, Boyne City Main Street / Timeline: In progress)*
 - Maintain and support local transit services. *(Responsible Party: City of Boyne City / Timeline: In progress)*

Goal 2:

An Active Community embracing recreation and water-based opportunities

Supporting Objectives:

- Promote Boyne City's waterfront location and outstanding recreational opportunities.
- Maintain and enhance Boyne City's parks and recreation facilities.

- Promote Boyne City as a waterfront Trail Town.
- Establish, expand and maintain the trail networks, both within Boyne City and connections to regional trail systems, including water trails.
- Celebrate year-round use of recreation facilities and trails. Coordinate maintenance activities to promote winter use.
- Establish more recreational activities and opportunities for area youth.



Goal 3: Housing opportunities for ALL!

Supporting Objectives:

- Recognize the changing demographics, and explore options to address the shifting housing demands, such as downtown housing opportunities, accessory dwelling units, townhouses, apartments, etc.
- Review the types of housing available to identify any gaps and opportunities.
- Encourage affordable and workforce housing in mixed use developments downtown, such as explore the conversion of underutilized properties to affordable housing.
- Identify affordable housing obstacles and work to address.
- Encourage housing which includes accessibility features for all, to facilitate aging in place.

Goal 4:
Working cooperatively with neighbors

Supporting Objectives:

- Strengthen working relationships with neighboring communities to enhance the entrances to Boyne City.
- Protect Lake Charlevoix through collaboration with adjacent lakefront municipalities and interested groups.
- Explore cooperative planning with adjacent Townships regarding shared facilities and resources.
- Work to strengthen connections with nearby resort communities, resort industries and second home owners.

Chapter 3 Future Land Use

Boyne City is a scenic lakefront community which provides for a mix of land uses to meet the needs of the residents, businesses and visitors. Through land use planning and land use controls, Boyne City intends to continue to work to ensure that the shorelines are protected, the existing commercial, industrial, community service, residential and recreational uses can continue, and reasonable growth can be accommodated with minimal land use conflicts or negative impacts. Based on the social, economic and environmental characteristics, the following general future land use categories have been identified to serve existing and future development needs. The distribution of these future land use categories are shown in Figure 3-1, Future Land Use Map.

Future Land Use Categories

RESIDENTIAL

Residential Open-Space—Residential Open Space category is a means of varying the usual pattern of development. Known under a variety of names—open space development, clustering or cluster development, conservation development, open space zoning or rural clustering—this option is a technique that encourages grouping homes in those areas of a development site that are best suited for development. Large parts of a site are permanently protected open space, protected by a restrictive covenant or deeded to a nonprofit land trust or the City.

Advantages:

- Provides opportunities for creative, quality design and preservation of open space.
- Creates larger areas of open space rather than just lot-by-lot development.
- Preserves natural features, advances environmental protection, improves drainage, and provides for better housing sites.
- Allows greater administrative discretion and negotiation between the developer and community.
- Reduces development costs by maintaining overall residential density developed over a smaller area.

It should also be noted that the benefits of open space design can be amplified when it is combined with other better site design techniques such as narrow streets, connectivity and alternative turnarounds

Large Lot Residential—The principal purpose of the Large Lot Residential category is to provide land in the community for a rural residential type of lifestyle yet still be in the City. This lifestyle is one of a full range of lifestyles offered in Boyne City. In addition to single-family houses, this category also provides for parks, day care, civic and institutional uses, such as churches.

Neighborhood Residential—The Neighborhood Residential category promotes the continuation, restoration, and creation of diverse, walkable, compact, vibrant, neighborhoods. The Neighborhood Residential category builds upon the historic single-family residential pattern that is reflected in many of Boyne City's existing neighborhoods. Its purpose is to create identifiable, well-organized, neighborhoods that are interconnected with each other to form a community. These "traditional" neighborhood areas are intended to encourage a variety of housing types and prices. While anticipated to contain primarily single-family detached housing, some attached housing units may be considered.

1. Walkability—Pedestrian friendly street design (buildings close to street; porches, windows & doors; tree-lined streets; on street parking; hidden parking lots; garages to the rear; narrow, slow speed streets).

2. **Connectivity**—Interconnected street grid network disperses traffic & eases walking. A hierarchy of narrow streets, boulevards, and alleys. High quality pedestrian network and public realm makes walking pleasurable.
3. **Mixed Housing**—A range of types, sizes and prices in closer proximity.
4. **Quality Architecture & Urban Design**—Emphasis on beauty, aesthetics, human comfort, and creating a sense of place; Special placement of civic uses and sites within community.
5. **Smart Transportation**—Pedestrian-friendly design that encourages a greater use of bicycles, rollerblades, scooters, and walking as daily transportation.
6. **Sustainability**—Minimal environmental impact of development and its operations. Ecofriendly technologies, respect for ecology and value of natural systems. Energy efficiency. Less use of finite fuels. More local production. More walking, less driving.
7. **Quality of Life**—Taken together these add up to a high quality of life well worth living, and create places that enrich, uplift, and inspire the human spirit.

Historic Residential—This land use category is essentially a sub-category of the Neighborhood Residential category intended to encourage preservation of the historic houses in the Pearl Street area consistent with the designated Historic District.

Multiple Family—The Multiple Family category includes condominiums, apartment complexes, and assisted senior living facilities. The multiple family land use should be part of the surrounding community, not separate. The architecture should be “community” oriented. Parking should be well screened. The main goal here is to offer a high quality of life for the residents. The Multiple Family category includes the area owned by the Boyne City Housing Commission at Park Street and Division Street which provides a range of housing types and a senior center with associated senior services. Additional specific locations for future multiple family uses are not designated on the Future Land Use map, but will be considered on a case by case basis, so that the Planning Commission can have the flexibility to review the appropriateness of specific areas when the need arises.

Mobile Home Park—The Mobile Home Park category recognizes the importance of the existing development as a well-maintained park and a community asset which provides a valid housing option. This future land use plan encourages the continuation of the existing facility.

COMMERCIAL



Downtown Core—The downtown and historic core is the focal point of Boyne City providing a mix of retail, office, residential, and public uses, supported by a transportation system that creates a pedestrian friendly atmosphere. This area provides easy access to local businesses with an enhanced streetscape environment. This plan promotes continued mixed-use development in the Downtown Core to reinforce the unique identity and attractive pedestrian environment. This land use category is intended to encourage commercial uses, small-scale retail shopping, entertainment uses, convenience stores, office, and personal and business service uses. Residential uses are encouraged on upper floors of commercial buildings. Building heights should generally not exceed three stories, except where it can be demonstrated that additional height will not alter the

historic character of the downtown. Brick, stone and masonry will be the primary building materials in this area to give a sense of permanence.

Professional Office— Office development in Boyne City will fit into the surroundings and be built to the same bulk and outward appearance. The predominate building material shall be brick and masonry. Boyne City will ensure that compatibility between the Office area development and surrounding neighborhoods is buffered and that performance standards are set to minimize harmful effects of excessive noise, light, glare, and other adverse environmental impacts.

Neighborhood Commercial—“Neighborhood Commercial Nodes” (NCN) are designed to encourage small scale commercial and mixed-use development in convenient neighborhood locations. The purpose of the Neighborhood Commercial Node is to provide for the establishment of local centers for convenient retail or service outlets which deal directly with the customer for whom the goods or services are furnished. Emphasis should be placed on convenience and pedestrian and bicycle access. The center should be designed to eliminate any nuisance or incompatibility with surrounding land uses. The Neighborhood Commercial corner store should be on a “corner” except in rare circumstances. If they are to be successful, they must be within walking distance of nearby residents. They also need to be designed and scaled to serve the surrounding neighborhood; therefore, a “one size fits all” approach to density or uses may not be appropriate. The areas identified are conceptual, actual sites will be evaluated for its ability to serve such a function, and appropriate zoning changes will be developed on a case-by-case basis.

Medical—The Medical category is designated to recognize the area primarily devoted to providing medical services and the advancement of the medical science. The Medical category will provide Boyne City residents with medical and related services in town without having to travel to Charlevoix, Petoskey or other areas for care.

General Commercial—The General Commercial category is designed to provide a location for more intense retail that will serve the broader community or region. It may include, but is not limited to, general retail and office, larger retail centers, and regional centers. Pedestrian connections and bicycle parking facilities are an important design feature to this area. Buildings will be as close as possible to the road frontage with parking on the side or in the rear.

INDUSTRIAL

Industry—This classification provides for freestanding sites and campus/complex development accommodating flexible uses of space. Uses include research and development activities, light industrial uses, office uses, high-tech uses, and distribution uses.

PUBLIC SERVICES AND FACILITIES

Community Service— Public services and Boyne City’s schools play an important role in the city’s economy and overall vitality. Not only do they provide valuable jobs in the city, they serve educational, recreational, government needs of the area, attract new and expanded business to the region, and broaden cultural opportunities within the city. In order to compete in their respective missions, they must continue to change and grow over time. Some Community Service areas may pose impacts on adjoining residential neighborhoods. Issues such as noise, parking, traffic, housing costs and neighborhood character are of concern. Certain services that

are critical to the operation of the city such as snow plowing, storage of salt, composting and waste disposal should be heavily buffered from surrounding residential areas.

Marina— The marina areas along Boyne City's waterfront play an important role in the economic, recreation and transportation needs of the city. In the future these areas may play an increasing role in bulk transportation and passenger travel much as it did in the past.

Community Recreation— This classification is for improved and unimproved recreation areas and park facilities, including neighborhood, community, and Greenway/Bikeway/Pedestrian Links. This classification covers those areas provided as part of a larger use, in between uses, or along transportation routes that serve to connect parks, recreation, and open space into a unified network of facilities.

Waterfront Considerations

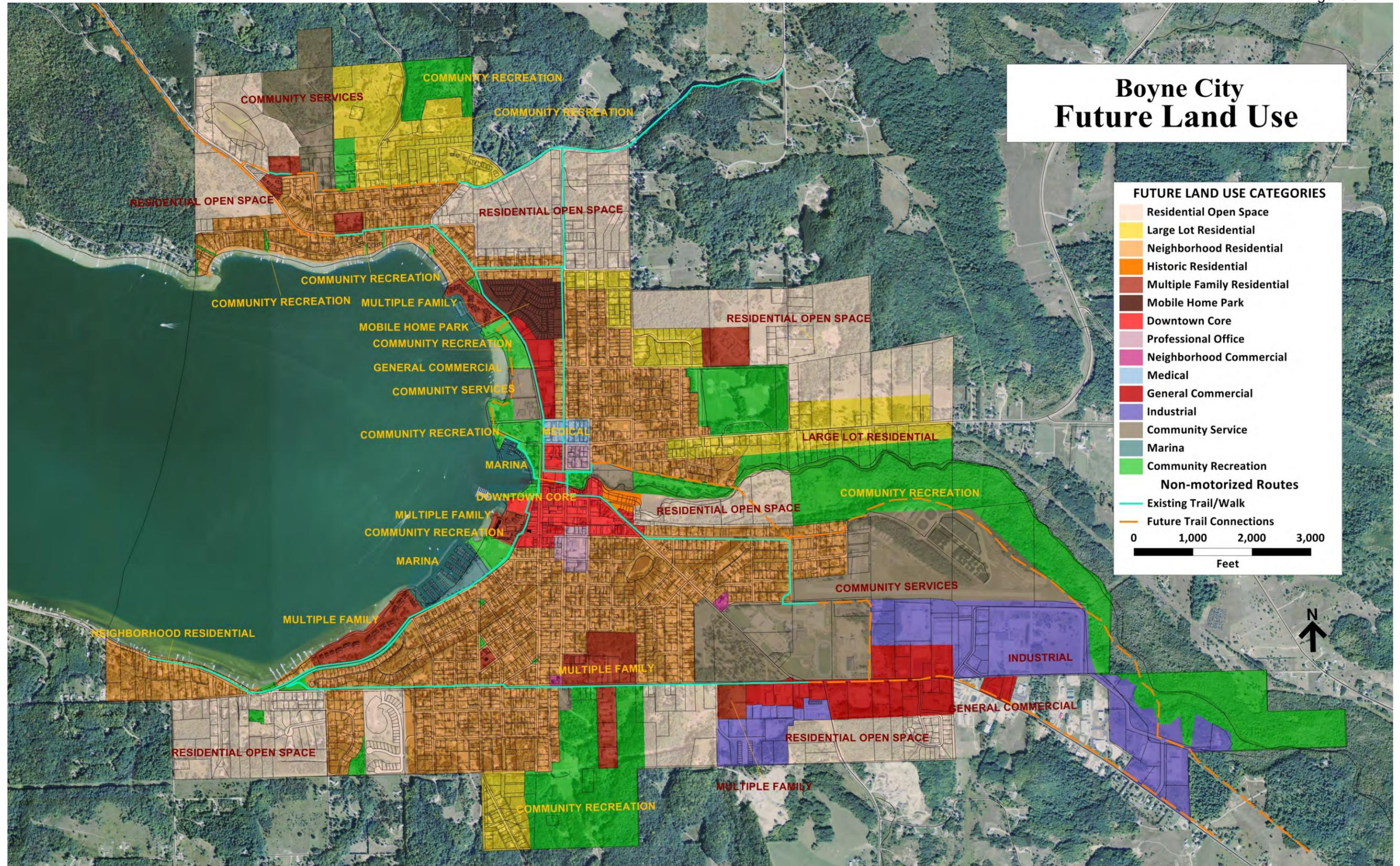
Lake Charlevoix and the Boyne River are vital components of Boyne City, and as such the protection of these resources continues to be critically important. The Boyne City Zoning Ordinance includes regulations designed to protect the shoreline areas. As further development or redevelopment occurs, the City will continue to evaluate the tools and techniques available to implement the best management practices for shoreline and water quality protection.



Trail Connections

As a designated Trail Town community, Boyne City continues to expand its network of trails. Efforts are underway to link various points of interest within the City and increase the connections to the ever-expanding regional trail network. Existing and future trail routes are shown on the Future Land Use map.

Figure 3-1



Chapter 4 Implementation and Plan Adoption

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 Enabling Act, comprehensive planning is the legal basis for the development of a zoning ordinance. Section 203 of the Act states: "The zoning ordinance shall be based on 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 of 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 of 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 use 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. The City of Boyne City is covered by the Boyne City Zoning Ordinance regulating land use activities.

In accordance with the Michigan Planning Enabling Act, **Table 4.1**, shows the relationship between the Future Land Use Categories as described in Chapter 3 and the zoning districts as described and regulated in the Boyne City Zoning Ordinance.

The first Zoning Ordinance was adopted in 1978. The current ordinance was adopted in 2001, and has been amended as needed. The Zoning Ordinance should now be reviewed to ensure the Ordinance is consistent with the goals and the Future Land Use as presented in this Master Plan. Boyne City intends to update the Zoning Ordinance, as needed, to ensure consistency with the City's vision for the future and provide development options to better meet the goals of this plan.

Table 4.1 FUTURE LAND USE CATEGORIES AS RELATED TO ZONING DISTRICTS		
Future Land Use	Zoning District	
<ul style="list-style-type: none"> ➤ Residential Open Space ➤ Large Lot Residential 	RED	Rural Estate District
<ul style="list-style-type: none"> ➤ Historic Residential ➤ Neighborhood Commercial 	TRD	Traditional Residential District
<ul style="list-style-type: none"> ➤ Neighborhood Residential 	WRD	Waterfront Residential District
	MHPD	Manufactured Housing Park District
<ul style="list-style-type: none"> ➤ Multiple Family Residential 	MFRD	Multiple Family Residential District
<ul style="list-style-type: none"> ➤ Professional Office ➤ Medical 	POD	Professional Office District
<ul style="list-style-type: none"> ➤ Marina 	WMD	Waterfront Marina District
<ul style="list-style-type: none"> ➤ Downtown Core 	CBD	Central Business District
<ul style="list-style-type: none"> ➤ General Commercial 	TCD	Transitional Commercial District
	GCD	General Commercial District
	RC/ID	Regional Commercial/Industrial District
<ul style="list-style-type: none"> ➤ Industrial 	PID	Planned Industrial District
<ul style="list-style-type: none"> ➤ Community Service 	CSD	Community Service District
<ul style="list-style-type: none"> ➤ Community Recreation 	—	Any / All Districts
Any / All	FHD	Flood Hazard District — Overlay

Grants and Capital Improvement Plan

As stated earlier, the Master Plan and Recreation 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.

Other Programs and Initiatives

The City of Boyne City actively participates in a number of initiatives which contribute to the implementation of the Master Plan goals, a sample of such current initiatives include:

- Redevelopment Ready Communities
- Michigan Main Street Program
- Trail Town Initiative
- Safe Routes to Schools

As part of the Redevelopment Ready Communities program, the following information has been compiled to share with potential developers to facilitate the re-development of properties in the Downtown Core as identified on the Future Land Use map, and is included as a summary of many of the current plan implementation activities.

Redevelopment Sites and Strategies - Redevelopment Ready Communities®

To be vibrant and competitive, Boyne City must be ready for development. This involves planning for new investment and re-investment, identifying assets and opportunities, and focusing limited resources. To insure the City was in the best possible position to encourage and capitalize on redevelopment opportunities moving forward, the City applied and was selected to participate in the Redevelopment Ready Communities® (RRC) certification program. The RRC program is offered by the Michigan Economic Development Corporation (MEDC) to municipalities across the state of Michigan. Participation in RRC is a voluntary, no cost certification program promoting effective redevelopment strategies through a set of best practices. The program measures and then certifies communities that integrate transparency, predictability and efficiency into their daily development practices. The RRC certification is a formal recognition that a community has a vision for the future and the fundamental practices in place to get there. RRC certification signals a proactive, business friendly environment to developers and investors and development projects may qualify for priority funding at the MEDC and MSHDA.

Priority Redevelopment Sites

As part of the RRC certification process the City was required to assemble and prioritize potential redevelopment sites. To accomplish this task the City completed an inventory and review of all the potential redevelopment sites in the City. The criteria used for inclusion into the priority list was the properties needed to be located in or close to the downtown, needed to be currently vacant or underutilized land and/or buildings, and the properties had attributes that set the site apart such as historic designation, blight, location, architecture or other unique characteristics that would make it an important and significant property. Through this review

process six potential redevelopment sites have been identified. While some of the sites are currently listed for sale others are not and the property may not be immediately available. In all cases inquiries regarding the status of the property should be made to the property owners.



Site 1

Currently paved and being used as a City Parking lot, the property has frontage on Park and River Streets and is zoned and suitable for a mixed use commercial-residential project. Across the street from the historic Old City Park, the lot has approximately 135' of frontage on the Boyne River.

Address: 17 N Park St.
Status: Available - City Owned
Zoning: Central Business District
Building Size: Vacant
Parcel Size: 132' x 182'
City Water: Yes
City Sewer: Yes



Site 2

Located close to downtown the property was used previously for office space. The property is adjacent to Peninsula Beach Park and has water views of Lake Charlevoix. The property has room to expand the existing 1,500 Sqft building we could be used as a office, retail or multi story mixed use.

Address: 302 Front St.
Status: Not Listed
Zoning: Central Business District
Building Size: 1,500 Sqft
Parcel Size: 12,500 Sqft
City Water: Yes
City Sewer: Yes



Site 3

This property is a 9,485 Sqft Bellamy Opera House which is The Boyne Theater. The property is adjacent to and currently owned by the Northern Table restaurant.

Address: 220 S Lake St.
Status: Not listed
Zoning: Central Business District
Building Size: 17,500 Sqft
Parcel Size: 120' x 175'
City Water: Yes
City Sewer: Yes



Site 4

Victorian previously used for professional office. Property is suitable for commercial/professional office, personal residence or bed and breakfast. Property has 120' of frontage on Boyne River.

Address: 311 E Water St.
Status: For Sale MLS # 440675
Zoning: Central Business District
Building Size: 2,700 Sqft
Parcel Size: 75' x 220'
City Water: Yes
City Sewer: Yes



Site 5

The building has approximately 1,641 Sqft for showroom and 2,443 sq ft of warehouse space, total of 4,084 square feet for gross building area.

Address: 437 Boyne Ave
Status: For Sale MLS # 440741
Zoning: Central Business District
Building Size: 4,100 Sqft
Parcel Size: 75' x 220'
City Water: Yes
City Sewer: Yes



Site 6

This currently vacant building is located close to down town with views of Lake Charlevoix. Property has 111' of frontage on Lake Street with ingress and egress from Lake and Park streets. Veterans Park is directly across the street.

Address: 100 N. Lake St
Status: For Sale MLS # 438832
Zoning: Central Business District
Building Size: 5,000 Sqft
Parcel Size: 111' x 115'
City Water: Yes
City Sewer: Yes



Redevelopment Strategy

The redevelopment strategy used by the City is a three pronged approach and focuses on Placemaking, Marketing and Support. In simple terms the City Redevelopment Strategy is focused on building a place people want to be, letting them know about it, and helping them when they get here.

Placemaking

Placemaking is a multi-faceted approach to the planning, design and management of public spaces. Placemaking capitalizes on the community's assets, inspiration, and potential, with the intention of creating public spaces that promote people's health, happiness, and well being. This approach is commonly described as creating a "sense of place". The concept is based on a single principle – people choose to settle in places that offer the amenities, social and professional networks, resources and opportunities to support thriving lifestyles.

Enhancing the downtown's physical environment and capitalizing on its best assets helps create an inviting atmosphere. Attractive window displays, building improvements, streetscapes and landscaping are some of the physical improvements that can be implemented to help create a unique and special place. To this end the City has been extremely proactive in improving downtown infrastructure. Much of this work has been made possible with the assistance of State and Federal grants. This commitment to improving the public infrastructure has helped attract millions of dollars of private investment in building renovation and new construction in Boyne City.

How well a place is connected to its surroundings both visually and physically is an important aspect in placemaking. A successful public space is visible, easy to get to and around. Physical elements can affect access (a continuous row of shops along a street is more interesting and generally safer to walk by than a blank wall or empty lot), as can perceptions (the ability to see a public space from a distance). Accessible public places have a high turnover in parking.

Comfort and image is also a key to whether a place will be used. Perceptions about safety and cleanliness, the context of adjacent buildings, and a place's character or charm are often foremost in people's minds as well as more tangible issues such as having a comfortable place to sit. The importance of people having the choice to sit where they want is generally underestimated.

Lastly, activities that occur in a place, friendly social interactions, free public concerts, community art shows and more, are basic building blocks: they are the reasons why people come in the first place and why they return. Activities also make a place special or unique, which, in turn, may help generate community pride.

Marketing

Marketing a community's unique characteristics to residents, business owner's, visitors, and investors is a key factor in the success of a community. To create and maintain an effective market campaign, a professional and well executed promotional program needs to be developed. The marketing of Boyne City has been primarily developed and implemented by the Boyne City Chamber of Commerce and the Boyne City Main Street promotions committee. The Chamber of Commerce through its website and newsletter is continuously marketing the community by providing information and resources on activities, attractions and events in the area. Through the Main Street Program the promotions committee fosters an atmosphere of cooperation and unity and builds partnerships in all sectors of the community. The committee

promotes well-designed sustainable downtown projects and events while maintaining the rich cultural and historic heritage of our downtown. Through the efforts of the Promotions Committee the City has developed a positive, promotional strategy through advertising, retail activities, special events and marketing campaigns developed to encourage commercial activity and investment in the area.

Support

A robust system of support for redevelopment is provided by a variety of local, regional and state agencies and organizations. These agencies and programs are just some examples of the type of assistance that is available. Prior to commencing any redevelopment project it is highly recommended that a representative from these organizations or agencies be contacted to assist with exploring potential programs that may provide assistance for a project.

Established in 2003, the award-winning downtown Boyne City Main Street program which is under the umbrella of the city government as a Downtown Development Authority (DDA), allows tax dollars to be invested within the downtown district for a variety of projects to keep it vital and prosperous. The projects are outlined in the DDA Development Plan and Tax Increment Financing Plan.

The Boyne City Main Street is a volunteer-based program, meaning its success is the result of the efforts of many. The program is based on the National Main Street Four-Point Approach to historic preservation and economic development which are:

1. **Organization:** The organization committee is focused on building a broad-based support system for downtown revitalization by recruiting volunteers, raising funds, and promoting the program.
2. **Promotions:** The promotions committee is responsible for marketing the downtown's assets, enhancing the City's image, and creating special events to build a fun and exciting atmosphere for residents, visitors, customers, and investors.
3. **Economic Restructuring:** This committee is called TEAM BOYNE which is a network of community leaders and residents working together to make Boyne City a friendly environment for businesses and an encouraging community for entrepreneurs. Working together as a team, this committee works to strengthen the downtown's economic base, support existing small businesses and recruit new businesses.
4. **Design:** The design committee reviews building construction and capital projects in the district and is in charge of enhancing the physical appearance of the downtown by focusing on historic preservation, public improvements, lighting, signage, storefronts, and landscaping.

Using this four point approach as its foundation the city has the tools to revitalize the downtown district by leveraging local assets, from cultural or architectural heritage to local enterprises and community pride. The four points of the Main Street approach work together to build a sustainable and complete community revitalization effort.

At the regional level the most prominent business and economic development organizations providing assistance are the Northern Lake Economic Alliance and Networks Northwest.

Northern Lakes Economic Alliance is a valuable resource available to area businesses and future entrepreneurs. The mission of the NLEA is "to enhance the economy in Antrim,

Charlevoix, and Emmet counties by acting as a resource to retain and create quality jobs." As part of their services the NLEA offers a two-hour monthly class, "How to Really Start Your Own Business: Practical Information From Those Who Have Done It," in partnership with the Tip of the Mitt SCORE Chapter. The Tip of the Mitt SCORE counselors provide additional resources as well as apply practical knowledge of starting a business.

Networks Northwest, formerly Northwest Michigan Council of Governments, is a regional organization serving businesses, non-profits, community organizations, individuals, and units of government. Their mission is to build stronger communities and enhance the quality of life in Northwest Michigan. Founded in 1974, Networks Northwest facilitates and manages various programs and services for the ten county region. These programs include Northwest Michigan Works, YouthBuild, Small Business & Technology Development Center, Procurement Technical Assistance Center, various business services, and many different regional planning initiatives in response to our communities' requests and needs. Networks Northwest offers a broad spectrum of workforce, business and community services as seen on their web site.

At the State level a variety of economic development support and resources are provided by the Michigan Economic Development Corporation (MEDC), the Michigan State Housing Development Authority (MSHDA) and the State Historic Preservation Office (SHPO).

The MEDC provides assistance by offering community development incentives that focus on creating vibrant, sustainable and unique places. Some of the economic development services and programs designed to attract and retain talent in Michigan communities that the MEDC administers are the Brownfield Tax Increment Financing Act 381 Work Plan, the Community Development Block Grant program, the Core Community Fund, the Michigan Community Revitalization Program and the Urban Land Assembly fund. Through these programs the MEDC can assist with the reinvigoration of city centers and rural communities across Michigan.

MSHDA's mission is to enhance Michigan's economic and social health through housing and community development activities. MSHDA offers a wide variety of assistance and programs to the public and private sector to assist in building a strong and vibrant Michigan. Some examples of assistance offered by MSHDA's include it's Community Development Division (CDD) that supports affordable housing and vibrant places by providing financial resources, technical assistance, and training to nonprofits and local governments. Through MSHDA's Cultural Economic Strategy (CED) support is provided for cultural economic development by assisting communities in leveraging their creative talent and cultural assets to spur economic growth and community prosperity.

SHPO works with homeowners, developers, government agencies, and nonprofit organizations to preserve the places that make our communities unique. Historic preservation enhances property values, creates jobs, revitalizes downtowns and promotes tourism. SHPO programs such as the Historic Preservation Tax Credit program, the Michigan Lighthouse Assistance Program, and the National Register of Historic Places support people who want to preserve Michigan's historic places as vibrant, vital community assets so they can be enjoyed by Michiganders and visitors alike.

Plan Adoption Documentation

Draft Plan Circulated for Comments

The draft Boyne City Master Plan was transmitted to the City Commission for review and comment in June 2015. The City Commission approved the draft plan for distribution on June 23, 2015. Following the Commission's approval for distribution the proposed plan was distributed to the adjacent Townships (Boyne Valley, Evangeline, Eveline, Melrose and Wilson), Charlevoix County Planning Commissions, as well as Boyne City Public Schools, Great Lakes Energy and Consumers Energy on June 29, 2015 for review and comment. Comments were received from Charlevoix County Planning Commission, and are provided in Appendix B.

Public Hearing

A public hearing on the proposed Master Plan, as required by the Michigan Planning Enabling Act, as amended, was held on September 21, 2015. The legally required public hearing notice was published in the Petoskey News Review on September 3, 2015 and in the Boyne City Gazette on September 9, 2015, as well as posted on the City website. A copy of the public hearing notice is reproduced in Appendix B. During the review period, the draft plan was available for review on the City's website, at the City Hall, or by contacting the Boyne City Planning Director.

The purpose of the public hearing was to present the proposed Master Plan to accept comments from the public. Six local residents and/or business owners attended the public hearing. Minutes from the Public Hearing are provided in Appendix B.

The public hearing began with a brief explanation of the planning process. Plan development included several Planning Commission workshop meetings, and public input sessions. During the hearing, maps of existing land use, color coded resource, and proposed future land use recommendations were presented.

Plan Adoption

At a Planning Commission meeting following the public hearing on September 21, 2015, the Planning Commission discussed the written comments received. The Planning Commission took action to formally adopt the Boyne City Master Plan – 2015 Update, including all the associated maps by resolution on September 21, 2015.

Per the Michigan Planning Enabling Act, as amended, on June 23, 2015, the City Commission asserted the right to approve or reject the plan. The City Commission formally adopted the plan on October 13, 2015.

Legal Transmittals

Michigan planning law requires that the adopted Master Plan be transmitted to the City Commission, as well as to the adjacent Townships and the County Planning Commission. Copies of these transmittal letters are on file with the City of Boyne City.

Part II

Background and Supporting Information

5. Social and Economic Conditions
6. Natural Resources
7. Infrastructure and Facilities
8. Existing Land Use Profile

Chapter 5 Social and Economic Conditions

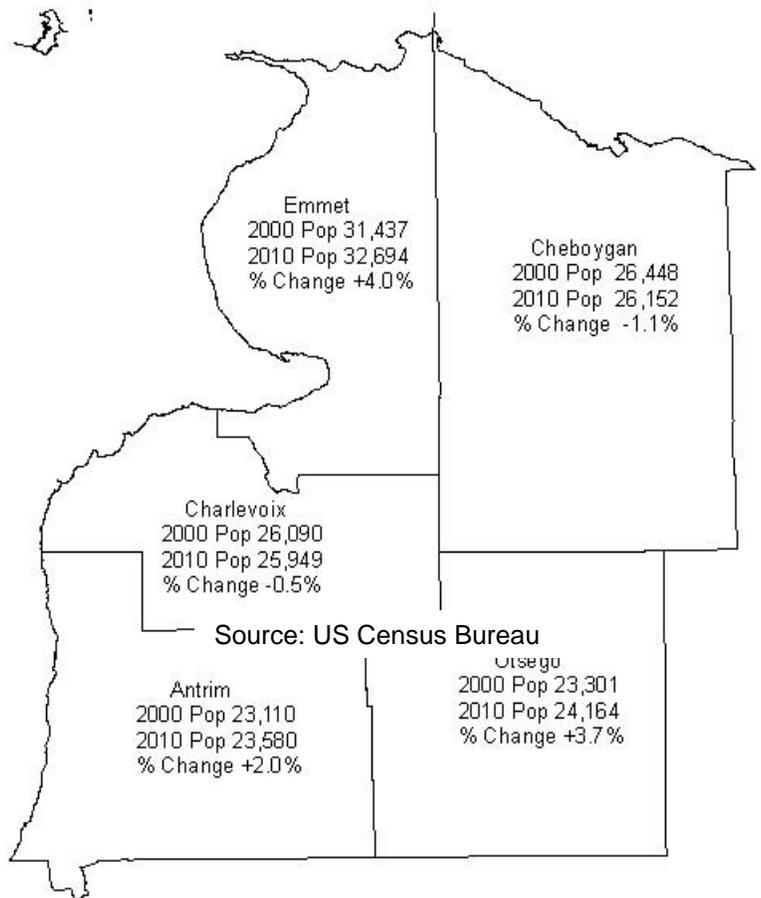
Population

As of the 2010 Census, Charlevoix County had a population of 25,949, which was a 0.5% reduction from the population of 26,090 in 2000. This population decrease reversed a strong population growth trend which spanned the previous four decades. From 1960 to 2000 the County population almost doubled from 13,421 to 26,090 persons. Of the 12,669 persons that were added during that 40 year period, the largest increase occurred between 1990 to 2000 when the County population increased by 4,622 persons, a population increase of 21 percent.

While three of the four adjacent counties did see population increases over the past decade, the increases were modest as compared the growth trends that were experienced previously. As shown by **Figure 5-1**, of the three adjacent Counties that had a population increase, Emmet County had the largest population increase of 4% adding 1,257 persons.

The economic downturn experienced by the County, State and Nation over the last decade is most likely the primary cause of the out migration and ultimately the low growth and population loss in the area. According to the estimated population changes prepared by the Michigan Department of Management and Budget, Charlevoix County had increases in population from 2000 to 2003, and a trend which quickly reversed beginning in 2004. Over the past decade the birth rates and death rates for the County have remained fairly consistent. Over the past 10 years the population of the county had a natural increase (births>deaths) each year that averaged approximately +44 persons per year. During this same period the net migration for the county averaged -58 persons per year for an average net loss of population of 14 persons per year. Beginning in 2004 Charlevoix County began experiencing the significant out migration, which continued for the remainder of the decade with the largest out-migration occurring in 2008 and 2009 with a net out-migration of 253 and 227 persons respectively.

Figure 5-1



Eleven of the 18 municipalities within Charlevoix County had an increase in population, while the county as a whole experienced a population decline over the last decade. The City of Boyne City increased in population, contrary to the other cities in the County, and many Cities in northern Michigan. Since the 2000 census the City had an increased population of 6.6% adding 232 persons. With a land area of approximately 4 square miles the City has a population density of approximately 920 people per square mile. While the population in Boyne City increased the immediate surrounding area had an overall decrease in population. Over the past decade four of the five townships adjacent to the City decreased in population by a cumulative 17% (1,200 persons) from a total of 6,958 persons in 2000 to 5,758 persons in 2010. Of these townships, Eveline had the largest decrease in the number of persons (96) and Evangeline had the largest percentage decrease (7.9%). **Figure 5-2** shows the number and percentage of population change from 2000 to 2010 for all the Charlevoix County municipalities.



The 2010 census showed the population of Boyne City was 3,735 persons, and albeit relatively slowly, as shown by **Figure 5-3**, the City of Boyne City has continued to grow in population over the past 50 years. While still not near the peak population numbers the City experienced over 100 years ago of 5,218 persons, the City is the most populated City in the County and has been for most of the past century. Since 1930 the City has increased its population every decade with the exception of 1960 and has increased in total population since then by 35 percent (938 persons). The largest increase for the City during this time was between 1970 and 1980 when the City grew by 13 percent (379 persons).

Figure 5-2: Charlevoix County Municipalities Population Change 2000 -2010

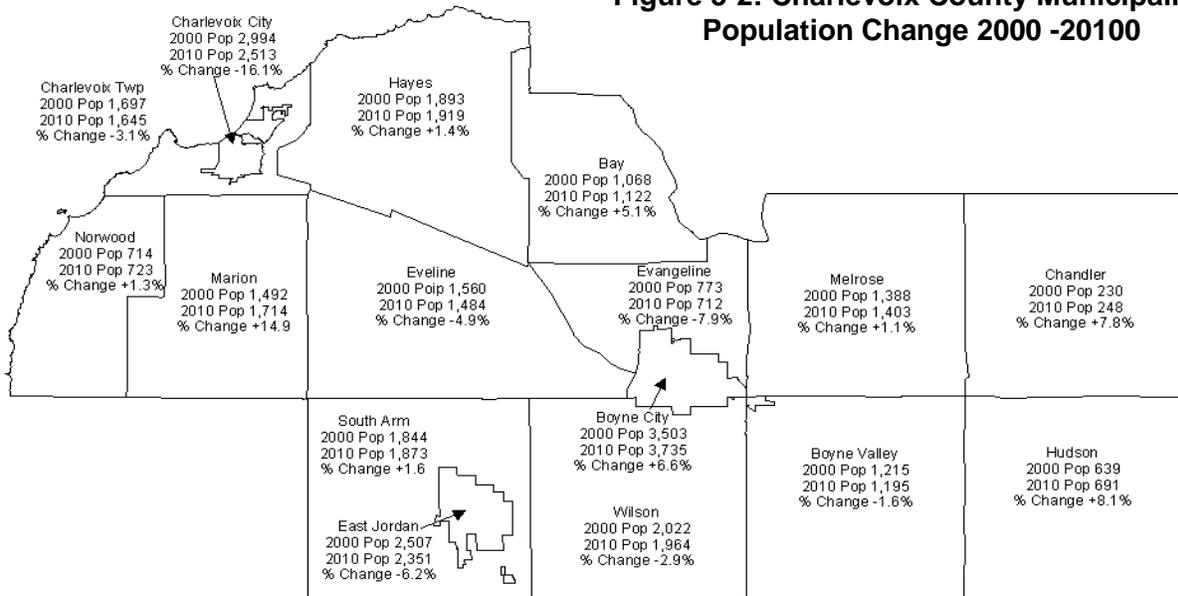
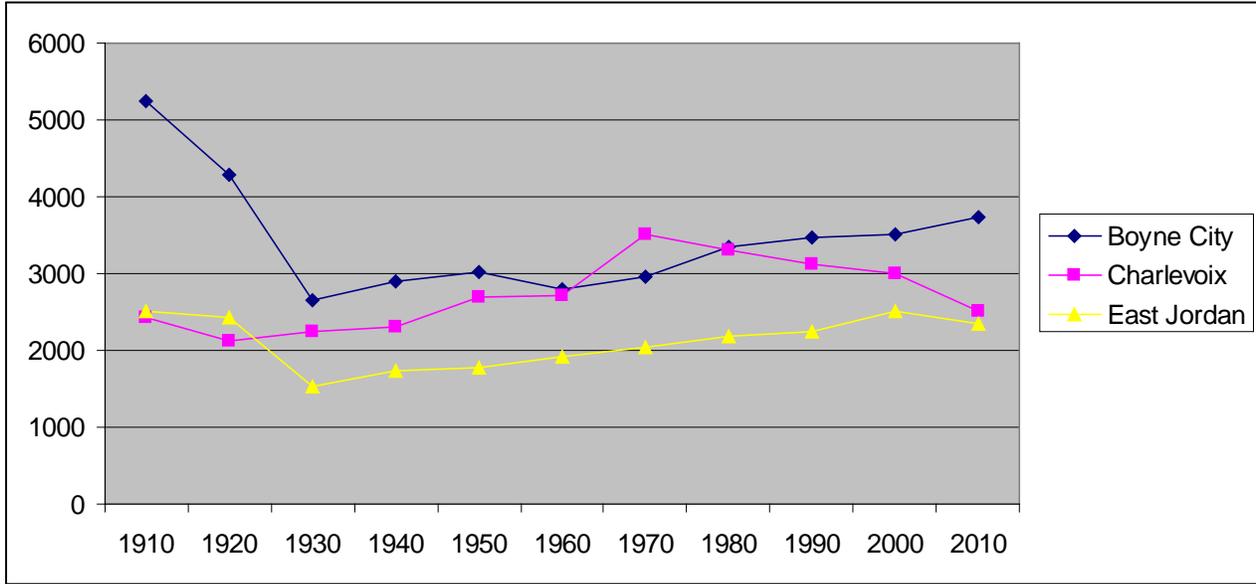


Figure 5-3: City Populations Charlevoix County 1910-2010



Seasonal Population

Obtaining accurate numbers of seasonal residents and tourists is difficult. Because the U.S. Census is conducted each decade in April, the numbers only reflect those persons who live in the county on a year-round basis.

In 2010 the Census showed the number of seasonal homes in Charlevoix County increased from 4,391 units to 5,156 units. Of the 17,249 total housing units in the county this represents a 2 percent increase in the seasonal units up from 28 percent in 2000 to 30 percent in 2010.

As shown in **Table 5.8** the City of Boyne City also had a similar increase in seasonal units between 2000 and 2010 with an increase of seasonal units from 19.6 percent to 21.9 percent. In 2010 of the total 2,292 housing units in the City 502 were classified as seasonal units.

A rough estimate of the number of seasonal residents can be calculated by multiplying the number of seasonal housing units by the average number of persons per household. Using this method a County seasonal population increase of 11,858 persons is estimated and for the City an additional 1,154 persons are estimated. Seasonal residents, therefore, added another 46 percent to the county's population for a total of 37,807 persons and increased the City population by almost 31 percent up to 4,889 persons. This figure does not include those seasonal visitors or tourists staying in area motels, campgrounds or family homes.

Population Estimates and Projections

Each year, the Census Bureau's Population Estimates Program (PEP) utilizes current data on births, deaths, and migration to calculate population change since the most recent decennial census and produce a time series of estimates of population. Estimated population for Charlevoix County from 2010 to 2014 suggests a slight, less than one percent, increase in the County population from 25,949 to 26,121.

While population estimates try to forecast changes in population on an annual basis projections take a longer view and try to anticipate trends and forecast changes in population that will occur over a longer period. Population projections for the State of Michigan prepared by the Michigan Department of Technology and Budget forecast that the State population will rebound slowly over the next 20 years from the 2010 decrease of population to 9,883,640 to 10,683,432 in 2020 to 10,694,172 in 2030.

When making estimates or projections it is impossible to know with certainty what impact a wide variety of variables will have, and a number of assumptions need to be made and projections and estimates should be viewed keeping those assumptions in mind. These official population estimates are widely used for planning purposes, and they can serve as a basis for distributing federal, state, and non-governmental funds. They also provide valuable information about demographic changes that have occurred in different areas of each state.

Age Distribution

2010 census data shows that the median age in Charlevoix County increased by 6.4 years since 2000 with 50.7 percent of County’s population now 45 years old or older. This is more than a 10 percent increase in number of persons over 45 since 2000 (**Table 5.1**). The breakdown of County’s population by age grouping shows a significant shift in the 25-44 and the 45-64 age groups from 2000 to 2010. The percentage of those in the 45-64 age groups grew by 6.9 percent while the 25-44 age group declined by 6.4 percent. During this same time period the total County population decreased by 141 persons. While the in-migration of older people and the aging ‘baby boomers’ are likely part of the reason for the shift towards an older population, probably the biggest factor for the increase in the median age is the out-migration of younger people as the total number of people ages 18-44 decreased by almost 20 percent (-1,766 persons) since 2000.

Age	Charlevoix County				Boyne City			
	2000		2010		2000		2010	
Under 5	1,691	6.5%	1,363	5.3%	228	6.5%	266	7.1%
5-17	5,072	19.4%	4,353	16.8%	696	19.8%	628	16.8%
18-24	1,688	6.5%	1,638	6.3%	260	7.4%	280	7.5%
25-44	7,159	27.4%	5,443	21.0%	998	28.5%	848	22.7%
45-64	6,586	25.2%	8,319	32.1%	769	22.0%	1,083	29.0%
65+	3,894	14.9%	4,833	18.6%	552	15.8%	630	16.9%
Median Age	39.1		45.5		37.9		41.9	

Source: U.S. Census Bureau

A similar pattern of change in the age of the population can be seen in the City of Boyne City. From 2000 to 2010 the percentages of people in the 25-44 age bracket declined by 5.8 percent (-150 persons) from 28.5 percent to 22.7 percent and those 45-64 increased by 7 percent (+314 persons) from 22 percent to 29 percent. Given the fact that the population of the City increased by 232 persons since 2000, it would appear that while the City experienced some out-migration of younger people, it was offset by the in-migration of people over 45 years old.

Race and Ethnic Composition

Race and ethnicity data was not collected as part of the 2010 census and this information now collected as part of the 2006-2010 American Community Survey. As this information is now collected and developed through statistical analysis of survey samples there is a margin of error in all the values. **Table 5.2** shows that the City has a very small minority population and that situation has changed relatively little over the last 10 years. From 2000 to 2010, the minority population in Boyne City increased only slightly from 3.0 to 3.4 percent.

Table 5.2 Population By Race And Hispanic Origin City of Boyne City				
	2000 Census		2006-2010 ACS Survey	
	#	% of Total Pop	#	% of Total Pop
Total	3,503	100	3,760	100
White	3,395	96.9	3,620	96.3
Black	4	0.1	13	0.3
Am. Indian	40	1.1	14	0.4
Asian	6	0.2	27	0.7
Other Race	14	0.4	0	0
Two or More Races*	42	1.2	75	2.0
Hispanic or Latino Origin**	26	0.7	11	.03
Total Minority***	106	3.0	129	3.4

* Census 2000 gave respondents the opportunity to choose more than one race category.
 ** Persons of Hispanic or Latino Origin may be of any race.
 *** Excludes Hispanic or Latino Origin
 Source: U.S. Bureau of the Census

Disability Status

Data shown in **Table 5.3** gives an indication of how many disabled persons reside in Charlevoix County and the City as per the 2000 Census. A person was classified as having a disability if they had a sensory disability, physical disability, mental disability, self-care disability, going outside the home disability or an employment disability. Data from the 2000 Census is being used as this data was not obtained as part of the 2010 census and disability status has not been updated as part of the American Community Survey.

The 2000 Census showed that 17.4 percent of the persons in Charlevoix County had some type of disability and 16.3 percent of the residents in the City had some type of disability. The largest numbers of disabled persons in the City were between the ages of 21 - 64 (286), and of the people in this group, 47.2 percent were employed. In the 65 and over age group, over 40 percent of this age group have some type of disability (44.2%).

Table 5.3 Disability Status by Age Group Boyer City and Charlevoix County - 2000							
LOCAL UNIT	Disabled persons 5-20	% Disabled 5-20	Disabled persons 21-64	% Disabled 21-64	% of disabled persons 21-64 employed	Disabled persons 65+	% Disabled 65+
Boyer City	42	5.5%	286	15.1%	47.2%	243	44.2%
Charlevoix Co.	501	8.5%	2,546	17.6%	60.5%	1,497	40.1%

Source: U.S. Bureau of the Census
*Disability of civilian non-institutionalized persons.

Educational Attainment

The percent of the Boyer City adults who have attained a High School diploma or greater has increased from 87.4 percent in 2000 to 94.5 percent in 2010, Based on the data in **Table 5.4**. Thus correspondingly, Boyer City has experienced a notable decrease, from 12.6% down to 5.6%, of adults who have not attained at least a High School diploma, as shown in **Table 5.4**.

While the percentage of persons 25 and older who had a high school diploma (and did not pursue additional formal education) decreased slightly from 37.1 percent to 34.1 percent, this is likely due to the shifts in percentage of people who have pursued some college. The percentage of the population that obtained an associate degree decreased from 10.6 to 8.3 percent and the percentage that obtained a bachelors degree decreased by 3.2 percent while those with a graduate or professional degree increased by 7.3 percent.

The 2006-2010 American Community Survey shows decreases in the percent of persons who only completed 9th to 12th grade but did not earn a diploma and those who had completed less than a 9th grade. Respectively, these groups went from 8.7 percent to 3.5 percent and from 3.9 percent to 2.1 percent.

Table 5.4 Educational Attainment Boyer City				
Degree	2000*		2010**	
	Number	Percent	Number	Percent
Less than 9 th grade	89	3.9%	52	2.1%
9 th to 12 th no Diploma	197	8.7%	86	3.5%
High School Diploma	853	37.5%	845	34.1%
Some college no degree	457	20.1%	661	26.7%
Associates	241	10.6%	205	8.3%
%Bachelors	311	13.7%	313	12.6%
Graduate or Professional	125	5.5%	316	12.8%

Source: U.S. Bureau of the Census*
American Community Survey 2006-2010**

Income and Poverty

Income statistics for Boyne City, Charlevoix County and the State of Michigan (**Table 5.5**) show that the median income in the City has increased by 37 percent since 2000. While the ACS data shows median income has increased, in reality the value may be less as the estimated margin of error the ACS has put on this value is +/- \$3,782. Given the increase in median income occurred over a period of severe economic distress for the County, State and Nation, and estimates of median family income for Boyne City from other sources show a lower amounts, it is recommended that an income survey for the City be completed to increase the reliability of the data.

Table 5.5			
Median Family Income			
Boyne City and Charlevoix County: 1990, 2000 & 2013			
Year	Boyne City	Charlevoix Co.	State
1990*	\$33,795*	\$38,427*	\$47,569*
2000*	\$44,096	\$46,260	\$53,457
2013**	\$49,811	\$56,236	\$48,432
Source: U.S. Bureau of the Census* American Community Survey 2009-2013**			

From 2000 to 2010 the poverty rate Boyne City increased by 3.6 percent for families with children and by 6.4 percent for families with a female householder with no husband present individuals (**Table 5.6**). The largest increase in poverty rate was for individuals that increased by 107 percent.

Table 5.6				
Poverty Status				
Boyne City 2000 & 2010				
Category	2000*		2010**	
	Number	Percent	Number	Percent
Families	81	8.9	126	12.5
Families with no husband	45	26.8	71	33.2
Individuals	55	11.8	123	22.5
Source: U.S. Bureau of the Census* American Community Survey 2006-2010**				

Poverty characteristics in **Table 5.7** show economic distress in two sub-groupings, female headed households with dependent children and the elderly. One striking statistic was that while the number of females with dependant children below poverty increased in the County and the City by 23.2 percent and 24.4 percent respectively. The number persons 65 and over in the City and County below poverty changed relatively little over the same period.

Table 5.7 Poverty Rates Boyer City and Charlevoix County:2000 & 2010										
Municipality	Females With Children < 18 Below Poverty					Age 65 and Over Below Poverty				
	2000*		2010**		% Change	2000*		2010**		% Change
	#	%	#	%		#	%	#	%	
Boyer City	106	26.8%	149	51.2	24.4%	37	6.7	41	6.5	-0.2%
Charlevoix Co.	163	25.6%	281	48.8	23.2%	222	5.9%	309	6.4	0.5%

Source: U.S. Bureau of the Census*
American Community Survey 2006-2010**

Housing Characteristics

As shown by the 2010 census the City of Boyer City has a significant number of seasonal units as 21.9 percent of the total housing units in the City are seasonal units. This was a 2.3 percent increase in seasonal units. While owner occupied units is still the most prevalent type of housing in the City, over the past decade there has been a shift towards renter occupied units. Since 2000 the percent of owner occupied units decreased by 8.4 percent with approximately 1 in 3 homes in City being renter occupied.

Table 5.8 Housing Characteristics Boyer City 2000-2010								
	Total Housing Units	Total Occupied Housing Units	% Owner Occupied	% Renter Occupied	Total Vacant Housing Units	% Seasonal*	% Vacant Owner	% Vacant Renter
2000	1,935	1,468	75.6%	24.4%	467	19.6%	0.5%	7.5%
2010	2,292	1,635	67.2%	32.8%	657	21.9%	5.2%	7.8%

Source: U.S. Census Bureau
*Figure shows the seasonal housing units as a percentage of the unit's total housing units.

Table 5.9 shows the age of the housing units in the City of Boyne City. Generally speaking, the older a housing unit is the more likely it is to be in need of rehabilitation. As a rule of thumb, any housing unit that is older than 50 years may be in need of at least some rehabilitation, if not a great deal of renovation. Data from the American Community Survey indicates that 36.3 percent of the homes in the City were constructed prior to 1960. While many of the older homes in the City are beautiful, historic and well kept homes; several are in need of repair and renovations.

Table 5.9 Age of Housing Stock Boyne City								
Year Structure Built	1939 or Earlier	1940-1949	1950-1959	1960-1969	1970-1979	1980-1989	1990-1999	2000 or later
Number	654	97	83	241	396	262	424	142
Percent	28.4%	4.2%	3.6%	10.5%	17.2%	11.4%	18.4%	6.1%
Source: U.S. Census Bureau								

The percentage of household income spent on housing costs is often looked at in order to measure the possible need for additional affordable housing stock. Data found in **Table 5.10** shows the percentage of household income spent on owner occupied housing in the City of Boyne City. According to the latest available data from the American Community Survey the median value of housing in the City for 2013 was \$126,100 and the average rent was \$631 per month.

Table 5.10 Home Ownership Costs as Percentage of Household Income Boyne City					
	<20%	20-24.9%	25-29.9%	30-34.9%	>35%
Number of Units	174	104	67	140	337
Percent of Total	21.2%	12.7%	8.2%	17.0%	41.0%
Source: U.S. Census Bureau					

Chapter 6 Natural Resources

The greatest attractions for the residents and visitors of northwest Michigan are the area’s environment and natural features. Recreational activities such as hunting, fishing, golfing, skiing, snowmobiling, boating and a multitude of other outdoor activities attract people from all areas of Michigan, as well as from many other states. Often long time visitors decide to move to the area upon retirement. The abundant outdoor recreation opportunities and the natural environment significantly contribute to the quality of life in Boyne City as well as contributing to the local economy.

Climate

The lake effect on Boyne City’s climate is significant throughout most of the year. The prevailing westerly winds, in combination with Lake Charlevoix and Lake Michigan to the west, produce this lake influence. The lake effect increases cloudiness and snowfall during the fall and winter and also modifies temperatures, keeping them cooler during the late spring and early summer, and warmer during the late fall and early winter. In the late winter as ice builds up on the lakes, Boyne City is subjected to temperature variations which are more closely associated with interior locations of the State. Diminished wind speeds or winds which do not traverse large unfrozen lakes often produce clearing skies and the colder temperatures expected at inland locations. This area seldom experiences prolonged periods of hot, humid weather in the summer or extreme cold during the winter, due to the way the pressure systems move across the nation. Temperature and precipitation averages are shown in **Table 6.1**.

Period	Average Temperature (in degrees Fahrenheit)			Average Precipitation (in inches)	
	Max	Min	Mean	Total	Snow
Jan	28.3	13.1	20.7	2.34	31.0
Feb	32.0	13.0	22.5	1.55	20.8
Mar	42.3	20.0	31.2	1.82	10.6
Apr	57.2	31.8	44.5	2.48	4.1
May	69.8	41.8	55.8	2.92	0.3
Jun	78.7	51.7	65.2	2.91	0
Jul	82.9	56.4	69.7	2.65	0
Aug	80.8	55.5	68.1	3.67	0
Sep	72.6	49.0	59.0	3.83	0
Oct	59.2	38.6	48.9	3.89	0.8
Nov	44.8	29.9	37.3	3.05	12.7
Dec	32.7	20.0	26.3	2.66	31.3
Annual	56.8	35.1	45.9	33.77	111.6

Source: Michigan State Climatologist Office. Site: Boyne Falls MI, station 200925

Climate data from 1981 through 2010 show that the prevailing wind is westerly, averaging nine mph. The average relative humidity, at 1 P.M., varies from 51% for May to 78% for December, and averages 63% annually. Summers are dominated by moderately warm temperatures with an average of nine days exceeding the 90° F mark. In July and August of 2006 temperatures 100° F or higher recorded. The lake influence is reflected in the minimum temperatures with an average of 173 days at 32° F or lower, including average of 22 days at 0° F or lower. During this period, the

highest average monthly maximum temperature of 88.8° F was recorded July 2006, and the lowest average monthly minimum temperature of 0.9° F was recorded February 1994.

Climate data from 1981 through 2010 show the average date of the last freezing temperature in the spring was June 5, while the average date of the first freezing temperature in the fall was September 11. The freeze-free period, or growing season, averaged 97.2 days annually. The average seasonal snowfall was 116.2 inches with 122 days per season averaging 1 inch or more of snow on the ground, but varied greatly from season to season.

Precipitation is usually distributed throughout the year with the crop season, April-September, receiving an average of 18.3 inches or 56 percent of the average annual. The average wettest month is September with 3.9 inches, while the average driest month is February with 1.39 inches. Summer precipitation typically comes in the form of afternoon showers and thundershowers. Annually, thunderstorms will occur on an average of 26 days. Michigan is located on the northeast fringe of the Midwest tornado belt. The lower frequency of tornadoes occurring in Michigan may be due, in part, to the effect of the colder water of Lake Michigan during the spring and early summer months, a prime period of tornado activity.

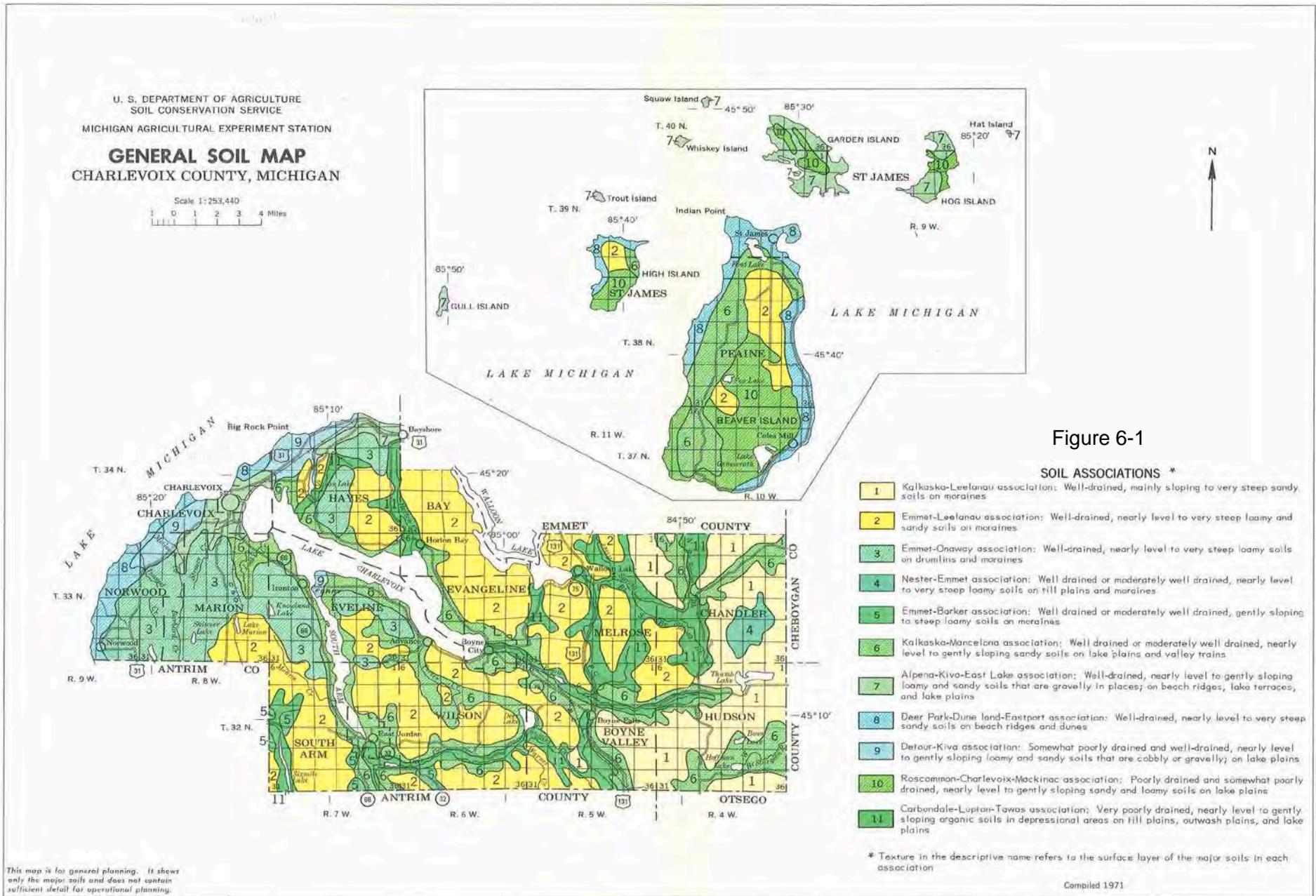
Soils

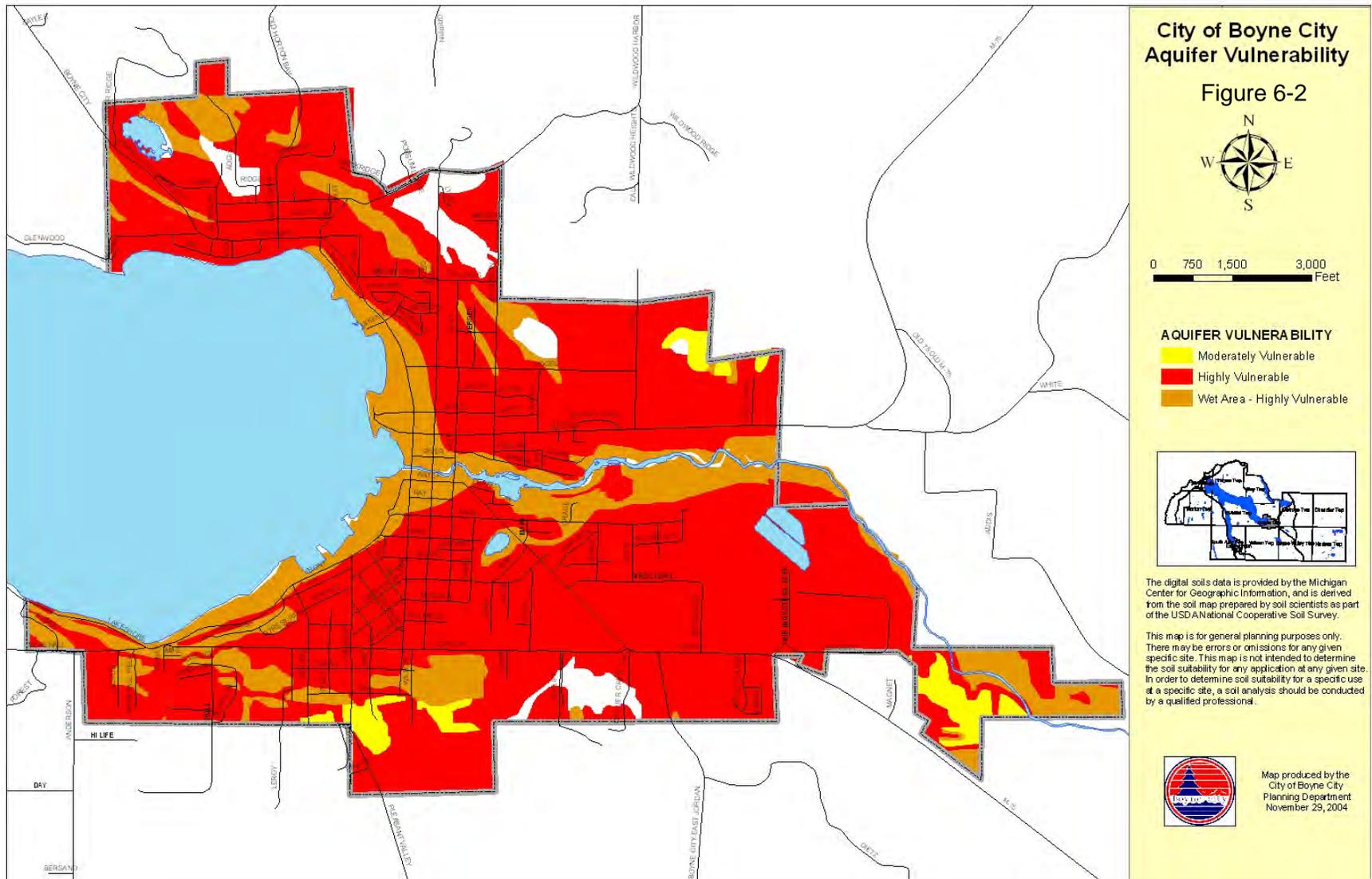
The various kinds of soils in Boyne City differ from each other mainly because they developed from different kinds of parent materials, under different conditions of drainage, and for different lengths of time. The mineral soils were formed after the glaciers melted and the processes of soil formation began to alter the glacial debris. These soils are grouped by texture of parent material and natural drainage.

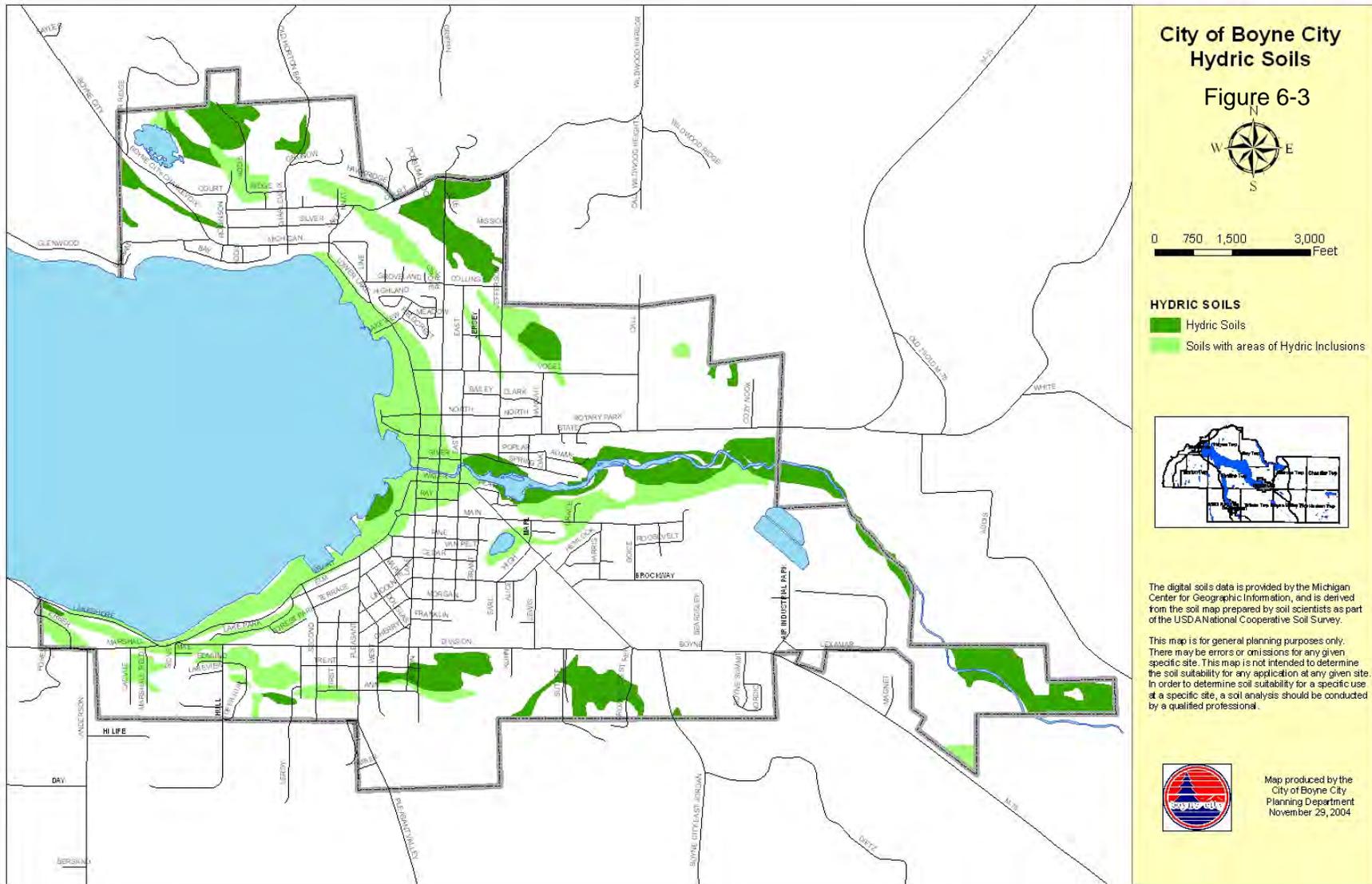
The descriptions of the general soil types in Boyne City are listed in **Table 6.2**. In Boyne City the majority of the soils are comprised primarily of Emmet-Leelanau Association and the Kalkaska-Mancelona Association. **Figures 6-1 to 6-5** show the general soil types and soils suitability and constraints in Boyne City. In **Figure 6-5**, since the impact of the soil limitations on the placement of septic systems is most significant in areas not currently served by City sewers, the sewer lines are also shown on this map, to provide for a more complete assessment of the situation.

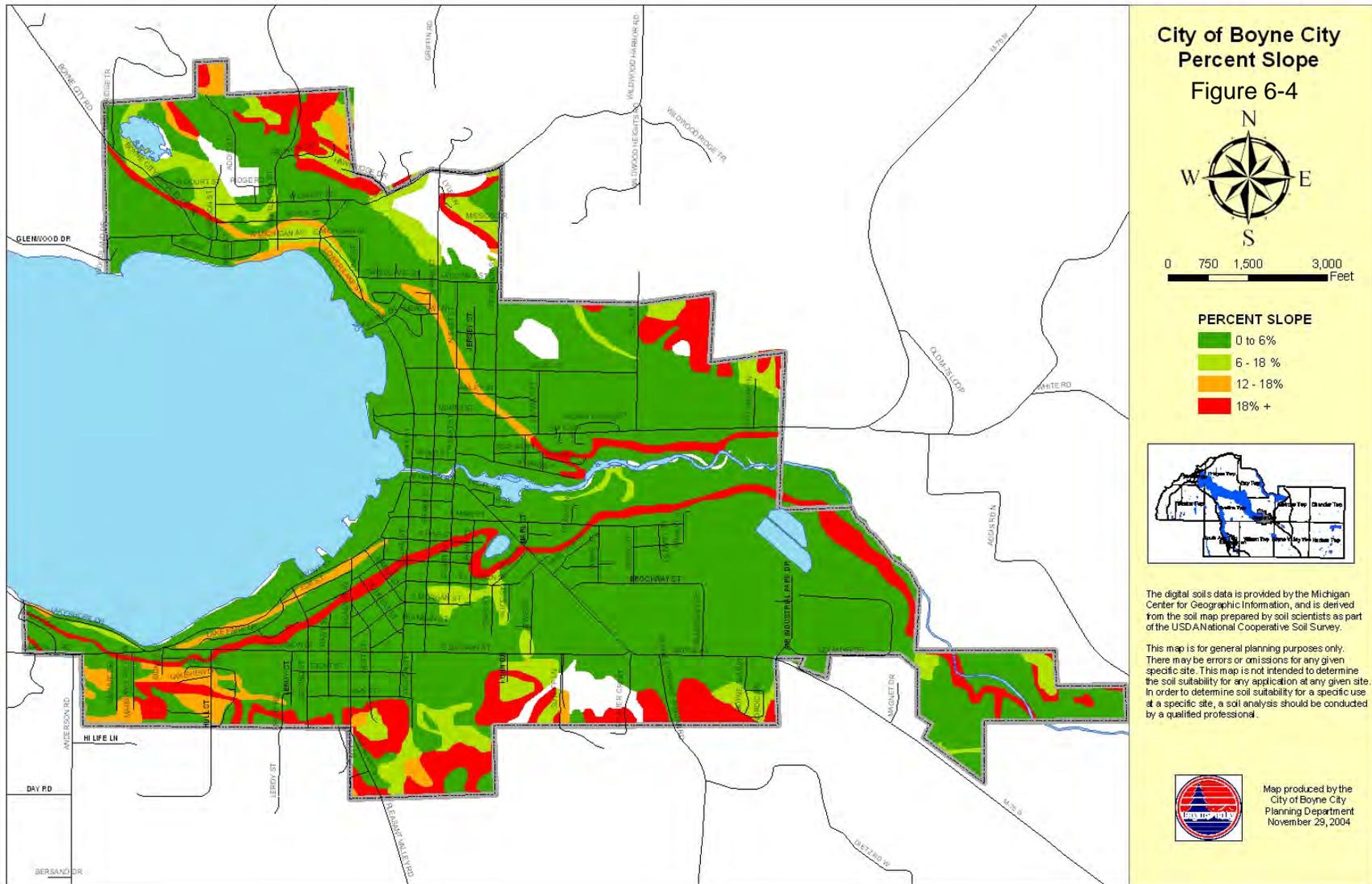
Table 6.2 Boyne City General Soil Types	
Soil Type	Description
Emmet-Leelanau	Well drained, nearly level to very steep loamy and sandy soils on moraines
Kalkaska-Mancelona	Well drained or moderately well drained, nearly level to gently sloping sandy soils on lake plains and valley plains
Carbondale-Lupton-Tawas	Very poorly drained, nearly level to gently sloping organic soils in depressional areas on till plains, outwash plains, and lake plains

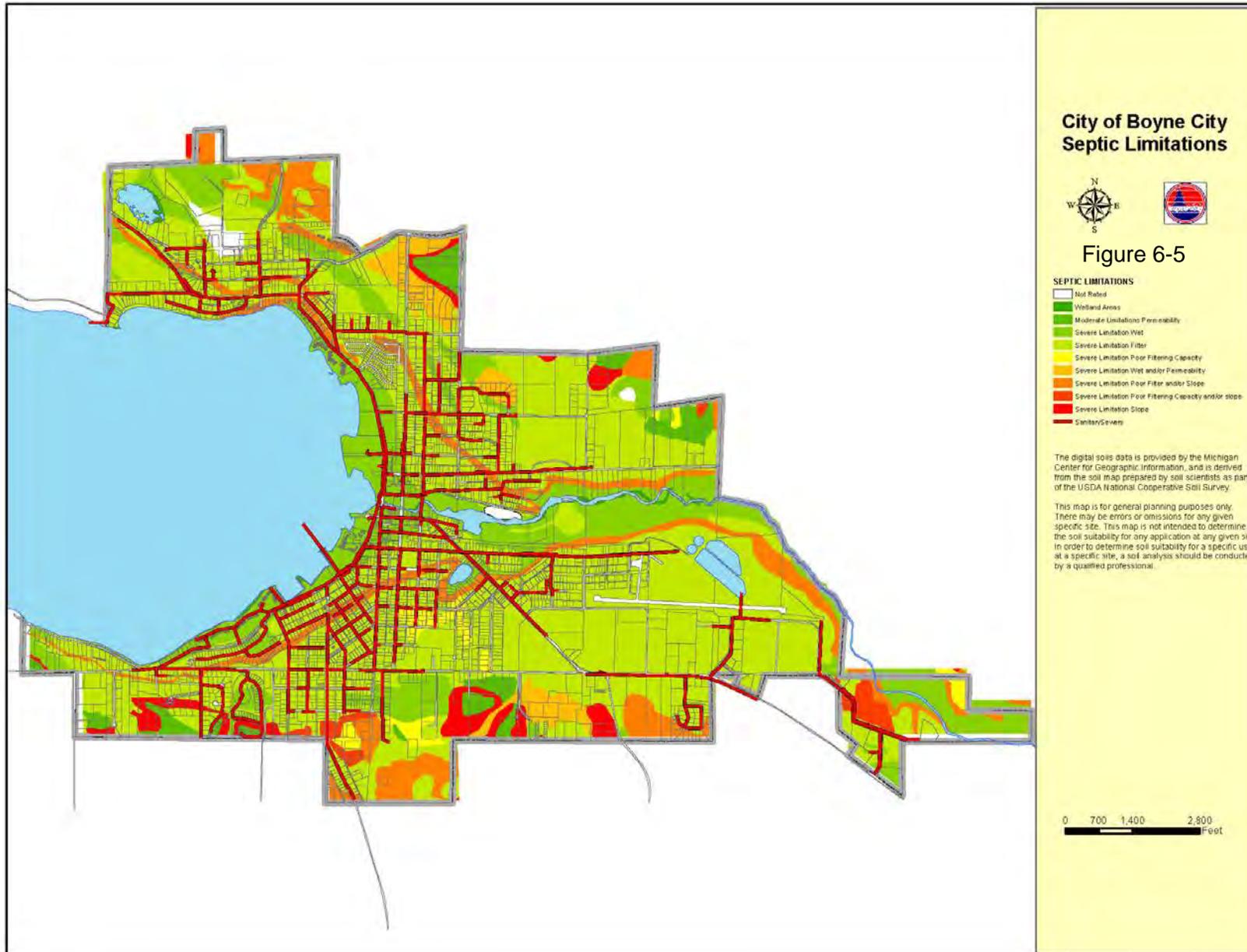
Source: Soil Conservation Service











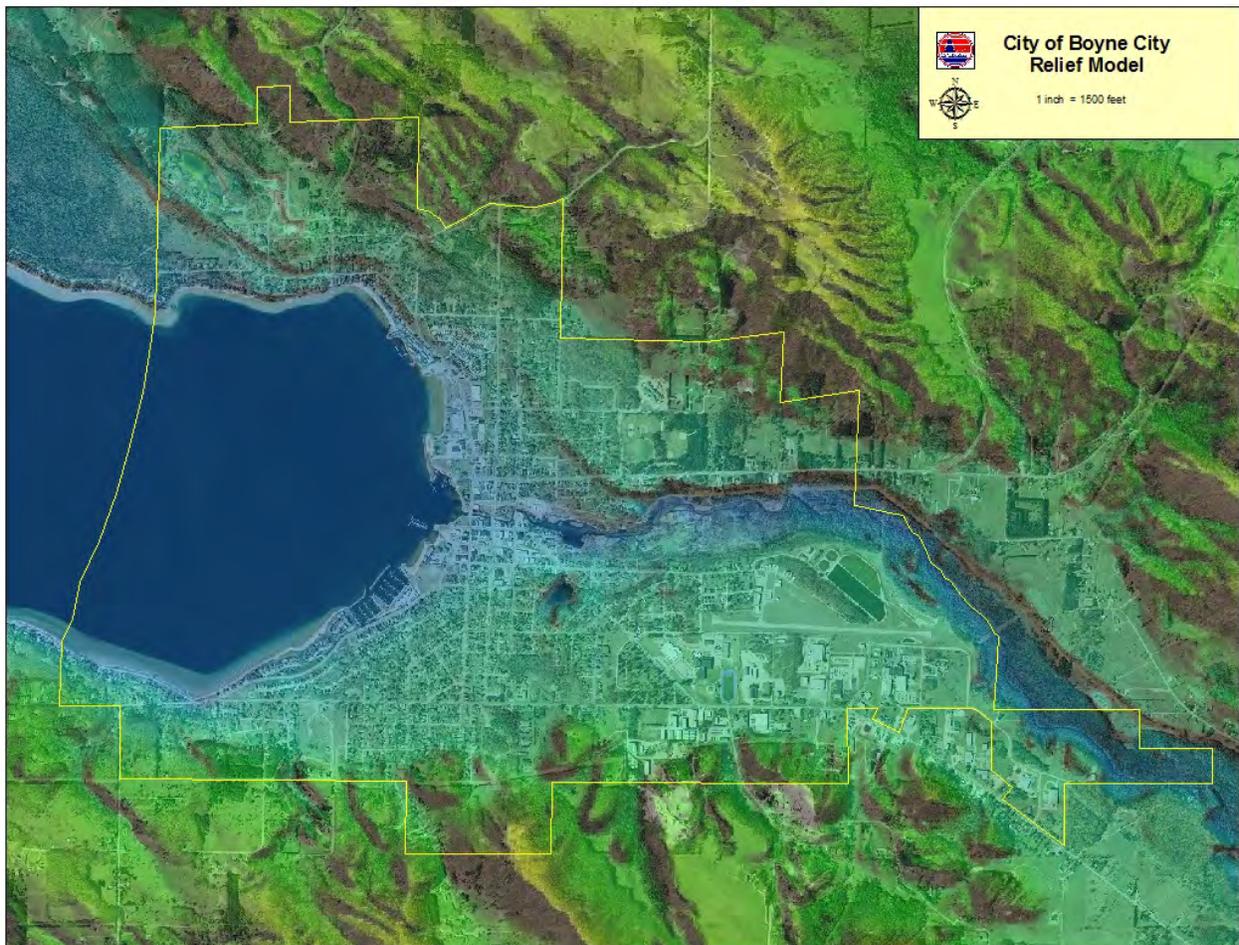
Geology

The basic structure and texture of the land found in northwest Michigan are products of geological forces occurring centuries ago. The foundation upon which northwest Michigan rests is the result of glacial advance and retreat that shaped northern Michigan's landscape. Depending on their proximity to the surface, the bedrock formations deposited during these glacial activities have a direct bearing on where certain types of development can occur. Fortunately, these formations are not a constraint in Boyne City, although outcroppings of bedrock are found in other areas of Charlevoix County.

One of the most notable features of Boyne City's landscape is ground moraines. Moraines are accumulations of sand and gravel that were carried by a glacier and then deposited when the glacier melted. Moraines form the northern and southern boundaries of the City and provide topographic relief as well as scenic beauty. Avalanche is a prime example.

Large sections of Boyne City rest in a lake plain that is sandwiched between glacial ground moraines. The relative flatness of the center of the City near Lake Charlevoix and the Boyne River is characteristic of this lake plain area. From a geological standpoint, development constraints associated with this area are essentially nil.

Figure 6-6



Topography

An evaluation of the community's topography provides insight into site construction limitations, potential erosion problems and concerns regarding drainage. The hills within Boyne City obviously provide visual relief and aesthetic beauty for community residents. However, they must be carefully managed if the problems just mentioned are to be avoided.

Boyne City's terrain is characterized by a lake plain where the business district is located and gently rolling hills within the community's residential neighborhoods. These features stand in sharp contrast to the City's steeply sloping northern and southern boundaries which can be clearly seen in **Figure 6-6** Boyne City Relief Map. In terms of topographic relief, areas in the City range from an elevation of just under 586 feet above sea level along Lake Charlevoix to more than 984 feet at Avalanche.

Water Resources

Boyne City's water resources can be classified into two major types: ground water and surface water. Groundwater is significant to the community as its quality and quantity determine how well the resource can satisfy the demand for water by City residents. In the City ground water resources are abundant and supply far exceeds demand and water is provided to most of the developed areas of City though the City's public water system. For areas not serviced by the public water system private wells are used by many residents.

Although not used for domestic water purposes, the community's surface water areas are extremely important natural resources. The surface waters help recharge the community's groundwater, create a distinctive natural landscape, attract and provide natural habitats for wildlife and have immeasurable recreational and aesthetic value.

Lake Charlevoix and the Boyne River are two of the region's most valued resources. There has been considerable interest in managing the City's water resources and over the years multiple planning efforts have been undertaken with the purpose to protect, preserve and enhance the resource. The recent and comprehensive planning efforts continue to include these resources as a major focus, including Boyne City Waterfront Master Plan and this updated Master Plan 2015.

These valued water resources also pose a potential threat to the flood risk associated with each. To help protect residents from flooding the City participates in the National Flood Insurance Program (NFIP). As of 2015, the Federal Emergency Management Agency (FEMA) is in the process of updating the existing 1982 Flood Insurance Rate Map (FIRM). It is vitally important to keep apprised of the status of this program as communities that are enrolled in the NFIP need to take specific steps to adopt the maps before the new maps become effective or the community will be suspended from the NFIP. In the City of Boyne City there are 33 NFIP policies that total \$2,335,000 in flood insurance coverage. The Flood Insurance Rate Map and the 100 and 500 year flood levels suggest construction within the flood plain must observe certain development guidelines. Also poor soils and sensitive forms of vegetation impose some limitations on development in this area. In several cases, however, development already has occurred within the flood plain.

Wetlands

Michigan's wetland statute, Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, defines a wetland as "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." The definition applies to public and private lands regardless of zoning or ownership.

Most people are familiar with the cattail or lily pad wetland found in areas with standing water, but wetlands can also be grassy meadows, shrubby fields, or mature forests. Many wetland areas have only a high ground water table and standing water may not be visible. Types of wetlands include deciduous swamps, wet meadows, emergent marshes, conifer swamps, wet prairies, shrub-scrub swamps, fens, and bogs.

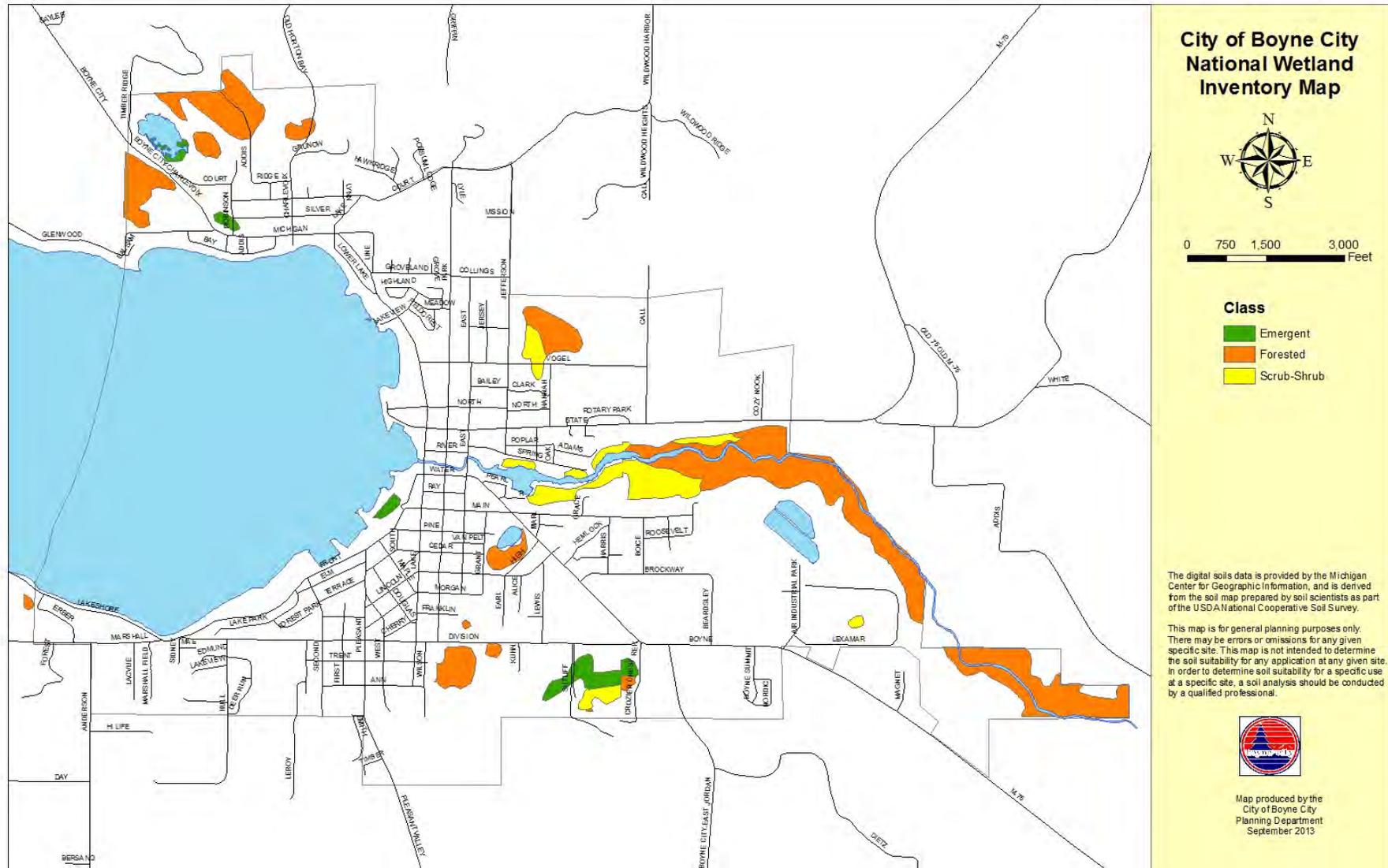
Wetlands are a significant factor in the health and existence of other natural resources of the state, such as inland lakes, ground water, fisheries, wildlife, and the Great Lakes. Michigan's wetland statute recognizes the following benefits provided by wetlands:

- Flood and storm control by the hydrologic absorption and storage capacity of wetlands.
- Wildlife habitat by providing breeding, nesting, and feeding grounds and cover for many forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.
- Protection of subsurface water resources and provision of valuable watersheds and recharging ground water supplies.
- Pollution treatment by serving as a biological and chemical oxidation basin.
- Erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
- Sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.

These benefits, often referred to as wetland functions and values, often play a vital role in recreation, tourism, and the economy in Michigan. According to a 1991 United States Fish and Wildlife Service Wetland Status and Trends report, over 50% of Michigan's original wetlands have been drained or filled, thereby making the protection of remaining wetlands that much more important

The following wetland inventory map as shown in **Figure 6-7** was drafted pursuant to Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The wetland inventory map shows potential and approximate locations of wetlands and wetland conditions. It is intended that the inventories be used in planning for development, open space designations, etc. as a way to protect wetland resources. The maps are **not** intended to be used to determine the specific locations and jurisdictional boundaries of wetlands for regulatory purposes. Only an on-site evaluation performed by the DEQ in accordance with Part 303 can be used for jurisdictional determinations. The DEQ has a Wetland Identification Program to assist property owners with identifying the location of any wetlands on their property and whether the wetlands are regulated.

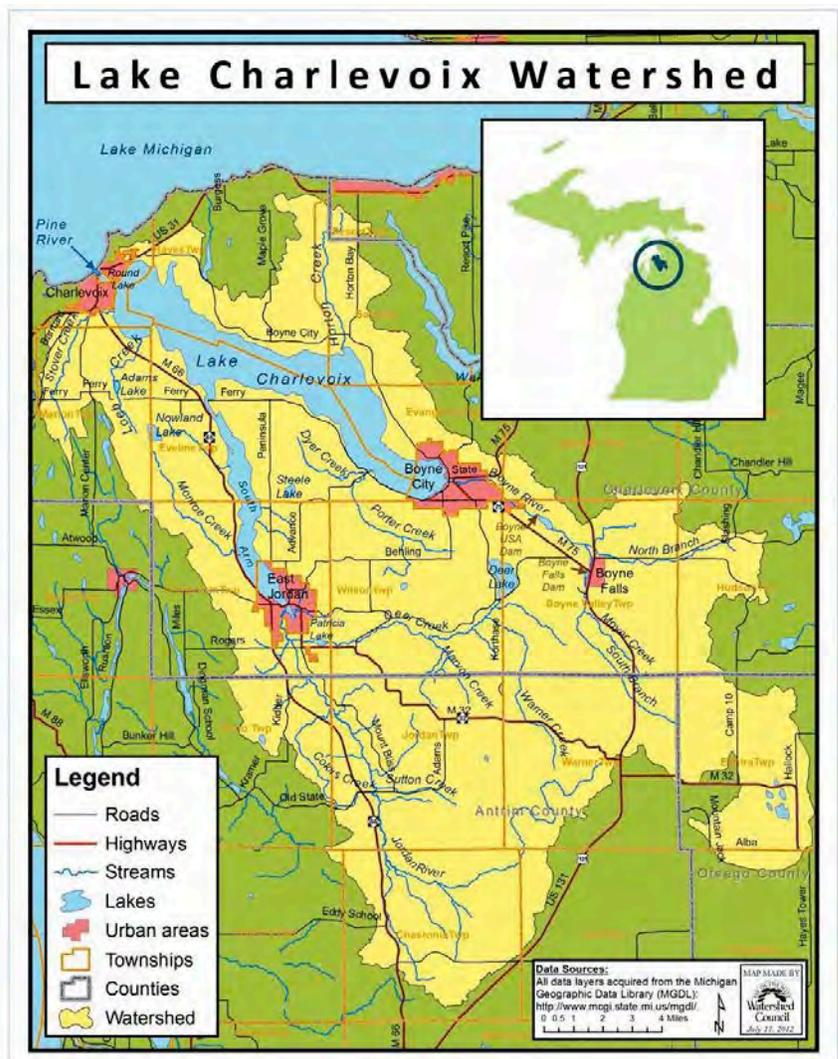
Figure 6-7



pine, and other upland forest account for just over 50% of the land in the Watershed. Wetlands are estimated to account for 22% of land use. Agricultural uses occupy approximately 15% of the land. The urban areas of Boyne City, Boyne Falls, Charlevoix, and East Jordan account for approximately 4% of the land use in the Watershed. The remaining 9% consists of water and other miscellaneous uses. Although this Watershed is still predominantly forested, development is occurring at a rapid pace reducing the amount of forests, agricultural lands, and wetlands.

The Lake Charlevoix Watershed Management Plan was written to address threats to the watershed, primarily from non-point source pollution. The Lake Charlevoix Watershed Advisory Committee was created to implement management plan steps, and in the past decade has been one of the most active watershed groups in the state. The Advisory Committee is a partnership between the Lake Charlevoix Association, Charlevoix Conservation District, Charlevoix County, Little Traverse Conservancy, Grand Traverse Regional Land Conservancy, Little Traverse Bay Bands of Odawa Indians, local township governments, friends groups, interested citizens, and Tip of the Mitt Watershed Council. The goal of the Advisory Committee is "to protect the water quality and high quality uses of the water resources of Lake Charlevoix and its tributaries by reducing the amount of non-point source pollution and preventing future contributions." The Lake Charlevoix Watershed Advisory Committee seeks to educate and involve the community in watershed management issues, and has had many successes.

Representatives from four townships and two cities in Charlevoix met on four occasions to discuss shoreline zoning issues, and opportunities for coordination and consistency between communities. The sessions were facilitated by MSU Extension staff. The products were reports detailing study group recommendations and specific language that each community could use to implement the recommendations. The reports are available for review and download at Tipp of The Mitt Website at <http://www.watershedcouncil.org>. One of the significant issue that emerged is the fact that approaches and challenges to shoreline protection varied widely between the cities, as a group, and the townships.



Chapter 7 Infrastructure and Facilities

The City of Boyne City takes a proactive approach to provide and maintain adequate infrastructure and facilities to serve the current and anticipated needs of residents, visitors, businesses and local industry. To facilitate this process, the City maintains an up-to-date Capital Improvement Plan which identifies and prioritizes infrastructure and facilities improvement projects with associated budget estimates. This chapter details the existing infrastructures and facilities including recent improvements and current projects that are in process.

Streets and Sidewalks

Streets

Boyne City residents are in close proximity to US-131 and M-32, and have relatively easy access to Interstate 75. Classified as a state arterial, US-131 was originally constructed to provide access to lakeshore communities and continues to serve that function today. State trunkline, M-75, loops through the City to connect to US-131 at the Village of Boyne Falls on the south and the unincorporated Village of Walloon Lake seven miles to the north. Locally, the connections between Boyne City and the neighboring communities of East Jordan, Boyne Falls and Charlevoix are generally adequate. The vehicular circulation within Boyne City is relatively easy and convenient; however north/south traffic through the city is somewhat restricted as traffic is forced to cross the Boyne River on bridges located on Lake, East or Park Street. This limitation does lead to some traffic congestion in the downtown particularly during festivals and events or street closures. To help ease congestion and limit the nuisance of heavy truck traffic through the downtown the City has designated and enforced a truck route that diverts through truck traffic around the core downtown.

Within the City there are approximately a total of 41 miles of roadway and maintained alleys. With the exception of M-75 the City Street department is responsible for maintaining all the developed public streets in the City. The City does have an agreement with the Charlevoix County Road Commission to plow a few city streets that connect directly to the County road system. As shown on **Figure 7-1** a total of 36.33 miles of City streets have been certified as of July 31, 2013 on the Act 51 mileage certification maps. This classification includes 12.77 miles designated as major street and 23.56 are designated minor. Fall Park Road, Boyne City-Charlevoix Road and Wildwood Harbor Road connect to county primary roadways and Anderson Road and Marshall Road west of Anderson are the only county local roads within the corporate limits. Act 51 creates the Michigan Transportation Fund (MTF) which is the main collection and distribution fund for state generated transportation revenue. The City as a Local Road Agency receives funding based on a distribution formula for all roads certified on the Act 51 certification. The certification map is reviewed and approved annually by the Michigan Department of Transportation.

For the past several years the City has collected road rating data as part of the street asset management program which focuses on maintaining existing infrastructure. The rating is based on observations of the condition of the road surface using the Pavement Surface Evaluation and Rating (PASER) system. The program prioritizes and directs investments towards maintenance improvements that are intended to maximize investment by proactively maintaining roads in order to extend the life of the pavement and reduce future repair and improvement costs. **Figure 7-2** shows a sample area of recent PASER ratings. The timing of maintenance projects is critical as once pavement begins to degrade it tends to deteriorate rapidly for all paved roads in the City. Each year City staff inspects all paved streets in the City

Figure 7-1

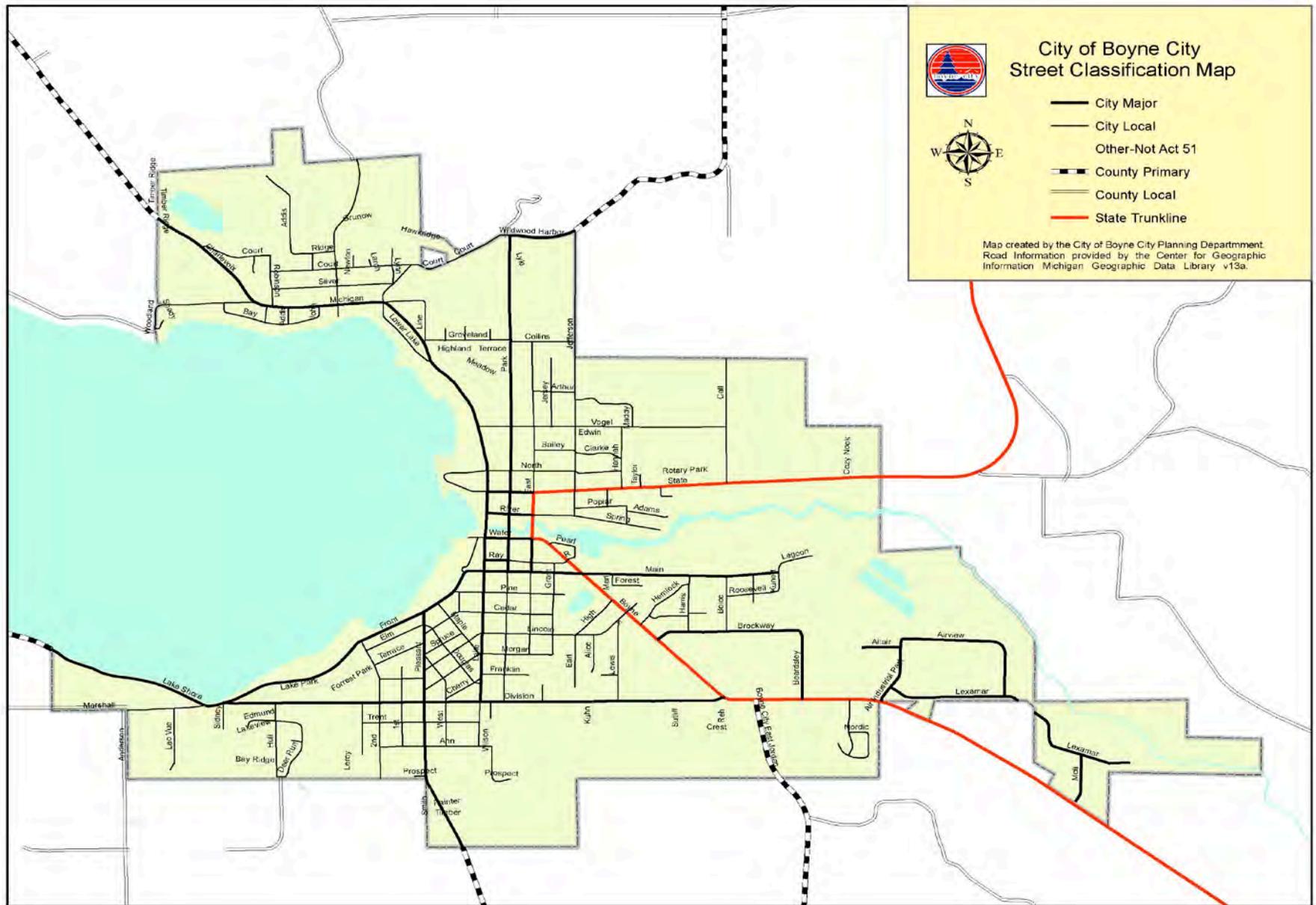




Figure 7-3



and assigns a rating of 1 through 10 for each road or segment of road. A rating of 10 designates a newly paved road and a rating of 1 would designate a road that has completely failed.

While the City’s main emphasis is on maintaining existing assets, the City does reconstruct some roads on a regular basis. As part of the City’s goal to improve its street system, the construction of curbs and gutters is included as part of these capital improvement projects whenever feasible. Road reconstruction projects are typically coordinated with the installation, extension or replacement of underground infrastructure to minimize disruptions and reduce the construction mobilization costs. **Figure 7-3** Illustrates which roads have been improved over a 16 year time span.

Crash Data

According to the City of Boyne City crash data there were 775 on-street accidents reported within the City from 2005 through 2014. During this period the highest number of vehicle accidents happened in January with 80 accidents (10.3%) occurring during the month and the least amount were in April with 35 (4.5%). Not surprisingly, winter weather appears to impact the number of accidents that occur in the City. The crash data shows that three of the four highest monthly accident totals occur in months of November through February accounting for almost 37% of the total accidents over the 10 year period. The next highest accident totals occur in July and August with 71 (9.2%) and 76 (9.8%) accidents respectively.

The crash data shows that the highest incidence of accidents occur in the downtown area at or near the Water Street intersections of Lake, Park and East with 151 (19.5%) of the reported accidents occurring in this two block area. The most common cause of accidents in this area was attributed to improper backing movements which accounted for 50 (33%) of the accidents in this area over the 10 year period.



The crash data shows that there have been three vehicle accidents involving pedestrians and seven involving bicyclists from 2005-2014. The majority of these accidents occurred at intersections in the downtown area. The data also shows that the cause of the accidents was equally divided between the vehicle drivers and pedestrians or bicyclist. Four of the accidents were caused by the hazardous actions of the vehicle operators and four were caused by pedestrian or bicyclist, two of the accidents did not have a hazardous action noted. Failure to yield was the most common cause of an accident for each group.

Car-deer accidents are relatively common with a total 131 accidents accounting for 17% of all vehicle accidents from 2005-2014. While car-deer accidents can happen throughout the City there are several areas where deer frequently roam and have become more common locations for car-deer accidents. These crossing areas are located on M-75 near Rotary Park, on Boyne Avenue near High Street and on Division Street near the cemetery.

Sidewalks

The City has over 25 miles of concrete sidewalks that provide a good pedestrian connection throughout the City. While pedestrians can safely and easily walk to most locations in the City there are gaps in the system and the City is proactive in the development of sidewalks and continues to add to the system each year. In addition to the concrete sidewalks there is also 2.5 miles of paved non-motorized trails that run along Division and Front streets that provide additional routes for pedestrians and bicycles. In 2007 the City completed an inventory and assessment of the condition of all sidewalks in the City. The evaluation of the sidewalks was based on the condition of the concrete and the sidewalks were rated as good, fair or poor. This assessment showed that 79% of the sidewalks in the City were rated as in good, 8% were rated as fair and 13% were rated as poor. **Figure 7-4** shows the location and condition of all the sidewalks in the City.

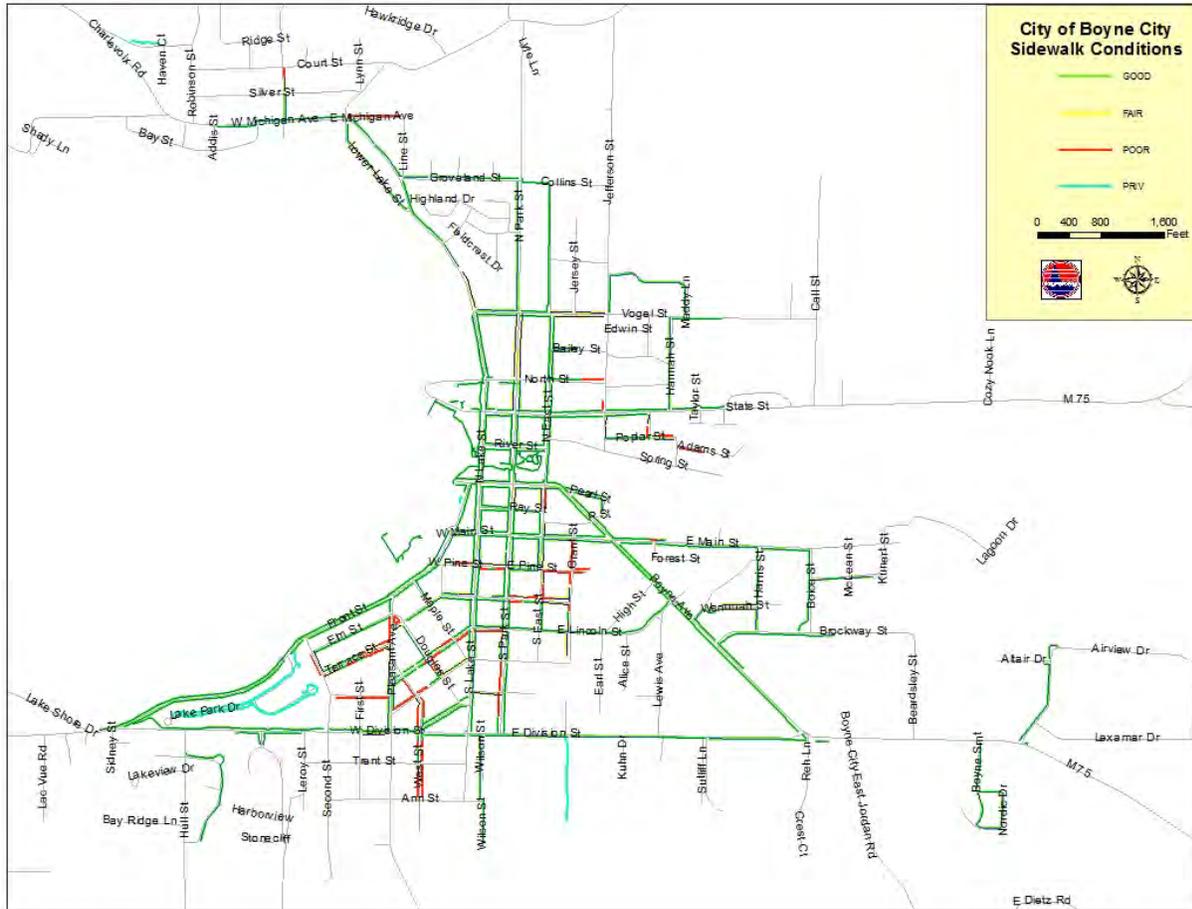
Water and Sewer Infrastructure

Sanitary Sewer

Wastewater treatment services have been provided by Boyne City since 1954. Anchored by a 10 million dollar treatment plant constructed in 2004, the sanitary sewer system services roughly two-thirds of the City's developed properties and a small portion of neighboring townships. The collection system consists of approximately 22 miles of gravity sewers, which vary from four inches to 20 inches in diameter, and seven miles of two-inch, four-inch, six-inch and eight inch diameter force mains (**Figure 7-5**). Approximately 500,000 gallons of wastewater are transported through these lines to the treatment plant per day. The treatment plant has a design capacity of 1,000,000 gallons per day. Present forecasts indicate that the treatment plant should be adequate to meet the community's needs through 2025, assuming new development does not have excessively high discharge volumes.

The treatment plant consists of aerated lagoons for primary and secondary treatment, including chemical addition to remove phosphorus. The lagoons have a total capacity of 59.3 million gallons and are located between the airport and the Boyne River. The lagoon effluent is then transported to Lake Charlevoix. Water quality tests are performed on the effluent discharged to the lake a minimum of five days per week. These tests have indicated that the effluent water quality meets all state and federal requirements and is cleaner than the lake water.

Figure 7-4



The collection system has been the focus of construction projects over the past several years. Severe infiltration and inflow problems in the system have been addressed, and the ability to serve new areas is again possible. Over 50 percent of the existing sanitary sewers in the City have been replaced in the past 12 years. This ongoing program replaces the most deteriorated mains and is coordinated with water and/or street replacement programs.

Whenever possible, new buildings are connected to the sanitary system. However, in areas not serviced by sanitary sewers, private septic systems are used. Most of these private systems, when properly built, have worked successfully. However, care must be taken to ensure that these systems continue to function properly and do not contaminate the community's various water resources.

Both the wastewater and water systems are enterprise funds. Monies to operate and maintain these systems are generated through user fees. These fees include sewer and water billings, fees for services (i.e., laboratory analyses and trucked-in wastewater fees), and access (i.e., tap-in) fees. No general tax money is used to operate and maintain these systems.

Storm sewer

The stormwater collection system has been systematically separated from the sanitary sewer system. The previous "combined" system, which linked stormwater collection directly to sanitary sewer lines, put a huge demand on the sanitary sewer system during heavy rain events. Additionally, the cost to process the relatively clean stormwater was very high.

Figure 7-5



Figure 7-6

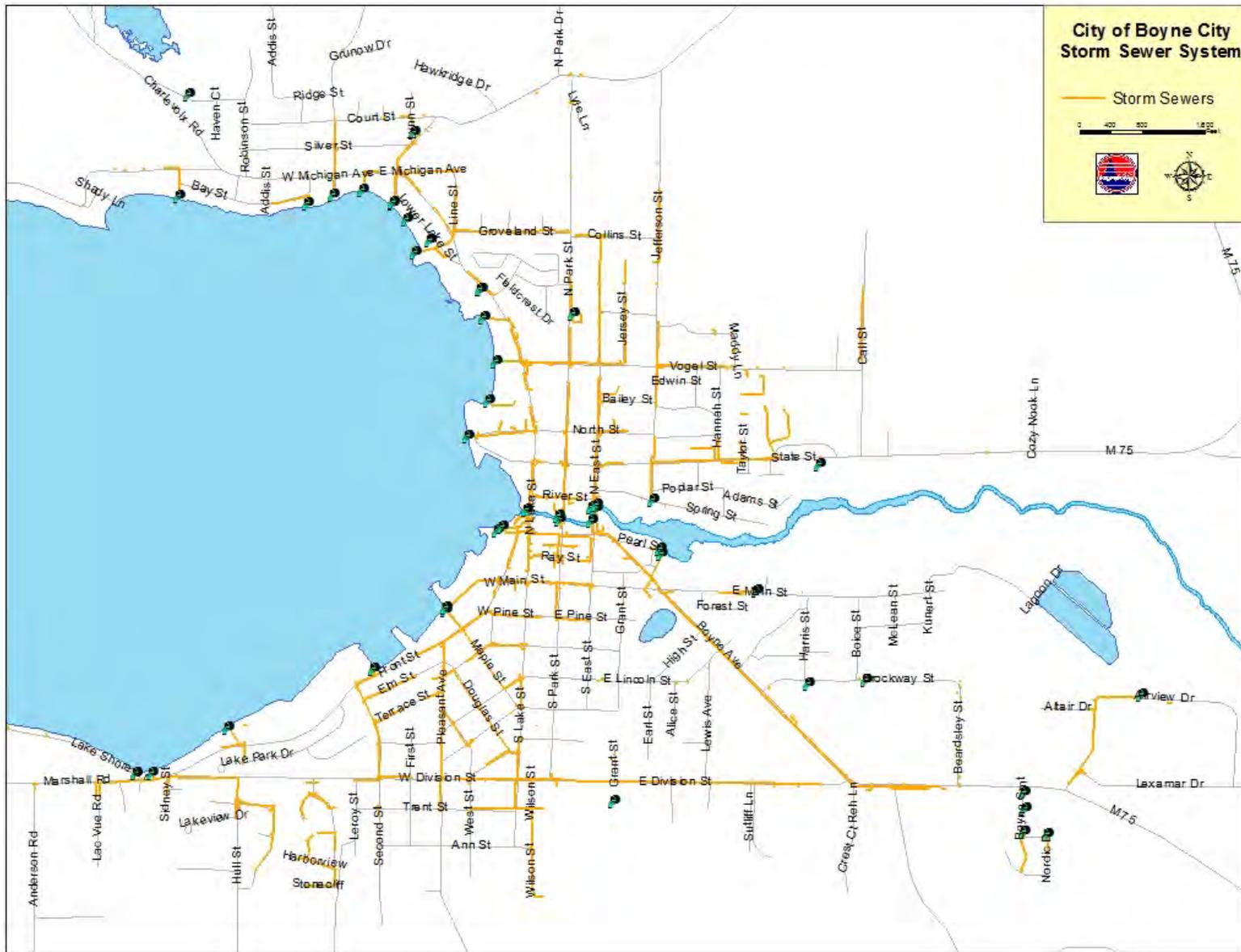
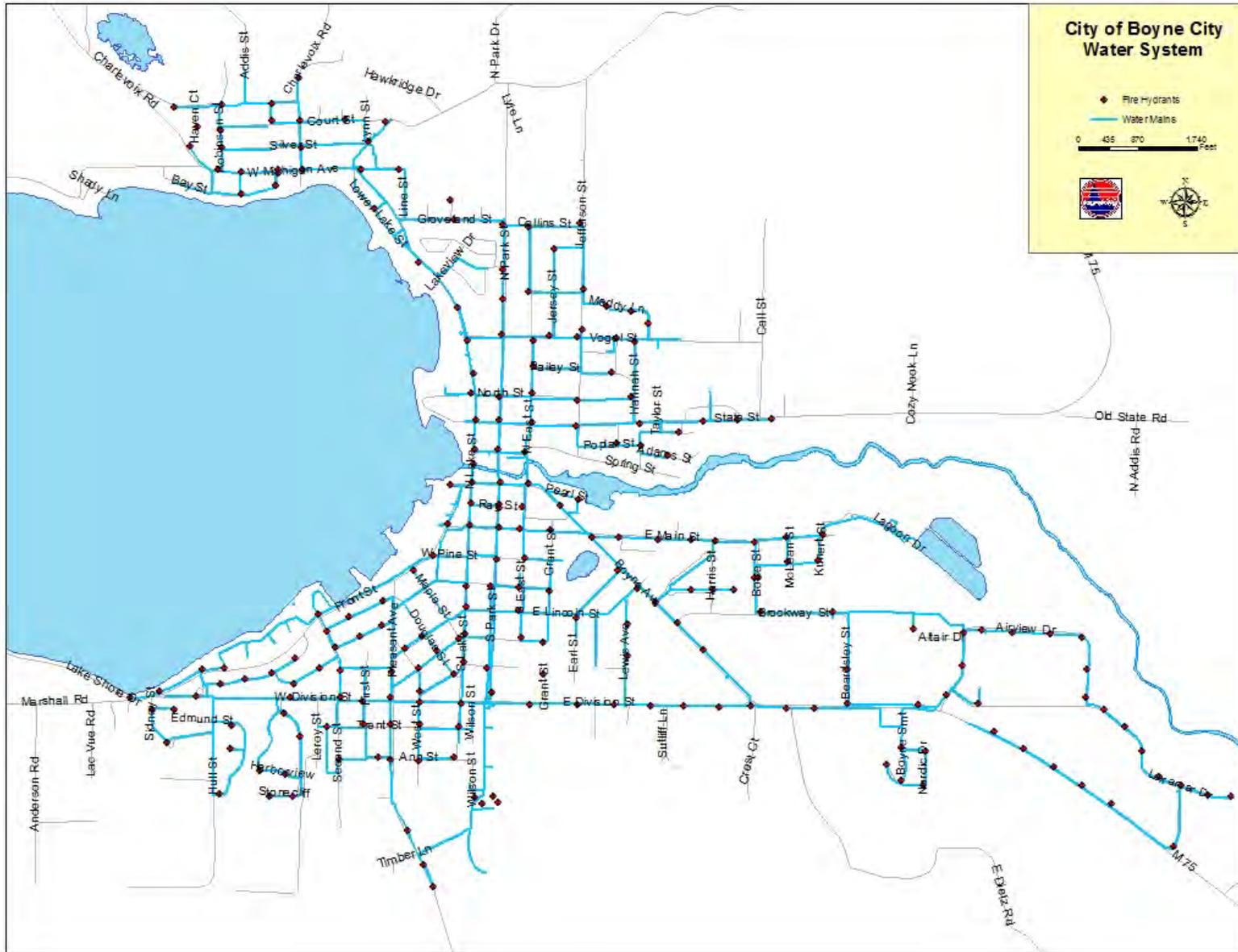


Figure 7-7

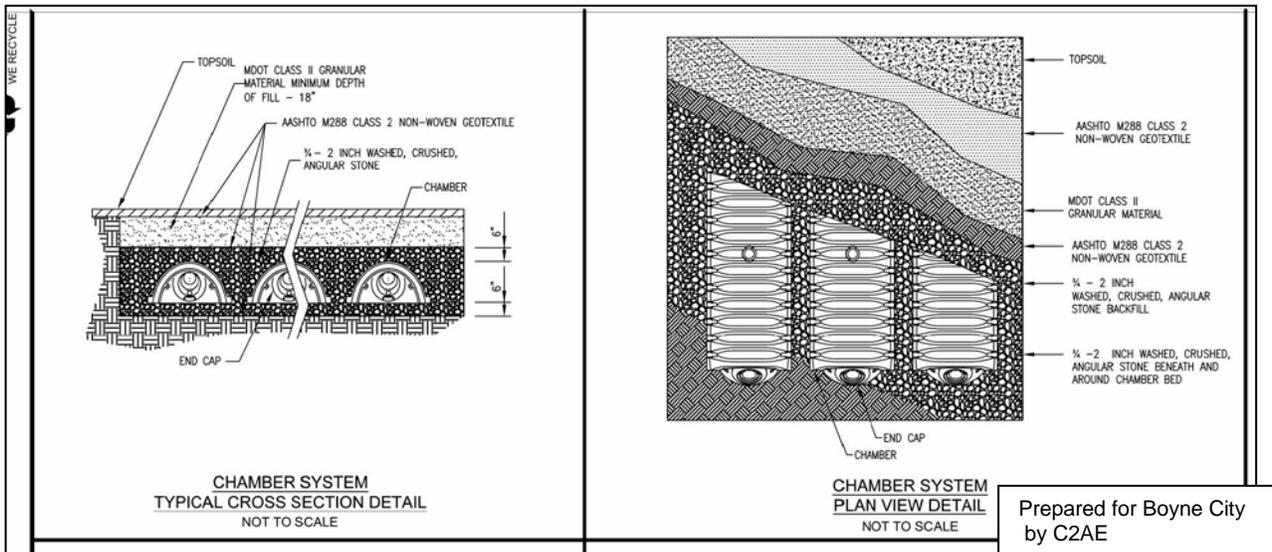


The system today (**Figure 7-6**) consists of pipes varying from six inches to 36 inches in diameter, and open ditches to carry storm water to the lake, river, or other discharge sites.

Whenever possible, manhole sumps, check-dams, and retention/detention basins are put in place to trap sand and debris prior to allowing the stormwater to enter the lake or river. In steep areas of the City where the stormwater system (i.e., pipes or ditches) is not available, stormwater is collected along the curb of the roadway and channeled to the stormwater system or to an appropriate area for disposal.

New developments are encouraged to construct “on-site stormwater disposal” whenever possible. Bio-retention systems designed to contain and hold normal rainfall events are preferred. These systems allow the stormwater to slowly soak into the soils after the rain event has subsided. Only during unusually heavy rainfall (or snow melt) would these systems overflow to the stormwater system. Given the practical impact of increased runoff created by new construction, the City frequently requires that such stormwater be retained or detained on-site.

Figure 7-8



The City has taken a proactive approach to the treatment of storm water and continues to make improvement to the storm water system. One example is the Storm water treatment system installed in Sunset Park in 2009 (Figure 7-8). This system collects and treats storm water collected from the Front and Lake Street area of downtown. Nearly \$250,000 has been earmarked for storm drainage projects relative to street infrastructure improvements within the City’s six-year Capital Improvement Plan (fiscal years ending 2015 through 2020).

Water

Boyne City's public water system consists of five production wells and 23 miles of distribution mains. As shown on **Figure 7-7**, most of the developed areas in the City are served by the water system.

The five production wells (two on the south side of Boyne City near Avalanche Preserve and three on the north side near the City limits) have a combined pumping capacity of 3,380 gallons per minute. Constant pressure is maintained by a 250,000 gallon in-ground reservoir located two-thirds of the way up Avalanche hill, and a new 500,000 gallon reservoir near the

north well site. These reservoirs will store enough water to serve the City's needs for one full day under normal conditions.

The water distribution system consists of pipes (varying from two inches to 12 inches in diameter), valves, and over 200 fire hydrants. This system has also been the focus of construction projects for the past several years. Approximately 65 percent of the old water mains and services have been replaced over the past 12 years.

As with the sanitary sewer replacement program, this ongoing program (which replaces the most deteriorated water mains) is coordinated with the sewer and/or street replacement programs. A few areas of low pressure or low volume are also being addressed in the replacement program. Most of these problems are caused by small diameter mains or location in the higher elevations of the service area.

The pumping capacity and the improved distribution system allow new development to be added to the water system. As with the wastewater treatment plant, forecasts indicate that the water system should meet the community needs through 2025, assuming new development does not place abnormal volume demands on the system.

Whenever possible, new buildings are connected to the water system. However, residents living in areas not serviced by the water system must rely on private wells for drinking water. Adequate water quality and volume for these wells make this a viable alternative.

Facilities

Boyne City Marina

The Boyne City marina is a 42 slip municipal marina located in downtown Boyne City near the mouth of the Boyne River. The marina provides seasonal and transient slips from 20' to 60' with electricity, water and portable pump-out. The staffed marina office is located adjacent to Veterans Park and offers a restroom, showers, free WiFi, a boat launch, courtesy bicycles and a courtesy vehicle. Temporary mooring is available at the shoppers dock for boaters that desire to spend a few hours in town. From its location on the east end of Lake Charlevoix there is direct access to Lake Michigan 15 miles away.

The City has had numerous discussions regarding the future of the marina over the years and since 2003 the City has prepared and completed several plans and studies for the potential future expansion of the marina. In 2007 a formal joint marina permit application was submitted to the Michigan Department of Environmental Quality (DEQ) and US Army Corp of Engineers (USACE) for approval. In reviewing the application the DEQ listed several items of concern with the submitted application. While some of the items were relatively minor, the area of most concern was the amount of public trust waters and public navigation impairment. As sufficient changes could not be made to the permit application the application was formally denied in 2009 by the DEQ. The USACE never took action on the application after the denial from the DEQ.

After the denial the City exercised its rights to appeal the denial and through the appeal process the City met with representatives from the DEQ and these discussions resulted in a revised plan. With the downturn in the economy and limited funding availability, the City developed a plan that could be built in phases. The proposed phases were reflected in the 2010 Marina Plan.

In 2012 the City submitted the 2010 plan for review by the DEQ and the USACE. Because of the low water levels, the DEQ indicated the plan would not be valid without dredging. As dredging was not a part of the original 2007 permit application a new permit application needed to be submitted. In order to not jeopardize the funding for the project the City opted to amend the application on file to address the current project and submit a new application using for the 2013 Plan as shown in **Figure 7-9**.

Boyne City Airport

Boyne City Airport is one of four public airports in the County. The others are located in East Jordan, the City of Charlevoix and on Beaver Island. A fifth privately owned airport is operated by the Boyne Mountain Ski Lodge, located just ten minutes east of Boyne City by car.

The Boyne City Municipal Airport is located one mile east of downtown Boyne City and is adjacent to the Air Industrial Park. It is an unattended facility with a 4,000-foot hard surface runway that has an annual use of approximately 5,500 flights. There are currently 33 hangars located at the airport with significant room for additional hangars. The unattended terminal building contains a pilots lounge, WiFi, flight planning computer, telephone, and restroom facilities. Fuel is available on a self-service basis. A courtesy vehicle is also available at the airport.

Presently, there are about 12 aircraft based at the airport in Boyne City. Given current trends in the number of pilot licenses being issued, the likelihood of that number increasing is uncertain; however, future growth could easily be accommodated. The majority of these planes are owned and operated by private individuals, many of whom own second homes within the Boyne City area. However, the importance of the airport is not solely due to its role for tourists. The importance to the City is primarily due to increased use by local industries, many of whom are becoming more dependent upon such services.

The Boyne City Airport is a state-regulated facility and is subject to MDOT Airport overlay zoning guidelines. **Figure 7-10** shows the MDOT airport overlay zoning districts covering the Boyne City Airport and surrounding area. Zones 1 through 5 correspond to the MDOT compatible land use matrix which contains land use guidelines and planning strategies, provided in Appendix A.

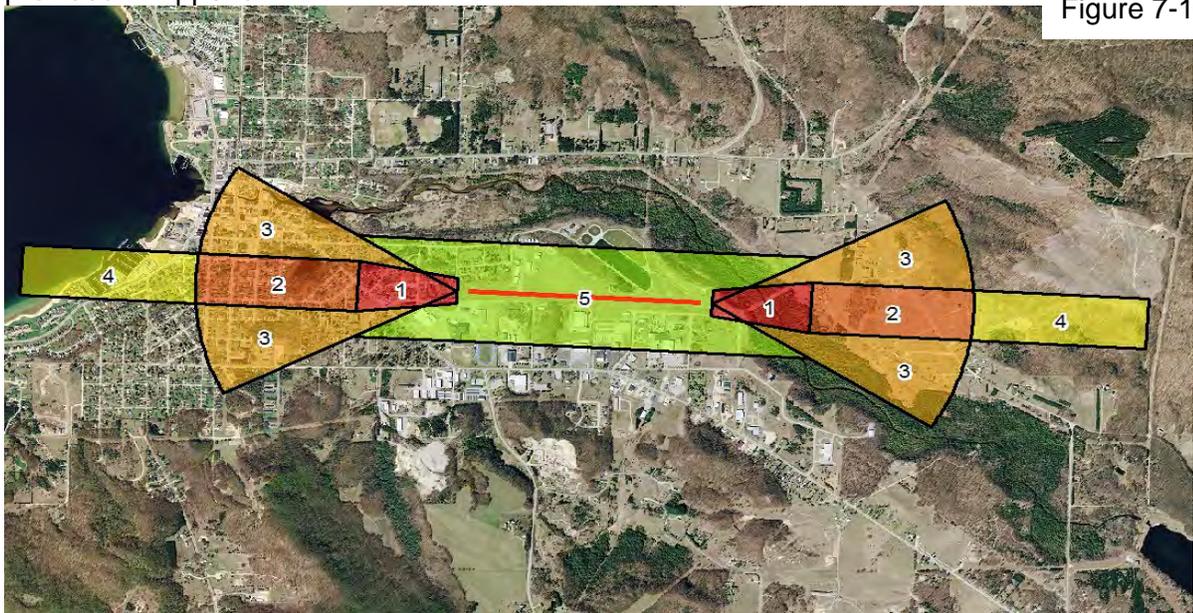
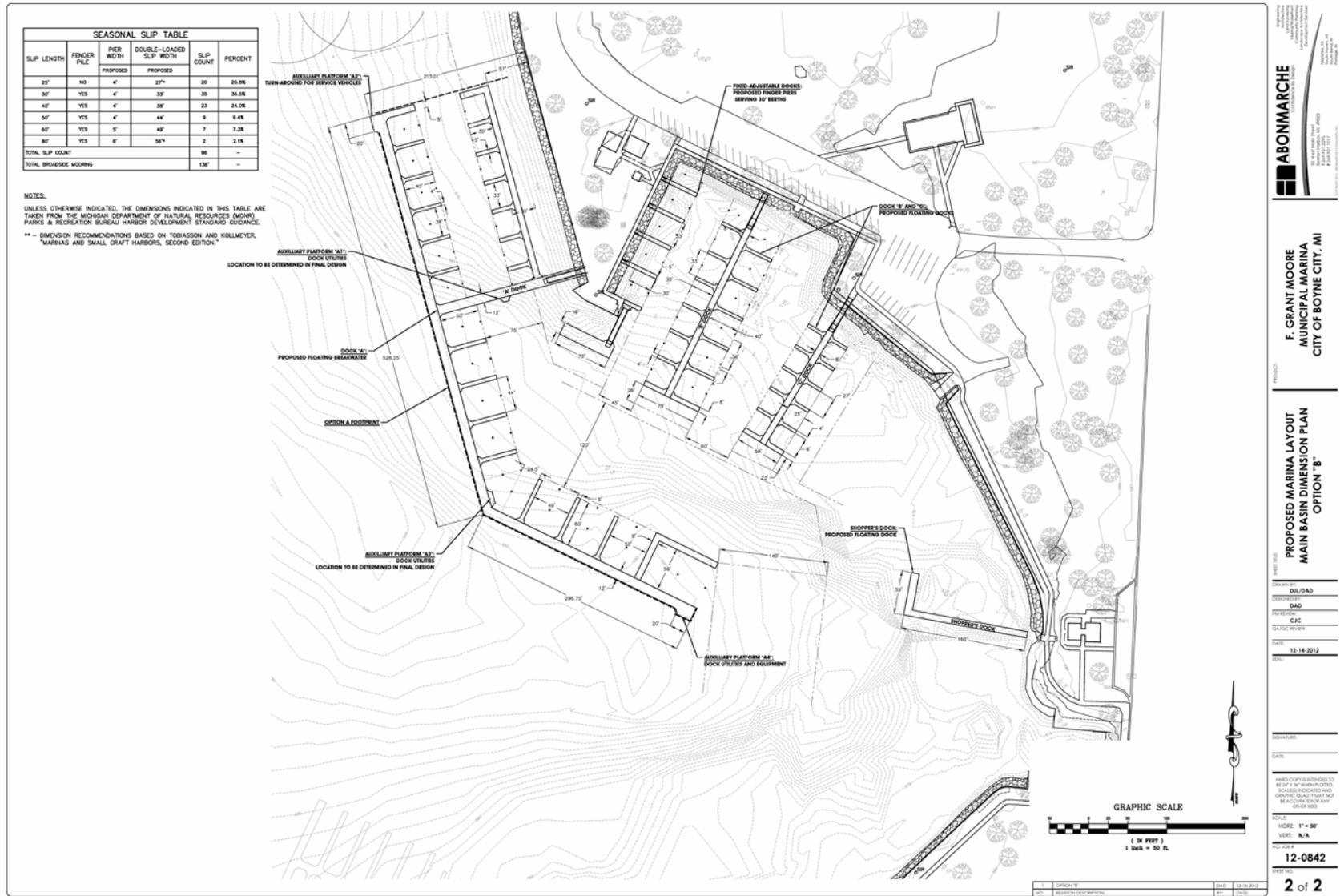


Figure 7-10



City Hall

On the shore of Lake Charlevoix in the downtown of Boyne City, Boyne City's City Hall is located on a 6 1/2 acre parcel bounded by Lake Charlevoix on the East, North Street to the south, Lake Street to the West and Honeywell property to the north. The building that now serves as City Hall was originally built in 1937 as the headquarters of the Top-O-Michigan Electric cooperative. While the building has some community significance as an early part of the development of Boyne City, the building itself does not have any particular historical significance. The building has been home to the Boyne City Government for the past 28 years. The building currently houses most of the city governmental functions, the DPW superintendents office, the Police and Planning Departments, the City's Historical Museum and space is leased to the Michigan State University Cooperative Extension Service. The 10,800 square foot building has undergone several major additions and renovations over the years. Because of the multiple additions to the building many of the interior walls are load bearing of heavy masonry construction having once been exterior walls. This has been a significant constraint to the use of the space and the major reason for the current inefficient floor plan layout as the interior load bearing walls and short roof spans are barriers to the reconfiguration of the interior space.

Plans for a new City Hall and Emergency Services facility are in the works, based on a millage approved by the Boyne City voters in May 2015. The facility would be built on the existing City Hall property. It is anticipated that construction will begin in the spring of 2016. The rendering below is a conceptual drawing of the new facilities.



DPW Garage/Fire Hall

Also constructed in 1937 for the Top-O-Michigan Electric Cooperative, the DPW Garage/Fire Hall now houses the Street Department garage, Fire Department and storage for the Police Department. The oldest section of this structure is built of triple coursed masonry with a truss framed wood roof system. This part of the structure has been subdivided many times as needs have changed over the years. The north portion of the facility was added in 1960 with additions to the west end of the Fire Hall in the late 1970's. While the newer additions to the building are in generally good condition, the older portion of the building is in need of significant remodeling/repair.

By Fall 2015, it is anticipated that all the DPW facilities will be consolidated and relocated to a new facility being constructed on the North Boyne Property. The rendering is a conceptual representation of the new DPW facilities.

*North Boyne*

North Boyne is a formerly mostly vacant parcel of land that is currently the location of the City's leaf and yard waste composting area. The entire site is a relatively large parcel containing approximately 25 acres. The facility is operated by the Street Department and is used by the department for storage of equipment and supplies as well as the composting activities. Approximately two acres are used for yard waste and composting piles and approximately 6 acres are used by the Street Department. The property has a fenced storage yard, a 30 x 40 storage building and 40 x 60 salt barn. The remainder of the property is occupied by the north well fields, a reservoir and wetlands. The main entrance to the property is from Robinson Street which is through platted property. Access is also available off Court Street and Ridge Street. By the end of 2015, the DPW offices and facilities will be relocated to a newly constructed facility located at the North Boyne property.

Chapter 8 Existing Land Use Profile

The Existing Land Use Profile details the location, type, and extent of land development in the community. Knowledge of existing land development patterns is an essential component of the comprehensive planning process. Without a clear understanding of current land development patterns and issues, it is impossible to prepare a sensible plan for future land development.

The information contained in this profile will also serve as useful reference on land development as Boyne City officials consider future land development proposals as well as the need for public facility and infrastructure improvements in the context of the adopted Comprehensive Plan.

Survey Methodology

As part of the 1997 Boyne City Comprehensive plan a field survey of existing land uses was completed in May 1996. Each parcel of property in Boyne City was inspected and the current use recorded on a property line base map. To update the map Aerial photos from 2012 were reviewed and field inspections were completed in summer of 2013. The use of each parcel was in turn categorized in accordance with a predetermined land use classification system, which is compatible with the Michigan Land Cover/Use Classification System (see **Table 8.1**) developed by the Michigan Department of Natural Resources (MDNR) and used by the Michigan Resource Information System (MIRIS). The field data was then entered into a computer mapping file as an overlay to the City's property line base map. Finally, the land coverage for each land use category was calculated.

Existing Land Use Inventory

As shown on Figure 8-1, land use in Boyne City has been classified into nine major categories: single-family residential; two-family residential; multiple-family residential; mobile home parks; downtown core; commercial; industrial; public/semi-public; and vacant, other land, and rights-of-way. The following table summarizes the classification system used to categorize existing land uses in Boyne City. The numbers in parenthesis refer to the corresponding use-coding system used by MIRIS.

General points that can be made regarding Boyne City's existing land use include the following:

- Undeveloped land accounts for roughly 60 percent of all property within the City limits.
- Of the developed land uses found in Boyne City, the dominant form of development is single-family residential, accounting for approximately 33 percent of the City's total developed acreage.
- In addition to the redevelopment of existing underutilized sites, there is opportunity for new development due to the amount of available undeveloped land. Demand for additional housing, more commercial space, and limited industrial development can be accommodated within these areas.
- The hub of activity in Boyne City is the downtown core. As a general rule, the further from this core the structures and population tend to be less dense.

Table 8.1 Land Use Classification System City of Boyne City	
Single/Two-Family Residential	Land occupied by single-family detached dwelling units, seasonal dwellings, manufactured homes outside of designated mobile home parks, and their related accessory buildings such as garages. Land occupied by two-family dwelling units and their related accessory buildings such as garages. These units may have been specifically constructed as a duplex unit or may be a converted single-family structure.
Multiple-Family Residential	Land occupied by multiple-family dwelling units (structures which contain 3 or more dwelling units) such as apartments, townhouses, and the like, and accessory uses such as parking lots and small recreational facilities such tennis courts and swimming pools.
Mobile Home Park	Land occupied by manufactured dwelling units sited in a planned community and their related accessory service structures and recreational spaces.
Downtown Core	Land occupied in this area has the highest concentration of commercial uses. A prime characteristic of the area is the offering of goods and services primarily directed at the pedestrian shopper. A wide variety of uses are found in the district including retail, service, professional office, restaurants, and limited residential uses.
Commercial	Land that is predominantly occupied for the retail sale and/or service of products such as retail establishments, personal and business service uses, and repair service facilities.
Industrial	Land occupied by manufacturing industries, processing facilities, warehouses, and nonmanufacturing uses which are primarily industrial in nature. Lands so classified may include areas with or without buildings where raw or semi-finished materials are fabricated or those using or storing raw materials for primary production or extractive operations such as mining sites.
Public/Semi-Public	<p>Public uses are land and facilities that are publicly operated and available for use by the public. Examples include schools, government buildings, parks, correctional facilities, hospitals, , and marinas.</p> <p>Semi-public uses are land and facilities which may be privately owned or operated but used by the public or a limited number of persons. Examples include churches, cemeteries, and private clubs.</p>
Transportation Utilities and Rights-of-Way	Category includes developed and undeveloped road rights-of-way, airport, sewer and water utilities.
Vacant and Other Land and	Vacant and other land are undeveloped lands which includes forest land, wetlands, and barren lands.

Table 8.2 details the distribution of each land use type by total acres, as well as the percent of total acreage and percent of developed acreage which is occupied by that land use type. A discussion of the existing land use pattern follows.

Table 8.2 Existing Land Use 2014 City of Boyne City			
Land Use	Total Acres	Percent of Total Acreage	Percent of Developed Acreage
Single/Two Family Residential	756	29.8	43.9
Multiple-Family/Group Residential	75	2.9	4.4
Mobile Home Park	21	0.8	1.2
Downtown Core	25	0.9	1.4
Commercial	44	1.7	2.6
Industrial	129	5.1	7.5
Public/Semi-Public/Institutional	294	11.7	17.1
Transportation/Utilities/ R.O.W.	375	14.8	21.9
Vacant & Other Lands	817	32.3	NA
Total	2536	100.0	NA

Residential Land Use

Land used for Single and Two-family dwellings occupy approximately 756 acres of land and account for 43.9 percent of the total developed land area in the City. In addition to privately owned residences, a government sponsored project of single-family detached units catering to low-income families exists in the vicinity of Wenonah Street. Along with an additional ten units scattered throughout the City, these units are owned by the Boyne City Housing Commission, have been well maintained, and are consistently occupied.

The vast majority of the City’s single-family dwellings are constructed on lots platted in the early 1900’s. Diversity characterizes these structures in terms of architectural styles and materials, size, number of stories, and structural condition. Additional residences are located outside of platted subdivisions and are usually situated on large lots.

Increased demand for single-family homes during recent years has resulted in infill development throughout the community and new subdivisions of limited size. New homes constructed in older areas have helped to upgrade neighborhoods showing signs of decline. New subdivisions in the City’s southwest and southeast sections have served to upgrade the community as a whole.

Two-family dwellings occupy five acres of land within the City. This represents less than one percent of the total developed land area. Two-family dwellings may be originally constructed as such or may occupy a converted single-family structure. Most two-family dwelling units in Boyne

City occupy converted structures and are interspersed within the City's single-family residential neighborhoods.

Multiple-family/Group Residential development occupies about 75 acres, 4.4 percent of the City's total developed acreage. This category includes condominiums such as Harborage Condominiums and the Landings and apartment developments such as Park View and Lake View apartments. Many of these multiple-family projects, like the Landings and the Harborage, cater to seasonal residents. and group and elderly housing developments such as Deer Meadows and The Brook.

Lakeview Village is the City's only mobile home park. It is situated on approximately 21 acres on the east side of North Lake Street, just north of the central business district. Lakeview Village contains 152 units. As with condominium developments, the demand for additional manufactured homes is also likely to increase as persons seek housing alternatives that are less expensive than conventional homes.

Downtown Core

Approximately 25 acres of Boyne City is occupied by commercial, office and limited residential uses that make up the Downtown Core. These uses, together, account for almost 1 percent of the developed land area. The Downtown Core, which encompasses areas around Water Street and Lake Street between North Street and Main Street, serves as the community's primary retail service and activity center. Its compactness, central location, and diversity of shops, services and restaurants have helped guarantee the area's long term viability and is the strength of this core area. Convenience, comparison, and specialty shopping goods may be purchased here. High quality and unique restaurants in the Downtown Core have proven to be important economic drivers for the community serving residents and tourists as well as being regional destination for neighboring communities.

Commercial

Outside of the Downtown Core, Commercial uses occupy approximately 44 acres of land and account for about 1.7 percent of the City's total developed land area. Most businesses are found within two locations.

A moderately sized shopping center is located at the northeast corner of North Lake and Vogel Streets. Consisting of a major grocery store and several smaller shops, this facility tends to satisfy neighborhood convenience needs. As evidenced by this shopping center, problems associated with access and on-site circulation can result which create an unsafe situation for motorists and pedestrians as well. Site improvement guidelines pertaining to commercial development can help avoid many of the problems apparent with past development.

Toward the community's southeast corner, along M-75 south, lies the City's other major commercial district. Developed in strip fashion, these businesses are largely highway oriented and do not compete directly with the City's downtown core. Some vacant land is available for expansion or for new developments of a similar type should the need arise.

Industrial Land Use

Industrial uses occupy about 129 acres of land and account for 7.5 percent of the total developed land area. Industrial development within Boyne City is primarily concentrated within

two areas of the City. During the early 1900's, industry (like lumbering and tanning) located on the banks of Lake Charlevoix due to their dependence on water. This precedent, plus the fact that large areas of lakefront property were zoned for industry, invited other industries to locate on the Lake as well. The second area of industrial growth has been along the south leg of M-75, near the City limits and the airport.

Land for industrial expansion and development is virtually nonexistent adjacent to the existing industrial facilities located on the waterfront. Although some vacant land is available near the companies located on M-75 south, new sites suitable for industrial development must be identified to help ensure that growth opportunities are not missed in the future.

Public/Semi-Public/Institutional

Public/semi-public/Institutional land uses occupy almost 294 acres of land and account for 17.1 percent of the total developed land area in the community. Of which over 175 acres is City owned and dedicated as park lands. These lands also school system, cemeteries, municipal buildings, library and churches.

Due to the characteristics and/or locational needs of public/semi-public uses, these uses are often scattered throughout a community. This is true of the public/semi-public uses located in Boyne City. There is, however, a noteworthy concentration of public/semi-public uses in the southeast section of the City. Located within an area generally bordered by Division Street/M-75 and Brockway Street are Boyne City Public Schools, several Charlevoix County agencies, and a cemetery. Other significant public/semi-public landholdings include:

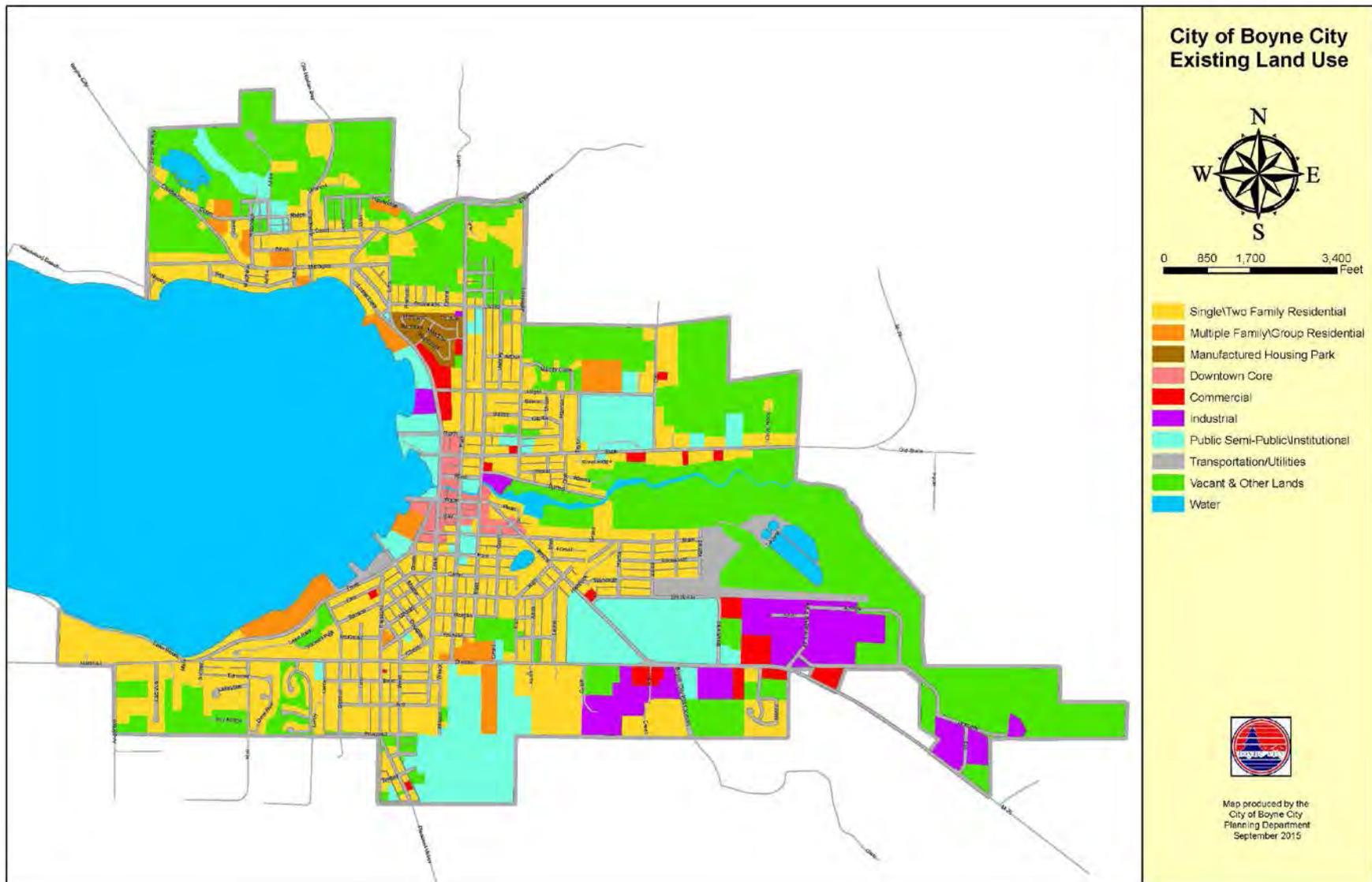
- The marina and associated facilities on the eastern shore of Lake Charlevoix;
- Rotary Park, an active recreation park located on the north side of M-75; and
- Avalanche Preserve, a passive recreation area located in the southern portion of the City.

Transportation, Utilities, Rights-of-Way and Vacant Other Lands

Almost 15 percent of total acreage of Boyne City is occupied by road rights-of-way or utilities and approximately 32 percent of the total land area in the City is comprised of vacant and other lands that remain undeveloped for the following reasons:

- Natural features (as indicated on the Natural Features, Soil Types, and Wetlands maps) are too constraining to allow development;
- Utility systems are absent; or
- There has been a lack of demand for land in these areas.

Figure 8-1



Appendices

Appendix A: Airport Overlay Zoning Compatible Land Uses

Appendix B: Plan Adoption Supporting Documentation

Appendix C: Resource/Reference List

Appendix A – Airport Overlay Zoning Compatible Land Uses

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 1 (See Special Note)	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> 1. 0-5 people/acre. 2. Airport sponsor should purchase property if possible. 3. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).
	Residential vs. Non-Residential Land Use	Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	<ol style="list-style-type: none"> 1. Create a height hazard overlay ordinance around the airport. 2. Airport sponsor should purchase property if possible. 3. Airport sponsor should obtain aviation and obstruction easements. 4. During the site development process, shift all structures away from the runway centerlines if possible. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Prohibit all Special Function Land Uses.	<ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

Special Note: Since the dimensions of Zone 1 correspond to the dimensions of the Runway Protection Zone (RPZ), those airports receiving federal grant dollars from the FAA's Airport Improvement Program, should strongly consider purchasing the RPZ or otherwise acquire rights to the property for the RPZ.

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 2	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p> <p>Special Function Land Use</p>	<p>Avoid land uses which concentrate people indoors or outdoors.</p> <p>Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.</p> <p>Prohibit all Special Function Land Uses.</p>	<ol style="list-style-type: none"> 1. 0-5 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots). <ol style="list-style-type: none"> 1. Create a height hazard overlay ordinance around the airport. 2. Obtain avigation and obstruction easements. 3. During site development process, shift all structures away from the runway centerlines if possible. 4. Prohibit mobile home parks. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use. <ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 3	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> 1. < 25 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).
	Residential vs. Non-Residential Land Use	Limit residential development to Low Density housing standards. All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.	<ol style="list-style-type: none"> 1. Create a height hazard overlay ordinance around the airport. 2. Obtain aviation and obstruction easements. 3. During site development process, shift all structures away from the runway centerlines if possible. 4. Prohibit mobile home parks. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Prohibit all Special Function Land Uses.	<ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies <i>*All aviation uses are acceptable</i>
Zone 4	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p>	<p>Limit population concentrations.</p> <p>Limit residential development to Low Density housing standards. All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.</p>	<p>1. < 40 people/acre in buildings, < 75 persons/acre outside buildings.</p> <p>1. Create a height hazard overlay ordinance around the airport.</p> <p>2. Obtain aviation easements.</p> <p>3. Clustered development to maintain density as long as open space remains unbuilt. Place clustered development away from extended runway centerline.</p> <p>4. Prohibit mobile home parks.</p> <p>5. Require downward shading of lighting to reduce glare.</p> <p>6. Evaluate all possible permitted conditional uses to assure compatible land use.</p>
	<p>Special Function Land Use</p>	<p>Prohibit all Special Function Land Uses.</p>	<p>1. Evaluate noise sensitive land uses in light of aircraft noise contour lines (if available) when establishing new zoning.</p> <p>2. Prohibit high overhead utilities and all noise sensitive land uses.</p> <p>3. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches.</p> <p>4. Limit storage of large quantities of hazardous or flammable material.</p> <p>5. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</p>

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 5	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p> <p>Special Function Land Use</p>	<p>Avoid land uses which concentrate people indoors or outdoors.</p> <p>Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.</p> <p>Prohibit all Special Function Land Uses.</p>	<p>1. 0-5 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).</p> <p>1. Airport sponsor should purchase property if possible. 2. Create a height hazard overlay ordinance around the airport. 3. Obtain aviation and obstruction easements. 4. During site development process, shift all structures away from the runway centerlines if possible. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.</p> <p>1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</p>

Appendix B – Plan Adoption Supporting Documentation

Comments Received from Charlevoix County Planning Commission and Staff



CHARLEVOIX COUNTY PLANNING DEPARTMENT

301 State Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

August 21, 2015

Scott McPherson
Planning Director
City of Boyne City
319 N. Lake St.
Boyne City, MI 49712

Scott,

At their meeting on August 6, 2015, the Charlevoix County Planning Commission reviewed the proposed Boyne City Master Plan Update. After reviewing and discussing the Master Plan and the GIS & Planning Department Staff Review, the Commission took the following action:

MOTION by Dennis Jason, seconded by Larry Levensgood, to recommend approval of the Boyne City Master Plan Update, and to send the GIS & Planning Department Staff Review as well as the suggestion to change the designation of the parcel across from Family Fare to Community Recreation on the future land use map, to the City of Boyne City for their consideration. Voice vote: all in favor. Motion passed.

Please refer to the enclosed draft minutes of the Commission meeting and the GIS & Planning Department Staff Review for further details. If you have any questions, please give me a call at 547-7234.

Sincerely,

Kiersten Stark
Planning Coordinator



**CHARLEVOIX COUNTY
PLANNING COMMISSION**

301 State Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

**DRAFT
Meeting Minutes
August 6, 2015**

I. Call to Order

Chairman Jason called the meeting to order at 7:00 pm in the Commissioners’ Room at the Charlevoix County Building.

Members present: Dennis Jason, Bob Draves, Bob Tidmore, Larry Levensgood, Michael Buttigieg, Patrick Howard, and Ron Van Zee

Members absent: None

Others present: Kiersten Stark (Planning Coordinator), Lora Manning (Administrative Technician), Ron Reinhardt (County Commissioner Liaison), and Elizabeth Calcutt (Regional Planner, Networks Northwest)

VI. Townships, Cities, MDEQ & Corp of Engineers Items

Boyne City Master Plan Update

Kiersten reviewed the GIS & Planning Department Staff Review on the proposed Boyne City Master Plan Update. Kiersten said she compared the planned future land uses along the shared border with neighboring municipalities and found no issues of real concern. There were also no issues in comparison to the County Future Land Use Plan. Kiersten said she liked the overall layout of the plan. Great use of color and graphics. Regarding the future land use map, Kiersten said it was difficult to differentiate between some of the colors on the printed version of the map, however the colors were easy to distinguish on the digital version. Also on the future land use map, Jason thought the City may want to change the designation of the land across from Family Fare from Marina to Community Recreation, considering the current plans for this parcel.

MOTION by Dennis Jason, seconded by Larry Levensgood, to recommend approval of the Boyne City Master Plan Update, and to send the GIS & Planning Department Staff Review as well as the suggestion to change the designation of the parcel across from Family Fare to Community Recreation on the future land use map, to the City of Boyne City for their consideration. Voice vote: all in favor. Motion passed.



**CHARLEVOIX COUNTY
GIS & PLANNING DEPARTMENT**

301 State Street
Charlevoix, Michigan 49720
(231) 237-0113 / (231) 547-7234
kellyb@charlevoixcounty.org / starkk2@charlevoixcounty.org

Staff Review
Boyne City Master Plan Update 2015

The City of Boyne City is proposing to update their Master Plan. Boyne City is located at the east end of Lake Charlevoix and is bordered by *Evangeline Township* to the northwest/north/northeast/east, *Melrose Township* to the east, *Boyne Valley Township* to the east/southeast, *Wilson Township* to the southeast/south, and *Eveline Township* to the southwest.

Comparison to Evangeline Township Land Use Plan

The following table compares the *proposed* future land uses in the City of Boyne City with the *planned* future land uses in Evangeline Township along the shared border.

Boyne City	Evangeline Township
Community Recreation	Waterfront Residential
	Public Preserve
	Forest / Agricultural Conservation / Rural Residential
Neighborhood Residential	Waterfront Residential
	Public Preserve
Residential Open Space	Public Preserve
	Low Density Residential
	Forest / Agricultural Conservation / Rural Residential
Community Services	Forest / Agricultural Conservation / Rural Residential
Large Lot Residential	Forest / Agricultural Conservation / Rural Residential
	Low Density Residential

I don't foresee any potential conflicts between the proposed future land uses in the City of Boyne City and the planned future land uses in Evangeline Township along the shared border.

For County PC review on August 6, 2015

1

Comparison to Melrose Township Proposed Master Plan Update

The following table compares the *proposed* future land uses in the City of Boyne City with the *proposed* future land uses in Melrose Township along the shared border.

Boyne City	Melrose Township
Community Recreation	Farm-Forest
Industrial	

I don't foresee any potential conflicts between the proposed future land uses in the City of Boyne City and the proposed future land uses in Melrose Township along the shared border.

Comparison to Boyne Valley Township Proposed New Master Plan

The following table compares the *proposed* future land uses in the City of Boyne City with the *proposed* future land uses in Boyne Valley Township along the shared border.

Boyne City	Boyne Valley Township
Industrial	Commercial
	Medium Density Residential
	Industrial
Community Recreation	Low Density Residential

Along the shared border, Boyne City's Air/Industrial Park is adjacent to a Medium Density Residential area in Boyne Valley Township. However, these two areas are separated by M-75 and factoring in the distance between existing structures (industrial buildings and homes), I don't foresee any land use conflicts at this point in time. Nor do I see potential land use conflicts along the remainder of the shared border between the City of Boyne City and Boyne Valley Township.

Comparison to Wilson Township Master Plan

The following table compares the *proposed* future land uses in the City of Boyne City with the *planned* future land uses in Wilson Township along the shared border.

Boyne City	Wilson Township
Industrial	Commercial/Industrial
General Commercial	
Residential Open Space	
Residential Open Space	Agricultural/Rural Residential

For County PC review on August 6, 2015

2

Multiple Family	Public/Semi-Public
Residential Open Space	
Community Recreation	
Large Lot Residential	
Large Lot Residential	Residential
Neighborhood Residential	
Residential Open Space	
Community Recreation	

I don't foresee any potential conflicts between the proposed future land uses in the City of Boyne City and the planned future land uses in Wilson Township along the shared border.

Comparison to Eveline Township Comprehensive Plan

The following table compares the *proposed* future land uses in the City of Boyne City with the *planned* future land uses in Eveline Township along the shared border.

Boyne City	Eveline Township
Neighborhood Residential	Lakefront Residential

I don't foresee any potential conflicts between the proposed future land uses in the City of Boyne City and the planned future land uses in Eveline Township along the shared border.

General Comments

- Well organized, especially with the Goals and Objectives and Future Land Use Plan in the first section, and the background and supporting information in the second section
- Future Land Use Map – in print (hardcopy), it's hard to distinguish the difference between some of the colors in the legend; in digital form, it's much easier to read
- Great photos, layout, and use of color throughout the plan; a good balance between text and graphics/illustrations
- Easy to read; straightforward
- Very thorough plan
- Encompasses the *entire* community; has a broad perspective
- Good idea to include a description of community planning in general at the beginning, for anyone who is not familiar with the planning process

Prepared by:
 Kiersten Stark
 Planning Coordinator

For County PC review on August 6, 2015

Master Plan Public Hearing Notice

Public Hearing Notice as published in the Petoskey News-Review on September 3, 2015. The same notice was also published in the Boyne City Gazette on September 9, 2015.

2015 PUBLIC NOTICES
CITY OF BOYNE CITY
PUBLIC HEARING
MASTER PLAN

The City of Boyne City Planning Commission will hold a public hearing on Monday, September 21, 2015 beginning at 5:00pm in the auditorium at City Hall at 319 N. Lake St. Boyne City, to accept comments on the proposed City of Boyne City Master Plan 2015.

The distribution draft of Master Plan 2015 is available on-line at www.cityofboynecity.com as part of the Master Plan and Studies section under the Government tab. Hard copies can be viewed at the Boyne City offices during regular business hours. For additional information, contact Boyne City Planning Director, Scott McPherson, at smcpherson@boynecity.com or at 582-0343. Written comments may be submitted in advance of the public hearing to: Boyne City Planning Director Scott McPherson, via e-mail or at 319 N. Lake St, Boyne City, MI 49712.

(L-9/3)

Planning Commission Minutes Excerpt regarding Public Hearing and Adoption- September 21, 2015

	Approved: October 22, 2015	
Meeting of September 21, 2015	Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, September 21, 2015 at 5:00 pm.	
Call to Order	Chair MacKenzie called the meeting to order at 5:00 p.m.	
Roll Call	Present: George Ellwanger, Chris Frasz, Jim Kozlowski, Jane MacKenzie, Tom Neidhamer and Joe St. Dennis Absent: Jason Biskner and Aaron Place (arrived at 5:07 pm) Vacancy: One	
Excused Absence(s)	2015-9-21-02 Ellwanger moved, Frasz seconded, PASSED UNANIMOUSLY, a motion to excuse the absence of Jason Biskner	
**MOTION		
Meeting Attendance	City Officials/Staff: Planning and Zoning Administrator Scott McPherson, Assistant Planning and Zoning Administrator Patrick Kilkenny, City Manager Michael Cain and Recording Secretary Pat Haver Public Present: 6 including Consultant Mary Campbell from M.C. Planning & Design	
Consent Agenda	2015-9-21-03 St. Dennis moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda; approval of the Planning Commission minutes from August 17, 2015 as corrected.	
**MOTION		
Citizen comments on Non-Agenda Items	None	
Reports of Officers, Boards and Standing Committees	Boyne On The Water is still taking citizen comments with a deadline of October 6, 2015; the program information is available to look at in city hall, and is also available on the city's website.	
Unfinished Business	None	
New Business	Planning Director McPherson reviewed his staff report that was included in the agenda packet. The master plan mandatory review period has come and gone, and we did receive feedback and comments which some have been incorporated into the plan. Designation of Open Space to Community Recreational has been changed. In the goals section, under each portion responsible party and time line has been inserted in reaction to input from MEDC and RRC for their certification process; incorporating into our master plan meets the requirements for these certifications. The 2010 family median income from ACS's information is suspect and because of this the city lost it's low to moderate income status. These figures are gathered every 5 years or so, however still feel are incorrect. Mary Campbell from M.C. Planning & Design - These minor changes can be made even with the plan having been out for public review. I would open the public hearing and ask for comment from the audience.	
Master Plan Public Hearing Recommendation for Adoption	Public Hearing opened at 5:08 pm	
Boyne City Planning Commission	1	September 21, 2015

Laura Sansom - I feel it is good, all in all. Minor details still bother me; how has the age group shifted to an older bracket, the education bracket and poverty level have gone up? How is this true, the information just doesn't seem to add up.

McPherson - Master plans typically rely on census data; and the data that has replaced this is from ACS, which is used by the state and other organizations.

John McCahan - In looking over the new plan versus the old one, in Chapter 2 of the old plan, it mentions noise with the next two pages mentioning quality of life. No where in the new plan is noise mentioned and how that can impact your quality of life; and I feel that it should be mentioned in Chapter 2 of this new plan also.

Campbell - Quality of life is woven throughout Chapter 2, however, not specifically spelled out. **MacKenzie** - it is also stated several times throughout the plan.

With no further comments, the public hearing was closed at 5:14 pm

Board discussion

The board felt the plan was well written; however, did have concerns about the perceived negativity of calling out industry as the only "up and down" heavy user of the sewer system, when there are several other user groups and times that would account for the highs and lows of the system. So will be changing this phrase to large volume user. The board also struggled with the census data as discussed earlier, however, was informed that the city is moving forward with an in-house poverty level study for possible certification. This plan is the foundation for the zoning ordinance and is a resource document used by developers and other agencies and to support future grant opportunities. It is a document that should be reviewed annually, and adjustments can be made as it becomes necessary. Chair MacKenzie read a resolution recommending approval as proposed. After board discussion, **motion by Ellwanger, seconded by Place** to adopt the resolution and recommend approval of the Master Plan 2015 update as presented to the City Commission.

****MOTION**

Public comment requested again. Audience members again brought up the current noise ordinance. It addresses 90% of the police department complaints; there is not an ordinance that will address 100% of the complaints. As a stand alone, police power ordinance, it takes into consideration the residential noises; however, the Industrial/Commercial District noises it is not as effective.

McCahan - It is because of me that the old ordinance was considered vague and unenforceable and the city was without anything for 5 years. The city chose to enforce and model their new ordinance after the City of Mason, and I feel it is also vague because it does not contain decibel levels, and if challenged would not hold up in court either. For the industrial and commercial noises, I feel it is worse than anything we had before, and without decibel levels as the deciding factor, we have nothing effective to work with.

The next step in the process is to submit the resolution and recommendation of adoption to the City Commission for their meeting on October 13th at 7:00 pm

2015-9-21-7A

Roll Call:

Aye: Ellwanger, Frasz, Kozlowski, MacKenzie, Neidhamer, Place and St. Dennis

Nay: None

Absent: Biskner

Vacancy: One

Motion Carries

Planning Commission Resolution of Adoption



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City of Boyne City
Founded 1856

City of Boyne City
319 North Lake Street
Boyne City, MI 49712

Boyne City Planning Commission

Resolution No. 2015-9-21-7A of 2015

WHEREAS, the Boyne City Planning Commission desires to adopt a master plan update and has made the necessary inquiries, investigations and surveys of the appropriate resources of the city; and

WHEREAS, the master plan update 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 city and its suitability for particular uses judged in terms of such factors as the trend in land and population development; and

WHEREAS, the Boyne City 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 September 21, 2015, following distribution of the draft plan to the planning commissions of the adjacent Townships, Charlevoix County as well as Boyne City Public Schools and utility companies serving the City.

NOW, THEREFORE, BE IT RESOLVED, that the City of Boyne City Planning Commission hereby adopts the City of Boyne City Master Plan – 2015 Update, with all the associated maps; and recommends this plan to the Boyne City Commission for adoption.

YEAS: Ellwanger, Frasz, Kozlowski, MacKenzie, Neidhamer, Place and St. Dennis
NAYS: None
ABSENT: Biskner

RESOLUTION DECLARED ADOPTED.

I certify that the foregoing resolution was adopted by the Boyne City Planning Commission at its meeting on September 21, 2015.

Jane MacKenzie, Chair
Boyne City Planning Commission
September 21, 2015

An Equal Opportunity Provider and Employer
Hometown Feel, Small Town Appeal

City Commission Minutes Excerpt regarding Master Plan Adoption – October 13, 2015

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- start Thursday, it should take two weeks, weather permitting
- First valve turning program begins November 2
- Archery tournament that took place at Avalanche Park on September 24 was a great success
- The City is now accepting credit card payments for some transactions with more coming soon
- Monday started fall leaf pickup, that will continue on Mondays and Fridays through November 9
- The marina closes October 15 for the season
- Work bee at the community playground to remove contaminated wood chips is this Saturday at 9 a.m. We are waiting for the results on new samples of the surface structure and would like to retreat it this fall with sealant and reevaluate it in the spring
- Final Boyne on the Water meeting is November 17 at St. Matthews Parish Hall at 5:30 p.m.
- Chamber of Commerce State of Community program at the Boyne Mountain Civic Center on Thursday at noon

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Draft Minutes of the September 01, 2015 Airport Board Meeting; the September 03, 2015 Main Street Board Meeting; the September 09, 2015 Parks and Recreation Board Meeting; the September 14, 2015 Economic Development Corporation Board Meeting; the September 14, 2015 Local Development Finance Authority Board Meeting; the September 21, 2015 Planning Commission Meeting; and the September 21, 2015 Historical Commission Meeting were received and filed.

Public Hearing for the Boyne City Master Plan

Planning Director Scott McPherson discussed the Master Plan and said they contracted with Mary Campbell about a year ago to help develop goals and objectives. The draft plan was submitted to the commission at the beginning of this past summer. It was also distributed to the surrounding municipalities and counties. The County did have some comments and there were minor changes made. The required Public Hearing was held by the Planning Commission last month and received additional public input. The Commission adopted the resolution and the final step of the process is to come to the City Commission. This will be the final requirement for the RRC certification.

Mayor Grunch opened the Public Hearing at 7:12 p.m.

Mary Campbell spoke about the goals, objectives, noise and quality of life being addressed. Things were updated as needed.

Staff Comments: None

Citizens Comments: John McCahan spoke about the 2007 Master Plan and how it addressed quality of life and noise. John was disappointed that noise was not addressed in the new master plan. In John's opinion the new noise ordinance is very vague.

Board Discussion: Commissioner Sansom had some questions and suggestions for the plan. Commissioner Neidhamer feels it is a good working document and accomplishes what we need to do. Mayor Pro-Tem Towne is in support. Commissioner Gaylord appreciates all the work put in so far and supports it. Mayor Grunch said as a redevelopment ready community and the way grants work with such short time lines, having

money invested in these tools allows us to be ready when writing grants. It is a valuable tool and is in support.

Mayor Grunch closed the Public Hearing at 7:30 p.m.

MOTION

2015-10-126
 Moved by Neidhamer
 Second by Towne

To pass a resolution of adoption of the City of Boyne City Master Plan

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Revised ACD Antenna Package

City Manager Michael Cain said last year we received a proposal from ACD with regards to placing antennas (they called poles) at five locations around the City. The locations were unacceptable and the Commission directed him to take whatever steps necessary to oppose them. City Manager Michael Cain and Attorney Mike Watzka had multiple discussions with ACD and they came back with alternate locations that were found to be acceptable. Included in the agenda packet was a draft DAS (Distributed Antenna System)/Small Cell License Agreement and a draft Right-of-Way telecommunications Permit for DAS/Small Cell System for the Commissions consideration. These were provided to ACD as well. With the revised locations, the local choice of wood or steel at the antenna locations, their proposed purchase, installation and donation of decorative poles that will tie into our downtown streetscape theme for replacement of the existing pole that hold up the traffic signal at Water and Lake Street. With an agreement that better meets our needs and a reoccurring source of revenue for the use of the City's right ways, City Manager Michael Cain feels more comfortable recommending that we proceed with this project. Once completed, this should improve cellular and data services to customers in Boyne City. Feedback was received yesterday from ACD in response to Attorney Mike Watzka's proposal. There will be a one time payment in the amount of \$30,000 for upgraded infrastructure, landscape and possibly legal engineering or permitting costs if necessary along with reoccurring monthly payments. City Manager Michael Cain and Attorney Mike Watzka reviewed the ACD response and they didn't see anything that would stop them from moving forward.

Staff Comments: None

Citizens Comments: Chris Christensen asked about locations and sizes of the antennas by Lynda's Real Estate. He also expressed concerns with resident's view of the lake.

Chris Frasz echoes Mr. Christensen's comments; he owns the building adjacent to Lynda's Real Estate and is concerned that the owners would be negatively affected.

Board Discussion: Commissioner Gaylord had some concerns while looking out for citizens in Boyne City, after clarification he was in support. Mayor Pro-Tem Towne believes this plan is better than the first plan and is okay to move forward. Commissioner Neidhamer and Commissioner

City Commission Resolution of Adoption



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City of Boyne City
Founded 1856

RESOLUTION 2015-10-126

City of Boyne City Master Plan - 2015 Update Approval

At a regular meeting of the City Commission of Boyne City, Charlevoix County, Michigan, held at the Boyne City Hall on the 13th day of October 2015 at 7pm.

Present: Gaylord, Grunch, Neidhamer, Sansom, Towne

Absent:

The following resolution was offered by Neidhamer and supported by Towne

WHEREAS, the Boyne City Planning Commission adopted the Boyne City Master Plan-2015 Update at its meeting on September 21, 2015, after deliberation of comments received at the properly noticed public hearing held on September 21, 2015 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, Charlevoix County as well as Boyne City Public Schools and utility companies serving the City; and

WHEREAS, the City Commission of Boyne City on June 23, 2015 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 Boyne City Board hereby approves the City of Boyne City Master Plan -2015 Update, including all associated charts and maps.

ADOPTED by roll-call vote as follows:

AYES: 5

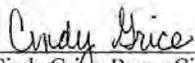
NAYS: 0

ABSENT: 0

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF CHARLEVOIX)

I, Cindy Grice, Clerk of Boyne City, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Boyne City Board at a meeting held on the 13th day of October 2015, 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.


Cindy Grice, Boyne City Clerk

An Equal Opportunity Provider and Employer
Hometown Feel, Small Town Appeal

Appendix C – Resource/Reference List

The following is a list of the primary sources consulted and utilized in the preparation of this Plan.

Social and Economic Data Sources:

1. American Community Survey estimates, US Census Bureau.
2. 2010 Census, US Census Bureau.

Natural Resource Data and GIS Data Sources:

1. Charlevoix County GIS and Planning Department
2. Charlevoix County Soil Survey
3. Michigan State Climatologist Office
4. Michigan Center for Geographic Information (digital data for mapping)
5. Natural Resource Conservation Service

Infrastructure Data Sources:

1. City of Boyne City departments & past studies
2. C2AE 2008 Boyne City Infrastructure Assessment
3. MDOT Airport Zoning Guidelines

Previous Plans prepared for Boyne City and General Sources:

1. City of Boyne City Master Plan (2007)- previous Master Plan
2. Trail Town Master Plan (2014)
3. Redevelopment Ready Community Assessment Report (2013)
4. SoBo Lakefront (2013)
5. DDA Development Plan and Tax Increment Finance Plan-Amended and Reinstated, (2010)
6. Cultural Economic Development Plan (2009)
7. Boyne City Waterfront Master Plan (2006)
8. Boyne City Marina Master Plan (2005)
9. Results of previous City-wide Goal Setting sessions
10. Summary of Goal Setting Survey findings (2014)
11. Public Input sessions during Master Plan update process

1811 4 Mile Road NE
Grand Rapids, MI 49525
phone 616.361.2664
fax 616.361.1493
progressiveae.com

October 26, 2016

Ted Macksey
Northern Michigan Premier Properties
44 N. Lake Street
Boyer City, MI 49712

Re: Jefferson Street Residential Development
Rezoning Trip Generation Comparison

Dear Mr. Macksey:

Progressive AE has completed the requested traffic analysis regarding the proposed residential development in Boyer City, Michigan. The following sections outline the tasks and resulting findings drawn from the analysis.

INTRODUCTION

The site in question is 30 acres in size and is located on the east side of Jefferson Street just north of Vogel Street in the northeast portion of the city. It is our understanding that the site is currently zoned as rural estate district which would essentially call for the development of single family homes. The proposed development is requesting rezoning to multi-family residential district for the purposes of developing alternative forms of housing allowed under the ordinance.

As part of a typical rezoning review process, the city has requested information be provided that compares the amount of potential traffic that could be generated by development under current zoning versus what could be generated under the requested zoning.



ANALYSES

The information you provided included educated assumptions regarding the maximum number of units of each type that could be developed under both zoning scenarios versus a more realistic number of units. For this study, it was assumed that under current zoning up to 120 single-family units could be developed within the site. Under the rezoned scenario, it was assumed that at the high end up to a maximum of 300 units could be developed.

Trip Generation

Trip Generation, Ninth Edition, by the Institute of Transportation Engineers (ITE) was used to calculate the projected traffic that may be generated by the maximum levels of development in each zoning scenario. Trips are measured individually for inbound and outbound movements. Therefore, an outing

from the development by a resident or visitor generates two trips, one outbound and one inbound. Trip generation analyses typically focus on morning and afternoon peak hours as those periods are often the most impactful to the adjacent street system when it is often experiencing its heaviest traffic volumes. In this case projected daily trips were also included for comparison.

As shown in Table 1, under existing zoning the site could generate as much as 94 morning trips and 124 afternoon trips during peak hours. Under the proposed rezoning, the site could generate as much as 151 morning and 183 afternoon peak-hour trips.

Table 1 - Projected Peak-Hour and Daily Trip Generation Comparison

Projected Land Use	ITE Code	Size	AM		PM		Daily
			In	Out	In	Out	
Existing Zoning (single-family)							
Maximum	210	120 units	24	70	78	46	1,241
Proposed Zoning (multi-family)							
Maximum	220	300 units	30	121	119	64	1,941

Related Discussion Items

First, we should note that the trip generation projections noted in Table 1 are based upon hundreds of surveys of like developments, most of which are taken in typical suburban and urban areas of various community sizes around the nation. What they don't reflect much is the type of housing use that is more prevalent in recreational areas such as Boyne City, where it is our understanding that there are an increasing number of homes/residential units that are being used as seasonal or second homes. As such, the projections noted above are likely significantly higher than what actual conditions will be in two ways;

- Seasonal use means that a number of the homes/units will not be used for significant portions of the year; and
- Seasonal users do not typically follow standard weekday morning (between 7 am–9 am) or afternoon (between 4 pm–6 pm) peak-hour patterns as they are not completing daily work-based trips.

Second, a typical paved two-lane roadway has a carrying capacity of between 10,000 to 12,000 vehicles a day before it starts to degrade in efficiency. In terms of a normal peak hour, such non-urban streets like Jefferson Street and Vogel Street could efficiently carry 900 to 1,100 vehicles during any one peak hour. That means that even if the projected maximum 183 afternoon peak-hour trips noted in Table 1 were all using Jefferson Street for example, the development's traffic would only utilize approximately 16% to 20% of that street's peak-hour capacity. Further, since site traffic will likely be dispersed between two or more streets fairly quickly (Jefferson, Vogel, and subsequently others), the actual percent of any one street's capacity that will be used will be significantly lower than the percentage noted above. Therefore, although a specific impact study has not been completed, based upon expected current use of these two streets, it is highly likely that such streets will still be well under capacity regardless of how the 30-acre site in question is developed.

Please let me know if you or others have any questions or comments regarding the information summarized in this trip generation comparison letter.

Sincerely,

Progressive AE



Peter C. LaMourie, PE, PTOE
Lead Transportation Engineer

PCL:smg

P:\8075000\WIP DOCUMENTS\Reports\2016 10 26 NMPP Jefferson traffic final summary letter.docx



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PRELIMINARY GEOTECHNICAL REPORT

Boyne City Residential Development

May 2016

Prepared for:

Northern Michigan Premier Properties
44 North Lake Street
Boyne City, Michigan 49712

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- 1.2 Project Description and Scope

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- 3.2 Surface Conditions
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- General Notes and Drilling Procedures
- Boring Log Notes and NDG Soil Classifications
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1.0 INTRODUCTION

1.1 General

This report summarizes Northwest Design Group's (NDG's) preliminary geotechnical investigation for Northern Michigan Premier Properties' proposed new residential development in Boyne City. The purpose of this geotechnical study was to investigate subsurface conditions at the site, determine feasibility, and provide preliminary geotechnical design and construction recommendations for the proposed project. Our services were authorized by our agreement dated April 4, 2016.

1.2 Project Description and Scope

The project includes a subdivision development consisting of single family dwellings located at Jefferson Street and Maddy Lane in Boyne City, Michigan, as illustrated below on Figure 1. The proposed single-family residences are anticipated to be supported on conventional shallow foundations with slab-on-grade floors or crawlspaces.

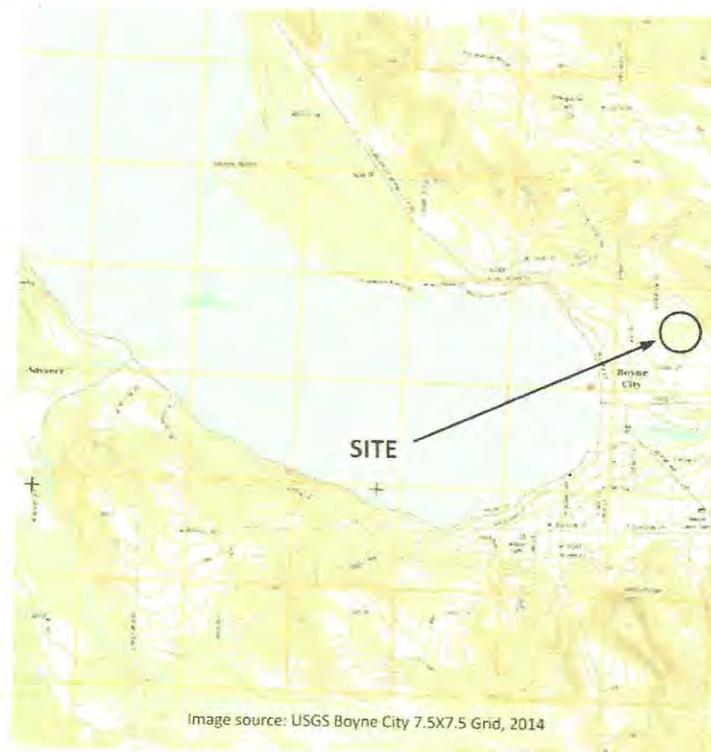


Figure 1 – Vicinity Map

The purpose of our investigation was to provide subsurface information and earthwork, foundation, slab, and pavement recommendations for the improvements.

NDG's scope of work, as described in our agreement, included:

- Field explorations: Sampling, and logging several test pits (excavation by others);
- Laboratory testing: Performing geotechnical laboratory testing, as warranted by soil conditions;

from the development by a resident or visitor generates two trips, one outbound and one inbound. Trip generation analyses typically focus on morning and afternoon peak hours as those periods are often the most impactful to the adjacent street system when it is often experiencing its heaviest traffic volumes. In this case projected daily trips were also included for comparison.

As shown in Table 1, under existing zoning the site could generate as much as 94 morning trips and 124 afternoon trips during peak hours. Under the proposed rezoning, the site could generate as much as 151 morning and 183 afternoon peak-hour trips.

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Maximum	220	300 units	30	121	119	64	1,941

Related Discussion Items

First, we should note that the trip generation projections noted in Table 1 are based upon hundreds of surveys of like developments, most of which are taken in typical suburban and urban areas of various community sizes around the nation. What they don't reflect much is the type of housing use that is more prevalent in recreational areas such as Boyne City, where it is our understanding that there are an increasing number of homes/residential units that are being used as seasonal or second homes. As such, the projections noted above are likely significantly higher than what actual conditions will be in two ways;

- Seasonal use means that a number of the homes/units will not be used for significant portions of the year; and
- Seasonal users do not typically follow standard weekday morning (between 7 am–9 am) or afternoon (between 4 pm–6 pm) peak-hour patterns as they are not completing daily work-based trips.

Second, a typical paved two-lane roadway has a carrying capacity of between 10,000 to 12,000 vehicles a day before it starts to degrade in efficiency. In terms of a normal peak hour, such non-urban streets like Jefferson Street and Vogel Street could efficiently carry 900 to 1,100 vehicles during any one peak hour. That means that even if the projected maximum 183 afternoon peak-hour trips noted in Table 1 were all using Jefferson Street for example, the development's traffic would only utilize approximately 16% to 20% of that street's peak-hour capacity. Further, since site traffic will likely be dispersed between two or more streets fairly quickly (Jefferson, Vogel, and subsequently others), the actual percent of any one street's capacity that will be used will be significantly lower than the percentage noted above. Therefore, although a specific impact study has not been completed, based upon expected current use of these two streets, it is highly likely that such streets will still be well under capacity regardless of how the 30-acre site in question is developed.

Please let me know if you or others have any questions or comments regarding the information summarized in this trip generation comparison letter.

Sincerely,

Progressive AE



Peter C. LaMourie, PE, PTOE
Lead Transportation Engineer

PCL:smg

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- Engineering analyses: Completing analyses as required to develop recommendations for foundations, slabs, earthwork, and pavements;
- Report: Providing the results of our study in a preliminary geotechnical report, including geotechnical recommendations for design and construction.

2.0 METHODOLOGY

2.1 Field Investigations

Subsurface conditions were explored at the site on April 22, 2016 by digging five test pits with depths ranging from 7 feet to 9.5 feet. Boring locations were chosen by the client at various locations throughout the site.

The test pits were excavated using a backhoe. During excavation, representative samples of prominent soil strata were collected and dynamic cone penetrometer tests (DCPT) were performed at incremental depths. The DCPT involves driving a 1½-inch, 45-degree cone-tipped rod into the soil using a 15-lb hammer freely falling 20 inches. The number of blows required to penetrate 1¾ inches is recorded and is roughly equivalent to the standard penetration test N-value (ASTM D1586), which provides an index of soil density, consistency, and strength. The borings were visually logged in the field by NDG geotechnical personnel. The resulting logs are included in Appendix A along with a legend describing NDG's soil classification system. A more complete description of field exploration procedures is included, as well.

Locations of the borings are illustrated on the exploration plan included as Figure 2 (see below), and were determined using site features as a physical reference and a handheld GPS system to determine coordinates. Elevations were interpolated relative to contour intervals from existing topo maps. Boring elevations are referenced to the ground surface at the time of drilling as located on the topographic survey by Ferguson & Chamberlain Associates, Inc., dated 12-22-03. Locations and elevations should not be construed to be more precise than the methods used to determine them.



Figure 2 – Exploration Plan

2.2 Laboratory Testing

Samples obtained from field investigation procedures were taken to the NDG laboratory for additional testing and verification of field classification. Based on the soils encountered, laboratory testing was not warranted.

3.0 SITE CONDITIONS

3.1 Geologic Setting and Existing Information

The site is located 2,700 feet east of the southeast end of the east arm of Lake Charlevoix. The site is located within the Michigan Basin, a broad depression in the underlying Precambrian basement rock, infilled with Paleozoic and Quaternary sediments. All of northern Michigan was overridden by glacial ice during Pleistocene time, most recently during the Wisconsinan Glaciation, approximately 10,000 to 13,500 years ago. The glaciers, several thousand feet thick, are responsible for most of the current topography and deposited significant amounts of sediment; either directly as glacial till, or via meltwater as outwash and glaciolacustrine deposits. Several iterations of the pre-modern Great Lakes contributed to development of topography and deposition. Past lake levels were influenced by the location of the ice front, outlet level, and crustal rebound.

The surficial geology of the area primarily includes glacial tills, which consist of a heterogeneous mixture of materials that were deposited by glacial ice, with areas of glacial outwash and post glacial alluvium or lacustrine soils according to the *Quaternary Geology of Michigan* (Farrand, 1982). According to the *Bedrock Geology of Michigan* (Wilson, 1987), the area is underlain by the middle-Devonian Traverse Group, consisting primarily of limestone.

The Natural Resource Conservation Service's *Web Soil Survey* (NRCS, 2016) indicates four surficial soil units occurring at the site. These units include "Au Gres sand", "Brevort loamy sand", "Kalkaska sand", and "Mancelona loamy sand". According to the Soil Survey of Emmet County, Michigan (USDA SCS, 1973), both "Au Gres sand" and "Brevort loamy sand" are poorly drained while "Kalkaska sand" and "Mancelona loamy sand" units are generally described as being well-drained. "Brevort loamy sand" possesses the least favorable characteristics in regard to building foundations. It is described as having medium to high compressibility, poor to fair shear strength and high corrosion potential for uncoated steel. The soil map indicates that this soil is located near the middle of the southern end of the parcel. The other units generally have slight compressibility and good shear strength, in regard to building foundations, as well as low corrosion potential for steel and concrete.

3.2 Surface Conditions

The site is located in a predominately residential area within the Boyne City city limits. The site generally slopes down toward the southwest edge of the property. The property is undeveloped and lightly wooded.

3.3 Subsurface Conditions

Subsurface conditions at the site are summarized below. Detailed descriptions of conditions encountered in the borings are included in the boring logs found in Appendix A.

The five test pits (TP01, TP02, TP03, TP04 and TP05) encountered varying conditions consisting primarily of sand (SP)¹, with fluctuating concentrations of silt and/or gravel for the full depths of the excavations. DCP blow counts ranged from 2 to 6 within the limits of the observed 9.5 feet, indicating relatively very loose to loose conditions. In general, all test pits were overlain with a 6 inch to 1 foot layer of topsoil. Sandy material in the upper 3 feet possessed a reddish brown coloration and traces of silt. Below roughly 3 feet, the sand became light brown with higher concentrations of gravel. Test pit TP03 encountered a substantial amount of gravel and coarse sand below 3.5 feet. Cobbles and boulders were also observed at approximately 6.5 feet. Test pit TP04 encountered a layer of soft silt at approximately 8 feet.

Groundwater seepage was encountered at approximately 2.0 feet, 3.0 feet, and 7.0 feet in test pits TP01, TP02 and TP04, respectively. Due to time and accessibility constraints, holes were backfilled immediately after logging and sampling, and before gradual seepage and ponding was able to indicate the static water level.

4.0 CONCLUSIONS AND RECOMMENDATIONS

4.1 General

Based on observed test pits, the site soils encountered appear to primarily consist of good granular material. The primary constraint of the project will be the groundwater table. This will govern the type of foundation construction (i.e. slab, crawlspace or basement) that could potentially be selected for each residence. Due to fluctuating topography, the depth to groundwater throughout the site varies and will need to be evaluated at the location of each proposed residence on a case by case basis.

4.2 Earthwork

The soils at the site will be able to be excavated with conventional excavation equipment and methods. We expect that excavations will encounter a substantial amount groundwater towards the western side of the property (TP01 and TP02), diminishing as the topography slopes upland toward the east. Dewatering is to be expected.

Prior to placing any structure, pavement, or fill, all topsoil, muck, vegetation, and rubbish should be removed. All roots greater than about ½-inch in diameter should be removed. In-place subgrade soils that will underlie structures or pavements should be inspected to identify any excessively soft or loose areas. These areas, defined as being significantly softer/looser than the conditions indicated on the boring logs, should be overexcavated and replaced with compacted granular fill.

The majority of observed on-site sand material is suitable for use as backfill. In general, where soils are classified as SP or SW, they will meet MDOT Class II requirements and be considered acceptable backfill material. Imported fill should meet Class II requirements. Where on-site soils are used for backfill, particles larger than 3 inches should be removed. Granular materials such as these will compact most readily with vibratory compaction equipment.

Backfill should be conditioned to near the optimum water content and compacted in lifts to at least 95% relative compaction. Lift thickness will depend upon the equipment and compaction pattern used, but generally should be less than about 8 to 12 inches. Maximum dry densities and optimum water contents

¹ Soil classification in accordance with the Unified Soil Classification System.

should be determined in accordance with ASTM D1557 (modified Proctor) or the Michigan Cone method (MDOT Density Control Manual).

In general, fill should not be placed on frozen soil, snow, ice, or standing water. Backfill around below-grade structures, including foundation walls, pipes, manholes, and catch basins, should be built up evenly to avoid unbalanced loads and not until the structure is structurally able to resist the loads. Frozen fill should not be used, as it may contain conglomerations of frozen particles which will tend to not compact.

4.3 Foundations and Slabs-on-Grade

The site soils are conducive to the use of conventional shallow footings for foundation support.

We recommend that foundation bearing pressures be limited to no more than 2,000 pounds per square foot. (This can be increased by one third for short-term transient loads.) Under this magnitude of loading, and for the anticipated total loads, total settlement will be less than about $\frac{3}{4}$ inch. We expect that differential settlement will be less than about half the total settlement.

To provide for frost protection, exterior footings should bear at least 3.5 feet below the adjacent exterior grade. Interior footings, protected from frost, should bear at least 12 inches below the adjacent finished floor elevation.

Slabs-on-grade can be placed on the compacted in-place sandy soils or compacted granular fill. We recommend that a vapor barrier (6-mil minimum plastic sheeting) be used below slabs where moisture is undesirable. A layer of sand placed over the vapor barrier prior to placing concrete will aid curing. We also recommend placement of a capillary break layer, generally drainstone material 6 inches thick, beneath the vapor barrier to further disperse moisture from the foundation subgrade due to silty foundation material.

For slabs placed on less than 1 foot of compacted fill, we recommend using a modulus of subgrade reaction value of 50 pci for structural design of the slab. Where over 1 foot of compacted granular fill underlies the slab, we suggest using a modulus of subgrade reaction of 150 pci. These design values are applicable for standard floor and garage slabs.

4.4 Pavements

We expect that surfacing for parking areas and drives will consist of hot-mix asphalt (HMA) pavement. We recommend using a California bearing ratio (CBR) value of 15 for pavement design, to account for the relatively loose nature of the surficial soils.

Considering garbage trucks, delivery trucks, other trucks, and passenger cars (estimated total of about 25,000 equivalent single axle loads over a 25-year design life), we recommend a minimum 2½ inches of MDOT 5E1 or LVSP HMA mixture overlying a 6-inch gravel base course meeting the requirements of MDOT 22A aggregate. The gravel base should be compacted to at least 98% of its maximum dry density. The base should be placed on a 12 inch thick clean sand subbase (MDOT Class II), compacted to 95%.

Final grades should be designed with proper surface water drainage in mind. Additionally, it should be noted that the performance of the pavement is dependent on proper maintenance practices over its lifetime, such as crack filling and repairing low areas where some pavement subsidence may have taken place. Water will collect in these areas, increasing the chances of the base course and subgrade becoming

excessively wet if water leak through the surface course. Good maintenance practices generally prolong the life of the pavement.

4.5 Construction Quality Control

Sufficient monitoring, testing, and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by our explorations and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Prior to placing foundations or fill, subgrade soils should be observed by a representative of this office for soft or loose areas by probing or proof rolling. Excessively soft or loose areas should be replaced with compacted granular material.

Backfill materials should be reviewed for suitability of use prior to placement. Compaction of fill and pavement materials should be verified based on the recommendations discussed in Sections 4.1 and 4.3.

Other construction materials tests should be performed to assure quality of concrete, HMA pavements, and other materials. Recommendations pertaining to these materials are outside of our scope of work for this project.

5.0 LIMITATIONS AND ADDITIONAL SERVICES

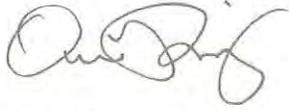
This report was prepared in accordance with generally accepted professional principals and practices in the field of geotechnical engineering. Our scope of services was limited to preliminary subsurface explorations and geotechnical recommendations for design and construction of the project, and did not include other analyses or recommendations, environmental assessments, or evaluation concerning the presence or absence of wetlands or hazardous substances. We recommend performing additional subsurface investigations once concept and locations are finalized.

This report was prepared to assist the design professional in the design of the referenced project and was based on our understanding of the project. If our understanding is incorrect or the project scope changes then NDG should be retained to re-evaluate.

The subsurface information should be provided as a reference to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of subsurface conditions. This report is based on subsurface conditions found at specific locations at a specific time. Subsurface conditions may vary at other locations and times. Should conditions revealed during construction differ from those anticipated we should be notified to re-evaluate our conclusions.

We appreciate the opportunity to be of service. If you have any questions concerning this report or require additional information, please do not hesitate to contact us.

Respectfully submitted,
NORTHWEST DESIGN GROUP, LLC



QUINN M. RIDLEY, E.I.T.
Civil/Geotechnical Engineer



NILS W. LINDWALL, P.E.
Geotechnical Section Manager

6.0 REFERENCES

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- Farrand, W. R. (1982). *Quaternary Geology of Michigan*; 1:500,000, 2 sheets.
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<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>, accessed 04/04/2016.
- USDA Soil Conservation Service (1973). *Soil Survey of Emmet County, Michigan*.
- Wilson, S. E. (1987). *Bedrock Geology of Michigan*; 1:500,000, 2 sheets.
- Ferguson & Chamberlain Associates, Inc. *Part of South 1/2 of Southeast 1/4 Section 26, T33N, R6W*.
12/22/03.

APPENDIX A
FIELD EXPLORATION PROGRAM

General Notes and Drilling Procedures

Geotechnical Drilling Field Procedures

NDG conducts subsurface explorations following generally accepted industry standard procedures and internally developed policies and procedures to obtain samples of subsurface soils and rock. The techniques employed to drill and sample subsurface strata may vary, depending upon field conditions. NDG utilizes a truck-mounted CME-55 drill rig, which is capable of drilling via continuous flight auger, hollow stem auger, rotary, and diamond bit rock coring methods. Samples are obtained via the standard penetration test (ASTM D1586), Shelby tubes (ASTM D1587), cuttings, and rock core barrels. NDG also uses a skid-mounted SIMCO Earthprobe 200 for direct push soil sampling. Direct push samples are obtained with 2-inch (with liners) or 1.5-inch O.D. samplers driven with a hydraulic percussion hammer. The drilling and sampling methods used are shown on the logs.

The drilling crew retrieves samples from the borehole (typically at 2.5- to 5-foot intervals), field classifies the samples, and places the samples in jars (or Shelby tubes, liners, etc.) to be returned to the laboratory. A general index of soils strength may be determined using pocket penetrometer (PP), Torvane (TV), or field vane shear (VS) apparatus. A field log of subsurface conditions is created during the drilling and sampling process. Interfaces between varying soil strata are logged by the drilling crew from observations during drilling and from the field crew's inspection of the samples. Because drilling work is not a perfectly exact process, and depending upon the frequency at which samples are collected, the soil interface lines shown on the logs are generally based primarily on the driller's/logger's judgment, and may not always be completely accurate. Samples are reviewed and the classifications verified in the laboratory. In some cases, laboratory work results in a final classification that is different from the field classification. Adjustments may be made when all the available data is considered and the engineer renders a final opinion. The final logs represent our final opinion as to the soil classification. Soils are classified in accordance with the Unified Soil Classification System (ASTM D2487/2488) as modified on the attached *Boring Log Legend and NDG Soil Classification* sheet.

Groundwater observations made during drilling may be influenced by the drilling procedure and water introduced to the borehole during drilling. For that reason, and depending upon the project, the driller may make an initial measurement of groundwater during drilling and subsequent measurements after some time has elapsed, and the groundwater has been allowed to stabilize. Water levels recorded during drilling do not necessarily represent normal or design conditions, so judgment and interpretation of these findings are often warranted. Piezometers may be installed to allow measurement of groundwater fluctuations. If installed, details of piezometer construction will be included in the report or on the logs, but generally consists of schedule 40 PVC. The lower section is slotted and backfilled with filter sand, while the upper portion is solid and sealed with bentonite chips. A cap prevents water and other items from entering the well.

Use of Logs and Report

The data and opinions expressed in boring logs and engineering reports are based on the field and laboratory work and the analyses performed for the specific client and project named thereon. The use of that information by others, or for other projects or purposes, is expressly prohibited and NDG is not responsible for any unauthorized reuse. Boring logs represent our opinion as to conditions only at the specific location of the boring.

Relative Density/Consistency versus SPT N-value

Cohesionless Soils		Cohesive Soils		
Density	N (blows/foot)	Consistency	N (blows/foot)	Qu (tsf)
Very Loose	0 to 4	Very Soft	0 to 2	< 0.25
Loose	4 to 10	Soft	2 to 4	0.25 to 0.50
Medium Dense	10 to 30	Medium Stiff	4 to 8	0.50 to 1.0
Dense	30 to 50	Stiff	8 to 15	1.0 to 2.0
Very Dense	50 or more	Very Stiff	15 to 30	2.0 to 4.0
		Hard	30 or more	4.0 or more

Soils are classified in accordance with the Unified Soil Classification System (USCS) per ASTM D2487 and 2488 and as defined on this sheet.

Sampling Method

- SS  Split Spoon, 2-in. O.D.
- ST  Shelby Tube, 2-in, unless noted otherwise
- AU  Auger Cuttings
- GB  Grab Sample
- DP  Direct Push, 2-in. or 1.5-in. O.D.
- RC  Rock Core, N-size, unless noted otherwise

Soil Structure

Structure	Description
Stratified	Alternating layers of varying material or color with layers at least 1/4 inch thick
Laminated	Alternating layers of varying material or color with layers less than 1/4 inch thick
Fissured	Breaks along definite planes of fracture with little resistance to fracturing
Slickensided	Fractured surfaces appear polished or glossy; sometimes striated
Blocky	Cohesive soil which can be broken down into small, angular lumps which resist further breakdown
Lensed	Contains lenses of different soils
Homogenous	Same color throughout; materials thoroughly mixed
Mottled	Intermixed, random combination of colors

Component Definitions

Term	Grain Size
Boulders	Greater than 12 inches (>30 cm)
Cobbles	3 to 12 inches (75 mm to 30 cm)
Coarse Gravel	3/4 to 3 inches (20 to 75 mm)
Fine Gravel	No. 4 sieve to 3/4 inch (5 to 20 mm)
Coarse Sand	No. 10 to No. 4 sieve (2 to 5 mm)
Medium Sand	No. 40 to No. 10 sieve (0.4 to 2 mm)
Fine Sand	No. 200 to No. 40 sieve (0.075 mm to 0.4 mm)
Silt and Clay	Passing No. 200 sieve (<0.075 mm)

UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D2487/2488)

MAJOR DIVISIONS		SYMBOLS		TYPICAL DESCRIPTIONS
		GRAPH	LETTER	
COARSE GRAINED SOILS	GRAVEL AND GRAVELLY SOILS		GW	WELL-GRADED GRAVEL
			GP	POORLY-GRADED GRAVEL
			GW-GM	WELL-GRADED GRAVEL WITH SILT
			GW-GC	WELL-GRADED GRAVEL WITH CLAY
			GP-GM	POORLY-GRADED GRAVEL WITH SILT
			GP-GC	POORLY-GRADED GRAVEL WITH CLAY
	SAND AND SANDY SOILS		GM	SILTY GRAVEL
			GC	CLAYEY GRAVEL
			SW	WELL-GRADED SAND
SAND AND SANDY SOILS		SP	POORLY-GRADED SAND	
		SW-SM	WELL-GRADED SAND WITH SILT	
		SW-SC	WELL-GRADED SAND WITH CLAY	
		SP-SM	POORLY-GRADED SAND WITH SILT	
		SP-SC	POORLY-GRADED SAND WITH CLAY	
		SM	SILTY SAND	
FINE GRAINED SOILS	SILTS AND CLAYS		SC	CLAYEY SAND
			ML	INORGANIC SILT WITH LOW PLASTICITY
			CL	LEAN INORGANIC CLAY WITH LOW PLASTICITY
			OL	ORGANIC SILT WITH LOW PLASTICITY
			MH	INORGANIC SILT WITH MODERATE TO HIGH PLASTICITY
			CH	FAT INORGANIC CLAY WITH MODERATE TO HIGH PLASTICITY
HIGHLY ORGANIC SOILS			OH	ORGANIC SILT OR CLAY WITH MODERATE TO HIGH PLASTICITY
			PT	PEAT SOILS WITH HIGH ORGANIC CONTENTS

Transition Symbols

-  Change in geologic unit not observed or gradual
-  Gradual change in soil type within geologic unit
-  Abrupt change in geologic unit observed
-  Abrupt change in soil unit observed

Soil Stratification

Strata	Description
Parting	Less than 1/16 inch thick
Seam	1/16 to 1/2 inch thick
Layer	1/2 to 12 inch thick
Lens	Discontinuous inclusion of different soil
Nodule	Particle-like agglomeration of material

Structure Frequency

Adjective	Frequency
Scattered	Less than one occurrence per foot
Numerous	More than one occurrence per foot

Component Proportions

Adjective	Content
Trace	Less than 5%
Few	5% to 25%

Moisture Content

Descriptor	Criteria
Dry	Absence of moisture, dry to the touch.
Moist	Damp but no visible water.
Wet	Visible free water, saturated.

NOTE: DUAL SYMBOLS ARE USED TO INDICATE BORDERLINE SOIL CLASSIFICATIONS



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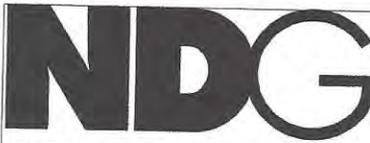
TEST PIT NUMBER TP01

PAGE 1 OF 1

CLIENT Northern Michigan Premier Properties PROJECT NAME Boyne City Development
 PROJECT NUMBER N3140.010 PROJECT LOCATION Boyne City, MI
 DATE STARTED 4/22/16 COMPLETED 4/22/16 GROUND ELEVATION 643 ft TEST PIT SIZE 3'x6'
 EXCAVATION CONTRACTOR _____ GROUND WATER LEVELS:
 EXCAVATION METHOD Test Pit ∇ AT TIME OF EXCAVATION 2.0 ft / Elev 641.0 ft
 LOGGED BY QMR CHECKED BY NWL AT END OF EXCAVATION —
 NOTES Latitude: 45.221944, Longitude: -85.007500 AFTER EXCAVATION —

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	▲ SPT N VALUE ▲						
								20	40	60	80			
0.0		1' TOPSOIL						PL	MC	LL				
2.5		Reddish brown, fine SAND (SP), trace silt - moist - loose [DCPT: 5, 5, 6] @ 1.5' becomes light brown, seepage encountered at 2' (presumed groundwater table)	GB 1	100										
5.0		[DCPT: 1, 2, 2] @ 5'												
7.5		[DCPT: 7, 4, 5] @ 9.5'												
		Bottom of test pit at 9.5 feet.												

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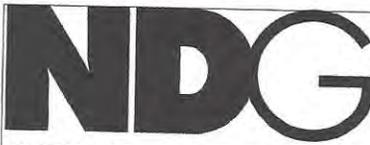
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TEST PIT NUMBER TP02

CLIENT Northern Michigan Premier Properties **PROJECT NAME** Boyne City Development
PROJECT NUMBER N3140.010 **PROJECT LOCATION** Boyne City, MI
DATE STARTED 4/22/16 **COMPLETED** 4/22/16 **GROUND ELEVATION** 644 ft **TEST PIT SIZE** 3'x6'
EXCAVATION CONTRACTOR _____ **GROUND WATER LEVELS:**
EXCAVATION METHOD Test Pit **AT TIME OF EXCAVATION** 3.0 ft / Elev 641.0 ft
LOGGED BY QMR **CHECKED BY** NWL **AT END OF EXCAVATION** —
NOTES Latitude: 45.222815, Longitude: -85.007319 **AFTER EXCAVATION** —

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	▲ SPT N VALUE ▲						
								20	40	60	80			
0.0		6" TOPSOIL												
2.5		Reddish brown, fine SAND (SP), trace silt - moist - loose [DCPT: 3, 3, 5] @ 2' seepage encountered at 3' (presumed groundwater table) becomes wet becomes light brown at 3.5' [DCPT: 1, 3, 2] @ 4'												
5.0			GB 1	100										
			GB 2	100										
		Bottom of test pit at 7.0 feet.												

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TEST PIT NUMBER TP03

CLIENT Northern Michigan Premier Properties PROJECT NAME Boyne City Development
 PROJECT NUMBER N3140.010 PROJECT LOCATION Boyne City, MI
 DATE STARTED 4/22/16 COMPLETED 4/22/16 GROUND ELEVATION 652 ft TEST PIT SIZE 3'x6'
 EXCAVATION CONTRACTOR _____ GROUND WATER LEVELS:
 EXCAVATION METHOD Test Pit AT TIME OF EXCAVATION --
 LOGGED BY QMR CHECKED BY NWL AT END OF EXCAVATION --
 NOTES Latitude: 45.220834, Longitude: -85.005556 AFTER EXCAVATION --

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	▲ SPT N VALUE ▲						
								20	40	60	80			
0.0		6" TOPSOIL						PL	MC	LL				
2.5		Light brown, fine SAND (SP), trace silt - moist - loose												
		[DCPT: 4, 4, 5] @ 3' becomes brown												
		becomes light brown at 3.5'												
5.0		Light brown, fine to coarse SAND WITH SILT (SW-SM) - moist - loose												
		becomes gravelly												
		[DCPT: 1, 3, 2] @ 6.5' trace cobble/boulders	GB 1	100										
7.5		Bottom of test pit at 7.5 feet.	GB 2	100										

GEO TECH BH PLOTS N3140.010.GPJ GINT US.GDT 5/4/16



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TEST PIT NUMBER TP04

CLIENT Northern Michigan Premier Properties PROJECT NAME Boyne City Development
 PROJECT NUMBER N3140.010 PROJECT LOCATION Boyne City, MI
 DATE STARTED 4/22/16 COMPLETED 4/22/16 GROUND ELEVATION 648 ft TEST PIT SIZE 3'x6'
 EXCAVATION CONTRACTOR _____ GROUND WATER LEVELS:
 EXCAVATION METHOD Test Pit ∇ AT TIME OF EXCAVATION 7.0 ft / Elev 641.0 ft
 LOGGED BY QMR CHECKED BY NWL AT END OF EXCAVATION _____
 NOTES Latitude: 45.222056, Longitude: -85.006046 AFTER EXCAVATION _____

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	▲ SPT N VALUE ▲						
								20	40	60	80			
0.0		1' TOPSOIL						PL	MC	LL				
2.5		Reddish brown, fine SAND (SP), trace silt - moist - medium dense [DCPT: 3, 4, 5] @ 2.5' becomes light brown												
5.0														
7.5		seepage encountered at 7' (presumed groundwater table)												
		Brown SANDY SILT (ML) - wet - very soft	GB 1	100										
		Bottom of test pit at 8.5 feet.												

GE. HBH PLOTS N3140.010.GPJ GINT US.GDT 5/4/16



Northwest Design Group, Inc.
 2940 Parkview Drive
 Petoskey, MI 49770
 Telephone: 231-348-1180
 Fax: 231-348-1185

TEST PIT NUMBER TP05

CLIENT Northern Michigan Premier Properties PROJECT NAME Boyne City Development
 PROJECT NUMBER N3140.010 PROJECT LOCATION Boyne City, MI
 DATE STARTED 4/22/16 COMPLETED 4/22/16 GROUND ELEVATION 680 ft TEST PIT SIZE 3'x6'
 EXCAVATION CONTRACTOR _____ GROUND WATER LEVELS: _____
 EXCAVATION METHOD Test Pit AT TIME OF EXCAVATION --
 LOGGED BY QMR CHECKED BY NWL AT END OF EXCAVATION --
 NOTES Latitude: 45.222473, Longitude: -85.003612 AFTER EXCAVATION --

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	▲ SPT N VALUE ▲						
								20	40	60	80			
0.0		6" TOPSOIL												
		Reddish brown, fine SAND (SP), trace silt - moist - medium dense												
2.5		few gravel												
		[DCPT: 3, 3, 6] @ 4'		GB 1	100									
5.0		becomes light brown, no gravel												
7.5														
		Bottom of test pit at 8.5 feet.												

GEC...CH BH PLOTS N3140.010.GPJ GINT US.GDT 5/4/16

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WETLAND AND JURISDICTION DETERMINATION REPORT

*Prepared for/
Property Owner:* Ted Macksey
Macksey-Built Properties, Inc.
44 N. Lake Street
Boyne City, MI 49712

Project Site: Parcels #051-026-004-15 and #051-026-005-00
30 acres +/- on Jefferson Street and Vogel Street
City of Boyne City, Charlevoix County, Michigan

Project Number: 19-1622

Investigator: Steven P. Voice, MS, PWS, CSE
Senior Ecologist & Regulatory Specialist

Inspection Dates: May 7 and August 19, 2019

Report Date: August 20, 2019

EXECUTIVE SUMMARY

A site evaluation and wetland determination of Parcels #051-026-004-15 and #051-026-005-00 on Jefferson Street and Vogel Street, respectively, in Boyne City, Michigan was completed by Voice Environmental Group on August 19, 2019. It is the professional opinion of this investigator as a wetland ecologist and regulatory specialist that the 30-acre project area does not support any regulated wetland areas, i.e. that it is upland (non-wetland) in its entirety.

INTRODUCTION & BACKGROUND INFORMATION

This report is intended to follow up the May 7 and August 19 site investigations of the above-captioned parcels by Voice Environmental Group, LLC. The purpose of these investigations was to conduct a site evaluation and wetland determination of the subject property and to render an opinion on 1) the presence and location of any wetlands that may occur on the property and 2) the jurisdictional status of any wetlands identified.

It should be noted that Mr. Andrew Geffert, an environmental engineer and wetland ecologist previously employed by Voice Environmental, completed a site investigation and

wetland determination of a larger 40.193-acre "parent parcel" of which the subject 30 acres is a part. In his March 18, 2004 letter to then owner Robert Kroondyke (Appendix A), Mr. Geffert opined that "It is my professional opinion that the subject property does not support any regulated wetland areas.

SITE LOCATION AND GENERAL CHARACTERISTICS

As indicated above, the subject property is comprised of 2 parcels, Parcels #051-026-004-15 and #051-026-005-00, which together encompass approximately 30 acres of land located on Jefferson Street in Boyne City, Michigan. The majority of the site is supports a northern hardwood forest and is undeveloped. There is an existing two track off of Jefferson Street that winds through the site from west to east.

The State of Michigan maps the site and vicinity as supporting a number of different soil series including Au Gres san, 0 to 4 percent slopes (ArA), Brevort loamy sand (Bv), Kalkaska sand, 0 to 6 percent slopes, Mancelona loam sand, 0 to 6 percent slopes (McB) and Mancelona loamy sand, 6 to 12 percent slopes. Of these soils series, only the Brevort loamy sand series is considered to be a hydric soil. Both the State of Michigan Wetlands Inventory and the National Wetlands Inventory map a small area of wetland associated with the map location of the Brevort soils, but it should be noted that neither inventory is based on an actual inspection let alone a detailed evaluation of the property.

WETLAND DESIGNATION CRITERIA AND METHODOLOGY

Under Part 303, Wetland Protection, of the Natural Resources and Environmental Protection Act (1994 P.A. 451, as amended), which is commonly referred to as the NREPA, wetland is defined as "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..." From a practical standpoint, a site must support a predominance of hydrophytic vegetation, a hydric soil and a wetland hydrological regime in order to be appropriately designated as wetland.

Relatively recent amendments to Part 303, Wetland Protection, of the NREPA, require that the state use the federal methodology for wetland determinations. Thus, in determining whether or not a site is appropriately designated as wetland, both the Michigan Department of Environmental Quality (DEQ) and the US Army Corps of Engineers (USACE) must use the federal 1987 Wetland Identification Manual and the appropriate, and approved regional supplements. Accordingly, the subject property was evaluated using the federal methodology. On-site investigations included various "spot" evaluations of dominant plant species, soils and apparent hydrology as well as detailed evaluations at representative upland and wetland locations, herein termed "wetland determination points."

RESULTS

It is the opinion of the investigator as a professional wetland ecologist and consultant that the project area does not support any areas that are appropriately designated as wetland (neither regulated nor unregulated) and as such, is appropriately designated as upland (non-wetland) in its entirety.

Two (2) "Wetland Delineation Data Forms" per the 1987 Corps of Engineers Wetland Determination Manual from two representative "Sample Point" (SP) locations are attached in Appendix B. SP #1 was established in the deciduous forest on the west side of the site near the existing two track and is representative of the majority of the forest cover on this site; SP #2 was established in a small depression to the southwest of SP #1 to intentionally characterize the forest conditions at a point that is located within the area shown on inventory maps as supporting a hydric soil.

DISCUSSION

At SP #1, the tree stratum is dominated by sugar maple (*Acer saccharum*), red maple (*A. rubrum*) and American beech (*Fagus grandifolia*), the sapling/shrub layer is dominated by American beech and sugar maple and the herb stratum is dominated by bracken fern (*Pteridium aquilinum*), red maple seedlings, and drooping wood sedge (*Carex arctata*). These species are all rated as either facultative (FAC), facultative upland (FACU) or upland (UPL). A soil boring at this location revealed a well-developed, well-drained sand profile and neither the water table nor any evidence of a seasonal water table was observed in the 20" deep boring. Clearly, an upland (non-wetland) determination is appropriate.

At SP #2, the tree stratum is dominated by red maple (FAC), but there is a significant component of three other FACU species. The sapling/shrub layer is dominated by American beech, sugar maple and white ash (*Fraxinus americana*) and the herb stratum is dominated by white ash (FACU) and Cinnamon fern (*Osmunda cinnamomea*) (FACW). Other FAC or FACU species, such as bracken fern, Japanese barberry (*Berberis thunbergii*) and drooping wood sedge, as well as one individual of greater bladder sedge (*Carex intumescens*) (FACW), are also present. While the presence of two FACW species amongst a dominant cover comprised of FAC or FACU species suggests that this area may have a seasonally higher water table than the majority and balance of the site, there clearly is not a "predominance of wetland vegetation" ... to the contrary, there is a predominance of upland (non-wetland) vegetation. A soil boring at this location bears this out as it revealed, as with SP #1, a well-developed, well-drained sand profile (with bright, oxidized soil colors at depth) and neither the water table nor any evidence of a seasonal water table was observed in the 30" deep boring. Clearly, an upland (non-wetland) determination for this small, slightly lower-lying depressional area is appropriate.

JURISDICTIONAL DETERMINATION

Since the site does not support any regulated (or for that matter unregulated) wetland areas, neither the Department of Environment, Great Lakes and Energy (EGLE) nor the US Army Corps of Engineers would have jurisdiction over construction or development activities on the site under the respective state and federal wetland statutes. Accordingly, wetland permits are not required from either agency.

LIMITATIONS

This report serves to confirm the findings and opinions of the principal investigator as a professional wetland ecologist and consultant; it does not constitute a state or federal wetland or jurisdiction determination. It should be noted, however, that the evaluations reported herein have been conducted in accordance with both state and federal criteria for wetland designations and jurisdiction determinations. The client may wish to confirm these findings with the Michigan Department of Environmental Quality (DEQ) and/or the US Army Corps of Engineers (USACE).

This determination is valid for a period of three years from the date of this letter unless additional evidence or new information warrants a revision of these findings prior to that date. This determination does not preclude the necessity to obtain other federal, state, and local permits and/or approvals that may be required for use or development of the property.

SUMMARY AND CONCLUSIONS

A site evaluation and wetland determination of Parcels #051-026-004-15 and #051-026-005-00 on Jefferson Street and Vogel Street, respectively, in Boyne City, Michigan was completed by Voice Environmental Group on August 19, 2019. It is the professional opinion of this investigator as a wetland ecologist and regulatory specialist that the 30-acre project area does not support any regulated wetland areas, i.e. that it is upland (non-wetland) in its entirety.

Respectfully submitted by,

VOICE ENVIRONMENTAL GROUP, LLC



Steven P. Voice, MS, PWS, CSE
Senior Ecologist & Regulatory Specialist

REFERENCES AND RESOURCES

- Lichvar, R. W. 2012. The National Wetland Plant List. ERDC/CRREL TR-12-11. Hanover, NH: U.S. Army Corps of Engineers, Cold Regions Research and Engineering Laboratory. [http://acwc.sdp.sirsi.net/client/search/asset:asset?t:ac=\\$N/1012381](http://acwc.sdp.sirsi.net/client/search/asset:asset?t:ac=$N/1012381)
- Part 303, Wetland Protection, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, being sections 324.30301 to 324.30323 of the Michigan Compiled Laws annotated.
- Soil Conservation Service, United States Department of Agriculture. 1993. Hydric Soils of the State of Michigan.
- U.S. Army Corps of Engineers, U.S. Army Engineer Research and Development Center. 2012. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0). ERDC/EL TR-12-1.
- U.S. Army Corps of Engineers, Detroit District. 1998. Navigable Michigan Waters of the United States.

APPENDIX A.

**Parcel Location Map of the Macksey-Built Properties, Inc. properties,
Parcels #051-026-004-15 and #051-026-005-00 totaling 30 acres +/- on Jefferson Street and
Vogel Street, in the City of Boyne City, Charlevoix County, Michigan**

Ted Macksey Project
Parcel Location Map



APPENDIX B.

A copy of the March 18, 2004 letter from Voice Environmental staff member Andrew Geffert to Robert Kroondyke summarizing his 2003 wetland determination finding that there are no regulated wetlands present on the 40.193-acre “parent parcel” of which the 30-acre Macksey properties are a part.



Ecological Consulting
Wetland Determinations
& Permitting
Site & Project Planning

March 18, 2004

Robert Kroondyke
Boyne City Development Group, LLC
Po Box 427
Boyne City, MI 49712

Re: 40.193-acre property on
Jefferson Avenue and Vogle Street
Boyne City, Michigan

Dear Mr. Kroondyke:

This letter is intended to follow my June 3, 2003 site investigation of the above-captioned property. The purpose of this inspection, per your request, was to conduct an evaluation and wetland determination of subject property and to render an opinion on 1) the approximate location and extent of regulated wetlands on the site and 2) regulatory restrictions that any regulated wetland ecosystems identified would likely impose on use and development of the site. This letter serves to report my findings and opinions as a professional wetland ecologist and consultant. It does not constitute a state wetland or jurisdiction determination. It should be noted, however, that the evaluations reported herein have been conducted in accordance with both state and federal criteria for wetland designations and jurisdiction determinations. You may wish to confirm these findings with the Michigan Department of Environmental Quality (DEQ) and/or the US Army Corps on Engineers (USACE).

Site Description

The 40.193-acre parcel is an "L" shaped property located on Jefferson Avenue and Vogel Street in Boyne City, Charlevoix County, County, Michigan. See the attached survey by Ferguson & Chamberlain Associates dated 2-1-01, Job # SB-17534-01

The site is currently contains a northern hardwood forest and is undeveloped.

Wetland Determination

It is my professional opinion that the subject property does not support any regulated wetland areas.

Regulatory Considerations

Since there are no regulated wetlands on the property, no wetland permits would be required by either the Michigan Department of Environmental Quality (DEQ) or the US Army Corps Of Engineers (USACE) for earth change, construction, or other development activities on the site.

Local permits and approvals would still be required. These would likely include zoning and building permits, Health Department approval for well and septic, and a Charlevoix County soil and erosion control permit for earth change activities over 1 acre.

If you have any questions regarding this evaluation, and/or wish to discuss the opinions rendered herein in further detail, please contact Voice Environmental, Inc.

Sincerely,

VOICE ENVIRONMENTAL, INC.



Andrew Geffert MS

Environmental Engineer and Wetland Ecologist

APPENDIX C.

**Wetland Determination Data Forms
(1987 USACE Wetlands Delineation Manual and approved regional supplements)
from two (2) upland locations on the Macksey-Built Properties, Inc. properties,
Parcels #051-026-004-15 and #051-026-005-00 totaling 30 acres +/- on Jefferson Street and
Vogel Street, in the City of Boyne City, Charlevoix County, Michigan**

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Macksey/Jefferson St. 30 Acres City/County: Boyer City/Charlevoix County Sampling Date: 19-Aug-19
 Applicant/Owner: Ted Macksey/Macksey-Built Properties, Inc. State: MI Sampling Point: SP #1
 Investigator(s): Steven P. Voice, MS, PWS, CSE Section, Township, Range: S. 26 T. 33N R. 6W
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope: 0.0 % / 0.0 °
 Subregion (LRR or MLRA): LRR L Lat.: 45.222158 Long.: -85.006622 Datum: _____
 Soil Map Unit Name: Kalkaska Sand, 0 to 6 percent slopes (KaB) NWI classification: Upland

Are climatic/hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

Summary of Findings - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Hydric Soil Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	Is the Sampled Area within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/>
Remarks: (Explain alternative procedures here or in a separate report.) Data point is located at a location that is representative of the majority of the hardwood forest dominating the majority of the site.	

Hydrology

Wetland Hydrology Indicators: Primary Indicators (minimum of one required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Drift deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	Secondary Indicators (minimum of 2 required) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-neutral Test (D5)
Field Observations: Surface Water Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Water Table Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: 	
Remarks: Neither the water table nor any evidence of a seasonal water table level were observed in the 20" deep boring.	

VEGETATION - Use scientific names of plants

Sampling Point: SP #1

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <i>Acer saccharum</i>	40	<input checked="" type="checkbox"/>	FACU	Number of Dominant Species That are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>8</u> (B) Percent of dominant Species That Are OBL, FACW, or FAC: <u>25.0%</u> (A/B)
2. <i>Acer rubrum</i>	30	<input checked="" type="checkbox"/>	FAC	
3. <i>Fagus grandifolia</i>	20	<input checked="" type="checkbox"/>	FACU	
4. <i>Betula papyrifera</i>	10	<input type="checkbox"/>	FACU	
5. _____	0	<input type="checkbox"/>	_____	
6. _____	0	<input type="checkbox"/>	_____	
7. _____	0	<input type="checkbox"/>	_____	
100 = Total Cover				
Sapling/Shrub Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet:
1. <i>Fagus grandifolia</i>	30	<input checked="" type="checkbox"/>	FACU	Total % Cover of: Multiply by: OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>0</u> x 2 = <u>0</u> FAC species <u>50</u> x 3 = <u>150</u> FACU species <u>127</u> x 4 = <u>508</u> UPL species <u>10</u> x 5 = <u>50</u> Column Totals: <u>187</u> (A) <u>708</u> (B) Prevalence Index = B/A = <u>3.786</u>
2. <i>Acer saccharum</i>	10	<input checked="" type="checkbox"/>	FACU	
3. _____	0	<input type="checkbox"/>	_____	
4. _____	0	<input type="checkbox"/>	_____	
5. _____	0	<input type="checkbox"/>	_____	
6. _____	0	<input type="checkbox"/>	_____	
7. _____	0	<input type="checkbox"/>	_____	
40 = Total Cover				
Herb Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators:
1. <i>Pteridium aquilinum</i>	15	<input checked="" type="checkbox"/>	FACU	<input type="checkbox"/> Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> Dominance Test is > 50% <input type="checkbox"/> Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
2. <i>Acer rubrum</i>	20	<input checked="" type="checkbox"/>	FAC	
3. <i>Carex arctata</i>	10	<input checked="" type="checkbox"/>	UPL	
4. <i>Prunus serotina</i>	2	<input type="checkbox"/>	FACU	
5. _____	0	<input type="checkbox"/>	_____	
6. _____	0	<input type="checkbox"/>	_____	
7. _____	0	<input type="checkbox"/>	_____	
8. _____	0	<input type="checkbox"/>	_____	
9. _____	0	<input type="checkbox"/>	_____	
10. _____	0	<input type="checkbox"/>	_____	
11. _____	0	<input type="checkbox"/>	_____	
12. _____	0	<input type="checkbox"/>	_____	
47 = Total Cover				
Woody Vine Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Definitions of Vegetation Strata:
1. _____	0	<input type="checkbox"/>	_____	Tree - Woody plants, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1m) tall. Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vine - All woody vines greater than 3.28 ft in height.
2. _____	0	<input type="checkbox"/>	_____	
3. _____	0	<input type="checkbox"/>	_____	
4. _____	0	<input type="checkbox"/>	_____	
0 = Total Cover				
				Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/>

Remarks: (Include photo numbers here or on a separate sheet.)

*Indicator suffix = National status or professional decision assigned because Regional status not defined by FWS.

Soil

Sampling Point: SP #1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-1	10YR	2/2					humus	
1-4	10YR	2/1					sand	
4-10	10YR	5/3					sand	
10-20+	5YR	3/4					sand	

¹Type: C=Concentration. D=Depletion. RM=Reduced Matrix, CS=Covered or Coated Sand Grains ²Location: PL=Pore Lining. M=Matrix

Hydric Soil Indicators:

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Muck Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR R, MLRA 149B)

- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- Loamy Mucky Mineral (F1) LRR K, L)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils : ³

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16) (LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L, M)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (F21)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

N

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Macksey/Jefferson St. 30 Acres City/County: Boyer City/Charlevoix County Sampling Date: 19-Aug-19
 Applicant/Owner: Ted Macksey/Macksey-Built Properties, Inc. State: MI Sampling Point: SP #2
 Investigator(s): Steven P. Voice, MS, PWS, CSE Section, Township, Range: S. 26 T. 33N R. 6W
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): flat Slope: 0.0 % / 0.0 °
 Subregion (LRR or MLRA): LRR L Lat.: 45.221625 Long.: -85.007233 Datum: _____
 Soil Map Unit Name: Brevort loamy sand (Bv) NWI classification: PF04/SS1A

Are climatic/hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

Summary of Findings - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Hydric Soil Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	Is the Sampled Area within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/>
Remarks: (Explain alternative procedures here or in a separate report.) Data point is located in the lowest depressional area of an area that is mapped as a hydric soil/wetland area specifically to determine if the area is, in fact, appropriately designated as wetland and/or even supports a hydric soil.	

Hydrology

Wetland Hydrology Indicators: Primary Indicators (minimum of one required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Drift deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	Secondary Indicators (minimum of 2 required) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-neutral Test (D5)
Field Observations: Surface Water Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Water Table Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____	
Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks: Neither the water table nor any evidence of it was observed in the 30" deep boring.	

VEGETATION - Use scientific names of plants

Sampling Point: SP #2

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <i>Acer rubrum</i>	70	<input checked="" type="checkbox"/>	FAC	Number of Dominant Species That are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>6</u> (B) Percent of dominant Species That Are OBL, FACW, or FAC: <u>33.3%</u> (A/B)
2. <i>Acer saccharum</i>	20	<input type="checkbox"/>	FACU	
3. <i>Fraxinus americana</i>	10	<input type="checkbox"/>	FACU	
4. <i>Populus tremuloides</i>	20	<input type="checkbox"/>	FACU	
5. _____	0	<input type="checkbox"/>		
6. _____	0	<input type="checkbox"/>		
7. _____	0	<input type="checkbox"/>		
120 = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>11</u> x 2 = <u>22</u> FAC species <u>70</u> x 3 = <u>210</u> FACU species <u>150</u> x 4 = <u>600</u> UPL species <u>2</u> x 5 = <u>10</u> Column Totals: <u>233</u> (A) <u>842</u> (B) Prevalence Index = B/A = <u>3.614</u>
Sapling/Shrub Stratum (Plot size: _____)				
1. <i>Acer saccharum</i>	20	<input checked="" type="checkbox"/>	FACU	
2. <i>Fagus grandifolia</i>	30	<input checked="" type="checkbox"/>	FACU	
3. <i>Fraxinus americana</i>	20	<input checked="" type="checkbox"/>	FACU	
4. _____	0	<input type="checkbox"/>		
5. _____	0	<input type="checkbox"/>		
6. _____	0	<input type="checkbox"/>		
7. _____	0	<input type="checkbox"/>		
70 = Total Cover				Hydrophytic Vegetation Indicators: <input type="checkbox"/> Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> Dominance Test is > 50% <input type="checkbox"/> Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
Herb Stratum (Plot size: _____)				
1. <i>Fraxinus americana</i>	20	<input checked="" type="checkbox"/>	FACU	
2. <i>Carex arctata</i>	2	<input type="checkbox"/>	UPL	
3. <i>Berberis thunbergii</i>	5	<input type="checkbox"/>	FACU	
4. <i>Osmunda cinnamomea</i>	10	<input checked="" type="checkbox"/>	FACW	
5. <i>Pteridium aquilinum</i>	5	<input type="checkbox"/>	FACU	
6. <i>Carex intumescens</i>	1	<input type="checkbox"/>	FACW	
7. _____	0	<input type="checkbox"/>		
8. _____	0	<input type="checkbox"/>		
9. _____	0	<input type="checkbox"/>		
10. _____	0	<input type="checkbox"/>		
11. _____	0	<input type="checkbox"/>		
12. _____	0	<input type="checkbox"/>		
43 = Total Cover				Definitions of Vegetation Strata: Tree - Woody plants, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1m) tall. Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vine - All woody vines greater than 3.28 ft in height.
Woody Vine Stratum (Plot size: _____)				
1. _____	0	<input type="checkbox"/>		
2. _____	0	<input type="checkbox"/>		
3. _____	0	<input type="checkbox"/>		
4. _____	0	<input type="checkbox"/>		
0 = Total Cover				Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/>
Remarks: (Include photo numbers here or on a separate sheet.)				

*Indicator suffix = National status or professional decision assigned because Regional status not defined by FWS.



BOYNE CITY PLANNING COMMISSION

Exhibit 10

REZONING APPLICATION

319 N. Lake Street (231) 582-0343
Boyer City, Michigan 49712
www.boynecity.com

➔ **Applicant Name:** GISA, LLC C/O Steven Bratschie

Street Address: P O BOX 8428

City: Grand Rapids **State:** MI **Zip-Code:** 49518

Phone Number (s): 616-481-7433 **E-mail:** sebratschie@bratschie.com

➔ **Property Owner's Name:** *(for all lots affected)* GISA, LLC

Street Address P O Box 8428

City: Grand Rapids **State:** MI **Zip-Code:** 49518

Phone Number (s): 616 481 7433

➔ **Project Location:** Street Address: 600 Jefferson Street

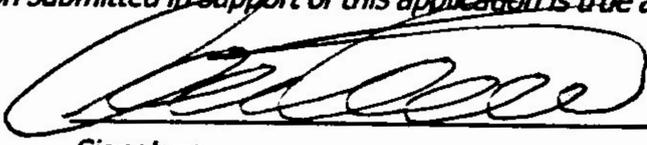
Property ID Number: 15-051-026-005-00 and 15-051-026-004-15

I / We request:
Rezoning 30 acres to reduce density and permit manufactured home community known as "Deer Run"

Current Zoning: MFRD- *Proposed Zoning:* MHDD

Propose Use:
145 site manufactured home community

I/we understand and agree, upon execution and submission of this application, that I/we agree to abide by all provisions of the City of Boyne City Zoning Ordinance as well as all procedures and policies of the City of Boyne City Planning Commission as those provisions, procedures, and policies relate to the handling and disposition of this application; that the all information submitted in support of this application is true and accurate to the best of my/our knowledge; and that a filing fee is due with this application.

GISA, LLC  6/8/2020
Applicant (Printed Name) *Signature* *Date*

GISA, LLC _____ 6/8/2020
Property Owner(s) (Printed Name) *Signature* *Date*

This is to certify the required filing fee was received on _____ and documented with
Receipt Number _____. This application is scheduled for public hearing on _____
Staff Initials _____

Please be advised that there may be deed restrictions limiting the use of your property. The Boyne City Planning Department does not investigate or enforce any such deed restrictions. Deed restrictions are generally enforced by local property owners or home owners associations. You may wish to future investigate any such deed restrictions before proceeding with this application. Furthermore, there may be permits required by state and federal agencies, and you may wish to further investigate these. The Planning Department does not assume any responsibility to ensure that the proper permits have been obtained.

UNIFORM COMMUNITY GUIDELINES

To ensure pleasant and enjoyable surroundings, every effort will be made by Fox Run Communities to make certain that the Uniform Community Guidelines are reasonable and that the safety and comfort of all homeowners, occupants and guests is not jeopardized. Reasonable, fair and uniform application of these rules and regulations is the committed responsibility of Fox Run Communities.

Advertising and Soliciting

Advertising, soliciting or delivering handbills by homeowners or unauthorized individuals is prohibited. A commercial enterprise or business that violates local, county or state zoning ordinances is prohibited to conduct business in the Community. An exception may be made by the Community in the case of homeowners' children soliciting for school events and youth clubs (such as Girl/Boy Scouts). Please contact the Community in advance about any such activities.

Amenities

Amenities in the community are maintained as a service to all homeowners and shall be treated with respect. Your cooperation in keeping the facilities clean and serviceable is essential and appreciated. Irregularities in the operation of these amenities should be immediately reported to the Community.

Homeowners and their guests using the Community facilities or amenities do so at their own risk. The Community will not be responsible for loss of any kind, injury, or accident connected with such use.

Clotheslines

Clotheslines or lines of any kind are prohibited. Towels, rugs, wearing apparel or other forms of laundry of any description are prohibited to be hung outside the home, including enclosed porches.

Effective Date:

Community Center

The Community Center is made available to homeowners and their guests provided the following rules are adhered to:

- 1) **Use and occupancy:** Use of the Community Center is strictly limited to homeowners, their guests and invitees.
 - 1) Homeowners shall accompany their guests and invitees at all times.
 - 2) Homeowner is responsible for the actions of persons in attendance at the scheduled function.
 - 3) Use of the Community Center is restricted to private entertaining activities.
 - 1) Use of Community Center for activities such as sales demonstrations for private clubs, associations or political gatherings is allowed.
 - 2) Community Center may be used for homeowner fund raising clubs for charity.
 - 3) Gambling activities are prohibited except for those permitted by law and are restricted to non-service organizations properly licensed by state or local authorities.
 - 4) The total number of occupants allowed, as regulated by the fire marshal and/or health department, must be adhered to.
- 2) **Children:** Children under the age of eighteen (18) are prohibited in the Community Center unless accompanied by a parent or legal guardian.
- 3) **Attire:** Shirts, shoes and proper attire shall be worn in the Community Center at all times.
- 4) **Reservations:** Reservations for scheduled use of the facility shall be made in advance of the desired date of use and shall be accepted providing there are no other reservations for that date.
 - 1) Regular, consecutive bookings shall be restricted to use of groups comprised of homeowners only and shall be granted at the Community's discretion.
 - 2) A site inspection by Community and homeowner is required at a time agreeable to both parties prior to scheduled use.

Effective Date:

- 3) A final inspection shall be conducted by the Community, as soon as reasonably possible,

following the scheduled event to determine the condition of the property after use, relating to clean-up and damages.

- 5) **Food and Drink:** The catering of food and drink is permitted within the Community Center.
 - 1) Alcoholic beverages are prohibited to be served to those persons under the legal drinking age at any time.
 - 2) Consumption of alcohol is restricted to inside the Community Center (and on outdoor deck) and shall not be consumed in any other area.
 - 3) The homeowner shall be held responsible to restrict the serving and consumption of beverages to a moderate level.
- 6) **Smoking:** Smoking is prohibited in the Community Center.
- 7) **Building Attendant:** In some instances the Community may require the presence of a building attendant at the scheduled function. In this event, the homeowner is responsible to obtain the services of attendant personnel and receive written approval by the Community as to that particular selection. Payment for services is the responsibility of the homeowner and shall be made directly to hired personnel.
- 8) **Clean-Up/Damages:** Cleaning of Community Center is solely the responsibility of the homeowner.
 - 1) The Community Center shall be vacated in compliance with terms and conditions provided for in the application. Homeowner will be responsible for any and all expenses related to clean-up and repair of any damages.
 - 2) All furniture shall be returned to its original locations.
 - 3) The Community is not responsible for any items which have been left in the Community Center after homeowner vacates the premises.
- 9) **Default of Resident:** If homeowner is in default as to any terms, covenant or conditions of their residency, including these Uniform Community Guidelines, they **may** be denied utilization of the Community Center.
- 10) **Indemnity:** Homeowner agrees to indemnify, defend, save and hold harmless the Community and owner, its agents, employees, successors and assigns, from any and all claims or liabilities of whatsoever kind or nature due to its usage of the Community Center for use and occupancy of same while under the control of homeowner, its guests and invitees.

Effective Date:

Community Entrance and Streets

Bicycles, skateboards, scooters, or roller skates are prohibited to be ridden in the entranceway of the Community at any time. Children are prohibited to play in the streets. The playground and/or community open areas are the designated areas for homeowners/children to play.

Complaints

All complaints regarding the Community, neighbors, staff, etc. shall be made in written form. The Community recommends that homeowner first attempt to resolve any problems or misunderstanding directly by civil and courteous discussion with fellow homeowners and/or Community Management. If that attempt fails, then residents may submit a written complaint to Community Management. A response and proposed resolution to the problem will be issued within fifteen (15) days of the Community's receipt of your complaint. If a written complaint to community management is not corrected or resolved to your satisfaction, the Community welcomes your concerns and feedback by writing or calling community executive officers whose names, addresses and telephone numbers are listed in the last page of these Uniform Community Guidelines.

Delinquent Lease Fee and/or Additional Service Fee, and Legal Notices

Homesite lease fees are due and payable in advance on the first (1st) day of each month by mail using the pre-addressed envelopes provided.

Homeowners not paying within five (5) days of due date will receive a \$25 late charge service fee and will be sent a legal notice by the accounting office for non-payment of rent. A guideline will accompany the legal notice with instructions to be followed. Delinquent payments not paid in full within seven (7) days following the receipt of "Notice to Quit" shall cause legal action to be instituted by the Community. In the event the Community determines a homeowner to be delinquent in payments, in default of the lease agreement, or in violation of these Uniform Community Guidelines, the Community may commence proceedings against the homeowner in a court of proper jurisdiction.

In addition to delinquent lease fee payment, late charges and service fees, additional non-refundable fees and/or charges may be added to cover all expenses and costs reasonably related to such proceedings.

Firearms

The discharge of any firearm, bow and arrow, slingshot, air gun, or any type of weapon that shoots any type of projectile with force is prohibited within the community.

Firewood

Effective Date:

Homeowners with fireplaces may store a quantity of firewood not to exceed one (1) face cord. Firewood shall be stored in a neat and orderly manner at least one (1) foot off of the ground, outside the home, or a stand constructed of metal or wolmanized lumber. The storage area shall be placed away from public view.

Fireworks and Open Fires

Fireworks, sparklers, and open fires are prohibited within the Community.

Garbage and Refuse Pickup

Residents are required to keep their home sites free from health and fire hazards. Garbage pickup will be furnished to every homesite once each week. When there is a holiday during the week, the pickup will be made on the day following the normal pickup day. Refuse is to be placed at curb site no sooner then the evening prior to the designated pickup day. The Community will notify residents of their designated pickup day.

The garbage and trash collection service company will provide each homesite with a 90 gallon trash receptacle. Refuse containers are to have tight fitting lids and shall be kept clean and free of maggots.

All papers and garbage bags shall be stored in the shed or garage, away from public view, between refuse pickup days. Disposable diapers, tampons and sanitary napkins shall be placed in refuse containers (not toilets). Newspapers or magazines that are not already in containers shall be tied with twine.

Homeowners shall not use the Community trash receptacles for household garbage and trash. Homeowners shall arrange for the removal of large bulky items at their own expense.

Heat Tape

Heat tapes and water lines shall be checked before November 1st to assure proper working order. If found to be defective, homeowner shall be responsible for the purchase and installation of a new heat tape.

Water lines shall be wrapped with electric heat tape and insulation and shall be kept in good working condition. Heat tape shall reach from the underside of homes' water connection, around freeze plate on water meter, and at end of water shut off valve to a maximum of eighteen (18) inches below ground level at the crock.

Damage caused to water meter or Community water lines due to homeowner's negligence shall be repaired at the expense of the homeowner.

Effective Date:

Home Address Sign

Home address numbers shall be placed on the home by the Community.

Home Improvements

Homeowners shall not make alterations to the homesite without the Community's written consent. The Community shall be provided a sketch of any proposed home improvements, i.e. porch, deck, carport, awning, shed, patio or other home addition indicating requested location, setback distances, and sizes. "Miss Dig" or any other utility companies must be called to mark the location of their cables before excavation occurs.

If the homeowner shall opt to remove any of the approved structure, the site shall be restored to its original condition.

Unless performed by the homeowner, all work on homes shall be performed by licensed, insured contractors. Homeowner shall be responsible for paying the expense of any required building permits and applicable taxes for such improvements. The Community has established guidelines with regard to the most common improvements. These guidelines are intended to assist you with your planning and applicable permits.

Homesite

When a homesite is leased for the first time (i.e., no home has ever been on the homesite), the Community will provide each homesite with the following:

- Underground utility lines to the site for water, electrical, natural gas, telephone, cable TV and sewer hookups. Homeowners incur the cost of connecting their homes to the provided utility hookups.
- 600 square feet of cement flatwork for driveway and walks
- 38 foundation piers
- Grass or sod to cover the site
- House number sign

Additional square feet of cement flatwork and foundation piers will be provided on request and at an additional cost to the homeowner.

Each homeowner shall keep the homesite neat and free of litter. Storage under the home or on the site of boxes, cans, bottles, trash, garbage, equipment or objects which constitute a fire or health hazard or an unsightly appearance is prohibited. Fluorescent or outlandish colors of homes, sheds or decks are also prohibited.

Outside storage is prohibited around the homesite except for portable grills, or permanent type lawn furniture such as wooden picnic tables and chairs, or wrought iron seats. Outside furniture shall be kept in good repair and painted. All tools, lawn mowers, toys and bikes, etc. shall be kept in the

utility shed or garage when not in use. Newspaper boxes shall not be affixed to home. Garden hoses shall be kept on hose reels or hangers and shall be attached to the home or shed, or stored inside the shed or garage. Garden hoses shall be shut off and stored inside for the winter.

Home Standards

New Home Sales and Set-up - Only new homes sold by Fox Run allowed on site licensed dealer (previously untitled) qualify for placement and set-up on homesite. All homes must be HUD coded, contain P-TRAPS under all sinks and must meet the architectural standards set forth in these Uniform Community Guidelines. For the convenience of prospective homeowners, the community has granted an independent retailer the exclusive right to operate and staff an on-site sales center. A prospective homeowner may purchase a home only through this on-site retailer or any other outside retailer provided that the home meets the requirements set forth in the Uniform Community Guidelines.

It is the prospective homeowner's responsibility to locate and negotiate an acceptable contract for their home, arrange for the delivery and set-up of the home in accordance with manufacturer's specifications on the homesite and handle all repairs and warranty claims. These items should be handled by the homeowner through the retailer who sold you the home.

Community does not endorse any on-site or off-site sales organization, home retailers, installation and set-up contractors or other contractors who sell, install or service such items as storage units, garages, air conditioning units, porches, decks or room additions. Any questions or concerns regarding any of these items should be addressed directly with the appropriate contractor.

Prospective homeowners are also responsible for contacting all utilities to arrange for gas, electric, telephone and cable television service. Sewer, water service and refuse pickup are arranged by the Community.

Architectural Controls - In order to preserve the quality and consistency of the homes in the Community, a list of architectural controls have been established for any home which is to be placed in the Community. The final decision as to a home's acceptability for placement in the Community rests solely with the Community. The architectural controls include the following:

Home size - Homes shall be multi-section with a minimum floor area of 1,232 square feet. The minimum exterior dimensions are 24 feet wide by 40 feet deep. The maximum home dimensions are 32 feet wide by 76 feet deep (subject to suitability of site).

Roof pitch and materials - Homes in Fox Run must have a minimum true 5/12 roof pitch. The roofing material shall be composite shingles. Samples of approved colors are available for inspection at the Community office.

Siding materials and colors - All homes shall have horizontal lap vinyl siding. Exterior siding and shutter colors must be approved by the Community in writing. Samples of approved colors are available for inspection at the Community office.

Foundation Facia - All homes must be skirted/enclosed within sixty (60) days of occupancy of a State of Michigan licensed and insured company unless winter weather makes this impractical.

Skirting materials must be approved by the Community. The only approved materials consist of Nailite or similar approved product giving the appearance of brick, stone or concrete. Samples must be approved by the Community office.

Fences - No fencing is permitted on any homesite.

Awnings - Awnings shall be made of cloth, vinyl, vinyl-coated cloth or aluminum. Size, location and configuration of awnings shall have written approval by the Community prior to construction.

Elevation Facing Street - The elevation of the home facing the street shall include a minimum of eighteen (18) square feet of window exposure. All windows shall have shutters. The side of the home facing the street shall have a bay window, "eyebrow" roof or porch. The street-facing elevations of all homes shall be approved by the Community in writing prior to ordering the home.

Patios, Porches and Decks - Patios, porches and decks are encouraged. All plans must be submitted to the community for written approval prior to installation. All porch, patio and deck trim on feature sites must be painted to match or compliment the exterior color of the home. All entry steps must be enclosed and are to be constructed of wood or concrete. No fiberglass steps are allowed. Steps must have handrails and conform to local building codes and BOCA;

Garages and Sheds - Carports are not allowed in the community. **All homes must have either a garage or utility shed installed within ninety (90) days of occupancy.** Only one (1) utility shed shall be permitted for each homesite. It shall be kept in good repair and in a neat and orderly condition at all times. All shed designs and requested placement shall be submitted to the Community manager and approved, in writing, prior to construction. Sheds shall be constructed of wood and sided with vinyl to match or compliment the exterior of the home. Murals and/or other artistry on sheds are prohibited. All sheds shall be anchored with a concrete base. The size of a shed shall not be smaller than 6' x 8' nor larger than 10' x 12'. Sheds shall not be higher than the overhang of the roof of the home. Placement of shed shall be at least four (4) unobstructed feet from the home unless the wall of the shed, adjacent to the home, is lined with a Class-A fire-resistant material. Sheds shall be at least ten (10) feet from the adjacent home or that home's attached structure. Doors of the shed shall face or open to homesite property line with least public view. If electrical service is extended to the shed, it shall be buried in conduit. Exposed cords between the home and the shed are prohibited. Garages shall not be less than 14'x 22' or more than 24' x 24' with side walls not to exceed 10'.

Homesite Orientation and Installation - To assure compliance with Community requirements, no home shall be brought on homesite or set up without prior written

Community approval. Potential homeowners shall submit a written site plan and home elevations describing the home, all accessory structures, and their desired location on the homesite. In addition, the following information evidencing compliance with these covenants shall be submitted for Community approval prior to ordering a home:

1. Site Plan drawn to scale including:
 - (a) Homesite dimensions (available from manager)
 - (b) Size, dimensions and location of home, accessory structures, walks and drives
2. Home plan and elevation views
3. Pier diagram

These documents must be signed by the potential homeowner and the homeowner's home retailer. Site alterations will be at the expense of the homeowner and paid for in full prior to installation. Changes to approved plans must be approved in writing by the manager. Community will be responsible for flagging/staking locations on homesite. The Community must be notified at least 24 hours prior to the scheduled arrival of any home. All homes must be located at least 2 inches away from concrete drives and walks to prevent damage due to frost heave.

Air-conditioning systems - Central air-conditioning units shall be located on solid concrete in an inconspicuous area. When it is not mechanically feasible to locate the unit out of public view, the unit must be screened with plant material. Window air-conditioners are not permitted.

Transportation systems - Hitches or tongues must be removed prior to occupancy and stored under the home. Axles must remain with the home.

Windows and exterior doors - All windows shall have shutters and self-storing storms/screens. Front entry doors shall be multi-paneled steel doors with or without windows. All rear doors must be steel and have a storm door.

Fireplaces - Gas and wood fireplaces are permitted provided they have a glass enclosure. All fireplaces and chimneys must meet local codes and exposed stacks must be sheathed in decorative material matching the exterior of the home or approved by the Community.

Plumbing and heating - Homes must be wired and plumbed for a washer and dryer. A water shut off must be located inside the home near the hot water heater. Each home shall have at least one frost-free exterior water faucet. The furnace must have a separate close-off door unless it is located in a utility room with a door.

Utility Connections - Utility connections for electrical, water, sewer and gas within the home are the sole responsibility of the homeowner. They are to be maintained in a good, safe and leakproof condition at all times. Approved piping shall be used for any gas and water line. Any tampering or altering of these connections is strictly forbidden. The outside main electrical line to the home must meet local code. All sewer connections from the home to the sewer riser must be, at a minimum, schedule 40 PVC. Water service to the home shall be connected by semi-rigid tubing, such as copper tubing or approved PVC piping. Any service work done on the utilities must be done by the utility company or a licensed service company. The Community will provide each new home with a water meter to be installed at the homeowner's expense. All homeowners are responsible for having a heat tape in proper working order to protect their water line, water riser, water meter, etc. from freezing. The cost of relocating any utilities on the homesite (including meter pedestals) shall be paid by the homeowner.

Fire safety - Homes must have working fire extinguishers and smoke detectors.

Antennas and satellite dishes - Digital satellite systems are allowed under the following conditions: The satellite dishes must be under 20 inches in diameter, the dish must be placed on the home, garage or shed in an unobtrusive place. TV, CB or HAM radio antennas or towers are NOT permitted.

Cable television hook-ups - Installation of television cable is the responsibility of the homeowner. The local cable company will advise you of the services available and costs.

Wheelchair ramps - All plans must be submitted to the Community for written approval prior to installation.

Steps - Steps must have minimal top platform of 38" x 38" and BOCA (Building Officials Code Administrators) handrails on all exposed sides (two side rails or one side rail and one back rail). All steps must fall a minimum of 2" to a maximum of 7" below the door. Steps must be constructed as follows: Westover - All steps wood or concrete. Steps in both communities must be fully enclosed as to risers and sides.

Landscaping

Each home shall be landscaped by homeowner within sixty (60) days after occupancy unless planting must be delayed due to season (e.g. winter planting may be delayed until spring, summer planting may be delayed until fall).

The required quality and amount of landscaping shall be comparable to landscaping on typical

occupied homesites.

Management reserves the right to reject certain species of trees or shrubs as unsuitable for planting on a homesite. SPECIFICALLY, but not limited to the Willow, Cottonwood and any other variety from the family of POPLAR trees.

Shrubs or trees or similar obstructions shall not be erected or maintained which will obstruct traffic vision nor should plantings or decorator items be placed within five (5) feet of the curb, electric or gas pedestal, or the home next to it.

NOTE: Of necessity, homesites contain extensive underground power cables. Any digging, without knowledge and permission of the Community could be dangerous. Homeowners will be held liable for any damage. When requesting Community approval, homeowners MUST provide the Community with a sketch and description of the location and depth for which excavation is planned. No permission for digging or excavation by the homeowner will be given unless the homeowner has first called Miss Dig (at the following toll free number: 1-800-482-7171) and your TV cable company.

The homeowner (at his/her expense) may remove all such landscaping planted by the homeowner and must also repair any damage caused by such removal when surrendering the homesite.

Lawns

Lawns are to be mowed, raked, seeded, fertilized and properly watered to maintain a healthy and attractive appearance. This also includes cleaning grass and weeds out of cracks of sidewalks, patios and parking spaces. Grass shall be trimmed around all four (4) sides of home and pedestal. Grass clippings, leaves and other yard refuse must not be swept into the streets, walks, over fences, into ditches or into the wooded areas surrounding the community.

In the event a homeowner fails to maintain his/her homesite as required, a Uniform Community Guideline violation notice shall be issued. If not corrected as requested, the Community has the right to enter the homesite and perform any and all necessary maintenance as permitted by law. The costs incurred as a result of said maintenance (i.e. mowing, trimming, repair) shall be charged to the homeowner and payable in addition to the following month's lease fee.

As a courtesy to other homeowners in the Community, children must not trespass on another homeowner's lawn or homesite. Any damage caused to homeowner's lawn or the lawn of another homeowner, due to the negligence of homeowner, homeowner's children or their guests, will be homeowner's responsibility to repair and/or replace.

Home and Liability

It is recommended that each homeowner procure a home comprehensive form insurance policy,

insuring their home against loss or damage. It is also recommended that each homeowner include liability coverage for personal injuries which may occur around the homesite or within the home.

Motorcycles

Motorcycles can be ridden in the Community but only to go to and from a homesite by the homeowner of that homesite.

Minibikes, motorscooters, go-carts, dirt bikes, all-terrain vehicles, snowmobiles

Minibikes, motorscooters, go-carts, dirt bikes, all-terrain vehicles and snowmobiles are prohibited to be operated or stored within the Community.

Noise Control

It is requested that all homeowners respect the rights of others to enjoy the quiet and peaceful use of the Community.

The use of excessively loud talking or shouting, abusive language, radios, televisions, stereos or other disturbing noises is prohibited within the Community during quiet hours. Interference with the quiet enjoyment of other homeowners in the Community is just cause for termination.

Office Hours

The regular office hours are posted in the Community office. In most cases the office will be closed on holidays and other special occasions.

Parking

All streets in the Community are fire lanes and must be kept clear for fire, ambulance and emergency vehicles. Parking on the street is prohibited. When occasional parking needs exceed the space available on a homesite, homeowners should seek permission to park in neighbors' parking spaces or at the Community Center.

In some cases, additional parking may be installed at the homeowner's sole expense provided that the homeowner has obtained Community approval and the proposal is not in violation of local and state regulations.

Payments, Fees and Penalties

See Attachment A for "Payments, Fees and Penalties" schedule.

Personal Health and Fire Safety

We request that all Homeowners and their guests comply with the following guidelines:

- All Homeowners are advised to exercise proper care and safety to help prevent accidents. Please note that parents or guardians are responsible for the actions of their children.
- Homeowners are always responsible for the actions of their guests.
- Please take extra care when around any body of water (lake, pond, reservoir, etc.) within the Community.
- All homes are to be kept free from fire hazards. For safety, do not store combustible materials, gas-powered lawn mowers, etc. under or adjacent to the home or deck.
- Paints, thinners, solvents, industrial and photographic chemicals and oils should not be disposed of by pouring down the drain. Please dispose of these items according to State Law.
- It is each Homeowner's responsibility to monitor radio and/or television for severe weather warnings. There are no government approved shelters within the Community. It is recommended that you have a pre-arranged shelter, such as a friend's or relative's home which has a basement, in case of emergency.
- Adherence to "Stop", "15 M.P.H.", and other signs of this nature is required.
- The selling, possession or use of illegal drugs and the driving of vehicles under the influence of drugs or alcohol within the Community is prohibited.
- Firearms, bows or any other weapons of any kind are not permitted to be displayed or otherwise visible within the Community.
- Resident shall furnish Community with the name, address and telephone number of a person to be notified in case of an emergency.
- Maintenance areas are for Community staff only and are off limits to homeowners.
- All homeowners are required to obey all federal, state and local Public Safety and Health regulations.
- **Parking is permitted only in designated on-site and community parking areas. On-street parking is not allowed.**

The Community will provide each homesite with a street number to be affixed to the home. Please keep all vegetation trimmed so that the house number is plainly visible from the street.

· **Actions which interfere with the health, safety or welfare of the Community, its employees or homeowners are just cause for termination of tenancy under Michigan law.**

Pets

Farm classified animals or exotic pets are not permitted. Only domesticated dogs and cats are allowed. All pets must be licensed and immunized in accordance with state and local laws.

The Community retains the right to refuse breeds and individual animals which it believes, in its sole discretion, possess aggressive behavior or ill temperament.

Pet owners should consider the health and happiness of their pet. The following should be considered:

- Pets are not allowed to run loose in the Community and **MUST** be kept on a leash and accompanied by an adult whenever outside the home.
- Pets are not to be left outside the home unattended.
- Pets found running loose may be caught and turned over to the local animal control department.
- Noisy or unruly pets or those which cause legitimate complaints will not be allowed to remain in the Community. Barking must be kept under control at all times.
- Community grounds (boulevard islands, playgrounds, park areas) may be used for walking pets, provided pets' waste is removed (**Scoop the Poop**). Pets may be allowed access to other homeowners' homesites, with homeowner's consent.
- Damage to yards and/or landscaping caused by pets must be repaired by the homeowner at his/her expense.
- Pets are not allowed in the Community Center.
- Doghouses, pens or other types of animal shelters are not allowed on homeowner's homesite.
- Visiting pets must conform to all Community pet policies.

Placement of Home and Appurtenances on Homesite

Community will be responsible for flagging/staking the location of home and appurtenances on the homesite.

Playground Equipment

Playground equipment is provided for homeowners and the children of homeowners within the Community.

Parents and legal guardians are to stress safety and supervise their children. Children under the age of eight (8) years shall be accompanied by a parent or legal guardian at all times on the playground.

Recreational Equipment

Boats, motor homes, unmounted truck campers, caps, all-terrain vehicles, snow mobiles or trailers of any kind are prohibited on the homesite or in Community parking areas. These items shall be kept or stored outside the Community. If approved by management, van-sized, mini motor homes shall be permitted only when used as a second or third vehicle.

Recreational vehicles are prohibited to be used for camping within the Community. Tents are prohibited to be erected on homesites for more than a 24-hour period. When tents are erected, please place them away from public view.

When bringing a trailer, motor home or boat into the Community for loading, unloading or cleaning ,please notify the Community office. Parking of such vehicles at the homesite is limited to a 24-hour time period.

Homeowner Application for Leasing Homesite

All prospective homeowners shall pick up and return a signed application form at the Community office prior to final purchase of their home. There is a nonrefundable application fee paid upon return of the application. A copy of homeowner's title shall be submitted to the Community office within a reasonable time after purchase of home. New homeowners shall sign all move-in documentation at the time of home settlement for desired home or homesite.

The Community reserves the right to refuse any home that does not meet the standards of the Uniform Community Guidelines.

Resale or Transfer of Home

Homesites are non-transferrable. Renting or subletting of home and homesite is strictly prohibited. A homeowner may resell the home on its site within the community as long as the home meets community home standards. If the home does not meet these standards, it shall be brought into conformance with Community standards or be removed from the community. Resale inspection requirements are available at the Community office. Only those persons whose names appear on the title and are homeowners can apply to resell the home.

Homeowners shall provide the Community with a written thirty (30) day notice of selling their home and/or having their home removed from the Community. If the home is occupying the site as of the first (1st) of the month, the resident will be responsible for the full month site payment. All utilities shall be paid in full prior to removing the home from community property.

A home shall not be allowed to remain on site nor shall the homesite be transferred to a buyer without a resale authorization and approval of the Community prior to selling. Prospective homeowners will not be approved if the home has not been inspected and approved for resale. A fee as described by law is charged for this inspection. The homeowner or person showing the home shall ensure that the home complies with all inspection requirements. Resale inspection approval is only valid for six (6) months. If a home has not been sold and resale authorization time has expired, homeowner shall reapply for resale authorization. The exterior of the home shall be clean, neat and attractive.

One (1) "For Sale" sign shall be permitted in the window of the home (not to exceed 18" x 24" in size). Signs not in compliance with these requirements shall be removed.

Prior to finalizing the sale of the home, after seller receives resale authorization approval, the prospective purchaser shall apply for the homesite and pay all applicable fees and deposits. Qualification for acceptance of the purchaser into the Community shall be based upon the acceptance by management of purchaser's credit report and income verification, and purchaser's acceptance of Community rules and regulations. See "Registration" for additional guidelines.

A homeowner who has been evicted may have up to 90 days to sell their home within the Community. The Community may permit the home to remain for resale in the Community if the home is within Community standards. If the home has not been sold, it shall be removed at the expense of the owner.

Right of Entry Onto Homesite

The Community reserves an easement to enter upon the homesite hereby leased at any time for the purpose of installing, inspecting, maintaining or replacing pipes, drainage systems, sewage systems, fences, electric lines, telephone lines, television cables or any other facility, or for the purpose of inspecting any part of the premises in order to determine if the Uniform Community Guidelines are being observed.

Security Deposit - Homesite

Not required. Not accepted.

Signage

To preserve the aesthetic nature of the Community, any signage posted on or about the premises is strictly prohibited. Such prohibited signage shall include, but is not limited to, political signs, advertisements, and notices.

Homeowners selling their home are permitted to display one (1) "For Sale" sign in the window of the home not exceeding 18" x 24" in size.

Signs that are not in compliance with this Section shall be removed from the homesite. The resident is ultimately responsible for any and all signage on or about their premises regardless of who initially posted such signage.

Snow Removal

The Community shall be responsible for plowing snow from Community streets only. Removal of snow and ice on driveways, sidewalks, steps and patios of the individual homesites is the responsibility of the resident. Homeowners who shovel or blow snow into the street shall receive a rule violation notice. If not corrected as requested, the Community reserves the right to charge a fee to remove excess snow from the street.

Termination of Lease

A homeowner or occupant who has violated a Uniform Community Guideline may be contacted by means of a visit, a telephone call, a notice or a letter. If the infraction is not corrected, a written notice will be delivered to homesite or if the violation is continually repeated (more than three [3] times for the same infraction within a twelve [12] month period) eviction proceedings may begin. Community is the sole judge of cause for such action and eviction proceedings shall be used only when other methods have failed. Ignorance of a Uniform Community Guideline cannot be accepted as an excuse. For all lease payments, late charges, and other fees, refer to Attachment A ("Payment, Fees Schedule").

As provided for by law (Michigan Statute 600.5775-2) homeowner or occupants may be evicted

based on “just cause for termination” of their lease. The following criteria is the basis for “just cause for termination”:

- 1) homeowner’s or occupant use of homesite for unlawful purposes
- 2) failure by the homeowner to comply with a lease or agreement of the community or with a rule or regulation of the Uniform Community Guidelines which Community adopted under the lease or agreement, which guideline is reasonably related to the following:
 - a) the health, safety or welfare of the Community, its employees, homeowners or occupants;
 - b) the quiet enjoyment of the other homeowners or occupants of the Community;
 - c) maintaining the physical condition or appearance of the Community, the homeowner’s home or the homeowner’s homesite.
- 3) a violation by the homeowner or occupant of the rules of the Michigan Department of Health.
- 4) intentional physical injury by the homeowner or occupant to the Community staff or other homeowner or occupant of the Community or intentional physical damage by the homeowner or occupant to the property of the Community or its other residents.
- 5) failure of the homeowner or occupant to comply with a local ordinance, state law, or governmental rule or regulation relating to manufactured homes.
- 6) failure of the homeowner or occupant to pay lease fees or other charges under the lease agreement on time on three (3) or more occasions during any twelve (12) month period, for which the Community has served a written demand for possession for non-payment of lease fee and the homeowner has failed or refused to pay the lease fee or other related charges within the time period stated in this written demand for possession.
- 7) conduct by the homeowner or occupant upon Community premises which is a substantial annoyance to other homeowners or occupants or to the Community, after notice and an opportunity to cure.
- 8) failure of the homeowner to maintain his/her home or homesite in a reasonable condition consistent with aesthetics appropriate to the Community.
- 9) condemnation of the Community, or portions thereof.
- 10) changes in the use or substantive nature of the Community.
- 11) public health and safety violations by the homeowner or occupant.

Traffic and Vehicle Regulations

All traffic regulations shall be observed and obeyed throughout the Community. A 15-mile per hour (MPH) speed limit is a state law in all land-lease communities. Homeowners shall be held responsible for actions of their guests.

Adherence to all signs such as “Children Playing”, “Stop”, “15 MPH” and other signs of this nature shall be enforced.

On-street parking is prohibited.

Utilities -Repairs and Maintenance

The Community shall be responsible for the proper maintenance and repair of all sewer and water service lines below ground level. Homeowners shall be responsible for any damage and repairs above the ground. Utility companies such as telephone, gas and electric are responsible for their individual underground lines leading to all homesites.

Damage of any below ground improvements caused by homeowner due to malfunctioning heat tapes, plumbing work or digging, will be repaired by The Community or its contractor, and the expense for such repair shall be charged to the homeowner. In addition, the cost of repairs becomes that of the homeowner for blockage of a sewer line resulting from items discarded into the sewer by homeowner. If the homesite is damaged it must be returned to original condition at homeowner’s expense

Vehicles

Vehicles kept on the home site or in the Community parking areas shall have current license plates or tags, shall be operable and not leaking fluids.

Large trucks, such as stake, semi, cement, step-vans, etc. shall not be parked on the homesite or in the Community parking areas. Unattended vehicles, which are “For Sale” are prohibited to be stored in the Community parking areas.

As permitted by law, management reserves the right to remove parked vehicles in violation of these rules and regulations and further reserves the right to remove inoperable vehicles or vehicles without current license plates or tabs. All costs for such removal shall be paid by the homeowner.

Vehicle Washing and Repairing

Vehicles may be washed on homesite driveways. Loud exhausts and flat tires shall be repaired immediately. Minor repairing of vehicles, such as changing tires, spark plugs, fan belts, battery

charging, etc. is permitted. Vehicles must not be put on ramps or blocks. Repairs such as oil changes, replacing mufflers, brakes, transmissions, engines, body refinishing, etc. are prohibited. Vehicles dripping oil or other fluids shall be immediately repaired and the unsightly deposits shall be completely removed at homeowner's expense.

Water

Water bills shall be paid to the Community in the same manner as the homesite lease fee. A ten per cent (10%) late charge will be assessed if the bill is not paid by the due date. A twenty (20) day "Shut Off Notice" followed by a ten (10) day "Shut Off Notice" will be issued to residents neglecting to pay their water bill. In the event water is disconnected by the Community, water service will be restored after the resident has paid the outstanding bill in full, plus a service charge for reconnection.

Window Treatments

Only curtains, blinds or shades may be used as window treatments. The use of sheets, blankets, newspapers or other like materials in windows is prohibited. Broken windows shall be immediately repaired or replaced.

Winterizing the Home

Winterizing of homes (such as using plastic for storm windows) shall be done to the interior of the home. Temporary exterior attachments of any nature are prohibited. Homes left vacant for extended periods during the winter months should be winterized by a licensed and insured service company.

A water supply protection device such as heat tape shall be installed at the time the home is sited and replaced when necessary to prevent the freezing of service lines, meters, valves and riser pipes. Heat tapes shall be plugged in by November 1 and remain so until May 1 of the succeeding year.

Heat tape shall be kept in good working condition. Heat tape shall reach from the underside of home water connection, around freeze plate on water meter and end at water shut off valve to a maximum of eighteen (18) inches below the ground level in the water pit. Damage caused to water meter or water lines due to negligence shall be repaired at homeowner's expense.

Yard Sales

Lone individual homeowner yard sales are prohibited. Collective homeowner Community-wide yard sales will be allowed at designated times during the spring, summer and fall periods. Such dates will be posted at the Community Center.

In Conclusion

Fox Run Communities, reserve the right to revise, amend or modify the contents of these rules and regulations. Homeowners shall be notified of any rule revision thirty (30) days prior to the date that the revision or addition becomes effective. A copy of the revision or addition will be available in the Community office. It is understood that the mailing of the revision or addition to the rules to each homesite and posting of the revision or addition to the rules in the Community office shall be sufficient notification.

The Community is not responsible for accidents or injuries to homeowners, their family members or guests which may occur within the Community, except for management’s failure to perform a duty or negligent performance of a duty as imposed by law. Furthermore, damaged or lost property resulting from fire, theft, wind, floods or any other act of God, which is beyond the control of the Community, is also specifically disclaimed except for the Community’s failure to perform a duty or negligent performance of a duty as imposed by law. A copy of the Buyers’ and Residents’ Handbook explaining specific rights and responsibilities may be obtained at the Community office.

We thank you for selecting a Fox Run Community for your residence and hope that it will be an enjoyable and rewarding lifestyle.

ATTACHMENT “A”

MONTHLY LEASE FEE, ADDITIONAL SERVICE FEES AND DIRECTORY

HOMESITE	\$
SEWER SERVICE	\$29.00
GARBAGE AND TRASH SERVICE	\$15.00
MANUFACTURED HOME SPECIFIC TAX	\$3.00

TOTAL MONTHLY LEASE FEE \$

ADDITIONAL SERVICE FEES

RESALE INSPECTION FEE..... \$ 25.00
LATE SERVICE CHARGE FOR LEASE PAYMENT..... \$ 25.00
HANDLING CHARGE FOR CHECK RETURNED (INSUFFICIENT FUNDS)..... \$ 25.00
LATE SERVICE CHARGE FOR WATER BILL 10% OF TOTAL
SERVICE CHARGE TO RESTORE WATER LINE FROM FREEZE-UP
OR SHUT-OFF \$ 25.00
CUT AND TRIM LAWN/CLEAN HOMESITE \$ 40.00
COURT FILING FEE..... \$ 65.00

DIRECTORY

COMMUNITY OPERATIONS ().....
, MI
COMMUNITY ACCOUNTING () 1-800-647-7500
R.D. 1, Box 291, Long Neck, DE 19966
COMMUNITY OFFICE.....639-9000
MANAGER AFTER HOURS (HOME) (PAGER)
EMERGENCY (ALL EMERGENCIES) 911
POLICE (NON-EMERGENCY).....
FIRE/EMS (NON-EMERGENCY).....
POST OFFICE.....
ALBION CITY HALL
JR. & SR. HIGH PUBLIC SCHOOLS
ELEMENTARY PUBLIC SCHOOLSr. High
CONSUMER'S ENERGY CO. (ELECTRIC).....
AMERITECH SALES AND SERVICE.....
SOUTHEASTERN MICHIGAN GAS CO.
MISS DIG.....
NEW DIMENSION HOMES.....

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Andover at Grass Lake
1000 Cambry Circle
Grass Lake, Michigan 49240
517-522-6500

Westover
1200 Westover Boulevard
Albion, Michigan 49224

UNIFORM COMMUNITY GUIDELINES

FOR

ANDOVER - GRASS LAKE

WESTOVER - ALBION

ALL COMMUNITIES OF WESTUNN COMMUNITIES