

**OTSEGO COUNTY
PLANNING COMMISSION**

March 16, 2015
6:00 PM

MEETING WILL BE IN THE PLANNING AND ZONING MEETING ROOM LOCATED AT 1322 HAYES ROAD

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES: From January 19, 2015 meeting
5. CONSENT AGENDA: None
6. OTHER:
 1. Upcoming DTE Energy SUP/Nate Krommendyk/Representative
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:
(Please identify yourself for the record. All comments will be limited to two (2) minutes)
8. PUBLIC HEARINGS:
 1. *Otsego County Master Plan*
 2. *Otsego County Zoning Ordinance Proposed amendment
PZO15-002-proposed language to Article 17/Schedule Dimensions AR/Agricultural
Resource/FR/Forest Recreation setbacks*
9. ADVERTISED CASES:
 1. *Otsego County Master Plan*
 2. *Otsego County Zoning Ordinance Proposed amendment
PZO15-002-proposed language to Article 17/Schedule Dimensions AR/Agricultural
Resource/FR/Forest Recreation setbacks*
10. UNFINISHED COMMISSION BUSINESS:
 1. *Agricultural Equipment Auctions-Proposed language*
 2. *Site Plan and Development/Reclamation plan/requirements-Clarification*
11. NEW BUSINESS:
 - 1.
12. REPORTS AND COMMISSION MEMBER'S COMMENTS:
 1. *Otsego County Parks & Recreation report/Judy Jarecki*
 2. *Detroit Free Press article-Oil and Gas Drilling Issues/Zoning Training*
13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for January 19, 2015

Call to Order: 6:00 pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Chairperson Hartmann, Mr. Borton, Mr. Hilgendorf, Mr. Arndt, Mr. Brown, Ms. Nowak, Mr. Klee, Mr. Hendershot, Mr. Mang

Absent: Vice-Chairperson Jarecki, Ms. Corfis

Staff Present: Mr. Schlaud, Ms. Boyak-Wohlfeil

Public Present: John Ernst

Chairperson Hartmann congratulated Mr. Borton on his appointment as Otsego County Board of Commissioners chairperson.

Consent Agenda: None

Approval of minutes from: December 15, 2014

Motion made to approve minutes as written by Mr. Borton; Seconded by Mr. Brown.

Motion approved unanimously.

Other: None

Public participation for items not on the agenda:

Mr. Ernst stated activity at the Wolverine Power site consisted of soil boring only, no earth was being moved. Workers were trying to ascertain the consistency of the soil to evaluate the settling under the weight of the structure for foundation safety.

Public Hearing:

*Otsego County Zoning Ordinance Proposed amendment
PZ15-001-proposed language to Article 7 RR/Recreation Residential Section 7.2 Permitted
Uses Subject to Special Conditions
Section 7.2.3 Private, non-profit recreational areas and facilities.*

Chairperson Hartmann stated the scheduled public hearing concerned a proposed business *for profit* in Elmira Township.

Public Hearing Open: 6:07 pm

Chairperson Hartmann opened the public hearing stating the response from townships was favorable to the amended language except for two (2), Chester Township and Otsego Lake Township.

Otsego County Planning Commission

Proposed Minutes for January 19, 2015

Ms. Nowak, Chester Township representative, questioned the wording stating they had interpreted the section as eliminating all non-profit business with the deletion of the two (2) words. They felt it should be open to both types of business.

Chairperson Hartmann stated he believed the intent was to allow both privately owned, profit or non-profit in the zoning district by eliminating the words '*non-profit*'.

Ms. Corfis, Otsego Lake Township representative was not in attendance.

Chairperson Hartmann closed the public hearing.

Public Hearing Closed: 6:11 pm

Advertised Case:

*Otsego County Zoning Ordinance Proposed amendment
PZ15-001-proposed language to Article 7 RR/Recreation Residential Section 7.2 Permitted
Uses Subject to Special Conditions
Section 7.2.3 Private, ~~non-profit~~ recreational areas and facilities.*

Motion made to recommend the deletion of the words *non-profit* from Section 7.2.3 as proposed per Article 7 RR/Recreation Residential, Section 7.2 Permitted Uses Subject to Special Conditions to the Otsego County Board of Commissioners by Mr. Hartmann; Seconded by Mr. Klee.

Motion approved unanimously.

Unfinished Commission Business:

1. 2015 Objective List
 - a. Committee formation for Non-Conforming Structures language

Chairperson Hartmann presented the updated prioritized Objective List. He stated staff would put together proposed language to amend Article 21 concerning agricultural equipment auctions and also reclamation language to Article 23 Site Plan Review.

Chairperson Hartmann stated Elmira Township is continuing to work on the Multiple Use Zoning (MUZ) District and he was also gathering information on Large Tract Forestry. It would be presented when it was assembled.

Secretary Arndt stated he had previously worked on the subject of signs and private roads and would gather his files to see where everything stood.

Staff will also search files for any information related to the issues.

Secretary Arndt stated he would continue to work on the sign ordinance.

Chairperson Hartmann requested committee volunteers to propose language to Non-Conforming Structures pertaining to the rebuilding of a structure due to an 'act of God'.

Volunteers included:

Mr. Arndt	Mr. Klee
Mr. Hilgendorf	Mr. Hartmann

Otsego County Planning Commission

Proposed Minutes for January 19, 2015

A committee to work on the private road issue would be put together at a later date.

Mr. Mang stated he would get together with staff to work on language pertaining to Section 21.46 Wireless Communications next month.

Mr. Schlaud stated he would check the new EPA requirements concerning outdoor wood-fired boilers.

Motion made to approve the 2015 Objective List by Mr. Hilgendorf; Seconded by Mr. Mang.

Motion approved unanimously.

2. AR/Agricultural Resource, FR/Forest Recreation setback language

Mr. Schlaud presented Article 21 Section 21.1.4 concerning zoning ordinance compliance in the AR/Agricultural Resource Zoning District.

Discussion ensued.

A public hearing will be scheduled for the proposed language to Article 17/Schedule of Dimensions, AR/Agricultural Resource, FR/Forest Recreation residential setbacks at the Planning Commission meeting in March.

New Business:

1. 2014 Annual Report to Board of Commissioners

Mr. Hartmann presented the 2014 Annual Report to the Board of Commissioners; Commission members approved without objection.

Motion made to approve the 2014 Annual Report to the Board of Commissioners by Mr. Klee; Seconded by Mr. Arndt.

Motion approved unanimously.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Vice Chairperson Jarecki, Parks & Recreation representative absent.

2. MSU Restrictions on Zoning Authority/Zoning Training

Adjournment: 7:15 pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

**OTSEGO COUNTY
PLANNING COMMISSION**

PUBLIC HEARING NOTICE

March 16, 2015

The Otsego County Planning Commission will hold two (2) public hearing on Monday, March 16, 2015 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

The purpose of the public hearings will be to obtain citizen comment on the following:

1. OTSEGO COUNTY MASTER PLAN

An updated revision of the 2009 Master Plan

2. ARTICLE 17/SCHEDULE OF DIMENSIONS RESIDENTIAL SETBACKS IN AR/AGRICULTURAL RESOURCE AND FR/FOREST RECREATION ZONING DISTRICTS

A proposed amendment to the article of the Otsego County Zoning Ordinance listed above

All citizens are welcome to attend the meeting or provide written comment. If written comments are provided the comments must be received at the Otsego County Land Use Services Office by noon (12:00 pm) the day of the meeting.

Any citizen who has questions regarding this application or needs assistance to attend this meeting should contact the Director of Land Use Services at (989) 731-7420.

ARTICLE 17 SCHEDULE OF DIMENSIONS

17.1 Table 1 - LIMITING HEIGHT, DENSITY, AND AREA BY ZONING DISTRICTS (See also [Article 21.1 Accessory Buildings](#) and [Article 22 General Exceptions for Area, Height, and Use](#))

<i>Zoning District</i>	R1 & R2	R3	RR	FR & AR	Reserved for future use	Reserved for future use
Min. Lot Area (Sq. feet)	20,000 .46 acre	40,000 .92 acre	20,000 .46 acre	88,000 2.02 acre		
Min. Front Setback (b)(j)	25 ft	25 ft	25 ft	50 ft (m)		
Max. Front Setback	NA	NA	NA	NA		
Min. Side Setback	10 ft	10 ft	10 ft	20 ft (c, m)		
Min. Rear Setback	30 ft (a, h)	30ft (a, h)	30 ft (a, h)	40 ft (a, h, m)		
Min. Lot width (k)	100 ft 150 ft Duplex	100 ft	100 ft	150 ft AR 300 ft Duplex		
Max. % lot coverage	25%	25%	25%	30%		
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)		
Min. Ground Floor area of principal structure (Square feet)	720 (i)	720 (i)	720 (i)	720 (i)		
Min. Width of principal structure	20 ft (i)	11ft (i)	20 ft (i)	11 ft (i)		

<i>Zoning District</i>	B1	B2	B3	I	HX	Reserved for future use
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000	10,000	
Min. Front Setback	30 ft (e)					
Max. Front Setback	NA	NA	NA	NA	NA	
Min. Side Setback	10 ft (c)					
Min. Rear Setback	20 ft (a, d, f)					
Min. Lot width (k)	100 ft	100 ft	100 ft	150 ft	150 ft	
Max. % lot coverage	NA	NA	NA	NA	NA	
Max. Building height (l)	35 ft (g)					
Min. Ground Floor area principal structure (Square feet)	NA	NA	NA	NA	NA	
Min. Width of principal structure	NA	NA	NA	NA	NA	

Minimum front, side and rear setbacks, and maximum lot coverage modifications of up to twenty-five percent (25%) may be approved by the Zoning Administrator for nonconforming lots, as described in [Article 21.26.1](#) and [21.26.2](#).

Note a: Lots within five hundred (500) feet of lakes, ponds, flowages, rivers, streams: see [Article 18, LOTS NEAR WATER](#).

Note b: Where the front yards of two (2) or more principal buildings in any block, or within five hundred (500) feet in existence at the time of the passage of this Ordinance (or amendment thereto), in the same zoned district or the same side of the road are less than the minimum front yard setback, then any principal building subsequently erected on the same side of the road shall not be required to provide a greater setback than the average for the existing two (2) or more principal buildings.

Note c: On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the residential side in [AR, FR, B1, B2, B3 and HX](#).

Note d: Loading and unloading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per linear foot of front building wall. Loading space shall not be counted as required off-street parking. Loading zones may be located in other non-required yards if screened or obscured from view from public streets and residential districts.

Note e: Off-street parking may be permitted in the front yard, except that a ten (10) foot wide landscaped buffer is maintained between the front lot line (or right-of-way line) and the parking area.

Note f: No building shall be placed closer than forty (40) feet to the outer perimeter of such district or property line when said use abuts a residential district boundary.

Note g: Subject to approval by the Planning Commission, the maximum height of buildings may be permitted to exceed the maximum stated in the Schedule by up to fifty percent (50%) in R1, R2, R3, RR, B1 and B2 Districts, and up to one hundred percent (100%) in all other districts, provided that the applicant can demonstrate that no good purpose would be served by compliance with maximums stated, (as in the case of steep topography, a Planned Unit Development (PUD), or larger site); and further, there is no conflict with airport zoning height restrictions; fire safety is maintained subject to local fire authority approval; and the light, air and/or scenic views of adjoining property is not impaired. The Planning Commission and or Zoning Board of Appeals cannot allow a WTG height greater than allowed in [Section 21.47](#) or a Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District **PRINCIPAL USES PERMITTED** or **PERMITTED USES SUBJECT TO SPECIAL CONDITIONS**. Also see [Article 22 GENERAL EXCEPTIONS FOR AREA, HEIGHT AND USE](#).

Note h: [Section 21.1](#) allows a rear setback of ten (10) feet for accessory buildings.

Note i: The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.

Note j: In instances where the property is adjacent to a public right of way or ingress egress easement dedicated as permanent adequate access to one (1) or more lots, the setback shall be measured from that right of way or ingress egress easement.

Note k: Specific allowable uses have greater minimum lot widths as required in the Zoning District allowable use lists.

Note l: Specific allowable uses have greater allowable heights as stated in the Zoning District allowable use lists, [Article 21](#) and [Article 22, Section 22.3 Height Limits](#), of this ordinance

Note m: Upon Zoning Administrator approval, setbacks for residential single family dwellings (SFD) may be the same as defined in all other residential districts (R1&R2, R3 and RR)

November 14, 2014

Mr. Vern Schlaud
Director of Otsego County Land Use Services
1322 Hayes Rd.
Gaylord, Mi 49735

Dear Mr. Schlaud:

The Otsego Lake Township Planning Commission reviewed the proposed revisions to the Otsego County Zoning Ordinance:

1. Article 17/Schedule of Dimensions Regarding AR/FR Zoning

The Otsego Lake Township Planning Commission suggests there should be further legal review of these proposed changes. We feel there should be written guidelines for the Administrator to follow in making his determination. Also our planning commission is not sure the master plan supports reductions in the setback requirements of at least two zoning districts. Finally, there have not been any recent cases before the ZBA indicating a need for such a change.

2. Article 7, Section 7.2, Permitted Uses Subject to Special Conditions

The Otsego Lake Township Planning Commission does not recommend the removal of non profit from Section 7.2.3. Our planning commission does not wish to widen the scope of allowable uses in the RR district.

Thank you for giving us the opportunity to provide input on these proposed changes to the Otsego County Zoning Ordinance.

Sincerely,



Secretary

Christine Boyak-Wohlfeil

From: Vern Schlaud
Sent: Monday, February 09, 2015 2:22 PM
To: Christine Boyak-Wohlfeil
Subject: FW: Proposed amendment to Article 17

From: Steve Dipzinski [<mailto:steven.a.dipzinski@gmail.com>]
Sent: Monday, October 20, 2014 5:45 PM
To: Vern Schlaud
Cc: Richard Carlson; Glen Kuehn; Joyce Slivinski; M. Mang; Brecheisen, Norm
Subject: Proposed amendment to Article 17

The Livingston Township Planning Commission has reviewed and discussed the proposed amendment to Article 17 / SCHEDULE OF DIMENSIONS specifically the AR/AGRICULTURAL RESOURCES and FR/FOREST RECREATION Zoning districts.

We are not in favor of any changes to reduce the size of setbacks at this time. there were several reasons we were against this change but I will list a few for you.

1. Due to the nature of farming and the equipment used, these setback changes could make it difficult to maneuver equipment and stay within the constraints of smaller setbacks.
2. The larger setbacks were set up for FR and AR zoned areas to allow a more rural nature of living and to maintain distance between residents. This is appealing to those who choose to reside in these areas; if the need arose where there were special circumstances that needed to be addressed to change those setbacks we have a Zoning board of appeals, this is where matters of this nature can be addressed on a case by case basis.
3. Even though the proposed setbacks would apply only to single family residences, it is precisely buildings with residential use that should be given a bigger setback than what is proposed by the change. Ten and thirty feet from the property line of an active farm or forestry use building is too close to protect the welfare of the occupants of the residence.

There were several other reasons discussed but all in all we as a planning commission were unanimously against any changes at this time. We thank you for asking for our input and hope that this will help you come to a decisions on this matter.

Steve Dipzinski
Chairman
Livingston Township Planning Commission

Diane Franckowiak,
Supervisor
P.O. Box 117
Elmira, MI 49730
231-546-3241

Susan Shaedig, Clerk
7252 Alba Road
Gaylord, MI 49735
989-732-2920



Township of Elmira
Leonard Skop, Trustee • Dale Holzschu, Trustee

Diane Purgiel, Treasurer
1404 N. Townline Road
Gaylord, MI 49735
989-732-4446
989-732-9702 Fax

D & D Assessing
P.O. Box 117
Elmira, MI 49730
989-732-1099

October 9, 2014

Vern Schlaud, Director
Otsego County Land Use Services
1322 Hayes Rd
Gaylord, Michigan 49735

Dear Vern:

Elmira Township has no objections to amending ARTICLE 17/SCHEDULE OF DIMENSIONS zoning districts AR/AGRICULTURAL RESOURCE and FR/FOREST RECREATION to allow lesser setbacks for residential use per Zoning Administrator approval.

Sincerely,

Susan Schaedig
Susan Schaedig, Clerk

Corwith Township Planning Commission Minutes — DRAFT

September 29, 2014 Meeting

Township Hall 7:00 PM

Meeting Call to Order: meeting called to order by Chair John LaFave Pledge of Allegiance 7:02⁶ pm

Roll Call:

Tom Loshaw
John LaFave
Lori LaFave

Judi Jarecki
Tom Kellogg

Others present:

Bernie Matelski

Approval of August 25, 2014 Minutes:

Judi made a motion to approve the minutes with the following corrections: spelling of "Libke" Field; and the correct adjourn time of "09:31" pm. John seconded, and the motion was carried by voice vote.

Correspondence: The Otsego County Planning Commission (OCPC) has proposed allowing building front setback requirements to change from 50 feet to 25 feet in the FR and AR districts, and has asked for input from the Township. After some discussion, it was decided that the 50-foot requirement for these districts was adequate, and that 25 feet would be well within the snow, ice, and gravel-throwing distance of rapidly-moving snowplows in these districts. Judi made a motion to advise the Twp Board to recommend to the OCPC that the front setback remain at 50 feet in these rural districts. Lori seconded, and the motion carried.

The OCPC is proposing to drop the designation 'non-profit' from certain uses in the RR District, since certain limited *commercial* uses are also compatible in the District. After some discussion, Judi made a motion to advise the Twp Board that it "would be acceptable to drop the limiting designation 'non-profit' from certain uses in the District RR." John seconded, and the motion carried.

Public Comment: None

Planning Commission Items:

1. Township Planning Commission (TPC) activities in coordination with the Village of Vanderbilt (VPC): VPC members to work with the TPC to define scope of a recreation grant (including location of proposed facilities).

The files for the proposed trail "gateway" concept not being on Tom K.'s computer, John recommended tabling further discussion until the October meeting. There was general agreement.

2. Otsego County Planning Commission activities:

In addition to the above correspondence, the County PC discussed an appreciation for Randy Stultz. Master Plan updates are continuing. More map updates and text updates are needed before a final review of the Plan can be made. Many of the County 2015-2019 capital improvements such as roads and airport facilities were discussed. The Parks and Rec Committee considered naming the Community Center after Chad Dutcher, its original founder. Another suggestion was to instead have a portrait of the founder inside the building.

3. Otsego County Housing Committee activities: No change in the status of on-going projects.

4. Progress on the Corwith Township Master Plan: More sections of the Plan were projected onto the wall for TPC members to suggest changes. There were updates and changes made in section 5 Existing Land Use/Land Cover. The next section, Section 6 Goals and Objectives, requires public input. A public input session will be scheduled during the TPC's meeting in October. This meeting will need to be advertised.

Public Comment: None

Adjourn: There being nothing further to discuss, the meeting was adjourned at 8:34 PM. The next TPC meetings will be held on October 27, 2014, November 24, 2014, December 29, 2014, and January 26, 2015.

CHESTER TOWNSHIP
1737 BIG LAKE ROAD
GAYLORD, MICHIGAN 49735

10/25/14

Otsego County Dept. of Land Use Services

Attn: Mr. Vern Schlaud, Director

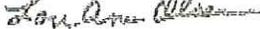
1322 Hayes Road

Gaylord, Michigan 49735

Dear Mr. Schlaud,

The Chester Township Board has accepted the recommendations of the township planning commission and the following motion was made 10/23/14 at a special meeting of the township board. It reads as follows: Motion by Basinski that the Chester Township Board accepts the recommendations of the Chester Township Planning Commission that the proposed changes to the county zoning ordinance regarding Article 17/ Schedule of Dimensions specifically the AR/Agricultural Resource and FR/Forest Recreation Zoning Districts be accepted as presented and Article 7 RR/Recreation Residential --Section 7.2 permitted uses subject to special conditions should remain as previously written and the word "non-profit" not be deleted. Seconded by Nowicki All in Favor.

Sincerely,



Lou Ann Olsen

Chester Township Supervisor

Cc: Board Members

CHARLTON TOWNSHIP
OTSEGO COUNTY

P.O. Box 367 • Johannesburg, Michigan 49751 • Phone: (989) 731-1920 • Fax (989) 731-1070

To: Vern Schlaud, Director
Department of Land Use Services
1322 Hayes Rd.
Gaylord, MI 49735

From: Ivan H. Maschke, Charlton Twp. Clerk

16 October 2014

Dear Vern,

At the Charlton Township regular board meeting held on October 13, 2014, there was discussion regards to your letter of September 25, 2014, about proposed changes in county zoning.

After discussion and input from the Charlton Township Planning Commission, the board has the following recommendations: the board has no issue with the changes to article 7 as requested to remove "non-profit" from article 7.2.3.

Secondly, that article 17 not be accepted as requested and that a new note "m" that the "upon Zoning Administrator approval" be deleted and "may" be changed to "shall".

Thank you for your time and consideration. The Charlton Township Board has accepted the local planning commission's recommendations on these items.

Sincerely,



Ivan H. Maschke
Charlton Twp. Clerk

Cc: Willard Brown, Planning Commission
File

Agenda Item 2—Section 17.1, FR and AR zoning and Note M is proposed to be recommended to the County Commissioners to allow homeowners in the FR and AR districts to build residential buildings designed for single family occupancy with the same setbacks from public road rights of way as in Districts R1/R2/R3 and RR (25 feet) .

As we understand it, the change would imply three issues:

The word “may” build does not compel anyone to building closer than 50 feet, but allows those who desire better dwelling access to a public street to do so, with approval of the zoning administrator.

This change does not imply or grant side or rear setback changes.

This change only applies to single family homes, no agricultural buildings or other accessory *buildings except attached residential garages*.

Inasmuch as the request for these changes were brought forward by a township board with constituent support from the AR/FR zoning districts, it seems to us that they carry more weight.

Lastly, although the change may be small, we recall that the long and tortured process the county went through in the recent past where county residents displayed a clear bias to preserving vacant recreational land as much as possible. While 25 feet may seem a small change, measured across an acreage parcel it is not. Making this change may also act to move accessory buildings toward the roadway preserving undeveloped back lands, and we think that would be a good thing.

Given that this change does not compel anyone to move closer to a road, the option and the way it has come forward from a township seems reasonable as a useful change to section 17.1.

Approved by voice vote unanimously.

Approved for the Board by Bill Giles, Supervisor, who was also present.

Respectfully Submitted for the Planning Commission,

/S/ 4772 K14266

*Kenneth R. Arndt
Chairman*

Approval for the Township Trustees

/S/

Bill Giles, Supervisor

Proposed language 'Agricultural Equipment Auction Yards':

ZBA Motion:

The Zoning Board of Appeals makes the determination that Agricultural Equipment Auctions are a comparable use to Article 9.2.4 'Livestock Auction Yards' and therefore, under Article 9.2.24 and Article 18.44, Agricultural Equipment Auctions are a permitted use subject to special conditions and the conditions of Livestock Auction Yards in the Agricultural Resource District (AR).

9.2.4 Auction yards for livestock and/or agricultural equipment with accessory buildings on a minimum forty (40) acres site with a minimum width of six hundred (600) feet, provided that there is no nuisance imposed upon the surrounding farms or dwellings.

Proposed language Special Use Permit/Site Plan Review 'Reclamation Plan':

Already part of **ARTICLE 25 SITE PLAN REVIEW:**

*** SECTION 25.6 PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE**

In authorizing any Zoning Permit, Special Land Use Permit, Planned Unit Development approval or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; (2) to insure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the County to complete required improvements or conditions in the event the permit holder does not.

25.6.1 Improvements Covered: Improvements that shall be covered by the performance guarantee or bond include: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. The performance guarantee shall meet the following requirements:

25.6.1.1 Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the County Clerk, which names the property owner as the obligor and the County as the obligee.

25.6.1.2 Time when Required: The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the County shall deposit the funds in an interest bearing account in a financial institution with which the County regularly conducts business.

25.6.1.3 Amount: The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions. Additional guidelines for establishing the amount of a performance guarantee or bond may be prescribed by

resolution of the County Board of Commissioners. If none are specified or applicable to the particular use or development, the County Board of Commissioners shall by resolution establish a guideline which it deems adequate to deal with the particular problem while ensuring the protection of the County and its inhabitants.

25.6.2 Return of Performance Guarantee or Bond: The County Clerk, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.

25.6.3 Withholding and Partial Withholding of Performance Bond: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the County Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit a recommendation to the Planning Commission and County Board of Commissioners indicating approval, partial approval, or rejection of the improvements or approval with conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

25.6.3.1 The Planning Commission shall approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements.

Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

25.6.3.2 Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the County may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining would be returned to the applicant.

25.6.4 Performance Bond for Razing of Building: The Zoning Administrator may require a bond prior to the razing or demolition of principal structures and accessory structures having more than one hundred forty-four (144) square feet of floor area. The bond shall be determined according to a guideline of one thousand dollars (\$1,000.00) for each one thousand (1,000) square feet or fraction thereof of floor area of the structure to be razed. A bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief or the County Board of Commissioners may from time to time prescribe, including filling of excavations and proper termination of utility connections.

25.6.5 Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Zoning Administrator and the status thereof reported to the County Board of Commissioners at least quarterly.

As oil wells enter neighborhoods, townships push back

By Keith Matheny, Detroit Free Press 11:49 a.m. EST February 5, 2015



(Photo: Mandi Wright, Detroit Free Press)

Jamie Calaguas mostly remembers the noise.

The grinding, whining, constant hum of industrial activity — but not from a factory. The clamor was coming from the 109-foot oil well West Bay Exploration was drilling outside her back door.

In a residential neighborhood.

Without any notification being given to the residents.

"I could hear it at night from my home with all the windows closed," said Calaguas, whose home is about 900 feet from the well. "It ran 24-7, and the lights were very bright — it was lit up like a football field. It lasted for about 21 days."



DETROIT FREE PRESS

Vector shelves pipeline expansion

[\(http://www.freep.com/story/news/local/michigan/2015/02/03/natural-gas-pipeline-vector-rover-enbridge-dte/22813789/\)](http://www.freep.com/story/news/local/michigan/2015/02/03/natural-gas-pipeline-vector-rover-enbridge-dte/22813789/)

Laura Krempa, whose home is even closer at 587 feet from the well, was incredulous: "I couldn't believe what they were doing. I said, 'Can they do that? Is this actually legal? What can the township do?'"

Not much, Shelby Township Supervisor Rick Stathakis quickly learned. State law sets minimum setbacks from homes for an oil well at only 450 feet. West Bay had followed all the rules. As his phone rang off the hook with resident complaints, Stathakis discovered that a decades-old provision in state zoning law specifically prohibits counties and townships from regulating the drilling and operation of oil and gas wells — it's the only industry that gets such treatment.

Oil and gas developers insist there's no new trend of bringing drilling activity into more urban, residential settings. But a number of similar conflicts have occurred in recent months. In addition to Shelby Township, drilling has riled neighbors in Scio Township, the Rochester Hills area and elsewhere.

Handcuffed by state law, townships are still finding ways to push back. A number have issued moratoriums on drilling while they assess their regulations. They're also looking at the powers they do have in zoning and police powers to, if not control drilling and fracking itself, regulate the activities associated with it that they believe impact the health, safety and welfare of their communities.



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6 Michigan counties cut from proposed ET Rover pipeline route

[\(http://www.freep.com/story/news/local/michigan/2015/02/02/et-rover-vector-natural-gas-pipeline/22768405/\)](http://www.freep.com/story/news/local/michigan/2015/02/02/et-rover-vector-natural-gas-pipeline/22768405/)

"We're not against drilling; we're against it in a residential neighborhood, only 450 feet from homes," said Stathakis.

A state environmental nonprofit, For Love of Water, or FLOW, is educating and encouraging local governments, including Shelby Township, to use zoning and police powers not prohibited by the state on the ancillary activities related to oil and gas development.

"The idea that there is no jurisdiction at the local level just isn't true," said Jim Olson, a Traverse City-based environmental attorney and president of FLOW.

"Light, noise, truck traffic and routes, odors, hazardous substances moving over streets with the risk of spills, protection of water resources, you name it. Quality of life, property values, anything that would risk the health, safety and welfare of residents, townships have the right to regulate."

Rule goes back to 1943

Michigan's zoning law includes Section 205(2): "A county or township shall not regulate or control the drilling, completion and operation of oil or gas wells ... and shall not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation or abandonment of such wells."

Gibson said he is part of a working group in Lansing that includes representatives from state government, the Michigan Townships Association and the petroleum industry, looking at issues of drilling in "highly urbanized areas." Solutions should come from the results of that effort, he said, and not each township crafting its own rules, a lack of uniformity that would be problematic for the oil and gas industry.

"There are a number of issues that I'm not sure these townships are taking into account," he said. "Property rights are a big one."

Gibson noted that West Bay leased more than 1,000 acres in Scio Township, with more than 100 property owners participating.

"I'm not sure it's in the township's best interest to be spending a lot of time and resources" opposing local oil and gas development "if there is also a pretty good-sized, silent majority out there that is interested in having this kind of activity."

Scio Township resident Laura Robinson has a different view. She's the president of a grassroots citizens group that formed after West Bay began inquiries into drilling there, Citizens for Oil-Free Backyards.

"The fact is, we are in this situation right now because of the oil and gas industry, the DEQ, and the situation proceeding as it always has," she said.

"There needs to be very significant reform. Townships are able to use their zoning authority for all other industries. Oil and gas companies really get a free pass, regardless of how a township is planned, how it is zoned, how many people are there.

"This is a conflict between an industry that wants to extract minerals, going against the rights of people who want to live their lives, on their properties, in their neighborhoods and townships. That's a conflict that needs to be resolved."

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