

COUNTY OF OTSEGO
PUBLIC HEARING NOTICE
November 25, 2014

The Otsego County Board of Commissioners will hold a public hearing at their regular meeting on Tuesday, November 25, 2014 at 9:30 a.m. in Room 100 at 225 W. Main Street, Gaylord, MI.

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

Wolverine Power Company, in cooperation with the optioned property owners of the listed parcels, is requesting a rezoning of these same parcels. The rezoning is proposed as a Conditional Rezoning per Section 405 of the Michigan Zoning & Enabling Act. The properties are located in Elmira Township, Section 20 along M-32 West, Elmira, MI 49730 and currently zoned AR/Agricultural Resource and B2/General Business. The proposed rezone is B3/Business, Light Manufacturing and the proposed use of the property is the operation of a facility to include a natural gas fired power generation plant, ancillary equipment and buildings and accessory uses which include but are not limited to; electric power substations, electrical transmission and distribution facilities, natural gas metering and regulation stations, air compression equipment, backup electrical generation, water storage tanks and the maintenance of these facilities. The proposed land use will be subject to the normal process for a Permitted Use Subject to Special Conditions according to the Otsego County Zoning Ordinance.

| Parcel identification number: | Legal Description: |
|--|---|
| 060-020-300-010-00 7603 M-32 West Elmira, MI 49730 | S 1/2 OF SW 1/4 SEC 20 T31N R4W |
| 060-020-300-005-01 M-32 West Elmira, MI 49730 | E 1/2 OF THE N 1/2 OF SW 1/4 SEC 20 T31N R4W |
| 060-020-400-010-00 M-32 West Elmira, MI 49730 | NW 1/4 OF SE 1/4 SEC 20 T31N R4W |
| 060-020-400-005-02 M-32 West Elmira, MI 49730 | COMM AT THE E 1/4 TH S 0 DEG14'01"W 527.77 FT ALG THE E SEC LINE, TH N88DEG13'25"W 874.14 FT TO THE POB, TH S 0 DEG 14'01"W 797.65 FT, TH N88DEG13'25"W 437.08 FT, ALG THE S 1/8 LINE, TH N00DEG16'23"E 797.63 FT ALG THE E 1/8 LINE, TH S88DEG13'25"E 436.53 FT TO THE POB SEC 20 T31N R4W |

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 Courthouse at 225 W. Main Street, Room 203, Gaylord, MI 49735 by 4:30 p.m. on Monday, November 24, 2014.

Any citizen who has questions regarding this application or needs assistance to attend this meeting should contact the County Administrator at (989) 731-7520.

REQUEST TO REZONE APPLICATION

OTSEGO COUNTY LAND USE SERVICES
1322 HAYES ROAD
GAYLORD, MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419

APPLICANT INFORMATION:

| | |
|---|---------------------------------------|
| Name: Wolverine Power Cooperative | Owner/Agent/Other (Circle one) |
| Address: 10125 W. Watergate Road, PO Box 229, Cadillac, MI 49601 | |
| Phone: 231-775-5700 | Fax: 231-775-2077 |

PROPERTY OWNER INFORMATION: (IF DIFFERENT FROM APPLICANT)

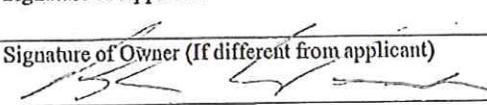
| | |
|-----------------|-------------|
| Name: | |
| Address: | |
| Phone: | Fax: |

PROPERTY INFORMATION:

| | | |
|--|--|----------------------------|
| Address: | | |
| Parcel Number: See Attachment No. 1 - - | | |
| Acres: 168 | Current Zoning District: AR | Current Use: Vacant |
| Requested Zoning: B3 | Future Land Use Designation: AR | |

ATTACHMENTS: *Please submit the following items with the application.*

- A Site Plan drawn to scale showing the following: the entire parcel to be rezoned, adjacent roads and/or easements, existing and proposed curb cuts, existing improvements, existing and proposed utilities, adjacent uses and zoning districts, any unique natural features such as lakes, rivers, streams, wetlands, steep slopes...
- A copy of the deed(s) and an accurate legal description(s) of the parcel(s) to be rezoned.
- A statement of the consistency of the proposed rezone with the existing and future surrounding land uses and the anticipated impacts to the surrounding area with specific regard to traffic, infrastructure, environment, noise, public safety and visual considerations.

| | |
|---|-------------|
| Signature of Applicant | Date |
|  | 10/20/14 |

***Optional: I hereby grant permission for members of the Township Planning Commission, Township Board, Otsego County Planning Commission and Zoning Administrator to enter the above described property for the purposes of gathering information related to the application.

***Note to Applicant: This permission is optional and failure to grant permission will not affect any decision on the applicant.

| | |
|------------------------------------|-------------|
| Signature of Property Owner | Date |
|------------------------------------|-------------|

OFFICE USE ONLY

| | | |
|----------------------|-----------------|-----------------------------------|
| Fee: \$700.00 | File No: | Date Application Received: |
|----------------------|-----------------|-----------------------------------|

Attachment No. 1 –

Parcels being requested to be rezoned from the current Agriculture Resource (AG) to Business, Light Manufacturing (B3) –

Parcel 1 – Parcel No. 060-020-300-005-01

Parcel 2 – Parcel No. 060-020-400-010-00

Parcel 3 – Parcel No. 060-020-400-005-02

Parcel 4 – Parcel No. 060-020-300-010-00

governor at the last preceding general election at which a governor was elected, with the clerk of the legislative body requesting the submission of a zoning ordinance or part of a zoning ordinance to the electors residing in the zoning jurisdiction for their approval.

(3) Upon the filing of a notice of intent under subsection (1), the zoning ordinance or part of the zoning ordinance adopted by the legislative body shall not take effect until 1 of the following occurs:

(a) The expiration of 30 days after publication of the ordinance, if a petition is not filed within that time.

(b) If a petition is filed within 30 days after publication of the ordinance, the clerk of the legislative body determines that the petition is inadequate.

(c) If a petition is filed within 30 days after publication of the ordinance, the clerk of the legislative body determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the zoning jurisdiction voting on the petition at the next regular election or at any special election called for that purpose. The legislative body shall provide the manner of submitting the zoning ordinance or part of the zoning ordinance to the electors for their approval or rejection and determining the result of the election.

(4) A petition and an election under this section are subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: 2006, Act 110, Eff. July 1, 2006.

125.3403 Amendment to zoning ordinance; filing of protest petition; vote.

Sec. 403. (1) An amendment to a zoning ordinance by a city or village is subject to a protest petition as required by this subsection. If a protest petition is filed, approval of the amendment to the zoning ordinance shall require a 2/3 vote of the legislative body, unless a larger vote, not to exceed a 3/4 vote, is required by ordinance or charter. The protest petition shall be presented to the legislative body of the city or village before final legislative action on the amendment and shall be signed by 1 or more of the following:

(a) The owners of at least 20% of the area of land included in the proposed change.

(b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

(2) Publicly owned land shall be excluded in calculating the 20% land area requirement under subsection (1).

History: 2006, Act 110, Eff. July 1, 2006.

125.3404 Interim zoning ordinance.

Sec. 404. (1) To protect the public health, safety, and general welfare of the inhabitants and the lands and resources of a local unit of government during the period required for the preparation and enactment of an initial zoning ordinance under this act, the legislative body of a local unit of government may direct the zoning commission to submit, within a specified period of time, recommendations as to the provisions of an interim zoning ordinance.

(2) Before presenting its recommendations to the legislative body, the zoning commission of a township shall submit the interim zoning ordinance, or an amendment to the ordinance, to the county zoning commission or the coordinating zoning committee, for the purpose of coordinating the zoning ordinance with the zoning ordinances of a township, city, or village having a common boundary with the township. The ordinance shall be considered approved 15 days from the date the zoning ordinance is submitted to the legislative body.

(3) After approval, the legislative body, by majority vote of its members, may give the interim ordinance or amendments to the interim ordinance immediate effect. An interim ordinance and subsequent amendments shall be filed and published as required under section 401.

(4) The interim ordinance, including any amendments, shall be limited to 1 year from the effective date and to not more than 2 years of renewal thereafter by resolution of the local unit of government.

History: 2006, Act 110, Eff. July 1, 2006.

125.3405 Use and development of land as condition to rezoning.

Sec. 405. (1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.

History: 2006, Act 110, Eff. July 1, 2006.

125.3406 Zoning permits; fees; effect of delinquent payment of fine, costs, or assessment.

Sec. 406. (1) The legislative body may charge reasonable fees for zoning permits as a condition of granting authority to use, erect, alter, or locate dwellings, buildings, and structures, including tents and recreational vehicles, within a zoning district established under this act.

(2) A zoning ordinance adopted by a city may provide that a person is not eligible to apply for a rezoning, site plan approval, special land use approval, planned unit development approval, variance, or other zoning authorization if the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established in that city pursuant to section 4q of the home rule city act, 1909 PA 279, MCL 117.4q.

(3) A zoning ordinance provision adopted under subsection (2) does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure and is 1 of the following:

(a) A government-sponsored enterprise. As used in this subdivision, "government-sponsored enterprise" means that term as defined in 2 USC 622(8), or the Michigan state housing development authority created under the state housing development authority act of 1966, 1966 PA 346, MCL 125.1401 to 125.1499c.

(b) A financial institution. As used in this subdivision, "financial institution" means that term as defined in section 4(c) of the Michigan strategic fund act, 1984 PA 270, MCL 125.2004.

(c) A mortgage servicer, as that term is defined in section 1a of the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651a, that is subject to the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684.

(d) A credit union service organization that is organized under the laws of this state or the United States.

(4) Subsection (2) does not apply to a zoning authorization if the authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment referred to in subsection (2).

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2013, Act 189, Eff. Mar. 14, 2014.

125.3407 Certain violations as nuisance per se.

Sec. 407. Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of a zoning ordinance or regulation adopted under this act is a nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, tent, recreational vehicle, or land is liable for maintaining a nuisance per se. The legislative body shall in the zoning ordinance enacted under this act designate the proper official or officials who shall administer and enforce the zoning ordinance and do 1 of the following for each violation of the zoning ordinance:

(a) Impose a penalty for the violation.

(b) Designate the violation as a municipal civil infraction and impose a civil fine for the violation.

(c) Designate the violation as a blight violation and impose a civil fine or other sanction authorized by law. This subdivision applies only to a city that establishes an administrative hearings bureau pursuant to section 4q of the home rule city act, 1909 PA 279, MCL 117.4q.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008.

ARTICLE V SPECIAL ZONING PROVISIONS

125.3501 Submission and approval of site plan; procedures and requirements.

Sec. 501. (1) The local unit of government may require the submission and approval of a site plan before authorization of a land use or activity regulated by a zoning ordinance. The zoning ordinance shall specify the body or official responsible for reviewing site plans and granting approval.

(2) If a zoning ordinance requires site plan approval, the site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the

Offer to Make Land Use a Condition for Rezoning

This rezoning is proposed as a Conditional Rezoning per Section 405 of the Michigan Zoning Enabling Act. The following conditions are offered for consideration.

The proposed land use is for the construction and operation of a facility which includes a natural gas fired power generation plant, ancillary equipment and buildings and accessory uses which include, but are not limited to; electric power substations, electric transmission and distribution facilities, natural gas metering and regulation stations, air compression equipment, backup electric generation, water storage tanks and the maintenance of these facilities. The proposed land use is to be subject to the normal process for a Permitted Use Subject To Special Conditions per the Otsego County Zoning Ordinance. If construction of the proposed facility has not commenced within 3 years of the rezoning, the property shall revert back to its existing zoning, AR-Agricultural Resource District.

Statement of Consistency

The size and location of the property proposed for rezoning is required to accommodate an improvement to public utilities which requires access to the existing natural gas transmission line and the existing electrical transmission corridor.

The proposed rezoning is an extension of the adjacent node of commercially zoned properties at the intersection of M-32 and Camp Ten Road. The property is not currently used for agricultural production and is vacant, with the exception of those portions used for the production of natural gas which includes a natural gas Central Production Facility.

The proposed facility will have minimal impact on existing and future uses of the surrounding properties. Buffer areas and perimeter landscaping will ensure isolation from adjacent properties. The low intensity use will maintain considerable open space. Development near the perimeter will be limited to that required for driveways, access to the existing natural gas transmission lines and electrical transmission corridors.

Traffic generated by this project is anticipated to be minimal. As of 2012, MDOT lists the Average Daily Traffic Volume for this section of M-32 at approximately 5500 vehicles per day. When operating, this facility is anticipated to generate approximately 20 trips per day and will have a full time staff of approximately 4 people.

Compatibility with existing infrastructure is a primary factor in locating this facility. This project will significantly improve the long term reliability of the electric power grid serving Otsego County and all of Northern Michigan.

Environmental impacts from this proposed project will be minimal. Wolverine intends to submit a minor air quality permit application to the MDEQ in support of this project.

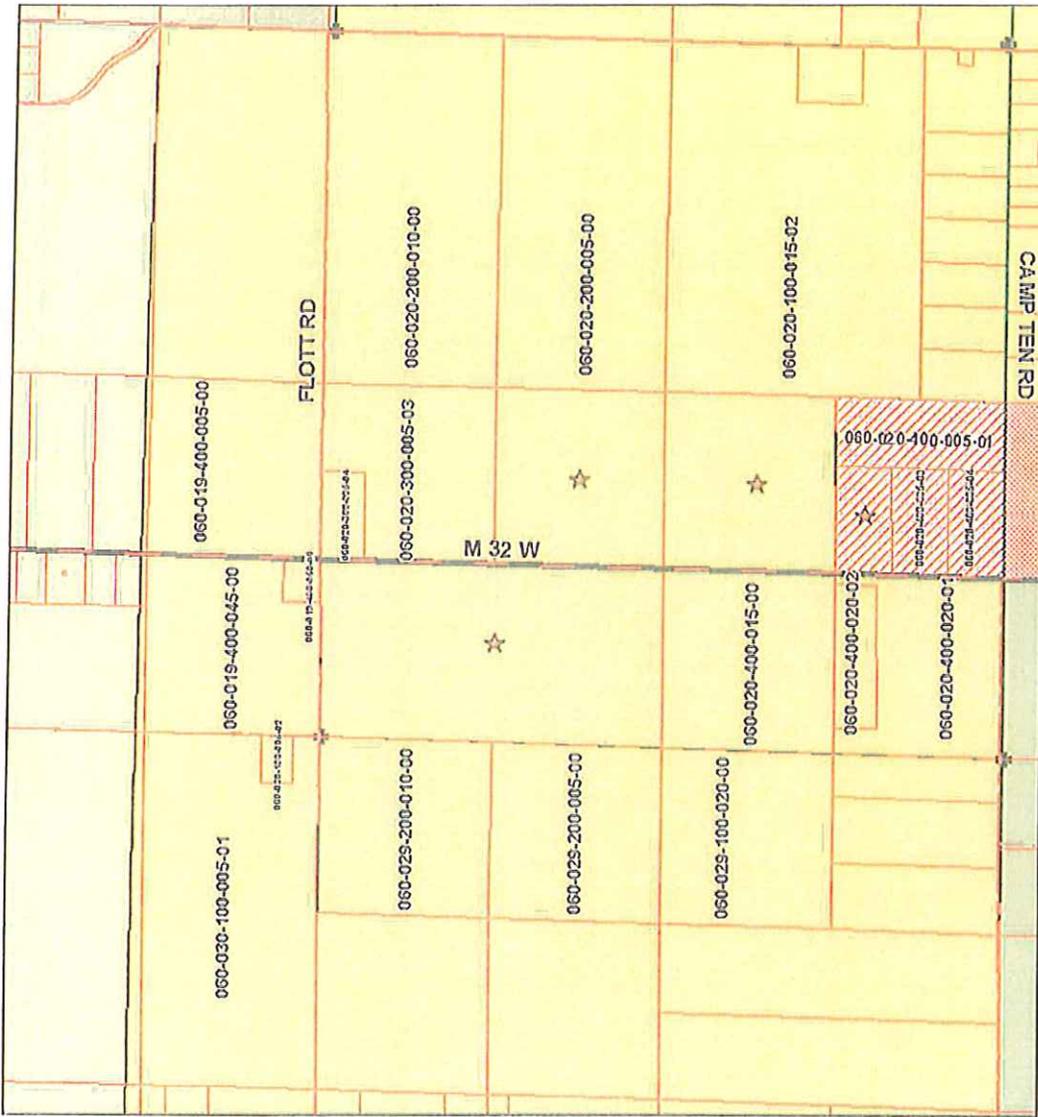
Noise from this facility is projected to be minimal. When, operating, sound levels are anticipated to be approximately 60 decibels at 500 feet. This is significantly less than the noise caused by moderate traffic on the adjacent section of M-32. The forested buffer zones surrounding the turbines will further minimize sounds that will be detectable off the site.

Overall public safety will be enhanced by this project in that it will provide a reliable source for electrical power. Site access will be controlled by security fencing. Full cut off site lighting will further enhance site security.

Visual impacts will be minimized by the undisturbed perimeter of existing vegetation. Those areas of the perimeter that must be utilized for vehicular and utility access will be screened with landscaped vegetation. With the exception of clearing required for utility corridors, the existing forested perimeter will remain.

PREZ14-001-REZONE
 WOLVERINE POWER COOPERATIVE

060-020-300-005-01
 060-020-300-010-00
 060-020-400-010-00
 060-020-400-005-02



Otsego County Zoning

| | |
|--|-----------------------------------|
| | AR/Agricultural |
| | PUD/Planned Unit Development |
| | R2/General Residential |
| | Industrial |
| | B3/Business & Light Manufacturing |
| | RR/Recreation Residential |
| | R1/Residential |
| | R3/Residential Estates |
| | B1/Local Business |
| | B2/General Business |
| | State Land |
| | FR/Forestry Recreation |
| | Undefined |

Exhibit 2