OTSEGO COUNTY
PLANNING COMMISSION
April 15, 2019
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 21, 2018 meeting
5. CONSENT AGENDA
6. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:
   (Please identify yourself for the record. All comments will be limited to two (2) minutes)
7. OTHER
8. PUBLIC HEARINGS:

   1. *MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*
      4855 West Otsego Lake Dr
      Gaylord, MI 49735
      011-800-000-018-02
      Property located in a B2 / General Business Zoning District
      PZSU19-001 – proposed use of the property is to add an addition to the previously existing storage units
      a. *Open Public Hearing*
      b. *Applicant Summary*
      c. *Public Comment (3 minute limit)*
      d. *Close Public Hearing*
      e. *Planning Commission Discussion – Motion*

   2. *Thomas & Cynthia Prusakiewicz, Alan & Sharon Wescoat, owners, being represented by J&N LLC, Mike Mason, applicant, has requested Special Use Permits/Site Plan Reviews for properties located in Livingston Township:*

Martindale Rd	*Martindale Rd*
Gaylord, MI 49735	*Gaylord, MI 49735*
080-006-300-010-01	*080-006-300-010-02*

      Properties located in a AR / Agricultural Resource Zoning District
      PZSU18-004 – proposed use of the property is for a new mining operation
      PZSU18-005—proposed use of the property is for a new mining operation
      a. *Open Public Hearing*
      b. *Applicant Summary*
      c. *Public Comment (3 minute limit)*
      d. *Close Public Hearing*
      e. *Planning Commission Discussion – Motion*

   3. *Otsego County Zoning Ordinance – Wireless Communications – Section 21.46 - Text amendments – Proposed language to allow wireless towers up to 179' in Residential Zoning Districts listed as a permitted use subject to special conditions and a permitted use in remaining Zoning Districts*
      a. *Open Public Hearing*
      b. *Land Use Introduction*
      c. *Public Comment (3 minute limit)*
      d. *Close Public Hearing*
      e. *Planning Commission Discussion – Motion*

   4. *Otsego County Zoning Ordinance – Article 27 Township Participation in County Zoning – Text amendments – Proposed language to amend Township notifications and timeframes*
      a. *Open Public Hearing*
      b. *Land Use Introduction*
      c. *Public Comment (3 minute limit)*
      d. *Close Public Hearing*
      e. *Planning Commission Discussion – Motion*

9. ADVERTISED CASES:

1. *MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*
   4855 West Otsego Lake Dr
   Gaylord, MI 49735
   011-800-000-018-02
   Property located in a B2 / General Business Zoning District
   PZSU19-001 – proposed use of the property is to construct additional storage units to the already existing

2.. *Thomas & Cynthia Prusakiewicz, Alan & Sharon Wescoat, owners, being represented by J&N LLC, Mike Mason, applicant, has requested Special Use Permits/Site Plan Reviews for properties located in Livingston Township:*

Martindale Rd	*Martindale Rd*
Gaylord, MI 49735	*Gaylord, MI 49735*
080-006-300-010-01	*080-006-300-010-02*

   Properties located in a AR / Agricultural Resource Zoning District
   PZSU18-004 – proposed use of the property is for a new mining operation
   PZSU18-005—proposed use of the property is for a new mining operation

3. *Otsego County Zoning Ordinance – Wireless Communications – Section 21.46 - Text amendments – Proposed language to allow wireless towers up to 179' in Residential Zoning Districts listed as a permitted use subject to special conditions and a permitted use in remaining Zoning Districts*

4. *Otsego County Zoning Ordinance – Article 27 Township Participation in County Zoning – Text amendments – Proposed language to amend Township notifications and timeframes*

10. UNFINISHED COMMISSION BUSINESS

11. NEW BUSINESS:

1. *Site Plan Review – Scott Property Management LLC, owner – Bagley Township*
   011-600-000-002-01
   011-600-000-003-00
   011-600-000-004-00
   011-600-000-006-00
   Maximum building height review for proposed apartment buildings in a R2 / General Residential Zoning District

2. Steve Scott – New member representing Dover Township
   Chuck Klee resigning – *Plaque presentation*

12. REPORTS AND COMMISSION MEMBER'S COMMENTS:

1. Otsego County Parks & Recreation report / Judy Jarecki
2. Land Use Services
   Chris Churches: Master Plan
   Committee meeting – Private Roads - rescheduled
   Jim Mouch:

13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for January 21, 2019

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Mr. Hartmann, Mrs. Jarecki, Mr. Borton, Mr. Hilgendorf, Mr. Brown, Mr. Klee, Mr. Caverson, Mr. Bauman

Absent: Mr. Arndt, Mrs. Norton, Ms. Corfis

Staff Present: Mr. Churches, Mr. Mouch, Ms. Boyak-Wohlfeil

Public Present: Mike. Bienick, LCC Telecom Communications representative, Dave Drew, Northern Michigan Engineering Inc

Others Present: Haider Kazim, Otsego County attorney, Michelle Noirot, Bagley Township Supervisor, Jack Udebrock, Otsego Lake Planning Commission

Approval of minutes from: December 17, 2018

Chairperson Hartmann requested discussion on the minutes.

Mr. Caverson stated the minutes showed him present and absent. He did not attend the meeting; correction made.

Motion made by Mr. Klee to approve minutes as corrected; Seconded by Mr. Bauman.

Motion approved unanimously.

Consent Agenda: None

Other:

Dave Drews – *Eagle Commerce Park LLC Site Plan Amendment*

Mr. Drews, representing Eagle Commerce Park LLC, presented an updated version of the Eagle Commerce site plan amendment and stated the change to the previous submitted Phase 1 plan was due to an offer to purchase Lot 36 along the I-75 corridor of the approved site plan. The original site plan depicted Phase 1 as the property along the west half of the parcel but was being expanded to include the top portion north of the proposed street Eagle Pass North on the east side of the property. He stated the Master Deed was almost ready to record but was undergoing changes due to the pending site plan amendment. No other items would be affected.

Chairperson Hartmann requested discussion; hearing none asked for a motion.

Motion made by Mr. Brown to approve the amendment to Phase 1 of the Eagle Commerce Park LLC site plan, Special Use Permit PSUP18-001; Seconded by Mr. Klee.

Motion approved unanimously.

Public participation for items not on the agenda: None

Public Hearing: None

Advertised Case: None

Unfinished Commission Business:

1. Section 21.46 Wireless Communications – Zoning Districts - *Text amendments*

Chairperson Hartmann welcomed Mr. Biencik and requested a statement from him.

Mr. Biencik stated he had been to previous planning commission meetings in conjunction with a proposed tower installation in Elmira Township. He had discussed it at length with the Elmira Planning Commission and they were on board with the tower; they were waiting on the section amendment to proceed with a special use permit. He commented on the information submitted by the opposition stating it was misleading. He explained the legislation of Section 6409 was designed for equipment modifications and coexistence on towers. It was not meant for companies to come back and randomly increase a tower's height. Towers are designed for a specific height when built and there would need to be significant upgrades in order to increase that. He stated they were fine with the text amendment presented and their special use request would be for a tower height of one hundred seventy-nine feet (179').

Chairperson Hartmann stated he was glad the legislation concerning a 10% or 20' tower height increase was brought to the Planning Commission's attention and that was why they were proposing the height change to one hundred seventy-nine feet (179') instead of one hundred ninety-nine feet (199') as originally proposed. He requested comments from Mr. Churches.

Mr. Churches stated the reason behind the height change was to prevent lighted towers in residential districts so by decreasing the height to one hundred seventy-nine feet (179'), it would ensure any *Eligible Facility Request* would still keep the tower under two hundred feet (200') and unlit.

Mr. Hilgendorf requested reassurance that this increase could only be requested once.

Mr. Churches stated Mr. Kazim had researched this and confirmed the height increase could only be requested once. He had also spoke with him that morning and he recommended other changes to the section's text.

Mr. Kazim stated the proposed height amendments in Section 21.46; he then pointed out the height gap between the two amendments. With this language in place, the concern would be the twenty foot (20') gap that could not be addressed other than with an *Eligible Facility Request*. This request was intended to be sporadic but would become the norm for Otsego County as the only means to build a tower between the two listed uses. He suggested changing Section 21.46.3 from the proposed text height of one hundred ninety-nine feet (199') to one hundred seventy-nine feet (179') to eliminate that gray area.

Chairperson Hartmann thanked him for his clarification and agreed with the change. He requested any other discussion.

Mr. Brown questioned if this language had been sent to townships yet.

Chairperson Hartmann stated it had not but he would be requesting a recommendation.

Vice Chairperson Jarecki stated she had read about the need for shorter towers when moving from 4G to 5G and asked for clarification.

Mr. Bienick stated that would not be an issue in rural areas, it was an urban issue because of the density in population. He continued stating that was the general issue with the proposed tower in Elmira; it needed to be replaced in order to handle the types of upgrades necessary to improve the signal.

Chairperson Hartmann made the following motion to include the changes discussed:

Motion made by Mr. Hartmann to recommend amendment changes to Section 21.46 Wireless Communications and the related zoning district sections be sent to townships for review and input; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Chairperson Hartmann thanked Mr. Bienick for coming.

New Business:

1. Article 27 Township Participation – *Text amendment*

Chairperson Hartmann requested comment from Mr. Churches.

Mr. Churches stated the changes being proposed were for quicker distribution of information, notification to multiple parties to ensure government units were well informed and a shortened timeframe for response. An additional change had been made pertaining to the approving government body because the Otsego Lake Township Board has given the decision authority to their planning commission. They would also send text amendments out to townships after a subcommittee meeting instead of being presented to the County Planning Commission first to help accelerate the process.

Chairperson Hartmann stated he had reviewed the By-Laws and did not find anything in them preventing this from becoming procedure.

Mr. Kazim suggested the following changes:

Section 27.1:

- the addition of *'or Otsego County Zoning Board of Appeals... '* in the first sentence after 'the Otsego County Planning Commission'

Section 27.2:

- the addition of *'..., supervisor, and Planning Commission Chair'* after ' the township clerk' in the first and third paragraph;
- change 'Township Board's decision' to *'Township's approving government body's decision'* in paragraph two and four and;
- change 'applicable governing body' to *'approving government body'* in paragraph five

Chairperson Hartmann agreed with the changes in addition to the others presented and asked for further discussion. He requested a motion.

Motion made by Mr. Borton to recommend amendment changes to Article 27 Township Participation in County Zoning be sent to townships for review and input; Seconded by Mr. Brown.

Motion approved unanimously.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated Kyle Ryan, Parks & Rec Director, applied for a public health grant in the amount of $15,000 for the third year in a row - the monies would be used for a walking trail at Irontone Springs to promote physical health – the previous year's grant was used for the upgrade at Libke Field and prior to that it was used for the Pontresina Dog Park; plans to upgrade the electrical at the County Park would be done in phases – air conditioning some of the cabins was a possibility and raising the rates for these sites was also being considered; $375,000 was approved for the entrance to the Groen Preserve to include the road in, trees and a parking lot and $60,000 was approved for the upgrade to the Hilltop House Ranger Station; Mr. Ryan had also prepared a Capital Improvement List for items to be reused, renewed and replaced for the Parks & Rec Department.

2. Land Use Services report

Jim Mouch:

Mr. Mouch stated the hospital expansion is nearing completion and calls from architects pertaining to Lucky Steak House and Discount Tire have been received.

Chris Churches:

Mr. Churches presented a report depicting enforcements by category showing Section 21.34 with the highest percentage of enforcements. He requested a review of Section 21.34 Restricted Uses to try and better define the section for enforcement purposes.

Chairperson Hartmann requested volunteers for a subcommittee and stated a meeting would be scheduled.

Committee volunteers: Mr. Hartmann
Mr. Hilgendorf
Mr. Brown

Chairperson Hartmann reminded committee members of the Site Plan Review meeting scheduled Monday, January 28th at 9:00am.

Mr. Borton stated the Board of Commissioners' meeting was Tuesday. January 22nd; Tom Quinn, from Kirkland Community College, would be attending for discussion. He also announced the Belle Iron Trail would be extended down to the County line past Waters funded entirely by the DNR Trust Fund.

Mr. Hartmann stated OCEA (Otsego County Economic Alliance), Gaylord Area Chamber of Commerce and the Gaylord Area Convention and Tourism Bureau were launching a competition to promote local entrepreneurism, similar to Shark Tank. As part of SCORE (Service Corps of Retired Executives), the applicants will be mentored and prepped for their business pitch to the contributors. Five awards will be given out along with in-kind contributions for advertising and marketing. The event will take place April 11th from 6-8pm at Gornick Auditorium.

With no further comments, Chairperson Hartmann adjourned the meeting.

Adjournment: 7:03pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-001
Special Use Permit/Site Plan Review
011-800-000-018-02

Exhibit List

Exhibit #1: Applications for case PZSU19-001 submitted by Applicant

Exhibit #2: Otsego County Zoning Map Effective Date March 20, 2010/Amended November 27, 2018

Exhibit #3: Otsego County Zoning Ordinance Effective March 20, 2010/Amended November 27, 2018

Exhibit #4: Copy of Otsego County Equalization Department record card/WD 1378-700

Exhibit #5: Site Plan for case PZSU19-001 submitted by Applicant

Exhibit #6: Narrative for PZSU19-001

Exhibit #7: Letter of representation dated January 31, 2019

Exhibit #8: Public Hearing Notice

Exhibit #9: Letter to Bagley Township Planning Commission dated February 22, 2019

Exhibit #10: Response from Bagley Township Planning Commission dated March 15, 2019

Exhibit #11: Map and list of parties notified

Exhibit #12: Receipt #01317256

Exhibit #13: General Finding of Fact/PZSU19-001

Exhibit #14: Specific Finding of Fact/PZSU19-001

Exhibit #15: Existing Site Pictures (4)

Exhibit #16: Otsego County Road Commission Driveway Permit dated January 11, 2019

Exhibit #17: Health Department of Northwest Michigan Agency Letter dated March 20, 2019

Exhibit #18: Otsego County EMS Agency Letter dated March 19, 2019

Exhibit #19: Otsego County Soil Conservation District Agency Letter dated March 22, 2019

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegocountymi.gov

APPLICATION FOR SPECIAL USE PERMIT

Date: 2-18-19	Parcel Number: 011 - 800 - 000 - 018-02

PROPERTY LOCATION: *(REQUIRED)*

Address: 4855 West. Otsego Lake Drive Gaylord, MI 49735		City: Gaylord	Zip Code: 49735
Township: Bagley	Zoning District: B-2	Section: 29	T 30 N/R 3 W

APPLICANT:

Name: Northern Michigan Engineering, Inc.		Owner/Agent/Other Interest *(circle one)*	
Address: 114 N. Court Ave, Suite 203	City: Gaylord	State: MI	Zip Code: 49735
Phone: (989) 370-8429	Fax: (888) 893-9761		

PROPERTY OWNER: *(If different from Applicant)*

Name: Robert & Alison Demaree III		Phone: (989) 619-5432	
Address: P.O. Box 2108	City: Gaylord	State: MI	Zip Code: 49734

DESCRIPTION OF PROJECT AND PROPOSED USE: Storage Facility Addition.

SIGNATURE OF APPLICANT: [signature] **DATE:** 2-18-19

***All information received by this department is subject to the Freedom of Information Act. Under this Act, persons are allowed to request copies of said information. This includes but is not limited to, all copies of drawing and blueprints.

OFFICE USE ONLY

Date Application Received: February 20, 2019		Permit Number: PZ5419-001	
Date Application Complete:		Fee: $700	Receipt Number: 01317956

Exhibit 1

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735

PHONE: 989.731.7400 * FAX: 989.731.7419

www.otsegocountymi.gov

APPLICATION FOR SITE PLAN REVIEW

APPLICANT:

Name: Northern Michigan Engineering, Inc	Owner/Agent/Other Interest *(circle one)*
Address: 114 N. Court Ave, Suite 203 Gaylord, MI 49735	
Phone: (989) 370-8429	Fax: (989) 893-9761

PROPERTY OWNER: *(If different from Applicant)*

Name: Robert & Alison Demaree III	
Address: P.O. Box 2108 Gaylord MI 49734	
Phone: (989) 619-5432	Fax: ( ) -

PROPERTY LOCATION:

Township: Bagley	Section: 29	T 30 N/R 3 W	Zoning District: B-2
Site Address: 4855 West Otsego Lake Drive Gaylord, MI 49735			
Parcel Number: 011 - 800 - 000 - 018-02			
Description of Project and Proposed Use: Storage Facility Addition			

Signature of Applicant:	**Date:** 2-18-19

***All information received by this department is subject to the Freedom of Information Act. Under this act, persons are allowed to request copies of said information. This includes but is not limited to copyrighted drawings and blueprints

Attention

*These items **must** be submitted in conjunction with this application.

- Proof of property ownership and whether there are any options on the property or any liens against it.
- A signed statement that the applicant is officially acting on the owner's behalf.
- Appropriate fees paid to Otsego County.

*Please refer to the Otsego County Zoning Ordinance particularly Section 21 and Section 23 to assure all items are addressed on the site plan and allow for a smooth presentation to the governing body.

This checklist and the following items are required on all site plans before they can be submitted for review to the various approving entities:

1. The applicant's name, address and phone number in full.
   Yes ✓ No____ if "No" explain:_____

2. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s).
   Yes____ No____ if "No" explain:_____

3. The address and or parcel number of the property.
   Yes ✓ No____ "No" explain:_____

4. Name and address of the developer (if different from the applicant).
   Yes ✓ No____ if "No" explain:_____

5. Name and address of the engineer, architect and/or land surveyor.
   Yes ✓ No____ if "No" explain:_____

6. Project title.
   Yes ✓ No____ if "No" explain:_____

7. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by the ordinance.
   Yes ✓ No____ if "No" explain:_____

8. A vicinity map drawn to scale with North point indicated.
   Yes____ No ✓ if "No" explain: See Street address

9. The gross and net acreage of all parcels in the project.
   Yes ✓ No____ if "No" explain:_____

10. Land uses, zoning classification(s) and existing structures on the subject parcel and within ten feet (10') of property lines of adjoining parcels.
    Yes ✓ No____ if "No" explain:_____

11. Project completion schedule/development phases. (refer to Section 23.9)

Yes___ No ✓ if "No" explain: To be determined (2019)

12. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less or sites of less than three (3) acres and 1"=100 or fewer feet or less if the site is larger than three (3) acres. The site plan shall show the site and all land within fifty (50) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified.

Yes ✓ No___ if "No" explain:

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. Each site plan shall depict the following:

13. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, monument locations and shoreland and natural river district, if any.

Yes ✓ No ___ if "No" explain:

14. Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.

Yes ✓ No ___ if "No" explain:

15. The type of existing soils at proposed storm water detention and retention basins and/or other areas of concern. Boring logs may be required if necessary to determine site suitability.

Yes ___ No ✓ if "No" explain: NA

16. Location and type of significant existing vegetation.

Yes ___ No ✓ if "No" explain: NA

17. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within fifty (50) feet of the parcel.

Yes ___ No ✓ if "No" explain: None

18. Location of existing and proposed buildings and intended uses thereof, as well as the length, width and height of each building and typical elevation views of proposed structures.

Yes ✓ No___ if "No" explain:

19. Proposed location of accessory structures, buildings and uses, including all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, site amenities and the method(s) of screening where applicable.

Yes ___ No ✓ if "No" explain: No accessory structures

20. Location of existing public roads, right-of-ways and private easements of record and abutting streets. Notation of existing traffic counts and trip generation estimates may be required if deemed appropriate by the Zoning Administrator or Planning Commission.

Yes ✓ No ___ if "No" explain:

21. Location of and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations shall be separately depicted with an elevation view.

Yes ✓ No ___ if "No" explain:

22. Location, design and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing) and fire lanes.

Yes ✓ No ___ if "No" explain:

23. Location, size, and characteristics of all loading and unloading areas.

Yes ___ No ✓ if "No" explain: NA

24. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

Yes ___ No ✓ if "No" explain: NA

25. Location of water supply lines and/or wells, including fire hydrants and shut off valves, the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable.

Yes ___ No ✓ if "No" explain: NA

26. Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.

Yes ___ No ✓ if "No" explain: NA

27. Proposed location, dimensions and details of common open spaces and common facilities, such as community buildings or swimming pools if applicable.

Yes ___ No ✓ if "No" explain: NA

28. Location, size and specifications of all signs and advertising features with elevation views from front and side.

Yes ___ No ✓ if "No" explain: ~~None~~ No new signs

29. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

Yes ✓ No ___ if "No" explain: See architectural plans

30. Location and specifications for all fences, walls and other screening features with elevation views from front and side.

Yes ✓ No ___ if "No" explain:

31. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

Yes ✓ No ___ if "No" explain:

32. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.

Yes ___ No ✓ if "No" explain: NA

33. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials, as well as any containment structures or clear zones required by government authorities.

Yes ___ No ✓ if "No" explain: NA

34. North arrow, scale and date of original submittal and last revision.

Yes ✓ No ___ if "No" explain:

35. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the site plan.

Yes ✓ No ___ if "No" explain:

Demeree

Attention

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. In the immediate area of the seal there shall also be the following statement, signed by the professional sealing the plans:

> I do hereby certify that these plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated: 11/27/2018

Or

> I do hereby certify that those plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated _____, except for the following items: (List known variations from the Ordinance)

******OFFICE USE ONLY******

Date Application Received:	Fee:	Receipt Number:
Permit No:	Soil Erosion Permit No:	
Approved:	Denied:	By:
Conditions:		
Reasons:		

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

AGENCY REVIEW FORM

Please address any issues/concerns below relating to the site plan submitted by the applicant for review by the Otsego County Planning Commission and/or Zoning Administrator per Article 23 Site Plan Review Section 23.4 Agency Review of the Otsego County Zoning Ordinance.

1322 Hayes Road
Gaylord, MI 49735
Phone: 989.731.7400 Fax: 989.731.7419
www.otsegocountymi.gov

PZSU19-001 011-800-000-018-02

MD OIL FIELD SERVICES LLC 4855 WEST OTSEGO LAKE DR

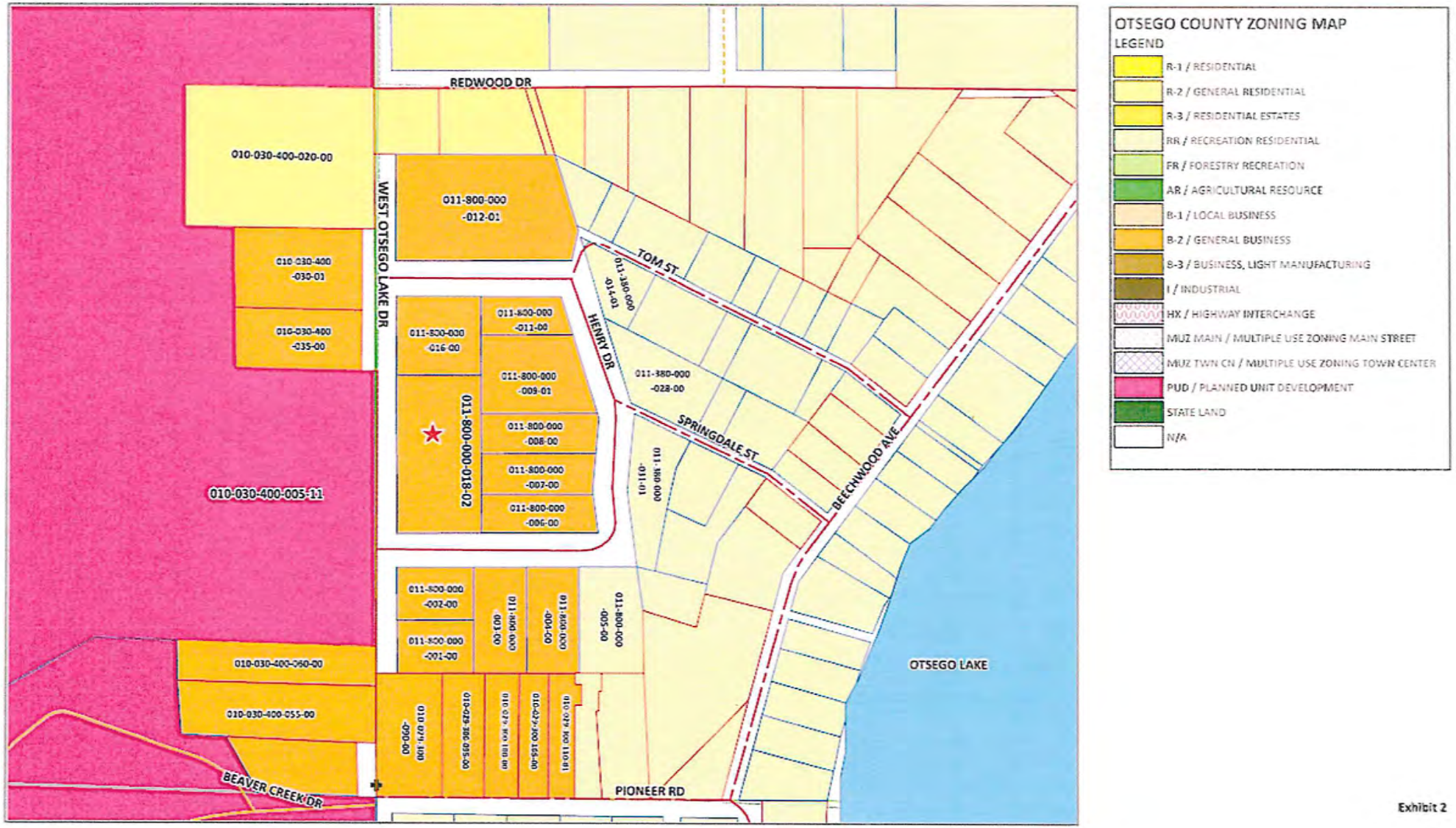

Exhibit 2

Parcel Number: 69-011-800-000-018-02 Jurisdiction: BAGLEY TOWNSHIP County: OTSEGO Printed on 02/21/2019

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
WEST OTSEGO LAKE MINI STOR	MD OIL FIELD SERVICES LLC	135,000	07/01/2015	WD	Good	1378/700	DEED	100.0
WODER, TIMOTHY W & DIANE M	OTSEGO LAKE MINI STORAGE I	0	05/26/2004	QC	No Sale Price	0998/145	DEED	0.0
LORIMAR LLC	WODER, TIMOTHY W & DIANE	122,000	05/11/1999	WD	Good	0720/425	DEED	0.0

Property Address

4855 WEST OTSEGO LAKE DR

Owner's Name/Address

MD OIL FIELD SERVICES LLC
2596 BELMONT STAKES DR
VIRGINIA BEACH VA 23456

Tax Description

LOTS 18-21 WEST OTSEGO LAKE. SEC 29 T30N R3W.

Comments/Influences

The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: County of Otsego, Michigan

Class: 201 COM STRUCT Zoning: B-2

School: Gaylord Community

P.R.E. 0%

: 0.00

2019 Est TCV 182,200(Value Overridden)

Building Permit(s)	Date	Number	Status

Improved X Vacant

Public Improvements

Dirt Road
Gravel Road
Paved Road
Storm Sewer
Sidewalk
Water
Sewer
Electric
Gas
Curb
Street Lights
Standard Utilities
Underground Utils.

Topography of Site

Level
Rolling
Low
High
Landscaped
Swamp
Wooded
Pond
Waterfront
Ravine
Wetland
Flood Plain

Who When What

Land Value Estimates for Land Table .

Description	Frontage	Depth	* Factors * Front	Depth	Rate	%Adj.	Reason	Value
			1.110 Acres		0	100		0
			1.11 Total Acres		Total Est. Land Value =			0

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2019	91,100	0	91,100			91,100S
2018	91,100	0	91,100			91,100S
2017	92,400	0	92,400			92,400S
2016	93,600	0	93,600			93,600S

*** Information herein deemed reliable but not guaranteed***

Exhibit 4

OTSEGO COUNTY
TREASURER'S OFFICE
Gaylord, Mich.,

7/2/15

I hereby certify that according to our records all taxes returned to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of local collection, board of review, PRE denial or tax tribunal.

Linda Sargent, Deputy COUNTY TREASURER

LIBER 1378 PAGE 700

OTSEGO COUNTY MICHIGAN
RECEIVED FOR RECORD
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
07/02/2015 9:30:45 AM

OTSEGO COUNTY
JULY 2. 2015
RECEIPT #5508

STATE OF MICHIGAN
REAL ESTATE TRANSFER TAX
$ 148.50-CL
$ 1012.50-ST
STAMP # 9494

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That West Otsego Lake Mini Storage LLC, a Michigan Limited Liability Company, whose address is PO Box 993, Gaylord, MI 49735

Convey(s) and Warrant(s) to MD Oil Field Services, LLC, a Michigan Limited Liability Company, whose address is 2596 Belmont Stakes Dr., Virginia Beach, VA 23456

the following described premises:

Land situated in the Township of Bagley, County of Otsego, State of Michigan described as:

Lots 18, 19, 20 and 21, West Otsego Subdivision, according to the plat thereof as recorded in Liber 3 of Plats, Page 79, Otsego County Records.

Tax Parcel No.: 011-800-000-018-02

For the sum of One Hundred Thirty Five Thousand Dollars and No Cents ($135,000.00) subject to the existing building and use restrictions, easements, and zoning ordinances of record, if any.

The grantor grants to the grantee the right to make all division(s) under section 108 of the Land Division Act, Act. No. 288 of the Public Acts of 1967. This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated July 01, 2015

Signed
WEST OTSEGO LAKE MINI STORAGE LLC, A MICHIGAN LIMITED LIABILITY COMPANY

Diane M Woder
Diane M. Woder
Sole Member

State of: Florida)
) SS
County of)

RCVD JUL 2'15 AM 9:27

On this 30 day of June, 2015, before me personally appeared by Diane M. Woder, Sole Member of West Otsego Lake Mini Storage LLC, a Michigan Limited Liability Company to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

PATRICIA L. CAMPBELL
MY COMMISSION #FF052932
EXPIRES September 10, 2017
(407) 398-0153 FloridaNotaryService.com

Patricia L. Campbell
, Notary Public
County,
My Commission Expires: 9/10/2017
Acting in the County of:

Drafted By: Diane M. Woder, Sole Member
West Otsego Lake Mini Storage LLC, a Michigan Limited Liability Company
PO Box 993
Gaylord, MI 49735

Return To: MD Oil Field Services, LLC
4855 West Otsego Lake Drive
Gaylord, MI 49735

Assisted By: Alpine Title & Escrow
114 E. Main Street
Gaylord, MI 49735 (411935)

Recording Fee $20.00 State Transfer Tax $1,012.50 County Transfer Tax $148.50
County Treasurer's Certificate *City Treasurer's Certificate*

Exhibit 4

1161

AT 14

Application for Special Use Permit

West Otsego Lake Storage Addition

Article 19 Submittal Requirements, Summary and Narrative

- 19.2 – Application and fee
  Submitted

- 19.3.1 - Applicant
  Northern Michigan Engineering Inc. (David Drews, President)
  114 N. Court, Suite 203
  Gaylord, MI 49735
  (989) 217-3177

- 19.3.2 – Property Description
  PID#011-800-000-018-02
  4855 W. Otsego Lake Drive, Gaylord, MI
  Legal description – See Site Plan

- 19.3.3 – Applicant Statement
  I, David C. Drews, President of Northern Michigan Engineering Inc.(NME), hereby certify that the property owner, Robert & Alison Demaree III, have authorized NME to act as their representative for purposes of applying for a Special Use Permit and Site Plan submittal for the proposed "West Otsego Lake Storage Addition" project.

  Date 2/6/2019

- 19.3.4 – Site Plan
  See attached

- 19.3.5 – Detail Description – Proposed Land Use

  The land is zoned B2. In the B2 district, the minimum parcel size is 10,000 SF and 100' minimum lot width.

  The existing boundary contains 1.10 acres. The west side of the parcel abuts West Otsego Lake Drive, and the south line abuts Henry Drive. The existing entrance drive is on Henry Drive and we proposed a new entry drive on West Otsego Lake which has been permitted. (see attached)

The proposed addition is an expansion of the existing use. (cold storage) The proposed expansion of existing land use will not have a substantial negative impact on the natural resources of the development area, surrounding area, the county or natural environment as a whole.

The proposed special land use will not involve uses, activities, processes, materials or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.

All adjacent land is zoned B2.

"West Otsego Lake Storage Addition" will be designed, constructed, operated and maintained so as not to have any impact or diminish the opportunity for the surrounding properties to be used and developed as zoned.

The proposed building will not place demands on fire, police or other public resources in excess of current capacity.

The proposed special land use will be adequately served by the public road, West Otsego Lake and Henry Drive.

Date 01/23/2019

Designated Agent Form

Landowners name: Robert ~~Demering~~ Demoree
Property Address: 4855 West Otsego Lake Dr.
Parcel Tax ID: 011-800-000-018-02
Mailing Address (if different): P.O. Box 2108—Gaylord
Phone: 989-619-5432 e-mail: Rbd111@msn.com

Designated Agent: Dave Drews—Northern Michigan Engineering,Inc.
Contact Person: Dave Drews
Mailing Address: 114 N. Court Ave., Suite 203—Gaylord
Phone: 989-370-8429 e-mail: david@nme.land

I certify I am the owner of the above listed property and authorize the above listed designated agent on my behalf to secure all necessary permits and evaluations.

Signature: _____ Date: 1-31-2019

Exhibit 7

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
April 15, 2019

The Otsego County Planning Commission will hold four public hearings on Monday, April 15, 2019 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. MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township at 4855 West Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct additional storage units to the already existing. The property is located in a B2 / General Business Zoning District. Mini-storage buildings consisting of separate storage rooms rented or leased by the month is a permitted use subject to special conditions in the B2 Zoning District.

Parcel identification number: **011-800-000-018-02**
4855 West Otsego Lake Dr
Gaylord, MI 49735

Legal Description:
LOTS 18-21 WEST OTSEGO LAKE SEC 29 T30N R3W

2. J&N LLC, William Mason, applicant has requested Special Use Permits/Site Plan Reviews for two (2) properties located in Livingston Township on Martindale Rd Gaylord, MI 49735. The proposed use of the properties is to initiate a new mining operation on the parcels listed below. The properties are located in an AR/Agricultural Resource Zoning District. A mining operation is a permitted use subject to special conditions in the AR Zoning District.

Parcel identification number: **080-006-300-010-01**
Martindale Rd
Gaylord, MI 49735

Legal Description:
E1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Parcel identification number: **080-006-300-010-02**
Martindale Rd
Gaylord, MI 49735

Legal Description:
W1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

3. **SECTION 21.46 WIRELESS COMMUNICATIONS**
Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to tower height

4. **ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING**
Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to Township notifications and timeframes

Proposed amendments can be viewed on the Otsego County website link below:
https://www.otsegocountymi.gov/county-government-2/land-use-services/planning-zoning/

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) 731-7400.

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Department of Land Use Services
1322 Hayes Rd • Gaylord, MI 49735
Phone: 989.731.7400 • Fax: 989.731.7419
www.otsegocountymi.gov

February 22, 2019

Bagley Township
3218 Old 27 North
Gaylord, MI 49735

RE: Special Use Permit / Storage Units / 011-800-000-018-02

Pursuant to Article 27 of the Otsego County Zoning Ordinance/Township Participation in County Zoning, I am forwarding the application for a Special Use Permit.

If you require the applicant, Northern Michigan Engineering Inc / Dave Drews be present at your meeting, he can be notified at:

Northern Michigan Engineering Inc
c/o Dave Drews
114 N Court Ave Ste 203
Gaylord, MI 49735
989.370.8429

If you have any questions, please contact us and we will be glad to assist you. We look forward to your input concerning this matter. Thank you for your participation in County Zoning.

Sincerely,

Chris Churches
Planning & Zoning Director

cbw

encl

Exhibit 9

Bagley Township Planning Commission

Bagley Township, Michigan

Established 1868

March15, 2019

Subject: Meeting Minutes and record of decisions for Scheduled Special Meeting on March 15, 2019.

Members Present:

Ken Arndt
Brian Goebel
Wally Loney (Skype)
Celeste Szymanski
Larry Beckett

Item:
1. Special Use Permit for self-storage unit expansion at 4855 West Otsego Lake Drive in Gaylord. Otsego Lake Drive, case PZSU19-0001

2. Recommendation for changes allowing increased communication tower height (No formal submission, narrative attached).

3. Consensus approval of building height increase for proposed construction of a residential apartment unit on Dickerson Road with 18 units to 3 stories from the original 2 story plan.

4. Discussion and approval of proposed text changes to Section 21.1, Accessory Buildings (attached)

Other Attendees:
Michelle Noirot, Supervisor
Celeste Szymanski, Voting Trustee

Citizens Attending: Dave Drews, Northern Michigan Engineering, (representing Item 1.) None

Meeting Opened at 7:00PM by Arndt

Exhibit 10

Item 1

Members viewed the pictures of the site and examined the layout of the addition which is to extend north of the existing building. Entrance is to be maintained on Henry Drive. Zoning supports the current and proposed addition, noting that there are dwellings east of the current use. Owner plans to keep open storage on the east side the buildings. Units will be 10x10 and nothing larger is planned. Discussion followed, mood was favorable and Loney offered a motion, Burkett seconds: Chair records a vote all in favor, none opposed.

Motion passes.

Item 2 Proposed Increase to Communication Towers (21.46)

This proposal responds to a request to increased allowable tower height to 190 feet initially, but the conflict arises because the change brings any tower extension over 200 feet with lighting protection and the height will require lighting. That this issue has an impact on surrounding housing was considered undesirable by the original committee. The height will be proposed at 179 feet and will require supporting statement by an engineer to justify any greater height.

The fall-down setbacks were reviewed as well as removal provisions, and certain other requirements have been added to the section. It will be heard in March.

There appeared no apparent objections once the members read the proposed language changes. We send the proposed change forward awaiting further comments.

Item 3 Text Changes Accessory Buildings (21.1)

This proposed text change does several things: it limits the permit requirement for small accessory buildings, it limits wall height of accessory buildings to 14 feet within 500 feet of water front and reduces the rear and side setback in certain zoning districts to 10 feet.

Discussion followed. Goebel offered motion to accept item 3, Loney seconded and the motion passed without opposition.

There being no further business or discussion,

Meeting closed by the chair at 7:55 PM.

Respectfully Submitted,

Kenneth Arndt, Chairman

Item 1: ***Approved as Recommended*** Approved with Edits Not Approved

PZSU19-001 011-800-000-018-02 MD OIL FIELD SERVICES LLC

OWNERS WITHIN THREE HUNDRED FEET (300')

PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS				ZONE	ACREAGE	CLASS
010-029-300-090-00	4979 WEST OTSEGO LAKE DR	O'NEILL, ELAINE L	4979 WEST OTSEGO LAKE DR	GAYLORD	MI	49735	B-2	0.68	401
010-029-300-095-00	1998 PIONEER RD	OROSZ, TIMOTHY L & DEBRA R	59101 RAVENNA DR	MATTAWAN	MI	49071-9619	B-2	0.43	401
010-029-300-100-00	1996 PIONEER RD	HARTMAN, JAMES M & CHERIL S	34357 MUNGER DR	LIVONIA	MI	48154	B-2	0.35	401
010-029-300-105-00	1994 PIONEER RD	WILLIAMSON - WILLIAMSON	201 GLEN WOODS TRL	GAYLORD	MI	49735	B-2	0.30	401
010-029-300-110-01	1988 PIONEER RD	KURTH, CASSIE	1988 PIONEER RD	GAYLORD	MI	49735	B-2	0.28	401
010-030-400-005-11	4706 WEST OTSEGO LAKE DR	NATURAL GOLF COURSE LLC	5004 WEST OTSEGO LAKE DR	GAYLORD	MI	49735-8612	PUD	138	201
010-030-400-020-00 / 010-030-400-030-01 / 011-800-000-016-00	4730 WEST OTSEGO LAKE DR / 4754 WEST OTSEGO LAKE DR / 4841 WEST OTSEGO LAKE DR	ISELER, RONALD & ANN	4754 W OTSEGO LAKE DR	GAYLORD	MI	49735-8612	R-2/ B-2/ B-2	2.19/ 0.85/ 0.55	401/ 401/ 201
010-030-400-035-00	4800 WEST OTSEGO LAKE DR	SVALUTO PROPERTIES LLC	4800 WEST OTSEGO LAKE DR	GAYLORD	MI	49735	B-2	0.63	201
010-030-400-055-00 / 010-030-400-060-00	4974 WEST OTSEGO LAKE DR / 4968 WEST OTSEGO LAKE DR	LAMB, STEVE R ET UX	150 IRONTONE SPRINGS TRL	GAYLORD	MI	49735-7521	B-2/ B-2	0.89/ 0.65	401/ 402
011-380-000-014-01	1917 TOM ST	RIORDAN, DANIEL	4272 LAKE MANUKA RD	GAYLORD	MI	49735-8064	RR	0.28	401
011-380-000-028-00	1886 SPRINGDALE ST	SCHAEFER, RONALD	3109 N THOMAS RD	FREELAND	MI	48623	RR	0.53	401
011-380-000-031-01	4859 HENRY DR	ZINGERY, MICHAEL G & BONNIE L	602 INDUSTRIAL DR	MT PLEASANT	MI	48858-4642	RR	0.47	401
011-800-000-001-00	4945 WEST OTSEGO LAKE DR	DAVIS, TERRY A & SUZANNE M	2600 NEWPORT DR	LANSING	MI	48906-3441	B-2	0.33	401
011-800-000-002-00	4927 HENRY DR	CASTO, SUE A	1644 ANDREW PL	TRAVERSE CITY	MI	49686-4957	B-2	0.33	401
011-800-000-003-00	4915 HENRY DR	PAVWOSKI, EDWARD & SUSAN	2042 MARY AVE	LANSING	MI	48910	B-2	0.46	401
011-800-000-004-00	4909 HENRY DR	RICHTER, CHARLES A	PO BOX 233	WATERS	MI	49797-0233	B-2	0.46	401
011-800-000-005-00	4903 HENRY DR	HALL, THOMAS W & LORAINE C	PO BOX 93	CLARKSTON	MI	48347-0093	RR	0.55	401
011-800-000-006-00	4912 HENRY DR	ZAPPATERRENO - FRY	4912 HENRY DR	GAYLORD	MI	49735-9692	B-2	0.36	401
011-800-000-007-00 / 011-800-000-008-00	4870 HENRY DR	REVENAUGH, WILSON B & WENDY A	201 BOLTSTONE CT	CARY	NC	27513-6042	B-2/ B-2	0.38/ 0.38	402/ 401
011-800-000-011-00 / 011-800-000-012-01	4813 HENRY DR	NADOLSKI, MARY A & DAVID L LLC	3206 TRAVIS CT	MIDLAND	MI	48642-6700	B-2/ B-2	0.28/ 1.52	402/ 401
011-800-000-018-02	4855 WEST OTSEGO LAKE DR	MD OIL FIELD SERVICES LLC	2596 BELMONT STAKES DR	VIRGINIA BEACH	VA	23456	B-2	1.11	201
011-800-000-009-01	4830 HENRY DR	TOPP, SARAH LYNN	4830 HENRY DR	GAYLORD	MI	49735-9692	B-2	0.68	401

Exhibit 11

PZSU19-001 011-800-000-018-02
MD OIL FIELD SERVICES LLC 4855 WEST OTSEGO LAKE DR

010-029-300-090-00	011-380-000-014-01	011-800-000-016-00
010-029-300-095-00	011-380-000-028-00	011-800-000-018-02
010-029-300-100-00	011-380-000-031-01	011-800-000-008-00
010-029-300-105-00	011-800-000-001-00	011-800-000-009-01
010-029-300-110-01	011-800-000-002-00	011-800-000-012-01
010-030-400-005-11	011-800-000-003-00	
010-030-400-020-00	011-800-000-004-00	
010-030-400-030-01	011-800-000-005-00	
010-030-400-035-00	011-800-000-006-00	
010-030-400-055-00	011-800-000-007-00	
010-030-400-060-00	011-800-000-011-00	

OTSEGO COUNTY LAND USE SERVICE
1322 HAYES RD
GAYLORD, MI 49735
PH: 989-731-7400
FAX: 989-731-7419
INSPECTION LINE: 989-731-7401

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Paid By:

DEMAREE, ROBERT B III & ALISON E

RECEIPT NUMBER

01317256

02/20/2019

Type	Record	Category	Description	Amount
Permit	PZSU19-001	ADMIN ZONING	SPECIAL USE PERMIT/PC	$ 700.00

Total	**$ 700.00**
Cash	
Check	$ 700.00
Credit	
Transferred	
Tendered	**$ 700.00**
Change	**$ 0.00**
To Overpayment	**$ 0.00**

Expiration of permit:

A permit will remain valid as long as work is progressing and inspections are requested and conducted. A permit will become invalid if the authorized work has not commenced within 6 months of issuance or if the authorized work is suspended or abandoned for a period of 6 months.

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-001
Special Use Permit/Site Plan Review
011-800-000-018-02

GENERAL FINDINGS OF FACT

1. This is a proposal for a 40'x120' addition for mini storage units added to an existing business. *Exhibit #1, Exhibit #5, Exhibit #6*

2. The property is located in a B2/General Business Zoning District. *Exhibit #2*

3. The proposed use is a permitted use subject to special conditions in a B2/General Business Zoning District. *Exhibit #3*

4. The property is currently under the ownership of MD Oil Field Services LLC. *Exhibit #4*

5. The owners are being represented by Northern Michigan Engineering Inc, Dave Drews. *Exhibit #7*

6. The Public Hearing Notice was published in the Herald Times on March 29, 2019 *Exhibit #8*

7. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*

8. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*

9. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*

10. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*

11. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #5, Exhibit #6, Exhibit #13, Exhibit #14*

12. An application for a Driveway Permit from the Otsego County Road Commission has been submitted. *Exhibit #16*

13. An Inter-Agency Letter has been received from the Health Department of Northwestern Michigan Agency dated March 20, 2019. *Exhibit #17*

14. An Inter-Agency Letter has been received from the Otsego County EMS dated March 19, 2019. *Exhibit #18*

15. An Inter-Agency Letter has been received from the Otsego County Soil Conservation District dated March 22, 2019. *Exhibit #19*

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-001
Special Use Permit/Site Plan Review
011-800-000-018-02

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 11/SECTION 11.2

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

INTENT

The B2 General Business District is designed to provide sites for more diversified business types than the B1 Local Business District and often located so as to serve passer-by-traffic. Tourist services are included as being in character with the District.

SECTION 11.1 PRINCIPAL USES PERMITTED

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

11.1.1 All principal uses permitted in the B1 Local Business District

11.1.2 Theaters, halls, and similar places of assembly

11.1.3 Laundromats and dry cleaners

11.1.4 Bowling alleys, pool or billiard parlors or clubs

11.1.5 Equipment rental shops with outside storage

11.1.6 Indoor archery range

11.1.7 Lumber yards and building material suppliers-within enclosed building

11.1.8 Tavern/night clubs

11.1.9 Restaurants serving alcoholic beverages

11.1.10 Public parking garages

11.1.11 Bus stations and passenger terminals

11.1.12 Businesses and restaurants with drive-through service

11.1.13 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height without lights [Permit criteria includes Article 21.46]

11.1.14 Transient Merchants-Tent and open air merchants, for periods of up to ninety (90) days per year, housing retail uses otherwise allowed by the Zoning Ordinance in this district. A single thirty (30) day extension may be applied for. Three (3) or more merchants on a parcel simultaneously must be permitted as a "Flea market".

11.1.15 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use [See Article 21.46]

SECTION 11.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of Article 19 and only after the review and approval of the site plan by the Planning Commission. [See Article 21 for applicable Specific Requirements for Certain Uses, if any and Article 23 for Site Plan Requirements.]

11.2.1 All uses subject to special conditions in the B1 Local Business District

11.2.2 Lumber yards, building material suppliers, and home improvement centers, with outdoor storage

11.2.3 Rifle or pistol ranges when within a completely enclosed building

11.2.4 Auto repair garages or auto body shop, including wrecker service, provided that outdoor storage of vehicles under repair be confined to the rear yard and screened from view

11.2.5 Car wash

11.2.6 Sales, rental, and service centers for vehicles, watercraft, and/or mobile homes, including new or used automobiles, motor bikes, bicycles, boats, ATV's, campers, snowmobiles, trailers, and motor, mobile, modular, manufactured homes, or farm equipment, provided:

11.2.6.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two (2) streets

11.2.6.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots

11.2.6.3 No sales or display shall occupy any public street or road right-of-way; and further, must be set back at least twenty (20) feet from the front property line

11.2.6.4 The use of a display model for a business office is permissible provided it is connected to sanitary and water facilities and approved by the County Health Department

11.2.7 Hospitals

11.2.8 Commercial outdoor sport and recreational facilities

11.2.9 Flea markets

11.2.10 Mini-storage buildings consisting of separate storage rooms rented or leased by the month

11.2.11 Wireless Telecommunication Towers and Facilities one hundred ninety (190) feet or more in height [Permit criteria includes Article 21.46]

11.2.12 Solid Waste Hauler

11.2.13 WTG Small: Permitted as an accessory use to an allowed Principal Use

11.2.14 Unlisted property uses if authorized under Article 21.44.

11.2.15 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]

*Permitted Use Subject to Special Conditions

FINDINGS UNDER ARTICLE 21 /SECTION 21.10

SECTION 21.10 FENCES

21.10.1 Fences designed to enclose property in any district shall be subject to the following conditions:

21.10.1.1 Fences in R1, R2, R3 or RR Districts, or any platted subdivision, site condo or PUD shall not contain barbed wire or be electrified.

21.10.1.2 No fence shall exceed six (6) feet in height in the side or rear yard. No fence in the front yard setback shall exceed four (4) feet in height and shall be of a design and material that does not obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection or other pedestrian or vehicle property access point.

21.10.2

Specific Nonresidential Uses Requiring Fences	Minimum height for fence or wall	Function(s) Screen/protect	Obscure
Drive-in restaurants, gasoline stations and vehicle repair	6'0"	X	X
Hospital and funeral home service entrances	6'0"		X
Institutional playgrounds	6'0"	X	X
Parking lots	6'0"		X
Utility buildings and substations	6'0"	X	X
Public swimming pools	6'0"		X
Junk yards	8'0"	X	X
Open storage areas of any use	6'0"		X

Note: These uses in 21.10.2 are required to be fenced or screened in all cases regardless of the use orientation to residential zoning districts or residential uses.

21.10.3 Protective and adequate fencing shall be required around all outdoor swimming pools, and shall not be less than four (4) feet, six (6) inches above the established grade.

21.10.4 All plans for fences or walls must be approved by the Zoning Administrator for construction specifications designed to fulfill the primary function of protection and/or screening. All fences shall be maintained in a pleasing appearance.

21.10.5 The Planning Commission shall be empowered to modify fence and wall requirements as deemed necessary by conditions affecting a particular development, or to waive requirements where general welfare concerns are not served by compliance with these standards, such as the existence of permanent natural features, where there is sufficient visual or protective separation, or where there is nothing to separate. Waivers shall not be granted where such characteristics are of a temporary nature or because the adjacent area is not yet developed.

*Existing Fencing in Place

FINDINGS UNDER SECTION 21.18

SECTION 21.18 LANDSCAPING

21.18.1 PURPOSE

The purpose of this section is: to protect and enhance property values, economic welfare and community attractiveness; to provide beneficial climatic impacts by cleaning the air and providing shade; to protect health, safety and welfare by reducing air and water borne pollutants, flooding and noise; to mitigate adverse effects of sighting different uses near one another through buffering; to facilitate preservation of existing valuable trees and other vegetative cover; to provide wildlife habitat and environmental standards within developed areas; to protect privacy.

21.18.2 General Performance Standards:

This, Section 21.18 Landscaping, requirements shall not apply to single family residences located on individual lots. The Section shall apply to residential plats and site condominiums.

All areas not covered by buildings, parking or other structures shall be treated with landscape materials including street trees, shrubs and groundcovers consistent with these provisions. The selected combination of plant materials shall be a harmonious combination of deciduous and evergreen trees, shrubs, vines and/or ground covers so arranged to present an aesthetically pleasing whole.

21.18.2.1 Landscape Materials:

All landscape materials planted pursuant to the provisions of this section shall be healthy and compatible with the local climate, site soil characteristics, drainage and available water supply.

Trees and shrubs should be at least, at the time of planting, the sizes as outlined in this section and shall be consistent with the current American Standard for Nursery Stock as set forth from time to time by the American Association of Nurserymen.

Deciduous trees shall be not less than one and one-half (1 ½) inches in diameter for single family residential uses and two and one-half (2 ½) inches in diameter for other uses.

Coniferous trees should be at least six (6) feet in height. Shrubs shall be of a size generally known in the nursery industry as requiring at least a five (5) gallon container.

All planting beds constructed pursuant to Sections 21.18.2, 21.18.5 and 21.18.6 shall be mulched with mulch cover at least three (3) inches deep to retain moisture around roots.

Trees shall be planted on the project sites so as to allow for their desired mature growth.

Access to or view of fire hydrants shall not be obstructed from any side.

Plantings shall be designed so as to not conflict with power lines or impede fire safety services.

21.18.2.2 Irrigation & Maintenance Performance Standards:

All uses with the exception of single family residential, which are landscaped with live plants, pursuant to this Section shall be equipped with a watering system which will provide sufficient water to maintain plants in a healthy condition.

21.18.2.2.1 Whenever the landscaped area required by Sections 21.18.3, 21.18.5 and 21.18.6 is two thousand (2,000) square feet or more of living plants whether or not the plants are contiguous, the site shall have a permanent irrigation system capable of meeting the typical watering requirements of all the plant materials on site.

21.18.2.2.2 Whenever there is less than two thousand (2,000) square feet of landscaped area required by Sections 21.18.3, 21.18.5 and 21.18.6 on a site, there should be at least one reliable water source available during the growing season. The hose bib or other water source shall be within fifty (50) feet from a border of the plants.

21.18.2.2.3 All irrigation systems shall be maintained in good working condition.

21.18.2.2.4 Irrigation requirements may be adjusted in part or in whole by the Zoning Administrator for landscape areas having established healthy plant material, or where irrigation is deemed unnecessary for plant health and survival.

All plants required by this Section shall be maintained in a live and healthy state. Dead or unsalvageable unhealthy plants shall be replaced with the size and type of plants required on the site development plan and by this Section. Plant materials including grasses and herbaceous plants uses on berms, along road sides, etc. shall be routinely maintained during growing seasons. When growing in close proximity to residential land uses, grasses and common weeds shall be maintained at a height of ten (10) inches or less.

All fences, walls and similar structures shall be maintained in good condition. Chipped paint, missing fence pieces, leaning or fallen portions of a fence or other forms of deterioration shall immediately be replaced or repaired.

Replacement of plants may be delayed whenever the Zoning Administrator determines that extenuating circumstances beyond the owner's control prevent the immediate replacement of the dead or unhealthy plants within a time established by the Zoning Administrator. In any event, the dead or salvageable plants shall be replaced within nine (9) months of the time the plants are clearly dead.

21.18.2.3 Existing Vegetation:

If there is no practical alternative in terms of sighting buildings and other development, trees and other plants may be removed.

Significant shrubs, grasses and trees are to be preserved within areas not required for development.

Healthy, younger mature plants shall be preserved which would normally succeed older plants.

Natural vegetation shall be preserved within areas below an ordinary high water mark of a lake, stream or other water body.

Existing vegetation to be preserved shall be protected during construction with barriers as required and approved by the Zoning Administrator.

The application of landscape standards within this Ordinance may be adjusted in part or in whole by the Zoning Administrator to allow credit for established healthy plant material to be retained on or adjacent to the site if such an adjustment is consistent with the intent of this Ordinance.

21.18.2.4 Berms constructed pursuant to Section 21.18.3 shall be constructed with slopes not to exceed one to three (1:3) gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover.

21.18.3 Buffer Yards:

Buffer yards shall be constructed to mitigate problems associated with traffic, noise, vibration, odor, glare, dust, smoke, pollution, water vapor, conflicting land uses and density, height, mass, layout of adjacent uses, loss of privacy, unsightly views and other potentially negative effects of development. Buffering may be achieved using landscape, building fences and berm or a combination of the above techniques.

Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing or dedicated public or Private Street or right-of-way.

Tables I and II shall be used to determine buffer yard dimensions and plant materials specifications. Table I is used to determine the type of Buffer yard (A, B, C, D, E, EX, or NA) which will be required between districts or users. Once the type of Buffer yard is obtained, Table II outlines the plant material specifications for alternative widths and specifications and treatments (walls, berms, etc.) of buffer yard. Each property line should be analyzed independently to determine the appropriate buffer yard required.

The buffer yard tables are to be considered minimum standards. Increased landscaping requirements may be imposed by the Zoning Administrator or the Planning Commission if it is determined any of the following conditions exist.

The type of required buffer yard will not sufficiently mitigate noise, glare, fumes, smoke, dust or unsightly views within the site.

The scale of the project in regard to mass and height indicates the need for a buffer yard developed specifically for the project.

The proposed use is next to an existing sensitive use such as a school, church or residential area.

21.18.4 Roadside Greenbelt Buffers:

Unless as otherwise required by Section 21.18.3, required front yards shall be landscaped with a minimum of one (1) tree, not less than one and one-half (1½) inches in diameter for single family residential uses and two and one half (2½) inches in diameter of other use, for each one thousand (1000) square feet, or major portion thereof, of front yard abutting a road right-of-way. The remainder of the greenbelt shall be landscaped provided however, rock or other inorganic ground cover shall not exceed twenty (20) percent of the yard area.

Access ways from public rights-of-way through required landscaped strips shall be permitted but such access ways shall not be subtracted from the square foot dimension used to determine the minimum number of trees required.

21.18.5 Screening of Unsightly Areas:

Unsightly areas, including but not limited to outside storage areas, utility boxes and open areas where machinery or vehicles are stored or repaired, shall be screened from public sidewalks, streets and other areas from which the property is visible. Such screening shall not be located as to interfere with required maintenance activities of utility boxes.

Whenever plants are used as a screen, they should provide an effective opaque screen within three (3) years of the time they are planted.

The materials and colors of the screen should blend with the site and the surroundings.

21.18.6 Parking Lot Screening:

Unless otherwise required by Section 21.18.3 or 21.18.4, a no-building buffer strip not less than ten (10) feet wide shall be required on the perimeter of all parking lots containing twenty-seven hundred (2,700) square feet or more of parking area where not adjacent to buildings. Said buffer strip shall be used for landscaping, screening or drainage as required herein.

Landscaping design standards:

21.18.6.1 Any required planting strip shall be a minimum of ten (10) feet in width.

21.18.6.2 One (1) street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage. (This requirement shall not duplicate the requirements of Sections 21.18.4 or 21.18.3.)

21.18.6.3 Where screens of non-living material are used, at least one (1) shrub or vine shall be planted on the right-of-way or property line side for each ten (10) lineal feet of screen or fraction thereof.

21.18.6.4 Parking lots with more than two (2) parking aisles shall require landscaped areas of at least ten (10) square feet of interior landscaping for each parking space, interior being defined as the area within the perimeter of the paved surface.

21.18.6.4.1 Landscaped areas shall be a minimum of seventy-five (75) square feet with a minimum dimension of ten (10) feet. Interior landscape areas shall be designed so as to cause minimum interference with snow removal. Each interior landscape area shall include one (1) or more canopy trees based on the provision of one (1) tree per each one hundred (100) square feet of interior landscape area.

***No Buffer Yard Required/See Table I**

21.18 TABLE I : Planting Buffer Yard

Boundary Zoning District →		R-1	R-2	R-3		RR	FR	AR		B-1	B-2	B-3		MUZ MAIN STREET	MUZ TOWN CENTER		HIGHWAY INTERCHANGE	I INDUSTRIAL
Proposed Development Zoning District																		
R-1		N																
R-2		B	N															
R-3		C	B	N														
RR		C	C	B		N												
FR		C	C	B		B	N											
AR		C	C	C		C	C	N										
B-1		B	B	B		B	B	B		N								
B-2		C	C	B		C	C	C		B	N							
B-3		C	C	C		C	C	C		B	B	N						
MUZ – MAIN STREET		A	A	A		B	C	C		A	A	B		N				
MUZ – TOWN CENTER		A	A	A		B	C	C		A	A	C		A	N			
HIGHWAY INTERCHANGE		C	C	C		C	C	C		B	B	B		B	C		N	
I - INDUSTRIAL		E	E	E		E	D	D		D	C	C		E	E		C	N

Key: N= No buffer yard required /See TABLE II

TABLE II STANDARD PLANT MATERIAL REQUIREMENTS							
Plant Material Requirements				Vegetation Types			
Type	Plant Material Reductions with: 6' Wall	3' Berm	Buffer Width	Canopy Trees	Flowering Trees or Large Shrubs	Shrubs	Evergreens & Conifers
A	.50	.75					
			10'	1	1	4	
			15' or more	1	1	3	
B	.50	.75					
			10'	3	3	6	2
			15' or more	2	2	5	1
C	.65	.80					
			10'	4	3	19	4
			15'	3	2	15	3
			20'	2	2	15	1
			25'	3	2	15	1
			30'	3	2	15	2
			35'	3	2	15	2
			40'	3	2	15	3
D	.75	.85					
			15'	1	4	32	1
			20'	2	4	30	1
			25'	3	4	30	1
			30'	3	5	30	2
			35'	3	5	30	2
			40'	3	5	30	3
			45'	4	6	30	4
E	NA	NA					
			20'	2	4	38	1
			25'	3	4	38	1
			30'	3	5	38	2
			35'	3	5	38	2
			40'	3	5	38	3
			45' or more	5	6	30	4

Minimum width of buffer with masonry wall = ten (10') feet

ALL PLANT QUANTITIES ARE PER ONE HUNDRED (100) LINEAR FEET, less the distance required for vehicle access to the property.

Exhibit 14

FINDINGS UNDER ARTICLE 21 /SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

Outdoor light fixtures are electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include search, spot and flood lights for buildings and structures, recreation areas, parking lot lighting, landscape lighting, billboards and other signs (advertising or other), street lighting, product display area lighting, building overhangs and open canopies.

All outdoor lighting fixtures including pole mounted or building mounted yard lights, dock lights, and shoreline lights other than decorative residential lighting such as low level lawn lights, shall be subject to the following regulations:

21.19.1 Lighting shall be designed and constructed in such a manner:

21.19.1.1 To insure that direct or directly reflected light is confined to the area needing it and that it is not directed off the property,

21.19.1.2 That all light sources and light lenses are shielded,

21.19.1.3 That any light sources or light lenses are not directly visible from beyond the boundary of the site,

21.19.1.4 That light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.

21.19.2 Lighting fixtures shall be a down-type having one hundred (100) percent cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test. A United States flag, Michigan flag or a flag of a veteran's organization chartered by the United States Government shall be allowed to have light illuminating them from below

21.19.3 There shall be no blinking, flashing, or fluttering lighting, including changes in light intensity, brightness or color, except that lights may be controlled by a dimmer which can be periodically adjusted for conditions and signs as allowed in 21.38.2.1. Beacon lights are not permitted except where required by law.

21.19.4 No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

21.19.5 Decorative lights during holiday seasons shall be allowed.

21.19.6 Modification of these outdoor lighting standards may be permitted by the Zoning Board of Appeals for temporary uses of not more than ten (10) days per year, following these provisions as closely as possible.

***Lighting: Wallpack Cutoff Fixtures per Site Plan**

FINDINGS UNDER SECTION 21.38

Section 21.38
Signs and Billboards
Amended 3.29.2018

Intent:

The sign standards contained in this Ordinance are declared to be necessary to protect the general health, safety, and welfare of the citizens of Otsego County.

It is the intent of this regulation to insure a degree of standardization in signage throughout the county, to insure the safety of pedestrians and motorists who must drive or otherwise negotiate installed signage and motorists who depend on the visibility of a sign's message to safely arrive at an intended destination. Standardization will preserve the aesthetics, appearance and functionality of all installed signage.

Any publicly displayed sign, symbol or notice on premises to indicate the name of the occupant, to advertise the business there transacted, or directing to some other locale, shall be regulated as follows, and shall require permits in accordance with the terms of the County Building Code:

Sign plans shall be reviewed for approval, conditional approval or rejection by the Zoning Administrator. For disagreements with the rulings of the Zoning Administrator, the applicant may appeal to the Zoning Board of Appeals, who in such instances has final authority on the sign plan.

The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes. Compliance with this Section does not relieve the applicant from the responsibility of compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property, including road rights-of-way, other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the County Zoning Ordinance.

Exhibit 14

Section 21.38.01
Signs Authorized and Requiring a Permit

All applications for a Sign Permit shall first be submitted to the Zoning Administrator. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Zoning Administrator showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed by a registered design professional. The Zoning Administrator may issue such permits when all applicable provisions of this Ordinance have been met.

Section 21.38.01.01
Accessory Signs

Section 21.38.01.01.01
Districts: R1, R2, R3, RR

Number Allowed:	1
Maximum Height:	8 ft.
Measured:	From the average grade at the base of the sign to the top of the sign support.
Maximum Size:	15 sq. ft.

Section 21.38.01.01.02
Districts: AR, FR

Number Allowed:	1
Maximum Height:	8 ft.
Measured:	From the average grade at the base of the sign to the top of the sign support.
Maximum Size:	32 sq. ft.

Section 21.38.01.01.03
Districts: B1, B2, B3, HX, I

Number Allowed:	Two (2) with the following **four (4) regulations**:
Regulation 01:	One (1) sign shall be affixed to or be within 2 feet of and be parallel with the wall of the main building.
Maximum Size:	Signs mounted on and parallel with the wall of the main building shall not exceed a total surface area of 15% of the mounting wall. If a premise contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.
Regulation 02:	One (1) Sign may be a freestanding sign.
Maximum Height:	12 ft.
Maximum Size:	56 sq. ft. and length shall not be longer than three (3) times its width.
Regulation 03:	One (1) Sign may be a pylon sign.
Maximum Height:	35 ft.
Maximum Size:	Sign Specifications must be prepared by a design professional and must comply with any Airport Zoning Ordinance and the Tall Structures Act. Pylon Signs approved and installed before the date of this ordinance change shall be allowed provided they exhibit structural integrity, are safe and well maintained.
Regulation 04:	All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than 20% of the total window area. Where multiple windows are installed, signage may not be aggregated to cover any window 100% restricting all visibility from the interior and exterior. Signage may cover no more than 50% of the window on the horizontal and vertical dimension. Total coverage for multiple window panels will not change.

Section 21.38.01.01.04
Signs for shopping centers or other commercial developments with Two (2) or more units developed as offices, office service units, research facilities, manufacturing facilities, retail spaces with multiple stores, commercial PUD's, large retail stores with a building area over 100,000 sq. ft. or other commercial developments requiring Special Use Approval and which have a common off street parking and a common entrance or entrances may install accessory signs in accordance with the following **six (6) regulations:**

Regulation 01: Signs which direct traffic movement within a property and which do not exceed 4 sq. ft. in area for each sign are permitted.

Regulation 02: One (1) free-standing identification sign for each street that the development faces.

a. The freestanding sign shall state only the name of the shopping center or multiple use development and tenants located therein.
b. No freestanding sign face shall exceed an area of 100 sq. ft.

c. Freestanding signs shall not exceed a height of 30 feet measured from the average grade at the base of the sign to the top of the horizontal sign frame supporting the sign face.

d. Tenants of the shopping center or the owner of outlets included with the development plan or PUD shall not be permitted individual freestanding signs, except gas stations as noted below:

Regulation 03: Businesses within the development or PUD shall be permitted exterior wall signs; the total area of the exterior wall signs shall not exceed 20% of the area of the signage wall.

Regulation 04: All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than 20% of the total window area. Where multiple windows are installed, signage may not be aggregated to cover any window 100% restricting all visibility from the interior and exterior. Signage may cover no more than 50% of the window on the horizontal or vertical dimension.

Regulation 05: An automobile service station located on an outlet or an individual lot within the development or PUD may have 1 freestanding sign in addition to the freestanding sign utilized for the development. The freestanding sign shall be for the purpose of advertising gasoline prices and other services provided on the premises. The service station sign shall comply with the regulations for a single business on its own lot as noted in Section 21.38.01.01.03 above.

Regulation 06: Signs proposed for installation along MDOT regulated highways designed to advertise a specific business location must be permitted in accordance with current MDOT Regulation 225. A specific time requirement for the developed site is required and is usually 2 years. A business sign is a sign designed to advertise a particular business location rather than being used for general outdoor advertising not necessarily specific to a particular business.

Billboards or signage also referred to as outdoor advertising or outdoor highway advertising are permitted and controlled by MDOT under sections of MDOT Regulation 225. A valid permit and sign approval is required prior to construction of a billboard designed for general outdoor advertising

Section 21.38.02
Non-Accessory Signs and Billboards

Section 21.38.02.01
Billboards, poster boards and non-accessory signs may be permitted in B2, B3 and I Districts provided the area of the sign does not exceed an area of 200 sq. ft. in B2 and B3 Districts and 300 sq. ft. in I Districts. A non-accessory sign or billboard shall not measure longer than 3 times its width.

Signs that come under the jurisdiction of P.A. 106 of 1972 are under the jurisdiction of the Township, if the Township has adopted a sign ordinance.

Section 21.38.03
Sign Lighting (also see Section 21.19 Lighting Outdoor)

Section 21.38.03.01
Signs internally illuminated or with a light emanating surface are allowed only in the RR, FR, AR, B1, B2, B3, I, HX, MUZ-Main Street and MUZ-Town Center Districts provided they meet the other requirements of this ordinance and are set back a minimum of 10 feet from all road right-of-ways and 75 feet from any other property line.

Signs internally illuminated or if sign has a light emanating surface. All light sources and reflecting surfaces immediately adjacent to the light source shall be shielded from view. Sign luminance level, beginning 1 hour after sunrise and continuing until 1 hour before sunset, shall not exceed (10278 Lumens) (685W Incandescent light bulb) (114W Florescent/LED) per square meter, or does not exceed (342 Lumens) (25W Incandescent light bulb)(6.23W Florescent/LED) per square meter at all other times.

Signs that are externally illuminated shall have the light mounted on top of the sign, shall be directed downward onto the sign and shall be shielded so as to prevent rays of light from being directed such that reflected luminance does not exceed (342 Lumens) (25W Incandescent light bulb)(6.23W Florescent/LED) per square meter.

Section 21.38.04
Signs Prohibited

Section 21.38.04.01 No signs or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

Section 21.38.04.02 No signs shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.

Section 21.38.04.03 No signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.

Section 21.38.04.04 No signs containing flashing, intermittent or moving lights.(A sign with messages or images accomplished by instantaneous re-pixilation not more often than 1 time in 60 seconds shall not be considered flashing, intermittent or moving and shall be allowed.)

Section 21.38.04.05 No signs with moving or revolving parts.

Section 21.38.04.06 No signs attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following **three (3) Regulations**:

Regulation 01: The primary purpose of such a vehicle or trailer is not the display of signs.

Regulation 02: The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and does not break the silhouette of the vehicle.

Regulation 03: The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets where applicable, and actively used or available for use in the daily function of the business to which such signs relate.

Section 21.38.04.07 Vehicles and trailers are not to be used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

Section 21.38.04.08 A sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign covered or removed within 14 days after written notification from the Zoning Administrator.

Section 21.38.05
Signs Authorized and Not Requiring a Permit

Section 21.38.05.01 Official notices, authorized by a court, public body or public safety official

Section 21.38.05.02 Directional, warning or information signs authorized by federal, state or municipal governments

Section 21.38.05.03 Memorial plaques, building identification signs and building cornerstones where cut or carved into a masonry surface or where made of noncombustible material and made an integral part of the building or structure.

Section 21.38.05.04 The flag of a government or noncommercial institution, such as a school.

Section 21.38.05.05 Religious symbols and seasonal decorations within the appropriate public holiday season

Section 21.38.05.06 Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain

Section 21.38.05.07 Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 sq. ft. in area

Section 21.38.05.08 The changing or maintenance or components of an approved existing sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

Section 21.38.05.09 Bulletin Boards that do not exceed 15 sq. ft. for churches, public and semi-public institutions and/or school

Section 21.38.05.10 Temporary signs not exceeding 10 sq. ft. advertising a premises being for rent, for lease and/or for sale in any district All such signs shall be removed within 14 days of the consummated lease or sale of the premises.

Section 21.38.05.11 Accessory directional signs affixed to the building and not exceeding 2 sq. ft., such as but not necessarily limited to: Boiler Room, Entrance, Exit, Garage, Loading Dock, Low Clearance, Office, Service, Warehouse and the like.

Section 21.38.05.12 Maximum of 2 accessory properties directional signs each not to exceed 2 sq. ft .identifying or directing to the following: Entrance, Exit, No Parking, Visitors Parking, Other Traffic Flow Directions, and similar Functional Signs

Section 21.38.05.13 Temporary advertising banners that are flexible (made of canvas, plastic composite etc.) meant to be attached to a fixed commercial building structure which is currently occupied. All banners may not exceed 32 sq. ft. and must be maintained in good condition while displayed.

Section 21.38.05.14 Political signs shall be permitted in all zoning districts with the following **three (3) Regulations**:

Regulation 01: Such signs shall follow the Accessory Signs restrictions as it relates to each individual Zoning District.

Regulation 02: Such signs for election candidate or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.

Regulation 03: Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

Section 21.38.06
Placement of Signs and Setbacks

Section 21.38.06.01
Signs in rights-of-way
No sign other than an official traffic sign shall be erected within any public right-of-way unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official.

Section 21.38.06.02
Sign and Setbacks
Signs in any zoning district must be placed at least 2 feet back from any right of way and any lot line.

Exhibit 14

Section 21.38.07
Off-Premises Directory Sign – Private

Section 21.38.07.01
Where a business use or tourist service facility is not located directly on a major tourist route but is dependent upon passerby traffic for support, one (1) off-premises directory sign located on a county maintained road may be permit in business or non-business districts, on each road or link or segment of road that affords access to the use but entails a major change in the direction of travel.

Off-premises Directory signs shall not exceed an area of 15 sq. ft. Community directional signs serving more than one (1) use may be permitted to a maximum size of 32 sq. ft.

Section 21.38.08
Approval Authority

Section 21.38.08.01
The Zoning Administrator shall review and act upon site plans except where a Special Use Permit is required. Site Plans for a Special Use Permit shall be forwarded by the Zoning Administrator to the Planning Commission for review and action. In addition, at the request of the Zoning Administrator or Planning Commission, a site plan for a Principal Permitted Use may be submitted for Planning Commission review before final action by the Zoning Administrator. The Zoning Administrator and Planning Commission have the authority to approve, deny or grant conditional approval for any site plan submitted under the provisions of this ordinance. The Zoning Administrator may hold or the Planning Commission may table a site plan, pending further information or addition, reasonably needed to complete a site plan or comply with requirements of this Ordinance

*Signage: To Be Determined

FINDINGS UNDER SECTION 21.42

SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS

21.42.1 Residential Trash Receptacles shall be placed at curbside no earlier than twenty-four (24) hours from the scheduled pick-up day. Any trash receptacle placed at curb side shall be removed from curb side no later than twenty-four (24) hours after the scheduled pick-up day.

21.42.2 Commercial Trash Receptacles / Dumpsters may be placed upon a parcel of land in such a manner to facilitate loading and unloading. They may be placed no closer than ten (10) feet to any adjoining property. All Trash Receptacles shall be properly maintained with working lids and the lids shall be maintained in a closed position.

21.42.2.1 During the site plan review process the Planning Commission or Zoning Administrator may require Commercial Businesses abutting land zoned Residential (R1, R2, R3, RR) or existing residential development in other zoning districts (HX) to maintain a greater setback than ten (10) feet but in no case shall the required setback be greater than twenty five (25) feet.

21.42.3 Temporary Commercial Construction Dumpsters are exempt from these regulations.

21.42.4 Trash Receptacles / Dumpsters meeting the requirements of Sections 21.42.1, 21.42.2 & 21.42.3 shall not be considered unsightly areas as covered in Section 21.18.5.

*Trash Receptacle: To Be Determined

FINDINGS UNDER SECTION 21.43

SECTION 21.43 UNDERGROUND UTILITY WIRES

Within the area of a plat or site plan, all distribution lines for electric, communications or similar associated services shall be placed underground. Those electric and communication facilities placed in dedicated public ways shall be installed so as not to conflict with other underground utilities. All communication and electric facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All underground utility installations which traverse privately-owned property shall be protected by easements granted by the owner of such property.

The Planning Commission may, by resolution, waive or modify any of the above requirements for underground line installations with respect to a particular plat or site plan when the strict application of the above requirements would result in unnecessary hardship. Prior to any such waiver or modification, a public hearing regarding the proposal shall be held by the Planning Commission.

*Underground Utilities: To Be Determined

FINDINGS UNDER ARTICLE 19/PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

19.7.1 The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
HAS – HAS NOT BEEN MET

19.7.2 The proposed special land use will not involve uses, activities, processes, materials or equipment that will create a substantially negative impact on the natural resources of the county or the natural environment as a whole.
HAS – HAS NOT BEEN MET

19.7.3 The proposed special land use will not involve uses, activities, processes, materials or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.
HAS – HAS NOT BEEN MET

19.7.4 The proposed special land used will be designed, constructed, operated and maintained so as not to diminish the opportunity for the surrounding properties to be used and developed as zoned.
HAS – HAS NOT BEEN MET

19.7.5 The proposed special land use will not place demands on fire, police or other public resources in excess of current capacity.
HAS – HAS NOT BEEN MET

19.7.6 The proposed special land use will be adequately served by public or private streets, water and sewer facilities and refuse collection and disposal services.
HAS – HAS NOT BEEN MET

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity no rate of discharge leaving the property based on 25-year storm criteria, (v) shall be designed using Best Management Practices identified by the DNR or its successor agency, and (vi) shall identify the party responsible for maintenance of the storm water management system.
HAS – HAS NOT BEEN MET

19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.
HAS – HAS NOT BEEN MET

SECTION 19.8 - CONDITIONS

The Planning Commission may attach reasonable conditions to the approval of a special use permit. These conditions may include those necessary to insure that public services and facilities affected by a proposed special land use will be capable of accommodating increased service and facility loads caused by the special land use, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all the following requirements.

19.8.1 Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use and the community as a whole.

19.8.2 Be related to the valid exercise of the police power and purposes which are affected by the proposed special land use.

19.8.3 Be necessary to meet the intent and purpose of the zoning ordinance, be rated to the standards established in the ordinance for the special land use under consideration and be necessary to insure compliance with those standards.

PLEASE CLOSE
GATE & SECURE
LOCK UPON
LEAVING

Otsego County Road Commission

669 W. McCoy Road, P.O. Box 537, Gaylord , MI 49734-0537
Telephone (989) 732-5202 • Facsimile (989) 732-6775

Application and Permit to Construct a Driveway Approach

Receipt 12399

Date: 12/21/18 Permit No.: 19-1-11-01

Applicant (Mailing address for permit)	Contractor (*See note below*) T.B.D.
Name: Alison & Bob Demering	Name:
(m) Address: 4855 West Otsego Lake Drive	Address:
City, State, Zip: Gaylord, MI 49735	City, State, Zip:
Contact Phone: 989-619-5432 - Bob	Contact Phone:
Facsimile:	Facsimile:
E-mail: Rbd111@msn.com	E-mail:

Site information: ☐ **Residential** ☑ **Commercial** / **Fees Paid:** **Yes** ☑ **No** ☐

Road Name: West Otsego Lake Drive House No.: 4855
Township: Bagley Section : 29

Help us find your site by giving us the following directions:

The site is located on: West Otsego Lake Dr. on the N S (E) W (circle one) side of the road
~~at~~ 150' miles (feet) (N) S E W from Henry Drive (South) Road
between Henry Dr. South Road and Henry Dr. North Road

Work to be completed:
- ☐ Pave Existing Drive: ☐ Asphalt ☐ Concrete
- ☐ Repair/extend existing drive
- ☐ Temporary Drive
- ☒ NEW DRIVE: Surface Type: ☐ Asphalt ☐ Concrete ☒ Gravel

NOTE: Gravel is Required in R.O.W. Circle Number of Drives: (1) or 2

Remarks: Flagged & new drive on chain link fence

Date Work to Begin On:	T.B.D.	DATE SITE WILL BE FLAGGED:	12/24/18

Applicant's Signature: [signature] Contractor's Signature:

Notice: It is the responsibility of the applicant to flag the proposed driveway location so the inspector will be able to determine the exact proposed location. Failure to flag by specified date may result in considerable delay. Please allow 10-20 days for the original permit to be mailed to the above address. Any construction performed before receipt of the original permit may not meet Road Commission standards and is subject to revision or removal at the applicant's expense and could result in a fee being accessed. ***A certificate of insurance naming the OCRC as an additional insured is required from the contractor or permit will not be issued.***

Do Not Write Below This Line

Date Checked: 1-11-19 Surface Type: (G) A C Number of Drives: (1) 2 Width: 30'
Road Name: WEST OTSEGO LK Dr. on the N S E W Side
Drive No.: 1 Drive No.: 2 Miles/Feet N (S) E W of
Culvert ☐ Required (if required 12 in. x 20 ft. minimum) ☒ Not Required
Sight Distance (N) S E W 500 N (S) E W 500'
Remarks: COMMERCIAL DR.

Approved By: [signature] *, Permit Agent* *Date:* 1-11-19

Exhibit 16

TERMS AND CONDITIONS

1. **Specifications.** All work performed under this permit must be done in accordance with the application, plans, specifications, maps and statements filed with the County Road Commission ("Road Commission") and must comply with the Road Commission's current procedures and regulations on file at its offices and the current MDOT Standard Specifications for Construction, if applicable.

2. **Fees and Costs.** The Permit Holder shall be responsible for all costs incurred by the Road Commission in connection with this permit and shall deposit estimated fees and costs as determined by the Road Commission, at the time the permit is issued.

3. **Bond.** The Permit Holder shall provide a cash deposit, irrevocable letter of credit or bond in a form and amount acceptable to the Road Commission at the time permit is issued.

4. **Insurance.** The Permit Holder shall furnish proof of general liability insurance in amounts not less than $1,000,000 each occurrence and general aggregate, proof of automobile liability in amounts not less than $1,000,000 combined single limit for each accident, bodily injury per accident, and property damage per accident, and in an amount not less than $500,000 for bodily injury per person. Such proof of insurance shall include a valid certificate of insurance demonstrating that the Road Commission is an additional insured party on the policy. Such insurance shall cover a period not less than the term of this permit and shall provide that it cannot be cancelled without 30 days advance written notice to the Road Commission, by certified mail, first-class, return receipt requested. This permit is invalid if insurance expires during the authorized period of work described herein.

5. **Indemnification.** In addition to any liability or obligation of the Permit Holder that may otherwise exist, Permit Holder shall, to the fullest extent permitted by law, indemnify and hold harmless the Road Commission and its commissioners, officers, agents, and employees from and against any and all claims, actions, proceedings, liabilities, losses, and damages thereof, and any and all costs and expenses, including legal fees, associated therewith which the Road Commission may sustain by reason of claims for or allegations of the negligence or violation of the terms and conditions of this permit by the Permit Holder, its officers, agents, or employees, arising out of the work which is the subject of this permit, or arising out of work not authorized by this permit, or arising out of the continued existence of the operation or facility, which is the subject of this permit.

6. **Miss Dig.** The Permit Holder must comply with the requirements of Act 53 of Public Acts of 1974, as amended. CALL MISS DIG AT (800) 482-7171 or www.missdig.org AT LEAST THREE (3) FULL WORKING DAYS, BUT NOT MORE THAN FOURTEEN (14) CALENDAR DAYS, BEFORE YOU START WORK. The Permit Holder assumes all responsibility for damage to or interruption of underground utilities.

7. **Notification of Start and Completion of Work.** The Permit Holder must notify the Road Commission at least 48 hours before starting work, when work is completed, and additionally as directed by the Road Commission.

8. **Time Restrictions.** All work shall be performed Mondays through Fridays between 8:00 a.m. and 5:00 p.m. unless written approval is obtained from the Road Commission, and work shall be performed only during the period set forth in this permit. Perform no work except emergency work, unless authorized by the Road Commission on Saturdays, Sundays, or from 3:00 p.m. on the day proceeding until the normal starting time the day after the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

9. **Safety.** Furnish, install and maintain all necessary traffic controls and protection during Permit Holder's operations in accordance with the Michigan Manual of Uniform Traffic Control Devices, Part 6 and any supplemental specifications set forth herein.

10. **Restoration and Repair of Road.** The construction, operation and maintenance of the activity covered by this permit shall be performed by the Permit Holder without cost to the Road Commission unless specified herein. The Permit Holder shall also be responsible for the cost of restoration and repair of the right-of-way determined by the Road Commission to be damaged as a result of the activity which is the subject of this permit. Restoration shall meet or exceed conditions when work is commenced and be in accordance with specifications. The Permit Holder shall be responsible for costs incurred by the Road Commission for emergency repairs performed by or on behalf of the Road Commission for the safety of the motoring public. Said repairs shall be performed with or without notice to the Permit Holder if immediate action is required. This determination shall be in the sole and reasonable opinion of the Road Commission.

11. **Limitation of Permit.** Issuance of this permit does not relieve Permit Holder from meeting any and all requirements of law, or of other public bodies or agencies. The Permit Holder shall be responsible for securing and shall secure any other permits or permission necessary or required by law from cities, villages, townships, corporations, property owners, or individuals for the activities hereby permitted. Any work not described by the application, including the time and place thereof, is strictly prohibited in the absence of the application for and issuance of an additional permit or amendment to this permit.

12. **Revocation of Permit.** This permit may be suspended or revoked at will, and the Permit Holder shall surrender this permit and alter, relocate or remove its facilities at its expense at the request of the Road Commission. It is understood that the rights granted herein are revocable at the will of the Road Commission and that the Permit Holder acquires no rights in the right-of-way and expressly waives any right to claim damages or compensation in case this permit is revoked.

13. **Assignability.** This permit is not assignable and not transferable unless specifically agreed to by the Road Commission.

14. **Authority.** The statutory authority of the Road Commission to require compliance with permit requirements is predicated upon its jurisdictional authority and is set forth in various statutes including, without limitation and in no particular order, MCL §247.321 et seq; MCL §224.19b; MCL §560.101 et seq; and MCL §247.171 et seq.

Otsego County
ESTABLISHED 1875 MICHIGAN
Otsego County Planning & Zoning
1322 Hayes Rd, Gaylord, MI 49735
Tel. 989-731-7400 Fax. 989-731-7419

Application for

Inter-Agency Zoning Compliance

Commercial Construction and SUP

Application #

PZSU19-001

Site Information

Site Address

4855 W Otsego Lake Dr, Gaylord, MI 49735

Parcel # 011-800-000-018-02

Applicant Name

MD Oil Field Services, LLC

Inter-Agency Review (check applicable agency)

☐ **Otsego Co. Road Commission** 669 W McCoy Rd Gaylord, MI 49735 (989) 732-5202	☐ **Otsego Co. Emergency Management** 800 Livingston Blvd Gaylord, MI 49735 (989) 731-0290	☐ **Otsego Co. Conservation District** 800 Livingston Blvd Gaylord, MI 49735 (989) 732-4021	☑ **Health Dept. of Northwest Michigan** 95 Livingston Blvd Gaylord, MI 49735 (800) 432-4121
☐ Other Agency:		Phone:	Fax / E-Mail:

Agency Recommendations / Comments

☑ Approval

☑ Subject to conditions listed below

☐ Disapproval

Conditions / Staff Comments

No on-site water well or septic system exists or is proposed. Storage must NOT include chemical storage (ie fertilizers, herbicides, pesticides, fuels, etc.) due to proximity of neighboring residential wells. Chemical storage requires a minimum 150' of isolation under Rule 325.1622(c) of the Michigan Groundwater Quality Control Rules - Part 127, Act 368 of PA 1978 (as amended).

Agency Representative Signature	Printed Name	Date
Chuck Edwards Digitally signed by Chuck Edwards Date: 2019.03.20 15:29:50 -04'00'	Chuck Edwards, R.S.	3/20/2019

Return Information

For more information on this application, please contact Otsego County Planning & Zoning staff:

Name and Title:	Phone:	Email:
Christopher Churches, Director of Planning & Zoning	(989) 731-7515	cchurches@otsegocountymi.gov

Otsego County Planning & Zoning
1322 Hayes Rd, Gaylord, MI 49735
Tel. 989-731-7400 Fax. 989-731-7419

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☐ Other Agency:		Phone:	Fax / E-Mail:

Agency Recommendations / Comments

☑ Approval

☐ Subject to conditions listed below

☐ Disapproval

Conditions / Staff Comments

Agency Representative Signature	Printed Name	Date
Jon Deming — Digitally signed by Jon Deming Date: 2019.03.19 16:30:26 -04'00'		

Return Information

For more information on this application, please contact Otsego County Planning & Zoning staff:

Name and Title:	Phone:	Email:
Christopher Churches, Director of Planning & Zoning	(989) 731-7515	cchurches@otsegocountymi.gov

Otsego County
ESTABLISHED 1875 MICHIGAN

Otsego County Planning & Zoning
1322 Hayes Rd, Gaylord, MI 49735
Tel. 989-731-7400 Fax. 989-731-7419

Application for

Inter-Agency Zoning Compliance

Commercial Construction and SUP

Application #

PZSU19-001

Site Information

Site Address

4855 W Otsego Lake Dr, Gaylord, MI 49735

Parcel # 011-800-000-018-02

Applicant Name

MD Oil Field Services, LLC

Inter-Agency Review (check applicable agency)

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☐ Other Agency:		Phone:	Fax / E-Mail:

Agency Recommendations / Comments

☒ Approval

☐ Subject to conditions listed below

☐ Disapproval

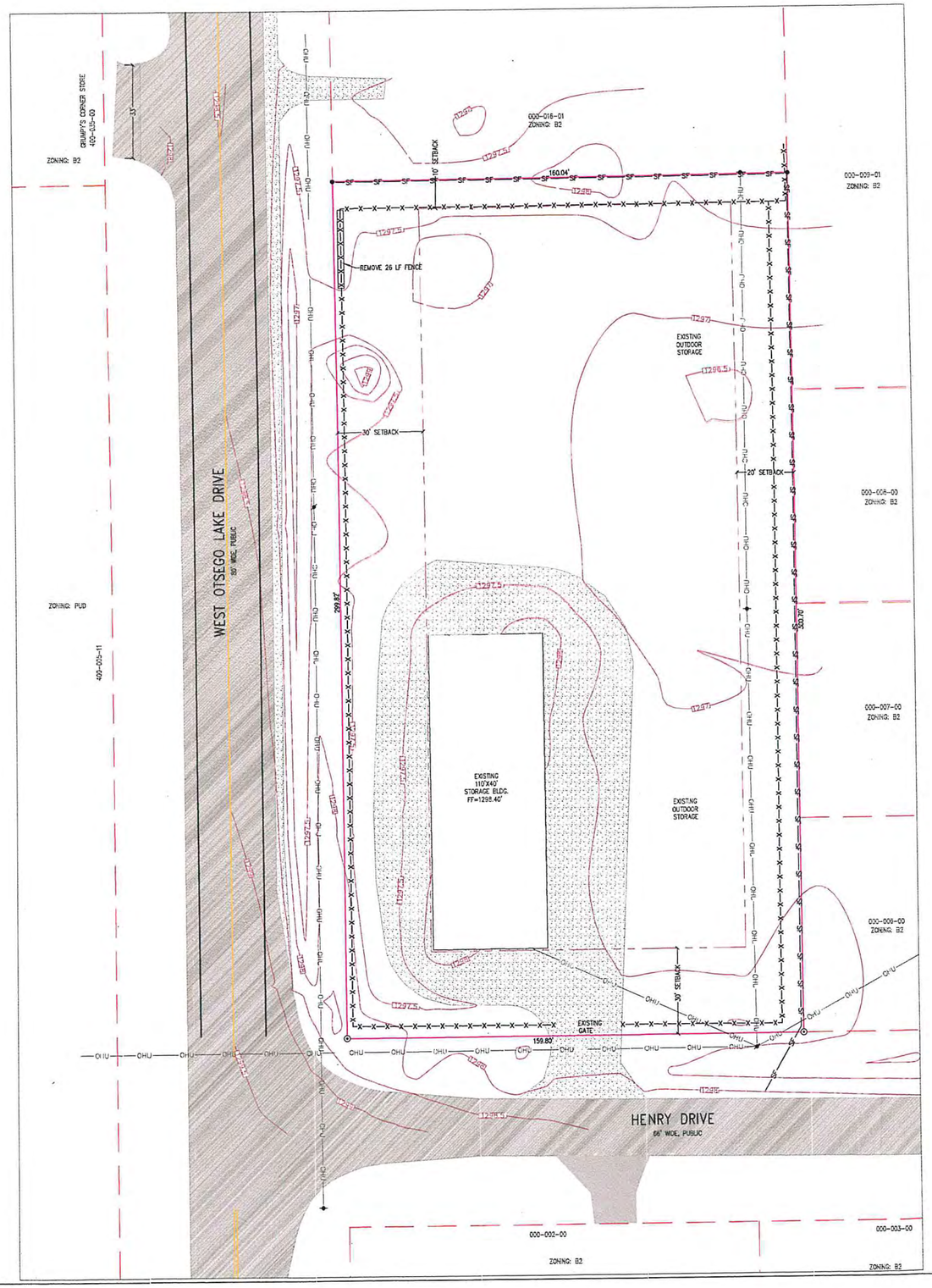
Conditions / Staff Comments

Agency Representative Signature	Printed Name	Date
Patricia Osborn	Patricia Osborn	3-22-19

Return Information

For more information on this application, please contact Otsego County Planning & Zoning staff:

Name and Title:	Phone:	Email:
Christopher Churches, Director of Planning & Zoning	(989) 731-7515	cchurches@otsegocountymi.gov



SITE DATA

PROPERTY DESCRIPTION
PID#011-800-000-018-02

PARCEL LOCATED IN THE SW 1/4 OF SECTION 29, T30N-R3W, BAGLEY TOWNSHIP, MICHIGAN.

LEGAL DESCRIPTION:
LOTS 18-21, PLAT OF WEST OTSEGO LAKE, OTSEGO COUNTY RECORDS.

CURRENT ZONING: B-2

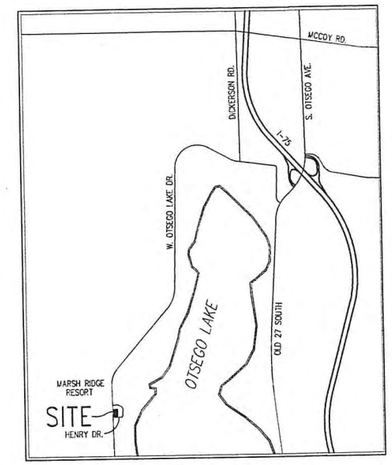
BUILDING SETBACKS
FRONT YARD - 30 FT
SIDE YARD - 10 FT
REAR YARD - 20 FT

SITE AREA: 48,017 SFT (1.10 ACRES)

CURRENT USE: COMMERCIAL STORAGE

ELEVATIONS ARE BASED ON NAVD 1988 DATUM.

BENCHMARK IS THE FINISH FLOOR OF EXISTING STORAGE BUILDING, ELEVATION 1298.40'.



VICINITY MAP
NO SCALE

DEMOLITION NOTES

CONTRACTOR SHALL NOTIFY MISSDIG '811' A MINIMUM OF 3 WORKING DAYS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY AND SHALL FAMILIARIZE THEMSELVES WITH ANY UTILITIES THE MAY EXIST BUT MAY NOT BE AFFILIATED WITH THE MISSDIG SYSTEM. DISRUPTION AND REPAIR COSTS ASSOCIATED WITH THE CONTRACTORTS FAILURE TO DO SO SHALL BE BORNE SOLELY BY THE CONTRACTOR.

ALL APPROPRIATE PERMITS AND APPROVALS SHALL BE OBTAINED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY.

REMOVE PORTION OF CHAIN LINK FENCE AS SHOWN FOR NEW GATE.

ALL CONSTRUCTION ACTIVITY WITHIN THE COUNTY ROAD RIGHT OF WAY SHALL BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) AND THE CURRENT MDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION MANUAL.

LEGEND
- FOUND CONCRETE MONUMENT
- FOUND 1/2" IRON
- BOUNDARY LINE
- EXISTING LOT LINES
- OHU — OVERHEAD UTILITIES
- X — X — EXISTING CHAIN LINK FENCE
- 1298 — EXISTING .5' CONTOUR
- EXISTING CONCRETE
- EXISTING ASPHALT
- EXISTING GRAVEL

EXISTING CONDITIONS
SCALE: 1" = 20'
0 10 20 40

REVISIONS	DATE	BY

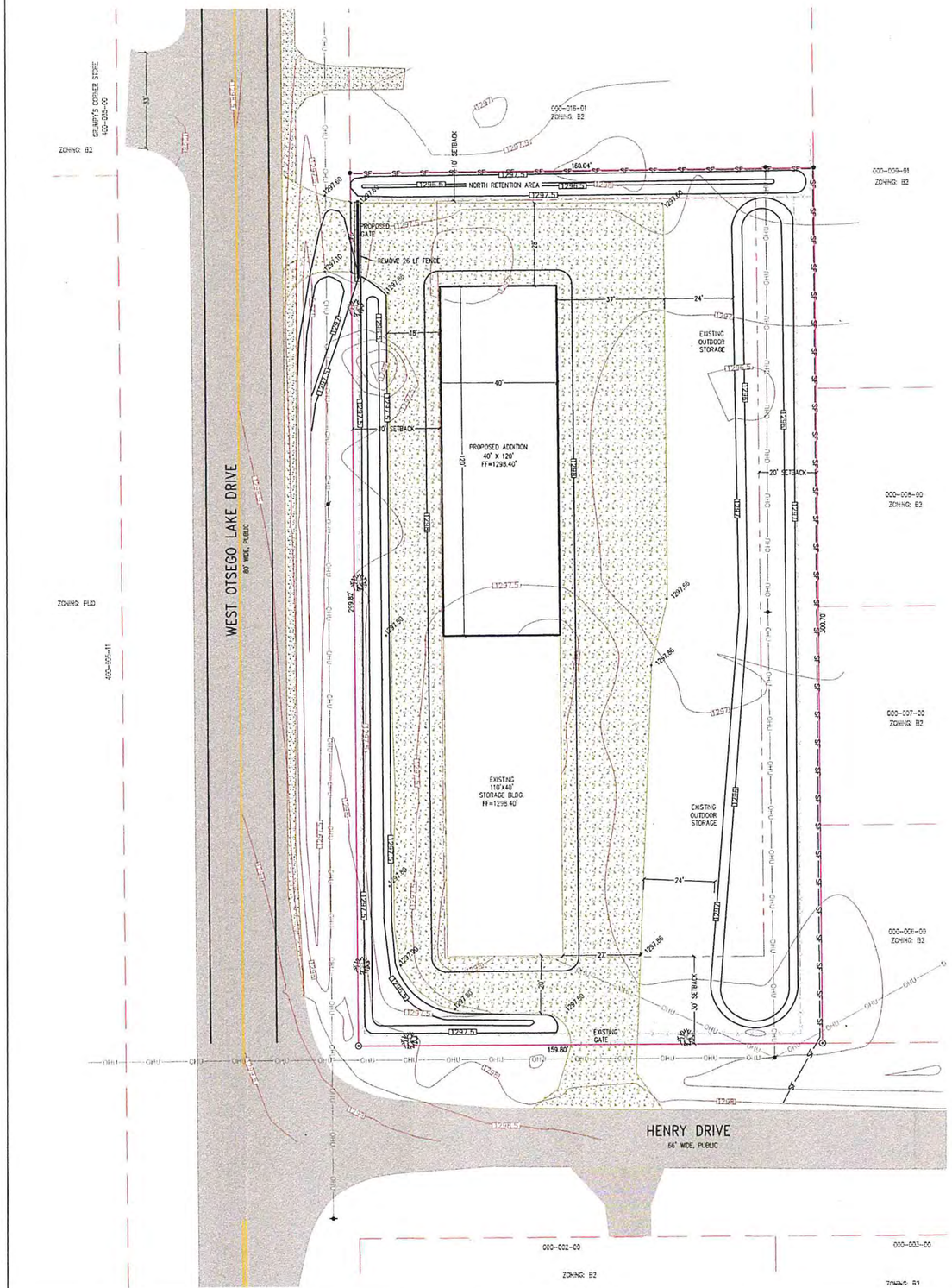
DRAWN BY D.C.D.
CHECKED
APPROVED BY
DATE 12/26/18
PRINT DATE

NORTHERN MICHIGAN ENGINEERING INC.
114 N. COURT AVE. SUITE 203 GAYLORD, MI 49735
534 E. EIGHTH STREET TRAVERSE CITY, MI 49686
(989)217-3177
THOMAS D. ZIPP, PE
MI LICENSE #38295

PROJECT
WEST OTSEGO LAKE STORAGE ADDITION
EXISTING CONDITIONS AND DEMOLITION PLAN
4855 W. OTSEGO LAKE DR., GAYLORD MI 49735

JOB# 18-144
SHEET
SP.1

Exhibit 5



SITE NOTES

CONTRACTOR SHALL NOTIFY MISSDIG '811' A MINIMUM OF 3 WORKING DAYS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY AND SHALL FAMILIARIZE THEMSELVES WITH ANY UTILITIES THE MAY EXIST BUT MAY NOT BE AFFILIATED WITH THE MISSDIG SYSTEM. DISRUPTION AND REPAIR COSTS ASSOCIATED WITH THE CONTRACTOR'S FAILURE TO DO SO SHALL BE BORNE SOLELY BY THE CONTRACTOR.

ALL APPROPRIATE PERMITS AND APPROVALS SHALL BE OBTAINED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY.

SILT FENCE SHALL BE INSTALLED BY THE CONTRACTOR AT LOCATIONS AS NOTED PRIOR TO COMMENCEMENT OF ANY EARTH CHANGES OR UTILITY WORK. SILT FENCE SHALL BE INSPECTED FOR INTEGRITY DAILY DURING EARTHWORK OPERATION OR FOLLOWING A RAIN EVENT AND SHALL BE MAINTAINED AND REPAIRED UNTIL A SUFFICIENT ESTABLISHMENT OF VEGETATION OCCURS AS DEEMED BY THE ENGINEER. THE CONTRACTOR AS DIRECTED, PRIOR TO FINAL CONTRACT CLOSEOUT, SHALL REMOVE SILT FENCE.

UTILITY WORK SHALL BE CONDUCTED AS PERSCRIBED IN THE MDOT 2012 STANDARD SPECIFICATIONS FOR CONSTRUCTION OR SUBSEQUENT EDITIONS UNLESS OTHERWISE NOTED.

ALL CONSTRUCTION ACTIVITY WITHIN THE COUNTY ROAD ROW SHALL BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) AND THE CURRENT MDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION MANUAL.

STORMWATER CALCULATION

POST DEVELOPMENT INFLUENCE
NORTH RETENTION BASIN

USE	AREA(CF)	CURVE	WEIGHTED
BUILDINGS	0	98	0
GRAVEL	2500	76	1900
RETENTION BASIN	1000	39	390
TOTAL INFLUENCE AREA	3500		2290
AVERAGE RUNOFF CURVE NO.		65	

SAY AVERAGE RUNOFF CURVE NO. = 65
25 YEAR, 24 HOUR RAINFALL IN ZONE 4
EQUALS 3.60 INCHES OF RAINFALL

CUBIC FOOT RUNOFF: 3500 * .65 * (3.60/12)	682
RETENTION AREA PROVIDED (1296.5' TO 1297.5')	671

POST DEVELOPMENT INFLUENCE
WEST RETENTION BASIN

USE	AREA(CF)	CURVE	WEIGHTED
BUILDINGS	4600	98	4508
GRAVEL	5600	76	4256
RETENTION BASIN	2800	39	1092
TOTAL INFLUENCE AREA	13000		9856
AVERAGE RUNOFF CURVE NO.		76	

SAY AVERAGE RUNOFF CURVE NO. = 76
25 YEAR, 24 HOUR RAINFALL IN ZONE 4
EQUALS 3.60 INCHES OF RAINFALL

CUBIC FOOT RUNOFF: 13000 * .76 * (3.60/12)	2964
RETENTION AREA PROVIDED (1296.5' TO 1297.5')	2116

* INCLUDES EXISTING BUILDING AND GRAVEL SURFACES
** NO DEDUCTION FOR PRE-DEVELOPMENT CONDITIONS

POST DEVELOPMENT INFLUENCE
EAST RETENTION BASIN

USE	AREA(CF)	CURVE	WEIGHTED
BUILDINGS	4600	98	4500
GRAVEL	9000	76	6840
GRASSY STORAGE& RETENTION BASIN	16000	39	6240
TOTAL INFLUENCE AREA	29600		17580
AVERAGE RUNOFF CURVE NO.		59	

SAY AVERAGE RUNOFF CURVE NO. = 59
25 YEAR, 24 HOUR RAINFALL IN ZONE 4
EQUALS 3.60 INCHES OF RAINFALL

CUBIC FOOT RUNOFF: 29600 * .59 * (3.60/12)	5239
RETENTION AREA PROVIDED (1297.0' TO 1296.0')	5414

* INCLUDES EXISTING BUILDING AND GRAVEL SURFACES
** NO DEDUCTION FOR PRE-DEVELOPMENT CONDITIONS

GENERAL NOTES:

SITE CIVIL ENGINEER ASSUMES NO RESPONSIBILITY FOR JOB SITE SAFETY. EACH CONTRACTOR SHALL INDEPENDENTLY ENSURE THE SAFETY OF THEIR WORKERS, UTILIZING APPROPRIATE SAFETY EQUIPMENT AND PERFORMING TIMELY TOOL-BOX TALKS AS REQUIRED TO MAINTAIN JOB SITE SAFETY.

AS NO SOIL BORINGS WERE PERFORMED IN THE CONCEPTION OF THIS SITE PLAN, CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH LOCAL CONDITIONS PRIOR TO BID SUBMISSION.

THE DRAWINGS, PLANS, MODELS, DESIGNS, SPECIFICATIONS, REPORTS, SURVEY DATA, CALCULATIONS AND OTHER DATA CONTAINED AND PART OF THE SITE/CIVIL PLAN SET ARE THE PROPERTY OF THE ENGINEER. THIS SITE CIVIL PLAN SET IS MADE AVAILABLE FOR YOUR THISW FOR INFORMATIONAL PURPOSES ONLY IN RELATION TO THIS SITE DEVELOPMENT. THE SITE/CIVIL PLAN SET MAY NOT BE COPIED, REPRODUCED, OR DISTRIBUTED IN ANY WAY OR FOR ANY PURPOSE WHATSOEVER WITHOUT THE CONSENT OF THE ENGINEER.
PARCEL BOUNDARY SHOWN IS BASED ON THE RECORD PROPERTY DESCRIPTION PROVIDED AND MONUMENTATION FOUND. NO BOUNDARY SURVEY WAS PERFORMED FOR THIS SITE PLAN.

ALL TREES, STUMPS, BRUSH AND OTHER VEGETATION SHALL BE "GRUBBED" AND DISPOSED OF FROM SITE IN A LAWFUL MANNER. BURYING OF SUCH ORGANIC MATERIAL ON SITE SHALL NOT BE ALLOWED. BURNING SHALL NOT BE ALLOWED ON SITE.

ALL DRIVE ENTRANCE SUBGRADE, PARKING LOT SUBGRADE, BUILDING PADS (IF APPLICABLE), UTILITY PIPE BEDDING AND CULVERT BEDDING SHALL MEET MDOT CLASS II OR BETTER AND SHALL BE COMPACTED TO A MINIMUM OF 95% OF MAXIMUM UNIT WEIGHT. CLAY OR ORGANIC MATERIAL (AS DETERMINED BY THE ENGINEER) SHALL NOT BE UTILIZED AS SUBGRADE MATERIAL.

TOPSOIL MAY BE UTILIZED FOR SITE RESTORATION AND EXCESS OPSOIL SHALL BE REMOVED FROM SITE.

AGGREGATE BASE ON ENTRANCE DRIVES AND PARKING PADS SHALL CONSIST OF AN AVG. 8"-23A AGGREGATE BASE.

SITE LIGHTING

PER ARCHITECTURAL ELEVATIONS ON SHEET A3, NEW SITE LIGHTING SHALL CONSIST OF WALLPACK CUTOFF FIXTURES.

LANDSCAPING

CURRENT ZONING: B-2
ADJACENT ZONING: B-2
BUFFER YARD REQUIREMENTS: NONE

ROADSIDE GREENBELT BUFFER REQUIREMENTS
WEST OTSEGO LAKE DRIVE
300 LF = MIN. (3) TREES MIN. 2-1/2" CALIPER

HENRY DRIVE
159 LF = (2) TREES MIN. 2-1/2" CALIPER

ALL LANDSCAPE MATERIALS SHALL MEET THE REQUIREMENTS OF SECTION 21.18 OF THE OTSEGO COUNTY ZONING ORDINANCE.

NOTE: NO DEDUCTION WAS APPLIED FOR PRE-DEVELOPMENT CONDITIONS.

ALL AREAS DISTURBED BY EARTHWORK OR UTILITY CONSTRUCTION (EXCEPTING RETENTION BASINS) SHALL RECEIVE A MINIMUM OF 4" TOPSOIL, SEEDED WITH MDOT ROADSIDE MIXTURE AT A RATE OF 100#/AC, FERTILIZED AT A RATE OF 500#/AC WITH EQUAL PROPOSTIONS OF NITROGEN, PHOSPHORUS AND POTASH, AND MULCHED AS SOON AS PRACTICAL FOLLOWING CONSTRUCTION PHASE, IN ALL INSTANCES RESTORATION SHALL OCCUR WITHIN 14 DAYS OF THE CONSTRUCTION SEQUENCE.

RETENTION BASIN BOTTOMS SHALL RECEIVE MINIMAL TOPSOIL COVER AND RETENTION BASIN PERCOLATION ZONES SHALL REMAIN FREE OF ORGANIC OR NON-PERMEABLE SOILS. SHOULD NON-PERMEABLE SOILS BE ENCOUNTERED THE ENGINEER SHALL BE NOTIFIED PRIOR TO RETENTION BASIN CONSTRUCTION. RETENTION BASINS SHALL BE ROUTINELY INSPECTED AND CLEANED OF IMPERMEABLE OR ORGANIC SOILS SUBSEQUENT TO CONSTRUCTION SHOULD IT BE FOUND THAT THE ABSORPTION CAPACITY OF THE BASIN HAS BEEN LESSENED DO TO 'SILTING'.

I DO HEREBY CERTIFY THAT THESE PLANS HAVE BEEN PREPARED UNDER MY SUSTAINED REVIEW, AND MY PROFESSIONAL KNOWLEDGE, UNDERSTANDING AND INFORMATION; THE DESIGN OF THIS PROJECT IS IN COMPLIANCE WITH THE OTSEGO COUNTY ZONING ORDINANCE DATED 11/27/2018, EXCEPT FOR THE FOLLOWING ITEMS:

1.) WEST RETENTION AREA STORAGE VOLUME IS 71% OF CALCULATED VOLUME REQUIRED FOR A 25YR/24 HOUR STORM EVENT. EXCESS STORMWATER WILL DISCHARGE TO COUNTY DITCH AND WILL NOT ADVERSELY IMPACT ADJACENT PROPERTIES.

LEGEND
- FOUND CONCRETE MONUMENT
- FOUND 1/2" IRON
- BOUNDARY LINE
- EXISTING LOT LINES
- OVERHEAD UTILITES
- EXISTING CHAIN LINK FENCE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING CONCRETE
- EXISTING ASPHALT
- PROPOSED GRAVEL
- PROPOSED 2-1/2" CALIPER TREE
- SILT FENCE

SITE PLAN
SCALE: 1" = 20'
0 10 20 40

REVISIONS	DATE	BY

DRAWN BY D.C.D.
CHECKED
APPROVED BY
DATE 12/26/18
PRINT DATE

THOMAS D. ZIPPS ENGINEER NO. 55245 STATE OF MICHIGAN PROFESSIONAL ENGINEER LICENSE
THOMAS D. ZIPPS, PE
PVI LICENSE: 55035

NORTHERN MICHIGAN ENGINEERING INC.
114 N. CORP AVE. SUITE 203 GAYLORD, MI 49735
534 E. EIGHTH STREET TRAVERSE CITY, MI 49686
(989)317-3177

PROJECT
WEST OTSEGO LAKE STORAGE ADDITION
SITE PLAN
4855 W. OTSEGO LAKE DR., GAYLORD MI 49735

JOB# 18-144
SHEET
SP.2

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-004
Special Use Permit/Site Plan Review
080-006-300-010-01

Exhibit List

Exhibit #1:	Applications for case PZSU18-004 submitted by Applicant
Exhibit #2:	Otsego County Zoning Map Effective Date March 20, 2010/Amended November 27, 2018
Exhibit #3:	Otsego County Zoning Ordinance Effective March 20, 2010/Amended November 27, 2018
Exhibit #4:	Copy of Otsego County Equalization Department record card/WD-360/857
Exhibit #5:	Site Plan/Survey for case PZSU18-004 submitted by Applicant
Exhibit #6:	Narrative/Restoration Plan for PZSU18-004
Exhibit #7:	Purchase Agreement
Exhibit #8:	Public Hearing Notice
Exhibit #9:	Letter to Livingston Township Planning Commission dated February 12, 2019
Exhibit #10:	Response from Livingston Township Planning Commission dated March 13, 2019
Exhibit #11:	Map and list of parties notified
Exhibit #12:	Receipt #01315441
Exhibit #13:	General Finding of Fact/PZSU18-004
Exhibit #14:	Specific Finding of Fact/PZSU18-004
Exhibit #15:	Existing Site Pictures (8)
Exhibit #16:	Letter from the Otsego County Soil Conservation District dated January 29, 2019
Exhibit #17:	Letter from the Otsego County Road Commission dated November 28, 2018
Exhibit #18:	Letter from the Department of Environmental Quality (DEQ) dated November 5, 2018
Exhibit #19:	Signed approval statement for Restoration Plan from owner dated April 3, 2019
Exhibit #20:	Michigan Zoning Enabling Act (PA 110 of 2006)

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegocountymi.gov

APPLICATION FOR SPECIAL USE PERMIT

Date: JUNE 21, 2018	Parcel Number: 080 - 006 - 300 - 010 - 01

PROPERTY LOCATION: *(REQUIRED)*

Address: SEE PARCEL NUMBER		City: GAYLORD	Zip Code: 49735
Township: LIVINGSTON	Zoning District: AR	Section: 6	T 31 N/R 3 W

APPLICANT:

Name: J & N, LLC		Owner/Agent/Other Interest *(circle one)*	
Address: 1223 ANNA DRIVE	City: GAYLORD	State: MI	Zip Code: 49735
Phone: (989) 732-8318	Fax: (989) 731-1729		

PROPERTY OWNER: *(If different from Applicant)*

Name: THOMAS PRUSAKIEWICZ		Phone: (989) 619-1542	
Address: 4712 N. TOWNLINE RD	City: GAYLORD	State: MI	Zip Code: 49735

DESCRIPTION OF PROJECT AND PROPOSED USE:

SURFACE MINE - TO PRODUCE GRAVEL, SAND & CLAY.

SIGNATURE OF APPLICANT: William P Mann	**DATE:** 6/25/18

***All information received by this department is subject to the Freedom of Information Act. Under this Act, persons are allowed to request copies of said information. This includes but is not limited to, all copies of drawing and blueprints.

OFFICE USE ONLY

Date Application Received: June 26, 2018		Permit Number: PZSU18-004	
Date Application Complete: February 01, 2019		Fee: $700	Receipt Number: 01315441

Exhibit 1

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegocountymi.gov

APPLICATION FOR SITE PLAN REVIEW

APPLICANT:

Name: J & N, LLC	Owner/Agent/Other Interest *(circle one)*
Address: 1223 ANNA DRIVE, GAYLORD, MI 49735	
Phone: (989) 732-8318	Fax: (989) 731-1729

PROPERTY OWNER: *(If different from Applicant)*

Name: THOMAS PRUSAKIEWICZ	
Address: 4712 N. TOWNLINE RD. GAYLORD, MI 49735	
Phone: (989) 619-1542	Fax: ( ) N/A

PROPERTY LOCATION:

Township: LIVINGSTON	Section: 6	T 31 N/R 3 W	Zoning District: AR
Site Address: SEE PARCEL NUMBER			
Parcel Number: 080 - 006 - 300 - 010-01			
Description of Project and Proposed Use: SURFACE MINE - TO PRODUCE GRAVEL, SAND & CLAY.			

Signature of Applicant: William P Nam	**Date:** 06/25/18

***All information received by this department is subject to the Freedom of Information Act. Under this act, persons are allowed to request copies of said information. This includes but is not limited to copyrighted drawings and blueprints

Attention

*These items must be submitted in conjunction with this application.

- Proof of property ownership and whether there are any options on the property or any liens against it.
- A signed statement that the applicant is officially acting on the owner's behalf.
- Appropriate fees paid to Otsego County.

*Please refer to the Otsego County Zoning Ordinance particularly Section 21 and Section 23 to assure all items are addressed on the site plan and allow for a smooth presentation to the governing body.

This checklist and the following items are required on all site plans before they can be submitted for review to the various approving entities:

1. The applicant's name, address and phone number in full.

   Yes ✓ No____ if "No" explain:_____

2. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s).

   Yes ✓ No____ if "No" explain:_____

3. The address and or parcel number of the property.

   Yes ✓ No____ "No" explain:_____

4. Name and address of the developer (if different from the applicant).

   Yes ✓ No____ if "No" explain:_____

5. Name and address of the engineer, architect and/or land surveyor.

   Yes ✓ No____ if "No" explain:_____

6. Project title.

   Yes ✓ No____ if "No" explain:_____

7. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by the ordinance.

   Yes ✓ No____ if "No" explain:_____

8. A vicinity map drawn to scale with North point indicated.

   Yes ✓ No____ if "No" explain:_____

9. The gross and net acreage of all parcels in the project.

   Yes ✓ No____ if "No" explain:_____

10. Land uses, zoning classification(s) and existing structures on the subject parcel and within ten feet (10') of property lines of adjoining parcels.

    Yes ✓ No____ if "No" explain:_____

11. Project completion schedule/development phases. (refer to Section 23.9)

Yes ✓ No ___ if "No" explain: _____

12. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less or sites of less than three (3) acres and 1"=100 or fewer feet or less if the site is larger than three (3) acres. The site plan shall show the site and all land within fifty (50) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified.

Yes ___ No ✓ if "No" explain: PARCELS TOO LARGE TO SCALE @ 1"= 100'

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. Each site plan shall depict the following:

13. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, monument locations and shoreland and natural river district, if any.

Yes ✓ No ___ if "No" explain: _____

14. Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.

Yes ___ No ✓ if "No" explain: TOPO WILL BE PEFORMED PRIOR TO START.

15. The type of existing soils at proposed storm water detention and retention basins and/or other areas of concern. Boring logs may be required if necessary to determine site suitability.

Yes ✓ No ___ if "No" explain: _____

16. Location and type of significant existing vegetation.

Yes ✓ No ___ if "No" explain: _____

17. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within fifty (50) feet of the parcel.

Yes ✓ No ___ if "No" explain: _____

18. Location of existing and proposed buildings and intended uses thereof, as well as the length, width and height of each building and typical elevation views of proposed structures.

Yes ___ No ✓ if "No" explain: NO PERMANENT BUILDINGS TO BE PLACED.

19. Proposed location of accessory structures, buildings and uses, including all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, site amenities and the method(s) of screening where applicable.

Yes ___ No ✓ if "No" explain: TEMP EQUIPMENT ONLY

20. Location of existing public roads, right-of-ways and private easements of record and abutting streets. Notation of existing traffic counts and trip generation estimates may be required if deemed appropriate by the Zoning Administrator or Planning Commission.

Yes ✓ No ___ if "No" explain: _____

21. Location of and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations shall be separately depicted with an elevation view.

Yes ___ No ✓ if "No" explain: N/A

22. Location, design and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing) and fire lanes.

Yes ___ No ✓ if "No" explain: N/A

23. Location, size, and characteristics of all loading and unloading areas.

Yes ____ No ✓ if "No" explain: N/A

24. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

Yes ____ No ✓ if "No" explain: N/A

25. Location of water supply lines and/or wells, including fire hydrants and shut off valves, the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable.

Yes ____ No ✓ if "No" explain: N/A

26. Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.

Yes ✓ No ____ if "No" explain: _____

27. Proposed location, dimensions and details of common open spaces and common facilities, such as community buildings or swimming pools if applicable.

Yes ____ No ✓ if "No" explain: N/A

28. Location, size and specifications of all signs and advertising features with elevation views from front and side.

Yes ____ No ✓ if "No" explain: N/A

29. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

Yes ____ No ✓ if "No" explain: N/A

30. Location and specifications for all fences, walls and other screening features with elevation views from front and side.

Yes ____ No ✓ if "No" explain: TO BE APPLIED AS SPECIFIED.

31. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

Yes ____ No ✓ if "No" explain: N/A

32. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.

Yes ____ No ✓ if "No" explain: N/A

33. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials, as well as any containment structures or clear zones required by government authorities.

Yes ____ No ✓ if "No" explain: N/A

34. North arrow, scale and date of original submittal and last revision.

Yes ✓ No ____ if "No" explain: _____

35. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the site plan.

Yes ____ No ✓ if "No" explain: J & N, LLC PERFORMED DRAWINGS - WILLIAM MASON

Attention

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. In the immediate area of the seal there shall also be the following statement, signed by the professional sealing the plans:

> I do hereby certify that these plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated: _____

Or

> I do hereby certify that those plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated _____, except for the following items: (List known variations from the Ordinance)

OFFICE USE ONLY

Date Application Received:	Fee:	Receipt Number:
Permit No:	Soil Erosion Permit No:	
Approved:	Denied:	By:
Conditions:		
Reasons:		

PZSU18-004 MARTINDALE RD
J&N LLC - PRUSAKIEWICZ

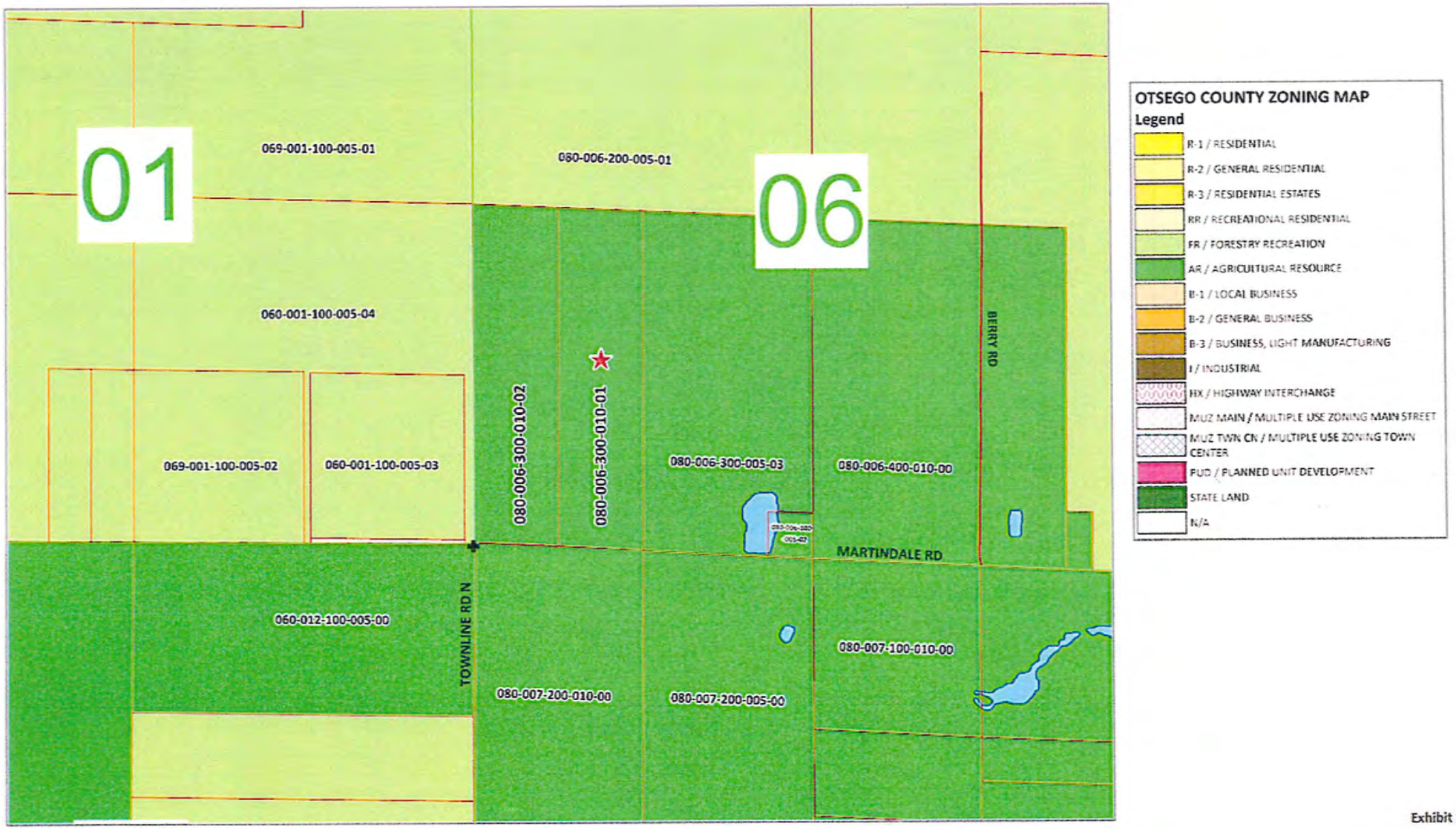


Exhibit 2

AT

Lawyers Title Insurance Corporation

LIBER 360 PAGE 857

Form 561 6-75
WARRANTY DEED—Statutory Form
C.L. 1948, 565.151 M.S.A. 26.571

KNOW ALL MEN BY THESE PRESENTS: That John D. McGinty and Delores I. McGinty, husband and wife,

whose address is 38232 E. Horseshoe, Mt. Clemens, MI 48043

Convey(s) and Warrant(s) to Thomas Prusakiewicz and Cynthia Prusakiewicz, husband and wife,

whose address is 4712 N. Townline Road, Gaylord, MI 49735

the following described premises situated in the Township of Livingston

County of Otsego and State of Michigan, to-wit:

The West ½ of the Southwest ¼ of Section Six (6), Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan.

GRANTOR EXPRESSLY CONVEYS ALL MINERAL RIGHTS TO GRANTEE.

for the full consideration of TWENTY-EIGHT THOUSAND AND 00/100 ($28,000.00)----------DOLLARS

subject to reservations, easements and restrictions of record.

STATE OF MICHIGAN
COUNTY OF OTSEGO } RECORDED 1 Mth DAY OF June A.D., 1985 AT 1:43
O'CLOCK P M.

Ardis I. Hescock
REGISTER OF DEEDS

Dated this 3rd day of June 19 85

Witnesses:

Ruth H. Thomas
Ruth H. Thomas

Ramona M. Zimmerman
Ramona M. Zimmerman

Signed and Sealed:

John D. McGinty (L.S.)
John D. McGinty

Delores I. McGinty (L.S.)
Delores I. McGinty

(L.S.)

(L.S.)

STATE OF MICHIGAN
COUNTY OF Macomb } ss.

The foregoing instrument was acknowledged before me this 3rd day of June 1985
by John D. McGinty and Delores I. McGinty, husband and wife.

My commission expires August 8, 1988

Barbara J. Volmer
Barbara J. Volmer
Notary Public Macomb County, Michigan

Instrument Drafted by Alpine Title Company

Business Address P. O. Box 1000, Gaylord, MI 49735

County Treasurer's Certificate

OTSEGO COUNTY TREASURER'S OFFICE
Gaylord, Mich., } June 17-85

I hereby certify that according to our records all taxes returned to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of collection.

Evelyn M. Pritt Dep COUNTY TREASURER

OTSEGO COUNTY 026204 6-17-85

STATE OF MICHIGAN
Dept. of Taxation JUN 17 '85
REAL ESTATE
30.80
P.B.10604

Recording Fee $6.00(includes tax certification)

State Transfer Tax $30.80

When recorded return to Grantee

Send subsequent tax bills to Grantee

Tax Parcel # 080-006-300-010-00

Exhibit 4

Parcel Number: 69-080-006-300-010-01 Jurisdiction: LIVINGSTON TOWNSHIP County: OTSEGO Printed on 06/27/2018

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.

Property Address

Class: 102 AG VACANT Zoning: AR

School: Gaylord Community

P.R.E. 100% 06/30/1994 Qual. Ag.

: 0.00

2019 Est TCV 60,000(Value Overridden)

Building Permit(s)	Date	Number	Status

Owner's Name/Address

PRUSAKIEWICZ, THOMAS ET UX
4712 N TOWNLINE RD
GAYLORD MI 49735

Improved | X | Vacant

Land Value Estimates for Land Table .

Description	Frontage	Depth	* Factors * Front	Depth	Rate	%Adj.	Reason	Value
			40.000	Acres	0	100		0
			40.00	Total Acres	Total Est. Land Value =			0

Public Improvements

Dirt Road
Gravel Road
Paved Road
Storm Sewer
Sidewalk
Water
Sewer
Electric
Gas
Curb
Street Lights
Standard Utilities
Underground Utils.

Topography of Site

Level
Rolling
Low
High
Landscaped
Swamp
Wooded
Pond
Waterfront
Ravine
Wetland
Flood Plain

Tax Description

E1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Comments/Influences

Who	When	What

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2019	30,000	0	30,000			14,376C
2018	30,000	0	30,000			14,376C
2017	30,000	0	30,000			14,081C
2016	30,000	0	30,000			13,956C

The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: County of Otsego, Michigan

*** Information herein deemed reliable but not guaranteed***

Exhibit 4

J & N, LLC.

Proposed J & N, LLC Gravel Pit

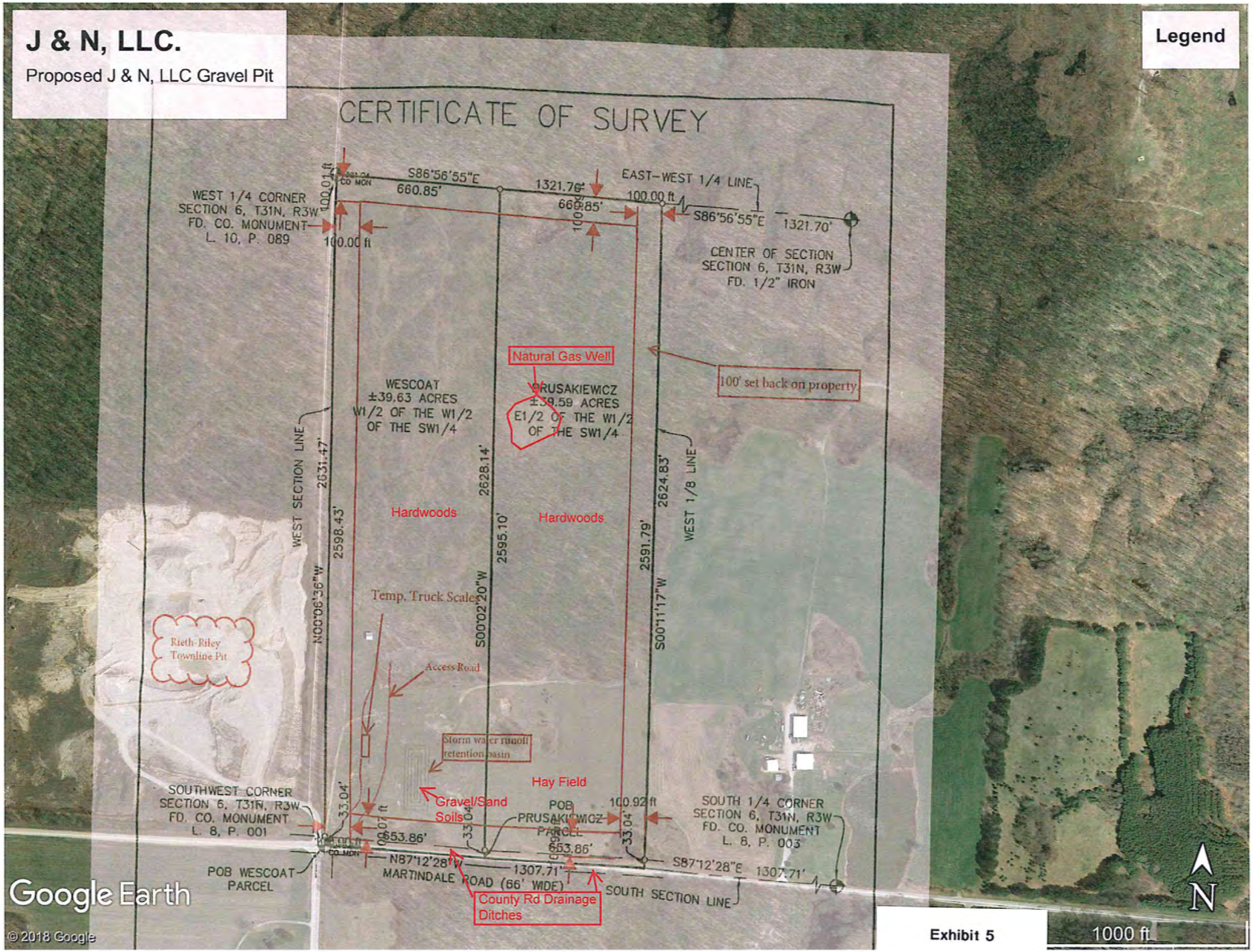
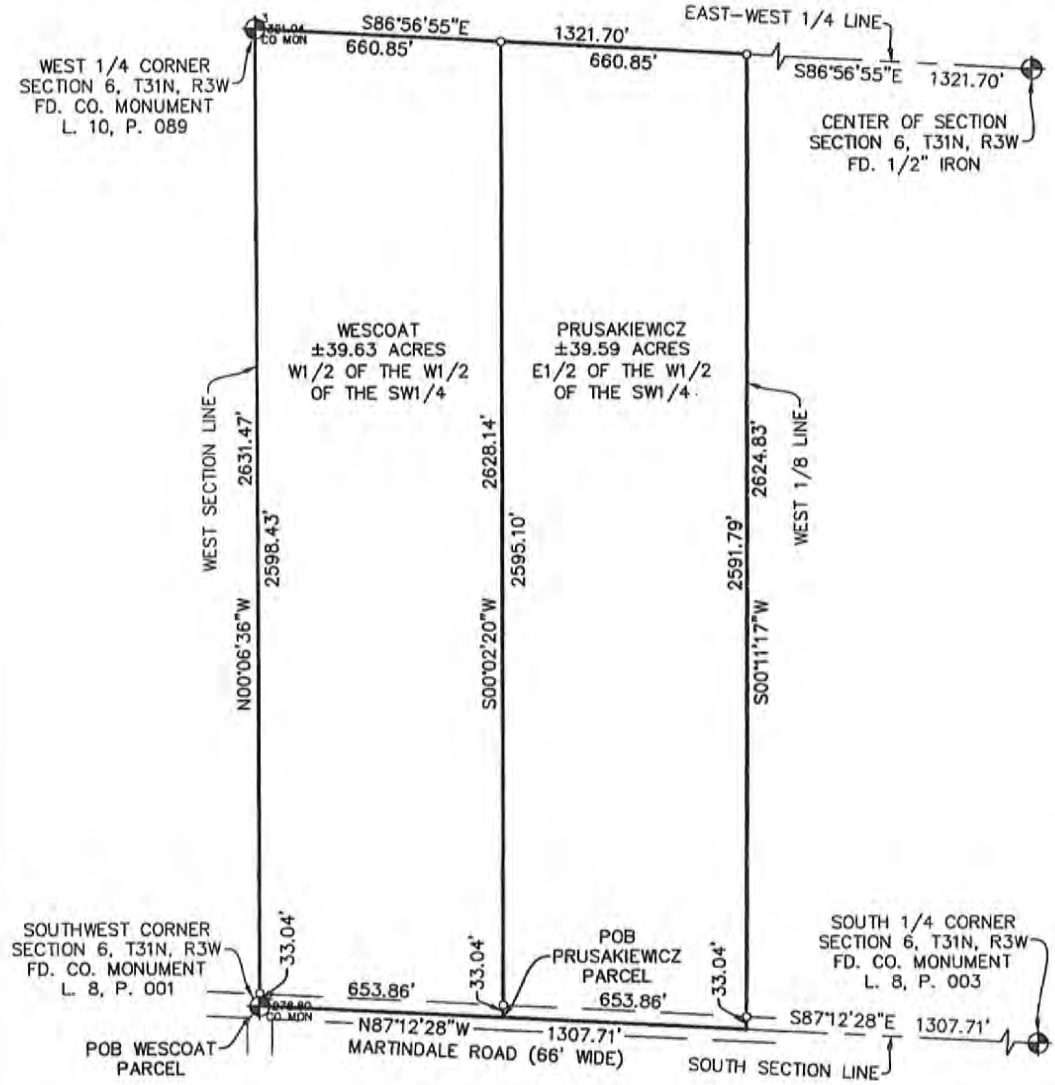


Exhibit 5

CERTIFICATE OF SURVEY



I hereby certify that I have located and mapped the land hereon platted and/or described, on the date noted hereon, that I have complied with the requirements of Act 132, P.A. of 1970 and that the error of closure of the unadjusted field observations is within the limits established for the profession.

Bradly A. Kalmbach, PS#52476

STATE OF MICHIGAN
BRADLY A. KALMBACH II
PROFESSIONAL SURVEYOR
No. 52476
LICENSED PROFESSIONAL SURVEYOR

LEGEND

———	BOUNDARY LINE
— — —	SECTION LINE
— — —	RIGHT OF WAY LINE
•	FOUND IRON OR PIPE
○	SET IRON & CAP
⊙	FOUND MONUMENT
⊕	GOVERNMENT CORNER
POB	POINT OF BEGINNING
(M)	MEASURED DIMENSION
(R)	RECORDED DIMENSION

ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMALS THEREOF.

BEARINGS ARE BASED ON NAD83 STATE PLANE GRID COORDINATES.

SHEET 1 OF 2

200' 0 200' 400'

SCALE 1"=400'

BK SURVEYING, LLC
343 CHESTER ROAD
GAYLORD, MI 49735
PH. 989-390-7482
brad@bksurveying.com

DRAWING PREPARED FOR: J&N Excavating 1223 Anna Drive Gaylord, MI 49735	DRAWING PREPARED BY: BK SURVEYING, LLC	BK SURVEYING JOB NO.: 18-044 J&N EXCAVATING DATE: MAY 1, 2018	CERTIFICATE OF SURVEY SECTION 6, T31N-R3W LIVINGSTON TOWNSHIP OTSEGO COUNTY, MI.

CERTIFICATE OF SURVEY

LOCATE AND MARK THE BOUNDARY OF:

LEGAL DESCRIPTION WESCOAT PARCEL: (As provided)

W1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Being more particularly described as:

A parcel of land located in the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 6, Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan, described as: Beginning at the Southwest corner of said Section 6; thence N00°06'36"W 2631.47 feet along the West line of said Section 6 to the East-West 1/4 line of said Section 6; thence S86°56'55"E 660.85 feet along said East-West 1/4 line; thence S00°02'20"W 2628.14 feet to the South line of said Section 6; thence N87°12'28"W 653.86 feet along said South line to the Point of Beginning, containing 39.63 acres of land, more or less. Subject to the South 33 feet thereof for road right of way. Also subject to easements, restrictions, regulations and requirements of record, if any.

LEGAL DESCRIPTION PRUSAKIEWICZ PARCEL: (As provided)

E1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Being more particularly described as:

A parcel of land located in the East 1/2 of the West 1/2 of the Southwest 1/4 of Section 6, Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan, described as: Commencing at the Southwest corner of said Section 6; thence S87°12'28"E 653.86 feet along the South line of said Section 6 to the Point of Beginning; thence N00°02'20"E 2628.14 feet to the East-West 1/4 line of said Section 6; thence S86°56'55"E 660.85 feet along said East-West 1/4 line to the West 1/8 line; thence S00°11'17"W 2624.83 feet along said West 1/8 line to the South line of said Section 6; thence N87°12'28"W 653.86 feet along said South line to the Point of Beginning, containing 39.59 acres of land, more or less. Subject to the South 33 feet thereof for road right of way. Also subject to easements, restrictions, regulations and requirements of record, if any.

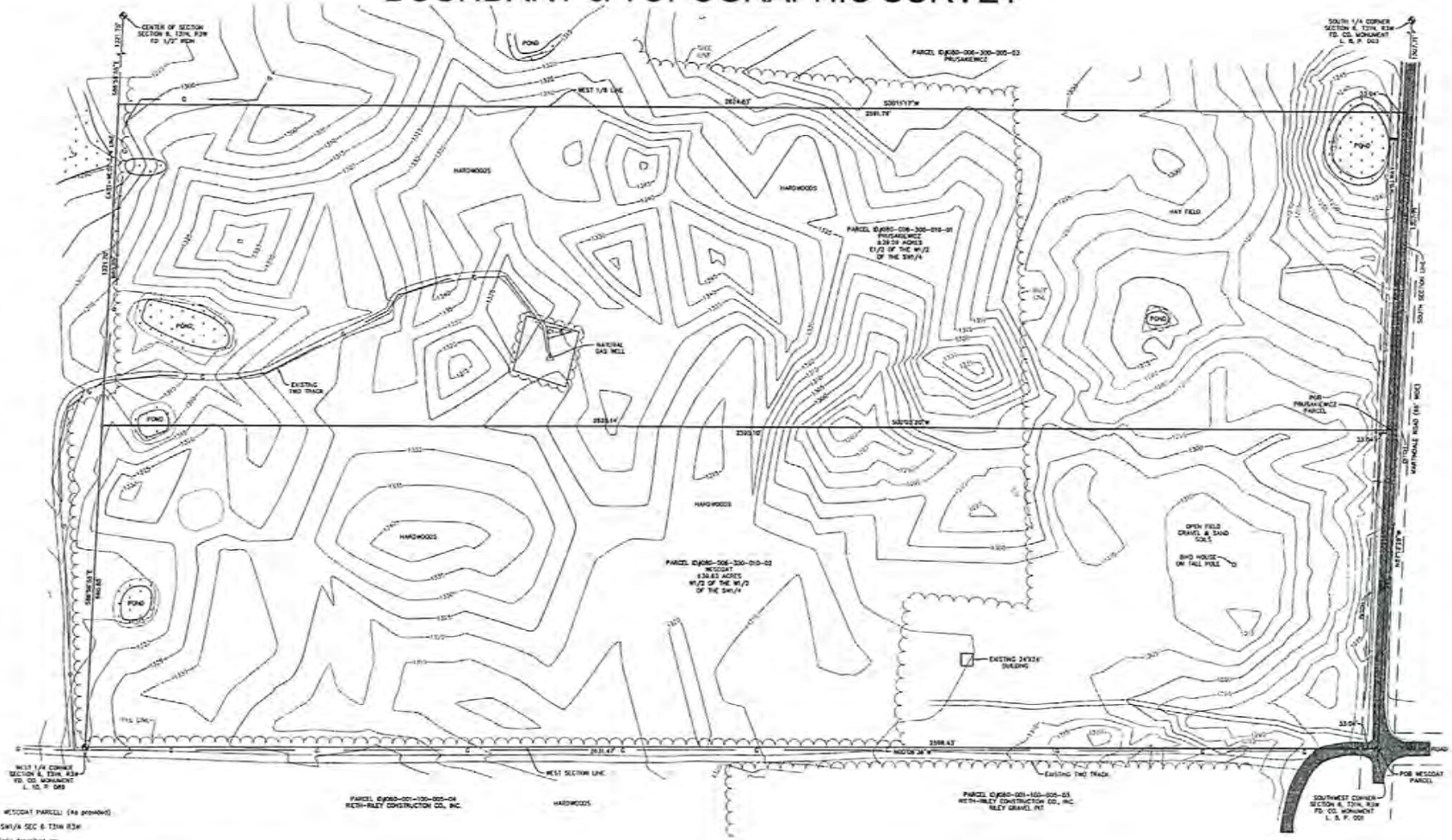
STATE OF MICHIGAN
BRADLY A. KALMBACH II
PROFESSIONAL SURVEYOR
No. 52476
LICENSED PROFESSIONAL SURVEYOR

SHEET 2 OF 2

BK SURVEYING, LLC
343 CHESTER ROAD
GAYLORD, MI 49735
PH. 989-390-7482
brad@bksurveying.com

DRAWING PREPARED FOR:	DRAWING PREPARED BY:	BK SURVEYING JOB NO.:	CERTIFICATE OF SURVEY
J&N Excavating 1223 Anna Drive Gaylord, MI 49735	BK SURVEYING, LLC	18-044 J&N EXCAVATING DATE: MAY 1, 2018	SECTION 6, T31N-R3W LIVINGSTON TOWNSHIP OTSEGO COUNTY, MI.

BOUNDARY & TOPOGRAPHIC SURVEY



LEGAL DESCRIPTION WESCOAT PARCEL: (As provided)

W1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Being more particularly described as:

A parcel of land located in the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 6, Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan, described as: Beginning at the Southwest corner of said Section 6; thence N00°06'36"W 2631.47 feet along the West line of said Section 6 to the East-West 1/4 line of said Section 6; thence S89°58'55"E 660.85 feet along said East-West 1/4 line; thence S00°02'20"W 2628.14 feet to the South line of said Section 6; thence N87°12'28"W 653.86 feet along said South line to the Point of Beginning, containing 39.53 acres of land, more or less. Subject to the South 33 feet thereof for road right of way. Also subject to easements, restrictions, regulations and requirements of record, if any.

LEGAL DESCRIPTION PRUSAKIEWICZ PARCEL: (As provided)

E1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Being more particularly described as:

A parcel of land located in the East 1/2 of the West 1/2 of the Southwest 1/4 of Section 6, Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan, described as: Commencing at the Southwest corner of said Section 6; thence S87°12'28"E 653.86 feet along the South line of said Section 6 to the Point of Beginning; thence N00°02'20"E 2628.14 feet to the East-West 1/4 line of said Section 6; thence S89°58'55"E 660.85 feet along said East-West 1/4 line to the West 1/8 line; thence S00°01'17"W 2624.83 feet along said West 1/8 line to the South line of said Section 6; thence N87°12'28"W 653.86 feet along said South line to the Point of Beginning, containing 39.53 acres of land, more or less. Subject to the South 33 feet thereof for road right of way. Also subject to easements, restrictions, regulations and requirements of record, if any.

I hereby certify that I have located and mapped the land hereon plotted and/or described, on the date noted hereon, and that the error of closure of the unadjusted field observations is within the limits established for the profession.

Brady A. Kalmbach, PS#52476

STATE OF MICHIGAN
BRADLY A. KALMBACH II
PROFESSIONAL SURVEYOR
No. 52476
LICENSED PROFESSIONAL SURVEYOR

NOTES:

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

BEARINGS ARE BASED IN NAD83 STATE PLANE GRID COORDINATES.

BENCHMARK 1 ELEVATION: 1278.83
COUNTY MONUMENT LOCATED AT THE INTERSECTION OF TOWNLINE ROAD AND MARTINDALE ROAD.

LEGEND

- BOUNDARY LINE
- SECTION LINE
- RIGHT OF WAY LINE
- EXISTING GAS LINE
- EXISTING DITCH
- EXISTING GUARD RAIL
- FOUND IRON OR PIPE
- SET IRON & CAP
- FOUND MONUMENT
- CONCRETE CORNER
- POB POINT OF BEGINNING
- ROAD SIGN
- EXISTING ASPHALT
- APPROXIMATE WETLAND AREA

Exhibit 5

50' 0 50' 100' SCALE 1"=100'	REVISIONS	J&N/MARTINDALE GRAVEL PIT	SECTION 6, T31N, R3W LIVINGSTON TOWNSHIP OTSEGO COUNTY, MI.	BOUNDARY/TOPO SURVEY	DRAWING PREPARED BY: BK SURVEYING, LLC	DRAWING PREPARED FOR: J&N Construction, LLC 1223 Anne Drive Gaylord, MI 49735	BK SURVEYING PROJECT: 18-044 J&N DATE: July 27, 2018	SHEET 1 OF 2 BK SURVEYING, LLC 343 Chester Road Gaylord, MI 49735 PH: 989-390-7482 brian@bksurveying.com

SITE PLAN

I hereby certify that I have located and mapped the land hereon platted and/or described, on the date noted hereon, that these plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of the project is in compliance with the Otsego County Zoning Ordinance dated September 2017 (as amended) and that the error of closure of the unadjusted field observations is within the limits established for the profession

Brady A. Kalmbach, PS#52478

STATE OF MICHIGAN
BRADLY A. KALMBACH II
PROFESSIONAL SURVEYOR
No. 52478
LICENSED PROFESSIONAL SURVEYOR

NOTES:

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

SITE IS ZONED AR, AGRICULTURAL RESOURCE.

BUILDING SETBACKS: FRONT 50 FEET
SIDE 20 FEET
REAR 40 FEET

SETBACKS AS SHOWN ARE AS INSTRUCTED BY CLIENT.

BEARINGS ARE BASED IN NAD83 STATE PLANE GRID COORDINATES.

BENCHMARK 1 ELEVATION: 1228.63
COUNTY MONUMENT LOCATED AT THE INTERSECTION OF TOWNLINE ROAD AND MARTINDALE ROAD.

LEGEND

- RIGHT OF WAY LINE
- EXISTING GAS LINE
- EXISTING DITCH
- EXISTING GUARD RAIL
- ROAD SIGN
- EXISTING ASPHALT
- APPROXIMATE WETLAND AREA
- DIRECTION OF DRAINAGE

50' 0 50' 100'
SCALE 1"=100'

REVISIONS

J&N/MARTINDALE GRAVEL PIT	SECTION 6, T31N, R3W LIVINGSTON TOWNSHIP OTSEGO COUNTY, MI.	SITE PLAN	DRAWING PREPARED BY: BK SURVEYING, LLC	DRAWING PREPARED FOR: J&N Construction, LLC 1223 Anna Drive Gaylord, MI 49735	BK SURVEYING PROJECT: 18-044 J&N DATE: July 27, 2018	SHEET 2 OF 2 BK SURVEYING, LLC 343 Dexter Road Gaylord, MI 49735 PH. 989-390-7482 brad@bksurveying.com

1223 Anna Drive
Gaylord, MI 49735
Phone: (989)732-8318
Fax: (989)731-1729

June 22, 2018

Otsego County Land Use Services
1322 Hayes Rd.
Gaylord, MI 49735

Re: J & N Pit Operation Plan-Otsego County-2018

J&N Construction - Operational Plan for Surface Mining Gravel, Sand, and Clay from approximately 40 acres of Property owned by Sharon Wescoat and an adjacent 40 acre parcel owned by Thomas Prusakiewicz which jointly comprise the W1/2 of SW1/4 SEC 6 T31N R3W located at the NE corner of the intersection of Martindale Road and N Townline Road, Gaylord, MI.

J&N Construction plans to operate the proposed gravel mining operation within the parameters of existing 6 year lease agreements with the property owners holding the option of extending the term as future economic conditions and on site reserves permit. When in operation, work activities would normally be from 7:00 AM to 7:00 PM, Monday through Friday and from 7:00 AM to 3:00 PM on Saturday, with no operations on Sunday. This activity may take place from April through December with the highest level of activity from mid-May through mid-November. J&N does not plan to have staff on site on a daily basis, but on an "as needed" basis. Contracted crushing activities will be concentrated into approximately 4 to 6 week periods in which stockpiles of finished products will be produced for future use. The crushing equipment generally consists of front end loaders, dozers, off road trucks, on road trucks, draglines, excavators, feeders, various screens, crushers, conveyors, stackers, generators, truck scales, and service equipment, all of which is operated in conformance with a State of Michigan DEQ Air Quality Permit. The crushing equipment will then leave the site after which time a front-end loader would be moved onto the site to load out the finished product onto trucks for delivery to J&N and associated Companies construction projects as they are acquired locally with governmental agencies and private developers. Upon depletion of the finished product piles, the crushing equipment would return to put up new stockpiles, normally once per year. The products produced for sale would be various road gravels and occasionally there may be some sand or clay shipped from the site.

The usable material is primarily located in the high ground in the northern ¾ of the properties, straddling the north-south property line. It is with this in mind that the request for special use permit is being made for both properties, as in order to efficiently operate and achieve the highest and best use of the available resource it will be necessary

to operate on both properties concurrently, eliminating the setbacks normally associated with a property line along the north-south common boundary. Excavation will be made to a depth of approximately 20 to 25 feet from the high points which will result in the floor of the excavated area being at approximately the same grade as the road at the intersection of N. Townline and Martindale.

Prior to beginning excavation, a soil erosion and sedimentation permit will be acquired from Otsego County.

The first phase of the clearing of trees and brush as necessary. Merchantable timber will be sold and remaining brush limbs will be disposed of. Next, all topsoil will be stripped from the work area and stockpiled in berms at the perimeter of the work area for future use in site restoration. All topsoil will remain onsite and will not be a salable product. Overburden will be placed in a berm within the topsoil berm and also retained for use in regrading and sloping the excavated areas.as they are restored. As areas are depleted of usable stone and gravel, they will be sloped as specified using the onsite spoil materials and then the topsoil will be spread over the area and seeded as per recommendations of the local soil conservation district.

Dust will be controlled on the onsite haul roads by application of brine as needed. Access to the site will be via the existing drive entrance at the SW corner of the property and a steel gate will be installed to prevent entry of unauthorized vehicles during non-working periods.

Respectfully Submitted,

William Mason, General Manager

William P Mason

J & N Construction, LLC

1223 Anna Drive
Gaylord, MI 49735
Phone: (989)732-8318
Fax: (989)731-1729

December 11, 2018

Otsego County Land Use Services
1322 Hayes Rd.
Gaylord, MI 49735

Re: J & N Pit Restoration Plan-Otsego County-2018

J&N Construction Reclamation plan for use in conjunction with Special Use Permit for Surface Mining of Gravel, Sand, and Clay from approximately 40 acres of property owned by Sharon Wescoat and an adjacent 40 acres parcel owned by Thomas Prusakiewicz which jointly comprise the W1/2 of SW1/4 SEC 6 T31N R3W located at the NE corner of the intersection of Martindale Road and N Townline Road, Gaylord, MI.

In conjunction with the Operational Plan for the subject property, J&N Construction plans to restore the surface of the properties involved in the proposed gravel mining, as areas are depleted of the gravel resource – this work will be performed in accordance with Section 21.25.2 Reclamation section Otsego County Zoning Ordinance.

As we have outlined in our proposed Operation Plan, all topsoil within the project working areas will remain onsite for use in reclamation. By using the overburden and onsite subsoil materials, the work areas will be sloped at **no steeper than one unit vertical to two units horizontal (50 percent slope)** and contoured to provide adequate surface drainage and blend into the surrounding topography with consultation of the landowners. Upon completion of the shaping, the existing topsoil will be uniformly distributed over the disturbed area and shaped for seeding. **The USDA Natural Resources Conservation Service (NRCS) in Gaylord will be consulted for recommendations on species of grass seeding and fertilizer application for use in returning the area to a condition similar to the existing grassland that exists at the southern portion of these existing properties. The seeding will be monitored for successful growth and areas in need of touch up/reseeding will be attended until growth is established.**

Respectfully Submitted,

William Mason, General Manager

William P. Mason

J & N Construction, LLC

7/16/18

EXCLUSIVE SAND, STONE, AND GRAVEL PURCHASE AGREEMENT

This agreement covers the purchase of sand, stone, and gravel by J&N Construction (J&N) from Thomas Prusakiewicz or Thomas Prusakiewicz et ux. The products to be removed from the property of approximately 40 acres located in section 6 T31N R3W Livingston Twp, Otsego County, Michigan.

Purchase Price:	$.75 /ton	Stone & Gravel Products
	$.35/ton	Fill Sand

Payment Schedule: $1,500.00 per year, payment due January 31st annually. FSG will generate a summary report on a semi-annual basis showing quantities of materials removed from the property. The accumulated annual payments will first be applied toward payment of materials removed at the prices listed. Balances in excess of the accumulated annual payments will be paid at the same time the summary report is due. Summary reports will be due on or before January 31st and June 30th of each year.

J&N will regrade the land disturbed by surface mining by utilizing materials salvaged from onsite.

J&N will provide Thomas Prusakiewicz and or Owner's Agent with a certificate of liability insurance each year.

This agreement will be in effect until 7/1/2023 or upon depletion of reserves, whichever comes first. It is further agreed that J&N will have until 12/31/2023 to remove produced products, unsold and in inventory at 7/1/2023. This agreement may be extended upon mutual agreement.

J&N agrees to weigh all material using a certified scale. If the scales are not usable for reason of mechanical failure the conversion factor for truck yards to tons will be, 1.4 x truck yards = tons.

When getting to the woods, J & N to negotiate the timber loss.

This agreement grants J&N exclusive right to carry on activity and operate equipment as they deem necessary to process, stockpile, blend, and sell aggregate products in an economically viable manner from this property. This exclusivity applies only to activity related to the operation of the sand, stone, and gravel business and does not preclude the owner from enjoyment of property for any personal use and activity as they wish to partake except as such use may inhibit the ability of J&N to safely function as described.

This agreement is contingent upon J&N receipt of any permits necessary to operate as a sand and gravel mining operation from governmental agencies having jurisdiction over the permitting process. J&N will take responsibility for securing required permits.

Agreed upon by both parties as of this date 2/6/2019.

By: _____
Thomas Prusakiewicz or Thomas Prusakiewicz et uz.

By: _____
J&N Construction, William Mason, General Manager

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
April 15, 2019

The Otsego County Planning Commission will hold four public hearings on Monday, April 15, 2019 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. MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township at 4855 West Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct additional storage units to the already existing. The property is located in a B2 / General Business Zoning District. Mini-storage buildings consisting of separate storage rooms rented or leased by the month is a permitted use subject to special conditions in the B2 Zoning District.

Parcel identification number: **011-800-000-018-02**
4855 West Otsego Lake Dr
Gaylord, MI 49735

Legal Description:
LOTS 18-21 WEST OTSEGO LAKE SEC 29 T30N R3W

2. J&N LLC, William Mason, applicant has requested Special Use Permits/Site Plan Reviews for two (2) properties located in Livingston Township on Martindale Rd Gaylord, MI 49735. The proposed use of the properties is to initiate a new mining operation on the parcels listed below. The properties are located in an AR/Agricultural Resource Zoning District. A mining operation is a permitted use subject to special conditions in the AR Zoning District.

Parcel identification number: **080-006-300-010-01**
Martindale Rd
Gaylord, MI 49735

Legal Description:
E1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Parcel identification number: **080-006-300-010-02**
Martindale Rd
Gaylord, MI 49735

Legal Description:
W1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

3. **SECTION 21.46 WIRELESS COMMUNICATIONS**
Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to tower height

4. **ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING**
Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to Township notifications and timeframes

Proposed amendments can be viewed on the Otsego County website link below:
https://www.otsegocountymi.gov/county-government-2/land-use-services/planning-zoning/

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) 731-7400.

Exhibit 8

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Department of Land Use Services
1322 Hayes Rd • Gaylord, MI 49735
Phone: 989.731.7400 • Fax: 989.731.7419
www.otsegocountymi.gov

February 21, 2019

Livingston Township
3218 Old 27 North
Gaylord, MI 49735

RE: Special Use Permit / Mining / 080-006-300-010-01 - 080-006-300-010-02

Pursuant to Article 27 of the Otsego County Zoning Ordinance/Township Participation in County Zoning, I am forwarding the application for a Special Use Permit.

If you require the applicant, J&N LLC/William Mason be present at your meeting, they can be notified at:

J&N LLC
c/o William Mason
1223 Anna Dr
Gaylord, MI 49735
989.732.8318

If you have any questions, please contact us and we will be glad to assist you. We look forward to your input concerning this matter. Thank you for your participation in County Zoning.

Sincerely,

Chris Churches
Planning & Zoning Director

cbw

encl

Exhibit 9

Christine Boyak-Wohlfeil

From: Christopher Churches
Sent: Tuesday, March 19, 2019 8:16 AM
To: Steve Dipzinski
Cc: Christine Boyak-Wohlfeil
Subject: RE: Livingston Township planning Com. JN special use permit

Hi Steve,

Thank you for the notice. I will be sure to pass this along to our Planning Commission. I will keep you updated if anything regarding the SUP application changes (new materials submitted, etc.). As of now, this case is scheduled to be heard at our 4/15/19 meeting.

Thank you,

Christopher Churches
Director of Planning & Zoning, Capital Projects & Grants
OTSEGO COUNTY
cchurches@otsegocountymi.gov
Administration Office: 989-731-7515
Land Use Office: 989-731-7400

From: Steve Dipzinski [mailto:steven.a.dipzinski@gmail.com]
Sent: Wednesday, March 13, 2019 5:14 PM
To: Christopher Churches <cchurches@otsegocountymi.gov>
Subject: Livingston Township planning Com. JN special use permit

The Livingston township planning commission has reviewed special use permits PZSU / 18-004-080-006-300-010-01, PZSU18-005-080-006-300-010-02 and special use permit / mining / 080-006-300-010-01-080-006-300-010-02. We have discussed whether there is a need for two gravel pits adjoining each other owned and operated by two separate parties. We conclude that the impact to the property owners in this area would be greatly affected. The operations of two gravel pits appears to be an unnecessary need to the surrounding community. We are recommending to the county that in order to mitigate the impact of two mining operations in one small area that this special use permit should not be granted.

Livingston township planning commission

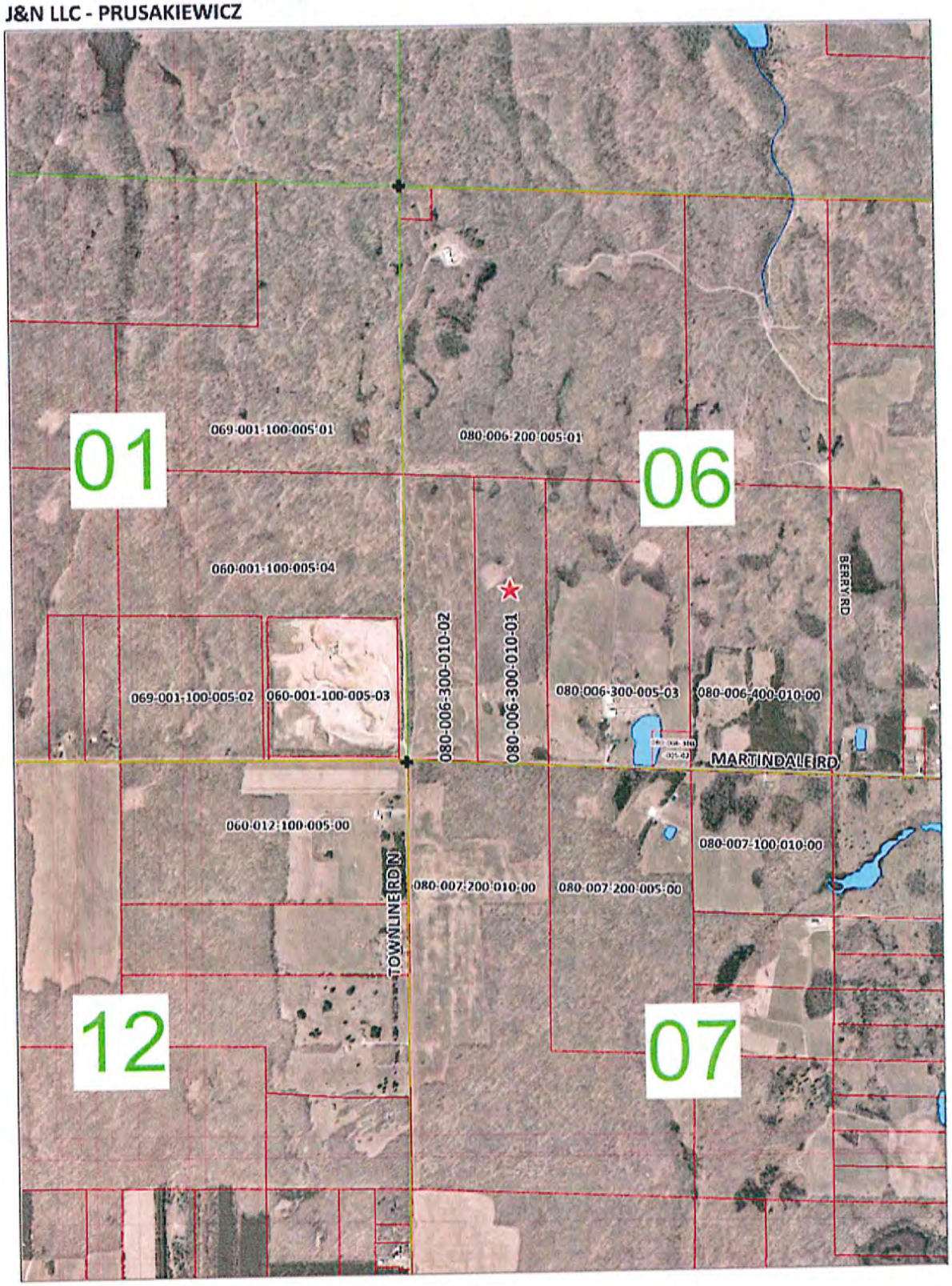
Exhibit 10

PZSU18-004 080-006-300-010-01 J&N LLC - PRUSAKIEWICZ

OWNERS WITHIN THREE HUNDRED FEET (300')									
PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS				ZONING	ACREAGE	CLASS
060-001-100-005-03	3006 MARTINDALE RD	RIETH-RILEY CONSTRUCTION CO INC	PO BOX 477	GOSHEN	IN	46527-0477	FR	35.14	201
060-001-100-005-04		RIETH-RILEY CONSTRUCTION CO INC	PO BOX 477	GOSHEN	IN	46527-0477	FR	83.92	201
060-012-100-005-00	4888 TOWNLINE RD N	WESCOAT, OCER J ET UX	4888 TOWNLINE RD N	GAYLORD	MI	49735	AR	79.92	402
069-001-100-005-01		ANDERSON, STEPHEN H & MARY C	PO BOX 136	REED CITY	MI	49677	FR	120.49	850
069-001-100-005-02		SMITH, GARY R & LINDA L	3548 MARTINDALE RD	GAYLORD	MI	49735	FR	40.00	850
080-006-200-005-01		DONOVAN, JAMES E	2421 BELLEWOOD DR	GAYLORD	MI	49735	FR	158.79	401
080-006-300-005-02		PRUSAKIEWICZ, LARRY P & CHERYL	2622 MARTINDALE RD	GAYLORD	MI	49735	AR	2.80	101
080-006-300-005-03	2622 MARTINDALE RD	PRUSAKIEWICZ, LARRY P & CHERYL	2622 MARTINDALE RD	GAYLORD	MI	49735	AR	76.54	102
080-006-300-010-01		PRUSAKIEWICZ, THOMAS ET UX	4712 N TOWNLINE RD	GAYLORD	MI	49735	AR	39.82	101
080-006-300-010-02		WESCOAT, OCER J ET UX	4888 N TOWNLINE RD	GAYLORD	MI	49735	AR	39.51	101
080-006-400-010-00		PRUSAKIEWICZ, LOIS D	530 FIVE LAKES RD	GAYLORD	MI	49735	AR	79.22	101
080-007-100-010-00	2301 MARTINDALE RD	SMOLARZ, DWAYNE H	2301 MARTINDALE RD	GAYLORD	MI	49735	AR	39.29	102
080-007-200-005-00	2507 MARTINDALE RD	MALINOWSKI, ADAM & MARIA T	2507 MARTINDALE RD	GAYLORD	MI	49735-9263	AR	79.98	102
080-007-200-010-00		GADZINSKI, WALTER TRUST	41714 GARDEN WAY DR	STERLING HGTS	MI	48314-3830	AR	159.54	401

Exhibit 11

PZSU18-004 MARTINDALE RD
J&N LLC - PRUSAKIEWICZ



060-001-100-005-03
060-001-100-005-04
060-012-100-005-00
069-001-100-005-01
069-001-100-005-02
080-006-200-005-01
080-006-300-005-02
080-006-300-005-03
080-006-400-010-00
080-007-100-010-00
080-007-200-005-00
080-007-200-010-00
080-006-300-010-01
080-006-300-010-02

Exhibit 11

OTSEGO COUNTY LAND USE SERVICE
1322 HAYES RD
GAYLORD, MI 49735
PH: 989-731-7400
FAX: 989-731-7419
INSPECTION LINE: 989-731-7401

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Paid By:

J&N LLC - (PRUSAKIEWICZ / WESCOAT)

RECEIPT NUMBER

01315441

06/21/2018

Type	Record	Category	Description	Amount
Permit	PZSU18-004	ADMIN ZONING	SPECIAL USE PERMIT/PC	$ 700.00

Total	**$ 700.00**
Cash	
Check	$ 700.00
Credit	
Transferred	
Tendered	**$ 700.00**
Change	**$ 0.00**
To Overpayment	**$ 0.00**

Expiration of permit:

A permit will remain valid as long as work is progressing and inspections are requested and conducted. A permit will become invalid if the authorized work has not commenced within 6 months of issuance or if the authorized work is suspended or abandoned for a period of 6 months.

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-004
Special Use Permit/Site Plan Review
080-006-300-010-01

GENERAL FINDINGS OF FACT

1. This is a proposal for a new mining operation. *Exhibit #1, Exhibit #5, Exhibit #6*

2. The property is located in an AR/Agricultural Resource Zoning District. *Exhibit #2*

3. The proposed use is a permitted use subject to special conditions in an AR/Agricultural Resource Zoning District. *Exhibit #3*

4. The property is currently under the ownership of Thomas and Cynthia Prusakiewicz *Exhibit #4*

5. A Purchase Agreement between Prusakiewicz, owners and J&N LLC, applicant is in place to purchase product removed from the land. *Exhibit #7*

6. A Restoration Plan is in place to restore the property to its original condition. *Exhibit #6*

7. The Public Hearing Notice was published in the Herald Times on March 29, 2019. *Exhibit #8*

8. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*

9. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*

10. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*

11. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*

12. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #5, Exhibit #6,* Exhibit #7, *Exhibit #13, Exhibit #14...*

13. A signed statement dated April 3, 2019 from the property owner approving the Restoration Plan has been received. *Exhibit #19*

14. Section 125.3205 of the Michigan Zoning Enabling Act (PA 110 of 2006) restricts local zoning authority to specific aspects of the extraction (mining) of natural resources (e.g., gravel, sand and similar pits). Zoning regulations cannot prevent the extraction of natural resources unless "very serious consequences" would occur. *Exhibit #20*

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-004
Special Use Permit/Site Plan Review
080-006-300-010-01

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 9/SECTION 9.2

ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT

SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of Article 19 and only after the review and approval of the site plan by the Planning Commission. [See Article 21 for applicable Specific Requirements for Certain Uses, if any and Article 23 for Site Plan Requirements.]

9.2.1 Public and private parks, recreational facilities and public or private non-profit schools offering courses in general education when the use is not, to the extent practical, placed on soils predominantly rated as having high agricultural productivity in comparison with other farm land in Otsego County

9.2.2 Recreation farms, dude ranches (so called) and sportsmen's clubs provided the farm land base remains essentially intact, that the number of new and/or expanded buildings be limited in scale, in so far as is practical, to that typical of a farm, and further, no activities shall cause the depletion or erosion of agricultural soils (dust, vehicle tracks, stream bank breakdown, etc.)

9.2.3 Permanent forest industries, including permanent sawmills, planing mills, veneer mills and related operations, provided:

9.2.3.1 There is a complete clean-up of discarded wastes following the cessation of activity

9.2.3.2 There are no nuisances imposed upon tourist service facilities or outdoor recreation uses in the immediate vicinity

9.2.3.3 The site of the proposed use encompasses an area of at least five (5) acres

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

9.2.5 Commercial outdoor sport and recreational facilities, outdoor musical entertainment

9.2.6 Driving ranges

9.2.7 Game preserves

9.2.8 Gasoline stations with or without store

9.2.9 Detention facilities

9.2.10 Shooting ranges (outdoor)

9.2.11 Recreation camps, resorts or housekeeping units

9.2.12 Restaurants and/or taverns (without drive-through service)

9.2.13 Dog grooming and kennel facilities [Permit criteria include Article 21.45]

9.2.14 Golf courses and country clubs [Refer to Articles 4.2.5 and 21.11]

9.2.15 Hunt clubs (commercial)

9.2.16 Airport with appurtenant facilities, when approved by the Planning Commission after a hearing, provided the operating characteristics are deemed not to conflict with wildlife habitat areas, wilderness areas, housing areas, and facilities or uses having high concentrations of people (schools, hospitals, etc.)

9.2.17 Surface mining of gravel, sand, clay, topsoil or marl [See Article 21.25 for criteria]

...

FINDINGS UNDER ARTICLE 21 /SECTION 21.25

SECTION 21.25 MINING, GRAVEL, SAND, CLAY, TOP SOIL, and MARL

Allowed as a use Subject to Special Conditions in the (AR), (FR) and (I) zoning districts:
The Michigan Zoning Enabling Act, Act 110 of 2006, may allow this Use in other Zoning Districts:

21.25.1 Site Development Requirements/Restrictions:
The following Site Development Requirements shall be followed:

21.25.1.1 The site size shall be a minimum of ten (10) acres.

Setback Area: Setbacks in which no part of the mining operation may take place excepting ingress and egress shall be as follows:

Excavation below the existing grade of adjacent roads or property lines shall not take place within fifty (50) feet from any adjacent property line or road right-of-way line. This shall include any sloping during the reclamation of the site.

No machinery shall be erected or maintained within one hundred (100) feet of any property or road right-of-way line.

On any site that is adjacent to lakes, rivers, streams or flowages of water that appear on most Geological Survey Quadrangle maps, the Otsego County Planning Commission reserves the right to increase the minimum set-back from the ordinary high water mark, to a distance greater than fifty (50) feet to ensure the maintenance of safe healthy conditions on the shorelands within Otsego County.

21.25.1.2 The area permitted for mining shall be marked with stakes or other markers as approved by the zoning administrator at all corners before the operation commences, and shall be maintained until the reclamation is approved in writing by the zoning administrator.

21.25.1.3 Sufficient native topsoil shall be left on the site as a ready resource to be used in reclamation work following excavation/extraction activity, unless an alternative or replacement plan is approved by the Planning Commission.

T21.25.1.4 Physical isolation from residential properties shall be considered in locating development facilities. Topography, vegetation, screening devices and earth stockpiles may be used to accomplish this.

21.25.1.5 If necessary to protect the welfare of surrounding properties the access routes serving the site may be specified by the Planning Commission with input from the Otsego County Road Commission.

21.25.1.6 All structures, equipment and machinery shall be considered temporary and shall be removed upon completion of the mining, excavation, extraction or filling. Items not related to the operation shall not be stored at the site.

21.25.1.7 Interior access roads, parking lots, haul road loading and unloading areas shall be maintained so as to limit the nuisance caused by windblown dust.

21.25.1.8 The operation of mechanical equipment of any kind may be limited by the day(s) and/or hours by the Planning Commission.

21.25.1.9 Processing may be limited to only the materials extracted from the site. If the Operator intends to bring in off-site materials, Planning Commission approval is required.

21.25.1.10 Air pollution, noise and vibration factors shall be controlled within the limits governed by State and/or Federal regulations applicable to the facility.

21.25.1.11 All required Soil Erosion permit(s) shall be secured prior to the commencement of any operation. The Soil Erosion permit shall be issued for the same period of time as the permit for the operation and reclamation.

21.25.2 Reclamation:

Intent: To prevent negative impacts to soil, water and air resources in and near mined areas. To restore the quality of the soils to their pre-mining level and to maintain or improve landscape visual and functional quality. All reclamation plans shall comply with all applicable Federal, State, Local and Tribal laws related to mining and mined land reclamation.

21.25.2.1 Develop a reclamation plan that is consistent with the site capability, the planned land use and the landowner's conservation objectives. Include the practices necessary to reclaim and stabilize the mined areas to prevent further degradation of soil, water, air, plant and animal resources.

21.25.2.2 Dust control. Control the generation of particulate matter and fugitive dust during removal and replacement of soil and other materials. Detail the practices and activities necessary for dust control in the plans and specifications.

21.25.2.3 Properly identify areas for preservation including those containing trees, vegetation, historic structures, stream corridors, natural springs or other important features.

21.25.2.4 Remove trees, logs, brush, rubbish and other debris from disturbed areas that will interfere with reconstruction and reclamation operations. Dispose of these undesirable materials so they will not create a resource problem or interfere with reclamation activities and the planned land use.

21.25.2.5 Shape the land surface to provide adequate surface drainage and to blend into the surrounding topography. Use erosion control practices to reduce slope lengths where sheet and rill erosion will exceed acceptable levels.

21.25.2.6 Use sediment trapping practices such as filter strips, riparian forest buffers, contour buffer strips, sediment basins or similar practices to trap sediment before it leaves the project site. Establish drainage ways with sufficient capacity and stability to carry concentrated runoff from the reclaimed area into receiving streams without causing erosion.

21.25.2.7 Do site preparation, planting and seeding at a time and in a manner to ensure survival and growth of the selected species. In the plans and specifications, identify the criteria for successful establishment of vegetation such as minimum percent ground/canopy cover, percent survival and irrigation for initial establishment or stand density. Apply soil amendments and or plant nutrients as appropriate, according to the requirements of NRCS Conservation Practice Standard Nutrient Management (590). If the recommended fertilizer rate exceeds the criteria in NRCS Conservation Practice Standard Nutrient Management (590), use appropriate mitigating practices to reduce the risk of nutrient losses from the site. Use vegetation adapted to the site that will accomplish the desired purpose. Preference shall be given to native species in order to reduce the introduction of invasive plant species; provide management of existing invasive species; and minimize the economic, ecological, and human health impacts that invasive species may cause. If native plant materials are not adaptable or proven effective for the plant use, then non-native species may be used. Refer to the Field Office Technical Guide, Section II, Invasive Plant Species, for plant materials identified as invasive species.

21.25.2.8 Identify in the plans and specifications the species, rates of seeding or planting, minimum quality of planting stock, such as PLS or stem caliper, and method of establishment. Use only viable, high quality seed or planting stock. Use local NRCS criteria for seedbed preparation, seeding rates, planting dates, depths and methods.

21.25.3 Restore the Quality of Soils to Their Pre-mining Level

21.25.3.1 Complete a detailed soil survey of the proposed mine area if suitable soils information is not available. Use the soil survey information to determine the extent and location of prime farmland soils.

21.25.3.2 Remove all upper soil horizons from the project area that are suitable for reconstruction before operations commence.

21.25.3.3 Separate soils identified with high electrical conductivity, calcium carbonate, sodium or other restrictive properties, and treat if practicable.

21.25.3.4 Removal of overburden material for use as topsoil. Selected overburden materials can be substituted for or added to the A and B horizons if field observations and/or chemical and physical laboratory analyses demonstrate that the material, or a mixture of overburden and original topsoil, is suited to restoring the capability and productivity of the original A and B horizon material. Analyze overburden materials for pH, sulfide content, organic matter, nitrogen, phosphorus, potassium, sodium absorption ratio, electrical conductivity, texture and available water holding capacity. If the overburden material is determined to be suitable for topsoil, remove and separate from other materials and replace according to the requirements for topsoil placement.

21.25.3.5 Storage of soil materials. Stockpile soil materials to be used as topsoil until they are needed for reclamation. Locate stockpiles to protect against wind and water erosion, dust generation, unnecessary compaction and contamination by noxious weeds, invasive species or other undesirable materials.

21.25.3.6 Replacement of soil material. When placing cover materials, treat graded areas to eliminate slippage surfaces and promote root penetration before spreading topsoil. Spread topsoil so the position and thickness of each horizon is equivalent to the undisturbed soil without causing excess compaction the moist bulk density and soil strength of the reconstructed soil must support plant growth at a level equivalent to that of a similar layer in undisturbed soil.

21.25.3.7 Reclaim the site to maintain or improve visual quality based on the scenic quality of the reclaimed site as well as the function of the site for the end land use. Plan the reclamation to be compatible with the topography and land cover of the adjacent landscape. Focus on areas of high public visibility, and those offering direct or indirect human and wildlife benefits.

21.25.3.8 Grade and shape spoil piles and borrow areas to blend with the adjacent landscape topography to the extent practicable.

21.25.3.9 Develop a planting plan that mimics the species, arrangement, spacing and density of plants growing on adjacent landscapes. Choose native species of erosion control vegetation and other plant materials where practical. Arrange plantings to screen views, delineate open space, act as windbreaks, serve as

parkland, wildlife habitat or protect stream corridors.

21.25.4 Plans and Specifications:

21.25.4.1 Plans and specification for Land Reclamation-Currently Mined Land shall be in keeping with this standard and shall describe the requirements for applying the practice to achieve its intended purpose.

21.25.5 Application Procedure:

An application for Mining- Gravel, Sand, Clay, Top Soil or Marl, shall contain all of the following:

21.25.5.1 Name and address of owner(s) of land where mining, excavation, extraction or filling are proposed to take place.

21.25.5.2 Name, address and telephone number of person, firm or corporation who will be conducting the actual operation. This person, firm or corporation shall be referred to as operator.

21.25.5.3 A current Survey and legal description of the site where the proposed operation is to take place.

21.25.5.4 A site plan complying with all requirements of Article 20 of the Otsego County Zoning Ordinance in addition to showing all of the following:

a. The proposed mining area:

Setbacks in which no part of the mining operation may take place excepting ingress and egress shall be as follows:

Excavation below the existing grade of adjacent roads or property lines shall not take place within fifty (50) feet minimum from any adjacent property line or road right-of-way line. This shall include any sloping during the reclamation of the site.

On any site that is adjacent to lakes, rivers, streams or flowages of water that appear on most Geological Survey Quadrangle maps, the Otsego County Planning Commission reserves the right to increase the minimum set-back from the ordinary high water mark, to a distance greater than fifty (50) feet to ensure the maintenance of safe healthy conditions on the shorelands within Otsego County.

b. The placement of all equipment to be used during the operation.

No machinery shall be erected or maintained within one hundred (100) feet of any property or road right-of-way line.

c. Required screening of the site shall be in compliance with standards of Section 21.18 of the Otsego County Zoning Ordinance.

If the operator chooses to use a berm to achieve the required screening, the berms shall be placed no closer than twenty (20) feet to any property line.

d. The proposed ingress and egress at the site and route(s) to be used to access the site when not located on a primary road. The route(s) for ingress and egress when not located on a primary road shall have written approval from the Otsego County Road Commission.

The operator shall be responsible for all road damage to public roads caused as a result of the operation.

e. The type and location of any proposed accessory uses. The Planning Commission may approve vehicle maintenance, sorting, crushing, concrete mixing, asphalt batching and other uses as accessory uses subject to conditions placed upon the accessory uses.

21.25.6 Operational Plan including the following:

21.25.6.1 The Operational plan shall be in written form.

21.25.6.2 The written plan shall indicate the proposed size, depths, methods of operation, and type of material(s) to be mined, excavated, extracted or filled.

21.25.6.3 The written plan shall indicate the phases of operation and ending date for each phase.

21.25.6.4 The written plan shall indicate the method by which the operation shall be secured from entry during hours of non-operation.

21.25.6.5 The written plan shall indicate the proposed hours and days of operation.

21.25.7 Reclamation Plan:

21.25.7.1 A written detailed reclamation plan meeting all of the requirements of 21.25.2, 21.25.3 shall be submitted with the application and operational plan. The submitted reclamation plan shall include photographs of the site prior to commencement of the proposed operation.

21.25.7.2 The written reclamation plan shall be approved by Planning Commission and may have additional conditions placed upon it prior to final approval.

21.25.7.3 The approved site plan and/or reclamation plan may be revised at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. Any costs to amend the plan(s) are to be borne by the initiating party. The Planning Commission may require the modification of the approved Site plan and/or reclamation plan when:

a. Modification of the plan is necessary so that it will conform to existing laws.

b. It is found that the previously approved plan is clearly impractical to implement and maintain.

c. The approved plan is obviously not accomplishing the intent of the Ordinance.

d. Any modification shall be subject to all provisions of Article 19 and Article 23.

21.25.8 Approval Process:

21.25.8.1 All approvals shall be made in accordance with the process prescribed in Article 19 Permitted Uses Subject to Special Conditions.

21.25.9 Performance Guarantees:

After a special use permit application has been approved, but before the permit is issued, the applicant shall file with the Otsego County Clerk, a performance guarantee in the form of a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Planning Commission and conditioned on faithful performance of all requirements under Section 21.25 and the permit.

The performance guarantee shall cover that area of land within the permit area on which file applicant will initiate and conduct the mining and rehabilitation operations. The amount of the performance guarantee shall be determined by the Planning Commission and shall reflect the rehabilitation requirements of the permit and the probable difficulty of the rehabilitation, giving consideration to such factors as topography, geology of the site, hydrology, and revegetation potential. The amount of the performance guarantee shall be sufficient to assure the completion of the rehabilitation plan if the rehabilitation had to be performed by the County in the event of non-performance by the applicant. Any cash deposit of certified funds shall be refunded to the applicant in the following manner:

a. One-third (⅓) of the cash deposit after completion of one-third (⅓) of the rehabilitation plan;

b. Two-thirds (⅔) of the cash deposit after completion of two-thirds (⅔) of the rehabilitation plan;

c. The balance at the completion of the rehabilitation plan. Any irrevocable letter of credit or surety bond shall be returned to the applicant upon completion of the rehabilitation plan.

In order to receive a refund of the performance guarantee as provided for in subsections (a) through (c) above, the applicant shall file a written request with the Zoning Administrator. The written request shall include the type and dates of rehabilitation work performed, and a description of the results achieved as they relate to the applicant's rehabilitation plan. Within thirty (30) days after receiving the written request for a refund of the performance guarantee, the Zoning Administrator shall conduct an inspection and evaluation of the rehabilitation work performed. The evaluation shall consider, among other things, the degree of difficulty to complete any remaining rehabilitation, whether pollution of surface and subsurface water is occurring, the probability of continuance of future occurrence of the pollution, and the estimated cost of abating the pollution. Within thirty (30) days after the inspection, the Zoning Administrator shall send written recommendations to the Planning Commission indicating approval, partial approval, rejection, or approval with conditions, of the rehabilitation work performed by the applicant, along with a statement of the reasons for any rejections.

The Planning Commission shall approve, partially approve, or reject the rehabilitation work performed by the applicant with the recommendation of the Zoning Administrator's written statement, and shall notify the applicant in writing of the action of the Planning Commission. Where partial approval is granted the applicant shall be refunded a portion of the performance guarantee that is proportionate to the cost of the rehabilitation work approved. Upon approval or partial approval by the Planning Commission, the County Clerk shall refund the performance guarantee or a portion thereof as specified by the Planning Commission to the applicant.

21.25.10 Inspection:

21.25.10.1 Mining, excavation, extraction or filling permits granted for a period exceeding one (1) year shall be inspected a minimum of once a year during the operation period and a minimum of each one hundred (100) days during restoration, by the Zoning Administrator to insure compliance with the permit and Ordinance. The operator shall pay an inspection fee, as determined by the Otsego County Board of Commissioners, for each inspection to cover the costs of extraction and reclamation inspections required by this section within thirty (30) days of the invoice being sent to them or they will be in violation of the Special Use Permit.

21.25.11 Certificate of Completion:

21.25.11.1 A certificate of completion shall be issued to the operator when the Zoning Administrator makes the following determination.

21.25.11.2 All evidence of the operation has been removed from the site.

21.25.11.3 All required grading of the site has been completed.

21.25.11.4 All required re-vegetation of the site has been completed and initial growth has begun and there is no erosion present.

21.25.11.5 Completion and approval of the soil erosion permit has been given.

21.25.12 Evidence of Continuing Use:

21.25.12.1 When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, he/she shall not declare abandonment.

21.25.13 Transference of a Special Use Permit:

21.25.13.1 Permits for surface mining shall be issued to the operator. If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Special Use Permit may be transferred.

21.25.14 Permit Extension:

21.25.14.1 All requests for an extension/renewal of a Special Use Permit shall for mining, excavation, extraction or filling follow the same process as a request for a new permit.

21.25.15 Permit Expiration:

21.25.15.1 If approval for a Special Use Permit for mining, excavation, extraction or filling is granted by the Otsego County Planning Commission, it shall be for a specific period of time not to exceed five (5) years and shall specify the period of restoration which cannot extend more than eighteen (18) months beyond the permitted time for operation.

FINDINGS UNDER ARTICLE 19:

19.7.1 The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
HAS – HAS NOT BEEN MET

19.7.2 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the county or the natural environment as a whole.
HAS – HAS NOT BEEN MET

19.7.3 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.
HAS – HAS NOT BEEN MET

19.7.4 The proposed special land used will be designed, constructed, operated, and maintained so as not to diminish the opportunity for the surrounding properties to be used and developed as zoned.
HAS – HAS NOT BEEN MET

19.7.5 The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
HAS – HAS NOT BEEN MET

19.7.6 The proposed special land use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.
HAS – HAS NOT BEEN MET

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity no rate of discharge leaving the property based on 25-year storm criteria, (v) shall be designed using Best Management Practices identified by the DNR or its successor agency, and (vi) shall identify the party responsible for maintenance of the storm water management system.
HAS – HAS NOT BEEN MET

19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.
HAS – HAS NOT BEEN MET

SECTION 19.8 - CONDITIONS

The Planning Commission may attach reasonable conditions to the approval of a special use permit. These conditions may include those necessary to insure that public services and facilities affected by a proposed special land use will be capable of accommodating increased service and facility loads caused by the special land use, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all the following requirements.

19.8.1 Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use, and the community as a whole.

19.8.2 Be related to the valid exercise of the police power, and purposes which are affected by the proposed special land use.

19.8.3 Be necessary to meet the intent and purpose of the zoning ordinance, be rated to the standards established in the ordinance for the special land use under consideration, and be necessary to insure compliance with those standards.

Exhibit 15

OTSEGO
CONSERVATION DISTRICT

OTSEGO CONSERVATION DISTRICT

800 Livingston Blvd.
Suite 4A
Gaylord, MI 49735

PH (989) 732-4021
FX (989) 731-7480

www.otsegocd.org
www.facebook.com/otsegocd

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Soil Erosion Inspector
Native Plant Nursery Manager

Deborah Vargas
Assistant District Manager

Tabitha Campbell
District Forester

1-29-2019

J&N Construction, LLC.
1223 Anna Drive
Gaylord, MI 49735

William Mason, General Manager

Otsego Conservation District has review the J&N Construction reclamation plan for use in conjunction with Special Use permit for Surface Mining of Gravel, Sand, and Clay from approximately 40 acre of property owned by Sharon Wescoat and an adjacent 40 acres parcel owned by Thomas Prusakiewicz which jointly comprise the W1/2 of SW 1/4 SEC 6 T31N R3W located at the NE corner of the intersection of Martindale Road and North Townline Road, Gaylord, Michigan.

The reclamation plan provided by J&N meets the criteria for the reclamation as outlined in Section 21.25.2 of the Otsego Zoning Ordinance and is in compliance with the Michigan State Law Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental protection Act 1994 PA 451 .

A Soil Erosion permit is required before any excavation is started and the following must be observed.

- Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.
- Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change.
- Temporary or permanent control measures shall be designed and installed to convey water around, through, or from the earth change at a non-erosive velocity.
- Install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and maintain the measures on a daily basis. Remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. ("Stabilized" means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.)

Sincerely,

Patricia Osburn
Soil Erosion Officer
Otsego Conservation District
posburn@otsegocountymi.gov
website: otsegocd.org
(989) 732-4021

Otsego County Road Commission

William T. Holewinski, Jr., Commissioner
Troy W. Huff, Commissioner
David C. Matelski, Commissioner

Jason T. Melancon, Manager
Thomas A. Deans, Engineer
Rebecca L. Jerry, Finance Director

November 28, 2018

J & N Construction, LLC
Mr. William Mason
1223 Anna Drive
Gaylord, MI 49735

RE: J & N Pit Operation Plan-Otsego County-2018

Dear Mr. Mason:

In regards to the Road Commission's interests, the proposed retention basin will work well addressing the storm water runoff at this location. This must include the runoff from the proposed Afton stone drive and the temporary truck scale location.

The proposed driveway location meets all of our guidelines, and I do not foresee an issue with obtaining said driveway permit. My only concern would be the approach to Martindale Road not being hard surfaced. I believe if you hard surfaced from the edge of the road back to the right-of-way boundary, the potential for damage would be reduced to the existing pavement, along with reducing the amount of material tracking onto the roadway.

Should you have any questions and/or concerns, please do not hesitate to contact me at the phone number referenced below.

Sincerely,

Jason Melancon
Manager

William Mason

From: Bragg, Justin (DEQ) <BraggJ@michigan.gov>
Sent: Monday, November 5, 2018 3:33 PM
To: wmason@jandnllc.com
Cc: Marshall, Brian (DEQ); Walters, Dave (DEQ)
Subject: Potential Permits needed if Proposed Gravel Pit is Approved

Hello Bill,
During the in-office meeting October 30, 2018 we discussed the need/potential to need the following permits if the special use permit is approved for the proposed gravel pit to be located Northeast of N. Townline Rd and Martindale Rd.

- A Part 91 Soil Erosion Sedimentation Control Permit would need to be obtained from the Otsego County Conservation District, a Part 31 Notice of Coverage (submitted via MiWaters) would need to be obtain until the proposed berm around the site is designed and stabilized to meet the No Potential to discharge criteria listed below. Once the berm is designed and stabilized to meet the criteria below a No Potential to Discharge form could be filled out to terminate the Notice of Coverage (via MiWaters).
- If the berm is not designed and stabilized to meet the No Potential to Discharge Criteria prior to beginning the mining process, an Industrial Storm Water Notice of Intent will need to be filled out (via MiWaters) to obtain Industrial Stormwater Permit Coverage. Once the berm is designed and stabilized to meet the criteria below a No Potential to Discharge form could also be filled out for Industrial Activities and Industrial Storm Water Coverage could be reviewed for termination.
- If the mining process results in a discharge of wastewater from a wash plant or from dewatering the pit, to the regulated surface waters east of the site, an NPDES Permit would have to be obtained prior to a discharge occurring (via MiWaters).
  https://www.michigan.gov/documents/deq/wrd-npdes-generalpermit-MIG490000_491978_7.pdf
- If a wash plant is brought in resulting in a discharge of wash water to the ground, a Groundwater General Permit will need to be obtained prior to discharge occurring (via MiWaters).

Industrial & Construction Storm Water No Potential to Discharge Criteria:
Demonstrate that with infiltration BMPs and storage there will be no direct or indirect discharge to surface waters resulting from a 25 yr – 24 hr event (use 3.9 inches of rain in 24 hours, a SCS Type II rainfall distribution, start the event with normal soil moisture during growth conditions - April through October). Further, there must be adequate infiltration on–site to dewater any stored flow to groundwater so that a subsequent rain event with a one month recurrence (use 0.6 inches in a 24 hour period) that occurs 72 hours after the end of the 25 yr – 24 hr event will also not cause a discharge to surface waters. This demonstration shall be signed and sealed by a PE registered in the state of Michigan, or signed by a professional soil scientist.

DEQ Water Resources Division MiWaters Site: https://miwaters.deq.state.mi.us/miwaters/#/external/home

If you have any questions about the Groundwater Permit Coverage feel free to contact Dave Walters directly at 517-599-1461, or by email at waltersd@michigan.gov. If you have questions regarding the other permits listed above or if you need MiWaters assistance feel free to call me directly at 989-370-5819 or by email at braggj@michigan.gov.

Justin Bragg
Environmental Quality Analyst
Water Resources Division
Gaylord Field Office

Exhibit 18

1223 Anna Drive
Gaylord, MI 49735
Phone: (989)732-8318
Fax: (989)731-1729

April 1, 2019

Re: Restoration Plan

Dear Thomas,

Attached is a copy of J & N, LLC's restoration plan for the property that we will be leasing if all permits are acquired. If you could please review the plan and sign this acceptance form that you agree with the restoration plan as it has been submitted.

Sincerely,

William P. Mason

Agreed upon by both parties as of date 4/03/2019.

By: Thomas Prusakiewicz
Thomas Prusakiewicz or Thomas Prusakiewicz et uz.

By: William P. Mason
J & N Construction, William P. Mason, General Manager

MEZA – Mining (page 4):

MICHIGAN ZONING ENABLING ACT
Act 110 of 2006

AN ACT to codify the laws regarding local units of government regulating the development and use of land; to provide for the adoption of zoning ordinances; to provide for the establishment in counties, townships, cities, and villages of zoning districts; to prescribe the powers and duties of certain officials; to provide for the assessment and collection of fees; to authorize the issuance of bonds and notes; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

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

The People of the State of Michigan enact:

ARTICLE I
GENERAL PROVISIONS

...

125.3205 Zoning ordinance subject to certain acts; regulation or control of oil or gas wells; prohibition; extraction of valuable natural resource; challenge to zoning decision; serious consequences resulting from extraction; factors; regulations not limited.

Sec. 205. (1) A zoning ordinance is subject to all of the following:
(a) The electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575.
(b) The regional transit authority act.
(2) A county or township shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and shall not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells.
(3) An ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
(4) A person challenging a zoning decision under subsection (3) has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources.
(5) In determining under this section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in Silva v Ada Township, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
(a) The relationship of extraction and associated activities with existing land uses.
(b) The impact on existing land uses in the vicinity of the property.
(c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
(d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
(e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
(f) The overall public interest in the extraction of the specific natural resources on the property.
(6) Subsections (3) to (5) do not limit a local unit of government's reasonable regulation of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.
(7) This act does not limit state regulatory authority under other statutes or rules.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2011, Act 113, Imd. Eff. July 20, 2011;—Am. 2012, Act 389, Eff. Mar. 28, 2013.

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OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-005
Special Use Permit/Site Plan Review
080-006-300-010-02

Exhibit List

Exhibit #1: Applications for case PZSU18-005 submitted by Applicant

Exhibit #2: Otsego County Zoning Map Effective Date March 20, 2010/Amended November 27, 2018

Exhibit #3: Otsego County Zoning Ordinance Effective March 20, 2010/Amended November 27, 2018

Exhibit #4: Copy of Otsego County Equalization Department record card/QC-361/671, QC-1448/109

Exhibit #5: Site Plan/Survey for case PZSU18-005 submitted by Applicant

Exhibit #6: Narrative/Restoration Plan for PZSU18-005

Exhibit #7: Purchase Agreement

Exhibit #8: Public Hearing Notice

Exhibit #9: Letter to Livingston Township Planning Commission dated February 12, 2019

Exhibit #10: Response from Livingston Township Planning Commission dated March 13, 2019

Exhibit #11: Map and list of parties notified

Exhibit #12: Receipt #01315441

Exhibit #13: General Finding of Fact/PZSU18-005

Exhibit #14: Specific Finding of Fact/PZSU18-005

Exhibit #15: Existing Site Pictures (6)

Exhibit #16: Letter from the Otsego County Soil Conservation District dated January 29, 2019

Exhibit #17: Letter from the Otsego County Road Commission dated November 28, 2018

Exhibit #18: Letter from the Department of Environmental Quality (DEQ) dated November 5, 2018

Exhibit #19: Signed approval statement of Restoration Plan from owner dated April 1, 2019

Exhibit #20: Michigan Zoning Enabling Act (PA 110 of 2006)

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegocountymi.gov

APPLICATION FOR SPECIAL USE PERMIT

Date: JUNE 21, 2018	Parcel Number: 080 - 006 - 300 - 010-02

PROPERTY LOCATION: ***(REQUIRED)***

Address:		City: GAYLORD	Zip Code: 49735
Township: LIVINGSTON	Zoning District: AR	Section: 6	T 31 N/R 3 W

APPLICANT:

Name: J&N, LLC		Owner/Agent/Other Interest *(circle one)*	
Address: 1223 ANNA DRIVE	City: GAYLORD	State: MI	Zip Code: 49735
Phone: (989) 732-8318	Fax: (989) 731-1729		

PROPERTY OWNER: *(If different from Applicant)*

Name: SHARON M. WESCOAT		Phone: (989) 370-2506	
Address: 4888 N. TOWNLINE RD.	City: GAYLORD	State: MI	Zip Code: 49735

DESCRIPTION OF PROJECT AND PROPOSED USE:

SURFACE MINE - TO PRODUCE GRAVEL, SAND & CLAY.

SIGNATURE OF APPLICANT: William P Mann	**DATE:** 06/25/18

***All information received by this department is subject to the Freedom of Information Act. Under this Act, persons are allowed to request copies of said information. This includes but is not limited to, all copies of drawing and blueprints.

******OFFICE USE ONLY******

Date Application Received: June 26, 2018		Permit Number: PZSU18-005	
Date Application Complete: February 21, 2019		Fee: $700	Receipt Number: 01315441

Exhibit 1

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegocountymi.gov

APPLICATION FOR SITE PLAN REVIEW

APPLICANT:

Name: J&N, LLC	Owner/Agent/Other Interest *(circle one)*
Address: 1223 ANNA DRIVE, GAYLORD, MI 49735	
Phone: (989) 732-8318	Fax: (989) 731-1729

PROPERTY OWNER: *(If different from Applicant)*

Name: SHARON WESCOAT	
Address: 4988 N. TOWNLINE RD GAYLORD, MI 49735	
Phone: (989) 73 -	Fax: ( ) -

PROPERTY LOCATION:

Township: LIVINGSTON	Section: 6	T 31 N/R 3 W	Zoning District: AR
Site Address:			
Parcel Number: 080 - 006 - 300 - 010-02			
Description of Project and Proposed Use: SURFACE MINE - TO PRODUCE GRAVEL, SAND & CLAY.			

Signature of Applicant: William P Mann	**Date:** 06/25/18

***All information received by this department is subject to the Freedom of Information Act. Under this act, persons are allowed to request copies of said information. This includes but is not limited to copyrighted drawings and blueprints

Exhibit 1

Attention

*These items must be submitted in conjunction with this application.

- Proof of property ownership and whether there are any options on the property or any liens against it.
- A signed statement that the applicant is officially acting on the owner's behalf.
- Appropriate fees paid to Otsego County.

*Please refer to the Otsego County Zoning Ordinance particularly Section 21 and Section 23 to assure all items are addressed on the site plan and allow for a smooth presentation to the governing body.

This checklist and the following items are required on all site plans before they can be submitted for review to the various approving entities:

1. The applicant's name, address and phone number in full.

   Yes ✓ No____ if "No" explain:_____

2. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s).

   Yes ✓ No____ if "No" explain:_____

3. The address and or parcel number of the property.

   Yes ✓ No____ "No" explain:_____

4. Name and address of the developer (if different from the applicant).

   Yes ✓ No____ if "No" explain:_____

5. Name and address of the engineer, architect and/or land surveyor.

   Yes ✓ No____ if "No" explain:_____

6. Project title.

   Yes ✓ No____ if "No" explain:_____

7. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by the ordinance.

   Yes ✓ No____ if "No" explain:_____

8. A vicinity map drawn to scale with North point indicated.

   Yes ✓ No____ if "No" explain:_____

9. The gross and net acreage of all parcels in the project.

   Yes ✓ No____ if "No" explain:_____

10. Land uses, zoning classification(s) and existing structures on the subject parcel and within ten feet (10') of property lines of adjoining parcels.

    Yes ✓ No____ if "No" explain:_____

11. Project completion schedule/development phases. (refer to Section 23.9)

Yes ✓ No ___ if "No" explain: _____

12. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less or sites of less than three (3) acres and 1"=100 or fewer feet or less if the site is larger than three (3) acres. The site plan shall show the site and all land within fifty (50) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified.

Yes ___ No ✓ if "No" explain: PARCELLS TO LARGE TO SCALE @ 1" = 100'.

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. Each site plan shall depict the following:

13. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, monument locations and shoreland and natural river district, if any.

Yes ✓ No ___ if "No" explain: _____

14. Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.

Yes ___ No ✓ if "No" explain: TOPO WILL BE PERFORMED PRIOR TO START

15. The type of existing soils at proposed storm water detention and retention basins and/or other areas of concern. Boring logs may be required if necessary to determine site suitability.

Yes ✓ No ___ if "No" explain: _____

16. Location and type of significant existing vegetation.

Yes ✓ No ___ if "No" explain: _____

17. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within fifty (50) feet of the parcel.

Yes ✓ No ___ if "No" explain: _____

18. Location of existing and proposed buildings and intended uses thereof, as well as the length, width and height of each building and typical elevation views of proposed structures.

Yes ___ No ✓ if "No" explain: NO PERMANENT BUILDINGS TO BE PLACED.

19. Proposed location of accessory structures, buildings and uses, including all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, site amenities and the method(s) of screening where applicable.

Yes ___ No ✓ if "No" explain: TEMP EQUIPMENT ONLY

20. Location of existing public roads, right-of-ways and private easements of record and abutting streets. Notation of existing traffic counts and trip generation estimates may be required if deemed appropriate by the Zoning Administrator or Planning Commission.

Yes ✓ No ___ if "No" explain: _____

21. Location of and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations shall be separately depicted with an elevation view.

Yes ___ No ✓ if "No" explain: N/A

22. Location, design and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing) and fire lanes.

Yes ___ No ✓ if "No" explain: N/A

23. Location, size, and characteristics of all loading and unloading areas.

Yes __ No ✓ if "No" explain: N/A

24. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

Yes ___ No ✓ if "No" explain: N/A

25. Location of water supply lines and/or wells, including fire hydrants and shut off valves, the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable.

Yes ___ No ✓ if "No" explain: N/A

26. Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.

Yes ✓ No ___ if "No" explain:

27. Proposed location, dimensions and details of common open spaces and common facilities, such as community buildings or swimming pools if applicable.

Yes ___ No ✓ if "No" explain: N/A

28. Location, size and specifications of all signs and advertising features with elevation views from front and side.

Yes___ No ✓ if "No" explain: N/A

29. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

Yes ___ No ✓ if "No" explain: N/A

30. Location and specifications for all fences, walls and other screening features with elevation views from front and side.

Yes ___ No ✓ if "No" explain: TO BE APPLIED AS SPECIFIED.

31. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

Yes ___ No ✓ if "No" explain: N/A

32. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.

Yes ___ No ✓ if "No" explain: N/A

33. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials, as well as any containment structures or clear zones required by government authorities.

Yes ___ No ✓ if "No" explain: N/A

34. North arrow, scale and date of original submittal and last revision.

Yes ✓ No ___ if "No" explain:

35. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the site plan.

Yes ___ No ✓ if "No" explain: J&N, LLC - PERFORMED DRAWINGS - WILLIAM MASON

Attention

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. In the immediate area of the seal there shall also be the following statement, signed by the professional sealing the plans:

> I do hereby certify that these plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated: _____

Or

> I do hereby certify that those plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated _____, except for the following items: (List known variations from the Ordinance)

OFFICE USE ONLY

Date Application Received:	Fee:	Receipt Number:
Permit No:	Soil Erosion Permit No:	
Approved:	Denied:	By:
Conditions:		
Reasons:		

PZSU18-005 MARTINDALE RD
J&N LLC - WESCOAT

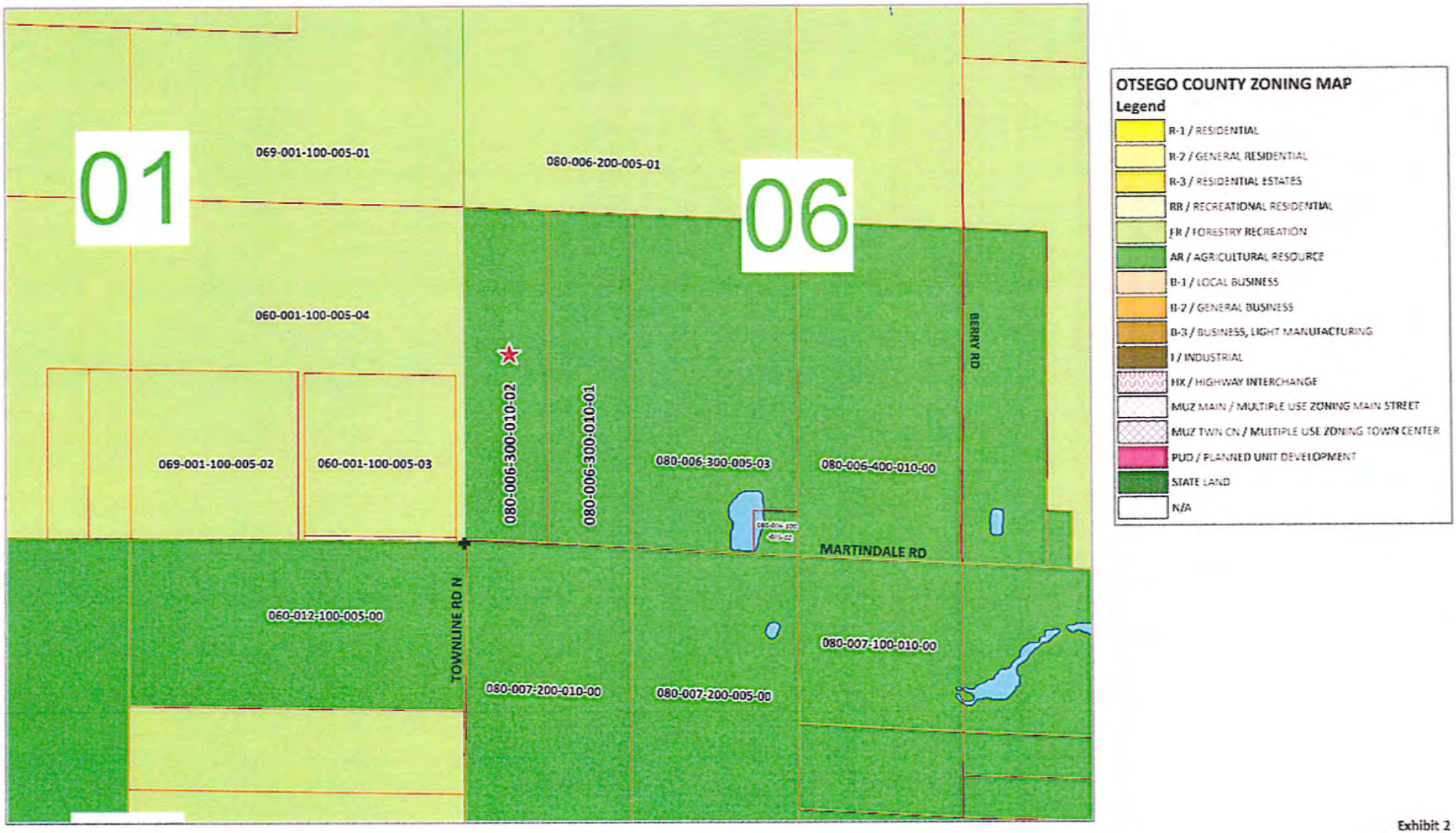


Exhibit 2

OTSEGO COUNTY MICHIGAN
RECORDED
EVELYN M. PRATT, CLERK/REGISTER OF DEEDS
11/29/2017 3:25:25 PM

OTSEGO COUNTY MICHIGAN
RECEIVED
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
11/29/2017 3:24:26 PM

Quitclaim Deed

RECORDING REQUESTED BY SHARON M. WESCOAT
AND WHEN RECORDED MAIL TO:
Sharon M. Wescoat and Alan J. Wescoat, Grantee(s)
4888 N. Townline Rd
Gaylord MI 49735
Consideration: $ -0-
Property Transfer Tax: $ -0-
Assessor's Parcel No.: 69-080-006-300-010-02
PREPARED BY: SHARON M. WESCOAT certifies herein that he or she has prepared this Deed.

Sharon M. Wescoat
Signature of Preparer

11/29/17
Date of Preparation

SHARON M. WESCOAT
Printed Name of Preparer
4888 N. TOWNLINE ROAD GAYLORD MI 49735

THIS QUITCLAIM DEED, executed on _____ in the County of Otsego, State of Michigan by Grantor(s), Sharon M. Wescoat surviving spouse of Ocer J Wescoat 01394-00233, whose post office address is 4888 North Townline Rd, Gaylord MI 49735, to Grantee(s), Sharon M. Wescoat and Alan J. Wescoat, whose post office address is 4888 North Townline Rd, Gaylord MI 49735,

WITNESSETH, that the said Grantor(s), Sharon M. Wescoat surviving spouse of Ocer J. Wescoat 01394-00233 for good consideration and for the sum of One dollar and zero cents ($ 1.00) paid by the said Grantee(s), the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said Grantee(s) forever, all the right, title

Exhibit 4 30-4

interest and claim which the said Grantor(s) have in and to the following described parcel of land, and improvements and appurtenances thereto in the County of OTSEGO, State of MICHIGAN and more specifically described as set forth in EXHIBIT "A" to this Quitclaim Deed, which is attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said Grantor(s) has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

GRANTOR(S):

Sharon M. Wescoat	
Signature of Grantor	Signature of Second Grantor (if applicable)
SHARON M. WESCOAT	
Print Name of Grantor	Print Name of Second Grantor (if applicable)
Signature of First Witness to Grantor(s)	Signature of Second Witness to Grantor(s)
Print Name of First Witness to Grantor(s)	Print Name of Second Witness to Grantor(s)

GRANTEE(S):

Signature of Grantee	Signature of Second Grantee (if applicable)
Print Name of Grantee	Print Name of Second Grantee (if applicable)
Signature of First Witness to Grantee(s)	Signature of Second Witness to Grantee(s)
Print Name of First Witness to Grantee(s)	Print Name of Second Witness to Grantee(s)

NOTARY ACKNOWLEDGMENT

State of Michigan

County of Crawford

On 11-29-17, before me, Andrew Haskel, a notary public in and for said state, personally appeared, Sharon M Wescoat

who are known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

Affiant Known _____ Produced ID DL

Type of ID _____ (Seal)

ANDREW HASKEL
Notary Public, Crawford County,
State of Michigan
My Commission Expires 7-7-2018
Acting in Otsego County

Exhibit "A"

The West 1/2 of the West 1/2 of the Southwest 1/4 of Section 6, Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan

Lawyers Title Insurance Corporation

LIBER 361 PAGE 671

Form 562 4-76
QUIT CLAIM DEED—Statutory Form
C.L. 1948, 565.152 M.S.A. 26.572

KNOW ALL MEN BY THESE PRESENTS: That Thomas Prusakiewicz and Cynthia Prusakiewicz, husband and wife,

whose address is 4712 N. Townline Road, Gaylord, MI 49735

Quit Claim(s) to Ocer J. Wescoat and Sharon M. Wescoat, husband and wife

whose address is 4888 Townline Road, Gaylord, MI 49735

the following described premises situated in the Township of Livingston County of Otsego and State of Michigan, to-wit:

The West ½ of the West ½ of the Southwest ¼ of Section 6, Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan.

GRANTOR EXPRESSLY RESERVES 1/2 OF ALL OIL, GAS, AND MINERAL RIGHTS.

This deed is exempt from transfer tax under Section 5(a) of Act No. 134 of Public Acts of 1966 as amended.

STATE OF MICHIGAN
COUNTY OF OTSEGO
RECORDED 3rd DAY OF July A.D., 1985 AT 8:58 O'CLOCK A M.
Ardis J. Hancock
REGISTER OF DEEDS

for the full consideration of One and 00/100 ($1.00)----------DOLLAR

Dated this 2nd day of July 19 85

Witnesses:

Marlene M. Briolat
Marlene M. Briolat

Karen M. Knapp
Karen M. Knapp

Signed and Sealed:

Thomas Prusakiewicz (L.S.)
Thomas Prusakiewicz

Cynthia Prusakiewicz (L.S.)
Cynthia Prusakiewicz

(L.S.)

(L.S.)

STATE OF MICHIGAN
COUNTY OF Otsego } ss.

The foregoing instrument was acknowledged before me this 2nd day of July 19 85

by Thomas Prusakiewicz and Cynthia Prusakiewicz, husband and wife.

My commission expires 6-28-88

Karen M. Knapp
Karen M. Knapp
Notary Public Otsego County, Michigan

Instrument Drafted by Alpine Title Company

Business Address P. O. Box 1000, Gaylord, MI 49735

Recording Fee $5.00

State Transfer Tax

Tax Parcel #

When recorded return to Grantee

Send subsequent tax bills to Grantee

Exhibit 4 5.00

Parcel Number: 69-080-006-300-010-02 Jurisdiction: LIVINGSTON TOWNSHIP County: OTSEGO Printed on 06/27/2018

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
WESCOAT, SHARON M	WESCOAT - WESCOAT	0	11/29/2017	QC	Estate/Trust/Family	1447/109	DEED	0.0

Property Address

Class: 102 AG VACANT Zoning: AR

School: Gaylord Community

P.R.E. 100% 06/30/1994 Qual. Ag.

: 0.00

2019 Est TCV 60,000(Value Overridden)

Building Permit(s)	Date	Number	Status

Owner's Name/Address

WESCOAT - WESCOAT
4888 N TOWNLINE RD
GAYLORD MI 49735

Improved X Vacant

Land Value Estimates for Land Table .

Description	Frontage	Depth	* Factors * Front	Depth	Rate	%Adj.	Reason	Value
			40.000 Acres		0	100		0
			40.00 Total Acres		Total Est. Land Value =			0

Public Improvements

Dirt Road
Gravel Road
Paved Road
Storm Sewer
Sidewalk
Water
Sewer
Electric
Gas
Curb
Street Lights
Standard Utilities
Underground Utils.

Tax Description

W1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Comments/Influences

Topography of Site

Level
Rolling
Low
High
Landscaped
Swamp
Wooded
Pond
Waterfront
Ravine
Wetland
Flood Plain

Who	When	What

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2019	30,000	0	30,000			14,376C
2018	30,000	0	30,000			14,376C
2017	30,000	0	30,000			14,081C
2016	30,000	0	30,000			13,956C

The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: County of Otsego, Michigan

*** Information herein deemed reliable but not guaranteed***

Exhibit 4

J & N, LLC.

Proposed J & N, LLC Gravel Pit

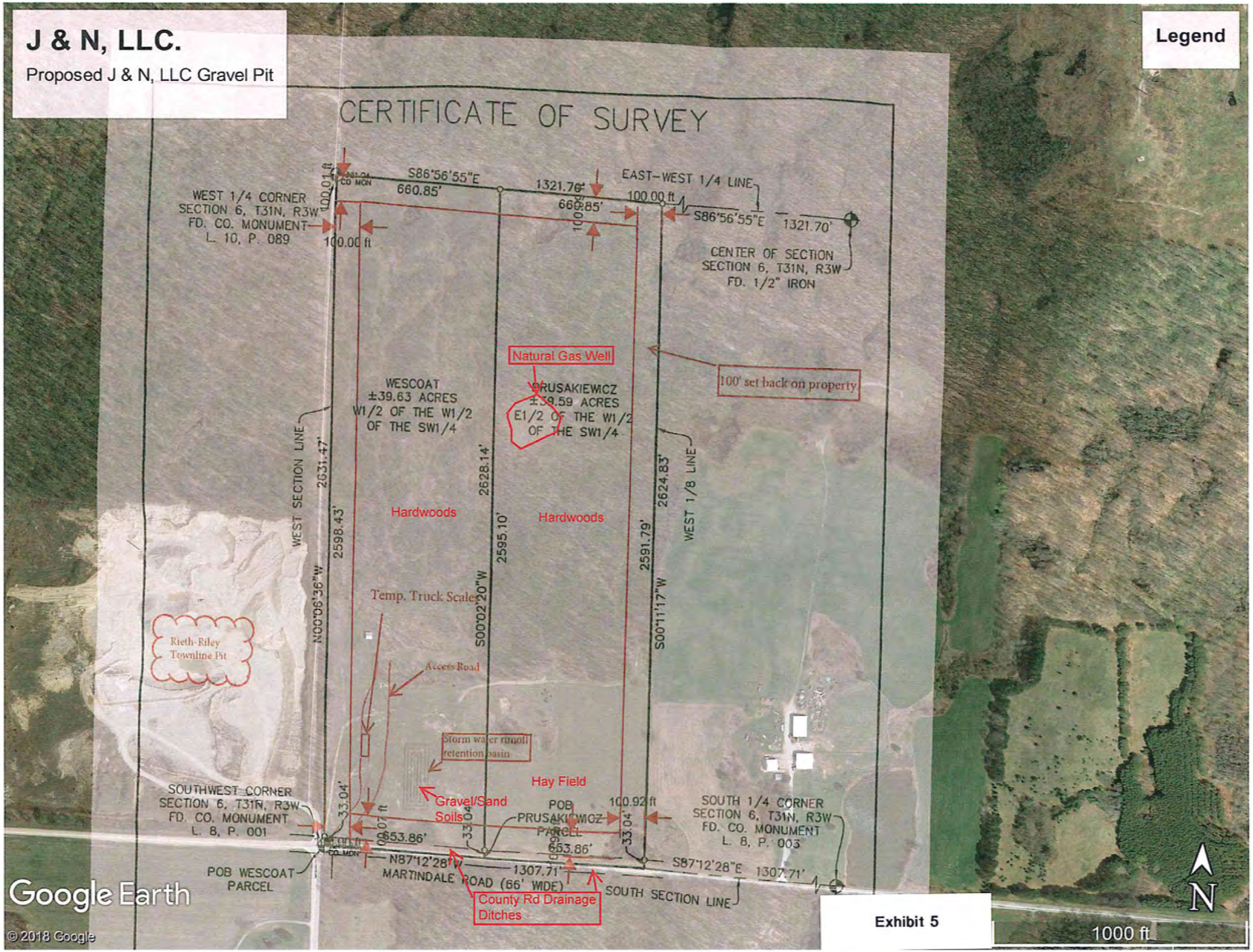
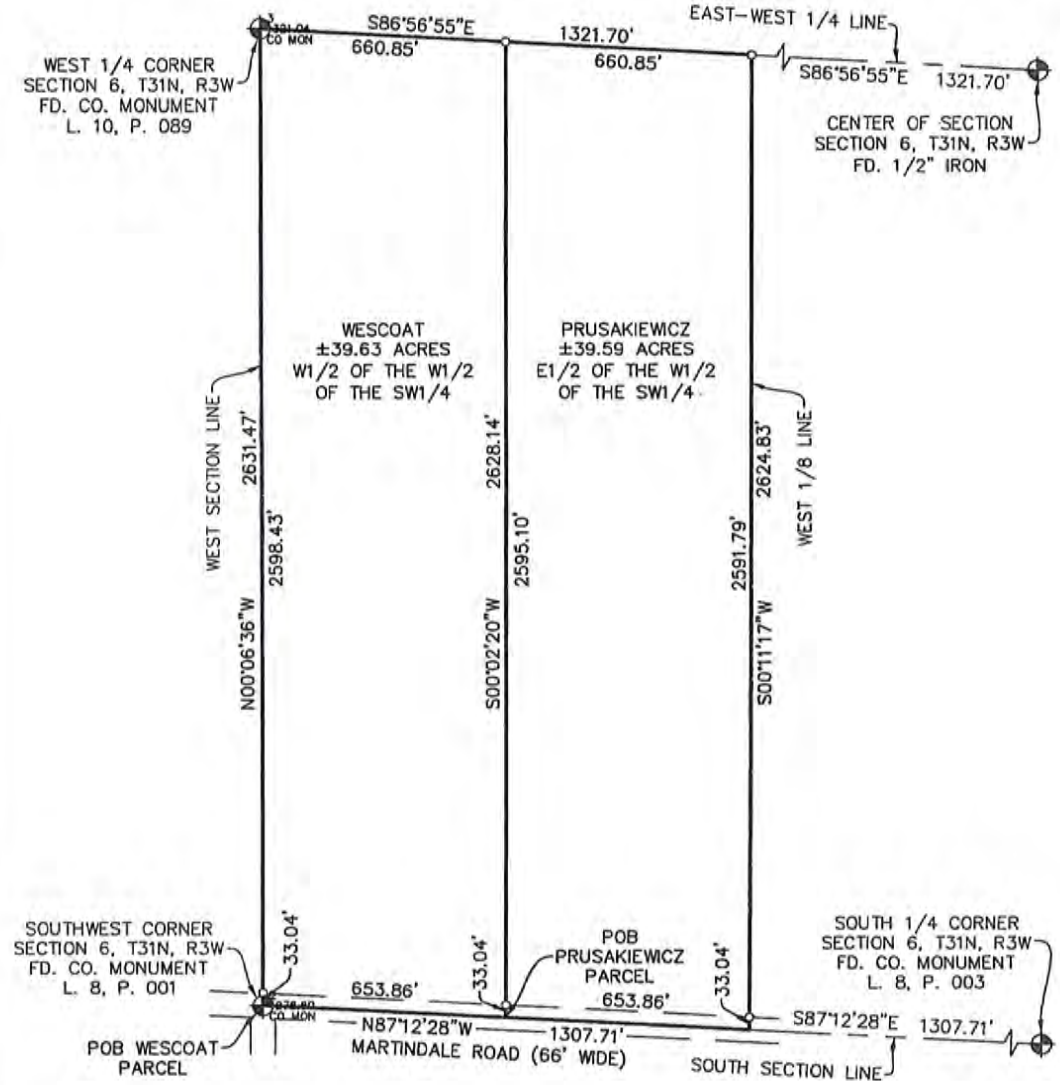


Exhibit 5

CERTIFICATE OF SURVEY



I hereby certify that I have located and mapped the land hereon platted and/or described, on the date noted hereon, that I have complied with the requirements of Act 132, P.A. of 1970 and that the error of closure of the unadjusted field observations is within the limits established for the profession.

Bradly A. Kalmbach, PS#52476

STATE OF MICHIGAN
BRADLY A. KALMBACH II
PROFESSIONAL SURVEYOR
No. 52476
LICENSED PROFESSIONAL SURVEYOR

LEGEND

———	BOUNDARY LINE
— — —	SECTION LINE
— — —	RIGHT OF WAY LINE
•	FOUND IRON OR PIPE
○	SET IRON & CAP
⊙	FOUND MONUMENT
⊕	GOVERNMENT CORNER
POB	POINT OF BEGINNING
(M)	MEASURED DIMENSION
(R)	RECORDED DIMENSION

ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMALS THEREOF.

BEARINGS ARE BASED ON NAD83 STATE PLANE GRID COORDINATES.

SHEET 1 OF 2

200' 0 200' 400'

SCALE 1"=400'

BK SURVEYING, LLC
343 CHESTER ROAD
GAYLORD, MI 49735
PH. 989-390-7482
brad@bksurveying.com

DRAWING PREPARED FOR: J&N Excavating 1223 Anna Drive Gaylord, MI 49735	DRAWING PREPARED BY: BK SURVEYING, LLC	BK SURVEYING JOB NO.: 18-044 J&N EXCAVATING DATE: MAY 1, 2018	CERTIFICATE OF SURVEY SECTION 6, T31N-R3W LIVINGSTON TOWNSHIP OTSEGO COUNTY, MI.

Exhibit 5

CERTIFICATE OF SURVEY

LOCATE AND MARK THE BOUNDARY OF:

LEGAL DESCRIPTION WESCOAT PARCEL: (As provided)

W1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Being more particularly described as:

A parcel of land located in the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 6, Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan, described as: Beginning at the Southwest corner of said Section 6; thence N00°06'36"W 2631.47 feet along the West line of said Section 6 to the East-West 1/4 line of said Section 6; thence S86°56'55"E 660.85 feet along said East-West 1/4 line; thence S00°02'20"W 2628.14 feet to the South line of said Section 6; thence N87°12'28"W 653.86 feet along said South line to the Point of Beginning, containing 39.63 acres of land, more or less. Subject to the South 33 feet thereof for road right of way. Also subject to easements, restrictions, regulations and requirements of record, if any.

LEGAL DESCRIPTION PRUSAKIEWICZ PARCEL: (As provided)

E1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Being more particularly described as:

A parcel of land located in the East 1/2 of the West 1/2 of the Southwest 1/4 of Section 6, Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan, described as: Commencing at the Southwest corner of said Section 6; thence S87°12'28"E 653.86 feet along the South line of said Section 6 to the Point of Beginning; thence N00°02'20"E 2628.14 feet to the East-West 1/4 line of said Section 6; thence S86°56'55"E 660.85 feet along said East-West 1/4 line to the West 1/8 line; thence S00°11'17"W 2624.83 feet along said West 1/8 line to the South line of said Section 6; thence N87°12'28"W 653.86 feet along said South line to the Point of Beginning, containing 39.59 acres of land, more or less. Subject to the South 33 feet thereof for road right of way. Also subject to easements, restrictions, regulations and requirements of record, if any.

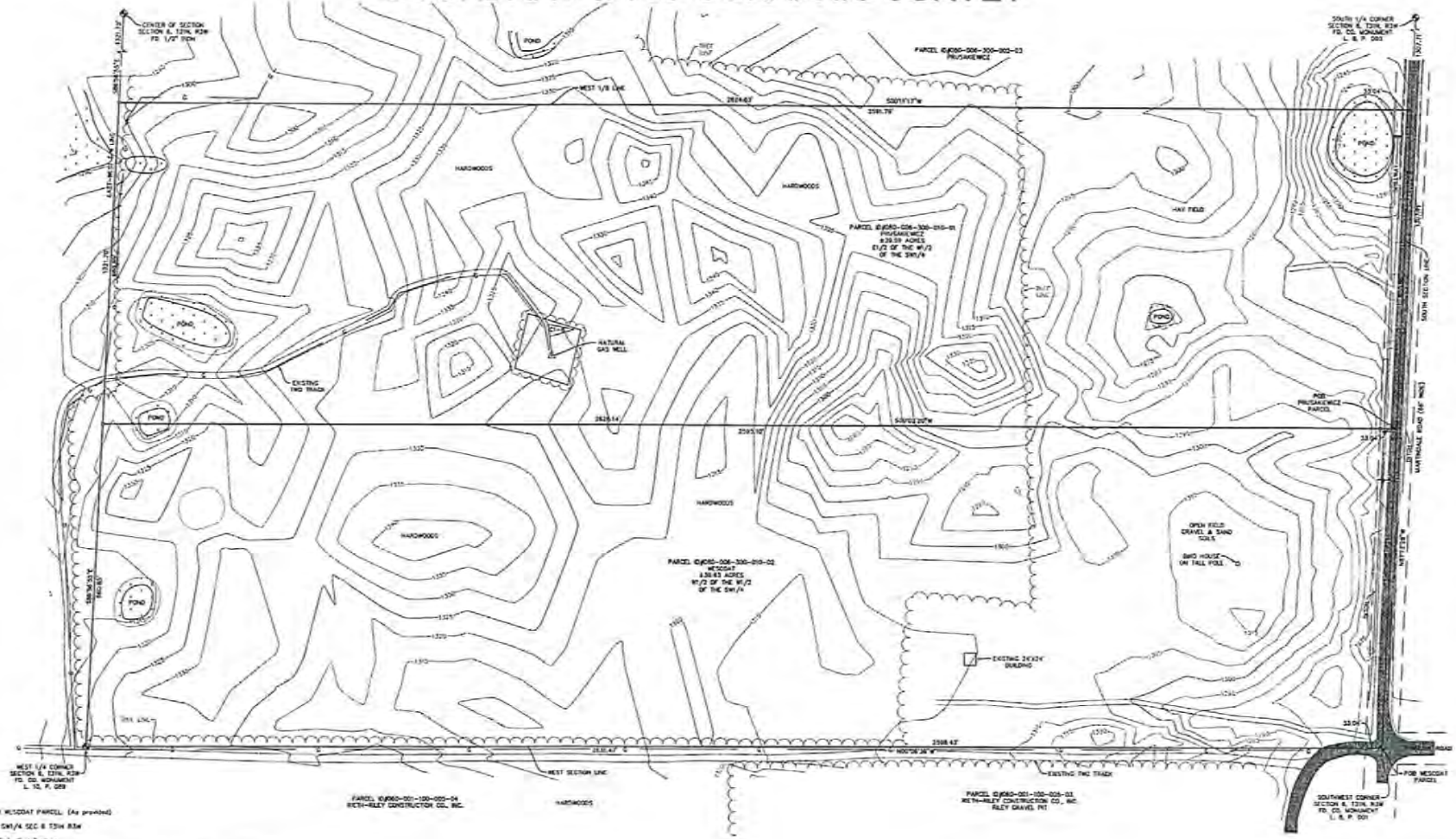
STATE OF MICHIGAN
BRADLY A. KALMBACH II
PROFESSIONAL SURVEYOR
No. 52476
LICENSED PROFESSIONAL SURVEYOR

SHEET 2 OF 2

BK SURVEYING, LLC
343 CHESTER ROAD
GAYLORD, MI 49735
PH. 989-390-7482
brad@bksurveying.com

DRAWING PREPARED FOR: J&N Excavating 1223 Anna Drive Gaylord, MI 49735	DRAWING PREPARED BY: BK SURVEYING, LLC	BK SURVEYING JOB NO.: 18-044 J&N EXCAVATING DATE: MAY 1, 2018	CERTIFICATE OF SURVEY SECTION 6, T31N-R3W LIVINGSTON TOWNSHIP OTSEGO COUNTY, MI.

BOUNDARY & TOPOGRAPHIC SURVEY



LEGAL DESCRIPTION WESCOAT PARCEL: (As provided)

W1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Being more particularly described as:

A parcel of land located in the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 6, Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan, described as: Beginning at the Southwest corner of said Section 6; thence N00°06'36"W 2631.47 feet along the West line of said Section 6 to the East-West 1/4 line of said Section 6; thence S89°56'55"E 660.85 feet along said East-West 1/4 line; thence S00°02'20"W 2626.14 feet to the South line of said Section 6; thence N87°12'28"W 653.86 feet along said South line to the Point of Beginning, containing 39.52 acres of land, more or less. Subject to the South 33 feet thereof for road right of way. Also subject to easements, restrictions, regulations and requirements of record, if any.

LEGAL DESCRIPTION PRUSAKIEWICZ PARCEL: (As provided)

E1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Being more particularly described as:

A parcel of land located in the East 1/2 of the West 1/2 of the Southwest 1/4 of Section 6, Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan, described as: Commencing at the Southwest corner of said Section 6; thence S87°12'28"E 653.86 feet along the South line of said Section 6 to the Point of Beginning; thence N00°02'20"E 2626.14 feet to the East-West 1/4 line of said Section 6; thence S89°56'55"E 660.85 feet along said East-West 1/4 line to the West 1/8 line; thence S00°11'13"W 2594.43 feet along said West 1/8 line to the South line of said Section 6; thence N87°12'28"W 653.86 feet along said South line to the Point of Beginning, containing 39.59 acres of land, more or less. Subject to the South 33 feet thereof for road right of way. Also subject to easements, restrictions, regulations and requirements of record, if any.

I hereby certify that I have located and mapped the land hereon platted and/or described, on the date noted hereon, and that the error of closure of the unadjusted field observations is within the limits established for the profession.

Brady A. Kalmbach, PS#52476

STATE OF MICHIGAN
BRADLY A. KALMBACH
PROFESSIONAL SURVEYOR
No. 52476
LICENSED PROFESSIONAL SURVEYOR

NOTES:

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

BEARINGS ARE BASED IN NAD83 STATE PLANE GRID COORDINATES.

BENCHMARK 1 ELEVATION: 1278.63
COUNTY MONUMENT LOCATED AT THE INTERSECTION OF TOWNLINE ROAD AND MARTINDALE ROAD.

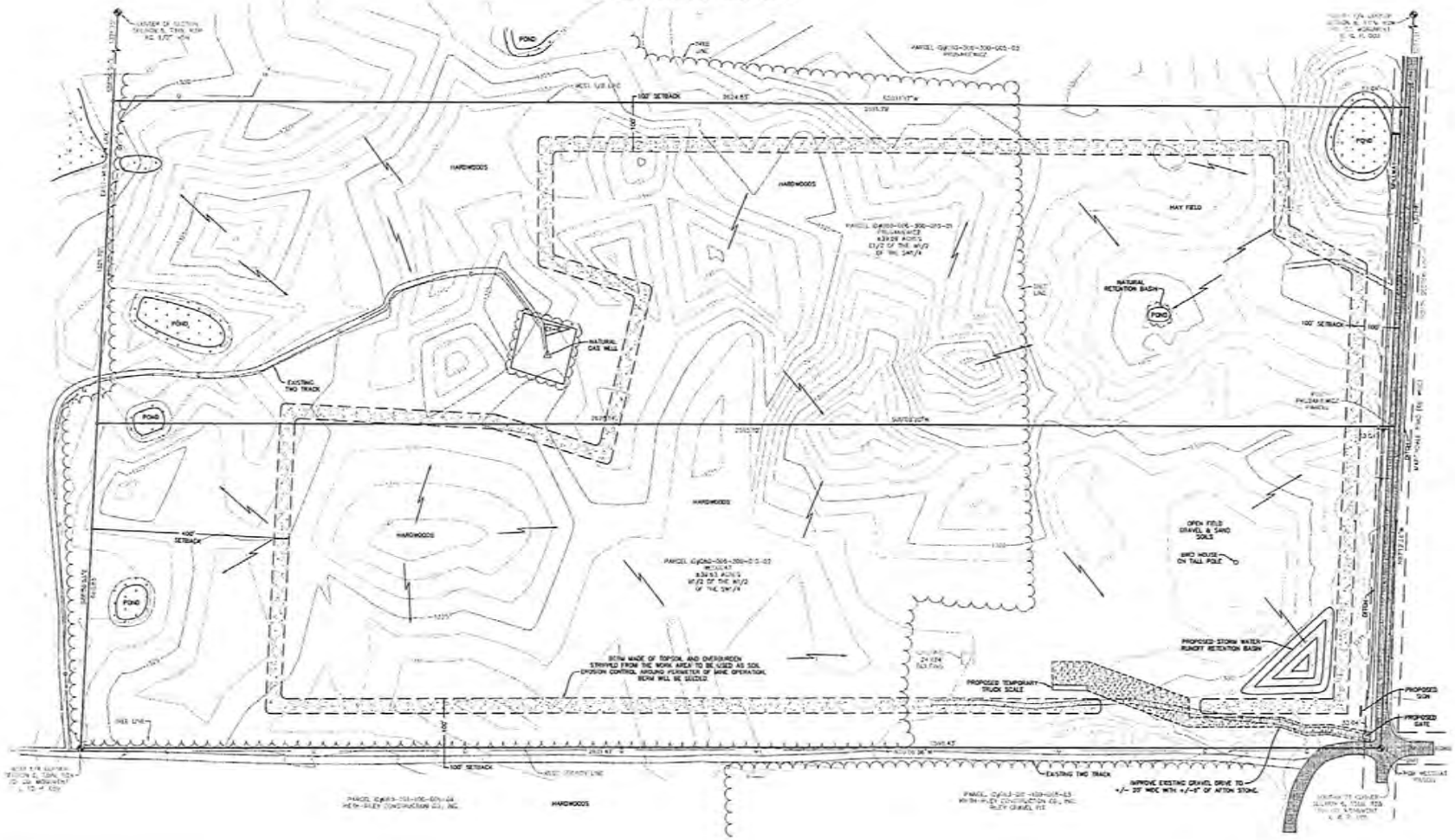
LEGEND

- BOUNDARY LINE
- SECTION LINE
- RIGHT OF WAY LINE
- EXISTING GAS LINE
- EXISTING DITCH
- EXISTING GUARD RAIL
- FOUND IRON OR PIPE
- SET IRON & CAP
- FOUND MONUMENT
- GOVERNMENT CORNER
- POB POINT OF BEGINNING
- ROAD SIGN
- EXISTING ASPHALT
- APPROXIMATE WETLAND AREA

Exhibit 5

50' 0 50' 100' SCALE 1"=100'	REVISIONS	J&N/MARTINDALE GRAVEL PIT	SECTION 6, T31N, R3W LIVINGSTON TOWNSHIP OTSEGO COUNTY, MI.	BOUNDARY/TOPO SURVEY	DRAWING PREPARED BY: BK SURVEYING, LLC	DRAWING PREPARED FOR: J&N Construction, LLC 1223 Anna Drive Gaylord, MI 49735	BK SURVEYING PROJECT: 18-044 J&N DATE: July 27, 2018	SHEET 1 OF 2 BK SURVEYING, LLC 343 Chester Road Gaylord, MI 49735 PH. 989-390-7482 brad@bksurveying.com

SITE PLAN



I hereby certify that I have located and mapped the land hereon platted and/or described, on the date noted hereon, that these plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of the project is in compliance with the Otsego County Zoning Ordinance dated: September 2017 (as amended) and that the error of closure of the unadjusted field observations is within the limits established for the profession.

Brady A. Kalmbach, PS#52476

STATE OF MICHIGAN
BRADLY A. KALMBACH II
PROFESSIONAL SURVEYOR
No. 52476
REGISTERED PROFESSIONAL SURVEYOR

NOTES:

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

SITE IS ZONED AR, AGRICULTURAL RESOURCE

BUILDING SETBACKS: FRONT 50 FEET
SIDE 20 FEET
REAR 40 FEET

SETBACKS AS SHOWN ARE, AS INSTRUCTED BY CLIENT.

BEARINGS ARE BASED IN NAD83 STATE PLANE GRID COORDINATES.

BENCHMARK 1 ELEVATION: 1278.83
COUNTY MONUMENT LOCATED AT THE INTERSECTION OF TOWNLINE ROAD AND MARTINDALE ROAD.

LEGEND

- RIGHT OF WAY LINE
- EXISTING GAS LINE
- EXISTING DITCH
- EXISTING GUARD RAIL
- ROAD SIGN
- EXISTING ASPHALT
- APPROXIMATE WETLAND AREA
- DIRECTION OF DRAINAGE

50' 0 50' 100' SCALE 1"=100'	REVISIONS:	J&N/MARTINDALE GRAVEL PIT	SECTION 8, T31N, R3W LIVINGSTON TOWNSHIP OTSEGO COUNTY, MI.	SITE PLAN	DRAWING PREPARED BY: BK SURVEYING, LLC	DRAWING PREPARED FOR: J&N Construction, LLC 1223 Anna Drive Gaylord, MI 49735	BK SURVEYING PROJECT: 18-044 J&N DATE: July 27, 2018

SHEET 2 OF 2

BK SURVEYING, LLC
343 Chester Road
Gaylord, MI 49735
PH. 989-390-7482
brad@bksurveying.com

1223 Anna Drive
Gaylord, MI 49735
Phone: (989)732-8318
Fax: (989)731-1729

June 22, 2018

Otsego County Land Use Services
1322 Hayes Rd.
Gaylord, MI 49735

Re: J & N Pit Operation Plan-Otsego County-2018

J&N Construction - Operational Plan for Surface Mining Gravel, Sand, and Clay from approximately 40 acres of Property owned by Sharon Wescoat and an adjacent 40 acre parcel owned by Thomas Prusakiewicz which jointly comprise the W1/2 of SW1/4 SEC 6 T31N R3W located at the NE corner of the intersection of Martindale Road and N Townline Road, Gaylord, MI.

J&N Construction plans to operate the proposed gravel mining operation within the parameters of existing 6 year lease agreements with the property owners holding the option of extending the term as future economic conditions and on site reserves permit. When in operation, work activities would normally be from 7:00 AM to 7:00 PM, Monday through Friday and from 7:00 AM to 3:00 PM on Saturday, with no operations on Sunday. This activity may take place from April through December with the highest level of activity from mid-May through mid-November. J&N does not plan to have staff on site on a daily basis, but on an "as needed" basis. Contracted crushing activities will be concentrated into approximately 4 to 6 week periods in which stockpiles of finished products will be produced for future use. The crushing equipment generally consists of front end loaders, dozers, off road trucks, on road trucks, draglines, excavators, feeders, various screens, crushers, conveyors, stackers, generators, truck scales, and service equipment, all of which is operated in conformance with a State of Michigan DEQ Air Quality Permit. The crushing equipment will then leave the site after which time a front-end loader would be moved onto the site to load out the finished product onto trucks for delivery to J&N and associated Companies construction projects as they are acquired locally with governmental agencies and private developers. Upon depletion of the finished product piles, the crushing equipment would return to put up new stockpiles, normally once per year. The products produced for sale would be various road gravels and occasionally there may be some sand or clay shipped from the site.

The usable material is primarily located in the high ground in the northern ¾ of the properties, straddling the north-south property line. It is with this in mind that the request for special use permit is being made for both properties, as in order to efficiently operate and achieve the highest and best use of the available resource it will be necessary

to operate on both properties concurrently, eliminating the setbacks normally associated with a property line along the north-south common boundary. Excavation will be made to a depth of approximately 20 to 25 feet from the high points which will result in the floor of the excavated area being at approximately the same grade as the road at the intersection of N. Townline and Martindale.

Prior to beginning excavation, a soil erosion and sedimentation permit will be acquired from Otsego County.

The first phase of the clearing of trees and brush as necessary. Merchantable timber will be sold and remaining brush limbs will be disposed of. Next, all topsoil will be stripped from the work area and stockpiled in berms at the perimeter of the work area for future use in site restoration. All topsoil will remain onsite and will not be a salable product. Overburden will be placed in a berm within the topsoil berm and also retained for use in regrading and sloping the excavated areas.as they are restored. As areas are depleted of usable stone and gravel, they will be sloped as specified using the onsite spoil materials and then the topsoil will be spread over the area and seeded as per recommendations of the local soil conservation district.

Dust will be controlled on the onsite haul roads by application of brine as needed. Access to the site will be via the existing drive entrance at the SW corner of the property and a steel gate will be installed to prevent entry of unauthorized vehicles during non-working periods.

Respectfully Submitted,

William Mason, General Manager

William P. Mason

J & N Construction, LLC

1223 Anna Drive
Gaylord, MI 49735
Phone: (989)732-8318
Fax: (989)731-1729

December 11, 2018

Otsego County Land Use Services
1322 Hayes Rd.
Gaylord, MI 49735

Re: J & N Pit Restoration Plan-Otsego County-2018

J&N Construction Reclamation plan for use in conjunction with Special Use Permit for Surface Mining of Gravel, Sand, and Clay from approximately 40 acres of property owned by Sharon Wescoat and an adjacent 40 acres parcel owned by Thomas Prusakiewicz which jointly comprise the W1/2 of SW1/4 SEC 6 T31N R3W located at the NE corner of the intersection of Martindale Road and N Townline Road, Gaylord, MI.

In conjunction with the Operational Plan for the subject property, J&N Construction plans to restore the surface of the properties involved in the proposed gravel mining, as areas are depleted of the gravel resource – this work will be performed in accordance with Section 21.25.2 Reclamation section Otsego County Zoning Ordinance.

As we have outlined in our proposed Operation Plan, all topsoil within the project working areas will remain onsite for use in reclamation. By using the overburden and onsite subsoil materials, the work areas will be sloped at **no steeper than one unit vertical to two units horizontal (50 percent slope)** and contoured to provide adequate surface drainage and blend into the surrounding topography with consultation of the landowners. Upon completion of the shaping, the existing topsoil will be uniformly distributed over the disturbed area and shaped for seeding. **The USDA Natural Resources Conservation Service (NRCS) in Gaylord will be consulted for recommendations on species of grass seeding and fertilizer application for use in returning the area to a condition similar to the existing grassland that exists at the southern portion of these existing properties. The seeding will be monitored for successful growth and areas in need of touch up/reseeding will be attended until growth is established.**

Respectfully Submitted,

William Mason, General Manager

William P. Mason

J & N Construction, LLC

7/1/18

EXCLUSIVE SAND, STONE, AND GRAVEL PURCHASE AGREEMENT

This agreement covers the purchase of sand, stone, and gravel by J&N Construction (J&N) from Sharon M Wescoat, Wescoat-Wescoat. The products to be removed from the property of approximately 40 acres located in section 6 T31N R3W Livingston Twp, Otsego County, Michigan.

Purchase Price:	$.75 /ton	Stone & Gravel Products
	$.35/ton	Fill Sand

Payment Schedule: $1,500.00 per year, payment due January 31st annually.
J+N ~~ESG~~ will generate a summary report on a semi annual basis showing quantities of materials removed from the property. The accumulated annual payments will first be applied toward payment of materials removed at the prices listed. Balances in excess of the accumulated annual payments will be paid at the same time the summary report is due. Summary reports will be due on or before January 31st and June 30th of each year.

J&N will regrade the land disturbed by surface mining by utilizing materials salvaged from onsite.

J&N will provide Sharon Wescoat and or Owner's Agent with a certificate of liability insurance each year.

This agreement will be in effect until 7/1/2024 or upon depletion of reserves, whichever comes first. It is further agreed that J&N will have until 12/31/2024 to remove produced products, unsold and in inventory at 7/1/2024. This agreement may be extended upon mutual agreement.

J&N agrees to weigh all material using a certified scale. If the scales are not usable for reason of mechanical failure the conversion factor for truck yards to tons will be, 1.4 x truck yards = tons.

This agreement grants J&N exclusive right to carry on activity and operate equipment as they deem necessary to process, stockpile, blend, and sell aggregate products in an economically viable manner from this property. This exclusivity applies only to activity related to the operation of the sand, stone, and gravel business and does not preclude the owner from enjoyment of property for any personal use and activity as they wish to partake except as such use may inhibit the ability of J&N to safely function as described.

This agreement is contingent upon J&N receipt of any permits necessary to operate as a sand and gravel mining operation from governmental agencies having jurisdiction over the permitting process. J&N will take responsibility for securing required permits.

Agreed upon by both parties as of this date 6/22/2018.

By: Sharon M Wescoat
Sharon M. Wescoat

By: William R Mason
J&N Construction, Bill Mason, Manager

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
April 15, 2019

The Otsego County Planning Commission will hold four public hearings on Monday, April 15, 2019 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. MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township at 4855 West Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct additional storage units to the already existing. The property is located in a B2 / General Business Zoning District. Mini-storage buildings consisting of separate storage rooms rented or leased by the month is a permitted use subject to special conditions in the B2 Zoning District.

Parcel identification number: **011-800-000-018-02**
4855 West Otsego Lake Dr
Gaylord, MI 49735

Legal Description:
LOTS 18-21 WEST OTSEGO LAKE SEC 29 T30N R3W

2. J&N LLC, William Mason, applicant has requested Special Use Permits/Site Plan Reviews for two (2) properties located in Livingston Township on Martindale Rd Gaylord, MI 49735. The proposed use of the properties is to initiate a new mining operation on the parcels listed below. The properties are located in an AR/Agricultural Resource Zoning District. A mining operation is a permitted use subject to special conditions in the AR Zoning District.

Parcel identification number: **080-006-300-010-01**
Martindale Rd
Gaylord, MI 49735

Legal Description:
E1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Parcel identification number: **080-006-300-010-02**
Martindale Rd
Gaylord, MI 49735

Legal Description:
W1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

3. **SECTION 21.46 WIRELESS COMMUNICATIONS**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to tower height
4. **ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to Township notifications and timeframes

Proposed amendments can be viewed on the Otsego County website link below:
https://www.otsegocountymi.gov/county-government-2/land-use-services/planning-zoning/

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) 731-7400.

Exhibit 8

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Department of
Land Use Services
1322 Hayes Rd • Gaylord, MI 49735
Phone: 989.731.7400 • Fax: 989.731.7419
www.otsegocountymi.gov

February 21, 2019

Livingston Township
3218 Old 27 North
Gaylord, MI 49735

RE: Special Use Permits / Mining / PZSU18-004 - 080-006-300-010-01, PZSU18-005 - 080-006-300-010-02

Pursuant to Article 27 of the Otsego County Zoning Ordinance/Township Participation in County Zoning, I am forwarding two applications for Special Use Permits.

If you require the applicant, J&N LLC/William Mason be present at your meeting, they can be notified at:

J&N LLC
c/o William Mason
1223 Anna Dr
Gaylord, MI 49735
989.732.8318

If you have any questions, please contact us and we will be glad to assist you. We look forward to your input concerning this matter. Thank you for your participation in County Zoning.

Sincerely,

Chris Churches
Planning & Zoning Director

cbw

encl

Christine Boyak-Wohlfeil

From: Christopher Churches
Sent: Tuesday, March 19, 2019 8:16 AM
To: Steve Dipzinski
Cc: Christine Boyak-Wohlfeil
Subject: RE: Livingston Township planning Com. JN special use permit

Hi Steve,

Thank you for the notice. I will be sure to pass this along to our Planning Commission. I will keep you updated if anything regarding the SUP application changes (new materials submitted, etc.). As of now, this case is scheduled to be heard at our 4/15/19 meeting.

Thank you,

Christopher Churches
Director of Planning & Zoning, Capital Projects & Grants
OTSEGO COUNTY
cchurches@otsegocountymi.gov
Administration Office: 989-731-7515
Land Use Office: 989-731-7400

From: Steve Dipzinski [mailto:steven.a.dipzinski@gmail.com]
Sent: Wednesday, March 13, 2019 5:14 PM
To: Christopher Churches <cchurches@otsegocountymi.gov>
Subject: Livingston Township planning Com. JN special use permit

The Livingston township planning commission has reviewed special use permits PZSU / 18-004-080-006-300-010-01, PZSU18-005-080-006-300-010-02 and special use permit / mining / 080-006-300-010-01-080-006-300-010-02. We have discussed whether there is a need for two gravel pits adjoining each other owned and operated by two separate parties. We conclude that the impact to the property owners in this area would be greatly affected. The operations of two gravel pits appears to be an unnecessary need to the surrounding community. We are recommending to the county that in order to mitigate the impact of two mining operations in one small area that this special use permit should not be granted.

Livingston township planning commission

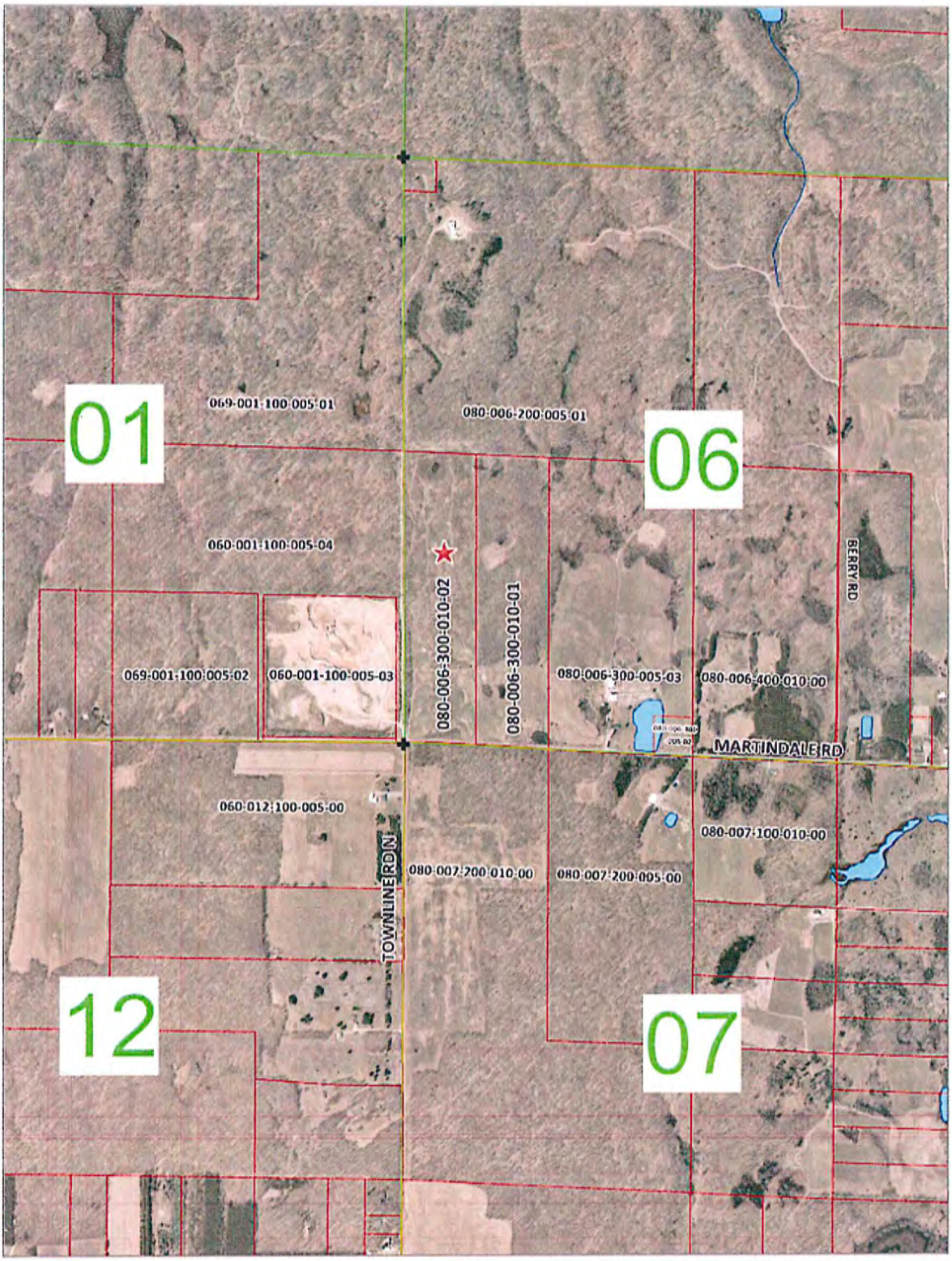
Exhibit 10

PZSU18-005 080-006-300-010-02 J&N LLC - WESCOAT

OWNERS WITHIN THREE HUNDRED FEET (300')									
PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS				ZONING	ACREAGE	CLASS
060-001-100-005-03	3006 MARTINDALE RD	RIETH-RILEY CONSTRUCTION CO INC	PO BOX 477	GOSHEN	IN	46527-0477	FR	35.14	201
060-001-100-005-04		RIETH-RILEY CONSTRUCTION CO INC	PO BOX 477	GOSHEN	IN	46527-0477	FR	83.92	201
060-012-100-005-00	4888 TOWNLINE RD N	WESCOAT, OCER J ET UX	4888 TOWNLINE RD N	GAYLORD	MI	49735	AR	79.92	402
069-001-100-005-01		ANDERSON, STEPHEN H & MARY C	PO BOX 136	REED CITY	MI	49677	FR	120.49	850
069-001-100-005-02		SMITH, GARY R & LINDA L	3548 MARTINDALE RD	GAYLORD	MI	49735	FR	40.00	850
080-006-200-005-01		DONOVAN, JAMES E	2421 BELLEWOOD DR	GAYLORD	MI	49735	FR	158.79	401
080-006-300-005-02		PRUSAKIEWICZ, LARRY P & CHERYL	2622 MARTINDALE RD	GAYLORD	MI	49735	AR	2.80	101
080-006-300-005-03	2622 MARTINDALE RD	PRUSAKIEWICZ, LARRY P & CHERYL	2622 MARTINDALE RD	GAYLORD	MI	49735	AR	76.54	102
080-006-300-010-01		PRUSAKIEWICZ, THOMAS ET UX	4712 N TOWNLINE RD	GAYLORD	MI	49735	AR	39.82	101
080-006-300-010-02		WESCOAT, OCER J ET UX	4888 N TOWNLINE RD	GAYLORD	MI	49735	AR	39.51	101
080-006-400-010-00		PRUSAKIEWICZ, LOIS D	530 FIVE LAKES RD	GAYLORD	MI	49735	AR	79.22	101
080-007-100-010-00	2301 MARTINDALE RD	SMOLARZ, DWAYNE H	2301 MARTINDALE RD	GAYLORD	MI	49735	AR	39.29	102
080-007-200-005-00	2507 MARTINDALE RD	MALINOWSKI, ADAM & MARIA T	2507 MARTINDALE RD	GAYLORD	MI	49735-9263	AR	79.98	102
080-007-200-010-00		GADZINSKI, WALTER TRUST	41714 GARDEN WAY DR	STERLING HGTS	MI	48314-3830	AR	159.54	401

Exhibit 11

PZSU18-005 MARTINDALE RD
J&N LLC - WESCOAT



060-001-100-005-03
060-001-100-005-04
060-012-100-005-00
069-001-100-005-01
069-001-100-005-02
080-006-200-005-01
080-006-300-005-02
080-006-300-005-03
080-006-400-010-00
080-007-100-010-00
080-007-200-005-00
080-007-200-010-00
080-006-300-010-01
080-006-300-010-02

Exhibit 11

OTSEGO COUNTY LAND USE SERVICE
1322 HAYES RD
GAYLORD, MI 49735
PH: 989-731-7400
FAX: 989-731-7419
INSPECTION LINE: 989-731-7401

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Paid By:

J&N LLC - (PRUSAKIEWICZ / WESCOAT)

RECEIPT NUMBER

01315441

06/21/2018

Type	Record	Category	Description	Amount
Permit	PZSU18-004	ADMIN ZONING	SPECIAL USE PERMIT/PC	$ 700.00

Total	**$ 700.00**
Cash	
Check	$ 700.00
Credit	
Transferred	
Tendered	**$ 700.00**
Change	**$ 0.00**
To Overpayment	**$ 0.00**

Expiration of permit:

A permit will remain valid as long as work is progressing and inspections are requested and conducted. A permit will become invalid if the authorized work has not commenced within 6 months of issuance or if the authorized work is suspended or abandoned for a period of 6 months.

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-005
Special Use Permit/Site Plan Review
080-006-300-010-02

GENERAL FINDINGS OF FACT

1. This is a proposal for a new mining operation. *Exhibit #1, Exhibit #5, Exhibit #6*

2. The property is located in an AR/Agricultural Resource Zoning District. *Exhibit #2*

3. The proposed use is a permitted use subject to special conditions in an AR/Agricultural Resource Zoning District. *Exhibit #3*

4. The property is currently under the ownership of Sharon M Wescoat and Alan J Wescoat. *Exhibit #4*

5. A Purchase Agreement between Wescoat, owners and J&N LLC, applicant is in place to purchase product removed from the land. *Exhibit #7*

6. A Restoration Plan is in place to restore the property to its original condition. *Exhibit #6*

7. The Public Hearing Notice was published in the Herald Times on March 29, 2019. *Exhibit #8*

8. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*

9. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*

10. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*

11. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*

12. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #5, Exhibit #6, Exhibit #13, Exhibit #14*

13. A signed statement dated April 1, 2019 from the property owner approving the Restoration Plan has been received. *Exhibit #19*

14. Section 125.3205 of the Michigan Zoning Enabling Act (PA 110 of 2006) restricts local zoning authority to specific aspects of the extraction (mining) of natural resources (e.g., gravel, sand and similar pits). Zoning regulations cannot prevent the extraction of natural resources unless "very serious consequences" would occur. *Exhibit #20*

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-005
Special Use Permit/Site Plan Review
080-006-300-010-02

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 9/SECTION 9.2

ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT

SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of Article 19 and only after the review and approval of the site plan by the Planning Commission. [See Article 21 for applicable Specific Requirements for Certain Uses, if any and Article 23 for Site Plan Requirements.]

9.2.1 Public and private parks, recreational facilities and public or private non-profit schools offering courses in general education when the use is not, to the extent practical, placed on soils predominantly rated as having high agricultural productivity in comparison with other farm land in Otsego County

9.2.2 Recreation farms, dude ranches (so called) and sportsmen's clubs provided the farm land base remains essentially intact, that the number of new and/or expanded buildings be limited in scale, in so far as is practical, to that typical of a farm, and further, no activities shall cause the depletion or erosion of agricultural soils (dust, vehicle tracks, stream bank breakdown, etc.)

9.2.3 Permanent forest industries, including permanent sawmills, planing mills, veneer mills and related operations, provided:

9.2.3.1 There is a complete clean-up of discarded wastes following the cessation of activity

9.2.3.2 There are no nuisances imposed upon tourist service facilities or outdoor recreation uses in the immediate vicinity

9.2.3.3 The site of the proposed use encompasses an area of at least five (5) acres

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

9.2.5 Commercial outdoor sport and recreational facilities, outdoor musical entertainment

9.2.6 Driving ranges

9.2.7 Game preserves

9.2.8 Gasoline stations with or without store

9.2.9 Detention facilities

9.2.10 Shooting ranges (outdoor)

9.2.11 Recreation camps, resorts or housekeeping units

9.2.12 Restaurants and/or taverns (without drive-through service)

9.2.13 Dog grooming and kennel facilities [Permit criteria include Article 21.45]

9.2.14 Golf courses and country clubs [Refer to Articles 4.2.5 and 21.11]

9.2.15 Hunt clubs (commercial)

9.2.16 Airport with appurtenant facilities, when approved by the Planning Commission after a hearing, provided the operating characteristics are deemed not to conflict with wildlife habitat areas, wilderness areas, housing areas, and facilities or uses having high concentrations of people (schools, hospitals, etc.)

9.2.17 Surface mining of gravel, sand, clay, topsoil or marl [See Article 21.25 for criteria]

...

FINDINGS UNDER ARTICLE 21 /SECTION 21.25

SECTION 21.25 MINING, GRAVEL, SAND, CLAY, TOP SOIL, and MARL

Allowed as a use Subject to Special Conditions in the (AR), (FR) and (I) zoning districts:
The Michigan Zoning Enabling Act, Act 110 of 2006, may allow this Use in other Zoning Districts:

21.25.1 Site Development Requirements/Restrictions:
The following Site Development Requirements shall be followed:

21.25.1.1 The site size shall be a minimum of ten (10) acres.

Setback Area: Setbacks in which no part of the mining operation may take place excepting ingress and egress shall be as follows:

Excavation below the existing grade of adjacent roads or property lines shall not take place within fifty (50) feet from any adjacent property line or road right-of-way line. This shall include any sloping during the reclamation of the site.

No machinery shall be erected or maintained within one hundred (100) feet of any property or road right-of-way line.

On any site that is adjacent to lakes, rivers, streams or flowages of water that appear on most Geological Survey Quadrangle maps, the Otsego County Planning Commission reserves the right to increase the minimum set-back from the ordinary high water mark, to a distance greater than fifty (50) feet to ensure the maintenance of safe healthy conditions on the shorelands within Otsego County.

21.25.1.2 The area permitted for mining shall be marked with stakes or other markers as approved by the zoning administrator at all corners before the operation commences, and shall be maintained until the reclamation is approved in writing by the zoning administrator.

21.25.1.3 Sufficient native topsoil shall be left on the site as a ready resource to be used in reclamation work following excavation/extraction activity, unless an alternative or replacement plan is approved by the Planning Commission.

T21.25.1.4 Physical isolation from residential properties shall be considered in locating development facilities. Topography, vegetation, screening devices and earth stockpiles may be used to accomplish this.

21.25.1.5 If necessary to protect the welfare of surrounding properties the access routes serving the site may be specified by the Planning Commission with input from the Otsego County Road Commission.

21.25.1.6 All structures, equipment and machinery shall be considered temporary and shall be removed upon completion of the mining, excavation, extraction or filling. Items not related to the operation shall not be stored at the site.

21.25.1.7 Interior access roads, parking lots, haul road loading and unloading areas shall be maintained so as to limit the nuisance caused by windblown dust.

21.25.1.8 The operation of mechanical equipment of any kind may be limited by the day(s) and/or hours by the Planning Commission.

21.25.1.9 Processing may be limited to only the materials extracted from the site. If the Operator intends to bring in off-site materials, Planning Commission approval is required.

21.25.1.10 Air pollution, noise and vibration factors shall be controlled within the limits governed by State and/or Federal regulations applicable to the facility.

21.25.1.11 All required Soil Erosion permit(s) shall be secured prior to the commencement of any operation. The Soil Erosion permit shall be issued for the same period of time as the permit for the operation and reclamation.

21.25.2 Reclamation:

Intent: To prevent negative impacts to soil, water and air resources in and near mined areas. To restore the quality of the soils to their pre-mining level and to maintain or improve landscape visual and functional quality. All reclamation plans shall comply with all applicable Federal, State, Local and Tribal laws related to mining and mined land reclamation.

21.25.2.1 Develop a reclamation plan that is consistent with the site capability, the planned land use and the landowner's conservation objectives. Include the practices necessary to reclaim and stabilize the mined areas to prevent further degradation of soil, water, air, plant and animal resources.

21.25.2.2 Dust control. Control the generation of particulate matter and fugitive dust during removal and replacement of soil and other materials. Detail the practices and activities necessary for dust control in the plans and specifications.

21.25.2.3 Properly identify areas for preservation including those containing trees, vegetation, historic structures, stream corridors, natural springs or other important features.

21.25.2.4 Remove trees, logs, brush, rubbish and other debris from disturbed areas that will interfere with reconstruction and reclamation operations. Dispose of these undesirable materials so they will not create a resource problem or interfere with reclamation activities and the planned land use.

21.25.2.5 Shape the land surface to provide adequate surface drainage and to blend into the surrounding topography. Use erosion control practices to reduce slope lengths where sheet and rill erosion will exceed acceptable levels.

21.25.2.6 Use sediment trapping practices such as filter strips, riparian forest buffers, contour buffer strips, sediment basins or similar practices to trap sediment before it leaves the project site.
Establish drainage ways with sufficient capacity and stability to carry concentrated runoff from the reclaimed area into receiving streams without causing erosion.

21.25.2.7 Do site preparation, planting and seeding at a time and in a manner to ensure survival and growth of the selected species. In the plans and specifications, identify the criteria for successful establishment of vegetation such as minimum percent ground/canopy cover, percent survival and irrigation for initial establishment or stand density. Apply soil amendments and or plant nutrients as appropriate, according to the requirements of NRCS Conservation Practice Standard Nutrient Management (590). If the recommended fertilizer rate exceeds the criteria in NRCS Conservation Practice Standard Nutrient Management (590), use appropriate mitigating practices to reduce the risk of nutrient losses from the site. Use vegetation adapted to the site that will accomplish the desired purpose. Preference shall be given to native species in order to reduce the introduction of invasive plant species; provide management of existing invasive species; and minimize the economic, ecological, and human health impacts that invasive species may cause. If native plant materials are not adaptable or proven effective for the plant use, then non-native species may be used. Refer to the Field Office Technical Guide, Section II, Invasive Plant Species, for plant materials identified as invasive species.

21.25.2.8 Identify in the plans and specifications the species, rates of seeding or planting, minimum quality of planting stock, such as PLS or stem caliper, and method of establishment. Use only viable, high quality seed or planting stock. Use local NRCS criteria for seedbed preparation, seeding rates, planting dates, depths and methods.

21.25.3 Restore the Quality of Soils to Their Pre-mining Level

21.25.3.1 Complete a detailed soil survey of the proposed mine area if suitable soils information is not available. Use the soil survey information to determine the extent and location of prime farmland soils.

21.25.3.2 Remove all upper soil horizons from the project area that are suitable for reconstruction before operations commence.

21.25.3.3 Separate soils identified with high electrical conductivity, calcium carbonate, sodium or other restrictive properties, and treat if practicable.

21.25.3.4 Removal of overburden material for use as topsoil. Selected overburden materials can be substituted for or added to the A and B horizons if field observations and/or chemical and physical laboratory analyses demonstrate that the material, or a mixture of overburden and original topsoil, is suited to restoring the capability and productivity of the original A and B horizon material. Analyze overburden materials for pH, sulfide content, organic matter, nitrogen, phosphorus, potassium, sodium absorption ratio, electrical conductivity, texture and available water holding capacity. If the overburden material is determined to be suitable for topsoil, remove and separate from other materials and replace according to the requirements for topsoil placement.

21.25.3.5 Storage of soil materials. Stockpile soil materials to be used as topsoil until they are needed for reclamation. Locate stockpiles to protect against wind and water erosion, dust generation, unnecessary compaction and contamination by noxious weeds, invasive species or other undesirable materials.

21.25.3.6 Replacement of soil material. When placing cover materials, treat graded areas to eliminate slippage surfaces and promote root penetration before spreading topsoil. Spread topsoil so the position and thickness of each horizon is equivalent to the undisturbed soil without causing excess compaction the moist bulk density and soil strength of the reconstructed soil must support plant growth at a level equivalent to that of a similar layer in undisturbed soil.

21.25.3.7 Reclaim the site to maintain or improve visual quality based on the scenic quality of the reclaimed site as well as the function of the site for the end land use. Plan the reclamation to be compatible with the topography and land cover of the adjacent landscape. Focus on areas of high public visibility, and those offering direct or indirect human and wildlife benefits.

21.25.3.8 Grade and shape spoil piles and borrow areas to blend with the adjacent landscape topography to the extent practicable.

21.25.3.9 Develop a planting plan that mimics the species, arrangement, spacing and density of plants growing on adjacent landscapes. Choose native species of erosion control vegetation and other plant materials where practical. Arrange plantings to screen views, delineate open space, act as windbreaks, serve as

parkland, wildlife habitat or protect stream corridors.

21.25.4 Plans and Specifications:

21.25.4.1 Plans and specification for Land Reclamation-Currently Mined Land shall be in keeping with this standard and shall describe the requirements for applying the practice to achieve its intended purpose.

21.25.5 Application Procedure:

An application for Mining- Gravel, Sand, Clay, Top Soil or Marl, shall contain all of the following:

21.25.5.1 Name and address of owner(s) of land where mining, excavation, extraction or filling are proposed to take place.

21.25.5.2 Name, address and telephone number of person, firm or corporation who will be conducting the actual operation. This person, firm or corporation shall be referred to as operator.

21.25.5.3 A current Survey and legal description of the site where the proposed operation is to take place.

21.25.5.4 A site plan complying with all requirements of Article 20 of the Otsego County Zoning Ordinance in addition to showing all of the following:

a. The proposed mining area:

Setbacks in which no part of the mining operation may take place excepting ingress and egress shall be as follows:

Excavation below the existing grade of adjacent roads or property lines shall not take place within fifty (50) feet minimum from any adjacent property line or road right-of-way line. This shall include any sloping during the reclamation of the site.

On any site that is adjacent to lakes, rivers, streams or flowages of water that appear on most Geological Survey Quadrangle maps, the Otsego County Planning Commission reserves the right to increase the minimum set-back from the ordinary high water mark, to a distance greater than fifty (50) feet to ensure the maintenance of safe healthy conditions on the shorelands within Otsego County.

b. The placement of all equipment to be used during the operation.

No machinery shall be erected or maintained within one hundred (100) feet of any property or road right-of-way line.

c. Required screening of the site shall be in compliance with standards of Section 21.18 of the Otsego County Zoning Ordinance.

If the operator chooses to use a berm to achieve the required screening, the berms shall be placed no closer than twenty (20) feet to any property line.

d. The proposed ingress and egress at the site and route(s) to be used to access the site when not located on a primary road. The route(s) for ingress and egress when not located on a primary road shall have written approval from the Otsego County Road Commission.

The operator shall be responsible for all road damage to public roads caused as a result of the operation.

e. The type and location of any proposed accessory uses. The Planning Commission may approve vehicle maintenance, sorting, crushing, concrete mixing, asphalt batching and other uses as accessory uses subject to conditions placed upon the accessory uses.

21.25.6 Operational Plan including the following:

21.25.6.1 The Operational plan shall be in written form.

21.25.6.2 The written plan shall indicate the proposed size, depths, methods of operation, and type of material(s) to be mined, excavated, extracted or filled.

21.25.6.3 The written plan shall indicate the phases of operation and ending date for each phase.

21.25.6.4 The written plan shall indicate the method by which the operation shall be secured from entry during hours of non-operation.

21.25.6.5 The written plan shall indicate the proposed hours and days of operation.

21.25.7 Reclamation Plan:

21.25.7.1 A written detailed reclamation plan meeting all of the requirements of 21.25.2, 21.25.3 shall be submitted with the application and operational plan. The submitted reclamation plan shall include photographs of the site prior to commencement of the proposed operation.

21.25.7.2 The written reclamation plan shall be approved by Planning Commission and may have additional conditions placed upon it prior to final approval.

21.25.7.3 The approved site plan and/or reclamation plan may be revised at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. Any costs to amend the plan(s) are to be borne by the initiating party. The Planning Commission may require the modification of the approved Site plan and/or reclamation plan when:

a. Modification of the plan is necessary so that it will conform to existing laws.

b. It is found that the previously approved plan is clearly impractical to implement and maintain.

c. The approved plan is obviously not accomplishing the intent of the Ordinance.

d. Any modification shall be subject to all provisions of Article 19 and Article 23.

21.25.8 Approval Process:

21.25.8.1 All approvals shall be made in accordance with the process prescribed in Article 19 Permitted Uses Subject to Special Conditions.

21.25.9 Performance Guarantees:

After a special use permit application has been approved, but before the permit is issued, the applicant shall file with the Otsego County Clerk, a performance guarantee in the form of a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Planning Commission and conditioned on faithful performance of all requirements under Section 21.25 and the permit.

The performance guarantee shall cover that area of land within the permit area on which file applicant will initiate and conduct the mining and rehabilitation operations. The amount of the performance guarantee shall be determined by the Planning Commission and shall reflect the rehabilitation requirements of the permit and the probable difficulty of the rehabilitation, giving consideration to such factors as topography, geology of the site, hydrology, and revegetation potential. The amount of the performance guarantee shall be sufficient to assure the completion of the rehabilitation plan if the rehabilitation had to be performed by the County in the event of non-performance by the applicant. Any cash deposit of certified funds shall be refunded to the applicant in the following manner:

a. One-third (⅓) of the cash deposit after completion of one-third (⅓) of the rehabilitation plan;

b. Two-thirds (⅔) of the cash deposit after completion of two-thirds (⅔) of the rehabilitation plan;

c. The balance at the completion of the rehabilitation plan. Any irrevocable letter of credit or surety bond shall be returned to the applicant upon completion of the rehabilitation plan.

In order to receive a refund of the performance guarantee as provided for in subsections (a) through (c) above, the applicant shall file a written request with the Zoning Administrator. The written request shall include the type and dates of rehabilitation work performed, and a description of the results achieved as they relate to the applicant's rehabilitation plan. Within thirty (30) days after receiving the written request for a refund of the performance guarantee, the Zoning Administrator shall conduct an inspection and evaluation of the rehabilitation work performed. The evaluation shall consider, among other things, the degree of difficulty to complete any remaining rehabilitation, whether pollution of surface and subsurface water is occurring, the probability of continuance of future occurrence of the pollution, and the estimated cost of abating the pollution. Within thirty (30) days after the inspection, the Zoning Administrator shall send written recommendations to the Planning Commission indicating approval, partial approval, rejection, or approval with conditions, of the rehabilitation work performed by the applicant, along with a statement of the reasons for any rejections.

The Planning Commission shall approve, partially approve, or reject the rehabilitation work performed by the applicant with the recommendation of the Zoning Administrator's written statement, and shall notify the applicant in writing of the action of the Planning Commission. Where partial approval is granted the applicant shall be refunded a portion of the performance guarantee that is proportionate to the cost of the rehabilitation work approved. Upon approval or partial approval by the Planning Commission, the County Clerk shall refund the performance guarantee or a portion thereof as specified by the Planning Commission to the applicant.

21.25.10 Inspection:

21.25.10.1 Mining, excavation, extraction or filling permits granted for a period exceeding one (1) year shall be inspected a minimum of once a year during the operation period and a minimum of each one hundred (100) days during restoration, by the Zoning Administrator to insure compliance with the permit and Ordinance. The operator shall pay an inspection fee, as determined by the Otsego County Board of Commissioners, for each inspection to cover the costs of extraction and reclamation inspections required by this section within thirty (30) days of the invoice being sent to them or they will be in violation of the Special Use Permit.

21.25.11 Certificate of Completion:

21.25.11.1 A certificate of completion shall be issued to the operator when the Zoning Administrator makes the following determination.

21.25.11.2 All evidence of the operation has been removed from the site.

21.25.11.3 All required grading of the site has been completed.

21.25.11.4 All required re-vegetation of the site has been completed and initial growth has begun and there is no erosion present.

21.25.11.5 Completion and approval of the soil erosion permit has been given.

21.25.12 Evidence of Continuing Use:

21.25.12.1 When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, he/she shall not declare abandonment.

21.25.13 Transference of a Special Use Permit:

21.25.13.1 Permits for surface mining shall be issued to the operator. If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Special Use Permit may be transferred.

21.25.14 Permit Extension:

21.25.14.1 All requests for an extension/renewal of a Special Use Permit shall for mining, excavation, extraction or filling follow the same process as a request for a new permit.

21.25.15 Permit Expiration:

21.25.15.1 If approval for a Special Use Permit for mining, excavation, extraction or filling is granted by the Otsego County Planning Commission, it shall be for a specific period of time not to exceed five (5) years and shall specify the period of restoration which cannot extend more than eighteen (18) months beyond the permitted time for operation.

FINDINGS UNDER ARTICLE 19:

19.7.1 The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
HAS – HAS NOT BEEN MET

19.7.2 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the county or the natural environment as a whole.
HAS – HAS NOT BEEN MET

19.7.3 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.
HAS – HAS NOT BEEN MET

19.7.4 The proposed special land used will be designed, constructed, operated, and maintained so as not to diminish the opportunity for the surrounding properties to be used and developed as zoned.
HAS – HAS NOT BEEN MET

19.7.5 The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
HAS – HAS NOT BEEN MET

19.7.6 The proposed special land use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.
HAS – HAS NOT BEEN MET

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity no rate of discharge leaving the property based on 25-year storm criteria, (v) shall be designed using Best Management Practices identified by the DNR or its successor agency, and (vi) shall identify the party responsible for maintenance of the storm water management system.
HAS – HAS NOT BEEN MET

19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.
HAS – HAS NOT BEEN MET

SECTION 19.8 - CONDITIONS

The Planning Commission may attach reasonable conditions to the approval of a special use permit. These conditions may include those necessary to insure that public services and facilities affected by a proposed special land use will be capable of accommodating increased service and facility loads caused by the special land use, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all the following requirements.

19.8.1 Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use, and the community as a whole.

19.8.2 Be related to the valid exercise of the police power, and purposes which are affected by the proposed special land use.

19.8.3 Be necessary to meet the intent and purpose of the zoning ordinance, be rated to the standards established in the ordinance for the special land use under consideration, and be necessary to insure compliance with those standards.

Exhibit 15

OTSEGO
CONSERVATION DISTRICT

OTSEGO CONSERVATION DISTRICT

800 Livingston Blvd.
Suite 4A
Gaylord, MI 49735

PH (989) 732-4021
FX (989) 731-7480

www.otsegocd.org
www.facebook.com/otsegocd

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District Manager
Soil Erosion Inspector
Native Plant Nursery Manager

Deborah Vargas
Assistant District Manager

Tabitha Campbell
District Forester

1-29-2019

J&N Construction, LLC.
1223 Anna Drive
Gaylord, MI 49735

William Mason, General Manager

Otsego Conservation District has review the J&N Construction reclamation plan for use in conjunction with Special Use permit for Surface Mining of Gravel, Sand, and Clay from approximately 40 acre of property owned by Sharon Wescoat and an adjacent 40 acres parcel owned by Thomas Prusakiewicz which jointly comprise the W1/2 of SW 1/4 SEC 6 T31N R3W located at the NE corner of the intersection of Martindale Road and North Townline Road, Gaylord, Michigan.

The reclamation plan provided by J&N meets the criteria for the reclamation as outlined in Section 21.25.2 of the Otsego Zoning Ordinance and is in compliance with the Michigan State Law Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental protection Act 1994 PA 451 .

A Soil Erosion permit is required before any excavation is started and the following must be observed.

- Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.
- Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change.
- Temporary or permanent control measures shall be designed and installed to convey water around, through, or from the earth change at a non-erosive velocity.
- Install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and maintain the measures on a daily basis. Remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. ("Stabilized" means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.)

Sincerely,

Patricia Osburn
Soil Erosion Officer
Otsego Conservation District
posburn@otsegocountymi.gov
website: otsegocd.org
(989) 732-4021

Otsego County Road Commission

William T. Holewinski, Jr., Commissioner
Troy W. Huff, Commissioner
David C. Matelski, Commissioner

Jason T. Melancon, Manager
Thomas A. Deans, Engineer
Rebecca L. Jerry, Finance Director

November 28, 2018

J & N Construction, LLC
Mr. William Mason
1223 Anna Drive
Gaylord, MI 49735

RE: J & N Pit Operation Plan-Otsego County-2018

Dear Mr. Mason:

In regards to the Road Commission's interests, the proposed retention basin will work well addressing the storm water runoff at this location. This must include the runoff from the proposed Afton stone drive and the temporary truck scale location.

The proposed driveway location meets all of our guidelines, and I do not foresee an issue with obtaining said driveway permit. My only concern would be the approach to Martindale Road not being hard surfaced. I believe if you hard surfaced from the edge of the road back to the right-of-way boundary, the potential for damage would be reduced to the existing pavement, along with reducing the amount of material tracking onto the roadway.

Should you have any questions and/or concerns, please do not hesitate to contact me at the phone number referenced below.

Sincerely,

Jason Melancon
Manager

William Mason

From: Bragg, Justin (DEQ) <BraggJ@michigan.gov>
Sent: Monday, November 5, 2018 3:33 PM
To: wmason@jandnllc.com
Cc: Marshall, Brian (DEQ); Walters, Dave (DEQ)
Subject: Potential Permits needed if Proposed Gravel Pit is Approved

Hello Bill,
During the in-office meeting October 30, 2018 we discussed the need/potential to need the following permits if the special use permit is approved for the proposed gravel pit to be located Northeast of N. Townline Rd and Martindale Rd.

- A Part 91 Soil Erosion Sedimentation Control Permit would need to be obtained from the Otsego County Conservation District, a Part 31 Notice of Coverage (submitted via MiWaters) would need to be obtain until the proposed berm around the site is designed and stabilized to meet the No Potential to discharge criteria listed below. Once the berm is designed and stabilized to meet the criteria below a No Potential to Discharge form could be filled out to terminate the Notice of Coverage (via MiWaters).
- If the berm is not designed and stabilized to meet the No Potential to Discharge Criteria prior to beginning the mining process, an Industrial Storm Water Notice of Intent will need to be filled out (via MiWaters) to obtain Industrial Stormwater Permit Coverage. Once the berm is designed and stabilized to meet the criteria below a No Potential to Discharge form could also be filled out for Industrial Activities and Industrial Storm Water Coverage could be reviewed for termination.
- If the mining process results in a discharge of wastewater from a wash plant or from dewatering the pit, to the regulated surface waters east of the site, an NPDES Permit would have to be obtained prior to a discharge occurring (via MiWaters). https://www.michigan.gov/documents/deq/wrd-npdes-generalpermit-MIG490000_491978_7.pdf
- If a wash plant is brought in resulting in a discharge of wash water to the ground, a Groundwater General Permit will need to be obtained prior to discharge occurring (via MiWaters).

Industrial & Construction Storm Water No Potential to Discharge Criteria:
Demonstrate that with infiltration BMPs and storage there will be no direct or indirect discharge to surface waters resulting from a 25 yr – 24 hr event (use 3.9 inches of rain in 24 hours, a SCS Type II rainfall distribution, start the event with normal soil moisture during growth conditions - April through October). Further, there must be adequate infiltration on–site to dewater any stored flow to groundwater so that a subsequent rain event with a one month recurrence (use 0.6 inches in a 24 hour period) that occurs 72 hours after the end of the 25 yr – 24 hr event will also not cause a discharge to surface waters. This demonstration shall be signed and sealed by a PE registered in the state of Michigan, or signed by a professional soil scientist.

DEQ Water Resources Division MiWaters Site: https://miwaters.deq.state.mi.us/miwaters/#/external/home

If you have any questions about the Groundwater Permit Coverage feel free to contact Dave Walters directly at 517-599-1461, or by email at waltersd@michigan.gov. If you have questions regarding the other permits listed above or if you need MiWaters assistance feel free to call me directly at 989-370-5819 or by email at braggj@michigan.gov.

Justin Bragg
Environmental Quality Analyst
Water Resources Division
Gaylord Field Office

Exhibit 18

J&N CONSTRUCTION, LLC

1223 Anna Drive
Gaylord, MI 49735
Phone: (989)732-8318
Fax: (989)731-1729

April 1, 2019

Re: Restoration Plan

Dear Sharon,

Attached is a copy of J & N, LLC's restoration plan for the property that we will be leasing if all permits are acquired. If you could please review the plan and sign this acceptance form that you agree with the restoration plan as it has been submitted.

Sincerely,

William P. Mason

Agreed upon by both parties as of date 4/01/2019.

By: Sharon M Wescoat
Sharon M. Wescoat

By: William P Mason
J & N Construction, William P. Mason, General Manager

Exhibit 19

MEZA – Mining (page 4):

MICHIGAN ZONING ENABLING ACT
Act 110 of 2006

AN ACT to codify the laws regarding local units of government regulating the development and use of land; to provide for the adoption of zoning ordinances; to provide for the establishment in counties, townships, cities, and villages of zoning districts; to prescribe the powers and duties of certain officials; to provide for the assessment and collection of fees; to authorize the issuance of bonds and notes; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

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

The People of the State of Michigan enact:

ARTICLE I
GENERAL PROVISIONS

...

125.3205 Zoning ordinance subject to certain acts; regulation or control of oil or gas wells; prohibition; extraction of valuable natural resource; challenge to zoning decision; serious consequences resulting from extraction; factors; regulations not limited.

Sec. 205. (1) A zoning ordinance is subject to all of the following:
(a) The electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575.
(b) The regional transit authority act.
(2) A county or township shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and shall not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells.
(3) An ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
(4) A person challenging a zoning decision under subsection (3) has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources.
(5) In determining under this section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in Silva v Ada Township, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
(a) The relationship of extraction and associated activities with existing land uses.
(b) The impact on existing land uses in the vicinity of the property.
(c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
(d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
(e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
(f) The overall public interest in the extraction of the specific natural resources on the property.
(6) Subsections (3) to (5) do not limit a local unit of government's reasonable regulation of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.
(7) This act does not limit state regulatory authority under other statutes or rules.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2011, Act 113, Imd. Eff. July 20, 2011;—Am. 2012, Act 389, Eff. Mar. 28, 2013.

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OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE

April 15, 2019

The Otsego County Planning Commission will hold four public hearings on Monday, April 15, 2019 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. MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township at 4855 West Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct additional storage units to the already existing. The property is located in a B2 / General Business Zoning District. Mini-storage buildings consisting of separate storage rooms rented or leased by the month is a permitted use subject to special conditions in the B2 Zoning District.

Parcel identification number: **011-800-000-018-02**
4855 West Otsego Lake Dr
Gaylord, MI 49735

Legal Description:
LOTS 18-21 WEST OTSEGO LAKE SEC 29 T30N R3W

2. J&N LLC, William Mason, applicant has requested Special Use Permits/Site Plan Reviews for two (2) properties located in Livingston Township on Martindale Rd Gaylord, MI 49735. The proposed use of the properties is to initiate a new mining operation on the parcels listed below. The properties are located in an AR/Agricultural Resource Zoning District. A mining operation is a permitted use subject to special conditions in the AR Zoning District.

Parcel identification number: **080-006-300-010-01**
Martindale Rd
Gaylord, MI 49735

Legal Description:
E1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Parcel identification number: **080-006-300-010-02**
Martindale Rd
Gaylord, MI 49735

Legal Description:
W1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

3. **SECTION 21.46 WIRELESS COMMUNICATIONS**
Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to tower height

4. **ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING**
Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to Township notifications and timeframes

Proposed amendments can be viewed on the Otsego County website link below:
https://www.otsegocountymi.gov/county-government-2/land-use-services/planning-zoning/

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) 731-7400.

*****Amendment changes / additions are highlighted in yellow**

*****Amendment deletions are double struck**

Proposed Language:

SECTION 21.46 WIRELESS COMMUNICATIONS:

Reference the Telecommunication Act (Act 104 of 1996 as amended) and the Michigan Zoning and Enabling Act (Act 110 of 2006 as amended including Act 143 of 2012). These set forth provisions concerning placement, location and construction of towers and related facilities for wireless services, provide rules for changes to existing towers and set time frames for municipality action. The purpose of this Section is to establish general guidelines for the sighting of wireless communications towers and antennas. The goals of the section are to:

(1) Protect residential zoning districts from potential adverse impacts of towers and antennas;

(2) Encourage the location of towers in non-residential areas;

(3) Minimize the total number of towers throughout the county;

(4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on aesthetics in this tourism based county is minimal;

(6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, sighting, landscape;

(7) Enhance the ability of providers of telecommunication services to provide such services to the county quickly, effectively, and efficiently;

(8) Consider the public health and safety of communication towers; and

(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful sighting of tower structures. In furtherance of these goals, due consideration shall be given to the Otsego County master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Wireless and cellular phone service are specially determined to not be essential services, nor to be public utilities as such terms are used in this Ordinance.

It is not the intent to create "antennae farms" with a number of monopoles and antennae in a small area. Also, it is not the intent to regulate ham radio antennae under this section, or to regulate towers installed at single family dwellings for personal television reception.

SECTION 21.46.1 DEFINITIONS:

As used in this section, the following terms shall have the meanings set forth below:

1. Antenna means any exterior transmitting or receiving device mounted on a tower, building structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
2. Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
3. Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting (lattice) towers, guyed towers, or monopole towers (including telephone poles). The term includes radio and television transmission towers, microwave towers, common carrier towers,

cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

4. Co-location shall mean the location by two (2) or more communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the County.

SECTION 21.46.2 WIRELESS COMMUNICATIONS TOWERS OF ONE HUNDRED ~~NINETY~~ SEVENTY-NINE (~~190~~ 179) FEET OR LESS AND RELATED FACILITIES:

Construction of Wireless Telecommunication Antenna Towers of one hundred ~~ninety~~ seventy-nine (~~190~~ 179) feet or less and Equipment Shelter Buildings are allowed in Otsego County subject to the following provisions:

21.46.2.1 Prior to approval of any new tower to be located within one (1) mile of an existing tower or other structure of equal or greater height than the proposed tower, applicant shall contact owner(s) of all said towers or structures and request permission to locate or co-locate in lieu of construction of a new tower. No new tower request shall be granted until proof of contact(s) has been provided to the zoning administrator.

21.46.2.1.1 As an alternative to contacting owners of all towers or structures, as described in the above paragraph, location or co-location on existing towers or structures shall be approved by the Zoning Administrator under applicable provisions, including 21.46.2.7.1.

An accessory equipment shelter building shall meet all normal requirements of accessory buildings. Any location or co-location shall not result in a height of more than twice the height of the existing structure.

21.46.2.2 Wireless Telecommunication Antenna Towers and Equipment Shelter Buildings shall not be placed in any road right-of-way or in any easement for road purposes.

21.46.2.3 Such towers and facilities shall be placed on parcels (whether the land is owned or leased by the tower owner) that have an area no less than the minimum parcel size for the district, as listed in Article 17. No variances shall be granted to reduce this size limit.

21.46.2.4 All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer than ~~one~~ two hundred percent (~~100~~ 200%) of the tower's height from any property line or any residence.

21.46.2.5 A tower proposal of more than thirty-five (35) feet shall be submitted to the Otsego County Airport Manager and FAA for review and approval prior to issuance of a zoning permit.

21.46.2.6 The tower itself must be of monopole design. There shall be no guyed or self-supporting towers. Self-supporting towers may be considered with application to the Planning Commission.

21.46.2.7 All such tower location proposals shall be submitted with a site plan (Section 23.2).

21.46.2.7.1 The following conditions are required for approval of an application.

Antennas may or may not be mounted on existing structures. The tower and antenna are painted or screened as to blend into the background.

The service building shall be constructed of material such as wood, brick, or stucco, and shall be designed to blend into the natural setting and surrounding buildings. In no case will metal exteriors be allowed for service buildings.

Unless technically impossible, all connecting wires from towers to accessory buildings shall be underground.

Unless technically impossible, all electrical and other service wires to the facility shall be underground.

The service building shall be no larger than necessary to house the equipment and shall meet all setback requirements of this Ordinance.

21.46.2.8 Lighting shall be designed in accordance with Section 21.19 in addition to the following:

Lights shall not be permitted on the tower or antennae unless FAA regulations require them.

Light poles and fixtures shall be located as low as practical; a greater number of low "area" lights are favored over higher lights. Incandescent lights are favored over sodium or mercury-type street lighting.

21.46.2.9 The tower and its accessory buildings shall be fenced with no less than a six-foot (6) safety fence with a locked gate.

21.46.2.10 The application shall include a description of security to be posted at the time of receiving a building permit for the tower to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the security shall, at the selection of the applicant, be in the form of: cash or letter of credit to remove the tower in a timely manner as required under Section 21.46.4, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys' fees incurred by the county in securing removal.

SECTION 21.46.3 WIRELESS TELECOMMUNICATION ANTENNA TOWERS OVER ONE HUNDRED ~~NINETY~~ SEVENTY-NINE (~~190~~179) FEET AND RELATED FACILITIES:

Construction of Wireless Communications Towers over one hundred ~~ninety~~ seventy-nine (~~190~~179) feet and Equipment Shelter Buildings are a Permitted Use Subject to Special Conditions under Article 19. Requirements include all those in Section 21.46.2, plus the following:

21.46.3.1 In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on Otsego County, location, co-location, or the provision of more than one (1) antenna on a single tower may be allowed by the Zoning Administrator and/or required by the Planning Commission.

21.46.3.1.1 As an alternative to the provisions of 21.46.3.1.2 below, location or co-location on existing towers or structures shall be approved as a Principal Use Permitted by the Zoning Administrator under applicable provisions, including 21.46.2.7.1. An accessory equipment shelter building shall meet all normal requirements of accessory buildings.

If not locating or co-locating on existing towers or structures, the applicant shall be required to provide information regarding the feasibility of location or co-location as part of the Special Land Use application.

Factors to be considered in determining feasibility or co-sharing include available space on existing structures, towers, the tower owner's ability to lease space, the tower's structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, the comparative costs of co-location and new construction, and any FCC limitations on tower sharing.

21.46.3.1.2 The applicant shall be required to send a certified mail announcement to all other tower owners in the area, stating their sighting needs and/or sharing capabilities in an effort to encourage tower sharing. The applicant shall not be denied space on a tower unless mechanical, structural, or regulatory factors prevent sharing.

21.46.3.1.3 Further the applicant may be required to provide a letter of intent to lease excess space on a facility and commit to: Responding to any requests for information from another potential shared use applicant. Negotiating in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable; and making no more than a reasonable charge for a share use lease.

21.46.3.2 Tower heights shall be no more than required according to engineering requirements for a specific site or the technical capabilities of the antennas being mounted. The applicant shall provide funds to the county determined by the Planning Commission to be sufficient to acquire an independent technical and engineering evaluation of the need for any tower in excess of one hundred ~~ninety~~ seventy-nine (~~190~~179) feet. Where the independent evaluation shows that service can be provided by a one hundred ~~ninety~~ seventy-nine (~~190~~179) foot or lower tower no

tower in excess of one hundred ~~ninety~~ seventy-nine (~~190~~179) feet shall be allowed. The Zoning Board of Appeals shall not grant a variance from this requirement.

SECTION 21.46.4 REMOVAL OF WIRELESS COMMUNICATION TOWERS:

21.46.4.1 A condition of every approval of a wireless communication tower shall be adequate provision for removal of all or part of the facility by users and owners when the tower has not been used for a period of twelve (12) months. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations shall be considered as the beginning of a period of non-use.

21.46.4.2 At such time that removal is required, the property owner or persons who had used the facility shall immediately apply or secure the application that require demolition or removal and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.

21.46.4.3 If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the County may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and /or enforced from or under the security posted at the time application was made for establishing the facility.

SECTION 21.46.5

All towers in Section 21.46 must comply with FCC and FAA regulations.

ARTICLE 6 R3 RESIDENTIAL ESTATES DISTRICT

INTENT

The R3 Residential Estates District is established to provide for areas topographically and locationally well suited to meet an increasing market for ten (10) acre lots and larger, which can potentially be re-subdivided into smaller lots. This district is to encourage the orderly transition of land to low density residential use.

SECTION 6.1 PRINCIPAL USES PERMITTED

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

6.1.1 All principal uses permitted in the R1 District [See Article 4.1]

6.1.2 Fraternal lodges

6.1.3 Wildlife, plant and habitat preservation areas

6.1.4 Group care facilities meeting applicable state licensing requirements

6.1.5 Retail specialty store as permitted in Article 5.1.4

6.1.6 Roadside stands (agricultural-temporary) off the road right-of-way, provided that the stand be operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked at the site, and that the parking requirements of Article 21.27 be observed

6.1.7 Temporary Recreation Housing/Travel trailers. [Permit criteria include Article 21.33]

6.1.8 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

6.1.9 WTG Small: Permitted as an accessory use to an allowed Principal Use

SECTION 6.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of Article 19 and only after the review and approval of the site plan by the Planning Commission. [See Article 21 for applicable Specific Requirements for Certain Uses, if any, and Article 23 Site Plan Requirements.]

6.2.1 All principal uses permitted in the R2 District, and all permitted uses subject to special conditions in the R1 District [See Article 4.2] and R2 District [See Article 5.2]

6.2.2 Gasoline stations with store

6.2.3 Driving range

6.2.4 Campgrounds (Commercial or Non-commercial)

6.2.5 Manufactured Housing Parks

6.2.6 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]

6.2.7 Unlisted property uses if authorized under Article 21.44

6.2.8 Wireless Telecommunications Towers and Facilities one hundred seventy-nine (179) feet or less in height, without lights [Permit criteria include Article 21.46]

ARTICLE 8 FR FORESTRY RECREATION DISTRICT

INTENT

The FR Forestry Recreation District is designed to promote the use of rural areas in a manner that will retain the basic attractiveness and inherent values of natural resources. The intent of the District is to retain rural areas for resource purposes, but recognizing the need to allow multiple uses considered acceptable in a rural environment.

SECTION 8.1 PRINCIPAL USES PERMITTED

8.1.1 One (1) family dwellings

8.1.2 Growing and harvesting of nursery field stock

8.1.3 Farms and agricultural operations of all kinds, including temporary agricultural roadside stands, provided the stands are off the road right-of-way, operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked on site and that the parking requirements of Article 21.27 be observed

8.1.4 Tree farms, forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities

8.1.5 Public and private parks, playgrounds, passive recreational areas, camping grounds, hunting grounds, fishing sites and wildlife preserves

8.1.6 Bed and breakfast/tourist homes

8.1.7 Family and group care facilities

8.1.8 Duplex dwellings

8.1.9 Fraternal lodges

8.1.10 Landing strips

8.1.11 Wildlife, plant, and habitat preservation areas

8.1.12 Cemeteries [Permit criteria include Article 21.4]

8.1.13 Riding academies or stables [Permit criteria include Article 21.35]

8.1.14 Travel trailers (on private property) [Permit criteria include Article 21.33]

8.1.15 Home occupation

8.1.16 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ seventy-nine (~~190~~ 179) or less in height, without lights [Permit criteria include Article 21.46]

8.1.17 Structures for storage of the owner's personal non-farm possessions and non-commercial activities - These structures shall not be used as dwellings. Structures shall meet the size requirements of Section 21.1.3.

8.1.18 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

8.1.19 WTG Small: Permitted as an accessory use to an allowed Principal Use

8.1.20 WTG Medium: Permitted as an accessory use to an allowed Principal Use

SECTION 8.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of Article 19 and only after the review and approval of the site plan by the Planning Commission. [See Article 21 for applicable Specific Requirements for Certain Uses, if any and Article 23 for Site Plan Requirements.]

8.2.1 All permitted uses subject to special conditions, as permitted and regulated in the R1 District.

8.2.2 Sportsmen associations or clubs, including shooting ranges

8.2.3 Active recreation areas, stadiums and race tracks

8.2.4 Veterinary hospitals, clinics with indoor kennels [Permit criteria include Article 21.45]

8.2.5 Driving ranges

8.2.6 Game preserves

8.2.7 Gasoline stations with or without store

8.2.8 Detention facilities

8.2.9 Recreation farms (dude ranches)

8.2.10 Restaurants and/or taverns (without drive-through service)

8.2.11 Campgrounds (commercial)

8.2.12 Dog grooming and kennel facilities [Permit criteria include Article 21.45]

8.2.13 Golf courses and country clubs [Refer to Articles 4.2.5 and 21.11]

8.2.14 Hunt clubs (commercial)

8.2.15 Recreation camps or resorts

8.2.16 Surface mining of gravel, sand, clay, topsoil or marl [See Article 21.25 for criteria]

8.2.17 Travel trailer courts

8.2.18 Wireless Telecommunications Towers and Facilities over one hundred ~~ninety~~ seventy-nine (~~190~~179) feet in height, or with lights

8.2.19 WTG Large

8.2.20 Anemometer Tower

8.2.21 Unlisted property uses if authorized under Article 21.44

8.2.22 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]

ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT

INTENT

The Agricultural Resource District is intended to encourage the maintenance of productive farm and agricultural land for growing, raising or production of food stuffs. It is further intended that the productive agricultural land base of the County be maintained in agricultural activities. Other land uses and activities may be permitted if they meet the objective of retaining farmlands in an open land character.

SECTION 9.1 PRINCIPAL USES PERMITTED

No buildings or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

9.1.1 One (1) family dwelling unit

9.1.2 Two (2) family (duplex) dwellings subject to the one (1) family density requirements with a minimum lot width of three hundred (300) feet

9.1.3 Two (2) detached single-family dwelling units may be permitted, subject to the following conditions:

9.1.3.1 There is a separation between the two (2) dwellings so the lot may be divided into two (2) legal lots with each lot having a lawful minimum width and area, with each dwelling still maintaining the front, side and rear setback as regulated in the District.

9.1.3.2 The County Health Department approves the sanitary system.

9.1.4 Growing, raising, and harvesting of agricultural products and farm livestock

9.1.5 Woodlots, tree farms, nursery field stock, and harvesting activities

9.1.6 Buildings for storing or housing machinery, equipment and/or livestock, including repair operations when accessory to agricultural and farm operations

9.1.7 Experimental agricultural activities and uses related to farm research

9.1.8 Wildlife habitat and plant species preservation areas

9.1.9 Farm industries may include saw mills of a permanent or temporary nature, with assembly of green or untreated wood to a usable item for marketing, provided the operation is conducted as an accessory to a farm and that the use is two hundred (200) feet from property lines

9.1.10 Bed and breakfast/tourist homes

9.1.11 Family and group care facilities

9.1.12 Forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities

9.1.13 Fraternal lodges

9.1.14 Aircraft Landing Strips

9.1.15 Churches

9.1.16 Cemeteries [Permit criteria include Article 21.4]

9.1.17 Dwellings less than sixteen (16) feet wide [Permit criteria include Article 21.22]

9.1.18 Riding academies or stables [Permit criteria include Article 21.35]

9.1.19 Roadside stands (agricultural-temporary) off the road right-of-way, provided that the stand be operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked at the site and that the parking requirements of Article 21.27 be observed

9.1.20 Veterinary hospitals, clinics with indoor kennel [Permit criteria include Article 21.45]

9.1.21 Travel trailers (on private property) [Permit criteria include Article 21.33]

9.1.22 Home occupation

9.1.23 Farm buildings, in existence at the time of the adoption of this amendment and no longer used in support of agricultural interests, may be used as rental property for storage of individually owned items

9.1.23.1 So as to alleviate noise and traffic associated with commercial activities and thus maintain the rural, open space character of the area, the rental shall not be made into commercial enterprises.

9.1.23.2 All applicable sections of the zoning Ordinance apply

9.1.23.3 The Zoning Administrator may opt to refer the application to the Planning Commission if there are unusual circumstances

9.1.24 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ seventy-nine (~~190~~ 179) feet or less in height without lights [Permit criteria include Article 21.46]

9.1.25 Structures for storage of the owner's personal non-farm possessions and non-commercial activities. These structures shall not be used as dwellings. Structures shall meet the size requirements of Section 21.1.3.

9.1.26 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

9.1.27 WTG Small: Permitted as an accessory use to an allowed Principal Use

9.1.28 WTG Medium: Permitted as an accessory use to an allowed Principal Use

SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of Article 19 and only after the review and approval of the site plan by the Planning Commission. [See Article 21 for applicable Specific Requirements for Certain Uses, if any and Article 23 for Site Plan Requirements.]

9.2.1 Public and private parks, recreational facilities and public or private non-profit schools offering courses in general education when the use is not, to the extent practical, placed on soils predominantly rated as having high agricultural productivity in comparison with other farm land in Otsego County

9.2.2 Recreation farms, dude ranches (so called) and sportsmen's clubs provided the farm land base remains essentially intact, that the number of new and/or expanded buildings be limited in scale, in so far as is practical, to that typical of a farm, and further, no activities shall cause the depletion or erosion of agricultural soils (dust, vehicle tracks, stream bank breakdown, etc.)

9.2.3 Permanent forest industries, including permanent sawmills, planing mills, veneer mills and related operations, provided:

9.2.3.1 There is a complete clean-up of discarded wastes following the cessation of activity

9.2.3.2 There are no nuisances imposed upon tourist service facilities or outdoor recreation uses in the immediate vicinity

9.2.3.3 The site of the proposed use encompasses an area of at least five (5) acres

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

9.2.5 Commercial outdoor sport and recreational facilities, outdoor musical entertainment

9.2.6 Driving ranges

9.2.7 Game preserves

9.2.8 Gasoline stations with or without store

9.2.9 Detention facilities

9.2.10 Shooting ranges (outdoor)

9.2.11 Recreation camps, resorts or housekeeping units

9.2.12 Restaurants and/or taverns (without drive-through service)

9.2.13 Dog grooming and kennel facilities [Permit criteria include Article 21.45]

9.2.14 Golf courses and country clubs [Refer to Articles 4.2.5 and 21.11]

9.2.15 Hunt clubs (commercial)

9.2.16 Airport with appurtenant facilities, when approved by the Planning Commission after a hearing, provided the operating characteristics are deemed not to conflict with wildlife habitat areas, wilderness areas, housing areas, and facilities or uses having high concentrations of people (schools, hospitals, etc.)

9.2.17 Surface mining of gravel, sand, clay, topsoil or marl [See Article 21.25 for criteria]

9.2.18 Travel trailer courts

9.2.19 Campgrounds (commercial)

9.2.20 Race tracks

9.2.21 Wireless Telecommunications Towers and Facilities over one hundred ~~ninety~~ seventy-nine (~~190~~179) feet in height, or with lights [See Article 21.46]

9.2.22 WTG Large

9.2.23 Anemometer Tower [See Article 21.47]

9.2.24 Unlisted property uses if authorized under Article 21.44

9.2.25 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]

ARTICLE 10 B1 LOCAL BUSINESS DISTRICT

INTENT

The B1 Local Business District establishes a Business District that is more selective than a General Business District. It provides for the establishment of neighborhood shopping areas, personal services, and professional office areas that are compatible with and of service to residential uses, provided the uses are within a completely enclosed building.

SECTION 10.1 PRINCIPAL USES PERMITTED

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

10.1.1 Office buildings for administrative, professional, governmental and sales offices

10.1.2 Medical and dental offices, including clinics

10.1.3 Banks and financial institutions, without drive through

10.1.4 Any generally recognized retail business within an enclosed building less than one hundred thousand (100,000) square feet, excluding bars and restaurants serving alcoholic beverages

10.1.5 Any personal service establishment which performs such services as, but not limited to: barber, beauty salon, shoe repair, tailor shops, interior decorators and photographers

10.1.6 Offices and showrooms of plumbers, electricians, decorators or similar trades, without outdoor storage

10.1.7 Rental shops with no outdoor storage

10.1.8 Printing establishments, newspaper offices, publishers, and copying services

10.1.9 Existing residences

10.1.10 Athletic or sports facilities and health clubs, indoor only

10.1.11 Churches

10.1.12 Convalescent or nursing home care facility

10.1.13 Community service facilities (public library, offices operated through public funds, etc.)

10.1.14 Educational institutions

10.1.15 Commercial Day Care

10.1.16 Funeral home and mortuary

10.1.17 Family Care Facility

10.1.18 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use [See Article 21.46]

SECTION 10.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of Article 19 and only after the review and approval of the site plan by the Planning Commission. [See Article 21 for applicable Specific Requirements for Certain Uses, if any and Article 23 for Site Plan Requirements.]

10.2.1 Motels, hotels, motor inns, cabin courts, bed and breakfast facilities, tourist lodging facilities and museums

10.2.2 Gasoline service stations for sale of motor fuels, oil and minor accessories

10.2.3 Retail uses over one hundred thousand (100,000) square feet

10.2.4 Dry cleaners, laundry

10.2.5 Utility and essential service buildings when operating requirements necessitate the locating of said facilities within the District in order to serve the immediate vicinity

10.2.6 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ seventy-nine (~~190~~ 179) feet or less in height [Permit criteria include Article 21.46]

10.2.7 Nursery sales, garden supply centers and greenhouses with outdoor display areas

10.2.8 Recycling Facility

10.2.9 WTG Small: Permitted as an accessory use to an allowed Principal Use

10.2.10 Unlisted property uses if authorized under Article 21.44

10.2.11 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

INTENT

The B2 General Business District is designed to provide sites for more diversified business types than the B1 Local Business District and often located so as to serve passer-by-traffic. Tourist services are included as being in character with the District.

SECTION 11.1 PRINCIPAL USES PERMITTED

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

11.1.1 All principal uses permitted in the B1 Local Business District

11.1.2 Theaters, halls, and similar places of assembly

11.1.3 Laundromats and dry cleaners

11.1.4 Bowling alleys, pool or billiard parlors or clubs

11.1.5 Equipment rental shops with outside storage

11.1.6 Indoor archery range

11.1.7 Lumber yards and building material suppliers-within enclosed building

11.1.8 Tavern/night clubs

11.1.9 Restaurants serving alcoholic beverages

11.1.10 Public parking garages

11.1.11 Bus stations and passenger terminals

11.1.12 Businesses and restaurants with drive-through service

11.1.13 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ seventy-nine (~~190~~ 179) feet or less in height without lights [Permit criteria includes Article 21.46]

11.1.14 Transient Merchants-Tent and open air merchants, for periods of up to ninety (90) days per year, housing retail uses otherwise allowed by the Zoning Ordinance in this district. A single thirty (30) day extension may be applied for. Three (3) or more merchants on a parcel simultaneously must be permitted as a "Flea market".

11.1.15 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use [See Article 21.46]

SECTION 11.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of Article 19 and only after the review and approval of the site plan by the Planning Commission. [See Article 21 for applicable Specific Requirements for Certain Uses, if any and Article 23 for Site Plan Requirements.]

11.2.1 All uses subject to special conditions in the B1 Local Business District

11.2.2 Lumber yards, building material suppliers, and home improvement centers, with outdoor storage

11.2.3 Rifle or pistol ranges when within a completely enclosed building

11.2.4 Auto repair garages or auto body shop, including wrecker service, provided that outdoor storage of vehicles under repair be confined to the rear yard and screened from view

11.2.5 Car wash

11.2.6 Sales, rental, and service centers for vehicles, watercraft, and/or mobile homes, including new or used automobiles, motor bikes, bicycles, boats, ATV's, campers, snowmobiles, trailers, and motor, mobile, modular, manufactured homes, or farm equipment, provided:

11.2.6.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two (2) streets

11.2.6.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots

11.2.6.3 No sales or display shall occupy any public street or road right-of-way; and further, must be set back at least twenty (20) feet from the front property line

11.2.6.4 The use of a display model for a business office is permissible provided it is connected to sanitary and water facilities and approved by the County Health Department

11.2.7 Hospitals

11.2.8 Commercial outdoor sport and recreational facilities

11.2.9 Flea markets

11.2.10 Mini-storage buildings consisting of separate storage rooms rented or leased by the month

11.2.11 Wireless Telecommunication Towers and Facilities one hundred ~~ninety~~ seventy-nine (~~190~~179) feet or more in height [Permit criteria includes Article 21.46]

11.2.12 Solid Waste Hauler

11.2.13 WTG Small: Permitted as an accessory use to an allowed Principal Use

11.2.14 Unlisted property uses if authorized under Article 21.44.

11.2.15 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]

ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

INTENT

The B3 District is designed to provide sites for light manufacturing and wholesale storage and as a distribution area to retail stores or industrial users. These sites do not necessarily have to abut or be adjacent to a primary or secondary County road but must have access to these roads without passing through a residential district, provided that the entrance and exit is approved in written form by the County Road Commission.

SECTION 12.1 PRINCIPAL USES PERMITTED

12.1.1 Wholesale sales, storage and distribution facilities including accessory retail sales, but excluding storage of flammable or hazardous materials

12.1.2 Truck and rail freight terminals, including warehousing

12.1.3 Vehicle service and storage centers for trucks, watercraft, truck trailers and miscellaneous motorized vehicles

12.1.4 Outside storage yards, provided proper fencing is provided per Article 21.10

12.1.5 Lumber yards, building and construction material suppliers

12.1.6 Bottling works, food packaging and freezer plants

12.1.7 Welding, jobbing, plastic, wood, machine and fabrication shops

12.1.8 Community service facilities (public library, offices operated through public funds, etc.)

12.1.9 Equipment reconditioning indoors on an impervious surface

12.1.10 Essential services buildings

12.1.11 Flea markets

12.1.12 Sawmills and forest product processing

12.1.13 Fuel storage and wholesale uses with underground storage tanks

12.1.14 Monument and art stone product operations

12.1.15Nursery sales and greenhouses

12.1.16 Public works garages

12.1.17 Indoor archery range

12.1.18 Indoor rifle or pistol ranges

12.1.19 Construction and utility service contractors storing heavy equipment

12.1.20 Storage buildings consisting of building(s) with the purpose of commercial and/or private storage (A storage building shall not be used in any form as a residence.)

12.1.21 Agricultural chemicals and supplies in an enclosed building

12.1.22 Veterinary hospitals, clinics with indoor kennels [Permit criteria includes Article 21.45]

12.1.23 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ seventy-nine (~~190~~ 179) feet or less in height [Permit criteria includes Article 21.46]

12.1.24 Recycling Facility

12.1.25 Solid Waste Hauler

12.1.26 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

SECTION 12.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of Article 19 and only after the review and approval of the site plan by the Planning Commission. [See Article 21 for applicable Specific Requirements for Certain Uses, if any and Article 23 for Site Plan Requirements.]

12.2.1 All permitted use or uses subject to special conditions in the B2 General Business District.

12.2.2 Auto repair garages or auto body shops, including wrecker service

12.2.3 Above-ground storage of flammable and combustible liquids, chemicals and hazardous liquids

12.2.4 Concrete and asphalt manufacturing and distribution

12.2.5 Detention Facilities

12.2.6 Power generation plants

12.2.7 Research, experimental, and development establishments

12.2.8 Adult Entertainment

12.2.9 Industrial Laundries

12.2.10 Medical Laboratories

12.2.11 Dirt and aggregate storage, sales and processing

12.2.12 Wireless Telecommunications Towers and Facilities over one hundred ~~ninety~~ seventy-nine (~~190~~179) feet in height [Permit criteria includes Article 21.46]

12.2.13 WTG Small: Permitted as an accessory use to an allowed Principal Use

12.2.14 Unlisted property uses if authorized under Article 21.44

12.2.15 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]

ARTICLE 13 I INDUSTRIAL DISTRICT

INTENT AND REQUIRED CONDITIONS

The I Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing and other industrial operations, subject to certain performance requirements relative to their impact on the community and adjacent non-industrial districts.

Whenever an industrial use permitted in this Article requires the use of a storage area or operational activity which is not within the confines of an enclosed building, then adequate greenbelt, screening devices, and/or buffer walls are required. [See Article 21.10 and 21.18]

The height of industrial structures and uses shall be related to building setbacks. For each foot of building height above twenty (20) feet, the minimum yard setbacks shall be increased by one (1) foot when adjacent to non-industrial districts. Building height shall not exceed thirty-five (35) feet.

Any industrial activity which produces glare, noise, vibrations, smoke, dust, odors and similar or related nuisances, shall confine these nuisances to the industrial district and must conform to State and Federal environmental regulations. Industrial operations involving the manufacture, processing, or packaging of materials which are inherently dangerous or hazardous due to flammability, toxicity, radioactivity, explosiveness, shall require special review by the Planning Commission after a hearing, and any approval shall be contingent upon a showing by the applicant industry that no dangerous, noxious or nuisance conditions will impact any adjacent premises. Whenever there is evidence that municipal treatment plants, or any river, wetland, or groundwater, lake, or other water in the County may be damaged, polluted, or otherwise adversely affected by industrial chemicals, environmental contamination prevention measures, spill containment procedures, surety bonds and other financial guarantees to correct damages, may be required by the County.

SECTION 13.1 PRINCIPAL USES PERMITTED

13.1.1 All principal uses permitted in the B3 Business, Light Manufacturing District

13.1.2 Contractors' yards, equipment storage, and materials handling operations

13.1.3 Major utility service yards and buildings, either public or private

13.1.4 Repair operations and/or maintenance activities for vehicles of any kind, including farm implements, conveyors, and other equipment or machinery

13.1.5 Concrete and asphalt manufacturing and distribution

13.1.6 Grain elevators (commercial)

13.1.7 Meat and poultry processing plants

13.1.8 Manufacturing facilities within an enclosed building, and excluding uses listed in Section 13.2

13.1.9 Auto body shop including wrecker service

13.1.10 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ seventy-nine (~~190~~ 179) feet or less in height without lights [Permit criteria includes Article 21.46]

13.1.11 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use [See Article 21.46]

13.1.12 WTG Small: Permitted as an accessory use to an allowed Principal Use

13.1.13 WTG Medium: Permitted as an Accessory Use to an allowed Principal Use

SECTION 13.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

Under such conditions as the Planning Commission finds the use as not being injurious to the I Industrial District and environs and not contrary to the spirit and purpose of this Ordinance, and subject further to the conditions herein imposed as well as the conditional use standards of Article 19, the following uses may be permitted:

13.2.1 All uses subject to special conditions in the B3 Business, Light Manufacturing District.

13.2.2 Metal plating, buffing and polishing subject to appropriate measures to control any type of process to prevent noxious results, particularly potential acid spills and waste from plating operations.

13.2.3 Manufactured gas, bottled gas and related fuel services or fuel production activities, except the uses specifically exempted by the Michigan Zoning Enabling Act (Public Act 110 of 2006) Petroleum storage tanks, bottled gas or storage tanks for any flammable liquid and production or refining plants for petroleum products when not closer than one thousand (1000) feet from any residential district or residence and three hundred (300) feet from any other district, unless exempt under Act 110 of 2006

13.2.4 Junk yards and places so called for the storage, dismantling, wrecking and disposing of junk, and for refuse material or industrial, agricultural and automotive vehicles, upon findings that the use will operate in a reasonable manner and all harmful effects of open storage, smoke, dust, glare, noise, fire and explosive hazards are confined to the premises and are in accord with all other local and state laws - There shall be provided a completely obscuring wall not to be less than eight (8) feet in height as measured from the grade at the property line. Junk yards shall not be located closer than two hundred (200) feet from the boundary of any other zoning district. [Permit criteria includes Article 21.3]

Such use shall not be closer than forty (40) feet from any lot line. There shall be no outdoor storage of materials, equipment, structures or debris of any kind anywhere outside the designated storage area.

13.2.5 Painting, varnishing and undercoating shops when set back at least seventy-five (75) feet from any adjacent residential district and when conducted within a completely enclosed building

13.2.6 Heavy manufacturing (assembly, processing or cleaning of heavy bulky durable goods requiring heavy trucks or rail transport; drop forging, heavy stamping, punch pressing, plating, hammering or other similar processing activities)

13.2.7 Surface mining of gravel, sand, clay, topsoil or marl [See Article 21.25 for criteria]

13.2.8 Manufacturing of explosives, corrosive and other dangerous chemical substances

13.2.9 Metal and wood-stripping establishments

13.2.10 Airports and landing strips

13.2.11 Detention Facilities

13.2.12 Power company generation plants

13.2.13 Printing and publishing plants

13.2.14 Research and development laboratories

13.2.15 Chemical processing and metallurgic manufacturing

13.2.16 Industrial Laundries

13.2.17 Medical Laboratories

13.2.18 Wireless Telecommunications Towers and Facilities over one hundred ~~ninety~~ seventy-nine (~~190~~179)) feet in height [Permit criteria includes Article 21.46]

13.2.19 Unlisted property uses if authorized under Article 21.44

13.2.20 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]

ARTICLE 14 HX HIGHWAY INTERCHANGE COMMERCIAL DISTRICT

INTENT:
The Highway Interchange Commercial land use category includes areas designated for commercial development, which are primarily Interstate access dependent. This district primarily serves thru traffic and tourist needs. Uses that are consistent with these areas include, but are not limited to, gasoline stations, lodging facilities, entertainment facilities, restaurant facilities and similar tourist related developments, as well as warehouses, storage buildings, wholesale facilities and other similar uses. This district is intended to serve traffic entering or leaving the Interstate. These areas may require municipal water and sewer services and/or other comparable forms of water and sewer services with approval by the municipality and District Health Department.

SECTION 14.1 PRINCIPAL USES PERMITTED anywhere in the zoning district
No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

14.1.1Existing residences

14.1.2Banks and financial institutions, except those with drive-through service

14.1.3Office buildings for administrative, professional, governmental and sales offices

14.1.4Medical and dental offices, including clinics

14.1.5Public Schools under the jurisdiction of the Michigan superintendent of public instruction

14.1.6Indoor theaters, halls and similar places of assembly

14.1.7Bowling alleys, pool parlors or billiard parlors

14.1.8Indoor archery range

14.1.9Tavern/night clubs

14.1.10 Restaurants, except those with drive-through service

14.1.11 Bus stations and passenger terminals

PRINCIPAL USES PERMITTED in the zoning district only when access is from a service road. Access shall not be off Marlette Road in Otsego Lake Township and Mills Street in Corwith Township.

141.12 Any generally recognized retail business within an enclosed building under one hundred thousand (100,000) square feet

14.1.13Offices and showrooms of plumbers, electricians, decorators or similar trades, without outdoor storage

14.1.14 Rental shops without outdoor storage

14.1.15 Athletic or sports facilities and health clubs, indoor only

14.1.16 Places of worship

14.1.17 Lumber yards and building material suppliers within enclosed building(s)

14.1.18 Businesses including those with drive-through service

14.1.19 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ seventy-nine (~~190~~ 179) feet or less in height without lights [Permit criteria include Article 21.46.2]

14.1.20 Wholesale sales, storage and distribution facilities including accessory retail sales but excluding storage of flammable or hazardous materials - Outside storage shall be fenced and screened.

14.1.21 Truck and rail freight terminals, including warehousing

14.1.22 Vehicle service and storage centers for trucks, watercraft, truck trailers and miscellaneous motorized vehicles - Outside storage shall be fenced and screened.

14.1.23 Lumber yards, building, construction material suppliers and home improvement centers without outside storage

14.1.24 Bottling works, food packaging and freezer plants

14.1.25 Equipment reconditioning indoors on an impervious surface

14.1.26 Nursery sales and garden supply centers within enclosed building and without outside clay area(s)

14.1.27 Construction and utility service contractors storing heavy equipment with inside storage only

14.1.28 Storage buildings consisting of building(s) with the purpose of commercial and/or private storage - A storage building shall not be used in any form as a residence.

14.1.29 Mini-storage buildings consisting of separate storage rooms rented or leased by the month

14.1.30 Utilities - All utilities and service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded) shall be located underground, except where above ground equipment such as transformers, control panels, services connections and meters are required - All above ground equipment shall be located at the rear of the building. [Permitted criteria includes Article 21.10 regarding screening and fences]

Christine Boyak-Wohlfeil

From: Christine Boyak-Wohlfeil
Sent: Wednesday, January 23, 2019 7:45 AM
To: Ken Arndt (karndt@arndtandassoc.com); Willard Brown (wishlb@outlook.com); Jan Norton (jnorton144@hotmail.com); Judith Jarecki (jjarecki36@gmail.com); Chuck Klee (chuckselectricofgaylord@yahoo.com); Paul Hartmann (paul.hartmann09@gmail.com); Jason Caverson (JCAVERSON@WadeTrim.com); Steven J Bauman (steve.bauman@hotmail.com); Nora Corfis (noraholly@sbcglobal.net); Ken Borton (kborton@otsegocountymi.gov); Jim Hilgendorf (hilgendorf_james@yahoo.com)
Cc: Christopher Churches; James Mouch; Rachel Frisch (rfrisch@otsegocountymi.gov)
Subject: RE: Text Amendments
Attachments: Revised Section 21.46 Wireless - ARTICLES 6, 8 - 15 Amendments.docx; ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING Edit 2.docx

Good morning everyone,

I have attached copies of the text amendments to Section 21.46 Wireless Communications and related sections and also Article 27 Township Participation discussed at Monday night's planning commission meeting. Please look them over and provide input for the pending public hearing in March. If you have any questions, please let us know.

Thank you,
Christine

Otsego COUNTY
ESTABLISHED 1875 M I C H I G A N

Christine Boyak-Wohlfeil
Otsego County Land Use Services
Phone: 989.731.7407
Fax: 989.731.7419
cboyak-wohlfeil@otsegocountymi.gov

CHARLTON TOWNSHIP

P.O. Box 367
Johannesburg Mi 49751

02/12/19

Otsego County Land Use Services:

At our February 11th meeting Charlton Township Voted to recommend that the proposed changed to the Otsego County Ordinance article 27 be adopted.

Charlton Township also voted to recommend that the proposed changes to section 21.46 of the Otsego County Ordinance be adopted.

Respectfully submitted

Matthew Nowak

Charlton Township Supervisor

Elmira Township Planning Commission
Draft of minutes for the
February 26, 2019 Meeting

Present: Vice Chairperson Syl Tomaszewski, Ann Vogel, Paul Hartmann
Excused: Jessica Henke, Duane Hoffman

Syl opened the meeting at 7:00 p.m.
Minutes of the October, 2018 meeting were approved as written.

Just before the meeting began, Diane Franckowiak stopped by to give us a copy of the letter that she received from the Dalton Tomich, a law firm hired by DCS Tower Sub, LLC, a wholly-owned subsidiary of American Tower Corp. The letter recommends that Elmira Twp. oppose the proposed 179 ft. (+ 20 ft.) tower to be built on Fr. Steve Recker's property. American Tower's lawyers have tried to stop their competitor from building the tower for AT&T previously. However, the proposed tower will serve an underserved area: Glen Meadows and the homes and subdivisions near the Gaylord Country Club. Our Elmira Twp. Planning Commission is on record having approved the proposed tower and encouraging its construction.

During this meeting, the Planning Commission has approved the following amendments recommended by the Otsego County Planning Commission:

Article 27, Township Participation in County Zoning
Improving communication between County and Twp. Planning Commissions by allowing for electronic mail and including the Chairpersons of the Twp. PC's as well as the Twp. clerks.

Article 21.1, Accessory Buildings
Allowing for smaller (less that 200 sq. ft.) accessory buildings to be built without a building permit; doing away with the 4000 sq. ft. maximum size of the accessory building(s); and limiting the height of RR District accessory buildings within 500 ft. of any waterfront to 14 ft.

The meeting was adjourned at 7:40.
Paul Hartmann, Secretary

Elmira Township
Otsego County
7252 Alba Road
Gaylord, MI 49735

March 15, 2019

RE: Otsego County Zoning Article 27, Township Participation

RE: Otsego County Zoning Article 21.1, Accessory Buildings

Elmira Township held their regular board meeting on March 13, 2019 and approved the ETPC's recommendation to the Otsego County Planning Commission which will improve communication between County and Township Planning Commissions by allowing for electronic mail and including the Chairpersons of the Township PC's as well as the Township clerks.

The Elmira Township board also approved the ETPC's recommendation to the Otsego County Planning Commission Article 21.1, Accessory Buildings; allowing for smaller (less than 200 sq. ft.) accessory buildings to be built without a building permit; doing away with the 4000 sq. ft. maximum size of the accessory building(s); and limiting the height of RR District accessory buildings within 500 ft. of any waterfront to 14 ft.

Thank You,

Susan Schaedig
Elmira Township Clerk
(989)732-2920

Bagley Township Planning Commission

Bagley Township, Michigan

Established 1868

March15, 2019

Subject: Meeting Minutes and record of decisions for Scheduled Special Meeting on March 15, 2019.

Members Present:

Ken Arndt
Brian Goebel
Wally Loney (Skype)
Celeste Szymanski
Larry Beckett

Item:

1. Special Use Permit for self-storage unit expansion at 4855 West Otsego Lake Drive in Gaylord. Otsego Lake Drive, case PZSU19-0001

2. Recommendation for changes allowing increased communication tower height (No formal submission, narrative attached).

3. Consensus approval of building height increase for proposed construction of a residential apartment unit on Dickerson Road with 18 units to 3 stories from the original 2 story plan.

4. Discussion and approval of proposed text changes to Section 21.1, Accessory Buildings (attached)

Other Attendees:

Michelle Noirot, Supervisor
Celeste Szymanski, Voting Trustee

Citizens Attending: Dave Drews, Northern Michigan Engineering, (representing Item 1.) None

Meeting Opened at 7:00PM by Arndt

Item 1

Members viewed the pictures of the site and examined the layout of the addition which is to extend north of the existing building. Entrance is to be maintained on Henry Drive. Zoning supports the current and proposed addition, noting that there are dwellings east of the current use. Owner plans to keep open storage on the east side the buildings. Units will be 10x10 and nothing larger is planned. Discussion followed, mood was favorable and Loney offered a motion, Burkett seconds: Chair records a vote all in favor, none opposed.

Motion passes.

Item 2 Proposed Increase to Communication Towers (21.46)

This proposal responds to a request to increased allowable tower height to 190 feet initially, but the conflict arises because the change brings any tower extension over 200 feet with lighting protection and the height will require lighting. That this issue has an impact on surrounding housing was considered undesirable by the original committee. The height will be proposed at 179 feet and will require supporting statement by an engineer to justify any greater height.

The fall-down setbacks were reviewed as well as removal provisions, and certain other requirements have been added to the section. It will be heard in March.

There appeared no apparent objections once the members read the proposed language changes. We send the proposed change forward awaiting further comments.

Item 3 Text Changes Accessory Buildings (21.1)

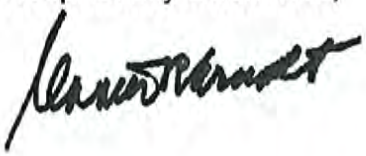
This proposed text change does several things: it limits the permit requirement for small accessory buildings, it limits wall height of accessory buildings to 14 feet within 500 feet of water front and reduces the rear and side setback in certain zoning districts to 10 feet.

Discussion followed. Goebel offered motion to accept item 3, Loney seconded and the motion passed without opposition.

There being no further business or discussion,

Meeting closed by the chair at 7:55 PM.

Respectfully Submitted,



Kenneth Arndt, Chairman

Item 1: ***Approved as Recommended*** Approved with Edits Not Approved

March 12, 2019

Mr. Christopher Churches
Director Planning and Zoning
Otsego County Land Use Services
1322 Hayes Road
Gaylord, Michigan 49735

Dear Chris,

The Otsego Lake Township Planning Commission recommends the Otsego County Planning Commission send the proposed text amendments to Article 23 Township Participation in County Zoning and Section 21.46 Wireless Communications to the Otsego County Board of Commissioners for adoption. However the Otsego Lake Township Planning Commission would oppose any future increase in wireless tower heights for the R1, R2, and RR districts.

Sincerely,

Nora Corfis
Secretary

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE

April 15, 2019

The Otsego County Planning Commission will hold four public hearings on Monday, April 15, 2019 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. MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township at 4855 West Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct additional storage units to the already existing. The property is located in a B2 / General Business Zoning District. Mini-storage buildings consisting of separate storage rooms rented or leased by the month is a permitted use subject to special conditions in the B2 Zoning District.

Parcel identification number: **011-800-000-018-02**
4855 West Otsego Lake Dr
Gaylord, MI 49735

Legal Description:
LOTS 18-21 WEST OTSEGO LAKE SEC 29 T30N R3W

2. J&N LLC, William Mason, applicant has requested Special Use Permits/Site Plan Reviews for two (2) properties located in Livingston Township on Martindale Rd Gaylord, MI 49735. The proposed use of the properties is to initiate a new mining operation on the parcels listed below. The properties are located in an AR/Agricultural Resource Zoning District. A mining operation is a permitted use subject to special conditions in the AR Zoning District.

Parcel identification number: **080-006-300-010-01**
Martindale Rd
Gaylord, MI 49735

Legal Description:
E1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

Parcel identification number: **080-006-300-010-02**
Martindale Rd
Gaylord, MI 49735

Legal Description:
W1/2 OF W1/2 OF SW1/4 SEC 6 T31N R3W

3. **SECTION 21.46 WIRELESS COMMUNICATIONS**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to tower height

4. **ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to Township notifications and timeframes

Proposed amendments can be viewed on the Otsego County website link below:
https://www.otsegocountymi.gov/county-government-2/land-use-services/planning-zoning/

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) 731-7400.

*****Amendment changes / additions are highlighted in yellow**

*****Amendment deletions are double struck**

Proposed Language:

ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING

It having been established that the Township units of government in Otsego County are desirous of actively participating in zoning amendment and zoning procedures; and Otsego County having determined that such participation is needed in the zoning process,

NOW, THEREFORE, IT IS HEREBY DECLARED to be the policy of Otsego County that no zoning decision (with respect to those matters hereinafter set forth) affecting any particular township shall be made without the direct participation of said township so affected in accordance with the following procedures:

27.1 When a Petition is filed with the Otsego County Planning Commission or Otsego County Zoning Board of Appeals with respect to any of the four (4) types of requests listed below, ~~and then~~ the procedure specified in 27.2 shall be followed prior to a decision being rendered by the County Planning Commission or the County Zoning Board of Appeals:

27.1.1 Changes in zoning district boundaries;

27.1.2 The approval of Uses Subject to Special Conditions, Special Approval Uses, and Special Land Uses;

27.1.3 The approval of Planned Unit Developments, all condominium projects, and all subsequent phases of an approved phased development;

27.1.4 Any appeal of an administrative decision, Ordinance interpretation, or variance.

27.2 Prior to a hearing by the County Planning Commission, the Otsego County Zoning Administrator shall forward by certified, ~~or~~ first class, or electronic mail, said written petition to the township clerk, supervisor, and Planning Commission Chair of the township within which the property associated with the petition is located and shall execute and file an Affidavit of Mailing such petition.

Upon the approval or disapproval of the petition by the affected township, said township's clerk shall notify, in writing, the petitioning party and the Otsego County Zoning Administrator of the Township's ~~Board's~~ approving government body's decision. The Petition shall then be acted upon, with due regard to the affected Township's decision, by the Otsego County Planning Commission in conformance with this Ordinance.

In like manner, and under the same conditions, authority, and rule of policy, the Otsego County Board of Appeals, shall make no rule, interpretation or determination on any matter pertaining to a zoning variance (Article 26.2) affecting any particular township, without the Otsego County Zoning Administrator first forwarding, by certified, ~~or~~ first class, or electronic mail, said written petition to the township clerk, supervisor, and Planning Commission Chair of the township to be affected by said petition; the Zoning Administrator shall execute and file an Affidavit of Mailing as to such petition.

Upon the approval or disapproval of the petition by the affected township, said township's clerk shall notify, in writing, the petitioning party and the Otsego County Zoning Administrator of the Township's ~~Board's~~ approving government body's decision. The petition shall then be acted upon with due regard to the affected Township's decision by the Otsego County Zoning Board of Appeals in conformance with this ordinance.

The affected township shall take some official action to notify the County Zoning Administrator of its decision within seven (7) days following the township's next approving government body's meeting (Planning Commission or Township Board), or within forty (40) days after having received the written petition, whichever is less. The township may take an additional thirty (30) days to study the matter and take action thereon; but it

shall file written notice with the Zoning Administrator within the original forty (40) days of its intention to take the additional time. **Exception:** Due to state law time frames for wireless communication towers, an extension beyond the original forty (40) days shall not be permitted. It shall be presumed that the township waives its right to act if no action is taken within the applicable time period(s).

Township participation in the zoning amendment and zoning decision procedures shall only apply to those townships which file notice with the Otsego County Zoning Administrator stating their desire to proceed under the provision of this article.

Christine Boyak-Wohlfeil

From: Christine Boyak-Wohlfeil
Sent: Wednesday, January 23, 2019 7:45 AM
To: Ken Arndt (karndt@arndtandassoc.com); Willard Brown (wishlb@outlook.com); Jan Norton (jnorton144@hotmail.com); Judith Jarecki (jjarecki36@gmail.com); Chuck Klee (chuckselectricofgaylord@yahoo.com); Paul Hartmann (paul.hartmann09@gmail.com); Jason Caverson (JCAVERSON@WadeTrim.com); Steven J Bauman (steve.bauman@hotmail.com); Nora Corfis (noraholly@sbcglobal.net); Ken Borton (kborton@otsegocountymi.gov); Jim Hilgendorf (hilgendorf_james@yahoo.com)
Cc: Christopher Churches; James Mouch; Rachel Frisch (rfrisch@otsegocountymi.gov)
Subject: RE: Text Amendments
Attachments: Revised Section 21.46 Wireless - ARTICLES 6, 8 - 15 Amendments.docx; ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING Edit 2.docx

Good morning everyone,

I have attached copies of the text amendments to Section 21.46 Wireless Communications and related sections and also Article 27 Township Participation discussed at Monday night's planning commission meeting. Please look them over and provide input for the pending public hearing in March. If you have any questions, please let us know.

Thank you,
Christine

Otsego County
ESTABLISHED 1875 MICHIGAN

Christine Boyak-Wohlfeil
Otsego County Land Use Services
Phone: 989.731.7407
Fax: 989.731.7419
cboyak-wohlfeil@otsegocountymi.gov

CHARLTON TOWNSHIP

P.O. Box 367
Johannesburg Mi 49751

02/12/19

Otsego County Land Use Services:

At our February 11th meeting Charlton Township Voted to recommend that the proposed changed to the Otsego County Ordinance article 27 be adopted.

Charlton Township also voted to recommend that the proposed changes to section 21.46 of the Otsego County Ordinance be adopted.

Respectfully submitted

Matthew Nowak

Charlton Township Supervisor

Elmira Township Planning Commission
Draft of minutes for the
February 26, 2019 Meeting

Present: Vice Chairperson Syl Tomaszewski, Ann Vogel, Paul Hartmann
Excused: Jessica Henke, Duane Hoffman

Syl opened the meeting at 7:00 p.m.
Minutes of the October, 2018 meeting were approved as written.

Just before the meeting began, Diane Franckowiak stopped by to give us a copy of the letter that she received from the Dalton Tomich, a law firm hired by DCS Tower Sub, LLC, a wholly-owned subsidiary of American Tower Corp. The letter recommends that Elmira Twp. oppose the proposed 179 ft. (+ 20 ft.) tower to be built on Fr. Steve Recker's property. American Tower's lawyers have tried to stop their competitor from building the tower for AT&T previously. However, the proposed tower will serve an underserved area: Glen Meadows and the homes and subdivisions near the Gaylord Country Club. Our Elmira Twp. Planning Commission is on record having approved the proposed tower and encouraging its construction.

During this meeting, the Planning Commission has approved the following amendments recommended by the Otsego County Planning Commission:

Article 27, Township Participation in County Zoning
Improving communication between County and Twp. Planning Commissions by allowing for electronic mail and including the Chairpersons of the Twp. PC's as well as the Twp. clerks.

Article 21.1, Accessory Buildings
Allowing for smaller (less that 200 sq. ft.) accessory buildings to be built without a building permit; doing away with the 4000 sq. ft. maximum size of the accessory building(s); and limiting the height of RR District accessory buildings within 500 ft. of any waterfront to 14 ft.

The meeting was adjourned at 7:40.
Paul Hartmann, Secretary

March 12, 2019

Mr. Christopher Churches
Director Planning and Zoning
Otsego County Land Use Services
1322 Hayes Road
Gaylord, Michigan 49735

Dear Chris,

The Otsego Lake Township Planning Commission recommends the Otsego County Planning Commission send the proposed text amendments to Article 23 Township Participation in County Zoning and Section 21.46 Wireless Communications to the Otsego County Board of Commissioners for adoption. However the Otsego Lake Township Planning Commission would oppose any future increase in wireless tower heights for the R1, R2, and RR districts.

Sincerely,

Nora Corfis
Secretary

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)

Zoning District	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		
Max. Front Setback	NA	NA	NA	NA		
Min. Side Setback	10 ft	10 ft	10 ft	20 ft		
Min. Rear Setback	30 ft (a, h)	30ft (a, h)	30 ft (a, h)	40 ft (a)		
Min. Lot width (k)	100 ft 150 ft Duplex	100 ft	100 ft	150 ft 300 ft Duplex AR		
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)	14ft (i)	20 ft (i)	14 ft (i)		

Zoning District	B1	B2	B3	I	HX	MUZ	
						MAIN ST	TOWN CENTER
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000	10,000	8,000	8,000
Min. Front Setback	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	Build-to-Area	Build-to-Area
Max. Front Setback	NA	NA	NA	NA	NA	NA	NA
Min. Side Setback	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	5 ft	5ft
Min. Rear Setback	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	10 ft	10 ft
Min. Lot width (k)	100 ft	100 ft	100 ft	150 ft	150 ft	60 ft	60 ft
Max. % lot coverage	NA	NA	NA	NA	NA	NA	NA
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft	35 ft
Min. Ground Floor area principal structure (Square feet)	NA	NA	NA	NA	NA	NA	NA
Min. Width of principal structure	NA	NA	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.

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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 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, B2 and HX 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

ARTICLE 22 GENERAL EXCEPTIONS FOR AREA, HEIGHT, AND USE

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

SECTION 22.1 ESSENTIAL SERVICES

Essential Services as defined in this Ordinance and as interpreted to be local scale services shall be permitted as authorized and regulated by law and other ordinances, it being the intention hereof to exempt such essential services from the application of this Ordinance.

SECTION 22.2 VOTING PLACES

This Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

SECTION 22.3 HEIGHT LIMIT

Height limitations shall not apply to farm silos, chimneys, church spires, flag poles, or public monuments; provided, however, that a height limit for any building or structure permitted as a conditional or special approval use may be set by the Planning Commission upon approval of a Site Plan.

22.3.1 This exemption shall not allow The Planning Commission and or Zoning Board of Appeals to allow a:

22.3.1.1 WTG height greater than allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS and/or Section 21.47 or

22.3.1.2 Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS.

22.3.2 This exemption shall not apply in those instances where the County Airport Zoning Ordinance governs height within airport hazard areas.

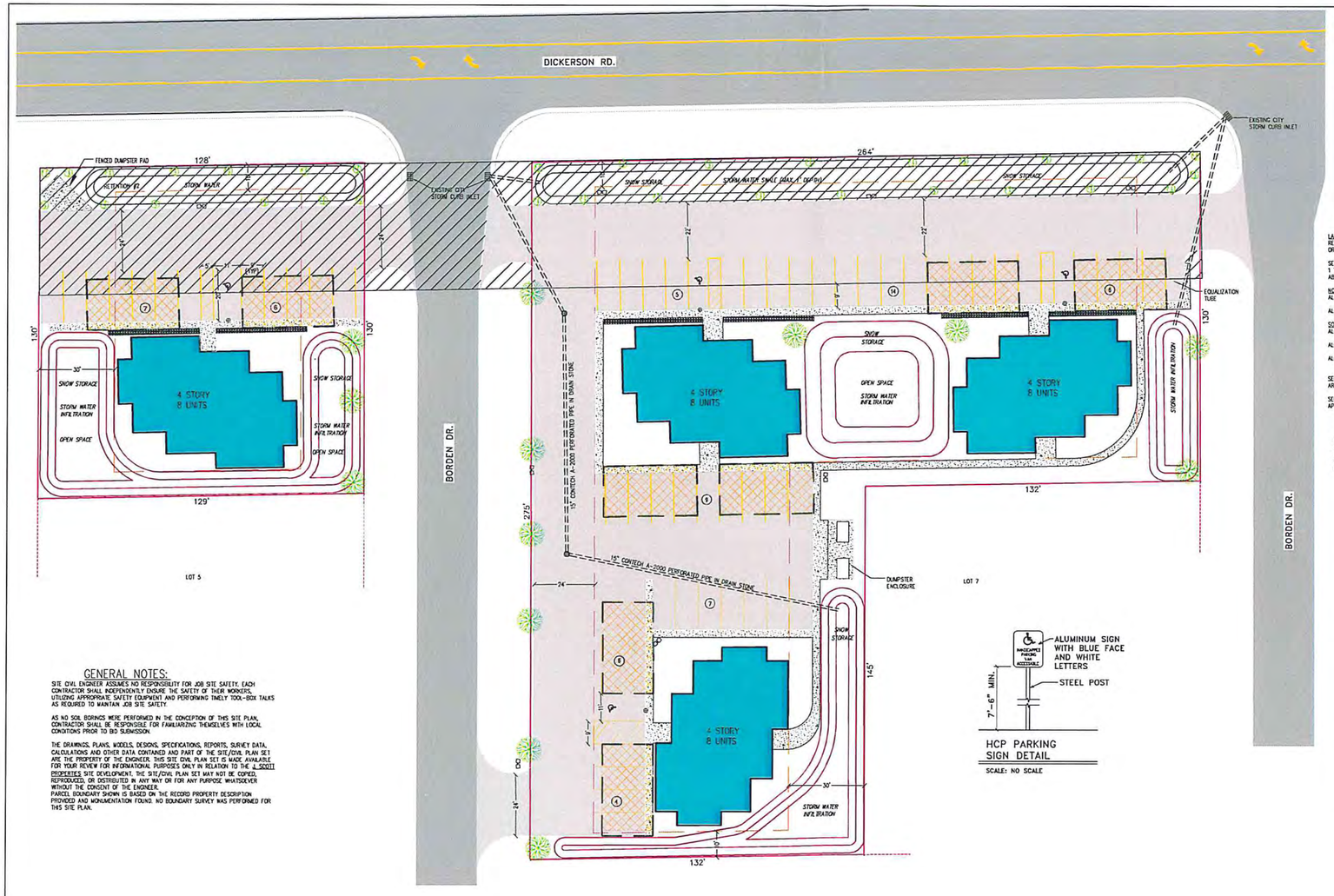
SECTION 22.4 PROJECTIONS INTO REQUIRED OPEN PLACES

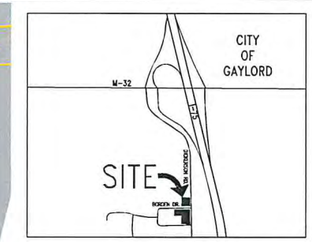
22.4.1 Outside stairways, fire escapes, vestibules, balconies, and similar projections from the face of a building shall be considered part of the building and shall not extend into any required yard or open spaces.

22.4.2 Architectural features such as, but not limited to, window sills, cornices, eaves, and may extend or project into a required yard not more than four (4) inches for each one (1) foot of width of such side yard.

22.4.3 Unenclosed paved areas, such as driveways and sidewalks may occupy a required yard but shall not be nearer than two (2) feet from a paralleling lot line.

22.4.4 Accessory utility systems necessary to meet on site health standards may occupy a required yard.





LANDSCAPING
REQUIREMENTS PER OTSEGO COUNTY ZONING ORDINANCE: SECTION 21.18 LANDSCAPING

SECTION 21.18.3 ROADSIDE GREENBELT BUFFERS:
1 TREE FOR EACH 1,000 SF OF FRONT YARD ABUTTING A ROAD RIGHT-OF-WAY.

NORTH APARTMENT
ALONG DICKERSON ROAD
1,280 SF. = 2 TREES
ALONG BORDEN DRIVE
3,250 SF. = 4 TREES
SOUTH APARTMENT
ALONG BORDEN DRIVE, NORTH SIDE
6,800 SF. = 7 TREES
ALONG DICKERSON ROAD
2,640 SF. = 3 TREES
ALONG BORDEN DRIVE, SOUTH SIDE
3,250 SF. = 4 TREES

SECTION 21.18.5 SCREENING OF UNSIGHTLY AREAS:NOT APPLICABLE

SECTION 21.18.6 PARKING LOT SCREENING: NOT APPLICABLE

SITE LIGHTING
SITE LIGHTING SHALL COMPLY WITH REQUIREMENTS OF SECTION 21.19 OF THE ZONING ORDINANCE.
PROPOSED: (8) DOUBLE FIXTURE POLES

SITE PLAN NOTES
PROPERTY DESCRIPTION:
LOTS 2, 3, 4, AND 6 PART OF NORDT'S AIRPORT SUBDIVISION BEING A PART OF THE EAST 1/2 OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, OF SECTION FIVE, T30N-R3W, BARLEY TOWNSHIP, OTSEGO COUNTY, MICHIGAN,AND RECORDED IN LIBER 2 PLATS, PAGE 108, OTSEGO COUNTY RECORDS.

PID #011-600-000-002-01 LOT 2
PID #011-600-000-003-00 LOT 3
PID #011-600-000-004-00 LOT 4
PID #011-600-000-006-00 LOT 6

CURRENT ZONING: R-2

BUILDING SETBACKS
FRONT YARD – 25 FT
SIDE YARD – 10 FT
REAR YARD – 30 FT

SITE AREA: 70,106.2 SQ. FT. (1.61 ACRES)

CURRENT USE: RESIDENTIAL – VACANT

PARKING SCHEDULE
PARKING REQUIRED: 2 SPACES PER DWELLING
PROPOSED DWELLINGS: 32 UNITS

PARKING REQUIRED:64 SPACES

PARKING PROVIDED:
(60) REGULAR 9' X 20' SPACES
(1) ADA 11' X 20' SPACES (VAN)
(3) ADA 8' X 20' SPACES

STORM WATER CALCULATIONS:
TOTAL AREA
70,106 SF
25 YEAR/24 HOUR EVENT (3.6")

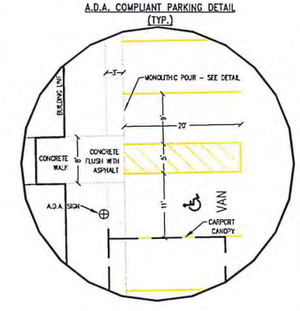
LAND USE/AREA	COEFFICIENT	3.6 INCHES/12	RUN-OFF
GRASS, 23,287 SF	.68	0.30	4,750 CF
HARD SURFACES, 46,818 SF	.98	0.30	13,764 CF
	TOTAL VOLUME RUN-OFF:		18,515 CF

SITE DESIGN ONLY ALLOWS FOR 11,249 CF OF RETENTION.

REMAINING 7,266 CF OF STORM WATER TO BE SENT TO CITY STORM WATER SYSTEM.

HCP PARKING SIGN DETAIL
SCALE: NO SCALE

A.D.A. COMPLIANT PARKING DETAIL (TYP.)



GENERAL NOTES:

SITE CIVIL ENGINEER ASSUMES NO RESPONSIBILITY FOR JOB SITE SAFETY. EACH CONTRACTOR SHALL INDEPENDENTLY ENSURE THE SAFETY OF THEIR WORKERS, UTILIZING APPROPRIATE SAFETY EQUIPMENT AND PERFORMING TIMELY TOOL-BOX TALKS AS REQUIRED TO MAINTAIN JOB SITE SAFETY.

AS NO SOIL BORINGS WERE PERFORMED IN THE CONCEPTION OF THIS SITE PLAN, CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH LOCAL CONDITIONS PRIOR TO BID SUBMISSION.

THE DRAWINGS, PLANS, MODELS, DESIGNS, SPECIFICATIONS, REPORTS, SURVEY DATA, CALCULATIONS AND OTHER DATA CONTAINED AND PART OF THE SITE/CIVIL PLAN SET ARE THE PROPERTY OF THE ENGINEER. THIS SITE CIVIL PLAN SET IS MADE AVAILABLE FOR YOUR REVIEW FOR INFORMATIONAL PURPOSES ONLY IN RELATION TO THE J. SCOTT PROPERTIES SITE DEVELOPMENT. THE SITE/CIVIL PLAN SET MAY NOT BE COPIED, REPRODUCED, OR DISTRIBUTED IN ANY WAY OR FOR ANY PURPOSE WHATSOEVER WITHOUT THE CONSENT OF THE ENGINEER.
PARCEL BOUNDARY SHOWN IS BASED ON THE RECORD PROPERTY DESCRIPTION PROVIDED AND MONUMENTATION FOUND. NO BOUNDARY SURVEY WAS PERFORMED FOR THIS SITE PLAN.

SITE NOTES

CONTRACTOR SHALL NOTIFY MISS DIG "811" A MINIMUM OF 3 WORKING DAYS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY AND SHALL FAMILIARIZE THEMSELVES WITH ANY UTILITIES THE MAY EXIST BUT MAY NOT BE ATTAILAED WITH THE MISSDIG SYSTEM. DISRUPTION AND REPAIR COSTS ASSOCIATED WITH THE CONTRACTOR'S FAILURE TO DO SO SHALL BE BORNE SOLELY BY THE CONTRACTOR.

ALL APPROPRIATE PERMITS AND APPROVALS SHALL BE OBTAINED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY.

UTILITY WORK SHALL BE CONDUCTED AS PERSCRIBED IN THE MDOT 2012 STANDARD SPECIFICATIONS FOR CONSTRUCTION OR SUBSEQUENT EDITIONS UNLESS OTHERWISE NOTED.

ALL CONSTRUCTION ACTIVITY WITHIN THE MDOT ROW SHALL BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) AND THE CURRENT MDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION MANUAL.

THIS IS A PRELIMINARY SITE PLAN FOR MUNICIPAL REVIEW PURPOSES ONLY. A COMPLETE TOPOGRAPHIC SURVEY OF THE SITE IS REQUIRED PRIOR TO THE PREPERATION OF A COMPLETE SET OF SITE/CIVIL ENGINEERING PLANS SUITABLE FOR BIDDING AND CONSTRUCTION.

BITUMINOUS SURFACING SHALL CONSIST OF ONE COURSE BITUMINOUS MIXTURE 13A OR APPROVED EQUIVALENT, PLACED AT AN AVG 2" COMPACTED THICKNESS (220 #/SY)

ALL AREAS DISTURBED BY EARTHWORK OR UTILITY CONSTRUCTION (EXCEPTING RETENTION BASINS) SHALL RECEIVE A MINIMUM OF 4" TOPSOIL, SEEDED WITH MDOT ROADSIDE MIXTURE AT A RATE OF 100#/AC, FERTILIZED AT A RATE OF 500#/AC WITH EQUAL PROPORTIONS OF NITROGEN, PHOSPHORUS AND POTASH, AND MULCHED AS SOON AS PRACTICAL FOLLOWING CONSTRUCTION PHASE. IN ALL INSTANCES RESTORATION SHALL OCCUR WITHIN 14 DAYS OF THE CONSTRUCTION SEQUENCE.

RETENTION BASIN "BOTTOMS" SHALL RECEIVE MINIMAL TOPSOIL COVER AND RETENTION BASIN PERCOLATION ZONES SHALL REMAIN FREE OF ORGANIC OR NON-PERMEABLE SOILS. SHOULD NON-PERMEABLE SOILS BE ENCOUNTERED THE ENGINEER SHALL BE NOTIFIED PRIOR TO RETENTION BASIN CONSTRUCTION. RETENTION BASINS SHALL BE ROUTINELY INSPECTED AND CLEANED OF IMPERMEABLE OR ORGANIC SOILS SUBSEQUENT TO CONSTRUCTION. SHOULD IT BE FOUND THAT THE ABSORPTION CAPACITY OF THE BASIN HAS BEEN LESSENED DO TO "SILTING".

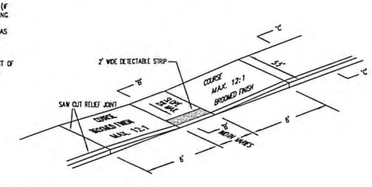
HANDICAP SIGNS AND STOPS SIGNS SHALL BE INSTALLED AS NOTED ON SHEET SP.2 AS PER LOCAL AUTHORITY. PARKING LOT STRIPING SHALL BE 4" WIDE REFLECTIVE PAINT (WHITE OR YELLOW) AS DIRECTED BY OWNER.

ALL TREES, STUMPS, BRUSH AND OTHER VEGETATION SHALL BE "GRUBBED" AND DISPOSED OF FROM SITE IN A LAWFUL MANNER. BURYING OF SUCH ORGANIC MATERIAL ON SITE SHALL NOT BE ALLOWED. BURNING SHALL NOT BE ALLOWED ON SITE.

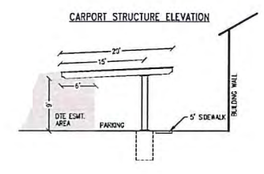
ALL DRIVE ENTRANCE SUBGRADE, PARKING LOT SUBGRADE, BUILDING PADS (IF APPLICABLE), CONCRETE WALKS, UTILITY PIPE BEDDING AND CULVERT BEDDING SHALL MEET MDOT CLASS II OR BETTER AND SHALL BE COMPACTED TO A MINIMUM OF 95% OF MAXIMUM UNIT WEIGHT. CLAY OR ORGANIC MATERIAL (AS DETERMINED BY THE ENGINEER) SHALL NOT BE UTILIZED AS SUBGRADE MATERIAL.

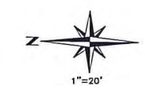
AGGREGATE BASE ON ENTRANCE DRIVES AND PARKING PADS SHALL CONSIST OF AN AVG. 6"-22A AGGREGATE BASE AND SHALL EXTEND ONE FOOT BEYOND ASPHALT SURFACE AREA.

MONOLITHIC POUR SIDEWALK & CURB
NO SCALE



CARPORT STRUCTURE ELEVATION





1"=20'

LEGEND
- BOUNDARY LINE
- LOT LINES
- BUILDING LOCATION
- BUILDING SETBACK
- PARKING AREA COUNT
- CURB INLET
- PROPOSED STORM BEEHIVE
- PROPOSED STORM MANHOLE
- PROPOSED HANDICAP SPACE
- PROPOSED HANDICAP SIGN
- PROPOSED LIGHT POLE
- EXISTING CONCRETE
- PROPOSED CONCRETE
- EXISTING ASPHALT
- PROPOSED ASPHALT
- DTE EASEMENT
- PROPOSED CARPORT
- MINIMUM 2' WIDE STONE BUFFER
- PROPOSED TREES
- PROPOSED SHRUBS

PRELIMINARY – FOR MUNICIPAL REVIEW PURPOSES ONLY

DRAWN BY	D.C.D.
CHECKED	
APPROVED BY	
DATE	3/12/19
PRINT DATE	

REVISIONS	DATE	BY

NORTHERN MICHIGAN ENGINEERING INC.
114 E. COURT ST.
SUITE 203
GAYLORD, MI 49735
334 E. NORTH STREET
TRAVERSE CITY, MI 49684
(989)237-3177

PROJECT
J. SCOTT PROPERTIES
PRELIMINARY SITE PLAN
BORDEN & DICKERSON GAYLORD, MI 49735

JOB# 17-004
SHEET
SP.1