

# OTSEGO COUNTY PLANNING COMMISSION

July 20, 2020

6:00 PM

## MEETING WILL BE HELD REMOTELY

The Otsego County Planning Commission will hold a public hearing on Monday, July 20, 2020 at 6:00 pm. Due to the novel Coronavirus pandemic, this meeting will be held remotely in compliance with Governor Whitmer's Executive Order.

To view and/or participate in this meeting:

- With computer or smart phone (for video and voice) access through clicking or copy and paste this link into a browser (like Google Chrome):  
<https://us02web.zoom.us/j/86025819840?pwd=M0dWdWY5T0VWdXYlWlI0WmdYYVnkyQT09>  
**Meeting ID: 863 8115 9130**  
**Password: 329006**
- With a phone (for voice only): dial 1.888.788.0099 or 1.877.853.5247 then wait for instructions and provide the meeting ID and password.

## AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES: From June 15, 2020 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:

**PZ20-002** *Rieth-Riley Construction Inc, owner, has requested a Special Use Permit/Site Plan Review for properties located in Elmira Township at 3006 Martindale Rd Elmira, MI 49797. The proposed use of the properties is to extend the permit for an existing mining operation. The properties are located in a FR/Forest Recreation Zoning District. A mining operation is a permitted use subject to special conditions in the FR Zoning District.*

*Parcel identification number: 060-001-100-005-03*  
3006 Martindale Rd  
Elmira, MI 49730

**Legal Description:**

*SE1/4 OF SE1/4 EXC THE EAST 66 FT & THE SOUTH + WEST 50 FT SEC 1 T31N R4W  
SUB TO EASEMENT FOR INGRESS, EGRESS & UTIL CONT 35 AC M/L 2000 OF 060-001-100-005-01*

*Parcel identification number: 060-001-100-005-04*  
Martindale Rd  
Elmira, MI 49730

**Legal Description:**

*N 1/2 OF SE 1/4 & E 66 FT & S AND W 50 FT OF SE 1/4 OF SE 1/4 SEC 1 T31N-R4W 08  
SPLIT OF 069-001-100-005-03*

- a. Open Public Hearing
- b. Case Summary
- c. Public Comment (3-minute limit)
- d. Close Public Hearing
- e. Planning Commission Discussion
- f. Motion

9. ADVERTISED CASES:

**PZ20-002** *Rieth-Riley Construction Inc, owner, has requested a Special Use Permit/Site Plan Review for properties located in Elmira Township at 3006 Martindale Rd Elmira, MI 49797. The proposed use of the properties is to extend the permit for an existing mining operation. The properties are located in a FR/Forest Recreation Zoning District. A mining operation is a permitted use subject to special conditions in the FR Zoning District.*

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SPLIT OF 069-001-100-005-03*

10. UNFINISHED COMMISSION BUSINESS

11. NEW BUSINESS

12. REPORTS AND COMMISSION MEMBER'S COMMENTS:

1. Otsego County Parks & Recreation report / Judy Jarecki
2. Land Use Services

Chris Churches:

- a. Proposed definition for BED & BREAKFAST

13. ADJOURNMENT

# Otsego County Planning Commission

Proposed Minutes for June 15, 2020

**Call to Order:** 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Chairperson Hartmann welcomed the public attending remotely and explained they would be given an opportunity to speak during the public hearing and requested they give their name before speaking.

## Roll Call:

Present: Mr. Hartmann, Mrs. Jarecki, Mr. Maxwell, Mr. Brown, Mr. Marlette, Mr. Scott, Mr. Caverson, Mr. Bauman, Ms. Corfis

Absent: Mr. Borton, Mr. Hilgendorf

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

Others Present: Scott Bell, Lapham Associates, Deshano representative, Chuck Edwards, Health Department of Northwest Michigan, \*\*\*Ken Mertz, Michaywe' Owners Association Director, Mary Woodhouse, Michaywe' Owners Association arrived later in the meeting

Public Present Remotely: Twenty (20) residents remoted into the meeting.

**Approval of minutes from:** March 16, 2020

Chairperson Hartmann requested discussion on the minutes.

Motion made by Mr. Brown to approve minutes as presented; Seconded by Mr. Bauman.

Motion approved unanimously.

**Consent Agenda:** None

**Other:** None

**Public participation for items not on the agenda:** None

## Public Hearing:

1. **PZ20-001 Michaywe Owners Association, owners represented by Scott Bell, Lapham Associates' representing DeShano Development Corporation, is requesting a site plan update to the Michaywe Planned Unit Development (PUD) changing the following properties from Single Family Residential, Commercial and Open Area Use to Multi Family Residential Use for the construction of a senior housing complex.**

Parcel identification number: 091-340-001-336-00 through 091-340-001-343-00,  
090-002-100-005-07 (part of)  
Opal Lake Rd  
Gaylord, MI 49735

### Legal Description:

LOTS 1336 - 1343 MICHAYWE NO. 6 SEC 2 T29N R3W

\*\*\*AND\*\*\*

A PARCEL COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE S89°22'00"E, 2806.15 FEET, ALONG THE NORTH LINE OF SAID SECTION 2; THENCE S02°38'07"E, 82.81 FEET TO THE POINT ON THE SOUTHERLY RIGHT-OF-WAY OF OPAL LAKE ROAD AS SHOWN ON THE PLAT OF MICHAYWE # 1, RECORDED IN LIBER 3 ON PAGE 102 OF THE OTSEGO COUNTY PUBLIC RECORDS; THENCE S01°27'10"E, 169.05 FEET ALONG THE WEST LINE OF SAID LOT 1043 TO THE POINT OF BEGINNING; THENCE S13°08'19"W, 116.85 FEET; THENCE S43°27'31"E, 363.06 FEET; THENCE N86°39'34"E, 350.18 FEET TO A POINT ON THE SOUTH LINE OF LOT 1336 OF SAID MICHAYWE #6 BEING N35°22'30"E, 37.98 FEET FROM THE CORNER COMMON TO LOTS 1335 AND 1336; THENCE ALONG THE SOUTH LINE OF SAID PLAT OF MICHAYWE # 6 ON THE FOLLOWING FOUR COURSES, N35°22'30"W, 140.72 FEET TO THE CORNER COMMON TO LOTS 1337 AND 1338; THENCE N51°30'00"W, 200.00 FEET TO THE CORNER COMMON TO LOTS 1339 AND 1340; THENCE N62°02'46"W, 272.00 FEET TO THE CORNER COMMON TO LOTS 1342 AND 1343; THENCE S84°04'00"W, 95.00 FEET BACK TO THE POINT OF BEGINNING.

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- a. *Open Public Hearing*
- b. *Applicant Summary*
- c. *Public Comment (3minute limit)*
- d. *Close Public Hearing*
- e. *Planning Commission Discussion*
- f. *Motion*

Chairperson Hartmann stated the case before the Commission, opened the public hearing and requested comment from the applicant.

*Public hearing opened: 6:02pm*

Scott Bell, Lapham Associates, representative for Deshano Development Corporation, stated they were proposing to build a thirty-two (32) unit senior housing complex; the project would house seniors, it would not be an assisted living facility. A possible Phase II could be in the future if need be. The proposed property consisted of lots along Opal Lake Dr and part of the common area in front of the clubhouse; the properties were approximately three (3) acres and would be combined for the project. They were proposing a change of use to the property to multi-family residential and subsequently an update to the Michaywe' Planned Unit Development (PDU) site plan map.

Chairperson Hartmann questioned if the units would be rented and the age requirements.

Mr. Bell stated they would be rented and would be geared toward people fifty-five (55) years of age and older. The intent was to allow people to stay in Michaywe' and enjoy the amenities without having the maintenance and upkeep of owning a home. They would be in close proximity to dining, swimming and golf. It was a middle ground between owning their own home and going to an assisted living facility.

Chairperson Hartmann questioned the water and sewage situation.

Mr. Bell stated a public well would be onsite along with a sewage/waste water/drain-field system. They were working through the process with the Health Department and State. Everything would be encompassed on the proposed property.

Mr. Brown questioned the Health Department's comments on the well and septic presented in the packet.

Chuck Edwards, Health Department of Northwest Michigan Director, stated he had performed the review and since then had been provided updated information concerning the flow and size of the septic system for Phase I; it was found to be in order so far with conditions. Phase II was questionable and contingent on Phase I; a second well would be required but there was not enough room on the site for another septic so the system would need to be reviewed to determine its validity before moving forward with a second phase.

Mr. Caverson stated he thought the case was just a property change of use, not a site plan review.

Chairperson Hartmann stated the case was just for Michaywe's use change and update to the PUD's site plan.

Mrs. Jarecki questioned the response from the fire department.

Mr. Churches stated it had been approved.

Chairperson Hartmann stated the case had been sent to both Bagley Township and Otsego Lake Township.

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Ms. Corfis stated Otsego Lake Township had reviewed the case and according to Michaywe's governing documents, it was determined the MOA needed a two-thirds (2/3) approval vote to change the property use and update the site plan. Michaywe' was holding another vote scheduled for July 18<sup>th</sup>. The Township was recommending the County Planning Commission postpone their decision until after the result of Michaywe's vote. This would be procedurally correct.

Mr. Maxwell stated Bagley Township Planning Commission had approved the site plan change but it had not been approved by the Township Board yet. They were planning a special meeting if need be to make their recommendation.

Mr. Churches stated because there was some question as to whether the MOA had originally met the required two-thirds (2/3) approval, Michaywe' would hold another vote. The County's attorney was contacted concerning Michaywe's by-laws and deed restrictions and his response basically stated the MOA and its residents were responsible for ensuring compliance with those by-laws and deed restrictions. The County's approval should be based on the Ordinance and not the by-laws.

Chairperson Hartmann questioned the paperwork distributed to the members that evening.

Mr. Churches stated the paperwork was a revised exhibit list showing the date of Otsego Lake Township's response and two (2) emails received from property owners. He read the emails aloud. *SEE ATTACHMENT #1*

Mr. Caverson questioned the original approval of the PUD and if it was necessary for its base of operations to state a vote is required.

Mr. Churches stated Michaywe's situation was unique because the PUD was adopted prior to there being a PUD ordinance. Land Use had all the documents from the 1970's when the PUD was originally adopted but it did not include all the materials that would be required now for a new PUD. In the PUD ordinance itself, it does not specify what governing documents are required just that governing documents **are** required.

Mr. Caverson stated the governing documents would then be included with an improved PUD.

Mr. Churches stated that was correct.

Ms. Corfis questioned if the County should be responsible to protect the Michaywe' residents if the MOA did not obey those governing documents.

Mr. Churches stated the attorney advised otherwise unless there was an overlap between the deed restrictions and the ordinance, then the County could enforce them under the ordinance.

Ms. Corfis stated Michaywe' should obey its governing documents and they were not in compliance at the time of application; Michaywe' did agree with Otsego Lake Township and that was why a new vote was being held.

Mr. Scott questioned if the decision could be contingent on Michaywe's vote.

Chairperson Hartmann stated a condition could be placed on the approval of the use change.

Ms. Corfis stated Otsego Lake Township thought the County should wait for the vote before deciding to ensure there were not any changes.

Chairperson Hartmann requested comment from the public.

Mr. Churches stated he would unmute each person one by one for comment.

Danielle Barkman had no comment.

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Eric stated he agreed they should wait for the vote before approval.

Franny Miller had no comment.

Margaret had no comment.

Rahit Jahn stated his comments were more for the MOA and questioned the implications to property values and association charges. He also thought they should wait for the vote before deciding and thought the MOA should have been represented.

Mr. Bell stated he was not familiar with what the MOA had presented when the original vote took place; those items would need to be discussed with them.

Sue and Steve Geopp agreed with waiting for the vote before deciding.

Ryan agreed they should wait until after MOA's vote.

Sunflower questioned the definition of multi-use and if the housing was just for seniors or if children would be included; she questioned if there would be Section 8 housing. She also thought the MOA should have been present to answer questions.

Mr. Bell stated the complex was proposed for seniors and was not proposed for development as subsidized housing.

Mr. Churches read aloud the following definition for a multi-family dwelling per the Otsego County Zoning Ordinance:

**DWELLING, MULTIPLE-FAMILY:** A building containing three (3) or more dwelling units designed for residential use and including a rooming house, bed and breakfast, tourist home, apartment house, group quarters, or extended care facility for seven (7) or more persons, such as adult foster care or alternative institutional setting home. State-licensed residential facilities shall be considered as single-family dwellings when questions of overcrowding and safety are addressed by the state agency issuing the license.

He also stated two (2) representatives from the MOA were supposed to be in attendance but was not aware why they were not.

Sunflower questioned if this meeting was for feedback only or if a decision would be made tonight. She thought another meeting should be held so their questions could be answered by the MOA.

734.467.3502 had no comment.

Michelle Noirot, Bagley Township Supervisor, stated she did not currently have questions but was surprised there wasn't any MOA representation.

989.370.9466 had no comment.

Sandra and Roger Thompson stated this project was for senior housing for seniors fifty-five (55) and older and had been presented last year for a vote to Michaywe' owners. Sandra stated there was a MOA Board meeting scheduled for Saturday, June 20<sup>th</sup> at 10am in the clubhouse if anyone needed questions answered. They could also contact Mary Woodhouse to be placed on a mailing list for weekly updates of what's happening in Michaywe'.

Gary Fults stated he was against approval and felt there were a multitude of places better than Michaywe' for senior housing. He felt it would be a mistake and adversely affect the aesthetics.

989.939.7439 had no comment.

989.939.8294 had no comment.

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989.939.8545 had no comment.

Gino Rea had no comment

Study had no comment.

Echo commented on concerns with the curvy road.

Guest commented there were many walkers on the road and with no sidewalks, sixty-four units would more than double the number of houses on that road and would increase the number of people on the road.

Chairperson Hartmann questioned if there was any reason why they shouldn't table a decision until after the Michaywe' vote.

Mr. Bell stated they could not move forward with anything until this was ironed out; they could not move dirt, they could not get permits; even the purchase agreement was contingent on the approval. He would ask the Commission to make a decision conditioned on the result of the Michaywe' vote. Providing the two-thirds (2/3) vote passes, they could move forward with a site plan review instead of waiting for another hearing to be scheduled for a final decision.

Mr. Churches stated another hearing would not have to be held; the case would just be placed on the agenda for a decision.

Ms. Corfis stated they wouldn't be able to move forward with the project until they came before the township again for a recommendation of approval.

Mr. Maxwell stated if the vote was July 18<sup>th</sup>, it could be placed on the July 20<sup>th</sup> agenda.

Mr. Churches stated the result of the vote would be needed and the information would not be included in the meeting packet.

Chairperson Hartmann stated if they could be assured of the results of the July 18<sup>th</sup> MOA vote, he thought adding it to the July agenda would still work. He stated there wasn't anyone attending remotely who was for the project.

Mr. Churches stated numerous calls were received prior to the meeting and typically if people are for a project, they don't attend a meeting.

Mr. Bauman questioned if the ballot was sent out, did it need to be received by July 18<sup>th</sup>.

Ms. Corfis stated she was not a Michaywe' resident, the Michaywe' letter stated the vote was July 18<sup>th</sup>; the MOA would have to clarify further.

Chairperson Hartmann requested further input, hearing none, closed the public hearing.

*Public hearing closed: 6:46pm*

## **Advertised Case:**

- PZ20-001** *Michaywe Owners Association, owners represented by Scott Bell, Lapham Associates' representing DeShano Development Corporation, is requesting a site plan update to the Michaywe Planned Unit Development (PUD) changing the following properties from Single Family Residential, Commercial and Open Area Use to Multi Family Residential Use for the construction of a senior housing complex.*

*Parcel identification number: 091-340-001-336-00 through 091-340-001-343-00,  
090-002-100-005-07 (part of)  
Opal Lake Rd  
Gaylord, MI 49735*

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Chairperson Hartmann made a motion to postpone a decision on the use change to Michaywe's PUD site plan until the new MOA vote of July 18<sup>th</sup> was tallied; Seconded by Ms. Corfis.

Roll Call:

Yes: 9  
No: 0  
Absent: 2

Motion approved unanimously.

Case PZSU20-001 will be on the August agenda following the vote result.

**Unfinished Commission Business:** None

**New Business:** None

## Reports and Commission Member's Comments:

### 1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated Tom Pratt had been hired as the new Parks & Rec Director, he previously worked at Patriot Place; the campground at the County Park was open, the boat ramp had been redone due to ice damage and the dock installed, and the fireworks were still scheduled for July 3<sup>rd</sup>; the gym floor at the Community Center had been removed – memorial pieces could be obtained onsite; trees had been planted at the Groen and the Charleston Township Fire Department agreed to water the trees three (3) times per week for \$1,000 as opposed to the \$3,000 bid received for the project, the opening ceremony for the Groen's new gate off Heatherton Rd was postponed due to mechanical issues – it has not been rescheduled, and another employee is being sought for the Groen season; the next Park's meeting will be July 13<sup>th</sup> at the Otsego Lake County Park.

Ken Mertz, MOA director arrived 6:50pm.

Chairperson Hartmann stated they had just closed the public hearing and had twenty (20) people remote in, many with questions for the MOA.

Mr. Mertz stated they thought the meeting started at 7:00pm and apologized for the error.

Chairperson Hartmann stated the Commission had postponed their decision until the result of the July 18<sup>th</sup> vote was in. The case would be placed on the Commission's July 20<sup>th</sup> agenda.

Mr. Mertz stated the vote was mail in and due by July 25<sup>th</sup>.

Chairperson Hartmann stated the case would have to be moved to the August 17<sup>th</sup> agenda instead and the motion changed to reflect that.

Mr. Marlette questioned the current use of the community property.

Mr. Mertz stated it was just woods; the parcel was approximately three (3) acres.

Chairperson Hartmann stated there were questions concerning property values and increased dues.

Mr. Mertz stated this use change would keep association dues from escalating rapidly because Michaywe' was gaining a good sum of money from the sale of the property and also the development would be paying Michaywe' approximately \$9,000 a year.

Mr. Churches stated the general consensus of the people attending was to wait until the result of the Michaywe' vote before the Commission made a decision.

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Mr. Mertz stated that was the opinion of Otsego Lake Township as well. They decided to provide approval for the change of use with the passing of the vote.

Ms. Corfis stated approval would not be given until the result of the vote was determined to be sure there were no changes, additions or modifications.

Mr. Mertz questioned having to attend another meeting at the township for approval.

Ms. Corfis stated if Michaywe' wanted their recommendation, they would give their approval upon an affirmative vote of two-thirds (2/3) members. Their meeting would be only a few days following the Michaywe' deadline so they would not be holding them up.

Mary Woodhouse, MOA representative arrived 6:57pm. She apologized for the mistake.

Mr. Mertz explained to her the Commission had postponed their decision until August after the result of the vote.

Chairperson Hartmann also shared that the Health Department had approved the 32-unit project.

Mr. Edwards clarified there were some revisions to the waste water size still needing to be reviewed and a condition for approval was a water supply approval through EGLE; the review was not finalized yet.

Mr. Bell stated that approval required test wells be drilled to determine the capacity of the aquafer but it was rather expensive so they were waiting for Planning Commission approval before moving forward.

Mr. Churches stated there was a rumor going around that if this apartment complex was established it would require Michaywe' to obtain city sewer and water; he asked Mr. Edwards to address these concerns.

Mr. Edwards stated Michaywe's Master Deed contained some provisions agreed to by the developers that when Michaywe' reached a certain capacity of development, city sewer and water would be added; back in the 1990's this was reviewed by the State and was determined it was not enforceable by the Health Department.

Chairperson questioned how many homes were in Michaywe'.

Mrs. Woodhouse stated there were about 950.

Mr. Mertz stated many of those were seasonal so were not occupied year-round.

Mrs. Woodhouse stated they still did annual water quality testing randomly testing the homes in Michaywe'.

Mr. Scott questioned the potential of negatively impacting the surrounding wells in the area.

Mr. Edwards stated the design of the system was meant to prevent that from happening; that was one of the criteria looked at during review.

Mr. Bell stated the purpose of drilling the test wells was to determine the capacity of the aquafer so that it did not adversely affect the aquafer or the surrounding wells.

## 2. Land Use Services report

With nothing further, Chairperson Hartmann adjourned the meeting.

**Adjournment:** 7:05pm by Chairperson Hartmann

Pete Maxwell; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

# Otsego County Planning Commission

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ATTACHMENT #1:

## Christopher Churches

**From:** Richard Woychowski <theloanprocessor@comcast.net>  
**Sent:** Saturday, June 13, 2020 2:08 PM  
**To:** Christopher Churches  
**Cc:** melanconj@ocrc-mi.org  
**Subject:** RE: ""Public Hearing Notification for proposed zoning change in Michaywe 091-340-001-336-00 Opal Lake Rd, please allow the following letter for public comment

**Importance:** High

[EXTERNAL SENDER, Use Caution when viewing, confirm legitimacy before clicking any links or opening any attachments]

Dear Mr. Churches and Mr. Melancon:

I included Mr. Melancon in this email because I thought the road commission should be aware of the proposed project.

The following is a letter my wife and I presented to the Michaywe board of directors prior to the community vote to sell the land in front of the club house. I don't know if the board shared all of the marketing material and plans for the project the developer is proposing, but we are very concerned that the "pretty picture" being presented will have very real and permanent unintended consequences. The proposal is for a 64 unit senior apartment complex. The picture painted was a place for the senior members of the community to continue to enjoy Michaywe without the ongoing maintenance issues and expense of homeownership. Sounds good, until you realize that renting is always more expensive, you have no place to keep all your stuff that accumulated over many years, and the loss of the peace and quiet and privacy of having a home cannot be replaced by apartment living. The sale of the land is being done to infuse some cash into the association for the needed maintenance on the club house. I would prefer to have my HOA fee increased rather than see an irreversible change of such magnitude to the main community area. The demand for the "Senior Focused" building craze will end when the last of the "baby boomers" retire. The need/want for this housing will decline. The community will end up with a huge apartment structure with a high vacancy rate and a building falling into disrepair. This will greatly impact the desire for the community and hurt the property values for all the residents. My wife and I oppose this project and the proposed zoning changes.

Exhibit 24

# Otsego County Planning Commission

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## Christopher Churches

**From:** Karen Gritter <kgritter64@gmail.com>  
**Sent:** Sunday, June 14, 2020 6:44 PM  
**To:** Christopher Churches  
**Subject:** comment on Michaywe Planned Unit Development

[EXTERNAL SENDER, Use Caution when viewing, confirm legitimacy before clicking any links or opening any attachments]

Chris Churches,

I have several concerns about the zoning change to enable a senior housing community in Michaywe.

Primarily, this is a very poor location for a community like this, for the following reasons.

First, increased traffic on curvy roads which are not made for such traffic is problematic. Things like heavy semis for food services, medical services, and staffing will increase stress on a secondary road not constructed for heavy traffic. EMS's ability to get to this place and transport people to hospital in a timely manner is also an issue, particularly in winter, as this road is very treacherous and not maintained as well as main roads in the area. Additionally, there would be increased risk for the residents themselves of getting into accidents, as elderly response times are slower--not only regarding curving and icy roads, but a very large deer population in the area.

Second, this structure will require a large septic system and drain field in an area where city water and sewer is not available. The proposed location is across the street from the headwaters of the AuSable.

Third, this change may open up the area to other structures we don't want. I remember how North Otsego Lake Drive's zoning was changed against the wishes of the residents, and is now another business-laden blight on the landscape.

There are many areas closer to town and essential services for the elderly that would be far more suitable for a structure such as this. I would ask you to consider those places as better locations for a community.

Thank you.

Karen Gritter

**OTSEGO COUNTY  
LAND USE SERVICES**  
1322 HAYES RD GAYLORD MI 49735  
PHONE: 989.731.7400 \* FAX: 989.731.7419  
[www.otsegocountymi.gov](http://www.otsegocountymi.gov)

**APPLICATION FOR SPECIAL USE PERMIT**

Date: 5/21/2020	Parcel Number: 060 - 001 - 100 - 005-03 - 005-04
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**PROPERTY LOCATION: (REQUIRED)**

Address: <b>3006 Martindale Road</b>		City: <b>Gaylord</b>	Zip Code: <b>49735</b>
Township: <b>Elmira</b>	Zoning District: Forest/Recreation	Section: <b>1</b>	T <b>31</b> N/R <b>4</b> W

**APPLICANT:**

Name: <b>Rieth-Riley Construction Co., Inc.</b>		Owner/Agent/Other Interest <i>(circle one)</i>	
Address: <b>PO Box 477</b>		City: <b>Goshen</b>	State: <b>IN</b> Zip Code: <b>46527</b>
Phone: ( 574) 875 -5183		Fax: ( 574) 875 -8405	

**PROPERTY OWNER: (If different from Applicant)**

Name: <b>SAME</b>		Phone: ( ) -	
Address:		City:	State: Zip Code:

**DESCRIPTION OF PROJECT AND PROPOSED USE:**

Sand, clay, stone and gravel extraction and processing commensurate with prior Special Use Permit PSUP 15-002 granted to Applicant in 2015.

**SIGNATURE OF APPLICANT:**

**DATE: 5/22/2020**



DN: cn=Keegan M. Brennan, o=Rieth-Riley Construction Co., Inc., ou=Assistant General Counsel, email=kbrennan@rieth-riley.com, c=US  
Date: 2020.05.22 07:59:46 -0400

\*\*\*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: <b>June 5, 2020</b>	Permit Number: <b>P23620-000</b>
Date Application Complete:	Fee: <b>\$700</b> Receipt Number: <b>01300077</b>

**OTSEGO COUNTY  
LAND USE SERVICES  
1322 HAYES RD GAYLORD MI 49735  
PHONE: 989.731.7400 \* FAX: 989.731.7419  
[www.otsegocountymi.gov](http://www.otsegocountymi.gov)**

**APPLICATION FOR SITE PLAN REVIEW**

**APPLICANT:**

Name: <b>Rieth-Riley Construction Co., Inc.</b>	<input checked="" type="radio"/> Owner/ <input type="radio"/> Agent/ <input type="radio"/> Other Interest <i>(circle one)</i>
Address: <b>PO Box 477, Goshen, IN 46527</b>	
Phone: ( 574 ) 875 -5183	Fax: ( 574 ) 875 -8405

**PROPERTY OWNER: (If different from Applicant)**

Name: <b>SAME</b>	
Address:	
Phone: (    )    -	Fax: (    )    -

**PROPERTY LOCATION:**

Township: <b>Elmira</b>	Section: <b>1</b>	T <u>31</u> N/R <u>4</u> W	Zoning District: <b>Forest/Recreation</b>
Site Address: <b>3006 Martindale Road, Gaylord, MI 49735</b>			
Parcel Number: <u>060</u> - <u>001</u> - <u>100</u> - <u>005-03</u> and - 005-04			
Description of Project and Proposed Use: <b>Continued operations pursuant to PSUP 15-002 for Applicant's sand, stone, clay and gravel extraction and processing operation and all activities incidental thereto, including advancement into the area further described in Appendix C and its Cover Letter as Phase #2.</b>			

<b>Signature of Applicant:</b>   <small>DN: cn=Keegan M. Brennan, o=Rieth-Riley Construction Co., Inc., ou=Assistant General Counsel, email=kbrennan@rieth- riley.com, c=US Date: 2020.05.22 08:01:23 -04'00'</small>	<b>Date:</b>  <b>05/22/2020</b>
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\*\*\*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.  
**See Warranty Deed recorded April 6, 2005 attached herein as Appendix A.**
- A signed statement that the applicant is officially acting on the owner's behalf.  
**See signed Statement of Authority.**
- Appropriate fees paid to Otsego County.  
**See a copy of Rieth-Riley's check dated May 20, 2020 attached herein to cover the cost of this permit application.**

\*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: Rieth-Riley Construction Co., Inc., PO Box 477, Goshen, IN 46527  
(574)875-5183
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: Same as Applicant; see attached for signature of Rieth-Riley's authorized representative.
3. The address and or parcel number of the property.  
Yes  No  "No" explain: 3006 Martindale Rd., Gaylord, MI 49735 (60-001-100-005-03)
4. Name and address of the developer (if different from the applicant).  
Yes  No  if "No" explain: There is no developer; Rieth-Riley is the sole owner and operator of the site.
5. Name and address of the engineer, architect and/or land surveyor.  
Yes  No  if "No" explain: Neil Holshoe, Benchmark Engineering, Inc. 607 E. Lake St., Harbor Springs, MI 49740
6. Project title.  
Yes  No  if "No" explain: Rieth-Riley's North Townline Pit
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: Please see Appendices C and E.
8. A vicinity map drawn to scale with North point indicated.  
Yes  No  if "No" explain: Please see Appendices C and E.
9. The gross and net acreage of all parcels in the project.  
Yes  No  if "No" explain: 119.76 total acres, divided into three "phases" of about 40 acres each.  
Please also see Appendix C and E.
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: Zoned Forest/Recreation

11. Project completion schedule/development phases. (refer to Section 23.9)  
 Yes  No  if "No" explain: Please see Rieth-Riley's Cover Letter and Appendix C (3 pages)
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: Site Plan and sealed survey by Neil Holshoe included as Appendix C and E.

**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: Please see Appendices C and E.
14. Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.  
 Yes  No  if "No" explain: Per Appendices, all water stays on site
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: No detention basins are necessary or provided; per Appendices, all water stays on site.
16. Location and type of significant existing vegetation.  
 Yes  No  if "No" explain: See Appendices. All wooded areas, including berming and screen, are indicated.
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: No water courses, drains, or water bodies.
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: The Site contains a Scale-house, indicated as "trailer" on Site Plan. Please see Appendices.
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: All equipment except Scale & Scale-house is portable. A list of commonly used equipment is included as Appendix D (1 Page).
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: Please see Appendices.
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: Please see Appendices.
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: Please see Appendices.

23. Location, size, and characteristics of all loading and unloading areas.  
Yes  No  if "No" explain: Please see Appendices.
24. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.  
Yes  No  if "No" explain: Please see Appendices.
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: There are none of these items on the Site.
26. Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.  
Yes  No  if "No" explain: The Site utilizes an electric power line from the entrance to the scale and scale-house
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: The Site is does not contain such facilities/spaces.
28. Location, size and specifications of all signs and advertising features with elevation views from front and side.  
Yes  No  if "No" explain: There are no such features on the Site.
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: There are no such features on the Site.
30. Location and specifications for all fences, walls and other screening features with elevation views from front and side.  
Yes  No  if "No" explain: Please see Appendices C & E.
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: Please see Appendices C & E.
32. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.  
Yes  No  if "No" explain: There are no such receptacles on the Site.
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: There are no such facilities or materials on the Site.
34. North arrow, scale and date of original submittal and last revision.  
Yes  No  if "No" explain: Please see Appendices C & E.
35. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the site plan.  
Yes  No  if "No" explain: Please see Appendices C & E.

**\*\*\*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\*\*\***

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

# Otsego County Planning Commission

Proposed Minutes for June 15, 2020

**Call to Order:** 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Chairperson Hartmann welcomed the public attending remotely and explained they would be given an opportunity to speak during the public hearing and requested they give their name before speaking.

## Roll Call:

Present: Mr. Hartmann, Mrs. Jarecki, Mr. Maxwell, Mr. Brown, Mr. Marlette, Mr. Scott, Mr. Caverson, Mr. Bauman, Ms. Corfis

Absent: Mr. Borton, Mr. Hilgendorf

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

Others Present: Scott Bell, Lapham Associates, Deshano representative, Chuck Edwards, Health Department of Northwest Michigan, \*\*\*Ken Mertz, Michaywe' Owners Association Director, Mary Woodhouse, Michaywe' Owners Association arrived later in the meeting

Public Present Remotely: Twenty (20) residents remoted into the meeting.

**Approval of minutes from:** March 16, 2020

Chairperson Hartmann requested discussion on the minutes.

Motion made by Mr. Brown to approve minutes as presented; Seconded by Mr. Bauman.

Motion approved unanimously.

**Consent Agenda:** None

**Other:** None

**Public participation for items not on the agenda:** None

## Public Hearing:

1. **PZ20-001 Michaywe Owners Association, owners represented by Scott Bell, Lapham Associates' representing DeShano Development Corporation, is requesting a site plan update to the Michaywe Planned Unit Development (PUD) changing the following properties from Single Family Residential, Commercial and Open Area Use to Multi Family Residential Use for the construction of a senior housing complex.**

Parcel identification number: 091-340-001-336-00 through 091-340-001-343-00,  
090-002-100-005-07 (part of)  
Opal Lake Rd  
Gaylord, MI 49735

### Legal Description:

LOTS 1336 - 1343 MICHAYWE NO. 6 SEC 2 T29N R3W

\*\*\*AND\*\*\*

A PARCEL COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE S89°22'00"E, 2806.15 FEET, ALONG THE NORTH LINE OF SAID SECTION 2; THENCE S02°38'07"E, 82.81 FEET TO THE POINT ON THE SOUTHERLY RIGHT-OF-WAY OF OPAL LAKE ROAD AS SHOWN ON THE PLAT OF MICHAYWE # 1, RECORDED IN LIBER 3 ON PAGE 102 OF THE OTSEGO COUNTY PUBLIC RECORDS; THENCE S01°27'10"E, 169.05 FEET ALONG THE WEST LINE OF SAID LOT 1043 TO THE POINT OF BEGINNING; THENCE S13°08'19"W, 116.85 FEET; THENCE S43°27'31"E, 363.06 FEET; THENCE N86°39'34"E, 350.18 FEET TO A POINT ON THE SOUTH LINE OF LOT 1336 OF SAID MICHAYWE #6 BEING N35°22'30"E, 37.98 FEET FROM THE CORNER COMMON TO LOTS 1335 AND 1336; THENCE ALONG THE SOUTH LINE OF SAID PLAT OF MICHAYWE # 6 ON THE FOLLOWING FOUR COURSES, N35°22'30"W, 140.72 FEET TO THE CORNER COMMON TO LOTS 1337 AND 1338; THENCE N51°30'00"W, 200.00 FEET TO THE CORNER COMMON TO LOTS 1339 AND 1340; THENCE N62°02'46"W, 272.00 FEET TO THE CORNER COMMON TO LOTS 1342 AND 1343; THENCE S84°04'00"W, 95.00 FEET BACK TO THE POINT OF BEGINNING.

# Otsego County Planning Commission

Proposed Minutes for June 15, 2020

- a. *Open Public Hearing*
- b. *Applicant Summary*
- c. *Public Comment (3minute limit)*
- d. *Close Public Hearing*
- e. *Planning Commission Discussion*
- f. *Motion*

Chairperson Hartmann stated the case before the Commission, opened the public hearing and requested comment from the applicant.

*Public hearing opened: 6:02pm*

Scott Bell, Lapham Associates, representative for Deshano Development Corporation, stated they were proposing to build a thirty-two (32) unit senior housing complex; the project would house seniors, it would not be an assisted living facility. A possible Phase II could be in the future if need be. The proposed property consisted of lots along Opal Lake Dr and part of the common area in front of the clubhouse; the properties were approximately three (3) acres and would be combined for the project. They were proposing a change of use to the property to multi-family residential and subsequently an update to the Michaywe' Planned Unit Development (PDU) site plan map.

Chairperson Hartmann questioned if the units would be rented and the age requirements.

Mr. Bell stated they would be rented and would be geared toward people fifty-five (55) years of age and older. The intent was to allow people to stay in Michaywe' and enjoy the amenities without having the maintenance and upkeep of owning a home. They would be in close proximity to dining, swimming and golf. It was a middle ground between owning their own home and going to an assisted living facility.

Chairperson Hartmann questioned the water and sewage situation.

Mr. Bell stated a public well would be onsite along with a sewage/waste water/drain-field system. They were working through the process with the Health Department and State. Everything would be encompassed on the proposed property.

Mr. Brown questioned the Health Department's comments on the well and septic presented in the packet.

Chuck Edwards, Health Department of Northwest Michigan Director, stated he had performed the review and since then had been provided updated information concerning the flow and size of the septic system for Phase I; it was found to be in order so far with conditions. Phase II was questionable and contingent on Phase I; a second well would be required but there was not enough room on the site for another septic so the system would need to be reviewed to determine its validity before moving forward with a second phase.

Mr. Caverson stated he thought the case was just a property change of use, not a site plan review.

Chairperson Hartmann stated the case was just for Michaywe's use change and update to the PUD's site plan.

Mrs. Jarecki questioned the response from the fire department.

Mr. Churches stated it had been approved.

Chairperson Hartmann stated the case had been sent to both Bagley Township and Otsego Lake Township.

# Otsego County Planning Commission

Proposed Minutes for June 15, 2020

Ms. Corfis stated Otsego Lake Township had reviewed the case and according to Michaywe's governing documents, it was determined the MOA needed a two-thirds (2/3) approval vote to change the property use and update the site plan. Michaywe' was holding another vote scheduled for July 18<sup>th</sup>. The Township was recommending the County Planning Commission postpone their decision until after the result of Michaywe's vote. This would be procedurally correct.

Mr. Maxwell stated Bagley Township Planning Commission had approved the site plan change but it had not been approved by the Township Board yet. They were planning a special meeting if need be to make their recommendation.

Mr. Churches stated because there was some question as to whether the MOA had originally met the required two-thirds (2/3) approval, Michaywe' would hold another vote. The County's attorney was contacted concerning Michaywe's by-laws and deed restrictions and his response basically stated the MOA and its residents were responsible for ensuring compliance with those by-laws and deed restrictions. The County's approval should be based on the Ordinance and not the by-laws.

Chairperson Hartmann questioned the paperwork distributed to the members that evening.

Mr. Churches stated the paperwork was a revised exhibit list showing the date of Otsego Lake Township's response and two (2) emails received from property owners. He read the emails aloud. *SEE ATTACHMENT #1*

Mr. Caverson questioned the original approval of the PUD and if it was necessary for its base of operations to state a vote is required.

Mr. Churches stated Michaywe's situation was unique because the PUD was adopted prior to there being a PUD ordinance. Land Use had all the documents from the 1970's when the PUD was originally adopted but it did not include all the materials that would be required now for a new PUD. In the PUD ordinance itself, it does not specify what governing documents are required just that governing documents **are** required.

Mr. Caverson stated the governing documents would then be included with an improved PUD.

Mr. Churches stated that was correct.

Ms. Corfis questioned if the County should be responsible to protect the Michaywe' residents if the MOA did not obey those governing documents.

Mr. Churches stated the attorney advised otherwise unless there was an overlap between the deed restrictions and the ordinance, then the County could enforce them under the ordinance.

Ms. Corfis stated Michaywe' should obey its governing documents and they were not in compliance at the time of application; Michaywe' did agree with Otsego Lake Township and that was why a new vote was being held.

Mr. Scott questioned if the decision could be contingent on Michaywe's vote.

Chairperson Hartmann stated a condition could be placed on the approval of the use change.

Ms. Corfis stated Otsego Lake Township thought the County should wait for the vote before deciding to ensure there were not any changes.

Chairperson Hartmann requested comment from the public.

Mr. Churches stated he would unmute each person one by one for comment.

Danielle Barkman had no comment.

# Otsego County Planning Commission

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Proposed Minutes for June 15, 2020

Eric stated he agreed they should wait for the vote before approval.

Franny Miller had no comment.

Margaret had no comment.

Rahit Jahn stated his comments were more for the MOA and questioned the implications to property values and association charges. He also thought they should wait for the vote before deciding and thought the MOA should have been represented.

Mr. Bell stated he was not familiar with what the MOA had presented when the original vote took place; those items would need to be discussed with them.

Sue and Steve Geopp agreed with waiting for the vote before deciding.

Ryan agreed they should wait until after MOA's vote.

Sunflower questioned the definition of multi-use and if the housing was just for seniors or if children would be included; she questioned if there would be Section 8 housing. She also thought the MOA should have been present to answer questions.

Mr. Bell stated the complex was proposed for seniors and was not proposed for development as subsidized housing.

Mr. Churches read aloud the following definition for a multi-family dwelling per the Otsego County Zoning Ordinance:

**DWELLING, MULTIPLE-FAMILY:** A building containing three (3) or more dwelling units designed for residential use and including a rooming house, bed and breakfast, tourist home, apartment house, group quarters, or extended care facility for seven (7) or more persons, such as adult foster care or alternative institutional setting home. State-licensed residential facilities shall be considered as single-family dwellings when questions of overcrowding and safety are addressed by the state agency issuing the license.

He also stated two (2) representatives from the MOA were supposed to be in attendance but was not aware why they were not.

Sunflower questioned if this meeting was for feedback only or if a decision would be made tonight. She thought another meeting should be held so their questions could be answered by the MOA.

734.467.3502 had no comment.

Michelle Noirot, Bagley Township Supervisor, stated she did not currently have questions but was surprised there wasn't any MOA representation.

989.370.9466 had no comment.

Sandra and Roger Thompson stated this project was for senior housing for seniors fifty-five (55) and older and had been presented last year for a vote to Michaywe' owners. Sandra stated there was a MOA Board meeting scheduled for Saturday, June 20<sup>th</sup> at 10am in the clubhouse if anyone needed questions answered. They could also contact Mary Woodhouse to be placed on a mailing list for weekly updates of what's happening in Michaywe'.

Gary Fults stated he was against approval and felt there were a multitude of places better than Michaywe' for senior housing. He felt it would be a mistake and adversely affect the aesthetics.

989.939.7439 had no comment.

989.939.8294 had no comment.

# Otsego County Planning Commission

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989.939.8545 had no comment.

Gino Rea had no comment

Study had no comment.

Echo commented on concerns with the curvy road.

Guest commented there were many walkers on the road and with no sidewalks, sixty-four units would more than double the number of houses on that road and would increase the number of people on the road.

Chairperson Hartmann questioned if there was any reason why they shouldn't table a decision until after the Michaywe' vote.

Mr. Bell stated they could not move forward with anything until this was ironed out; they could not move dirt, they could not get permits; even the purchase agreement was contingent on the approval. He would ask the Commission to make a decision conditioned on the result of the Michaywe' vote. Providing the two-thirds (2/3) vote passes, they could move forward with a site plan review instead of waiting for another hearing to be scheduled for a final decision.

Mr. Churches stated another hearing would not have to be held; the case would just be placed on the agenda for a decision.

Ms. Corfis stated they wouldn't be able to move forward with the project until they came before the township again for a recommendation of approval.

Mr. Maxwell stated if the vote was July 18<sup>th</sup>, it could be placed on the July 20<sup>th</sup> agenda.

Mr. Churches stated the result of the vote would be needed and the information would not be included in the meeting packet.

Chairperson Hartmann stated if they could be assured of the results of the July 18<sup>th</sup> MOA vote, he thought adding it to the July agenda would still work. He stated there wasn't anyone attending remotely who was for the project.

Mr. Churches stated numerous calls were received prior to the meeting and typically if people are for a project, they don't attend a meeting.

Mr. Bauman questioned if the ballot was sent out, did it need to be received by July 18<sup>th</sup>.

Ms. Corfis stated she was not a Michaywe' resident, the Michaywe' letter stated the vote was July 18<sup>th</sup>; the MOA would have to clarify further.

Chairperson Hartmann requested further input, hearing none, closed the public hearing.

*Public hearing closed: 6:46pm*

## **Advertised Case:**

- PZ20-001** *Michaywe Owners Association, owners represented by Scott Bell, Lapham Associates' representing DeShano Development Corporation, is requesting a site plan update to the Michaywe Planned Unit Development (PUD) changing the following properties from Single Family Residential, Commercial and Open Area Use to Multi Family Residential Use for the construction of a senior housing complex.*

*Parcel identification number: 091-340-001-336-00 through 091-340-001-343-00,  
090-002-100-005-07 (part of)  
Opal Lake Rd  
Gaylord, MI 49735*

# Otsego County Planning Commission

Proposed Minutes for June 15, 2020

Chairperson Hartmann made a motion to postpone a decision on the use change to Michaywe's PUD site plan until the new MOA vote of July 18<sup>th</sup> was tallied; Seconded by Ms. Corfis.

Roll Call:

Yes: 9  
No: 0  
Absent: 2

Motion approved unanimously.

Case PZSU20-001 will be on the August agenda following the vote result.

**Unfinished Commission Business:** None

**New Business:** None

## Reports and Commission Member's Comments:

### 1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated Tom Pratt had been hired as the new Parks & Rec Director, he previously worked at Patriot Place; the campground at the County Park was open, the boat ramp had been redone due to ice damage and the dock installed, and the fireworks were still scheduled for July 3<sup>rd</sup>; the gym floor at the Community Center had been removed – memorial pieces could be obtained onsite; trees had been planted at the Groen and the Charleston Township Fire Department agreed to water the trees three (3) times per week for \$1,000 as opposed to the \$3,000 bid received for the project, the opening ceremony for the Groen's new gate off Heatherton Rd was postponed due to mechanical issues – it has not been rescheduled, and another employee is being sought for the Groen season; the next Park's meeting will be July 13<sup>th</sup> at the Otsego Lake County Park.

Ken Mertz, MOA director arrived 6:50pm.

Chairperson Hartmann stated they had just closed the public hearing and had twenty (20) people remote in, many with questions for the MOA.

Mr. Mertz stated they thought the meeting started at 7:00pm and apologized for the error.

Chairperson Hartmann stated the Commission had postponed their decision until the result of the July 18<sup>th</sup> vote was in. The case would be placed on the Commission's July 20<sup>th</sup> agenda.

Mr. Mertz stated the vote was mail in and due by July 25<sup>th</sup>.

Chairperson Hartmann stated the case would have to be moved to the August 17<sup>th</sup> agenda instead and the motion changed to reflect that.

Mr. Marlette questioned the current use of the community property.

Mr. Mertz stated it was just woods; the parcel was approximately three (3) acres.

Chairperson Hartmann stated there were questions concerning property values and increased dues.

Mr. Mertz stated this use change would keep association dues from escalating rapidly because Michaywe' was gaining a good sum of money from the sale of the property and also the development would be paying Michaywe' approximately \$9,000 a year.

Mr. Churches stated the general consensus of the people attending was to wait until the result of the Michaywe' vote before the Commission made a decision.

# Otsego County Planning Commission

Proposed Minutes for June 15, 2020

Mr. Mertz stated that was the opinion of Otsego Lake Township as well. They decided to provide approval for the change of use with the passing of the vote.

Ms. Corfis stated approval would not be given until the result of the vote was determined to be sure there were no changes, additions or modifications.

Mr. Mertz questioned having to attend another meeting at the township for approval.

Ms. Corfis stated if Michaywe' wanted their recommendation, they would give their approval upon an affirmative vote of two-thirds (2/3) members. Their meeting would be only a few days following the Michaywe' deadline so they would not be holding them up.

Mary Woodhouse, MOA representative arrived 6:57pm. She apologized for the mistake.

Mr. Mertz explained to her the Commission had postponed their decision until August after the result of the vote.

Chairperson Hartmann also shared that the Health Department had approved the 32-unit project.

Mr. Edwards clarified there were some revisions to the waste water size still needing to be reviewed and a condition for approval was a water supply approval through EGLE; the review was not finalized yet.

Mr. Bell stated that approval required test wells be drilled to determine the capacity of the aquafer but it was rather expensive so they were waiting for Planning Commission approval before moving forward.

Mr. Churches stated there was a rumor going around that if this apartment complex was established it would require Michaywe' to obtain city sewer and water; he asked Mr. Edwards to address these concerns.

Mr. Edwards stated Michaywe's Master Deed contained some provisions agreed to by the developers that when Michaywe' reached a certain capacity of development, city sewer and water would be added; back in the 1990's this was reviewed by the State and was determined it was not enforceable by the Health Department.

Chairperson questioned how many homes were in Michaywe'.

Mrs. Woodhouse stated there were about 950.

Mr. Mertz stated many of those were seasonal so were not occupied year-round.

Mrs. Woodhouse stated they still did annual water quality testing randomly testing the homes in Michaywe'.

Mr. Scott questioned the potential of negatively impacting the surrounding wells in the area.

Mr. Edwards stated the design of the system was meant to prevent that from happening; that was one of the criteria looked at during review.

Mr. Bell stated the purpose of drilling the test wells was to determine the capacity of the aquafer so that it did not adversely affect the aquafer or the surrounding wells.

## 2. Land Use Services report

With nothing further, Chairperson Hartmann adjourned the meeting.

**Adjournment:** 7:05pm by Chairperson Hartmann

Pete Maxwell; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

# Otsego County Planning Commission

Proposed Minutes for June 15, 2020

ATTACHMENT #1:

## Christopher Churches

**From:** Richard Woychowski <theloanprocessor@comcast.net>  
**Sent:** Saturday, June 13, 2020 2:08 PM  
**To:** Christopher Churches  
**Cc:** melanconj@ocrc-mi.org  
**Subject:** RE: ""Public Hearing Notification for proposed zoning change in Michaywe 091-340-001-336-00 Opal Lake Rd, please allow the following letter for public comment

**Importance:** High

[EXTERNAL SENDER, Use Caution when viewing, confirm legitimacy before clicking any links or opening any attachments]

Dear Mr. Churches and Mr. Melancon:

I included Mr. Melancon in this email because I thought the road commission should be aware of the proposed project.

The following is a letter my wife and I presented to the Michaywe board of directors prior to the community vote to sell the land in front of the club house. I don't know if the board shared all of the marketing material and plans for the project the developer is proposing, but we are very concerned that the "pretty picture" being presented will have very real and permanent unintended consequences. The proposal is for a 64 unit senior apartment complex. The picture painted was a place for the senior members of the community to continue to enjoy Michaywe without the ongoing maintenance issues and expense of homeownership. Sounds good, until you realize that renting is always more expensive, you have no place to keep all your stuff that accumulated over many years, and the loss of the peace and quiet and privacy of having a home cannot be replaced by apartment living. The sale of the land is being done to infuse some cash into the association for the needed maintenance on the club house. I would prefer to have my HOA fee increased rather than see an irreversible change of such magnitude to the main community area. The demand for the "Senior Focused" building craze will end when the last of the "baby boomers" retire. The need/want for this housing will decline. The community will end up with a huge apartment structure with a high vacancy rate and a building falling into disrepair. This will greatly impact the desire for the community and hurt the property values for all the residents. My wife and I oppose this project and the proposed zoning changes.

Exhibit 24

# Otsego County Planning Commission

Proposed Minutes for June 15, 2020

## Christopher Churches

**From:** Karen Gritter <kgritter64@gmail.com>  
**Sent:** Sunday, June 14, 2020 6:44 PM  
**To:** Christopher Churches  
**Subject:** comment on Michaywe Planned Unit Development

[EXTERNAL SENDER, Use Caution when viewing, confirm legitimacy before clicking any links or opening any attachments]

Chris Churches,

I have several concerns about the zoning change to enable a senior housing community in Michaywe.

Primarily, this is a very poor location for a community like this, for the following reasons.

First, increased traffic on curvy roads which are not made for such traffic is problematic. Things like heavy semis for food services, medical services, and staffing will increase stress on a secondary road not constructed for heavy traffic. EMS's ability to get to this place and transport people to hospital in a timely manner is also an issue, particularly in winter, as this road is very treacherous and not maintained as well as main roads in the area. Additionally, there would be increased risk for the residents themselves of getting into accidents, as elderly response times are slower--not only regarding curving and icy roads, but a very large deer population in the area.

Second, this structure will require a large septic system and drain field in an area where city water and sewer is not available. The proposed location is across the street from the headwaters of the AuSable.

Third, this change may open up the area to other structures we don't want. I remember how North Otsego Lake Drive's zoning was changed against the wishes of the residents, and is now another business-laden blight on the landscape.

There are many areas closer to town and essential services for the elderly that would be far more suitable for a structure such as this. I would ask you to consider those places as better locations for a community.

Thank you.

Karen Gritter

**OTSEGO COUNTY  
PLANNING COMMISSION**

**PZSU20-002  
Special Use Permit/Site Plan Review  
060-001-100-005-03 / 060-001-100-005-04**

***Exhibit List***

- Exhibit #1:* Application/Submittal for case PZSU20-002 submitted by Applicant
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended August 27, 2019
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended May 12, 2020
- Exhibit #4:* Copy of Otsego County Equalization Department record card/Warranty Deed 1044/875
- Exhibit #5:* Site Plan/Survey for case PZSU20-002 submitted by Applicant
- Exhibit #6:* Letter of Representation/Narrative
- Exhibit #7:* Public Hearing Notice
- Exhibit #8:* Letter to Elmira Township Planning Commission dated June 12, 2020
- Exhibit #9:* Response from the Elmira Township Board dated July 10, 2020
- Exhibit #10:* Map and list of parties notified
- Exhibit #11:* Receipt #01320077
- Exhibit #12:* General Finding of Fact/PZSU20-002
- Exhibit #13:* Specific Finding of Fact/PZSU20-002
- Exhibit #14:* Site Plan Review Checklist
- Exhibit #15:* Agency Notice to the Otsego County Soil Conservation District/Soil Erosion Permit dated June 23, 2020
- Exhibit #16:* Agency Notice to the Otsego County Road Commission...*pending*
- Exhibit #17:* Agency Notice to the Northwest Michigan Health Department...*pending*

**OTSEGO COUNTY  
LAND USE SERVICES**  
1322 HAYES RD GAYLORD MI 49735  
PHONE: 989.731.7400 \* FAX: 989.731.7419  
[www.otsegocountymi.gov](http://www.otsegocountymi.gov)

**APPLICATION FOR SPECIAL USE PERMIT**

Date: 5/21/2020	Parcel Number: 060 - 001 - 100 - 005-03 - 005-04
-----------------	---

**PROPERTY LOCATION: (REQUIRED)**

Address: <b>3006 Martindale Road</b>		City: <b>Gaylord</b>	Zip Code: <b>49735</b>
Township: <b>Elmira</b>	Zoning District: Forest/Recreation	Section: <b>1</b>	T <u>31</u> N/R <u>4</u> W

**APPLICANT:**

Name: <b>Rieth-Riley Construction Co., Inc.</b>		Owner/Agent/Other Interest <i>(circle one)</i>	
Address: <b>PO Box 477</b>		City: <b>Goshen</b>	State: <b>IN</b> Zip Code: <b>46527</b>
Phone: ( 574) 875 -5183		Fax: ( 574) 875 -8405	

**PROPERTY OWNER: (If different from Applicant)**

Name: <b>SAME</b>		Phone: ( ) -	
Address:		City:	State: Zip Code:

**DESCRIPTION OF PROJECT AND PROPOSED USE:**

Sand, clay, stone and gravel extraction and processing commensurate with prior Special Use Permit PSUP 15-002 granted to Applicant in 2015.

**SIGNATURE OF APPLICANT:**

**DATE: 5/22/2020**



DN: cn=Keegan M. Brennan, o=Rieth-Riley Construction Co., Inc., ou=Assistant General Counsel, email=kbrennan@rieth-riley.com, c=US  
Date: 2020.05.22 07:59:46 -0400

\*\*\*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: <b>June 5, 2020</b>	Permit Number: <b>P23620-000</b>
Date Application Complete:	Fee: <b>\$700</b> Receipt Number: <b>01300077</b>

**OTSEGO COUNTY  
LAND USE SERVICES  
1322 HAYES RD GAYLORD MI 49735  
PHONE: 989.731.7400 \* FAX: 989.731.7419  
[www.otsegocountymi.gov](http://www.otsegocountymi.gov)**

**APPLICATION FOR SITE PLAN REVIEW**

**APPLICANT:**

Name: <b>Rieth-Riley Construction Co., Inc.</b>	<input checked="" type="radio"/> Owner/ <input type="radio"/> Agent/ <input type="radio"/> Other Interest <i>(circle one)</i>
Address: <b>PO Box 477, Goshen, IN 46527</b>	
Phone: ( 574 ) 875 -5183	Fax: ( 574 ) 875 -8405

**PROPERTY OWNER: (If different from Applicant)**

Name: <b>SAME</b>	
Address:	
Phone: (    )    -	Fax: (    )    -

**PROPERTY LOCATION:**

Township: <b>Elmira</b>	Section: <b>1</b>	T <u>31</u> N/R <u>4</u> W	Zoning District: <b>Forest/Recreation</b>
Site Address: <b>3006 Martindale Road, Gaylord, MI 49735</b>			
Parcel Number: <u>060</u> - <u>001</u> - <u>100</u> - <u>005-03</u> and - 005-04			
Description of Project and Proposed Use: <b>Continued operations pursuant to PSUP 15-002 for Applicant's sand, stone, clay and gravel extraction and processing operation and all activities incidental thereto, including advancement into the area further described in Appendix C and its Cover Letter as Phase #2.</b>			

<b>Signature of Applicant:</b>   <small>DN: cn=Keegan M. Brennan, o=Rieth-Riley Construction Co., Inc., ou=Assistant General Counsel, email=kbrennan@rieth- riley.com, c=US Date: 2020.05.22 08:01:23 -04'00'</small>	<b>Date:</b>  <b>05/22/2020</b>
---	---------------------------------------

\*\*\*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.  
**See Warranty Deed recorded April 6, 2005 attached herein as Appendix A.**
- A signed statement that the applicant is officially acting on the owner's behalf.  
**See signed Statement of Authority.**
- Appropriate fees paid to Otsego County.  
**See a copy of Rieth-Riley's check dated May 20, 2020 attached herein to cover the cost of this permit application.**

\*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: Rieth-Riley Construction Co., Inc., PO Box 477, Goshen, IN 46527  
(574)875-5183
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: Same as Applicant; see attached for signature of Rieth-Riley's authorized representative.
3. The address and or parcel number of the property.  
Yes  No  "No" explain: 3006 Martindale Rd., Gaylord, MI 49735 (60-001-100-005-03)
4. Name and address of the developer (if different from the applicant).  
Yes  No  if "No" explain: There is no developer; Rieth-Riley is the sole owner and operator of the site.
5. Name and address of the engineer, architect and/or land surveyor.  
Yes  No  if "No" explain: Neil Holshoe, Benchmark Engineering, Inc. 607 E. Lake St., Harbor Springs, MI 49740
6. Project title.  
Yes  No  if "No" explain: Rieth-Riley's North Townline Pit
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: Please see Appendices C and E.
8. A vicinity map drawn to scale with North point indicated.  
Yes  No  if "No" explain: Please see Appendices C and E.
9. The gross and net acreage of all parcels in the project.  
Yes  No  if "No" explain: 119.76 total acres, divided into three "phases" of about 40 acres each.  
Please also see Appendix C and E.
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: Zoned Forest/Recreation

11. Project completion schedule/development phases. (refer to Section 23.9)  
 Yes  No  if "No" explain: Please see Rieth-Riley's Cover Letter and Appendix C (3 pages)
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: Site Plan and sealed survey by Neil Holshoe included as Appendix C and E.

**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: Please see Appendices C and E.
14. Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.  
 Yes  No  if "No" explain: Per Appendices, all water stays on site
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: No detention basins are necessary or provided; per Appendices, all water stays on site.
16. Location and type of significant existing vegetation.  
 Yes  No  if "No" explain: See Appendices. All wooded areas, including berming and screen, are indicated.
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: No water courses, drains, or water bodies.
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: The Site contains a Scale-house, indicated as "trailer" on Site Plan. Please see Appendices.
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: All equipment except Scale & Scale-house is portable. A list of commonly used equipment is included as Appendix D (1 Page).
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: Please see Appendices.
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: Please see Appendices.
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: Please see Appendices.

23. Location, size, and characteristics of all loading and unloading areas.  
Yes  No  if "No" explain: Please see Appendices.
24. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.  
Yes  No  if "No" explain: Please see Appendices.
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: There are none of these items on the Site.
26. Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.  
Yes  No  if "No" explain: The Site utilizes an electric power line from the entrance to the scale and scale-house
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: The Site is does not contain such facilities/spaces.
28. Location, size and specifications of all signs and advertising features with elevation views from front and side.  
Yes  No  if "No" explain: There are no such features on the Site.
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: There are no such features on the Site.
30. Location and specifications for all fences, walls and other screening features with elevation views from front and side.  
Yes  No  if "No" explain: Please see Appendices C & E.
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: Please see Appendices C & E.
32. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.  
Yes  No  if "No" explain: There are no such receptacles on the Site.
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: There are no such facilities or materials on the Site.
34. North arrow, scale and date of original submittal and last revision.  
Yes  No  if "No" explain: Please see Appendices C & E.
35. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the site plan.  
Yes  No  if "No" explain: Please see Appendices C & E.

**\*\*\*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**

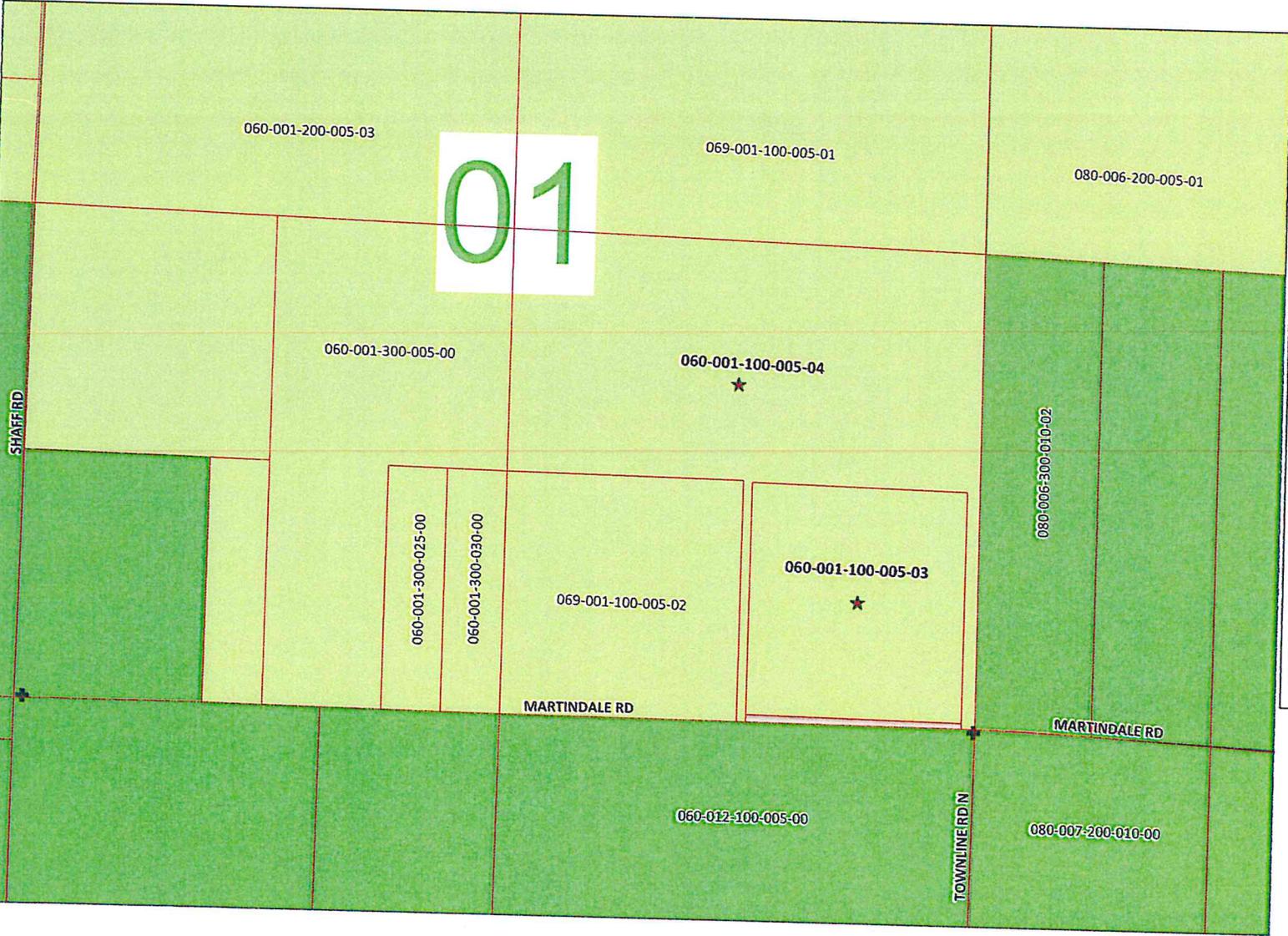
I do hereby certify that those plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated \_\_\_\_\_, except for the following items:  
(List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

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

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



### OTSEGO COUNTY ZONING MAP LEGEND

- R-1 / RESIDENTIAL
- R-2 / GENERAL RESIDENTIAL
- R-3 / RESIDENTIAL ESTATES
- RR / RECREATION RESIDENTIAL
- FR / FORESTRY RECREATION
- AR / AGRICULTURAL RESOURCE
- B-1 / LOCAL BUSINESS
- B-2 / GENERAL BUSINESS
- B-3 / BUSINESS, LIGHT MANUFACTURING
- I / INDUSTRIAL
- HX / HIGHWAY INTERCHANGE
- MUZ MAIN / MULTIPLE USE ZONING - MAIN STREET
- MUZ TWN CN / MULTIPLE USE ZONING - TOWN CENTER
- PUD / PLANNED UNIT DEVELOPMENT
- STATE
- N/A

OTSEGO COUNTY  
TREASURER'S OFFICE  
Gaylord, Mich.

*Appendix A*

*4-6-05*



LIBER 1044 PAGE 875

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 or B.O.R. adjustments.

*Linda Popp* Deputy  
COURT TREASURER



OTSEGO COUNTY MICHIGAN  
RECEIVED FOR RECORD  
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS  
04/06/2005 11:12:56 AM

*N Townline*

**WARRANTY DEED**

THE GRANTOR: HGI, INC., a Michigan corporation (also known as H.G.I., Inc., a Michigan corporation)

WHOSE ADDRESS IS: 06795 US 31 North  
Bay Shore, Michigan 49711

CONVEYS AND WARRANTS

TO THE GRANTEE: RIETH-RILEY CONSTRUCTION CO., INC., an Indiana corporation

WHOSE ADDRESS IS: PO Box 477  
Goshen, Indiana 46527

the real estate situated in the Township of Elmira, Otsego County, State of Michigan, more fully described as:

the N 1/2 of the SE 1/4 of Section 1, T31N, R4W; AND The SE 1/4 of the SE 1/4 of Section 1, T31N, R4W.  
MORE PARTICULARLY DESCRIBED AS: Part of the SE 1/4 of Section 1, T31N, R4W, described as: Beginning at the Southeast corner of said Section 1; thence North 89°43'36" West along the South line of said Section a distance of 1,326.86 feet to the East 1/8 line of said Section; thence North 00°06'02" West along said East 1/8 line 1,314.73 feet to the South 1/8 line of said Section; thence North 89°46'28" West along said South 1/8 line 1,323.12 feet to the North-South 1/4 line of said Section; thence North 00°03'43" East along said North-South 1/4 line 1,313.60 feet to the East-West 1/4 line of said Section; thence South 89°49'22" East along said East-West 1/4 line 2,638.78 feet to the East line of said Section; thence South 00°15'47" East along said East Section line 2,631.72 feet to the Point of Beginning; Subject to the right-of-way for Marindale Road over the Southerly 33.00 feet thereof;

TOGETHER WITH AN EASEMENT FOR DRIVEWAY PURPOSES OVER THE FOLLOWING DESCRIBED PROPERTY:

Situated in the Township of Livingston, Otsego County, Michigan:

*EQ*  
*069-001-100-005-03*  
*069-001-100-005-03*

Beginning at the Southwest corner of Section 6, T31N, R3W; thence East 25.00 feet; thence North 100.00 feet; thence West 25.00 feet to Section line of said Section 6; thence South 100.00 feet to the Point of Beginning.

together with all improvements, fixtures, easements, hereditaments and appurtenances associated with the real estate ("Property"), subject to only to liens for taxes (but not assessment) for the current tax year and those matters described on Exhibit A attached this Deed.

N. TOWNLINE

*TOL*  
*AT 20/3*

*3*



The Grantor grant to the Grantee the right to make 6 division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended ("Act"). The Grantor also grants to the Grantee the right to create 2 bonus parcel(s) if the Grantee qualified the Property for such bonus parcel(s) under Section 108(3) of the Act. The Grantor intends to transfer and, notwithstanding anything to the contrary, hereby does transfer, to the Grantee the right to make all divisions, bonus divisions and redivisions of the Property as the Grantor may have under the Act.

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.

This Deed is given for the consideration of \$1.00 (Real Estate Transfer Tax Valuation Affidavit filed).

This Property is subject to Part 511, the Commercial Forest part of the Natural Resources and Environmental Protection Act.

**RESERVING UNTO GRANTOR ALL RIGHTS TITLE AND INTERESTS TO THE TIMBER CURRENTLY THEREON PLUS ACCESS FOR THE EXERCISE OF ANY SUCH RIGHTS**

Dated: March 30, 2005.

**GRANTOR:**  
**HGI, INC., a Michigan corporation**  
*Thomas R. Irwin Pres.*  
**BY: THOMAS R. IRWIN**  
**ITS: President**

STATE OF MICHIGAN )  
 )  
 ) : ss  
 )  
COUNTY OF EMMET )

Acknowledged before me in Emmet County, Michigan, on March 30, 2005, by THOMAS R. IRWIN, the PRESIDENT of HGI, INC., a Michigan corporation, on behalf of the company.

*Tina Marie Malloy*  
Notary Public, ~~Emmet~~ Emmet County, Michigan  
My commission expires: \_\_\_\_\_  
Acting in the County of \_\_\_\_\_

TINA MARIE MALLOY  
NOTARY PUBLIC, STATE OF MICHIGAN  
COUNTY OF CHEBOYGAN  
MY COMMISSION EXPIRES MAR. 27, 2008  
ACTING IN THE COUNTY OF Emmet

Drafted By:  
James F. Wynn, Attorney at Law  
P.O. Box 702  
320 Howard Street  
Petoskey, MI 49770  
(231) 347-6929

EXHIBIT A

2. Rights of the public and of any governmental unit in any part of the land taken, used, or deeded for street, road, or highway purposes (Martindale Road).
3. Reservation of oil, gas, and other mineral rights as set forth in the Instrument recorded in Liber 770, Page 875.
4. All oil, gas, and mineral rights and reservations of every kind and nature, and all rights pertinent thereto as created in the Instrument recorded in Liber 770, Page 875.
5. Terms and Conditions of an easement in favor of Paxton Resources, L.L.C. as set forth in Pipeline Easement dated May 10, 1996 and recorded May 30, 1996 in Liber 612, Page 422 and assigned to MCN Oil & Gas Company by Partial Assignment of Easements dated March 14, 2001 and recorded April 27, 2001 in Liber 800, Pages 267 through 272.
6. Terms and Conditions of an easement in favor of Paxton Resources, L.L.C. as set forth in Pipeline and Access Road Right-of-Way Agreement dated December 30, 1999 and recorded March 20, 2000 in Liber 752, Pages 312 and 313 and assigned to MCN Oil & Gas Company by Partial Assignment of Easements dated March 14, 2001 and recorded April 27, 2001 in Liber 800, Pages 267 through 272.
7. Easement in favor of Paxton Resources, L.L.C. as set forth in Pipeline and Access Road Right-of-Way Agreement dated November 25, 1996 and recorded April 6, 2001 in Liber 797, Pages 235 and 236.
8. Terms and Conditions of an easement in favor of Ocer J. Wescoat and Sharon M. Wescoat as set forth in Non-Exclusive Easement for Driveway Purposes dated July 9, 2001 and recorded July 17, 2001 in Liber 812, Pages 613 through 617.
9. Easement for construction and maintenance of electrical transmission lines as set forth in the Instrument(s) recorded in Liber 1008, Page 979 and 980.
10. Terms and Conditions of a non-exclusive easement for driveway purposes as set forth in Instrument dated June 25, 2001 and recorded July 17, 2001 in Liber 812, Page 608 through 612.
11. Portions of this property are enrolled in the Commercial Forest Act

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.					
HGI INC	RIETH-RILEY CONSTRUCTION CO	0	03/30/2005	WD	Affidavit	1044/875	DEED	100.0					
<b>Property Address</b>		Class: 302 IND <b>VACANT</b>		<b>Zoning: FR</b>		Building Permit(s)	Date	Number	Status				
3006 MARTINDALE RD		School: Gaylord Community		ZONING		08/10/2009	PZ09127						
<b>Owner's Name/Address</b>		P.R.E. 0%											
RIETH-RILEY CONSTRUCTION CO INC PO BOX 477 GOSHEN IN 46527-0477		:		2021 Est TCV 103,600 (Value Overridden)									
<b>Tax Description</b>		Improved <input checked="" type="checkbox"/> Vacant		Land Value Estimates for Land Table C-IOT.COMMERCIAL & INDUSTRIAL									
SE 1/4 OF SE 1/4 EXC THE EAST 66 FT & THE SOUTH + WEST 50 FT SEC 1 T31N- R4W SUB TO EASEMENT FOR INGRESS, EGRESS & UTIL CONT 35 AC M/L 2000 OF 069-001-100-005-01		X		Public Improvements		* Factors *							
Comments/Influences		X		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
EXISTING BLDG APPLIED 8-24-04		X		Gravel Road		RES		29.500	Acres	1,500	100		44,250
		X		Paved Road		COM/IND SQ OUT-COUNTY C/I	239580	SqFt	0.25000	100			59,895
		X		Storm Sewer		<b>35.00 Total Acres</b> Total Est. Land Value = 104,145							
		X		Sidewalk									
		X		Water Sewer									
		X		Electric									
		X		Gas									
		X		Curb									
		X		Street Lights									
		X		Standard Utilities									
		X		Underground Utils.									
		X		Topography of Site									
		X		Level									
		X		Rolling									
		X		Low									
		X		High									
		X		Landscaped									
		X		Swamp									
		X		Wooded									
		X		Pond									
		X		Waterfront									
		X		Ravine									
		X		Wetland									
		X		Flood Plain									
		X		Year		Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
		X		Who	When	What	2021	51,800	0	51,800			46,006C
		X		DRB 06/19/2019 PHOTO/CARD			2020	51,800	0	51,800			46,006C
		X					2019	51,800	0	51,800			45,149C
		X					2018	55,000	0	55,000			44,091C

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

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

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
<b>Property Address</b>		Class: 402 RES <b>VACANT</b>		<b>Zoning: FR</b>		Building Permit(s)	Date	Number	Status	
		School: Gaylord Community								
<b>Owner's Name/Address</b>		P.R.E. 0%								
		:								
RIETH-RILEY CONSTRUCTION CO INC PO BOX 477 GOSHEN IN 46527-0477		2021 Est TCV 205,600 (Value Overridden)								
<b>Tax Description</b>		Improved	X	Vacant	Land Value Estimates for Land Table .					
		Public Improvements		* Factors *						
		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
		Dirt Road				85.000 Acres		0 100		0
		Gravel Road								205,500
		Paved Road								205,500
		Storm Sewer								0
		Sidewalk								0
		Water								0
		Sewer								0
		Electric								0
		Gas								0
		Curb								0
		Street Lights								0
		Standard Utilities								0
		Underground Utils.								0
		Topography of Site								0
		Level								0
		Rolling								0
		Low								0
		High								0
		Landscaped								0
		Swamp								0
		Wooded								0
		Pond								0
		Waterfront								0
		Ravine								0
		Wetland								0
		Flood Plain								0
		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
Who	When	What	2021	102,800	0	102,800		79,223C		
			2020	102,800	0	102,800		79,223C		
			2019	102,800	0	102,800		77,746C		
			2018	107,000	0	107,000		75,924C		
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: County of Otsego, Michigan										

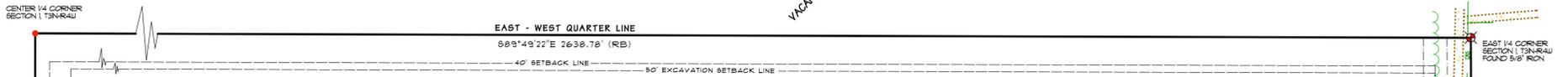


\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

# SITE PLAN

## Rieth Riley - North Townline Gravel Pit

Part of the Southeast 1/4  
Section 1, T31N, R4W  
Elmira Twp., Otsego County, Michigan



### ZONING REQUIREMENTS VERIFY WITH LOCAL ZONING OFFICE

ZONED FR - FOREST RECREATION

50 FEET FRONT  
20 FEET SIDE  
40 FEET REAR

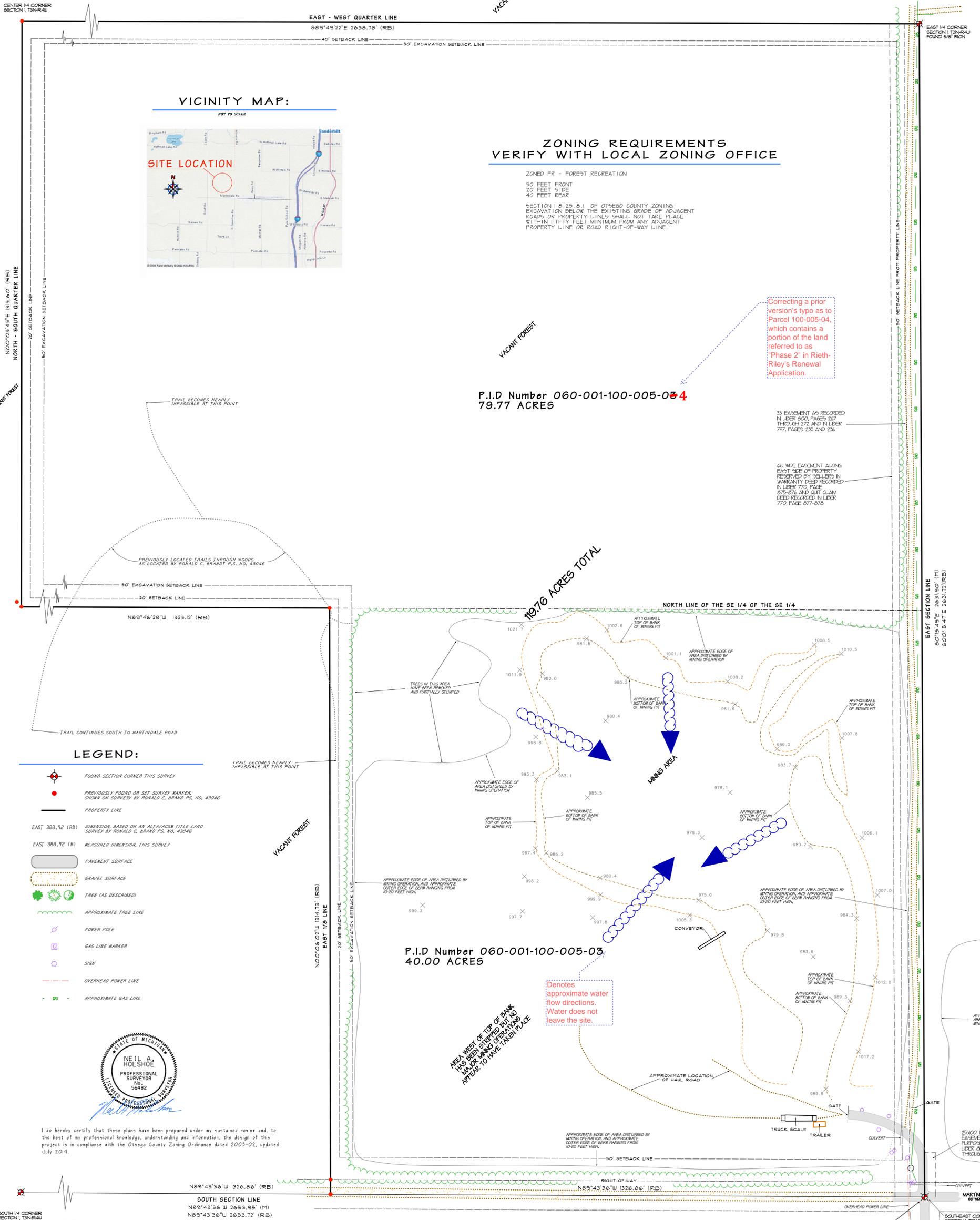
SECTION 1 & 25 & 1 OF OTSEGO COUNTY ZONING  
EXCAVATION BELOW THE EXISTING GRADE OF ADJACENT  
ROADS OR PROPERTY LINES SHALL NOT TAKE PLACE  
WITHIN FIFTY FEET MINIMUM FROM ANY ADJACENT  
PROPERTY LINE OR ROAD RIGHT-OF-WAY LINE.

Correcting a prior version's typo as to Parcel 100-005-04, which contains a portion of the land referred to as "Phase 2" in Rieth-Riley's Renewal Application.

P.I.D Number 060-001-100-005-03 & 4  
79.77 ACRES

33' EASEMENT AS RECORDED IN LIDER 800, PAGES 247 THROUGH 272 AND LIDER 797, PAGES 235 AND 236.

66' WIDE EASEMENT ALONG EAST SIDE OF PROPERTY RESERVED BY SELLERS IN WARRANTY DEED RECORDED IN LIDER 770, PAGE 879-876 AND QUIT CLAIM DEED RECORDED IN LIDER 770, PAGE 877-876.



### LEGEND:

- FOUND SECTION CORNER THIS SURVEY
- PREVIOUSLY FOUND OR SET SURVEY MARKER, SHOWN ON SURVEY BY RONALD C. BRAND P.S. NO. 43046
- PROPERTY LINE
- EAST 388.92 (RB) DIMENSION, BASED ON AN ALTA/ACSM TITLE LAND SURVEY BY RONALD C. BRAND P.S. NO. 43046
- EAST 388.92 (M) MEASURED DIMENSION, THIS SURVEY
- PAVEMENT SURFACE
- GRAVEL SURFACE
- TREE (AS DESCRIBED)
- APPROXIMATE TREE LINE
- POWER POLE
- GAS LINE MARKER
- SIGN
- OVERHEAD POWER LINE
- APPROXIMATE GAS LINE



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 2003-02, updated July 2014.

### NOTES:

This is not intended or represented to be a land or property survey. No boundary corners were set as part of this sketch.

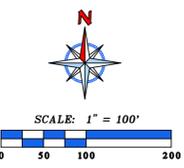
The property description was furnished, and no check of title relative to ownership, gaps, overlaps, or occupation has been performed as part of this sketch.

Drawings, distances, legal description, and easements shown are based on an ALTA/ACSM Land Title Survey performed by Ronald C. Brand P.S. No. 43015 dated 28 March 2005.

Spot Elevations shown on this map are existing grades based on an assumed datum and should only be used as an approximation of site conditions at the time the field work was completed, and should not be used to interpolate grades between spot elevations shown.

### SITE INFORMATION

P.I.D Number 060-001-100-005-04  
P.I.D Number 060-001-100-005-03  
Rieth Riley Construction Co. Inc.  
P.O. Box 477  
Goshen, IN 46527



**BENCHMARK ENGINEERING INC.**

SURVEYORS • CIVIL ENGINEERS

607 E. LAKE ST.  
HARBOR SPRINGS, MICHIGAN 49740  
PHONE (231) 526-2119 FAX (231) 526-7257  
benchmark@charterinternet.com

Client :	RIETH RILEY	Date (revisions) :	by
Project Mgr :	HOLSCHOE	12 MAY 2015	NAH
Drawn By :	WINTER-WILSON		
Field By :	WINTER-WILSON		
File :	NIS12/SP.GXD		
Job # :	15-121		
Sheet # :	ONE OF ONE		

**Site Plan**  
Rieth Riley - North Townline Gravel Pit

# RIETH-RILEY CONSTRUCTION Co., INC.

100% Quality • 100% Employee Owned • Over 100 Years

May 22, 2020

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

**RE: Rieth-Riley's (Renewal) Application for Special Use Permit—Statement of Authority**

To whom it may concern:

I, Keegan M. Brennan, am an employee of Rieth-Riley Construction Company, Inc., and am authorized to submit a Special Use Permit application for the following property description:

Property Description:

the N 1/2 of the SE 1/4 of Section 1, T31N, R4W; AND The SE 1/4 of the SE 1/4 of Section 1, T31N, R4W.  
**MORE PARTICULARLY DESCRIBED AS:** Part of the SE 1/4 of Section 1, T31N, R4W, described as: Beginning at the Southeast corner of said Section 1; thence North 89°43'36" West along the South line of said Section a distance of 1,326.86 feet to the East 1/8 line of said Section; thence North 00°06'02" West along said East 1/8 line 1,314.73 feet to the South 1/8 line of said Section; thence North 89°46'28" West along said South 1/8 line 1,323.12 feet to the North-South 1/4 line of said Section; thence North 00°03'43" East along said North-South 1/4 line 1,313.60 feet to the East-West 1/4 line of said Section; thence South 89°49'22" East along said East-West 1/4 line 2,638.78 feet to the East line of said Section; thence South 00°15'47" East along said East Section line 2,631.72 feet to the Point of Beginning; Subject to the right-of-way for Martindale Road over the Southerly 33.00 feet thereof;

Street Address: 3006 Martindale Road, Gaylord, MI 49735

Parcel Number: 060-001-100-005-03

A.K.A.: The North Townline Pit



DN: cn=Keegan M. Brennan, o=Rieth-Riley Construction Co., Inc., ou=Assistant General Counsel, email=kbrennan@rieth-riley.com, c=US  
Date: 2020.05.22 07:58:09 -04'00'

Keegan M. Brennan  
Assistant General Counsel  
Rieth-Riley Construction Co., Inc.

\_\_\_\_\_  
Date



\_\_\_\_\_  
Witness of Signature

05/22/2020

\_\_\_\_\_  
Date



# RIETH-RILEY CONSTRUCTION Co., INC.

100% Quality • 100% Employee Owned • Over 100 Years

May 22, 2020

Chris Churches  
Otsego County Department of Land Use Services  
1322 Hayes Rd  
Gaylord, MI 49735

Sent via Certified Mail  
Article No. 7019 0700 0000 9024 8795  
Sent via Email  
cchurches@otsegocounty.gov

## RE: Rieth-Riley North Townline Gravel Pit Special User Permit (PSUP 15-002) "Renewal"

Rieth-Riley Construction Co., Inc. ("Rieth-Riley") currently holds Special Use Permit PSUP 15-002 ("SUP" or "prior SUP") for its North Townline Gravel Pit site, an approximately 120 acre parcel located in the SE ¼ of Section #1 of Elmira Township, Otsego County, and having a street address of 3006 Martindale Road ("the Site"). Enclosed, please find Rieth-Riley's application to renew the SUP for sand, clay, stone and gravel extraction and production at the Site, and all activities incidental to the same, for a period of five (5) years ending August 2025.

More specifically, this Special Use (renewal) Application seeks to renew Rieth-Riley's permission to extract sand, clay and stone from the 40 acres currently permitted as shown on Appendix C as "Phase #1", as well as proceed into the adjacent/northerly 40 acres (i.e. "Phase #2") as further depicted in Rieth-Riley's Appendix C. The prior SUP bestowed upon Rieth-Riley the option to proceed north from Phase #1 into Phase #2 dependent on the demands of the market over the SUP's five year lifespan. To this point, Rieth-Riley has not done so. However, currently, the Phase #1 40-acre area has been nearly mined to completion, however demands of the market for material have not decreased. Therefore, and as provided in the prior SUP, Rieth-Riley must now mine and produce gravel, sand, clay and stone from Phase #2 of the Site, as shown in Appendix C, while maintaining operations in Phase #1 of the Site. Utilizing the material from both Phase #1 and Phase #2 will allow Rieth-Riley to mix material yields and produce a marketable product sustainably.

No other material factors or conditions at the Site have changed since this body's 2015 grant of the prior SUP.

To that end, please find enclosed Rieth-Riley's Special Use Permit (renewal) Application, its Site Plan (renewal) Application, its Appendices A-F, and its Statement of Authority, and a check to cover the cost of proposed Special Use Permit and Site Plan application fee.

If you have any further questions, please do not hesitate to contact me.

Sincerely,  
**RIETH-RILEY CONSTRUCTION CO., INC.**



DN: cn=Keegan M. Brennan,  
o=Rieth-Riley Construction Co.,  
Inc., ou=Assistant General  
Counsel, email=kbrennan@rieth-  
riley.com, c=US  
Date: 2020.05.22 08:05:37 -04'00'

Keegan M. Brennan  
Assistant General Counsel



P.O. Box 477 • 3626 Elkhart Rd. • Goshen, IN 46527

Phone: (574) 875-5183 • www.rieth-riley.com

# **RIETH-RILEY CONSTRUCTION Co., Inc.**

*100% Quality • 100% Employee Owned • Over 100 Years*

CC: Todd Colberg, Rob Konopinski, Danelle Solina, Brad Shearer (all via email only)  
Enclosure(s)





# RIETH-RILEY CONSTRUCTION Co., Inc.

06795 US 31 NORTH • CHARLEVOIX, MICHIGAN 49720

"100% Employee Owned"

Otsego County Planning & Zoning  
Attn: Joe Ferrigan  
1066 Cross Street  
Gaylord, MI 49735

RE: Special Use Permit, Section 18.25.11

Mr. Ferrigan,

On March 31<sup>st</sup>, 2005 Rieth-Riley Construction Company Inc. purchased H&D Incorporated. With that purchase Rieth-Riley Construction Company Inc. acquired H&D Incorporated's North Townline Pit and the Special Use permit. Per Section 18.25.11 of the Otsego County Zoning Ordinance Rieth-Riley Construction Company Inc. agrees to assume the reclamation obligations of the former operator.

If you have any questions regarding the North Townline Site, please do not hesitate to call.

Regards,



Matt Stuck  
Rieth-Riley Construction Co., Inc.  
Aggregate Division

## Appendix B

### PIT RESTORATION PLAN

Prior to mining operations, topsoil shall be stripped from the area to be mined and stockpiled. Initial topsoil stripping has been used to construct berms for sight and sound barriers. Topsoil will be taken from the stockpiles and placed in the mined area in phases, after all the extraction operations are completed and the area sloped and contoured. Topsoil shall be placed at a depth of 2" to 4" per Otsego County recommendations. All slopes around the mined perimeter shall be reclaimed to a maximum slope of one foot vertical to three foot horizontal before the topsoil is placed on them. The intent will be to shape the mined area in a manner that will make it harmonious with the surrounding terrain. All reclaimed areas shall be seeded and planted with a combination of deciduous and coniferous seedlings/transplants from areas of future mining. In addition the reclamation area will be seeded using a herbaceous seed mix, the type of seed mix will be determined in cooperation with the county extension service. We expect to start additional reclamation when the south 20 acres have mined completely. This process will continue in a progressive manner as mining continues to the north. Designated stockpile areas will be left within reclaimed areas as long as mining continues.

Screening has been accomplished by establishing berms and leaving a 50 foot wide belt of natural and existing vegetation along the property and public road right-of-way lines. Per the timber owner's timber management agreement, only selective timber cutting will continue within the 50' buffer zone.

It is the intent of Rieth-Riley Construction Company, Inc. to restore the entire property in such a manner as to leave it in a condition that will make it compatible with forest/recreational/residential land uses. All restoration practices will be done with this goal in mind.

Final rehabilitation shall proceed in a progressive manner as areas' natural mineral become extracted out in their entirety.

## PIT RESTORATION PLAN

This plan was developed per the Otsego County ordinance **21.25.3 Restore the Quality of Soils to Their Pre-mining Level.**

**21.25.3.1** Soil survey information was located using the USDA web soil survey (see attached pages).

**21.25.3.2** Prior to the commencement of mining operations the topsoil shall be stripped from the area to be mined and stock piled

**21.25.3.3** Using the soil survey information it was determined that there were no soils with high electrical conductivity, calcium carbonate, sodium, or other restrictive properties.

**21.25.3.4** The overburden was used to construct the roadways throughout the site.

**21.25.3.5** The stockpiled material will be used as berm material to create sight and sound barriers. With construction of these barriers screening will be accomplished. This will place top soil material out of the direct mining path and provide for minimal disturbance. This will be further enhanced by the leaving of a 50 foot wide belt of natural and existing vegetation along the property and public road right-of-way lines. Per the timber owner's timber management agreement, only selective timber cutting will continue within the 50 foot buffer zone.

**21.25.3.6** Once all extraction operations are completed the area will be sloped and contoured. All slopes around the mined perimeter shall be reclaimed to a maximum slope of one foot vertical to three foot horizontal before top soil is placed. Top soil shall be placed in phases at a depth of 2" to 4" per Otsego County recommendations.

**21.25.3.7** The goal of the Rieth-Riley Construction Company Inc. is to restore the entire property in such a manner as to leave it in a condition that will make it compatible with forest, recreational, or residential land processes. With this goal in mind the intent will be to shape the mined area in a manner that will make it harmonious with the surrounding terrain.

**21.25.3.8** Any spoil piles will be sloped and graded in a manner that will allow them to be blended into the natural landscape, while designated stock pile areas will be left within the reclaimed areas as long as mining continues. When all the areas' natural minerals have been extracted these stock piles will be removed and final reclamation will proceed in a progressive manner.

**21.25.3.9** All of the reclaimed areas shall be seeded and planted with a combination of deciduous and coniferous seedlings or transplants from areas of future mining. In addition the reclamation area will be seeded using a herbaceous seed mix, the type of seed mix will be determined in cooperation with the county extension service.

Rieth-Riley Construction Company Inc. expect to start additional reclamation when the south 20 acres have been mined completely. This process will continue in a progressive manner as mining continues north. As stated before, final reclamation of the area will proceed in a progressive manner as the areas' natural minerals become extracted in their entirety.

## PIT RESTORATION PLAN

This plan was developed per the Otsego County ordinance 21.25.3 **Restore the Quality of Soils to Their Pre-mining Level.**

Per the requirement 21.25.3.1 soil survey information was located using the USDA web soil survey (see attached pages).

As required by 21.25.3.2 prior to the commencement of mining operations the topsoil shall be stripped from the area to be mined and stock piled

Using the soil survey information it was determined that there were no soils with high electrical conductivity, calcium carbonate, sodium, or other restrictive properties (21.25.3.3). The overburden was used to construct the roadways throughout the site (21.25.3.4).

The stockpiled material will be used as berm material to create sight and sound barriers. With construction of these barriers screening will be accomplished. This will place top soil material out of the direct mining path and provide for minimal disturbance (21.25.3.5). This will be further enhanced by the leaving of a 50 foot wide belt of natural and existing vegetation along the property and public road right-of-way lines. Per the timber owner's timber management agreement, only selective timber cutting will continue within the 50 foot buffer zone.

Once all extraction operations are completed the area will be sloped and contoured. All slopes around the mined perimeter shall be reclaimed to a maximum slope of one foot vertical to three foot horizontal before top soil is placed. Top soil shall be placed in phases at a depth of 2" to 4" per Otsego County recommendations (21.25.3.6).

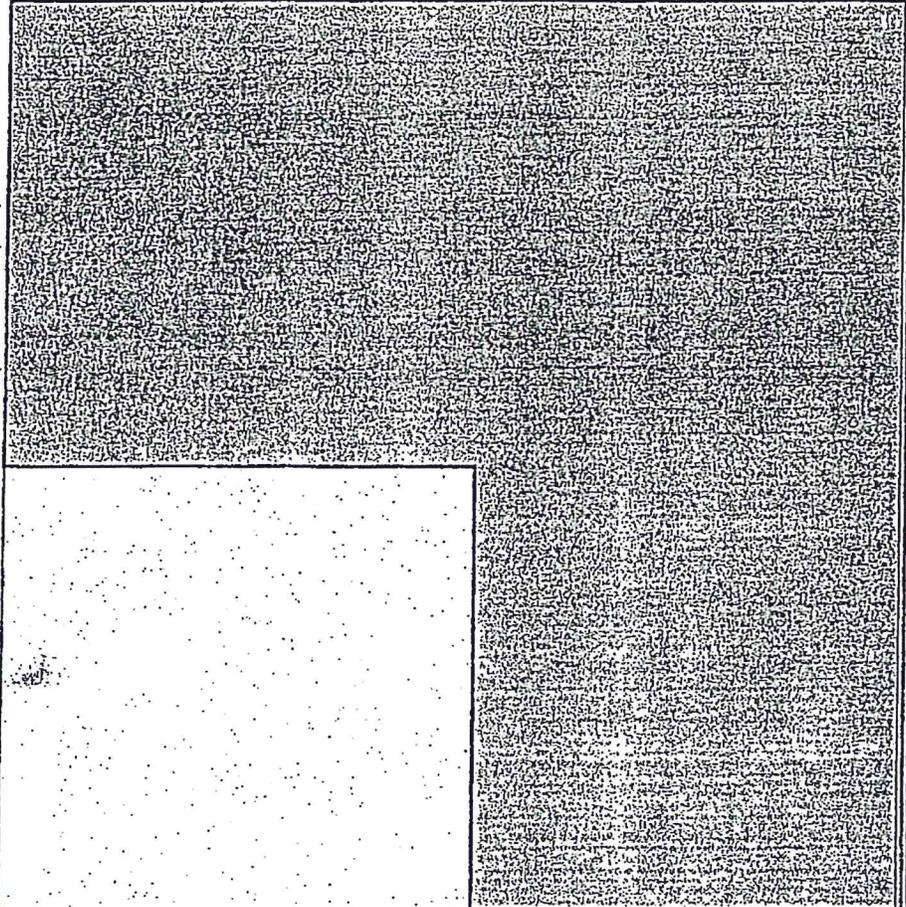
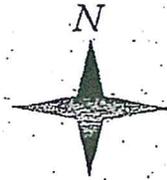
The goal of the Rieth-Riley Construction Company Inc. is to restore the entire property in such a manner as to leave it in a condition that will make it compatible with forest, recreational, or residential land processes. With this goal in mind the intent will be to shape the mined area in a manner that will make it harmonious with the surrounding terrain (21.25.3.7).

Any spoil piles will be sloped and graded in a manner that will allow them to be blended into the natural landscape, while designated stock pile areas will be left within the reclaimed areas as long as mining continues. When all the areas' natural minerals have been extracted these stock piles will be removed and final reclamation will proceed in a progressive manner (21.25.3.8).

All of the reclaimed areas shall be seeded and planted with a combination of deciduous and coniferous seedlings or transplants from areas of future mining. In addition the reclamation area will be seeded using a herbaceous seed mix, the type of seed mix will be determined in cooperation with the county extension service (21.25.3.9).

Rieth-Riley Construction Company Inc. expect to start additional reclamation when the south 20 acres have been mined completely. This process will continue in a progressive manner as mining continues north. As stated before, final reclamation of the area will proceed in a progressive manner as the areas' natural minerals become extracted in their entirety.

Appendix C



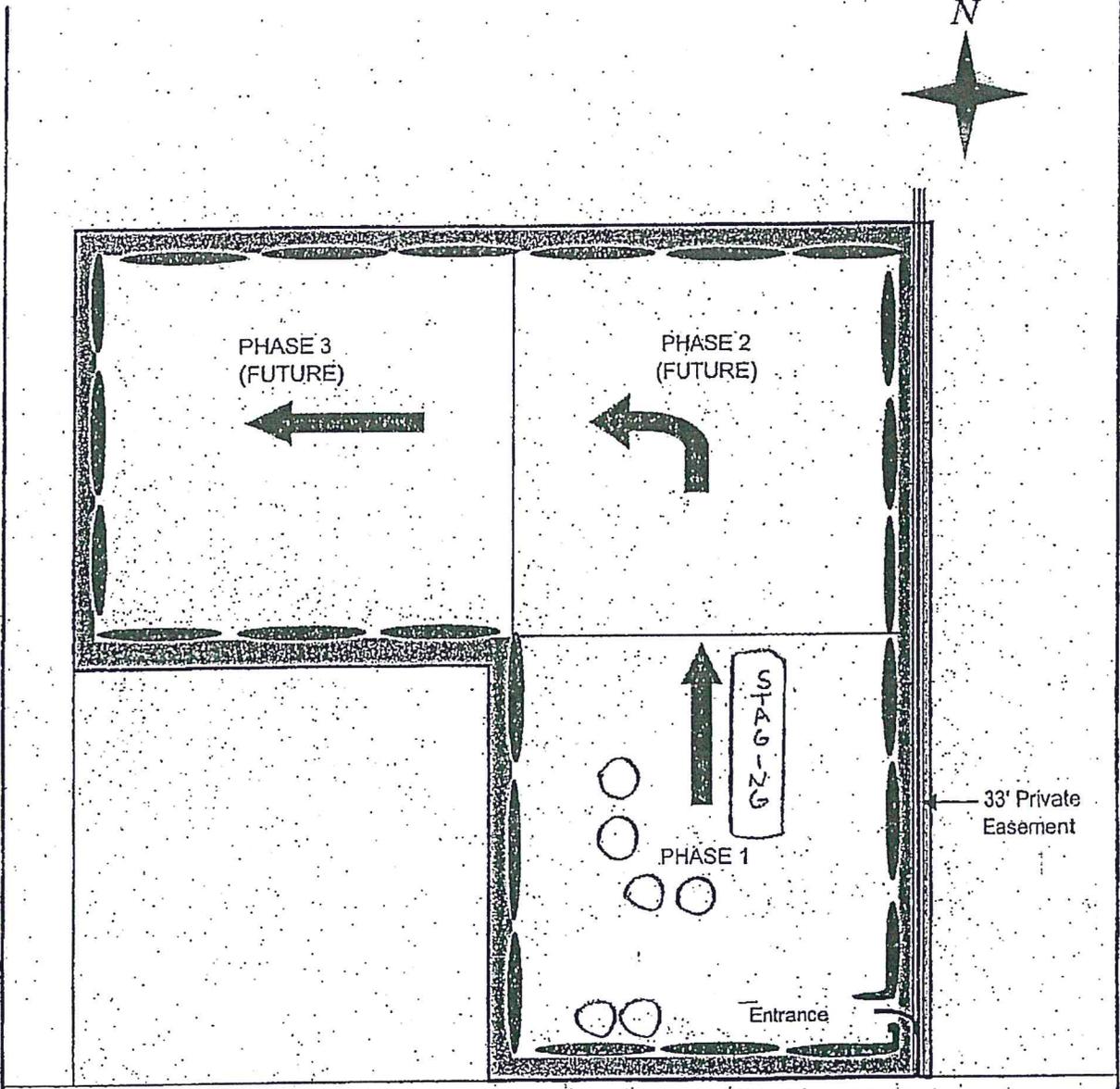
Martindale Rd.

Notes:

\* Commercial Forest Property   
(Covered under the Commercial Forest Act, CFA)

N. Townline Rd.  
To M-32

Project	ELMIRA TOWNSHIP PROPOSED EXTRACTION SITE SPECIAL USE PERMIT APPLICATION	
Sheet Title	<b>EXISTING LAND USE</b>	Sheet No. <b>1</b>



Martindale Rd.

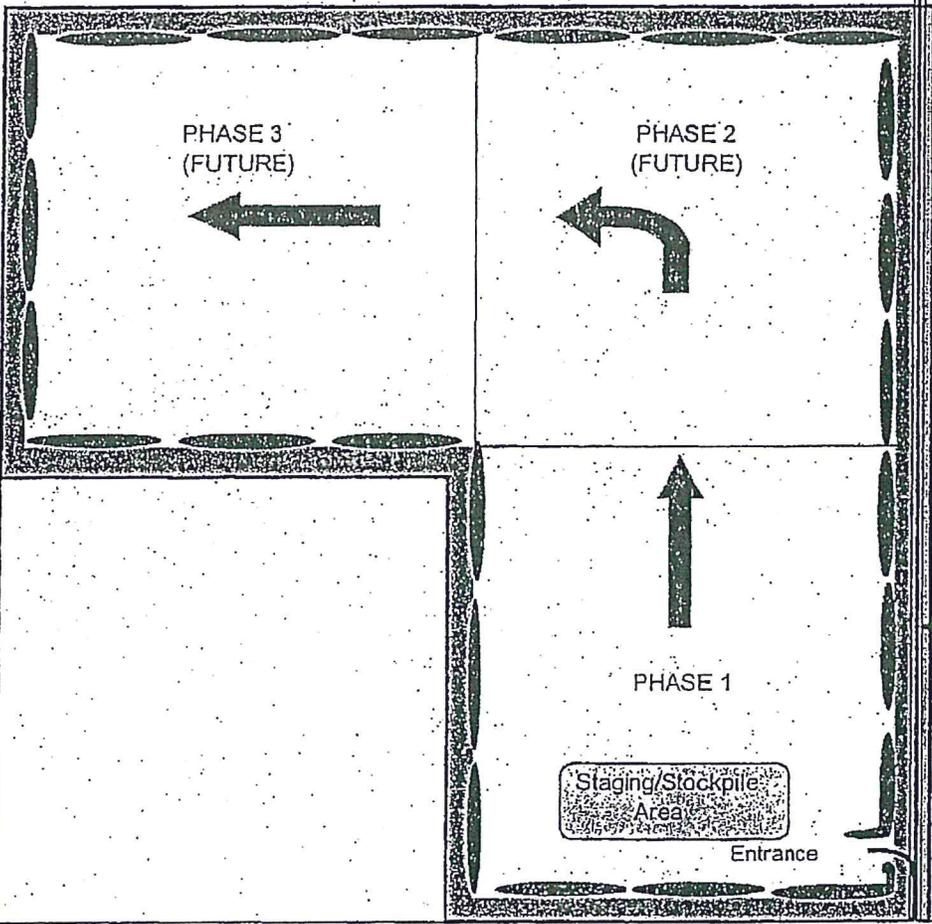
N. Townline Rd.  
To M-32

- Notes:
- \* 50 Foot setback.
  - \* General direction of extraction activity.
  - \* Potential area of extraction.
  - \* Potential area for berm/topsoil storage as extraction progresses.
  - STOCK PILES

Project ELMIRA TOWNSHIP PROPOSED EXTRACTION SITE  
SPECIAL USE PERMIT APPLICATION

Sheet Title **LONG TERM EXTRACTION PLAN**

Sheet No. **2**



Martindale Rd.

**Notes:**

 * 50 Foot setback.	 * General direction of extraction activity.
 * Potential area of extraction.	 * Potential area for berm/topsoil storage as extraction progresses.

N. Townline Rd.  
To M-32

Project **ELMIRA TOWNSHIP PROPOSED EXTRACTION SITE  
SPECIAL USE PERMIT APPLICATION**

Sheet Title **LONG TERM EXTRACTION PLAN**

Sheet No. **5**

Appendix D



**RIETH-RILEY CONSTRUCTION Co., Inc.**

06795 US 31 NORTH • CHARLEVOIX, MICHIGAN 49720

"100% Employee Owned"

### Common Crushing/Processing Equipment Used

The following is a common quantity and list of equipment used during aggregate crushing and processing at the North Townline Pit. This list of equipment is set-up in varying sequences/orders depending on the product that needs to be produced. More often than not this equipment will be set-up in the lower level of the site, with the materials being stockpiled on either the upper or lower level.

1. Cone Crusher
2. Jaw Crusher
3. Generator (Housed in a Cargo Trailer)
4. Screen
5. Control Trailer
6. Tool Trailer
7. Blocking & Water Tank Trailer
8. Water Truck
9. 8-10 Various Conveyors.
10. 2-3 970 or 980 Wheel Loaders



## Christopher Churches

---

**To:** Keegan Brennan  
**Cc:** Danelle Solina; Todd Colberg  
**Subject:** RE: Rieth-Riley North Townline Gravel Pit Special Use Permit (PSUP 15-002) "Renewal"

**From:** Keegan Brennan <kbrennan@rieth-riley.com>  
**Sent:** Wednesday, June 10, 2020 2:33 PM  
**To:** Christopher Churches <cchurches@otsegocountymi.gov>  
**Cc:** Danelle Solina <dsolina@rieth-riley.com>; Todd Colberg <tcberg@rieth-riley.com>  
**Subject:** RE: Rieth-Riley North Townline Gravel Pit Special Use Permit (PSUP 15-002) "Renewal"

[EXTERNAL SENDER, Use Caution when viewing, confirm legitimacy before clicking any links or opening any attachments]

Hello Christopher,

I am Rieth-Riley's Assistant General Counsel, and can discuss some of the requests you raised with Danelle.

### Hours of Operation

The mine's current hours of operation are as follows:

**Production-** M-F 8:00am – 5:00pm

**Loading & Hauling-** M-F 8:00am – 5:00pm; plus Saturday 9:00am – 12:00pm

### Updated Site Plan

Thank you for forwarding a copy of the Site Plan Rieth-Riley submitted in 2015 ("2015 Site Plan"). For some reason we did not have a copy of that included with our own copy of the 2015 application. Rieth-Riley also submitted a site survey as Appendix E of our recent Application for SUP ("Renewal Application") on 5/22/20.

### **Water Drainage**

The 2015 Site Plan does not depict surface water and nor does Appendix E of the Renewal Application, and least not that I can see. This also dovetails with my understanding that there is no water on the site including no detention basis, courses, drains or bodies of water; nor has there ever been. See the answer to Questions 13, 14, 15, 17, and 25 of our Renewal Application. I don't believe there is anything to update in this regard.

### **Elevations**

If it's agreeable to you and the County, Rieth-Riley would prefer to simply amend our Application for SUP (renewal) provided on 5/22/20 by adding this 2015 Site Plan as Appendix F, rather than hiring a surveyor to update, since it still accurately depicts the configuration of the site. Please let me know if that is acceptable, since there have been no substantial changes to the surface area/topography of the site, outside of some normal shifting and rotating of stockpiles. The general shape of the mine remains the same, as does the berming and screening along the borders of the parcel. In fact, you can see in a recent aerial photo of the site (attached) that many of the noted elevated areas (piles and boundaries) in the 2015 Site Plan, and general configuration of the site, are all still as they were in 2015. Finally, as you're aware, our renewal permit states that at this time Rieth-Riley will be pushing in to "Phase 2" of the area, as depicted in Appendix C. Phase 2 is vacant forest area, which would require clearing and logging of that portion of the site for the near future. However, as Rieth-Riley continues into Phase 2 and our mining team settles into that part of the site and begins operations, we could update the County with an amended Site Plan for both phases, which would mirror the contents of current 2015 Site Plan.

Finally, we would like to be able to put something on our calendar for the renewal of this permit, since it technically would expire in August. Is there a date that we can plan on attending any hearing or meeting for the same, or expect a decision from the County? With all the Covid-related shutdowns, I just want to make sure we will have plenty of time before the prior permit expires to work with the County on its renewal.

Best,

Keegan M Brennan



**CONFIDENTIALITY NOTICE:** This email and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify us immediately by return email and promptly delete this message and its attachments from your computer system. We do not waive attorney-client or work product privilege by the transmission of this message.

**OTSEGO COUNTY  
PLANNING COMMISSION  
PUBLIC HEARING NOTICE  
JULY 20, 2020**

The Otsego County Planning Commission will hold a public hearing on Monday, July 20, 2020 at 6:00 pm. Due to the novel Coronavirus pandemic, this meeting will be held remotely:

To view and/or participate in this meeting:

- With computer or smart phone (for video and voice) access through clicking or copy and paste this link into a browser (like Google Chrome):

<https://us02web.zoom.us/j/86381159130?pwd=TGdUbVd4Ty9JWkpHZzc5QnR2VIN1Zz09>

Meeting ID: **863 8115 9130**

Password: **329006**

- With a phone (for voice only): dial 1.888.788.0099 or 1.877.853.5247 then wait for instructions and provide the meeting ID and password.

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

Rieth-Riley Construction Inc, owner, has requested a Special Use Permit/Site Plan Review for properties located in Elmira Township at 3006 Martindale Rd Elmira, MI 49797. The proposed use of the properties is to extend the permit for an existing mining operation. The properties are located in a FR/Forest Recreation Zoning District. A mining operation is a permitted use subject to special conditions in the FR Zoning District.

Parcel identification number: **060-001-100-005-03**  
**3006 Martindale Rd**  
**Elmira, MI 49730**

**Legal Description:**

SE1/4 OF SE1/4 EXC THE EAST 66 FT & THE SOUTH + WEST 50 FT SEC 1 T31N R4W  
SUB TO EASEMENT FOR INGRESS, EGRESS & UTIL CONT 35 AC M/L 2000 OF 060-001-100-005-01

Parcel identification number: **060-001-100-005-04**  
**Martindale Rd**  
**Elmira, MI 49730**

**Legal Description:**

N 1/2 OF SE 1/4 & E 66 FT & S AND W 50 FT OF SE 1/4 OF SE 1/4 SEC 1 T31N-R4W 08  
SPLIT OF 069-001-100-005-03

All citizens are welcome to participate in 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 participate in this meeting should contact Land Use Services at 989.731.7400.



*Otsego*  
**COUNTY**  
M I C H I G A N

**Department of  
Land Use Services**

1322 Hayes Rd • Gaylord, MI 49735  
Phone (989)731-7400 • Fax (989)731-7419  
[www.otsegocountymi.gov](http://www.otsegocountymi.gov)

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June 12, 2020

Elmira Township  
PO Box 117  
Elmira, MI 49730

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, Rieth-Riley Construction Inc to be present at your meeting, you can notify them at:

Rieth-Riley Construction Co Inc  
c/o Keegan M Brennan  
PO Box 477  
Goshen, IN 46527  
**574.875.5183**

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

July 10, 2020

Chris Churches  
Planning & Zoning Director  
1322 Hayes Rd  
Gaylord, MI 49735

Re: Rieth-Riley Construction Co Inc.  
PZSU20-002

Dear Chris:

At a regular meeting of the Elmira Township board held on July 8, 2020 the board approved the Rieth-Riley renewal permit for continuing Phase #1 and beginning Phase #2 of the extraction process at the north end of Townline Road, 3006 Martindale Road.

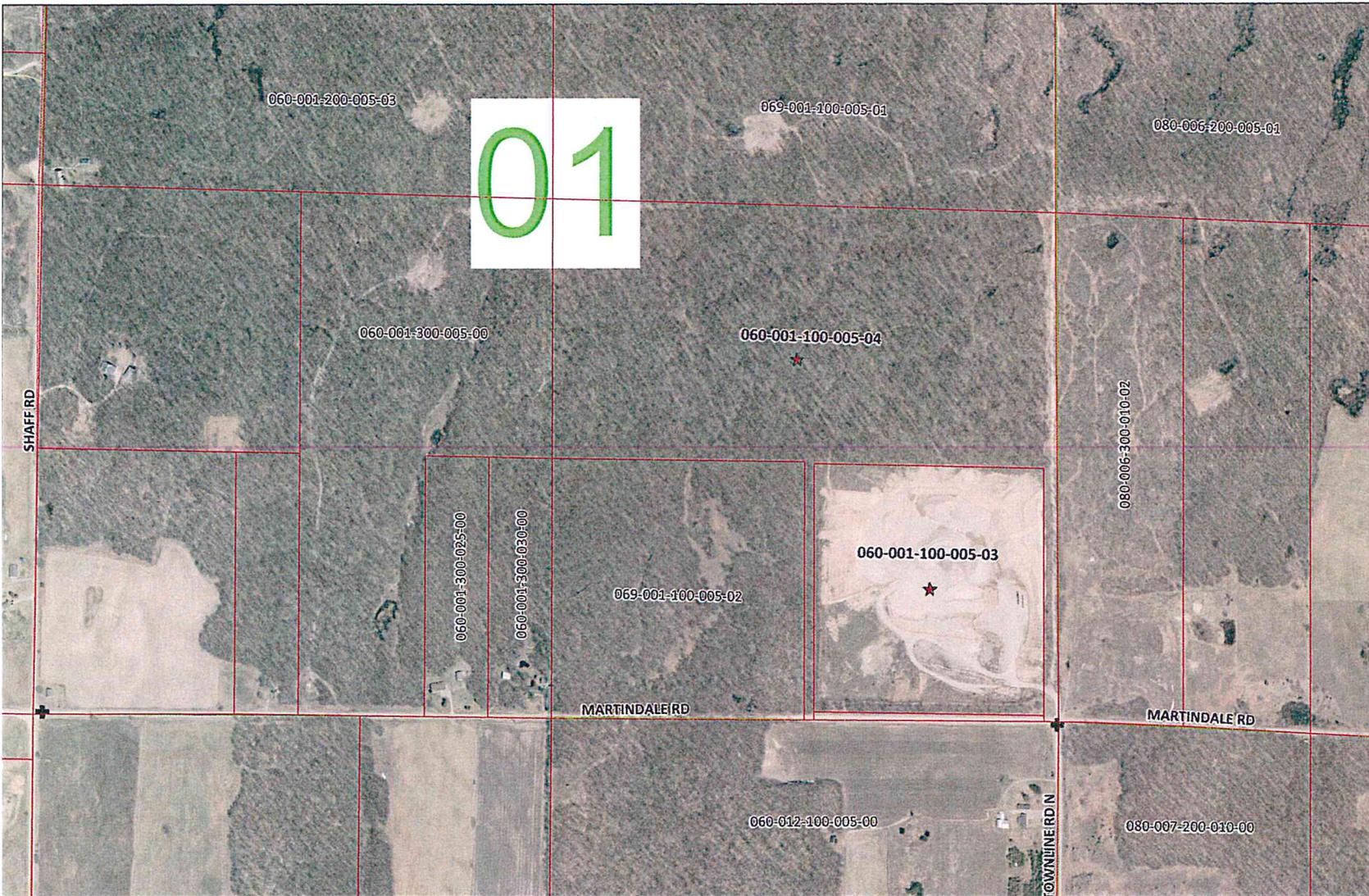
Sincerely,  
Susan Schaedig  
Elmira Township Clerk

**PZSU20-002 SPECIAL USE - RIETH-RILEY CONSTRUCTION CO INC**

**060-001-100-005-03 / 060-001-100-005-04**

OWNERS WITHIN THREE HUNDRED FEET (300')					
PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS		
060-001-100-005-03, 060-001-100-005-04		REITH-RILEY CONSTRUCTION CO INC	PO BOX 477	GOSHEN	IN 46527-0477
069-001-100-005-02, 060-001-300-030-00	3548 MARTINDALE RD	SMITH, GARY R & LINDA L	3548 MARTINDALE RD	GAYLORD	MI 49735
060-001-300-025-00	3600 MARTINDALE RD	ZIELINSKI, PATRICIA A ET AL	3600 MARTINDALE RD	GAYLORD	MI 49735
060-001-300-005-00, 069-001-100-005-01		ANDERSON, STEPHEN H & MARY C	PO BOX 136	REED CITY	MI 49677
060-001-200-005-03	5523 SHAFF RD	MACKELLAR, KENNETH & YVONNE	5523 SHAFF RD	GAYLORD	MI 49735
060-012-100-005-00, 080-006-300-010-02	4888 TOWNLINE RD N	WESCOAT - WESTCOAT	4888 TOWNLINE RD	GAYLORD	MI 49735
080-006-200-005-01		DONOVAN, JAMES E	2421 BELLEWOOD DR	GAYLORD	MI 49735
080-007-200-010-00		GADZINSKI, WALTER TRUST	41714 GARDEN WAY DR	STERLING HEIGHTS	MI 48314-3830

- 069-001-100-005-02
- 060-001-300-030-00
- 060-001-300-025-00
- 060-001-300-005-00
- 069-001-100-005-01
- 060-001-200-005-03
- 060-012-100-005-00
- 080-006-300-010-02
- 080-006-200-005-01
- 080-007-200-010-00



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



**Paid By:**

RIETH-RILEY CONSTRUCTION CO INC  
 PO BOX 477  
 GOSHEN, IN 46527-0477

**RECEIPT NUMBER**

**01320077**

06/02/2020

Type	Record	Category	Description	Amount
Permit	PZSU20-002	ADMIN ZONING	SPECIAL USE PERMIT/PC	\$ 700.00

<b>Total</b>	<b>\$ 700.00</b>
Cash	
Check	\$ 700.00
Credit	
Transferred	
<b>Tendered</b>	<b>\$ 700.00</b>
<b>Change</b>	<b>\$ 0.00</b>
<b>To Overpayment</b>	<b>\$ 0.00</b>

**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**

**PZSU20-002  
Special Use Permit/Site Plan Review  
060-001-100-005-03 / 060-001-100-005-04**

**GENERAL FINDINGS OF FACT**

1. This is a proposal for a five (5) year extension of an existing mining operation permit PSUP15-002. *Exhibit #1, Exhibit #5, Exhibit #6*
2. The properties are located in a FR/Forest Recreation Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in a FR/Forest Recreation Zoning District. *Exhibit #3*
4. The properties are currently under the ownership of Rieth-Riley Construction Inc. *Exhibit #4*
5. The Public Hearing Notice was published in the Herald Times on July 3, 2020. *Exhibit #7*
6. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
7. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
8. 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*
9. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*
10. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed use have been addressed by the Applicant. *Exhibit #5, Exhibit #6, Exhibit #12, Exhibit #13*

# OTSEGO COUNTY PLANNING COMMISSION

PZSU20-002

Special Use Permit/Site Plan Review  
060-001-100-005-03 / 060-001-100-005-04

## SPECIFIC FINDINGS OF FACT

### FINDINGS UNDER ARTICLE 8/SECTION 8.2

#### ARTICLE 8 FR FORESTRY RECREATION DISTRICT

##### 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.]

**8.2.16** Surface mining of gravel, sand, clay, topsoil or marl [See [Article 21.25](#) for criteria]

**\*\*\*Permitted Use Subject to Special Conditions**

### FINDINGS UNDER ARTICLE 21 /SECTION 21.25

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

Amended 4.9.2013

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 feet (50') 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 feet (100') 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 feet (50') 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.

**21.25.1.4** 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 feet (50') 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 feet (50') 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 feet (100') 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 feet (20') 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 the 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 ( $\frac{1}{3}$ ) of the cash deposit after completion of one-third ( $\frac{1}{3}$ ) of the rehabilitation plan;
- b. Two-thirds ( $\frac{2}{3}$ ) of the cash deposit after completion of two-thirds ( $\frac{2}{3}$ ) 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 use 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 or 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 related to the standards established in the ordinance for the special land use under consideration, and be necessary to insure compliance with those standards.



App #  
P2SV20-002

## Otsego County Planning & Zoning Internal Site Plan Review Checklist

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: \_\_\_\_\_

**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: NONE ON-SITE
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: 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: Portable units / equipment
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: \_\_\_\_\_
24. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.  
Yes  No  if "No" explain: \_\_\_\_\_

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: NONE ON-SITE
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: NONE ON-SITE
28. Location, size and specifications of all signs and advertising features with elevation views from front and side.  
 Yes  No \_\_\_ if "No" explain: NONE ON-SITE
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: NONE ON-SITE
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: NONE ON-SITE
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: NONE PROPOSED
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: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_



DATE: \_\_\_\_\_

6/5/20

Conformity			Description
Yes	No	N/A	
X			21.25.5.1 Name and address of owner(s) of land where mining, excavation, extraction or filling are proposed to take place.
X			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.
X			21.25.5.3 A current Survey and legal description of the site where the proposed operation is to take place.
X			21.25.5.4 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.
X			21.25.5.4 No machinery shall be erected or maintained within one hundred (100) feet of any property or road right-of-way line.
X			21.25.5.4 Required screening of the site shall be in compliance with standards of Section 21.18 of the Otsego County Zoning Ordinance.
X			21.25.5.4 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. <i>EXISTING OPERATION</i> The operator shall be responsible for all road damage to public roads caused as a result of the operation.
X			21.25.5.4 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.
X			21.25.6.1 The Operational plan shall be in written form.
X			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.
X			21.25.6.3 The written plan shall indicate the phases of operation and ending date for each phase.
X			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.

Conformity			Description
Yes	No	N/A	
			21.25.6.5 The written plan shall indicate the proposed hours and days of operation.
		X	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. <i>EXISTING OPERATION = NO PICS</i>
X			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.

Signature: 

Date: *6/5/20*



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 #  PZSU20-002
---------------------------------

<b>Site Information</b>	
Site Address 3006 Martindale Rd Martindale Rd	060-001-100-005-03 060-001-100-005-04
Applicant Name  Rieth-Riley Construction Co Inc	

<b>Inter-Agency Review</b> (check applicable agency)			
<input type="checkbox"/> Otsego Co Road Commission  669 W McCoy Rd Gaylord, MI 49735 (989) 732-5202	<input type="checkbox"/> Otsego Co Emergency Management  100 McLouth Rd Gaylord, MI 49735 (989) 732-9085	<input checked="" type="checkbox"/> Otsego Co Conservation District  800 Livingston Blvd Gaylord, MI 49735 (989) 732-4021	<input type="checkbox"/> Health Dept of Northwest Michigan  95 Livingston Blvd Gaylord, MI 49735 (989) 732-1794
<input type="checkbox"/> Other Agency:		Phone:	Fax / E-Mail:

<b>Agency Recommendations / Comments</b>		
<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Subject to conditions listed below  <input type="checkbox"/> Disapproval		
Conditions / Staff Comments  <i>The applicant does need a soil erosion permit. They are working on the application and site plan and I will send a copy as soon as they get me all the information.</i>		
Agency Representative Signature <i>Pat Osburn</i>	Printed Name PATRICIA OSBURN	Date 6-15-2020

<b>Return Information</b>		
For more information on this application, please contact Otsego County Planning & Zoning staff:		
Name and Title: Christine Boyak-Wohlfeil	Phone: 989.731.7400	Email: cboyak-wohlfeil@otsegocountymi.gov

**OTSEGO COUNTY  
SOIL EROSION AND SEDIMENTATION  
CONTROL PERMIT**

**(Issued under the authority of Part 91, Soil Erosion and Sedimentation Control, of the  
Natural Resources and Environmental Protection Act,  
1994 PA 451, as amended)**

Permit number: **SE020.031** Date of issuance: **June 23, 2020** Date of expiration: **June 23, 2021**

Name of Permit **Rieth-Riley Construction Co., Inc.** Telephone: **574-875-5183 Ext. 20218**

Location of Project: **T31N, R4W, Sections 1 Twp. Elmira**

Project address: **3006 Martindale Road**

Description of Earth Change: **Excavate to mine sand and gravel. Approx. 30 acres**

Responsible Person on Site: **Brad Shearer** Telephone: **231-439-5757**

**Permit Conditions:**

1. The permitted activity shall be completed in accordance with the approved plans and specifications, and the ATTACHED GENERAL AND SPECIFIC CONDITIONS.
2. This permit does not waive the necessity for obtaining all other required federal, state or local permits.
3. Permittee shall notify the permitting agency within one week after completing the Permitted activity or one week prior to the permit expiration date, whichever comes first.

For information regarding the issuance of this permit contact Otsego Conservation District at (989) 732-4021.

Issued by:   
Permitting agent

**\*\*THIS PERMIT MUST BE POSTED AT PROJECT SITE\*\***



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

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 Zoning Compliance**

Commercial Construction and SUP

<b>Application #</b>  PZSU20-002
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<b>3006 Martindale Rd</b>	<b>060-001-100-005-03</b>
<b>Martindale Rd</b>	<b>060-001-100-005-04</b>
Applicant Name	
<b>Rieth-Riley Construction Co Inc</b>	

Inter-Agency Review (check applicable agency)			
<input checked="" type="checkbox"/> <b>Otsego Co Road Commission</b>  669 W McCoy Rd Gaylord, MI 49735 (989) 732-5202	<input type="checkbox"/> <b>Otsego Co Emergency Management</b>  100 McLouth Rd Gaylord, MI 49735 (989) 732-9085	<input type="checkbox"/> <b>Otsego Co Conservation District</b>  800 Livingston Blvd Gaylord, MI 49735 (989) 732-4021	<input type="checkbox"/> <b>Health Dept of Northwest Michigan</b>  95 Livingston Blvd Gaylord, MI 49735 (989) 732-1794
<input type="checkbox"/> Other Agency:		Phone:	Fax / E-Mail:

Agency Recommendations / Comments		
<input type="checkbox"/> Approval <input type="checkbox"/> Subject to conditions listed below  <input type="checkbox"/> Disapproval		
Conditions / Staff Comments		
Agency Representative Signature	Printed Name	Date

Return Information		
For more information on this application, please contact Otsego County Planning & Zoning staff:		
Name and Title: Christine Boyak-Wohlfeil	Phone: 989.731.7407	Email: cboyak-wohlfeil@otsegocountymi.gov



Otsego County Planning & Zoning  
 1322 Hayes Rd, Gaylord, MI 49735  
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**Inter-Agency  
 Zoning Compliance**

Commercial Construction and SUP

<b>Application #</b>  PZSU20-002
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<input type="checkbox"/> Approval <input type="checkbox"/> Subject to conditions listed below  <input type="checkbox"/> Disapproval		
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Name and Title: Christine Boyak-Wohlfeil	Phone: 989.731.7407	Email: cboyak-wohlfeil@otsegocountymi.gov