

OTSEGO COUNTY PLANNING COMMISSION

October 19, 2020

6:00 PM

MEETING WILL BE HELD REMOTELY

The Otsego County Planning Commission will hold a public hearing on Monday, October 19, 2020 at 6:00 pm. Due to the 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/86025819840?pwd=M0dWdWY5T0VWdXY1WlI0WmdYVnkyQT09>

Meeting ID: 852 8221 0875

Password: 786127

- 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 September 21, 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:

PZRZ20-002/PZRZ20-003 *Homes45.com LLC, property owner, and Hannah Techel, representative/applicant, are requesting a Rezone of two (2) properties located in Livingston Township at 2680 M-32 West Gaylord, MI 49735. The proposed purpose of the rezone is for consistency in adjoining land use. The property is currently zoned B1/Local Business with a request to be rezoned B2/General Business*

Parcel identification number: **080-031-300-040-03**
M-32 West
Gaylord, MI 49735

Legal Description:

PAR A2: A PAR OF LAND ON PT OF THE SW1/4 OF SEC 31, T31N R3W, LIVINGSTON TWP, OTSEGO CO, MI, DESC AS: COM AT THE S1/4 COR OF SD SEC 31; TH N00°13'40"W 380.84'; TH N89°57'58"W 140.00' TO THE POB; TH CONT N89°57'58"W 659.79'; TH N00°13'40"W 586.53'; TH S89°27'00"E 72.43'; TH N00°13'31"W 372.02' TO THE S1/8 LN; TH S89°26'14"E 587.34' ALG SD 1/8 LN; TH S00°13'40"E 953.27' TO THE POB. CONT 13.86 AC M/L. 2017 SPLIT FROM 080-031-300-040-01

Parcel identification number: **080-031-300-040-04**
2680M-32 West
Gaylord, MI 49735

Legal Description:

PAR A3: A PAR OF LAND ON PT OF THE SW1/4 OF SEC 31, T31N R3W, LIVINGSTON TWP, OTSEGO CO, MI, DESC AS: COM AT THE S1/4 COR OF SD SEC 31; TH N00°13'40"W 380.84'; TH N89°57'58"W 799.79' TO THE POB; TH S00°13'40"E 381.43' TO THE S LN OF SD SEC, TH N89°00'31"W 513.34' ALG SD SEC LN; TH N00°11'31"W 963.46'; TH S89°27'00"E 512.84'; TH S00°13'40"E 586.53' TO THE POB. CONT 11.38 AC M/L. 2017 SPLIT FROM 080-031-300-040-01

- 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:

PZRZ20-002/PZRZ20-003 *Homes45.com LLC, property owner, and Hannah Techel, representative/applicant, are requesting a Rezone of two (2) properties located in Livingston Township at 2680 M-32 West Gaylord, MI 49735. The proposed purpose of the rezone is for consistency in adjoining land use. The property is currently zoned B1/Local Business with a request to be rezoned B2/General Business*

Parcel identification number: **080-031-300-040-03**
M-32 West
Gaylord, MI 49735

Legal Description:

PAR A2: A PAR OF LAND ON PT OF THE SW1/4 OF SEC 31, T31N R3W, LIVINGSTON TWP, OTSEGO CO, MI, DESC AS: COM AT THE S1/4 COR OF SD SEC 31; TH N00°13'40"W 380.84'; TH N89°57'58"W 140.00' TO THE POB; TH CONT N89°57'58"W 659.79'; TH N00°13'40"W 586.53'; TH S89°27'00"E 72.43'; TH N00°13'31"W 372.02' TO THE S1/8 LN; TH S89°26'14"E 587.34' ALG SD 1/8 LN; TH S00°13'40"E 953.27' TO THE POB. CONT 13.86 AC M/L. 2017 SPLIT FROM 080-031-300-040-01

Parcel identification number: **080-031-300-040-04**
2680M-32 West
Gaylord, MI 49735

Legal Description:

PAR A3: A PAR OF LAND ON PT OF THE SW1/4 OF SEC 31, T31N R3W, LIVINGSTON TWP, OTSEGO CO, MI, DESC AS: COM AT THE S1/4 COR OF SD SEC 31; TH N00°13'40"W 380.84'; TH N89°57'58"W 799.79' TO THE POB; TH S00°13'40"E 381.43' TO THE S LN OF SD SEC, TH N89°00'31"W 513.34' ALG SD SEC LN; TH N00°11'31"W 963.46'; TH S89°27'00"E 512.84'; TH S00°13'40"E 586.53' TO THE POB. CONT 11.38 AC M/L. 2017 SPLIT FROM 080-031-300-040-01

10. UNFINISHED COMMISSION BUSINESS:

1. Wolverine Power Cooperative – Hours of Operation

11. NEW BUSINESS:

1. Capital Improvement Plan 2021-2026 – Discussion
2. Elections
3. Expiring Terms:
 - a. Maxwell
 - b. Marlette
 - c. Scott

12. REPORTS AND COMMISSION MEMBER’S COMMENTS:

1. Otsego County Parks & Recreation report:
Judy Jarecki
2. Land Use Services:
Chris Churches

13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Mr. Hartmann, Mrs. Jarecki, Mr. Borton (by remote), Mr. Hilgendorf, Mr. Maxwell, Mr. Brown, Mr. Scott, Mr. Caverson, Ms. Corfis

Absent: Mr. Marlette, Mr. Bauman

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

Others Present: Timothy Bills, Jessica Dipinski, representatives of L&K Realty 2 LLC, Todd Seidell, architect, Joe Hazewinkel, Brian Warner, representatives of Wolverine Power Cooperative

Public Present Remotely: Holly Jackson, L&K Realty 2 LLC attorney, Randy Rothe, Amy Pitts, EGLE representatives, Michelle Noirot, Bagley Township Supervisor, seventeen (17) residents remoted into the meeting.

Approval of minutes from: July 20, 2020

Chairperson Hartmann requested discussion on the minutes.

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

Motion approved unanimously.

Consent Agenda: None

Other: Wolverine Power Cooperative – Sound Test Results

Joe Hazewinkel, Wolverine Power representative explained the purpose of the Alpine Power Plant and discussed the usage of the Plant. He stated sound tests had been conducted on July 14th of this year and the results were compliant with the County's conditions placed on the special use permit (SUP). Tests were completed at eight (8) different locations and resulted in levels lower than the required limits without the exclusion of any background noise. The Alpine Power Plant remains in compliance with the conditions placed on the SUP.

Chairperson Hartmann questioned the number of hours the Plant has run this year and requested the information be submitted to Land Use to share with the Commission.

Mr. Hazewinkel stated Wolverine Power will report back to Land Use once that information has been obtained.

Public participation for items not on the agenda: None

Public Hearing:

1. **PZRZ20-001** *Georgia Pacific LLC, property owner, and Timothy Bills, representative of L&K Realty 2 LLC, applicant, are requesting a Rezone of property located in Bagley Township on Dickerson Rd and West Otsego Lake Dr Gaylord, MI 49735. The proposed purpose of the rezone is for consistency in adjoining land use. The property is currently zoned R2/General Residential with a request to be rezoned I/Industrial*

Parcel identification number: 010-017-400-005-03
Dickerson Rd
Gaylord, MI 49735

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

Legal Description:

BEG @ S1/4 COR, TH N01°04'20"W 1321.69', TH S89°24'10"E 1395.1', TH S62°E 907.57', TH N88°43'E 468.36', TH S01°11'E 914.81', TH N81°34'30"W 128.38', TH NWLY ALG ARC OF 1440.0', RAD CURVE TO R 495.15', TH N61°52'25"W 991.88', TH WLY ALG ARC OF 954.93', RAD CURVE TO L 1950', TH N89°31'00"W 56.57' TO POB.
SEC 17 T30N-R3W

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

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.

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

Public hearing opened: 6:10pm

Mr. Churches read aloud a statement concerning the background of the property and the request for rezone; he stated the County recommended the rezone to the Planning Commission. *SEE ATTACHMENT 1*

Chairperson Hartmann stated the sale of this property was based on the rezone.

Mr. Churches stated the sale of the fifty-three (53) acre parcel was based on the rezone.

Chairperson Hartmann stated the Bagley Township Planning Commission and Township Board were opposed to the rezoning of the parcel; he requested comment from Mr. Maxwell, Bagley Township representative.

Mr. Maxwell stated all the public attending their meeting less one (1) were adamantly against the rezoning for a variety of reasons – traffic, noise and past practices with buffer zones. There was not a definite answer for what was happening with the property as a whole and specifically that particular parcel; Bagley did not want the north side of Otsego Lake to be jeopardized as a result. The north side was a secluded and very quiet area and with the addition of industrial property within three hundred (300) yards of a lakefront residential district, property values would be negatively affected. The one (1) owner in favor of the change was also interested in developing his property for business purposes. Both the Commission and the Board were unanimously against the rezone.

Chairperson Hartmann thanked him and requested comment from the applicant.

Todd Seidell, architect representing Timothy Bills of L&K Realty 2 LLC, stated Mr. Bills' property extended to the north of the proposed property and to the west. Examples of businesses currently in the area were presented and the largest neighboring property owner in the vicinity of the proposed rezone was in favor of the change. Mr. Seidell stated the types of businesses would be similar to the existing businesses in Commerce Park, manufacturing was not in their plans. Businesses permitted in the B3 Zoning District would be considered. The property would never be able to be used residentially by any owner. A landscape buffer could be placed along West Otsego Lake Dr to obscure the property and the existing road dividing the property could still be utilized.

Holly Jackson, L&K Realty 2 LLC attorney, stated she concurred with Mr. Seidell's summation. She stated they were not trying to be cagey with the proposed use of the property but they had not yet solidified a plan; they would seek all appropriate and required approvals. A proposed use was presented as a possibility. They wanted to be involved in the community and have the property be of its highest and best use; leaving it residential did not achieve that result. They understood the

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

needs of the neighbors, appreciated the nature of the area and had no intention of disrupting the lake. The current uses in the area were already inconsistent with residential use such as the gun range as well as the business park across the street; a buffer zone would definitely be put in place with a sufficient landscaped area maintained as well. She thanked the Commission and requested they grant the property's rezone.

Chairperson Hartmann requested comment from the public attending.

Brian & Pat Goebel, neighboring property owners stated the largest property owner in favor of the rezone also wanted to develop for business. All the owners Mr. Goebel had talked to did not want the zoning changed. The property was meant to be residential and should remain that way. Mrs. Goebel stated her concerns were the lake's water quality being affected and traffic noise invading their quiet area. She felt that property was meant to be the buffer for the industrial property and should remain so.

Goebel's neighbor stated they were dead-set against the rezone.

Debbie Keefe, neighboring property owner, stated she was against the rezone; the property was directly in her backyard and she had concerns with light and noise pollution as well as safety issues.

Jamie would speak on another issue.

Ijoch had no comment.

Ron Meteyer, neighboring property owner, read a prepared statement against the rezone voicing concerns of increased traffic, noise and mostly the risk of contamination of the surface water; speaking for lakefront owners he implored the Commission to vote in agreement with Bagley Township and deny the rezone.

Todd had no comment.

Lois Dean, neighbor to Commerce Park stated a buffer zone was promised when that business district was approved and was not adhered to; she was concerned the same would happen if the proposed property was rezoned; her husband felt the same.

547.416.0657 had no comment.

586.364.7602 had no comment.

Lori's iPad had no comment.

Mr. Churches requested Amy Pitts EGLE (Environment, Great Lakes & Energy) representative, address the status of property contamination.

Ms. Pitts stated EGLE was not aware of any contamination on the property in question; contamination remained on the site of the former GP plant; the ground water was flowing northeast not to the south or southwest.

Michelle Noirot, Bagley Township Supervisor, stated the residents of the neighborhood had attended the meetings at Bagley and spoke out against the rezone; the Bagley Township Planning Commission and the Township Board voted down the rezone based on the voice of the people and this rezone did not follow their Master Plan. She asked that the Planning Commission listen to the voice of the people directly affected by this proposed rezoning and keep the buffer zone.

Jessica Dipinski, L&K Realty 2 LLC representative, clarified that the company was based out of Fairview about forty (40) miles from Gaylord so they were local and she also was a Bagley Township resident; they were not a large corporation like Georgia Pacific and they felt they would be better neighbors to the community. Their goal was to bring jobs to the area adding manufacturing and a varied job pool; they wanted to improve the community. They are aware of

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

the concerns of the residents and are more than willing to work with them on a buffer zone, noise control, traffic flow and whatever other issues; the point being Georgia Pacific still owns the property and has put restrictions on the parcel to never be used residentially. She felt Mr. Churches report stating consistency with other uses in the area strengthened their case.

Chairperson Hartmann questioned why they couldn't do what they intended with the approximately seven hundred fifty (750) acres.

Ms. Dipinski stated there was a lot of acreage but this parcel offered opportunity given its location to other businesses and residents of the lake. They felt they could offer value with local shops and possibly storage.

Mr. Maxwell stated from Bagley Township's perspective, they did want them there, Bagley was pro development but there were eight hundred ninety (890) acres already zoned industrial, primed for development but most unused. They would like to see that property utilized before even considering rezoning property so close to a residential area.

Chairperson Hartmann closed the public hearing.

Public hearing closed: 6:43pm

Advertised Case:

- PZRZ20-001** *Georgia Pacific LLC, property owner, and Timothy Bills, representative of L&K Realty 2 LLC, applicant, are requesting a Rezone of property located in Bagley Township on Dickerson Rd and West Otsego Lake Dr Gaylord, MI 49735. The proposed purpose of the rezone is for consistency in adjoining land use. The property is currently zoned R2/General Residential with a request to be rezoned I/Industrial*

*Parcel identification number: **010-017-400-005-03**
Dickerson Rd
Gaylord, MI 49735*

Legal Description:

*BEG @ S1/4 COR, TH N01°04'20"W 1321.69', TH S89°24'10"E 1395.1', TH S62°E 907.57', TH N88°43'E 468.36', TH S01°11'E 914.81', TH N81°34'30"W 128.38', TH NWLY ALG ARC OF 1440.0', RAD CURVE TO R 495.15', TH N61°52'25"W 991.88', TH WLY ALG ARC OF 954.93', RAD CURVE TO L 1950', TH N89°31'00"W 56.57' TO POB.
SEC 17 T30N-R3W*

Chairperson Hartmann requested further comment from the Commissioners.

Mr. Borton stated this was a difficult decision but as an Otsego Lake property owner and the chairman of the Board of Commissioners, he felt he should abstain from voting on the issue.

Mr. Caverson questioned why industrial zoning was being sought for the property and not a B Zoning District.

Ms. Dipsinski stated the original deed restrictions placed on the property by Georgia Pacific before any transfer of ownership stated industrial zoning across all parcels. L&K Realty would be open to B3 zoning and had discussed this with the Township; B3 would still allow them enough latitude to utilize the property.

Ms. Jackson stated they had discussed the issue with the Township and had spoken with Georgia Pacific on a possible change should this rezone not be approved. They would go back to Georgia Pacific for further negotiations.

Mr. Caverson questioned the authority of the planning commission to impose restriction beyond setbacks and buffer area.

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

Mr. Churches stated the Ordinance provided them authority to impose as large of a buffer area as they deemed fit; they could basically impose any restriction to protect the health, safety and welfare of the public.

Mr. Scott questioned the distance to the pike spawning grounds on Otsego Lake.

Mr. Churches stated the distance was about fifteen hundred feet (1500’).

With no further input, Chairperson Hartmann requested a motion for the rezone recommendation to the Board of Commissioners.

Motion made by Mr. Maxwell to **deny** PZRZ20-001, a recommendation to rezone parcel 010-017-400-005-03 from a R2 - General Residential Zoning District to an I - Industrial Zoning District; Seconded by Mr. Brown.

Chairperson Hartmann requested a roll call vote:

Roll Call:

Yes: 8
No: 0
Abstain: 1
Absent: 2

Motion to **deny** passes

Rezone Case PZRZ20-001 denied

Chairperson Hartmann stated he was sure Georgia Pacific did not wish to keep the property.

Ms. Dipsinski stated Georgia Pacific’s concern was that no part of their property would ever be used residentially.

Chairperson Hartmann suggested they contemplate a different zoning district. He advised them to study the situation, and take into consideration what had been said tonight and at previous meetings before further discussion with Bagley Township and Land Use.

Mr. Brown stated if they wanted to be a part of the community, they needed to provide Bagley Township a clear idea of what they intended. He suggested they put a plan together that Bagley Township could buy into. Bagley needed to be sold on their idea so they could see what they were getting,

Chairperson Hartmann thanked them all for coming and wished them luck.

Public Hearing:

2. Section 2.2 Definitions – Otsego County Zoning Ordinance – Text Amendments *Proposed text amendments to the above section pertaining to Tourist Homes*

- a. *Open Public Hearing*
- b. *Case Summary*
- c. *Public Comment (3-minute 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 Mr. Churches.

Public hearing opened: 6:55pm

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

Mr. Churches stated the proposed amendment would add a definition for Tourist Homes in Section 2 Definitions of the Zoning Ordinance. Prior to this, the definition of a Tourist Home referred to a Bed & Breakfast. This has resulted in conflicting interpretations in certain districts specifically that the dwelling must be occupied to be used as a Tourist Home. The proposed amendment would clarify this and would permit a dwelling to be used as a Tourist Home regardless of family occupancy.

Chairperson Hartmann requested public comment.

Brian Goebel had no comment.

Jamie Beach stated he was in support of the rewording; he owned property that could potentially be affected by this change.

Todd stated he was in support of the change to clarify the situation.

231.357.3609 had no comment.

586.647.7602 had no comment.

517.416.0657 had no comment.

Lori's iPad stated she was in support of changing the definition of Tourist Home.

Jill Wiley stated she owned property on Little Bear Lake and was in support of the change.

Chairperson Hartmann closed the public hearing.

Public hearing closed: 6:59pm

Advertised Case:

- 2. Section 2.2 Definitions – Otsego County Zoning Ordinance – Text Amendments**
Proposed text amendments to the above section pertaining to Tourist Homes

Chairperson Hartmann requested comment from the members.

With no further input, Chairperson Hartmann requested a motion for the amendment recommendation to the Board of Commissioners.

Motion made by Mr. Brown to recommend the proposed amendment to Section 2 Definitions pertaining to Tourist Homes; Seconded by Mr. Hilgendorf

Motion approved unanimously.

Unfinished Commission Business:

Mr. Churches stated Otsego Lake Township had requested a ninety (90) day extension to review the proposed amendments to Article 18 Lots Near Water; seventy (70) days was stated in the Ordinance but Land Use did not have a problem with the ninety (90) days requested.

Ms. Corfis stated Otsego Lake Township felt there were fairly significant changes to the section and wanted to cover all their bases; they did not want to extend it more than needed but there was a lot to absorb

Mr. Maxwell stated Bagley was appreciative of the information sent to help clarify the changes.

Mr. Churches stated Otsego Lake Township had asked a series of questions and he had sent them a fairly lengthy document explaining some of the rationale behind the changes. He had sent it to Bagley and offered to send it to any of the other townships.

Chairperson Hartmann requested he send it to all the townships.

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

Mr. Caverson questioned if Mr. Churches had sought attorney opinion on the ‘taking of property’ considering the restrictions of usage on lakefront property.

Mr. Churches stated the intent of the amendments were to loosen the restrictions and make it more practical; the language was being simplified.

Mr. Scott questioned the Natural Rivers Act concerning setbacks.

Mr. Churches stated it was referred to in the proposed language; the Natural Rivers Act is referenced and any setback greater than the Ordinance would need to follow that setback.

New Business: None

Reports and Commission Member’s Comments:

1. Otsego County Parks & Recreation report

Judy Jarecki

Mrs. Jarecki stated the new gym floor at the Community Center was cleaned and complete but the Center remained closed due to COVID – the next Parks meeting would be held there; the Groen Preserve held a cross country meet with six (6) schools attending and ninety (90) runners participating; the County Park held its first Halloween weekend and was successful – the second weekend is scheduled for September 24-26th with planned activities – the summer season was successful in spite of everything but there were still water issues at the Park with a number of sites remaining flooded; a split rail fence would be installed at Irontone Springs along the parking lots – signs would be installed along the trail – monies received from the Guardian Gals would be used for the projects – the Parks members walked the trail and noted the work required.

2. Land Use Services report

Chris Churches

Mr. Churches had nothing further.

Mrs. Jarecki stated Trailtown was moving forward and installing twenty (20) posts for a story walk in October.

Mr. Hilgendorf stated the Otsego County Historical group toured the Groen property; it is still not open to the public. The house is now a museum, the horse barn houses all the equipment and the other barn is being considered for a petting zoo. The gated entrance off Heatherton is still being worked on.

With nothing further, Chairperson Hartmann adjourned the meeting.

Adjournment: 7:13pm by Chairperson Hartmann

Pete Maxwell; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

ATTACHMENT #1:



OTSEGO COUNTY LAND USE SERVICES, PLANNING AND ZONING DEPARTMENT

OPINION OF RE-ZONE REQUEST

SUBJECT: *RE-ZONE OF FORMER GEORGIA PACIFIC PROPERTY; CASE # PZRZ20-001*

DATE: *9/21/2020*

Otsego County Planning and Zoning has received a request to rezone a 53-acre parcel located on the former 870 acre Georgia Pacific property. As I am sure most have heard, 820 acres of the 870-acre property was recently purchased by Michigan Lumber & Wood Fiber, Inc. out of Manton, Michigan, with the intent of redeveloping the property into a wood processing facility. A purchase agreement between Georgia Pacific and Michigan Lumber & Wood Fiber, Inc. for the remaining roughly 53- acre parce is contingent upon the rezone of this parcel. The parcel in question is located on the North West side of the intersection of Dickerson Road and West Otsego Lake Drive and is currently zoned R-2 General Residential. This is the only parcel of the former 870-acre Georgia Pacific property zoned R-2. The remaining roughly 820 acres is zoned Industrial. Michigan Lumber & Wood Fiber is requesting this parcel be re-zoned from General Residential (R-2) to Industrial (I).

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

Currently, the Future Land Use map shows this parcel as remaining residential for future use. However, while consistency with the Master Plan and Future Land Use Map is typically the main factor in determining the compatibility of the re-zone request, other criteria may also be used in determining the suitability of the request. These include:

1. Compatibility of the proposed zoning district with the surrounding area.
2. Similarity of use characteristics with other similarly zoned parcels. This is often measured in terms of traffic volumes, peak traffic periods, density considerations, etc.
3. Suitability of the property to be used as currently zoned.

The property is bound by West Otsego Lake Drive to the South and is adjacent to parcels zoned for uses similar to that which is proposed to the North and East. The parcel located to the West is zoned R-2 but is occupied by the Northland Sportsman's Club, who's operation is unlikely to be affected by the proposed re-zone or any future industrial use of the property. Re-zoning the parcel to Industrial would be consistent with the remaining 820 acres once occupied by Georgia Pacific. In addition, this property is vastly different in character to most other similarly residential zoned parcels in Otsego County. Most all other residentially zoned parcels are located in areas with much lower traffic volumes, and are adjacent to other residential and/or lower density use districts. This parcel is surrounded by industrial uses on its North and East sides, and has an active firearm shooting range on its West side. In

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

addition, Georgia Pacific will impose groundwater use deed restrictions on the property with its sale, which would include prohibiting the installation of water wells for residential development. These facts make the property highly undesirable and arguably unsuitable for use as it is currently zoned. Given the above facts, Otsego County Planning and Zoning recommends the re-zone of the property in question from General Residential (R-2) to Industrial (I) as proposed.



Christopher Churches
Director of Planning & Zoning, Capital Projects & Grants

**OTSEGO COUNTY
Planning Commission**



ADVERTISED CASE EXECUTIVE SUMMARY

AGENDA ITEM: 8	AGENDA DATE: 10.19.2020
AGENDA PLACEMENT: Advertised Cases, Item 1	ACTION REQUESTED: Motion to Recommend
STAFF CONTACT(S): Chris Churches, Planning & Zoning, Capital Projects Director Christine Boyak-Wohlfeil, Zoning Officer	ATTORNEY REVIEW: No

BACKGROUND/DISCUSSION:

Homes45.com LLC, owner, Hannah Techel, applicant/representative has requested a Rezone of two (2) properties located in Livingston Township at 2680 M-32 West Gaylord, MI 49735. The proposed purpose of the rezone is for consistency in adjoining land use. The properties are currently zoned B1/Local Business with a request to be rezoned to B2/General Business.

RECOMMENDED MOTION(S):

1. Motion to approve the findings of fact as presented in Exhibit 13.
2. Motion to recommend approval of PZRZ20-002 and PZRZ20-003, the rezone of parcels 080-031-300-040-03 and 080-031-300-040-04 from B1/Local Business to B2/General Business to the Otsego County Board of Commissioners.

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZRZ20-002
080-031-300-040-04
PZRZ20-003
080-031-300-040-03
REZONE**

Exhibit List

- Exhibit #1:* Application for case PZRZ20-002 and PZRZ20-003 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 cards/Warranty Deed 1496/547
- Exhibit #5:* Site Plan / Survey
- Exhibit #6:* Statement of Consistency
- Exhibit #7:* LLC Agreement submitted by Applicant
- Exhibit #8:* Public Hearing Notice
- Exhibit #9:* Letter to Livingston Township Planning Commission dated September 8, 2020
- Exhibit #10:* Response from Livingston Township Planning Commission dated October 14, 2020
- Exhibit #11:* Map and list of parties notified
- Exhibit #12:* Receipt #01320764
- Exhibit #13:* Finding of Fact/PZRZ20-002, PZRZ20-003
- Exhibit #14:* Future Land Use Map

OTSEGO COUNTY LAND USE SERVICES

1322 HAYES ROAD
GAYLORD MI 49735

PHONE: 989.731.7400 * FAX: 989.731.7419

www.otsegocountymi.gov

REQUEST TO REZONE APPLICATION

APPLICANT INFORMATION:

Name: <u>HANNAH TEHEL</u>	Owner/Agent/Other <small>(Circle One)</small>
Address: <u>9030 SHELL RD, GAYLORD, MI 49735</u>	
Phone: <u>989-858-0464</u>	Fax: _____

PROPERTY OWNER INFORMATION: (If Different from Applicant)

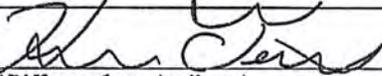
Name:	
Address:	
Phone:	Fax:

PROPERTY INFORMATION:

Address: <u>2680 M-32 W</u>		
Parcel Number: <u>080-031-300-040-04 and 080-031-300-040-03</u>		
Acres: <u>11.38 / 13.86</u>	Current Zoning District: <u>B-1</u>	Current Use:
Requested Zoning: <u>B-2</u>	Future Land Use Designation:	

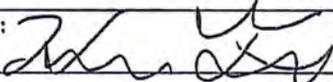
ATTACHMENTS: *Please submit the following items with the application*

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

Signature of Applicant: 	Date: <u>8-26-2020</u>
Signature of Owner: <i>(If Different from Applicant)</i>	Date:

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

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

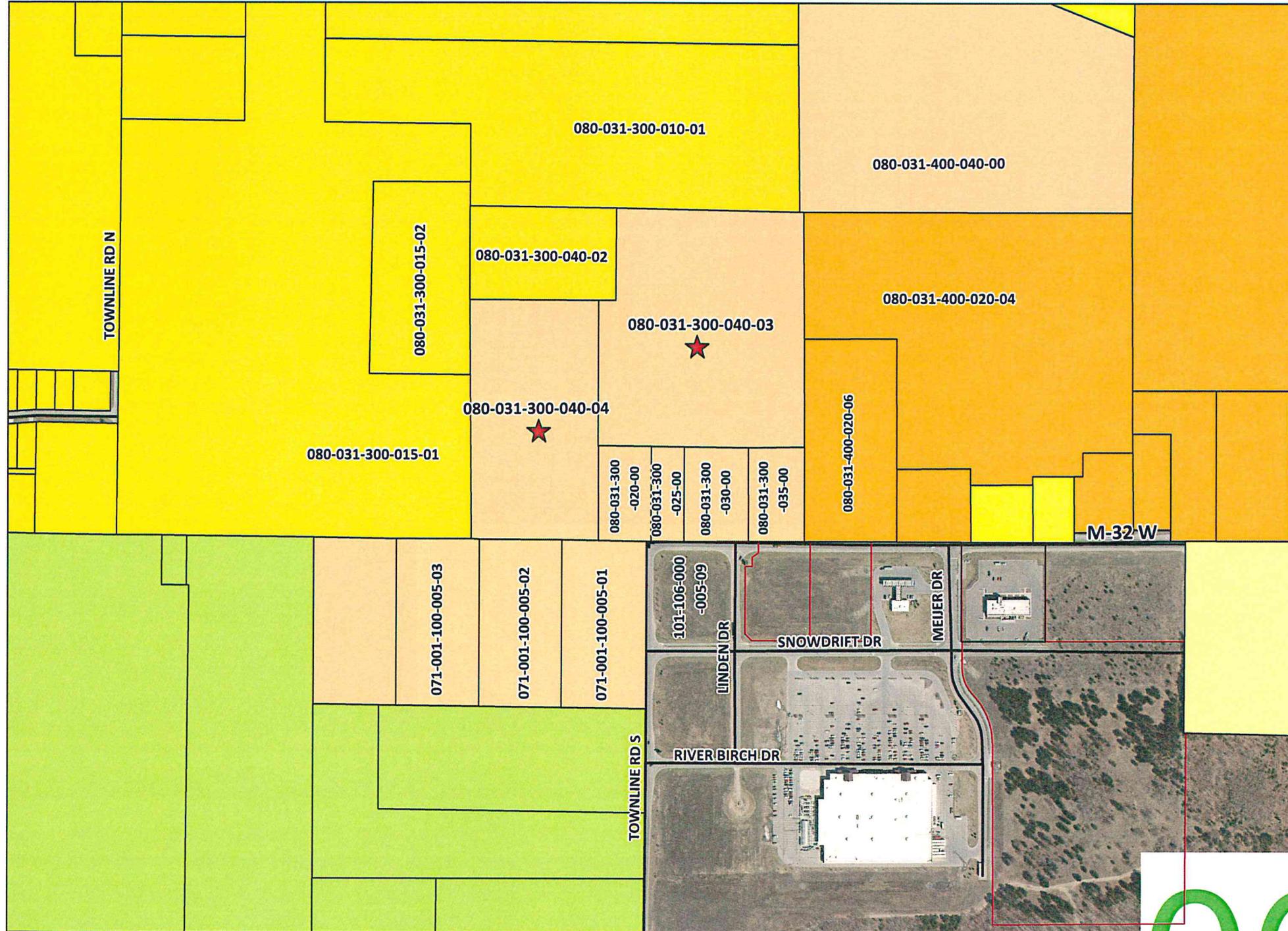
Signature of Property Owner: 	Date: <u>8-26-2020</u>
--	------------------------

OFFICE USE ONLY

Date Application Received: <u>August 28, 2020</u>	Permit No: <u>PZR20-003</u>	Fee: <u>\$700</u>	Receipt Number: <u>01320764</u>
---	-----------------------------	-------------------	---------------------------------

REZONE

PZRZ20-002, PZRZ20-003 - 080-031-300-040-03, -040-04 LIVINGSTON TOWNSHIP



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 LAND
- N/A

OTSEGO COUNTY
TREASURER'S OFFICE
Gaylord, Mich.,

July 3, 2019

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

Elizabeth Roose Deputy COUNTY TREASURER



LEER 1496 PAGE 547



OTSEGO COUNTY MICHIGAN
RECORDED
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
07/05/2019 8:45:54 AM



OTSEGO COUNTY MICHIGAN
RECEIVED
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
07/05/2019 8:45:18 AM



OTSEGO COUNTY
JULY 5, 2019
RECEIPT #32744

STATE OF MICHIGAN \$ 110.00-CO
REAL ESTATE \$ 750.00-ST
TRANSFER TAX STAMP # 13634

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Daniel McDonnell, Successor Trustee of the Sophia McDonnell Trust, dated October 30, 1986 as amended and restated on July 17, 2008, whose address is 851 Asa Gray Dr., Ann Arbor, MI 48105

Convey(s) and Warrant(s) to Homes45.com LLC, a Michigan Limited Liability Company, whose address is 9030 Shell Rd., Gaylord, MI 49735

the following described premises:

SEE EXHIBIT "A" ATTACHED HERETO

Tax Parcel No.: 69-080-031-300-040-03 and 69-080-031-300-040-04

For the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) subject to the existing building and use restrictions, easements, and zoning ordinances of record, if any.

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

Dated July 03, 2019

Sophia McDonnell Trust, dated October 30, 1986
as amended and restated on July 17, 2008


By: Daniel McDonnell
Its: Successor Trustee

State of Michigan)
County of Washtenaw) SS

On this 27 day of JUNE, 2019, before me personally appeared Daniel McDonnell, Successor Trustee of the Sophia McDonnell Trust, dated October 30, 1986 as amended and restated on July 17, 2008 on behalf of said trust.



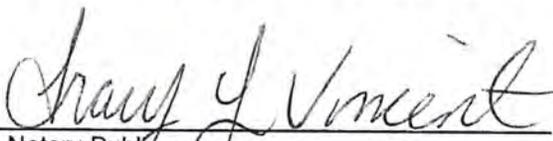

Notary Public
Washtenaw County, Michigan
My Commission Expires: April 8, 2026
Acting in the County of: Washtenaw

EXHIBIT "A"
LEGAL DESCRIPTION

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

PARCEL A2:

A parcel of land on the part of the Southwest 1/4 of Section 31, Township 31 North, Range 3 West, described as: Commencing at the South 1/4 corner of said Section 31; thence North 00°13'40" West 380.84 feet; thence North 89°57'58" West 140.00 feet to the Point of Beginning; thence continuing North 89°57'58" West 659.79 feet; thence North 00°13'40" West 586.53 feet; thence South 89°27'00" East 72.43 feet; thence North 00°13'31" West 372.02 feet to the South 1/8 line; thence South 89°26'14" East 587.34 feet along said 1/8 line; thence South 00°13'40" East 953.27 feet to the Point of Beginning. TOGETHER WITH a 30 foot Easement (Easement #2) for ingress and egress and the Installation and maintenance of Private and Public Utilities, the centerline of said Easement being described as commencing at the Southwest corner of said Section 31; thence South 89°00'31" East 1646.21 feet along the South line of said Section to the Point of Beginning of the centerline of said Easement; thence North 00°11'31" West 950.55 feet; thence South 89°27'00" East 311.37 feet to the Point of Ending of said Easement #2.

AND

PARCEL A3:

A parcel of land on the part of the Southwest 1/4 of Section 31, Township 31 North, Range 3 West, described as: Commencing at the South 1/4 corner of said Section 31; thence North 00°13'40" West, 380.84 feet; thence North 89°57'58" West, 799.79 feet to the Point of Beginning; thence South 00°13'40" East, 381.43 feet to the South line of said Section 31; thence North 89°00'31" West, 513.34 feet along said section line; thence North 00°11'31" West, 963.46 feet; thence South 89°27'00" East, 512.84 feet; thence South 00°13'40" East, 586.53 feet to the Point of Beginning. TOGETHER WITH a 30 foot wide Easement (Easement #1) for ingress and egress and the installation and maintenance of private and public utilities, the centerline of said Easement being described as: Commencing at the Southwest corner of said Section 31; thence South 89°00'31" East, 1646.21 feet along the South line of said Section 31 to the Point of Beginning of the centerline of said Easement; thence North 00°11'31" West, 964.89 feet to the Point of Ending of said Easement #1.



LIBER: 1496

PAGE 548

Parcel Number: 69-080-031-300-040-03

Jurisdiction: LIVINGSTON TOWNSHIP

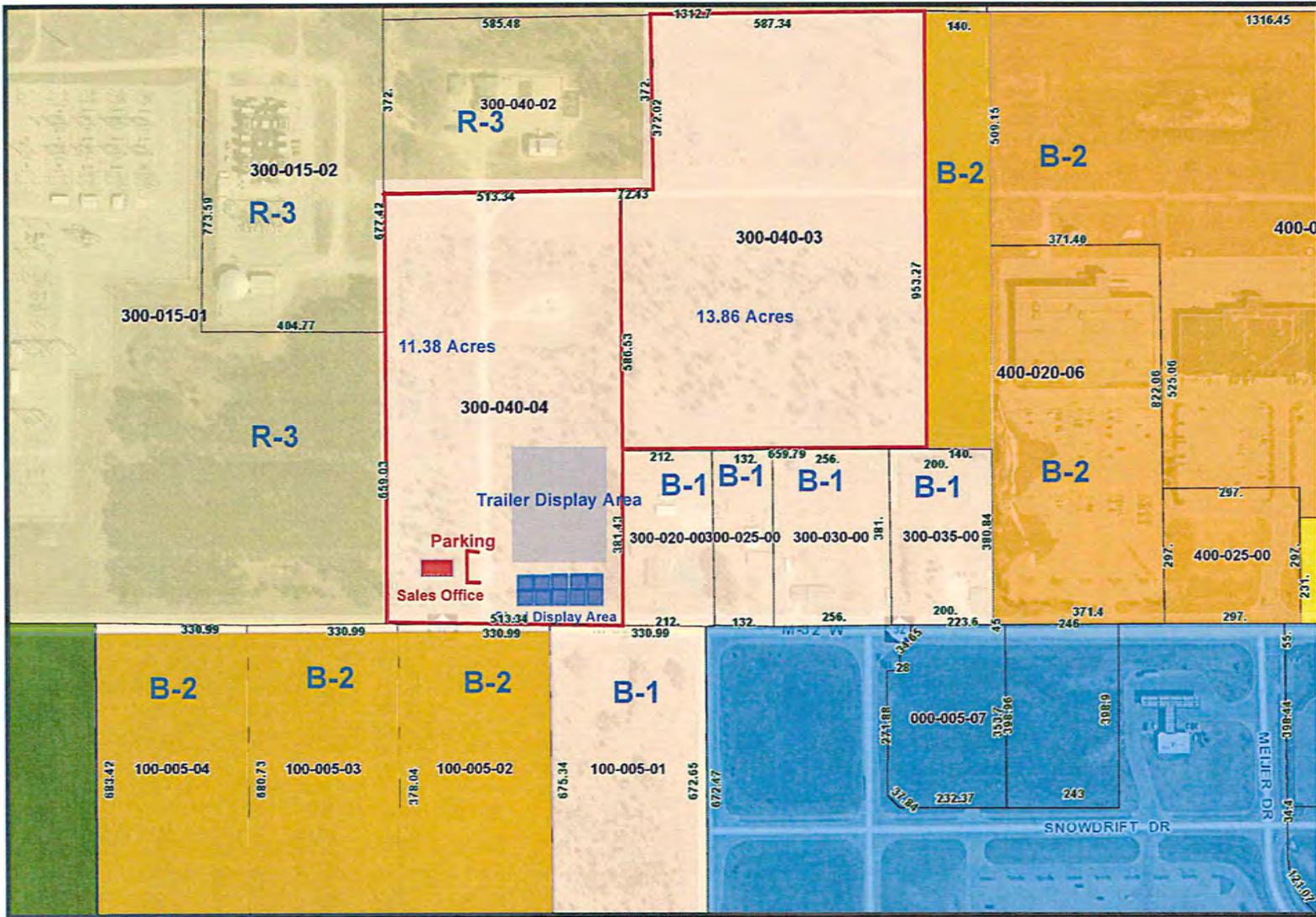
County: OTSEGO

Printed on

09/01/2020

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.									
MCDONNELL, SOPHIA TRUST	HOMES45.COM LLC	100,000	07/03/2019	WD	ARMS LENGTH	1496/547	AGENT	0.0									
Property Address		Class: 202 COM VACANT		Zoning: B-1		Building Permit(s)		Date	Number	Status							
School: GAYLORD COMMUNITY SCHOOLS		P.R.E. 0%															
Owner's Name/Address		:															
HOMES45.COM LLC 9030 SHELL RD GAYLORD MI 49735		2021 Est TCV 77,600(Value Overridden)															
Tax Description		Improved X Vacant		Land Value Estimates for Land Table C-IOT.COMMERCIAL & INDUSTRIAL													
PAR A2 - A PAR OF LAND ON PT OF THE SW 1/4 OF SEC 31, T31N R3W, LIVINGSTON TWP, OTSEGO CO, MI, DESC AS COMM AT THE S 1/4 COR OF SD SEC 31; TH N00°13'40"W 380.84'; TH N89°57'58"W 140.00' TO THE POB; TH CONT N89°57'58"W 659.79'; TH N00°13'40"W 586.53'; TH S89°27'00"E 72.43'; TH N00°13'31"W 372.02' TO THE S 1/8 LN; TH S89°26'14"E 587.34' ALG SD 1/8 LN; TH S00°13'40"E 953.27' TO THE POB, CONTAINS 13.86 AC M/L. 2017 SPLIT FROM 080-031-300-040-01.		Public Improvements		* Factors *		Description Frontage Depth Front Depth Rate %Adj. Reason		Value									
		Dirt Road		RES		13.860 Acres 1,866 100		25,860									
		Gravel Road		Flat Value:		13.86 Total Acres		627,864									
		Paved Road		Total Est. Land Value =				653,724									
		Storm Sewer															
		Sidewalk															
		Water															
		Sewer															
		Electric															
		Gas															
		Curb															
		Street Lights															
		Standard Utilities															
		Underground Utils.															
Comments/Influences		Topography of Site		Year		Land Value		Building Value		Assessed Value		Board of Review		Tribunal/Other		Taxable Value	
		Level		2021		38,800		0		38,800						38,800C	
		Rolling		2020		38,800		0		38,800						38,800S	
		Low		2019		313,900		0		313,900						89,052C	
		High		2018		306,000		0		306,000						86,965C	
		Landscaped															
		Swamp															
		Wooded															
		Pond															
		Waterfront															
		Ravine															
		Wetland															
		Flood Plain															
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: County of Otsego, Michigan		Who		When		What											

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



Otsego County GIS



Map Publication:
08/25/2020 8:45 PM



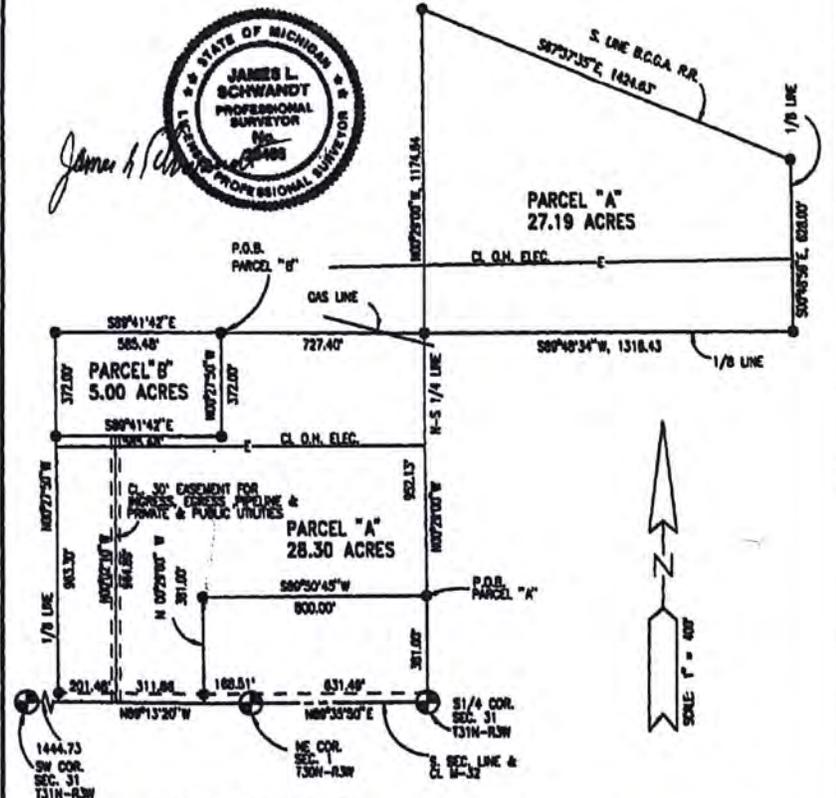
powered by
FetchGIS

Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Otsego County expresses no warranty for the information displayed on this map document.

CERTIFICATE OF SURVEY

LEGEND:

1. All dimensions are in feet and decimals thereof.
2. 1/2" bars with identification caps have been placed at all points marked "•".
3. _____ = described boundary line.
4. All bearings are relative and referenced to previous survey work within Section 31, T31N-R3W, Livingston Township, Otsego County, Michigan.



JAMES L. SCHWANDT
 PROFESSIONAL SURVEYOR
 No. 26498

WITNESSES TO GOV'T CORNERS

SW COR. SEC. 31 T31N-R3W FND. 5/8" PIPE P.P. N40°W, 60.75' P.P. S20°E, 36.51' P.P. S75°W, 102.75' P.P. N00°W, 88.80'	NE COR. SEC. 1 T30N-R4W FND. 5/8" IRON 1/2" IRON S45°W, 46.67' 38" BASSWOOD S60°W, 74.75' 38" BASSWOOD S67°W, 96.90' 15" ELM S40°E, 54.63'	S1/4 COR. SEC. 31 T31N-R3W FND. 1/2" BAR SPK. IN P.P. N42°W, 48.22' 1/2" BAR NORTH 33.00' 15" RED PINE S25°E, 87.29' 15" RED PINE S25°W, 82.39'
--	--	---

FOR: McDonnell, Edward	<p>Wade-Trin Inc. 128 N. Court St. Gaylord, MI. 49735 517-732-3584 FAX: 517-732-6391</p>	SEC. 31 , T31N , R3W DRAWN TBK SHEET 1 OF 2 COMPUTED SHJ JOB NUMBER GBU 4717-010 AG 6702
---------------------------	--	--

Hannah Techel
Homes45.com
9030 Shell Road
Gaylord, MI 49735
989-858-0464

8/28/2020

Otsego County Land Use Services
1322 Hayes Road
Gaylord, MI 49735

Dear Otsego County Land Use Services:

Thank you for the opportunity to review this request. This letter will outline the proposed rezoning for Homes45.com located in Livingston township at 2680 M-32 Gaylord, MI 49735 and consisting of two parcels 300-040-04 (11.38 acres) and 300-040-03 (13.186). This request is asking for both parcels to be rezoned from a B1 zoning classification to B2.

The parcels identified above will be involved in the sales of general use, utility, and or cargo trailers. Existing adjacent properties surrounding 300-040-04 consists of a church to the direct east classified as B1, R3 property to the west/northwest is partially undeveloped and owned by Consumers Energy, and R3 to the north is owned by Breitburn (an oil & gas company). Existing adjacent properties surrounding 300-040-03 consists of B2 parcels to the east owned by Kohls, B1 parcels to the direct south (east to west) consisting of an insurance agency, two residential homes, and a church. Parcels located on the south side of M-32 are zoned B2 and consists of a storage unit facility. Traffic counts range from 3 vehicles/day – 10 vehicles/day. A possible increase could be 30% - 40% over the next 12 to 18 months depending on business growth and economic demand. Infrastructure improvements will be minimal with general clearing of property and limestone installed to make room for trailer inventory. Environmental impacts have been anticipated and addressed. Gravel has been laid and compacted to assist in drainage with existing sales office parking lot and shed sales lot. New grass has been planted to assist in water runoff around the office building or M-32. And drainage areas are already in place to catch any additional rain runoff that does not drain naturally. No hazardous materials will be utilized on the parcels in any current or future business operations. Noise impacts will not increase above current levels. Public safety will not be impacted given the nature of the business with the exception of entering/existing onto M-32. Large pine trees boarder the east and west boundary lines to give a natural barrier to assist in visual considerations for the property owners to the east and west.

**OPERATING AGREEMENT
OF HOMES45.COM, LLC
A Michigan Limited Liability Company**

This Operating Agreement is made and adopted on 7/9/2020, by **Homes45.com, LLC**, a Michigan limited liability company (the Company) and **Hannah Techel**, its sole member (the Member).

ARTICLE I
ORGANIZATION AND MEMBERSHIP

1.1 Formation. The Company has been organized as a member-managed Michigan limited liability company by the filing of the Articles of Organization (the Articles) as required by the Michigan Limited Liability Company Act, MCL 450.4101 et seq. (the Act). The Member is the only member of the Company.

1.2 Name. The name of the Company shall be as stated in the Articles, as amended. The Company may also conduct its business under one or more assumed names.

1.3 Purpose (or Purposes). The Company has been formed for the purpose or purposes enumerated in the Articles. The Company shall have all the powers necessary or convenient to effect any purpose for which it is formed, including all powers granted by the Act.

1.4 Duration. The Company shall commence on the date of filing of the Articles with the Department of Licensing and Regulatory Affairs, Corporations, Securities, and Commercial Licensing Bureau, and shall continue in existence for the period fixed in the Articles or until the Company dissolves and its affairs are wound up in accordance with the Act or this Operating Agreement.

1.5 Registered Office and Resident Agent. The Registered Office and the Resident Agent of the Company shall be as designated in the initial or amended Articles. The Registered Office and the Resident Agent may be changed from time to time. Any such change shall be made in accordance with the Act. If the Resident Agent resigns, the Company shall promptly appoint a successor.

1.6 Sole Member. The Member is the sole member of the Company. There are not any other members. The Member is the only person who has been admitted to the Company as a member and the Member is the only person who has and holds a membership interest in the Company. The Member, being the only member and having and holding the only membership interest in the Company, is the only person having rights in the Company, including but not limited to the only right to receive distributions and the only right to vote and participate in management.

1.7 No Liability of Member for Acts, Debts, or Obligations. Unless otherwise provided by law, the Member is not liable for the acts, debts, or obligations of the Company.

1.8 Allocation of Profits and Losses; Distributions. Any and all profits and losses for each fiscal year shall be allocated to the Member. Distributions may be made to the Member, in such amounts or forms and at such times, as determined by the Member unless otherwise provided by the Act.

1.9 Assignment of Member's Interest—Distributions. The Member shall be free to assign any part (but not the whole) of the Member's membership interest representing the distributions to which the Member would be entitled on such terms as the Member and such assignee may agree.

1.10 Assignment of Member's Interest—Full Membership. The Member shall be free to assign all or any part of the Member's interest representing the entire right to be a Member in the Company, on such terms as the Member and such assignee may agree, but only if those persons being or becoming members of the Company first enter into a multiple-member operating agreement that provides for voting rights, allocations of profit and loss, timing of distributions, designation of a partnership representative, and other matters that are commonly addressed in a multiple-member operating agreement.

1.11 Additional Members. The Company may admit one or more other persons as Members of the Company on such terms as the Company and such additional persons may agree, but only if the Member and those persons being or becoming members of the Company first enter into a multiple-member operating agreement that provides for voting rights, allocations of profit and loss, timing of distributions, designation of a partnership representative, and other matters that are commonly addressed in a multiple-member operating agreement.

ARTICLE II **MANAGEMENT OF THE COMPANY**

2.1 Management. The Company shall be managed solely by the Member, who may be known as and hold whatever title(s) the Member chooses, including the title of President.

2.2 Unlimited and Unconditional Power and Authority of Member. Any and all decisions and actions concerning the business and affairs of the Company shall be made solely by the Member without limitation. The Member has the sole power and authority, on behalf of the Company, to do all things necessary or convenient to carry out the Company's business and affairs, including the sole power and authority to (a) purchase, lease, or otherwise acquire any real or personal property from any source whatsoever, including the Member; (b) sell, convey, mortgage, grant a security interest in, pledge, lease, exchange, or otherwise dispose of or encumber any real or personal property; (c) open one or more depository accounts and make deposits into, write checks against, and make withdrawals against such accounts; (d) borrow money and incur liabilities and other obligations; (e) enter into any contract or agreement of any nature whatsoever; (f) execute any and all contracts, agreements, documents, and instruments of any nature whatsoever; (g) engage employees and agents and establish their respective duties and compensation; (h) obtain insurance covering the business and affairs of the Company and its property; (i) begin, prosecute, or defend any proceeding brought by or against the Company; and (j) participate with others in partnerships, joint

ventures, and other associations and strategic alliances. Again, any and all decisions and actions concerning the business and affairs of the Company shall be made solely by the Member without limitation.

2.3 Third-Party Reliance. Any person (including any financial institution or contracting party) who may deal with the Company or the Member on behalf of the Company shall be entitled, without liability and without any further inquiry or investigation whatsoever, to rely on the sole, exclusive, and unilateral power and authority of the Member to make any and all decisions and to take any and all actions with respect to the Company, and the decisions and actions of the Member shall be binding on and enforceable against the Company without exception.

ARTICLE III **ADMINISTRATIVE PROVISIONS**

3.1 Books and Records. The Company shall maintain complete and accurate books and records of the Company's business and affairs as required by the Act. The Company's books and records shall be kept at the Company's Registered Office.

3.2 Fiscal Year. The Company's fiscal year shall be the calendar year.

3.3 Amendment; Entire Agreement. This Operating Agreement may be amended at any time by the Member, for any reason. This Operating Agreement, as may be amended, constitutes the entire agreement between the Member and the Company with respect to its subject matter.

ARTICLE IV **INDEMNIFICATION; EXCULPATION OF LIABILITY**

4.1 Indemnification; Exculpation of Liability. The Company shall indemnify, defend, and hold the Member harmless from and against any losses, claims, costs, damages, and liabilities, including, without limitation, judgments, fines, amounts paid in settlement, and expenses (including, without limitation, attorney fees and expenses, court costs, investigation costs, and litigation costs) incurred by the Member in any civil, criminal, or investigative proceeding in which they are involved or threatened to be involved by reason of the Member being a manager of the Company. Moreover, the Member shall not have any liability for any breach of any duty established by Section 404 of the Act. However, the Company shall not be required to indemnify the Member for and the liability of the Member shall not be eliminated for (a) the receipt of a financial benefit to which the Member is not entitled; (b) liability under Section 308 of the Act; or (c) a knowing violation of law.

ARTICLE V
DISSOLUTION AND WINDING UP

5.1 Dissolution. The Company shall dissolve and its affairs shall be wound up on the first to occur of the following events only: (a) at any time specified in the Articles; (b) on the occurrence of any event specified in the Articles; or (c) the consent of the Member.

5.2 Winding Up. On dissolution, the Company shall cease carrying on its business and affairs and shall begin to wind them up. The Company shall complete the winding up as soon as practicable. On the winding up of the Company, its assets shall be distributed in a manner consistent with the Act.

This Operating Agreement is made and adopted by the Company and the Member as the sole Member of the Company, as of the day and year listed on the first page of this Operating Agreement.

HOMES45.COM, LLC



By: Hannah Techel
Its: Sole Member

SOLE MEMBER



By: Hannah Techel

**OTSEGO COUNTY
PLANNING COMMISSION
PUBLIC HEARING NOTICE
October 19, 2020**

The Otsego County Planning Commission will hold a public hearing on Monday, October 19, 2020 at 6:00 pm. Due to the 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/85282210875?pwd=WGh6S2QyQThqVTYvZmtRTmxlTkdsQT09>

Meeting ID: 852 8221 0875

Password: 786127

- 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:

Homes45.com LLC, property owner, and Hannah Techel, representative/applicant, are requesting a Rezone of two (2) properties located in Livingston Township at 2680 M-32 West Gaylord, MI 49735. The proposed purpose of the rezone is for consistency in adjoining land use. The property is currently zoned B1/Local Business with a request to be rezoned B2/General Business

Parcel identification number:

080-031-300-040-03

M-32 West

Gaylord, MI 49735

Legal Description:

PAR A2: A PAR OF LAND ON PT OF THE SW1/4 OF SEC 31, T31N R3W, LIVINGSTON TWP, OTSEGO CO, MI, DESC AS: COM AT THE S1/4 COR OF SD SEC 31; TH N00°13'40"W 380.84'; TH N89°57'58"W 140.00' TO THE POB; TH CONT N89°57'58"W 659.79'; TH N00°13'40"W 586.53'; TH S89°27'00"E 72.43'; TH N00°13'31"W 372.02' TO THE S1/8 LN; TH S89°26'14"E 587.34' ALG SD 1/8 LN; TH S00°13'40"E 953.27' TO THE POB. CONT 13.86 AC M/L. 2017 SPLIT FROM 080-031-300-040-01

080-031-300-040-04

2680 M-32 West

Gaylord, MI 49735

Legal Description:

PAR A3: A PAR OF LAND ON PT OF THE SW1/4 OF SEC 31, T31N R3W, LIVINGSTON TWP, OTSEGO CO, MI, DESC AS: COM AT THE S1/4 COR OF SD SEC 31; TH N00°13'40"W 380.84'; TH N89°57'58"W 799.79' TO THE POB; TH S00°13'40"E 381.43' TO THE S LN OF SD SEC, TH N89°00'31"W 513.34' ALG SD SEC LN; TH N00°11'31"W 963.46'; TH S89°27'00"E 512.84'; TH S00°13'40"E 586.53' TO THE POB. CONT 11.38 AC M/L. 2017 SPLIT FROM 080-031-300-040-01

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 the Planning & Zoning Director at 989.731.7400.



ESTABLISHED 1875

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

September 8, 2020

Livingston Township
PO Box 99
Gaylord, MI 49734

RE: Parcel Rezone

Pursuant to Article 27 of the Otsego County Zoning Ordinance/Township Participation in County Zoning, the application for the Rezone of two (2) parcels is being forwarded.

If you require the applicant to be present at your meeting, he can be notified at the following:

Applicant:

Hannah Techel
c/o Homes45.com LLC
9030 Shell Rd
Gaylord, MI 49735
989.858.0464

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

Sincerely,

Chris Churches
Planning & Zoning Director

cbw

encl

Christine Boyak-Wohlfeil

From: Christopher Churches
Sent: Wednesday, October 14, 2020 7:57 AM
To: Steve Dipzinski
Cc: Christine Boyak-Wohlfeil
Subject: RE: Livingston Twp P.C Zoning request

Thanks Steve!

Christopher Churches
Director of Planning & Zoning, Capital Projects & Grants
OTSEGO COUNTY
cchurches@otsegocountymi.gov
Administration Office: 989-731-7515
Land Use Office: 989-731-7408

From: Steve Dipzinski <steven.a.dipzinski@gmail.com>
Sent: Tuesday, October 13, 2020 9:50 PM
To: Christopher Churches <cchurches@otsegocountymi.gov>
Subject: Livingston Twp P.C Zoning request

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

Chris, The Livingston township planning commission had our meeting on October 13 and we discussed the request to rezone parcels 300-040-04 (11.36 acres) and 300-040-03 (13.86 acres)
We listened to Hannah Techel explain what her intent was for the rezone request. After some discussion we had a split decision. Two members were in favor of rezoning the 11.36 acres to B-2 and leaving the 13.86 acres zoned B-1. Three members were in favor of rezoning both parcels but with conditions on the rezone limiting the rezone to this specific application requested which was 2-3 modular homes and some storage sheds. We did not set a restriction on the number of sheds; however, Hanna said her intention was to have up to 10 sheds on display near M-32 with the remainder in the back of the property to the north. Please let me know if you need any further information. Thank you.

Steve Dipzinski
Livingston township
P.C. Chairman

REZONE

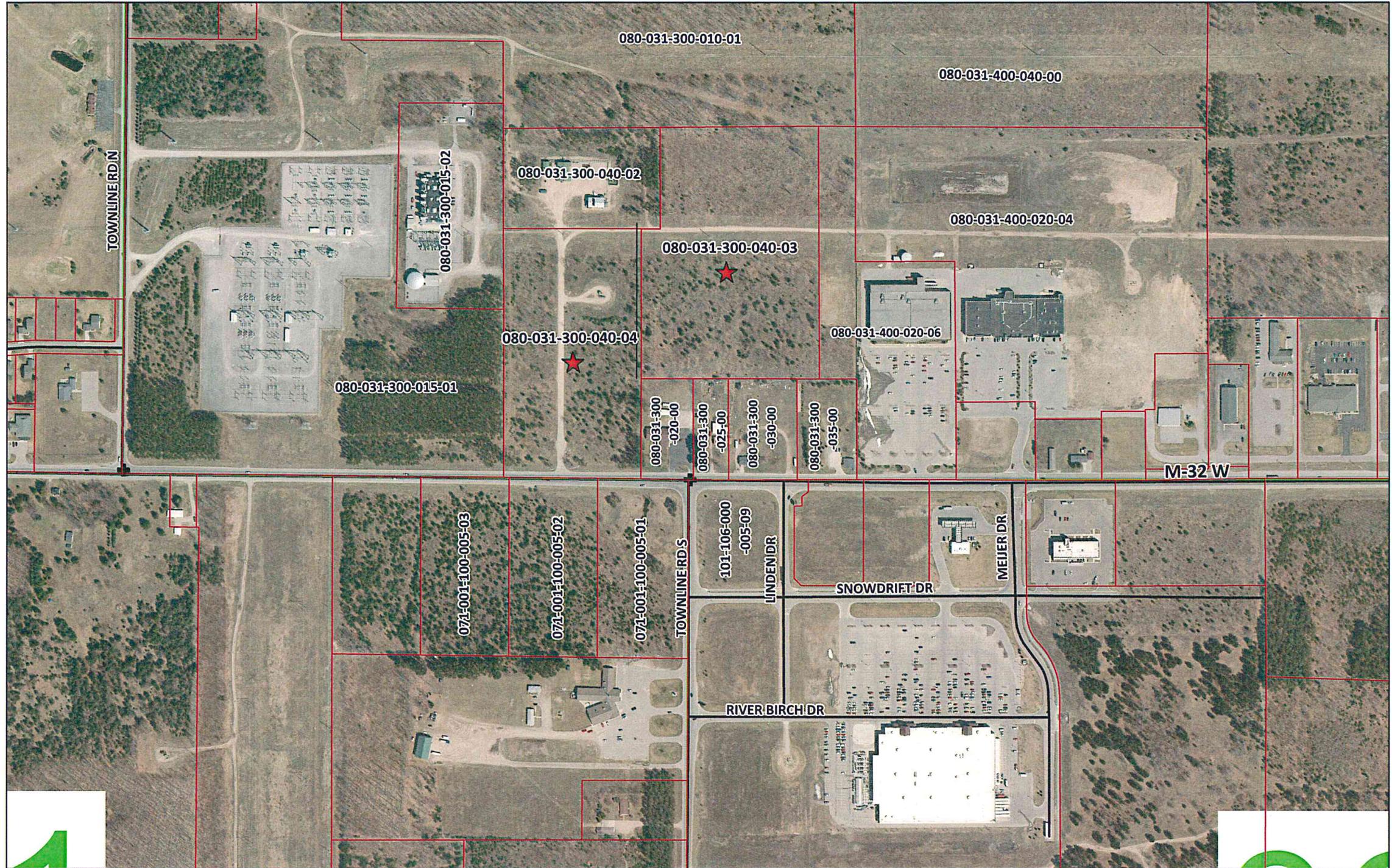
PZRZ20-002, PZRZ20-003 HOMES45.COM LLC - 080-031-300-040-03, -04 - LIVINGSTON TOWNSHIP

OWNERS WITHIN THREE HUNDRED FEET (300')									
Parcel Number	Property Address	Owner	Mailing Address				Record Acres	Property Class	Zoning Code
080-031-300-040-03		HOMES45.COM LLC	9030 SHELL RD	GAYLORD	MI	49735	13.86	202	B-1
080-031-300-040-04	2680 M-32 WEST	HOMES45.COM LLC	9030 SHELL RD	GAYLORD	MI	49735	11.38	202	B-1
071-001-100-005-01		LUBNIK NICHOLAS & DEBORAH A	5365 ADAM RD	BLOOMFIELD HILL	MI	48304	5.12	202	B-1
071-001-100-005-02, 071-001-100-005-03	2691 M-32 WEST, 2757 M-32 West	BKG SUMMIT INVESTMENTS LLC	3420 W PINWOOD DR	ROSCOMMON	MI	48653	5.14, 5.16	202, 201	B-2, B-2
080-031-300-010-01		VAPORIS ET UX - POULOS JR ET UX	1571 N 22ND ST	LARAMIE	WY	82072	5.18	201	B-2
080-031-300-015-01	161 TOWNLINE RD N	CONSUMERS ENERGY COMPANY	212 W MICHIGAN AVE	JACKSON	MI	49201-2357	60.94	202	R-3
080-031-300-015-02	221 TOWNLINE RD N	CMS GENERATION MICHIGAN POWER	ONE ENERGY PLAZA EP9-219	JACKSON	MI	49201	7.06	201	R-3
080-031-300-020-00	2622 M-32 WEST	LIFE TABERNACLE UN PENTECOS CH	PO BOX 401	GAYLORD	MI	49734	1.86	702	B-1
080-031-300-025-00	2598 M-32 WEST	EVANS DAVID ET UX	2598 M-32 WEST	GAYLORD	MI	49735	1.16	401	B-1
080-031-300-030-00	2576 M-32 WEST	ZEILINGER DAVID & JODY L	2576 M-32 WEST	GAYLORD	MI	49735	2.25	401	B-1
080-031-300-035-00	2508 M-32 WEST	NIEMAN BERNARD J & JANET M TRUST	PO BOX 1861	GAYLORD	MI	49734	1.75	201	B-1
080-031-300-040-02	2750 M-32 WEST	BREITBURN OPERATING LP	PO BOX 1256	GAYLORD	MI	49734-5256	5.00	201	R-3
080-031-400-020-04, 080-031-400-040-00	2496 M-32 WEST	GLADIATOR INVESTMENT GROUP LLC HASHEMI MEHDI	1270 S ALFRED ST 35154	LOS ANGELES	CA	90035	28.31, 32.31	201, 402	B-2, B-2
080-031-400-020-06	2450 M-32 WEST	KOHL'S MICHIGAN LP	PO BOX 2148	MILWAUKEE	WI	53201	10.08	201	B-2
101-106-000-005-09	250 MEIJER DR	GOOD WILL CO INC	2929 WALKER AVE NW	GRAND RAPIDS	MI	49544-9424	80.70	201	C-2

Exhibit 11

REZONE

PZRZ20-002, PZRZ20-003 - 080-031-300-040-03, -040-04 LIVINGSTON TOWNSHIP



- 080-031-300-040-03
- 080-031-300-040-04
- 071-001-100-005-01
- 071-001-100-005-02
- 071-001-100-005-03
- 080-031-300-010-01
- 080-031-300-015-01
- 080-031-300-015-02
- 080-031-300-020-00
- 080-031-300-025-00
- 080-031-300-030-00
- 080-031-300-035-00
- 080-031-300-040-02
- 080-031-400-020-04
- 080-031-400-040-00
- 080-031-400-020-06
- 101-106-000-005-09

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:
 HOMES45.COM LLC
 9030 SHELL RD
 GAYLORD, MI 49735

RECEIPT NUMBER
01320764
 09/01/2020

Type	Record	Category	Description	Amount
Permit	PZRZ20-002	ADMIN ZONING	REZONE	\$ 700.00

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

Expiration of permit:

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

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZRZ20-002
080-031-300-040-04
PZRZ20-003
080-031-300-040-03
REZONE**

FINDING OF FACT

1. This is a proposal for a rezone of two (2) parcels located in Livingston Township at 2680 M-32 West Gaylord, MI 49735. *Exhibit #1, Exhibit #5*
2. The properties are located in a B1/Local Business Zoning District. *Exhibit #2*
3. The proposed rezone is to a B2/General Business Zoning District. *Exhibit #1*
4. The purpose of the rezone is to allow consistency in adjoining land uses. *Exhibit #6*
5. The proposed properties are 25.24 acres. *Exhibit #4*
6. The proposed properties are currently under the ownership of Homes45.com LLC. *Exhibit #4*
7. The proposed rezone will be represented by Hannah Techel, owner, applicant. *Exhibit #7*
8. Adjoining properties are zoned B1/Local Business, B2/General Business, and R3/Residential Estates along with C2/City of Gaylord Zoning. *Exhibit #2*
9. The Public Hearing Notice was published in the Herald Times on \ , 2020. *Exhibit #8*
10. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*
11. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*
12. The Future Land Use Map depicts this area as Large Commercial Zoning. *Exhibit #14*
13. Approval of the proposed rezone would be consistent with the properties along the M-32 West corridor and also consistent with the Otsego County Future Land Use Map. *Exhibit #2, Exhibit #14*
14. The Planning Commission has the authority to recommend a *Rezone* request after review and compatibility with the Otsego County Zoning Ordinance. (Section 25.7) *Exhibit #3, Exhibit #14*
15. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*
16. The Future Land Use Map may be updated at any time. *Exhibit #14*

FINDINGS UNDER ARTICLE 12/B2 GENERAL BUSINESS DISTRICT

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

Amended 4.23.2019

INTENT

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

SECTION 11.1 PRINCIPAL USES PERMITTED

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

- 11.1.1 All principal uses permitted in the [B1](#) Local Business District
- 11.1.2 Theaters, halls, and similar places of assembly
- 11.1.3 Laundromats and dry cleaners
- 11.1.4 Bowling alleys, pool or billiard parlors or clubs
- 11.1.5 Equipment rental shops with outside storage
- 11.1.6 Indoor archery range
- 11.1.7 Lumber yards and building material suppliers-within enclosed building
- 11.1.8 Tavern/night clubs
- 11.1.9 Restaurants serving alcoholic beverages
- 11.1.10 Public parking garages
- 11.1.11 Bus stations and passenger terminals
- 11.1.12 Businesses and restaurants with drive-through service
- 11.1.13 Wireless Telecommunications Towers and Facilities one hundred seventy-nine feet (179') or less in height without lights [Permit criteria includes [Article 21.46](#)]
- 11.1.14 Transient Merchants-Tent and open-air merchants, for periods of up to ninety (90) days per year, housing retail uses otherwise allowed by the Zoning Ordinance in this district. A single thirty (30) day extension may be applied for. Three (3) or more merchants on a parcel simultaneously must be permitted as a "Flea market".
- 11.1.15 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use [See [Article 21.46](#)]

SECTION 11.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of [Article 19](#) and only after the review and approval of the site plan by the Planning Commission. [See [Article 21](#) for applicable SPECIFIC REQUIREMENTS FOR CERTAIN USES, if any and [Article 23](#) for SITE PLAN REQUIREMENTS.]

- 11.2.1 All uses subject to special conditions in the [B1](#) Local Business District
- 11.2.2 Lumber yards, building material suppliers, and home improvement centers, with outdoor storage
- 11.2.3 Rifle or pistol ranges when within a completely enclosed building
- 11.2.4 Auto repair garages or auto body shop, including wrecker service, provided that outdoor storage of vehicles under repair be confined to the rear yard and screened from view
- 11.2.5 Car wash

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

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

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

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

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

11.2.7 Hospitals

11.2.8 Commercial outdoor sport and recreational facilities

11.2.9 Flea markets

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

11.2.11 Wireless Telecommunication Towers and Facilities one hundred seventy-nine feet (179') or more in height [Permit criteria includes [Article 21.46](#)]

11.2.12 Solid Waste Hauler

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

11.2.14 Unlisted property uses if authorized under [Article 21.44](#).

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

*****PROPOSED USE WOULD BE PERMITTED IN A B2 ZONING DISTRICT AND USES IN ADJOINING PROPERTIES WOULD BE COMPATIBLE**

FINDINGS UNDER ARTICLE 25

ARTICLE 25 ADMINISTRATION AND ENFORCEMENT

SECTION 25.7 CHANGES AND AMENDMENTS

The County may from time to time, on recommendation from the Planning Commission, or on petition, amend, supplement or change the District boundaries or the regulations, herein, or subsequently established herein, pursuant to the authority and procedure established in Public Act 110 of 2006 as amended. The notices for all public hearings before the planning commission or County Board of Commissioners concerning proposed zoning ordinance amendments (zoning text or map amendments) shall comply with all of the following applicable provisions:

A. For a proposed amendment to the text of the zoning ordinance, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information
 - a. A description of the nature of the proposed zoning ordinance amendment.
 - b. The time, date, and place the proposed zoning ordinance will be considered.
 - c. The places and times at which the proposed zoning ordinance amendment may be examined.
 - d. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.

B. For a proposed zoning ordinance amendment rezoning an individual property or ten (10) or fewer adjacent properties, the notice shall comply with all of the following:

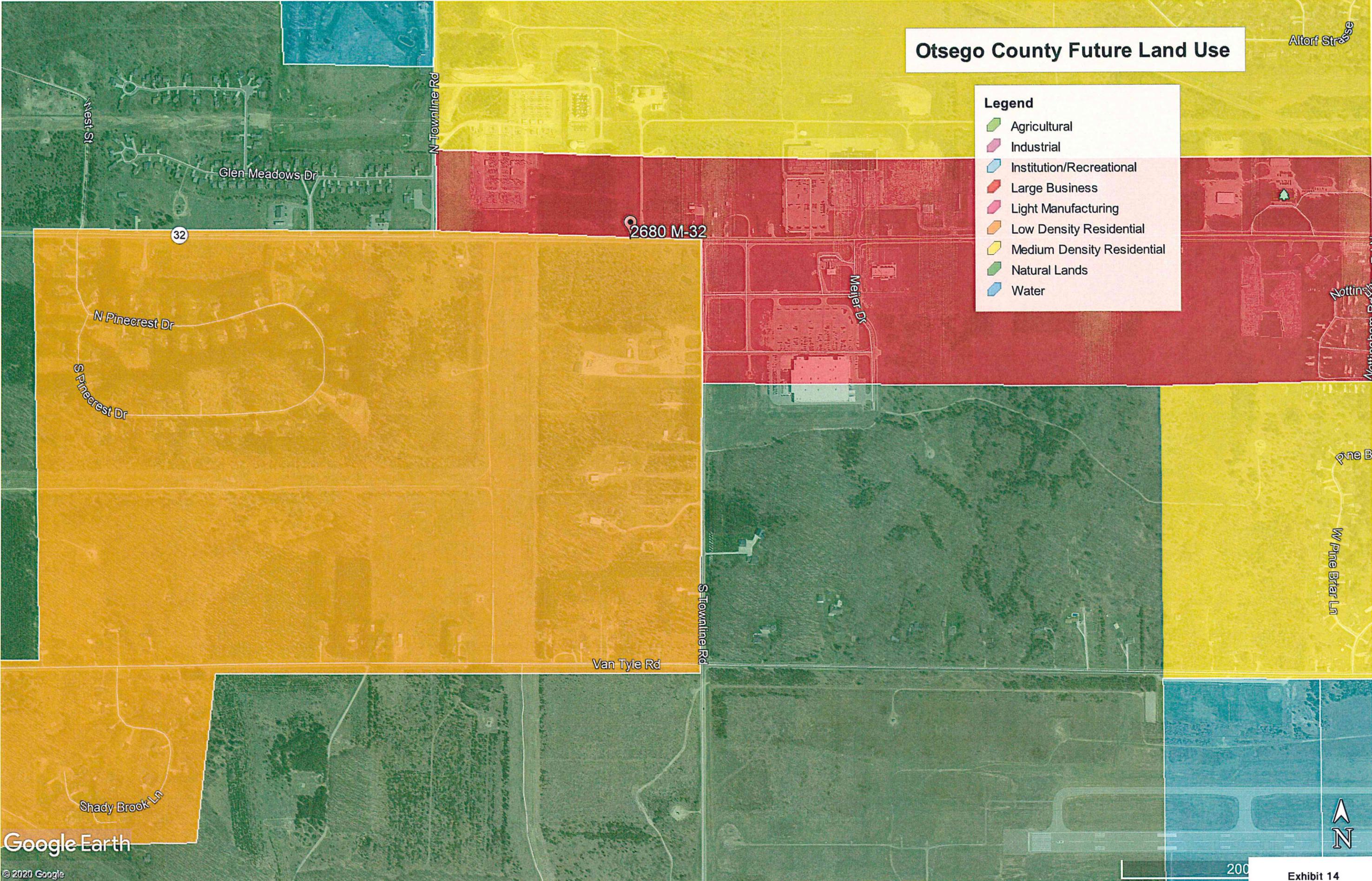
1. The content of the notice shall include all of the following information:
 - a. A description of the nature of the proposed zoning ordinance amendment.
 - b. A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
 - c. The time, date, and place the proposed zoning ordinance will be considered.
 - d. The places and times at which the proposed zoning ordinance amendment may be examined.
 - e. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.
2. The notice shall be published in a newspaper of general circulation within the County not less than fifteen (15) days before the scheduled public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing.
4. The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the property or properties proposed for rezoning and to the occupants of all structures within three hundred (300) feet of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
5. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility Company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

*****THE PLANNING COMMISSION HAS THE AUTHORITY TO APPROVE A REZONE IF COMPATIBILITY IS FOUND WITH THE ZONING ORDINANCE AND FUTURE LAND USE MAP – FUTURE LAND USE MAP MAY BE UPDATED ANY TIME**

Otsego County Future Land Use

Legend

- Agricultural
- Industrial
- Institution/Recreational
- Large Business
- Light Manufacturing
- Low Density Residential
- Medium Density Residential
- Natural Lands
- Water



Subject: FW: Wolverine Power Alpine Plant

From: Joe Hazewinkel [<mailto:jhazewinkel@wpsci.com>]
Sent: Wednesday, September 30, 2020 2:55 PM
To: Christopher Churches <cchurches@otsegocountymi.gov>
Subject: Wolverine Power Alpine Plant

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

Chris,

On Monday, September 21st, Planning Commission Chairman Hartmann asked Wolverine to provide an update on the amount of operating hours at our Alpine facility, mentioning that it was his understanding the current Special Use Permit (SUP) issued on December 15, 2014 limited operating hours to approximately 1/3 of the year. While the SUP does not include any operating hours limitation, it does reference the issuance of an air quality permit from the state of Michigan, which includes certain limitations, but not "hours" specifically, as described below.

The air quality permit restricts operation based on a combination of factors including emissions such as NOx and CO, fuel use, and megawatt hours of generation. These limitations are on either a per-unit or facility wide basis, giving each unit the opportunity to operate independently to meet electric grid requirements. As a result of independent unit operation, the total cumulative operating hours at the facility could exceed 1/3 of the hours in a calendar year.

Based on runtime hours at the Alpine facility in 2020, the total cumulative operating time as of September 22nd is 3,140 hours, with June and July constituting our peak operating months. As referenced at the meeting held on September 21, 2020, Alpine has also been asked to run to support the northern Michigan grid in periods (like the Spring) where it would generally not run. Additional runtime throughout the rest of the calendar year will be dependent on weather and system stability requirements.

Please let me know if you have any additional questions, or if you require any additional information. Thank you.

Joe Hazewinkel
Environmental Policy Coordinator
WOLVERINE POWER COOPERATIVE
Direct: 231.779.3367 | Mobile: 231.577.8721
Office: 231.775.5700 | Fax: 231.775.2077
10125 W. Watergate Road | Cadillac, MI 49601
jhazewinkel@wpsci.com | wolverinepowercooperative.com

***** PROPRIETARY, CONFIDENTIAL OR PRIVILEGED COMMUNICATION ***** This communication may contain proprietary, privileged, confidential or Critical Energy Infrastructure information protected by law. It is solely for the use of the intended recipient named above. Any review, dissemination, distribution, forwarding, or copying of this communication by someone other than the intended recipient, or the employee responsible for delivering this communication to the intended recipient, is prohibited. If you have received this communication in error, please immediately notify the sender via email, then destroy the original message.

Otsego County Planning Commission

Approved Minutes for December 15, 2014

Call to Order: 6:00 pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Chairperson Hartmann, Vice-Chairperson Jarecki, Mr. Borton, Mr. Hilgendorf, Mr. Arndt, Mr. Brown, Ms. Nowak, Mr. Klee, Mr. Hendershot, Ms. Corfis, Mr. Mang (*arrived 6:03 pm*)

Absent: *None*

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

Others Present: John Burt, Otsego County Administrator, Haider Kazim, Otsego County Legal Counsel, Joe Duff, City of Gaylord Manager

Public Present: Brian Warner, Wolverine Power, Ken Bradstreet, Joe Hughes, John Ernst, Felix Burdo, Steve Johnson, Justin Kowatch

Consent Agenda: None

Approval of minutes from: November 17, 2014

Motion made to approve minutes as written by Mrs. Jarecki; Seconded by Mr. Hendershot.

Motion approved unanimously.

Other: None

Public participation for items not on the agenda: None

Unfinished applicant business: None

Public Hearing:

Wolverine Power Company, in cooperation with the optioned property owners of the listed parcels, is requesting a special use permit of these same parcels:

060-020-300-010-00/7603 M-32 West Elmira, MI 49730

060-020-300-005-01/M-32 West Elmira, MI 49730

060-020-400-010-00/M-32 West Elmira, MI 49730

060-020-400-005-02/M-32 West Elmira, MI 49730

Currently conditionally rezoned B3/Business, Light Manufacturing

PSUP14-004-proposed use of the property is the operation of a gas fire power plant.

Chairperson Hartmann opened the public hearing and asked Ken Bradstreet to begin his presentation.

Public Hearing Open: 6:02 pm

Mr. Bradstreet thanked everyone and began the power point presentation as presented to Elmira Township. He stated Wolverine Power Cooperative had submitted a Special Use Permit (SUP) Narrative along with a supplement to the SUP Narrative proposing conditions for the special use permit in response to input from governmental bodies and the public.

Otsego County Planning Commission

Approved Minutes for December 15, 2014

Wolverine Power had made the decision to use General Electric's 7FA05 twin turbine generators for the proposed plant. He stated these generators were two hundred sixteen (216) mega-watts of power each and were the most efficient peaking units available. Comparable pictures of the turbines were also on exhibit.

He directed everyone to page twelve (12) of the submitted SUP Supplemental Narrative. Wolverine Power had listed five (5) proposed conditions to the special use permit for consideration:

1. Sound Management Plan- Mr. Bradstreet stated monitors had been set up in different areas of the proposed site to acquire day-to-day readings of sound levels. He discussed the information received and stated Wolverine Power had sought expert opinion so as not to be considered a public nuisance. Sound limit guidelines were proposed and additional equipment would be installed to attain those proposed levels. Once the equipment was operational, a verification of sound levels would be performed and measures taken to remain in compliance with maximum standards.
2. Security Fence Heights- Mr. Bradstreet stated two (2) fences were being proposed:
 - 1) The security fence surrounding the actual power plant and equipment was a seven foot (7') chain link fence with a measured one foot (1'), three- strand (3) barbed wire on top, for a total of eight feet (8') and
 - 2) The perimeter fence surrounding the property was originally a three foot (3') barbed wire fence but Wolverine was agreeable to Elmira Township's suggestion of a four foot (4') woven wire fence for safety reasons.

He indicated everything complied with the National Electric Safety Code and stated the main security gate would remain locked electronically at all times and all other gates locked unless in use.

3. Vegetation Management Plan- Two (2) separate aspects described the vegetation plan:
 - 1) The Forest Health Management Plan would maintain and protect the health of the trees once construction was complete in order to retain the visual buffer and
 - 2) An alternate Landscaping Plan Wolverine Power was suggesting was a more random planting of natural vegetation and a guarantee of no less visual coverage than what was stated in the Otsego County Zoning Ordinance.

Mr. Bradstreet said the development of both plans would be in cooperation with the Zoning Administrator and the Soil Conservation District.

4. Height of Structures- According to the Zoning Ordinance, the maximum height of structures is thirty-five feet (35') but a one hundred percent (100%) extension of that height allowance is possible in a B3/Business, Light Manufacturing zoning district for a maximum of seventy feet (70'). The exhaust stacks, also described as chimneys, are exempt from the Zoning Ordinance and all other structures are within the seventy feet (70') maximum. He stated there would be a filter house, an emergency water storage tank (accessible to the Elmira Township Fire Department) and other lightning protection structures, all within the maximum.
5. Site Restoration Plan- Mr. Bradstreet stated the substation on the south side of M-32 would become a part of the grid and a permanent fixture. He also stated should the power plant ever be decommissioned, everything on the north side of M-32 would be removed from the site including the turbines, all the structures, cement and foundations four (4) to five feet (5') in below grade in order to return the property to an agricultural use. An escrow account would be set up with Otsego County for \$188,000 and reviewed periodically to assure that funds would be adequate for a full site restoration if necessary.

Mr. Bradstreet stated Elmira Township Planning Commission supported Wolverine Power's Special Use Permit application with conditions. Wolverine Power was agreeable to their conditions. The Elmira Township Board concurred with the conditions and added the condition for the perimeter fencing. Again, Wolverine Power agreed. (SEE ATTACHMENT #1)

The County Planning Commission members were given revised site plans before the meeting showing final height elevations of the structures and driveway relocations. The driveway on M-32 was being moved by thirty

Otsego County Planning Commission

Approved Minutes for December 15, 2014

feet (30') to the east and the substation driveway was moved to Flott Road. The Otsego County Road Commission and Michigan Department of Transportation (MDOT) had approved the revised plan.

Mr. Bradstreet requested the Otsego County Planning Commission approve the Special Use Permit application with conditions proposed along with conditions set forth by Elmira Township. He thanked the Commission and asked for questions.

Felix Burdo questioned the sound levels of both turbines running simultaneously.

Mr. Bradstreet stated one (1) turbine running would be assessed at approximately eighty-three (83) decibels and both turbines running together, would be about eighty-five (85) to eighty-six (86), saying two (2) turbines running simultaneously would not double the sound intensity.

Mr. Arndt asked about the security of the plant, questioning whether a security guard would be on site.

Mr. Hughes stated the facility on the north side of M-32 would be manned approximately sixteen (16) hours a day running two (2) shifts, five (5) days a week for maintenance purposes and the substation on the south side of M-32 posed a minimal security risk for damages caused by vandalism, so there would not be anyone on site.

Mr. Warner stated some peaking plants opted to operate remotely but it was not Wolverine Power's policy to do so.

Mr. Burdo asked about the water storage tank and the size of well, questioning if the water table could support it and also questioned if containment ponds were included to prevent leakage into the ground.

Mr. Bradstreet stated the well was high volume but would be only used to fill the water tank, also saying that water would probably be stored for years. The well would not run unless the fire department drained water from the tank. It would then refill quickly and should not affect the water table.

Mr. Warner stated, per research, there were good veins of water on the property and containment ponds were included in the design, per federal and state requirements and it was a matter Wolverine Power took very seriously.

John Burt, Otsego County Administrator questioned what the trigger was to set off the need for testing if proposed levels are exceeded.

Mr. Warner stated the test schedule in the Supplement called for compliance testing within one hundred eighty (180) days after operations began and would be done periodically every three (3) years thereafter. If the County should have complaints, Wolverine Power requested that testing be kept to once a year to remedy any situation.

Chairperson Hartmann closed the public hearing.

Public Hearing Closed: 6:34 pm

Advertised Case:

*Wolverine Power Company, in cooperation with the optioned property owners of the listed parcels, is requesting a special use permit of these same parcels:
060-020-300-010-00/7603 M-32 West Elmira, MI 49730
060-020-300-005-01/M-32 West Elmira, MI 49730
060-020-400-010-00/M-32 West Elmira, MI 49730*

Otsego County Planning Commission

Approved Minutes for December 15, 2014

060-020-400-005-02/M-32 West Elmira, MI 49730
Currently conditionally rezoned B3/Business, Light Manufacturing
PSUP14-004-proposed use of the property is the operation of a gas fire power plant.

Chairperson Hartmann asked Mr. Schlaud's opinion of the plan presented.

Mr. Schlaud stated it was a very well prepared plan; everything that needed to be addressed, Wolverine Power provided the necessary information either in their SUP Narrative, Supplemental to the Narrative or their presentation.

Mr. Arndt questioned how the amount for the Restoration Plan was calculated.

Mr. Warner explained information was gathered from their engineers on the amount of concrete needed for the project, estimates from local contractors on costs for removal of such and the cost of replanting vegetation from the Soil Conservation District to base their total escrow figure of \$188,000 on.

Mr. Schlaud stated the break-down of the costs was on page eleven (11) in the Supplemental to the SUP Narrative.

Chairperson Hartmann stated the amount was very close to the cost the County had received prior to last month's meeting.

Mr. Burt stated he had signed a letter of acceptance for the escrowed plan and questioned if it should be added to the exhibit list. It was stated the letter had already been added and the updated list given to Planning Commission members before the meeting. (SEE ATTACHMENT #2)

Mr. Warner stated Wolverine Power would detail an escrow account agreement with the County Administrator. They would make sure the County had access to the account, Wolverine would be responsible for the fees and all interest earned on the account would remain with the account.

Chairperson Hartmann read aloud Article 19/Section 19.7 Standards for Special Land Use Approval for compliance.

Conditions met unanimously. (SEE ATTACHMENT #3)

Mr. Schlaud stated a revised site plan had been given to the Planning Commission members prior to the meeting depicting the relocation of the main driveway by thirty feet (30') to the east on the north side of M-32 and access to the substation on the south side of M-32 moved to Flott Road. Both drives had been approved by the Otsego County Road Commission and the Michigan Department of Transportation. He reported the other two (2) pages reflected the elevations of the chimney structure showing the final height of eighty-five feet (85').

Mr. Kazim suggested going through the *Specific Finding of Fact* item by item for Planning Commission member approval.

Chairperson Hartmann read aloud the *Specific Finding of Fact* with recommendations from Land Use staff. Conditions met unanimously. (SEE ATTACHMENT #4)

Chairperson Hartmann asked for a motion.

Motion made by Mr. Borton to approve special use permit number PSUP14-004 for Wolverine Power Cooperative with changes and amendments subject to the site restoration plan as presented by the applicant and the conditions imposed by the Elmira Township Board of Trustees. (SEE ATTACHMENT #3)

Otsego County Planning Commission

Approved Minutes for December 15, 2014

Motion seconded by Mr. Brown

Roll Call Vote: Ayes-11
 Nays-0

Motion approved unanimously.

Unfinished Commission Business:

1. 2014 Master Plan amendment

Mr. Hilgendorf reported the Committee decided to address the new power plant in an amendment to the proposed Master Plan before sending it out for input from other entities.

After discussion, the Planning Commission members decided to leave the paragraphs as written.

Motion made by Mr. Hilgendorf to approve the amended paragraphs to the proposed Master Plan; Seconded by Mr. Arndt

Motion approved unanimously.

New Business:

1. 2015 PC Meeting Dates

Mr. Hartmann presented the meeting schedule for 2015; Commission members approved without objection.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Vice Chairperson Jarecki reported Gina Marchio had been appointed director to the Otsego County Parks & Recreation Department stating she thought she was quite experienced and had many new ideas. She stated John Burt, Otsego County Administrator had updated the Committee on the damage incurred at the Louis Groen Nature Preserve, the Bear Basketball Program was under way being run by Dave Baragrey and July 25, 2015 was the scheduled date for the Mark Mellon Triathlon.

2. Sample Checklist to Guide Decisions on Dimensional Variances/Zoning Training

Adjournment: 7:49 pm by Chairperson Hartmann

Christine Boyak-Wohlfeil, Recording Secretary

Otsego County Planning Commission

Approved Minutes for December 15, 2014

ATTACHMENT #1

ELMIRA TOWNSHIP APPROVAL WITH CONDITIONS

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

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



Township of Elmira

Leonard Skop, Trustee • Dale Holzschu, Trustee

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

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

OTSEGO COUNTY LAND USE SERVICES
1322 Hayes Road
Gaylord, Michigan 49735

December 11, 2014

CASE #PSUP14-004

Diane Purgiel moved that the Elmira Township Board of Trustees recommend approval of Wolverine Power Cooperative's Special Use Permit Application subject to the proposed conditions listed in Section V. of the Supplemental Information to the Special Use Permit Narrative and Site Restoration Plan dated December 4, 2014. In addition to Elmira Township Planning Commission's conditions, which have been amended by the township board (item 4, The permittee may) and included with this letter, Elmira Township Board would like a four foot, woven wire fence around the property perimeter instead of the four-strand smooth wire fence. Seconded by Leonard Skop.

Ayes: Diane Franckowiak, Susan Schaedig, Diane Purgiel, Leonard Skop, Dale Holzschu
Nays: None
Absent: None

Sincerely,


Susan Schaedig, Clerk

Exhibit 9

Otsego County Planning Commission

Approved Minutes for December 15, 2014

COPY

Gloria Torello moves that case number PREZ-14-001, which is requested by Wolverine Power Cooperative, whose address is 10125 West Watergate Road, Cadillac, MI 49601, which is an application for a Special Use Permit as proposed in the Special Use Permit Narrative dated November 21, 2014, and the Supplemental Information to the Special Use Permit Narrative and Site Restoration Plan dated December 4, 2014 be approved. The approval is based on the following conditions.

1. If testing demonstrates the decibels exceed the sound limits of this permit by more than two decibels at the 400 feet test points, then within 90 days of testing the permittee shall commence writing a sound remediation plan for approval by Otsego County and within 180 days after testing the permittee shall complete implementation of the sound remediation plan.
2. If Otsego County receives complaints from the public and testing at 400 feet test points determines decibels exceed the permitted limits by 5 or more decibels, then the permittee will be fined for non-compliance of the permit limits. Fines are based on the Otsego County schedule found in the zoning ordinance.
3. The permittee shall contact Otsego County in writing (electronic communication is acceptable) within three calendar days of a malfunction that results in excess noise levels. Concurrently the permittee shall commence corrective actions.
4. The permittee ^{may ss} shall make modifications to sound attenuation features once actual operating conditions at the Alpine Power Plant can be evaluated. Modifications to improve sound attenuation may include relocating, modifying or adding sound attenuation features. These modifications shall be subject to the approval of the Otsego County Director of Land Use Services.
5. Every five year the permittee shall evaluate the success rate of the land scape plantings of the Alternative Landscaping Plan and replant dead vegetation.
6. The permittee shall keep records and make them available to Otsego County to demonstrate compliance with this permit.

Duane Hoffman seconded the motion.

Number in favor 3: Dale Holzschu, Gloria Torello, Duane Hoffman, Jay Maufort

Number opposed:

Signed by:

Date: 12-19-14

P.C. Member Voting in Favor

Exhibit 9

Otsego County Planning Commission

Approved Minutes for December 15, 2014

ATTACHMENT #2 EXHIBIT LIST (UPDATED)

OTSEGO COUNTY PLANNING COMMISSION PSUP14-004 SPECIAL USE PERMIT

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

Exhibit List

- Exhibit #1:* Applications for case PSUP14-004 submitted by Applicant (*SEE NARRATIVE*)
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended November 2014
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended July 2014
- Exhibit #4:* Copies of four (4) *Property Owner Option Agreements* purchasing properties (*SEE NARRATIVE*)
- Exhibit #5:* Representation letter from Wolverine Power Cooperative stating Brian Warner as representative (*SEE NARRATIVE*)
- Exhibit #6:* Site Plan for case PSUP14-004 submitted by Applicant
- Exhibit #7:* Public Hearing Notice
- Exhibit #8:* Letter to Elmira Township Planning Commission dated December 1, 2014
- Exhibit #9:* Response dated December 11, 2014 from Elmira Township
- Exhibit #10:* Map and list of parties notified
- Exhibit #11:* Receipt #01305532
- Exhibit #12:* General Finding of Fact/PSUP14-004
- Exhibit #13:* Specific Finding of Fact/PSUP14-004
- Exhibit #14:* Letter from the Elmira Township Fire Department dated November 17, 2014 (*SEE NARRATIVE*)
- Exhibit #15:* Letter from the Otsego County Sheriff Department dated November 24, 2014
- Exhibit #16:* Letter with summary list of proposed conditions from Wolverine Power Cooperative dated December 4, 2014
- Exhibit #17:* Supplemental Information to the Special Use Narrative and Site Restoration Plan
- Exhibit #18:* Acceptance letter from Otsego County Administration concerning escrow account for Site Restoration Plan
- Exhibit #19:* Agency Review Form from Otsego County Road Commission
- Exhibit #20:* Revised overall site plan page C-1.0/Height elevations/Driveways
- Exhibit #21:* Agency Review Form from Health Department of Northwest Michigan

Otsego County Planning Commission

Approved Minutes for December 15, 2014

ATTACHMENT #3

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.

Otsego County Planning Commission

Approved Minutes for December 15, 2014

- 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.

Otsego County Planning Commission

Approved Minutes for December 15, 2014

ATTACHMENT #4

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 12

ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

SECTION 12.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

12.2.1 All permitted use or uses subject to special conditions in the [B2](#) General Business District.

12.2.2 Auto repair garages or auto body shops, including wrecker service

12.2.3 Above-ground storage of flammable and combustible liquids, chemicals and hazardous liquids

12.2.4 Concrete and asphalt manufacturing and distribution

12.2.5 Detention Facilities

12.2.6 Power generation plants

12.2.7 Research, experimental, and development establishments

12.2.8 Adult Entertainment

12.2.9 Industrial Laundries

12.2.10 Medical Laboratories

12.2.11 Dirt and aggregate storage, sales and processing

12.2.12 Wireless Telecommunications Towers and Facilities over one hundred ninety (190) feet in height

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

12.2.14 Unlisted property uses if authorized under [Article 21.44](#).

Otsego County Planning Commission

Approved Minutes for December 15, 2014

FINDINGS UNDER ARTICLE 17

ARTICLE 17 SCHEDULE OF DIMENSIONS

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

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

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

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

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

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

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

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

Otsego County Planning Commission

Approved Minutes for December 15, 2014

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

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

HAS – HAS NOT BEEN MET

FINDINGS UNDER ARTICLE 20

SECTION 20.1 PURPOSE

The purpose of this section is to provide reasonable access to the property owner to all roads within Otsego County while protecting the public health, welfare, safety and aesthetics of the County. All Land in a parcel having a single tax code number or contiguous parcels owned by a person as of the effective date of this Ordinance shall meet the requirements of this Ordinance. The intent of this ordinance is to provide standards, which will preserve the traffic capacity, and enhance the safety of the highway by regulating safe and reasonable access, though not always direct access, between public roadways and adjacent land. Access controls provide for orderly growth and development. This in turn will protect the long term viability of existing and new businesses in addition to protecting property values of commercial and residential development along the corridor. It is recognized that existing development may not be able to meet all of the standards contained in this ordinance; Upon expansion or redevelopment, the standards' contained herein shall be applied to the maximum extent possible in conformance with the Otsego County Access Management Map.

The standards of this section are further intended to:

- Minimize traffic conflicts, in order to reduce the frequency of fatal injury and property damage crashes;
- Separate traffic conflict areas by reducing the number of direct access points,
- Provide efficient spacing and size standards between access points and between access points and intersections;
- Establish uniform access standards to ensure fair and equal application;
- Protect the substantial public investment in the roadway system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business;
- Require coordinated access among several landowners;
- Ensure reasonable access to properties, though the access may not always be direct access;
- Coordinate local management decisions on development proposals with access permit decisions by the Michigan Department of Transportation (MDOT) and the Otsego County Road Commission, (OCRC).

SECTION 20.3 LOCATION AND SPACING

20.3.1 All State and County public roads shall be subject to and regulated by the standards of this ordinance.

20.3.2 In order to minimize left turn conflicts, new access points shall be aligned with those across the roadway

Otsego County Planning Commission

Approved Minutes for December 15, 2014

where possible. If alignment is not possible, access points shall be offset a minimum of two hundred fifty-five (255) feet from those on the opposite side of the roadway, measured centerline of access point to centerline of access point. Longer offsets may be required by the Michigan Department of Transportation (MDOT) in accordance with the MDOT Access Management Guidebook.

- 20.3.3 Where spacing requirements cannot be met for parcels, lots, or building sites having frontage or access on more than one roadway, access shall be provided from the lesser traveled roadway.
- 20.3.4 In the case of expansion, alteration, change of use or redesign of an existing development where existing access points do not comply with the guidelines set forth herein, the closing, relocation, or redesign of the access point may be required.
- 20.3.5 Driveway profile shall be designed and constructed according to Michigan Department of Transportation (MDOT) and Otsego County Road Commission (OCRC) standards.
- 20.3.6 Land access is permitted based on driveway spacing, stopping distance, and land use type.
Driveway Spacing and corner clearance requirements shall be PER MDOT MANUAL

SECTION 20.5 ACCESS

All developments shall have reasonable access to a county or public roadway. Access onto any roadway shall be permitted only upon issuance of an access permit by the MDOT or OCRC in compliance with the site review planning process.

20.5.1 Interconnections of Parking Areas

- 20.5.1.1 Parking areas shall be designed to facilitate interconnection of parking lots
- 20.5.1.2 Shared parking is encouraged. Shared parking shall be permitted a reduction in required parking spaces if peak parking demand periods at interconnected developments do not occur at the same time.
- 20.5.1.3 Shared driveways, cross access driveways, interconnected parking, and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land; Operating and maintenance agreements for these facilities shall be recorded with the deed.

SECTION 20.6 ROAD STANDARDS

- 20.6.1 All roads proposed to be of public ownership shall conform to the county road standards
- 20.6.2 All proposed curve radii shall be designed to county road standards for truck turning requirements.

~~HAS - HAS NOT BEEN MET~~

FINDINGS UNDER ARTICLE 21

SECTION 21.1 ACCESSORY BUILDINGS

- 21.1.1 Accessory buildings in the [R1](#), [R2](#), [R3](#) & [RR](#) Districts shall be subject to the side and front yard setback requirements as regulated in [Article 17 SCHEDULE OF DIMENSIONS](#), but need not be farther than ten (10) feet from the rear property line.
- 21.1.2 In Residential Districts all accessory buildings and uses shall be in the rear yard except in the case of one detached private garage which may be allowed in the side or front yard, provided it maintains the setback requirements as regulated in [Article 17 SCHEDULE OF DIMENSIONS](#).
- 21.1.3 Detached accessory buildings for residential use in any district shall not exceed a total ground floor area of: twelve hundred (1,200) square feet in [R1](#), [R2](#) and [RR](#), and two thousand (2,000) square feet in [R3](#), [FR](#) and [AR](#), except:

Otsego County Planning Commission

Approved Minutes for December 15, 2014

21.1.3.1 Where the lot is larger than the minimum size for that zoning district, the total accessory building square footage may be increased proportionally to the lot size in the following manner: twenty-five (25) square feet increase in allowable accessory buildings for every one thousand (1,000) square feet that the lot exceeds minimum lot size, up to a maximum of four thousand (4,000) square feet.

21.1.4 Agricultural buildings and structures incident to use for agricultural purposes are exempt from accessory building requirements.

21.1.5 Accessory buildings shall not be used for residences.

21.1.6 Accessory building may not be used for commercial storage.

HAS – HAS NOT BEEN MET

SECTION 21.10 FENCES

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

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

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

21.10.2

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

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

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

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

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

HAS – HAS NOT BEEN MET

Otsego County Planning Commission

Approved Minutes for December 15, 2014

SECTION 21.18 LANDSCAPING

21.18.1 PURPOSE

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

21.18.2 General Performance Standards:

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

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

21.18.2.1 Landscape Materials:

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

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

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

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

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

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

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

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

21.18.2.3 Existing Vegetation:

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

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

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

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

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

Otsego County Planning Commission

Approved Minutes for December 15, 2014

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

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

21.18.3 Buffer Yards:

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

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

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

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

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

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

HAS – HAS NOT BEEN MET

SECTION 21.19 LIGHTING, OUTDOOR

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

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

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

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

21.19.1.2 That all light sources and light lenses are shielded,

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

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

21.19.2 Lighting fixtures shall be a down-type having one hundred (100) percent cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric

Otsego County Planning Commission

Approved Minutes for December 15, 2014

test. A United States flag, Michigan flag or a flag of a veteran's organization chartered by the United States Government shall be allowed to have light illuminating them from below

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

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

21.19.5 Decorative lights during holiday seasons shall be allowed.

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

HAS – HAS NOT BEEN MET

SECTION 21.27 PARKING

There shall be provided in all districts at the time of erection or enlargement of any main building or structure or use, automobile off-street parking space with adequate access to all spaces.

21.27.1 Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

21.27.2 Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

21.27.8 For those uses not specifically mentioned in the Off-street Parking Schedule, requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in type.

21.27.9 Entrance drives to the property and off-street parking area shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District. A greater distance may be required by the Planning Commission if the lesser would cause a traffic issue.

21.27.10 Off-street Parking Schedule

The minimum number of off-street parking spaces required by use shall be in accordance with the following schedule:

MINIMUM PARKING SPACES REQUIRED

LAND USE

PER UNIT OF MEASURE

Industrial

Manufacturing Shop

5 plus 1 per employee

Industrial Office or Research

1 ½ per employee

Warehouse and Wholesale

1 per employee, plus 1 per 200 sq. ft. of any office space

Industrial Laundries

5 plus 1 per employee

Medical Laboratories

1 per 50 sq. ft. of waiting room plus 1 per employee

21.27.11 Parking Area Design Standards

The layout of off street parking facilities shall be in accord with the following minimum requirements:

<u>Parking Pattern</u>	<u>Maneuvering Lane width</u>	<u>Parking Space width</u>	<u>Parking Space length</u>
Parallel 12ft	8ft	23ft	

Otsego County Planning Commission

Approved Minutes for December 15, 2014

30-53°	12ft	9ft	20ft
54-74°	15ft	9ft	20ft
75-90°	20ft	9ft	20ft

All spaces shall be provided access by maneuvering lanes. Backing directly onto a street shall be prohibited. Adequate ingress and egress to a parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than residential use shall not be across land zoned for residential use.

Each entrance and exit to and from any off street parking lot located in an area zoned for other than residential use shall be at least twenty-five (25) feet from adjacent property located in any residential district.

Buffer yards shall be required per standards set by [Section 21.18](#). A buffer yard without buildings shall be required not less than ten (10) feet wide on the perimeter of all parking lots. Said buffer yard shall be used for landscaping, screening and/or drainage as required by this ordinance.

All parking areas containing twenty-seven hundred (2700) square feet or more shall provide snow storage area. Snow storage shall be provided on the ratio of ten (10) square feet per one hundred (100) square feet of parking area. Parking area is calculated at two hundred seventy (270) square feet per parking space. Snow storage areas shall be located in such a manner that they do not interfere with the clear visibility of traffic on adjacent streets and driveways

21.27.12 Federal and State requirements regarding handicapped parking and access shall apply.

HAS – HAS NOT BEEN MET

SECTION 21.28 PERFORMANCE STANDARDS

No use otherwise allowed shall be permitted within a Use District which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

21.28.1 Smoke, Dust, Dirt, and Fly Ash

It shall be unlawful for any person, firm or corporation to permit the emission or discharge of any smoke, dust, dirt, or fly ash in quantities sufficient to create a nuisance within the unincorporated areas of Otsego County.

21.28.2 Open Storage

The open storage of any equipment, vehicles and all materials including wastes, shall be screened from public view, from public streets, and from adjoining properties. Scrap, junk cars and other junk materials shall not be piled or stacked as open storage to a height in excess of twenty (20) feet, and must meet the requirements of [Article 21.3.1](#) and [Article 19](#).

21.28.3 Glare and Radioactive Materials

Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be permitted in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as x-ray machine operations, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

21.28.4 Fire and Explosive Hazards

The storage, utilization, or manufacture of materials or products ranging from combustible to moderate burning, as determined by the appropriate community fire protection authority, is permitted subject to compliance with all other yard requirements, [Article 19](#), performance standards previously mentioned, and providing that the following conditions are met:

21.28.4.1 Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.

Otsego County Planning Commission

Approved Minutes for December 15, 2014

21.28.4.2 The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941 as amended.

HAS – HAS NOT BEEN MET

SECTION 21.38 SIGNS AND BILLBOARDS

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

21.38.1.3 Accessory Signs in B, HX and I Districts

A. Signs for Single Business: A single business on one (1) lot or combination of lots in the [B1](#), [B2](#), [B3](#), [I](#) and/or [HX](#) District may install accessory signs in accordance with the following regulations:

1. Accessory Signs in B1, B2, B3 and/or I Districts may be permitted at the rate of two (2) per use, except that at least one (1) sign shall be affixed to or be within two (2) feet of and be parallel with the wall of the main building. One (1) sign may be a freestanding or pylon sign.
2. Signs mounted on and parallel with the wall of the main building shall not exceed a total area of two and one half (2½) feet times the length of the mounting wall.

21.38.1.5 Sign Lighting (also see [SECTION 21.19 LIGHTING, OUTDOOR](#))

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

Signs internally illuminated or if sign has a light emanating surface, all light sources and reflecting surfaces immediately adjacent to the light source shall be shielded from view. Sign luminance level, beginning one (1) hour after sunrise and continuing until one (1) hour before sunset, shall not be greater than three thousand (3,000) nits, nor greater than one hundred (100) nits at all other times.

Signs externally illuminated, the light on the proposed sign shall be mounted on the top of the sign, shall be directed downward onto the sign and shall be shielded so as to prevent rays of light from being directed into the sky or onto any portion of a street, road, highway or adjacent properties. Illumination shall be limited such that reflected luminance does not exceed one hundred (100) nits per square meter.

21.38.4 Placement of Signs and Setbacks, Signs in any zoning district must be placed at least ten (10) feet back from any right-of-way or lot-line.

HAS – HAS NOT BEEN MET (WILL BE ADDRESSED WITH ZONING ADMINISTRATOR AT TIME OF PERMIT)

SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS

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

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

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

Otsego County Planning Commission

Approved Minutes for December 15, 2014

21.42.3 Temporary Commercial Construction Dumpsters are exempt from these regulations.

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

HAS – HAS NOT BEEN MET

SECTION 21.43 UNDERGROUND UTILITY WIRES

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

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

HAS – HAS NOT BEEN MET

FINDINGS UNDER ARTICLE 22

SECTION 22.3 HEIGHT LIMIT

Height limitations shall not apply to farm silos, chimneys, church spires, flag poles, or public monuments; provided, however, that a height limit for any building or structure permitted as a conditional or special approval use may be set by the Planning Commission upon approval of a Site Plan.

22.3.1 This exemption shall not allow The Planning Commission and or Zoning Board of Appeals to allow a:

22.3.1.1 WTG height greater than allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS and/or [Section 21.47](#) or

22.3.1.2 Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS.

22.3.2 This exemption shall not apply in those instances where the County Airport Zoning Ordinance governs height within airport hazard areas.

HAS – HAS NOT BEEN MET

FINDINGS UNDER ARTICLE 23

ARTICLE 23 SITE PLAN REVIEW

Site Plan Review and approval of all development proposals listed below is required by the provisions of this Article. The intent of this Article is to provide for consultation and cooperation between the land developer and the Zoning Administrator so that beneficial utilization of the land is achieved at the same time that adverse effects upon the surrounding land uses are minimized consistent with the requirements and purposes of this Ordinance. Through the application of the following provisions, the attainment of the Comprehensive Plan of Otsego County will be assured and its communities will develop in an orderly fashion.

SECTION 23.1 SITE PLAN REVIEW REQUIRED

Site plan review is required for the following uses:

23.1.1 Any use or development for which the submission of a site plan is required by any provision of this Ordinance.

Otsego County Planning Commission

Approved Minutes for December 15, 2014

23.1.2 Any development for which off-street parking areas in excess of five (5) spaces are provided as required in this Ordinance.

Any use in a [B1](#), [B2](#), [B3](#) and [Industrial](#) zone.

Any Special Land Use (See [Article 19](#)).

(Note: An application for a zoning permit for a land use not requiring Site Plan Review shall contain a Plat Plan as outlined in [Article 25.3.3](#).)

SECTION 23.2 APPLICATIONS FOR SITE PLAN REVIEW

An application for site plan review shall be obtained from the Zoning Administrator. The completed application and site plan shall be submitted to the Zoning Administrator along with fifteen (15) copies of each for distribution. The application, site plan and copies shall be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission, in order to have the site plan review scheduled for that meeting. The applicant shall also meet requirements of [Article 27 Township Participation](#) in County Zoning. The application for site plan review and the site plan shall contain the following information:

23.2.1 The application shall, at a minimum, include the following information:

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

23.2.1.2 Proof of property ownership, and whether there are any options on the property, or any liens against it.

23.2.1.3 A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.

23.2.1.4 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).

23.2.1.5 The address and or parcel number of the property.

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

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

23.2.1.8 Project title.

23.2.1.9 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.

23.2.1.10. A vicinity map drawn at a scale of 1" = 2000' with north point indicated.

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

23.2.1.12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.

23.2.1.13. Project completion schedule/development phases.

23.2.2 The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less for 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. All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect and each site plan shall depict the following:

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

Otsego County Planning Commission

Approved Minutes for December 15, 2014

- 23.2.2.2 Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.
- 23.2.2.3 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.
- 23.2.2.4 Location and type of significant existing vegetation.
- 23.2.2.5 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.
- 23.2.2.6 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.
- 23.2.2.7 Proposed location of accessory structures, buildings and uses, including all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.
- 23.2.2.8 Location of existing public roads, rights-of-way 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.
- 23.2.2.9 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.
- 23.2.2.10 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.
- 23.2.2.11 Location, size, and characteristics of all loading and unloading areas.
- 23.2.2.12 Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
- 23.2.2.13 Location of water supply lines and/or wells, including fire hydrants and shut off valves, and 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.
- 23.2.2.14 Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.
- 23.2.2.15 Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.
- 23.2.2.16 Location, size and specifications of all signs and advertising features with elevation views from front and side.
- 23.2.2.17 Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
- 23.2.2.18 Location and specifications for all fences, walls, and other screening features with elevation views from front and side.
- 23.2.2.19 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.
- 23.2.2.20 Location, size of all trash receptacles and other solid waste disposal facilities.

Otsego County Planning Commission

Approved Minutes for December 15, 2014

23.2.2.21 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.

23.2.2.22 Identification of any significant site amenities or unique natural features.

23.2.2.23 Identification of any significant views onto or from the site to or from adjoining areas.

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

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

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 _____.

23.2.3 All projects requiring a site plan shall also require that the professional in charge of the project inspect and certify that the project has been constructed in accordance with the approved plans. The following format shall be used:

FORM FOR CONSULTANT'S CERTIFICATE

Date _____

Project name _____

Section _____, T _____ N, R _____ W, _____ Township,
Otsego County, Michigan.

I hereby certify that construction of

is complete and that:

1. I have personally directed the supervision or inspection of the construction.
2. To the best of my professional knowledge, understanding and information, all improvements to date have been installed in accordance with the special use permit.
3. The project meets all requirements of the Otsego County Zoning Ordinance.

Signed _____

Registered Professional Engineer (or Surveyor,

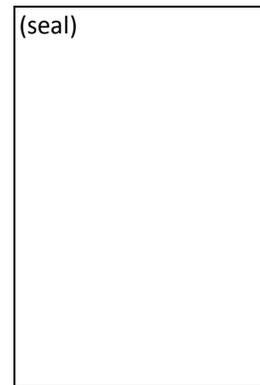
Architect or Landscape Architect)

23.2.4 The Planning Commission or Zoning Administrator may waive any site plan submittal requirement when any of the following circumstances are found to be in existence:

23.2.4.1 The data will serve no useful purpose. Circumstances have not significantly changed on the property since the last time detailed information on the site was submitted. Another reasonable circumstance or condition exists (not including the cost of complying).

23.2.5 Application fees must be paid when the application is submitted and sufficient escrow accounts may be established to cover the projected review costs.

HAS – HAS NOT BEEN MET



Otsego County Planning Commission

Approved Minutes for December 15, 2014

SECTION 23.3 PRE-APPLICATION CONFERENCE

A pre-application conference is not mandatory, but it is strongly advised. During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. This conference is scheduled by a prospective applicant with the Zoning Administrator and such other representatives as described in the Planning Commission bylaws. At this meeting the applicant or his/her representative is also presented with the applicable procedures required by the Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Board of Appeals for a variance. There is no charge or fee to the applicant for this meeting.

HAS – HAS NOT BEEN MET

SECTION 23.4 AGENCY REVIEW

The applicant shall submit a copy of required site plans and a blank comment form supplied by the Otsego County Zoning Administrator to designated Federal, State and Local agencies and departments for review as determined and requested by the Planning Commission or Zoning Administrator.

The applicant may be requested to submit site plans to one or more of the following agencies: the Otsego County Road Commission; the Michigan Department of Transportation; the Michigan State Police, the Otsego County Sheriff; the Otsego County Conservation District; the District Health Department; the Fire Department having jurisdiction; the Michigan Department of Natural Resources; the Michigan Department of Environmental Quality; the Otsego County Airport; or any other agency or department deemed necessary. After delivery of the application, site plans and comment forms the applicant should submit proof of delivery to the Otsego County Zoning Administrator. Comments not received from reviewing agencies by the Zoning Administrator within fifteen (15) of days of delivery shall be considered approved without comment.

HAS – HAS NOT BEEN MET

SECTION 23.10 PERFORMANCE GUARANTEE REQUIRED

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of Otsego County and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission or Zoning Administrator may require the applicant to deposit a performance guarantee as regulated by [Article 25.6](#). The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and any other required improvements.

HAS – HAS NOT BEEN MET

FINDINGS UNDER ARTICLE 25

SECTION 25.6 PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE

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

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

Otsego County Planning Commission

Approved Minutes for December 15, 2014

- 25.6.1.1 Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the County Clerk, which names the property owner as the obligor and the County as the obligee.
- 25.6.1.2 Time when Required: The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the County shall deposit the funds in an interest bearing account in a financial institution with which the County regularly conducts business.
- 25.6.1.3 Amount: The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions. Additional guidelines for establishing the amount of a performance guarantee or bond may be prescribed by resolution of the County Board of Commissioners. If none are specified or applicable to the particular use or development, the County Board of Commissioners shall by resolution establish a guideline which it deems adequate to deal with the particular problem while ensuring the protection of the County and its inhabitants.
- 25.6.2 Return of Performance Guarantee or Bond: The County Clerk, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
- 25.6.3 Withholding and Partial Withholding of Performance Bond: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the County Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit a recommendation to the Planning Commission and County Board of Commissioners indicating approval, partial approval, or rejection of the improvements or approval with conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.
- 25.6.3.1 The Planning Commission shall approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements.
- Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.
- 25.6.3.2 Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the County may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining would be returned to the applicant.
- 25.6.4 Performance Bond for Razing of Building: The Zoning Administrator may require a bond prior to the razing or demolition of principal structures and accessory structures having more than one hundred forty-four (144) square feet of floor area. The bond shall be determined according to a guideline of one thousand dollars (\$1,000.00) for each one thousand (1,000) square feet or fraction thereof of floor area of the structure to be razed. A bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief or the County Board of Commissioners may from time to time prescribe, including filling of excavations and proper termination of utility connections.

Otsego County Planning Commission

Approved Minutes for December 15, 2014

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

HAS – HAS NOT BEEN MET

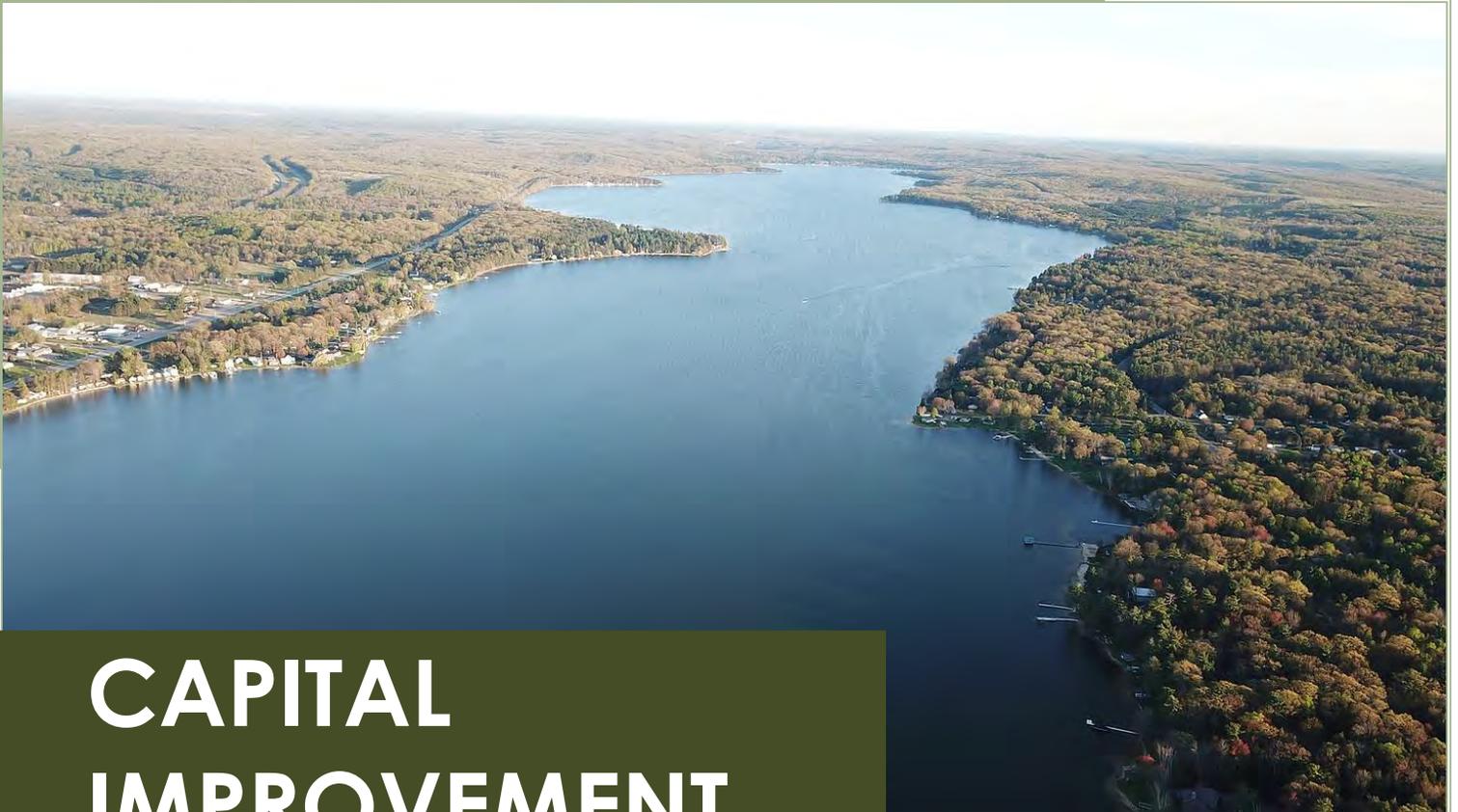


Photo Credit: Datema Media, LLC

CAPITAL IMPROVEMENT PLAN 2021-2026

OTSEGO COUNTY, MICHIGAN

Approved by the Planning Commission on XXX
Adopted by the Board of Commissioners on XXX



TABLE OF CONTENTS

INTRODUCTION _____	3
MICHIGAN PLANNING ENABLING ACT _____	3
CAPITAL IMPROVEMENTS _____	4
LIMITATION ON AUTHORITY _____	5
PROCEDURES _____	6
PROJECT PRIORITIZING _____	7
CAPITAL PROJECTS _____	8
OTSEGO COUNTY PUBLIC SAFETY COMPLEX _____	8
IRON BELLE TRAIL GAYLORD GATEWAY TRAILHEAD _____	9
OTSEGO LAKE OUTLET STRUCTURE REPLACEMENT _____	10
OTSEGO LAKE CAMPGROUND PLAYGROUND UPGRADES _____	11
GROEN NATURE PRESERVE PAVILION _____	12
GAYLORD REGIONAL AIRPORT REHABILITATE RUNWAY 9-27 _____	13
OCRC KRYE ROAD RESURFACING PROJECT _____	14
OCRC MARLETTE ROAD FROM OLD 27 TO SHERMAN ROAD PROJECT _____	15
OCRC MURNER ROAD PROJECT _____	16
OCRC WILKINSON ROAD PROJECT _____	17
OCRC HALLOCK ROAD PROJECT _____	18

INTRODUCTION

MICHIGAN PLANNING ENABLING ACT

The Michigan Planning Enabling Act requires local municipalities that have adopted a master plan to annually prepare a capital improvements program. This language is contained in Article IV, Section 65, subparts (1) and (2), which reads:

- (1) To further the desirable future development of the local unit of government under the master plan, a planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements, unless the planning commission is exempted from this requirement by charter or otherwise. If the planning commission is exempted, the legislative body either shall prepare and adopt a capital improvements program, separate from or as a part of the annual budget, or shall delegate the preparation of the capital improvements program to the chief elected official or a nonelected administrative official, subject to final approval by the legislative body. The capital improvements program shall show those public structures and improvements, in the general order of their priority that in the commission's judgment will be needed or desirable and can be undertaken within the ensuing 6-year period. The capital improvements program shall be based upon the requirements of the local unit of government for all types of public structures and improvements. Consequently, each agency or department of the local unit of government with authority for public structures or improvements shall upon request furnish the planning commission with lists, plans, and estimates of time and cost of those public structures and improvements.
- (2) Any township may prepare and adopt a capital improvement program. However, subsection (1) is only mandatory for a township if the township, alone or jointly with 1 or more other local units of government, owns or operates a water supply or sewage disposal system.

CAPITAL IMPROVEMENTS

Capital Improvements are generally additions to the County's assets, including the construction or purchase of land, buildings or facilities or major renovations of the same, and are long lasting and involve a substantial investment. For purposes of this Capital Improvement Program (CIP), only the following type of projects that meet this definition of a capital improvement, are included in the program, such as:

- New and expanded physical facilities.
- The acquisition of land for a community facility.
- Major Renovation or replacement of existing facilities costing over \$200,000.

Inclusion of a project in this Plan fulfills the requirements of MCL 125.3861.



LIMITATION ON AUTHORITY

This CIP is not meant to appropriate the power of the Otsego County Board of Commissioners in their duty to regulate the expenditure of County funds, but merely to provide guidance and recommendations to projects that may have a long-term impact on the community. To that end, the following limitations on authority will be observed:

- A. The Otsego County Board, its departments, and agencies have every right and an obligation to make emergency repairs without prior comment from the Otsego County Planning Commission. Information on such emergency repairs, will however, be submitted as soon as practicable to the Chairperson of the Planning Commission.
- B. Grant Applications that are attempting to obtain funds for projects that would fall under the CIP guidelines will be presented to the Planning Commission as soon as practicable.



PROCEDURES

- A. The Capital Improvements Program Committee is charged with gathering project information for inclusion into the CIP. The Committee consists of the Chairperson of the Otsego County Planning Commission or his/her designee; the Otsego County Land Use Services Director; the Otsego County Planning/Zoning Director, the Otsego County Board Chairperson or his/her designee, an additional representative of the Otsego County Planning Commission; and the Otsego County Administrator. The Otsego County Planning/Zoning Director will act as the CIP Coordinator, with the responsibility of coordinating data gathering.
- B. The CIP Committee will create a draft CIP.
- C. The draft CIP will be sent to the Otsego County Planning Commission for comment/changes each year.
- D. The Planning Commission will conduct a public hearing on the draft CIP each year.
- E. Planning Commission will forward draft CIP, along with recommendation, to the Otsego County Board each year.
- F. Otsego County Board will adopt, modify, or reject with reasons, the CIP.
- G. The Capital Improvements Program Committee will annually update the CIP, and follow the above process.



PROJECT PRIORITIZING

Projects will be prioritized using the following categories:

A. Urgent (imperative, must do)

- Satisfies a legal obligation (legal mandate)
- Corrects a condition dangerous to public health or safety
- Alleviates an emergency service disruption or deficiency
- Prevents irreparable damage to a valuable public facility

B. Important (essential, should do)

- Rehabilitates or replaces an obsolete public facility or attachment to the facility
- Stimulates economic growth and private capital investment
- Reduces future operating and maintenance costs
- Leverages available state or federal funds

C. Desirable (important, could do)

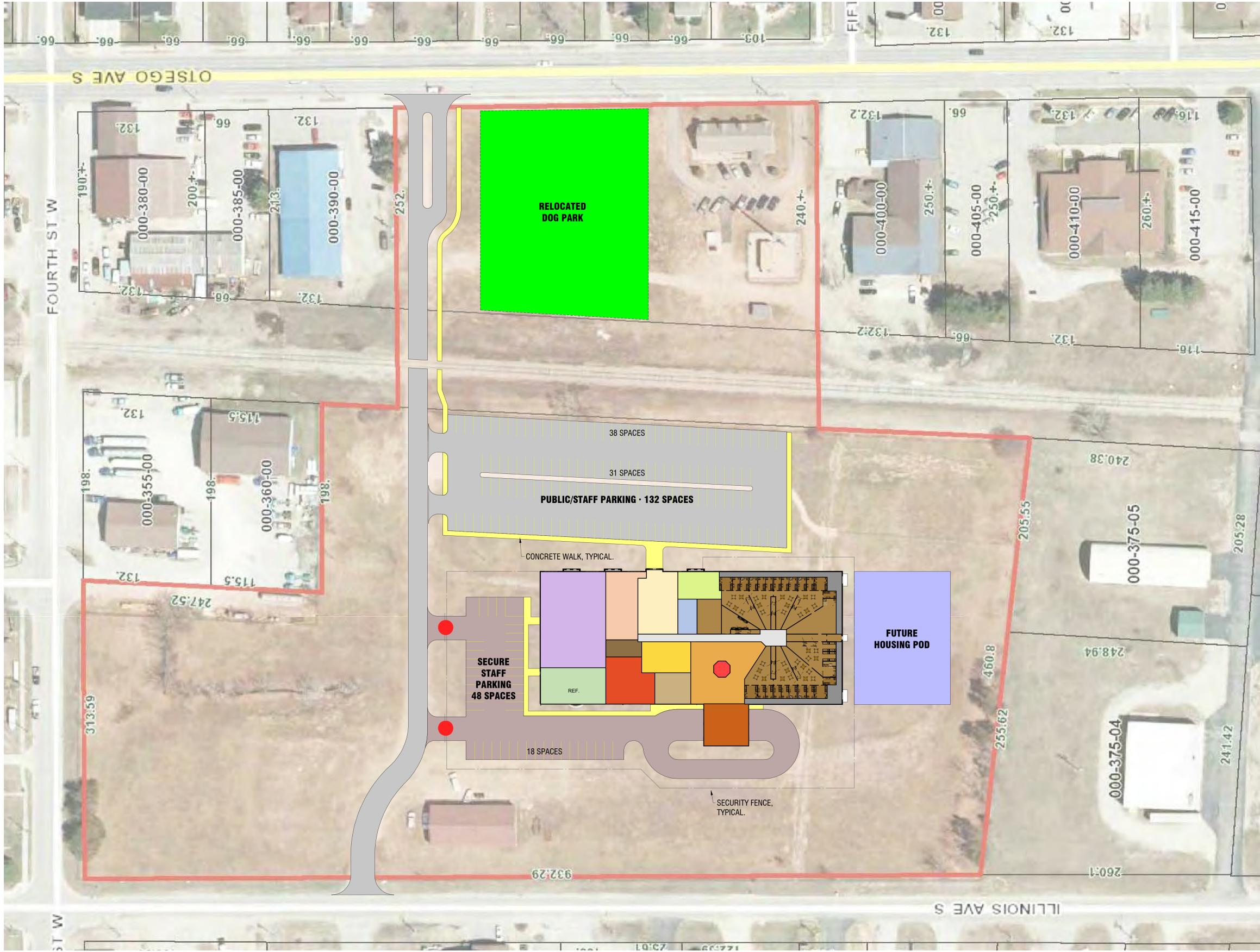
- Provides a new or expanded level of service
- Promotes intergovernmental cooperation
- Enhances cultural or natural resources

CAPITAL PROJECTS

OTSEGO COUNTY PUBLIC SAFETY COMPLEX

- Agency: Otsego County
- Project Type: New Construction
- Year(s) of Project: 2021-2023
- Project Description:
 - The proposed complex would consist of a detention facility (jail), office space, and courtrooms. It would house the Sheriff's Department Road Patrol, the court system, prosecutor's office, court administration, probation/parole, and the work camp program. Preliminary analysis suggests the need for a 61,000 ft² building.
- Schedule:
 - Design: Spring 2021
 - Construction: Fall 2021
- Estimated Cost: TBD
- Basis of Cost Estimate: TBD
- Alternative Financing:
 - Funding would likely have to come from a dedicated jail millage, which has not been passed at this time.
- Agency Reported Priority: Urgent
- Planning Commission Reported Priority: Urgent



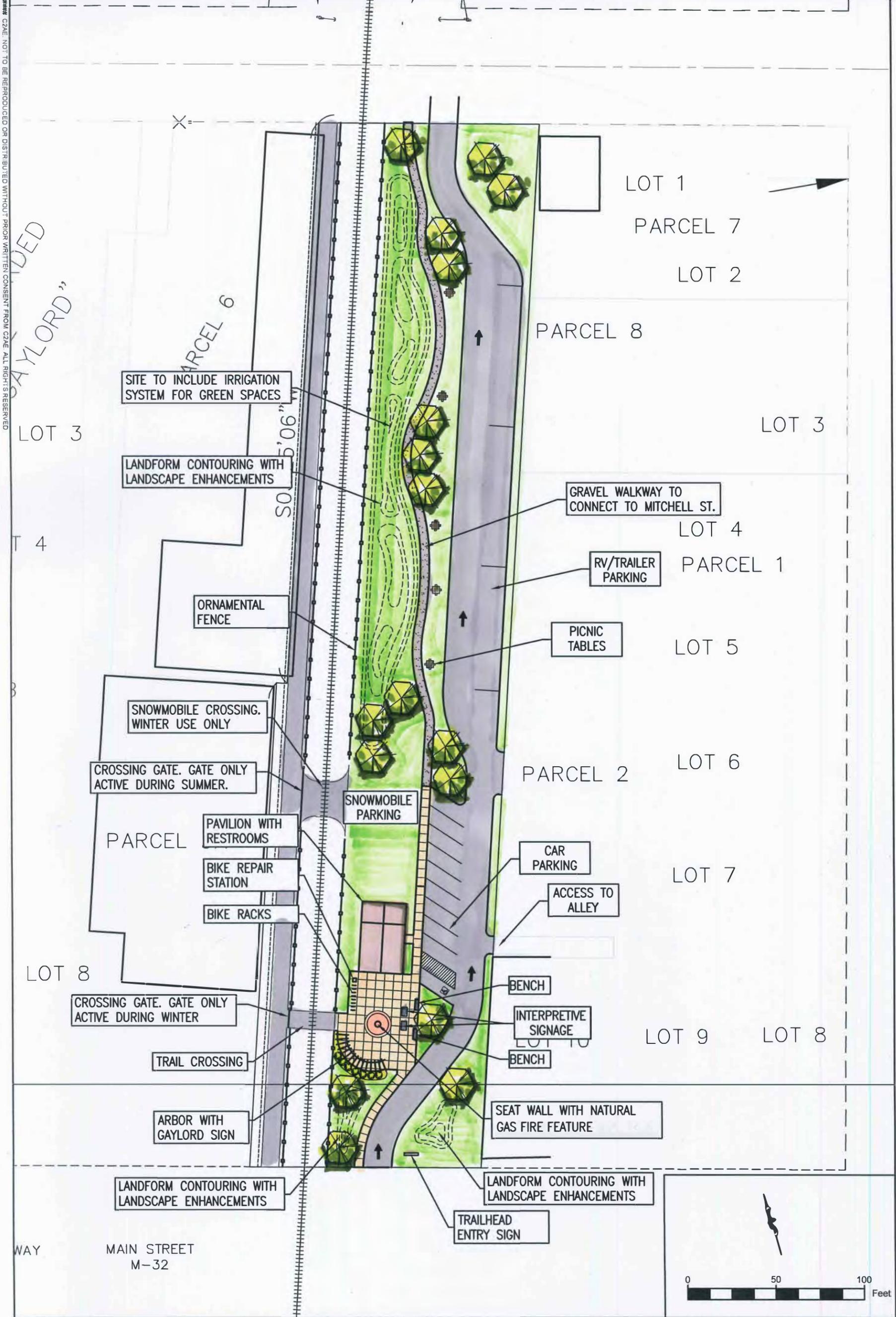


Conceptual Site Plan Diagram
SCALE: 1" = 40'-0"

IRON BELLE TRAIL GAYLORD GATEWAY TRAILHEAD



- Agency: Otsego County
- Project Type: New Construction
- Year(s) of Project: 2020-2021
- Project Description:
 - The Iron Belle Trailhead will be built on the east side of the railroad tracks between Main and Mitchell streets. The project is part of the Iron Belle Trail expansion and will include a pavilion with outdoor seating and restrooms, an area for parking, landscaping, and bike racks. The preliminary design incorporates key design elements from both the City Streetscape Project and the County Lawn Project. The entrance to the trailhead would be on Main and exit on Mitchell. The project is started in Fall 2020, with a completion date of Spring 2021.
- Schedule: Fall 2020 - Spring 2021
- Estimated Cost: \$1,110,000
- Basis of Cost Estimate: Engineer Estimate
- Alternative Financing:
 - Michigan Dept. of Natural Resources Trust Fund Grant (27% share): \$300,000
 - Michigan Dept. of Natural Resources Trails Program (40% share): \$450,000
 - Michigan Economic Development Corporation (27% share): \$300,000
 - MHSDA NEP Grant (1% Share): \$13,500
 - Health Department of NW Michigan Grant (1% Share): \$10,000
 - Local Funds (3% share): \$ 36,500
- Agency Reported Priority: Important
- Planning Commission Reported Priority:



C2AE, NOT TO BE REPRODUCED OR DISTRIBUTED WITHOUT PRIOR WRITTEN CONSENT FROM C2AE. ALL RIGHTS RESERVED.

"UNDEVELOPED GAYLORD"

SCALE: 1"=50'
 PROJ # 150121
 DATE: 01/15/16
 SHEET: 1

PRELIMINARY CONCEPT #3

**IRON BELLE TRAIL
 GAYLORD TRAILHEAD**
 GAYLORD, MI



PRELIMINARY

OTSEGO LAKE OUTLET STRUCTURE REPLACEMENT

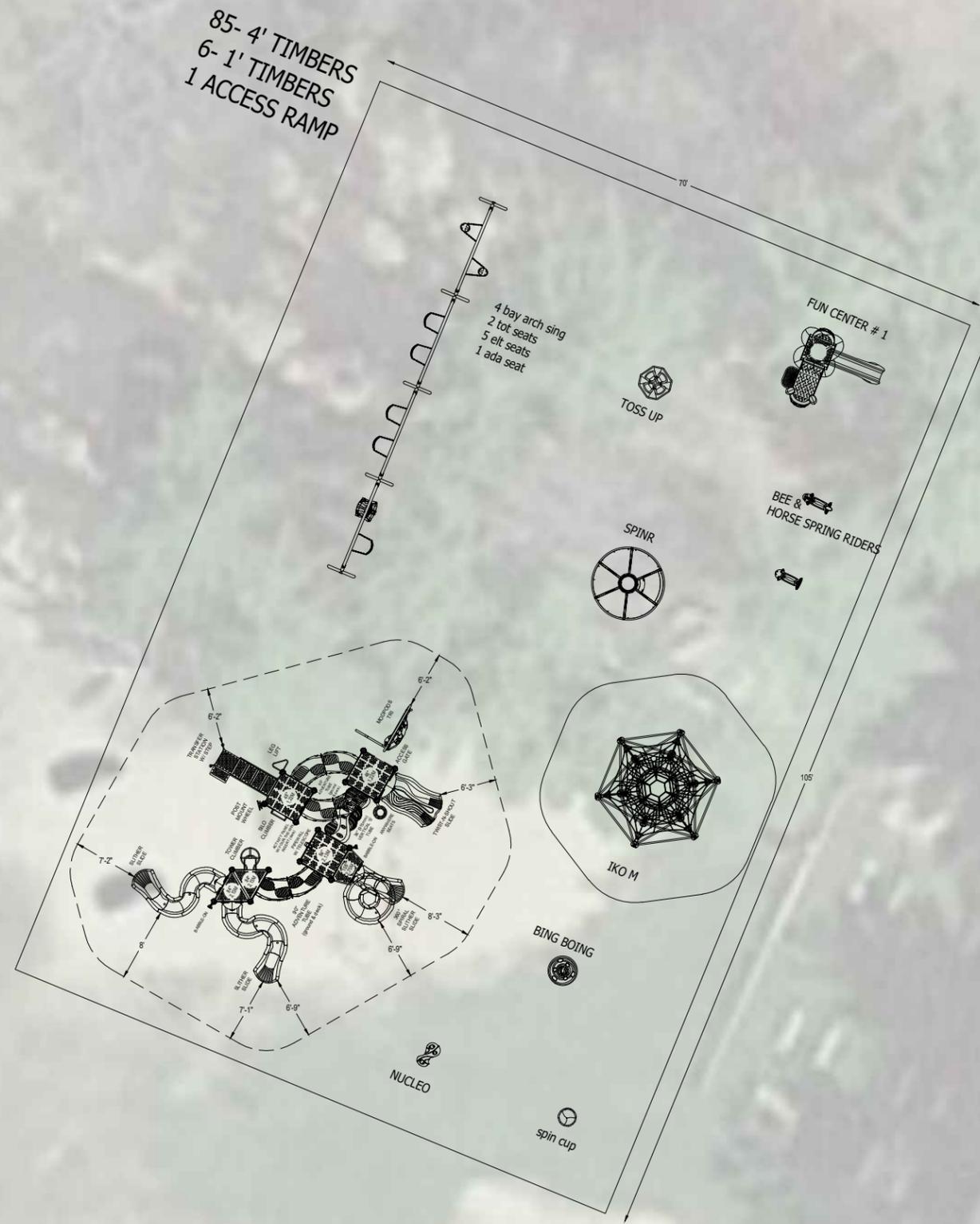
- Agency: Otsego County
- Project Type: New Construction
- Year(s) of Project: 2021
- Project Description:
 - This project involves the replacement of Otsego Lake's outlet control structure located on the east side of Otsego Lake. The structure is responsible for controlling the lake level and preventing excess lake level rise during the spring. The current structure was installed in the late 1970s and has extensive damage due to ice and old age.
- Schedule: TBD
- Estimated Cost: \$230,000
- Basis of Cost Estimate: Engineer Estimate
- Alternative Financing:
 - Special Tax Assessment: \$230,000
- Agency Reported Priority: Important
- Planning Commission Reported Priority:



OTSEGO LAKE CAMPGROUND PLAYGROUND UPGRADES



- Agency: Otsego County Parks and Recreation
- Project Type: Major Renovation
- Year(s) of Project: 2021
- Project Description:
 - Otsego County Parks and Recreation is proposing to renovate the playground at Otsego Lake County Park. The existing playground structures will be removed and replaced with new inclusive and accessible playground structures to provide children of all ages and abilities with a place to develop their physical, sensory, and social skills. The proposed renovation includes various play structures including, slides, swings, adventure tubes, climbers, spring riders, with a recycled rubber mulch base.
- Schedule: Spring/Summer 2021
- Estimated Cost: \$200,200
- Basis of Cost Estimate: Engineer Estimate
- Alternative Financing:
 - Michigan DNR Recreation Passport Grant (75% share): \$150,000
 - Otsego County Parks and Recreation Fund (25% share): \$50,200
- Agency Reported Priority: Important
- Planning Commission Reported Priority:



EQUIPMENT SIZE:
see dwg

USE ZONE:
see dwg

AREA:
7350 SqFt.

PERIMETER:
350 Ft.

FALL HEIGHT:
8 Ft.

USER CAPACITY:

AGE GROUP:
2-12

- ✓ ASTM F1487-17
- ✓ CPSC #325



PROJECT NO:
20-0730D

SCALE:
1/16"=1'-0"

DRAWN BY:
DME

Paper Size

DATE:
3/9/2020

B

OTSEGO

GROEN NATURE PRESERVE PAVILION

- Agency: Otsego County Parks and Recreation
- Project Type: New Construction
- Year(s) of Project: 2021
- Project Description:
 - The Groen Nature Preserve Pavilion Project will result in the addition of a pavilion / restroom building near the new entrance drive and parking lot constructed in 2019. The pavilion will contain outdoor seating, a fire feature, and restrooms.
- Schedule: Spring/Summer 2021
- Estimated Cost: \$400,000
- Basis of Cost Estimate: Engineer Estimate
- Alternative Financing:
 - Groen Foundation (100% share): \$ 400,000
- Agency Reported Priority: Important
- Planning Commission Reported Priority:





Perspective Looking North

Otsego County
Louis M. Groen Nature Preserve Pavilion



GAYLORD REGIONAL AIRPORT REHABILITATE RUNWAY 9-27



- Agency: Otsego County
- Project Type: New Construction
- Year(s) of Project: 2023
- Project Description:
 - This project is to rehabilitate the bituminous pavement of Runway 9-27. The existing runway is 6,579' x 150'. The existing pavement was last rehabilitated in 2002 and will be 21 years old at the time of this project. According to the PCI data taken in 2015, the existing pavement was listed at 73. The reports indicate low to medium severity longitudinal/transverse cracking and low severity weathering, but no significant structural concerns. The PCI for Runway 9-27 is forecasted to be at 59 in 2023. The rehabilitation will consist of a 4-inch mill and fill with full depth crack repair. Also included in this project will be the rehabilitation of the shoulders, blast pads, and existing taxiway connectors from Runway 9-27 to the hold lines. A full airfield remarking is included.
- Schedule: TBD
- Estimated Cost: \$5,650,000
- Basis of Cost Estimate: Engineer Estimate
- Alternative Financing:
 - FAA Non-Primary Entitlement Grants (3.17% share): \$ 179,105
 - FAA Federal Apportionment (86.83% share): \$ 4,905,895
 - State Funds (5.0% share): \$ 282,500
 - Local Funds (5.0% share): \$ 282,500
- Agency Reported Priority: Important
- Planning Commission Reported Priority: Important

OCRC KRYS ROAD RESURFACING PROJECT

- Agency: Otsego County Road Commission
- Project Type: Major Renovation
- Year(s) of Project: 2021
- Project Description:
 - Work will include resurfacing Krys Road from Johnson Road to Charles Brink Road, approximately 2.5 miles. Improvements will include new HMA surface, lane widening, paved shoulders, and recessed pavement markings.
- Schedule: TBD
- Estimated Cost: \$450,000
- Basis of Cost Estimate: Engineer Estimate
- Alternative Financing:
 - Federal Funds (80% share): \$ 360,000
 - Local Funds (20% share): \$ 90,000
- Agency Reported Priority: Important
- Planning Commission Reported Priority: Important

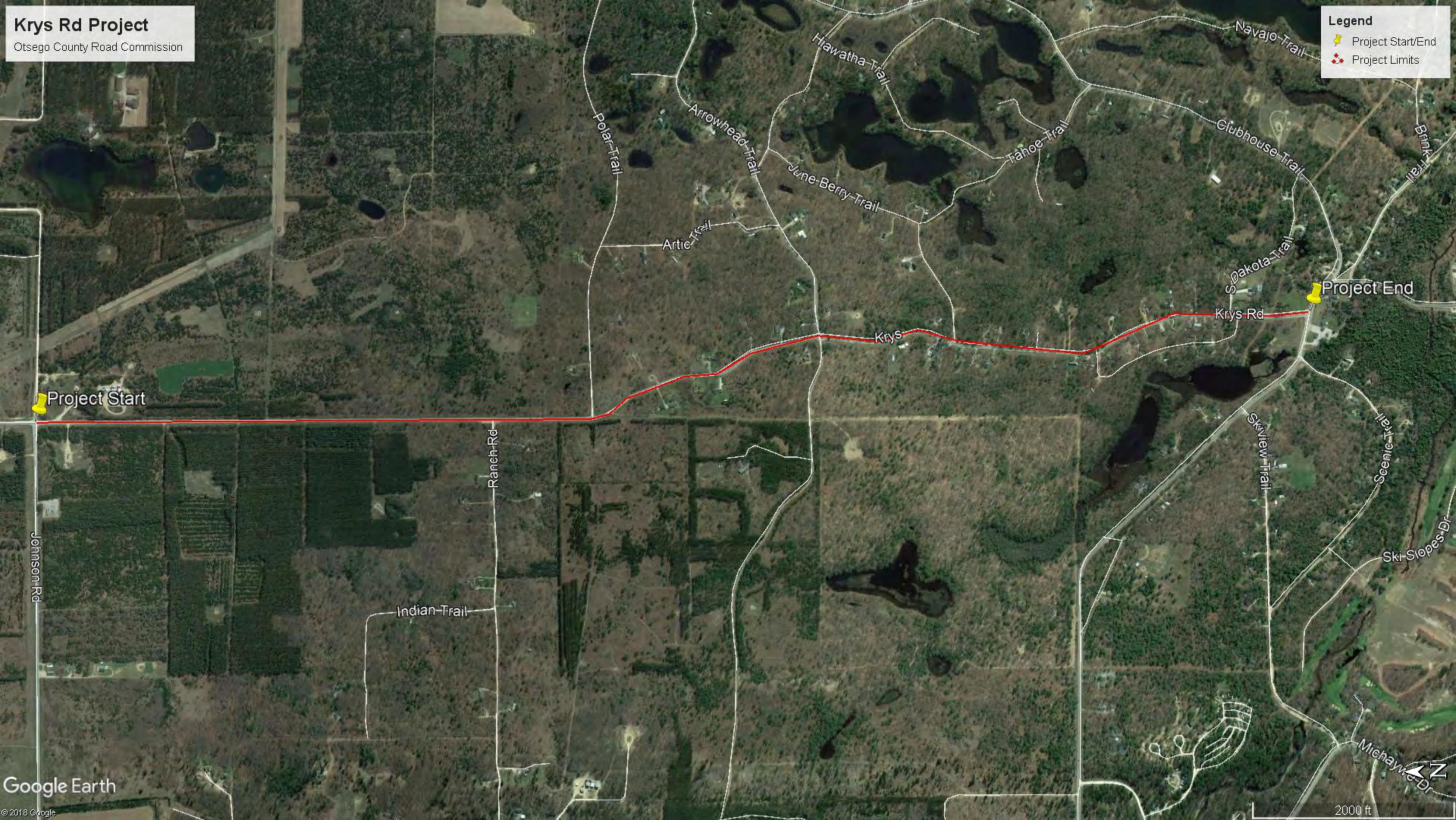


Krys Rd Project

Otsego County Road Commission

Legend

-  Project Start/End
-  Project Limits



OCRC MARLETTE ROAD FROM OLD 27 TO SHERMAN ROAD PROJECT

- Agency: Otsego County Road Commission
- Project Type: Major Renovation
- Year(s) of Project: 2022
- Project Description:
 - Work will include crush and shape with new HMA surface from Old 27 South to Sherman Road. Improvements will include lane widening and paved shoulders.
- Schedule: TBD
- Estimated Cost: \$756,000
- Basis of Cost Estimate: Engineer Estimate
- Alternative Financing:
 - Federal Funds (50% share): \$ 376,176
 - Local Funds (50% share): \$ 379,824
- Agency Reported Priority: Important
- Planning Commission Reported Priority: Important

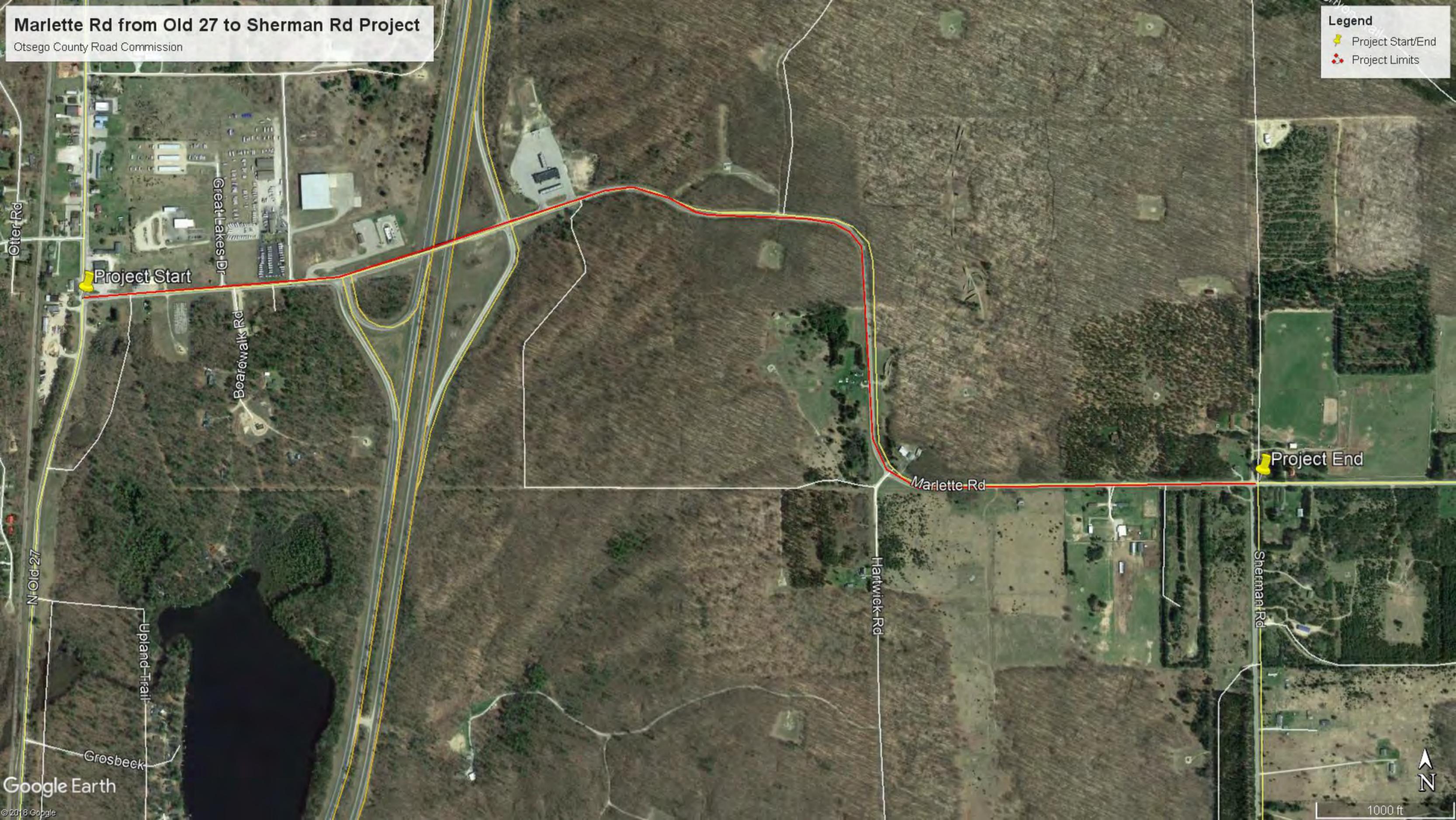


Marlette Rd from Old 27 to Sherman Rd Project

Otsego County Road Commission

Legend

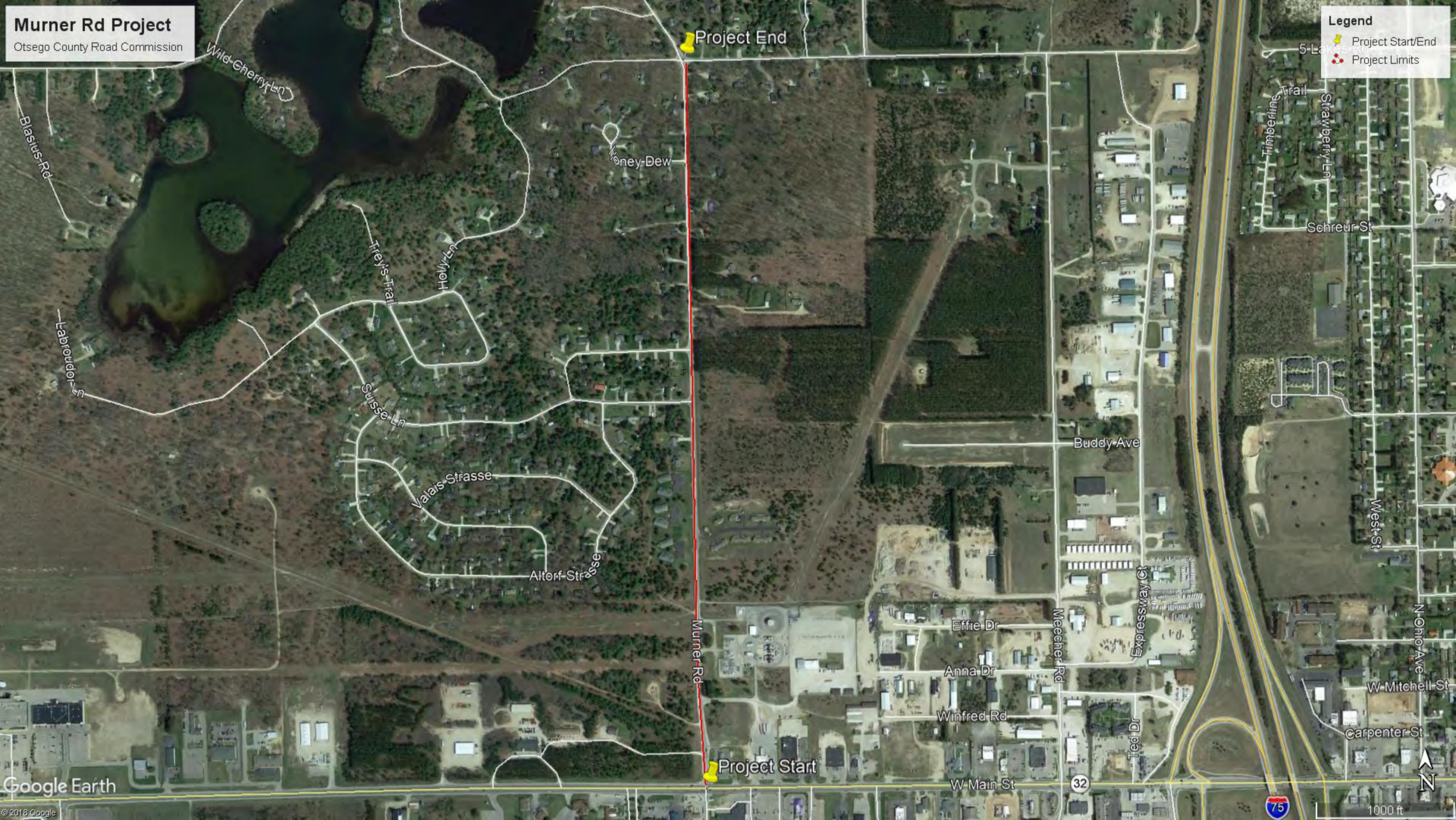
- Project Start/End
- Project Limits



OCRC MURNER ROAD PROJECT

- Agency: Otsego County Road Commission
- Project Type: Major Renovation
- Year(s) of Project: 2022
- Project Description:
 - This will be a crush and shape project on Murner Road from M-32 West to Five Lakes Road. The improvements will include strengthening the aggregate base, paving shoulders, and resurfacing with HMA.
- Schedule: TBD
- Estimated Cost: \$595,000
- Basis of Cost Estimate: Engineer Estimate
- Alternative Financing:
 - Federal Funds (63% share): \$ 375,000
 - Local Funds (37% share): \$ 220,000
- Agency Reported Priority: Important
- Planning Commission Reported Priority: Important





OCRC WILKINSON ROAD PROJECT

- Agency: Otsego County Road Commission
- Project Type: Major Renovation
- Year(s) of Project: 2024
- Project Description:
 - This will be primarily a crush and shape project from M-32 East to Marquardt Road. The existing pavement will be crushed and paved with two courses of HMA. At some locations, the top layer of existing pavement may be milled and resurfaced with a single course of HMA. Additional improvements may include paved shoulders, guardrail upgrades, and curb and gutter at intersections.
- Schedule: Spring 2024
- Estimated Cost: \$1,515,000
- Basis of Cost Estimate: Engineer Estimate
- Alternative Financing:
 - Federal Funds (25% share): \$ 376,176
 - Local Funds (75% share): \$ 1,138,824
- Agency Reported Priority: Important
- Planning Commission Reported Priority: Important

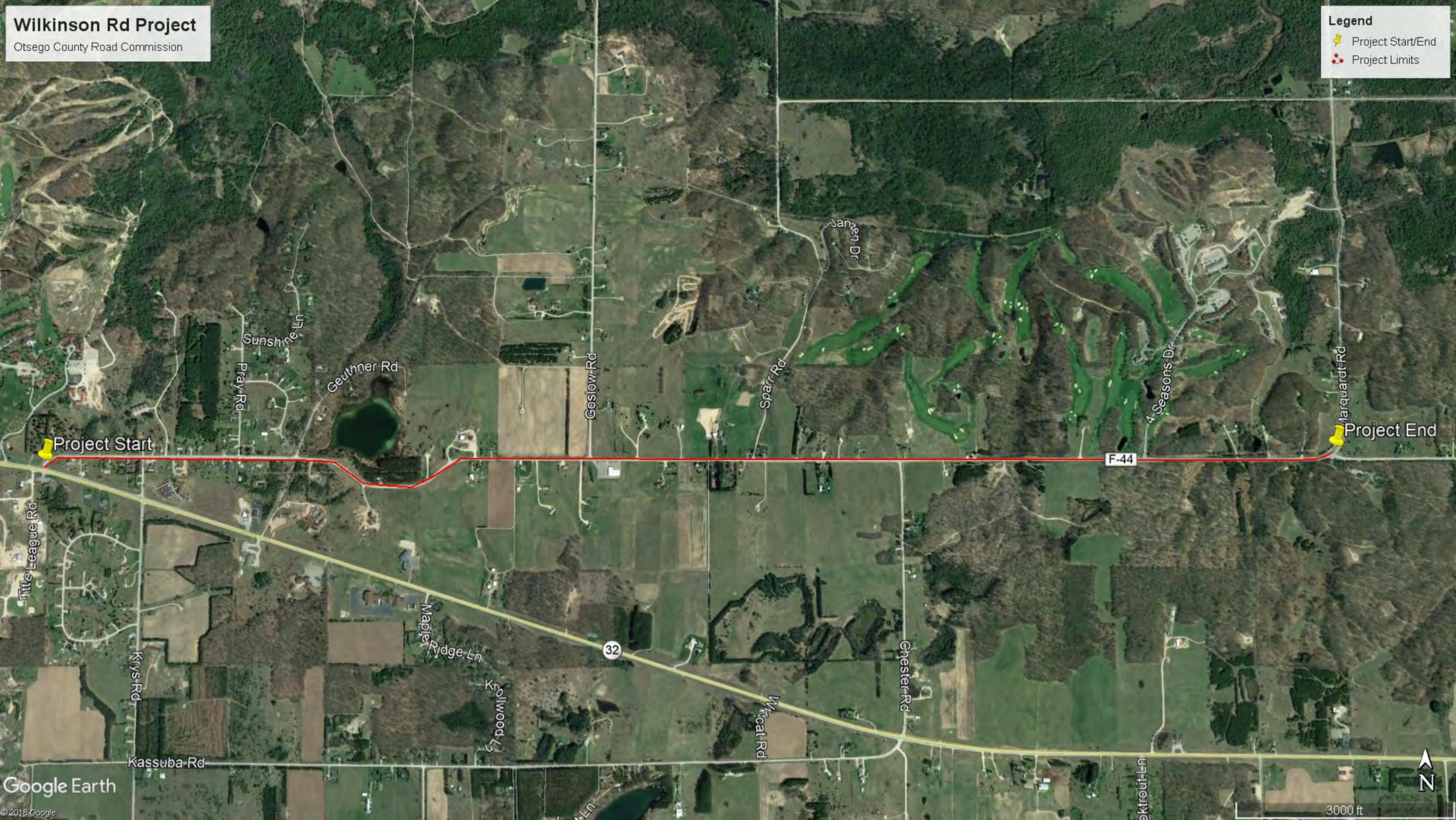


Wilkinson Rd Project

Otsego County Road Commission

Legend

-  Project Start/End
-  Project Limits



Project Start

Project End

F-44

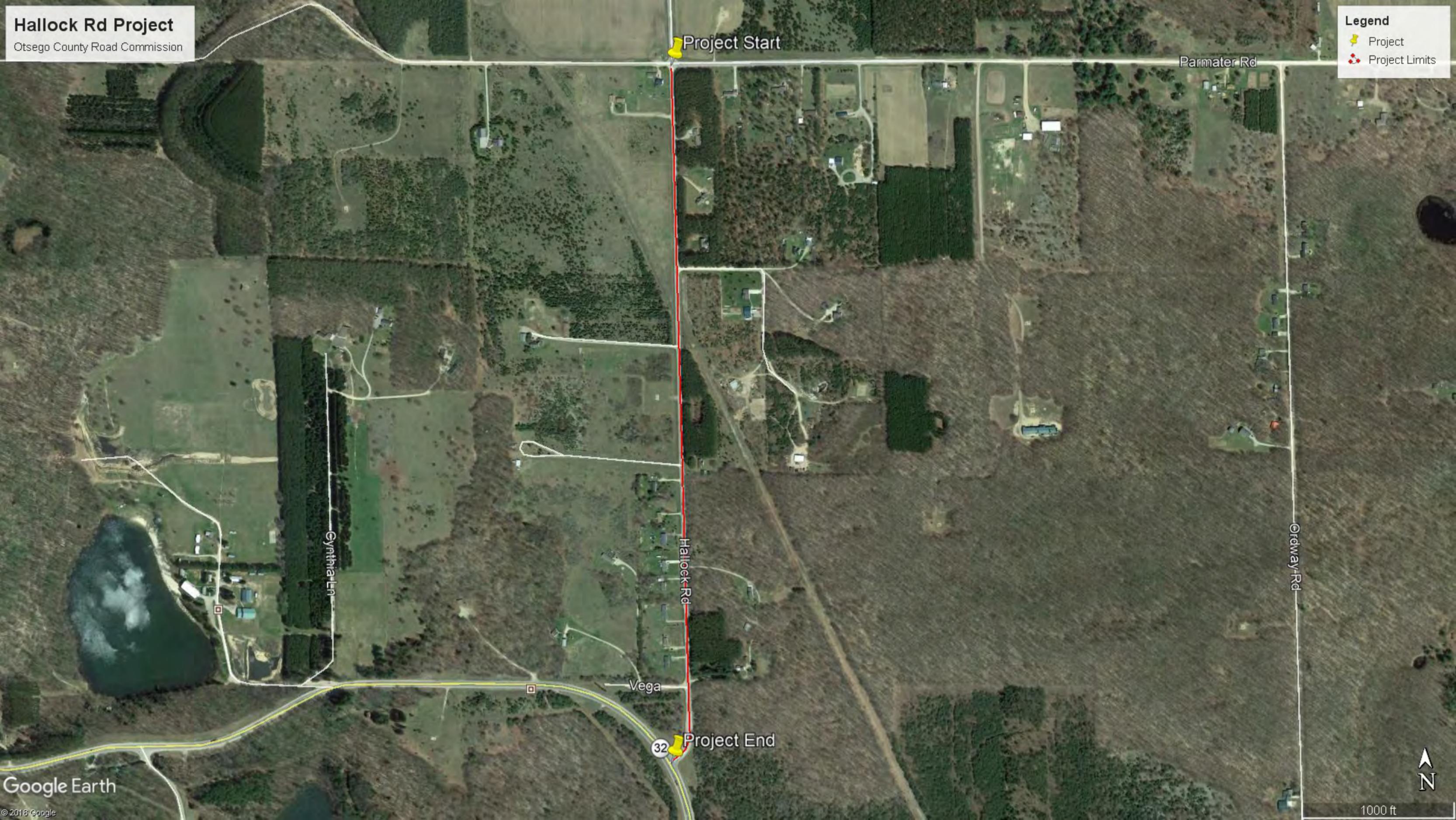
32

3000 ft

OCRC HALLOCK ROAD PROJECT

- Agency: Otsego County Road Commission
- Project Type: Major Renovation
- Year(s) of Project: 2025
- Project Description:
 - This project will be a crush and shape project on Hallock Road from M-32 to Theisen Road. The project will include strengthening the aggregate base, drainage improvements, and new HMA surface.
- Schedule: Spring 2025
- Estimated Cost: \$825,000
- Basis of Cost Estimate: Engineer Estimate
- Alternative Financing:
 - Federal Funds (46% share): \$ 376,176
 - Local Funds (54% share): \$ 448,825
- Agency Reported Priority: Important
- Planning Commission Reported Priority: Important





2021-2026

Otsego County Six Year Capital Improvement Plan - Appendix A

Project Name	Agency	Project Type	Funding Source(s)	Estimated Cost	P.C. Priority	2021	2022	2023	2024	2025	2026
Otsego County Public Safety Complex	Otsego County	New Construction	TBD	TBD	Urgent		TBD				
Iron Belle Trail Downtown Gaylord Trailhead	Otsego County	New Construction	State 96%; Local 4% (Capital Improvement Fund)	\$1,110,000	Urgent	\$ 1,110,000					
Otsego Lake Outlet Structure Replacement	Otsego County	New Construction	TBD	\$230,000	Urgent	\$ 230,000					
Otsego Lake Campground Playground Upgrades	Otsego County	Major Renovation	State 75%; Local 5% (Parks Capital Improvement Fund)	\$200,200		\$ 200,200					
Groen Nature Preserve Pavilion	Otsego County	New Construction	Groen Fund (100%)	\$400,000		\$ 400,000					
Gaylord Regional Airport Rehabilitate Runway 9-27	Otsego County	New Construction	Federal 90%; State 5.0%; Local 5.0% (Airport Capital Projects Fund)	\$5,650,000	Important			\$5,650,000			
Krys Road Resurfacing Project	OC Road Commission	Major Renovation	Federal 80%; Local 20%	\$450,000	Important	\$ 450,000					
Marlette Road From Old 27 To Sherman Road Project	OC Road Commission	Major Renovation	Federal 50%; Local 50%	\$756,000	Important		\$ 756,000				
Murner Road Project	OC Road Commission	Major Renovation	Federal 63%; Local 37%	\$595,000	Important		\$ 595,000				
Wilkinson Road Project	OC Road Commission	Major Renovation	Federal 80%; Local 20%	\$1,515,000	Important				\$ 1,515,000		
Hallock Road Project	OC Road Commission	Major Renovation	Federal 46%; Local 54%	\$825,000	Important					\$ 825,000	
Total Costs: \$11,731,200						\$ 2,390,200	\$ 1,351,000	\$ 5,650,000	\$ 1,515,000	\$ 825,000	\$ -

2020-2025

Otsego County Six Year Capital Improvement Plan - Appendix A

Project Name	Agency	Project Type	Funding Source(s)	Estimated Cost	P.C. Priority	2020	2021	2022	2023	2024	2025
Gaylord Regional Airport Box Hangar	Otsego County	New Construction	Federal 91%; State 4.5%; Local 4.5% (Airport Capital Projects Fund)	\$660,000	Important	\$ 670,000					
Gaylord Regional Airport Rehabilitate Runway 9-27	Otsego County	New Construction	Federal 90%; State 5.0%; Local 5.0% (Airport Capital Projects Fund)	\$5,250,000	Important				\$5,650,000		
Iron Belle Trail Downtown Gaylord Trailhead	Otsego County	New Construction	State 96%; Local 4% (Capital Improvement Fund)	\$1,000,000	Urgent	\$ 1,110,000					
Otsego Lake Outlet Structure Replacement	Otsego County	New Construction	TBD	\$200,000	Urgent	\$ 200,000					
Otsego County Jail	Otsego County	New Construction	TBD	\$7,800,000	Urgent	TBD	TBD				
Marlette Road From Sherman Road To Fantasy Drive Project	OC Road Commission	Major Renovation	Federal 53%; Local 47%	\$704,555	Important	\$ 704,555					
Krys Road Resurfacing Project	OC Road Commission	Major Renovation	Federal 80%; Local 20%	\$450,000	Important		\$ 450,000				
Marlette Road From Old 27 To Sherman Road Project	OC Road Commission	Major Renovation	Federal 50%; Local 50%	\$756,000	Important			\$ 756,000			
Murner Road Project	OC Road Commission	Major Renovation	Federal 63%; Local 37%	\$595,000	Important			\$ 595,000			
Wilkinson Road Project	OC Road Commission	Major Renovation	Federal 80%; Local 20%	\$1,515,000	Important					\$ 1,515,000	
Hallock Road Project	OC Road Commission	Major Renovation	Federal 46%; Local 54%	\$825,000	Important						\$ 825,000
Total Costs: \$19,755,555						\$ 2,684,555	\$ 450,000	\$ 1,351,000	\$ 5,650,000	\$ 1,515,000	\$ 825,000